

SECOND REGULAR SESSION

[CORRECTED]

[TRULY AGREED TO AND FINALLY PASSED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 1900

96TH GENERAL ASSEMBLY

5915L.03T

2012

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## AN ACT

To repeal sections 3.060, 3.070, 8.110, 8.115, 8.180, 8.200, 8.260, 8.310, 8.315, 8.316, 8.320, 8.325, 8.330, 8.340, 8.350, 8.360, 8.800, 8.830, 8.843, 33.710, 33.750, 33.752, 33.753, 33.756, 34.031, 37.005, 37.010, 37.020, 37.110, 71.012, 71.014, 71.015, 99.845, 160.545, 161.418, 161.424, 181.110, 191.850, 191.853, 191.855, 191.857, 191.858, 191.859, 191.861, 191.863, 191.865, 191.867, 192.935, 196.1103, 209.150, 209.152, 209.200, 209.202, 209.251, 217.575, 251.100, 251.240, 253.320, 261.010, 288.034, 301.020, 301.143, 302.171, 304.028, 311.650, 313.210, 320.260, 334.125, 361.010, 595.036, 595.037, 595.060, 610.029, 610.120, 620.1100, 620.1580, and 660.315, RSMo, and to enact in lieu thereof eighty new sections for the sole purpose of restructuring statutes based on executive branch reorganizations, with penalty provisions.

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

Section A. Sections 3.060, 3.070, 8.110, 8.115, 8.180, 8.200, 8.260, 8.310, 8.315, 8.316, 2 8.320, 8.325, 8.330, 8.340, 8.350, 8.360, 8.800, 8.830, 8.843, 33.710, 33.750, 33.752, 33.753, 3 33.756, 34.031, 37.005, 37.010, 37.020, 37.110, 71.012, 71.014, 71.015, 99.845, 160.545, 4 161.418, 161.424, 181.110, 191.850, 191.853, 191.855, 191.857, 191.858, 191.859, 191.861, 5 191.863, 191.865, 191.867, 192.935, 196.1103, 209.150, 209.152, 209.200, 209.202, 209.251, 6 217.575, 251.100, 251.240, 253.320, 261.010, 288.034, 301.020, 301.143, 302.171, 304.028, 7 311.650, 313.210, 320.260, 334.125, 361.010, 595.036, 595.037, 595.060, 610.029, 610.120, 8 620.1100, 620.1580, and 660.315, RSMo, are repealed and eighty new sections enacted in lieu 9 thereof, to be known as sections 3.060, 3.070, 8.110, 8.115, 8.180, 8.200, 8.260, 8.310, 8.315, 10 8.316, 8.320, 8.325, 8.330, 8.340, 8.350, 8.360, 8.800, 8.830, 8.843, 33.710, 34.031, 34.225, 11 37.005, 37.010, 37.013, 37.014, 37.016, 37.020, 37.110, 71.012, 71.014, 71.015, 99.845, 12 160.545, 161.418, 161.424, 161.870, 161.900, 161.905, 161.910, 161.915, 161.920, 161.925,

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.

13 161.930, 161.935, 161.940, 161.945, 181.110, 196.1103, 209.015, 209.150, 209.152, 209.200,  
14 209.202, 209.251, 217.575, 251.100, 251.240, 253.320, 261.010, 288.034, 301.020, 301.143,  
15 302.171, 304.028, 311.650, 313.210, 320.260, 334.125, 361.010, 595.036, 595.037, 595.060,  
16 610.029, 610.120, 620.1100, 620.1580, 621.275, and 660.315, to read as follows:

3.060. 1. The committee, in preparing editions of the statutes and supplements or pocket  
2 parts thereto, shall not alter the sense, meaning, or effect of any legislative act; but may renumber  
3 sections and parts of sections thereof, change the wording of headnotes, rearrange sections,  
4 change reference numbers or words to agree with renumbered chapters or sections, substitute the  
5 word "chapter" for "act" or "article" and the like, substitute figures for written words and vice  
6 versa and change capitalization for the purpose of uniformity and correct manifest clerical or  
7 typographical errors.

8 2. It may

9 (1) Correct therein all words misspelled in enrollment;

10 (2) Correct all manifest clerical errors, including punctuation, but no correction shall  
11 constitute an alteration of or a departure from the enrollment;

12 (3) Transfer sections or divide or combine sections so as to give to distinct subject  
13 matters a section number but without changing the meaning;

14 (4) Substitute therein the name of any agency, officer or instrumentality of the state or  
15 of a county to which powers, duties and responsibilities have been transferred by law, for the  
16 name of any other agency, officer or instrumentality of the state or of a county previously vested  
17 with the same powers and charged with the same duties and responsibilities;

18 (5) **Incorporate executive department reorganizations under sections 26.500 to**  
19 **26.540. Such authority is limited to name changes and movement of statutory sections and**  
20 **portions of sections to appropriate chapters of law. In any such case, the committee may**  
21 **add a footnote calling attention to such correction and explaining the reason therefor;**

22 (6) Supply any obvious omission or inaccuracy, which shall be identified in the text. In  
23 any such case the committee shall add a footnote calling attention to such omission or correction  
24 and explaining the reason therefor; and

25 [(6)] (7) Substitute therein the abbreviations: "RSMo" for "Missouri Revised Statutes",  
26 and "RSMo Supp." for any cumulative supplement to the Missouri Revised Statutes.

3.070. The committee shall appoint and fix the compensation of a revisor of statutes and  
2 other attorneys and assistants necessary to the performance of its duties under this chapter. The  
3 compensation of the revisor of statutes and his **or her** assistants and expenses incurred in  
4 connection with the performance of their duties shall be paid from appropriations made for the  
5 committee on legislative research. The revisor of statutes shall be duly licensed to practice law  
6 in this state and serves at the pleasure of the committee. The revisor of statutes shall perform  
7 all duties required by the committee in connection with its duties under this chapter. He **or she**  
8 shall conform to all regulations prescribed for the internal operation of the committee and shall  
9 render such assistance to the general assembly in connection with pending or proposed

10 legislation as required by the committee or by any law imposing duties on the committee. He  
11 **or she** is subject also in all respects to the law governing other persons appointed or employed  
12 by the committee. The division of **facilities management**, design and construction shall provide  
13 adequate office space in the capitol building for the revisor of statutes and the attorneys and  
14 employees associated with him **or her**.

8.110. There is hereby created within the office of administration a "Division of  
2 Facilities Management, Design[,] and Construction", which shall supervise the design,  
3 construction, renovations, maintenance, and repair of state facilities, except as provided in  
4 sections 8.015 and 8.017, and except those facilities belonging to the institutions of higher  
5 education, the highways and transportation commission, and the conservation commission,  
6 which shall be responsible to review all requests for appropriations for capital improvements.  
7 Except as otherwise provided by law, the director of the division of facilities management,  
8 design[,] and construction shall be responsible for the management and operation of office  
9 buildings titled in the name of the governor. The director shall exercise all diligence to ensure  
10 that all facilities within his **or her** management and control comply with the designated building  
11 codes; that they are clean, safe and secure, and in proper repair; and that they are adequately  
12 served by all necessary utilities.

8.115. Notwithstanding the provisions of chapter 571, the office of administration,  
2 division of facilities management, **design and construction**, is authorized to provide armed  
3 security guards at state-owned or leased facilities except at the seat of government and within  
4 the county which contains the seat of government, either through qualified persons employed by  
5 the office of administration, or through the use of a contract with a properly licensed firm.

8.180. In all cases where a court or other officer performs any lawful service, at the  
2 instance of any director of the division of **facilities management**, design and construction in and  
3 about the collection of debts due the state, and the costs have not nor cannot be made out of the  
4 defendant, the director of the division of **facilities management**, design and construction shall  
5 pay the same fees that other plaintiffs are bound to pay for similar services, and no other.

8.200. The director of the division of **facilities management**, design and construction  
2 shall proceed against any sheriff or peace officer who refuses to perform any duty, in the name  
3 of the state, in the same way and to the full extent that any other plaintiff in an action might or  
4 could do.

8.260. All appropriations made by the general assembly amounting to one hundred  
2 thousand dollars or more for the construction, renovation, or repair of facilities shall be expended  
3 in the following manner:

4 (1) The agency requesting payment shall provide the commissioner of administration  
5 with satisfactory evidence that a bona fide contract, procured in accordance with all applicable  
6 procedures, exists for the work for which payment is requested;

7 (2) All requests for payment shall be approved by the architect or engineer registered to  
8 practice in the state of Missouri who designed the project or who has been assigned to oversee  
9 it;

10 (3) In order to guarantee completion of the contract, the agency or officer shall retain a  
11 portion of the contract value in accordance with the provisions of section 34.057;

12 (4) A contractor may be paid for materials delivered to the site or to a storage facility  
13 approved by the director of the division of **facilities management**, design and construction as  
14 having adequate safeguards against loss, theft or conversion. In no case shall the amount  
15 contracted for exceed the amount appropriated by the general assembly for the purpose.

8.310. Any other provision of law to the contrary notwithstanding, no contracts shall be  
2 let for design, repair, renovation or construction without approval of the director of the division  
3 of **facilities management**, design and construction, and no claim for design, repair, construction  
4 or renovation projects under contract shall be accepted for payment by the commissioner of  
5 administration without approval by the director of the division of **facilities management**, design  
6 and construction; except that the department of conservation, the boards of curators of the state  
7 university and Lincoln University, the several boards of regents of the state colleges and the  
8 boards of trustees of the community colleges may contract for architectural and engineering  
9 services for the design and supervision of the construction, repair, maintenance or improvement  
10 of buildings or institutions and may contract for construction, repair, maintenance or  
11 improvement. The director of the division of **facilities management**, design and construction  
12 shall not be required to review any claim for payment under any such contract not originally  
13 approved by him **or her**. No claim under any contract executed by the department of  
14 conservation or an institution of higher learning, as provided above, shall be certified by the  
15 commissioner of administration unless the entity making the claim shall certify in writing that  
16 the payment sought is in accordance with the contract executed by the entity and that the  
17 underlying construction, repair, maintenance or improvement conforms with applicable  
18 regulations promulgated by the director pursuant to section 8.320.

8.315. The director of **facilities management**, design and construction shall provide  
2 technical assistance to the director of the budget with regard to requests for capital improvement  
3 appropriations. The director shall review all capital improvement requests, including those made  
4 by the institutions of higher learning, the department of conservation or the highway commission,  
5 and shall recommend to the director of the budget and the governor those proposals which should  
6 be funded.

8.316. The division of **facilities management**, design and construction shall promulgate  
2 a method to accurately calculate the replacement cost of all buildings owned by public  
3 institutions of higher education. The method shall be developed in cooperation with such  
4 institutions and shall include the necessary components and factors to accurately calculate a  
5 replacement cost. The division shall utilize a procedure to allow differences to be resolved and

6 may include an alternative calculation where the original cost plus an inflation factor is utilized  
7 to determine a replacement cost value.

8.320. The director of the division of **facilities management**, design and construction  
2 shall set forth reasonable conditions to be met and procedures to be followed in the repair,  
3 maintenance, operation, construction and administration of state facilities. The conditions and  
4 procedures shall be codified and filed with the secretary of state in accordance with the  
5 provisions of the constitution. No payment shall be made on claims resulting from work  
6 performed in violation of these conditions and procedures, as certified by the director of the  
7 division of **facilities management**, design and construction.

8.325. 1. In addition to providing the general assembly with estimates of the cost of  
2 completing a proposed capital improvement project, the division of **facilities management**,  
3 design and construction shall provide the general assembly, at the same time as the division  
4 submits the estimate of the capital improvement costs for the proposed capital improvement  
5 project, an estimate of the operating costs of such completed capital improvement project for its  
6 first full year of operation. Such estimate shall include, but not be limited to, an estimate of the  
7 cost of:

8 (1) Personnel directly related to the operation of the completed capital improvement  
9 project, such as janitors, security, and other persons who would provide necessary services for  
10 the completed project or facility;

11 (2) Utilities for the completed project or facility; and

12 (3) Any maintenance contracts which would be entered into in order to provide services  
13 for the completed project or facility, such as elevator maintenance, boiler maintenance, and other  
14 similar service contracts with private contractors to provide maintenance services for the  
15 completed project or facility.

16 2. The costs estimates required by this section shall clearly indicate the additional  
17 operating costs of the building or facility due to the completion of the capital improvement  
18 project where such proposed project is for an addition to an existing building or facility.

19 3. Any agency of state government which removes from rental quarters or state-owned  
20 buildings because of defective conditions or any other state personnel shall be prevented from  
21 reoccupation of those quarters for a period of three years unless such defective conditions are  
22 renovated within a reasonable time before reoccupation.

8.330. The director of the division of **facilities management**, design and construction  
2 may secure information and data relating to state facilities from all departments and agencies of  
3 the state and each department and agency shall furnish information and data when requested by  
4 the director of the division of **facilities management**, design and construction. All information  
5 and data collected by the director of the division of **facilities management**, design and  
6 construction is available at all times to the general assembly upon request.

8.340. The director of the division of **facilities management**, design and construction  
2 shall assemble and maintain complete files of information on the repair, utilization, cost and

3 other data for all state facilities, including power plants, pump houses and similar facilities. He  
4 **or she** shall also assemble and maintain files containing a full legal description of all real estate  
5 owned by the state and blueprints of all state facilities.

8.350. The director of the division of **facilities management**, design and construction  
2 shall deliver to his **or her** successor all property and papers of every kind in his **or her**  
3 possession, relative to the affairs of state, make an inventory thereof, upon which he **or she** shall  
4 take a receipt of his **or her** successor, and deliver the same to the secretary of state.

8.360. The director of the division of **facilities management**, design and construction  
2 shall inspect all facilities and report to the general assembly at the commencement of each  
3 regular session on their condition, maintenance, repair and utilization.

8.800. As used in sections 8.800 to 8.825, the following terms mean:

- 2 (1) "Builder", the prime contractor that hires and coordinates building subcontractors or  
3 if there is no prime contractor, the contractor that completes more than fifty percent of the total  
4 construction work performed on the building. Construction work includes, but is not limited to,  
5 foundation, framing, wiring, plumbing and finishing work;
- 6 (2) "Department", the department of natural resources;
- 7 (3) "Designer", the architect, engineer, landscape architect, builder, interior designer or  
8 other person who performs the actual design work or is under the direct supervision and  
9 responsibility of the person who performs the actual design work;
- 10 (4) "District heating and cooling systems", heat pump systems which use waste heat from  
11 factories, sewage treatment plants, municipal solid waste incineration, lighting and other heat  
12 sources in office buildings or which use ambient thermal energy from sources including  
13 temperature differences in rivers to provide regional heating or cooling;
- 14 (5) "Division", the division of **facilities management**, design and construction;
- 15 (6) "Energy efficiency", the increased productivity or effectiveness of energy resources  
16 use, the reduction of energy consumption, or the use of renewable energy sources;
- 17 (7) "Gray water", all domestic wastewater from a state building except wastewater from  
18 urinals, toilets, laboratory sinks, and garbage disposals;
- 19 (8) "Life cycle costs", the costs associated with the initial construction or renovation and  
20 the proposed energy consumption, operation and maintenance costs over the useful life of a state  
21 building or over the first twenty-five years after the construction or renovation is completed;
- 22 (9) "Public building", a building owned or operated by a governmental subdivision of  
23 the state, including, but not limited to, a city, county or school district;
- 24 (10) "Renewable energy source", a source of thermal, mechanical or electrical energy  
25 produced from solar, wind, low-head hydropower, biomass, hydrogen or geothermal sources, but  
26 not from the incineration of hazardous waste, municipal solid waste or sludge from sewage  
27 treatment facilities;
- 28 (11) "State agency", a department, commission, authority, office, college or university  
29 of this state;

30 (12) "State building", a building owned by this state or an agency of this state;

31 (13) "Substantial renovation" or "substantially renovated", modifications that will affect  
32 at least fifty percent of the square footage of the building or modifications that will cost at least  
33 fifty percent of the building's fair market value.

8.830. For purposes of sections 8.830 to 8.851, the following terms mean:

2 (1) "Department", the department of natural resources;

3 (2) "Director", the director of the department of natural resources;

4 (3) "Division", the division of **facilities management**, design and construction;

5 (4) "Public building", a building owned or operated by a governmental subdivision of  
6 the state, including, but not limited to, a city, county or school district;

7 (5) "State building", a building owned or operated by the state, a state agency or  
8 department, a state college or a state university.

8.843. There is hereby established an interagency advisory committee on energy cost  
2 reduction and savings. The committee shall consist of the commissioner of administration, the  
3 director of the division of **facilities management**, design and construction, the director of the  
4 department of natural resources, the director of the environmental improvement and energy  
5 resources authority, the director of the division of energy, the director of the department of  
6 transportation, the director of the department of conservation and the commissioner of higher  
7 education. The committee shall advise the department on the development of the minimum  
8 energy efficiency standard and state building energy efficiency rating system and shall assist the  
9 office of administration in implementing sections 8.833 and 8.835.

33.710. 1. There is created "The Governmental Emergency Fund Committee" consisting  
2 of the governor, the commissioner of administration, the chairman and ranking minority member  
3 of the senate appropriations committee, the chairman and ranking minority member of the house  
4 [appropriations] **budget committee, or its successor committee**, and the director of the division  
5 of **facilities management**, design and construction who shall serve as consultant to the  
6 committee without vote.

7 2. The members of the committee shall serve without compensation but shall be  
8 reimbursed for actual and necessary expenses incurred by them in the performance of their  
9 official duties.

10 3. The committee shall elect from among its members a chairman and vice chairman and  
11 such other officers as it deems necessary.

34.031. 1. The commissioner of administration, in consultation with the environmental  
2 improvement and energy resources authority of the department of natural resources, shall give  
3 full consideration to the purchase of products made from materials recovered from solid waste  
4 and to the reduction and ultimate elimination of purchases of products manufactured in whole  
5 or in part of thermoformed or other extruded polystyrene foam manufactured using any fully  
6 halogenated chlorofluorocarbon (CFC). Products that utilize recovered materials of a price and  
7 quality comparable to products made from virgin materials shall be sought and purchased, with

8 particular emphasis on recycled oil, retread tires, compost materials and recycled paper products.  
9 The commissioner shall exercise a preference for such products if their use is technically feasible  
10 and, where a bid is required, their price is equal to, or less than, the price of items which are  
11 manufactured or produced from virgin materials. Products that would be inferior, violate safety  
12 standards or violate product warranties if the provisions of this section are followed may be  
13 excluded from the provisions of this section.

14 2. The commissioner of administration shall:

15 (1) Review the procurement specifications in order to eliminate discrimination against  
16 the procurement of recycled products;

17 (2) Review and modify the contract specifications for paper products and increase the  
18 minimum required percentage of recycled paper in each product as follows:

19 (a) Forty percent recovered materials for newsprint;

20 (b) Eighty percent recovered materials for paperboard;

21 (c) Fifty percent waste paper in high grade printing and writing paper;

22 (d) Five to forty percent in tissue products;

23 (3) Support federal incentives and policy guidelines designed to promote these goals;

24 (4) Develop and implement a cooperative procurement policy to facilitate bulk order  
25 purchases and to increase availability of recycled products. The policy shall be distributed to all  
26 state agencies and shall be made available to political subdivisions of the state;

27 (5) Conduct a survey using existing staff of those items customarily required by the state  
28 that are manufactured in whole or part from polystyrene plastic, and report its findings, together  
29 with an analysis of environmentally acceptable alternatives thereto, prepared in collaboration  
30 with the department of natural resources, to the general assembly and every state agency within  
31 six months of August 28, 1995.

32 3. Notwithstanding the provisions of this section, no state agency may purchase any food  
33 or beverage containers or wrapping manufactured from any polystyrene foam manufactured  
34 using any fully halogenated chlorofluorocarbon (CFC) found by the United States Environmental  
35 Protection Agency (EPA) to be an ozone-depleting chemical.

36 4. No state agency may purchase any items made in whole or part of thermoformed or  
37 other extruded polystyrene foam manufactured using any fully halogenated chlorofluorocarbon  
38 (CFC) found by the United States Environmental Protection Agency (EPA) to be an  
39 ozone-depleting chemical without approval from the commissioner of administration. Approval  
40 shall not be granted unless the purchasing agency demonstrates to the satisfaction of the director  
41 of the department of natural resources and the commissioner that there is no environmentally  
42 more acceptable alternatives or the quality of such alternatives is not adequate for the purpose  
43 intended.

44 5. For each paper product type and corresponding recycled paper content standard  
45 pursuant to subdivision (2) of subsection 2 of this section, attainment goals for the percentage  
46 of paper products to be purchased that utilize post-consumer recovered materials shall be:



- 47 (1) Ten percent in 1991 and 1992;  
48 (2) Twenty-five percent in 1993 and 1994;  
49 (3) Forty percent in 1995; and  
50 (4) Sixty percent by 2000.

51 6. In the review of capital improvement projects for buildings and facilities of state  
52 government, the commissioner of administration shall direct the division of **facilities**  
53 **management**, design and construction to give full consideration to alternatives which use solid  
54 waste, as defined in section 260.200, as a fuel for energy production or which use products  
55 composed of materials recovered from solid waste.

56 7. The commissioner of administration, in consultation with the environmental  
57 improvement and energy resources authority of the department of natural resources, shall prepare  
58 and provide by January first of each year an annual report summarizing past activities and  
59 accomplishments of the program and proposed goals of the program including projections for  
60 each affected agency. The report shall also include a list of products utilizing recovered  
61 materials that could substitute for products currently purchased and a schedule of amounts  
62 purchased of products utilizing recovered materials compared to purchases of similar products  
63 utilizing virgin materials for the period covered by the annual report.

64 8. The office of administration, department of natural resources and department of  
65 economic development shall cooperate jointly and share to the greatest extent possible,  
66 information and other resources to promote:

- 67 (1) Producers or potential producers of secondary material goods to expand or develop  
68 their product lines;  
69 (2) Increased demand for secondary materials recovered in Missouri; and  
70 (3) Increased demand by state government for products which contain secondary  
71 materials recovered in Missouri.

72 9. The commissioner of administration may increase minimum recycled content  
73 percentages for paper products, minimum recycled content percentages for other recycled  
74 products and establish minimum post-consumer content as such products become available. The  
75 preference provided in subsection 1 of this section shall apply to the minimum standards  
76 established by the commissioner.

**34.225. 1. This section shall be known and may be cited as the "Iran Energy  
2 Divestment Act".**

**3 2. As used in this section, the following terms shall mean:**

4 **(1) "Awarding body", a department, board, agency, authority, or officer, agent, or**  
5 **other authorized representative of the public entity awarding a contract for goods or**  
6 **services;**

7 **(2) "Energy sector", activities to develop petroleum or natural gas resources or**  
8 **nuclear power;**

9           **(3) "Financial institution", the term as used in Section 14(5) of the Iran Sanctions**  
10 **Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note);**

11           **(4) "Iran", any agency or instrumentality of Iran;**

12           **(5) "Person", any of the following:**

13           **(a) A natural person, corporation, company, limited liability company, business**  
14 **association, partnership, society, trust, or any other nongovernmental entity, organization,**  
15 **or group;**

16           **(b) Any governmental entity or instrumentality of a government, including a**  
17 **multilateral development institution, as defined in Section 1701(c)(3) of the International**  
18 **Financial Institutions Act (22 U.S.C. 262r(c)(3));**

19           **(c) Any successor, subunit, parent company, or subsidiary of, or company under**  
20 **common ownership or control with, any entity described in paragraph (a) or (b) of this**  
21 **subsection;**

22           **(6) "Proscribed investor", a person that directly engages in investment activities**  
23 **in the energy sector in Iran. A person engages directly in investment activities in the**  
24 **energy sector in Iran if any of the following is true:**

25           **(a) The person directly invests twenty million dollars or more in the energy sector**  
26 **in Iran;**

27           **(b) The person provides oil or liquified natural gas tankers, or products used to**  
28 **construct or maintain pipelines used to transport oil or liquified natural gas, for the energy**  
29 **sector in Iran;**

30           **(c) The person is a financial institution that directly provides a commercial loan of**  
31 **twenty million dollars or more to another person, for forty-five days or more, if such**  
32 **financial institution had actual knowledge that such person would use the proceeds from**  
33 **the commercial loan to invest in the energy sector in Iran;**

34           **(7) "Public entity", the state or any officer, official, authority, board, or**  
35 **commission of the state and any county, city, or other political subdivision of the state, or**  
36 **any institution supported in whole or in part by public funds.**

37           **3. A proscribed investor is ineligible to, and shall not, bid on, submit a proposal for,**  
38 **or enter into, a contract with a public entity for goods or services in excess of one million**  
39 **dollars.**

40           **4. A public entity shall require a person that submits a bid or proposal to, or**  
41 **otherwise proposes to enter into a contract with, a public entity with respect to a contract**  
42 **for goods or services in excess of one million dollars, that currently has business activities**  
43 **or other operations outside of the United States, to certify that the person is not a**  
44 **proscribed investor. A person may rely on one or more lists of persons engaging in**  
45 **investment activities in the energy sector in Iran developed by other states acting under the**  
46 **authority of the Federal Comprehensive Iran Sanctions Accountability and Divestment Act**  
47 **of 2010 when certifying that it is not a proscribed investor.**

48           **5. (1) The awarding body shall report to the attorney general the name of the**  
49 **person that the awarding body determines has submitted a false certification together with**  
50 **its information as to the false certification. The attorney general has the sole authority to**  
51 **determine whether to bring a civil action against the person to collect the penalty described**  
52 **in paragraph (a) of subdivision (2) of this subsection. No private right of action is created**  
53 **by this section. If it is determined in the action that the person submitted a false**  
54 **certification, the person shall pay all costs and fees the plaintiff incurred in a civil action,**  
55 **including costs incurred by the awarding body for investigations that led to the finding of**  
56 **the false certification and all costs and fees incurred by the attorney general.**

57           **(2) If the attorney general determines that a person has submitted a false**  
58 **certification under subsection 4 of this section, the person shall be subject to the following:**

59           **(a) A civil penalty of two hundred fifty thousand dollars;**

60           **(b) Termination, without penalty, of an existing contract with the awarding body;**

61           **(c) Ineligibility to bid on, or enter into, a contract with a public entity for a period**  
62 **of three years from the date of the determination that the person submitted the false**  
63 **certification.**

64           **6. (1) If the awarding body determines that a person that has an existing contract**  
65 **with the awarding body, has submitted a pending bid or contract proposal to, or otherwise**  
66 **proposes to enter into a contract with the awarding body by using credible information**  
67 **available to the public and determines that the person is a proscribed investor, the**  
68 **awarding body shall provide ninety days written notice of its intent to not enter into or**  
69 **renew a contract for goods or services with the person. The notice shall specify that the**  
70 **person may become eligible for a future contract for goods or services with the awarding**  
71 **body if it ceases its direct engagement in investment activities in the energy sector in Iran.**

72           **(2) The awarding body shall provide a person determined to be a proscribed**  
73 **investor with an opportunity to demonstrate in writing to the awarding body that it is not**  
74 **engaged in investment activities in the energy sector in Iran. If the awarding body**  
75 **determines that the person is not engaged in investment activities in the energy sector in**  
76 **Iran, the person shall be eligible to enter into or renew a contract for goods or services with**  
77 **the awarding body.**

37.005. 1. Except as provided herein, the office of administration shall be continued as  
2 set forth in house bill 384, seventy-sixth general assembly and shall be considered as a  
3 department within the meaning used in the Omnibus State Reorganization Act of 1974. The  
4 commissioner of administration shall appoint directors of all major divisions within the office  
5 of administration.

6           2. The commissioner of administration shall be a member of the governmental  
7 emergency fund committee as ex officio comptroller and the director of the department of  
8 revenue shall be a member in place of the [chief of the planning and construction division]  
9 **director of the division of facilities management, design and construction.**

10           3. The office of administration is designated the "Missouri State Agency for Surplus  
11 Property" as required by Public Law 152, eighty-first Congress as amended, and related laws for  
12 disposal of surplus federal property. All the powers, duties and functions vested by sections  
13 37.075 and 37.080, and others, are transferred by type I transfer to the office of administration  
14 as well as all property and personnel related to the duties. The commissioner shall integrate the  
15 program of disposal of federal surplus property with the processes of disposal of state surplus  
16 property to provide economical and improved service to state and local agencies of government.  
17 The governor shall fix the amount of bond required by section 37.080. All employees transferred  
18 shall be covered by the provisions of chapter 36 and the Omnibus State Reorganization Act of  
19 1974.

20           4. The commissioner of administration shall replace the director of revenue as a member  
21 of the board of fund commissioners and assume all duties and responsibilities assigned to the  
22 director of revenue by sections 33.300 to 33.540 relating to duties as a member of the board and  
23 matters relating to bonds and bond coupons.

24           5. All the powers, duties and functions of the administrative services section, section  
25 33.580 and others, are transferred by a type I transfer to the office of administration and the  
26 administrative services section is abolished.

27           6. The commissioner of administration shall, in addition to his or her other duties, cause  
28 to be prepared a comprehensive plan of the state's field operations, buildings owned or rented  
29 and the communications systems of state agencies. Such a plan shall place priority on improved  
30 availability of services throughout the state, consolidation of space occupancy and economy in  
31 operations.

32           7. The commissioner of administration shall from time to time examine the space needs  
33 of the agencies of state government and space available and shall, with the approval of the board  
34 of public buildings, assign and reassign space in property owned, leased or otherwise controlled  
35 by the state. Any other law to the contrary notwithstanding, upon a determination by the  
36 commissioner that all or part of any property is in excess of the needs of any state agency, the  
37 commissioner may lease such property to a private or government entity. Any revenue received  
38 from the lease of such property shall be deposited into the fund or funds from which moneys for  
39 rent, operations or purchase have been appropriated. The commissioner shall establish by rule  
40 the procedures for leasing excess property.

41           8. The commissioner of administration is hereby authorized to coordinate and control  
42 the acquisition and use of [electronic data processing (EDP) and automatic data processing  
43 (ADP)] **network, telecommunications, and data processing services** in the executive branch  
44 of state government. For this purpose, the office of administration will have authority to:

45           (1) Develop and implement a long-range computer facilities plan for the use of [EDP and  
46 ADP] **network, telecommunications, and data processing services** in Missouri state  
47 government. Such plan may cover, but is not limited to, operational standards, standards for the

48 establishment, function and management of service centers, coordination of the data processing  
49 education, and planning standards for application development and implementation;

50 (2) Approve all additions and deletions of [EDP and ADP] **network,**  
51 **telecommunications, and data processing** hardware, software, and support services, and  
52 service centers;

53 (3) Establish standards for the development of annual data processing application plans  
54 for each of the service centers. These standards shall include review of post-implementation  
55 audits. These annual plans shall be on file in the office of administration and shall be the basis  
56 for equipment approval requests;

57 (4) Review of all state [EDP and ADP] **network, telecommunications, and data**  
58 **processing** applications to assure conformance with the state information systems plan, and the  
59 information systems plans of state agencies and service centers;

60 (5) Establish procurement procedures for [EDP and ADP] **network,**  
61 **telecommunications, and data processing** hardware, software, and support service;

62 (6) Establish a charging system to be used by all service centers when performing work  
63 for any agency;

64 (7) Establish procedures for the receipt of service center charges and payments for  
65 operation of the service centers. The commissioner shall maintain a complete inventory of all  
66 state-owned or -leased [EDP and ADP] **network, telecommunications, and data processing**  
67 equipment, and annually submit a report to the general assembly which shall include starting and  
68 ending [EDP and ADP] **network, telecommunications, and data processing** costs for the fiscal  
69 year previously ended, and the reasons for major increases or variances between starting and  
70 ending costs. The commissioner shall also adopt, after public hearing, rules and regulations  
71 designed to protect the rights of privacy of the citizens of this state and the confidentiality of  
72 information contained in computer tapes or other storage devices to the maximum extent  
73 possible consistent with the efficient operation of the office of administration and contracting  
74 state agencies.

75 9. Except as provided in subsection 12 of this section, the fee title to all real property  
76 now owned or hereafter acquired by the state of Missouri, or any department, division,  
77 commission, board or agency of state government, other than real property owned or possessed  
78 by the state highways and transportation commission, conservation commission, state department  
79 of natural resources, and the University of Missouri, shall on May 2, 1974, vest in the governor.  
80 The governor may not convey or otherwise transfer the title to such real property, unless such  
81 conveyance or transfer is first authorized by an act of the general assembly. The provisions of  
82 this subsection requiring authorization of a conveyance or transfer by an act of the general  
83 assembly shall not, however, apply to the granting or conveyance of an easement to any rural  
84 electric cooperative as defined in chapter 394, municipal corporation, quasi-governmental  
85 corporation owning or operating a public utility, or a public utility, except railroads, as defined  
86 in chapter 386. The governor, with the approval of the board of public buildings, may, upon the

87 request of any state department, agency, board or commission not otherwise being empowered  
88 to make its own transfer or conveyance of any land belonging to the state of Missouri which is  
89 under the control and custody of such department, agency, board or commission, grant or convey  
90 without further legislative action, for such consideration as may be agreed upon, easements  
91 across, over, upon or under any such state land to any rural electric cooperative, as governed in  
92 chapter 394, municipal corporation, or quasi-governmental corporation owning or operating a  
93 public utility, or a public utility, except railroad, as defined in chapter 386. The easement shall  
94 be for the purpose of promoting the general health, welfare and safety of the public and shall  
95 include the right of ingress or egress for the purpose of constructing, maintaining or removing  
96 any pipeline, power line, sewer or other similar public utility installation or any equipment or  
97 appurtenances necessary to the operation thereof, except that railroad as defined in chapter 386  
98 shall not be included in the provisions of this subsection unless such conveyance or transfer is  
99 first authorized by an act of the general assembly. The easement shall be for such consideration  
100 as may be agreed upon by the parties and approved by the board of public buildings. The  
101 attorney general shall approve the form of the instrument of conveyance. The commissioner of  
102 administration shall prepare management plans for such properties in the manner set out in  
103 subsection 7 of this section.

104         10. The commissioner of administration shall administer a revolving "Administrative  
105 Trust Fund" which shall be established by the state treasurer which shall be funded annually by  
106 appropriation and which shall contain moneys transferred or paid to the office of administration  
107 in return for goods and services provided by the office of administration to any governmental  
108 entity or to the public. The state treasurer shall be the custodian of the fund, and shall approve  
109 disbursements from the fund for the purchase of goods or services at the request of the  
110 commissioner of administration or the commissioner's designee. The provisions of section  
111 33.080 notwithstanding, moneys in the fund shall not lapse, unless and then only to the extent  
112 to which the unencumbered balance at the close of any fiscal year exceeds one-eighth of the total  
113 amount appropriated, paid, or transferred to the fund during such fiscal year, and upon approval  
114 of the oversight division of the joint committee on legislative research. The commissioner shall  
115 prepare an annual report of all receipts and expenditures from the fund.

116         11. All the powers, duties and functions of the department of community affairs relating  
117 to statewide planning are transferred by type I transfer to the office of administration.

118         12. The titles which are vested in the governor by or pursuant to this section to real  
119 property assigned to any of the educational institutions referred to in section 174.020 on June 15,  
120 1983, are hereby transferred to and vested in the board of regents of the respective educational  
121 institutions, and the titles to real property and other interests therein hereafter acquired by or for  
122 the use of any such educational institution, notwithstanding provisions of this section, shall vest  
123 in the board of regents of the educational institution. The board of regents may not convey or  
124 otherwise transfer the title to or other interest in such real property unless the conveyance or  
125 transfer is first authorized by an act of the general assembly, except as provided in section

126 174.042, and except that the board of regents may grant easements over, in and under such real  
127 property without further legislative action.

128 13. Notwithstanding any provision of subsection 12 of this section to the contrary, the  
129 board of governors of Missouri Western State University may convey or otherwise transfer for  
130 fair market value, except in fee simple, the title to or other interest in such real property without  
131 authorization by an act of the general assembly. The provisions of this subsection shall expire  
132 August 28, 2014.

133 14. All county sports complex authorities, and any sports complex authority located in  
134 a city not within a county, in existence on August 13, 1986, and organized under the provisions  
135 of sections 64.920 to 64.950, are assigned to the office of administration, but such authorities  
136 shall not be subject to the provisions of subdivision (4) of subsection 6 of section 1 of the  
137 Omnibus State Reorganization Act of 1974, Appendix B, RSMo, as amended.

138 15. All powers, duties, and functions vested in the administrative hearing commission,  
139 sections 621.015 to 621.205 and others, are transferred to the office of administration by a type  
140 III transfer.

37.010. 1. The governor, by and with the advice and consent of the senate, shall appoint  
2 a commissioner of administration, who shall head the "Office of Administration" which is hereby  
3 created. The commissioner of administration shall receive a salary as provided by law and shall  
4 also receive his **or her** actual and necessary expenses incurred in the discharge of his **or her**  
5 official duties. Before taking office, the commissioner of administration shall take and subscribe  
6 an oath or affirmation to support the Constitution of the United States and of this state, and to  
7 demean himself **or herself** faithfully in office. [He] **The commissioner** shall also deposit with  
8 the governor a bond, with sureties to be approved by the governor, in the amount to be  
9 determined by the governor payable to the state of Missouri, conditioned on the faithful  
10 performance of the duties of his **or her** office. The premium of this bond shall be paid out of  
11 the appropriation for the office of the governor.

12 2. The governor shall appoint the commissioner of administration with the advice and  
13 consent of the senate. The commissioner shall be at least thirty years of age and must have been  
14 a resident and qualified voter of this state for the five years next preceding his appointment. He  
15 **or she** must be qualified by training and experience to assume the managerial and administrative  
16 functions of the office of commissioner of administration.

17 3. The commissioner of administration shall, by virtue of his **or her** office, without  
18 additional compensation, head the division of budget, the division of purchasing, the division  
19 of **facilities management**, design and construction, and the division of electronic data processing  
20 coordination. Whenever provisions of the constitution grant powers, impose duties or make  
21 other reference to the comptroller, they shall be construed as referring to the commissioner of  
22 administration.

23 4. The commissioner of administration shall provide the governor with such assistance  
24 in the supervision of the executive branch of state government as the governor requires and shall

25 perform such other duties as are assigned to him **or her** by the governor or by law. The  
26 commissioner of administration shall work with other departments of the executive branch of  
27 state government to promote economy, efficiency and improved service in the transaction of state  
28 business. The commissioner of administration, with the approval of the governor, shall organize  
29 the work of the office of administration in such manner as to obtain maximum effectiveness of  
30 the personnel of the office. He may consolidate, abolish or reassign duties of positions or  
31 divisions combined within the office of administration, except for the division of personnel. He  
32 **or she** may delegate specific duties to subordinates. These subordinates shall take the same oath  
33 as the commissioner and shall be covered by the bond of the director or by separate bond as  
34 required by the governor.

35         5. The personnel division, personnel director and personnel advisory board as provided  
36 in chapter 36 shall be in the office of administration. The personnel director and employees of  
37 the personnel division shall perform such duties as directed by the commissioner of  
38 administration for personnel work in agencies and departments of state government not covered  
39 by the merit system law to upgrade state employment and to improve the uniform quality of state  
40 employment.

41         6. The commissioner of administration shall prepare a complete inventory of all real  
42 estate, buildings and facilities of state government and an analysis of their utilization. Each year  
43 he **or she** shall formulate and submit to the governor a long-range plan for the ensuing five years  
44 for the repair, construction and rehabilitation of all state properties. The plan shall set forth the  
45 projects proposed to be authorized in each of the five years with each project ranked in the order  
46 of urgency of need from the standpoint of the state as a whole and shall be upgraded each year.  
47 Project proposals shall be accompanied by workload and utilization information explaining the  
48 need and purpose of each. Departments shall submit recommendations for capital improvement  
49 projects and other information in such form and at such times as required by the commissioner  
50 of administration to enable him **or her** to prepare the long-range plan. The commissioner of  
51 administration shall prepare the long-range plan together with analysis of financing available and  
52 suggestions for further financing for approval of the governor who shall submit it to the general  
53 assembly. The long-range plan shall include credible estimates for operating purposes as well  
54 as capital outlay and shall include program data to justify need for the expenditures included.  
55 The long-range plan shall be extended, revised and resubmitted in the same manner to  
56 accompany each executive budget. The appropriate recommendations for the period for which  
57 appropriations are to be made shall be incorporated in the executive budget for that period  
58 together with recommendations for financing. Each revised long-range plan shall provide a  
59 report on progress in the repair, construction and rehabilitation of state properties and of the  
60 operating purposes program for the preceding fiscal period in terms of expenditures and meeting  
61 program goals.

62         7. All employees of the office of administration, except the commissioner and not more  
63 than three other executive positions designated by the governor in an executive order, shall be



64 subject to the provisions of chapter 36. The commissioner shall appoint all employees of the  
 65 office of administration and may discharge the employees after proper hearing, provided that the  
 66 employment and discharge conform to the practices governing selection and discharge of  
 67 employees in accordance with the provisions of chapter 36.

68 8. The office of the commissioner of administration shall be in Jefferson City.

69 9. In case of death, resignation, removal from office or vacancy from any cause in the  
 70 office of commissioner of administration, the governor shall take charge of the office and  
 71 superintend the business thereof until a successor is appointed, commissioned and qualified.

[33.750.] **37.013.** As used in this section and section [33.752] **37.014:**

2 (1) "Commission" refers to the Missouri minority business [development] **advocacy**  
 3 commission established under section [33.752] **37.014;**

4 (2) "Contract" means any contract awarded by a state agency for construction projects  
 5 or the procurement of goods or services, including professional services;

6 (3) "Minority business enterprise" or "minority business" means an individual,  
 7 partnership, corporation, or joint venture of any kind that is owned and controlled by one or more  
 8 persons who are:

9 (a) United States citizens; and

10 (b) Members of a racial minority group;

11 (4) "Owned and controlled" means having:

12 (a) Ownership of at least fifty-one percent of the enterprise, including corporate stock  
 13 of a corporation;

14 (b) Control over the management and day-to-day operations of the business; and

15 (c) An interest in the capital, assets, and profits and losses of the business proportionate  
 16 to the percentage of ownership;

17 (5) "Racial minority group" means:

18 (a) Blacks;

19 (b) American Indians;

20 (c) Hispanics;

21 (d) Asian Americans; and

22 (e) Other similar racial minority groups;

23 (6) "State agency" refers to an authority, board, branch, commission, committee,  
 24 department, division, or other instrumentality of the executive branch of state government.

[33.752.] **37.014.** 1. There is hereby established the "Missouri Minority Business  
 2 Advocacy Commission". The commission shall consist of nine members:

3 (1) The director of the department of economic development;

4 (2) The commissioner of the office of administration;

5 (3) Three minority business persons, appointed by the governor, one of whom shall be  
 6 designated chairman of the commission;

7 (4) Two members of the house of representatives appointed by the speaker of the house  
8 of representatives;

9 (5) Two members of the senate appointed by the president pro tempore of the senate.  
10 No more than two of the three members appointed by the governor may be of the same political  
11 party. Appointed members of the commission shall serve four-year terms, except that of the  
12 initial appointments made by the governor, one shall be for a two-year term, one shall be for a  
13 three-year term and one shall be for a four-year term. A vacancy occurs if a legislative member  
14 leaves office for any reason. Any vacancy on the commission shall be filled in the same manner  
15 as the original appointment.

16 2. [The department of economic development and the office of administration shall  
17 develop a plan to increase procurements from minority businesses by all state departments and  
18 submit that plan to the governor by July, 1994.

19 3.] Each member appointed by the governor shall receive as compensation a per diem  
20 of up to thirty-five dollars for each day devoted to the affairs of the commission and be  
21 reimbursed for his **or her** actual and necessary expenses incurred in the discharge of his **or her**  
22 official duties.

23 [4.] 3. Each legislative member of the commission is entitled to receive the same per  
24 diem, mileage, and travel allowances paid to members of the general assembly serving on interim  
25 committees. The allowances specified in this subsection shall be paid from the amounts  
26 appropriated for that purpose.

27 [5.] 4. The commission shall meet at least three times each year and at other times as the  
28 chairman deems necessary.

29 [6.] 5. The duties of the commission shall include, but not be limited to, the following:

30 (1) Identify minority businesses in the state;

31 (2) Assess the needs of minority businesses;

32 (3) Initiate aggressive programs to assist minority businesses in obtaining state contracts  
33 and federal agency procurements;

34 (4) Give special publicity to procurement, bidding, and qualifying procedures;

35 (5) Include minority businesses on solicitation mailing lists;

36 (6) Make recommendations regarding policies, programs and procedures to be  
37 implemented by the commissioner of the office of administration;

38 (7) Prepare and maintain timely data on minority business qualified to bid on state and  
39 federal procurement projects;

40 (8) Prepare a review of the commission and the various affected departments of  
41 government to be submitted to the governor and the general assembly on March first and October  
42 first of each year, evaluating progress made in the areas defined in this subsection;

43 (9) Provide a focal point and assist and counsel minority small businesses in their  
44 dealings with federal, state and local governments regarding the obtaining of business licenses

45 and permits, including, but not limited to, providing ready access to information regarding  
46 government requirements which affect minority small business;

47 (10) Analyze current legislation and regulation as it affects minority business for the  
48 purpose of determining methods of elimination or simplification of unnecessary regulatory  
49 requirements;

50 (11) Assist minority businesses in obtaining available technical and financial assistance;

51 (12) Initiate and encourage minority business education programs, including programs  
52 in cooperation with various public and private educational institutions;

53 (13) Receive complaints and recommendations concerning policies and activities of  
54 federal, state and local governmental agencies which affect minority small businesses, and  
55 develop, in cooperation with the agency involved, proposals for changes in policies or activities  
56 to alleviate any unnecessary adverse effects to minority small business.

57 [7.] 6. The [department of economic development] **office of administration** shall furnish  
58 administrative support and staff for the effective operation of the commission.

[33.756.] **37.016.** The minority business [development] **advocacy** commission shall  
2 consult with the tourism commission in establishing rules and regulations for African-American  
3 and other minority business participation.

37.020. 1. As used in this section, the following words and phrases mean:

2 (1) "Certification", the determination, through whatever procedure is used by the office  
3 of administration, that a legal entity is a socially and economically disadvantaged small business  
4 concern for purposes of this section;

5 (2) "Department", the office of administration and any public institution of higher  
6 learning in the state of Missouri;

7 (3) "Minority business enterprise", a business that is:

8 (a) A sole proprietorship owned and controlled by a minority;

9 (b) A partnership or joint venture owned and controlled by minorities in which at least  
10 fifty-one percent of the ownership interest is held by minorities and the management and daily  
11 business operations of which are controlled by one or more of the minorities who own it; or

12 (c) A corporation or other entity whose management and daily business operations are  
13 controlled by one or more minorities who own it, and which is at least fifty-one percent owned  
14 by one or more minorities, or if stock is issued, at least fifty-one percent of the stock is owned  
15 by one or more minorities;

16 (4) "Socially and economically disadvantaged individuals", individuals, regardless of  
17 gender, who have been subjected to racial, ethnic, or sexual prejudice or cultural bias because  
18 of their identity as a member of a group without regard to their individual qualities and whose  
19 ability to compete in the free enterprise system has been impaired due to diminished capital and  
20 credit opportunities as compared to others in the same business area. In determining the degree  
21 of diminished credit and capital opportunities the office of administration shall consider, but not  
22 be limited to, the assets and net worth of such individual;

23 (5) "Socially and economically disadvantaged small business concern", any small  
24 business concern:

25 (a) Which is at least fifty-one percentum owned by one or more socially and  
26 economically disadvantaged individuals; or, in the case of any publicly owned business, at least  
27 fifty-one percentum of the stock of which is owned by one or more socially and economically  
28 disadvantaged individuals; and

29 (b) Whose management and daily business operations are controlled by one or more of  
30 such individuals;

31 (6) "Women's business enterprise", a business that is:

32 (a) A sole proprietorship owned and controlled by a woman;

33 (b) A partnership or joint venture owned and controlled by women in which at least  
34 fifty-one percent of the ownership interest is held by women and the management and daily  
35 business operations of which are controlled by one or more of the women who own it; or

36 (c) A corporation or other entity whose management and daily business operations are  
37 controlled by one or more women who own it, and which is at least fifty-one percent owned by  
38 women, or if stock is issued, at least fifty-one percent of the stock is owned by one or more  
39 women.

40 2. The office of administration, in consultation with each department, shall establish and  
41 implement a plan to increase and maintain the participation of certified socially and economically  
42 disadvantaged small business concerns or minority business enterprises, directly or indirectly,  
43 in contracts for supplies, services, and construction contracts, consistent with goals determined  
44 after an appropriate study conducted to determine the availability of socially and economically  
45 disadvantaged small business concerns and minority business enterprises in the marketplace.  
46 [Such study shall be completed by December 31, 1991.] The commissioner of administration  
47 shall appoint an oversight review committee to oversee and review the results of such study. The  
48 committee shall be composed of nine members, four of whom shall be members of business,  
49 three of whom shall be from staff of selected departments, one of whom shall be a member of  
50 the house of representatives, and one of whom shall be a member of the senate.

51 3. The goals to be pursued by each department under the provisions of this section shall  
52 be construed to overlap with those imposed by federal law or regulation, if any, shall run  
53 concurrently therewith and shall be in addition to the amount required by federal law only to the  
54 extent the percentage set by this section exceeds those required by federal law or regulations.

37.110. The commissioner of administration shall establish [a data processing unit] **the**  
2 **information technology services division** within the office, and this unit shall make  
3 recommendations and suggestions to all agencies and departments, and to the general assembly.  
4 No state data processing equipment shall be added or disposed of by any state agency by sale,  
5 lease or otherwise without the approval of this unit.

71.012. 1. Notwithstanding the provisions of sections 71.015 and 71.860 to 71.920, the  
2 governing body of any city, town or village may annex unincorporated areas which are

3 contiguous and compact to the existing corporate limits of the city, town or village pursuant to  
4 this section. The term "contiguous and compact" does not include a situation whereby the  
5 unincorporated area proposed to be annexed is contiguous to the annexing city, town or village  
6 only by a railroad line, trail, pipeline or other strip of real property less than one-quarter mile in  
7 width within the city, town or village so that the boundaries of the city, town or village after  
8 annexation would leave unincorporated areas between the annexed area and the prior boundaries  
9 of the city, town or village connected only by such railroad line, trail, pipeline or other such strip  
10 of real property. The term "contiguous and compact" does not prohibit voluntary annexations  
11 pursuant to this section merely because such voluntary annexation would create an island of  
12 unincorporated area within the city, town or village, so long as the owners of the unincorporated  
13 island were also given the opportunity to voluntarily annex into the city, town or village.  
14 Notwithstanding the provisions of this section, the governing body of any city, town or village  
15 in any county of the third classification which borders a county of the fourth classification, a  
16 county of the second classification and **the** Mississippi River may annex areas along a road or  
17 highway up to two miles from existing boundaries of the city, town or village or the governing  
18 body in any city, town or village in any county of the third classification without a township form  
19 of government with a population of at least twenty-four thousand inhabitants but not more than  
20 thirty thousand inhabitants and such county contains a state correctional center may voluntarily  
21 annex such correctional center pursuant to the provisions of this section if the correctional center  
22 is along a road or highway within two miles from the existing boundaries of the city, town or  
23 village.

24         2. (1) When a [verified] **notarized** petition, requesting annexation and signed by the  
25 owners of all fee interests of record in all tracts of real property located within the area proposed  
26 to be annexed, or a request for annexation signed under the authority of the governing body of  
27 any common interest community and approved by a majority vote of unit owners located within  
28 the area proposed to be annexed is presented to the governing body of the city, town or village,  
29 the governing body shall hold a public hearing concerning the matter not less than fourteen nor  
30 more than sixty days after the petition is received, and the hearing shall be held not less than  
31 seven days after notice of the hearing is published in a newspaper of general circulation qualified  
32 to publish legal matters and located within the boundary of the petitioned city, town or village.  
33 If no such newspaper exists within the boundary of such city, town or village, then the notice  
34 shall be published in the qualified newspaper nearest the petitioned city, town or village. For the  
35 purposes of this subdivision, the term "common-interest community" shall mean a condominium  
36 as said term is used in chapter 448, or a common-interest community, a cooperative, or a planned  
37 community.

38         (a) A "common-interest community" shall be defined as real property with respect to  
39 which a person, by virtue of such person's ownership of a unit, is obliged to pay for real property  
40 taxes, insurance premiums, maintenance or improvement of other real property described in a

41 declaration. "Ownership of a unit" does not include a leasehold interest of less than twenty years  
42 in a unit, including renewal options;

43 (b) A "cooperative" shall be defined as a common-interest community in which the real  
44 property is owned by an association, each of whose members is entitled by virtue of such  
45 member's ownership interest in the association to exclusive possession of a unit;

46 (c) A "planned community" shall be defined as a common-interest community that is not  
47 a condominium or a cooperative. A condominium or cooperative may be part of a planned  
48 community.

49 (2) At the public hearing any interested person, corporation or political subdivision may  
50 present evidence regarding the proposed annexation.

51

52 If, after holding the hearing, the governing body of the city, town or village determines that the  
53 annexation is reasonable and necessary to the proper development of the city, town or village,  
54 and the city, town or village has the ability to furnish normal municipal services to the area to  
55 be annexed within a reasonable time, it may, subject to the provisions of subdivision (3) of this  
56 subsection, annex the territory by ordinance without further action.

57 (3) If a written objection to the proposed annexation is filed with the governing body of  
58 the city, town or village not later than fourteen days after the public hearing by at least five  
59 percent of the qualified voters of the city, town or village, or two qualified voters of the area  
60 sought to be annexed if the same contains two qualified voters, the provisions of sections 71.015  
61 and 71.860 to 71.920, shall be followed.

62 3. If no objection is filed, the city, town or village shall extend its limits by ordinance  
63 to include such territory, specifying with accuracy the new boundary lines to which the city's,  
64 town's or village's limits are extended. Upon duly enacting such annexation ordinance, the city,  
65 town or village shall cause three certified copies of the same to be filed with the county assessor  
66 and the clerk of the county wherein the city, town or village is located, and one certified copy to  
67 be filed with the election authority, if different from the clerk of the county which has  
68 jurisdiction over the area being annexed, whereupon the annexation shall be complete and final  
69 and thereafter all courts of this state shall take judicial notice of the limits of that city, town or  
70 village as so extended.

71 **4. Any action of any kind seeking to deannex from any city, town, or village any**  
72 **area annexed under this section or seeking, in any way, to reverse, invalidate, set aside, or**  
73 **otherwise challenge such annexation or oust such city, town, or village from jurisdiction**  
74 **over such annexed area shall be brought within three years of the date of adoption of the**  
75 **annexation ordinance.**

71.014. 1. Notwithstanding the provisions of section 71.015, the governing body of any  
2 city, town, or village which is located within a county which borders a county of the first  
3 classification with a charter form of government with a population in excess of six hundred fifty  
4 thousand, proceeding as otherwise authorized by law or charter, may annex unincorporated areas

5 which are contiguous and compact to the existing corporate limits upon [verified] **notarized**  
6 petition requesting such annexation signed by the owners of all fee interests of record in all tracts  
7 located within the area to be annexed.

8 **2. Any action of any kind seeking to deannex from any city, town, or village any**  
9 **area annexed under this section or seeking, in any way, to reverse, invalidate, set aside, or**  
10 **otherwise challenge such annexation or oust such city, town, or village from jurisdiction**  
11 **over such annexed area shall be brought within three years of the date of adoption of the**  
12 **annexation ordinance.**

71.015. 1. Should any city, town, or village, not located in any county of the first  
2 classification which has adopted a constitutional charter for its own local government, seek to  
3 annex an area to which objection is made, the following shall be satisfied:

4 (1) Before the governing body of any city, town, or village has adopted a resolution to  
5 annex any unincorporated area of land, such city, town, or village shall first as a condition  
6 precedent determine that the land to be annexed is contiguous to the existing city, town, or  
7 village limits and that the length of the contiguous boundary common to the existing city, town,  
8 or village limit and the proposed area to be annexed is at least fifteen percent of the length of the  
9 perimeter of the area proposed for annexation.

10 (2) The governing body of any city, town, or village shall propose an ordinance setting  
11 forth the following:

12 (a) The area to be annexed and affirmatively stating that the boundaries comply with the  
13 condition precedent referred to in subdivision (1) above;

14 (b) That such annexation is reasonable and necessary to the proper development of the  
15 city, town, or village;

16 (c) That the city has developed a plan of intent to provide services to the area proposed  
17 for annexation;

18 (d) That a public hearing shall be held prior to the adoption of the ordinance;

19 (e) When the annexation is proposed to be effective, the effective date being up to  
20 thirty-six months from the date of any election held in conjunction thereto.

21 (3) The city, town, or village shall fix a date for a public hearing on the ordinance and  
22 make a good faith effort to notify all fee owners of record within the area proposed to be annexed  
23 by certified mail, not less than thirty nor more than sixty days before the hearing, and notify all  
24 residents of the area by publication of notice in a newspaper of general circulation qualified to  
25 publish legal matters in the county or counties where the proposed area is located, at least once  
26 a week for three consecutive weeks prior to the hearing, with at least one such notice being not  
27 more than twenty days and not less than ten days before the hearing.

28 (4) At the hearing referred to in subdivision (3), the city, town, or village shall present  
29 the plan of intent and evidence in support thereof to include:

30 (a) A list of major services presently provided by the city, town, or village including, but  
31 not limited to, police and fire protection, water and sewer systems, street maintenance, parks and  
32 recreation, **and** refuse collection[, etc.];

33 (b) A proposed time schedule whereby the city, town, or village plans to provide such  
34 services to the residents of the proposed area to be annexed within three years from the date the  
35 annexation is to become effective;

36 (c) The level at which the city, town, or village assesses property and the rate at which  
37 it taxes that property;

38 (d) How the city, town, or village proposes to zone the area to be annexed;

39 (e) When the proposed annexation shall become effective.

40 (5) Following the hearing, and either before or after the election held in subdivision (6)  
41 of this subsection, should the governing body of the city, town, or village vote favorably by  
42 ordinance to annex the area, the governing body of the city, town or village shall file an action  
43 in the circuit court of the county in which such unincorporated area is situated, under the  
44 provisions of chapter 527, praying for a declaratory judgment authorizing such annexation. The  
45 petition in such action shall state facts showing:

46 (a) The area to be annexed and its conformity with the condition precedent referred to  
47 in subdivision (1) of this subsection;

48 (b) That such annexation is reasonable and necessary to the proper development of the  
49 city, town, or village; and

50 (c) The ability of the city, town, or village to furnish normal municipal services of the  
51 city, town, or village to the unincorporated area within a reasonable time not to exceed three  
52 years after the annexation is to become effective. Such action shall be a class action against the  
53 inhabitants of such unincorporated area under the provisions of section 507.070.

54 (6) Except as provided in subsection 3 of this section, if the court authorizes the city,  
55 town, or village to make an annexation, the legislative body of such city, town, or village shall  
56 not have the power to extend the limits of the city, town, or village by such annexation until an  
57 election is held at which the proposition for annexation is approved by a majority of the total  
58 votes cast in the city, town, or village and by a separate majority of the total votes cast in the  
59 unincorporated territory sought to be annexed. However, should less than a majority of the total  
60 votes cast in the area proposed to be annexed vote in favor of the proposal, but at least a majority  
61 of the total votes cast in the city, town, or village vote in favor of the proposal, then the proposal  
62 shall again be voted upon in not more than one hundred twenty days by both the registered voters  
63 of the city, town, or village and the registered voters of the area proposed to be annexed. If at  
64 least two-thirds of the qualified electors voting thereon are in favor of the annexation, then the  
65 city, town, or village may proceed to annex the territory. If the proposal fails to receive the  
66 necessary majority, no part of the area sought to be annexed may be the subject of another  
67 proposal to annex for a period of two years from the date of the election, except that, during the  
68 two-year period, the owners of all fee interests of record in the area or any portion of the area



69 may petition the city, town, or village for the annexation of the land owned by them pursuant to  
70 the procedures in section 71.012. The elections shall if authorized be held, except as herein  
71 otherwise provided, in accordance with the general state law governing special elections, and the  
72 entire cost of the election or elections shall be paid by the city, town, or village proposing to  
73 annex the territory.

74 (7) Failure to comply in providing services to the said area or to zone in compliance with  
75 the plan of intent within three years after the effective date of the annexation, unless compliance  
76 is made unreasonable by an act of God, shall give rise to a cause of action for deannexation  
77 which may be filed in the circuit court by any resident of the area who was residing in the area  
78 at the time the annexation became effective.

79 (8) No city, town, or village which has filed an action under this section as this section  
80 read prior to May 13, 1980, which action is part of an annexation proceeding pending on May  
81 13, 1980, shall be required to comply with subdivision (5) of this subsection in regard to such  
82 annexation proceeding.

83 (9) If the area proposed for annexation includes a public road or highway but does not  
84 include all of the land adjoining such road or highway, then such fee owners of record, of the  
85 lands adjoining said highway shall be permitted to intervene in the declaratory judgment action  
86 described in subdivision (5) of this subsection.

87 2. Notwithstanding any provision of subsection 1 of this section, for any annexation by  
88 any city with a population of three hundred fifty thousand or more inhabitants which is located  
89 in more than one county that becomes effective after August 28, 1994, if such city has not  
90 provided water and sewer service to such annexed area within three years of the effective date  
91 of the annexation, a cause of action shall lie for deannexation, unless the failure to provide such  
92 water and sewer service to the annexed area is made unreasonable by an act of God. The cause  
93 of action for deannexation may be filed in the circuit court by any resident of the annexed area  
94 who is presently residing in the area at the time of the filing of the suit and was a resident of the  
95 annexed area at the time the annexation became effective. If the suit for deannexation is  
96 successful, the city shall be liable for all court costs and attorney fees.

97 3. Notwithstanding the provisions of subdivision (6) of subsection 1 of this section, all  
98 cities, towns, and villages located in any county of the first classification with a charter form of  
99 government with a population of two hundred thousand or more inhabitants which adjoins a  
100 county with a population of nine hundred thousand or more inhabitants shall comply with the  
101 provisions of this subsection. If the court authorizes any city, town, or village subject to this  
102 subsection to make an annexation, the legislative body of such city, town or village shall not  
103 have the power to extend the limits of such city, town, or village by such annexation until an  
104 election is held at which the proposition for annexation is approved by a majority of the total  
105 votes cast in such city, town, or village and by a separate majority of the total votes cast in the  
106 unincorporated territory sought to be annexed; except that:

107 (1) In the case of a proposed annexation in any area which is contiguous to the existing  
108 city, town or village and which is within an area designated as flood plain by the Federal  
109 Emergency Management Agency and which is inhabited by no more than thirty registered voters  
110 and for which a final declaratory judgment has been granted prior to January 1, 1993, approving  
111 such annexation and where notarized affidavits expressing approval of the proposed annexation  
112 are obtained from a majority of the registered voters residing in the area to be annexed, the area  
113 may be annexed by an ordinance duly enacted by the governing body and no elections shall be  
114 required; and

115 (2) In the case of a proposed annexation of unincorporated territory in which no qualified  
116 electors reside, if at least a majority of the qualified electors voting on the proposition are in  
117 favor of the annexation, the city, town or village may proceed to annex the territory and no  
118 subsequent election shall be required. If the proposal fails to receive the necessary separate  
119 majorities, no part of the area sought to be annexed may be the subject of any other proposal to  
120 annex for a period of two years from the date of such election, except that, during the two-year  
121 period, the owners of all fee interests of record in the area or any portion of the area may petition  
122 the city, town, or village for the annexation of the land owned by them pursuant to the procedures  
123 in section 71.012 **or 71.014**. The election shall, if authorized, be held, except as otherwise  
124 provided in this section, in accordance with the general state laws governing special elections,  
125 and the entire cost of the election or elections shall be paid by the city, town, or village proposing  
126 to annex the territory. Failure of the city, town or village to comply in providing services to the  
127 area or to zone in compliance with the plan of intent within three years after the effective date  
128 of the annexation, unless compliance is made unreasonable by an act of God, shall give rise to  
129 a cause of action for deannexation which may be filed in the circuit court **not later than four**  
130 **years after the effective date of the annexation** by any resident of the area who was residing  
131 in such area at the time the annexation became effective or by any nonresident owner of real  
132 property in such area. **Except for a cause of action for deannexation under this subdivision**  
133 **(2) of this subsection, any action of any kind seeking to deannex from any city, town, or**  
134 **village any area annexed under this section or seeking, in any way, to reverse, invalidate,**  
135 **set aside, or otherwise challenge such annexation or oust such city, town, or village from**  
136 **jurisdiction over such annexed area shall be brought within three years of the date of**  
137 **adoption of the annexation ordinance.**

99.845. 1. A municipality, either at the time a redevelopment project is approved or, in  
2 the event a municipality has undertaken acts establishing a redevelopment plan and  
3 redevelopment project and has designated a redevelopment area after the passage and approval  
4 of sections 99.800 to 99.865 but prior to August 13, 1982, which acts are in conformance with  
5 the procedures of sections 99.800 to 99.865, may adopt tax increment allocation financing by  
6 passing an ordinance providing that after the total equalized assessed valuation of the taxable real  
7 property in a redevelopment project exceeds the certified total initial equalized assessed  
8 valuation of the taxable real property in the redevelopment project, the ad valorem taxes, and

9 payments in lieu of taxes, if any, arising from the levies upon taxable real property in such  
10 redevelopment project by taxing districts and tax rates determined in the manner provided in  
11 subsection 2 of section 99.855 each year after the effective date of the ordinance until  
12 redevelopment costs have been paid shall be divided as follows:

13 (1) That portion of taxes, penalties and interest levied upon each taxable lot, block, tract,  
14 or parcel of real property which is attributable to the initial equalized assessed value of each such  
15 taxable lot, block, tract, or parcel of real property in the area selected for the redevelopment  
16 project shall be allocated to and, when collected, shall be paid by the county collector to the  
17 respective affected taxing districts in the manner required by law in the absence of the adoption  
18 of tax increment allocation financing;

19 (2) (a) Payments in lieu of taxes attributable to the increase in the current equalized  
20 assessed valuation of each taxable lot, block, tract, or parcel of real property in the area selected  
21 for the redevelopment project and any applicable penalty and interest over and above the initial  
22 equalized assessed value of each such unit of property in the area selected for the redevelopment  
23 project shall be allocated to and, when collected, shall be paid to the municipal treasurer who  
24 shall deposit such payment in lieu of taxes into a special fund called the "Special Allocation  
25 Fund" of the municipality for the purpose of paying redevelopment costs and obligations incurred  
26 in the payment thereof. Payments in lieu of taxes which are due and owing shall constitute a lien  
27 against the real estate of the redevelopment project from which they are derived and shall be  
28 collected in the same manner as the real property tax, including the assessment of penalties and  
29 interest where applicable. The municipality may, in the ordinance, pledge the funds in the  
30 special allocation fund for the payment of such costs and obligations and provide for the  
31 collection of payments in lieu of taxes, the lien of which may be foreclosed in the same manner  
32 as a special assessment lien as provided in section 88.861. No part of the current equalized  
33 assessed valuation of each lot, block, tract, or parcel of property in the area selected for the  
34 redevelopment project attributable to any increase above the total initial equalized assessed value  
35 of such properties shall be used in calculating the general state school aid formula provided for  
36 in section 163.031 until such time as all redevelopment costs have been paid as provided for in  
37 this section and section 99.850;

38 (b) Notwithstanding any provisions of this section to the contrary, for purposes of  
39 determining the limitation on indebtedness of local government pursuant to article VI, section  
40 26(b) of the Missouri Constitution, the current equalized assessed value of the property in an area  
41 selected for redevelopment attributable to the increase above the total initial equalized assessed  
42 valuation shall be included in the value of taxable tangible property as shown on the last  
43 completed assessment for state or county purposes;

44 (c) The county assessor shall include the current assessed value of all property within  
45 the taxing district in the aggregate valuation of assessed property entered upon the assessor's  
46 book and verified pursuant to section 137.245, and such value shall be utilized for the purpose

47 of the debt limitation on local government pursuant to article VI, section 26(b) of the Missouri  
48 Constitution;

49 (3) For purposes of this section, "levies upon taxable real property in such redevelopment  
50 project by taxing districts" shall not include the blind pension fund tax levied under the authority  
51 of article III, section 38(b) of the Missouri Constitution, or the merchants' and manufacturers'  
52 inventory replacement tax levied under the authority of subsection 2 of section 6 of article X of  
53 the Missouri Constitution, except in redevelopment project areas in which tax increment  
54 financing has been adopted by ordinance pursuant to a plan approved by vote of the governing  
55 body of the municipality taken after August 13, 1982, and before January 1, 1998.

56 2. In addition to the payments in lieu of taxes described in subdivision (2) of subsection  
57 1 of this section, for redevelopment plans and projects adopted or redevelopment projects  
58 approved by ordinance after July 12, 1990, and prior to August 31, 1991, fifty percent of the total  
59 additional revenue from taxes, penalties and interest imposed by the municipality, or other taxing  
60 districts, which are generated by economic activities within the area of the redevelopment project  
61 over the amount of such taxes generated by economic activities within the area of the  
62 redevelopment project in the calendar year prior to the adoption of the redevelopment project by  
63 ordinance, while tax increment financing remains in effect, but excluding taxes imposed on sales  
64 or charges for sleeping rooms paid by transient guests of hotels and motels, taxes levied pursuant  
65 to section 70.500, licenses, fees or special assessments other than payments in lieu of taxes and  
66 any penalty and interest thereon, or, effective January 1, 1998, taxes levied pursuant to section  
67 94.660, for the purpose of public transportation, shall be allocated to, and paid by the local  
68 political subdivision collecting officer to the treasurer or other designated financial officer of the  
69 municipality, who shall deposit such funds in a separate segregated account within the special  
70 allocation fund. Any provision of an agreement, contract or covenant entered into prior to July  
71 12, 1990, between a municipality and any other political subdivision which provides for an  
72 appropriation of other municipal revenues to the special allocation fund shall be and remain  
73 enforceable.

74 3. In addition to the payments in lieu of taxes described in subdivision (2) of subsection  
75 1 of this section, for redevelopment plans and projects adopted or redevelopment projects  
76 approved by ordinance after August 31, 1991, fifty percent of the total additional revenue from  
77 taxes, penalties and interest which are imposed by the municipality or other taxing districts, and  
78 which are generated by economic activities within the area of the redevelopment project over the  
79 amount of such taxes generated by economic activities within the area of the redevelopment  
80 project in the calendar year prior to the adoption of the redevelopment project by ordinance,  
81 while tax increment financing remains in effect, but excluding personal property taxes, taxes  
82 imposed on sales or charges for sleeping rooms paid by transient guests of hotels and motels,  
83 taxes levied pursuant to section 70.500, taxes levied for the purpose of public transportation  
84 pursuant to section 94.660, **taxes imposed on sales pursuant to section 650.399 for the**  
85 **purpose of emergency communication systems**, licenses, fees or special assessments other than

86 payments in lieu of taxes and penalties and interest thereon, or any sales tax imposed by a county  
87 with a charter form of government and with more than six hundred thousand but fewer than  
88 seven hundred thousand inhabitants, for the purpose of sports stadium improvement, shall be  
89 allocated to, and paid by the local political subdivision collecting officer to the treasurer or other  
90 designated financial officer of the municipality, who shall deposit such funds in a separate  
91 segregated account within the special allocation fund.

92 4. Beginning January 1, 1998, for redevelopment plans and projects adopted or  
93 redevelopment projects approved by ordinance and which have complied with subsections 4 to  
94 12 of this section, in addition to the payments in lieu of taxes and economic activity taxes  
95 described in subsections 1, 2 and 3 of this section, up to fifty percent of the new state revenues,  
96 as defined in subsection 8 of this section, estimated for the businesses within the project area and  
97 identified by the municipality in the application required by subsection 10 of this section, over  
98 and above the amount of such taxes reported by businesses within the project area as identified  
99 by the municipality in their application prior to the approval of the redevelopment project by  
100 ordinance, while tax increment financing remains in effect, may be available for appropriation  
101 by the general assembly as provided in subsection 10 of this section to the department of  
102 economic development supplemental tax increment financing fund, from the general revenue  
103 fund, for distribution to the treasurer or other designated financial officer of the municipality  
104 with approved plans or projects.

105 5. The treasurer or other designated financial officer of the municipality with approved  
106 plans or projects shall deposit such funds in a separate segregated account within the special  
107 allocation fund established pursuant to section 99.805.

108 6. No transfer from the general revenue fund to the Missouri supplemental tax increment  
109 financing fund shall be made unless an appropriation is made from the general revenue fund for  
110 that purpose. No municipality shall commit any state revenues prior to an appropriation being  
111 made for that project. For all redevelopment plans or projects adopted or approved after  
112 December 23, 1997, appropriations from the new state revenues shall not be distributed from the  
113 Missouri supplemental tax increment financing fund into the special allocation fund unless the  
114 municipality's redevelopment plan ensures that one hundred percent of payments in lieu of taxes  
115 and fifty percent of economic activity taxes generated by the project shall be used for eligible  
116 redevelopment project costs while tax increment financing remains in effect. This account shall  
117 be separate from the account into which payments in lieu of taxes are deposited, and separate  
118 from the account into which economic activity taxes are deposited.

119 7. In order for the redevelopment plan or project to be eligible to receive the revenue  
120 described in subsection 4 of this section, the municipality shall comply with the requirements of  
121 subsection 10 of this section prior to the time the project or plan is adopted or approved by  
122 ordinance. The director of the department of economic development and the commissioner of  
123 the office of administration may waive the requirement that the municipality's application be

124 submitted prior to the redevelopment plan's or project's adoption or the redevelopment plan's or  
125 project's approval by ordinance.

126 8. For purposes of this section, "new state revenues" means:

127 (1) The incremental increase in the general revenue portion of state sales tax revenues  
128 received pursuant to section 144.020, excluding sales taxes that are constitutionally dedicated,  
129 taxes deposited to the school district trust fund in accordance with section 144.701, sales and use  
130 taxes on motor vehicles, trailers, boats and outboard motors and future sales taxes earmarked by  
131 law. In no event shall the incremental increase include any amounts attributable to retail sales  
132 unless the municipality or authority has proven to the Missouri development finance board and  
133 the department of economic development and such entities have made a finding that the sales  
134 tax increment attributable to retail sales is from new sources which did not exist in the state  
135 during the baseline year. The incremental increase in the general revenue portion of state sales  
136 tax revenues for an existing or relocated facility shall be the amount that current state sales tax  
137 revenue exceeds the state sales tax revenue in the base year as stated in the redevelopment plan  
138 as provided in subsection 10 of this section; or

139 (2) The state income tax withheld on behalf of new employees by the employer pursuant  
140 to section 143.221 at the business located within the project as identified by the municipality.  
141 The state income tax withholding allowed by this section shall be the municipality's estimate of  
142 the amount of state income tax withheld by the employer within the redevelopment area for new  
143 employees who fill new jobs directly created by the tax increment financing project.

144 9. Subsection 4 of this section shall apply only to blighted areas located in enterprise  
145 zones, pursuant to sections 135.200 to 135.256, blighted areas located in federal empowerment  
146 zones, or to blighted areas located in central business districts or urban core areas of cities which  
147 districts or urban core areas at the time of approval of the project by ordinance, provided that the  
148 enterprise zones, federal empowerment zones or blighted areas contained one or more buildings  
149 at least fifty years old; and

150 (1) Suffered from generally declining population or property taxes over the twenty-year  
151 period immediately preceding the area's designation as a project area by ordinance; or

152 (2) Was a historic hotel located in a county of the first classification without a charter  
153 form of government with a population according to the most recent federal decennial census in  
154 excess of one hundred fifty thousand and containing a portion of a city with a population  
155 according to the most recent federal decennial census in excess of three hundred fifty thousand.

156 10. The initial appropriation of up to fifty percent of the new state revenues authorized  
157 pursuant to subsections 4 and 5 of this section shall not be made to or distributed by the  
158 department of economic development to a municipality until all of the following conditions have  
159 been satisfied:

160 (1) The director of the department of economic development or his or her designee and  
161 the commissioner of the office of administration or his or her designee have approved a tax  
162 increment financing application made by the municipality for the appropriation of the new state

163 revenues. The municipality shall include in the application the following items in addition to the  
164 items in section 99.810:

165 (a) The tax increment financing district or redevelopment area, including the businesses  
166 identified within the redevelopment area;

167 (b) The base year of state sales tax revenues or the base year of state income tax withheld  
168 on behalf of existing employees, reported by existing businesses within the project area prior to  
169 approval of the redevelopment project;

170 (c) The estimate of the incremental increase in the general revenue portion of state sales  
171 tax revenue or the estimate for the state income tax withheld by the employer on behalf of new  
172 employees expected to fill new jobs created within the redevelopment area after redevelopment;

173 (d) The official statement of any bond issue pursuant to this subsection after December  
174 23, 1997;

175 (e) An affidavit that is signed by the developer or developers attesting that the provisions  
176 of subdivision (1) of **subsection 1 of** section 99.810 have been met and specifying that the  
177 redevelopment area would not be reasonably anticipated to be developed without the  
178 appropriation of the new state revenues;

179 (f) The cost-benefit analysis required by section 99.810 includes a study of the fiscal  
180 impact on the state of Missouri; and

181 (g) The statement of election between the use of the incremental increase of the general  
182 revenue portion of the state sales tax revenues or the state income tax withheld by employers on  
183 behalf of new employees who fill new jobs created in the redevelopment area;

184 (h) The name, street and mailing address, and phone number of the mayor or chief  
185 executive officer of the municipality;

186 (i) The street address of the development site;

187 (j) The three-digit North American Industry Classification System number or numbers  
188 characterizing the development project;

189 (k) The estimated development project costs;

190 (l) The anticipated sources of funds to pay such development project costs;

191 (m) Evidence of the commitments to finance such development project costs;

192 (n) The anticipated type and term of the sources of funds to pay such development  
193 project costs;

194 (o) The anticipated type and terms of the obligations to be issued;

195 (p) The most recent equalized assessed valuation of the property within the development  
196 project area;

197 (q) An estimate as to the equalized assessed valuation after the development project area  
198 is developed in accordance with a development plan;

199 (r) The general land uses to apply in the development area;

200 (s) The total number of individuals employed in the development area, broken down by  
201 full-time, part-time, and temporary positions;

- 202 (t) The total number of full-time equivalent positions in the development area;
- 203 (u) The current gross wages, state income tax withholdings, and federal income tax  
204 withholdings for individuals employed in the development area;
- 205 (v) The total number of individuals employed in this state by the corporate parent of any  
206 business benefitting from public expenditures in the development area, and all subsidiaries  
207 thereof, as of December thirty-first of the prior fiscal year, broken down by full-time, part-time,  
208 and temporary positions;
- 209 (w) The number of new jobs to be created by any business benefitting from public  
210 expenditures in the development area, broken down by full-time, part-time, and temporary  
211 positions;
- 212 (x) The average hourly wage to be paid to all current and new employees at the project  
213 site, broken down by full-time, part-time, and temporary positions;
- 214 (y) For project sites located in a metropolitan statistical area, as defined by the federal  
215 Office of Management and Budget, the average hourly wage paid to nonmanagerial employees  
216 in this state for the industries involved at the project, as established by the United States Bureau  
217 of Labor Statistics;
- 218 (z) For project sites located outside of metropolitan statistical areas, the average weekly  
219 wage paid to nonmanagerial employees in the county for industries involved at the project, as  
220 established by the United States Department of Commerce;
- 221 (aa) A list of other community and economic benefits to result from the project;
- 222 (bb) A list of all development subsidies that any business benefitting from public  
223 expenditures in the development area has previously received for the project, and the name of  
224 any other granting body from which such subsidies are sought;
- 225 (cc) A list of all other public investments made or to be made by this state or units of  
226 local government to support infrastructure or other needs generated by the project for which the  
227 funding pursuant to this section is being sought;
- 228 (dd) A statement as to whether the development project may reduce employment at any  
229 other site, within or without the state, resulting from automation, merger, acquisition, corporate  
230 restructuring, relocation, or other business activity;
- 231 (ee) A statement as to whether or not the project involves the relocation of work from  
232 another address and if so, the number of jobs to be relocated and the address from which they  
233 are to be relocated;
- 234 (ff) A list of competing businesses in the county containing the development area and  
235 in each contiguous county;
- 236 (gg) A market study for the development area;
- 237 (hh) A certification by the chief officer of the applicant as to the accuracy of the  
238 development plan;
- 239 (2) The methodologies used in the application for determining the base year and  
240 determining the estimate of the incremental increase in the general revenue portion of the state



241 sales tax revenues or the state income tax withheld by employers on behalf of new employees  
242 who fill new jobs created in the redevelopment area shall be approved by the director of the  
243 department of economic development or his or her designee and the commissioner of the office  
244 of administration or his or her designee. Upon approval of the application, the director of the  
245 department of economic development or his or her designee and the commissioner of the office  
246 of administration or his or her designee shall issue a certificate of approval. The department of  
247 economic development may request the appropriation following application approval;

248 (3) The appropriation shall be either a portion of the estimate of the incremental increase  
249 in the general revenue portion of state sales tax revenues in the redevelopment area or a portion  
250 of the estimate of the state income tax withheld by the employer on behalf of new employees  
251 who fill new jobs created in the redevelopment area as indicated in the municipality's application,  
252 approved by the director of the department of economic development or his or her designee and  
253 the commissioner of the office of administration or his or her designee. At no time shall the  
254 annual amount of the new state revenues approved for disbursements from the Missouri  
255 supplemental tax increment financing fund exceed thirty-two million dollars;

256 (4) Redevelopment plans and projects receiving new state revenues shall have a duration  
257 of up to fifteen years, unless prior approval for a longer term is given by the director of the  
258 department of economic development or his or her designee and the commissioner of the office  
259 of administration or his or her designee; except that, in no case shall the duration exceed  
260 twenty-three years.

261 11. In addition to the areas authorized in subsection 9 of this section, the funding  
262 authorized pursuant to subsection 4 of this section shall also be available in a federally approved  
263 levee district, where construction of a levee begins after December 23, 1997, and which is  
264 contained within a county of the first classification without a charter form of government with  
265 a population between fifty thousand and one hundred thousand inhabitants which contains all  
266 or part of a city with a population in excess of four hundred thousand or more inhabitants.

267 12. There is hereby established within the state treasury a special fund to be known as  
268 the "Missouri Supplemental Tax Increment Financing Fund", to be administered by the  
269 department of economic development. The department shall annually distribute from the  
270 Missouri supplemental tax increment financing fund the amount of the new state revenues as  
271 appropriated as provided in the provisions of subsections 4 and 5 of this section if and only if the  
272 conditions of subsection 10 of this section are met. The fund shall also consist of any gifts,  
273 contributions, grants or bequests received from federal, private or other sources. Moneys in the  
274 Missouri supplemental tax increment financing fund shall be disbursed per project pursuant to  
275 state appropriations.

276 13. Redevelopment project costs may include, at the prerogative of the state, the portion  
277 of salaries and expenses of the department of economic development and the department of  
278 revenue reasonably allocable to each redevelopment project approved for disbursements from  
279 the Missouri supplemental tax increment financing fund for the ongoing administrative functions

280 associated with such redevelopment project. Such amounts shall be recovered from new state  
281 revenues deposited into the Missouri supplemental tax increment financing fund created under  
282 this section.

283 14. For redevelopment plans or projects approved by ordinance that result in net new  
284 jobs from the relocation of a national headquarters from another state to the area of the  
285 redevelopment project, the economic activity taxes and new state tax revenues shall not be based  
286 on a calculation of the incremental increase in taxes as compared to the base year or prior  
287 calendar year for such redevelopment project, rather the incremental increase shall be the amount  
288 of total taxes generated from the net new jobs brought in by the national headquarters from  
289 another state. In no event shall this subsection be construed to allow a redevelopment project  
290 to receive an appropriation in excess of up to fifty percent of the new state revenues.

160.545. 1. There is hereby established within the department of elementary and  
2 secondary education the "A+ Schools Program" to be administered by the commissioner of  
3 education. The program shall consist of grant awards made to public secondary schools that  
4 demonstrate a commitment to ensure that:

5 (1) All students be graduated from school;

6 (2) All students complete a selection of high school studies that is challenging and for  
7 which there are identified learning expectations; and

8 (3) All students proceed from high school graduation to a college or postsecondary  
9 vocational or technical school or high-wage job with work place skill development opportunities.

10 2. The state board of education shall promulgate rules and regulations for the approval  
11 of grants made under the program to schools that:

12 (1) Establish measurable districtwide performance standards for the goals of the program  
13 outlined in subsection 1 of this section; and

14 (2) Specify the knowledge, skills and competencies, in measurable terms, that students  
15 must demonstrate to successfully complete any individual course offered by the school, and any  
16 course of studies which will qualify a student for graduation from the school; and

17 (3) Do not offer a general track of courses that, upon completion, can lead to a high  
18 school diploma; and

19 (4) Require rigorous coursework with standards of competency in basic academic  
20 subjects for students pursuing vocational and technical education as prescribed by rule and  
21 regulation of the state board of education; and

22 (5) Have a partnership plan developed in cooperation and with the advice of local  
23 business persons, labor leaders, parents, and representatives of college and postsecondary  
24 vocational and technical school representatives, with the plan then approved by the local board  
25 of education. The plan shall specify a mechanism to receive information on an annual basis from  
26 those who developed the plan in addition to senior citizens, community leaders, and teachers to  
27 update the plan in order to best meet the goals of the program as provided in subsection 1 of this  
28 section. Further, the plan shall detail the procedures used in the school to identify students that

29 may drop out of school and the intervention services to be used to meet the needs of such  
30 students. The plan shall outline counseling and mentoring services provided to students who will  
31 enter the work force upon graduation from high school, address apprenticeship and intern  
32 programs, and shall contain procedures for the recruitment of volunteers from the community  
33 of the school to serve in schools receiving program grants.

34 3. A school district may participate in the program irrespective of its accreditation  
35 classification by the state board of education, provided it meets all other requirements.

36 4. By rule and regulation, the state board of education may determine a local school  
37 district variable fund match requirement in order for a school or schools in the district to receive  
38 a grant under the program. However, no school in any district shall receive a grant under the  
39 program unless the district designates a salaried employee to serve as the program coordinator,  
40 with the district assuming a minimum of one-half the cost of the salary and other benefits  
41 provided to the coordinator. Further, no school in any district shall receive a grant under the  
42 program unless the district makes available facilities and services for adult literacy training as  
43 specified by rule of the state board of education.

44 5. For any school that meets the requirements for the approval of the grants authorized  
45 by this section and specified in subsection 2 of this section for three successive school years, by  
46 August first following the third such school year, the commissioner of education shall present  
47 a plan to the superintendent of the school district in which such school is located for the waiver  
48 of rules and regulations to promote flexibility in the operations of the school and to enhance and  
49 encourage efficiency in the delivery of instructional services in the school. The provisions of  
50 other law to the contrary notwithstanding, the plan presented to the superintendent shall provide  
51 a summary waiver, with no conditions, for the pupil testing requirements pursuant to section  
52 160.257 in the school. Further, the provisions of other law to the contrary notwithstanding, the  
53 plan shall detail a means for the waiver of requirements otherwise imposed on the school related  
54 to the authority of the state board of education to classify school districts pursuant to subdivision  
55 (9) of section 161.092 and such other rules and regulations as determined by the commissioner  
56 of education, except such waivers shall be confined to the school and not other schools in the  
57 school district unless such other schools meet the requirements of this subsection. However,  
58 any waiver provided to any school as outlined in this subsection shall be void on June thirtieth  
59 of any school year in which the school fails to meet the requirements for the approval of the  
60 grants authorized by this section as specified in subsection 2 of this section.

61 6. For any school year, grants authorized by subsections 1 to 3 of this section shall be  
62 funded with the amount appropriated for this program, less those funds necessary to reimburse  
63 eligible students pursuant to subsection 7 of this section.

64 7. The [commissioner of] **department of higher** education shall, by rule [and regulation  
65 of the state board of education and with the advice of the coordinating board for higher  
66 education], establish a procedure for the reimbursement of the cost of tuition, books and fees to  
67 any public community college or vocational or technical school or within the limits established

68 in subsection 9 of this section for any two-year private vocational or technical school for any  
69 student:

70 (1) Who has attended a public high school in the state for at least three years immediately  
71 prior to graduation that meets the requirements of subsection 2 of this section[,] ; except that,  
72 students who are active duty military dependents, and students who are dependants of retired  
73 military who relocate to Missouri within one year of the date of the parent's retirement from  
74 active duty, who, in the school year immediately preceding graduation, meet all other  
75 requirements of this subsection and are attending a school that meets the requirements of  
76 subsection 2 of this section shall be exempt from the three-year attendance requirement of this  
77 subdivision; and

78 (2) Who has made a good faith effort to first secure all available federal sources of  
79 funding that could be applied to the reimbursement described in this subsection; and

80 (3) Who has earned a minimal grade average while in high school as determined by rule  
81 of the [state board of] **department of higher** education, and other requirements for the  
82 reimbursement authorized by this subsection as determined by rule and regulation of said board.

83 8. The commissioner of education shall develop a procedure for evaluating the  
84 effectiveness of the program described in this section. Such evaluation shall be conducted  
85 annually with the results of the evaluation provided to the governor, speaker of the house, and  
86 president pro tempore of the senate.

87 9. For a two-year private vocational or technical school to obtain reimbursements under  
88 subsection 7 of this section, the following requirements shall be satisfied:

89 (1) Such two-year private vocational or technical school shall be a member of the North  
90 Central Association and be accredited by the Higher Learning Commission as of July 1, 2008,  
91 and maintain such accreditation;

92 (2) Such two-year private vocational or technical school shall be designated as a  
93 501(c)(3) nonprofit organization under the Internal Revenue Code of 1986, as amended;

94 (3) No two-year private vocational or technical school shall receive tuition  
95 reimbursements in excess of the tuition rate charged by a public community college for course  
96 work offered by the private vocational or technical school within the service area of such college;  
97 and

98 (4) The reimbursements provided to any two-year private vocational or technical school  
99 shall not violate the provisions of article IX, section 8, or article I, section 7, of the Missouri  
100 Constitution or the first amendment of the United States Constitution.

161.418. 1. The department of [elementary and secondary] **higher** education shall  
2 develop criteria, with input from teacher educators in this state, to select which of the eligible  
3 applicants shall receive the scholarships made available under sections 161.415 to 161.424.

4 2. Students making application for the scholarships provided under sections 161.415 to  
5 161.424 shall indicate their first, second, and third preference as to which of the colleges and  
6 universities which have provided the necessary matching funds to participate in the scholarship

7 program established under sections 161.415 to 161.424 they wish to attend. The department of  
8 [elementary and secondary] **higher** education, in conjunction with those colleges and universities  
9 which have provided the necessary matching funds, shall develop procedures for matching  
10 students eligible for the scholarships provided under sections 161.415 to 161.424 with such  
11 colleges and universities.

161.424. 1. Every student receiving scholarships under the provisions of sections  
2 161.415 to 161.424 shall teach in an elementary or secondary public school in this state for a  
3 period of five years after receiving a degree or the scholarship shall be treated as a loan to the  
4 student and interest at the rate of nine and one-half percent per year shall be charged upon the  
5 unpaid balance of the amount received from the date the student ceases to teach until the amount  
6 received is paid back to the state. For each year that the student teaches up to five years,  
7 one-fifth of the amount which was received under sections 161.415 to 161.424 shall be applied  
8 against the total amount received and shall not be subject to the repayment requirement of this  
9 section.

10 2. The [state board of] **department of higher** education shall have the power to and shall  
11 defer interest and principal payments under certain circumstances, which shall include, but need  
12 not be limited to, the enrollment in a graduate program, service in any branch of the armed forces  
13 of the United States, or teaching in areas of critical need as defined by the state board of  
14 **education.**

**161.870. 1. By September 1, 2012, the department of elementary and secondary  
2 education shall establish a work group to assess the available resources needed for effective  
3 work experiences for students and young adults with disabilities. The work group shall  
4 review all interagency coordination of services that match young adults who have  
5 disabilities with employers who need employees to ensure that these services are adequately  
6 meeting the following needs of students and young adults with disabilities who seek  
7 employment and need assistance with job placement:**

- 8 **(1) Recruitment;**
- 9 **(2) Assessment;**
- 10 **(3) Counseling;**
- 11 **(4) Pre-employment skills training;**
- 12 **(5) Vocational training;**
- 13 **(6) Student wages for try-out employment;**
- 14 **(7) Placement in unsubsidized employment; and**
- 15 **(8) Other assistance with transition to a quality adult life.**

16 2. **The goal of the work group shall be to evaluate the current efforts and available  
17 resources and to promote the involvement of key stakeholders including students, families,  
18 educators, employers and other agencies in planning and implementing an array of services  
19 that will culminate in successful student transition to employment, lifelong learning, and**

20 **quality of life. The work group shall focus on secondary students and young adults with**  
21 **disabilities.**

22 **3. The work group shall:**

23 **(1) Assess the strengths and need for improvement in services for transition services,**  
24 **instruction, and experiences that reinforce core curriculum concepts and skills leading to**  
25 **gainful employment for students and young adults with disabilities;**

26 **(2) Determine if any additional state partnerships provided through nonfinancial**  
27 **interagency agreements between the department of health and senior services, the**  
28 **department of economic development, the department of mental health, or the department**  
29 **of social services, or in the private sector, are needed to enhance the employment potential**  
30 **of students and young adults with disabilities;**

31 **(3) Focus its efforts in developing careers for students and young adults with**  
32 **disabilities, in order to prevent economic and social dependency on state and community**  
33 **agencies and resources; and**

34 **(4) Report its findings to the director.**

35 **4. The department of elementary and secondary education shall make**  
36 **recommendations based on the findings of the work group and report them to the general**  
37 **assembly prior to January 1, 2013.**

38 **5. The work group shall be administered and its members chosen by the**  
39 **commissioner of education. Work group members shall include existing personnel and**  
40 **human resources available to the department of elementary and secondary education**  
41 **including but not limited to representatives from state agencies, local advocacy groups and**  
42 **community members with valuable input regarding the needs of disabled students and**  
43 **individuals, or members of the general assembly.**

44 **6. The department of elementary and secondary education may promulgate all**  
45 **necessary rules and regulations for the administration of this section. Any rule or portion**  
46 **of a rule, as that term is defined in section 536.010, that is created under the authority**  
47 **delegated in this section shall become effective only if it complies with and is subject to all**  
48 **of the provisions of chapter 536 and, if applicable, section 536.028. This section and**  
49 **chapter 536 are nonseverable and if any of the powers vested with the general assembly**  
50 **pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul**  
51 **a rule are subsequently held unconstitutional, then the grant of rulemaking authority and**  
52 **any rule proposed or adopted after August 28, 2012, shall be invalid and void.**

[191.850.] **161.900.** As used in sections [191.850 to 191.863] **161.900 to 161.945**, the  
2 following terms mean:

3 (1) "Accessibility", compliance with nationally accepted accessibility and usability  
4 standards, such as those established in Section 255 of the Telecommunications Act of 1996 and  
5 Section 508 of the Workforce Investment Act of 1998;

6 (2) "Assistive technology device", any item, piece of equipment, or product system,  
7 whether acquired commercially off the shelf, modified, or customized, that is used to increase,  
8 maintain or improve functional capabilities of individuals with disabilities;

9 (3) "Assistive technology service", any service that directly assists an individual with a  
10 disability in the selection, acquisition or use of an assistive technology device. Such term  
11 includes:

12 (a) The evaluation of the needs of an individual with a disability, including a functional  
13 evaluation of the individual in the individual's customary environment;

14 (b) Purchasing, leasing or otherwise providing for the acquisition of assistive technology  
15 devices by individuals with disabilities;

16 (c) Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing  
17 or replacing assistive technology devices;

18 (d) Coordinating and using other therapies, interventions or services with assistive  
19 technology devices, such as those associated with existing education and rehabilitation plans and  
20 programs;

21 (e) Training or technical assistance for an individual with disabilities, or, where  
22 appropriate, the family of an individual with disabilities; and

23 (f) Training or technical assistance for professionals, including individuals providing  
24 education and rehabilitation services, employers, or other individuals who provide services to,  
25 who employ, or who are otherwise substantially involved in the major life functions of  
26 individuals with disabilities;

27 (4) "Individual with disabilities", any individual who is considered to have a disability  
28 or handicap for the purposes of any federal or Missouri law;

29 (5) "Information technology", any electronic information equipment or interconnected  
30 system that is used in the acquisition, storage, manipulation, management, movement, control,  
31 display, switching, interchange, transmission, or reception of data or information, including  
32 audio, graphic and text;

33 (6) "State department or agency", each department, office, board, bureau, commission,  
34 or other unit of the executive, legislative or judicial branch of state government, including public  
35 four-year and two-year colleges and universities;

36 (7) "Undue burden", significant difficulty or expense, including, but not limited to,  
37 difficulty or expense associated with technical feasibility.

[191.853.] **161.905.** 1. The "Missouri Assistive Technology Advisory Council" is hereby  
2 established, as created pursuant to the Missouri state grant under Title I of the  
3 Technology-Related Assistance for Individuals with Disabilities Act of 1988, P.L. 100-407.

4 2. The voting membership of the advisory council shall be composed of twenty-three  
5 members. [The members of the council that are serving on August 28, 1993, shall continue to  
6 serve in their normal capacities. The original twenty-one members shall determine by lot which  
7 seven are to have a one-year term, which seven are to have a two-year term, and which seven are

8 to have a three-year term. Thereafter,] The successors to each of the **original** twenty-one  
9 members shall serve a three-year term and until his **or her** successor is appointed by the  
10 governor. The members appointed by the governor shall include twelve consumer  
11 representatives, the group consisting of individuals with disabilities, parents, spouses, or  
12 guardians of individuals with disabilities and shall include a variety of types of disabilities across  
13 the age span from all geographic areas of the state, and nine agency representatives, the group  
14 consisting of one representative of the division of vocational rehabilitation, one representative  
15 of the division of special education, one representative of the department of insurance, financial  
16 institutions and professional registration, one representative of rehabilitation services for the  
17 blind, one representative of the division of medical services, one representative of the department  
18 of health and senior services, one representative of the department of mental health, and two  
19 representatives of other agencies or organizations responsible for the service delivery, policy  
20 implementation, and funding of assistive technology. In addition, one member who is a member  
21 of the house of representatives shall be appointed by the speaker of the house and one member  
22 who is a member of the senate shall be appointed by the president pro tempore of the senate. The  
23 appointment of individuals representing state agencies shall be conditioned on their continued  
24 employment with their respective agencies.

25 3. A chairperson shall be elected by the council. The council shall meet at the call of the  
26 chairperson, but not less often than four times each year.

[191.855.] **161.910.** 1. The council shall adopt written bylaws to govern its activities.

2 2. Members shall receive no additional compensation for their service to the council, but  
3 shall be reimbursed for reasonable and necessary expenses actually incurred in the performance  
4 of official duties.

[191.857.] **161.915.** The Missouri assistive technology advisory council is assigned to  
2 the lead agency for the Technology-Related Assistance for Individuals with Disabilities Act as  
3 designated by the governor so long as funds are available under such act.

[191.858.] **161.920.** At such time that federal funds are no longer provided pursuant to  
2 the Technology-Related Assistance for Individuals with Disabilities Act, as amended, the council  
3 shall be assigned to the [office of administration] **department of elementary and secondary**  
4 **education** as if by a type III transfer, as this term is defined in paragraph (c) of subdivision (1)  
5 of subsection 7 of section 1 of the omnibus state reorganization act of 1974. The council may  
6 not take any official action after the assignment to the [office of administration] **department of**  
7 **elementary and secondary education** unless or until funds are specifically appropriated by line  
8 item to fund the actions of the council and to provide the staff and expenses necessary to carry  
9 out the official duties and responsibilities of the council.

[191.859.] **161.925.** The council shall advocate for assistive technology policies,  
2 regulations and programs, and shall establish a consumer-responsive, comprehensive assistive  
3 technology service delivery system. The council shall:



- 4 (1) Promote awareness of the needs of individuals with disabilities for assistive  
5 technology devices and services and the efficacy of providing such devices and services to allow  
6 persons with disabilities to be productive and independent;
- 7 (2) Gain an understanding of current policies, practices, and procedures that facilitate  
8 or impede the availability or provision of assistive technology and recommend methods to  
9 streamline such policies;
- 10 (3) Research and study data from the major public and private providers of assistive  
11 technology regarding numbers and types of devices and services delivered;
- 12 (4) Establish interagency coordination mechanisms among state agencies and public and  
13 private entities that provide assistive technology devices and services in an effort to eliminate  
14 gaps and reduce duplication of such services to individuals with disabilities;
- 15 (5) Foster the capacity of public and private entities to provide assistive technology  
16 devices and services so that individuals with disabilities of all ages will, to the extent  
17 appropriate, be able to secure and maintain possession of assistive technology as needed to  
18 function independently and productively;
- 19 (6) Recommend and implement specific methods and programs to increase availability  
20 of and funding for assistive technology devices and assistive technology services for individuals  
21 with disabilities;
- 22 (7) Employ staff necessary to implement assistive technology services and programs  
23 assigned to the council, with all employees exempt from the state merit system under chapter 36;
- 24 (8) Enter into grants or contracts with public or private agencies, schools, or qualified  
25 individuals or organizations to deliver federally required or otherwise necessary assistive  
26 technology programs and services, including but not limited to assistive device demonstration  
27 programs, device recycling programs, device loan programs, financial loan programs, and  
28 assistive technology assessments, installation, and usage training for individuals with disabilities,  
29 with or without utilizing the procurement procedures of the office of administration;
- 30 (9) Administer the assistive technology trust fund created in section [191.861] **161.930**,  
31 including the formation of a not-for-profit corporation that qualifies as a Section 501(c)(3)  
32 organization under the Internal Revenue Code of 1986, as amended;
- 33 (10) Accept, administer, and disburse federal moneys as the lead agency for the federal  
34 Assistive Technology Act of 2004, P.L. 108-364, and any amendments or successors thereto, as  
35 well as moneys from the assistive technology trust fund created in section [191.861] **161.930**,  
36 and any other moneys appropriated, granted, or given for the purpose of implementing assistive  
37 technology programs and services; and
- 38 (11) Report annually by January first to the governor and the general assembly on  
39 council activities and the results of its studies, programs, services, and recommendations to  
40 increase access to assistive technology.

[191.861.] **161.930.** 1. There is hereby created in the state treasury the "Assistive  
2 Technology Trust Fund" which shall be a public/private partnership fund administered by the

3 advisory assistive technology council. The fund shall consist of gifts, donations, grants, and  
4 bequests from individuals, private organizations, foundations, or other sources granted or given  
5 for the specific purpose of assistive technology, and moneys transferred or paid to the council  
6 in return for goods and services provided by the council.

7         2. Upon appropriation, moneys in the fund shall be used to establish and maintain  
8 assistive technology programs and services provided by the council under section [191.859]  
9 **161.925** and shall not be used to supplant any existing program or service.

10         3. Notwithstanding the provisions of section 33.080 to the contrary, any moneys  
11 remaining in the fund at the end of the biennium shall not revert to the credit of the general  
12 revenue fund.

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

[191.863.] **161.935.** 1. The council shall work in conjunction with the office of  
2 information technology **services division** to assure state compliance with the provisions of  
3 Section 508 of the Workforce Investment Act of 1998 regarding accessibility of information  
4 technology for individuals with disabilities.

5         2. When developing, procuring, maintaining or using information technology, or when  
6 administering contracts or grants that include the procurement, development, or upgrading of  
7 information technology, each state department or agency shall ensure, unless an undue burden  
8 would be imposed on the department or agency, that the information technology allows  
9 employees, program participants and members of the general public access to and use of  
10 information and data that is comparable to the access by individuals without disabilities.

11         3. To assure accessibility, the council and the office of information technology **services**  
12 **division** shall:

13             (1) Adopt accessibility standards to be used by each state department or agency in the  
14 procurement of information technology, and in the development and implementation of  
15 custom-designed information technology systems, websites and other emerging information  
16 technology systems;

17             (2) Establish and implement a review procedure to be used to evaluate the accessibility  
18 of custom-designed information technology systems proposed by a state department or agency  
19 prior to expenditure of state funds;

20             (3) Review and evaluate accessibility of information technology commonly purchased  
21 by state departments and agencies, and provide accessibility reports on such products to those  
22 responsible for purchasing decisions;

23             (4) Provide training and technical assistance for state departments and agencies to assure  
24 procurement of information technology that meets adopted accessibility standards;

25             (5) Involve individuals with disabilities in accessibility reviews of information  
26 technology and in the delivery of training and technical assistance;

27 (6) Establish complaint procedures, consistent with Section 508 of the Workforce  
28 Development Act of 1998 to be used by an individual with a disability who alleges that a state  
29 department or agency fails to comply with the provisions of this section.

[191.865.] **161.940.** 1. The Missouri assistive technology advisory council, established  
2 in section [191.853] **161.905**, shall establish an assistive technology loan program. The loan  
3 program shall be funded from the assistive technology loan revolving fund established pursuant  
4 to section [191.867] **161.945**. The fund shall receive any appropriation and grant moneys  
5 received pursuant to subsection 2 of this section to provide loans for the purchase of assistive  
6 technology devices and services, as defined in section [191.850] **161.900**.

7 2. The loan program shall provide loans for the first fiscal year following appropriation.  
8 Any matching grant moneys received by the state pursuant to Title III of the federal Assistive  
9 Technology Act of 1998 or through any other applicable sources shall be used to fund the loan  
10 program. The state treasurer shall provide the assistive technology advisory council with  
11 information on the amount of moneys in the assistive technology loan revolving fund at the  
12 beginning of each fiscal year. The council shall quarterly expend such moneys in four equal  
13 shares to ensure that the loan program will provide loans throughout the entire fiscal year. Any  
14 repayments or interest earned during a fiscal year shall not be used for loans in the current fiscal  
15 year, but shall be carried over for use in the next fiscal year.

16 3. The interest rates for loans shall be lower than comparable commercial lending rates  
17 and shall be established by the council based on the borrower's ability to pay. Loans may be  
18 made with no interest. Loan repayment periods shall not exceed ten years.

19 4. The council shall:

20 (1) Promulgate rules relating to borrower eligibility, interest rates, repayment terms and  
21 other matters necessary to implement the purpose of this section, including limits on the number  
22 and amounts of loans to assure the continued solvency of the fund; and

23 (2) File annual reports with the governor and general assembly which shall include an  
24 accounting of the loans and repayments to the fund during the preceding fiscal year.

25 5. The council may enter into contracts as necessary to carry out the purposes of this  
26 section, including but not limited to contracts with disability organizations and lending  
27 institutions.

28 6. By no later than January 1, 2001, the council shall submit a report to the general  
29 assembly regarding any rules proposed or promulgated for the implementation of this program.

30 7. No rule or portion of a rule promulgated pursuant to the authority of this section shall  
31 become effective unless it has been promulgated pursuant to chapter 536.

[191.867.] **161.945.** 1. In order to allow Missourians with disabilities to take advantage  
2 of Title III of the federal Assistive Technology Act of 1998, there is hereby created in the state  
3 treasury the "Assistive Technology Loan Revolving Fund" which shall be administered by the  
4 Missouri assistive technology advisory council and the state treasurer.

5           2. Moneys in the fund shall, upon appropriation, be used to establish and maintain the  
6 assistive technology loan program established in section [191.865] **161.940**.

7           3. The fund shall consist of any moneys appropriated to the fund, repayments of principal  
8 and interest by qualified borrowers, and interest earned on the moneys in the fund.

9           4. The fund may accept federal, state and other public funds, public or private grants,  
10 contributions and loans to the fund with the approval of the Missouri assistive technology  
11 advisory council.

12           5. Notwithstanding the provisions of section 33.080 to the contrary, moneys in the fund  
13 shall not revert to the general revenue fund at the end of the biennium.

181.110. 1. For the purpose of providing the services described in this section, each  
2 agency shall have the following responsibilities and powers:

3           (1) To submit to the state library electronically each publication created by the agency  
4 in a manner consistent with the state's enterprise architecture;

5           (2) To determine the format used to publish;

6           (3) For those publications which the agency determines shall be printed and published  
7 in paper, to supply the number of copies for participating libraries as determined by the secretary  
8 of state;

9           (4) To assign a designee as a contact for the state publications access program and  
10 forward this information to the secretary of state annually.

11           2. For the purpose of providing the services described in this section, the secretary of  
12 state shall have the following responsibilities:

13           (1) [The secretary,] Through the state library, [shall] **to** provide a secure electronic  
14 repository of state publications. Access to the state publications in the repository shall be  
15 provided through multiple methods of access, including the statewide online library catalog and  
16 a publicly accessible electronic network;

17           (2) [The secretary shall] **To** create, in administrative rule, the criteria for selection of  
18 participating libraries and the responsibilities incumbent upon those libraries in serving the  
19 citizens of Missouri;

20           (3) [The secretary shall] **To** set by administrative rule the electronic formats acceptable  
21 for submission of publications to the electronic repository;

22           (4) [The secretary] May issue and promulgate rules to enforce, implement and effectuate  
23 the powers and duties established in sections 181.100 to 181.130.

24           3. For the purpose of providing the services described in this section, the state library  
25 shall have the following responsibilities, all to be performed in a manner consistent with  
26 e-government:

27           (1) [The state library shall] **To** administer the electronic repository of state publications  
28 for access by the citizens of Missouri, and receive and distribute publications in other formats,  
29 which will be housed and made available to the public by the participating libraries;

30 (2) [The state library shall] **To** ensure the organization and classification of state  
31 publications regardless of formats and the distribution of materials in additional formats to  
32 participating libraries;

33 (3) [The state library shall] **To** publish regularly a list of all publications of the agencies,  
34 regardless of format.

35 4. For the purpose of providing the services described in this section, the participating  
36 libraries shall have the following responsibilities:

37 (1) To ensure citizens who come to the library will be able to access publications  
38 electronically;

39 (2) To maintain paper copies of those state publications that agencies publish in paper  
40 that are designated by the secretary of state to be included in the Missouri state publications  
41 access program;

42 (3) To maintain a collection of older state publications published by the agencies in  
43 paper and designated by the secretary of state to be included in the Missouri state publications  
44 access program;

45 (4) To provide training for staff of other libraries to assist the public in the use of state  
46 publications;

47 (5) To assist agencies in the distribution of paper copies of state publications to the  
48 public.

49 5. All responsibilities and powers set out in this section shall be carried out consistent  
50 with the provisions of section [191.863] **161.935**.

51 6. Any rule or portion of a rule, as that term is defined in section 536.010, that is created  
52 under the authority delegated in this chapter shall become effective only if it complies with and  
53 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section  
54 and chapter 536 are nonseverable and if any of the powers vested with the general assembly  
55 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule  
56 are subsequently held unconstitutional, then the grant of rulemaking authority and any rule  
57 proposed or adopted after August 28, 2004, shall be invalid and void.

196.1103. The management, governance, and control of moneys appropriated from the  
2 life sciences research trust fund shall be vested in the "Life Sciences Research Board" which is  
3 hereby created in the [office of administration] **department of economic development** as a type  
4 III [division] **agency** and which shall consist of seven members. The following provisions shall  
5 apply to the life sciences research board and its members:

6 (1) Each member shall be appointed by the governor with the advice and consent of the  
7 senate pursuant to the procedures herein set forth for a term of four years; except that, of the  
8 initial members of the board appointed, three shall be appointed for two-year terms and four shall  
9 be appointed to four-year terms;

10 (2) The members of the board shall be generally familiar with the life sciences and  
11 current research trends and developments with either technical or scientific expertise in life

12 sciences and with an understanding of the application of the results of life sciences research. The  
13 appointment of a person to the life sciences research committee created by Executive Order  
14 01-10 issued by the governor on July 23, 2001, shall not disqualify a person from serving as a  
15 member, either contemporaneously or later, on the life sciences research board;

16 (3) No member of the life sciences research board shall serve more than two consecutive  
17 full four-year terms;

18 (4) The members of the life sciences research board shall receive no salary or other  
19 compensation for their services as a member of the board, but shall receive reimbursement for  
20 their actual and necessary expenses incurred in performance of their duties as members of the  
21 board.

[192.935.] **209.015.** 1. There is hereby created in the state treasury the "Blindness  
2 Education, Screening and Treatment Program Fund". The fund shall consist of moneys donated  
3 pursuant to subsection 7 of section 301.020 and subsection 3 of section 302.171. Unexpended  
4 balances in the fund at the end of any fiscal year shall not be transferred to the general revenue  
5 fund or any other fund, the provisions of section 33.080 to the contrary notwithstanding.

6 2. Subject to the availability of funds in the blindness education, screening and treatment  
7 program fund, the department of **social services** shall develop a blindness education, screening  
8 and treatment program to provide blindness prevention education and to provide screening and  
9 treatment for persons who do not have adequate coverage for such services under a health benefit  
10 plan.

11 3. The program shall provide for:

12 (1) Public education about blindness and other eye conditions;

13 (2) Screenings and eye examinations to identify conditions that may cause blindness;

14 (3) Treatment procedures necessary to prevent blindness; and

15 (4) Any additional costs for vision examinations under section 167.195 that are not  
16 covered by existing public **or private** health insurance. Subject to appropriations, moneys from  
17 the fund shall be used to pay for those additional costs, provided that the costs do not exceed  
18 ninety-nine thousand dollars per year. Payment from the fund for vision examinations under  
19 section 167.195 shall not exceed the allowable state Medicaid reimbursement amount for vision  
20 examinations.

21 4. The department may contract for program development with any department-approved  
22 nonprofit organization dealing with regional and community blindness education, eye donor and  
23 vision treatment services.

24 5. The department may adopt rules to prescribe eligibility requirements for the program.

25 6. No rule or portion of a rule promulgated pursuant to the authority of this section shall  
26 become effective unless it has been promulgated pursuant to the provisions of chapter 536.

209.150. 1. Every person with a visual, aural or [physical] **other** disability, **as defined**  
2 **in section 213.010**, shall have the same rights afforded to a person with no such disability to the

3 full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities,  
4 and other public places.

5         2. Every person with a visual, aural or [physical] **other** disability, **as defined in section**  
6 **213.010**, is entitled to full and equal accommodations, advantages, facilities, and privileges of  
7 all common carriers, airplanes, motor vehicles, railroad trains, motor buses, taxis, streetcars,  
8 boats or any other public conveyances or modes of transportation, hotels, lodging places, places  
9 of public accommodation, amusement or resort, and other places to which the general public is  
10 invited, subject only to the conditions and limitations established by law and applicable alike to  
11 all persons.

12         3. Every person with a visual, aural or [physical] **other** disability, **as defined in section**  
13 **213.010**, shall have the right to be accompanied by a guide dog, hearing dog, or service dog,  
14 which is especially trained for the purpose, in any of the places listed in subsection 2 of this  
15 section without being required to pay an extra charge for the guide dog, hearing dog or service  
16 dog; provided that such person shall be liable for any damage done to the premises or facilities  
17 by such dog.

18         4. As used in sections 209.150 to 209.190, the term "service dog" means any dog  
19 specifically trained to assist a person with a physical **or mental** disability by performing  
20 necessary [physical] tasks **or doing work** which the person cannot perform. Such tasks shall  
21 include, but not be limited to, pulling a wheelchair, retrieving items, [and] carrying supplies, **and**  
22 **search and rescue of an individual with a disability**.

209.152. Any trainer, from a recognized training center, of a guide dog, hearing  
2 assistance dog or service dog, **or any member of a service dog team, as defined in section**  
3 **209.200**, shall have the right to be accompanied by such dog in or upon any of the premises listed  
4 in section 209.150 while engaged in the training of the dog without being required to pay an  
5 extra charge for such dog. Such trainer **or service dog team member** shall be liable for any  
6 damage done to the premise of facilities by such dog.

209.200. As used in sections 209.200 to 209.204, the following terms shall mean:

2 (1) "Disability", as defined in section 213.010;

3 (2) "Service dog", a dog that is being or has been specially trained to do work or perform  
4 tasks which benefit a particular person with a disability. Service dog includes **but is not limited**  
5 **to:**

6 (a) "Guide dog", a dog that is being or has been specially trained to assist a particular  
7 blind or visually impaired person;

8 (b) "Hearing dog", a dog that is being or has been specially trained to assist a particular  
9 deaf or hearing-impaired person;

10 (c) "Medical alert or [respond] **response** dog", a dog that is being or has been trained to  
11 alert a person with a disability that a particular medical event is about to occur or to respond to  
12 a medical event that has occurred;

13 (d) "Mobility dog", a dog that is being or has been specially trained to assist a person  
14 with a disability caused by physical impairments;

15 (e) "**Professional therapy dog**", a dog which is selected, trained, and tested to  
16 provide specific physical therapeutic functions, under the direction and control of a  
17 qualified handler who works with the dog as a team as a part of the handler's occupation  
18 or profession. Such dogs, with their handlers, perform such functions in institutional  
19 settings, community-based group settings, or when providing services to specific persons  
20 who have disabilities. Professional therapy dogs do not include dogs, certified or not,  
21 which are used by volunteers in visitation therapy;

22 (f) "**Search and rescue dog**", a dog that is being or has been trained to search for  
23 or prevent a person with a mental disability, including but not limited to verbal and  
24 nonverbal autism, from becoming lost;

25 (3) "**Service team dog**", a team consisting of a trained service dog, a disabled  
26 person or child, and a person who is an adult and who has been trained to handle the  
27 service dog.

209.202. 1. Any person who [knowingly, intentionally, or recklessly causes substantial  
2 physical injury to or the death of a service dog] , **with reckless disregard, injures or kills or**  
3 **permits a dog that he or she owns or is in the immediate control of to injure or kill a service**  
4 **animal** is guilty of a class A misdemeanor. [The provisions of this subsection shall not apply  
5 to the destruction of a service dog for humane purposes.]

6 2. Any person who [knowingly or intentionally fails to exercise sufficient control over  
7 an animal such person owns, keeps, harbors, or exercises control over to prevent the animal from  
8 causing the substantial physical injury to or death of a service dog, or the subsequent inability  
9 to function as a service dog as a result of the animal's attacking, chasing, or harassing the service  
10 dog] , **with reckless disregard, interferes with or permits a dog that he or she owns or is in**  
11 **the immediate control of to interfere with the use of a service animal by obstructing,**  
12 **intimidating, or otherwise jeopardizing the safety of the service animal or its user is guilty**  
13 **of a class B misdemeanor. Any second or subsequent violation of this section** is guilty of  
14 a class A misdemeanor.

15 3. Any person who [harasses or chases a dog known to such person to be a service dog  
16 is guilty of a class B misdemeanor.

17 4. Any person who owns, keeps, harbors, or exercises control over an animal and who  
18 knowingly or intentionally fails to exercise sufficient control over the animal to prevent such  
19 animal from chasing or harassing a service dog while such dog is carrying out the dog's function  
20 as a service dog, to the extent that the animal temporarily interferes with the service dog's ability  
21 to carry out the dog's function is guilty of a class B misdemeanor] **intentionally injures or kills**  
22 **or permits a dog that he or she owns or is in the immediate control of to injure or kill a**  
23 **service animal is guilty of a class D felony.**



24 5. [An owner of a service dog or a person with a disability who uses a service dog may  
25 file a cause of action to recover civil damages against any person who:

26 (1) Violates the provisions of subsection 1 or 2 of this section; or

27 (2) Steals a service dog resulting in the loss of the services of the service dog.

28 6. Any civil damages awarded under subsection 5 of this section shall be based on the  
29 following:

30 (1) The replacement value of an equally trained service dog, without any differentiation  
31 for the age or experience of the service dog;

32 (2) The cost and expenses incurred by the owner of a service dog or the person with a  
33 disability who used the service dog, including:

34 (a) The cost of temporary replacement services, whether provided by another service dog  
35 or by a person;

36 (b) The reasonable costs incurred in efforts to recover a stolen service dog; and

37 (c) Court costs and attorney's fees incurred in bringing a civil action under subsection  
38 5 of this section.

39 7. An owner of a service dog or a person with a disability who uses a service dog may  
40 file a cause of action to recover civil damages against a person who:

41 (1) Violates the provisions of subsections 1 to 4 of this section resulting in injury from  
42 which the service dog recovers to an extent that the dog is able to function as a service dog for  
43 the person with a disability; or

44 (2) Steals a service dog and the service dog is recovered resulting in the service dog  
45 being able to function as a service dog for the person with a disability.

46 8. Any civil damages awarded under subsection 7 of this section shall be based on the  
47 following:

48 (1) Veterinary medical expenses;

49 (2) Retraining expenses;

50 (3) The cost of temporary replacement services, whether provided by another service dog  
51 or by a person;

52 (4) Reasonable costs incurred in the recovery of the service dog; and

53 (5) Court costs and attorney's fees incurred in bringing the civil action under subsection  
54 7 of this section.] **(1) In addition to any other penalty, a person who is convicted of a**

55 **violation of this section shall make full restitution for all damages that arise out of or are**  
56 **related to the offense, including but not limited to incidental and consequential damages**  
57 **incurred by the service animal's user.**

58 **(2) Restitution includes, but is not limited to:**

59 **(a) The value of the animal;**

60 **(b) Replacement and training or retraining expenses for the service animal and the**  
61 **user;**

62 **(c) Veterinary and other medical and boarding expenses for the service animal;**

63 (d) **Medical expenses for the user; and**

64 (e) **Lost wages or income incurred by the user during any period that the user is**  
65 **without the services of the service animal.**

66 [9.] 6. The provisions of this section shall not apply:

67 (1) If a person with a disability, an owner, or a person having custody or supervision of  
68 a service dog commits criminal or civil trespass; or

69 (2) **To the destruction of a service dog for humane purposes.**

70 [10.] 7. Nothing in this section shall be construed to preclude any other remedies  
71 available at law.

209.251. As used in sections 209.251 to 209.259, the following terms mean:

2 (1) "Adaptive telecommunications equipment", equipment that translates, enhances or  
3 otherwise transforms the receiving or sending of telecommunications into a form accessible to  
4 individuals with disabilities. The term adaptive telecommunications equipment includes  
5 adaptive telephone equipment and other types of adaptive devices such as computer input and  
6 output adaptations necessary for telecommunications access;

7 (2) "Basic telecommunications access line", a telecommunications line which provides  
8 service from the telephone company central office to the customer's premises which enables the  
9 customer to originate and terminate long distance and local telecommunications;

10 (3) "Commission", the public service commission;

11 (4) "Consumer support and outreach", services that include, but are not limited to,  
12 assisting individuals with disabilities or their families or caregivers in the selection of the most  
13 appropriate adaptive telecommunications equipment to meet their needs, providing basic training  
14 and technical assistance in the installation and use of adaptive telecommunications equipment,  
15 and development and dissemination of information to increase awareness and use of adaptive  
16 telecommunications equipment;

17 (5) "Department", the department of [labor and industrial relations] **elementary and**  
18 **secondary education;**

19 (6) "Eligible subscriber", any individual who has been certified as deaf,  
20 hearing-impaired, speech-impaired or as having another disability that causes the inability to use  
21 telecommunications equipment and services by a licensed physician, audiologist, speech  
22 pathologist, hearing instrument specialist or a qualified agency;

23 (7) "Missouri assistive technology advisory council" or "council", the body which directs  
24 the Missouri assistive technology program pursuant to sections [191.850 to 191.865] **161.900**  
25 **to 161.945;**

26 (8) "Program administrator", the entity or entities designated to design the statewide  
27 telecommunications equipment distribution program, develop and implement the program  
28 policies and procedures, assure delivery of consumer support and outreach and account for and  
29 pay all program expenses;

30 (9) "Surcharge", an additional charge which is to be paid by local exchange telephone  
31 company subscribers pursuant to the rate recovery mechanism established pursuant to sections  
32 209.255, 209.257 and 209.259 in order to implement the programs described in sections 209.251  
33 to 209.259;

34 (10) "Telecommunications", the transmission of any form of information including, but  
35 not limited to, voice, graphics, text, dynamic content, and data structures of all types whether  
36 they are in electronic, visual, auditory, optical or any other form;

37 (11) "Telecommunications device for the deaf" or "TDD", a telecommunications device  
38 capable of allowing deaf, hearing-impaired or speech-impaired individuals to transmit messages  
39 over basic telephone access lines by sending and receiving typed messages.

217.575. 1. All goods manufactured, services provided or produce of the vocational  
2 enterprises program of the state shall, upon the requisition of the proper official, be furnished to  
3 the state, to any public institution owned, managed or controlled by the state, or to any private  
4 entity that is leasing space to any agency of the state government for use in space leased to the  
5 state agency, at such prices as shall be determined as provided in subsection 4 of this section.

6 2. No goods or services so manufactured, provided or produced shall be purchased from  
7 any other source for the state or public institutions of the state unless the department shall certify  
8 the goods or services included in the requisition cannot be furnished or supplied by the  
9 vocational enterprises program within ninety days, or, in the event the same goods or services  
10 cannot be procured on the open market within ninety days, that the vocational enterprises  
11 program cannot supply them within a reasonable time. No claims for the payment of such goods  
12 or services shall be audited or paid without this certificate. One copy each of the requisition or  
13 certificate shall be retained by the department.

14 3. The division of purchasing and the division of **facilities management**, design and  
15 construction shall cooperate with the department in seeking to promote for use by state agencies  
16 and in state-owned or -occupied facilities the products manufactured and services provided by  
17 the vocational enterprises program.

18 4. The vocational enterprises program shall fix and determine the prices at which goods  
19 and produce so manufactured and produced and services so provided shall be furnished, and the  
20 prices shall be uniform to all. The cost shall not be fixed at more than the market price for like  
21 goods and services.

22 5. Any differences between the vocational enterprises program and the state, its  
23 departments, divisions, agencies, institutions, or the political subdivisions of the state as to style,  
24 design, price or quality of goods shall be submitted to arbitrators whose decision shall be final.  
25 One of the arbitrators shall be named by the program, one by the office, department, political  
26 subdivision or institution concerned, and one by agreement of the other two. The arbitrators  
27 shall receive no compensation; however, their necessary expenses shall be paid by the office,  
28 department, political subdivision or institution against which the award is given, or, in the event

29 of a compromise decision, by both parties, the amount to be paid by each party in portions to be  
30 determined by the arbitrators.

31         6. The vocational enterprises program may sell office systems and furniture to any  
32 department, agency, or institution of the state or any political subdivision of the state either  
33 through outright purchase or through payment plan agreement, including handling charges, over  
34 a specified number of months contingent on the solvency of the working capital revolving fund.  
35 Prior approval shall be required by the division of **facilities management**, design and  
36 construction for state agencies in situations where the office of administration controlled  
37 state-owned office space is involved and space in which a lease contract executed by the office  
38 of administration is in effect.

251.100. The division of [planning] **facilities management, design** and construction  
2 shall furnish office space for the department, the headquarters of which department shall be  
3 located in Jefferson City, Missouri.

251.240. The division of **facilities management**, design and construction shall furnish  
2 office space for the state office; the headquarters office shall be located in Jefferson City,  
3 Missouri.

253.320. Any lease granted under the provisions of sections 253.290 to 253.320 shall  
2 be conditioned as follows and also contain such provisions as the attorney general may prescribe:

3         (1) The director of the department of natural resources shall retain the right to enter upon  
4 the lands at all times;

5         (2) The director shall control the style of architecture used in construction on the lands,  
6 and the quality of materials used in said construction shall be approved by the director of the  
7 division of **facilities management**, design and construction for the state of Missouri, and may  
8 control all fees and prices charged to the public as may be required by the director;

9         (3) The director shall inspect and audit the books and records of the lessee at least once  
10 every two years;

11         (4) The lessee shall provide such care, maintenance, repair, conservation and  
12 improvement of the lands and shall render such services to the public as may be required by the  
13 director;

14         (5) The lessee shall keep true and accurate records of his **or her** receipts and  
15 disbursements arising out of the operation of facilities upon the leased lands and shall permit the  
16 director to inspect and audit them at all reasonable times;

17         (6) Nothing in sections 253.290 to 253.320 shall be construed as denying the lessees the  
18 right to execute mortgages and other evidences of interest in or indebtedness upon their leasehold  
19 interest or properties thereon for the purpose of installing, enlarging or improving plant and  
20 equipment and extending facilities for the accommodation of the public within said state park;  
21 provided, however, that no such mortgage or other encumbrance shall be valid unless authorized  
22 and approved by the written order of the director; and further provided that the period for

23 payment of such mortgage or indebtedness shall not extend beyond the lease period, and that no  
24 obligation or indebtedness shall incur to the state.

261.010. There is created a "Department of Agriculture", the main office of which shall  
2 be in Jefferson City in quarters provided by the division of **facilities management**, design and  
3 construction. The governor, by and with the advice and consent of the senate, shall appoint a  
4 director of the department of agriculture who shall be a practical farmer, well versed in  
5 agricultural science and who shall serve at the pleasure of the governor. The director shall be  
6 in charge of the department of agriculture.

288.034. 1. "Employment" means service, including service in interstate commerce,  
2 performed for wages or under any contract of hire, written or oral, express or implied, and  
3 notwithstanding any other provisions of this section, service with respect to which a tax is  
4 required to be paid under any federal unemployment tax law imposing a tax against which credit  
5 may be taken for contributions required to be paid into a state unemployment fund or which, as  
6 a condition for full tax credit against the tax imposed by the Federal Unemployment Tax Act,  
7 is required to be covered under this law.

8 2. The term "employment" shall include an individual's entire service, performed within  
9 or both within and without this state if:

10 (1) The service is localized in this state; or

11 (2) The service is not localized in any state but some of the service is performed in this  
12 state and the base of operations, or, if there is no base of operations, then the place from which  
13 such service is directed or controlled, is in this state; or the base of operations or place from  
14 which such service is directed or controlled is not in any state in which some part of the service  
15 is performed but the individual's residence is in this state.

16 3. Service performed by an individual for wages shall be deemed to be employment  
17 subject to this law:

18 (1) If covered by an election filed and approved pursuant to subdivision (2) of subsection  
19 3 of section 288.080;

20 (2) If covered by an arrangement pursuant to section 288.340 between the division and  
21 the agency charged with the administration of any other state or federal unemployment insurance  
22 law, pursuant to which all services performed by an individual for an employing unit are deemed  
23 to be performed entirely within this state.

24 4. Service shall be deemed to be localized within a state if the service is performed  
25 entirely within such state; or the service is performed both within and without such state, but the  
26 service performed without such state is incidental to the individual's service within the state; for  
27 example, is temporary or transitory in nature or consists of isolated transactions.

28 5. Service performed by an individual for remuneration shall be deemed to be  
29 employment subject to this law unless it is shown to the satisfaction of the division that such  
30 services were performed by an independent contractor. In determining the existence of the  
31 independent contractor relationship, the common law of agency right to control shall be applied.

32 The common law of agency right to control test shall include but not be limited to: if the alleged  
33 employer retains the right to control the manner and means by which the results are to be  
34 accomplished, the individual who performs the service is an employee. If only the results are  
35 controlled, the individual performing the service is an independent contractor.

36 6. The term "employment" shall include service performed for wages as an agent-driver  
37 or commission-driver engaged in distributing meat products, vegetable products, fruit products,  
38 bakery products, beverages (other than milk), or laundry or dry-cleaning services, for his or her  
39 principal; or as a traveling or city salesman, other than as an agent-driver or commission-driver,  
40 engaged upon a full-time basis in the solicitation on behalf of, and the transmission to, his or her  
41 principal (except for sideline sales activities on behalf of some other person) of orders from  
42 wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar  
43 establishments for merchandise for resale or supplies for use in their business operations,  
44 provided:

45 (1) The contract of service contemplates that substantially all of the services are to be  
46 performed personally by such individual; and

47 (2) The individual does not have a substantial investment in facilities used in connection  
48 with the performance of the services (other than in facilities for transportation); and

49 (3) The services are not in the nature of a single transaction that is not part of a  
50 continuing relationship with the person for whom the services are performed.

51 7. Service performed by an individual in the employ of this state or any political  
52 subdivision thereof or any instrumentality of any one or more of the foregoing which is wholly  
53 owned by this state and one or more other states or political subdivisions, or any service  
54 performed in the employ of any instrumentality of this state or of any political subdivision  
55 thereof, and one or more other states or political subdivisions, provided that such service is  
56 excluded from employment as defined in the Federal Unemployment Tax Act by Section  
57 3306(c)(7) of that act and is not excluded from employment pursuant to subsection 9 of this  
58 section, shall be employment subject to this law.

59 8. Service performed by an individual in the employ of a corporation or any community  
60 chest, fund, or foundation organized and operated exclusively for religious, charitable, scientific,  
61 testing for public safety, literary, or educational purposes, or for the prevention of cruelty to  
62 children or animals, no part of the net earnings of which inures to the benefit of any private  
63 shareholder or individual, or other organization described in Section 501(c)(3) of the Internal  
64 Revenue Code which is exempt from income tax under Section 501(a) of that code if the  
65 organization had four or more individuals in employment for some portion of a day in each of  
66 twenty different weeks whether or not such weeks were consecutive within a calendar year  
67 regardless of whether they were employed at the same moment of time shall be employment  
68 subject to this law.

69 9. For the purposes of subsections 7 and 8 of this section, the term "employment" does  
70 not apply to service performed:

71 (1) In the employ of a church or convention or association of churches, or an  
72 organization which is operated primarily for religious purposes and which is operated,  
73 supervised, controlled, or principally supported by a church or convention or association of  
74 churches; or

75 (2) By a duly ordained, commissioned, or licensed minister of a church in the exercise  
76 of such minister's ministry or by a member of a religious order in the exercise of duties required  
77 by such order; or

78 (3) In the employ of a governmental entity referred to in subdivision (3) of subsection  
79 1 of section 288.032 if such service is performed by an individual in the exercise of duties:

80 (a) As an elected official;

81 (b) As a member of a legislative body, or a member of the judiciary, of a state or political  
82 subdivision;

83 (c) As a member of the state national guard or air national guard;

84 (d) As an employee serving on a temporary basis in case of fire, storm, snow, earthquake,  
85 flood or similar emergency;

86 (e) In a position which, under or pursuant to the laws of this state, is designated as (i) a  
87 major nontenured policy-making or advisory position, or (ii) a policy-making or advisory  
88 position the performance of the duties of which ordinarily does not require more than eight hours  
89 per week; or

90 (4) In a facility conducted for the purpose of carrying out a program of rehabilitation for  
91 individuals whose earning capacity is impaired by age or physical or mental deficiency or injury  
92 or providing remunerative work for individuals who because of their impaired physical or mental  
93 capacity cannot be readily absorbed in the competitive labor market, by an individual receiving  
94 such rehabilitation or remunerative work; or

95 (5) As part of an unemployment work-relief or work-training program assisted or  
96 financed in whole or in part by any federal agency or an agency of a state or political subdivision  
97 thereof, by an individual receiving such work relief or work training; or

98 (6) By an inmate of a custodial or penal institution; or

99 (7) In the employ of a school, college, or university, if such service is performed (i) by  
100 a student who is enrolled and is regularly attending classes at such school, college, or university,  
101 or (ii) by the spouse of such a student, if such spouse is advised, at the time such spouse  
102 commences to perform such service, that (I) the employment of such spouse to perform such  
103 service is provided under a program to provide financial assistance to such student by such  
104 school, college, or university, and (II) such employment will not be covered by any program of  
105 unemployment insurance.

106 10. The term "employment" shall include the service of an individual who is a citizen  
107 of the United States, performed outside the United States (except in Canada), if:

108 (1) The employer's principal place of business in the United States is located in this state;

109 or

- 110 (2) The employer has no place of business in the United States, but:  
111 (a) The employer is an individual who is a resident of this state; or  
112 (b) The employer is a corporation which is organized under the laws of this state; or  
113 (c) The employer is a partnership or a trust and the number of the partners or trustees  
114 who are residents of this state is greater than the number who are residents of any one other state;  
115 or
- 116 (3) None of the criteria of subdivisions (1) and (2) of this subsection is met but the  
117 employer has elected coverage in this state or, the employer having failed to elect coverage in  
118 any state, the individual has filed a claim for benefits, based on such service, under the law of  
119 this state;
- 120 (4) As used in this subsection and in subsection 11 of this section, the term "United  
121 States" includes the states, the District of Columbia and the Commonwealth of Puerto Rico.
- 122 11. An "American employer", for the purposes of subsection 10 of this section, means  
123 a person who is:
- 124 (1) An individual who is a resident of the United States; or  
125 (2) A partnership, if two-thirds or more of the partners are residents of the United States;  
126 or
- 127 (3) A trust, if all of the trustees are residents of the United States; or  
128 (4) A corporation organized under the laws of the United States or of any state.
- 129 12. The term "employment" shall not include:
- 130 (1) Service performed by an individual in agricultural labor;  
131 (a) For the purposes of this subdivision, the term "agricultural labor" means remunerated  
132 service performed:
- 133 a. On a farm, in the employ of any person, in connection with cultivating the soil, or in  
134 connection with raising or harvesting any agricultural or horticultural commodity, including the  
135 raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and  
136 furbearing animals and wildlife;
- 137 b. In the employ of the owner or tenant or other operator of a farm, in connection with  
138 the operation, management, conservation, improvement, or maintenance of such farm and its  
139 tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a  
140 hurricane, if the major part of such service is performed on a farm;
- 141 c. In connection with the production or harvesting of any commodity defined as an  
142 agricultural commodity in Section 15(g) of the Federal Agricultural Marketing Act, as amended  
143 (46 Stat. 1550, Sec. 3; 12 U.S.C. 1441j), or in connection with the ginning of cotton, or in  
144 connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not  
145 owned or operated for profit, used exclusively for supplying and storing water for farming  
146 purposes;
- 147 d. (i) In the employ of the operator of a farm in handling, planting, drying, packing,  
148 packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a



149 carrier for transportation to market, in its unmanufactured state, any agricultural or horticultural  
150 commodity; but only if such operator produced more than one-half of the commodity with  
151 respect to which such service is performed;

152 (ii) In the employ of a group of operators of farms (or a cooperative organization of  
153 which such operators are members) in the performance of services described in item (i) of this  
154 subparagraph, but only if such operators produced more than one-half of the commodity with  
155 respect to which such service is performed;

156 (iii) The provisions of items (i) and (ii) of this subparagraph shall not be deemed to be  
157 applicable with respect to service performed in connection with commercial canning or  
158 commercial freezing or in connection with any agricultural or horticultural commodity after its  
159 delivery to a terminal market for distribution for consumption; or

160 e. On a farm operated for profit if such service is not in the course of the employer's trade  
161 or business. As used in this paragraph, the term "farm" includes stock, dairy, poultry, fruit,  
162 furbearing animals, and truck farms, plantations, ranches, nurseries, ranges, greenhouses or other  
163 similar structures, used primarily for the raising of agricultural or horticultural commodities, and  
164 orchards;

165 (b) The term "employment" shall include service performed after December 31, 1977,  
166 by an individual in agricultural labor as defined in paragraph (a) of this subdivision when such  
167 service is performed for a person who, during any calendar quarter, paid remuneration in cash  
168 of twenty thousand dollars or more to individuals employed in agricultural labor or for some  
169 portion of a day in a calendar year in each of twenty different calendar weeks, whether or not  
170 such weeks were consecutive, employed in agricultural labor ten or more individuals, regardless  
171 of whether they were employed at the same moment of time;

172 (c) For the purposes of this subsection any individual who is a member of a crew  
173 furnished by a crew leader to perform service in agricultural labor for any other person shall be  
174 considered as employed by such crew leader:

175 a. If such crew leader holds a valid certificate of registration under the Farm Labor  
176 Contractor Registration Act of 1963; or substantially all the members of such crew operate or  
177 maintain tractors, mechanized harvesting or crop-dusting equipment, or any other mechanized  
178 equipment, which is provided by such crew leader; and

179 b. If such individual is not in employment by such other person;

180 c. If any individual is furnished by a crew leader to perform service in agricultural labor  
181 for any other person and that individual is not in the employment of the crew leader:

182 (i) Such other person and not the crew leader shall be treated as the employer of such  
183 individual; and

184 (ii) Such other person shall be treated as having paid cash remuneration to such  
185 individual in an amount equal to the amount of cash remuneration paid to such individual by the  
186 crew leader (either on his or her own behalf or on behalf of such other person) for the service in  
187 agricultural labor performed for such other person;

- 188           d. For the purposes of this subsection, the term "crew leader" means an individual who:  
189           (i) Furnishes individuals to perform service in agricultural labor for any other person;  
190           (ii) Pays (either on his or her own behalf or on behalf of such other person) the  
191 individuals so furnished by him or her for the service in agricultural labor performed by them;  
192 and  
193           (iii) Has not entered into a written agreement with such other person under which such  
194 individual is designated as in employment by such other person;
- 195           (2) Domestic service in a private home except as provided in subsection 13 of this  
196 section;
- 197           (3) Service performed by an individual under the age of eighteen years in the delivery  
198 or distribution of newspapers or shopping news but shall not include delivery or distribution to  
199 any point for subsequent delivery or distribution;
- 200           (4) Service performed by an individual in, and at the time of, the sale of newspapers or  
201 magazines to ultimate consumers under an arrangement under which the newspapers or  
202 magazines are to be sold by him or her at a fixed price, his or her compensation being based on  
203 the retention of the excess of such price over the amount at which the newspapers or magazines  
204 are charged to him or her, whether or not he or she is guaranteed a minimum amount of  
205 compensation for such service, or is entitled to be credited with the unsold newspapers or  
206 magazines turned back;
- 207           (5) Service performed by an individual in the employ of his or her son, daughter, or  
208 spouse, and service performed by a child under the age of twenty-one in the employ of his or her  
209 father or mother;
- 210           (6) Except as otherwise provided in this law, service performed in the employ of a  
211 corporation, community chest, fund or foundation, organized and operated exclusively for  
212 religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty  
213 to children or animals, no part of the net earnings of which inures to the benefit of any private  
214 shareholder or individual;
- 215           (7) Services with respect to which unemployment insurance is payable under an  
216 unemployment insurance system established by an act of Congress;
- 217           (8) Service performed in the employ of a foreign government;
- 218           (9) Service performed in the employ of an instrumentality wholly owned by a foreign  
219 government:
- 220           (a) If the service is of a character similar to that performed in foreign countries by  
221 employees of the United States government or of an instrumentality thereof; and  
222           (b) If the division finds that the foreign government, with respect to whose  
223 instrumentality exemption is claimed, grants an equivalent exemption with respect to similar  
224 service performed in the foreign country by employees of the United States government and of  
225 instrumentalities thereof. The certification of the United States Secretary of State to the United  
226 States Secretary of Treasury shall constitute prima facie evidence of such equivalent exemption;

227 (10) Service covered by an arrangement between the division and the agency charged  
228 with the administration of any other state or federal unemployment insurance law pursuant to  
229 which all services performed by an individual for an employing unit during the period covered  
230 by the employing unit's approved election are deemed to be performed entirely within the  
231 jurisdiction of such other state or federal agency;

232 (11) Service performed in any calendar quarter in the employ of a school, college or  
233 university not otherwise excluded, if such service is performed by a student who is enrolled and  
234 regularly attending classes at such school, college, or university, and the remuneration for such  
235 service does not exceed fifty dollars (exclusive of board, room, and tuition);

236 (12) Service performed by an individual for a person as a licensed insurance agent, a  
237 licensed insurance broker, or an insurance solicitor, if all such service performed by such  
238 individual for such person is performed for remuneration solely by way of commissions;

239 (13) Domestic service performed in the employ of a local college club or of a local  
240 chapter of a college fraternity or sorority, except as provided in subsection 13 of this section;

241 (14) Services performed after March 31, 1982, in programs authorized and funded by  
242 the Comprehensive Employment and Training Act by participants of such programs, except those  
243 programs with respect to which unemployment insurance coverage is required by the  
244 Comprehensive Employment and Training Act or regulations issued pursuant thereto;

245 (15) Service performed by an individual who is enrolled at a nonprofit or public  
246 educational institution which normally maintains a regular faculty and curriculum and normally  
247 has a regularly organized body of students in attendance at the place where its educational  
248 activities are carried on, as a student in a full-time program, taken for credit at such institution,  
249 which combines academic instruction with work experience, if such service is an integral part  
250 of such program, and such institution has so certified to the employer; except, that this  
251 subdivision shall not apply to service performed in a program established for or on behalf of an  
252 employer or group of employers;

253 (16) Services performed by a licensed real estate salesperson or licensed real estate  
254 broker if substantially all of the remuneration, whether or not paid in cash, for the services  
255 performed, rather than to the number of hours worked, is directly related to sales or other output,  
256 including the performance of services, performed pursuant to a written contract between such  
257 individual and the person for whom the services are performed and such contract provides that  
258 the individual will not be treated as an employee with respect to such services for federal tax  
259 purposes;

260 (17) Services performed as a direct seller who is engaged in the trade or business of the  
261 delivering or distribution of newspapers or shopping news, including any services directly related  
262 to such trade or business, or services performed as a direct seller who is engaged in the trade or  
263 business of selling, or soliciting the sale of, consumer products in the home or otherwise than in,  
264 or affiliated with, a permanent, fixed retail establishment, if eighty percent or more of the  
265 remuneration, whether or not paid in cash, for the services performed rather than the number of

266 hours worked is directly related to sales performed pursuant to a written contract between such  
267 direct seller and the person for whom the services are performed, and such contract provides that  
268 the individual will not be treated as an employee with respect to such services for federal tax  
269 purposes;

270 (18) Services performed as a volunteer research subject who is paid on a per-study basis  
271 for scientific, medical or drug-related testing for any organization other than one described in  
272 Section 501(c)(3) of the Internal Revenue Code or any governmental entity.

273 13. The term "employment" shall include domestic service as defined in subdivisions  
274 (2) and (13) of subsection 12 of this section performed after December 31, 1977, if the  
275 employing unit for which such service is performed paid cash wages of one thousand dollars or  
276 more for such services in any calendar quarter after December 31, 1977.

277 14. The term "employment" shall include or exclude the entire service of an individual  
278 for an employing unit during a pay period in which such individual's services are not all excluded  
279 under the foregoing provisions, on the following basis: if the services performed during one-half  
280 or more of any pay period constitute employment as otherwise defined in this law, all the  
281 services performed during such period shall be deemed to be employment; but if the services  
282 performed during more than one-half of any such pay period do not constitute employment as  
283 otherwise defined in this law, then none of the services for such period shall be deemed to be  
284 employment. (As used in this subsection, the term "pay period" means a period of not more than  
285 thirty-one consecutive days for which a payment of remuneration is ordinarily made to the  
286 individual by the employing unit employing such individual.) This subsection shall not be  
287 applicable with respect to service performed in a pay period where any such service is excluded  
288 pursuant to subdivision (8) of subsection 12 of this section.

289 15. The term "employment" shall not include the services of a full-time student who  
290 performed such services in the employ of an organized summer camp for less than thirteen  
291 calendar weeks in such calendar year.

292 16. For the purpose of subsection 15 of this section, an individual shall be treated as a  
293 full-time student for any period:

294 (1) During which the individual is enrolled as a full-time student at an educational  
295 institution; or

296 (2) Which is between academic years or terms if:

297 (a) The individual was enrolled as a full-time student at an educational institution for the  
298 immediately preceding academic year or term; and

299 (b) There is a reasonable assurance that the individual will be so enrolled for the  
300 immediately succeeding academic year or term after the period described in paragraph (a) of this  
301 subdivision.

302 17. For the purpose of subsection 15 of this section, an "organized summer camp" shall  
303 mean a summer camp which:

304 (1) Did not operate for more than seven months in the calendar year and did not operate  
305 for more than seven months in the preceding calendar year; or

306 (2) Had average gross receipts for any six months in the preceding calendar year which  
307 were not more than thirty-three and one-third percent of its average gross receipts for the other  
308 six months in the preceding calendar year.

309 18. The term "employment" shall not mean service performed by a remodeling  
310 salesperson acting as an independent contractor; however, if the federal Internal Revenue Service  
311 determines that a contractual relationship between a direct provider and an individual acting as  
312 an independent contractor pursuant to the provisions of this subsection is in fact an  
313 employer-employee relationship for the purposes of federal law, then that relationship shall be  
314 considered as an employer-employee relationship for the purposes of this chapter.

315 **19. The term "employment" shall not mean in-home or community-based services**  
316 **performed by a provider contracted to provide such services for the clients of a county**  
317 **board for developmental disability services organized and existing under sections 205.968**  
318 **to 205.973, provided however, that the vendor shall perform the payroll and fringe benefits**  
319 **accounting functions for the consumer. However, in the event an employment relationship**  
320 **exists between the provider and any worker as determined under this chapter, the services**  
321 **performed by such worker shall be deemed to be employment if the provider is an**  
322 **organization described in Section 501(c)(3) of the Internal Revenue Code, any**  
323 **governmental entity, or a federally recognized Indian tribe.**

301.020. 1. Every owner of a motor vehicle or trailer, which shall be operated or driven  
2 upon the highways of this state, except as herein otherwise expressly provided, shall annually  
3 file, by mail or otherwise, in the office of the director of revenue, an application for registration  
4 on a blank to be furnished by the director of revenue for that purpose containing:

5 (1) A brief description of the motor vehicle or trailer to be registered, including the name  
6 of the manufacturer, the vehicle identification number, the amount of motive power of the motor  
7 vehicle, stated in figures of horsepower and whether the motor vehicle is to be registered as a  
8 motor vehicle primarily for business use as defined in section 301.010;

9 (2) The name, the applicant's identification number and address of the owner of such  
10 motor vehicle or trailer;

11 (3) The gross weight of the vehicle and the desired load in pounds if the vehicle is a  
12 commercial motor vehicle or trailer.

13 2. If the vehicle is a motor vehicle primarily for business use as defined in section  
14 301.010 and if such vehicle is five years of age or less, the director of revenue shall retain the  
15 odometer information provided in the vehicle inspection report, and provide for prompt access  
16 to such information, together with the vehicle identification number for the motor vehicle to  
17 which such information pertains, for a period of five years after the receipt of such information.  
18 This section shall not apply unless:

19 (1) The application for the vehicle's certificate of ownership was submitted after July 1,  
20 1989; and

21 (2) The certificate was issued pursuant to a manufacturer's statement of origin.

22 3. If the vehicle is any motor vehicle other than a motor vehicle primarily for business  
23 use, a recreational motor vehicle, motorcycle, motortricycle, bus or any commercial motor  
24 vehicle licensed for over twelve thousand pounds and if such motor vehicle is five years of age  
25 or less, the director of revenue shall retain the odometer information provided in the vehicle  
26 inspection report, and provide for prompt access to such information, together with the vehicle  
27 identification number for the motor vehicle to which such information pertains, for a period of  
28 five years after the receipt of such information. This subsection shall not apply unless:

29 (1) The application for the vehicle's certificate of ownership was submitted after July 1,  
30 1990; and

31 (2) The certificate was issued pursuant to a manufacturer's statement of origin.

32 4. If the vehicle qualifies as a reconstructed motor vehicle, motor change vehicle,  
33 specially constructed motor vehicle, non-USA-std motor vehicle, as defined in section 301.010,  
34 or prior salvage as referenced in section 301.573, the owner or lienholder shall surrender the  
35 certificate of ownership. The owner shall make an application for a new certificate of ownership,  
36 pay the required title fee, and obtain the vehicle examination certificate required pursuant to  
37 subsection 9 of section 301.190. If an insurance company pays a claim on a salvage vehicle as  
38 defined in section 301.010 and the owner retains the vehicle, as prior salvage, the vehicle shall  
39 only be required to meet the examination requirements under [and pursuant to] subsection 10 of  
40 section 301.190. Notarized bills of sale along with a copy of the front and back of the certificate  
41 of ownership for all major component parts installed on the vehicle and invoices for all essential  
42 parts which are not defined as major component parts shall accompany the application for a new  
43 certificate of ownership. If the vehicle is a specially constructed motor vehicle, as defined in  
44 section 301.010, two pictures of the vehicle shall be submitted with the application. If the  
45 vehicle is a kit vehicle, the applicant shall submit the invoice and the manufacturer's statement  
46 of origin on the kit. If the vehicle requires the issuance of a special number by the director of  
47 revenue or a replacement vehicle identification number, the applicant shall submit the required  
48 application and application fee. All applications required under this subsection shall be  
49 submitted with any applicable taxes which may be due on the purchase of the vehicle or parts.  
50 The director of revenue shall appropriately designate "Reconstructed Motor Vehicle", "Motor  
51 Change Vehicle", "Non-USA-Std Motor Vehicle", or "Specially Constructed Motor Vehicle" on  
52 the current and all subsequent issues of the certificate of ownership of such vehicle.

53 5. Every insurance company that pays a claim for repair of a motor vehicle which as the  
54 result of such repairs becomes a reconstructed motor vehicle as defined in section 301.010 or that  
55 pays a claim on a salvage vehicle as defined in section 301.010 and the owner is retaining the  
56 vehicle shall in writing notify the owner of the vehicle, and in a first party claim, the lienholder  
57 if a lien is in effect, that he is required to surrender the certificate of ownership, and the

58 documents and fees required pursuant to subsection 4 of this section to obtain a prior salvage  
59 motor vehicle certificate of ownership or documents and fees as otherwise required by law to  
60 obtain a salvage certificate of ownership, from the director of revenue. The insurance company  
61 shall within thirty days of the payment of such claims report to the director of revenue the name  
62 and address of such owner, the year, make, model, vehicle identification number, and license  
63 plate number of the vehicle, and the date of loss and payment.

64         6. Anyone who fails to comply with the requirements of this section shall be guilty of  
65 a class B misdemeanor.

66         7. An applicant for registration may make a donation of one dollar to promote a  
67 blindness education, screening and treatment program. The director of revenue shall collect the  
68 donations and deposit all such donations in the state treasury to the credit of the blindness  
69 education, screening and treatment program fund established in section [192.935] **209.015**.  
70 Moneys in the blindness education, screening and treatment program fund shall be used solely  
71 for the purposes established in section [192.935,] **209.015**; except that the department of revenue  
72 shall retain no more than one percent for its administrative costs. The donation prescribed in this  
73 subsection is voluntary and may be refused by the applicant for registration at the time of  
74 issuance or renewal. The director shall inquire of each applicant at the time the applicant  
75 presents the completed application to the director whether the applicant is interested in making  
76 the one dollar donation prescribed in this subsection.

77         8. An applicant for registration may make a donation of one dollar to promote an organ  
78 donor program. The director of revenue shall collect the donations and deposit all such  
79 donations in the state treasury to the credit of the organ donor program fund as established in  
80 sections 194.297 to 194.304.

81 Moneys in the organ donor fund shall be used solely for the purposes established in sections  
82 194.297 to 194.304, except that the department of revenue shall retain no more than one percent  
83 for its administrative costs. The donation prescribed in this subsection is voluntary and may be  
84 refused by the applicant for registration at the time of issuance or renewal. The director shall  
85 inquire of each applicant at the time the applicant presents the completed application to the  
86 director whether the applicant is interested in making the one dollar donation prescribed in this  
87 subsection.

301.143. 1. As used in this section, the term "vehicle" shall have the same meaning  
2 given it in section 301.010, and the term "physically disabled" shall have the same meaning  
3 given it in section 301.142.

4         2. Political subdivisions of the state may by ordinance or resolution designate parking  
5 spaces for the exclusive use of vehicles which display a distinguishing license plate or [card]  
6 **placard** issued pursuant to section 301.071 or 301.142. Owners of private property used for  
7 public parking shall also designate parking spaces for the exclusive use of vehicles which display  
8 a distinguishing license plate or [card] **placard** issued pursuant to section 301.071 or 301.142.  
9 Whenever a political subdivision or owner of private property so designates a parking space, the

10 space shall be indicated by a sign upon which shall be inscribed the international symbol of  
11 accessibility and may also include any appropriate wording such as "Accessible Parking" to  
12 indicate that the space is reserved for the exclusive use of vehicles which display a distinguishing  
13 license plate or [card] **placard**. The sign described in this subsection shall also state, or an  
14 additional sign shall be posted below or adjacent to the sign stating, the following: "\$50 to \$300  
15 fine.". [Beginning August 28, 2011, When any political subdivision or owner of private property  
16 restripes a parking lot or constructs a new parking lot, one in every four accessible spaces, but  
17 not less than one, shall be served by an access aisle a minimum of ninety-six inches wide and  
18 shall be designated "lift van accessible only" with signs that meet the requirements of the federal  
19 Americans with Disabilities Act, as amended, and any rules or regulations established pursuant  
20 thereto.] **When any political subdivision or owner of private property restripes a parking  
21 lot or constructs a new parking lot with twenty-five or more parking spaces, the parking  
22 lot and accessible signs shall meet the minimum requirements of the federal Americans  
23 with Disabilities Act, as amended, and any rules or regulations established pursuant  
24 thereto, for the number of required accessible parking spaces, which shall not be less than  
25 one, and shall be served by an access aisle a minimum of ninety-six inches wide and shall  
26 be designated "van accessible". If any accessible space is one hundred thirty-two inches  
27 wide or wider, then the adjacent access aisle shall be a minimum of sixty inches wide. If  
28 any accessible space is less than one hundred thirty-two inches wide, then the adjacent  
29 access aisle shall be a minimum of ninety-six inches wide.**

30 3. Any political subdivision, by ordinance or resolution, and any person or corporation  
31 in lawful possession of a public off-street parking facility or any other owner of private property  
32 may designate reserved parking spaces for the exclusive use of vehicles which display a  
33 distinguishing license plate or [card] **placard** issued pursuant to section 301.071 or 301.142 as  
34 close as possible to the nearest accessible entrance. Such designation shall be made by posting  
35 immediately adjacent to, and visible from, each space, a sign upon which is inscribed the  
36 international symbol of accessibility, and may also include any appropriate wording to indicate  
37 that the space is reserved for the exclusive use of vehicles which display a distinguishing license  
38 plate or [card] **placard**.

39 4. The local police or sheriff's department may cause the removal of any vehicle not  
40 displaying a distinguishing license plate or [card] **placard** on which is inscribed the international  
41 symbol of accessibility and the word "disabled" issued pursuant to section 301.142 or a "disabled  
42 veteran" license plate issued pursuant to section 301.071 or a distinguishing license plate or  
43 [card] **placard** issued by any other state from a space designated for physically disabled persons  
44 if there is posted immediately adjacent to, and readily visible from, such space a sign on which  
45 is inscribed the international symbol of accessibility and may include any appropriate wording  
46 to indicate that the space is reserved for the exclusive use of vehicles which display a  
47 distinguishing license plate or [card] **placard**. Any person who parks in a space reserved for  
48 physically disabled persons and is not displaying distinguishing license plates or a [card] **placard**



49 is guilty of an infraction and upon conviction thereof shall be punished by a fine of not less than  
50 fifty dollars nor more than three hundred dollars. Any vehicle which has been removed and  
51 which is not properly claimed within thirty days thereafter shall be considered to be an  
52 abandoned vehicle.

53 5. Spaces designated for use by vehicles displaying the distinguishing "disabled" license  
54 plate issued pursuant to section 301.142 or 301.071 shall meet the requirements of the federal  
55 Americans with Disabilities Act, as amended, and any rules or regulations established pursuant  
56 thereto. Notwithstanding the other provisions of this section, on-street parking spaces  
57 designated by political subdivisions in residential areas for the exclusive use of vehicles  
58 displaying a distinguishing license plate or [card] **placard** issued pursuant to section 301.071 or  
59 301.142 shall meet the requirements of the federal Americans with Disabilities Act pursuant to  
60 this subsection and any such space shall have clearly and visibly painted upon it the international  
61 symbol of accessibility [and any curb adjacent to the space shall be clearly and visibly painted  
62 blue].

63 6. Any person who, without authorization, uses a distinguishing license plate or [card]  
64 **placard** issued pursuant to section 301.071 or 301.142 to park in a parking space reserved under  
65 authority of this section shall be guilty of a class B misdemeanor.

66 7. Law enforcement officials may enter upon private property open to public use to  
67 enforce the provisions of this section and section 301.142, including private property designated  
68 by the owner of such property for the exclusive use of vehicles which display a distinguishing  
69 license plate or [card] **placard** issued pursuant to section 301.071 or 301.142.

70 8. Nonconforming signs or spaces otherwise required pursuant to this section which are  
71 in use prior to August 28, 2011, shall not be in violation of this section during the useful life of  
72 such signs or spaces. Under no circumstances shall the useful life of the nonconforming signs  
73 or spaces be extended by means other than those means used to maintain any sign or space on  
74 the owner's property which is not used for vehicles displaying a disabled license plate.

75 9. Beginning August 28, 2011, all new signs erected under this section shall not contain  
76 the words "Handicap Parking" or "Handicapped Parking".

302.171. 1. The director shall verify that an applicant for a driver's license is a Missouri  
2 resident or national of the United States, or a noncitizen with a lawful immigration status[,] and  
3 a Missouri resident before accepting the application. The director shall not issue a driver's  
4 license for a period that exceeds the duration of an applicant's lawful immigration status in the  
5 United States. The director may establish procedures to verify the Missouri residency or United  
6 States naturalization, or lawful immigration status and Missouri residency of the applicant and  
7 establish the duration of any driver's license issued under this section. An application for a  
8 license shall be made upon an approved form furnished by the director. Every application shall  
9 state the full name, Social Security number, age, height, weight, color of eyes, sex, residence,  
10 mailing address of the applicant, and the classification for which the applicant has been licensed,  
11 and, if so, when and by what state, and whether or not such license has ever been suspended,

12 revoked, or disqualified, and, if revoked, suspended or disqualified, the date and reason for such  
13 suspension, revocation or disqualification and whether the applicant is making a one dollar  
14 donation to promote an organ donation program as prescribed in subsection 2 of this section.  
15 A driver's license, nondriver's license, or instruction permit issued under this chapter shall  
16 contain the applicant's legal name as it appears on a birth certificate or as legally changed through  
17 marriage or court order. No name change by common usage based on common law shall be  
18 permitted. The application shall also contain such information as the director may require to  
19 enable the director to determine the applicant's qualification for driving a motor vehicle; and  
20 shall state whether or not the applicant has been convicted in this or any other state for violating  
21 the laws of this or any other state or any ordinance of any municipality, relating to driving  
22 without a license, careless driving, or driving while intoxicated, or failing to stop after an  
23 accident and disclosing the applicant's identity, or driving a motor vehicle without the owner's  
24 consent. The application shall contain a certification by the applicant as to the truth of the facts  
25 stated therein. Every person who applies for a license to operate a motor vehicle who is less than  
26 twenty-one years of age shall be provided with educational materials relating to the hazards of  
27 driving while intoxicated, including information on penalties imposed by law for violation of the  
28 intoxication-related offenses of the state. Beginning January 1, 2001, if the applicant is less than  
29 eighteen years of age, the applicant must comply with all requirements for the issuance of an  
30 intermediate driver's license pursuant to section 302.178. For persons mobilized and deployed  
31 with the United States Armed Forces, an application under this subsection shall be considered  
32 satisfactory by the department of revenue if it is signed by a person who holds general power of  
33 attorney executed by the person deployed, provided the applicant meets all other requirements  
34 set by the director.

35         2. An applicant for a license may make a donation of one dollar to promote an organ  
36 donor program. The director of revenue shall collect the donations and deposit all such  
37 donations in the state treasury to the credit of the organ donor program fund established in  
38 sections 194.297 to 194.304. Moneys in the organ donor program fund shall be used solely for  
39 the purposes established in sections 194.297 to 194.304 except that the department of revenue  
40 shall retain no more than one percent for its administrative costs. The donation prescribed in this  
41 subsection is voluntary and may be refused by the applicant for the license at the time of issuance  
42 or renewal of the license. The director shall make available an informational booklet or other  
43 informational sources on the importance of organ and tissue donations to applicants for licensure  
44 as designed by the organ donation advisory committee established in sections 194.297 to  
45 194.304. The director shall inquire of each applicant at the time the licensee presents the  
46 completed application to the director whether the applicant is interested in making the one dollar  
47 donation prescribed in this subsection and whether the applicant is interested in inclusion in the  
48 organ donor registry and shall also specifically inform the licensee of the ability to consent to  
49 organ donation by completing the form on the reverse of the license that the applicant will  
50 receive in the manner prescribed by subdivision (1) of subsection 1 of section 194.225. A

51 symbol shall be placed on the front of the document indicating the applicant's desire to be listed  
52 in the registry. The director shall notify the department of health and senior services of  
53 information obtained from applicants who indicate to the director that they are interested in  
54 registry participation, and the department of health and senior services shall enter the complete  
55 name, address, date of birth, race, gender and a unique personal identifier in the registry  
56 established in subsection 1 of section 194.304.

57         3. An applicant for a license may make a donation of one dollar to promote a blindness  
58 education, screening and treatment program. The director of revenue shall collect the donations  
59 and deposit all such donations in the state treasury to the credit of the blindness education,  
60 screening and treatment program fund established in section [192.935] **209.015**. Moneys in the  
61 blindness education, screening and treatment program fund shall be used solely for the purposes  
62 established in section [192.935] **209.015**; except that the department of revenue shall retain no  
63 more than one percent for its administrative costs. The donation prescribed in this subsection  
64 is voluntary and may be refused by the applicant for the license at the time of issuance or renewal  
65 of the license. The director shall inquire of each applicant at the time the licensee presents the  
66 completed application to the director whether the applicant is interested in making the one dollar  
67 donation prescribed in this subsection.

68         4. Beginning July 1, 2005, the director shall deny the driving privilege of any person who  
69 commits fraud or deception during the examination process or who makes application for an  
70 instruction permit, driver's license, or nondriver's license which contains or is substantiated with  
71 false or fraudulent information or documentation, or who knowingly conceals a material fact or  
72 otherwise commits a fraud in any such application. The period of denial shall be one year from  
73 the effective date of the denial notice sent by the director. The denial shall become effective ten  
74 days after the date the denial notice is mailed to the person. The notice shall be mailed to the  
75 person at the last known address shown on the person's driving record. The notice shall be  
76 deemed received three days after mailing unless returned by the postal authorities. No such  
77 individual shall reapply for a driver's examination, instruction permit, driver's license, or  
78 nondriver's license until the period of denial is completed. No individual who is denied the  
79 driving privilege under this section shall be eligible for a limited driving privilege issued under  
80 section 302.309.

81         5. All appeals of denials under this section shall be made as required by section 302.311.

82         6. The period of limitation for criminal prosecution under this section shall be extended  
83 under subdivision (1) of subsection 3 of section 556.036.

84         7. The director may promulgate rules and regulations necessary to administer and enforce  
85 this section. No rule or portion of a rule promulgated pursuant to the authority of this section  
86 shall become effective unless it has been promulgated pursuant to chapter 536.

87         8. Notwithstanding any provision of this chapter that requires an applicant to provide  
88 proof of Missouri residency for renewal of a noncommercial driver's license, noncommercial  
89 instruction permit, or nondriver's license, an applicant who is sixty-five years and older and who

90 was previously issued a Missouri noncommercial driver's license, noncommercial instruction  
91 permit, or Missouri nondriver's license is exempt from showing proof of Missouri residency.

92 9. Notwithstanding any provision of this chapter, for the renewal of a noncommercial  
93 driver's license, noncommercial instruction permit, or nondriver's license, a photocopy of an  
94 applicant's United States birth certificate along with another form of identification approved by  
95 the department of revenue, including, but not limited to, United States military identification or  
96 United States military discharge papers, shall constitute sufficient proof of Missouri citizenship.

97 10. Notwithstanding any other provision of this chapter, if an applicant does not meet  
98 the requirements of subsection 8 of this section and does not have the required documents to  
99 prove Missouri residency, United States naturalization, or lawful immigration status, the  
100 department may issue a one-year driver's license renewal. This one-time renewal shall only be  
101 issued to an applicant who previously has held a Missouri noncommercial driver's license,  
102 noncommercial instruction permit, or nondriver's license for a period of fifteen years or more and  
103 who does not have the required documents to prove Missouri residency, United States  
104 naturalization, or lawful immigration status. After the expiration of the one-year period, no  
105 further renewal shall be provided without the applicant producing proof of Missouri residency,  
106 United States naturalization, or lawful immigration status.

304.028. 1. **(1)** There is hereby created in the state treasury for use by the department  
2 of health and senior services a fund to be known as the "Brain Injury Fund". All judgments  
3 collected pursuant to this section, federal grants, private donations and any other moneys  
4 designated for the brain injury fund shall be deposited in the fund. Moneys deposited in the fund  
5 shall, upon appropriation by the general assembly to the department of health and senior services,  
6 be received and expended by the department for the purpose of transition [and] , integration, **and**  
7 **provision of [medical] community-based consumer services in comprehensive brain injury**  
8 **day rehabilitation therapy, vocational, home and community support**, social and educational  
9 [services or] activities for purposes of outreach and supports to enable individuals with  
10 [traumatic] brain injury and their families to live in the community.

11 **(2) The department of health and senior services, in cooperation with the**  
12 **department of social services, shall seek waivers from the federal Department of Health**  
13 **and Human Services to allow moneys from the brain injury fund to be used under the MO**  
14 **HealthNet program to provide services under this section. Upon the granting of such**  
15 **waiver, fifty percent of all moneys in the fund shall be designated as MO HealthNet federal**  
16 **match moneys under the waiver. The waivers under this subdivision shall be designed so**  
17 **that parity is established in funding for each of the eligible MO HealthNet service areas to**  
18 **create a balance for access to all brain injury services.**

19 **(3) A committee shall be created to develop service descriptions, regulations, and**  
20 **parity of funding for eligible MO HealthNet service areas, as needed. The ten-member**  
21 **volunteer committee shall be organized by the department and shall be comprised of two**  
22 **representatives from each of the following: Missouri Association of Rehabilitation**

23 **Facilities, the Brain Injury Association, the Brain Injury Advisory Council, the department**  
24 **of social services, and the department of health and senior services. The committee**  
25 **composition shall include at least one individual with a brain injury. Once services are**  
26 **established under this section, the committee shall, at a minimum, meet annually to review**  
27 **services using the most current department of health and senior services brain injury needs**  
28 **assessment. The review process shall require the ten-member volunteer committee to be**  
29 **responsible for addressing any modifications needed in the program services. Such review**  
30 **process shall ensure services are meeting the needs of brain injury consumers.**

31 (4) Notwithstanding the provisions of section 33.080 to the contrary, any unexpended  
32 balance in the brain injury fund at the end of any biennium shall not be transferred to the general  
33 revenue fund.

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

39 3. Such surcharge shall be collected and distributed by the clerk of the court as provided  
40 in sections 488.010 to 488.020. The surcharge collected pursuant to this section shall be paid  
41 to the state treasury to the credit of the brain injury fund established in this section.

311.650. The principal office of the supervisor of liquor control shall be at the seat of  
2 government at Jefferson City, and the director of the division of **facilities management**, design  
3 and construction at the capitol shall provide offices for the liquor control department.

313.210. The "State Lottery Commission" is hereby created. The commission shall  
2 control and manage the state lottery. The principal office of the commission shall be located in  
3 Jefferson City in quarters provided by the division of **facilities management**, design and  
4 construction. That division shall also arrange for other needed office space for the commission  
5 or its staff. The commission shall be assigned to the department of revenue as a type III division,  
6 but the director of the department of revenue has no supervision, authority or control over the  
7 actions or decisions of the lottery commission or the director of the state lottery.

320.260. The division of **facilities management**, design and construction shall provide  
2 office space for the state fire marshal and his **or her** employees.

334.125. 1. The board shall have a common seal and shall formulate rules and  
2 regulations to govern its actions. Provision shall be made by the division of **facilities**  
3 **management**, design and construction for office facilities in Jefferson City, Missouri, where the  
4 records and register of the board shall be maintained.

5 2. No rule or portion of a rule promulgated under the authority of this chapter shall  
6 become effective unless it has been promulgated pursuant to the provisions of section 536.024.

361.010. 1. There is hereby created a "State Division of Finance", which shall be under  
2 the management and control of a chief officer who shall be called the "Director of Finance".

3           2. The director of finance shall maintain his **or her** office at the City of Jefferson, reside  
4 in the state of Missouri, and shall devote all of his **or her** time to the duties of his **or her** office.  
5 The division of **facilities management**, design and construction is hereby required to provide  
6 the director of finance and the state division of finance with suitable rooms.

7           3. The division of finance with all of its powers, duties, and functions is assigned by type  
8 III transfer under the authority of the Omnibus State Reorganization Act of 1974 and executive  
9 order 06-04 to the department of insurance, financial institutions and professional registration.  
10 All of the general provisions, definitions, and powers enumerated in section 1 of the Omnibus  
11 State Reorganization Act of 1974 and executive order 06-04 shall apply to this department and  
12 its divisions, agencies, and personnel.

13           4. Wherever the laws, rules, or regulations of this state make reference to the "division  
14 of finance of the department of economic development" or to the "division of finance", such  
15 references shall be deemed to refer to the division of finance of the department of insurance,  
16 financial institutions and professional registration.

          595.036. 1. **For any claim filed on or after August 28, 2012**, any party aggrieved by  
2 a decision of the department of **public safety** on a claim under the provisions of sections 595.010  
3 to [595.070] **595.075** may, within thirty days following the date of notification [of mailing] of  
4 such decision, file a petition with the [division of workers' compensation of the department of  
5 labor and industrial relations] **department** to have such decision heard de novo by [an  
6 administrative law judge] **the director**. The [administrative law judge] **director** may affirm[,]  
7 **or reverse**[, or set aside] the **department's** decision [of the department of public safety] on the  
8 basis of the evidence previously submitted in such case or may take additional evidence [or may  
9 remand the matter to the department of public safety with directions] **in reviewing the decision**.  
10 The [division of workers' compensation] **department** shall promptly notify the [parties] **party**  
11 of its decision and the reasons therefor.

12           2. Any [of the parties to a decision of an administrative law judge of the division of  
13 workers' compensation, as provided by subsection 1 of this section, on a claim heard under the  
14 provisions of sections 595.010 to 595.070] **party aggrieved by the department's decision** may,  
15 within thirty days following the date of notification [or mailing] of such decision, file a petition  
16 with the [labor and industrial relations] **administrative hearing** commission to [have] **appeal**  
17 such decision [reviewed by the commission. The commission may allow or deny a petition for  
18 review. If a petition is allowed, the commission may affirm, reverse, or set aside the decision  
19 of the division of workers' compensation on the basis of the evidence previously submitted in  
20 such case or may take additional evidence or may remand the matter to the division of workers'  
21 compensation with directions. The commission shall promptly notify the parties of its decision  
22 and the reasons therefor.

23           3. Any petition for review filed pursuant to subsection 1 of this section shall be deemed  
24 to be filed as of the date endorsed by the United States Postal Service on the envelope or  
25 container in which such petition is received.

26 4. Any party who is aggrieved by a final decision of the labor and industrial relations  
27 commission pursuant to the provisions of subsections 2 and 3 of this section shall within thirty  
28 days from the date of the final decision appeal the decision to the court of appeals. Such appeal  
29 may be taken by filing notice of appeal with commission, whereupon the commission shall,  
30 under its certificate, return to the court all documents and papers on file in the matter, together  
31 with a transcript of the evidence, the findings and award, which shall thereupon become the  
32 record of the cause. Upon appeal no additional evidence shall be heard and, in the absence of  
33 fraud, the findings of fact made by the commission within its powers shall be conclusive and  
34 binding. The court, on appeal, shall review only questions of law and may modify, reverse,  
35 remand for rehearing, or set aside the award upon any of the following grounds and no other:

- 36 (1) That the commission acted without or in excess of its powers;  
37 (2) That the award was procured by fraud;  
38 (3) That the facts found by the commission do not support the award;  
39 (4) That there was not sufficient competent evidence in the record to warrant the making  
40 of the award] **as provided in section 621.275.**

595.037. 1. All information submitted to the department [or division of workers'  
2 compensation] and any hearing of the [division of workers' compensation] **department** on a  
3 claim filed pursuant to sections 595.010 to 595.075 shall be open to the public except for the  
4 following claims which shall be deemed closed and confidential:

5 (1) A claim in which the alleged assailant has not been brought to trial and disclosure  
6 of the information or a public hearing would adversely affect either the apprehension, or the trial,  
7 of the alleged assailant;

8 (2) A claim in which the offense allegedly perpetrated against the victim is rape, sodomy  
9 or sexual abuse and it is determined by the department [or division of workers' compensation]  
10 to be in the best interest of the victim or of the victim's dependents that the information be kept  
11 confidential or that the public be excluded from the hearing;

12 (3) A claim in which the victim or alleged assailant is a minor; or

13 (4) A claim in which any record or report obtained by the department [or division of  
14 workers' compensation], the confidentiality of which is protected by any other law, shall remain  
15 confidential subject to such law.

16 2. The department [and division of workers' compensation, by separate order,] may close  
17 any record, report or hearing if it determines that the interest of justice would be frustrated rather  
18 than furthered if such record or report was disclosed or if the hearing was open to the public.

595.060. The director shall promulgate rules and regulations necessary to implement the  
2 provisions of sections 595.010 to 595.220 as provided in this section and chapter 536. [In the  
3 performance of its functions under section 595.036, the division of workers' compensation is  
4 authorized to promulgate rules pursuant to chapter 536 prescribing the procedures to be followed  
5 in the proceedings under section 595.036.] Any rule or portion of a rule, as that term is defined  
6 in section 536.010, that is created under the authority delegated in this section shall become

7 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if  
8 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the  
9 powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective  
10 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of  
11 rulemaking authority and any rule proposed or adopted after August 28, 2009, shall be invalid  
12 and void.

610.029. 1. A public governmental body keeping its records in an electronic format is  
2 strongly encouraged to provide access to its public records to members of the public in an  
3 electronic format. A public governmental body is strongly encouraged to make information  
4 available in usable electronic formats to the greatest extent feasible. A public governmental  
5 body [may] **shall** not enter into a contract for the creation or maintenance of a public records  
6 database if that contract impairs the ability of the public to inspect or copy the public records of  
7 that agency, including public records that are online or stored in an electronic record-keeping  
8 system used by the agency. Such contract [may] **shall** not allow any impediment that as a  
9 practical matter makes it more difficult for the public to inspect or copy the records than to  
10 inspect or copy the public governmental body's records. For purposes of this section, a usable  
11 electronic format shall allow, at a minimum, viewing and printing of records. However, if the  
12 public governmental body keeps a record on a system capable of allowing the copying of  
13 electronic documents into other electronic documents, the public governmental body shall  
14 provide data to the public in such electronic format, if requested. The activities authorized  
15 pursuant to this section [may] **shall** not take priority over the primary responsibilities of a public  
16 governmental body. For purposes of this section the term "electronic services" means online  
17 access or access via other electronic means to an electronic file or database. This subsection  
18 shall not apply to contracts initially entered into before August 28, 2004.

19 2. Public governmental bodies shall include in a contract for electronic services  
20 provisions that:

21 (1) Protect the security and integrity of the information system of the public  
22 governmental body and of information systems that are shared by public governmental bodies;  
23 and

24 (2) Limit the liability of the public governmental body providing the services.

25 3. Each public governmental body may consult with the [division of data processing and  
26 telecommunications] **information technology services division** of the office of administration  
27 to develop the electronic services offered by the public governmental body to the public pursuant  
28 to this section.

610.120. 1. Records required to be closed shall not be destroyed; they shall be  
2 inaccessible to the general public and to all persons other than the defendant except as provided  
3 in this section and section 43.507. The closed records shall be available to: criminal justice  
4 agencies for the administration of criminal justice pursuant to section 43.500, criminal justice  
5 employment, screening persons with access to criminal justice facilities, procedures, and



6 sensitive information; to law enforcement agencies for issuance or renewal of a license, permit,  
7 certification, or registration of authority from such agency including but not limited to watchmen,  
8 security personnel, private investigators, and persons seeking permits to purchase or possess a  
9 firearm; those agencies authorized by section 43.543 to submit and when submitting fingerprints  
10 to the central repository; the sentencing advisory commission created in section 558.019 for the  
11 purpose of studying sentencing practices in accordance with section 43.507; to qualified entities  
12 for the purpose of screening providers defined in section 43.540; the department of revenue for  
13 driver license administration; the [division of workers' compensation] **department of public**  
14 **safety** for the purposes of determining eligibility for crime victims' compensation pursuant to  
15 sections 595.010 to 595.075, department of health and senior services for the purpose of  
16 licensing and regulating facilities and regulating in-home services provider agencies and federal  
17 agencies for purposes of criminal justice administration, criminal justice employment, child,  
18 elderly, or disabled care, and for such investigative purposes as authorized by law or presidential  
19 executive order.

20       2. These records shall be made available only for the purposes and to the entities listed  
21 in this section. A criminal justice agency receiving a request for criminal history information  
22 under its control may require positive identification, to include fingerprints of the subject of the  
23 record search, prior to releasing closed record information. Dissemination of closed and open  
24 records from the Missouri criminal records repository shall be in accordance with section 43.509.  
25 All records which are closed records shall be removed from the records of the courts,  
26 administrative agencies, and law enforcement agencies which are available to the public and  
27 shall be kept in separate records which are to be held confidential and, where possible, pages of  
28 the public record shall be retyped or rewritten omitting those portions of the record which deal  
29 with the defendant's case. If retyping or rewriting is not feasible because of the permanent nature  
30 of the record books, such record entries shall be blacked out and recopied in a confidential book.

620.1100. 1. The "Youth Opportunities and Violence Prevention Program" is hereby  
2 established in the division of community and economic development of the department of  
3 economic development to broaden and strengthen opportunities for positive development and  
4 participation in community life for youth, and to discourage such persons from engaging in  
5 criminal and violent behavior. For the purposes of section 135.460, this section and section  
6 620.1103, the term "advisory committee" shall mean an advisory committee to the division of  
7 community and economic development established pursuant to this section composed of ten  
8 members of the public. The ten members of the advisory committee shall include members of  
9 the private sector with expertise in youth programs, and at least one person under the age of  
10 twenty-one. Such members shall be appointed for two-year terms by the director of the  
11 department of economic development.

12       2. The "Youth Opportunities and Violence Prevention Fund" is hereby established in the  
13 state treasury and shall be administered by the department of economic development. The  
14 department may accept for deposit into the fund any grants, bequests, gifts, devises,

15 contributions, appropriations, federal funds, and any other funds from whatever source derived.  
16 Moneys in the fund shall be used solely for purposes provided in section 135.460, this section  
17 and section 620.1103. Any unexpended balance in the fund at the end of a fiscal year shall be  
18 exempt from the provisions of section 33.080 relating to the transfer of unexpended balances to  
19 the general revenue fund.

20 3. The department of economic development in conjunction with the advisory committee  
21 shall establish program criteria and evaluation methods for tax credits claimed pursuant to  
22 section 135.460. Such criteria and evaluation methods shall measure program effectiveness and  
23 outcomes, and shall give priority to local, neighborhood, community-based programs. The  
24 department shall monitor and evaluate all programs funded pursuant to section 135.460, this  
25 section and section 620.1103. Such programs shall provide a priority for applications from areas  
26 of the state which have statistically higher incidence of crime, violence and poverty and such  
27 programs shall be funded before the programs which have applied from areas which do not  
28 exhibit crime, violence, and poverty to the same degree. The committee shall focus and support  
29 specific programs designed to generate self-esteem and a positive self-reliance in youth and  
30 which abate youth violence.

31 4. The department shall develop and operate a database which lists all participating and  
32 related programs. The database shall include indexes and cross references and shall be  
33 accessible by the public by computer-modem connection. The **information technology support**  
34 division [of data processing and telecommunications] of the office of administration and the  
35 department of economic development shall cooperate with the advisory committee in the  
36 development and operation of the program.

620.1580. 1. There is hereby established within the department of economic  
2 development the "Advisory Committee for Electronic Commerce". The purpose of the  
3 committee shall be to advise the various agencies of the state of Missouri on issues related to  
4 electronic commerce.

5 2. The committee shall be composed of thirteen members, who shall be appointed by the  
6 director of the department of economic development, as follows:

- 7 (1) One member shall be the director of the department of economic development;
- 8 (2) One member shall be an employee of the department of revenue;
- 9 (3) One member shall be an employee of the department of labor and industrial relations;
- 10 (4) One member shall be the secretary of state;
- 11 (5) One member shall be the chief information officer for the [office of technology]  
12 **information technology services division;**

13 (6) Seven members shall be from the business community, with at least one such  
14 member being from an organization representative of industry, and with at least one such  
15 member being from an organization representative of independent businesses, and with at least  
16 one such member being from an organization representative of retail business, and with at least  
17 one such member being from an organization representative of local or regional commerce; and

18 (7) One member shall be from the public at large.

19 3. The members of the committee shall serve for terms of two years duration, and may  
20 be reappointed at the discretion of the director of the department of economic development.  
21 Members of the committee shall not be compensated for their services, but shall be reimbursed  
22 for actual and necessary expenses incurred in the performance of their service on the committee.

23 4. The director of the department of economic development shall serve as chair of the  
24 committee and shall designate an employee or employees of the department of economic  
25 development to staff the committee, or to chair the committee in the director's absence.

26 5. The committee shall meet at such places and times as are designated by the director  
27 of the department of economic development, but shall not meet less than twice per calendar year.

**621.275. 1. Any person shall have the right to appeal to the administrative hearing  
2 commission from any decision made by the department of public safety under section  
3 595.036 regarding such person's claim for compensation as provided in sections 595.010  
4 to 595.075.**

5 **2. Any person filing an appeal with the administrative hearing commission shall  
6 be entitled to a hearing before the commission. The person shall file a petition with the  
7 commission within thirty days after the decision of the director of the department of public  
8 safety is sent in the United States mail or within thirty days after the decision is delivered,  
9 whichever is earlier. The director's decision shall contain a notice of the person's right to  
10 appeal:**

11 **"If you were adversely affected by this decision, you may appeal to the  
12 administrative hearing commission. To appeal, you must file a petition with the  
13 administrative hearing commission within thirty days after the date this decision was  
14 delivered. If your petition is sent by registered or certified mail, it will be deemed filed on  
15 the date it is mailed; if it is sent by any method other than registered mail, it will be deemed  
16 filed on the date it is received by the commission."**

17 **3. Decisions of the administrative hearing commission under this section shall be  
18 binding subject to appeal by either party. The procedures established under chapter 536  
19 shall apply to any hearings and determinations under this section.**

660.315. 1. After an investigation and a determination has been made to place a person's  
2 name on the employee disqualification list, that person shall be notified in writing mailed to his  
3 or her last known address that:

4 (1) An allegation has been made against the person, the substance of the allegation and  
5 that an investigation has been conducted which tends to substantiate the allegation;

6 (2) The person's name will be included in the employee disqualification list of the  
7 department;

8 (3) The consequences of being so listed including the length of time to be listed; and

9 (4) The person's rights and the procedure to challenge the allegation.

10           2. If no reply has been received within thirty days of mailing the notice, the department  
11 may include the name of such person on its list. The length of time the person's name shall  
12 appear on the employee disqualification list shall be determined by the director or the director's  
13 designee, based upon the criteria contained in subsection 9 of this section.

14           3. If the person so notified wishes to challenge the allegation, such person may file an  
15 application for a hearing with the department. The department shall grant the application within  
16 thirty days after receipt by the department and set the matter for hearing, or the department shall  
17 notify the applicant that, after review, the allegation has been held to be unfounded and the  
18 applicant's name will not be listed.

19           4. If a person's name is included on the employee disqualification list without the  
20 department providing notice as required under subsection 1 of this section, such person may file  
21 a request with the department for removal of the name or for a hearing. Within thirty days after  
22 receipt of the request, the department shall either remove the name from the list or grant a  
23 hearing and set a date therefor.

24           5. Any hearing shall be conducted in the county of the person's residence by the director  
25 of the department or the director's designee. The provisions of chapter 536 for a contested case  
26 except those provisions or amendments which are in conflict with this section shall apply to and  
27 govern the proceedings contained in this section and the rights and duties of the parties involved.  
28 The person appealing such an action shall be entitled to present evidence, pursuant to the  
29 provisions of chapter 536, relevant to the allegations.

30           6. Upon the record made at the hearing, the director of the department or the director's  
31 designee shall determine all questions presented and shall determine whether the person shall  
32 be listed on the employee disqualification list. The director of the department or the director's  
33 designee shall clearly state the reasons for his or her decision and shall include a statement of  
34 findings of fact and conclusions of law pertinent to the questions in issue.

35           7. A person aggrieved by the decision following the hearing shall be informed of his or  
36 her right to seek judicial review as provided under chapter 536. If the person fails to appeal the  
37 director's findings, those findings shall constitute a final determination that the person shall be  
38 placed on the employee disqualification list.

39           8. A decision by the director shall be inadmissible in any civil action brought against a  
40 facility or the in-home services provider agency and arising out of the facts and circumstances  
41 which brought about the employment disqualification proceeding, unless the civil action is  
42 brought against the facility or the in-home services provider agency by the department of health  
43 and senior services or one of its divisions.

44           9. The length of time the person's name shall appear on the employee disqualification  
45 list shall be determined by the director of the department of health and senior services or the  
46 director's designee, based upon the following:

47           (1) Whether the person acted recklessly or knowingly, as defined in chapter 562;

48 (2) The degree of the physical, sexual, or emotional injury or harm; or the degree of the  
49 imminent danger to the health, safety or welfare of a resident or in-home services client;

50 (3) The degree of misappropriation of the property or funds, or falsification of any  
51 documents for service delivery of an in-home services client;

52 (4) Whether the person has previously been listed on the employee disqualification list;

53 (5) Any mitigating circumstances;

54 (6) Any aggravating circumstances; and

55 (7) Whether alternative sanctions resulting in conditions of continued employment are  
56 appropriate in lieu of placing a person's name on the employee disqualification list. Such  
57 conditions of employment may include, but are not limited to, additional training and employee  
58 counseling. Conditional employment shall terminate upon the expiration of the designated  
59 length of time and the person's submitting documentation which fulfills the department of health  
60 and senior services' requirements.

61 10. The removal of any person's name from the list under this section shall not prevent  
62 the director from keeping records of all acts finally determined to have occurred under this  
63 section.

64 11. The department shall provide the list maintained pursuant to this section to other  
65 state departments upon request and to any person, corporation, organization, or association who:

66 (1) Is licensed as an operator under chapter 198;

67 (2) Provides in-home services under contract with the department;

68 (3) Employs nurses and nursing assistants for temporary or intermittent placement in  
69 health care facilities;

70 (4) Is approved by the department to issue certificates for nursing assistants training;

71 (5) Is an entity licensed under chapter 197; or

72 (6) Is a recognized school of nursing, medicine, or other health profession for the  
73 purpose of determining whether students scheduled to participate in clinical rotations with  
74 entities described in subdivision (1), (2), or (5) of this subsection are included in the employee  
75 disqualification list. The department shall inform any person listed above who inquires of the  
76 department whether or not a particular name is on the list. The department may require that the  
77 request be made in writing.

78 12. No person, corporation, organization, or association who received the employee  
79 disqualification list under subdivisions (1) to (5) of subsection 11 of this section shall knowingly  
80 employ any person who is on the employee disqualification list. Any person, corporation,  
81 organization, or association who received the employee disqualification list under subdivisions  
82 (1) to (5) of subsection 11 of this section, or any person responsible for providing health care  
83 service, who declines to employ or terminates a person whose name is listed in this section shall  
84 be immune from suit by that person or anyone else acting for or in behalf of that person for the  
85 failure to employ or for the termination of the person whose name is listed on the employee  
86 disqualification list.

87           13. **(1)** Any employer [who is] required to [discharge an employee because the employee  
88 was placed on a disqualification list maintained by the department of health and senior services  
89 after the date of hire] **deny employment to an applicant or discharge an employee,**  
90 **provisional or otherwise, as a result of information obtained through any portion of the**  
91 **background screening and employment eligibility determination process, or subsequent,**  
92 **periodic screenings, under section 210.903, shall not be liable in any action brought by the**  
93 **applicant or employee relating to discharge where the employer is required by law to**  
94 **terminate the employee, provisional or otherwise, and** shall not be charged for unemployment  
95 insurance benefits based on wages paid to the employee for work prior to the date of discharge,  
96 pursuant to section 288.100.

97           **(2)** Notwithstanding subsections 3 and 5 of section 288.090, an employer shall not  
98 be charged for unemployment insurance benefits based on wages paid to the employee or  
99 an employer making payments in lieu of contributions for work prior to the date of  
100 discharge, pursuant to section 288.100, if the employer terminated the employee because  
101 the employee:

102           **(a)** Has been found guilty of, pled guilty or nolo contendere in this state or any  
103 other state of a crime as listed in subsection 6 of section 660.317;

104           **(b)** Was placed on the employee disqualification list under this section, after the  
105 date of hire;

106           **(c)** Was placed on the employee disqualification registry maintained by the  
107 department of mental health, after the date of hire;

108           **(d)** Has a disqualifying finding under this section, section 660.317, or is on any of  
109 the background check lists in the family care safety registry under sections 210.900 to  
110 210.936; or

111           **(e)** Was denied a good cause waiver as provided for in subsection 10 of section  
112 660.317.

113

114 **The benefits paid to the employee shall not be attributable to service in the employ of the**  
115 **employer required to discharge an employee under the provisions of this subdivision and**  
116 **shall be deemed as such under the unemployment compensation laws of this state.**

117           14. Any person who has been listed on the employee disqualification list may request  
118 that the director remove his or her name from the employee disqualification list. The request  
119 shall be written and may not be made more than once every twelve months. The request will be  
120 granted by the director upon a clear showing, by written submission only, that the person will  
121 not commit additional acts of abuse, neglect, misappropriation of the property or funds, or the  
122 falsification of any documents of service delivery to an in-home services client. The director  
123 may make conditional the removal of a person's name from the list on any terms that the director  
124 deems appropriate, and failure to comply with such terms may result in the person's name being

125 relisted. The director's determination of whether to remove the person's name from the list is not  
126 subject to appeal.

2 [33.753. The Missouri minority business advocacy commission, as  
3 established pursuant to section 33.752 shall, in addition to providing the governor  
4 with a plan to increase procurement from minority businesses by all state  
5 departments as provided in subsection 2 of section 33.752, also provide to the  
6 general assembly the findings of such plan and provide details of any  
7 recommended legislation that may be needed to carry out the provisions of the  
8 plan. The commission shall submit the plan and recommended legislation to the  
9 general assembly within six months of delivery of the original plan to the  
governor.]

Section B. The provisions of section 161.870 of this act shall terminate on January 1,  
2 2013.

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