

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 266
100TH GENERAL ASSEMBLY

0149H.02C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 185, RSMo, by adding thereto one new section relating to Missouri historical theater designations.

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

Section A. Chapter 185, RSMo, is amended by adding thereto one new section, to be
2 known as section 185.070, to read as follows:

**185.070. 1. There is hereby established the designation of "Missouri Historical
2 Theater".**

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

**4 (1) "Missouri state council on the arts" or "council", as established in section
5 185.010;**

**6 (2) "Theater", a 501(c)(3) organization that produces plays, musicals, and other
7 dramatic performances.**

**8 3. The council shall administer the Missouri historical theater program including,
9 but not limited to, creating application forms, establishing a time line for applications,
10 announcing theaters receiving the designation, creating a process to ensure theaters who
11 receive the designation maintain eligibility, and establishing an application fee to cover the
12 costs of administering the program and providing the certificate in subsection 5.**

**13 4. The council shall use the following criteria to determine which theaters should
14 receive the state historical theater designation:**

15 (1) The theater is a 501(c)(3) not-for-profit organization;

16 (2) The theater produces a minimum of three shows open to the public each year;

17 (3) The extent to which the theater contributes to tourism in Missouri;

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.

18 **(4) The extent to which the theater promotes the arts in its community and**
19 **throughout Missouri; and**

20 **(5) The theater has been operational for a minimum of twenty-five years and has**
21 **produced at least one show each year for the last twenty-five years.**

22 **5. All theaters selected for the state historical theater designation shall receive a**
23 **certificate, suitable for framing, from the council.**

24 **6. Each year, the council shall provide a list of theaters that have the state historical**
25 **theater designation to the division of tourism.**

26 **7. With the advice of the Missouri state council on the arts, the director of the**
27 **department of economic development may promulgate all necessary rules and regulations**
28 **for the administration of this section. Any rule or portion of a rule, as that term is defined**
29 **in section 536.010, that is created under the authority delegated in this section shall become**
30 **effective only if it complies with and is subject to all of the provisions of chapter 536 and,**
31 **if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any**
32 **of the powers vested with the general assembly pursuant to chapter 536 to review, to delay**
33 **the effective date, or to disapprove and annul a rule are subsequently held**
34 **unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted**
35 **after August 28, 2019, shall be invalid and void.**

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