

SECOND REGULAR SESSION

HOUSE BILL NO. 2515

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KELLY (141).

5476H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 8.800, 8.805, 8.830, 8.843, 23.295, 30.750, 67.2835, 135.311, 135.710, 135.950, 178.585, 186.019, 290.257, 374.007, 386.040, 386.071, 386.700, 386.710, 386.890, 393.1025, 414.400, 414.406, 414.417, 414.510, 620.010, 620.035, 620.484, 620.490, 620.511, 620.512, 620.513, 640.153, 640.157, 640.160, 640.651, 640.653, 660.135, 701.500, and 701.509, RSMo, section 167.910 as enacted by house bill no. 1606, ninety-ninth general assembly, second regular session, and section 167.910 as enacted by house bill no. 1415, ninety-ninth general assembly, second regular session, and to enact in lieu thereof forty new sections relating to the reorganization and renaming of certain state agencies.

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

Section A. Sections 8.800, 8.805, 8.830, 8.843, 23.295, 30.750, 67.2835, 135.311, 135.710, 135.950, 178.585, 186.019, 290.257, 374.007, 386.040, 386.071, 386.700, 386.710, 386.890, 393.1025, 414.400, 414.406, 414.417, 414.510, 620.010, 620.035, 620.484, 620.490, 620.511, 620.512, 620.513, 640.153, 640.157, 640.160, 640.651, 640.653, 660.135, 701.500, and 701.509, RSMo, section 167.910 as enacted by house bill no. 1606, ninety-ninth general assembly, second regular session, and section 167.910 as enacted by house bill no. 1415, ninety-ninth general assembly, second regular session, are repealed and forty new sections enacted in lieu thereof, to be known as sections 8.800, 8.805, 8.830, 8.843, 23.295, 30.750, 67.2835, 135.311, 135.710, 135.950, 167.910, 173.2800, 173.2805, 173.2850, 173.2855, 173.2860, 178.585, 186.019, 290.257, 374.007, 386.040, 386.071, 386.700, 386.710, 386.890, 393.1025, 414.400, 414.406, 414.417, 414.510, 620.010, 640.021, 640.153, 640.157, 640.160, 640.651, 640.653, 660.135, 701.500, and 701.509, to read as follows:

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.

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 ~~[economic development]~~ **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.

8.805. 1. For the first three years of each completed energy efficiency project for state
2 buildings, to the extent that there are energy savings beyond payment of the financing obligation,
3 required reserves and other expenses associated with project financing, one-half of the energy

4 savings shall be placed in the energy analyses account, created in section 8.807, and one-half
5 shall revert to the general revenue fund. The division, in conjunction with the department, shall
6 establish criteria for determining projected savings from energy efficiency projects in state
7 buildings. The division, in conjunction with all state agencies, shall establish criteria for
8 determining the actual savings which result from a specific energy efficiency project.

9 2. Beginning January 15, 1997, and annually thereafter, the office of administration and
10 the department of [~~economic development~~] **natural resources** shall file a joint report to the
11 house committee on energy and environment, the senate committee on energy and environment,
12 or their successor committees, and the governor on the identification of, planning for and
13 implementation of energy efficiency projects in state buildings.

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

- 2 (1) "Department", the department of [~~economic development~~] **natural resources**;
- 3 (2) "Director", the director of the department of [~~economic development~~] **natural**
4 **resources**;
- 5 (3) "Division", the division of facilities management, design and construction;
- 6 (4) "Public building", a building owned or operated by a governmental subdivision of
7 the state, including, but not limited to, a city, county or school district;
- 8 (5) "State building", a building owned or operated by the state, a state agency or
9 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 [~~economic development~~] **natural resources**, the director of the environmental
5 improvement and energy resources authority, the director of the division of energy, the director
6 of the department of transportation, the director of the department of conservation and the
7 commissioner of higher education. The committee shall advise the department on the
8 development of the minimum energy efficiency standard and state building energy efficiency
9 rating system and shall assist the office of administration in implementing sections 8.833 and
10 8.835.

23.295. If an employee is displaced because a program is sunset, reorganized, or
2 continued, the state agency and the division of workforce development in the department of
3 [~~economic development~~] **higher education and workforce development** shall make a
4 reasonable effort to relocate the displaced employee.

30.750. As used in sections 30.750 to 30.765, the following terms mean:

- 2 (1) "Eligible agribusiness", a person engaged in the processing or adding of value to
3 agricultural products produced in Missouri;

4 (2) "Eligible alternative energy consumer", an individual who wishes to borrow moneys
5 for the purchase, installation, or construction of facilities or equipment related to the production
6 of fuel or power primarily for the individual's own use from energy sources other than fossil
7 fuels, including but not limited to solar, hydroelectric, wind, and qualified biomass;

8 (3) "Eligible alternative energy operation", a business enterprise engaged in the
9 production of fuel or power from energy sources other than fossil fuels, including but not limited
10 to solar, hydroelectric, wind, and qualified biomass. Such business enterprise shall conform to
11 the characteristics of paragraphs (a), (b), and (d) of subdivision (6) of this section;

12 (4) "Eligible beginning farmer":

13 (a) For any beginning farmer who seeks to participate in the linked deposit program
14 alone, a farmer who:

15 a. Is a Missouri resident;

16 b. Wishes to borrow for a farm operation located in Missouri;

17 c. Is at least eighteen years old; and

18 d. In the preceding five years has not owned, either directly or indirectly, farm land
19 greater than fifty percent of the average size farm in the county where the proposed farm
20 operation is located or farm land with an appraised value greater than four hundred fifty thousand
21 dollars. A farmer who qualifies as an eligible farmer under this provision may utilize the
22 proceeds of a linked deposit loan to purchase agricultural land, farm buildings, new and used
23 farm equipment, livestock and working capital;

24 (b) For any beginning farmer who is participating in both the linked deposit program and
25 the beginning farmer loan program administered by the Missouri ~~agriculture~~ **agricultural** and
26 small business development authority, a farmer who:

27 a. Qualifies under the definition of a beginning farmer utilized for eligibility for federal
28 tax-exempt financing, including the limitations on the use of loan proceeds; and

29 b. Meets all other requirements established by the Missouri ~~agriculture~~ **agricultural**
30 and small business development authority;

31 (5) "Eligible facility borrower", a borrower qualified under section 30.860 to apply for
32 a reduced-rate loan under sections 30.750 to 30.765;

33 (6) "Eligible farming operation", any person engaged in farming in an authorized farm
34 corporation, family farm, or family farm corporation as defined in section 350.010 that has all
35 of the following characteristics:

36 (a) Is headquartered in this state;

37 (b) Maintains offices, operating facilities, or farming operations and transacts business
38 in this state;

39 (c) Employs less than ten employees;

40 (d) Is organized for profit;

41 (7) "Eligible governmental entity", any political subdivision of the state seeking to
42 finance capital improvements, capital outlay, or other significant programs through an eligible
43 lending institution;

44 (8) "Eligible higher education institution", any approved public or private institution as
45 defined in section 173.205;

46 (9) "Eligible job enhancement business", a new, existing, or expanding firm operating
47 in Missouri, or as a condition of accepting the linked deposit, will locate a facility or office in
48 Missouri associated with said linked deposit, which employs ten or more employees in Missouri
49 on a yearly average and which, as nearly as possible, is able to establish or retain at least one job
50 in Missouri for each fifty thousand dollars received from a linked deposit loan except when the
51 applicant can demonstrate significant costs for equipment, capital outlay, or capital
52 improvements associated with the physical expansion, renovation, or modernization of a facility
53 or equipment. In such cases, the maximum amount of the linked deposit shall not exceed fifty
54 thousand dollars per job created or retained plus the initial cost of the physical expansion,
55 renovation or capital outlay;

56 (10) "Eligible lending institution", a financial institution that is eligible to make
57 commercial or agricultural or student loans or discount or purchase such loans, is a public
58 depository of state funds or obtains its funds through the issuance of obligations, either directly
59 or through a related entity, eligible for the placement of state funds under the provisions of
60 Section 15, Article IV, Constitution of Missouri, and agrees to participate in the linked deposit
61 program;

62 (11) "Eligible livestock operation", any person engaged in production of livestock or
63 poultry in an authorized farm corporation, family farm, or family farm corporation as defined in
64 section 350.010;

65 (12) "Eligible locally owned business", any person seeking to establish a new firm,
66 partnership, cooperative company, or corporation that shall retain at least fifty-one percent
67 ownership by residents in a county in which the business is headquartered, that consists of the
68 following characteristics:

69 (a) The county has a median population of twelve thousand five hundred or less; and

70 (b) The median income of residents in the county are equal to or less than the state
71 median income; or

72 (c) The unemployment rate of the county is equal to or greater than the state's
73 unemployment rate;

74 (13) "Eligible marketing enterprise", a business enterprise operating in this state which
75 is in the process of marketing its goods, products or services within or outside of this state or

76 overseas, which marketing is designed to increase manufacturing, transportation, mining,
77 communications, or other enterprises in this state, which has proposed its marketing plan and
78 strategy to the department of ~~[economic development]~~ **natural resources** and which plan and
79 strategy has been approved by the department for purposes of eligibility pursuant to sections
80 30.750 to 30.765. Such business enterprise shall conform to the characteristics of paragraphs
81 (a), (b) and (d) of subdivision (6) of this section and also employ less than twenty-five
82 employees;

83 (14) "Eligible multitenant development enterprise", a new enterprise that develops
84 multitenant space for targeted industries as determined by the department of ~~[economic~~
85 ~~development]~~ **natural resources** and approved by the department for the purposes of eligibility
86 pursuant to sections 30.750 to 30.765;

87 (15) "Eligible residential property developer", an individual who purchases and develops
88 a residential structure of either two or four units, if such residential property developer uses and
89 agrees to continue to use, for at least the five years immediately following the date of issuance
90 of the linked deposit loan, one of the units as his principal residence or if such person's principal
91 residence is located within one-half mile from the developed structure and such person agrees
92 to maintain the principal residence within one-half mile of the developed structure for at least
93 the five years immediately following the date of issuance of the linked deposit loan;

94 (16) "Eligible residential property owner", a person, firm or corporation who purchases,
95 develops or rehabilitates a multifamily residential structure;

96 (17) "Eligible small business", a person engaged in an activity with the purpose of
97 obtaining, directly or indirectly, a gain, benefit or advantage and which conforms to the
98 characteristics of paragraphs (a), (b) and (d) of subdivision (6) of this section, and also employs
99 less than one hundred employees or an eligible veteran-owned small business as defined in
100 subdivision (19) of this section;

101 (18) "Eligible student borrower", any person attending, or the parent of a dependent
102 undergraduate attending, an eligible higher education institution in Missouri who may or may
103 not qualify for need-based student financial aid calculated by the federal analysis called
104 Congressional Methodology Formula pursuant to 20 U.S.C. 1078, as amended (the Higher
105 Education Amendments of 1986);

106 (19) "Eligible veteran-owned small business", any business owned by an honorably
107 discharged veteran and Missouri resident who has agreed to locate his or her business in
108 Missouri for a minimum of three years and employs less than one hundred employees, a majority
109 of whom are Missouri residents;

110 (20) "Eligible water supply system", a water system which serves fewer than fifty
111 thousand persons and which is owned and operated by:

- 112 (a) A public water supply district established pursuant to chapter 247; or
113 (b) A municipality or other political subdivision; or
114 (c) A water corporation;

115

116 and which is certified by the department of natural resources in accordance with its rules and
117 regulations to have suffered a significant decrease in its capacity to meet its service needs as a
118 result of drought;

119 (21) "Farming", using or cultivating land for the production of agricultural crops,
120 livestock or livestock products, forest products, poultry or poultry products, milk or dairy
121 products, or fruit or other horticultural products;

122 (22) "Linked deposit", a certificate of deposit, or in the case of production credit
123 associations, the subscription or purchase outright of obligations described in Section 15, Article
124 IV, Constitution of Missouri, placed by the state treasurer with an eligible lending institution at
125 rates otherwise provided by law in section 30.758, provided the institution agrees to lend the
126 value of such deposit, according to the deposit agreement provided in sections 30.750 to 30.765,
127 to eligible multitenant development enterprises, eligible small businesses, eligible alternative
128 energy operations, eligible alternative energy consumers, eligible locally owned businesses,
129 farming operations, eligible job enhancement businesses, eligible marketing enterprises, eligible
130 residential property developers, eligible residential property owners, eligible governmental
131 entities, eligible agribusinesses, eligible beginning farmers, eligible livestock operations, eligible
132 student borrowers, eligible facility borrowers, or eligible water supply systems at below the
133 present borrowing rate applicable to each multitenant development enterprise, small business,
134 alternative energy operation, alternative energy consumer, farming operation, eligible job
135 enhancement business, eligible marketing enterprise, eligible residential property developer,
136 eligible residential property owner, eligible governmental entity, eligible agribusiness, eligible
137 beginning farmer, eligible livestock operation, eligible student borrower, or supply system at the
138 time of the deposit of state funds in the institution;

139 (23) "Market rate", the interest rate more specifically described in subsection 6 of section
140 30.260;

141 (24) "Professional forester", any individual who holds a bachelor of science degree in
142 forestry from a regionally accredited college or university with a minimum of two years of
143 professional forest management experience;

144 (25) "Qualified biomass", any agriculture-derived organic material or any wood-derived
145 organic material harvested in accordance with a site-specific forest management plan focused
146 on long-term forest sustainability developed by a professional forester and qualified, in

147 consultation with the conservation commission, by the agriculture and small business
148 development authority;

149 (26) "Water corporation", as such term is defined in section 386.020;

150 (27) "Water system", as such term is defined in section 386.020.

67.2835. The director of the department of ~~[economic development]~~ **natural resources**
2 is authorized to allocate the state's residual share, or any portion thereof, of the national qualified
3 energy conservation bond limitation under Section 54D of the Internal Revenue Code of 1986,
4 as amended, for any purposes described therein to the authority, any clean energy development
5 board, the state, any political subdivision, instrumentality, or other body corporate and politic.

135.311. When applying for a tax credit the wood energy producer shall make
2 application for the credit to the division of energy of the department of ~~[economic development]~~
3 **natural resources**. The application shall include:

4 (1) The number of tons of processed wood products produced during the preceding
5 calendar year;

6 (2) The name and address of the person to whom processed products were sold and the
7 number of tons sold to each person;

8 (3) Other information which the department of ~~[economic development]~~ **natural**
9 **resources** reasonably requires. The application shall be received and reviewed by the division
10 of energy of the department of ~~[economic development]~~ **natural resources** and the division shall
11 certify to the department of revenue each applicant which qualifies as a wood energy-producing
12 facility.

135.710. 1. As used in this section, the following terms mean:

2 (1) "Alternative fuel vehicle refueling property", property in this state owned by an
3 eligible applicant and used for storing alternative fuels and for dispensing such alternative fuels
4 into fuel tanks of motor vehicles owned by such eligible applicant or private citizens;

5 (2) "Alternative fuels", any motor fuel at least seventy percent of the volume of which
6 consists of one or more of the following:

7 (a) Ethanol;

8 (b) Natural gas;

9 (c) Compressed natural gas, or CNG;

10 (d) Liquefied natural gas, or LNG;

11 (e) Liquefied petroleum gas, or LP gas, propane, or autogas;

12 (f) Any mixture of biodiesel and diesel fuel, without regard to any use of kerosene;

13 (g) Hydrogen;

14 (3) "Department", the department of ~~[economic development]~~ **natural resources**;

15 (4) "Electric vehicle recharging property", property in this state owned by an eligible
16 applicant and used for recharging electric motor vehicles owned by such eligible applicant or
17 private citizens;

18 (5) "Eligible applicant", a business entity or private citizen that is the owner of an electric
19 vehicle recharging property or an alternative fuel vehicle refueling property;

20 (6) "Qualified Missouri contractor", a contractor whose principal place of business is
21 located in Missouri and has been located in Missouri for a period of not less than five years;

22 (7) "Qualified property", an electric vehicle recharging property or an alternative fuel
23 vehicle refueling property which, if constructed after August 28, 2014, was constructed with at
24 least fifty-one percent of the costs being paid to qualified Missouri contractors for the:

25 (a) Fabrication of premanufactured equipment or process piping used in the construction
26 of such facility;

27 (b) Construction of such facility; and

28 (c) General maintenance of such facility during the time period in which such facility
29 receives any tax credit under this section.

30

31 If no qualified Missouri contractor is located within seventy-five miles of the property, the
32 requirement that fifty-one percent of the costs shall be paid to qualified Missouri contractors
33 shall not apply.

34 2. For all tax years beginning on or after January 1, 2015, but before January 1, 2018,
35 any eligible applicant who installs and operates a qualified property shall be allowed a credit
36 against the tax otherwise due under chapter 143, excluding withholding tax imposed by sections
37 143.191 to 143.265, or due under chapter 147 or chapter 148 for any tax year in which the
38 applicant is constructing the qualified property. The credit allowed in this section per eligible
39 applicant who is a private citizen shall not exceed fifteen hundred dollars or per eligible applicant
40 that is a business entity shall not exceed the lesser of twenty thousand dollars or twenty percent
41 of the total costs directly associated with the purchase and installation of any alternative fuel
42 storage and dispensing equipment or any recharging equipment on any qualified property, which
43 shall not include the following:

44 (1) Costs associated with the purchase of land upon which to place a qualified property;

45 (2) Costs associated with the purchase of an existing qualified property; or

46 (3) Costs for the construction or purchase of any structure.

47 3. Tax credits allowed by this section shall be claimed by the eligible applicant at the
48 time such applicant files a return for the tax year in which the storage and dispensing or
49 recharging facilities were placed in service at a qualified property, and shall be applied against
50 the income tax liability imposed by chapter 143, chapter 147, or chapter 148 after all other

51 credits provided by law have been applied. The cumulative amount of tax credits which may be
52 claimed by eligible applicants claiming all credits authorized in this section shall not exceed one
53 million dollars in any calendar year, subject to appropriations.

54 4. If the amount of the tax credit exceeds the eligible applicant's tax liability, the
55 difference shall not be refundable. Any amount of credit that an eligible applicant is prohibited
56 by this section from claiming in a taxable year may be carried forward to any of such applicant's
57 two subsequent taxable years. Tax credits allowed under this section may be assigned,
58 transferred, sold, or otherwise conveyed.

59 5. Any qualified property, for which an eligible applicant receives tax credits under this
60 section, which ceases to sell alternative fuel or recharge electric vehicles shall cause the
61 forfeiture of such eligible applicant's tax credits provided under this section for the taxable year
62 in which the qualified property ceased to sell alternative fuel or recharge electric vehicles and
63 for future taxable years with no recapture of tax credits obtained by an eligible applicant with
64 respect to such applicant's tax years which ended before the sale of alternative fuel or recharging
65 of electric vehicles ceased.

66 6. The director of revenue shall establish the procedure by which the tax credits in this
67 section may be claimed, and shall establish a procedure by which the cumulative amount of tax
68 credits is apportioned equally among all eligible applicants claiming the credit. To the maximum
69 extent possible, the director of revenue shall establish the procedure described in this subsection
70 in such a manner as to ensure that eligible applicants can claim all the tax credits possible up to
71 the cumulative amount of tax credits available for the taxable year. No eligible applicant
72 claiming a tax credit under this section shall be liable for any interest or penalty for filing a tax
73 return after the date fixed for filing such return as a result of the apportionment procedure under
74 this subsection.

75 7. Any eligible applicant desiring to claim a tax credit under this section shall submit the
76 appropriate application for such credit with the department. The application for a tax credit
77 under this section shall include any information required by the department. The department
78 shall review the applications and certify to the department of revenue each eligible applicant that
79 qualifies for the tax credit.

80 8. The department and the department of revenue may promulgate rules to implement
81 the provisions of this section. Any rule or portion of a rule, as that term is defined in section
82 536.010, that is created under the authority delegated in this section shall become effective only
83 if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
84 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the
85 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove

86 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority
87 and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

88 9. The provisions of section 23.253 of the Missouri sunset act notwithstanding:

89 (1) The provisions of the new program authorized under this section shall automatically
90 sunset three years after December 31, 2014, unless reauthorized by an act of the general
91 assembly; and

92 (2) If such program is reauthorized, the program authorized under this section shall
93 automatically sunset six years after the effective date of the reauthorization of this section; and

94 (3) This section shall terminate on December thirty-first of the calendar year immediately
95 following the calendar year in which the program authorized under this section is sunset; and

96 (4) The provisions of this subsection shall not be construed to limit or in any way impair
97 the department's ability to redeem tax credits authorized on or before the date the program
98 authorized under this section expires or a taxpayer's ability to redeem such tax credits.

135.950. The following terms, whenever used in sections 135.950 to 135.970 mean:

2 (1) "Average wage", the new payroll divided by the number of new jobs;

3 (2) "Blighted area", an area which, by reason of the predominance of defective or
4 inadequate street layout, unsanitary or unsafe conditions, deterioration of site improvements,
5 improper subdivision or obsolete platting, or the existence of conditions which endanger life or
6 property by fire and other causes, or any combination of such factors, retards the provision of
7 housing accommodations or constitutes an economic or social liability or a menace to the public
8 health, safety, morals, or welfare in its present condition and use. The term "blighted area" shall
9 also include any area which produces or generates or has the potential to produce or generate
10 electrical energy from a renewable energy resource, and which, by reason of obsolescence,
11 decadence, blight, dilapidation, deteriorating or inadequate site improvements, substandard
12 conditions, the predominance ~~of~~ of defective or inadequate street layout, unsanitary or unsafe
13 conditions, improper subdivision or obsolete platting, or the existence of conditions which
14 endanger the life or property by fire or other means, or any combination of such factors, is
15 underutilized, unutilized, or diminishes the economic usefulness of the land, improvements, or
16 lock and dam site within such area for the production, generation, conversion, and conveyance
17 of electrical energy from a renewable energy resource;

18 (3) "Board", an enhanced enterprise zone board established pursuant to section 135.957;

19 (4) "Commencement of commercial operations" shall be deemed to occur during the first
20 taxable year for which the new business facility is first put into use by the taxpayer in the
21 enhanced business enterprise in which the taxpayer intends to use the new business facility;

22 (5) "County average wage", the average wages in each county as determined by the
23 department for the most recently completed full calendar year. However, if the computed county

24 average wage is above the statewide average wage, the statewide average wage shall be deemed
25 the county average wage for such county for the purpose of determining eligibility. The
26 department shall publish the county average wage for each county at least annually.
27 Notwithstanding the provisions of this subdivision to the contrary, for any taxpayer that in
28 conjunction with their project is relocating employees from a Missouri county with a higher
29 county average wage, such taxpayer shall obtain the endorsement of the governing body of the
30 community from which jobs are being relocated or the county average wage for their project shall
31 be the county average wage for the county from which the employees are being relocated;

32 (6) "Department", the department of [~~economic development~~] **natural resources**;

33 (7) "Director", the director of the department of [~~economic development~~] **natural**
34 **resources**;

35 (8) "Employee", a person employed by the enhanced business enterprise that is scheduled
36 to work an average of at least one thousand hours per year, and such person at all times has
37 health insurance offered to him or her, which is partially paid for by the employer;

38 (9) "Enhanced business enterprise", an industry or one of a cluster of industries that is
39 either:

40 (a) Identified by the department as critical to the state's economic security and growth;
41 or

42 (b) Will have an impact on industry cluster development, as identified by the governing
43 authority in its application for designation of an enhanced enterprise zone and approved by the
44 department; but excluding gambling establishments (NAICS industry group 7132), retail trade
45 (NAICS sectors 44 and 45), educational services (NAICS sector 61), religious organizations
46 (NAICS industry group 8131), public administration (NAICS sector 92), and food and drinking
47 places (NAICS subsector 722), however, notwithstanding provisions of this section to the
48 contrary, headquarters or administrative offices of an otherwise excluded business may qualify
49 for benefits if the offices serve a multistate territory. In the event a national, state, or regional
50 headquarters operation is not the predominant activity of a project facility, the new jobs and
51 investment of such headquarters operation is considered eligible for benefits under this section
52 if the other requirements are satisfied. Service industries may be eligible only if a majority of
53 its annual revenues will be derived from out of the state;

54 (10) "Existing business facility", any facility in this state which was employed by the
55 taxpayer claiming the credit in the operation of an enhanced business enterprise immediately
56 prior to an expansion, acquisition, addition, or replacement;

57 (11) "Facility", any building used as an enhanced business enterprise located within an
58 enhanced enterprise zone, including the land on which the facility is located and all machinery,

59 equipment, and other real and depreciable tangible personal property acquired for use at and
60 located at or within such facility and used in connection with the operation of such facility;

61 (12) "Facility base employment", the greater of the number of employees located at the
62 facility on the date of the notice of intent, or for the twelve-month period prior to the date of the
63 notice of intent, the average number of employees located at the facility, or in the event the
64 project facility has not been in operation for a full twelve-month period, the average number of
65 employees for the number of months the facility has been in operation prior to the date of the
66 notice of intent;

67 (13) "Facility base payroll", the total amount of taxable wages paid by the enhanced
68 business enterprise to employees of the enhanced business enterprise located at the facility in the
69 twelve months prior to the notice of intent, not including the payroll of owners of the enhanced
70 business enterprise unless the enhanced business enterprise is participating in an employee stock
71 ownership plan. For the purposes of calculating the benefits under this program, the amount of
72 base payroll shall increase each year based on the consumer price index or other comparable
73 measure, as determined by the department;

74 (14) "Governing authority", the body holding primary legislative authority over a county
75 or incorporated municipality;

76 (15) "Megaproject", any manufacturing or assembling facility, approved by the
77 department for construction and operation within an enhanced enterprise zone, which satisfies
78 the following:

79 (a) The new capital investment is projected to exceed three hundred million dollars over
80 a period of eight years from the date of approval by the department;

81 (b) The number of new jobs is projected to exceed one thousand over a period of eight
82 years beginning on the date of approval by the department;

83 (c) The average wage of new jobs to be created shall exceed the county average wage;

84 (d) The taxpayer shall offer health insurance to all new jobs and pay at least eighty
85 percent of such insurance premiums; and

86 (e) An acceptable plan of repayment, to the state, of the tax credits provided for the
87 megaproject has been provided by the taxpayer;

88 (16) "NAICS", the 1997 edition of the North American Industry Classification System
89 as prepared by the Executive Office of the President, Office of Management and Budget. Any
90 NAICS sector, subsector, industry group or industry identified in this section shall include its
91 corresponding classification in subsequent federal industry classification systems;

92 (17) "New business facility", a facility that does not produce or generate electrical energy
93 from a renewable energy resource and satisfies the following requirements:

94 (a) Such facility is employed by the taxpayer in the operation of an enhanced business
95 enterprise. Such facility shall not be considered a new business facility in the hands of the
96 taxpayer if the taxpayer's only activity with respect to such facility is to lease it to another person
97 or persons. If the taxpayer employs only a portion of such facility in the operation of an
98 enhanced business enterprise, and leases another portion of such facility to another person or
99 persons or does not otherwise use such other portions in the operation of an enhanced business
100 enterprise, the portion employed by the taxpayer in the operation of an enhanced business
101 enterprise shall be considered a new business facility, if the requirements of paragraphs (b), (c),
102 and (d) of this subdivision are satisfied;

103 (b) Such facility is acquired by, or leased to, the taxpayer after December 31, 2004. A
104 facility shall be deemed to have been acquired by, or leased to, the taxpayer after December 31,
105 2004, if the transfer of title to the taxpayer, the transfer of possession pursuant to a binding
106 contract to transfer title to the taxpayer, or the commencement of the term of the lease to the
107 taxpayer occurs after December 31, 2004;

108 (c) If such facility was acquired by the taxpayer from another taxpayer and such facility
109 was employed immediately prior to the acquisition by another taxpayer in the operation of an
110 enhanced business enterprise, the operation of the same or a substantially similar enhanced
111 business enterprise is not continued by the taxpayer at such facility; and

112 (d) Such facility is not a replacement business facility, as defined in subdivision (27) of
113 this section;

114 (18) "New business facility employee", an employee of the taxpayer in the operation of
115 a new business facility during the taxable year for which the credit allowed by section 135.967
116 is claimed, except that truck drivers and rail and barge vehicle operators and other operators of
117 rolling stock for hire shall not constitute new business facility employees;

118 (19) "New business facility investment", the value of real and depreciable tangible
119 personal property, acquired by the taxpayer as part of the new business facility, which is used by
120 the taxpayer in the operation of the new business facility, during the taxable year for which the
121 credit allowed by 135.967 is claimed, except that trucks, truck-trailers, truck semitrailers, rail
122 vehicles, barge vehicles, aircraft and other rolling stock for hire, track, switches, barges, bridges,
123 tunnels, and rail yards and spurs shall not constitute new business facility investments. The total
124 value of such property during such taxable year shall be:

125 (a) Its original cost if owned by the taxpayer; or

126 (b) Eight times the net annual rental rate, if leased by the taxpayer. The net annual rental
127 rate shall be the annual rental rate paid by the taxpayer less any annual rental rate received by the
128 taxpayer from subrentals. The new business facility investment shall be determined by dividing
129 by twelve the sum of the total value of such property on the last business day of each calendar

130 month of the taxable year. If the new business facility is in operation for less than an entire
131 taxable year, the new business facility investment shall be determined by dividing the sum of the
132 total value of such property on the last business day of each full calendar month during the
133 portion of such taxable year during which the new business facility was in operation by the
134 number of full calendar months during such period;

135 (20) "New job", the number of employees located at the facility that exceeds the facility
136 base employment less any decrease in the number of the employees at related facilities below the
137 related facility base employment. No job that was created prior to the date of the notice of intent
138 shall be deemed a new job;

139 (21) "Notice of intent", a form developed by the department which is completed by the
140 enhanced business enterprise and submitted to the department which states the enhanced
141 business enterprise's intent to hire new jobs and request benefits under such program;

142 (22) "Related facility", a facility operated by the enhanced business enterprise or a
143 related company in this state that is directly related to the operation of the project facility;

144 (23) "Related facility base employment", the greater of:

145 (a) The number of employees located at all related facilities on the date of the notice of
146 intent; or

147 (b) For the twelve-month period prior to the date of the notice of intent, the average
148 number of employees located at all related facilities of the enhanced business enterprise or a
149 related company located in this state;

150 (24) "Related taxpayer":

151 (a) A corporation, partnership, trust, or association controlled by the taxpayer;

152 (b) An individual, corporation, partnership, trust, or association in control of the
153 taxpayer; or

154 (c) A corporation, partnership, trust or association controlled by an individual,
155 corporation, partnership, trust or association in control of the taxpayer. "Control of a
156 corporation" shall mean ownership, directly or indirectly, of stock possessing at least fifty
157 percent of the total combined voting power of all classes of stock entitled to vote, "control of a
158 partnership or association" shall mean ownership of at least fifty percent of the capital or profits
159 interest in such partnership or association, and "control of a trust" shall mean ownership, directly
160 or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such
161 trust; ownership shall be determined as provided in Section 318 of the Internal Revenue Code
162 of 1986, as amended;

163 (25) "Renewable energy generation zone", an area which has been found, by a resolution
164 or ordinance adopted by the governing authority having jurisdiction of such area, to be a blighted
165 area and which contains land, improvements, or a lock and dam site which is unutilized or

166 underutilized for the production, generation, conversion, and conveyance of electrical energy
167 from a renewable energy resource;

168 (26) "Renewable energy resource", shall include:

169 (a) Wind;

170 (b) Solar thermal sources or photovoltaic cells and panels;

171 (c) Dedicated crops grown for energy production;

172 (d) Cellulosic agricultural residues;

173 (e) Plant residues;

174 (f) Methane from landfills, agricultural operations, or wastewater treatment;

175 (g) Thermal depolymerization or pyrolysis for converting waste material to energy;

176 (h) Clean and untreated wood such as pallets;

177 (i) Hydroelectric power, which shall include electrical energy produced or generated by
178 hydroelectric power generating equipment, as such term is defined in section 137.010;

179 (j) Fuel cells using hydrogen produced by one or more of the renewable resources
180 provided in paragraphs (a) to (i) of this subdivision; or

181 (k) Any other sources of energy, not including nuclear energy, that are certified as
182 renewable by rule by the department of ~~economic development~~ **natural resources**;

183 (27) "Replacement business facility", a facility otherwise described in subdivision (17)
184 of this section, hereafter referred to in this subdivision as "new facility", which replaces another
185 facility, hereafter referred to in this subdivision as "old facility", located within the state, which
186 the taxpayer or a related taxpayer previously operated but discontinued operating on or before
187 the close of the first taxable year for which the credit allowed by this section is claimed. A new
188 facility shall be deemed to replace an old facility if the following conditions are met:

189 (a) The old facility was operated by the taxpayer or a related taxpayer during the
190 taxpayer's or related taxpayer's taxable period immediately preceding the taxable year in which
191 commencement of commercial operations occurs at the new facility; and

192 (b) The old facility was employed by the taxpayer or a related taxpayer in the operation
193 of an enhanced business enterprise and the taxpayer continues the operation of the same or
194 substantially similar enhanced business enterprise at the new facility. Notwithstanding the
195 preceding provisions of this subdivision, a facility shall not be considered a replacement business
196 facility if the taxpayer's new business facility investment, as computed in subdivision (19) of this
197 section, in the new facility during the tax period for which the credits allowed in section 135.967
198 are claimed exceed one million dollars and if the total number of employees at the new facility
199 exceeds the total number of employees at the old facility by at least two;

200 (28) "Same or substantially similar enhanced business enterprise", an enhanced business
201 enterprise in which the nature of the products produced or sold, or activities conducted, are

202 similar in character and use or are produced, sold, performed, or conducted in the same or similar
203 manner as in another enhanced business enterprise.

~~[167.910. 1. There is hereby established the "Career Readiness Course Task Force" to explore the possibility of a course covering the topics described in this section being offered in the public schools to students in eighth grade or ninth grade. Task force members shall be chosen to represent the geographic diversity of the state. All task force members shall be appointed before October 31, 2018. The task force members shall be appointed as follows:~~

~~————— (1) A parent of a student attending elementary school, appointed by the joint committee on education;~~

~~————— (2) A parent of a student attending a grade not lower than the sixth nor higher than the eighth grade, appointed by the joint committee on education;~~

~~————— (3) A parent of a student attending high school, appointed by the joint committee on education;~~

~~————— (4) An elementary education professional from an accredited school district, appointed by the joint committee on education from names submitted by statewide education employee organizations;~~

~~————— (5) Two education professionals giving instruction in a grade or grades not lower than the sixth nor higher than the eighth grade in accredited school districts, appointed by the joint committee on education from names submitted by statewide education employee organizations;~~

~~————— (6) Two secondary education professionals from accredited school districts, appointed by the joint committee on education from names submitted by statewide education employee organizations;~~

~~————— (7) A career and technical education professional who has experience serving as an advisor to a statewide career and technical education organization, appointed by a statewide career and technical education organization;~~

~~————— (8) An education professional from an accredited technical high school, appointed by a statewide career and technical education organization;~~

~~————— (9) A public school board member, appointed by a statewide association of school boards;~~

~~————— (10) A secondary school principal, appointed by a statewide association of secondary school principals;~~

~~————— (11) A principal of a school giving instruction in a grade or grades not lower than the sixth nor higher than the eighth grade, appointed by a statewide association of secondary school principals;~~

- 35 ~~————— (12) An elementary school counselor, appointed by a statewide~~
36 ~~association of school counselors;~~
- 37 ~~————— (13) Two school counselors from a school giving instruction in a grade~~
38 ~~or grades not lower than the sixth nor higher than the eighth grade, appointed by~~
39 ~~a statewide association of school counselors;~~
- 40 ~~————— (14) A secondary school counselor, appointed by a statewide association~~
41 ~~of school counselors;~~
- 42 ~~————— (15) A secondary school career and college counselor, appointed by a~~
43 ~~statewide association of school counselors;~~
- 44 ~~————— (16) An apprenticeship professional, appointed by the division of~~
45 ~~workforce development of economic development;~~
- 46 ~~————— (17) A representative of Missouri Project Lead the Way, appointed by the~~
47 ~~statewide Project Lead the Way organization;~~
- 48 ~~————— (18) A representative of the state technical college, appointed by the state~~
49 ~~technical college;~~
- 50 ~~————— (19) A representative of a public community college, appointed by a~~
51 ~~statewide organization of community colleges; and~~
- 52 ~~————— (20) A representative of a public four-year institution of higher education,~~
53 ~~appointed by the commissioner of higher education.~~
- 54 ~~————— 2. The members of the task force established under subsection 1 of this~~
55 ~~section shall elect a chair from among the membership of the task force. The task~~
56 ~~force shall meet as needed to complete its consideration of the course described~~
57 ~~in subsection 5 of this section and provide its findings and recommendations as~~
58 ~~described in subsection 6 of this section. Members of the task force shall serve~~
59 ~~without compensation. No school district policy or administrative action shall~~
60 ~~require any education employee member to use personal leave or incur a~~
61 ~~reduction in pay for participating on the task force.~~
- 62 ~~————— 3. The task force shall hold at least three public hearings to provide an~~
63 ~~opportunity to receive public testimony including, but not limited to, testimony~~
64 ~~from educators, local school boards, parents, representatives from business and~~
65 ~~industry, labor and community leaders, members of the general assembly, and the~~
66 ~~general public.~~
- 67 ~~————— 4. The department of elementary and secondary education shall provide~~
68 ~~such legal, research, clerical, and technical services as the task force may require~~
69 ~~in the performance of its duties.~~

70 ~~5. The task force established under subsection 1 of this section shall~~
71 ~~consider a course that:~~

72 ~~(1) Gives students an opportunity to explore various career and~~
73 ~~educational opportunities by:~~

74 ~~(a) Administering career surveys to students and helping students use~~
75 ~~Missouri Connections to determine their career interests and develop plans to~~
76 ~~meet their career goals;~~

77 ~~(b) Explaining the differences between types of colleges, including~~
78 ~~two-year and four-year colleges and noting the availability of registered~~
79 ~~apprenticeship programs as alternatives to college for students;~~

80 ~~(c) Describing technical degrees offered by colleges;~~

81 ~~(d) Explaining the courses and educational experiences offered at~~
82 ~~community colleges;~~

83 ~~(e) Describing the various certificates and credentials available to earn~~
84 ~~at the school or other schools including, but not limited to, career and technical~~
85 ~~education certificates described under section 170.029 and industry-recognized~~
86 ~~certificates and credentials;~~

87 ~~(f) Advising students of any advanced placement courses that they may~~
88 ~~take at the school;~~

89 ~~(g) Describing any opportunities at the school for dual enrollment;~~

90 ~~(h) Advising students of any Project Lead the Way courses offered at the~~
91 ~~school and explaining how Project Lead the Way courses help students learn~~
92 ~~valuable skills;~~

93 ~~(i) Informing students of the availability of funding for postsecondary~~
94 ~~education through the A+ schools program described under section 160.545;~~

95 ~~(j) Describing the availability of virtual courses;~~

96 ~~(k) Describing the types of skills and occupations most in demand in the~~
97 ~~current job market and those skills and occupations likely to be in high demand~~
98 ~~in future years;~~

99 ~~(l) Describing the typical salaries for occupations, salary trends, and~~
100 ~~opportunities for advancement in various occupations;~~

101 ~~(m) Emphasizing the opportunities available in careers involving science,~~
102 ~~technology, engineering, and math;~~

103 ~~(n) Advising students of the resources offered by workforce or job~~
104 ~~centers;~~

- 105 ~~————— (o) Preparing students for the ACT assessment or the ACT WorkKeys~~
 106 ~~assessments required for the National Career Readiness Certificate;~~
- 107 ~~————— (p) Administering a practice ACT assessment or practice ACT~~
 108 ~~WorkKeys assessments required for the National Career Readiness Certificate to~~
 109 ~~students;~~
- 110 ~~————— (q) Advising students of opportunities to take the SAT and the Armed~~
 111 ~~Services Vocational Aptitude Battery;~~
- 112 ~~————— (r) Administering a basic math test to students so that they can assess~~
 113 ~~their math skills;~~
- 114 ~~————— (s) Administering a basic writing test to students so that they can assess~~
 115 ~~their writing skills;~~
- 116 ~~————— (t) Helping each student prepare a personal plan of study that outlines a~~
 117 ~~sequence of courses and experiences that concludes with the student reaching his~~
 118 ~~or her postsecondary goals; and~~
- 119 ~~————— (u) Explaining how to complete college applications and the Free~~
 120 ~~Application for Federal Student Aid;~~
- 121 ~~————— (2) Focuses on career readiness and emphasizes the importance of work~~
 122 ~~ethic, communication, collaboration, critical thinking, and creativity;~~
- 123 ~~————— (3) Demonstrates that graduation from a four-year college is not the only~~
 124 ~~pathway to success by describing to students at least sixteen pathways to success~~
 125 ~~in detail and including guest visitors who represent each pathway described. In~~
 126 ~~exploring how these pathways could be covered in the course, the task force shall~~
 127 ~~consider how instructors for the course may be able to rely on assistance from~~
 128 ~~Missouri's career pathways within the department of elementary and secondary~~
 129 ~~education;~~
- 130 ~~————— (4) Provides student loan counseling; and~~
- 131 ~~————— (5) May include parent-student meetings.~~
- 132 ~~————— 6. Before December 1, 2019, the task force established under subsection~~
 133 ~~† of this section shall present its findings and recommendations to the speaker of~~
 134 ~~the house of representatives, the president pro tempore of the senate, the joint~~
 135 ~~committee on education, and the state board of education. Upon presenting the~~
 136 ~~findings and recommendations as described in this subsection, the task force shall~~
 137 ~~dissolve.]~~

167.910. 1. There is hereby established the "Career Readiness Course Task Force" to
 2 explore the possibility of a course covering the topics described in this section being offered in
 3 the public schools to students in eighth grade or ninth grade. Task force members shall be

4 chosen to represent the geographic diversity of the state. All task force members shall be
5 appointed before October 31, 2018. The task force members shall be appointed as follows:

6 (1) A parent of a student attending elementary school, appointed by a statewide
7 association of parents and teachers;

8 (2) A parent of a student attending a grade not lower than the sixth nor higher than the
9 eighth grade, appointed by a statewide association of parents and teachers;

10 (3) A parent of a student attending high school, appointed by a statewide association of
11 parents and teachers;

12 (4) An elementary education professional from an accredited school district, appointed
13 by agreement among the Missouri State Teachers Association, the Missouri National Education
14 Association, and the American Federation of Teachers of Missouri;

15 (5) An education professional giving instruction in a grade or grades not lower than the
16 sixth nor higher than the eighth grade in an accredited school district, appointed by agreement
17 among the Missouri State Teachers Association, the Missouri National Education Association,
18 and the American Federation of Teachers of Missouri;

19 (6) A secondary education professional from an accredited school district, appointed by
20 agreement among the Missouri State Teachers Association, the Missouri National Education
21 Association, and the American Federation of Teachers of Missouri;

22 (7) A career and technical education professional who has experience serving as an
23 advisor to a statewide career and technical education organization, appointed by a statewide
24 career and technical education organization;

25 (8) An education professional from an accredited technical high school, appointed by a
26 statewide career and technical education organization;

27 (9) A public school board member, appointed by a statewide association of school
28 boards;

29 (10) A secondary school principal, appointed by a statewide association of secondary
30 school principals;

31 (11) A principal of a school giving instruction in a grade or grades not lower than the
32 sixth nor higher than the eighth grade, appointed by a statewide association of secondary school
33 principals;

34 (12) An elementary school counselor, appointed by a statewide association of school
35 counselors;

36 (13) A school counselor from a school giving instruction in a grade or grades not lower
37 than the sixth nor higher than the eighth grade, appointed by a statewide association of school
38 counselors;

39 (14) A secondary school counselor, appointed by a statewide association of school
40 counselors;

41 (15) A secondary school career and college counselor, appointed by a statewide
42 association of school counselors;

43 (16) An apprenticeship professional, appointed by the division of workforce
44 development of the department of [~~economic development~~] **higher education and workforce**
45 **development**;

46 (17) A representative of Missouri Project Lead the Way, appointed by the statewide
47 Project Lead the Way organization;

48 (18) A representative of the State Technical College of Missouri, appointed by the State
49 Technical College of Missouri;

50 (19) A representative of a public community college, appointed by a statewide
51 organization of community colleges; and

52 (20) A representative of a public four-year institution of higher education, appointed by
53 the commissioner of higher education.

54 2. The members of the task force established under subsection 1 of this section shall
55 elect a chair from among the membership of the task force. The task force shall meet as needed
56 to complete its consideration of the course described in subsection 5 of this section and provide
57 its findings and recommendations as described in subsection 6 of this section. Members of the
58 task force shall serve without compensation. No school district policy or administrative action
59 shall require any education employee member to use personal leave or incur a reduction in pay
60 for participating on the task force.

61 3. The task force shall hold at least three public hearings to provide an opportunity to
62 receive public testimony including, but not limited to, testimony from educators, local school
63 boards, parents, representatives from business and industry, labor and community leaders,
64 members of the general assembly, and the general public.

65 4. The department of elementary and secondary education shall provide such legal,
66 research, clerical, and technical services as the task force may require in the performance of its
67 duties.

68 5. The task force established under subsection 1 of this section shall consider a course
69 that:

70 (1) Gives students an opportunity to explore various career and educational opportunities
71 by:

72 (a) Administering career surveys to students and helping students use Missouri
73 Connections to determine their career interests and develop plans to meet their career goals;

- 74 (b) Explaining the differences between types of colleges, including two-year and
75 four-year colleges, and noting the availability of registered apprenticeship programs as
76 alternatives to college for students;
- 77 (c) Describing technical degrees offered by colleges;
- 78 (d) Explaining the courses and educational experiences offered at community colleges;
- 79 (e) Describing the various certificates and credentials available to earn at the school or
80 other schools including, but not limited to, career and technical education certificates described
81 under section 170.029 and industry-recognized certificates and credentials;
- 82 (f) Advising students of any advanced placement courses that they may take at the
83 school;
- 84 (g) Describing any opportunities at the school for dual enrollment;
- 85 (h) Advising students of any Project Lead the Way courses offered at the school and
86 explaining how Project Lead the Way courses help students learn valuable skills;
- 87 (i) Informing students of the availability of funding for postsecondary education through
88 the A+ schools program described under section 160.545;
- 89 (j) Describing the availability of virtual courses;
- 90 (k) Describing the types of skills and occupations most in demand in the current job
91 market and those skills and occupations likely to be in high demand in future years;
- 92 (l) Describing the typical salaries for occupations, salary trends, and opportunities for
93 advancement in various occupations;
- 94 (m) Emphasizing the opportunities available in careers involving science, technology,
95 engineering, and math;
- 96 (n) Advising students of the resources offered by workforce or job centers;
- 97 (o) Preparing students for the ACT assessment or the ACT WorkKeys assessments
98 required for the National Career Readiness Certificate;
- 99 (p) Administering a practice ACT assessment or practice ACT WorkKeys assessments
100 required for the National Career Readiness Certificate to students;
- 101 (q) Advising students of opportunities to take the SAT and the Armed Services
102 Vocational Aptitude Battery;
- 103 (r) Administering a basic math test to students so that they can assess their math skills;
- 104 (s) Administering a basic writing test to students so that they can assess their writing
105 skills;
- 106 (t) Helping each student prepare a personal plan of study that outlines a sequence of
107 courses and experiences that concludes with the student reaching his or her postsecondary goals;
108 and

109 (u) Explaining how to complete college applications and the Free Application for Federal
110 Student Aid;

111 (2) Focuses on career readiness and emphasizes the importance of work ethic,
112 communication, collaboration, critical thinking, and creativity;

113 (3) Demonstrates that graduation from a four-year college is not the only pathway to
114 success by describing to students at least sixteen pathways to success in detail and including
115 guest visitors who represent each pathway described. In exploring how these pathways could
116 be covered in the course, the task force shall consider how instructors for the course may be able
117 to rely on assistance from Missouri Career Pathways within the department of elementary and
118 secondary education;

119 (4) Provides student loan counseling; and

120 (5) May include parent-student meetings.

121 6. Before December 1, 2019, the task force established under subsection 1 of this section
122 shall present its findings and recommendations to the speaker of the house of representatives,
123 the president pro tempore of the senate, the joint committee on education, and the state board of
124 education. Upon presenting the findings and recommendations as described in this subsection,
125 the task force shall dissolve.

[~~620.484.~~] **173.2800.** The provisions of the Wagner-Peyser Act (29 U.S.C.A. Sec. 49 et
2 seq.), as amended, are hereby accepted by this state and the division of workforce development
3 of the department of [~~economic development~~] **higher education and workforce development**
4 is hereby designated and constituted the agency of this state for the purposes of said act. The
5 division shall establish and maintain free public employment offices in such number and in such
6 places as may be necessary for the proper administration of this chapter and for the purposes of
7 performing such functions as are within the purview of the Wagner-Peyser Act.

[~~620.490.~~] **173.2805.** The department of [~~economic development~~] **higher education and**
2 **workforce development** shall promulgate rules providing for the coordination of state and
3 federal job training resources administered by the department of economic development,
4 including the local workforce investment areas established in the state to administer federal funds
5 pursuant to the federal Workforce Investment Act or its successor, for the provision of assistance
6 to businesses in this state relating to the creation of new jobs in the state. The department shall
7 include in these rules the methods to be followed by any business engaged in the creation of new
8 jobs in state to ensure that economically disadvantaged citizens receive opportunities for
9 employment in the new jobs created. No rule or portion of a rule promulgated pursuant to the
10 authority of this section shall become effective unless it has been promulgated pursuant to the
11 provisions of section 536.024.

[620.511.] **173.2850.** 1. There is hereby established the "Missouri Workforce Development Board", formerly known as the Missouri workforce investment board, and hereinafter referred to as "the board" in sections 620.511 to 620.513.

2. The purpose of the board is to provide workforce investment activities, through statewide and local workforce investment systems, that increase the employment, retention, and earnings of participants, and increase occupational skill attainment by participants, and, as a result, improve the quality of the workforce, reduce welfare dependency, and enhance the productivity and competitiveness of the state of Missouri. The board shall be the state's advisory board pertaining to workforce preparation policy.

3. The board shall meet the requirements of the federal Workforce Innovation and Opportunity Act, hereinafter referred to as the "WIOA", P.L. 113-128, as amended. Should another federal law supplant the WIOA, all references in sections 620.511 to 620.513 to the WIOA shall apply as well to the new federal law.

4. Composition of the board shall comply with the WIOA. Board members appointed by the governor shall be subject to the advice and consent of the senate. Consistent with the requirements of the WIOA, the governor shall designate one member of the board to be its chairperson.

5. Each member of the board shall serve for a term of four years, subject to the pleasure of the governor, and until a successor is duly appointed. In the event of a vacancy on the board, the vacancy shall be filled in the same manner as the original appointment and said replacement shall serve the remainder of the original appointee's unexpired term.

6. Of the members initially appointed to the WIOA, formerly known as the WIA, board, one-fourth shall be appointed for a term of four years, one-fourth shall be appointed for a term of three years, one-fourth shall be appointed for a term of two years, and one-fourth shall be appointed for a term of one year.

7. WIOA board members shall receive no compensation, but shall be reimbursed for all necessary expenses actually incurred in the performance of their duties.

8. The department may include on its website a list of the names of the members of the board, including the names of members of local workforce development boards, along with information on how to contact such boards.

[620.512.] **173.2855.** 1. The board shall establish bylaws governing its organization, operation, and procedure consistent with sections 620.511 to 620.513, and consistent with the WIOA.

2. The board shall meet at least four times each year at the call of the chairperson.

3. In order to assure objective management and oversight, the board shall not operate programs or provide services directly to eligible participants, but shall exist solely to plan,

7 coordinate, and monitor the provisions of such programs and services. A member of the board
8 may not vote on a matter under consideration by the board that regards the provision of services
9 by the member or by an entity that the member represents or would provide direct financial
10 benefit to the member or the immediate family of the member. A member of the board may not
11 engage in any other activity determined by the governor to constitute a conflict of interest.

12 4. The composition and the roles and responsibilities of the board membership may be
13 amended to comply with any succeeding federal or state legislative or regulatory requirements
14 governing workforce investment activities, except that the procedure for such change shall be
15 outlined in state rules and regulations and adopted in the bylaws of the board.

16 5. The department of [~~economic development~~] **higher education and workforce**
17 **development** shall provide professional, technical, and clerical staff for the board.

18 6. The board may promulgate any rules and regulations necessary to administer the
19 provisions of sections 620.511 to 620.513. Any rule or portion of a rule, as that term is defined
20 in section 536.010, that is created under the authority delegated in this section shall become
21 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
22 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the
23 powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective
24 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of
25 rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid
26 and void.

[~~620.513.~~] **173.2860.** 1. The board shall assist the governor with the functions described
2 in Section 101(d) of the WIOA, 29 U.S.C. Section 311d, and any regulations issued pursuant to
3 the WIOA.

4 2. The board shall submit an annual report of its activities to the governor, the speaker
5 of the house of representatives, and the president pro tem of the senate no later than January
6 thirty-first of each year.

7 3. Nothing in sections 620.511 to 620.513 shall be construed to require or allow the
8 board to assume or supersede the statutory authority granted to, or impose any duties or
9 requirements on, the state coordinating board for higher education, the governing boards of the
10 state's public colleges and universities, the state board of education, or any local educational
11 agencies.

178.585. 1. Under rules and regulations of the state board of education, the
2 commissioner of education, in cooperation with the director of the division of workforce
3 development of the department of [~~economic development~~] **higher education and workforce**
4 **development**, shall establish procedures to provide grants to public high schools,
5 vocational-technical schools, State Technical College of Missouri, and community colleges

6 solely for the purpose of new programs, curriculum enhancement, equipment and facilities so
7 as to upgrade vocational and technical education in the state.

8 2. Each vocational-technical school, community college, State Technical College of
9 Missouri, and school district of any public high school receiving a grant authorized by this
10 section shall have an advisory committee composed of local business persons, labor leaders,
11 parents, senior citizens, community leaders and teachers to establish a plan to ensure that
12 students who graduate from the vocational-technical school, community college, State Technical
13 College of Missouri, or public high school proceed to a four-year college or high-wage job with
14 workplace-skill development opportunities.

15 3. The ~~[director of the department of economic development]~~ **commissioner of higher**
16 **education and workforce development** shall provide annually to the commissioner of
17 education a listing of demand occupations in the state including substate projections. The listing
18 shall include those occupations for which, in the judgment of the ~~[director of the department of~~
19 ~~economic development]~~ **commissioner of higher education and workforce development**, there
20 is a critical shortage to meet present or future employment needs necessary to the economic
21 growth and competitiveness of the state.

22 4. In any fiscal year, at least seventy-five percent of all moneys for the grant awards
23 authorized by this section shall be to public high schools, vocational-technical schools, State
24 Technical College of Missouri, or community colleges for new programs, curriculum
25 enhancement or equipment necessary to address demand occupations identified pursuant to
26 subsection 3 of this section.

186.019. 1. Prior to April first of each year, starting in 1992, the information described
2 in subdivisions (1), (2), (3) and (4) of this subsection shall be delivered in report form to the
3 Missouri women's council, the governor's office, the secretary of the senate, and the chief clerk
4 of the house of representatives. The information shall apply only to activities which occurred
5 during the previous calendar year. Reports shall be required from the following:

6 (1) The department of labor and industrial relations, and the division of workforce
7 development of the department of ~~[economic development]~~ **higher education and workforce**
8 **development**, who shall assemble all available data and report on all business start-ups and
9 business failures which are fifty-one percent or more owned by women. The reports shall
10 distinguish, as best as possible, those businesses which are sole proprietorships, partnerships, or
11 corporations;

12 (2) The department of economic development, who shall assemble all available data and
13 report on financial assistance or other incentives given to all businesses which are fifty-one
14 percent or more owned by women. The report shall contain information relating to assistance

15 or incentives awarded for the retention of existing businesses, the expansion of existing
16 businesses, or the start-up of new businesses;

17 (3) The department of revenue, who shall assemble all available data and report on the
18 number, gross receipts and net income of all businesses which are fifty-one percent or more
19 owned by women. The reports shall distinguish those businesses which are sole proprietorships,
20 partnerships or corporations;

21 (4) The division of purchasing of the office of administration, who shall assemble all
22 available data and report on businesses which are fifty-one percent or more owned by women
23 which are recipients of contracts awarded by the state of Missouri.

24 2. Prior to December first of each year, starting in 1990, the information described in
25 subdivisions (1) and (2) of this subsection shall be delivered in report form to the Missouri
26 women's council, the governor's office, the secretary of the senate, and the chief clerk of the
27 house of representatives. The information shall apply only to activities which occurred during
28 the previous school year. Reports shall be required from the following:

29 (1) The department of elementary and secondary education shall assemble all available
30 data from the Vocational and Education Data System (VEDS) on class enrollments by Instruction
31 Program Codes (CIP); by secondary and postsecondary schools; and, secondary, postsecondary,
32 and adult level classes; and by gender. This data shall also be reported by classes of traditional
33 and nontraditional occupational areas;

34 (2) The coordinating board for higher education shall assemble all available data and
35 report on higher education degrees awarded by academic discipline; type of degree; type of
36 school; and gender. All available data shall also be reported on salaries received upon
37 completion of degree program and subsequent hire, as well as any data available on follow-up
38 salaries.

290.257. 1. (1) In determining the prevailing wage rate, the department shall accept and
2 consider information submitted in either paper or electronic format regarding local wage rates
3 for construction projects that occurred during the year preceding the annual wage order to be
4 issued, provided that information regarding local wage rates for entry-level workers and federally
5 registered apprentices shall not be considered.

6 (2) (a) The prevailing wage rate for each occupational title shall be equal to the weighted
7 average wage for that occupational title.

8 (b) For purposes of this subdivision, the following terms shall mean:

9 a. "Reported wage sum", for each occupational title, the sum of every product of each
10 reported wage rate, which shall include fringe benefits, multiplied by the total number of
11 reportable hours at such wage rate; and

12 b. "Weighted average wage", the reported wage sum for each occupational title divided
13 by the total number of reportable hours for that occupational title.

14 2. The department shall annually calculate the public works contracting minimum wage
15 in each locality. The public works contracting minimum wage shall be equal to one hundred
16 twenty percent of the average hourly wage in a particular locality, as determined by the Missouri
17 economic research and information center within the department of [~~economic development~~]
18 **higher education and workforce development**, or any successor agency.

19 3. A final determination of the prevailing hourly rate of wages and the public works
20 contracting minimum wage applicable to every locality to be contained in an annual wage order
21 shall be made annually on or before July 1, 2019, and July first of each year thereafter. The wage
22 order shall remain in effect until superseded by a new annual wage order. The department shall,
23 by March 10, 2019, and March tenth of each year thereafter, make an initial determination of the
24 prevailing wage rate for each occupational title within the locality as well as an initial
25 determination as to the public works contracting minimum wage. Objections may be filed as to
26 any initial determination as provided in section 290.262.

27 4. (1) If the total number of reportable hours that are paid pursuant to a collective
28 bargaining agreement and the total number of reportable hours that are not paid pursuant to a
29 collective bargaining agreement equal or exceed, in the aggregate, one thousand hours for any
30 particular occupational title within a locality, workers engaged in that occupational title in such
31 locality shall be paid the prevailing wage rate determined by the department pursuant to this
32 section.

33 (2) If the total number of reportable hours that are paid pursuant to a collective
34 bargaining agreement and the total number of reportable hours that are not paid pursuant to a
35 collective bargaining agreement do not equal or exceed, in the aggregate, one thousand hours for
36 any particular occupational title within a locality, workers engaged in that occupational title in
37 such locality shall be paid the public works contracting minimum wage.

38 5. For purposes of this section, the term "reportable hours" shall mean hours reported by
39 a contractor for work performed under such contractor in a particular occupational title within
40 a particular locality.

41 6. (1) The different types of occupational titles to which sections 290.210 to 290.340
42 shall apply shall be limited to, and shall include, all of the following:

43 (a) Asbestos worker;

44 (b) Boilermaker;

45 (c) Bricklayer;

46 (d) Carpenter, which shall include pile driver, millwright, lather, and linoleum layer;

47 (e) Cement mason, which shall include plasterer;

- 48 (f) Communications technician;
 49 (g) Electrician;
 50 (h) Elevator constructor;
 51 (i) Glazier;
 52 (j) Ironworker;
 53 (k) General laborer, including first semi-skilled laborer and second semi-skilled laborer;
 54 (l) Mason, which shall include marble mason, marble finisher, terrazzo worker, terrazzo
 55 finisher, tile setter, and tile finisher;
 56 (m) Operating engineer, which shall include operating engineer group one, operating
 57 engineer group two, operating engineer group three, operating engineer group three-A, operating
 58 engineer group four, and operating engineer group five;
 59 (n) Outside lineman, lineman operator, groundman, lineman tree trimmer, groundman
 60 tree trimmer, and any combination thereof;
 61 (o) Painter;
 62 (p) Plumber, which shall include pipefitter;
 63 (q) Roofer;
 64 (r) Sheet metal worker;
 65 (s) Sprinkler fitter; and
 66 (t) Truck driver, which shall include truck control service driver, truck driver group one,
 67 truck driver group two, truck driver group three, and truck driver group four.
 68 (2) Each occupational title listed in subdivision (1) of this subsection shall have the same
 69 meaning and description as given to such occupational title in 8 CSR 30-3.060.

374.007. 1. The revisor of statutes shall change all references in the revised statutes of
 2 Missouri from [~~"department of insurance", "insurance department" or "department of insurance,~~
 3 ~~financial and professional regulation" to] "department of insurance, financial institutions and
 4 professional registration" to **"department of commerce and insurance"**.~~

5 2. The revisor of statutes shall change all references in the revised statutes of Missouri
 6 from [~~"director of insurance" or "commissioner of insurance" to] "director of the department of
 7 insurance, financial institutions and professional registration" to **"director of the department
 8 of commerce and insurance"**.~~

386.040. 1. A "Public Service Commission" is hereby created and established, which
 2 said public service commission shall be vested with and possessed of the powers and duties in
 3 this chapter specified, and also all powers necessary or proper to enable it to carry out fully and
 4 effectually all the purposes of this chapter.

5 **2. The public service commission with all of its powers, duties, and functions is**
 6 **assigned by type III transfer, as defined under the Omnibus State Reorganization Act of**

7 **1974, to the department of commerce and insurance. Nothing in the Reorganization Act**
8 **of 1974 shall prevent the chair of the public service commission from presenting additional**
9 **budget requests or from explaining or clarifying its budget requests to the governor or**
10 **general assembly.**

386.071. The public service commission may appoint and fix the compensation of a
2 general counsel to serve at the pleasure of the commission. He **or she** shall be an attorney at law
3 and shall have resided in this state prior to his **or her** appointment. It shall be the duty of the
4 general counsel for the commission to represent and appear for the commission in all actions and
5 proceedings involving any question under this or any other law, or under or in reference to any
6 act, order, decision or proceeding of the commission, and if directed to do so by the commission,
7 to intervene, if possible, in any action or proceeding in which any such question is involved; to
8 commence and prosecute in the name of the state all actions and proceedings, authorized by law
9 and directed or authorized by the commission, and to expedite in every way possible, to final
10 determination all such actions and proceedings; to advise the commission and each
11 commissioner, when so requested, in regard to all matters in connection with the powers and
12 duties of the commission and the members thereof, and generally to perform all duties and
13 services as attorney and counsel to the commission which the commission may reasonably
14 require of him **or her. The public service commission is authorized to employ such staff as**
15 **it deems necessary for the functions performed by the general counsel other than those**
16 **powers, duties, and functions relating to the representation of the public before the public**
17 **service commission.**

386.700. The director of the department of [~~economic development~~] **commerce and**
2 **insurance** shall appoint a public counsel to serve at the pleasure of the director of the
3 department. The public counsel shall be an attorney at law licensed to practice law in this state
4 and whose salary shall be fixed by the department director within the appropriation made
5 therefor. **The powers, duties, and functions vested in the office of the public counsel are**
6 **transferred by type III transfer to the department of commerce and insurance. Funding**
7 **for the office of the public counsel shall be by general revenue.**

386.710. 1. The public counsel shall have the following powers and duties:

- 2 (1) He **or she** shall employ a staff or hire on a contract basis such employees and experts
3 as are necessary to carry out the purposes and responsibilities of his **or her** office, and shall set
4 their compensation within the appropriation made for that purpose;
- 5 (2) He **or she** may represent and protect the interests of the public in any proceeding
6 before or appeal from the public service commission;
- 7 (3) He **or she** shall have discretion to represent or refrain from representing the public
8 in any proceeding. He **or she** shall consider in exercising his discretion the importance and the

9 extent of the public interest involved and whether that interest would be adequately represented
10 without the action of his **or her** office. If the public counsel determines that there are conflicting
11 public interests involved in a particular matter, he **or she** may choose to represent one such
12 interest based upon the considerations of this section, to represent no interest in that matter, or
13 to represent one interest and certify to the director of the department of [~~economic development~~]
14 **commerce and insurance** that there is a significant public interest which he **or she** cannot
15 represent without creating a conflict of interest and which will not be protected by any party to
16 the proceeding. The director of the department shall select an attorney, to be paid from funds
17 appropriated for this purpose, to represent that segment of the public certified to him by the
18 public counsel as unrepresented. Nothing in this section shall be construed to limit the right of
19 any person, firm or corporation specified in subsection 1 of section 386.390 to petition or make
20 complaint to the commission or otherwise intervene in proceedings or other matters before the
21 commission.

22 2. The public counsel shall be served with all proposed tariffs, initial pleadings, and
23 applications, in all proceedings before the public service commission, and shall be served with
24 a copy of all orders of the commission.

25 3. Nothing in sections 386.071, 386.150, 386.155, 386.170, 386.200, 386.330, 386.360,
26 386.390, 386.400, 386.410, 386.420, 386.440, 386.450, 386.480, 386.500, 386.530, 386.540,
27 386.600, 386.700 and 386.710, shall be construed or interpreted to mean that the public counsel
28 shall not have the right to appeal any and all orders of the public service commission to the
29 courts which right of appeal exists and has existed since the time of transfer as provided in
30 section 386.500.

31 4. He shall have all powers necessary or proper to carry out the duties specified in this
32 section.

386.890. 1. This section shall be known and may be cited as the "Net Metering and Easy
2 Connection Act".

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

4 (1) "Avoided fuel cost", the current average cost of fuel for the entity generating
5 electricity, as defined by the governing body with jurisdiction over any municipal electric utility,
6 rural electric cooperative as provided in chapter 394, or electrical corporation as provided in this
7 chapter;

8 (2) "Commission", the public service commission of the state of Missouri;

9 (3) "Customer-generator", the owner or operator of a qualified electric energy generation
10 unit which:

11 (a) Is powered by a renewable energy resource;

12 (b) Has an electrical generating system with a capacity of not more than one hundred
13 kilowatts;

14 (c) Is located on a premises owned, operated, leased, or otherwise controlled by the
15 customer-generator;

16 (d) Is interconnected and operates in parallel phase and synchronization with a retail
17 electric supplier and has been approved by said retail electric supplier;

18 (e) Is intended primarily to offset part or all of the customer-generator's own electrical
19 energy requirements;

20 (f) Meets all applicable safety, performance, interconnection, and reliability standards
21 established by the National Electrical Code, the National Electrical Safety Code, the Institute of
22 Electrical and Electronics Engineers, Underwriters Laboratories, the Federal Energy Regulatory
23 Commission, and any local governing authorities; and

24 (g) Contains a mechanism that automatically disables the unit and interrupts the flow of
25 electricity back onto the supplier's electricity lines in the event that service to the
26 customer-generator is interrupted;

27 (4) "Department", the department of ~~[economic development]~~ **natural resources**;

28 (5) "Net metering", using metering equipment sufficient to measure the difference
29 between the electrical energy supplied to a customer-generator by a retail electric supplier and
30 the electrical energy supplied by the customer-generator to the retail electric supplier over the
31 applicable billing period;

32 (6) "Renewable energy resources", electrical energy produced from wind, solar thermal
33 sources, hydroelectric sources, photovoltaic cells and panels, fuel cells using hydrogen produced
34 by one of the above-named electrical energy sources, and other sources of energy that become
35 available after August 28, 2007, and are certified as renewable by the department;

36 (7) "Retail electric supplier" or "supplier", any municipal utility, electrical corporation
37 regulated under this chapter, or rural electric cooperative under chapter 394 that provides retail
38 electric service in this state.

39 3. A retail electric supplier shall:

40 (1) Make net metering available to customer-generators on a first-come, first-served
41 basis until the total rated generating capacity of net metering systems equals five percent of the
42 utility's single-hour peak load during the previous year, after which the commission for a public
43 utility or the governing body for other electric utilities may increase the total rated generating
44 capacity of net metering systems to an amount above five percent. However, in a given calendar
45 year, no retail electric supplier shall be required to approve any application for interconnection
46 if the total rated generating capacity of all applications for interconnection already approved to

47 date by said supplier in said calendar year equals or exceeds one percent of said supplier's
48 single-hour peak load for the previous calendar year;

49 (2) Offer to the customer-generator a tariff or contract that is identical in electrical
50 energy rates, rate structure, and monthly charges to the contract or tariff that the customer would
51 be assigned if the customer were not an eligible customer-generator but shall not charge the
52 customer-generator any additional standby, capacity, interconnection, or other fee or charge that
53 would not otherwise be charged if the customer were not an eligible customer-generator; and

54 (3) Disclose annually the availability of the net metering program to each of its
55 customers with the method and manner of disclosure being at the discretion of the supplier.

56 4. A customer-generator's facility shall be equipped with sufficient metering equipment
57 that can measure the net amount of electrical energy produced or consumed by the
58 customer-generator. If the customer-generator's existing meter equipment does not meet these
59 requirements or if it is necessary for the electric supplier to install additional distribution
60 equipment to accommodate the customer-generator's facility, the customer-generator shall
61 reimburse the retail electric supplier for the costs to purchase and install the necessary additional
62 equipment. At the request of the customer-generator, such costs may be initially paid for by the
63 retail electric supplier, and any amount up to the total costs and a reasonable interest charge may
64 be recovered from the customer-generator over the course of up to twelve billing cycles. Any
65 subsequent meter testing, maintenance or meter equipment change necessitated by the
66 customer-generator shall be paid for by the customer-generator.

67 5. Consistent with the provisions in this section, the net electrical energy measurement
68 shall be calculated in the following manner:

69 (1) For a customer-generator, a retail electric supplier shall measure the net electrical
70 energy produced or consumed during the billing period in accordance with normal metering
71 practices for customers in the same rate class, either by employing a single, bidirectional meter
72 that measures the amount of electrical energy produced and consumed, or by employing multiple
73 meters that separately measure the customer-generator's consumption and production of
74 electricity;

75 (2) If the electricity supplied by the supplier exceeds the electricity generated by the
76 customer-generator during a billing period, the customer-generator shall be billed for the net
77 electricity supplied by the supplier in accordance with normal practices for customers in the same
78 rate class;

79 (3) If the electricity generated by the customer-generator exceeds the electricity supplied
80 by the supplier during a billing period, the customer-generator shall be billed for the appropriate
81 customer charges for that billing period in accordance with subsection 3 of this section and shall

82 be credited an amount at least equal to the avoided fuel cost of the excess kilowatt-hours
83 generated during the billing period, with this credit applied to the following billing period;

84 (4) Any credits granted by this subsection shall expire without any compensation at the
85 earlier of either twelve months after their issuance or when the customer-generator disconnects
86 service or terminates the net metering relationship with the supplier;

87 (5) For any rural electric cooperative under chapter 394, or municipal utility, upon
88 agreement of the wholesale generator supplying electric energy to the retail electric supplier, at
89 the option of the retail electric supplier, the credit to the customer-generator may be provided by
90 the wholesale generator.

91 6. (1) Each qualified electric energy generation unit used by a customer-generator shall
92 meet all applicable safety, performance, interconnection, and reliability standards established by
93 any local code authorities, the National Electrical Code, the National Electrical Safety Code, the
94 Institute of Electrical and Electronics Engineers, and Underwriters Laboratories for distributed
95 generation. No supplier shall impose any fee, charge, or other requirement not specifically
96 authorized by this section or the rules promulgated under subsection 9 of this section unless the
97 fee, charge, or other requirement would apply to similarly situated customers who are not
98 customer-generators, except that a retail electric supplier may require that a customer-generator's
99 system contain a switch, circuit breaker, fuse, or other easily accessible device or feature located
100 in immediate proximity to the customer-generator's metering equipment that would allow a
101 utility worker the ability to manually and instantly disconnect the unit from the utility's electric
102 distribution system.

103 (2) For systems of ten kilowatts or less, a customer-generator whose system meets the
104 standards and rules under subdivision (1) of this subsection shall not be required to install
105 additional controls, perform or pay for additional tests or distribution equipment, or purchase
106 additional liability insurance beyond what is required under subdivision (1) of this subsection
107 and subsection 4 of this section.

108 (3) For customer-generator systems of greater than ten kilowatts, the commission for
109 public utilities and the governing body for other utilities shall, by rule or equivalent formal action
110 by each respective governing body:

111 (a) Set forth safety, performance, and reliability standards and requirements; and

112 (b) Establish the qualifications for exemption from a requirement to install additional
113 controls, perform or pay for additional tests or distribution equipment, or purchase additional
114 liability insurance.

115 7. (1) Applications by a customer-generator for interconnection of a qualified electric
116 energy generation unit meeting the requirements of subdivision (3) of subsection 2 of this section
117 to the distribution system shall be accompanied by the plan for the customer-generator's electrical

118 generating system, including but not limited to a wiring diagram and specifications for the
119 generating unit, and shall be reviewed and responded to by the retail electric supplier within
120 thirty days of receipt for systems ten kilowatts or less and within ninety days of receipt for all
121 other systems. Prior to the interconnection of the qualified generation unit to the supplier's
122 system, the customer-generator will furnish the retail electric supplier a certification from a
123 qualified professional electrician or engineer that the installation meets the requirements of
124 subdivision (1) of subsection 6 of this section. If the application for interconnection is approved
125 by the retail electric supplier and the customer-generator does not complete the interconnection
126 within one year after receipt of notice of the approval, the approval shall expire and the
127 customer-generator shall be responsible for filing a new application.

128 (2) Upon the change in ownership of a qualified electric energy generation unit, the new
129 customer-generator shall be responsible for filing a new application under subdivision (1) of this
130 subsection.

131 8. Each commission-regulated supplier shall submit an annual net metering report to the
132 commission, and all other nonregulated suppliers shall submit the same report to their respective
133 governing body and make said report available to a consumer of the supplier upon request,
134 including the following information for the previous calendar year:

- 135 (1) The total number of customer-generator facilities;
136 (2) The total estimated generating capacity of its net-metered customer-generators; and
137 (3) The total estimated net kilowatt-hours received from customer-generators.

138 9. The commission shall, within nine months of January 1, 2008, promulgate initial rules
139 necessary for the administration of this section for public utilities, which shall include
140 regulations ensuring that simple contracts will be used for interconnection and net metering. For
141 systems of ten kilowatts or less, the application process shall use an all-in-one document that
142 includes a simple interconnection request, simple procedures, and a brief set of terms and
143 conditions. Any rule or portion of a rule, as that term is defined in section 536.010, that is
144 created under the authority delegated in this section shall become effective only if it complies
145 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
146 This section and chapter 536 are nonseverable and if any of the powers vested with the general
147 assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a
148 rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule
149 proposed or adopted after August 28, 2007, shall be invalid and void.

150 10. The governing body of a rural electric cooperative or municipal utility shall, within
151 nine months of January 1, 2008, adopt policies establishing a simple contract to be used for
152 interconnection and net metering. For systems of ten kilowatts or less, the application process

153 shall use an all-in-one document that includes a simple interconnection request, simple
154 procedures, and a brief set of terms and conditions.

155 11. For any cause of action relating to any damages to property or person caused by the
156 generation unit of a customer-generator or the interconnection thereof, the retail electric supplier
157 shall have no liability absent clear and convincing evidence of fault on the part of the supplier.

158 12. The estimated generating capacity of all net metering systems operating under the
159 provisions of this section shall count towards the respective retail electric supplier's
160 accomplishment of any renewable energy portfolio target or mandate adopted by the Missouri
161 general assembly.

162 13. The sale of qualified electric generation units to any customer-generator shall be
163 subject to the provisions of sections 407.700 to 407.720. The attorney general shall have the
164 authority to promulgate in accordance with the provisions of chapter 536 rules regarding
165 mandatory disclosures of information by sellers of qualified electric generation units. Any
166 interested person who believes that the seller of any electric generation unit is misrepresenting
167 the safety or performance standards of any such systems, or who believes that any electric
168 generation unit poses a danger to any property or person, may report the same to the attorney
169 general, who shall be authorized to investigate such claims and take any necessary and
170 appropriate actions.

171 14. Any costs incurred under this act by a retail electric supplier shall be recoverable in
172 that utility's rate structure.

173 15. No consumer shall connect or operate an electric generation unit in parallel phase
174 and synchronization with any retail electric supplier without written approval by said supplier
175 that all of the requirements under subdivision (1) of subsection 7 of this section have been met.
176 For a consumer who violates this provision, a supplier may immediately and without notice
177 disconnect the electric facilities of said consumer and terminate said consumer's electric service.

178 16. The manufacturer of any electric generation unit used by a customer-generator may
179 be held liable for any damages to property or person caused by a defect in the electric generation
180 unit of a customer-generator.

181 17. The seller, installer, or manufacturer of any electric generation unit who knowingly
182 misrepresents the safety aspects of an electric generation unit may be held liable for any damages
183 to property or person caused by the electric generation unit of a customer-generator.

393.1025. As used in sections 393.1020 to 393.1030, the following terms mean:

- 2 (1) "Commission", the public service commission;
- 3 (2) "Department", the department of ~~[economic development]~~ **natural resources**;
- 4 (3) "Electric utility", any electrical corporation as defined by section 386.020;

5 (4) "Renewable energy credit" or "REC", a tradeable certificate of proof that one
6 megawatt-hour of electricity has been generated from renewable energy sources; and

7 (5) "Renewable energy resources", electric energy produced from wind, solar thermal
8 sources, photovoltaic cells and panels, dedicated crops grown for energy production, cellulosic
9 agricultural residues, plant residues, methane from landfills, from agricultural operations, or from
10 wastewater treatment, thermal depolymerization or pyrolysis for converting waste material to
11 energy, clean and untreated wood such as pallets, hydropower (not including pumped storage)
12 that does not require a new diversion or impoundment of water and that has a nameplate rating
13 of ten megawatts or less, fuel cells using hydrogen produced by one of the above-named
14 renewable energy sources, and other sources of energy not including nuclear that become
15 available after November 4, 2008, and are certified as renewable by rule by the department.

414.400. 1. As used in sections 414.400 to 414.417, the following terms mean:

2 (1) "Alternative fuel", any fuel, including any alcohol fuel containing eighty-five percent
3 or more by volume of such alcohol or other such percentage not less than seventy percent if
4 determined by the United States Department of Energy by rule to be necessary to provide for the
5 requirements of cold start, safety, or vehicle functions, natural gas, liquefied petroleum gas, any
6 fuel other than alcohol derived from biological materials when designated by the United States
7 Department of Energy as an alternative fuel, and hydrogen, or any power source, including
8 electricity, and any other fuel that the United States Department of Energy determines by final
9 rule is substantially not petroleum and would yield substantial energy security and environmental
10 benefits, used in a vehicle that complies with the standards and requirements applicable to such
11 vehicle pursuant to sections 414.400 to 414.417 when using such fuel or power source;

12 (2) "CAFE standard", the federal Corporate Average Fuel Economy standard, 15 U.S.C.
13 Section 2002 or 40 CFR Parts 86 and 600 or 49 CFR Part 538 or proposed rule 49 CFR Part 538
14 until such rule is finalized;

15 (3) "Department", the department of ~~[economic development]~~ **natural resources**;

16 (4) "Director", the director of the department of ~~[economic development]~~ **natural**
17 **resources**;

18 (5) "State agency", the same meaning as such term is defined in section 536.010;

19 (6) "Vehicle fleet", any fleet comprised of vehicles with a manufacturer's gross vehicle
20 weight rating of not more than eight thousand five hundred pounds registered for operation on
21 the highways of this state pursuant to chapter 301.

22 2. The department in consultation with the commissioner of administration shall develop
23 and implement a program to manage and progressively reduce state agency vehicle fleet fuel
24 consumption and promote the use of alternative fuels. The program shall require state agencies
25 to meet minimum guidelines for efficient fleet management. Such guidelines shall be updated

26 and revised every two years and shall require the overall vehicle fleet fuel efficiency for each
27 agency to meet or exceed the fuel efficiency that would be achieved if each vehicle in the
28 agency's fleet met the CAFE standard. The department may promulgate rules necessary to
29 implement such guidelines. Further, provided that suppliers or state agencies have or can
30 reasonably be expected to have established alternative fuel refueling stations as needed, the
31 program shall require that at least thirty percent of all motor fuel purchased annually for use in
32 alternative fuel vehicles, calculated in gasoline gallon equivalents, to be alternative fuel by July
33 1, 2001. Any alternative fuel purchased by a state agency for use in vehicles not included in their
34 vehicle fleet as defined in subsection 1 of this section, calculated in gasoline gallon equivalents,
35 may be credited toward the annual alternative fuel purchase goal. The program shall
36 systematically replace existing state-owned vehicles and vehicles paid for with any state money,
37 including vehicles purchased by the university system, with vehicles manufactured, assembled
38 or produced in the United States, as required by sections 34.350 to 34.359.

39 3. The commissioner of administration shall identify specific vehicle models within each
40 vehicle procurement class that meet or exceed the CAFE standard. State agencies shall identify
41 specific vehicle models within each vehicle procurement class that have a life cycle cost which
42 is less than or equal to the average life cycle cost of those vehicles in the class which are
43 manufactured, assembled or produced in the United States. Life cycle costs shall include but are
44 not limited to the original cost of the vehicle, conversion cost if applicable, costs associated with
45 vehicle emissions to the extent that such statistics are available, and projected cost of operation,
46 including fuel cost and maintenance and salvage value to the extent that reliable maintenance and
47 salvage value statistics are available. Unless a state agency submits to the department a fleet
48 efficiency plan that complies with the minimum guidelines for energy efficiency established
49 pursuant to subsection 2 of this section, or unless otherwise approved by the office of
50 administration pursuant to subsection 4 of this section, all purchases of vehicles for state agency
51 vehicle fleets shall meet the above standards.

52 4. The commissioner of administration may waive the CAFE standard requirements of
53 subsection 3 of this section, for only those vehicles which satisfy one or more of the following
54 conditions, for any state agency upon receipt of documentation that has been certified by the
55 director of the state agency as satisfying one or more of the following conditions:

56 (1) Such vehicles are used primarily in off-road, construction, or road maintenance
57 applications;

58 (2) Such vehicles are regularly used in the movement of maintenance or construction
59 equipment;

60 (3) Such vehicles are trucks or utility vehicles as defined by the office of administration
61 that are regularly used to transport trailers for the purpose of moving state equipment; or

62 (4) Such vehicles are vehicles with manufacturer-stated seating capacity exceeding that
63 for six persons and the director of the agency has certified that the vehicle will be used to
64 transport its rated capacity in persons and/or cargo. Agencies which are granted such waivers
65 shall comply with the planning requirements of section 414.403.

66 5. The purchase of all class III vehicles, as defined by the office of administration, shall
67 be approved through the appropriations process for all departments except the highway patrol.
68 The provisions of this subsection shall not apply to the purchase of used vehicles from the
69 highway patrol.

414.406. 1. The director of the department of ~~[economic development]~~ **natural**
2 **resources** shall review each agency's vehicle fleet plan and the vehicular demands of the agency
3 by vehicle class. The office of administration shall only purchase for an agency those vehicles
4 which conform to the agency's plan as outlined in sections 414.400 and 414.403.

5 2. Each state agency shall annually file a report with the director of the department of
6 ~~[economic development]~~ **natural resources** on forms provided by the department showing its
7 progress in achieving the requirements and goals of sections 414.400 to 414.417. The director
8 of the department of ~~[economic development]~~ **natural resources** shall compile such information
9 into an annual report and submit such report to the commissioner of administration, the secretary
10 of the senate, the clerk of the house of representatives and the chairman of each committee of
11 jurisdiction of the general assembly.

12 3. The director's report shall document progress in achieving the requirements and goals
13 of sections 414.400 to 414.417 and shall include, but not be limited to, annual fuel consumption,
14 number of vehicles, vehicle miles traveled, average fleet fuel economy, estimated cost savings
15 and state use of alternative fuels.

414.417. 1. Sections 414.400 to 414.417 shall not apply to the purchase or lease of a
2 vehicle to be used primarily for criminal law enforcement or to the purchase or lease of a
3 motorcycle, all-terrain vehicle, ambulance, or any type of vehicle for which the Environmental
4 Protection Agency has not published fuel economy comparisons.

5 2. Notwithstanding the provisions of sections 414.400 to 414.417, the department of
6 natural resources ~~[and the department of economic development]~~ may acquire vehicles which
7 use alternative fuels for the purposes of assessing and demonstrating either or both alternative
8 vehicles and alternative fuels.

414.510. As used in sections 414.500 to 414.590, the following terms mean:

2 (1) "Council", the Missouri propane education and research council created pursuant to
3 section 414.530;

4 (2) "Director", the director of the division of energy of the department of ~~[economic~~
5 ~~development]~~ **natural resources** or the director's designee;

6 (3) "Education", any action to provide information on propane, propane use equipment,
7 mechanical and technical practices, and propane uses to consumers and to members of the
8 propane industry;

9 (4) "Manufacturers and distributors of LP-gas use equipment", any person or firm
10 engaged in the manufacturing, assembling and marketing of appliances, containers and products
11 used in the LP-gas industry, and those persons and firms in the wholesale marketing of
12 appliances, containers and products used in the LP-gas industry;

13 (5) "Marketing", any action taken by the council to present positive information about
14 propane to the public, including paid promotional advertising;

15 (6) "Person", any individual, group of individuals, partnership, association, cooperative,
16 corporation, or any other entity;

17 (7) "Producer", the owner of the propane at the time it is recovered at a manufacturing
18 facility, irrespective of the state where production occurs;

19 (8) "Propane" includes propane, butane, mixtures, and liquefied petroleum gas as defined
20 by the National Fire Protection Association Standard 58 for the storage and handling of liquefied
21 petroleum gases;

22 (9) "Public member", a member of the council selected from among significant users of
23 odorized propane, organizations representing significant users of odorized propane, public safety
24 officials, state propane gas regulatory officials, or voluntary standard-setting organizations;

25 (10) "Qualified industry organization", the National Propane Gas Association, the
26 Missouri Propane Gas Association, the Gas Processors Association, or a successor association;

27 (11) "Research", any type of study, investigation or other activity designed to advance
28 the image, desirability, usage, marketability, efficiency and safety of propane and propane use
29 equipment, and to further the development of such information and products;

30 (12) "Retail marketer", a business engaged primarily in the selling of propane gas, its
31 appliances and equipment to the ultimate consumer or to retail propane dispensers;

32 (13) "Transporter", any person involved in the commercial transportation of propane by
33 pipeline, truck, rail or water;

34 (14) "Wholesaler" or "reseller", a seller of propane who is not a producer and who does
35 not sell propane to the ultimate consumer.

620.010. 1. There is hereby created a "Department of Economic Development" to be
2 headed by a director appointed by the governor, by and with the advice and consent of the senate.
3 All of the general provisions, definitions and powers enumerated in section 1 of the Omnibus
4 State Reorganization Act of 1974 shall continue to apply to this department and its divisions,
5 agencies and personnel.

6 2. ~~[The powers, duties and functions vested in the public service commission, chapters~~
7 ~~386, 387, 388, 389, 390, 392, 393, and others, and the administrative hearing commission,~~
8 ~~sections 621.015 to 621.198 and others, are transferred by type III transfers to the department of~~
9 ~~economic development. The director of the department is directed to provide and coordinate~~
10 ~~staff and equipment services to these agencies in the interest of facilitating the work of the bodies~~
11 ~~and achieving optimum efficiency in staff services common to all the bodies. Nothing in the~~
12 ~~Reorganization Act of 1974 shall prevent the chairman of the public service commission from~~
13 ~~presenting additional budget requests or from explaining or clarifying its budget requests to the~~
14 ~~governor or general assembly.~~

15 ~~3. The powers, duties and functions vested in the office of the public counsel are~~
16 ~~transferred by type III transfer to the department of economic development. Funding for the~~
17 ~~general counsel's office shall be by general revenue.~~

18 ~~4. The public service commission is authorized to employ such staff as it deems~~
19 ~~necessary for the functions performed by the general counsel other than those powers, duties and~~
20 ~~functions relating to representation of the public before the public service commission.~~

21 ~~5.] All the powers, duties and functions vested in the tourism commission, chapter 258~~
22 ~~and others, are transferred to the "Division of Tourism", which is hereby created, by type III~~
23 ~~transfer.~~

24 [6-] 3. All the powers, duties and functions of the department of community affairs,
25 chapter 251 and others, not otherwise assigned, are transferred by type I transfer to the
26 department of economic development, and the department of community affairs is abolished.
27 The director of the department of economic development may assume all the duties of the
28 director of community affairs or may establish within the department such subunits and advisory
29 committees as may be required to administer the programs so transferred. The director of the
30 department shall appoint all members of such committees and heads of subunits.

31 [7-] 4. The Missouri housing development commission, chapter 215, is assigned to the
32 department of economic development, but shall remain a governmental instrumentality of the
33 state of Missouri and shall constitute a body corporate and politic.

34 [8. ~~All the authority, powers, duties, functions, records, personnel, property, matters~~
35 ~~pending and other pertinent vestiges of the division of manpower planning of the department of~~
36 ~~social services are transferred by a type I transfer to the "Division of Workforce Development",~~
37 ~~which is hereby created, within the department of economic development. The division of~~
38 ~~manpower planning within the department of social services is abolished. The provisions of~~
39 ~~section 1 of the Omnibus State Reorganization Act of 1974, Appendix B, relating to the manner~~
40 ~~and procedures for transfers of state agencies shall apply to the transfers provided in this section.~~

41 ~~9. All the authority, powers, functions, records, personnel, property, contracts, matters~~
42 ~~pending and other pertinent vestiges of the division of employment security within the~~
43 ~~department of labor and industrial relations related to job training and labor exchange that are~~
44 ~~funded with or based upon Wagner-Peyser funds, and other federal and state workforce~~
45 ~~development programs administered by the division of employment security are transferred by~~
46 ~~a type I transfer to the division of workforce development within the department of economic~~
47 ~~development.~~

48 ~~10.]~~ **5.** Any rule or portion of a rule, as that term is defined in section 536.010, that is
49 created under the authority delegated in this section shall become effective only if it complies
50 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
51 This section and chapter 536 are nonseverable and if any of the powers vested with the general
52 assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and
53 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
54 any rule proposed or adopted after August 28, 2008, shall be invalid and void.

~~[620.035.]~~ **640.021.** 1. The department of ~~[economic development]~~ **natural resources**
2 shall be vested with the powers and duties prescribed by law and shall have the power to carry
3 out the following activities:

4 (1) Assessing the impact of national energy policies on this state's supply and use of
5 energy and this state's public health, safety and welfare;

6 (2) Consulting and cooperating with all state and federal governmental agencies,
7 departments, boards and commissions and all other interested agencies and institutions,
8 governmental and nongovernmental, public and private, on matters of energy research and
9 development, management, conservation and distribution;

10 (3) The monitoring and analyzing of all federal, state, local and voluntarily disclosed
11 private sector energy research projects and voluntarily disclosed private sector energy related
12 data and information concerning supply and consumption, in order to plan for the future energy
13 needs of this state. All information gathered shall be maintained, revised and updated as an aid
14 to any interested person, foundation or other organization, public or private;

15 (4) Analyzing the potential for increased utilization of coal, nuclear, solar, resource
16 recovery and reuse, landfill gas, projects to reduce and capture methane and other greenhouse
17 gas emissions from landfills, energy efficient technologies and other energy alternatives, and
18 making recommendations for the expanded use of alternate energy sources and technologies;

19 (5) Entering into cooperative agreements with other states, political subdivisions, private
20 entities, or educational institutions for the purpose of seeking and securing federal grants for the
21 department and its partners in the grants;

22 (6) The development and promotion of state energy conservation programs, including:

- 23 (a) Public education and information in energy-related areas;
- 24 (b) Developing energy efficiency standards for agricultural and industrial energy use and
25 for new and existing buildings, to be promoted through technical assistance efforts by
26 cooperative arrangements with interested public, business and civic groups and by cooperating
27 with political subdivisions of this state;
- 28 (c) Preparing plans for reducing energy use in the event of an energy or other resource
29 supply emergency.

30 2. No funds shall be expended to implement the provisions of this section until funds are
31 specifically appropriated for that purpose. In order to carry out its responsibilities under this
32 section, the department may expend any such appropriated funds by entering into agreements,
33 contracts, grants, subgrants, or cooperative arrangements under various terms and conditions in
34 the best interest of the state with other state, federal, or interstate agencies, political subdivisions,
35 not-for-profit entities or organizations, educational institutions, or other entities, both public and
36 private, to carry out its responsibilities.

640.153. 1. As used in this section, the following terms mean:

- 2 (1) "Applicant", an entity that applies to the department for certification as a qualified
3 home energy auditor;
- 4 (2) "Department", the department of ~~[economic development]~~ **natural resources**;
- 5 (3) "Qualified home energy audit", a home energy audit conducted by an entity certified
6 by the department as a qualified home energy auditor, the purpose of which is to provide energy
7 efficiency recommendations that will reduce the energy use or the utility costs, or both, of a
8 residential or commercial building;
- 9 (4) "Qualified home energy auditor", an applicant who has met the certification
10 requirements established by the department and whose certification has been approved by the
11 department.

12 2. The department shall develop criteria and requirements for certification of qualified
13 home energy auditors. Any applicant shall provide the department with an application,
14 documentation, or other information as the department may require. The department may
15 establish periodic requirements for qualified home energy auditors to maintain certification.

16 3. The department shall provide successful applicants with written notice that the
17 applicant meets the certification requirements.

640.157. The division of energy of the department of ~~[economic development]~~ **natural**
2 **resources** shall serve as a central point of coordination for activities relating to energy
3 sustainability in the state. As such, the division of energy shall:

4 (1) Consult and cooperate with other state agencies to serve as a technical advisor on
5 sustainability issues, including but not limited to renewable energy use and green building design
6 and construction;

7 (2) Provide technical assistance to local governments, businesses, schools, and
8 homeowners on sustainability issues, including but not limited to renewable energy use and
9 green building design and construction; and

10 (3) Conduct outreach and education efforts, which may be in coordination with
11 community action agencies, for the purpose of informing the general public about financial
12 assistance opportunities for energy conservation, including but not limited to tax incentives.

640.160. 1. There is hereby created in the state treasury the "Energy Futures Fund"
2 which shall consist of money appropriated by the general assembly or received from gifts,
3 bequests, donations, or from the federal government. The state treasurer shall be custodian of
4 the fund and may approve disbursements from the fund in accordance with sections 30.170 and
5 30.180. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining
6 in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.
7 The state treasurer shall invest moneys in the fund in the same manner as other funds are
8 invested. Any interest and moneys earned on such investments shall be credited to the fund.

9 2. Upon appropriation, the department of [~~economic development~~] **natural resources**
10 may use moneys in the fund created under this section for the purposes of carrying out the
11 provisions of section 620.035 and sections 640.153 to 640.160 including, but not limited to,
12 energy efficiency programs, energy studies, energy resource analyses, or energy projects. After
13 appropriation, the department may also expend funds for the administration and management of
14 energy responsibilities and activities associated with projects and studies funded from the energy
15 futures fund.

640.651. As used in sections 640.651 to 640.686, the following terms mean:

2 (1) "Applicant", any school, hospital, small business, local government or other
3 energy-using sector or entity authorized by the department through administrative rule, which
4 submits an application for loans on financial assistance to the department;

5 (2) "Application cycle", the period of time each year, as determined by the department,
6 that the department shall accept and receive applications seeking loans or financial assistance
7 under the provisions of sections 640.651 to 640.686;

8 (3) "Authority", the environmental improvement and energy resources authority;

9 (4) "Borrower", a recipient of loan or other financial assistance program funds
10 subsequent to the execution of loan or financial assistance documents with the department or
11 other applicable parties provided that a building owned by the state or an agency thereof other

12 than a state college or state university, shall not be eligible for loans or financial assistance
13 pursuant to sections 640.651 to 640.686;

14 (5) "Building", including initial installation in a new building, any applicant-owned and
15 -operated structure, group of closely situated structural units that are centrally metered or served
16 by a central utility plant, or an eligible portion thereof, which includes a heating or cooling
17 system, or both;

18 (6) "Department", the department of [~~economic development~~] **natural resources**;

19 (7) "Energy conservation loan account", an account to be established on the books of a
20 borrower for purposes of tracking information related to the receipt or expenditure of the loan
21 funds or financial assistance, and to be used to receive and remit energy cost savings for purposes
22 of making payments on the loan or financial assistance;

23 (8) "Energy conservation measure" or "ECM", an installation or modification of an
24 installation in a building or replacement or modification to an energy-consuming process or
25 system which is primarily intended to maintain or reduce energy consumption and reduce energy
26 costs, or allow the use of an alternative or renewable energy source;

27 (9) "Energy conservation project" or "project", the design, acquisition, installation, and
28 implementation of one or more energy conservation measures;

29 (10) "Energy cost savings" or "savings", the value, in terms of dollars, that has or is
30 estimated to accrue from energy savings or avoided costs due to implementation of an energy
31 conservation project;

32 (11) "Estimated simple payback", the estimated cost of a project divided by the estimated
33 energy cost savings;

34 (12) "Fund", the energy set-aside program fund established in section 640.665;

35 (13) "Hospital", a facility as defined in subsection 2 of section 197.020, including any
36 medical treatment or related facility controlled by a hospital board;

37 (14) "Hospital board", the board of directors having general control of the property and
38 affairs of the hospital facility;

39 (15) "Loan agreement", a document agreed to by the borrower's school, hospital or
40 corporate board, principals of a business, the governing body of a local government or other
41 authorized officials and the department or other applicable parties and signed by the authorized
42 official thereof, that details all terms and requirements under which the loan is issued or other
43 financial assistance granted, and describes the terms under which the loan or financial assistance
44 repayment shall be made;

45 (16) "Payback score", a numeric value derived from the review of an application,
46 calculated as prescribed by the department, which may include an estimated simple payback or
47 life-cycle costing method of economic analysis and used solely for purposes of ranking

48 applications for the selection of loan and financial assistance recipients within the balance of
49 program funds available;

50 (17) "Project cost", all costs determined by the department to be directly related to the
51 implementation of an energy conservation project, and, for initial installation in a new building,
52 shall include the incremental cost of a high-efficiency system;

53 (18) "School", an institution operated by a state college or state university, public agency,
54 political subdivision or a public or private nonprofit organization tax exempt under Section
55 501(c)(3) of the Internal Revenue Code which:

56 (a) Provides, and is legally authorized to provide, elementary education or secondary
57 education, or both, on a day or residential basis;

58 (b) Provides and is legally authorized to provide a program of education beyond
59 secondary education, on a day or residential basis; admits as students only persons having a
60 certificate of graduation from a school providing secondary education, or the recognized
61 equivalent of such certificate; is accredited by a nationally recognized accrediting agency or
62 association; and provides an educational program for which it awards a bachelor's degree or
63 higher degree or provides not less than a two-year program which is acceptable for full credit
64 toward such a degree at any institution which meets the preceding requirements and which
65 provides such a program; or

66 (c) Provides not less than a one-year program of training to prepare students for gainful
67 employment in a recognized occupation; provides and is legally authorized to provide a program
68 of education beyond secondary education, on a day or residential basis; admits as students only
69 persons having a certificate of graduation from a school providing secondary education, or the
70 recognized equivalent of such certificate; and is accredited by a nationally recognized accrediting
71 agency or association;

72 (19) "School board", the board of education having general control of the property and
73 affairs of any school as defined in this section;

74 (20) "Technical assistance report", a specialized engineering report that identifies and
75 specifies the quantity of energy savings and related energy cost savings that are likely to result
76 from the implementation of one or more energy conservation measures;

77 (21) "Unobligated balance", that amount in the fund that has not been dedicated to any
78 projects at the end of each state fiscal year.

640.653. 1. An application for loan funds or other financial assistance may be submitted
2 to the department for the purpose of financing all or a portion of the costs incurred in
3 implementing an energy conservation project. The application shall be accompanied by a
4 technical assistance report. The application and the technical assistance report shall be in such
5 form and contain such information, financial or otherwise, as prescribed by the department. This

6 section shall not preclude any applicant or borrower from joining in a cooperative project with
7 any other local government or with any state or federal agency or entity in an energy conservation
8 project; provided that, all other requirements of sections 640.651 to 640.686 are met.

9 2. Eligible applications shall be assigned a payback score derived from the application
10 review performed by the department. Applications shall be selected for loans and financial
11 assistance beginning with the lowest payback score and continuing in ascending order to the
12 highest payback score until all available program funds have been obligated within any given
13 application cycle. The selection criteria may be applied per sector or entity to assure equity
14 pursuant to section 640.674. In no case shall a loan or financial assistance be made to finance
15 an energy project with a payback score of less than six months or more than ten years or eighty
16 percent of the expected useful life of the energy conservation measures when the expected useful
17 life exceeds ten years. Repayment periods are to be determined by the department. Applications
18 may be approved for loans or financial assistance only in those instances where the applicant has
19 furnished the department information satisfactory to assure that the project cost will be recovered
20 through energy cost savings during the repayment period of the loan or financial assistance. In
21 no case shall a loan or financial assistance be made to an applicant unless the approval of the
22 governing board or body of the applicant to the loan agreement is obtained and a written
23 certification of such approval is provided, where applicable.

24 3. The department shall approve or disapprove all applications for loans or financial
25 assistance which are sent by certified or registered mail or hand delivered and received by the
26 department's division of energy on, or prior to, the ninetieth day following the date of application
27 cycle closing. Any applications which are not acted upon by the department by such date shall
28 be deemed to be approved as submitted.

29 4. The department of elementary and secondary education shall be provided a summary
30 of all proposed public elementary and secondary school projects for review within fifteen days
31 from the application deadline. Once projects have been reviewed and selected for loans or
32 financial assistance by the department, the department of elementary and secondary education
33 shall have thirty days to certify that those projects selected for loans or financial assistance are
34 consistent with related state programs for public education facilities.

35 5. The department of health and senior services shall be provided a summary of all
36 proposed hospital projects for review within fifteen days from the application deadline. Once
37 projects have been reviewed and selected for loans or financial assistance by the department of
38 ~~economic development~~ **natural resources**, the department of health and senior services shall
39 have thirty days to certify that those projects selected for loans or financial assistance are
40 consistent with related health requirements for hospital facilities.

41 6. The coordinating board for higher education shall be provided a summary of all
42 proposed public higher education facility projects for review within fifteen days from the
43 application deadline. Once projects have been reviewed and selected for loans and financial
44 assistance by the department, the coordinating board for higher education shall have thirty days
45 to certify that those projects selected for loans or financial assistance are consistent with related
46 state programs for education facilities.

 660.135. 1. The utilicare stabilization fund for any fiscal year shall be funded, subject
2 to appropriations, by the general assembly.

 2. The department of social services shall, in coordination with the department of
4 ~~[economic development]~~ **natural resources**, apply a portion of the funds appropriated annually
5 by the general assembly to the utilicare stabilization fund established pursuant to section 660.136
6 to the low income weatherization assistance program of the department of ~~[economic~~
7 ~~development]~~ **natural resources**; provided that any project financed with such funds shall be
8 consistent with federal guidelines for the Weatherization Assistance Program for Low-Income
9 Persons as authorized by 42 U.S.C. Section 6861.

 701.500. 1. As used in sections 701.500 to 701.515, the following terms shall mean:

- 2 (1) "Department", the department of ~~[economic development]~~ **natural resources**;
3 (2) "Director", the director of the department of ~~[economic development]~~ **natural**
4 **resources**;
5 (3) "Energy Star program", a joint program of the United States Environmental
6 Protection Agency and the United States Department of Energy that identifies and promotes
7 energy efficient products and practices.

 2. The provisions of sections 701.500 to 701.515 shall apply to appliances that do not
9 have minimum energy efficiency standards required under federal law.

10 3. No person shall sell, offer for sale, or install any new product listed in subsection 2
11 of this section in the state unless the product meets the minimum energy efficiency standards
12 under sections 701.500 to 701.515.

13 4. The provisions of sections 701.500 to 701.515 shall not apply to:

- 14 (1) Consumer electronics; or
15 (2) Products:
16 (a) Manufactured in the state and sold outside the state;
17 (b) Manufactured outside the state and sold at wholesale inside the state for final retail
18 sale outside the state;
19 (c) Installed in mobile manufactured homes at the time of construction; or
20 (d) Designed expressly for installation and use in recreational vehicles.

701.509. 1. The "Appliance Energy Efficiency Advisory Group" is hereby created. The purpose of the advisory group is to advise the department on the development and updating of the minimum energy efficiency standards for products under sections 701.500 to 701.515. The advisory group shall consist of the following eleven members who shall be appointed, in staggered terms, by the director:

(1) A representative from the public service commission who is knowledgeable in energy efficiency;

(2) A representative of the office of public counsel;

(3) A representative of an electric or natural gas utility who is knowledgeable in energy efficiency;

(4) The director of the division of energy of the department of [~~economic development~~] **natural resources**, or his or her designee;

(5) Two representatives from the appliance manufacturing industry;

(6) Three representatives with technical knowledge in energy efficiency and appliances, including but not limited to, electrical or energy engineers;

(7) One representative from the home construction industry; and

(8) One representative from the commercial building industry.

2. Each member shall serve a term of three years and may be reappointed. The advisory group members shall serve without compensation but may be reimbursed for expenses incurred in connection with their duties. The advisory group shall meet as needed, but not less than two times per year. The department shall provide staff for the advisory group.

✓