

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
CONFERENCE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 17

100TH GENERAL ASSEMBLY

2019

0446S.03T

AN ACT

To repeal sections 70.600, 169.141, 169.560, 169.715, 215.030, and 260.035, RSMo, and to enact in lieu thereof seven new sections relating to public employee retirement systems, with an emergency clause for a certain section.

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

Section A. Sections 70.600, 169.141, 169.560, 169.715, 215.030, and
2 260.035, RSMo, are repealed and seven new sections enacted in lieu thereof, to
3 be known as sections 70.600, 70.631, 169.141, 169.560, 169.715, 215.030, and
4 260.035, to read as follows:

70.600. The following words and phrases as used in sections 70.600 to
2 70.755, unless a different meaning is plainly required by the context, shall mean:

3 (1) "Accumulated contributions", the total of all amounts deducted from
4 the compensations of a member and standing to the member's credit in his or her
5 individual account in the members deposit fund, together with investment credits
6 thereon;

7 (2) "Actuarial equivalent", a benefit of equal reserve value;

8 (3) "Allowance", the total of the annuity and the pension. All allowances
9 shall be paid not later than the tenth day of each calendar month;

10 (4) "Annuity", a monthly amount derived from the accumulated
11 contributions of a member and payable by the system throughout the life of a
12 person or for a temporary period;

13 (5) "Beneficiary", any person who is receiving or designated to receive a
14 system benefit, except a retirant;

15 (6) "Benefit program", a schedule of benefits or benefit formulas from

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

16 which the amounts of system benefits can be determined;

17 (7) "Board of trustees" or "board", the board of trustees of the system;

18 (8) "Compensation", the remuneration paid an employee by a political
19 subdivision or by an elected fee official of the political subdivision for personal
20 services rendered by the employee for the political subdivision or for the elected
21 fee official in the employee's public capacity; provided, that for an elected fee
22 official, "compensation" means that portion of his or her fees which is net after
23 deduction of (a) compensation paid by such elected fee official to his or her office
24 employees, if any, and (b) the ordinary and necessary expenses paid by such
25 elected fee official and attributable to the operation of his or her office. In cases
26 where an employee's compensation is not all paid in money, the political
27 subdivision shall fix the reasonable value of the employee's compensation not paid
28 in money. In determining compensation no consideration shall be given to:

29 (a) Any nonrecurring single sum payment paid by an employer;

30 (b) Employer contributions to any employee benefit plan or trust;

31 (c) Any other unusual or nonrecurring remuneration; or

32 (d) Compensation in excess of the limitations set forth in Internal
33 Revenue Code Section 401(a)(17). The limitation on compensation for eligible
34 employees shall not be less than the amount which was allowed to be taken into
35 account under the system as in effect on July 1, 1993. For purposes of this
36 paragraph, an "eligible employee" is an individual who was a member of the
37 system before the first plan year beginning after December 31, 1995;

38 (9) "Credited service", the total of a member's prior service and
39 membership service, to the extent such service is standing to the member's credit
40 as provided in sections 70.600 to 70.755;

41 (10) "Employee", any person regularly employed by a political subdivision
42 who receives compensation from the political subdivision for personal services
43 rendered the political subdivision, including any elected official of the political
44 subdivision whose position requires his or her regular personal services and who
45 is compensated wholly or in part on a fee basis, and including the employees of
46 such elected fee officials who may be compensated by such elected fee
47 officials. The term "employee" may include any elected county official. The term
48 "employee" shall not include any person:

49 (a) Who is not an elected official of the political subdivision and who is
50 included as an active member in any other plan similar in purpose to this system
51 by reason of his or her employment with his or her political subdivision, except

52 the federal Social Security Old Age, Survivors, and Disability Insurance Program,
53 as amended; or

54 (b) Who acts for the political subdivision under contract; or

55 (c) Who is paid wholly on a fee basis, except elected officials and their
56 employees; or

57 (d) Who holds the position of mayor, presiding judge, president or
58 chairman of the political subdivision or is a member of the governing body of the
59 political subdivision; except that, such an official of a political subdivision having
60 ten or more other employees may become a member if the official is covered under
61 the federal Social Security Old Age, Survivors, and Disability Insurance Program,
62 as amended, by reason of such official's employment with his or her political
63 subdivision, by filing written application for membership with the board after the
64 date the official qualifies for such position or within thirty days after the date his
65 or her political subdivision becomes an employer, whichever date is later;

66 (11) "Employer", any political subdivision which has elected to have all its
67 eligible employees covered by the system;

68 (12) "Final average salary", the monthly average of the compensations
69 paid an employee during the period of sixty or, if an election has been made in
70 accordance with section 70.656, thirty-six consecutive months of credited service
71 producing the highest monthly average, which period is contained within the
72 period of one hundred twenty consecutive months of credited service immediately
73 preceding his or her termination of membership. Should a member have less
74 than sixty or, if an election has been made in accordance with section 70.656,
75 thirty-six months of credited service, "final average salary" means the monthly
76 average of compensation paid the member during his or her total months of
77 credited service;

78 (13) "Fireman", any regular or permanent employee of the fire department
79 of a political subdivision, including a probationary fireman. The term "fireman"
80 shall not include:

81 (a) Any volunteer fireman; or

82 (b) Any civilian employee of a fire department; or

83 (c) Any person temporarily employed as a fireman for an emergency;

84 (14) "Member", any employee included in the membership of the system;

85 (15) "Membership service", employment as an employee with the political
86 subdivision from and after the date such political subdivision becomes an
87 employer, which employment is creditable as service hereunder;

88 (16) "Minimum service retirement age", age sixty for a member who is
89 neither **public safety personnel as defined in section 70.631**, a policeman,
90 nor a fireman; "minimum service retirement age", age fifty-five for a member who
91 is **public safety personnel as defined in section 70.631**, a policeman, or a
92 fireman;

93 (17) "Pension", a monthly amount derived from contributions of an
94 employer and payable by the system throughout the life of a person or for a
95 temporary period;

96 (18) "Policeman", any regular or permanent employee of the police
97 department of a political subdivision, including a probationary policeman. The
98 term "policeman" shall not include:

99 (a) Any civilian employee of a police department; or

100 (b) Any person temporarily employed as a policeman for an emergency;

101 (19) "Political subdivision", any governmental subdivision of this state
102 created pursuant to the laws of this state, and having the power to tax, except
103 public school districts; a board of utilities or a board of public works which is
104 required by charter or ordinance to establish the compensation of employees of
105 the utility separate from the compensation of other employees of the city may be
106 considered a political subdivision for purposes of sections 70.600 to 70.755; a joint
107 municipal utility commission may be considered a political subdivision for
108 purposes of sections 70.600 to 70.755;

109 (20) "Prior service", employment as an employee with the political
110 subdivision prior to the date such political subdivision becomes an employer,
111 which employment is creditable as service hereunder;

112 (21) "Regular interest" or "investment credits", such reasonable rate or
113 rates per annum, compounded annually, as the board shall adopt annually;

114 (22) "Reserve", the present value of all payments to be made on account
115 of any system benefit based upon such tables of experience and regular interest
116 as the board shall adopt from time to time;

117 (23) "Retirant", a former member receiving a system allowance by reason
118 of having been a member;

119 (24) "Retirement system" or "system", the Missouri local government
120 employees' retirement system.

**70.631. 1. Each political subdivision may, by majority vote of its
2 governing body, elect to cover emergency telecommunicators, jailors,
3 and emergency medical service personnel as public safety personnel**

4 members of the system. The clerk or secretary of the political
5 subdivision shall certify an election concerning the coverage of
6 emergency telecommunicators, jailors, and emergency medical service
7 personnel as public safety personnel members of the system to the
8 board within ten days after such vote. The date in which the political
9 subdivision's election becomes effective shall be the first day of the
10 calendar month specified by such governing body, the first day of the
11 calendar month next following receipt by the board of the certification
12 of the election, or the effective date of the political subdivision's
13 becoming an employer, whichever is the latest date. Such election shall
14 not be changed after the effective date. If the election is made, the
15 coverage provisions shall be applicable to all past and future
16 employment with the employer by present and future employees. If a
17 political subdivision makes no election under this section, no
18 emergency telecommunicator, jailor, or emergency medical service
19 personnel of the political subdivision shall be considered public safety
20 personnel for purposes determining a minimum service retirement age
21 as defined in section 70.600.

22 2. If an employer elects to cover emergency telecommunicators,
23 jailors, and emergency medical service personnel as public safety
24 personnel members of the system, the employer's contributions shall be
25 correspondingly changed effective the same date as the effective date
26 of the political subdivision's election.

27 3. The limitation on increases in an employer's contributions
28 provided by subsection 6 of section 70.730 shall not apply to any
29 contribution increase resulting from an employer making an election
30 under the provisions of this section.

31 4. The provisions of this section shall only apply to counties of
32 the third classification and any county of the first classification with
33 more than seventy thousand but fewer than eighty-three thousand
34 inhabitants and with a city of the fourth classification with more than
35 thirteen thousand five hundred but fewer than sixteen thousand
36 inhabitants as the county seat, and any political subdivisions located,
37 in whole or in part, within such counties.

169.141. 1. Any person receiving a retirement allowance under sections
2 169.010 to 169.140, and who elected a reduced retirement allowance under
3 subsection 3 of section 169.070 with his or her spouse as the nominated

4 beneficiary, may nominate a successor beneficiary under either of the following
5 circumstances:

6 (1) If the nominated beneficiary precedes the retired person in death, the
7 retired person may, upon remarriage, nominate the new spouse under the same
8 option elected in the application for retirement;

9 (2) If the marriage of the retired person and the nominated beneficiary is
10 dissolved, and if the dissolution decree provides for sole retention by the retired
11 person of all rights in the retirement allowance, the retired person may, upon
12 remarriage, nominate the new spouse under the same option elected in the
13 application for retirement.

14 2. Any nomination of a successor beneficiary under subdivision (1) or (2)
15 of subsection 1 of this section must be made in accordance with procedures
16 established by the board of trustees, and must be filed within ninety days of May
17 6, 1993, or within one year of the remarriage, whichever later occurs. Upon
18 receipt of a successor nomination filed in accordance with those procedures, the
19 board shall adjust the retirement allowance to reflect actuarial considerations of
20 that nomination as well as previous beneficiary and successor beneficiary
21 nominations.

22 3. Any person receiving a retirement allowance under sections 169.010 to
23 169.140 who elected a reduced retirement allowance under subsection 3 of section
24 169.070 with his or her spouse as the nominated beneficiary may have the
25 retirement allowance increased to the amount the retired member would be
26 receiving had the retired member elected option 1 if:

27 (1) The marriage of the retired person and the nominated spouse is
28 dissolved on or after September 1, 2017[;

29 (2) The], **and the** dissolution decree provides for sole retention by the
30 retired person of all rights in the retirement allowance; [and] **or**

31 **(2) The marriage of the retired person and the nominated spouse**
32 **was dissolved before September 1, 2017, and:**

33 **(a) The dissolution decree provides for sole retention by the**
34 **retired person of all rights in the retirement allowance, and the parties**
35 **obtain an amended or modified dissolution decree after September 1,**
36 **2017, providing for the immediate removal of the nominated spouse, or**
37 **the nominated spouse consents in writing to his or her immediate**
38 **removal as nominated beneficiary and disclaims all rights to future**
39 **benefits to the satisfaction of the board of trustees; or**

40 **(b) The dissolution decree does not provide for sole retention by**
41 **the retired person of all rights in the retirement allowance and the**
42 **parties obtain an amended or modified dissolution decree after**
43 **September 1, 2017, which provides for sole retention by the retired**
44 **person of all rights in the retirement allowance; and**

45 (3) The person receives a retirement allowance under subsection 3 of
46 section 169.070.

47 Any such increase in the retirement allowance shall be effective upon the receipt
48 of an application for such increase and a certified copy of the decree of dissolution
49 **and separation agreement, if applicable**, that meets the requirements of this
50 section.

169.560. 1. Any person retired and currently receiving a retirement
2 allowance pursuant to sections 169.010 to 169.141, other than for disability, may
3 be employed in any capacity for an employer included in the retirement system
4 created by those sections on either a part-time or temporary-substitute basis not
5 to exceed a total of five hundred fifty hours in any one school year, and through
6 such employment may earn up to fifty percent of the annual compensation
7 payable under the employer's salary schedule for the position or positions filled
8 by the retiree, given such person's level of experience and education, without a
9 discontinuance of the person's retirement allowance. If the employer does not
10 utilize a salary schedule, or if the position in question is not subject to the
11 employer's salary schedule, a retiree employed in accordance with the provisions
12 of this subsection may earn up to fifty percent of the annual compensation paid
13 to the person or persons who last held such position or positions. If the position
14 or positions did not previously exist, the compensation limit shall be determined
15 in accordance with rules duly adopted by the board of trustees of the retirement
16 system; provided that, it shall not exceed fifty percent of the annual compensation
17 payable for the position by the employer that is most comparable to the position
18 filled by the retiree. In any case where a retiree fills more than one position
19 during the school year, the fifty-percent limit on permitted earning shall be based
20 solely on the annual compensation of the highest paid position occupied by the
21 retiree for at least one-fifth of the total hours worked during the year. Such a
22 person shall not contribute to the retirement system or to the public education
23 employee retirement system established by sections 169.600 to 169.715 because
24 of earnings during such period of employment. If such a person is employed in
25 any capacity by such an employer in excess of the limitations set forth in this

26 subsection, the person shall not be eligible to receive the person's retirement
27 allowance for any month during which the person is so employed. In addition,
28 such person shall contribute to the retirement system if the person satisfies the
29 retirement system's membership eligibility requirements. In addition to the
30 conditions set forth above, this subsection shall apply to any person retired and
31 currently receiving a retirement allowance under sections 169.010 to 169.141,
32 other than for disability, who is employed by a third party or is performing work
33 as an independent contractor, if such person is performing work for an employer
34 included in the retirement system as a temporary or long-term substitute teacher
35 or in any other position that would normally require that person to be duly
36 certificated under the laws governing the certification of teachers in Missouri if
37 such person was employed by the district. The retirement system may require
38 the employer, the third-party employer, the independent contractor, and the
39 retiree subject to this subsection to provide documentation showing compliance
40 with this subsection. If such documentation is not provided, the retirement
41 system may deem the retiree to have exceeded the limitations provided in this
42 subsection.

43 2. Notwithstanding any other provision of this section, any person retired
44 and currently receiving a retirement allowance in accordance with sections
45 169.010 to 169.141, other than for disability, may be employed by an employer
46 included in the retirement system created by those sections in a position that
47 does not normally require a person employed in that position to be duly
48 certificated under the laws governing the certification of teachers in Missouri,
49 and through such employment may earn up to sixty percent of the minimum
50 teacher's salary as set forth in section 163.172, without a discontinuance of the
51 person's retirement allowance. Such person shall not contribute to the retirement
52 system or to the public education employee retirement system established by
53 sections 169.600 to 169.715 because of earnings during such period of
54 employment, and such person shall not earn membership service for such
55 employment. The employer's contribution rate shall be paid by the hiring
56 employer into the public education employee retirement system established by
57 sections 169.600 to 169.715. If such a person is employed in any capacity by an
58 employer in excess of the limitations set forth in this subsection, the person shall
59 not be eligible to receive the person's retirement allowance for any month during
60 which the person is so employed. In addition, such person shall become a
61 member of and contribute to any retirement system described in this subsection

62 if the person satisfies the retirement system's membership eligibility
63 requirements. **The provisions of this subsection shall not apply to any**
64 **person retired and currently receiving a retirement allowance in**
65 **accordance with sections 169.010 to 169.141 employed by a public**
66 **community college.**

169.715. 1. Any person receiving a retirement allowance under sections
2 169.600 to 169.712, and who elected a reduced retirement allowance under
3 subsection 4 of section 169.670 with his or her spouse as the nominated
4 beneficiary, may nominate a successor beneficiary under either of the following
5 circumstances:

6 (1) If the nominated beneficiary precedes the retired person in death, the
7 retired person may, upon remarriage, nominate the new spouse under the same
8 option elected in the application for retirement;

9 (2) If the marriage of the retired person and the nominated beneficiary is
10 dissolved, and if the dissolution decree provides for sole retention by the retired
11 person of all rights in the retirement allowance, the retired person may, upon
12 remarriage, nominate the new spouse under the same option elected in the
13 application for retirement.

14 2. Any nomination of a successor beneficiary under subdivision (1) or (2)
15 of subsection 1 of this section must be made in accordance with procedures
16 established by the board of trustees, and must be filed within ninety days of May
17 6, 1993, or within one year of the remarriage, whichever later occurs. Upon
18 receipt of a successor nomination filed in accordance with those procedures, the
19 board shall adjust the retirement allowance to reflect actuarial considerations of
20 that nomination as well as previous beneficiary and successor beneficiary
21 nominations.

22 3. Any person receiving a retirement allowance under sections 169.600 to
23 169.715 who elected a reduced retirement allowance under subsection 4 of section
24 169.670 with his or her spouse as the nominated beneficiary may have the
25 retirement allowance increased to the amount the retired member would be
26 receiving had the retired member elected option 1 if:

27 (1) The marriage of the retired person and the nominated spouse is
28 dissolved on or after September 1, 2017[;

29 (2) The], **and the** dissolution decree provides for sole retention by the
30 retired person of all rights in the retirement allowance; [and] **or**

31 **(2) The marriage of the retired person and the nominated spouse**

32 was dissolved before September 1, 2017, and:

33 (a) The dissolution decree provides for sole retention by the
34 retired person of all rights in the retirement allowance, and the parties
35 obtain an amended or modified dissolution decree after September 1,
36 2017, providing for the immediate removal of the nominated spouse, or
37 the nominated spouse consents in writing to his or her immediate
38 removal as nominated beneficiary and disclaims all rights to future
39 benefits to the satisfaction of the board of trustees; or

40 (b) The dissolution decree does not provide for sole retention by
41 the retired person of all rights in the retirement allowance and the
42 parties obtain an amended or modified dissolution decree after
43 September 1, 2017, which provides for sole retention by the retired
44 person of all rights in the retirement allowance; and

45 (3) The person receives a retirement allowance under subsection 4 of
46 section 169.670.

47 Any such increase in the retirement allowance shall be effective upon the receipt
48 of an application for such increase and a certified copy of the decree of dissolution
49 **and separation agreement, if applicable**, that meets the requirements of this
50 section.

215.030. 1. The commission is hereby granted, has and may exercise all
2 powers necessary or appropriate to carry out and effectuate its purpose, including
3 but not limited to the following:

4 (1) To make, purchase, or participate in the purchase of uninsured,
5 partially insured, or fully insured loans, including mortgages insured or otherwise
6 guaranteed by the federal government, or mortgages insured or otherwise
7 guaranteed by other insurers of mortgages to approved mortgagors to finance the
8 building, rehabilitation, or purchase of residential housing designed and planned
9 to be available for rental or sale to low-income or moderate-income persons or
10 families, as well as to finance the building, rehabilitation, or purchase of
11 residential housing in distressed communities as defined in section 135.530
12 planned to be available for rental or sale to persons or families of any income
13 level, or which will be occupied and owned by low-income or moderate-income
14 persons, persons of any income level in distressed communities, or families upon
15 such terms as designated in sections 215.010, 215.030, 215.060, 215.070, 215.090,
16 and 215.160; or to purchase or participate in the purchase of any other securities
17 which are secured, directly or indirectly, by any such loan;

18 (2) Insure any loan, the funds of which are to be used for the purposes of
19 sections 215.010 to 215.250 and the borrower of which agrees to the restrictions
20 placed on such projects by the commission;

21 (3) To make or participate in the making of uninsured or federally insured
22 construction loans to approve mortgagors of residential housing for occupancy by
23 persons and families of low to moderate income or occupancy by persons and
24 families of any income level in distressed communities as defined in section
25 135.530. Such loans shall be made only upon determination by the commission
26 that construction loans are not otherwise available, wholly or in part, from
27 private lenders upon reasonably equivalent terms and conditions. No
28 commitment for a loan, except a "commitment in principle", shall be made unless
29 all plans for development have been completed and submitted to the commission;

30 (4) To make temporary loans, with or without interest, but with such
31 security for repayment as the commission deems reasonably necessary and
32 practicable, to defray development costs to approved mortgagors of residential
33 housing for occupancy by persons and families of low and moderate income;

34 (5) Adopt bylaws for the regulation of its affairs and the conduct of its
35 business and define, from time to time, the terms "low-income" and "moderate-
36 income" so as to best carry out the purposes of sections 215.010 to 215.250 for the
37 people intended hereby to be assisted. The definition may vary from one part of
38 the state to another depending on economic factors in each section;

39 (6) To accept appropriations, gifts, grants, bequests, and devises and to
40 utilize or dispose of the same to carry out its purpose;

41 (7) To make and execute contracts, releases, compromises, and other
42 instruments necessary or convenient for the exercise of its powers, or to carry out
43 its purpose;

44 (8) To collect reasonable fees and charges in connection with making and
45 servicing its loans, notes, bonds, obligations, commitments, and other evidences
46 of indebtedness, and in connection with providing technical, consultative, and
47 project assistant services. Such fees and charges shall be limited to the amounts
48 required to pay the costs of the commission, including operating and
49 administrative expenses, and reasonable allowances for losses which may be
50 incurred;

51 (9) To invest any funds not required for immediate disbursement in
52 obligations of the state of Missouri or of the United States government or any
53 instrumentality thereof, the principal and interest of which are guaranteed by the

54 state of Missouri, or the United States government or any instrumentality
55 thereof, or bank certificates of deposit, or, in the case of funds pledged to note or
56 bond issues of the commission, in such investments as the commission may
57 determine; provided that, on the date of issuance such note or bond issues are
58 rated by Standard & Poor's Corporation not lower than "AA" in the case of long-
59 term obligations or "SP-1+" in the case of short-term obligations, or rated by
60 Moody's Investors Service, Inc., not lower than "Aa" in the case of long-term
61 obligations or Moody's Investment Grade I in the case of short-term obligations,
62 or the equivalent ratings by such rating agencies in the event the ratings
63 described in this section are changed;

64 (10) To sue and be sued;

65 (11) To have a seal and alter the same at will;

66 (12) To make, and from time to time, amend and repeal bylaws, rules, and
67 regulations not inconsistent with the provisions of sections 215.010 to 215.250;

68 (13) To acquire, hold, and dispose of personal property for its purposes;

69 (14) To enter into agreements or other transactions with any federal or
70 state agency, any person and any domestic or foreign partnership, corporation,
71 association, or organization;

72 (15) To acquire real property, or an interest therein, in its own name, to
73 sell, transfer, and convey any such property to a buyer, to lease such property to
74 a tenant to manage and operate such property, to enter into management
75 contracts with respect to such property, and to mortgage such property;

76 (16) To sell, at public or private sale, any mortgage, negotiable instrument
77 or obligation securing a construction, land development, mortgage, or temporary
78 loan;

79 (17) To procure insurance against any loss in connection with its property
80 in such amounts, and from such insurers, as may be necessary or desirable;

81 (18) To consent, whenever it deems it necessary or desirable in the
82 fulfillment of its purpose, to the modification of the rate of interest, time of
83 payment, or any installment of principal or interest, or any other terms, of any
84 mortgage loan, mortgage loan commitment, construction loan, temporary loan,
85 contract, or agreement of any kind to which the commission is a party;

86 (19) To make and publish rules and regulations respecting its lending,
87 insurance of loans, federally insured construction lending, and temporary lending
88 to defray development costs and any such other rules and regulations as are
89 necessary to effectuate its purpose;

90 (20) To borrow money to carry out and effectuate its purpose and to issue
91 its negotiable bonds or notes as evidence of any such borrowing in such principal
92 amounts and upon such terms as shall be necessary to provide sufficient funds
93 for achieving its purpose, and to secure such bonds or notes by the pledge of
94 revenues, mortgages, or notes of others;

95 (21) To issue renewal notes, to issue bonds to pay notes, and whenever it
96 deems refunding expedient, to refund any bonds by the issuance of new bonds,
97 whether the bonds to be refunded have or have not matured;

98 (22) To apply the proceeds from the sale of renewal notes or refunding
99 bonds to the purchase, redemption, or payment of the notes or bonds to be
100 refunded;

101 (23) To provide technical services to assist in the planning, processing,
102 design, construction, or rehabilitation of residential housing for occupancy by
103 persons and families of low and moderate income, persons and families in
104 distressed communities as defined in section 135.530 of any income level, or land
105 development for residential housing for occupancy by persons and families of low
106 and moderate income or persons and families in distressed communities of any
107 income level;

108 (24) To provide consultative project assistance services for residential
109 housing for occupancy by persons and families of low and moderate income or
110 persons and families of any income level in distressed communities as defined in
111 section 135.530 and for land development for residential housing for occupancy
112 by persons and families of low and moderate income, or for persons and families
113 of any income level in distressed communities and for the residents thereof with
114 respect to management, training and social services;

115 (25) To promote research and development in scientific methods of
116 constructing low cost residential housing of high durability; and

117 (26) To make, purchase, or participate in the purchase of uninsured,
118 partially insured, or fully insured loans and home improvement loans to sponsors
119 to finance the weatherization of single and multifamily dwellings, and shall issue
120 its negotiable bonds or notes for such purpose.

121 2. Any rule or portion of a rule, as that term is defined in section 536.010,
122 that is promulgated under the authority of this chapter, shall become effective
123 only if the agency has fully complied with all of the requirements of chapter 536
124 including but not limited to, section 536.028 if applicable, after January 1, 1999.
125 All rulemaking authority delegated prior to January 1, 1999, is of no force and

126 effect and repealed as of January 1, 1999, however nothing in this act shall be
127 interpreted to repeal or affect the validity of any rule adopted and promulgated
128 prior to January 1, 1999. If the provisions of section 536.028 apply, the
129 provisions of this section are nonseverable and if any of the powers vested with
130 the general assembly pursuant to section 536.028 to review, to delay the effective
131 date, or to disapprove and annul a rule or portion of a rule are held
132 unconstitutional or invalid, the purported grant of rulemaking authority and any
133 rule so proposed and contained in the order of rulemaking shall be invalid and
134 void, except that nothing in this act shall affect the validity of any rule adopted
135 and promulgated prior to January 1, 1999.

136 **3. All employees of the commission shall be eligible for**
137 **membership in the Missouri state employees' retirement system, subject**
138 **to all provisions in chapters 104 and 105 applicable to the system.**

260.035. 1. The authority is hereby granted and may exercise all powers
2 necessary or appropriate to carry out and effectuate its purposes pursuant to the
3 provisions of sections 260.005 to 260.125, including, but not limited to, the
4 following:

5 (1) To adopt bylaws and rules after having held public hearings thereon
6 for the regulation of its affairs and the conduct of its business;

7 (2) To adopt an official seal;

8 (3) To maintain a principal office and such other offices within the state
9 as it may designate;

10 (4) To sue and be sued;

11 (5) To make and execute leases, contracts, releases, compromises, and
12 other instruments necessary or convenient for the exercise of its powers or to
13 carry out its purposes;

14 (6) To acquire, construct, reconstruct, enlarge, improve, furnish, equip,
15 maintain, repair, operate, lease, finance, and sell equipment, structures, systems,
16 and projects and to lease the same to any private person, firm, or corporation, or
17 to any public body, political subdivision, or municipal corporation. Any such
18 lease may provide for the construction of the project by the lessee;

19 (7) To issue bonds and notes as hereinafter provided and to make,
20 purchase, or participate in the purchase of loans or municipal obligations and to
21 guarantee loans to finance the acquisition, construction, reconstruction,
22 enlargement, improvement, furnishing, equipping, maintaining, repairing,
23 operating, or leasing of a project;

24 (8) To invest any funds not required for immediate disbursement in
25 obligations of the state of Missouri or of the United States or any agency or
26 instrumentality thereof, or in bank certificates of deposit; provided, however, the
27 foregoing limitations on investments shall not apply to proceeds acquired from
28 the sale of bonds or notes which are held by a corporate trustee pursuant to
29 section 260.060;

30 (9) To acquire by gift or purchase, hold and dispose of real and personal
31 property in the exercise of its powers and the performance of its duties hereunder;

32 (10) To employ managers and other employees and retain or contract with
33 architects, engineers, accountants, financial consultants, attorneys, and such
34 other persons, firms, or corporations who are necessary in its judgment to carry
35 out its duties, and to fix the compensation thereof;

36 (11) To receive and accept appropriations, bequests, gifts, and grants and
37 to utilize or dispose of the same to carry out its purposes pursuant to the
38 provisions of sections 260.005 to 260.125;

39 (12) To engage in research and development with respect to pollution
40 control facilities and solid waste or sewage disposal facilities, [and] water
41 facilities, resource recovery facilities, and the development of energy resources;

42 (13) To collect rentals, fees, and other charges in connection with its
43 services or for the use of any project hereunder;

44 (14) To sell at private sale any of its property or projects to any private
45 person, firm, or corporation, or to any public body, political subdivision, or
46 municipal corporation, on such terms as it deems advisable, including the right
47 to receive for such sale the note or notes of any such person to whom the sale is
48 made. Any such sale shall provide for payments adequate to pay the principal
49 of and interest and premiums, if any, on the bonds or notes issued to finance such
50 project or portion thereof. Any such sale may provide for the construction of the
51 project by the purchaser of the project;

52 (15) To make, purchase, or participate in the purchase of loans to finance
53 the development and marketing of:

54 (a) Means of energy production utilizing energy sources other than fossil
55 or nuclear fuel, including, but not limited to, wind, water, solar, biomass, solid
56 waste, and other renewable energy resource technologies;

57 (b) Fossil fuels and recycled fossil fuels which are indigenous energy
58 resources produced in the state of Missouri, including coal, heavy oil, and tar
59 sands; and

60 (c) Synthetic fuels produced in the state of Missouri;

61 (16) To insure any loan, the funds of which are to be used for the
62 development and marketing of energy resources as authorized by sections 260.005
63 to 260.125;

64 (17) To make temporary loans, with or without interest, but with such
65 security for repayment as the authority deems reasonably necessary and
66 practicable, to defray development costs of energy resource development projects;

67 (18) To collect reasonable fees and charges in connection with making and
68 servicing its loans, notes, bonds and obligations, commitments, and other
69 evidences of indebtedness made, issued or entered into to develop energy
70 resources, and in connection with providing technical, consultative, and project
71 assistance services in the area of energy development. Such fees and charges
72 shall be limited to the amounts required to pay the costs of the authority,
73 including operating and administrative expenses, and reasonable allowance for
74 losses which may be incurred;

75 (19) To enter into agreements or other transactions with any federal or
76 state agency, any person and any domestic or foreign partnership, corporation,
77 association, or organization to carry out the provisions of sections 260.005 to
78 260.125;

79 (20) To sell, at public or private sale, any mortgage and any real or
80 personal property subject to that mortgage, negotiable instrument, or obligation
81 securing any loan;

82 (21) To procure insurance against any loss in connection with its property
83 in such amounts, and from such insurers, as may be necessary or desirable;

84 (22) To consent to the modification of the rate of interest, time of payment
85 for any installment of principal or interest, or any other terms, of any loan, loan
86 commitment, temporary loan, contract, or agreement made directly by the
87 authority;

88 (23) To make and publish rules and regulations concerning its lending,
89 insurance of loans, and temporary lending to defray development costs, along
90 with such other rules and regulations as are necessary to effectuate its purposes.
91 No rule or portion of a rule promulgated under the authority of sections 260.005
92 to 260.125 shall become effective unless it has been promulgated pursuant to the
93 provisions of section 536.024;

94 (24) To borrow money to carry out and effectuate its purpose in the area
95 of energy resource development and to issue its negotiable bonds or notes as

96 evidence of any such borrowing in such principal amounts and upon such terms
97 as shall be determined by the authority, and to secure such bonds or notes by the
98 pledge of revenues, mortgages, or notes of others as authorized by sections
99 260.005 to 260.125.

100 2. The authority shall develop a hazardous waste facility if the study
101 required in section 260.037 demonstrates that a facility is economically
102 feasible. The facility, which shall not include a hazardous waste landfill, may be
103 operated by any eligible party as specified in this section. The authority shall
104 begin development of the facility by July 1, 1985.

105 **3. All employees of the authority shall be eligible for membership**
106 **in the Missouri state employees' retirement system, subject to all**
107 **provisions in chapters 104 and 105 applicable to the system.**

Section B. Because of the importance of retired members of the Public
2 School Retirement System in providing course instruction at public community
3 colleges, the repeal and reenactment of section 169.560 of this act is deemed
4 necessary for the immediate preservation of the public health, welfare, peace and
5 safety, and is hereby declared to be an emergency act within the meaning of the
6 constitution, and the repeal and reenactment of section 169.560 of this act shall
7 be in full force and effect upon its passage and approval.

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