

SENATE SUBSTITUTE  
FOR  
SENATE COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 10  
AN ACT

To repeal sections 67.5050, 67.5060, and 208.480, RSMo, and to enact in lieu thereof two new sections relating to sunset dates.

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

Section A. Sections 67.5050, 67.5060, and 208.480, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 67.5050 and 67.5060, to read as follows:

67.5050. 1. As used in this section, the following terms mean:

(1) "Construction manager", the legal entity that proposes to enter into a construction management-at-risk manager-at-risk contract under this section;

(2) "Construction manager-at-risk", a sole proprietorship, partnership, corporation, or other legal entity that assumes the risk for the construction, rehabilitation, alteration, or repair of a project at the contracted price as a general contractor and provides consultation to a political subdivision regarding construction during and after the design of the project.

2. Any political subdivision may use the construction manager-at-risk method for: civil works projects such as roads, streets, bridges, utilities, water supply projects, water plants, wastewater plants, water distribution and wastewater conveyance facilities, airport runways and taxiways, storm drainage and flood control projects, or transit projects commonly designed by professional engineers

20 in excess of two million dollars; and noncivil works  
21 projects such as buildings, site improvements, and other  
22 structures, habitable or not, commonly designed by  
23 architects in excess of three million dollars. In using  
24 that method and in entering into a contract for the services  
25 of a construction manager-at-risk, the political subdivision  
26 shall follow the procedures prescribed by this section.

27 3. The political subdivision shall publicly disclose  
28 at a regular meeting its intent to utilize the construction  
29 [management at-risk] manager-at-risk method and its  
30 selection criteria at least one week prior to publishing the  
31 request for qualifications. Before or concurrently with  
32 selecting a construction manager-at-risk, the political  
33 subdivision shall select or designate an engineer or  
34 architect who shall prepare the construction documents for  
35 the project and who shall comply with all state laws, as  
36 applicable. If the engineer or architect is not a full-time  
37 employee of the political subdivision, the political  
38 subdivision shall select the engineer or architect on the  
39 basis of demonstrated competence and qualifications as  
40 provided by sections 8.285 to 8.291. The political  
41 subdivision's engineer or architect for a project may not  
42 serve, alone or in combination with another, as the  
43 construction manager-at-risk. This subsection does not  
44 prohibit a political subdivision's engineer or architect  
45 from providing customary construction phase services under  
46 the engineer's or architect's original professional service  
47 agreement in accordance with applicable licensing laws.

48 4. The political subdivision may provide or contract  
49 for, independently of the construction manager-at-risk,  
50 inspection services, testing of construction materials,  
51 engineering, and verification of testing services necessary  
52 for acceptance of the project by the political subdivision.

53           5. The political subdivision shall select the  
54 construction manager-at-risk in a two-step process. The  
55 political subdivision shall prepare a request for  
56 qualifications, for the case of the first step of the two-  
57 step process, that includes general information on the  
58 project site, project scope, schedule, selection criteria,  
59 and the time and place for receipt of proposals or  
60 qualifications, as applicable, and other information that  
61 may assist the political subdivision in its selection of a  
62 construction manager-at-risk. The political subdivision  
63 shall state the selection criteria in the request for  
64 proposals or qualifications, as applicable. The selection  
65 criteria may include the construction manager's experience,  
66 past performance, safety record, proposed personnel and  
67 methodology, and other appropriate factors that demonstrate  
68 the capability of the construction manager-at-risk. The  
69 political subdivision shall not request fees or prices in  
70 step one. In step two, the political subdivision may  
71 request that five or fewer construction managers, selected  
72 solely on the basis of qualifications, provide additional  
73 information, including the construction manager-at-risk's  
74 proposed fee and its price for fulfilling the general  
75 conditions. Qualifications shall account for a minimum of  
76 forty percent of the evaluation. Cost shall account for a  
77 maximum of sixty percent of the evaluation.

78           6. The political subdivision shall publish the request  
79 for proposals or qualifications by publication in a  
80 newspaper of general circulation published in the county  
81 where the political subdivision is located once a week for  
82 two consecutive weeks prior to opening the proposals or  
83 qualifications submissions or by a virtual notice procedure  
84 that notifies interested parties for at least twenty various

85 purchases, design contracts, construction contracts, or  
86 other contracts each year for the political subdivision.

87 7. For each step, the political subdivision shall  
88 receive, publicly open, and read aloud the names of the  
89 construction managers. Within forty-five days after the  
90 date of opening the proposals or qualification submissions,  
91 the political subdivision or its representative shall  
92 evaluate and rank each proposal or qualification submission  
93 submitted in relation to the criteria set forth in the  
94 request for proposals or request for qualifications. The  
95 political subdivision shall interview at least two of the  
96 top qualified offerors as part of the final selection.

97 8. The political subdivision or its representative  
98 shall select the construction manager that submits the  
99 proposal that offers the best value for the political  
100 subdivision based on the published selection criteria and on  
101 its ranking evaluation. The political subdivision or its  
102 representative shall first attempt to negotiate a contract  
103 with the selected construction manager. If the political  
104 subdivision or its representative is unable to negotiate a  
105 satisfactory contract with the selected construction  
106 manager, the political subdivision or its representative  
107 shall, formally and in writing, end negotiations with that  
108 construction manager and proceed to negotiate with the next  
109 construction manager in the order of the selection ranking  
110 until a contract is reached or negotiations with all ranked  
111 construction managers end.

112 9. A construction manager-at-risk shall publicly  
113 advertise, in the manner prescribed by chapter 50, and  
114 receive bids or proposals from trade contractors or  
115 subcontractors for the performance of all major elements of  
116 the work other than the minor work that may be included in  
117 the general conditions. A construction manager-at-risk may

118 seek to perform portions of the work itself if the  
119 construction manager-at-risk submits its sealed bid or  
120 sealed proposal for those portions of the work in the same  
121 manner as all other trade contractors or subcontractors.  
122 All sealed bids or proposals shall be submitted at the time  
123 and location as specified in the advertisement for bids or  
124 proposals and shall be publicly opened and the identity of  
125 each bidder and their bid amount shall be read aloud. The  
126 political subdivision shall have the authority to restrict  
127 the construction manager-at-risk from submitting bids to  
128 perform portions of the work.

129       10. The construction manager-at-risk and the political  
130 subdivision or its representative shall review all trade  
131 contractor, subcontractor, or construction manager-at-risk  
132 bids or proposals in a manner that does not disclose the  
133 contents of the bid or proposal during the selection process  
134 to a person not employed by the construction manager-at-  
135 risk, engineer, architect, or political subdivision involved  
136 with the project. If the construction manager-at-risk  
137 submitted bids or proposals, the political subdivision shall  
138 determine if the construction manager-at-risk's bid or  
139 proposal offers the best value for the political  
140 subdivision. After all proposals have been evaluated and  
141 clarified, the award of all subcontracts shall be made  
142 public.

143       11. If the construction manager-at-risk reviews,  
144 evaluates, and recommends to the political subdivision a bid  
145 or proposal from a trade contractor or subcontractor but the  
146 political subdivision requires another bid or proposal to be  
147 accepted, the political subdivision shall compensate the  
148 construction manager-at-risk by a change in price, time, or  
149 guaranteed maximum cost for any additional cost and risk  
150 that the construction manager-at-risk may incur because of

151 the political subdivision's requirement that another bid or  
152 proposal be accepted.

153 12. If a selected trade contractor or subcontractor  
154 materially defaults in the performance of its work or fails  
155 to execute a subcontract after being selected in accordance  
156 with this section, the construction manager-at-risk may  
157 itself, without advertising, fulfill the contract  
158 requirements or select a replacement trade contractor or  
159 subcontractor to fulfill the contract requirements. The  
160 penal sums of the performance and payment bonds delivered to  
161 the political subdivision shall each be in an amount equal  
162 to the fixed contract amount or guaranteed maximum price.  
163 The construction manager-at-risk shall deliver the bonds not  
164 later than the tenth day after the date the fixed contract  
165 amount or guaranteed maximum price is established.

166 13. Any political subdivision engaged in a project  
167 under this section, which impacts a railroad regulated by  
168 the Federal Railroad Administration, shall consult with the  
169 affected railroad on required specifications relating to  
170 clearance, safety, insurance, and indemnification to be  
171 included in the construction documents for such project.

172 14. This section shall not apply to:

173 (1) Any metropolitan sewer district established under  
174 Article VI, Section 30(a) of the Constitution of Missouri;

175 (2) Any special charter city, or any city or county  
176 governed by home rule under Article VI, [Section 18]  
177 Sections 18(a) to 18(r) or 19 of the Constitution of  
178 Missouri that has adopted a construction manager-at-risk  
179 method via ordinance, rule or regulation.

180 [15. Notwithstanding the provisions of section 23.253  
181 to the contrary, the provisions of this section shall expire  
182 September 1, 2026.]

67.5060. 1. As used in this section, the following

2 terms mean:

3 (1) "Design-build", a project delivery method subject  
4 to a three-stage qualifications-based selection for which  
5 the design and construction services are furnished under one  
6 contract;

7 (2) "Design-build contract", a contract which is  
8 subject to a three-stage qualifications-based selection  
9 process similar to that described in sections 8.285 to 8.291  
10 between a political subdivision and a design-builder to  
11 furnish the architectural, engineering, and related design  
12 services and the labor, materials, supplies, equipment, and  
13 other construction services required for a design-build  
14 project;

15 (3) "Design-build project", the design, construction,  
16 alteration, addition, remodeling, or improvement of any  
17 buildings or facilities under contract with a political  
18 subdivision. Such design-build projects include, but are  
19 not limited to:

20 (a) Civil works projects, such as roads, streets,  
21 bridges, utilities, airport runways and taxiways, storm  
22 drainage and flood control projects, or transit projects; and

23 (b) Noncivil works projects, such as buildings, site  
24 improvements, and other structures, habitable or not,  
25 commonly designed by architects in excess of seven million  
26 dollars;

27 (4) "Design-builder", any individual, partnership,  
28 joint venture, or corporation subject to a qualification-  
29 based selection that offers to provide or provides design  
30 services and general contracting services through a design-  
31 build contract in which services within the scope of the  
32 practice of professional architecture or engineering are  
33 performed respectively by a licensed architect or licensed

34 engineer and in which services within the scope of general  
35 contracting are performed by a general contractor or other  
36 legal entity that furnishes architecture or engineering  
37 services and construction services either directly or  
38 through subcontracts or joint ventures;

39 (5) "Design criteria consultant", a person,  
40 corporation, partnership, or other legal entity duly  
41 licensed and authorized to practice architecture or  
42 professional engineering in this state under chapter 327 who  
43 is employed by or contracted by the political subdivision to  
44 assist the political subdivision in the development of  
45 project design criteria, requests for proposals, evaluation  
46 of proposals, the evaluation of the construction under a  
47 design-build contract to determine adherence to the design  
48 criteria, and any additional services requested by the  
49 political [subdivisions] subdivision to represent its  
50 interests in relation to a project. The design criteria  
51 consultant may not submit a proposal or furnish design or  
52 construction services for the design-build contract for  
53 which its services were sought;

54 (6) "Design criteria package", performance-oriented  
55 program, scope, and specifications for the design-build  
56 project sufficient to permit a design-builder to prepare a  
57 response to a political subdivision's request for proposals  
58 for a design-build project, which may include capacity,  
59 durability, standards, ingress and egress requirements,  
60 performance requirements, description of the site, surveys,  
61 soil and environmental information concerning the site,  
62 interior space requirements, material quality standards,  
63 design and construction schedules, site development  
64 requirements, provisions for utilities, storm water  
65 retention and disposal, parking requirements, applicable  
66 governmental code requirements, preliminary designs for the



67 project or portions thereof, and other criteria for the  
68 intended use of the project;

69 (7) "Design professional services", services that are:

70 (a) Within the practice of architecture as defined in  
71 section 327.091, or within the practice of professional  
72 engineering as defined in section 327.181; or

73 (b) Performed by a licensed or authorized architect or  
74 professional engineer in connection with the architect's or  
75 professional engineer's employment or practice;

76 (8) "Proposal", an offer in response to a request for  
77 proposals by a design-builder to enter into a design-build  
78 contract for a design-build project under this section;

79 (9) "Request for proposal", the document by which the  
80 political subdivision solicits proposals for a design-build  
81 contract;

82 (10) "Stipend", an amount paid to the unsuccessful but  
83 responsive, short-listed design-builders to defray the cost  
84 of participating in phase II of the selection process  
85 described in this section.

86 2. In using a design-build contract, the political  
87 subdivision shall determine the scope and level of detail  
88 required to permit qualified persons to submit proposals in  
89 accordance with the request for proposals given the nature  
90 of the project.

91 3. A design criteria consultant shall be employed or  
92 retained by the political subdivision to assist in  
93 preparation of the design criteria package and request for  
94 proposal, perform periodic site visits to observe adherence  
95 to the design criteria, prepare progress reports, review and  
96 approve progress and final pay applications of the design-  
97 builder, review shop drawings and submissions, provide input  
98 in disputes, help interpret the construction documents,  
99 perform inspections upon substantial and final completion,

100 assist in warranty inspections, and provide any other  
101 professional service assisting with the project  
102 administration. The design criteria consultant may also  
103 evaluate construction as to the adherence of the design  
104 criteria. The consultant shall be selected and its contract  
105 negotiated in compliance with sections 8.285 to 8.291 unless  
106 the consultant is a direct employee of the political  
107 subdivision.

108 4. The political subdivision shall publicly disclose  
109 at a regular meeting its intent to utilize the design-build  
110 method and its project design criteria at least one week  
111 prior to publishing the request for proposals. Notice of  
112 requests for proposals shall be advertised by publication in  
113 a newspaper of general circulation published in the county  
114 where the political subdivision is located once a week for  
115 two consecutive weeks prior to opening the proposals, or by  
116 a virtual notice procedure that notifies interested parties  
117 for at least twenty various purchases, design contracts,  
118 construction contracts, or other contracts each year for the  
119 political subdivision. The political subdivision shall  
120 publish a notice of a request for proposal with a  
121 description of the project, the procedures for submission,  
122 and the selection criteria to be used.

123 5. The political subdivision shall establish in the  
124 request for proposal a time, place, and other specific  
125 instructions for the receipt of proposals. Proposals not  
126 submitted in strict accordance with the instructions shall  
127 be subject to rejection.

128 6. A request for proposal shall be prepared for each  
129 design-build contract containing at minimum the following  
130 elements:

131           (1) The procedures to be followed for submitting  
132 proposals, the criteria for evaluating proposals and their  
133 relative weight, and the procedures for making awards;  
134           (2) The proposed terms and conditions for the design-  
135 build contract, if available;  
136           (3) The design criteria package;  
137           (4) A description of the drawings, specifications, or  
138 other information to be submitted with the proposal, with  
139 guidance as to the form and level of completeness of the  
140 drawings, specifications, or other information that will be  
141 acceptable;  
142           (5) A schedule for planned commencement and completion  
143 of the design-build contract, if any;  
144           (6) Budget limits for the design-build contract, if  
145 any;  
146           (7) Requirements including any available ratings for  
147 performance bonds, payment bonds, and insurance, if any;  
148           (8) The amount of the stipend which will be available;  
149 and  
150           (9) Any other information that the political  
151 subdivision in its discretion chooses to supply including,  
152 but not limited to, surveys, soil reports, drawings of  
153 existing structures, environmental studies, photographs,  
154 references to public records, or affirmative action and  
155 minority business enterprise requirements consistent with  
156 state and federal law.

157           7. The political subdivision shall solicit proposals  
158 in a three-stage process. Phase I shall be the solicitation  
159 of qualifications of the design-build team. Phase II shall  
160 be the solicitation of a technical proposal including  
161 conceptual design for the project. Phase III shall be the  
162 proposal of the construction cost.

163           8. The political subdivision shall review the  
164 submissions of the proposals and assign points to each  
165 proposal in accordance with this section and as set out in  
166 the instructions of the request for proposal.

167           9. Phase I shall require all design-builders to submit  
168 a statement of qualification that shall include, but not be  
169 limited to:

170           (1) Demonstrated ability to perform projects  
171 comparable in design, scope, and complexity;

172           (2) References of owners for whom design-build  
173 projects, construction projects, or design projects have  
174 been performed;

175           (3) Qualifications of personnel who will manage the  
176 design and construction aspects of the project; and

177           (4) The names and qualifications of the primary design  
178 consultants and the primary trade contractors with whom the  
179 design-builder proposes to subcontract or joint venture.  
180 The design-builder **[may]** shall not replace an identified  
181 contractor, subcontractor, design consultant, or  
182 subconsultant without the written approval of the political  
183 subdivision.

184           10. The political subdivision shall evaluate the  
185 qualifications of all the design-builders who submitted  
186 proposals in accordance with the instructions of the request  
187 for proposal. Architectural and engineering services on the  
188 project shall be evaluated in accordance with the  
189 requirements of sections 8.285 and 8.291. Qualified design-  
190 builders selected by the evaluation team may proceed to  
191 phase II of the selection process. Design-builders lacking  
192 the necessary qualifications to perform the work shall be  
193 disqualified and shall not proceed to phase II of the  
194 process. This process of short listing shall narrow the  
195 number of qualified design-builders to not more than five

196 nor fewer than two. Under no circumstances shall price or  
197 fees be a part of the prequalification criteria. Design-  
198 builders may be interviewed in either phase I or phase II of  
199 the process. Points assigned in phase I of the evaluation  
200 process shall not carry forward to phase II of the process.  
201 All qualified design-builders shall be ranked on points  
202 given in phases II and III only.

203 11. The political subdivision shall have discretion to  
204 disqualify any design-builder who, in the political  
205 subdivision's opinion, lacks the minimum qualifications  
206 required to perform the work.

207 12. Once a sufficient number of no more than five and  
208 no fewer than two qualified design-builders have been  
209 selected, the design-builders shall have a specified amount  
210 of time in which to assemble phase II and phase III  
211 proposals.

212 13. Phase II of the process shall be conducted as  
213 follows:

214 (1) The political subdivision shall invite the top  
215 qualified design-builders to participate in phase II of the  
216 process;

217 (2) A design-builder shall submit its design for the  
218 project to the level of detail required in the request for  
219 proposal. The design proposal shall demonstrate compliance  
220 with the requirements set out in the request for proposal;

221 (3) The ability of the design-builder to meet the  
222 schedule for completing a project as specified by the  
223 political subdivision may be considered as an element of  
224 evaluation in phase II;

225 (4) Up to twenty percent of the points awarded to each  
226 design-builder in phase II may be based on each design-  
227 builder's qualifications and ability to design, contract,

228 and deliver the project on time and within the budget of the  
229 political subdivision;

230 (5) Under no circumstances shall the design proposal  
231 contain any reference to the cost of the proposal; and

232 (6) The submitted designs shall be evaluated and  
233 assigned points in accordance with the requirements of the  
234 request for proposal. Phase II shall account for not less  
235 than forty percent of the total point score as specified in  
236 the request for proposal.

237 14. Phase III shall be conducted as follows:

238 (1) The phase III proposal shall provide a firm, fixed  
239 cost of design and construction. The proposal shall be  
240 accompanied by bid security and any other items, such as  
241 statements of minority participation as required by the  
242 request for proposal;

243 (2) Cost proposals shall be submitted in accordance  
244 with the instructions of the request for proposal. The  
245 political subdivision shall reject any proposal that is not  
246 submitted on time. Phase III shall account for not less  
247 than forty percent of the total point score as specified in  
248 the request for proposal;

249 (3) Proposals for phase II and phase III shall be  
250 submitted concurrently at the time and place specified in  
251 the request for proposal, but in separate envelopes or other  
252 means of submission. The phase III cost proposals shall be  
253 opened only after the phase II design proposals have been  
254 evaluated and assigned points, ranked in order, and posted;

255 (4) Cost proposals shall be opened and read aloud at  
256 the time and place specified in the request for proposal.  
257 At the same time and place, the evaluation team shall make  
258 public its scoring of phase II. Cost proposals shall be  
259 evaluated in accordance with the requirements of the request  
260 for proposal. In evaluating the cost proposals, the lowest

261 responsive bidder shall be awarded the total number of  
262 points assigned to be awarded in phase III. For all other  
263 bidders, cost points shall be calculated by reducing the  
264 maximum points available in phase III by at least one  
265 percent for each percentage point by which the bidder  
266 exceeds the lowest bid and the points assigned shall be  
267 added to the points assigned for phase II for each design-  
268 builder;

269 (5) If the political subdivision determines that it is  
270 not in the best interest of the political subdivision to  
271 proceed with the project pursuant to the proposal offered by  
272 the design-builder with the highest total number of points,  
273 the political subdivision shall reject all proposals. In  
274 this event, all qualified and responsive design-builders  
275 with lower point totals shall receive a stipend and the  
276 responsive design-builder with the highest total number of  
277 points shall receive an amount equal to two times the  
278 stipend. If the political subdivision decides to award the  
279 project, the responsive design-builder with the highest  
280 number of points shall be awarded the contract; and

281 (6) If all proposals are rejected, the political  
282 subdivision may solicit new proposals using different design  
283 criteria, budget constraints, or qualifications.

284 15. As an inducement to qualified design-builders, the  
285 political subdivision shall pay a reasonable stipend, the  
286 amount of which shall be established in the request for  
287 proposal, to each prequalified design-builder whose proposal  
288 is responsive but not accepted. Such stipend shall be no  
289 less than one-half of one percent of the total project  
290 budget. Upon payment of the stipend to any unsuccessful  
291 design-builder, the political subdivision shall acquire a  
292 nonexclusive right to use the design submitted by the design-  
293 builder, and the design-builder shall have no further

294 liability for the use of the design by the political  
295 subdivision in any manner. If the design-builder desires to  
296 retain all rights and interest in the design proposed, the  
297 design-builder shall forfeit the stipend.

298         16. (1) As used in this subsection, "wastewater or  
299 water contract" means any design-build contract that  
300 involves the provision of engineering and construction  
301 services either directly by a party to the contract or  
302 through subcontractors retained by a party to the contract  
303 for a wastewater or water storage, conveyance, or treatment  
304 facility project.

305         (2) Any political subdivision may enter into a  
306 wastewater or water contract for design-build of a  
307 wastewater or water project.

308         (3) In disbursing community development block grants  
309 under 42 U.S.C. Sections 5301 to 5321, the department of  
310 economic development shall not reject wastewater or water  
311 projects solely for utilizing wastewater or water contracts.

312         (4) The department of natural resources shall not  
313 preclude wastewater or water contracts from consideration  
314 for funding provided by the water and wastewater loan fund  
315 under section 644.122.

316         (5) A political subdivision planning a wastewater or  
317 water design-build project shall retain an engineer duly  
318 licensed in this state to assist in preparing any necessary  
319 documents and specifications and evaluations of design-build  
320 proposals.

321         17. The payment bond requirements of section 107.170  
322 shall apply to the design-build project. All persons  
323 furnishing design services shall be deemed to be covered by  
324 the payment bond the same as any person furnishing labor and  
325 materials. The performance bond for the design-builder  
326 shall not cover any damages of the type specified to be



327 covered by the professional liability insurance established  
328 by the political subdivision in the request for proposals.

329 18. Any person or firm performing architectural,  
330 engineering, landscape architecture, or land-surveying  
331 services for the design-builder on the design-build project  
332 shall be duly licensed or authorized in this state to  
333 provide such services as required by chapter 327.

334 19. Any political subdivision engaged in a project  
335 under this section which impacts a railroad regulated by the  
336 Federal Railroad Administration shall consult with the  
337 affected railroad on required specifications relating to  
338 clearance, safety, insurance, and indemnification to be  
339 included in the construction documents for such project.

340 20. Under section 327.465, any design-builder that  
341 enters into a design-build contract with a political  
342 subdivision is exempt from the requirement that such person  
343 or entity hold a license or that such corporation hold a  
344 certificate of authority if the architectural, engineering,  
345 or land-surveying services to be performed under the design-  
346 build contract are performed through subcontracts or joint  
347 ventures with properly licensed or authorized persons or  
348 entities, and not performed by the design-builder or its own  
349 employees.

350 21. This section shall not apply to:

351 (1) Any metropolitan sewer district established under  
352 Article VI, Section 30(a) of the Constitution of Missouri; or

353 (2) Any special charter city, or any city or county  
354 governed by home rule under Article VI, [Section 18]  
355 Sections 18(a) to 18(r) or 19 of the Constitution of  
356 Missouri that has adopted a design-build process via  
357 ordinance, rule, or regulation.

358 [22. The authority to use design-build and design-  
359 build contracts provided under this section shall expire  
360 September 1, 2026.]

2 [208.480. Notwithstanding the provisions  
of section 208.471 to the contrary, sections  
3 208.453 to 208.480 shall expire on September 30,  
4 2029.]