

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 1250
92ND GENERAL ASSEMBLY

Reported from the Committee on Pensions and General Laws, March 8, 2004, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

4583S.02C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal section 414.560, RSMo, and to enact in lieu thereof one new section relating to Missouri propane education and research council.

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

Section A. Section 414.560, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 414.560, to read as follows:

414.560. 1. Upon issuance of an order by the director establishing the Missouri propane education and research council, the director shall select all members of the council from a list of nominees submitted by qualified industry organizations. Vacancies in unfinished terms of council members may be filled by the council, subject to approval of the director.

2. In making nominations and appointments to the council, the qualified industry organizations and the director shall give due regard to selecting a council that is representative of the industry, and the geographic regions of the state.

3. The council shall consist of fifteen members, with **[six] nine** members representing retail marketers of propane; **[six] three** members representing **[producers] wholesalers or resellers** of propane; two members representing manufacturers and distributors of gas use equipment, wholesalers or resellers, or transporters; and one public member. Other than the public member, council members shall be full-time employees or owners of businesses in the industry.

4. Council members shall receive no compensation for their services, but shall be reimbursed for reasonable expenses incurred in the performance of their duties.

5. Council members shall serve terms of three years; except that of the initial members appointed, five shall be appointed for terms of one year, five shall be appointed for

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

terms of two years and five shall be appointed for terms of three years. Members may [serve] **be appointed to** a maximum of two consecutive full terms. Members filling unexpired terms [may serve a maximum of seven consecutive years] **will not have any partial term of service count against the two-term limitation.** Former members of the council may be reappointed to the council if they have not been members for a period of [two years] **one year.**

6. The council shall select from among its members a chairman and other officers as necessary, establish committees and subcommittees of the council, and adopt rules and bylaws for the conduct of business. The council may establish advisory committees of persons other than council members.

7. The council may employ a president to serve as chief executive officer and such other employees as it deems necessary. The council may enter into contracts with, use facilities and equipment of, or employ personnel of a qualified industry organization in carrying out its responsibilities under sections 414.500 to 414.590. It shall determine the compensation and duties of each, and protect the handling of council funds through fidelity bonds.

8. At the beginning of each fiscal period, the council shall prepare and submit to the director a budget plan including the probable costs of all programs, projects and contracts and a recommended rate of assessment sufficient to cover such costs. The director shall approve or recommend changes to the budget after an opportunity for public comment.

9. The council shall develop programs and projects and enter into contracts or agreements for implementing the policy of sections 414.500 to 414.590, including programs of research, development, education, and marketing, and for the payment of the costs thereof with funds collected pursuant to sections 414.500 to 414.590. The council shall coordinate its activities with industry trade associations to provide efficient delivery of services and to avoid unnecessary duplication of activities.

10. The council shall keep minutes, books, records that clearly reflect all of the acts and transactions of the council and regularly report such information to the director, along with such other information as the director may require. The books of the council shall be audited by a certified public accountant at least once each fiscal year and at such other times as the council may designate. Copies of such audit shall be provided to the director, all members of the council, all qualified industry organizations, and to other members of the industry upon request. The director shall receive notice of meetings and may require reports on the activities of the council, as well as reports on compliance, violations and complaints regarding the implementation of sections 414.500 to 414.590.

11. From assessments collected, the council shall annually reimburse the director for costs incurred in holding the referendum establishing the council, making appointments to the council, and other expenses directly related to the council.

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