

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 991 & 645
95TH GENERAL ASSEMBLY

Reported from the Committee on Financial and Governmental Organizations and Elections, March 18, 2010, with recommendation that the Senate Committee Substitute do pass.

5039S.05C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 8.650, 8.900, 21.475, 21.780, 26.600, 26.603, 26.605, 26.607, 26.609, 26.611, 26.614, 32.250, 32.260, 162.1000, 162.1060, 166.203, 170.250, 190.176, 192.350, 192.352, 192.355, 192.735, 192.737, 192.739, 192.742, 192.745, 199.001, 199.003, 199.007, 199.009, 199.010, 199.029, 199.031, 199.037, 199.039, 199.041, 199.043, 199.051, 207.023, 208.175, 208.195, 208.275, 208.530, 208.533, 208.535, 208.792, 208.955, 210.496, 253.375, 260.370, 260.372, 260.705, 260.720, 260.725, 260.735, 262.217, 286.001, 286.005, 286.200, 286.205, 286.210, 302.136, 304.028, 320.094, 320.205, 324.406, 324.475, 324.478, 324.481, 331.030, 331.070, 334.721, 344.060, 361.070, 361.092, 361.093, 361.094, 361.095, 361.096, 361.097, 361.098, 361.105, 362.040, 362.105, 362.111, 362.325, 369.014, 369.024, 369.144, 369.159, 369.294, 369.299, 369.304, 369.309, 369.314, 369.319, 369.329, 371.060, 371.090, 371.240, 620.638, 620.641, 620.644, 620.647, 620.650, 620.653, 622.055, 622.057, 630.910, 630.915, 632.020, 660.010, and 701.302, RSMo, and to enact in lieu thereof ninety-two new sections relating to the sole purpose of repealing and revising certain state boards, councils, committees, and commissions.

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

Section A. Sections 8.650, 8.900, 21.475, 21.780, 26.600, 26.603, 26.605,
2 26.607, 26.609, 26.611, 26.614, 32.250, 32.260, 162.1000, 162.1060, 166.203,
3 170.250, 190.176, 192.350, 192.352, 192.355, 192.735, 192.737, 192.739, 192.742,
4 192.745, 199.001, 199.003, 199.007, 199.009, 199.010, 199.029, 199.031, 199.037,

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

5 199.039, 199.041, 199.043, 199.051, 207.023, 208.175, 208.195, 208.275, 208.530,
6 208.533, 208.535, 208.792, 208.955, 210.496, 253.375, 260.370, 260.372, 260.705,
7 260.720, 260.725, 260.735, 262.217, 286.001, 286.005, 286.200, 286.205, 286.210,
8 302.136, 304.028, 320.094, 320.205, 324.406, 324.475, 324.478, 324.481, 331.030,
9 331.070, 334.721, 344.060, 361.070, 361.092, 361.093, 361.094, 361.095, 361.096,
10 361.097, 361.098, 361.105, 362.040, 362.105, 362.111, 362.325, 369.014, 369.024,
11 369.144, 369.159, 369.294, 369.299, 369.304, 369.309, 369.314, 369.319, 369.329,
12 371.060, 371.090, 371.240, 620.638, 620.641, 620.644, 620.647, 620.650, 620.653,
13 622.055, 622.057, 630.910, 630.915, 632.020, 660.010, and 701.302, RSMo, are
14 repealed and ninety-two new sections enacted in lieu thereof, to be known as
15 sections 8.650, 8.900, 37.735, 37.740, 37.745, 162.1000, 162.1060, 166.203,
16 170.250, 190.176, 192.735, 192.737, 192.739, 192.742, 192.745, 199.001, 199.003,
17 199.007, 199.009, 199.010, 199.029, 199.031, 199.037, 199.039, 199.041, 199.043,
18 199.051, 207.023, 208.175, 208.275, 208.955, 210.496, 260.370, 260.372, 260.705,
19 260.720, 260.735, 262.217, 286.001, 286.005, 304.028, 320.094, 320.205, 324.406,
20 324.475, 324.478, 324.481, 331.030, 331.070, 334.721, 344.060, 361.070, 361.092,
21 361.093, 361.094, 361.095, 361.096, 361.097, 361.098, 361.105, 362.040, 362.105,
22 362.111, 362.325, 369.014, 369.024, 369.144, 369.159, 369.294, 369.299, 369.314,
23 369.329, 371.060, 371.090, 371.240, 620.580, 620.582, 620.584, 620.586, 620.588,
24 620.590, 620.592, 620.638, 620.641, 620.644, 620.647, 620.650, 620.653, 630.915,
25 632.020, 660.010, and 1, to read as follows:

8.650. 1. Deviations from the standards set forth in sections 8.620 and
2 8.622 may be permitted where conformance to such standards is impractical and
3 where the method, material, and dimension used in lieu thereof does not create
4 a hazard.

5 2. Permission to deviate from the standards set forth in sections 8.620 and
6 8.622 may be granted only by the commissioner of administration after consulting
7 with the governor's [committee on employment of the handicapped] **council on**
8 **disability** established in section [286.200, RSMo] **37.735**. Application to deviate
9 from the standards may be submitted by the owner of the building
10 only. Applications shall be submitted in such written forms as the commissioner
11 may require.

12 3. The commissioner shall maintain a codified listing of all applications
13 received. The listing shall indicate the action taken by the commissioner on each
14 application.

8.900. 1. A permanent memorial for workers who were killed on the job

2 in Missouri or who suffered an on-the-job injury that resulted in a permanent
3 disability shall be established and located on the grounds of the state
4 capitol. [The memorial shall be of a design selected by a competition organized
5 by the "Workers Memorial Committee" which is hereby created. The workers
6 memorial committee shall be composed of the members of the board of public
7 buildings, or their designees, two members of the house of representatives, one
8 from each political party, selected by the speaker of the house, and two members
9 of the senate, one from each political party, selected by the president pro tem of
10 the senate. The members of the committee shall serve without compensation but
11 shall be reimbursed for all actual and necessary expenses incurred in the
12 performance of their official duties for the committee.]

13 2. There is hereby established in the state treasury the "Workers
14 Memorial Fund". Gifts, grants and devises may be deposited in the workers
15 memorial fund. Notwithstanding the provisions of section 33.080, RSMo, moneys
16 in the fund shall not revert to general revenue. The state treasurer shall invest
17 the moneys from the fund in the same manner as other state funds are
18 invested. Interest accruing to the fund shall be deposited in the fund and shall
19 not be transferred to the general revenue fund.

20 **37.735. 1. The "Governor's Council on Disability" is hereby**
21 **assigned to the office of administration.**

22 **2. The council shall consist of a chairperson, twenty members,**
23 **and an executive director.**

24 **3. The chairperson shall be appointed by the governor with the**
25 **advice and consent of the senate. The members of the council shall be**
26 **appointed by the governor. Recruitment and appointment of members**
27 **to the council shall provide for representation of various ethnic, age,**
28 **gender, and physical and mental disability groups.**

29 **4. The funds necessary for the executive director and such other**
30 **personnel as necessary shall be appropriated through the office of**
31 **administration. The executive director shall serve under the**
32 **supervision of the committee chairman. The executive director shall**
33 **be exempted from the state merit system.**

34 **5. All members shall be appointed for four-year terms. Vacancies**
35 **occurring in the membership of the council for any reason shall be**
36 **filled by appointment by the governor for the unexpired term. Upon**
37 **expiration of their terms, members of the council shall continue to hold**

19 office until the appointment and qualification of their successors. No
20 person shall be appointed for more than two consecutive terms, except
21 that a person appointed to fill a vacancy may serve for two additional
22 successive terms. The governor may remove a member for cause.

23 6. Members of the council shall be chosen to meet the following
24 criteria:

25 (1) The majority of the council shall be comprised of people with
26 disabilities, representing the various disability groups. The remaining
27 positions shall be filled by family members of people with disabilities,
28 persons who represent other disability-related groups, and other
29 advocates. A person considered to have a disability shall meet the
30 federal definition of disability as defined by P.L. 101-336;

31 (2) The council shall include at least one member from each
32 congressional district;

33 (3) Members of the council shall be knowledgeable about
34 disability-related issues and have demonstrated a commitment to full
35 participation of people with disabilities in all aspects of community
36 life.

37 7. The chairperson of the council shall serve without
38 compensation but shall be reimbursed for actual and necessary travel
39 and other expenses incurred in the performance of the duties as
40 chairperson of the council on disability. The members of the council
41 shall serve without compensation but may be reimbursed for their
42 actual and necessary expenses incurred in attending all meetings
43 provided for by sections 37.735 to 37.745.

44 8. The council shall meet at least once each calendar quarter to
45 conduct its business. The executive director shall give notice to each
46 member of the time and place of each meeting of the council at least
47 ten days before the scheduled date of the meeting, and notice of any
48 special meeting shall state the specific matters to be considered in the
49 special meeting which is not a regular quarterly meeting.

50 9. The chairperson, with the advice and consent of the council,
51 shall appoint an executive director who shall serve as a nonvoting
52 member and executive officer of the council. The executive director
53 shall serve under the supervision of the chairperson of the
54 council. The executive director shall be a person who is knowledgeable
55 about disability-related issues and has demonstrated a commitment to

56 full participation of people with disabilities in all aspects of community
57 life.

58 10. The director of each state department shall designate at least
59 one employee who shall act as a liaison with the council.

37.740. The governor's council on disability shall:

2 (1) Act in an advisory capacity to all state agencies and have
3 direct input to all divisions of the office of administration on policies
4 and practices which impact people with disabilities. Input shall
5 include policies and practices affecting personnel, purchasing, design
6 and construction of new facilities, facilities management, budget and
7 planning and general services. In the administration of its duties, the
8 governor's council on disability in cooperation with the office of
9 administration shall offer technical assistance to help all departments,
10 divisions and branches of state government comply with applicable
11 state and federal law regarding persons with disabilities;

12 (2) Work and cooperate with other state commissions, councils
13 or committees pertaining to disabilities and other national, state and
14 local entities to create public policies and encourage system changes
15 which eliminate barriers to people with disabilities;

16 (3) Advocate for public policies and practices which:

17 (a) Promote employment of people with disabilities;

18 (b) Expand opportunities in all aspects of life; and

19 (c) Promote awareness of and compliance with various federal,
20 state and local laws dealing with disabilities;

21 (4) Gather input from disability-related organizations and the
22 public on disability-related issues and report the results of this
23 information in council reports to the governor;

24 (5) Accept grants, private gifts, and bequests, to be used to
25 achieve the purposes of sections 37.735 to 37.745;

26 (6) Promulgate those bylaws necessary for the efficient operation
27 of the council;

28 (7) Prepare an annual report to be presented to the governor not
29 later than January first of each year.

37.745. The governor's council on disability may receive funds
2 and property by gift, devise, bequest or otherwise and may solicit funds
3 to be used in carrying out the purposes of sections 37.735 to 37.745.

162.1000. 1. As used in this section, the following terms mean:

2 (1) "Transition", a coordinated set of activities for a student, designed
3 within an outcome oriented process, which promotes movement to integrated
4 employment, including supported employment, postsecondary education,
5 vocational training, continuing and adult education services, independent living
6 and community participation. The coordinated set of activities shall be based
7 upon the individual student's needs, taking into account the student's preferences
8 and interests, and shall include, but not be limited to, instruction, community
9 experiences, the development of employment and other postschool adult living
10 objectives, and when appropriate, acquisition of daily living skills and functional
11 vocational evaluation;

12 (2) "Youth with disabilities", any person who is found eligible for special
13 education as defined in federal Public Law 101-476, the Individuals with
14 Disabilities Education Act.

15 2. The individualized education program required for each student
16 enrolled in special education shall include a statement of the needed transition
17 services for students beginning not later than age sixteen and annually
18 thereafter, and shall include, when appropriate, a statement of interagency
19 responsibility or linkages before the student leaves the school setting.

20 3. The "Missouri Interagency Council on Transition" is hereby created
21 within the division of special education, and shall be composed of the
22 commissioner of the department of elementary and secondary education, the
23 assistant commissioners of the division of vocational rehabilitation, the division
24 of special education, and the division of vocational and adult education, the
25 director of the department of health and senior services, the director of the
26 division of maternal, child and family health, the director of the department of
27 mental health, the director of the department of social services, the president of
28 the Missouri planning council for developmental disabilities, the chairman of the
29 Missouri [head] **brain** injury advisory council, the president of the advisory
30 council for comprehensive psychiatric services, the president of the Missouri
31 Association for Rehabilitation Facilities, or their designees, a representative of
32 the governor's [committee on employment of persons with disabilities] **council**
33 **on disability**, and seven professionals and consumer representatives with no
34 less than three parents or primary consumers, to be appointed by the governor
35 from names submitted by any interested agency or organization serving
36 individuals with disabilities. At the first meeting a chair shall be selected from
37 the members to serve a term of two years. The council shall meet at least

38 quarterly, and at such other times at the call of the chair.

39 4. The Missouri interagency council on transition shall:

40 (1) Gather and coordinate data on transition services for secondary age
41 youth with disabilities;

42 (2) Provide information, consultation, and technical assistance to state
43 and local agencies and school districts involved in the delivery of services to youth
44 with disabilities who are in transition from school to work or postsecondary
45 transition programs;

46 (3) Assist state and local agencies and school districts in establishing
47 interagency agreements to assure the necessary transition from school to work or
48 postsecondary training programs;

49 (4) Conduct an annual statewide assessment of transition needs and
50 postsecondary school outcomes from information supplied by local education
51 agencies and local interagency transition committees;

52 (5) Assist regions and local areas in planning interagency in-service
53 training to develop and improve transition services.

54 5. Members of the Missouri interagency council on transition shall receive
55 no compensation for their services while serving on the council; however,
56 members may receive reimbursement for their actual and necessary expenses
57 incurred in the performance of their duties.

58 6. Beginning on January 1, 1995, and on or before January first of each
59 successive year, the council shall make a written report to the governor and to the
60 general assembly of its activities for the preceding fiscal year. The council's
61 annual report shall include recommendations for administrative and legislative
62 policies and programs to enhance the delivery of transition services and supports.

162.1060. 1. There is hereby established a "Metropolitan Schools
2 Achieving Value in Transfer Corporation", which shall be a public body corporate,
3 for the purpose of implementing an urban voluntary school transfer program
4 within a program area which shall include a city not within a county and any
5 school district located in whole or in part in a county with a population in excess
6 of nine hundred thousand persons which district chooses to participate. The
7 corporation shall be governed by a board of directors consisting of one
8 representative from each school district that participates in the urban voluntary
9 school transfer program selected by the governing body of each such district. The
10 vote of each member of the board shall be weighted proportionately to the
11 percentage of the total of transfer students who attend school in the member's

12 district.

13 2. (1) The corporation's board of directors shall design and operate an
14 urban voluntary school transfer program for all participating districts. The board
15 shall make provision for transportation of all the students and for payment to
16 school districts for the education of such students. Acceptance of students into
17 the program shall be determined by policies enacted by the corporation's board
18 of directors, provided that first preference for acceptance of students shall be
19 granted to students currently attending a district other than the district of
20 residence pursuant to a voluntary transfer program established pursuant to
21 federal desegregation order, decree or agreement. All provisions of this section
22 shall be subject to a settlement incorporated into a final judgment, provided that
23 the financial provisions of this section shall not be superseded by such settlement.

24 (2) Each district, other than a metropolitan school district, participating
25 in an urban voluntary school transfer program shall place before voters in the
26 district a proposal to continue participation in the urban voluntary school
27 transfer program at the April election during the sixth year of operation of the
28 program. Unless a majority of district voters voting thereon votes to continue
29 participation in the program, each district, other than a metropolitan school
30 district, shall file a plan, no later than the end of the seventh year of the
31 operation of the program, for phase-out of the district's participation in the
32 program, and such plan shall be provided to the state board of education, the
33 transitional school district and the board of directors of the corporation. Each
34 such plan shall provide for elimination of transfers to the district pursuant to this
35 section no later than the following schedule:

- 36 (a) The ninth year of the program for grades one through three;
37 (b) The tenth year of the program for grades four through six;
38 (c) The eleventh year of the program for grades seven through nine; and
39 (d) The twelfth year of the program for grades ten through twelve.

40 3. (1) Other provisions of law to the contrary notwithstanding, each
41 student participating in the program shall be considered an eligible pupil of the
42 district of residence for the purpose of distributing state aid, except that students
43 attending school in a metropolitan school district in a program established
44 pursuant to this section shall be considered eligible pupils of the district
45 attended, and provided that the department shall determine the increased state
46 aid eligibility created by including pupils attending school in a program
47 established pursuant to this section as eligible pupils of the district of residence

48 and shall distribute the full amount of such state aid to the metropolitan schools
49 achieving value in transfer corporation and shall not distribute state aid on the
50 basis of such pupils to the district of residence.

51 (2) For each student participating in the program, the corporation shall
52 receive the total of all state and federal aid that would otherwise be paid to the
53 student's district of residence, including, but not limited to, state aid provided
54 pursuant to section 148.360, RSMo, section 149.015, RSMo, and sections 163.031
55 and 163.087, RSMo. The corporation shall pay a school district that receives a
56 nonresident student from the funds of the corporation in accordance with the
57 provisions of this section and agreements between the corporation and the
58 participating school districts.

59 4. (1) In each of the first two fiscal years, the corporation shall also
60 receive a payment of twenty-five million dollars.

61 (2) For the third year of operation and thereafter, the corporation shall
62 receive transportation state aid, for each student that participates in the
63 program, which shall be in the same amount and on the same basis as would be
64 received by the student's district of residence if the student were attending a
65 school in the attendance zone in the student's district of residence, provided that
66 such reimbursement shall not exceed one hundred fifty-five percent of the
67 statewide average per pupil cost for transportation for the second preceding
68 school year.

69 (3) Funds received by the corporation pursuant to this subsection may be
70 used for any purpose and need not be expended in the year received.

71 5. The corporation created herein shall have all powers of a public body
72 corporate, except that it shall have no paid employees. The corporation, by
73 contract with any public entity, school district, or private entity, may retain the
74 services of a fiscal agent, make provisions for accounting, transportation
75 management, or other assistance that the corporation may need to carry out its
76 functions, except that no contractor or employee of any contractor acting in a
77 policy-making function shall have ever have been a contractor or employee of the
78 voluntary interdistrict coordinating council or any other program established by
79 the federal district court; except that this restriction shall not apply to
80 transportation contractors or their employees. When a school district located in
81 whole or in part in a county with a population in excess of nine hundred thousand
82 persons ceases to participate in the urban public school transfer program, its
83 representative shall be removed from the corporation's board of directors. When

84 none of the students who reside in a school district in a city not within a county
85 opt to participate in the program, the school district's representative shall be
86 removed from the board of directors. When all of the school districts have ended
87 their participation in the program, in accordance with this subsection, the
88 corporation's operations shall cease, and any funds of the corporation remaining
89 shall be paid to the state of Missouri to the credit of the general revenue fund,
90 except such amounts as the commissioner of education shall determine should be
91 paid to particular school districts under the regulations applicable to federal
92 programs or returned to the federal government.

93 6. All funds received by the corporation shall become funds of the
94 corporation and paid for the purposes set forth in this section and in accordance
95 with agreements entered into between the corporation and participating school
96 districts and other entities, provided that funds received for particular purposes,
97 under federal or state categorical programs benefiting individual students, shall
98 be paid to the district or entity providing services to the students entitled to such
99 services. The proportionate share of federal and state resources generated by
100 students with disabilities, or the staff serving them, shall be paid to the district
101 where the child is attending school, unless the district of residence is required by
102 law to provide such services to the individual students, except that a special
103 school district containing the district where the child is attending school shall be
104 paid for all unreimbursed expenses for special education services provided to
105 students with disabilities. Funds held by the corporation at the close of a fiscal
106 year may be carried over and utilized by the corporation in subsequent fiscal
107 years for the purposes set forth in this section.

108 7. The board of directors may establish regional attendance zones which
109 map the regions of a district in a city not within a county to corresponding
110 recipient districts within the remainder of the program area. In establishing the
111 regional attendance zones, the board of directors may solicit comments and
112 suggestions from residents of the program area and may adopt one or more
113 regional attendance zones previously established in the program area pursuant
114 to a federal court desegregation order, decree or agreement.

115 [8. No later than four years following the date an urban public school
116 transfer program is begun pursuant to this section in a program area, the senate
117 and the house of representatives shall establish a "Joint Committee on Urban
118 Voluntary School Transfer Programs", composed of five members of the senate,
119 appointed by the president pro tem of the senate, and five members of the house

120 of representatives, appointed by the speaker of the house. Not more than three
121 members appointed by the president pro tem and not more than three members
122 appointed by the speaker of the house shall be from the same political party.

123 9. The joint committee may meet as necessary and hold hearings and
124 conduct investigations as it deems advisable. No later than five years following
125 the date an urban voluntary school transfer program is begun pursuant to this
126 section in a program area, the committee shall review and monitor the status of
127 any urban voluntary school transfer program established pursuant to this section
128 and make any recommendations the committee deems necessary to the general
129 assembly regarding such program or programs, which may include proposed
130 changes to the program and recommendations regarding the continuation of the
131 program. The members shall receive no additional compensation, other than
132 reimbursement for their actual and necessary expenses incurred in the
133 performance of their duties. The staff of the committee on legislative research,
134 house research, and senate research shall provide necessary clerical, research,
135 fiscal and legal services to the committee, as the committee may request.

136 10. No later than nine years following the date an urban public school
137 transfer program is begun pursuant to this section in a program area, the joint
138 committee on urban voluntary school transfer programs shall be reestablished in
139 the form specified in subsection 8 of this section and pursuant to the same
140 provisions for reimbursement of expenses and staff support as specified in
141 subsection 9 of this section. No later than ten years following the date an urban
142 voluntary school transfer program is begun pursuant to this section in a program
143 area, the committee shall review and monitor the status of any urban voluntary
144 school transfer program established pursuant to this section and make any
145 recommendations the committee deems necessary to the general assembly
146 regarding such program or programs.]

166.203. 1. There is hereby created the "Missouri Access to Higher
2 Education Trust", which shall be a body corporate and politic. The trust shall be
3 located within the state office of administration, but shall exercise its prescribed
4 powers, duties, and functions independently. The trust shall be governed by a
5 board of directors which shall consist of [ten] **eight** members with knowledge,
6 skill, and experience in the academic, business, or financial field appointed by the
7 governor, by and with the advice and consent of the senate. Not more than three
8 members of the board shall be, during their term of office on the board, either
9 officials, appointees, or employees of this state, except that at least one member

10 shall be appointed from a minority group. Of the remaining ~~[seven]~~ **five**
11 members appointed by the governor, ~~[one shall be appointed from a nominee of~~
12 ~~the speaker of the house of representatives, one shall be appointed from a~~
13 ~~nominee of the president pro tem of the senate,]~~ one shall be a president of a
14 public four-year college or university, one shall be a president or chancellor of a
15 public community college, one shall represent the interests of Missouri
16 independent degree-granting colleges and universities, and one shall be the
17 commissioner of higher education. Of these remaining ~~[seven]~~ **five** members, at
18 least one shall be a member of a minority group. Members shall be appointed for
19 a term of three years; except that, of the members first appointed, three shall be
20 appointed for a term of one year, three shall be appointed for a term of two years,
21 and four shall be appointed for a term of three years. A member shall serve until
22 a successor is appointed and qualified, and a vacancy shall be filled for the
23 balance of the unexpired term in the same manner as the original
24 appointment. The governor shall designate one member as chairperson. The
25 governor shall also designate one member as the president and chief executive
26 officer of the trust and one member as the vice president of the trust. Members
27 of the board, other than the president and vice president if they are not otherwise
28 employees of the state, shall receive no compensation, but shall be reimbursed for
29 their actual and necessary expenses incurred in the performance of their duties.

30 2. The board may delegate to its president, vice president, or other
31 member such functions and authority as the board considers necessary or
32 appropriate. These functions may include, but are not limited to, the oversight
33 and supervision of employees of the trust.

34 3. A majority of the members of the board serving shall constitute a
35 quorum for the transaction of business at a meeting of the board, or the exercise
36 of a power or function of the trust, notwithstanding the existence of one or more
37 vacancies. Voting upon action taken by the board shall be conducted by majority
38 vote of the members present at a meeting of the board, and, if authorized by the
39 bylaws of the board and when a quorum is present in person at the meeting, by
40 use of amplified telephonic equipment. The board shall meet at the call of the
41 chair and as may be provided in the bylaws of the trust. Meetings of the board
42 may be held anywhere within the state.

170.250. 1. The "Video Instructional Development and Educational
2 Opportunity Program" is established to encourage all educational institutions in
3 Missouri to supplement educational opportunities through telecommunications

4 technology and satellite broadcast instruction. The program established by this
5 section is to be administered by the state board of education. The program shall
6 consist of:

7 (1) Grants to local school districts, state-supported institutions of higher
8 education and public television stations as defined in section [37.205] **185.205**,
9 RSMo, for equipment and instruction;

10 (2) Instructional programs developed pursuant to this section and
11 transmitted through the airwaves, over telephone lines, or by cable television
12 which are available for all residents of this state without charge as defined in this
13 section; and

14 (3) Instructional programs developed pursuant to this section which are
15 available to any subscriber according to this section.

16 2. The "Video Instructional Development and Educational Opportunity
17 Fund" is established in the state treasury and shall be administered by the
18 department of elementary and secondary education at the direction of the state
19 board of education. Moneys deposited in the fund shall consist of revenues
20 generated from state sales and use tax revenues as provided in chapter 144,
21 RSMo, on the rental of films, records or any type of sound or picture
22 transcriptions as provided in subsection 3 of this section and shall include four
23 million dollars transferred to the fund annually. Moneys in the fund shall be
24 used solely for purposes established by this section.

25 3. Within the department of elementary and secondary education, there
26 is established an advisory committee which shall make recommendations to the
27 state board of education on the grant program. The committee shall be composed
28 of [twenty-nine] **twenty-five** members. The members of the committee shall
29 consist of one representative of public television stations as defined in section
30 [37.205] **185.205**, RSMo, and one representative of the cable television industry
31 appointed by the state board of education, one representative of public television
32 stations as defined in section [37.205] **185.205**, RSMo, and one representative of
33 the cable television industry appointed by the coordinating board for higher
34 education, three classroom teachers from the elementary and secondary level
35 appointed by the state board of education, three school administrators of
36 elementary or secondary schools appointed by the state board of education, three
37 members of school boards of local public school districts appointed by the state
38 board of education, four representatives from public community college districts
39 appointed by the coordinating board for higher education, four representatives of

40 state-supported institutions of higher education other than community colleges
41 appointed by the coordinating board for higher education, one representative of
42 the regional consortium for education and technology appointed by the state
43 board of education, one representative of the cooperating school districts of the
44 St. Louis suburban area appointed by the state board of education, **and** two
45 representatives of the public appointed by the governor with the advice and
46 consent of the senate[, two members of the senate appointed by the senate
47 president pro tem and two members of the house of representatives appointed by
48 the speaker of the house of representatives]. Of all members appointed by the
49 state board of education, no more than four shall be from any one congressional
50 district and of all the members appointed by the coordinating board for higher
51 education, no more than four shall be from any one congressional district. The
52 members of the committee shall serve three-year terms and shall not serve more
53 than two terms consecutively. However, committee members having served two
54 consecutive terms may be reappointed after leaving the committee for at least one
55 three-year term. On August 28, 1992, the committee shall designate nine of its
56 members to serve a term of one year, ten of its members to serve a term of two
57 years, and ten of its members to serve a term of three years. All subsequent
58 appointments shall be for three years. All members shall receive no
59 compensation for their services, but shall be reimbursed for the actual and
60 necessary expenses incurred while serving on the committee out of funds
61 appropriated for that purpose. The committee shall meet at least quarterly and
62 shall annually issue a report together with its recommendations to the state
63 board of education and the general assembly. **The provisions of this**
64 **subsection shall expire on December 31, 2013.**

65 4. The state board of education may cooperate with existing programs
66 including the University of Missouri, other institutions of higher education, the
67 cooperating school districts of the St. Louis suburban area, or its successor
68 organization, the regional consortium for education and technology or its
69 successor organization, and any statewide organization of public school governing
70 boards and may delegate or contract for the performance or operation of the
71 respective grant programs. The state board of education shall establish
72 appropriate guidelines for participation by the aforementioned entities and by
73 school districts, community college districts, and public television stations as
74 defined in section [37.205] **185.205**, RSMo, in the grant program. Such
75 guidelines shall include application procedures and shall establish policies for

76 awarding grants in the event that more grant applications are received than are
77 funds available to honor the applications in any fiscal year. In allocating funds
78 to applicants, the state board of education may give due consideration to revenues
79 available from all other sources. The state board of education shall accredit
80 courses offered through this program at the elementary and secondary education
81 level. The coordinating board for higher education shall approve courses taught
82 at the postsecondary level.

83 5. In any fiscal year, moneys in the fund shall be used first to ensure that
84 any and all school districts, community college districts and state institutions of
85 higher education seeking aid under this program shall receive
86 telecommunications equipment including computers and modems necessary to
87 participate in the satellite learning process or instructional television video;
88 second to provide the school districts, community college districts and state
89 institutions of higher education with access to subjects at the advanced level or
90 the remedial level or which are not taught in the schools of the district or the
91 service area or campus, which subjects shall include courses in continuing
92 education necessary for maintenance or renewal of licenses for all such licensed
93 health care providers; and third to provide enrichment classes for all pupils of the
94 district. However, the state board of education may set aside a portion of the
95 funds to be used to contract with state-supported institutions of higher education
96 and public television stations as defined in section [37.205] **185.205**, RSMo, to
97 develop instructional programs for grades kindergarten through twelve and for
98 undergraduate and graduate course work suitable for broadcast to the school
99 districts, community college districts and state institutions of higher education
100 as appropriate and to develop the capability to transmit programs cited in this
101 section.

102 6. Participation by a local school district, a community college district or
103 a state institution of higher education in the program established by this section
104 shall be voluntary. No school district, community college district or state
105 institution of higher education receiving funds under this program shall use those
106 funds for any purpose other than that for which they were intended. Any school
107 district, community college district or state institution of higher education shall
108 be eligible to receive funds under this program regardless of its curriculum, local
109 wealth or previous contractual arrangements to receive satellite broadcast
110 instruction.

111 7. The office of administration on behalf of the state of Missouri may

112 contract with institutions of higher education for the development or operation
113 or both of state employee training programs transmitted by telecommunications
114 technology.

115 8. Instructional programs developed pursuant to this section which are
116 transmitted one way through the airwaves or by cable television shall be
117 available to all residents of this state without charge or fee to the extent
118 permitted by the Missouri Constitution. "Without charge or fee" shall not require
119 the providing of equipment to transmit or receive telecommunications instruction
120 or the providing of commercial cable television service. If the instructional
121 program involves two-way, interactive communication between the instructor and
122 the participant, the district or institution operating the program may prescribe
123 academic prerequisites and limit the number of persons who may enroll in the
124 specific program and give preference to residents of the district or institutional
125 attendance area who are age twenty-one or younger but shall not discriminate
126 against any resident on any other basis. A fee may be charged which shall be
127 paid directly by the individual participant, but the fee shall be equal for all
128 participants. If a subscription fee is charged by the originator of the program, the
129 district or institution may pay the subscription fee for all participants from the
130 grant pursuant to this section or from any other public or private fund legally
131 authorized to be used for this purpose. Printed materials designed to facilitate
132 or complement telecommunications programs or electronic reproductions thereof
133 may be made available for loan by the school district, community college or
134 institution of higher education through the public library system subject to the
135 normal rules and regulations of the lending system and in such quantities as may
136 be approved by the governing body of the district or institution. Instructional
137 programs which involve two-way, interactive communication between the
138 instructor and the participant shall also be available to any not-for-profit
139 organization in this state which is exempt from taxation pursuant to subdivision
140 (19) of subsection 2 of section 144.030, RSMo, upon payment of a reasonable
141 subscription fee as determined by the state board of education. Such fees shall
142 be set on a per-participant, per-course basis. The district or institution or the
143 state board of education may make telecommunication equipment available for
144 purchase at cost by or rental to any not-for-profit organization in this state which
145 is exempt from taxation pursuant to subdivision (19) of subsection 2 of section
146 144.030, RSMo.

147 9. (1) In order to facilitate or complement telecommunications, local

148 exchange telecommunications companies shall file with the public service
149 commission tariffs for provision of local service to public school districts, and may
150 file tariffs for provision of local service to accredited primary or secondary schools
151 owned or operated by private entities and community college districts located
152 within the local exchange telecommunications companies certified area. Such
153 local exchange telecommunications companies shall seek commission
154 authorization to provide local service at rates lower than those charged for
155 business and residential service in effect when the tariff is filed, provided that
156 the proposed rates may not be below the actual cost of providing the
157 service. Upon approval of the public service commission, the rates shall not be
158 classified as discriminatory for the purposes of chapter 392, RSMo.

159 (2) The public service commission may approve the tariff as submitted, or
160 may, after hearing, modify the tariff in the public interest. The commission may
161 promulgate rules to aid in the implementation of this section.

190.176. 1. The department shall develop and administer a uniform data
2 collection system on all ambulance runs and injured patients, pursuant to rules
3 promulgated by the department for the purpose of injury etiology, patient care
4 outcome, injury and disease prevention and research purposes. The department
5 shall not require disclosure by hospitals of data elements pursuant to this section
6 unless those data elements are required by a federal agency or were submitted
7 to the department as of January 1, 1998, pursuant to:

- 8 (1) Departmental regulation of trauma centers; or
- 9 (2) The Missouri [head] **brain** and spinal cord injury registry established
10 by sections 192.735 to 192.745, RSMo; or
- 11 (3) Abstracts of inpatient hospital data; or
- 12 (4) If such data elements are requested by a lawful subpoena or subpoena
13 duces tecum.

14 2. All information and documents in any civil action, otherwise
15 discoverable, may be obtained from any person or entity providing information
16 pursuant to the provisions of sections 190.001 to 190.245.

192.735. As used in sections 192.735 to 192.745, unless the context clearly
2 indicates otherwise, the following terms shall mean:

- 3 (1) ["Department", the department of health and senior services;
- 4 (2) "Head] **Brain** injury" or "traumatic [head] **brain** injury", a sudden
5 insult or damage to the brain or its coverings, not of a degenerative nature. Such
6 insult or damage may produce an altered state of consciousness and may result

7 in a decrease of one or more of the following: mental, cognitive, behavioral or
8 physical functioning resulting in partial or total disability. Cerebral vascular
9 accidents, aneurisms and congenital deficits are specifically excluded from this
10 definition;

11 (2) "**Department**", the department of health and senior services;

12 (3) "Spinal cord injury", an injury that occurs as a result of trauma, which
13 may involve spinal vertebral fracture, and where the injured person suffers two
14 or more of the following effects either immediately or within forty-eight hours of
15 injury:

16 (a) Effects on the sensory system including numbness, tingling or loss of
17 sensation in the body or in one or more extremities;

18 (b) Effects on the motor system including weakness or paralysis in one or
19 more extremities;

20 (c) Effects on the visceral system including bowel or bladder dysfunction
21 or hypotension.

192.737. 1. The department of health and senior services shall establish
2 and maintain an information registry and reporting system for the purpose of
3 data collection and needs assessment of [head] **brain** and spinal cord injured
4 persons in this state.

5 2. Reports of traumatic [head] **brain** and spinal cord injuries shall be
6 filed with the department by a treating physician or his designee within seven
7 days of identification. The attending physician of any patient with traumatic
8 [head] **brain** or spinal cord injury who is in the hospital shall provide in writing
9 to the chief administrative officer the information required to be reported by this
10 section. The chief administrative officer of the hospital shall then have the duty
11 to submit the required reports.

12 3. Reporting forms and the manner in which the information is to be
13 reported shall be provided by the department. Such reports shall include, but
14 shall not be limited to, the following information: name, age, and residence of the
15 injured person, the date and cause of the injury, the initial diagnosis and such
16 other information as required by the department.

192.739. 1. All reports and records made pursuant to sections 192.735 to
2 192.744 and maintained by the department and other appropriate persons,
3 officials and institutions pursuant to sections 192.735 to 192.744 shall be
4 confidential. Information shall not be made available to any individual or
5 institution except to:

6 (1) Appropriate staff of the department;

7 (2) Any person engaged in a bona fide research project, with the
8 permission of the director of the department, except that no information
9 identifying the subjects of the reports or the reporters shall be made available to
10 researchers unless the department requests and receives consent for such release
11 pursuant to the provisions of this section;

12 (3) The Missouri [head] **brain** injury advisory council, except that no
13 information identifying the subjects of the reports or the reporters shall be made
14 available to the council unless consent for release is requested and received
15 pursuant to the provisions of this section. Only information pertaining to [head]
16 **brain** injuries as defined in section 192.735 shall be released to the council.

17 2. The department shall not reveal the identity of a patient, a reporting
18 physician or hospital, except that the identity of the patient may be released upon
19 written consent of the patient, parent or guardian, the identity of the physician
20 may be released upon written consent of the physician, and the identity of the
21 hospital may be released upon written consent of the hospital.

22 3. The department shall request consent for release from a patient, a
23 reporting physician or hospital only upon a showing by the applicant for such
24 release that obtaining the identities of certain patients, physicians or hospitals
25 is necessary for his research.

26 4. The department shall at least annually compile a report of the data
27 accumulated through the reporting system established under section 192.737 and
28 shall submit such data relating to [head] **brain** injuries as defined in section
29 192.735 and in accordance with confidentiality restrictions established pursuant
30 to sections 192.735 to 192.744 to the director of the Missouri [head] **brain** injury
31 advisory council.

192.742. The department, in consultation with the Missouri [head] **brain**
2 injury advisory council, shall promulgate rules and regulations necessary to carry
3 out the provisions of sections 192.735 to 192.744, pursuant to the provisions of
4 section 192.006 and chapter 536, RSMo.

192.745. 1. The "Missouri [Head] **Brain** Injury Advisory Council" is
2 hereby established [as created by executive order of the governor on March 5,
3 1985] **in the department of health and senior services**. [The council shall
4 consist of twenty-five members.] The members of the council that are serving on
5 [August 13, 1986] **February 2, 2005**, shall continue [serving on the following
6 basis: the two members of the council who are members of the house of

7 representatives and appointed by the speaker of the house of representatives
8 shall serve for the remainder of their terms; the two members of the council who
9 are members of the senate appointed by the president pro tempore of the senate
10 shall serve for the remainder of their terms; and the remaining twenty-one
11 members shall determine by lot which seven are to have a one-year term, which
12 seven are to have a two-year term, and which seven are to have a three-year
13 term] **to fulfill their current terms. Through attrition, the council shall**
14 **decrease from the present twenty-five members to fifteen**
15 **members.** Thereafter, the successors to each of these [twenty-one] members
16 shall serve a three-year term and until the member's successor is appointed by
17 the governor with the advice and consent of the senate. [In addition, two
18 members who are members of the house of representatives shall be appointed by
19 the speaker of the house and two members who are members of the senate shall
20 be appointed by the president pro tempore of the senate.] The members appointed
21 by the governor shall [represent] **include: four** people with [head] **brain**
22 **injuries[,] or** relatives of persons with [head] **brain** injuries, [proprietary schools
23 as defined in section 173.600, RSMo,] **and eleven other individuals from**
24 **professional groups, health institutions, [or] community groups, and** private
25 **industry [and state agencies which administer programs regarding mental health,**
26 **education, public health, public safety, insurance, and Medicaid. The**
27 **appointment of individuals representing state agencies shall be conditioned on**
28 **their continued employment with their respective agencies]. In addition to the**
29 **fifteen council members, individuals representing state agencies with**
30 **services that impact brain injury survivors and their families shall**
31 **participate on the council in an ex officio non-voting capacity. These**
32 **individuals shall be appointed by the respective agency.**

33 2. The Missouri [head] **brain** injury advisory council is assigned to the
34 [division of general services in the office of administration] **department of**
35 **health and senior services.** The [office of administration] **department** shall
36 submit estimates of requirements for appropriations on behalf of the council for
37 the necessary staff and expenses to carry out the duties and responsibilities
38 assigned by the council. [Such staff shall consist of a director and other support
39 staff.]

40 3. Meetings **of the full council** shall be held at least [every ninety days]
41 **four times a year** or at the call of the council chairperson, who shall be elected
42 by the council. **Subcommittees may meet on an as needed basis.**

43 4. [Each member shall, subject to appropriations, be reimbursed for
44 reasonable and necessary expenses actually incurred in the performance of the
45 member's official duties.] **Members of the council shall not receive any**
46 **compensation for their services, but they shall, subject to**
47 **appropriations, be reimbursed for actual and necessary expenses**
48 **incurred in the performance of their duties from funds appropriated**
49 **for this purpose.**

50 5. The council shall adopt written procedures to govern its
51 activities. [Staff and consultants shall be provided for the council from
52 appropriations requested by the commissioner of the office of administration for
53 such purpose.]

54 6. The council, **under the direction of the department**, shall make
55 recommendations to the [governor] **department director** for developing and
56 administering a state plan to provide services for [head] **brain** injured persons.

57 7. No member of the council may participate in or seek to influence a
58 decision or vote of the council if the member would be directly involved with the
59 matter or if the member would derive income from it. A violation of the
60 prohibition contained herein shall be grounds for a person to be removed as a
61 member of the council by the [governor] **department director**.

62 8. The council shall be advisory and shall:

63 (1) Promote meetings and programs for the discussion of reducing the
64 debilitating effects of [head] **brain** injuries and disseminate information in
65 cooperation with any other department, agency or entity on the prevention,
66 evaluation, care, treatment and rehabilitation of persons affected by [head] **brain**
67 injuries;

68 (2) Study and review current prevention, evaluation, care, treatment and
69 rehabilitation technologies and recommend appropriate preparation, training,
70 retraining and distribution of manpower and resources in the provision of services
71 to [head-injured] **brain-injured** persons through private and public residential
72 facilities, day programs and other specialized services;

73 (3) Recommend [what] specific methods, means and procedures [should
74 be adopted] to improve and upgrade the state's service delivery system for
75 [head-injured] **brain-injured** citizens of this state;

76 (4) Participate in developing and disseminating criteria and standards
77 which may be required for future funding or licensing of facilities, day programs
78 and other specialized services for [head-injured] **brain-injured** persons in this

79 state;

80 (5) Report annually to the [commissioner of administration, the governor,
81 and the general assembly] **department director** on its activities, and on the
82 results of its studies and the recommendations of the council.

83 9. The [office of administration] **department** may accept on behalf of the
84 council federal funds, gifts and donations from individuals, private organizations
85 and foundations, and any other funds that may become available.

199.001. As used in sections 199.001 to 199.055, the following terms
2 mean:

3 (1) ["Division", the division of injury prevention, head injury
4 rehabilitation and local health services of the department of health and senior
5 services;

6 (2) "Head] **Brain injury**", includes [head] **brain injury**[.] **and** traumatic
7 [head] **brain injury**[, and spinal cord injury] as defined in section 192.735,
8 RSMo;

9 (2) **"Department", the department of health and senior services'**
10 **adult brain injury program;**

11 (3) "Injury or trauma", any unintentional or intentional damage to the
12 body resulting from acute exposure to thermal, mechanical, electrical, or chemical
13 energy or from the absence of such essentials as heat or oxygen;

14 (4) "Rehabilitation", a comprehensive series of interventions for physical,
15 medical, cognitive and psychological disabilities designed to restore a person to
16 his maximum functional potential.

199.003. 1. [The "Division of Injury Prevention, Head Injury
2 Rehabilitation and Local Health Services" is hereby created and shall be a
3 division of the department of health and senior services.] The [division]
4 **department** shall have the responsibility, **subject to appropriations**, of
5 ensuring that injury prevention and [head] **brain injury** rehabilitation
6 evaluation, [case management] **service coordination**, treatment, rehabilitation,
7 and community support services are accessible, wherever possible. [The division
8 shall have and exercise supervision of division rehabilitation facilities, residential
9 programs and specialized services operated by the division and oversight of
10 facilities, programs and services funded by the division. The division may also
11 plan for prevention, treatment, rehabilitation and care, including hospice, for
12 persons with other diseases as determined by the general assembly by
13 appropriations. The division shall also have responsibilities for the support,

14 development, and coordination of local health services.]

15 2. The powers, functions and duties of the [division] **department** shall
16 include the following:

17 (1) [Provision of funds for] Planning **and implementing**, in cooperation
18 with the Missouri [head] **brain** injury advisory council [and implementation of],
19 accessible programs to [rehabilitate and care for] **promote rehabilitation and**
20 **community reintegration of** persons with [head injuries, injury prevention
21 and research] **brain injuries**;

22 (2) Provision of technical assistance and training to community-based
23 programs [and assistance and cooperation to programs of political subdivisions
24 designed to assist in planning and implementing quality services] **assisting**
25 **persons with brain injuries**;

26 (3) Assurance of [program] quality [in compliance with such appropriate
27 standards for residential facilities, day programs, and specialized programs as
28 may be established by the division] **for brain injury services funded by the**
29 **department**;

30 (4) Sponsorship and encouragement of research into the causes, effects,
31 prevention, treatment and rehabilitation of injuries and appropriateness and cost
32 and benefit effectiveness of [head] **brain** injury rehabilitation, residential
33 programs and specialized services;

34 (5) Provision of public information relating to injury prevention and
35 [head] **brain** injury treatment and rehabilitation;

36 (6) Cooperation with nonstate governmental agencies and [the] private
37 sector [in establishing, conducting, integrating and coordinating] programs and
38 projects relating to injury prevention and [head] **brain** injury treatment and
39 rehabilitation;

40 (7) [Review and oversight of those portions of the department's annual
41 budget which are directed for injury prevention and head injury services;

42 (8) Encouragement of the utilization, support, assistance and dedication
43 of volunteers to assist persons affected by head injuries to be accepted and
44 integrated into normal community activities;

45 (9) Support, development, and coordination of local health services, which
46 shall include but shall not be limited to:

47 (a) Professional resources and staff development;

48 (b) Services assessment and coordination;

49 (c) Standards development, implementation and quality assurance;

50 (d) Provision of basic public health services in areas not served by local
51 public health agencies;

52 (e) Fiscal resources and management;

53 (f) Technical assistance; and

54 (g) Assistance with public health problems, emergencies and conditions]
55 **Receiving federal grants and aids for injury prevention and for persons**
56 **with brain injuries and brain injury rehabilitation under the terms of**
57 **the grants and aids and administering or paying them out. The**
58 **director shall approve such applications for federal assistance**
59 **administered through the department as may be considered advisable**
60 **in consultation with the Missouri brain injury advisory council;**

61 (8) Promulgating rules under the provisions of this section, as
62 necessary to prescribe policies or standards which affect charging and
63 funding of adult brain injury rehabilitation services. The rules
64 applicable to each program or service operated or funded by the
65 department shall be available for public inspection and review at such
66 program or service. The rules and policies shall be compatible with
67 and appropriate to the program mission, population served, size, type
68 of service, and other reasonable classifications;

69 (9) Promulgating reasonable rules relative to the implementation
70 of participant rights described in sections 199.001 to 199.051;

71 (10) Promulgating rules setting forth a reasonable standard
72 means test which shall be applied to all programs and services funded
73 by the department in determining eligibility for such services.

74 3. Any rule or portion of a rule, as that term is defined in section
75 536.010 that is created under the authority delegated in this section
76 shall become effective only if it complies with and is subject to all of
77 the provisions of chapter 536, and, if applicable, section 536.028. This
78 section and chapter 536 are nonseverable and if any of the powers
79 vested with the general assembly pursuant to chapter 536, to review, to
80 delay the effective date, or to disapprove and annul a rule are
81 subsequently held unconstitutional, then the grant of rulemaking
82 authority and any rule proposed or adopted after August 28, 2010, shall
83 be invalid and void.

199.007. The Missouri [head] brain injury advisory council, created by
2 section 192.745, RSMo, shall act as the advisory body to the [division and the
3 division] **department and department** director. Any power or function of the

4 [division] **department** requiring planning activities shall be undertaken with
5 the direct input and cooperation of the advisory council. The [division]
6 **department** shall not undertake or duplicate any activity or function of the
7 council under the provisions of section 192.745, RSMo.

199.009. 1. The [division] **department** may provide injury prevention,
2 and [head] **brain** injury evaluation, care, treatment, rehabilitation and such
3 related services directly or through contracts from private and public vendors in
4 this state, the quality of the services being equal, appropriate and consistent with
5 professional advice in the least restrictive environment and as close to an
6 individual's home community as possible, with funds appropriated for this
7 purpose.

8 2. If it is determined through a comprehensive evaluation that a person
9 [is suffering from a head] **has a traumatic brain** injury so as to require the
10 coordination of provision of services, including other state governmental agencies,
11 nongovernmental and the private sector, and if such person, such person's parent,
12 if the person is a minor, or legal guardian, so requests, the [division]
13 **department** shall, within the limits of available resources and subject to
14 relevant federal and state laws, secure a comprehensive program of any necessary
15 services for such person. Such services may include, but need not be limited to,
16 the following:

- 17 (1) Assessment and evaluation;
- 18 (2) [Case management] **Service coordination**;
- 19 (3) Counseling;
- 20 (4) Respite care;
- 21 (5) Recreation;
- 22 (6) Rehabilitation;
- 23 (7) Cognitive retraining;
- 24 (8) Prevocational rehabilitation;
- 25 (9) Residential care;
- 26 (10) Homemaker services;
- 27 (11) Day activity programs;
- 28 (12) Supported living;
- 29 (13) Referral to appropriate services;
- 30 (14) Transportation;
- 31 (15) Supported work, if provided by the department, shall be
32 **directed toward preparation for education or vocational achievement,**

33 **independent living, and community participation. Long-term needs**
34 **shall be identified and efforts made to link participants with**
35 **appropriate resources.**

36 3. In securing the comprehensive program of services, the [division]
37 **department** shall involve the [patient] **participant**, his **or her** family or his
38 **or her** legal guardian in decisions affecting his **or her** care, rehabilitation,
39 services or referral. The quality of the services being equal, appropriate and
40 consistent with professional advice, services shall be offered in the least
41 restrictive environment and as close to an individual's home community as
42 possible.

43 4. In accordance with state and federal law, no service or
44 **program operated or funded by the department shall deny admission**
45 **or other services to any person because of the person's race, sex, creed,**
46 **marital status, national origin, handicap, or age.**

199.010. The curators of the University of Missouri shall provide for the
2 care of persons needing [head] **brain** injury and other rehabilitation and further,
3 for the treatment and commitment of persons having tuberculosis subject to
4 appropriation by the general assembly.

199.029. 1. The [division] **department** shall promulgate rules under the
2 provisions of this section and chapter 536, RSMo, as necessary to prescribe
3 policies or standards which affect charging and funding of residential care
4 rehabilitation programs and specialized services for persons with [head] **brain**
5 injuries available to the public. The rules applicable to each facility, program or
6 service operated or funded by the [division] **department** shall be available for
7 public inspection and review at such facility, program or service. These rules
8 shall not apply to facilities, programs or services operated or provided by curators
9 of the University of Missouri.

10 2. The rules, operating regulations and facility policies shall be compatible
11 with and appropriate to the facility or program mission, population served, size,
12 type of service and other reasonable classifications. No rule or portion of a rule
13 promulgated under the authority of this chapter shall become effective unless it
14 has been promulgated pursuant to the provisions of section 536.024, RSMo.

199.031. 1. The [division] **department** may receive federal grants and
2 aids for injury prevention and for persons with [head] **brain** injuries and [head]
3 **brain** injury rehabilitation under the terms of the grants and aids and
4 administer or pay them out subject to the provisions attached.

5 2. The director shall approve such applications for federal assistance
6 administered through the [division] **department** as may be considered advisable
7 after consultation with the Missouri [head] **brain** injury advisory council.

199.037. The director of the [division] **department** shall promulgate
2 reasonable rules relative to the implementation of patient rights described in
3 sections 199.001 to [199.055] **199.051**. These rules shall not apply to facilities,
4 programs or services operated or provided by the curators of the University of
5 Missouri.

199.039. The director of the [division] **department** shall promulgate
2 rules setting forth a reasonable standard means test which shall be applied to all
3 facilities, programs and services operated or funded by the [division]
4 **department** in determining the amount to be charged to persons receiving
5 services. Notwithstanding other provisions of sections 199.001 to [199.055]
6 **199.051**, the department shall accept funds from federal reimbursement,
7 third-party reimbursement, private pay or other funding sources.

199.041. 1. Any probate division of the circuit court having knowledge of
2 the existence of an estate of a patient receiving services from residential facilities
3 or other programs operated or funded by the [division] **department** shall
4 promptly notify the director of the nature and extent of the estate and the
5 identity of the attorney of record and conservator. The director shall then apply
6 the standard means test contained in the rules of the [division] **department** to
7 determine if the estate shall be charged for services rendered by the [division]
8 **department**.

9 2. If the director determines that the estate should be charged for the
10 evaluation, care, treatment, rehabilitation or room and board provided or funded
11 by the [division] **department**, and notifies the conservator, the conservator shall
12 pay the charges. If the conservator fails to pay for the charges, after reasonable
13 delay, the head of the [division] **department**, residential facility or day program
14 may discharge the patient.

15 3. The decision of the director shall be final, and appeal may be made to
16 the circuit court of Cole County or the county where the person responsible for
17 payment resides in the manner provided by chapter 536, RSMo. The director
18 shall notify the conservator and the supervising court of such failure to pay for
19 services rendered by a facility or program operated or funded by the [division]
20 **department** at least thirty days before the patient is discharged. If the
21 conservator appeals the decision of the director, the patient shall remain in the

22 facility or program pending final disposition of the appeal.

199.043. In accordance with state and federal law, no residential facility,
2 day program or specialized service operated or funded by the [division]
3 **department** shall deny admission or other services to any person because of his
4 race, sex, creed, marital status, national origin, handicap or age.

199.051. The [division] **department** may inspect any facility or program
2 at any time if a contract has been issued or an application for a contract has been
3 filed.

207.023. The division of family services within the department of social
2 services, with input from the Missouri community service commission created in
3 sections [26.600 to 26.614, RSMo] **620.580 to 620.592**, shall promulgate rules
4 providing standards and procedures for community service participation by
5 persons receiving services from the division of family services. In order to be
6 eligible to receive services from the division of family services, a person shall
7 satisfy the requirements of the rules promulgated under this section regarding
8 community service participation.

208.175. 1. The "Drug Utilization Review Board" is hereby established
2 within the [division of medical services] **MO HealthNet division** and shall be
3 composed of the following health care professionals who shall be appointed by the
4 governor [not later than October 1, 1992,] and whose appointment shall be
5 subject to the advice and consent of the senate:

6 (1) Six physicians who shall include:

7 (a) Three physicians who hold the doctor of medicine degree and are
8 active in medical practice;

9 (b) Two physicians who hold the doctor of osteopathy degree and are
10 active in medical practice; and

11 (c) One physician who holds the doctor of medicine or the doctor of
12 osteopathy degree and is active in the practice of psychiatry;

13 (2) Six actively practicing pharmacists who shall include:

14 (a) Three pharmacists who hold bachelor of science degrees in pharmacy
15 and are active as retail or patient care pharmacists;

16 (b) Two pharmacists who hold advanced clinical degrees in pharmacy and
17 are active in the practice of pharmaceutical therapy and clinical pharmaceutical
18 management; and

19 (c) One pharmacist who holds either a bachelor of science degree in
20 pharmacy or an advanced clinical degree in pharmacy and is employed by a

21 pharmaceutical manufacturer of Medicaid-approved formulary drugs; and

22 (3) One certified medical quality assurance registered nurse with an
23 advanced degree.

24 2. The membership of the drug utilization review board shall include
25 health care professionals who have recognized knowledge and expertise in one or
26 more of the following:

27 (1) The clinically appropriate prescribing of covered outpatient drugs;

28 (2) The clinically appropriate dispensing and monitoring of covered
29 outpatient drugs;

30 (3) Drug use review, evaluation and intervention;

31 (4) Medical quality assurance.

32 3. A chairperson shall be elected by the board members [at their first
33 meeting, which shall take place not later than November 1, 1992]. The board
34 shall meet at least once every ninety days. A quorum of eight members, including
35 no fewer than three physicians and three pharmacists, shall be required for the
36 board to act in its official capacity.

37 4. Members appointed pursuant to subsection 1 of this section shall serve
38 four-year terms, except that of the original members, four shall be appointed for
39 a term of two years, four shall be appointed for a term of three years and five
40 shall be appointed for a term of four years. Members may be reappointed.

41 5. The members of the drug utilization review board or any regional
42 advisory committee shall receive no compensation for their services other than
43 reasonable expenses actually incurred in the performance of their official duties.

44 6. The drug utilization review board shall, either directly or through
45 contracts between the [division of medical services] **MO HealthNet division**
46 and accredited health care educational institutions, state medical societies or
47 state pharmacist associations or societies or other appropriate organizations,
48 provide for educational outreach programs to educate practitioners on common
49 drug therapy problems with the aim of improving prescribing and dispensing
50 practices.

51 7. The drug utilization review board shall monitor drug usage and
52 prescribing practices in the Medicaid program. The board shall conduct its
53 activities in accordance with the requirements of subsection (g) of section 4401
54 of the Omnibus Budget Reconciliation Act of 1990 (P.L. 101-508). The board shall
55 publish an educational newsletter to Missouri Medicaid providers as to its
56 considered opinion of the proper usage of the Medicaid formulary. It shall advise

57 providers of inappropriate drug utilization when it deems it appropriate to do so.

58 **8. The drug utilization review board may provide advice on**
59 **guidelines, policies, and procedures necessary to establish and**
60 **maintain the Missouri Rx plan.**

61 **9.** Office space and support personnel shall be provided by the division of
62 medical services.

63 **[9.] 10.** Subject to appropriations made specifically for that purpose, up
64 to six regional advisory committees to the drug utilization review board may be
65 appointed. Members of the regional advisory committees shall be physicians and
66 pharmacists appointed by the drug utilization review board. Each such member
67 of a regional advisory committee shall have recognized knowledge and expertise
68 in one or more of the following:

69 (1) The clinically appropriate prescribing of covered outpatient drugs;

70 (2) The clinically appropriate dispensing and monitoring of covered
71 outpatient drugs;

72 (3) Drug use review, evaluation, and intervention; or

73 (4) Medical quality assurance.

 208.275. 1. As used in this section, unless the context otherwise
2 indicates, the following terms mean:

3 (1) "Elderly", any person who is sixty years of age or older;

4 (2) "Handicapped", any person having a physical or mental condition,
5 either permanent or temporary, which would substantially impair ability to
6 operate or utilize available transportation.

7 2. There is hereby created the "Coordinating Council on Special
8 Transportation" within the Missouri department of transportation. The members
9 of the council shall be: [two members of the senate appointed by the president
10 pro tem, who shall be from different political parties; two members of the house
11 of representatives appointed by the speaker, who shall be from different political
12 parties;] the assistant for transportation of the Missouri department of
13 transportation, or his designee; the assistant commissioner of the department of
14 elementary and secondary education, responsible for special transportation, or his
15 designee; the director of the division of aging of the department of social services,
16 or his designee; the deputy director for mental retardation/developmental
17 disabilities and the deputy director for administration of the department of
18 mental health, or their designees; the executive secretary of the governor's
19 committee on the employment of the handicapped; and seven consumer

20 representatives appointed by the governor by and with the advice and consent of
21 the senate, four of the consumer representatives shall represent the elderly and
22 three shall represent the handicapped. Two of such three members representing
23 handicapped persons shall represent those with physical handicaps. Consumer
24 representatives appointed by the governor shall serve for terms of three years or
25 until a successor is appointed and qualified. Of the members first selected, two
26 shall be selected for a term of three years, two shall be selected for a term of two
27 years, and three shall be selected for a term of one year. In the event of the
28 death or resignation of any member, his successor shall be appointed to serve for
29 the unexpired period of the term for which such member had been appointed.

30 3. State agency personnel shall serve on the council without additional
31 appropriations or compensation. The consumer representatives shall serve
32 without compensation except for receiving reimbursement for the reasonable and
33 necessary expenses incurred in the performance of their duties on the council
34 from funds appropriated to the department of transportation. [Legislative
35 members shall be reimbursed by their respective appointing bodies out of the
36 contingency fund for such body for necessary expenses incurred in the
37 performance of their duties.]

38 4. Staff for the council shall be provided by the Missouri department of
39 transportation. The department shall designate a special transportation
40 coordinator who shall have had experience in the area of special transportation,
41 as well as such other staff as needed to enable the council to perform its duties.

42 5. The council shall meet at least quarterly each year and shall elect from
43 its members a chairman and a vice chairman.

44 6. The coordinating council on special transportation shall:

45 (1) Recommend and periodically review policies for the coordinated
46 planning and delivery of special transportation when appropriate;

47 (2) Identify special transportation needs and recommend agency funding
48 allocations and resources to meet these needs when appropriate;

49 (3) Identify legal and administrative barriers to effective service delivery;

50 (4) Review agency methods for distributing funds within the state and
51 make recommendations when appropriate;

52 (5) Review agency funding criteria and make recommendations when
53 appropriate;

54 (6) Review area transportation plans and make recommendations for plan
55 format and content;

56 (7) Establish measurable objectives for the delivery of transportation
57 services;

58 (8) Review annual performance data and make recommendations for
59 improved service delivery, operating procedures or funding when appropriate;

60 (9) Review local disputes and conflicts on special transportation and
61 recommend solutions.

62 **7. The provisions of this section shall expire on December 31,**
63 **2013.**

208.955. 1. There is hereby established in the department of social
2 services the "MO HealthNet Oversight Committee", which shall [be appointed by
3 January 1, 2008, and shall] consist of eighteen members as follows:

4 (1) Two members of the house of representatives, one from each party,
5 appointed by the speaker of the house of representatives and the minority floor
6 leader of the house of representatives;

7 (2) Two members of the Senate, one from each party, appointed by the
8 president pro tem of the senate and the minority floor leader of the senate;

9 (3) One consumer representative;

10 (4) Two primary care physicians, licensed under chapter 334, RSMo,
11 recommended by any Missouri organization or association that represents a
12 significant number of physicians licensed in this state, who care for participants,
13 not from the same geographic area;

14 (5) Two physicians, licensed under chapter 334, RSMo, who care for
15 participants but who are not primary care physicians and are not from the same
16 geographic area, recommended by any Missouri organization or association that
17 represents a significant number of physicians licensed in this state, **and who**
18 **are familiar with the medical needs of low-income population groups**
19 **and with the resources available and required for their care;**

20 (6) One representative of the state hospital association;

21 (7) One nonphysician health care professional who cares for participants,
22 recommended by the director of the department of insurance, financial
23 institutions and professional registration;

24 (8) One dentist, who cares for participants. The dentist shall be
25 recommended by any Missouri organization or association that represents a
26 significant number of dentists licensed in this state;

27 (9) Two patient advocates;

28 (10) One public member; and

29 (11) The directors of the department of social services, the department of
30 mental health, the department of health and senior services, or the respective
31 directors' designees, who shall serve as ex-officio members of the committee.

32 2. The members of the oversight committee, other than the members from
33 the general assembly and ex-officio members, shall be appointed by the governor
34 with the advice and consent of the senate. A chair of the oversight committee
35 shall be selected by the members of the oversight committee. Of the members
36 first appointed to the oversight committee by the governor, eight members shall
37 serve a term of two years, seven members shall serve a term of one year, and
38 thereafter, members shall serve a term of two years. Members shall continue to
39 serve until their successor is duly appointed and qualified. Any vacancy on the
40 oversight committee shall be filled in the same manner as the original
41 appointment. Members shall serve on the oversight committee without
42 compensation but may be reimbursed for their actual and necessary expenses
43 from moneys appropriated to the department of social services for that
44 purpose. The department of social services shall provide technical, actuarial, and
45 administrative support services as required by the oversight committee. The
46 oversight committee shall:

47 (1) Meet on at least four occasions annually[, including at least four before
48 the end of December of the first year the committee is established]. Meetings
49 [can] **may** be held by telephone or video conference at the discretion of the
50 committee;

51 (2) **Serve as a medical care advisory committee under Section**
52 **1902(a)(4) of the Social Security Act to advise the Medicaid agency**
53 **director about health and medical care services;**

54 (3) Review the participant and provider satisfaction reports and the
55 reports of health outcomes, social and behavioral outcomes, use of evidence-based
56 medicine and best practices as required of the health improvement plans and the
57 department of social services under section 208.950;

58 [(3)] (4) Review the results from other states of the relative success or
59 failure of various models of health delivery attempted;

60 [(4)] (5) Review the results of studies comparing health plans conducted
61 under section 208.950;

62 [(5)] (6) Review the data from health risk assessments collected and
63 reported under section 208.950;

64 [(6)] (7) Review the results of the public process input collected under

65 section 208.950;

66 [(7)] (8) Advise and approve proposed design and implementation
67 proposals for new health improvement plans submitted by the department, as
68 well as make recommendations and suggest modifications when necessary;

69 [(8)] (9) Determine how best to analyze and present the data reviewed
70 under section 208.950 so that the health outcomes, participant and provider
71 satisfaction, results from other states, health plan comparisons, financial impact
72 of the various health improvement plans and models of care, study of provider
73 access, and results of public input can be used by consumers, health care
74 providers, and public officials;

75 [(9)] (10) Present significant findings of the analysis required in
76 subdivision (8) of this subsection in a report to the general assembly and
77 governor, at least annually, beginning January 1, 2009;

78 [(10)] (11) Review the budget forecast issued by the legislative budget
79 office, and the report required under subsection (22) of subsection 1 of section
80 208.151, and after study:

81 (a) Consider ways to maximize the federal drawdown of funds;

82 (b) Study the demographics of the state and of the MO HealthNet
83 population, and how those demographics are changing;

84 (c) Consider what steps are needed to prepare for the increasing numbers
85 of participants as a result of the baby boom following World War II;

86 [(11)] (12) Conduct a study to determine whether an office of inspector
87 general shall be established. Such office would be responsible for oversight,
88 auditing, investigation, and performance review to provide increased
89 accountability, integrity, and oversight of state medical assistance programs, to
90 assist in improving agency and program operations, and to deter and identify
91 fraud, abuse, and illegal acts. The committee shall review the experience of all
92 states that have created a similar office to determine the impact of creating a
93 similar office in this state; and

94 [(12)] (13) Perform other tasks as necessary, including but not limited
95 to making recommendations to the division concerning the promulgation of rules
96 and emergency rules so that quality of care, provider availability, and participant
97 satisfaction can be assured.

98 3. By July 1, 2011, the oversight committee shall issue findings to the
99 general assembly on the success and failure of health improvement plans and
100 shall recommend whether or not any health improvement plans should be

101 discontinued.

102 4. [The oversight committee shall designate a subcommittee devoted to
103 advising the department on the development of a comprehensive entry point
104 system for long-term care that shall:

105 (1) Offer Missourians an array of choices including community-based,
106 in-home, residential and institutional services;

107 (2) Provide information and assistance about the array of long-term care
108 services to Missourians;

109 (3) Create a delivery system that is easy to understand and access
110 through multiple points, which shall include but shall not be limited to providers
111 of services;

112 (4) Create a delivery system that is efficient, reduces duplication, and
113 streamlines access to multiple funding sources and programs;

114 (5) Strengthen the long-term care quality assurance and quality
115 improvement system;

116 (6) Establish a long-term care system that seeks to achieve timely access
117 to and payment for care, foster quality and excellence in service delivery, and
118 promote innovative and cost-effective strategies; and

119 (7) Study one-stop shopping for seniors as established in section 208.612.

120 5. The subcommittee shall include the following members:

121 (1) The lieutenant governor or his or her designee, who shall serve as the
122 subcommittee chair;

123 (2) One member from a Missouri area agency on aging, designated by the
124 governor;

125 (3) One member representing the in-home care profession, designated by
126 the governor;

127 (4) One member representing residential care facilities, predominantly
128 serving MO HealthNet participants, designated by the governor;

129 (5) One member representing assisted living facilities or continuing care
130 retirement communities, predominantly serving MO HealthNet participants,
131 designated by the governor;

132 (6) One member representing skilled nursing facilities, predominantly
133 serving MO HealthNet participants, designated by the governor;

134 (7) One member from the office of the state ombudsman for long-term care
135 facility residents, designated by the governor;

136 (8) One member representing Missouri centers for independent living,

137 designated by the governor;

138 (9) One consumer representative with expertise in services for seniors or
139 the disabled, designated by the governor;

140 (10) One member with expertise in Alzheimer's disease or related
141 dementia;

142 (11) One member from a county developmental disability board,
143 designated by the governor;

144 (12) One member representing the hospice care profession, designated by
145 the governor;

146 (13) One member representing the home health care profession,
147 designated by the governor;

148 (14) One member representing the adult day care profession, designated
149 by the governor;

150 (15) One member gerontologist, designated by the governor;

151 (16) Two members representing the aged, blind, and disabled population,
152 not of the same geographic area or demographic group designated by the
153 governor;

154 (17) The directors of the departments of social services, mental health,
155 and health and senior services, or their designees; and

156 (18) One member of the house of representatives and one member of the
157 senate serving on the oversight committee, designated by the oversight committee
158 chair. Members shall serve on the subcommittee without compensation but may
159 be reimbursed for their actual and necessary expenses from moneys appropriated
160 to the department of health and senior services for that purpose. The department
161 of health and senior services shall provide technical and administrative support
162 services as required by the committee.

163 6. By October 1, 2008, the comprehensive entry point system
164 subcommittee shall submit its report to the governor and general assembly
165 containing recommendations for the implementation of the comprehensive entry
166 point system, offering suggested legislative or administrative proposals deemed
167 necessary by the subcommittee to minimize conflict of interests for successful
168 implementation of the system. Such report shall contain, but not be limited to,
169 recommendations for implementation of the following consistent with the
170 provisions of section 208.950:

171 (1) A complete statewide universal information and assistance system that
172 is integrated into the web-based electronic patient health record that can be

173 accessible by phone, in-person, via MO HealthNet providers and via the Internet
174 that connects consumers to services or providers and is used to establish
175 consumers' needs for services. Through the system, consumers shall be able to
176 independently choose from a full range of home, community-based, and
177 facility-based health and social services as well as access appropriate services to
178 meet individual needs and preferences from the provider of the consumer's choice;

179 (2) A mechanism for developing a plan of service or care via the web-based
180 electronic patient health record to authorize appropriate services;

181 (3) A preadmission screening mechanism for MO HealthNet participants
182 for nursing home care;

183 (4) A case management or care coordination system to be available as
184 needed; and

185 (5) An electronic system or database to coordinate and monitor the
186 services provided which are integrated into the web-based electronic patient
187 health record.

188 7. Starting July 1, 2009, and for three years thereafter, the subcommittee
189 shall provide to the governor, lieutenant governor and the general assembly a
190 yearly report that provides an update on progress made by the subcommittee
191 toward implementing the comprehensive entry point system.

192 8.] The provisions of section 23.253, RSMo, shall not apply to sections
193 208.950 to 208.955.

210.496. The division may refuse to issue either a license or a provisional
2 license to an applicant, or may suspend or revoke the license or provisional
3 license of a licensee, who:

4 (1) Fails consistently to comply with the applicable provisions of sections
5 208.400 to [208.535] **208.507** and the applicable rules promulgated thereunder;

6 (2) Violates any of the provisions of its license;

7 (3) Violates state laws or rules relating to the protection of children;

8 (4) Furnishes or makes any misleading or false statements or reports to
9 the division;

10 (5) Refuses to submit to the division any reports or refuses to make
11 available to the division any records required by the division in making an
12 investigation;

13 (6) Fails or refuses to admit authorized representatives of the division at
14 any reasonable time for the purpose of investigation;

15 (7) Fails or refuses to submit to an investigation by the division;

16 (8) Fails to provide, maintain, equip, and keep in safe and sanitary
17 condition the premises established or used for the care of children being served,
18 as required by law, rule, or ordinance applicable to the location of the foster home
19 or residential care facility; or

20 (9) Fails to provide financial resources adequate for the satisfactory care
21 of and services to children being served and the upkeep of the premises.

260.370. 1. Where proven technology is available and the economic
2 impact is reasonable, pursuant to rules and regulations promulgated by the
3 commission, the hazardous waste management commission shall encourage that
4 every effort is made to effectively treat, recycle, detoxify, incinerate or otherwise
5 treat hazardous waste to be disposed of in the state of Missouri in order that such
6 wastes are not disposed of in a manner which is hazardous to the public health
7 and the environment. Where proven technology is available with respect to a
8 specific hazardous waste and the economic impact is reasonable, pursuant to
9 rules and regulations promulgated by the commission, the hazardous waste
10 management commission shall direct that disposal of the specific hazardous
11 wastes using land filling as the primary method is prohibited.

12 2. The hazardous waste management commission shall, by rules and
13 regulations, categorize hazardous waste by taking into account toxicity,
14 persistence and degradability in nature, potential for accumulation in tissue, and
15 other related factors such as flammability, corrosiveness and other hazardous
16 characteristics. The commission shall by rules and regulations further establish
17 within each category the wastes which may or may not be disposed of through
18 alternative hazardous waste management technologies including, but not limited
19 to, treatment facilities, incinerators, landfills, landfarms, storage facilities,
20 surface impoundments, recycling, reuse and reduction. The commission shall
21 specify, by rule and regulation, the frequency of inspection for each method of
22 hazardous waste management and for the different waste categories at hazardous
23 waste management sites. The inspection may be daily when the hazardous waste
24 management commission deems it necessary. The hazardous waste management
25 commission shall specify, by rule, fees to be paid to the department by owners or
26 operators of hazardous waste facilities who have obtained, or are required to
27 obtain, a hazardous waste facility permit and who accept, on a commercial basis
28 for remuneration, hazardous waste from off-site sources, but not including wastes
29 generated by the same person at other sites located in Missouri or within a
30 metropolitan statistical area located partially in Missouri and owned or operated

31 by the same person and transferred to the hazardous waste facility, for treatment,
32 storage or disposal, for inspections conducted by the department to determine
33 compliance with sections 260.350 to 260.430 and the regulations promulgated
34 thereunder. Funds derived from these inspection fees shall be used for the
35 purpose of funding the inspection of hazardous waste facilities, as specified in
36 subsection 3 of section 260.391. Such fees shall not exceed twelve thousand
37 dollars per year per facility and the commission shall establish a graduated fee
38 scale based on the volume of hazardous waste accepted with reduced fees for
39 facilities accepting smaller volumes of hazardous waste. The department shall
40 furnish, upon request, to the person, firm or corporation operating the hazardous
41 waste facility a complete, full and detailed accounting of the cost of the
42 department's inspections of the facility for the twelve-month period immediately
43 preceding the request within forty-five days after receipt of the request. Failure
44 to provide the accounting within forty-five days shall require the department to
45 refund the inspection fee paid during the twelve-month-time period.

46 3. In addition to any other powers vested in it by law, the commission
47 shall have the following powers:

48 (1) From time to time adopt, amend or repeal, after due notice and public
49 hearing, standards, rules and regulations to implement, enforce and carry out the
50 provisions of sections 260.350 to 260.430 and any required of this state by any
51 federal hazardous waste management act and as the commission may deem
52 necessary to provide for the safe management of hazardous wastes to protect the
53 health of humans and the environment. In implementing this subsection, the
54 commission shall consider the variations within this state in climate, geology,
55 population density, quantities and types of hazardous wastes generated,
56 availability of hazardous waste facilities and such other factors as may be
57 relevant to the safe management of hazardous wastes. Within two years after
58 September 28, 1977, the commission shall adopt rules and regulations including
59 the following:

60 (a) Rules and regulations establishing criteria and a listing for the
61 determination of whether any waste or combination of wastes is hazardous for the
62 purposes of sections 260.350 to 260.430, taking into account toxicity, persistence
63 and degradability in nature, potential for accumulation in tissue, and other
64 related factors such as flammability, corrosiveness and other hazardous
65 characteristics;

66 (b) Rules and regulations for the storage, treatment and disposal of

67 hazardous wastes;

68 (c) Rules and regulations for the transportation, containerization and
69 labeling of hazardous wastes, which shall be consistent with those issued by the
70 Missouri public service commission;

71 (d) Rules and regulations establishing standards for the issuance,
72 modification, suspension, revocation or denial of such licenses and permits as are
73 consistent with the purposes of sections 260.350 to 260.430;

74 (e) Rules and regulations establishing standards and procedures for the
75 safe operation and maintenance of hazardous waste facilities in order to protect
76 the health of humans and other living organisms;

77 (f) Rules and regulations listing those wastes or combinations of wastes,
78 for which criteria have been established under paragraph (a) of this subdivision
79 and which are not compatible and which may not be stored or disposed of
80 together;

81 (g) Rules and regulations establishing procedures and requirements for
82 the reporting of the generation, storage, transportation, treatment or disposal of
83 hazardous wastes;

84 (2) Adopt and publish, after notice as required by the provisions of
85 chapter 536, RSMo, pertaining to administrative rulemaking, and public hearing,
86 a state hazardous waste management plan to provide for the safe and effective
87 management of hazardous wastes within this state. This plan shall be adopted
88 within two years after September 28, 1977, and revised at least once every five
89 years thereafter;

90 (3) Hold hearings, issue notices of hearings and subpoenas requiring the
91 attendance of witnesses and the production of evidence, administer oaths and
92 take testimony as the commission deems necessary to accomplish the purposes
93 of sections 260.350 to 260.430 or as required by any federal hazardous waste
94 management act. Unless otherwise specified in sections 260.350 to 260.430, any
95 of these powers may be exercised on behalf of the commission by any members
96 thereof or a hearing officer designated by it;

97 (4) Grant individual variances in accordance with the provisions of
98 sections 260.350 to 260.430;

99 (5) Make such orders as are necessary to implement, enforce and
100 effectuate the powers, duties and purposes of sections 260.350 to 260.430.

101 4. No rule or portion of a rule promulgated under the authority of sections
102 260.350 to 260.480 and sections 260.565 to 260.575 shall become effective unless

103 it has been promulgated pursuant to the provisions of section 536.024, RSMo.

104 5. To the extent there is a conflict concerning authority for risk-based
105 remediation rules between this section and section 644.143, RSMo, or subdivision
106 (8) of section 644.026, RSMo, this section shall prevail.

107 [6. Beginning July 1, 2004, a joint committee appointed by the speaker of
108 the house of representatives and the president pro tem of the senate shall
109 consider proposals for restructuring the fees paid by hazardous waste generators
110 and hazardous waste facilities. The committee shall consider options for
111 expanding the fee structure to more fairly apportion the cost of services provided
112 among all those that benefit from those services. The committee shall prepare
113 and submit a report including its recommendation for changes to the governor,
114 the house of representatives, and the senate no later than December 31, 2004.]

260.372. 1. The Missouri hazardous waste management commission
2 within the Missouri department of natural resources is hereby given the authority
3 to aid in the promotion of hazardous waste recycling, reuse, or reduction by
4 entering into contracts, subject to appropriations, for the development and
5 implementation of projects dealing with said uses of hazardous wastes or the
6 purchase and development of machinery, equipment, appliances, devices, and
7 supplies solely required to develop and operate hazardous waste recycling, reuse,
8 and reduction projects.

9 2. The hazardous waste management commission within the Missouri
10 department of natural resources shall promulgate rules and regulations to
11 establish or participate in one or more regional waste exchange clearing houses
12 where generators of wastes may list those wastes that have market value or other
13 use.

14 3. **The hazardous waste management commission within the**
15 **Missouri department of natural resources shall act in an advisory**
16 **capacity to Missouri's member on the midwest low-level radioactive**
17 **waste compact commission, review activities of the midwest low-level**
18 **radioactive waste compact commission and midwest interstate**
19 **radioactive waste compact states, and present recommendations in**
20 **writing to the governor and the general assembly as requested or as**
21 **necessary to insure adequate exchange of information.**

260.705. Unless the context clearly requires otherwise, the following
2 words and phrases mean:

3 (1) ["Advisory committee", the low-level radioactive waste compact

4 advisory committee;

5 (2)] "Care", the continued observation of a facility after closure for the
6 purposes of detecting a need for maintenance, insuring environmental safety, and
7 determining compliance with applicable licensure and regulatory requirements
8 and including the correction of problems which are detected as a result of that
9 observation;

10 [(3)] (2) "Clean-up", all actions necessary to contain, collect, control,
11 identify, analyze, treat, disperse, remove, or dispose of low-level radioactive
12 waste;

13 [(4)] (3) "Closure", measures which must be taken by a facility owner or
14 operator when he determines that the facility shall no longer accept low-level
15 radioactive waste;

16 [(5)] (4) "Commission", the midwest interstate low-level radioactive waste
17 commission;

18 [(6)] (5) "Decommissioning", the measures taken at the end of a facility's
19 operating life to assure the continued protection of the public from any residual
20 radioactivity or other potential hazards present at a facility;

21 [(7)] (6) "Facility", a parcel of land or site, together with the structures,
22 equipment and improvements on or appurtenant to the land or site, which is used
23 or is being developed for the treatment, storage or disposal of low-level
24 radioactive waste;

25 [(8)] (7) "Host state", any state which is designated by the commission
26 to host a regional facility;

27 [(9)] (8) "Low-level radioactive waste" or "waste", radioactive waste not
28 classified as high-level radioactive waste, transuranic waste, spent nuclear fuel
29 or by-product material as defined in Section 11(e)(2) of the Atomic Energy Act of
30 1954;

31 [(10)] (9) "Midwest low-level radioactive waste compact", the midwest
32 interstate compact on low-level radioactive waste as enacted by the Missouri
33 general assembly;

34 [(11)] (10) "Radioactive release", the emission, discharge, spillage,
35 leakage, pumping, pouring, emptying or dumping of low-level radioactive waste
36 into the biosphere which exceeds state or federal standards;

37 [(12)] (11) "Region", the area of the party states to the midwest low-level
38 radioactive waste compact;

39 [(13)] (12) "Regional facility", a facility which is located within the region

40 and which is established by a party state pursuant to designation of that state
41 as a host state by the commission; and

42 [(14)] (13) "Site", the geographic location of a facility.

260.720. 1. The governor shall appoint one member and one alternate
2 member to represent Missouri's interests on the midwest low-level radioactive
3 waste compact commission. Such appointment shall be with the advice and
4 consent of the senate, as provided in section 51 of article IV of the Constitution
5 of Missouri. The state's member on the commission, or the alternate, shall be
6 entitled to reimbursement for expenses necessarily incurred in the discharge of
7 his official duties plus, if not an employee of the state, fifty dollars for each day
8 devoted to the affairs of the commission.

9 2. Missouri's member on the commission shall [also serve on the advisory
10 committee created by section 260.725, and] report activities of the commission to
11 the [advisory committee] **hazardous waste management commission**,
12 governor and general assembly as requested.

260.735. 1. In the event Missouri is designated by the commission to be
2 a host state for a regional low-level radioactive waste disposal facility, the
3 director of the department of natural resources shall, within seven days, report
4 to the governor, the legislature and the [advisory committee] **hazardous waste**
5 **management commission** with recommendations for further action.

6 2. If Missouri is designated as the host state for a regional disposal
7 facility, the governor shall provide notification of withdrawal, pursuant to Article
8 VIII(i) of the Midwest Interstate Low-Level Radioactive Waste Compact, unless
9 that designation is approved by the general assembly by a concurrent resolution;
10 provided however, that if the general assembly, having had the opportunity to
11 consider the issue of whether or not to remain in the compact, for a period of not
12 less than sixty days within the ninety-day period immediately following such
13 designation, fails to render a concurrent resolution approving such designation
14 or a concurrent resolution calling for Missouri to withdraw from the compact, the
15 governor need not provide such notification of withdrawal.

262.217. Effective September 1, 1995, there is created a "State Fair
2 Commission" whose domicile for the purposes of sections 262.215 to 262.280 shall
3 be the department of agriculture of this state. The commission shall consist of
4 nine members, two of whom shall be active farmers, two of whom shall be either
5 current members or past presidents of county or regional fair boards **or**
6 **individuals active in the tourism industry**, one of whom shall be the

7 director of the department of agriculture, one of whom shall be employed in
8 agribusiness, and three at-large members who shall be Missouri residents. The
9 [director of the department of agriculture shall be the chairman of the
10 commission until January 31, 1997, and shall not be counted against membership
11 from a congressional district, at which time the chairman] **commission** shall [be
12 elected] **elect a chairperson** from among the members of the commission [by
13 the commission members]. Such officer shall serve for a term of two
14 years. Commissioners shall be reimbursed for their actual and necessary
15 expenses incurred when attending meetings of the commission, to be paid from
16 appropriations made therefor. Commissioners shall be appointed by the governor,
17 with the advice and consent of the senate. The county fair association in the
18 state may submit to the governor a list of nominees for appointment, three from
19 each congressional district, for those commission members who [are required to]
20 **may** be current members or past presidents of county fair boards. Not more than
21 four commissioners excluding the director of agriculture shall be members of the
22 same political party. Each commissioner shall be a resident of the state for five
23 years prior to his appointment. [The eight initial commissioners shall be
24 appointed as follows: two shall be appointed for terms of one year, two for terms
25 of two years, two for terms of three years and two for terms of four years. Their
26 successors] **Commissioners** shall be appointed for terms of four years. A
27 commissioner shall continue to serve until his successor is appointed and
28 qualified. Whenever any vacancy occurs on the commission, the governor shall
29 fill the vacancy by appointment for the remainder of the term of the commissioner
30 who was replaced. There shall be no more than two commission members from
31 any congressional district.

286.001. As used in this chapter, unless the context clearly states
2 otherwise, the following terms mean:

- 3 (1) "Commission", the labor and industrial relations commission;
- 4 (2) ["Council", the governor's council on disability;
- 5 (3)] "Department", the department of labor and industrial relations;
- 6 [(4)] (3) "Director", the director of the department of labor and industrial
7 relations;
- 8 [(5)] (4) "Division", the divisions of employment security, labor standards
9 and workers' compensation; and
- 10 [(6)] (5) "Division heads", the division directors for each of the divisions.

286.005. 1. There is hereby created a "Department of Labor and

2 Industrial Relations" to be headed by a labor and industrial relations commission
3 as provided by section 49, article IV, Constitution of Missouri. All the powers,
4 duties and functions of the industrial commission are transferred by type I
5 transfer to the labor and industrial relations commission and the industrial
6 commission is abolished. The commission shall nominate and the governor shall
7 appoint, with the advice and consent of the senate, the director of the department
8 to be the chief administrative officer of the department. Members of the
9 industrial commission on May 2, 1974, shall become members of the commission
10 and the terms of the commission members shall be the same as provided by law
11 for the industrial commission. Individuals appointed as members of the
12 industrial commission shall serve the remainder of the term to which they were
13 appointed as members of the commission. The members of the commission shall
14 receive an annual salary of seventy-two thousand seven hundred thirty-five
15 dollars plus any salary adjustment provided pursuant to section 105.005, RSMo,
16 payable out of the state treasury. The board of rehabilitation is abolished as
17 hereinafter set out and on May 2, 1974, no compensation shall be paid to any
18 person as a member of the board of rehabilitation, other provisions of the law
19 notwithstanding. The director of the department shall appoint other division
20 heads in the department. For the purposes of subsections 6, 7, 8 and 9 of section
21 1 of the reorganization act of 1974, the director of the department shall be
22 construed as the head of the department of labor and industrial relations.

23 2. All powers, duties, and functions vested by law in the division of
24 employment security, chapter 288, RSMo, and others, are transferred by type II
25 transfer to the department.

26 3. All powers, duties, and functions vested by law in the division of
27 workers' compensation, chapter 287, RSMo, and others, are transferred by type
28 II transfer to the department.

29 4. All the powers, duties, and functions of the board of rehabilitation,
30 chapter 287, RSMo, and others, are transferred by type I transfer to the division
31 of workers' compensation of the department and the board of rehabilitation is
32 abolished.

33 5. All powers, duties and functions vested by law in the division of
34 industrial inspections and the division of mine inspections, chapters 286, 290,
35 291, 292, 293, 294 and 444, RSMo, which were previously transferred by type I
36 transfer to the inspection section of the department, are transferred to the
37 division of labor standards of the department. Employees of the division

38 performing duties related to the mine safety and health act and the occupational
39 safety health act shall be selected in accord with chapter 36, RSMo.

40 6. All the powers, duties, and functions vested by law in the state board
41 of mediation under chapter 295, RSMo, and others, are transferred by type II
42 transfer to the department.

43 7. All employees of the division of employment security shall be selected
44 in accord with chapter 36, RSMo.

45 8. The Missouri commission on human rights, and all the authority,
46 powers, duties, functions, records, personnel, property, matters pending and other
47 pertinent vestiges thereof vested in the Missouri commission on human rights
48 under chapters 213, 296, 314, and others, RSMo, are transferred by type III
49 transfer to the department. Members of the Missouri commission on human
50 rights shall be nominated by the director for appointment by the governor, by and
51 with the advice and consent of the senate.

52 [9. The department shall act as the administrative entity for the
53 governor's council on disability. The federal and state funds necessary for the
54 administration and implementation of the programs and services provided by the
55 governor's council on disability shall be appropriated through the department.]

304.028. 1. There is hereby created in the state treasury for use by the
2 [Missouri Head Injury Advisory Council] **department of health and senior**
3 **services** a fund to be known as the "[Head] **Brain** Injury Fund". All judgments
4 collected pursuant to this section, federal grants, private donations and any other
5 moneys designated for the [head] **brain** injury fund shall be deposited in the
6 fund. Moneys deposited in the fund shall, upon appropriation by the general
7 assembly to the [office of administration] **department of health and senior**
8 **services**, be received and expended by the [council] **department** for the purpose
9 of transition and integration of medical, social and educational services or
10 activities for purposes of outreach and [short-term] supports to enable individuals
11 with traumatic [head] **brain** injury and their families to live in the community[,
12 including counseling and mentoring the families]. Notwithstanding the
13 provisions of section 33.080, RSMo, to the contrary, any unexpended balance in
14 the [head] **brain** injury fund at the end of any biennium shall not be transferred
15 to the general revenue fund.

16 2. In all criminal cases including violations of any county ordinance or any
17 violation of criminal or traffic laws of this state, including an infraction, there
18 shall be assessed as costs a surcharge in the amount of two dollars. No such

19 surcharge shall be collected in any proceeding involving a violation of an
20 ordinance or state law when the proceeding or defendant has been dismissed by
21 the court or when costs are to be paid by the state, county or municipality.

22 3. Such surcharge shall be collected and distributed by the clerk of the
23 court as provided in sections 488.010 to 488.020, RSMo. The surcharge collected
24 pursuant to this section shall be paid to the state treasury to the credit of the
25 **[head] brain** injury fund established in this section.

320.094. 1. The state treasurer shall annually transfer an amount
2 prescribed in subsection 2 of this section out of the state revenues derived from
3 premium taxes levied on insurance companies pursuant to sections 148.310 to
4 148.461, RSMo, which are deposited by the director of revenue in the general
5 revenue fund pursuant to section 148.330, RSMo, in a fund hereby created in the
6 state treasury, to be known as the "Fire Education Fund". Any interest earned
7 from investment of moneys in the fund, and all moneys received from gifts,
8 grants, or other moneys appropriated by the general assembly, shall be credited
9 to the fund. The state treasurer shall administer the fund, and the moneys in
10 such fund shall be used solely as prescribed in this section. Notwithstanding the
11 provisions of section 33.080, RSMo, to the contrary, moneys in the fire education
12 fund at the end of any biennium shall not be transferred to the credit of the
13 general revenue fund.

14 2. Beginning July 1, 1998, three percent of the amount of premium taxes
15 collected in the immediately preceding fiscal year pursuant to sections 148.310
16 to 148.461, RSMo, which are deposited in the general revenue fund that exceeds
17 the amount of premium taxes which were deposited in the general revenue fund
18 in the 1997 fiscal year shall be transferred from the general revenue fund to the
19 credit of the fire education fund. At the end of each fiscal year, the commissioner
20 of administration shall determine the amount transferred to the credit of the fire
21 education fund in each fiscal year by computing the premium taxes deposited in
22 the general revenue fund in the prior fiscal year and comparing such amount to
23 the amount of premium taxes deposited in the general revenue fund in the 1997
24 fiscal year. An amount equal to three percent of the increase computed pursuant
25 to this section shall be transferred by the state treasurer to the credit of the fire
26 education fund; however, such transfer in any fiscal year shall not exceed one
27 million five hundred thousand dollars.

28 3. [There is hereby established a special trust fund, to be known as the
29 "Missouri Fire Education Trust Fund", which shall consist of all moneys collected

30 per subsection 2 of this section transferred to the fund from the fire education
31 fund pursuant to this subsection, any earnings resulting from the investment of
32 moneys in the fund, and all moneys received from gifts, grants, or other moneys
33 appropriated by the general assembly. Each fiscal year, an amount equal to forty
34 percent of the moneys transferred to the fire education fund collected pursuant
35 to subsection 2 of this section shall be transferred by the state treasurer to the
36 credit of the Missouri fire education trust fund. The fund shall be administered
37 by a board of trustees, consisting of the state treasurer, two members of the
38 senate appointed by the president pro tem of the senate, two members of the
39 house of representatives appointed by the speaker of the house, and two members
40 appointed by the governor with the advice and consent of the senate. Any
41 member appointed due to such person's membership in the senate or house of
42 representatives shall serve only as long as such person holds the office referenced
43 in this section. The state treasurer shall invest moneys in the fund in a manner
44 as provided by law. Subject to appropriations, moneys in the fund shall be used
45 solely for the purposes described in this section, but such appropriations shall be
46 made only if the board recommends to the general assembly that such moneys are
47 needed in that fiscal year to adequately fund the activities described in this
48 section. Moneys shall accumulate in the trust fund until the earnings from
49 investment of moneys in the fund can adequately support the activities described
50 in this section, as determined by the board. At such time, the board may
51 recommend that the general assembly adjust or eliminate the funding mechanism
52 described in this section. Notwithstanding the provisions of section 33.080,
53 RSMo, to the contrary, moneys in the Missouri fire education trust fund at the
54 end of any biennium shall not be transferred to the credit of the general revenue
55 fund.

56 4.] The moneys in the fire education fund[, after any distribution
57 pursuant to subsection 3 of this section,] shall be appropriated to the division of
58 fire safety to coordinate education needs in cooperation with community colleges,
59 colleges, regional training facilities, fire and emergency services training entities
60 and universities of this state and shall provide training and continuing education
61 to firefighters in this state relating to fire department operations and the
62 personal safety of firefighters while performing fire department
63 activities. Programs and activities funded under this subsection [must] **shall** be
64 approved by the Missouri fire [education commission established in subsection 5
65 of this section] **safety advisory board established in section 320.205**. These

66 funds shall primarily be used to provide field education throughout the state,
67 with not more than two percent of funds under this subsection expended on
68 administrative costs.

69 [5. There is established the "Missouri Fire Education Commission", to be
70 domiciled in the division of fire safety within the department of public
71 safety. The commission shall be composed of five members appointed by the
72 governor with the advice and consent of the senate, consisting of one firefighter
73 serving as a volunteer of a volunteer fire protection association, one full-time
74 firefighter employed by a recognized fire department or fire protection district,
75 one firefighter training officer, one person serving as the chief of a volunteer fire
76 protection association, and one chief fire officer from a recognized fire department
77 or fire protection district. No more than three members appointed by the
78 governor shall be of the same political party. The terms of office for the members
79 appointed by the governor shall be four years and until their successors are
80 selected and qualified, except that, of those first appointed, two shall have a term
81 of four years, two shall have a term of three years and one shall have a term of
82 two years. There is no limitation on the number of terms an appointed member
83 may serve. The governor may appoint a member for the remaining portion of the
84 unexpired term created by a vacancy. The governor may remove any appointed
85 member for cause. The members shall at their initial meeting select a chair. All
86 members of the commission shall serve without compensation for their duties, but
87 shall be reimbursed for necessary travel and other expenses incurred in the
88 performance of their official duties. The commission shall meet at least quarterly
89 at the call of the chair and shall review and determine appropriate programs and
90 activities for which funds may be expended under subsection 4 of this section.]

320.205. 1. The governor, with the advice and consent of the senate, shall
2 appoint a full-time state fire marshal, who shall be the head of the division of fire
3 safety. The state fire marshal shall administer and enforce the provisions of
4 sections 320.200 to 320.270. The state fire marshal shall be a citizen of the
5 United States, shall be a person of good moral character, and a resident taxpayer
6 of Missouri at the time of his appointment. The state fire marshal must have had
7 a minimum of ten years' experience in some phase of fire protection, fire
8 prevention, or fire investigation, which may include experience with any state,
9 municipal, military, or industrial fire protection agency. [He] **The state fire**
10 **marshal** shall possess administrative ability and experience [and], be able to
11 obtain facts in connection with the duties of [his] **the** office by field

12 investigations, and **be able** to accurately report [his] findings.

13 2. There is hereby established within the department of public safety the
14 "Missouri Fire Safety Advisory Board", which shall be composed of [six] **eight**
15 members appointed by the governor, by and with the advice and consent of the
16 senate, from a list of qualified candidates submitted to the governor by the
17 director of the department of public safety. It shall be the duty of the Missouri
18 fire safety advisory board to advise the fire marshal on all matters pertaining to
19 the responsibilities of the fire marshal and the division. All members of the
20 Missouri fire safety advisory board shall be qualified voters of Missouri at the
21 time of their appointment, shall receive no compensation for their services, and
22 shall be reimbursed for their actual and necessary expenses incurred in the
23 performance of their official duties. Of the members appointed to the Missouri
24 fire safety advisory board, one shall be a chief of a fire department located within
25 this state, one shall be a firefighter, one shall be a person with expertise in the
26 investigation of arson, one shall be an instructor in a firefighting training
27 program, one shall be a person who provides fire safety appliances and
28 equipment, [and] one shall be an insurer duly licensed to provide insurance
29 coverage for losses due to fire, **one shall be a firefighter serving as a**
30 **volunteer in a volunteer fire protection association, and one shall be a**
31 **chief of a volunteer fire protection association.**

324.406. 1. There is hereby created within the division of professional
2 registration a council to be known as the "Interior Design Council". The council
3 shall consist of [four] **two** interior designers and one public member appointed
4 by the governor with the advice and consent of the senate. The governor shall
5 give due consideration to the recommendations by state organizations of the
6 interior design profession for the appointment of the interior design members to
7 the council. Council members shall be appointed to serve a term of four years[;
8 except that of the members first appointed, one interior design member and the
9 public member shall be appointed for terms of four years, one member shall be
10 appointed for a term of three years, one member shall be appointed for a term of
11 two years and one member shall be appointed for a term of one year]. No
12 member of the council shall serve more than two terms.

13 2. Each council member, other than the public member, shall be a citizen
14 of the United States, a resident of the state of Missouri for at least one year, meet
15 the qualifications for professional registration, practice interior design as the
16 person's principal livelihood and, except for the first members appointed, be

17 registered pursuant to sections 324.400 to 324.439 as an interior designer.

18 3. The public member shall be, at the time of such person's appointment,
19 a citizen of the United States, a registered voter, a person who is not and never
20 was a member of the profession regulated by sections 324.400 to 324.439 or the
21 spouse of such a person and a person who does not have and never has had a
22 material financial interest in the providing of the professional services regulated
23 by sections 324.400 to 324.439. The duties of the public member shall not include
24 the determination of the technical requirements for the registration of persons as
25 interior designers. The provisions of section 324.028 pertaining to public
26 members of certain state boards and commissions shall apply to the public
27 member of the council.

28 4. Members of the council may be removed from office for cause. Upon the
29 death, resignation or removal from office of any member of the council, the
30 appointment to fill the vacancy shall be for the unexpired portion of the term so
31 vacated and shall be filled in the same manner as the first appointment and due
32 notice be given to the state organizations of the interior design profession prior
33 to the appointment.

34 5. Each member of the council may receive as compensation an amount
35 set by the division not to exceed fifty dollars per day and shall be reimbursed for
36 the member's reasonable and necessary expenses incurred in the official
37 performance of the member's duties as a member of the council. The director
38 shall establish by rule guidelines for payment.

39 6. The council shall meet at least twice each year and advise the division
40 on matters within the scope of sections 324.400 to 324.439. The organization of
41 the council shall be established by the members of the council.

42 7. The council may sue and be sued as the interior design council and the
43 council members need not be named as parties. Members of the council shall not
44 be personally liable either jointly or severally for any act committed in the
45 performance of their official duties as council members. No council member shall
46 be personally liable for any costs which accrue in any action by or against the
47 council.

 324.475. For the purposes of sections 324.475 to 324.499, the following
2 terms mean:

3 (1) "Acupuncture", the use of needles inserted into the body by piercing
4 of the skin and related modalities for the assessment, evaluation, prevention,
5 treatment or correction of any abnormal physiology or pain by means of

6 controlling and regulating the flow and balance of energy in the body so as to
7 restore the body to its proper functioning and state of health;

8 (2) "Acupuncturist", any person licensed as provided in sections 324.475
9 to 324.499 to practice acupuncture as defined in subdivision (1) of this section;

10 (3) "Auricular detox technician", a person trained solely in, and who
11 performs only, auricular detox treatment. An auricular detox technician shall
12 practice under the supervision of a licensed acupuncturist. Such treatment shall
13 take place in a hospital, clinic or treatment facility which provides comprehensive
14 substance abuse services, including counseling, and maintains all licenses and
15 certifications necessary and applicable;

16 (4) "Auricular detox treatment", a very limited procedure consisting of
17 acupuncture needles inserted into specified points in the outer ear of a person
18 undergoing treatment for drug or alcohol abuse or both drug and alcohol abuse;

19 (5) "Board", the state board of chiropractic examiners established in
20 chapter 331, RSMo;

21 (6) "Committee", the Missouri acupuncture [advisory] **licensing**
22 committee;

23 (7) "Department", the department of insurance, financial institutions and
24 professional registration;

25 (8) "Director", the director of the division of professional registration;

26 (9) "Division", the division of professional registration;

27 (10) "License", the document of authorization issued by the board for a
28 person to engage in the practice of acupuncture.

324.478. 1. There is hereby created within the division of professional
2 registration a committee to be known as the "Missouri Acupuncturist [Advisory]
3 **Licensing** Committee". The committee shall consist of [five] **three** members,
4 all of whom shall be citizens of the United States and registered voters of the
5 state of Missouri. The governor shall appoint the members of the committee with
6 the advice and consent of the senate for terms of four years[; except as provided
7 in subsection 2 of this section. Three]. **The** committee members shall be
8 acupuncturists[. Such members] **and** shall at all times be holders of licenses for
9 the practice of acupuncture in this state[; except for the members of the first
10 committee who shall meet the requirements for licensure pursuant to sections
11 324.475 to 324.499. One member shall be a current board member of the
12 Missouri state board for chiropractic examiners. The remaining member shall be
13 a public member]. All members shall be chosen from lists submitted by the

14 director of the division of professional registration. The president of the
15 Acupuncture Association of Missouri in office at the time shall, at least ninety
16 days prior to the expiration of the term of a [board] **committee** member[, other
17 than the public member,] or as soon as feasible after a vacancy on the [board]
18 **committee** otherwise occurs, submit to the director of the division of professional
19 registration a list of [five] **three** acupuncturists qualified and willing to fill the
20 vacancy in question, with the request and recommendation that the governor
21 appoint one of the [five] **three** persons so listed, and with the list so submitted,
22 the president of the Acupuncture Association of Missouri shall include in his or
23 her letter of transmittal a description of the method by which the names were
24 chosen by that association.

25 2. [The initial appointments to the committee shall be one member for a
26 term of one year, one member for a term of two years, one member for a term of
27 three years and two members for a term of four years.

28 3. The public member of the committee shall not be and never has been
29 a member of any profession regulated by the provisions of sections 324.475 to
30 324.499, or the spouse of any such person; and a person who does not have and
31 never has had a material financial interest in either the providing of the
32 professional services regulated by the provisions of sections 324.475 to 324.499
33 or an activity or organization directly related to the profession regulated pursuant
34 to sections 324.475 to 324.499.

35 4.] Any member of the committee may be removed from the committee by
36 the governor for neglect of duty required by law, for incompetency or for unethical
37 or dishonest conduct. Upon the death, resignation, disqualification or removal
38 of any member of the committee, the governor shall appoint a successor. A
39 vacancy in the office of any member shall only be filled for the unexpired term.

40 [5.] **3.** The [acupuncturist advisory] committee shall:

41 (1) Review all applications for licensure;

42 (2) Advise the board on all matters pertaining to the licensing of
43 acupuncturists;

44 (3) Review all complaints and/or investigations wherein there is a possible
45 violation of sections 324.475 to 324.499 or regulations promulgated pursuant
46 thereto and make recommendations and referrals to the board on complaints the
47 committee determines to warrant further action;

48 (4) Follow the provisions of the board's administrative practice procedures
49 in conducting all official duties;

50 (5) Recommend for prosecution violations of sections 324.475 to 324.499
51 to an appropriate prosecuting or circuit attorney;

52 (6) Assist the board, as needed and when requested by the board, in
53 conducting any inquiry or disciplinary proceedings initiated as a result of
54 committee recommendation and referral pursuant to subdivision (3) of this
55 subsection.

 324.481. 1. The board shall upon recommendation of the committee
2 license applicants who meet the qualifications for acupuncturists, who file for
3 licensure, and who pay all fees required for this licensure.

4 2. The board shall:

5 (1) Maintain a record of all board and committee proceedings regarding
6 sections 324.475 to 324.499 and of all acupuncturists licensed in this state;

7 (2) Annually prepare a roster of the names and addresses of all
8 acupuncturists licensed in this state, copies of which shall be made available
9 upon request to any person paying the fee therefor;

10 (3) Set the fee for the roster at an amount sufficient to cover the actual
11 cost of publishing and distributing the roster;

12 (4) Adopt an official seal;

13 (5) Prescribe the design of all forms to be furnished to all persons seeking
14 licensure under sections 324.475 to 324.499;

15 (6) Prescribe the form and design of the license to be issued under
16 sections 324.475 to 324.499;

17 (7) Inform licensees of any changes in policy, rules or regulations;

18 (8) Upon the recommendation of the committee, set all fees, by rule,
19 necessary to administer the provisions of sections 324.475 to 324.499.

20 3. The board may with the approval of the [advisory] committee:

21 (1) Issue subpoenas to compel witnesses to testify or produce evidence in
22 proceedings to deny, suspend or revoke licensure;

23 (2) Promulgate rules pursuant to chapter 536, RSMo, in order to carry out
24 the provisions of sections 324.475 to 324.499 including, but not limited to,
25 regulations establishing:

26 (a) Standards for the practice of acupuncture;

27 (b) Standards for ethical conduct in the practice of acupuncture;

28 (c) Standards for continuing professional education;

29 (d) Standards for the training and practice of auricular detox technicians,
30 including specific enumeration of points which may be used.

31 4. Any rule or portion of a rule, as that term is defined in section 536.010,
32 RSMo, that is promulgated to administer and enforce sections 324.475 to 324.499,
33 shall become effective only if the agency has fully complied with all of the
34 requirements of chapter 536, RSMo, including but not limited to, section 536.028,
35 RSMo, if applicable, after August 28, 1998. If the provisions of section 536.028,
36 RSMo, apply, the provisions of this section are nonseverable and if any of the
37 powers vested with the general assembly pursuant to section 536.028, RSMo, to
38 review, to delay the effective date, or to disapprove and annul a rule or portion
39 of a rule are held unconstitutional or invalid, the purported grant of rulemaking
40 authority and any rule so proposed and contained in the order of rulemaking
41 shall be invalid and void, except that nothing in this section shall affect the
42 validity of any rule adopted and promulgated prior to August 28, 1998.

43 5. All funds received by the board pursuant to the provisions of sections
44 324.240 to 324.275 shall be collected by the director who shall transmit the funds
45 to the department of revenue for deposit in the state treasury to the credit of the
46 ["Acupuncturist Fund" which is hereby created] **state board of chiropractic**
47 **examiners and acupuncturists' fund. Effective August 28, 2010, all**
48 **moneys in the acupuncturist fund shall be transferred to the state**
49 **board of chiropractic examiners and acupuncturists' fund.**

50 6. Notwithstanding the provisions of section 33.080, RSMo, to the
51 contrary, money in this fund shall not be transferred and placed to the credit of
52 general revenue until the amount in the fund at the end of the biennium exceeds
53 three times the amount of the appropriation from the acupuncturist fund for the
54 preceding fiscal year. The amount, if any, in the fund which shall lapse is that
55 amount in the fund which exceeds the appropriate multiple of the appropriations
56 from the acupuncturist fund for the preceding fiscal year.

331.030. 1. No person shall engage in the practice of chiropractic without
2 having first secured a chiropractic license as provided in this chapter.

3 2. Any person desiring to procure a license authorizing the person to
4 practice chiropractic in this state shall be at least twenty-one years of age and
5 shall make application on the form prescribed by the board. The application shall
6 contain a statement that it is made under oath or affirmation and that
7 representations contained thereon are true and correct to the best knowledge and
8 belief of the person signing the application, subject to the penalties of making a
9 false affidavit or declaration, and shall give the applicant's name, address, age,
10 sex, name of chiropractic schools or colleges which the person attended or of

11 which the person is a graduate, and such other reasonable information as the
12 board may require. The applicant shall give evidence satisfactory to the board
13 of the successful completion of the educational requirements of [this chapter]
14 **sections 331.010 to 331.115**, that the applicant is of good moral character, and
15 that the chiropractic school or college of which the applicant is a graduate is
16 teaching chiropractic in accordance with the requirements of [this chapter]
17 **sections 331.010 to 331.115**. The board may make a final determination as to
18 whether or not the school from which the applicant graduated is so teaching.

19 3. Before an applicant shall be eligible for licensure, the applicant shall
20 furnish evidence satisfactory to the board that the applicant has received the
21 minimum number of semester credit hours, as required by the Council on
22 Chiropractic Education, or its successor, prior to beginning the doctoral course of
23 study in chiropractic. The minimum number of semester credit hours applicable
24 at the time of enrollment in a doctoral course of study must be in those subjects,
25 hours and course content as may be provided for by the Council on Chiropractic
26 Education or, in the absence of the Council on Chiropractic Education or its
27 provision for such subjects, such hours and course content as adopted by rule of
28 the board; however in no event shall fewer than ninety semester credit hours be
29 accepted as the minimum number of hours required prior to beginning the
30 doctoral course of study in chiropractic. The examination applicant shall also
31 provide evidence satisfactory to the board of having graduated from a chiropractic
32 college having status with the Commission on Accreditation of the Council on
33 Chiropractic Education or its successor. Any senior student in a chiropractic
34 college having status with the Commission on Accreditation on the Council on
35 Chiropractic Education or its successor may take a practical examination
36 administered or approved by the board under such requirements and conditions
37 as are adopted by the board by rule, but no license shall be issued until all of the
38 requirements for licensure have been met.

39 4. Each applicant shall pay upon application an application or
40 examination fee. All moneys collected pursuant to the provisions of this chapter
41 shall be nonrefundable and shall be collected by the director of the division of
42 professional registration who shall transmit it to the department of revenue for
43 deposit in the state treasury to the credit of the [chiropractic board fund] **State**
44 **Board of Chiropractic Examiners and Acupuncturists' fund**. Any person
45 failing to pass a practical examination administered or approved by the board
46 may be reexamined upon fulfilling such requirements, including the payment of

47 a reexamination fee, as the board may by rule prescribe.

48 5. Every applicant for licensure by examination shall have taken and
49 successfully passed all required and optional parts of the written examination
50 given by the National Board of Chiropractic Examiners, including the written
51 clinical competency examination, under such conditions as established by rule of
52 the board, and all applicants for licensure by examination shall successfully pass
53 a practical examination administered or approved by the board and a written
54 examination testing the applicant's knowledge and understanding of the laws and
55 regulations regarding the practice of chiropractic in this state. The board shall
56 issue to each applicant who meets the standards and successful completion of the
57 examinations, as established by rule of the board, a license to practice
58 chiropractic. The board shall not recognize any correspondence work in any
59 chiropractic school or college as credit for meeting the requirements of [this
60 chapter] **sections 331.010 to 331.115.**

61 6. The board shall issue a license without examination to persons who
62 have been regularly licensed to practice chiropractic in any other state, territory,
63 or the District of Columbia, or in any foreign country, provided that the
64 regulations for securing a license in the other jurisdiction are equivalent to those
65 required for licensure in the state of Missouri, when the applicant furnishes
66 satisfactory evidence that the applicant has continuously practiced chiropractic
67 for at least one year immediately preceding the applicant's application to the
68 board and that the applicant is of good moral character, and upon the payment
69 of the reciprocity license fee as established by rule of the board. The board may
70 require an applicant to successfully complete the Special Purposes Examination
71 for Chiropractic (SPEC) administered by the National Board of Chiropractic
72 Examiners if the requirements for securing a license in the other jurisdiction are
73 not equivalent to those required for licensure in the state of Missouri at the time
74 application is made for licensure under this subsection.

75 7. Any applicant who has failed any portion of the practical examination
76 administered or approved by the board three times shall be required to return to
77 an accredited chiropractic college for a semester of additional study in the
78 subjects failed, as provided by rule of the board.

79 8. A chiropractic physician currently licensed in Missouri shall apply to
80 the board for certification prior to engaging in the practice of meridian
81 therapy/acupressure/acupuncture. Each such application shall be accompanied
82 by the required fee. The board shall establish by rule the minimum requirements

83 for the specialty certification under this subsection. "Meridian
84 therapy/acupressure/acupuncture" shall mean methods of diagnosing and the
85 treatment of a patient by stimulating specific points on or within the body by
86 various methods including but not limited to manipulation, heat, cold, pressure,
87 vibration, ultrasound, light, electrocurrent, and short-needle insertion for the
88 purpose of obtaining a biopositive reflex response by nerve stimulation.

89 9. The board may through its rulemaking process authorize chiropractic
90 physicians holding a current Missouri license to apply for certification in a
91 specialty as the board may deem appropriate and charge a fee for application for
92 certification, provided that:

93 (1) The board establishes minimum initial and continuing educational
94 requirements sufficient to ensure the competence of applicants seeking
95 certification in the particular specialty; and

96 (2) The board shall not establish any provision for certification of licensees
97 in a particular specialty which is not encompassed within the practice of
98 chiropractic as defined in section 331.010.

331.070. 1. The board shall set the amount of the fees which [this
2 chapter] **sections 331.010 to 331.115** authorizes and requires by rules and
3 regulations promulgated pursuant to section 536.021, RSMo. The fees shall be
4 set at a level to produce revenue which shall not substantially exceed the cost and
5 expense of administering [this chapter] **sections 331.010 to 331.115**. All fees
6 provided for in [this chapter] **sections 331.010 to 331.115** shall be collected by
7 the director of the division of professional registration who shall transmit them
8 to the department of revenue for deposit in the state treasury to the credit of a
9 fund to be known as the "State Board of Chiropractic Examiners' Fund". All the
10 salaries and expenses for the operation of the board shall be appropriated and
11 paid from such fund; provided, however, the board shall create no expense
12 exceeding the sum received from time to time as fees. **The state board of**
13 **chiropractic examiners' fund shall, as of August 28, 2010, be renamed**
14 **the "State Board of Chiropractic Examiners and Acupuncturists' Fund".**

15 2. The provisions of section 33.080, RSMo, to the contrary
16 notwithstanding, money in this fund shall not be transferred and placed to the
17 credit of general revenue until the amount in the fund at the end of the biennium
18 exceeds two times the amount of the appropriation from the board's funds for the
19 preceding fiscal year or, if the board requires by rule permit renewal less
20 frequently than yearly, then three times the appropriation from the board's funds

21 for the preceding fiscal year. The amount, if any, in the fund which shall lapse
22 is that amount in the fund which exceeds the appropriate multiple of the
23 appropriations from the board's funds for the preceding fiscal year.

334.721. 1. Nothing in sections 334.700 to 334.725 shall be construed to
2 authorize the practice of medicine by any person not licensed by the state board
3 of registration for the healing arts.

4 2. The provisions of sections 334.700 to 334.725 shall not apply to the
5 following persons:

6 (1) Physicians and surgeons licensed by the state board of registration for
7 the healing arts;

8 (2) Dentists licensed by the Missouri dental board who confine their
9 practice strictly to dentistry;

10 (3) Optometrists licensed by the state board of optometry who confine
11 their practice strictly to optometry, as defined in section 336.010, RSMo;

12 (4) Nurses licensed by the state board of nursing who confine their
13 practice strictly to nursing;

14 (5) Chiropractors licensed by the state board of chiropractic examiners
15 who confine themselves strictly to the practice of chiropractic, as defined in
16 section 331.010, RSMo;

17 (6) Podiatrists licensed by the state board of chiropody or podiatry who
18 confine their practice strictly to that of a podiatrist, as defined in section 330.010,
19 RSMo;

20 (7) Professional physical therapists licensed by the state board of
21 registration for the healing arts who confine their practice strictly to professional
22 physical therapy, as defined in section 334.500;

23 (8) Coaches and physical education instructors in the performance of their
24 duties;

25 (9) [Athletic training students] **Student athletic trainers** who confine
26 themselves strictly to their duties as [defined in] **governed by** sections 334.700
27 to 334.725;

28 (10) Athletic trainers from other nations, states, or territories performing
29 their duties for their respective teams or organizations if they restrict their duties
30 only to their teams or organizations and only during the course of their teams' or
31 organizations' stay in this state.

344.060. 1. The [director of the department of health and senior services]
2 **governor** shall appoint **with the advice and consent of the senate** ten

3 suitable persons who together with the director of the department of health and
4 senior services or the director's designee shall constitute the "Missouri Board of
5 Nursing Home Administrators" which is hereby created within the department
6 of health and senior services and which shall have the functions, powers and
7 duties prescribed by sections 344.010 to 344.108.

8 2. In addition to the director of the department of health and senior
9 services or the director's designee the membership of the board shall consist of
10 one licensed physician, two licensed health professionals, one person from the
11 field of health care education, four persons who have been in general
12 administrative charge of a licensed nursing home for a period of at least five
13 years immediately preceding their appointment, and two public members. In
14 addition to these qualifications, the physician, the two licensed health care
15 professionals, and the health care educator shall be citizens of the United States
16 and taxpaying residents of the state of Missouri for one year preceding their
17 appointments. The four appointees who have been in general administrative
18 charge of a licensed nursing home shall be citizens of the United States and
19 either residents of the state of Missouri for one year preceding their appointments
20 or persons who have been licensed by the board and whose five years of
21 employment in a licensed nursing home immediately preceding their appointment
22 have occurred in the state of Missouri. The public members shall be citizens of
23 the United States, residents of the state of Missouri for one year preceding their
24 appointment, and registered voters. The public members shall be persons who
25 are not, or never were, licensed nursing home administrators or the spouse of
26 such persons, or persons who do not have or never have had a material, financial
27 interest in either the providing of licensed nursing home services or in an activity
28 or organization directly related to licensed nursing home administration. Neither
29 the one licensed physician, the two licensed health professionals, nor the person
30 from the health care education field shall have any financial interest in a licensed
31 nursing home.

32 3. The members of the board shall be appointed for three-year terms or
33 until their successors are appointed and qualified provided that no more than
34 four members' terms shall expire in the same year. [All members appointed prior
35 to September 28, 1979, shall serve the term for which they were appointed.] The
36 governor shall fill any vacancies on the board as necessary. Appointment to fill
37 an unexpired term shall not be considered an appointment for a full term. Board
38 membership, continued until successors are appointed and qualified, shall not

39 constitute an extension of the three-year term and the successors shall serve only
40 the remainder of the term.

41 4. Every member shall receive a certificate of appointment; and every
42 appointee, before entering upon his or her duties, shall take the oath of office
43 required by article VII, section 11, of the Constitution of Missouri.

44 5. Any member of the board may be removed by the [director of the
45 department of health and senior services] **governor** for misconduct,
46 incompetency or neglect [to] of duty after first being given an opportunity to be
47 heard in his or her own behalf.

361.070. 1. The director of finance and all employees of the division of
2 finance, which term shall, for purposes of this section and section 361.080,
3 include special agents, shall, before entering upon the discharge of their duties,
4 take the oath of office prescribed by the constitution, and, in addition, take an
5 oath that they will not reveal the conditions or affairs of any financial institution
6 or any facts pertaining to the same, that may come to their knowledge by virtue
7 of their official positions, unless required by law to do so in the discharge of the
8 duties of their offices or when testifying in any court proceeding. For purposes
9 of this section and section 361.080, "financial institution" shall mean any entity
10 subject to chartering, licensing, or regulation by the division of finance.

11 2. The director of finance and all employees of the division of finance shall
12 further execute to the state of Missouri good and sufficient bonds with corporate
13 surety, to be approved by the governor and attorney general, conditioned that
14 they will faithfully and impartially discharge the duties of their offices, and pay
15 over to the persons entitled by law to receive it, all money coming into their
16 hands by virtue of their offices. The principal amount of bond applicable to each
17 employee shall be determined by the state banking **and savings and loan**
18 board. The bond, after approval by the governor and attorney general, shall be
19 filed with the secretary of state for safekeeping. The bond premiums, not to
20 exceed one percent on the amount thereof, shall be paid out of the state treasury
21 in the same manner as other expenses of the division.

22 3. Neither the director of finance nor any employees of the division of
23 finance who participate in the examination of any bank or trust company, or who
24 may be called upon to make any official decision or determination affecting the
25 operation of any bank or trust company, other than the [banker] members of the
26 state banking **and savings and loan** board **who are required to have**
27 **experience managing a bank or association as defined in chapter 369,**

28 shall be an officer, director, attorney, owner, or holder of stock in any bank or
29 trust company or any bank holding company as that term is defined in section
30 362.910, RSMo, nor shall they receive, directly or indirectly, any payment or
31 gratuity from any such organization, nor engage in the negotiation of loans for
32 others with any state bank or trust company, nor be indebted to any state bank
33 or trust company.

34 4. The director of finance, in connection with any examination or
35 investigation of any person, company, or event, shall have the authority to compel
36 the production of documents, in whatever form they may exist, and shall have the
37 authority to compel the attendance of and administer oaths to any person having
38 knowledge of any issue involved with the examination or investigation. The
39 director may seek judicial enforcement of an administrative subpoena by
40 application to the appropriate court. An administrative subpoena shall be subject
41 to the same defenses or subject to a protective order or conditions as provided and
42 deemed appropriate by the court in accordance with the Missouri Supreme Court
43 Rules.

361.092. There is hereby created a "State Banking **and Savings and**
2 **Loan Board**" which shall have such powers and duties as are conferred upon it
3 by law. The state banking **and savings and loan** board with all of its powers,
4 duties, and functions is assigned by type III transfer under the authority of the
5 Omnibus State Reorganization Act of 1974 [and executive order 06-04] to the
6 department of insurance, financial institutions and professional registration.

361.093. The state banking **and savings and loan** board shall advise
2 [with] the director of finance as to the proper administration of his office and the
3 banking laws of this state and make recommendations to the general assembly
4 as to changes in these laws.

361.094. 1. The state banking **and savings and loan** board shall with
2 reasonable promptness hear and by order determine all appeals permitted by law
3 from refusals of the director of finance to grant certificates of incorporation to the
4 proposed incorporators of banks, from refusals of the director of finance to issue
5 certificates permitting changes in the articles of agreement of banks to provide
6 for the relocation of these banks in other communities, from refusals of the
7 director of finance to grant certificates of incorporation to the proposed
8 incorporators of trust companies, and from refusals of the director of finance to
9 issue certificates permitting changes in the articles of agreement of trust
10 companies to provide for the relocation of these trust companies in other

11 communities.

12 2. The state banking **and savings and loan** board shall hear and by
13 order determine an appeal from the action of the director granting the
14 incorporation or relocation of a bank or trust company upon application filed
15 within ten days after the director's action by a bank, trust company, national
16 banking association or other persons claiming to be adversely affected
17 thereby. The application shall state the grounds upon which it is alleged that the
18 action of the director should be stayed, reversed or altered. In reviewing an
19 application for appeal, the board shall have access to all of the records and
20 information used by the director in making his decision. A decision shall be
21 rendered on the appeal within ninety days from the date of the application for
22 appeal.

23 3. The board shall establish such rules as may be necessary to give effect
24 to the provisions of this section. The rules may provide that the board or the
25 chairman of the board may delegate responsibility for the conduct of
26 investigations and the hearing of appeals provided under any section of this law
27 to a member of the board or to a hearing officer designated by the board. Such
28 hearing officer shall have the power to administer oaths, subpoena witnesses,
29 compel the production of records pertinent to any hearing, and take any action
30 in connection with such hearing which the board itself is authorized to take by
31 law other than making the final decision and appropriate order. When the
32 hearing has been completed, the individual board member or the hearing officer
33 who conducted the hearing shall prepare a summary thereof and recommend a
34 findings of fact, conclusions of law, decision and appropriate order for approval
35 of the board. The board may adopt such recommendations in whole or in part,
36 require the production of additional testimony, reassign the case for rehearing,
37 or may itself conduct such new or additional hearing as is deemed necessary prior
38 to rendering a final decision.

361.095. 1. The state banking **and savings and loan** board shall make
2 rules and regulations, consistent with applicable law, for the proceedings in
3 connection with the appeals provided for in section 361.094. No rule or portion
4 of a rule promulgated under the authority of this chapter shall become effective
5 unless it has been promulgated pursuant to the provisions of section 536.024,
6 RSMo.

7 2. The costs of the appeal shall be assessed against the losing party, and
8 the board may require the deposit of a reasonable sum for the payment of costs

9 at the time the appeal is brought.

10 3. At any hearing provided for in section 361.094 the director of the
11 division of finance shall be deemed a party, and any person claiming to be
12 adversely affected and any bank, trust company or national banking association
13 located in the city or town and county in which the proposed bank or trust
14 company is to be located upon incorporation or relocation may intervene.

15 4. The director of the division of finance shall act in accordance with any
16 order of the state banking **and savings and loan** board made pursuant to
17 section 361.094, but the order of the board shall be subject to judicial review as
18 provided by law. Whether or not any review shall operate as a stay of the board's
19 order shall be determined by the board.

361.096. 1. At any hearing provided for in section 361.094, the state
2 banking **and savings and loan** board, or any member thereof, shall have power
3 to administer oaths.

4 2. In connection with any such hearing, the board, or any member thereof,
5 shall issue subpoenas and subpoenas duces tecum on the board's own motion or
6 at the request of any intervenor or other party, which subpoenas or subpoenas
7 duces tecum shall extend to all parts of the state and shall be signed by the
8 secretary of the board or by any other member thereof. The board shall have
9 power, on motion after due notice, for good cause to quash or modify any
10 subpoena or subpoena duces tecum on the grounds that the same is unduly
11 burdensome, unreasonable or oppressive. Subpoenas and subpoenas duces tecum
12 may be served as in the case of subpoenas in civil actions in the circuit court and
13 each witness who shall appear before the board in obedience to a subpoena or
14 subpoena duces tecum shall receive for his attendance the fees and mileage
15 provided for witnesses in civil actions in the circuit court, which shall be paid by
16 the party at whose instance such subpoena or subpoena duces tecum was issued.
17 In case of refusal of a witness to obey any such subpoena or subpoena duces
18 tecum, or to testify when lawfully required to do so, the board may apply to a
19 judge of the circuit court of the county of the hearing or of any county where the
20 witness resides or may be found, for an order upon such witness to show cause
21 why such subpoena or subpoena duces tecum should not be enforced, or the
22 witness required to give such testimony, which said order and a copy of the
23 application therefor shall be served upon the witness in the same manner as a
24 summons in a civil action, and if said circuit court shall, after a hearing,
25 determine that the subpoena or subpoena duces tecum should be sustained and

26 enforced, or that the witness should be required to give such testimony, said court
27 shall make an order to enforce such subpoena or subpoena duces tecum, or compel
28 such testimony and may enforce such order as in the case of a subpoena or
29 subpoena duces tecum, or refusal to testify, in a civil action in the circuit court.

361.097. 1. The state banking **and savings and loan** board shall consist
2 of five members who shall be appointed by the governor, the senate concurring.
3 No person shall be eligible for appointment unless he [shall be] **or she is a**
4 resident of this state. One member shall be an attorney at law and a member of
5 the Missouri Bar in good standing. Two members shall each have had at least
6 [ten years'] **five years of active bank management** experience in this state
7 [as an officer or director or partly as an officer and partly as a director of one or
8 more state banks or trust companies or national banking associations, of which
9 at least five years shall have been full-time, active bank management
10 experience]. **One member shall have had at least five years of active**
11 **management experience in this state of one or more associations as**
12 **defined in chapter 369.** [The two other members] **One member** shall be
13 [nonbankers] **an individual who is not involved in the administration of**
14 **a financial institution.** Not more than three members of the board shall be
15 members of the same political party. [The term of office of the board first
16 appointed shall in the case of one member be two years; in the case of two
17 members shall be four years; and in the case of the other two members shall be
18 six years; with all said terms beginning August 29, 1955. All subsequent terms
19 shall be for a term of six years from the expiration of the preceding term. The
20 governor shall designate one member as chairman and another member as
21 secretary of the board.]

22 2. **The term of office of each member of the state banking and**
23 **savings and loan board shall be six years. The board shall select its**
24 **own chairman and secretary.** The members of the state banking **and**
25 **savings and loan** board shall hold office for the respective terms for which they
26 are appointed and until their successors shall qualify. Vacancies [in said] **on**
27 **such** board shall be filled by appointment for the unexpired term in the same
28 manner as in the case of an original appointment.

361.098. 1. The members of the state banking **and savings and loan**
2 board shall receive as compensation for their services the sum of one hundred
3 dollars per day while discharging their duties, and shall be entitled to receive
4 their necessary traveling and other expenses incurred while actually engaged in

5 the performance of their duties as such members.

6 2. A majority of the members of the board shall constitute a quorum for
7 the transaction of any business, for the performance of any duty or for the
8 exercise of any power of the board.

9 3. The board may meet and exercise its powers in any place in this state
10 and shall meet at any time upon the call of its chairman or of the director of the
11 division of finance or of any two members of the board.

12 4. The board shall have an official seal bearing the inscription, "State
13 Banking **and Savings and Loan** Board of the State of Missouri", which shall be
14 judicially noticed.

361.105. 1. The director of finance, with the approval of the state banking
2 **and savings and loan** board, shall have power to adopt, promulgate, amend and
3 repeal rules and regulations necessary or desirable to carry out the duties
4 assigned to the division by law relating to banks and trust companies and which
5 are not inconsistent with the constitution or laws of this state. A copy of every
6 rule and regulation shall be mailed to each bank and trust company, postage
7 prepaid, at least fifteen days in advance of its effective date; except that the
8 failure of a bank or trust company to receive a copy of a rule or regulation shall
9 not exempt it from the duty of compliance with a rule or regulation lawfully
10 promulgated hereunder. The director, in the exercise of the power to make rules
11 and regulations hereunder, shall act in the interests of promoting and
12 maintaining a sound banking system and sound trust companies, the security of
13 deposits and depositors and other customers, the preservation of the liquid
14 position of banks and in the interest of preventing injurious credit expansions
15 and contractions.

16 2. No rule or portion of a rule promulgated under the authority of this
17 chapter shall become effective unless it has been promulgated pursuant to the
18 provisions of section 536.024, RSMo.

362.040. In case the director shall not be satisfied, as the result of the
2 examination, that the character, responsibility and general fitness of the persons
3 named in the articles of agreement are up to the standard above provided, or that
4 the convenience and needs of the community to be served justify and warrant the
5 opening of the new bank or trust company therein, or that the probable volume
6 of business in such locality is sufficient to insure and maintain the solvency of the
7 new bank and the solvency of the then existing banks or trust companies in the
8 locality, without endangering the safety of any bank or trust company in the

9 locality as a place of deposit of public and private moneys; and on these accounts
10 or any one of them shall refuse to grant the certificate of incorporation, [he] **the**
11 **director** shall forthwith give notice thereof to the proposed incorporators from
12 whom the articles of agreement were received, who, if they so desire, may within
13 ten days thereafter appeal from the refusal to the state banking **and savings**
14 **and loan** board.

362.105. 1. Every bank and trust company created under the laws of this
2 state may for a fee or other consideration, directly or through a subsidiary
3 company, and upon complying with any applicable licensing statute:

4 (1) Conduct the business of receiving money on deposit and allowing
5 interest thereon not exceeding the legal rate or without allowing interest thereon,
6 and of buying and selling exchange, gold, silver, coin of all kinds, uncurrent
7 money, of loaning money upon real estate or personal property, and upon
8 collateral of personal security at a rate of interest not exceeding that allowed by
9 law, and also of buying, investing in, selling and discounting negotiable and
10 nonnegotiable paper of all kinds, including bonds as well as all kinds of
11 commercial paper; and for all loans and discounts made, the corporation may
12 receive and retain the interest in advance;

13 (2) Accept for payment, at a future date, drafts drawn upon it by its
14 customers and to issue letters of credit authorizing the holders thereof to draw
15 drafts upon it or upon its correspondents at sight or on time not exceeding one
16 year; provided, that no bank or trust company shall incur liabilities under this
17 subdivision to an amount equal at any time in the aggregate to more than its
18 paid-up and unimpaired capital stock and surplus fund, except with the approval
19 of the director under such general regulations as to amount of acceptances as the
20 director may prescribe;

21 (3) Purchase and hold, for the purpose of becoming a member of a Federal
22 Reserve Bank, so much of the capital stock thereof as will qualify it for
23 membership in the reserve bank pursuant to an act of Congress, approved
24 December 23, 1913, entitled "The Federal Reserve Act" and any amendments
25 thereto; to become a member of the Federal Reserve Bank, and to have and
26 exercise all powers, not in conflict with the laws of this state, which are conferred
27 upon any member by the Federal Reserve Act and any amendments thereto. The
28 member bank or trust company and its directors, officers and stockholders shall
29 continue to be subject, however, to all liabilities and duties imposed upon them
30 by any law of this state and to all the provisions of this chapter relating to banks

31 or trust companies;

32 (4) Subscribe for and purchase such stock in the Federal Deposit
33 Insurance Corporation and to make such payments to and to make such deposits
34 with the Federal Deposit Insurance Corporation and to pay such assessments
35 made by such corporation as will enable the bank or trust company to obtain the
36 benefits of the insurance of deposits under the act of Congress known as "The
37 Banking Act of 1933" and any amendments thereto;

38 (5) Invest in a bank service corporation as defined by the act of Congress
39 known as the "Bank Service Corporation Act", Public Law 87-856, as approved
40 October 23, 1962, to the same extent as provided by that act or any amendment
41 thereto;

42 (6) Hold a noncontrolling equity interest in any business entity that
43 conducts only activities that are financial in nature or incidental to financial
44 activity or that is established pursuant to subdivision (16) of this subsection
45 where the majority of the stock or other interest is held by Missouri banks,
46 Missouri trust companies, national banks located in Missouri, or any foreign bank
47 with a branch or branches in Missouri, or any combination of these financial
48 institutions; provided that if the entity is defined pursuant to Missouri law as any
49 type of financial institution subsidiary or other type of entity subject to special
50 conditions or regulations, those conditions and regulations shall remain
51 applicable, and provided that such business entity may be formed as any type of
52 business entity, in which each investor's liability is limited to the investment in
53 and loans to the business entity as otherwise provided by law;

54 (7) Receive upon deposit for safekeeping personal property of every
55 description, and to own or control a safety vault and rent the boxes therein;

56 (8) Purchase and hold the stock of one safe deposit company organized
57 and existing under the laws of the state of Missouri and doing a safe deposit
58 business on premises owned or leased by the bank or trust company at the main
59 banking house and any branch operated by the bank or trust company; provided,
60 that the purchasing and holding of the stock is first duly authorized by resolution
61 of the board of directors of the bank or trust company and by the written approval
62 of the director, and that all of the shares of the safe deposit company shall be
63 purchased and held, and shall not be sold or transferred except as a whole and
64 not be pledged at all, all sales or transfers or pledges in violation hereof to be
65 void;

66 (9) Act as the fiscal or transfer agent of the United States, of any state,

67 municipality, body politic or corporation and in such capacity to receive and
68 disburse money, to transfer, register and countersign certificates of stock, bonds
69 and other evidences of indebtedness;

70 (10) Acquire or convey real property for the following purposes:

71 (a) Real property conveyed to it in satisfaction or part satisfaction of debts
72 previously contracted in the course of its business; and

73 (b) Real property purchased at sales under judgment, decrees or liens held
74 by it;

75 (11) Purchase, hold and become the owner and lessor of personal property
76 acquired upon the specific request of and for use of a customer; and, in addition,
77 leases that neither anticipate full purchase price repayment on the leased asset,
78 nor require the lease to cover the physical life of the asset, other than those for
79 motor vehicles which will not be used by bank or trust company personnel, and
80 may incur such additional obligations as may be incident to becoming an owner
81 and lessor of the property, subject to the following limitations:

82 (a) Lease transactions do not result in loans for the purpose of section
83 362.170, but the total amount disbursed under leasing obligations or rentals by
84 any bank to any person, partnership, association, or corporation shall at no time
85 exceed the legal loan limit permitted by statute except upon the written approval
86 of the director of finance;

87 (b) Lease payments are in the nature of rent rather than interest, and the
88 provisions of chapter 408, RSMo, are not applicable;

89 (12) Contract with another bank or trust company, bank service
90 corporation or other partnership, corporation, association or person, within or
91 without the state, to render or receive services such as check and deposit sorting
92 and posting, computation and posting of interest and other credits and charges,
93 preparation and mailing of checks, statements, notices, and similar items, or any
94 other clerical, bookkeeping, accounting, statistical, financial counseling, or similar
95 services, or the storage, transmitting or processing of any information or data;
96 except that, the contract shall provide, to the satisfaction of the director of
97 finance, that the party providing such services to a bank or trust company will
98 be subject to regulation and examination to the same extent as if the services
99 were being performed by the bank or trust company on its own premises. This
100 subdivision shall not be deemed to authorize a bank or trust company to provide
101 any customer services through any system of electronic funds transfer at places
102 other than bank premises;

103 (13) Purchase and hold stock in a corporation whose only purpose is to
104 purchase, lease, hold or convey real property of a character which the bank or
105 trust company holding stock in the corporation could itself purchase, lease, hold
106 or convey pursuant to the provisions of paragraph (a) of subdivision (10) of this
107 subsection; provided, the purchase and holding of the stock is first duly
108 authorized by resolution of the board of directors of the bank or trust company
109 and by the written approval of the director, and that all of the shares of the
110 corporation shall be purchased and held by the bank or trust company and shall
111 not be sold or transferred except as a whole;

112 (14) Purchase and sell investment securities, without recourse, solely
113 upon order and for the account of customers; and establish and maintain one or
114 more mutual funds and offer to the public shares or participations therein. Any
115 bank which engages in such activity shall comply with all provisions of chapter
116 409, RSMo, regarding the licensing and registration of sales personnel for mutual
117 funds so offered, provided that such banks shall register as a broker-dealer with
118 the office of the commissioner of securities and shall consent to supervision and
119 inspection by that office and shall be subject to the continuing jurisdiction of that
120 office;

121 (15) Make debt or equity investments in corporations or projects, whether
122 for profit or not for profit, designed to promote the development of the community
123 and its welfare, provided that the aggregate investment in all such corporations
124 and in all such projects does not exceed five percent of the unimpaired capital of
125 the bank, and provided that this limitation shall not apply to loans made under
126 the authority of other provisions of law, and other provisions of law shall not
127 limit this subdivision;

128 (16) Offer through one or more subsidiaries any products and services
129 which a national bank may offer through its financial subsidiaries, subject to the
130 limitations that are applicable to national bank financial subsidiaries, and
131 provided such bank or trust company meets the division of finance safety and
132 soundness considerations. This subdivision is enacted to provide in part
133 competitive equality with national banks' powers under the Gramm-Leach-Bliley
134 Act of 1999, Public Law 106-102.

135 2. In addition to the power and authorities granted in subsection 1 of this
136 section, and notwithstanding any limitations therein, a bank or trust company
137 may:

138 (1) Purchase or lease, in an amount not exceeding its legal loan limit, real

139 property and improvements thereto suitable for the convenient conduct of its
140 functions. The bank may derive income from renting or leasing such real
141 property or improvements or both. If the purchase or lease of such real property
142 or improvements exceeds the legal loan limit or is from an officer, director,
143 employee, affiliate, principal shareholder or a related interest of such person,
144 prior approval shall be obtained from the director of finance; and

145 (2) Loan money on real estate and handle escrows, settlements and
146 closings on real estate for the benefit of the bank's customers, as a core part of
147 the banking business, notwithstanding any other provision of law to the contrary.

148 3. In addition to the powers and authorities granted in subsection 1 of
149 this section, every trust company created under the laws of this state shall be
150 authorized and empowered to:

151 (1) Receive money in trust and to accumulate the same at such rate of
152 interest as may be obtained or agreed upon, or to allow such interest thereon as
153 may be prescribed or agreed;

154 (2) Accept and execute all such trusts and perform such duties of every
155 description as may be committed to it by any person or persons whatsoever, or
156 any corporation, and act as assignee, receiver, trustee and depository, and to
157 accept and execute all such trusts and perform such duties of every description
158 as may be committed or transferred to it by order, judgment or decree of any
159 courts of record of this state or other states, or of the United States;

160 (3) Take, accept and hold, by the order, judgment or decree of any court
161 of this state, or of any other state, or of the United States, or by gift, grant,
162 assignment, transfer, devise or bequest of any person or corporation, any real or
163 personal property in trust, and to execute and perform any and all the legal and
164 lawful trusts in regard to the same upon the terms, conditions, limitations and
165 restrictions which may be declared, imposed, established or agreed upon in and
166 by the order, judgment, decree, gift, grant, assignment, transfer, devise or
167 bequest;

168 (4) Buy, invest in and sell all kinds of stocks or other investment
169 securities;

170 (5) Execute, as principal or surety, any bond or bonds required by law to
171 be given in any proceeding, in law or equity, in any of the courts of this state or
172 other states, or of the United States;

173 (6) Act as trustee, personal representative, or conservator or in any other
174 like fiduciary capacity;

175 (7) Act as attorney-in-fact or agent of any person or corporation, foreign
176 or domestic, in the management and control of real or personal property, the sale
177 or conveyance of same, the investment of money, and for any other lawful
178 purpose.

179 4. (1) In addition to the powers and authorities granted in this section,
180 the director of finance may, from time to time, with the approval of the state
181 banking **and savings and loan** board, issue orders granting such other powers
182 and authorities as have been granted to financial institutions subject to the
183 supervision of the federal government to:

184 (a) State-chartered banks and trust companies which are necessary to
185 enable such banks and trust companies to compete;

186 (b) State-chartered banks and trust companies to establish branches to
187 the same extent that federal law permits national banks to establish branches;

188 (c) Subsidiaries of state-chartered banks and trust companies to the same
189 extent powers are granted to national bank subsidiaries to enable such banks and
190 trust companies to compete;

191 (d) State-chartered banks and trust companies to establish trust
192 representative offices to the same extent national banks are permitted such
193 offices.

194 (2) The orders shall be promulgated as provided in section 361.105, RSMo,
195 and shall not be inconsistent with the constitution and the laws of this state.

196 5. As used in this section, the term "subsidiary" shall include one or more
197 business entities of which the bank or trust company is the owner, provided the
198 owner's liability is limited by the investment in and loans to the subsidiary as
199 otherwise provided for by law.

200 6. A bank or trust company to which authority is granted by regulation
201 in subsection 4 of this section, based on the population of the political
202 subdivision, may continue to exercise such authority for up to five years after the
203 appropriate decennial census indicates that the population of the town in which
204 such bank or trust company is located has exceeded the limits provided for by
205 regulation pursuant to subsection 4 of this section.

362.111. A bank or trust company may impose fees or service charges on
2 deposit accounts; however, such fees or service charges are subject to such
3 conditions or requirements that may be fixed by regulations pursuant to section
4 361.105, RSMo, by the director of the division of finance and the state banking
5 **and savings and loan** board. Notwithstanding any law to the contrary, no such

6 condition or requirement shall be more restrictive than the fees or service charges
7 on deposit accounts or similar accounts permitted any federally chartered
8 depository institution.

362.325. 1. Any bank or trust company may, at any time, and in any
2 amount, increase or, with the approval of the director, reduce its capital stock (as
3 to its authorized but unissued shares, its issued shares, and its capital stock as
4 represented by such issued shares), including a reduction of capital stock by
5 reverse stock split, change its name, change or extend its business or the length
6 of its corporate life, avail itself of the privileges and provisions of this chapter or
7 otherwise change its articles of agreement in any way not inconsistent with the
8 provisions of this chapter, with the consent of the persons holding a majority of
9 the stock of the bank or trust company, which consent shall be obtained at an
10 annual meeting or at a special meeting of the shareholders called for that
11 purpose. A bank or trust company may, but shall not be obligated to, issue a
12 certificate for a fractional share, and, by action of its board of directors, may in
13 lieu thereof, pay cash equal to the value of the fractional share.

14 2. The meeting shall be called and notice given as provided in section
15 362.044.

16 3. If, at any time and place specified in the notice, stockholders shall
17 appear in person or by proxy, in number representing not less than a majority of
18 all the shares of stock of the bank or trust company, they shall organize by
19 choosing one of the directors as chairman of the meeting, and a suitable person
20 for secretary, and proceed to a vote of those present in person or by proxy.

21 4. If, upon a canvass of the vote at the meeting, it is ascertained that the
22 proposition has carried, it shall be so declared by the president of the meeting
23 and the proceedings entered of record.

24 5. When the full amount of the proposed increase has been bona fide
25 subscribed and paid in cash to the board of directors of the bank or trust company
26 or the change has been duly authorized, then a statement of the proceedings,
27 showing a compliance with the provisions of this chapter, the increase of capital
28 actually subscribed and paid up or the change shall be made out, signed and
29 verified by the affidavit of the president and countersigned by the cashier, or
30 secretary, and such statement shall be acknowledged by the president and one
31 certified copy filed in the public records of the division of finance.

32 6. Upon the filing of the certified copy the director shall promptly satisfy
33 himself or herself that there has been a compliance in good faith with all the

34 requirements of the law relating to the increase, decrease or change, and when
35 he or she is so satisfied he or she shall issue a certificate that the bank or trust
36 company has complied with the law made and provided for the increase or
37 decrease of capital stock, and the amount to which the capital stock has been
38 increased or decreased or for the change in the length of its corporate life or any
39 other change provided for in this section. Thereupon, the capital stock of the
40 bank or trust company shall be increased or decreased to the amount specified in
41 the certificate or the length of the corporate life of the bank shall be changed or
42 other authorized change made as specified in the certificate. The certificate, or
43 certified copies thereof, shall be taken in all the courts of the state as evidence
44 of the increase, decrease or change.

45 7. Provided, however, that if the change undertaken by the bank or trust
46 company in its articles of agreement shall provide for the relocation of the bank
47 or trust company in another community, the director shall make or cause to be
48 made an examination to ascertain whether the convenience and needs of the new
49 community wherein the bank desires to locate are such as to justify and warrant
50 the opening of the bank therein and whether the probable volume of business at
51 the new location is sufficient to ensure and maintain the solvency of the bank and
52 the solvency of the then existing banks and trust companies at the location,
53 without endangering the safety of any bank or trust company in the locality as
54 a place of deposit of public and private moneys, and, if the director, as a result
55 of the examination, be not satisfied in the particulars mentioned or either of
56 them, he or she may refuse to issue the certificate applied for, in which event he
57 or she shall forthwith give notice of his or her refusal to the bank applying for the
58 certificate, which if it so desires may, within ten days thereafter, appeal from the
59 refusal to the state banking **and savings and loan** board.

60 8. All certificates issued by the director of finance relating to amendments
61 to the charter of any bank shall be provided to the bank or trust company and one
62 certified copy filed in the public records of the division of finance.

63 9. The board of directors may designate a chief executive officer, and such
64 officer will replace the president for purposes of this section.

369.014. As used in this chapter, unless the context clearly requires a
2 different meaning, the following words and terms shall have the meanings
3 indicated:

4 (1) "Account", the monetary interest of the owner thereof in the deposit
5 capital of an association and consists of the withdrawal value of such interest;

6 (2) "Agency", a place of business other than the home office or a branch
7 office at which an agent of the association transacts authorized business of the
8 association;

9 (3) "Association", a savings and loan association or a savings association
10 subject to the provisions of this chapter;

11 (4) **"Board", the state banking and savings and loan board**
12 **established under chapter 361;**

13 (5) "Branch", a place of business other than the home office at which is
14 transacted authorized business of the association;

15 [(5)] (6) "Capital", the capital stock and any other capital contributions
16 in a capital stock association;

17 [(6)] (7) "Capital stock", shares of nonwithdrawable capital issued by a
18 capital stock association which may be issued as permitted under chapter 351,
19 RSMo;

20 [(7)] (8) "Capital stock association", an association which issues capital
21 stock;

22 [(8) "Commission", the state savings and loan commission;]

23 (9) "County" includes the city of St. Louis;

24 (10) "Deposit capital", the aggregate of deposits in accounts plus earnings
25 credited thereto less lawful deductions therefrom;

26 (11) "Director of the division of finance", the chief officer of the division
27 of finance;

28 (12) "Earnings", that part of the net income of an association which is
29 payable to or credited to the owners of accounts. Earnings do not include capital
30 stock, dividends paid or payable on capital stock or other distributions
31 thereon. Earnings also may be referred to as interest;

32 (13) "Federal association" or "federal savings association", an association
33 chartered by the Office of Thrift Supervision or any successor thereto as provided
34 in section 5 of the Home Owners Loan Act of 1933, as amended;

35 (14) "Foreign association", any association or federal association with its
36 principal office located outside Missouri;

37 (15) "Foreign holding company", any company or corporation authorized
38 or existing under the laws of any jurisdiction or authority other than Missouri
39 which directly or indirectly controls a foreign association;

40 (16) "Home office", the location named in the articles of incorporation or
41 the new location in place thereof approved by the director of the division of

42 finance. If no location is named in the articles of incorporation, the association
43 shall file with the director of the division of finance the location of its home office;

44 (17) "Impaired condition", the inability of an association to pay its debts
45 as they become due in the usual course of its business;

46 (18) "Insured association", an association the accounts of which are
47 insured, fully or in part, as provided in this chapter;

48 (19) "Liquid assets", cash on hand and on deposit with banks including
49 federal home loan banks and such other assets as may be so designated from time
50 to time by the director of the division of finance;

51 (20) "Member", a person owning an account of a mutual association or a
52 person borrowing from or assuming or obligated upon or owning property securing
53 a loan held by a mutual association;

54 (21) "Mutual association", an association not having capital stock;

55 (22) "Office", any place at which business of the association is conducted
56 on a regular and continuing basis;

57 (23) "Person", any individual, corporation, entity, voting trust, business
58 trust, partnership, association, syndicate, or organized group of persons whether
59 incorporated or not;

60 (24) "Security instrument", mortgage, deed of trust, or other instrument
61 in which real or personal property is security for a debt;

62 (25) "Stockholder", a person owning capital stock of a capital stock
63 association;

64 (26) "Withdrawal value", the amount deposited in an account in an
65 association plus earnings credited thereto less lawful deductions therefrom.

369.024. 1. Upon receipt of a petition for certificate of incorporation, the
2 director of the division of finance shall, based upon the petition and all
3 supporting information and upon such independent investigation and examination
4 as the director may make, either refuse the petition or tentatively approve
5 it. The petition shall be refused if the director of the division of finance finds
6 that the proposed association is to be formed for any other than legitimate
7 savings and loan purposes, or that the character and general fitness of the
8 incorporators, or of the initial stockholders, if any, are not such as to command
9 public confidence, or that the proposed directors and officers are not such as to
10 tend to the success of the proposed association, or that the public convenience and
11 advantage will not be promoted by its establishment, or that there is no public
12 need for, or the volume of business in the location is insufficient to justify,

13 another association. The refusal shall be in writing with the reasons therefor
14 stated and shall be sent by registered mail to the chairman of incorporators.

15 2. If the director of the division of finance tentatively approves the
16 petition, the director shall give written notice to each association and each federal
17 association with an office in the county or in a county adjoining the county in
18 which the proposed association is to be located, stating the name of the proposed
19 association, where it proposes to establish the principal office of the association
20 and that a petition for certificate of incorporation has been approved
21 tentatively. Any association entitled to receive notice may within thirty days
22 from the date of mailing of the notice make written protest to the director of the
23 division of finance against the granting of the petition for incorporation. If no
24 protest is filed within that time, the director of the division of finance shall make
25 a final decision upon the petition either denying or granting the petition and
26 notice thereof shall be sent by registered mail to the chairman of incorporators.

27 3. If a protest is filed, the director of the division of finance shall, if
28 requested, and may on the director's own motion, conduct a hearing not less than
29 ten nor more than thirty days following the end of the time for protest. Upon
30 application of any party for good cause, or upon the director of the division of
31 finance's own motion, the date of the hearing may be postponed. Notice shall be
32 given stating the time and place of the hearing to the chairman of incorporators
33 and to each protesting party. Any interested person may appear at the hearing
34 in person or by counsel and offer any relevant evidence. Following the hearing
35 the director of the division of finance shall deny or grant the petition and give
36 written notice of the director's decision to all interested parties.

37 4. The petition shall not be granted, either with or without the hearing
38 provided for in this section, except upon affirmative findings from all the evidence
39 that the requirements of sections 369.010 to 369.369 have been complied with and
40 that:

41 (1) The persons named in the petition are citizens of the United States of
42 good character and responsibility; and

43 (2) There is a necessity for the proposed association in the area to be
44 served by it; and

45 (3) There is a reasonable probability of usefulness and success of the
46 proposed association; and

47 (4) The proposed association can be established without undue injury to
48 any properly conducted association or federal association.

49 5. The director of the division of finance may, either with or without the
50 hearing provided for in this section, and the **state banking and** savings and
51 loan [commission] **board** may upon an appeal from the ruling of the director of
52 the division of finance, require as a condition of approving the petition that the
53 proposed association obtain a firm commitment for insurance of its accounts from
54 the Federal Deposit Insurance Corporation or any successor thereto or from any
55 agency of this state insuring savings accounts or from any other insurer approved
56 by the director of the division of finance.

57 6. If the petition is approved, the director of the division of finance shall,
58 upon receipt of the sworn statement of the chairman of incorporators that the
59 initial savings accounts and the expense fund provided for in sections 369.010 to
60 369.369 have been paid in full in cash, or, if a capital stock association, all
61 subscriptions for capital stock have been paid in full, certify the approval of the
62 petition in writing to the secretary of state and deliver to the secretary of state
63 the incorporation fee and two copies of the articles of incorporation. From the
64 time of such approval, the association shall be subject to all provisions of sections
65 369.010 to 369.369 and to supervision and control by the director of the division
66 of finance. The secretary of state shall thereupon issue the certificate of
67 incorporation.

 369.144. Each association incorporated pursuant to or operating under the
2 provisions of sections 369.010 to 369.369 has all the powers enumerated,
3 authorized, and permitted by sections 369.010 to 369.369 and such other rights,
4 privileges, and powers as may be incidental to or reasonably necessary to exercise
5 such powers granted herein. Among others, and except as otherwise limited by
6 the provisions of sections 369.010 to 369.369, each association has the following
7 powers:

8 (1) To have perpetual existence; to adopt and use a corporate seal, which
9 may be affixed by imprint, facsimile, or otherwise; and to adopt and amend
10 bylaws as provided in sections 369.010 to 369.369;

11 (2) To sue and be sued, complain and defend in any court of law or equity;

12 (3) To acquire, hold, sell, dispose of and convey real and personal
13 property; and to mortgage, pledge, or lease any real or personal property in the
14 exercise of the powers granted herein; provided, however, that such leasing
15 activities are limited to the extent permitted a federal association;

16 (4) To borrow from sources, individual or corporate. All such loans and
17 advances may be secured by property of the association, and may be evidenced by

18 such notes, bonds, debentures, or other obligations or securities as the director
19 of the division of finance may authorize for all associations;

20 (5) To obtain and maintain insurance of its accounts by the Federal
21 Deposit Insurance Corporation or any successor thereto, or by any agency of this
22 state insuring accounts in associations, or by any other insurer approved by the
23 director of the division of finance, and may comply with conditions necessary to
24 obtain and maintain such insurance;

25 (6) To qualify as and become a member of a Federal Home Loan Bank;

26 (7) In addition to the powers and authorities granted in this section, the
27 director of the division of finance may, from time to time, with the approval of the
28 **[commission] state banking and savings and loan board**, issue regulations
29 granting such other powers and authorities as have been granted to federal
30 associations subject to the supervision of the Office of Thrift Supervision or any
31 successor thereto which are necessary to enable associations to compete. The
32 regulations shall be promulgated as provided in this chapter and shall not be
33 inconsistent with the constitution and laws of this state;

34 (8) To appoint officers, agents, and employees as its business shall require
35 and to provide them suitable compensation; to enter into employment contracts
36 not to exceed five years in duration; to provide for life, health and casualty
37 insurance for officers, employees and directors who are not officers, and to adopt
38 and operate reasonable bonus plans, retirement benefits and deferred
39 compensation plans for such officers and employees; to adopt and operate stock
40 option and similar incentive compensation programs by capital stock associations;
41 and to provide for indemnification of its officers, employees and directors as
42 prescribed or permitted by sections 369.010 to 369.369 whether by insurance or
43 otherwise;

44 (9) To become a member of, deal with, or make reasonable payments or
45 contributions to any organization to the extent that such organization assists in
46 furthering or facilitating the association's purposes, powers or community
47 responsibilities, and to comply with any reasonable conditions of eligibility;

48 (10) To sell money orders, travel checks and similar instruments drawn
49 by it on its commercial bank accounts, accounts it has with the district Federal
50 Home Loan Bank or as agent for any organization empowered to sell such
51 instruments through agents within the state;

52 (11) When an association is a member of a Federal Home Loan Bank, to
53 act as fiscal agent of the United States, and, when so designated by the Secretary

54 of the Treasury, to perform, under such regulations as the Secretary may
55 prescribe, all such reasonable duties as fiscal agents for the United States as the
56 Secretary may require; and to act as agent for any instrumentality of the United
57 States and as agent of this state or any instrumentality thereof;

58 (12) To service loans and investments for others;

59 (13) When an association is insured, to act as trustee of any trust created
60 or organized in the United States and forming part of a stock bonus, pension, or
61 profit-sharing plan which qualifies or qualified for specific tax treatment under
62 section 401(d) of the Internal Revenue Code of 1954 as amended, if the funds of
63 such trust are invested only in accounts or deposits in such association or in
64 obligations or securities issued by such association. All funds held in such
65 fiduciary capacity by any such association may be commingled for appropriate
66 purposes of investment, but individual records shall be kept by the fiduciary for
67 each participant and shall show in proper detail all transactions engaged in
68 under the authority of this subdivision;

69 (14) To act as agent for others in any transaction incidental to the
70 operation of its business;

71 (15) To accept deposits, and to lend and invest its funds as provided in
72 sections 369.010 to 369.369;

73 (16) To use abbreviations, words or symbols in connection with any
74 document of any nature and on checks, proxies, notices and other instruments,
75 which abbreviations, words, or symbols shall have the same force and legal effect
76 as though the respective words and phrases for which they stand were set forth
77 in full;

78 (17) To act as custodian or keeper of microfilm records of other savings
79 associations or place microfilm records of the association for storage and
80 safekeeping with another association;

81 (18) To make donations in reasonable amounts for the public welfare or
82 for charitable, scientific, religious, or educational purposes;

83 (19) To act as agent for any electric, gas, water, telephone or other public
84 utility company operating within this state in receiving moneys due such
85 company for utility services furnished by such company;

86 (20) To enter into agreements with others to supply data processing
87 services and for the use of data processing equipment owned or controlled by the
88 association.

369.159. An association may impose fees or service charges on accounts;

2 however, such fees or service charges are subject to such conditions or
3 requirements that may be fixed by regulations pursuant to section 369.301 by the
4 director of the division of finance and the [state savings and loan commission]
5 **board**. Notwithstanding any law to the contrary, no such condition or
6 requirement shall be more restrictive than the fees or service charges on deposit
7 accounts or similar accounts permitted any federally chartered depository
8 institution.

369.294. 1. The director of the division of finance and examiners shall not
2 be interested in an association directly or indirectly either as creditor (except that
3 each may be an account holder and receive earnings thereon), director, officer,
4 employee, trustee, attorney or borrower (except for a loan on the home property
5 owned and occupied by the director or examiner or a share loan), nor shall any
6 one of them receive directly or indirectly any payment, compensation or gratuity
7 from any association.

8 2. The director, the examiners and all employees of the division of finance
9 and members of the [state savings and loan commission] **board** shall not divulge
10 any information acquired in the discharge of their duties except insofar as
11 required by law or order of court. The director may, however, furnish information
12 to the Office of Thrift Supervision or any successor thereto, the Federal Deposit
13 Insurance Corporation or any successor thereto, any federal home loan bank or
14 savings departments of other states.

369.299. The director of the division of finance shall:

2 (1) Exercise all rights, powers and duties set forth in sections 369.010 to
3 369.369 or as may be otherwise provided by law;

4 (2) Establish, amend, supplement and revoke, subject to the approval of
5 the [state savings and loan commission] **board**, all regulations authorized by the
6 provisions of sections 369.010 to 369.369 and such additional regulations as may
7 be reasonable or necessary to provide for the organization, incorporation,
8 examination, operation, and regulation of associations, and service corporations,
9 and the director may by regulation provide that an association shall have all
10 powers, rights, and privileges which it would have from time to time if organized
11 and operating in Missouri as a federal association under the laws of the United
12 States. The director shall deliver by mail to each association a copy of any
13 proposed regulation or change in an existing regulation. If five or more
14 associations protest the proposed regulation or change and request a hearing
15 thereon within fifteen days thereafter, the director shall conduct a hearing before

16 acting thereon;

17 (3) Direct and supervise all the activities of the office;

18 (4) Exercise general supervision over all associations and all corporations
19 which are owned in whole or in part by an association or associations;

20 (5) Upon request of the governor make a report in writing to the governor
21 on or before the first day of March as to the financial condition as of December
22 thirty-first of the preceding year of each association;

23 (6) Have charge of the execution of laws relating to savings associations
24 with authority to sue in the director's name to enforce any law of this state
25 applying to an association or to a corporation in which an association has an
26 interest, or applying to the officers, directors or employees of any association.

369.314. The [commission] **board** shall:

2 (1) Approve or disapprove each regulation proposed by the director of the
3 division of finance pertaining to savings and loan associations; and

4 (2) Hear and determine any appeal [from] **permitted by law, including**
5 **but not limited to** an order or decision of the director pertaining to the
6 incorporation, relocation or branching of savings and loan associations, **which**
7 **shall be conducted as provided in chapter 361.**

369.329. No association may establish or maintain a branch office or
2 agency without the prior written approval of the director of the division of
3 finance, except that temporary and incidental agencies may be created for
4 individual transactions and for special temporary purposes without such
5 approval. Each application for approval of the establishment and maintenance
6 of a branch office or one or more agencies shall state the proposed location of the
7 branch office or agency, the functions to be performed at the office or agency, the
8 estimated volume of business at the branch office or agency, the estimated annual
9 expense of the branch office or agency and the mode of payments for the branch
10 office or agency and such additional matters as the director of the division of
11 finance by regulation may require. Each such application shall be accompanied
12 by a budget of the association for the current earnings period and for the next
13 succeeding semiannual period, which reflects the estimated additional expense
14 of the maintenance of each such branch office or agency. No branch application
15 shall be granted if, in the opinion of the director or a majority of the members of
16 the [commission] **board** on appeal, the policies, condition or operation of the
17 applicant afford a basis for supervisory objection to the application. The director
18 of the division of finance may hold a hearing at the director's discretion on the

19 application in accordance with such procedures as the director by regulation may
20 require.

371.060. 1. Immediately upon the filing of the certificate of organization
2 by the applicants, the director of finance shall submit to the state banking **and**
3 **savings and loan** board the proposed articles of incorporation and the certificate
4 of organization of the applicants and as soon as practicable thereafter the state
5 banking **and savings and loan** board shall direct the director of finance to issue
6 to the applicants a certificate of incorporation in such form as it may prescribe,
7 if the board, from the best information available, determines that

8 (1) Public convenience and necessity require the development finance
9 corporation;

10 (2) The holders of the fully paid stock of the corporation are at least ten
11 in number;

12 (3) That not less than two hundred fifty shares of no par value stock
13 issued at one hundred dollars per share have been subscribed and fully paid for
14 in cash;

15 (4) The bylaws and regulations submitted, if any, are in conformity with
16 the articles of incorporation and the provisions of this chapter and not in conflict
17 with any law of this state.

18 2. The director of finance shall return to the applicants one of the articles
19 of incorporation submitted to him and shall endorse thereon the issuance by him
20 of the certificate of incorporation.

371.090. 1. The articles of incorporation may be amended by a majority
2 vote of the stockholders at any regular meeting or at a special meeting called for
3 that purpose.

4 2. Articles of amendment signed by the president or vice president and
5 attested by the secretary certifying to the amendment and its lawful adoption
6 shall be executed, acknowledged and filed with the director of finance and, when
7 approved by the state banking and savings and loan board, recorded with a
8 certificate of the director of finance approving the articles of amendment, in the
9 same manner as the original articles of incorporation. As soon as the director of
10 finance issues his certificate of amendment the amendment is in effect.

371.240. 1. Any corporation organized under this chapter, after the
2 payment in full and cancellation of all its bonds and other obligations issued
3 under the provisions of this chapter, or after the deposit in trust with the
4 respective trustees designated in any deeds of trust given to secure the payment

5 of any such obligation of a sum of money sufficient for the purpose, may dissolve
6 by the vote of a majority of the stockholders at any regular meeting or at a special
7 meeting called for that purpose.

8 2. A certificate of dissolution shall be signed by the president or vice
9 president and attested by the secretary, certifying to the dissolution and that they
10 have been authorized by lawful action of the stockholders to execute and file such
11 certificate. The certificate of dissolution shall be executed, acknowledged and
12 filed with the director of finance and, when approved by the state banking **and**
13 **savings and loan** board, shall be recorded in the same manner as the original
14 articles of incorporation. When the director has endorsed the approval of the
15 state banking **and savings and loan** board on the certificate of dissolution the
16 corporation is deemed to be dissolved.

17 3. The corporation shall, however, continue for the purpose of paying,
18 satisfying and discharging any other existing liabilities or obligations and for
19 collecting or liquidating its assets, and doing all other acts required to adjust and
20 wind up its business and affairs, and may sue and be sued in its corporate name.

21 4. Any assets remaining after all liabilities and obligations have been
22 satisfied shall be distributed pro rata among the stockholders of the corporation.

**620.580. Sections 620.580 to 620.592 shall be known and may be
2 cited as the "Missouri Community Service Act".**

**620.582. As used in sections 620.580 to 620.592, the following
2 terms mean:**

3 (1) "Act", the national and community service act of 1990, as
4 amended;

5 (2) "Commission", the Missouri community service commission
6 created by sections 620.580 to 620.592;

7 (3) "Community service programs", the performance of tasks
8 designed primarily to address educational, public safety, human, or
9 environmental needs at a local, regional, state, or multistate level;

10 (4) "Corporation", the corporation for national and community
11 service authorized by the act;

12 (5) "National service position", a placement in a community
13 service program whereby an individual may earn an educational award,
14 as authorized by the act;

15 (6) "National service laws", the act and other federal legislation
16 that authorizes or may authorize community service activities in states.

620.584. 1. The Missouri community service commission is
2 assigned to the department of economic development.

3 2. The commission is established to make community service the
4 common expectation and experience of all Missourians with a special
5 concentration on Missouri's young people. The commission shall focus
6 its efforts primarily on issues related to education, public safety,
7 human needs and the environment.

8 3. The commission shall work to renew the ethic of civic
9 responsibility in Missouri and to involve and enroll citizens in service
10 opportunities that benefit Missouri while offering citizens skills that
11 can be used to further their own plans for education, for a career, or
12 for continuing community services. The commission shall build on the
13 existing organizational framework of state, local, and community-based
14 programs and agencies to expand full-time and part-time service
15 opportunities for all citizens, but particularly Missouri's youth.

620.586. 1. The commission shall include fourteen voting
2 members appointed by the governor with the advice and consent of the
3 senate. The commission shall include the following voting members:

4 (1) A representative of local government;

5 (2) The commissioner of the department of elementary and
6 secondary education or the designee of such person;

7 (3) An individual with experience in promoting the involvement
8 of older adults in service and volunteerism;

9 (4) A representative of a national service program;

10 (5) An individual with expertise in the educational, training, and
11 development needs of youth, particularly disadvantaged youth;

12 (6) An individual between the ages of sixteen and twenty-five
13 years who is a participant in or supervisor of a service program for
14 school age youth, or a campus-based or national service program;

15 (7) A representative of community-based agencies or
16 organizations in the state;

17 (8) A representative of labor organizations;

18 (9) A member representing the business community;

19 (10) The lieutenant governor or his or her designee;

20 (11) A representative from the corporation for national and
21 community service, who shall serve as a nonvoting, ex officio member;

22 (12) Four other members, appointed by the governor, provided

23 that no more than twenty percent of the voting members are officers or
24 employees of the state, and provided further that not more than fifty
25 percent plus one of the voting members of the commission are members
26 of the same political party;

27 (13) The governor may appoint any number of other nonvoting,
28 ex officio members who shall serve at the pleasure of the governor.

29 2. Appointments to the commission shall reflect the race,
30 ethnicity, age, gender, and disability characteristics of the population
31 of the state as a whole.

32 3. Voting members shall serve renewable terms of three years,
33 except that of the first members appointed, one-third shall serve for a
34 term of one year, one-third shall serve for a term of two years, and one-
35 third shall serve for a term of three years. If a commission vacancy
36 occurs, the governor shall appoint a new member to serve for the
37 remainder of the unexpired term. Vacancies shall not affect the power
38 of the remaining members to execute the commission's duties.

39 4. The members of the commission shall receive no compensation
40 for their services on the commission, but shall be reimbursed for
41 ordinary and necessary expenses incurred in the performance of their
42 duties.

43 5. The voting members of the commission shall elect one of their
44 members to serve as chairperson of the commission. The voting
45 members may elect such other officers as deemed necessary.

46 6. The commission shall meet at least quarterly.

620.588. 1. The commission shall have the following powers and
2 duties:

3 (1) To ensure that its funding decisions meet all federal and state
4 statutory requirements;

5 (2) To prepare for this state an annual national service plan that
6 follows state and federal guidelines;

7 (3) To recommend innovative statewide service programs to
8 increase volunteer participation and community-based problem solving
9 by all age groups and among diverse participants;

10 (4) To utilize local, state, and federal resources to initiate,
11 strengthen, and expand quality service programs;

12 (5) To promote interagency collaboration to maximize resources
13 and develop a model of such collaboration on the state level;

14 (6) To oversee the application process to apply for corporation
15 grants and funds, and for approval of service positions;

16 (7) To establish priorities, policies, and procedures for the use
17 of funds received under national service laws and for funds deposited
18 into the community service commission fund established in section
19 620.592;

20 (8) To provide technical assistance for applicants to plan and
21 implement service programs and to apply for assistance under the
22 national service laws;

23 (9) To solicit and accept gifts, contributions, grants, bequests, or
24 other aid from any person, business, organization or foundation, public
25 or private and from federal, state or local government or any agency of
26 federal, state or local government.

27 2. The commission shall have other powers and duties in
28 addition to those listed in subsection 1 of this section, including:

29 (1) To utilize staff within the department of economic
30 development, the office of a designated statewide elected official or
31 other executive departments as needed for this purpose; and

32 (2) To enter into contracts with individuals, organizations, and
33 institutions within amounts available for this purpose.

 620.590. 1. All state agencies, the University of Missouri
2 extension system, and any unit of local government, including school
3 districts, may share information and cooperate with the commission to
4 enable it to perform the functions assigned to it by state and federal
5 law.

6 2. Any state agency that operates or plans to establish a
7 community service program may coordinate its efforts with the
8 commission.

 620.592. 1. There is hereby created in the state treasury the
2 "Community Service Commission Fund". The state treasurer shall
3 deposit to the credit of the fund all moneys which may be appropriated
4 to it by the general assembly and also any gifts, contributions, grants,
5 bequests, or other aid received from federal, private, or other
6 sources. The general assembly may appropriate moneys into the fund
7 for the support of the commission and its activities. Notwithstanding
8 the provisions of section 33.080 to the contrary, moneys in the fund
9 shall not revert to the credit of the general revenue fund at the end of

10 **the biennium.**

11 **2. The commission shall submit an annual report of its activities**
12 **to the speaker of the house of representatives, the president pro tem of**
13 **the senate, and the governor before January thirty-first of each year.**

620.638. As used in sections 620.635 to 620.653, the following terms
2 mean:

3 (1) ["Board", the Missouri seed capital investment board, as established
4 pursuant to section 620.641;

5 (2)] "Committed contributions", the total amount of qualified contributions
6 that are committed to a qualifying fund by contractual agreement;

7 [(3)] (2) "Corporation", the Missouri technology corporation as
8 established pursuant to section 348.251, RSMo;

9 [(4)] (3) "Department", the department of economic development;

10 [(5)] (4) "Director", the director of the department of economic
11 development;

12 [(6)] (5) "Follow-up capital", capital provided to a qualified business in
13 which a qualified fund has previously invested seed capital or start-up capital.
14 No more than forty percent of the qualified contributions to a qualified fund may
15 be used for follow-up capital, and no qualified contributions which generate tax
16 credits before the second round of allocations as authorized by section 620.650
17 shall be used for follow-up capital investments;

18 [(7)] (6) "Person", any individual, corporation, partnership, limited
19 liability company or other entity, including any charitable organization which is
20 exempt from federal income tax and whose Missouri unrelated business taxable
21 income, if any, would be subject to the state income tax imposed under chapter
22 143, RSMo;

23 [(8)] (7) "Positive cash flow", total cash receipts from sales or services,
24 but not from investments or loans, exceeding total cash expenditures as
25 calculated on a fiscal year basis;

26 [(9)] (8) "Qualified business", any independently owned and operated
27 business which is headquartered and located in Missouri and which is involved
28 in or intends to be involved in commerce for the purpose of manufacturing,
29 processing or assembling products, conducting research and development, or
30 providing services in interstate commerce. Such a business shall maintain its
31 headquarters in Missouri for a period of at least three years from the date of
32 receipt of a qualified investment or be subject to penalties pursuant to section

33 620.017;

34 [(10)] (9) "Qualified contribution", cash contributions to a qualified fund
35 pursuant to the terms of contractual agreements made between the qualified fund
36 and a qualified economic development organization authorized by the [board]
37 **corporation** to enter into such contracts;

38 [(11)] (10) "Qualified economic development organization", any
39 corporation organized pursuant to the provisions of chapter 355, RSMo, that, as
40 of January 1, 1991, had obtained a contract with the department to operate an
41 innovation center to promote, assist and coordinate the research and development
42 of new services, products or processes in this state;

43 [(12)] (11) "Qualified fund", a fund established by any corporation,
44 partnership, joint venture, unincorporated association, trust or other organization
45 established pursuant to the laws of Missouri and approved by [the board or] the
46 corporation;

47 [(13)] (12) "Qualified investment", any investment of seed capital,
48 start-up capital or follow-up capital in a qualified business that does not cause
49 more than ten percent of all the qualified contributions to a qualified fund to be
50 invested in a single qualified business;

51 [(14)] (13) "Seed capital", capital provided to a qualified business for
52 research, development and precommercialization activities to prove a concept for
53 a new product, process or service, and for activities related thereto; provided that,
54 seed capital shall not be provided to any business which in a past fiscal year has
55 experienced a positive cash flow;

56 [(15)] (14) "Start-up capital", capital provided to a qualified business for
57 use in preproduction product development, service development or initial
58 marketing thereof; provided that, start-up capital shall not be provided to any
59 business which has experienced a positive cash flow in a past fiscal year;

60 [(16)] (15) "Uninvested capital", that portion of any qualified contribution
61 to a qualified fund, other than management fees not to exceed three percent per
62 year of committed contributions, qualified investments and other expenses or fees
63 authorized by the [board] **corporation**, that is not invested as a qualified
64 investment within ten years of its receipt.

620.641. [There is hereby established the "Missouri Seed Capital
2 Investment Board", to be composed of thirteen persons. One person shall be the
3 director, or the director's designee, and each qualified economic development
4 organization, not to exceed four, shall respectively be represented by one member

5 appointed by each organization. Eight members shall be appointed by the
6 governor with the advice and consent of the senate. Of these, one shall represent
7 a major public research university located within the state, one shall represent
8 a major private research university located within the state and the remaining
9 six members shall have backgrounds in technology, banking, labor or small
10 business development. The eight members appointed by the governor shall serve
11 terms of three years; except that, of those first appointed, three shall serve for
12 terms of three years, three for terms of two years and two for terms of one
13 year. The members of the board shall annually elect one of its members who has
14 been appointed by the governor as chairman of the board. At any meeting of the
15 board, seven members must be present to constitute a quorum. The department
16 shall provide support services necessary to carry out the duties of the board.] **The**
17 **powers and duties of the Missouri Seed Capital Investment Board shall**
18 **be transferred to the Missouri Technology Corporation effective August**
19 **28, 2010, and the Missouri Seed Capital Investment Board shall be**
20 **dissolved.**

620.644. 1. The Missouri seed capital and commercialization strategy
2 shall be jointly developed and approved by the boards of directors of all of the
3 qualified economic development organizations and submitted as one plan to the
4 [board] **corporation** for its approval. The board shall not approve any qualified
5 fund, exclusive of the fund approved by the corporation, unless such fund is
6 described in the Missouri seed capital and commercialization strategy. The
7 strategy shall include a proposal for the establishment and operation of between
8 one and four qualified funds in Missouri, including the fund approved by the
9 corporation pursuant to the provisions of section 620.653. The initial strategy
10 shall be submitted to the board no later than July 1, 2000, and shall be approved
11 or rejected by the board within three months of receipt. No tax credits authorized
12 pursuant to the provisions of sections 620.635 to 620.653 shall be awarded until
13 such strategy has been approved by the board, other than tax credits authorized
14 for qualified contributions to the fund approved by the corporation.

15 2. The department shall authorize the use of up to twenty million dollars
16 in tax credits by the approved qualified funds, in aggregate pursuant to the
17 provisions of section 620.650, with not more than five million dollars of tax
18 credits being issued in any one year.

19 3. The [board or] corporation shall approve the professional managers
20 employed by the qualified funds according to criteria similar to that used by the

21 U.S. Small Business Administration's Small Business Investment Corporation
22 Program.

23 4. The department may promulgate any rules and regulations necessary
24 to administer the provisions of sections 620.635 to 620.653. No rule or regulation
25 or portion of a rule or regulation promulgated pursuant to the authority of this
26 section shall become effective unless it has been promulgated pursuant to the
27 provisions of chapter 536, RSMo.

28 5. The [Missouri seed capital investment board] **corporation** shall report
29 the following to the department:

30 (1) As soon as practicable after the receipt of a qualified contribution the
31 name of each person from which the qualified contribution was received, the
32 amount of each contributor's qualified contribution and the tax credits computed
33 pursuant to this section;

34 (2) On a quarterly basis, the amount of qualified investments made to any
35 qualified business;

36 (3) On a quarterly basis, verification that the investment of seed capital,
37 start-up capital, or follow-up capital in a qualified business does not direct more
38 than ten percent of all the qualified contributions to a qualified fund to be
39 invested in a single qualifying business.

40 6. Each qualified fund shall provide annual audited financial statements,
41 including the opinion of an independent certified public accountant, to the
42 department within ninety days of the close of the state fiscal year. The audit
43 shall address the methods of operation and conduct of the business of the
44 qualified economic development organization to determine compliance with the
45 statutes and program and program rules and that the qualified contributions
46 received by the qualified fund have been invested as required by this section.

620.647. 1. The [board or] corporation may authorize each qualified
2 economic development organization to enter into contractual agreements with any
3 qualified fund allowing such qualified fund to offer tax credits authorized
4 pursuant to the provisions of sections 620.635 to 620.653 to those persons making
5 qualified contributions to the qualified fund. The [board] **corporation** shall
6 establish policies and procedures requiring each authorized qualified economic
7 development organization to secure from each qualified fund and its investors the
8 maximum fund equity interest possible, as dictated by market conditions, in
9 exchange for the use of the tax credits. All tax credits authorized pursuant to
10 sections 620.635 to 620.653 shall be administered by the department.

11 2. Each qualified fund shall enter into a contract with one or more
12 qualified economic development organizations which shall entitle all qualified
13 economic development organizations in existence at that time to receive and share
14 equally all distributions of equity and dividends or other earnings of the fund
15 that are generated as a result of any equity interest secured as a result of actions
16 taken to comply with subsection 1 of this section. Such contracts shall require
17 the qualified funds to transfer to the **[board] corporation** all distributions of
18 dividends or other earnings of the fund that are owed to any qualified economic
19 development organization that has dissolved or has ceased doing business for a
20 period of one year or more.

21 3. All distributions of dividends, earnings, equity or the like owed
22 pursuant to the provisions of sections 620.635 to 620.653 to a qualified economic
23 development organization by any qualified fund shall be paid to the qualified
24 economic development organization. The qualified economic development
25 organization shall use such payments solely for reinvestment in qualified funds
26 in order to provide ongoing seed capital, start-up capital and follow-up capital for
27 Missouri businesses. No qualified economic development organization may
28 transfer any dividends, earnings, equity or the like owed it pursuant to sections
29 620.635 to 620.653 to any other person or entity without the approval of the
30 **[board] corporation**.

620.650. 1. The sole purpose of each qualified fund is to make
2 investments. One hundred percent of investments made from qualified
3 contributions shall be qualified investments.

4 2. Any person who makes a qualified contribution to a qualified fund shall
5 receive a tax credit against the tax otherwise due pursuant to chapter 143, RSMo,
6 chapter 147, RSMo, or chapter 148, RSMo, other than taxes withheld pursuant
7 to sections 143.191 to 143.265, RSMo, in an amount equal to one hundred percent
8 of such person's qualified contribution.

9 3. Such person shall submit to the department an application for the tax
10 credit on a form provided by the department. The department shall award tax
11 credits in the order the applications are received and based upon the strategy
12 approved by the **[board] corporation**. Tax credits issued pursuant to this
13 section may be claimed for the tax year in which the qualified contribution is
14 made or in any of the following ten years, and may be assigned, transferred or
15 sold.

16 4. There is hereby imposed on each qualified fund a tax equal to fifteen

17 percent of the qualified fund's uninvested capital at the close of such qualified
18 fund's tax year. For purposes of tax computation, any distribution made by a
19 qualified fund during a tax year is deemed made at the end of such tax
20 year. Each tax year, every qualified fund shall remit the tax imposed by this
21 section to the director of the department of revenue for deposit in the state
22 treasury to the credit of the general revenue fund.

620.653. The provisions of sections 620.635 to 620.650 to the contrary
2 notwithstanding, one qualified fund shall be approved by the corporation as soon
3 as practicable after July 8, 1999. Such fund need not be initially incorporated
4 into the seed capital and commercialization strategy until after the appointment
5 of the board. After the appointment of the board, all powers exercised by the
6 corporation in relation to that fund shall be transferred to the board. **After the**
7 **dissolution of the board, all powers exercised by the board shall be**
8 **transferred to the corporation.** The corporation shall approve the
9 professional fund manager employed by the qualified fund established by this
10 section.

630.915. 1. The department of mental health, in consultation with the
2 department of health and senior services, shall seek funding from the Centers for
3 Disease Control and Prevention to participate in the National Violent Death
4 Reporting System (NVDRS) to obtain better information about violent deaths,
5 including suicide.

6 2. If such funding under subsection 1 of this section is not available to the
7 state of Missouri, on or before July 1, 2006, the department of mental health, in
8 consultation with the department of health and senior services and subject to
9 appropriation, shall develop a state-based reporting system based on the National
10 Violent Death Reporting System that will provide information needed to
11 accurately assess the factors causing violent deaths, including suicide.

12 3. Information obtained from this state's participation in the National
13 Violent Death Reporting System under subsection 1 of this section or the
14 state-based system developed under subsection 2 of this section shall be used to
15 help answer questions regarding the magnitude, trends, and characteristics of
16 violent deaths and assist in the evaluation and improvement of violence
17 prevention policies and programs.

18 4. Information obtained under this section shall be provided to the
19 [suicide prevention advisory committee] **Missouri advisory council for**
20 **comprehensive psychiatric services** established under section [630.910]

21 **632.020.**

22 5. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

23 (1) The provisions of the new program authorized under this section shall
24 automatically sunset six years after August 28, 2005, unless reauthorized by an
25 act of the general assembly; and

26 (2) If such program is reauthorized, the program authorized under this
27 section shall automatically sunset twelve years after the effective date of the
28 reauthorization of this section; and

29 (3) This section shall terminate on September first of the calendar year
30 immediately following the calendar year in which the program authorized under
31 this section is sunset.

632.020. 1. The Missouri advisory council for comprehensive psychiatric
2 services, created by executive order of the governor on June 10, 1977, shall act
3 as an advisory body to the division and the division director. The council shall
4 be comprised of up to twenty-five members, the number to be determined under
5 the council bylaws.

6 2. The members of the council shall be appointed by the
7 director. Members shall serve for overlapping terms of three years each. The
8 members of the existing council appointed under the provisions of the executive
9 order shall serve the remainder of their appointed terms. At the expiration of the
10 term of each such member, the director shall appoint an individual who shall hold
11 office for a term of three years. Each member shall hold office until a successor
12 has been appointed. Members shall have professional, research or personal
13 interest in the prevention, evaluation, care, treatment and rehabilitation of
14 persons affected by mental disorders and mental illness. The council shall
15 include representatives from the following:

16 (1) Nongovernment organization or groups and state agencies concerned
17 with the planning, operation or use of comprehensive psychiatric services;

18 (2) Representatives of consumers and providers of comprehensive
19 psychiatric services who are familiar with the need for such services. At least
20 one-half of the members shall be consumers. No more than one-fourth of the
21 members shall be vendors or members of boards of directors, employees or officers
22 of vendors, or any of their spouses, if such vendors receive more than fifteen
23 hundred dollars under contract with the department; except that members of
24 boards of directors of not-for-profit corporations shall not be considered members
25 of board of directors of vendors under this subsection.

26 3. A vacancy occurring on the council shall be filled by appointment of the
27 director.

28 4. Meetings shall be held at least every ninety days at the call of the
29 division director or the council chairman, who shall be elected by the council.

30 5. Each member shall be reimbursed for reasonable and necessary
31 expenses, including travel expenses pursuant to the travel regulations for
32 employees of the department, actually incurred in the performance of his official
33 duties.

34 6. The council may be divided into subcouncils in accordance with its
35 bylaws. The council shall study, plan and make recommendations on the
36 prevention, evaluation, care, treatment, rehabilitation, housing and facilities for
37 persons affected by mental disorders and mental illness.

38 7. No member of a state advisory council may participate in or seek to
39 influence a decision or vote of the council if the member would be directly
40 involved with the matter or [if he] would derive income from it. A violation of the
41 prohibition contained herein shall be grounds for a person to be removed as a
42 member of the council by the director.

43 8. The council shall collaborate with the department in developing and
44 administering a state plan for comprehensive psychiatric services. The council
45 shall be advisory and shall:

46 (1) Promote meetings and programs for the discussion of reducing the
47 debilitating effects of mental disorders and mental illness and disseminate
48 information in cooperation with any other department, agency or entity on the
49 prevention, evaluation, care, treatment and rehabilitation for persons affected by
50 mental disorders or mental illness;

51 (2) Study and review current prevention, evaluation, care, treatment and
52 rehabilitation technologies and recommend appropriate preparation, training,
53 retraining and distribution of manpower and resources in the provision of services
54 to persons affected by mental disorders or mental illness through private and
55 public residential facilities, day programs and other specialized services;

56 (3) Recommend what specific methods, means and procedures should be
57 adopted to improve and upgrade the department comprehensive psychiatric
58 service delivery system for citizens of this state;

59 (4) Participate in developing and disseminating criteria and standards to
60 qualify comprehensive psychiatric service residential facilities, day programs and
61 other specialized services in this state for funding or licensing, or both, by the

62 department;

63 **(5) Develop goals and objectives for suicide prevention, provide**
64 **oversight for suicide prevention activities, and make information on**
65 **suicide and mental health intervention models available to community**
66 **groups implementing suicide prevention programs.**

660.010. 1. There is hereby created a "Department of Social Services" in
2 charge of a director appointed by the governor, by and with the advice and
3 consent of the senate. All the powers, duties and functions of the director of the
4 department of public health and welfare, chapters 191 and 192, RSMo and others,
5 not previously reassigned by executive reorganization plan number 2 of 1973 as
6 submitted by the governor under chapter 26, RSMo, except those assigned to the
7 department of mental health, are transferred by type I transfer to the director of
8 the department of social services and the office of the director, department of
9 public health and welfare is abolished. The department of public health and
10 welfare is abolished. All employees of the department of social services shall be
11 covered by the provisions of chapter 36, RSMo, except the director of the
12 department and his secretary, all division directors and their secretaries, and no
13 more than three additional positions in each division which may be designated
14 by the division director.

15 2. It is the intent of the general assembly in establishing the department
16 of social services, as provided herein, to authorize the director of the department
17 to coordinate the state's programs devoted to those unable to provide for
18 themselves and for the rehabilitation of victims of social disadvantage. The
19 director shall use the resources provided to the department to provide
20 comprehensive programs and leadership striking at the roots of dependency,
21 disability and abuse of society's rules with the purpose of improving service and
22 economical operations. The department is directed to take all steps possible to
23 consolidate and coordinate the field operations of the department to maximize
24 service to the citizens of the state.

25 3. All the powers, duties and functions of the division of welfare, chapters
26 205, 207, 208, 209, and 210, RSMo, and others, are transferred by type I transfer
27 to the "Division of Family Services" which is hereby created in the department of
28 social services. The director of the division shall be appointed by the director of
29 the department. All references to the division of welfare shall hereafter be
30 construed to mean the division of family services of the department of social
31 services.

32 4. [All the powers, duties and functions of the board of nursing home
33 administrators, chapter 344, RSMo, are transferred by type I transfer to the
34 department of social services. The public members of the board shall be
35 appointed by the director of the department.

36 5.] The state's responsibility under public law 452 of the eighty-eighth
37 Congress and others, pertaining to the Office of Economic Opportunity, is
38 transferred by type I transfer to the department of social services.

39 [6.] 5. The state's responsibility under public law 73, Older Americans
40 Act of 1965, of the eighty-ninth Congress is transferred by type I transfer to the
41 department of social services.

42 [7.] 6. All the powers, duties and functions vested by law in the curators
43 of the University of Missouri relating to crippled children's services, chapter 201,
44 RSMo, are transferred by type I transfer to the department of social services.

45 [8.] 7. All the powers, duties and functions vested in the state board of
46 training schools, chapter 219, RSMo, and others, are transferred by type I
47 transfer to the "Division of Youth Services" hereby authorized in the department
48 of social services headed by a director appointed by the director of the
49 department. The state board of training schools shall be reconstituted as an
50 advisory board on youth services, appointed by the director of the
51 department. The advisory board shall visit each facility of the division as often
52 as possible, shall file a written report with the director of the department and the
53 governor on conditions they observed relating to the care and rehabilitative
54 efforts in behalf of children assigned to the facility, the security of the facility and
55 any other matters pertinent in their judgment. Copies of these reports shall be
56 filed with the legislative library. Members of the advisory board shall receive
57 reimbursement for their expenses and twenty-five dollars a day for each day they
58 engage in official business relating to their duties. The members of the board
59 shall be provided with identification means by the director of the division
60 permitting immediate access to all facilities enabling them to make unannounced
61 entrance to facilities they wish to inspect.

**Section 1. Any board, commission, council, committee, or joint
2 committee of this state created prior to March 17, 2010, that has not
3 met prior to March 17, 2010, shall cease to exist on August 28, 2010.**

 [21.475. 1. Because wetlands are a vital natural resource
2 and wetland conversion is of vital interest to Missouri farmers,
3 conservationists, and landowners, for oversight of various activities

4 of the department of natural resources and other agencies, the
5 senate and the house of representatives shall establish a "Joint
6 Committee on Wetlands", composed of five members of the senate,
7 appointed by the president pro tem of the senate, and five members
8 of the house of representatives, appointed by the speaker of the
9 house. Not more than three members appointed by the president
10 pro tem and not more than three members appointed by the
11 speaker of the house shall be from the same political party. Any
12 state department or agency except the department of conservation
13 and the department of transportation shall obtain the approval of
14 the joint committee on wetlands prior to entering into a contract
15 with any entity of the government or any private entity to conduct
16 any activity relating to the definition, preservation or restoration
17 of wetlands. Each department, division and agency of state
18 government shall provide any information relating to the state's
19 wetlands to the joint committee on wetlands upon request of the
20 committee.

21 2. The committee may hold hearings and conduct
22 investigations within the state as it deems advisable, and the
23 members shall receive no additional compensation, other than
24 reimbursement for their actual and necessary expenses incurred in
25 the performance of their duties. The staff of the committee on
26 legislative research, house research, and senate research shall
27 provide necessary clerical, research, fiscal and legal services to the
28 committee, as the committee may request.]

2 [21.780. Every ten years after August 28, 1997, a review of
3 county salaries shall be made by the general assembly. A
4 committee consisting of three members of the house of
5 representatives appointed by the speaker and three members of the
6 senate appointed by the president pro tem shall carry out the
7 review. The committee shall complete its review by December
8 thirty-first of the year in which the committee is
9 appointed. Legislation to revise the then existing salary schedules
may be filed at the next following session of the general assembly.]

2 [26.600. Sections 26.600 to 26.614 shall be known and may
be cited as the "Missouri Community Service Act".]

[26.603. As used in sections 26.600 to 26.614, the following

terms mean:

(1) "Act", the national and community service act of 1990, as amended;

(2) "Commission", the Missouri community service commission created by sections 26.600 to 26.614;

(3) "Community service programs", the performance of tasks designed primarily to address educational, public safety, human, or environmental needs at a local, regional, state, or multistate level;

(4) "Corporation", the corporation for national and community service authorized by the act;

(5) "National service position", a placement in a community service program whereby an individual may earn an educational award, as authorized by the act;

(6) "National service laws", the act and other federal legislation that authorizes or may authorize community service activities in states.]

[26.605. 1. There is hereby created and established within the office of the governor "The Missouri Community Service Commission". The governor may, by executive order, assign this commission to the office of any executive department or statewide elected official.

2. The commission is established to make community service the common expectation and experience of all Missourians with a special concentration on Missouri's young people. The commission shall focus its efforts primarily on issues related to education, public safety, human needs and the environment.

3. The commission shall work to renew the ethic of civic responsibility in Missouri and to involve and enroll citizens in service opportunities that benefit Missouri while offering citizens skills that can be used to further their own plans for education, for a career, or for continuing community services. The commission shall build on the existing organizational framework of state, local and community-based programs and agencies to expand full-time and part-time service opportunities for all citizens, but particularly

19 Missouri's youth.]

2 [26.607. 1. The commission shall include at least fifteen
3 but no more than twenty-five voting members appointed by the
4 governor, with the advice and consent of the senate. The
5 commission shall include the following voting members:

- 6 (1) A representative of local government;
 - 7 (2) The commissioner of the department of elementary and
8 secondary education or the designee of such person;
 - 9 (3) An individual with experience in promoting the
10 involvement of older adults in service and volunteerism;
 - 11 (4) A representative of a national service program;
 - 12 (5) An individual with expertise in the educational, training
13 and development needs of youth, particularly disadvantaged youth;
 - 14 (6) An individual between the ages of sixteen and
15 twenty-five years who is a participant in or supervisor of a service
16 program for school age youth, or a campus-based or national
17 service program;
 - 18 (7) A representative of community-based agencies or
19 organizations in the state;
 - 20 (8) A representative of labor organizations;
 - 21 (9) A member representing the business community;
 - 22 (10) The lieutenant governor or his or her designee;
 - 23 (11) A representative from the Corporation for National and
24 Community Service, who shall serve as a nonvoting, ex officio
25 member;
 - 26 (12) Other members, at the discretion of and appointed by
27 the governor, provided that there are at least fifteen but not more
28 than twenty-five voting members, and provided that no more than
29 twenty-five percent of the voting members are officers or employees
30 of the state, and provided further that not more than fifty percent
31 plus one of the voting members of the commission are members of
32 the same political party;
 - 33 (13) The governor may appoint any number of other
34 nonvoting, ex officio members who shall serve at the pleasure of the
35 governor.
2. Appointments to the commission shall reflect the race,

36 ethnicity, age, gender and disability characteristics of the
37 population of the state as a whole.

38 3. Voting members shall serve renewable terms of three
39 years, except that of the first members appointed, one-third shall
40 serve for a term of one year, one-third shall serve for a term of two
41 years, and one-third shall serve for a term of three years. If a
42 commission vacancy occurs, the governor shall appoint a new
43 member to serve for the remainder of the unexpired
44 term. Vacancies shall not affect the power of the remaining
45 members to execute the commission's duties.

46 4. The members of the commission shall receive no
47 compensation for their services on the commission, but shall be
48 reimbursed for ordinary and necessary expenses incurred in the
49 performance of their duties.

50 5. The voting members of the commission shall elect one of
51 their members to serve as chairperson of the commission. The
52 voting members may elect such other officers as deemed necessary.

53 6. The commission shall meet at least quarterly.]

[26.609. 1. The commission shall have the following powers
2 and duties:

3 (1) To ensure that its funding decisions meet all federal and
4 state statutory requirements;

5 (2) To prepare for this state an annual national service plan
6 that follows state and federal guidelines;

7 (3) To recommend innovative statewide service programs to
8 increase volunteer participation and community-based problem
9 solving by all age groups and among diverse participants;

10 (4) To utilize local, state and federal resources to initiate,
11 strengthen and expand quality service programs;

12 (5) To promote interagency collaboration to maximize
13 resources and develop a model of such collaboration on the state
14 level;

15 (6) To oversee the application process to apply for
16 corporation grants and funds, and for approval of service positions;

17 (7) To establish priorities, policies and procedures for the
18 use of funds received under national service laws and for funds

19 deposited into the community service commission fund established
20 in section 26.614;

21 (8) To provide technical assistance for applicants to plan
22 and implement service programs and to apply for assistance under
23 the national service laws;

24 (9) To solicit and accept gifts, contributions, grants,
25 bequests or other aid from any person, business, organization or
26 foundation, public or private and from federal, state or local
27 government or any agency of federal, state or local government.

28 2. The commission shall have other powers and duties in
29 addition to those listed in subsection 1 of this section, including:

30 (1) To utilize staff within the office of the governor, the
31 office of a designated statewide elected official or other executive
32 departments as needed for this purpose; and

33 (2) To enter into contracts with individuals, organizations
34 and institutions within amounts available for this purpose.]

[26.611. 1. All state agencies, the University of Missouri
2 extension system, and any unit of local government, including
3 school districts, may share information and cooperate with the
4 commission to enable it to perform the functions assigned to it by
5 state and federal law.

6 2. Any state agency that operates or plans to establish a
7 community service program may coordinate its efforts with the
8 commission.]

[26.614. 1. There is hereby created in the state treasury
2 the "Community Service Commission Fund". The state treasurer
3 shall deposit to the credit of the fund all moneys which may be
4 appropriated to it by the general assembly and also any gifts,
5 contributions, grants, bequests or other aid received from federal,
6 private or other sources. The general assembly may appropriate
7 moneys into the fund for the support of the commission and its
8 activities. Notwithstanding the provisions of section 33.080, RSMo,
9 to the contrary, moneys in the fund shall not revert to the credit of
10 the general revenue fund at the end of the biennium.

11 2. The commission shall submit an annual report of its
12 activities to the speaker of the house of representatives, the

13 president pro tem of the senate, and the governor before January
14 thirty-first of each year.]

[32.250. There is hereby established the "Multistate Tax
2 Compact Advisory Committee" composed of the member of the
3 multistate tax commission representing this state, any alternate
4 designated by him, the attorney general or his designee, and two
5 members of the senate, appointed by the president pro tem thereof
6 and two members of the house of representatives, appointed by the
7 speaker thereof. The chairman shall be the member of the
8 commission representing this state. The committee shall meet on
9 the call of its chairman or at the request of a majority of its
10 members, but in any event it shall meet not less than three times
11 in each year. The committee may consider any and all matters
12 relating to recommendations of the multistate tax commission and
13 the activities of the members in representing this state thereon.]

[32.260. The multistate tax compact advisory committee
2 may employ counsel to represent it or to act for it, and may fix his
3 compensation within the limits of funds appropriated to the
4 committee.]

[192.350. 1. There is hereby established within the
2 department of health and senior services the "Missouri State
3 Advisory Council on Pain and Symptom Management". The council
4 shall consist of nineteen members that are residents of this
5 state. The members of the council shall include:

6 (1) The director of the department of health and senior
7 services, or the director's designee, who shall serve as chair of the
8 council;

9 (2) The state attorney general, or the attorney general's
10 designee;

11 (3) Two members of the senate, appointed by the president
12 pro tempore of the senate;

13 (4) Two members of the house of representatives, appointed
14 by the speaker of the house of representatives;

15 (5) One physician, appointed by the Missouri state board of
16 registration for the healing arts, that is certified and accredited in
17 pain management;

18 (6) One physician, appointed by the Missouri state board of
19 registration for the healing arts, that is certified and accredited in
20 palliative care;

21 (7) Two registered nurses, appointed by the Missouri board
22 of nursing, with expertise in hospice, oncology, long-term care, or
23 pain and symptom management and are certified by the National
24 Board for Certification of Hospice and Palliative Nurses;

25 (8) One dentist, appointed by the Missouri board of
26 dentistry, with training in pain and symptom management and is
27 associated with the education and training of dental students;

28 (9) One pharmacist, appointed by the Missouri board of
29 pharmacy, with training in pain and symptom management and is
30 associated with the education and training of pharmacists;

31 (10) One representative of the Pharmaceutical Research
32 and Manufacturers of America, appointed by the governor, with the
33 advice and consent of the senate;

34 (11) One mental health services provider, appointed by the
35 governor, with the advice and consent of the senate;

36 (12) One physician assistant, appointed by the Missouri
37 advisory commission for physician assistants, with training in pain
38 and symptom management;

39 (13) One chiropractic physician, appointed by the Missouri
40 state board of chiropractic examiners, with training in pain and
41 symptom management;

42 (14) One physical therapist, appointed by the Missouri
43 Physical Therapy Association, that specializes in pain
44 management;

45 (15) One advocate representing voluntary health
46 organizations or advocacy groups with an interest in pain
47 management, appointed by the governor, with the advice and
48 consent of the senate; and

49 (16) One member who has been diagnosed with chronic
50 pain, appointed by the governor, with the advice and consent of the
51 senate.

52 2. Members of the council shall be appointed by February
53 1, 2004. Of the members first appointed to the council, seven

54 members shall serve a term of two years, and eight members shall
55 serve a term of one year, and thereafter, members shall serve a
56 term of two years. Members shall continue to serve until their
57 successor is duly appointed and qualified. Any vacancy on the
58 council shall be filled in the same manner as the original
59 appointment.]

[192.352. 1. Members shall serve without compensation but
2 shall, subject to appropriations, be reimbursed for reasonable and
3 necessary expenses actually incurred in the performance of the
4 member's official duties.

5 2. The department of health and senior services with
6 existing resources shall provide administrative support and current
7 staff as necessary for the effective operation of the council.]

[192.355. 1. Meetings shall be held at least every ninety
2 days or at the call of the council chair.

3 2. The advisory council shall:

4 (1) Hold public hearings pursuant to chapter 536, RSMo, to
5 gather information from the general public on issues pertaining to
6 pain and symptom management;

7 (2) Make recommendations on acute and chronic pain
8 management treatment practices;

9 (3) Analyze statutes, rules, and regulations regarding pain
10 management;

11 (4) Study the use of alternative therapies regarding pain
12 and symptom management and any sanctions imposed;

13 (5) Review the acute and chronic pain management
14 education provided by professional licensing boards of this state;

15 (6) Examine the needs of adults, children, the terminally ill,
16 racial and ethnic minorities, and medically underserved
17 populations that have acute and chronic pain;

18 (7) Make recommendations on integrating pain and
19 symptom management into the customary practice of health care
20 professionals;

21 (8) Identify the roles and responsibilities of health care
22 professionals in pain and symptom management;

23 (9) Make recommendations on the duration and content of

24 continuing education requirements for pain and symptom
25 management;

26 (10) Review guidelines on pain and symptom management
27 issued by the United States Department of Health and Human
28 Services;

29 (11) Provide an annual report on the activities of the
30 council to the director of the department of health and senior
31 services, the speaker of the house of representatives, the president
32 pro tempore of the senate, and the governor by February first of
33 every year. Such report shall include, but not be limited to the
34 following:

35 (a) Issues and recommendations developed by the council;

36 (b) Pain management educational curricula and continuing
37 education requirements for institutions providing health care
38 education;

39 (c) Information regarding the impact and effectiveness of
40 prior recommendations, if any, that have been implemented; and

41 (d) Review of current policies regarding pain and symptom
42 management and any changes thereto occurring in pain and
43 symptom management.

44 3. The department of health and senior services may accept
45 on behalf of the council any federal funds, gifts, and donations from
46 individuals, private organizations, and foundations, and any other
47 funds that may become available.]

[208.195. The director of the division of family services
2 shall appoint an advisory committee to provide professional and
3 technical consultation in respect to the medical care aspects for
4 public assistance recipients as set out in this chapter. The
5 committee shall consist of twenty members, including the chairman
6 of the senate committee of public health and welfare and chairman
7 of the house of representatives committee of Social Security, and a
8 minority member of each committee and at least three physicians
9 licensed to practice in this state. The others shall be persons
10 interested in hospital administration, nursing home
11 administration, nursing, dentistry, optometry and
12 pharmaceuticals. The members of the advisory committee shall

13 receive no compensation for their services other than expenses
14 actually incurred in the performance of their official duties.]

[208.530. As used in sections 208.530 to 208.535, the
2 following terms shall mean:

3 (1) "Commission", the commission on the special health,
4 psychological and social needs of minority older individuals
5 established in section 208.533;

6 (2) "Minority older individual", an individual who is sixty
7 years of age or older and a member of a racial minority group;

8 (3) "Racial minority group":

9 (a) Blacks or African Americans;

10 (b) Native Americans;

11 (c) Hispanics;

12 (d) Asian Americans; and

13 (e) Other similar racial minority groups.]

[208.533. 1. There is hereby established a twenty-member
2 "Commission on the Special Health, Psychological and Social Needs
3 of Minority Older Individuals" under the division of aging. The
4 commission shall consist of the following members:

5 (1) The directors of the departments of health and senior
6 services, mental health and social services or their designees;

7 (2) The directors of the office of minority health and the
8 division of aging who shall serve as cochairs of the commission;

9 (3) Two members of the Missouri house of representatives,
10 one from each major political party represented in the house of
11 representatives, appointed by the speaker of the house who shall
12 serve in a nonvoting, advisory capacity;

13 (4) Two members of the senate, one from each major
14 political party represented in the senate, appointed by the
15 president pro tem of the senate who shall serve in a nonvoting,
16 advisory capacity;

17 (5) A representative of the office of the lieutenant governor
18 who shall serve in a nonvoting, advisory capacity; and

19 (6) Ten individuals appointed by the governor with the
20 advice and consent of the senate who are currently working in the
21 field of minority elderly health, psychological or social problems

22 who have demonstrated expertise in one or more of the following
23 areas: treatment of cardiovascular, cancer and diabetic conditions;
24 nutrition; community-based health services; legal services; elderly
25 consumer advocacy; gerontology or geriatrics; social work and other
26 related services including housing. At least two of the individuals
27 appointed by the governor shall be minority older individuals. The
28 members appointed by the governor shall be residents of
29 Missouri. Any vacancy on the commission shall be filled in the
30 same manner as the original appointment.

31 2. Members appointed by the governor shall serve for
32 three-year terms. Other members, except legislative members,
33 shall serve for as long as they hold the position which made them
34 eligible for appointment. Legislative members shall serve during
35 their current term of office but may be reappointed.

36 3. Members of the commission shall not be compensated for
37 their services, but shall be reimbursed for actual and necessary
38 expenses incurred in the performance of their duties. The office of
39 administration and the departments of health and senior services,
40 mental health and social services shall provide such support as the
41 commission requires to aid it in the performance of its duties.]

[208.535. The responsibilities of the commission shall
2 include, but not be limited to, the following:

3 (1) The commission shall annually prepare a report
4 identifying the special needs of the minority older population in
5 Missouri as compared to the older population at-large and make
6 recommendations for meeting those needs. The report shall be
7 completed no later than October first of each year, beginning in
8 1999, and copies transmitted to the governor, the general assembly
9 and appropriate state agencies. The report shall, at a minimum:

10 (a) Contain an overview of the special health, psychological
11 and social needs of minority older Missourians with particular
12 attention to low-income minority older individuals;

13 (b) Identify specific diseases and health conditions for
14 which minority older individuals are at greater risk than the
15 general population;

16 (c) Identify problems experienced by minority older

- 17 individuals in obtaining services from governmental agencies;
- 18 (d) Identify programs at the state and local level designed
- 19 to specifically meet the needs of minority older individuals; and
- 20 (e) Recommend program improvements and services at the
- 21 state and local level designed to address the special unmet needs
- 22 of the minority older population;
- 23 (2) In preparing the report required by this section, the
- 24 commission shall solicit and consider the input of individuals and
- 25 organizations representing the concerns of the minority older
- 26 population, with particular attention to the service needs of those
- 27 with incomes below the federal poverty level, concerning:
- 28 (a) Programs and services needed by minority older
- 29 individuals;
- 30 (b) The extent to which existing programs do not meet the
- 31 needs of minority older individuals;
- 32 (c) The accessibility of existing programs to minority older
- 33 individuals;
- 34 (d) The availability and adequacy of information regarding
- 35 existing services;
- 36 (e) Health problems that minority older individuals
- 37 experience at a higher rate than the nonminority older population;
- 38 and
- 39 (f) Financial, social and other barriers experienced by
- 40 minority older individuals in obtaining needed services;
- 41 (3) Conduct an outreach program that provides information
- 42 to minority older Missourians about health, psychological and
- 43 social problems experienced by minority older individuals and
- 44 available programs to address those problems, as identified in the
- 45 report prepared pursuant to this section.]
- 2 [208.792. 1. There is hereby established the "Missouri Rx
- 3 Plan Advisory Commission" within the department of social
- 4 services to provide advice on the benefit design and operational
- 5 policy of the Missouri Rx plan established in sections 208.782 to
- 6 208.798. The commission shall consist of the following fifteen
- 7 members:
- (1) The lieutenant governor, in his or her capacity as

- 8 advocate for senior citizens;
- 9 (2) Two members of the senate, with one member from the
10 majority party appointed by the president pro tem of the senate
11 and one member of the minority party appointed by the president
12 pro tem of the senate with the concurrence of the minority floor
13 leader of the senate;
- 14 (3) Two members of the house of representatives, with one
15 member from the majority party appointed by the speaker of the
16 house of representatives and one member of the minority party
17 appointed by the speaker of the house of representatives with the
18 concurrence of the minority floor leader of the house of
19 representatives;
- 20 (4) The director of the division of medical services in the
21 department of social services;
- 22 (5) The director of the division of senior and disability
23 services in the department of health and senior services;
- 24 (6) The chairperson of the governor's commission on special
25 health, psychological and social needs of minority older individuals;
- 26 (7) The following four members appointed by the governor,
27 with the advice and consent of the senate:
- 28 (a) A licensed pharmacist;
- 29 (b) A licensed physician;
- 30 (c) A representative from a senior advocacy group; and
- 31 (d) A representative from an area agency on aging;
- 32 (8) A representative from the pharmaceutical
33 manufacturers industry as a nonvoting member appointed by the
34 president pro tem of the senate and the speaker of the house of
35 representatives;
- 36 (9) One public member appointed by the president pro tem
37 of the senate; and
- 38 (10) One public member appointed by the speaker of the
39 house of representatives. In making the initial appointment to the
40 committee, the governor, president pro tem, and speaker shall
41 stagger the terms of the appointees so that four members serve
42 initial terms of two years, four members serve initial terms of three
43 years, four members serve initial terms of four years, and one

member serves an initial term of one year. All members appointed thereafter shall serve three-year terms. All members shall be eligible for reappointment. The commission shall elect a chair and may employ an executive director and such professional, clerical, and research personnel as may be necessary to assist in the performance of the commission's duties.

2. Recognizing the unique medical needs of the senior African-American population, the president pro tem of the senate, speaker of the house of representatives, and governor will collaborate to ensure that there is adequate minority representation among legislative members and other members of the commission.

3. The commission:

(1) May provide advice on guidelines, policies, and procedures necessary to establish the Missouri Rx plan;

(2) Shall educate Missouri residents on quality prescription drug programs and cost-containment strategies in medication therapy;

(3) Shall assist Missouri residents in enrolling or accessing prescription drug assistance programs for which they are eligible; and

(4) Shall hold quarterly meetings and other meetings as deemed necessary.

4. The members of the commission shall receive no compensation for their service on the commission, but shall be reimbursed for ordinary and necessary expenses incurred in the performance of their duties as a member of the commission.]

[253.375. 1. As a necessary adjunct to the operation and maintenance of this memorial and historic site, as herein provided, there is hereby created a state advisory commission, to be known as "The Thomas Hart Benton Homestead Memorial Commission", to consist of twenty members, ten members to be appointed by the director of the department of natural resources, five members to be appointed by the president pro tem of the senate and five members to be appointed by the speaker of the house. The appointees shall be selected from outstanding individuals, not restricted to citizens

10 of the state, well-known for their interest in and knowledge of
11 Thomas Hart Benton, his life and his work, and in addition thereto,
12 the director of the department of natural resources, the chairman
13 of the Missouri advisory council on historic preservation, which
14 advisory commission, upon original appointment, is hereby
15 empowered to organize itself and to elect its own officers for such
16 term or terms as the commission shall from time to time
17 determine. Any vacancy on the advisory commission shall be filled
18 by the same official who appointed the person who left the
19 commission thus creating such vacancy.

20 2. The commission shall be advisory to the division of state
21 parks and recreation of the department of natural resources on all
22 policy and administrative matters pertaining to planning, operation
23 and maintenance, including museum activities, the employment of
24 curators, staff employees or other persons, as may be needed.

25 3. The members of the commission shall not receive any
26 compensation for their services, but shall be reimbursed for their
27 actual and necessary expenses, excluding travel expenses, incurred
28 within the state of Missouri in the performance of their duties.

29 4. The commission is empowered, in behalf of the state, to
30 accept gifts, contributions, bequests of unrestricted funds, from
31 individuals, foundations, corporations and other organizations or
32 institutions for the furtherance of the objectives and purposes of
33 this memorial.

34 5. The commission may request from any department,
35 division, board, bureau, council, commission or other agency of this
36 state such assistance and data as will enable it to properly carry
37 out its powers and duties hereunder; and the director of the
38 department of natural resources shall make provision for the
39 staffing and servicing of the commission, and providing the
40 necessary funding to carry out its duties, from funds appropriated
41 or otherwise available to that department.]

[260.725. 1. There is hereby created within the department
2 of natural resources the "Low-level Radioactive Waste Compact
3 Advisory Committee". The committee shall consist of one
4 representative of an institution of higher education, one

5 representative of the general public, one representative of industry,
6 one representative of a medical field, one member of the Missouri
7 house of representatives, one member of the Missouri senate and
8 Missouri's member on the midwest low-level radioactive waste
9 compact commission. If Missouri is designated a host state for a
10 regional disposal facility, the advisory committee shall be expanded
11 to include a representative from the host county. Each member
12 shall be appointed by the governor with the advice and consent of
13 the senate, except that the member from the Missouri house of
14 representatives shall be appointed by the speaker of the house and
15 the member from the Missouri senate shall be appointed by the
16 president pro tempore of the senate. Any representative of a host
17 county shall be nominated by the county court of the host county
18 and appointed by the governor. Each member shall serve for a
19 term of four years with the first members' appointments staggered
20 so that all members' terms do not expire simultaneously.

21 2. The advisory committee shall:

22 (1) Act in an advisory capacity to Missouri's member on the
23 commission;

24 (2) Meet as necessary, but at least twice yearly, to review
25 activities of the commission and midwest interstate low-level
26 radioactive waste compact states; and

27 (3) Present recommendations in writing to the governor and
28 the general assembly as requested or as necessary to insure
29 adequate exchange of information.]

[286.200. 1. The "Governor's Committee on Employment of
2 People with Disabilities" will hereafter be known as the "Governor's
3 Council on Disability" and is hereby assigned to the department of
4 labor and industrial relations.

5 2. The council shall consist of a chairperson, twenty
6 members and an executive director.

7 3. The chairperson shall be appointed by the governor with
8 the advice and consent of the senate. The members of the council
9 shall be appointed by the governor. Recruitment and appointment
10 of members to the council shall provide for representation of
11 various ethnic, age, gender and physical and mental disability

12 groups.

13 4. (1) The nine members of the governor's committee on the
14 employment of people with disabilities whose terms of office expire
15 in October of 1995 and the four members of the governor's
16 committee on the employment of people with disabilities whose
17 terms of office expire in October of 1997 shall be deemed members
18 of the council on disability. Of the ten members of the committee
19 on the employment of people with disabilities whose terms of office
20 expired in October of 1993 and any vacancies on the committee on
21 the employment of people with disabilities, only seven shall be
22 appointed to the council;

23 (2) The terms of office for the chairperson and the seven
24 council members first appointed after August 28, 1994, shall be as
25 follows:

26 (a) The term of office for one of the initial new council
27 members shall expire in October of 1995;

28 (b) The terms of office for the chairperson and the other six
29 initial council members shall expire in October of 1997, so that
30 one-half of the members of the council may be chosen every second
31 year.

32 5. The funds necessary for the executive director and such
33 other personnel as necessary shall be appropriated through the
34 department of labor and industrial relations. The executive
35 director shall serve under the supervision of the committee
36 chairman. The executive director shall be exempted from the state
37 merit system.

38 6. All successor members shall be appointed for four-year
39 terms. Vacancies occurring in the membership of the council for
40 any reason shall be filled by appointment by the governor for the
41 unexpired term. Upon expiration of their terms, members of the
42 council shall continue to hold office until the appointment and
43 qualification of their successors. No person shall be appointed for
44 more than two consecutive terms, except that a person appointed
45 to fill a vacancy may serve for two additional successive
46 terms. The governor may remove a member for cause.

47 7. Members of the council shall be chosen to meet the

48 following criteria:

49 (1) The majority of the council shall be comprised of people
50 with disabilities, representing the various disability groups. The
51 remaining positions shall be filled by family members of people
52 with disabilities, persons who represent other disability-related
53 groups, and other advocates. A person considered to have a
54 disability shall meet the federal definition of disability as defined
55 by P.L. 101-336;

56 (2) The council shall include at least one member from each
57 congressional district;

58 (3) Members of the council shall be knowledgeable about
59 disability-related issues and have demonstrated a commitment to
60 full participation of people with disabilities in all aspects of
61 community life.

62 8. The chairperson of the council shall serve without
63 compensation but shall be reimbursed for actual and necessary
64 travel and other expenses incurred in the performance of the duties
65 as chairperson of the council on disability. The members of the
66 council shall serve without compensation but may be reimbursed
67 for their actual and necessary expenses incurred in attending all
68 meetings provided for by sections 286.200 to 286.210.

69 9. The council shall meet at least once each calendar
70 quarter to conduct its business. The executive director shall give
71 written notice by mail to each member of the time and place of each
72 meeting of the council at least ten days before the scheduled date
73 of the meetings, and notice of any special meetings shall state the
74 specific matters to be considered in the special meeting which is
75 not a regular quarterly meeting.

76 10. The chairperson, with the advice and consent of the
77 council, shall appoint an executive director who shall serve as a
78 nonvoting member and executive officer of the council. The
79 executive director shall serve under the supervision of the
80 chairperson of the council. The executive director shall be a person
81 who is knowledgeable about disability-related issues and has
82 demonstrated a commitment to full participation of people with
83 disabilities in all aspects of community life.

84 11. All information, documents, records and contracts of the
85 committee on employment of people with disabilities shall become
86 those of the council on disability.

87 12. The director of each state department shall designate
88 at least one employee who shall act as a liaison with the council.]

 [286.205. The governor's council on disability shall:

2 (1) Act in an advisory capacity to all state agencies and
3 have direct input to all divisions of the office of administration on
4 policies and practices which impact people with disabilities. Input
5 shall include policies and practices affecting personnel, purchasing,
6 design and construction of new facilities, facilities management,
7 budget and planning and general services. In the administration
8 of its duties, the governor's council on disability in cooperation with
9 the office of administration shall offer technical assistance to help
10 all departments, divisions and branches of state government
11 comply with applicable state and federal law regarding persons
12 with disabilities;

13 (2) Work and cooperate with other state commissions,
14 councils or committees pertaining to disabilities and other national,
15 state and local entities to create public policies and encourage
16 system changes which eliminate barriers to people with disabilities;

17 (3) Advocate for public policies and practices which:

18 (a) Promote employment of people with disabilities;

19 (b) Expand opportunities in all aspects of life; and

20 (c) Promote awareness of and compliance with various
21 federal, state and local laws dealing with disabilities;

22 (4) Gather input from disability-related organizations and
23 the public on disability-related issues and report the results of this
24 information in council reports to the governor;

25 (5) Accept grants, private gifts, and bequests, to be used to
26 achieve the purposes of sections 286.200 to 286.210;

27 (6) Promulgate those bylaws necessary for the efficient
28 operation of the council;

29 (7) Prepare an annual report to be presented to the
30 governor not later than January first of each year.]

 [286.210. The governor's council on disability may receive

2 funds and property by gift, devise, bequest or otherwise and may
3 solicit funds to be used in carrying out the purposes of sections
4 286.200 to 286.210.]

[302.136. The director shall by regulation establish the
2 "Motorcycle Safety Program Advisory Committee" to assist in the
3 development and implementation of the program. The committee
4 shall consist of seven members and shall include members
5 representing the motoring public, motorcycle dealerships,
6 motorcycle instructors, law enforcement agencies, the motorcycle
7 safety education program, and the department of public
8 safety. Beginning on August 28, 1999, the governor shall appoint
9 the members of the committee for terms of three years; except
10 those first appointed by the governor, two shall be for terms of one
11 year, two shall be for terms of two years and three shall be for
12 terms of three years. The committee shall appoint a chairman and
13 meet at least two times per year. Members shall serve without
14 compensation, but may be reimbursed for their reasonable expenses
15 incurred in the performance of their duties.]

[369.304. The procedure in all hearings before the director
2 of the division of finance shall be governed by, and conducted
3 under, the provisions of chapter 536, RSMo. The director may
4 grant a hearing on any matter but shall be required to do so only
5 where so directed in sections 369.010 to 369.369. Unless otherwise
6 specifically provided by sections 369.010 to 369.369, any person
7 who deems himself or herself aggrieved by any decision, order, or
8 action of the director may appeal such decision and may receive a
9 hearing before the state savings and loan commission as provided
10 in section 369.319. All decisions of the director shall be final if not
11 appealed to the commission as provided in section 369.319.]

[369.309. 1. There is created in the division of finance a
2 "State Savings and Loan Commission" which shall have such
3 powers and duties as are now or hereafter conferred upon it by law.

4 2. The commission shall consist of five members who shall
5 be appointed by the governor. They shall be residents of this state,
6 and one of them shall be a member of the Missouri Bar in good
7 standing. The other members of the commission shall each have

8 had at least five years' experience in this state as an officer or
9 director of one or more associations. Not more than three members
10 of the commission shall be members of the same political party.

11 3. The term of office of each member of the commission
12 shall be six years. Members shall serve until their successors are
13 duly appointed and have qualified. Each member of the state
14 savings and loan commission shall serve for the remainder of the
15 term for which the member was appointed to the commission. The
16 commission shall select its own chairman and secretary. Vacancies
17 in the commission shall be filled for the unexpired term in the
18 same manner as in the case of an original appointment.

19 4. The members of the commission shall receive as
20 compensation the sum of fifty dollars per day while discharging
21 their duties, and they shall be reimbursed for their actual and
22 necessary expenses incurred in the performance of their duties.

23 5. A majority of the members of the commission shall
24 constitute a quorum and the decision of a majority of a quorum
25 shall be the decision of the commission. The commission shall
26 meet upon call of its chairman, or of the director of the division of
27 finance, or of any two members of the commission, and may meet
28 at any place in this state.]

[369.319. An appeal shall be perfected by filing with the
2 director of the division of finance within fifteen days after notice of
3 the director's decision is mailed, a notice of appeal stating the
4 name of the appealing party and the order or decision appealed
5 from. The director shall mail copies thereof to all interested
6 parties. Upon any such hearing the transcript of the proceedings
7 before the director or, if the decision appealed from was made
8 without a hearing, all writings used or considered by the director
9 in making such decision, shall be considered by the commission and
10 the commission may take evidence, the taking of such evidence to
11 be limited to newly discovered evidence in those appeals in which
12 there was a hearing before the director and to be governed by the
13 provisions of chapter 536, RSMo. The review by the commission
14 shall be similar to that provided in appeals in equity cases in the
15 courts of this state. Decisions shall be made as provided in chapter

16 536, RSMo. The costs on appeal shall include the per diem
17 compensation of the members of the commission and all such costs
18 may be assessed against parties other than the director as may be
19 determined by the commission. At least fifteen days' notice of the
20 hearing shall be given to all persons interested in the matter
21 appealed from and to the director.]

[622.055. 1. A "Transportation Development Commission"
2 is hereby established. It shall consist of five senators appointed by
3 the president pro tem of the senate, five representatives appointed
4 by the speaker of the house of representatives, and five persons,
5 not less than one of whom shall be an intrastate certificated
6 carrier, not less than one of whom shall be associated with a
7 railroad industry, and not less than one of whom shall be a
8 shipper, appointed by the director of the department of economic
9 development.

10 2. The commission shall meet and organize by electing one
11 legislative member as chairman and another legislative member as
12 vice chairman. The commission shall meet as often as necessary
13 to carry out its duties at such places as may be convenient for this
14 purpose.

15 3. Members shall not receive any compensation for the
16 performance of their duties, but all shall be reimbursed for actual
17 and necessary expenses incurred in the performance of those
18 duties, the legislative members from the contingent funds of their
19 respective houses, and the public members from funds appropriated
20 to the department of economic development.]

[622.057. The transportation development commission shall
2 study the implementation of the provisions of sections 622.010 to
3 622.059 and section 680.307, RSMo, and shall make
4 recommendations therefor to the motor carrier and railroad safety
5 division and the department director. It shall also consider any
6 other appropriate matter relating to the operation of the motor
7 carrier and railroad safety division and the development and
8 regulation of transportation activities within this state. It shall
9 consider the need for new or changed laws or regulations relating
10 to the development and regulation of transportation activities, and

11 shall from time to time make recommendations to the governor and
12 the general assembly in connection therewith to the end that the
13 development of transportation entities and facilities will enhance
14 the economic development of the state.]

[630.910. 1. There is hereby created within the department
2 of mental health the "Suicide Prevention Advisory Committee" to
3 be comprised of the following eighteen members:

4 (1) Six representatives from each of the following state
5 departments: mental health, health and senior services, social
6 services, elementary and secondary education, corrections, and
7 higher education;

8 (2) Ten citizen members representing suicide survivors, the
9 criminal justice system, the business community, clergy, schools,
10 youth, mental health professionals, health care providers, nonprofit
11 organizations, and a researcher to be appointed by the governor;

12 (3) One member from the house of representatives to be
13 appointed by the speaker of the house of representatives; and

14 (4) One member of the senate to be appointed by the
15 president pro tem of the senate.

16 2. The initial appointments to the advisory committee shall
17 be made by October 1, 2005. The initial ten members appointed
18 under subdivision (2) of subsection 1 of this section shall be
19 appointed as follows: four members shall be appointed for a
20 four-year term, three members shall be appointed for a three-year
21 term, and three members shall be appointed for a two-year term.

22 3. The first meeting of the advisory committee shall be
23 scheduled by the director of the department of mental health and
24 held on or before December 1, 2005. The committee shall meet at
25 least quarterly thereafter. The director of the department of
26 mental health, or the director's designee, shall be the chair of the
27 advisory committee. Each of the departments listed in subdivision
28 (1) of subsection 1 of this section shall provide staff and technical
29 support for the advisory committee.

30 4. The advisory committee shall:

31 (1) Provide oversight, technical support, and outcome
32 promotion for prevention activities;

33 (2) Develop annual goals and objectives for ongoing suicide
34 prevention efforts;

35 (3) Make information on prevention and mental health
36 intervention models available to community groups implementing
37 suicide prevention programs;

38 (4) Promote the use of outcome methods that will allow
39 comparison and evaluation of the efficacy, effectiveness, cultural
40 competence, and cost-effectiveness of plan-supported interventions,
41 including making specific recording and monitoring instruments
42 available for plan-supported projects;

43 (5) Review and recommend changes to existing or proposed
44 statutes, rules, and policies to prevent suicides; and

45 (6) Coordinate and issue a biannual report on suicide and
46 suicidal behaviors in the state using information drawn from
47 federal, state, and local sources.

48 5. Members of the committee shall serve without
49 compensation but the ten citizen members may be reimbursed for
50 any actual expenses incurred in the performance of their duties as
51 members of the advisory committee.]

 [701.302. 1. There is hereby established the "Advisory
2 Committee on Lead Poisoning". The members of the committee
3 shall consist of twenty-seven persons who shall be appointed by the
4 governor with the advice and consent of the senate, except as
5 otherwise provided in this subsection. At least five of the members
6 of the committee shall be African-Americans or representatives of
7 other minority groups disproportionately affected by lead
8 poisoning. The members of the committee shall include:

9 (1) The director of the department of health and senior
10 services or the director's designee, who shall serve as an ex officio
11 member;

12 (2) The director of the department of economic development
13 or the director's designee, who shall serve as an ex officio member;

14 (3) The director of the department of natural resources or
15 the director's designee, who shall serve as an ex officio member;

16 (4) The director of the department of social services or the
17 director's designee, who shall serve as an ex officio member;

18 (5) The director of the department of labor and industrial
19 relations or the director's designee, who shall serve as an ex officio
20 member;

21 (6) One member of the senate, appointed by the president
22 pro tempore of the senate, and one member of the house of
23 representatives, appointed by the speaker of the house of
24 representatives;

25 (7) A representative of the office of the attorney general,
26 who shall serve as an ex officio member;

27 (8) A member of a city council, county commission or other
28 local governmental entity;

29 (9) A representative of a community housing organization;

30 (10) A representative of property owners;

31 (11) A representative of the real estate industry;

32 (12) One representative of an appropriate public interest
33 organization and one representative of a local public health agency
34 promoting environmental health and advocating protection of
35 children's health;

36 (13) A representative of the lead industry;

37 (14) A representative of the insurance industry;

38 (15) A representative of the banking industry;

39 (16) A parent of a currently or previously lead-poisoned
40 child;

41 (17) A representative of the school boards association or an
42 employee of the department of elementary and secondary
43 education, selected by the commissioner of elementary and
44 secondary education;

45 (18) Two representatives of the lead abatement industry,
46 including one licensed lead abatement contractor and one licensed
47 lead abatement worker;

48 (19) A physician licensed under chapter 334, RSMo;

49 (20) A representative of a lead testing laboratory;

50 (21) A lead inspector or risk assessor;

51 (22) The chief engineer of the department of transportation
52 or the chief engineer's designee, who shall serve as an ex officio
53 member;

54 (23) A representative of a regulated industrial business;
55 and

56 (24) A representative of a business organization.

57 2. The committee shall make recommendations relating to
58 actions to:

59 (1) Eradicate childhood lead poisoning by the year 2012;

60 (2) Screen children for lead poisoning;

61 (3) Treat and medically manage lead-poisoned children;

62 (4) Prevent lead poisoning in children;

63 (5) Maintain and increase laboratory capacity for lead
64 assessments and screening, and a quality control program for
65 laboratories;

66 (6) Abate lead problems after discovery;

67 (7) Identify additional resources, either through a tax or fee
68 structure, to implement programs necessary to address lead
69 poisoning problems and issues;

70 (8) Provide an educational program on lead poisoning for
71 the general public and health care providers;

72 (9) Determine procedures for the removal and disposal of all
73 lead contaminated waste in accordance with the Toxic Substances
74 Control Act, as amended, 42 U.S.C. 2681, et seq., solid waste and
75 hazardous waste statutes, and any other applicable federal and
76 state statutes and regulations.

77 3. The committee members shall receive no compensation
78 but shall, subject to appropriations, be reimbursed for actual and
79 necessary expenses incurred in the performance of their duties. All
80 public members and local officials shall serve for a term of two
81 years and until their successors are selected and qualified, and
82 other members shall serve for as long as they hold the office or
83 position from which they were appointed.

84 4. No later than December fifteenth of each year, the
85 committee shall provide a written annual report of its
86 recommendations for actions as required pursuant to subsection 2
87 of this section to the governor and general assembly, including any
88 legislation proposed by the committee to implement the
89 recommendations.

90 5. The committee shall submit records of its meetings to the
91 secretary of the senate and the chief clerk of the house of
92 representatives in accordance with sections 610.020 and 610.023,
93 RSMo.]

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