

SECOND REGULAR SESSION

SENATE BILL NO. 645

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SHIELDS.

Pre-filed December 1, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

3167S.011

AN ACT

To repeal sections 8.900, 21.475, 21.780, 32.250, 32.260, 162.1060, 166.203, 170.250, 208.275, 253.375, 260.370, 260.725, 320.094, 622.055, and 622.057, RSMo, and to enact in lieu thereof seven new sections relating to the repeal and reduction of certain committees and commissions, with an expiration date for certain sections.

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

Section A. Sections 8.900, 21.475, 21.780, 32.250, 32.260, 162.1060, 166.203, 170.250, 208.275, 253.375, 260.370, 260.725, 320.094, 622.055, and 622.057, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 8.900, 162.1060, 166.203, 170.250, 208.275, 260.370, and 320.094, to read as follows:

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

2. There is hereby established in the state treasury the "Workers

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

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.

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, 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.

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.**

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.]

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
40 members appointed by the governor with the advice and consent of the
41 senate. [Any member appointed due to such person's membership in the senate
42 or house of representatives shall serve only as long as such person holds the office
43 referenced in this section.] The state treasurer shall invest moneys in the fund
44 in a manner as provided by law. Subject to appropriations, moneys in the fund

45 shall be used solely for the purposes described in this section, but such
46 appropriations shall be made only if the board recommends to the general
47 assembly that such moneys are needed in that fiscal year to adequately fund the
48 activities described in this section. Moneys shall accumulate in the trust fund
49 until the earnings from investment of moneys in the fund can adequately support
50 the activities described in this section, as determined by the board. At such time,
51 the board may recommend that the general assembly adjust or eliminate the
52 funding mechanism described in this section. Notwithstanding the provisions of
53 section 33.080, RSMo, to the contrary, moneys in the Missouri fire education trust
54 fund at the end of any biennium shall not be transferred to the credit of the
55 general revenue fund.

56 4. The moneys in the fire education fund, after any distribution pursuant
57 to subsection 3 of this section, shall be appropriated to the division of fire safety
58 to coordinate education needs in cooperation with community colleges, colleges,
59 regional training facilities, fire and emergency services training entities and
60 universities of this state and shall provide training and continuing education to
61 firefighters in this state relating to fire department operations and the personal
62 safety of firefighters while performing fire department activities. Programs and
63 activities funded under this subsection must be approved by the Missouri fire
64 education commission established in subsection 5 of this section. These funds
65 shall primarily be used to provide field education throughout the state, with not
66 more than two percent of funds under this subsection expended on administrative
67 costs.

68 5. There is established the "Missouri Fire Education Commission", to be
69 domiciled in the division of fire safety within the department of public
70 safety. The commission shall be composed of five members appointed by the
71 governor with the advice and consent of the senate, consisting of one firefighter
72 serving as a volunteer of a volunteer fire protection association, one full-time
73 firefighter employed by a recognized fire department or fire protection district,
74 one firefighter training officer, one person serving as the chief of a volunteer fire
75 protection association, and one chief fire officer from a recognized fire department
76 or fire protection district. No more than three members appointed by the
77 governor shall be of the same political party. The terms of office for the members
78 appointed by the governor shall be four years and until their successors are
79 selected and qualified, except that, of those first appointed, two shall have a term
80 of four years, two shall have a term of three years and one shall have a term of

81 two years. There is no limitation on the number of terms an appointed member
82 may serve. The governor may appoint a member for the remaining portion of the
83 unexpired term created by a vacancy. The governor may remove any appointed
84 member for cause. The members shall at their initial meeting select a chair. All
85 members of the commission shall serve without compensation for their duties, but
86 shall be reimbursed for necessary travel and other expenses incurred in the
87 performance of their official duties. The commission shall meet at least quarterly
88 at the call of the chair and shall review and determine appropriate programs and
89 activities for which funds may be expended under subsection 4 of this section.

2 [21.475. 1. Because wetlands are a vital natural resource
3 and wetland conversion is of vital interest to Missouri farmers,
4 conservationists, and landowners, for oversight of various activities
5 of the department of natural resources and other agencies, the
6 senate and the house of representatives shall establish a "Joint
7 Committee on Wetlands", composed of five members of the senate,
8 appointed by the president pro tem of the senate, and five members
9 of the house of representatives, appointed by the speaker of the
10 house. Not more than three members appointed by the president
11 pro tem and not more than three members appointed by the
12 speaker of the house shall be from the same political party. Any
13 state department or agency except the department of conservation
14 and the department of transportation shall obtain the approval of
15 the joint committee on wetlands prior to entering into a contract
16 with any entity of the government or any private entity to conduct
17 any activity relating to the definition, preservation or restoration
18 of wetlands. Each department, division and agency of state
19 government shall provide any information relating to the state's
20 wetlands to the joint committee on wetlands upon request of the
21 committee.

22 2. The committee may hold hearings and conduct
23 investigations within the state as it deems advisable, and the
24 members shall receive no additional compensation, other than
25 reimbursement for their actual and necessary expenses incurred in
26 the performance of their duties. The staff of the committee on
27 legislative research, house research, and senate research shall
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 [32.250. There is hereby established the "Multistate Tax
3 Compact Advisory Committee" composed of the member of the
4 multistate tax commission representing this state, any alternate
5 designated by him, the attorney general or his designee, and two
6 members of the senate, appointed by the president pro tem thereof
7 and two members of the house of representatives, appointed by the
8 speaker thereof. The chairman shall be the member of the
9 commission representing this state. The committee shall meet on
10 the call of its chairman or at the request of a majority of its
11 members, but in any event it shall meet not less than three times
12 in each year. The committee may consider any and all matters
13 relating to recommendations of the multistate tax commission and
the activities of the members in representing this state thereon.]

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

2 [253.375. 1. As a necessary adjunct to the operation and
3 maintenance of this memorial and historic site, as herein provided,
4 there is hereby created a state advisory commission, to be known
5 as "The Thomas Hart Benton Homestead Memorial Commission",
6 to consist of twenty members, ten members to be appointed by the
7 director of the department of natural resources, five members to be
8 appointed by the president pro tem of the senate and five members
9 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.]

2 [260.725. 1. There is hereby created within the department
3 of natural resources the "Low-level Radioactive Waste Compact
4 Advisory Committee". The committee shall consist of one
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.]

[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.]

2 [622.057. The transportation development commission shall
3 study the implementation of the provisions of sections 622.010 to
4 622.059 and section 680.307, RSMo, and shall make
5 recommendations therefor to the motor carrier and railroad safety
6 division and the department director. It shall also consider any
7 other appropriate matter relating to the operation of the motor
8 carrier and railroad safety division and the development and
9 regulation of transportation activities within this state. It shall
10 consider the need for new or changed laws or regulations relating
11 to the development and regulation of transportation activities, and
12 shall from time to time make recommendations to the governor and
13 the general assembly in connection therewith to the end that the
14 development of transportation entities and facilities will enhance
the economic development of the state.]

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