

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 516
96TH GENERAL ASSEMBLY

Reported from the Committee on Gubernatorial Appointments, March 22, 2012, with recommendation that the Senate Committee Substitute do pass.

4332S.04C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 33.752, 37.735, 41.1010, 67.601, 70.605, 104.450, 105.463, 160.905, 161.400, 191.853, 263.523, 288.475, 301.3087, 443.816, 536.305, 558.019, 620.1200, 643.173, 650.350, and 650.457, RSMo, and to enact in lieu thereof twenty-seven new sections relating to gubernatorial appointments.

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

Section A. Sections 33.752, 37.735, 41.1010, 67.601, 70.605, 104.450, 105.463, 160.905, 161.400, 191.853, 263.523, 288.475, 301.3087, 443.816, 536.305, 558.019, 620.1200, 643.173, 650.350, and 650.457, RSMo, are repealed and twenty-seven new sections enacted in lieu thereof, to be known as sections 26.302, 26.303, 33.752, 37.735, 41.1010, 67.601, 68.118, 70.605, 104.450, 105.463, 160.905, 160.2005, 161.400, 173.325, 191.853, 263.523, 288.475, 301.3087, 443.816, 536.305, 558.019, 589.510, 620.1200, 643.173, 650.350, 650.457, and 680.205, to read as follows:

26.302. The governor shall give electronic notice to the general assembly at least thirty days before the term ends for an appointed member of any board, commission, or committee that is subject to the advice and consent of the senate.

26.303. For any prospective member of a board or commission appointed by the governor where the appointment by state law requires a recommendation from an organization or association to the governor, such organization or association shall send a written letter of recommendation to the governor prior to the prospective member being appointed to such board or commission. No employee, or person on

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

7 **behalf of an employee, of the executive branch of the state of Missouri,**
8 **or any agency thereof, shall request or otherwise require that an**
9 **organization or association recommend a specific individual for**
10 **membership on such board or commission.**

33.752. 1. There is hereby established the "Missouri Minority Business
2 Advocacy Commission". The commission shall consist of nine members:

3 (1) The director of the department of economic development;
4 (2) The commissioner of the office of administration;
5 (3) Three minority business persons, appointed by the governor **with the**
6 **advice and consent of the senate**, one of whom shall be designated chairman
7 of the commission;

8 (4) Two members of the house of representatives appointed by the speaker
9 of the house of representatives;

10 (5) Two members of the senate appointed by the president pro tempore of
11 the senate. No more than two of the three members appointed by the governor
12 may be of the same political party. Appointed members of the commission shall
13 serve four-year terms, except that of the initial appointments made by the
14 governor, one shall be for a two-year term, one shall be for a three-year term and
15 one shall be for a four-year term. A vacancy occurs if a legislative member leaves
16 office for any reason. Any vacancy on the commission shall be filled in the same
17 manner as the original appointment.

18 2. The department of economic development and the office of
19 administration shall develop a plan to increase procurements from minority
20 businesses by all state departments and submit that plan to the governor by July,
21 1994.

22 3. Each member appointed by the governor shall receive as compensation
23 a per diem of up to thirty-five dollars for each day devoted to the affairs of the
24 commission and be reimbursed for his actual and necessary expenses incurred in
25 the discharge of his official duties.

26 4. Each legislative member of the commission is entitled to receive the
27 same per diem, mileage, and travel allowances paid to members of the general
28 assembly serving on interim committees. The allowances specified in this
29 subsection shall be paid from the amounts appropriated for that purpose.

30 5. The commission shall meet at least three times each year and at other
31 times as the chairman deems necessary.

32 6. The duties of the commission shall include, but not be limited to, the

33 following:

- 34 (1) Identify minority businesses in the state;
- 35 (2) Assess the needs of minority businesses;
- 36 (3) Initiate aggressive programs to assist minority businesses in obtaining
37 state contracts and federal agency procurements;
- 38 (4) Give special publicity to procurement, bidding, and qualifying
39 procedures;
- 40 (5) Include minority businesses on solicitation mailing lists;
- 41 (6) Make recommendations regarding policies, programs and procedures
42 to be implemented by the commissioner of the office of administration;
- 43 (7) Prepare and maintain timely data on minority business qualified to
44 bid on state and federal procurement projects;
- 45 (8) Prepare a review of the commission and the various affected
46 departments of government to be submitted to the governor and the general
47 assembly on March first and October first of each year, evaluating progress made
48 in the areas defined in this subsection;
- 49 (9) Provide a focal point and assist and counsel minority small businesses
50 in their dealings with federal, state and local governments regarding the
51 obtaining of business licenses and permits, including, but not limited to,
52 providing ready access to information regarding government requirements which
53 affect minority small business;
- 54 (10) Analyze current legislation and regulation as it affects minority
55 business for the purpose of determining methods of elimination or simplification
56 of unnecessary regulatory requirements;
- 57 (11) Assist minority businesses in obtaining available technical and
58 financial assistance;
- 59 (12) Initiate and encourage minority business education programs,
60 including programs in cooperation with various public and private educational
61 institutions;
- 62 (13) Receive complaints and recommendations concerning policies and
63 activities of federal, state and local governmental agencies which affect minority
64 small businesses, and develop, in cooperation with the agency involved, proposals
65 for changes in policies or activities to alleviate any unnecessary adverse effects
66 to minority small business.

67 7. The department of economic development shall furnish administrative
68 support and staff for the effective operation of the commission.

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

3 2. The council shall consist of a chairperson, twenty members, and an
4 executive director.

5 3. The chairperson **and members of the council** shall be appointed by
6 the governor with the advice and consent of the senate. [The members of the
7 council shall be appointed by the governor.] Recruitment and appointment of
8 members to the council shall provide for representation of various ethnic, age,
9 gender, and physical and mental disability groups.

10 4. The funds necessary for the executive director and such other personnel
11 as necessary shall be appropriated through the office of administration. The
12 executive director shall serve under the supervision of the committee
13 chairman. The executive director shall be exempted from the state merit system.

14 5. All members shall be appointed for four-year terms. Vacancies
15 occurring in the membership of the council for any reason shall be filled by
16 appointment by the governor for the unexpired term. Upon expiration of their
17 terms, members of the council shall continue to hold office until the appointment
18 and qualification of their successors. No person shall be appointed for more than
19 two consecutive terms, except that a person appointed to fill a vacancy may serve
20 for two additional successive terms. The governor may remove a member for
21 cause.

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

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

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

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

34 7. The chairperson of the council shall serve without compensation but
35 shall be reimbursed for actual and necessary travel and other expenses incurred
36 in the performance of the duties as chairperson of the council on disability. The

37 members of the council shall serve without compensation but may be reimbursed
38 for their actual and necessary expenses incurred in attending all meetings
39 provided for by sections 37.735 to 37.745.

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

46 9. The chairperson, with the advice and consent of the council, shall
47 appoint an executive director who shall serve as a nonvoting member and
48 executive officer of the council. The executive director shall serve under the
49 supervision of the chairperson of the council. The executive director shall be a
50 person who is knowledgeable about disability-related issues and has
51 demonstrated a commitment to full participation of people with disabilities in all
52 aspects of community life.

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

41.1010. 1. There is hereby established the "Missouri Military
2 Preparedness and Enhancement Commission". The commission shall have as its
3 purpose the design and implementation of measures intended to protect, retain,
4 and enhance the present and future mission capabilities at the military posts or
5 bases within the state. The commission shall consist of nine members:

6 (1) Five members to be appointed by the governor **with the advice and**
7 **consent of the senate;**

8 (2) Two members of the house of representatives, one appointed by the
9 speaker of the house of representatives, and one appointed by the minority floor
10 leader;

11 (3) Two members of the senate, one appointed by the president pro
12 tempore, and one appointed by the minority floor leader;

13 (4) The director of the department of economic development or the
14 director's designee, ex officio;

15 (5) The chairman of the Missouri veterans' commission or the chairman's
16 designee, ex officio. No more than three of the five members appointed by the
17 governor shall be of the same political party. To be eligible for appointment by
18 the governor, a person shall have demonstrated experience in economic

19 development, the defense industry, military installation operation, environmental
20 issues, finance, local government, or the use of air space for future military
21 missions. Appointed members of the commission shall serve three-year terms,
22 except that of the initial appointments made by the governor, two shall be for
23 one-year terms, two shall be for two-year terms, and one shall be for a three-year
24 term. No appointed member of the commission shall serve more than six years
25 total. A vacancy occurs if a legislative member leaves office for any reason. Any
26 vacancy on the commission shall be filled in the same manner as the original
27 appointment.

28 2. Members of the commission shall be reimbursed for the actual and
29 necessary expenses incurred in the discharge of the member's official duties.

30 3. A chair of the commission shall be selected by the members of the
31 commission.

32 4. The commission shall meet at least quarterly and at such other times
33 as the chair deems necessary.

34 5. The commission shall be funded by an appropriation limited to that
35 purpose. Any expenditure constituting more than ten percent of the commission's
36 annual appropriation shall be based on a competitive bid process.

37 6. The commission shall:

38 (1) Advise the governor and the general assembly on military issues and
39 economic and industrial development related to military issues;

40 (2) Make recommendations regarding:

41 (a) Developing policies and plans to support the long-term viability and
42 prosperity of the military, active and retiree, and civilian military employees, in
43 this state, including promoting strategic regional alliances that may extend over
44 state lines;

45 (b) Developing methods to improve private and public employment
46 opportunities for former members of the military and their families residing in
47 this state; and

48 (c) Developing methods to assist defense-dependent communities in the
49 design and execution of programs that enhance a community's relationship with
50 military installations and defense-related businesses;

51 (3) Provide information to communities, the general assembly, the state's
52 congressional delegation, and state agencies regarding federal actions affecting
53 military installations and missions;

54 (4) Serve as a clearinghouse for:

55 (a) Defense economic adjustment and transition information and
56 activities; and

57 (b) Information concerning the following:

58 a. Issues related to the operating costs, missions, and strategic value of
59 federal military installations located in the state;

60 b. Employment issues for communities that depend on defense bases and
61 in defense-related businesses; and

62 c. Defense strategies and incentive programs that other states are using
63 to maintain, expand, and attract new defense contractors;

64 (5) Provide assistance to communities that have experienced a
65 defense-related closure or realignment;

66 (6) Assist communities in the design and execution of programs that
67 enhance a community's relationship with military installations and
68 defense-related businesses, including regional alliances that may extend over
69 state lines;

70 (7) Assist communities in the retention and recruiting of defense-related
71 businesses, including fostering strategic regional alliances that may extend over
72 state lines;

73 (8) Prepare a biennial strategic plan that:

74 (a) Fosters the enhancement of military value of the contributions of
75 Missouri military installations to national defense strategies;

76 (b) Considers all current and anticipated base realignment and closure
77 criteria; and

78 (c) Develops strategies to protect the state's existing military missions and
79 positions the state to be competitive for new and expanded military missions;

80 (9) Encourage economic development in this state by fostering the
81 development of industries related to defense affairs.

82 7. The commission shall prepare and present an annual report to the
83 governor and the general assembly by December thirty-first of each year.

84 8. The department of economic development shall furnish administrative
85 support and staff for the effective operation of the commission.

67.601. 1. In each constitutional charter city not within a county and
2 each constitutional charter county adjoining such city there is hereby established
3 a "Regional Convention and Visitors Commission", to consist of eleven members,
4 five of whom shall be appointed by the chief executive of the city and six of whom
5 shall be appointed by the chief executive of the county. Of the members so

6 appointed, two members appointed by the county executive and only two members
7 and one member appointed by the city executive and only one member shall be
8 representatives of the hotel and motel industry, one member appointed by the city
9 executive shall be a representative of the restaurant industry, and one member
10 appointed by the city executive shall be a representative from a major tourist
11 attraction. Of the members first appointed, two members and only two members
12 appointed by the city executive and two members appointed by the county
13 executive shall be appointed for a term of three years, two members appointed by
14 the city executive and two members appointed by the county executive shall be
15 appointed for a term of two years, and one member appointed by the city
16 executive and two members appointed by the county executive shall be appointed
17 for a term of one year. Thereafter, each member appointed shall serve a four-year
18 term. The chief executive of the city and the chief executive of the county shall
19 designate, in alternate years, one of the members appointed by him to be
20 chairman. All members shall serve without compensation. Any vacancy shall be
21 filled by the respective chief executive officer. The commission shall elect its own
22 treasurer, secretary and such other officers as it deems necessary and expedient,
23 and it may make such rules, regulations, and bylaws consistent with sections
24 67.601 to 67.626 to effectuate its purposes as it deems necessary.

25 2. Any provision of subsection 1 of this section to the contrary
26 notwithstanding, the terms of all members of the regional convention and visitors
27 commission established by subsection 1 of this section shall terminate August 28,
28 1991. Thereafter, such regional convention and visitors commission shall consist
29 of eleven members, five of whom shall be appointed by the chief executive of the
30 city with the approval of the governing body of the city, five of whom shall be
31 appointed by the chief executive of the county, and one of whom shall be
32 appointed by the governor **with the advice and consent of the senate**, from
33 a panel of three nominees submitted jointly by the city executive and the county
34 executive and who shall serve as chairman. Of the members so appointed not less
35 than three members appointed by the county executive and not less than three
36 members appointed by the city executive shall be individuals actively engaged in
37 the hotel and motel industry and one member appointed by the city executive
38 shall be a representative of the restaurant industry. Of the members first
39 appointed, two members appointed by the city executive and two members
40 appointed by the county executive shall be appointed for a term of three years,
41 two members appointed by the city executive and two members appointed by the

42 county executive shall be appointed for a term of two years, and one member
43 appointed by the city executive and one member appointed by the county
44 executive shall be appointed for a term of one year. Thereafter, each member
45 appointed by the city executive or the county executive shall serve a four-year
46 term. The member appointed by the governor shall serve a two-year term. All
47 members shall serve without compensation. Any vacancy shall be filled by the
48 respective chief executive officer. The commission shall elect its own treasurer,
49 secretary and such other officers as it deems necessary and expedient, and it may
50 make such rules, regulations and bylaws consistent with sections 67.601 to 67.626
51 to effectuate its purposes as it deems necessary.

52 3. In the event the state of Missouri or the city or the county fails to make
53 any appropriation or to pay any rents, fees or charges provided in any lease
54 among the regional convention and sports complex authority established by
55 section 67.650 and the state of Missouri, the city and the county, of a facility of
56 such authority with respect to which the regional convention and visitors
57 commission has contracted to provide operations or management services, the
58 member of the regional convention and visitors commission appointed by the
59 governor, if the state of Missouri has failed to make such appropriation or to pay
60 such rents, fees or charges, and the members of such commission appointed by
61 the chief executive of the city or county, if the city or county, as applicable, has
62 failed to make such appropriation or to pay such rents, fees or charges, shall be
63 disqualified from voting on any matter, action or resolution to come before such
64 commission, and from participating in any of the business of such commission, so
65 long as any such failure continues. If less than a majority of the members then
66 appointed are thereby qualified to vote, the members that remain qualified to
67 vote shall constitute a quorum and any action of the commission which is
68 approved by a majority of such qualified members shall be binding upon the
69 commission.

**68.118. Appointment of members to the Mid-America port
2 commission by the governor shall be made with the advice and consent
3 of the senate.**

70.605. 1. For the purpose of providing for the retirement or pensioning
2 of the officers and employees and the widows and children of deceased officers
3 and employees of any political subdivision of the state, there is hereby created
4 and established a retirement system which shall be a body corporate, which shall
5 be under the management of a board of trustees herein described, and shall be

6 known as the "Missouri Local Government Employees' Retirement System". Such
7 system may sue and be sued, transact business, invest funds, and hold cash,
8 securities, and other property. All suits or proceedings directly or indirectly
9 against the system shall be brought in Cole County. The system shall begin
10 operations on the first day of the calendar month next following sixty days after
11 the date the board of trustees has received certification from ten political
12 subdivisions that they have elected to become employers.

13 2. The general administration and the responsibility for the proper
14 operation of the system is vested in a board of trustees of seven persons: three
15 persons to be elected as trustees by the members of the system; three persons to
16 be elected trustees by the governing bodies of employers; and one person, to be
17 appointed by the governor **with the advice and consent of the senate**, who
18 is not a member, retirant, or beneficiary of the system and who is not a member
19 of the governing body of any political subdivision.

20 3. Trustees shall be chosen for terms of four years from the first day of
21 January next following their election or appointment, except that of the first
22 board shall all be appointed by the governor by and with the consent of the
23 senate, as follows:

24 (1) Three persons who are officers or officials of political subdivisions, one
25 for a term of three years, one for a term of two years, and one for a term of one
26 year; and

27 (2) Three persons who are employees of political subdivisions and who
28 would, if the subdivision by which they are employed becomes an employer, be
29 eligible as members, one for a term of three years, one for a term of two years,
30 and one for a term of one year; and

31 (3) That person appointed by the governor under the provisions of
32 subsection 2 of this section. All the members of the first board shall take office
33 as soon as appointed by the governor, but their terms shall be computed from the
34 first day of January next following their appointment, and only one member may
35 be from any political subdivision or be a policeman or fireman.

36 4. Successor trustees elected or appointed as member trustees shall be
37 members of the retirement system; provided, that not more than one member
38 trustee shall be employed by any one employer, and not more than one member
39 trustee shall be a policeman, and not more than one member trustee shall be a
40 fireman.

41 5. Successor trustees elected as employer trustees shall be elected or

42 appointed officials of employers and shall not be members of the retirement
43 system; provided, that not more than one employer trustee shall be from any one
44 employer.

45 6. An annual meeting of the retirement system shall be called by the
46 board in the last calendar quarter of each year in Jefferson City, or at such place
47 as the board shall determine, for the purpose of electing trustees and to transact
48 such other business as may be required for the proper operation of the
49 system. Notice of such meeting shall be sent by registered mail to the clerk or
50 secretary of each employer not less than thirty days prior to the date of such
51 meeting. The governing body of each employer shall certify to the board the name
52 of one delegate who shall be an officer of the employer, and the members of the
53 employer shall certify to the board a member of the employer to represent such
54 employer at such meeting. The delegate certified as member delegate shall be
55 elected by secret ballot by the members of such employer, and the clerk or
56 secretary of each employer shall be charged with the duty of conducting such
57 election in a manner which will permit each member to vote in such
58 election. Under such rules and regulations as the board shall adopt, approved by
59 the delegates, the member delegates shall elect a member trustee for each such
60 position on the board to be filled, and the officer delegates shall elect an employer
61 trustee for each such position on the board to be filled.

62 7. In the event any member trustee ceases to be a member of the
63 retirement system, or any employer trustee ceases to be an appointed or elected
64 official of an employer, or becomes a member of the retirement system, or if the
65 trustee appointed by the governor becomes a member of the retirement system or
66 an elected or appointed official of a political subdivision, or if any trustee fails to
67 attend three consecutive meetings of the board, unless in each case excused for
68 cause by the remaining trustees attending such meeting or meetings, he or she
69 shall be considered as having resigned from the board and the board shall, by
70 resolution, declare his or her office of trustee vacated. If a vacancy occurs in the
71 office of trustee, the vacancy shall be filled for the unexpired term in the same
72 manner as the office was previously filled; provided, however, that the remaining
73 trustees may fill employer and member trustee vacancies on the board until the
74 next annual meeting.

75 8. Each trustee shall be commissioned by the governor, and before
76 entering upon the duties of his office, shall take and subscribe to an oath or
77 affirmation to support the Constitution of the United States, and of the state of

78 Missouri, and to demean himself faithfully in his or her office. Such oath as
79 subscribed to shall be filed in the office of the secretary of state of this state.

80 9. Each trustee shall be entitled to one vote in the board of trustees. Four
81 votes shall be necessary for a decision by the trustees at any meeting of the board
82 of trustees. Four trustees, of whom at least two shall be member trustees and at
83 least two shall be employer trustees, shall constitute a quorum at any meeting
84 of the board. Unless otherwise expressly provided herein, a meeting need not be
85 called or held to make any decision on a matter before the board. Each member
86 must be sent by the executive secretary a copy of the matter to be decided with
87 full information from the files of the board. The concurring decisions of four
88 trustees may decide the issue by signing a document declaring their decision and
89 sending the written instrument to the executive secretary, provided that no other
90 trustee shall send a dissenting decision to the executive secretary within fifteen
91 days after the document and information was mailed to him or her. If any trustee
92 is not in agreement with the four trustees, the matter is to be passed on at a
93 regular board meeting or a special meeting called for that purpose. The board
94 shall hold regular meetings at least once each quarter, the dates of these
95 meetings to be designated in the rules and regulations adopted by the
96 board. Other meetings as deemed necessary may be called by the chairman or by
97 any four trustees acting jointly.

98 10. The board of trustees shall elect one of their number as chairman, and
99 one of their number as vice chairman, and shall employ an executive secretary,
100 not one of their number, who shall be the executive officer of the board. Other
101 employees of the board shall be chosen only upon the recommendation of the
102 executive secretary.

103 11. The board shall appoint an actuary or a firm of actuaries as technical
104 advisor to the board on matters regarding the operation of the system on an
105 actuarial basis. The actuary or actuaries shall perform such duties as are
106 required of him or her under sections 70.600 to 70.755, and as are from time to
107 time required by the board.

108 12. The board may appoint an attorney-at-law or firm of attorneys-at-law
109 to be the legal advisor of the board and to represent the board in all legal
110 proceedings.

111 13. The board may appoint an investment counselor to be the investment
112 advisor of the board.

113 14. The board shall from time to time, after receiving the advice of its

114 actuary, adopt such mortality and other tables of experience, and a rate or rates
115 of regular interest, as shall be necessary for the actuarial requirements of the
116 system, and shall require its executive secretary to keep in convenient form such
117 data as shall be necessary for actuarial investigations of the experience of the
118 system, and such data as shall be necessary for the annual actuarial valuations
119 of the system.

120 15. The board shall keep a record of its proceedings, which shall be open
121 to public inspection. It shall prepare annually and render to each employer a
122 report showing the financial condition of the system as of the preceding June
123 thirtieth. The report shall contain, but shall not be limited to, a financial balance
124 sheet; a statement of income and disbursements; a detailed statement of
125 investments acquired and disposed of during the year, together with a detailed
126 statement of the annual rates of investment income from all assets and from each
127 type of investment; an actuarial balance sheet prepared by means of the last
128 valuation of the system, and such other data as the board shall deem necessary
129 or desirable for a proper understanding of the condition of the system.

130 16. The board of trustees shall, after reasonable notice to all interested
131 parties, conduct administrative hearings to hear and decide questions arising
132 from the administration of sections 70.600 to 70.755; except, that such hearings
133 may be conducted by a hearing officer who shall be appointed by the board. The
134 hearing officer shall preside at the hearing and hear all evidence and rule on the
135 admissibility of evidence. The hearing officer shall make recommended findings
136 of fact and may make recommended conclusions of law to the board. All final
137 orders or determinations or other final actions by the board shall be approved in
138 writing by at least four members of the board. Any board member approving in
139 writing any final order, determination or other final action, who did not attend
140 the hearing, shall do so only after certifying that he or she reviewed all exhibits
141 and read the entire transcript of the hearing. Within thirty days after a decision
142 or order or final action of the board, any member, retirant, beneficiary or political
143 subdivision adversely affected by that determination or order or final action may
144 take an appeal under the provisions of chapter 536. Jurisdiction over any dispute
145 regarding the interpretation of sections 70.600 to 70.755 and the determinations
146 required thereunder shall lie in the circuit court of Cole County.

147 17. The board shall arrange for adequate surety bonds covering the
148 executive secretary and any other custodian of the funds or investments of the
149 board. When approved by the board, said bonds shall be deposited in the office

150 of the secretary of state.

151 18. The board shall arrange for annual audits of the records and accounts
152 of the system by a certified public accountant or by a firm of certified public
153 accountants. The state auditor shall examine such audits at least once every
154 three years and report to the board and the governor.

155 19. The headquarters of the retirement system shall be in Jefferson City.

156 20. The board of trustees shall serve as trustees without compensation for
157 their services as such; except that each trustee shall be paid for any necessary
158 expenses incurred in attending meetings of the board or in the performance of
159 other duties authorized by the board.

160 21. Subject to the limitations of sections 70.600 to 70.755, the board shall
161 formulate and adopt rules and regulations for the government of its own
162 proceedings and for the administration of the retirement system.

 104.450. The board of trustees shall consist of the state treasurer, the
2 commissioner of administration, two members of the senate appointed by the
3 president pro tem of the senate, two members of the house of representatives
4 appointed by the speaker of the house, two members appointed by the governor
5 **with the advice and consent of the senate**, and three members who are
6 members of the system, one of whom shall be a retiree elected by a plurality vote
7 of retired members and two of whom shall be employees, elected by a plurality
8 vote of the members of the system not retired for four-year terms. The board so
9 constituted shall determine the procedures for nomination and election of the
10 elective board members. The first two trustees designated above shall serve as
11 trustees during their respective terms of office; the legislative members shall
12 serve as trustees until such time as they resign, are no longer members of the
13 general assembly, or are replaced by new appointments; and the members
14 appointed by the governor shall serve as trustees until such time as they resign
15 or are replaced by new appointments. Any vacancies occurring in the office of
16 trustees shall be filled in the same manner as the office was filled previously
17 except that vacancies occurring in the offices of the elected board members may
18 be filled by the board of trustees until the next regularly scheduled election.

 105.463. Within thirty days of submission of the person's name to the
2 governor and in order to be an eligible nominee for appointment to a board or
3 commission requiring senate confirmation, a nominee shall file a financial
4 interest statement in the manner provided by section 105.485 and shall request
5 a list of all political contributions and the name of the candidate or committee as

6 defined in chapter 130, to which those contributions were made within the
7 [four-year] **ten-year** period prior to such appointment, made by the nominee,
8 from the ethics commission. The information shall be delivered to the nominee
9 by the ethics commission. The nominee shall deliver the information to the
10 president pro tem of the senate prior to confirmation.

160.905. 1. The lead agency shall establish a "State Interagency
2 Coordinating Council" for the state Part C early intervention system. The
3 composition of the council shall include the members required under Part C of the
4 IDEA consistent with federal regulations, 34 C.F.R. 303.601, appointed by the
5 governor **with the advice and consent of the senate.**

6 2. The state interagency coordinating council shall meet at least quarterly
7 and shall comply with chapter 610.

8 3. The state interagency coordinating council shall advise and assist the
9 lead agency pursuant to IDEA requirements, 34 C.F.R. 303.650 to 303.654.

10 4. The state interagency coordinating council shall assist the lead agency
11 in the preparation and submission of an annual report to the governor and to the
12 secretary of the United States Department of Education on the status of infant
13 and toddler early intervention programs in the state and report any
14 recommendations for improvements to such programs.

15 5. The lead agency, in consultation with any other state agencies involved
16 in the Part C early intervention system, shall submit rules and regulations, other
17 than emergency rules and regulations, to the council for review prior to the lead
18 agency's final approval. The council shall review all proposed rules and
19 regulations and report its recommendations thereon to the lead agency within
20 thirty days. The lead agency shall respond to the council's recommendations
21 providing reasons for proposed rules and regulations that are not consistent with
22 the council's recommendations.

23 6. Notwithstanding the provisions of section 23.253 to the contrary, the
24 provisions of this section shall not sunset.

**160.2005. The compact commissioner of the interstate commission
2 on education opportunity for military children shall be appointed by
3 the governor with the advice and consent of the senate.**

161.400. 1. As used in sections 161.400 to 161.405, the term "commission"
2 means the Missouri commission for the deaf and hard of hearing.

3 2. There is hereby established within the department of elementary and
4 secondary education a commission, to be known as the "Missouri Commission for

5 the Deaf and Hard of Hearing", which shall be composed of nine members. Each
6 member shall be appointed by the governor **with the advice and consent of**
7 **the senate**, for a term of three years, except that, of the members first
8 appointed, three shall be appointed for a term of three years, three for a term of
9 two years and three for a term of one year. Of the members appointed, two shall
10 be deaf or hard of hearing, one shall be a parent of a deaf or hard of hearing
11 child, one shall be a representative of an organization representing the interests
12 of the deaf or hard of hearing, one shall be a representative of the Missouri
13 School for the Deaf or the department of elementary and secondary education, one
14 shall be an interpreter for the deaf, one shall be a representative of the business
15 community, one shall be a representative of local public school administration and
16 one shall be a professional from one of the following fields: audiology, psychology,
17 speech pathology, mental health or medicine. No person shall be eligible to serve
18 more than two successive terms, except that a person appointed to fill a vacancy
19 may serve two additional successive terms. The members shall receive no
20 compensation for their services on the Missouri commission for the deaf and hard
21 of hearing, but shall be reimbursed for ordinary and necessary expenses incurred
22 in the performance of their duties. The provisions of this subsection shall not
23 prevent any person serving on the commission on August 28, 1994, from
24 completing the term for which that person was appointed.

25 3. A chairperson shall be selected by the commission from among its
26 members. The commission shall meet at the call of the chairperson, but not less
27 than four times per year. Professional interpreting services for the deaf members
28 shall be provided for at every meeting of the commission, with the expense of the
29 services to be borne by the commission.

173.325. Appointment of the members to the commission by the
2 **governor shall be made with the advice and consent of the senate.**

191.853. 1. The "Missouri Assistive Technology Advisory Council" is
2 hereby established, as created pursuant to the Missouri state grant under Title
3 I of the Technology-Related Assistance for Individuals with Disabilities Act of
4 1988, P.L. 100-407.

5 2. The voting membership of the advisory council shall be composed of
6 twenty-three members. The members of the council that are serving on August
7 28, 1993, shall continue to serve in their normal capacities. The original
8 twenty-one members shall determine by lot which seven are to have a one-year
9 term, which seven are to have a two-year term, and which seven are to have a

10 three-year term. Thereafter, the successors to each of the twenty-one members
11 shall serve a three-year term and until his successor is appointed by the governor
12 **with the advice and consent of the senate.** The members appointed by the
13 governor shall include twelve consumer representatives, the group consisting of
14 individuals with disabilities, parents, spouses, or guardians of individuals with
15 disabilities and shall include a variety of types of disabilities across the age span
16 from all geographic areas of the state, and nine agency representatives, the group
17 consisting of one representative of the division of vocational rehabilitation, one
18 representative of the division of special education, one representative of the
19 department of insurance, financial institutions and professional registration, one
20 representative of rehabilitation services for the blind, one representative of the
21 division of medical services, one representative of the department of health and
22 senior services, one representative of the department of mental health, and two
23 representatives of other agencies or organizations responsible for the service
24 delivery, policy implementation, and funding of assistive technology. In addition,
25 one member who is a member of the house of representatives shall be appointed
26 by the speaker of the house and one member who is a member of the senate shall
27 be appointed by the president pro tempore of the senate. The appointment of
28 individuals representing state agencies shall be conditioned on their continued
29 employment with their respective agencies.

30 3. A chairperson shall be elected by the council. The council shall meet
31 at the call of the chairperson, but not less often than four times each year.

263.523. 1. The department shall certify a cotton growers' organization
2 for the purpose of entering into agreements with the state of Missouri, other
3 states, the federal government, and other parties as may be necessary to carry out
4 the purposes of sections 263.500 to 263.537.

5 2. In order to be eligible for certification by the department, the cotton
6 growers' organization must demonstrate to the satisfaction of the department
7 that:

8 (1) It is a nonprofit organization and could qualify as a tax exempt
9 organization under Section 501(a) of the Internal Revenue Code;

10 (2) Membership in the organization shall be open to all cotton growers in
11 this state.

12 3. The organization shall have only one class of members with each
13 member entitled to only one vote.

14 4. The organization's board of directors shall be composed as follows:

15 (1) Two Missouri cotton growers recommended by the department, to be
16 appointed by the governor **with the advice and consent of the senate**;

17 (2) Three Missouri cotton growers recommended by the largest general
18 farm organization in this state, to be appointed by the governor;

19 (3) Three Missouri cotton growers recommended by the largest cotton
20 producer organization in this state, to be appointed by the governor;

21 (4) One representative of state government from this state recommended
22 by the department, to be appointed by the governor.

23 5. Directors shall serve for three-year terms, but of the first board
24 appointed three members shall serve for a term of one year, three members shall
25 serve for two years and three members shall serve for three years. All books and
26 records of account and minutes of proceedings of the organization shall be
27 available for inspection or audit by the department at any reasonable time.

288.475. 1. There is hereby created a "Missouri State Unemployment
2 Council". The council shall consist of nine appointed voting members and two
3 appointed nonvoting members. All appointees shall be persons whose training
4 and experience qualify them to deal with the difficult problems of unemployment
5 compensation, particularly legal, accounting, actuarial, economic, and social
6 aspects of unemployment compensation.

7 (1) Three voting members shall be appointed to the council by the
8 governor **with the advice and consent of the senate**. One voting member
9 shall be appointed on account of his or her vocation, employment, or affiliations
10 being classed as representative of employers. One voting member shall be
11 appointed on account of his or her vocation, employment, or affiliations being
12 classed as representative of employees. One voting member shall be appointed
13 to represent the public interest separate from employee or employer
14 representation.

15 (2) Three voting members and one nonvoting member shall be appointed
16 to the council by the speaker of the house of representatives. One voting member
17 shall be appointed on account of his or her vocation, employment, or affiliations
18 being classed as representative of employers that employ twenty or less
19 employees. One voting member shall be appointed on account of his or her
20 vocation, employment, or affiliations being classed as representative of
21 employees. One voting member shall be appointed to represent the public
22 interest separate from employee or employer representation. One nonvoting
23 member shall be appointed from the house of representatives.

24 (3) Three voting members and one nonvoting member shall be appointed
25 to the council by the president pro tem of the senate. One voting member shall
26 be appointed on account of his or her vocation, employment, or affiliations being
27 classed as representative of employers. One voting member shall be appointed
28 on account of his or her vocation, employment, or affiliations being classed as
29 representative of employees. One voting member shall be appointed to represent
30 the public interest separate from employee or employer representation. One
31 nonvoting member shall be appointed from the senate.

32 2. The council shall organize itself and select a chairperson or
33 cochairpersons and other officers from the nine voting members. Six voting
34 members shall constitute a quorum and the council shall act only upon the
35 affirmative vote of at least five of the voting members. The council shall meet no
36 less than four times yearly. Members of the council shall serve without
37 compensation, but are to be reimbursed the amount of actual expenses.
38 Actual expenses shall be paid from the special employment security fund under
39 section 288.310.

40 3. The division shall provide professional and clerical assistance as
41 needed for regularly scheduled meetings.

42 4. Each nonvoting member shall serve for a term of four years or until he
43 or she is no longer a member of the general assembly whichever occurs first. A
44 nonvoting member's term shall be a maximum of four years. Each voting member
45 shall serve for a term of three years. For the initial appointment, the
46 governor-appointed employer representative, the speaker of the house-appointed
47 employee representative, and the president pro tem of the senate-appointed
48 public interest representative shall serve an initial term of one year. For the
49 initial appointment, the governor-appointed employee representative, the speaker
50 of the house-appointed public interest representative, and the president pro tem
51 of the senate-appointed employer representative shall serve an initial term of two
52 years. At the end of a voting member's term he or she may be reappointed;
53 however, he or she shall serve no more than two terms excluding the initial term
54 for a maximum of eight years.

55 5. The council shall advise the division in carrying out the purposes of
56 this chapter. The council shall submit annually by January fifteenth to the
57 governor and the general assembly its recommendations regarding amendments
58 to this chapter, the status of unemployment insurance, the projected maintenance
59 of the solvency of unemployment insurance, and the adequacy of unemployment

60 compensation.

61 6. The council shall present to the division every proposal of the council
62 for changes in this chapter and shall seek the division's concurrence with the
63 proposal. The division shall give careful consideration to every proposal
64 submitted by the council for legislative or administrative action and shall review
65 each legislative proposal for possible incorporation into department of labor and
66 industrial relations' recommendations.

67 7. The council shall have access to only the records of the division that are
68 necessary for the administration of this chapter and to the reasonable services of
69 the employees of the division. It may request the director or any of the employees
70 appointed by the director or any employee subject to this chapter to appear before
71 it and to testify relative to the functioning of this chapter and to other relevant
72 matters. The council may conduct research of its own, make and publish reports,
73 and recommend to the division needed changes in this chapter or in the rules of
74 the division as it considers necessary.

75 8. The council, unless prohibited by a concurrent resolution of the general
76 assembly, shall be authorized to commission an outside study of the solvency,
77 adequacy, and staffing and operational efficiency of the Missouri unemployment
78 system. The study shall be conducted every five years, the first being conducted
79 in fiscal year 2005. The study shall be funded subject to appropriation from the
80 special employment security fund under section 288.310.

301.3087. 1. Any person may receive special license plates as prescribed
2 by this section, for any motor vehicle such person owns, either solely or jointly,
3 other than an apportioned motor vehicle or a commercial motor vehicle licensed
4 in excess of eighteen thousand pounds gross weight, after an annual payment of
5 an emblem-use authorization fee to the Missouri State Humane Association. The
6 Missouri State Humane Association hereby authorizes the use of its official
7 emblem to be affixed on multiyear personalized license plates as provided in this
8 section. All emblem-use authorization fees, except reasonable administrative
9 costs, shall be placed into a special fund as described in subsection 4 of this
10 section and shall be used exclusively for the purpose of spaying and neutering
11 dogs and cats in the state of Missouri.

12 2. Upon annual application and payment of a twenty-five dollar
13 emblem-use contribution to the Missouri State Humane Association, the Missouri
14 State Humane Association shall issue to the vehicle owner, without further
15 charge, an emblem-use authorization statement, which shall be presented by the

16 owner to the department of revenue at the time of registration of a motor
17 vehicle. Upon presentation of the annual statement, payment of a fifteen dollar
18 fee in addition to the registration fee and documents which may be required by
19 law, the department of revenue shall issue to the vehicle owner a personalized
20 license plate which shall bear the emblem of the Missouri State Humane
21 Association and shall have the words "I'M PET FRIENDLY" on the license plates
22 in place of the words "SHOW-ME STATE". Such license plates shall be made
23 with fully reflective material with a common color scheme and design, shall be
24 clearly visible at night, and shall be aesthetically attractive, as prescribed by
25 section 301.130. Notwithstanding the provisions of section 301.144, no additional
26 fee shall be charged for the personalization of license plates pursuant to this
27 section.

28 3. A vehicle owner, who was previously issued a plate with the Missouri
29 State Humane Association emblem authorized by this section but who does not
30 provide an emblem-use authorization statement at a subsequent time of
31 registration, shall be issued a new plate which does not bear the Missouri State
32 Humane Association emblem, as otherwise provided by law. The director of
33 revenue shall make necessary rules and regulations for the administration of this
34 section, and shall design all necessary forms required by this section. No rule or
35 portion of a rule promulgated pursuant to the authority of this section shall
36 become effective unless it has been promulgated pursuant to the provisions of
37 chapter 536.

38 4. The "Missouri Pet Spay/Neuter Fund" is hereby created as a special
39 fund in the state treasury and shall be administered by the department of
40 agriculture. This fund shall consist of moneys collected pursuant to this section.
41 All moneys deposited in the Missouri pet spay/neuter fund, except reasonable
42 administrative costs, shall be paid as grants to humane societies, local municipal
43 animal shelters regulated by sections 273.400 to 273.405, and organizations
44 exempt from federal income taxation under Section 501(c)(3) of the Internal
45 Revenue Code to be used solely for the spaying and neutering of dogs and cats in
46 the state of Missouri. For purposes of approving grants under this section, the
47 governor shall appoint, **with the advice and consent of the senate**, a
48 volunteer board that shall consist of three Missouri residents, of which two shall
49 be administrators of local municipal animal shelters regulated by sections
50 273.400 to 273.405 and one shall be an administrator of a humane society. Each
51 of the three members shall be from separate congressional districts. Members of

52 this board shall be appointed for three-year terms and shall meet at least twice
53 a year to review grant applications. All moneys deposited in the Missouri pet
54 spay/neuter fund, except reasonable administrative costs, shall be spent by the
55 end of each fiscal year. Notwithstanding the provisions of section 33.080 to the
56 contrary, if any moneys remain in the fund at the end of the biennium, said
57 moneys shall not revert to the credit of the general revenue fund.

443.816. There is hereby created in the division of finance a "Residential
2 Mortgage Board" which shall have such powers and duties as are now or
3 hereafter conferred upon it by law. The board shall consist of five members who
4 shall be appointed by the governor **with the advice and consent of the**
5 **senate**. The members of the board shall be residents of this state, and one of the
6 members shall be a member of the Missouri Bar in good standing. Three
7 members of the board shall be experienced in mortgage brokering and the
8 remaining members of the board shall have no financial interest in any mortgage
9 brokering business. Not more than three members of the board shall be members
10 of the same political party. The term of office of each member shall be three
11 years. Members shall serve until their successors are duly appointed and have
12 qualified. Each member shall serve for the remainder of the term for which the
13 member was appointed. The board shall select one of the members as chairman
14 and one of the members as secretary. Vacancies on the board shall be filled for
15 the unexpired term in the same manner as in the case of an original
16 appointment. The members of the board shall receive as compensation the sum
17 of one hundred dollars per day while discharging their duties, and they shall be
18 reimbursed for their actual and necessary expenses incurred in the performance
19 of their duties. A majority of the members of the board shall constitute a quorum
20 and the decision of a majority of a quorum shall be the decision of the board. The
21 board shall meet upon call of the chairman, or of the director, or of any two
22 members of the board, and may meet at any place in this state. The board shall:

23 (1) Approve or disapprove each regulation proposed by the director
24 pertaining to mortgage brokering; and

25 (2) Hear and determine any appeal from a denial of an application for or
26 renewal of a license issued under sections 443.701 to 443.893. The board may
27 employ, contract, or appoint hearing officers to hear appeals from applicants who
28 have been denied a license or a license renewal by the director.

536.305. 1. There is hereby established the "Small Business Regulatory
2 Fairness Board". The department of economic development shall provide staff

3 support for the board.

4 2. The board shall be composed of nine members appointed in the
5 following manner:

6 (1) One member who is the chair of the minority business advocacy
7 commission;

8 (2) One member appointed by the president pro tempore of the senate;

9 (3) One member appointed by the minority leader of the senate;

10 (4) One member appointed by the speaker of the house of representatives;

11 (5) One member appointed by the minority leader of the house of
12 representatives; and

13 (6) Four members appointed by the governor **with the advice and**
14 **consent of the senate.**

15 3. Each member of the board, except for the public members and the chair
16 of the minority business advocacy commission, shall be a current or former owner
17 or officer of a small business. All members of the board shall represent a variety
18 of small businesses, both rural and urban, and be from a variety of geographical
19 areas of this state, provided that no more than two members shall represent the
20 same type of small business.

21 4. Members of the board shall serve a term of three years and may be
22 reappointed at the conclusion of the term. No member shall serve more than
23 three consecutive terms. Appointments shall be made so that one-third of the
24 membership of the board shall terminate each year. The governor shall appoint
25 the initial chairperson of the board and a majority of the board shall elect
26 subsequent chairpersons. The chairperson shall serve as chair for a term of not
27 more than two years.

28 5. Members of the board shall serve without compensation, but may be
29 reimbursed for reasonable and necessary expenses relating to their performance
30 of duties, according to the rules and regulations of travel issued by the office of
31 administration. Members will be required to submit an expense account form in
32 order to obtain reimbursement for expenses incurred.

33 6. The board shall meet as often as necessary, as determined by the
34 chairperson of the board. All meetings of the board will be conducted in
35 accordance with the governmental bodies and records act, chapter 610, including
36 closed sessions. Notice will be posted and will be provided to the joint committee
37 on administrative rules. Minutes of the meetings shall be provided to all
38 members, the office of the governor, and the joint committee on administrative

39 rules.

40 7. In addition to any other powers provided by sections 536.300 to
41 536.328, the board may adopt any rules necessary to implement sections 536.300
42 to 536.328 and take any action necessary to effectuate the purposes of sections
43 536.300 to 536.328. Any rule or portion of a rule, as that term is defined in
44 section 536.010, that is created under the authority delegated in this section shall
45 become effective only if it complies with and is subject to all of the provisions of
46 this chapter and, if applicable, section 536.028. This section and this chapter are
47 nonseverable and if any of the powers vested with the general assembly pursuant
48 to this chapter to review, to delay the effective date, or to disapprove and annul
49 a rule are subsequently held unconstitutional, then the grant of rulemaking
50 authority and any rule proposed or adopted after August 28, 2005, shall be
51 invalid and void.

558.019. 1. This section shall not be construed to affect the powers of the
2 governor under article IV, section 7, of the Missouri Constitution. This statute
3 shall not affect those provisions of section 565.020, section 558.018 or section
4 571.015, which set minimum terms of sentences, or the provisions of section
5 559.115, relating to probation.

6 2. The provisions of subsections 2 to 5 of this section shall be applicable
7 to all classes of felonies except those set forth in chapter 195, and those otherwise
8 excluded in subsection 1 of this section. For the purposes of this section, "prison
9 commitment" means and is the receipt by the department of corrections of an
10 offender after sentencing. For purposes of this section, prior prison commitments
11 to the department of corrections shall not include commitment to a regimented
12 discipline program established pursuant to section 217.378. Other provisions of
13 the law to the contrary notwithstanding, any offender who has pleaded guilty to
14 or has been found guilty of a felony other than a dangerous felony as defined in
15 section 556.061 and is committed to the department of corrections shall be
16 required to serve the following minimum prison terms:

17 (1) If the offender has one previous prison commitment to the department
18 of corrections for a felony offense, the minimum prison term which the offender
19 must serve shall be forty percent of his or her sentence or until the offender
20 attains seventy years of age, and has served at least thirty percent of the
21 sentence imposed, whichever occurs first;

22 (2) If the offender has two previous prison commitments to the
23 department of corrections for felonies unrelated to the present offense, the

24 minimum prison term which the offender must serve shall be fifty percent of his
25 or her sentence or until the offender attains seventy years of age, and has served
26 at least forty percent of the sentence imposed, whichever occurs first;

27 (3) If the offender has three or more previous prison commitments to the
28 department of corrections for felonies unrelated to the present offense, the
29 minimum prison term which the offender must serve shall be eighty percent of
30 his or her sentence or until the offender attains seventy years of age, and has
31 served at least forty percent of the sentence imposed, whichever occurs first.

32 3. Other provisions of the law to the contrary notwithstanding, any
33 offender who has pleaded guilty to or has been found guilty of a dangerous felony
34 as defined in section 556.061 and is committed to the department of corrections
35 shall be required to serve a minimum prison term of eighty-five percent of the
36 sentence imposed by the court or until the offender attains seventy years of age,
37 and has served at least forty percent of the sentence imposed, whichever occurs
38 first.

39 4. For the purpose of determining the minimum prison term to be served,
40 the following calculations shall apply:

41 (1) A sentence of life shall be calculated to be thirty years;

42 (2) Any sentence either alone or in the aggregate with other consecutive
43 sentences for crimes committed at or near the same time which is over
44 seventy-five years shall be calculated to be seventy-five years.

45 5. For purposes of this section, the term "minimum prison term" shall
46 mean time required to be served by the offender before he or she is eligible for
47 parole, conditional release or other early release by the department of corrections.

48 6. (1) A sentencing advisory commission is hereby created to consist of
49 eleven members. One member shall be appointed by the speaker of the
50 house. One member shall be appointed by the president pro tem of the
51 senate. One member shall be the director of the department of corrections. Six
52 members shall be appointed by [and serve at the pleasure of] the governor **with**
53 **the advice and consent of the senate**, from among the following: the public
54 defender commission; private citizens; a private member of the Missouri Bar; the
55 board of probation and parole; and a prosecutor. Two members shall be appointed
56 by the supreme court, one from a metropolitan area and one from a rural area.
57 All members shall be appointed to a four-year term. All members of the
58 sentencing commission appointed prior to August 28, 1994, shall continue to serve
59 on the sentencing advisory commission at the pleasure of the governor.

60 (2) The commission shall study sentencing practices in the circuit courts
61 throughout the state for the purpose of determining whether and to what extent
62 disparities exist among the various circuit courts with respect to the length of
63 sentences imposed and the use of probation for offenders convicted of the same
64 or similar crimes and with similar criminal histories. The commission shall also
65 study and examine whether and to what extent sentencing disparity among
66 economic and social classes exists in relation to the sentence of death and if so,
67 the reasons therefor sentences are comparable to other states, if the length of the
68 sentence is appropriate, and the rate of rehabilitation based on sentence. It shall
69 compile statistics, examine cases, draw conclusions, and perform other duties
70 relevant to the research and investigation of disparities in death penalty
71 sentencing among economic and social classes.

72 (3) The commission shall establish a system of recommended sentences,
73 within the statutory minimum and maximum sentences provided by law for each
74 felony committed under the laws of this state. This system of recommended
75 sentences shall be distributed to all sentencing courts within the state of
76 Missouri. The recommended sentence for each crime shall take into account, but
77 not be limited to, the following factors:

78 (a) The nature and severity of each offense;

79 (b) The record of prior offenses by the offender;

80 (c) The data gathered by the commission showing the duration and nature
81 of sentences imposed for each crime; and

82 (d) The resources of the department of corrections and other authorities
83 to carry out the punishments that are imposed.

84 (4) The commission shall study alternative sentences, prison work
85 programs, work release, home-based incarceration, probation and parole options,
86 and any other programs and report the feasibility of these options in Missouri.

87 (5) The commission shall publish and distribute its recommendations on
88 or before July 1, 2004. The commission shall study the implementation and use
89 of the recommendations until July 1, 2005, and return a report to the governor,
90 the speaker of the house of representatives, and the president pro tem of the
91 senate. Following the July 1, 2005, report, the commission shall revise the
92 recommended sentences every two years.

93 (6) The governor shall select a chairperson who shall call meetings of the
94 commission as required or permitted pursuant to the purpose of the sentencing
95 commission.

96 (7) The members of the commission shall not receive compensation for
97 their duties on the commission, but shall be reimbursed for actual and necessary
98 expenses incurred in the performance of these duties and for which they are not
99 reimbursed by reason of their other paid positions.

100 (8) The circuit and associate circuit courts of this state, the office of the
101 state courts administrator, the department of public safety, and the department
102 of corrections shall cooperate with the commission by providing information or
103 access to information needed by the commission. The office of the state courts
104 administrator will provide needed staffing resources.

105 7. Courts shall retain discretion to lower or exceed the sentence
106 recommended by the commission as otherwise allowable by law, and to order
107 restorative justice methods, when applicable.

108 8. If the imposition or execution of a sentence is suspended, the court may
109 order any or all of the following restorative justice methods, or any other method
110 that the court finds just or appropriate:

111 (1) Restitution to any victim or a statutorily created fund for costs
112 incurred as a result of the offender's actions;

113 (2) Offender treatment programs;

114 (3) Mandatory community service;

115 (4) Work release programs in local facilities; and

116 (5) Community-based residential and nonresidential programs.

117 9. The provisions of this section shall apply only to offenses occurring on
118 or after August 28, 2003.

119 10. Pursuant to subdivision (1) of subsection 8 of this section, the court
120 may order the assessment and payment of a designated amount of restitution to
121 a county law enforcement restitution fund established by the county commission
122 pursuant to section 50.565. Such contribution shall not exceed three hundred
123 dollars for any charged offense. Any restitution moneys deposited into the county
124 law enforcement restitution fund pursuant to this section shall only be expended
125 pursuant to the provisions of section 50.565.

126 11. A judge may order payment to a restitution fund only if such fund had
127 been created by ordinance or resolution of a county of the state of Missouri prior
128 to sentencing. A judge shall not have any direct supervisory authority or
129 administrative control over any fund to which the judge is ordering a defendant
130 to make payment.

131 12. A defendant who fails to make a payment to a county law enforcement

132 restitution fund may not have his or her probation revoked solely for failing to
133 make such payment unless the judge, after evidentiary hearing, makes a finding
134 supported by a preponderance of the evidence that the defendant either willfully
135 refused to make the payment or that the defendant willfully, intentionally, and
136 purposefully failed to make sufficient bona fide efforts to acquire the resources
137 to pay.

**589.510. If the governor selects the compact administrator, the
2 appointment shall be made with the advice and consent of the senate.**

620.1200. 1. There is hereby established the "Missouri Film Commission"
2 to advise the director of the department of economic development on the
3 promotion of the development of film production and facilities in Missouri.

4 2. The commission shall be composed of nine members as follows:

5 (1) Two members shall be a state senator appointed in a bipartisan
6 manner by the president pro tem of the senate;

7 (2) Two members shall be a state representative appointed in a bipartisan
8 manner by the speaker of the house; and

9 (3) Five members, who have knowledge and experience with the motion
10 picture industry, shall be appointed by the [director of the department of
11 economic development] **governor with the advice and consent of the**
12 **senate.**

13 3. The members of the board appointed by the director shall be appointed
14 to serve terms of three years; except that, of the members first appointed, two
15 shall be appointed for a term of three years, two shall be appointed for a term of
16 two years and one shall be appointed for a one-year term. Any legislative
17 member shall serve only as long as such person holds such legislative office. The
18 legislative members shall serve during their current term of office but may be
19 reappointed.

20 4. The members of the commission shall receive no compensation for
21 serving on the commission but shall be reimbursed for their actual and necessary
22 expenses incurred in the performance of their official duties.

23 5. The commission shall provide oversight and guidance to the director of
24 the department of economic development in administering the office of the
25 Missouri film commission, established in section 620.1210. The commission shall
26 make recommendations to the governor and the general assembly on:

27 (1) The removal of barriers so that film production in Missouri may be
28 more easily promoted; and

29 (2) The development of state incentives to attract private investment in
30 film production in the state.

31 6. The commission shall submit its recommendations by January first of
32 each year, beginning January 1, 1998.

643.173. 1. There is hereby established within the department of natural
2 resources a "Small Business Technical Assistance Program" which shall provide
3 support and assistance to small business. To the maximum extent possible, the
4 program shall be functionally separate from the department's air pollution
5 enforcement responsibilities. The program shall advise regulated small business
6 regarding permit application requirements, applicable provisions of 643.010 to
7 643.190, and such other matters affecting small business as deemed appropriate
8 by the committee. The commission shall establish time frames in which specific
9 classes of deficiencies, except those affecting public health or the environment,
10 shall be corrected.

11 2. The small business technical assistance program shall be advised by
12 a "Small Business Compliance Advisory Committee" which is hereby created. One
13 member shall be [appointed by] the director of the department, two members
14 shall be appointed by the governor, **with the advice and consent of the**
15 **senate**, to represent the public and four owners of small businesses regulated
16 under this chapter shall be appointed by the general assembly, one each
17 appointed by the majority and minority leaders of each chamber of the general
18 assembly. No member of the air conservation commission shall serve as a
19 member of the small business compliance advisory committee. The term of office
20 shall be four years except that of those first appointed, one member appointed by
21 the governor, one member appointed by the senate and one member appointed by
22 the house of representatives shall be appointed to two-year terms. Members shall
23 serve until their successors are duly appointed and qualified and vacancies shall
24 be filled by appointment for the remaining portion of the unexpired term created
25 by the vacancy. The members shall be reimbursed for actual and necessary
26 expenses incurred in the performance of their duties while in attendance at
27 committee meetings.

28 3. The committee shall:

29 (1) Receive reports from the ombudsman pursuant to section 643.175;

30 (2) Evaluate the impact of sections 643.010 to 643.190 and the rules
31 promulgated thereunder on small business;

32 (3) Review and assess the impact of enforcement policies on small

33 business operations in Missouri;

34 (4) Recommend to the department, the commission and the general
35 assembly, as appropriate, changes in procedure, in rules or in the law which
36 would facilitate small business compliance with sections 643.010 to 643.190;

37 (5) Recommend to the commission rules establishing an expedited review
38 of modifications for small businesses;

39 (6) Conduct hearings, determine facts and make investigations consistent
40 with the purposes of this section.

650.350. 1. There is hereby created within the department of public
2 safety the "Missouri Sheriff Methamphetamine Relief Taskforce"
3 (MoSMART). MoSMART shall be composed of five sitting sheriffs. Every two
4 years, the Missouri Sheriffs' Association board of directors will submit twenty
5 names of sitting sheriffs to the governor. The governor shall appoint, **with the**
6 **advice and consent of the senate**, five members from the list of twenty
7 names, having no more than three from any one political party, to serve a term
8 of two years on MoSMART. The members shall elect a chair from among their
9 membership. Members shall receive no compensation for the performance of their
10 duties pursuant to this section, but each member shall be reimbursed from the
11 MoSMART fund for actual and necessary expenses incurred in carrying out duties
12 pursuant to this section.

13 2. MoSMART shall meet no less than twice each calendar year with
14 additional meetings called by the chair upon the request of at least two members.
15 A majority of the appointed members shall constitute a quorum.

16 3. A special fund is hereby created in the state treasury to be known as
17 the "MoSMART Fund". The state treasurer shall invest the moneys in such fund
18 in the manner authorized by law. All moneys received for MoSMART from
19 interest, state, and federal moneys shall be deposited to the credit of the
20 fund. The director of the department of public safety shall distribute at least fifty
21 percent but not more than one hundred percent of the fund annually in the form
22 of grants approved by MoSMART.

23 4. Except for money deposited into the deputy sheriff salary
24 supplementation fund created under section 57.278, all moneys appropriated to
25 or received by MoSMART shall be deposited and credited to the MoSMART
26 fund. The department of public safety shall only be reimbursed for actual and
27 necessary expenses for the administration of MoSMART, which shall be no less
28 than one percent and which shall not exceed two percent of all moneys

29 appropriated to the fund, except that the department shall not receive any
30 amount of the money deposited into the deputy sheriff salary supplementation
31 fund for administrative purposes. The provisions of section 33.080 to the contrary
32 notwithstanding, moneys in the MoSMART fund shall not lapse to general
33 revenue at the end of the biennium.

34 5. Any rule or portion of a rule, as that term is defined in section 536.010,
35 that is created under the authority delegated in this section shall become effective
36 only if it complies with and is subject to all of the provisions of chapter 536 and,
37 if applicable, section 536.028. This section and chapter 536 are nonseverable and
38 if any of the powers vested with the general assembly pursuant to chapter 536 to
39 review, to delay the effective date or to disapprove and annul a rule are
40 subsequently held unconstitutional, then the grant of rulemaking authority and
41 any rule proposed or adopted after August 28, 2003, shall be invalid and void.

42 6. Any county law enforcement entity or established task force with a
43 memorandum of understanding and protocol may apply for grants from the
44 MoSMART fund on an application to be developed by the department of public
45 safety with the approval of MoSMART. All applications shall be evaluated by
46 MoSMART and approved or denied based upon the level of funding designated for
47 methamphetamine enforcement before 1997 and upon current need and
48 circumstances. No applicant shall receive a MoSMART grant in excess of one
49 hundred thousand dollars per year. The department of public safety shall
50 monitor all MoSMART grants.

51 7. MoSMART's anti-methamphetamine funding priorities are as follows:

52 (1) Sheriffs who are participating in coordinated multijurisdictional task
53 forces and have their task forces apply for funding;

54 (2) Sheriffs whose county has been designated HIDTA counties, yet have
55 received no HIDTA or narcotics assistance program funding; and

56 (3) Sheriffs without HIDTA designations or task forces, whose application
57 justifies the need for MoSMART funds to eliminate methamphetamine labs.

58 8. MoSMART shall administer the deputy sheriff salary supplementation
59 fund as provided under section 57.278.

650.457. 1. There is established a "Missouri Medal of Valor Review
2 Board", the members of which shall be individuals with knowledge or expertise,
3 whether by experience or training, in the field of public safety, which shall
4 conduct its business in accordance with sections 650.450 to 650.460, and be
5 composed of eleven members, all residents of Missouri, and appointed in the

6 following manner:

7 (1) One member shall be either the director of the department of public
8 safety or a designee appointed by the director;

9 (2) One member shall be a police chief;

10 (3) One member shall be a fire chief;

11 (4) One member shall be an elected county sheriff;

12 (5) One member shall be the director of an ambulance district;

13 (6) One member shall be a citizen with experience in law enforcement;

14 (7) One member shall be a citizen with experience in corrections;

15 (8) One member shall be a citizen with experience in fire fighting;

16 (9) One member shall be a citizen with experience in emergency medical
17 services; and

18 (10) Two members shall be appointed [at] **by** the [governor's discretion]
19 **governor with the advice and consent of the senate.**

20 2. The term of a board member shall be four years.

21 3. Any vacancy in the membership of the board shall not affect the powers
22 of the board and shall be filled in the same manner as the original appointment.

23 4. (1) The chairman of the board shall be elected by the members of the
24 board from among the members of the board.

25 (2) The board shall conduct its first meeting not later than ninety days
26 after the appointment of the last member appointed of the initial group of
27 members appointed to the board. Thereafter, the board shall meet at the call of
28 the chairman of the board. The board shall meet not less often than once each
29 year and not more than three times a year.

30 (3) A majority of the members shall constitute a quorum to conduct
31 business, but the board may establish a lesser quorum for conducting hearings
32 scheduled by the board. The board may establish by majority vote any other
33 rules for the conduct of the board's business, if such rules are not inconsistent
34 with sections 650.450 to 650.460 or other applicable law.

35 (4) The board shall select candidates as recipients of the medal from
36 among those applications received by the board. Not more often than once each
37 year, the board shall present to the governor the name or names of those it
38 recommends as medal recipients. In a given year, the board shall not be required
39 to select any recipients but may not select more than seven recipients. The
40 governor may in extraordinary cases increase the number of recipients in a given
41 year. The board shall set an annual timetable for fulfilling its duties under

42 sections 650.450 to 650.460.

43 (5) The board may secure directly from any department or agency such
44 information as the board considers necessary to carry out its duties. Upon the
45 request of the board, the head of such department or agency may furnish such
46 information to the board.

47 (6) The board shall not disclose any information which may compromise
48 an ongoing law enforcement investigation or is otherwise required by law to be
49 kept confidential.

50 (7) The members of the board shall serve without compensation, except
51 that the members may be reimbursed for reasonable and necessary expenses
52 arising from board activities or business. Such expenses shall be paid by the
53 department of public safety from the fund created pursuant to section 650.460.

**680.205. Appointment of members to the midwest interstate
2 passenger rail compact commission by the governor shall be made with
3 the advice and consent of the senate.**

✓
Bill

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