

SENATE SUBSTITUTE  
FOR  
SENATE BILL NO. 507

AN ACT

To repeal sections 21.110, 28.060, 28.190, 29.280, 30.060, 30.070, 32.010, 37.010, 105.050, 192.007, 217.035, 261.010, 286.005, 287.610, 374.020, 374.080, 620.010, 640.010, 650.005, and 660.010, RSMo, and to enact in lieu thereof twenty-two new sections relating to vacancies in certain public offices, with a referendum clause and a contingent effective date.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
AS FOLLOWS:

1           Section A. Sections 21.110, 28.060, 28.190, 29.280, 30.060,  
2 30.070, 32.010, 37.010, 105.050, 192.007, 217.035, 261.010,  
3 286.005, 287.610, 374.020, 374.080, 620.010, 640.010, 650.005,  
4 and 660.010, RSMo, are repealed and twenty-two new sections  
5 enacted in lieu thereof, to be known as sections 21.110, 26.017,  
6 26.018, 26.019, 27.016, 28.060, 28.190, 29.280, 30.060, 32.010,  
7 37.010, 105.050, 192.007, 217.035, 261.010, 286.005, 287.610,  
8 374.020, 620.010, 640.010, 650.005, and 660.010 to read as  
9 follows:

10           21.110. If the governor receives any resignation or notice  
11 of vacancy, or if he is satisfied of the death of any member of  
12 either house, during the recess, he shall, **[without delay]** within  
13 thirty days, issue a writ of election to supply the vacancy.

14           26.017. Sections 21.110, 26.017, 26.018, 26.019, 27.016,  
15 28.060, 28.190, 29.280, 30.060, 32.010, 37.010, 105.050, 192.007,  
16 217.035, 261.010, 286.005, 287.610, 374.020, 620.010, 640.010,

1 650.005, and 660.010 may be cited as the "Executive Branch  
2 Accountability Act of 2014".

3 26.018. In case of death, resignation, removal from  
4 office, conviction after impeachment, or vacancy from any cause  
5 in the office of lieutenant governor, the governor shall, within  
6 thirty days, issue a writ of election to fill the vacancy for the  
7 remainder of the term in which such vacancy occurred and until  
8 the successor is elected, commissioned, and qualified. Such  
9 election shall be held within four months of the date of issuance  
10 of the writ. The candidates for the election shall be nominated  
11 and placed on the ballot in accordance with the provisions of  
12 sections 115.305 to 115.405. In the case of impeachment, the  
13 office shall remain vacant until such impeachment is determined.  
14 If acquitted, the lieutenant governor shall be reinstated in  
15 office.

16 26.019. The appointment of any head of an executive  
17 department or division established by the Missouri Constitution  
18 or by law, any member of an administrative board or commission,  
19 or all other public officials as provided by law, made pursuant  
20 to article IV, section 51 of the Missouri Constitution, shall be  
21 made by and with the advice and consent of the senate. The  
22 provisions of this section shall apply to all gubernatorial or  
23 lieutenant gubernatorial appointments, regardless of whether the  
24 law creating the administrative board or commission, or the  
25 office of department or division head or other public official,  
26 contains a specific requirement that the appointment be subject  
27 to the advice and consent of the senate.

28 27.016. In case of death, resignation, removal from office,

1 impeachment, or vacancy from any cause in the office of attorney  
2 general, the governor shall immediately appoint a qualified  
3 person to fill such vacancy until a successor is duly elected at  
4 the next general election, commissioned, and qualified to fill  
5 the office for the remainder of the term in which the vacancy  
6 occurred; and the governor shall take charge of the office and  
7 superintend its business until such person is appointed,  
8 commissioned, and qualified; except that in cases of impeachment,  
9 the governor shall appoint a qualified person to serve only until  
10 such impeachment is determined, when the suspended officer, if  
11 acquitted, shall be reinstated in office, or if the suspended  
12 officer is convicted, a new appointment shall be made by the  
13 governor in the manner provided in this section.

14       28.060. [He] The secretary of state shall keep in his or  
15 her office and make available to the public in a web-based  
16 electronic format an abstract of all commissions issued and  
17 appointments made by the governor or lieutenant governor, and  
18 shall register therein the substance of each commission,  
19 specifying the name of the person appointed, the office  
20 conferred, the district or county for which the appointment is  
21 made, and the term of office; and when any office shall become  
22 vacant [he] the secretary of state shall enter, in a space to be  
23 left for that purpose, a memorandum of such vacancy and the  
24 occasion thereof, with a reference to any evidence deposited in  
25 his or her office.

26       28.190. In case of death, resignation, removal from office,  
27 impeachment or vacancy from any cause in the office of secretary  
28 of state, the governor shall immediately appoint a qualified

1 person to fill such vacancy [for the remainder of the term in  
2 which such vacancy occurred and until his] until a successor is  
3 duly elected [or appointed] at the next general election,  
4 commissioned and qualified to fill the office for the remainder  
5 of the term in which the vacancy occurred; and the governor shall  
6 take charge of the office and superintend its business until such  
7 person is appointed, commissioned and qualified; except that in  
8 case of impeachment, the governor shall appoint a qualified  
9 person to serve only until such impeachment is determined, when  
10 the suspended officer, if acquitted, shall be reinstated in  
11 office, or if the suspended officer is convicted, a new  
12 appointment shall be made by the governor [as in the case of  
13 other vacancies] in the manner provided in this section.

14 29.280. [When a vacancy occurs in the office of state  
15 auditor the governor shall immediately appoint an auditor to fill  
16 such vacancy for the residue of the term in which the vacancy  
17 occurred, and until his successor is elected or appointed,  
18 commissioned and qualified.] In case of death, resignation,  
19 removal from office, impeachment, or vacancy from any cause in  
20 the office of state auditor, the governor shall immediately  
21 appoint a qualified auditor to fill such vacancy until a  
22 successor is duly elected at the next general election,  
23 commissioned, and qualified to fill the office for the remainder  
24 of the term in which the vacancy occurred; and the governor shall  
25 take charge of the office and superintend its business until such  
26 person is appointed, commissioned and qualified; except that in  
27 cases of impeachment, the governor shall appoint a qualified  
28 person to serve only until such impeachment is determined, when

1 the suspended officer, if acquitted, shall be reinstated in  
2 office, or if the suspended officer is convicted, a new  
3 appointment shall be made by the governor in the manner provided  
4 in this section.

5 30.060. [In case of death, resignation, removal from  
6 office, impeachment or vacancy from any cause, in the office of  
7 the state treasurer, the governor shall take charge of such  
8 office and superintend the business thereof until a successor is  
9 appointed, commissioned and qualified except in case of  
10 impeachment, when no appointment shall be made until a  
11 determination of the matter is had, when, in the event of an  
12 acquittal, the suspended officer shall be reinstated in office.]

13 In case of death, resignation, removal from office, impeachment,  
14 or vacancy from any cause in the office of state treasurer, the  
15 governor shall immediately appoint a qualified person to fill  
16 such vacancy until a successor is duly elected at the next  
17 general election, commissioned, and qualified to fill the office  
18 for the remainder of the term in which the vacancy occurred; and  
19 the governor shall take charge of the office and superintend its  
20 business until such person is appointed, commissioned, and  
21 qualified; except that in cases of impeachment, the governor  
22 shall appoint a qualified person to serve only until such  
23 impeachment is determined, when the suspended officer, if  
24 acquitted, shall be reinstated in office, or if the suspended  
25 officer is convicted, a new appointment shall be made by the  
26 governor in the manner provided in this section.

27 32.010. 1. The department of revenue is in the charge of  
28 the director of revenue. The director shall be appointed by the

1 governor, by and with the advice and consent of the senate, and  
2 shall serve at the pleasure of the governor.

3 2. The director shall designate by written order filed with  
4 the governor, the secretary of the senate, and the chief clerk of  
5 the house of representatives, a deputy director of the department  
6 to act for and exercise the powers of the director during any  
7 vacancy in the office of director or during the director's  
8 absence for official business, vacation, illness, or incapacity.  
9 The deputy director shall be subject to removal at the pleasure  
10 of the director. Upon the commencement of any vacancy in the  
11 office, the governor shall appoint the deputy director as acting  
12 director of the department. In the event that no deputy director  
13 has been appointed, the governor shall appoint an acting director  
14 from among the division directors within the department.

15 3. The deputy director, or division director, may serve as  
16 acting director for no longer than one hundred and twenty days  
17 from the date the vacancy or absence first occurs. Upon the  
18 completion of one hundred and twenty days, the authority of the  
19 acting director shall expire. The governor shall not appoint  
20 another acting director after the authority of the deputy  
21 director, or division director, has expired. During any period  
22 of time in which the governor has appointed a director and  
23 submitted such person to the senate for its advice and consent  
24 during a regular or special session of the general assembly, the  
25 one hundred and twenty day period of authority for the acting  
26 director shall toll.

27 4. If the appointment of a director is returned to the  
28 governor by the senate, or does not receive the advice and

1 consent of the senate, the deputy director, or division director,  
2 may continue to serve as acting director for no more than thirty  
3 days from the date of such return or failure to receive advice  
4 and consent.

5 5. After the deputy director has served as acting director  
6 for longer than thirty days, the deputy director shall receive  
7 compensation equal to that of the director during the period when  
8 the deputy director is serving as acting director.

9 6. Nothing in this section shall be construed as  
10 prohibiting or otherwise limiting the ability of the governor to  
11 appoint a person as department head during a legislative interim  
12 pursuant to section 51, article IV of the Missouri Constitution.

13 37.010. 1. The governor, by and with the advice and  
14 consent of the senate, shall appoint a commissioner of  
15 administration, who shall head the "Office of Administration"  
16 which is hereby created. The commissioner of administration  
17 shall receive a salary as provided by law and shall also receive  
18 his actual and necessary expenses incurred in the discharge of  
19 his official duties. Before taking office, the commissioner of  
20 administration shall take and subscribe an oath or affirmation to  
21 support the Constitution of the United States and of this state,  
22 and to demean himself faithfully in office. He shall also  
23 deposit with the governor a bond, with sureties to be approved by  
24 the governor, in the amount to be determined by the governor  
25 payable to the state of Missouri, conditioned on the faithful  
26 performance of the duties of his office. The premium of this  
27 bond shall be paid out of the appropriation for the office of the  
28 governor.

1           2. The governor shall appoint the commissioner of  
2 administration with the advice and consent of the senate. The  
3 commissioner shall be at least thirty years of age and must have  
4 been a resident and qualified voter of this state for the five  
5 years next preceding his appointment. He must be qualified by  
6 training and experience to assume the managerial and  
7 administrative functions of the office of commissioner of  
8 administration.

9           3. The commissioner shall designate by written order filed  
10 with the governor, the secretary of the senate, and the chief  
11 clerk of the house of representatives, a deputy commissioner of  
12 the department to act for and exercise the powers of the  
13 commissioner during any vacancy in the office of commissioner or  
14 during the commissioner's absence for official business,  
15 vacation, illness, or incapacity. The deputy commissioner shall  
16 be subject to removal at the pleasure of the commissioner. Upon  
17 the commencement of any vacancy in the office, the governor shall  
18 appoint the deputy commissioner as acting commissioner of the  
19 department. In the event that no deputy commissioner has been  
20 appointed, the governor shall appoint an acting commissioner from  
21 among the division directors within the department.

22           4. The deputy commissioner, or division director, may serve  
23 as acting commissioner for no longer than one hundred and twenty  
24 days from the date the vacancy or absence first occurs. Upon the  
25 completion of one hundred and twenty days, the authority of the  
26 acting commissioner shall expire. The governor shall not appoint  
27 another acting commissioner after the authority of the deputy  
28 commissioner, or division director, has expired. During any

1 period of time in which the governor has appointed a commissioner  
2 and submitted such person to the senate for its advice and  
3 consent during a regular or special session of the general  
4 assembly, the one hundred and twenty day period of authority for  
5 the acting commissioner shall toll.

6 5. If the appointment of a commissioner is returned to the  
7 governor by the senate, or does not receive the advice and  
8 consent of the senate, the deputy commissioner, or division  
9 director, may continue to serve as acting commissioner for no  
10 more than thirty days from the date of such return or failure to  
11 receive advice and consent.

12 6. After the deputy commissioner has served as acting  
13 commissioner for longer than thirty days, the deputy commissioner  
14 shall receive compensation equal to that of the commissioner  
15 during the period when the deputy commissioner is serving as  
16 acting commissioner.

17 7. Nothing in this section shall be construed as  
18 prohibiting or otherwise limiting the ability of the governor to  
19 appoint a person as department head during a legislative interim  
20 pursuant to section 51, article IV of the Missouri constitution.

21 8. The commissioner of administration shall, by virtue of  
22 his office, without additional compensation, head the division of  
23 budget, the division of purchasing, the division of design and  
24 construction, and the division of electronic data processing  
25 coordination. Whenever provisions of the constitution grant  
26 powers, impose duties or make other reference to the comptroller,  
27 they shall be construed as referring to the commissioner of  
28 administration.

1           [4.] 9. The commissioner of administration shall provide  
2 the governor with such assistance in the supervision of the  
3 executive branch of state government as the governor requires and  
4 shall perform such other duties as are assigned to him by the  
5 governor or by law. The commissioner of administration shall  
6 work with other departments of the executive branch of state  
7 government to promote economy, efficiency and improved service in  
8 the transaction of state business. The commissioner of  
9 administration, with the approval of the governor, shall organize  
10 the work of the office of administration in such manner as to  
11 obtain maximum effectiveness of the personnel of the office. He  
12 may consolidate, abolish or reassign duties of positions or  
13 divisions combined within the office of administration, except  
14 for the division of personnel. He may delegate specific duties  
15 to subordinates. These subordinates shall take the same oath as  
16 the commissioner and shall be covered by the bond of the director  
17 or by separate bond as required by the governor.

18           [5.] 10. The personnel division, personnel director and  
19 personnel advisory board as provided in chapter 36 shall be in  
20 the office of administration. The personnel director and  
21 employees of the personnel division shall perform such duties as  
22 directed by the commissioner of administration for personnel work  
23 in agencies and departments of state government not covered by  
24 the merit system law to upgrade state employment and to improve  
25 the uniform quality of state employment.

26           [6.] 11. The commissioner of administration shall prepare a  
27 complete inventory of all real estate, buildings and facilities  
28 of state government and an analysis of their utilization. Each

1 year he shall formulate and submit to the governor a long-range  
2 plan for the ensuing five years for the repair, construction and  
3 rehabilitation of all state properties. The plan shall set forth  
4 the projects proposed to be authorized in each of the five years  
5 with each project ranked in the order of urgency of need from the  
6 standpoint of the state as a whole and shall be upgraded each  
7 year. Project proposals shall be accompanied by workload and  
8 utilization information explaining the need and purpose of each.  
9 Departments shall submit recommendations for capital improvement  
10 projects and other information in such form and at such times as  
11 required by the commissioner of administration to enable him to  
12 prepare the long-range plan. The commissioner of administration  
13 shall prepare the long-range plan together with analysis of  
14 financing available and suggestions for further financing for  
15 approval of the governor who shall submit it to the general  
16 assembly. The long-range plan shall include credible estimates  
17 for operating purposes as well as capital outlay and shall  
18 include program data to justify need for the expenditures  
19 included. The long-range plan shall be extended, revised and  
20 resubmitted in the same manner to accompany each executive  
21 budget. The appropriate recommendations for the period for which  
22 appropriations are to be made shall be incorporated in the  
23 executive budget for that period together with recommendations  
24 for financing. Each revised long-range plan shall provide a  
25 report on progress in the repair, construction and rehabilitation  
26 of state properties and of the operating purposes program for the  
27 preceding fiscal period in terms of expenditures and meeting  
28 program goals.

1           [7.] 12. All employees of the office of administration,  
2 except the commissioner and not more than three other executive  
3 positions designated by the governor in an executive order, shall  
4 be subject to the provisions of chapter 36. The commissioner  
5 shall appoint all employees of the office of administration and  
6 may discharge the employees after proper hearing, provided that  
7 the employment and discharge conform to the practices governing  
8 selection and discharge of employees in accordance with the  
9 provisions of chapter 36.

10           [8.] 13. The office of the commissioner of administration  
11 shall be in Jefferson City.

12           [9.] 14. In case of death, resignation, removal from office  
13 or vacancy from any cause in the office of commissioner of  
14 administration, the governor shall take charge of the office and  
15 superintend the business thereof until a successor is appointed,  
16 commissioned and qualified.

17           105.050. If any vacancy shall happen from any cause in the  
18 office of [the attorney general,] circuit attorney, prosecuting  
19 attorney or assistant prosecuting attorney, the governor, upon  
20 being satisfied that such vacancy exists, shall appoint some  
21 competent person to fill the same until the next regular election  
22 for [attorney general,] prosecuting attorney or assistant  
23 prosecuting attorney, as the case may be; provided, in the case  
24 of a vacancy in the office of prosecuting attorney, if there is  
25 no qualified person in the county who can or will accept such  
26 appointment, then the governor may appoint any person who  
27 possesses all the qualifications set forth in section 56.010,  
28 except the qualification as to residence.

1           192.007. 1. The director of the department of health and  
2 senior services shall be appointed by the governor by and with  
3 the advice and consent of the senate. The director shall serve  
4 at the pleasure of the governor and the director's salary shall  
5 not exceed appropriations made for that purpose.

6           2. The director shall be a person of recognized character,  
7 integrity and executive ability, shall be a graduate of an  
8 institution of higher education approved by recognized  
9 accrediting agencies, and shall have had the administrative  
10 experience necessary to enable him to successfully perform the  
11 duties of his office. He shall have experience in public health  
12 management and agency operation and management.

13           3. The director shall designate by written order filed with  
14 the governor, the secretary of the senate, and the chief clerk of  
15 the house of representatives, a deputy director of the department  
16 to act for and exercise the powers of the director during any  
17 vacancy in the office of director or during the director's  
18 absence for official business, vacation, illness, or incapacity.  
19 The deputy director shall be subject to removal at the pleasure  
20 of the director. Upon the commencement of any vacancy in the  
21 office, the governor shall appoint the deputy director as acting  
22 director of the department. In the event that no deputy director  
23 has been appointed, the governor shall appoint an acting director  
24 from among the division directors within the department.

25           4. The deputy director, or division director, may serve as  
26 acting director for no longer than one hundred and twenty days  
27 from the date the vacancy or absence first occurs. Upon the  
28 completion of one hundred and twenty days, the authority of the

1 acting director shall expire. The governor shall not appoint  
2 another acting director after the authority of the deputy  
3 director, or division director, has expired. During any period  
4 of time in which the governor has appointed a director and  
5 submitted such person to the senate for its advice and consent  
6 during a regular or special session of the general assembly, the  
7 one hundred and twenty day period of authority for the acting  
8 director shall toll.

9 5. If the appointment of a director is returned to the  
10 governor by the senate, or does not receive the advice and  
11 consent of the senate, the deputy director, or division director,  
12 may continue to serve as acting director for no more than thirty  
13 days from the date of such return or failure to receive advice  
14 and consent.

15 6. After the deputy director has served as acting director  
16 for longer than thirty days, the deputy director shall receive  
17 compensation equal to that of the director during the period when  
18 the deputy director is serving as acting director.

19 7. Nothing in this section shall be construed as  
20 prohibiting or otherwise limiting the ability of the governor to  
21 appoint a person as department head during a legislative interim  
22 pursuant to section 51, article IV of the Missouri constitution.

23 217.035. 1. The director shall have the authority to:

24 (1) Establish, with approval of the governor, the internal  
25 organization of the department and file the plan thereof with the  
26 secretary of state in the manner in which administrative rules  
27 are filed, the commissioner of administration and the revisor of  
28 statutes;

1 (2) Exclusively prepare the budgets of the department and  
2 each division within the department in the form and manner set  
3 out by statute or by the commissioner of administration;

4 (3) [Designate by written order filed with the governor,  
5 the president pro tem of the senate, and the chairman of the  
6 joint committee on corrections, a deputy director of the  
7 department to act for and exercise the powers of the director  
8 during the director's absence for official business, vacation,  
9 illness or incapacity. The deputy director shall serve as acting  
10 director no longer than six months; however, after the deputy  
11 director has acted as director for longer than thirty days the  
12 deputy director shall receive compensation equal to that of the  
13 director;

14 (4) Procure, either through the division of purchasing or  
15 by other means authorized by law, supplies, material, equipment  
16 or contractual services for the department and each of its  
17 divisions;

18 [(5)] (4) Establish policy for the department and each of  
19 its divisions;

20 [(6)] (5) Designate any responsibilities, duties and powers  
21 given by sections 217.010, 217.810, 558.011 and 558.026 to the  
22 department or the department director to any division or division  
23 director.

24 2. The director shall designate by written order filed with  
25 the governor, the secretary of the senate, and the chief clerk of  
26 the house of representatives, a deputy director of the department  
27 to act for and exercise the powers of the director during any  
28 vacancy in the office of director or during the director's

1 absence for official business, vacation, illness, or incapacity.  
2 The deputy director shall be subject to removal at the pleasure  
3 of the director. Upon the commencement of any vacancy in the  
4 office, the governor shall appoint the deputy director as acting  
5 director of the department. In the event that no deputy director  
6 has been appointed, the governor shall appoint an acting director  
7 from among the division directors within the department.

8 3. The deputy director, or division director, may serve as  
9 acting director for no longer than one hundred and twenty days  
10 from the date the vacancy or absence first occurs. Upon the  
11 completion of one hundred and twenty days, the authority of the  
12 acting director shall expire. The governor shall not appoint  
13 another acting director after the authority of the deputy  
14 director, or division director, has expired. During any period  
15 of time in which the governor has appointed a director and  
16 submitted such person to the senate for its advice and consent  
17 during a regular or special session of the general assembly, the  
18 one hundred and twenty day period of authority for the acting  
19 director shall toll.

20 4. If the appointment of a director is returned to the  
21 governor by the senate, or does not receive the advice and  
22 consent of the senate, the deputy director, or division director,  
23 may continue to serve as acting director for no more than thirty  
24 days from the date of such return or failure to receive advice  
25 and consent.

26 5. After the deputy director has served as acting director  
27 for longer than thirty days, the deputy director shall receive  
28 compensation equal to that of the director during the period when

1 the deputy director is serving as acting director.

2 6. Nothing in this section shall be construed as  
3 prohibiting or otherwise limiting the ability of the governor to  
4 appoint a person as department head during a legislative interim  
5 pursuant to section 51, article IV of the Missouri constitution.

6 261.010. 1. There is created a "Department of  
7 Agriculture", the main office of which shall be in Jefferson City  
8 in quarters provided by the division of design and construction.  
9 The governor, by and with the advice and consent of the senate,  
10 shall appoint a director of the department of agriculture who  
11 shall be a practical farmer, well versed in agricultural science  
12 and who shall serve at the pleasure of the governor. The  
13 director shall be in charge of the department of agriculture.

14 2. The director shall designate by written order filed with  
15 the governor, the secretary of the senate, and the chief clerk of  
16 the house of representatives, a deputy director of the department  
17 to act for and exercise the powers of the director during any  
18 vacancy in the office of director or during the director's  
19 absence for official business, vacation, illness, or incapacity.  
20 The deputy director shall be subject to removal at the pleasure  
21 of the director. Upon the commencement of any vacancy in the  
22 office, the governor shall appoint the deputy director as acting  
23 director of the department. In the event that no deputy director  
24 has been appointed, the governor shall appoint an acting director  
25 from among the division directors within the department.

26 3. The deputy director, or division director, may serve as  
27 acting director for no longer than one hundred and twenty days  
28 from the date the vacancy or absence first occurs. Upon the

1 completion of one hundred and twenty days, the authority of the  
2 acting director shall expire. The governor shall not appoint  
3 another acting director after the authority of the deputy  
4 director, or division director, has expired. During any period  
5 of time in which the governor has appointed a director and  
6 submitted such person to the senate for its advice and consent  
7 during a regular or special session of the general assembly, the  
8 one hundred and twenty day period of authority for the acting  
9 director shall toll.

10 4. If the appointment of a director is returned to the  
11 governor by the senate, or does not receive the advice and  
12 consent of the senate, the deputy director, or division director,  
13 may continue to serve as acting director for no more than thirty  
14 days from the date of such return or failure to receive advice  
15 and consent.

16 5. After the deputy director has served as acting director  
17 for longer than thirty days, the deputy director shall receive  
18 compensation equal to that of the director during the period when  
19 the deputy director is serving as acting director.

20 6. Nothing in this section shall be construed as  
21 prohibiting or otherwise limiting the ability of the governor to  
22 appoint a person as department head during a legislative interim  
23 pursuant to section 51, article IV of the Missouri constitution.

24 286.005. 1. There is hereby created a "Department of Labor  
25 and Industrial Relations" to be headed by a labor and industrial  
26 relations commission as provided by section 49, article IV,  
27 Constitution of Missouri. All the powers, duties and functions  
28 of the industrial commission are transferred by type I transfer

1 to the labor and industrial relations commission and the  
2 industrial commission is abolished. The commission shall  
3 nominate and the governor shall appoint, with the advice and  
4 consent of the senate, the director of the department to be the  
5 chief administrative officer of the department. Members of the  
6 industrial commission on May 2, 1974, shall become members of the  
7 commission and the terms of the commission members shall be the  
8 same as provided by law for the industrial commission.

9 Individuals appointed as members of the industrial commission  
10 shall serve the remainder of the term to which they were  
11 appointed as members of the commission. The members of the  
12 commission shall receive an annual salary of seventy-two thousand  
13 seven hundred thirty-five dollars plus any salary adjustment  
14 provided pursuant to section 105.005 payable out of the state  
15 treasury. The board of rehabilitation is abolished as  
16 hereinafter set out and on May 2, 1974, no compensation shall be  
17 paid to any person as a member of the board of rehabilitation,  
18 other provisions of the law notwithstanding. The director of the  
19 department shall appoint other division heads in the department.  
20 For the purposes of subsections 6, 7, 8 and 9 of section 1 of the  
21 reorganization act of 1974, the director of the department shall  
22 be construed as the head of the department of labor and  
23 industrial relations.

24 2. The director shall designate by written order filed with  
25 the governor, the secretary of the senate, and the chief clerk of  
26 the house of representatives, a deputy director of the department  
27 to act for and exercise the powers of the director during any  
28 vacancy in the office of director or during the director's

1 absence for official business, vacation, illness, or incapacity.  
2 The deputy director shall be subject to removal at the pleasure  
3 of the director. Upon the commencement of any vacancy in the  
4 office, the governor shall appoint the deputy director as acting  
5 director of the department. In the event that no deputy director  
6 has been appointed, the governor shall appoint an acting director  
7 from among the division directors within the department.

8 3. The deputy director, or division director, may serve as  
9 acting director for no longer than one hundred and twenty days  
10 from the date the vacancy or absence first occurs. Upon the  
11 completion of one hundred and twenty days, the authority of the  
12 acting director shall expire. The governor shall not appoint  
13 another acting director after the authority of the deputy  
14 director, or division director, has expired. During any period  
15 of time in which the governor has appointed a director and  
16 submitted such person to the senate for its advice and consent  
17 during a regular or special session of the general assembly, the  
18 one hundred and twenty day period of authority for the acting  
19 director shall toll.

20 4. If the appointment of a director is returned to the  
21 governor by the senate, or does not receive the advice and  
22 consent of the senate, the deputy director, or division director,  
23 may continue to serve as acting director for no more than thirty  
24 days from the date of such return or failure to receive advice  
25 and consent.

26 5. After the deputy director has served as acting director  
27 for longer than thirty days, the deputy director shall receive  
28 compensation equal to that of the director during the period when

1 the deputy director is serving as acting director.

2 6. Nothing in this section shall be construed as  
3 prohibiting or otherwise limiting the ability of the governor to  
4 appoint a person as department head during a legislative interim  
5 pursuant to section 51, article IV of the Missouri constitution.

6 7. All powers, duties, and functions vested by law in the  
7 division of employment security, chapter 288, and others, are  
8 transferred by type II transfer to the department.

9 [3.] 8. All powers, duties, and functions vested by law in  
10 the division of workers' compensation, chapter 287, and others,  
11 are transferred by type II transfer to the department.

12 [4.] 9. All the powers, duties, and functions of the board  
13 of rehabilitation, chapter 287, and others, are transferred by  
14 type I transfer to the division of workers' compensation of the  
15 department and the board of rehabilitation is abolished.

16 [5.] 10. All powers, duties and functions vested by law in  
17 the division of industrial inspections and the division of mine  
18 inspections, chapters 286, 290, 291, 292, 293, 294 and 444, which  
19 were previously transferred by type I transfer to the inspection  
20 section of the department, are transferred to the division of  
21 labor standards of the department. Employees of the division  
22 performing duties related to the mine safety and health act and  
23 the occupational safety health act shall be selected in accord  
24 with chapter 36.

25 [6.] 11. All the powers, duties, and functions vested by  
26 law in the state board of mediation under chapter 295, and  
27 others, are transferred by type II transfer to the department.

28 [7.] 12. All employees of the division of employment

1 security shall be selected in accord with chapter 36.

2 [8.] 13. The Missouri commission on human rights, and all  
3 the authority, powers, duties, functions, records, personnel,  
4 property, matters pending and other pertinent vestiges thereof  
5 vested in the Missouri commission on human rights under chapters  
6 213, 296, 314, and others, are transferred by type III transfer  
7 to the department. Members of the Missouri commission on human  
8 rights shall be nominated by the director for appointment by the  
9 governor, by and with the advice and consent of the senate.

10 287.610. 1. [After August 28, 2005,] The division may  
11 nominate and the governor shall appoint [additional]  
12 administrative law judges for a maximum of forty authorized  
13 administrative law judges. All administrative law judges  
14 appointed by the governor under this section shall be with the  
15 advice and consent of the senate. Appropriations shall be based  
16 upon necessity, measured by the requirements and needs of each  
17 division office. Administrative law judges shall be duly  
18 licensed lawyers under the laws of this state. Administrative  
19 law judges shall not practice law or do law business and shall  
20 devote their whole time to the duties of their office. The  
21 director of the division of workers' compensation shall publish  
22 and maintain on the division's website the appointment dates or  
23 initial dates of service for all administrative law judges.

24 2. The thirteen administrative law judges with the most  
25 years of service shall be subject to a retention vote on August  
26 28, 2008. The next thirteen administrative law judges with the  
27 most years of service in descending order shall be subject to a  
28 retention vote on August 28, 2012. Administrative law judges

1 appointed and not previously referenced in this subsection shall  
2 be subject to a retention vote on August 28, 2016. Subsequent  
3 retention votes shall be held every twelve years. Any  
4 administrative law judge who has received two or more votes of no  
5 confidence under performance audits by the committee shall not  
6 receive a vote of retention.

7 3. The administrative law judge review committee members  
8 shall not have any direct or indirect employment or financial  
9 connection with a workers' compensation insurance company, claims  
10 adjustment company, health care provider nor be a practicing  
11 workers' compensation attorney. All members of the committee  
12 shall have a working knowledge of workers' compensation.

13 4. The committee shall within thirty days of completing  
14 each performance audit make a recommendation of confidence or no  
15 confidence for each administrative law judge.

16 5. The administrative law judges appointed by the division  
17 shall only have jurisdiction to hear and determine claims upon  
18 original hearing and shall have no jurisdiction upon any review  
19 hearing, either in the way of an appeal from an original hearing  
20 or by way of reopening any prior award, except to correct a  
21 clerical error in an award or settlement if the correction is  
22 made by the administrative law judge within twenty days of the  
23 original award or settlement. The labor and industrial relations  
24 commission may remand any decision of an administrative law judge  
25 for a more complete finding of facts. The commission may also  
26 correct a clerical error in awards or settlements within thirty  
27 days of its final award. With respect to original hearings, the  
28 administrative law judges shall have such jurisdiction and powers

1 as are vested in the division of workers' compensation under  
2 other sections of this chapter, and wherever in this chapter the  
3 word "commission", "commissioners" or "division" is used in  
4 respect to any original hearing, those terms shall mean the  
5 administrative law judges appointed under this section. When a  
6 hearing is necessary upon any claim, the division shall assign an  
7 administrative law judge to such hearing. Any administrative law  
8 judge shall have power to approve contracts of settlement, as  
9 provided by section 287.390, between the parties to any  
10 compensation claim or dispute under this chapter pending before  
11 the division of workers' compensation. Any award by an  
12 administrative law judge upon an original hearing shall have the  
13 same force and effect, shall be enforceable in the same manner as  
14 provided elsewhere in this chapter for awards by the labor and  
15 industrial relations commission, and shall be subject to review  
16 as provided by section 287.480.

17 6. Any of the administrative law judges employed pursuant  
18 to this section may be assigned on a temporary basis to the  
19 branch offices as necessary in order to ensure the proper  
20 administration of this chapter.

21 7. All administrative law judges shall be required to  
22 participate in, on a continuing basis, specific training that  
23 shall pertain to those elements of knowledge and procedure  
24 necessary for the efficient and competent performance of the  
25 administrative law judges' required duties and responsibilities.  
26 Such training requirements shall be established by the division  
27 subject to appropriations and shall include training in medical  
28 determinations and records, mediation and legal issues pertaining

1 to workers' compensation adjudication. Such training may be  
2 credited toward any continuing legal education requirements.

3 8. (1) The administrative law judge review committee shall  
4 conduct a performance audit of all administrative law judges  
5 every two years. The audit results, stating the committee's  
6 recommendation of confidence or no confidence of each  
7 administrative law judge shall be sent to the governor no later  
8 than the first week of each legislative session immediately  
9 following such audit. Any administrative law judge who has  
10 received three or more votes of no confidence under two  
11 successive performance audits by the committee may have their  
12 appointment immediately withdrawn.

13 (2) The review committee shall consist of one member  
14 appointed by the president pro tem of the senate, one member  
15 appointed by the minority leader of the senate, one member  
16 appointed by the speaker of the house of representatives, and one  
17 member appointed by the minority leader of the house of  
18 representatives. The governor shall appoint to the committee one  
19 member selected from the commission on retirement, removal, and  
20 discipline of judges.

21 This member shall act as a member ex officio and shall not have a  
22 vote in the committee. The committee shall annually elect a  
23 chairperson from its members for a term of one year. The term of  
24 service for all members shall be two years. The review committee  
25 members shall all serve without compensation. Necessary expenses  
26 for review committee members and all necessary support services  
27 to the review committee shall be provided by the division.

28 9. No rule or portion of a rule promulgated pursuant to the

1 authority of this section shall become effective unless it has  
2 been promulgated pursuant to the provisions of chapter 536.

3 374.020. 1. The chief officer of said department shall be  
4 designated as the director of the department of insurance,  
5 financial institutions and professional registration. He shall  
6 be a citizen of this state, and experienced in matters of  
7 insurance, and be appointed by the governor, by and with the  
8 advice and consent of the senate, and shall hold his office  
9 concurrently with that of the governor and until his successor is  
10 appointed and qualified, and shall be subject to removal from  
11 office by the governor at his pleasure.

12 2. [If a vacancy shall at any time occur, the same shall be  
13 filled by the governor, by appointment, subject to the  
14 confirmation of the senate, if in session; if not, then at its  
15 next session.

16 3.] The director shall designate by written order filed  
17 with the governor, the secretary of the senate, and the chief  
18 clerk of the house of representatives, a deputy director of the  
19 department to act for and exercise the powers of the director  
20 during any vacancy in the office of director or during the  
21 director's absence for official business, vacation, illness, or  
22 incapacity. The deputy director shall be subject to removal at  
23 the pleasure of the director. Before entering upon his or her  
24 duties as deputy director, the deputy director shall take the  
25 oath and be bonded as required of the director in section  
26 374.030. Upon the commencement of any vacancy in the office, the  
27 governor shall appoint the deputy director as acting director of  
28 the department. In the event that no deputy director has been

1 appointed, the governor shall appoint an acting director from  
2 among the division directors within the department.

3 3. The deputy director, or division director, may serve as  
4 acting director for no longer than one hundred and twenty days  
5 from the date the vacancy or absence first occurs. Upon the  
6 completion of one hundred and twenty days, the authority of the  
7 acting director shall expire. The governor shall not appoint  
8 another acting director after the authority of the deputy  
9 director, or division director, has expired. During any period  
10 of time in which the governor has appointed a director and  
11 submitted such person to the senate for its advice and consent  
12 during a regular or special session of the general assembly, the  
13 one hundred and twenty day period of authority for the acting  
14 director shall toll.

15 4. If the appointment of a director is returned to the  
16 governor by the senate, or does not receive the advice and  
17 consent of the senate, the deputy director, or division director,  
18 may continue to serve as acting director for no more than thirty  
19 days from the date of such return or failure to receive advice  
20 and consent.

21 5. After the deputy director has served as acting director  
22 for longer than thirty days, the deputy director shall receive  
23 compensation equal to that of the director during the period when  
24 the deputy director is serving as acting director.

25 6. Nothing in this section shall be construed as  
26 prohibiting or otherwise limiting the ability of the governor to  
27 appoint a person as department head during a legislative interim  
28 pursuant to section 51, article IV of the Missouri constitution.

1           7. It shall not be lawful for the director or his deputy to  
2 hold any position as officer, agent or employee of any insurance  
3 or assurance company, nor shall he otherwise be directly or  
4 indirectly interested in any insurance company, except as a  
5 policyholder.

6           620.010. 1. There is hereby created a "Department of  
7 Economic Development" to be headed by a director appointed by the  
8 governor, by and with the advice and consent of the senate. All  
9 of the general provisions, definitions and powers enumerated in  
10 section 1 of the Omnibus State Reorganization Act of 1974 shall  
11 continue to apply to this department and its divisions, agencies  
12 and personnel.

13           2. The director shall designate by written order filed with  
14 the governor, the secretary of the senate, and the chief clerk of  
15 the house of representatives, a deputy director of the department  
16 to act for and exercise the powers of the director during any  
17 vacancy in the office of director or during the director's  
18 absence for official business, vacation, illness, or incapacity.  
19 The deputy director shall be subject to removal at the pleasure  
20 of the director. Upon the commencement of any vacancy in the  
21 office, the governor shall appoint the deputy director as acting  
22 director of the department. In the event that no deputy director  
23 has been appointed, the governor shall appoint an acting director  
24 from among the division directors within the department.

25           3. The deputy director, or division director, may serve as  
26 acting director for no longer than one hundred and twenty days  
27 from the date the vacancy or absence first occurs. Upon the  
28 completion of one hundred and twenty days, the authority of the

1 acting director shall expire. The governor shall not appoint  
2 another acting director after the authority of the deputy  
3 director, or division director, has expired. During any period  
4 of time in which the governor has appointed a director and  
5 submitted such person to the senate for its advice and consent  
6 during a regular or special session of the general assembly, the  
7 one hundred and twenty day period of authority for the acting  
8 director shall toll.

9 4. If the appointment of a director is returned to the  
10 governor by the senate, or does not receive the advice and  
11 consent of the senate, the deputy director, or division director,  
12 may continue to serve as acting director for no more than thirty  
13 days from the date of such return or failure to receive advice  
14 and consent.

15 5. After the deputy director has served as acting director  
16 for longer than thirty days, the deputy director shall receive  
17 compensation equal to that of the director during the period when  
18 the deputy director is serving as acting director.

19 6. Nothing in this section shall be construed as  
20 prohibiting or otherwise limiting the ability of the governor to  
21 appoint a person as department head during a legislative interim  
22 pursuant to section 51, article IV of the Missouri constitution.

23 7. The powers, duties and functions vested in the public  
24 service commission, chapters 386, 387, 388, 389, 390, 392, 393,  
25 and others, and the administrative hearing commission, sections  
26 621.015 to 621.198 and others, are transferred by type III  
27 transfers to the department of economic development. The  
28 director of the department is directed to provide and coordinate

1 staff and equipment services to these agencies in the interest of  
2 facilitating the work of the bodies and achieving optimum  
3 efficiency in staff services common to all the bodies. Nothing  
4 in the Reorganization Act of 1974 shall prevent the chairman of  
5 the public service commission from presenting additional budget  
6 requests or from explaining or clarifying its budget requests to  
7 the governor or general assembly.

8 [3.] 8. The powers, duties and functions vested in the  
9 office of the public counsel are transferred by type III transfer  
10 to the department of economic development. Funding for the  
11 general counsel's office shall be by general revenue.

12 [4.] 9. The public service commission is authorized to  
13 employ such staff as it deems necessary for the functions  
14 performed by the general counsel other than those powers, duties  
15 and functions relating to representation of the public before the  
16 public service commission.

17 [5.] 10. All the powers, duties and functions vested in the  
18 tourism commission, chapter 258 and others, are transferred to  
19 the "Division of Tourism", which is hereby created, by type III  
20 transfer.

21 [6.] 11. All the powers, duties and functions of the  
22 department of community affairs, chapter 251 and others, not  
23 otherwise assigned, are transferred by type I transfer to the  
24 department of economic development, and the department of  
25 community affairs is abolished. The director of the department  
26 of economic development may assume all the duties of the director  
27 of community affairs or may establish within the department such  
28 subunits and advisory committees as may be required to administer

1 the programs so transferred. The director of the department  
2 shall appoint all members of such committees and heads of  
3 subunits.

4 [7.] 12. The state council on the arts, chapter 185 and  
5 others, is transferred by type II transfer to the department of  
6 economic development, and the members of the council shall be  
7 appointed by the director of the department.

8 [8.] 13. The Missouri housing development commission,  
9 chapter 215, is assigned to the department of economic  
10 development, but shall remain a governmental instrumentality of  
11 the state of Missouri and shall constitute a body corporate and  
12 politic.

13 [9.] 14. All the authority, powers, duties, functions,  
14 records, personnel, property, matters pending and other pertinent  
15 vestiges of the division of manpower planning of the department  
16 of social services are transferred by a type I transfer to the  
17 "Division of Job Development and Training", which is hereby  
18 created, within the department of economic development. The  
19 division of manpower planning within the department of social  
20 services is abolished. The provisions of section 1 of the  
21 Omnibus State Reorganization Act of 1974, Appendix B, relating to  
22 the manner and procedures for transfers of state agencies shall  
23 apply to the transfers provided in this section.

24 [10.] 15. Any rule or portion of a rule, as that term is  
25 defined in section 536.010, that is created under the authority  
26 delegated in this section shall become effective only if it  
27 complies with and is subject to all of the provisions of chapter  
28 536 and, if applicable, section 536.028. This section and

1 chapter 536 are nonseverable and if any of the powers vested with  
2 the general assembly pursuant to chapter 536 to review, to delay  
3 the effective date, or to disapprove and annul a rule are  
4 subsequently held unconstitutional, then the grant of rulemaking  
5 authority and any rule proposed or adopted after August 28, 2008,  
6 shall be invalid and void.

7 640.010. 1. There is hereby created a department of  
8 natural resources in charge of a director appointed by the  
9 governor, by and with the advice and consent of the senate. The  
10 director shall administer the programs assigned to the department  
11 relating to environmental control and the conservation and  
12 management of natural resources. The director shall coordinate  
13 and supervise all staff and other personnel assigned to the  
14 department. He shall faithfully cause to be executed all  
15 policies established by the boards and commissions assigned to  
16 the department, be subject to their decisions as to all  
17 substantive and procedural rules and his or her decisions shall  
18 be subject to appeal as provided by law. The director shall  
19 recommend policies to the various boards and commissions assigned  
20 to the department to achieve effective and coordinated  
21 environmental control and natural resource conservation policies.

22 2. The director shall designate by written order filed with  
23 the governor, the secretary of the senate, and the chief clerk of  
24 the house of representatives, a deputy director of the department  
25 to act for and exercise the powers of the director during any  
26 vacancy in the office of director or during the director's  
27 absence for official business, vacation, illness, or incapacity.  
28 The deputy director shall be subject to removal at the pleasure

1 of the director. Upon the commencement of any vacancy in the  
2 office, the governor shall appoint the deputy director as acting  
3 director of the department. In the event that no deputy director  
4 has been appointed, the governor shall appoint an acting director  
5 from among the division directors within the department.

6 3. The deputy director, or division director, may serve as  
7 acting director for no longer than one hundred and twenty days  
8 from the date the vacancy or absence first occurs. Upon the  
9 completion of one hundred and twenty days, the authority of the  
10 acting director shall expire. The governor shall not appoint  
11 another acting director after the authority of the deputy  
12 director, or division director, has expired. During any period  
13 of time in which the governor has appointed a director and  
14 submitted such person to the senate for its advice and consent  
15 during a regular or special session of the general assembly, the  
16 one hundred and twenty day period of authority for the acting  
17 director shall toll.

18 4. If the appointment of a director is returned to the  
19 governor by the senate, or does not receive the advice and  
20 consent of the senate, the deputy director, or division director,  
21 may continue to serve as acting director for no more than thirty  
22 days from the date of such return or failure to receive advice  
23 and consent.

24 5. After the deputy director has served as acting director  
25 for longer than thirty days, the deputy director shall receive  
26 compensation equal to that of the director during the period when  
27 the deputy director is serving as acting director.

28 6. Nothing in this section shall be construed as

1 prohibiting or otherwise limiting the ability of the governor to  
2 appoint a person as department head during a legislative interim  
3 pursuant to section 51, article IV of the Missouri constitution.

4 7. The director shall appoint directors of staff to service  
5 each of the policy making boards or commissions assigned to the  
6 department. Each director of staff shall be qualified by  
7 education, training and experience in the technical matters of  
8 the board to which he is assigned and his or her appointment  
9 shall be approved by the board to which he is assigned and he  
10 shall be removed or reassigned on their request in writing to the  
11 director of the department. All other employees of the  
12 department and of each board and commission assigned to the  
13 department shall be appointed by the director of the department  
14 in accord with chapter 36, and shall be assigned and may be  
15 reassigned as required by the director of the department in such  
16 a manner as to provide optimum service, efficiency and economy.

17 [3.] 8. The air conservation commission, chapter 203 and  
18 others, the clean water commission, chapter 204 and others, are  
19 transferred by type II transfer to the department of natural  
20 resources. The governor shall appoint the members of these  
21 bodies in accord with the laws establishing them, with the advice  
22 and consent of the senate. The bodies hereby transferred shall  
23 retain all rulemaking and hearing powers allotted by law, as well  
24 as those of any bodies transferred to their jurisdiction. All  
25 the powers, duties and functions of the state environmental  
26 improvement authority, chapter 260 and others, are transferred by  
27 type III transfer to the air conservation commission. All the  
28 powers, duties and functions of the water resources board,

1 chapter 256 and others, are transferred by type I transfer to the  
2 clean water commission and the board is abolished. No member of  
3 the clean water commission shall receive or shall have received,  
4 during the previous two years from the date of his or her  
5 appointment, a significant portion of his or her income directly  
6 or indirectly from permit holders or applicants for a permit  
7 under the jurisdiction of the clean water commission. The state  
8 park board, chapter 253, is transferred to the department of  
9 natural resources by type I transfer.

10 [4.] 9. All the powers, duties and functions of the state  
11 soil and water districts commission, chapter 278 and others, are  
12 transferred by a type II transfer to the department.

13 [5.] 10. All the powers, duties and functions of the state  
14 geologist, chapter 256 and others, are transferred by type I  
15 transfer to the department of natural resources. All the powers,  
16 duties and functions of the state oil and gas council, chapter  
17 259 and others, are transferred to the department of natural  
18 resources by type II transfer. The director of the department  
19 shall appoint a state geologist who shall have the duties to  
20 supervise and coordinate the work formerly done by the  
21 departments or authorities abolished by this subsection, and  
22 shall provide staff services for the state oil and gas council.

23 [6.] 11. All the powers, duties and functions of the land  
24 reclamation commission, chapter 444 and others, are transferred  
25 to the department of natural resources by type II transfer. All  
26 necessary personnel required by the commission shall be selected,  
27 employed and discharged by the commission. The director of the  
28 department shall not have the authority to abolish positions.

1           [7.] 12. The functions performed by the division of health  
2 in relation to the maintenance of a safe quality of water  
3 dispensed to the public, sections 640.100 to 640.115, and others,  
4 and for licensing and regulating solid waste management systems  
5 and plans are transferred by type I transfer to the department of  
6 natural resources.

7           650.005. 1. There is hereby created a "Department of  
8 Public Safety" in the charge of a director appointed by the  
9 governor with the advice and consent of the senate. The  
10 department's role will be to provide overall coordination in the  
11 state's public safety and law enforcement program, to provide  
12 channels of coordination with local and federal agencies in  
13 regard to public safety, law enforcement and with all  
14 correctional and judicial agencies in regard to matters  
15 pertaining to its responsibilities as they may interrelate with  
16 the other agencies or offices of state, local or federal  
17 governments.

18           2. The director shall designate by written order filed with  
19 the governor, the secretary of the senate, and the chief clerk of  
20 the house of representatives, a deputy director of the department  
21 to act for and exercise the powers of the director during any  
22 vacancy in the office of director or during the director's  
23 absence for official business, vacation, illness, or incapacity.  
24 The deputy director shall be subject to removal at the pleasure  
25 of the director. Upon the commencement of any vacancy in the  
26 office, the governor shall appoint the deputy director as acting  
27 director of the department. In the event that no deputy director  
28 has been appointed, the governor shall appoint an acting director

1 from among the division directors within the department.

2 3. The deputy director, or division director, may serve as  
3 acting director for no longer than one hundred and twenty days  
4 from the date the vacancy or absence first occurs. Upon the  
5 completion of one hundred and twenty days, the authority of the  
6 acting director shall expire. The governor shall not appoint  
7 another acting director after the authority of the deputy  
8 director, or division director, has expired. During any period  
9 of time in which the governor has appointed a director and  
10 submitted such person to the senate for its advice and consent  
11 during a regular or special session of the general assembly, the  
12 one hundred and twenty day period of authority for the acting  
13 director shall toll.

14 4. If the appointment of a director is returned to the  
15 governor by the senate, or does not receive the advice and  
16 consent of the senate, the deputy director, or division director,  
17 may continue to serve as acting director for no more than thirty  
18 days from the date of such return or failure to receive advice  
19 and consent.

20 5. After the deputy director has served as acting director  
21 for longer than thirty days, the deputy director shall receive  
22 compensation equal to that of the director during the period when  
23 the deputy director is serving as acting director.

24 6. Nothing in this section shall be construed as  
25 prohibiting or otherwise limiting the ability of the governor to  
26 appoint a person as department head during a legislative interim  
27 pursuant to section 51, article IV of the Missouri constitution.

28 7. All the powers, duties and functions of the state

1 highway patrol, chapter 43 and others, are transferred by type II  
2 transfer to the department of public safety. The governor by and  
3 with the advice and consent of the senate shall appoint the  
4 superintendent of the patrol. With the exception of sections  
5 43.100 to 43.120 relating to financial procedures, the director  
6 of public safety shall succeed the state highways and  
7 transportation commission in approving actions of the  
8 superintendent and related matters as provided in chapter 43.  
9 Uniformed members of the patrol shall be selected in the manner  
10 provided by law and shall receive the compensation provided by  
11 law. Nothing in the Reorganization Act of 1974, however, shall  
12 be interpreted to affect the funding of appropriations or the  
13 operation of chapter 104 relating to retirement system coverage  
14 or section 226.160 relating to workers' compensation for members  
15 of the patrol.

16 [3.] 8. All the powers, duties and functions of the  
17 supervisor of liquor control, chapter 311 and others, are  
18 transferred by type II transfer to the department of public  
19 safety. The supervisor shall be nominated by the department  
20 director and appointed by the governor with the advice and  
21 consent of the senate. The supervisor shall appoint such agents,  
22 assistants, deputies and inspectors as limited by appropriations.  
23 All employees shall have the qualifications provided by law and  
24 may be removed by the supervisor or director of the department as  
25 provided in section 311.670.

26 [4.] 9. The director of public safety, superintendent of  
27 the highway patrol and transportation division of the department  
28 of economic development are to examine the motor carrier

1 inspection laws and practices in Missouri to determine how best  
2 to enforce the laws with a minimum of duplication, harassment of  
3 carriers and to improve the effectiveness of supervision of  
4 weight and safety requirements and to report to the governor and  
5 general assembly by January 1, 1975, on their findings and on any  
6 actions taken.

7 [5.] 10. The Missouri division of highway safety is  
8 transferred by type I transfer to the department of public  
9 safety. The division shall be in charge of a director who shall  
10 be appointed by the director of the department.

11 [6.] 11. All the powers, duties and functions of the safety  
12 and fire prevention bureau of the department of public health and  
13 welfare are transferred by type I transfer to the director of  
14 public safety.

15 [7.] 12. All the powers, duties and functions of the state  
16 fire marshal, chapter 320 and others, are transferred to the  
17 department of public safety by a type I transfer.

18 [8.] 13. All the powers, duties and functions of the law  
19 enforcement assistance council administering federal grants,  
20 planning and the like relating to Public Laws 90-351, 90-445 and  
21 related acts of Congress are transferred by type I transfer to  
22 the director of public safety. The director of public safety  
23 shall appoint such advisory bodies as are required by federal  
24 laws or regulations. The council is abolished.

25 [9.] 14. The director of public safety shall promulgate  
26 motor vehicle regulations and be ex officio a member of the  
27 safety compact commission in place of the director of revenue and  
28 all powers, duties and functions relating to chapter 307 are

1 transferred by type I transfer to the director of public safety.

2 [10.] 15. The office of adjutant general and the state  
3 militia are assigned to the department of public safety;  
4 provided, however, nothing herein shall be construed to interfere  
5 with the powers and duties of the governor as provided in article  
6 IV, section 6 of the Constitution of the state of Missouri or  
7 chapter 41.

8 [11.] 16. All the powers, duties and functions of the  
9 Missouri boat commission, chapter 306 and others, are transferred  
10 by type I transfer to the "Missouri State Water Patrol", which is  
11 hereby created, in the department of public safety. The Missouri  
12 boat commission and the office of secretary to the commission are  
13 abolished. All deputy boat commissioners and all other employees  
14 of the commission who were employed on February 1, 1974, shall be  
15 transferred to the water patrol without further qualification.  
16 Effective January 1, 2011, all the powers, duties, and functions  
17 of the Missouri state water patrol are transferred to the  
18 division of water patrol within the Missouri state highway patrol  
19 as set out in section 43.390.

20 [12.] 17. The Missouri veterans's commission, chapter 42,  
21 is assigned to the department of public safety.

22 [13.] 18. Any rule or portion of a rule, as that term is  
23 defined in section 536.010, that is created under the authority  
24 delegated in this section shall become effective only if it  
25 complies with and is subject to all of the provisions of chapter  
26 536 and, if applicable, section 536.028. This section and  
27 chapter 536 are nonseverable and if any of the powers vested with  
28 the general assembly pursuant to chapter 536 to review, to delay

1 the effective date, or to disapprove and annul a rule are  
2 subsequently held unconstitutional, then the grant of rulemaking  
3 authority and any rule proposed or adopted after August 28, 2009,  
4 shall be invalid and void.

5 660.010. 1. There is hereby created a "Department of  
6 Social Services" in the charge of a director appointed by the  
7 governor, by and with the advice and consent of the senate. All  
8 the powers, duties and functions of the director of the  
9 department of public health and welfare, chapters 191 and 192,  
10 and others, not previously reassigned by executive reorganization  
11 plan number 2 of 1973 as submitted by the governor under chapter  
12 26 except those assigned to the department of mental health, are  
13 transferred by type I transfer to the director of the department  
14 of social services and the office of the director, department of  
15 public health and welfare is abolished. The department of public  
16 health and welfare is abolished. All employees of the department  
17 of social services shall be covered by the provisions of chapter  
18 36 except the director of the department and his secretary, all  
19 division directors and their secretaries, and no more than three  
20 additional positions in each division which may be designated by  
21 the division director.

22 2. The director shall designate by written order filed with  
23 the governor, the secretary of the senate, and the chief clerk of  
24 the house of representatives, a deputy director of the department  
25 to act for and exercise the powers of the director during any  
26 vacancy in the office of director or during the director's  
27 absence for official business, vacation, illness, or incapacity.  
28 The deputy director shall be subject to removal at the pleasure

1 of the director. Upon the commencement of any vacancy in the  
2 office, the governor shall appoint the deputy director as acting  
3 director of the department. In the event that no deputy director  
4 has been appointed, the governor shall appoint an acting director  
5 from among the division directors within the department.

6 3. The deputy director, or division director, may serve as  
7 acting director for no longer than one hundred and twenty days  
8 from the date the vacancy or absence first occurs. Upon the  
9 completion of one hundred and twenty days, the authority of the  
10 acting director shall expire. The governor shall not appoint  
11 another acting director after the authority of the deputy  
12 director, or division director, has expired. During any period  
13 of time in which the governor has appointed a director and  
14 submitted such person to the senate for its advice and consent  
15 during a regular or special session of the general assembly, the  
16 one hundred and twenty day period of authority for the acting  
17 director shall toll.

18 4. If the appointment of a director is returned to the  
19 governor by the senate, or does not receive the advice and  
20 consent of the senate, the deputy director, or division director,  
21 may continue to serve as acting director for no more than thirty  
22 days from the date of such return or failure to receive advice  
23 and consent.

24 5. After the deputy director has served as acting director  
25 for longer than thirty days, the deputy director shall receive  
26 compensation equal to that of the director during the period when  
27 the deputy director is serving as acting director.

28 6. Nothing in this section shall be construed as

1 prohibiting or otherwise limiting the ability of the governor to  
2 appoint a person as department head during a legislative interim  
3 pursuant to section 51, article IV of the Missouri constitution.

4 7. It is the intent of the general assembly in establishing  
5 the department of social services, as provided herein, to  
6 authorize the director of the department to coordinate the  
7 state's programs devoted to those unable to provide for  
8 themselves and for the rehabilitation of victims of social  
9 disadvantage. The director shall use the resources provided to  
10 the department to provide comprehensive programs and leadership  
11 striking at the roots of dependency, disability and abuse of  
12 society's rules with the purpose of improving service and  
13 economical operations. The department is directed to take all  
14 steps possible to consolidate and coordinate the field operations  
15 of the department to maximize service to the citizens of the  
16 state.

17 [3.] 8. All the powers, duties and functions of the  
18 division of welfare, chapters 205, 207, 208, 209, and 210 and  
19 others, are transferred by type I transfer to the "Division of  
20 Family Services" which is hereby created in the department of  
21 social services. The director of the division shall be appointed  
22 by the director of the department. All references to the  
23 division of welfare shall hereafter be construed to mean the  
24 division of family services of the department of social services.

25 [4.] 9. The state's responsibility under public law 452 of  
26 the eighty-eighth Congress and others, pertaining to the Office  
27 of Economic Opportunity, is transferred by type I transfer to the  
28 department of social services.

1           [5.] 10. The state's responsibility under public law 73,  
2 Older Americans Act of 1965, of the eighty-ninth Congress is  
3 transferred by type I transfer to the department of social  
4 services.

5           [6.] 11. All the powers, duties and functions vested by law  
6 in the curators of the University of Missouri relating to  
7 crippled children's services, chapter 201, are transferred by  
8 type I transfer to the department of social services.

9           [7.] 12. All the powers, duties and functions vested in the  
10 state board of training schools, chapter 219 and others, are  
11 transferred by type I transfer to the "Division of Youth  
12 Services" hereby authorized in the department of social services  
13 headed by a director appointed by the director of the department.  
14 The state board of training schools shall be reconstituted as an  
15 advisory board on youth services, appointed by the director of  
16 the department. The advisory board shall visit each facility of  
17 the division as often as possible, shall file a written report  
18 with the director of the department and the governor on  
19 conditions they observed relating to the care and rehabilitative  
20 efforts in behalf of children assigned to the facility, the  
21 security of the facility and any other matters pertinent in their  
22 judgment. Copies of these reports shall be filed with the  
23 legislative library. Members of the advisory board shall receive  
24 reimbursement for their expenses and twenty-five dollars a day  
25 for each day they engage in official business relating to their  
26 duties. The members of the board shall be provided with  
27 identification means by the director of the division permitting  
28 immediate access to all facilities enabling them to make

1 unannounced entrance to facilities they wish to inspect.

2 [30.070. When a vacancy occurs in the office of  
3 state treasurer, the governor shall immediately appoint  
4 a state treasurer to fill such vacancy for the residue  
5 of the term in which the vacancy occurred, and until  
6 his successor is elected or appointed, commissioned and  
7 qualified.]  
8

9 [374.080. 1. The director may appoint a deputy,  
10 who shall be subject to removal at pleasure by the  
11 director, and who shall possess all the powers and  
12 perform all the duties attached by law to the office of  
13 director during a vacancy in the office, and during the  
14 absence, inability or suspension of his principal. The  
15 director shall be responsible for the acts of his  
16 deputy, who shall, before entering upon the duties of  
17 his office, take the oath and be bonded as required of  
18 the director in section 374.030. The deputy director  
19 shall assist the director in the administration of the  
20 department, and perform such duties and have such  
21 powers as the director may direct.

22 2. In the event there is an absence of the  
23 director and no deputy has been appointed, the governor  
24 shall appoint the acting director from among the  
25 division directors within the department.]  
26

27 Section B. This act is hereby submitted to the qualified  
28 voters of this state for approval or rejection at an election  
29 which is hereby ordered and which shall be held and conducted on  
30 Tuesday next following the first Monday in November, 2014,  
31 pursuant to the laws and constitutional provisions of this state  
32 for the submission of referendum measures by the general  
33 assembly, and this act shall become effective when approved by a  
34 majority of the votes cast thereon at such election and not  
35 otherwise.

36 Section C. Section A of this act shall become effective  
37 only upon the passage and approval by the voters of a  
38 constitutional amendment submitted to them by the general  
39 assembly regarding the governor's appointment authority.

1           Section D. Pursuant to chapter 116, RSMo, and other  
2 applicable constitutional provisions and laws of this state  
3 allowing the general assembly to adopt ballot language for the  
4 submission of referendum measures to the voters of this state,  
5 the official summary statement of the act proposed in section A  
6 of this act shall be as follows:

7           "Shall Missouri law be amended to specify:

- 8           • The manner in which vacancies in appointive or elective  
9           public office shall be filled; and
- 10          • The process for the Governor to appoint acting  
11          department heads?"