

SECOND REGULAR SESSION

[P E R F E C T E D]

SENATE SUBSTITUTE FOR

SENATE BILL NO. 507

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR DIXON.

Offered January 28, 2014.

Senate Substitute adopted, January 30, 2014.

Taken up for Perfection January 30, 2014. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

4496S.03P

AN ACT

To repeal sections 21.110, 28.060, 28.190, 29.280, 30.060, 30.070, 32.010, 37.010, 105.010, 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-three new sections relating to vacancies in certain public offices, with a referendum clause and a contingent effective date.

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

Section A. Sections 21.110, 28.060, 28.190, 29.280, 30.060, 30.070, 32.010, 2 37.010, 105.010, 105.050, 192.007, 217.035, 261.010, 286.005, 287.610, 374.020, 3 374.080, 620.010, 640.010, 650.005, and 660.010, RSMo, are repealed and twenty- 4 three new sections enacted in lieu thereof, to be known as sections 21.110, 26.017, 5 26.018, 26.019, 27.016, 28.060, 28.190, 29.280, 30.060, 32.010, 37.010, 105.010, 6 105.050, 192.007, 217.035, 261.010, 286.005, 287.610, 374.020, 620.010, 640.010, 7 650.005, and 660.010 to read as follows:

21.110. If the governor receives any resignation or notice of vacancy, or 2 if he is satisfied of the death of any member of either house, during the recess, 3 he shall, [without delay] **within thirty days**, issue a writ of election to supply 4 the vacancy.

26.017. Sections 21.110, 26.017, 26.018, 26.019, 27.016, 28.060, 2 **28.190, 29.280, 30.060, 32.010, 37.010, 105.050, 192.007, 217.035, 261.010,** 3 **286.005, 287.610, 374.020, 620.010, 640.010, 650.005, and 660.010 may be**

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

4 cited as the "Executive Branch Accountability Act of 2014".

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

26.019. The appointment of any head of an executive department
2 or division established by the Missouri Constitution or by law, any
3 member of an administrative board or commission, or all other public
4 officials as provided by law, made pursuant to article IV, section 51 of
5 the Missouri Constitution, shall be made by and with the advice and
6 consent of the senate. The provisions of this section shall apply to all
7 gubernatorial or lieutenant gubernatorial appointments, regardless of
8 whether the law creating the administrative board or commission, or
9 the office of department or division head or other public official,
10 contains a specific requirement that the appointment be subject to the
11 advice and consent of the senate.

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

28.060. [He] The secretary of state shall keep in his or her office and

2 **make available to the public in a web-based electronic format** an
3 abstract of all commissions issued and appointments made by the governor **or**
4 **lieutenant governor**, and shall register therein the substance of each
5 commission, specifying the name of the person appointed, the office conferred, the
6 district or county for which the appointment is made, and the term of office; and
7 when any office shall become vacant **[he] the secretary of state** shall enter, in
8 a space to be left for that purpose, a memorandum of such vacancy and the
9 occasion thereof, with a reference to any evidence deposited in his **or her** office.

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

29.280. **[When a vacancy occurs in the office of state auditor the governor**
2 **shall immediately appoint an auditor to fill such vacancy for the residue of the**
3 **term in which the vacancy occurred, and until his successor is elected or**
4 **appointed, commissioned and qualified.] In case of death, resignation,**
5 **removal from office, impeachment, or vacancy from any cause in the**
6 **office of state auditor, the governor shall immediately appoint a**
7 **qualified auditor to fill such vacancy until a successor is duly elected**
8 **at the next general election, commissioned, and qualified to fill the**
9 **office for the remainder of the term in which the vacancy occurred; and**
10 **the governor shall take charge of the office and superintend its**
11 **business until such person is appointed, commissioned and qualified;**
12 **except that in cases of impeachment, the governor shall appoint a**
13 **qualified person to serve only until such impeachment is determined,**
14 **when the suspended officer, if acquitted, shall be reinstated in office,**
15 **or if the suspended officer is convicted, a new appointment shall be**

16 **made by the governor in the manner provided in this section.**

30.060. [In case of death, resignation, removal from office, impeachment
2 or vacancy from any cause, in the office of the state treasurer, the governor shall
3 take charge of such office and superintend the business thereof until a successor
4 is appointed, commissioned and qualified except in case of impeachment, when
5 no appointment shall be made until a determination of the matter is had, when,
6 in the event of an acquittal, the suspended officer shall be reinstated in office.]
7 **In case of death, resignation, removal from office, impeachment, or**
8 **vacancy from any cause in the office of state treasurer, the governor**
9 **shall immediately appoint a qualified person to fill such vacancy until**
10 **a successor is duly elected at the next general election, commissioned,**
11 **and qualified to fill the office for the remainder of the term in which**
12 **the vacancy occurred; and the governor shall take charge of the office**
13 **and superintend its business until such person is appointed,**
14 **commissioned, and qualified; except that in cases of impeachment, the**
15 **governor shall appoint a qualified person to serve only until such**
16 **impeachment is determined, when the suspended officer, if acquitted,**
17 **shall be reinstated in office, or if the suspended officer is convicted, a**
18 **new appointment shall be made by the governor in the manner**
19 **provided in this section.**

32.010. 1. The department of revenue is in the charge of the director of
2 revenue. The director shall be appointed by the governor, by and with the advice
3 and consent of the senate, and shall serve at the pleasure of the governor.

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

15 **3. The deputy director, or division director, may serve as acting**
16 **director for no longer than one hundred and twenty days from the date**
17 **the vacancy or absence first occurs. Upon the completion of one**

18 **hundred and twenty days, the authority of the acting director shall**
19 **expire. The governor shall not appoint another acting director after**
20 **the authority of the deputy director, or division director, has**
21 **expired. During any period of time in which the governor has**
22 **appointed a director and submitted such person to the senate for its**
23 **advice and consent during a regular or special session of the general**
24 **assembly, the one hundred and twenty day period of authority for the**
25 **acting director shall toll.**

26 **4. If the appointment of a director is returned to the governor by**
27 **the senate, or does not receive the advice and consent of the senate, the**
28 **deputy director, or division director, may continue to serve as acting**
29 **director for no more than thirty days from the date of such return or**
30 **failure to receive advice and consent. During any period of time in**
31 **which the governor has appointed a director and submitted such**
32 **person to the senate for its advice and consent, the thirty day period**
33 **for the acting director under this subsection shall toll.**

34 **5. After the deputy director has served as acting director for**
35 **longer than thirty days, the deputy director shall receive compensation**
36 **equal to that of the director during the period when the deputy**
37 **director is serving as acting director.**

38 **6. Nothing in this section shall be construed as prohibiting or**
39 **otherwise limiting the ability of the governor to appoint a person as**
40 **department head during a legislative interim pursuant to section 51,**
41 **article IV of the Missouri Constitution.**

37.010. 1. The governor, by and with the advice and consent of the
2 senate, shall appoint a commissioner of administration, who shall head the
3 "Office of Administration" which is hereby created. The commissioner of
4 administration shall receive a salary as provided by law and shall also receive his
5 actual and necessary expenses incurred in the discharge of his official
6 duties. Before taking office, the commissioner of administration shall take and
7 subscribe an oath or affirmation to support the Constitution of the United States
8 and of this state, and to demean himself faithfully in office. He shall also deposit
9 with the governor a bond, with sureties to be approved by the governor, in the
10 amount to be determined by the governor payable to the state of Missouri,
11 conditioned on the faithful performance of the duties of his office. The premium
12 of this bond shall be paid out of the appropriation for the office of the governor.

13 **2. The governor shall appoint the commissioner of administration with the**

14 advice and consent of the senate. The commissioner shall be at least thirty years
15 of age and must have been a resident and qualified voter of this state for the five
16 years next preceding his appointment. He must be qualified by training and
17 experience to assume the managerial and administrative functions of the office
18 of commissioner of administration.

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

31 **4. The deputy commissioner, or division director, may serve as**
32 **acting commissioner for no longer than one hundred and twenty days**
33 **from the date the vacancy or absence first occurs. Upon the completion**
34 **of one hundred and twenty days, the authority of the acting**
35 **commissioner shall expire. The governor shall not appoint another**
36 **acting commissioner after the authority of the deputy commissioner, or**
37 **division director, has expired. During any period of time in which the**
38 **governor has appointed a commissioner and submitted such person to**
39 **the senate for its advice and consent during a regular or special session**
40 **of the general assembly, the one hundred and twenty day period of**
41 **authority for the acting commissioner shall toll.**

42 **5. If the appointment of a commissioner is returned to the**
43 **governor by the senate, or does not receive the advice and consent of**
44 **the senate, the deputy commissioner, or division director, may continue**
45 **to serve as acting commissioner for no more than thirty days from the**
46 **date of such return or failure to receive advice and consent. During**
47 **any period of time in which the governor has appointed a director and**
48 **submitted such person to the senate for its advice and consent, the**
49 **thirty day period for the acting director under this subsection shall**
50 **toll.**

51 **6. After the deputy commissioner has served as acting**
52 **commissioner for longer than thirty days, the deputy commissioner**
53 **shall receive compensation equal to that of the commissioner during**
54 **the period when the deputy commissioner is serving as acting**
55 **commissioner.**

56 **7. Nothing in this section shall be construed as prohibiting or**
57 **otherwise limiting the ability of the governor to appoint a person as**
58 **department head during a legislative interim pursuant to section 51,**
59 **article IV of the Missouri Constitution.**

60 8. The commissioner of administration shall, by virtue of his office,
61 without additional compensation, head the division of budget, the division of
62 purchasing, the division of design and construction, and the division of electronic
63 data processing coordination. Whenever provisions of the constitution grant
64 powers, impose duties or make other reference to the comptroller, they shall be
65 construed as referring to the commissioner of administration.

66 [4.] **9.** The commissioner of administration shall provide the governor
67 with such assistance in the supervision of the executive branch of state
68 government as the governor requires and shall perform such other duties as are
69 assigned to him by the governor or by law. The commissioner of administration
70 shall work with other departments of the executive branch of state government
71 to promote economy, efficiency and improved service in the transaction of state
72 business. The commissioner of administration, with the approval of the governor,
73 shall organize the work of the office of administration in such manner as to
74 obtain maximum effectiveness of the personnel of the office. He may consolidate,
75 abolish or reassign duties of positions or divisions combined within the office of
76 administration, except for the division of personnel. He may delegate specific
77 duties to subordinates. These subordinates shall take the same oath as the
78 commissioner and shall be covered by the bond of the director or by separate bond
79 as required by the governor.

80 [5.] **10.** The personnel division, personnel director and personnel advisory
81 board as provided in chapter 36 shall be in the office of administration. The
82 personnel director and employees of the personnel division shall perform such
83 duties as directed by the commissioner of administration for personnel work in
84 agencies and departments of state government not covered by the merit system
85 law to upgrade state employment and to improve the uniform quality of state
86 employment.

87 **[6.] 11.** The commissioner of administration shall prepare a complete
88 inventory of all real estate, buildings and facilities of state government and an
89 analysis of their utilization. Each year he shall formulate and submit to the
90 governor a long-range plan for the ensuing five years for the repair, construction
91 and rehabilitation of all state properties. The plan shall set forth the projects
92 proposed to be authorized in each of the five years with each project ranked in the
93 order of urgency of need from the standpoint of the state as a whole and shall be
94 upgraded each year. Project proposals shall be accompanied by workload and
95 utilization information explaining the need and purpose of each. Departments
96 shall submit recommendations for capital improvement projects and other
97 information in such form and at such times as required by the commissioner of
98 administration to enable him to prepare the long-range plan. The commissioner
99 of administration shall prepare the long-range plan together with analysis of
100 financing available and suggestions for further financing for approval of the
101 governor who shall submit it to the general assembly. The long-range plan shall
102 include credible estimates for operating purposes as well as capital outlay and
103 shall include program data to justify need for the expenditures included. The
104 long-range plan shall be extended, revised and resubmitted in the same manner
105 to accompany each executive budget. The appropriate recommendations for the
106 period for which appropriations are to be made shall be incorporated in the
107 executive budget for that period together with recommendations for
108 financing. Each revised long-range plan shall provide a report on progress in the
109 repair, construction and rehabilitation of state properties and of the operating
110 purposes program for the preceding fiscal period in terms of expenditures and
111 meeting program goals.

112 **[7.] 12.** All employees of the office of administration, except the
113 commissioner and not more than three other executive positions designated by
114 the governor in an executive order, shall be subject to the provisions of chapter
115 36. The commissioner shall appoint all employees of the office of administration
116 and may discharge the employees after proper hearing, provided that the
117 employment and discharge conform to the practices governing selection and
118 discharge of employees in accordance with the provisions of chapter 36.

119 **[8.] 13.** The office of the commissioner of administration shall be in
120 Jefferson City.

121 **[9.] 14.** In case of death, resignation, removal from office or vacancy from
122 any cause in the office of commissioner of administration, the governor shall take

123 charge of the office and superintend the business thereof until a successor is
124 appointed, commissioned and qualified.

105.010. All officers elected or appointed by the authority of the laws of
2 this state shall hold their offices until their successors are elected or appointed,
3 commissioned and qualified. **For any person appointed by the governor to
4 a board or commission pursuant to authority granted by section 51,
5 article IV, of the Missouri Constitution, such appointee shall have
6 authority to act during the pendency of the term of the office and for
7 up to sixty days after the expiration of the term of the office. If the
8 governor fails to fill the vacancy created by the expiration of the term
9 of the office, then the board or commission position shall become
10 vacant sixty days after the expiration of the person's term.**

105.050. If any vacancy shall happen from any cause in the office of [the
2 attorney general,] circuit attorney, prosecuting attorney or assistant prosecuting
3 attorney, the governor, upon being satisfied that such vacancy exists, shall
4 appoint some competent person to fill the same until the next regular election for
5 [attorney general,] prosecuting attorney or assistant prosecuting attorney, as the
6 case may be; provided, in the case of a vacancy in the office of prosecuting
7 attorney, if there is no qualified person in the county who can or will accept such
8 appointment, then the governor may appoint any person who possesses all the
9 qualifications set forth in section 56.010, except the qualification as to residence.

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

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

11 **3. The director shall designate by written order filed with the
12 governor, the secretary of the senate, and the chief clerk of the house
13 of representatives, a deputy director of the department to act for and
14 exercise the powers of the director during any vacancy in the office of
15 director or during the director's absence for official business, vacation,**

16 illness, or incapacity. The deputy director shall be subject to removal
17 at the pleasure of the director. Upon the commencement of any
18 vacancy in the office, the governor shall appoint the deputy director as
19 acting director of the department. In the event that no deputy director
20 has been appointed, the governor shall appoint an acting director from
21 among the division directors within the department.

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

33 5. If the appointment of a director is returned to the governor by
34 the senate, or does not receive the advice and consent of the senate, the
35 deputy director, or division director, may continue to serve as acting
36 director for no more than thirty days from the date of such return or
37 failure to receive advice and consent. During any period of time in
38 which the governor has appointed a director and submitted such
39 person to the senate for its advice and consent, the thirty day period
40 for the acting director under this subsection shall toll.

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

45 7. Nothing in this section shall be construed as prohibiting or
46 otherwise limiting the ability of the governor to appoint a person as
47 department head during a legislative interim pursuant to section 51,
48 article IV of the Missouri Constitution.

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

2 (1) Establish, with approval of the governor, the internal organization of
3 the department and file the plan thereof with the secretary of state in the manner
4 in which administrative rules are filed, the commissioner of administration and

5 the revisor of statutes;

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

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

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

20 [(5)] (4) Establish policy for the department and each of its divisions;

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

24 **2. The director shall designate by written order filed with the**
25 **governor, the secretary of the senate, and the chief clerk of the house**
26 **of representatives, a deputy director of the department to act for and**
27 **exercise the powers of the director during any vacancy in the office of**
28 **director or during the director's absence for official business, vacation,**
29 **illness, or incapacity. The deputy director shall be subject to removal**
30 **at the pleasure of the director. Upon the commencement of any**
31 **vacancy in the office, the governor shall appoint the deputy director as**
32 **acting director of the department. In the event that no deputy director**
33 **has been appointed, the governor shall appoint an acting director from**
34 **among the division directors within the department.**

35 **3. The deputy director, or division director, may serve as acting**
36 **director for no longer than one hundred and twenty days from the date**
37 **the vacancy or absence first occurs. Upon the completion of one**
38 **hundred and twenty days, the authority of the acting director shall**
39 **expire. The governor shall not appoint another acting director after**
40 **the authority of the deputy director, or division director, has**

41 expired. During any period of time in which the governor has
42 appointed a director and submitted such person to the senate for its
43 advice and consent during a regular or special session of the general
44 assembly, the one hundred and twenty day period of authority for the
45 acting director shall toll.

46 4. If the appointment of a director is returned to the governor by
47 the senate, or does not receive the advice and consent of the senate, the
48 deputy director, or division director, may continue to serve as acting
49 director for no more than thirty days from the date of such return or
50 failure to receive advice and consent. During any period of time in
51 which the governor has appointed a director and submitted such
52 person to the senate for its advice and consent, the thirty day period
53 for the acting director under this subsection shall toll.

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

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

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

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

17 has been appointed, the governor shall appoint an acting director from
18 among the division directors within the department.

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

30 4. If the appointment of a director is returned to the governor by
31 the senate, or does not receive the advice and consent of the senate, the
32 deputy director, or division director, may continue to serve as acting
33 director for no more than thirty days from the date of such return or
34 failure to receive advice and consent. During any period of time in
35 which the governor has appointed a director and submitted such
36 person to the senate for its advice and consent, the thirty day period
37 for the acting director under this subsection shall toll.

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

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

286.005. 1. There is hereby created a "Department of Labor and
2 Industrial Relations" to be headed by a labor and industrial relations commission
3 as provided by section 49, article IV, Constitution of Missouri. All the powers,
4 duties and functions of the industrial commission are transferred by type I
5 transfer to the labor and industrial relations commission and the industrial
6 commission is abolished. The commission shall nominate and the governor shall
7 appoint, with the advice and consent of the senate, the director of the department
8 to be the chief administrative officer of the department. Members of the

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

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

34 **3. The deputy director, or division director, may serve as acting**
35 **director for no longer than one hundred and twenty days from the date**
36 **the vacancy or absence first occurs. Upon the completion of one**
37 **hundred and twenty days, the authority of the acting director shall**
38 **expire. The governor shall not appoint another acting director after**
39 **the authority of the deputy director, or division director, has**
40 **expired. During any period of time in which the governor has**
41 **appointed a director and submitted such person to the senate for its**
42 **advice and consent during a regular or special session of the general**
43 **assembly, the one hundred and twenty day period of authority for the**
44 **acting director shall toll.**

45 **4. If the appointment of a director is returned to the governor by**
46 **the senate, or does not receive the advice and consent of the senate, the**
47 **deputy director, or division director, may continue to serve as acting**
48 **director for no more than thirty days from the date of such return or**
49 **failure to receive advice and consent. During any period of time in**
50 **which the governor has appointed a director and submitted such**
51 **person to the senate for its advice and consent, the thirty day period**
52 **for the acting director under this subsection shall toll.**

53 **5. After the deputy director has served as acting director for**
54 **longer than thirty days, the deputy director shall receive compensation**
55 **equal to that of the director during the period when the deputy**
56 **director is serving as acting director.**

57 **6. Nothing in this section shall be construed as prohibiting or**
58 **otherwise limiting the ability of the governor to appoint a person as**
59 **department head during a legislative interim pursuant to section 51,**
60 **article IV of the Missouri Constitution.**

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

64 **[3.] 8. All powers, duties, and functions vested by law in the division of**
65 **workers' compensation, chapter 287, and others, are transferred by type II**
66 **transfer to the department.**

67 **[4.] 9. All the powers, duties, and functions of the board of rehabilitation,**
68 **chapter 287, and others, are transferred by type I transfer to the division of**
69 **workers' compensation of the department and the board of rehabilitation is**
70 **abolished.**

71 **[5.] 10. All powers, duties and functions vested by law in the division of**
72 **industrial inspections and the division of mine inspections, chapters 286, 290,**
73 **291, 292, 293, 294 and 444, which were previously transferred by type I transfer**
74 **to the inspection section of the department, are transferred to the division of**
75 **labor standards of the department. Employees of the division performing duties**
76 **related to the mine safety and health act and the occupational safety health act**
77 **shall be selected in accord with chapter 36.**

78 **[6.] 11. All the powers, duties, and functions vested by law in the state**
79 **board of mediation under chapter 295, and others, are transferred by type II**
80 **transfer to the department.**

81 [7.] 12. All employees of the division of employment security shall be
82 selected in accord with chapter 36.

83 [8.] 13. The Missouri commission on human rights, and all the authority,
84 powers, duties, functions, records, personnel, property, matters pending and other
85 pertinent vestiges thereof vested in the Missouri commission on human rights
86 under chapters 213, 296, 314, and others, are transferred by type III transfer to
87 the department. Members of the Missouri commission on human rights shall be
88 nominated by the director for appointment by the governor, by and with the
89 advice and consent of the senate.

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

13 2. The thirteen administrative law judges with the most years of service
14 shall be subject to a retention vote on August 28, 2008. The next thirteen
15 administrative law judges with the most years of service in descending order shall
16 be subject to a retention vote on August 28, 2012. Administrative law judges
17 appointed and not previously referenced in this subsection shall be subject to a
18 retention vote on August 28, 2016. Subsequent retention votes shall be held
19 every twelve years. Any administrative law judge who has received two or more
20 votes of no confidence under performance audits by the committee shall not
21 receive a vote of retention.

22 3. The administrative law judge review committee members shall not have
23 any direct or indirect employment or financial connection with a workers'
24 compensation insurance company, claims adjustment company, health care
25 provider nor be a practicing workers' compensation attorney. All members of the
26 committee shall have a working knowledge of workers' compensation.

27 4. The committee shall within thirty days of completing each performance

28 audit make a recommendation of confidence or no confidence for each
29 administrative law judge.

30 5. The administrative law judges appointed by the division shall only have
31 jurisdiction to hear and determine claims upon original hearing and shall have
32 no jurisdiction upon any review hearing, either in the way of an appeal from an
33 original hearing or by way of reopening any prior award, except to correct a
34 clerical error in an award or settlement if the correction is made by the
35 administrative law judge within twenty days of the original award or
36 settlement. The labor and industrial relations commission may remand any
37 decision of an administrative law judge for a more complete finding of facts. The
38 commission may also correct a clerical error in awards or settlements within
39 thirty days of its final award. With respect to original hearings, the
40 administrative law judges shall have such jurisdiction and powers as are vested
41 in the division of workers' compensation under other sections of this chapter, and
42 wherever in this chapter the word "commission", "commissioners" or "division" is
43 used in respect to any original hearing, those terms shall mean the
44 administrative law judges appointed under this section. When a hearing is
45 necessary upon any claim, the division shall assign an administrative law judge
46 to such hearing. Any administrative law judge shall have power to approve
47 contracts of settlement, as provided by section 287.390, between the parties to
48 any compensation claim or dispute under this chapter pending before the division
49 of workers' compensation. Any award by an administrative law judge upon an
50 original hearing shall have the same force and effect, shall be enforceable in the
51 same manner as provided elsewhere in this chapter for awards by the labor and
52 industrial relations commission, and shall be subject to review as provided by
53 section 287.480.

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

57 7. All administrative law judges shall be required to participate in, on a
58 continuing basis, specific training that shall pertain to those elements of
59 knowledge and procedure necessary for the efficient and competent performance
60 of the administrative law judges' required duties and responsibilities. Such
61 training requirements shall be established by the division subject to
62 appropriations and shall include training in medical determinations and records,
63 mediation and legal issues pertaining to workers' compensation

64 adjudication. Such training may be credited toward any continuing legal
65 education requirements.

66 8. (1) The administrative law judge review committee shall conduct a
67 performance audit of all administrative law judges every two years. The audit
68 results, stating the committee's recommendation of confidence or no confidence
69 of each administrative law judge shall be sent to the governor no later than the
70 first week of each legislative session immediately following such audit. Any
71 administrative law judge who has received three or more votes of no confidence
72 under two successive performance audits by the committee may have their
73 appointment immediately withdrawn.

74 (2) The review committee shall consist of one member appointed by the
75 president pro tem of the senate, one member appointed by the minority leader of
76 the senate, one member appointed by the speaker of the house of representatives,
77 and one member appointed by the minority leader of the house of
78 representatives. The governor shall appoint to the committee one member
79 selected from the commission on retirement, removal, and discipline of judges.
80 This member shall act as a member ex officio and shall not have a vote in the
81 committee. The committee shall annually elect a chairperson from its members
82 for a term of one year. The term of service for all members shall be two
83 years. The review committee members shall all serve without
84 compensation. Necessary expenses for review committee members and all
85 necessary support services to the review committee shall be provided by the
86 division.

87 9. No rule or portion of a rule promulgated pursuant to the authority of
88 this section shall become effective unless it has been promulgated pursuant to the
89 provisions of chapter 536.

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

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

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

25 3. The deputy director, or division director, may serve as acting
26 director for no longer than one hundred and twenty days from the date
27 the vacancy or absence first occurs. Upon the completion of one
28 hundred and twenty days, the authority of the acting director shall
29 expire. The governor shall not appoint another acting director after
30 the authority of the deputy director, or division director, has
31 expired. During any period of time in which the governor has
32 appointed a director and submitted such person to the senate for its
33 advice and consent during a regular or special session of the general
34 assembly, the one hundred and twenty day period of authority for the
35 acting director shall toll.

36 4. If the appointment of a director is returned to the governor by
37 the senate, or does not receive the advice and consent of the senate, the
38 deputy director, or division director, may continue to serve as acting
39 director for no more than thirty days from the date of such return or
40 failure to receive advice and consent. During any period of time in
41 which the governor has appointed a director and submitted such
42 person to the senate for its advice and consent, the thirty day period
43 for the acting director under this subsection shall toll.

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

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

52 **7. It shall not be lawful for the director or his deputy to hold any position**
53 **as officer, agent or employee of any insurance or assurance company, nor shall he**
54 **otherwise be directly or indirectly interested in any insurance company, except**
55 **as a policyholder.**

 620.010. 1. There is hereby created a "Department of Economic
2 Development" to be headed by a director appointed by the governor, by and with
3 the advice and consent of the senate. All of the general provisions, definitions
4 and powers enumerated in section 1 of the Omnibus State Reorganization Act of
5 1974 shall continue to apply to this department and its divisions, agencies and
6 personnel.

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

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

29 **4. If the appointment of a director is returned to the governor by**

30 **the senate, or does not receive the advice and consent of the senate, the**
31 **deputy director, or division director, may continue to serve as acting**
32 **director for no more than thirty days from the date of such return or**
33 **failure to receive advice and consent. During any period of time in**
34 **which the governor has appointed a director and submitted such**
35 **person to the senate for its advice and consent, the thirty day period**
36 **for the acting director under this subsection shall toll.**

37 **5. After the deputy director has served as acting director for**
38 **longer than thirty days, the deputy director shall receive compensation**
39 **equal to that of the director during the period when the deputy**
40 **director is serving as acting director.**

41 **6. Nothing in this section shall be construed as prohibiting or**
42 **otherwise limiting the ability of the governor to appoint a person as**
43 **department head during a legislative interim pursuant to section 51,**
44 **article IV of the Missouri Constitution.**

45 **7. The powers, duties and functions vested in the public service**
46 **commission, chapters 386, 387, 388, 389, 390, 392, 393, and others, and the**
47 **administrative hearing commission, sections 621.015 to 621.198 and others, are**
48 **transferred by type III transfers to the department of economic development. The**
49 **director of the department is directed to provide and coordinate staff and**
50 **equipment services to these agencies in the interest of facilitating the work of the**
51 **bodies and achieving optimum efficiency in staff services common to all the**
52 **bodies. Nothing in the Reorganization Act of 1974 shall prevent the chairman of**
53 **the public service commission from presenting additional budget requests or from**
54 **explaining or clarifying its budget requests to the governor or general assembly.**

55 **[3.] 8. The powers, duties and functions vested in the office of the public**
56 **counsel are transferred by type III transfer to the department of economic**
57 **development. Funding for the general counsel's office shall be by general**
58 **revenue.**

59 **[4.] 9. The public service commission is authorized to employ such staff**
60 **as it deems necessary for the functions performed by the general counsel other**
61 **than those powers, duties and functions relating to representation of the public**
62 **before the public service commission.**

63 **[5.] 10. All the powers, duties and functions vested in the tourism**
64 **commission, chapter 258 and others, are transferred to the "Division of Tourism",**
65 **which is hereby created, by type III transfer.**

66 [6.] 11. All the powers, duties and functions of the department of
67 community affairs, chapter 251 and others, not otherwise assigned, are
68 transferred by type I transfer to the department of economic development, and
69 the department of community affairs is abolished. The director of the department
70 of economic development may assume all the duties of the director of community
71 affairs or may establish within the department such subunits and advisory
72 committees as may be required to administer the programs so transferred. The
73 director of the department shall appoint all members of such committees and
74 heads of subunits.

75 [7.] 12. The state council on the arts, chapter 185 and others, is
76 transferred by type II transfer to the department of economic development, and
77 the members of the council shall be appointed by the director of the department.

78 [8.] 13. The Missouri housing development commission, chapter 215, is
79 assigned to the department of economic development, but shall remain a
80 governmental instrumentality of the state of Missouri and shall constitute a body
81 corporate and politic.

82 [9.] 14. All the authority, powers, duties, functions, records, personnel,
83 property, matters pending and other pertinent vestiges of the division of
84 manpower planning of the department of social services are transferred by a type
85 I transfer to the "Division of Job Development and Training", which is hereby
86 created, within the department of economic development. The division of
87 manpower planning within the department of social services is abolished. The
88 provisions of section 1 of the Omnibus State Reorganization Act of 1974,
89 Appendix B, relating to the manner and procedures for transfers of state agencies
90 shall apply to the transfers provided in this section.

91 [10.] 15. Any rule or portion of a rule, as that term is defined in section
92 536.010, that is created under the authority delegated in this section shall
93 become effective only if it complies with and is subject to all of the provisions of
94 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
95 nonseverable and if any of the powers vested with the general assembly pursuant
96 to chapter 536 to review, to delay the effective date, or to disapprove and annul
97 a rule are subsequently held unconstitutional, then the grant of rulemaking
98 authority and any rule proposed or adopted after August 28, 2008, shall be
99 invalid and void.

640.010. 1. There is hereby created a department of natural resources in
2 charge of a director appointed by the governor, by and with the advice and

3 consent of the senate. The director shall administer the programs assigned to the
4 department relating to environmental control and the conservation and
5 management of natural resources. The director shall coordinate and supervise
6 all staff and other personnel assigned to the department. He shall faithfully
7 cause to be executed all policies established by the boards and commissions
8 assigned to the department, be subject to their decisions as to all substantive and
9 procedural rules and his or her decisions shall be subject to appeal as provided
10 by law. The director shall recommend policies to the various boards and
11 commissions assigned to the department to achieve effective and coordinated
12 environmental control and natural resource conservation policies.

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

24 **3. The deputy director, or division director, may serve as acting**
25 **director for no longer than one hundred and twenty days from the date**
26 **the vacancy or absence first occurs. Upon the completion of one**
27 **hundred and twenty days, the authority of the acting director shall**
28 **expire. The governor shall not appoint another acting director after**
29 **the authority of the deputy director, or division director, has**
30 **expired. During any period of time in which the governor has**
31 **appointed a director and submitted such person to the senate for its**
32 **advice and consent during a regular or special session of the general**
33 **assembly, the one hundred and twenty day period of authority for the**
34 **acting director shall toll.**

35 **4. If the appointment of a director is returned to the governor by**
36 **the senate, or does not receive the advice and consent of the senate, the**
37 **deputy director, or division director, may continue to serve as acting**
38 **director for no more than thirty days from the date of such return or**
39 **failure to receive advice and consent. During any period of time in**

40 **which the governor has appointed a director and submitted such**
41 **person to the senate for its advice and consent, the thirty day period**
42 **for the acting director under this subsection shall toll.**

43 **5. After the deputy director has served as acting director for**
44 **longer than thirty days, the deputy director shall receive compensation**
45 **equal to that of the director during the period when the deputy**
46 **director is serving as acting director.**

47 **6. Nothing in this section shall be construed as prohibiting or**
48 **otherwise limiting the ability of the governor to appoint a person as**
49 **department head during a legislative interim pursuant to section 51,**
50 **article IV of the Missouri Constitution.**

51 **7. The director shall appoint directors of staff to service each of the policy**
52 **making boards or commissions assigned to the department. Each director of staff**
53 **shall be qualified by education, training and experience in the technical matters**
54 **of the board to which he is assigned and his or her appointment shall be approved**
55 **by the board to which he is assigned and he shall be removed or reassigned on**
56 **their request in writing to the director of the department. All other employees**
57 **of the department and of each board and commission assigned to the department**
58 **shall be appointed by the director of the department in accord with chapter 36,**
59 **and shall be assigned and may be reassigned as required by the director of the**
60 **department in such a manner as to provide optimum service, efficiency and**
61 **economy.**

62 **[3.] 8. The air conservation commission, chapter 203 and others, the**
63 **clean water commission, chapter 204 and others, are transferred by type II**
64 **transfer to the department of natural resources. The governor shall appoint the**
65 **members of these bodies in accord with the laws establishing them, with the**
66 **advice and consent of the senate. The bodies hereby transferred shall retain all**
67 **rulemaking and hearing powers allotted by law, as well as those of any bodies**
68 **transferred to their jurisdiction. All the powers, duties and functions of the state**
69 **environmental improvement authority, chapter 260 and others, are transferred**
70 **by type III transfer to the air conservation commission. All the powers, duties**
71 **and functions of the water resources board, chapter 256 and others, are**
72 **transferred by type I transfer to the clean water commission and the board is**
73 **abolished. No member of the clean water commission shall receive or shall have**
74 **received, during the previous two years from the date of his or her appointment,**
75 **a significant portion of his or her income directly or indirectly from permit**

76 holders or applicants for a permit under the jurisdiction of the clean water
77 commission. The state park board, chapter 253, is transferred to the department
78 of natural resources by type I transfer.

79 [4.] 9. All the powers, duties and functions of the state soil and water
80 districts commission, chapter 278 and others, are transferred by a type II transfer
81 to the department.

82 [5.] 10. All the powers, duties and functions of the state geologist,
83 chapter 256 and others, are transferred by type I transfer to the department of
84 natural resources. All the powers, duties and functions of the state oil and gas
85 council, chapter 259 and others, are transferred to the department of natural
86 resources by type II transfer. The director of the department shall appoint a
87 state geologist who shall have the duties to supervise and coordinate the work
88 formerly done by the departments or authorities abolished by this subsection, and
89 shall provide staff services for the state oil and gas council.

90 [6.] 11. All the powers, duties and functions of the land reclamation
91 commission, chapter 444 and others, are transferred to the department of natural
92 resources by type II transfer. All necessary personnel required by the commission
93 shall be selected, employed and discharged by the commission. The director of
94 the department shall not have the authority to abolish positions.

95 [7.] 12. The functions performed by the division of health in relation to
96 the maintenance of a safe quality of water dispensed to the public, sections
97 640.100 to 640.115, and others, and for licensing and regulating solid waste
98 management systems and plans are transferred by type I transfer to the
99 department of natural resources.

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

9 2. **The director shall designate by written order filed with the**
10 **governor, the secretary of the senate, and the chief clerk of the house**
11 **of representatives, a deputy director of the department to act for and**
12 **exercise the powers of the director during any vacancy in the office of**

13 director or during the director's absence for official business, vacation,
14 illness, or incapacity. The deputy director shall be subject to removal
15 at the pleasure of the director. Upon the commencement of any
16 vacancy in the office, the governor shall appoint the deputy director as
17 acting director of the department. In the event that no deputy director
18 has been appointed, the governor shall appoint an acting director from
19 among the division directors within the department.

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

31 4. If the appointment of a director is returned to the governor by
32 the senate, or does not receive the advice and consent of the senate, the
33 deputy director, or division director, may continue to serve as acting
34 director for no more than thirty days from the date of such return or
35 failure to receive advice and consent. During any period of time in
36 which the governor has appointed a director and submitted such
37 person to the senate for its advice and consent, the thirty day period
38 for the acting director under this subsection shall toll.

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

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

47 7. All the powers, duties and functions of the state highway patrol,
48 chapter 43 and others, are transferred by type II transfer to the department of
49 public safety. The governor by and with the advice and consent of the senate

50 shall appoint the superintendent of the patrol. With the exception of sections
51 43.100 to 43.120 relating to financial procedures, the director of public safety
52 shall succeed the state highways and transportation commission in approving
53 actions of the superintendent and related matters as provided in chapter
54 43. Uniformed members of the patrol shall be selected in the manner provided
55 by law and shall receive the compensation provided by law. Nothing in the
56 Reorganization Act of 1974, however, shall be interpreted to affect the funding of
57 appropriations or the operation of chapter 104 relating to retirement system
58 coverage or section 226.160 relating to workers' compensation for members of the
59 patrol.

60 [3.] 8. All the powers, duties and functions of the supervisor of liquor
61 control, chapter 311 and others, are transferred by type II transfer to the
62 department of public safety. The supervisor shall be nominated by the
63 department director and appointed by the governor with the advice and consent
64 of the senate. The supervisor shall appoint such agents, assistants, deputies and
65 inspectors as limited by appropriations. All employees shall have the
66 qualifications provided by law and may be removed by the supervisor or director
67 of the department as provided in section 311.670.

68 [4.] 9. The director of public safety, superintendent of the highway patrol
69 and transportation division of the department of economic development are to
70 examine the motor carrier inspection laws and practices in Missouri to determine
71 how best to enforce the laws with a minimum of duplication, harassment of
72 carriers and to improve the effectiveness of supervision of weight and safety
73 requirements and to report to the governor and general assembly by January 1,
74 1975, on their findings and on any actions taken.

75 [5.] 10. The Missouri division of highway safety is transferred by type I
76 transfer to the department of public safety. The division shall be in charge of a
77 director who shall be appointed by the director of the department.

78 [6.] 11. All the powers, duties and functions of the safety and fire
79 prevention bureau of the department of public health and welfare are transferred
80 by type I transfer to the director of public safety.

81 [7.] 12. All the powers, duties and functions of the state fire marshal,
82 chapter 320 and others, are transferred to the department of public safety by a
83 type I transfer.

84 [8.] 13. All the powers, duties and functions of the law enforcement
85 assistance council administering federal grants, planning and the like relating to

86 Public Laws 90-351, 90-445 and related acts of Congress are transferred by type
87 I transfer to the director of public safety. The director of public safety shall
88 appoint such advisory bodies as are required by federal laws or regulations. The
89 council is abolished.

90 [9.] 14. The director of public safety shall promulgate motor vehicle
91 regulations and be ex officio a member of the safety compact commission in place
92 of the director of revenue and all powers, duties and functions relating to chapter
93 307 are transferred by type I transfer to the director of public safety.

94 [10.] 15. The office of adjutant general and the state militia are assigned
95 to the department of public safety; provided, however, nothing herein shall be
96 construed to interfere with the powers and duties of the governor as provided in
97 article IV, section 6 of the Constitution of the state of Missouri or chapter 41.

98 [11.] 16. All the powers, duties and functions of the Missouri boat
99 commission, chapter 306 and others, are transferred by type I transfer to the
100 "Missouri State Water Patrol", which is hereby created, in the department of
101 public safety. The Missouri boat commission and the office of secretary to the
102 commission are abolished. All deputy boat commissioners and all other
103 employees of the commission who were employed on February 1, 1974, shall be
104 transferred to the water patrol without further qualification. Effective January
105 1, 2011, all the powers, duties, and functions of the Missouri state water patrol
106 are transferred to the division of water patrol within the Missouri state highway
107 patrol as set out in section 43.390.

108 [12.] 17. The Missouri veterans's commission, chapter 42, is assigned to
109 the department of public safety.

110 [13.] 18. Any rule or portion of a rule, as that term is defined in section
111 536.010, that is created under the authority delegated in this section shall
112 become effective only if it complies with and is subject to all of the provisions of
113 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
114 nonseverable and if any of the powers vested with the general assembly pursuant
115 to chapter 536 to review, to delay the effective date, or to disapprove and annul
116 a rule are subsequently held unconstitutional, then the grant of rulemaking
117 authority and any rule proposed or adopted after August 28, 2009, shall be
118 invalid and void.

660.010. 1. There is hereby created a "Department of Social Services" in
2 the charge of a director appointed by the governor, by and with the advice and
3 consent of the senate. All the powers, duties and functions of the director of the

4 department of public health and welfare, chapters 191 and 192, and others, not
5 previously reassigned by executive reorganization plan number 2 of 1973 as
6 submitted by the governor under chapter 26 except those assigned to the
7 department of mental health, are transferred by type I transfer to the director of
8 the department of social services and the office of the director, department of
9 public health and welfare is abolished. The department of public health and
10 welfare is abolished. All employees of the department of social services shall be
11 covered by the provisions of chapter 36 except the director of the department and
12 his secretary, all division directors and their secretaries, and no more than three
13 additional positions in each division which may be designated by the division
14 director.

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

26 **3. The deputy director, or division director, may serve as acting**
27 **director for no longer than one hundred and twenty days from the date**
28 **the vacancy or absence first occurs. Upon the completion of one**
29 **hundred and twenty days, the authority of the acting director shall**
30 **expire. The governor shall not appoint another acting director after**
31 **the authority of the deputy director, or division director, has**
32 **expired. During any period of time in which the governor has**
33 **appointed a director and submitted such person to the senate for its**
34 **advice and consent during a regular or special session of the general**
35 **assembly, the one hundred and twenty day period of authority for the**
36 **acting director shall toll.**

37 **4. If the appointment of a director is returned to the governor by**
38 **the senate, or does not receive the advice and consent of the senate, the**
39 **deputy director, or division director, may continue to serve as acting**
40 **director for no more than thirty days from the date of such return or**

41 **failure to receive advice and consent. During any period of time in**
42 **which the governor has appointed a director and submitted such**
43 **person to the senate for its advice and consent, the thirty day period**
44 **for the acting director under this subsection shall toll.**

45 **5. After the deputy director has served as acting director for**
46 **longer than thirty days, the deputy director shall receive compensation**
47 **equal to that of the director during the period when the deputy**
48 **director is serving as acting director.**

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

53 **7.** It is the intent of the general assembly in establishing the department
54 of social services, as provided herein, to authorize the director of the department
55 to coordinate the state's programs devoted to those unable to provide for
56 themselves and for the rehabilitation of victims of social disadvantage. The
57 director shall use the resources provided to the department to provide
58 comprehensive programs and leadership striking at the roots of dependency,
59 disability and abuse of society's rules with the purpose of improving service and
60 economical operations. The department is directed to take all steps possible to
61 consolidate and coordinate the field operations of the department to maximize
62 service to the citizens of the state.

63 **[3.] 8.** All the powers, duties and functions of the division of welfare,
64 chapters 205, 207, 208, 209, and 210 and others, are transferred by type I
65 transfer to the "Division of Family Services" which is hereby created in the
66 department of social services. The director of the division shall be appointed by
67 the director of the department. All references to the division of welfare shall
68 hereafter be construed to mean the division of family services of the department
69 of social services.

70 **[4.] 9.** The state's responsibility under public law 452 of the eighty-eighth
71 Congress and others, pertaining to the Office of Economic Opportunity, is
72 transferred by type I transfer to the department of social services.

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

76 **[6.] 11.** All the powers, duties and functions vested by law in the curators

77 of the University of Missouri relating to crippled children's services, chapter 201,
78 are transferred by type I transfer to the department of social services.

79 [7.] 12. All the powers, duties and functions vested in the state board of
80 training schools, chapter 219 and others, are transferred by type I transfer to the
81 "Division of Youth Services" hereby authorized in the department of social
82 services headed by a director appointed by the director of the department. The
83 state board of training schools shall be reconstituted as an advisory board on
84 youth services, appointed by the director of the department. The advisory board
85 shall visit each facility of the division as often as possible, shall file a written
86 report with the director of the department and the governor on conditions they
87 observed relating to the care and rehabilitative efforts in behalf of children
88 assigned to the facility, the security of the facility and any other matters
89 pertinent in their judgment. Copies of these reports shall be filed with the
90 legislative library. Members of the advisory board shall receive reimbursement
91 for their expenses and twenty-five dollars a day for each day they engage in
92 official business relating to their duties. The members of the board shall be
93 provided with identification means by the director of the division permitting
94 immediate access to all facilities enabling them to make unannounced entrance
95 to facilities they wish to inspect.

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

2 [374.080. 1. The director may appoint a deputy, who shall
3 be subject to removal at pleasure by the director, and who shall
4 possess all the powers and perform all the duties attached by law
5 to the office of director during a vacancy in the office, and during
6 the absence, inability or suspension of his principal. The director
7 shall be responsible for the acts of his deputy, who shall, before
8 entering upon the duties of his office, take the oath and be bonded
9 as required of the director in section 374.030. The deputy director
10 shall assist the director in the administration of the department,
11 and perform such duties and have such powers as the director may
12 direct.

2. In the event there is an absence of the director and no

13 deputy has been appointed, the governor shall appoint the acting
14 director from among the
15 division directors within the department.]

Section B. This act is hereby submitted to the qualified voters of this state
2 for approval or rejection at an election which is hereby ordered and which shall
3 be held and conducted on Tuesday next following the first Monday in November,
4 2014, pursuant to the laws and constitutional provisions of this state for the
5 submission of referendum measures by the general assembly, and this act shall
6 become effective when approved by a majority of the votes cast thereon at such
7 election and not otherwise.

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

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

6 "Shall Missouri law be amended to specify:

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

✓

Copy