

FIRST REGULAR SESSION

SENATE BILL NO. 372

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HEGEMAN.

Read 1st time January 31, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1630S.02I

AN ACT

To repeal sections 30.763, 192.2030, 194.400, 194.408, 194.409, 208.993, 210.105, 217.900, 217.903, 217.905, 217.907, 217.910, 256.603, 256.605, 256.606, 256.623, 256.626, 256.630, 301.3087, 324.240, 324.243, 324.400, 324.406, 324.409, 324.412, 324.415, 324.421, 324.424, 324.427, 324.430, 324.436, 324.475, 324.478, 324.481, 324.487, 324.493, 324.496, 324.499, 337.700, 337.739, 338.320, 620.050, 643.173 and 643.175, RSMo, and to enact in lieu thereof twenty-six new sections relating to the existence of certain state administrative entities, with existing penalty provisions.

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

Section A. Sections 30.763, 192.2030, 194.400, 194.408, 194.409, 208.993, 210.105, 217.900, 217.903, 217.905, 217.907, 217.910, 256.603, 256.605, 256.606, 256.623, 256.626, 256.630, 301.3087, 324.240, 324.243, 324.400, 324.406, 324.409, 324.412, 324.415, 324.421, 324.424, 324.427, 324.430, 324.436, 324.475, 324.478, 324.481, 324.487, 324.493, 324.496, 324.499, 337.700, 337.739, 338.320, 620.050, 643.173 and 643.175, RSMo, are repealed and twenty-six new sections enacted in lieu thereof, to be known as sections 194.400, 194.408, 256.603, 256.606, 256.623, 256.626, 256.630, 301.3087, 324.240, 324.400, 324.409, 324.412, 324.415, 324.421, 324.424, 324.427, 324.430, 324.436, 324.475, 324.481, 324.487, 324.493, 324.496, 324.499, 337.700, and 643.175, to read as follows:

194.400. As used in sections 194.400 to 194.410 the following words and phrases mean:

- (1) ["Committee", the unmarked human burial consultation committee;
- (2)] "Cultural items", shall include:
 - (a) "Associated funerary objects", objects that are reasonably believed to

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

6 have been placed with individual human remains either at the time of death, or
7 during the death rite or ceremony, or later, and all other items exclusively made
8 for burial purposes including items made to contain human remains;

9 (b) "Unassociated funerary objects", objects that are reasonably believed
10 to have been placed with individual human remains either at the time of death
11 or during the death rite or ceremony, or later, which can be identified by a
12 preponderance of the evidence as related to known human remains or an
13 unmarked human burial site or can be identified as having been removed from
14 a specific unmarked human burial site;

15 [(3)] (2) "General archaeological investigation", refers to:

16 (a) Excavations performed by professional archaeologists usually
17 consisting of a structured scientific undertaking comprised of three segments
18 including field investigations, laboratory analysis, and preparation and
19 submission of a report of investigation; and

20 (b) Identification of the presence of human remains in excavated materials
21 considered to occur at the completion of the laboratory analysis segment of the
22 studies as above;

23 [(4)] (3) "Professional archaeologist", a person who has a graduate degree
24 in archaeology, anthropology, or closely related field, at least one year of full-time
25 professional experience or equivalent specialized training in archaeological
26 research, administration of management, or at least four months of supervised
27 field and analytic experience in general North American archaeology and
28 demonstrated ability to carry archaeological research to completion, as evidenced
29 by a master of arts or master of science thesis, or report equivalent in scope and
30 quality;

31 [(5)] (4) "Second or subsequent violation", any violation, other than the
32 first violation, of a criminal law related to the trafficking of human remains or
33 cultural items located in the state of Missouri, the United States, or any other
34 state;

35 [(6)] (5) "Skeletal analyst", a person possessing a postgraduate degree
36 representing specialized training in skeletal biology, forensic osteology, or other
37 relevant aspects of physical anthropology. The skeletal analyst shall have a
38 minimum experience of one year in conducting laboratory reconstruction and
39 analysis, and shall have demonstrated the ability to design and execute a skeletal
40 analysis, and to present the written results and interpretations of such analysis
41 in a thorough, scientific, and timely manner;

42 [(7)] (6) "Specific scientific investigations", refers to detailed studies of
43 human remains by professional archaeologists, anthropologists, osteologists, or
44 professionals in related disciplines;

45 [(8)] (7) "State historic preservation officer", the director of the
46 department of natural resources;

47 [(9)] (8) "Unmarked human burial", any instance where human skeletal
48 remains are discovered or believed to exist, but for which there exists no written
49 historical documentation or grave markers.

 194.408. 1. Whenever an unmarked human burial or human skeletal
2 remains are reported to the state historic preservation officer, the state historic
3 preservation officer shall proceed as follows:

4 (1) Insofar as possible, the state historic preservation officer shall make
5 reasonable efforts to identify and locate persons who can establish direct kinship
6 with or descent from the individual whose remains constitute the burial. The
7 state historic preservation officer, in consultation with the most closely related
8 family member, shall determine the proper disposition of the remains;

9 (2) When no direct kin or descendants can be identified or located, but the
10 burial or remains can be shown to have ethnic affinity with living peoples, the
11 state historic preservation officer in consultation with the leaders of the ethnic
12 groups having a relation to the burial or remains shall determine the proper
13 disposition of the remains. But, if the state historic preservation officer
14 determines the burial or remains are scientifically significant, no reinterment
15 shall occur until the burial or remains have been examined by a skeletal analyst
16 designated by the state historic preservation officer. In no event shall
17 reinterment be delayed more than one year;

18 (3) When the burial or remains cannot be related to any living peoples,
19 the state historic preservation officer[, in consultation with the unmarked human
20 burial consultation committee,] shall determine the proper disposition of the
21 burial or remains. But, if the state historic preservation officer determines the
22 burial or remains are scientifically significant, no reinterment shall occur until
23 the burial or remains have been examined by a skeletal analyst designated by the
24 state historic preservation officer. In no event shall reinterment be delayed more
25 than one year unless otherwise and to the extent determined by the [committee]
26 **state historic preservation officer**;

27 (4) Notwithstanding subdivisions (2) and (3) of this section the state
28 historical preservation officer may [seek approval from the unmarked human

29 burial consultation committee to] delay reinterment of the remains for an
30 additional scientific study in a facility chosen by the state historic preservation
31 officer. [If the study is approved by the committee reinterment shall be delayed
32 for a period as specified by the committee.]

33 **2. All actions and decisions of the state historic preservation**
34 **officer shall be in conformity with the provisions of the federal**
35 **National Historic Preservation Act of 1966, as amended.**

256.603. As used in sections 256.600 to 256.640, the following terms
2 mean:

3 (1) "Abandoned well", a well shall be deemed abandoned which is in such
4 a state of disrepair that continued use for the purpose of thermal recovery or
5 obtaining groundwater is impractical and which has not been in use for a period
6 of two years or more. The term "abandoned well" includes a test hole or a
7 monitoring well which was drilled in the exploration for minerals, or for
8 geological, water quality or hydrologic data from the time that it is no longer used
9 for exploratory purposes and that has not been plugged in accordance with rules
10 and regulations pursuant to sections 256.600 to 256.640;

11 (2) ["Board", the body created in section 256.605;

12 (3)] "Certification report", a form to be sent to the division upon completion
13 of any well which shows the location, static water level, total depth, initial
14 pumpage, hole size, casing size and length, and name of well owner;

15 **(3) "Commission", the clean water commission established in**
16 **chapter 644;**

17 (4) "Division", the division of geology and land survey;

18 (5) "Driller's log", a record accurately kept at the time of drilling showing
19 the depth, thickness, character of the different strata penetrated, location of
20 water-bearing strata, depth, size and character of casing installed, together with
21 any other data or information required on the certification report forms;

22 (6) "Examination", an assessment of professional competency administered
23 to applicants;

24 (7) "Heat pump installation contractor", any person, including owner,
25 operator or drilling supervisor who engages for compensation in the drilling,
26 boring, coring, or construction of any well in the state for extracting thermal
27 energy;

28 (8) "Monitoring well installation contractor", any person, including owner,
29 operator, or drilling supervisor who engages for compensation in the drilling,

30 boring, coring, or construction of any well in this state which is drilled for
31 geologic data, water quality, or hydrologic data;

32 (9) "Permitted well driller", any person who holds a permit issued
33 pursuant to the provisions of sections 256.600 to 256.640;

34 (10) "Person", any individual, whether or not connected with a firm,
35 partnership, association, corporation, or any other group or combination acting
36 as a unit;

37 (11) "Pump installation contractor", any person, firm or corporation
38 engaged in the business of installing or repairing pumps and pumping equipment;

39 (12) "Registration report", a form to be sent to the division upon
40 completion of plugging of an abandoned well, raising casings, lining wells,
41 deepening of wells, major repairs and alterations, and jetted wells;

42 (13) "Well", an excavation that is drilled, cored, bored, washed, driven,
43 dug, jetted, trenched, or otherwise constructed when the intended use of such
44 excavation is for the acquisition of groundwater supply, for monitoring, thermal
45 exchange or for exploration for minerals or geologic or hydrologic data; but such
46 term does not include a cistern, an excavation made for the purpose of obtaining
47 or for prospecting for oil or natural gas, or for construction foundation data,
48 dewatering of construction sites or dewatering of existing structures, observation
49 wells used as a part of an underground storage tank leak detection system of a
50 minimal depth, as determined by the [board] **commission** by rule, or for
51 inserting media to repressure oil or natural-gas-bearing formations;

52 (14) "Well installation contractor", any person, including owner, operator,
53 and drilling supervisor who engages for compensation in the drilling, boring,
54 coring, or construction of any well in this state. The term, however, shall not
55 include any person who drills, bores, cores, or constructs a water well on his own
56 property for his own use or a person who assists in the construction of a water
57 well under the direct supervision of a permitted well installation contractor and
58 is not primarily responsible for drilling operations;

59 (15) "Well owner", any person or corporation who is the party responsible
60 for having a well drilled and whose name appears on the well registration or
61 certification form.

256.606. 1. The [board] **commission** shall adopt and amend rules and
2 regulations pursuant to chapter 536 which may be reasonably necessary to govern
3 the regulation of the well, the heat pump, monitoring well, and pump installation
4 industry in the state of Missouri.

5 2. The division with the approval of the [board] **commission** shall
6 prepare examinations and pass upon qualifications of the applicants for
7 permits. The division with the approval of the [board] **commission** may
8 recognize, prepare, or carry out continuing education programs for permittees.

256.623. 1. The [board] **commission** shall by rules and regulations
2 establish reasonable and necessary fees for:

- 3 (1) Permits;
- 4 (2) Renewal of permits;
- 5 (3) Duplicate permits;
- 6 (4) Rig permits;
- 7 (5) Certification reports;
- 8 (6) Registration reports;
- 9 (7) Division publications (not to exceed the cost of publication and
10 handling);
- 11 (8) Logging of wells;
- 12 (9) Examinations; and
- 13 (10) Late document submittals.

14 2. The fees shall be set at a level necessary to produce revenue which
15 shall not substantially exceed the cost and expense of administering sections
16 256.600 to 256.640. The [board] **commission** shall also by rules and regulations
17 set forth appeal processes for contractors subject to disciplinary action and shall
18 set forth procedures by which any aggrieved party may bring a complaint to the
19 division.

256.626. 1. The [board] **commission** shall adopt, amend, and promulgate
2 in the manner provided by law, and enforce rules and regulations pertaining to
3 the construction and abandonment of wells, and the permitting of operators and
4 contractors under sections 256.600 to 256.640.

5 2. The [board] **commission** shall specify by rule and regulation the types
6 of materials which may be used as a coolant in a heat pump well. Preference
7 shall be given to those coolants which would present the least threat to
8 groundwater if released into the environment. The [board] **commission** shall
9 also specify by rule and regulation those coolants which shall not be used in heat
10 pump wells due to their potentially harmful effects if released into the
11 environment.

256.630. 1. If the division determines that the holder of any permit
2 issued pursuant to sections 256.600 to 256.640 has violated any provision of

3 sections 256.600 to 256.640, or any rule or regulation adopted pursuant thereto,
4 the division shall reprimand, suspend, place any such permittee on probation or
5 revoke a permit.

6 2. The division shall cause to have issued and served upon the permittee
7 a written notice of the order or revocation issued under section 256.619 or this
8 section, which notice shall include a copy of the order, shall specify the provision
9 of sections 256.600 to 256.640, or the standard, rule or regulation, order or permit
10 term or condition of which the permittee is alleged to be in violation and a
11 statement of the manner in which the person is alleged to violate sections 256.600
12 to 256.640, or the standard, rule or regulation, order or permit term or
13 condition. Service may be made upon any person within or without the state by
14 registered or certified mail, return receipt requested. Any person against whom
15 the division issues an order may appeal it by filing a petition with the [board]
16 **commission** within thirty days. The appeal shall stay the enforcement of the
17 order until a final determination is made.

18 3. After due consideration of the record, or upon default in appearance of
19 the petitioner at any hearing of which he has been given notice by registered or
20 certified mail, the [board] **commission** shall issue and enter such final order, or
21 make such final determination as it deems appropriate under the
22 circumstances. The [board] **commission** may sustain, reverse or modify the
23 division's order or may make such other orders as it deems appropriate under the
24 circumstances. It shall notify the petitioner or respondent thereof in writing by
25 certified or registered mail.

26 4. Any affected person aggrieved by an action of the division may appeal
27 to the [board] **commission**. At any public hearing all testimony taken before the
28 [board] **commission**, or a hearing officer appointed by the [board] **commission**,
29 shall be under oath and recorded stenographically. The transcript so recorded
30 shall be made available to any person upon payment of a fee equal to the cost of
31 reproduction. All final orders and determinations of the [board] **commission** or
32 the division made pursuant to the provisions of sections 256.600 to 256.640 are
33 subject to judicial review pursuant to the provisions of section 536.100. Any
34 person who has exhausted all administrative remedies provided by chapter 536
35 and who is aggrieved by a final decision in a contested case, whether such
36 decision is affirmative or negative in form, shall be entitled to judicial review in
37 the form of a trial de novo in the circuit court of the county wherein the alleged
38 impropriety occurred.

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

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Missouri State Humane Association, the Missouri State Humane Association shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of the Missouri State Humane Association and shall have the words "I'M PET FRIENDLY" on the license plates in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section.

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

37 chapter 536.

38 4. The "Missouri Pet Spay/Neuter Fund" is hereby created as a special
39 fund in the state treasury and shall be administered by the department of
40 agriculture. This fund shall consist of moneys collected pursuant to this section.
41 All moneys deposited in the Missouri pet spay/neuter fund, except reasonable
42 administrative costs, shall be paid as grants to humane societies, local municipal
43 animal shelters regulated by sections 273.400 to 273.405, and organizations
44 exempt from federal income taxation under Section 501(c)(3) of the Internal
45 Revenue Code to be used solely for the spaying and neutering of dogs and cats in
46 the state of Missouri. [For purposes of approving grants under this section, the
47 governor shall appoint a volunteer board that shall consist of three Missouri
48 residents, of which two shall be administrators of local municipal animal shelters
49 regulated by sections 273.400 to 273.405 and one shall be an administrator of a
50 humane society. Each of the three members shall be from separate congressional
51 districts. Members of this board shall be appointed for three-year terms and shall
52 meet at least twice a year to review grant applications.] **The director of the**
53 **department of agriculture shall approve grants under this section.** All
54 moneys deposited in the Missouri pet spay/neuter fund, except reasonable
55 administrative costs, shall be spent by the end of each fiscal
56 year. Notwithstanding the provisions of section 33.080 to the contrary, if any
57 moneys remain in the fund at the end of the biennium, said moneys shall not
58 revert to the credit of the general revenue fund.

324.240. As used in sections 324.240 to 324.275, the following terms shall
2 mean:

3 (1) "Board", the [board of therapeutic massage] **state board of**
4 **chiropractic examiners established in chapter 331;**

5 (2) "Certified mentor", a practitioner who is qualified for license in this
6 state pursuant to sections 324.240 to 324.275 and who has practiced
7 professionally for five years, with an average of four hundred fifty hours per year
8 of teaching and massage hours and who has been approved by the board as a
9 massage therapy instructor;

10 (3) "Director", the director of the division of professional registration;

11 (4) "Division", the division of professional registration;

12 (5) "Massage business", any place of business in which massage therapy
13 is practiced;

14 (6) "Massage therapist", a health care practitioner who provides or offers

15 to provide massage therapy, as provided in sections 324.240 to 324.275, to any
16 person at no cost or for a fee, monetary or otherwise, implying that the massage
17 therapist is trained, experienced and licensed in massage therapy, and who holds
18 a current, valid license to practice massage therapy;

19 (7) "Massage therapy", a health care profession which involves the
20 treatment of the body's tonus system through the scientific or skillful touching,
21 rubbing, pressing or other movements of the soft tissues of the body with the
22 hands, forearms, elbows, or feet, or with the aid of mechanical apparatus, for
23 relaxation, therapeutic, remedial or health maintenance purposes to enhance the
24 mental and physical well-being of the client, but does not include the prescription
25 of medication, spinal or joint manipulation, the diagnosis of illness or disease, or
26 any service or procedure for which a license to practice medicine, chiropractic,
27 physical therapy, or podiatry is required by law, or to those occupations defined
28 in chapter 329;

29 (8) "Massage therapy instructor", an individual who possesses teaching
30 credentials satisfactory to the board for the purpose of teaching massage therapy;

31 (9) "Person", an individual, corporation, association or other legal entity.

324.400. As used in sections 324.400 to 324.439, the following terms
2 mean:

3 (1) ["Council", the interior design council created in section 324.406;

4 (2)] "Division", the division of professional registration;

5 [(3)] (2) "Registered interior designer", a design professional who
6 provides services including preparation of documents and specifications relative
7 to nonload-bearing interior construction, furniture, finishes, fixtures and
8 equipment and who meets the criteria of education, experience and examination
9 as provided in sections 324.400 to 324.439.

324.409. 1. To be a registered interior designer, a person:

2 (1) Shall take and pass or have passed the examination administered by
3 the National Council for Interior Design Qualification or an equivalent
4 examination approved by the [council] **division**. In addition to proof of passage
5 of the examination, the application shall provide substantial evidence to the
6 [council] **division** that the applicant:

7 (a) Is a graduate of a five-year or four-year interior design program from
8 an accredited institution and has completed at least two years of diversified and
9 appropriate interior design experience; or

10 (b) Has completed at least three years of an interior design curriculum

11 from an accredited institution and has completed at least three years of
12 diversified and appropriate interior design experience; or

13 (c) Is a graduate of a two-year interior design program from an accredited
14 institution and has completed at least four years of diversified and appropriate
15 interior design experience; or

16 (2) May qualify who is currently registered pursuant to sections 327.091
17 to 327.171, and section 327.401 pertaining to the practice of architecture and
18 registered with the [council] **division**. Such applicant shall give authorization
19 to the [council] **division** in order to verify current registration with sections
20 327.091 to 327.171 and section 327.401 pertaining to the practice of architecture.

21 2. Verification of experience required pursuant to this section shall be
22 based on a minimum of two client references, business or employment verification
23 and three industry references, submitted to the [council] **division**.

24 3. The [council] **division** shall verify if an applicant has complied with
25 the provisions of this section and has paid the required fees, then the [council]
26 **division** shall recommend such applicant be registered as a registered interior
27 designer by the [council] **division**.

324.412. [1.] The division shall:

2 (1) Employ, within the limits of the appropriations for that purpose, such
3 employees as are necessary to carry out the provisions of sections 324.400 to
4 324.439;

5 (2) Exercise all budgeting, purchasing, reporting and other related
6 management functions[.

7 2. The council shall:

8 (1)];

9 (3) Recommend prosecution for violations of sections 324.400 to 324.439
10 to the appropriate prosecuting or circuit attorney;

11 [(2)] (4) Promulgate such rules and regulations as are necessary to
12 administer the provisions of sections 324.400 to 324.439. Any rule or portion of
13 a rule, as that term is defined in section 536.010, that is promulgated to
14 administer and enforce sections 324.400 to 324.439, shall become effective only
15 if the agency has fully complied with all of the requirements of chapter 536,
16 including but not limited to, section 536.028, if applicable, after August 28, 1998.
17 If the provisions of section 536.028 apply, the provisions of this section are
18 nonseverable and if any of the powers vested with the general assembly pursuant
19 to section 536.028 to review, to delay the effective date, or to disapprove and

20 annul a rule or portion of a rule are held unconstitutional or invalid, the
21 purported grant of rulemaking authority and any rule so proposed and contained
22 in the order of rulemaking shall be invalid and void, except that nothing in this
23 section shall affect the validity of any rule adopted and promulgated prior to
24 August 28, 1998.

324.415. Applications for registration as a registered interior designer
2 shall be typewritten on forms prescribed by the [council] **division** and furnished
3 to the applicant. The application shall contain the applicant's statements
4 showing the applicant's education, experience, results of previous interior design
5 certification, registration or licensing examinations, if any, and such other
6 pertinent information as the [council] **division** may require, or architect's
7 registration number and such other pertinent information as the [council]
8 **division** may require. Each application shall contain a statement that is made
9 under oath or affirmation and that the representations are true and correct to the
10 best knowledge and belief of the person signing the application. The person shall
11 be subject to the penalties for making a false affidavit or declaration and shall be
12 accompanied by the required fee.

324.421. The [council] **division** shall register without examination any
2 interior designer certified, licensed or registered in another state or territory of
3 the United States or foreign country if the applicant has qualifications which are
4 at least equivalent to the requirements for registration as a registered interior
5 designer in this state and such applicant pays the required fees.

324.424. 1. The [council] **division** shall set the amount of the fees
2 authorized by sections 324.400 to 324.439 by rules and regulations. The fees
3 shall be set at a level to produce revenue which shall not substantially exceed the
4 cost and expense of administering sections 324.400 to 324.439. All fees required
5 pursuant to sections 324.400 to 324.439 shall be paid to and collected by the
6 division of professional registration and transmitted to the department of revenue
7 for deposit in the state treasury to the credit of the "Interior Designer [Council]
8 Fund", which is hereby created.

9 2. Notwithstanding the provisions of section 33.080 to the contrary, money
10 in the fund shall not be transferred and placed to the credit of general revenue
11 until the amount in the fund at the end of the biennium exceeds three times the
12 amount of the appropriation to the council for the preceding fiscal year. The
13 amount, if any, in the fund which shall lapse is the amount in the fund which
14 exceeds the appropriate multiple of the appropriations to the council for the

15 preceding fiscal year.

324.427. It is unlawful for any person to advertise or indicate to the public
2 that the person is a registered interior designer in this state, unless such person
3 is registered as a registered interior designer by the [council] **division** and is in
4 good standing pursuant to sections 324.400 to 324.439.

324.430. No person may use the designation registered interior designer
2 in Missouri, unless the [council] **division** has issued a current certificate of
3 registration certifying that the person has been duly registered as a registered
4 interior designer in Missouri and unless such registration has been renewed or
5 reinstated as provided in section 324.418.

324.436. 1. The [council] **division** may refuse to issue any certificate
2 required pursuant to sections 324.400 to 324.439, or renew or reinstate any such
3 certificate, for any one or any combination of the reasons stated in subsection 2
4 of this section. The [council] **division** shall notify the applicant in writing of the
5 reasons for the refusal and shall advise the applicant of the person's right to file
6 a complaint with the administrative hearing commission as provided in chapter
7 621.

8 2. The [council] **division** may cause a complaint to be filed with the
9 administrative hearing commission as provided by chapter 621 against any holder
10 of a certificate of registration required by sections 324.400 to 324.439 or any
11 person who has failed to renew or has surrendered the person's certificate of
12 registration for any one or combination of the following reasons:

13 (1) The person has been finally adjudicated and found guilty, or entered
14 a plea of guilty or nolo contendere, in a criminal prosecution under the laws of
15 this state or any other state or of the United States, for any offense reasonably
16 related to the qualifications, functions or duties of the profession regulated by
17 sections 324.400 to 324.439; for any offense for which an essential element is
18 fraud, dishonesty or an act of violence; or for a felony, whether or not sentence
19 is imposed;

20 (2) Use of fraud, deception, misrepresentation or bribery in securing any
21 certificate of registration issued pursuant to sections 324.400 to 324.439 or in
22 obtaining permission to take any examination given or required pursuant to
23 sections 324.400 to 324.439;

24 (3) Obtaining or attempting to obtain any fee, charge, tuition or other
25 compensation by fraud, deception or misrepresentation;

26 (4) Incompetency, misconduct, gross negligence, fraud, misrepresentation

27 or dishonesty in the performance of the functions or duties of the profession
28 regulated by sections 324.400 to 324.439;

29 (5) Violation of, or assisting or enabling any person to violate, any
30 provision of sections 324.400 to 324.439, or of any lawful rule or regulation
31 adopted pursuant to such sections;

32 (6) Impersonation of any person holding a certificate of registration or
33 authority, permit or license or allowing any person to use the person's certificate
34 or diploma from any school;

35 (7) Disciplinary action against the holder of a certificate of registration
36 or other right to perform the profession regulated by sections 324.400 to 324.439
37 granted by another state, territory, federal agency or country upon grounds for
38 which revocation or suspension is authorized in this state;

39 (8) A person is finally adjudged insane or incompetent by a court of
40 competent jurisdiction;

41 (9) Issuance of a certificate of registration based upon a material mistake
42 of fact;

43 (10) Use of any advertisement or solicitation which is false, misleading or
44 deceptive to the general public or persons to whom the advertisement or
45 solicitation is primarily directed, as it relates to the interior design profession.

46 3. After the filing of a complaint pursuant to subsection 2 of this section,
47 the proceedings shall be conducted in accordance with the provisions of chapter
48 536 and chapter 621. Upon a finding by the administrative hearing commission
49 that the grounds, provided in subsection 2 of this section, for disciplinary action
50 are met, the [council] **division** shall censure or place the person named in the
51 complaint on probation for a period not to exceed five years or may suspend the
52 person's certificate for a period not to exceed three years or may revoke the
53 person's certificate of registration.

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

3 (1) "Acupuncture", the use of needles inserted into the body by piercing
4 of the skin and related modalities for the assessment, evaluation, prevention,
5 treatment or correction of any abnormal physiology or pain by means of
6 controlling and regulating the flow and balance of energy in the body so as to
7 restore the body to its proper functioning and state of health;

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

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

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

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

21 (6) ["Committee", the Missouri acupuncture advisory committee;

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

24 [(8)] (7) "Director", the director of the division of professional
25 registration;

26 [(9)] (8) "Division", the division of professional registration;

27 [(10)] (9) "License", the document of authorization issued by the board
28 for a person to engage in the practice of acupuncture.

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

4 2. The board shall:

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

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

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

12 (4) Adopt an official seal;

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

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

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

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

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

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

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

26 (a) Standards for the practice of acupuncture;

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

28 (c) Standards for continuing professional education;

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

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

43 5. All funds received by the board pursuant to the provisions of sections
44 324.240 to 324.275 shall be collected by the director who shall transmit the funds
45 to the department of revenue for deposit in the state treasury to the credit of the
46 "Acupuncturist Fund" which is hereby created.

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

324.487. 1. It is unlawful for any person to practice acupuncture in this state, unless such person:

(1) Possesses a valid license issued by the board pursuant to sections 324.475 to 324.499; or

(2) Is engaged in a supervised course of study that has been [authorized by the committee] approved by the board, and is designated and identified by a title that clearly indicates status as a trainee, and is under the supervision of a licensed acupuncturist.

2. A person may be licensed to practice acupuncture in this state if the applicant:

(1) Is twenty-one years of age or older and meets one of the following requirements:

(a) Is actively certified as a Diplomate in Acupuncture by the National Commission for the Certification of Acupuncture and Oriental Medicine; or

(b) Is actively licensed, certified or registered in a state or jurisdiction of the United States which has eligibility and examination requirements that are at least equivalent to those of the National Commission for the Certification of Acupuncture and Oriental Medicine, as [determined by the committee and] approved by the board; and

(2) Submits to the [committee] **board** an application on a form prescribed by the [committee] **board**; and

(3) Pays the appropriate fee.

3. The board shall issue a certificate of licensure to each individual who satisfies the requirements of subsection 2 of this section, certifying that the holder is authorized to practice acupuncture in this state. The holder shall have in his or her possession at all times while practicing acupuncture, the license issued pursuant to sections 324.475 to 324.499.

324.493. Any acupuncturist who fails to renew such acupuncturist's license on or before the date of its expiration may restore such license as follows:

(1) If the application for renewal is submitted to the [committee] **board** not more than two years after the expiration of the applicant's last license, by payment of the appropriate fee and by providing all documentation required by the [committee] **board** by rule; or

(2) If the application for renewal is submitted to the [committee] **board** more than two years after the expiration of the applicant's last license, by payment of the appropriate fee, and by reapplying as provided in subdivisions (1)

10 and (2) of subsection 2 of section 324.487.

324.496. 1. The board[, with recommendation by the committee,] may
2 refuse to issue, renew or reinstate any license required by sections 324.475 to
3 324.499 for one or any combination of causes stated in subsection 2 of this
4 section. The board shall notify the applicant in writing of the reasons for the
5 refusal and shall advise the applicant of his or her right to file a complaint with
6 the administrative hearing commission as provided by chapter 621.

7 2. The board[, with recommendation by the committee,] may cause a
8 complaint to be filed with the administrative hearing commission as provided by
9 chapter 621 against any holder of any license issued pursuant to sections 324.475
10 to 324.499 or any person who has failed to renew or has surrendered his or her
11 license for any one or any combination of the following causes:

12 (1) The person has been finally adjudicated and found guilty, or entered
13 a plea of guilty or nolo contendere, in a criminal prosecution pursuant to the laws
14 of any state or of the United States, for any offense reasonably related to the
15 qualifications, functions or duties of the profession regulated pursuant to sections
16 324.475 to 324.499, for any offense an essential element of which is fraud,
17 dishonesty or an act of violence, or for any offense involving moral turpitude,
18 whether or not sentence is imposed;

19 (2) Use of fraud, deception, misrepresentation or bribery in securing any
20 license issued pursuant to sections 324.475 to 324.499 or in obtaining permission
21 to take any examination given or required pursuant to sections 324.475 to
22 324.499;

23 (3) Obtaining or attempting to obtain any fee, charge, tuition or other
24 compensation by fraud, deception or misrepresentation;

25 (4) Incompetency, misconduct, gross negligence, fraud, misrepresentation
26 or dishonesty in the performance of the functions or duties of the profession
27 regulated by sections 324.475 to 324.499;

28 (5) Violation of, or assisting or enabling any person to violate, any
29 provision of sections 324.475 to 324.499, or of any lawful rule or regulation
30 adopted pursuant to such sections;

31 (6) Impersonation of any person holding a license or allowing any person
32 to use his or her certificate or diploma from any school or certification entity;

33 (7) Disciplinary action against the holder of a license or other right to
34 practice the profession regulated by sections 324.475 to 324.499 granted by
35 another state, territory, federal agency or country upon grounds for which

36 revocation or suspension is authorized in this state;

37 (8) A person is finally adjudged insane or incompetent by a court of
38 competent jurisdiction;

39 (9) Issuance of a license based upon a material mistake of fact;

40 (10) Use of any advertisement or solicitation which is false, misleading or
41 deceptive to the general public or persons to whom the advertisement or
42 solicitation is primarily directed;

43 (11) Use of any controlled substance, as defined in chapter 195, or
44 alcoholic beverage to an extent that such use impairs a person's ability to perform
45 the work of any profession licensed or regulated by sections 324.475 to 324.499.

46 3. Any person, organization, association or corporation who reports or
47 provides information to the division[, or board [or committee] pursuant to the
48 provisions of sections 324.475 to 324.499 and who does so in good faith and
49 without negligence shall not be subject to an action for civil damages as a result
50 thereof.

51 4. After the filing of a complaint pursuant to subsection 2 of this section,
52 the proceedings shall be conducted in accordance with the provisions of chapter
53 621. Upon a finding by the administrative hearing commission that the grounds,
54 provided in subsection 2 of this section, for disciplinary action are met, the board
55 may[, upon recommendation of the committee,] singly or in combination, censure
56 or place the person named in the complaint on probation, suspension or revoke
57 the license of the person on such terms and conditions as the division deems
58 appropriate.

324.499. 1. Any person who violates any provision of sections 324.475 to
2 324.499 is guilty of a class B misdemeanor.

3 2. All fees or other compensation received for services which are rendered
4 in violation of sections 324.475 to 324.499 shall be refunded.

5 3. The board [on behalf of the committee] may sue in its own name in any
6 court in this state to enforce the provisions of sections 324.475 to 324.499. The
7 board may investigate any alleged violations of sections 324.475 to 324.499
8 [referred to it by the committee], may institute actions for penalties provided in
9 this section and shall enforce generally the provisions of sections 324.475 to
10 324.499.

11 4. Upon application by the board, the attorney general may, on behalf of
12 the board, request that a court of competent jurisdiction grant an injunction,
13 restraining order or other order as may be appropriate to enjoin a person from:

14 (1) Offering to engage or engaging in the performance of any acts or
15 practices for which a certificate of registration or authority, permit or license is
16 required upon a showing that such acts or practices were performed or offered to
17 be performed without a certificate of registration or authority, permit or license;
18 or

19 (2) Engaging in any practice or business authorized by a certificate of
20 registration or authority, permit or license, issued pursuant to sections 324.475
21 to 324.499 upon a showing that the holder presents a substantial probability of
22 serious harm to the health, safety or welfare of any resident of this state or client
23 or patient of the licensee.

24 5. Any action brought pursuant to this section may be in addition to, or
25 in lieu of, any penalty provided by sections 324.475 to 324.499 and may be
26 brought concurrently with other actions to enforce the provisions of sections
27 324.475 to 324.499.

337.700. As used in sections 337.700 to 337.739, the following terms
2 mean:

3 (1) "Committee", the [state] committee for [marital and family therapists]
4 **professional counselors created in section 337.535;**

5 (2) "Department", the Missouri department of insurance, financial
6 institutions and professional registration;

7 (3) "Director", the director of the division of professional registration;

8 (4) "Division", the division of professional registration;

9 (5) "Fund", the marital and family therapists' fund created in section
10 337.712;

11 (6) "Licensed marital and family therapist", a person to whom a license
12 has been issued pursuant to the provisions of sections 337.700 to 337.739, whose
13 license is in force and not suspended or revoked;

14 (7) "Marital and family therapy", the use of scientific and applied
15 marriage and family theories, methods and procedures for the purpose of
16 describing, diagnosing, evaluating and modifying marital, family and individual
17 behavior within the context of marital and family systems, including the context
18 of marital formation and dissolution. Marriage and family therapy is based on
19 systems theories, marriage and family development, normal and dysfunctional
20 behavior, human sexuality and psychotherapeutic, marital and family therapy
21 theories and techniques and includes the use of marriage and family therapy
22 theories and techniques in the diagnosis, evaluation, assessment and treatment

23 of intrapersonal or interpersonal dysfunctions within the context of marriage and
24 family systems. Marriage and family therapy may also include clinical research
25 into more effective methods for the treatment and prevention of the above-named
26 conditions;

27 (8) "Practice of marital and family therapy", the rendering of professional
28 marital and family therapy services to individuals, family groups and marital
29 pairs, singly or in groups, whether such services are offered directly to the
30 general public or through organizations, either public or private, for a fee,
31 monetary or otherwise;

32 (9) "Provisional licensed marital and family therapist", any person who
33 is a graduate of an acceptable education institution described in subsection 1 of
34 section 337.715 with at least a master's degree in marital and family therapy, or
35 its equivalent as defined by state committee regulation, and meets all
36 requirements of a licensed marital and family therapist other than the supervised
37 clinical experience set forth in section 337.715, and who is supervised by a person
38 who is qualified to be a supervisor, as defined by state committee regulation.

643.175. 1. There is created within the office of governor a small business
2 ombudsman who shall:

3 (1) [Monitor the small business technical assistance program established
4 in section 643.173;

5 (2)] Advise and assist small businesses regulated under sections 643.010
6 to 643.190;

7 [(3)] (2) Recommend to the committee and the commission appropriate
8 changes in the rules which would facilitate small business compliance with
9 sections 643.010 to 643.190;

10 [(4)] (3) Receive and review complaints about the administration of
11 sections 643.010 to 643.190 as such administration affects small business; and

12 [(5)] (4) Issue a report with recommendations to the department within
13 one hundred twenty days of receiving a complaint from a small business. The
14 department shall take action to remedy the complaint and notify the ombudsman
15 of its action within thirty days of receipt or submit a written explanation of its
16 reasons for not complying with the recommendations of the ombudsman.

17 2. The small business ombudsman shall be appointed by the governor,
18 with the advice and consent of the senate for a term of office which shall be
19 concurrent with that of the governor. The ombudsman may be reappointed. A
20 vacancy shall be filled for the remainder of the unexpired term.

[30.763. 1. There is hereby established the "Linked Deposits Review Committee". The committee shall consist of four appointed members and two ex officio members. The ex officio members shall be the director of the department of economic development and the director of the department of agriculture. The appointed members shall be one member of the house of representatives appointed by the speaker of the house; one member of the senate appointed by the president pro tem of the senate; and two members appointed by the governor, with the advice and consent of the senate, one of whom shall be a banker and one of whom shall be an active farmer.

2. Within thirty days after appointment of the committee the members shall meet and select one of their members as chairman. The committee shall meet as often as necessary to provide timely and appropriate review of the implementation and operation of the linked deposits program established by sections 30.750 to 30.765. Meetings shall be held on the call of the chairman or upon the request of four members of the committee. A majority of the committee shall constitute a quorum for the transaction of business. The committee shall serve in a review and oversight capacity for all matters relating to the linked deposits program established by sections 30.750 to 30.765. The committee may examine all aspects of the linked deposits program established by sections 30.750 to 30.765, including, but not limited to, the program's administration, operation and effectiveness. All records of the state treasurer's office related to the linked deposits program shall be made available to the committee.

3. The committee shall report its findings to the governor, the speaker of the house of representatives, and the president pro tem of the senate. The first report of the committee shall be made on or before December 31, 1986, and shall cover the period from February 20, 1986, to September 30, 1986. A subsequent report for each year shall be made on or before December thirty-first of each year and shall cover the period from October first to September thirtieth of that year.]

[192.2030. 1. There is hereby created a "State Board of

2 Senior Services" which shall consist of seven members, who shall
3 be appointed by the governor, by and with the advice and consent
4 of the senate. No member of the state board of senior services shall
5 hold any other office or employment under the state of Missouri
6 other than in a consulting status relevant to the member's
7 professional status, licensure or designation. Not more than four
8 of the members of the state board of senior services shall be from
9 the same political party.

10 2. Each member shall be appointed for a term of four years;
11 except that of the members first appointed, two shall be appointed
12 for a term of one year, two for a term of two years, two for a term
13 of three years and one for a term of four years. The successors of
14 each shall be appointed for full terms of four years. No person may
15 serve on the state board of senior services for more than two
16 terms. The terms of all members shall continue until their
17 successors have been duly appointed and qualified. One of the
18 persons appointed to the state board of senior services shall be a
19 person currently working in the field of gerontology. One of the
20 persons appointed to the state board of senior services shall be a
21 physician with expertise in geriatrics. One of the persons
22 appointed to the state board of senior services shall be a person
23 with expertise in nutrition. One of the persons appointed to the
24 state board of senior services shall be a person with expertise in
25 rehabilitation services of persons with disabilities. One of the
26 persons appointed to the state board of senior services shall be a
27 person with expertise in mental health issues. In making the two
28 remaining appointments, the governor shall give consideration to
29 individuals having a special interest in gerontology or
30 disability-related issues, including senior citizens. Four of the
31 seven members appointed to the state board of senior services shall
32 be members of the governor's advisory council on aging. If a
33 vacancy occurs in the appointed membership, the governor may
34 appoint a member for the remaining portion of the unexpired term
35 created by the vacancy. The members shall receive actual and
36 necessary expenses plus twenty-five dollars per day for each day of
37 actual attendance.

38 3. The board shall elect from among its membership a
39 chairman and a vice chairman, who shall act as chairman in his or
40 her absence. The board shall meet at the call of the
41 chairman. The chairman may call meetings at such times as he or
42 she deems advisable, and shall call a meeting when requested to do
43 so by three or more members of the board.

44 4. The state board of senior services shall advise the
45 department of health and senior services in the:

46 (1) Promulgation of rules and regulations by the
47 department of health and senior services;

48 (2) Formulation of the budget for the department of health
49 and senior services; and

50 (3) Planning for and operation of the department of health
51 and senior services.]

 [194.409. 1. There is hereby created in the department of
2 natural resources, an "Unmarked Human Burial Consultation
3 Committee", which shall be composed of seven members to be
4 appointed by the governor with the advice and consent of the
5 senate. The members of the committee shall be appointed as
6 follows: the state historic preservation officer, two members who
7 are archaeologists or skeletal analysts, two native Americans who
8 are members of an Indian tribe recognized by the United States of
9 America, one member who is a non-Indian minority, and one
10 non-Indian, non-minority member who is neither a professional
11 archaeologist nor a skeletal analyst. Members of the committee
12 shall be residents of the state of Missouri.

13 2. The state historic preservation officer shall be chairman
14 of the committee and shall serve a term which is contemporaneous
15 with his employment as director of the department of natural
16 resources. The terms of all other members of the committee shall
17 be three years.

18 3. The committee shall meet at least once each calendar
19 year, but may meet more often at the request of the state historic
20 preservation officer.

21 4. The members of the committee shall serve voluntarily
22 and shall not receive compensation for membership on the

committee, except that they shall be eligible to receive reimbursement for transportation expenses as provided for through the budget approved for the office of the state historic preservation officer.

5. All actions and decisions of the state historic preservation officer and the unmarked human burial consultation committee shall be in conformity with the provisions of the federal National Historic Preservation Act of 1966, as amended.]

[208.993. 1. The president pro tempore of the senate and the speaker of the house of representatives may jointly establish a committee to be known as the "Joint Committee on Medicaid Transformation".

2. The committee may study the following:

(1) Development of methods to prevent fraud and abuse in the MO HealthNet system;

(2) Advice on more efficient and cost-effective ways to provide coverage for MO HealthNet participants;

(3) An evaluation of how coverage for MO HealthNet participants can resemble that of commercially available health plans while complying with federal Medicaid requirements;

(4) Possibilities for promoting healthy behavior by encouraging patients to take ownership of their health care and seek early preventative care;

(5) Advice on the best manner in which to provide incentives, including a shared risk and savings to health plans and providers to encourage cost-effective delivery of care; and

(6) Ways that individuals who currently receive medical care coverage through the MO HealthNet program can transition to obtaining their health coverage through the private sector.

3. If established, the joint committee shall be composed of twelve members. Six members shall be from the senate, with four members appointed by the president pro tempore of the senate, and two members of the minority party appointed by the president pro tempore of the senate with the advice of the minority leader of the senate. Six members shall be from the house of representatives, with four members appointed by the speaker of the house of

29 representatives, and two members of the minority party appointed
30 by the speaker of the house of representatives with the advice of
31 the minority leader of the house of representatives.

32 4. The provisions of this section shall expire on January 1,
33 2014.]

[210.105. 1. There is hereby created the "Missouri Task
2 Force on Prematurity and Infant Mortality" within the children's
3 services commission to consist of the following eighteen members:

4 (1) The following six members of the general assembly:

5 (a) Three members of the house of representatives, with two
6 members to be appointed by the speaker of the house and one
7 member to be appointed by the minority leader of the house;

8 (b) Three members of the senate, with two members to be
9 appointed by the president pro tem of the senate and one member
10 to be appointed by the minority leader of the senate;

11 (2) The director of the department of health and senior
12 services, or the director's designee;

13 (3) The director of the department of social services, or the
14 director's designee;

15 (4) The director of the department of insurance, financial
16 institutions and professional registration, or the director's
17 designee;

18 (5) One member representing a not-for-profit organization
19 specializing in prematurity and infant mortality;

20 (6) Two members who shall be either a physician or nurse
21 practitioner specializing in obstetrics and gynecology, family
22 medicine, pediatrics or perinatology;

23 (7) Two consumer representatives who are parents of
24 individuals born prematurely, including one parent of an individual
25 under the age of eighteen;

26 (8) Two members representing insurance providers in the
27 state;

28 (9) One small business advocate; and

29 (10) One member of the small business regulatory fairness
30 board.

31 Members of the task force, other than the legislative members and

directors of state agencies, shall be appointed by the governor with the advice and consent of the senate by September 15, 2011.

2. A majority of a quorum from among the task force membership shall elect a chair and vice chair of the task force.

3. A majority vote of a quorum of the task force is required for any action.

4. The chairperson of the children's services commission shall convene the initial meeting of the task force by no later than October 15, 2011. The task force shall meet at least quarterly; except that the task force shall meet at least twice prior to the end of 2011. Meetings may be held by telephone or video conference at the discretion of the chair.

5. Members shall serve on the commission without compensation, but may, subject to appropriation, be reimbursed for actual and necessary expenses incurred in the performance of their official duties as members of the task force.

6. The goal of the task force is to seek evidence-based and cost-effective approaches to reduce Missouri's preterm birth and infant mortality rates.

7. The task force shall:

(1) Submit findings to the general assembly;

(2) Review appropriate and relevant evidence-based research regarding the causes and effects of prematurity and birth defects in Missouri;

(3) Examine existing public and private entities currently associated with the prevention and treatment of prematurity and infant mortality in Missouri;

(4) Develop cost-effective strategies to reduce prematurity and infant mortality; and

(5) Issue findings and propose to the appropriate public and private organizations goals, objectives, strategies, and tactics designed to reduce prematurity and infant mortality in Missouri, including recommendations on public policy for consideration during the next appropriate session of the general assembly.

8. On or before December 31, 2013, the task force shall submit a report on their findings to the governor and general

68 assembly. The report shall include any dissenting opinions in
69 addition to any majority opinions.

70 9. The task force shall expire on January 1, 2015, or upon
71 submission of a report under subsection 8 of this section, whichever
72 is earlier.]

2 [217.900. 1. There is hereby established the "Missouri
State Penitentiary Redevelopment Commission".

3 2. The commission shall consist of ten commissioners who
4 shall be qualified voters of the state of Missouri. Three
5 commissioners, no more than two of whom shall belong to the same
6 political party, shall be residents of Jefferson City and shall be
7 appointed by the mayor of that city with the advice and consent of
8 the governing body of that city; three commissioners, no more than
9 two of whom shall belong to the same political party, shall be
10 residents of Cole County but not of Jefferson City and shall be
11 appointed by the county commission; and four commissioners, no
12 more than three of whom shall belong to the same political party,
13 none of whom shall be residents of Cole County or of Jefferson City,
14 shall be appointed by the governor with the advice and consent of
15 the senate. The governor shall appoint one of the commissioners
16 who is not a resident of Cole County or Jefferson City to be the
17 chair of the commission. No elected official of the state of Missouri
18 or of any city or county in this state shall be appointed to the
19 commission.]

2 [217.903. The commissioners shall serve for terms of three
3 years, except that the first person appointed by each the mayor, the
4 county commission and the governor shall serve for two years and
5 the second person appointed by the governor shall serve for four
6 years. Each commissioner shall hold office until a successor has
7 been appointed and qualified. In the event a vacancy exists or in
8 the event a commissioner's term expires, a successor commissioner
9 shall be appointed by whomever appointed the commissioner who
10 initially held the vacant positions and if no person is so selected
11 within sixty days of the creation of the vacancy, the unexpired term
12 of such commissioner may be filled by a majority vote of the
remainder of the commissioners, provided such successor

commissioner shall meet the requirements set forth by sections 217.900 to 217.910. Pending any such appointment to fill any vacancy, the remaining commissioners may conduct commission business. Commissioners shall serve without compensation but shall be entitled to reimbursement from the Missouri state penitentiary redevelopment commission fund established in subsection 1 of section 217.910 for expenses incurred in conducting the commission's business.]

[217.905. 1. The commission shall have the following powers:

(1) To acquire title to the property historically utilized as the Missouri state penitentiary and to acquire by gift or bequest from public or private sources property adjacent thereto and necessary or appropriate to the successful redevelopment of the Missouri state penitentiary property;

(2) To lease or sell real property to developers who will utilize the property consistent with the master plan for the property and to hold proceeds from such transactions outside the state treasury;

(3) To adopt bylaws for the regulation of its affairs and the conduct of its business;

(4) To hire employees necessary to perform the commission's work;

(5) To contract and to be contracted with, including, but without limitation, the authority to enter into contracts with cities, counties and other political subdivisions, agencies of the state of Missouri and public agencies pursuant to sections 70.210 to 70.325 and otherwise, and to enter into contracts with other entities, in connection with the acquisition by gift or bequest and in connection with the planning, construction, financing, leasing, subleasing, operation and maintenance of any real property or facility and for any other lawful purpose, and to sue and to be sued;

(6) To receive for its lawful activities contributions or moneys appropriated or otherwise designated for payment to the authority by municipalities, counties, state or other political subdivisions or public agencies or by the federal government or any

29 agency or officer thereof or from any other sources and to apply for
30 grants and other funding and deposit those funds in the Missouri
31 state penitentiary redevelopment fund;

32 (7) To disburse funds for its lawful activities and fix
33 salaries and wages of its employees;

34 (8) To invest any of the commission's funds in such types of
35 investments as shall be determined by a resolution adopted by the
36 commission;

37 (9) To borrow money for the acquisition, construction,
38 equipping, operation, maintenance, repair, remediation or
39 improvement of any facility or real property to which the
40 commission holds title and for any other proper purpose, and to
41 issue negotiable notes, bonds and other instruments in writing as
42 evidence of sums borrowed;

43 (10) To perform all other necessary and incidental
44 functions, and to exercise such additional powers as shall be
45 conferred by the general assembly; and

46 (11) To purchase insurance, including self-insurance, of any
47 property or operations of the commission or its members, directors,
48 officers and employees, against any risk or hazard, and to
49 indemnify its members, agents, independent contractors, directors,
50 officers and employees against any risk or hazard. The commission
51 is specifically authorized to purchase insurance from the Missouri
52 public entity risk management fund and is hereby determined to be
53 a public entity as defined in section 537.700.

54 2. In no event shall the state be liable for any deficiency or
55 indebtedness incurred by the commission.

56 3. The Missouri state penitentiary redevelopment
57 commission is a state commission for purposes of section 105.711
58 and all members of the commission shall be entitled to coverage
59 under the state legal expense fund.]

2 [217.907. The income of the commission and all properties
3 any time owned by the authority shall be exempt from all taxation
in the state of Missouri.]

2 [217.910. 1. There is hereby created in the state treasury
the "Missouri State Penitentiary Redevelopment Commission

Fund", which shall consist of money collected pursuant to sections 217.900 to 217.910. The fund shall be administered by the Missouri state penitentiary redevelopment commission. Money in the fund shall be used solely for the purposes of the Missouri state penitentiary redevelopment commission.

2. Notwithstanding the provisions of section 33.080, no portion of the fund shall be transferred to the general revenue fund, and any appropriation made to the fund shall not lapse. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Interest and moneys earned on such investments shall be credited to the fund.

3. Upon the dissolving of the commission, any funds remaining in the Missouri state penitentiary commission fund shall be transferred to the general revenue fund.]

[256.605. 1. The "Well Installation Board" is hereby established which shall be composed of nine members. Appointment to the board shall be made without regard to race, creed, sex, religion, or national origin of the appointees. Each member shall be a resident of the state and be conversant in well drilling, completion, and plugging methods and techniques.

2. Four members of the board shall hold valid permits under sections 256.600 to 256.640. Two of these shall hold permits as well installation contractors, one shall hold a permit as a heat pump installation contractor and as a well installation contractor and one shall hold a permit as a monitoring well installation contractor and as a well installation contractor. Four shall be public members, one of these shall be a public water supply district user and one shall be a private well user. The director of the department or his designee shall serve as a member of the board. Board members shall serve four-year terms except that two of the first appointed public members and two of the first appointed members holding valid permits shall be appointed to two-year terms. Members shall be appointed by the governor with the advice and consent of the senate and each shall serve until his successor is duly appointed and qualified. Vacancies shall be filled

23 by appointment for the unexpired term. Any member who fails to
24 attend at least seventy-five percent of the regular board meetings
25 in any one year, at the discretion of the board, shall be deemed to
26 have resigned. Members shall be reimbursed for actual and
27 necessary expenses incurred in the performance of their official
28 duties while in attendance at board meetings out of appropriations
29 made for that purpose.

30 3. A member shall not be employed by or own an interest
31 in a company, firm, or business association which employs another
32 member of the board or in which another member owns an interest,
33 if the company, firm, or business association is engaged in any
34 phase of the well drilling, pump installation, heat pump or
35 monitoring well business.

36 4. Except for industry members, no member shall receive,
37 or shall have received during the previous two years, income
38 derived directly or indirectly from any permittee or applicant under
39 sections 256.600 to 256.640.

40 5. The board shall meet on a quarterly basis, and special
41 meetings may be called when deemed necessary by the division. A
42 majority of the board is a quorum for conducting business. The
43 board shall elect a chairman by a majority vote at the first meeting
44 each year.]

[324.243. 1. There is hereby established in the division of
2 professional registration the "Board of Therapeutic Massage" which
3 shall guide, advise and make recommendations to the division and
4 fulfill other responsibilities designated by sections 324.240 to
5 324.275. The board shall approve the examination required by
6 section 324.265 and shall assist the division in carrying out the
7 provisions of sections 324.240 to 324.275.

8 2. The board shall consist of seven voting members,
9 including one public member, and one nonvoting member,
10 appointed by the governor with the advice and consent of the
11 senate. Each member of the board shall be a citizen of the United
12 States and a resident of this state and, except for the members first
13 appointed, shall be licensed as a massage therapist by this
14 state. The nonvoting member shall be a member of the massage

15 education community in the state and shall serve a four-year
16 term. Beginning with the appointments made after August 28,
17 1998, three voting members shall be appointed for four years, two
18 voting members shall be appointed for three years and two voting
19 members shall be appointed for two years. Thereafter, all voting
20 members shall be appointed to serve four-year terms. No person
21 shall be eligible for reappointment who has served as a member of
22 the board for a total of eight years. The membership of the board
23 shall reflect the differences in work experience and the professional
24 affiliations of therapists with consideration being given to race,
25 gender and ethnic origins.

26 3. A vacancy in the office of a member shall be filled by
27 appointment by the governor for the remainder of the unexpired
28 term.

29 4. The board shall hold an annual meeting at which it shall
30 elect from its membership a chairperson, vice chairperson and
31 secretary. The board may hold such additional meetings as may be
32 required in the performance of its duties, provided that notice of
33 every meeting shall be given to each member at least three days
34 prior to the date of the meeting. A quorum of the board shall
35 consist of a majority of its voting members.

36 5. The governor may remove a board member for
37 misconduct, incompetence or neglect of official duties after giving
38 the board member written notice of the charges and allowing the
39 board member an opportunity to be heard.

40 6. The public member shall be, at the time of appointment,
41 a citizen of the United States; a resident of this state for a period
42 of one year and a registered voter; but may not have been a
43 member of any profession licensed or regulated pursuant to
44 sections 324.240 to 324.275 or an immediate family member of such
45 a person; and may not have had a material, financial interest in
46 either the providing of massage therapy as defined in sections
47 324.240 to 324.275 or in an activity or organization directly related
48 to any profession licensed or regulated pursuant to sections 324.240
49 to 324.275. The duties of the public member shall not include any
50 determination of the technical requirements to be met for licensure,

51 whether a candidate for licensure meets such technical
52 requirements, or of the technical competence or technical judgment
53 of a licensee or a candidate for licensure.

54 7. The professional members shall not be officers in a
55 professional massage organization, nor may they be the owners or
56 managers of any massage educational entity.

57 8. Notwithstanding any other provision of law to the
58 contrary, any appointed member of the board shall receive as
59 compensation an amount established by the director of the division
60 of professional registration not to exceed seventy dollars per day for
61 commission business plus actual and necessary expenses. The
62 director of the division of professional registration shall establish
63 by rule guidelines for payment. All staff for the board shall be
64 provided by the division.]

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

16 2. Each council member, other than the public member,
17 shall be a citizen of the United States, a resident of the state of
18 Missouri for at least one year, meet the qualifications for
19 professional registration, practice interior design as the person's
20 principal livelihood and, except for the first members appointed, be
21 registered pursuant to sections 324.400 to 324.439 as an interior
22 designer.

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

35 4. Members of the council may be removed from office for
36 cause. Upon the death, resignation or removal from office of any
37 member of the council, the appointment to fill the vacancy shall be
38 for the unexpired portion of the term so vacated and shall be filled
39 in the same manner as the first appointment and due notice be
40 given to the state organizations of the interior design profession
41 prior to the appointment.

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

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

52 7. The council may sue and be sued as the interior design
53 council and the council members need not be named as
54 parties. Members of the council shall not be personally liable
55 either jointly or severally for any act committed in the performance
56 of their official duties as council members. No council member
57 shall be personally liable for any costs which accrue in any action
58 by or against the council.]

[324.478. 1. There is hereby created within the division of professional registration a committee to be known as the "Missouri Acupuncturist Advisory Committee". The committee shall consist of five members, all of whom shall be citizens of the United States and registered voters of the state of Missouri. The governor shall appoint the members of the committee with the advice and consent of the senate for terms of four years; except as provided in subsection 2 of this section. Three committee members shall be acupuncturists. Such members shall at all times be holders of licenses for the practice of acupuncture in this state; except for the members of the first committee who shall meet the requirements for licensure pursuant to sections 324.475 to 324.499. One member shall be a current board member of the Missouri state board for chiropractic examiners. The remaining member shall be a public member. All members shall be chosen from lists submitted by the director of the division of professional registration. The president of the Acupuncture Association of Missouri in office at the time shall, at least ninety days prior to the expiration of the term of a board member, other than the public member, or as soon as feasible after a vacancy on the board otherwise occurs, submit to the director of the division of professional registration a list of five acupuncturists qualified and willing to fill the vacancy in question, with the request and recommendation that the governor appoint one of the five persons so listed, and with the list so submitted, the president of the Acupuncture Association of Missouri shall include in his or her letter of transmittal a description of the method by which the names were chosen by that association.

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

3. The public member of the committee shall not be and never has been a member of any profession regulated by the provisions of sections 324.475 to 324.499, or the spouse of any such person; and a person who does not have and never has had a material financial interest in either the providing of the

professional services regulated by the provisions of sections 324.475 to 324.499 or an activity or organization directly related to the profession regulated pursuant to sections 324.475 to 324.499.

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

5. The acupuncturist advisory committee shall:

(1) Review all applications for licensure;

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

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

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

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

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

[337.739. 1. There is created and established the "State Committee of Marital and Family Therapists" which shall consist of four family and marital therapists and two voting public members. The committee shall be appointed by the governor with the advice and consent of the senate. Committee members shall serve for a term of five years, except for the members first appointed, one public member and one other member shall be appointed for five years, two members shall be appointed for four

9 years, the other public member and one other member appointed
10 for three years. No person shall be eligible for appointment to the
11 committee who has served as a member of the committee for a total
12 of ten years. Members shall be appointed to represent a diversity
13 in gender, race and ethnicity. No more than three members shall
14 be from the same political party.

15 2. Each nonpublic committee member shall be a resident of
16 the state of Missouri for one year, shall be a United States citizen,
17 and shall meet all the requirements for licensing enumerated in
18 sections 337.700 to 337.739, shall be licensed as a licensed marital
19 and family therapist under sections 337.700 to 337.739, except the
20 members of the first committee, who shall be licensed within six
21 months of their appointment, and are actively engaged in the
22 practice of marital and family therapy. If a member of the
23 committee shall, during the member's term as a committee
24 member, remove the member's domicile from the state of Missouri,
25 then the committee shall immediately notify the governor, and the
26 seat of that committee member shall be declared vacant. All such
27 vacancies shall be filled by appointment as in the same manner as
28 the first appointment, and the member so appointed shall serve for
29 the unexpired term of the member whose seat has been declared
30 vacant. The public members shall be at the time of each member's
31 appointment a citizen of the United States; a resident of this state
32 for a period of one year and a registered voter; a person who is not
33 and never was a member of any profession licensed or regulated
34 pursuant to this chapter or the spouse of such person; a person who
35 does not have and never has had a material, financial interest in
36 either the provision of the professional services regulated by this
37 chapter, or an activity or organization directly related to any
38 profession licensed or regulated pursuant to this chapter.

39 3. The committee shall hold a regular annual meeting at
40 which it shall select from among its members a chairman and a
41 secretary. A quorum of the committee shall consist of a majority
42 of its members. In the absence of the chairman, the secretary shall
43 conduct the office of the chairman.

44 4. No member of the committee shall receive any

45 compensation for the performance of the member's official duties
46 but shall be entitled to reimbursement for necessary and actual
47 expenses incurred in the performance of the member's duties. The
48 committee shall share resources and facilities with the office for the
49 committee for professional counselors provided for in sections
50 337.500 to 337.540. All staff for the committee shall be provided
51 by the director of the division of professional registration.

52 5. The governor may remove any member of the committee
53 for misconduct, inefficiency, incompetency or neglect of office.]

2 [338.320. 1. There is hereby established the "Missouri
3 Electronic Prior Authorization Committee" in order to facilitate,
4 monitor, and report to the general assembly on Missouri-based
5 efforts to contribute to the establishment of national electronic
6 prior authorization standards. Such efforts shall include the
7 Missouri-based electronic prior authorization pilot program
8 established under subsection 5 of this section and the study and
9 dissemination of information by the committee of the efforts of the
10 National Council on Prescription Drug Programs (NCPDP) to
11 develop national electronic prior authorization standards. The
12 committee shall advise the general assembly and the department
13 of insurance, financial institutions and professional registration as
14 to whether there is a need for administrative rules to be
15 promulgated by the department of insurance, financial institutions
16 and professional registration as soon as practically possible.

17 2. The Missouri electronic prior authorization committee
18 shall consist of the following members:

19 (1) Two members of the senate, appointed by the president
20 pro tempore of the senate;

21 (2) Two members of the house of representatives, appointed
22 by the speaker of the house of representatives;

23 (3) One member from an organization of licensed physicians
24 in the state;

25 (4) One member who is a physician licensed in Missouri
26 pursuant to chapter 334;

27 (5) One member who is a representative of a Missouri
pharmacy benefit management company;

28 (6) One member from an organization representing licensed
29 pharmacists in the state;

30 (7) One member from the business community representing
31 businesses on health insurance issues;

32 (8) One member from an organization representing the
33 leading research-based pharmaceutical and biotechnology
34 companies;

35 (9) One member from an organization representing the
36 largest generic pharmaceutical trade association;

37 (10) One patient advocate;

38 (11) One member from an electronic prescription network
39 that facilitates the secure electronic exchange of clinical
40 information between physicians, pharmacies, payers, and pharmacy
41 benefit managers and other health care providers;

42 (12) One member from a Missouri-based electronic health
43 records company;

44 (13) One member from an organization representing the
45 largest number of hospitals in the state;

46 (14) One member from a health carrier as such term is
47 defined under section 376.1350;

48 (15) One member from an organization representing the
49 largest number of health carriers in the state, as such term is
50 defined under section 376.1350;

51 (16) The director of the department of social services, or the
52 director's designee;

53 (17) The director of the department of insurance, financial
54 institutions and professional registration, who shall be chair of the
55 committee.

56 3. All of the members, except for the members from the
57 general assembly, shall be appointed by the governor no later than
58 September 1, 2012, with the advice and consent of the senate. The
59 staff of the department of insurance, financial institutions and
60 professional registration shall provide assistance to the committee.

61 4. The duties of the committee shall be as follows:

62 (1) Before February 1, 2019, monitor and report to the
63 general assembly on the Missouri-based electronic prior

64 authorization pilot program created under subsection 5 of this
65 section including a report of the outcomes and best practices
66 developed as a result of the pilot program and how such
67 information can be used to inform the national standard-setting
68 process;

69 (2) Obtain specific updates from the NCPDP and other
70 pharmacy benefit managers and vendors that are currently
71 engaged in pilot programs working toward national electronic prior
72 authorization standards;

73 (3) Correspond and collaborate with the NCPDP and other
74 such pilots through the exchange of information and ideas;

75 (4) Assist, when asked by the pharmacy benefit manager,
76 with the development of the pilot program created under subsection
77 5 of this section with an understanding of information on the
78 success and failures of other pilot programs across the country;

79 (5) Prepare a report at the end of each calendar year to be
80 distributed to the general assembly and governor with a summary
81 of the committee's progress and plans for the next calendar year,
82 including a report on Missouri-based efforts to contribute to the
83 establishment of national electronic prior authorization
84 standards. Such annual report shall continue until such time as
85 the NCPDP has established national electronic prior authorization
86 standards or this section has expired, whichever is sooner. The
87 first report shall be completed before January 1, 2013;

88 (6) Upon the adoption of national electronic prior
89 authorization standards by the NCPDP, prepare a final report to
90 be distributed to the general assembly and governor that identifies
91 the appropriate Missouri administrative regulations, if any, that
92 will need to be promulgated by the department of insurance,
93 financial institutions and professional registration, in order to
94 make those standards effective as soon as practically possible, and
95 advise the general assembly and governor if there are any
96 legislative actions necessary to the furtherance of that end.

97 5. The department of insurance, financial institutions and
98 professional registration and the Missouri electronic prior
99 authorization committee shall recruit a Missouri-based pharmacy

100 benefits manager doing business nationally to volunteer to conduct
101 an electronic prior authorization pilot program in Missouri. The
102 pharmacy benefits manager conducting the pilot program shall
103 ensure that there are adequate Missouri licensed physicians and
104 an electronic prior authorization vendor capable and willing to
105 participate in a Missouri-based pilot program. Such pilot program
106 established under this section shall be operational by January 1,
107 2014. The department and the committee may provide advice or
108 assistance to the pharmacy benefit manager conducting the pilot
109 program but shall not maintain control or lead with the direction
110 of the pilot program.

111 6. Pursuant to section 23.253 of the Missouri sunset act:

112 (1) The provisions of the new program authorized under
113 this section shall sunset automatically six years after August 28,
114 2012, unless reauthorized by an act of the general assembly; and

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

118 (3) This section shall terminate on September first of the
119 calendar year immediately following the calendar year in which the
120 program authorized under this section is sunset.]

[620.050. 1. There is hereby created, within the
2 department of economic development, the "Entrepreneurial
3 Development Council". The entrepreneurial development council
4 shall consist of seven members from businesses located within the
5 state and licensed attorneys with specialization in intellectual
6 property matters. All members of the council shall be appointed by
7 the governor with the advice and consent of the senate. The terms
8 of membership shall be set by the department of economic
9 development by rule as deemed necessary and reasonable. Once
10 the department of economic development has set the terms of
11 membership, such terms shall not be modified and shall apply to
12 all subsequent members.

13 2. The entrepreneurial development council shall, as
14 provided by department rule, impose a registration fee sufficient to
15 cover costs of the program for entrepreneurs of this state who

16 desire to avail themselves of benefits, provided by the council, to
17 registered entrepreneurs.

18 3. There is hereby established in the state treasury, the
19 "Entrepreneurial Development and Intellectual Property Right
20 Protection Fund" to be held separate and apart from all other
21 public moneys and funds of the state. The entrepreneurial
22 development and intellectual property right protection fund may
23 accept state and federal appropriations, grants, bequests, gifts, fees
24 and awards to be held for use by the entrepreneurial development
25 council. Notwithstanding provisions of section 33.080 to the
26 contrary, moneys remaining in the fund at the end of any biennium
27 shall not revert to general revenue.

28 4. Upon notification of an alleged infringement of
29 intellectual property rights of an entrepreneur, the entrepreneurial
30 development council shall evaluate such allegations of infringement
31 and may, based upon need, award grants or financial assistance to
32 subsidize legal expenses incurred in instituting legal action
33 necessary to remedy the alleged infringement. Pursuant to rules
34 promulgated by the department, the entrepreneurial development
35 council may allocate moneys from entrepreneurial development and
36 intellectual property right protection fund, in the form of
37 low-interest loans and grants, to registered entrepreneurs for the
38 purpose of providing financial aid for product development,
39 manufacturing, and advertising of new products.

40 5. Any rule or portion of a rule, as that term is defined in
41 section 536.010, that is created under the authority delegated in
42 this section shall become effective only if it complies with and is
43 subject to all of the provisions of chapter 536 and, if applicable,
44 section 536.028. This section and chapter 536 are nonseverable
45 and if any of the powers vested with the general assembly pursuant
46 to chapter 536 to review, to delay the effective date, or to
47 disapprove and annul a rule are subsequently held
48 unconstitutional, then the grant of rulemaking authority and any
49 rule proposed or adopted after August 28, 2008, shall be invalid
50 and void.]

[643.173. 1. There is hereby established within the

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

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

3. The committee shall:

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

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

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

38 small business operations in Missouri;

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

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

45 (6) Conduct hearings, determine facts and make
46 investigations consistent with the purposes of this section.]

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