

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 890

103RD GENERAL ASSEMBLY

4254S.04C

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 23.295, 160.575, 173.240, 178.550, 178.585, 186.019, 192.131, 192.667, 192.700, 192.703, 192.707, 192.710, 192.712, 192.714, 192.716, 192.718, 192.723, 192.725, 196.1103, 196.1106, 196.1112, 196.1118, 196.1121, 196.1124, 196.1127, 197.165, 208.530, 208.533, 208.535, 208.850, 208.853, 208.856, 208.859, 208.862, 208.865, 208.868, 208.871, 209.285, 209.287, 209.292, 209.299, 209.305, 209.307, 209.309, 209.317, 209.318, 209.321, 209.322, 210.102, 261.235, 288.040, 620.010, 620.484, 620.490, 620.511, 620.512, 620.513, 643.173, and 650.125, RSMo, and section 167.910 as enacted by house bill no. 1606, ninety-ninth general assembly, second regular session, section 167.910 as enacted by house bill no. 1415, ninety-ninth general assembly, second regular session, section 196.1109 as enacted by senate bill no. 7, ninety-sixth general assembly, first extraordinary session, section 196.1109 as enacted by house bill no. 688, ninety-second general assembly, first regular session, section 196.1115 as enacted by senate bill no. 7, ninety-sixth general assembly, first extraordinary session, and section 196.1115 as enacted by house bill no. 688, ninety-second general assembly, first regular session, and to enact in lieu thereof thirty-eight new sections relating to obsolete administrative entities, with penalty provisions.

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

Section A. Sections 23.295, 160.575, 173.240, 178.550,
2 178.585, 186.019, 192.131, 192.667, 192.700, 192.703, 192.707,
3 192.710, 192.712, 192.714, 192.716, 192.718, 192.723, 192.725,
4 196.1103, 196.1106, 196.1112, 196.1118, 196.1121, 196.1124,
5 196.1127, 197.165, 208.530, 208.533, 208.535, 208.850, 208.853,
6 208.856, 208.859, 208.862, 208.865, 208.868, 208.871, 209.285,

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

7 209.287, 209.292, 209.299, 209.305, 209.307, 209.309, 209.317,
8 209.318, 209.321, 209.322, 210.102, 261.235, 288.040, 620.010,
9 620.484, 620.490, 620.511, 620.512, 620.513, 643.173, and
10 650.125, RSMo, and section 167.910 as enacted by house bill no.
11 1606, ninety-ninth general assembly, second regular session,
12 section 167.910 as enacted by house bill no. 1415, ninety-ninth
13 general assembly, second regular session, section 196.1109 as
14 enacted by senate bill no. 7, ninety-sixth general assembly,
15 first extraordinary session, section 196.1109 as enacted by
16 house bill no. 688, ninety-second general assembly, first
17 regular session, section 196.1115 as enacted by senate bill no.
18 7, ninety-sixth general assembly, first extraordinary session,
19 and section 196.1115 as enacted by house bill no. 688, ninety-
20 second general assembly, first regular session, are repealed
21 and thirty-eight new sections enacted in lieu thereof, to be
22 known as sections 23.295, 105.1650, 160.575, 173.240, 173.2565,
23 173.2566, 173.2570, 173.2571, 173.2572, 178.550, 178.585,
24 186.019, 192.131, 192.667, 192.700, 192.703, 192.714, 196.1106,
25 196.1109, 196.1112, 196.1115, 196.1118, 196.1121, 196.1127,
26 209.285, 209.292, 209.299, 209.305, 209.307, 209.309, 209.317,
27 209.318, 209.321, 209.322, 261.235, 288.040, 620.010, and
28 643.173, to read as follows:

23.295. If an employee is displaced because a program
2 is sunset, reorganized, or continued, the state agency and
3 the [division] office of workforce development in the
4 department of [economic] higher education and workforce
5 development shall make a reasonable effort to relocate the
6 displaced employee.

105.1650. Every state department with oversight of an
2 administrative entity shall annually compile a report of all
3 such administrative entities that have not convened a public
4 meeting or conducted public business for the most recent

5 three-year period. Each department shall send the initial
6 report to each member of the general assembly by October 1,
7 2026, and by every October first thereafter. Such report
8 shall describe each administrative entity that has not met
9 or conducted any public business over the most recent three-
10 year period and the statutory or administrative mission of
11 such administrative entity. The report shall also describe
12 if the duties of the administrative entity are being, or
13 could be, performed by another administrative entity.

160.575. 1. The department of elementary and
2 secondary education shall develop a "ready to work"
3 endorsement program that enables high schools to endorse a
4 certificate for students who meet certain standards that
5 demonstrate that such students are deemed ready to work.
6 The program shall be available no later than June 30, 2007.

7 2. The program shall include, but not be limited to,
8 the following:

9 (1) Voluntary participation by high school seniors who
10 choose to participate;

11 (2) Academic components;

12 (3) Work readiness components;

13 (4) Assessment tools and techniques for a third-party,
14 independent, and objective assessment and endorsement of
15 individual student achievement through an existing workforce
16 investment service delivery system; and

17 (5) An easily identifiable guarantee to potential
18 employers that the entry-level employee is ready to work.

19 3. In developing such standards, the department shall
20 involve representatives of the [division] office of
21 workforce development, employers, students, career center
22 providers, local workforce investment boards, and school
23 district personnel.

173.240. 1. There is hereby established within the
department of higher education and workforce development a
"Minority and Underrepresented Environmental Literacy
Program". The department of higher education and workforce
development, hereafter referred to as the department, may
award scholarships to minority and underrepresented students
to pursue environmentally related courses of study. The
scholarships shall be administered by the department
recruitment and retention program [under the supervision of
the minority environmental literacy advisory committee
established under this section]. Those ethnic groups which
are most severely underrepresented, as determined by data
gathered and maintained by the National Academy of Sciences,
shall receive priority in annual selection.

2. For the purpose of increasing the number of
minority and underrepresented students, as determined by the
National Academy of Sciences, who are enrolled in
environmentally related courses of study, there is hereby
created a "Recruitment and Retention Scholarship Fund". Any
unexpended balance in the recruitment and retention
scholarship fund shall not be subject to biennial transfer
under the provisions of section 33.080. All interest earned
on funds in the recruitment and retention scholarship fund
shall accrue to the fund.

3. The general assembly may appropriate funds to the
department for the purpose of funding scholarships as
authorized by this section. Such funds shall be from
general revenue, special fees administered by the
department, federal funding sources, gifts, or donations,
provided that such funds may be used for this purpose. All
sums received for this purpose shall be placed in the state

32 treasury and credited to the recruitment and retention
33 scholarship fund.

34 4. The department shall accept, receive and administer
35 grants or other funds, gifts, or donations from the public
36 and individuals, including the federal government, for the
37 purpose of funding scholarships under this section. Such
38 funds shall be deposited in the recruitment and retention
39 scholarship fund.

40 5. The department shall promulgate rules to administer
41 the scholarship program, which shall include qualifications,
42 application forms, annual filing deadlines, and scholarship
43 amounts. Any rule or portion of a rule, as that term is
44 defined in section 536.010, that is created under the
45 authority delegated in this section shall become effective
46 only if it complies with and is subject to all of the
47 provisions of chapter 536 and, if applicable, section
48 536.028. This section and chapter 536 are nonseverable and
49 if any of the powers vested with the general assembly
50 pursuant to chapter 536 to review, to delay the effective
51 date, or to disapprove and annul a rule are subsequently
52 held unconstitutional, then the grant of rulemaking
53 authority and any rule proposed or adopted after August 28,
54 2010, shall be invalid and void.

55 6. The scholarship program shall be directed toward
56 students in the following areas of study:

57 (1) Engineering students pursuing an environmental
58 course of study through undergraduate and graduate degrees
59 in civil, chemical, mechanical, environmental, or biological
60 engineering;

61 (2) Environmental sciences students pursuing
62 undergraduate and graduate degrees in geology, biology,

wildlife management, planning, natural resources, or a closely related course of study;

(3) Chemistry students pursuing undergraduate and graduate degrees in the field of environmental chemistry; and

(4) Law enforcement students pursuing undergraduate and graduate degrees in environmental law enforcement.

[7. There is hereby created a "Minority Environmental Literacy Advisory Committee", hereafter referred to as the committee, to be comprised of:

(1) The commissioner of higher education or the commissioner's designee, who will serve as chairperson of the committee;

(2) Three representatives of universities and colleges. The universities and colleges shall be selected by the department, with the approval of the director of the department of natural resources. The university and college representatives shall each be appointed by the affirmative action office of the respective institution;

(3) The director of the department of natural resources or the director's designee;

(4) Five at-large members appointed by the governor, with the advice and consent of the senate, who shall be high school teachers and college professors and who shall be selected to represent the various regions of the state;

(5) The state affirmative action officer.

8. The committee shall meet at least annually, at a time and place to be determined by the chairperson, to select students to receive scholarships from applications filed with the department retention and recruitment program. The members appointed by the governor shall be reimbursed for their actual and necessary expenses.

94 9. Colleges and universities described in this section
95 shall include public community colleges.]

 [620.484.] 173.2565. The provisions of the Wagner-
2 Peyser Act (29 U.S.C.A. Sec. 49 et seq.), as amended, are
3 hereby accepted by this state and the [division] office of
4 workforce development of the department of [economic] higher
5 **education and workforce** development is hereby designated and
6 constituted the agency of this state for the purposes of
7 said act. The [division] office shall establish and
8 maintain free public employment offices in such number and
9 in such places as may be necessary for the proper
10 administration of this chapter and for the purposes of
11 performing such functions as are within the purview of the
12 Wagner-Peyser Act.

 [620.490.] 173.2566. The department of [economic]
2 **higher education and workforce** development shall promulgate
3 rules providing for the coordination of state and federal
4 job training resources administered by the department of
5 [economic] **higher education and workforce** development,
6 including the local workforce investment areas established
7 in the state to administer federal funds pursuant to the
8 federal Workforce [Investment] **Innovation and Opportunity**
9 Act (**WIOA**), **Pub. L. 113-128, as amended**, or its successor,
10 for the provision of assistance to businesses in this state
11 relating to the creation of new jobs in the state. The
12 department shall include in these rules the methods to be
13 followed by any business engaged in the creation of new jobs
14 in state to ensure that economically disadvantaged citizens
15 receive opportunities for employment in the new jobs
16 created. No rule or portion of a rule promulgated pursuant
17 to the authority of this section shall become effective

18 unless it has been promulgated pursuant to the provisions of
19 section 536.024.

2 [620.511.] **173.2570.** 1. There is hereby established
3 the "Missouri Workforce Development Board", formerly known
4 as the Missouri workforce investment board, and hereinafter
5 referred to as "the board" in sections [620.511 to 620.513]
6 **173.2570 to 173.2572.**

7 2. The purpose of the board is to provide workforce
8 investment activities, through statewide and local workforce
9 investment systems, that increase the employment, retention,
10 and earnings of participants, and increase occupational
11 skill attainment by participants, and, as a result, improve
12 the quality of the workforce, reduce welfare dependency, and
13 enhance the productivity and competitiveness of the state of
14 Missouri. The board shall be the state's advisory board
15 pertaining to workforce preparation policy.

16 3. The board shall meet the requirements of the
17 federal Workforce Innovation and Opportunity Act,
18 hereinafter referred to as the "WIOA", P.L. 113-128, as
19 amended. Should another federal law supplant the WIOA, all
20 references in sections [620.511 to 620.513] **173.2570 to**
21 **173.2572** to the WIOA shall apply as well to the new federal
22 law.

23 4. Composition of the board shall comply with the
24 WIOA. Board members appointed by the governor shall be
25 subject to the advice and consent of the senate. Consistent
26 with the requirements of the WIOA, the governor shall
27 designate one member of the board to be its chairperson.

28 5. Each member of the board shall serve for a term of
29 four years, subject to the pleasure of the governor, and
30 until a successor is duly appointed. In the event of a
vacancy on the board, the vacancy shall be filled in the

31 same manner as the original appointment and said replacement
32 shall serve the remainder of the original appointee's
33 unexpired term.

34 6. Of the members initially appointed to the WIOA,
35 formerly known as the WIA, board, one-fourth shall be
36 appointed for a term of four years, one-fourth shall be
37 appointed for a term of three years, one-fourth shall be
38 appointed for a term of two years, and one-fourth shall be
39 appointed for a term of one year.

40 7. WIOA board members shall receive no compensation,
41 but shall be reimbursed for all necessary expenses actually
42 incurred in the performance of their duties.

43 8. The department may include on its website a list of
44 the names of the members of the board, including the names
45 of members of local workforce development boards, along with
46 information on how to contact such boards.

[620.512.] **173.2571.** 1. The board shall establish
2 bylaws governing its organization, operation, and procedure
3 consistent with sections [620.511 to 620.513] **173.2570 to**
4 **173.2572**, and consistent with the WIOA.

5 2. The board shall meet at least four times each year
6 at the call of the chairperson.

7 3. In order to assure objective management and
8 oversight, the board shall not operate programs or provide
9 services directly to eligible participants, but shall exist
10 solely to plan, coordinate, and monitor the provisions of
11 such programs and services. A member of the board may not
12 vote on a matter under consideration by the board that
13 regards the provision of services by the member or by an
14 entity that the member represents or would provide direct
15 financial benefit to the member or the immediate family of
16 the member. A member of the board may not engage in any

17 other activity determined by the governor to constitute a
18 conflict of interest.

19 4. The composition and the roles and responsibilities
20 of the board membership may be amended to comply with any
21 succeeding federal or state legislative or regulatory
22 requirements governing workforce investment activities,
23 except that the procedure for such change shall be outlined
24 in state rules and regulations and adopted in the bylaws of
25 the board.

26 5. The department of **[economic] higher education and**
27 **workforce** development, **office of workforce development**,
28 shall provide professional, technical, and clerical staff
29 for the board.

30 6. The board may promulgate any rules and regulations
31 necessary to administer the provisions of sections **[620.511**
32 **to 620.513]** **173.2570 to 173.2572**. Any rule or portion of a
33 rule, as that term is defined in section 536.010, that is
34 created under the authority delegated in this section shall
35 become effective only if it complies with and is subject to
36 all of the provisions of chapter 536 and, if applicable,
37 section 536.028. This section and chapter 536 are
38 nonseverable and if any of the powers vested with the
39 general assembly pursuant to chapter 536 to review, to delay
40 the effective date, or to disapprove and annul a rule are
41 subsequently held unconstitutional, then the grant of
42 rulemaking authority and any rule proposed or adopted after
43 August 28, 2007, shall be invalid and void.

[620.513.] 173.2572. 1. The board shall assist the
2 governor with the functions described in Section 101(d) of
3 the WIOA, 29 U.S.C. Section **[311d] 3111(d)**, and any
4 regulations issued pursuant to the WIOA.

5 2. The board shall submit an annual report of its
6 activities to the governor, the speaker of the house of
7 representatives, and the president pro tem of the senate no
8 later than January thirty-first of each year.

9 3. Nothing in sections [620.511 to 620.513] **173.2570**
10 **to 173.2572** shall be construed to require or allow the board
11 to assume or supersede the statutory authority granted to,
12 or impose any duties or requirements on, the state
13 coordinating board for higher education, the governing
14 boards of the state's public colleges and universities, the
15 state board of education, or any local educational agencies.

178.550. 1. This section shall be known and may be
2 cited as the "Career and Technical Education Student
3 Protection Act". There is hereby established the "Career
4 and Technical Education Advisory Council" within the
5 department of elementary and secondary education.

6 2. The advisory council shall be composed of sixteen
7 members who shall be Missouri residents. The director of
8 the department of economic development, or his or her
9 designee, shall be a member. The commissioner of education
10 shall appoint the following members:

11 (1) A director or administrator of a career and
12 technical education center;

13 (2) An individual from the business community with a
14 background in commerce;

15 (3) A representative from State Technical College of
16 Missouri;

17 (4) Three current or retired career and technical
18 education teachers who also serve or served as an advisor to
19 any of the nationally recognized career and technical
20 education student organizations of:

21 (a) DECA;

- (b) Future Business Leaders of America (FBLA);
- (c) FFA;
- (d) Family, Career and Community Leaders of America (FCCLA);
- (e) Health Occupations Students of America (HOSA);
- (f) SkillsUSA; or
- (g) Technology Student Association (TSA);
- (5) A representative from a business organization, association of businesses, or a business coalition;
- (6) A representative from a Missouri community college;
- (7) A representative from Southeast Missouri State University or the University of Central Missouri;
- (8) An individual participating in an apprenticeship recognized by the department of labor and industrial relations or approved by the United States Department of Labor's Office of Apprenticeship;
- (9) A school administrator or school superintendent of a school that offers career and technical education.
3. Members appointed by the commissioner of education shall serve a term of five years except for the initial appointments, which shall be for the following lengths:
- (1) One member shall be appointed for a term of one year;
- (2) Two members shall be appointed for a term of two years;
- (3) Two members shall be appointed for a term of three years;
- (4) Three members shall be appointed for a term of four years;
- (5) Three members shall be appointed for a term of five years.

53 4. Four members shall be from the general assembly.
54 The president pro tempore of the senate shall appoint two
55 members of the senate of whom not more than one shall be of
56 the same party. The speaker of the house of representatives
57 shall appoint two members of the house of representatives of
58 whom not more than one shall be of the same party. The
59 legislative members shall serve on the advisory council
60 until such time as they resign, are no longer members of the
61 general assembly, or are replaced by new appointments.

62 5. The advisory council shall have three nonvoting ex
63 officio members:

64 (1) A director of guidance and counseling services at
65 the department of elementary and secondary education, or a
66 similar position if such position ceases to exist;

67 (2) The director of the [division] **office** of workforce
68 development; and

69 (3) A member of the coordinating board for higher
70 education, as selected by the coordinating board.

71 6. The assistant commissioner for the office of
72 college and career readiness of the department of elementary
73 and secondary education shall provide staff assistance to
74 the advisory council.

75 7. The advisory council shall meet at least four times
76 annually. The advisory council may make all rules it deems
77 necessary to enable it to conduct its meetings, elect its
78 officers, and set the terms and duties of its officers. The
79 advisory council shall elect from among its members a
80 chairperson, vice chairperson, a secretary-reporter, and
81 such other officers as it deems necessary. Members of the
82 advisory council shall serve without compensation but may be
83 reimbursed for actual expenses necessary to the performance
84 of their official duties for the advisory council.

85 8. Any business to come before the advisory council
86 shall be available on the advisory council's internet
87 website at least seven business days prior to the start of
88 each meeting. All records of any decisions, votes,
89 exhibits, or outcomes shall be available on the advisory
90 council's internet website within forty-eight hours
91 following the conclusion of every meeting. Any materials
92 prepared for the members shall be delivered to the members
93 at least five days before the meeting, and to the extent
94 such materials are public records as defined in section
95 610.010 and are not permitted to be closed under section
96 610.021, shall be made available on the advisory council's
97 internet website at least five business days in advance of
98 the meeting.

99 9. The advisory council shall make an annual written
100 report to the state board of education and the commissioner
101 of education regarding the development, implementation, and
102 administration of the state budget for career and technical
103 education.

104 10. The advisory council shall annually submit written
105 recommendations to the state board of education and the
106 commissioner of education regarding the oversight and
107 procedures for the handling of funds for student career and
108 technical education organizations.

109 11. The advisory council shall:

110 (1) Develop a comprehensive statewide short- and long-
111 range strategic plan for career and technical education;

112 (2) Identify service gaps and provide advice on
113 methods to close such gaps as they relate to youth and adult
114 employees, workforce development, and employers on training
115 needs;

(3) Confer with public and private entities for the purpose of promoting and improving career and technical education;

(4) Identify legislative recommendations to improve career and technical education;

(5) Promote coordination of existing career and technical education programs;

(6) Adopt, alter, or repeal by its own bylaws, rules and regulations governing the manner in which its business may be transacted.

12. For purposes of this section, the department of elementary and secondary education shall provide such documentation and information as to allow the advisory council to be effective.

13. For purposes of this section, "advisory council" shall mean the career and technical education advisory council.

178.585. 1. Under rules and regulations of the state board of education, the commissioner of education, in cooperation with the [director of the division] **office** of workforce development of the department of [economic] **higher education and workforce** development, shall establish procedures to provide grants to public high schools, vocational-technical schools, State Technical College of Missouri, and community colleges solely for the purpose of new programs, curriculum enhancement, equipment and facilities so as to upgrade vocational and technical education in the state.

2. Each vocational-technical school, community college, State Technical College of Missouri, and school district of any public high school receiving a grant authorized by this section shall have an advisory committee

16 composed of local business persons, labor leaders, parents,
17 senior citizens, community leaders and teachers to establish
18 a plan to ensure that students who graduate from the
19 vocational-technical school, community college, State
20 Technical College of Missouri, or public high school proceed
21 to a four-year college or high-wage job with workplace-skill
22 development opportunities.

23 3. The [director of the] department of [economic]
24 **higher education and workforce** development shall provide
25 annually to the commissioner of education a listing of
26 demand occupations in the state including substate
27 projections. The listing shall include those occupations
28 for which, in the judgment of the [director of the]
29 department of [economic] **higher education and workforce**
30 development, there is a critical shortage to meet present or
31 future employment needs necessary to the economic growth and
32 competitiveness of the state.

33 4. In any fiscal year, at least seventy-five percent
34 of all moneys for the grant awards authorized by this
35 section shall be to public high schools, vocational-
36 technical schools, State Technical College of Missouri, or
37 community colleges for new programs, curriculum enhancement
38 or equipment necessary to address demand occupations
39 identified pursuant to subsection 3 of this section.

186.019. 1. Prior to April first of each year,
2 starting in 1992, the information described in subdivisions
3 (1), (2), (3) and (4) of this subsection shall be delivered
4 in report form to the Missouri women's council, the
5 governor's office, the secretary of the senate, and the
6 chief clerk of the house of representatives. The
7 information shall apply only to activities which occurred

8 during the previous calendar year. Reports shall be
9 required from the following:

10 (1) The department of labor and industrial relations,
11 and the [division] **office** of workforce development of the
12 department of [economic] **higher education and workforce**
13 development, who shall assemble all available data and
14 report on all business start-ups and business failures which
15 are fifty-one percent or more owned by women. The reports
16 shall distinguish, as best as possible, those businesses
17 which are sole proprietorships, partnerships, or
18 corporations;

19 (2) The department of economic development, who shall
20 assemble all available data and report on financial
21 assistance or other incentives given to all businesses which
22 are fifty-one percent or more owned by women. The report
23 shall contain information relating to assistance or
24 incentives awarded for the retention of existing businesses,
25 the expansion of existing businesses, or the start-up of new
26 businesses;

27 (3) The department of revenue, who shall assemble all
28 available data and report on the number, gross receipts and
29 net income of all businesses which are fifty-one percent or
30 more owned by women. The reports shall distinguish those
31 businesses which are sole proprietorships, partnerships or
32 corporations;

33 (4) The division of purchasing of the office of
34 administration, who shall assemble all available data and
35 report on businesses which are fifty-one percent or more
36 owned by women which are recipients of contracts awarded by
37 the state of Missouri.

38 2. Prior to December first of each year, starting in
39 1990, the information described in subdivisions (1) and (2)

40 of this subsection shall be delivered in report form to the
41 Missouri women's council, the governor's office, the
42 secretary of the senate, and the chief clerk of the house of
43 representatives. The information shall apply only to
44 activities which occurred during the previous school year.
45 Reports shall be required from the following:

46 (1) The department of elementary and secondary
47 education shall assemble all available data from the
48 Vocational and Education Data System (VEDS) on class
49 enrollments by Instruction Program Codes (CIP); by secondary
50 and postsecondary schools; and, secondary, postsecondary,
51 and adult level classes; and by gender. This data shall
52 also be reported by classes of traditional and
53 nontraditional occupational areas;

54 (2) The coordinating board for higher education shall
55 assemble all available data and report on higher education
56 degrees awarded by academic discipline; type of degree; type
57 of school; and gender. All available data shall also be
58 reported on salaries received upon completion of degree
59 program and subsequent hire, as well as any data available
60 on follow-up salaries.

192.131. 1. As used in this section, the following
2 terms shall mean:

3 (1) ["Advisory panel", the infection control advisory
4 panel created by section 197.165;

5 (2)] "Antibiogram", a record of the resistance of
6 microbes to various antibiotics;

7 [(3)] (2) "Antimicrobial", the ability of an agent to
8 destroy or prevent the development of pathogenic action of a
9 microorganism;

10 [(4)] (3) "Department", the department of health and
11 senior services.

12 2. Every laboratory performing culture and sensitivity
13 testing on humans in Missouri shall submit data on health
14 care associated infections to the department in accordance
15 with this section. The data to be reported shall be defined
16 by regulation of the department [after considering the
17 recommendations of the advisory panel]. Such data may
18 include antibiograms and, not later than July 1, 2005, shall
19 include but not be limited to the number of patients or
20 isolates by hospital, ambulatory surgical center, and other
21 facility or practice setting with methicillin-resistant
22 staphylococcus aureus (MRSA) or vancomycin-resistant
23 enterococcus (VRE).

24 3. Information on infections collected pursuant to
25 this section shall be subject to the confidentiality
26 protections of this chapter but shall be available in
27 provider-specific form to appropriate facility and
28 professional licensure authorities.

29 4. The [advisory panel] **department** shall [develop a
30 recommended plan to] use laboratory and health care provider
31 data provided pursuant to this chapter to create a system to:

32 (1) Enhance the ability of health care providers and
33 the department to track the incidence and distribution of
34 preventable infections, with emphasis on those infections
35 that are most susceptible to interventions and that pose the
36 greatest risk of harm to Missouri residents;

37 (2) Monitor trends in the development of antibiotic-
38 resistant microbes, including but not limited to methicillin-
39 resistant staphylococcus aureus (MRSA) and vancomycin-
40 resistant enterococcus (VRE) infections.

41 5. In implementing this section, [the advisory panel]
42 and the department shall conform to guidelines and standards
43 adopted by the Centers for Disease Control and Prevention.

44 [The advisory panel's plan may provide for demonstration
45 projects to assess the viability of the recommended
46 initiatives.]

192.667. 1. All health care providers shall at least
2 annually provide to the department charge data as required
3 by the department. All hospitals shall at least annually
4 provide patient abstract data and financial data as required
5 by the department. Hospitals as defined in section 197.020
6 shall report patient abstract data for outpatients and
7 inpatients. Ambulatory surgical centers and abortion
8 facilities as defined in section 197.200 shall provide
9 patient abstract data to the department. The department
10 shall specify by rule the types of information which shall
11 be submitted and the method of submission.

12 2. The department shall collect data on the incidence
13 of health care-associated infections from hospitals,
14 ambulatory surgical centers, abortion facilities, and other
15 facilities as necessary to generate the reports required by
16 this section. Hospitals, ambulatory surgical centers,
17 abortion facilities, and other facilities shall provide such
18 data in compliance with this section. In order to
19 streamline government and to eliminate duplicative reporting
20 requirements, if the Centers for Medicare and Medicaid
21 Services, or its successor entity, requires hospitals to
22 submit health care-associated infection data, then hospitals
23 and the department shall not be required to comply with the
24 health care-associated infection data reporting requirements
25 of subsections 2 to 17 of this section applicable to
26 hospitals, except that the department shall post a link on
27 its website to publicly reported data by hospitals on the
28 Centers for Medicare and Medicaid Services' Hospital Compare
29 website, or its successor.

30 3. The department shall promulgate rules specifying
31 the standards and procedures for the collection, analysis,
32 risk adjustment, and reporting of the incidence of health
33 care-associated infections and the types of infections and
34 procedures to be monitored pursuant to subsection 13 of this
35 section. In promulgating such rules, the department shall[:

36 (1)] use methodologies and systems for data collection
37 established by the federal Centers for Disease Control and
38 Prevention's National Healthcare Safety Network, or its
39 successor[; and

40 (2) Consider the findings and recommendations of the
41 infection control advisory panel established pursuant to
42 section 197.165].

43 4. [By January 1, 2017, the infection control advisory
44 panel created by section 197.165 shall make recommendations
45 to] The department [regarding] **shall continue to assess** the
46 Centers for Medicare and Medicaid Services' health care-
47 associated infection data collection, analysis, and public
48 reporting requirements for hospitals, ambulatory surgical
49 centers, and other facilities in the federal Centers for
50 Disease Control and Prevention's National Healthcare Safety
51 Network, or its successor, in lieu of all or part of the
52 data collection, analysis, and public reporting requirements
53 of this section. The [advisory panel recommendations]
54 **department** shall address which hospitals shall be required
55 as a condition of licensure to use the National Healthcare
56 Safety Network for data collection; the use of the National
57 Healthcare Safety Network for risk adjustment and analysis
58 of hospital submitted data; and the use of the Centers for
59 Medicare and Medicaid Services' Hospital Compare website, or
60 its successor, for public reporting of the incidence of
61 health care-associated infection metrics. [The advisory

62 panel shall consider the following factors in developing its
63 recommendation:

64 (1) Whether the public is afforded the same or greater
65 access to facility-specific infection control indicators and
66 metrics;

67 (2) Whether the data provided to the public is subject
68 to the same or greater accuracy of risk adjustment;

69 (3) Whether the public is provided with the same or
70 greater specificity of reporting of infections by type of
71 facility infections and procedures;

72 (4) Whether the data is subject to the same or greater
73 level of confidentiality of the identity of an individual
74 patient;

75 (5) Whether the National Healthcare Safety Network, or
76 its successor, has the capacity to receive, analyze, and
77 report the required data for all facilities;

78 (6) Whether the cost to implement the National
79 Healthcare Safety Network infection data collection and
80 reporting system is the same or less.】

81 5. 【After considering the recommendations of the
82 infection control advisory panel, and provided that the
83 requirements of subsection 13 of this section can be met,】

84 The department shall implement guidelines from the federal
85 Centers for Disease Control and Prevention's National
86 Healthcare Safety Network, or its successor. It shall be a
87 condition of licensure for hospitals that meet the minimum
88 public reporting requirements of the National Healthcare
89 Safety Network and the Centers for Medicare and Medicaid
90 Services to participate in the National Healthcare Safety
91 Network, or its successor. Such hospitals shall permit the
92 National Healthcare Safety Network, or its successor, to
93 disclose facility-specific infection data to the department

94 as required under this section, and as necessary to provide
95 the public reports required by the department. It shall be
96 a condition of licensure for any ambulatory surgical center
97 or abortion facility which does not voluntarily participate
98 in the National Healthcare Safety Network, or its successor,
99 to submit facility-specific data to the department as
100 required under this section, and as necessary to provide the
101 public reports required by the department.

102 6. The department shall not require the resubmission
103 of data which has been submitted to the department of health
104 and senior services or the department of social services
105 under any other provision of law. The department of health
106 and senior services shall accept data submitted by
107 associations or related organizations on behalf of health
108 care providers by entering into binding agreements
109 negotiated with such associations or related organizations
110 to obtain data required pursuant to section 192.665 and this
111 section. A health care provider shall submit the required
112 information to the department of health and senior services:

113 (1) If the provider does not submit the required data
114 through such associations or related organizations;

115 (2) If no binding agreement has been reached within
116 ninety days of August 28, 1992, between the department of
117 health and senior services and such associations or related
118 organizations; or

119 (3) If a binding agreement has expired for more than
120 ninety days.

121 7. Information obtained by the department under the
122 provisions of section 192.665 and this section shall not be
123 public information. Reports and studies prepared by the
124 department based upon such information shall be public
125 information and may identify individual health care

126 providers. The department of health and senior services may
127 authorize the use of the data by other research
128 organizations pursuant to the provisions of section
129 192.067. The department shall not use or release any
130 information provided under section 192.665 and this section
131 which would enable any person to determine any health care
132 provider's negotiated discounts with specific preferred
133 provider organizations or other managed care organizations.
134 The department shall not release data in a form which could
135 be used to identify a patient. Any violation of this
136 subsection is a class A misdemeanor.

137 8. The department shall undertake a reasonable number
138 of studies and publish information, including at least an
139 annual consumer guide, in collaboration with health care
140 providers, business coalitions and consumers based upon the
141 information obtained pursuant to the provisions of section
142 192.665 and this section. The department shall allow all
143 health care providers and associations and related
144 organizations who have submitted data which will be used in
145 any publication to review and comment on the publication
146 prior to its publication or release for general use. The
147 publication shall be made available to the public for a
148 reasonable charge.

149 9. Any health care provider which continually and
150 substantially, as these terms are defined by rule, fails to
151 comply with the provisions of this section shall not be
152 allowed to participate in any program administered by the
153 state or to receive any moneys from the state.

154 10. A hospital, as defined in section 197.020,
155 aggrieved by the department's determination of ineligibility
156 for state moneys pursuant to subsection 9 of this section
157 may appeal as provided in section 197.071. An ambulatory

158 surgical center or abortion facility as defined in section
159 197.200 aggrieved by the department's determination of
160 ineligibility for state moneys pursuant to subsection 9 of
161 this section may appeal as provided in section 197.221.

162 11. The department of health may promulgate rules
163 providing for collection of data and publication of the
164 incidence of health care-associated infections for other
165 types of health facilities determined to be sources of
166 infections; except that, physicians' offices shall be exempt
167 from reporting and disclosure of such infections.

168 12. [By January 1, 2017, the advisory panel shall
169 recommend and] The department shall adopt in regulation
170 [with an effective date of no later than January 1, 2018,]
171 the requirements for the reporting of the following types of
172 infections as specified in this subsection:

173 (1) Infections associated with a minimum of four
174 surgical procedures for hospitals and a minimum of two
175 surgical procedures for ambulatory surgical centers that
176 meet the following criteria:

177 (a) Are usually associated with an elective surgical
178 procedure. An "elective surgical procedure" is a planned,
179 nonemergency surgical procedure that may be either medically
180 required such as a hip replacement or optional such as
181 breast augmentation;

182 (b) Demonstrate a high priority aspect such as
183 affecting a large number of patients, having a substantial
184 impact for a smaller population, or being associated with
185 substantial cost, morbidity, or mortality; or

186 (c) Are infections for which reports are collected by
187 the National Healthcare Safety Network or its successor;

188 (2) Central line-related bloodstream infections;

(3) Health care-associated infections specified for reporting by hospitals, ambulatory surgical centers, and other health care facilities by the rules of the Centers for Medicare and Medicaid Services to the federal Centers for Disease Control and Prevention's National Healthcare Safety Network, or its successor; and

(4) Other categories of infections that may be established by rule by the department.

The department[, in consultation with the advisory panel,] shall be authorized to collect and report data on subsets of each type of infection described in this subsection.

13. [In consultation with the infection control advisory panel established pursuant to section 197.165,] The department shall develop and disseminate to the public reports based on data compiled for a period of twelve months. Such reports shall be updated [quarterly] **at least annually** and shall show for each hospital, ambulatory surgical center, abortion facility, and other facility metrics on risk-adjusted health care-associated infections under this section.

14. The types of infections under subsection 12 of this section to be publicly reported shall be determined by the department by rule and shall be consistent with the infections tracked by the National Healthcare Safety Network, or its successor.

15. Reports published pursuant to subsection 13 of this section shall be published and readily accessible on the department's internet website. The reports shall be distributed at least annually to the governor and members of the general assembly. The department shall make such

reports available to the public for a period of at least two years.

16. [The Hospital Industry Data Institute shall publish a report of Missouri hospitals', ambulatory surgical centers', and abortion facilities' compliance with standardized quality of care measures established by the federal Centers for Medicare and Medicaid Services for prevention of infections related to surgical procedures. If the Hospital Industry Data Institute fails to do so by July 31, 2008, and annually thereafter, the department shall be authorized to collect information from the Centers for Medicare and Medicaid Services or from hospitals, ambulatory surgical centers, and abortion facilities and publish such information in accordance with this section.

17.] The data collected or published pursuant to this section shall be available to the department for purposes of licensing hospitals, ambulatory surgical centers, and abortion facilities pursuant to chapter 197.

[18.] 17. The department shall promulgate rules to implement the provisions of section 192.131 and sections 197.150 to 197.160. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

[19. No later than August 28, 2017,] **18.** Each hospital, excluding mental health facilities as defined in section 632.005, and each ambulatory surgical center and abortion facility as defined in section 197.200, shall in consultation with its medical staff establish an antimicrobial stewardship program for evaluating the judicious use of antimicrobials, especially antibiotics that are the last line of defense against resistant infections. The hospital's stewardship program and the results of the program shall be monitored and evaluated by hospital quality improvement departments and shall be available upon inspection to the department. At a minimum, the antimicrobial stewardship program shall be designed to evaluate that hospitalized patients receive, in accordance with accepted medical standards of practice, the appropriate antimicrobial, at the appropriate dose, at the appropriate time, and for the appropriate duration.

[20.] **19.** Hospitals described in subsection [19] **18** of this section shall meet the National Healthcare Safety Network requirements for reporting antimicrobial usage or resistance by using the Centers for Disease Control and Prevention's Antimicrobial Use and Resistance (AUR) Module when conditions of participation promulgated by the Centers for Medicare and Medicaid Services requiring the electronic reporting of antibiotic use or antibiotic resistance by hospitals become effective. When such antimicrobial usage or resistance reporting takes effect, hospitals shall authorize the National Healthcare Safety Network, or its successor, to disclose to the department facility-specific information reported to the AUR Module. Facility-specific data on antibiotic usage and resistance collected under this subsection shall not be disclosed to the public, but the

department may release case-specific information to other facilities, physicians, and the public if the department determines on a case-by-case basis that the release of such information is necessary to protect persons in a public health emergency. Nothing in this section shall prohibit a hospital from voluntarily reporting antibiotic use or antibiotic resistance data through the National Healthcare Safety Network, or its successor, prior to the effective date of the conditions of participation requiring the reporting.

[21.] 20. The department shall make a report to the general assembly beginning January 1, 2018, and on every January first thereafter on the incidence, type, and distribution of antimicrobial-resistant infections identified in the state and within regions of the state.

192.700. There is hereby established a state arthritis program. [The board and the committee established by sections 192.700 to 192.727 are to administer state, federal and private grants and programs dealing with arthritis and related diseases as a part of this arthritis program.] Regional arthritis [centers] **programs** established pursuant to sections 192.700 to 192.727 constitute part of the state arthritis program.

192.703. As used in sections 192.700 to 192.727, the [following terms mean:

- (1) "Board", the Missouri arthritis advisory board;
- (2) "Committee", the arthritis program review committee;
- (3)] **term "director", means the** director of the department of health and senior services.

192.714. 1. Beginning October 1, [1984] **2025**, there shall be established within this state, and within the

department of health and senior services, [a network of]
regional arthritis [centers] **programs, subject to**
appropriations, designed to [demonstrate and stimulate the
prompt and effective application of available knowledge for
the treatment of patients with arthritis and related
musculoskeletal diseases, and to develop new knowledge
essential for the control of these disorders] **improve**
knowledge and access to arthritis management among adults
with arthritis.

2. The arthritis [centers] **programs** established
pursuant to sections 192.700 to 192.727 shall operate
programs in the area of education of patients, their
families, and the public.

[3. At least one regional arthritis center shall be
established in each of the following seven regions, the
boundaries of which shall be determined by the board:

(1) Greater St. Louis area;

(2) Southeast;

(3) Northeast;

(4) Central;

(5) Southwest;

(6) Northwest; and

(7) Greater Kansas City area.]

196.1106. Centers for life sciences research shall be
established and shall be subject to the following provisions:

(1) A "center for excellence for life sciences
research" means a system or regional consortium of public
and private not-for-profit academic, research, or health
care institutions or organizations engaged in competitive
research in targeted fields consistent with the strategic
purposes of life sciences research as provided in sections
196.1100 to 196.1130;

10 (2) The [life sciences research board] **department of**
11 **economic development** shall monitor and adopt such rules as
12 are necessary to assure quality and accountability in the
13 operation of the centers for excellence for life sciences
14 research;

15 (3) One St. Louis area center for excellence may be
16 established within the geographical area encompassing the
17 city of St. Louis and St. Louis, St. Charles, Jefferson,
18 and Franklin counties. If any part of a municipality is
19 located within any one such county and also encompasses a
20 part of another county in this state, the entire area
21 encompassed within the city limits of such municipality
22 shall be a part of the geographical area of the St. Louis
23 area center for excellence;

24 (4) One Kansas City area center for excellence may be
25 established within the geographical area encompassing
26 Jackson, Clay, Andrew, Buchanan, and Platte counties. If
27 any part of a municipality is located within any one such
28 county and also encompasses a part of another county in this
29 state, the entire area encompassed within the city limits of
30 such municipality shall be a part of the geographical area
31 of the Kansas City area center for excellence;

32 (5) One Springfield center for excellence may be
33 established within the geographical area encompassing
34 Greene, Christian, and Webster counties;

35 (6) A Missouri statewide center for excellence may be
36 established that shall encompass the institutions,
37 agricultural research centers dedicated to the development
38 of plant-made pharmaceuticals, and campuses within the
39 University of Missouri system and those regions of Missouri
40 not encompassed within another center for excellence;
41 provided that the University of Missouri-Kansas City and the

42 University of Missouri-St. Louis shall participate in the
43 centers for excellence in their respective geographical
44 regions;

45 (7) The **[life sciences research board] department of**
46 **economic development** shall receive and review suggestions
47 for the formation and composition of the initial centers for
48 excellence. After receiving and reviewing such suggestions,
49 the **[life sciences research board] department** shall
50 determine the initial composition, and shall consider and
51 approve the organizational plan and structure of the St.
52 Louis area, Kansas City area, Springfield area, and Missouri
53 statewide centers for excellence;

54 (8) Before any center for excellence is considered to
55 be a center for excellence for life sciences research under
56 sections 196.1100 to 196.1130, its composition and
57 organizational structure shall be approved by the **[life**
58 **sciences research board] department;**

59 (9) Any center for excellence for life sciences
60 research that is established within a geographical area
61 specified in sections 196.1100 to 196.1130 shall be
62 comprised of a consortium of public and private not-for-
63 profit academic, research, or health care institutions or
64 organizations that have collectively at least fifteen
65 million dollars in annual research expenditures in the life
66 sciences, including a collective minimum of two million
67 dollars in basic research in life sciences;

68 (10) Each center for excellence for life sciences
69 research shall appoint a screening committee. The centers,
70 through their screening committees, shall solicit, collect,
71 prioritize, and forward to the **[life sciences research**
72 **board] department** proposed research initiatives for
73 consideration for funding by the **[board] department.**

Members of each screening committee shall generally be familiar with the life sciences and current trends and developments with either technical or scientific expertise in the life sciences with an understanding of life sciences and with an understanding of the application of the results of life sciences research. No member of a screening committee shall be employed by any public or private entity eligible to receive financial support from the life sciences research trust fund; and

(11) The centers for excellence for life sciences research shall have any and all powers attendant to carrying out the operations that are not contrary to the provisions of sections 196.1100 to 196.1130 or any rules, guidelines, or decisions adopted by the [life sciences research board] department.

[196.1109. All moneys that are appropriated by the general assembly from the life sciences research trust fund shall be appropriated to the life sciences research board to increase the capacity for quality of life sciences research at public and private not-for-profit institutions in the state of Missouri and to thereby:

(1) Improve the quantity and quality of life sciences research at public and private not-for-profit institutions, including but not limited to basic research (including the discovery of new knowledge), translational research (including translating knowledge into a usable form), and clinical research (including the literal application of a therapy or intervention to determine its efficacy), including but not limited to health research in human development and aging, cancer, endocrine, cardiovascular, neurological, pulmonary, and infectious disease, and plant sciences, including but not limited to nutrition and food safety; and

(2) Enhance technology transfer and technology commercialization derived from research at public and private not-for-profit institutions within the centers for excellence. For purposes of sections 196.1100 to 196.1130, "technology transfer and technology commercialization" includes stages of the regular business cycle occurring after research and development of a life science technology, including but not limited to reduction to practice, proof of concept, and achieving federal Food and Drug Administration, United States Department of Agriculture, or other regulatory requirements in addition to the definition in section 348.251. Funds received by the board may be used for purposes authorized in sections 196.1100 to 196.1130 and shall be subject to the restrictions of sections 196.1100 to 196.1130, including but not limited to the costs of personnel, supplies, equipment, and renovation or construction of physical facilities; provided that in any single fiscal year no more than thirty percent of the moneys appropriated shall be used for the construction of physical facilities and further provided that in any fiscal year up to eighty percent of the moneys shall be appropriated to build research capacity at public and private not-for-profit institutions and at least twenty percent and no more than fifty percent of the moneys shall be appropriated for grants to public or private not-for-profit institutions to promote life science technology transfer and technology commercialization. Of the moneys appropriated to build research capacity, twenty percent of the moneys shall be appropriated to promote the development of research of tobacco-related illnesses.]

196.1109. All moneys that are appropriated by the general assembly from the life sciences research trust fund shall be appropriated to the [life sciences research board]

4 **department of economic development** to increase the capacity
5 for quality of life sciences research at public and private
6 not-for-profit institutions in the state of Missouri and to
7 thereby:

8 (1) Improve the quantity and quality of life sciences
9 research at public and private not-for-profit institutions,
10 including but not limited to basic research (including the
11 discovery of new knowledge), translational research
12 (including translating knowledge into a usable form), and
13 clinical research (including the literal application of a
14 therapy or intervention to determine its efficacy),
15 including but not limited to health research in human
16 development and aging, cancer, endocrine, cardiovascular,
17 neurological, pulmonary, and infectious disease, and plant
18 sciences, including but not limited to nutrition and food
19 safety; and

20 (2) Enhance technology transfer and technology
21 commercialization derived from research at public and
22 private not-for-profit institutions within the centers for
23 excellence. For purposes of sections 196.1100 to 196.1130,
24 "technology transfer and technology commercialization"
25 includes stages of the regular business cycle occurring
26 after research and development of a life science technology,
27 including but not limited to reduction to practice, proof of
28 concept, and achieving federal Food and Drug Administration,
29 United States Department of Agriculture, or other regulatory
30 requirements in addition to the definition in section
31 348.251.

32 Funds received by the [board] **department** may be used for
33 purposes authorized in sections 196.1100 to 196.1130 and
34 shall be subject to the restrictions of sections 196.1100 to

196.1130, including but not limited to the costs of personnel, supplies, equipment, and renovation or construction of physical facilities; provided that in any single fiscal year no more than ten percent of the moneys appropriated shall be used for the construction of physical facilities and further provided that in any fiscal year eighty percent of the moneys shall be appropriated to build research capacity at public and private not-for-profit institutions and twenty percent of the moneys shall be appropriated for grants to public or private not-for-profit institutions to promote life science technology transfer and technology commercialization. Of the moneys appropriated to build research capacity, twenty percent of the moneys shall be appropriated to promote the development of research of tobacco-related illnesses.

196.1112. In determining projects to authorize, the [life sciences research board] **department of economic development** shall consider those proposals endorsed by a center for excellence, subject to a process of peer review conducted under the auspices of the [board] **department**, and shall also consider the potential of any proposal to bring both health and economic benefits to the people of Missouri. Specifically, at least eighty percent of the moneys that are appropriated to the [board] **department** in each fiscal year shall be distributed to public and private not-for-profit institutions or organizations whose programs and proposals have been recommended by a center for excellence that meets the requirements set forth in subdivisions (8) and (9) of section 196.1106. Collectively, the institutions or organizations within a single center for excellence shall receive in a single fiscal year no more than fifty percent of the moneys appropriated to the [board]

18 **department** during such fiscal year. No single institution
19 or organization shall receive in any consecutive three-
20 fiscal-year period more than forty percent of the moneys
21 appropriated to the [board] **department** during such three-
22 fiscal-year period.

2 [196.1115. 1. The moneys appropriated to
3 the life sciences research board that are not
4 distributed by the board in any fiscal year to a
5 center for excellence or a center for excellence
6 endorsed program pursuant to section 196.1112,
7 if any, shall be held in reserve by the board or
8 shall be awarded on the basis of peer review
9 panel recommendations for capacity building
10 initiatives proposed by public and private not-
11 for-profit academic, research, or health care
12 institutions or organizations, or individuals
13 engaged in competitive research in targeted
14 fields consistent with the provisions of
15 sections 196.1100 to 196.1130.

16 2. The life sciences research board may,
17 in view of the limitations expressed in section
18 196.1130:

19 (1) Award and enter into grants or
20 contracts relating to increasing Missouri's
21 research capacity at public or private not-for-
22 profit institutions;

23 (2) Make provision for peer review panels
24 to recommend and review research projects;

25 (3) Contract for support services;

26 (4) Lease or acquire facilities and
27 equipment;

28 (5) Employ administrative staff; and

29 (6) Receive, retain, hold, invest,
30 disburse or administer any moneys that it
31 receives from appropriations or from any other
32 source.

33 3. The Missouri technology corporation,
34 established under section 348.251, shall serve
35 as the administrative agent for the life
36 sciences research board.

37 4. The life sciences research board shall
utilize as much of the moneys as reasonably

38 possible for building capacity at public and
39 private not-for-profit institutions to do
40 research rather than for administrative
41 expenses. The board shall not in any fiscal
42 year expend more than two percent of the total
43 moneys appropriated to it and of the moneys that
44 it has in reserve or has received from other
45 sources for its own administrative expenses for
46 appropriations equal to or greater than twenty
47 million dollars; three percent for
48 appropriations less than twenty million dollars
49 but equal to or greater than fifteen million
50 dollars; four percent for appropriations less
51 than fifteen million dollars but equal to or
52 greater than ten million dollars; five percent
53 for appropriations less than ten million
54 dollars; provided, however, that the general
55 assembly by appropriation from the life sciences
56 research trust fund may authorize a limited
57 amount of additional moneys to be expended for
58 administrative costs.]

196.1115. 1. The moneys appropriated to the [life
2 sciences research board] **department of economic development**
3 that are not distributed by the [board] **department** in any
4 fiscal year to a center for excellence or a center for
5 excellence endorsed program pursuant to section 196.1112, if
6 any, shall be held in reserve by the [board] **department** or
7 shall be awarded on the basis of peer review panel
8 recommendations for capacity building initiatives proposed
9 by public and private not-for-profit academic, research, or
10 health care institutions or organizations, or individuals
11 engaged in competitive research in targeted fields
12 consistent with the provisions of sections 196.1100 to
13 196.1130.

14 2. The [life sciences research board] **department** may,
15 in view of the limitations expressed in section 196.1130:

16 (1) Award and enter into grants or contracts relating
17 to increasing Missouri's research capacity at public or
18 private not-for-profit institutions;

19 (2) Make provision for peer review panels to recommend
20 and review research projects;

21 (3) Contract for administrative and support services;

22 (4) Lease or acquire facilities and equipment;

23 (5) Employ administrative staff; and

24 (6) Receive, retain, hold, invest, disburse or
25 administer any moneys that it receives from appropriations
26 or from any other source.

27 3. The [life sciences research board] **department** shall
28 utilize as much of the moneys as reasonably possible for
29 building capacity at public and private not-for-profit
30 institutions to do research rather than for administrative
31 expenses. The [board] **department** shall not in any fiscal
32 year expend more than two percent of the total moneys
33 appropriated to it and of the moneys that it has in reserve
34 or has received from other sources for its own
35 administrative expenses; provided, however, that the general
36 assembly by appropriation from the life sciences research
37 trust fund may authorize a limited amount of additional
38 moneys to be expended for administrative costs.

 196.1118. The [life sciences research board]
2 **department of economic development** shall make provision for
3 and secure the state auditor or outside public accounting
4 firm an annual audit of its financial affairs and the moneys
5 expended from the life sciences research trust fund. Such
6 audit shall be performed on a fiscal year basis and the cost
7 of such audit shall not be considered as an administrative
8 expense for purposes of subsection 3 of section 196.1115.
9 The [board] **department** shall make copies of each audit

10 available to the public. Every three years the [board]
11 **department**, with the assistance of its staff or independent
12 contractors as determined by the [board] **department**, shall
13 prepare a comprehensive report assessing the work and
14 progress of the life sciences research program. Such
15 assessment report shall analyze the impact of the [board's]
16 **department's** programs, grants, and contracts performed,
17 shall be provided to the governor and the general assembly,
18 and shall be available to the public. The cost of such
19 assessment report shall not be considered an administrative
20 expense for purposes of subsection 3 of section 196.1115.

196.1121. 1. Grant or contract awards made with
2 moneys appropriated from the life sciences research trust
3 fund shall provide for the reimbursement of costs. Whether
4 reimbursement of specific costs is allowed depends on the
5 application of a four-part test balancing which shall
6 include:

- 7 (1) The reasonableness of the cost;
- 8 (2) The connection to the grant or contract;
- 9 (3) The consistency demonstrated in assigning costs to
10 the grant or contract; and
- 11 (4) Conformance with the specific terms and conditions
12 of the award or contract.

13 The [life sciences research board] **department of economic**
14 **development** may from time to time issue rules and guidelines
15 consistent with such four-part test and provide grant and
16 contract recipients with a list or other explanation of
17 regularly permitted costs.

18 2. Grant and contract recipients shall preserve
19 research freedom, ensure timely disclosure of their research
20 findings to the scientific community, including through

publications and presentations at scientific meetings, and promote utilization, commercialization, and public availability of their inventions and other intellectual property developed as a general institutional policy. Institutions or organizations receiving grant or contract awards shall retain all right, title, and interest, including all intellectual property rights, in and to any and all inventions, ideas, data, improvements, modifications, know-how, creations, copyrightable material, trade secrets, methods, processes, discoveries, and derivatives, regardless of patentability, that are made in the performance of work under a grant award. The [life sciences research board] **department** shall adopt reasonable rules to ensure that any such intellectual property rights are utilized reasonably and in a manner that is in the public interest.

196.1127. 1. The moneys appropriated to the [life sciences research board] **department of economic development** pursuant to sections 196.1100 to 196.1124 shall be subject to the provisions of this section.

2. As used in this section, the following terms shall mean:

(1) "Abortion services" include performing, inducing, or assisting with abortions, as defined in section 188.015, or encouraging patients to have abortions, referring patients for abortions not necessary to save the life of the mother, or development of drugs, chemicals, or devices intended to be used to induce an abortion;

(2) "Child", a human being recognized as a minor pursuant to the laws of this state, including if in vivo, an unborn child as defined in section 188.015 and if in vitro,

16 a human being at any of the stages of biological development
17 of an unborn child from conception or inception onward;

18 (3) "Conception", the same meaning as such term is
19 defined in section 188.015;

20 (4) "Facilities and administrative costs", those costs
21 that are incurred for common or joint objectives and
22 therefore cannot be identified readily and specifically with
23 a particular research project or any other institutional
24 activity;

25 (5) "Human cloning", the creation of a human being by
26 any means other than by the fertilization of an oocyte of a
27 human female by a sperm of a human male;

28 (6) "Prohibited human research", research in a
29 research project in which there is the taking or utilization
30 of the organs, tissues, or cellular material of:

31 (a) A deceased child, unless consent is given by the
32 parents in a manner provided in sections 194.210 to 194.290
33 relating to anatomical gifts, and neither parent caused the
34 death of such child or consented to another person causing
35 the death of such child;

36 (b) A living child, when the intended or likely result
37 of such taking or utilization is to kill or cause harm to
38 the health, safety, or welfare of such child, or when the
39 purpose is to target such child for possible destruction in
40 the future;

41 (7) "Public funds", include:

42 (a) Any moneys received or controlled by the state of
43 Missouri or any official, department, division, agency, or
44 political subdivision thereof, including but not limited to
45 moneys derived from federal, state, or local taxes, gifts,
46 or grants from any source, settlements of any claims or

causes of action, public or private, bond proceeds, federal grants or payments, or intergovernmental transfers;

(b) Any moneys received or controlled by an official, department, division, or agency of state government or any political subdivision thereof, or to any person or entity pursuant to appropriation by the general assembly or governing body of any political subdivision of this state;

(8) "Research project", research proposed to be funded by an award of public funds conducted under the auspices of the entity or entities that applied for and received such award, regardless of whether the research is funded in whole or in part by such award. Such research shall include basic research, including the discovery of new knowledge; translational research, including translational knowledge in a usable form; and clinical research, including but not limited to health research in human development and aging, cancer, endocrine, cardiovascular, neurological, pulmonary, and infectious disease.

3. Public funds shall not be expended, paid, or granted to or on behalf of an existing or proposed research project that involves abortion services, human cloning, or prohibited human research. A research project that receives an award of public funds shall not share costs with another research project, person, or entity not eligible to receive public funds pursuant to this subsection; provided that a research project that receives an award of public funds may pay a pro rata share of facilities and administrative costs determined in the award of public funds according to standards that ensure that public funds do not in any way subsidize facilities and administrative costs of other research projects, persons, or entities not eligible to receive public funds pursuant to this subsection. The

79 application for an award of public funds shall set forth the
80 proposed rates of pro rata cost reimbursement and shall
81 provide supporting data and rationale for such rates. All
82 applicants for and recipients of awards of public funds
83 shall comply with the cost accounting principles set forth
84 in Part 9905 of Title 48 of the Code of Federal Regulations,
85 or successor regulations, in connection with the application
86 for and administration of the research project. All moneys
87 derived from an award of public funds shall be expended only
88 by checks, drafts, or electronic transfers using a separate
89 accounting process maintained for each research project. No
90 moneys derived from an award of public funds shall be used
91 to cover costs for any other research project or to any
92 other person or entity. No moneys derived from an award of
93 public funds shall be passed through to any other research
94 project, person, or entity unless included in the original
95 application for the award of public funds or in subsequent
96 amendments or requests to use separate contractors. A
97 research project that receives an award of public funds
98 shall maintain financial records that demonstrate strict
99 compliance with this subsection. Any audit conducted
100 pursuant to any grant or contract awarding public funds
101 shall also certify whether there is compliance with this
102 subsection and shall note any noncompliance as a material
103 audit finding.

104 4. The provisions of this section shall inure to the
105 benefit of all residents of this state. Any taxpayer of
106 this state or any political subdivision of this state shall
107 have standing to bring suit against the state of Missouri or
108 any official, department, division, agency, or political
109 subdivision of this state, and any recipient of public funds
110 who or which is in violation of this subsection in any

111 circuit court with jurisdiction to enforce the provisions of
112 this section.

113 5. This section shall not be construed to permit or
114 make lawful any conduct that is otherwise unlawful pursuant
115 to the laws of this state.

116 6. Any provision of this section is not severable from
117 any appropriation subject to this section or any application
118 declared by any court to be subject to this section. If any
119 provision of this section is found to be invalid or
120 unconstitutional, any appropriation subject to this section
121 or any appropriation declared by any court to be subject to
122 this section shall be void, invalid, and unenforceable.

209.285. As used in sections 209.285 to 209.339,
2 unless the context clearly requires otherwise, the following
3 terms mean:

4 (1) "American sign language", a visual-gestural system
5 of communication that has its own syntax, rhetoric and
6 grammar. American sign language is recognized, accepted and
7 used by many deaf Americans. This native language
8 represents concepts rather than words;

9 (2) ["Board", the Missouri board for certification of
10 interpreters, established within the commission in section
11 209.287;

12 (3) "Certification", a document issued by the
13 Missouri commission for the deaf and hard of hearing
14 declaring that the holder is qualified to practice
15 interpreting at a disclosed level;

16 [(4)] (3) "Commission", the Missouri commission for
17 the deaf and hard of hearing;

18 [(5)] (4) "Committee", the Missouri state committee of
19 interpreters, established in section 209.319;

20 [(6)] (5) "Conversion levels", the process of granting
21 levels of certification by the commission to individuals
22 holding certification from another state or within another
23 certification system in this state or another state;

24 [(7)] (6) "Coordinator", a staff person, hired by the
25 executive director of the Missouri commission for the deaf
26 and hard of hearing, who shall serve as coordinator for the
27 Missouri interpreter certification system;

28 [(8)] (7) "Deaf person", any person who is not able to
29 discriminate speech when spoken in a normal conversational
30 tone regardless of the use of amplification devices;

31 [(9)] (8) "Department", the department of commerce and
32 insurance;

33 [(10)] (9) "Director", the director of the division of
34 professional registration;

35 [(11)] (10) "Division", the division of professional
36 registration;

37 [(12)] (11) "Executive director", the executive
38 director of the Missouri commission for the deaf and hard of
39 hearing;

40 [(13)] (12) "Interpreter", any person who offers to
41 render interpreting services implying that he or she is
42 trained, and experienced in interpreting, and holds a
43 current, valid certification and license to practice
44 interpreting in this state; provided that a
45 telecommunications operator providing deaf relay service or
46 a person providing operator services for the deaf shall not
47 be considered to be an interpreter;

48 [(14)] (13) "Interpreter trainer", a person, certified
49 and licensed by the state of Missouri as an interpreter, who
50 trains new interpreters in the translating of spoken English
51 or written concepts to any necessary specialized vocabulary

52 used by a deaf consumer. Necessary specialized vocabularies
53 include, but are not limited to, American sign language,
54 Pidgin Signed English, oral, tactile sign and language
55 deficient skills;

56 [(15)] (14) "Interpreting", the translating of English
57 spoken or written concepts to any necessary specialized
58 vocabulary used by a deaf person or the translating of a
59 deaf person's specialized vocabulary to English spoken or
60 written concepts; provided that a telecommunications
61 operator providing deaf relay service or a person providing
62 operator services for the deaf shall not be considered to be
63 interpreting. Necessary specialized vocabularies include,
64 but are not limited to, American sign language, Pidgin
65 Signed English, oral, tactile sign and language deficient
66 skills;

67 [(16)] (15) "Language deficient", mode of
68 communication used by deaf individuals who lack crucial
69 language components, including, but not limited to,
70 vocabulary, language concepts, expressive skills, language
71 skills and receptive skills;

72 [(17)] (16) "Missouri commission for the deaf",
73 Missouri commission for the deaf and hard of hearing
74 established in section 161.400;

75 [(18)] (17) "Oral", mode of communication having
76 characteristics of speech, speech reading and residual
77 hearing as a primary means of communication using
78 situational and culturally appropriate gestures, without the
79 use of sign language;

80 [(19)] (18) "Pidgin Signed English", a mode of
81 communication having characteristics of American sign
82 language;

83 [(20)] (19) "Practice of interpreting", rendering or
84 offering to render or supervise those who render to
85 individuals, couples, groups, organizations, institutions,
86 corporations, schools, government agencies or the general
87 public any interpreting service involving the translation of
88 any mode of communication used by a deaf person to spoken
89 English or of spoken English to a mode of communication used
90 by a deaf person;

91 [(21)] (20) "Tactile sign", mode of communication,
92 used by deaf and blind individuals, using any one or a
93 combination of the following: tactile sign, constricted
94 space sign or notetaking.

 209.292. [1.] The [board] **commission** shall[, with the
2 approval of the commission]:

3 (1) Prescribe qualifications for each of the several
4 levels of certification based on proficiency and shall
5 evaluate and certify interpreters using such qualifications;

6 (2) Issue the certificates, bearing the signature of
7 the executive director, necessary to qualify for a license
8 to interpret;

9 (3) Develop a fee scale for interpreting services,
10 pursuant to section 161.405;

11 (4) Maintain the quality of interpreting services,
12 pursuant to section 161.405, by:

13 (a) Generating ideas for conducting interpreter
14 training workshops to update knowledge and skills; and

15 (b) Suggesting institutions of higher education to
16 provide interpreter training programs;

17 (5) Develop specific guidelines for the use of
18 interpreters according to their level of certification and
19 submit the guidelines to the division and copies to be

distributed to state departments, agencies, commissions, courts, interpreters and to the public;

(6) Develop ethical rules of conduct to be recommended for adoption by the division;

(7) Develop fees for application, administration of an evaluation, conversion and certificate renewal, to cover the cost of the certification system and administration;

(8) Compile a statewide registry of interpreters by skill level and include recommendations relating to the appropriate selection and utilization of interpreters for the deaf. The registry shall be made available to and recommended for adoption by state commissions, departments and agencies;

(9) Develop a conversion system and policy for accepting other certification systems into the certification offered by the Missouri commission for the deaf and hard of hearing;

(10) Develop acceptable professional development activities to maintain certification;

(11) Investigate and implement the most appropriate testing model for interpreter certification;

(12) When necessary, develop an evaluation team, appointed by the commission, to assist in evaluating interpreters;

(13) Provide opportunity to hear grievances against the certification process or one of its members using the guidelines established in chapter 621.

[2. An evaluation team appointed pursuant to subdivision (12) of subsection 1 of this section shall have similar backgrounds to the members of the board. The evaluation team shall serve at the pleasure of the commission. The commission shall reimburse evaluators for

52 actual and necessary expenses incurred in the performance of
53 their official duties and may fairly compensate them. A
54 member of an evaluation team may be removed from the team by
55 the executive director, after notice and an opportunity to
56 be heard, for the following reasons: misconduct,
57 inefficiency, incompetence or neglect of official duties.]

209.299. The [board] **commission** shall schedule
2 evaluations for persons seeking certification, at a central
3 location, at least four times each year in 1995 and 1996,
4 and at least twice a year thereafter, according to the
5 number of applicants seeking certification. As soon as
6 possible after completion of an evaluation, the coordinator
7 shall notify the applicant of his score and level of
8 certification.

209.305. 1. The evaluation shall be an assessment of
2 interpreter's language skills, expressive and receptive
3 skills, professionalism, knowledge of interpreting and
4 ethical practices. Modes of communication that shall be
5 evaluated include, but are not limited to:

- 6 (1) American sign language;
- 7 (2) Tactile sign;
- 8 (3) Language deficient;
- 9 (4) Oral;
- 10 (5) Pidgin Signed English; and
- 11 (6) Any necessary specialized vocabulary, language or
12 mode of communication in popular or regional use among deaf
13 people.

14 2. The [board or an evaluation team] **commission** shall
15 use testing materials developed by the commission or
16 contracted with a national organization to assess the
17 qualifications of interpreters. All testing materials and
18 records shall be held confidential by the commission.

209.307. Any member of [the board or] an evaluation
2 team who has a conflict of interest that may have a direct
3 effect on an evaluation shall excuse himself or herself from
4 the evaluation. The remaining members shall assess that
5 individual's performance.

209.309. The [board] **commission** may offer provisional
2 certification to interpreters achieving a minimal level of
3 certification established by the [board] **commission**. A
4 provisional certification is limited to one year; during
5 such year the interpreter must be reevaluated and achieve
6 the next higher level of certification. If an evaluation
7 slot is not available during the term of the provisional
8 license, the interpreter may be granted an extension. A
9 holder of a provisional certification may only be granted
10 one extension.

209.317. 1. The [board] **commission** may suspend, deny
2 or revoke a certificate if an interpreter:

3 (1) Impersonates another person holding interpreter
4 certification;

5 (2) Allows another person to use the interpreter's
6 certificate;

7 (3) Uses fraud, deception or misrepresentation in the
8 certification process;

9 (4) Harasses, abuses or threatens a member of the
10 [board] **commission**, evaluation team or a support staff
11 person who is administering the system;

12 (5) Intentionally divulges confidential information
13 relating to the certification process, including content,
14 topic, vocabulary, skills or any other testing material;

15 (6) Fails to achieve a minimum satisfactory
16 certification level.

17 2. The **[board] commission** shall provide that any
18 hearing concerning the denial, suspension or revocation of a
19 certificate shall follow administrative procedures for
20 hearings as provided in chapter 621.

 209.318. 1. There is hereby established in the state
2 treasury a fund to be known as the "Missouri Commission for
3 the Deaf and Hard of Hearing **[Board of Certification of**
4 **Interpreters]** Fund". All fees provided for in sections
5 209.287 to 209.318 shall be collected by the executive
6 director of the commission and shall be transmitted to the
7 department of revenue for deposit in the state treasury to
8 the credit of the Missouri commission for the deaf and hard
9 of hearing **[board of certification of interpreters]** fund.
10 Such funds, upon appropriation, shall be disbursed only for
11 payment of expenses of maintaining the **[board] commission**
12 and for the enforcement of the provisions of sections
13 209.287 to 209.318 and shall not be used to pay the salary
14 of the coordinator hired pursuant to section 209.289.
15 Warrants shall be drawn on the state treasury for payment
16 out of the fund.

17 2. The provisions of section 33.080 to the contrary
18 notwithstanding, money in this fund shall not be transferred
19 and placed to the credit of general revenue until the amount
20 in the fund at the end of the biennium exceeds two times the
21 amount of the appropriation from the fund for the preceding
22 fiscal year. The amount, if any, in the fund which shall
23 lapse is that amount in the fund which exceeds the
24 appropriate multiple of the appropriations from the fund for
25 the preceding fiscal year.

26 3. The expenses of maintaining the **[board] commission**
27 enforcement of the provisions of sections 209.287 to 209.318
28 during the first fiscal year shall be paid by the commission

29 from funds appropriated from general revenue for that
30 purpose.

209.321. 1. No person shall represent himself or
2 herself as an interpreter or engage in the practice of
3 interpreting as defined in section 209.285 in the state of
4 Missouri unless such person is licensed as required by the
5 provisions of sections 209.319 to 209.339.

6 2. A person registered, certified or licensed by this
7 state, another state or any recognized national
8 certification agent, acceptable to the committee that allows
9 that person to practice any other occupation or profession
10 in this state, is not considered to be interpreting if he or
11 she is in performance of the occupation or profession for
12 which he or she is registered, certified or licensed. The
13 professions referred to in this subsection include, but are
14 not limited to, physicians, psychologists, nurses, certified
15 public accountants, architects and attorneys.

16 3. A licensed interpreter shall limit his or her
17 practice to demonstrated areas of competence as documented
18 by relevant professional education, training, experience and
19 certification. An interpreter not trained in an area shall
20 not practice in that area without obtaining additional
21 relevant professional education, training and experience
22 through an acceptable program as defined by rule by the
23 Missouri commission for the deaf and hard of hearing.

24 4. A person is not considered to be interpreting
25 pursuant to the provisions of this section if, in a casual
26 setting and as defined by rule, a person is acting as an
27 interpreter gratuitously or is engaged in interpreting
28 incidental to traveling.

29 5. A person is not considered to be interpreting
30 pursuant to the provisions of this section if a person is

31 engaged as a telecommunications operator providing deaf
32 relay service or operator services for the deaf.

33 6. A person is not considered to be interpreting under
34 the provisions of this section if the person is currently
35 enrolled in an interpreter training program which has been
36 accredited by a certifying agency and approved by the
37 committee. The training program shall offer a degree in
38 interpreting from an accredited institution of higher
39 education. Persons exempted under this provision shall
40 engage only in activities and services that constitute part
41 of a supervised course of study and shall clearly designate
42 themselves by a title of the student, practicum student,
43 student interpreter, trainee, or intern.

44 7. A person holding a current certification of license
45 from another state or recognized national certification
46 system deemed acceptable by the committee is not considered
47 to be interpreting as defined in this chapter when
48 temporarily present in the state for the purpose of
49 providing interpreting services for a convention,
50 conference, meeting, professional group, or educational
51 field trip.

52 8. (1) The [board for certification of interpreters]
53 **commission** shall grant a provisional certificate in
54 education for any applicant who meets either of the
55 following criteria:

56 (a) The applicant possesses a current valid
57 certification in the Missouri interpreters certification
58 system at either the novice or apprentice level and holds a
59 valid license to provide interpreting services; or

60 (b) The applicant has submitted an application for
61 certification in the Missouri interpreters certification
62 system and an application for an interpreting license

63 pursuant to sections 209.319 to 209.339 and has taken the
64 written test and performance test or attests that he or she
65 will complete the certification and licensure applications
66 and take the written test within sixty days following the
67 date of application for a provisional certificate in
68 education and will complete the performance test within
69 sixty days following passage of the written test.

70 (2) The **[board] commission** shall issue the provisional
71 certificate in education within ten business days following
72 receipt of a complete application.

73 (3) A provisional certificate issued under paragraph
74 (a) of subdivision (1) of this subsection shall be valid for
75 a term of three years and shall be renewed by the **[board]**
76 **commission**, upon request by the certificate holder, for one
77 additional term of three years if the certificate holder is
78 reevaluated during the first term of issuance and achieves a
79 higher level of certification in the Missouri interpreter
80 certification system.

81 (4) A provisional certificate issued under paragraph
82 (b) of subdivision (1) of this subsection shall be valid for
83 one year and shall be renewed, upon request by the
84 certificate holder, pursuant to subdivision (3) of this
85 subsection if the certificate holder is reevaluated during
86 the term of issuance and achieves a certification in the
87 Missouri interpreter certification system. Such renewed
88 certificate shall be subject to the term length and renewal
89 provisions of subdivision (3) of this subsection.

90 (5) A provisional certificate in education shall be
91 limited to providing interpreters services in preschool,
92 elementary and secondary school settings or as allowed by
93 any other valid Missouri certification or license held by
94 the individual.

95 (6) A provisional certificate in education may be
96 revoked by the board if the person makes any
97 misrepresentations or fails to fulfill any commitment made
98 pursuant to paragraph (b) of subdivision (1) of this
99 subsection, or violates the provisions of section 209.317 or
100 209.334 or breaks any of the ethical rules of conduct for
101 interpreters as established by state rule or fails to obtain
102 the necessary continuing education credits required for
103 certification maintenance.

 209.322. The **[board]** **commission** shall recognize the
2 following certificates:

3 (1) National Registry of Interpreters for the Deaf
4 (NRID) certificates, which include Comprehensive Skills
5 Certificate (CSC), Certificate of Interpreting/Certificate
6 of Transliteration (CI/CT) and Certified Deaf Interpreter
7 (CDI);

8 (2) National Association of the Deaf (NAD) certificate
9 levels 3, 4 and 5; and

10 (3) A provisional public school certificate.

 261.235. **[1.]** There is hereby created in the state
2 treasury for the use of the agriculture business development
3 division of the state department of agriculture a fund to be
4 known as "The AgriMissouri Fund". All moneys received by
5 the state department of agriculture for Missouri
6 agricultural products marketing development from any source,
7 including trademark fees, shall be deposited in the fund.
8 Moneys deposited in the fund shall, upon appropriation by
9 the general assembly to the state department of agriculture,
10 be expended by the agriculture business development division
11 of the state department of agriculture for promotion of
12 Missouri agricultural products under the AgriMissouri
13 program. The unexpended balance in the AgriMissouri fund at

the end of the biennium shall not be transferred to the general revenue fund of the state treasury and accordingly shall be exempt from the provisions of section 33.080 relating to transfer of funds to the ordinary revenue funds of the state by the state treasurer.

[2. There is hereby created within the department of agriculture the "AgriMissouri Advisory Commission for Marketing Missouri Agricultural Products". The commission shall establish guidelines, and make recommendations to the director of agriculture, for the use of funds appropriated by the general assembly for the agriculture business development division of the department of agriculture, and for all funds collected or appropriated to the AgriMissouri fund created pursuant to subsection 1 of this section. The guidelines shall focus on the promotion of the AgriMissouri trademark associated with Missouri agricultural products that have been approved by the general assembly, and shall advance the following objectives:

(1) Increasing the impact and fostering the effectiveness of local efforts to promote Missouri agricultural products;

(2) Enabling and encouraging expanded advertising efforts for Missouri agricultural products;

(3) Encouraging effective, high-quality advertising projects, innovative marketing strategies, and the coordination of local, regional and statewide marketing efforts;

(4) Providing training and technical assistance to cooperative-marketing partners of Missouri agricultural products.

3. The commission may establish a fee structure for sellers electing to use the AgriMissouri trademark

46 associated with Missouri agricultural products, so long as
47 the fees established and collected under this subsection do
48 not yield revenue greater than the total cost of
49 administering this section during the ensuing year. All
50 trademark fees shall be deposited to the credit of the
51 AgriMissouri fund, created pursuant to this section.

52 4. The commission shall consist of nine members
53 appointed by the governor with the advice and consent of the
54 senate. One member shall be the director of the agriculture
55 business development division of the department of
56 agriculture, or his or her representative. At least one
57 member shall be a specialist in advertising; at least one
58 member shall be a specialist in agribusiness; at least one
59 member shall be a specialist in the retail grocery business;
60 at least one member shall be a specialist in communications;
61 at least one member shall be a specialist in product
62 distribution; at least one member shall be a family farmer
63 with expertise in livestock farming; at least one member
64 shall be a family farmer with expertise in grain farming and
65 at least one member shall be a family farmer with expertise
66 in organic farming. Members shall serve for four-year
67 terms, except in the first appointments three members shall
68 be appointed for terms of four years, three members shall be
69 appointed for terms of three years and three members shall
70 be appointed for terms of two years each. Any member
71 appointed to fill a vacancy of an unexpired term shall be
72 appointed for the remainder of the term of the member
73 causing the vacancy. The governor shall appoint a
74 chairperson of the commission, subject to ratification by
75 the commission.

76 5. Commission members shall receive no compensation
77 but shall be reimbursed for actual and necessary expenses

78 incurred in the performance of their official duties on the
79 commission. The division of agriculture business
80 development of the department of agriculture shall provide
81 all necessary staff and support services as required by the
82 commission to hold commission meetings, to maintain records
83 of official acts and to conduct all other business of the
84 commission. The commission shall meet quarterly and at any
85 such time that it deems necessary. Meetings may be called
86 by the chairperson or by a petition signed by a majority of
87 the members of the commission. Ten days' notice shall be
88 given in writing to such members prior to the meeting date.
89 A simple majority of the members of the commission shall be
90 present to constitute a quorum. Proxy voting shall not be
91 permitted.

92 6. If the commission does establish a fee structure as
93 permitted under subsection 3 of this section, the
94 agriculture business development division of the department
95 of agriculture shall promulgate rules establishing the
96 commission's fee structure. The department of agriculture
97 shall also promulgate rules and regulations for the
98 implementation of this section. Any rule or portion of a
99 rule, as that term is defined in section 536.010, that is
100 created under the authority delegated in this section shall
101 become effective only if it complies with and is subject to
102 all of the provisions of chapter 536 and, if applicable,
103 section 536.028. This section and chapter 536 are
104 nonseverable and if any of the powers vested with the
105 general assembly pursuant to chapter 536 to review, to delay
106 the effective date, or to disapprove and annul a rule are
107 subsequently held unconstitutional, then the grant of
108 rulemaking authority and any rule proposed or adopted after
109 August 28, 2016, shall be invalid and void.】

288.040. 1. A claimant who is unemployed and has been
2 determined to be an insured worker shall be eligible for
3 benefits for any week only if the deputy finds that:

4 (1) The claimant has registered for work at and
5 thereafter has continued to report at an employment office
6 in accordance with such regulations as the division may
7 prescribe;

8 (2) The claimant is able to work and is available for
9 work. No person shall be deemed available for work unless
10 such person has been and is actively and earnestly seeking
11 work. Upon the filing of an initial or renewed claim, and
12 prior to the filing of each weekly claim thereafter, the
13 deputy shall notify each claimant of the number of work
14 search contacts required to constitute an active search for
15 work. Unless the deputy directs otherwise, a claimant shall
16 make a minimum of three work search contacts during any week
17 for which he or she claims benefits. No person shall be
18 considered not available for work, pursuant to this
19 subdivision, solely because he or she is a substitute
20 teacher or is on jury duty. A claimant shall not be
21 determined to be ineligible pursuant to this subdivision
22 because of not actively and earnestly seeking work if:

23 (a) The claimant is participating in training approved
24 pursuant to Section 236 of the Trade Act of 1974, as
25 amended, (19 U.S.C.A. Sec. 2296, as amended);

26 (b) The claimant is temporarily unemployed through no
27 fault of his or her own and has a definite recall date
28 within eight weeks of his or her first day of unemployment;
29 however, upon application of the employer responsible for
30 the claimant's unemployment, such eight-week period may be
31 extended not to exceed a total of sixteen weeks at the
32 discretion of the director;

33 (3) The claimant has reported to an office of the
34 division as directed by the deputy, but at least once every
35 four weeks, except that a claimant shall be exempted from
36 the reporting requirement of this subdivision if:

37 (a) The claimant is claiming benefits in accordance
38 with division regulations dealing with partial or temporary
39 total unemployment; or

40 (b) The claimant is temporarily unemployed through no
41 fault of his or her own and has a definite recall date
42 within eight weeks of his or her first day of unemployment;
43 or

44 (c) The director of the division of employment
45 security has determined that the claimant belongs to a group
46 or class of workers whose opportunities for reemployment
47 will not be enhanced by reporting, or is prevented from
48 reporting due to emergency conditions that limit access by
49 the general public to an office that serves the area where
50 the claimant resides, but only during the time such
51 circumstances exist.

52 Ineligibility pursuant to this subdivision shall begin on
53 the first day of the week which the claimant was scheduled
54 to claim and shall end on the last day of the week preceding
55 the week during which the claimant does report to the
56 division's office;

57 (4) Prior to the first week of a period of total or
58 partial unemployment for which the claimant claims benefits
59 he or she has been totally or partially unemployed for a
60 waiting period of one week. No more than one waiting week
61 will be required in any benefit year. During calendar year
62 2008 and each calendar year thereafter, the one-week waiting
63 period shall become compensable once his or her remaining

64 balance on the claim is equal to or less than the
65 compensable amount for the waiting period. No week shall be
66 counted as a week of total or partial unemployment for the
67 purposes of this subsection unless it occurs within the
68 benefit year which includes the week with respect to which
69 the claimant claims benefits;

70 (5) The claimant has made a claim for benefits within
71 fourteen days from the last day of the week being claimed.
72 The fourteen-day period may, for good cause, be extended to
73 twenty-eight days;

74 (6) The claimant has reported to an employment office
75 to participate in a reemployment assessment and reemployment
76 services as directed by the deputy or designated staff of an
77 employment office, unless the deputy determines that good
78 cause exists for the claimant's failure to participate in
79 such reemployment assessment and reemployment services. For
80 purposes of this section, "reemployment services" may
81 include, but not be limited to, the following:

82 (a) Providing an orientation to employment office
83 services;

84 (b) Providing job search assistance; and

85 (c) Providing labor market statistics or analysis;

86 Ineligibility under this subdivision shall begin on the
87 first day of the week which the claimant was scheduled to
88 report for the reemployment assessment or reemployment
89 services and shall end on the last day of the week preceding
90 the week during which the claimant does report in person to
91 the employment office for such reemployment assessment or
92 reemployment services;

93 (7) The claimant is participating in reemployment
94 services, such as job search assistance services, as

95 directed by the deputy if the claimant has been determined
96 to be likely to exhaust regular benefits and to need
97 reemployment services pursuant to a profiling system
98 established by the division, unless the deputy determines
99 that:

100 (a) The individual has completed such reemployment
101 services; or

102 (b) There is justifiable cause for the claimant's
103 failure to participate in such reemployment services.

104 2. A claimant shall be ineligible for waiting week
105 credit or benefits for any week for which the deputy finds
106 he or she is or has been suspended by his or her most recent
107 employer for misconduct connected with his or her work.
108 Suspensions of four weeks or more shall be treated as
109 discharges.

110 3. (1) Benefits based on "service in employment",
111 described in subsections 7 and 8 of section 288.034, shall
112 be payable in the same amount, on the same terms and subject
113 to the same conditions as compensation payable on the basis
114 of other service subject to this law; except that:

115 (a) With respect to service performed in an
116 instructional, research, or principal administrative
117 capacity for an educational institution, benefits shall not
118 be paid based on such services for any week of unemployment
119 commencing during the period between two successive academic
120 years or terms, or during a similar period between two
121 regular but not successive terms, or during a period of paid
122 sabbatical leave provided for in the individual's contract,
123 to any individual if such individual performs such services
124 in the first of such academic years (or terms) and if there
125 is a contract or a reasonable assurance that such individual
126 will perform services in any such capacity for any

127 educational institution in the second of such academic years
128 or terms;

129 (b) With respect to services performed in any capacity
130 (other than instructional, research, or principal
131 administrative capacity) for an educational institution,
132 benefits shall not be paid on the basis of such services to
133 any individual for any week which commences during a period
134 between two successive academic years or terms if such
135 individual performs such services in the first of such
136 academic years or terms and there is a contract or a
137 reasonable assurance that such individual will perform such
138 services in the second of such academic years or terms;

139 (c) With respect to services described in paragraphs
140 (a) and (b) of this subdivision, benefits shall not be paid
141 on the basis of such services to any individual for any week
142 which commences during an established and customary vacation
143 period or holiday recess if such individual performed such
144 services in the period immediately before such vacation
145 period or holiday recess, and there is reasonable assurance
146 that such individual will perform such services immediately
147 following such vacation period or holiday recess;

148 (d) With respect to services described in paragraphs
149 (a) and (b) of this subdivision, benefits payable on the
150 basis of services in any such capacity shall be denied as
151 specified in paragraphs (a), (b), and (c) of this
152 subdivision to any individual who performed such services at
153 an educational institution while in the employ of an
154 educational service agency, and for this purpose the term
155 "educational service agency" means a governmental agency or
156 governmental entity which is established and operated
157 exclusively for the purpose of providing such services to
158 one or more educational institutions.

(2) If compensation is denied for any week pursuant to paragraph (b) or (d) of subdivision (1) of this subsection to any individual performing services at an educational institution in any capacity (other than instructional, research or principal administrative capacity), and such individual was not offered an opportunity to perform such services for the second of such academic years or terms, such individual shall be entitled to a retroactive payment of the compensation for each week for which the individual filed a timely claim for compensation and for which compensation was denied solely by reason of paragraph (b) or (d) of subdivision (1) of this subsection.

4. (1) A claimant shall be ineligible for waiting week credit, benefits or shared work benefits for any week for which he or she is receiving or has received remuneration exceeding his or her weekly benefit amount or shared work benefit amount in the form of:

(a) Compensation for temporary partial disability pursuant to the workers' compensation law of any state or pursuant to a similar law of the United States;

(b) A governmental or other pension, retirement or retired pay, annuity, or other similar periodic payment which is based on the previous work of such claimant to the extent that such payment is provided from funds provided by a base period or chargeable employer pursuant to a plan maintained or contributed to by such employer; but, except for such payments made pursuant to the Social Security Act or the Railroad Retirement Act of 1974 (or the corresponding provisions of prior law), the provisions of this paragraph shall not apply if the services performed for such employer by the claimant after the beginning of the base period (or remuneration for such services) do not affect eligibility

191 for or increase the amount of such pension, retirement or
192 retired pay, annuity or similar payment.

193 (2) If the remuneration referred to in this subsection
194 is less than the benefits which would otherwise be due, the
195 claimant shall be entitled to receive for such week, if
196 otherwise eligible, benefits reduced by the amount of such
197 remuneration, and, if such benefit is not a multiple of one
198 dollar, such amount shall be lowered to the next multiple of
199 one dollar.

200 (3) Notwithstanding the provisions of subdivisions (1)
201 and (2) of this subsection, if a claimant has contributed in
202 any way to the Social Security Act or the Railroad
203 Retirement Act of 1974, or the corresponding provisions of
204 prior law, no part of the payments received pursuant to such
205 federal law shall be deductible from the amount of benefits
206 received pursuant to this chapter.

207 5. A claimant shall be ineligible for waiting week
208 credit or benefits for any week for which or a part of which
209 he or she has received or is seeking unemployment benefits
210 pursuant to an unemployment insurance law of another state
211 or the United States; provided, that if it be finally
212 determined that the claimant is not entitled to such
213 unemployment benefits, such ineligibility shall not apply.

214 6. (1) A claimant shall be ineligible for waiting
215 week credit or benefits for any week for which the deputy
216 finds that such claimant's total or partial unemployment is
217 due to a stoppage of work which exists because of a labor
218 dispute in the factory, establishment or other premises in
219 which such claimant is or was last employed. In the event
220 the claimant secures other employment from which he or she
221 is separated during the existence of the labor dispute, the
222 claimant must have obtained bona fide employment as a

permanent employee for at least the major part of each of two weeks in such subsequent employment to terminate his or her ineligibility. If, in any case, separate branches of work which are commonly conducted as separate businesses at separate premises are conducted in separate departments of the same premises, each such department shall for the purposes of this subsection be deemed to be a separate factory, establishment or other premises. This subsection shall not apply if it is shown to the satisfaction of the deputy that:

(a) The claimant is not participating in or financing or directly interested in the labor dispute which caused the stoppage of work; and

(b) The claimant does not belong to a grade or class of workers of which, immediately preceding the commencement of the stoppage, there were members employed at the premises at which the stoppage occurs, any of whom are participating in or financing or directly interested in the dispute.

(2) "Stoppage of work" as used in this subsection means a substantial diminution of the activities, production or services at the establishment, plant, factory or premises of the employing unit. This definition shall not apply to a strike where the employees in the bargaining unit who initiated the strike are participating in the strike. Such employees shall not be eligible for waiting week credit or benefits during the period when the strike is in effect, regardless of diminution, unless the employer has been found guilty of an unfair labor practice by the National Labor Relations Board or a federal court of law for an act or actions preceding or during the strike.

7. On or after January 1, 1978, benefits shall not be paid to any individual on the basis of any services,

255 substantially all of which consist of participating in
256 sports or athletic events or training or preparing to so
257 participate, for any week which commences during the period
258 between two successive sport seasons (or similar periods) if
259 such individual performed such services in the first of such
260 seasons (or similar periods) and there is a reasonable
261 assurance that such individual will perform such services in
262 the later of such seasons (or similar periods).

263 8. Benefits shall not be payable on the basis of
264 services performed by an alien, unless such alien is an
265 individual who was lawfully admitted for permanent residence
266 at the time such services were performed, was lawfully
267 present for purposes of performing such services, or was
268 permanently residing in the United States under color of law
269 at the time such services were performed (including an alien
270 who was lawfully present in the United States as a result of
271 the application of the provisions of Section 212(d)(5) of
272 the Immigration and Nationality Act).

273 (1) Any data or information required of individuals
274 applying for benefits to determine whether benefits are not
275 payable to them because of their alien status shall be
276 uniformly required from all applicants for benefits.

277 (2) In the case of an individual whose application for
278 benefits would otherwise be approved, no determination that
279 benefits to such individual are not payable because of such
280 individual's alien status shall be made except upon a
281 preponderance of the evidence.

282 9. A claimant shall be ineligible for waiting week
283 credit or benefits for any week such claimant has an
284 outstanding penalty which was assessed based upon an
285 overpayment of benefits, as provided for in subsection 9 of
286 section 288.380.

287 10. The directors of the division of employment
288 security and the [division] office of workforce development
289 shall submit to the governor, the speaker of the house of
290 representatives, and the president pro tem of the senate no
291 later than October 15, 2006, a report outlining their
292 recommendations for how to improve work search verification
293 and claimant reemployment activities. The recommendations
294 shall include, but not limited to how to best utilize
295 "greathires.org", and how to reduce the average duration of
296 unemployment insurance claims. Each calendar year
297 thereafter, the directors shall submit a report containing
298 their recommendations on these issues by December thirty-
299 first of each year.

300 11. For purposes of this section, a claimant may
301 satisfy reporting requirements provided under this section
302 by reporting by internet communication or any other means
303 deemed acceptable by the division of employment security.

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

8 2. The powers, duties and functions vested in the
9 public service commission, chapters 386, 387, 388, 389, 390,
10 392, 393, and others, and the administrative hearing
11 commission, sections 621.015 to 621.198 and others, are
12 transferred by type III transfers to the department of
13 economic development. The director of the department is
14 directed to provide and coordinate staff and equipment
15 services to these agencies in the interest of facilitating

16 the work of the bodies and achieving optimum efficiency in
17 staff services common to all the bodies. Nothing in the
18 Reorganization Act of 1974 shall prevent the chairman of the
19 public service commission from presenting additional budget
20 requests or from explaining or clarifying its budget
21 requests to the governor or general assembly.

22 3. The powers, duties and functions vested in the
23 office of the public counsel are transferred by type III
24 transfer to the department of economic development. Funding
25 for the general counsel's office shall be by general revenue.

26 4. The public service commission is authorized to
27 employ such staff as it deems necessary for the functions
28 performed by the general counsel other than those powers,
29 duties and functions relating to representation of the
30 public before the public service commission.

31 5. All the powers, duties and functions vested in the
32 tourism commission, chapter 258 and others, are transferred
33 to the "Division of Tourism", which is hereby created, by
34 type III transfer.

35 6. All the powers, duties and functions of the
36 department of community affairs, chapter 251 and others, not
37 otherwise assigned, are transferred by type I transfer to
38 the department of economic development, and the department
39 of community affairs is abolished. The director of the
40 department of economic development may assume all the duties
41 of the director of community affairs or may establish within
42 the department such subunits and advisory committees as may
43 be required to administer the programs so transferred. The
44 director of the department shall appoint all members of such
45 committees and heads of subunits.

46 7. The Missouri housing development commission,
47 chapter 215, is assigned to the department of economic

development, but shall remain a governmental instrumentality of the state of Missouri and shall constitute a body corporate and politic.

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

9. All the authority, powers, functions, records, personnel, property, contracts, matters pending and other pertinent vestiges of the division of employment security within the department of labor and industrial relations related to job training and labor exchange that are funded with or based upon Wagner-Peyser funds, and other federal and state workforce development programs administered by the division of employment security are transferred by a type I transfer to the division of workforce development within the department of economic development.

10.] Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly

80 pursuant to chapter 536 to review, to delay the effective
81 date, or to disapprove and annul a rule are subsequently
82 held unconstitutional, then the grant of rulemaking
83 authority and any rule proposed or adopted after August 28,
84 2008, shall be invalid and void.

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

[2. The small business technical assistance program
16 shall be advised by a "Small Business Compliance Advisory
17 Committee" which is hereby created. One member shall be
18 appointed by the director of the department, two members
19 shall be appointed by the governor to represent the public
20 and four owners of small businesses regulated under this
21 chapter shall be appointed by the general assembly, one each
22 appointed by the majority and minority leaders of each
23 chamber of the general assembly. No member of the air
24 conservation commission shall serve as a member of the small
25 business compliance advisory committee. The term of office
26 shall be four years except that of those first appointed,
27 one member appointed by the governor, one member appointed

28 by the senate and one member appointed by the house of
29 representatives shall be appointed to two-year terms.
30 Members shall serve until their successors are duly
31 appointed and qualified and vacancies shall be filled by
32 appointment for the remaining portion of the unexpired term
33 created by the vacancy. The members shall be reimbursed for
34 actual and necessary expenses incurred in the performance of
35 their duties while in attendance at committee meetings.

36 3. The committee shall:

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

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

41 (3) Review and assess the impact of enforcement
42 policies on small business operations in Missouri;

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

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

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

[167.910. 1. There is hereby established
2 the "Career Readiness Course Task Force" to
3 explore the possibility of a course covering the
4 topics described in this section being offered
5 in the public schools to students in eighth
6 grade or ninth grade. Task force members shall
7 be chosen to represent the geographic diversity
8 of the state. All task force members shall be
9 appointed before October 31, 2018. The task
10 force members shall be appointed as follows:

11 (1) A parent of a student attending
12 elementary school, appointed by the joint
13 committee on education;

14 (2) A parent of a student attending a
15 grade not lower than the sixth nor higher than
16 the eighth grade, appointed by the joint
17 committee on education;

18 (3) A parent of a student attending high
19 school, appointed by the joint committee on
20 education;

21 (4) An elementary education professional
22 from an accredited school district, appointed by
23 the joint committee on education from names
24 submitted by statewide education employee
25 organizations;

26 (5) Two education professionals giving
27 instruction in a grade or grades not lower than
28 the sixth nor higher than the eighth grade in
29 accredited school districts, appointed by the
30 joint committee on education from names
31 submitted by statewide education employee
32 organizations;

33 (6) Two secondary education professionals
34 from accredited school districts, appointed by
35 the joint committee on education from names
36 submitted by statewide education employee
37 organizations;

38 (7) A career and technical education
39 professional who has experience serving as an
40 advisor to a statewide career and technical
41 education organization, appointed by a statewide
42 career and technical education organization;

43 (8) An education professional from an
44 accredited technical high school, appointed by a
45 statewide career and technical education
46 organization;

47 (9) A public school board member,
48 appointed by a statewide association of school
49 boards;

50 (10) A secondary school principal,
51 appointed by a statewide association of
52 secondary school principals;

53 (11) A principal of a school giving
54 instruction in a grade or grades not lower than

the sixth nor higher than the eighth grade,
appointed by a statewide association of
secondary school principals;

(12) An elementary school counselor,
appointed by a statewide association of school
counselors;

(13) Two school counselors from a school
giving instruction in a grade or grades not
lower than the sixth nor higher than the eighth
grade, appointed by a statewide association of
school counselors;

(14) A secondary school counselor,
appointed by a statewide association of school
counselors;

(15) A secondary school career and college
counselor, appointed by a statewide association
of school counselors;

(16) An apprenticeship professional,
appointed by the division of workforce
development of economic development;

(17) A representative of Missouri Project
Lead the Way, appointed by the statewide Project
Lead the Way organization;

(18) A representative of the state
technical college, appointed by the state
technical college;

(19) A representative of a public
community college, appointed by a statewide
organization of community colleges; and

(20) A representative of a public four-
year institution of higher education, appointed
by the commissioner of higher education.

2. The members of the task force
established under subsection 1 of this section
shall elect a chair from among the membership of
the task force. The task force shall meet as
needed to complete its consideration of the
course described in subsection 5 of this section
and provide its findings and recommendations as
described in subsection 6 of this section.
Members of the task force shall serve without
compensation. No school district policy or
administrative action shall require any
education employee member to use personal leave

99 or incur a reduction in pay for participating on
100 the task force.

101 3. The task force shall hold at least
102 three public hearings to provide an opportunity
103 to receive public testimony including, but not
104 limited to, testimony from educators, local
105 school boards, parents, representatives from
106 business and industry, labor and community
107 leaders, members of the general assembly, and
108 the general public.

109 4. The department of elementary and
110 secondary education shall provide such legal,
111 research, clerical, and technical services as
112 the task force may require in the performance of
113 its duties.

114 5. The task force established under
115 subsection 1 of this section shall consider a
116 course that:

117 (1) Gives students an opportunity to
118 explore various career and educational
119 opportunities by:

120 (a) Administering career surveys to
121 students and helping students use Missouri
122 Connections to determine their career interests
123 and develop plans to meet their career goals;

124 (b) Explaining the differences between
125 types of colleges, including two-year and four-
126 year colleges and noting the availability of
127 registered apprenticeship programs as
128 alternatives to college for students;

129 (c) Describing technical degrees offered
130 by colleges;

131 (d) Explaining the courses and educational
132 experiences offered at community colleges;

133 (e) Describing the various certificates
134 and credentials available to earn at the school
135 or other schools including, but not limited to,
136 career and technical education certificates
137 described under section 170.029 and industry-
138 recognized certificates and credentials;

139 (f) Advising students of any advanced
140 placement courses that they may take at the
141 school;

(g) Describing any opportunities at the school for dual enrollment;

(h) Advising students of any Project Lead the Way courses offered at the school and explaining how Project Lead the Way courses help students learn valuable skills;

(i) Informing students of the availability of funding for postsecondary education through the A+ schools program described under section 160.545;

(j) Describing the availability of virtual courses;

(k) Describing the types of skills and occupations most in demand in the current job market and those skills and occupations likely to be in high demand in future years;

(l) Describing the typical salaries for occupations, salary trends, and opportunities for advancement in various occupations;

(m) Emphasizing the opportunities available in careers involving science, technology, engineering, and math;

(n) Advising students of the resources offered by workforce or job centers;

(o) Preparing students for the ACT assessment or the ACT WorkKeys assessments required for the National Career Readiness Certificate;

(p) Administering a practice ACT assessment or practice ACT WorkKeys assessments required for the National Career Readiness Certificate to students;

(q) Advising students of opportunities to take the SAT and the Armed Services Vocational Aptitude Battery;

(r) Administering a basic math test to students so that they can assess their math skills;

(s) Administering a basic writing test to students so that they can assess their writing skills;

(t) Helping each student prepare a personal plan of study that outlines a sequence of courses and experiences that concludes with

the student reaching his or her postsecondary goals; and

(u) Explaining how to complete college applications and the Free Application for Federal Student Aid;

(2) Focuses on career readiness and emphasizes the importance of work ethic, communication, collaboration, critical thinking, and creativity;

(3) Demonstrates that graduation from a four-year college is not the only pathway to success by describing to students at least sixteen pathways to success in detail and including guest visitors who represent each pathway described. In exploring how these pathways could be covered in the course, the task force shall consider how instructors for the course may be able to rely on assistance from Missouri's career pathways within the department of elementary and secondary education;

(4) Provides student loan counseling; and

(5) May include parent-student meetings.

6. Before December 1, 2019, the task force established under subsection 1 of this section shall present its findings and recommendations to the speaker of the house of representatives, the president pro tempore of the senate, the joint committee on education, and the state board of education. Upon presenting the findings and recommendations as described in this subsection, the task force shall dissolve.]

[167.910. 1. There is hereby established the "Career Readiness Course Task Force" to explore the possibility of a course covering the topics described in this section being offered in the public schools to students in eighth grade or ninth grade. Task force members shall be chosen to represent the geographic diversity of the state. All task force members shall be appointed before October 31, 2018. The task force members shall be appointed as follows:

11 (1) A parent of a student attending
12 elementary school, appointed by a statewide
13 association of parents and teachers;

14 (2) A parent of a student attending a
15 grade not lower than the sixth nor higher than
16 the eighth grade, appointed by a statewide
17 association of parents and teachers;

18 (3) A parent of a student attending high
19 school, appointed by a statewide association of
20 parents and teachers;

21 (4) An elementary education professional
22 from an accredited school district, appointed by
23 agreement among the Missouri State Teachers
24 Association, the Missouri National Education
25 Association, and the American Federation of
26 Teachers of Missouri;

27 (5) An education professional giving
28 instruction in a grade or grades not lower than
29 the sixth nor higher than the eighth grade in an
30 accredited school district, appointed by
31 agreement among the Missouri State Teachers
32 Association, the Missouri National Education
33 Association, and the American Federation of
34 Teachers of Missouri;

35 (6) A secondary education professional
36 from an accredited school district, appointed by
37 agreement among the Missouri State Teachers
38 Association, the Missouri National Education
39 Association, and the American Federation of
40 Teachers of Missouri;

41 (7) A career and technical education
42 professional who has experience serving as an
43 advisor to a statewide career and technical
44 education organization, appointed by a statewide
45 career and technical education organization;

46 (8) An education professional from an
47 accredited technical high school, appointed by a
48 statewide career and technical education
49 organization;

50 (9) A public school board member,
51 appointed by a statewide association of school
52 boards;

(10) A secondary school principal, appointed by a statewide association of secondary school principals;

(11) A principal of a school giving instruction in a grade or grades not lower than the sixth nor higher than the eighth grade, appointed by a statewide association of secondary school principals;

(12) An elementary school counselor, appointed by a statewide association of school counselors;

(13) A school counselor from a school giving instruction in a grade or grades not lower than the sixth nor higher than the eighth grade, appointed by a statewide association of school counselors;

(14) A secondary school counselor, appointed by a statewide association of school counselors;

(15) A secondary school career and college counselor, appointed by a statewide association of school counselors;

(16) An apprenticeship professional, appointed by the division of workforce development of the department of economic development;

(17) A representative of Missouri Project Lead the Way, appointed by the statewide Project Lead the Way organization;

(18) A representative of the State Technical College of Missouri, appointed by the State Technical College of Missouri;

(19) A representative of a public community college, appointed by a statewide organization of community colleges; and

(20) A representative of a public four-year institution of higher education, appointed by the commissioner of higher education.

2. The members of the task force established under subsection 1 of this section shall elect a chair from among the membership of the task force. The task force shall meet as needed to complete its consideration of the course described in subsection 5 of this section

97 and provide its findings and recommendations as
98 described in subsection 6 of this section.
99 Members of the task force shall serve without
100 compensation. No school district policy or
101 administrative action shall require any
102 education employee member to use personal leave
103 or incur a reduction in pay for participating on
104 the task force.

105 3. The task force shall hold at least
106 three public hearings to provide an opportunity
107 to receive public testimony including, but not
108 limited to, testimony from educators, local
109 school boards, parents, representatives from
110 business and industry, labor and community
111 leaders, members of the general assembly, and
112 the general public.

113 4. The department of elementary and
114 secondary education shall provide such legal,
115 research, clerical, and technical services as
116 the task force may require in the performance of
117 its duties.

118 5. The task force established under
119 subsection 1 of this section shall consider a
120 course that:

121 (1) Gives students an opportunity to
122 explore various career and educational
123 opportunities by:

124 (a) Administering career surveys to
125 students and helping students use Missouri
126 Connections to determine their career interests
127 and develop plans to meet their career goals;

128 (b) Explaining the differences between
129 types of colleges, including two-year and four-
130 year colleges, and noting the availability of
131 registered apprenticeship programs as
132 alternatives to college for students;

133 (c) Describing technical degrees offered
134 by colleges;

135 (d) Explaining the courses and educational
136 experiences offered at community colleges;

137 (e) Describing the various certificates
138 and credentials available to earn at the school
139 or other schools including, but not limited to,
140 career and technical education certificates

described under section 170.029 and industry-recognized certificates and credentials;

(f) Advising students of any advanced placement courses that they may take at the school;

(g) Describing any opportunities at the school for dual enrollment;

(h) Advising students of any Project Lead the Way courses offered at the school and explaining how Project Lead the Way courses help students learn valuable skills;

(i) Informing students of the availability of funding for postsecondary education through the A+ schools program described under section 160.545;

(j) Describing the availability of virtual courses;

(k) Describing the types of skills and occupations most in demand in the current job market and those skills and occupations likely to be in high demand in future years;

(l) Describing the typical salaries for occupations, salary trends, and opportunities for advancement in various occupations;

(m) Emphasizing the opportunities available in careers involving science, technology, engineering, and math;

(n) Advising students of the resources offered by workforce or job centers;

(o) Preparing students for the ACT assessment or the ACT WorkKeys assessments required for the National Career Readiness Certificate;

(p) Administering a practice ACT assessment or practice ACT WorkKeys assessments required for the National Career Readiness Certificate to students;

(q) Advising students of opportunities to take the SAT and the Armed Services Vocational Aptitude Battery;

(r) Administering a basic math test to students so that they can assess their math skills;

(s) Administering a basic writing test to students so that they can assess their writing skills;

(t) Helping each student prepare a personal plan of study that outlines a sequence of courses and experiences that concludes with the student reaching his or her postsecondary goals; and

(u) Explaining how to complete college applications and the Free Application for Federal Student Aid;

(2) Focuses on career readiness and emphasizes the importance of work ethic, communication, collaboration, critical thinking, and creativity;

(3) Demonstrates that graduation from a four-year college is not the only pathway to success by describing to students at least sixteen pathways to success in detail and including guest visitors who represent each pathway described. In exploring how these pathways could be covered in the course, the task force shall consider how instructors for the course may be able to rely on assistance from Missouri Career Pathways within the department of elementary and secondary education;

(4) Provides student loan counseling; and

(5) May include parent-student meetings.

6. Before December 1, 2019, the task force established under subsection 1 of this section shall present its findings and recommendations to the speaker of the house of representatives, the president pro tempore of the senate, the joint committee on education, and the state board of education. Upon presenting the findings and recommendations as described in this subsection, the task force shall dissolve.]

[192.707. 1. The "Missouri Arthritis Advisory Board" is established within the department of health and senior services, as a continuation of the arthritis advisory board in existence on August 13, 1984. The board shall consist of twenty-five members. The members of

7 the board that are serving on August 13, 1984,
8 shall continue until the expiration of this
9 term. The board shall submit a list of names to
10 the director as recommendations to fill expired
11 terms on the board. The director shall fill
12 each expired membership on the board, each of
13 the appointees to serve for a term of four years
14 and until his successor is appointed and
15 confirmed. Vacancies on the board arising from
16 reasons other than expiration of the member's
17 term shall be filled by the director for the
18 time remaining in the unexpired term.

19 2. The board shall meet semiannually and
20 at other such times as called by the chairman of
21 the board. The chairman shall be elected from
22 the board membership at the first board meeting,
23 and shall serve as chairman until a new chairman
24 is elected, or until his term on the board
25 expires, whichever occurs first.

26 3. The board shall serve in an advisory
27 capacity to the committee, and report annually
28 to the department and to the state board of
29 health and senior services regarding the
30 implementing of the statewide arthritis plan,
31 making recommendations for necessary changes in
32 content and direction.

33 4. The board shall be responsible for
34 development and recommendations of guidelines
35 for programs supported under the state arthritis
36 program, and make recommendations on program
37 relevance of grant applications funded under the
38 state arthritis program. The board will make
39 final recommendations to the director regarding
40 programs and grants of the state arthritis
41 program.

42 5. Any reimbursement of members of the
43 board for their actual and necessary expenses
44 shall be subject to appropriations.]

[192.710. 1. The "Arthritis Program
2 Review Committee" is hereby created within the
3 department of health and senior services. This
4 committee shall consist of fifteen members, two
5 from each of the seven regions set forth in

6 section 192.714 and one at-large member. The
7 fourteen regional members shall be nominated to
8 the committee by the board. The one at-large
9 member shall be nominated by the state board of
10 health and senior services. The members of the
11 committee shall include at least one from each
12 of the following categories: rheumatology
13 educators, practicing rheumatologists, primary
14 care practitioners, nurses, allied health
15 professionals, arthritis patients, and members
16 of the general public. Members of the committee
17 shall be appointed by the director in
18 consultation with the board of health and senior
19 services. Of the fifteen initial members, five
20 shall have a two-year term, five shall have a
21 three-year term, and five shall have a four-year
22 term. Thereafter, each member shall serve a
23 four-year term and until his successor is
24 appointed and confirmed. Vacancies on the
25 committee arising from reasons other than
26 expiration of the member's term shall be filled
27 by the director for the time remaining in the
28 unexpired term.

29 2. The committee shall meet annually and
30 at other such times as called by the chairman of
31 the committee. The chairman shall be elected
32 annually from the committee membership at the
33 first committee meeting and shall serve as
34 chairman until a new chairman is elected, or
35 until his term on the committee expires,
36 whichever occurs first.

37 3. The committee shall review, make site
38 visits and determine and make recommendations to
39 the board on the merit of regional arthritis
40 center applications. No program or other
41 activity will be recommended for funding by the
42 board without the favorable review of the
43 committee.

44 4. The arthritis program coordinator shall
45 serve the committee as its executive
46 administrator.]

[192.712. Committee and board members
2 shall serve without compensation, but their

3 expenses incurred in carrying out their official
4 duties shall, subject to appropriations, be
5 reimbursed by the state.]

[192.716. Beginning upon receipt of
2 appropriations for that purpose and subject to
3 the availability of appropriations, but not
4 before October 1, 1984, the arthritis centers
5 established pursuant to section 192.714 shall
6 operate programs in the following areas:

7 (1) Education at all levels for various
8 health professionals; and

9 (2) Improved patient care and other
10 arthritis control activities aimed at
11 benefitting communities served by the center.]

[192.718. 1. Beginning upon receipt of
2 appropriations for that purpose and subject to
3 the availability of appropriations, but not
4 before October 1, 1984, each year the board may
5 grant three one-year, state-supported clinical
6 rheumatology fellowships which might include
7 four to six months of a community-based
8 experience in one or more of the regional
9 arthritis centers and six to eight months at an
10 academic institution in this state which is
11 willing and qualified to train rheumatology
12 fellows.

13 2. A candidate for a fellowship granted
14 pursuant to this section shall be approved by
15 the director, the board, the academic
16 institution, and the regional arthritis center
17 director.

18 3. Each fellowship granted pursuant to
19 this section shall consist of an appropriate
20 stipend and either adequate housing or a housing
21 allowance in an amount to be determined by the
22 board.]

[192.723. Beginning upon receipt of
2 appropriations for that purpose and subject to
3 the availability of appropriations, but not
4 before July 1, 1985, innovative research
5 feasibility studies which cannot be funded by
6 traditional mechanisms and which have

7 significance for having impact on the state
8 arthritis problem may be carried out by
9 arthritis centers established pursuant to
10 section 192.714.]

[192.725. Beginning upon receipt of
2 appropriations for that purpose and subject to
3 the availability of appropriations, but not
4 before July 1, 1985, a statewide "Arthritis
5 Information Network" shall be established,
6 consisting of a statewide WATS telephone system,
7 staffed by volunteers insofar as possible.]

[196.1103. The management, governance, and
2 control of moneys appropriated from the life
3 sciences research trust fund shall be vested in
4 the "Life Sciences Research Board" which is
5 hereby created in the department of economic
6 development as a type III agency and which shall
7 consist of seven members. The following
8 provisions shall apply to the life sciences
9 research board and its members:

10 (1) Each member shall be appointed by the
11 governor with the advice and consent of the
12 senate pursuant to the procedures herein set
13 forth for a term of four years; except that, of
14 the initial members of the board appointed,
15 three shall be appointed for two-year terms and
16 four shall be appointed to four-year terms;

17 (2) The members of the board shall be
18 generally familiar with the life sciences and
19 current research trends and developments with
20 either technical or scientific expertise in life
21 sciences and with an understanding of the
22 application of the results of life sciences
23 research. The appointment of a person to the
24 life sciences research committee created by
25 Executive Order 01-10 issued by the governor on
26 July 23, 2001, shall not disqualify a person
27 from serving as a member, either
28 contemporaneously or later, on the life sciences
29 research board;

30 (3) No member of the life sciences
31 research board shall serve more than two
32 consecutive full four-year terms;

33 (4) The members of the life sciences
34 research board shall receive no salary or other
35 compensation for their services as a member of
36 the board, but shall receive reimbursement for
37 their actual and necessary expenses incurred in
38 performance of their duties as members of the
39 board.]

 [196.1124. No member of the life sciences
2 research board shall be employed by any public
3 or private not-for-profit entity entitled to
4 receive financial support from the life sciences
5 research trust fund, or participate in the
6 making of any decision by the board to make any
7 grant to the board member, any person who is
8 related to the board member within the fourth
9 degree of consanguinity or affinity, any public
10 entity for which the board member serves as an
11 officer, director, or other member of the
12 entity's governing body, or any private entity
13 for which the board member or the member's
14 spouse is employed, serves as an officer,
15 director, or other member of the entity's
16 governing body. The board may from time to time
17 issue conflict of interest guidelines and
18 requirements with respect to the administration
19 of the life sciences research program, to govern
20 the actions of its employees and agents, and to
21 implement the provisions of this section.]

 [197.165. 1. The department shall appoint
2 an "Infection Control Advisory Panel" for the
3 purposes of implementing sections 192.131 and
4 192.667.

 2. Members of the infection control
6 advisory panel shall include:

 (1) Two public members;

 (2) Three board-certified or board-
9 eligible physicians licensed pursuant to chapter
10 334 who are affiliated with a Missouri hospital
11 or medical school, active members of the Society
12 for Health Care Epidemiology of America, and
13 have demonstrated interest and expertise in
14 health facility infection control;

(3) One physician licensed pursuant to chapter 334 who is active in the practice of medicine in Missouri and who holds medical staff privileges at a Missouri hospital;

(4) Four infection control practitioners certified by the certification board of infection control and epidemiology, at least two of whom shall be practicing in a rural hospital or setting and at least two of whom shall be registered professional nurses licensed under chapter 335;

(5) A medical statistician with an advanced degree in such specialty;

(6) A clinical microbiologist with an advanced degree in such specialty;

(7) Three employees of the department, representing the functions of hospital, ambulatory surgical center, and abortion facility licensure, epidemiology and health data analysis, who shall serve as ex officio nonvoting members of the panel.

3. Reasonable expenses of the panel shall be paid from private donations made specifically for that purpose to the "Infection Control Advisory Panel Fund", which is hereby created in the state treasury. If such donations are not received from private sources, then the provisions of this act shall be implemented without the advisory panel.]

[208.530. As used in sections 208.530 to 208.535, the following terms shall mean:

(1) "Commission", the commission on the special health, psychological and social needs of minority older individuals established in section 208.533;

(2) "Minority older individual", an individual who is sixty years of age or older and a member of a racial minority group;

(3) "Racial minority group":

- (a) Blacks or African Americans;
- (b) Native Americans;
- (c) Hispanics;
- (d) Asian Americans; and

15 (e) Other similar racial minority groups.]

2 [208.533. 1. There is hereby established
3 a twenty-member "Commission on the Special
4 Health, Psychological and Social Needs of
5 Minority Older Individuals" under the department
6 of health and senior services. The commission
7 shall consist of the following members:

8 (1) The directors of the departments of
9 health and senior services, mental health and
10 social services or their designees;

11 (2) The directors of the office of
12 minority health and the department of health and
13 senior services who shall serve as cochairs of
14 the commission;

15 (3) Two members of the Missouri house of
16 representatives, one from each major political
17 party represented in the house of
18 representatives, appointed by the speaker of the
19 house who shall serve in a nonvoting, advisory
20 capacity;

21 (4) Two members of the senate, one from
22 each major political party represented in the
23 senate, appointed by the president pro tem of
24 the senate who shall serve in a nonvoting,
25 advisory capacity;

26 (5) A representative of the office of the
27 lieutenant governor who shall serve in a
28 nonvoting, advisory capacity; and

29 (6) Ten individuals appointed by the
30 governor with the advice and consent of the
31 senate who are currently working in the field of
32 minority elderly health, psychological or social
33 problems who have demonstrated expertise in one
34 or more of the following areas: treatment of
35 cardiovascular, cancer and diabetic conditions;
36 nutrition; community-based health services;
37 legal services; elderly consumer advocacy;
38 gerontology or geriatrics; social work and other
39 related services including housing. At least
40 two of the individuals appointed by the governor
41 shall be minority older individuals. The
42 members appointed by the governor shall be
residents of Missouri. Any vacancy on the

43 commission shall be filled in the same manner as
44 the original appointment.

45 2. Members appointed by the governor shall
46 serve for three-year terms. Other members,
47 except legislative members, shall serve for as
48 long as they hold the position which made them
49 eligible for appointment. Legislative members
50 shall serve during their current term of office
51 but may be reappointed.

52 3. Members of the commission shall not be
53 compensated for their services, but shall be
54 reimbursed for actual and necessary expenses
55 incurred in the performance of their duties.
56 The office of administration and the departments
57 of health and senior services, mental health and
58 social services shall provide such support as
59 the commission requires to aid it in the
60 performance of its duties.]

2 [208.535. The responsibilities of the
3 commission shall include, but not be limited to,
4 the following:

5 (1) The commission shall annually prepare
6 a report identifying the special needs of the
7 minority older population in Missouri as
8 compared to the older population at-large and
9 make recommendations for meeting those needs.
10 The report shall be completed no later than
11 October first of each year, beginning in 1999,
12 and copies transmitted to the governor, the
13 general assembly and appropriate state
14 agencies. The report shall, at a minimum:

15 (a) Contain an overview of the special
16 health, psychological and social needs of
17 minority older Missourians with particular
18 attention to low-income minority older
19 individuals;

20 (b) Identify specific diseases and health
21 conditions for which minority older individuals
22 are at greater risk than the general population;

23 (c) Identify problems experienced by
24 minority older individuals in obtaining services
from governmental agencies;

(d) Identify programs at the state and local level designed to specifically meet the needs of minority older individuals; and

(e) Recommend program improvements and services at the state and local level designed to address the special unmet needs of the minority older population;

(2) In preparing the report required by this section, the commission shall solicit and consider the input of individuals and organizations representing the concerns of the minority older population, with particular attention to the service needs of those with incomes below the federal poverty level, concerning:

(a) Programs and services needed by minority older individuals;

(b) The extent to which existing programs do not meet the needs of minority older individuals;

(c) The accessibility of existing programs to minority older individuals;

(d) The availability and adequacy of information regarding existing services;

(e) Health problems that minority older individuals experience at a higher rate than the nonminority older population; and

(f) Financial, social and other barriers experienced by minority older individuals in obtaining needed services;

(3) Conduct an outreach program that provides information to minority older Missourians about health, psychological and social problems experienced by minority older individuals and available programs to address those problems, as identified in the report prepared pursuant to this section.]

[208.850. Title.

Sections 208.850 to 208.871 shall be known as and may be cited as "The Quality Home Care Act".]

[208.853. Findings and purposes.

2 The people of the state of Missouri find as
3 follows:

4 (1) Thousands of Missouri senior citizens
5 and people with disabilities continue to live
6 independently in their own homes and avoid
7 placement in institutions such as nursing homes
8 only as the result of the availability of
9 qualified personal care attendants who assist
10 them with the activities of daily living.

11 (2) Many Missouri senior citizens and
12 people with disabilities who could not otherwise
13 afford personal care assistance services in
14 their own homes receive the services with
15 assistance provided by the state and federal
16 governments under the Missouri consumer directed
17 services program.

18 (3) The United States Supreme Court has
19 mandated that states provide services to persons
20 with disabilities "in community settings rather
21 than in institutions" when remaining in the
22 community is appropriate, consistent with the
23 wishes of the disabled person, and can be
24 reasonably accommodated.

25 (4) In-home care is not only the choice of
26 most senior citizens and people with
27 disabilities, it is less costly than
28 institutional care such as that provided in
29 nursing homes and thus saves Missouri taxpayers
30 significant amounts of money.

31 (5) The consumer directed services program
32 permits the consumers of these highly intimate
33 and personal services to hire, terminate and
34 supervise the individual providing the services,
35 but it does not currently give consumers any
36 role in setting wage rates for personal care
37 attendants.

38 (6) Personal care attendants generally
39 receive low wages, minimal or no benefits,
40 little if any training, and have no meaningful
41 input into their terms and conditions of
42 employment and no meaningful means of making
43 suggestions for improvements in the consumer
44 directed services program.

(7) The continued availability of quality home care services is threatened by a looming shortage of qualified personal care attendants due to the aging population in the state as well as low wages, a lack of benefits, and high rates of occupational injury. These poor working conditions also contribute to high turnover among personal care attendants that impairs the continuity of care.

(8) The safety of home care services is threatened by both the failure of existing safeguards to protect consumers from potentially abusive attendants and lengthy delays in processing background checks as recently documented by the state auditor.

(9) The continued availability of quality, safe home care services can be ensured through the creation of the "Missouri Quality Home Care Council" with authority to investigate the quality, safety and availability of home care services, recruit eligible personal care attendants, recommend qualifications for personal care attendants, improve the training of personal care attendants, establish a statewide list of eligible personal care attendants, refer consumers to eligible personal care attendants, engage in collective bargaining with a representative of personal care attendants, and recommend changes in personal care attendants' wages and benefits to the general assembly.]

[208.856. The Missouri Quality Home Care Council.

1. Effective January 31, 2009, the Missouri quality home care council is hereby created to ensure the availability and improve the quality of home care services by recruiting, training and stabilizing the personal care attendant workforce. Expenses of the council in carrying out its powers and duties shall be paid from any appropriations for that purpose by the general assembly. The council shall be assigned to the department of health and senior services

13 with supervision by the department extending
14 only to budgeting and reporting as provided by
15 subdivisions (4) and (5) of subsection 6 of
16 section 1 of the Reorganization Act of 1974.
17 Supervision by the department shall not extend
18 to matters relating to policies, regulatory
19 functions or other matters specifically
20 delegated to the council by sections 208.850 to
21 208.871 and the director of the department or
22 any employee of the department, either directly
23 or indirectly, shall not participate or
24 interfere with the activities of the council in
25 any manner not specifically provided by law.

26 2. The council shall consist of eleven
27 members appointed by the governor with the
28 advice and consent of the senate as follows:

29 (1) Six members shall be current or former
30 recipients of personal care assistance services
31 under the consumer directed services program, or
32 its successor program or programs. Two of the
33 consumer members shall have received services
34 for a period of at least one year, two shall
35 have received services for a period of at least
36 two years, and two shall have received services
37 for a period of at least three years. In order
38 to ensure that at least one of the consumer
39 members has personal knowledge of challenges
40 rural consumers face, at least one of these
41 members shall be a resident of a third class
42 county;

43 (2) One member shall be a representative
44 of the Missouri department of health and senior
45 services, or its successor entity;

46 (3) Two members shall be representatives
47 of Missouri centers for independent living, or
48 their successor entities;

49 (4) One member shall be a representative
50 of the governor's council on disabilities, or
51 its successor entity;

52 (5) One member shall be a representative
53 of the governor's advisory council on aging, or
54 its successor entity.

55 3. Each member of the council shall serve
56 a term of three years, except the first eleven

57 members who shall serve staggered terms as
58 follows: three recipient members and the
59 department of health and senior services member
60 shall serve one-year terms, two recipient
61 members and one centers for independent living
62 member shall serve two-year terms, and one
63 recipient member, one centers for independent
64 living member, and the council on disabilities
65 and advisory council on aging members shall
66 serve three-year terms. The initial members of
67 the council shall be appointed by the governor
68 by March 1, 2009. If a vacancy occurs, the
69 governor will appoint a replacement for the
70 remainder of the departing member's term.
71 Commission members shall be eligible for
72 reappointment but shall serve no more than two
73 terms. In making appointments, the governor
74 shall consider nominations or recommendations
75 from the agencies or groups represented on the
76 council. Members of the council shall serve
77 without compensation, but shall be reimbursed
78 their actual and necessary expenses. The
79 governor may remove a council member for good
80 cause.]

[208.859. The powers and duties of the
2 council.

3 The council shall have the following powers
4 and duties:

5 (1) Assess the size, quality and stability
6 of the home care workforce in Missouri and the
7 ability of the existing workforce to meet the
8 growing and changing needs of both aging and
9 disabled consumers;

10 (2) Encourage eligible individuals to
11 serve as personal care attendants;

12 (3) Provide training on a voluntary basis,
13 either directly or through contracts, in
14 cooperation with vendors, as defined in
15 subdivision (5) of section 208.865, for
16 prospective and current personal care
17 attendants;

18 (4) Recommend minimum qualifications for
19 personal care attendants to the department of
20 health and senior services;

21 (5) Establish and maintain a statewide
22 list of eligible, available personal care
23 attendants, in cooperation with vendors,
24 including attendants available to provide
25 respite and replacement services. In order to
26 facilitate the creation of such a list, all
27 vendors shall provide the council with the list
28 of persons eligible to be a personal care
29 attendant which vendors are required to maintain
30 under subsection 4 of section 208.906 and
31 subdivision (3) of subsection 1 of section
32 208.918. The council shall ensure that all
33 personal care attendants placed on the statewide
34 list are registered with the family care safety
35 registry as provided in sections 210.900 to
36 210.936 and are not listed on any of the
37 background check lists in the family care safety
38 registry, absent a good cause waiver obtained
39 from the department pursuant to section
40 192.2495. All consumers seeking personal care
41 attendants, whether or not they are participants
42 in the consumer directed services program, shall
43 have access to the statewide list;

44 (6) Provide routine, emergency, respite,
45 and replacement referrals of eligible and
46 available personal care attendants to vendors
47 and consumers;

48 (7) In cooperation with the Missouri state
49 highway patrol, the department of social
50 services' children's division, the department of
51 mental health, the department of health and
52 senior services, and vendors and on an on-going
53 basis, assess existing mechanisms for preventing
54 abuse and neglect of consumers in the home care
55 setting and recommend improvements to those
56 agencies and the general assembly. As part of
57 this duty, members and employees of the council
58 shall have access to the employee
59 disqualification list established in section
60 192.2490 and the family care safety registry.
61 Members and employees of the council shall

62 report to the department of health and senior
63 services when they have reasonable cause to
64 believe that a consumer has been abused or
65 neglected as defined in section 192.2400,
66 subject to the same standards set forth in
67 section 208.912;

68 (8) Recommend the wage rate or rates to be
69 paid personal care attendants and any economic
70 benefits to be received by personal care
71 attendants to the general assembly. The
72 department shall retain its existing authority
73 to establish the Medicaid reimbursement rate for
74 personal care assistance services under
75 subsection 2 of section 208.903;

76 (9) Establish other terms and conditions
77 of employment of personal care attendants
78 consistent with consumers' right to hire, fire,
79 train, and supervise personal care attendants;

80 (10) Cooperate with the department of
81 health and senior services and vendors to
82 improve the provision of personal care
83 assistance services;

84 (11) In carrying out its powers and duties
85 under sections 208.850 to 208.871, the council
86 may:

87 (a) Make and execute contracts and all
88 other instruments necessary or convenient for
89 the performance of its duties or exercise of its
90 powers;

91 (b) Issue rules under the Missouri
92 administrative procedures act, chapter 536, as
93 necessary for the purposes and policies of
94 sections 208.850 to 208.871. Any rule or
95 portion of a rule, as that term is defined in
96 section 536.010, that is created under the
97 authority delegated in this section, shall
98 become effective only if it complies with and is
99 subject to all of the provisions of chapter 536
100 and, if applicable, section 536.028. This
101 section and chapter 536 are nonseverable and if
102 any of the powers vested with the general
103 assembly pursuant to chapter 536 to review, to
104 delay the effective date, or to disapprove and
105 annul a rule are subsequently held

106 unconstitutional, then the grant of rulemaking
107 authority and any rule proposed or adopted after
108 August 28, 2008, shall be invalid and void;

109 (c) Establish offices, employ an executive
110 director and such other staff as is necessary to
111 carry out its functions and fix their
112 compensation, retain contractors as necessary
113 and prescribe their duties and power, incur
114 expenses, and create such liabilities as are
115 reasonable and proper for the administration of
116 sections 208.850 to 208.871;

117 (d) Solicit and accept for use any grant
118 of money, services or property from the federal
119 government, the state, or any political
120 subdivision or agency thereof, including federal
121 matching funds under Title XIX of the federal
122 Social Security Act, and do all things necessary
123 to cooperate with the federal government, the
124 state, or any political subdivision or agency
125 thereof in making an application for any grant;

126 (e) Keep records and engage in research
127 and the gathering of relevant statistics;

128 (f) Acquire, hold, or dispose of personal
129 property or any interest therein, and contract
130 for, lease, or otherwise provide facilities for
131 the activities conducted under this measure;

132 (g) Sue and be sued in its own name;

133 (h) Delegate to the appropriate persons
134 the power to execute contracts and other
135 instruments on its behalf and delegate any of
136 its powers and duties if consistent with the
137 purposes of sections 208.850 to 208.871; and

138 (i) Do other acts necessary or convenient
139 to execute the powers expressly granted to it.]

2 [208.862. 1. Consumers shall retain the
3 right to hire, fire, supervise, and train
4 personal care attendants.

5 2. Vendors shall continue to perform the
6 functions provided in sections 208.900 to
7 208.930. In addition to having a philosophy
8 that promotes the consumer's ability to live
9 independently in the most integrated setting or
the maximum community inclusion of persons with

physical disabilities, as required by subsection 1 of section 208.918, vendors shall provide to consumers advocacy, independent living skills training, peer counseling, and information and referral services, as those terms are used in subsection 3 of section 178.656.

3. The council shall be a public body as that term is defined in section 105.500, and personal care attendants shall be employees of the council solely for purposes of sections 105.500 to 105.598.

4. The sole bargaining unit of personal care attendants, as that term is defined in section 105.500, shall be a statewide unit. Personal care attendants who are related to or members of the family of the consumer to whom they provide services shall not for that reason be excluded from the unit. The state board of mediation shall conduct an election, by mail ballot, to determine whether an organization shall be designated the exclusive bargaining representative as defined in section 105.500 for the statewide unit of personal care attendants under section 105.525 upon a showing that ten percent of the personal care attendants in said unit want to be represented by a representative. The Missouri office of administration shall represent the council in any collective bargaining with a representative of personal care attendants. Upon completion of bargaining, any agreements shall be reduced to writing and presented to the council for adoption, modification or rejection.

5. The state of Missouri and all vendors shall cooperate in the implementation of any agreements reached by the council and any representative of personal care attendants, including making any payroll deductions authorized by the agreements which can lawfully be made pursuant to agreements entered into under sections 105.500 to 105.598 as currently construed by the Missouri appellate courts.

6. Personal care attendants shall not have the right to strike and breach of this

prohibition will result in disqualification from participation in the consumer directed services program.

7. Personal care attendants shall not be considered employees of the state of Missouri or any vendor for any purpose.

8. (1) The provisions of sections 105.500 to 105.598 shall apply to all personal care attendants, organizations elected as the exclusive bargaining representative of the bargaining unit of personal care attendants under this section, and all officers and employees of such organizations. For purposes of this subsection, organizations elected as the exclusive bargaining representative of a bargaining unit under this section shall be considered a labor organization, as that term is defined in section 105.500.

(2) If an organization is not recertified or is decertified as the exclusive bargaining representative of a bargaining unit of personal care attendants under section 105.575, any subsequent certification of an organization as exclusive bargaining representative of a bargaining unit of personal care attendants shall be conducted according to the provisions of section 105.575, notwithstanding subsection 4 of this section to the contrary.]

[208.865. Definitions.

As used in sections 208.850 to 208.871:

(1) "Consumer" means a person receiving personal care assistance services from a personal care attendant as defined in subdivision (4) of this section;

(2) "Council" means the Missouri quality home care council;

(3) "Department" means the Missouri department of health and senior services;

(4) "Personal care attendant" means a person, other than a consumer's spouse, providing consumer-directed personal care assistance services as defined in subdivisions (2) and (5) of section 208.900 under sections

16 208.900 to 208.927, similar consumer-directed
17 personal care assistance services under section
18 208.930, and similar consumer-directed personal
19 care assistance services through a program
20 operated pursuant to a waiver obtained under
21 Section 1915(c) of the federal Social Security
22 Act or similar consumer-directed services under
23 the successor to any of said programs;

24 (5) "Vendor" is defined in subdivision
25 (10) of section 208.900 and in subsection 2 of
26 section 208.862.]

[208.868. Federal approval and funding.

2 The council and the state of Missouri shall
3 take all actions reasonably necessary to obtain
4 any approval from the United States needed to
5 implement any part of sections 208.850 to
6 208.871 and to ensure continued federal funding
7 of any program governed by sections 208.850 to
8 208.871.]

[208.871. Severability.

2 If any section, subsection, subdivision,
3 paragraph, sentence, or clause of sections
4 208.850 to 208.871 is held to be invalid or
5 unconstitutional, such decision shall not affect
6 any remaining portion, section, or part thereof
7 which can be given effect without the invalid
8 provision.]

[209.287. 1. There is hereby established
2 within the Missouri commission for the deaf and
3 hard of hearing a board to be known as the
4 "Board for Certification of Interpreters", which
5 shall be composed of three members. The
6 executive director of the Missouri commission
7 for the deaf and hard of hearing or the
8 director's designee shall be a nonvoting member
9 of the board.

10 2. The members shall be appointed by the
11 governor with the advice and consent of the
12 senate from a list of recommendations from the
13 commission. The members shall be appointed for
14 terms of three years. No member shall be
15 eligible to serve more than two consecutive

16 terms, except a person appointed to fill a
17 vacancy for a partial term may serve two
18 additional terms. One of the members appointed
19 shall be deaf, one shall be a certified
20 interpreter, and one shall be deaf or a
21 certified interpreter. The members shall be
22 fluent in American sign language, Pidgin Signed
23 English, oral, tactile sign, or any specialized
24 vocabulary used by deaf persons. The member
25 shall have a background and knowledge of
26 interpreting and evaluation.

27 3. The members shall receive no
28 compensation for their services on the board,
29 but the commission shall reimburse the members
30 for actual and necessary expenses incurred in
31 the performance of their official duties. The
32 board shall meet not less than two times per
33 year. The board shall elect from its membership
34 a chairperson and a secretary. A quorum of the
35 board shall consist of two of its members.

36 4. Any member of the commission may
37 petition the governor to remove a member from
38 the board for the following reasons:
39 misconduct, inefficiency, incompetence or
40 neglect of his official duties. The governor
41 may remove the member after giving the committee
42 member written notice of the charges against him
43 or her and an opportunity to be heard pursuant
44 to administrative procedures in chapter 621.]

[210.102. 1. There is hereby established
2 within the department of elementary and
3 secondary education the "Coordinating Board for
4 Early Childhood", which shall constitute a body
5 corporate and politic, and shall include, but
6 not be limited to, the following members:

7 (1) A representative from the governor's
8 office;

9 (2) A representative from each of the
10 following departments: health and senior
11 services, mental health, social services, and
12 elementary and secondary education;

13 (3) A representative of the judiciary;

14 (4) A representative of the family and
15 community trust board (FACT);

16 (5) A representative from the head start
17 program; and

18 (6) Nine members appointed by the governor
19 with the advice and consent of the senate who
20 are representatives of the groups, such as
21 business, philanthropy, civic groups, faith-
22 based organizations, parent groups, advocacy
23 organizations, early childhood service
24 providers, and other stakeholders.

25 The coordinating board may make all rules it
26 deems necessary to enable it to conduct its
27 meetings, elect its officers, and set the terms
28 and duties of its officers. The coordinating
29 board shall elect from amongst its members a
30 chairperson, vice chairperson, a secretary-
31 reporter, and such other officers as it deems
32 necessary. Members of the board shall serve
33 without compensation but may be reimbursed for
34 actual expenses necessary to the performance of
35 their official duties for the board.

36 2. The coordinating board for early
37 childhood shall have the power to:

38 (1) Develop a comprehensive statewide long-
39 range strategic plan for a cohesive early
40 childhood system;

41 (2) Confer with public and private
42 entities for the purpose of promoting and
43 improving the development of children from birth
44 through age five of this state;

45 (3) Identify legislative recommendations
46 to improve services for children from birth
47 through age five;

48 (4) Promote coordination of existing
49 services and programs across public and private
50 entities;

51 (5) Promote research-based approaches to
52 services and ongoing program evaluation;

53 (6) Identify service gaps and advise
54 public and private entities on methods to close
55 such gaps;

56 (7) Apply for and accept gifts, grants,
57 appropriations, loans, or contributions to the

58 coordinating board for early childhood fund from
59 any source, public or private, and enter into
60 contracts or other transactions with any federal
61 or state agency, any private organizations, or
62 any other source in furtherance of the purpose
63 of subsection 1 of this section and this
64 subsection, and take any and all actions
65 necessary to avail itself of such aid and
66 cooperation;

67 (8) Direct disbursements from the
68 coordinating board for early childhood fund as
69 provided in this section;

70 (9) Administer the coordinating board for
71 early childhood fund and invest any portion of
72 the moneys not required for immediate
73 disbursement in obligations of the United States
74 or any agency or instrumentality of the United
75 States, in obligations of the state of Missouri
76 and its political subdivisions, in certificates
77 of deposit and time deposits, or other
78 obligations of banks and savings and loan
79 associations, or in such other obligations as
80 may be prescribed by the board;

81 (10) Purchase, receive, take by grant,
82 gift, devise, bequest or otherwise, lease, or
83 otherwise acquire, own, hold, improve, employ,
84 use, and otherwise deal with real or personal
85 property or any interests therein, wherever
86 situated;

87 (11) Sell, convey, lease, exchange,
88 transfer or otherwise dispose of all or any of
89 its property or any interest therein, wherever
90 situated;

91 (12) Employ and fix the compensation of an
92 executive director and such other agents or
93 employees as it considers necessary;

94 (13) Adopt, alter, or repeal by its own
95 bylaws, rules, and regulations governing the
96 manner in which its business may be transacted;

97 (14) Adopt and use an official seal;

98 (15) Assess or charge fees as the board
99 determines to be reasonable to carry out its
100 purposes;

(16) Make all expenditures which are incident and necessary to carry out its purposes;

(17) Sue and be sued in its official name;

(18) Take such action, enter into such agreements, and exercise all functions necessary or appropriate to carry out the duties and purposes set forth in this section.

3. There is hereby created the "Coordinating Board for Early Childhood Fund" which shall consist of the following:

(1) Any moneys appropriated by the general assembly for use by the board in carrying out the powers set out in subsections 1 and 2 of this section;

(2) Any moneys received from grants or which are given, donated, or contributed to the fund from any source;

(3) Any moneys received as fees authorized under subsections 1 and 2 of this section;

(4) Any moneys received as interest on deposits or as income on approved investments of the fund;

(5) Any moneys obtained from any other available source.

Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the coordinating board for early childhood fund at the end of the biennium shall not revert to the credit of the general revenue fund.]

[650.125. 1. The provisions of this section shall be known and may be cited as the "Missouri Cybersecurity Act".

2. There is hereby established within the department of public safety the "Missouri Cybersecurity Commission". The commission shall have as its purpose identifying risk to and vulnerability of the state and critical infrastructure with regard to cyber attacks of any nature from within or outside the United States and advising the governor on such matters. The commission shall consist of the following members:

14 (1) Eight members to be appointed by the
15 governor, one from each congressional district,
16 with four members from each party;

17 (2) The state chief information officer as
18 designated by the governor and commissioner of
19 the office of administration;

20 (3) One representative of the Missouri
21 state highway patrol, ex officio;

22 (4) One representative of the state
23 emergency management agency, ex officio; and

24 (5) One representative of the Missouri
25 national guard, ex officio.

26 No more than five of the nine members appointed
27 by the governor shall be of the same political
28 party. To be eligible for appointment by the
29 governor, a person shall have demonstrated
30 expertise in cybersecurity or experience in a
31 field that directly correlates to a need of the
32 state relating to cyber defense. The membership
33 of the commission shall reflect both private
34 sector and public sector expertise and
35 experience in cybersecurity. Appointed members
36 of the commission shall serve three-year terms,
37 except that of the initial appointments made by
38 the governor, three shall be for one-year terms,
39 three shall be for two-year terms, and three
40 shall be for three-year terms. No appointed
41 member of the commission shall serve more than
42 six years total. Any vacancy on the commission
43 shall be filled in the same manner as the
44 original appointment.

45 3. The members of the commission shall
46 serve without compensation, but shall be
47 reimbursed for the actual and necessary expenses
48 incurred in the discharge of the members'
49 official duties.

50 4. A chair of the commission shall be
51 selected by the members of the commission.

52 5. The department of public safety shall
53 furnish administrative support and staff for the
54 effective operation of the commission.

55 6. The commission shall meet at least
56 quarterly and at such other times as the chair
57 deems necessary.

58 7. The commission shall be funded by an
59 appropriation limited to that purpose. Any
60 expenditure constituting more than ten percent
61 of the commission's annual appropriation shall
62 be based on a competitive bid process.

63 8. The commission shall:

64 (1) Advise the governor on the state of
65 cybersecurity in the state of Missouri;

66 (2) Solicit data from state agencies,
67 political subdivisions of the state, public
68 institutions of higher education, and public
69 schools relating to cybersecurity;

70 (3) Make recommendations to reduce the
71 state's risk of cyber attack and to identify
72 best practices for the state to work offensively
73 against cyber threats.

74 9. State agencies, public institutions of
75 higher education, and public schools shall
76 provide any data requested by the commission
77 under this section unless such information is
78 protected from disclosure under chapter 610 or
79 is required to be kept confidential under a code
80 of ethics from a profession licensed in the
81 state. The provisions of this section shall not
82 be construed to compel private sector
83 organizations to provide information or data to
84 the commission.

85 10. The commission shall prepare and
86 present an annual report to the governor by
87 December thirty-first of each year. Any content
88 from the report protected under section 610.021,
89 including any cybersecurity vulnerabilities
90 identified by the commission, shall be held
91 confidential.]

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