

# SENATE BILL NO. 890

## 103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR COLEMAN.

4254S.011

KRISTINA MARTIN, Secretary

### AN ACT

To repeal sections 173.240, 196.1103, 196.1106, 196.1112, 196.1118, 196.1121, 196.1124, 196.1127, 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, 643.173, 650.125, 650.205, 650.210, 650.215, 650.220, 650.225, 650.235, 650.245, 650.250, 650.255, 650.260, 650.265, 650.275, 650.277, and 650.285, RSMo, and 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-four new sections relating to obsolete administrative entities.

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

Section A. Sections 173.240, 196.1103, 196.1106,  
2 196.1112, 196.1118, 196.1121, 196.1124, 196.1127, 208.530,  
3 208.533, 208.535, 208.850, 208.853, 208.856, 208.859, 208.862,  
4 208.865, 208.868, 208.871, 209.285, 209.287, 209.292, 209.299,  
5 209.305, 209.307, 209.309, 209.317, 209.318, 209.321, 209.322,  
6 210.102, 261.235, 643.173, 650.125, 650.205, 650.210, 650.215,  
7 650.220, 650.225, 650.235, 650.245, 650.250, 650.255, 650.260,  
8 650.265, 650.275, 650.277, and 650.285, RSMo, and section  
9 196.1109 as enacted by senate bill no. 7, ninety-sixth general  
10 assembly, first extraordinary session, section 196.1109 as

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

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and section 196.1115 as enacted by house bill no. 688, ninety-second general assembly, first regular session, are repealed and thirty-four new sections enacted in lieu thereof, to be known as sections 105.1650, 173.240, 196.1106, 196.1109, 196.1112, 196.1115, 196.1118, 196.1121, 196.1127, 209.285, 209.292, 209.299, 209.305, 209.307, 209.309, 209.317, 209.318, 209.321, 209.322, 261.235, 643.173, 650.205, 650.215, 650.220, 650.225, 650.235, 650.245, 650.250, 650.255, 650.260, 650.265, 650.275, 650.277, and 650.285, to read as follows:

**105.1650. Every state department with oversight of an administrative entity shall annually compile a report of all such administrative entities that have not convened a public meeting or conducted public business for the most recent three year period. Each department shall send the initial report to each member of the general assembly by October 1, 2026, and by every October first thereafter. Such report shall describe each administrative entity that has not met or conducted any public business over the most recent three year period and the statutory or administrative mission of such administrative entity. The report shall also describe if the duties of the administrative entity are being, or could be, performed by another administrative entity.**

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

8 scholarships shall be administered by the department  
9 recruitment and retention program [under the supervision of  
10 the minority environmental literacy advisory committee  
11 established under this section]. Those ethnic groups which  
12 are most severely underrepresented, as determined by data  
13 gathered and maintained by the National Academy of Sciences,  
14 shall receive priority in annual selection.

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

25       3. The general assembly may appropriate funds to the  
26 department for the purpose of funding scholarships as  
27 authorized by this section. Such funds shall be from  
28 general revenue, special fees administered by the  
29 department, federal funding sources, gifts, or donations,  
30 provided that such funds may be used for this purpose. All  
31 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,  
63 wildlife management, planning, natural resources, or a  
64 closely related course of study;

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

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

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

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

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

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

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

87 (5) The state affirmative action officer.

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

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

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

3 (1) A "center for excellence for life sciences  
4 research" means a system or regional consortium of public  
5 and private not-for-profit academic, research, or health  
6 care institutions or organizations engaged in competitive  
7 research in targeted fields consistent with the strategic

8 purposes of life sciences research as provided in sections  
9 196.1100 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

not encompassed within another center for excellence;  
provided that the University of Missouri-Kansas City and the  
University of Missouri-St. Louis shall participate in the  
centers for excellence in their respective geographical  
regions;

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

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

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

(10) Each center for excellence for life sciences research shall appoint a screening committee. The centers, through their screening committees, shall solicit, collect, prioritize, and forward to the **[life sciences research**

board] **department** proposed research initiatives for 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  
2 general assembly from the life sciences research trust fund  
3 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.

Funds received by the [board] department 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 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] department during such fiscal year. No single institution or organization shall receive in any consecutive three-fiscal-year period more than forty percent of the moneys appropriated to the [board] department during such three-fiscal-year period.

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

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

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

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

(3) Contract for support services;

(4) Lease or acquire facilities and equipment;

(5) Employ administrative staff; and

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

3. The Missouri technology corporation, established under section 348.251, shall serve

34 as the administrative agent for the life  
35 sciences research board.

36 4. The life sciences research board shall  
37 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  
21 publications and presentations at scientific meetings, and  
22 promote utilization, commercialization, and public  
23 availability of their inventions and other intellectual  
24 property developed as a general institutional policy.  
25 Institutions or organizations receiving grant or contract  
26 awards shall retain all right, title, and interest,  
27 including all intellectual property rights, in and to any  
28 and all inventions, ideas, data, improvements,  
29 modifications, know-how, creations, copyrightable material,  
30 trade secrets, methods, processes, discoveries, and  
31 derivatives, regardless of patentability, that are made in  
32 the performance of work under a grant award. The [life  
33 sciences research board] **department** shall adopt reasonable  
34 rules to ensure that any such intellectual property rights  
35 are utilized reasonably and in a manner that is in the  
36 public interest.

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

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

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



13           (2) "Child", a human being recognized as a minor  
14 pursuant to the laws of this state, including if in vivo, an  
15 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  
47 causes of action, public or private, bond proceeds, federal  
48 grants or payments, or intergovernmental transfers;

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

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

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

research projects, persons, or entities not eligible to receive public funds pursuant to this subsection. The application for an award of public funds shall set forth the proposed rates of pro rata cost reimbursement and shall provide supporting data and rationale for such rates. All applicants for and recipients of awards of public funds shall comply with the cost accounting principles set forth in Part 9905 of Title 48 of the Code of Federal Regulations, or successor regulations, in connection with the application for and administration of the research project. All moneys derived from an award of public funds shall be expended only by checks, drafts, or electronic transfers using a separate accounting process maintained for each research project. No moneys derived from an award of public funds shall be used to cover costs for any other research project or to any other person or entity. No moneys derived from an award of public funds shall be passed through to any other research project, person, or entity unless included in the original application for the award of public funds or in subsequent amendments or requests to use separate contractors. A research project that receives an award of public funds shall maintain financial records that demonstrate strict compliance with this subsection. Any audit conducted pursuant to any grant or contract awarding public funds shall also certify whether there is compliance with this subsection and shall note any noncompliance as a material audit finding.

4. The provisions of this section shall inure to the benefit of all residents of this state. Any taxpayer of this state or any political subdivision of this state shall have standing to bring suit against the state of Missouri or any official, department, division, agency, or political

subdivision of this state, and any recipient of public funds who or which is in violation of this subsection in any circuit court with jurisdiction to enforce the provisions of this section.

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

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

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

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

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

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

[(4)] (3) "Commission", the Missouri commission for 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  
20 distributed to state departments, agencies, commissions,  
21 courts, interpreters and to the public;

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

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

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

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

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

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

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

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

47           [2. An evaluation team appointed pursuant to  
48 subdivision (12) of subsection 1 of this section shall have



49 similar backgrounds to the members of the board. The  
50 evaluation team shall serve at the pleasure of the  
51 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] **commission** who has a conflict of interest that may  
3 have a direct effect on an evaluation shall excuse himself  
4 or herself from the evaluation. The remaining members shall  
5 assess that 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, evaluation team or a support staff person who is  
11 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  
14 the end of the biennium shall not be transferred to the  
15 general revenue fund of the state treasury and accordingly  
16 shall be exempt from the provisions of section 33.080  
17 relating to transfer of funds to the ordinary revenue funds  
18 of the state by the state treasurer.

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

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

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

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



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

44           3. The commission may establish a fee structure for  
45 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.]

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

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

3. The committee shall:

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

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

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

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

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

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

650.205. As used in sections 650.200 to 650.290, unless the context clearly requires otherwise, the following words and terms mean:

(1) "API-ASME", American Petroleum Institute-American Society of Mechanical Engineers;

(2) "ASME", American Society of Mechanical Engineers;

(3) ["Board", the board of boiler and pressure vessel rules;

9           (4)] "Boiler", a vessel intended for use in heating  
10 water or other liquids for generating steam or other vapors  
11 under pressure or vacuum by the application of heat  
12 resulting from the combustion of fuels, electricity, atomic  
13 energy, or waste gases;

14           [(5)] (4) "Certificate inspection", an inspection, the  
15 report of which is used by the chief inspector to decide  
16 whether or not a certificate as provided by subsection 3 of  
17 section 650.265 may be issued. This certificate inspection  
18 shall be an internal inspection when construction permits;  
19 otherwise, it shall be as complete an inspection as possible;

20           (5) **"Department", the department of public safety;**

21           (6) "Director", the director of the inspection section  
22 of the department of public safety;

23           (7) "Heating boiler", a steam boiler operating at  
24 pressures not exceeding fifteen psig, or a hot water heating  
25 boiler operating at pressures not exceeding one hundred  
26 sixty psig or temperatures not exceeding two hundred fifty  
27 degrees Fahrenheit at or near the boiler outlet, or both;

28           (8) "High pressure, high temperature water boiler", a  
29 water boiler operating at pressures exceeding one hundred  
30 sixty psig or temperatures exceeding two hundred fifty  
31 degrees Fahrenheit at or near the boiler outlet, or both;

32           (9) "Power boiler", a boiler in which steam or other  
33 vapor is generated at a pressure of more than fifteen psig  
34 including a high pressure, high temperature water boiler;

35           (10) "Pressure vessel", a vessel in which the pressure  
36 is obtained from an external source or by the application of  
37 heat from an indirect source, other than those vessels  
38 defined in subdivisions (4), (7), (8), and (9) of this  
39 section;

40           (11) "Psig", pounds per square inch gauge.

650.215. 1. The **[board] department** shall formulate  
2 definitions, rules and regulations for the safe  
3 construction, installation, inspection, maintenance and  
4 repair of boilers and pressure vessels in this state.

5 (1) The definitions, rules and regulations so  
6 formulated for new construction shall be based upon and, at  
7 all times, follow the generally accepted nationwide  
8 engineering standards, formulae and practices established  
9 and pertaining to boiler and pressure vessel construction  
10 and safety, and the **[board] department** shall by resolution  
11 adopt an existing published codification thereof, known as  
12 the "Boiler and Pressure Vessel Code of the American Society  
13 of Mechanical Engineers", with the amendments and  
14 interpretations thereto made and approved by the council of  
15 the society, and shall likewise adopt the amendments and  
16 interpretations subsequently made and published by the same  
17 authority; and when so adopted the same shall be deemed  
18 incorporated into, and to constitute a part of, the whole of  
19 the definitions, rules and regulations of the **[board]**  
20 **department**. Amendments and interpretations to the code so  
21 adopted shall be effective immediately upon being  
22 promulgated, to the end that the definitions, rules and  
23 regulations shall at all times follow the generally accepted  
24 nationwide engineering standards.

25 (2) The **[board] department** shall formulate rules and  
26 regulations for the inspection, maintenance and repair of  
27 boilers and pressure vessels, which were in use in this  
28 state prior to the date upon which the first rules and  
29 regulations under sections 650.200 to 650.290 pertaining to  
30 existing installations became effective, or during the  
31 twelve-month period immediately thereafter.

32           (3) The rules for inspection, maintenance and repair  
33 of installed boilers and pressure vessels shall be based  
34 upon and follow the generally accepted national standards as  
35 promulgated by the National Board of Boiler and Pressure  
36 Vessel Inspectors or by the ANSI/API Standard 510, Pressure  
37 Vessel Inspection Code, as amended, as a minimum, as it  
38 relates to boiler and pressure vessels.

39           2. The rules and regulations and any subsequent  
40 amendments thereto formulated by the **[board] department**  
41 shall have the force and effect of law, except that the  
42 rules applying to the construction of new boilers and  
43 pressure vessels shall not be so construed as to prevent the  
44 installation of such boilers and pressure vessels until  
45 twelve months after their promulgation by the **[board]**  
46 **department.**

47           3. Subsequent amendments to the rules and regulations  
48 adopted by the **[board] department** shall be permissive  
49 immediately and shall become mandatory twelve months after  
50 their promulgation.

51           4. No rule or portion of a rule promulgated under the  
52 authority of this chapter shall become effective unless it  
53 has been promulgated pursuant to the provisions of section  
54 536.024.

          650.220. No power boiler, low pressure boiler or  
2 pressure vessel which does not conform to the rules and  
3 regulations formulated by the **[board] department** governing  
4 new construction and installation shall be installed and  
5 operated in this state after twelve months from the date  
6 upon which the first rules and regulations under sections  
7 650.200 to 650.290 pertaining to new construction and  
8 installation have become effective, unless the boiler or  
9 pressure vessel is of a special design or construction, and

10 is not inconsistent with the spirit and safety objectives of  
11 the rules and regulations, in which case a special  
12 installation and operating permit may at its discretion be  
13 granted by the [board] department.

650.225. 1. The maximum allowable pressure of a  
2 boiler carrying the ASME code symbol or of a pressure vessel  
3 carrying the ASME or API-ASME code symbol shall be  
4 determined by the applicable sections of the code under  
5 which it was constructed and stamped, or a later edition of  
6 the ASME code, provided that the rerating has been performed  
7 in accordance with the rules of such later edition.

8 2. The maximum allowable pressure of a boiler or  
9 pressure vessel which does not carry the ASME or the API-  
10 ASME code symbol shall be computed in accordance with the  
11 inspection code of the National Board of Boiler and Pressure  
12 Vessel Inspectors, or, when applicable, ANSI/API Standard  
13 510, Pressure Vessel Inspection Code, unless the pressure  
14 vessel is of a special construction, in which case the  
15 [board] department may grant at its discretion a special  
16 installation and operating permit for a pressure vessel of  
17 special design or construction, consistent with the safety  
18 objectives of the rules and regulations.

19 3. Sections 650.200 to 650.290 shall not be construed  
20 as in any way preventing the use, sale or reinstallation of  
21 a boiler or pressure vessel referred to in this section,  
22 provided it has been made to conform to the rules and  
23 regulations of the [board] department governing existing  
24 installations; and provided, further, it has not been found  
25 upon inspection to be in an unsafe condition.

650.235. 1. The director shall appoint a person who  
2 has had at the time of the appointment not less than ten  
3 years' experience in the construction, installation,



4 inspection, operation, maintenance or repair of high  
5 pressure boilers and pressure vessels as a mechanical  
6 engineer, steam operating engineer, boilermaker, or boiler  
7 inspector, and who shall have passed the same kind of  
8 examination as that prescribed under section 650.250, to be  
9 chief inspector. The chief inspector may be removed for  
10 cause after due investigation by the **[board] department** and  
11 its recommendation to the director.

12 2. The chief inspector, if authorized by the director,  
13 is hereby charged, directed and empowered:

14 (1) To take action necessary to the enforcement of the  
15 laws of the state governing the use of boilers and pressure  
16 vessels to which sections 650.200 to 650.290 apply and of  
17 the rules and regulations of the **[board] department**;

18 (2) To keep a complete record of the type, dimensions,  
19 maximum allowable pressure, age, location and date of the  
20 last recorded inspection of all boilers and pressure vessels  
21 to which sections 650.200 to 650.290 apply;

22 (3) To publish and make available to anyone requesting  
23 them copies of the rules and regulations promulgated by the  
24 **[board] department**;

25 (4) To issue, or to suspend, or revoke for cause,  
26 inspection certificates as provided for in section 650.265;

27 (5) To cause the prosecution of all violators of the  
28 provisions of sections 650.200 to 650.290;

29 (6) To draw upon the state treasurer for funds  
30 necessary to meet the expense authorized by sections 650.200  
31 to 650.290, which shall include the necessary traveling  
32 expenses of the chief inspector and his deputies and the  
33 expense incident to the maintenance of his office.

650.245. 1. In addition to the deputy boiler  
2 inspectors authorized by section 650.240, the director

3 shall, upon the request of any company licensed to insure  
4 and insuring in this state boilers and pressure vessels, or,  
5 upon the request of any company operating pressure vessels  
6 in this state for which the owner or user maintains a  
7 regularly established inspection service which is under the  
8 supervision of one or more engineers whose qualifications  
9 are satisfactory to the **[board] department** and causes the  
10 pressure vessels to be regularly inspected and rated by the  
11 inspection service in accordance with applicable provisions  
12 of the rules and regulations adopted by the **[board]**  
13 **department** pursuant to section 650.215, issue to any  
14 inspectors of the company commissions as special  
15 inspectors. Each inspector before receiving his commission  
16 shall satisfactorily pass the examination provided for by  
17 section 650.250, or, in lieu of the examination, shall hold  
18 a commission or a certificate of competency as an inspector  
19 of boilers and pressure vessels for a state that has a  
20 standard of examination substantially equal to that of the  
21 state of Missouri or a commission as an inspector of boilers  
22 and pressure vessels issued by the National Board of Boiler  
23 and Pressure Vessel Inspectors. A commission as a special  
24 inspector shall be issued to an inspector of a company  
25 operating pressure vessels in this state only if, in  
26 addition to meeting the requirements stated in this section,  
27 the inspector is employed full time by the company and is  
28 responsible for making inspections of pressure vessels used,  
29 or to be used, by the company, and which are not for resale.

30 2. The special inspectors shall receive no salary  
31 from, nor shall any of their expenses be paid by, the state,  
32 and the continuance of a special inspector's commission  
33 shall be conditioned upon his continuing in the employ of  
34 the boiler insurance company or upon continuing in the

35 employ of the company so operating pressure vessels in this  
36 state and upon his maintenance of the standards imposed by  
37 sections 650.200 to 650.290.

38 3. The special inspectors shall inspect all boilers  
39 and pressure vessels insured or all pressure vessels  
40 operated by their respective companies, and, when so  
41 inspected, the owners and users of the boilers and pressure  
42 vessels shall be exempt from the payment to the state of the  
43 inspection fees provided for in section 650.275.

650.250. 1. Examination for chief, deputy or special  
2 inspectors shall be in writing and shall be held by the  
3 [board, with at least two members of the board present at  
4 all times during the examination] **department**. The  
5 examination shall be confined to questions, the answers to  
6 which will aid in determining the fitness and competency of  
7 the applicant for the intended service. In case an  
8 applicant for an inspector's commission fails to pass the  
9 examination, he may appeal to the [board] **department** for  
10 another examination which shall be given by the [board]  
11 **department** within ninety days. The record of an applicant's  
12 examination shall be accessible to the applicant and his  
13 employer. An examination fee in accordance with the fee  
14 schedule adopted pursuant to the provisions of subsection 1  
15 of section 650.275, payable to the department [of public  
16 safety], shall accompany each application for examination.

17 2. A commission issued pursuant to this section shall  
18 be for a period of one year upon payment in accordance with  
19 the fee schedule adopted pursuant to the provisions of  
20 subsection 1 of section 650.275, and may be renewed annually  
21 upon payment in accordance with the fee schedule adopted  
22 pursuant to the provisions of subsection 1 of section  
23 650.275.

650.255. 1. An inspector's commission may be  
suspended by the director after due investigation and  
recommendation by the **[board] department**, for the  
incompetence or untrustworthiness of the holder thereof or  
for willful falsification of any matter or statement  
contained in his application or in a report of any  
inspection made by him. Written notice of any such  
suspension shall be given by the director within not more  
than ten days thereof to the inspector and his employer. A  
person whose commission has been suspended shall be entitled  
to an appeal to the **[board] department** as provided in  
section 650.285 and to be present in person or to be  
represented by counsel at the hearing of the appeal.

2. If the **[board] department** has reason to believe  
that a licensed inspector is no longer qualified to hold his  
commission, the **[board] department** shall, upon not less than  
ten days' written notice to the inspector and his employer,  
hold a hearing at which the inspector and his employer shall  
have an opportunity to be heard. If, as a result of the  
hearing, the **[board] department** finds that the inspector is  
no longer qualified to hold his commission, the **[board]**  
**department** shall recommend to the director that the  
commission shall be revoked and the director shall thereupon  
revoke the commission forthwith.

3. A person whose commission has been suspended shall  
be entitled to apply, after ninety days from the date of the  
suspension, for reinstatement of the commission.

4. If a commission is lost or destroyed, a new  
commission shall be issued in its place without another  
examination.

650.260. 1. The director, the chief inspector, or any  
special deputy inspector shall have free access, during

3 reasonable hours, to any premises in the state where a  
4 boiler or pressure vessel is being constructed, or is being  
5 installed, for the purpose of ascertaining whether the  
6 boiler or pressure vessel is being constructed and installed  
7 in accordance with the provisions of sections 650.200 to  
8 650.290.

9       2. Each boiler and pressure vessel used or proposed to  
10 be used within this state, except boilers or pressure  
11 vessels exempt under section 650.230, shall be thoroughly  
12 inspected as to their construction, installation and  
13 condition as follows:

14       (1) Power boilers and high pressure, high temperature  
15 water boilers shall receive a certificate inspection  
16 annually and shall also be externally inspected annually  
17 while under pressure if possible;

18       (2) Low pressure steam, hot water heating and hot  
19 water supply boilers shall receive a certificate of  
20 inspection biennially;

21       (3) Pressure vessels subject to internal corrosion  
22 shall receive a certificate inspection biennially;

23       (4) Pressure vessels not subject to internal corrosion  
24 shall receive a certificate inspection at intervals set by  
25 the **[board] department**, but internal inspection shall not be  
26 required of pressure vessels, the contents of which are  
27 known to be noncorrosive to the material of which the shell,  
28 heads or fittings are constructed, either from the chemical  
29 composition of the contents or from evidence that the  
30 contents are adequately treated with a corrosive inhibitor,  
31 provided that the vessels are constructed in accordance with  
32 the rules and regulations of the **[board] department**;

33       (5) Nuclear vessels within the scope of sections  
34 650.200 to 650.290 shall be inspected and reported in such

35 form and with such appropriate information as the [board]  
36 **department** shall designate;

37 (6) A grace period of two months beyond the periods  
38 specified in subdivisions (1), (2), (3) and (4) of this  
39 subsection may elapse between certificate inspections;

40 (7) The [board] **department** may, in its discretion,  
41 permit longer periods between certificate inspections;

42 (8) Under the provisions of sections 650.200 to  
43 650.290, the [board] **department** is responsible to provide  
44 for the safety of life, limb and property and therefore has  
45 jurisdiction over the interpretation and application of the  
46 inspection requirements as provided for in the rules and  
47 regulations which it has promulgated. Inspection during  
48 construction and installation shall certify as to the  
49 minimum requirements for safety as defined in the  
50 construction codes. Inspection requirements of operating  
51 equipment shall be in accordance with generally accepted  
52 practice and compatible with the actual service conditions,  
53 such as:

54 (a) Previous experience, based on records of  
55 inspection, performance and maintenance;

56 (b) Location, with respect to personnel hazard;

57 (c) Quality of inspection and operating personnel;

58 (d) Provision for related safe operation controls;

59 (e) Interrelation with other operations outside the  
60 scope of sections 650.200 to 650.290.

61 3. The inspections required in this section shall be  
62 made by the chief inspector, by a deputy inspector, or by a  
63 special inspector provided for in sections 650.200 to  
64 650.290.

65 4. If at any time a test is deemed necessary for a  
66 stated cause by an inspector, it shall be made by the owner

67 or user of the boiler or pressure vessel in the presence of  
68 and under the supervision of the inspector. A fee in  
69 accordance with the fee schedule adopted pursuant to the  
70 provisions of subsection 1 of section 650.275, shall be  
71 charged for such supervision.

72 5. All boilers except cast iron sectional boilers, and  
73 pressure vessels to be installed in the state after the  
74 twelve-month period from the date upon which the rules and  
75 regulations of the **[board] department** become effective shall  
76 be inspected during construction as required by the  
77 applicable rules and regulations of the **[board] department**  
78 by an inspector authorized to inspect boilers and pressure  
79 vessels in this state, or, if constructed outside of the  
80 state, by an inspector holding a commission issued by the  
81 National Board of Boiler and Pressure Vessel Inspectors.

650.265. 1. Each company employing special  
2 inspectors, except a company operating pressure vessels  
3 covered by owner or user inspection service meeting the  
4 requirements of subsection 1 of section 650.245, shall,  
5 within thirty days following each certificate inspection  
6 made by the inspectors, file a report of the inspection with  
7 the chief inspector upon appropriate forms as promulgated by  
8 the National Board of Boiler and Pressure Vessel  
9 Inspectors. The filing of reports of external inspections  
10 shall not be required except when the inspections disclose  
11 that the boiler or pressure vessel is in a dangerous  
12 condition. If the report filed pursuant to this subsection  
13 indicates that the boiler or pressure vessel is found to  
14 comply with the applicable rules and regulations, the owner  
15 or user shall pay a fee in accordance with the fee schedule  
16 adopted pursuant to the provisions of subsection 1 of  
17 section 650.275, and an inspection certificate shall be

18 issued indicating the date of the inspection and the maximum  
19 pressure under which the boiler or pressure vessel may be  
20 operated.

21       2. Each company operating pressure vessels covered by  
22 owner or user inspection service meeting the requirements of  
23 subsection 1 of section 650.245 shall maintain in its files  
24 an inspection record which shall list, by number and such  
25 abbreviated description as may be necessary for  
26 identification, each pressure vessel covered by sections  
27 650.200 to 650.290, the date of the last inspection of each  
28 such unit, and for each pressure vessel the approximate date  
29 for the next inspection thereof arrived at by applying the  
30 appropriate rules therefor to all data available at the time  
31 the inspection record is compiled. The inspection record  
32 shall be readily available for examination by the chief  
33 inspector or his authorized representative during business  
34 hours. Each such company shall, in addition, file annually  
35 with the chief inspector a statement, signed by the engineer  
36 having supervision over the inspections made during the  
37 period covered thereby, stating the number of vessels  
38 covered by sections 650.200 to 650.290 inspected during the  
39 year and certifying that each inspection was conducted  
40 pursuant to the inspection standards provided for by  
41 sections 650.200 to 650.290. The annual statement shall be  
42 accompanied by a filing fee in accordance with the fee  
43 schedule adopted pursuant to the provisions of subsection 1  
44 of section 650.275.

45       3. No inspection certificate issued for an insured  
46 boiler or pressure vessel based upon a report of a special  
47 inspector shall be valid after the boiler or pressure vessel  
48 for which it was issued shall cease to be insured by a



49 company duly authorized by this state to provide the  
50 insurance.

51 4. The director or his authorized representative may  
52 at any time suspend an inspection certificate when, in his  
53 opinion, the boiler or pressure vessel for which it was  
54 issued cannot be operated without menace to the public  
55 safety, or when the boiler or pressure vessel is found not  
56 to comply with the rules and regulations formulated by the  
57 **[board] department**. Each suspension of an inspection  
58 certificate shall continue in effect until the boiler or  
59 pressure vessel has been made to conform to the rules and  
60 regulations of the **[board] department**, and until the  
61 inspection certificate has been reinstated.

650.275. 1. The **[board] department**, in consultation  
2 with the director, shall set the amount of the fees  
3 authorized by the provisions of sections 650.200 to 650.290,  
4 by rule or regulation promulgated in accordance with the  
5 provisions of section 536.021. The fees shall be set at a  
6 level which reflects the average fees from at least seventy-  
7 five percent of states which regulate boilers and pressure  
8 vessels. Additional surveys, when required, shall not be  
9 performed prior to the biennial anniversary of the last  
10 survey.

11 2. The owner or user of a boiler or pressure vessel  
12 required by sections 650.200 to 650.290 to be inspected by  
13 the chief inspector, or his deputy inspector, shall pay a  
14 fee in accordance with the fee schedule adopted pursuant to  
15 the provisions of subsection 1 of this section when invoiced  
16 by the chief inspector.

17 3. The chief inspector shall transfer all fees so  
18 received to the director.

650.277. 1. As otherwise provided by sections 650.200  
to 650.295, the [boiler and pressure vessel board]  
**department** shall set fees for inspection, permits, licenses,  
and certificates required by sections 650.200 to 650.295.  
Fees shall be determined by the [board] **department** to  
provide sufficient funds for the operation of the [board]  
**department** and shall be set by rule or regulation  
promulgated in accordance with the provisions of section  
536.021. The [board] **department** may alter the fee schedule  
once every two years. Any funds collected pursuant to  
sections 650.200 to 650.295 shall be deposited in the  
"Boiler and Pressure Vessels Safety Fund", which is hereby  
created. Beginning July 1, 2003, moneys in the fund shall  
be appropriated from the fund for the expenses of the  
[board] **department**. A municipality or other political  
subdivision enforcing the provisions of sections 650.200 to  
650.295 and which performs the inspections, permitting,  
licensing, and certification as required, the fee for such  
inspection shall be paid directly to the municipality or  
political subdivision and shall not be preempted by sections  
650.200 to 650.295, except that any fee established by the  
[board] **department** for the issuance of appropriate state  
certificates shall be paid to the [board] **department**.

2. 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 or under the authority  
of sections 650.210 to 650.275 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

33 and annul a rule are subsequently held unconstitutional,  
34 then the grant of rulemaking authority and any rule proposed  
35 or adopted after August 28, 2002, shall be invalid and void.

650.285. Any person aggrieved by an order or act of  
2 the director or the chief inspector under sections 650.200  
3 to 650.290 may, within fifteen days' notice thereof, appeal  
4 from the order or act to the [board] department which shall,  
5 within thirty days thereafter, issue an appropriate order  
6 either approving or disapproving the order or act. A copy  
7 of the order by the [board] department shall be given to all  
8 interested parties. Within thirty days after any order or  
9 act of the [board] department any person aggrieved by a  
10 final order of the [board] department shall be entitled to a  
11 judicial review thereof as provided in sections 536.100 to  
12 536.140.

[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

life sciences research committee created by Executive Order 01-10 issued by the governor on July 23, 2001, shall not disqualify a person from serving as a member, either contemporaneously or later, on the life sciences research board;

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

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

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

[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

(e) Other similar racial minority groups.]

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

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

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

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

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

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

(6) Ten individuals appointed by the governor with the advice and consent of the senate who are currently working in the field of minority elderly health, psychological or social problems who have demonstrated expertise in one or more of the following areas: treatment of cardiovascular, cancer and diabetic conditions;

35 nutrition; community-based health services;  
36 legal services; elderly consumer advocacy;  
37 gerontology or geriatrics; social work and other  
38 related services including housing. At least  
39 two of the individuals appointed by the governor  
40 shall be minority older individuals. The  
41 members appointed by the governor shall be  
42 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  
minority older Missourians with particular

17 attention to low-income minority older  
18 individuals;

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

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

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

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

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

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

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

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

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

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

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

55 (3) Conduct an outreach program that  
56 provides information to minority older  
57 Missourians about health, psychological and  
58 social problems experienced by minority older  
59 individuals and available programs to address

60 those problems, as identified in the report  
61 prepared pursuant to this section.]

[208.850. Title.

2 Sections 208.850 to 208.871 shall be known  
3 as and may be cited as "The Quality Home Care  
4 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.



(6) Personal care attendants generally receive low wages, minimal or no benefits, little if any training, and have no meaningful input into their terms and conditions of employment and no meaningful means of making suggestions for improvements in the consumer 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

6 the quality of home care services by recruiting,  
7 training and stabilizing the personal care  
8 attendant workforce. Expenses of the council in  
9 carrying out its powers and duties shall be paid  
10 from any appropriations for that purpose by the  
11 general assembly. The council shall be assigned  
12 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

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, 2008, shall be invalid and void;

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

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

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

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

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

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

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

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

4           2. Vendors shall continue to perform the  
5 functions provided in sections 208.900 to  
6 208.930. In addition to having a philosophy  
7 that promotes the consumer's ability to live  
8 independently in the most integrated setting or  
9 the maximum community inclusion of persons with  
10 physical disabilities, as required by subsection  
11 1 of section 208.918, vendors shall provide to  
12 consumers advocacy, independent living skills  
13 training, peer counseling, and information and  
14 referral services, as those terms are used in  
15 subsection 3 of section 178.656.

16           3. The council shall be a public body as  
17 that term is defined in section 105.500, and  
18 personal care attendants shall be employees of  
19 the council solely for purposes of sections  
20 105.500 to 105.598.

21           4. The sole bargaining unit of personal  
22 care attendants, as that term is defined in  
23 section 105.500, shall be a statewide unit.  
24 Personal care attendants who are related to or  
25 members of the family of the consumer to whom  
26 they provide services shall not for that reason  
27 be excluded from the unit. The state board of  
28 mediation shall conduct an election, by mail  
29 ballot, to determine whether an organization  
30 shall be designated the exclusive bargaining  
31 representative as defined in section 105.500 for  
32 the statewide unit of personal care attendants  
33 under section 105.525 upon a showing that ten  
34 percent of the personal care attendants in said  
35 unit want to be represented by a  
36 representative. The Missouri office of  
37 administration shall represent the council in  
38 any collective bargaining with a representative  
39 of personal care attendants. Upon completion of  
40 bargaining, any agreements shall be reduced to  
41 writing and presented to the council for  
42 adoption, modification or rejection.

43           5. The state of Missouri and all vendors  
44 shall cooperate in the implementation of any  
45 agreements reached by the council and any  
46 representative of personal care attendants,  
47 including making any payroll deductions

48 authorized by the agreements which can lawfully  
49 be made pursuant to agreements entered into  
50 under sections 105.500 to 105.598 as currently  
51 construed by the Missouri appellate courts.

52 6. Personal care attendants shall not have  
53 the right to strike and breach of this  
54 prohibition will result in disqualification from  
55 participation in the consumer directed services  
56 program.

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

60 8. (1) The provisions of sections 105.500  
61 to 105.598 shall apply to all personal care  
62 attendants, organizations elected as the  
63 exclusive bargaining representative of the  
64 bargaining unit of personal care attendants  
65 under this section, and all officers and  
66 employees of such organizations. For purposes  
67 of this subsection, organizations elected as the  
68 exclusive bargaining representative of a  
69 bargaining unit under this section shall be  
70 considered a labor organization, as that term is  
71 defined in section 105.500.

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

[208.865. Definitions.

2 As used in sections 208.850 to 208.871:

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

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



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

11           (4) "Personal care attendant" means a  
12 person, other than a consumer's spouse,  
13 providing consumer-directed personal care  
14 assistance services as defined in subdivisions  
15 (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;

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

(14) Adopt and use an official seal;

(15) Assess or charge fees as the board determines to be reasonable to carry out its 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

8 vulnerability of the state and critical  
9 infrastructure with regard to cyber attacks of  
10 any nature from within or outside the United  
11 States and advising the governor on such  
12 matters. The commission shall consist of the  
13 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.]

2           [650.210. 1. There is hereby created  
3 within the department of public safety a "Board  
of Boiler and Pressure Vessel Rules", which

4 shall hereafter be referred to as the board,  
5 consisting of seven members who shall be  
6 appointed by the governor with the advice and  
7 consent of the senate, one for a term of one  
8 year, two for a term of two years, two for a  
9 term of three years, and two for a term of four  
10 years. At the expiration of their respective  
11 terms of office, they, or their successors  
12 identifiable with the same interest respectively  
13 as hereinafter provided, shall be appointed for  
14 terms of four years each. The governor may at  
15 any time remove any member of the board for  
16 inefficiency or neglect of duty in office. Upon  
17 the death or incapacity of any member, the  
18 governor shall fill the vacancy for the  
19 remainder of the vacated term with a  
20 representative of the same interests with which  
21 his predecessor was identified. Of these seven  
22 appointed members, one shall be a representative  
23 of owners and users of high pressure boilers and  
24 pressure vessels in manufacturing, processing,  
25 or utilities, one shall be a representative of  
26 owners and users of low pressure boilers and  
27 pressure vessels in commercial buildings,  
28 multiple-unit housing, or hotels, one shall be a  
29 representative of the boiler manufacturers  
30 within this state, one shall be a representative  
31 of a boiler insurance company licensed to do  
32 business in this state, one shall be a  
33 mechanical engineer on the faculty of a  
34 recognized engineering college in this state or  
35 a licensed professional engineer having  
36 equivalent experience, one shall be a  
37 representative of the boilermakers, and one  
38 shall be a representative of the practical steam  
39 operating engineers. The board shall elect one  
40 of its members to serve as chairman. The board  
41 shall meet at least four times each year at  
42 Jefferson City, or other place designated by the  
43 chairman.

44 2. The members of the board shall serve  
45 without salary and shall receive their actual  
46 traveling and hotel expenses, incurred while in  
47 the performance of their duties as members of



48 the board, to be paid in the same manner as in  
49 the case of other state officers.]

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