

FIRST REGULAR SESSION

# HOUSE BILL NO. 633

## 92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES ABEL, RANSDALL AND SEIGFREID (Co-sponsors).

Read 1<sup>st</sup> time March 10, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

2029L.011

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### AN ACT

To repeal sections 33.752, 207.060, 302.137, 650.005, and 660.010, RSMo, and to enact in lieu thereof five new sections relating to the reorganization of executive branch departments.

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

Section A. Sections 33.752, 207.060, 302.137, 650.005, and 660.010, RSMo, are  
2 repealed and five new sections enacted in lieu thereof, to be known as sections 33.752, 207.060,  
3 302.137, 650.005, and 660.010, to read as follows:

33.752. 1. There is hereby established the "Missouri Minority Business Advocacy  
2 Commission". The commission shall consist of nine members:

3 (1) The director of the department of economic development;

4 (2) The commissioner of the office of administration;

5 (3) Three minority business persons, appointed by the governor, one of whom shall be  
6 designated chairman of the commission;

7 (4) Two members of the house of representatives appointed by the speaker of the house  
8 of representatives;

9 (5) Two members of the senate appointed by the president pro tempore of the senate.

10 No more than two of the three members appointed by the governor may be of the same political  
11 party. Appointed members of the commission shall serve four-year terms, except that of the  
12 initial appointments made by the governor, one shall be for a two-year term, one shall be for a  
13 three-year term and one shall be for a four-year term. A vacancy occurs if a legislative member  
14 leaves office for any reason. Any vacancy on the commission shall be filled in the same manner  
15 as the original appointment.

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is proposed language.**

16           2. The department of economic development and the office of administration shall  
17 develop a plan to increase procurements from minority businesses by all state departments and  
18 submit that plan to the governor by July, 1994.

19           3. Each member appointed by the governor shall receive as compensation a per diem of  
20 up to thirty-five dollars for each day devoted to the affairs of the commission and be reimbursed  
21 for his actual and necessary expenses incurred in the discharge of his official duties.

22           4. Each legislative member of the commission is entitled to receive the same per diem,  
23 mileage, and travel allowances paid to members of the general assembly serving on interim  
24 committees. The allowances specified in this subsection shall be paid from the amounts  
25 appropriated for that purpose.

26           5. The commission shall meet at least three times each year and at other times as the  
27 chairman deems necessary.

28           6. The duties of the commission shall include, but not be limited to, the following:

29           (1) Identify minority businesses in the state;

30           (2) Assess the needs of minority businesses;

31           (3) Initiate aggressive programs to assist minority businesses in obtaining state contracts  
32 and federal agency procurements;

33           (4) Give special publicity to procurement, bidding, and qualifying procedures;

34           (5) Include minority businesses on solicitation mailing lists;

35           (6) Make recommendations regarding policies, programs and procedures to be  
36 implemented by the commissioner of the office of administration;

37           (7) Prepare and maintain timely data on minority business qualified to bid on state and  
38 federal procurement projects;

39           (8) Prepare a review of the commission and the various affected departments of  
40 government to be submitted to the governor and the general assembly on March first and October  
41 first of each year, evaluating progress made in the areas defined in this subsection;

42           (9) Provide a focal point and assist and counsel minority small businesses in their  
43 dealings with federal, state and local governments regarding the obtaining of business licenses  
44 and permits, including, but not limited to, providing ready access to information regarding  
45 government requirements which affect minority small business;

46           (10) Analyze current legislation and regulation as it affects minority business for the  
47 purpose of determining methods of elimination or simplification of unnecessary regulatory  
48 requirements;

49           (11) Assist minority businesses in obtaining available technical and financial assistance;

50           (12) Initiate and encourage minority business education programs, including programs  
51 in cooperation with various public and private educational institutions;

52 (13) Receive complaints and recommendations concerning policies and activities of  
53 federal, state and local governmental agencies which affect minority small businesses, and  
54 develop, in cooperation with the agency involved, proposals for changes in policies or activities  
55 to alleviate any unnecessary adverse effects to minority small business.

56 7. The [department of economic development] **office of administration** shall furnish  
57 administrative support and staff for the effective operation of the commission.

207.060. 1. The director of **the division of family [services shall] support may**  
2 establish a county office in every county, which may be in the charge of a county welfare director  
3 who shall have been a resident of the state of Missouri for a period of at least two years  
4 immediately prior to taking office and whose salary shall be paid from funds appropriated for the  
5 division of family services.

6 2. For the purpose of establishing and maintaining county offices, or carrying out any  
7 of the duties of the division of family [services] **support**, the director of **the division of family**  
8 **[services] support** may enter into agreements with any political subdivision of this state, and as  
9 a part of such agreement, may accept moneys, services, or quarters as a contribution toward the  
10 support and maintenance of such county offices. Any funds so received shall be payable to the  
11 director of revenue and deposited in the proper special account in the state treasury, and become  
12 and be a part of state funds appropriated for the use of the division of family [services] **support**.

13 3. Other employees in the county offices shall be employed with due regard to the  
14 population of the county, existing conditions and purpose to be accomplished. Such employees  
15 shall be paid as are other employees of the division of family [services] **support**.

302.137. 1. There is hereby created in the state treasury for use by the [department of  
2 public safety] **state highways and transportation commission** a fund to be known as the  
3 "Motorcycle Safety Trust Fund". All judgments collected pursuant to this section, appropriations  
4 of the general assembly, federal grants, private donations and any other moneys designated for  
5 the motorcycle safety education program established pursuant to sections 302.133 to 302.138  
6 shall be deposited in the fund. Moneys deposited in the fund shall, upon appropriation by the  
7 general assembly to the [department of public safety], be received and expended by the  
8 [department of public safety] **state highways and transportation commission** for the purpose  
9 of funding the motorcycle safety education program established under sections 302.133 to  
10 302.138. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any  
11 unexpended balance in the motorcycle safety trust fund at the end of any biennium shall not be  
12 transferred to the general revenue fund.

13 2. In all criminal cases, including violations of any county ordinance or any violation of  
14 criminal or traffic laws of this state, including an infraction, there shall be assessed as costs a  
15 surcharge in the amount of one dollar. No such surcharge shall be collected in any proceeding

16 involving a violation of an ordinance or state law when the proceeding or defendant has been  
17 dismissed by the court or when costs are to be paid by the state, county or municipality.

18 3. Such surcharge shall be collected and distributed by the clerk of the court as provided  
19 in sections 488.010 to 488.020, RSMo. The surcharge collected pursuant to this section shall  
20 be paid to the state treasury to the credit of the motorcycle safety trust fund established in this  
21 section.

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

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

19 3. All the powers, duties and functions of the supervisor of liquor control, chapters 311  
20 and 312, RSMo, and others, are transferred by type II transfer to the department of public safety.  
21 The supervisor shall be nominated by the department director and appointed by the governor  
22 with the advice and consent of the senate. The supervisor shall appoint such agents, assistants,  
23 deputies and inspectors as limited by appropriations. All employees shall have the qualifications  
24 provided by law and may be removed by the supervisor or director of the department as provided  
25 in section 311.670, RSMo.

26 4. [The director of public safety, superintendent of the highway patrol and transportation  
27 division of the department of economic development are to examine the motor carrier inspection  
28 laws and practices in Missouri to determine how best to enforce the laws with a minimum of  
29 duplication, harassment of carriers and to improve the effectiveness of supervision of weight and  
30 safety requirements and to report to the governor and general assembly by January 1, 1975, on

31 their findings and on any actions taken.

32 5.] The **functions of the** Missouri division of highway safety [is], **including**  
33 **administration of the motorcycle safety trust fund, are** transferred by type I transfer [to] **from**  
34 the department of public safety **to the state highways and transportation commission.** The  
35 division shall be in charge of a director who shall be appointed by the director of the department  
36 **of transportation.**

37 [6.] 5. All the powers, duties and functions of the safety and fire prevention bureau of  
38 the department of public health and welfare are transferred by type I transfer to the director of  
39 public safety.

40 [7.] 6. All the powers, duties and functions of the state fire marshal, chapter 320, RSMo,  
41 and others, are transferred to the department of public safety by a type I transfer.

42 [8.] 7. All the powers, duties and functions of the law enforcement assistance council  
43 administering federal grants, planning and the like relating to Public Laws 90-351, 90-445 and  
44 related acts of Congress are transferred by type I transfer to the director of public safety. The  
45 director of public safety shall appoint such advisory bodies as are required by federal laws or  
46 regulations. The council is abolished.

47 [9.] 8. The director of public safety shall promulgate motor vehicle regulations and be  
48 ex officio a member of the safety compact commission in place of the director of revenue and  
49 all powers, duties and functions relating to chapter 307, RSMo, are transferred by type I transfer  
50 to the director of public safety.

51 [10.] 9. The office of adjutant general and the state militia are assigned to the department  
52 of public safety; provided, however, nothing herein shall be construed to interfere with the  
53 powers and duties of the governor as provided in article IV, section 6 of the Constitution of the  
54 state of Missouri or chapter 41, RSMo.

55 [11.] 10. All the powers, duties and functions of the Missouri boat commission, chapter  
56 306, RSMo, and others, are transferred by type I transfer to the "Missouri State Water Patrol",  
57 which is hereby created, in the department of public safety. The Missouri boat commission and  
58 the office of secretary to the commission are abolished. The Missouri state water patrol shall be  
59 headed by a boat commissioner who shall be appointed by the governor, with the advice and  
60 consent of the senate. All deputy boat commissioners and all other employees of the commission  
61 who were employed on February 1, 1974, shall be transferred to the water patrol and they shall  
62 be immediately covered by the provisions of chapter 36, RSMo, without further qualification.  
63 All deputy boat commissioners and others employed by the water patrol after May 2, 1974, shall  
64 be selected and removed pursuant to the provisions of chapter 36, RSMo.

65 [12.] 11. The division of veterans affairs, chapter 42, RSMo, is assigned to the office of  
66 adjutant general. The adjutant general, with the advice of the veterans' board, shall appoint the

67 director of the division of veterans affairs who shall serve at the pleasure of the adjutant general.

68 [13.] 12. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,  
69 that is promulgated under the authority of this chapter, shall become effective only if the agency  
70 has fully complied with all of the requirements of chapter 536, RSMo, including but not limited  
71 to, section 536.028, RSMo, if applicable, after August 28, 1999. If the provisions of section  
72 536.028, RSMo, apply, the provisions of this section are nonseverable and if any of the powers  
73 vested with the general assembly pursuant to section 536.028, RSMo, to review, to delay the  
74 effective date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or  
75 invalid, the purported grant of rulemaking authority and any rule so proposed and contained in  
76 the order of rulemaking shall be invalid and void, except that nothing in this section shall affect  
77 the validity of any rule adopted and promulgated prior to August 28, 1999.

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

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

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

26 of social services] **There is hereby established within the department of social services, the**  
27 **"Division of Family Support" which shall be responsible for those functions previously**  
28 **assigned to the division of child support enforcement not otherwise transferred in this**  
29 **section, and the public assistance functions of the division of family services not otherwise**  
30 **transferred in this section, including rehabilitation services for the blind. All authority,**  
31 **powers, duties, functions, records, personnel, property, contracts, budgets, matters**  
32 **pending, and other pertinent vestiges of the division of child support enforcement not**  
33 **otherwise transferred in this section, are hereby transferred by type I transfer, as defined**  
34 **in the omnibus state reorganization act of 1974, to the division of family support.**

35 **4. There is hereby established within the department of social services, the**  
36 **"Division of Children" which shall be responsible for matters relating to the welfare of**  
37 **children, including child protection, early childhood, and child care assistance. All**  
38 **authority, powers, duties, functions, records, personnel, property, contracts, budgets,**  
39 **matters pending, and other pertinent vestiges of the division of family services related to**  
40 **welfare of children, including child protection, early childhood, and child care assistance,**  
41 **are hereby transferred by type I transfer, as defined in the omnibus state reorganization**  
42 **act of 1974, to the division of children.**

43 **5. Notwithstanding any provision of law to contrary, the assessment of skills, prior**  
44 **work experience, and employability of each recipient of temporary assistance for needy**  
45 **families benefits, along with job training responsibilities, of the division of family services**  
46 **are hereby transferred to the division of workforce development within the department of**  
47 **economic development by type I transfer, as defined in the omnibus state reorganization**  
48 **act of 1974. All authority, powers, duties, functions, records, personnel, property,**  
49 **contracts, budgets, matters pending, and other pertinent vestiges of the division of family**  
50 **services related to work-readiness are transferred to the department of economic**  
51 **development.**

52 [4.] **6. All the powers, duties and functions of the board of nursing home administrators,**  
53 **chapter 344, RSMo, are transferred by type I transfer to the department of social services. The**  
54 **public members of the board shall be appointed by the director of the department.**

55 [5.] **7. The state's responsibility under public law 452 of the eighty-eighth Congress and**  
56 **others, pertaining to the Office of Economic Opportunity, is transferred by type I transfer to the**  
57 **department of social services.**

58 [6.] **8. The state's responsibility under public law 73, Older Americans Act of 1965, of**  
59 **the eighty-ninth Congress is transferred by type I transfer to the department of social services.**

60 [7.] **9. All the powers, duties and functions vested by law in the curators of the**  
61 **University of Missouri relating to crippled children's services, chapter 201, RSMo, are**

62 transferred by type I transfer to the department of social services.

63 [8.] 10. All the powers, duties and functions vested in the state board of training schools,  
64 chapter 219, RSMo, and others, are transferred by type I transfer to the "Division of Youth  
65 Services" hereby authorized in the department of social services headed by a director appointed  
66 by the director of the department. The state board of training schools shall be reconstituted as  
67 an advisory board on youth services, appointed by the director of the department. The advisory  
68 board shall visit each facility of the division as often as possible, shall file a written report with  
69 the director of the department and the governor on conditions they observed relating to the care  
70 and rehabilitative efforts in behalf of children assigned to the facility, the security of the facility  
71 and any other matters pertinent in their judgment. Copies of these reports shall be filed with the  
72 legislative library. Members of the advisory board shall receive reimbursement for their  
73 expenses and twenty-five dollars a day for each day they engage in official business relating to  
74 their duties. The members of the board shall be provided with identification means by the  
75 director of the division permitting immediate access to all facilities enabling them to make  
76 unannounced entrance to facilities they wish to inspect.