

SECOND REGULAR SESSION

# HOUSE BILL NO. 1660

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BEHNEN.

Read 1st time February 2, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

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### AN ACT

To repeal sections 41.950, 383.130, and 620.010, RSMo, and to enact in lieu thereof three new sections relating to licensing and registration of certain professionals.

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

Section A. Sections 41.950, 383.130, and 620.010, RSMo, are repealed and three new  
2 sections enacted in lieu thereof, to be known as sections 41.950, 383.130, and 620.010, to read  
3 as follows:

41.950. 1. Any resident of this state who is a member of the national guard or of any  
2 reserve component of the armed forces of the United States or who is a member of the United  
3 States Army, the United States Navy, the United States Air Force, the United States Marine  
4 Corps, the United States Coast Guard or an officer of the United States Public Health Service  
5 detailed by proper authority for duty with any branch of the United States armed forces described  
6 in this section and who is engaged in the performance of active duty in the military service of the  
7 United States in a military conflict in which reserve components have been called to active duty  
8 under the authority of 10 U.S.C. 672(d) or 10 U.S.C. 673b or any such subsequent call or order  
9 by the President or Congress for any period of thirty days or more shall be relieved from certain  
10 provisions of state law, as follows:

11 (1) No person performing such military service who owns a motor vehicle shall be  
12 required to maintain financial responsibility on such motor vehicle as required under section  
13 303.025, RSMo, until such time as that person completes such military service, unless any

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

14 person shall be operating such motor vehicle while the vehicle owner is performing such military  
15 service;

16 (2) No person failing to renew his driver's license while performing such military service  
17 shall be required to take a complete examination as required under section 302.173, RSMo, when  
18 renewing his license within sixty days after completing such military service;

19 (3) Any motor vehicle registration required under chapter 301, RSMo, that expires for  
20 any person performing such military service may be renewed by such person within sixty days  
21 of completing such military service without being required to pay a delinquent registration fee;  
22 however, such motor vehicle shall not be operated while the person is performing such military  
23 service unless the motor vehicle registration is renewed;

24 (4) Any person enrolled by the supreme court of Missouri or licensed, registered or  
25 certified under chapter 168, 256, 289, 317, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334,  
26 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 375, 640 or 644, RSMo, **and**  
27 **interpreters licensed under sections 209.319 to 209.339, RSMo**, whose license, registration  
28 or certification expires while performing such military service, may renew such license,  
29 registration or certification within sixty days of completing such military service without penalty;

30 (5) In the case of annual reports, franchise tax reports or other reports required to be filed  
31 with the office of secretary of state, where the filing of such report would be delayed because of  
32 a person performing such military service, such reports shall be filed without penalty within one  
33 hundred twenty days of the completion of such military service;

34 (6) No person performing such military service who is subject to a criminal summons  
35 for a traffic violation shall be subject to nonappearance sanctions for such violation until after  
36 one hundred eighty days after the completion of such military service;

37 (7) No person performing such military service who is required under state law to file  
38 financial disclosure reports shall be required to file such reports while performing such military  
39 service; however, such reports covering that period of time that such military service is  
40 performed shall be filed within one hundred eighty days after the completion of such military  
41 service;

42 (8) Any person with an indebtedness, liability or obligation for state income tax or  
43 property tax on personal or real property who is performing such military service or a spouse of  
44 such person filing a combined return or owning property jointly shall be granted an extension  
45 to file any papers or to pay any obligation until one hundred eighty days after the completion of  
46 such military service or continuous hospitalization as a result of such military service  
47 notwithstanding the provisions of section 143.991, RSMo, to the contrary and shall be allowed  
48 to pay such tax without penalty or interest if paid within the one-hundred-eighty-day period;

49 (9) Notwithstanding other provisions of the law to the contrary, for the purposes of this  
50 section, interest shall be allowed and paid on any overpayment of tax imposed by sections  
51 143.011 to 143.998, RSMo, at the rate of six percent per annum from the original due date of the  
52 return or the date the tax was paid, whichever is later;

53 (10) No state agency, board, commission or administrative tribunal shall take any  
54 administrative action against any person performing such military service for that person's failure  
55 to take any required action or meet any required obligation not already provided for in  
56 subdivisions (1) to (8) of this subsection until one hundred eighty days after the completion of  
57 such military service, except that any agency, board, commission or administrative tribunal  
58 affected by this subdivision may, in its discretion, extend the time required to take such action  
59 or meet such obligation beyond the one-hundred-eighty-day period;

60 (11) Any disciplinary or administrative action or proceeding before any state agency,  
61 board, commission or administrative tribunal where the person performing such military service  
62 is a necessary party, which occurs during such period of military service, shall be stayed by the  
63 administrative entity before which it is pending until sixty days after the end of such military  
64 service.

65 2. Upon completing such military service, the person shall provide the appropriate  
66 agency, board, commission or administrative tribunal an official order from the appropriate  
67 military authority as evidence of such military service.

68 3. The provisions of this section shall apply to any individual defined in subsection 1 of  
69 this section who performs such military service on or after August 2, 1990.

383.130. As used in sections 383.130, 383.133 and 383.500, the following terms shall  
2 mean:

3 (1) "Disciplinary action", any final action taken by the board of trustees or similarly  
4 empowered officials of a hospital or ambulatory surgical center to reprimand, discipline or  
5 restrict the practice of a health care professional. If the health care professional is a physician  
6 or surgeon, only such reprimands, discipline, or restrictions in response to activities which are  
7 also grounds for disciplinary actions pursuant to section 334.100, RSMo, shall be considered  
8 disciplinary actions for the purposes of this definition. If the health care professional is a dentist,  
9 only such reprimands, discipline, or restrictions in response to activities which are also grounds  
10 for disciplinary actions pursuant to section 332.321, RSMo, shall be considered disciplinary  
11 actions for the purposes of this definition;

12 (2) "Health care professional", a physician or surgeon licensed under the provisions of  
13 chapter 334, RSMo, a dentist **or dental hygienists** licensed under the provisions of chapter 332,  
14 RSMo, [or] a podiatrist licensed under the provisions of chapter 330, RSMo, [or] a pharmacist  
15 licensed under the provisions of chapter 338, RSMo, a psychologist licensed under the provisions

16 of chapter 337, RSMo, [or] a nurse licensed under the provisions of chapter 335, RSMo, **an**  
17 **acupuncturist licensed under chapter 324, RSMo, an anesthesiologist licensed under**  
18 **chapter 324, RSMo, a chiropractor licensed under chapter 331, RSMo, a clinical**  
19 **perfusionist licensed under chapter 324, RSMo, a dietitian licensed under chapter 324,**  
20 **RSMo, hearing instrument specialists licensed under chapter 346, RSMo, an interpreter**  
21 **licensed under sections 209.319 to 209.339, RSMo, a marital and family therapist licensed**  
22 **under chapter 324, RSMo, a massage therapist licensed under chapter 324, RSMo,**  
23 **occupational therapists or occupational therapy assistant licensed under chapter 324,**  
24 **RSMo, an optometrist licensed under chapter 336, RSMo, physical therapists and physical**  
25 **therapist assistants licensed under chapter 334, RSMo, a physician assistant licensed under**  
26 **chapter 334, RSMo, a professional counselor licensed under chapter 337, RSMo,**  
27 **respiratory therapists licensed under chapter 334, RSMo, a social worker licensed under**  
28 **chapter 337, and speech-language pathologists licensed under chapter 345, RSMo, while**  
29 acting within their scope of practice;

30 (3) "Hospital", a place devoted primarily to the maintenance and operation of facilities  
31 for the diagnosis, treatment or care for not less than twenty-four hours in any week of three or  
32 more nonrelated individuals suffering from illness, disease, injury, deformity or other abnormal  
33 physical conditions; or a place devoted primarily to provide for not less than twenty-four hours  
34 in any week medical or nursing care for three or more nonrelated individuals. The term  
35 "hospital" does not include convalescent, nursing, shelter or boarding homes as defined in  
36 chapter 198, RSMo;

37 (4) "Licensing authority", the appropriate board or authority which is responsible for the  
38 licensing or regulation of the health care professional.

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

6 2. The office of director of the department of business and administration, chapter 35,  
7 RSMo, and others, is abolished and all powers, duties, personnel and property of that office, not  
8 previously reassigned by executive reorganization plan no. 1 of 1973 as submitted by the  
9 governor pursuant to chapter 26, RSMo, are transferred by type I transfer to the director of the  
10 department of economic development. The department of business and administration is hereby  
11 abolished.

12 3. The duties and responsibilities relating to subsection 2 of section 35.010, RSMo, are  
13 transferred by type I transfer to the personnel division, office of administration.

14           4. The powers, duties and functions vested in the public service commission, chapters  
15 386, 387, 388, 389, 390, 392, and 393, RSMo, and others, and the administrative hearing  
16 commission, sections 621.015 to 621.198, RSMo, and others, are transferred by type III transfers,  
17 and the state banking board, chapter 361, RSMo, and others, and the savings and loan  
18 commission, chapter 369, RSMo, and others, are transferred by type II transfers to the  
19 department of economic development. The director of the department is directed to provide and  
20 coordinate staff and equipment services to these agencies in the interest of facilitating the work  
21 of the bodies and achieving optimum efficiency in staff services common to all the bodies.  
22 Nothing in the Reorganization Act of 1974 shall prevent the chairman of the public service  
23 commission from presenting additional budget requests or from explaining or clarifying its  
24 budget requests to the governor or general assembly.

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

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

31           7. There is hereby created a "Division of Credit Unions" in the department of economic  
32 development, to be headed by a director, nominated by the department director and appointed  
33 by the governor with the advice and consent of the senate. All the powers, duties and functions  
34 vested in the state supervisor of credit unions in chapter 370, RSMo, and the powers and duties  
35 relating to credit unions vested in the commissioner of finance in chapter 370, RSMo, are  
36 transferred to the division of credit unions of the department of economic development, by a type  
37 II transfer, and the office of the state supervisor of credit unions is abolished. The salary of the  
38 director of the division of credit unions shall be set by the director of the department within the  
39 limits of the appropriations therefor. The director of the division shall assume all the duties and  
40 functions of the state supervisor of credit unions and the commissioner of finance only where the  
41 director has duties and responsibilities relating to credit unions as set out in chapter 370, RSMo.

42           8. The powers, duties and functions vested in the division of finance, chapters 361, 362,  
43 364, 365, 367, and 408, RSMo, and others, are transferred by type II transfer to the department  
44 of economic development. There shall be a director of the division who shall be nominated by  
45 the department director and appointed by the governor with the advice and consent of the senate.

46           9. All the powers, duties and functions vested in the director of the division of savings  
47 and loan supervision in chapter 369, RSMo, sections 443.700 to 443.712, RSMo, or by any other  
48 provision of law are transferred to the division of finance of the department of economic  
49 development by a type I transfer. The position of the director of the division of savings and loan

50 supervision is hereby abolished. The director of the division of finance shall assume all the  
51 duties and functions of the director of the division of savings and loan supervision as provided  
52 in chapter 369, RSMo, sections 443.700 to 443.712, RSMo, and by any other provision of law.  
53 The division of savings and loan is hereby abolished. The powers of the savings and loan  
54 commission are hereby limited to hearing appeals from decisions of the director of the division  
55 of finance approving or denying applications to incorporate savings and loan associations or to  
56 establish branches of savings and loan associations and approving regulations pertaining to  
57 savings and loan associations. Any appeals shall be held in accordance with section 369.319,  
58 RSMo.

59       10. On and after August 28, 1990, the status of the division is modified under a specific  
60 type transfer pursuant to section 1 of the Omnibus Reorganization Act of 1974. The status of  
61 the division is modified from that of a division transferred to the department of economic  
62 development pursuant to a type II transfer, as provided for in this section, to that of an agency  
63 possessing the characteristics of a division transferred pursuant to a type III transfer; provided,  
64 however, that the division will remain within the department of economic development. The  
65 division of insurance shall be assigned to the department of economic development as a type III  
66 division, and the director of the department of economic development shall have no supervision,  
67 authority or control over the actions or decisions of the director of the division. All authority,  
68 records, property, personnel, powers, duties, functions, matter pending and all other pertinent  
69 vestiges pertaining thereto shall be retained by the division except as modified by this section.  
70 If the division of insurance becomes a department by operation of a constitutional amendment,  
71 the department of economic development shall continue until December 31, 1991, to provide at  
72 least the same assistance as was provided in previous fiscal years for personnel, data processing  
73 support and other benefits from appropriations.

74       11. All the powers, duties and functions of the commerce and industrial development  
75 division and the industrial development commission, chapters 184 and 255, RSMo, and others,  
76 not otherwise transferred, are transferred by type I transfer to the department of economic  
77 development, and the industrial development commission is abolished. All powers, duties and  
78 functions of the division of commerce and industrial development and the division of community  
79 development are transferred by a type I transfer to the department of economic development, and  
80 the division of commerce and industrial development and the division of community  
81 development are abolished.

82       12. All the powers, duties and functions vested in the tourism commission, chapter 258,  
83 RSMo, and others, are transferred to the "Division of Tourism", which is hereby created, by type  
84 III transfer.

85           13. All the powers, duties and functions of the department of community affairs, chapter  
86 251, RSMo, and others, not otherwise assigned, are transferred by type I transfer to the  
87 department of economic development, and the department of community affairs is abolished.  
88 The director of the department of economic development may assume all the duties of the  
89 director of community affairs or may establish within the department such subunits and advisory  
90 committees as may be required to administer the programs so transferred. The director of the  
91 department shall appoint all members of such committees and heads of subunits.

92           14. (1) There is hereby established a "Division of Professional Registration" assigned  
93 to the department of economic development as a type III division, headed by a director appointed  
94 by the governor with the advice and consent of the senate.

95           (2) The director of the division of professional registration shall promulgate rules and  
96 regulations which designate for each board or commission assigned to the division the renewal  
97 date for licenses or certificates. After the initial establishment of renewal dates, no director of  
98 the division shall promulgate a rule or regulation which would change the renewal date for  
99 licenses or certificates if such change in renewal date would occur prior to the date on which the  
100 renewal date in effect at the time such new renewal date is specified next occurs. Each board or  
101 commission shall by rule or regulation establish licensing periods of one, two, or three years.  
102 Registration fees set by a board or commission shall be effective for the entire licensing period  
103 involved, and shall not be increased during any current licensing period. Persons who are  
104 required to pay their first registration fees shall be allowed to pay the pro rata share of such fees  
105 for the remainder of the period remaining at the time the fees are paid. Each board or  
106 commission shall provide the necessary forms for initial registration, and thereafter the director  
107 may prescribe standard forms for renewal of licenses and certificates. Each board or commission  
108 shall by rule and regulation require each applicant to provide the information which is required  
109 to keep the board's records current. Each board or commission shall issue the original license  
110 or certificate.

111           (3) The division shall provide clerical and other staff services relating to the issuance and  
112 renewal of licenses for all the professional licensing and regulating boards and commissions  
113 assigned to the division. The division shall perform the financial management and clerical  
114 functions as they each relate to issuance and renewal of licenses and certificates. "Issuance and  
115 renewal of licenses and certificates" means the ministerial function of preparing and delivering  
116 licenses or certificates, and obtaining material and information for the board or commission in  
117 connection with the renewal thereof. It does not include any discretionary authority with regard  
118 to the original review of an applicant's qualifications for licensure or certification, or the  
119 subsequent review of licensee's or certificate holder's qualifications, or any disciplinary action

120 contemplated against the licensee or certificate holder. The division may develop and implement  
121 microfilming systems and automated or manual management information systems.

122 (4) The director of the division shall establish a system of accounting and budgeting, in  
123 cooperation with the director of the department, the office of administration, and the state  
124 auditor's office, to ensure proper charges are made to the various boards for services rendered  
125 to them. The general assembly shall appropriate to the division and other state agencies from  
126 each board's funds, moneys sufficient to reimburse the division and other state agencies for all  
127 services rendered and all facilities and supplies furnished to that board.

128 (5) For accounting purposes, the appropriation to the division and to the office of  
129 administration for the payment of rent for quarters provided for the division shall be made from  
130 the "Professional Registration Fees Fund", which is hereby created, and is to be used solely for  
131 the purpose defined in subdivision (4) of subsection 14 of this section. The fund shall consist  
132 of moneys deposited into it from each board's fund. Each board shall contribute a prorated  
133 amount necessary to fund the division for services rendered and rent based upon the system of  
134 accounting and budgeting established by the director of the division as provided in subdivision  
135 (4) of this subsection. Transfers of funds to the professional registration fees fund shall be made  
136 by each board on July first of each year; provided, however, that the director of the division may  
137 establish an alternative date or dates of transfers at the request of any board. Such transfers shall  
138 be made until they equal the prorated amount for services rendered and rent by the division. The  
139 provisions of section 33.080, RSMo, to the contrary notwithstanding, money in this fund shall  
140 not be transferred and placed to the credit of general revenue.

141 (6) The director of the division shall be responsible for collecting and accounting for all  
142 moneys received by the division or its component agencies. Any money received by a board or  
143 commission shall be promptly given, identified by type and source, to the director. The director  
144 shall keep a record by board and state accounting system classification of the amount of revenue  
145 the director receives. The director shall promptly transmit all receipts to the department of  
146 revenue for deposit in the state treasury to the credit of the appropriate fund. The director shall  
147 provide each board with all relevant financial information in a timely fashion. Each board shall  
148 cooperate with the director by providing necessary information.

149 (7) All educational transcripts, test scores, complaints, investigatory reports, and  
150 information pertaining to any person who is an applicant or licensee of any agency assigned to  
151 the division of professional registration by statute or by the department of economic development  
152 are confidential and may not be disclosed to the public or any member of the public, except with  
153 the written consent of the person whose records are involved. The agency which possesses the  
154 records or information shall disclose the records or information if the person whose records or  
155 information is involved has consented to the disclosure. Each agency is entitled to the



156 attorney-client privilege and work-product privilege to the same extent as any other person.  
157 Provided, however, that any board may disclose confidential information without the consent of  
158 the person involved in the course of voluntary interstate exchange of information, or in the  
159 course of any litigation concerning that person, or pursuant to a lawful request, or to other  
160 administrative or law enforcement agencies acting within the scope of their statutory authority.  
161 Information regarding identity, including names and addresses, registration, and currency of the  
162 license of the persons possessing licenses to engage in a professional occupation and the names  
163 and addresses of applicants for such licenses is not confidential information.

164 (8) Any deliberations conducted and votes taken in rendering a final decision after a  
165 hearing before an agency assigned to the division shall be closed to the parties and the public.  
166 Once a final decision is rendered, that decision shall be made available to the parties and the  
167 public.

168 **(9) The director of the division shall retain personnel to render necessary services**  
169 **to the division and to the boards, including accountants, lawyers, and investigators. The**  
170 **director may retain these services by agreement with other agencies, including the attorney**  
171 **general, by employment of such personnel, or by agreement with private parties.**

172 15. (1) The division of registration and examination, department of education, within  
173 chapter 161, RSMo, and others, is abolished and the following boards and commissions are  
174 transferred by specific type transfers to the division of professional registration, department of  
175 economic development: state board of accountancy, chapter 326, RSMo; state board of barber  
176 examiners, chapter 328, RSMo; state board of registration for architects, professional engineers  
177 and land surveyors, chapter 327, RSMo; state board of chiropractic examiners, chapter 331,  
178 RSMo; state board of cosmetology, chapter 329, RSMo; state board of healing arts, chapter 334,  
179 RSMo; Missouri dental board, chapter 332, RSMo; state board of embalmers and funeral  
180 directors, chapter 333, RSMo; state board of optometry, chapter 336, RSMo; state board of  
181 nursing, chapter 335, RSMo; board of pharmacy, chapter 338, RSMo; state board of podiatry,  
182 chapter 330, RSMo; Missouri real estate commission, chapter 339, RSMo; and Missouri  
183 veterinary medical board chapter 340, RSMo. The governor shall appoint members of these  
184 boards by and with the advice and consent of the senate from nominees submitted by the director  
185 of the department.

186 (2) The boards and commissions assigned to the division shall exercise all their  
187 respective statutory duties and powers, except those clerical and other staff services involving  
188 collecting and accounting for moneys and financial management relating to the issuance and  
189 renewal of licenses, which services shall be provided by the division, within the appropriation  
190 therefor. All clerical and other staff services relating to the issuance and renewal of licenses of  
191 the individual boards and commissions are abolished. All clerical and other staff services

192 pertaining to collecting and accounting for moneys and to financial management relative to the  
193 issuance and renewal of licenses of the individual boards and commissions are abolished.  
194 Nothing herein shall prohibit employment of professional examining or testing services from  
195 professional associations or others as required by the boards or commissions on contract.  
196 Nothing herein shall be construed to affect the power of a board or commission to expend its  
197 funds as appropriated. However, the division shall review the expense vouchers of each board.  
198 The results of such review shall be submitted to the board reviewed and to the house and senate  
199 appropriations committees annually.

200 (3) Notwithstanding any other provisions of law, the director of the division shall  
201 exercise only those management functions of the boards and commissions specifically provided  
202 in the Reorganization Act of 1974, and those relating to the allocation and assignment of space,  
203 personnel other than board personnel, and equipment.

204 (4) "Board personnel", as used in this section or chapters 326, 327, 328, 329, 330, 331,  
205 332, 333, 334, 335, 336, 338, 339 and 340, RSMo, shall mean personnel whose functions and  
206 responsibilities are in areas not related to the clerical duties involving the issuance and renewal  
207 of licenses, to the collecting and accounting for moneys, or to financial management relating to  
208 issuance and renewal of licenses; specifically included are executive secretaries (or comparable  
209 positions), consultants, inspectors, investigators, counsel, and secretarial support staff for these  
210 positions; and such other positions as are established and authorized by statute for a particular  
211 board or commission. Boards and commissions may employ legal counsel[, if authorized by  
212 law,] and temporary personnel if the board is unable to meet its responsibilities with the  
213 employees authorized above. Any board or commission which hires temporary employees shall  
214 annually provide the division director and the appropriation committees of the general assembly  
215 with a complete list of all persons employed in the previous year, the length of their employment,  
216 the amount of their remuneration and a description of their responsibilities.

217 (5) Board personnel for each board or commission shall be employed by and serve at the  
218 pleasure of the board or commission, shall be supervised as the board or commission designates,  
219 and shall have their duties and compensation prescribed by the board or commission, within  
220 appropriations for that purpose, except that compensation for board personnel shall not exceed  
221 that established for comparable positions as determined by the board or commission pursuant  
222 to the job and pay plan of the department of economic development. Nothing herein shall be  
223 construed to permit salaries for any board personnel to be lowered except by board action.

224 (6) Each board or commission shall receive complaints concerning its licensees' business  
225 or professional practices. Each board or commission shall establish by rule a procedure for the  
226 handling of such complaints prior to the filing of formal complaints before the administrative  
227 hearing commission. The rule shall provide, at a minimum, for the logging of each complaint

received, the recording of the licensee's name, the name of the complaining party, the date of the complaint, and a brief statement of the complaint and its ultimate disposition. The rule shall provide for informing the complaining party of the progress of the investigation, the dismissal of the charges or the filing of a complaint before the administrative hearing commission.

16. All the powers, duties and functions of the division of athletics, chapter 317, RSMo, and others, are transferred by type I transfer to the division of professional registration. The athletic commission is abolished.

17. The state council on the arts, chapter 185, RSMo, and others, is transferred by type II transfer to the department of economic development, and the members of the council shall be appointed by the director of the department.

18. The Missouri housing development commission, chapter 215, RSMo, is assigned to the department of economic development, but shall remain a governmental instrumentality of the state of Missouri and shall constitute a body corporate and politic.

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

20. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this chapter shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, 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, 1999, shall be invalid and void.

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