

SECOND REGULAR SESSION

HOUSE BILL NO. 2552

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MUSCHANY.

Read 1st time April 1, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

5545L.01I

AN ACT

To repeal sections 8.210, 28.085, 30.220, 60.461, 135.431, 135.433, 152.032, 192.010, 192.120, 192.255, 207.023, 207.040, 207.050, 207.055, 210.002, 210.111, 210.292, 215.340, 215.345, 215.347, 215.349, 215.351, 215.353, 215.355, 253.375, 253.385, 260.370, 260.481, 260.546, 278.010, 278.020, 278.030, 278.040, 278.050, 291.010, 291.020, 291.030, 291.040, 291.050, 291.060, 291.070, 291.080, 291.120, 291.130, 386.220, 389.440, 389.450, 389.880, 389.890, 389.895, 454.800, 454.802, 454.804, 454.806, 476.220, 476.240, 476.445, 477.004, 477.012, 477.082, 478.206, 478.450, 484.190, 484.200, 484.210, 484.220, 484.230, 484.240, 484.250, 484.260, 484.270, 490.610, 620.010, 620.155, 620.156, 620.157, 620.158, 620.160, 620.161, 620.163, 620.164, 620.165, 620.990, 620.1030, 620.1045, 620.1048, 620.1051, 620.1053, 620.1055, 620.1058, 620.1060, 620.1063, 620.1066, 620.1069, 620.1072, 620.1075, 620.1078, 620.1081, 620.1580, 622.020, 622.040, 622.045, 622.050, 622.055, 643.600, 643.610, 643.620, RSMo, and section 622.010, as enacted by house committee substitute for house bill no. 991, eighty-eighth general assembly, second regular session, and to enact in lieu thereof three new sections for the sole purpose of repealing obsolete and ineffective statutes and portions of statutes.

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

Section A. Sections 8.210, 28.085, 30.220, 60.461, 135.431, 135.433, 152.032, 192.010,
2 192.120, 192.255, 207.023, 207.040, 207.050, 207.055, 210.002, 210.111, 210.292, 215.340,
3 215.345, 215.347, 215.349, 215.351, 215.353, 215.355, 253.375, 253.385, 260.370, 260.481,

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.

4 260.546, 278.010, 278.020, 278.030, 278.040, 278.050, 291.010, 291.020, 291.030, 291.040,
5 291.050, 291.060, 291.070, 291.080, 291.120, 291.130, 386.220, 389.440, 389.450, 389.880,
6 389.890, 389.895, 454.800, 454.802, 454.804, 454.806, 476.220, 476.240, 476.445, 477.004,
7 477.012, 477.082, 478.206, 478.450, 484.190, 484.200, 484.210, 484.220, 484.230, 484.240,
8 484.250, 484.260, 484.270, 490.610, 620.010, 620.155, 620.156, 620.157, 620.158, 620.160,
9 620.161, 620.163, 620.164, 620.165, 620.990, 620.1030, 620.1045, 620.1048, 620.1051,
10 620.1053, 620.1055, 620.1058, 620.1060, 620.1063, 620.1066, 620.1069, 620.1072, 620.1075,
11 620.1078, 620.1081, 620.1580, 622.020, 622.040, 622.045, 622.050, 622.055, 643.600, 643.610,
12 643.620, RSMo, and section 622.010, as enacted by house committee substitute for house bill
13 no. 991, eighty-eighth general assembly, second regular session, are repealed and three new
14 sections enacted in lieu thereof, to be known as sections 260.370, 260.546, and 620.010, to read
15 as follows:

260.370. 1. Where proven technology is available and the economic impact is
2 reasonable, pursuant to rules and regulations promulgated by the commission, the hazardous
3 waste management commission shall encourage that every effort is made to effectively treat,
4 recycle, detoxify, incinerate or otherwise treat hazardous waste to be disposed of in the state of
5 Missouri in order that such wastes are not disposed of in a manner which is hazardous to the
6 public health and the environment. Where proven technology is available with respect to a
7 specific hazardous waste and the economic impact is reasonable, pursuant to rules and
8 regulations promulgated by the commission, the hazardous waste management commission shall
9 direct that disposal of the specific hazardous wastes using land filling as the primary method is
10 prohibited.

2. The hazardous waste management commission shall, by rules and regulations,
12 categorize hazardous waste by taking into account toxicity, persistence and degradability in
13 nature, potential for accumulation in tissue, and other related factors such as flammability,
14 corrosiveness and other hazardous characteristics. The commission shall by rules and
15 regulations further establish within each category the wastes which may or may not be disposed
16 of through alternative hazardous waste management technologies including, but not limited to,
17 treatment facilities, incinerators, landfills, landfarms, storage facilities, surface impoundments,
18 recycling, reuse and reduction. The commission shall specify, by rule and regulation, the
19 frequency of inspection for each method of hazardous waste management and for the different
20 waste categories at hazardous waste management sites. The inspection may be daily when the
21 hazardous waste management commission deems it necessary. The hazardous waste
22 management commission shall specify, by rule, fees to be paid to the department by owners or
23 operators of hazardous waste facilities who have obtained, or are required to obtain, a hazardous
24 waste facility permit and who accept, on a commercial basis for remuneration, hazardous waste

25 from off-site sources, but not including wastes generated by the same person at other sites
26 located in Missouri or within a metropolitan statistical area located partially in Missouri and
27 owned or operated by the same person and transferred to the hazardous waste facility, for
28 treatment, storage or disposal, for inspections conducted by the department to determine
29 compliance with sections 260.350 to 260.430 and the regulations promulgated thereunder. Funds
30 derived from these inspection fees shall be used for the purpose of funding the inspection of
31 hazardous waste facilities, as specified in subsection 3 of section 260.391. Such fees shall not
32 exceed twelve thousand dollars per year per facility and the commission shall establish a
33 graduated fee scale based on the volume of hazardous waste accepted with reduced fees for
34 facilities accepting smaller volumes of hazardous waste. The department shall furnish, upon
35 request, to the person, firm or corporation operating the hazardous waste facility a complete, full
36 and detailed accounting of the cost of the department's inspections of the facility for the
37 twelve-month period immediately preceding the request within forty-five days after receipt of
38 the request. Failure to provide the accounting within forty-five days shall require the department
39 to refund the inspection fee paid during the twelve-month-time period.

40 3. In addition to any other powers vested in it by law, the commission shall have the
41 following powers:

42 (1) From time to time adopt, amend or repeal, after due notice and public hearing,
43 standards, rules and regulations to implement, enforce and carry out the provisions of sections
44 260.350 to 260.430 and any required of this state by any federal hazardous waste management
45 act and as the commission may deem necessary to provide for the safe management of hazardous
46 wastes to protect the health of humans and the environment. In implementing this subsection,
47 the commission shall consider the variations within this state in climate, geology, population
48 density, quantities and types of hazardous wastes generated, availability of hazardous waste
49 facilities and such other factors as may be relevant to the safe management of hazardous wastes.
50 Within two years after September 28, 1977, the commission shall adopt rules and regulations
51 including the following:

52 (a) Rules and regulations establishing criteria and a listing for the determination of
53 whether any waste or combination of wastes is hazardous for the purposes of sections 260.350
54 to 260.430, taking into account toxicity, persistence and degradability in nature, potential for
55 accumulation in tissue, and other related factors such as flammability, corrosiveness and other
56 hazardous characteristics;

57 (b) Rules and regulations for the storage, treatment and disposal of hazardous wastes;

58 (c) Rules and regulations for the transportation, containerization and labeling of
59 hazardous wastes, which shall be consistent with those issued by the Missouri public service
60 commission;

61 (d) Rules and regulations establishing standards for the issuance, modification,
62 suspension, revocation or denial of such licenses and permits as are consistent with the purposes
63 of sections 260.350 to 260.430;

64 (e) Rules and regulations establishing standards and procedures for the safe operation
65 and maintenance of hazardous waste facilities in order to protect the health of humans and other
66 living organisms;

67 (f) Rules and regulations listing those wastes or combinations of wastes, for which
68 criteria have been established under paragraph (a) of this subdivision and which are not
69 compatible and which may not be stored or disposed of together;

70 (g) Rules and regulations establishing procedures and requirements for the reporting of
71 the generation, storage, transportation, treatment or disposal of hazardous wastes;

72 (2) Adopt and publish, after notice as required by the provisions of chapter 536, RSMo,
73 pertaining to administrative rulemaking, and public hearing, a state hazardous waste management
74 plan to provide for the safe and effective management of hazardous wastes within this state. This
75 plan shall be adopted within two years after September 28, 1977, and revised at least once every
76 five years thereafter;

77 (3) Hold hearings, issue notices of hearings and subpoenas requiring the attendance of
78 witnesses and the production of evidence, administer oaths and take testimony as the commission
79 deems necessary to accomplish the purposes of sections 260.350 to 260.430 or as required by
80 any federal hazardous waste management act. Unless otherwise specified in sections 260.350
81 to 260.430, any of these powers may be exercised on behalf of the commission by any members
82 thereof or a hearing officer designated by it;

83 (4) Grant individual variances in accordance with the provisions of sections 260.350 to
84 260.430;

85 (5) Make such orders as are necessary to implement, enforce and effectuate the powers,
86 duties and purposes of sections 260.350 to 260.430.

87 4. No rule or portion of a rule promulgated under the authority of sections 260.350 to
88 260.480 and sections 260.565 to 260.575 shall become effective unless it has been promulgated
89 pursuant to the provisions of section 536.024, RSMo.

90 5. To the extent there is a conflict concerning authority for risk-based remediation rules
91 between this section and section 644.143, RSMo, or subdivision (8) of section 644.026, RSMo,
92 this section shall prevail.

93 [6. Beginning July 1, 2004, a joint committee appointed by the speaker of the house of
94 representatives and the president pro tem of the senate shall consider proposals for restructuring
95 the fees paid by hazardous waste generators and hazardous waste facilities. The committee shall
96 consider options for expanding the fee structure to more fairly apportion the cost of services

97 provided among all those that benefit from those services. The committee shall prepare and
98 submit a report including its recommendation for changes to the governor, the house of
99 representatives, and the senate no later than December 31, 2004.]

260.546. 1. In the event that a hazardous substance release occurs for which a political
2 subdivision or volunteer fire protection association as defined in section 320.300, RSMo,
3 provides emergency services, the person having control over a hazardous substance shall be
4 liable for such reasonable cleanup costs incurred by the political subdivision or volunteer fire
5 protection association. Such liability includes the cost of materials, supplies and contractual
6 services actually used to secure an emergency situation. The liability may also include the cost
7 for contractual services which are not routinely provided by the department or political
8 subdivision or volunteer fire protection association. Such liability shall not include the cost of
9 normal services which otherwise would have been provided. Such liability shall not include
10 budgeted administrative costs or the costs for duplicate services if multiple response teams are
11 requested by the department or political subdivision unless, in the opinion of the department or
12 political subdivision, duplication of service was required to protect the public health and
13 environment. Such liability shall be established upon receipt by the person having control of the
14 spilled hazardous substance of an itemized statement of costs provided by the political
15 subdivision.

16 2. Full payment shall be made within thirty days of receipt of the cost statement unless
17 the person having control over the hazardous substance contests the amount of the costs pursuant
18 to this section. If the person having control over the hazardous substance elects to contest the
19 payment of such costs, he shall file an appeal with the director within thirty days of receipt of the
20 cost statement.

21 3. Upon receipt of such an appeal, the director shall notify the parties involved of the
22 appeal and collect such evidence from the parties involved as he deems necessary to make a
23 determination of reasonable cleanup costs. Within thirty days of notification of the appeal, the
24 director shall notify the parties of his decision. The director shall direct the person having
25 control over a hazardous substance to pay those costs he finds to be reasonable and appropriate.
26 The determination of the director shall become final thirty days after receipt of the notice by the
27 parties involved unless prior to such date one of the involved parties files a petition for judicial
28 review pursuant to chapter 536, RSMo.

29 [4. The political subdivision or volunteer fire protection association may apply to the
30 department for reimbursement from the hazardous waste fund created in section 260.391 for the
31 costs for which the person having control over a hazardous substance shall be liable if the
32 political subdivision or volunteer fire protection association is able to demonstrate a need for
33 immediate relief for such costs and believes it will not receive prompt payment from the person

34 having control over a hazardous substance. When the liability owed to the political subdivision
35 or volunteer fire protection association by the person having control over a hazardous substance
36 is paid, the political subdivision or volunteer fire protection association shall reimburse the
37 department for any payment it has received from the hazardous waste fund. Such reimbursement
38 to a political subdivision or volunteer fire protection association by the department shall be paid
39 back to the department by the political subdivision or volunteer fire protection association within
40 that time limit imposed by the department notwithstanding failure of the person having control
41 over a hazardous substance to reimburse the political subdivision or volunteer fire protection
42 association within that time.]

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
17 transfers, 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.] 3. 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.] 4. 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.] 5. There is hereby created a "Division of Credit Unions" in the department of
32 economic development, to be headed by a director, nominated by the department director and
33 appointed by the governor with the advice and consent of the senate. All the powers, duties and
34 functions vested in the state supervisor of credit unions in chapter 370, RSMo, and the powers
35 and duties relating to credit unions vested in the commissioner of finance in chapter 370, RSMo,
36 are transferred to the division of credit unions of the department of economic development, by
37 a type II transfer, and the office of the state supervisor of credit unions is abolished. The salary
38 of the director of the division of credit unions shall be set by the director of the department
39 within the limits of the appropriations therefor. The director of the division shall assume all the
40 duties and functions of the state supervisor of credit unions and the commissioner of finance only
41 where the director has duties and responsibilities relating to credit unions as set out in chapter
42 370, RSMo.

43 [8.] 6. The powers, duties and functions vested in the division of finance, chapters 361,
44 362, 364, 365, 367, and 408, RSMo, and others, are transferred by type II transfer to the
45 department of economic development. There shall be a director of the division who shall be
46 nominated by the department director and appointed by the governor with the advice and consent
47 of the senate.

48 [9.] 7. All the powers, duties and functions vested in the director of the division of
49 savings and loan supervision in chapter 369, RSMo, sections 443.700 to 443.712, RSMo, or by
50 any other provision of law are transferred to the division of finance of the department of
51 economic development by a type I transfer. The position of the director of the division of
52 savings and loan supervision is hereby abolished. The director of the division of finance shall
53 assume all the duties and functions of the director of the division of savings and loan supervision
54 as provided in chapter 369, RSMo, sections 443.700 to 443.712, RSMo, and by any other
55 provision of law. The division of savings and loan is hereby abolished. The powers of the
56 savings and loan commission are hereby limited to hearing appeals from decisions of the director
57 of the division of finance approving or denying applications to incorporate savings and loan
58 associations or to establish branches of savings and loan associations and approving regulations
59 pertaining to savings and loan associations. Any appeals shall be held in accordance with section
60 369.319, RSMo.

61 [10.] 8. On and after August 28, 1990, the status of the division is modified under a
62 specific type transfer pursuant to section 1 of the Omnibus Reorganization Act of 1974. The
63 status of the division is modified from that of a division transferred to the department of

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

76 [11. All the powers, duties and functions of the commerce and industrial development
77 division and the industrial development commission, chapters 184 and 255, RSMo, and others,
78 not otherwise transferred, are transferred by type I transfer to the department of economic
79 development, and the industrial development commission is abolished.] **9.** All powers, duties
80 and functions of the division of commerce and industrial development [and the division of
81 community development] are transferred by a type I transfer to the department of economic
82 development, and the division of commerce and industrial development [and the division of
83 community development are] **is** abolished.

84 [12.] **10.** All the powers, duties and functions vested in the tourism commission, chapter
85 258, RSMo, and others, are transferred to the "Division of Tourism", which is hereby created,
86 by type III transfer.

87 [13.] **11.** All the powers, duties and functions of the department of community affairs,
88 chapter 251, RSMo, and others, not otherwise assigned, are transferred by type I transfer to the
89 department of economic development, and the department of community affairs is abolished.
90 The director of the department of economic development may assume all the duties of the
91 director of community affairs or may establish within the department such subunits and advisory
92 committees as may be required to administer the programs so transferred. The director of the
93 department shall appoint all members of such committees and heads of subunits.

94 [14.] **12.** (1) There is hereby established a "Division of Professional Registration"
95 assigned to the department of economic development as a type III division, headed by a director
96 appointed by the governor with the advice and consent of the senate.

97 (2) The director of the division of professional registration shall promulgate rules and
98 regulations which designate for each board or commission assigned to the division the renewal
99 date for licenses or certificates. After the initial establishment of renewal dates, no director of

100 the division shall promulgate a rule or regulation which would change the renewal date for
101 licenses or certificates if such change in renewal date would occur prior to the date on which the
102 renewal date in effect at the time such new renewal date is specified next occurs. Each board or
103 commission shall by rule or regulation establish licensing periods of one, two, or three years.
104 Registration fees set by a board or commission shall be effective for the entire licensing period
105 involved, and shall not be increased during any current licensing period. Persons who are
106 required to pay their first registration fees shall be allowed to pay the pro rata share of such fees
107 for the remainder of the period remaining at the time the fees are paid. Each board or
108 commission shall provide the necessary forms for initial registration, and thereafter the director
109 may prescribe standard forms for renewal of licenses and certificates. Each board or commission
110 shall by rule and regulation require each applicant to provide the information which is required
111 to keep the board's records current. Each board or commission shall issue the original license
112 or certificate.

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

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

130 (5) For accounting purposes, the appropriation to the division and to the office of
131 administration for the payment of rent for quarters provided for the division shall be made from
132 the "Professional Registration Fees Fund", which is hereby created, and is to be used solely for
133 the purpose defined in subdivision (4) of this subsection. The fund shall consist of moneys
134 deposited into it from each board's fund. Each board shall contribute a prorated amount
135 necessary to fund the division for services rendered and rent based upon the system of accounting

and budgeting established by the director of the division as provided in subdivision (4) of this subsection. Transfers of funds to the professional registration fees fund shall be made by each board on July first of each year; provided, however, that the director of the division may establish an alternative date or dates of transfers at the request of any board. Such transfers shall be made until they equal the prorated amount for services rendered and rent by the division. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in this fund shall not be transferred and placed to the credit of general revenue until the amount in the fund at the end of the biennium exceeds three times the appropriation from the professional registration fees fund for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations from the professional registration fees fund for the preceding fiscal year.

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

(7) All educational transcripts, test scores, complaints, investigatory reports, and information pertaining to any person who is an applicant or licensee of any agency assigned to the division of professional registration by statute or by the department of economic development are confidential and may not be disclosed to the public or any member of the public, except with the written consent of the person whose records are involved. The agency which possesses the records or information shall disclose the records or information if the person whose records or information is involved has consented to the disclosure. Each agency is entitled to the attorney-client privilege and work-product privilege to the same extent as any other person. Provided, however, that any board may disclose confidential information without the consent of the person involved in the course of voluntary interstate exchange of information, or in the course of any litigation concerning that person, or pursuant to a lawful request, or to other administrative or law enforcement agencies acting within the scope of their statutory authority. Information regarding identity, including names and addresses, registration, and currency of the license of the persons possessing licenses to engage in a professional occupation and the names and addresses of applicants for such licenses is not confidential information.

(8) Any deliberations conducted and votes taken in rendering a final decision after a hearing before an agency assigned to the division shall be closed to the parties and the public.

172 Once a final decision is rendered, that decision shall be made available to the parties and the
173 public.

174 [15.] **13.** (1) The division of registration and examination, department of education,
175 within chapter 161, RSMo, and others, is abolished and the following boards and commissions
176 are transferred by specific type transfers to the division of professional registration, department
177 of economic development: state board of accountancy, chapter 326, RSMo; state board of
178 barber examiners, chapter 328, RSMo; state board of registration for architects, professional
179 engineers and land surveyors, chapter 327, RSMo; state board of chiropractic examiners, chapter
180 331, RSMo; state board of cosmetology, chapter 329, RSMo; state board of healing arts, chapter
181 334, RSMo; Missouri dental board, chapter 332, RSMo; state board of embalmers and funeral
182 directors, chapter 333, RSMo; state board of optometry, chapter 336, RSMo; state board of
183 nursing, chapter 335, RSMo; board of pharmacy, chapter 338, RSMo; state board of podiatry,
184 chapter 330, RSMo; Missouri real estate commission, chapter 339, RSMo; and Missouri
185 veterinary medical board chapter 340, RSMo. The governor shall appoint members of these
186 boards by and with the advice and consent of the senate from nominees submitted by the director
187 of the department.

188 (2) The boards and commissions assigned to the division shall exercise all their
189 respective statutory duties and powers, except those clerical and other staff services involving
190 collecting and accounting for moneys and financial management relating to the issuance and
191 renewal of licenses, which services shall be provided by the division, within the appropriation
192 therefor. All clerical and other staff services relating to the issuance and renewal of licenses of
193 the individual boards and commissions are abolished. All clerical and other staff services
194 pertaining to collecting and accounting for moneys and to financial management relative to the
195 issuance and renewal of licenses of the individual boards and commissions are abolished.
196 Nothing herein shall prohibit employment of professional examining or testing services from
197 professional associations or others as required by the boards or commissions on contract.
198 Nothing herein shall be construed to affect the power of a board or commission to expend its
199 funds as appropriated. However, the division shall review the expense vouchers of each board.
200 The results of such review shall be submitted to the board reviewed and to the house and senate
201 appropriations committees annually.

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

206 (4) "Board personnel", as used in this section or chapters 326, 327, 328, 329, 330, 331,
207 332, 333, 334, 335, 336, 338, 339 and 340, RSMo, shall mean personnel whose functions and

responsibilities are in areas not related to the clerical duties involving the issuance and renewal of licenses, to the collecting and accounting for moneys, or to financial management relating to issuance and renewal of licenses; specifically included are executive secretaries (or comparable positions), consultants, inspectors, investigators, counsel, and secretarial support staff for these positions; and such other positions as are established and authorized by statute for a particular board or commission. Boards and commissions may employ legal counsel, if authorized by law, and temporary personnel if the board is unable to meet its responsibilities with the employees authorized above. Any board or commission which hires temporary employees shall annually provide the division director and the appropriation committees of the general assembly with a complete list of all persons employed in the previous year, the length of their employment, the amount of their remuneration and a description of their responsibilities.

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

(6) Each board or commission shall receive complaints concerning its licensees' business or professional practices. Each board or commission shall establish by rule a procedure for the handling of such complaints prior to the filing of formal complaints before the administrative 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.] **14.** 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.] **15.** 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.] **16.** 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.

243 [19.] **17.** All the authority, powers, duties, functions, records, personnel, property,
244 matters pending and other pertinent vestiges of the division of manpower planning of the
245 department of social services are transferred by a type I transfer to the "Division of Job
246 Development and Training", which is hereby created, within the department of economic
247 development. The division of manpower planning within the department of social services is
248 abolished. The provisions of section 1 of the Omnibus State Reorganization Act of 1974,
249 Appendix B, relating to the manner and procedures for transfers of state agencies shall apply to
250 the transfers provided in this section.

251 [20.] **18.** Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
252 that is created under the authority delegated in this chapter shall become effective only if it
253 complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable,
254 section 536.028, RSMo. All rulemaking authority delegated prior to August 28, 1999, is of no
255 force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the
256 validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all
257 applicable provisions of law. This section and chapter 536, RSMo, are nonseverable and if any
258 of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to
259 delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional,
260 then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999,
261 shall be invalid and void.

2 [8.210. Every conservator of the peace for the county of Cole shall, upon
3 information on oath or of their own knowledge, cause any person committing
4 waste, trespass or injury on state property at the seat of government to be brought
5 before him by like process as in other criminal cases to cause the person to enter
6 into recognizance with sufficient security for his appearance at the next term of
7 the circuit court of the county, or to commit him to jail in default of his entering
8 into recognizance.]

2 [28.085. The secretary of state is hereby authorized to establish and
3 operate a microfilm service center for local agencies participating in the local
4 records management program. For this purpose, the secretary of state may:

5 (1) Establish a charging system to be used when performing work for an
6 agency;

7 (2) Establish a revolving fund to recover only those direct costs for
8 materials, personnel and equipment associated with providing service to local
9 agencies from the microfilm service center.]

2 [30.220. It shall be the duty of the state treasurer, in all cases when he
3 may deem it necessary so to do, to make out blank forms for such returns and
4 reports as are required by law to be made to his office by clerks of courts and
other county officers, and transmit the same to such officers, and when necessary,

5 shall accompany the same with directions; and such officer shall make his returns
6 and reports in conformity to such forms and directions.]
7

2 [60.461. No coordinates based on either Missouri coordinate system
3 purporting to define the position of a point on a land boundary shall be presented
4 to be recorded in any public land records or deed records unless the point is
5 within one kilometer of a horizontal control station established in conformity
6 with the standards prescribed in section 60.451; except that, such one kilometer
7 limitation may be modified by the department of natural resources to meet local
8 conditions.]

2 [135.431. 1. The department of economic development shall identify
3 active community development corporations operating within the state and assist
4 them in the formation of a Missouri community development corporation
5 association. The department shall assist the community development corporation
6 association in an amount up to ten percent of its total appropriation for
7 community development corporations to cover the cost associated with the
8 activities of the association. The association shall serve as a clearinghouse for
9 information for community development corporations. The association shall help
10 staff members of community development corporations develop administrative
11 skills in such areas as entrepreneurial development, grant writing, real estate
12 analysis, financial deals structuring, negotiations, human resource development,
13 strategic planning and community needs assessment. The association shall
14 sponsor conferences which allow community development corporations to learn
15 about community development activities statewide and at the federal level.

16 2. The Missouri community development corporation association shall
17 be funded by dues assessed against participating community development
18 corporations. The association shall adopt, alter or repeal its own bylaws, rules
19 and regulations governing the manner in which its business may be transacted;
20 elect officers; make expenditures which are incidental and necessary to carry out
21 its purposes and powers; and do all things necessary to ensure full participation
22 by Missouri community development corporations in any federal program
23 relating to community development needs.]

2 [135.433. 1. The department of economic development shall establish
3 a public-private partnership to be known as the "Missouri Community
4 Development Corporation Initiative". The initiative shall be supported by
5 appropriations made to the department for that purpose and from federal funds
6 and private corporations. All moneys for the operation of the initiative shall be
7 deposited into the community development fund as established by section
8 135.401.

9 2. The initiative shall support the organizational development of
community development corporations. Its purpose is to help these corporations

initiate and develop strategies which generate beneficial self-sustaining economic and human development activities in minority and underdeveloped communities. It shall use public and private dollars to identify community development corporations appropriate for assistance, to administer a grants process, to offer bridge financing, and to lend technical assistance in numerous areas including the construction of affordable housing and the development of commercial real estate. Funding from the initiative to community development corporations may be in the following forms:

- (1) Operational grants;
- (2) Special opportunity grants;
- (3) Gap financing for single and multifamily housing, office space, industrial space, plants and equipment, child care facilities, and small business incubators or entrepreneurial development;
- (4) Bridge loans for emergency needs;
- (5) Initial programs for emerging community development corporations to complete their first projects;
- (6) Certificate of deposit loan leveraging programs to leverage loans made to community development corporations by financial institutions for land acquisition and construction; and
- (7) Other financing programs which the initiative deems to be appropriate.]

[152.032. 1. Fifty percent of all taxes collected by the director of revenue under the provisions of this chapter shall be deposited in the state treasury to the credit of a fund to be known as the "Grade Crossing Fund", which is hereby created and established for the purpose of providing revenues to protect the public against hazards existing at the crossings of public roads, streets, and highways with railroad tracks. Whenever the motor carrier and railroad safety division of the department of economic development, pursuant to section 389.640, RSMo, orders the installation, construction or reconstruction of automatic signals or other safety devices or other safety improvements at crossings at grade of railroads and public roads, highways or streets, the cost thereof, which the division apportions against the state, county, municipality or other public authority in interest, shall be paid out of the grade crossing fund; provided, however, that when any part of such cost can be paid from funds available under any federal or federal aid highway act such part shall not be paid from the grade crossing fund; and provided, further, that no more than ninety percent of the cost of protecting any grade crossing shall be paid out of the grade crossing fund. The motor carrier and railroad safety division of the department of economic development shall, in cooperation with other governmental agencies of the state, determine if any such cost can be paid from funds available under any federal or federal aid highway act. An order of the motor carrier and railroad safety division of the department of economic development for the payment of

any such cost from the grade crossing fund shall be authority for the state treasurer to pay out of that fund to the person, firm, or corporation entitled thereto under the division's order the amount so determined to be paid from said fund. However, such payments annually shall not exceed in any one county an amount equal to the distribution as set forth in section 152.050, unless the motor carrier and railroad safety division of the department of economic development makes a specific finding of facts and conclusions of law that a situation highly dangerous to the public does exist.

2. The unexpended balance in the grade crossing fund at the end of each fiscal year shall not revert to the general revenue fund as provided in section 33.080, RSMo, but shall accumulate from year to year.]

[192.010. 1. The department of health and senior services shall have such duties and powers as are assigned by law. The department of health and senior services shall also have control and administration over the Missouri rehabilitation center at Mt. Vernon as provided by law. The department of health and senior services shall also have such jurisdiction over the accounts of city and county tuberculosis hospitals as is imposed by law. The cancer commission of the state of Missouri is hereby assigned to the department of health and senior services.

2. This section shall terminate thirty days following the date notice is provided to the revisor of statutes that an agreement has been executed which transfers the Missouri rehabilitation center from the department of health and senior services to the board of curators of the University of Missouri.]

[192.120. The department of health and senior services is hereby authorized to provide for the teaching and training of children who are resident patients confined in the Missouri rehabilitation center at Mt. Vernon by employing certified teachers and instructors and purchasing equipment from any moneys appropriated for that purpose.]

[192.255. 1. All funds received by the state of Missouri from the federal government or from any other source which are granted for the purpose of purchasing prophylactic drugs for distribution to persons certified by a physician to be victims of rheumatic fever, and all money received by the department of health and senior services as proceeds from the sale of the drugs to the victims, shall be deposited in the state treasury to the credit of the "Medical Services Fund", which is hereby created.

2. All moneys credited to the medical services fund shall be appropriated by the general assembly only for the purchase of prophylactic drugs to be distributed to persons certified by a physician to be victims of rheumatic fever, for the distribution of the drugs and for the administration of the program.

12 3. The unexpended balance in medical services fund at the end of the
13 biennium shall not be transferred to the general revenue fund of the state treasury
14 and accordingly shall be exempt from the provisions of section 33.080, RSMo,
15 relating to the transfer of funds to the general revenue fund of the state by the
16 state treasurer.

17 4. The director of the department of health and senior services shall make
18 and promulgate necessary rules and regulations for the administration of the
19 funds appropriated pursuant to this section.]
20

2 [207.023. The division of family services within the department of social
3 services, with input from the Missouri community service commission created
4 in sections 26.600 to 26.614, RSMo, shall promulgate rules providing standards
5 and procedures for community service participation by persons receiving services
6 from the division of family services. In order to be eligible to receive services
7 from the division of family services, a person shall satisfy the requirements of the
8 rules promulgated under this section regarding community service participation.]

2 [207.040. The director of the division shall devote his entire time to his
3 official duties and shall receive an annual salary of nineteen thousand dollars. It
4 shall be his duty to investigate personally the conduct of the various bureaus of
5 the division of family services, and to give executive control to the administration
6 of the work of the division in this state.]

2 [207.050. In every county there may be established a county family
3 services commission to consist of four persons, two from each of the two major
4 political parties, to be selected by the director of social services from a list
5 submitted to the director of the department of social services by the county
6 commission, consisting of double the number of appointments to be made. Each
7 member of the county family services commission shall serve for a term of four
8 years. Vacancies shall be filled in the same way in which the original
9 appointment was made. The duties of the county family services commission
10 shall be advisory in nature with the power to examine the records of any case
11 pending within their county and to make recommendations thereon. They shall
12 serve without compensation, but shall be paid their traveling expenses and other
13 necessary expense in the performance of their duty. No elective officer shall be
14 appointed as a member of the county family services commission, and upon
15 becoming a candidate for any elective office, such member of the county family
16 services commission shall forthwith forfeit his or her position on the commission.
17 Duties imposed by this law upon the several county commissions shall be
18 performed in the city of St. Louis by the board of estimate and apportionment.]

2 [207.055. 1. Within thirty days after August 13, 1972, the county
commission of each county may appoint two additional members of the county

family services commission, and such members shall be in addition to those members required by the provisions of section 207.050. Such members shall be residents of the county, one from each of the two major political parties and shall have been actual welfare recipients, and shall be appointed for terms of two years. If at any time these members remove their residence from the county, their office shall be vacant and another person shall be appointed for the remainder of their term.

2. The members appointed pursuant to the provisions of this section shall have the same rights, powers, duties and responsibilities as the other members of the commission, and all references of any kind to the county family services commission shall be to the commission as composed of six members instead of four.]

[210.002. 1. The department of social services, the department of health and senior services, the department of mental health, the department of elementary and secondary education, the division of youth services, and the division of family services shall cooperate with the children's service commission to prepare a detailed, comprehensive "Year 2000 Plan" to provide the preventive services described in subsection 2 of this section.

2. The "Year 2000 Plan" shall provide recommendations for the development and implementation of coordinated social and health services which:

(1) Identify early problems experienced by children and their families and the services which are adequate in availability, appropriate to the situation, and effective;

(2) Seek to bring about meaningful change before family situations become irreversibly destructive and before disturbed psychological behavioral patterns and health problems become severe or permanent;

(3) Serve children and families in their own homes thus preventing unnecessary out-of-home placement or institutionalization;

(4) Focus resources on social and health problems as they begin to manifest themselves rather than waiting for chronic and severe patterns of illness, criminality, and dependency to develop which require long-term treatment, maintenance, or custody;

(5) Reduce duplication of and gaps in service delivery;

(6) Improve planning, budgeting, and communication among these state agencies serving children and families; and

(7) Develop outcome standards for measuring the effectiveness of social and health services for children and families.

3. Each such department or division shall cooperate with the commission to develop a specific plan which shall be made available to the governor and the members of the general assembly by December 1, 1988.]

2 [210.111. By January 1, 2005, the children's division shall identify all
3 children in the custody of the division currently receiving foster care services and
4 shall report to the general assembly the type of foster care being provided,
5 including but not limited to care provided in a licensed foster care home,
6 institutional setting, residential setting, independent living setting, or kinship care
7 setting, and the status of all such children. Nothing in this section shall be
8 construed as requiring the division to disclose the identity or precise location of
9 any child in the custody of the division.]

2 [210.292. 1. Any city not within a county, which has a population of six
3 hundred thousand inhabitants or over, and any county of the first class authorized
4 by law to provide, and which does provide, foster care to homeless, dependent
5 or neglected children shall receive from the state one hundred percent of the net
6 cost thereof.

7 2. The "foster care" provided for by sections 210.292 to 210.298 shall be
8 care of homeless, dependent or neglected children when the foster facilities are
9 selected by the local agency or division of family services and the placement of
10 children therein is lawfully authorized; the "care" shall include room, board,
11 clothing, medical care, dental care, social services and incidentals.]

2 [215.340. Sections 215.340 to 215.349 shall be known as the "Workfare
3 Renovation Project". Subject to participation by qualifying cities, the Missouri
4 housing development commission shall establish a two-year pilot project in each
5 of the two cities defined in section 215.345 which shall provide for the
6 renovation of property in the urban core of the city for subsequent purchase
7 pursuant to the provisions of sections 215.340 to 215.349.]

2 [215.345. As used in sections 215.340 to 215.349, the following terms
3 mean:

4 (1) "Agency", the participating city's administering agency of the
5 workfare renovation project;

6 (2) "City", any city not within a county or any city with at least three
7 hundred fifty thousand inhabitants which is located in more than one county;

8 (3) "Commission", the state housing development commission authorized
9 pursuant to sections 215.010 to 215.250;

10 (4) "Federal poverty level", the first poverty income guidelines published
11 in the calendar year by the United States Department of Health and Human
12 Services;

13 (5) "Low income", a household income which does not exceed two
14 hundred percent of the federal poverty level;

15 (6) "Project", the renovation of one or more properties on the urban core
16 of the city which have been determined to be of substandard quality or condition
and the subsequent sale of such property following renovation;

(7) "Renovate" or "renovation", the reconstruction, remodeling, repairing, weatherizing, installation of energy conservation measures or devices, and similar work necessary to make urban core city property safe, sanitary and decent, and make such property meet the minimum building code requirements and occupancy requirements of a city, as the term city is defined in this section.]

[215.347. 1. The workfare renovation project shall have the following goals:

(1) To assist low-income individuals in learning a trade by providing them with an opportunity to participate in the renovation of urban core property; and

(2) To create tax-producing property for the participating cities out of existing urban core city property.

2. The governing body of any city defined in section 215.345, by enacting the appropriate ordinances, may participate in the workfare renovation project by donating existing inner-city property to the project, submitting a plan for renovation in the city to the commission and establishing an agency to administer the project in such city pursuant to any authority delegated to such agency by the commission. In any city not within a county or any city with at least three hundred fifty thousand inhabitants which is located in more than one county, the Missouri housing development commission using available state resources shall assign, either directly or through contract, staff to oversee each respective city's project. In any city not within a county, such staff shall annually report the progress of the project to the mayor and the board of aldermen.

3. The commission may:

(1) Receive, hold and convey title to real estate on the workfare renovation project carried out by the participating city and receive and use for the purposes described in sections 215.340 to 215.355 any grants or loans made by the commission pursuant to section 215.035 or section 215.050;

(2) Approve all proposed inner-city property for renovation;

(3) Approve the workers who will perform the renovation and reconstruction work. The workers, to be selected from the local labor force, shall be capable of performing the work for which they will be hired, and shall be, as far as practicable, persons who are classified as low income or receiving public assistance and who are indigenous to the areas which are selected for renovation activity;

(4) Contract and be contracted with;

(5) Seek such legal and other professional and staff assistance deemed necessary to carry out the purposes of sections 215.340 to 215.355;

(6) Sell the properties renovated, but such sales shall be subject to the following requirements:

36 (a) Each property shall be sold only to a person who will be the actual
37 owner of record of the property and will actually occupy the property for a period
38 of not less than five years; and

39 (b) Each property shall be sold at a price which will allow the
40 commission to recover all costs incurred by it in renovating and selling such
41 property, including, but not limited to, the labor, materials and other renovation
42 expenses;

43 (7) Do all other things necessary to implement and administer the
44 residential renovation program authorized by sections 215.340 to 215.355,
45 including administering a revolving fund for continued funding and operations
46 of the program, and submitting an annual report on expenditures made in the
47 previous fiscal year by December first, beginning in 1999, to the state auditor, the
48 speaker of the house and the president pro tem of the senate;

49 (8) Utilize all appropriate tax credit and wage diversion programs offered
50 through state departments to assist low-income residents of this state in becoming
51 self-sufficient through the workfare renovation project.

52 4. No rule or portion of a rule promulgated pursuant to the authority of
53 sections 215.340 to 215.355 shall become effective unless it has been
54 promulgated pursuant to the provisions of chapter 536, RSMo. The provisions
55 of this section and chapter 536, RSMo, are nonseverable and if any of the powers
56 vested with the general assembly pursuant to chapter 536, RSMo, including the
57 ability to review, to delay the effective date, or to disapprove and annul a rule or
58 portion of a rule, are subsequently held unconstitutional, then the purported grant
59 of rulemaking authority and any rule so proposed and contained in the order of
60 rulemaking shall be invalid and void.]
61

2 [215.349. Properties selected for renovation pursuant to the provisions
3 of sections 215.340 to 215.349 shall be located in those areas of the urban core
4 of the city which are in the greatest need of neighborhood rehabilitation. Each
5 administering agency shall make a plan or plans to carry out the purposes of this
6 section and such plans shall be available to the public. In making the plan or
7 plans required by this section, each agency shall hold public hearings at
8 reasonable times and places from which to obtain community input in order to
9 assess the impact of any proposed plan on any neighborhood involved and to
10 assist them in determining which neighborhood or neighborhoods shall be given
11 the highest priority. The factors which the agency may consider, among all other
12 relevant considerations, are:

13 (1) The number of properties owned by the city in a neighborhood which
14 could be renovated; and

15 (2) The prior commitment of private developers to the area selected or
16 adjacent areas for purposes of assuring that purchasers of such property can
17 obtain financing and insurance.]

2 [215.351. State and federal funds appropriated to the department of
3 economic development and the department of social services for job training
4 shall be used to train eligible individuals participating in the workfare renovation
5 project pursuant to sections 215.340 to 215.355.]

2 [215.353. The Missouri housing development commission shall, to the
3 extent possible and in conjunction with the participating cities, select properties
4 for renovation pursuant to the workfare renovation project established in sections
5 215.340 to 215.355 so that diverse socioeconomic backgrounds and
6 circumstances are reflected in the renovated neighborhoods and communities.]

2 [215.355. The department of social services, the participating cities and
3 the Missouri housing development commission shall consult and collaborate on
4 issues involving funding and implementation of the workfare renovation project
5 established in sections 215.340 to 215.355 to help ensure the success of the pilot
6 project sites in meeting the objectives of the workfare renovation project.]

2 [253.375. 1. As a necessary adjunct to the operation and maintenance of
3 this memorial and historic site, as herein provided, there is hereby created a state
4 advisory commission, to be known as "The Thomas Hart Benton Homestead
5 Memorial Commission", to consist of twenty members, ten members to be
6 appointed by the director of the department of natural resources, five members
7 to be appointed by the president pro tem of the senate and five members to be
8 appointed by the speaker of the house. The appointees shall be selected from
9 outstanding individuals, not restricted to citizens of the state, well-known for
10 their interest in and knowledge of Thomas Hart Benton, his life and his work, and
11 in addition thereto, the director of the department of natural resources, the
12 chairman of the Missouri advisory council on historic preservation, which
13 advisory commission, upon original appointment, is hereby empowered to
14 organize itself and to elect its own officers for such term or terms as the
15 commission shall from time to time determine. Any vacancy on the advisory
16 commission shall be filled by the same official who appointed the person who
17 left the commission thus creating such vacancy.

18 2. The commission shall be advisory to the division of state parks and
19 recreation of the department of natural resources on all policy and administrative
20 matters pertaining to planning, operation and maintenance, including museum
21 activities, the employment of curators, staff employees or other persons, as may
22 be needed.

23 3. The members of the commission shall not receive any compensation
24 for their services, but shall be reimbursed for their actual and necessary expenses,
25 excluding travel expenses, incurred within the state of Missouri in the
performance of their duties.

26 4. The commission is empowered, in behalf of the state, to accept gifts,
27 contributions, bequests of unrestricted funds, from individuals, foundations,
28 corporations and other organizations or institutions for the furtherance of the
29 objectives and purposes of this memorial.

30 5. The commission may request from any department, division, board,
31 bureau, council, commission or other agency of this state such assistance and data
32 as will enable it to properly carry out its powers and duties hereunder; and the
33 director of the department of natural resources shall make provision for the
34 staffing and servicing of the commission, and providing the necessary funding to
35 carry out its duties, from funds appropriated or otherwise available to that
36 department.]
37

2 [253.385. 1. Pursuant to the provisions of section 48 of article III of the
3 Constitution of the state of Missouri, the department of natural resources is
4 hereby authorized to acquire by purchase from funds appropriated or otherwise
5 available to the department or to acquire by gift, if such gift is unencumbered by
6 any lien or mortgage, the Rice-Tremonti Home at 66th and Blue Ridge Boulevard
7 in Raytown, Missouri, for the establishment of a state historic site as a tribute to
8 Archibald Rice and his family who supplied food and other essentials to pioneers
9 striking out for a new home in the great westward expansion.

10 2. In acquiring this home, which may include both real and personal
11 property, the department shall make adequate provisions for the proper care,
12 maintenance and safekeeping of the property so that the home will be a historic
13 reminder of the sacrifices of our forefathers and ensure that the home is to be
14 used and enjoyed by all the citizens of this state.

15 3. The attorney general shall approve the form of the instrument of
16 conveyance.]

2 [260.481. 1. Any fourth class city in any first class county with a charter
3 form of government adjoining a city not within a county, which has contracted
4 with the state of Missouri or the federal government, or both, for the acquisition
5 of all real property by any federal or state agency because of the release of a
6 hazardous substance that endangers the public health and welfare of such city and
7 has resulted in a public calamity, and where a city ordinance effecting
8 disincorporation has been submitted to the governor by the mayor of the city
9 requesting disincorporation, shall be disincorporated upon the issuance of a
10 governor's executive order approving such disincorporation. Notice of such
11 disincorporation shall be submitted to the secretary of state and the county
12 commission of the county within which such city lies.

13 2. Upon the issuance of the executive order as required in subsection 1
14 of this section, the governor shall appoint a person to act as trustee for the city so
15 disincorporated and shall appoint legal counsel to assist such trustee as necessary.
Before entering upon the discharge of his duties, the trustee shall take and

16 subscribe on oath that he will faithfully discharge the duties of his office. The
17 trustee shall be empowered to condemn property as required, to take title to
18 property as it is acquired, to take over all records of the city and to exercise other
19 duties as specified in section 79.520, RSMo, except that the trustee shall not be
20 empowered to institute suits in behalf of the city without the express
21 authorization of the governor.

22 3. When the trustee shall have closed the affairs of the city, and shall
23 have paid all debts due by the city, he shall, at the request of the governor, pay
24 over to the state treasurer all money remaining in his hands and deliver to the
25 agency designated by the governor all books, papers, records and deeds to
26 acquired real property belonging to the disincorporated city.

27 4. Any expenditures incurred under this section will be paid first from
28 excess city funds and then from the Missouri hazardous waste fund under section
29 260.391.]
30

[278.010. 1. In order to cooperate with the federal government in
2 bringing to the farm people of Missouri the full benefits of an act by the Congress
3 of the United States, approved February 29, 1936, and generally known as "The
4 Soil Conservation and Domestic Allotment Act" (16 U.S.C.A. { 590h) the policy
5 and purposes of which are set forth in section 7(a) of the act as follows:

- 6 (1) Preservation and improvement of soil fertility;
- 7 (2) Promotion of the economic use and conservation of land;
- 8 (3) Diminution of exploitation and wasteful and unscientific use of
9 national soil resources;
- 10 (4) The protection of rivers and harbors against the results of soil erosion
11 in aid of maintaining the navigability of waters and water courses and in aid of
12 flood control; and
- 13 (5) Reestablishment, at as rapid a rate as the secretary of agriculture
14 determines to be practicable and in the general public interest, of the ratio
15 between the purchasing power of the net income per person on farms and that of
16 the income per person not on farms that prevailed during the five year period,
17 August, 1909--July, 1914, inclusive, as determined from statistics available in the
18 United States Department of Agriculture, and the maintenance of such ratio.

19 2. The state of Missouri through its legislature hereby accepts the
20 provisions and requirements of said act.]
21

[278.020. The curators of the University of Missouri, herein referred to
2 as the curators, acting by and through the agricultural extension service by it
3 carried on in connection with the college of agriculture of the university of
4 Missouri, are hereby designated as the agency of the state of Missouri to
5 administer any plans authorized by this federal act which shall be approved by the
6 Secretary of Agriculture of the United States, herein referred to as the Secretary

7 of Agriculture, for the state of Missouri pursuant to provisions of said Soil
8 Conservation and Domestic Allotment Act.]
9

2 [278.030. 1. The curators are hereby authorized, empowered and
3 directed to formulate and submit to the Secretary of Agriculture in conformity
4 with the provisions of said soil conservation and domestic allotment act, a state
5 plan for each calendar year, beginning not later than for the calendar year 1938.
6 It shall be the purpose of each such plan to promote such utilization of and such
7 farming practices as the curators find will tend, in conjunction with the operation
8 of such other plans as may be approved for other states by the Secretary of
9 Agriculture, to preserve and improve soil fertility, promote the economic use of
10 land, diminish the exploitation and wasteful and unscientific use of national soil
11 resources, and reestablish and maintain the ratio between the purchasing power
12 of the net income per person on farms and that of the income per person not on
13 farms as defined in subsection (a), of section 7 of said Soil Conservation and
14 Domestic Allotment Act.

15 2. Each such plan shall provide for adjustments in the utilization of land
16 and in farming practices, through agreements with producers or through other
17 voluntary methods, and for benefit payments in connection therewith, and also
18 for such methods of administration not in conflict with any law of this state and
19 such reports as the Secretary of Agriculture finds necessary for the effective
20 administration of the plan and for ascertaining whether the plan is being carried
21 out according to its terms.]

2 [278.040. Upon the acceptance of each such plan by the Secretary of
3 Agriculture, the curators, through its treasurer are authorized and empowered to
4 receive all grants of money made pursuant to said Soil Conservation and
5 Domestic Allotment Act for the purpose of enabling the state to carry out the
6 provisions of such plan, and all such funds, together with any moneys which may
7 be appropriated by the state for such purpose, shall be available to the curators
8 for expenditures necessary in carrying out the plan, including administrative
9 expenses, expenditures in connection with educational programs in aid of the
10 plan, and benefit payments.]

2 [278.050. In carrying out the provisions of each such plan, the curators
3 shall have power to employ such agent or agencies and to establish such agencies,
4 as it may find to be necessary; to cooperate with local and state agencies, and
5 with agencies of other states and of the federal government; to provide for the
6 conducting of research and to conduct educational activities in connection with
7 the formulation and operation of such plan; to enter into agreements with the
8 producers and to provide by other voluntary methods, for adjustments in the
9 utilization of land and in farming practices, and for payments in connection
10 therewith in amounts which the curators determine to be fair and reasonable.]

2 [291.010. Before the director of the inspection section shall enter upon
3 the duties of his office, he shall give a good and sufficient bond to the state of
4 Missouri in the penal sum of twenty thousand dollars, to be approved by the
5 attorney general as to form, and by the governor as to sufficiency, conditioned
6 upon the faithful performance of the duties of his office, and that he will render
7 an honest and accurate accounting of all funds which may come into his hands
8 through the performance of his official duties, and said director shall be held
9 liable on his official bond for any defalcations of any of his deputies, agents,
10 assistants or other employees.]

2 [291.020. The principal office of the section shall be kept and maintained
3 in Jefferson City, Missouri. In addition to the principal office in Jefferson City
4 there shall be kept and maintained one branch office in the city of St. Louis,
5 Missouri, and one branch office in Kansas City, Missouri, located in such
6 quarters as may be designated by the director with the approval of the secretary
7 of the labor and industrial relations commission of Missouri. Each of such
8 branch offices shall be in charge of an assistant director of the inspection section
9 and each such assistant director shall be empowered to do and perform in the
10 name of the director any act which the director himself might perform, subject
11 however to the supervision and approval of said director of the inspection
12 section.]

2 [291.030. 1. Subject to the provisions of the merit system law, chapter
3 36, RSMo, the director of the department of labor and industrial relations shall
4 employ and prescribe the duties and powers of such persons as may be required
5 and may make expenditures within the appropriation therefor as may be
6 necessary to carry out the purposes of the law.

7 2. Any person employed by the inspection section more than six months
8 prior to August 13, 1972, shall be admitted to the qualifying examination
9 covering the position held by him and may be retained at the discretion of the
10 director provided that he attains a passing grade in such examination. Any
11 employee appointed within six months prior to August 13, 1972, and any
12 employee appointed from and after August 13, 1972, shall be appointed subject
13 to the merit system law.]

2 [291.040. The salaries and compensation of the subordinate officials and
3 employees provided for in section 291.030, shall be paid in like manner and from
4 the same source as the salary of the director of the inspection section, upon
5 vouchers approved by the director. The salaries and compensation shall be as
6 follows: Assistant director of the inspection section, not exceeding six thousand
7 six hundred dollars per annum each; chief clerk, not exceeding six thousand six
8 hundred dollars per annum; administrative secretary, not exceeding four thousand
eight hundred dollars per annum; three special safety inspectors, not to exceed

9 five thousand four hundred dollars per annum each; inspectors, not to exceed five
10 thousand four hundred dollars per annum; secretary, not exceeding four thousand
11 two hundred dollars per annum; and stenographer, not to exceed four thousand
12 two hundred dollars per annum, except that the two stenographers who act as
13 office managers in the two branches shall receive a salary not to exceed four
14 thousand five hundred dollars per annum; statistician, not to exceed six thousand
15 six hundred dollars per annum. Such compensation shall be paid the janitor as
16 is fixed by the director, not to exceed the sum of two hundred dollars per month
17 for the time employed.]
18

2 [291.050. The director of the inspection section, his deputies, inspectors
3 and other assistants and appointees shall be entitled to their actual traveling
4 expenses when traveling within the state of Missouri on necessary business of the
5 inspection section, which said expenses shall be paid on itemized accounts,
6 approved by the director as other sectional expenses are approved and paid.]

2 [291.060. 1. The director of the inspection section may divide the state
3 into districts, assign one or more deputy inspectors to each district, and may, at
4 his discretion, change or transfer them from one district to another.

4 2. It shall be the duty of the director, his assistants or deputy inspectors,
5 to make not less than two inspections during each year of all factories,
6 warehouses, office buildings, freight depots, machine shops, garages, laundries,
7 tenement workshops, bakeshops, restaurants, bowling alleys, pool halls, theaters,
8 concert halls, moving picture houses, or places of public amusement, and all
9 other manufacturing, mechanical and mercantile establishments and workshops.
10 The last inspection shall be completed on or before the first day of October of
11 each year, and the director shall enforce all laws relating to the inspection of the
12 establishments enumerated heretofore in this section, and prosecute all persons
13 for violating the same. Any municipal ordinance relating to said establishments
14 or their inspection shall be enforced by the director.

15 3. The director, his assistants and deputy inspectors, may administer
16 oaths and take affidavits in matters concerning the enforcement of the various
17 inspection laws relating to these establishments; provided, that the provisions of
18 this section shall not apply to mercantile establishments that employ less than ten
19 persons that are located in towns and cities that have three thousand inhabitants
20 or less.]
21

2 [291.070. The inspection section shall collect, assort and systematize
3 statistical details and information relating to the commercial, industrial, social,
4 educational and sanitary conditions of the laboring classes of the state and to the
5 permanent prosperity of the productive industries of the state.]

2 [291.080. The director of the inspection section is hereby directed to
3 collect any information he may deem necessary to carry out the objects of the
4 department as set forth in section 291.070, and is hereby authorized to furnish
5 suitable blanks to managers of public service corporations, county, city and
6 township officers, and to the officers of prisons, penal and reformatory
7 institutions, and it shall be the duty of all such managers and officers to furnish
8 such information as the director may require and which may be in their
9 possession with the least possible delay.]

2 [291.120. The labor and industrial relations commission of Missouri,
3 with the assistance of the director of the inspection section of the department of
4 labor and industrial relations shall, on or before the first day of February of each
5 year, present a report in writing to the governor, which shall contain statistical
6 details relating to the operation of the section under sections 196.270 to 196.305,
7 and chapters 290, 292 and 421, RSMo, including such information as is
8 contemplated by section 291.070.]

2 [291.130. 1. The owner, superintendent, manager or other person in
3 charge of every establishment inspected as provided by law shall pay to the state
4 director of revenue the following fee for each inspection made in accordance with
5 the provisions of sections 196.270 to 196.305, and chapters 292 and 421, RSMo,
6 or elsewhere authorized or required of said inspector by law to be made:

7 (1) For the inspection of every building or shop in which ten or less
8 persons are employed or found at work, no charge shall be made;

9 (2) For the inspection of every building or shop in which more than ten
10 and not exceeding fifteen persons are employed, the sum of three dollars;

11 (3) For the inspection of every building or shop in which more than
12 fifteen and less than twenty-five persons are employed, the sum of four dollars;

13 (4) For the inspection of every building or shop in which more than
14 twenty-five persons and less than fifty persons are employed, the sum of five
15 dollars; and

16 (5) In every building or shop in which more than fifty persons are
17 employed an additional fee of one dollar shall be charged and collected for every
18 fifty additional persons employed, or any additional fraction thereof, and the fee
19 herein provided for shall be due immediately upon completion of the inspection.

20 2. The owner, superintendent, manager or other person in charge of any
21 establishment at the time of inspection shall furnish the inspector making the
22 inspection a true statement of the number of persons employed in the
23 establishment at the time of inspection, and any owner, superintendent, manager
24 or other person in charge who fails or refuses to furnish such statement, or
25 understates the number of persons employed in the establishment at the time of
inspection, is guilty of a misdemeanor, and, upon conviction thereof, shall be

26 fined not less than twenty-five dollars nor more than one hundred dollars for each
27 offense.

28 3. Any person, firm or corporation, agent or manager, superintendent or
29 foreman of any firm or corporation, whether acting for himself or for the firm or
30 corporation, or by himself or through subagents or foreman, superintendent or
31 manager, who refuses or attempts to prevent the admission of any inspector
32 authorized by this chapter, upon or within the premises or building of any
33 establishments or place which he is required by law to inspect at any reasonable
34 business hour, or during working hours or in any manner interferes with the
35 performance of the official duties of the inspector, or neglects or refuses to pay
36 the inspection fee upon the completion of the inspection, is guilty of a
37 misdemeanor, and, upon conviction thereof, shall be fined not less than
38 twenty-five dollars nor more than one hundred dollars for each offense; except,
39 that the owner or manager of any establishment inspected shall not be required
40 to pay for more than two inspections between the first day of October of one year
41 and thirtieth day of September of the next year, unless through noncompliance
42 with the written orders of the inspector, additional inspections are necessary.]
43

2 [386.220. The commission may engage in any conferences with officials
3 of any and all other states and the District of Columbia, territories and
4 possessions of the United States and foreign countries for the purpose of
5 promoting, entering into, and establishing fair and equitable reciprocal
6 agreements or arrangements that in the judgment of the commission are proper,
7 expedient, fair, and equitable and in the interest of the state of Missouri and the
8 citizens thereof to the end that any motor carrier of passengers or property which
9 operates motor vehicles and trailers into, out of, or through this state as a for hire
10 motor carrier and which has paid all regulatory fees required by the state, District
11 of Columbia, territory or possession of the United States or foreign country where
12 the motor vehicles and trailers are duly licensed or registered pursuant to an
13 agreement or arrangement entered into by the Missouri highway reciprocity
14 commission, or if no such agreement or arrangement has been entered into, where
15 the owner is a resident, shall not be required to pay fees prescribed in section
16 390.136, RSMo; but the provisions of this section shall be operative as to a motor
17 vehicle and trailer duly licensed or registered in a state, District of Columbia,
18 territory or possession of the United States or foreign country pursuant to an
19 agreement or arrangement entered into by the Missouri highway reciprocity
20 commission and if no such agreement or arrangement has been entered into,
21 where the owner is a resident, upon which all regulatory fees have been paid,
22 when operated for hire in Missouri only to the extent that, under the laws of the
23 state, District of Columbia, territory or possession of the United States or foreign
24 country, wherein such motor vehicle and trailer are registered like exemptions are
25 granted motor vehicles and trailers duly licensed or registered in Missouri which
may be conducting similar motor carrier operations for hire in such other state,

26 District of Columbia, territory or possession of the United States, or foreign
27 country.]

28 [389.440. 1. Every individual, company or corporation owning,
2 managing or operating, or who may hereafter own, manage or operate any
3 railroad or part of a railroad over bridges or through tunnels, as well as elsewhere,
4 in this state, who carry passengers or whose duty it is to carry livestock as a
5 common carrier, are hereby required to furnish to all shippers of livestock, having
6 a right to accompany the same, a caboose or other suitable car for the
7 transportation of such shipper or shippers to the actual place of unloading such
8 shipments.

9 2. And said owners or shippers shall be carried and furnished free
10 transportation to the place of destination and return; provided, that only one man
11 or person shall be carried free of charge for each consignment or shipment; and
12 be it further provided, that all such cabooses or cars on such trains shall be
13 furnished with a toilet room for the accommodation of passengers.

14 3. Any railroad, corporation or company doing business in this state
15 refusing or failing to comply with the requirements of this section shall be
16 deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in
17 a sum not less than one hundred dollars nor more than five hundred dollars for
18 each day's negligence or refusing to comply with the requirements of this section
19 after the enactment and passage of the same as required by law, and all moneys
20 arising as such fine shall revert to the public school fund of this state.]

21 [389.450. Any individual, company or corporation violating the
2 provisions of section 389.440 shall, upon conviction thereof, be deemed guilty
3 of a misdemeanor, and fined in any sum of not less than fifty nor more than five
4 hundred dollars.]

5 [389.880. It shall be unlawful for any person, firm or corporation,
2 operating a line of steam railroad in this state, to use or permit to be used within
3 the state of Missouri, any steam locomotive engine, between the first day of
4 October and the first day of April of the next succeeding year, unless the inside
5 of the cab on such locomotive engine shall be supplied and equipped with not
6 less than sixteen square feet of heating radiation on each side thereof; and unless
7 such locomotive engine shall be supplied and equipped with suitable curtain or
8 curtains, to be located between the tender and cab of such locomotive engine, in
9 such manner as to exclude the rain, snow or wind from entering the cab thereof,
10 nor unless any openings in the deck, running board or floor of such cab or the
11 openings or windows in the sides and front of such cab shall be constructed so
12 that said openings or windows may be so securely closed as to prevent as nearly
13 as practicable wind, snow or rain from entering said openings or windows.]

14

2 [389.890. It shall be unlawful for any person, firm or corporation,
3 operating a steam railroad within the state, after the first day of August, 1913, to
4 use or permit to be used any locomotive engine within the state of Missouri,
5 unless such locomotive engine shall be equipped with a seat on each side of the
6 cab thereof, which seats shall consist of a series of spiral, coil or elastic springs,
7 on the top of which shall be constructed a padding or cushion consisting of
8 leather or a suitable substitute thereof, stuffed or packed with hair, moss or other
9 suitable material commonly used for such purpose, which said seat, including the
10 springs thereof, shall not be greater than six nor less than four inches in
11 thickness.]

2 [389.895. 1. It shall be unlawful for any person, firm, company,
3 corporation, operating a railroad as a common carrier in this state, to hereafter
4 build and put into operation, any car used as a caboose which does not conform
5 to the requirements of this section.

6 2. Wherever glass or glazing materials are used in partitions, doors,
7 windows, or wind deflectors, it shall be of the safety glass type. For the purpose
8 of this subsection, safety glass is any type of glass or glazing material so
9 manufactured, fabricated, treated or combined with other materials as to reduce,
10 in comparison with ordinary sheet glass or plate glass, the likelihood of injury to
11 persons by objects, other external sources, or by glass or glazing material when
12 the same is cracked or broken.

13 3. This section shall not apply to a caboose operated wholly within yard
14 limits.

15 4. The motor carrier and railroad safety division of the department of
16 economic development of Missouri shall be empowered to enforce the foregoing
17 subsections and prosecute any violation thereof.]

2 [454.800. As used in sections 454.800 to 454.808, the following terms
3 mean:

4 (1) "Advance planning documents", a series of documents including
5 updates covering the various phases of the project submitted to the federal Office
6 of Child Support Enforcement for review and approval;

7 (2) "Project" or "system", the comprehensive, statewide automated
8 system developed and implemented by the division of child support enforcement
9 in compliance with section 454 of the Social Security Act (42 U.S.C. 654);

10 (3) "Steering committee", the statewide automated system steering
11 committee.]

2 [454.802. The director of the department of social services shall appoint
3 a "Statewide Automated System Steering Committee", which shall be composed
4 of the following members:

(1) The state courts administrator or his designee;

- 5 (2) The director of the department of social services or his designee;
6 (3) The director of the division of child support enforcement or his
7 designee;
8 (4) The director of the division of family services or his designee;
9 (5) The director of the division of data processing of the department of
10 social services or his designee;
11 (6) Three or more prosecuting attorneys or their designees. Such
12 prosecuting attorneys shall be appointed from a list submitted to the director from
13 the Missouri office of prosecution services;
14 (7) Two or more circuit clerks or their designees;
15 (8) Three or more representatives from the private sector, two of whom
16 shall be representatives of business and one of whom shall be a custodial parent;
17 and
18 (9) Such other interested parties as the director may deem appropriate.]
19

2 [454.804. Steering committee members shall serve as long as they hold
3 the position that made them eligible for the membership on the steering
4 committee, or until they are replaced by the director of the department of social
5 services. Members shall serve without additional compensation, but may be
6 reimbursed for all actual and necessary expenses incurred in the performance of
7 their official duties for the commission.]

2 [454.806. The steering committee shall advise the department of social
3 services regarding the development and implementation of a comprehensive
4 statewide automated system for child support enforcement that meets all
5 functional requirements for federal funding under 42 U.S.C. 654. The automated
6 system shall not alter program functions delegated to the department of social
7 services, prosecuting attorneys, circuit attorneys, and circuit clerks by chapters
8 208, 210, 452, and 454, RSMo. The system shall be the sole child support
9 enforcement system undertaken by the state.]

2 [476.220. Whenever in his opinion the public good requires, or whenever
3 it is necessary for the dispatch of business, any circuit judge may, by written
4 order filed with the clerk, call a special term of court for the trial or other
5 disposition of any civil or criminal cause or matter pending therein. At such term
6 the court may exercise its ordinary and usual jurisdiction in all cases wherein the
7 parties have been given five days' previous notice in writing of the calling of the
8 term to be given by the judge or clerk and served upon the parties or their
9 attorneys or agents in the manner provided by section 506.100, RSMo, and
10 likewise in all causes and matters where notice is waived.]

2 [476.240. At every such special term the court may, with the consent of
parties, exercise its ordinary jurisdiction in civil cases.]

2 [476.445. 1. Any commissioner of the supreme court or commissioner
3 of a court of appeals who is unable to discharge the duties of his office with
4 efficiency by reason of continued sickness or physical or mental infirmity shall
5 be retired from office upon the en banc order of the court appointing him.

6 2. No order retiring a commissioner shall be entered without the
7 commissioner involved having been given due notice and an opportunity to be
8 heard and without a finding by a majority of the court involved that the
9 commissioner's disability is permanent.

10 3. Any commissioner retired under the provisions of this section shall
11 receive as compensation during such retirement and until the end of the term for
12 which he was appointed a sum equal to one-half of the regular compensation for
13 that office.

14 4. Any commissioner retired under the provisions of this section shall not
15 be eligible to be made, constituted and appointed a special commissioner as
16 provided in sections 476.450 to 476.510 (nor to receive the compensation
17 provided therefor by sections 476.450 to 476.510) during the period of his
18 retirement under the provisions of this section but upon the completion of such
19 period he shall be and become eligible to be made, constituted and appointed a
20 special commissioner as provided in sections 476.450 to 476.510 if he be
21 otherwise qualified as to age and length of service.]

2 [477.004. 1. The Missouri supreme court may answer questions of
3 Missouri law certified to it by the Supreme Court of the United States, a Court
4 of Appeals of the United States, a United States District Court or a United States
5 Bankruptcy Court if there are involved in any proceeding before the certifying
6 court questions of Missouri law which may be relevant to the cause then pending
7 and as to which it appears to the certifying court there is no controlling precedent
8 in this state.

9 2. This section may be invoked by an order of any of the courts referred
10 to in subsection 1 of this section upon the court's own motion or upon the motion
11 of any party to the cause.

12 3. A certification order issued under this section shall set forth the
13 questions of law to be answered and a statement of all facts relevant to the
14 questions certified and showing fully the nature of the controversy in which the
15 questions arose. The certification order shall be prepared by the certifying court,
16 signed by the judge presiding at the hearing and forwarded to the Missouri
17 supreme court by the clerk of the certifying court under its official seal. The
18 Missouri supreme court may request the original or copies of all or of any portion
19 of the record before the certifying court to be filed with the certification order, if
20 in the opinion of the Missouri supreme court, the record or portion thereof may
21 be necessary in answering the questions.

22 4. Nothing contained in this section shall require the Missouri supreme
court to accept the certified case.

23 5. Fees and costs shall be the same as in civil appeals docketed before the
24 Missouri supreme court and shall be equally divided between the parties unless
25 otherwise ordered by the certifying court in its order of certification.

26 6. Any written opinion of the Missouri supreme court stating the law
27 governing the questions certified shall be sent by the clerk under the seal of the
28 Missouri supreme court to the certifying court and to the parties.

29 7. If any provision of this section or the application thereof to any person,
30 court, or circumstance is held invalid, the invalidity does not affect other
31 provisions or applications of this section which can be given effect without the
32 invalid provision or application, and, to this end, the provisions of this section are
33 severable.]
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2 [477.012. By January 1, 1991, the supreme court shall develop a jury
3 instruction to be used in criminal trials wherein a child under the age of ten is a
4 witness.]
5

2 [477.082. From January 1, 1972, the commissioners of the supreme
3 court, in addition to their other duties, by order of the supreme court, may be
4 temporarily assigned for the performance of judicial duties as special judges of
5 the supreme court, of any district of the court of appeals, or of any circuit court
6 when their services are required for the prompt and efficient administration of
7 justice. During such temporary assignments, subject to the supervision of the
8 regular judge or judges of the court, the commissioners shall exercise the same
9 powers, duties, and responsibilities as are vested by law in the regular judges of
10 the court to which they are assigned.]

2 [478.206. When any writ or other process is made returnable to any
3 stated term of any court of record and the time of holding such term shall be
4 changed by the legislature or by local court rule, such process shall be returned
5 to the first term of the court held in pursuance of such change, and with the same
6 effect as if returned at the time named in such process.]

2 [478.450. The judges of that circuit court, or a majority of them, are
3 hereby empowered to frame and enter of record in the court rules for the
4 numbering or classification of all the cases now pending or hereafter brought
5 therein for the proper distribution of cases for trial and disposition among the
6 divisions of the court and for the transfer of cases to and from each division, and
7 may designate the division or divisions of the court to which classes of cases may
8 be assigned for trial or disposition, which rules may in like manner be changed
9 from time to time as may be found necessary or expeditious. Such judges, or a
10 majority of them, may in like manner from time to time make such rules for the
court as may be agreeable to the usage and principles of law.]

2 [484.190. Any attorney or counselor at law may be removed or
3 suspended from practice in the courts of this state for any of the following
4 reasons:

5 (1) If he be convicted of any criminal offense involving moral turpitude;
6 (2) If he unlawfully retain his client's money or if he is guilty of any
7 malpractice, fraud, deceit or misdemeanor whatsoever in his professional
8 capacity;

9 (3) If he shall have been removed, suspended or disbarred from the
10 practice of law in any other state or jurisdiction and shall fail to disclose such fact
11 in his application for license to practice law in this state.]

2 [484.200. Charges against an offending attorney shall be in writing and
3 verified, and may be preferred by any member of the bar in good standing, or by
4 any judge of a court of record required by law to be a person learned in the law.
5 The charges may be exhibited and proceedings had thereon in the supreme court,
6 in any of the districts of the court of appeals, or in the circuit court of the county,
7 in which the actions or practices complained of shall have been committed or the
8 accused resides.]

2 [484.210. The court in which such charges shall be exhibited shall fix a
3 day for the hearing, allowing a reasonable time, and the clerk shall issue a citation
4 accordingly, with a copy of the charges annexed, which may be served upon the
5 accused wherever found.]

2 [484.220. The copy of the charges and citation may be served upon the
3 accused by any officer authorized by law to serve writs issued by such court and
4 in any county of this state, and if the accused be not found in this state then
5 reasonable notice shall be given him by publication in such manner as the court
6 may direct, unless served as provided in section 484.210, supra.]

2 [484.230. If the party served with such citation shall fail to appear
3 according to the command thereof, obedience may be enforced by attachment or
4 the court may proceed ex parte.]

2 [484.240. If the charge allege a conviction for any criminal offense
3 involving moral turpitude, the court shall, on production of the record of such
4 conviction, remove the attorney so convicted or suspend such attorney from
5 practice for a limited time, according to the nature of the offense, as the court
6 may deem just, and without further trial. If the attorney be acquitted or
7 discharged upon his trial, or if he be charged under subdivision (1), (2) or (3) of
8 section 484.190, and appears at the time fixed by court and denies the charges
9 preferred against him, or having been notified as required by section 484.210 or
484.220, fails to appear, the court shall forthwith hear the evidence offered in

10 support of said charge and the evidence offered by the accused, and shall
11 determine the matter without delay. And if the court finds that the charge has
12 been sustained, or if the accused shall admit that he is guilty, the court shall
13 remove him from practice or shall suspend him for a limited period, according
14 to the nature of the offense and as the court may deem just and proper.]
15

2 [484.250. All trials of charges preferred against attorneys shall be by the
3 court, and in all cases of conviction the court shall pronounce judgment of
4 removal or suspension according to the nature of the facts found; except that, if
5 the charge be filed in the supreme court, or in one of the districts of the court of
6 appeals, the court may appoint a special judge to hear the evidence and make
7 report thereof to the court. In all cases the court may tax or abate the cost of the
8 proceedings as it may deem just.]

2 [484.260. In all cases of a trial of charges in the circuit court, the
3 defendant may except to any ruling or decision of the court, and may prosecute
4 an appeal or writ of error to the supreme court, in all respects as in actions at law.
5 And it is hereby made the duty of the supreme court to hear said appeal at the
6 next term of said court unless continued for cause.]

2 [484.270. Every final judgment or order of removal or suspension, made
3 in pursuance of the provisions of this chapter by any court so authorized, shall
4 operate, while it continues in force, as a removal or suspension from practice in
5 all the courts of this state; provided, that any attorney or counselor at law
6 removed from practice or suspended for a longer term than one year, on
7 application to the supreme court or in the court in which the judgment of removal
8 or suspension was first rendered, may be reinstated as such attorney or counselor
9 at law, in the discretion of the court, at any time after one year from the date of
10 such judgment of removal or suspension.]

2 [490.610. A copy of the enrollment of any steamboat in any customhouse
3 or in the office of any surveyor and inspector of customs, duly certified by the
4 proper officer, shall, as against the persons described as owners of such
5 steamboat in such enrollment, be prima facie evidence that they are the owners
6 thereof.]

2 [620.155. There is hereby established the "Missouri Rural Economic
3 Development Council". The council shall consist of six members, including the
4 lieutenant governor, the director of the department of agriculture, the director of
5 the department of economic development, and the director of the extension
6 division of the University of Missouri. The other two members shall be one
7 senator appointed by the president pro tem of the senate and one representative
appointed by the speaker of the house of representatives.]

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[620.156. Members of the council shall not be compensated for their services, but they shall be reimbursed for actual and necessary expenses incurred in the performance of their duties. The members of the council shall organize by electing one member as chairman and another as vice chairman. Such officers shall serve for terms of two years. The office of rural development of the department of economic development, established by section 620.161, shall provide staff to the council to aid it in the performance of its duties.]

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[620.157. The specific duties of the Missouri rural economic development council shall include, but not be limited to, the following:

(1) Investigate and evaluate new methods to enhance rural economic development in Missouri;

(2) Aid in the development of rural economic diversification through private enterprises, including technologically innovative industries and value-added manufacturing;

(3) Adopt a comprehensive state rural investment guide;

(4) Make investments in rural economic development projects to stimulate rural development and diversification, including investments in applied technological research and agricultural technology assistance and transfer, as allowed by appropriations provided by the general assembly;

(5) Make recommendations to the office of rural development for the award of grants-in-aid under the rural communities assistance program, as provided for in section 620.163;

(6) Assist existing businesses and encourage new businesses which promote resource recovery, waste minimalization, and recycling.]

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[620.158. 1. The council, after appropriate study, shall adopt a comprehensive state rural investment guide consisting of policy statements, objectives, standards, and program criteria to guide state agencies in establishing and implementing programs relating to rural development. The guide must recognize the community and economic needs, and food and agricultural policy, and the resources of rural Missouri, and provide a plan to coordinate and allocate public and private resources to the rural areas of the state. The council shall submit the guide to the appropriate committees of the general assembly.

2. Sections 620.155 to 620.158 shall expire on June 30, 2010.]

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[620.160. As used in sections 620.160 to 620.165, the following terms mean:

(1) "Rural community", any city, town, or village having a population of fewer than fifteen thousand inhabitants located in a county that is not part of a standard metropolitan statistical area as defined by the United States Department of Commerce or its successor agency. However, any such city, town or village

7 located in a county so defined as a standard metropolitan statistical area may be
8 designated a rural community by the office of rural development if a substantial
9 number of persons in such county derive their income from agriculture and in any
10 county where there is only one city within the county which has a population of
11 more than fifteen thousand and which classifies as a standard metropolitan
12 statistical area, all other cities, towns and villages in that county having a
13 population of less than fifteen thousand shall be designated as a rural community;

14 (2) "Sponsoring organization", any city government, county commission,
15 or industrial development corporation authorized by chapter 349, RSMo, located
16 in a county specified in subdivision (1) of this section.]
17

2 [620.161. 1. There is hereby created within the department of economic
3 development an "Office of Rural Development". The office of rural development
4 shall be under the supervision and control of a director, who shall be appointed
5 by the director of the department of economic development. Until June 30, 2000,
6 the office of rural development shall be responsible for providing staff support
7 to the Missouri rural economic development council. The office shall assist
8 qualifying rural communities located in this state to achieve the following goals,
9 which are listed in order of priority:

10 (1) Assist existing businesses and employers to ensure their viability
11 within the rural communities;

12 (2) Assist existing businesses and employers in job creation and
13 expansion within the communities and assist in the identification of financing
14 alternatives;

15 (3) Provide assistance to communities in attracting new employers;

16 (4) Assist existing businesses and encourage new businesses which
17 promote resource recovery, waste minimalization, and recycling.

18 2. Subject to appropriations by the general assembly, the director of the
19 office of rural development shall employ support staff that he deems necessary
20 to administer this act.]

2 [620.163. 1. There is hereby established a "Rural Communities
3 Economic Assistance Program", which shall be administered by the office of
4 rural development. Under the auspices of the rural communities economic
5 assistance program and, until June 30, 2000, with the recommendations of the
6 Missouri rural economic development council, the office of rural development
7 shall have the authority, until June 30, 2010, to make available to qualifying rural
8 communities grants-in-aid designed to achieve the goals stated in subsection 1
9 of section 620.161. The grants-in-aid awarded pursuant to this authority may be
10 funded out of the general revenue fund or from any other available source
11 allowed by law.

12 2. The office of rural development shall take applications for
grants-in-aid from sponsoring organizations on behalf of rural communities. The

13 applications shall be designed by the office of rural development and shall
14 contain information necessary to determine the potential economic benefits of
15 grants-in-aid to be awarded, as well as other information deemed necessary for
16 the administration of this program.

17 3. The grants-in-aid to be awarded under the rural communities economic
18 development assistance program shall be distributed to not more than twenty
19 communities chosen by the office of rural development with the
20 recommendations of the Missouri rural economic development council so long
21 as it exists from the applications received prior to February twenty-eighth of each
22 year. The grants-in-aid shall be distributed on July first of each year to such
23 communities in an amount not to exceed thirty thousand dollars per community.
24 No community may receive grants-in-aid for more than two consecutive years.
25 In order to qualify for a grant-in-aid from the office of rural economic
26 development, each community must match the amount of the grant with local
27 funds equal to one-third of the grant-in-aid.

28 4. The sponsoring organization of each community chosen to receive a
29 grant-in-aid from the office of rural economic development shall provide the
30 community with equipment, office space, telephone service, stationery, and such
31 other office supplies and services as are necessary to accomplish the goals set
32 forth in subsection 1 of section 620.161 and in the application submitted to the
33 office of rural economic development. The provision of such supplies and
34 services by the sponsoring organization may be used to meet the one-third fund
35 match requirement set forth in subsection 3 of this section.]
36

2 [620.164. 1. Communities receiving grants-in-aid under the rural
3 communities economic assistance program shall hire such personnel as are
4 necessary to administer a program designed to bring about economic
5 development in the community. Such personnel shall coordinate with the
6 sponsoring organization or its contractual designee pursuant to subsection 2 of
7 this section to maximize the utilization of funds and resources. Such personnel
8 shall work toward achieving the goals of the office of rural development within
9 the community and shall also assist in the development of and investment
10 opportunities within the community, and shall generally encourage
11 entrepreneurship within the community. The office of rural development shall
12 encourage the communities to continue to fund local development offices after
13 the expiration of the program grants-in-aid for their communities. As nearly as
14 possible, the office of rural development shall require communities receiving
15 such grants-in-aid to cooperate with adjacent rural communities in an effort to
16 stimulate regional economic development.

17 2. Sponsoring organizations may enter into contracts with chambers of
18 commerce, regional planning commissions as defined in chapter 251, RSMo, or
19 other entities involved in economic development approved by the council to
provide for the administration of grants-in-aid made pursuant to this act.]

20

[620.165. 1. The office of rural development shall furnish technical assistance to communities and local rural development personnel by administering training seminars for such local development personnel. The office may also furnish market surveys, feasibility studies, prospect lists and other data to local rural development offices upon request for such available information.

2. The extension division of the University of Missouri and the department of economic development shall cooperate in the implementation of sections 620.155 to 620.165.]

9

[620.990. To accomplish the purposes of sections 620.950 to 620.990, the authority shall adopt such bylaws, rules, and regulations as it deems necessary for the conduct of its business and affairs and for the management and use of facilities, projects, and sites acquired under the powers granted under the provisions of sections 620.950 to 620.990.]

6

[620.1030. 1. There is hereby created in the state treasury a revolving fund to be known as the "New Jobs Fund" to be administered by the department of economic development.

2. The general assembly may appropriate to the new jobs fund, if funds are available and if requested by the governor, a one-time appropriation of five million dollars. The fund is to be used to make direct financial investments in early-stage Missouri businesses that show promise of significant growth and job creation. Investments from the fund may be in the form of either debt or equity in a business. The fund's investments shall be matched by investments of venture capital firms, banks or other sources of financing. The state investment from the fund may not exceed forty percent of the total investment in the business.

3. Any moneys remaining in the new jobs fund at the end of the fiscal year shall not lapse to the general revenue fund, as provided in section 33.080, RSMo, but shall remain in the new jobs fund.

4. The provisions of this section shall not become effective unless and until a proposal submitted by the eighty-seventh general assembly to change the provisions of article III of the state constitution by adding a section to allow the use of state funds to make direct financial investments in certain Missouri businesses is submitted to the voters of this state and such proposal is approved by a majority of the qualified voters of this state voting on such proposal.]

21

[620.1045. Sections 620.1045 to 620.1063 shall be known and may be cited as the "Missouri Capital Access Program Act".]

3

[620.1048. As used in sections 620.1045 to 620.1063, the following terms mean:

2

3 (1) "Borrower", any small business that receives a loan with respect to
4 which an amount is added to a program loss reserve account as provided in
5 sections 620.1045 to 620.1063;

6 (2) "Department", the Missouri department of economic development;

7 (3) "Financial institution" or "institution", any bank, trust company,
8 savings bank, credit union or savings and loan association with an office in
9 Missouri which participates in the program;

10 (4) "Loan", a loan, sale and lease back, financial lease, conditional sale
11 or any other extension of credit;

12 (5) "Program", the Missouri capital access program established in
13 sections 620.1045 to 620.1063;

14 (6) "Small business", an independently owned and operated business as
15 defined in 15 U.S.C. 632(a) and as described by 13 CFR 121, which is
16 headquartered in and which employs at least eighty percent of its employees in
17 Missouri, except that no such business shall have more than one hundred
18 employees nor shall such business's annual revenues have exceeded five million
19 dollars in its most recently completed fiscal year. Such business must be
20 involved in manufacturing, processing or assembling products, conducting
21 research and development or providing services, but shall not include retail, real
22 estate, insurance or professional services.]
23

2 [620.1051. 1. When a financial institution originates a loan pursuant to
3 sections 620.1045 to 620.1063 to a borrower, such financial institution shall set
4 aside an amount into a program loss reserve account. Such amount shall be
5 agreed upon by it and the borrower, and shall not be less than one and one-half
6 percent or more than three and one-half percent of the principal of the loan. The
7 borrower shall deposit into the program loss reserve account an amount equal to
8 the amount set aside by the financial institution. The financial institution may
9 loan the borrower the amount deposited on behalf of the borrower and such
10 amount may be added to the principal of the loan.

11 2. The financial institution shall certify to the department, on forms
12 prescribed by the department and accompanied by any documentation required
13 by the department, that such financial institution has made a loan pursuant to
14 sections 620.1045 to 620.1063 and has set aside a contribution and has collected
15 from the borrower and deposited on behalf of the borrower an equal amount into
16 the program loss reserve account. Upon receipt of such certification, the
17 department shall verify that such certification complies with the provisions of
18 sections 620.1045 to 620.1063. The department shall then transfer to the
19 financial institution from the Missouri capital access program an amount equal
20 to the combined amounts of the institution and the borrower which have been
21 deposited in the program loss reserve account, except that for the first two million
22 dollars in loans made by the financial institution pursuant to the provisions of
23 sections 620.1045 to 620.1063, the department shall transfer to the institution an

amount equal to one hundred fifty percent of the combined total amount deposited by the institution and the borrower in the program loss reserve account.

3. A financial institution which suffers a loss on any loan made pursuant to sections 620.1045 to 620.1063 may, upon application and providing proof satisfactory to the department, recover from the program loss reserve account its losses, which may include principal, up to six months accrued interest and any collection expenses. If the department approves the financial institution's application for recovery provided for by this subsection, the institution, at the request of the department, shall be required to assign to the department all rights and interests in such loan for which a recovery was approved. The department shall then have legal standing to pursue the collection of such loan.]

[620.1053. All amounts set aside by the financial institution, collected from the borrower and contributed by the department shall be deposited by the institution into a program loss reserve account established at a location in Missouri where the institution operates. The money deposited in this account shall bear interest at a rate at least equal to the institution's rate on the lower of passbook savings accounts, NOW accounts or interest-bearing checking accounts. The program loss reserve account for any financial institution shall be maintained by such institution but shall be the property of and under the control of the department of economic development of the state of Missouri. The program loss reserve account shall be dedicated and may only be used to cover losses on loans made pursuant to sections 620.1045 to 620.1063. All earnings, whether interest or other earnings, on any program loss reserve account shall be credited to the program loss account. At the end of each quarter, any accumulated interest on any program loss account shall be sent to the department for deposit in the Missouri capital access program fund which is created in section 620.1055.]

[620.1055. The state treasurer shall credit any moneys received from the department pursuant to sections 620.1045 to 620.1063 to the credit of the "Missouri Capital Access Program Fund", which is hereby created in the state treasury. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, money in this fund shall not be transferred and placed to the credit of general revenue.]

[620.1058. Any loan made pursuant to the Missouri capital access program shall be used predominantly for business activities within the state of Missouri. No program loan when aggregated with other program loans by the same financial institution to the same borrower shall exceed five hundred thousand dollars. No program loan shall be used to refinance prior nonprogram debt nor shall any program loan be made for passive real estate purposes.]

2 [620.1060. 1. No financial institution shall make a loan pursuant to
3 sections 620.1045 to 620.1063 to a borrower if the borrower is an executive
4 officer, director or principal shareholder of the institution or is a member of the
5 immediate family of an executive officer, director or principal shareholder of the
6 institution, or a related interest of such executive officer, director or principal
shareholder or member of the immediate family.

7 2. For purposes of this section, the following terms mean:

8 (1) "Immediate family", the spouse of the individual, the individual's
9 minor children and any of the individual's children, including adults, residing in
10 the individual's home;

11 (2) "Related interest of the person":

12 (a) A company that is controlled by the person; or

13 (b) A political or campaign committee that is controlled by such person
14 or the funds or services of which will benefit such person.]
15

2 [620.1063. 1. A participating financial institution which withdraws from
3 the program may not recover any set-aside contributions which have been made
4 to a loss reserve account. If a program loan loss reserve account continuously
5 exceeds the outstanding balance of the institution's enrolled loans for twenty-four
6 consecutive months, the department may withdraw such excess to reduce the
7 program loss reserve account to an amount equal to one hundred percent of such
8 outstanding balance. Any funds withdrawn pursuant to this subsection shall be
9 placed in the Missouri capital access program fund.

10 2. The division of finance of the department of economic development
11 is authorized to examine all program loss reserve accounts maintained by
12 financial institutions. No financial institution may participate in the program
13 unless such financial institution agrees to allow the division of finance to conduct
14 such examinations.]

2 [620.1066. The department of economic development is authorized to
3 adopt, promulgate, amend or repeal any rules or regulations necessary to carry out
4 the provisions of sections 620.1045 to 620.1081.]

2 [620.1069. 1. The department of economic development is authorized
3 to administer a microenterprise loan program. For purposes of sections 620.1069
4 to 620.1081, the term "microenterprise" means a small business, with no more
5 than ten employees, in which the owner, or members of the owner's immediate
6 family, provide the majority of management and a significant amount of labor
7 required to operate the business. For purposes of sections 620.1069 to 620.1081,
8 the term "immediate family" means the spouse of an owner, the owner's children,
9 including the owner's adult children, who reside in the owner's home. The loan
program shall be designed to provide financing for the expansion, modernization

10 or improvement of existing microenterprises or for the commencement of new
11 microenterprises.

12 2. The director of the department of economic development shall appoint
13 an oversight committee of nine members which may include, but is not limited
14 to, representatives of state government, banks, business assistance providers,
15 entrepreneurs, or not-for-profit organizations, to assist in administering the
16 provisions of sections 620.1069 to 620.1081. The director of the department of
17 economic development, or the director's designee, shall serve as chairman of the
18 oversight committee. The committee shall be appointed to serve at the pleasure
19 of the director and shall receive no compensation, but shall be reimbursed for
20 expenses incurred in the performance of any duties required as members of the
21 oversight committee. The committee, after review of applications, shall
22 designate microenterprise loan programs in the state and the geographical
23 boundaries in which each will operate.]
24

2 [620.1072. 1. The "Microenterprise Revolving Loan Fund" is hereby
3 created in the state treasury. The fund shall consist of all moneys appropriated
4 to it by the general assembly, all gifts, grants and bequests from federal, private
5 or any other source, and all repayment of moneys from eligible lenders, for the
6 purpose of assisting new or expanding microenterprises. Notwithstanding the
7 provisions of section 33.080, RSMo, no portion of the fund shall be transferred
8 to the general revenue fund at the end of any biennium.

9 2. Diligent efforts to assure that at least thirty percent of the moneys in
10 the fund shall be available to, and reserved for, female-owned microenterprises.]

2 [620.1075. The department of economic development, with the advice
3 of the oversight committee established pursuant to section 620.1069, may adopt
4 and promulgate rules and regulations for determining eligible lenders and eligible
5 borrowers pursuant to sections 620.1069 to 620.1081. No rule or portion of a
6 rule promulgated under the authority of sections 620.1069 to 620.1081 shall
7 become effective unless it has been promulgated pursuant to the provisions of
8 chapter 536, RSMo. All rulemaking authority delegated prior to June 27, 1997,
9 is of no force and effect and repealed; however, nothing in this section shall be
10 interpreted to repeal or affect the validity of any rule filed or adopted prior to
11 June 27, 1997, if such rule complied with the provisions of chapter 536, RSMo.
12 The provisions of this section and chapter 536, RSMo, are nonseverable and if
13 any of the powers vested with the general assembly pursuant to chapter 536,
14 RSMo, including the ability to review, to delay the effective date, or to
15 disapprove and annul a rule or portion of a rule, are subsequently held
16 unconstitutional, then the purported grant of rulemaking authority and any rule
17 so proposed and contained in the order of rulemaking shall be invalid and void.
The standards shall include, but are not limited to, the following:

(1) All eligible lenders shall be approved by the oversight committee, and each eligible lender shall maintain all records of all loans made pursuant to sections 620.1069 to 620.1081. Eligible lenders shall be community development corporations, community colleges or other community-based organizations which have experience in the area of business assistance;

(2) The total amount of any loan made to any one eligible borrower shall not exceed fifteen thousand dollars;

(3) Prior to receiving either an institution-based loan or a group-based loan from an eligible lender, each eligible borrower must confer with a qualified business assistance provider for advice on management techniques and other professional advice which the department of economic development may require to help ensure the likelihood of success for the microenterprise. A qualified business assistance provider may include the department of economic development, a small business assistance center, or any other similar organization approved by the department.]

[620.1078. The department of economic development shall distribute moneys, in the form of loans or grants to eligible lenders from the microenterprise revolving loan fund within the limits of appropriations made by the general assembly. The eligible lenders shall charge the market rate of interest for loans made pursuant to sections 620.1069 to 620.1081. No loan shall be made pursuant to sections 620.1069 to 620.1081 for the refinancing of existing debt. Loans may only be made by eligible lenders in any of the following categories:

(1) Group-based loans shall be available to microenterprises in need of loans between five hundred dollars and seven thousand five hundred dollars. A group-based loan program shall be approved by the eligible lending institution. A group shall consist of between five and seven eligible members who shall meet to make credit decisions, help one another in the solution of business problems, and receive loan repayments. The initial loan made by the group to the first eligible borrower shall not exceed two thousand five hundred dollars. All such loans shall be subject to examination by the state auditor;

(2) Institution-based loans shall be available to microenterprises directly from eligible lenders in amounts of between seven thousand five hundred dollars and fifteen thousand dollars. Such loans shall be made by eligible lenders who possess significant experience in providing business assistance. Repayment of such loans shall be placed in a revolving loan fund established by the eligible lender as provided in subdivision (1) of this section for group-based loans. Institution-based loan applications shall be reviewed by a credit committee which shall judge the merits of the proposed loan according to the local economy, the borrower's character, and the credit risk of the proposed loan. Institution-based loans shall be subject to examination by the state auditor the same as group-based loans;

28 (3) Challenge loans and grants shall be made available to eligible lenders.
29 Such loans and grants shall be made to groups which demonstrate new or
30 innovative approaches to microenterprise development, as determined by the
31 oversight committee established pursuant to section 620.1069. All such loans
32 and grants shall satisfy the requirements of section 620.1075. Loans shall be
33 made available from a group to microenterprises in amounts of between five
34 hundred dollars and seven thousand five hundred dollars. Repayment of such
35 loans shall be placed in a revolving fund established by the lender similar to that
36 as provided for in subdivision (1) of this section.]
37

2 [620.1081. The department of economic development shall determine the
3 basic policies for the microenterprise loan program and shall promulgate rules
4 and regulations, if necessary, to establish the loan program and implement the
5 provisions of sections 620.1069 to 620.1081. Such rules and regulations shall be
6 drafted so as to encourage maximum involvement and participation by eligible
7 lenders in the microenterprise loan program.]

2 [620.1580. 1. There is hereby established within the department of
3 economic development the "Advisory Committee for Electronic Commerce".
4 The purpose of the committee shall be to advise the various agencies of the state
5 of Missouri on issues related to electronic commerce.

6 2. The committee shall be composed of thirteen members, who shall be
7 appointed by the director of the department of economic development, as
8 follows:

9 (1) One member shall be the director of the department of economic
10 development;

11 (2) One member shall be an employee of the department of revenue;

12 (3) One member shall be an employee of the department of labor and
13 industrial relations;

14 (4) One member shall be the secretary of state;

15 (5) One member shall be the chief information officer for the office of
16 technology;

17 (6) Seven members shall be from the business community, with at least
18 one such member being from an organization representative of industry, and with
19 at least one such member being from an organization representative of
20 independent businesses, and with at least one such member being from an
21 organization representative of retail business, and with at least one such member
22 being from an organization representative of local or regional commerce; and

23 (7) One member shall be from the public at large.

24 3. The members of the committee shall serve for terms of two years
25 duration, and may be reappointed at the discretion of the director of the
department of economic development. Members of the committee shall not be

26 compensated for their services, but shall be reimbursed for actual and necessary
27 expenses incurred in the performance of their service on the committee.

28 4. The director of the department of economic development shall serve
29 as chair of the committee and shall designate an employee or employees of the
30 department of economic development to staff the committee, or to chair the
31 committee in the director's absence.

32 5. The committee shall meet at such places and times as are designated
33 by the director of the department of economic development, but shall not meet
34 less than twice per calendar year.]
35

2 [622.010. A "Transportation Division" is hereby established within the
3 department of economic development. Effective on July 1, 1997, the name
4 "Transportation Division" shall be changed to the "Division of Motor Carrier and
5 Railroad Safety". The division shall be headed by a director, nominated by the
6 department director and appointed by the governor with the advice and consent
7 of the senate. The director shall be the chief administrative officer of the
8 division.]

2 [622.020. 1. Three administrative law judges shall also be appointed for
3 the division. They shall be nominated by the department director and appointed
4 by the governor with the advice and consent of the senate. Each shall be
5 appointed for a term of six years, except of those first appointed, one shall be
6 appointed for a term of four years, and one for a term of two years. Each shall
7 be an attorney-at-law admitted to practice before the supreme court of Missouri,
8 and while serving in this capacity as an administrative law judge shall not
9 otherwise practice law during his term of office. Not more than two of the
10 administrative law judges shall be members of the same political party.

11 2. Administrative law judges shall be compensated at the same rate as
12 administrative hearing commissioners are compensated, and they shall be
13 reimbursed for actual and necessary expenses incurred in the performance of their
14 duties.]

2 [622.040. The provisions of sections 622.010 to 622.059 and 680.307,
3 RSMo, shall not apply to any case presently pending before the Missouri public
4 service commission in which any evidence has been submitted either to the
5 public service commission or to the administrative law judge or hearing
6 examiner; or to any pending case in which the public service commission has
7 ordered an investigation into rate charges and the results of the investigation have
8 been filed with the commission. In such cases the public service commission
9 shall decide such cases under the procedures in effect prior to July 1, 1985.]

2 [622.045. The director of the department of economic development is
expressly authorized to organize the division to accomplish the purposes set forth

3 by the provisions of sections 622.010 to 622.059 and 680.307, RSMo, and within
4 the limit of appropriations made therefor shall employ all necessary personnel to
5 accomplish those purposes. Personnel previously employed by the public service
6 commission may be transferred to this division.]
7

2 [622.050. Nothing herein shall be construed as limiting any power,
3 authority, jurisdiction, duty or responsibility of the public service commission
4 under chapter 386, RSMo, or any other statute as to the regulation of public
5 utilities, utility safety and any other nontransportation matters remaining with the
6 public service commission after July 1, 1985.]

2 [622.055. 1. A "Transportation Development Commission" is hereby
3 established. It shall consist of five senators appointed by the president pro tem
4 of the senate, five representatives appointed by the speaker of the house of
5 representatives, and five persons, not less than one of whom shall be an intrastate
6 certificated carrier, not less than one of whom shall be associated with a railroad
7 industry, and not less than one of whom shall be a shipper, appointed by the
8 director of the department of economic development.

9 2. The commission shall meet and organize by electing one legislative
10 member as chairman and another legislative member as vice chairman. The
11 commission shall meet as often as necessary to carry out its duties at such places
12 as may be convenient for this purpose.

13 3. Members shall not receive any compensation for the performance of
14 their duties, but all shall be reimbursed for actual and necessary expenses
15 incurred in the performance of those duties, the legislative members from the
16 contingent funds of their respective houses, and the public members from funds
17 appropriated to the department of economic development.]

2 [643.600. The Kansas-Missouri Air Quality Compact is hereby entered
3 into and enacted into law with the state of Kansas, in the form substantially as
4 follows:

5 KANSAS-MISSOURI AIR QUALITY
6 COMPACT

7 ARTICLE I. SHORT TITLE

8 1.1. This act shall be known and may be cited as the Kansas-Missouri Air
9 Quality Compact.

10 ARTICLE II. DEFINITIONS

11 2.1. "Signatory state" shall mean a state party to this compact.
12 2.2. "Air pollution" shall mean the presence in the ambient air of one or
13 more air contaminants in quantities, of characteristics and of a duration which
14 directly and proximately cause or contribute to injury to human, animal or plant
15 life or health or to property or which unreasonably interfere with the enjoyment
of life or use of property.

16 2.3. "Air contaminant" shall mean any particulate matter or any gas or
17 vapor or any combination thereof.

18 2.4. "Air contaminant source" shall mean any and all sources of emission
19 of air contaminants whether privately or publicly owned or operated.

20 2.5. "Person" shall mean any individual, partnership, copartnership, firm,
21 company, public or private corporation, association, joint stock company, trust,
22 estate, political subdivision, or any governmental agency, board, department or
23 bureau, or any other legal entity whatever which is recognized by law as the
24 subject of rights and duties.

25 ARTICLE III. PURPOSES

26 3.1. Ambient air is not confined by the common boundary between
27 Kansas and Missouri and is affected with a local, state and regional interest. The
28 planning, conservation, and control of the quality of ambient air are public
29 purposes of the respective signatory states.

30 The air resources of the area subject to the jurisdiction of the commission
31 are common to Kansas and Missouri, and the uses of these resources are
32 interdependent. A single agency is therefore essential for effective and
33 economical direction, supervision and coordination of efforts and programs of
34 federal, state and local governments and of private enterprise.

35 The signatory states recognize that the discharge into the ambient air of
36 air contaminants so as to cause or contribute to air pollution is contrary to public
37 policy; that air contaminants originating in one state may contribute to the
38 degradation of air quality in the other; and that such degradation may present a
39 hazard to the health, welfare and enjoyment of life and property of the people of
40 both states. It is the purpose of the signatory states, by achieving uniform
41 application of air pollution control regulations, to maintain purity of the common
42 air resources, to protect the health, general welfare and physical property of the
43 people, and to foster maximum employment and full industrial development of
44 the state. Each state, and the commission hereinafter created, shall seek the
45 accomplishment of these objectives through the prevention, abatement and
46 control of air pollution by all practical and economically feasible methods.

47 ARTICLE IV. COMMISSION

48 4.1. Commission created. There is hereby created the Kansas-Missouri
49 Air Quality Commission, herein called "the commission", with the powers and
50 duties set forth herein, and such additional powers as may be conferred upon it
51 by subsequent action of the respective legislatures of the signatory states. The
52 commission shall be a body corporate, with succession for the duration of this
53 compact, as an agency and instrumentality of the governments of the respective
54 signatory states. The commission shall have jurisdiction hereunder with respect
55 to air contaminant sources located in the district comprising the following
56 counties of Missouri and Kansas: Cass, Clay, Jackson and Platte of Missouri;
57 and Johnson, Leavenworth and Wyandotte of Kansas. The commission shall
58 have the power to cooperate with federal, state and local agencies with respect

59 to air pollution control matters which affect the air quality standards within the
60 jurisdiction of the commission.

61 4.2. Membership. The commission shall consist of eleven members, one
62 commissioner representing the appropriate federal agency having jurisdiction of
63 air pollution matters, five commissioners from Kansas and five from Missouri,
64 each of whom shall be a resident of such state, and at least three commissioners
65 from each state shall be residents of the region subject to the jurisdiction of the
66 commission hereunder. The commissioners from each state shall be qualified,
67 chosen and appointed by each state in the manner and for the terms as provided
68 by the laws of the respective states. Vacancies on the commission shall be filled
69 for the unexpired term in the same manner as appointments to full terms.

70 4.3. Voting. Each commissioner representing a signatory state shall be
71 entitled to a vote, but the commissioner representing the federal government shall
72 vote only as hereinafter provided. All final actions of the commission shall be
73 taken at meetings at which a majority of the members of the commission are
74 present in person. All final actions of the commission shall require a favorable
75 majority vote of the commissioners present. If an unresolved tie vote shall result
76 on any matter properly before the commission, then the commissioner
77 representing the federal government may cast the deciding vote on such matter
78 if present at the meeting, and such vote, if cast, shall decide the matter.

79 4.4. Compensation. Members of the commission representing the
80 signatory states may receive a per diem allowance as determined and paid by the
81 legislatures of the respective signatory states. Members of the commission shall
82 be reimbursed by the commission for necessary and actual expenses incurred in
83 and incident to the performance of their duties.

84 4.5. Capacity. The commission shall have all corporate powers essential
85 to the declared objects and purposes of the commission, and it may sue and be
86 sued, enter into contracts and shall have a seal. The commission shall designate
87 a resident agent in each signatory state to accept any service of process made
88 upon the commission, and the names of such agents shall be filed with the
89 secretary of state of each signatory state. The commission may retain counsel to
90 represent it in any action at law brought by or against the commission.

91 4.6. Officers. The commission shall elect annually, from among its
92 members, a chairman and vice chairman. The commission shall appoint an
93 executive director who shall serve at the pleasure of the commission, who shall
94 act as secretary, and who, together with such other commission personnel as the
95 commission may determine, shall be bonded in such amount or amounts as the
96 commission may require.

97 4.7. Personnel. Irrespective of the civil service, personnel or other merit
98 systems laws of any of the signatory states, the commission shall fix the
99 compensation of such personnel as may be necessary for the performance of the
100 commission's functions. The executive director shall appoint, remove, and

101 discharge the other officers and employees under such rules and regulations as
102 the commission may prescribe.

103 4.8. Retirement. The commission may establish and maintain,
104 independently or in conjunction with any one or more of the signatory states, a
105 suitable retirement system for its employees. Employees of the commission shall
106 be eligible for Social Security coverage in respect to old age and survivors
107 insurance, provided that the commission takes such steps as may be necessary
108 pursuant to federal law to participate in such program of insurance as a
109 governmental agency or unit. The commission may establish and maintain or
110 participate in such additional programs of employee benefits as may be
111 appropriate.

112 4.9. Assistance. The commission may borrow, accept, or contract for the
113 services of personnel and other services or materials from any state, the United
114 States or any subdivision or agency of either, from any interstate agency, or from
115 any institution, person, firm or corporation.

116 4.10. Donations. The commission may accept for any of its purposes and
117 functions under this compact any and all donations, and grants of money,
118 equipment, supplies, materials, and services conditional or otherwise, from the
119 United States, or any agency thereof, from any state or any subdivision or agency
120 thereof, or interstate agency, or from any institution, person, firm or corporation,
121 and may receive, utilize and dispose of the same. The identity of any donor, the
122 amount and character of any assistance, and the conditions, if any, attached
123 thereto shall be set forth in the annual report of the commission.

124 4.11. Facilities. The commission may establish and maintain such
125 facilities as may be necessary for the transacting of its business. The commission
126 may acquire, hold, insure, and convey real and personal property and any interest
127 therein.

128 4.12. Bylaws. The commission shall adopt, amend, and rescind bylaws
129 and procedural rules for the conduct of its business.

130 4.13. Reports. The commission annually shall make to the chief
131 executive, officials and legislative bodies of the signatory states, and to the
132 public, a report on its programs, operations and finances. The commission may
133 issue such additional public reports as it may deem desirable.

134 4.14. Information. The commission shall have the authority to collect
135 and disseminate information.

136 4.15. Public records. All actions of the commission shall be taken at
137 public meetings, at which the vote of each commissioner is recorded, and minutes
138 of the commission shall be a public report open to inspection at its offices during
139 regular hours except those portions of any hearing or minutes which concern
140 confidential information as provided for under Article VIII of this compact.

141 ARTICLE V. POWERS AND DUTIES OF COMMISSION

142 5.1. General powers. Except as otherwise specifically provided in this
143 compact, the commission shall have power to

144 (a) Adopt, amend and repeal rules and regulations implementing and
145 consistent with this compact.

146 (b) Hold hearings relating to any aspect of or matter in the administration
147 of this compact, and in connection therewith, compel the attendance of witnesses
148 and the production of evidence.

149 (c) Issue such orders as may be necessary to effectuate the purposes of
150 this compact and enforce the same by all appropriate administrative and judicial
151 proceedings.

152 (d) Require access to records relating to emissions which cause or
153 contribute to air pollution.

154 (e) Secure necessary scientific, technical, administrative and operational
155 services, including laboratory facilities, by contract or otherwise.

156 (f) Prepare and develop a comprehensive plan or plans for the prevention,
157 abatement and control of air pollution.

158 (g) Encourage voluntary cooperation by persons and affected groups to
159 achieve the purposes of this compact.

160 (h) Encourage state and local units of government to handle air pollution
161 problems on a cooperative basis, and provide technical and consultative
162 assistance therefor.

163 (i) Encourage and conduct studies, investigations and research relating
164 to air contamination and air pollution and their causes, effects, prevention,
165 abatement and control.

166 (j) Determine by means of field studies and sampling the degree of air
167 contamination and air pollution in any place.

168 (k) Make a continuing study of the effects of the emission of air
169 contaminants from motor vehicles on the quality of the outdoor atmosphere and
170 make recommendations to appropriate public and private bodies with respect
171 thereto.

172 (l) After hearing, establish ambient air quality standards for the entire
173 area subject to the commission's jurisdiction or for any part thereof.

174 (m) Collect and disseminate information and conduct educational and
175 training programs relating to air contamination and air pollution.

176 (n) Advise, consult, contract and cooperate with other agencies of the
177 state, local governments, industries, other states, interstate or interlocal agencies,
178 and the federal government, and with interested persons or groups.

179 (o) Consult, upon request, with any person proposing to construct, install,
180 or otherwise acquire an air contaminant source or device or system for the control
181 thereof, concerning the efficacy of such device or system, or the air pollution
182 problem which may be related to the source, device or system. Nothing in any
183 such consultation shall be construed to relieve any person from compliance with
184 this compact, rules or regulations in force pursuant thereto, or any other provision
185 of law.

186 5.2. Classification and reporting. The commission may, by rule or
187 regulation, classify air contaminant sources which may cause or contribute to air
188 pollution, according to levels and types of emissions and other characteristics
189 which relate to air pollution, and require reporting for any such class or classes.
190 Classifications made pursuant to this subsection may be for application to the
191 entire area subject to the commission's jurisdiction, or to any designated portion
192 thereof, and may be made with special reference to effects on health, economic
193 and land use factors, and physical effects of property; provided, that all such
194 classification shall be made in accordance with the purposes of this compact, as
195 set forth in Article III hereof. Any person operating or responsible for the
196 operation of an air contaminant source of any class for which the rules and
197 regulations of the commission require reporting shall make reports containing
198 information as may be required concerning location, size and height of
199 contaminant outlets, processes employed, fuels used and the nature and time
200 periods or duration of emissions, and such other information as is relevant to air
201 pollution and available or reasonably capable of being assembled.

202 5.3. New installations.

203 (a) The commission may require that notice be given to it prior to the
204 undertaking of the construction, installation or establishment of particular types
205 or classes of new air contaminant sources specified in its rules and regulations.

206 (b) The commission may require the submission of plans, specifications
207 and such other information as it deems necessary in order to determine the
208 cumulative effect of such air contaminant source on the air quality standards
209 within the area of its jurisdiction.

210 (c) For the purposes of this compact, addition to or enlargement or
211 replacement of an air contaminant source, or any major alteration therein, shall
212 be construed as construction, installation or establishment of a new air
213 contaminant source.

214 (d) The absence or failure to issue a rule, regulation or order pursuant to
215 this section shall not relieve any person from compliance with any emission
216 standards or with any other provision of law.

217 5.4. Inspections. Any duly authorized officer, employee, or
218 representative of the commission may enter and inspect any property, premise or
219 place on or at which an air contaminant source is located at any reasonable time
220 for the purpose of ascertaining the state of compliance with this compact and
221 rules and regulations in force pursuant thereto. A suitably restricted search
222 warrant, upon a showing of probable cause in writing and upon oath, may be
223 issued by a court specified in section 6.6(a) of this compact to any such officer,
224 employee, or representative for the purpose of enabling him to make such
225 inspections. No person shall refuse entry or access to any authorized
226 representative of the commission who requests entry for purposes of inspection,
227 and who presents appropriate credentials; nor shall any person obstruct, hamper
228 or interfere with any such inspection. If requested, the owner or operator of the

premises shall receive a report setting forth all facts found which relate to compliance status.

5.5. Emission standards.

(a) After hearing in accordance with section 6.3 of this compact, the commission may, by rule or regulation, establish emission standards for any area within the commission's jurisdiction, consistent with the purposes of this compact as provided in Article III hereof. Such emission standards may be for the entire area subject to the commission's jurisdiction, or may vary from area to area dependent upon land use and other varying local conditions, as may be appropriate to facilitate accomplishment of the purposes of this compact.

(b) Nothing in this compact shall be construed to authorize the commission to require by rule, regulation or otherwise the kind or composition of materials or fuels, the type, manufacturer or nature of control devices or other equipment or processes to be used or employed by the owner or operator of any new or existing air contaminant source. Nothing in this compact shall be construed as limiting the power of the commission to establish general variances from required emission standards, as provided in subsection (f) of section 5.7 of this compact.

5.6. Enforcement.

(a) Whenever the executive director has reason to believe that a violation of any provision of this compact, or rule or regulation adopted pursuant thereto, has occurred, he may cause written notice to be served upon the alleged violator or violators and upon the state air pollution control agency of the state in which the alleged source is located. The notice shall specify the provision of this compact or rule or regulation alleged to be violated, and the facts alleged to constitute a violation thereof, and may include an order that necessary corrective action be taken within a reasonable time. Any such order shall become final unless, no later than ten days after the date the notice and order are served, the person or persons named therein request in writing a hearing before the commission. Upon such request, the commission shall hold a hearing in accordance with the provisions of section 6.4 of this compact. In lieu of an order, the executive director may require that the alleged violator or violators appear before the commission for a hearing, at a time and place specified in the notice, and answer the charges complained of.

(b) If, after a hearing held pursuant to subsection (a) of this section, the commission finds that a violation or violations have occurred, it may affirm or modify the order of the executive director previously issued, or issue an appropriate order or orders for the prevention, abatement or control of the emissions involved or for the taking of such other corrective action as may be appropriate or it may retain jurisdiction, but defer final action to permit the state air pollution control agency to effect a satisfactory remedy.

If, after hearing on an order contained in a notice, the commission finds that no violation has occurred or is occurring, it shall rescind the order. Any order issued

as part of a notice or after hearing may prescribe the date or dates by which the violation or violations shall cease and may prescribe timetables for necessary action in preventing, abating or controlling the emissions.

(c) Nothing in this compact shall prevent the commission from making efforts to obtain voluntary compliance through warning, conference or any other appropriate means.

5.7. Variances.

(a) Any person who owns or is in control of any air contaminant source may apply to the commission for a variance from rules or regulations by filing an application with the executive director. The executive director shall promptly investigate the application and make a recommendation to the commission as to the disposition thereof. If the recommendation is against the granting of a variance, a public hearing shall be held, if requested by the applicant, in accordance with the provisions of section 6.4 of this compact. If the recommendation is for the granting of the variance, the commission may do so without a public hearing, except that, at the written request of any person aggrieved by the emissions resulting from the granting of the variance, a public hearing shall be held. In any hearing under this section, however, the burden of proof shall be on the person petitioning for a variance. After a hearing, the commission may grant a variance if it finds that:

1. The emissions occurring or proposed to occur do not endanger human health or safety; or

2. Compliance with the rules or regulations from which variance is sought would produce serious hardship without equal or greater benefits to the public; or

3. Such variance should be granted to effectuate the purposes of this compact as set out in Article III hereof.

(b) No variance shall be granted pursuant to this section until the commission has considered the relative interests of the applicant, other owners of property likely to be affected by the emissions, and the general public.

(c) Any variance or renewal thereof shall be granted within the requirements of subsection (a) and for time periods and under conditions that shall be specified by the commission in its order granting such variance.

(d) Any variance granted pursuant to this section may be renewed, on application, on terms and conditions and for periods which would be appropriate on initial granting of a variance. If complaint is made to the commission on account of the variance, no renewal thereof shall be granted, unless following public hearing on the complaint on due notice the commission finds that renewal is justified. Any application for renewal shall be made at least sixty days prior to the expiration of the variance.

(e) Nothing in this section and no variance or renewal granted pursuant hereto shall be construed to prevent or limit the application of the emergency provisions and procedures of this compact.

(f) Notwithstanding any provision of this section to the contrary, the commission may, after a hearing in accordance with the provisions of section 6.3 of this compact, establish by rule or regulation variances from required emission standards which are uniformly applicable to specific types of air contaminant sources or to particular geographic areas within the commission's jurisdiction.

5.8. Emergency.

(a) Any other provisions of this compact notwithstanding, the commission may adopt rules or regulations authorizing the executive director to order persons causing or contributing to air pollution to reduce or discontinue immediately the emission of air contaminants when he finds that a generalized or specific condition of air pollution exists in any area subject to the jurisdiction of this commission and that in his opinion such condition creates an emergency requiring immediate action to protect human health or safety in such area.

(b) Upon issuance of any such order the commission shall fix a time and place for a hearing to be held before the commission not later than forty-eight hours after the issuance of the order to investigate and determine the factors causing or contributing to the emergency conditions. All persons whose interests are prejudiced or affected in any manner by any such order shall have the right to appear in person or by counsel at the hearing and to present evidence relevant to the subject of the hearings. Within twenty-four hours after completion of the hearing, the commission shall affirm, modify or set aside the order or make such other orders as the commission deems appropriate under the circumstances in accordance and consistent with the evidence adduced and shall notify all persons appearing in person or by counsel of its determination in writing by certified or registered mail.

(c) Nothing in this section shall be construed to limit any power of the President of the United States or the governor of either signatory state, or any other officer of either state, or the United States, to act in the event of an emergency.

ARTICLE VI. HEARING AND REVIEW

6.1. Public hearings. All hearings held by the commission shall be open to the public. All testimony taken before the commission shall be under oath and recorded in a written transcript. The transcript so recorded shall be made available to any member of the public or to any participant in such hearing upon payment of reasonable charges therefor as fixed by the commission.

6.2. Powers of hearing officer. All hearings shall be had before one or more members of the commission, or before an officer or employee of the commission expressly designated thereby to act as a hearing officer. Any person conducting the hearing, and the executive director, may issue in the name of the commission notices of hearings and subpoenas requiring attendance and testimony of witnesses and production of evidence relevant to any matter involved in such, and administer oaths and affirmations and examine witnesses.

357 6.3. Rules and regulations. The commission shall not adopt any rules or
358 regulations, other than those relating to its internal organization, unless and until
359 it has held a public hearing thereon, at which any person shall be entitled to
360 appear and offer testimony with or without counsel. Notice of said hearing shall
361 be published in a newspaper of general circulation in each county within the
362 jurisdiction of the commission at least thirty days prior to such hearing, and shall
363 be mailed to the air pollution control agencies of the signatory states. All rules
364 and regulations so adopted by the commission shall be filed in the manner
365 provided for by law for filing administrative rules in each of the signatory states
366 and such rules and regulations shall not become effective until ten days after such
367 filing.

368 6.4. Adversary hearings.

369 (a) At any hearing on an order directed to a specific person or persons,
370 or a specific source of air contaminants, or on application for variance or renewal
371 or revocation thereof, those persons, or the owner or operator of such source, or
372 the applicant, shall be entitled to be a party to the proceedings, and the air
373 pollution control agencies of the signatory states shall also be entitled to be
374 parties. Any party shall be entitled to at least twenty days notice of such hearing
375 by registered mail, and such notice shall also be published in a newspaper of
376 general circulation in the county in which the alleged air contaminant source is
377 located, and sent by ordinary mail to any person who has in writing requested
378 notice. Any party shall be entitled to appear in person or by representative, with
379 or without counsel, and make oral or written argument, offer testimony,
380 cross-examine witnesses, or take any combination of such actions with respect
381 to any matter in issue including the validity under this compact of any
382 commission order, rule, regulation or standard as it may affect such party. Any
383 person aggrieved by the emissions from the alleged air contaminant source shall
384 be entitled to appear and to testify with respect to the matter in controversy,
385 subject to such restrictions and procedures as the commission may establish, but
386 shall not be a party to such proceeding.

387 (b) In any adversary proceeding each party shall be entitled to present
388 oral arguments or written briefs at or after the hearing, which shall be heard or
389 read by each commissioner who renders or joins in rendering the order of the
390 commission.

391 (c) In each adversary proceeding each commissioner who renders or joins
392 in rendering the order of the commission shall, prior to taking final action
393 thereon, either hear all the evidence, read the full record including all the
394 evidence, or personally consider the portions of the record cited or referred to in
395 the arguments or briefs. The parties to such adversary proceeding may by written
396 stipulation or by oral stipulation in the record at the hearing waive compliance
397 with the provisions of this subsection.

398 (d) Every order by the commission in an adversary proceeding shall be
399 in writing and shall include or be accompanied by findings of fact and

conclusions of law. The findings of fact shall be stated separately from the conclusions of law and shall include a concise statement of the findings on which the commission bases its order.

6.5. Refusal to obey subpoena. In case of refusal to obey a subpoena issued in the name of the commission, any United States district court, district court of Kansas or circuit court of Missouri having jurisdiction may issue, upon the application of the person conducting the hearing, an order requiring attendance or production of evidence as the case may require. Any failure to obey an order may be punished by the court as contempt thereof. Subpoenas shall be served as provided by the law of the state in which they are served.

6.6. Judicial enforcement and review.

(a) It shall be the duty of any person to comply with any final order issued against him by the commission in accordance with section 5.6 of this compact. In a signatory state, any court of general jurisdiction in any county in which the alleged air contaminant source is located, or any United States district court for the district in which the alleged air contaminant source is located, shall entertain and determine any action or proceeding brought by the commission to enforce an abatement order against the owner or operator of such air contaminant source. In any action to enforce or review such an order, the court may affirm, modify or reverse the order and may issue its decree enforcing the order as affirmed or modified.

(b) Any party to a hearing held under this compact who is aggrieved by any order made by the commission shall be entitled to a judicial review thereof. Such review may be had by filing a verified petition in any of the appropriate courts designated in subsection (a) of this section setting out such order and alleging specifically wherein said order is:

1. Arbitrary, capricious, an abuse of discretion or otherwise not in accordance with law.
2. Contrary to constitutional right, power, privilege or immunity.
3. In excess of authority or jurisdiction conferred by this compact or statutes in implementation hereof.
4. Without observance of procedure required by law.
5. Unsupported by substantial evidence.

The petition for review shall be filed within thirty days after receipt of written notice that such order has been issued. Written notice of the filing of such petition for review and a copy of said petition shall be personally served upon the commission. Within fifteen days after filing the petition, the petitioner shall secure from the commission a certified copy of the transcript of any hearing or hearings held in connection with the issuance of the order, the review of which is sought, and file the same with the clerk of the court in which the proceeding for review is pending. An extension of time in which to file such transcript may be granted by the court for good cause shown. Inability to obtain the transcript within the specified time shall be good cause. Failure to file the transcript within

443 fifteen days, or to secure an extension of time therefor, shall be cause for the
444 dismissal of the petition. Where more than one party may be aggrieved by the
445 order only one proceeding for review may be had, and the court in which a
446 petition for review is first properly filed shall have jurisdiction.

447 (c) The filing of a petition for review hereunder shall stay the
448 commission's order unless the court upon motion by any party shall determine
449 otherwise.

450 (d) No review of a commission order shall be had except in accordance
451 with the provisions of this compact.

452 ARTICLE VII. FINANCE

453 7.1. Appropriations. The commission shall submit to the governor or
454 designated officer or officers of each party state a budget of its estimated
455 expenditures for such period as may be required by the laws of that state for
456 presentation to the legislature thereof, specifying the amount or amounts to be
457 appropriated by each of the party states. Aside from such support as may be
458 available to the commission from other sources, the cost of operating and
459 maintaining the commission shall be borne equally by the party states. The
460 commission shall not incur any obligations prior to the allotment of funds
461 adequate to meet the same by the party states or the setting aside of such funds
462 from other sources.

463 7.2. Expenses. The expenses and any other costs for each member of the
464 commission shall be met by the commission in accordance with such standards
465 and procedures as it may establish under its bylaws.

466 7.3. Accounts. The commission shall keep accurate accounts of all
467 receipts and disbursements. The receipts and disbursements of the commission
468 shall be subject to an annual independent audit. However, all receipts and
469 disbursements of funds handled by the commission shall be audited yearly by a
470 certified or licensed public accountant and the report of the audit shall be
471 included in and become a part of the annual report of the commission. The
472 accounts of the commission shall be open at any reasonable time for inspection
473 by duly constituted officers of the signatory parties and by any persons authorized
474 by the commission.

475 ARTICLE VIII. CONFIDENTIALITY

476 8.1. No information relating to secret processes or trade secrets affecting
477 methods of manufacture shall be disclosed to the public, if so requested by the
478 owner or operator thereof, and all such information shall be kept confidential.
479 At any public hearing any such confidential information shall, if requested by
480 respondent, be received in camera and kept under seal.

481 ARTICLE IX. VIOLATIONS

482 9.1. Any violation of any rule or regulation, duly adopted under this
483 compact, except pursuant to a variance, may be enjoined by the commission upon
484 institution of a civil action in any court of competent jurisdiction for injunctive
485 relief to prevent any further violation and, in the case of any willful violation, the

486 court may assess a penalty of not to exceed one thousand dollars per day for each
487 day or part thereof the violation continues, and any such penalty shall be paid into
488 the general revenue fund of the state where imposed.

489 9.2. No liabilities shall be imposed upon any person pursuant to this
490 compact for violations of any provision thereof, or any rule or regulation adopted
491 thereunder, caused by an act of God, war, strike, riot, catastrophe or other cause
492 beyond the control of such person.

493 9.3. Any willful disclosure of confidential information to any person
494 other than one entitled to information under this compact shall be deemed to be
495 a misdemeanor subject to the laws of the party state in which such violation shall
496 have occurred.

497 ARTICLE X. COMPACT NOT LIMITING

498 10.1. Powers of states. Nothing in this compact shall be construed to
499 limit the powers of either signatory state or any of their subdivisions to enact and
500 enforce laws or ordinances for the prevention, abatement or control of air
501 pollution, provided that such laws, ordinances, or enforcement activities meet the
502 minimum provisions of this compact, or any standard, rule or regulation
503 promulgated hereunder, or to prevent or restrict either signatory state or any
504 subdivision thereof in requiring or prescribing measures of air pollution
505 prevention, abatement or control in addition to those which may be required by
506 either signatory state or the commission acting pursuant to this compact.

507 10.2. Powers of United States. Nothing in this compact shall be
508 construed to relinquish the functions, powers and duties of the Congress of the
509 United States with respect to the control, abatement or prevention of air
510 pollution.

511 ARTICLE XI. CONSTRUCTION

512 11.1. Construction and severability. It is the legislative intent that the
513 provisions of this compact be reasonably and liberally construed. The provisions
514 of this compact shall be severable and if any phrase, clause, sentence or provision
515 of this compact is declared to be contrary to the constitution of either state or of
516 the United States, or the applicability thereof to any government, agency, person
517 or circumstance is held invalid, the validity of the remainder of this compact and
518 the applicability thereof to any government, agency, person or circumstance shall
519 not be affected thereby.

520 11.2. Agency cooperation. The several departments, agencies and
521 officers of the signatory parties are authorized to cooperate with the commission.
522 Within existing statutory authorizations, any such department, agency or officer
523 may make contract with, lend, or otherwise furnish the commission with such
524 items and services as are contemplated by any provision of the compact.

525 11.3. Effect of compact on rights of certain persons. Persons other than
526 either of the signatory states or the commission shall not acquire actionable rights
527 by virtue of this compact. A determination by the executive director or the
528 commission that air pollution or air contamination exists or that any standard,

rule or regulation has been violated, whether or not a proceeding or action is brought by the state or the commission, shall not create by reason thereof any presumption of law or finding of fact which shall inure to or be for the benefit of any person other than the state or the commission.

ARTICLE XII. EFFECTIVE DATE AND TERMINATION

12.1. Effective date; repeal. This compact shall take effect and be in force when it has been enacted into law by the states of Missouri and Kansas and is approved by the Congress of the United States. The compact shall continue in force until expressly repealed by either party state, but no such repeal shall take effect until ninety days after the effective date of the statute repealing this compact, provided that if expressly repealed by both party states, such repeal shall take effect immediately as provided in such enactments.

ARTICLE XIII. AMENDMENTS

13.1. The right to alter, amend or repeal this compact is expressly reserved by the signatory states.]

[643.610. 1. Within thirty days after October 13, 1967, or within thirty days after the effective date of the act of the legislature of the state of Kansas enacting the Kansas-Missouri air quality compact, whichever date is later, the governor shall appoint five persons to be commissioners of the Kansas-Missouri air quality commission, created by compact between the states of Kansas and Missouri. All commissioners so appointed shall be qualified voters of the state of Missouri, and at least three commissioners shall reside within the district established by the compact. At no time shall more than one commissioner reside within the same county. Officers and employees of any state agency or commission having jurisdiction over air pollution control in the state of Missouri shall be eligible for appointment to the Kansas-Missouri air quality commission.

2. The commissioners appointed pursuant to subsection 1 of this section shall hold their respective offices for a term of four years, except that the commissioners first appointed shall hold their offices for terms as follows: Two for terms ending June 30, 1972, one for a term ending June 30, 1971, one for a term ending June 30, 1970, and one for a term ending June 30, 1969, and the governor in making the appointment shall designate the term for which each is to serve; and on July first of each year thereafter the governor shall appoint successors of like qualifications to fill the vacancies occurring by reason of the expiration of the terms of service as herein provided. In case of a vacancy on said commission, the governor shall appoint a successor of like qualifications for the unexpired term.]

[643.620. Commissioners appointed pursuant to section 643.610 shall receive for the time spent at meetings of the commission and in the performance of their duties as members of said commission a per diem allowance of twenty-five dollars regardless of whether such duties are performed or meetings

5 are held within or without the state of Missouri. Such per diem shall be paid
6 from amounts appropriated by the legislature for such purpose.]

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