

SECOND REGULAR SESSION

# HOUSE BILL NO. 2414

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES HOBBS (Sponsor) AND KUESSNER (Co-sponsor).

5475L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 8.650, 8.900, 21.475, 21.780, 26.600, 26.603, 26.605, 26.607, 26.609, 26.611, 26.614, 32.250, 32.260, 162.1000, 162.1060, 166.203, 170.250, 190.176, 192.350, 192.352, 192.355, 192.735, 192.737, 192.739, 192.742, 192.745, 199.001, 199.003, 199.007, 199.009, 199.010, 199.029, 199.031, 199.037, 199.039, 199.041, 199.043, 199.051, 207.023, 208.175, 208.195, 208.275, 208.530, 208.533, 208.535, 208.792, 208.955, 210.496, 253.375, 260.370, 260.372, 260.705, 260.720, 260.725, 260.735, 262.217, 286.001, 286.005, 286.200, 286.205, 286.210, 302.136, 304.028, 320.094, 320.205, 324.406, 324.475, 324.478, 324.481, 331.030, 331.070, 334.721, 344.060, 361.070, 361.092, 361.093, 361.094, 361.095, 361.096, 361.097, 361.098, 361.105, 362.040, 362.105, 362.111, 362.325, 369.014, 369.024, 369.144, 369.159, 369.294, 369.299, 369.304, 369.309, 369.314, 369.319, 369.329, 371.060, 371.090, 371.240, 620.638, 620.641, 620.644, 620.647, 620.650, 620.653, 622.055, 622.057, 630.910, 630.915, 632.020, 660.010, and 701.302, RSMo, and to enact in lieu thereof ninety-two new sections relating to the sole purpose of repealing and revising certain state boards, councils, committees, and commissions.

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

Section A. Sections 8.650, 8.900, 21.475, 21.780, 26.600, 26.603, 26.605, 26.607, 26.609, 26.611, 26.614, 32.250, 32.260, 162.1000, 162.1060, 166.203, 170.250, 190.176, 192.350, 192.352, 192.355, 192.735, 192.737, 192.739, 192.742, 192.745, 199.001, 199.003, 199.007, 199.009, 199.010, 199.029, 199.031, 199.037, 199.039, 199.041, 199.043, 199.051, 207.023, 208.175, 208.195, 208.275, 208.530, 208.533, 208.535, 208.792, 208.955, 210.496, 253.375, 260.370, 260.372, 260.705, 260.720, 260.725, 260.735, 262.217, 286.001, 286.005,

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.

7 286.200, 286.205, 286.210, 302.136, 304.028, 320.094, 320.205, 324.406, 324.475, 324.478,  
8 324.481, 331.030, 331.070, 334.721, 344.060, 361.070, 361.092, 361.093, 361.094, 361.095,  
9 361.096, 361.097, 361.098, 361.105, 362.040, 362.105, 362.111, 362.325, 369.014, 369.024,  
10 369.144, 369.159, 369.294, 369.299, 369.304, 369.309, 369.314, 369.319, 369.329, 371.060,  
11 371.090, 371.240, 620.638, 620.641, 620.644, 620.647, 620.650, 620.653, 622.055, 622.057,  
12 630.910, 630.915, 632.020, 660.010, and 701.302, RSMo, are repealed and ninety-two new  
13 sections enacted in lieu thereof, to be known as sections 8.650, 8.900, 37.735, 37.740, 37.745,  
14 162.1000, 162.1060, 166.203, 170.250, 190.176, 192.735, 192.737, 192.739, 192.742, 192.745,  
15 199.001, 199.003, 199.007, 199.009, 199.010, 199.029, 199.031, 199.037, 199.039, 199.041,  
16 199.043, 199.051, 207.023, 208.175, 208.275, 208.955, 210.496, 260.370, 260.372, 260.705,  
17 260.720, 260.735, 262.217, 286.001, 286.005, 304.028, 320.094, 320.205, 324.406, 324.475,  
18 324.478, 324.481, 331.030, 331.070, 334.721, 344.060, 361.070, 361.092, 361.093, 361.094,  
19 361.095, 361.096, 361.097, 361.098, 361.105, 362.040, 362.105, 362.111, 362.325, 369.014,  
20 369.024, 369.144, 369.159, 369.294, 369.299, 369.314, 369.329, 371.060, 371.090, 371.240,  
21 620.580, 620.582, 620.584, 620.586, 620.588, 620.590, 620.592, 620.638, 620.641, 620.644,  
22 620.647, 620.650, 620.653, 630.915, 632.020, 660.010, and 1, to read as follows:

8.650. 1. Deviations from the standards set forth in sections 8.620 and 8.622 may be  
2 permitted where conformance to such standards is impractical and where the method, material,  
3 and dimension used in lieu thereof does not create a hazard.

4 2. Permission to deviate from the standards set forth in sections 8.620 and 8.622 may be  
5 granted only by the commissioner of administration after consulting with the governor's  
6 [committee on employment of the handicapped] **council on disability** established in section  
7 [286.200, RSMo] **37.735**. Application to deviate from the standards may be submitted by the  
8 owner of the building only. Applications shall be submitted in such written forms as the  
9 commissioner may require.

10 3. The commissioner shall maintain a codified listing of all applications received. The  
11 listing shall indicate the action taken by the commissioner on each application.

8.900. 1. A permanent memorial for workers who were killed on the job in Missouri or  
2 who suffered an on-the-job injury that resulted in a permanent disability shall be established and  
3 located on the grounds of the state capitol. [The memorial shall be of a design selected by a  
4 competition organized by the "Workers Memorial Committee" which is hereby created. The  
5 workers memorial committee shall be composed of the members of the board of public  
6 buildings, or their designees, two members of the house of representatives, one from each  
7 political party, selected by the speaker of the house, and two members of the senate, one from  
8 each political party, selected by the president pro tem of the senate. The members of the

9 committee shall serve without compensation but shall be reimbursed for all actual and necessary  
10 expenses incurred in the performance of their official duties for the committee.]

11 2. There is hereby established in the state treasury the "Workers Memorial Fund". Gifts,  
12 grants and devises may be deposited in the workers memorial fund. Notwithstanding the  
13 provisions of section 33.080, RSMo, moneys in the fund shall not revert to general revenue. The  
14 state treasurer shall invest the moneys from the fund in the same manner as other state funds are  
15 invested. Interest accruing to the fund shall be deposited in the fund and shall not be transferred  
16 to the general revenue fund.

**37.735. 1. The "Governor's Council on Disability" is hereby assigned to the office  
2 of administration.**

3 **2. The council shall consist of a chairperson, twenty members, and an executive  
4 director.**

5 **3. The chairperson shall be appointed by the governor with the advice and consent  
6 of the senate. The members of the council shall be appointed by the governor.  
7 Recruitment and appointment of members to the council shall provide for representation  
8 of various ethnic, age, gender, and physical and mental disability groups.**

9 **4. The funds necessary for the executive director and such other personnel as  
10 necessary shall be appropriated through the office of administration. The executive  
11 director shall serve under the supervision of the committee chairman. The executive  
12 director shall be exempted from the state merit system.**

13 **5. All members shall be appointed for four-year terms. Vacancies occurring in the  
14 membership of the council for any reason shall be filled by appointment by the governor  
15 for the unexpired term. Upon expiration of their terms, members of the council shall  
16 continue to hold office until the appointment and qualification of their successors. No  
17 person shall be appointed for more than two consecutive terms, except that a person  
18 appointed to fill a vacancy may serve for two additional successive terms. The governor  
19 may remove a member for cause.**

20 **6. Members of the council shall be chosen to meet the following criteria:**

21 **(1) The majority of the council shall be comprised of people with disabilities,  
22 representing the various disability groups. The remaining positions shall be filled by  
23 family members of people with disabilities, persons who represent other disability-related  
24 groups, and other advocates. A person considered to have a disability shall meet the  
25 federal definition of disability as defined by P.L. 101-336;**

26 **(2) The council shall include at least one member from each congressional district;**

27           **(3) Members of the council shall be knowledgeable about disability-related issues**  
28 **and have demonstrated a commitment to full participation of people with disabilities in all**  
29 **aspects of community life.**

30           **7. The chairperson of the council shall serve without compensation but shall be**  
31 **reimbursed for actual and necessary travel and other expenses incurred in the**  
32 **performance of the duties as chairperson of the council on disability. The members of the**  
33 **council shall serve without compensation but may be reimbursed for their actual and**  
34 **necessary expenses incurred in attending all meetings provided for by sections 37.735 to**  
35 **37.745.**

36           **8. The council shall meet at least once each calendar quarter to conduct its business.**  
37 **The executive director shall give notice to each member of the time and place of each**  
38 **meeting of the council at least ten days before the scheduled date of the meeting, and notice**  
39 **of any special meeting shall state the specific matters to be considered in the special**  
40 **meeting which is not a regular quarterly meeting.**

41           **9. The chairperson, with the advice and consent of the council, shall appoint an**  
42 **executive director who shall serve as a nonvoting member and executive officer of the**  
43 **council. The executive director shall serve under the supervision of the chairperson of the**  
44 **council. The executive director shall be a person who is knowledgeable about disability-**  
45 **related issues and has demonstrated a commitment to full participation of people with**  
46 **disabilities in all aspects of community life.**

47           **10. The director of each state department shall designate at least one employee who**  
48 **shall act as a liaison with the council.**

**37.740. The governor's council on disability shall:**

2           **(1) Act in an advisory capacity to all state agencies and have direct input to all**  
3 **divisions of the office of administration on policies and practices which impact people with**  
4 **disabilities. Input shall include policies and practices affecting personnel, purchasing,**  
5 **design and construction of new facilities, facilities management, budget and planning and**  
6 **general services. In the administration of its duties, the governor's council on disability in**  
7 **cooperation with the office of administration shall offer technical assistance to help all**  
8 **departments, divisions and branches of state government comply with applicable state and**  
9 **federal law regarding persons with disabilities;**

10          **(2) Work and cooperate with other state commissions, councils or committees**  
11 **pertaining to disabilities and other national, state and local entities to create public policies**  
12 **and encourage system changes which eliminate barriers to people with disabilities;**

13          **(3) Advocate for public policies and practices which:**

14          **(a) Promote employment of people with disabilities;**

- 15           **(b) Expand opportunities in all aspects of life; and**  
16           **(c) Promote awareness of and compliance with various federal, state and local laws**  
17 **dealing with disabilities;**  
18           **(4) Gather input from disability-related organizations and the public on disability-**  
19 **related issues and report the results of this information in council reports to the governor;**  
20           **(5) Accept grants, private gifts, and bequests, to be used to achieve the purposes of**  
21 **sections 37.735 to 37.745;**  
22           **(6) Promulgate those bylaws necessary for the efficient operation of the council;**  
23           **(7) Prepare an annual report to be presented to the governor not later than**  
24 **January first of each year.**

**37.745. The governor's council on disability may receive funds and property by gift,**  
2 **devise, bequest or otherwise and may solicit funds to be used in carrying out the purposes**  
3 **of sections 37.735 to 37.745.**

          162.1000. 1. As used in this section, the following terms mean:

- 2           (1) "Transition", a coordinated set of activities for a student, designed within an outcome  
3 oriented process, which promotes movement to integrated employment, including supported  
4 employment, postsecondary education, vocational training, continuing and adult education  
5 services, independent living and community participation. The coordinated set of activities shall  
6 be based upon the individual student's needs, taking into account the student's preferences and  
7 interests, and shall include, but not be limited to, instruction, community experiences, the  
8 development of employment and other postschool adult living objectives, and when appropriate,  
9 acquisition of daily living skills and functional vocational evaluation;
- 10          (2) "Youth with disabilities", any person who is found eligible for special education as  
11 defined in federal Public Law 101-476, the Individuals with Disabilities Education Act.
- 12          2. The individualized education program required for each student enrolled in special  
13 education shall include a statement of the needed transition services for students beginning not  
14 later than age sixteen and annually thereafter, and shall include, when appropriate, a statement  
15 of interagency responsibility or linkages before the student leaves the school setting.
- 16          3. The "Missouri Interagency Council on Transition" is hereby created within the  
17 division of special education, and shall be composed of the commissioner of the department of  
18 elementary and secondary education, the assistant commissioners of the division of vocational  
19 rehabilitation, the division of special education, and the division of vocational and adult  
20 education, the director of the department of health and senior services, the director of the division  
21 of maternal, child and family health, the director of the department of mental health, the director  
22 of the department of social services, the president of the Missouri planning council for  
23 developmental disabilities, the chairman of the Missouri [head] **brain** injury advisory council,

24 the president of the advisory council for comprehensive psychiatric services, the president of the  
25 Missouri Association for Rehabilitation Facilities, or their designees, a representative of the  
26 governor's [committee on employment of persons with disabilities] **council on disability**, and  
27 seven professionals and consumer representatives with no less than three parents or primary  
28 consumers, to be appointed by the governor from names submitted by any interested agency or  
29 organization serving individuals with disabilities. At the first meeting a chair shall be selected  
30 from the members to serve a term of two years. The council shall meet at least quarterly, and at  
31 such other times at the call of the chair.

32 4. The Missouri interagency council on transition shall:

33 (1) Gather and coordinate data on transition services for secondary age youth with  
34 disabilities;

35 (2) Provide information, consultation, and technical assistance to state and local agencies  
36 and school districts involved in the delivery of services to youth with disabilities who are in  
37 transition from school to work or postsecondary transition programs;

38 (3) Assist state and local agencies and school districts in establishing interagency  
39 agreements to assure the necessary transition from school to work or postsecondary training  
40 programs;

41 (4) Conduct an annual statewide assessment of transition needs and postsecondary  
42 school outcomes from information supplied by local education agencies and local interagency  
43 transition committees;

44 (5) Assist regions and local areas in planning interagency in-service training to develop  
45 and improve transition services.

46 5. Members of the Missouri interagency council on transition shall receive no  
47 compensation for their services while serving on the council; however, members may receive  
48 reimbursement for their actual and necessary expenses incurred in the performance of their  
49 duties.

50 6. Beginning on January 1, 1995, and on or before January first of each successive year,  
51 the council shall make a written report to the governor and to the general assembly of its  
52 activities for the preceding fiscal year. The council's annual report shall include  
53 recommendations for administrative and legislative policies and programs to enhance the  
54 delivery of transition services and supports.

162.1060. 1. There is hereby established a "Metropolitan Schools Achieving Value in  
2 Transfer Corporation", which shall be a public body corporate, for the purpose of implementing  
3 an urban voluntary school transfer program within a program area which shall include a city not  
4 within a county and any school district located in whole or in part in a county with a population  
5 in excess of nine hundred thousand persons which district chooses to participate. The

6 corporation shall be governed by a board of directors consisting of one representative from each  
7 school district that participates in the urban voluntary school transfer program selected by the  
8 governing body of each such district. The vote of each member of the board shall be weighted  
9 proportionately to the percentage of the total of transfer students who attend school in the  
10 member's district.

11 2. (1) The corporation's board of directors shall design and operate an urban voluntary  
12 school transfer program for all participating districts. The board shall make provision for  
13 transportation of all the students and for payment to school districts for the education of such  
14 students. Acceptance of students into the program shall be determined by policies enacted by  
15 the corporation's board of directors, provided that first preference for acceptance of students shall  
16 be granted to students currently attending a district other than the district of residence pursuant  
17 to a voluntary transfer program established pursuant to federal desegregation order, decree or  
18 agreement. All provisions of this section shall be subject to a settlement incorporated into a final  
19 judgment, provided that the financial provisions of this section shall not be superseded by such  
20 settlement.

21 (2) Each district, other than a metropolitan school district, participating in an urban  
22 voluntary school transfer program shall place before voters in the district a proposal to continue  
23 participation in the urban voluntary school transfer program at the April election during the sixth  
24 year of operation of the program. Unless a majority of district voters voting thereon votes to  
25 continue participation in the program, each district, other than a metropolitan school district,  
26 shall file a plan, no later than the end of the seventh year of the operation of the program, for  
27 phase-out of the district's participation in the program, and such plan shall be provided to the  
28 state board of education, the transitional school district and the board of directors of the  
29 corporation. Each such plan shall provide for elimination of transfers to the district pursuant to  
30 this section no later than the following schedule:

- 31 (a) The ninth year of the program for grades one through three;  
32 (b) The tenth year of the program for grades four through six;  
33 (c) The eleventh year of the program for grades seven through nine; and  
34 (d) The twelfth year of the program for grades ten through twelve.

35 3. (1) Other provisions of law to the contrary notwithstanding, each student participating  
36 in the program shall be considered an eligible pupil of the district of residence for the purpose  
37 of distributing state aid, except that students attending school in a metropolitan school district  
38 in a program established pursuant to this section shall be considered eligible pupils of the district  
39 attended, and provided that the department shall determine the increased state aid eligibility  
40 created by including pupils attending school in a program established pursuant to this section as  
41 eligible pupils of the district of residence and shall distribute the full amount of such state aid

42 to the metropolitan schools achieving value in transfer corporation and shall not distribute state  
43 aid on the basis of such pupils to the district of residence.

44 (2) For each student participating in the program, the corporation shall receive the total  
45 of all state and federal aid that would otherwise be paid to the student's district of residence,  
46 including, but not limited to, state aid provided pursuant to section 148.360, RSMo, section  
47 149.015, RSMo, and sections 163.031 and 163.087, RSMo. The corporation shall pay a school  
48 district that receives a nonresident student from the funds of the corporation in accordance with  
49 the provisions of this section and agreements between the corporation and the participating  
50 school districts.

51 4. (1) In each of the first two fiscal years, the corporation shall also receive a payment  
52 of twenty-five million dollars.

53 (2) For the third year of operation and thereafter, the corporation shall receive  
54 transportation state aid, for each student that participates in the program, which shall be in the  
55 same amount and on the same basis as would be received by the student's district of residence  
56 if the student were attending a school in the attendance zone in the student's district of residence,  
57 provided that such reimbursement shall not exceed one hundred fifty-five percent of the  
58 statewide average per pupil cost for transportation for the second preceding school year.

59 (3) Funds received by the corporation pursuant to this subsection may be used for any  
60 purpose and need not be expended in the year received.

61 5. The corporation created herein shall have all powers of a public body corporate,  
62 except that it shall have no paid employees. The corporation, by contract with any public entity,  
63 school district, or private entity, may retain the services of a fiscal agent, make provisions for  
64 accounting, transportation management, or other assistance that the corporation may need to  
65 carry out its functions, except that no contractor or employee of any contractor acting in a  
66 policy-making function shall have ever have been a contractor or employee of the voluntary  
67 interdistrict coordinating council or any other program established by the federal district court;  
68 except that this restriction shall not apply to transportation contractors or their employees. When  
69 a school district located in whole or in part in a county with a population in excess of nine  
70 hundred thousand persons ceases to participate in the urban public school transfer program, its  
71 representative shall be removed from the corporation's board of directors. When none of the  
72 students who reside in a school district in a city not within a county opt to participate in the  
73 program, the school district's representative shall be removed from the board of directors. When  
74 all of the school districts have ended their participation in the program, in accordance with this  
75 subsection, the corporation's operations shall cease, and any funds of the corporation remaining  
76 shall be paid to the state of Missouri to the credit of the general revenue fund, except such  
77 amounts as the commissioner of education shall determine should be paid to particular school



78 districts under the regulations applicable to federal programs or returned to the federal  
79 government.

80         6. All funds received by the corporation shall become funds of the corporation and paid  
81 for the purposes set forth in this section and in accordance with agreements entered into between  
82 the corporation and participating school districts and other entities, provided that funds received  
83 for particular purposes, under federal or state categorical programs benefiting individual  
84 students, shall be paid to the district or entity providing services to the students entitled to such  
85 services. The proportionate share of federal and state resources generated by students with  
86 disabilities, or the staff serving them, shall be paid to the district where the child is attending  
87 school, unless the district of residence is required by law to provide such services to the  
88 individual students, except that a special school district containing the district where the child  
89 is attending school shall be paid for all unreimbursed expenses for special education services  
90 provided to students with disabilities. Funds held by the corporation at the close of a fiscal year  
91 may be carried over and utilized by the corporation in subsequent fiscal years for the purposes  
92 set forth in this section.

93         7. The board of directors may establish regional attendance zones which map the regions  
94 of a district in a city not within a county to corresponding recipient districts within the remainder  
95 of the program area. In establishing the regional attendance zones, the board of directors may  
96 solicit comments and suggestions from residents of the program area and may adopt one or more  
97 regional attendance zones previously established in the program area pursuant to a federal court  
98 desegregation order, decree or agreement.

99         [8. No later than four years following the date an urban public school transfer program  
100 is begun pursuant to this section in a program area, the senate and the house of representatives  
101 shall establish a "Joint Committee on Urban Voluntary School Transfer Programs", composed  
102 of five members of the senate, appointed by the president pro tem of the senate, and five  
103 members of the house of representatives, appointed by the speaker of the house. Not more than  
104 three members appointed by the president pro tem and not more than three members appointed  
105 by the speaker of the house shall be from the same political party.

106         9. The joint committee may meet as necessary and hold hearings and conduct  
107 investigations as it deems advisable. No later than five years following the date an urban  
108 voluntary school transfer program is begun pursuant to this section in a program area, the  
109 committee shall review and monitor the status of any urban voluntary school transfer program  
110 established pursuant to this section and make any recommendations the committee deems  
111 necessary to the general assembly regarding such program or programs, which may include  
112 proposed changes to the program and recommendations regarding the continuation of the  
113 program. The members shall receive no additional compensation, other than reimbursement for

114 their actual and necessary expenses incurred in the performance of their duties. The staff of the  
115 committee on legislative research, house research, and senate research shall provide necessary  
116 clerical, research, fiscal and legal services to the committee, as the committee may request.

117 10. No later than nine years following the date an urban public school transfer program  
118 is begun pursuant to this section in a program area, the joint committee on urban voluntary  
119 school transfer programs shall be reestablished in the form specified in subsection 8 of this  
120 section and pursuant to the same provisions for reimbursement of expenses and staff support as  
121 specified in subsection 9 of this section. No later than ten years following the date an urban  
122 voluntary school transfer program is begun pursuant to this section in a program area, the  
123 committee shall review and monitor the status of any urban voluntary school transfer program  
124 established pursuant to this section and make any recommendations the committee deems  
125 necessary to the general assembly regarding such program or programs.]

166.203. 1. There is hereby created the "Missouri Access to Higher Education Trust",  
2 which shall be a body corporate and politic. The trust shall be located within the state office of  
3 administration, but shall exercise its prescribed powers, duties, and functions independently. The  
4 trust shall be governed by a board of directors which shall consist of [ten] **eight** members with  
5 knowledge, skill, and experience in the academic, business, or financial field appointed by the  
6 governor, by and with the advice and consent of the senate. Not more than three members of the  
7 board shall be, during their term of office on the board, either officials, appointees, or employees  
8 of this state, except that at least one member shall be appointed from a minority group. Of the  
9 remaining [seven] **five** members appointed by the governor, [one shall be appointed from a  
10 nominee of the speaker of the house of representatives, one shall be appointed from a nominee  
11 of the president pro tem of the senate,] one shall be a president of a public four-year college or  
12 university, one shall be a president or chancellor of a public community college, one shall  
13 represent the interests of Missouri independent degree-granting colleges and universities, and one  
14 shall be the commissioner of higher education. Of these remaining [seven] **five** members, at  
15 least one shall be a member of a minority group. Members shall be appointed for a term of three  
16 years; except that, of the members first appointed, three shall be appointed for a term of one year,  
17 three shall be appointed for a term of two years, and four shall be appointed for a term of three  
18 years. A member shall serve until a successor is appointed and qualified, and a vacancy shall be  
19 filled for the balance of the unexpired term in the same manner as the original appointment. The  
20 governor shall designate one member as chairperson. The governor shall also designate one  
21 member as the president and chief executive officer of the trust and one member as the vice  
22 president of the trust. Members of the board, other than the president and vice president if they  
23 are not otherwise employees of the state, shall receive no compensation, but shall be reimbursed  
24 for their actual and necessary expenses incurred in the performance of their duties.

25           2. The board may delegate to its president, vice president, or other member such  
26 functions and authority as the board considers necessary or appropriate. These functions may  
27 include, but are not limited to, the oversight and supervision of employees of the trust.

28           3. A majority of the members of the board serving shall constitute a quorum for the  
29 transaction of business at a meeting of the board, or the exercise of a power or function of the  
30 trust, notwithstanding the existence of one or more vacancies. Voting upon action taken by the  
31 board shall be conducted by majority vote of the members present at a meeting of the board, and,  
32 if authorized by the bylaws of the board and when a quorum is present in person at the meeting,  
33 by use of amplified telephonic equipment. The board shall meet at the call of the chair and as  
34 may be provided in the bylaws of the trust. Meetings of the board may be held anywhere within  
35 the state.

170.250. 1. The "Video Instructional Development and Educational Opportunity  
2 Program" is established to encourage all educational institutions in Missouri to supplement  
3 educational opportunities through telecommunications technology and satellite broadcast  
4 instruction. The program established by this section is to be administered by the state board of  
5 education. The program shall consist of:

6           (1) Grants to local school districts, state-supported institutions of higher education and  
7 public television stations as defined in section [37.205] **185.205**, RSMo, for equipment and  
8 instruction;

9           (2) Instructional programs developed pursuant to this section and transmitted through  
10 the airwaves, over telephone lines, or by cable television which are available for all residents of  
11 this state without charge as defined in this section; and

12           (3) Instructional programs developed pursuant to this section which are available to any  
13 subscriber according to this section.

14           2. The "Video Instructional Development and Educational Opportunity Fund" is  
15 established in the state treasury and shall be administered by the department of elementary and  
16 secondary education at the direction of the state board of education. Moneys deposited in the  
17 fund shall consist of revenues generated from state sales and use tax revenues as provided in  
18 chapter 144, RSMo, on the rental of films, records or any type of sound or picture transcriptions  
19 as provided in subsection 3 of this section and shall include four million dollars transferred to  
20 the fund annually. Moneys in the fund shall be used solely for purposes established by this  
21 section.

22           3. Within the department of elementary and secondary education, there is established an  
23 advisory committee which shall make recommendations to the state board of education on the  
24 grant program. The committee shall be composed of [twenty-nine] **twenty-five** members. The  
25 members of the committee shall consist of one representative of public television stations as

26 defined in section [37.205] **185.205**, RSMo, and one representative of the cable television  
27 industry appointed by the state board of education, one representative of public television  
28 stations as defined in section [37.205] **185.205**, RSMo, and one representative of the cable  
29 television industry appointed by the coordinating board for higher education, three classroom  
30 teachers from the elementary and secondary level appointed by the state board of education, three  
31 school administrators of elementary or secondary schools appointed by the state board of  
32 education, three members of school boards of local public school districts appointed by the state  
33 board of education, four representatives from public community college districts appointed by  
34 the coordinating board for higher education, four representatives of state-supported institutions  
35 of higher education other than community colleges appointed by the coordinating board for  
36 higher education, one representative of the regional consortium for education and technology  
37 appointed by the state board of education, one representative of the cooperating school districts  
38 of the St. Louis suburban area appointed by the state board of education, **and** two representatives  
39 of the public appointed by the governor with the advice and consent of the senate[, two members  
40 of the senate appointed by the senate president pro tem and two members of the house of  
41 representatives appointed by the speaker of the house of representatives]. Of all members  
42 appointed by the state board of education, no more than four shall be from any one congressional  
43 district and of all the members appointed by the coordinating board for higher education, no  
44 more than four shall be from any one congressional district. The members of the committee shall  
45 serve three-year terms and shall not serve more than two terms consecutively. However,  
46 committee members having served two consecutive terms may be reappointed after leaving the  
47 committee for at least one three-year term. On August 28, 1992, the committee shall designate  
48 nine of its members to serve a term of one year, ten of its members to serve a term of two years,  
49 and ten of its members to serve a term of three years. All subsequent appointments shall be for  
50 three years. All members shall receive no compensation for their services, but shall be  
51 reimbursed for the actual and necessary expenses incurred while serving on the committee out  
52 of funds appropriated for that purpose. The committee shall meet at least quarterly and shall  
53 annually issue a report together with its recommendations to the state board of education and the  
54 general assembly. **The provisions of this subsection shall expire on December 31, 2013.**

55       4. The state board of education may cooperate with existing programs including the  
56 University of Missouri, other institutions of higher education, the cooperating school districts  
57 of the St. Louis suburban area, or its successor organization, the regional consortium for  
58 education and technology or its successor organization, and any statewide organization of public  
59 school governing boards and may delegate or contract for the performance or operation of the  
60 respective grant programs. The state board of education shall establish appropriate guidelines  
61 for participation by the aforementioned entities and by school districts, community college

62 districts, and public television stations as defined in section [37.205] **185.205**, RSMo, in the  
63 grant program. Such guidelines shall include application procedures and shall establish policies  
64 for awarding grants in the event that more grant applications are received than are funds available  
65 to honor the applications in any fiscal year. In allocating funds to applicants, the state board of  
66 education may give due consideration to revenues available from all other sources. The state  
67 board of education shall accredit courses offered through this program at the elementary and  
68 secondary education level. The coordinating board for higher education shall approve courses  
69 taught at the postsecondary level.

70         5. In any fiscal year, moneys in the fund shall be used first to ensure that any and all  
71 school districts, community college districts and state institutions of higher education seeking  
72 aid under this program shall receive telecommunications equipment including computers and  
73 modems necessary to participate in the satellite learning process or instructional television video;  
74 second to provide the school districts, community college districts and state institutions of higher  
75 education with access to subjects at the advanced level or the remedial level or which are not  
76 taught in the schools of the district or the service area or campus, which subjects shall include  
77 courses in continuing education necessary for maintenance or renewal of licenses for all such  
78 licensed health care providers; and third to provide enrichment classes for all pupils of the  
79 district. However, the state board of education may set aside a portion of the funds to be used  
80 to contract with state-supported institutions of higher education and public television stations as  
81 defined in section [37.205] **185.205**, RSMo, to develop instructional programs for grades  
82 kindergarten through twelve and for undergraduate and graduate course work suitable for  
83 broadcast to the school districts, community college districts and state institutions of higher  
84 education as appropriate and to develop the capability to transmit programs cited in this section.

85         6. Participation by a local school district, a community college district or a state  
86 institution of higher education in the program established by this section shall be voluntary. No  
87 school district, community college district or state institution of higher education receiving funds  
88 under this program shall use those funds for any purpose other than that for which they were  
89 intended. Any school district, community college district or state institution of higher education  
90 shall be eligible to receive funds under this program regardless of its curriculum, local wealth  
91 or previous contractual arrangements to receive satellite broadcast instruction.

92         7. The office of administration on behalf of the state of Missouri may contract with  
93 institutions of higher education for the development or operation or both of state employee  
94 training programs transmitted by telecommunications technology.

95         8. Instructional programs developed pursuant to this section which are transmitted one  
96 way through the airwaves or by cable television shall be available to all residents of this state  
97 without charge or fee to the extent permitted by the Missouri Constitution. "Without charge or

fee" shall not require the providing of equipment to transmit or receive telecommunications instruction or the providing of commercial cable television service. If the instructional program involves two-way, interactive communication between the instructor and the participant, the district or institution operating the program may prescribe academic prerequisites and limit the number of persons who may enroll in the specific program and give preference to residents of the district or institutional attendance area who are age twenty-one or younger but shall not discriminate against any resident on any other basis. A fee may be charged which shall be paid directly by the individual participant, but the fee shall be equal for all participants. If a subscription fee is charged by the originator of the program, the district or institution may pay the subscription fee for all participants from the grant pursuant to this section or from any other public or private fund legally authorized to be used for this purpose. Printed materials designed to facilitate or complement telecommunications programs or electronic reproductions thereof may be made available for loan by the school district, community college or institution of higher education through the public library system subject to the normal rules and regulations of the lending system and in such quantities as may be approved by the governing body of the district or institution. Instructional programs which involve two-way, interactive communication between the instructor and the participant shall also be available to any not-for-profit organization in this state which is exempt from taxation pursuant to subdivision (19) of subsection 2 of section 144.030, RSMo, upon payment of a reasonable subscription fee as determined by the state board of education. Such fees shall be set on a per-participant, per-course basis. The district or institution or the state board of education may make telecommunication equipment available for purchase at cost by or rental to any not-for-profit organization in this state which is exempt from taxation pursuant to subdivision (19) of subsection 2 of section 144.030, RSMo.

9. (1) In order to facilitate or complement telecommunications, local exchange telecommunications companies shall file with the public service commission tariffs for provision of local service to public school districts, and may file tariffs for provision of local service to accredited primary or secondary schools owned or operated by private entities and community college districts located within the local exchange telecommunications companies certified area. Such local exchange telecommunications companies shall seek commission authorization to provide local service at rates lower than those charged for business and residential service in effect when the tariff is filed, provided that the proposed rates may not be below the actual cost of providing the service. Upon approval of the public service commission, the rates shall not be classified as discriminatory for the purposes of chapter 392, RSMo.

132 (2) The public service commission may approve the tariff as submitted, or may, after  
133 hearing, modify the tariff in the public interest. The commission may promulgate rules to aid  
134 in the implementation of this section.

190.176. 1. The department shall develop and administer a uniform data collection  
2 system on all ambulance runs and injured patients, pursuant to rules promulgated by the  
3 department for the purpose of injury etiology, patient care outcome, injury and disease  
4 prevention and research purposes. The department shall not require disclosure by hospitals of  
5 data elements pursuant to this section unless those data elements are required by a federal agency  
6 or were submitted to the department as of January 1, 1998, pursuant to:

7 (1) Departmental regulation of trauma centers; or

8 (2) The Missouri [head] **brain** and spinal cord injury registry established by sections  
9 192.735 to 192.745, RSMo; or

10 (3) Abstracts of inpatient hospital data; or

11 (4) If such data elements are requested by a lawful subpoena or subpoena duces tecum.

12 2. All information and documents in any civil action, otherwise discoverable, may be  
13 obtained from any person or entity providing information pursuant to the provisions of sections  
14 190.001 to 190.245.

192.735. As used in sections 192.735 to 192.745, unless the context clearly indicates  
2 otherwise, the following terms shall mean:

3 (1) ["Department", the department of health and senior services;

4 (2) "Head] **"Brain** injury" or "traumatic [head] **brain** injury", a sudden insult or damage  
5 to the brain or its coverings, not of a degenerative nature. Such insult or damage may produce  
6 an altered state of consciousness and may result in a decrease of one or more of the following:  
7 mental, cognitive, behavioral or physical functioning resulting in partial or total disability.  
8 Cerebral vascular accidents, aneurisms and congenital deficits are specifically excluded from this  
9 definition;

10 (2) **"Department", the department of health and senior services;**

11 (3) "Spinal cord injury", an injury that occurs as a result of trauma, which may involve  
12 spinal vertebral fracture, and where the injured person suffers two or more of the following  
13 effects either immediately or within forty-eight hours of injury:

14 (a) Effects on the sensory system including numbness, tingling or loss of sensation in the  
15 body or in one or more extremities;

16 (b) Effects on the motor system including weakness or paralysis in one or more  
17 extremities;

18 (c) Effects on the visceral system including bowel or bladder dysfunction or hypotension.

192.737. 1. The department of health and senior services shall establish and maintain  
2 an information registry and reporting system for the purpose of data collection and needs  
3 assessment of [head] **brain** and spinal cord injured persons in this state.

4 2. Reports of traumatic [head] **brain** and spinal cord injuries shall be filed with the  
5 department by a treating physician or his designee within seven days of identification. The  
6 attending physician of any patient with traumatic [head] **brain** or spinal cord injury who is in the  
7 hospital shall provide in writing to the chief administrative officer the information required to  
8 be reported by this section. The chief administrative officer of the hospital shall then have the  
9 duty to submit the required reports.

10 3. Reporting forms and the manner in which the information is to be reported shall be  
11 provided by the department. Such reports shall include, but shall not be limited to, the following  
12 information: name, age, and residence of the injured person, the date and cause of the injury, the  
13 initial diagnosis and such other information as required by the department.

192.739. 1. All reports and records made pursuant to sections 192.735 to 192.744 and  
2 maintained by the department and other appropriate persons, officials and institutions pursuant  
3 to sections 192.735 to 192.744 shall be confidential. Information shall not be made available to  
4 any individual or institution except to:

5 (1) Appropriate staff of the department;

6 (2) Any person engaged in a bona fide research project, with the permission of the  
7 director of the department, except that no information identifying the subjects of the reports or  
8 the reporters shall be made available to researchers unless the department requests and receives  
9 consent for such release pursuant to the provisions of this section;

10 (3) The Missouri [head] **brain** injury advisory council, except that no information  
11 identifying the subjects of the reports or the reporters shall be made available to the council  
12 unless consent for release is requested and received pursuant to the provisions of this section.  
13 Only information pertaining to [head] **brain** injuries as defined in section 192.735 shall be  
14 released to the council.

15 2. The department shall not reveal the identity of a patient, a reporting physician or  
16 hospital, except that the identity of the patient may be released upon written consent of the  
17 patient, parent or guardian, the identity of the physician may be released upon written consent  
18 of the physician, and the identity of the hospital may be released upon written consent of the  
19 hospital.

20 3. The department shall request consent for release from a patient, a reporting physician  
21 or hospital only upon a showing by the applicant for such release that obtaining the identities of  
22 certain patients, physicians or hospitals is necessary for his research.



23           4. The department shall at least annually compile a report of the data accumulated  
24 through the reporting system established under section 192.737 and shall submit such data  
25 relating to [head] **brain** injuries as defined in section 192.735 and in accordance with  
26 confidentiality restrictions established pursuant to sections 192.735 to 192.744 to the director of  
27 the Missouri [head] **brain** injury advisory council.

          192.742. The department, in consultation with the Missouri [head] **brain** injury advisory  
2 council, shall promulgate rules and regulations necessary to carry out the provisions of sections  
3 192.735 to 192.744, pursuant to the provisions of section 192.006 and chapter 536, RSMo.

          192.745. 1. The "Missouri [Head] **Brain** Injury Advisory Council" is hereby established  
2 [as created by executive order of the governor on March 5, 1985] **in the department of health**  
3 **and senior services.** [The council shall consist of twenty-five members.] The members of the  
4 council that are serving on [August 13, 1986] **February 2, 2005**, shall continue [serving on the  
5 following basis: the two members of the council who are members of the house of  
6 representatives and appointed by the speaker of the house of representatives shall serve for the  
7 remainder of their terms; the two members of the council who are members of the senate  
8 appointed by the president pro tempore of the senate shall serve for the remainder of their terms;  
9 and the remaining twenty-one members shall determine by lot which seven are to have a one-year  
10 term, which seven are to have a two-year term, and which seven are to have a three-year term]  
11 **to fulfill their current terms. Through attrition, the council shall decrease from the present**  
12 **twenty-five members to fifteen members.** Thereafter, the successors to each of these  
13 [twenty-one] members shall serve a three-year term and until the member's successor is  
14 appointed by the governor with the advice and consent of the senate. [In addition, two members  
15 who are members of the house of representatives shall be appointed by the speaker of the house  
16 and two members who are members of the senate shall be appointed by the president pro tempore  
17 of the senate.] The members appointed by the governor shall [represent] **include: four** people  
18 with [head] **brain** injuries[,] **or** relatives of persons with [head] **brain** injuries, [proprietary  
19 schools as defined in section 173.600, RSMo,] **and eleven other individuals from** professional  
20 groups, health institutions, [or] **community groups, and** private industry [and state agencies  
21 which administer programs regarding mental health, education, public health, public safety,  
22 insurance, and Medicaid. The appointment of individuals representing state agencies shall be  
23 conditioned on their continued employment with their respective agencies]. **In addition to the**  
24 **fifteen council members, individuals representing state agencies with services that impact**  
25 **brain injury survivors and their families shall participate on the council in an ex officio**  
26 **non-voting capacity. These individuals shall be appointed by the respective agency.**

27           2. The Missouri [head] **brain** injury advisory council is assigned to the [division of  
28 general services in the office of administration] **department of health and senior services.** The

29 [office of administration] **department** shall submit estimates of requirements for appropriations  
30 on behalf of the council for the necessary staff and expenses to carry out the duties and  
31 responsibilities assigned by the council. [Such staff shall consist of a director and other support  
32 staff.]

33 3. Meetings **of the full council** shall be held at least [every ninety days] **four times a**  
34 **year** or at the call of the council chairperson, who shall be elected by the council.  
35 **Subcommittees may meet on an as needed basis.**

36 4. [Each member shall, subject to appropriations, be reimbursed for reasonable and  
37 necessary expenses actually incurred in the performance of the member's official duties.]  
38 **Members of the council shall not receive any compensation for their services, but they**  
39 **shall, subject to appropriations, be reimbursed for actual and necessary expenses incurred**  
40 **in the performance of their duties from funds appropriated for this purpose.**

41 5. The council shall adopt written procedures to govern its activities. [Staff and  
42 consultants shall be provided for the council from appropriations requested by the commissioner  
43 of the office of administration for such purpose.]

44 6. The council, **under the direction of the department**, shall make recommendations  
45 to the [governor] **department director** for developing and administering a state plan to provide  
46 services for [head] **brain** injured persons.

47 7. No member of the council may participate in or seek to influence a decision or vote  
48 of the council if the member would be directly involved with the matter or if the member would  
49 derive income from it. A violation of the prohibition contained herein shall be grounds for a  
50 person to be removed as a member of the council by the [governor] **department director**.

51 8. The council shall be advisory and shall:

52 (1) Promote meetings and programs for the discussion of reducing the debilitating effects  
53 of [head] **brain** injuries and disseminate information in cooperation with any other department,  
54 agency or entity on the prevention, evaluation, care, treatment and rehabilitation of persons  
55 affected by [head] **brain** injuries;

56 (2) Study and review current prevention, evaluation, care, treatment and rehabilitation  
57 technologies and recommend appropriate preparation, training, retraining and distribution of  
58 manpower and resources in the provision of services to [head-injured] **brain-injured** persons  
59 through private and public residential facilities, day programs and other specialized services;

60 (3) Recommend [what] specific methods, means and procedures [should be adopted] to  
61 improve and upgrade the state's service delivery system for [head-injured] **brain-injured** citizens  
62 of this state;

63 (4) Participate in developing and disseminating criteria and standards which may be  
64 required for future funding or licensing of facilities, day programs and other specialized services  
65 for [head-injured] **brain-injured** persons in this state;

66 (5) Report annually to the [commissioner of administration, the governor, and the  
67 general assembly] **department director** on its activities, and on the results of its studies and the  
68 recommendations of the council.

69 9. The [office of administration] **department** may accept on behalf of the council federal  
70 funds, gifts and donations from individuals, private organizations and foundations, and any other  
71 funds that may become available.

199.001. As used in sections 199.001 to 199.055, the following terms mean:

2 (1) ["Division", the division of injury prevention, head injury rehabilitation and local  
3 health services of the department of health and senior services;

4 (2) "Head] "**Brain** injury", includes [head] **brain** injury[,] **and** traumatic [head] **brain**  
5 injury[, and spinal cord injury] as defined in section 192.735, RSMo;

6 (2) "**Department**", the **department of health and senior services' adult brain injury**  
7 **program**;

8 (3) "Injury or trauma", any unintentional or intentional damage to the body resulting  
9 from acute exposure to thermal, mechanical, electrical, or chemical energy or from the absence  
10 of such essentials as heat or oxygen;

11 (4) "Rehabilitation", a comprehensive series of interventions for physical, medical,  
12 cognitive and psychological disabilities designed to restore a person to his maximum functional  
13 potential.

199.003. 1. [The "Division of Injury Prevention, Head Injury Rehabilitation and Local  
2 Health Services" is hereby created and shall be a division of the department of health and senior  
3 services.] The [division] **department** shall have the responsibility, **subject to appropriations**,  
4 of ensuring that injury prevention and [head] **brain** injury rehabilitation evaluation, [case  
5 management] **service coordination**, treatment, rehabilitation, and community support services  
6 are accessible, wherever possible. [The division shall have and exercise supervision of division  
7 rehabilitation facilities, residential programs and specialized services operated by the division  
8 and oversight of facilities, programs and services funded by the division. The division may also  
9 plan for prevention, treatment, rehabilitation and care, including hospice, for persons with other  
10 diseases as determined by the general assembly by appropriations. The division shall also have  
11 responsibilities for the support, development, and coordination of local health services.]

12 2. The powers, functions and duties of the [division] **department** shall include the  
13 following:

- 14           (1) [Provision of funds for] Planning **and implementing**, in cooperation with the  
15 Missouri [head] **brain** injury advisory council [and implementation of] , accessible programs to  
16 [rehabilitate and care for] **promote rehabilitation and community reintegration of** persons  
17 with [head injuries, injury prevention and research] **brain injuries**;
- 18           (2) Provision of technical assistance and training to community-based programs [and  
19 assistance and cooperation to programs of political subdivisions designed to assist in planning  
20 and implementing quality services] **assisting persons with brain injuries**;
- 21           (3) Assurance of [program] quality [in compliance with such appropriate standards for  
22 residential facilities, day programs, and specialized programs as may be established by the  
23 division] **for brain injury services funded by the department**;
- 24           (4) Sponsorship and encouragement of research into the causes, effects, prevention,  
25 treatment and rehabilitation of injuries and appropriateness and cost and benefit effectiveness  
26 of [head] **brain** injury rehabilitation, residential programs and specialized services;
- 27           (5) Provision of public information relating to injury prevention and [head] **brain** injury  
28 treatment and rehabilitation;
- 29           (6) Cooperation with nonstate governmental agencies and [the] private sector [in  
30 establishing, conducting, integrating and coordinating] programs and projects relating to injury  
31 prevention and [head] **brain** injury treatment and rehabilitation;
- 32           (7) [Review and oversight of those portions of the department's annual budget which are  
33 directed for injury prevention and head injury services;
- 34           (8) Encouragement of the utilization, support, assistance and dedication of volunteers  
35 to assist persons affected by head injuries to be accepted and integrated into normal community  
36 activities;
- 37           (9) Support, development, and coordination of local health services, which shall include  
38 but shall not be limited to:
- 39           (a) Professional resources and staff development;
- 40           (b) Services assessment and coordination;
- 41           (c) Standards development, implementation and quality assurance;
- 42           (d) Provision of basic public health services in areas not served by local public health  
43 agencies;
- 44           (e) Fiscal resources and management;
- 45           (f) Technical assistance; and
- 46           (g) Assistance with public health problems, emergencies and conditions] **Receiving**  
47 **federal grants and aids for injury prevention and for persons with brain injuries and brain**  
48 **injury rehabilitation under the terms of the grants and aids and administering or paying**  
49 **them out. The director shall approve such applications for federal assistance administered**

50 through the department as may be considered advisable in consultation with the Missouri  
51 brain injury advisory council;

52 (8) Promulgating rules under the provisions of this section, as necessary to  
53 prescribe policies or standards which affect charging and funding of adult brain injury  
54 rehabilitation services. The rules applicable to each program or service operated or  
55 funded by the department shall be available for public inspection and review at such  
56 program or service. The rules and policies shall be compatible with and appropriate to the  
57 program mission, population served, size, type of service, and other reasonable  
58 classifications;

59 (9) Promulgating reasonable rules relative to the implementation of participant  
60 rights described in sections 199.001 to 199.051;

61 (10) Promulgating rules setting forth a reasonable standard means test which shall  
62 be applied to all programs and services funded by the department in determining eligibility  
63 for such services.

64 3. Any rule or portion of a rule, as that term is defined in section 536.010 that is  
65 created under the authority delegated in this section shall become effective only if it  
66 complies with and is subject to all of the provisions of chapter 536, and, if applicable,  
67 section 536.028. This section and chapter 536 are nonseverable and if any of the powers  
68 vested with the general assembly pursuant to chapter 536, to review, to delay the effective  
69 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the  
70 grant of rulemaking authority and any rule proposed or adopted after August 28, 2010,  
71 shall be invalid and void.

199.007. The Missouri [head] **brain** injury advisory council, created by section 192.745,  
2 RSMo, shall act as the advisory body to the [division and the division] **department and**  
3 **department** director. Any power or function of the [division] **department** requiring planning  
4 activities shall be undertaken with the direct input and cooperation of the advisory council. The  
5 [division] **department** shall not undertake or duplicate any activity or function of the council  
6 under the provisions of section 192.745, RSMo.

199.009. 1. The [division] **department** may provide injury prevention, and [head] **brain**  
2 injury evaluation, care, treatment, rehabilitation and such related services directly or through  
3 contracts from private and public vendors in this state, the quality of the services being equal,  
4 appropriate and consistent with professional advice in the least restrictive environment and as  
5 close to an individual's home community as possible, with funds appropriated for this purpose.

6 2. If it is determined through a comprehensive evaluation that a person [is suffering from  
7 a head] **has a traumatic brain** injury so as to require the coordination of provision of services,  
8 including other state governmental agencies, nongovernmental and the private sector, and if such

9 person, such person's parent, if the person is a minor, or legal guardian, so requests, the [division]  
10 **department** shall, within the limits of available resources and subject to relevant federal and  
11 state laws, secure a comprehensive program of any necessary services for such person. Such  
12 services may include, but need not be limited to, the following:

- 13 (1) Assessment and evaluation;
- 14 (2) [Case management] **Service coordination**;
- 15 (3) Counseling;
- 16 (4) Respite care;
- 17 (5) Recreation;
- 18 (6) Rehabilitation;
- 19 (7) Cognitive retraining;
- 20 (8) Prevocational rehabilitation;
- 21 (9) Residential care;
- 22 (10) Homemaker services;
- 23 (11) Day activity programs;
- 24 (12) Supported living;
- 25 (13) Referral to appropriate services;
- 26 (14) Transportation;
- 27 (15) Supported work, **if provided by the department, shall be directed toward**  
28 **preparation for education or vocational achievement, independent living, and community**  
29 **participation. Long-term needs shall be identified and efforts made to link participants**  
30 **with appropriate resources.**

31 3. In securing the comprehensive program of services, the [division] **department** shall  
32 involve the [patient] **participant**, his **or her** family or his **or her** legal guardian in decisions  
33 affecting his **or her** care, rehabilitation, services or referral. The quality of the services being  
34 equal, appropriate and consistent with professional advice, services shall be offered in the least  
35 restrictive environment and as close to an individual's home community as possible.

36 **4. In accordance with state and federal law, no service or program operated or**  
37 **funded by the department shall deny admission or other services to any person because of**  
38 **the person's race, sex, creed, marital status, national origin, handicap, or age.**

199.010. The curators of the University of Missouri shall provide for the care of persons  
2 needing [head] **brain** injury and other rehabilitation and further, for the treatment and  
3 commitment of persons having tuberculosis subject to appropriation by the general assembly.

199.029. 1. The [division] **department** shall promulgate rules under the provisions of  
2 this section and chapter 536, RSMo, as necessary to prescribe policies or standards which affect  
3 charging and funding of residential care rehabilitation programs and specialized services for

4 persons with [head] **brain** injuries available to the public. The rules applicable to each facility,  
5 program or service operated or funded by the [division] **department** shall be available for public  
6 inspection and review at such facility, program or service. These rules shall not apply to  
7 facilities, programs or services operated or provided by curators of the University of Missouri.

8 2. The rules, operating regulations and facility policies shall be compatible with and  
9 appropriate to the facility or program mission, population served, size, type of service and other  
10 reasonable classifications. No rule or portion of a rule promulgated under the authority of this  
11 chapter shall become effective unless it has been promulgated pursuant to the provisions of  
12 section 536.024, RSMo.

199.031. 1. The [division] **department** may receive federal grants and aids for injury  
2 prevention and for persons with [head] **brain** injuries and [head] **brain** injury rehabilitation  
3 under the terms of the grants and aids and administer or pay them out subject to the provisions  
4 attached.

5 2. The director shall approve such applications for federal assistance administered  
6 through the [division] **department** as may be considered advisable after consultation with the  
7 Missouri [head] **brain** injury advisory council.

199.037. The director of the [division] **department** shall promulgate reasonable rules  
2 relative to the implementation of patient rights described in sections 199.001 to [199.055]  
3 **199.051**. These rules shall not apply to facilities, programs or services operated or provided by  
4 the curators of the University of Missouri.

199.039. The director of the [division] **department** shall promulgate rules setting forth  
2 a reasonable standard means test which shall be applied to all facilities, programs and services  
3 operated or funded by the [division] **department** in determining the amount to be charged to  
4 persons receiving services. Notwithstanding other provisions of sections 199.001 to [199.055]  
5 **199.051**, the department shall accept funds from federal reimbursement, third-party  
6 reimbursement, private pay or other funding sources.

199.041. 1. Any probate division of the circuit court having knowledge of the existence  
2 of an estate of a patient receiving services from residential facilities or other programs operated  
3 or funded by the [division] **department** shall promptly notify the director of the nature and  
4 extent of the estate and the identity of the attorney of record and conservator. The director shall  
5 then apply the standard means test contained in the rules of the [division] **department** to  
6 determine if the estate shall be charged for services rendered by the [division] **department**.

7 2. If the director determines that the estate should be charged for the evaluation, care,  
8 treatment, rehabilitation or room and board provided or funded by the [division] **department**,  
9 and notifies the conservator, the conservator shall pay the charges. If the conservator fails to pay

10 for the charges, after reasonable delay, the head of the [division] **department**, residential facility  
11 or day program may discharge the patient.

12 3. The decision of the director shall be final, and appeal may be made to the circuit court  
13 of Cole County or the county where the person responsible for payment resides in the manner  
14 provided by chapter 536, RSMo. The director shall notify the conservator and the supervising  
15 court of such failure to pay for services rendered by a facility or program operated or funded by  
16 the [division] **department** at least thirty days before the patient is discharged. If the conservator  
17 appeals the decision of the director, the patient shall remain in the facility or program pending  
18 final disposition of the appeal.

199.043. In accordance with state and federal law, no residential facility, day program  
2 or specialized service operated or funded by the [division] **department** shall deny admission or  
3 other services to any person because of his race, sex, creed, marital status, national origin,  
4 handicap or age.

199.051. The [division] **department** may inspect any facility or program at any time if  
2 a contract has been issued or an application for a contract has been filed.

207.023. The division of family services within the department of social services, with  
2 input from the Missouri community service commission created in sections [26.600 to 26.614,  
3 RSMo] **620.580 to 620.592**, shall promulgate rules providing standards and procedures for  
4 community service participation by persons receiving services from the division of family  
5 services. In order to be eligible to receive services from the division of family services, a person  
6 shall satisfy the requirements of the rules promulgated under this section regarding community  
7 service participation.

208.175. 1. The "Drug Utilization Review Board" is hereby established within the  
2 [division of medical services] **MO HealthNet division** and shall be composed of the following  
3 health care professionals who shall be appointed by the governor [not later than October 1,  
4 1992,] and whose appointment shall be subject to the advice and consent of the senate:

5 (1) Six physicians who shall include:

6 (a) Three physicians who hold the doctor of medicine degree and are active in medical  
7 practice;

8 (b) Two physicians who hold the doctor of osteopathy degree and are active in medical  
9 practice; and

10 (c) One physician who holds the doctor of medicine or the doctor of osteopathy degree  
11 and is active in the practice of psychiatry;

12 (2) Six actively practicing pharmacists who shall include:

13 (a) Three pharmacists who hold bachelor of science degrees in pharmacy and are active  
14 as retail or patient care pharmacists;



- 15 (b) Two pharmacists who hold advanced clinical degrees in pharmacy and are active in  
16 the practice of pharmaceutical therapy and clinical pharmaceutical management; and
- 17 (c) One pharmacist who holds either a bachelor of science degree in pharmacy or an  
18 advanced clinical degree in pharmacy and is employed by a pharmaceutical manufacturer of  
19 Medicaid-approved formulary drugs; and
- 20 (3) One certified medical quality assurance registered nurse with an advanced degree.
- 21 2. The membership of the drug utilization review board shall include health care  
22 professionals who have recognized knowledge and expertise in one or more of the following:
- 23 (1) The clinically appropriate prescribing of covered outpatient drugs;  
24 (2) The clinically appropriate dispensing and monitoring of covered outpatient drugs;  
25 (3) Drug use review, evaluation and intervention;  
26 (4) Medical quality assurance.
- 27 3. A chairperson shall be elected by the board members [at their first meeting, which  
28 shall take place not later than November 1, 1992]. The board shall meet at least once every  
29 ninety days. A quorum of eight members, including no fewer than three physicians and three  
30 pharmacists, shall be required for the board to act in its official capacity.
- 31 4. Members appointed pursuant to subsection 1 of this section shall serve four-year  
32 terms, except that of the original members, four shall be appointed for a term of two years, four  
33 shall be appointed for a term of three years and five shall be appointed for a term of four years.  
34 Members may be reappointed.
- 35 5. The members of the drug utilization review board or any regional advisory committee  
36 shall receive no compensation for their services other than reasonable expenses actually incurred  
37 in the performance of their official duties.
- 38 6. The drug utilization review board shall, either directly or through contracts between  
39 the [division of medical services] **MO HealthNet division** and accredited health care  
40 educational institutions, state medical societies or state pharmacist associations or societies or  
41 other appropriate organizations, provide for educational outreach programs to educate  
42 practitioners on common drug therapy problems with the aim of improving prescribing and  
43 dispensing practices.
- 44 7. The drug utilization review board shall monitor drug usage and prescribing practices  
45 in the Medicaid program. The board shall conduct its activities in accordance with the  
46 requirements of subsection (g) of section 4401 of the Omnibus Budget Reconciliation Act of  
47 1990 (P.L. 101-508). The board shall publish an educational newsletter to Missouri Medicaid  
48 providers as to its considered opinion of the proper usage of the Medicaid formulary. It shall  
49 advise providers of inappropriate drug utilization when it deems it appropriate to do so.

50           **8. The drug utilization review board may provide advice on guidelines, policies, and**  
51 **procedures necessary to establish and maintain the Missouri Rx plan.**

52           **9.** Office space and support personnel shall be provided by the division of medical  
53 services.

54           **[9.] 10.** Subject to appropriations made specifically for that purpose, up to six regional  
55 advisory committees to the drug utilization review board may be appointed. Members of the  
56 regional advisory committees shall be physicians and pharmacists appointed by the drug  
57 utilization review board. Each such member of a regional advisory committee shall have  
58 recognized knowledge and expertise in one or more of the following:

- 59           (1) The clinically appropriate prescribing of covered outpatient drugs;  
60           (2) The clinically appropriate dispensing and monitoring of covered outpatient drugs;  
61           (3) Drug use review, evaluation, and intervention; or  
62           (4) Medical quality assurance.

          208.275. 1. As used in this section, unless the context otherwise indicates, the following  
2 terms mean:

- 3           (1) "Elderly", any person who is sixty years of age or older;  
4           (2) "Handicapped", any person having a physical or mental condition, either permanent  
5 or temporary, which would substantially impair ability to operate or utilize available  
6 transportation.

7           2. There is hereby created the "Coordinating Council on Special Transportation" within  
8 the Missouri department of transportation. The members of the council shall be: [two members  
9 of the senate appointed by the president pro tem, who shall be from different political parties;  
10 two members of the house of representatives appointed by the speaker, who shall be from  
11 different political parties;] the assistant for transportation of the Missouri department of  
12 transportation, or his designee; the assistant commissioner of the department of elementary and  
13 secondary education, responsible for special transportation, or his designee; the director of the  
14 division of aging of the department of social services, or his designee; the deputy director for  
15 mental retardation/developmental disabilities and the deputy director for administration of the  
16 department of mental health, or their designees; the executive secretary of the governor's  
17 committee on the employment of the handicapped; and seven consumer representatives  
18 appointed by the governor by and with the advice and consent of the senate, four of the consumer  
19 representatives shall represent the elderly and three shall represent the handicapped. Two of such  
20 three members representing handicapped persons shall represent those with physical handicaps.  
21 Consumer representatives appointed by the governor shall serve for terms of three years or until  
22 a successor is appointed and qualified. Of the members first selected, two shall be selected for  
23 a term of three years, two shall be selected for a term of two years, and three shall be selected for

24 a term of one year. In the event of the death or resignation of any member, his successor shall  
25 be appointed to serve for the unexpired period of the term for which such member had been  
26 appointed.

27 3. State agency personnel shall serve on the council without additional appropriations  
28 or compensation. The consumer representatives shall serve without compensation except for  
29 receiving reimbursement for the reasonable and necessary expenses incurred in the performance  
30 of their duties on the council from funds appropriated to the department of transportation.  
31 [Legislative members shall be reimbursed by their respective appointing bodies out of the  
32 contingency fund for such body for necessary expenses incurred in the performance of their  
33 duties.]

34 4. Staff for the council shall be provided by the Missouri department of transportation.  
35 The department shall designate a special transportation coordinator who shall have had  
36 experience in the area of special transportation, as well as such other staff as needed to enable  
37 the council to perform its duties.

38 5. The council shall meet at least quarterly each year and shall elect from its members  
39 a chairman and a vice chairman.

40 6. The coordinating council on special transportation shall:

41 (1) Recommend and periodically review policies for the coordinated planning and  
42 delivery of special transportation when appropriate;

43 (2) Identify special transportation needs and recommend agency funding allocations and  
44 resources to meet these needs when appropriate;

45 (3) Identify legal and administrative barriers to effective service delivery;

46 (4) Review agency methods for distributing funds within the state and make  
47 recommendations when appropriate;

48 (5) Review agency funding criteria and make recommendations when appropriate;

49 (6) Review area transportation plans and make recommendations for plan format and  
50 content;

51 (7) Establish measurable objectives for the delivery of transportation services;

52 (8) Review annual performance data and make recommendations for improved service  
53 delivery, operating procedures or funding when appropriate;

54 (9) Review local disputes and conflicts on special transportation and recommend  
55 solutions.

56 **7. The provisions of this section shall expire on December 31, 2013.**

208.955. 1. There is hereby established in the department of social services the "MO  
2 HealthNet Oversight Committee", which shall [be appointed by January 1, 2008, and shall]  
3 consist of eighteen members as follows:

4 (1) Two members of the house of representatives, one from each party, appointed by the  
5 speaker of the house of representatives and the minority floor leader of the house of  
6 representatives;

7 (2) Two members of the Senate, one from each party, appointed by the president pro tem  
8 of the senate and the minority floor leader of the senate;

9 (3) One consumer representative;

10 (4) Two primary care physicians, licensed under chapter 334, RSMo, recommended by  
11 any Missouri organization or association that represents a significant number of physicians  
12 licensed in this state, who care for participants, not from the same geographic area;

13 (5) Two physicians, licensed under chapter 334, RSMo, who care for participants but  
14 who are not primary care physicians and are not from the same geographic area, recommended  
15 by any Missouri organization or association that represents a significant number of physicians  
16 licensed in this state, **and who are familiar with the medical needs of low-income population**  
17 **groups and with the resources available and required for their care;**

18 (6) One representative of the state hospital association;

19 (7) One nonphysician health care professional who cares for participants, recommended  
20 by the director of the department of insurance, financial institutions and professional registration;

21 (8) One dentist, who cares for participants. The dentist shall be recommended by any  
22 Missouri organization or association that represents a significant number of dentists licensed in  
23 this state;

24 (9) Two patient advocates;

25 (10) One public member; and

26 (11) The directors of the department of social services, the department of mental health,  
27 the department of health and senior services, or the respective directors' designees, who shall  
28 serve as ex-officio members of the committee.

29 2. The members of the oversight committee, other than the members from the general  
30 assembly and ex-officio members, shall be appointed by the governor with the advice and  
31 consent of the senate. A chair of the oversight committee shall be selected by the members of  
32 the oversight committee. Of the members first appointed to the oversight committee by the  
33 governor, eight members shall serve a term of two years, seven members shall serve a term of  
34 one year, and thereafter, members shall serve a term of two years. Members shall continue to  
35 serve until their successor is duly appointed and qualified. Any vacancy on the oversight  
36 committee shall be filled in the same manner as the original appointment. Members shall serve  
37 on the oversight committee without compensation but may be reimbursed for their actual and  
38 necessary expenses from moneys appropriated to the department of social services for that

39 purpose. The department of social services shall provide technical, actuarial, and administrative  
40 support services as required by the oversight committee. The oversight committee shall:

41 (1) Meet on at least four occasions annually[, including at least four before the end of  
42 December of the first year the committee is established]. Meetings [can] **may** be held by  
43 telephone or video conference at the discretion of the committee;

44 (2) **Serve as a medical care advisory committee under Section 1902(a)(4) of the**  
45 **Social Security Act to advise the Medicaid agency director about health and medical care**  
46 **services;**

47 (3) Review the participant and provider satisfaction reports and the reports of health  
48 outcomes, social and behavioral outcomes, use of evidence-based medicine and best practices  
49 as required of the health improvement plans and the department of social services under section  
50 208.950;

51 [(3)] (4) Review the results from other states of the relative success or failure of various  
52 models of health delivery attempted;

53 [(4)] (5) Review the results of studies comparing health plans conducted under section  
54 208.950;

55 [(5)] (6) Review the data from health risk assessments collected and reported under  
56 section 208.950;

57 [(6)] (7) Review the results of the public process input collected under section 208.950;

58 [(7)] (8) Advise and approve proposed design and implementation proposals for new  
59 health improvement plans submitted by the department, as well as make recommendations and  
60 suggest modifications when necessary;

61 [(8)] (9) Determine how best to analyze and present the data reviewed under section  
62 208.950 so that the health outcomes, participant and provider satisfaction, results from other  
63 states, health plan comparisons, financial impact of the various health improvement plans and  
64 models of care, study of provider access, and results of public input can be used by consumers,  
65 health care providers, and public officials;

66 [(9)] (10) Present significant findings of the analysis required in subdivision (8) of this  
67 subsection in a report to the general assembly and governor, at least annually, beginning January  
68 1, 2009;

69 [(10)] (11) Review the budget forecast issued by the legislative budget office, and the  
70 report required under subsection (22) of subsection 1 of section 208.151, and after study:

71 (a) Consider ways to maximize the federal drawdown of funds;

72 (b) Study the demographics of the state and of the MO HealthNet population, and how  
73 those demographics are changing;

74 (c) Consider what steps are needed to prepare for the increasing numbers of participants  
75 as a result of the baby boom following World War II;

76 [(11)] (12) Conduct a study to determine whether an office of inspector general shall be  
77 established. Such office would be responsible for oversight, auditing, investigation, and  
78 performance review to provide increased accountability, integrity, and oversight of state medical  
79 assistance programs, to assist in improving agency and program operations, and to deter and  
80 identify fraud, abuse, and illegal acts. The committee shall review the experience of all states  
81 that have created a similar office to determine the impact of creating a similar office in this state;  
82 and

83 [(12)] (13) Perform other tasks as necessary, including but not limited to making  
84 recommendations to the division concerning the promulgation of rules and emergency rules so  
85 that quality of care, provider availability, and participant satisfaction can be assured.

86 3. By July 1, 2011, the oversight committee shall issue findings to the general assembly  
87 on the success and failure of health improvement plans and shall recommend whether or not any  
88 health improvement plans should be discontinued.

89 4. [The oversight committee shall designate a subcommittee devoted to advising the  
90 department on the development of a comprehensive entry point system for long-term care that  
91 shall:

92 (1) Offer Missourians an array of choices including community-based, in-home,  
93 residential and institutional services;

94 (2) Provide information and assistance about the array of long-term care services to  
95 Missourians;

96 (3) Create a delivery system that is easy to understand and access through multiple  
97 points, which shall include but shall not be limited to providers of services;

98 (4) Create a delivery system that is efficient, reduces duplication, and streamlines access  
99 to multiple funding sources and programs;

100 (5) Strengthen the long-term care quality assurance and quality improvement system;

101 (6) Establish a long-term care system that seeks to achieve timely access to and payment  
102 for care, foster quality and excellence in service delivery, and promote innovative and  
103 cost-effective strategies; and

104 (7) Study one-stop shopping for seniors as established in section 208.612.

105 5. The subcommittee shall include the following members:

106 (1) The lieutenant governor or his or her designee, who shall serve as the subcommittee  
107 chair;

108 (2) One member from a Missouri area agency on aging, designated by the governor;

109 (3) One member representing the in-home care profession, designated by the governor;

- 110 (4) One member representing residential care facilities, predominantly serving MO  
111 HealthNet participants, designated by the governor;
- 112 (5) One member representing assisted living facilities or continuing care retirement  
113 communities, predominantly serving MO HealthNet participants, designated by the governor;
- 114 (6) One member representing skilled nursing facilities, predominantly serving MO  
115 HealthNet participants, designated by the governor;
- 116 (7) One member from the office of the state ombudsman for long-term care facility  
117 residents, designated by the governor;
- 118 (8) One member representing Missouri centers for independent living, designated by the  
119 governor;
- 120 (9) One consumer representative with expertise in services for seniors or the disabled,  
121 designated by the governor;
- 122 (10) One member with expertise in Alzheimer's disease or related dementia;
- 123 (11) One member from a county developmental disability board, designated by the  
124 governor;
- 125 (12) One member representing the hospice care profession, designated by the governor;
- 126 (13) One member representing the home health care profession, designated by the  
127 governor;
- 128 (14) One member representing the adult day care profession, designated by the governor;
- 129 (15) One member gerontologist, designated by the governor;
- 130 (16) Two members representing the aged, blind, and disabled population, not of the same  
131 geographic area or demographic group designated by the governor;
- 132 (17) The directors of the departments of social services, mental health, and health and  
133 senior services, or their designees; and
- 134 (18) One member of the house of representatives and one member of the senate serving  
135 on the oversight committee, designated by the oversight committee chair. Members shall serve  
136 on the subcommittee without compensation but may be reimbursed for their actual and necessary  
137 expenses from moneys appropriated to the department of health and senior services for that  
138 purpose. The department of health and senior services shall provide technical and administrative  
139 support services as required by the committee.
- 140 6. By October 1, 2008, the comprehensive entry point system subcommittee shall submit  
141 its report to the governor and general assembly containing recommendations for the  
142 implementation of the comprehensive entry point system, offering suggested legislative or  
143 administrative proposals deemed necessary by the subcommittee to minimize conflict of interests  
144 for successful implementation of the system. Such report shall contain, but not be limited to,

145 recommendations for implementation of the following consistent with the provisions of section  
146 208.950:

147 (1) A complete statewide universal information and assistance system that is integrated  
148 into the web-based electronic patient health record that can be accessible by phone, in-person,  
149 via MO HealthNet providers and via the Internet that connects consumers to services or  
150 providers and is used to establish consumers' needs for services. Through the system, consumers  
151 shall be able to independently choose from a full range of home, community-based, and  
152 facility-based health and social services as well as access appropriate services to meet individual  
153 needs and preferences from the provider of the consumer's choice;

154 (2) A mechanism for developing a plan of service or care via the web-based electronic  
155 patient health record to authorize appropriate services;

156 (3) A preadmission screening mechanism for MO HealthNet participants for nursing  
157 home care;

158 (4) A case management or care coordination system to be available as needed; and

159 (5) An electronic system or database to coordinate and monitor the services provided  
160 which are integrated into the web-based electronic patient health record.

161 7. Starting July 1, 2009, and for three years thereafter, the subcommittee shall provide  
162 to the governor, lieutenant governor and the general assembly a yearly report that provides an  
163 update on progress made by the subcommittee toward implementing the comprehensive entry  
164 point system.

165 8.] The provisions of section 23.253, RSMo, shall not apply to sections 208.950 to  
166 208.955.

210.496. The division may refuse to issue either a license or a provisional license to an  
2 applicant, or may suspend or revoke the license or provisional license of a licensee, who:

3 (1) Fails consistently to comply with the applicable provisions of sections 208.400 to  
4 [208.535] **208.507** and the applicable rules promulgated thereunder;

5 (2) Violates any of the provisions of its license;

6 (3) Violates state laws or rules relating to the protection of children;

7 (4) Furnishes or makes any misleading or false statements or reports to the division;

8 (5) Refuses to submit to the division any reports or refuses to make available to the  
9 division any records required by the division in making an investigation;

10 (6) Fails or refuses to admit authorized representatives of the division at any reasonable  
11 time for the purpose of investigation;

12 (7) Fails or refuses to submit to an investigation by the division;



13 (8) Fails to provide, maintain, equip, and keep in safe and sanitary condition the  
14 premises established or used for the care of children being served, as required by law, rule, or  
15 ordinance applicable to the location of the foster home or residential care facility; or

16 (9) Fails to provide financial resources adequate for the satisfactory care of and services  
17 to children being served and the upkeep of the premises.

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.

11 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.]

260.372. 1. The Missouri hazardous waste management commission within the Missouri  
2 department of natural resources is hereby given the authority to aid in the promotion of  
3 hazardous waste recycling, reuse, or reduction by entering into contracts, subject to

4 appropriations, for the development and implementation of projects dealing with said uses of  
5 hazardous wastes or the purchase and development of machinery, equipment, appliances,  
6 devices, and supplies solely required to develop and operate hazardous waste recycling, reuse,  
7 and reduction projects.

8         2. The hazardous waste management commission within the Missouri department of  
9 natural resources shall promulgate rules and regulations to establish or participate in one or more  
10 regional waste exchange clearing houses where generators of wastes may list those wastes that  
11 have market value or other use.

12         **3. The hazardous waste management commission within the Missouri department**  
13 **of natural resources shall act in an advisory capacity to Missouri's member on the midwest**  
14 **low-level radioactive waste compact commission, review activities of the midwest low-level**  
15 **radioactive waste compact commission and midwest interstate radioactive waste compact**  
16 **states, and present recommendations in writing to the governor and the general assembly**  
17 **as requested or as necessary to insure adequate exchange of information.**

260.705. Unless the context clearly requires otherwise, the following words and phrases  
2 mean:

3         (1) ["Advisory committee", the low-level radioactive waste compact advisory committee;

4         (2)] "Care", the continued observation of a facility after closure for the purposes of  
5 detecting a need for maintenance, insuring environmental safety, and determining compliance  
6 with applicable licensure and regulatory requirements and including the correction of problems  
7 which are detected as a result of that observation;

8         [(3)] (2) "Clean-up", all actions necessary to contain, collect, control, identify, analyze,  
9 treat, disperse, remove, or dispose of low-level radioactive waste;

10         [(4)] (3) "Closure", measures which must be taken by a facility owner or operator when  
11 he determines that the facility shall no longer accept low-level radioactive waste;

12         [(5)] (4) "Commission", the midwest interstate low-level radioactive waste commission;

13         [(6)] (5) "Decommissioning", the measures taken at the end of a facility's operating life  
14 to assure the continued protection of the public from any residual radioactivity or other potential  
15 hazards present at a facility;

16         [(7)] (6) "Facility", a parcel of land or site, together with the structures, equipment and  
17 improvements on or appurtenant to the land or site, which is used or is being developed for the  
18 treatment, storage or disposal of low-level radioactive waste;

19         [(8)] (7) "Host state", any state which is designated by the commission to host a regional  
20 facility;

21 [(9)] (8) "Low-level radioactive waste" or "waste", radioactive waste not classified as  
22 high-level radioactive waste, transuranic waste, spent nuclear fuel or by-product material as  
23 defined in Section 11(e)(2) of the Atomic Energy Act of 1954;

24 [(10)] (9) "Midwest low-level radioactive waste compact", the midwest interstate  
25 compact on low-level radioactive waste as enacted by the Missouri general assembly;

26 [(11)] (10) "Radioactive release", the emission, discharge, spillage, leakage, pumping,  
27 pouring, emptying or dumping of low-level radioactive waste into the biosphere which exceeds  
28 state or federal standards;

29 [(12)] (11) "Region", the area of the party states to the midwest low-level radioactive  
30 waste compact;

31 [(13)] (12) "Regional facility", a facility which is located within the region and which  
32 is established by a party state pursuant to designation of that state as a host state by the  
33 commission; and

34 [(14)] (13) "Site", the geographic location of a facility.

260.720. 1. The governor shall appoint one member and one alternate member to  
2 represent Missouri's interests on the midwest low-level radioactive waste compact commission.  
3 Such appointment shall be with the advice and consent of the senate, as provided in section 51  
4 of article IV of the Constitution of Missouri. The state's member on the commission, or the  
5 alternate, shall be entitled to reimbursement for expenses necessarily incurred in the discharge  
6 of his official duties plus, if not an employee of the state, fifty dollars for each day devoted to the  
7 affairs of the commission.

8 2. Missouri's member on the commission shall [also serve on the advisory committee  
9 created by section 260.725, and] report activities of the commission to the [advisory committee]  
10 **hazardous waste management commission**, governor and general assembly as requested.

260.735. 1. In the event Missouri is designated by the commission to be a host state for  
2 a regional low-level radioactive waste disposal facility, the director of the department of natural  
3 resources shall, within seven days, report to the governor, the legislature and the [advisory  
4 committee] **hazardous waste management commission** with recommendations for further  
5 action.

6 2. If Missouri is designated as the host state for a regional disposal facility, the governor  
7 shall provide notification of withdrawal, pursuant to Article VIII(i) of the Midwest Interstate  
8 Low-Level Radioactive Waste Compact, unless that designation is approved by the general  
9 assembly by a concurrent resolution; provided however, that if the general assembly, having had  
10 the opportunity to consider the issue of whether or not to remain in the compact, for a period of  
11 not less than sixty days within the ninety-day period immediately following such designation,  
12 fails to render a concurrent resolution approving such designation or a concurrent resolution

13 calling for Missouri to withdraw from the compact, the governor need not provide such  
14 notification of withdrawal.

262.217. Effective September 1, 1995, there is created a "State Fair Commission" whose  
2 domicile for the purposes of sections 262.215 to 262.280 shall be the department of agriculture  
3 of this state. The commission shall consist of nine members, two of whom shall be active  
4 farmers, two of whom shall be either current members or past presidents of county or regional  
5 fair boards **or individuals active in the tourism industry**, one of whom shall be the director of  
6 the department of agriculture, one of whom shall be employed in agribusiness, and three at-large  
7 members who shall be Missouri residents. The [director of the department of agriculture shall  
8 be the chairman of the commission until January 31, 1997, and shall not be counted against  
9 membership from a congressional district, at which time the chairman] **commission** shall [be  
10 elected] **elect a chairperson** from among the members of the commission [by the commission  
11 members]. Such officer shall serve for a term of two years. Commissioners shall be reimbursed  
12 for their actual and necessary expenses incurred when attending meetings of the commission, to  
13 be paid from appropriations made therefor. Commissioners shall be appointed by the governor,  
14 with the advice and consent of the senate. The county fair association in the state may submit  
15 to the governor a list of nominees for appointment, three from each congressional district, for  
16 those commission members who [are required to] **may** be current members or past presidents  
17 of county fair boards. Not more than four commissioners excluding the director of agriculture  
18 shall be members of the same political party. Each commissioner shall be a resident of the state  
19 for five years prior to his appointment. [The eight initial commissioners shall be appointed as  
20 follows: two shall be appointed for terms of one year, two for terms of two years, two for terms  
21 of three years and two for terms of four years. Their successors] **Commissioners** shall be  
22 appointed for terms of four years. A commissioner shall continue to serve until his successor is  
23 appointed and qualified. Whenever any vacancy occurs on the commission, the governor shall  
24 fill the vacancy by appointment for the remainder of the term of the commissioner who was  
25 replaced. There shall be no more than two commission members from any congressional district.

286.001. As used in this chapter, unless the context clearly states otherwise, the  
2 following terms mean:

- 3 (1) "Commission", the labor and industrial relations commission;
- 4 (2) ["Council", the governor's council on disability;
- 5 (3)] "Department", the department of labor and industrial relations;
- 6 [(4)] (3) "Director", the director of the department of labor and industrial relations;
- 7 [(5)] (4) "Division", the divisions of employment security, labor standards and workers'
- 8 compensation; and
- 9 [(6)] (5) "Division heads", the division directors for each of the divisions.

286.005. 1. There is hereby created a "Department of Labor and Industrial Relations" to be headed by a labor and industrial relations commission as provided by section 49, article IV, Constitution of Missouri. All the powers, duties and functions of the industrial commission are transferred by type I transfer to the labor and industrial relations commission and the industrial commission is abolished. The commission shall nominate and the governor shall appoint, with the advice and consent of the senate, the director of the department to be the chief administrative officer of the department. Members of the industrial commission on May 2, 1974, shall become members of the commission and the terms of the commission members shall be the same as provided by law for the industrial commission. Individuals appointed as members of the industrial commission shall serve the remainder of the term to which they were appointed as members of the commission. The members of the commission shall receive an annual salary of seventy-two thousand seven hundred thirty-five dollars plus any salary adjustment provided pursuant to section 105.005, RSMo, payable out of the state treasury. The board of rehabilitation is abolished as hereinafter set out and on May 2, 1974, no compensation shall be paid to any person as a member of the board of rehabilitation, other provisions of the law notwithstanding. The director of the department shall appoint other division heads in the department. For the purposes of subsections 6, 7, 8 and 9 of section 1 of the reorganization act of 1974, the director of the department shall be construed as the head of the department of labor and industrial relations.

2. All powers, duties, and functions vested by law in the division of employment security, chapter 288, RSMo, and others, are transferred by type II transfer to the department.

3. All powers, duties, and functions vested by law in the division of workers' compensation, chapter 287, RSMo, and others, are transferred by type II transfer to the department.

4. All the powers, duties, and functions of the board of rehabilitation, chapter 287, RSMo, and others, are transferred by type I transfer to the division of workers' compensation of the department and the board of rehabilitation is abolished.

5. All powers, duties and functions vested by law in the division of industrial inspections and the division of mine inspections, chapters 286, 290, 291, 292, 293, 294 and 444, RSMo, which were previously transferred by type I transfer to the inspection section of the department, are transferred to the division of labor standards of the department. Employees of the division performing duties related to the mine safety and health act and the occupational safety health act shall be selected in accord with chapter 36, RSMo.

6. All the powers, duties, and functions vested by law in the state board of mediation under chapter 295, RSMo, and others, are transferred by type II transfer to the department.

36           7. All employees of the division of employment security shall be selected in accord with  
37 chapter 36, RSMo.

38           8. The Missouri commission on human rights, and all the authority, powers, duties,  
39 functions, records, personnel, property, matters pending and other pertinent vestiges thereof  
40 vested in the Missouri commission on human rights under chapters 213, 296, 314, and others,  
41 RSMo, are transferred by type III transfer to the department. Members of the Missouri  
42 commission on human rights shall be nominated by the director for appointment by the governor,  
43 by and with the advice and consent of the senate.

44           [9. The department shall act as the administrative entity for the governor's council on  
45 disability. The federal and state funds necessary for the administration and implementation of  
46 the programs and services provided by the governor's council on disability shall be appropriated  
47 through the department.]

          304.028. 1. There is hereby created in the state treasury for use by the [Missouri Head  
2 Injury Advisory Council] **department of health and senior services** a fund to be known as the  
3 "[Head] **Brain** Injury Fund". All judgments collected pursuant to this section, federal grants,  
4 private donations and any other moneys designated for the [head] **brain** injury fund shall be  
5 deposited in the fund. Moneys deposited in the fund shall, upon appropriation by the general  
6 assembly to the [office of administration] **department of health and senior services**, be  
7 received and expended by the [council] **department** for the purpose of transition and integration  
8 of medical, social and educational services or activities for purposes of outreach and [short-term]  
9 supports to enable individuals with traumatic [head] **brain** injury and their families to live in the  
10 community[, including counseling and mentoring the families]. Notwithstanding the provisions  
11 of section 33.080, RSMo, to the contrary, any unexpended balance in the [head] **brain** injury  
12 fund at the end of any biennium shall not be transferred to the general revenue fund.

13           2. In all criminal cases including violations of any county ordinance or any violation of  
14 criminal or traffic laws of this state, including an infraction, there shall be assessed as costs a  
15 surcharge in the amount of two dollars. No such surcharge shall be collected in any proceeding  
16 involving a violation of an ordinance or state law when the proceeding or defendant has been  
17 dismissed by the court or when costs are to be paid by the state, county or municipality.

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

          320.094. 1. The state treasurer shall annually transfer an amount prescribed in  
2 subsection 2 of this section out of the state revenues derived from premium taxes levied on  
3 insurance companies pursuant to sections 148.310 to 148.461, RSMo, which are deposited by



4 the director of revenue in the general revenue fund pursuant to section 148.330, RSMo, in a fund  
5 hereby created in the state treasury, to be known as the "Fire Education Fund". Any interest  
6 earned from investment of moneys in the fund, and all moneys received from gifts, grants, or  
7 other moneys appropriated by the general assembly, shall be credited to the fund. The state  
8 treasurer shall administer the fund, and the moneys in such fund shall be used solely as  
9 prescribed in this section. Notwithstanding the provisions of section 33.080, RSMo, to the  
10 contrary, moneys in the fire education fund at the end of any biennium shall not be transferred  
11 to the credit of the general revenue fund.

12       2. Beginning July 1, 1998, three percent of the amount of premium taxes collected in the  
13 immediately preceding fiscal year pursuant to sections 148.310 to 148.461, RSMo, which are  
14 deposited in the general revenue fund that exceeds the amount of premium taxes which were  
15 deposited in the general revenue fund in the 1997 fiscal year shall be transferred from the general  
16 revenue fund to the credit of the fire education fund. At the end of each fiscal year, the  
17 commissioner of administration shall determine the amount transferred to the credit of the fire  
18 education fund in each fiscal year by computing the premium taxes deposited in the general  
19 revenue fund in the prior fiscal year and comparing such amount to the amount of premium taxes  
20 deposited in the general revenue fund in the 1997 fiscal year. An amount equal to three percent  
21 of the increase computed pursuant to this section shall be transferred by the state treasurer to the  
22 credit of the fire education fund; however, such transfer in any fiscal year shall not exceed one  
23 million five hundred thousand dollars.

24       3. [There is hereby established a special trust fund, to be known as the "Missouri Fire  
25 Education Trust Fund", which shall consist of all moneys collected per subsection 2 of this  
26 section transferred to the fund from the fire education fund pursuant to this subsection, any  
27 earnings resulting from the investment of moneys in the fund, and all moneys received from  
28 gifts, grants, or other moneys appropriated by the general assembly. Each fiscal year, an amount  
29 equal to forty percent of the moneys transferred to the fire education fund collected pursuant to  
30 subsection 2 of this section shall be transferred by the state treasurer to the credit of the Missouri  
31 fire education trust fund. The fund shall be administered by a board of trustees, consisting of the  
32 state treasurer, two members of the senate appointed by the president pro tem of the senate, two  
33 members of the house of representatives appointed by the speaker of the house, and two  
34 members appointed by the governor with the advice and consent of the senate. Any member  
35 appointed due to such person's membership in the senate or house of representatives shall serve  
36 only as long as such person holds the office referenced in this section. The state treasurer shall  
37 invest moneys in the fund in a manner as provided by law. Subject to appropriations, moneys  
38 in the fund shall be used solely for the purposes described in this section, but such appropriations  
39 shall be made only if the board recommends to the general assembly that such moneys are

40 needed in that fiscal year to adequately fund the activities described in this section. Moneys shall  
41 accumulate in the trust fund until the earnings from investment of moneys in the fund can  
42 adequately support the activities described in this section, as determined by the board. At such  
43 time, the board may recommend that the general assembly adjust or eliminate the funding  
44 mechanism described in this section. Notwithstanding the provisions of section 33.080, RSMo,  
45 to the contrary, moneys in the Missouri fire education trust fund at the end of any biennium shall  
46 not be transferred to the credit of the general revenue fund.

47 4.] The moneys in the fire education fund[, after any distribution pursuant to subsection  
48 3 of this section,] shall be appropriated to the division of fire safety to coordinate education  
49 needs in cooperation with community colleges, colleges, regional training facilities, fire and  
50 emergency services training entities and universities of this state and shall provide training and  
51 continuing education to firefighters in this state relating to fire department operations and the  
52 personal safety of firefighters while performing fire department activities. Programs and  
53 activities funded under this subsection [must] **shall** be approved by the Missouri fire [education  
54 commission established in subsection 5 of this section] **safety advisory board established in**  
55 **section 320.205**. These funds shall primarily be used to provide field education throughout the  
56 state, with not more than two percent of funds under this subsection expended on administrative  
57 costs.

58 [5. There is established the "Missouri Fire Education Commission", to be domiciled in  
59 the division of fire safety within the department of public safety. The commission shall be  
60 composed of five members appointed by the governor with the advice and consent of the senate,  
61 consisting of one firefighter serving as a volunteer of a volunteer fire protection association, one  
62 full-time firefighter employed by a recognized fire department or fire protection district, one  
63 firefighter training officer, one person serving as the chief of a volunteer fire protection  
64 association, and one chief fire officer from a recognized fire department or fire protection  
65 district. No more than three members appointed by the governor shall be of the same political  
66 party. The terms of office for the members appointed by the governor shall be four years and  
67 until their successors are selected and qualified, except that, of those first appointed, two shall  
68 have a term of four years, two shall have a term of three years and one shall have a term of two  
69 years. There is no limitation on the number of terms an appointed member may serve. The  
70 governor may appoint a member for the remaining portion of the unexpired term created by a  
71 vacancy. The governor may remove any appointed member for cause. The members shall at  
72 their initial meeting select a chair. All members of the commission shall serve without  
73 compensation for their duties, but shall be reimbursed for necessary travel and other expenses  
74 incurred in the performance of their official duties. The commission shall meet at least quarterly

75 at the call of the chair and shall review and determine appropriate programs and activities for  
76 which funds may be expended under subsection 4 of this section.]

320.205. 1. The governor, with the advice and consent of the senate, shall appoint a  
2 full-time state fire marshal, who shall be the head of the division of fire safety. The state fire  
3 marshal shall administer and enforce the provisions of sections 320.200 to 320.270. The state  
4 fire marshal shall be a citizen of the United States, shall be a person of good moral character, and  
5 a resident taxpayer of Missouri at the time of his appointment. The state fire marshal must have  
6 had a minimum of ten years' experience in some phase of fire protection, fire prevention, or fire  
7 investigation, which may include experience with any state, municipal, military, or industrial fire  
8 protection agency. [He] **The state fire marshal** shall possess administrative ability and  
9 experience [and] , be able to obtain facts in connection with the duties of [his] **the** office by field  
10 investigations, and **be able** to accurately report [his] findings.

11 2. There is hereby established within the department of public safety the "Missouri Fire  
12 Safety Advisory Board", which shall be composed of [six] **eight** members appointed by the  
13 governor, by and with the advice and consent of the senate, from a list of qualified candidates  
14 submitted to the governor by the director of the department of public safety. It shall be the duty  
15 of the Missouri fire safety advisory board to advise the fire marshal on all matters pertaining to  
16 the responsibilities of the fire marshal and the division. All members of the Missouri fire safety  
17 advisory board shall be qualified voters of Missouri at the time of their appointment, shall  
18 receive no compensation for their services, and shall be reimbursed for their actual and necessary  
19 expenses incurred in the performance of their official duties. Of the members appointed to the  
20 Missouri fire safety advisory board, one shall be a chief of a fire department located within this  
21 state, one shall be a firefighter, one shall be a person with expertise in the investigation of arson,  
22 one shall be an instructor in a firefighting training program, one shall be a person who provides  
23 fire safety appliances and equipment, [and] one shall be an insurer duly licensed to provide  
24 insurance coverage for losses due to fire, **one shall be a firefighter serving as a volunteer in**  
25 **a volunteer fire protection association, and one shall be a chief of a volunteer fire**  
26 **protection association.**

324.406. 1. There is hereby created within the division of professional registration a  
2 council to be known as the "Interior Design Council". The council shall consist of [four] **two**  
3 interior designers and one public member appointed by the governor with the advice and consent  
4 of the senate. The governor shall give due consideration to the recommendations by state  
5 organizations of the interior design profession for the appointment of the interior design  
6 members to the council. Council members shall be appointed to serve a term of four years[;  
7 except that of the members first appointed, one interior design member and the public member  
8 shall be appointed for terms of four years, one member shall be appointed for a term of three

9 years, one member shall be appointed for a term of two years and one member shall be appointed  
10 for a term of one year]. No member of the council shall serve more than two terms.

11 2. Each council member, other than the public member, shall be a citizen of the United  
12 States, a resident of the state of Missouri for at least one year, meet the qualifications for  
13 professional registration, practice interior design as the person's principal livelihood and, except  
14 for the first members appointed, be registered pursuant to sections 324.400 to 324.439 as an  
15 interior designer.

16 3. The public member shall be, at the time of such person's appointment, a citizen of the  
17 United States, a registered voter, a person who is not and never was a member of the profession  
18 regulated by sections 324.400 to 324.439 or the spouse of such a person and a person who does  
19 not have and never has had a material financial interest in the providing of the professional  
20 services regulated by sections 324.400 to 324.439. The duties of the public member shall not  
21 include the determination of the technical requirements for the registration of persons as interior  
22 designers. The provisions of section 324.028 pertaining to public members of certain state  
23 boards and commissions shall apply to the public member of the council.

24 4. Members of the council may be removed from office for cause. Upon the death,  
25 resignation or removal from office of any member of the council, the appointment to fill the  
26 vacancy shall be for the unexpired portion of the term so vacated and shall be filled in the same  
27 manner as the first appointment and due notice be given to the state organizations of the interior  
28 design profession prior to the appointment.

29 5. Each member of the council may receive as compensation an amount set by the  
30 division not to exceed fifty dollars per day and shall be reimbursed for the member's reasonable  
31 and necessary expenses incurred in the official performance of the member's duties as a member  
32 of the council. The director shall establish by rule guidelines for payment.

33 6. The council shall meet at least twice each year and advise the division on matters  
34 within the scope of sections 324.400 to 324.439. The organization of the council shall be  
35 established by the members of the council.

36 7. The council may sue and be sued as the interior design council and the council  
37 members need not be named as parties. Members of the council shall not be personally liable  
38 either jointly or severally for any act committed in the performance of their official duties as  
39 council members. No council member shall be personally liable for any costs which accrue in  
40 any action by or against the council.

324.475. For the purposes of sections 324.475 to 324.499, the following terms mean:

2 (1) "Acupuncture", the use of needles inserted into the body by piercing of the skin and  
3 related modalities for the assessment, evaluation, prevention, treatment or correction of any

4 abnormal physiology or pain by means of controlling and regulating the flow and balance of  
5 energy in the body so as to restore the body to its proper functioning and state of health;

6 (2) "Acupuncturist", any person licensed as provided in sections 324.475 to 324.499 to  
7 practice acupuncture as defined in subdivision (1) of this section;

8 (3) "Auricular detox technician", a person trained solely in, and who performs only,  
9 auricular detox treatment. An auricular detox technician shall practice under the supervision of  
10 a licensed acupuncturist. Such treatment shall take place in a hospital, clinic or treatment facility  
11 which provides comprehensive substance abuse services, including counseling, and maintains  
12 all licenses and certifications necessary and applicable;

13 (4) "Auricular detox treatment", a very limited procedure consisting of acupuncture  
14 needles inserted into specified points in the outer ear of a person undergoing treatment for drug  
15 or alcohol abuse or both drug and alcohol abuse;

16 (5) "Board", the state board of chiropractic examiners established in chapter 331, RSMo;

17 (6) "Committee", the Missouri acupuncture [advisory] **licensing** committee;

18 (7) "Department", the department of insurance, financial institutions and professional  
19 registration;

20 (8) "Director", the director of the division of professional registration;

21 (9) "Division", the division of professional registration;

22 (10) "License", the document of authorization issued by the board for a person to engage  
23 in the practice of acupuncture.

324.478. 1. There is hereby created within the division of professional registration a  
2 committee to be known as the "Missouri Acupuncturist [Advisory] **Licensing** Committee". The  
3 committee shall consist of [five] **three** members, all of whom shall be citizens of the United  
4 States and registered voters of the state of Missouri. The governor shall appoint the members  
5 of the committee with the advice and consent of the senate for terms of four years[; except as  
6 provided in subsection 2 of this section. Three] . **The** committee members shall be  
7 acupuncturists[. Such members] **and** shall at all times be holders of licenses for the practice of  
8 acupuncture in this state[; except for the members of the first committee who shall meet the  
9 requirements for licensure pursuant to sections 324.475 to 324.499. One member shall be a  
10 current board member of the Missouri state board for chiropractic examiners. The remaining  
11 member shall be a public member]. All members shall be chosen from lists submitted by the  
12 director of the division of professional registration. The president of the Acupuncture  
13 Association of Missouri in office at the time shall, at least ninety days prior to the expiration of  
14 the term of a [board] **committee** member[, other than the public member,] or as soon as feasible  
15 after a vacancy on the [board] **committee** otherwise occurs, submit to the director of the division  
16 of professional registration a list of [five] **three** acupuncturists qualified and willing to fill the

17 vacancy in question, with the request and recommendation that the governor appoint one of the  
18 [five] **three** persons so listed, and with the list so submitted, the president of the Acupuncture  
19 Association of Missouri shall include in his or her letter of transmittal a description of the  
20 method by which the names were chosen by that association.

21         2. [The initial appointments to the committee shall be one member for a term of one  
22 year, one member for a term of two years, one member for a term of three years and two  
23 members for a term of four years.

24         3. The public member of the committee shall not be and never has been a member of any  
25 profession regulated by the provisions of sections 324.475 to 324.499, or the spouse of any such  
26 person; and a person who does not have and never has had a material financial interest in either  
27 the providing of the professional services regulated by the provisions of sections 324.475 to  
28 324.499 or an activity or organization directly related to the profession regulated pursuant to  
29 sections 324.475 to 324.499.

30         4.] Any member of the committee may be removed from the committee by the governor  
31 for neglect of duty required by law, for incompetency or for unethical or dishonest conduct.  
32 Upon the death, resignation, disqualification or removal of any member of the committee, the  
33 governor shall appoint a successor. A vacancy in the office of any member shall only be filled  
34 for the unexpired term.

35         [5.] **3.** The [acupuncturist advisory] committee shall:

36         (1) Review all applications for licensure;

37         (2) Advise the board on all matters pertaining to the licensing of acupuncturists;

38         (3) Review all complaints and/or investigations wherein there is a possible violation of  
39 sections 324.475 to 324.499 or regulations promulgated pursuant thereto and make  
40 recommendations and referrals to the board on complaints the committee determines to warrant  
41 further action;

42         (4) Follow the provisions of the board's administrative practice procedures in conducting  
43 all official duties;

44         (5) Recommend for prosecution violations of sections 324.475 to 324.499 to an  
45 appropriate prosecuting or circuit attorney;

46         (6) Assist the board, as needed and when requested by the board, in conducting any  
47 inquiry or disciplinary proceedings initiated as a result of committee recommendation and  
48 referral pursuant to subdivision (3) of this subsection.

       324.481. 1. The board shall upon recommendation of the committee license applicants  
2 who meet the qualifications for acupuncturists, who file for licensure, and who pay all fees  
3 required for this licensure.

4         2. The board shall:

5 (1) Maintain a record of all board and committee proceedings regarding sections 324.475  
6 to 324.499 and of all acupuncturists licensed in this state;

7 (2) Annually prepare a roster of the names and addresses of all acupuncturists licensed  
8 in this state, copies of which shall be made available upon request to any person paying the fee  
9 therefor;

10 (3) Set the fee for the roster at an amount sufficient to cover the actual cost of publishing  
11 and distributing the roster;

12 (4) Adopt an official seal;

13 (5) Prescribe the design of all forms to be furnished to all persons seeking licensure  
14 under sections 324.475 to 324.499;

15 (6) Prescribe the form and design of the license to be issued under sections 324.475 to  
16 324.499;

17 (7) Inform licensees of any changes in policy, rules or regulations;

18 (8) Upon the recommendation of the committee, set all fees, by rule, necessary to  
19 administer the provisions of sections 324.475 to 324.499.

20 3. The board may with the approval of the [advisory] committee:

21 (1) Issue subpoenas to compel witnesses to testify or produce evidence in proceedings  
22 to deny, suspend or revoke licensure;

23 (2) Promulgate rules pursuant to chapter 536, RSMo, in order to carry out the provisions  
24 of sections 324.475 to 324.499 including, but not limited to, regulations establishing:

25 (a) Standards for the practice of acupuncture;

26 (b) Standards for ethical conduct in the practice of acupuncture;

27 (c) Standards for continuing professional education;

28 (d) Standards for the training and practice of auricular detox technicians, including  
29 specific enumeration of points which may be used.

30 4. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that  
31 is promulgated to administer and enforce sections 324.475 to 324.499, shall become effective  
32 only if the agency has fully complied with all of the requirements of chapter 536, RSMo,  
33 including but not limited to, section 536.028, RSMo, if applicable, after August 28, 1998. If the  
34 provisions of section 536.028, RSMo, apply, the provisions of this section are nonseverable and  
35 if any of the powers vested with the general assembly pursuant to section 536.028, RSMo, to  
36 review, to delay the effective date, or to disapprove and annul a rule or portion of a rule are held  
37 unconstitutional or invalid, the purported grant of rulemaking authority and any rule so proposed  
38 and contained in the order of rulemaking shall be invalid and void, except that nothing in this  
39 section shall affect the validity of any rule adopted and promulgated prior to August 28, 1998.

40           5. All funds received by the board pursuant to the provisions of sections 324.240 to  
41 324.275 shall be collected by the director who shall transmit the funds to the department of  
42 revenue for deposit in the state treasury to the credit of the ["Acupuncturist Fund" which is  
43 hereby created] **state board of chiropractic examiners and acupuncturists' fund. Effective**  
44 **August 28, 2010, all moneys in the acupuncturist fund shall be transferred to the state**  
45 **board of chiropractic examiners and acupuncturists' fund.**

46           6. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, money in  
47 this fund shall not be transferred and placed to the credit of general revenue until the amount in  
48 the fund at the end of the biennium exceeds three times the amount of the appropriation from the  
49 acupuncturist fund for the preceding fiscal year. The amount, if any, in the fund which shall  
50 lapse is that amount in the fund which exceeds the appropriate multiple of the appropriations  
51 from the acupuncturist fund for the preceding fiscal year.

          331.030. 1. No person shall engage in the practice of chiropractic without having first  
2 secured a chiropractic license as provided in this chapter.

3           2. Any person desiring to procure a license authorizing the person to practice chiropractic  
4 in this state shall be at least twenty-one years of age and shall make application on the form  
5 prescribed by the board. The application shall contain a statement that it is made under oath or  
6 affirmation and that representations contained thereon are true and correct to the best knowledge  
7 and belief of the person signing the application, subject to the penalties of making a false  
8 affidavit or declaration, and shall give the applicant's name, address, age, sex, name of  
9 chiropractic schools or colleges which the person attended or of which the person is a graduate,  
10 and such other reasonable information as the board may require. The applicant shall give  
11 evidence satisfactory to the board of the successful completion of the educational requirements  
12 of [this chapter] **sections 331.010 to 331.115**, that the applicant is of good moral character, and  
13 that the chiropractic school or college of which the applicant is a graduate is teaching  
14 chiropractic in accordance with the requirements of [this chapter] **sections 331.010 to 331.115**.  
15 The board may make a final determination as to whether or not the school from which the  
16 applicant graduated is so teaching.

17           3. Before an applicant shall be eligible for licensure, the applicant shall furnish evidence  
18 satisfactory to the board that the applicant has received the minimum number of semester credit  
19 hours, as required by the Council on Chiropractic Education, or its successor, prior to beginning  
20 the doctoral course of study in chiropractic. The minimum number of semester credit hours  
21 applicable at the time of enrollment in a doctoral course of study must be in those subjects, hours  
22 and course content as may be provided for by the Council on Chiropractic Education or, in the  
23 absence of the Council on Chiropractic Education or its provision for such subjects, such hours  
24 and course content as adopted by rule of the board; however in no event shall fewer than ninety



25 semester credit hours be accepted as the minimum number of hours required prior to beginning  
26 the doctoral course of study in chiropractic. The examination applicant shall also provide  
27 evidence satisfactory to the board of having graduated from a chiropractic college having status  
28 with the Commission on Accreditation of the Council on Chiropractic Education or its successor.  
29 Any senior student in a chiropractic college having status with the Commission on Accreditation  
30 on the Council on Chiropractic Education or its successor may take a practical examination  
31 administered or approved by the board under such requirements and conditions as are adopted  
32 by the board by rule, but no license shall be issued until all of the requirements for licensure have  
33 been met.

34 4. Each applicant shall pay upon application an application or examination fee. All  
35 moneys collected pursuant to the provisions of this chapter shall be nonrefundable and shall be  
36 collected by the director of the division of professional registration who shall transmit it to the  
37 department of revenue for deposit in the state treasury to the credit of the [chiropractic board  
38 fund] **State Board of Chiropractic Examiners and Acupuncturists' fund**. Any person failing  
39 to pass a practical examination administered or approved by the board may be reexamined upon  
40 fulfilling such requirements, including the payment of a reexamination fee, as the board may by  
41 rule prescribe.

42 5. Every applicant for licensure by examination shall have taken and successfully passed  
43 all required and optional parts of the written examination given by the National Board of  
44 Chiropractic Examiners, including the written clinical competency examination, under such  
45 conditions as established by rule of the board, and all applicants for licensure by examination  
46 shall successfully pass a practical examination administered or approved by the board and a  
47 written examination testing the applicant's knowledge and understanding of the laws and  
48 regulations regarding the practice of chiropractic in this state. The board shall issue to each  
49 applicant who meets the standards and successful completion of the examinations, as established  
50 by rule of the board, a license to practice chiropractic. The board shall not recognize any  
51 correspondence work in any chiropractic school or college as credit for meeting the requirements  
52 of [this chapter] **sections 331.010 to 331.115**.

53 6. The board shall issue a license without examination to persons who have been  
54 regularly licensed to practice chiropractic in any other state, territory, or the District of Columbia,  
55 or in any foreign country, provided that the regulations for securing a license in the other  
56 jurisdiction are equivalent to those required for licensure in the state of Missouri, when the  
57 applicant furnishes satisfactory evidence that the applicant has continuously practiced  
58 chiropractic for at least one year immediately preceding the applicant's application to the board  
59 and that the applicant is of good moral character, and upon the payment of the reciprocity license  
60 fee as established by rule of the board. The board may require an applicant to successfully

61 complete the Special Purposes Examination for Chiropractic (SPEC) administered by the  
62 National Board of Chiropractic Examiners if the requirements for securing a license in the other  
63 jurisdiction are not equivalent to those required for licensure in the state of Missouri at the time  
64 application is made for licensure under this subsection.

65 7. Any applicant who has failed any portion of the practical examination administered  
66 or approved by the board three times shall be required to return to an accredited chiropractic  
67 college for a semester of additional study in the subjects failed, as provided by rule of the board.

68 8. A chiropractic physician currently licensed in Missouri shall apply to the board for  
69 certification prior to engaging in the practice of meridian therapy/acupressure/acupuncture. Each  
70 such application shall be accompanied by the required fee. The board shall establish by rule the  
71 minimum requirements for the specialty certification under this subsection. "Meridian  
72 therapy/acupressure/acupuncture" shall mean methods of diagnosing and the treatment of a  
73 patient by stimulating specific points on or within the body by various methods including but not  
74 limited to manipulation, heat, cold, pressure, vibration, ultrasound, light, electrocurrent, and  
75 short-needle insertion for the purpose of obtaining a biopositive reflex response by nerve  
76 stimulation.

77 9. The board may through its rulemaking process authorize chiropractic physicians  
78 holding a current Missouri license to apply for certification in a specialty as the board may deem  
79 appropriate and charge a fee for application for certification, provided that:

80 (1) The board establishes minimum initial and continuing educational requirements  
81 sufficient to ensure the competence of applicants seeking certification in the particular specialty;  
82 and

83 (2) The board shall not establish any provision for certification of licensees in a  
84 particular specialty which is not encompassed within the practice of chiropractic as defined in  
85 section 331.010.

331.070. 1. The board shall set the amount of the fees which [this chapter] **sections**  
2 **331.010 to 331.115** authorizes and requires by rules and regulations promulgated pursuant to  
3 section 536.021, RSMo. The fees shall be set at a level to produce revenue which shall not  
4 substantially exceed the cost and expense of administering [this chapter] **sections 331.010 to**  
5 **331.115**. All fees provided for in [this chapter] **sections 331.010 to 331.115** shall be collected  
6 by the director of the division of professional registration who shall transmit them to the  
7 department of revenue for deposit in the state treasury to the credit of a fund to be known as the  
8 "State Board of Chiropractic Examiners' Fund". All the salaries and expenses for the operation  
9 of the board shall be appropriated and paid from such fund; provided, however, the board shall  
10 create no expense exceeding the sum received from time to time as fees. **The state board of**

11 **chiropractic examiners' fund shall, as of August 28, 2010, be renamed the "State Board of**  
12 **Chiropractic Examiners and Acupuncturists' Fund"**.

13         2. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in  
14 this fund shall not be transferred and placed to the credit of general revenue until the amount in  
15 the fund at the end of the biennium exceeds two times the amount of the appropriation from the  
16 board's funds for the preceding fiscal year or, if the board requires by rule permit renewal less  
17 frequently than yearly, then three times the appropriation from the board's funds for the preceding  
18 fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which  
19 exceeds the appropriate multiple of the appropriations from the board's funds for the preceding  
20 fiscal year.

          334.721. 1. Nothing in sections 334.700 to 334.725 shall be construed to authorize the  
2 practice of medicine by any person not licensed by the state board of registration for the healing  
3 arts.

4         2. The provisions of sections 334.700 to 334.725 shall not apply to the following  
5 persons:

6           (1) Physicians and surgeons licensed by the state board of registration for the healing  
7 arts;

8           (2) Dentists licensed by the Missouri dental board who confine their practice strictly to  
9 dentistry;

10          (3) Optometrists licensed by the state board of optometry who confine their practice  
11 strictly to optometry, as defined in section 336.010, RSMo;

12          (4) Nurses licensed by the state board of nursing who confine their practice strictly to  
13 nursing;

14          (5) Chiropractors licensed by the state board of chiropractic examiners who confine  
15 themselves strictly to the practice of chiropractic, as defined in section 331.010, RSMo;

16          (6) Podiatrists licensed by the state board of chiropody or podiatry who confine their  
17 practice strictly to that of a podiatrist, as defined in section 330.010, RSMo;

18          (7) Professional physical therapists licensed by the state board of registration for the  
19 healing arts who confine their practice strictly to professional physical therapy, as defined in  
20 section 334.500;

21          (8) Coaches and physical education instructors in the performance of their duties;

22          (9) [Athletic training students] **Student athletic trainers** who confine themselves strictly  
23 to their duties as [defined in] **governed by** sections 334.700 to 334.725;

24          (10) Athletic trainers from other nations, states, or territories performing their duties for  
25 their respective teams or organizations if they restrict their duties only to their teams or  
26 organizations and only during the course of their teams' or organizations' stay in this state.

344.060. 1. The [director of the department of health and senior services] **governor**  
2 shall appoint **with the advice and consent of the senate** ten suitable persons who together with  
3 the director of the department of health and senior services or the director's designee shall  
4 constitute the "Missouri Board of Nursing Home Administrators" which is hereby created within  
5 the department of health and senior services and which shall have the functions, powers and  
6 duties prescribed by sections 344.010 to 344.108.

7 2. In addition to the director of the department of health and senior services or the  
8 director's designee the membership of the board shall consist of one licensed physician, two  
9 licensed health professionals, one person from the field of health care education, four persons  
10 who have been in general administrative charge of a licensed nursing home for a period of at  
11 least five years immediately preceding their appointment, and two public members. In addition  
12 to these qualifications, the physician, the two licensed health care professionals, and the health  
13 care educator shall be citizens of the United States and taxpaying residents of the state of  
14 Missouri for one year preceding their appointments. The four appointees who have been in  
15 general administrative charge of a licensed nursing home shall be citizens of the United States  
16 and either residents of the state of Missouri for one year preceding their appointments or persons  
17 who have been licensed by the board and whose five years of employment in a licensed nursing  
18 home immediately preceding their appointment have occurred in the state of Missouri. The  
19 public members shall be citizens of the United States, residents of the state of Missouri for one  
20 year preceding their appointment, and registered voters. The public members shall be persons  
21 who are not, or never were, licensed nursing home administrators or the spouse of such persons,  
22 or persons who do not have or never have had a material, financial interest in either the providing  
23 of licensed nursing home services or in an activity or organization directly related to licensed  
24 nursing home administration. Neither the one licensed physician, the two licensed health  
25 professionals, nor the person from the health care education field shall have any financial interest  
26 in a licensed nursing home.

27 3. The members of the board shall be appointed for three-year terms or until their  
28 successors are appointed and qualified provided that no more than four members' terms shall  
29 expire in the same year. [All members appointed prior to September 28, 1979, shall serve the  
30 term for which they were appointed.] The governor shall fill any vacancies on the board as  
31 necessary. Appointment to fill an unexpired term shall not be considered an appointment for a  
32 full term. Board membership, continued until successors are appointed and qualified, shall not  
33 constitute an extension of the three-year term and the successors shall serve only the remainder  
34 of the term.

35           4. Every member shall receive a certificate of appointment; and every appointee, before  
36 entering upon his or her duties, shall take the oath of office required by article VII, section 11,  
37 of the Constitution of Missouri.

38           5. Any member of the board may be removed by the [director of the department of health  
39 and senior services] **governor** for misconduct, incompetency or neglect [to] **of** duty after first  
40 being given an opportunity to be heard in his or her own behalf.

          361.070. 1. The director of finance and all employees of the division of finance, which  
2 term shall, for purposes of this section and section 361.080, include special agents, shall, before  
3 entering upon the discharge of their duties, take the oath of office prescribed by the constitution,  
4 and, in addition, take an oath that they will not reveal the conditions or affairs of any financial  
5 institution or any facts pertaining to the same, that may come to their knowledge by virtue of  
6 their official positions, unless required by law to do so in the discharge of the duties of their  
7 offices or when testifying in any court proceeding. For purposes of this section and section  
8 361.080, "financial institution" shall mean any entity subject to chartering, licensing, or  
9 regulation by the division of finance.

10           2. The director of finance and all employees of the division of finance shall further  
11 execute to the state of Missouri good and sufficient bonds with corporate surety, to be approved  
12 by the governor and attorney general, conditioned that they will faithfully and impartially  
13 discharge the duties of their offices, and pay over to the persons entitled by law to receive it, all  
14 money coming into their hands by virtue of their offices. The principal amount of bond  
15 applicable to each employee shall be determined by the state banking **and savings and loan**  
16 board. The bond, after approval by the governor and attorney general, shall be filed with the  
17 secretary of state for safekeeping. The bond premiums, not to exceed one percent on the amount  
18 thereof, shall be paid out of the state treasury in the same manner as other expenses of the  
19 division.

20           3. Neither the director of finance nor any employees of the division of finance who  
21 participate in the examination of any bank or trust company, or who may be called upon to make  
22 any official decision or determination affecting the operation of any bank or trust company, other  
23 than the [banker] members of the state banking **and savings and loan** board **who are required**  
24 **to have experience managing a bank or association as defined in chapter 369**, shall be an  
25 officer, director, attorney, owner, or holder of stock in any bank or trust company or any bank  
26 holding company as that term is defined in section 362.910, RSMo, nor shall they receive,  
27 directly or indirectly, any payment or gratuity from any such organization, nor engage in the  
28 negotiation of loans for others with any state bank or trust company, nor be indebted to any state  
29 bank or trust company.

30           4. The director of finance, in connection with any examination or investigation of any  
31 person, company, or event, shall have the authority to compel the production of documents, in  
32 whatever form they may exist, and shall have the authority to compel the attendance of and  
33 administer oaths to any person having knowledge of any issue involved with the examination or  
34 investigation. The director may seek judicial enforcement of an administrative subpoena by  
35 application to the appropriate court. An administrative subpoena shall be subject to the same  
36 defenses or subject to a protective order or conditions as provided and deemed appropriate by  
37 the court in accordance with the Missouri Supreme Court Rules.

          361.092. There is hereby created a "State Banking **and Savings and Loan Board**" which  
2 shall have such powers and duties as are conferred upon it by law. The state banking **and**  
3 **savings and loan** board with all of its powers, duties, and functions is assigned by type III  
4 transfer under the authority of the Omnibus State Reorganization Act of 1974 [and executive  
5 order 06-04] to the department of insurance, financial institutions and professional registration.

          361.093. The state banking **and savings and loan** board shall advise [with] the director  
2 of finance as to the proper administration of his office and the banking laws of this state and  
3 make recommendations to the general assembly as to changes in these laws.

          361.094. 1. The state banking **and savings and loan** board shall with reasonable  
2 promptness hear and by order determine all appeals permitted by law from refusals of the  
3 director of finance to grant certificates of incorporation to the proposed incorporators of banks,  
4 from refusals of the director of finance to issue certificates permitting changes in the articles of  
5 agreement of banks to provide for the relocation of these banks in other communities, from  
6 refusals of the director of finance to grant certificates of incorporation to the proposed  
7 incorporators of trust companies, and from refusals of the director of finance to issue certificates  
8 permitting changes in the articles of agreement of trust companies to provide for the relocation  
9 of these trust companies in other communities.

10           2. The state banking **and savings and loan** board shall hear and by order determine an  
11 appeal from the action of the director granting the incorporation or relocation of a bank or trust  
12 company upon application filed within ten days after the director's action by a bank, trust  
13 company, national banking association or other persons claiming to be adversely affected  
14 thereby. The application shall state the grounds upon which it is alleged that the action of the  
15 director should be stayed, reversed or altered. In reviewing an application for appeal, the board  
16 shall have access to all of the records and information used by the director in making his  
17 decision. A decision shall be rendered on the appeal within ninety days from the date of the  
18 application for appeal.

19           3. The board shall establish such rules as may be necessary to give effect to the  
20 provisions of this section. The rules may provide that the board or the chairman of the board

21 may delegate responsibility for the conduct of investigations and the hearing of appeals provided  
22 under any section of this law to a member of the board or to a hearing officer designated by the  
23 board. Such hearing officer shall have the power to administer oaths, subpoena witnesses,  
24 compel the production of records pertinent to any hearing, and take any action in connection with  
25 such hearing which the board itself is authorized to take by law other than making the final  
26 decision and appropriate order. When the hearing has been completed, the individual board  
27 member or the hearing officer who conducted the hearing shall prepare a summary thereof and  
28 recommend a findings of fact, conclusions of law, decision and appropriate order for approval  
29 of the board. The board may adopt such recommendations in whole or in part, require the  
30 production of additional testimony, reassign the case for rehearing, or may itself conduct such  
31 new or additional hearing as is deemed necessary prior to rendering a final decision.

361.095. 1. The state banking **and savings and loan** board shall make rules and  
2 regulations, consistent with applicable law, for the proceedings in connection with the appeals  
3 provided for in section 361.094. No rule or portion of a rule promulgated under the authority of  
4 this chapter shall become effective unless it has been promulgated pursuant to the provisions of  
5 section 536.024, RSMo.

6 2. The costs of the appeal shall be assessed against the losing party, and the board may  
7 require the deposit of a reasonable sum for the payment of costs at the time the appeal is brought.

8 3. At any hearing provided for in section 361.094 the director of the division of finance  
9 shall be deemed a party, and any person claiming to be adversely affected and any bank, trust  
10 company or national banking association located in the city or town and county in which the  
11 proposed bank or trust company is to be located upon incorporation or relocation may intervene.

12 4. The director of the division of finance shall act in accordance with any order of the  
13 state banking **and savings and loan** board made pursuant to section 361.094, but the order of  
14 the board shall be subject to judicial review as provided by law. Whether or not any review shall  
15 operate as a stay of the board's order shall be determined by the board.

361.096. 1. At any hearing provided for in section 361.094, the state banking **and**  
2 **savings and loan** board, or any member thereof, shall have power to administer oaths.

3 2. In connection with any such hearing, the board, or any member thereof, shall issue  
4 subpoenas and subpoenas duces tecum on the board's own motion or at the request of any  
5 intervenor or other party, which subpoenas or subpoenas duces tecum shall extend to all parts  
6 of the state and shall be signed by the secretary of the board or by any other member thereof.  
7 The board shall have power, on motion after due notice, for good cause to quash or modify any  
8 subpoena or subpoena duces tecum on the grounds that the same is unduly burdensome,  
9 unreasonable or oppressive. Subpoenas and subpoenas duces tecum may be served as in the case  
10 of subpoenas in civil actions in the circuit court and each witness who shall appear before the

11 board in obedience to a subpoena or subpoena duces tecum shall receive for his attendance the  
12 fees and mileage provided for witnesses in civil actions in the circuit court, which shall be paid  
13 by the party at whose instance such subpoena or subpoena duces tecum was issued. In case of  
14 refusal of a witness to obey any such subpoena or subpoena duces tecum, or to testify when  
15 lawfully required to do so, the board may apply to a judge of the circuit court of the county of  
16 the hearing or of any county where the witness resides or may be found, for an order upon such  
17 witness to show cause why such subpoena or subpoena duces tecum should not be enforced, or  
18 the witness required to give such testimony, which said order and a copy of the application  
19 therefor shall be served upon the witness in the same manner as a summons in a civil action, and  
20 if said circuit court shall, after a hearing, determine that the subpoena or subpoena duces tecum  
21 should be sustained and enforced, or that the witness should be required to give such testimony,  
22 said court shall make an order to enforce such subpoena or subpoena duces tecum, or compel  
23 such testimony and may enforce such order as in the case of a subpoena or subpoena duces  
24 tecum, or refusal to testify, in a civil action in the circuit court.

361.097. **1.** The state banking **and savings and loan** board shall consist of five  
2 members who shall be appointed by the governor, the senate concurring. No person shall be  
3 eligible for appointment unless he [shall be] **or she is** a resident of this state. One member shall  
4 be an attorney at law and a member of the Missouri Bar in good standing. Two members shall  
5 each have had at least [ten years'] **five years of active bank management** experience in this  
6 state [as an officer or director or partly as an officer and partly as a director of one or more state  
7 banks or trust companies or national banking associations, of which at least five years shall have  
8 been full-time, active bank management experience]. **One member shall have had at least five**  
9 **years of active management experience in this state of one or more associations as defined**  
10 **in chapter 369.** [The two other members] **One member** shall be [nonbankers] **an individual**  
11 **who is not involved in the administration of a financial institution.** Not more than three  
12 members of the board shall be members of the same political party. [The term of office of the  
13 board first appointed shall in the case of one member be two years; in the case of two members  
14 shall be four years; and in the case of the other two members shall be six years; with all said  
15 terms beginning August 29, 1955. All subsequent terms shall be for a term of six years from the  
16 expiration of the preceding term. The governor shall designate one member as chairman and  
17 another member as secretary of the board.]

18 **2. The term of office of each member of the state banking and savings and loan**  
19 **board shall be six years. The board shall select its own chairman and secretary.** The  
20 members of the state banking **and savings and loan** board shall hold office for the respective  
21 terms for which they are appointed and until their successors shall qualify. Vacancies [in said]



22 **on such** board shall be filled by appointment for the unexpired term in the same manner as in  
23 the case of an original appointment.

361.098. 1. The members of the state banking **and savings and loan** board shall receive  
2 as compensation for their services the sum of one hundred dollars per day while discharging their  
3 duties, and shall be entitled to receive their necessary traveling and other expenses incurred while  
4 actually engaged in the performance of their duties as such members.

5 2. A majority of the members of the board shall constitute a quorum for the transaction  
6 of any business, for the performance of any duty or for the exercise of any power of the board.

7 3. The board may meet and exercise its powers in any place in this state and shall meet  
8 at any time upon the call of its chairman or of the director of the division of finance or of any two  
9 members of the board.

10 4. The board shall have an official seal bearing the inscription, "State Banking **and**  
11 **Savings and Loan** Board of the State of Missouri", which shall be judicially noticed.

361.105. 1. The director of finance, with the approval of the state banking **and savings**  
2 **and loan** board, shall have power to adopt, promulgate, amend and repeal rules and regulations  
3 necessary or desirable to carry out the duties assigned to the division by law relating to banks and  
4 trust companies and which are not inconsistent with the constitution or laws of this state. A copy  
5 of every rule and regulation shall be mailed to each bank and trust company, postage prepaid,  
6 at least fifteen days in advance of its effective date; except that the failure of a bank or trust  
7 company to receive a copy of a rule or regulation shall not exempt it from the duty of compliance  
8 with a rule or regulation lawfully promulgated hereunder. The director, in the exercise of the  
9 power to make rules and regulations hereunder, shall act in the interests of promoting and  
10 maintaining a sound banking system and sound trust companies, the security of deposits and  
11 depositors and other customers, the preservation of the liquid position of banks and in the interest  
12 of preventing injurious credit expansions and contractions.

13 2. No rule or portion of a rule promulgated under the authority of this chapter shall  
14 become effective unless it has been promulgated pursuant to the provisions of section 536.024,  
15 RSMo.

362.040. In case the director shall not be satisfied, as the result of the examination, that  
2 the character, responsibility and general fitness of the persons named in the articles of agreement  
3 are up to the standard above provided, or that the convenience and needs of the community to  
4 be served justify and warrant the opening of the new bank or trust company therein, or that the  
5 probable volume of business in such locality is sufficient to insure and maintain the solvency of  
6 the new bank and the solvency of the then existing banks or trust companies in the locality,  
7 without endangering the safety of any bank or trust company in the locality as a place of deposit  
8 of public and private moneys; and on these accounts or any one of them shall refuse to grant the

9 certificate of incorporation, [he] **the director** shall forthwith give notice thereof to the proposed  
10 incorporators from whom the articles of agreement were received, who, if they so desire, may  
11 within ten days thereafter appeal from the refusal to the state banking **and savings and loan**  
12 board.

362.105. 1. Every bank and trust company created under the laws of this state may for  
2 a fee or other consideration, directly or through a subsidiary company, and upon complying with  
3 any applicable licensing statute:

4 (1) Conduct the business of receiving money on deposit and allowing interest thereon  
5 not exceeding the legal rate or without allowing interest thereon, and of buying and selling  
6 exchange, gold, silver, coin of all kinds, uncurrent money, of loaning money upon real estate or  
7 personal property, and upon collateral of personal security at a rate of interest not exceeding that  
8 allowed by law, and also of buying, investing in, selling and discounting negotiable and  
9 nonnegotiable paper of all kinds, including bonds as well as all kinds of commercial paper; and  
10 for all loans and discounts made, the corporation may receive and retain the interest in advance;

11 (2) Accept for payment, at a future date, drafts drawn upon it by its customers and to  
12 issue letters of credit authorizing the holders thereof to draw drafts upon it or upon its  
13 correspondents at sight or on time not exceeding one year; provided, that no bank or trust  
14 company shall incur liabilities under this subdivision to an amount equal at any time in the  
15 aggregate to more than its paid-up and unimpaired capital stock and surplus fund, except with  
16 the approval of the director under such general regulations as to amount of acceptances as the  
17 director may prescribe;

18 (3) Purchase and hold, for the purpose of becoming a member of a Federal Reserve  
19 Bank, so much of the capital stock thereof as will qualify it for membership in the reserve bank  
20 pursuant to an act of Congress, approved December 23, 1913, entitled "The Federal Reserve Act"  
21 and any amendments thereto; to become a member of the Federal Reserve Bank, and to have and  
22 exercise all powers, not in conflict with the laws of this state, which are conferred upon any  
23 member by the Federal Reserve Act and any amendments thereto. The member bank or trust  
24 company and its directors, officers and stockholders shall continue to be subject, however, to all  
25 liabilities and duties imposed upon them by any law of this state and to all the provisions of this  
26 chapter relating to banks or trust companies;

27 (4) Subscribe for and purchase such stock in the Federal Deposit Insurance Corporation  
28 and to make such payments to and to make such deposits with the Federal Deposit Insurance  
29 Corporation and to pay such assessments made by such corporation as will enable the bank or  
30 trust company to obtain the benefits of the insurance of deposits under the act of Congress known  
31 as "The Banking Act of 1933" and any amendments thereto;

32           (5) Invest in a bank service corporation as defined by the act of Congress known as the  
33 "Bank Service Corporation Act", Public Law 87-856, as approved October 23, 1962, to the same  
34 extent as provided by that act or any amendment thereto;

35           (6) Hold a noncontrolling equity interest in any business entity that conducts only  
36 activities that are financial in nature or incidental to financial activity or that is established  
37 pursuant to subdivision (16) of this subsection where the majority of the stock or other interest  
38 is held by Missouri banks, Missouri trust companies, national banks located in Missouri, or any  
39 foreign bank with a branch or branches in Missouri, or any combination of these financial  
40 institutions; provided that if the entity is defined pursuant to Missouri law as any type of  
41 financial institution subsidiary or other type of entity subject to special conditions or regulations,  
42 those conditions and regulations shall remain applicable, and provided that such business entity  
43 may be formed as any type of business entity, in which each investor's liability is limited to the  
44 investment in and loans to the business entity as otherwise provided by law;

45           (7) Receive upon deposit for safekeeping personal property of every description, and to  
46 own or control a safety vault and rent the boxes therein;

47           (8) Purchase and hold the stock of one safe deposit company organized and existing  
48 under the laws of the state of Missouri and doing a safe deposit business on premises owned or  
49 leased by the bank or trust company at the main banking house and any branch operated by the  
50 bank or trust company; provided, that the purchasing and holding of the stock is first duly  
51 authorized by resolution of the board of directors of the bank or trust company and by the written  
52 approval of the director, and that all of the shares of the safe deposit company shall be purchased  
53 and held, and shall not be sold or transferred except as a whole and not be pledged at all, all sales  
54 or transfers or pledges in violation hereof to be void;

55           (9) Act as the fiscal or transfer agent of the United States, of any state, municipality,  
56 body politic or corporation and in such capacity to receive and disburse money, to transfer,  
57 register and countersign certificates of stock, bonds and other evidences of indebtedness;

58           (10) Acquire or convey real property for the following purposes:

59           (a) Real property conveyed to it in satisfaction or part satisfaction of debts previously  
60 contracted in the course of its business; and

61           (b) Real property purchased at sales under judgment, decrees or liens held by it;

62           (11) Purchase, hold and become the owner and lessor of personal property acquired upon  
63 the specific request of and for use of a customer; and, in addition, leases that neither anticipate  
64 full purchase price repayment on the leased asset, nor require the lease to cover the physical life  
65 of the asset, other than those for motor vehicles which will not be used by bank or trust company  
66 personnel, and may incur such additional obligations as may be incident to becoming an owner  
67 and lessor of the property, subject to the following limitations:

68 (a) Lease transactions do not result in loans for the purpose of section 362.170, but the  
69 total amount disbursed under leasing obligations or rentals by any bank to any person,  
70 partnership, association, or corporation shall at no time exceed the legal loan limit permitted by  
71 statute except upon the written approval of the director of finance;

72 (b) Lease payments are in the nature of rent rather than interest, and the provisions of  
73 chapter 408, RSMo, are not applicable;

74 (12) Contract with another bank or trust company, bank service corporation or other  
75 partnership, corporation, association or person, within or without the state, to render or receive  
76 services such as check and deposit sorting and posting, computation and posting of interest and  
77 other credits and charges, preparation and mailing of checks, statements, notices, and similar  
78 items, or any other clerical, bookkeeping, accounting, statistical, financial counseling, or similar  
79 services, or the storage, transmitting or processing of any information or data; except that, the  
80 contract shall provide, to the satisfaction of the director of finance, that the party providing such  
81 services to a bank or trust company will be subject to regulation and examination to the same  
82 extent as if the services were being performed by the bank or trust company on its own premises.  
83 This subdivision shall not be deemed to authorize a bank or trust company to provide any  
84 customer services through any system of electronic funds transfer at places other than bank  
85 premises;

86 (13) Purchase and hold stock in a corporation whose only purpose is to purchase, lease,  
87 hold or convey real property of a character which the bank or trust company holding stock in the  
88 corporation could itself purchase, lease, hold or convey pursuant to the provisions of paragraph  
89 (a) of subdivision (10) of this subsection; provided, the purchase and holding of the stock is first  
90 duly authorized by resolution of the board of directors of the bank or trust company and by the  
91 written approval of the director, and that all of the shares of the corporation shall be purchased  
92 and held by the bank or trust company and shall not be sold or transferred except as a whole;

93 (14) Purchase and sell investment securities, without recourse, solely upon order and for  
94 the account of customers; and establish and maintain one or more mutual funds and offer to the  
95 public shares or participations therein. Any bank which engages in such activity shall comply  
96 with all provisions of chapter 409, RSMo, regarding the licensing and registration of sales  
97 personnel for mutual funds so offered, provided that such banks shall register as a broker-dealer  
98 with the office of the commissioner of securities and shall consent to supervision and inspection  
99 by that office and shall be subject to the continuing jurisdiction of that office;

100 (15) Make debt or equity investments in corporations or projects, whether for profit or  
101 not for profit, designed to promote the development of the community and its welfare, provided  
102 that the aggregate investment in all such corporations and in all such projects does not exceed  
103 five percent of the unimpaired capital of the bank, and provided that this limitation shall not

104 apply to loans made under the authority of other provisions of law, and other provisions of law  
105 shall not limit this subdivision;

106 (16) Offer through one or more subsidiaries any products and services which a national  
107 bank may offer through its financial subsidiaries, subject to the limitations that are applicable to  
108 national bank financial subsidiaries, and provided such bank or trust company meets the division  
109 of finance safety and soundness considerations. This subdivision is enacted to provide in part  
110 competitive equality with national banks' powers under the Gramm-Leach-Bliley Act of 1999,  
111 Public Law 106-102.

112 2. In addition to the power and authorities granted in subsection 1 of this section, and  
113 notwithstanding any limitations therein, a bank or trust company may:

114 (1) Purchase or lease, in an amount not exceeding its legal loan limit, real property and  
115 improvements thereto suitable for the convenient conduct of its functions. The bank may derive  
116 income from renting or leasing such real property or improvements or both. If the purchase or  
117 lease of such real property or improvements exceeds the legal loan limit or is from an officer,  
118 director, employee, affiliate, principal shareholder or a related interest of such person, prior  
119 approval shall be obtained from the director of finance; and

120 (2) Loan money on real estate and handle escrows, settlements and closings on real estate  
121 for the benefit of the bank's customers, as a core part of the banking business, notwithstanding  
122 any other provision of law to the contrary.

123 3. In addition to the powers and authorities granted in subsection 1 of this section, every  
124 trust company created under the laws of this state shall be authorized and empowered to:

125 (1) Receive money in trust and to accumulate the same at such rate of interest as may be  
126 obtained or agreed upon, or to allow such interest thereon as may be prescribed or agreed;

127 (2) Accept and execute all such trusts and perform such duties of every description as  
128 may be committed to it by any person or persons whatsoever, or any corporation, and act as  
129 assignee, receiver, trustee and depository, and to accept and execute all such trusts and perform  
130 such duties of every description as may be committed or transferred to it by order, judgment or  
131 decree of any courts of record of this state or other states, or of the United States;

132 (3) Take, accept and hold, by the order, judgment or decree of any court of this state, or  
133 of any other state, or of the United States, or by gift, grant, assignment, transfer, devise or  
134 bequest of any person or corporation, any real or personal property in trust, and to execute and  
135 perform any and all the legal and lawful trusts in regard to the same upon the terms, conditions,  
136 limitations and restrictions which may be declared, imposed, established or agreed upon in and  
137 by the order, judgment, decree, gift, grant, assignment, transfer, devise or bequest;

138 (4) Buy, invest in and sell all kinds of stocks or other investment securities;

139 (5) Execute, as principal or surety, any bond or bonds required by law to be given in any  
140 proceeding, in law or equity, in any of the courts of this state or other states, or of the United  
141 States;

142 (6) Act as trustee, personal representative, or conservator or in any other like fiduciary  
143 capacity;

144 (7) Act as attorney-in-fact or agent of any person or corporation, foreign or domestic, in  
145 the management and control of real or personal property, the sale or conveyance of same, the  
146 investment of money, and for any other lawful purpose.

147 4. (1) In addition to the powers and authorities granted in this section, the director of  
148 finance may, from time to time, with the approval of the state banking **and savings and loan**  
149 board, issue orders granting such other powers and authorities as have been granted to financial  
150 institutions subject to the supervision of the federal government to:

151 (a) State-chartered banks and trust companies which are necessary to enable such banks  
152 and trust companies to compete;

153 (b) State-chartered banks and trust companies to establish branches to the same extent  
154 that federal law permits national banks to establish branches;

155 (c) Subsidiaries of state-chartered banks and trust companies to the same extent powers  
156 are granted to national bank subsidiaries to enable such banks and trust companies to compete;

157 (d) State-chartered banks and trust companies to establish trust representative offices to  
158 the same extent national banks are permitted such offices.

159 (2) The orders shall be promulgated as provided in section 361.105, RSMo, and shall  
160 not be inconsistent with the constitution and the laws of this state.

161 5. As used in this section, the term "subsidiary" shall include one or more business  
162 entities of which the bank or trust company is the owner, provided the owner's liability is limited  
163 by the investment in and loans to the subsidiary as otherwise provided for by law.

164 6. A bank or trust company to which authority is granted by regulation in subsection 4  
165 of this section, based on the population of the political subdivision, may continue to exercise  
166 such authority for up to five years after the appropriate decennial census indicates that the  
167 population of the town in which such bank or trust company is located has exceeded the limits  
168 provided for by regulation pursuant to subsection 4 of this section.

362.111. A bank or trust company may impose fees or service charges on deposit  
2 accounts; however, such fees or service charges are subject to such conditions or requirements  
3 that may be fixed by regulations pursuant to section 361.105, RSMo, by the director of the  
4 division of finance and the state banking **and savings and loan** board. Notwithstanding any law  
5 to the contrary, no such condition or requirement shall be more restrictive than the fees or service

6 charges on deposit accounts or similar accounts permitted any federally chartered depository  
7 institution.

362.325. 1. Any bank or trust company may, at any time, and in any amount, increase  
2 or, with the approval of the director, reduce its capital stock (as to its authorized but unissued  
3 shares, its issued shares, and its capital stock as represented by such issued shares), including a  
4 reduction of capital stock by reverse stock split, change its name, change or extend its business  
5 or the length of its corporate life, avail itself of the privileges and provisions of this chapter or  
6 otherwise change its articles of agreement in any way not inconsistent with the provisions of this  
7 chapter, with the consent of the persons holding a majority of the stock of the bank or trust  
8 company, which consent shall be obtained at an annual meeting or at a special meeting of the  
9 shareholders called for that purpose. A bank or trust company may, but shall not be obligated  
10 to, issue a certificate for a fractional share, and, by action of its board of directors, may in lieu  
11 thereof, pay cash equal to the value of the fractional share.

12 2. The meeting shall be called and notice given as provided in section 362.044.

13 3. If, at any time and place specified in the notice, stockholders shall appear in person  
14 or by proxy, in number representing not less than a majority of all the shares of stock of the bank  
15 or trust company, they shall organize by choosing one of the directors as chairman of the  
16 meeting, and a suitable person for secretary, and proceed to a vote of those present in person or  
17 by proxy.

18 4. If, upon a canvass of the vote at the meeting, it is ascertained that the proposition has  
19 carried, it shall be so declared by the president of the meeting and the proceedings entered of  
20 record.

21 5. When the full amount of the proposed increase has been bona fide subscribed and paid  
22 in cash to the board of directors of the bank or trust company or the change has been duly  
23 authorized, then a statement of the proceedings, showing a compliance with the provisions of this  
24 chapter, the increase of capital actually subscribed and paid up or the change shall be made out,  
25 signed and verified by the affidavit of the president and countersigned by the cashier, or  
26 secretary, and such statement shall be acknowledged by the president and one certified copy filed  
27 in the public records of the division of finance.

28 6. Upon the filing of the certified copy the director shall promptly satisfy himself or  
29 herself that there has been a compliance in good faith with all the requirements of the law  
30 relating to the increase, decrease or change, and when he or she is so satisfied he or she shall  
31 issue a certificate that the bank or trust company has complied with the law made and provided  
32 for the increase or decrease of capital stock, and the amount to which the capital stock has been  
33 increased or decreased or for the change in the length of its corporate life or any other change  
34 provided for in this section. Thereupon, the capital stock of the bank or trust company shall be

35 increased or decreased to the amount specified in the certificate or the length of the corporate life  
36 of the bank shall be changed or other authorized change made as specified in the certificate. The  
37 certificate, or certified copies thereof, shall be taken in all the courts of the state as evidence of  
38 the increase, decrease or change.

39 7. Provided, however, that if the change undertaken by the bank or trust company in its  
40 articles of agreement shall provide for the relocation of the bank or trust company in another  
41 community, the director shall make or cause to be made an examination to ascertain whether the  
42 convenience and needs of the new community wherein the bank desires to locate are such as to  
43 justify and warrant the opening of the bank therein and whether the probable volume of business  
44 at the new location is sufficient to ensure and maintain the solvency of the bank and the solvency  
45 of the then existing banks and trust companies at the location, without endangering the safety of  
46 any bank or trust company in the locality as a place of deposit of public and private moneys, and,  
47 if the director, as a result of the examination, be not satisfied in the particulars mentioned or  
48 either of them, he or she may refuse to issue the certificate applied for, in which event he or she  
49 shall forthwith give notice of his or her refusal to the bank applying for the certificate, which if  
50 it so desires may, within ten days thereafter, appeal from the refusal to the state banking **and**  
51 **savings and loan** board.

52 8. All certificates issued by the director of finance relating to amendments to the charter  
53 of any bank shall be provided to the bank or trust company and one certified copy filed in the  
54 public records of the division of finance.

55 9. The board of directors may designate a chief executive officer, and such officer will  
56 replace the president for purposes of this section.

369.014. As used in this chapter, unless the context clearly requires a different meaning,  
2 the following words and terms shall have the meanings indicated:

3 (1) "Account", the monetary interest of the owner thereof in the deposit capital of an  
4 association and consists of the withdrawal value of such interest;

5 (2) "Agency", a place of business other than the home office or a branch office at which  
6 an agent of the association transacts authorized business of the association;

7 (3) "Association", a savings and loan association or a savings association subject to the  
8 provisions of this chapter;

9 (4) **"Board", the state banking and savings and loan board established under**  
10 **chapter 361;**

11 (5) "Branch", a place of business other than the home office at which is transacted  
12 authorized business of the association;

13 [(5)] (6) "Capital", the capital stock and any other capital contributions in a capital stock  
14 association;



- 15        [(6)] (7) "Capital stock", shares of nonwithdrawable capital issued by a capital stock  
16 association which may be issued as permitted under chapter 351, RSMo;
- 17        [(7)] (8) "Capital stock association", an association which issues capital stock;
- 18        [(8) "Commission", the state savings and loan commission;]
- 19        (9) "County" includes the city of St. Louis;
- 20        (10) "Deposit capital", the aggregate of deposits in accounts plus earnings credited  
21 thereto less lawful deductions therefrom;
- 22        (11) "Director of the division of finance", the chief officer of the division of finance;
- 23        (12) "Earnings", that part of the net income of an association which is payable to or  
24 credited to the owners of accounts. Earnings do not include capital stock, dividends paid or  
25 payable on capital stock or other distributions thereon. Earnings also may be referred to as  
26 interest;
- 27        (13) "Federal association" or "federal savings association", an association chartered by  
28 the Office of Thrift Supervision or any successor thereto as provided in section 5 of the Home  
29 Owners Loan Act of 1933, as amended;
- 30        (14) "Foreign association", any association or federal association with its principal office  
31 located outside Missouri;
- 32        (15) "Foreign holding company", any company or corporation authorized or existing  
33 under the laws of any jurisdiction or authority other than Missouri which directly or indirectly  
34 controls a foreign association;
- 35        (16) "Home office", the location named in the articles of incorporation or the new  
36 location in place thereof approved by the director of the division of finance. If no location is  
37 named in the articles of incorporation, the association shall file with the director of the division  
38 of finance the location of its home office;
- 39        (17) "Impaired condition", the inability of an association to pay its debts as they become  
40 due in the usual course of its business;
- 41        (18) "Insured association", an association the accounts of which are insured, fully or in  
42 part, as provided in this chapter;
- 43        (19) "Liquid assets", cash on hand and on deposit with banks including federal home  
44 loan banks and such other assets as may be so designated from time to time by the director of the  
45 division of finance;
- 46        (20) "Member", a person owning an account of a mutual association or a person  
47 borrowing from or assuming or obligated upon or owning property securing a loan held by a  
48 mutual association;
- 49        (21) "Mutual association", an association not having capital stock;

50 (22) "Office", any place at which business of the association is conducted on a regular  
51 and continuing basis;

52 (23) "Person", any individual, corporation, entity, voting trust, business trust,  
53 partnership, association, syndicate, or organized group of persons whether incorporated or not;

54 (24) "Security instrument", mortgage, deed of trust, or other instrument in which real or  
55 personal property is security for a debt;

56 (25) "Stockholder", a person owning capital stock of a capital stock association;

57 (26) "Withdrawal value", the amount deposited in an account in an association plus  
58 earnings credited thereto less lawful deductions therefrom.

369.024. 1. Upon receipt of a petition for certificate of incorporation, the director of the  
2 division of finance shall, based upon the petition and all supporting information and upon such  
3 independent investigation and examination as the director may make, either refuse the petition  
4 or tentatively approve it. The petition shall be refused if the director of the division of finance  
5 finds that the proposed association is to be formed for any other than legitimate savings and loan  
6 purposes, or that the character and general fitness of the incorporators, or of the initial  
7 stockholders, if any, are not such as to command public confidence, or that the proposed  
8 directors and officers are not such as to tend to the success of the proposed association, or that  
9 the public convenience and advantage will not be promoted by its establishment, or that there  
10 is no public need for, or the volume of business in the location is insufficient to justify, another  
11 association. The refusal shall be in writing with the reasons therefor stated and shall be sent by  
12 registered mail to the chairman of incorporators.

13 2. If the director of the division of finance tentatively approves the petition, the director  
14 shall give written notice to each association and each federal association with an office in the  
15 county or in a county adjoining the county in which the proposed association is to be located,  
16 stating the name of the proposed association, where it proposes to establish the principal office  
17 of the association and that a petition for certificate of incorporation has been approved  
18 tentatively. Any association entitled to receive notice may within thirty days from the date of  
19 mailing of the notice make written protest to the director of the division of finance against the  
20 granting of the petition for incorporation. If no protest is filed within that time, the director of  
21 the division of finance shall make a final decision upon the petition either denying or granting  
22 the petition and notice thereof shall be sent by registered mail to the chairman of incorporators.

23 3. If a protest is filed, the director of the division of finance shall, if requested, and may  
24 on the director's own motion, conduct a hearing not less than ten nor more than thirty days  
25 following the end of the time for protest. Upon application of any party for good cause, or upon  
26 the director of the division of finance's own motion, the date of the hearing may be postponed.  
27 Notice shall be given stating the time and place of the hearing to the chairman of incorporators

28 and to each protesting party. Any interested person may appear at the hearing in person or by  
29 counsel and offer any relevant evidence. Following the hearing the director of the division of  
30 finance shall deny or grant the petition and give written notice of the director's decision to all  
31 interested parties.

32 4. The petition shall not be granted, either with or without the hearing provided for in  
33 this section, except upon affirmative findings from all the evidence that the requirements of  
34 sections 369.010 to 369.369 have been complied with and that:

35 (1) The persons named in the petition are citizens of the United States of good character  
36 and responsibility; and

37 (2) There is a necessity for the proposed association in the area to be served by it; and

38 (3) There is a reasonable probability of usefulness and success of the proposed  
39 association; and

40 (4) The proposed association can be established without undue injury to any properly  
41 conducted association or federal association.

42 5. The director of the division of finance may, either with or without the hearing  
43 provided for in this section, and the **state banking and savings and loan [commission] board**  
44 may upon an appeal from the ruling of the director of the division of finance, require as a  
45 condition of approving the petition that the proposed association obtain a firm commitment for  
46 insurance of its accounts from the Federal Deposit Insurance Corporation or any successor  
47 thereto or from any agency of this state insuring savings accounts or from any other insurer  
48 approved by the director of the division of finance.

49 6. If the petition is approved, the director of the division of finance shall, upon receipt  
50 of the sworn statement of the chairman of incorporators that the initial savings accounts and the  
51 expense fund provided for in sections 369.010 to 369.369 have been paid in full in cash, or, if  
52 a capital stock association, all subscriptions for capital stock have been paid in full, certify the  
53 approval of the petition in writing to the secretary of state and deliver to the secretary of state the  
54 incorporation fee and two copies of the articles of incorporation. From the time of such  
55 approval, the association shall be subject to all provisions of sections 369.010 to 369.369 and  
56 to supervision and control by the director of the division of finance. The secretary of state shall  
57 thereupon issue the certificate of incorporation.

369.144. Each association incorporated pursuant to or operating under the provisions of  
2 sections 369.010 to 369.369 has all the powers enumerated, authorized, and permitted by  
3 sections 369.010 to 369.369 and such other rights, privileges, and powers as may be incidental  
4 to or reasonably necessary to exercise such powers granted herein. Among others, and except  
5 as otherwise limited by the provisions of sections 369.010 to 369.369, each association has the  
6 following powers:

7 (1) To have perpetual existence; to adopt and use a corporate seal, which may be affixed  
8 by imprint, facsimile, or otherwise; and to adopt and amend bylaws as provided in sections  
9 369.010 to 369.369;

10 (2) To sue and be sued, complain and defend in any court of law or equity;

11 (3) To acquire, hold, sell, dispose of and convey real and personal property; and to  
12 mortgage, pledge, or lease any real or personal property in the exercise of the powers granted  
13 herein; provided, however, that such leasing activities are limited to the extent permitted a  
14 federal association;

15 (4) To borrow from sources, individual or corporate. All such loans and advances may  
16 be secured by property of the association, and may be evidenced by such notes, bonds,  
17 debentures, or other obligations or securities as the director of the division of finance may  
18 authorize for all associations;

19 (5) To obtain and maintain insurance of its accounts by the Federal Deposit Insurance  
20 Corporation or any successor thereto, or by any agency of this state insuring accounts in  
21 associations, or by any other insurer approved by the director of the division of finance, and may  
22 comply with conditions necessary to obtain and maintain such insurance;

23 (6) To qualify as and become a member of a Federal Home Loan Bank;

24 (7) In addition to the powers and authorities granted in this section, the director of the  
25 division of finance may, from time to time, with the approval of the [commission] **state banking**  
26 **and savings and loan board**, issue regulations granting such other powers and authorities as  
27 have been granted to federal associations subject to the supervision of the Office of Thrift  
28 Supervision or any successor thereto which are necessary to enable associations to compete. The  
29 regulations shall be promulgated as provided in this chapter and shall not be inconsistent with  
30 the constitution and laws of this state;

31 (8) To appoint officers, agents, and employees as its business shall require and to provide  
32 them suitable compensation; to enter into employment contracts not to exceed five years in  
33 duration; to provide for life, health and casualty insurance for officers, employees and directors  
34 who are not officers, and to adopt and operate reasonable bonus plans, retirement benefits and  
35 deferred compensation plans for such officers and employees; to adopt and operate stock option  
36 and similar incentive compensation programs by capital stock associations; and to provide for  
37 indemnification of its officers, employees and directors as prescribed or permitted by sections  
38 369.010 to 369.369 whether by insurance or otherwise;

39 (9) To become a member of, deal with, or make reasonable payments or contributions  
40 to any organization to the extent that such organization assists in furthering or facilitating the  
41 association's purposes, powers or community responsibilities, and to comply with any reasonable  
42 conditions of eligibility;

43           (10) To sell money orders, travel checks and similar instruments drawn by it on its  
44 commercial bank accounts, accounts it has with the district Federal Home Loan Bank or as agent  
45 for any organization empowered to sell such instruments through agents within the state;

46           (11) When an association is a member of a Federal Home Loan Bank, to act as fiscal  
47 agent of the United States, and, when so designated by the Secretary of the Treasury, to perform,  
48 under such regulations as the Secretary may prescribe, all such reasonable duties as fiscal agents  
49 for the United States as the Secretary may require; and to act as agent for any instrumentality of  
50 the United States and as agent of this state or any instrumentality thereof;

51           (12) To service loans and investments for others;

52           (13) When an association is insured, to act as trustee of any trust created or organized  
53 in the United States and forming part of a stock bonus, pension, or profit-sharing plan which  
54 qualifies or qualified for specific tax treatment under section 401(d) of the Internal Revenue  
55 Code of 1954 as amended, if the funds of such trust are invested only in accounts or deposits in  
56 such association or in obligations or securities issued by such association. All funds held in such  
57 fiduciary capacity by any such association may be commingled for appropriate purposes of  
58 investment, but individual records shall be kept by the fiduciary for each participant and shall  
59 show in proper detail all transactions engaged in under the authority of this subdivision;

60           (14) To act as agent for others in any transaction incidental to the operation of its  
61 business;

62           (15) To accept deposits, and to lend and invest its funds as provided in sections 369.010  
63 to 369.369;

64           (16) To use abbreviations, words or symbols in connection with any document of any  
65 nature and on checks, proxies, notices and other instruments, which abbreviations, words, or  
66 symbols shall have the same force and legal effect as though the respective words and phrases  
67 for which they stand were set forth in full;

68           (17) To act as custodian or keeper of microfilm records of other savings associations or  
69 place microfilm records of the association for storage and safekeeping with another association;

70           (18) To make donations in reasonable amounts for the public welfare or for charitable,  
71 scientific, religious, or educational purposes;

72           (19) To act as agent for any electric, gas, water, telephone or other public utility company  
73 operating within this state in receiving moneys due such company for utility services furnished  
74 by such company;

75           (20) To enter into agreements with others to supply data processing services and for the  
76 use of data processing equipment owned or controlled by the association.

          369.159. An association may impose fees or service charges on accounts; however, such  
2 fees or service charges are subject to such conditions or requirements that may be fixed by

3 regulations pursuant to section 369.301 by the director of the division of finance and the [state  
4 savings and loan commission] **board**. Notwithstanding any law to the contrary, no such  
5 condition or requirement shall be more restrictive than the fees or service charges on deposit  
6 accounts or similar accounts permitted any federally chartered depository institution.

369.294. 1. The director of the division of finance and examiners shall not be interested  
2 in an association directly or indirectly either as creditor (except that each may be an account  
3 holder and receive earnings thereon), director, officer, employee, trustee, attorney or borrower  
4 (except for a loan on the home property owned and occupied by the director or examiner or a  
5 share loan), nor shall any one of them receive directly or indirectly any payment, compensation  
6 or gratuity from any association.  
7 2. The director, the examiners and all employees of the division of finance and members  
8 of the [state savings and loan commission] **board** shall not divulge any information acquired in  
9 the discharge of their duties except insofar as required by law or order of court. The director  
10 may, however, furnish information to the Office of Thrift Supervision or any successor thereto,  
11 the Federal Deposit Insurance Corporation or any successor thereto, any federal home loan bank  
12 or savings departments of other states.

369.299. The director of the division of finance shall:

- 2 (1) Exercise all rights, powers and duties set forth in sections 369.010 to 369.369 or as  
3 may be otherwise provided by law;
- 4 (2) Establish, amend, supplement and revoke, subject to the approval of the [state  
5 savings and loan commission] **board**, all regulations authorized by the provisions of sections  
6 369.010 to 369.369 and such additional regulations as may be reasonable or necessary to provide  
7 for the organization, incorporation, examination, operation, and regulation of associations, and  
8 service corporations, and the director may by regulation provide that an association shall have  
9 all powers, rights, and privileges which it would have from time to time if organized and  
10 operating in Missouri as a federal association under the laws of the United States. The director  
11 shall deliver by mail to each association a copy of any proposed regulation or change in an  
12 existing regulation. If five or more associations protest the proposed regulation or change and  
13 request a hearing thereon within fifteen days thereafter, the director shall conduct a hearing  
14 before acting thereon;
- 15 (3) Direct and supervise all the activities of the office;
- 16 (4) Exercise general supervision over all associations and all corporations which are  
17 owned in whole or in part by an association or associations;
- 18 (5) Upon request of the governor make a report in writing to the governor on or before  
19 the first day of March as to the financial condition as of December thirty-first of the preceding  
20 year of each association;

21 (6) Have charge of the execution of laws relating to savings associations with authority  
22 to sue in the director's name to enforce any law of this state applying to an association or to a  
23 corporation in which an association has an interest, or applying to the officers, directors or  
24 employees of any association.

369.314. The [commission] **board** shall:

2 (1) Approve or disapprove each regulation proposed by the director of the division of  
3 finance pertaining to savings and loan associations; and

4 (2) Hear and determine any appeal [from] **permitted by law, including but not limited**  
5 **to** an order or decision of the director pertaining to the incorporation, relocation or branching of  
6 savings and loan associations, **which shall be conducted as provided in chapter 361.**

369.329. No association may establish or maintain a branch office or agency without the  
2 prior written approval of the director of the division of finance, except that temporary and  
3 incidental agencies may be created for individual transactions and for special temporary purposes  
4 without such approval. Each application for approval of the establishment and maintenance of  
5 a branch office or one or more agencies shall state the proposed location of the branch office or  
6 agency, the functions to be performed at the office or agency, the estimated volume of business  
7 at the branch office or agency, the estimated annual expense of the branch office or agency and  
8 the mode of payments for the branch office or agency and such additional matters as the director  
9 of the division of finance by regulation may require. Each such application shall be accompanied  
10 by a budget of the association for the current earnings period and for the next succeeding  
11 semiannual period, which reflects the estimated additional expense of the maintenance of each  
12 such branch office or agency. No branch application shall be granted if, in the opinion of the  
13 director or a majority of the members of the [commission] **board** on appeal, the policies,  
14 condition or operation of the applicant afford a basis for supervisory objection to the application.  
15 The director of the division of finance may hold a hearing at the director's discretion on the  
16 application in accordance with such procedures as the director by regulation may require.

371.060. 1. Immediately upon the filing of the certificate of organization by the  
2 applicants, the director of finance shall submit to the state banking **and savings and loan** board  
3 the proposed articles of incorporation and the certificate of organization of the applicants and as  
4 soon as practicable thereafter the state banking **and savings and loan** board shall direct the  
5 director of finance to issue to the applicants a certificate of incorporation in such form as it may  
6 prescribe, if the board, from the best information available, determines that

7 (1) Public convenience and necessity require the development finance corporation;

8 (2) The holders of the fully paid stock of the corporation are at least ten in number;

9 (3) That not less than two hundred fifty shares of no par value stock issued at one  
10 hundred dollars per share have been subscribed and fully paid for in cash;

11 (4) The bylaws and regulations submitted, if any, are in conformity with the articles of  
12 incorporation and the provisions of this chapter and not in conflict with any law of this state.

13 2. The director of finance shall return to the applicants one of the articles of  
14 incorporation submitted to him and shall endorse thereon the issuance by him of the certificate  
15 of incorporation.

371.090. 1. The articles of incorporation may be amended by a majority vote of the  
2 stockholders at any regular meeting or at a special meeting called for that purpose.

3 2. Articles of amendment signed by the president or vice president and attested by the  
4 secretary certifying to the amendment and its lawful adoption shall be executed, acknowledged  
5 and filed with the director of finance and, when approved by the state banking and savings and  
6 loan board, recorded with a certificate of the director of finance approving the articles of  
7 amendment, in the same manner as the original articles of incorporation. As soon as the director  
8 of finance issues his certificate of amendment the amendment is in effect.

371.240. 1. Any corporation organized under this chapter, after the payment in full and  
2 cancellation of all its bonds and other obligations issued under the provisions of this chapter, or  
3 after the deposit in trust with the respective trustees designated in any deeds of trust given to  
4 secure the payment of any such obligation of a sum of money sufficient for the purpose, may  
5 dissolve by the vote of a majority of the stockholders at any regular meeting or at a special  
6 meeting called for that purpose.

7 2. A certificate of dissolution shall be signed by the president or vice president and  
8 attested by the secretary, certifying to the dissolution and that they have been authorized by  
9 lawful action of the stockholders to execute and file such certificate. The certificate of  
10 dissolution shall be executed, acknowledged and filed with the director of finance and, when  
11 approved by the state banking **and savings and loan** board, shall be recorded in the same  
12 manner as the original articles of incorporation. When the director has endorsed the approval  
13 of the state banking **and savings and loan** board on the certificate of dissolution the corporation  
14 is deemed to be dissolved.

15 3. The corporation shall, however, continue for the purpose of paying, satisfying and  
16 discharging any other existing liabilities or obligations and for collecting or liquidating its assets,  
17 and doing all other acts required to adjust and wind up its business and affairs, and may sue and  
18 be sued in its corporate name.

19 4. Any assets remaining after all liabilities and obligations have been satisfied shall be  
20 distributed pro rata among the stockholders of the corporation.

**620.580. Sections 620.580 to 620.592 shall be known and may be cited as the**  
2 **"Missouri Community Service Act".**

**620.582. As used in sections 620.580 to 620.592, the following terms mean:**



- 2           (1) "Act", the national and community service act of 1990, as amended;  
3           (2) "Commission", the Missouri community service commission created by sections  
4 620.580 to 620.592;  
5           (3) "Community service programs", the performance of tasks designed primarily  
6 to address educational, public safety, human, or environmental needs at a local, regional,  
7 state, or multistate level;  
8           (4) "Corporation", the corporation for national and community service authorized  
9 by the act;  
10          (5) "National service position", a placement in a community service program  
11 whereby an individual may earn an educational award, as authorized by the act;  
12          (6) "National service laws", the act and other federal legislation that authorizes or  
13 may authorize community service activities in states.

        620.584. 1. The Missouri community service commission is assigned to the  
2 department of economic development.

3          2. The commission is established to make community service the common  
4 expectation and experience of all Missourians with a special concentration on Missouri's  
5 young people. The commission shall focus its efforts primarily on issues related to  
6 education, public safety, human needs and the environment.

7          3. The commission shall work to renew the ethic of civic responsibility in Missouri  
8 and to involve and enroll citizens in service opportunities that benefit Missouri while  
9 offering citizens skills that can be used to further their own plans for education, for a  
10 career, or for continuing community services. The commission shall build on the existing  
11 organizational framework of state, local, and community-based programs and agencies to  
12 expand full-time and part-time service opportunities for all citizens, but particularly  
13 Missouri's youth.

        620.586. 1. The commission shall include fourteen voting members appointed by  
2 the governor with the advice and consent of the senate. The commission shall include the  
3 following voting members:

- 4           (1) A representative of local government;  
5           (2) The commissioner of the department of elementary and secondary education  
6 or the designee of such person;  
7           (3) An individual with experience in promoting the involvement of older adults in  
8 service and volunteerism;  
9           (4) A representative of a national service program;  
10          (5) An individual with expertise in the educational, training, and development  
11 needs of youth, particularly disadvantaged youth;

12           (6) An individual between the ages of sixteen and twenty-five years who is a  
13 participant in or supervisor of a service program for school age youth, or a campus-based  
14 or national service program;

15           (7) A representative of community-based agencies or organizations in the state;

16           (8) A representative of labor organizations;

17           (9) A member representing the business community;

18           (10) The lieutenant governor or his or her designee;

19           (11) A representative from the corporation for national and community service,  
20 who shall serve as a nonvoting, ex officio member;

21           (12) Four other members, appointed by the governor, provided that no more than  
22 twenty percent of the voting members are officers or employees of the state, and provided  
23 further that not more than fifty percent plus one of the voting members of the commission  
24 are members of the same political party;

25           (13) The governor may appoint any number of other nonvoting, ex officio members  
26 who shall serve at the pleasure of the governor.

27           2. Appointments to the commission shall reflect the race, ethnicity, age, gender, and  
28 disability characteristics of the population of the state as a whole.

29           3. Voting members shall serve renewable terms of three years, except that of the  
30 first members appointed, one-third shall serve for a term of one year, one-third shall serve  
31 for a term of two years, and one-third shall serve for a term of three years. If a commission  
32 vacancy occurs, the governor shall appoint a new member to serve for the remainder of the  
33 unexpired term. Vacancies shall not affect the power of the remaining members to execute  
34 the commission's duties.

35           4. The members of the commission shall receive no compensation for their services  
36 on the commission, but shall be reimbursed for ordinary and necessary expenses incurred  
37 in the performance of their duties.

38           5. The voting members of the commission shall elect one of their members to serve  
39 as chairperson of the commission. The voting members may elect such other officers as  
40 deemed necessary.

41           6. The commission shall meet at least quarterly.

**620.588. 1. The commission shall have the following powers and duties:**

2           (1) To ensure that its funding decisions meet all federal and state statutory  
3 requirements;

4           (2) To prepare for this state an annual national service plan that follows state and  
5 federal guidelines;

6           (3) To recommend innovative statewide service programs to increase volunteer  
7 participation and community-based problem solving by all age groups and among diverse  
8 participants;

9           (4) To utilize local, state, and federal resources to initiate, strengthen, and expand  
10 quality service programs;

11           (5) To promote interagency collaboration to maximize resources and develop a  
12 model of such collaboration on the state level;

13           (6) To oversee the application process to apply for corporation grants and funds,  
14 and for approval of service positions;

15           (7) To establish priorities, policies, and procedures for the use of funds received  
16 under national service laws and for funds deposited into the community service  
17 commission fund established in section 620.592;

18           (8) To provide technical assistance for applicants to plan and implement service  
19 programs and to apply for assistance under the national service laws;

20           (9) To solicit and accept gifts, contributions, grants, bequests, or other aid from any  
21 person, business, organization or foundation, public or private and from federal, state or  
22 local government or any agency of federal, state or local government.

23           2. The commission shall have other powers and duties in addition to those listed in  
24 subsection 1 of this section, including:

25           (1) To utilize staff within the department of economic development, the office of a  
26 designated statewide elected official or other executive departments as needed for this  
27 purpose; and

28           (2) To enter into contracts with individuals, organizations, and institutions within  
29 amounts available for this purpose.

**620.590. 1.** All state agencies, the University of Missouri extension system, and any  
2 unit of local government, including school districts, may share information and cooperate  
3 with the commission to enable it to perform the functions assigned to it by state and federal  
4 law.

5           2. Any state agency that operates or plans to establish a community service  
6 program may coordinate its efforts with the commission.

**620.592. 1.** There is hereby created in the state treasury the "Community Service  
2 Commission Fund". The state treasurer shall deposit to the credit of the fund all moneys  
3 which may be appropriated to it by the general assembly and also any gifts, contributions,  
4 grants, bequests, or other aid received from federal, private, or other sources. The general  
5 assembly may appropriate moneys into the fund for the support of the commission and its

6 **activities. Notwithstanding the provisions of section 33.080 to the contrary, moneys in the**  
7 **fund shall not revert to the credit of the general revenue fund at the end of the biennium.**

8 **2. The commission shall submit an annual report of its activities to the speaker of**  
9 **the house of representatives, the president pro tem of the senate, and the governor before**  
10 **January thirty-first of each year.**

620.638. As used in sections 620.635 to 620.653, the following terms mean:

2 (1) ["Board", the Missouri seed capital investment board, as established pursuant to  
3 section 620.641;

4 (2)] "Committed contributions", the total amount of qualified contributions that are  
5 committed to a qualifying fund by contractual agreement;

6 [(3)] (2) "Corporation", the Missouri technology corporation as established pursuant to  
7 section 348.251, RSMo;

8 [(4)] (3) "Department", the department of economic development;

9 [(5)] (4) "Director", the director of the department of economic development;

10 [(6)] (5) "Follow-up capital", capital provided to a qualified business in which a  
11 qualified fund has previously invested seed capital or start-up capital. No more than forty percent  
12 of the qualified contributions to a qualified fund may be used for follow-up capital, and no  
13 qualified contributions which generate tax credits before the second round of allocations as  
14 authorized by section 620.650 shall be used for follow-up capital investments;

15 [(7)] (6) "Person", any individual, corporation, partnership, limited liability company  
16 or other entity, including any charitable organization which is exempt from federal income tax  
17 and whose Missouri unrelated business taxable income, if any, would be subject to the state  
18 income tax imposed under chapter 143, RSMo;

19 [(8)] (7) "Positive cash flow", total cash receipts from sales or services, but not from  
20 investments or loans, exceeding total cash expenditures as calculated on a fiscal year basis;

21 [(9)] (8) "Qualified business", any independently owned and operated business which  
22 is headquartered and located in Missouri and which is involved in or intends to be involved in  
23 commerce for the purpose of manufacturing, processing or assembling products, conducting  
24 research and development, or providing services in interstate commerce. Such a business shall  
25 maintain its headquarters in Missouri for a period of at least three years from the date of receipt  
26 of a qualified investment or be subject to penalties pursuant to section 620.017;

27 [(10)] (9) "Qualified contribution", cash contributions to a qualified fund pursuant to  
28 the terms of contractual agreements made between the qualified fund and a qualified economic  
29 development organization authorized by the [board] **corporation** to enter into such contracts;

30 [(11)] (10) "Qualified economic development organization", any corporation organized  
31 pursuant to the provisions of chapter 355, RSMo, that, as of January 1, 1991, had obtained a

32 contract with the department to operate an innovation center to promote, assist and coordinate  
33 the research and development of new services, products or processes in this state;

34 [(12)] (11) "Qualified fund", a fund established by any corporation, partnership, joint  
35 venture, unincorporated association, trust or other organization established pursuant to the laws  
36 of Missouri and approved by [the board or] the corporation;

37 [(13)] (12) "Qualified investment", any investment of seed capital, start-up capital or  
38 follow-up capital in a qualified business that does not cause more than ten percent of all the  
39 qualified contributions to a qualified fund to be invested in a single qualified business;

40 [(14)] (13) "Seed capital", capital provided to a qualified business for research,  
41 development and precommercialization activities to prove a concept for a new product, process  
42 or service, and for activities related thereto; provided that, seed capital shall not be provided to  
43 any business which in a past fiscal year has experienced a positive cash flow;

44 [(15)] (14) "Start-up capital", capital provided to a qualified business for use in  
45 preproduction product development, service development or initial marketing thereof; provided  
46 that, start-up capital shall not be provided to any business which has experienced a positive cash  
47 flow in a past fiscal year;

48 [(16)] (15) "Uninvested capital", that portion of any qualified contribution to a qualified  
49 fund, other than management fees not to exceed three percent per year of committed  
50 contributions, qualified investments and other expenses or fees authorized by the [board]  
51 **corporation**, that is not invested as a qualified investment within ten years of its receipt.

620.641. [There is hereby established the "Missouri Seed Capital Investment Board", to  
2 be composed of thirteen persons. One person shall be the director, or the director's designee, and  
3 each qualified economic development organization, not to exceed four, shall respectively be  
4 represented by one member appointed by each organization. Eight members shall be appointed  
5 by the governor with the advice and consent of the senate. Of these, one shall represent a major  
6 public research university located within the state, one shall represent a major private research  
7 university located within the state and the remaining six members shall have backgrounds in  
8 technology, banking, labor or small business development. The eight members appointed by the  
9 governor shall serve terms of three years; except that, of those first appointed, three shall serve  
10 for terms of three years, three for terms of two years and two for terms of one year. The  
11 members of the board shall annually elect one of its members who has been appointed by the  
12 governor as chairman of the board. At any meeting of the board, seven members must be present  
13 to constitute a quorum. The department shall provide support services necessary to carry out the  
14 duties of the board.] **The powers and duties of the Missouri Seed Capital Investment Board**  
15 **shall be transferred to the Missouri Technology Corporation effective August 28, 2010, and**  
16 **the Missouri Seed Capital Investment Board shall be dissolved.**

620.644. 1. The Missouri seed capital and commercialization strategy shall be jointly developed and approved by the boards of directors of all of the qualified economic development organizations and submitted as one plan to the [board] **corporation** for its approval. The board shall not approve any qualified fund, exclusive of the fund approved by the corporation, unless such fund is described in the Missouri seed capital and commercialization strategy. The strategy shall include a proposal for the establishment and operation of between one and four qualified funds in Missouri, including the fund approved by the corporation pursuant to the provisions of section 620.653. The initial strategy shall be submitted to the board no later than July 1, 2000, and shall be approved or rejected by the board within three months of receipt. No tax credits authorized pursuant to the provisions of sections 620.635 to 620.653 shall be awarded until such strategy has been approved by the board, other than tax credits authorized for qualified contributions to the fund approved by the corporation.

2. The department shall authorize the use of up to twenty million dollars in tax credits by the approved qualified funds, in aggregate pursuant to the provisions of section 620.650, with not more than five million dollars of tax credits being issued in any one year.

3. The [board or] corporation shall approve the professional managers employed by the qualified funds according to criteria similar to that used by the U.S. Small Business Administration's Small Business Investment Corporation Program.

4. The department may promulgate any rules and regulations necessary to administer the provisions of sections 620.635 to 620.653. No rule or regulation or portion of a rule or regulation promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536, RSMo.

5. The [Missouri seed capital investment board] **corporation** shall report the following to the department:

(1) As soon as practicable after the receipt of a qualified contribution the name of each person from which the qualified contribution was received, the amount of each contributor's qualified contribution and the tax credits computed pursuant to this section;

(2) On a quarterly basis, the amount of qualified investments made to any qualified business;

(3) On a quarterly basis, verification that the investment of seed capital, start-up capital, or follow-up capital in a qualified business does not direct more than ten percent of all the qualified contributions to a qualified fund to be invested in a single qualifying business.

6. Each qualified fund shall provide annual audited financial statements, including the opinion of an independent certified public accountant, to the department within ninety days of the close of the state fiscal year. The audit shall address the methods of operation and conduct of the business of the qualified economic development organization to determine compliance

37 with the statutes and program and program rules and that the qualified contributions received by  
38 the qualified fund have been invested as required by this section.

620.647. 1. The [board or] corporation may authorize each qualified economic  
2 development organization to enter into contractual agreements with any qualified fund allowing  
3 such qualified fund to offer tax credits authorized pursuant to the provisions of sections 620.635  
4 to 620.653 to those persons making qualified contributions to the qualified fund. The [board]  
5 **corporation** shall establish policies and procedures requiring each authorized qualified  
6 economic development organization to secure from each qualified fund and its investors the  
7 maximum fund equity interest possible, as dictated by market conditions, in exchange for the use  
8 of the tax credits. All tax credits authorized pursuant to sections 620.635 to 620.653 shall be  
9 administered by the department.

10 2. Each qualified fund shall enter into a contract with one or more qualified economic  
11 development organizations which shall entitle all qualified economic development organizations  
12 in existence at that time to receive and share equally all distributions of equity and dividends or  
13 other earnings of the fund that are generated as a result of any equity interest secured as a result  
14 of actions taken to comply with subsection 1 of this section. Such contracts shall require the  
15 qualified funds to transfer to the [board] **corporation** all distributions of dividends or other  
16 earnings of the fund that are owed to any qualified economic development organization that has  
17 dissolved or has ceased doing business for a period of one year or more.

18 3. All distributions of dividends, earnings, equity or the like owed pursuant to the  
19 provisions of sections 620.635 to 620.653 to a qualified economic development organization by  
20 any qualified fund shall be paid to the qualified economic development organization. The  
21 qualified economic development organization shall use such payments solely for reinvestment  
22 in qualified funds in order to provide ongoing seed capital, start-up capital and follow-up capital  
23 for Missouri businesses. No qualified economic development organization may transfer any  
24 dividends, earnings, equity or the like owed it pursuant to sections 620.635 to 620.653 to any  
25 other person or entity without the approval of the [board] **corporation**.

620.650. 1. The sole purpose of each qualified fund is to make investments. One  
2 hundred percent of investments made from qualified contributions shall be qualified investments.

3 2. Any person who makes a qualified contribution to a qualified fund shall receive a tax  
4 credit against the tax otherwise due pursuant to chapter 143, RSMo, chapter 147, RSMo, or  
5 chapter 148, RSMo, other than taxes withheld pursuant to sections 143.191 to 143.265, RSMo,  
6 in an amount equal to one hundred percent of such person's qualified contribution.

7 3. Such person shall submit to the department an application for the tax credit on a form  
8 provided by the department. The department shall award tax credits in the order the applications  
9 are received and based upon the strategy approved by the [board] **corporation**. Tax credits

10 issued pursuant to this section may be claimed for the tax year in which the qualified contribution  
11 is made or in any of the following ten years, and may be assigned, transferred or sold.

12 4. There is hereby imposed on each qualified fund a tax equal to fifteen percent of the  
13 qualified fund's uninvested capital at the close of such qualified fund's tax year. For purposes  
14 of tax computation, any distribution made by a qualified fund during a tax year is deemed made  
15 at the end of such tax year. Each tax year, every qualified fund shall remit the tax imposed by  
16 this section to the director of the department of revenue for deposit in the state treasury to the  
17 credit of the general revenue fund.

620.653. The provisions of sections 620.635 to 620.650 to the contrary notwithstanding,  
2 one qualified fund shall be approved by the corporation as soon as practicable after July 8, 1999.  
3 Such fund need not be initially incorporated into the seed capital and commercialization strategy  
4 until after the appointment of the board. After the appointment of the board, all powers  
5 exercised by the corporation in relation to that fund shall be transferred to the board. **After the**  
6 **dissolution of the board, all powers exercised by the board shall be transferred to the**  
7 **corporation.** The corporation shall approve the professional fund manager employed by the  
8 qualified fund established by this section.

630.915. 1. The department of mental health, in consultation with the department of  
2 health and senior services, shall seek funding from the Centers for Disease Control and  
3 Prevention to participate in the National Violent Death Reporting System (NVDRS) to obtain  
4 better information about violent deaths, including suicide.

5 2. If such funding under subsection 1 of this section is not available to the state of  
6 Missouri, on or before July 1, 2006, the department of mental health, in consultation with the  
7 department of health and senior services and subject to appropriation, shall develop a state-based  
8 reporting system based on the National Violent Death Reporting System that will provide  
9 information needed to accurately assess the factors causing violent deaths, including suicide.

10 3. Information obtained from this state's participation in the National Violent Death  
11 Reporting System under subsection 1 of this section or the state-based system developed under  
12 subsection 2 of this section shall be used to help answer questions regarding the magnitude,  
13 trends, and characteristics of violent deaths and assist in the evaluation and improvement of  
14 violence prevention policies and programs.

15 4. Information obtained under this section shall be provided to the [suicide prevention  
16 advisory committee] **Missouri advisory council for comprehensive psychiatric services**  
17 established under section [630.910] **632.020.**

18 5. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

19 (1) The provisions of the new program authorized under this section shall automatically  
20 sunset six years after August 28, 2005, unless reauthorized by an act of the general assembly; and



21 (2) If such program is reauthorized, the program authorized under this section shall  
22 automatically sunset twelve years after the effective date of the reauthorization of this section;  
23 and

24 (3) This section shall terminate on September first of the calendar year immediately  
25 following the calendar year in which the program authorized under this section is sunset.

632.020. 1. The Missouri advisory council for comprehensive psychiatric services,  
2 created by executive order of the governor on June 10, 1977, shall act as an advisory body to the  
3 division and the division director. The council shall be comprised of up to twenty-five members,  
4 the number to be determined under the council bylaws.

5 2. The members of the council shall be appointed by the director. Members shall serve  
6 for overlapping terms of three years each. The members of the existing council appointed under  
7 the provisions of the executive order shall serve the remainder of their appointed terms. At the  
8 expiration of the term of each such member, the director shall appoint an individual who shall  
9 hold office for a term of three years. Each member shall hold office until a successor has been  
10 appointed. Members shall have professional, research or personal interest in the prevention,  
11 evaluation, care, treatment and rehabilitation of persons affected by mental disorders and mental  
12 illness. The council shall include representatives from the following:

13 (1) Nongovernment organization or groups and state agencies concerned with the  
14 planning, operation or use of comprehensive psychiatric services;

15 (2) Representatives of consumers and providers of comprehensive psychiatric services  
16 who are familiar with the need for such services. At least one-half of the members shall be  
17 consumers. No more than one-fourth of the members shall be vendors or members of boards of  
18 directors, employees or officers of vendors, or any of their spouses, if such vendors receive more  
19 than fifteen hundred dollars under contract with the department; except that members of boards  
20 of directors of not-for-profit corporations shall not be considered members of board of directors  
21 of vendors under this subsection.

22 3. A vacancy occurring on the council shall be filled by appointment of the director.

23 4. Meetings shall be held at least every ninety days at the call of the division director or  
24 the council chairman, who shall be elected by the council.

25 5. Each member shall be reimbursed for reasonable and necessary expenses, including  
26 travel expenses pursuant to the travel regulations for employees of the department, actually  
27 incurred in the performance of his official duties.

28 6. The council may be divided into subcouncils in accordance with its bylaws. The  
29 council shall study, plan and make recommendations on the prevention, evaluation, care,  
30 treatment, rehabilitation, housing and facilities for persons affected by mental disorders and  
31 mental illness.

32           7. No member of a state advisory council may participate in or seek to influence a  
33 decision or vote of the council if the member would be directly involved with the matter or [if  
34 he] would derive income from it. A violation of the prohibition contained herein shall be  
35 grounds for a person to be removed as a member of the council by the director.

36           8. The council shall collaborate with the department in developing and administering a  
37 state plan for comprehensive psychiatric services. The council shall be advisory and shall:

38           (1) Promote meetings and programs for the discussion of reducing the debilitating effects  
39 of mental disorders and mental illness and disseminate information in cooperation with any other  
40 department, agency or entity on the prevention, evaluation, care, treatment and rehabilitation for  
41 persons affected by mental disorders or mental illness;

42           (2) Study and review current prevention, evaluation, care, treatment and rehabilitation  
43 technologies and recommend appropriate preparation, training, retraining and distribution of  
44 manpower and resources in the provision of services to persons affected by mental disorders or  
45 mental illness through private and public residential facilities, day programs and other  
46 specialized services;

47           (3) Recommend what specific methods, means and procedures should be adopted to  
48 improve and upgrade the department comprehensive psychiatric service delivery system for  
49 citizens of this state;

50           (4) Participate in developing and disseminating criteria and standards to qualify  
51 comprehensive psychiatric service residential facilities, day programs and other specialized  
52 services in this state for funding or licensing, or both, by the department;

53           **(5) Develop goals and objectives for suicide prevention, provide oversight for**  
54 **suicide prevention activities, and make information on suicide and mental health**  
55 **intervention models available to community groups implementing suicide prevention**  
56 **programs.**

660.010. 1. There is hereby created a "Department of Social Services" in charge of a  
2 director appointed by the governor, by and with the advice and consent of the senate. All the  
3 powers, duties and functions of the director of the department of public health and welfare,  
4 chapters 191 and 192, RSMo and others, not previously reassigned by executive reorganization  
5 plan number 2 of 1973 as submitted by the governor under chapter 26, RSMo, except those  
6 assigned to the department of mental health, are transferred by type I transfer to the director of  
7 the department of social services and the office of the director, department of public health and  
8 welfare is abolished. The department of public health and welfare is abolished. All employees  
9 of the department of social services shall be covered by the provisions of chapter 36, RSMo,  
10 except the director of the department and his secretary, all division directors and their secretaries,

11 and no more than three additional positions in each division which may be designated by the  
12 division director.

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

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

27         4. [All the powers, duties and functions of the board of nursing home administrators,  
28 chapter 344, RSMo, are transferred by type I transfer to the department of social services. The  
29 public members of the board shall be appointed by the director of the department.

30         5.] The state's responsibility under public law 452 of the eighty-eighth Congress and  
31 others, pertaining to the Office of Economic Opportunity, is transferred by type I transfer to the  
32 department of social services.

33         [6.] 5. The state's responsibility under public law 73, Older Americans Act of 1965, of  
34 the eighty-ninth Congress is transferred by type I transfer to the department of social services.

35         [7.] 6. All the powers, duties and functions vested by law in the curators of the  
36 University of Missouri relating to crippled children's services, chapter 201, RSMo, are  
37 transferred by type I transfer to the department of social services.

38         [8.] 7. All the powers, duties and functions vested in the state board of training schools,  
39 chapter 219, RSMo, and others, are transferred by type I transfer to the "Division of Youth  
40 Services" hereby authorized in the department of social services headed by a director appointed  
41 by the director of the department. The state board of training schools shall be reconstituted as  
42 an advisory board on youth services, appointed by the director of the department. The advisory  
43 board shall visit each facility of the division as often as possible, shall file a written report with  
44 the director of the department and the governor on conditions they observed relating to the care  
45 and rehabilitative efforts in behalf of children assigned to the facility, the security of the facility  
46 and any other matters pertinent in their judgment. Copies of these reports shall be filed with the

47 legislative library. Members of the advisory board shall receive reimbursement for their  
48 expenses and twenty-five dollars a day for each day they engage in official business relating to  
49 their duties. The members of the board shall be provided with identification means by the  
50 director of the division permitting immediate access to all facilities enabling them to make  
51 unannounced entrance to facilities they wish to inspect.

**Section 1. Any board, commission, council, committee, or joint committee of this  
2 state created prior to March 17, 2010, that has not met prior to March 17, 2010, shall cease  
3 to exist on August 28, 2010.**

2 [21.475. 1. Because wetlands are a vital natural resource and wetland  
3 conversion is of vital interest to Missouri farmers, conservationists, and  
4 landowners, for oversight of various activities of the department of natural  
5 resources and other agencies, the senate and the house of representatives shall  
6 establish a "Joint Committee on Wetlands", composed of five members of the  
7 senate, appointed by the president pro tem of the senate, and five members of the  
8 house of representatives, appointed by the speaker of the house. Not more than  
9 three members appointed by the president pro tem and not more than three  
10 members appointed by the speaker of the house shall be from the same political  
11 party. Any state department or agency except the department of conservation and  
12 the department of transportation shall obtain the approval of the joint committee  
13 on wetlands prior to entering into a contract with any entity of the government or  
14 any private entity to conduct any activity relating to the definition, preservation  
15 or restoration of wetlands. Each department, division and agency of state  
16 government shall provide any information relating to the state's wetlands to the  
17 joint committee on wetlands upon request of the committee.

18 2. The committee may hold hearings and conduct investigations within  
19 the state as it deems advisable, and the members shall receive no additional  
20 compensation, other than reimbursement for their actual and necessary expenses  
21 incurred in the performance of their duties. The staff of the committee on  
22 legislative research, house research, and senate research shall provide necessary  
23 clerical, research, fiscal and legal services to the committee, as the committee  
24 may request.]

2 [21.780. Every ten years after August 28, 1997, a review of county  
3 salaries shall be made by the general assembly. A committee consisting of three  
4 members of the house of representatives appointed by the speaker and three  
5 members of the senate appointed by the president pro tem shall carry out the  
6 review. The committee shall complete its review by December thirty-first of the  
7 year in which the committee is appointed. Legislation to revise the then existing  
8 salary schedules may be filed at the next following session of the general  
9 assembly.]

2 [26.600. Sections 26.600 to 26.614 shall be known and may be cited as  
the "Missouri Community Service Act".]

3 [26.603. As used in sections 26.600 to 26.614, the following terms mean:  
2 (1) "Act", the national and community service act of 1990, as amended;  
3 (2) "Commission", the Missouri community service commission created  
4 by sections 26.600 to 26.614;  
5 (3) "Community service programs", the performance of tasks designed  
6 primarily to address educational, public safety, human, or environmental needs  
7 at a local, regional, state, or multistate level;  
8 (4) "Corporation", the corporation for national and community service  
9 authorized by the act;  
10 (5) "National service position", a placement in a community service  
11 program whereby an individual may earn an educational award, as authorized by  
12 the act;  
13 (6) "National service laws", the act and other federal legislation that  
14 authorizes or may authorize community service activities in states.]  
15

2 [26.605. 1. There is hereby created and established within the office of  
the governor "The Missouri Community Service Commission". The governor  
3 may, by executive order, assign this commission to the office of any executive  
4 department or statewide elected official.

5 2. The commission is established to make community service the  
6 common expectation and experience of all Missourians with a special  
7 concentration on Missouri's young people. The commission shall focus its efforts  
8 primarily on issues related to education, public safety, human needs and the  
9 environment.

10 3. The commission shall work to renew the ethic of civic responsibility  
11 in Missouri and to involve and enroll citizens in service opportunities that benefit  
12 Missouri while offering citizens skills that can be used to further their own plans  
13 for education, for a career, or for continuing community services. The  
14 commission shall build on the existing organizational framework of state, local  
15 and community-based programs and agencies to expand full-time and part-time  
16 service opportunities for all citizens, but particularly Missouri's youth.]  
17

2 [26.607. 1. The commission shall include at least fifteen but no more  
than twenty-five voting members appointed by the governor, with the advice and  
3 consent of the senate. The commission shall include the following voting  
4 members:

5 (1) A representative of local government;  
6 (2) The commissioner of the department of elementary and secondary  
7 education or the designee of such person;

8 (3) An individual with experience in promoting the involvement of older  
9 adults in service and volunteerism;

10 (4) A representative of a national service program;

11 (5) An individual with expertise in the educational, training and  
12 development needs of youth, particularly disadvantaged youth;

13 (6) An individual between the ages of sixteen and twenty-five years who  
14 is a participant in or supervisor of a service program for school age youth, or a  
15 campus-based or national service program;

16 (7) A representative of community-based agencies or organizations in the  
17 state;

18 (8) A representative of labor organizations;

19 (9) A member representing the business community;

20 (10) The lieutenant governor or his or her designee;

21 (11) A representative from the Corporation for National and Community  
22 Service, who shall serve as a nonvoting, ex officio member;

23 (12) Other members, at the discretion of and appointed by the governor,  
24 provided that there are at least fifteen but not more than twenty-five voting  
25 members, and provided that no more than twenty-five percent of the voting  
26 members are officers or employees of the state, and provided further that not  
27 more than fifty percent plus one of the voting members of the commission are  
28 members of the same political party;

29 (13) The governor may appoint any number of other nonvoting, ex  
30 officio members who shall serve at the pleasure of the governor.

31 2. Appointments to the commission shall reflect the race, ethnicity, age,  
32 gender and disability characteristics of the population of the state as a whole.

33 3. Voting members shall serve renewable terms of three years, except that  
34 of the first members appointed, one-third shall serve for a term of one year,  
35 one-third shall serve for a term of two years, and one-third shall serve for a term  
36 of three years. If a commission vacancy occurs, the governor shall appoint a new  
37 member to serve for the remainder of the unexpired term. Vacancies shall not  
38 affect the power of the remaining members to execute the commission's duties

39 4. The members of the commission shall receive no compensation for  
40 their services on the commission, but shall be reimbursed for ordinary and  
41 necessary expenses incurred in the performance of their duties.

42 5. The voting members of the commission shall elect one of their  
43 members to serve as chairperson of the commission. The voting members may  
44 elect such other officers as deemed necessary.

45 6. The commission shall meet at least quarterly.]

46 [26.609. 1. The commission shall have the following powers and duties:

2 (1) To ensure that its funding decisions meet all federal and state  
3 statutory requirements;

4 (2) To prepare for this state an annual national service plan that follows  
5 state and federal guidelines;

6 (3) To recommend innovative statewide service programs to increase  
7 volunteer participation and community-based problem solving by all age groups  
8 and among diverse participants;

9 (4) To utilize local, state and federal resources to initiate, strengthen and  
10 expand quality service programs;

11 (5) To promote interagency collaboration to maximize resources and  
12 develop a model of such collaboration on the state level;

13 (6) To oversee the application process to apply for corporation grants and  
14 funds, and for approval of service positions;

15 (7) To establish priorities, policies and procedures for the use of funds  
16 received under national service laws and for funds deposited into the community  
17 service commission fund established in section 26.614;

18 (8) To provide technical assistance for applicants to plan and implement  
19 service programs and to apply for assistance under the national service laws;

20 (9) To solicit and accept gifts, contributions, grants, bequests or other aid  
21 from any person, business, organization or foundation, public or private and from  
22 federal, state or local government or any agency of federal, state or local  
23 government.

24 2. The commission shall have other powers and duties in addition to  
25 those listed in subsection 1 of this section, including:

26 (1) To utilize staff within the office of the governor, the office of a  
27 designated statewide elected official or other executive departments as needed for  
28 this purpose; and

29 (2) To enter into contracts with individuals, organizations and institutions  
30 within amounts available for this purpose.]  
31

2 [26.611. 1. All state agencies, the University of Missouri extension  
3 system, and any unit of local government, including school districts, may share  
4 information and cooperate with the commission to enable it to perform the  
5 functions assigned to it by state and federal law.

6 2. Any state agency that operates or plans to establish a community  
7 service program may coordinate its efforts with the commission.]

2 [26.614. 1. There is hereby created in the state treasury the "Community  
3 Service Commission Fund". The state treasurer shall deposit to the credit of the  
4 fund all moneys which may be appropriated to it by the general assembly and also  
5 any gifts, contributions, grants, bequests or other aid received from federal,  
6 private or other sources. The general assembly may appropriate moneys into the  
7 fund for the support of the commission and its activities. Notwithstanding the  
8 provisions of section 33.080, RSMo, to the contrary, moneys in the fund shall not  
revert to the credit of the general revenue fund at the end of the biennium.

9           2. The commission shall submit an annual report of its activities to the  
10 speaker of the house of representatives, the president pro tem of the senate, and  
11 the governor before January thirty-first of each year.]  
12

2           [32.250. There is hereby established the "Multistate Tax Compact  
3 Advisory Committee" composed of the member of the multistate tax commission  
4 representing this state, any alternate designated by him, the attorney general or  
5 his designee, and two members of the senate, appointed by the president pro tem  
6 thereof and two members of the house of representatives, appointed by the  
7 speaker thereof. The chairman shall be the member of the commission  
8 representing this state. The committee shall meet on the call of its chairman or  
9 at the request of a majority of its members, but in any event it shall meet not less  
10 than three times in each year. The committee may consider any and all matters  
11 relating to recommendations of the multistate tax commission and the activities  
12 of the members in representing this state thereon.]

2           [32.260. The multistate tax compact advisory committee may employ  
3 counsel to represent it or to act for it, and may fix his compensation within the  
4 limits of funds appropriated to the committee.]

2           [192.350. 1. There is hereby established within the department of health  
3 and senior services the "Missouri State Advisory Council on Pain and Symptom  
4 Management". The council shall consist of nineteen members that are residents  
5 of this state. The members of the council shall include:

6           (1) The director of the department of health and senior services, or the  
7 director's designee, who shall serve as chair of the council;

8           (2) The state attorney general, or the attorney general's designee;

9           (3) Two members of the senate, appointed by the president pro tempore  
10 of the senate;

11           (4) Two members of the house of representatives, appointed by the  
12 speaker of the house of representatives;

13           (5) One physician, appointed by the Missouri state board of registration  
14 for the healing arts, that is certified and accredited in pain management;

15           (6) One physician, appointed by the Missouri state board of registration  
16 for the healing arts, that is certified and accredited in palliative care;

17           (7) Two registered nurses, appointed by the Missouri board of nursing,  
18 with expertise in hospice, oncology, long-term care, or pain and symptom  
19 management and are certified by the National Board for Certification of Hospice  
20 and Palliative Nurses;

21           (8) One dentist, appointed by the Missouri board of dentistry, with  
22 training in pain and symptom management and is associated with the education  
and training of dental students;



(9) One pharmacist, appointed by the Missouri board of pharmacy, with training in pain and symptom management and is associated with the education and training of pharmacists;

(10) One representative of the Pharmaceutical Research and Manufacturers of America, appointed by the governor, with the advice and consent of the senate;

(11) One mental health services provider, appointed by the governor, with the advice and consent of the senate;

(12) One physician assistant, appointed by the Missouri advisory commission for physician assistants, with training in pain and symptom management;

(13) One chiropractic physician, appointed by the Missouri state board of chiropractic examiners, with training in pain and symptom management;

(14) One physical therapist, appointed by the Missouri Physical Therapy Association, that specializes in pain management;

(15) One advocate representing voluntary health organizations or advocacy groups with an interest in pain management, appointed by the governor, with the advice and consent of the senate; and

(16) One member who has been diagnosed with chronic pain, appointed by the governor, with the advice and consent of the senate.

2. Members of the council shall be appointed by February 1, 2004. Of the members first appointed to the council, seven members shall serve a term of two years, and eight members shall serve a term of one year, and thereafter, members shall serve a term of two years. Members shall continue to serve until their successor is duly appointed and qualified. Any vacancy on the council shall be filled in the same manner as the original appointment.]

[192.352. 1. Members shall serve without compensation but shall, subject to appropriations, be reimbursed for reasonable and necessary expenses actually incurred in the performance of the member's official duties.

2. The department of health and senior services with existing resources shall provide administrative support and current staff as necessary for the effective operation of the council.]

[192.355. 1. Meetings shall be held at least every ninety days or at the call of the council chair.

2. The advisory council shall:

(1) Hold public hearings pursuant to chapter 536, RSMo, to gather information from the general public on issues pertaining to pain and symptom management;

(2) Make recommendations on acute and chronic pain management treatment practices;

(3) Analyze statutes, rules, and regulations regarding pain management;

(4) Study the use of alternative therapies regarding pain and symptom management and any sanctions imposed;

(5) Review the acute and chronic pain management education provided by professional licensing boards of this state;

(6) Examine the needs of adults, children, the terminally ill, racial and ethnic minorities, and medically underserved populations that have acute and chronic pain;

(7) Make recommendations on integrating pain and symptom management into the customary practice of health care professionals;

(8) Identify the roles and responsibilities of health care professionals in pain and symptom management;

(9) Make recommendations on the duration and content of continuing education requirements for pain and symptom management;

(10) Review guidelines on pain and symptom management issued by the United States Department of Health and Human Services;

(11) Provide an annual report on the activities of the council to the director of the department of health and senior services, the speaker of the house of representatives, the president pro tempore of the senate, and the governor by February first of every year. Such report shall include, but not be limited to the following:

(a) Issues and recommendations developed by the council;

(b) Pain management educational curricula and continuing education requirements for institutions providing health care education;

(c) Information regarding the impact and effectiveness of prior recommendations, if any, that have been implemented; and

(d) Review of current policies regarding pain and symptom management and any changes thereto occurring in pain and symptom management.

3. The department of health and senior services may accept on behalf of the council any federal funds, gifts, and donations from individuals, private organizations, and foundations, and any other funds that may become available.]

[208.195. The director of the division of family services shall appoint an advisory committee to provide professional and technical consultation in respect to the medical care aspects for public assistance recipients as set out in this chapter. The committee shall consist of twenty members, including the chairman of the senate committee of public health and welfare and chairman of the house of representatives committee of Social Security, and a minority member of each committee and at least three physicians licensed to practice in this state. The others shall be persons interested in hospital administration, nursing home administration, nursing, dentistry, optometry and pharmaceuticals. The members of the advisory committee shall receive no compensation for their services other than expenses actually incurred in the performance of their official duties.]

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

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

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

(3) "Racial minority group":

(a) Blacks or African Americans;

(b) Native Americans;

(c) Hispanics;

(d) Asian Americans; and

(e) Other similar racial minority groups.]

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

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

(2) The directors of the office of minority health and the division of aging who shall serve as cochair of the commission;

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

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

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

(6) Ten individuals appointed by the governor with the advice and consent of the senate who are currently working in the field of minority elderly health, psychological or social problems who have demonstrated expertise in one or more of the following areas: treatment of cardiovascular, cancer and diabetic conditions; nutrition; community-based health services; legal services; elderly consumer advocacy; gerontology or geriatrics; social work and other related services including housing. At least two of the individuals appointed by the governor shall be minority older individuals. The members appointed by the governor shall be residents of Missouri. Any vacancy on the commission shall be filled in the same manner as the original appointment.

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

31           3. Members of the commission shall not be compensated for their  
32 services, but shall be reimbursed for actual and necessary expenses incurred in  
33 the performance of their duties. The office of administration and the departments  
34 of health and senior services, mental health and social services shall provide such  
35 support as the commission requires to aid it in the performance of its duties.]  
36

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

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

9           (a) Contain an overview of the special health, psychological and social  
10 needs of minority older Missourians with particular attention to low-income  
11 minority older individuals;

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

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

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

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

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

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

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

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

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

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

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

35           (3) Conduct an outreach program that provides information to minority  
36 older Missourians about health, psychological and social problems experienced

by minority older individuals and available programs to address those problems, as identified in the report prepared pursuant to this section.]

[208.792. 1. There is hereby established the "Missouri Rx Plan Advisory Commission" within the department of social services to provide advice on the benefit design and operational policy of the Missouri Rx plan established in sections 208.782 to 208.798. The commission shall consist of the following fifteen members:

(1) The lieutenant governor, in his or her capacity as advocate for senior citizens;

(2) Two members of the senate, with one member from the majority party appointed by the president pro tem of the senate and one member of the minority party appointed by the president pro tem of the senate with the concurrence of the minority floor leader of the senate;

(3) Two members of the house of representatives, with one member from the majority party appointed by the speaker of the house of representatives and one member of the minority party appointed by the speaker of the house of representatives with the concurrence of the minority floor leader of the house of representatives;

(4) The director of the division of medical services in the department of social services;

(5) The director of the division of senior and disability services in the department of health and senior services;

(6) The chairperson of the governor's commission on special health, psychological and social needs of minority older individuals;

(7) The following four members appointed by the governor, with the advice and consent of the senate:

(a) A licensed pharmacist;

(b) A licensed physician;

(c) A representative from a senior advocacy group; and

(d) A representative from an area agency on aging;

(8) A representative from the pharmaceutical manufacturers industry as a nonvoting member appointed by the president pro tem of the senate and the speaker of the house of representatives;

(9) One public member appointed by the president pro tem of the senate; and

(10) One public member appointed by the speaker of the house of representatives. In making the initial appointment to the committee, the governor, president pro tem, and speaker shall stagger the terms of the appointees so that four members serve initial terms of two years, four members serve initial terms of three years, four members serve initial terms of four years, and one member serves an initial term of one year. All members appointed thereafter shall serve three-year terms. All members shall be eligible for reappointment.

41 The commission shall elect a chair and may employ an executive director and  
42 such professional, clerical, and research personnel as may be necessary to assist  
43 in the performance of the commission's duties.

44 2. Recognizing the unique medical needs of the senior African-American  
45 population, the president pro tem of the senate, speaker of the house of  
46 representatives, and governor will collaborate to ensure that there is adequate  
47 minority representation among legislative members and other members of the  
48 commission.

49 3. The commission:

50 (1) May provide advice on guidelines, policies, and procedures necessary  
51 to establish the Missouri Rx plan;

52 (2) Shall educate Missouri residents on quality prescription drug  
53 programs and cost-containment strategies in medication therapy;

54 (3) Shall assist Missouri residents in enrolling or accessing prescription  
55 drug assistance programs for which they are eligible; and

56 (4) Shall hold quarterly meetings and other meetings as deemed  
57 necessary.

58 4. The members of the commission shall receive no compensation for  
59 their service on the commission, but shall be reimbursed for ordinary and  
60 necessary expenses incurred in the performance of their duties as a member of the  
61 commission.]  
62

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  
be needed.

22           3. The members of the commission shall not receive any compensation  
23 for their services, but shall be reimbursed for their actual and necessary expenses,  
24 excluding travel expenses, incurred within the state of Missouri in the  
25 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           [260.725. 1. There is hereby created within the department of natural  
3 resources the "Low-level Radioactive Waste Compact Advisory Committee".  
4 The committee shall consist of one representative of an institution of higher  
5 education, one representative of the general public, one representative of  
6 industry, one representative of a medical field, one member of the Missouri house  
7 of representatives, one member of the Missouri senate and Missouri's member on  
8 the midwest low-level radioactive waste compact commission. If Missouri is  
9 designated a host state for a regional disposal facility, the advisory committee  
10 shall be expanded to include a representative from the host county. Each member  
11 shall be appointed by the governor with the advice and consent of the senate,  
12 except that the member from the Missouri house of representatives shall be  
13 appointed by the speaker of the house and the member from the Missouri senate  
14 shall be appointed by the president pro tempore of the senate. Any representative  
15 of a host county shall be nominated by the county court of the host county and  
16 appointed by the governor. Each member shall serve for a term of four years  
17 with the first members' appointments staggered so that all members' terms do not  
18 expire simultaneously.

18           2. The advisory committee shall:

19           (1) Act in an advisory capacity to Missouri's member on the commission;

20           (2) Meet as necessary, but at least twice yearly, to review activities of the  
21 commission and midwest interstate low-level radioactive waste compact states;  
22 and

23           (3) Present recommendations in writing to the governor and the general  
24 assembly as requested or as necessary to insure adequate exchange of  
25 information.]  
26

2 [286.200. 1. The "Governor's Committee on Employment of People with  
3 Disabilities" will hereafter be known as the "Governor's Council on Disability"  
4 and is hereby assigned to the department of labor and industrial relations.

5 2. The council shall consist of a chairperson, twenty members and an  
6 executive director.

7 3. The chairperson shall be appointed by the governor with the advice  
8 and consent of the senate. The members of the council shall be appointed by the  
9 governor. Recruitment and appointment of members to the council shall provide  
10 for representation of various ethnic, age, gender and physical and mental  
11 disability groups.

12 4. (1) The nine members of the governor's committee on the employment  
13 of people with disabilities whose terms of office expire in October of 1995 and  
14 the four members of the governor's committee on the employment of people with  
15 disabilities whose terms of office expire in October of 1997 shall be deemed  
16 members of the council on disability. Of the ten members of the committee on  
17 the employment of people with disabilities whose terms of office expired in  
18 October of 1993 and any vacancies on the committee on the employment of  
19 people with disabilities, only seven shall be appointed to the council;

20 (2) The terms of office for the chairperson and the seven council  
21 members first appointed after August 28, 1994, shall be as follows:

22 (a) The term of office for one of the initial new council members shall  
23 expire in October of 1995;

24 (b) The terms of office for the chairperson and the other six initial  
25 council members shall expire in October of 1997, so that one-half of the members  
26 of the council may be chosen every second year.

27 5. The funds necessary for the executive director and such other  
28 personnel as necessary shall be appropriated through the department of labor and  
29 industrial relations. The executive director shall serve under the supervision of  
30 the committee chairman. The executive director shall be exempted from the state  
31 merit system.

32 6. All successor members shall be appointed for four-year terms.  
33 Vacancies occurring in the membership of the council for any reason shall be  
34 filled by appointment by the governor for the unexpired term. Upon expiration  
35 of their terms, members of the council shall continue to hold office until the  
36 appointment and qualification of their successors. No person shall be appointed  
37 for more than two consecutive terms, except that a person appointed to fill a  
38 vacancy may serve for two additional successive terms. The governor may  
39 remove a member for cause.

40 7. Members of the council shall be chosen to meet the following criteria:

41 (1) The majority of the council shall be comprised of people with  
42 disabilities, representing the various disability groups. The remaining positions  
43 shall be filled by family members of people with disabilities, persons who  
represent other disability-related groups, and other advocates. A person



44 considered to have a disability shall meet the federal definition of disability as  
45 defined by P.L. 101-336;

46 (2) The council shall include at least one member from each  
47 congressional district;

48 (3) Members of the council shall be knowledgeable about  
49 disability-related issues and have demonstrated a commitment to full  
50 participation of people with disabilities in all aspects of community life.

51 8. The chairperson of the council shall serve without compensation but  
52 shall be reimbursed for actual and necessary travel and other expenses incurred  
53 in the performance of the duties as chairperson of the council on disability. The  
54 members of the council shall serve without compensation but may be reimbursed  
55 for their actual and necessary expenses incurred in attending all meetings  
56 provided for by sections 286.200 to 286.210.

57 9. The council shall meet at least once each calendar quarter to conduct  
58 its business. The executive director shall give written notice by mail to each  
59 member of the time and place of each meeting of the council at least ten days  
60 before the scheduled date of the meetings, and notice of any special meetings  
61 shall state the specific matters to be considered in the special meeting which is  
62 not a regular quarterly meeting.

63 10. The chairperson, with the advice and consent of the council, shall  
64 appoint an executive director who shall serve as a nonvoting member and  
65 executive officer of the council. The executive director shall serve under the  
66 supervision of the chairperson of the council. The executive director shall be a  
67 person who is knowledgeable about disability-related issues and has  
68 demonstrated a commitment to full participation of people with disabilities in all  
69 aspects of community life.

70 11. All information, documents, records and contracts of the committee  
71 on employment of people with disabilities shall become those of the council on  
72 disability.

73 12. The director of each state department shall designate at least one  
74 employee who shall act as a liaison with the council.]  
75

[286.205. The governor's council on disability shall:

2 (1) Act in an advisory capacity to all state agencies and have direct input  
3 to all divisions of the office of administration on policies and practices which  
4 impact people with disabilities. Input shall include policies and practices  
5 affecting personnel, purchasing, design and construction of new facilities,  
6 facilities management, budget and planning and general services. In the  
7 administration of its duties, the governor's council on disability in cooperation  
8 with the office of administration shall offer technical assistance to help all  
9 departments, divisions and branches of state government comply with applicable  
10 state and federal law regarding persons with disabilities;

(2) Work and cooperate with other state commissions, councils or committees pertaining to disabilities and other national, state and local entities to create public policies and encourage system changes which eliminate barriers to people with disabilities;

(3) Advocate for public policies and practices which:  
(a) Promote employment of people with disabilities;  
(b) Expand opportunities in all aspects of life; and  
(c) Promote awareness of and compliance with various federal, state and local laws dealing with disabilities;

(4) Gather input from disability-related organizations and the public on disability-related issues and report the results of this information in council reports to the governor;

(5) Accept grants, private gifts, and bequests, to be used to achieve the purposes of sections 286.200 to 286.210;

(6) Promulgate those bylaws necessary for the efficient operation of the council;

(7) Prepare an annual report to be presented to the governor not later than January first of each year.]

[286.210. The governor's council on disability may receive funds and property by gift, devise, bequest or otherwise and may solicit funds to be used in carrying out the purposes of sections 286.200 to 286.210.]

[302.136. The director shall by regulation establish the "Motorcycle Safety Program Advisory Committee" to assist in the development and implementation of the program. The committee shall consist of seven members and shall include members representing the motoring public, motorcycle dealerships, motorcycle instructors, law enforcement agencies, the motorcycle safety education program, and the department of public safety. Beginning on August 28, 1999, the governor shall appoint the members of the committee for terms of three years; except those first appointed by the governor, two shall be for terms of one year, two shall be for terms of two years and three shall be for terms of three years. The committee shall appoint a chairman and meet at least two times per year. Members shall serve without compensation, but may be reimbursed for their reasonable expenses incurred in the performance of their duties.]

[369.304. The procedure in all hearings before the director of the division of finance shall be governed by, and conducted under, the provisions of chapter 536, RSMo. The director may grant a hearing on any matter but shall be required to do so only where so directed in sections 369.010 to 369.369. Unless otherwise specifically provided by sections 369.010 to 369.369, any person who deems himself or herself aggrieved by any decision, order, or action of the director may

7 appeal such decision and may receive a hearing before the state savings and loan  
8 commission as provided in section 369.319. All decisions of the director shall  
9 be final if not appealed to the commission as provided in section 369.319.]

10 [369.309. 1. There is created in the division of finance a "State Savings  
2 and Loan Commission" which shall have such powers and duties as are now or  
3 hereafter conferred upon it by law.

4 2. The commission shall consist of five members who shall be appointed  
5 by the governor. They shall be residents of this state, and one of them shall be  
6 a member of the Missouri Bar in good standing. The other members of the  
7 commission shall each have had at least five years' experience in this state as an  
8 officer or director of one or more associations. Not more than three members of  
9 the commission shall be members of the same political party.

10 3. The term of office of each member of the commission shall be six  
11 years. Members shall serve until their successors are duly appointed and have  
12 qualified. Each member of the state savings and loan commission shall serve for  
13 the remainder of the term for which the member was appointed to the  
14 commission. The commission shall select its own chairman and secretary.  
15 Vacancies in the commission shall be filled for the unexpired term in the same  
16 manner as in the case of an original appointment.

17 4. The members of the commission shall receive as compensation the  
18 sum of fifty dollars per day while discharging their duties, and they shall be  
19 reimbursed for their actual and necessary expenses incurred in the performance  
20 of their duties.

21 5. A majority of the members of the commission shall constitute a  
22 quorum and the decision of a majority of a quorum shall be the decision of the  
23 commission. The commission shall meet upon call of its chairman, or of the  
24 director of the division of finance, or of any two members of the commission, and  
25 may meet at any place in this state.]

26 [369.319. An appeal shall be perfected by filing with the director of the  
2 division of finance within fifteen days after notice of the director's decision is  
3 mailed, a notice of appeal stating the name of the appealing party and the order  
4 or decision appealed from. The director shall mail copies thereof to all interested  
5 parties. Upon any such hearing the transcript of the proceedings before the  
6 director or, if the decision appealed from was made without a hearing, all  
7 writings used or considered by the director in making such decision, shall be  
8 considered by the commission and the commission may take evidence, the taking  
9 of such evidence to be limited to newly discovered evidence in those appeals in  
10 which there was a hearing before the director and to be governed by the  
11 provisions of chapter 536, RSMo. The review by the commission shall be similar  
12 to that provided in appeals in equity cases in the courts of this state. Decisions  
13 shall be made as provided in chapter 536, RSMo. The costs on appeal shall

14 include the per diem compensation of the members of the commission and all  
15 such costs may be assessed against parties other than the director as may be  
16 determined by the commission. At least fifteen days' notice of the hearing shall  
17 be given to all persons interested in the matter appealed from and to the director.]  
18

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 [622.057. The transportation development commission shall study the  
3 implementation of the provisions of sections 622.010 to 622.059 and section  
4 680.307, RSMo, and shall make recommendations therefor to the motor carrier  
5 and railroad safety division and the department director. It shall also consider  
6 any other appropriate matter relating to the operation of the motor carrier and  
7 railroad safety division and the development and regulation of transportation  
8 activities within this state. It shall consider the need for new or changed laws or  
9 regulations relating to the development and regulation of transportation activities,  
10 and shall from time to time make recommendations to the governor and the  
11 general assembly in connection therewith to the end that the development of  
12 transportation entities and facilities will enhance the economic development of  
13 the state.]

2 [630.910. 1. There is hereby created within the department of mental  
3 health the "Suicide Prevention Advisory Committee" to be comprised of the  
4 following eighteen members:

5 (1) Six representatives from each of the following state departments:  
6 mental health, health and senior services, social services, elementary and  
7 secondary education, corrections, and higher education;

8 (2) Ten citizen members representing suicide survivors, the criminal  
justice system, the business community, clergy, schools, youth, mental health

9 professionals, health care providers, nonprofit organizations, and a researcher to  
10 be appointed by the governor;

11 (3) One member from the house of representatives to be appointed by the  
12 speaker of the house of representatives; and

13 (4) One member of the senate to be appointed by the president pro tem  
14 of the senate.

15 2. The initial appointments to the advisory committee shall be made by  
16 October 1, 2005. The initial ten members appointed under subdivision (2) of  
17 subsection 1 of this section shall be appointed as follows: four members shall be  
18 appointed for a four-year term, three members shall be appointed for a three-year  
19 term, and three members shall be appointed for a two-year term.

20 3. The first meeting of the advisory committee shall be scheduled by the  
21 director of the department of mental health and held on or before December 1,  
22 2005. The committee shall meet at least quarterly thereafter. The director of the  
23 department of mental health, or the director's designee, shall be the chair of the  
24 advisory committee. Each of the departments listed in subdivision (1) of  
25 subsection 1 of this section shall provide staff and technical support for the  
26 advisory committee.

27 4. The advisory committee shall:

28 (1) Provide oversight, technical support, and outcome promotion for  
29 prevention activities;

30 (2) Develop annual goals and objectives for ongoing suicide prevention  
31 efforts;

32 (3) Make information on prevention and mental health intervention  
33 models available to community groups implementing suicide prevention  
34 programs;

35 (4) Promote the use of outcome methods that will allow comparison and  
36 evaluation of the efficacy, effectiveness, cultural competence, and  
37 cost-effectiveness of plan-supported interventions, including making specific  
38 recording and monitoring instruments available for plan-supported projects;

39 (5) Review and recommend changes to existing or proposed statutes,  
40 rules, and policies to prevent suicides; and

41 (6) Coordinate and issue a biannual report on suicide and suicidal  
42 behaviors in the state using information drawn from federal, state, and local  
43 sources.

44 5. Members of the committee shall serve without compensation but the  
45 ten citizen members may be reimbursed for any actual expenses incurred in the  
46 performance of their duties as members of the advisory committee.]

47

2 [701.302. 1. There is hereby established the "Advisory Committee on  
3 Lead Poisoning". The members of the committee shall consist of twenty-seven  
4 persons who shall be appointed by the governor with the advice and consent of  
the senate, except as otherwise provided in this subsection. At least five of the

5 members of the committee shall be African-Americans or representatives of other  
6 minority groups disproportionately affected by lead poisoning. The members of  
7 the committee shall include:

8 (1) The director of the department of health and senior services or the  
9 director's designee, who shall serve as an ex officio member;

10 (2) The director of the department of economic development or the  
11 director's designee, who shall serve as an ex officio member;

12 (3) The director of the department of natural resources or the director's  
13 designee, who shall serve as an ex officio member;

14 (4) The director of the department of social services or the director's  
15 designee, who shall serve as an ex officio member;

16 (5) The director of the department of labor and industrial relations or the  
17 director's designee, who shall serve as an ex officio member;

18 (6) One member of the senate, appointed by the president pro tempore  
19 of the senate, and one member of the house of representatives, appointed by the  
20 speaker of the house of representatives;

21 (7) A representative of the office of the attorney general, who shall serve  
22 as an ex officio member;

23 (8) A member of a city council, county commission or other local  
24 governmental entity;

25 (9) A representative of a community housing organization;

26 (10) A representative of property owners;

27 (11) A representative of the real estate industry;

28 (12) One representative of an appropriate public interest organization and  
29 one representative of a local public health agency promoting environmental  
30 health and advocating protection of children's health;

31 (13) A representative of the lead industry;

32 (14) A representative of the insurance industry;

33 (15) A representative of the banking industry;

34 (16) A parent of a currently or previously lead-poisoned child;

35 (17) A representative of the school boards association or an employee of  
36 the department of elementary and secondary education, selected by the  
37 commissioner of elementary and secondary education;

38 (18) Two representatives of the lead abatement industry, including one  
39 licensed lead abatement contractor and one licensed lead abatement worker;

40 (19) A physician licensed under chapter 334, RSMo;

41 (20) A representative of a lead testing laboratory;

42 (21) A lead inspector or risk assessor;

43 (22) The chief engineer of the department of transportation or the chief  
44 engineer's designee, who shall serve as an ex officio member;

45 (23) A representative of a regulated industrial business; and

46 (24) A representative of a business organization.

47 2. The committee shall make recommendations relating to actions to:

- 48 (1) Eradicate childhood lead poisoning by the year 2012;  
49 (2) Screen children for lead poisoning;  
50 (3) Treat and medically manage lead-poisoned children;  
51 (4) Prevent lead poisoning in children;  
52 (5) Maintain and increase laboratory capacity for lead assessments and  
53 screening, and a quality control program for laboratories;  
54 (6) Abate lead problems after discovery;  
55 (7) Identify additional resources, either through a tax or fee structure, to  
56 implement programs necessary to address lead poisoning problems and issues;  
57 (8) Provide an educational program on lead poisoning for the general  
58 public and health care providers;  
59 (9) Determine procedures for the removal and disposal of all lead  
60 contaminated waste in accordance with the Toxic Substances Control Act, as  
61 amended, 42 U.S.C. 2681, et seq., solid waste and hazardous waste statutes, and  
62 any other applicable federal and state statutes and regulations.
- 63 3. The committee members shall receive no compensation but shall,  
64 subject to appropriations, be reimbursed for actual and necessary expenses  
65 incurred in the performance of their duties. All public members and local  
66 officials shall serve for a term of two years and until their successors are selected  
67 and qualified, and other members shall serve for as long as they hold the office  
68 or position from which they were appointed.
- 69 4. No later than December fifteenth of each year, the committee shall  
70 provide a written annual report of its recommendations for actions as required  
71 pursuant to subsection 2 of this section to the governor and general assembly,  
72 including any legislation proposed by the committee to implement the  
73 recommendations.
- 74 5. The committee shall submit records of its meetings to the secretary of  
75 the senate and the chief clerk of the house of representatives in accordance with  
76 sections 610.020 and 610.023, RSMo.]

✓