

SECOND REGULAR SESSION

HOUSE BILL NO. 3091

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HAUSMAN.

6057H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 173.240, 196.1103, 196.1106, 196.1112, 196.1118, 196.1121, 196.1124, 196.1127, 208.530, 208.533, 208.535, 208.850, 208.853, 208.856, 208.859, 208.862, 208.865, 208.868, 208.871, 209.285, 209.287, 209.292, 209.299, 209.305, 209.307, 209.309, 209.317, 209.318, 209.321, 209.322, 210.102, 261.235, 643.173, 650.125, 650.205, 650.210, 650.215, 650.220, 650.225, 650.235, 650.245, 650.250, 650.255, 650.260, 650.265, 650.275, 650.277, and 650.285, RSMo, and section 196.1109 as enacted by senate bill no. 7, ninety-sixth general assembly, first extraordinary session, section 196.1109 as enacted by house bill no. 688, ninety-second general assembly, first regular session, section 196.1115 as enacted by senate bill no. 7, ninety-sixth general assembly, first extraordinary session, and section 196.1115 as enacted by house bill no. 688, ninety-second general assembly, first regular session, and to enact in lieu thereof thirty-four new sections relating to obsolete administrative entities.

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

Section A. Sections 173.240, 196.1103, 196.1106, 196.1112, 196.1118, 196.1121,
2 196.1124, 196.1127, 208.530, 208.533, 208.535, 208.850, 208.853, 208.856, 208.859,
3 208.862, 208.865, 208.868, 208.871, 209.285, 209.287, 209.292, 209.299, 209.305, 209.307,
4 209.309, 209.317, 209.318, 209.321, 209.322, 210.102, 261.235, 643.173, 650.125, 650.205,
5 650.210, 650.215, 650.220, 650.225, 650.235, 650.245, 650.250, 650.255, 650.260, 650.265,
6 650.275, 650.277, and 650.285, RSMo, and section 196.1109 as enacted by senate bill no. 7,
7 ninety-sixth general assembly, first extraordinary session, section 196.1109 as enacted by
8 house bill no. 688, ninety-second general assembly, first regular session, section 196.1115 as
9 enacted by senate bill no. 7, ninety-sixth general assembly, first extraordinary session, and

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.

10 section 196.1115 as enacted by house bill no. 688, ninety-second general assembly, first
11 regular session, are repealed and thirty-four new sections enacted in lieu thereof, to be known
12 as sections 105.1650, 173.240, 196.1106, 196.1109, 196.1112, 196.1115, 196.1118, 196.1121,
13 196.1127, 209.285, 209.292, 209.299, 209.305, 209.307, 209.309, 209.317, 209.318,
14 209.321, 209.322, 261.235, 643.173, 650.205, 650.215, 650.220, 650.225, 650.235,
15 650.245, 650.250, 650.255, 650.260, 650.265, 650.275, 650.277, and 650.285, to read as
16 follows:

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

173.240. 1. There is hereby established within the department of higher education
2 and workforce development a "Minority and Underrepresented Environmental Literacy
3 Program". The department of higher education and workforce development, hereafter
4 referred to as the department, may award scholarships to minority and underrepresented
5 students to pursue environmentally related courses of study. The scholarships shall be
6 administered by the department recruitment and retention program [~~under the supervision of
7 the minority environmental literacy advisory committee established under this section~~].
8 Those ethnic groups which are most severely underrepresented, as determined by data
9 gathered and maintained by the National Academy of Sciences, shall receive priority in
10 annual selection.

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

3. The general assembly may appropriate funds to the department for the purpose of
19 funding scholarships as authorized by this section. Such funds shall be from general revenue,
20 special fees administered by the department, federal funding sources, gifts, or donations,

21 provided that such funds may be used for this purpose. All sums received for this purpose
22 shall be placed in the state treasury and credited to the recruitment and retention scholarship
23 fund.

24 4. The department shall accept, receive and administer grants or other funds, gifts, or
25 donations from the public and individuals, including the federal government, for the purpose
26 of funding scholarships under this section. Such funds shall be deposited in the recruitment
27 and retention scholarship fund.

28 5. The department shall promulgate rules to administer the scholarship program,
29 which shall include qualifications, application forms, annual filing deadlines, and scholarship
30 amounts. Any rule or portion of a rule, as that term is defined in section 536.010, that is
31 created under the authority delegated in this section shall become effective only if it complies
32 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
33 This section and chapter 536 are nonseverable and if any of the powers vested with the
34 general assembly pursuant to chapter 536 to review, to delay the effective date, or to
35 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
36 rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid
37 and void.

38 6. The scholarship program shall be directed toward students in the following areas of
39 study:

40 (1) Engineering students pursuing an environmental course of study through
41 undergraduate and graduate degrees in civil, chemical, mechanical, environmental, or
42 biological engineering;

43 (2) Environmental sciences students pursuing undergraduate and graduate degrees in
44 geology, biology, wildlife management, planning, natural resources, or a closely related
45 course of study;

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

48 (4) Law enforcement students pursuing undergraduate and graduate degrees in
49 environmental law enforcement.

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

52 ~~(1) The commissioner of higher education or the commissioner's designee, who will~~
53 ~~serve as chairperson of the committee;~~

54 ~~(2) Three representatives of universities and colleges. The universities and colleges~~
55 ~~shall be selected by the department, with the approval of the director of the department of~~
56 ~~natural resources. The university and college representatives shall each be appointed by the~~
57 ~~affirmative action office of the respective institution;~~

- 58 ~~(3) The director of the department of natural resources or the director's designee;~~
59 ~~(4) Five at-large members appointed by the governor, with the advice and consent of~~
60 ~~the senate, who shall be high school teachers and college professors and who shall be selected~~
61 ~~to represent the various regions of the state;~~
62 ~~(5) The state affirmative action officer.~~
63 ~~8. The committee shall meet at least annually, at a time and place to be determined by~~
64 ~~the chairperson, to select students to receive scholarships from applications filed with the~~
65 ~~department retention and recruitment program. The members appointed by the governor shall~~
66 ~~be reimbursed for their actual and necessary expenses.~~
67 ~~9. Colleges and universities described in this section shall include public community~~
68 ~~colleges.]~~

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

- 3 (1) A "center for excellence for life sciences research" means a system or regional
4 consortium of public and private not-for-profit academic, research, or health care institutions
5 or organizations engaged in competitive research in targeted fields consistent with the
6 strategic purposes of life sciences research as provided in sections 196.1100 to 196.1130;
7 (2) The ~~[life sciences research board]~~ **department of economic development** shall
8 monitor and adopt such rules as are necessary to assure quality and accountability in the
9 operation of the centers for excellence for life sciences research;
10 (3) One St. Louis area center for excellence may be established within the
11 geographical area encompassing the city of St. Louis and St. Louis, St. Charles, Jefferson,
12 and Franklin counties. If any part of a municipality is located within any one such county and
13 also encompasses a part of another county in this state, the entire area encompassed within the
14 city limits of such municipality shall be a part of the geographical area of the St. Louis area
15 center for excellence;
16 (4) One Kansas City area center for excellence may be established within the
17 geographical area encompassing Jackson, Clay, Andrew, Buchanan, and Platte counties. If
18 any part of a municipality is located within any one such county and also encompasses a part
19 of another county in this state, the entire area encompassed within the city limits of such
20 municipality shall be a part of the geographical area of the Kansas City area center for
21 excellence;
22 (5) One Springfield center for excellence may be established within the geographical
23 area encompassing Greene, Christian, and Webster counties;
24 (6) A Missouri statewide center for excellence may be established that shall
25 encompass the institutions, agricultural research centers dedicated to the development of
26 plant-made pharmaceuticals, and campuses within the University of Missouri system and

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

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

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

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

45 (10) Each center for excellence for life sciences research shall appoint a screening
46 committee. The centers, through their screening committees, shall solicit, collect, prioritize,
47 and forward to the ~~[life sciences research board]~~ **department** proposed research initiatives for
48 consideration for funding by the ~~[board]~~ **department**. Members of each screening committee
49 shall generally be familiar with the life sciences and current trends and developments with
50 either technical or scientific expertise in the life sciences with an understanding of life
51 sciences and with an understanding of the application of the results of life sciences research.
52 No member of a screening committee shall be employed by any public or private entity
53 eligible to receive financial support from the life sciences research trust fund; and

54 (11) The centers for excellence for life sciences research shall have any and all
55 powers attendant to carrying out the operations that are not contrary to the provisions of
56 sections 196.1100 to 196.1130 or any rules, guidelines, or decisions adopted by the ~~[life~~
57 ~~sciences research board]~~ **department**.

2 ~~[196.1109. All moneys that are appropriated by the general assembly~~
3 ~~from the life sciences research trust fund shall be appropriated to the life~~
4 ~~sciences research board to increase the capacity for quality of life sciences~~
5 ~~research at public and private not-for-profit institutions in the state of Missouri~~
6 ~~and to thereby:~~

7 (1) ~~Improve the quantity and quality of life sciences research at public~~
~~and private not-for-profit institutions, including but not limited to basic~~

8 research (including the discovery of new knowledge), translational research
 9 (including translating knowledge into a usable form), and clinical research
 10 (including the literal application of a therapy or intervention to determine its
 11 efficacy), including but not limited to health research in human development
 12 and aging, cancer, endocrine, cardiovascular, neurological, pulmonary, and
 13 infectious disease, and plant sciences, including but not limited to nutrition
 14 and food safety; and

15 ~~(2) Enhance technology transfer and technology commercialization~~
 16 ~~derived from research at public and private not-for-profit institutions within~~
 17 ~~the centers for excellence. For purposes of sections 196.1100 to 196.1130,~~
 18 ~~"technology transfer and technology commercialization" includes stages of the~~
 19 ~~regular business cycle occurring after research and development of a life~~
 20 ~~science technology, including but not limited to reduction to practice, proof of~~
 21 ~~concept, and achieving federal Food and Drug Administration, United States~~
 22 ~~Department of Agriculture, or other regulatory requirements in addition to the~~
 23 ~~definition in section 348.251.—~~

24
 25 ~~Funds received by the board may be used for purposes authorized in sections~~
 26 ~~196.1100 to 196.1130 and shall be subject to the restrictions of sections~~
 27 ~~196.1100 to 196.1130, including but not limited to the costs of personnel,~~
 28 ~~supplies, equipment, and renovation or construction of physical facilities;~~
 29 ~~provided that in any single fiscal year no more than thirty percent of the~~
 30 ~~moneys appropriated shall be used for the construction of physical facilities~~
 31 ~~and further provided that in any fiscal year up to eighty percent of the moneys~~
 32 ~~shall be appropriated to build research capacity at public and private not-for-~~
 33 ~~profit institutions and at least twenty percent and no more than fifty percent of~~
 34 ~~the moneys shall be appropriated for grants to public or private not-for-profit~~
 35 ~~institutions to promote life science technology transfer and technology~~
 36 ~~commercialization. Of the moneys appropriated to build research capacity,~~
 37 ~~twenty percent of the moneys shall be appropriated to promote the~~
 38 ~~development of research of tobacco-related illnesses.]~~

196.1109. All moneys that are appropriated by the general assembly from the life
 2 sciences research trust fund shall be appropriated to the [~~life sciences research board~~]
 3 **department of economic development** to increase the capacity for quality of life sciences
 4 research at public and private not-for-profit institutions in the state of Missouri and to
 5 thereby:

6 (1) Improve the quantity and quality of life sciences research at public and private
 7 not-for-profit institutions, including but not limited to basic research (including the discovery
 8 of new knowledge), translational research (including translating knowledge into a usable
 9 form), and clinical research (including the literal application of a therapy or intervention to
 10 determine its efficacy), including but not limited to health research in human development
 11 and aging, cancer, endocrine, cardiovascular, neurological, pulmonary, and infectious disease,
 12 and plant sciences, including but not limited to nutrition and food safety; and

13 (2) Enhance technology transfer and technology commercialization derived from
14 research at public and private not-for-profit institutions within the centers for excellence. For
15 purposes of sections 196.1100 to 196.1130, "technology transfer and technology
16 commercialization" includes stages of the regular business cycle occurring after research
17 and development of a life science technology, including but not limited to reduction to
18 practice, proof of concept, and achieving federal Food and Drug Administration, United
19 States Department of Agriculture, or other regulatory requirements in addition to the
20 definition in section 348.251.

21

22 Funds received by the ~~[board]~~ **department** may be used for purposes authorized in sections
23 196.1100 to 196.1130 and shall be subject to the restrictions of sections 196.1100 to
24 196.1130, including but not limited to the costs of personnel, supplies, equipment, and
25 renovation or construction of physical facilities; provided that in any single fiscal year no
26 more than ten percent of the moneys appropriated shall be used for the construction of
27 physical facilities and further provided that in any fiscal year eighty percent of the moneys
28 shall be appropriated to build research capacity at public and private not-for-profit institutions
29 and twenty percent of the moneys shall be appropriated for grants to public or private not-for-
30 profit institutions to promote life science technology transfer and technology
31 commercialization. Of the moneys appropriated to build research capacity, twenty percent
32 of the moneys shall be appropriated to promote the development of research of tobacco-
33 related illnesses.

196.1112. In determining projects to authorize, the ~~[life sciences research board]~~
2 **department of economic development** shall consider those proposals endorsed by a center
3 for excellence, subject to a process of peer review conducted under the auspices of the ~~[board]~~
4 **department**, and shall also consider the potential of any proposal to bring both health and
5 economic benefits to the people of Missouri. Specifically, at least eighty percent of the
6 moneys that are appropriated to the ~~[board]~~ **department** in each fiscal year shall be
7 distributed to public and private not-for-profit institutions or organizations whose programs
8 and proposals have been recommended by a center for excellence that meets the requirements
9 set forth in subdivisions (8) and (9) of section 196.1106. Collectively, the institutions or
10 organizations within a single center for excellence shall receive in a single fiscal year no more
11 than fifty percent of the moneys appropriated to the ~~[board]~~ **department** during such fiscal
12 year. No single institution or organization shall receive in any consecutive three-fiscal-year
13 period more than forty percent of the moneys appropriated to the ~~[board]~~ **department** during
14 such three-fiscal-year period.

2 ~~[196.1115. 1. The moneys appropriated to the life sciences research board that are not distributed by the board in any fiscal year to a center for~~

3 ~~excellence or a center for excellence endorsed program pursuant to section~~
 4 ~~196.1112, if any, shall be held in reserve by the board or shall be awarded on~~
 5 ~~the basis of peer review panel recommendations for capacity building~~
 6 ~~initiatives proposed by public and private not for profit academic, research, or~~
 7 ~~health care institutions or organizations, or individuals engaged in competitive~~
 8 ~~research in targeted fields consistent with the provisions of sections 196.1100~~
 9 ~~to 196.1130.~~

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

- 12 ~~(1) Award and enter into grants or contracts relating to increasing~~
 13 ~~Missouri's research capacity at public or private not for profit institutions;~~
- 14 ~~(2) Make provision for peer review panels to recommend and review~~
 15 ~~research projects;~~
- 16 ~~(3) Contract for support services;~~
- 17 ~~(4) Lease or acquire facilities and equipment;~~
- 18 ~~(5) Employ administrative staff; and~~
- 19 ~~(6) Receive, retain, hold, invest, disburse or administer any moneys~~
 20 ~~that it receives from appropriations or from any other source.~~

21 ~~3. The Missouri technology corporation, established under section~~
 22 ~~348.251, shall serve as the administrative agent for the life sciences research~~
 23 ~~board.~~

24 ~~4. The life sciences research board shall utilize as much of the moneys~~
 25 ~~as reasonably possible for building capacity at public and private not for profit~~
 26 ~~institutions to do research rather than for administrative expenses. The board~~
 27 ~~shall not in any fiscal year expend more than two percent of the total moneys~~
 28 ~~appropriated to it and of the moneys that it has in reserve or has received from~~
 29 ~~other sources for its own administrative expenses for appropriations equal to~~
 30 ~~or greater than twenty million dollars; three percent for appropriations less~~
 31 ~~than twenty million dollars but equal to or greater than fifteen million dollars;~~
 32 ~~four percent for appropriations less than fifteen million dollars but equal to or~~
 33 ~~greater than ten million dollars; five percent for appropriations less than ten~~
 34 ~~million dollars; provided, however, that the general assembly by appropriation~~
 35 ~~from the life sciences research trust fund may authorize a limited amount of~~
 36 ~~additional moneys to be expended for administrative costs.]~~

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

9 2. The [~~life sciences research board~~] **department** may, in view of the limitations
 10 expressed in section 196.1130:

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

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

15 (3) Contract for administrative and support services;

16 (4) Lease or acquire facilities and equipment;

17 (5) Employ administrative staff; and

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

20 3. The ~~[life sciences research board]~~ **department** shall utilize as much of the moneys
21 as reasonably possible for building capacity at public and private not-for-profit institutions to
22 do research rather than for administrative expenses. The ~~[board]~~ **department** shall not in any
23 fiscal year expend more than two percent of the total moneys appropriated to it and of the
24 moneys that it has in reserve or has received from other sources for its own administrative
25 expenses; provided, however, that the general assembly by appropriation from the life
26 sciences research trust fund may authorize a limited amount of additional moneys to be
27 expended for administrative costs.

196.1118. The ~~[life sciences research board]~~ **department of economic development**
2 shall make provision for and secure the state auditor or outside public accounting firm an
3 annual audit of its financial affairs and the moneys expended from the life sciences research
4 trust fund. Such audit shall be performed on a fiscal year basis and the cost of such audit shall
5 not be considered as an administrative expense for purposes of subsection 3 of section
6 196.1115. The ~~[board]~~ **department** shall make copies of each audit available to the public.
7 Every three years the ~~[board]~~ **department**, with the assistance of its staff or independent
8 contractors as determined by the ~~[board]~~ **department**, shall prepare a comprehensive report
9 assessing the work and progress of the life sciences research program. Such assessment
10 report shall analyze the impact of the ~~[board's]~~ **department's** programs, grants, and contracts
11 performed, shall be provided to the governor and the general assembly, and shall be available
12 to the public. The cost of such assessment report shall not be considered an administrative
13 expense for purposes of subsection 3 of section 196.1115.

196.1121. 1. Grant or contract awards made with moneys appropriated from the life
2 sciences research trust fund shall provide for the reimbursement of costs. Whether
3 reimbursement of specific costs is allowed depends on the application of a four-part test
4 balancing which shall include:

5 (1) The reasonableness of the cost;

6 (2) The connection to the grant or contract;

7 (3) The consistency demonstrated in assigning costs to the grant or contract; and

8 (4) Conformance with the specific terms and conditions of the award or contract.
9

10 The ~~[life sciences research board]~~ **department of economic development** may from time to
11 time issue rules and guidelines consistent with such four-part test and provide grant and
12 contract recipients with a list or other explanation of regularly permitted costs.

13 2. Grant and contract recipients shall preserve research freedom, ensure timely
14 disclosure of their research findings to the scientific community, including through
15 publications and presentations at scientific meetings, and promote utilization,
16 commercialization, and public availability of their inventions and other intellectual
17 property developed as a general institutional policy. Institutions or organizations receiving
18 grant or contract awards shall retain all right, title, and interest, including all intellectual
19 property rights, in and to any and all inventions, ideas, data, improvements, modifications,
20 know-how, creations, copyrightable material, trade secrets, methods, processes, discoveries,
21 and derivatives, regardless of patentability, that are made in the performance of work under a
22 grant award. The ~~[life sciences research board]~~ **department** shall adopt reasonable rules to
23 ensure that any such intellectual property rights are utilized reasonably and in a manner that is
24 in the public interest.

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

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

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

9 (2) "Child", a human being recognized as a minor pursuant to the laws of this state,
10 including if in vivo, an unborn child as defined in section 188.015 and if in vitro, a human
11 being at any of the stages of biological development of an unborn child from conception or
12 inception onward;

13 (3) "Conception", the same meaning as such term is defined in section 188.015;

14 (4) "Facilities and administrative costs", those costs that are incurred for common or
15 joint objectives and therefore cannot be identified readily and specifically with a particular
16 research project or any other institutional activity;

17 (5) "Human cloning", the creation of a human being by any means other than by the
18 fertilization of an oocyte of a human female by a sperm of a human male;

19 (6) "Prohibited human research", research in a research project in which there is the
20 taking or utilization of the organs, tissues, or cellular material of:

21 (a) A deceased child, unless consent is given by the parents in a manner provided in
22 sections 194.210 to 194.290 relating to anatomical gifts, and neither parent caused the death
23 of such child or consented to another person causing the death of such child;

24 (b) A living child, when the intended or likely result of such taking or utilization is to
25 kill or cause harm to the health, safety, or welfare of such child, or when the purpose is to
26 target such child for possible destruction in the future;

27 (7) "Public funds", include:

28 (a) Any moneys received or controlled by the state of Missouri or any official,
29 department, division, agency, or political subdivision thereof, including but not limited to
30 moneys derived from federal, state, or local taxes, gifts, or grants from any source,
31 settlements of any claims or causes of action, public or private, bond proceeds, federal grants
32 or payments, or intergovernmental transfers;

33 (b) Any moneys received or controlled by an official, department, division, or agency
34 of state government or any political subdivision thereof, or to any person or entity pursuant to
35 appropriation by the general assembly or governing body of any political subdivision of this
36 state;

37 (8) "Research project", research proposed to be funded by an award of public funds
38 conducted under the auspices of the entity or entities that applied for and received such
39 award, regardless of whether the research is funded in whole or in part by such award. Such
40 research shall include basic research, including the discovery of new knowledge; translational
41 research, including translational knowledge in a usable form; and clinical research, including
42 but not limited to health research in human development and aging, cancer, endocrine,
43 cardiovascular, neurological, pulmonary, and infectious disease.

44 3. Public funds shall not be expended, paid, or granted to or on behalf of an existing
45 or proposed research project that involves abortion services, human cloning, or prohibited
46 human research. A research project that receives an award of public funds shall not share
47 costs with another research project, person, or entity not eligible to receive public funds
48 pursuant to this subsection; provided that a research project that receives an award of public
49 funds may pay a pro rata share of facilities and administrative costs determined in the award
50 of public funds according to standards that ensure that public funds do not in any way
51 subsidize facilities and administrative costs of other research projects, persons, or entities not
52 eligible to receive public funds pursuant to this subsection. The application for an award of
53 public funds shall set forth the proposed rates of pro rata cost reimbursement and shall
54 provide supporting data and rationale for such rates. All applicants for and recipients of
55 awards of public funds shall comply with the cost accounting principles set forth in Part 9905
56 of Title 48 of the Code of Federal Regulations, or successor regulations, in connection with
57 the application for and administration of the research project. All moneys derived from an

58 award of public funds shall be expended only by checks, drafts, or electronic transfers using a
 59 separate accounting process maintained for each research project. No moneys derived from
 60 an award of public funds shall be used to cover costs for any other research project or to any
 61 other person or entity. No moneys derived from an award of public funds shall be passed
 62 through to any other research project, person, or entity unless included in the original
 63 application for the award of public funds or in subsequent amendments or requests to use
 64 separate contractors. A research project that receives an award of public funds shall maintain
 65 financial records that demonstrate strict compliance with this subsection. Any audit
 66 conducted pursuant to any grant or contract awarding public funds shall also certify whether
 67 there is compliance with this subsection and shall note any noncompliance as a material audit
 68 finding.

69 4. The provisions of this section shall inure to the benefit of all residents of this state.
 70 Any taxpayer of this state or any political subdivision of this state shall have standing to bring
 71 suit against the state of Missouri or any official, department, division, agency, or political
 72 subdivision of this state, and any recipient of public funds who or which is in violation of this
 73 subsection in any circuit court with jurisdiction to enforce the provisions of this section.

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

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

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

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

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

8 (~~3~~) "Certification", a document issued by the Missouri commission for the deaf and
 9 hard of hearing declaring that the holder is qualified to practice interpreting at a disclosed
 10 level;

11 [~~4~~] (3) "Commission", the Missouri commission for the deaf and hard of hearing;

12 [~~5~~] (4) "Committee", the Missouri state committee of interpreters, established in
 13 section 209.319;

14 ~~[(6)]~~ **(5)** "Conversion levels", the process of granting levels of certification by the
15 commission to individuals holding certification from another state or within another
16 certification system in this state or another state;

17 ~~[(7)]~~ **(6)** "Coordinator", a staff person, hired by the executive director of the Missouri
18 commission for the deaf and hard of hearing, who shall serve as coordinator for the Missouri
19 interpreter certification system;

20 ~~[(8)]~~ **(7)** "Deaf person", any person who is not able to discriminate speech when
21 spoken in a normal conversational tone regardless of the use of amplification devices;

22 ~~[(9)]~~ **(8)** "Department", the department of commerce and insurance;

23 ~~[(10)]~~ **(9)** "Director", the director of the division of professional registration;

24 ~~[(11)]~~ **(10)** "Division", the division of professional registration;

25 ~~[(12)]~~ **(11)** "Executive director", the executive director of the Missouri commission
26 for the deaf and hard of hearing;

27 ~~[(13)]~~ **(12)** "Interpreter", any person who offers to render interpreting services
28 implying that he or she is trained, and experienced in interpreting, and holds a current, valid
29 certification and license to practice interpreting in this state; provided that a
30 telecommunications operator providing deaf relay service or a person providing operator
31 services for the deaf shall not be considered to be an interpreter;

32 ~~[(14)]~~ **(13)** "Interpreter trainer", a person, certified and licensed by the state of
33 Missouri as an interpreter, who trains new interpreters in the translating of spoken English or
34 written concepts to any necessary specialized vocabulary used by a deaf consumer.
35 Necessary specialized vocabularies include, but are not limited to, American sign language,
36 Pidgin Signed English, oral, tactile sign and language deficient skills;

37 ~~[(15)]~~ **(14)** "Interpreting", the translating of English spoken or written concepts to any
38 necessary specialized vocabulary used by a deaf person or the translating of a deaf person's
39 specialized vocabulary to English spoken or written concepts; provided that a
40 telecommunications operator providing deaf relay service or a person providing operator
41 services for the deaf shall not be considered to be interpreting. Necessary specialized
42 vocabularies include, but are not limited to, American sign language, Pidgin Signed English,
43 oral, tactile sign and language deficient skills;

44 ~~[(16)]~~ **(15)** "Language deficient", mode of communication used by deaf individuals
45 who lack crucial language components, including, but not limited to, vocabulary, language
46 concepts, expressive skills, language skills and receptive skills;

47 ~~[(17)]~~ **(16)** "Missouri commission for the deaf", Missouri commission for the deaf
48 and hard of hearing established in section 161.400;

49 ~~[(18)]~~ (17) "Oral", mode of communication having characteristics of speech, speech
50 reading and residual hearing as a primary means of communication using situational and
51 culturally appropriate gestures, without the use of sign language;

52 ~~[(19)]~~ (18) "Pidgin Signed English", a mode of communication having characteristics
53 of American sign language;

54 ~~[(20)]~~ (19) "Practice of interpreting", rendering or offering to render or supervise
55 those who render to individuals, couples, groups, organizations, institutions, corporations,
56 schools, government agencies or the general public any interpreting service involving the
57 translation of any mode of communication used by a deaf person to spoken English or of
58 spoken English to a mode of communication used by a deaf person;

59 ~~[(21)]~~ (20) "Tactile sign", mode of communication, used by deaf and blind
60 individuals, using any one or a combination of the following: tactile sign, constricted space
61 sign or notetaking.

209.292. ~~[-]~~ The ~~[board]~~ **commission** shall~~[-with the approval of the commission]~~:

2 (1) Prescribe qualifications for each of the several levels of certification based on
3 proficiency and shall evaluate and certify interpreters using such qualifications;

4 (2) Issue the certificates, bearing the signature of the executive director, necessary to
5 qualify for a license to interpret;

6 (3) Develop a fee scale for interpreting services, pursuant to section 161.405;

7 (4) Maintain the quality of interpreting services, pursuant to section 161.405, by:

8 (a) Generating ideas for conducting interpreter training workshops to update
9 knowledge and skills; and

10 (b) Suggesting institutions of higher education to provide interpreter training
11 programs;

12 (5) Develop specific guidelines for the use of interpreters according to their level of
13 certification and submit the guidelines to the division and copies to be distributed to state
14 departments, agencies, commissions, courts, interpreters and to the public;

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

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

18 (8) Compile a statewide registry of interpreters by skill level and include
19 recommendations relating to the appropriate selection and utilization of interpreters for the
20 deaf. The registry shall be made available to and recommended for adoption by state
21 commissions, departments and agencies;

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

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

25 (11) Investigate and implement the most appropriate testing model for interpreter
26 certification;

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

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

31 ~~[2. An evaluation team appointed pursuant to subdivision (12) of subsection 1 of this~~
32 ~~section shall have similar backgrounds to the members of the board. The evaluation team~~
33 ~~shall serve at the pleasure of the commission. The commission shall reimburse evaluators for~~
34 ~~actual and necessary expenses incurred in the performance of their official duties and may~~
35 ~~fairly compensate them. A member of an evaluation team may be removed from the team by~~
36 ~~the executive director, after notice and an opportunity to be heard, for the following reasons:~~
37 ~~misconduct, inefficiency, incompetence or neglect of official duties.]~~

209.299. The ~~[board]~~ **commission** shall schedule evaluations for persons seeking
2 certification, at a central location, at least four times each year in 1995 and 1996, and at least
3 twice a year thereafter, according to the number of applicants seeking certification. As soon
4 as possible after completion of an evaluation, the coordinator shall notify the applicant of his
5 score and level of certification.

209.305. 1. The evaluation shall be an assessment of interpreter's language skills,
2 expressive and receptive skills, professionalism, knowledge of interpreting and ethical
3 practices. Modes of communication that shall be evaluated include, but are not limited to:

4 (1) American sign language;

5 (2) Tactile sign;

6 (3) Language deficient;

7 (4) Oral;

8 (5) Pidgin Signed English; and

9 (6) Any necessary specialized vocabulary, language or mode of communication in
10 popular or regional use among deaf people.

11 2. The ~~[board or an evaluation team]~~ **commission** shall use testing materials
12 developed by the commission or contracted with a national organization to assess the
13 qualifications of interpreters. All testing materials and records shall be held confidential by
14 the commission.

209.307. Any member of the ~~[board or an evaluation team]~~ **commission** who has a
2 conflict of interest that may have a direct effect on an evaluation shall excuse himself or
3 herself from the evaluation. The remaining members shall assess that individual's
4 performance.

209.309. The ~~[board]~~ **commission** may offer provisional certification to interpreters achieving a minimal level of certification established by the ~~[board]~~ **commission**. A provisional certification is limited to one year; during such year the interpreter must be reevaluated and achieve the next higher level of certification. If an evaluation slot is not available during the term of the provisional license, the interpreter may be granted an extension. A holder of a provisional certification may only be granted one extension.

209.317. 1. The ~~[board]~~ **commission** may suspend, deny or revoke a certificate if an interpreter:

- 3 (1) Impersonates another person holding interpreter certification;
- 4 (2) Allows another person to use the interpreter's certificate;
- 5 (3) Uses fraud, deception or misrepresentation in the certification process;
- 6 (4) Harasses, abuses or threatens a member of the board, evaluation team or a support
- 7 staff person who is administering the system;
- 8 (5) Intentionally divulges confidential information relating to the certification
- 9 process, including content, topic, vocabulary, skills or any other testing material;
- 10 (6) Fails to achieve a minimum satisfactory certification level.

11 2. The ~~[board]~~ **commission** shall provide that any hearing concerning the denial,
12 suspension or revocation of a certificate shall follow administrative procedures for hearings
13 as provided in chapter 621.

209.318. 1. There is hereby established in the state treasury a fund to be known as the
2 "Missouri Commission for the Deaf and Hard of Hearing ~~[Board of Certification of~~
3 ~~Interpreters]~~ Fund". All fees provided for in sections 209.287 to 209.318 shall be collected by
4 the executive director of the commission and shall be transmitted to the department of
5 revenue for deposit in the state treasury to the credit of the Missouri commission for the deaf
6 and hard of hearing ~~[board of certification of interpreters]~~ fund. Such funds, upon
7 appropriation, shall be disbursed only for payment of expenses of maintaining the ~~[board]~~
8 **commission** and for the enforcement of the provisions of sections 209.287 to 209.318 and
9 shall not be used to pay the salary of the coordinator hired pursuant to section 209.289.
10 Warrants shall be drawn on the state treasury for payment out of the fund.

11 2. The provisions of section 33.080 to the contrary notwithstanding, money in this
12 fund shall not be transferred and placed to the credit of general revenue until the amount in
13 the fund at the end of the biennium exceeds two times the amount of the appropriation from
14 the fund for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that
15 amount in the fund which exceeds the appropriate multiple of the appropriations from the
16 fund for the preceding fiscal year.

17 3. The expenses of maintaining the ~~[board]~~ **commission** enforcement of the
18 provisions of sections 209.287 to 209.318 during the first fiscal year shall be paid by the
19 commission from funds appropriated from general revenue for that purpose.

 209.321. 1. No person shall represent himself or herself as an interpreter or engage in
2 the practice of interpreting as defined in section 209.285 in the state of Missouri unless such
3 person is licensed as required by the provisions of sections 209.319 to 209.339.

4 2. A person registered, certified or licensed by this state, another state or any
5 recognized national certification agent, acceptable to the committee that allows that person to
6 practice any other occupation or profession in this state, is not considered to be interpreting if
7 he or she is in performance of the occupation or profession for which he or she is registered,
8 certified or licensed. The professions referred to in this subsection include, but are not limited
9 to, physicians, psychologists, nurses, certified public accountants, architects and attorneys.

10 3. A licensed interpreter shall limit his or her practice to demonstrated areas of
11 competence as documented by relevant professional education, training, experience and
12 certification. An interpreter not trained in an area shall not practice in that area without
13 obtaining additional relevant professional education, training and experience through an
14 acceptable program as defined by rule by the Missouri commission for the deaf and hard of
15 hearing.

16 4. A person is not considered to be interpreting pursuant to the provisions of this
17 section if, in a casual setting and as defined by rule, a person is acting as an interpreter
18 gratuitously or is engaged in interpreting incidental to traveling.

19 5. A person is not considered to be interpreting pursuant to the provisions of this
20 section if a person is engaged as a telecommunications operator providing deaf relay service
21 or operator services for the deaf.

22 6. A person is not considered to be interpreting under the provisions of this section if
23 the person is currently enrolled in an interpreter training program which has been accredited
24 by a certifying agency and approved by the committee. The training program shall offer a
25 degree in interpreting from an accredited institution of higher education. Persons exempted
26 under this provision shall engage only in activities and services that constitute part of a
27 supervised course of study and shall clearly designate themselves by a title of the student,
28 practicum student, student interpreter, trainee, or intern.

29 7. A person holding a current certification of license from another state or recognized
30 national certification system deemed acceptable by the committee is not considered to be
31 interpreting as defined in this chapter when temporarily present in the state for the purpose of
32 providing interpreting services for a convention, conference, meeting, professional group, or
33 educational field trip.

34 8. (1) The [~~board for certification of interpreters~~] **commission** shall grant a
35 provisional certificate in education for any applicant who meets either of the following
36 criteria:

37 (a) The applicant possesses a current valid certification in the Missouri interpreters
38 certification system at either the novice or apprentice level and holds a valid license to
39 provide interpreting services; or

40 (b) The applicant has submitted an application for certification in the Missouri
41 interpreters certification system and an application for an interpreting license pursuant to
42 sections 209.319 to 209.339 and has taken the written test and performance test or attests that
43 he or she will complete the certification and licensure applications and take the written test
44 within sixty days following the date of application for a provisional certificate in education
45 and will complete the performance test within sixty days following passage of the written test.

46 (2) The [~~board~~] **commission** shall issue the provisional certificate in education within
47 ten business days following receipt of a complete application.

48 (3) A provisional certificate issued under paragraph (a) of subdivision (1) of this
49 subsection shall be valid for a term of three years and shall be renewed by the [~~board~~]
50 **commission**, upon request by the certificate holder, for one additional term of three years if
51 the certificate holder is reevaluated during the first term of issuance and achieves a higher
52 level of certification in the Missouri interpreter certification system.

53 (4) A provisional certificate issued under paragraph (b) of subdivision (1) of this
54 subsection shall be valid for one year and shall be renewed, upon request by the certificate
55 holder, pursuant to subdivision (3) of this subsection if the certificate holder is reevaluated
56 during the term of issuance and achieves a certification in the Missouri interpreter
57 certification system. Such renewed certificate shall be subject to the term length and renewal
58 provisions of subdivision (3) of this subsection.

59 (5) A provisional certificate in education shall be limited to providing interpreters
60 services in preschool, elementary and secondary school settings or as allowed by any other
61 valid Missouri certification or license held by the individual.

62 (6) A provisional certificate in education may be revoked by the board if the person
63 makes any misrepresentations or fails to fulfill any commitment made pursuant to paragraph
64 (b) of subdivision (1) of this subsection, or violates the provisions of section 209.317 or
65 209.334 or breaks any of the ethical rules of conduct for interpreters as established by state
66 rule or fails to obtain the necessary continuing education credits required for certification
67 maintenance.

209.322. The [~~board~~] **commission** shall recognize the following certificates:

2 (1) National Registry of Interpreters for the Deaf (NRID) certificates, which include
3 Comprehensive Skills Certificate (CSC), Certificate of Interpreting/Certificate of
4 Transliteration (CI/CT) and Certified Deaf Interpreter (CDI);

5 (2) National Association of the Deaf (NAD) certificate levels 3, 4 and 5; and

6 (3) A provisional public school certificate.

261.235. ~~[4]~~ There is hereby created in the state treasury for the use of the
2 agriculture business development division of the state department of agriculture a fund to be
3 known as "The AgriMissouri Fund". All moneys received by the state department of
4 agriculture for Missouri agricultural products marketing development from any source,
5 including trademark fees, shall be deposited in the fund. Moneys deposited in the fund shall,
6 upon appropriation by the general assembly to the state department of agriculture, be
7 expended by the agriculture business development division of the state department of
8 agriculture for promotion of Missouri agricultural products under the AgriMissouri program.
9 The unexpended balance in the AgriMissouri fund at the end of the biennium shall not be
10 transferred to the general revenue fund of the state treasury and accordingly shall be exempt
11 from the provisions of section 33.080 relating to transfer of funds to the ordinary revenue
12 funds of the state by the state treasurer.

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

22 ~~(1) Increasing the impact and fostering the effectiveness of local efforts to promote~~
23 ~~Missouri agricultural products;~~

24 ~~(2) Enabling and encouraging expanded advertising efforts for Missouri agricultural~~
25 ~~products;~~

26 ~~(3) Encouraging effective, high-quality advertising projects, innovative marketing~~
27 ~~strategies, and the coordination of local, regional and statewide marketing efforts;~~

28 ~~(4) Providing training and technical assistance to cooperative marketing partners of~~
29 ~~Missouri agricultural products.~~

30 ~~3. The commission may establish a fee structure for sellers electing to use the~~
31 ~~AgriMissouri trademark associated with Missouri agricultural products, so long as the fees~~
32 ~~established and collected under this subsection do not yield revenue greater than the total cost~~

33 of administering this section during the ensuing year. All trademark fees shall be deposited to
34 the credit of the AgriMissouri fund, created pursuant to this section.

35 4. The commission shall consist of nine members appointed by the governor with the
36 advice and consent of the senate. One member shall be the director of the agriculture
37 business development division of the department of agriculture, or his or her representative.
38 ~~At least one member shall be a specialist in advertising; at least one member shall be a~~
39 ~~specialist in agribusiness; at least one member shall be a specialist in the retail grocery~~
40 ~~business; at least one member shall be a specialist in communications; at least one member~~
41 ~~shall be a specialist in product distribution; at least one member shall be a family farmer with~~
42 ~~expertise in livestock farming; at least one member shall be a family farmer with expertise in~~
43 ~~grain farming and at least one member shall be a family farmer with expertise in organic~~
44 ~~farming. Members shall serve for four-year terms, except in the first appointments three~~
45 ~~members shall be appointed for terms of four years, three members shall be appointed for~~
46 ~~terms of three years and three members shall be appointed for terms of two years each. Any~~
47 ~~member appointed to fill a vacancy of an unexpired term shall be appointed for the remainder~~
48 ~~of the term of the member causing the vacancy. The governor shall appoint a chairperson of~~
49 ~~the commission, subject to ratification by the commission.~~

50 5. ~~Commission members shall receive no compensation but shall be reimbursed for~~
51 ~~actual and necessary expenses incurred in the performance of their official duties on the~~
52 ~~commission. The division of agriculture business development of the department of~~
53 ~~agriculture shall provide all necessary staff and support services as required by the~~
54 ~~commission to hold commission meetings, to maintain records of official acts and to conduct~~
55 ~~all other business of the commission. The commission shall meet quarterly and at any such~~
56 ~~time that it deems necessary. Meetings may be called by the chairperson or by a petition~~
57 ~~signed by a majority of the members of the commission. Ten days' notice shall be given in~~
58 ~~writing to such members prior to the meeting date. A simple majority of the members of the~~
59 ~~commission shall be present to constitute a quorum. Proxy voting shall not be permitted.~~

60 6. ~~If the commission does establish a fee structure as permitted under subsection 3 of~~
61 ~~this section, the agriculture business development division of the department of agriculture~~
62 ~~shall promulgate rules establishing the commission's fee structure. The department of~~
63 ~~agriculture shall also promulgate rules and regulations for the implementation of this section.~~
64 ~~Any rule or portion of a rule, as that term is defined in section 536.010, that is created under~~
65 ~~the authority delegated in this section shall become effective only if it complies with and is~~
66 ~~subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section~~
67 ~~and chapter 536 are nonseverable and if any of the powers vested with the general assembly~~
68 ~~pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a~~

69 rule are subsequently held unconstitutional, then the grant of rulemaking authority and any
70 rule proposed or adopted after August 28, 2016, shall be invalid and void.]

643.173. [1.] There is hereby established within the department of natural resources a
2 "Small Business Technical Assistance Program" which shall provide support and assistance to
3 small business. To the maximum extent possible, the program shall be functionally separate
4 from the department's air pollution enforcement responsibilities. The program shall advise
5 regulated small business regarding permit application requirements, applicable provisions of
6 643.010 to 643.190[, and such other matters affecting small business as deemed appropriate
7 by the committee]. The commission shall establish time frames in which specific classes of
8 deficiencies, except those affecting public health or the environment, shall be corrected.

9 [2. The small business technical assistance program shall be advised by a "Small
10 Business Compliance Advisory Committee" which is hereby created. One member shall be
11 appointed by the director of the department, two members shall be appointed by the governor
12 to represent the public and four owners of small businesses regulated under this chapter shall
13 be appointed by the general assembly, one each appointed by the majority and minority
14 leaders of each chamber of the general assembly. No member of the air conservation
15 commission shall serve as a member of the small business compliance advisory committee.
16 The term of office shall be four years except that of those first appointed, one member
17 appointed by the governor, one member appointed by the senate and one member appointed
18 by the house of representatives shall be appointed to two year terms. Members shall serve
19 until their successors are duly appointed and qualified and vacancies shall be filled by
20 appointment for the remaining portion of the unexpired term created by the vacancy. The
21 members shall be reimbursed for actual and necessary expenses incurred in the performance
22 of their duties while in attendance at committee meetings.

23 3. The committee shall:

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

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

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

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

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

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

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

- 3 (1) "API-ASME", American Petroleum Institute-American Society of Mechanical
4 Engineers;
- 5 (2) "ASME", American Society of Mechanical Engineers;
- 6 (3) ~~["Board", the board of boiler and pressure vessel rules;~~
- 7 ~~(4)]~~ "Boiler", a vessel intended for use in heating water or other liquids for generating
8 steam or other vapors under pressure or vacuum by the application of heat resulting from the
9 combustion of fuels, electricity, atomic energy, or waste gases;
- 10 ~~[(5)]~~ (4) "Certificate inspection", an inspection, the report of which is used by the
11 chief inspector to decide whether or not a certificate as provided by subsection 3 of section
12 650.265 may be issued. This certificate inspection shall be an internal inspection when
13 construction permits; otherwise, it shall be as complete an inspection as possible;
- 14 (5) **"Department", the department of public safety;**
- 15 (6) "Director", the director of the inspection section of the department of public
16 safety;
- 17 (7) "Heating boiler", a steam boiler operating at pressures not exceeding fifteen psig,
18 or a hot water heating boiler operating at pressures not exceeding one hundred sixty psig or
19 temperatures not exceeding two hundred fifty degrees Fahrenheit at or near the boiler outlet,
20 or both;
- 21 (8) "High pressure, high temperature water boiler", a water boiler operating at
22 pressures exceeding one hundred sixty psig or temperatures exceeding two hundred fifty
23 degrees Fahrenheit at or near the boiler outlet, or both;
- 24 (9) "Power boiler", a boiler in which steam or other vapor is generated at a pressure of
25 more than fifteen psig including a high pressure, high temperature water boiler;
- 26 (10) "Pressure vessel", a vessel in which the pressure is obtained from an external
27 source or by the application of heat from an indirect source, other than those vessels defined
28 in subdivisions (4), (7), (8), and (9) of this section;
- 29 (11) "Psig", pounds per square inch gauge.

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

4 (1) The definitions, rules and regulations so formulated for new construction shall be
5 based upon and, at all times, follow the generally accepted nationwide engineering standards,
6 formulae and practices established and pertaining to boiler and pressure vessel construction
7 and safety, and the ~~[board]~~ **department** shall by resolution adopt an existing published
8 codification thereof, known as the "Boiler and Pressure Vessel Code of the American Society

9 of Mechanical Engineers", with the amendments and interpretations thereto made and
10 approved by the council of the society, and shall likewise adopt the amendments and
11 interpretations subsequently made and published by the same authority; and when so adopted
12 the same shall be deemed incorporated into, and to constitute a part of, the whole of the
13 definitions, rules and regulations of the ~~[board]~~ **department**. Amendments and
14 interpretations to the code so adopted shall be effective immediately upon being
15 promulgated, to the end that the definitions, rules and regulations shall at all times follow
16 the generally accepted nationwide engineering standards.

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

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

27 2. The rules and regulations and any subsequent amendments thereto formulated by
28 the ~~[board]~~ **department** shall have the force and effect of law, except that the rules applying
29 to the construction of new boilers and pressure vessels shall not be so construed as to prevent
30 the installation of such boilers and pressure vessels until twelve months after their
31 promulgation by the ~~[board]~~ **department**.

32 3. Subsequent amendments to the rules and regulations adopted by the ~~[board]~~
33 **department** shall be permissive immediately and shall become mandatory twelve months
34 after their promulgation.

35 4. No rule or portion of a rule promulgated under the authority of this chapter shall
36 become effective unless it has been promulgated pursuant to the provisions of section
37 536.024.

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

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

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

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

650.235. 1. The director shall appoint a person who has had at the time of the appointment not less than ten years' experience in the construction, installation, inspection, operation, maintenance or repair of high pressure boilers and pressure vessels as a mechanical engineer, steam operating engineer, boilermaker, or boiler inspector, and who shall have passed the same kind of examination as that prescribed under section 650.250, to be chief inspector. The chief inspector may be removed for cause after due investigation by the **[board] department** and its recommendation to the director.

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

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

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

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

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

20 (5) To cause the prosecution of all violators of the provisions of sections 650.200 to
21 650.290;

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

650.245. 1. In addition to the deputy boiler inspectors authorized by section 650.240,
2 the director shall, upon the request of any company licensed to insure and insuring in this
3 state boilers and pressure vessels, or, upon the request of any company operating pressure
4 vessels in this state for which the owner or user maintains a regularly established inspection
5 service which is under the supervision of one or more engineers whose qualifications are
6 satisfactory to the ~~[board]~~ **department** and causes the pressure vessels to be regularly
7 inspected and rated by the inspection service in accordance with applicable provisions of the
8 rules and regulations adopted by the ~~[board]~~ **department** pursuant to section 650.215, issue
9 to any inspectors of the company commissions as special inspectors. Each inspector before
10 receiving his commission shall satisfactorily pass the examination provided for by section
11 650.250, or, in lieu of the examination, shall hold a commission or a certificate of competency
12 as an inspector of boilers and pressure vessels for a state that has a standard of examination
13 substantially equal to that of the state of Missouri or a commission as an inspector of boilers
14 and pressure vessels issued by the National Board of Boiler and Pressure Vessel Inspectors.
15 A commission as a special inspector shall be issued to an inspector of a company operating
16 pressure vessels in this state only if, in addition to meeting the requirements stated in this
17 section, the inspector is employed full time by the company and is responsible for making
18 inspections of pressure vessels used, or to be used, by the company, and which are not for
19 resale.

20 2. The special inspectors shall receive no salary from, nor shall any of their expenses
21 be paid by, the state, and the continuance of a special inspector's commission shall be
22 conditioned upon his continuing in the employ of the boiler insurance company or upon
23 continuing in the employ of the company so operating pressure vessels in this state and upon
24 his maintenance of the standards imposed by sections 650.200 to 650.290.

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

650.250. 1. Examination for chief, deputy or special inspectors shall be in writing
2 and shall be held by the ~~[board, with at least two members of the board present at all times~~
3 ~~during the examination]~~ **department**. The examination shall be confined to questions, the

4 answers to which will aid in determining the fitness and competency of the applicant for the
5 intended service. In case an applicant for an inspector's commission fails to pass the
6 examination, he may appeal to the ~~[board]~~ **department** for another examination which shall
7 be given by the ~~[board]~~ **department** within ninety days. The record of an applicant's
8 examination shall be accessible to the applicant and his employer. An examination fee in
9 accordance with the fee schedule adopted pursuant to the provisions of subsection 1 of section
10 650.275, payable to the department ~~[of public safety]~~, shall accompany each application for
11 examination.

12 2. A commission issued pursuant to this section shall be for a period of one year upon
13 payment in accordance with the fee schedule adopted pursuant to the provisions of subsection
14 1 of section 650.275, and may be renewed annually upon payment in accordance with the fee
15 schedule adopted pursuant to the provisions of subsection 1 of section 650.275.

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

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

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

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

650.260. 1. The director, the chief inspector, or any special deputy inspector shall
2 have free access, during reasonable hours, to any premises in the state where a boiler or
3 pressure vessel is being constructed, or is being installed, for the purpose of ascertaining
4 whether the boiler or pressure vessel is being constructed and installed in accordance with the
5 provisions of sections 650.200 to 650.290.

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

9 (1) Power boilers and high pressure, high temperature water boilers shall receive a
10 certificate inspection annually and shall also be externally inspected annually while under
11 pressure if possible;

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

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

16 (4) Pressure vessels not subject to internal corrosion shall receive a certificate
17 inspection at intervals set by the **[board] department**, but internal inspection shall not be
18 required of pressure vessels, the contents of which are known to be noncorrosive to the
19 material of which the shell, heads or fittings are constructed, either from the chemical
20 composition of the contents or from evidence that the contents are adequately treated with a
21 corrosive inhibitor, provided that the vessels are constructed in accordance with the rules and
22 regulations of the **[board] department**;

23 (5) Nuclear vessels within the scope of sections 650.200 to 650.290 shall be inspected
24 and reported in such form and with such appropriate information as the **[board] department**
25 shall designate;

26 (6) A grace period of two months beyond the periods specified in subdivisions (1),
27 (2), (3) and (4) of this subsection may elapse between certificate inspections;

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

30 (8) Under the provisions of sections 650.200 to 650.290, the **[board] department** is
31 responsible to provide for the safety of life, limb and property and therefore has jurisdiction
32 over the interpretation and application of the inspection requirements as provided for in the
33 rules and regulations which it has promulgated. Inspection during construction and
34 installation shall certify as to the minimum requirements for safety as defined in the
35 construction codes. Inspection requirements of operating equipment shall be in accordance
36 with generally accepted practice and compatible with the actual service conditions, such as:

37 (a) Previous experience, based on records of inspection, performance and
38 maintenance;

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

40 (c) Quality of inspection and operating personnel;

41 (d) Provision for related safe operation controls;

42 (e) Interrelation with other operations outside the scope of sections 650.200 to
43 650.290.

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

46 4. If at any time a test is deemed necessary for a stated cause by an inspector, it shall
47 be made by the owner or user of the boiler or pressure vessel in the presence of and under the
48 supervision of the inspector. A fee in accordance with the fee schedule adopted pursuant to
49 the provisions of subsection 1 of section 650.275, shall be charged for such supervision.

50 5. All boilers except cast iron sectional boilers, and pressure vessels to be installed in
51 the state after the twelve-month period from the date upon which the rules and regulations of
52 the ~~[board]~~ **department** become effective shall be inspected during construction as required
53 by the applicable rules and regulations of the ~~[board]~~ **department** by an inspector authorized
54 to inspect boilers and pressure vessels in this state, or, if constructed outside of the state, by an
55 inspector holding a commission issued by the National Board of Boiler and Pressure Vessel
56 Inspectors.

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

14 2. Each company operating pressure vessels covered by owner or user inspection
15 service meeting the requirements of subsection 1 of section 650.245 shall maintain in its files
16 an inspection record which shall list, by number and such abbreviated description as may be
17 necessary for identification, each pressure vessel covered by sections 650.200 to 650.290, the
18 date of the last inspection of each such unit, and for each pressure vessel the approximate date
19 for the next inspection thereof arrived at by applying the appropriate rules therefor to all data
20 available at the time the inspection record is compiled. The inspection record shall be readily
21 available for examination by the chief inspector or his authorized representative during
22 business hours. Each such company shall, in addition, file annually with the chief inspector a

23 statement, signed by the engineer having supervision over the inspections made during the
24 period covered thereby, stating the number of vessels covered by sections 650.200 to 650.290
25 inspected during the year and certifying that each inspection was conducted pursuant to the
26 inspection standards provided for by sections 650.200 to 650.290. The annual statement shall
27 be accompanied by a filing fee in accordance with the fee schedule adopted pursuant to the
28 provisions of subsection 1 of section 650.275.

29 3. No inspection certificate issued for an insured boiler or pressure vessel based upon
30 a report of a special inspector shall be valid after the boiler or pressure vessel for which it was
31 issued shall cease to be insured by a company duly authorized by this state to provide the
32 insurance.

33 4. The director or his authorized representative may at any time suspend an inspection
34 certificate when, in his opinion, the boiler or pressure vessel for which it was issued cannot be
35 operated without menace to the public safety, or when the boiler or pressure vessel is found
36 not to comply with the rules and regulations formulated by the ~~[board]~~ **department**. Each
37 suspension of an inspection certificate shall continue in effect until the boiler or pressure
38 vessel has been made to conform to the rules and regulations of the ~~[board]~~ **department**, and
39 until the inspection certificate has been reinstated.

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

7 2. The owner or user of a boiler or pressure vessel required by sections 650.200 to
8 650.290 to be inspected by the chief inspector, or his deputy inspector, shall pay a fee in
9 accordance with the fee schedule adopted pursuant to the provisions of subsection 1 of this
10 section when invoiced by the chief inspector.

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

650.277. 1. As otherwise provided by sections 650.200 to 650.295, the ~~boiler and
2 pressure vessel board]~~ **department** shall set fees for inspection, permits, licenses, and
3 certificates required by sections 650.200 to 650.295. Fees shall be determined by the ~~[board]~~
4 **department** to provide sufficient funds for the operation of the ~~[board]~~ **department** and shall
5 be set by rule or regulation promulgated in accordance with the provisions of section 536.021.
6 The ~~[board]~~ **department** may alter the fee schedule once every two years. Any funds
7 collected pursuant to sections 650.200 to 650.295 shall be deposited in the "Boiler and
8 Pressure Vessels Safety Fund", which is hereby created. Beginning July 1, 2003, moneys in
9 the fund shall be appropriated from the fund for the expenses of the ~~[board]~~ **department**. A

10 municipality or other political subdivision enforcing the provisions of sections 650.200 to
 11 650.295 and which performs the inspections, permitting, licensing, and certification as
 12 required, the fee for such inspection shall be paid directly to the municipality or political
 13 subdivision and shall not be preempted by sections 650.200 to 650.295, except that any fee
 14 established by the ~~[board]~~ **department** for the issuance of appropriate state certificates shall
 15 be paid to the ~~[board]~~ **department**.

16 2. Any rule or portion of a rule, as that term is defined in section 536.010, that is
 17 created under the authority delegated in this section or under the authority of sections 650.210
 18 to 650.275 shall become effective only if it complies with and is subject to all of the
 19 provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536
 20 are nonseverable and if any of the powers vested with the general assembly pursuant to
 21 chapter 536 to review, to delay the effective date or to disapprove and annul a rule are
 22 subsequently held unconstitutional, then the grant of rulemaking authority and any rule
 23 proposed or adopted after August 28, 2002, shall be invalid and void.

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

~~[196.1103.—The management, governance, and control of moneys
 2 appropriated from the life sciences research trust fund shall be vested in the
 3 "Life Sciences Research Board" which is hereby created in the department of
 4 economic development as a type III agency and which shall consist of seven
 5 members.—The following provisions shall apply to the life sciences research
 6 board and its members:~~

~~(1) Each member shall be appointed by the governor with the advice
 8 and consent of the senate pursuant to the procedures herein set forth for a term
 9 of four years; except that, of the initial members of the board appointed, three
 10 shall be appointed for two-year terms and four shall be appointed to four-year
 11 terms;~~

~~(2) The members of the board shall be generally familiar with the life
 13 sciences and current research trends and developments with either technical or
 14 scientific expertise in life sciences and with an understanding of the
 15 application of the results of life sciences research. The appointment of a
 16 person to the life sciences research committee created by Executive Order 01-
 17 10 issued by the governor on July 23, 2001, shall not disqualify a person from
 18 serving as a member, either contemporaneously or later, on the life sciences
 19 research board;~~

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

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

2 ~~[196.1124. No member of the life sciences research board shall be~~
3 ~~employed by any public or private not for profit entity entitled to receive~~
4 ~~financial support from the life sciences research trust fund, or participate in the~~
5 ~~making of any decision by the board to make any grant to the board member,~~
6 ~~any person who is related to the board member within the fourth degree of~~
7 ~~consanguinity or affinity, any public entity for which the board member serves~~
8 ~~as an officer, director, or other member of the entity's governing body, or any~~
9 ~~private entity for which the board member or the member's spouse is~~
10 ~~employed, serves as an officer, director, or other member of the entity's~~
11 ~~governing body. The board may from time to time issue conflict of interest~~
12 ~~guidelines and requirements with respect to the administration of the life~~
13 ~~sciences research program, to govern the actions of its employees and agents,~~
~~and to implement the provisions of this section.]~~

2 ~~[208.530. As used in sections 208.530 to 208.535, the following terms~~
3 ~~shall mean:~~

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

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

9 ~~(3) "Racial minority group":~~

10 ~~(a) Blacks or African Americans;~~

11 ~~(b) Native Americans;~~

12 ~~(c) Hispanics;~~

13 ~~(d) Asian Americans; and~~

~~(e) Other similar racial minority groups.]~~

2 ~~[208.533. 1. There is hereby established a twenty member~~
3 ~~"Commission on the Special Health, Psychological and Social Needs of~~
4 ~~Minority Older Individuals" under the department of health and senior~~
5 ~~services. The commission shall consist of the following members:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 ~~(2) In preparing the report required by this section, the commission~~
 22 ~~shall solicit and consider the input of individuals and organizations~~
 23 ~~representing the concerns of the minority older population, with particular~~
 24 ~~attention to the service needs of those with incomes below the federal poverty~~
 25 ~~level, concerning:~~
 26 ~~(a) Programs and services needed by minority older individuals;~~
 27 ~~(b) The extent to which existing programs do not meet the needs of~~
 28 ~~minority older individuals;~~
 29 ~~(c) The accessibility of existing programs to minority older~~
 30 ~~individuals;~~
 31 ~~(d) The availability and adequacy of information regarding existing~~
 32 ~~services;~~
 33 ~~(e) Health problems that minority older individuals experience at a~~
 34 ~~higher rate than the nonminority older population; and~~
 35 ~~(f) Financial, social and other barriers experienced by minority older~~
 36 ~~individuals in obtaining needed services;~~
 37 ~~(3) Conduct an outreach program that provides information to~~
 38 ~~minority older Missourians about health, psychological and social problems~~
 39 ~~experienced by minority older individuals and available programs to address~~
 40 ~~those problems, as identified in the report prepared pursuant to this section.]~~

~~[208.850. Title.~~
 2 ~~Sections 208.850 to 208.871 shall be known as and may be cited as~~
 3 ~~"The Quality Home Care Act".]~~

~~[208.853. Findings and purposes.~~
 2 ~~The people of the state of Missouri find as follows:~~
 3 ~~(1) Thousands of Missouri senior citizens and people with disabilities~~
 4 ~~continue to live independently in their own homes and avoid placement in~~
 5 ~~institutions such as nursing homes only as the result of the availability of~~
 6 ~~qualified personal care attendants who assist them with the activities of daily~~
 7 ~~living.~~
 8 ~~(2) Many Missouri senior citizens and people with disabilities who~~
 9 ~~could not otherwise afford personal care assistance services in their own~~
 10 ~~homes receive the services with assistance provided by the state and federal~~
 11 ~~governments under the Missouri consumer directed services program.~~
 12 ~~(3) The United States Supreme Court has mandated that states provide~~
 13 ~~services to persons with disabilities "in community settings rather than in~~
 14 ~~institutions" when remaining in the community is appropriate, consistent with~~
 15 ~~the wishes of the disabled person, and can be reasonably accommodated.~~
 16 ~~(4) In home care is not only the choice of most senior citizens and~~
 17 ~~people with disabilities, it is less costly than institutional care such as that~~
 18 ~~provided in nursing homes and thus saves Missouri taxpayers significant~~
 19 ~~amounts of money.~~
 20 ~~(5) The consumer directed services program permits the consumers of~~
 21 ~~these highly intimate and personal services to hire, terminate and supervise the~~
 22 ~~individual providing the services, but it does not currently give consumers any~~
 23 ~~role in setting wage rates for personal care attendants.~~

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

28 ~~(7) The continued availability of quality home care services is~~
 29 ~~threatened by a looming shortage of qualified personal care attendants due to~~
 30 ~~the aging population in the state as well as low wages, a lack of benefits, and~~
 31 ~~high rates of occupational injury. These poor working conditions also~~
 32 ~~contribute to high turnover among personal care attendants that impairs the~~
 33 ~~continuity of care.~~

34 ~~(8) The safety of home care services is threatened by both the failure~~
 35 ~~of existing safeguards to protect consumers from potentially abusive~~
 36 ~~attendants and lengthy delays in processing background checks as recently~~
 37 ~~documented by the state auditor.~~

38 ~~(9) The continued availability of quality, safe home care services can~~
 39 ~~be ensured through the creation of the "Missouri Quality Home Care Council"~~
 40 ~~with authority to investigate the quality, safety and availability of home care~~
 41 ~~services, recruit eligible personal care attendants, recommend qualifications~~
 42 ~~for personal care attendants, improve the training of personal care attendants,~~
 43 ~~establish a statewide list of eligible personal care attendants, refer consumers~~
 44 ~~to eligible personal care attendants, engage in collective bargaining with a~~
 45 ~~representative of personal care attendants, and recommend changes in personal~~
 46 ~~care attendants' wages and benefits to the general assembly.]~~

~~[208.856. The Missouri Quality Home Care Council.~~

2 ~~1. Effective January 31, 2009, the Missouri quality home care council~~
 3 ~~is hereby created to ensure the availability and improve the quality of home~~
 4 ~~care services by recruiting, training and stabilizing the personal care attendant~~
 5 ~~workforce. Expenses of the council in carrying out its powers and duties shall~~
 6 ~~be paid from any appropriations for that purpose by the general assembly. The~~
 7 ~~council shall be assigned to the department of health and senior services with~~
 8 ~~supervision by the department extending only to budgeting and reporting as~~
 9 ~~provided by subdivisions (4) and (5) of subsection 6 of section 1 of the~~
 10 ~~Reorganization Act of 1974. Supervision by the department shall not extend~~
 11 ~~to matters relating to policies, regulatory functions or other matters~~
 12 ~~specifically delegated to the council by sections 208.850 to 208.871 and the~~
 13 ~~director of the department or any employee of the department, either directly~~
 14 ~~or indirectly, shall not participate or interfere with the activities of the council~~
 15 ~~in any manner not specifically provided by law.~~

16 ~~2. The council shall consist of eleven members appointed by the~~
 17 ~~governor with the advice and consent of the senate as follows:~~

18 ~~(1) Six members shall be current or former recipients of personal care~~
 19 ~~assistance services under the consumer directed services program, or its~~
 20 ~~successor program or programs. Two of the consumer members shall have~~
 21 ~~received services for a period of at least one year, two shall have received~~
 22 ~~services for a period of at least two years, and two shall have received services~~
 23 ~~for a period of at least three years. In order to ensure that at least one of the~~

24 ~~consumer members has personal knowledge of challenges rural consumers~~
 25 ~~face, at least one of these members shall be a resident of a third class county;~~
 26 ~~(2) One member shall be a representative of the Missouri department~~
 27 ~~of health and senior services, or its successor entity;~~
 28 ~~(3) Two members shall be representatives of Missouri centers for~~
 29 ~~independent living, or their successor entities;~~
 30 ~~(4) One member shall be a representative of the governor's council on~~
 31 ~~disabilities, or its successor entity;~~
 32 ~~(5) One member shall be a representative of the governor's advisory~~
 33 ~~council on aging, or its successor entity.~~
 34 ~~3. Each member of the council shall serve a term of three years, except~~
 35 ~~the first eleven members who shall serve staggered terms as follows: three~~
 36 ~~recipient members and the department of health and senior services member~~
 37 ~~shall serve one-year terms, two recipient members and one centers for~~
 38 ~~independent living member shall serve two year terms, and one recipient~~
 39 ~~member, one centers for independent living member, and the council on~~
 40 ~~disabilities and advisory council on aging members shall serve three-year~~
 41 ~~terms. The initial members of the council shall be appointed by the governor~~
 42 ~~by March 1, 2009. If a vacancy occurs, the governor will appoint a~~
 43 ~~replacement for the remainder of the departing member's term. Commission~~
 44 ~~members shall be eligible for reappointment but shall serve no more than two~~
 45 ~~terms. In making appointments, the governor shall consider nominations or~~
 46 ~~recommendations from the agencies or groups represented on the council.~~
 47 ~~Members of the council shall serve without compensation, but shall be~~
 48 ~~reimbursed their actual and necessary expenses. The governor may remove a~~
 49 ~~council member for good cause.]~~

~~[208.859. The powers and duties of the council.~~

2 ~~The council shall have the following powers and duties:~~
 3 ~~(1) Assess the size, quality and stability of the home care workforce in~~
 4 ~~Missouri and the ability of the existing workforce to meet the growing and~~
 5 ~~changing needs of both aging and disabled consumers;~~
 6 ~~(2) Encourage eligible individuals to serve as personal care attendants;~~
 7 ~~(3) Provide training on a voluntary basis, either directly or through~~
 8 ~~contracts, in cooperation with vendors, as defined in subdivision (5) of section~~
 9 ~~208.865, for prospective and current personal care attendants;~~
 10 ~~(4) Recommend minimum qualifications for personal care attendants~~
 11 ~~to the department of health and senior services;~~
 12 ~~(5) Establish and maintain a statewide list of eligible, available~~
 13 ~~personal care attendants, in cooperation with vendors, including attendants~~
 14 ~~available to provide respite and replacement services. In order to facilitate the~~
 15 ~~creation of such a list, all vendors shall provide the council with the list of~~
 16 ~~persons eligible to be a personal care attendant which vendors are required to~~
 17 ~~maintain under subsection 4 of section 208.906 and subdivision (3) of~~
 18 ~~subsection 1 of section 208.918. The council shall ensure that all personal care~~
 19 ~~attendants placed on the statewide list are registered with the family care~~
 20 ~~safety registry as provided in sections 210.900 to 210.936 and are not listed on~~
 21 ~~any of the background check lists in the family care safety registry, absent a~~

22 good cause waiver obtained from the department pursuant to section 192.2495.
23 ~~All consumers seeking personal care attendants, whether or not they are~~
24 ~~participants in the consumer directed services program, shall have access to~~
25 ~~the statewide list;~~

26 ~~(6) Provide routine, emergency, respite, and replacement referrals of~~
27 ~~eligible and available personal care attendants to vendors and consumers;~~

28 ~~(7) In cooperation with the Missouri state highway patrol, the~~
29 ~~department of social services' children's division, the department of mental~~
30 ~~health, the department of health and senior services, and vendors and on an on-~~
31 ~~going basis, assess existing mechanisms for preventing abuse and neglect of~~
32 ~~consumers in the home care setting and recommend improvements to those~~
33 ~~agencies and the general assembly. As part of this duty, members and~~
34 ~~employees of the council shall have access to the employee disqualification~~
35 ~~list established in section 192.2490 and the family care safety registry.~~
36 ~~Members and employees of the council shall report to the department of health~~
37 ~~and senior services when they have reasonable cause to believe that a~~
38 ~~consumer has been abused or neglected as defined in section 192.2400, subject~~
39 ~~to the same standards set forth in section 208.912;~~

40 ~~(8) Recommend the wage rate or rates to be paid personal care~~
41 ~~attendants and any economic benefits to be received by personal care~~
42 ~~attendants to the general assembly. The department shall retain its existing~~
43 ~~authority to establish the Medicaid reimbursement rate for personal care~~
44 ~~assistance services under subsection 2 of section 208.903;~~

45 ~~(9) Establish other terms and conditions of employment of personal~~
46 ~~care attendants consistent with consumers' right to hire, fire, train, and~~
47 ~~supervise personal care attendants;~~

48 ~~(10) Cooperate with the department of health and senior services and~~
49 ~~vendors to improve the provision of personal care assistance services;~~

50 ~~(11) In carrying out its powers and duties under sections 208.850 to~~
51 ~~208.871, the council may:~~

52 ~~(a) Make and execute contracts and all other instruments necessary or~~
53 ~~convenient for the performance of its duties or exercise of its powers;~~

54 ~~(b) Issue rules under the Missouri administrative procedures act,~~
55 ~~chapter 536, as necessary for the purposes and policies of sections 208.850 to~~
56 ~~208.871. Any rule or portion of a rule, as that term is defined in section~~
57 ~~536.010, that is created under the authority delegated in this section, shall~~
58 ~~become effective only if it complies with and is subject to all of the provisions~~
59 ~~of chapter 536 and, if applicable, section 536.028. This section and chapter~~
60 ~~536 are nonseverable and if any of the powers vested with the general~~
61 ~~assembly pursuant to chapter 536 to review, to delay the effective date, or to~~
62 ~~disapprove and annul a rule are subsequently held unconstitutional, then the~~
63 ~~grant of rulemaking authority and any rule proposed or adopted after August~~
64 ~~28, 2008, shall be invalid and void;~~

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

- 70 ~~(d) Solicit and accept for use any grant of money, services or property~~
 71 ~~from the federal government, the state, or any political subdivision or agency~~
 72 ~~thereof, including federal matching funds under Title XIX of the federal Social~~
 73 ~~Security Act, and do all things necessary to cooperate with the federal~~
 74 ~~government, the state, or any political subdivision or agency thereof in making~~
 75 ~~an application for any grant;~~
 76 ~~(e) Keep records and engage in research and the gathering of relevant~~
 77 ~~statistics;~~
 78 ~~(f) Acquire, hold, or dispose of personal property or any interest~~
 79 ~~therein, and contract for, lease, or otherwise provide facilities for the activities~~
 80 ~~conducted under this measure;~~
 81 ~~(g) Sue and be sued in its own name;~~
 82 ~~(h) Delegate to the appropriate persons the power to execute contracts~~
 83 ~~and other instruments on its behalf and delegate any of its powers and duties if~~
 84 ~~consistent with the purposes of sections 208.850 to 208.871; and~~
 85 ~~(i) Do other acts necessary or convenient to execute the powers~~
 86 ~~expressly granted to it.]~~

- 2 ~~[208.862. 1. Consumers shall retain the right to hire, fire, supervise,~~
~~and train personal care attendants.~~
 3 ~~2. Vendors shall continue to perform the functions provided in sections~~
 4 ~~208.900 to 208.930. In addition to having a philosophy that promotes the~~
 5 ~~consumer's ability to live independently in the most integrated setting or the~~
 6 ~~maximum community inclusion of persons with physical disabilities, as~~
 7 ~~required by subsection 1 of section 208.918, vendors shall provide to~~
 8 ~~consumers advocacy, independent living skills training, peer counseling, and~~
 9 ~~information and referral services, as those terms are used in subsection 3 of~~
 10 ~~section 178.656.~~
 11 ~~3. The council shall be a public body as that term is defined in section~~
 12 ~~105.500, and personal care attendants shall be employees of the council solely~~
 13 ~~for purposes of sections 105.500 to 105.598.~~
 14 ~~4. The sole bargaining unit of personal care attendants, as that term is~~
 15 ~~defined in section 105.500, shall be a statewide unit. Personal care attendants~~
 16 ~~who are related to or members of the family of the consumer to whom they~~
 17 ~~provide services shall not for that reason be excluded from the unit. The state~~
 18 ~~board of mediation shall conduct an election, by mail ballot, to determine~~
 19 ~~whether an organization shall be designated the exclusive bargaining~~
 20 ~~representative as defined in section 105.500 for the statewide unit of~~
 21 ~~personal care attendants under section 105.525 upon a showing that ten~~
 22 ~~percent of the personal care attendants in said unit want to be represented by a~~
 23 ~~representative. The Missouri office of administration shall represent the~~
 24 ~~council in any collective bargaining with a representative of personal care~~
 25 ~~attendants. Upon completion of bargaining, any agreements shall be reduced~~
 26 ~~to writing and presented to the council for adoption, modification or rejection.~~
 27 ~~5. The state of Missouri and all vendors shall cooperate in the~~
 28 ~~implementation of any agreements reached by the council and any~~
 29 ~~representative of personal care attendants, including making any payroll~~
 30 ~~deductions authorized by the agreements which can lawfully be made pursuant~~

31 to agreements entered into under sections 105.500 to 105.598 as currently
 32 construed by the Missouri appellate courts.

33 6. Personal care attendants shall not have the right to strike and breach
 34 of this prohibition will result in disqualification from participation in the
 35 consumer directed services program.

36 7. Personal care attendants shall not be considered employees of the
 37 state of Missouri or any vendor for any purpose.

38 8. (1) The provisions of sections 105.500 to 105.598 shall apply to all
 39 personal care attendants, organizations elected as the exclusive bargaining
 40 representative of the bargaining unit of personal care attendants under this
 41 section, and all officers and employees of such organizations. For purposes of
 42 this subsection, organizations elected as the exclusive bargaining
 43 representative of a bargaining unit under this section shall be considered a
 44 labor organization, as that term is defined in section 105.500.

45 (2) If an organization is not recertified or is decertified as the exclusive
 46 bargaining representative of a bargaining unit of personal care attendants
 47 under section 105.575, any subsequent certification of an organization as
 48 exclusive bargaining representative of a bargaining unit of personal care
 49 attendants shall be conducted according to the provisions of section 105.575,
 50 notwithstanding subsection 4 of this section to the contrary.]

[208.865. Definitions.

2 As used in sections 208.850 to 208.871:

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

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

7 (3) "Department" means the Missouri department of health and senior
 8 services;

9 (4) "Personal care attendant" means a person, other than a consumer's
 10 spouse, providing consumer directed personal care assistance services as
 11 defined in subdivisions (2) and (5) of section 208.900 under sections 208.900
 12 to 208.927, similar consumer directed personal care assistance services under
 13 section 208.930, and similar consumer directed personal care assistance
 14 services through a program operated pursuant to a waiver obtained under
 15 Section 1915(e) of the federal Social Security Act or similar consumer-
 16 directed services under the successor to any of said programs;

17 (5) "Vendor" is defined in subdivision (10) of section 208.900 and in
 18 subsection 2 of section 208.862.]

[208.868. Federal approval and funding.

2 The council and the state of Missouri shall take all actions reasonably
 3 necessary to obtain any approval from the United States needed to implement
 4 any part of sections 208.850 to 208.871 and to ensure continued federal
 5 funding of any program governed by sections 208.850 to 208.871.]

[208.871. Severability.

2 If any section, subsection, subdivision, paragraph, sentence, or clause
 3 of sections 208.850 to 208.871 is held to be invalid or unconstitutional, such
 4 decision shall not affect any remaining portion, section, or part thereof which
 5 can be given effect without the invalid provision.]

2 [~~209.287. 1. There is hereby established within the Missouri~~
 3 ~~commission for the deaf and hard of hearing a board to be known as the~~
 4 ~~"Board for Certification of Interpreters", which shall be composed of three~~
 5 ~~members. The executive director of the Missouri commission for the deaf and~~
 6 ~~hard of hearing or the director's designee shall be a nonvoting member of the~~
 7 ~~board.~~

8 ~~2. The members shall be appointed by the governor with the advice~~
 9 ~~and consent of the senate from a list of recommendations from the~~
 10 ~~commission. The members shall be appointed for terms of three years. No~~
 11 ~~member shall be eligible to serve more than two consecutive terms, except a~~
 12 ~~person appointed to fill a vacancy for a partial term may serve two additional~~
 13 ~~terms. One of the members appointed shall be deaf, one shall be a certified~~
 14 ~~interpreter, and one shall be deaf or a certified interpreter. The members shall~~
 15 ~~be fluent in American sign language, Pidgin Signed English, oral, tactile sign,~~
 16 ~~or any specialized vocabulary used by deaf persons. The member shall have a~~
 17 ~~background and knowledge of interpreting and evaluation.~~

18 ~~3. The members shall receive no compensation for their services on~~
 19 ~~the board, but the commission shall reimburse the members for actual and~~
 20 ~~necessary expenses incurred in the performance of their official duties. The~~
 21 ~~board shall meet not less than two times per year. The board shall elect from~~
 22 ~~its membership a chairperson and a secretary. A quorum of the board shall~~
 23 ~~consist of two of its members.~~

24 ~~4. Any member of the commission may petition the governor to~~
 25 ~~remove a member from the board for the following reasons: misconduct,~~
 26 ~~inefficiency, incompetence or neglect of his official duties. The governor may~~
 27 ~~remove the member after giving the committee member written notice of the~~
 28 ~~charges against him or her and an opportunity to be heard pursuant to~~
~~administrative procedures in chapter 621.]~~

2 [~~210.102. 1. There is hereby established within the department of~~
 3 ~~elementary and secondary education the "Coordinating Board for Early~~
 4 ~~Childhood", which shall constitute a body corporate and politic, and shall~~
 5 ~~include, but not be limited to, the following members:~~

- 6 (1) ~~A representative from the governor's office;~~
 7 (2) ~~A representative from each of the following departments: health~~
 8 ~~and senior services, mental health, social services, and elementary and~~
 9 ~~secondary education;~~
 10 (3) ~~A representative of the judiciary;~~
 11 (4) ~~A representative of the family and community trust board (FACT);~~
 12 (5) ~~A representative from the head start program; and~~
 13 (6) ~~Nine members appointed by the governor with the advice and~~
~~consent of the senate who are representatives of the groups, such as business,~~

14 ~~philanthropy, civic groups, faith-based organizations, parent groups, advocacy~~
15 ~~organizations, early childhood service providers, and other stakeholders.~~

16
17 ~~The coordinating board may make all rules it deems necessary to enable it to~~
18 ~~conduct its meetings, elect its officers, and set the terms and duties of its~~
19 ~~officers. The coordinating board shall elect from amongst its members a~~
20 ~~chairperson, vice chairperson, a secretary-reporter, and such other officers as it~~
21 ~~deems necessary. Members of the board shall serve without compensation but~~
22 ~~may be reimbursed for actual expenses necessary to the performance of their~~
23 ~~official duties for the board.~~

24 ~~2. The coordinating board for early childhood shall have the power to:~~

25 ~~(1) Develop a comprehensive statewide long range strategic plan for a~~
26 ~~cohesive early childhood system;~~

27 ~~(2) Confer with public and private entities for the purpose of~~
28 ~~promoting and improving the development of children from birth through age~~
29 ~~five of this state;~~

30 ~~(3) Identify legislative recommendations to improve services for~~
31 ~~children from birth through age five;~~

32 ~~(4) Promote coordination of existing services and programs across~~
33 ~~public and private entities;~~

34 ~~(5) Promote research-based approaches to services and ongoing~~
35 ~~program evaluation;~~

36 ~~(6) Identify service gaps and advise public and private entities on~~
37 ~~methods to close such gaps;~~

38 ~~(7) Apply for and accept gifts, grants, appropriations, loans, or~~
39 ~~contributions to the coordinating board for early childhood fund from any~~
40 ~~source, public or private, and enter into contracts or other transactions with~~
41 ~~any federal or state agency, any private organizations, or any other source in~~
42 ~~furtherance of the purpose of subsection 1 of this section and this subsection,~~
43 ~~and take any and all actions necessary to avail itself of such aid and~~
44 ~~cooperation;~~

45 ~~(8) Direct disbursements from the coordinating board for early~~
46 ~~childhood fund as provided in this section;~~

47 ~~(9) Administer the coordinating board for early childhood fund and~~
48 ~~invest any portion of the moneys not required for immediate disbursement in~~
49 ~~obligations of the United States or any agency or instrumentality of the United~~
50 ~~States, in obligations of the state of Missouri and its political subdivisions, in~~
51 ~~certificates of deposit and time deposits, or other obligations of banks and~~
52 ~~savings and loan associations, or in such other obligations as may be~~
53 ~~prescribed by the board;~~

54 ~~(10) Purchase, receive, take by grant, gift, devise, bequest or~~
55 ~~otherwise, lease, or otherwise acquire, own, hold, improve, employ, use, and~~
56 ~~otherwise deal with real or personal property or any interests therein, wherever~~
57 ~~situated;~~

58 ~~(11) Sell, convey, lease, exchange, transfer or otherwise dispose of all~~
59 ~~or any of its property or any interest therein, wherever situated;~~

60 ~~(12) Employ and fix the compensation of an executive director and~~
61 ~~such other agents or employees as it considers necessary;~~

- 62 ~~(13) Adopt, alter, or repeal by its own bylaws, rules, and regulations~~
- 63 ~~governing the manner in which its business may be transacted;~~
- 64 ~~(14) Adopt and use an official seal;~~
- 65 ~~(15) Assess or charge fees as the board determines to be reasonable to~~
- 66 ~~carry out its purposes;~~
- 67 ~~(16) Make all expenditures which are incident and necessary to carry~~
- 68 ~~out its purposes;~~
- 69 ~~(17) Sue and be sued in its official name;~~
- 70 ~~(18) Take such action, enter into such agreements, and exercise all~~
- 71 ~~functions necessary or appropriate to carry out the duties and purposes set~~
- 72 ~~forth in this section.~~
- 73 ~~3. There is hereby created the "Coordinating Board for Early~~
- 74 ~~Childhood Fund" which shall consist of the following:~~
- 75 ~~(1) Any moneys appropriated by the general assembly for use by the~~
- 76 ~~board in carrying out the powers set out in subsections 1 and 2 of this section;~~
- 77 ~~(2) Any moneys received from grants or which are given, donated, or~~
- 78 ~~contributed to the fund from any source;~~
- 79 ~~(3) Any moneys received as fees authorized under subsections 1 and 2~~
- 80 ~~of this section;~~
- 81 ~~(4) Any moneys received as interest on deposits or as income on~~
- 82 ~~approved investments of the fund;~~
- 83 ~~(5) Any moneys obtained from any other available source.~~

84

85 ~~Notwithstanding the provisions of section 33.080 to the contrary, any moneys~~

86 ~~remaining in the coordinating board for early childhood fund at the end of the~~

87 ~~biennium shall not revert to the credit of the general revenue fund.]~~

- 2 ~~[650.125. 1. The provisions of this section shall be known and may be~~
- 3 ~~cited as the "Missouri Cybersecurity Act".~~
- 4 ~~2. There is hereby established within the department of public safety~~
- 5 ~~the "Missouri Cybersecurity Commission". The commission shall have as its~~
- 6 ~~purpose identifying risk to and vulnerability of the state and critical~~
- 7 ~~infrastructure with regard to cyber attacks of any nature from within or~~
- 8 ~~outside the United States and advising the governor on such matters. The~~
- 9 ~~commission shall consist of the following members:~~
- 10 ~~(1) Eight members to be appointed by the governor, one from each~~
 - 11 ~~congressional district, with four members from each party;~~
 - 12 ~~(2) The state chief information officer as designated by the governor~~
 - 13 ~~and commissioner of the office of administration;~~
 - 14 ~~(3) One representative of the Missouri state highway patrol, ex officio;~~
 - 15 ~~(4) One representative of the state emergency management agency, ex~~
 - 16 ~~officio; and~~
 - 17 ~~(5) One representative of the Missouri national guard, ex officio.~~

18 ~~No more than five of the nine members appointed by the governor shall be of~~

19 ~~the same political party. To be eligible for appointment by the governor, a~~

20 ~~person shall have demonstrated expertise in cybersecurity or experience in a~~

21 ~~field that directly correlates to a need of the state relating to cyber defense.~~

22 The membership of the commission shall reflect both private sector and public
 23 sector expertise and experience in cybersecurity. Appointed members of the
 24 commission shall serve three year terms, except that of the initial
 25 appointments made by the governor, three shall be for one year terms, three
 26 shall be for two year terms, and three shall be for three year terms. No
 27 appointed member of the commission shall serve more than six years total.
 28 Any vacancy on the commission shall be filled in the same manner as the
 29 original appointment.

30 3. The members of the commission shall serve without compensation,
 31 but shall be reimbursed for the actual and necessary expenses incurred in the
 32 discharge of the members' official duties.

33 4. A chair of the commission shall be selected by the members of the
 34 commission.

35 5. The department of public safety shall furnish administrative support
 36 and staff for the effective operation of the commission.

37 6. The commission shall meet at least quarterly and at such other times
 38 as the chair deems necessary.

39 7. The commission shall be funded by an appropriation limited to that
 40 purpose. Any expenditure constituting more than ten percent of the
 41 commission's annual appropriation shall be based on a competitive bid
 42 process.

43 8. The commission shall:

44 (1) Advise the governor on the state of cybersecurity in the state of
 45 Missouri;

46 (2) Solicit data from state agencies, political subdivisions of the state,
 47 public institutions of higher education, and public schools relating to
 48 cybersecurity;

49 (3) Make recommendations to reduce the state's risk of cyber attack
 50 and to identify best practices for the state to work offensively against cyber
 51 threats.

52 9. State agencies, public institutions of higher education, and public
 53 schools shall provide any data requested by the commission under this section
 54 unless such information is protected from disclosure under chapter 610 or is
 55 required to be kept confidential under a code of ethics from a profession
 56 licensed in the state. The provisions of this section shall not be construed to
 57 compel private sector organizations to provide information or data to the
 58 commission.

59 10. The commission shall prepare and present an annual report to the
 60 governor by December thirty first of each year. Any content from the report
 61 protected under section 610.021, including any cybersecurity vulnerabilities
 62 identified by the commission, shall be held confidential.]

2 [650.210. 1. There is hereby created within the department of public
 3 safety a "Board of Boiler and Pressure Vessel Rules", which shall hereafter be
 4 referred to as the board, consisting of seven members who shall be appointed
 5 by the governor with the advice and consent of the senate, one for a term of
 6 one year, two for a term of two years, two for a term of three years, and two for
 a term of four years. At the expiration of their respective terms of office, they,

7 ~~or their successors identifiable with the same interest respectively as~~
8 ~~hereinafter provided, shall be appointed for terms of four years each. The~~
9 ~~governor may at any time remove any member of the board for inefficiency or~~
10 ~~neglect of duty in office. Upon the death or incapacity of any member, the~~
11 ~~governor shall fill the vacancy for the remainder of the vacated term with a~~
12 ~~representative of the same interests with which his predecessor was identified.~~
13 ~~Of these seven appointed members, one shall be a representative of owners~~
14 ~~and users of high pressure boilers and pressure vessels in manufacturing,~~
15 ~~processing, or utilities, one shall be a representative of owners and users of~~
16 ~~low pressure boilers and pressure vessels in commercial buildings, multiple-~~
17 ~~unit housing, or hotels, one shall be a representative of the boiler~~
18 ~~manufacturers within this state, one shall be a representative of a boiler~~
19 ~~insurance company licensed to do business in this state, one shall be a~~
20 ~~mechanical engineer on the faculty of a recognized engineering college in this~~
21 ~~state or a licensed professional engineer having equivalent experience, one~~
22 ~~shall be a representative of the boilermakers, and one shall be a representative~~
23 ~~of the practical steam operating engineers. The board shall elect one of its~~
24 ~~members to serve as chairman. The board shall meet at least four times each~~
25 ~~year at Jefferson City, or other place designated by the chairman.~~

26 ~~2. The members of the board shall serve without salary and shall~~
27 ~~receive their actual traveling and hotel expenses, incurred while in the~~
28 ~~performance of their duties as members of the board, to be paid in the same~~
29 ~~manner as in the case of other state officers.]~~

✓