

SECOND REGULAR SESSION

# HOUSE BILL NO. 2548

99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE TAYLOR.

5629H.011

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To repeal sections 37.014, 37.735, 41.950, 41.1010, 135.750, 160.2100, 160.2110, 173.1400, 186.007, 190.100, 190.101, 190.176, 191.300, 191.305, 191.310, 191.400, 191.980, 191.1080, 191.1085, 192.005, 192.735, 192.745, 192.2030, 194.297, 194.300, 194.302, 194.400, 194.409, 196.525, 196.527, 196.540, 196.542, 196.555, 196.560, 196.565, 196.570, 196.585, 196.590, 196.612, 196.614, 196.931, 196.939, 196.941, 196.943, 196.945, 196.947, 196.949, 196.951, 196.1103, 196.1106, 196.1112, 196.1118, 196.1121, 196.1124, 196.1127, 196.1129, 196.1130, 199.007, 208.197, 208.530, 208.533, 208.535, 208.850, 208.853, 208.856, 208.859, 208.862, 208.865, 208.868, 208.871, 208.955, 209.285, 209.319, 209.321, 209.323, 209.326, 209.328, 209.332, 209.334, 209.337, 210.102, 210.170, 210.172, 210.496, 210.1014, 217.147, 217.900, 217.903, 217.905, 217.907, 217.910, 226.008, 253.412, 260.360, 260.365, 260.370, 260.371, 260.377, 260.380, 260.385, 260.390, 260.395, 260.900, 261.235, 262.820, 262.823, 262.826, 262.829, 262.832, 262.835, 262.838, 262.841, 262.844, 262.847, 262.850, 262.853, 262.856, 262.859, 263.523, 263.525, 263.527, 288.475, 292.602, 301.3087, 301.3125, 311.554, 320.094, 324.001, 324.010, 324.028, 324.177, 324.180, 324.400, 324.402, 324.403, 324.406, 324.409, 324.412, 324.415, 324.418, 324.421, 324.424, 324.427, 324.430, 324.433, 324.436, 324.439, 324.478, 332.021, 332.086, 334.100, 334.120, 334.400, 334.404, 334.406, 334.408, 334.412, 334.414, 334.416, 334.418, 334.422, 334.424, 334.426, 334.428, 334.430, 334.611, 334.625, 334.735, 334.736, 334.738, 334.740, 334.742, 334.743, 334.745, 334.749, 337.010, 337.030, 337.050, 337.085, 337.300, 337.305, 337.340, 337.500, 337.507, 337.535, 337.600, 337.622, 337.644, 337.645, 337.653, 337.700, 337.703, 337.705, 337.709, 337.712, 337.715, 337.718, 337.727, 337.730, 337.733, 337.736, 337.739, 338.320, 348.020, 348.265, 414.420, 536.305, 620.455, 620.465, 620.1200, 620.1210, 620.1220, 620.1230,

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.

620.1240, 620.2005, 633.200, 643.040, 643.173, 701.040, and 701.353, RSMo, sections 196.1109 and 196.1115 as enacted by senate bill no. 7, ninety-sixth general assembly, first extraordinary session, and sections 196.1109 and 196.1115 as enacted by house bill no. 688, ninety-second general assembly, first regular session, and to enact in lieu thereof one hundred thirty-three new sections relating to gubernatorial appointments.

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

Section A. Sections 37.014, 37.735, 41.950, 41.1010, 135.750, 160.2100, 160.2110,  
2 173.1400, 186.007, 190.100, 190.101, 190.176, 191.300, 191.305, 191.310, 191.400, 191.980,  
3 191.1080, 191.1085, 192.005, 192.735, 192.745, 192.2030, 194.297, 194.300, 194.302, 194.400,  
4 194.409, 196.525, 196.527, 196.540, 196.542, 196.555, 196.560, 196.565, 196.570, 196.585,  
5 196.590, 196.612, 196.614, 196.931, 196.939, 196.941, 196.943, 196.945, 196.947, 196.949,  
6 196.951, 196.1103, 196.1106, 196.1112, 196.1118, 196.1121, 196.1124, 196.1127, 196.1129,  
7 196.1130, 199.007, 208.197, 208.530, 208.533, 208.535, 208.850, 208.853, 208.856, 208.859,  
8 208.862, 208.865, 208.868, 208.871, 208.955, 209.285, 209.319, 209.321, 209.323, 209.326,  
9 209.328, 209.332, 209.334, 209.337, 210.102, 210.170, 210.172, 210.496, 210.1014, 217.147,  
10 217.900, 217.903, 217.905, 217.907, 217.910, 226.008, 253.412, 260.360, 260.365, 260.370,  
11 260.371, 260.377, 260.380, 260.385, 260.390, 260.395, 260.900, 261.235, 262.820, 262.823,  
12 262.826, 262.829, 262.832, 262.835, 262.838, 262.841, 262.844, 262.847, 262.850, 262.853,  
13 262.856, 262.859, 263.523, 263.525, 263.527, 288.475, 292.602, 301.3087, 301.3125, 311.554,  
14 320.094, 324.001, 324.010, 324.028, 324.177, 324.180, 324.400, 324.402, 324.403, 324.406,  
15 324.409, 324.412, 324.415, 324.418, 324.421, 324.424, 324.427, 324.430, 324.433, 324.436,  
16 324.439, 324.478, 332.021, 332.086, 334.100, 334.120, 334.400, 334.404, 334.406, 334.408,  
17 334.412, 334.414, 334.416, 334.418, 334.422, 334.424, 334.426, 334.428, 334.430, 334.611,  
18 334.625, 334.735, 334.736, 334.738, 334.740, 334.742, 334.743, 334.745, 334.749, 337.010,  
19 337.030, 337.050, 337.085, 337.300, 337.305, 337.340, 337.500, 337.507, 337.535, 337.600,  
20 337.622, 337.644, 337.645, 337.653, 337.700, 337.703, 337.705, 337.709, 337.712, 337.715,  
21 337.718, 337.727, 337.730, 337.733, 337.736, 337.739, 338.320, 348.020, 348.265, 414.420,  
22 536.305, 620.455, 620.465, 620.1200, 620.1210, 620.1220, 620.1230, 620.1240, 620.2005,  
23 633.200, 643.040, 643.173, 701.040, and 701.353, RSMo, sections 196.1109 and 196.1115 as  
24 enacted by senate bill no. 7, ninety-sixth general assembly, first extraordinary session, and  
25 sections 196.1109 and 196.1115 as enacted by house bill no. 688, ninety-second general  
26 assembly, first regular session, are repealed and one hundred thirty-three new sections enacted  
27 in lieu thereof, to be known as sections 1.700, 37.014, 37.735, 41.950, 41.1010, 135.750,  
28 173.1400, 186.007, 190.100, 190.176, 191.300, 191.1085, 192.005, 192.735, 192.2700, 194.297,

29 194.400, 196.525, 196.527, 196.540, 196.542, 196.555, 196.560, 196.565, 196.570, 196.585,  
 30 196.590, 196.612, 196.614, 196.931, 196.939, 196.945, 196.947, 196.949, 196.951, 196.1130,  
 31 208.862, 208.865, 208.868, 208.871, 208.955, 209.285, 209.321, 209.323, 209.326, 209.328,  
 32 209.332, 209.334, 209.337, 210.102, 210.170, 210.172, 210.496, 226.008, 253.412, 260.360,  
 33 260.371, 260.377, 260.380, 260.385, 260.390, 260.395, 260.900, 261.235, 261.300, 263.527,  
 34 292.602, 301.3087, 301.3125, 311.554, 320.094, 324.001, 324.010, 324.028, 324.478, 332.021,  
 35 334.100, 334.120, 334.400, 334.404, 334.406, 334.408, 334.412, 334.414, 334.416, 334.418,  
 36 334.422, 334.424, 334.426, 334.428, 334.611, 334.735, 334.736, 334.738, 334.740, 334.742,  
 37 334.743, 334.745, 337.010, 337.030, 337.085, 337.300, 337.305, 337.340, 337.500, 337.507,  
 38 337.600, 337.644, 337.645, 337.653, 337.700, 337.703, 337.705, 337.709, 337.712, 337.715,  
 39 337.718, 337.727, 337.730, 337.733, 337.736, 337.800, 348.020, 348.265, 536.305, 620.455,  
 40 620.465, 620.2005, 633.200, 643.040, 650.560, 701.040, and 701.353, to read as follows:

**1.700. This section shall apply to subcommittees of all boards, commissions, committees, and councils in this state. A subcommittee shall have no more than nine members, at least one of whom shall be a member of the parent board, commission, committee, or council. The members of the subcommittee may be chosen by the chair of the parent board, commission, committee, or council. The subcommittee shall not have the authority to spend state funds, but may make recommendations for spending to its parent board, commission, committee, or council.**

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

- 3 (1) The director of the department of economic development;
- 4 (2) The commissioner of the office of administration;
- 5 (3) Three minority business persons, appointed by the governor, **one of whom is**
- 6 **Hispanic, and** one of whom shall be designated chairman of the commission;
- 7 (4) Two members of the house of representatives appointed by the speaker of the house
- 8 of representatives;
- 9 (5) Two members of the senate appointed by the president pro tempore of the senate.

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

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

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

24           4. The commission shall meet at least three times each year and at other times as the  
25 chairman deems necessary.

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

27           (1) Identify minority businesses in the state;

28           (2) Assess the needs of minority businesses;

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

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

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

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

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

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

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

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

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

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

50           (13) Receive complaints and recommendations concerning policies and activities of  
51 federal, state and local governmental agencies which affect minority small businesses, and

52 develop, in cooperation with the agency involved, proposals for changes in policies or activities  
53 to alleviate any unnecessary adverse effects to minority small business.

54 6. The office of administration shall furnish administrative support and staff for the  
55 effective operation of the commission.

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

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

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

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

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

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

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

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

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

29 7. The chairperson of the council shall serve without compensation but shall be  
30 reimbursed for actual and necessary travel and other expenses incurred in the performance of the  
31 duties as chairperson of the council on disability. The members of the council shall serve

32 without compensation but may be reimbursed for their actual and necessary expenses incurred  
33 in attending all meetings provided for by sections 37.735 to 37.745.

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

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

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

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

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

15 (2) No person failing to renew his or her driver's license while performing such military  
16 service shall be required to take a complete examination as required under section 302.173 when  
17 renewing his or her license within ninety days after completing such military service and  
18 reestablishing residence within the state;

19 (3) Any motor vehicle registration required under chapter 301 that expires for any person  
20 performing such military service may be renewed by such person within sixty days of completing  
21 such military service without being required to pay a delinquent registration fee; however, such

22 motor vehicle shall not be operated while the person is performing such military service unless  
23 the motor vehicle registration is renewed;

24 (4) Any person enrolled by the supreme court of Missouri or licensed, registered or  
25 certified under chapter 168, 256, 317, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334,  
26 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 375, 640 or 644, and interpreters  
27 licensed under sections ~~[209.319]~~ **209.321** to 209.339, whose license, registration or certification  
28 expires while performing such military service, may renew such license, registration or  
29 certification within sixty days of completing such military service without penalty;

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

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

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

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

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

53 (10) No state agency, board, commission or administrative tribunal shall take any  
54 administrative action against any person performing such military service for that person's failure  
55 to take any required action or meet any required obligation not already provided for in  
56 subdivisions (1) to (8) of this subsection until one hundred eighty days after the completion of  
57 such military service, except that any agency, board, commission or administrative tribunal

58 affected by this subdivision may, in its discretion, extend the time required to take such action  
59 or meet such obligation beyond the one hundred eighty-day period;

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

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

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

41.1010. 1. There is hereby established the "Missouri Military Preparedness and  
2 Enhancement Commission". The commission shall have as its purpose the design and  
3 implementation of measures intended to protect, retain, and enhance the present and future  
4 mission capabilities at the military posts or bases within the state. The commission shall consist  
5 of ~~nine~~ **ten** members:

6 (1) ~~Five~~ **Six** members to be appointed by the governor;

7 (2) Two members of the house of representatives, one appointed by the speaker of the  
8 house of representatives, and one appointed by the minority floor leader;

9 (3) Two members of the senate, one appointed by the president pro tempore, and one  
10 appointed by the minority floor leader;

11 (4) The director of the department of economic development or the director's designee,  
12 ex officio;

13 (5) The chairman of the Missouri veterans' commission or the chairman's designee, ex  
14 officio.

15

16 No more than ~~three~~ **four** of the ~~five~~ **six** members appointed by the governor shall be of the  
17 same political party. To be eligible for appointment by the governor, a person shall have  
18 demonstrated experience in economic development, the defense industry, military installation  
19 operation, environmental issues, finance, local government, or the use of air space for future  
20 military missions. Appointed members of the commission shall serve three-year terms, except  
21 that of the initial appointments made by the governor, two shall be for one-year terms, two shall  
22 be for two-year terms, and one shall be for a three-year term. No appointed member of the  
23 commission shall serve more than six years total. A vacancy occurs if a legislative member



24 leaves office for any reason. Any vacancy on the commission shall be filled in the same manner  
25 as the original appointment.

26         2. Members of the commission shall be reimbursed for the actual and necessary expenses  
27 incurred in the discharge of the member's official duties.

28         3. A chair of the commission shall be selected by the members of the commission.

29         4. The commission shall meet at least quarterly and at such other times as the chair  
30 deems necessary.

31         5. The commission shall be funded by an appropriation limited to that purpose. Any  
32 expenditure constituting more than ten percent of the commission's annual appropriation shall  
33 be based on a competitive bid process.

34         6. The commission shall:

35             (1) Advise the governor and the general assembly on military issues and economic and  
36 industrial development related to military issues;

37             (2) Make recommendations regarding:

38                 (a) Developing policies and plans to support the long-term viability and prosperity of the  
39 military, active and retiree, and civilian military employees, in this state, including promoting  
40 strategic regional alliances that may extend over state lines;

41                 (b) Developing methods to improve private and public employment opportunities for  
42 former members of the military and their families residing in this state; and

43                 (c) Developing methods to assist defense-dependent communities in the design and  
44 execution of programs that enhance a community's relationship with military installations and  
45 defense-related businesses;

46             (3) Provide information to communities, the general assembly, the state's congressional  
47 delegation, and state agencies regarding federal actions affecting military installations and  
48 missions;

49             (4) Serve as a clearinghouse for:

50                 (a) Defense economic adjustment and transition information and activities; and

51                 (b) Information concerning the following:

52                     a. Issues related to the operating costs, missions, and strategic value of federal military  
53 installations located in the state;

54                     b. Employment issues for communities that depend on defense bases and in  
55 defense-related businesses; and

56                     c. Defense strategies and incentive programs that other states are using to maintain,  
57 expand, and attract new defense contractors;

58             (5) Provide assistance to communities that have experienced a defense-related closure  
59 or realignment;

60 (6) Assist communities in the design and execution of programs that enhance a  
61 community's relationship with military installations and defense-related businesses, including  
62 regional alliances that may extend over state lines;

63 (7) Assist communities in the retention and recruiting of defense-related businesses,  
64 including fostering strategic regional alliances that may extend over state lines;

65 (8) Prepare a biennial strategic plan that:

66 (a) Fosters the enhancement of military value of the contributions of Missouri military  
67 installations to national defense strategies;

68 (b) Considers all current and anticipated base realignment and closure criteria; and

69 (c) Develops strategies to protect the state's existing military missions and positions the  
70 state to be competitive for new and expanded military missions;

71 (9) Encourage economic development in this state by fostering the development of  
72 industries related to defense affairs.

73 7. The commission shall prepare and present an annual report to the governor and the  
74 general assembly by December thirty-first of each year.

75 8. The department of economic development shall furnish administrative support and  
76 staff for the effective operation of the commission.

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

2 (1) "Highly compensated individual", any individual who receives compensation in  
3 excess of one million dollars in connection with a single qualified film production project;

4 (2) "Qualified film production project", any film, video, commercial, or television  
5 production, as approved by the department of economic development ~~[and the office of the~~  
6 ~~Missouri film commission,]~~ that is under thirty minutes in length with an expected in-state  
7 expenditure budget in excess of fifty thousand dollars, or that is over thirty minutes in length  
8 with an expected in-state expenditure budget in excess of one hundred thousand dollars.

9 Regardless of the production costs, "qualified film production project" shall not include any:

10 (a) News or current events programming;

11 (b) Talk show;

12 (c) Production produced primarily for industrial, corporate, or institutional purposes, and  
13 for internal use;

14 (d) Sports event or sports program;

15 (e) Gala presentation or awards show;

16 (f) Infomercial or any production that directly solicits funds;

17 (g) Political ad;

18 (h) Production that is considered obscene, as defined in section 573.010;

19 (3) "Qualifying expenses", the sum of the total amount spent in this state for the  
20 following by a production company in connection with a qualified film production project:

21 (a) Goods and services leased or purchased by the production company. For goods with  
22 a purchase price of twenty-five thousand dollars or more, the amount included in qualifying  
23 expenses shall be the purchase price less the fair market value of the goods at the time the  
24 production is completed;

25 (b) Compensation and wages paid by the production company on which the production  
26 company remitted withholding payments to the department of revenue under chapter 143. For  
27 purposes of this section, compensation and wages shall not include any amounts paid to a highly  
28 compensated individual;

29 (4) "Tax credit", a credit against the tax otherwise due under chapter 143, excluding  
30 withholding tax imposed by sections 143.191 to 143.265, or otherwise due under chapter 148;

31 (5) "Taxpayer", any individual, partnership, or corporation as described in section  
32 143.441, 143.471, or section 148.370 that is subject to the tax imposed in chapter 143, excluding  
33 withholding tax imposed by sections 143.191 to 143.265, or the tax imposed in chapter 148 or  
34 any charitable organization which is exempt from federal income tax and whose Missouri  
35 unrelated business taxable income, if any, would be subject to the state income tax imposed  
36 under chapter 143.

37 2. For all taxable years beginning on or after January 1, 1999, but ending on or before  
38 December 31, 2007, a taxpayer shall be granted a tax credit for up to fifty percent of the amount  
39 of investment in production or production-related activities in any film production project with  
40 an expected in-state expenditure budget in excess of three hundred thousand dollars. For all  
41 taxable years beginning on or after January 1, 2008, a taxpayer shall be allowed a tax credit for  
42 up to thirty-five percent of the amount of qualifying expenses in a qualified film production  
43 project. Each film production company shall be limited to one qualified film production project  
44 per year. Activities qualifying a taxpayer for the tax credit pursuant to this subsection shall be  
45 approved by the ~~[office of the Missouri film commission and the]~~ department of economic  
46 development.

47 3. Taxpayers shall apply for the film production tax credit by submitting an application  
48 to the department of economic development, on a form provided by the department. As part of  
49 the application, the expected in-state expenditures of the qualified film production project shall  
50 be documented. In addition, the application shall include an economic impact statement,  
51 showing the economic impact from the activities of the film production project. Such economic  
52 impact statement shall indicate the impact on the region of the state in which the film production  
53 or production-related activities are located and on the state as a whole.

54           4. For all taxable years ending on or before December 31, 2007, tax credits certified  
55 pursuant to subsection 2 of this section shall not exceed one million dollars per taxpayer per year,  
56 and shall not exceed a total for all tax credits certified of one million five hundred thousand  
57 dollars per year. For all taxable years beginning on or after January 1, 2008, tax credits certified  
58 under subsection 1 of this section shall not exceed a total for all tax credits certified of four  
59 million five hundred thousand dollars per year. Taxpayers may carry forward unused credits for  
60 up to five tax periods, provided all such credits shall be claimed within ten tax periods following  
61 the tax period in which the film production or production-related activities for which the credits  
62 are certified by the department occurred.

63           5. Notwithstanding any provision of law to the contrary, any taxpayer may sell, assign,  
64 exchange, convey or otherwise transfer tax credits allowed in subsection 2 of this section. The  
65 taxpayer acquiring the tax credits may use the acquired credits to offset the tax liabilities  
66 otherwise imposed by chapter 143, excluding withholding tax imposed by sections 143.191 to  
67 143.265, or chapter 148. Unused acquired credits may be carried forward for up to five tax  
68 periods, provided all such credits shall be claimed within ten tax periods following the tax period  
69 in which the film production or production-related activities for which the credits are certified  
70 by the department occurred.

71           6. Under section 23.253 of the Missouri sunset act:

72           (1) The provisions of the new program authorized under this section shall automatically  
73 sunset six years after November 28, 2007, unless reauthorized by an act of the general assembly;  
74 and

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

78           (3) This section shall terminate on September first of the calendar year immediately  
79 following the calendar year in which the program authorized under this section is sunset.  
80 guide, advise, and make recommendations to the division and fulfill other responsibilities  
81 designated by sections 337.600 to 337.689. The committee shall approve any examination  
82 required by sections 337.600 to 337.689 and shall assist the division in carrying out the  
83 provisions of sections 337.600 to 337.689.

173.1400. 1. The state of Missouri hereby authorizes accredited Missouri colleges or  
2 universities to issue on behalf of the state a document of school social work program verification  
3 and acknowledgment of completion to any individual who has obtained a degree in social work  
4 from an accredited college or university and who:

5           (1) Holds a credential in school social work issued by a nationally recognized  
6 credentialing organization in social work; or

7 (2) Demonstrates competency in school social work by successful passage of a school  
8 social worker examination approved by the state committee [~~for social workers established in~~  
9 ~~section 337.622~~] **of mental health care providers established in section 337.800** and  
10 administered by the accredited college or university.

11 2. The department of higher education shall develop a form, available to Missouri  
12 colleges and universities upon request, containing the following information:

13 (1) The words "State of Missouri";

14 (2) The seal of the state of Missouri;

15 (3) A place for inclusion of the name of the issuing accredited Missouri college or  
16 university awarding the document;

17 (4) A statement of the criteria outlined in subsection 1 of this section;

18 (5) A place for inclusion of the name of the individual who has applied for the school  
19 social work program verification and acknowledgment of completion;

20 (6) A place for inclusion of the date of issuance;

21 (7) A place for the signatures of the college or university official and an official from the  
22 state department of higher education; and

23 (8) A footnote stating: "No person shall hold himself or herself out to be a social worker  
24 unless such person has met the requirements of section 337.604, RSMo."

25 3. The accredited Missouri colleges or universities may issue a document on the state's  
26 behalf to any person making application as a credentialed school social worker provided such  
27 person meets the qualifications contained in this section.

186.007. There is created in the department of economic development a "Missouri  
2 Women's Council" which shall consist of [~~fifteen~~] **thirteen** members. [~~Eleven~~] **Nine** of the  
3 members shall be appointed by the governor, of which no more than [~~six~~] **five** of the [~~eleven~~]  
4 **nine** members may be of the same political party as the governor appointing such members, with  
5 the advice and consent of the senate, and shall be representative of a cross section of the  
6 citizenry. Four members shall be appointed for one year, four for two years, and three for three  
7 years. Their successors shall serve terms of three years. The remaining four vacancies on the  
8 council shall be filled by the general assembly. Two representatives and two senators shall be  
9 appointed by their respective bodies in the same manner as members of standing committees are  
10 appointed. The governor shall designate one of the members as chairman. In the event of a  
11 vacancy in a term of office through death, resignation or otherwise, the governor shall appoint  
12 a person to serve the unexpired portion of the term of a member appointed by the governor. The  
13 unexpired council terms of any senator or representative unable or unwilling to serve shall be  
14 filled by their respective bodies in the same manner as vacancies on standing committees are  
15 filled.

190.100. As used in sections 190.001 to 190.245, the following words and terms mean:

- 2 (1) "Advanced life support (ALS)", an advanced level of care as provided to the adult  
3 and pediatric patient such as defined by national curricula, and any modifications to that curricula  
4 specified in rules adopted by the department pursuant to sections 190.001 to 190.245;
- 5 (2) "Ambulance", any privately or publicly owned vehicle or craft that is specially  
6 designed, constructed or modified, staffed or equipped for, and is intended or used, maintained  
7 or operated for the transportation of persons who are sick, injured, wounded or otherwise  
8 incapacitated or helpless, or who require the presence of medical equipment being used on such  
9 individuals, but the term does not include any motor vehicle specially designed, constructed or  
10 converted for the regular transportation of persons who are disabled, handicapped, normally  
11 using a wheelchair, or otherwise not acutely ill, or emergency vehicles used within airports;
- 12 (3) "Ambulance service", a person or entity that provides emergency or nonemergency  
13 ambulance transportation and services, or both, in compliance with sections 190.001 to 190.245,  
14 and the rules promulgated by the department pursuant to sections 190.001 to 190.245;
- 15 (4) "Ambulance service area", a specific geographic area in which an ambulance service  
16 has been authorized to operate;
- 17 (5) "Basic life support (BLS)", a basic level of care, as provided to the adult and pediatric  
18 patient as defined by national curricula, and any modifications to that curricula specified in rules  
19 adopted by the department pursuant to sections 190.001 to 190.245;
- 20 ~~(6) ["Council", the state advisory council on emergency medical services];~~
- 21 ~~——(7) "Department", the department of health and senior services, state of Missouri;~~
- 22 ~~[(8)] (7) "Director", the director of the department of health and senior services or the~~  
23 ~~director's duly authorized representative;~~
- 24 ~~[(9)] (8) "Dispatch agency", any person or organization that receives requests for~~  
25 ~~emergency medical services from the public, by telephone or other means, and is responsible for~~  
26 ~~dispatching emergency medical services;~~
- 27 ~~[(10)] (9) "Emergency", the sudden and, at the time, unexpected onset of a health~~  
28 ~~condition that manifests itself by symptoms of sufficient severity that would lead a prudent~~  
29 ~~layperson, possessing an average knowledge of health and medicine, to believe that the absence~~  
30 ~~of immediate medical care could result in:~~
- 31 (a) Placing the person's health, or with respect to a pregnant woman, the health of the  
32 woman or her unborn child, in significant jeopardy;
- 33 (b) Serious impairment to a bodily function;
- 34 (c) Serious dysfunction of any bodily organ or part;
- 35 (d) Inadequately controlled pain;

36           ~~[(11)]~~ **(10)** "Emergency medical dispatcher", a person who receives emergency calls  
37 from the public and has successfully completed an emergency medical dispatcher course,  
38 meeting or exceeding the national curriculum of the United States Department of Transportation  
39 and any modifications to such curricula specified by the department through rules adopted  
40 pursuant to sections 190.001 to 190.245;

41           ~~[(12)]~~ **(11)** "Emergency medical response agency", any person that regularly provides  
42 a level of care that includes first response, basic life support or advanced life support, exclusive  
43 of patient transportation;

44           ~~[(13)]~~ **(12)** "Emergency medical services for children (EMS-C) system", the arrangement  
45 of personnel, facilities and equipment for effective and coordinated delivery of pediatric  
46 emergency medical services required in prevention and management of incidents which occur  
47 as a result of a medical emergency or of an injury event, natural disaster or similar situation;

48           ~~[(14)]~~ **(13)** "Emergency medical services (EMS) system", the arrangement of personnel,  
49 facilities and equipment for the effective and coordinated delivery of emergency medical services  
50 required in prevention and management of incidents occurring as a result of an illness, injury,  
51 natural disaster or similar situation;

52           ~~[(15)]~~ **(14)** "Emergency medical technician", a person licensed in emergency medical  
53 care in accordance with standards prescribed by sections 190.001 to 190.245, and by rules  
54 adopted by the department pursuant to sections 190.001 to 190.245;

55           ~~[(16)]~~ **(15)** "Emergency medical technician-basic" or "EMT-B", a person who has  
56 successfully completed a course of instruction in basic life support as prescribed by the  
57 department and is licensed by the department in accordance with standards prescribed by sections  
58 190.001 to 190.245 and rules adopted by the department pursuant to sections 190.001 to  
59 190.245;

60           ~~[(17)]~~ **(16)** "Emergency medical technician-community paramedic", "community  
61 paramedic", or "EMT-CP", a person who is certified as an emergency medical  
62 technician-paramedic and is certified by the department in accordance with standards prescribed  
63 in section 190.098;

64           ~~[(18)]~~ **(17)** "Emergency medical technician-intermediate" or "EMT-I", a person who has  
65 successfully completed a course of instruction in certain aspects of advanced life support care  
66 as prescribed by the department and is licensed by the department in accordance with sections  
67 190.001 to 190.245 and rules and regulations adopted by the department pursuant to sections  
68 190.001 to 190.245;

69           ~~[(19)]~~ **(18)** "Emergency medical technician-paramedic" or "EMT-P", a person who has  
70 successfully completed a course of instruction in advanced life support care as prescribed by the

71 department and is licensed by the department in accordance with sections 190.001 to 190.245  
72 and rules adopted by the department pursuant to sections 190.001 to 190.245;

73 ~~[(20)]~~ **(19)** "Emergency services", health care items and services furnished or required  
74 to screen and stabilize an emergency which may include, but shall not be limited to, health care  
75 services that are provided in a licensed hospital's emergency facility by an appropriate provider  
76 or by an ambulance service or emergency medical response agency;

77 ~~[(21)]~~ **(20)** "First responder", a person who has successfully completed an emergency  
78 first response course meeting or exceeding the national curriculum of the United States  
79 Department of Transportation and any modifications to such curricula specified by the  
80 department through rules adopted pursuant to sections 190.001 to 190.245 and who provides  
81 emergency medical care through employment by or in association with an emergency medical  
82 response agency;

83 ~~[(22)]~~ **(21)** "Health care facility", a hospital, nursing home, physician's office or other  
84 fixed location at which medical and health care services are performed;

85 ~~[(23)]~~ **(22)** "Hospital", an establishment as defined in the hospital licensing law,  
86 subsection 2 of section 197.020, or a hospital operated by the state;

87 ~~[(24)]~~ **(23)** "Medical control", supervision provided by or under the direction of  
88 physicians to providers by written or verbal communications;

89 ~~[(25)]~~ **(24)** "Medical direction", medical guidance and supervision provided by a  
90 physician to an emergency services provider or emergency medical services system;

91 ~~[(26)]~~ **(25)** "Medical director", a physician licensed pursuant to chapter 334 designated  
92 by the ambulance service or emergency medical response agency and who meets criteria  
93 specified by the department by rules pursuant to sections 190.001 to 190.245;

94 ~~[(27)]~~ **(26)** "Memorandum of understanding", an agreement between an emergency  
95 medical response agency or dispatch agency and an ambulance service or services within whose  
96 territory the agency operates, in order to coordinate emergency medical services;

97 ~~[(28)]~~ **(27)** "Patient", an individual who is sick, injured, wounded, diseased, or otherwise  
98 incapacitated or helpless, or dead, excluding deceased individuals being transported from or  
99 between private or public institutions, homes or cemeteries, and individuals declared dead prior  
100 to the time an ambulance is called for assistance;

101 ~~[(29)]~~ **(28)** "Person", as used in these definitions and elsewhere in sections 190.001 to  
102 190.245, any individual, firm, partnership, copartnership, joint venture, association, cooperative  
103 organization, corporation, municipal or private, and whether organized for profit or not, state,  
104 county, political subdivision, state department, commission, board, bureau or fraternal  
105 organization, estate, public trust, business or common law trust, receiver, assignee for the benefit  
106 of creditors, trustee or trustee in bankruptcy, or any other service user or provider;



- 107           ~~[(30)]~~ **(29)** "Physician", a person licensed as a physician pursuant to chapter 334;
- 108           ~~[(31)]~~ **(30)** "Political subdivision", any municipality, city, county, city not within a  
109 county, ambulance district or fire protection district located in this state which provides or has  
110 authority to provide ambulance service;
- 111           ~~[(32)]~~ **(31)** "Professional organization", any organized group or association with an  
112 ongoing interest regarding emergency medical services. Such groups and associations could  
113 include those representing volunteers, labor, management, firefighters, EMT-B's, nurses,  
114 EMT-P's, physicians, communications specialists and instructors. Organizations could also  
115 represent the interests of ground ambulance services, air ambulance services, fire service  
116 organizations, law enforcement, hospitals, trauma centers, communication centers, pediatric  
117 services, labor unions and poison control services;
- 118           ~~[(33)]~~ **(32)** "Proof of financial responsibility", proof of ability to respond to damages for  
119 liability, on account of accidents occurring subsequent to the effective date of such proof, arising  
120 out of the ownership, maintenance or use of a motor vehicle in the financial amount set in rules  
121 promulgated by the department, but in no event less than the statutory minimum required for  
122 motor vehicles. Proof of financial responsibility shall be used as proof of self-insurance;
- 123           ~~[(34)]~~ **(33)** "Protocol", a predetermined, written medical care guideline, which may  
124 include standing orders;
- 125           ~~[(35)]~~ **(34)** "Regional EMS advisory committee", a committee formed within an  
126 emergency medical services (EMS) region to advise ambulance services, the state advisory  
127 council on EMS and the department;
- 128           ~~[(36)]~~ **(35)** "Specialty care transportation", the transportation of a patient requiring the  
129 services of an emergency medical technician-paramedic who has received additional training  
130 beyond the training prescribed by the department. Specialty care transportation services shall  
131 be defined in writing in the appropriate local protocols for ground and air ambulance services  
132 and approved by the local physician medical director. The protocols shall be maintained by the  
133 local ambulance service and shall define the additional training required of the emergency  
134 medical technician-paramedic;
- 135           ~~[(37)]~~ **(36)** "Stabilize", with respect to an emergency, the provision of such medical  
136 treatment as may be necessary to attempt to assure within reasonable medical probability that no  
137 material deterioration of an individual's medical condition is likely to result from or occur during  
138 ambulance transportation unless the likely benefits of such transportation outweigh the risks;
- 139           ~~[(38)]~~ **(37)** "State advisory council on emergency medical services", a committee formed  
140 to advise the department on policy affecting emergency medical service throughout the state;

141           ~~[(39)]~~ **(38)** "State EMS medical directors advisory committee", a subcommittee of the  
142 state advisory council on emergency medical services formed to advise the state advisory council  
143 on emergency medical services and the department on medical issues;

144           ~~[(40)]~~ **(39)** "STEMI" or "ST-elevation myocardial infarction", a type of heart attack in  
145 which impaired blood flow to the patient's heart muscle is evidenced by ST-segment elevation  
146 in electrocardiogram analysis, and as further defined in rules promulgated by the department  
147 under sections 190.001 to 190.250;

148           ~~[(41)]~~ **(40)** "STEMI care", includes education and prevention, emergency transport,  
149 triage, and acute care and rehabilitative services for STEMI that requires immediate medical or  
150 surgical intervention or treatment;

151           ~~[(42)]~~ **(41)** "STEMI center", a hospital that is currently designated as such by the  
152 department to care for patients with ST-segment elevation myocardial infarctions;

153           ~~[(43)]~~ **(42)** "Stroke", a condition of impaired blood flow to a patient's brain as defined  
154 by the department;

155           ~~[(44)]~~ **(43)** "Stroke care", includes emergency transport, triage, and acute intervention  
156 and other acute care services for stroke that potentially require immediate medical or surgical  
157 intervention or treatment, and may include education, primary prevention, acute intervention,  
158 acute and subacute management, prevention of complications, secondary stroke prevention, and  
159 rehabilitative services;

160           ~~[(45)]~~ **(44)** "Stroke center", a hospital that is currently designated as such by the  
161 department;

162           ~~[(46)]~~ **(45)** "Trauma", an injury to human tissues and organs resulting from the transfer  
163 of energy from the environment;

164           ~~[(47)]~~ **(46)** "Trauma care" includes injury prevention, triage, acute care and rehabilitative  
165 services for major single system or multisystem injuries that potentially require immediate  
166 medical or surgical intervention or treatment;

167           ~~[(48)]~~ **(47)** "Trauma center", a hospital that is currently designated as such by the  
168 department.

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

7           (1) Departmental regulation of trauma centers; or

8 (2) The Missouri brain and spinal cord injury registry established by sections 192.735  
9 to ~~[192.745]~~ **192.744**; or

10 (3) Abstracts of inpatient hospital data; or

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

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

191.300. As used in sections 191.300 to 191.380, the following terms mean:

2 (1) ~~["Committee", the Missouri genetic disease advisory committee;~~

3 ~~——(2)]~~ (2) "Cystic fibrosis", a serious lung problem of children; an inherited disorder which  
4 produces chronic involvement of the respiratory and digestive systems;

5 ~~[(3)]~~ (2) "Department", the department of health and senior services;

6 ~~[(4)]~~ (3) "Director", the director of the state department of health and senior services;

7 ~~[(5)]~~ (4) "Genetic counseling", the provision and interpretation of medical information  
8 based on expanding knowledge of human genetics;

9 ~~[(6)]~~ (5) "Genetic disorders", abnormalities of structure, function, or body metabolism  
10 which may be inherited or may result from damage to the fetus;

11 ~~[(7)]~~ (6) "Genetic screening", the search through testing for persons with genetic  
12 disorders;

13 ~~[(8)]~~ (7) "Health care professional", a physician or other health care practitioner licensed,  
14 accredited, or certified by the state of Missouri to perform specified health services;

15 ~~[(9)]~~ (8) "Health care services", services for the diagnosis, treatment, cure, or relief of  
16 a health condition, illness, injury, or disease;

17 ~~[(10)]~~ (9) "Hemophilia", a bleeding tendency resulting from a genetically determined  
18 deficiency factor in the blood;

19 ~~[(11)]~~ (10) "Outreach clinics", medical clinics which provide genetic diagnosis and  
20 counseling at sites away from the tertiary genetic centers;

21 ~~[(12)]~~ (11) "Program", the genetic program authorized by the provisions of sections  
22 191.300 to 191.331, 191.340, and 191.365 to 191.380;

23 ~~[(13)]~~ (12) "Sickle cell anemia", a blood disease characterized by the presence of  
24 crescent shaped or sickle shaped erythrocytes in peripheral blood, excessive hemolysis, and  
25 active hematopoiesis, resulting from a genetic defect;

26 ~~[(14)]~~ (13) "Sickle cell trait", the healthy state wherein one carries the gene for sickle cell  
27 and could possibly pass that gene to his offspring;

28 ~~[(15)]~~ (14) "Tertiary genetic centers", permanent genetic divisions that provide  
29 comprehensive diagnostic treatment and counseling services.

191.1085. 1. There is hereby established the “Palliative Care Consumer and Professional Information and Education Program” within the department of health and senior services.

2. The purpose of the program is to maximize the effectiveness of palliative care in this state by ensuring that comprehensive and accurate information and education about palliative care is available to the public, health care providers, and health care facilities.

3. The department shall publish on its website information and resources, including links to external resources, about palliative care for the public, health care providers, and health care facilities, including but not limited to:

(1) Continuing education opportunities for health care providers;

(2) Information about palliative care delivery in the home, primary, secondary, and tertiary environments; and

(3) Consumer educational materials and referral information for palliative care, including hospice.

4. Each hospital in this state is encouraged to have a palliative care presence on its intranet or internet website which provides links to one or more of the following organizations: the Institute of Medicine, the Center to Advance Palliative Care, the Supportive Care Coalition, the National Hospice and Palliative Care Organization, the American Academy of Hospice and Palliative Medicine, and the National Institute on Aging.

5. Each hospital in this state is encouraged to have patient education information about palliative care available for distribution to patients.

6. The department shall consult with the ~~the palliative care and quality of life interdisciplinary council~~ **health and senior services board** established in section ~~[191.1080]~~ **192.2700** in implementing the section.

7. The department may promulgate rules to implement the provisions of sections 191.1075 to 191.1085. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in sections 191.1075 to 191.1085 shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. Sections 191.1075 to 191.1085 and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2016, shall be invalid and void.

8. Notwithstanding the provisions of section 23.253 to the contrary, the program authorized under this section shall automatically expire on August 28, 2022.

192.005. There is hereby created and established as a department of state government the "Department of Health and Senior Services". The department of health and senior services

3 shall supervise and manage all public health functions and programs. The department shall be  
4 governed by the provisions of the Omnibus State Reorganization Act of 1974, Appendix B,  
5 RSMo, unless otherwise provided in sections 192.005 to 192.014. The division of health of the  
6 department of social services, chapter 191, this chapter, and others, including, but not limited to,  
7 such agencies and functions as the state health planning and development agency, the crippled  
8 children's service, chapter 201, the bureau and the program for the prevention of developmental  
9 disability, the hospital subsidy program, chapter 189, the state board of health, [~~section 191.400,~~  
10 the student loan program, sections 191.500 to 191.550, the family practice residency program,  
11 the licensure and certification of hospitals, chapter 197, the Missouri chest hospital, sections  
12 199.010 to 199.070, are hereby transferred to the department of health and senior services by a  
13 type I transfer, and the state cancer center and cancer commission, chapter 200, is hereby  
14 transferred to the department of health and senior services by a type III transfer as such transfers  
15 are defined in section 1 of the Omnibus State Reorganization Act of 1974, Appendix B, RSMo  
16 Supp. 1984. The provisions of section 1 of the Omnibus State Reorganization Act of 1974,  
17 Appendix B, RSMo Supp. 1984, relating to the manner and procedures for transfers of state  
18 agencies shall apply to the transfers provided in this section. The division of health of the  
19 department of social services is abolished.

192.735. As used in sections 192.735 to [~~192.745~~] **192.744**, unless the context clearly  
2 indicates otherwise, the following terms shall mean:

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

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

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

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

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

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

- 192.2700. 1. There is hereby established the "Health and Senior Services Board".**
- 2 The board shall be responsible for monitoring and promoting health and services for**  
**3 seniors in the state. In addition to these general duties, the board shall:**
- 4 (1) Assist the department in the:**
- 5 (a) Promulgation of rules and regulations by the department of health and senior**  
**6 services;**
- 7 (b) Formulation of the budget for the department of health and senior services; and**  
**8 (c) Planning for and operation of the department of health and senior services;**
- 9 (2) Make recommendations to the department director for developing and**  
**10 administering a state plan to provide services for brain-injured persons;**
- 11 (3) Promote meetings and programs for the discussion of reducing the debilitating**  
**12 effects of brain injuries and disseminate information in cooperation with any other**  
**13 department, agency, or entity on the prevention, evaluation, care, treatment, and**  
**14 rehabilitation of persons affected by brain injuries;**
- 15 (4) Study and review current prevention, evaluation, care, treatment, and**  
**16 rehabilitation technologies and recommend appropriate preparation, training, retraining,**  
**17 and distribution of manpower and resources in the provision of services to brain-injured**  
**18 persons through private and public residential facilities, day programs, and other**  
**19 specialized services;**
- 20 (5) Recommend specific methods, means, and procedures to improve and upgrade**  
**21 the state's service delivery system for brain-injured citizens of this state;**
- 22 (6) Participate in developing and disseminating criteria and standards which may**  
**23 be required for future funding or licensing of facilities, day programs, and other**  
**24 specialized services for brain-injured persons in this state;**
- 25 (7) Consult with and advise the department on matters related to the establishment,**  
**26 maintenance, operation, and outcomes evaluation of palliative care initiatives in this state,**  
**27 including the palliative care consumer and professional information and education**  
**28 program established in section 191.1085;**
- 29 (8) Advise the department in all genetic programs, including metabolic disease**  
**30 screening programs, hemophilia, sickle cell anemia, and cystic fibrosis programs;**
- 31 (9) Assist the department of health and senior services and the department of**  
**32 elementary and secondary education in the development of organ donor awareness**  
**33 programs to educate the general public on the importance of organ donations and**  
**34 recommend priorities in the expenditures from the organ donor program fund; and**
- 35 (10) Assist the department in understanding the special needs of minority older**  
**36 individuals and implement programs to fulfill those needs.**

37           **2. The board shall have seven members. The members of the initial board shall be**  
 38 **one member each from the state board of health; the state board of senior services; the**  
 39 **Missouri brain injury council; the Missouri palliative care and quality of life council; the**  
 40 **Missouri genetic advisory committee; the Missouri organ donation advisory committee;**  
 41 **and the special health, psychological, and social needs of minority older individuals**  
 42 **commission. The members appointed from the existing boards and committees shall finish**  
 43 **their respective terms. When their terms expire, the governor shall appoint new or**  
 44 **continuing members to serve two-year terms.**

45           **3. The board shall have the authority to appoint subcommittees in the areas of**  
 46 **brain injuries, palliative care and quality of life, genetics, organ donation, health of**  
 47 **minority older individuals, and in any other area within the board's areas of responsibility**  
 48 **as the board deems necessary.**

194.297. There is established in the state treasury the "Organ Donor Program Fund",  
 2 which shall consist of all moneys deposited by the director of revenue pursuant to subsection 2  
 3 of section 302.171 and any other moneys donated or appropriated to the fund. The state treasurer  
 4 shall administer the fund, and the moneys in the fund shall be used solely, upon appropriation,  
 5 by the department of health and senior services, in consultation with the organ donation advisory  
 6 committee, for implementation of organ donation awareness programs [~~in the manner prescribed~~  
 7 ~~in subsection 2 of section 194.300]~~ **under subdivision (9) of subsection 1 of section 192.2700.**  
 8 Notwithstanding the provisions of section 33.080 to the contrary, moneys in the organ donor  
 9 program fund at the end of any biennium shall not be transferred to the credit of the general  
 10 revenue fund. There shall be no money appropriated from general revenue to administer the fund  
 11 in the event the fund cannot sustain itself.

194.400. As used in sections 194.400 to 194.410 the following words and phrases mean:

2           (1) [~~"Committee", the unmarked human burial consultation committee;~~

3 ~~——(2)] "Cultural items", shall include:~~

4           (a) "Associated funerary objects", objects that are reasonably believed to have been  
 5 placed with individual human remains either at the time of death, or during the death rite or  
 6 ceremony, or later, and all other items exclusively made for burial purposes including items  
 7 made to contain human remains;

8           (b) "Unassociated funerary objects", objects that are reasonably believed to have been  
 9 placed with individual human remains either at the time of death or during the death rite or  
 10 ceremony, or later, which can be identified by a preponderance of the evidence as related to  
 11 known human remains or an unmarked human burial site or can be identified as having been  
 12 removed from a specific unmarked human burial site;

13           [~~(3)~~] (2) "General archaeological investigation", refers to:

14 (a) Excavations performed by professional archaeologists usually consisting of a  
15 structured scientific undertaking comprised of three segments including field investigations,  
16 laboratory analysis, and preparation and submission of a report of investigation; and

17 (b) Identification of the presence of human remains in excavated materials considered  
18 to occur at the completion of the laboratory analysis segment of the studies as above;

19 ~~[(4)]~~ (3) "Professional archaeologist", a person who has a graduate degree in  
20 archaeology, anthropology, or closely related field, at least one year of full-time professional  
21 experience or equivalent specialized training in archaeological research, administration of  
22 management, or at least four months of supervised field and analytic experience in general North  
23 American archaeology and demonstrated ability to carry archaeological research to completion,  
24 as evidenced by a master of arts or master of science thesis, or report equivalent in scope and  
25 quality;

26 ~~[(5)]~~ (4) "Second or subsequent violation", any violation, other than the first violation,  
27 of a criminal law related to the trafficking of human remains or cultural items located in the state  
28 of Missouri, the United States, or any other state;

29 ~~[(6)]~~ (5) "Skeletal analyst", a person possessing a postgraduate degree representing  
30 specialized training in skeletal biology, forensic osteology, or other relevant aspects of physical  
31 anthropology. The skeletal analyst shall have a minimum experience of one year in conducting  
32 laboratory reconstruction and analysis, and shall have demonstrated the ability to design and  
33 execute a skeletal analysis, and to present the written results and interpretations of such analysis  
34 in a thorough, scientific, and timely manner;

35 ~~[(7)]~~ (6) "Specific scientific investigations", refers to detailed studies of human remains  
36 by professional archaeologists, anthropologists, osteologists, or professionals in related  
37 disciplines;

38 ~~[(8)]~~ (7) "State historic preservation officer", the director of the department of natural  
39 resources;

40 ~~[(9)]~~ (8) "Unmarked human burial", any instance where human skeletal remains are  
41 discovered or believed to exist, but for which there exists no written historical documentation  
42 or grave markers.

196.525. **For the purposes of sections 196.520 to 196.610**, definitions, terminology,  
2 and standards of identity provided in Title 7, Code of Federal Regulations, Agriculture, Part  
3 2858, subpart A-V and Title 21, Code of Federal Regulations, Food and Drugs, Parts 131 and  
4 133, shall have precedence unless further defined herein. Additions and exceptions to the  
5 definitions contained therein shall include:

6 (1) "Agent" means any duly authorized representative of the Missouri department of  
7 agriculture under the authority of the director;



8           (2) **"Board" means the Missouri board of agriculture and the board's subcommittee**  
9 **on milk production and safety established under section 261.300;**

10           (3) "Bulk milk truck operator" means any qualified individual who, as operator of a bulk  
11 milk transportation vehicle, is licensed by the department to make organoleptic inspection, and  
12 to sample and test milk as it is collected from dairy farm bulk milk cooling tanks;

13           ~~[(3)]~~ (4) "Dairy farm" means any place or premises where one or more cows or goats are  
14 kept, and from which a part or all of the milk or milk products are provided, sold or offered for  
15 sale to a milk plant, transfer station or receiving station for manufacturing purposes;

16           ~~[(4)]~~ (5) "Dairy manufacturing plant" means any processing or manufacturing plant  
17 utilizing milk, or a major ingredient thereof, in the production of products for human  
18 consumption. The items pertaining to ice cream and frozen dessert products manufacturing  
19 plants regulated by the department of health and senior services contained in sections 196.851  
20 to 196.918, and pertaining to grade "A" fluid milk plants regulated by the ~~[state milk]~~ board  
21 contained in sections 196.931 to 196.959 are exempt from this definition;

22           ~~[(5)]~~ (6) "Dairy product" means any product or by-product which has as its precursor  
23 milk or an ingredient exclusive to milk, with the exception of products or by-products which are  
24 subject to the provisions of sections 196.851 to 196.918, relating to ice cream and frozen food  
25 products, and sections 196.931 to 196.959, as regulated by the ~~[state milk]~~ board;

26           ~~[(6)]~~ (7) "Department" or "department of agriculture" means the department of  
27 agriculture of the state of Missouri;

28           ~~[(7)]~~ (8) "Director" means the ranking authority or administrator of the department of  
29 agriculture, or the representative or agent of the director;

30           ~~[(8)]~~ (9) "Department of health and senior services" means the department of health and  
31 senior services of the state of Missouri;

32           ~~[(9)]~~ (10) "Fieldman" means any qualified person who is duly authorized as a field  
33 representative of a processing or manufacturing plant or producer cooperative, whose  
34 responsibilities include procurement and quality control, and who is duly licensed by the  
35 department;

36           ~~[(10)]~~ (11) "Grader" means any qualified individual licensed by the department to  
37 sample, test and grade milk or cream;

38           ~~[(11)]~~ (12) "Manufacturing milk" is all milk and cream produced and made available for  
39 market that is not under the inspection supervision of the ~~[Missouri state milk]~~ board as it  
40 administers sections 196.931 to 196.959;

41           ~~[(12)]~~ (13) "Person" shall mean any individual, plant operator, partnership, corporation,  
42 company, firm, trustee, association or institution;

43           ~~[(13)]~~ (14) "Producer" means one who milks or supervises the milking of one or more  
44 cows or goats, and is legally entitled to market the production therefrom;

45           ~~[(14)]~~ (15) "Receiving plant or station" means the delivery point for milk and cream  
46 collected from, or delivered by, one or more producers;

47           ~~[(15)]~~ (16) "Regulations" means the rules and official orders authorized and promulgated  
48 by the director of agriculture according to the provisions of chapter 536 in accordance with the  
49 provisions of sections 196.520 to 196.610, along with other regulations of state and federal  
50 agencies;

51           ~~[(16)]~~ "State milk board" means the board created by section 196.941, and authorized to  
52 administer the provisions of sections 196.931 to 196.959;

53           (17) "Test or analysis" means the inclusion of prescribed sampling, sample preservation  
54 and preparation with appropriate analytical procedure to reach the desired objective; such  
55 procedures shall be used as are set forth in the latest editions of the "Official Methods of  
56 Analysis of the Association of Official Analytical Chemists" and the "Standard Methods for the  
57 Examination of Dairy Products".

          196.527. It shall be the responsibility of the ~~[state milk]~~ board to encourage orderly and  
2 sanitary production, transportation, processing and grading of manufactured milk and its  
3 products, to assure wholesome, stable, and high-quality dairy products; and to provide the basis  
4 for measuring, weighing and testing all milk, including grade "A" fluid milk and manufacturing  
5 milk, to determine its value at first point of sale.

          196.540. 1. The ~~[state milk]~~ board shall administer the provisions of sections 196.520  
2 to 196.610, and is hereby authorized to:

3           (1) Promulgate those regulations necessary to fulfill the intent of sections 196.520 to  
4 196.610 as related to the production, transportation, grading, use and processing of  
5 manufacturing milk; to the packaging, labeling and storage of dairy products made therefrom;  
6 and to the measuring, weighing, sampling and testing of all milk, grade "A" fluid milk and  
7 manufacturing milk, at first point of sale; provided, such regulations are promulgated according  
8 to the provisions of this section and chapter 536;

9           (2) Inspect manufacturing dairy farms and dairy manufacturing plants;

10          (3) Certify dairy farms for the production and sale of manufacturing milk;

11          (4) License dairy manufacturing plants to handle and process manufacturing milk in  
12 conformity with basic requirements and specifications prescribed by such regulations as may be  
13 issued hereunder in effectuation of the intent hereof;

14          (5) Inspect and license laboratories involved in market testing of milk at first point of  
15 sale;

16 (6) Require the keeping of appropriate books and records by plants, farms, and  
17 laboratories licensed hereunder; and

18 (7) License qualified milk graders, fieldmen, and bulk milk truck operators.

19 2. No rule or portion of a rule promulgated under the authority of sections 196.520 to  
20 196.614 shall become effective unless it has been promulgated pursuant to the provisions of  
21 section 536.024.

22 3. Exempt from the provisions of sections 196.520 to 196.610 shall be ice cream and  
23 frozen desserts which are under the authority of the department of health and senior services,  
24 which administers sections 196.851 to 196.918; and grade "A" fluid milk products, which are  
25 under the authority of the ~~[state-milk]~~ board pursuant to sections 196.931 to 196.959.

196.542. The ~~[state-milk]~~ board shall establish the fees for all licenses by regulation  
2 promulgated in accordance with chapter 536.

196.555. The ~~[state-milk]~~ board shall have access to all dairy farms producing  
2 manufacturing milk, dairy manufacturing plants and dairy receiving stations; to all equipment;  
3 and to all vehicular conveyances used in the production, transportation and manufacture of milk  
4 and its products when offered, exposed for sale or sold; and to locations where market sampling,  
5 measuring, weighing, or testing is done for the first point of sale.

196.560. Persons engaged in the purchase and sale of milk for manufacturing and  
2 processing shall keep receipts of sale and records of all such purchases of milk and cream for a  
3 period of at least one year. Records of such purchases shall include date received, weight, results  
4 of all tests to determine value or grade, and price paid. The ~~[state-milk]~~ board shall have access  
5 to these records all of which shall be kept confidential as to individual items or totals of an  
6 individual person or plant.

196.565. The ~~[state-milk]~~ board may, for the purpose of examination or testing for the  
2 enforcement of this law, procure at any time samples of milk or its products whether produced  
3 within this state or shipped into and offered, exposed for sale or sold in the state. Any samples  
4 taken shall be carefully sealed and labeled with the name, or brand name; the name and address  
5 of the owner from whose stock it was taken; the date and place where the sample was obtained;  
6 and bear the signature of the person taking the sample. Upon request a duplicate sample sealed  
7 and labeled in the same manner shall be delivered to the owner or owner's representative.

196.570. The ~~[state-milk]~~ board or its agent is authorized to condemn any illegal  
2 manufactured dairy product as defined in section 196.545, which is offered, exposed for sale, or  
3 sold for human food purposes, and shall identify same as an unlawful product. It shall be  
4 unlawful to remove or deface any identification placed upon the container of a condemned milk  
5 supply or upon a condemned product. A harmless food coloring may be used to identify a supply  
6 of illegal milk.

196.585. It is unlawful for any person to hinder, obstruct or in any manner interfere with  
2 the [state-milk] board in the performance of inspection or any other duty under sections 196.520  
3 to 196.610.

196.590. The [state-milk] board may for good cause, after notice and opportunity for  
2 hearing in accordance with the provisions of chapter 536, suspend or revoke certifications and  
3 licenses issued hereunder; provided, that nothing in sections 196.520 to 196.610 shall be  
4 construed to prevent the temporary suspension of the operation of any production or  
5 manufacturing facility prior to a hearing when such action is necessary to stop the production,  
6 distribution, purchase or sale of illegal milk or illegal dairy products.

196.612. The [state-milk] board may contract with the United States Department of  
2 Agriculture regarding the inspection of manufacturing milk plants, the grading of product, or  
3 both. Fees paid to the board from the department for inspection or grading services are to be set  
4 forth by contractual agreement and paid according to the board's performance of the required  
5 inspections as stipulated by the Federal Register guidelines.

196.614. 1. All moneys received by the [state-milk] board from the United States  
2 Department of Agriculture for contracted manufacturing dairy plant inspection or grading shall  
3 be deposited in the state treasury and credited to the "State Contracted Manufacturing Dairy Plant  
4 Inspection and Grading Fee Fund", which is hereby established, subject to appropriations by the  
5 general assembly. Amounts appropriated to the fund shall be paid to the [state-milk] board and  
6 used exclusively for the purpose of defraying the cost of the contracted manufacturing milk  
7 inspection and grading program. All interest generated by the fund shall be credited to the fund.  
8  
9 2. Notwithstanding the provisions of section 33.080 to the contrary, any unexpended  
10 balance remaining in the fund shall not be transferred or placed to the credit of the ordinary  
11 revenue fund of the state by the state treasurer at the end of each biennium.

196.931. As used in sections 196.931 to 196.953 unless the context clearly indicates  
2 otherwise, the following words and terms shall have the meaning indicated:

3 (1) **"Board", the Missouri board of agriculture and the board's subcommittee on**  
4 **milk production and safety established under section 261.300;**

5 (2) "Grade A pasteurized milk", grade A raw milk for pasteurization which has been  
6 pasteurized, cooled, and placed in the final container in a milk plant and conforming with the  
7 sanitation and bacteriological standards authorized by sections 196.931 to 196.953 and  
8 regulations promulgated thereunder;

9 [(2)] (3) "Grade A raw milk for pasteurization", raw milk for pasteurization from  
10 producer dairies and conforming with all of the sanitation and bacteriological standards  
11 authorized by sections 196.931 to 196.953 and regulations which are promulgated thereunder;

12           ~~[(3)]~~ (4) "Graded fluid milk and fluid milk products", milk products include cream, light  
13 cream, coffee cream, table cream, whipping cream, light whipping cream, heavy cream, heavy  
14 whipping cream, whipped cream, whipped light cream, whipped coffee cream, whipped table  
15 cream, sour cream, cultured sour cream, half-and-half, sour half-and-half, cultured half-and-half,  
16 reconstituted or recombined milk and milk products, concentrated milk, concentrated milk  
17 products, skim milk, skimmed milk, lowfat milk, fortified milk and milk products, vitamin D  
18 milk and milk products, homogenized milk, flavored milk or milk products, eggnog, eggnog  
19 flavored milk, eggnog flavored lowfat milk, buttermilk, cultured buttermilk, cultured milk,  
20 cultured whole milk buttermilk, and acidified milk and milk products, and other fluid milk and  
21 fluid milk products so declared by the board which are sold, offered for sale, exposed for sale,  
22 delivered or advertised as graded milk and milk products;

23           ~~[(4)]~~ (5) "Manufacturing raw milk", milk that does not meet the requirements of grade  
24 A raw milk for pasteurization as defined in sections 196.931 to 196.959;

25           ~~[(5)]~~ (6) "Milk plant", any place, premises or establishment where graded fluid milk or  
26 fluid milk products are collected, handled, processed, stored, bottled, pasteurized and prepared  
27 for distribution, except an establishment where graded fluid milk products are sold at retail as  
28 purchased from a milk plant;

29           ~~[(6)]~~ (7) "Milk plant operator", any person, firm, corporation or association operating any  
30 milk plant;

31           ~~[(7)]~~ (8) "Milk producer", any person who operates a dairy farm and provides, sells, or  
32 offers milk for sale to a milk plant, receiving station, or transfer station;

33           ~~[(8)]~~ (9) "Official rating agency", ~~[the state milk board]~~ **the Missouri board of**  
34 **agriculture and the board's subcommittee on milk production and safety established under**  
35 **section 261.300;**

36           ~~[(9)]~~ (10) "Official rating survey", the survey conducted by the official state rating  
37 agency, as required by sections 196.931 to 196.953;

38           ~~[(10)]~~ (11) "Person" shall mean an individual or individuals, or a firm, partnership,  
39 company, corporation, trustee, or association;

40           ~~[(11)]~~ (12) "Political subdivision", any municipality, city, incorporated town, village,  
41 county, township, district or authority, or any portion or combination of two or more thereof;

42           ~~[(12)]~~ (13) "State department of agriculture", the department of agriculture of Missouri;

43           ~~[(13)]~~ (14) "State department of health and senior services", the department of health and  
44 senior services of Missouri;

45           ~~[(14)]~~ "State milk board", ~~an appointed state agency functioning as administrator of state~~  
46 ~~milk inspection; and]~~

47 (15) "State milk inspection", the services of inspection, regulation, grading, and program  
48 evaluation of fluid milk and fluid milk products by agents, representatives or employees of the  
49 ~~[state-milk]~~ board under the terms and provisions of sections 196.931 to 196.959 and regulations  
50 adopted to regulate the production, transportation, processing, manufacture, distribution and sale  
51 of graded fluid milk and fluid milk products.

196.939. 1. The state milk board shall promulgate, adopt, and file with the secretary of  
2 state as prescribed by law such regulations as deemed necessary for the purpose of sections  
3 196.931 to 196.953. Such regulations shall be enforced by the ~~[state-milk]~~ board through either  
4 contractual agreements with political subdivisions of the state or employees of the ~~[state-milk]~~  
5 board. The adoption of regulations for the purpose of establishing a milk inspection program  
6 other than one under contractual agreement with the ~~[state-milk]~~ board by any political  
7 subdivision is prohibited. Milk inspection by any political subdivision of the state except under  
8 contractual arrangements with the board is prohibited; provided the duly authorized official of  
9 any political subdivision of this state may take samples of such products which have been moved  
10 into, distributed within, or sold within the boundaries of such political subdivisions of this state  
11 for the sole purpose of determining that such milk and milk products comply with the standards  
12 developed by the ~~[state-milk]~~ board. Nothing in sections 196.931 to 196.959 shall be construed  
13 as prohibiting any epidemiological investigations by the proper authorities of any political  
14 subdivision. A public hearing shall be held prior to the adoption of any regulation or  
15 modification thereof, upon notice published at least thirty days prior to the public hearings. At  
16 the public hearing, any person shall be permitted to appear and to be heard on the proposed  
17 regulations or modifications thereof. The standards of a regulation may exceed but shall not be  
18 less than those contained in the current edition of the Grade A Pasteurized Milk Ordinance of  
19 the United States Public Health Service as it exists or as it may be amended. The board may  
20 employ an executive secretary and adequate staff for administering sections 196.931 to 196.959,  
21 the cost of which shall be paid from the milk inspection fee fund.

22 2. No rule or portion of a rule promulgated under the authority of sections 196.931 to  
23 196.959 shall become effective unless it has been promulgated pursuant to the provisions of  
24 section 536.024.

196.945. An inspection fee shall be annually established by the board not to exceed five  
2 cents on each one hundred pounds of grade A raw milk for pasteurization produced under state  
3 milk inspection and shall be paid by the milk plant to the ~~[state-milk]~~ board. Milk dealers,  
4 processors, or distributors selling graded fluid milk and fluid milk products in the state as  
5 provided for by section 196.949 shall pay a fee, to be established annually by the board, not to  
6 exceed five cents on each one hundred pounds of milk or milk products to the ~~[state-milk]~~ board;  
7 provided that no milk producer, person, milk dealer, milk processor or milk distributor shall be

8 liable for inspection fees on fluid milk and fluid milk products for which fees have previously  
9 been paid to the [state-milk] board. Such fees shall be paid to the [state-milk] board on or before  
10 the twentieth day of each month for the preceding calendar month. The annual inspection fees  
11 shall be set by the board after holding a public hearing giving thirty days' public notice.

196.947. All moneys received for state milk inspection shall be deposited in the state  
2 treasury and credited to the "State Milk Inspection Fee Fund", which is hereby created, subject  
3 to appropriation by the general assembly and to be appropriated to the [state-milk] board and  
4 used exclusively for the purpose of defraying the cost of state milk inspection and to other state  
5 agencies for such services in addition thereto that are provided by the state government. The  
6 [state-milk] board shall remit to the treasury of the local jurisdictions for which it may contract  
7 to provide services for administering milk inspection if other than by its own employees, moneys  
8 not exceeding five cents per one hundred pounds of milk or milk products. The unexpended  
9 balance in the state milk inspection fee fund at the end of the biennium shall not be transferred  
10 to the general revenue fund of the state treasury and, accordingly, shall be exempt from the  
11 provisions of section 33.080 relating to the transfer of funds to the general revenue fund of the  
12 state by the state treasurer. The financial proceedings of the board shall be subject to an annual  
13 audit by a certified public accountant and the audit report shall be a public record, subject to the  
14 inspection by the general public.

196.949. Graded fluid milk or fluid milk products not inspected under state milk  
2 inspection may be sold, offered for sale, exposed for sale, and delivered in the state of Missouri,  
3 or any municipality thereof, if approved by the [state-milk] board as provided for by regulations  
4 adopted by the [state-milk] board; provided that, the graded fluid milk or fluid milk products  
5 from other states shall be produced and processed under the supervision of a duly authorized  
6 governmental agency operating under the provisions of an ordinance, statute, or regulation  
7 substantially equivalent to the regulations promulgated and adopted by the [state-milk] board and  
8 enforced with equal effectiveness as determined by an official rating survey, and products meet  
9 applicable temperature, bacteriological and composition standards when sampled on arrival at  
10 point of retail sale. Nothing in this section shall prohibit the state or local health officer from  
11 satisfying himself or herself that the governmental agency having jurisdiction over the production  
12 and processing is properly enforcing such provisions.

196.951. The [state-milk] board is hereby designated as the official rating agency. At  
2 least biannually, or as often as necessary, the [state-milk] board shall make an official rating  
3 survey to determine if there is appropriate and effective enforcement of the standards and  
4 provisions of sections 196.931 through 196.953 and such other surveys as may be necessary to  
5 assure enforcement of sections 196.931 through 196.953 throughout the state. Unsatisfactory  
6 conditions shall be deemed to exist when a rating below the minimum acceptable rating

7 established by the ~~[state milk]~~ board is found by the official rating survey. Violation of sections  
 8 196.931 through 196.953 shall be deemed to exist when the unsatisfactory conditions causing  
 9 the rating to fall below the minimum acceptable rating are not corrected within ninety days. The  
 10 minimum acceptable rating shall be ninety percent for the pasteurized milk supply as determined  
 11 by rating methods recognized by the United States Public Health Service Food and Drug  
 12 Administration. The ~~[state milk]~~ board shall promulgate and adopt a single method of making  
 13 official rating surveys of all milksheds. Official surveys shall be made by a method substantially  
 14 equivalent to procedures outlined in United States Governmental Printing Office Publication  
 15 Number 678, titled "Methods of Making Sanitation Ratings of Milksheds".

196.1130. No rule or portion of a rule promulgated pursuant to the authority of ~~[sections]~~  
 2 **section** 196.1100 ~~[to 196.1130]~~ shall become effective unless it has been promulgated pursuant  
 3 to chapter 536.

208.862. Consumer rights and employment relations.

2 1. Consumers shall retain the right to hire, fire, supervise, and train personal care  
 3 attendants.

4 2. Vendors shall continue to perform the functions provided in sections 208.900 to  
 5 208.930. In addition to having a philosophy that promotes the consumer's ability to live  
 6 independently in the most integrated setting or the maximum community inclusion of persons  
 7 with physical disabilities, as required by subsection 1 of section 208.918, vendors shall provide  
 8 to consumers advocacy, independent living skills training, peer counseling, and information and  
 9 referral services, as those terms are used in subsection 3 of section 178.656.

10 3. ~~[The council shall be a public body as that term is used in section 105.500, and~~  
 11 ~~personal care attendants shall be employees of the council solely for purposes of section 105.500,~~  
 12 ~~et seq.—~~

13 ~~———4.]~~ The sole appropriate unit of personal care attendants, as that term is used in  
 14 subdivision (1) of section 105.500, shall be a statewide unit. Personal care attendants who are  
 15 related to or members of the family of the consumer to whom they provide services shall not for  
 16 that reason be excluded from the unit. The state board of mediation shall conduct an election,  
 17 by mail ballot, to determine whether an organization shall be designated the exclusive bargaining  
 18 representative as defined in subdivision (2) of section 105.500 for the statewide unit of personal  
 19 care attendants under section 105.525 upon a showing that ten percent of the personal care  
 20 attendants in said unit want to be represented by a representative. ~~[The Missouri office of~~  
 21 ~~administration shall represent the council in any collective bargaining with a representative of~~  
 22 ~~personal care attendants. Upon completion of bargaining, any agreements shall be reduced to~~  
 23 ~~writing and presented to the council for adoption, modification or rejection in accordance with~~  
 24 ~~section 105.520.—~~



25 ~~5. The state of Missouri and all vendors shall cooperate in the implementation of any~~  
 26 ~~agreements reached by the council and any representative of personal care attendants, including~~  
 27 ~~making any payroll deductions authorized by the agreements which can lawfully be made~~  
 28 ~~pursuant to agreements entered into under sections 105.500 to 105.530 as currently construed~~  
 29 ~~by the Missouri appellate courts.~~

30 ~~6.] 4. Personal care attendants shall not have the right to strike and breach of this~~  
 31 ~~prohibition will result in disqualification from participation in the consumer directed services~~  
 32 ~~program.~~

33 ~~[7.] 5. Personal care attendants shall not be considered employees of the state of~~  
 34 ~~Missouri or any vendor for any purpose.~~

208.865. ~~[Definitions.]~~ As used in sections ~~[208.850]~~ **208.862** to 208.871:

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

4 (2) ~~["Council" means the Missouri quality home care council;~~

5 ~~—(3)] "Department" means the Missouri department of health and senior services;~~

6 ~~[(4)] (3) "Personal care attendant" means a person, other than a consumer's spouse,~~  
 7 ~~providing consumer-directed personal care assistance services as defined in subdivisions (2) and~~  
 8 ~~(5) of section 208.900 under sections 208.900 to 208.927, similar consumer-directed personal~~  
 9 ~~care assistance services under section 208.930, and similar consumer-directed personal care~~  
 10 ~~assistance services through a program operated pursuant to a waiver obtained under Section~~  
 11 ~~1915(c) of the federal Social Security Act or similar consumer-directed services under the~~  
 12 ~~successor to any of said programs;~~

13 ~~[(5)] (4) "Vendor" is defined in subdivision (10) of section 208.900 and in subsection~~  
 14 ~~2 of section 208.862.~~

208.868. ~~[Federal approval and funding.]~~ The council and the state of Missouri shall take  
 2 all actions reasonably necessary to obtain any approval from the United States needed to  
 3 implement any part of sections ~~[208.850]~~ **208.862** to 208.871 and to ensure continued federal  
 4 funding of any program governed by sections 208.850 to 208.871.

208.871. ~~[Severability.]~~ If any section, subsection, subdivision, paragraph, sentence, or  
 2 clause of sections ~~[208.850]~~ **208.862** to 208.871 is held to be invalid or unconstitutional, such  
 3 decision shall not affect any remaining portion, section, or part thereof which can be given effect  
 4 without the invalid provision.

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

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

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

9 (3) One consumer representative who has no financial interest in the health care industry  
10 and who has not been an employee of the state within the last five years;

11 (4) Two primary care physicians, licensed under chapter 334, who care for participants,  
12 not from the same geographic area, chosen in the same manner as described in section 334.120;

13 (5) Two physicians, licensed under chapter 334, who care for participants but who are  
14 not primary care physicians and are not from the same geographic area, chosen in the same  
15 manner as described in section 334.120;

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

17 (7) Two nonphysician health care professionals, the first nonphysician health care  
18 professional licensed under chapter 335 and the second nonphysician health care professional  
19 licensed under chapter 337, who care for participants;

20 (8) One dentist, who cares for participants, chosen in the same manner as described in  
21 section 332.021;

22 (9) Two patient advocates who have no financial interest in the health care industry and  
23 who have not been employees of the state within the last five years;

24 (10) One public member who has no financial interest in the health care industry and  
25 who has not been an employee of the state within the last five years; and

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

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

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

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

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

48 (3) Review the results from other states of the relative success or failure of various  
49 models of health delivery attempted;

50 (4) Review the results of studies comparing health plans conducted under section  
51 208.950;

52 (5) Review the data from health risk assessments collected and reported under section  
53 208.950;

54 (6) Review the results of the public process input collected under section 208.950;

55 (7) Advise and approve proposed design and implementation proposals for new health  
56 improvement plans submitted by the department, as well as make recommendations and suggest  
57 modifications when necessary;

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

63 (9) Present significant findings of the analysis required in subdivision (8) of this  
64 subsection in a report to the general assembly and governor, at least annually, beginning January  
65 1, 2009;

66 (10) Review the budget forecast issued by the legislative budget office, and the report  
67 required under subsection (22) of subsection 1 of section 208.151, and after study:

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

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

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

73 (11) Conduct a study to determine whether an office of inspector general shall be  
74 established. Such office would be responsible for oversight, auditing, investigation, and

75 performance review to provide increased accountability, integrity, and oversight of state medical  
76 assistance programs, to assist in improving agency and program operations, and to deter and  
77 identify fraud, abuse, and illegal acts. The committee shall review the experience of all states  
78 that have created a similar office to determine the impact of creating a similar office in this state;  
79 and

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

83 3. ~~[The oversight committee shall designate a subcommittee devoted to advising the~~  
84 ~~department on the development of a comprehensive entry point system for long-term care that~~  
85 ~~shall:~~

86 ~~—— (1) Offer Missourians an array of choices including community-based, in-home,~~  
87 ~~residential and institutional services;~~

88 ~~—— (2) Provide information and assistance about the array of long-term care services to~~  
89 ~~Missourians;~~

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

92 ~~—— (4) Create a delivery system that is efficient, reduces duplication, and streamlines access~~  
93 ~~to multiple funding sources and programs;~~

94 ~~—— (5) Strengthen the long-term care quality assurance and quality improvement system;~~

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

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

99 4. The subcommittee shall include the following members:

100 ~~—— (1) The lieutenant governor or his or her designee, who shall serve as the subcommittee~~  
101 ~~chair;~~

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

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

104 ~~—— (4) One member representing residential care facilities, predominantly serving MO~~  
105 ~~HealthNet participants, designated by the governor;~~

106 ~~—— (5) One member representing assisted living facilities or continuing care retirement~~  
107 ~~communities, predominantly serving MO HealthNet participants, designated by the governor;~~

108 ~~—— (6) One member representing skilled nursing facilities, predominantly serving MO~~  
109 ~~HealthNet participants, designated by the governor;~~

- 110 ~~—— (7) One member from the office of the state ombudsman for long-term care facility~~  
 111 ~~residents, designated by the governor;~~
- 112 ~~—— (8) One member representing Missouri centers for independent living, designated by the~~  
 113 ~~governor;~~
- 114 ~~—— (9) One consumer representative with expertise in services for seniors or persons with~~  
 115 ~~a disability, designated by the governor;~~
- 116 ~~—— (10) One member with expertise in Alzheimer's disease or related dementia;~~
- 117 ~~—— (11) One member from a county developmental disability board, designated by the~~  
 118 ~~governor;~~
- 119 ~~—— (12) One member representing the hospice care profession, designated by the governor;~~
- 120 ~~—— (13) One member representing the home health care profession, designated by the~~  
 121 ~~governor;~~
- 122 ~~—— (14) One member representing the adult day care profession, designated by the governor;~~
- 123 ~~—— (15) One member gerontologist, designated by the governor;~~
- 124 ~~—— (16) Two members representing the aged, blind, and disabled population, not of the same~~  
 125 ~~geographic area or demographic group designated by the governor;~~
- 126 ~~—— (17) The directors of the departments of social services, mental health, and health and~~  
 127 ~~senior services, or their designees; and~~
- 128 ~~—— (18) One member of the house of representatives and one member of the senate serving~~  
 129 ~~on the oversight committee, designated by the oversight committee chair.—~~

130

131 ~~Members shall serve on the subcommittee without compensation but may be reimbursed for their~~  
 132 ~~actual and necessary expenses from moneys appropriated to the department of health and senior~~  
 133 ~~services for that purpose. The department of health and senior services shall provide technical~~  
 134 ~~and administrative support services as required by the committee.~~

135 ~~—— 5.] The provisions of section 23.253 shall not apply to sections 208.950 to 208.955.~~

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 the  
 7 commission in section 209.287;

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

10 (4) "Commission", the Missouri commission for the deaf and hard of hearing;

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

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

16 [~~(7)~~ (6) "Coordinator", a staff person, hired by the executive director of the Missouri  
17 commission for the deaf and hard of hearing, who shall serve as coordinator for the Missouri  
18 interpreter certification system;

19 [(8)] (7) "Deaf person", any person who is not able to discriminate speech when spoken  
20 in a normal conversational tone regardless of the use of amplification devices;

21 [(9)] (8) "Department", the department of insurance, financial institutions and  
22 professional registration;

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 for  
26 the deaf and hard of hearing;

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

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

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

47           ~~[(17)]~~ **(16)** "Missouri commission for the deaf", Missouri commission for the deaf and  
48 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 those  
55 who render to individuals, couples, groups, organizations, institutions, corporations, schools,  
56 government agencies or the general public any interpreting service involving the translation of  
57 any mode of communication used by a deaf person to spoken English or of spoken English to  
58 a mode of communication used by a deaf person;

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

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]~~ **209.321** to 209.339.

4           2. A person registered, certified or licensed by this state, another state or any recognized  
5 national certification agent, acceptable to the ~~[committee]~~ **board** 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 obtaining  
13 additional relevant professional education, training and experience through an acceptable  
14 program as defined by rule by the Missouri commission for the deaf and hard of hearing.

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

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

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

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

33           8. (1) The board for certification of interpreters shall grant a provisional certificate in  
34 education for any applicant who meets either of the following criteria:

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

38           (b) The applicant has submitted an application for certification in the Missouri  
39 interpreters certification system and an application for an interpreting license pursuant to sections  
40 ~~[209.319]~~ **209.321** to 209.339 and has taken the written test and performance test or attests that  
41 he or she will complete the certification and licensure applications and take the written test  
42 within sixty days following the date of application for a provisional certificate in education and  
43 will complete the performance test within sixty days following passage of the written test.

44           (2) The board shall issue the provisional certificate in education within ten business days  
45 following receipt of a complete application.

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

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



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

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

209.323. 1. Applications for licensure as an interpreter shall be submitted to the division  
2 on forms prescribed by the division and furnished to the applicant. The application shall contain  
3 the applicant's statements showing the applicant's education, certification by either the National  
4 Registry of Interpreters for the Deaf, National Association of the Deaf or Missouri Interpreter  
5 Certification System and such other information as the division may require. Each application  
6 shall contain a statement that it is made under oath or affirmation and that the information  
7 contained in the application is true and correct to the best knowledge and belief of the applicant,  
8 subject to the penalties, as provided in sections ~~[209.319]~~ **209.321** to 209.339, for the making  
9 of a false affidavit or declaration. Each application shall be accompanied by the required  
10 application fee. The application fee must be submitted in a manner as required by the  
11 ~~[committee]~~ **board** and shall not be refundable. The applicant must be eighteen years of age or  
12 older.

13 2. Each license issued pursuant to the provisions of sections ~~[209.319]~~ **209.321** to  
14 209.339 shall expire on the renewal date. The division shall mail a renewal notice to the last  
15 known address of each licensee prior to the license renewal date. The license will expire and  
16 renewal may be denied upon failure of the licensee to provide the division with the information  
17 required for renewal including but not limited to satisfactory evidence of current certification or  
18 to pay the required renewal fee within sixty days of the license renewal date. The license may  
19 be reinstated within two years after the renewal date, if the applicant applies for reinstatement  
20 and pays the required license renewal fee plus a delinquency fee as established by the  
21 ~~[committee]~~ **board** and provides evidence of current certification.

22 3. Except as provided in section 209.321, the ~~[committee]~~ **board** with assistance from  
23 the division shall issue or renew a license to each person who files an application and fee as  
24 required by the provisions of sections ~~[209.319]~~ **209.321** to 209.339 and who furnishes  
25 satisfactory evidence to the ~~[committee]~~ **board** that he has complied with the provisions of  
26 subsection 1 or 2 of this section.

27 4. The ~~[committee]~~ **board** may issue a new license to replace any license which is lost,  
28 destroyed or mutilated upon payment of a fee as provided by the ~~[committee]~~ **board**.

209.326. Any person who holds a valid unrevoked and unexpired license or certification  
2 as an interpreter issued by a state or organization other than this state and recognized by the  
3 ~~[committee]~~ **board** and concurrently by the Missouri commission for the deaf and hard of  
4 hearing and, provided for by rule, may be granted a temporary license by the ~~[committee]~~ **board**  
5 to practice interpreting in this state. The application for a temporary license must be  
6 accompanied by the appropriate fee as established by the ~~[committee]~~ **board** and that fee is  
7 nonrefundable. If issued, the temporary license is valid for ninety days. A temporary license  
8 may not be issued to the same individual more than once per year. The ~~[committee]~~ **board** may  
9 not issue more than one temporary license to an individual who has established residency in this  
10 state during the individual's residency.

209.328. 1. Notwithstanding any other provision of sections ~~[209.319]~~ **209.321** to  
2 209.339, the ~~[committee]~~ **board** may adopt rules and regulations, not otherwise inconsistent with  
3 sections ~~[209.319]~~ **209.321** to 209.339, to carry out the provisions of sections ~~[209.319]~~ **209.321**  
4 to 209.339. No rule shall be adopted except in accordance with the procedures set forth in  
5 chapter 536. The ~~[committee]~~ **board** may promulgate, by rule, "Ethical Rules of Conduct"  
6 governing the practices of interpreters.

7 2. The ~~[committee]~~ **board** may promulgate rules and regulations pertaining to, but not  
8 limited to:

9 (1) The form and content of license applications required by the provisions of sections  
10 ~~[209.319]~~ **209.321** to 209.339 and the procedures for filing an application for an initial license,  
11 renewal license or temporary license in this state;

12 (2) Fees required by the provisions of sections ~~[209.319]~~ **209.321** to 209.339;

13 (3) The licenses and certifications recognized as qualifying credentials for an initial  
14 license, renewal license or temporary license;

15 (4) Establishment and promulgation of procedures for investigating and resolving  
16 complaints and violations occurring under the provisions of sections ~~[209.319]~~ **209.321** to  
17 209.339;

18 (5) Establishment of policy and procedure for reciprocity with other states, including  
19 states which do not have interpreter licensing laws or states whose licensing laws are not  
20 substantially the same as those of this state.

209.332. 1. There is hereby established in the state treasury a fund to be known as the  
2 "State Committee of Interpreters Fund". All fees provided for in sections ~~[209.319]~~ **209.321** to  
3 209.339 shall be collected by the director of the division of professional registration and shall  
4 be transmitted to the department of revenue for deposit in the state treasury for credit to this fund.  
5 Such funds, upon appropriation, shall be disbursed only in payment of expenses of maintaining

6 the ~~[committee]~~ **board** and for the enforcement of the provisions of sections ~~[209.319]~~ **209.321**  
7 to 209.339. Warrants shall be drawn on the state treasury for payment out of the fund.

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

15         3. No person who has been licensed by the ~~[committee]~~ **board** as an interpreter in this  
16 state shall be taxed or made liable to pay any municipal or other corporation tax or license fee  
17 of any description whatever for the privilege of following or carrying on such profession.

209.334. 1. The ~~[committee]~~ **board** may refuse to issue or renew any license required  
2 by the provisions of sections ~~[209.319]~~ **209.321** to 209.339 for one or any combination of causes  
3 stated in subsection 2 of this section. The ~~[committee]~~ **board** shall notify the applicant in  
4 writing of the reasons for the refusal and shall advise the applicant of his or her right to file a  
5 complaint with the administrative hearing commission as provided by chapter 621.

6         2. The ~~[committee]~~ **board** may cause a complaint to be filed with the administrative  
7 hearing commission as provided by chapter 621 against any holder of any license required by  
8 sections ~~[209.319]~~ **209.321** to 209.339 or any person who has failed to renew or has surrendered  
9 his license for any one or any combination of the following causes:

10         (1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to  
11 an extent that such use impairs a person's ability to engage in the occupation of interpreting;

12         (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty  
13 or nolo contendere, in a criminal prosecution under the laws of any state or of the United States,  
14 for any offense reasonably related to the qualifications, functions or duties of an interpreter, for  
15 any offense an essential element of which is fraud, dishonesty or an act of violence, whether or  
16 not sentence is imposed;

17         (3) Use of fraud, deception, misrepresentation or bribery in securing any license issued  
18 pursuant to the provisions of sections ~~[209.319]~~ **209.321** to 209.339 or in obtaining permission  
19 to take any examination given or required pursuant to the provisions of sections ~~[209.319]~~  
20 **209.321** to 209.339;

21         (4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by  
22 fraud, deception or misrepresentation;

23         (5) Incompetency, misconduct, fraud, misrepresentation or dishonesty in the performance  
24 of the functions or duties of interpreting;

25 (6) Violation of, or assisting or enabling any person to violate, any provision of sections  
26 ~~[209.319]~~ **209.321** to 209.339, or of any lawful rule or regulation adopted pursuant to sections  
27 ~~[209.319]~~ **209.321** to 209.339;

28 (7) Impersonation of any person holding a license or allowing any person to use his or  
29 her license or certification;

30 (8) Discipline of a license or other right to practice interpreting granted by another state,  
31 territory, federal agency or country upon grounds for which discipline is authorized in this state;

32 (9) Discipline of a certification issued by the Missouri commission for the deaf and hard  
33 of hearing or any other certifying body upon grounds for which discipline is authorized in this  
34 state if the licensee was given notice and an opportunity to be heard before the certification was  
35 disciplined;

36 (10) A person is finally adjudged incapacitated by a court of competent jurisdiction;

37 (11) Assisting or enabling any person to practice or offer to practice interpreting who is  
38 not licensed and currently eligible to practice under the provisions of sections ~~[209.319]~~ **209.321**  
39 to 209.339;

40 (12) Issuance of a license based upon a material mistake of fact;

41 (13) Violation of any professional trust or confidence;

42 (14) Failure to display or present a valid license if so required by sections ~~[209.319]~~  
43 **209.321** to 209.339 or any rule promulgated pursuant thereto.

44 3. Any person, organization, association or corporation who reports or provides  
45 information to the ~~[committee]~~ **board** pursuant to the provisions of sections ~~[209.319]~~ **209.321**  
46 to 209.339 and who does so in good faith shall not be subject to an action for civil damages as  
47 a result thereof.

48 4. After the filing of such complaint, the proceedings shall be conducted in accordance  
49 with the provisions of chapter 621. Upon a finding by the administrative hearing commission  
50 that the grounds, provided in subsection 2 of this section, for disciplinary action are met, the  
51 ~~[committee]~~ **board** may singly or in combination, censure or place the person named in the  
52 complaint on probation on such terms and conditions as the ~~[committee]~~ **board** deems  
53 appropriate for a period not to exceed five years, or may suspend, for a period not to exceed three  
54 years, or revoke the license.

55 5. In any order of revocation, the ~~[committee]~~ **board** may provide that the person may  
56 not apply for reinstatement of his license for three years after the revocation.

57 6. Before restoring to good standing a license issued pursuant to sections ~~[209.319]~~  
58 **209.321** to 209.339 which has been revoked, suspended or inactive for any cause, the  
59 ~~[committee]~~ **board** shall require the applicant to submit to the committee, verification, from the

60 Missouri commission for the deaf that the applicant has a current certification which qualifies  
61 that person for licensure.

209.337. 1. A violation of any provision of sections 209.319 to 209.339 is a class A  
2 misdemeanor.

3 2. All fees or other compensation received for services rendered in violation of sections  
4 ~~[209.319]~~ **209.321** to 209.339 shall be refunded.

5 3. The ~~[committee]~~ **board** may sue in its own name in any court in this state. The  
6 department shall inquire diligently as to any violation of sections ~~[209.319]~~ **209.321** to 209.339,  
7 shall institute actions for penalties herein prescribed, and shall enforce generally the provisions  
8 of sections ~~[209.319]~~ **209.321** to 209.339.

9 4. Upon application by the ~~[committee]~~ **board**, the attorney general may on behalf of the  
10 ~~[committee]~~ **board** request that a court of competent jurisdiction grant an injunction, restraining  
11 order or other order as may be appropriate to enjoin a person from:

12 (1) Offering to engage or engaging in the performance of any acts or practices for which  
13 a certificate of registration or authority, permit or license is required upon a showing that such  
14 acts or practices were performed, offered to be performed without a certificate of registration or  
15 authority, permit or license; or

16 (2) Engaging in any practice or business authorized by a certificate of registration or  
17 authority, permit or license issued pursuant to sections ~~[209.319]~~ **209.321** to 209.339 upon a  
18 showing that the holder presents a substantial probability of serious harm to the health, safety or  
19 welfare of any resident of this state or client of the licensee.

20 5. Any action brought pursuant to the provisions of this section shall be commenced  
21 either in the county in which such conduct occurred or in the county in which the defendant  
22 resides.

23 6. Any action brought pursuant to this section may be in addition to or in lieu of any  
24 penalty provided by sections ~~[209.319]~~ **209.321** to 209.339 and may be brought concurrently  
25 with other actions to enforce sections ~~[209.319]~~ **209.321** to 209.339.

210.102. 1. It shall be the duty of the Missouri children's services commission to:

2 (1) Make recommendations which will encourage greater interagency coordination,  
3 cooperation, more effective utilization of existing resources and less duplication of effort in  
4 activities of state agencies which affect the legal rights and well-being of children in Missouri;

5 (2) Develop an integrated state plan for the care provided to children in this state through  
6 state programs;

7 (3) Develop a plan to improve the quality of children's programs statewide. Such plan  
8 shall include, but not be limited to:

9 (a) Methods for promoting geographic availability and financial accessibility for all  
10 children and families in need of such services;

11 (b) Program recommendations for children's services which include child development,  
12 education, supervision, health and social services;

13 (4) Design and implement evaluation of the activities of the commission in fulfilling the  
14 duties as set out in this section;

15 (5) Report annually to the governor with five copies each to the house of representatives  
16 and senate about its activities including, but not limited to the following:

17 (a) A general description of the activities pertaining to children of each state agency  
18 having a member on the commission;

19 (b) A general description of the plans and goals, as they affect children, of each state  
20 agency having a member on the commission;

21 (c) Recommendations for statutory and appropriation initiatives to implement the  
22 integrated state plan;

23 (d) A report from the commission regarding the state of children in Missouri.

24 2. There is hereby established within the children's services commission the  
25 "Coordinating Board for Early Childhood", which shall constitute a body corporate and politic,  
26 and shall include but not be limited to the following members:

27 (1) A representative from the governor's office;

28 (2) A representative from each of the following departments: health and senior services,  
29 mental health, social services, and elementary and secondary education;

30 (3) A representative of the judiciary;

31 (4) A representative of the family and community trust board (FACT);

32 (5) A representative from the head start program;

33 (6) Nine members appointed by the ~~[governor with the advice and consent of the senate]~~  
34 **chair of the commission** who are representatives of the groups, such as business, philanthropy,  
35 civic groups, faith-based organizations, parent groups, advocacy organizations, early childhood  
36 service providers, and other stakeholders.

37

38 The coordinating board may make all rules it deems necessary to enable it to conduct its  
39 meetings, elect its officers, and set the terms and duties of its officers. The coordinating board  
40 shall elect from amongst its members a chairperson, vice chairperson, a secretary-reporter, and  
41 such other officers as it deems necessary. Members of the board shall serve without  
42 compensation but may be reimbursed for actual expenses necessary to the performance of their  
43 official duties for the board.

44 3. The coordinating board for early childhood shall have the power to:

- 45 (1) Develop a comprehensive statewide long-range strategic plan for a cohesive early  
46 childhood system;
- 47 (2) Confer with public and private entities for the purpose of promoting and improving  
48 the development of children from birth through age five of this state;
- 49 (3) Identify legislative recommendations to improve services for children from birth  
50 through age five;
- 51 (4) Promote coordination of existing services and programs across public and private  
52 entities;
- 53 (5) Promote research-based approaches to services and ongoing program evaluation;
- 54 (6) Identify service gaps and advise public and private entities on methods to close such  
55 gaps;
- 56 (7) Apply for and accept gifts, grants, appropriations, loans, or contributions to the  
57 coordinating board for early childhood fund from any source, public or private, and enter into  
58 contracts or other transactions with any federal or state agency, any private organizations, or any  
59 other source in furtherance of the purpose of subsections 2 and 3 of this section, and take any and  
60 all actions necessary to avail itself of such aid and cooperation;
- 61 (8) Direct disbursements from the coordinating board for early childhood fund as  
62 provided in this section;
- 63 (9) Administer the coordinating board for early childhood fund and invest any portion  
64 of the moneys not required for immediate disbursement in obligations of the United States or any  
65 agency or instrumentality of the United States, in obligations of the state of Missouri and its  
66 political subdivisions, in certificates of deposit and time deposits, or other obligations of banks  
67 and savings and loan associations, or in such other obligations as may be prescribed by the board;
- 68 (10) Purchase, receive, take by grant, gift, devise, bequest or otherwise, lease, or  
69 otherwise acquire, own, hold, improve, employ, use, and otherwise deal with real or personal  
70 property or any interests therein, wherever situated;
- 71 (11) Sell, convey, lease, exchange, transfer or otherwise dispose of all or any of its  
72 property or any interest therein, wherever situated;
- 73 (12) Employ and fix the compensation of an executive director and such other agents or  
74 employees as it considers necessary;
- 75 (13) Adopt, alter, or repeal by its own bylaws, rules, and regulations governing the  
76 manner in which its business may be transacted;
- 77 (14) Adopt and use an official seal;
- 78 (15) Assess or charge fees as the board determines to be reasonable to carry out its  
79 purposes;
- 80 (16) Make all expenditures which are incident and necessary to carry out its purposes;

81 (17) Sue and be sued in its official name;  
 82 (18) Take such action, enter into such agreements, and exercise all functions necessary  
 83 or appropriate to carry out the duties and purposes set forth in this section.

84 4. There is hereby created the "Coordinating Board for Early Childhood Fund" which  
 85 shall consist of the following:

86 (1) Any moneys appropriated by the general assembly for use by the board in carrying  
 87 out the powers set out in subsections 2 and 3 of this section;

88 (2) Any moneys received from grants or which are given, donated, or contributed to the  
 89 fund from any source;

90 (3) Any moneys received as fees authorized under subsections 2 and 3 of this section;

91 (4) Any moneys received as interest on deposits or as income on approved investments  
 92 of the fund;

93 (5) Any moneys obtained from any other available source.  
 94

95 Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the  
 96 coordinating board for early childhood fund at the end of the biennium shall not revert to the  
 97 credit of the general revenue fund.

210.170. 1. There is hereby created within the office of administration of the state of  
 2 Missouri the "Children's Trust Fund Board", which shall be composed of twenty-one members  
 3 as follows:

4 (1) ~~Twelve~~ **Seven** public members to be appointed by the governor by and with the  
 5 advice and consent of the senate. As a group, the public members appointed pursuant to this  
 6 subdivision shall demonstrate knowledge in the area of prevention programs, shall be  
 7 representative of the demographic composition of this state, and, to the extent practicable, shall  
 8 be representative of all of the following categories:

9 (a) ~~Organized labor;~~

10 ~~(b) The business community;~~

11 ~~(c) The educational community;~~

12 ~~(d)~~ **(b)** The religious community;

13 ~~(e)~~ **(c)** The legal community;

14 ~~(f)~~ **(d)** Professional providers of prevention services to families and children;

15 ~~(g) Volunteers in prevention services;~~

16 ~~(h)~~ **(e)** Social services;

17 ~~(i)~~ **(f)** Health care services; and

18 ~~(j)~~ **(g)** Mental health services;

19 (2) A physician licensed pursuant to chapter 334;



20 (3) Two members of the Missouri house of representatives, who shall be appointed by  
21 the speaker of the house of representatives and shall be members of two different political  
22 parties; **and**

23 (4) Two members of the Missouri senate, who shall be appointed by the president pro  
24 tem of the senate and who shall be members of two different political parties[; **and**

25 ~~————(5) Four members chosen and appointed by the governor].~~

26 2. All members of the board appointed by the speaker of the house or the president pro  
27 tem of the senate shall serve until their term in the house or senate during which they were  
28 appointed to the board expires. All public members of the board shall serve for terms of three  
29 years; except, that of the public members first appointed, four shall serve for terms of three years,  
30 four shall serve for terms of two years, and three shall serve for terms of one year. No public  
31 members may serve more than two consecutive terms, regardless of whether such terms were full  
32 or partial terms. Each member shall serve until his successor is appointed. All vacancies on the  
33 board shall be filled for the balance of the unexpired term in the same manner in which the board  
34 membership which is vacant was originally filled.

35 3. Any public member of the board may be removed by the governor for misconduct,  
36 incompetency, or neglect of duty after first being given the opportunity to be heard in his or her  
37 own behalf.

38 4. The board may employ an executive director who shall be charged with carrying out  
39 the duties and responsibilities assigned to him or her by the board. The executive director may  
40 obtain all necessary office space, facilities, and equipment, and may hire and set the  
41 compensation of such staff as is approved by the board and within the limitations of  
42 appropriations for the purpose. All staff members, except the executive director, shall be  
43 employed pursuant to chapter 36.

44 5. Each member of the board may be reimbursed for all actual and necessary expenses  
45 incurred by the member in the performance of his or her official duties. All reimbursements  
46 made pursuant to this subsection shall be made from funds in the children's trust fund  
47 appropriated for that purpose.

48 6. All business transactions of the board shall be conducted in public meetings in  
49 accordance with sections 610.010 to 610.030.

50 7. The board may accept federal funds for the purposes of sections 210.170 to 210.173  
51 and section 143.1000 as well as gifts and donations from individuals, private organizations, and  
52 foundations. The acceptance and use of federal funds shall not commit any state funds nor place  
53 any obligation upon the general assembly to continue the programs or activities for which the  
54 federal funds are made available. All funds received in the manner described in this subsection

55 shall be transmitted to the state treasurer for deposit in the state treasury to the credit of the  
56 children's trust fund.

57 8. The board shall elect a chairperson from among the public members, who shall serve  
58 for a term of two years. The board may elect such other officers and establish such committees  
59 as it deems appropriate.

60 9. The board shall exercise its powers and duties independently of the office of  
61 administration except that budgetary, procurement, accounting, and other related management  
62 functions shall be performed by the office of administration.

210.172. The board shall have the following powers and duties:

2 (1) To meet not less than twice annually at the call of the chairperson to conduct its  
3 official business;

4 (2) To require that at least eight of the board members authorize the disbursement of  
5 funds from the children's trust fund;

6 (3) To, one year after the appointment of the original board and annually thereafter,  
7 develop a state plan for the distribution and disbursement of funds in the children's trust fund.  
8 The plan developed under this subdivision shall assure that an equal opportunity exists for the  
9 establishment of prevention programs and the receipt of moneys from the children's trust fund  
10 in all geographic areas of this state. Such plan shall be transmitted to the governor, the president  
11 pro tem of the senate, the speaker of the Missouri house of representatives, and the appropriation  
12 committees of the Missouri senate and Missouri house of representatives, and shall be made  
13 available to the general public. In carrying out a plan developed under this subdivision, the  
14 board shall establish procedures to:

15 (a) Enter into contracts with public or private agencies, schools, or qualified individuals  
16 to establish community-based educational and service prevention programs with or without using  
17 the procurement procedures of the office of administration. Such prevention programs shall  
18 focus on the prevention of child abuse and neglect. Community-based service prevention  
19 programs shall include programs such as crisis care, parent aides, counseling, and support  
20 groups. Participation by individuals in any community-based educational or service prevention  
21 program shall be strictly voluntary. In awarding contracts under this paragraph, consideration  
22 shall be given by the board to factors such as need, geographic location diversity, coordination  
23 with or improvement of existing services, and extensive use of volunteers;

24 (b) Develop and publicize criteria for the awarding of contracts for programs to be  
25 supported with money from the children's trust fund within the limits of appropriations made for  
26 that purpose;

27 (c) Review and monitor expenditures of moneys from the children's trust fund on a  
28 periodic basis;

29 (d) Consult with applicable state agencies, commissions, and boards to help determine  
30 probable effectiveness, fiscal soundness, and need for proposed community-based educational  
31 and service prevention programs;

32 (e) Facilitate information exchange between groups concerned with prevention  
33 programs;

34 (f) Provide for statewide educational and public informational conferences and  
35 workshops for the purpose of developing appropriate public awareness regarding the problems  
36 of families and children, of encouraging professional persons and groups to recognize and deal  
37 with problems of families and children, of making information regarding the problems of  
38 families and children and their prevention available to the general public in order to encourage  
39 citizens to become involved in the prevention of such problems, and of encouraging the  
40 development of community prevention programs; and

41 (g) Establish a procedure for an annual internal evaluation of the functions,  
42 responsibilities, and performance of the board, which evaluation shall be coordinated with the  
43 annual state plan of the board; **and**

44 **(4) Make recommendations for reducing child sexual abuse in Missouri. In making**  
45 **those recommendations, the board shall:**

46 **(a) Gather information concerning child sexual abuse throughout the state;**

47 **(b) Receive reports and testimony from individuals, state and local agencies,**  
48 **community-based organizations, and other public and private organizations; and**

49 **(c) Create goals for state policy that would prevent child sexual abuse.**

50

51 **The recommendations may include proposals for specific statutory and regulatory changes**  
52 **and methods to foster cooperation between state and local governmental bodies, medical**  
53 **providers, and child welfare agencies.**

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

3 (1) Fails consistently to comply with the applicable provisions of sections 208.400 to  
4 ~~[208.535]~~ **208.482** and the applicable rules promulgated thereunder;

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

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

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

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

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

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

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

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

18

19 Nothing in this section shall be construed to permit discrimination on the basis of disability or  
20 disease of an applicant. The disability or disease of an applicant shall not constitute a basis for  
21 a determination that the applicant is unfit or not suitable to be a foster parent without a specific  
22 showing that there is a causal relationship between the disability or disease and a substantial and  
23 significant risk of harm to a child or an inability to perform the duties of a foster parent.

226.008. 1. The highways and transportation commission shall have responsibility and  
2 authority, as provided in this section and sections 104.805, 389.005, 389.610, and 621.040, for  
3 the administration and enforcement of:

4 (1) Licensing, supervising and regulating motor carriers for the transportation of  
5 passengers, household goods and other property by motor vehicles within this state;

6 (2) Licensing motor carriers to transport hazardous waste, used oil, infectious waste and  
7 permitting waste tire haulers in intrastate or interstate commerce, or both, by motor vehicles  
8 within this state;

9 (3) Compliance by motor carriers and motor private carriers with applicable  
10 requirements relating to safety and hazardous materials transportation, within the terminals of  
11 motor carriers and motor private carriers of passengers or property;

12 (4) Compliance by motor carriers and motor private carriers with applicable  
13 requirements relating to safety and hazardous materials transportation wherever they possess,  
14 transport or deliver hazardous waste, used oil, infectious waste or waste tires. This authority is  
15 in addition to, and not exclusive of, the authority of the department of natural resources to ensure  
16 compliance with any and all applicable requirements related to the transportation of hazardous  
17 waste, used oil, infectious waste or waste tires;

18 (5) Collecting and regulating amounts payable to the state from interstate motor carriers  
19 in accordance with the provisions of the International Fuel Tax Agreement in accordance with  
20 section 142.617, and any successor or similar agreements, including the authority to impose and  
21 collect motor fuel taxes due pursuant to chapter 142, and such agreement;

22 (6) Registering and regulating interstate commercial motor vehicles operated upon the  
23 highways of this state, in accordance with the provisions of the International Registration Plan

24 in accordance with sections 301.271 through 301.277, and any successor or similar agreements,  
25 including the authority to issue license plates in accordance with sections 301.130 and 301.041;

26 (7) Permitting the transportation of over dimension or overweight motor vehicles or  
27 loads that exceed the maximum weights or dimensions otherwise allowed upon the public  
28 highways within the jurisdiction of the highways and transportation commission; and

29 (8) Licensing intrastate housemovers.

30 2. The highways and transportation commission shall carry out all powers, duties and  
31 functions relating to intrastate and interstate transportation previously performed by:

32 (1) The division of motor carrier and railroad safety within the department of economic  
33 development, and all officers or employees of that division;

34 (2) The department of natural resources, and all officers or employees of that division,  
35 relating to the issuance of licenses or permits to transport hazardous waste, used oil, infectious  
36 waste or waste tires by motor vehicles operating within the state;

37 (3) The highway reciprocity commission within the department of revenue, and all  
38 officers or employees of that commission; and the director of revenue's powers, duties and  
39 functions relating to the highway reciprocity commission, except that the highways and  
40 transportation commission may allow the department of revenue to enforce the provisions of the  
41 International Fuel Tax Agreement, as required by such agreement; and

42 (4) The motor carrier services unit within the traffic functional unit of the department  
43 of transportation, relating to the special permitting of operations on state highways of motor  
44 vehicles or loads that exceed the maximum length, width, height or weight limits established by  
45 law or by the highways and transportation commission.

46 3. All the powers, duties and functions described in subsections 1 and 2 of this section,  
47 including but not limited to, all powers, duties and functions pursuant to chapters 387, 390 and  
48 622, including all rules and orders, are hereby transferred to the department of transportation,  
49 which is in the charge of the highways and transportation commission, by type I transfer, as  
50 defined in the Omnibus State Reorganization Act of 1974, and the preceding agencies and  
51 officers shall no longer be responsible for those powers, duties and functions.

52 4. All the powers, duties and functions, including all rules and orders, of the  
53 administrative law judges of the division of motor carrier and railroad safety, as amended by the  
54 provisions of this section and sections 104.805, 389.005, 389.610, and 621.040, are hereby  
55 transferred to the administrative hearing commission within the state office of administration.

56 5. The division of motor carrier and railroad safety and the highway reciprocity  
57 commission are abolished.

58 6. Personnel previously employed by the division of motor carrier and railroad safety and  
59 the highway reciprocity commission shall be transferred to the department of transportation, but

60 the department of natural resources shall not be required to transfer any personnel pursuant to  
61 this section. The administrative law judge within the division of motor carrier and railroad safety  
62 shall be transferred to the administrative hearing commission.

63 7. Credentials issued by the transferring agencies or officials before July 11, 2002, shall  
64 remain in force or expire as provided by law. In addition, the highways and transportation  
65 commission shall have the authority to suspend, cancel or revoke such credentials after July 11,  
66 2002.

67 8. Notwithstanding any provision of law to the contrary, on and after July 11, 2002, all  
68 surety bonds, cash bonds, certificates of deposit, letters of credit, drafts, checks or other financial  
69 instruments payable to:

70 (1) The highway reciprocity commission or the department of revenue pursuant to  
71 section 301.041 or pursuant to the International Fuel Tax Agreement; or

72 (2) Any other agency or official whose powers, duties or functions are transferred  
73 pursuant to this section,

74

75 shall be payable instead to the state highways and transportation commission.

76 9. The department of natural resources shall have authority to collect and establish by  
77 rule the amount of the fee paid by applicants for a permit to transport waste tires.

78 10. The Missouri [~~hazardous waste management~~] **emergency response** commission  
79 created in section [~~260.365~~] **292.602** shall have the authority to collect and establish by rule the  
80 amount of the fee paid by applicants for a license to transport hazardous waste, used oil, or  
81 infectious waste pursuant to section 260.395.

82 11. All of the authority, powers, duties, and functions of the division of highway safety  
83 relating to the motorcycle safety program under sections 302.133 to 302.138, the driver  
84 improvement program authorized under section 302.178, the ignition interlock program under  
85 sections 577.600 to 577.614, and other state highway safety programs as provided by state law,  
86 including all administrative rules promulgated thereunder, are hereby transferred to the  
87 department of transportation, which is in charge of the state highways and transportation  
88 commission, by type I transfer as set forth in the Omnibus State Reorganization Act of 1974.

253.412. 1. The Missouri advisory council on historic preservation established by  
2 executive order 81-11, pursuant to the historic preservation act of 1966, and the regulations  
3 promulgated thereunder, is hereby transferred by a type III transfer to the department of natural  
4 resources.

5 **2. The duties of the unmarked human burial consultation committee are**  
6 **consolidated with the duties of the Missouri advisory council on historic preservation.**

260.360. When used in sections 260.350 to 260.430 and in standards, rules and regulations adopted pursuant to sections 260.350 to 260.430, the following words and phrases mean:

(1) "Cleanup", all actions necessary to contain, collect, control, treat, disburse, remove or dispose of a hazardous waste;

(2) "Commission", the ~~[hazardous waste management commission of the state of Missouri created by sections 260.350 to 260.430]~~ **Missouri emergency response commission created under section 292.602;**

(3) "Conference, conciliation and persuasion", a process of verbal or written communications consisting of meetings, reports, correspondence or telephone conferences between authorized representatives of the department and the alleged violator. The process shall, at a minimum, consist of one offer to meet with the alleged violator tendered by the department. During any such meeting, the department and the alleged violator shall negotiate in good faith to eliminate the alleged violation and shall attempt to agree upon a plan to achieve compliance;

(4) "Department", the Missouri department of natural resources;

(5) "Detonation", an explosion in which chemical transformation passes through the material faster than the speed of sound, which is 0.33 kilometers per second at sea level;

(6) "Director", the director of the Missouri department of natural resources;

(7) "Disposal", the discharge, deposit, injection, dumping, spilling, leaking, or placing of any waste into or on any land or water so that such waste, or any constituent thereof, may enter the environment or be emitted into the air or be discharged into the waters, including groundwaters;

(8) "Final disposition", the location, time and method by which hazardous waste loses its identity or enters the environment, including, but not limited to, disposal, resource recovery and treatment;

(9) "Generation", the act or process of producing waste;

(10) "Generator", any person who produces waste;

(11) "Hazardous waste", any waste or combination of wastes, as determined by the commission by rules and regulations, which, because of its quantity, concentration, or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness, or pose a present or potential threat to the health of humans or the environment;

(12) "Hazardous waste facility", any property that is intended or used for hazardous waste management including, but not limited to, storage, treatment and disposal sites;

(13) "Hazardous waste management", the systematic recognition and control of hazardous waste from generation to final disposition including, but not limited to, its

37 identification, containerization, labeling, storage, collection, transfer or transportation, treatment,  
38 resource recovery or disposal;

39 (14) "Infectious waste", waste in quantities and characteristics as determined by the  
40 department by rule and regulation, including the following wastes known or suspected to be  
41 infectious: isolation wastes, cultures and stocks of etiologic agents, contaminated blood and  
42 blood products, other contaminated surgical wastes, wastes from autopsy, contaminated  
43 laboratory wastes, sharps, dialysis unit wastes, discarded biologicals and antineoplastic  
44 chemotherapeutic materials; provided, however, that infectious waste does not mean waste  
45 treated to department specifications;

46 (15) "Manifest", a department form accompanying hazardous waste from point of  
47 generation, through transport, to final disposition;

48 (16) "Minor violation", a violation which possesses a small potential to harm the  
49 environment or human health or cause pollution, was not knowingly committed, and is not  
50 defined by the United States Environmental Protection Agency as other than minor;

51 (17) "Person", an individual, partnership, copartnership, firm, company, public or private  
52 corporation, association, joint stock company, trust, estate, political subdivision or any agency,  
53 board, department or bureau of the state or federal government or any other legal entity whatever  
54 which is recognized by law as the subject of rights and duties;

55 (18) "Plasma arc technology", a process that converts electrical energy into thermal  
56 energy. The plasma arc is created when a voltage is established between two points;

57 (19) "Resource recovery", the reclamation of energy or materials from waste, its reuse  
58 or its transformation into new products which are not wastes;

59 (20) "Storage", the containment or holding of waste at a designated location in such  
60 manner or for such a period of time, as determined in regulations adopted hereunder, so as not  
61 to constitute disposal of such waste;

62 (21) "Treatment", the processing of waste to remove or reduce its harmful properties or  
63 to contribute to more efficient or less costly management or to enhance its potential for resource  
64 recovery including, but not limited to, existing or future procedures for biodegradation,  
65 concentration, reduction in volume, detoxification, fixation, incineration, plasma arc technology,  
66 or neutralization;

67 (22) "Waste", any material for which no use or sale is intended and which will be  
68 discarded or any material which has been or is being discarded. Waste shall also include certain  
69 residual materials, to be specified by the rules and regulations, which may be sold for purposes  
70 of energy or materials reclamation, reuse or transformation into new products which are not  
71 wastes;



72 (23) "Waste explosives", any waste which has the potential to detonate, or any bulk  
73 military propellant which cannot be safely disposed of through other modes of treatment.

260.371. The provisions of this act are severable, except as otherwise provided in  
2 sections 260.225 and [~~260.370~~] **260.365**. If any provision of this act is found by a court of  
3 competent jurisdiction to be invalid or unconstitutional, the remaining provisions of this act shall  
4 remain in full force and effect.

260.377. Subject to appropriations, the department of natural resources shall conduct  
2 inspections of any hazardous waste facility. The frequency of such inspections shall be specified  
3 by the commission through rule and regulation based on the classification category of the  
4 hazardous waste, as specified in section [~~260.370~~] **292.602**. Such inspections shall determine  
5 compliance by licensee or permittee with the requirements of sections 260.350 to 260.430 and  
6 regulations promulgated thereunder as well as compliance with any special conditions in the  
7 permit issued to the permittee.

260.380. 1. After six months from the effective date of the standards, rules and  
2 regulations adopted by the commission pursuant to section [~~260.370~~] **292.602**, hazardous waste  
3 generators located in Missouri shall:

4 (1) Promptly file and maintain with the department, on registration forms it provides for  
5 this purpose, information on hazardous waste generation and management as specified by rules  
6 and regulations. Hazardous waste generators shall pay a one hundred dollar registration fee upon  
7 initial registration, and a one hundred dollar registration renewal fee annually thereafter to  
8 maintain an active registration. Such fees shall be deposited in the hazardous waste fund created  
9 in section 260.391;

10 (2) Containerize and label all hazardous wastes as specified by standards, rules and  
11 regulations;

12 (3) Segregate all hazardous wastes from all nonhazardous wastes and from  
13 noncompatible wastes, materials and other potential hazards as specified by standards, rules and  
14 regulations;

15 (4) Provide safe storage and handling, including spill protection, as specified by  
16 standards, rules and regulations, for all hazardous wastes from the time of their generation to the  
17 time of their removal from the site of generation;

18 (5) Unless provided otherwise in the rules and regulations, utilize only a hazardous waste  
19 transporter holding a license pursuant to sections 260.350 to 260.430 for the removal of all  
20 hazardous wastes from the premises where they were generated;

21 (6) Unless provided otherwise in the rules and regulations, provide a separate manifest  
22 to the transporter for each load of hazardous waste transported from the premises where it was  
23 generated. The generator shall specify the destination of such load on the manifest. The manner

24 in which the manifest shall be completed, signed and filed with the department shall be in  
25 accordance with rules and regulations;

26 (7) Utilize for treatment, resource recovery, disposal or storage of all hazardous wastes,  
27 only a hazardous waste facility authorized to operate pursuant to sections 260.350 to 260.430 or  
28 the federal Resource Conservation and Recovery Act, or a state hazardous waste management  
29 program authorized pursuant to the federal Resource Conservation and Recovery Act, or any  
30 facility exempted from the permit required pursuant to section 260.395;

31 (8) Collect and maintain such records, perform such monitoring or analyses, and submit  
32 such reports on any hazardous waste generated, its transportation and final disposition, as  
33 specified in sections 260.350 to 260.430 and rules and regulations adopted pursuant to sections  
34 260.350 to 260.430;

35 (9) Make available to the department upon request samples of waste and all records  
36 relating to hazardous waste generation and management for inspection and copying and allow  
37 the department to make unhampered inspections at any reasonable time of hazardous waste  
38 generation and management facilities located on the generator's property and hazardous waste  
39 generation and management practices carried out on the generator's property;

40 (10) (a) Pay annually, on or before January first of each year, effective January 1, 1982,  
41 a fee to the state of Missouri to be placed in the hazardous waste fund. The fee shall be five  
42 dollars per ton or portion thereof of hazardous waste registered with the department as specified  
43 in subdivision (1) of this subsection for the twelve-month period ending June thirtieth of the  
44 previous year. However, the fee shall not exceed fifty-two thousand dollars per generator site  
45 per year nor be less than one hundred fifty dollars per generator site per year.

46 (b) All moneys payable pursuant to the provisions of this subdivision shall be promptly  
47 transmitted to the department of revenue, which shall deposit the same in the state treasury to the  
48 credit of the hazardous waste fund created in section 260.391.

49 (c) The hazardous waste management commission shall establish and submit to the  
50 department of revenue procedures relating to the collection of the fees authorized by this  
51 subdivision. Such procedures shall include, but not be limited to, necessary records identifying  
52 the quantities of hazardous waste registered, the form and submission of reports to accompany  
53 the payment of fees, the time and manner of payment of fees, which shall not be more often than  
54 quarterly.

55 (d) Notwithstanding any statutory fee amounts or maximums to the contrary, the director  
56 of the department of natural resources may conduct a comprehensive review and propose  
57 changes to the fee structure set forth in this section. The comprehensive review shall include  
58 stakeholder meetings in order to solicit stakeholder input from each of the following groups:  
59 cement kiln representatives, chemical companies, large and small hazardous waste generators,

60 and any other interested parties. Upon completion of the comprehensive review, the department  
61 shall submit a proposed fee structure with stakeholder agreement to the hazardous waste  
62 management commission. The commission shall review such recommendations at the  
63 forthcoming regular or special meeting, but shall not vote on the fee structure until a subsequent  
64 meeting. If the commission approves, by vote of two-thirds majority or five of seven  
65 commissioners, the fee structure recommendations, the commission shall authorize the  
66 department to file a notice of proposed rulemaking containing the recommended fee structure,  
67 and after considering public comments may authorize the department to file the order of  
68 rulemaking for such rule with the joint committee on administrative rules pursuant to sections  
69 536.021 and 536.024 no later than December first of the same year. If such rules are not  
70 disapproved by the general assembly in the manner set out below, they shall take effect on  
71 January first of the following calendar year and the fee structure set out in this section shall  
72 expire upon the effective date of the commission-adopted fee structure, contrary to subsection  
73 4 of this section. Any regulation promulgated under this subsection shall be deemed to be  
74 beyond the scope and authority provided in this subsection, or detrimental to permit applicants,  
75 if the general assembly, within the first sixty calendar days of the regular session immediately  
76 following the filing of such regulation disapproves the regulation by concurrent resolution. If  
77 the general assembly so disapproves any regulation filed under this subsection, the department  
78 and the commission shall not implement the proposed fee structure and shall continue to use the  
79 previous fee structure. The authority of the commission to further revise the fee structure as  
80 provided by this subsection shall expire on August 28, 2024.

81         2. Missouri treatment, storage, or disposal facilities shall pay annually, on or before  
82 January first of each year, a fee to the department equal to two dollars per ton or portion thereof  
83 for all hazardous waste received from outside the state. This fee shall be based on the hazardous  
84 waste received for the twelve-month period ending June thirtieth of the previous year.

85         3. Exempted from the requirements of this section are individual householders and  
86 farmers who generate only small quantities of hazardous waste and any person the commission  
87 determines generates only small quantities of hazardous waste on an infrequent basis, except  
88 that:

89             (1) Householders, farmers and exempted persons shall manage all hazardous wastes they  
90 may generate in a manner so as not to adversely affect the health of humans, or pose a threat to  
91 the environment, or create a public nuisance; and

92             (2) The department may determine that a specific quantity of a specific hazardous waste  
93 requires special management. Upon such determination and after public notice by press release  
94 or advertisement thereof, including instructions for handling and delivery, generators exempted

95 pursuant to this subsection shall deliver, but without a manifest or the requirement to use a  
96 licensed hazardous waste transporter, such waste to:

97 (a) Any storage, treatment or disposal site authorized to operate pursuant to sections  
98 260.350 to 260.430 or the federal Resource Conservation and Recovery Act, or a state hazardous  
99 waste management program authorized pursuant to the federal Resource Conservation and  
100 Recovery Act which the department designates for this purpose; or

101 (b) A collection station or vehicle which the department may arrange for and designate  
102 for this purpose.

103 4. Failure to pay the fee, or any portion thereof, prescribed in this section by the due date  
104 shall result in the imposition of a penalty equal to fifteen percent of the original fee. The fee  
105 prescribed in this section shall expire December 31, 2018, except that the department shall levy  
106 and collect this fee for any hazardous waste generated prior to such date and reported to the  
107 department.

260.385. After six months from the effective date of the standards, rules and regulations  
2 adopted by the commission pursuant to section ~~[260.370]~~ **292.602**, hazardous waste transporters  
3 shall:

4 (1) Not transport any hazardous waste in this state without first obtaining a hazardous  
5 waste transporter license from the department as specified in section 260.395;

6 (2) Use and operate equipment which has been approved by the department and follow  
7 procedures, when transporting hazardous wastes, which meet all applicable state and federal  
8 regulations and standards for the transportation of hazardous materials and all applicable  
9 standards, rules and regulations adopted under sections 260.350 to 260.430 and all terms and  
10 conditions of their license;

11 (3) Unless otherwise provided in sections 260.350 to 260.430 or the rules and regulations  
12 adopted hereunder, accept only shipments of hazardous waste that are accompanied by a  
13 manifest, provided by the generator, that has been completed and signed by the generator in  
14 accordance with the rules and regulations adopted under sections 260.350 to 260.430;

15 (4) Complete, sign and file the transporter portion of the manifest as specified in rules  
16 and regulations adopted under sections 260.350 to 260.430;

17 (5) Deliver hazardous waste and the accompanying manifest only to the destination  
18 specified by the generator on the manifest, which destination must be a hazardous waste facility  
19 holding a permit under sections 260.350 to 260.430 or the federal Resource Conservation and  
20 Recovery Act, or a state hazardous waste management program authorized under the federal  
21 Resource Conservation and Recovery Act, or a resource recovery or other facility exempted from  
22 the permit requirement, and in accordance with provisions which apply under section 260.395  
23 and rules and regulations adopted hereunder;

24 (6) Collect and maintain such records and submit such reports as specified in sections  
25 260.350 to 260.430 and in rules and regulations and terms and conditions of their license adopted  
26 or issued hereunder;

27 (7) Make available to the department upon request made during transportation, samples  
28 of wastes transported and all records relating to hazardous waste transportation, for inspection  
29 and copying, and allow the department to make unhampered inspections at any reasonable time  
30 of all facilities and equipment.

260.390. 1. After six months from the effective date of the standards, rules and  
2 regulations adopted by the commission pursuant to section ~~[260.370]~~ **292.602**, hazardous waste  
3 facility owners or operators shall:

4 (1) Not construct, substantially alter or operate a hazardous waste facility without first  
5 obtaining a hazardous waste facility permit from the department as specified in section 260.395;

6 (2) Operate the facility according to the standards, rules and regulations adopted under  
7 sections 260.350 to 260.430 and all terms and conditions of the permit;

8 (3) Unless otherwise provided in sections 260.350 to 260.430 or the rules and regulations  
9 adopted hereunder, accept delivery of hazardous waste only if delivery is by a hazardous waste  
10 transporter holding a license under sections 260.350 to 260.430, the shipment is accompanied  
11 by a manifest properly completed by both the generator and transporter and their facility is the  
12 destination indicated by the generator on the manifest. Exempted from the requirements of this  
13 subsection are deliveries, when directed by the department, from householders, farmers and other  
14 persons exempted from generator responsibilities under provisions of section 260.380 and  
15 deliveries made in emergency situations as specified in sections 260.350 to 260.550 or the rules  
16 and regulations adopted hereunder. For such exempted deliveries they shall make a record of  
17 any waste accepted, its type, quantity, origin and the identity of the person making the delivery  
18 and promptly report this information to the department;

19 (4) Complete, sign and file the facility operator portion of the manifest as specified in  
20 rules and regulations adopted under sections 260.350 to 260.430;

21 (5) Whenever final disposition is to be achieved at another hazardous waste or exempted  
22 facility, initiate a new manifest and comply with the other responsibilities of generators specified  
23 in sections 260.350 to 260.430 and in rules and regulations and terms and conditions of their  
24 permit adopted or issued hereunder;

25 (6) Collect and maintain such records, submit such reports and perform such monitoring  
26 as specified in sections 260.350 to 260.430 and in rules and regulations and terms and conditions  
27 of their permit adopted or issued hereunder;

28 (7) Make available to the department, upon request, samples of wastes received and all  
29 records, for inspection and copying, relating to hazardous waste management and allow the

30 department to make unhampered inspections at any reasonable time of all facilities and  
31 equipment.

32         2. All hazardous waste landfills shall collect, on behalf of the state from each hazardous  
33 waste generator or transporter, a tax equal to two percent of the gross charges and fees charged  
34 such generator for disposal at the landfill site to be placed in the hazardous waste fund to be used  
35 solely for the administration of sections 260.350 to 260.430. The tax shall be accounted for  
36 separately on the statement of charges and fees made to the hazardous waste generator and shall  
37 be collected at the time of the collection of such charges and fees. All moneys payable under the  
38 provisions of this subsection shall be promptly transmitted to the department of revenue, which  
39 shall daily deposit the same in the state treasury to the credit of the hazardous waste fund. The  
40 hazardous waste management commission shall establish and submit to the department of  
41 revenue procedures relating to the collection of the taxes authorized by this subsection. Such  
42 procedures shall include, but not be limited to, necessary records identifying the quantities of  
43 hazardous waste received, the form and submission of reports to accompany the payment of  
44 taxes, the time and manner of payment of taxes, which shall not be more often than quarterly.

45         3. The owner or operator of a hazardous waste disposal facility must close that facility  
46 upon termination of its operation, and shall after closure of the facility provide for protection  
47 during a postclosure care period, in accordance with the requirements of the commission,  
48 including the funds necessary for same. Protection shall include, but not be limited to,  
49 monitoring and maintenance subject to the rules and regulations of the hazardous waste  
50 management commission. The owner or operator shall maintain a hazardous waste facility  
51 permit for the postclosure care period. The operator and the state may enter into an agreement  
52 consistent with the rules and regulations of the hazardous waste management commission where  
53 the state may accept deed to, and monitor and maintain the site.

54         4. All owners or operators of hazardous waste facilities who have obtained, or are  
55 required to obtain, a hazardous waste facility permit from the department and who accept, on a  
56 commercial basis for remuneration, hazardous waste from off-site sources, but not including  
57 wastes generated by the same person at other sites located in Missouri or within a metropolitan  
58 statistical area located partially in Missouri and owned or operated by the same person and  
59 transferred to the hazardous waste facility, for treatment, storage or disposal, shall pay fees for  
60 inspections conducted by the department to determine compliance with sections 260.350 to  
61 260.430 and the rules promulgated thereunder. Hazardous waste facility inspection fees shall  
62 be specified by the hazardous waste management commission by rule. The inspection fees shall  
63 be used by the department as specified in subsection 3 of section 260.391.

260.395. 1. After six months from the effective date of the standards, rules and  
2 regulations adopted by the commission pursuant to section ~~[260.370]~~ **292.602**, it shall be

3 unlawful for any person to transport any hazardous waste in this state without first obtaining a  
4 hazardous waste transporter license. Any person transporting hazardous waste in this state shall  
5 file an application for a license pursuant to this subsection which shall:

6 (1) Be submitted on a form provided for this purpose by the department and shall furnish  
7 the department with such equipment identification and data as may be necessary to demonstrate  
8 to the satisfaction of the department that equipment engaged in such transportation of hazardous  
9 waste, and other equipment as designated in rules and regulations pursuant to sections 260.350  
10 to 260.430, is adequate to provide protection of the health of humans and the environment and  
11 to comply with the provisions of any federal hazardous waste management act and sections  
12 260.350 to 260.430 and the standards, rules and regulations adopted pursuant to sections 260.350  
13 to 260.430. If approved by the department, this demonstration of protection may be satisfied by  
14 providing certification that the equipment so identified meets and will be operated in accordance  
15 with the rules and regulations of the Missouri public service commission and the federal  
16 Department of Transportation for the transportation of the types of hazardous materials for which  
17 it will be used;

18 (2) Include, as specified by rules and regulations, demonstration of financial  
19 responsibility, including, but not limited to, guarantees, liability insurance, posting of bond or  
20 any combination thereof which shall be related to the number of units, types and sizes of  
21 equipment to be used in the transport of hazardous waste by the applicant;

22 (3) Include, as specified in rules and regulations, a fee payable to the state of Missouri  
23 which shall consist of an annual application fee, plus an annual use fee based upon tonnage,  
24 mileage or a combination of tonnage and mileage. The fees established pursuant to this  
25 subdivision shall be set to generate, as nearly as is practicable, six hundred thousand dollars  
26 annually. No fee shall be collected pursuant to this subdivision from railroads that pay a fee  
27 pursuant to subsection 18 of this section. Fees collected pursuant to this subdivision shall be  
28 deposited in the hazardous waste fund created pursuant to section 260.391.

29 2. If the department determines the application conforms to the provisions of any federal  
30 hazardous waste management act and sections 260.350 to 260.430 and the standards, rules and  
31 regulations adopted pursuant to sections 260.350 to 260.430, it shall issue the hazardous waste  
32 transporter license with such terms and conditions as it deems necessary to protect the health of  
33 humans and the environment. The department shall act within ninety days after receipt of the  
34 application. If the department denies the license, it shall issue a report to the applicant stating  
35 the reason for denial of the license.

36 3. A license may be suspended or revoked whenever the department determines that the  
37 equipment is or has been operated in violation of any provision of sections 260.350 to 260.430  
38 or any standard, rule or regulation, order, or license term or condition adopted or issued pursuant

39 to sections 260.350 to 260.430, poses a threat to the health of humans or the environment, or is  
40 creating a public nuisance.

41 4. Whenever a license is issued, renewed, denied, suspended or revoked by the  
42 department, any aggrieved person, by petition filed with the administrative hearing commission  
43 within thirty days of the decision, may appeal such decision as provided by sections 621.250 and  
44 640.013. Once the administrative hearing commission has reviewed the appeal, the  
45 administrative hearing commission shall issue a recommended decision to the commission on  
46 license issuance, renewal, denial, suspension, or revocation. The commission shall issue its own  
47 decision, based on the appeal, for license issuance, renewal, denial, suspension, or revocation.  
48 If the commission changes a finding of fact or conclusion of law made by the administrative  
49 hearing commission, or modifies or vacates the decision recommended by the administrative  
50 hearing commission, it shall issue its own decision, which shall include findings of fact and  
51 conclusions of law. The commission shall mail copies of its final decision to the parties to the  
52 appeal or their counsel of record. The commission's decision shall be subject to judicial review  
53 pursuant to chapter 536. No judicial review shall be available until and unless all administrative  
54 remedies are exhausted.

55 5. A license shall be issued for a period of one year and shall be renewed upon proper  
56 application by the holder and a determination by the department that the applicant is in  
57 compliance with all provisions of sections 260.350 to 260.430 and all standards, rules and  
58 regulations, orders and license terms and conditions adopted or issued pursuant to sections  
59 260.350 to 260.430.

60 6. A license is not required for the transport of any hazardous waste on the premises  
61 where it is generated or onto contiguous property owned by the generator thereof, or for those  
62 persons exempted in section 260.380. Nothing in this subsection shall be interpreted to preclude  
63 the department from inspecting unlicensed hazardous waste transporting equipment and to  
64 require that it be adequate to provide protection for the health of humans and the environment.

65 7. After six months from the effective date of the standards, rules and regulations  
66 adopted by the commission pursuant to section ~~[260.370]~~ **292.602**, it shall be unlawful for any  
67 person to construct, substantially alter or operate, including operations specified in the rules and  
68 regulations, a hazardous waste facility without first obtaining a hazardous waste facility permit  
69 for such construction, alteration or operation from the department. Such person must submit to  
70 the department at least ninety days prior to submitting a permit application a letter of intent to  
71 construct, substantially alter or operate any hazardous waste disposal facility. The person must  
72 file an application within one hundred eighty days of the filing of a letter of intent unless granted  
73 an extension by the commission. The department shall publish such letter of intent as specified  
74 in section 493.050 within ten days of receipt of such letter. The letter shall be published once



75 each week for four weeks in the county where the hazardous waste disposal facility is proposed.  
76 Once such letter is submitted, all conditions for the permit application evaluation purposes in  
77 existence as of the date of submission shall be deemed frozen, in that no subsequent action by  
78 any person to change such conditions in an attempt to thwart a fair and impartial decision on the  
79 application for a permit shall be allowed as grounds for denial of the permit. Any person before  
80 constructing, substantially altering or operating a hazardous waste facility in this state shall file  
81 an application for a permit which shall:

82 (1) Be submitted on a form provided for this purpose by the department and shall furnish  
83 the department with plans, specifications and such other data as may be necessary to demonstrate  
84 to the satisfaction of the department that such facility does or will provide adequate protection  
85 of the health of humans and the environment and does or will comply with the provisions of any  
86 federal hazardous waste management act and sections 260.350 to 260.430 and the standards,  
87 rules and regulations adopted pursuant to sections 260.350 to 260.430;

88 (2) Include plans, designs, engineering reports and relevant data for construction,  
89 alteration or operation of a hazardous waste facility, to be submitted to the department by a  
90 registered professional engineer licensed by this state;

91 (3) Include, as specified by rules and regulations, demonstration of financial  
92 responsibility, including, but not limited to, guarantees, liability insurance, posting of bond or  
93 any combination thereof, which shall be related to type and size of facility;

94 (4) Include such environmental and geologic information, assessments and studies as  
95 required by the rules and regulations of the commission;

96 (5) Include a fee payable to the state of Missouri which shall not exceed one thousand  
97 dollars, which shall cover the first year of the permit, if issued, but which is not refundable. If  
98 the permit is issued for more than one year, a fee equal in amount to the first year's fee shall be  
99 paid to the state of Missouri prior to issuance of the permit for each year the permit is to be in  
100 effect beyond the first year;

101 (6) The department shall supervise any field work undertaken to collect geologic and  
102 engineering data for submission with the application. The state geologist and departmental  
103 engineers shall review the geologic and engineering plans, respectively, and attest to their  
104 accuracy and adequacy. The applicant shall pay all reasonable costs, as determined by the  
105 commission, incurred by the department pursuant to this subsection.

106 8. (1) Prior to issuing or renewing a hazardous waste facility permit, the department  
107 shall issue public notice by press release or advertisement and shall notify all record owners of  
108 adjoining property by mail directed to the last known address, and the village, town or city, if  
109 any, and the county in which the hazardous waste facility is located; and, upon request, shall hold

110 a public hearing after public notice as required in this subsection at a location convenient to the  
111 area affected by the issuance of the permit.

112 (2) Prior to issuing or renewing a hazardous waste disposal facility permit the department  
113 shall issue public notice by press release and advertisement and shall notify all record owners  
114 of property, within one mile of the outer boundaries of the site, by mail directed to the last known  
115 address; and shall hold a public hearing after public notice as required in this subsection at a  
116 location convenient to the area affected by the issuance of the permit.

117 9. If the department determines that the application conforms to the provisions of any  
118 federal hazardous waste management act and sections 260.350 to 260.430 and the standards,  
119 rules and regulations adopted pursuant to sections 260.350 to 260.430, it shall issue the  
120 hazardous waste facility permit, with such terms and conditions and require such testing and  
121 construction supervision as it deems necessary to protect the health of humans or the  
122 environment. The department shall act within one hundred eighty days after receipt of the  
123 application. If the department denies the permit, it shall issue a report to the applicant stating  
124 the reason for denial of a permit.

125 10. A permit may be suspended or revoked whenever the department determines that the  
126 hazardous waste facility is, or has been, operated in violation of any provision of sections  
127 260.350 to 260.430 or any standard, rule or regulation, order or permit term or condition adopted  
128 or issued pursuant to sections 260.350 to 260.430, poses a threat to the health of humans or the  
129 environment or is creating a public nuisance.

130 11. Whenever a permit is issued, renewed, denied, suspended or revoked by the  
131 department, any aggrieved person, by petition filed with the administrative hearing commission  
132 within thirty days of the decision, may appeal such decision as provided by sections 621.250 and  
133 640.013. Once the administrative hearing commission has reviewed the appeal, the  
134 administrative hearing commission shall issue a recommended decision to the commission on  
135 permit issuance, renewal, denial, suspension, or revocation. The commission shall issue its own  
136 decision, based on the appeal, for permit issuance, renewal, denial, suspension, or revocation.  
137 If the commission changes a finding of fact or conclusion of law made by the administrative  
138 hearing commission, or modifies or vacates the decision recommended by the administrative  
139 hearing commission, it shall issue its own decision, which shall include findings of fact and  
140 conclusions of law. The commission shall mail copies of its final decision to the parties to the  
141 appeal or their counsel of record. The commission's decision shall be subject to judicial review  
142 pursuant to chapter 536, except that the court of appeals district with territorial jurisdiction  
143 coextensive with the county where the hazardous waste facility is to be located or is located shall  
144 have original jurisdiction. No judicial review shall be available until and unless all  
145 administrative remedies are exhausted.

146           12. A permit shall be issued for a fixed term, which shall not exceed ten years in the case  
147 of any land disposal facility, storage facility, incinerator, or other treatment facility. Nothing in  
148 this subsection shall preclude the department from reviewing and modifying a permit at any time  
149 during its term. Review of any application for a permit renewal shall consider improvements in  
150 the state of control and measurement technology as well as changes in applicable regulations.  
151 Each permit issued pursuant to this section shall contain such terms and conditions as the  
152 department determines necessary to protect human health and the environment, and upon proper  
153 application by the holder and a determination by the department that the applicant is in  
154 compliance with all provisions of sections 260.350 to 260.430 and all standards, rules and  
155 regulations, orders and permit terms and conditions adopted or issued pursuant to sections  
156 260.350 to 260.430.

157           13. A hazardous waste facility permit is not required for:

158           (1) On-site storage of hazardous wastes where such storage is exempted by the  
159 commission by rule or regulation; however, such storage must conform to the provisions of any  
160 federal hazardous waste management act and sections 260.350 to 260.430 and the applicable  
161 standards, rules and regulations adopted pursuant to sections 260.350 to 260.430 and any other  
162 applicable hazardous materials storage and spill-prevention requirements provided by law;

163           (2) A publicly owned treatment works which has an operating permit pursuant to section  
164 644.051 and is in compliance with that permit;

165           (3) A resource recovery facility which the department certifies uses hazardous waste as  
166 a supplement to, or substitute for, nonwaste material, and that the sole purpose of the facility is  
167 manufacture of a product rather than treatment or disposal of hazardous wastes;

168           (4) That portion of a facility engaged in hazardous waste resource recovery, when the  
169 facility is engaged in both resource recovery and hazardous waste treatment or disposal, provided  
170 the owner or operator can demonstrate to the department's satisfaction and the department finds  
171 that such portion is not intended and is not used for hazardous waste treatment or disposal.

172           14. Facilities exempted pursuant to subsection 13 of this section must comply with the  
173 provisions of subdivisions (3) to (7) of section 260.390 and such other requirements, to be  
174 specified by rules and regulations, as are necessary to comply with any federal hazardous waste  
175 management act or regulations hereunder. Generators who use such an exempted facility shall  
176 keep records of hazardous wastes transported, except by legal flow through sewer lines, to the  
177 facility and submit such records to the department in accordance with the provisions of section  
178 260.380 and the standards, rules and regulations adopted pursuant to sections 260.350 to  
179 260.430. Any person, before constructing, altering or operating a resource recovery facility in  
180 this state shall file an application for a certification. Such application shall include:

181 (1) Plans, designs, engineering reports and other relevant information as specified by rule  
182 that demonstrate that the facility is designed and will operate in a manner protective of human  
183 health and the environment; and

184 (2) An application fee of not more than five hundred dollars for a facility that recovers  
185 waste generated at the same facility or an application fee of not more than one thousand dollars  
186 for a facility that recovers waste generated at off-site sources. Such fees shall be deposited in  
187 the hazardous waste fund created in section 260.391. The department shall review such  
188 application for conformance with applicable laws, rules and standard engineering principles and  
189 practices. The applicant shall pay to the department all reasonable costs, as determined by the  
190 commission, incurred by the department pursuant to this subsection. All such funds shall be  
191 deposited in the hazardous waste fund created in section 260.391.

192 15. The owner or operator of any hazardous waste facility in existence on September 28,  
193 1977, who has achieved federal interim status pursuant to 42 U.S.C. Section 6925(e), and who  
194 has submitted to the department Part A of the federal facility permit application, may continue  
195 to receive and manage hazardous wastes in the manner as specified in the Part A application, and  
196 in accordance with federal interim status requirements, until completion of the administrative  
197 disposition of a permit application submitted pursuant to sections 260.350 to 260.430. The  
198 department may at any time require submission of, or the owner or operator may at any time  
199 voluntarily submit, a complete application for a permit pursuant to sections 260.350 to 260.430  
200 and commission regulations. The authority to operate pursuant to this subsection shall cease one  
201 hundred eighty days after the department has notified an owner or operator that an application  
202 for permit pursuant to sections 260.350 to 260.430 must be submitted, unless within such time  
203 the owner or operator submits a completed application therefor. Upon submission of a complete  
204 application, the authority to operate pursuant to this subsection shall continue for such reasonable  
205 time as is required to complete the administrative disposition of the permit application. If a  
206 facility loses its federal interim status, or the Environmental Protection Agency requires the  
207 owner or operator to submit Part B of the federal application, the department shall notify the  
208 owner or operator that an application for a permit must be submitted pursuant to this subsection.  
209 In addition to compliance with the federal interim status requirements, the commission shall have  
210 the authority to adopt regulations requiring persons operating pursuant to this subsection to meet  
211 additional state interim status requirements.

212 16. No person, otherwise qualified pursuant to sections 260.350 to 260.430 for a license  
213 to transport hazardous wastes or for a permit to construct, substantially alter or operate a  
214 hazardous waste facility, shall be denied such license or permit on the basis of a lack of need for  
215 such transport service or such facility because of the existence of other services or facilities  
216 capable of meeting that need; except that permits for hazardous waste facilities may be denied

217 on determination made by the department that the financial resources of the persons applying are  
218 such that the continued operation of the sites in accordance with sections 260.350 to 260.430  
219 cannot be reasonably assured or on determination made by the department that the probable  
220 volume of business is insufficient to ensure and maintain the solvency of then existing permitted  
221 hazardous waste facilities.

222 17. All hazardous waste landfills constructed after October 31, 1980, shall have a  
223 leachate collection system. The rules and regulations of the commission shall treat and protect  
224 all aquifers to the same level of protection. The provisions of this subsection shall not apply to  
225 the disposal of tailings and slag resulting from mining, milling and primary smelting operations.

226 18. Any railroad corporation as defined in section 388.010 that transports any hazardous  
227 waste as defined in section 260.360 or any hazardous substance as defined in section 260.500  
228 shall pay an annual fee of three hundred fifty dollars. Fees collected pursuant to this subsection  
229 shall be deposited in the hazardous waste fund created in section 260.391.

260.900. As used in sections 260.900 to 260.960, unless the context clearly indicates  
2 otherwise, the following terms mean:

3 (1) "Abandoned dry-cleaning facility", any real property premises or individual leasehold  
4 space in which a dry-cleaning facility formerly operated;

5 (2) "Active dry-cleaning facility", any real property premises or individual leasehold  
6 space in which a dry-cleaning facility currently operates;

7 (3) "Chlorinated dry-cleaning solvent", any dry-cleaning solvent which contains a  
8 compound which has a molecular structure containing the element chlorine;

9 (4) "Commission", the ~~hazardous waste management commission created in section~~  
10 ~~260.365~~ **Missouri emergency response commission created under section 292.602;**

11 (5) "Corrective action", those activities described in subsection 1 of section 260.925;

12 (6) "Corrective action plan", a plan approved by the director to perform corrective action  
13 at a dry-cleaning facility;

14 (7) "Department", the Missouri department of natural resources;

15 (8) "Director", the director of the Missouri department of natural resources;

16 (9) "Dry-cleaning facility", a commercial establishment that operates, or has operated  
17 in the past in whole or in part for the purpose of cleaning garments or other fabrics on site  
18 utilizing a process that involves any use of dry-cleaning solvents. Dry-cleaning facility includes  
19 all contiguous land, structures and other appurtenances and improvements on the land used in  
20 connection with a dry-cleaning facility but does not include prisons, governmental entities,  
21 hotels, motels or industrial laundries. Dry-cleaning facility does include coin-operated  
22 dry-cleaning facilities;

23 (10) "Dry-cleaning solvent", any and all nonaqueous solvents used or to be used in the  
24 cleaning of garments and other fabrics at a dry-cleaning facility and includes but is not limited  
25 to perchloroethylene, also known as tetrachloroethylene, chlorinated dry-cleaning, and the  
26 products into which such solvents degrade;

27 (11) "Dry-cleaning unit", a machine or device which utilizes dry-cleaning solvents to  
28 clean garments and other fabrics and includes any associated piping and ancillary equipment and  
29 any containment system;

30 (12) "Environmental response surcharge", either the active dry-cleaning facility  
31 registration surcharge or the dry-cleaning solvent surcharge;

32 (13) "Fund", the dry-cleaning environmental response trust fund created in section  
33 260.920;

34 (14) "Immediate response to a release", containment and control of a known release in  
35 excess of a reportable quantity and notification to the department of any known release in excess  
36 of a reportable quantity;

37 (15) "Operator", any person who is or has been responsible for the operation of  
38 dry-cleaning operations at a dry-cleaning facility;

39 (16) "Owner", any person who owns the real property where a dry-cleaning facility is or  
40 has operated;

41 (17) "Person", an individual, trust, firm, joint venture, consortium, joint-stock company,  
42 corporation, partnership, association or limited liability company. Person does not include any  
43 governmental organization;

44 (18) "Release", any spill, leak, emission, discharge, escape, leak or disposal of  
45 dry-cleaning solvent from a dry-cleaning facility into the soils or waters of the state;

46 (19) "Reportable quantity", a known release of a dry-cleaning solvent deemed reportable  
47 by applicable federal or state law or regulation.

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

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

20           ~~———(1) Increasing the impact and fostering the effectiveness of local efforts to promote~~  
21 ~~Missouri agricultural products;~~

22           ~~———(2) Enabling and encouraging expanded advertising efforts for Missouri agricultural~~  
23 ~~products;~~

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

26           ~~———(4) Providing training and technical assistance to cooperative-marketing partners of~~

27 ~~Missouri agricultural products]~~ **The Missouri board of agriculture shall make**  
28 **recommendations to the director regarding the use of funds appropriated by the general**  
29 **assembly or collected under subsection 1 of this section.**

30           3. The ~~[commission]~~ **director** 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 business~~  
37 ~~development division of the department of agriculture, or his or her representative. At least one~~  
38 ~~member shall be a specialist in advertising; at least one member shall be a specialist in~~  
39 ~~agribusiness; at least one member shall be a specialist in the retail grocery business; at least one~~  
40 ~~member shall be a specialist in communications; at least one member shall be a specialist in~~  
41 ~~product distribution; at least one member shall be a family farmer with expertise in livestock~~  
42 ~~farming; at least one member shall be a family farmer with expertise in grain farming and at least~~  
43 ~~one member shall be a family farmer with expertise in organic farming. Members shall serve~~  
44 ~~for four-year terms, except in the first appointments three members shall be appointed for terms~~  
45 ~~of four years, three members shall be appointed for terms of three years and three members shall~~  
46 ~~be appointed for terms of two years each. Any member appointed to fill a vacancy of an~~  
47 ~~unexpired term shall be appointed for the remainder of the term of the member causing the~~

48 vacancy. The governor shall appoint a chairperson of the commission, subject to ratification by  
49 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 agriculture~~  
53 ~~shall provide all necessary staff and support services as required by the commission to hold~~  
54 ~~commission meetings, to maintain records of official acts and to conduct all other business of~~  
55 ~~the commission. The commission shall meet quarterly and at any such time that it deems~~  
56 ~~necessary. Meetings may be called by the chairperson or by a petition signed by a majority of~~  
57 ~~the members of the commission. Ten days' notice shall be given in writing to such members~~  
58 ~~prior to the meeting date. A simple majority of the members of the commission shall be present~~  
59 ~~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 this~~  
61 ~~section, the agriculture business development division of the department of agriculture shall~~  
62 ~~promulgate rules establishing the commission's fee structure. The department of agriculture~~  
63 ~~shall also promulgate rules and regulations for the implementation of this section. Any rule or~~  
64 ~~portion of a rule, as that term is defined in section 536.010, that is created under the authority~~  
65 ~~delegated in this section shall become effective only if it complies with and is subject to all of~~  
66 ~~the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536~~  
67 ~~are nonseverable and if any of the powers vested with the general assembly pursuant to chapter~~  
68 ~~536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held~~  
69 ~~unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after~~  
70 ~~August 28, 2016, shall be invalid and void.]~~

**261.300. 1. There is hereby created a "Missouri Board of Agriculture". The board  
2 shall be responsible for promoting and supporting Missouri agriculture. In addition to  
3 these general duties, the board shall:**

4 **(1) Monitor safety and quality protocols for milk production and assist Missouri**  
5 **milk producers in meeting such expectations;**

6 **(2) Increase the impact and foster the effectiveness of local efforts to promote**  
7 **Missouri agricultural products;**

8 **(3) Enable and encourage expanded advertising efforts for Missouri agricultural**  
9 **products;**

10 **(4) Encourage effective, high-quality advertising projects, innovative marketing**  
11 **strategies, and the coordination of local, regional, and statewide marketing efforts;**

12 **(5) Provide training and technical assistance to cooperative-marketing partners of**  
13 **Missouri agricultural products;**



14           **(6) Further the growth and development of the grape growing industry in Missouri;**

15           **(7) Monitor the eradication of the boll weevil and be prepared to assist Missouri**  
16 **cotton farmers in the event of a resurgence;**

17           **(8) Make recommendations to the governor and general assembly on changes to**  
18 **state law to facilitate the sale and distribution of alternative fuels and alternative fuel**  
19 **vehicles;**

20           **(9) Promote the development, sale, distribution, and consumption of alternative**  
21 **fuels;**

22           **(10) Promote the development and use of alternative fuel vehicles and technology**  
23 **that will enhance the use of alternative and renewable transportation fuels;**

24           **(11) Educate consumers about alternative fuels including, but not limited to,**  
25 **ethanol and biodiesel; and**

26           **(12) Develop a long-range plan for the state to reduce consumption of petroleum**  
27 **fuels.**

28           **2. The board shall be comprised of twelve members appointed by the governor with**  
29 **the advice and consent of the senate. The members shall have knowledge and expertise**  
30 **across the spectrum of agricultural pursuits, including:**

31           **(1) One member with knowledge and expertise in the area of milk production;**

32           **(2) One member with knowledge and expertise in the area of agricultural**  
33 **marketing;**

34           **(3) One member with knowledge and expertise in the area of grape and wine**  
35 **production;**

36           **(4) One member with knowledge and expertise in the area of cotton production;**

37           **(5) One member with knowledge and expertise in the area of alternative fuels such**  
38 **as ethanol or biodiesel; and**

39           **(6) The remaining seven members shall have knowledge and expertise in**  
40 **agricultural areas not otherwise represented that are Missouri's top agricultural**  
41 **commodities.**

42           **3. The board shall have the authority to appoint subcommittees in the areas of milk**  
43 **production and safety, agricultural marketing and promotion, grape and wine production,**  
44 **cotton production and boll weevil monitoring, alternative fuels, and other subcommittees**  
45 **as the board deems necessary.**

263.527. 1. At the request of the certified organization, the department shall authorize  
2 a statewide referendum among cotton growers on the question of whether an assessment shall  
3 be levied upon cotton growers in the state to offset, in whole or in part, the cost of boll weevil  
4 suppression or eradication programs authorized by sections 263.500 to 263.537 or any other law

5 of this state. Such program shall be designed on a regional basis so as to reflect the differences  
6 in boll weevil infestation and the relative cost of financing a boll weevil suppression and  
7 eradication program in the respective regions.

8         2. The assessment levied under sections 263.500 to 263.537 shall be based upon the  
9 number of acres of cotton planted in the eradication area. The amount of the assessment, the  
10 period of time for which it shall be levied, how it shall be levied, when it shall be paid, and the  
11 geographical area to be covered by the assessment shall be determined by the department in  
12 consultation with the [~~official cotton board of directors established in section 263.523~~] **Missouri**  
13 **board of agriculture established under section 261.300**. The department shall promulgate  
14 only those regulations necessary pursuant to this section.

15         3. All affected cotton growers shall be entitled to one vote in any such referendum. The  
16 department, after consultation with the certified organization, shall determine any questions of  
17 eligibility to vote.

18         4. Each eligible cotton grower shall be mailed a ballot upon which to cast a vote for or  
19 against the boll weevil suppression and eradication program.

20         5. If at least two-thirds of those voting vote in favor of the assessment, then the  
21 assessment shall be collected by the department from the affected cotton growers.

22         6. The assessments collected by the department under sections 263.500 to 263.537 shall  
23 be promptly remitted to the certified organization under such terms and conditions as the  
24 department shall deem necessary to ensure that such assessments are used in a sound program  
25 of eradication or suppression of the boll weevil.

26         7. The certified organization shall provide to the department an annual audit of its  
27 accounts performed by a certified public accountant.

28         8. The assessments collected by the department under sections 263.500 to 263.537 shall  
29 not be state funds. All assessments shall be deposited into a special fund to be established by  
30 the director of the department. The fund shall be held in trust by the director for the benefit of  
31 the certified organization and shall be invested in the manner required of the state treasurer for  
32 state funds by sections 30.250, 30.260 and 30.270. The director shall keep accurate records of  
33 the amount of money in the fund collected for the certified organization and the records shall be  
34 open to the inspection of officers of the organization. The unexpended balance in the special  
35 fund at the end of the annual period shall not be transferred to the general revenue fund, the  
36 provisions of section 33.080 notwithstanding.

292.602. 1. The "Missouri Emergency Response Commission", herein to be known as  
2 the commission, is hereby established and is officially domiciled in the department of public  
3 safety. The commission shall be composed of the director of the department of economic  
4 development, or his designee; the director of the department of natural resources, or his designee;

5 the director of the department of public safety, or his designee; the director of the department of  
6 health and senior services, or his designee; six members appointed by the governor with the  
7 advice and consent of the senate; one to represent transporters of hazardous materials; one to  
8 represent Missouri industry; one to represent local government; one chief fire officer from a  
9 recognized fire department or fire protection district; one police officer of the rank of captain or  
10 above from a recognized county or municipal police department; and one to represent the general  
11 public and four members of the general assembly, two of whom shall be appointed by the  
12 speaker of the house and two of whom shall be appointed by the president pro tem of the senate.  
13 All members of the commission shall represent the general interest of the public and shall, to the  
14 extent practicable, have technical expertise in the emergency response field. No more than three  
15 members appointed by the governor shall be of the same political party. The terms of office for  
16 the members appointed by the governor shall be four years and until their successors are selected  
17 and qualified, except that, of those first appointed, two shall have a term of three years, two shall  
18 have a term of two years and two will have a term of one year. There is no limitation on the  
19 number of terms an appointed member may serve. The governor may appoint a member for the  
20 remaining portion of the unexpired term created by a vacancy. The governor may remove any  
21 appointed member for cause.

22       2. All members of the commission shall serve without compensation for their duties, but  
23 shall be reimbursed for necessary travel and other expenses incurred in the performance of their  
24 official duties.

25       3. The Missouri emergency response commission in conjunction with the department  
26 shall:

27       (1) Carry out those responsibilities designated under sections 292.600 to 292.625 and  
28 implement sections 292.600 to 292.625 and the Emergency Planning and Community  
29 Right-to-Know Act of 1986, Public Law 99-499, as amended, and all rules and regulations  
30 promulgated pursuant thereto, herein to be known as the Federal Act;

31       (2) Designate local emergency planning districts to facilitate preparation and  
32 implementation of emergency plans, appoint members of a local emergency planning committee  
33 for each local emergency planning district, support and coordinate the activities of such  
34 committees, review the emergency plans submitted by local emergency planning committees,  
35 and make recommendations to the local emergency planning committees regarding those plans;

36       (3) Establish a single filing point for all reports and filings that are required to be  
37 submitted to the commission under the provisions of sections 292.600 to 292.625 and the Federal  
38 Act;

39 (4) Accept, receive and administer grants or other funds or gifts from public and private  
40 agencies, including the federal government, for the purpose of carrying out the functions and  
41 responsibilities enumerated in sections 292.600 to 292.625;

42 (5) Provide assistance to the local emergency planning committees for the purpose of  
43 carrying out the functions and responsibilities enumerated in sections 292.600 to 292.625 and  
44 the Federal Act by utilizing all available expertise both public and private, including, but not  
45 limited to, the departments of natural resources, public safety and health;

46 (6) Provide training to local emergency planning committees and other local officials to  
47 accomplish the purposes and objectives of the Federal Act and the provisions of sections 292.600  
48 to 292.625. The department of public safety will coordinate the provisions of such training and  
49 periodically report to the commission on training activities;

50 (7) Enter into such agreements with other state agencies, local governments and other  
51 political subdivisions of the state, the federal government and other persons as is determined to  
52 be appropriate to implement the Federal Act and the provisions of sections 292.600 to 292.625;

53 (8) Allot funds as specified in section 292.604 to local emergency planning committees;

54 (9) Develop a data management system to store and retrieve information submitted under  
55 the provisions of sections 292.600 to 292.625 and the Federal Act. The commission and the  
56 department will provide assistance to local emergency planning committees and fire departments,  
57 fire protection districts, volunteer fire protection services and others to make this information  
58 readily available to them for planning and emergency response purposes.

59 **4. If proven technology is available with respect to a specific hazardous waste and**  
60 **the economic impact is reasonable, pursuant to rules and regulations promulgated by the**  
61 **commission, the commission shall direct that disposal of the specific hazardous wastes**  
62 **using land filling as the primary method is prohibited.**

63 **5. The commission shall, by rules and regulations, categorize hazardous waste by**  
64 **taking into account toxicity, persistence and degradability in nature, potential for**  
65 **accumulation in tissue, and other related factors such as flammability, corrosiveness, and**  
66 **other hazardous characteristics. The commission shall, by rules and regulations, further**  
67 **establish within each category the wastes which may be disposed of through alternative**  
68 **technologies including, but not limited to, treatment facilities, incinerators, landfills,**  
69 **landfarms, storage facilities, surface impoundments, recycling, reuse, and reduction. The**  
70 **commission shall specify, by rules and regulations, the frequency of inspection for each**  
71 **method of hazardous waste management and for the different waste categories at**  
72 **hazardous waste management sites. The inspection may be daily if the commission deems**  
73 **it necessary. The commission shall specify, by rules and regulations, fees to be paid to the**  
74 **department by owners or operators of hazardous waste facilities who have obtained, or are**

75 required to obtain, a hazardous waste facility permit and who accept, on a commercial  
76 basis for remuneration, hazardous waste from off-site sources, but not including wastes  
77 generated by the same person at other sites located in Missouri or within a metropolitan  
78 statistical area located partially in Missouri and owned or operated by the same person and  
79 transferred to the hazardous waste facility for treatment, storage, or disposal, for  
80 inspections conducted by the department to determine compliance with sections 260.350  
81 to 260.430 and the regulations promulgated thereunder. Funds derived from these  
82 inspection fees shall be used for the purpose of funding the inspection of hazardous waste  
83 facilities, as specified in subsection 3 of section 260.391. Such fees shall not exceed twelve  
84 thousand dollars per year per facility, and the commission shall establish a graduated fee  
85 scale based on the volume of hazardous waste accepted with reduced fees for facilities  
86 accepting smaller volumes of hazardous waste. The department shall furnish, upon  
87 request, to the person, firm, or corporation operating the hazardous waste facility a  
88 complete, full, and detailed accounting of the cost of the department's inspections of the  
89 facility for the twelve-month period immediately preceding the request within forty-five  
90 days after receipt of the request. Failure to provide the accounting within forty-five days  
91 shall require the department to refund the inspection fee paid during the twelve-month  
92 period.

93       6. In addition to any other powers vested in it by law, the commission shall have the  
94 following powers:

95       (1) From time to time adopt, amend, or repeal, after due notice and a public  
96 hearing, standards, rules, and regulations to implement, enforce, and carry out the  
97 provisions of sections 260.350 to 260.430 and any action required of this state by any  
98 federal hazardous waste management act and as the commission may deem necessary to  
99 provide for the safe management of hazardous wastes to protect the health of humans and  
100 the environment. In implementing this subsection, the commission shall consider the  
101 variations within this state in climate, geology, population density, quantities and types of  
102 hazardous wastes generated, availability of hazardous waste facilities, and such other  
103 factors as may be relevant to the safe management of hazardous wastes. The commission  
104 shall adopt rules and regulations including the following:

105       (a) Rules and regulations establishing criteria and a listing for the determination  
106 of whether any waste or combination of wastes is hazardous for the purposes of sections  
107 260.350 to 260.430, taking into account toxicity, persistence, and degradability in nature;  
108 potential for accumulation in tissue; and other related factors such as flammability,  
109 corrosiveness, and other hazardous characteristics;

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

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

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

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

121 (f) Rules and regulations listing those wastes or combinations of wastes for which  
122 criteria have been established under paragraph (a) of this subdivision and which are not  
123 compatible and shall not be stored or disposed of together; and

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

127 (2) Revise the state hazardous waste management plan to provide for the safe and  
128 effective management of hazardous wastes within this state every five years, beginning  
129 August 28, 2018;

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

136 (4) Grant individual variances in accordance with the provisions of sections 260.350  
137 to 260.430; and

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

140 7. No rule or portion of a rule promulgated under the authority of sections 260.350  
141 to 260.480 and sections 260.565 to 260.575 shall become effective unless it has been  
142 promulgated under the provisions of section 536.024.

143 8. To the extent there is a conflict concerning authority for risk-based remediation  
144 rules between this section and section 644.143 or subdivision (8) of section 644.026, this  
145 section shall prevail.

301.3087. 1. Any person may receive special license plates as prescribed by this section, for any motor vehicle such person owns, either solely or jointly, other than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of twenty-four thousand pounds gross weight, after an annual payment of an emblem-use authorization fee to the Missouri State Humane Association. The Missouri State Humane Association hereby authorizes the use of its official emblem to be affixed on multiyear personalized license plates as provided in this section. All emblem-use authorization fees, except reasonable administrative costs, shall be placed into a special fund as described in subsection 4 of this section and shall be used exclusively for the purpose of spaying and neutering dogs and cats in the state of Missouri.

2. Upon annual application and payment of a twenty-five dollar emblem-use contribution to the Missouri State Humane Association, the Missouri State Humane Association shall issue to the vehicle owner, without further charge, an emblem-use authorization statement, which shall be presented by the owner to the department of revenue at the time of registration of a motor vehicle. Upon presentation of the annual statement, payment of a fifteen dollar fee in addition to the registration fee and documents which may be required by law, the department of revenue shall issue to the vehicle owner a personalized license plate which shall bear the emblem of the Missouri State Humane Association and shall have the words "I'M PET FRIENDLY" on the license plates in place of the words "SHOW-ME STATE". Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Notwithstanding the provisions of section 301.144, no additional fee shall be charged for the personalization of license plates pursuant to this section.

3. A vehicle owner, who was previously issued a plate with the Missouri State Humane Association emblem authorized by this section but who does not provide an emblem-use authorization statement at a subsequent time of registration, shall be issued a new plate which does not bear the Missouri State Humane Association emblem, as otherwise provided by law. The director of revenue shall make necessary rules and regulations for the administration of this section, and shall design all necessary forms required by this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536.

4. The "Missouri Pet Spay/Neuter Fund" is hereby created as a special fund in the state treasury and shall be administered by the department of agriculture. This fund shall consist of moneys collected pursuant to this section. All moneys deposited in the Missouri pet spay/neuter fund, except reasonable administrative costs, shall be paid as grants to humane societies, local municipal animal shelters regulated by sections 273.400 to 273.405, and organizations exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code to be used

37 solely for the spaying and neutering of dogs and cats in the state of Missouri. For purposes of  
38 approving grants under this section, [~~the governor shall appoint a volunteer board that shall~~  
39 ~~consist of three Missouri residents, of which two shall be administrators of local municipal~~  
40 ~~animal shelters regulated by sections 273.400 to 273.405 and one shall be an administrator of a~~  
41 ~~humane society. Each of the three members shall be from separate congressional districts.~~  
42 ~~Members of this board shall be appointed for three-year terms and shall meet at least twice a year~~  
43 ~~to review grant applications]~~ **the Missouri board of agriculture created under section 261.300**  
44 **shall review grant applications at least twice per year and select shelters or humane**  
45 **societies to receive moneys collected under this section.** All moneys deposited in the Missouri  
46 pet spay/neuter fund, except reasonable administrative costs, shall be spent by the end of each  
47 fiscal year. Notwithstanding the provisions of section 33.080 to the contrary, if any moneys  
48 remain in the fund at the end of the biennium, said moneys shall not revert to the credit of the  
49 general revenue fund.

301.3125. 1. Any vehicle owner may apply for “Be An Organ Donor” special  
2 personalized license plates for any motor vehicle the person owns, either solely or jointly, other  
3 than an apportioned motor vehicle or a commercial motor vehicle licensed in excess of  
4 twenty-four thousand pounds gross weight. Upon making a twenty-five dollar annual  
5 contribution to the organ donor program fund, established pursuant to section 194.297, the  
6 vehicle owner may apply for the “Be An Organ Donor” plate. If the contribution is made directly  
7 to the state treasurer, the state treasurer shall issue the individual making the contribution a  
8 receipt, verifying the contribution, that may be used to apply for the “Be An Organ Donor”  
9 license plate. If the contribution is made directly to the director of revenue, the director shall  
10 note the contribution and the owner may then apply for the “Be An Organ Donor” plate. The  
11 applicant for such plate must pay a fifteen dollar fee in addition to the regular registration fees  
12 and present any other documentation required by law for each set of “Be An Organ Donor” plates  
13 issued pursuant to this section. Notwithstanding the provisions of section 301.144, no additional  
14 fee shall be charged for the personalization of license plates issued pursuant to this section.

15 2. The “Be An Organ Donor” plate shall have the words “BE AN ORGAN DONOR”  
16 in place of the words “SHOW-ME STATE”. Such license plates shall be made with fully  
17 reflective material with a common color scheme and design, shall be clearly visible at night, and  
18 shall be aesthetically attractive, as prescribed by section 301.130.

19 3. These plates shall be designed by the director, in consultation with the [~~organ donation~~  
20 ~~advisory committee, established pursuant to section 194.300]~~ **health and senior services board,**  
21 **established under section 192.2700,** to educate the public about the urgent need for organ  
22 donation and the life saving benefits of organ transplants.



23           4. A vehicle owner, who was previously issued a plate with the words "BE AN ORGAN  
24 DONOR" authorized by this section but who does not present a contribution receipt or make a  
25 contribution to the organ donor program fund at a subsequent time of registration, shall be issued  
26 a new plate which does not bear the words "BE AN ORGAN DONOR", as otherwise provided  
27 by law.

28           5. The director of revenue may promulgate rules and regulations for the administration  
29 of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
30 created under the authority delegated in this section shall become effective only if it complies  
31 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.  
32 This section and chapter 536 are nonseverable and if any of the powers vested with the general  
33 assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and  
34 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and  
35 any rule proposed or adopted after August 28, 2004, shall be invalid and void.

          311.554. 1. In addition to the charges imposed by section 311.550, there shall be paid  
2 to and collected by the director of revenue for the privilege of selling wine, an additional charge  
3 of six cents per gallon or fraction thereof. The additional charge shall be paid and collected in  
4 the same manner and at the same time that the charges imposed by section 311.550 are paid and  
5 collected.

6           2. Until June 30, 2006, the revenue derived from the additional charge imposed by  
7 subsection 1 shall be deposited by the state treasurer to the credit of a separate account in the  
8 marketing development fund created by section 261.035. Beginning July 1, 2006, the revenue  
9 derived from such additional charge shall be deposited by the state treasurer in the Missouri wine  
10 and grape fund created by this section. Moneys to the credit of both the marketing development  
11 fund and the Missouri wine and grape fund shall be used only for market development in  
12 developing programs for growing, selling, and marketing of grapes and grape products grown  
13 in Missouri, including all necessary funding for the employment of experts in the fields of  
14 viticulture and enology as deemed necessary, and programs aimed at improving marketing of all  
15 varieties of grapes grown in Missouri; and shall be appropriated and used for no other purpose.

16           3. There is hereby created in the state treasury the "Missouri Wine and Grape Fund",  
17 which shall consist of money collected under this section. The state treasurer shall be custodian  
18 of the fund and shall approve disbursements from the fund to the department of agriculture for  
19 use [~~solely by the Missouri wine and grape board created under section 262.820~~] **by the**  
20 **Missouri board of agriculture established in section 261.300 for the sole purpose of**  
21 **administering the provisions of this section** in accordance with sections 30.170 and 30.180.  
22 Upon appropriation, money in the fund shall be used solely for the administration of this section.  
23 Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the

24 fund at the end of the biennium shall not revert to the credit of the general revenue fund. The  
25 state treasurer shall invest moneys in the fund in the same manner as other funds are invested.  
26 Any interest and moneys earned on such investments shall be credited to the fund.

27 4. In addition to the charges imposed by subsection 1 of this section and section 311.550,  
28 there shall be paid to and collected by the director of revenue for the privilege of selling wine an  
29 additional charge of six cents per gallon or fraction thereof. Until June 30, 2006, this additional  
30 six cents per gallon shall be deposited by the state treasurer to the credit of a separate account  
31 in the marketing development fund created by section 261.035. Beginning July 1, 2006, the  
32 revenue derived from such additional charge shall be deposited by the state treasurer in the  
33 Missouri wine and grape fund created in this section.

320.094. 1. The state treasurer shall annually transfer an amount prescribed in  
2 subsection 2 of this section out of the state revenues derived from premium taxes levied on  
3 insurance companies pursuant to sections 148.310 to 148.461 which are deposited by the director  
4 of revenue in the general revenue fund pursuant to section 148.330 in a fund hereby created in  
5 the state treasury, to be known as the "Fire Education Fund". Any interest earned from  
6 investment of moneys in the fund, and all moneys received from gifts, grants, or other moneys  
7 appropriated by the general assembly, shall be credited to the fund. The state treasurer shall  
8 administer the fund, and the moneys in such fund shall be used solely as prescribed in this  
9 section. Notwithstanding the provisions of section 33.080 to the contrary, moneys in the fire  
10 education fund at the end of any biennium shall not be transferred to the credit of the general  
11 revenue fund.

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

24 3. There is hereby established a special trust fund, to be known as the "Missouri Fire  
25 Education Trust Fund", which shall consist of all moneys collected per subsection 2 of this  
26 section transferred to the fund from the fire education fund pursuant to this subsection, any

27 earnings resulting from the investment of moneys in the fund, and all moneys received from  
28 gifts, grants, or other moneys appropriated by the general assembly. Each fiscal year, an amount  
29 equal to forty percent of the moneys transferred to the fire education fund collected pursuant to  
30 subsection 2 of this section shall be transferred by the state treasurer to the credit of the Missouri  
31 fire education trust fund. The fund shall be administered by the Missouri fire safety  
32 education/advisory commission. Subject to appropriations, moneys in the fund shall be used  
33 solely for the purposes described in this section. Moneys shall accumulate in the trust fund until  
34 the earnings from investment of moneys in the fund can adequately support the activities  
35 described in this section, as determined by the commission. Notwithstanding the provisions of  
36 section 33.080 to the contrary, moneys in the Missouri fire education trust fund at the end of any  
37 biennium shall not be transferred to the credit of the general revenue fund.

38 4. The moneys in the fire education fund shall be appropriated to the division of fire  
39 safety to coordinate education needs in cooperation with community colleges, colleges, regional  
40 training facilities, fire and emergency services training entities and universities of this state and  
41 shall provide training and continuing education to firefighters in this state relating to fire  
42 department operations and the personal safety of firefighters while performing fire department  
43 activities. Programs and activities funded under this subsection shall be approved by the  
44 Missouri fire safety education/advisory commission established in subsection 5 of this section.  
45 These funds shall primarily be used to provide field education throughout the state, with not  
46 more than two percent of funds under this subsection expended on administrative costs.

47 ~~[5. There is established the "Missouri Fire Safety Education/Advisory Commission", to~~  
48 ~~be domiciled in the division of fire safety within the department of public safety. The~~  
49 ~~commission shall be composed of nine members appointed by the governor with the advice and~~  
50 ~~consent of the senate, consisting of two firefighters, with one serving as a volunteer of a~~  
51 ~~recognized fire department and one serving as a full-time firefighter employed by a recognized~~  
52 ~~fire department, two members shall be fire service training officers, one member shall be a~~  
53 ~~person with expertise in fire investigation, one member shall be an insurer licensed to provide~~  
54 ~~insurance coverage for losses due to fire, one member who provides fire safety appliances or~~  
55 ~~equipment, one member who is serving as the chief of a recognized volunteer fire department,~~  
56 ~~and one member serving as the full-time chief of a recognized paid fire department. No more~~  
57 ~~than five members appointed by the governor shall be of the same political party. The terms of~~  
58 ~~office for the members appointed by the governor shall be four years and until their successors~~  
59 ~~are selected and qualified, except that, of those first appointed, two shall have a term of four~~  
60 ~~years, two shall have a term of three years and one shall have a term of two years. There is no~~  
61 ~~limitation on the number of terms an appointed member may serve. The governor may appoint~~  
62 ~~a member for the remaining portion of the unexpired term created by a vacancy. The governor~~

63 ~~may remove any appointed member for cause. The members shall at their initial meeting select~~  
64 ~~a chair. All members of the commission shall serve without compensation for their duties, but~~  
65 ~~shall be reimbursed for necessary travel and other expenses incurred in the performance of their~~  
66 ~~official duties. The commission shall meet at least quarterly at the call of the chair and shall~~  
67 ~~review and determine appropriate programs and activities for which funds may be expended~~  
68 ~~under subsection 4 of this section.]~~

324.001. 1. For the purposes of this section, the following terms mean:

2 (1) “Department”, the department of insurance, financial institutions and professional  
3 registration;

4 (2) “Director”, the director of the division of professional registration; and

5 (3) “Division”, the division of professional registration.

6 2. There is hereby established a “Division of Professional Registration” assigned to the  
7 department of insurance, financial institutions and professional registration as a type III transfer,  
8 headed by a director appointed by the governor with the advice and consent of the senate. All  
9 of the general provisions, definitions and powers enumerated in section 1 of the Omnibus State  
10 Reorganization Act of 1974 and Executive Order 06-04 shall apply to this department and its  
11 divisions, agencies, and personnel.

12 3. The director of the division of professional registration shall promulgate rules and  
13 regulations which designate for each board or commission assigned to the division the renewal  
14 date for licenses or certificates. After the initial establishment of renewal dates, no director of  
15 the division shall promulgate a rule or regulation which would change the renewal date for  
16 licenses or certificates if such change in renewal date would occur prior to the date on which the  
17 renewal date in effect at the time such new renewal date is specified next occurs. Each board or  
18 commission shall by rule or regulation establish licensing periods of one, two, or three years.  
19 Registration fees set by a board or commission shall be effective for the entire licensing period  
20 involved, and shall not be increased during any current licensing period. Persons who are  
21 required to pay their first registration fees shall be allowed to pay the pro rata share of such fees  
22 for the remainder of the period remaining at the time the fees are paid. Each board or  
23 commission shall provide the necessary forms for initial registration, and thereafter the director  
24 may prescribe standard forms for renewal of licenses and certificates. Each board or commission  
25 shall by rule and regulation require each applicant to provide the information which is required  
26 to keep the board’s records current. Each board or commission shall have the authority to collect  
27 and analyze information required to support workforce planning and policy development. Such  
28 information shall not be publicly disclosed so as to identify a specific health care provider, as  
29 defined in section 376.1350. Each board or commission shall issue the original license or  
30 certificate.

31           4. The division shall provide clerical and other staff services relating to the issuance and  
32 renewal of licenses for all the professional licensing and regulating boards and commissions  
33 assigned to the division. The division shall perform the financial management and clerical  
34 functions as they each relate to issuance and renewal of licenses and certificates. “Issuance and  
35 renewal of licenses and certificates” means the ministerial function of preparing and delivering  
36 licenses or certificates, and obtaining material and information for the board or commission in  
37 connection with the renewal thereof. It does not include any discretionary authority with regard  
38 to the original review of an applicant’s qualifications for licensure or certification, or the  
39 subsequent review of licensee’s or certificate holder’s qualifications, or any disciplinary action  
40 contemplated against the licensee or certificate holder. The division may develop and implement  
41 microfilming systems and automated or manual management information systems.

42           5. The director of the division shall maintain a system of accounting and budgeting, in  
43 cooperation with the director of the department, the office of administration, and the state  
44 auditor’s office, to ensure proper charges are made to the various boards for services rendered  
45 to them. The general assembly shall appropriate to the division and other state agencies from  
46 each board’s funds moneys sufficient to reimburse the division and other state agencies for all  
47 services rendered and all facilities and supplies furnished to that board.

48           6. For accounting purposes, the appropriation to the division and to the office of  
49 administration for the payment of rent for quarters provided for the division shall be made from  
50 the “Professional Registration Fees Fund”, which is hereby created, and is to be used solely for  
51 the purpose defined in subsection 5 of this section. The fund shall consist of moneys deposited  
52 into it from each board’s fund. Each board shall contribute a prorated amount necessary to fund  
53 the division for services rendered and rent based upon the system of accounting and budgeting  
54 established by the director of the division as provided in subsection 5 of this section. Transfers  
55 of funds to the professional registration fees fund shall be made by each board on July first of  
56 each year; provided, however, that the director of the division may establish an alternative date  
57 or dates of transfers at the request of any board. Such transfers shall be made until they equal  
58 the prorated amount for services rendered and rent by the division. The provisions of section  
59 33.080 to the contrary notwithstanding, money in this fund shall not be transferred and placed  
60 to the credit of general revenue.

61           7. The director of the division shall be responsible for collecting and accounting for all  
62 moneys received by the division or its component agencies. Any money received by a board or  
63 commission shall be promptly given, identified by type and source, to the director. The director  
64 shall keep a record by board and state accounting system classification of the amount of revenue  
65 the director receives. The director shall promptly transmit all receipts to the department of  
66 revenue for deposit in the state treasury to the credit of the appropriate fund. The director shall

67 provide each board with all relevant financial information in a timely fashion. Each board shall  
68 cooperate with the director by providing necessary information.

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

84 9. Any deliberations conducted and votes taken in rendering a final decision after a  
85 hearing before an agency assigned to the division shall be closed to the parties and the public.  
86 Once a final decision is rendered, that decision shall be made available to the parties and the  
87 public.

88 10. A compelling governmental interest shall be deemed to exist for the purposes of  
89 section 536.025 for licensure fees to be reduced by emergency rule, if the projected fund balance  
90 of any agency assigned to the division of professional registration is reasonably expected to  
91 exceed an amount that would require transfer from that fund to general revenue.

92 11. (1) The following boards and commissions are assigned by specific type transfers  
93 to the division of professional registration: Missouri state board of accountancy, chapter 326;  
94 board of cosmetology and barber examiners, chapters 328 and 329; Missouri board for architects,  
95 professional engineers, professional land surveyors and landscape architects, chapter 327;  
96 Missouri state board of chiropractic examiners, chapter 331; state board of registration for the  
97 healing arts, chapter 334; Missouri dental board, chapter 332; state board of embalmers and  
98 funeral directors, chapter 333; state board of optometry, chapter 336; Missouri state board of  
99 nursing, chapter 335; board of pharmacy, chapter 338; state board of podiatric medicine, chapter  
100 330; Missouri real estate appraisers commission, chapter 339; and Missouri veterinary medical  
101 board, chapter 340. The governor shall appoint members of these boards by and with the advice  
102 and consent of the senate.

103           (2) The boards and commissions assigned to the division shall exercise all their  
104 respective statutory duties and powers, except those clerical and other staff services involving  
105 collecting and accounting for moneys and financial management relating to the issuance and  
106 renewal of licenses, which services shall be provided by the division, within the appropriation  
107 therefor. Nothing herein shall prohibit employment of professional examining or testing services  
108 from professional associations or others as required by the boards or commissions on contract.  
109 Nothing herein shall be construed to affect the power of a board or commission to expend its  
110 funds as appropriated. However, the division shall review the expense vouchers of each board.  
111 The results of such review shall be submitted to the board reviewed and to the house and senate  
112 appropriations committees annually.

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

117           (4) "Board personnel", as used in this section or chapters 317, 326, 327, 328, 329, 330,  
118 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, and 345, shall mean personnel whose functions  
119 and responsibilities are in areas not related to the clerical duties involving the issuance and  
120 renewal of licenses, to the collecting and accounting for moneys, or to financial management  
121 relating to issuance and renewal of licenses; specifically included are executive secretaries (or  
122 comparable positions), consultants, inspectors, investigators, counsel, and secretarial support  
123 staff for these positions; and such other positions as are established and authorized by statute for  
124 a particular board or commission. Boards and commissions may employ legal counsel, if  
125 authorized by law, and temporary personnel if the board is unable to meet its responsibilities with  
126 the employees authorized above. Any board or commission which hires temporary employees  
127 shall annually provide the division director and the appropriation committees of the general  
128 assembly with a complete list of all persons employed in the previous year, the length of their  
129 employment, the amount of their remuneration, and a description of their responsibilities.

130           (5) Board personnel for each board or commission shall be employed by and serve at the  
131 pleasure of the board or commission, shall be supervised as the board or commission designates,  
132 and shall have their duties and compensation prescribed by the board or commission, within  
133 appropriations for that purpose, except that compensation for board personnel shall not exceed  
134 that established for comparable positions as determined by the board or commission pursuant  
135 to the job and pay plan of the department of insurance, financial institutions and professional  
136 registration. Nothing herein shall be construed to permit salaries for any board personnel to be  
137 lowered except by board action.

138           12. All the powers, duties, and functions of the division of athletics, chapter 317, and  
139 others, are assigned by type I transfer to the division of professional registration.

140           13. Wherever the laws, rules, or regulations of this state make reference to the division  
141 of professional registration of the department of economic development, such references shall  
142 be deemed to refer to the division of professional registration.

143           14. (1) The state board of nursing, board of pharmacy, Missouri dental board, state  
144 committee of [~~psychologists~~] **mental health care providers**, state board of chiropractic  
145 examiners, state board of optometry, Missouri board of occupational therapy, or state board of  
146 registration for the healing arts may individually or collectively enter into a contractual  
147 agreement with the department of health and senior services, a public institution of higher  
148 education, or a nonprofit entity for the purpose of collecting and analyzing workforce data from  
149 its licensees, registrants, or permit holders for future workforce planning and to assess the  
150 accessibility and availability of qualified health care services and practitioners in Missouri. The  
151 boards shall work collaboratively with other state governmental entities to ensure coordination  
152 and avoid duplication of efforts.

153           (2) The boards may expend appropriated funds necessary for operational expenses of the  
154 program formed under this subsection. Each board is authorized to accept grants to fund the  
155 collection or analysis authorized in this subsection. Any such funds shall be deposited in the  
156 respective board's fund.

157           (3) Data collection shall be controlled and approved by the applicable state board  
158 conducting or requesting the collection. Notwithstanding the provisions of sections 324.010 and  
159 334.001, the boards may release identifying data to the contractor to facilitate data analysis of  
160 the health care workforce including, but not limited to, geographic, demographic, and practice  
161 or professional characteristics of licensees. The state board shall not request or be authorized  
162 to collect income or other financial earnings data.

163           (4) Data collected under this subsection shall be deemed the property of the state board  
164 requesting the data. Data shall be maintained by the state board in accordance with chapter 610,  
165 provided that any information deemed closed or confidential under subsection 8 of this section  
166 or any other provision of state law shall not be disclosed without consent of the applicable  
167 licensee or entity or as otherwise authorized by law. Data shall only be released in an aggregate  
168 form by geography, profession or professional specialization, or population characteristic in a  
169 manner that cannot be used to identify a specific individual or entity. Data suppression standards  
170 shall be addressed and established in the contractual agreement.

171           (5) Contractors shall maintain the security and confidentiality of data received or  
172 collected under this subsection and shall not use, disclose, or release any data without approval  
173 of the applicable state board. The contractual agreement between the applicable state board and



174 contractor shall establish a data release and research review policy to include legal and  
175 institutional review board, or agency-equivalent, approval.

176 (6) Each board may promulgate rules subject to the provisions of this subsection and  
177 chapter 536 to effectuate and implement the workforce data collection and analysis authorized  
178 by this subsection. Any rule or portion of a rule, as that term is defined in section 536.010, that  
179 is created under the authority delegated in this section shall become effective only if it complies  
180 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.  
181 This section and chapter 536 are nonseverable and if any of the powers vested with the general  
182 assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a  
183 rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule  
184 proposed or adopted after August 28, 2016, shall be invalid and void.

324.010. All governmental entities issuing professional licenses, certificates,  
2 registrations, or permits pursuant to sections ~~[209.319]~~ **209.321** to 209.339, sections 214.270 to  
3 214.516, sections 256.010 to 256.453, section 375.014, sections 436.005 to 436.071, and chapter  
4 317 and chapters 324 to 346 shall provide the director of revenue with the name and Social  
5 Security number of each applicant for licensure with or licensee of such entities within one  
6 month of the date the application is filed or at least one month prior to the anticipated renewal  
7 of a licensee's license. If such licensee is delinquent on any state taxes or has failed to file state  
8 income tax returns in the last three years, the director shall then send notice to each such entity  
9 and licensee. In the case of such delinquency or failure to file, the licensee's license shall be  
10 suspended within ninety days after notice of such delinquency or failure to file, unless the  
11 director of revenue verifies that such delinquency or failure has been remedied or arrangements  
12 have been made to achieve such remedy. The director of revenue shall, within ten business days  
13 of notification to the governmental entity issuing the professional license that the delinquency  
14 has been remedied or arrangements have been made to remedy such delinquency, send written  
15 notification to the licensee that the delinquency has been remedied. Tax liability paid in protest  
16 or reasonably founded disputes with such liability shall be considered paid for the purposes of  
17 this section.

324.028. Any member authorized under the provisions of sections 256.459, 324.063,  
2 ~~[324.177;]~~ 324.203, 324.243, ~~[324.406;]~~ 324.478, 326.259, 327.031, 328.030, 329.190, 330.110,  
3 331.090, 332.021, 333.151, 334.120, ~~[334.430, 334.625;]~~ 334.717, 334.736, 334.830, 335.021,  
4 336.130, ~~[337.050;]~~ 338.110, 339.120, 340.210, 345.080, and 346.120 who misses three  
5 consecutive regularly scheduled meetings of the board or council on which he serves shall forfeit  
6 his membership on that board or council. A new member shall be appointed to the respective  
7 board or council by the governor with the advice and consent of the senate.

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

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

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

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

34 5. The acupuncturist advisory committee shall:

35 (1) Review all applications for licensure;

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

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

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

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

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

332.021. 1. "The Missouri Dental Board" shall consist of seven members including five  
2 registered and currently licensed dentists, one registered and currently licensed dental hygienist  
3 with voting authority as limited in subsection 4 of this section, and one voting public member.  
4 Any currently valid certificate of registration or currently valid specialist's certificate issued by  
5 the Missouri dental board as constituted pursuant to prior law shall be a valid certificate of  
6 registration or a valid specialist's certificate, as the case may be, upon October 13, 1969, and such  
7 certificates shall be valid so long as the holders thereof comply with the provisions of this  
8 chapter.

9 2. Any person other than the public member appointed to the board as hereinafter  
10 provided shall be a dentist or a dental hygienist who is registered and currently licensed in  
11 Missouri, is a United States citizen, has been a resident of this state for one year immediately  
12 preceding his or her appointment, has practiced dentistry or dental hygiene for at least five  
13 consecutive years immediately preceding his or her appointment, shall have graduated from an  
14 accredited dental school or dental hygiene school, and at the time of his or her appointment or  
15 during his or her tenure on the board has or shall have no connection with or interest in, directly  
16 or indirectly, any dental college, dental hygiene school, university, school, department, or other  
17 institution of learning wherein dentistry or dental hygiene is taught, or with any dental laboratory  
18 or other business enterprise directly related to the practice of dentistry or dental hygiene.

19 3. The governor shall appoint members to the board by and with the advice and consent  
20 of the senate when a vacancy thereon occurs either by the expiration of a term or otherwise;  
21 provided, however, that any board member shall serve until his or her successor is appointed and  
22 has qualified. Each appointee, except where appointed to fill an unexpired term, shall be  
23 appointed for a term of five years. The president of the Missouri Dental Association in office  
24 at the time shall, at least ninety days prior to the expiration of the term of a board member other  
25 than the dental hygienist or public member, or as soon as feasible after a vacancy on the board

26 otherwise occurs, submit to the director of the division of professional registration a list of five  
27 dentists qualified and willing to fill the vacancy in question, with the request and  
28 recommendation that the governor appoint one of the five persons so listed, and with the list so  
29 submitted, the president of the Missouri Dental Association shall include in his or her letter of  
30 transmittal a description of the method by which the names were chosen by that association.

31 4. The public member shall be at the time of his or her appointment a citizen of the  
32 United States; a resident of this state for a period of one year and a registered voter; a person who  
33 is not and never was a member of any profession licensed or regulated pursuant to this chapter  
34 or the spouse of such person; and a person who does not have and never has had a material,  
35 financial interest in either the providing of the professional services regulated by this chapter,  
36 or an activity or organization directly related to any profession licensed or regulated pursuant to  
37 this chapter. All members, including public members, shall be chosen from lists submitted by  
38 the director of the division of professional registration. The list of dentists submitted to the  
39 governor shall include the names submitted to the director of the division of professional  
40 registration by the president of the Missouri Dental Association. This list shall be a public record  
41 available for inspection and copying under chapter 610. Lists of dental hygienists submitted to  
42 the governor may include names submitted to the director of the division of professional  
43 registration by the president of the Missouri Dental Hygienists' Association. The duties of the  
44 dental hygienist member shall not include participation in the determination for or the issuance  
45 of a certificate of registration or a license to practice as a dentist. The duties of the public  
46 member shall not include the determination of the technical requirements to be met for licensure  
47 or whether any person meets such technical requirements or of the technical competence or  
48 technical judgment of a licensee or a candidate for licensure.

49 5. The board shall have a seal which shall be in circular form and which shall impress  
50 the word "SEAL" in the center and around said word the words "Missouri Dental Board". The  
51 seal shall be affixed to such instruments as hereinafter provided and to any other instruments as  
52 the board shall direct.

53 6. The board may sue and be sued as the Missouri dental board, and its members need  
54 not be named as parties. Members of the board shall not be personally liable, either jointly or  
55 severally, for any act or acts committed in the performance of their official duties as board  
56 members; nor shall any board member be personally liable for any court costs which accrue in  
57 any action by or against the board.

58 7. **The board shall appoint an advisory committee for the licensing of dental**  
59 **hygienists. The advisory committee shall guide, advise, and make recommendations**  
60 **regarding the licensing for dental hygienists. The advisory committee shall also:**

61 **(1) Recommend the educational requirements to be registered as a dental hygienist;**

- 62           **(2) Annually review the practice act of dental hygiene;**  
63           **(3) Make recommendations to the board regarding the practice, licensure,**  
64 **examination, and discipline of dental hygienists; and**  
65           **(4) Assist the board in any other way necessary to carry out the provisions of this**  
66 **chapter as they relate to dental hygienists.**

334.100. 1. The board may refuse to issue or renew any certificate of registration or  
2 authority, permit or license required pursuant to this chapter for one or any combination of  
3 causes stated in subsection 2 of this section. The board shall notify the applicant in writing of  
4 the reasons for the refusal and shall advise the applicant of the applicant's right to file a  
5 complaint with the administrative hearing commission as provided by chapter 621. As an  
6 alternative to a refusal to issue or renew any certificate, registration or authority, the board may,  
7 at its discretion, issue a license which is subject to probation, restriction or limitation to an  
8 applicant for licensure for any one or any combination of causes stated in subsection 2 of this  
9 section. The board's order of probation, limitation or restriction shall contain a statement of the  
10 discipline imposed, the basis therefor, the date such action shall become effective, and a  
11 statement that the applicant has thirty days to request in writing a hearing before the  
12 administrative hearing commission. If the board issues a probationary, limited or restricted  
13 license to an applicant for licensure, either party may file a written petition with the  
14 administrative hearing commission within thirty days of the effective date of the probationary,  
15 limited or restricted license seeking review of the board's determination. If no written request for  
16 a hearing is received by the administrative hearing commission within the thirty-day period, the  
17 right to seek review of the board's decision shall be considered as waived.

18           2. The board may cause a complaint to be filed with the administrative hearing  
19 commission as provided by chapter 621 against any holder of any certificate of registration or  
20 authority, permit or license required by this chapter or any person who has failed to renew or has  
21 surrendered the person's certificate of registration or authority, permit or license for any one or  
22 any combination of the following causes:

23           (1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to  
24 an extent that such use impairs a person's ability to perform the work of any profession licensed  
25 or regulated by this chapter;

26           (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty  
27 or nolo contendere, in a criminal prosecution under the laws of any state or of the United States,  
28 for any offense reasonably related to the qualifications, functions or duties of any profession  
29 licensed or regulated pursuant to this chapter, for any offense involving fraud, dishonesty or an  
30 act of violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

31 (3) Use of fraud, deception, misrepresentation or bribery in securing any certificate of  
32 registration or authority, permit or license issued pursuant to this chapter or in obtaining  
33 permission to take any examination given or required pursuant to this chapter;

34 (4) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct or  
35 unprofessional conduct in the performance of the functions or duties of any profession licensed  
36 or regulated by this chapter, including, but not limited to, the following:

37 (a) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by  
38 fraud, deception or misrepresentation; willfully and continually overcharging or overtreating  
39 patients; or charging for visits to the physician's office which did not occur unless the services  
40 were contracted for in advance, or for services which were not rendered or documented in the  
41 patient's records;

42 (b) Attempting, directly or indirectly, by way of intimidation, coercion or deception, to  
43 obtain or retain a patient or discourage the use of a second opinion or consultation;

44 (c) Willfully and continually performing inappropriate or unnecessary treatment,  
45 diagnostic tests or medical or surgical services;

46 (d) Delegating professional responsibilities to a person who is not qualified by training,  
47 skill, competency, age, experience or licensure to perform such responsibilities;

48 (e) Misrepresenting that any disease, ailment or infirmity can be cured by a method,  
49 procedure, treatment, medicine or device;

50 (f) Performing or prescribing medical services which have been declared by board rule  
51 to be of no medical or osteopathic value;

52 (g) Final disciplinary action by any professional medical or osteopathic association or  
53 society or licensed hospital or medical staff of such hospital in this or any other state or territory,  
54 whether agreed to voluntarily or not, and including, but not limited to, any removal, suspension,  
55 limitation, or restriction of the person's license or staff or hospital privileges, failure to renew  
56 such privileges or license for cause, or other final disciplinary action, if the action was in any way  
57 related to unprofessional conduct, professional incompetence, malpractice or any other violation  
58 of any provision of this chapter;

59 (h) Signing a blank prescription form; or dispensing, prescribing, administering or  
60 otherwise distributing any drug, controlled substance or other treatment without sufficient  
61 examination including failing to establish a valid physician-patient relationship pursuant to  
62 section 334.108, or for other than medically accepted therapeutic or experimental or investigative  
63 purposes duly authorized by a state or federal agency, or not in the course of professional  
64 practice, or not in good faith to relieve pain and suffering, or not to cure an ailment, physical  
65 infirmity or disease, except as authorized in section 334.104;

- 66 (i) Exercising influence within a physician-patient relationship for purposes of engaging  
67 a patient in sexual activity;
- 68 (j) Being listed on any state or federal sexual offender registry;
- 69 (k) Terminating the medical care of a patient without adequate notice or without making  
70 other arrangements for the continued care of the patient;
- 71 (l) Failing to furnish details of a patient's medical records to other treating physicians or  
72 hospitals upon proper request; or failing to comply with any other law relating to medical  
73 records;
- 74 (m) Failure of any applicant or licensee to cooperate with the board during any  
75 investigation;
- 76 (n) Failure to comply with any subpoena or subpoena duces tecum from the board or an  
77 order of the board;
- 78 (o) Failure to timely pay license renewal fees specified in this chapter;
- 79 (p) Violating a probation agreement, order, or other settlement agreement with this board  
80 or any other licensing agency;
- 81 (q) Failing to inform the board of the physician's current residence and business address;
- 82 (r) Advertising by an applicant or licensee which is false or misleading, or which violates  
83 any rule of the board, or which claims without substantiation the positive cure of any disease, or  
84 professional superiority to or greater skill than that possessed by any other physician. An  
85 applicant or licensee shall also be in violation of this provision if the applicant or licensee has  
86 a financial interest in any organization, corporation or association which issues or conducts such  
87 advertising;
- 88 (s) Any other conduct that is unethical or unprofessional involving a minor;
- 89 (5) Any conduct or practice which is or might be harmful or dangerous to the mental or  
90 physical health of a patient or the public; or incompetency, gross negligence or repeated  
91 negligence in the performance of the functions or duties of any profession licensed or regulated  
92 by this chapter. For the purposes of this subdivision, "repeated negligence" means the failure,  
93 on more than one occasion, to use that degree of skill and learning ordinarily used under the  
94 same or similar circumstances by the member of the applicant's or licensee's profession;
- 95 (6) Violation of, or attempting to violate, directly or indirectly, or assisting or enabling  
96 any person to violate, any provision of this chapter or chapter 324, or of any lawful rule or  
97 regulation adopted pursuant to this chapter or chapter 324;
- 98 (7) Impersonation of any person holding a certificate of registration or authority, permit  
99 or license or allowing any person to use his or her certificate of registration or authority, permit,  
100 license or diploma from any school;

101 (8) Revocation, suspension, restriction, modification, limitation, reprimand, warning,  
102 censure, probation or other final disciplinary action against the holder of or applicant for a  
103 license or other right to practice any profession regulated by this chapter by another state,  
104 territory, federal agency or country, whether or not voluntarily agreed to by the licensee or  
105 applicant, including, but not limited to, the denial of licensure, surrender of the license, allowing  
106 the license to expire or lapse, or discontinuing or limiting the practice of medicine while subject  
107 to an investigation or while actually under investigation by any licensing authority, medical  
108 facility, branch of the Armed Forces of the United States of America, insurance company, court,  
109 agency of the state or federal government, or employer;

110 (9) A person is finally adjudged incapacitated or disabled by a court of competent  
111 jurisdiction;

112 (10) Assisting or enabling any person to practice or offer to practice any profession  
113 licensed or regulated by this chapter who is not registered and currently eligible to practice  
114 pursuant to this chapter; or knowingly performing any act which in any way aids, assists,  
115 procures, advises, or encourages any person to practice medicine who is not registered and  
116 currently eligible to practice pursuant to this chapter. A physician who works in accordance with  
117 standing orders or protocols or in accordance with the provisions of section 334.104 shall not be  
118 in violation of this subdivision;

119 (11) Issuance of a certificate of registration or authority, permit or license based upon  
120 a material mistake of fact;

121 (12) Failure to display a valid certificate or license if so required by this chapter or any  
122 rule promulgated pursuant to this chapter;

123 (13) Violation of the drug laws or rules and regulations of this state, including but not  
124 limited to any provision of chapter 195, any other state, or the federal government;

125 (14) Knowingly making, or causing to be made, or aiding, or abetting in the making of,  
126 a false statement in any birth, death or other certificate or document executed in connection with  
127 the practice of the person's profession;

128 (15) Knowingly making a false statement, orally or in writing to the board;

129 (16) Soliciting patronage in person or by agents or representatives, or by any other means  
130 or manner, under the person's own name or under the name of another person or concern, actual  
131 or pretended, in such a manner as to confuse, deceive, or mislead the public as to the need or  
132 necessity for or appropriateness of health care services for all patients, or the qualifications of  
133 an individual person or persons to diagnose, render, or perform health care services;

134 (17) Using, or permitting the use of, the person's name under the designation of  
135 "Doctor", "Dr.", "M.D.", or "D.O.", or any similar designation with reference to the commercial  
136 exploitation of any goods, wares or merchandise;



137 (18) Knowingly making or causing to be made a false statement or misrepresentation of  
138 a material fact, with intent to defraud, for payment pursuant to the provisions of chapter 208 or  
139 chapter 630 or for payment from Title XVIII or Title XIX of the federal Medicare program;

140 (19) Failure or refusal to properly guard against contagious, infectious or communicable  
141 diseases or the spread thereof; maintaining an unsanitary office or performing professional  
142 services under unsanitary conditions; or failure to report the existence of an unsanitary condition  
143 in the office of a physician or in any health care facility to the board, in writing, within thirty  
144 days after the discovery thereof;

145 (20) Any candidate for licensure or person licensed to practice as a physical therapist,  
146 paying or offering to pay a referral fee or, notwithstanding section 334.010 to the contrary,  
147 practicing or offering to practice professional physical therapy independent of the prescription  
148 and direction of a person licensed and registered as a physician and surgeon pursuant to this  
149 chapter, as a dentist pursuant to chapter 332, as a podiatrist pursuant to chapter 330, as an  
150 advanced practice registered nurse under chapter 335, or any licensed and registered physician,  
151 dentist, podiatrist, or advanced practice registered nurse practicing in another jurisdiction, whose  
152 license is in good standing;

153 (21) Any candidate for licensure or person licensed to practice as a physical therapist,  
154 treating or attempting to treat ailments or other health conditions of human beings other than by  
155 professional physical therapy and as authorized by sections 334.500 to 334.620;

156 (22) Any person licensed to practice as a physician or surgeon, requiring, as a condition  
157 of the physician-patient relationship, that the patient receive prescribed drugs, devices or other  
158 professional services directly from facilities of that physician's office or other entities under that  
159 physician's ownership or control. A physician shall provide the patient with a prescription which  
160 may be taken to the facility selected by the patient and a physician knowingly failing to disclose  
161 to a patient on a form approved by the ~~[advisory commission for professional physical therapists~~  
162 ~~as established by section 334.625]~~ **state board of registration for the healing arts established**  
163 **under 334.120** which is dated and signed by a patient or guardian acknowledging that the patient  
164 or guardian has read and understands that the physician has a pecuniary interest in a physical  
165 therapy or rehabilitation service providing prescribed treatment and that the prescribed treatment  
166 is available on a competitive basis. This subdivision shall not apply to a referral by one  
167 physician to another physician within a group of physicians practicing together;

168 (23) A pattern of personal use or consumption of any controlled substance unless it is  
169 prescribed, dispensed or administered by another physician who is authorized by law to do so;

170 (24) Habitual intoxication or dependence on alcohol, evidence of which may include  
171 more than one alcohol-related enforcement contact as defined by section 302.525;

172 (25) Failure to comply with a treatment program or an aftercare program entered into as  
173 part of a board order, settlement agreement or licensee's professional health program;

174 (26) Revocation, suspension, limitation, probation, or restriction of any kind whatsoever  
175 of any controlled substance authority, whether agreed to voluntarily or not, or voluntary  
176 termination of a controlled substance authority while under investigation;

177 (27) For a physician to operate, conduct, manage, or establish an abortion facility, or for  
178 a physician to perform an abortion in an abortion facility, if such facility comes under the  
179 definition of an ambulatory surgical center pursuant to sections 197.200 to 197.240, and such  
180 facility has failed to obtain or renew a license as an ambulatory surgical center.

181 3. Collaborative practice arrangements, protocols and standing orders shall be in writing  
182 and signed and dated by a physician prior to their implementation.

183 4. After the filing of such complaint before the administrative hearing commission, the  
184 proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding  
185 by the administrative hearing commission that the grounds, provided in subsection 2 of this  
186 section, for disciplinary action are met, the board may, singly or in combination, warn, censure  
187 or place the person named in the complaint on probation on such terms and conditions as the  
188 board deems appropriate for a period not to exceed ten years, or may suspend the person's  
189 license, certificate or permit for a period not to exceed three years, or restrict or limit the person's  
190 license, certificate or permit for an indefinite period of time, or revoke the person's license,  
191 certificate, or permit, or administer a public or private reprimand, or deny the person's  
192 application for a license, or permanently withhold issuance of a license or require the person to  
193 submit to the care, counseling or treatment of physicians designated by the board at the expense  
194 of the individual to be examined, or require the person to attend such continuing educational  
195 courses and pass such examinations as the board may direct.

196 5. In any order of revocation, the board may provide that the person may not apply for  
197 reinstatement of the person's license for a period of time ranging from two to seven years  
198 following the date of the order of revocation. All stay orders shall toll this time period.

199 6. Before restoring to good standing a license, certificate or permit issued pursuant to this  
200 chapter which has been in a revoked, suspended or inactive state for any cause for more than two  
201 years, the board may require the applicant to attend such continuing medical education courses  
202 and pass such examinations as the board may direct.

203 7. In any investigation, hearing or other proceeding to determine a licensee's or  
204 applicant's fitness to practice, any record relating to any patient of the licensee or applicant shall  
205 be discoverable by the board and admissible into evidence, regardless of any statutory or  
206 common law privilege which such licensee, applicant, record custodian or patient might  
207 otherwise invoke. In addition, no such licensee, applicant, or record custodian may withhold

208 records or testimony bearing upon a licensee's or applicant's fitness to practice on the ground of  
209 privilege between such licensee, applicant or record custodian and a patient.

334.120. 1. There is hereby created and established a board to be known as "The State  
2 Board of Registration for the Healing Arts" for the purpose of registering, licensing and  
3 supervising all physicians and surgeons, **anesthesiologist assistants, physical therapists,**  
4 **physician assistants, behavioral analysts, clinical perfusionists,** and midwives in this state.  
5 The board shall consist of ~~[nine]~~ **thirteen** members, including one voting public member, to be  
6 appointed by the governor by and with the advice and consent of the senate, at least five of whom  
7 shall be graduates of professional schools accredited by the Liaison Committee on Medical  
8 Education or recognized by the Educational Commission for Foreign Medical Graduates, ~~[and]~~  
9 at least two of whom shall be graduates of professional schools approved and accredited as  
10 reputable by the American Osteopathic Association, ~~[and all of whom, except the public~~  
11 ~~member,]~~ **one of whom shall be a duly licensed and registered anesthesiologist assistant, one**  
12 **of whom shall be a duly licensed and registered physical therapist, one of whom shall be**  
13 **a duly licensed and registered physician assistant, one of whom shall be a duly licensed and**  
14 **registered behavioral analyst, and one of whom shall be a duly licensed and registered**  
15 **clinical perfusionist. At least eight of the members** shall be duly licensed and registered as  
16 physicians and surgeons pursuant to the laws of this state. Each member must be a citizen of the  
17 United States and must have been a resident of this state for a period of at least one year next  
18 preceding his or her appointment and shall have been actively engaged in the lawful and ethical  
19 practice of the profession of physician and surgeon for at least five years next preceding his or  
20 her appointment. Not more than four members shall be affiliated with the same political party.  
21 All members shall be appointed for a term of four years. Each member of the board shall receive  
22 as compensation an amount set by the board not to exceed fifty dollars for each day devoted to  
23 the affairs of the board, and shall be entitled to reimbursement of his or her expenses necessarily  
24 incurred in the discharge of his or her official duties. The president of the Missouri State  
25 Medical Association, for all medical physician appointments, or the president of the Missouri  
26 Association of Osteopathic Physicians and Surgeons, for all osteopathic physician appointments,  
27 in office at the time shall, at least ninety days prior to the expiration of the term of the respective  
28 board member, other than the public member, or as soon as feasible after the appropriate vacancy  
29 on the board otherwise occurs, submit to the director of the division of professional registration  
30 a list of five physicians and surgeons qualified and willing to fill the vacancy in question, with  
31 the request and recommendation that the governor appoint one of the five persons so listed, and  
32 with the list so submitted, the president of the Missouri State Medical Association or the  
33 Missouri Association of Osteopathic Physicians and Surgeons, as appropriate, shall include in

34 his or her letter of transmittal a description of the method by which the names were chosen by  
35 that association.

36         2. The public member shall be at the time of his or her appointment a citizen of the  
37 United States; a resident of this state for a period of one year and a registered voter; a person who  
38 is not and never was a member of any profession licensed or regulated pursuant to this chapter  
39 or the spouse of such person; and a person who does not have and never has had a material,  
40 financial interest in either the providing of the professional services regulated by this chapter,  
41 or an activity or organization directly related to any profession licensed or regulated pursuant to  
42 this chapter. All members, including public members, shall be chosen from lists submitted by  
43 the director of the division of professional registration. The list of medical physicians or  
44 osteopathic physicians submitted to the governor shall include the names submitted to the  
45 director of the division of professional registration by the president of the Missouri State Medical  
46 Association or the Missouri Association of Osteopathic Physicians and Surgeons, respectively.  
47 This list shall be a public record available for inspection and copying under chapter 610. The  
48 duties of the public member shall not include the determination of the technical requirements to  
49 be met for licensure or whether any person meets such technical requirements or of the technical  
50 competence or technical judgment of a licensee or a candidate for licensure.

51         **3. The board shall appoint an advisory committee for the licensing of**  
52 **anesthesiologist assistants. The advisory committee shall guide, advise, and make**  
53 **recommendations regarding the licensing of anesthesiologist assistants. The advisory**  
54 **committee shall also be responsible for the ongoing examination of the scope of practice**  
55 **and promoting the continuing role of anesthesiologist assistants in the delivery of health**  
56 **care services.**

57         **4. The board shall appoint an advisory committee for the licensing of physical**  
58 **therapists. The advisory committee shall guide, advise, and make recommendations**  
59 **regarding the licensing of physical therapists. The advisory committee shall also approve**  
60 **the examination required by section 334.530 and shall assist the board in carrying out the**  
61 **provisions of sections 334.530 to 334.620.**

62         **5. The board shall appoint an advisory committee for the licensing of physician**  
63 **assistants. The advisory committee shall guide, advise, and make recommendations**  
64 **regarding the licensing of physician assistants. The advisory committee shall also be**  
65 **responsible for the ongoing examination of the scope of practice and promoting the**  
66 **continuing role of physician assistants in the delivery of health care services.**

67         **6. The board shall appoint an advisory committee for the licensing of clinical**  
68 **perfusionists. The advisory committee shall guide, advise, and make recommendations**  
69 **regarding the licensing of clinical perfusionists. The advisory committee shall also approve**

70 **the examination required by section 324.133 and shall assist the board in carrying out the**  
71 **provisions of sections 324.125 to 324.183.**

334.400. As used in sections 334.400 to ~~334.430~~ **334.428**, the following terms shall  
2 mean:

3 (1) "Anesthesiologist", a physician who has completed a residency in anesthesiology  
4 approved by the American Board of Anesthesiology or the American Osteopathic Board of  
5 Anesthesiology;

6 (2) "Anesthesiologist assistant", a person who meets each of the following conditions:

7 (a) Has graduated from an anesthesiologist assistant program accredited by the American  
8 Medical Association's Committee on Allied Health Education and Accreditation or by its  
9 successor agency;

10 (b) Has passed the certifying examination administered by the National Commission on  
11 Certification of Anesthesiologist Assistants;

12 (c) Has active certification by the National Commission on Certification of  
13 Anesthesiologist Assistants; and

14 (d) Provides health care services delegated by a licensed anesthesiologist;

15 (3) "Anesthesiologist assistant supervision agreement", a written agreement, jointly  
16 agreed upon protocols or standing order between a supervising anesthesiologist and an  
17 anesthesiologist assistant, which provides for the delegation of health care services from a  
18 supervising anesthesiologist to an anesthesiologist assistant and the review of such services;

19 (4) "Applicant", any individual who seeks to become licensed as an anesthesiologist  
20 assistant;

21 (5) **"Board", the state board of registration for the healing arts established under**  
22 **section 334.120;**

23 (6) "Continuing education", the offering of instruction or information to license holders  
24 for the purpose of maintaining or increasing skills necessary for the safe and competent practice  
25 of anesthetic care;

26 ~~(6)~~ (7) "Department", the department of insurance, financial institutions and  
27 professional registration or a designated agency thereof;

28 ~~(7)~~ (8) "Immediately available", in the same physical location or facility in which the  
29 services are provided;

30 ~~(8)~~ (9) "Physician", an individual licensed pursuant to this chapter to practice medicine  
31 and surgery or osteopathic medicine and surgery;

32 ~~(9)~~ (10) "Supervision", medical direction by an anesthesiologist of an anesthesiologist  
33 assistant as defined in conditions of 42 CFR 415.110 which limits supervision to no more than  
34 four anesthesiologist assistants concurrently.

334.404. 1. Each person desiring a license pursuant to sections 334.400 to ~~[334.430]~~  
2 **334.428** shall make application to the board upon such forms and in such manner as may be  
3 prescribed by the board and shall pay the required application fee as set by the board. The  
4 application fee shall cover the cost of issuing the license and shall not be refundable. Each  
5 application shall contain a statement that it is made under oath or affirmation and that its  
6 representations are true and correct to the best knowledge and belief of the person signing the  
7 application, subject to the penalties of making a false declaration or affidavit. Such application  
8 shall include proof of certification from the National Commission on Certification of  
9 Anesthesiologist Assistants or its successor, date of the certification, any identification numbers,  
10 and any other information necessary for the board to verify the certification.

11 2. The board, upon approval of the application from an applicant, shall issue a license  
12 to such applicant.

13 3. A license is valid for two years from the date it is issued and may be renewed  
14 biennially by filing an application for renewal with the board and paying the required renewal  
15 fee as set by the board.

16 4. A blank form for application for renewal of licensure shall be mailed to each person  
17 licensed in this state at his or her last known office or residence address.

18 5. A new license to replace any license lost, destroyed, or mutilated may be issued to any  
19 applicant, subject to rules and regulations issued by the board upon the payment of a reasonable  
20 fee.

334.406. Notwithstanding any of the provisions of sections 334.400 to ~~[334.430]~~  
2 **334.428**, the board may issue a temporary license to practice as an anesthesiologist assistant to  
3 an applicant that has taken the examination and is awaiting the results. A temporary license may  
4 be granted upon the payment of a temporary license fee, the submission of all required  
5 documents, and the applicant meeting the necessary qualifications, as defined by board rule. The  
6 temporary license shall be valid until the results of the examination are announced. The  
7 temporary license may be renewed at the discretion of the board and upon payment of the  
8 temporary license fee.

334.408. 1. Notwithstanding any law to the contrary, any person licensed pursuant to  
2 sections 334.400 to ~~[334.430]~~ **334.428** may apply to the board for an inactive license status on  
3 a form furnished by the board. Upon receipt of the completed inactive status application form  
4 and a determination by the board that the licensee meets the requirements defined by board rule,  
5 the board shall declare the licensee inactive and shall place the licensee on an inactive status list.  
6 A person that has an inactive license or has discontinued the practice of an anesthesiologist  
7 assistant because of retirement shall not practice as an anesthesiologist assistant within this state.

8           2. During the period of inactive status, the licensee shall not be required to comply with  
9 the board's minimum requirements for continuing education.

10           3. If a licensee is granted inactive status, the licensee may return to active status by  
11 notifying the board of the intention to resume the practice of an anesthesiologist assistant, paying  
12 the appropriate fees, and meeting all established licensure requirements of the board as a  
13 condition of reinstatement.

14           4. Any licensee that allows the license to become inactive for a period of five years or  
15 less may return the license to active status by notifying the board in advance of such intention,  
16 paying the appropriate fees, and meeting all established licensure requirements of the board,  
17 excluding the licensing examination, as a condition of reinstatement.

334.412. 1. Upon the applicant paying a fee equivalent to the required licensing fee and  
2 furnishing the board with all locations of previous practice and licensure in chronological order,  
3 the board may, subject to the prescribed rules and regulations, license, without examination or  
4 additional certification, any qualified applicant that meets the requirements of this state including  
5 any person that is licensed in any state or territory of the United States or the District of  
6 Columbia with the authority to practice in the same manner and to the same extent as an  
7 anesthesiologist assistant is authorized to practice pursuant to sections 334.400 to [334.430]  
8 **334.428**. Pursuant to sections 334.400 to [334.430] **334.428**, the board shall have the authority  
9 to negotiate reciprocal compacts with licensing boards of other states for the admission of  
10 licensed anesthesiologist assistants from Missouri to practice in other states.

11           2. The board shall issue a license to any anesthesiologist assistant, who is licensed in  
12 another jurisdiction and who has had no violations, suspensions, or revocations of a license, to  
13 practice as an anesthesiologist assistant in any jurisdiction, provided that, such person is licensed  
14 in a jurisdiction whose requirements are substantially equal to, or greater than, the requirements  
15 for licensure of anesthesiologist assistants in Missouri at the time the applicant applies for  
16 licensure.

334.414. 1. The board shall issue a certificate of registration to any applicant that meets  
2 the qualifications for an anesthesiologist assistant and that has paid the required fees.

3           2. The board shall promulgate rules and regulations pertaining to:

4           (1) Establishing application forms to be furnished to all persons seeking registration  
5 pursuant to sections 334.400 to [334.430] **334.428**;

6           (2) Accepting certification by the National Commission on Certification of  
7 Anesthesiologist Assistants or its successor in lieu of examinations for applicants for registration  
8 pursuant to sections 334.400 to [334.430] **334.428**;

9           (3) Determining the form and design of the registration to be issued pursuant to sections  
10 334.400 to [334.430] **334.428**;

11 (4) Setting the amount of the fees for registration, licensure, and renewal pursuant to  
12 sections 334.400 to ~~334.430~~ **334.428**. The fees shall be set at a level to produce revenue which  
13 shall not substantially exceed the cost and expense of administering the provisions of sections  
14 334.400 to ~~334.430~~ **334.428**;

15 (5) Keeping a record of all of its proceedings regarding sections 334.400 to 334.430 and  
16 of all anesthesiologist assistants registered in this state.

17

18 No rule or portion of a rule promulgated pursuant to the authority of sections 334.400 to 334.430  
19 shall become effective unless it has been promulgated pursuant to chapter 536.

20 3. The board shall have the authority to:

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

23 (2) Establish guidelines for anesthesiologist assistants pursuant to sections 334.400 to  
24 ~~334.430~~ **334.428**.

25 4. The board may refuse to issue, suspend, revoke, or renew any certificate of registration  
26 or authority, permit, or license required pursuant to sections 334.400 to ~~334.430~~ **334.428** for  
27 one or any combination of causes stated in subsection 5 of this section. The board shall notify  
28 the applicant in writing of the reasons for the refusal, suspension, or revocation and shall advise  
29 the applicant of the right to file a complaint with the administrative hearing commission as  
30 provided by chapter 621.

31 5. The board may cause a complaint to be filed with the administrative hearing  
32 commission as provided by chapter 621 against any holder of any certificate of registration or  
33 authority, permit, or license required pursuant to sections 334.400 to ~~334.430~~ **334.428** or  
34 against any person who has failed to renew or has surrendered a certificate of registration or  
35 authority, permit, or license for any one or any combination of the following causes:

36 (1) Use or unlawful possession of any controlled substance, as defined in chapter 195,  
37 or alcoholic beverage to an extent that such use impairs a person's ability to perform the work  
38 of an anesthesiologist assistant;

39 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty  
40 or nolo contendere, in a criminal prosecution under the laws of any state or of the United States,  
41 for any offense reasonably related to the qualifications, functions, or duties of an anesthesiologist  
42 assistant, for any offense for which an essential element is fraud, dishonesty, or an act of  
43 violence, or for any offense involving moral turpitude, whether or not sentence is imposed;

44 (3) Use of fraud, deception, misrepresentation, or bribery in securing any certificate of  
45 registration or authority, permit or license issued pursuant to sections 334.400 to ~~334.430~~



46 **334.428** or in obtaining permission to take any examination given or required pursuant to  
47 sections 334.400 to ~~334.430~~ **334.428**;

48 (4) Obtaining or attempting to obtain any fee, charge, tuition, or other compensation by  
49 fraud, deception, or misrepresentation;

50 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation, or dishonesty  
51 in the performance of the functions and duties of an anesthesiologist assistant;

52 (6) Violation of, or assisting or enabling any person to violate any provision of sections  
53 334.400 to ~~334.430~~ **334.428** or any lawful rule or regulation adopted pursuant to sections  
54 334.400 to ~~334.430~~ **334.428**;

55 (7) Impersonation of any person holding a certificate of registration or authority, permit,  
56 or license, or allowing any person to use a certificate of registration or authority, permit, license  
57 or diploma from any school;

58 (8) Disciplinary action against the holder of a license or other right relating to the  
59 practice of an anesthesiologist assistant granted by another state, territory, federal agency, or  
60 country upon grounds for which revocation or suspension is authorized in this state;

61 (9) Final adjudication of insanity or incompetency by a court of competent jurisdiction;

62 (10) Assisting or enabling any person to practice or offer to practice as an  
63 anesthesiologist assistant who is not registered and currently eligible to practice pursuant to  
64 sections 334.400 to ~~334.430~~ **334.428**;

65 (11) Issuance of a certificate of registration or authority, permit, or license based upon  
66 a material mistake of fact;

67 (12) Violation of any professional trust or confidence;

68 (13) Violation of the ethical standards for an anesthesiologist assistant as defined by  
69 board rule; or

70 (14) Violation of chapter 195 or rules and regulations of this state, any other state, or the  
71 federal government.

72 6. After the filing of such complaint, the proceedings shall be conducted in accordance  
73 with the provisions of chapter 621. Upon a finding by the administrative hearing commission  
74 that the grounds, provided in subsection 5 of this section, for disciplinary action are met, the  
75 board may, singly or in combination, censure or place the person named in the complaint on  
76 probation with such terms and conditions as the board deems appropriate for a period not to  
77 exceed ten years, or suspend his or her license for a period not to exceed seven years, or revoke  
78 his or her license, certificate, or permit.

79 7. An individual whose license has been revoked shall wait at least one year from the  
80 date of revocation to apply for relicensure and shall not be eligible for a temporary license.

81 Relicensure shall be at the discretion of the board after compliance with all requirements of  
82 sections 334.400 to ~~334.430~~ **334.428**.

83 8. Any person who violates any of the provisions of sections 334.400 to ~~334.430~~  
84 **334.428** is guilty of class A misdemeanor.

334.416. 1. Every person licensed pursuant to sections 334.400 to ~~334.430~~ **334.428**  
2 shall renew his or her certificate of registration on or before the registration renewal date. The  
3 application shall be made under oath on a form furnished by the board. The application shall  
4 include, but not be limited to, disclosure of the following:

5 (1) The applicant's full name and his or her office and residence address;

6 (2) The date and number of his or her license;

7 (3) All final disciplinary actions taken against the applicant by any professional medical  
8 or osteopathic association or society, licensed hospital or medical staff of the hospital, state,  
9 territory, federal, agency, or country; and

10 (4) Information concerning the applicant's current physical and mental fitness to practice  
11 as an anesthesiologist assistant.

12 2. A blank form for application for registration shall be mailed to each person licensed  
13 in this state at his or her last known office or residence address. The failure to receive the  
14 application form does not relieve any person of the duty to register and pay the fee required  
15 pursuant to sections 334.400 to ~~334.430~~ **334.428** nor be exempt from the penalties provided  
16 pursuant to sections 334.400 to ~~334.430~~ **334.428** for failure to register.

17 3. If a person licensed, certified, or registered by the board does not renew such license,  
18 certification, or registration for two consecutive renewal periods, such license, certification, or  
19 registration shall be deemed void.

20 4. An application for registration pursuant to sections 334.400 to ~~334.430~~ **334.428** shall  
21 be accompanied with a registration fee to be payable to the director of revenue. If the application  
22 is filed and the fee paid after the registration renewal date, a delinquent fee shall be paid. The  
23 delinquent fee may be waived by the board based on extenuating circumstances as defined by  
24 board rule.

334.418. 1. Except as provided in subsection 2 of this section, no person shall practice  
2 as an anesthesiologist assistant unless the person holds a current, valid certificate of registration  
3 issued pursuant to sections 334.400 to ~~334.430~~ **334.428** to practice as an anesthesiologist  
4 assistant.

5 2. The provision of subsection 1 of this section shall not apply to the following:

6 (1) A person participating in a training program leading toward certification by the  
7 National Commission for Certification of Anesthesiologist Assistants, as long as the person is  
8 supervised by an anesthesiologist;

9 (2) An individual participating in a hospital residency program in preparation to practice  
10 as an anesthesiologist; and

11 (3) Any person who is otherwise authorized by subsection 2 of section 334.428 to  
12 perform any of the activities that an anesthesiologist assistant is authorized to perform.

334.422. 1. All fees payable pursuant to the provisions of sections 334.400 to ~~334.430~~  
2 **334.428** shall be collected by the division of professional registration, which shall transmit them  
3 to the department of revenue for deposit in the state treasury to the credit of the board of  
4 registration for the healing arts fund.

5 2. Upon appropriation by the general assembly, the money in the fund shall be used to  
6 administer the provisions of sections 334.400 to ~~334.430~~ **334.428**.

334.424. 1. An anesthesiologist assistant shall practice only under the direct supervision  
2 of an anesthesiologist who is physically present or immediately available. A supervising  
3 anesthesiologist shall be allowed to supervise up to four anesthesiologist assistants consistent  
4 with federal rules or regulations for reimbursement for anesthesia services.

5 2. Each anesthesiologist who agrees to act as the supervising anesthesiologist of an  
6 anesthesiologist assistant shall adopt a written practice protocol that is consistent with sections  
7 334.400 to ~~334.430~~ **334.428** and delineates the services that the anesthesiologist assistant is  
8 authorized to provide and the manner in which the anesthesiologist will supervise the  
9 anesthesiologist assistant. The provisions of the protocol shall be based on relevant quality  
10 assurance standards, including regular review by the supervising anesthesiologist of the medical  
11 records of the patients cared for by the anesthesiologist assistant.

12 3. The supervising anesthesiologist shall oversee the anesthesiologist assistant in  
13 accordance with the terms of the protocol and any rules and regulations as defined by the board  
14 for the supervision of an anesthesiologist assistant. The board may randomly audit or inspect any  
15 written practice protocol under which an anesthesiologist assistant works.

334.426. Notwithstanding the provisions of sections 334.400 to ~~334.430~~ **334.428**, or  
2 the rules of the Missouri state board of registration for the healing arts, the governing body of  
3 every hospital shall have full authority to limit the functions and activities that an  
4 anesthesiologist assistant performs in such hospital. Nothing in this section shall be construed  
5 to require any hospital to hire an anesthesiologist who is not already employed as a physician  
6 prior to August 28, 2003.

334.428. 1. No person shall put forth to the public any title or description that includes  
2 the words "licensed anesthesiologist assistant" as defined in section 334.404 unless the person  
3 is duly licensed pursuant to the provisions of sections 334.400 to ~~334.430~~ **334.428**.

4 2. Nothing in sections 334.400 to ~~334.430~~ **334.428** shall be construed as prohibiting  
5 any individual, regardless of whether the individual is licensed pursuant to sections 334.400 to

6 ~~[334.430]~~ **334.428**, from providing the services of anesthesiologist assistant, so long as those  
7 services are lawfully performed pursuant to the individual's scope of practice as authorized by  
8 law, regulation, and hospital or medical staff policies or credentialing standards.

9 3. Notwithstanding the specified penalty in section 334.414, any person found guilty of  
10 violating any provision of subsections 1 and 2 of this section shall be guilty of an infraction and  
11 upon conviction thereof shall be punished as provided by law. For purposes of this subsection,  
12 the maximum fine for a violation of this section shall be two hundred dollars.

334.611. Notwithstanding any other provision of law to the contrary, any qualified  
2 physical therapist who is legally authorized to practice under the laws of another state may  
3 practice as a physical therapist in this state without examination by the board or payment of any  
4 fee if such practice consists solely of the provision of gratuitous services provided for a summer  
5 camp or teaching or participating in a continuing educational seminar for a period not to exceed  
6 fourteen days in any one calendar year. Nothing in sections 334.500 to ~~[334.625]~~ **334.620** shall  
7 be construed to prohibit isolated or occasional gratuitous service to and treatment of the afflicted  
8 or to prohibit physical therapists from other nations, states, or territories from performing their  
9 duties for their respective teams or organizations during the course of their teams' or  
10 organizations' stay in this state.

334.735. 1. As used in sections 334.735 to ~~[334.749]~~ **334.748**, the following terms  
2 mean:

3 (1) "Applicant", any individual who seeks to become licensed as a physician assistant;

4 (2) "Certification" or "registration", a process by a certifying entity that grants  
5 recognition to applicants meeting predetermined qualifications specified by such certifying  
6 entity;

7 (3) "Certifying entity", the nongovernmental agency or association which certifies or  
8 registers individuals who have completed academic and training requirements;

9 (4) "Department", the department of insurance, financial institutions and professional  
10 registration or a designated agency thereof;

11 (5) "License", a document issued to an applicant by the board acknowledging that the  
12 applicant is entitled to practice as a physician assistant;

13 (6) "Physician assistant", a person who has graduated from a physician assistant program  
14 accredited by the American Medical Association's Committee on Allied Health Education and  
15 Accreditation or by its successor agency, who has passed the certifying examination administered  
16 by the National Commission on Certification of Physician Assistants and has active certification  
17 by the National Commission on Certification of Physician Assistants who provides health care  
18 services delegated by a licensed physician. A person who has been employed as a physician  
19 assistant for three years prior to August 28, 1989, who has passed the National Commission on

20 Certification of Physician Assistants examination, and has active certification of the National  
21 Commission on Certification of Physician Assistants;

22 (7) “Recognition”, the formal process of becoming a certifying entity as required by the  
23 provisions of sections 334.735 to ~~334.749~~ **334.748**;

24 (8) “Supervision”, control exercised over a physician assistant working with a  
25 supervising physician and oversight of the activities of and accepting responsibility for the  
26 physician assistant’s delivery of care. The physician assistant shall only practice at a location  
27 where the physician routinely provides patient care, except existing patients of the supervising  
28 physician in the patient’s home and correctional facilities. The supervising physician must be  
29 immediately available in person or via telecommunication during the time the physician assistant  
30 is providing patient care. Prior to commencing practice, the supervising physician and physician  
31 assistant shall attest on a form provided by the board that the physician shall provide supervision  
32 appropriate to the physician assistant’s training and that the physician assistant shall not practice  
33 beyond the physician assistant’s training and experience. Appropriate supervision shall require  
34 the supervising physician to be working within the same facility as the physician assistant for at  
35 least four hours within one calendar day for every fourteen days on which the physician assistant  
36 provides patient care as described in subsection 3 of this section. Only days in which the  
37 physician assistant provides patient care as described in subsection 3 of this section shall be  
38 counted toward the fourteen-day period. The requirement of appropriate supervision shall be  
39 applied so that no more than thirteen calendar days in which a physician assistant provides  
40 patient care shall pass between the physician’s four hours working within the same facility. The  
41 board shall promulgate rules pursuant to chapter 536 for documentation of joint review of the  
42 physician assistant activity by the supervising physician and the physician assistant.

43 2. (1) A supervision agreement shall limit the physician assistant to practice only at  
44 locations described in subdivision (8) of subsection 1 of this section, where the supervising  
45 physician is no further than fifty miles by road using the most direct route available and where  
46 the location is not so situated as to create an impediment to effective intervention and  
47 supervision of patient care or adequate review of services.

48 (2) For a physician-physician assistant team working in a rural health clinic under the  
49 federal Rural Health Clinic Services Act, P.L. 95-210, as amended, no supervision requirements  
50 in addition to the minimum federal law shall be required.

51 3. The scope of practice of a physician assistant shall consist only of the following  
52 services and procedures:

53 (1) Taking patient histories;

54 (2) Performing physical examinations of a patient;

55 (3) Performing or assisting in the performance of routine office laboratory and patient  
56 screening procedures;

57 (4) Performing routine therapeutic procedures;

58 (5) Recording diagnostic impressions and evaluating situations calling for attention of  
59 a physician to institute treatment procedures;

60 (6) Instructing and counseling patients regarding mental and physical health using  
61 procedures reviewed and approved by a licensed physician;

62 (7) Assisting the supervising physician in institutional settings, including reviewing of  
63 treatment plans, ordering of tests and diagnostic laboratory and radiological services, and  
64 ordering of therapies, using procedures reviewed and approved by a licensed physician;

65 (8) Assisting in surgery;

66 (9) Performing such other tasks not prohibited by law under the supervision of a licensed  
67 physician as the physician's assistant has been trained and is proficient to perform; and

68 (10) Physician assistants shall not perform or prescribe abortions.

69 4. Physician assistants shall not prescribe any drug, medicine, device or therapy unless  
70 pursuant to a physician supervision agreement in accordance with the law, nor prescribe lenses,  
71 prisms or contact lenses for the aid, relief or correction of vision or the measurement of visual  
72 power or visual efficiency of the human eye, nor administer or monitor general or regional block  
73 anesthesia during diagnostic tests, surgery or obstetric procedures. Prescribing of drugs,  
74 medications, devices or therapies by a physician assistant shall be pursuant to a physician  
75 assistant supervision agreement which is specific to the clinical conditions treated by the  
76 supervising physician and the physician assistant shall be subject to the following:

77 (1) A physician assistant shall only prescribe controlled substances in accordance with  
78 section 334.747;

79 (2) The types of drugs, medications, devices or therapies prescribed by a physician  
80 assistant shall be consistent with the scopes of practice of the physician assistant and the  
81 supervising physician;

82 (3) All prescriptions shall conform with state and federal laws and regulations and shall  
83 include the name, address and telephone number of the physician assistant and the supervising  
84 physician;

85 (4) A physician assistant, or advanced practice registered nurse as defined in section  
86 335.016 may request, receive and sign for noncontrolled professional samples and may distribute  
87 professional samples to patients; and

88 (5) A physician assistant shall not prescribe any drugs, medicines, devices or therapies  
89 the supervising physician is not qualified or authorized to prescribe.

90           5. A physician assistant shall clearly identify himself or herself as a physician assistant  
91 and shall not use or permit to be used in the physician assistant's behalf the terms "doctor", "Dr."  
92 or "doc" nor hold himself or herself out in any way to be a physician or surgeon. No physician  
93 assistant shall practice or attempt to practice without physician supervision or in any location  
94 where the supervising physician is not immediately available for consultation, assistance and  
95 intervention, except as otherwise provided in this section, and in an emergency situation, nor  
96 shall any physician assistant bill a patient independently or directly for any services or procedure  
97 by the physician assistant; except that, nothing in this subsection shall be construed to prohibit  
98 a physician assistant from enrolling with the department of social services as a MO HealthNet  
99 or Medicaid provider while acting under a supervision agreement between the physician and  
100 physician assistant.

101           6. For purposes of this section, the licensing of physician assistants shall take place  
102 within processes established by the state board of registration for the healing arts through rule  
103 and regulation. The board of healing arts is authorized to establish rules pursuant to chapter 536  
104 establishing licensing and renewal procedures, supervision, supervision agreements, fees, and  
105 addressing such other matters as are necessary to protect the public and discipline the profession.  
106 An application for licensing may be denied or the license of a physician assistant may be  
107 suspended or revoked by the board in the same manner and for violation of the standards as set  
108 forth by section 334.100, or such other standards of conduct set by the board by rule or  
109 regulation. Persons licensed pursuant to the provisions of chapter 335 shall not be required to  
110 be licensed as physician assistants. All applicants for physician assistant licensure who complete  
111 a physician assistant training program after January 1, 2008, shall have a master's degree from  
112 a physician assistant program.

113           7. "Physician assistant supervision agreement" means a written agreement, jointly  
114 agreed-upon protocols or standing order between a supervising physician and a physician  
115 assistant, which provides for the delegation of health care services from a supervising physician  
116 to a physician assistant and the review of such services. The agreement shall contain at least the  
117 following provisions:

118           (1) Complete names, home and business addresses, zip codes, telephone numbers, and  
119 state license numbers of the supervising physician and the physician assistant;

120           (2) A list of all offices or locations where the physician routinely provides patient care,  
121 and in which of such offices or locations the supervising physician has authorized the physician  
122 assistant to practice;

123           (3) All specialty or board certifications of the supervising physician;

124           (4) The manner of supervision between the supervising physician and the physician  
125 assistant, including how the supervising physician and the physician assistant shall:

126 (a) Attest on a form provided by the board that the physician shall provide supervision  
127 appropriate to the physician assistant's training and experience and that the physician assistant  
128 shall not practice beyond the scope of the physician assistant's training and experience nor the  
129 supervising physician's capabilities and training; and

130 (b) Provide coverage during absence, incapacity, infirmity, or emergency by the  
131 supervising physician;

132 (5) The duration of the supervision agreement between the supervising physician and  
133 physician assistant; and

134 (6) A description of the time and manner of the supervising physician's review of the  
135 physician assistant's delivery of health care services. Such description shall include provisions  
136 that the supervising physician, or a designated supervising physician listed in the supervision  
137 agreement review a minimum of ten percent of the charts of the physician assistant's delivery  
138 of health care services every fourteen days.

139 8. When a physician assistant supervision agreement is utilized to provide health care  
140 services for conditions other than acute self-limited or well-defined problems, the supervising  
141 physician or other physician designated in the supervision agreement shall see the patient for  
142 evaluation and approve or formulate the plan of treatment for new or significantly changed  
143 conditions as soon as practical, but in no case more than two weeks after the patient has been  
144 seen by the physician assistant.

145 9. At all times the physician is responsible for the oversight of the activities of, and  
146 accepts responsibility for, health care services rendered by the physician assistant.

147 10. It is the responsibility of the supervising physician to determine and document the  
148 completion of at least a one-month period of time during which the licensed physician assistant  
149 shall practice with a supervising physician continuously present before practicing in a setting  
150 where a supervising physician is not continuously present.

151 11. No contract or other agreement shall require a physician to act as a supervising  
152 physician for a physician assistant against the physician's will. A physician shall have the right  
153 to refuse to act as a supervising physician, without penalty, for a particular physician assistant.  
154 No contract or other agreement shall limit the supervising physician's ultimate authority over any  
155 protocols or standing orders or in the delegation of the physician's authority to any physician  
156 assistant, but this requirement shall not authorize a physician in implementing such protocols,  
157 standing orders, or delegation to violate applicable standards for safe medical practice  
158 established by the hospital's medical staff.

159 12. Physician assistants shall file with the board a copy of their supervising physician  
160 form.



161 13. No physician shall be designated to serve as supervising physician for more than  
162 three full-time equivalent licensed physician assistants. This limitation shall not apply to  
163 physician assistant agreements of hospital employees providing inpatient care service in hospitals  
164 as defined in chapter 197.

334.736. Notwithstanding any other provision of sections 334.735 to ~~334.749~~ **334.748**,  
2 the board may issue without examination a temporary license to practice as a physician assistant.  
3 Upon the applicant paying a temporary license fee and the submission of all necessary documents  
4 as determined by the board, the board may grant a temporary license to any person who meets  
5 the qualifications provided in section 334.735 which shall be valid until the results of the next  
6 examination are announced. The temporary license may be renewed at the discretion of the  
7 board and upon payment of the temporary license fee.

334.738. 1. Each person desiring a license pursuant to sections 334.735 to ~~334.749~~  
2 **334.748** shall make application to the department upon such forms and in such manner as may  
3 be prescribed by the department and shall pay the required application fee as set by the  
4 department. The application fee shall cover the cost of issuing the license and shall not be  
5 refundable. Each application shall contain a statement that it is made under oath or affirmation  
6 and that its representations are true and correct to the best knowledge and belief of the person  
7 signing the same, subject to the penalties of making a false declaration or affidavit. Such  
8 application shall include proof of certification or registration by a certifying entity, date the  
9 certification or registration process was completed with the certifying entity, the name of the  
10 certifying entity, any identification numbers and any other information necessary for the  
11 department to verify the certification or registration.

12 2. The department, upon approval of the application from an applicant, shall issue a  
13 license to such applicant.

14 3. A license is valid for two years from the date it is issued and may be renewed annually  
15 by filing an application for renewal with the department and paying the required renewal fee as  
16 set by the department. The department shall notify each licensee in writing of the expiration date  
17 of the person's license at least thirty days before that date, and shall issue a license to any  
18 registrant who returns a completed application form and pays a renewal fee before the person's  
19 license expires.

20 4. A new license to replace any license lost, destroyed, or mutilated may be issued to any  
21 applicant, subject to rules and regulations issued by the department upon the payment of a  
22 reasonable fee.

334.740. 1. No person shall hold himself or herself out to the public by any title or  
2 description including the words licensed physician assistant or physician assistant as defined in

3 section 334.735 unless the person is duly licensed pursuant to the provisions of sections 334.735  
4 to ~~[334.749]~~ **334.748**, if a certifying entity has been recognized by the department.

5         2. Nothing in sections 334.735 to ~~[334.749]~~ **334.748** shall be construed as prohibiting  
6 any individual whether licensed pursuant to sections 334.735 to ~~[334.749]~~ **334.748** or not from  
7 providing the services of physician assistant.

8         3. Any person found guilty of violating any provision of subsections 1 and 2 of this  
9 section is guilty of an infraction and upon conviction thereof shall be punished as provided by  
10 law. For purposes of this subsection, the maximum fine for a violation of this section shall be  
11 one thousand dollars.

       334.742. Any nonresident of Missouri who enters the state and intends to provide a  
2 service or practice for which a license is required pursuant to sections 334.735 to ~~[334.749]~~  
3 **334.748** may apply for a license, provided that the applicant meets the requirements imposed by  
4 the certifying entity.

       334.743. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
2 promulgated to administer and enforce sections 334.735 to ~~[334.749]~~ **334.748**, shall become  
3 effective only if the agency has fully complied with all of the requirements of chapter 536,  
4 including but not limited to, section 536.028, if applicable, after August 28, 1998. All  
5 rulemaking authority delegated prior to August 28, 1998, is of no force and effect and repealed  
6 as of August 28, 1998, however nothing in this act shall be interpreted to repeal or affect the  
7 validity of any rule adopted and promulgated prior to August 28, 1998. If the provisions of  
8 section 536.028 apply, the provisions of this section are nonseverable and if any of the powers  
9 vested with the general assembly pursuant to section 536.028 to review, to delay the effective  
10 date, or to disapprove and annul a rule or portion of a rule are held unconstitutional or invalid,  
11 the purported grant of rulemaking authority and any rule so proposed and contained in the order  
12 of rulemaking shall be invalid and void, except that nothing in this act shall affect the validity  
13 of any rule adopted and promulgated prior to August 28, 1998.

       334.745. 1. All fees payable pursuant to the provisions of sections 334.735 to 334.748  
2 shall be collected by the division of professional registration, which shall transmit them to the  
3 department of revenue for deposit in the state treasury to the credit of the board of registration  
4 for the healing arts fund.

5         2. Upon appropriation by the general assembly, the money in the fund shall be used to  
6 administer the provisions of sections 334.735 to ~~[334.749]~~ **348.748**.

       337.010. As used in sections 337.010 to 337.090 the following terms mean:

2         (1) "Committee", the state committee of ~~[psychologists]~~ **mental health care providers**;

3         (2) "Department", the department of insurance, financial institutions and professional  
4 registration;

5 (3) "Division", the division of professional registration;

6 (4) "Internship", any supervised hours that occur during a formal internship of twelve  
7 to twenty-four months after all academic course work toward a doctorate has been completed but  
8 prior to completion of the full degree. Internship is part of successful completion of a doctorate  
9 in psychology, and a person cannot earn his or her doctorate without completion of an internship;

10 (5) "Licensed psychologist", any person who offers to render psychological services to  
11 individuals, groups, organizations, institutions, corporations, schools, government agencies or  
12 the general public for a fee, monetary or otherwise, implying that such person is trained,  
13 experienced and licensed to practice psychology and who holds a current and valid, whether  
14 temporary, provisional or permanent, license in this state to practice psychology;

15 (6) "Postdoctoral experiences", experiences that follow the completion of a person's  
16 doctoral degree. Such person shall not be licensed until he or she satisfies additional supervised  
17 hours. Postdoctoral experiences shall include any supervised clinical activities following the  
18 completion of the doctoral degree;

19 (7) "Predoctoral postinternship", any supervised hours that occur following completion  
20 of the internship but prior to completing the degree. Such person may continue to provide  
21 supervised clinical services even after his or her internship is completed and while still  
22 completing his or her doctoral degree requirements;

23 (8) "Preinternship", any supervised hours acquired as a student or in the course of  
24 seeking a doctorate in psychology but before the internship, which includes supervised  
25 practicum;

26 (9) "Provisional licensed psychologist", any person who is a graduate of a recognized  
27 educational institution with a doctoral degree in psychology as defined in section 337.025, and  
28 who otherwise meets all requirements to become a licensed psychologist except for passage of  
29 the licensing exams, oral examination and completion of the required period of postdegree  
30 supervised experience as specified in subsection 2 of section 337.025;

31 (10) "Recognized educational institution":

32 (a) A school, college, university or other institution of higher learning in the United  
33 States, which, at the time the applicant was enrolled and graduated, had a graduate program in  
34 psychology and was accredited by one of the regional accrediting associations approved by the  
35 Council on Postsecondary Accreditation; or

36 (b) A school, college, university or other institution of higher learning outside the United  
37 States, which, at the time the applicant was enrolled and graduated, had a graduate program in  
38 psychology and maintained a standard of training substantially equivalent to the standards of  
39 training of those programs accredited by one of the regional accrediting associations approved  
40 by the Council of Postsecondary Accreditation;

41 (11) “Temporary license”, a license which is issued to a person licensed as a  
42 psychologist in another jurisdiction, who has applied for licensure in this state either by  
43 reciprocity or endorsement of the score from the Examination for Professional Practice in  
44 Psychology, and who is awaiting either a final determination by the committee relative to such  
45 person’s eligibility for licensure or who is awaiting the results of the jurisprudence examination  
46 or oral examination.

337.030. 1. Each psychologist licensed pursuant to the provisions of sections 337.010  
2 to 337.090, who has not filed with the committee a verified statement that the psychologist has  
3 retired from or terminated the psychologist's practice of psychology in this state, shall register  
4 with the division on or before the registration renewal date. The division shall require a  
5 registration fee which shall be submitted together with proof of compliance with the continuing  
6 education requirement as provided in [~~section 337.050~~] **subdivision (4) of subsection 1 of**  
7 **section 337.800** and any other information required for such registration. Upon receipt of the  
8 required material and of the registration fee, the division shall issue a renewal certificate of  
9 registration. The division shall, when issuing an initial license to an applicant who has met all  
10 of the qualifications of sections 337.010 to 337.093 and has been approved for licensure by the  
11 committee shall grant the applicant, without payment of any further fee, a certificate of  
12 registration valid until the next registration renewal date.

13 2. The division shall mail a renewal notice to the last known address of each licensee  
14 prior to the registration renewal date. Failure to provide the division with the proof of  
15 compliance with the continuing education requirement and other information required for  
16 registration, or to pay the registration fee after such notice shall effect a revocation of the license  
17 after a period of sixty days from the registration renewal date. The license shall be restored if,  
18 within two years of the registration renewal date, the applicant provides written application and  
19 the payment of the registration fee and a delinquency fee and proof of compliance with the  
20 requirements for continuing education as provided in [~~section 337.050~~] **subdivision (4) of**  
21 **subsection 1 of section 337.800.**

22 3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued  
23 subject to the rules of the committee, upon payment of a reasonable fee.

24 4. The committee shall set the amount of the fees authorized by sections 337.010 to  
25 337.093 and required by rules and regulations promulgated pursuant to section 536.021. The fees  
26 shall be set at a level to produce revenue which shall not substantially exceed the cost and  
27 expense of administering sections 337.010 to 337.090.

28 5. The committee is authorized to issue an inactive license to any licensee who makes  
29 written application for such license on a form provided by the board and remits the fee for an  
30 inactive license established by the committee. An inactive license may be issued only to a person

31 who has previously been issued a license to practice psychology in this state, who is no longer  
32 regularly engaged in such practice and who does not hold himself or herself out to the public as  
33 being professionally engaged in such practice in this state. Each inactive license shall be subject  
34 to all provisions of this chapter, except as otherwise specifically provided. Each inactive license  
35 may be renewed by the committee subject to all provisions of this section and all other provisions  
36 of this chapter. The inactive licensee shall not be required to submit evidence of completion of  
37 continuing education as required by this chapter. An inactive licensee may apply for a license  
38 to regularly engage in the practice of psychology upon filing a written application on a form  
39 provided by the committee, submitting the reactivation fee established by the committee, and  
40 submitting proof of current competency as established by the committee.

337.085. 1. There is hereby established in the state treasury a fund to be known as the  
2 "State Committee of Psychologists Fund". All fees of any kind and character authorized under  
3 sections 337.010 to 337.090 to be charged by the committee or division shall be collected by the  
4 director of the division of professional registration and shall be transmitted to the department of  
5 revenue for deposit in the state treasury for credit to this fund. Such funds, upon appropriation,  
6 shall be disbursed only in payment of expenses of maintaining the **state committee of mental**  
7 **health care providers** and for the enforcement of the provisions of law concerning professions  
8 regulated by ~~the~~ **such** committee. No other money shall be paid out of the state treasury for  
9 carrying out these provisions. Warrants shall be issued on the state treasurer for payment out of  
10 the fund.

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

19 3. All funds pertaining to the Missouri state committee of psychologists deposited in the  
20 state treasury to the credit of the committee of registration for the healing arts fund shall be  
21 transferred from that fund to the state committee of psychologists fund by the division director.

337.300. As used in sections 337.300 to 337.345, the following terms shall mean:

2 (1) "Applied behavior analysis", the design, implementation, and evaluation of  
3 environmental modifications, using behavioral stimuli and consequences, to produce socially  
4 significant improvement in human behavior, including the use of direct observation,  
5 measurement, and functional analysis of the relationships between environment and behavior.

6 Applied behavior analysis does not include cognitive therapies or psychological testing,  
7 personality assessment, intellectual assessment, neuropsychological assessment, psychotherapy,  
8 cognitive therapy, sex therapy, psychoanalysis, hypnotherapy, family therapy, and long-term  
9 counseling as treatment modalities;

10 (2) "Board", the behavior analyst advisory board within the state committee of  
11 psychologists;

12 (3) "Certifying entity", the nationally accredited Behavior Analyst Certification Board,  
13 or other equivalent nationally accredited nongovernmental agency approved by the committee  
14 which certifies individuals who have completed academic, examination, training, and  
15 supervision requirements in applied behavior analysis;

16 (4) "Committee", the state committee of ~~psychologists~~ **mental health care providers**;

17 (5) "Division", the division of professional registration within the department of  
18 insurance, financial institutions and professional registration;

19 (6) "Licensed assistant behavior analyst" or "LaBA", an individual who is certified by  
20 the certifying entity as a certified assistant behavior analyst and meets the criteria in section  
21 337.315 and as established by committee rule;

22 (7) "Licensed behavior analyst" or "LBA", an individual who is certified by the certifying  
23 entity as a certified behavior analyst and meets the criteria in section 337.315 and as established  
24 by committee rule;

25 (8) "Practice of applied behavior analysis", the application of the principles, methods,  
26 and procedures of the experimental analysis of behavior and applied behavior analysis (including  
27 principles of operant and respondent learning) to assess and improve socially important human  
28 behaviors. It includes, but is not limited to, applications of those principles, methods, and  
29 procedures to:

30 (a) The design, implementation, evaluation, and modification of treatment programs to  
31 change behavior of individuals;

32 (b) The design, implementation, evaluation, and modification of treatment programs to  
33 change behavior of groups; and

34 (c) Consultation to individuals and organizations;

35 (9) "Provisionally licensed assistant behavior analyst" or "PLABA", an individual who  
36 meets the criteria in subsection 5 of section 337.315 and as established by the committee by rule;

37 (10) "Provisionally licensed behavior analyst" or "PLBA", an individual who meets the  
38 criteria in subsection 5 of section 337.315 and as established by the committee by rule;

39 (11) "Temporary licensed assistant behavior analyst" or "TLABA", an individual who  
40 meets the criteria of subsection 4 of section 337.315 and as established by the committee by rule;

41 (12) "Temporary licensed behavior analyst" or "TLBA", an individual who meets the  
42 criteria in subsection 4 of section 337.315 and as established by the committee by rule.

337.305. 1. There is hereby created under the state committee of ~~[psychologists]~~ **mental**  
2 **health care providers** within the division of professional registration the "Behavior Analyst  
3 Advisory Board". The behavior analyst advisory board shall consist of the following seven  
4 members: three licensed behavior analysts, one licensed behavior analyst holding a doctoral  
5 degree, one licensed assistant behavior analyst, one professional member of the committee, and  
6 one public member.

7 2. Appointments to the board~~[, except for the one professional member of the~~  
8 ~~committee,]~~ shall be made by ~~[the governor upon the recommendations of]~~ the **[director] chair**  
9 of the ~~[division, upon the advice and consent of the senate]~~ **committee**. The ~~[division]~~  
10 **committee**, prior to submitting nominations, shall solicit nominees from professional  
11 associations and licensed behavior analysts or licensed assistant behavior analysts in the state.  
12 Appointment to the board of the one professional member of the committee shall be made by  
13 nomination and majority vote of the committee.

14 3. The term of office for board members shall be five years. In making initial  
15 appointments to the board, the governor shall stagger the terms of the appointees so that one  
16 member serves an initial term of two years, three members shall serve an initial term of three  
17 years, and three members serve initial terms of four years. Each member of the board shall hold  
18 office until his or her successor has been qualified. A vacancy in the membership of the board  
19 shall be filled for the unexpired term in the manner provided for the original appointment. A  
20 member appointed for less than a full term may serve two full terms in addition to such part of  
21 a full term.

22 4. Each board member shall be a resident of this state for a period of one year and a  
23 registered voter, shall be a United States citizen, and shall, other than the public member, have  
24 been a licensed behavior analyst or licensed assistant behavior analyst in this state for at least  
25 three years prior to appointment except for the original members of the board who shall have  
26 experience in the practice of applied behavior analysis.

27 5. The public member shall be a person who is not and never was a member of any  
28 profession licensed or regulated under sections 337.300 to 337.345 or the spouse of such person;  
29 and a person who does not have and never has had a material financial interest in either the  
30 providing of the professional services regulated by sections 337.300 to 337.345, or an activity  
31 or organization directly related to any profession licensed or regulated under sections 337.300  
32 to 337.345.

33 6. The board shall meet at least quarterly. At one of its regular meetings, the board shall  
34 select from among its members a chairperson and a vice chairperson. A quorum of the

35 committee shall consist of a majority of its members. In the absence of the chairperson, the vice  
36 chairperson shall conduct the office of the chairperson.

37 7. Each member of the board shall receive as compensation an amount set by the division  
38 not to exceed fifty dollars for each day devoted to the affairs of the board and shall be entitled  
39 to reimbursement for necessary and actual expenses incurred in the performance of the member's  
40 official duties.

41 8. Staff for the board shall be provided by the director of the division of professional  
42 registration.

43 9. The ~~governor~~ **chair** may remove any member of the board for misconduct,  
44 inefficiency, incompetency, or neglect of office. All vacancies shall be filled by appointment of  
45 the governor with the advice and consent of the senate, and the member so appointed shall serve  
46 for the unexpired term.

337.340. All fees authorized under sections 337.300 to 337.345 shall be collected by the  
2 director of the division of professional registration and shall be transmitted to the department of  
3 revenue for deposit in the state treasury to the credit of the state committee of psychologists fund.  
4 **The fund shall be administered by the state committee of mental health care providers for**  
5 **the funding of projects or priorities of psychologists as determined by the board.**

337.500. As used in sections 337.500 to 337.540, unless the context clearly requires  
2 otherwise, the following words and phrases mean:

3 (1) "Committee or board", the **state committee [for professional counselors] of mental**  
4 **health care providers;**

5 (2) "Department", the Missouri department of insurance, financial institutions and  
6 professional registration;

7 (3) "Director", the director of the division of professional registration;

8 (4) "Division", the division of professional registration;

9 (5) "Licensed professional counselor", any person who offers to render professional  
10 counseling services to individuals, groups, organizations, institutions, corporations, government  
11 agencies or the general public for a fee, monetary or otherwise, implying that the person is  
12 trained, experienced, and licensed in counseling, and who holds a current, valid license to  
13 practice counseling;

14 (6) "Practice of professional counseling", rendering, offering to render, or supervising  
15 those who render to individuals, couples, groups, organizations, institutions, corporations,  
16 schools, government agencies, or the general public any counseling service involving the  
17 application of counseling procedures, and the principles and methods thereof, to assist in  
18 achieving more effective intrapersonal or interpersonal, marital, decisional, social, educational,  
19 vocational, developmental, or rehabilitative adjustments;



- 20 (7) "Professional counseling", includes, but is not limited to:
- 21 (a) The use of verbal or nonverbal counseling or both techniques, methods, or procedures
- 22 based on principles for assessing, understanding, or influencing behavior (such as principles of
- 23 learning, conditioning, perception, motivation, thinking, emotions, or social systems);
- 24 (b) Appraisal or assessment, which means selecting, administering, scoring, or
- 25 interpreting instruments designed to assess a person's or group's aptitudes, intelligence, attitudes,
- 26 abilities, achievement, interests, and personal characteristics;
- 27 (c) The use of referral or placement techniques or both which serve to further the goals
- 28 of counseling;
- 29 (d) Therapeutic vocational or personal or both rehabilitation in relation to coping with
- 30 or adapting to physical disability, emotional disability, or intellectual disability or any
- 31 combination of the three;
- 32 (e) Designing, conducting, and interpreting research;
- 33 (f) The use of group methods or techniques to promote the goals of counseling;
- 34 (g) The use of informational and community resources for career, personal, or social
- 35 development;
- 36 (h) Consultation on any item in paragraphs (a) through (g) above; and
- 37 (i) No provision of sections 337.500 to 337.540, or of chapter 354 or 375, shall be
- 38 construed to mandate benefits or third-party reimbursement for services of professional
- 39 counselors in the policies or contracts of any insurance company, health services corporation or
- 40 other third-party payer;
- 41 (8) "Provisional licensed professional counselor", any person who is a graduate of an
- 42 acceptable educational institution, as defined by division rules, with at least a master's degree
- 43 with a major in counseling, or its equivalent, and meets all requirements of a licensed
- 44 professional counselor, other than the supervised counseling experience prescribed by
- 45 subdivision (1) of section 337.510, and who is supervised by a person who is qualified for the
- 46 practice of professional counseling.

337.507. 1. Applications for examination and licensure as a professional counselor shall

2 be in writing, submitted to the division on forms prescribed by the division and furnished to the

3 applicant. The application shall contain the applicant's statements showing his education,

4 experience and such other information as the division may require. Each application shall

5 contain a statement that it is made under oath or affirmation and that the information contained

6 therein is true and correct to the best knowledge and belief of the applicant, subject to the

7 penalties provided for the making of a false affidavit or declaration. Each application shall be

8 accompanied by the fees required by the committee.

9           2. The division shall mail a renewal notice to the last known address of each licensee  
10 prior to the registration renewal date. Failure to provide the division with the information  
11 required for registration, or to pay the registration fee after such notice shall effect a revocation  
12 of the license after a period of sixty days from the registration renewal date. The license shall  
13 be restored if, within two years of the registration date, the applicant provides written application  
14 and the payment of the registration fee and a delinquency fee.

15           3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued  
16 subject to the rules of the committee, upon payment of a fee.

17           4. The committee shall set the amount of the fees which sections 337.500 to 337.540  
18 authorize and require by rules and regulations promulgated pursuant to section 536.021. The fees  
19 shall be set at a level to produce revenue which shall not substantially exceed the cost and  
20 expense of administering the provisions of sections 337.500 to 337.540. All fees provided for  
21 in sections 337.500 to 337.540 shall be collected by the director who shall deposit the same with  
22 the state treasurer in a fund to be known as the "Committee of Professional Counselors Fund".  
23 **The fund shall be for the use of the state committee of mental health care providers.**

24           5. The provisions of section 33.080 to the contrary notwithstanding, money in this fund  
25 shall not be transferred and placed to the credit of general revenue until the amount in the fund  
26 at the end of the biennium exceeds two times the amount of the appropriation from the  
27 committee's fund for the preceding fiscal year or, if the committee requires by rule renewal less  
28 frequently than yearly then three times the appropriation from the committee's fund for the  
29 preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the  
30 fund which exceeds the appropriate multiple of the appropriations from the committee's fund for  
31 the preceding fiscal year.

32           6. The committee shall hold public examinations at least two times per year, at such  
33 times and places as may be fixed by the committee, notice of such examinations to be given to  
34 each applicant at least ten days prior thereto.

337.600. As used in sections 337.600 to 337.689, the following terms mean:

2           (1) "Advanced macro social worker", the applications of social work theory, knowledge,  
3 methods, principles, values, and ethics; and the professional use of self to community and  
4 organizational systems, systemic and macrocosm issues, and other indirect nonclinical services;  
5 specialized knowledge and advanced practice skills in case management, information and  
6 referral, nonclinical assessments, counseling, outcome evaluation, mediation, nonclinical  
7 supervision, nonclinical consultation, expert testimony, education, outcome evaluation, research,  
8 advocacy, social planning and policy development, community organization, and the  
9 development, implementation and administration of policies, programs, and activities. A  
10 licensed advanced macro social worker may not treat mental or emotional disorders or provide

11 psychotherapy without the direct supervision of a licensed clinical social worker, or diagnose a  
12 mental disorder;

13 (2) "Clinical social work", the application of social work theory, knowledge, values,  
14 methods, principles, and techniques of case work, group work, client-centered advocacy,  
15 community organization, administration, planning, evaluation, consultation, research,  
16 psychotherapy and counseling methods and techniques to persons, families and groups in  
17 assessment, diagnosis, treatment, prevention and amelioration of mental and emotional  
18 conditions;

19 (3) "Committee", the state committee [~~for social workers established in section 337.622]~~  
20 **of mental health care providers established in section 337.800;**

21 (4) "Department", the Missouri department of insurance, financial institutions and  
22 professional registration;

23 (5) "Director", the director of the division of professional registration;

24 (6) "Division", the division of professional registration;

25 (7) "Independent practice", any practice of social workers outside of an organized setting  
26 such as a social, medical, or governmental agency in which a social worker assumes  
27 responsibility and accountability for services required;

28 (8) "Licensed advanced macro social worker", any person who offers to render services  
29 to individuals, groups, families, couples, organizations, institutions, communities, government  
30 agencies, corporations, or the general public for a fee, monetary or otherwise, implying that the  
31 person is trained, experienced, and licensed as an advanced macro social worker, and who holds  
32 a current valid license to practice as an advanced macro social worker;

33 (9) "Licensed baccalaureate social worker", any person who offers to render services to  
34 individuals, groups, organizations, institutions, corporations, government agencies, or the general  
35 public for a fee, monetary or otherwise, implying that the person is trained, experienced, and  
36 licensed as a baccalaureate social worker, and who holds a current valid license to practice as a  
37 baccalaureate social worker;

38 (10) "Licensed clinical social worker", any person who offers to render services to  
39 individuals, groups, organizations, institutions, corporations, government agencies, or the general  
40 public for a fee, monetary or otherwise, implying that the person is trained, experienced, and  
41 licensed as a clinical social worker, and who holds a current, valid license to practice as a clinical  
42 social worker;

43 (11) "Licensed master social worker", any person who offers to render services to  
44 individuals, groups, families, couples, organizations, institutions, communities, government  
45 agencies, corporations, or the general public for a fee, monetary or otherwise, implying that the  
46 person is trained, experienced, and licensed as a master social worker, and who holds a current

47 valid license to practice as a master social worker. A licensed master social worker may not treat  
48 mental or emotional disorders, provide psychotherapy without the direct supervision of a  
49 licensed clinical social worker, or diagnose a mental disorder;

50 (12) "Master social work", the application of social work theory, knowledge, methods,  
51 and ethics and the professional use of self to restore or enhance social, psychosocial, or  
52 biopsychosocial functioning of individuals, couples, families, groups, organizations,  
53 communities, institutions, government agencies, or corporations. The practice includes the  
54 applications of specialized knowledge and advanced practice skills in the areas of assessment,  
55 treatment planning, implementation and evaluation, case management, mediation, information  
56 and referral, counseling, client education, supervision, consultation, education, research,  
57 advocacy, community organization and development, planning, evaluation, implementation and  
58 administration of policies, programs, and activities. Under supervision as provided in this  
59 section, the practice of master social work may include the practices reserved to clinical social  
60 workers or advanced macro social workers for no more than forty-eight consecutive calendar  
61 months for the purpose of obtaining licensure under section 337.615 or 337.645;

62 (13) "Practice of advanced macro social work", rendering, offering to render, or  
63 supervising those who render to individuals, couples, families, groups, organizations,  
64 institutions, corporations, government agencies, communities, or the general public any service  
65 involving the application of methods, principles, and techniques of advanced practice macro  
66 social work;

67 (14) "Practice of baccalaureate social work", rendering, offering to render, or supervising  
68 those who render to individuals, families, groups, organizations, institutions, corporations, or the  
69 general public any service involving the application of methods, principles, and techniques of  
70 baccalaureate social work;

71 (15) "Practice of clinical social work", rendering, offering to render, or supervising those  
72 who render to individuals, couples, groups, organizations, institutions, corporations, or the  
73 general public any service involving the application of methods, principles, and techniques of  
74 clinical social work;

75 (16) "Practice of master social work", rendering, offering to render, or supervising those  
76 who render to individuals, couples, families, groups, organizations, institutions, corporations,  
77 government agencies, communities, or the general public any service involving the application  
78 of methods, principles, and techniques of master social work;

79 (17) "Qualified advanced macro supervisor", any licensed social worker who meets the  
80 qualifications of a qualified clinical supervisor or a licensed advanced macro social worker who  
81 has:

82 (a) Practiced in the field of social work as a licensed social worker for which he or she  
83 is supervising the applicant for a minimum of five years;

84 (b) Successfully completed a minimum of sixteen hours of supervisory training from the  
85 Association of Social Work Boards, the National Association of Social Workers, an accredited  
86 university, or a program approved by the state committee ~~[for social workers]~~ **of mental health**  
87 **care providers**. All organizations providing the supervisory training shall adhere to the basic  
88 content and quality standards outlined by the state committee on social work; and

89 (c) Met all the requirements of sections 337.600 to 337.689, and as defined by rule by  
90 the state committee ~~[for social workers]~~ **of mental health care providers**;

91 (18) "Qualified baccalaureate supervisor", any licensed social worker who meets the  
92 qualifications of a qualified clinical supervisor, qualified master supervisor, qualified advanced  
93 macro supervisor, or a licensed baccalaureate social worker who has:

94 (a) Practiced in the field of social work as a licensed social worker for which he or she  
95 is supervising the applicant for a minimum of five years;

96 (b) Successfully completed a minimum of sixteen hours of supervisory training from the  
97 Association of Social Work Boards, the National Association of Social Workers, an accredited  
98 university, or a program approved by the state committee ~~[for social workers]~~ **of mental health**  
99 **care providers**. All organizations providing the supervisory training shall adhere to the basic  
100 content and quality standards outlined by the state committee on social workers; and

101 (c) Met all the requirements of sections 337.600 to 337.689, and as defined by rule by  
102 the state committee ~~[for social workers]~~ **of mental health care providers**;

103 (19) "Qualified clinical supervisor", any licensed clinical social worker who has:

104 (a) Practiced in the field of social work as a licensed social worker for which he or she  
105 is supervising the applicant for a minimum of five years;

106 (b) Successfully completed a minimum of sixteen hours of supervisory training from the  
107 Association of Social Work Boards, the National Association of Social Workers, an accredited  
108 university, or a program approved by the state committee ~~[for social workers]~~ **of mental health**  
109 **care providers**. All organizations providing the supervisory training shall adhere to the basic  
110 content and quality standards outlined by the state committee on social work; and

111 (c) Met all the requirements of sections 337.600 to 337.689, and as defined by rule by  
112 the state committee ~~[for social workers]~~ **of mental health care providers**;

113 (20) "Social worker", any individual that has:

114 (a) Received a baccalaureate or master's degree in social work from an accredited social  
115 work program approved by the council on social work education;

116 (b) Received a doctorate or Ph.D. in social work; or

117 (c) A current social worker license as set forth in sections 337.600 to 337.689.

337.644. 1. Each applicant for licensure as a master social worker shall furnish evidence  
2 to the committee that:

3 (1) The applicant has a master's or doctorate degree in social work from an accredited  
4 social work degree program approved by the council of social work education;

5 (2) The applicant has achieved a passing score, as defined by the committee, on an  
6 examination approved by the committee. The eligibility requirements for such examination shall  
7 be determined by the state committee ~~[for social workers]~~ **of mental health care providers**;

8 (3) The applicant is at least eighteen years of age, is of good moral character, is a United  
9 States citizen or has status as a legal resident alien, and has not been convicted of a felony during  
10 the ten years immediately prior to application for licensure;

11 (4) The applicant has submitted a written application on forms prescribed by the state  
12 board;

13 (5) The applicant has submitted the required licensing fee, as determined by the  
14 committee.

15 2. Any applicant who answers in the affirmative to any question on the application that  
16 relates to possible grounds for denial of licensure under section 337.630 shall submit a sworn  
17 affidavit setting forth in detail the facts which explain such answer and copies of appropriate  
18 documents related to such answer.

19 3. Any person holding a valid unrevoked and unexpired license, certificate, or  
20 registration from another state or territory of the United States having substantially the same  
21 requirements as this state for master social workers may be granted a license to engage in the  
22 person's occupation in this state upon application to the committee accompanied by the  
23 appropriate fee as established by the committee under section 337.612.

24 4. The committee shall issue a license to each person who files an application and fee  
25 as required by the provisions of sections 337.600 to 337.689 and who furnishes evidence  
26 satisfactory to the committee that the applicant has complied with the provisions of subsection  
27 1 of this section or with the provisions of subsection 3 of this section. The license shall refer to  
28 the individual as a licensed master social worker and shall recognize that individual's right to  
29 practice licensed master social work as defined in section 337.600.

337.645. 1. Each applicant for licensure as an advanced macro social worker shall  
2 furnish evidence to the committee that:

3 (1) The applicant has a master's degree from a college or university program of social  
4 work accredited by the council of social work education or a doctorate degree from a school of  
5 social work acceptable to the committee;

6 (2) The applicant has completed at least three thousand hours of supervised advanced  
7 macro experience with a qualified advanced macro supervisor as defined in section 337.600 in

8 no less than twenty-four months and no more than forty-eight consecutive calendar months. For  
9 any applicant who has successfully completed at least four thousand hours of supervised  
10 advanced macro experience with a qualified advanced macro supervisor, as defined in section  
11 337.600, within the same time frame prescribed in this subsection, the applicant shall be eligible  
12 for application of licensure at three thousand hours and shall be furnished a certificate by the  
13 state committee ~~[for social workers]~~ **of mental health care providers** acknowledging the  
14 completion of said additional hours;

15 (3) The applicant has achieved a passing score, as defined by the committee, on an  
16 examination approved by the committee. The eligibility requirements for such examination shall  
17 be promulgated by rule of the committee;

18 (4) The applicant is at least eighteen years of age, is of good moral character, is a United  
19 States citizen or has status as a legal resident alien, and has not been convicted of a felony during  
20 the ten years immediately prior to application for licensure.

21 2. Any person holding a current license, certificate of registration, or permit from another  
22 state or territory of the United States or the District of Columbia to practice advanced macro  
23 social work who has had no disciplinary action taken against the license, certificate of  
24 registration, or permit for the preceding five years may be granted a license to practice advanced  
25 macro social work in this state if the person meets one of the following criteria:

26 (1) Has received a master's or doctoral degree from a college or university program of  
27 social work accredited by the council of social work education and has been licensed to practice  
28 advanced macro social work for the preceding five years; or

29 (2) Is currently licensed or certified as an advanced macro social worker in another state,  
30 territory of the United States, or the District of Columbia having substantially the same  
31 requirements as this state for advanced macro social workers.

32 3. The committee shall issue a license to each person who files an application and fee  
33 as required by the provisions of sections 337.600 to 337.689 and who furnishes evidence  
34 satisfactory to the committee that the applicant has complied with the provisions of subdivisions  
35 (1) to (4) of subsection 1 of this section or with the provisions of subsection 2 of this section.

337.653. 1. No person shall use the title of licensed baccalaureate social worker and  
2 engage in the practice of baccalaureate social work in this state unless the person is licensed as  
3 required by the provisions of sections 337.600 to 337.689.

4 2. A licensed baccalaureate social worker shall be deemed qualified to practice the  
5 following:

6 (1) Engage in assessment and evaluation from a generalist perspective, excluding the  
7 diagnosis and treatment of mental illness and emotional disorders;

8 (2) Conduct basic data gathering of records and social problems of individuals, groups,  
9 families and communities, assess such data, and formulate and implement a plan to achieve  
10 specific goals;

11 (3) Serve as an advocate for clients, families, groups or communities for the purpose of  
12 achieving specific goals;

13 (4) Counsel, excluding psychotherapy; however, counseling shall be defined as providing  
14 support, direction, and guidance to clients by assisting them in successfully solving complex  
15 social problems;

16 (5) Perform crisis intervention, screening and resolution, excluding the use of  
17 psychotherapeutic techniques;

18 (6) Be a community supporter, organizer, planner or administrator for a social service  
19 program;

20 (7) Conduct crisis planning ranging from disaster relief planning for communities to  
21 helping individuals prepare for the death or disability of family members;

22 (8) Inform and refer clients to other professional services;

23 (9) Perform case management and outreach, including but not limited to planning,  
24 managing, directing or coordinating social services; and

25 (10) Engage in the training and education of social work students from an accredited  
26 institution and supervise other licensed baccalaureate social workers.

27 3. If the licensed baccalaureate social worker has completed three thousand hours of  
28 supervised baccalaureate experience with a qualified baccalaureate supervisor in no less than  
29 twenty-four months and no more than forty-eight consecutive calendar months, the licensed  
30 baccalaureate social worker may engage in the independent practice of baccalaureate social work  
31 as defined in section 337.600 and subdivisions (1) to (10) of subsection 2 of this section. Upon  
32 demonstrating the successful completion of supervised experience, the state committee [~~for~~  
33 ~~social workers~~] **of mental health care providers** shall provide the licensee with a certificate  
34 clearly stating the individual's qualification to practice independently with the words  
35 "independent practice" or "IP" next to his or her licensure.

337.700. As used in sections 337.700 to 337.739, the following terms mean:

2 (1) "Committee", the state committee [~~for marital and family therapists~~] **of mental**  
3 **health care providers**;

4 (2) "Department", the Missouri department of insurance, financial institutions and  
5 professional registration;

6 (3) "Director", the director of the division of professional registration;

7 (4) "Division", the division of professional registration;

8 (5) "Fund", the marital and family therapists' fund created in section 337.712;



9 (6) "Licensed marital and family therapist", a person to whom a license has been issued  
10 pursuant to the provisions of sections 337.700 to 337.739, whose license is in force and not  
11 suspended or revoked;

12 (7) "Marital and family therapy", the use of scientific and applied marriage and family  
13 theories, methods and procedures for the purpose of describing, diagnosing, evaluating and  
14 modifying marital, family and individual behavior within the context of marital and family  
15 systems, including the context of marital formation and dissolution. Marriage and family therapy  
16 is based on systems theories, marriage and family development, normal and dysfunctional  
17 behavior, human sexuality and psychotherapeutic, marital and family therapy theories and  
18 techniques and includes the use of marriage and family therapy theories and techniques in the  
19 diagnosis, evaluation, assessment and treatment of intrapersonal or interpersonal dysfunctions  
20 within the context of marriage and family systems. Marriage and family therapy may also  
21 include clinical research into more effective methods for the treatment and prevention of the  
22 above-named conditions;

23 (8) "Practice of marital and family therapy", the rendering of professional marital and  
24 family therapy services to individuals, family groups and marital pairs, singly or in groups,  
25 whether such services are offered directly to the general public or through organizations, either  
26 public or private, for a fee, monetary or otherwise;

27 (9) "Provisional licensed marital and family therapist", any person who is a graduate of  
28 an acceptable education institution described in subsection 1 of section 337.715 with at least a  
29 master's degree in marital and family therapy, or its equivalent as defined by state committee  
30 regulation, and meets all requirements of a licensed marital and family therapist other than the  
31 supervised clinical experience set forth in section 337.715, and who is supervised by a person  
32 who is qualified to be a supervisor, as defined by state committee regulation.

337.703. No person shall use the title of "licensed marital and family therapist", "marital  
2 and family therapist", "provisional licensed marital and family therapist", or engage in the  
3 practice of marital and family therapy in this state unless the person is licensed as required by  
4 the provisions of sections 337.700 to ~~337.739~~ **337.736**. Sections 337.700 to ~~337.739~~ **337.736**  
5 shall not apply to:

6 (1) Any person registered, certificated or licensed by this state, another state or any  
7 recognized national certification agent acceptable to the division to practice any other occupation  
8 or profession while rendering services similar in nature to marital and family therapy in the  
9 performance of the occupation or profession in which the person is registered, certificated or  
10 licensed, so long as the person does not use the title of "licensed marital and family therapist",  
11 "marital and family therapist", or "provisional licensed marital and family therapist";

12 (2) The practice of any marital and family therapist who is employed by any political  
13 subdivision, school district, agency or department of the state of Missouri while discharging the  
14 therapist's duties in that capacity; and

15 (3) Duly ordained ministers or clergy, religious workers and volunteers or Christian  
16 Science Practitioners.

337.705. No official, employee, board, commission, or agency of the state of Missouri,  
2 any county, municipality, school district, or other political subdivision of this state shall  
3 discriminate between persons licensed under sections 337.700 to ~~337.739~~ **337.736** when  
4 promulgating rules or when requiring or recommending services that legally may be performed  
5 by persons licensed under sections 337.700 to ~~337.739~~ **337.736**.

337.709. No provision of sections 337.700 to ~~337.739~~ **337.736** shall be construed to  
2 require any agency, corporation or organization, not otherwise required by law, to employ  
3 licensed marital and family therapists.

337.712. 1. Applications for licensure as a marital and family therapist shall be in  
2 writing, submitted to the committee on forms prescribed by the committee and furnished to the  
3 applicant. The application shall contain the applicant's statements showing the applicant's  
4 education, experience and such other information as the committee may require. Each  
5 application shall contain a statement that it is made under oath or affirmation and that the  
6 information contained therein is true and correct to the best knowledge and belief of the  
7 applicant, subject to the penalties provided for the making of a false affidavit or declaration.  
8 Each application shall be accompanied by the fees required by the division.

9 2. The division shall mail a renewal notice to the last known address of each licensee  
10 prior to the licensure renewal date. Failure to provide the division with the information required  
11 for license, or to pay the licensure fee after such notice shall effect a revocation of the license  
12 after a period of sixty days from the license renewal date. The license shall be restored if, within  
13 two years of the licensure date, the applicant provides written application and the payment of the  
14 licensure fee and a delinquency fee.

15 3. A new certificate to replace any certificate lost, destroyed or mutilated may be issued  
16 subject to the rules of the division upon payment of a fee.

17 4. The committee shall set the amount of the fees authorized. The fees shall be set at a  
18 level to produce revenue which shall not substantially exceed the cost and expense of  
19 administering the provisions of sections 337.700 to ~~337.739~~ **337.736**. All fees provided for in  
20 sections 337.700 to ~~337.739~~ **337.736** shall be collected by the director who shall deposit the  
21 same with the state treasurer to a fund to be known as the "Marital and Family Therapists' Fund".

22 5. The provisions of section 33.080 to the contrary notwithstanding, money in this fund  
23 shall not be transferred and placed to the credit of general revenue until the amount in the fund

24 at the end of the biennium exceeds two times the amount of the appropriations from the marital  
25 and family therapists' fund for the preceding fiscal year or, if the division requires by rule  
26 renewal less frequently than yearly then three times the appropriation from the fund for the  
27 preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the  
28 fund which exceeds the appropriate multiple of the appropriations from the marital and family  
29 therapists' fund for the preceding fiscal year.

337.715. 1. Each applicant for licensure or provisional licensure as a marital and family  
2 therapist shall furnish evidence to the committee that:

3 (1) The applicant has a master's degree or a doctoral degree in marital and family therapy  
4 from a program accredited by the Commission on Accreditation for Marriage and Family  
5 Therapy Education, or its equivalent as defined by committee regulation, from an educational  
6 institution accredited by a regional accrediting body that is recognized by the United States  
7 Department of Education;

8 (2) The applicant for licensure as a marital and family therapist has twenty-four months  
9 of postgraduate supervised clinical experience acceptable to the committee, as the state  
10 committee determines by rule;

11 (3) After August 28, 2008, the applicant shall have completed a minimum of three  
12 semester hours of graduate-level course work in diagnostic systems either within the curriculum  
13 leading to a degree as defined in subdivision (1) of this subsection or as post-master's  
14 graduate-level course work. Each applicant shall demonstrate supervision of diagnosis as a core  
15 component of the postgraduate supervised clinical experience as defined in subdivision (2) of  
16 this subsection;

17 (4) Upon examination, the applicant is possessed of requisite knowledge of the  
18 profession, including techniques and applications research and its interpretation and professional  
19 affairs and ethics;

20 (5) The applicant is at least eighteen years of age, is of good moral character, is a United  
21 States citizen or has status as a legal resident alien, and has not been convicted of a felony during  
22 the ten years immediately prior to application for licensure.

23 2. Any person otherwise qualified for licensure holding a current license, certificate of  
24 registration, or permit from another state or territory of the United States or the District of  
25 Columbia to practice marriage and family therapy may be granted a license without examination  
26 to engage in the practice of marital and family therapy in this state upon application to the state  
27 committee, payment of the required fee as established by the state committee, and satisfaction  
28 of the following:

29 (1) Determination by the state committee that the requirements of the other state or  
30 territory are substantially the same as Missouri;

31 (2) Verification by the applicant's licensing entity that the applicant has a current license;  
32 and

33 (3) Consent by the applicant to examination of any disciplinary history in any state.

34 3. The state committee shall issue a license to each person who files an application and  
35 fee as required by the provisions of sections 337.700 to ~~337.739~~ **337.736**.

337.718. 1. Each license issued pursuant to the provisions of sections 337.700 to  
2 ~~337.739~~ **337.736** shall expire on a renewal date established by the director. The term of  
3 licensure shall be twenty-four months; however, the director may establish a shorter term for the  
4 first licenses issued pursuant to sections 337.700 to ~~337.739~~ **337.736**. The division shall renew  
5 any license upon application for a renewal and upon payment of the fee established by the  
6 division pursuant to the provisions of section 337.712. Effective August 28, 2008, as a  
7 prerequisite for renewal, each licensed marital and family therapist shall furnish to the committee  
8 satisfactory evidence of the completion of the requisite number of hours of continuing education  
9 as defined by rule, which shall be no more than forty contact hours biennially. The continuing  
10 education requirements may be waived by the committee upon presentation to the committee of  
11 satisfactory evidence of illness or for other good cause.

12 2. The committee may issue temporary permits to practice under extenuating  
13 circumstances as determined by the committee and defined by rule.

337.727. The committee shall promulgate rules and regulations pertaining to:

2 (1) The form and content of license applications required by the provisions of sections  
3 337.700 to ~~337.739~~ **337.736** and the procedures for filing an application for an initial or  
4 renewal license in this state;

5 (2) Fees required by the provisions of sections 337.700 to ~~337.739~~ **337.736**;

6 (3) The content, conduct and administration of the licensing examination required by  
7 section 337.715;

8 (4) The characteristics of supervised clinical experience as that term is used in section  
9 337.715;

10 (5) The equivalent of the basic educational requirements set forth in section 337.715;

11 (6) The standards and methods to be used in assessing competency as a marital and  
12 family therapist;

13 (7) Establishment and promulgation of procedures for investigating, hearing and  
14 determining grievances and violations occurring under the provisions of sections 337.700 to  
15 ~~337.739~~ **337.736**;

16 (8) Development of an appeal procedure for the review of decisions and rules of  
17 administrative agencies existing under the constitution or laws of this state;

18 (9) Establishment of a policy and procedure for reciprocity with other states, including  
19 states which do not have marital and family therapist licensing laws or states whose licensing  
20 laws are not substantially the same as those of this state; and

21 (10) Any other policies or procedures necessary to the fulfillment of the requirements  
22 of sections 337.700 to ~~337.739~~ **337.736**.

337.730. 1. The committee may refuse to issue or renew any license required by the  
2 provisions of sections 337.700 to ~~337.739~~ **337.736** for one or any combination of causes stated  
3 in subsection 2 of this section. The committee shall notify the applicant in writing of the reasons  
4 for the refusal and shall advise the applicant of the applicant's right to file a complaint with the  
5 administrative hearing commission as provided by chapter 621.

6 2. The committee may cause a complaint to be filed with the administrative hearing  
7 commission as provided by chapter 621 against any holder of any license required by sections  
8 337.700 to ~~337.739~~ **337.736** or any person who has failed to renew or has surrendered the  
9 person's license for any one or any combination of the following causes:

10 (1) Use of any controlled substance, as defined in chapter 195, or alcoholic beverage to  
11 an extent that such use impairs a person's ability to engage in the occupation of marital and  
12 family therapist; except the fact that a person has undergone treatment for past substance or  
13 alcohol abuse or has participated in a recovery program, shall not by itself be cause for refusal  
14 to issue or renew a license;

15 (2) The person has been finally adjudicated and found guilty, or entered a plea of guilty  
16 in a criminal prosecution under the laws of any state or of the United States, for any offense  
17 reasonably related to the qualifications, functions or duties of a marital and family therapist; for  
18 any offense an essential element of which is fraud, dishonesty or an act of violence; or for any  
19 offense involving moral turpitude, whether or not sentence is imposed;

20 (3) Use of fraud, deception, misrepresentation or bribery in securing any license issued  
21 pursuant to the provisions of sections 337.700 to ~~337.739~~ **337.736** or in obtaining permission  
22 to take any examination given or required pursuant to the provisions of sections 337.700 to  
23 ~~337.739~~ **337.736**;

24 (4) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by  
25 fraud, deception or misrepresentation;

26 (5) Incompetency, misconduct, fraud, misrepresentation or dishonesty in the performance  
27 of the functions or duties of a marital and family therapist;

28 (6) Violation of, or assisting or enabling any person to violate, any provision of sections  
29 337.700 to ~~337.739~~ **337.736** or of any lawful rule or regulation adopted pursuant to sections  
30 337.700 to ~~337.739~~ **337.736**;

31 (7) Impersonation of any person holding a license or allowing any person to use the  
32 person's license or diploma from any school;

33 (8) Revocation or suspension of a license or other right to practice marital and family  
34 therapy granted by another state, territory, federal agency or country upon grounds for which  
35 revocation or suspension is authorized in this state;

36 (9) Final adjudication as incapacitated by a court of competent jurisdiction;

37 (10) Assisting or enabling any person to practice or offer to practice marital and family  
38 therapy who is not licensed and is not currently eligible to practice under the provisions of  
39 sections 337.700 to ~~337.739~~ **337.736**;

40 (11) Obtaining a license based upon a material mistake of fact;

41 (12) Failure to display a valid license if so required by sections 337.700 to ~~337.739~~  
42 **337.736** or any rule promulgated hereunder;

43 (13) Violation of any professional trust or confidence;

44 (14) Use of any advertisement or solicitation which is false, misleading or deceptive to  
45 the general public or persons to whom the advertisement or solicitation is primarily directed;

46 (15) Being guilty of unethical conduct as defined in the ethical standards for marital and  
47 family therapists adopted by the committee by rule and filed with the secretary of state.

48 3. Any person, organization, association or corporation who reports or provides  
49 information to the committee under sections 337.700 to ~~337.739~~ **337.736** and who does so in  
50 good faith shall not be subject to an action for civil damages as a result thereof.

51 4. After filing of such complaint, the proceedings shall be conducted in accordance with  
52 the provisions of chapter 621. Upon a finding by the administrative hearing commission that the  
53 grounds provided in subsection 2 of this section for disciplinary action are met, the division may  
54 censure or place the person named in the complaint on probation on such terms and conditions  
55 as the committee deems appropriate for a period not to exceed five years, or may suspend for a  
56 period not to exceed three years, or revoke the license.

337.733. 1. Violation of any provision of sections 337.700 to ~~337.739~~ **337.736** is a  
2 class B misdemeanor.

3 2. All fees or other compensation received for services which are rendered in violation  
4 of sections 337.700 to ~~337.739~~ **337.736** shall be refunded.

5 3. The department on behalf of the division may sue in its own name in any court in this  
6 state. The department shall inquire as to any violations of sections 337.700 to ~~337.739~~  
7 **337.736**, may institute actions for penalties prescribed, and shall enforce generally the provisions  
8 of sections 337.700 to ~~337.739~~ **337.736**.

9           4. Upon application by the committee, the attorney general may on behalf of the division  
10 request that a court of competent jurisdiction grant an injunction, restraining order or other order  
11 as may be appropriate to enjoin a person from:

12           (1) Offering to engage or engaging in the performance of any acts or practices for which  
13 a certificate of registration or authority, permit or license is required upon a showing that such  
14 acts or practices were performed or offered to be performed without a certificate of registration  
15 or authority, permit or license;

16           (2) Engaging in any practice of business authorized by a certificate of registration or  
17 authority, permit or license issued pursuant to sections 337.700 to ~~337.739~~ **337.736**, upon a  
18 showing that the holder presents a substantial probability of serious harm to the health, safety or  
19 welfare of any resident of this state or client or patient of the licensee.

20           5. Any action brought pursuant to the provisions of this section shall be commenced  
21 either in the county in which such conduct occurred or in the county in which the defendant  
22 resides.

23           6. Any action brought under this section may be in addition to or in lieu of any penalty  
24 provided by sections 337.700 to ~~337.739~~ **337.736** and may be brought concurrently with other  
25 actions to enforce the provisions of sections 337.700 to ~~337.739~~ **337.736**.

          337.736. Persons licensed under the provisions of sections 337.700 to ~~337.739~~ **337.736**  
2 may not disclose any information acquired from persons consulting them in their professional  
3 capacity, or be compelled to disclose such information except:

4           (1) With the written consent of the client, or in the case of the client's death or disability,  
5 the client's personal representative or other person authorized to sue or the beneficiary of any  
6 insurance policy on the client's life, health or physical condition;

7           (2) When such information pertains to a criminal act;

8           (3) When the person is a child under the age of eighteen years and the information  
9 acquired by the licensee indicated that the child was the victim of a crime;

10           (4) When the person waives the privilege by bringing charges against the licensee;

11           (5) When the licensee is called upon to testify in any court or administrative hearings  
12 concerning matters of adoption, adult abuse, child abuse, child neglect or other matters pertaining  
13 to the welfare of clients of the licensee; or

14           (6) When the licensee is collaborating or consulting with professional colleagues or an  
15 administrative superior on behalf of the client.

**337.800. 1. There is hereby created a "State Committee of Mental Health Care  
2 Providers". The committee shall be responsible for monitoring and promoting mental  
3 health care standards and services. In addition to these general duties, the committee shall  
4 also:**

5 (1) Monitor, support, and promote marital and family therapy services;

6 (2) Adopt rules and regulations in accordance and not otherwise inconsistent with  
7 the powers set forth in sections 337.010 to 337.090;

8 (3) Promulgate ethical rules of conduct governing the practices of psychology. Such  
9 rules shall be based upon the ethical principles promulgated and published by the  
10 American Psychological Association;

11 (4) Administer the renewal of licenses under section 337.030, including requiring  
12 each licensed psychologist to submit proof of the completion of at least forty hours of  
13 continuing education credits within the two-year period immediately preceding the date  
14 of the application for renewal of the license. The type of continuing education to be  
15 considered shall include, but not be limited to:

16 (a) Attending recognized educational seminars, the content of which are primarily  
17 psychological, as defined by rule;

18 (b) Attending a graduate level course at a recognized educational institution, the  
19 contents of which are primarily psychological, as defined by rule;

20 (c) Presenting a recognized educational seminar, the contents of which are  
21 primarily psychological, as defined by rule;

22 (d) Presenting a graduate level course at a recognized educational institution, the  
23 contents of which are primarily psychological, as defined by rule; and

24 (e) Independent courses of study, the contents of which are primarily psychological,  
25 which have been approved by the committee and defined by rule.

26

27 The committee shall determine by administrative rule the amount of training, instruction,  
28 self-instruction, or teaching that shall be counted as an hour of continuing education  
29 credit;

30 (5) Approve the examination required by section 337.510 and assist the division in  
31 carrying out the provisions of sections 337.500 to 337.540;

32 (6) Approve any examination required by sections 337.600 to 337.689 and assist the  
33 division in carrying out the provisions of sections 337.600 to 337.689; and

34 (7) Generally guide, advise, and make recommendations to the division and fulfill  
35 other responsibilities designated by this chapter.

36 2. The committee shall be comprised of two members of the state committee of  
37 marital and family therapists, two members of the state committee of psychologists, two  
38 members of the committee of professional counselors, and two members of the committee  
39 for social workers. One appointee from each committee shall serve a term of two years and  
40 the other appointee shall serve a term of four years. Subsequent committee members shall



41 **be appointed by the governor to serve a term of four years. Subsequent appointees shall**  
42 **have experience and expertise in substantially the same field as the committee member**  
43 **whose seat they are filling.**

44 **3. The committee shall have the authority to appoint subcommittees to carry out**  
45 **its duties in the areas of marital and family therapy, psychology, professional counseling,**  
46 **social work, and in any other area that the board deems necessary.**

348.020. There is hereby created, with such duties and powers as are set forth in sections  
2 348.005 to 348.415 to carry out the provisions hereof, a body politic and corporate, an  
3 independent instrumentality exercising essential public functions, to be known as the "Missouri  
4 Agricultural and Small Business Development Authority". The powers of the authority shall be  
5 vested in seven commissioners, who shall be residents of this state, to be appointed by the  
6 ~~[governor, by and with the advice and consent of the senate, except that the director of the~~  
7 ~~department of agriculture shall serve as a member of the authority as an ex officio member]~~  
8 **director of the department of agriculture.** Not more than four of the commissioners shall be  
9 of the same political party.

348.265. 1. As soon as practicable after February 3, 2012, the director of the department  
2 of economic development, with the assistance of the director of the department of revenue, shall  
3 establish the base year gross wages and report the amount of the base year gross wages to the  
4 president and board of the corporation, the governor, and the general assembly. Within one  
5 hundred eighty days after the end of each fiscal year beginning with the fiscal year ending June  
6 30, 2011, and for each subsequent fiscal year prior to the end of the last funding year, the director  
7 of economic development, with the assistance of the director of the department of revenue, shall  
8 determine and report to the president and board of the corporation, governor, and general  
9 assembly the amount by which aggregate science and innovation employees' gross wages for the  
10 fiscal year exceeds the base year gross wages. The director of economic development and the  
11 director of the department of revenue may consider any verifiable evidence, including but not  
12 limited to the NAICS codes assigned or recorded by the United States Department of Labor for  
13 companies with employees in the state, when determining which organizations should be  
14 classified as science and innovation companies.

15 2. Notwithstanding section 23.250 to the contrary, for each of the twenty-five funding  
16 years, beginning July 1, 2012, subject to appropriation, the director of revenue shall transfer to  
17 the Missouri science and innovation reinvestment fund an amount not to exceed an amount equal  
18 to the product of the applicable percentage multiplied by an amount equal to the increase in  
19 aggregate science and innovation employees' gross wages for the prior fiscal year, over the base  
20 year gross wages. The director of revenue may make estimated payments to the Missouri science

21 and innovation reinvestment fund more frequently based on estimates provided by the director  
22 of revenue and reconciled annually.

23 3. Local political subdivisions may contribute to the Missouri science and innovation  
24 reinvestment fund through a grant, contract, or loan by dedicating a portion of any sales tax or  
25 property tax increase resulting from increases in science and innovation company economic  
26 activity occurring after February 3, 2012, or other such taxes or fees as such local political  
27 subdivisions may establish.

28 4. Funding generated by the provisions of this section shall be expended by the  
29 corporation to further its purposes as specified in section 348.256.

30 5. Upon enactment of this section, the corporation shall prepare a strategic plan for the  
31 use of the funding to be generated by the provisions of this section, and may consult with science  
32 and innovation partners, including but not limited to the research alliance of Missouri, as  
33 established in section 348.257[; the life sciences research board established in section 196.1103;]  
34 and the innovation centers or centers for advanced technology, as established in section 348.272.  
35 The corporation shall make a draft strategic plan available for public comment prior to  
36 publication of the final strategic plan.

536.305. 1. There is hereby established the "Small Business Regulatory Fairness Board".  
2 [~~The department of economic development shall provide staff support for the board.~~] **Beginning**  
3 **July 1, 2019, the board shall be an autonomous entity in the secretary of state's office.**

4 2. The board shall be composed of [~~nine~~] **eight** members appointed in the following  
5 manner:

6 (1) [~~One member who is the chair of the minority business advocacy commission;~~

7 ~~—(2)] One member appointed by the president pro tempore of the senate;~~

8 [~~(3)] (2) One member appointed by the ranking minority [leader] member of the~~  
9 senate;

10 [~~(4)] (3) One member appointed by the speaker of the house of representatives;~~

11 [~~(5)] (4) One member appointed by the ranking minority [leader] member of the house~~  
12 of representatives; [~~and]~~

13 [~~(6)] (5) [Four] Two members appointed by the governor[-] ; and~~

14 **(6) Two members appointed by the secretary of state.**

15 3. Each member of the board[~~, except for the public members and the chair of the~~  
16 ~~minority business advocacy commission,~~] shall be a current or former owner or officer of a small  
17 business. All members of the board shall represent a variety of small businesses, both rural and  
18 urban, and be from a variety of geographical areas of this state, provided that no more than two  
19 members shall represent the same type of small business.

20           4. Members of the board shall serve a term of three years and may be reappointed at the  
21 conclusion of the term. No member shall serve more than three consecutive terms.  
22 Appointments shall be made so that one-third of the membership of the board shall terminate  
23 each year. The governor shall appoint the initial chairperson of the board and a majority of the  
24 board shall elect subsequent chairpersons. The chairperson shall serve as chair for a term of not  
25 more than two years.

26           5. Members of the board shall serve without compensation, but may be reimbursed for  
27 reasonable and necessary expenses relating to their performance of duties, according to the rules  
28 and regulations of travel issued by the office of administration. Members will be required to  
29 submit an expense account form in order to obtain reimbursement for expenses incurred.

30           6. The board shall meet as often as necessary, as determined by the chairperson, **or the**  
31 **majority**, of the board. All meetings of the board will be conducted in accordance with the  
32 governmental bodies and records act, chapter 610, including closed sessions. Notice will be  
33 posted and will be provided to the joint committee on administrative rules. Minutes of the  
34 meetings shall be provided to all members, the office of the governor, and the joint committee  
35 on administrative rules.

36           7. In addition to any other powers provided by sections 536.300 to 536.328, the board  
37 may adopt any rules necessary to implement sections 536.300 to 536.328 and take any action  
38 necessary to effectuate the purposes of sections 536.300 to 536.328. Any rule or portion of a  
39 rule, as that term is defined in section 536.010, that is created under the authority delegated in  
40 this section shall become effective only if it complies with and is subject to all of the provisions  
41 of this chapter and, if applicable, section 536.028. This section and this chapter are nonseverable  
42 and if any of the powers vested with the general assembly pursuant to this chapter to review, to  
43 delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional,  
44 then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2005,  
45 shall be invalid and void.

          620.455. There is created in the executive department a "Tourism Commission"  
2 composed of ~~ten~~ **eleven** members, including the lieutenant governor, two members of the  
3 senate of different political parties appointed by the president pro tem of the senate, two  
4 members of the house of representatives of different political parties appointed by the speaker  
5 of the house, **one person with knowledge of the film industry appointed by the department**  
6 **of economic development**, and five other persons appointed by the governor. The members  
7 appointed by the governor may include, but are not limited to, persons engaged in the tourism  
8 industry and no more than three shall be of the same political party. The members, at the time  
9 of their appointment, shall be residents of the state of Missouri. On or after January 15, 1989,  
10 the governor, with the advice and consent of the senate, shall appoint one member of the

11 commission for a term of one year, two members for two years, one member for three years and  
12 one member for four years. Their successors shall serve a term of four years. The terms of  
13 commissioners holding gubernatorial appointment on September 28, 1987, shall continue until  
14 January 15, 1989, and until their respective successors are appointed and duly qualified.  
15 Members who move from the state during their term on the commission shall be deemed to have  
16 vacated their position on the commission. Vacancies in the membership of the commission shall  
17 be filled in the same manner as the original appointments. The commission shall elect a member  
18 of its own group as chairman at the first meeting, which shall be called by the governor. The  
19 commission shall meet at least four times in a calendar year at the call of the chairman. The  
20 commission shall determine all matters relating to policy and the administration of tourism  
21 promotion. The commission shall report to each regular session of the general assembly its  
22 recommendations for legislation in the field of the promotion of tourism and related subjects in  
23 Missouri. Members of the commission shall serve without compensation but shall be reimbursed  
24 for necessary expenses incurred in the performance of their duties.

620.465. The division of tourism shall have the following powers:

- 2 (1) To formulate a program for the promotion of tourism in Missouri, including the  
3 promotion of our state parks, fishing and hunting areas, historical shrines, vacation regions and  
4 areas of historic or scenic interest;
- 5 (2) To cooperate with civic groups and local, state and federal departments and agencies,  
6 and agencies and departments of other states in encouraging educational tourism and developing  
7 programs therefor;
- 8 (3) To publish tourist promotional material such as brochures and booklets;
- 9 (4) To promote tourism in Missouri by articles and advertisements in magazines,  
10 newspapers, radio, television and travel publications and by establishing promotional exhibitions  
11 at travel shows and similar exhibitions;
- 12 (5) To establish and maintain travel offices at major points of entry to the state;
- 13 (6) To accept any grant of funds made to it for the promotion of tourism in Missouri;
- 14 (7) **To encourage the production of motion pictures in Missouri, including to:**
  - 15 **(a) Explain the benefits and advantages of producing motion pictures in Missouri**  
16 **and describe the services and assistance available from the state and local governments for**  
17 **the producers of motion pictures;**
  - 18 **(b) Scout potential film locations for national and international film prospects and**  
19 **prepare and distribute promotional, informational, and advertising materials that describe**  
20 **and promote locations within the state for the production of motion pictures;**
  - 21 **(c) Encourage cooperation between local, state, and federal government agencies**  
22 **in the location and production of motion pictures in the state;**

23           **(d) Serve as a liaison between filmmakers, community leaders, and federal, state,**  
24 **and local authorities;**

25           **(e) Assist motion picture companies in securing permits to film at specific locations**  
26 **within the state and assist such companies in obtaining other needed services related to the**  
27 **production of motion pictures;**

28           **(f) Escort film production prospects on scouting trips;**

29           **(g) Prepare a directory of the persons, firms, and governmental agencies available**  
30 **to assist in the production of motion pictures;**

31           **(h) Sponsor workshops on topics relating to filmmaking, including screenwriting,**  
32 **film financing, and preparing communities to attract and assist motion picture**  
33 **productions;**

34           **(i) Represent the state at film industry trade shows and film festivals; and**

35           **(j) Produce and maintain a video library that depicts the variety and extent of the**  
36 **locations within Missouri, including rural locations, available for the production of motion**  
37 **pictures; and**

38           ~~(7)~~ **(8) To do such other acts as shall, in the judgment of the division, be necessary and**  
39 **proper in carrying out the purposes of sections 620.450 to 620.465.**

620.2005. As used in sections 620.2000 to 620.2020, the following terms mean:

2           (1) "Average wage", the new payroll divided by the number of new jobs, or the payroll  
3 of the retained jobs divided by the number of retained jobs;

4           (2) "Commencement of operations", the starting date for the qualified company's first  
5 new employee, which shall be no later than twelve months from the date of the approval;

6           (3) "County average wage", the average wages in each county as determined by the  
7 department for the most recently completed full calendar year. However, if the computed county  
8 average wage is above the statewide average wage, the statewide average wage shall be deemed  
9 the county average wage for such county for the purpose of determining eligibility. The  
10 department shall publish the county average wage for each county at least annually.  
11 Notwithstanding the provisions of this subdivision to the contrary, for any qualified company  
12 that in conjunction with their project is relocating employees from a Missouri county with a  
13 higher county average wage, the company shall obtain the endorsement of the governing body  
14 of the community from which jobs are being relocated or the county average wage for their  
15 project shall be the county average wage for the county from which the employees are being  
16 relocated;

17           (4) "Department", the Missouri department of economic development;

18           (5) "Director", the director of the department of economic development;

19           (6) "Employee", a person employed by a qualified company, excluding:

20 (a) Owners of the qualified company unless the qualified company is participating in an  
21 employee stock ownership plan; or

22 (b) Owners of a noncontrolling interest in stock of a qualified company that is publicly  
23 traded;

24 (7) "Existing Missouri business", a qualified company that, for the ten-year period  
25 preceding submission of a notice of intent to the department, had a physical location in Missouri  
26 and full-time employees who routinely perform job duties within Missouri;

27 (8) "Full-time employee", an employee of the qualified company that is scheduled to  
28 work an average of at least thirty-five hours per week for a twelve-month period, and one for  
29 which the qualified company offers health insurance and pays at least fifty percent of such  
30 insurance premiums. An employee that spends less than fifty percent of the employee's work  
31 time at the facility shall be considered to be located at a facility if the employee receives his or  
32 her directions and control from that facility, is on the facility's payroll, one hundred percent of  
33 the employee's income from such employment is Missouri income, and the employee is paid at  
34 or above the applicable percentage of the county average wage;

35 (9) "Local incentives", the present value of the dollar amount of direct benefit received  
36 by a qualified company for a project facility from one or more local political subdivisions, but  
37 this term shall not include loans or other funds provided to the qualified company that shall be  
38 repaid by the qualified company to the political subdivision;

39 (10) "NAICS" or "NAICS industry classification", the classification provided by the  
40 most recent edition of the North American Industry Classification System as prepared by the  
41 Executive Office of the President, Office of Management and Budget;

42 (11) "New capital investment", shall include costs incurred by the qualified company at  
43 the project facility after acceptance by the qualified company of the proposal for benefits from  
44 the department or the approval notice of intent, whichever occurs first, for real or personal  
45 property, and may include the value of finance or capital leases for real or personal property for  
46 the term of such lease at the project facility executed after acceptance by the qualified company  
47 of the proposal for benefits from the department or the approval of the notice of intent;

48 (12) "New direct local revenue", the present value of the dollar amount of direct net new  
49 tax revenues of the local political subdivisions likely to be produced by the project over a  
50 ten-year period as calculated by the department, excluding local earnings tax, and net new utility  
51 revenues, provided the local incentives include a discount or other direct incentives from utilities  
52 owned or operated by the political subdivision;

53 (13) "New job", the number of full-time employees located at the project facility that  
54 exceeds the project facility base employment less any decrease in the number of full-time

55 employees at related facilities below the related facility base employment. No job that was  
56 created prior to the date of the notice of intent shall be deemed a new job;

57 (14) "New payroll", the amount of wages paid for all new jobs, located at the project  
58 facility during the qualified company's tax year that exceeds the project facility base payroll;

59 (15) "Notice of intent", a form developed by the department and available online,  
60 completed by the qualified company, and submitted to the department stating the qualified  
61 company's intent to request benefits under this program;

62 (16) "Percent of local incentives", the amount of local incentives divided by the amount  
63 of new direct local revenue;

64 (17) "Program", the Missouri works program established in sections 620.2000 to  
65 620.2020;

66 (18) "Project facility", the building or buildings used by a qualified company at which  
67 new or retained jobs and any new capital investment are or will be located. A project facility  
68 may include separate buildings located within sixty miles of each other such that their purpose  
69 and operations are interrelated; provided that where the buildings making up the project facility  
70 are not located within the same county, the average wage of the new payroll shall exceed the  
71 applicable percentage of the highest county average wage among the counties in which the  
72 buildings are located. Upon approval by the department, a subsequent project facility may be  
73 designated if the qualified company demonstrates a need to relocate to the subsequent project  
74 facility at any time during the project period;

75 (19) "Project facility base employment", the greater of the number of full-time  
76 employees located at the project facility on the date of the notice of intent or, for the  
77 twelve-month period prior to the date of the notice of intent, the average number of full-time  
78 employees located at the project facility. In the event the project facility has not been in  
79 operation for a full twelve-month period, the average number of full-time employees for the  
80 number of months the project facility has been in operation prior to the date of the notice of  
81 intent;

82 (20) "Project facility base payroll", the annualized payroll for the project facility base  
83 employment or the total amount of wages paid by the qualified company to full-time employees  
84 of the qualified company located at the project facility in the twelve months prior to the notice  
85 of intent. For purposes of calculating the benefits under this program, the amount of base payroll  
86 shall increase each year based on an appropriate measure, as determined by the department;

87 (21) "Project period", the time period within which benefits are awarded to a qualified  
88 company or within which the qualified company is obligated to perform under an agreement with  
89 the department, whichever is greater;

90 (22) "Projected net fiscal benefit", the total fiscal benefit to the state less any state  
91 benefits offered to the qualified company, as determined by the department;

92 (23) "Qualified company", a firm, partnership, joint venture, association, private or  
93 public corporation whether organized for profit or not, or headquarters of such entity registered  
94 to do business in Missouri that is the owner or operator of a project facility, certifies that it offers  
95 health insurance to all full-time employees of all facilities located in this state, and certifies that  
96 it pays at least fifty percent of such insurance premiums. For the purposes of sections 620.2000  
97 to 620.2020, the term "qualified company" shall not include:

98 (a) Gambling establishments (NAICS industry group 7132);

99 (b) Store front consumer-based retail trade establishments (under NAICS sectors 44 and  
100 45), except with respect to any company headquartered in this state with a majority of its  
101 full-time employees engaged in operations not within the NAICS codes specified in this  
102 subdivision;

103 (c) Food and drinking places (NAICS subsector 722);

104 (d) Public utilities (NAICS 221 including water and sewer services);

105 (e) Any company that is delinquent in the payment of any nonprotested taxes or any  
106 other amounts due the state or federal government or any other political subdivision of this state;

107 (f) Any company requesting benefits for retained jobs that has filed for or has publicly  
108 announced its intention to file for bankruptcy protection. However, a company that has filed for  
109 or has publicly announced its intention to file for bankruptcy may be a qualified company  
110 provided that such company:

111 a. Certifies to the department that it plans to reorganize and not to liquidate; and

112 b. After its bankruptcy petition has been filed, it produces proof, in a form and at times  
113 satisfactory to the department, that it is not delinquent in filing any tax returns or making any  
114 payment due to the state of Missouri, including but not limited to all tax payments due after the  
115 filing of the bankruptcy petition and under the terms of the plan of reorganization. Any taxpayer  
116 who is awarded benefits under this subsection and who files for bankruptcy under Chapter 7 of  
117 the United States Bankruptcy Code, Title 11 U.S.C., shall immediately notify the department and  
118 shall forfeit such benefits and shall repay the state an amount equal to any state tax credits  
119 already redeemed and any withholding taxes already retained;

120 (g) Educational services (NAICS sector 61);

121 (h) Religious organizations (NAICS industry group 8131);

122 (i) Public administration (NAICS sector 92);

123 (j) Ethanol distillation or production;

124 (k) Biodiesel production; or

125 (l) Health care and social services (NAICS sector 62).



126

127 Notwithstanding any provision of this section to the contrary, the headquarters, administrative  
128 offices, or research and development facilities of an otherwise excluded business may qualify  
129 for benefits if the offices or facilities serve a multistate territory. In the event a national, state,  
130 or regional headquarters operation is not the predominant activity of a project facility, the jobs  
131 and investment of such operation shall be considered eligible for benefits under this section if  
132 the other requirements are satisfied;

133 (24) "Related company", shall mean:

134 (a) A corporation, partnership, trust, or association controlled by the qualified company;

135 (b) An individual, corporation, partnership, trust, or association in control of the  
136 qualified company; or

137 (c) Corporations, partnerships, trusts or associations controlled by an individual,  
138 corporation, partnership, trust, or association in control of the qualified company. As used in this  
139 paragraph, "control of a qualified company" shall mean:

140 a. Ownership, directly or indirectly, of stock possessing at least fifty percent of the total  
141 combined voting power of all classes of stock entitled to vote in the case of a qualified company  
142 that is a corporation;

143 b. Ownership of at least fifty percent of the capital or profits interest in such qualified  
144 company if it is a partnership or association;

145 c. Ownership, directly or indirectly, of at least fifty percent of the beneficial interest in  
146 the principal or income of such qualified company if it is a trust, and ownership shall be  
147 determined as provided in Section 318 of the Internal Revenue Code of 1986, as amended;

148 (25) "Related facility", a facility operated by the qualified company or a related company  
149 located in this state that is directly related to the operations of the project facility or in which  
150 operations substantially similar to the operations of the project facility are performed;

151 (26) "Related facility base employment", the greater of the number of full-time  
152 employees located at all related facilities on the date of the notice of intent or, for the  
153 twelve-month period prior to the date of the notice of intent, the average number of full-time  
154 employees located at all related facilities of the qualified company or a related company located  
155 in this state;

156 (27) "Related facility base payroll", the annualized payroll of the related facility base  
157 payroll or the total amount of taxable wages paid by the qualified company to full-time  
158 employees of the qualified company located at a related facility in the twelve months prior to the  
159 filing of the notice of intent. For purposes of calculating the benefits under this program, the  
160 amount of related facility base payroll shall increase each year based on an appropriate measure,  
161 as determined by the department;

162 (28) "Rural area", a county in Missouri with a population less than seventy-five thousand  
163 or that does not contain an individual city with a population greater than fifty thousand according  
164 to the most recent federal decennial census;

165 (29) "Tax credits", tax credits issued by the department to offset the state taxes imposed  
166 by chapters 143 and 148, or which may be sold or refunded as provided for in this program;

167 (30) "Withholding tax", the state tax imposed by sections 143.191 to 143.265. For  
168 purposes of this program, the withholding tax shall be computed using a schedule as determined  
169 by the department based on average wages; ~~and~~

170 ~~——(31) This section is subject to the provisions of section 196.1127].~~

633.200. 1. For purposes of this section, the term "autism spectrum disorder" shall be  
2 defined as in standard diagnostic criteria for pervasive developmental disorder, to include autistic  
3 disorder; Asperger's syndrome; pervasive developmental disorder-not otherwise specified;  
4 childhood disintegrative disorder; and Rett's syndrome.

5 2. There is hereby created the "Missouri Commission on Autism Spectrum Disorders"  
6 to be housed within the department of mental health. The department of mental health shall  
7 provide technical and administrative support as required by the commission. The commission  
8 shall meet on at least four occasions annually, including at least two occasions before the end of  
9 December of the first year the commission is fully established. The commission may hold  
10 meetings by telephone or video conference. The commission shall advise and make  
11 recommendations to the governor, general assembly, and relevant state agencies regarding  
12 matters concerning all state levels of autism spectrum disorder services, including health care,  
13 education, and other adult and adolescent services.

14 3. The commission shall be composed of twenty-four members, consisting of the  
15 following:

16 (1) Four members of the general assembly, with two members from the senate and two  
17 members from the house of representatives. The president pro tem of the senate shall appoint  
18 one member from the senate and the minority leader of the senate shall appoint one member from  
19 the senate. The speaker of the house shall appoint one member from the house of representatives  
20 and the minority leader of the house shall appoint one member from the house of representatives;

21 (2) The director of the department of mental health, or his or her designee;

22 (3) The commissioner of the department of elementary and secondary education, or his  
23 or her designee;

24 (4) The director of the department of health and senior services, or his or her designee;

25 (5) The director of the department of public safety, or his or her designee;

26 (6) The commissioner of the department of higher education, or his or her designee;

27 (7) The director of the department of social services, or his or her designee;

- 28 (8) The director of the department of insurance, financial institutions and professional  
29 registration, or his or her designee;
- 30 (9) Two representatives from different institutions of higher learning located in Missouri;
- 31 (10) An individual employed as a director of special education at a school district located  
32 in Missouri;
- 33 (11) A speech and language pathologist;
- 34 (12) A diagnostician;
- 35 (13) A mental health provider;
- 36 (14) A primary care physician;
- 37 (15) Two parents of individuals with autism spectrum disorder, including one parent of  
38 an individual under the age of eighteen and one parent of an individual over the age of eighteen;
- 39 (16) Two individuals with autism spectrum disorder;
- 40 (17) A representative from an independent private provider or nonprofit provider or  
41 organization;
- 42 (18) A member of a county developmental disability board.

43

44 The members of the commission, other than the members from the general assembly and  
45 ex-officio members, shall be appointed by the ~~[governor with the advice and consent of the~~  
46 ~~senate]~~ **director of the division of developmental disabilities of the department of mental**  
47 **health**. A chair of the commission shall be selected by the members of the commission. Of the  
48 members first appointed to the commission by the governor, half shall serve a term of four years  
49 and half shall serve a term of two years, and thereafter, members shall serve a term of four years.  
50 Members shall continue to serve until their successor is duly appointed and qualified. Any  
51 vacancy on the commission shall be filled in the same manner as the original appointment.  
52 Members shall serve on the commission without compensation but may be reimbursed for their  
53 actual and necessary expenses from moneys appropriated to the department of mental health.

54 4. The members of the commission shall consist of a broad representation of Missouri  
55 citizens, both urban and rural, who are concerned with the health and quality of life for  
56 individuals with autism spectrum disorder.

57 5. The commission shall make recommendations for developing a comprehensive  
58 statewide plan for an integrated system of training, treatment, and services for individuals of all  
59 ages with autism spectrum disorder. By July 1, 2009, the commission shall issue preliminary  
60 findings and recommendations to the general assembly.

61 6. In preparing the state plan, the commission shall specifically perform the following  
62 responsibilities and report on them accordingly, in conjunction with state agencies and the office  
63 of autism services:

64 (1) Study and report on the means for developing a comprehensive, coordinated system  
65 of care delivery across the state to address the increased and increasing presence of autism  
66 spectrum disorder and ensure that resources are created, well-utilized, and appropriately spread  
67 across the state:

68 (a) Determine the need for the creation of additional centers for diagnostic excellence  
69 in designated sectors of the state, which could provide clinical services, including assessment,  
70 diagnoses, and treatment of patients;

71 (b) Plan for effectively evaluating regional service areas throughout the state and their  
72 capacity, including outlining personnel and skills that exist within the service area, other  
73 capabilities that exist, and resource needs that may be unmet;

74 (c) Assess the need for additional behavioral intervention capabilities and, as necessary,  
75 the means for expanding those capabilities in a regional service area;

76 (d) Develop recommendations for expanding these services in conjunction with hospitals  
77 after considering the resources that exist in terms of specialty clinics and hospitals, and hospital  
78 inpatient care capabilities;

79 (2) Conduct an assessment of the need for coordinated, enhanced and targeted special  
80 education capabilities within each region of the state;

81 (3) Develop a recommendation for enlisting appropriate universities and colleges to  
82 ensure support and collaboration in developing certification or degree programs for students  
83 specializing in autism spectrum disorder intervention. This may include degree programs in  
84 education, special education, social work, and psychology; and

85 (4) Other responsibilities may include but not be limited to:

86 (a) Provide recommendations regarding training programs and the content of training  
87 programs being developed;

88 (b) Recommend individuals to participate in a committee of major stakeholders charged  
89 with developing screening, diagnostic, assessment, and treatment standards for Missouri;

90 (c) Participate in recommending a panel of qualified professionals and experts to review  
91 existing models of evidence-based educational practices for adaptation specific to Missouri;

92 (d) Examine the barriers to accurate information of the prevalence of individuals with  
93 autism spectrum disorder across the state and recommend a process for accurate reporting of  
94 demographic data;

95 (e) Explore the need for the creation of interagency councils and evaluation of current  
96 councils to ensure a comprehensive, coordinated system of care for all individuals with autism  
97 spectrum disorder;

98 (f) Study or explore other developmental delay disorders and genetic conditions known  
99 to be associated with autism, including fragile X syndrome; Sotos syndrome; Angelman  
100 syndrome; and tuberous sclerosis.

643.040. 1. There is created hereby an air pollution control agency to be known as the  
2 "Air Conservation Commission of the State of Missouri", whose domicile for the purposes of  
3 sections 643.010 to 643.355 is the department of natural resources of the state of Missouri. The  
4 commission shall consist of seven members appointed by the governor, with the advice and  
5 consent of the senate. No more than four of the members shall belong to the same political party  
6 and no two members shall be a resident of and domiciled in the same senatorial district. At the  
7 first meeting of the commission and at yearly intervals thereafter, the members shall select from  
8 among themselves a chairman and a vice chairman.

9 2. All members shall be representative of the general interest of the public and shall have  
10 an interest in and knowledge of air conservation and the effects and control of air contaminants.  
11 At least three of such members shall represent agricultural, industrial and labor interests,  
12 respectively. The governor shall not appoint any other person who has a substantial interest as  
13 defined in section 105.450 in any business entity regulated under this chapter or any business  
14 entity which would be regulated under this chapter if located in Missouri. The commission shall  
15 establish rules of procedure which specify when members shall exempt themselves from  
16 participating in discussions and from voting on issues before the commission due to potential  
17 conflict of interest.

18 3. The members' terms of office shall be four years and until their successors are selected  
19 and qualified, except that the terms of those first appointed shall be staggered to expire at  
20 intervals of one, two and three years after the date of appointment as designated by the governor  
21 at the time of appointment. There is no limitation of the number of terms any appointed member  
22 may serve. If a vacancy occurs the governor may appoint a member for the remaining portion  
23 of the unexpired term created by the vacancy. The governor may remove any appointed member  
24 for cause. The members of the commission shall be reimbursed for travel and other expenses  
25 actually and necessarily incurred in the performance of their duties.

26 4. The commission shall hold at least nine regular meetings each year and such  
27 additional regular meetings as the chairman deems desirable at a place and time to be fixed by  
28 the chairman. Special meetings may be called by three members of the commission upon  
29 delivery of written notice to each member of the commission. Reasonable written notice of all  
30 meetings shall be given to all members of the commission. Four members of the commission  
31 shall constitute a quorum. All powers and duties conferred upon members of the commission  
32 shall be exercised personally by the members and not by alternates or representatives. All  
33 actions of the commission shall be taken at meetings open to the public, except as provided in

34 chapter 610. Any member absent from four regular commission meetings per calendar year for  
35 any cause whatsoever shall be deemed to have resigned and the vacancy shall be filled  
36 immediately in accordance with subsection 1 and subsection 3 of this section.

37 **5. The commission shall also:**

38 **(1) Receive reports from the ombudsman under section 643.175;**

39 **(2) Evaluate the impact of sections 643.010 to 643.190 and the rules promulgated**  
40 **thereunder on small business;**

41 **(3) Review and assess the impact of enforcement policies on small business**  
42 **operations in Missouri;**

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

46 **(5) Recommend to the commission rules establishing an expedited review of**  
47 **modifications for small businesses; and**

48 **(6) Conduct hearings, determine facts, and make investigations consistent with the**  
49 **purposes of this section.**

**650.560. 1. There is hereby established the "Public Safety Board". The public**  
2 **safety board shall be generally responsible for making recommendations to the department**  
3 **for general public safety. In addition to these general duties, the board shall:**

4 **(1) Regularly review the function of the AMBER alert system and revise its criteria**  
5 **and procedures in cooperation with the department of public safety to provide for efficient**  
6 **and effective public notification;**

7 **(2) Adopt criteria and procedures to expand the AMBER alert system to provide**  
8 **urgent public alerts related to homeland security, criminal acts, health emergencies, and**  
9 **other imminent dangers to the public health and welfare; and**

10 **(3) Coordinate education needs, in cooperation with community colleges, colleges**  
11 **and universities, regional training facilities, and fire and emergency services training**  
12 **entities, and determine appropriate programs and activities for which the funds collected**  
13 **under section 320.094 may be expended.**

14 **2. The board shall be composed of the following members:**

15 **(1) One representative of the Missouri Sheriffs' Association;**

16 **(2) One representative of the Missouri Police Chiefs Association;**

17 **(3) One representative of small-market radio broadcasters;**

18 **(4) One representative of large-market radio broadcasters;**

19 **(5) One representative of television broadcasters;**

20 **(6) One firefighter who serves as a volunteer of a recognized fire department;**

- 21           **(7) One firefighter employed full time by a recognized fire department;**  
22           **(8) One fire services training officer;**  
23           **(9) One person with expertise in fire investigation;**  
24           **(10) One insurer licensed to provide insurance coverage for losses due to fire; and**  
25           **(11) One member who provides fire safety appliances or equipment.**

701.040. 1. The department of health and senior services shall:

2           (1) Develop by September 1, 1995, a state standard for the location, size of sewage tanks  
3 and length of lateral lines based on the percolation or permeability rate of the soil, construction,  
4 installation, and operation of on-site sewage disposal systems. Advice from the department of  
5 natural resources shall be considered. City or county governments may adopt, by order or  
6 ordinance, the state standard in accordance with the provisions of sections 701.025 to 701.059.  
7 In any jurisdiction where a city or county has not adopted the state standard, the department of  
8 health and senior services shall enforce the state standard until such time as the city or county  
9 adopts the standard;

10           (2) Define by rule a list of those persons who are qualified to perform the percolation  
11 tests or soils morphology tests required by the state standard. The list shall include the  
12 following:

13           (a) Persons trained and certified by either the department, which shall include on-site  
14 sewage disposal system contractors or a certified agent of the department;

15           (b) Licensed engineers as defined in section 327.011;

16           (c) Sanitarians meeting standards defined by the department;

17           (d) Qualified geologists as defined in section 256.501; and

18           (e) Soil scientists, defined as a person that has successfully completed at least fifteen  
19 semester credit hours of soils science course work, including at least three hours of course work  
20 in soil morphology and interpretations;

21           (3) Develop in accordance with sections 701.053 to 701.055 a voluntary registration  
22 program for on-site sewage disposal system contractors. Approved county programs shall  
23 implement the contractor registration program. In any area where a county has not adopted, by  
24 order or ordinance, the contractor registration program, the department shall implement the  
25 program until such time as the county adopts the registration program;

26           (4) Establish an education training program specifically developed for contractors and  
27 city and county employees. Contractors may be taught and allowed to perform percolation tests.  
28 Reasonable fees may be charged of the participants to cover the cost of the training and shall be  
29 deposited in the public health services fund created in section 192.900. The department shall  
30 provide, as a part of the education training program, an installation manual for on-site sewage

31 disposal systems. The manual shall also be made available, at the cost of publication and  
32 distribution, to persons not participating in the education and training program;

33 (5) Periodically review, but not more than annually, any county's or city's ordinance or  
34 order and enforcement record to assure that the state standard is being consistently and  
35 appropriately enforced. In its review the department shall assess the timeliness of the county's  
36 or city's inspections of on-site sewage systems, and county or city enforcement may be  
37 terminated if the department determines that the county or city is unable to provide prompt  
38 inspections. If the department determines that the standard is not being consistently or  
39 appropriately enforced in any city or county, the department shall notify the county or city of the  
40 department's intent to enforce the standard in that jurisdiction and after thirty days' notice hold  
41 a public hearing in such county or city to make a determination as to whether the state shall  
42 enforce the state standard. Any city or county aggrieved by a decision of the department may  
43 appeal a decision of the department to the ~~[state board of health established under section~~  
44 ~~191.400]~~ **health and senior services board established under section 192.2700**. Any city or  
45 county aggrieved by a decision of the ~~[state board of health]~~ **health and senior services board**  
46 may appeal that decision to the administrative hearing commission in the manner provided in  
47 section 621.120; and

48 (6) Promulgate such rules and regulations as are necessary to carry out the provisions of  
49 sections 701.025 to 701.059.

50 2. Subdivision (5) of this section shall be void and of no effect after January 1, 1998.

701.353. 1. There is hereby established an "Elevator Safety Board" to be composed of  
2 ~~[eleven]~~ **ten** members, one of whom shall be the director of the department of public safety. The  
3 remaining ~~[ten]~~ **nine** members of the board shall be appointed by the governor with the advice  
4 and consent of the senate. Each member appointed by the governor shall be appointed for a term  
5 of five years or until his successor is appointed. The governor shall fill any vacancy on the board  
6 for the remainder of the unexpired term with a representative of the same interest as that of the  
7 member whose term is vacant. No more than six members of the board, who are not employees  
8 of state or local government, shall be members of the same political party.

9 2. ~~[Two members]~~ **One member** of the board shall represent the interests of labor and  
10 shall be involved in the elevator industry. Two members of the board shall be representatives  
11 of manufacturers of elevators used in this state. One member of the board shall be an architect  
12 or mechanical engineer. One member of the board shall be a representative of owners of  
13 buildings affected by sections 701.350 to 701.380. Two members shall be building officials with  
14 responsibility for administering elevator regulations, one from each municipality having a  
15 population of at least three hundred fifty thousand inhabitants. One member of the board shall



16 be a representative of the disabled community who is familiar with the provisions of the Federal  
17 Americans with Disabilities Act. One member shall be a representative of the special inspectors.

18 3. The director of the department shall call the first meeting of the board within sixty  
19 days after all members have been appointed and qualified. The members from among their  
20 membership shall elect a chairman. After the initial meeting the members shall meet at the call  
21 of the chairman, but shall meet at least four times per year. Six members of the board shall  
22 constitute a quorum.

23 4. The members of the board shall serve without pay, but they shall receive per diem  
24 expenses in an equivalent amount as allowed for members of the general assembly.

2 ~~[160.2100. 1. Sections 160.2100 and 160.2110 shall be known and may  
be cited as "Erin's Law".~~

3 ~~2. The "Task Force on the Prevention of Sexual Abuse of Children" is  
4 hereby created to study the issue of sexual abuse of children. The task force shall  
5 consist of all of the following members:~~

6 ~~(1) One member of the general assembly appointed by the president pro  
7 tem of the senate;~~

8 ~~(2) One member of the general assembly appointed by the minority floor  
9 leader of the senate;~~

10 ~~(3) One member of the general assembly appointed by the speaker of the  
11 house of representatives;~~

12 ~~(4) One member of the general assembly appointed by the minority leader  
13 of the house of representatives;~~

14 ~~(5) The director of the department of social services or his or her  
15 designee;~~

16 ~~(6) The commissioner of education or his or her designee;~~

17 ~~(7) The director of the department of health and senior services or his or  
18 her designee;~~

19 ~~(8) The director of the office of prosecution services or his or her  
20 designee;~~

21 ~~(9) A representative representing law enforcement appointed by the  
22 governor;~~

23 ~~(10) Three active teachers employed in Missouri appointed by the  
24 governor;~~

25 ~~(11) A representative of an organization involved in forensic  
26 investigation relating to child abuse in this state appointed by the governor;~~

27 ~~(12) A school superintendent appointed by the governor;~~

28 ~~(13) A representative of the state domestic violence coalition appointed  
29 by the governor;~~

30 ~~(14) A representative from the juvenile and family court appointed by the  
31 governor;~~

32 ~~(15) A representative from Missouri Network of Child Advocacy Centers  
33 appointed by the governor;~~

34 ~~————— (16) An at-large member appointed by the governor.~~  
 35 ~~————— 3. Members of the task force shall be individuals who are actively~~  
 36 ~~involved in the fields of the prevention of child abuse and neglect and child~~  
 37 ~~welfare. The appointment of members shall reflect the geographic diversity of~~  
 38 ~~the state.~~  
 39 ~~————— 4. The task force shall elect a presiding officer by a majority vote of the~~  
 40 ~~membership of the task force. The task force shall meet at the call of the~~  
 41 ~~presiding officer.~~  
 42 ~~————— 5. The task force shall make recommendations for reducing child sexual~~  
 43 ~~abuse in Missouri. In making those recommendations, the task force shall:~~  
 44 ~~————— (1) Gather information concerning child sexual abuse throughout the~~  
 45 ~~state;~~  
 46 ~~————— (2) Receive reports and testimony from individuals, state and local~~  
 47 ~~agencies, community-based organizations, and other public and private~~  
 48 ~~organizations; and~~  
 49 ~~————— (3) Create goals for state policy that would prevent child sexual abuse.~~  
 50 ~~————— 6. The recommendations may include proposals for specific statutory~~  
 51 ~~changes and methods to foster cooperation among state agencies and between the~~  
 52 ~~state and local government.~~  
 53 ~~————— 7. The task force shall consult with employees of the department of social~~  
 54 ~~services, the department of public safety, department of elementary and~~  
 55 ~~secondary education, and any other state agency, board, commission, office, or~~  
 56 ~~department as necessary to accomplish the task force's responsibilities under this~~  
 57 ~~section.~~  
 58 ~~————— 8. The members of the task force shall serve without compensation and~~  
 59 ~~shall not be reimbursed for their expenses.~~  
 60 ~~————— 9. Beginning January 1, 2014, the department of elementary and~~  
 61 ~~secondary education, in collaboration with the task force, shall make yearly~~  
 62 ~~reports to the general assembly on the department's progress in preventing child~~  
 63 ~~sexual abuse.]~~  
 64

2 ~~[160.2110. 1. The task force on the prevention of sexual abuse of~~  
 3 ~~children established in section 160.2100 may adopt and implement a policy~~  
 4 ~~addressing sexual abuse of children that may include:~~  
 5 ~~————— (1) Age-appropriate curriculum for students in pre-K through fifth grade;~~  
 6 ~~————— (2) Training for school personnel on child sexual abuse;~~  
 7 ~~————— (3) Educational information to parents or guardians provided in the~~  
 8 ~~school handbook on the warning signs of a child being abused, along with any~~  
 9 ~~needed assistance, referral, or resource information;~~  
 10 ~~————— (4) Available counseling and resources for students affected by sexual~~  
 11 ~~abuse; and~~  
 12 ~~————— (5) Emotional and educational support for a child of abuse to continue~~  
~~to be successful in school.~~

- 13 ~~\_\_\_\_\_ 2. Any policy adopted may address without limitation:~~
- 14 ~~\_\_\_\_\_ (1) Methods for increasing teacher, student, and parent awareness of~~
- 15 ~~issues regarding sexual abuse of children, including knowledge of likely warning~~
- 16 ~~signs indicating that a child may be a victim of sexual abuse;~~
- 17 ~~\_\_\_\_\_ (2) Actions that a child who is a victim of sexual abuse could take to~~
- 18 ~~obtain assistance and intervention; and~~
- 19 ~~\_\_\_\_\_ (3) Available counseling options for students affected by sexual abuse.]~~
- 20

2 ~~[190.101. 1. There is hereby established a "State Advisory Council on~~

3 ~~Emergency Medical Services" which shall consist of sixteen members, one of~~

4 ~~which shall be a resident of a city not within a county. The members of the~~

5 ~~council shall be appointed by the governor with the advice and consent of the~~

6 ~~senate and shall serve terms of four years. The governor shall designate one of~~

7 ~~the members as chairperson. The chairperson may appoint subcommittees that~~

8 ~~include noncouncil members.~~

9 ~~\_\_\_\_\_ 2. The state EMS medical directors advisory committee and the regional~~

10 ~~EMS advisory committees will be recognized as subcommittees of the state~~

11 ~~advisory council on emergency medical services.~~

12 ~~\_\_\_\_\_ 3. The council shall have geographical representation and representation~~

13 ~~from appropriate areas of expertise in emergency medical services including~~

14 ~~volunteers, professional organizations involved in emergency medical services,~~

15 ~~EMT's, paramedics, nurses, firefighters, physicians, ambulance service~~

16 ~~administrators, hospital administrators and other health care providers concerned~~

17 ~~with emergency medical services. The regional EMS advisory committees shall~~

18 ~~serve as a resource for the identification of potential members of the state~~

19 ~~advisory council on emergency medical services.~~

20 ~~\_\_\_\_\_ 4. The members of the council and subcommittees shall serve without~~

21 ~~compensation except that members of the council shall, subject to appropriations,~~

22 ~~be reimbursed for reasonable travel expenses and meeting expenses related to the~~

23 ~~functions of the council.~~

24 ~~\_\_\_\_\_ 5. The purpose of the council is to make recommendations to the~~

25 ~~governor, the general assembly, and the department on policies, plans, procedures~~

26 ~~and proposed regulations on how to improve the statewide emergency medical~~

27 ~~services system. The council shall advise the governor, the general assembly, and~~

28 ~~the department on all aspects of the emergency medical services system.]~~

2 ~~[191.305. 1. The "Missouri Genetic Advisory Committee", consisting~~

3 ~~of fifteen members, is hereby created to advise the department in all genetic~~

4 ~~programs including metabolic disease screening programs, hemophilia, sickle cell~~

5 ~~anemia, and cystic fibrosis programs. Members of the committee shall be~~

6 ~~appointed by the governor, by and with the advice and consent of the senate. The~~

7 ~~first appointments to the committee shall consist of five members to serve~~

8 ~~three-year terms, five members to serve two-year terms, and five members to~~

8 serve one-year terms as designated by the governor. Each member of the  
 9 committee shall serve for a term of three years thereafter.

10 ~~2. The committee shall be composed of persons who reside in the state~~  
 11 ~~of Missouri, and a majority shall be licensed physicians. At least one member~~  
 12 ~~shall be a specialist in genetics; at least one member shall be a licensed~~  
 13 ~~obstetrician/gynecologist; at least one member shall be a licensed pediatrician in~~  
 14 ~~private practice; at least one member shall be a consumer, family member of a~~  
 15 ~~consumer or representative of a consumer group; at least one member shall be a~~  
 16 ~~licensed physician experienced in the study and treatment of hemophilia; at least~~  
 17 ~~one member shall be a specialist in sickle cell anemia; and at least one member~~  
 18 ~~shall be a specialist in cystic fibrosis.~~

19 ~~3. Members of the committee shall not receive any compensation for~~  
 20 ~~their services, but they shall, subject to appropriations, be reimbursed for actual~~  
 21 ~~and necessary expenses incurred in the performance of their duties from funds~~  
 22 ~~appropriated for that purpose.]~~

23

2 [191.310. 1. The committee shall advise the department on the provision  
 of genetic services to insure the following:

- 3 ~~(1) That high quality is maintained;~~
- 4 ~~(2) That genetic programs are responsive to the needs of the entire state;~~
- 5 ~~(3) That funding is equitably allocated to all phases of the program;~~
- 6 ~~(4) That the department is advised on methods of implementing genetic~~  
 7 ~~services;~~
- 8 ~~(5) That duplication of services is eliminated; and~~
- 9 ~~(6) That a yearly evaluation of genetic programs is completed to ascertain~~  
 10 ~~how successfully the goals of the programs are being achieved.~~

11 ~~2. The director of the department of mental health shall designate an~~  
 12 ~~employee of that department to provide liaison with services provided by that~~  
 13 ~~department which relate to the genetic programs established under the provisions~~  
 14 ~~of sections 191.300 to 191.331, 191.340, and 191.365 to 191.380.~~

15 ~~3. The commissioner of education shall designate an employee of the~~  
 16 ~~department of elementary and secondary education to provide liaison with the~~  
 17 ~~genetic program established in sections 191.300 to 191.331, 191.340, and~~  
 18 ~~191.365 to 191.380.]~~

19

2 [191.400. 1. There is hereby created a "State Board of Health" which  
 shall consist of seven members, who shall be appointed by the governor, by and  
 3 with the advice and consent of the senate. No member of the state board of  
 4 health shall hold any other office or employment under the state of Missouri other  
 5 than in a consulting status relevant to the member's professional status, licensure  
 6 or designation. Not more than four of the members of the state board of health  
 7 shall be from the same political party.

8 ~~2. Each member shall be appointed for a term of four years; except that~~  
9 ~~of the members first appointed, two shall be appointed for a term of one year, two~~  
10 ~~for a term of two years, two for a term of three years, and one for a term of four~~  
11 ~~years. The successors of each shall be appointed for full terms of four years. No~~  
12 ~~person may serve on the state board of health for more than two terms. The terms~~  
13 ~~of all members shall continue until their successors have been duly appointed and~~  
14 ~~qualified. Three of the persons appointed to the state board of health shall be~~  
15 ~~persons who are physicians and surgeons licensed by the state board of~~  
16 ~~registration for the healing arts of Missouri. One of the persons appointed to the~~  
17 ~~state board of health shall be a dentist licensed by the Missouri dental board. One~~  
18 ~~of the persons appointed to the state board of health shall be a chiropractic~~  
19 ~~physician licensed by the Missouri state board of chiropractic examiners. Two~~  
20 ~~of the persons appointed to the state board of health shall be persons other than~~  
21 ~~those licensed by the state board of registration for the healing arts, the Missouri~~  
22 ~~dental board, or the Missouri state board of chiropractic examiners and shall be~~  
23 ~~representative of those persons, professions and businesses which are regulated~~  
24 ~~and supervised by the department of health and senior services and the state~~  
25 ~~board of health. If a vacancy occurs in the appointed membership, the governor~~  
26 ~~may appoint a member for the remaining portion of the unexpired term created~~  
27 ~~by the vacancy. If the vacancy occurs while the senate is not in session, the~~  
28 ~~governor shall make a temporary appointment subject to the approval of the~~  
29 ~~senate when it next convenes. The members shall receive actual and necessary~~  
30 ~~expenses plus twenty-five dollars per day for each day of actual attendance.~~

31 ~~3. The board shall elect from among its membership a chairperson and~~  
32 ~~a vice chairperson, who shall act as chairperson in his or her absence. The board~~  
33 ~~shall meet at the call of the chairperson. The chairperson may call meetings at~~  
34 ~~such times as he or she deems advisable, and shall call a meeting when requested~~  
35 ~~to do so by three or more members of the board.]~~  
36

~~[191.980. 1. The "Missouri Area Health Education Centers" program is~~  
2 ~~hereby established as a collaborative partnership of higher educational~~  
3 ~~institutions and regional area health education centers and other entities that have~~  
4 ~~entered into a written agreement with the program. These higher educational~~  
5 ~~institutions and regional area health education centers shall be those that are~~  
6 ~~recognized as program offices or regional centers by the federal area health~~  
7 ~~education centers program pursuant to 42 U.S.C. Section 294a. The program is~~  
8 ~~designed to improve the supply, distribution, availability, and quality of health~~  
9 ~~care personnel in Missouri communities and promote access to primary care for~~  
10 ~~medically underserved communities and populations.~~

11 ~~2. The Missouri area health education centers council is hereby~~  
12 ~~established within the department of health and senior services. The council shall~~  
13 ~~consist of twelve members that are residents of Missouri. The members of the~~  
14 ~~council shall include:~~

- 15 ~~————— (1) The director of the department of health and senior services or the~~  
16 ~~director's designee;~~
- 17 ~~————— (2) The commissioner of the department of higher education or the~~  
18 ~~commissioner's designee;~~
- 19 ~~————— (3) Two members of the senate appointed by the president pro tempore~~  
20 ~~of the senate;~~
- 21 ~~————— (4) Two members of the house of representatives appointed by the~~  
22 ~~speaker of the house of representatives; and~~
- 23 ~~————— (5) Six members to be appointed by the governor with the advice and~~  
24 ~~consent of the senate, four of whom shall represent the federally recognized~~  
25 ~~regional area health education centers and two of whom shall represent the~~  
26 ~~federally recognized higher educational institution program offices. Each~~  
27 ~~representative of the regional area health education centers shall be a member of~~  
28 ~~the governing or advisory board of a regional center and shall be nominated~~  
29 ~~jointly by the chairs of the governing or advisory boards of all such centers. No~~  
30 ~~two representatives shall be members of the same regional center governing or~~  
31 ~~advisory board. Each representative of the federally recognized higher~~  
32 ~~educational institution program offices shall be an employee or faculty of a~~  
33 ~~medical school in which a program office resides and shall be nominated jointly~~  
34 ~~by the deans of all such medical schools. The two program office representatives~~  
35 ~~shall not be employees or faculty of the same medical school.~~
- 36
- 37 ~~————— Members of the council shall be appointed by February 1, 2005. Of the members~~  
38 ~~first appointed to the council, six shall serve a term of four years and six shall~~  
39 ~~serve a term of two years, and thereafter, members shall serve a term of four~~  
40 ~~years. Members shall continue to serve until their successor is duly appointed~~  
41 ~~and qualified. Any vacancy on the council shall be filled in the same manner as~~  
42 ~~the original appointment.~~
- 43 ~~————— 3. The council shall have discretionary authority to monitor and~~  
44 ~~recommend policy direction for the Missouri area health education centers~~  
45 ~~program, including policies to ensure that all applicable requirements of the~~  
46 ~~federal area health education centers program are met.~~
- 47 ~~————— 4. The area health education centers program shall:~~
- 48 ~~————— (1) Develop and enhance health careers recruitment programs for~~  
49 ~~Missouri students, especially underrepresented and disadvantaged students;~~
- 50 ~~————— (2) Enhance and support community-based training of health professions~~  
51 ~~students and medical residents;~~
- 52 ~~————— (3) Provide educational and other programs designed to support~~  
53 ~~practicing health professionals; and~~
- 54 ~~————— (4) Collaborate with health, education, and human services organizations~~  
55 ~~to design, facilitate, and promote programs to improve access to health care and~~  
56 ~~health status in Missouri.~~

57 ~~5. The Missouri area health education centers council shall report~~  
58 ~~annually to the governor and the general assembly on the status and progress of~~  
59 ~~the Missouri area health education centers program.]~~  
60

~~[191.1080. 1. There is hereby created within the department of health~~  
2 ~~and senior services the “Missouri Palliative Care and Quality of Life~~  
3 ~~Interdisciplinary Council”, which shall be a palliative care consumer and~~  
4 ~~professional information and education program to improve quality and delivery~~  
5 ~~of patient-centered and family-focused care in this state.~~

6 ~~2. On or before December 1, 2016, the following members shall be~~  
7 ~~appointed to the council:~~

8 ~~(1) Two members of the senate, appointed by the president pro tempore~~  
9 ~~of the senate;~~

10 ~~(2) Two members of the house of representatives, appointed by the~~  
11 ~~speaker of the house of representatives;~~

12 ~~(3) Two board-certified hospice and palliative medicine physicians~~  
13 ~~licensed in this state, appointed by the governor with the advice and consent of~~  
14 ~~the senate;~~

15 ~~(4) Two certified hospice and palliative nurses licensed in this state,~~  
16 ~~appointed by the governor with the advice and consent of the senate;~~

17 ~~(5) A certified hospice and palliative social worker, appointed by the~~  
18 ~~governor with the advice and consent of the senate;~~

19 ~~(6) A patient and family caregiver advocate representative, appointed by~~  
20 ~~the governor with the advice and consent of the senate; and~~

21 ~~(7) A spiritual professional with experience in palliative care and health~~  
22 ~~care, appointed by the governor with the advice and consent of the senate.~~

23 ~~3. Council members shall serve for a term of three years. The members~~  
24 ~~of the council shall elect a chair and vice chair whose duties shall be established~~  
25 ~~by the council. The department shall determine a time and place for regular~~  
26 ~~meetings of the council, which shall meet at least biannually.~~

27 ~~4. Members of the council shall serve without compensation, but shall,~~  
28 ~~subject to appropriations, be reimbursed for their actual and necessary expenses~~  
29 ~~incurred in the performance of their duties as members of the council.~~

30 ~~5. The council shall consult with and advise the department on matters~~  
31 ~~related to the establishment, maintenance, operation, and outcomes evaluation of~~  
32 ~~palliative care initiatives in this state, including the palliative care consumer and~~  
33 ~~professional information and education program established in section 191.1085.~~

34 ~~6. The council shall submit an annual report to the general assembly,~~  
35 ~~which includes an assessment of the availability of palliative care in this state for~~  
36 ~~patients at early stages of serious disease and an analysis of barriers to greater~~  
37 ~~access to palliative care.~~

38 ~~7. The council authorized under this section shall automatically expire~~  
39 ~~August 28, 2022.]~~

40

~~[192.745. 1. The "Missouri Brain Injury Advisory Council" is hereby established in the department of health and senior services. The members of the council that are serving on February 2, 2005, shall continue to fulfill their current terms. Through attrition, the council shall decrease from the present twenty-five members to fifteen members. Thereafter, the successors to each of these members shall serve a three-year term and until the member's successor is appointed by the governor with the advice and consent of the senate. The members appointed by the governor shall include: four people with brain injuries or relatives of persons with brain injuries, and eleven other individuals from professional groups, health institutions, community groups, and private industry. In addition to the fifteen council members, individuals representing state agencies with services that impact brain injury survivors and their families shall participate on the council in an ex officio nonvoting capacity. These individuals shall be appointed by the respective agency.~~

~~2. The Missouri brain injury advisory council is assigned to the department of health and senior services. The department shall submit estimates of requirements for appropriations on behalf of the council for the necessary staff and expenses to carry out the duties and responsibilities assigned by the council.~~

~~3. Meetings of the full council shall be held at least four times a year or at the call of the council chairperson, who shall be elected by the council. Subcommittees may meet on an as-needed basis.~~

~~4. Members of the council shall not receive any compensation for their services, but they shall, subject to appropriations, be reimbursed for actual and necessary expenses incurred in the performance of their duties from funds appropriated for this purpose.~~

~~5. The council shall adopt written procedures to govern its activities.~~

~~6. The council, under the direction of the department, shall make recommendations to the department director for developing and administering a state plan to provide services for brain-injured persons.~~

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

~~8. The council shall be advisory and shall:~~

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

~~(2) Study and review current prevention, evaluation, care, treatment and rehabilitation technologies and recommend appropriate preparation, training, retraining and distribution of manpower and resources in the provision of~~

42



43 services to brain-injured persons through private and public residential facilities;  
 44 day programs and other specialized services;  
 45 ~~————— (3) Recommend specific methods, means and procedures to improve and~~  
 46 ~~upgrade the state's service delivery system for brain-injured citizens of this state;~~  
 47 ~~————— (4) Participate in developing and disseminating criteria and standards~~  
 48 ~~which may be required for future funding or licensing of facilities, day programs~~  
 49 ~~and other specialized services for brain-injured persons in this state;~~  
 50 ~~————— (5) Report annually to the department director on its activities, and on the~~  
 51 ~~results of its studies and the recommendations of the council.~~  
 52 ~~————— 9. The department may accept on behalf of the council federal funds,~~  
 53 ~~gifts and donations from individuals, private organizations and foundations, and~~  
 54 ~~any other funds that may become available.]~~  
 55

~~[192.2030. 1. There is hereby created a "State Board of Senior Services"~~  
 2 ~~which shall consist of seven members, who shall be appointed by the governor,~~  
 3 ~~by and with the advice and consent of the senate. No member of the state board~~  
 4 ~~of senior services shall hold any other office or employment under the state of~~  
 5 ~~Missouri other than in a consulting status relevant to the member's professional~~  
 6 ~~status, licensure or designation. Not more than four of the members of the state~~  
 7 ~~board of senior services shall be from the same political party.~~  
 8 ~~————— 2. Each member shall be appointed for a term of four years; except that~~  
 9 ~~of the members first appointed, two shall be appointed for a term of one year, two~~  
 10 ~~for a term of two years, two for a term of three years and one for a term of four~~  
 11 ~~years. The successors of each shall be appointed for full terms of four years. No~~  
 12 ~~person may serve on the state board of senior services for more than two terms.~~  
 13 ~~The terms of all members shall continue until their successors have been duly~~  
 14 ~~appointed and qualified. One of the persons appointed to the state board of~~  
 15 ~~senior services shall be a person currently working in the field of gerontology.~~  
 16 ~~One of the persons appointed to the state board of senior services shall be a~~  
 17 ~~physician with expertise in geriatrics. One of the persons appointed to the state~~  
 18 ~~board of senior services shall be a person with expertise in nutrition. One of the~~  
 19 ~~persons appointed to the state board of senior services shall be a person with~~  
 20 ~~expertise in rehabilitation services of persons with disabilities. One of the~~  
 21 ~~persons appointed to the state board of senior services shall be a person with~~  
 22 ~~expertise in mental health issues. In making the two remaining appointments, the~~  
 23 ~~governor shall give consideration to individuals having a special interest in~~  
 24 ~~gerontology or disability-related issues, including senior citizens. Four of the~~  
 25 ~~seven members appointed to the state board of senior services shall be members~~  
 26 ~~of the governor's advisory council on aging. If a vacancy occurs in the appointed~~  
 27 ~~membership, the governor may appoint a member for the remaining portion of~~  
 28 ~~the unexpired term created by the vacancy. The members shall receive actual and~~  
 29 ~~necessary expenses plus twenty-five dollars per day for each day of actual~~  
 30 ~~attendance.~~

31 ~~3. The board shall elect from among its membership a chairman and a~~  
 32 ~~vice chairman, who shall act as chairman in his or her absence. The board shall~~  
 33 ~~meet at the call of the chairman. The chairman may call meetings at such times~~  
 34 ~~as he or she deems advisable, and shall call a meeting when requested to do so~~  
 35 ~~by three or more members of the board.~~

36 ~~4. The state board of senior services shall advise the department of health~~  
 37 ~~and senior services in the:~~

38 ~~(1) Promulgation of rules and regulations by the department of health and~~  
 39 ~~senior services;~~

40 ~~(2) Formulation of the budget for the department of health and senior~~  
 41 ~~services; and~~

42 ~~(3) Planning for and operation of the department of health and senior~~  
 43 ~~services.]~~

44

~~[194.300. 1. There is established within the department of health and~~  
 2 ~~senior services the "Organ Donation Advisory Committee", which shall consist~~  
 3 ~~of the following members appointed by the governor with the advice and consent~~  
 4 ~~of the senate:~~

5 ~~(1) Four representatives of organ and tissue procurement organizations;~~

6 ~~(2) Four members representative of organ recipients, families of organ~~  
 7 ~~recipients, organ donors and families of organ donors;~~

8 ~~(3) One health care representative from a hospital located in Missouri;~~  
 9 ~~and~~

10 ~~(4) One representative of the department of health and senior services.~~

11 ~~2. Members of the advisory committee shall receive no compensation for~~  
 12 ~~their services, but may be reimbursed for the reasonable and necessary expenses~~  
 13 ~~incurred in the performance of their duties out of appropriations made for that~~  
 14 ~~purpose. Members shall serve for five year terms and shall serve at the pleasure~~  
 15 ~~of the governor.]~~

16

~~[194.302. The advisory committee shall assist the department of health~~  
 2 ~~and senior services and the department of elementary and secondary education~~  
 3 ~~in the development of organ donor awareness programs to educate the general~~  
 4 ~~public on the importance of organ donations and shall recommend priorities in~~  
 5 ~~the expenditures from the organ donor program fund. The advisory committee~~  
 6 ~~shall submit a report of its activities and recommendations to the director of the~~  
 7 ~~department of health and senior services, the general assembly and the governor~~  
 8 ~~by the fifteenth day of January of each year, beginning January 15, 1997.]~~

9

~~[194.409. 1. There is hereby created in the department of natural~~  
 2 ~~resources, an "Unmarked Human Burial Consultation Committee", which shall~~  
 3 ~~be composed of seven members to be appointed by the governor with the advice~~  
 4 ~~and consent of the senate. The members of the committee shall be appointed as~~

5 follows: ~~the state historic preservation officer, two members who are~~  
 6 ~~archaeologists or skeletal analysts, two native Americans who are members of an~~  
 7 ~~Indian tribe recognized by the United States of America, one member who is a~~  
 8 ~~non-Indian minority, and one non-Indian, non-minority member who is neither~~  
 9 ~~a professional archaeologist nor a skeletal analyst. Members of the committee~~  
 10 ~~shall be residents of the state of Missouri.~~

11 ~~2. The state historic preservation officer shall be chairman of the~~  
 12 ~~committee and shall serve a term which is contemporaneous with his~~  
 13 ~~employment as director of the department of natural resources. The terms of all~~  
 14 ~~other members of the committee shall be three years.~~

15 ~~3. The committee shall meet at least once each calendar year, but may~~  
 16 ~~meet more often at the request of the state historic preservation officer.~~

17 ~~4. The members of the committee shall serve voluntarily and shall not~~  
 18 ~~receive compensation for membership on the committee, except that they shall~~  
 19 ~~be eligible to receive reimbursement for transportation expenses as provided for~~  
 20 ~~through the budget approved for the office of the state historic preservation~~  
 21 ~~officer.~~

22 ~~5. All actions and decisions of the state historic preservation officer and~~  
 23 ~~the unmarked human burial consultation committee shall be in conformity with~~  
 24 ~~the provisions of the federal National Historic Preservation Act of 1966, as~~  
 25 ~~amended.]~~

26  
 2 [196.941. There is hereby created a board to be known as the "State Milk  
 3 Board" to consist of twelve members to be nominated by the director of the  
 4 department of agriculture and shall be appointed by the governor, with the advice  
 5 and consent of the senate, four of whom shall be representatives and active  
 6 members of the staff of each of four local health jurisdictions including St. Louis  
 7 County, Missouri, health department; St. Louis City, Missouri, health division;  
 8 Kansas City, Missouri, health department; Springfield, Missouri, health  
 9 department. Four grade A milk producers shall represent dairy producers through  
 10 a registered milk producer organization or farm organization with no more than  
 11 one representing any one organization; one member shall represent dairy  
 12 processors through a recognized processor organization; and one member shall  
 13 be a consumer at large. Not more than six of the twelve board members shall be  
 14 members of the same political party. The consumer at large or his spouse shall  
 15 not be affiliated with any of the above-mentioned groups. The director of the  
 16 state department of health and senior services or his designated representative and  
 17 the state director of the department of agriculture or his designated representative  
 18 shall serve as members. The term of service of each board member shall expire  
 19 September twenty-eight of the fourth year after appointment. However, the term  
 20 of the first members appointed shall expire September twenty-eight of the first  
 21 to fourth year after appointment as specified by the governor and as equally as  
 possible. Provisions of sections 196.931 to 196.959 shall be implemented within

22 ~~one year of August 13, 1972. Board members shall serve without financial~~  
 23 ~~compensation.]~~

24

2 ~~[196.943. Within thirty days after August 13, 1972, the governor shall~~  
 3 ~~appoint ten persons as members of the state milk board as set forth in section~~  
 4 ~~196.941 and their authority to act shall commence upon receiving the advice and~~  
 5 ~~consent of the senate, if the senate shall be in session, but if the senate not be in~~  
 6 ~~session, the authority to act as an acting board member shall commence~~  
 7 ~~immediately upon appointment by the governor, but shall terminate if advice and~~  
 8 ~~consent is not received within thirty days after the senate convenes. If advice and~~  
 9 ~~consent is not given, such person shall not be reappointed by the governor to the~~  
 10 ~~board. To be eligible for appointment by the governor, the board member must~~  
 11 ~~be a citizen of the United States and a resident of the state. Advice and consent~~  
 12 ~~may be withdrawn with regard to the appointment of a member of the state milk~~  
 13 ~~board by a majority vote of the elected members of the senate.]~~

13

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

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

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

18 ~~————— (3) No member of the life sciences research board shall serve more than~~  
 19 ~~two consecutive full four-year terms;~~

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

24

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

- 3 ~~————— (1) A "center for excellence for life sciences research" means a system~~  
4 ~~or regional consortium of public and private not-for-profit academic, research,~~  
5 ~~or health care institutions or organizations engaged in competitive research in~~  
6 ~~targeted fields consistent with the strategic purposes of life sciences research as~~  
7 ~~provided in sections 196.1100 to 196.1130;~~
- 8 ~~————— (2) The life sciences research board shall monitor and adopt such rules~~  
9 ~~as are necessary to assure quality and accountability in the operation of the~~  
10 ~~centers for excellence for life sciences research;~~
- 11 ~~————— (3) One St. Louis area center for excellence may be established within~~  
12 ~~the geographical area encompassing the city of St. Louis and St. Louis, St.~~  
13 ~~Charles, Jefferson, and Franklin counties. If any part of a municipality is located~~  
14 ~~within any one such county and also encompasses a part of another county in this~~  
15 ~~state, the entire area encompassed within the city limits of such municipality shall~~  
16 ~~be a part of the geographical area of the St. Louis area center for excellence;~~
- 17 ~~————— (4) One Kansas City area center for excellence may be established within~~  
18 ~~the geographical area encompassing Jackson, Clay, Andrew, Buchanan, and~~  
19 ~~Platte counties. If any part of a municipality is located within any one such~~  
20 ~~county and also encompasses a part of another county in this state, the entire area~~  
21 ~~encompassed within the city limits of such municipality shall be a part of the~~  
22 ~~geographical area of the Kansas City area center for excellence;~~
- 23 ~~————— (5) One Springfield center for excellence may be established within the~~  
24 ~~geographical area encompassing Greene, Christian, and Webster counties;~~
- 25 ~~————— (6) A Missouri statewide center for excellence may be established that~~  
26 ~~shall encompass the institutions, agricultural research centers dedicated to the~~  
27 ~~development of plant-made pharmaceuticals, and campuses within the University~~  
28 ~~of Missouri system and those regions of Missouri not encompassed within~~  
29 ~~another center for excellence; provided that the University of Missouri-Kansas~~  
30 ~~City and the University of Missouri-St. Louis shall participate in the centers for~~  
31 ~~excellence in their respective geographical regions;~~
- 32 ~~————— (7) The life sciences research board shall receive and review suggestions~~  
33 ~~for the formation and composition of the initial centers for excellence. After~~  
34 ~~receiving and reviewing such suggestions, the life sciences research board shall~~  
35 ~~determine the initial composition, and shall consider and approve the~~  
36 ~~organizational plan and structure of the St. Louis area, Kansas City area,~~  
37 ~~Springfield area, and Missouri statewide centers for excellence;~~
- 38 ~~————— (8) Before any center for excellence is considered to be a center for~~  
39 ~~excellence for life sciences research under sections 196.1100 to 196.1130, its~~  
40 ~~composition and organizational structure shall be approved by the life sciences~~  
41 ~~research board;~~
- 42 ~~————— (9) Any center for excellence for life sciences research that is established~~  
43 ~~within a geographical area specified in sections 196.1100 to 196.1130 shall be~~  
44 ~~comprised of a consortium of public and private not-for-profit academic,~~  
45 ~~research, or health care institutions or organizations that have collectively at least~~

46 ~~fifteen million dollars in annual research expenditures in the life sciences,~~  
 47 ~~including a collective minimum of two million dollars in basic research in life~~  
 48 ~~sciences;~~

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

60 ~~————— (11) The centers for excellence for life sciences research shall have any~~  
 61 ~~and all powers attendant to carrying out the operations that are not contrary to the~~  
 62 ~~provisions of sections 196.1100 to 196.1130 or any rules, guidelines, or decisions~~  
 63 ~~adopted by the life sciences research board.]~~  
 64

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 sciences~~  
 4 ~~research board to increase the capacity for quality of life sciences research at~~  
 5 ~~public and private not-for-profit institutions in the state of Missouri and to~~  
 6 ~~thereby:~~

7 ~~————— (1) Improve the quantity and quality of life sciences research at public~~  
 8 ~~and private not-for-profit institutions, including but not limited to basic research~~  
 9 ~~(including the discovery of new knowledge), translational research (including~~  
 10 ~~translating knowledge into a usable form), and clinical research (including the~~  
 11 ~~literal application of a therapy or intervention to determine its efficacy), including~~  
 12 ~~but not limited to health research in human development and aging, cancer,~~  
 13 ~~endocrine, cardiovascular, neurological, pulmonary, and infectious disease, and~~  
 14 ~~plant sciences, including but not limited to nutrition 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 the~~  
 17 ~~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 science~~  
 20 ~~technology, including but not limited to reduction to practice, proof of concept,~~  
 21 ~~and achieving federal Food and Drug Administration, United States Department~~  
 22 ~~of Agriculture, or other regulatory requirements in addition to the definition in~~  
 23 ~~section 348.251.—~~

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

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 sciences  
 4 research board to increase the capacity for quality of life sciences research at  
 5 public and private not-for-profit institutions in the state of Missouri and to  
 6 thereby:

7 ~~(1) Improve the quantity and quality of life sciences research at public~~  
 8 ~~and private not-for-profit institutions, including but not limited to basic research~~  
 9 ~~(including the discovery of new knowledge), translational research (including~~  
 10 ~~translating knowledge into a usable form), and clinical research (including the~~  
 11 ~~literal application of a therapy or intervention to determine its efficacy), including~~  
 12 ~~but not limited to health research in human development and aging, cancer,~~  
 13 ~~endocrine, cardiovascular, neurological, pulmonary, and infectious disease, and~~  
 14 ~~plant sciences, including but not limited to nutrition 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 the~~  
 17 ~~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 science~~  
 20 ~~technology, including but not limited to reduction to practice, proof of concept,~~  
 21 ~~and achieving federal Food and Drug Administration, United States Department~~  
 22 ~~of Agriculture, or other regulatory requirements in addition to the definition in~~  
 23 ~~section 348.251. —~~

24 ~~— Funds received by the board may be used for purposes authorized in sections~~  
 25 ~~196.1100 to 196.1130 and shall be subject to the restrictions of sections 196.1100~~  
 26 ~~to 196.1130, including but not limited to the costs of personnel, supplies,~~  
 27 ~~equipment, and renovation or construction of physical facilities; provided that in~~  
 28 ~~any single fiscal year no more than ten percent of the moneys appropriated shall~~

29 be used for the construction of physical facilities and further provided that in any  
 30 fiscal year eighty percent of the moneys shall be appropriated to build research  
 31 capacity at public and private not-for-profit institutions and twenty percent of the  
 32 moneys shall be appropriated for grants to public or private not-for-profit  
 33 institutions to promote life science technology transfer and technology  
 34 commercialization. Of the moneys appropriated to build research capacity,  
 35 twenty percent of the moneys shall be appropriated to promote the development  
 36 of research of tobacco-related illnesses.]  
 37

[196.1112. In determining projects to authorize, the life sciences research  
 2 board shall consider those proposals endorsed by a center for excellence, subject  
 3 to a process of peer review conducted under the auspices of the board, and shall  
 4 also consider the potential of any proposal to bring both health and economic  
 5 benefits to the people of Missouri. Specifically, at least eighty percent of the  
 6 moneys that are appropriated to the board in each fiscal year shall be distributed  
 7 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  
 9 requirements set forth in subdivisions (8) and (9) of section 196.1106.  
 10 Collectively, the institutions or organizations within a single center for excellence  
 11 shall receive in a single fiscal year no more than fifty percent of the moneys  
 12 appropriated to the board during such fiscal year. No single institution or  
 13 organization shall receive in any consecutive three-fiscal-year period more than  
 14 forty percent of the moneys appropriated to the board during such  
 15 three-fiscal-year period.]  
 16

[196.1115. 1. The moneys appropriated to the life sciences research  
 2 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 the  
 5 basis of peer review panel recommendations for capacity building initiatives  
 6 proposed by public and private not-for-profit academic, research, or health care  
 7 institutions or organizations, or individuals engaged in competitive research in  
 8 targeted fields consistent with the provisions of sections 196.1100 to 196.1130.

9 \_\_\_\_\_ 2. The life sciences research board may, in view of the limitations  
 10 expressed in section 196.1130:

- 11 \_\_\_\_\_ (1) Award and enter into grants or contracts relating to increasing
- 12 Missouri's research capacity at public or private not-for-profit institutions;
- 13 \_\_\_\_\_ (2) Make provision for peer review panels to recommend and review
- 14 research projects;
- 15 \_\_\_\_\_ (3) Contract for 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~~  
 19 ~~it receives from appropriations or from any other source.~~

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

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

36

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

21 ~~————— 3. The life sciences research board shall utilize as much of the moneys~~  
 22 ~~as reasonably possible for building capacity at public and private not-for-profit~~  
 23 ~~institutions to do research rather than for administrative expenses. The board~~  
 24 ~~shall not in any fiscal year expend more than two percent of the total moneys~~  
 25 ~~appropriated to it and of the moneys that it has in reserve or has received from~~

25 other sources for its own administrative expenses; provided, however, that the  
 26 general assembly by appropriation from the life sciences research trust fund may  
 27 authorize a limited amount of additional moneys to be expended for  
 28 administrative costs;]  
 29

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

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

- 6 ~~\_\_\_\_\_ (1) The reasonableness of the cost;~~
- 7 ~~\_\_\_\_\_ (2) The connection to the grant or contract;~~
- 8 ~~\_\_\_\_\_ (3) The consistency demonstrated in assigning costs to the grant or~~  
 9 ~~contract; and~~
- 10 ~~\_\_\_\_\_ (4) Conformance with the specific terms and conditions of the award or~~  
 11 ~~contract.~~

12 ~~\_\_\_\_\_ The life sciences research board may from time to time issue rules and guidelines~~  
 13 ~~consistent with such four-part test and provide grant and contract recipients with~~  
 14 ~~a list or other explanation of regularly permitted costs:~~

15 ~~\_\_\_\_\_ 2. Grant and contract recipients shall preserve research freedom, ensure~~  
 16 ~~timely disclosure of their research findings to the scientific community, including~~  
 17 ~~through publications and presentations at scientific meetings, and promote~~  
 18 ~~utilization, commercialization, and public availability of their inventions and~~  
 19 ~~other intellectual property developed as a general institutional policy. Institutions~~  
 20 ~~or organizations receiving grant or contract awards shall retain all right, title, and~~  
 21 ~~interest, including all intellectual property rights, in and to any and all inventions,~~  
 22 ~~ideas, data, improvements, modifications, know-how, creations, copyrightable~~  
 23 ~~material, trade secrets, methods, processes, discoveries, and derivatives;~~

24 regardless of patentability, that are made in the performance of work under a  
 25 grant award. The life sciences research board shall adopt reasonable rules to  
 26 ensure that any such intellectual property rights are utilized reasonably and in a  
 27 manner that is in the public interest.]  
 28

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, any  
 6 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 employed,  
 10 serves as an officer, director, or other member of the entity's governing body.  
 11 The board may from time to time issue conflict of interest guidelines and  
 12 requirements with respect to the administration of the life sciences research  
 13 program, to govern the actions of its employees and agents, and to implement the  
 14 provisions of this section.]

2 [196.1127. 1. The moneys appropriated to the life sciences research  
 3 board pursuant to sections 196.1100 to 196.1124 shall be subject to the  
 4 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  
 6 abortions, as defined in section 188.015, or encouraging patients to have  
 7 abortions, referring patients for abortions not necessary to save the life of the  
 8 mother, or development of drugs, chemicals, or devices intended to be used to  
 9 induce an abortion;

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

14 (3) "Conception", the same meaning as such term is defined in section  
 15 188.015;

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

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

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

24 ~~\_\_\_\_\_ (a) A deceased child, unless consent is given by the parents in a manner~~  
 25 ~~provided in sections 194.210 to 194.290 relating to anatomical gifts, and neither~~  
 26 ~~parent caused the death of such child or consented to another person causing the~~  
 27 ~~death of such child;~~

28 ~~\_\_\_\_\_ (b) A living child, when the intended or likely result of such taking or~~  
 29 ~~utilization is to kill or cause harm to the health, safety, or welfare of such child;~~  
 30 ~~or when the purpose is to target such child for possible destruction in the future;~~

31 ~~\_\_\_\_\_ (7) "Public funds", include:~~

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

38 ~~\_\_\_\_\_ (b) Any moneys received or controlled by an official, department,~~  
 39 ~~division, or agency of state government or any political subdivision thereof, or~~  
 40 ~~to any person or entity pursuant to appropriation by the general assembly or~~  
 41 ~~governing body of any political subdivision of this state;~~

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

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

67 electronic transfers using a separate accounting process maintained for each  
 68 research project. No moneys derived from an award of public funds shall be used  
 69 to cover costs for any other research project or to any other person or entity. No  
 70 moneys derived from an award of public funds shall be passed through to any  
 71 other research project, person, or entity unless included in the original application  
 72 for the award of public funds or in subsequent amendments or requests to use  
 73 separate contractors. A research project that receives an award of public funds  
 74 shall maintain financial records that demonstrate strict compliance with this  
 75 subsection. Any audit conducted pursuant to any grant or contract awarding  
 76 public funds shall also certify whether there is compliance with this subsection  
 77 and shall note any noncompliance as a material audit finding.

78 ~~4. The provisions of this section shall inure to the benefit of all residents~~  
 79 ~~of this state. Any taxpayer of this state or any political subdivision of this state~~  
 80 ~~shall have standing to bring suit against the state of Missouri or any official,~~  
 81 ~~department, division, agency, or political subdivision of this state, and any~~  
 82 ~~recipient of public funds who or which is in violation of this subsection in any~~  
 83 ~~circuit court with jurisdiction to enforce the provisions of this section.~~

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

86 ~~6. Any provision of this section is not severable from any appropriation~~  
 87 ~~subject to this section or any application declared by any court to be subject to~~  
 88 ~~this section. If any provision of this section is found to be invalid or~~  
 89 ~~unconstitutional, any appropriation subject to this section or any appropriation~~  
 90 ~~declared by any court to be subject to this section shall be void, invalid, and~~  
 91 ~~unenforceable.]~~

92  
 [196.1129. 1. For purposes of this section, the term "board" shall mean  
 2 the life sciences research board established under section 196.1103.

3 ~~2. Subject to appropriations, the board shall establish a program to award~~  
 4 ~~grants for the establishment of umbilical cord blood banks to be located in this~~  
 5 ~~state and for the expansion of existing umbilical cord blood banks located in this~~  
 6 ~~state. The purposes and activities of umbilical cord blood banks eligible for~~  
 7 ~~grants for this program shall be directed towards gathering, collecting, and~~  
 8 ~~preserving umbilical cord and placental blood only from live births and providing~~  
 9 ~~such blood and blood components primarily to recipients who are unrelated to the~~  
 10 ~~donors of the blood, and towards persons and institutions conducting scientific~~  
 11 ~~research requiring sources of human stem cells.~~

12 ~~3. The board shall, by rule, establish eligibility criteria for awarding~~  
 13 ~~grants under this section. In awarding grants, the board shall consider:~~

14 ~~(1) The ability of the applicant to establish, operate, and maintain an~~  
 15 ~~umbilical cord blood bank and to provide related services;~~

16 ~~(2) The experience of the applicant in operating similar facilities; and~~

17 ~~————— (3) The applicant's commitment to continue to operate and maintain an~~  
18 ~~umbilical cord blood bank after the expiration of the terms of the contract~~  
19 ~~required by subsection 4 of this section.~~

20 ~~————— 4. Recipients of grants awarded shall enter into contracts under which~~  
21 ~~each recipient agrees to:~~

22 ~~————— (1) Operate and maintain an umbilical cord blood bank in this state at~~  
23 ~~least until the eighth anniversary of the date of the award of the grant;~~

24 ~~————— (2) Gather, collect, and preserve umbilical cord blood only from live~~  
25 ~~births; and~~

26 ~~————— (3) Comply with any financial or reporting requirements imposed on the~~  
27 ~~recipient under rules adopted by the board.~~

28 ~~————— 5. The grants authorized under this section shall be awarded subject to~~  
29 ~~funds specifically appropriated for that purpose.]~~

30

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

7

~~[208.197. 1. The "Professional Services Payment Committee" is hereby~~  
2 ~~established within the MO HealthNet division to develop and oversee the~~  
3 ~~pay-for-performance payment program guidelines under section 208.153. The~~  
4 ~~members of the committee shall be appointed by the governor no later than~~  
5 ~~December 31, 2007, and shall be subject to the advice and consent of the senate.~~  
6 ~~The committee shall be composed of eighteen members, geographically balanced,~~  
7 ~~including nine physicians licensed to practice in this state, two patient advocates~~  
8 ~~and the attorney general, or his or her designee. The remaining members shall~~  
9 ~~be persons actively engaged in hospital administration, nursing home~~  
10 ~~administration, dentistry, and pharmaceuticals. The members of the committee~~  
11 ~~shall receive no compensation for their services other than expenses actually~~  
12 ~~incurred in the performance of their official duties.~~

13 ~~————— 2. The MO HealthNet division shall maintain the pay-for-performance~~  
14 ~~payment program in a manner that ensures quality of care, fosters the relationship~~  
15 ~~between the patient and the provider, uses accurate data and evidence-based~~  
16 ~~measures, does not discourage providers from caring for patients with complex~~  
17 ~~or high risk conditions, and provides fair and equitable program incentives.]~~

18

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

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

- 5 ~~\_\_\_\_\_~~ (2) "Minority older individual", an individual who is sixty years of age
- 6 ~~\_\_\_\_\_~~ or older and a member of a racial minority group;
- 7 ~~\_\_\_\_\_~~ (3) "Racial minority group":
- 8 ~~\_\_\_\_\_~~ (a) Blacks or African Americans;
- 9 ~~\_\_\_\_\_~~ (b) Native Americans;
- 10 ~~\_\_\_\_\_~~ (c) Hispanics;
- 11 ~~\_\_\_\_\_~~ (d) Asian Americans; and
- 12 ~~\_\_\_\_\_~~ (e) Other similar racial minority groups.]
- 13

2 ~~\_\_\_\_\_~~ [208.533. 1. There is hereby established a twenty-member "Commission

3 ~~\_\_\_\_\_~~ on the Special Health, Psychological and Social Needs of Minority Older

4 ~~\_\_\_\_\_~~ Individuals" under the department of health and senior services. The commission

5 ~~\_\_\_\_\_~~ shall consist of the following members:

- 6 ~~\_\_\_\_\_~~ (1) The directors of the departments of health and senior services, mental
- 7 ~~\_\_\_\_\_~~ 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, appointed
- 12 ~~\_\_\_\_\_~~ by the speaker of the house who shall serve in a nonvoting, advisory 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 one
- 21 ~~\_\_\_\_\_~~ or more of the following areas: treatment of cardiovascular, cancer and diabetic
- 22 ~~\_\_\_\_\_~~ conditions; nutrition; community-based health services; legal services; elderly
- 23 ~~\_\_\_\_\_~~ consumer advocacy; gerontology or geriatrics; social work and other related
- 24 ~~\_\_\_\_\_~~ services including housing. At least two of the individuals appointed by the
- 25 ~~\_\_\_\_\_~~ governor shall be minority older individuals. The members appointed by the
- 26 ~~\_\_\_\_\_~~ governor shall be residents of Missouri. Any vacancy on the commission shall
- 27 ~~\_\_\_\_\_~~ be filled in the same manner as the original appointment.

28 ~~\_\_\_\_\_~~ 2. Members appointed by the governor shall serve for three-year terms.

29 ~~\_\_\_\_\_~~ Other members, except legislative members, shall serve for as long as they hold

30 ~~\_\_\_\_\_~~ the position which made them eligible for appointment. Legislative members

31 ~~\_\_\_\_\_~~ shall serve during their current term of office but may be reappointed.

32 ~~\_\_\_\_\_~~ 3. Members of the commission shall not be compensated for their

33 ~~\_\_\_\_\_~~ services, but shall be reimbursed for actual and necessary expenses incurred in

the performance of their duties. The office of administration and the departments

34 of health and senior services, mental health and social services shall provide such  
 35 support as the commission requires to aid it in the performance of its duties.]  
 36

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 (3) Conduct an outreach program that provides information to minority  
 36 older Missourians about health, psychological and social problems experienced  
 37 by minority older individuals and available programs to address those problems;  
 38 as identified in the report prepared pursuant to this section.]  
 39

[208.850. Title:



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

4 ~~[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 could~~  
9 ~~not otherwise afford personal care assistance services in their own homes receive~~  
10 ~~the services with assistance provided by the state and federal governments under~~  
11 ~~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 the~~  
15 ~~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 people~~  
17 ~~with disabilities, it is less costly than institutional care such as that provided in~~  
18 ~~nursing homes and thus saves Missouri taxpayers significant amounts of money.~~

19 ~~(5) The consumer directed services program permits the consumers of~~  
20 ~~these highly intimate and personal services to hire, terminate and supervise the~~  
21 ~~individual providing the services, but it does not currently give consumers any~~  
22 ~~role in setting wage rates for personal care attendants.~~

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

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

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

36 ~~(9) The continued availability of quality, safe home care services can be~~  
37 ~~ensured through the creation of the "Missouri Quality Home Care Council" with~~  
38 ~~authority to investigate the quality, safety and availability of home care services;~~  
39 ~~recruit eligible personal care attendants, recommend qualifications for personal~~  
40 ~~care attendants, improve the training of personal care attendants, establish a~~

41 ~~statewide list of eligible personal care attendants, refer consumers to eligible~~  
 42 ~~personal care attendants, engage in collective bargaining with a representative of~~  
 43 ~~personal care attendants, and recommend changes in personal care attendants'~~  
 44 ~~wages and benefits to the general assembly.]~~  
 45

[208.856. The Missouri Quality Home Care Council:

2 ~~1. Effective January 31, 2009, the Missouri quality home care council is~~  
 3 ~~hereby created to ensure the availability and improve the quality of home care~~  
 4 ~~services by recruiting, training and stabilizing the personal care attendant~~  
 5 ~~workforce. Expenses of the council in carrying out its powers and duties shall be~~  
 6 ~~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 to~~  
 11 ~~matters relating to policies, regulatory functions or other matters specifically~~  
 12 ~~delegated to the council by sections 208.850 to 208.871 and the director of the~~  
 13 ~~department or any employee of the department, either directly or indirectly, shall~~  
 14 ~~not participate or interfere with the activities of the council in any manner not~~  
 15 ~~specifically provided by law.~~

16 ~~2. The council shall consist of eleven members appointed by the governor~~  
 17 ~~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 successor~~  
 20 ~~program or programs. Two of the consumer members shall have received~~  
 21 ~~services for a period of at least one year, two shall have received services for a~~  
 22 ~~period of at least two years, and two shall have received services for a period of~~  
 23 ~~at least three years. In order to ensure that at least one of the consumer members~~  
 24 ~~has personal knowledge of challenges rural consumers face, at least one of these~~  
 25 ~~members shall be a resident of a third class county;~~

26 ~~(2) One member shall be a representative of the Missouri department of~~  
 27 ~~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 shall~~  
 37 ~~serve one-year terms, two recipient members and one centers for independent~~  
 38 ~~living member shall serve two-year terms, and one recipient member, one centers~~

39 for independent living member, and the council on disabilities and advisory  
 40 council on aging members shall serve three-year terms. The initial members of  
 41 the council shall be appointed by the governor by March 1, 2009. If a vacancy  
 42 occurs, the governor will appoint a replacement for the remainder of the  
 43 departing member's term. Commission members shall be eligible for  
 44 reappointment but shall serve no more than two terms. In making appointments,  
 45 the governor shall consider nominations or recommendations from the agencies  
 46 or groups represented on the council. Members of the council shall serve without  
 47 compensation, but shall be reimbursed their actual and necessary expenses. The  
 48 governor may remove a council member for good cause.]

49

[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 to
- 11 the department of health and senior services;
- 12 ~~\_\_\_\_\_~~ (5) Establish and maintain a statewide list of eligible, available personal
- 13 care attendants, in cooperation with vendors, including attendants available to
- 14 provide respite and replacement services. In order to facilitate the creation of
- 15 such a list, all vendors shall provide the council with the list of persons eligible
- 16 to be a personal care attendant which vendors are required to maintain under
- 17 subsection 4 of section 208.906 and subdivision (3) of subsection 1 of section
- 18 208.918. The council shall ensure that all personal care attendants placed on the
- 19 statewide list are registered with the family care safety registry as provided in
- 20 sections 210.900 to 210.936 and are not listed on any of the background check
- 21 lists in the family care safety registry, absent a good cause waiver obtained from
- 22 the department pursuant to section 192.2495. All consumers seeking personal
- 23 care attendants, whether or not they are participants in the consumer directed
- 24 services program, shall have access to the statewide list;
- 25 ~~\_\_\_\_\_~~ (6) Provide routine, emergency, respite, and replacement referrals of
- 26 eligible and available personal care attendants to vendors and consumers;
- 27 ~~\_\_\_\_\_~~ (7) In cooperation with the Missouri state highway patrol, the department
- 28 of social services' children's division, the department of mental health, the
- 29 department of health and senior services, and vendors and on an on-going basis,
- 30 assess existing mechanisms for preventing abuse and neglect of consumers in the
- 31 home care setting and recommend improvements to those agencies and the
- 32 general assembly. As part of this duty, members and employees of the council

33 shall have access to the employee disqualification list established in section  
34 192.2490 and the family care safety registry. Members and employees of the  
35 council shall report to the department of health and senior services when they  
36 have reasonable cause to believe that a consumer has been abused or neglected  
37 as defined in section 192.2400, subject to the same standards set forth in section  
38 208.912;

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

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

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

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

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

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

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

68 ~~\_\_\_\_\_ (d) Solicit and accept for use any grant of money, services or property  
69 from the federal government, the state, or any political subdivision or agency  
70 thereof, including federal matching funds under Title XIX of the federal Social  
71 Security Act, and do all things necessary to cooperate with the federal  
72 government, the state, or any political subdivision or agency thereof in making  
73 an application for any grant;~~

74 ~~\_\_\_\_\_ (e) Keep records and engage in research and the gathering of relevant  
75 statistics;~~

- 76 ~~\_\_\_\_\_ (f) Acquire, hold, or dispose of personal property or any interest therein,~~
- 77 ~~and contract for, lease, or otherwise provide facilities for the activities conducted~~
- 78 ~~under this measure;~~
- 79 ~~\_\_\_\_\_ (g) Sue and be sued in its own name;~~
- 80 ~~\_\_\_\_\_ (h) Delegate to the appropriate persons the power to execute contracts~~
- 81 ~~and other instruments on its behalf and delegate any of its powers and duties if~~
- 82 ~~consistent with the purposes of sections 208.850 to 208.871; and~~
- 83 ~~\_\_\_\_\_ (i) Do other acts necessary or convenient to execute the powers expressly~~
- 84 ~~granted to it.]~~

85  
 2 ~~[209.319. 1. There is hereby established in the division of professional~~  
 3 ~~registration the "Missouri State Committee of Interpreters", which shall consist~~  
 4 ~~of seven members, including two public members. At least one of the public~~  
 5 ~~members shall be deaf. The committee members shall be appointed by the~~  
 6 ~~governor with the advice and consent of the senate. Each member of the~~  
 7 ~~committee shall be a citizen of the United States and a resident of this state and,~~  
 8 ~~except as provided in subsections 2 and 3 of this section, shall be licensed as an~~  
 9 ~~interpreter by this state.~~

10 ~~\_\_\_\_\_ 2. The initial interpreter appointments made to the committee shall be~~  
 11 ~~made from interpreters who have voluntarily registered with the Missouri~~  
 12 ~~commission for the deaf and hard of hearing. In making the initial appointments~~  
 13 ~~to the committee, the governor shall stagger the terms of the appointees so that~~  
 14 ~~two members serve initial terms of two years, two members serve initial terms~~  
 15 ~~of three years, two members serve initial terms of four years and one member~~  
 16 ~~serves an initial term of one year.~~

17 ~~\_\_\_\_\_ 3. At the time of appointment the public members shall be United States~~  
 18 ~~citizens, Missouri residents for a period of one year, registered voters, persons~~  
 19 ~~who are not and never were members of any profession licensed or regulated~~  
 20 ~~pursuant to sections 209.285 to 209.339, persons who do not have and never have~~  
 21 ~~had a material financial interest in providing interpreting services or persons who~~  
 22 ~~do not have and never have had a financial interest in an activity or organization~~  
 23 ~~directly related to interpreting.~~

24 ~~\_\_\_\_\_ 4. Members shall be appointed to serve four-year terms. No person shall~~  
 25 ~~be eligible for reappointment who has served as a member of the committee for~~  
 26 ~~eight or more years. The membership of the committee shall reflect the~~  
 27 ~~differences in levels of certification, work experience and education. Not more~~  
 28 ~~than two interpreter educators shall be members of the committee at the same~~  
 29 ~~time.~~

30 ~~\_\_\_\_\_ 5. A vacancy in the office of a member shall be filled by appointment by~~  
 31 ~~the governor for the remainder of the unexpired term. The governor may remove~~  
 32 ~~a committee member for misconduct, inefficiency, incompetence or neglect of his~~  
 33 ~~or her official duties after giving the committee member written notice of the~~  
 charges against the committee member and an opportunity to be heard.

34 ~~6. Each member of the committee shall receive as compensation an~~  
35 ~~amount set by the committee not to exceed fifty dollars for each day devoted to~~  
36 ~~the affairs of the committee and shall be reimbursed for necessary and actual~~  
37 ~~expenses incurred in the performance of his or her official duties.~~

38 ~~7. The committee shall hold an annual meeting at which it shall elect~~  
39 ~~from its membership a chairperson and a secretary. The committee may hold~~  
40 ~~such additional meetings as may be required in the performance of its duties. A~~  
41 ~~quorum of the committee shall consist of four of its members.~~

42 ~~8. The staff for the committee shall be provided by the director of the~~  
43 ~~division of professional registration.~~

44 ~~9. The committee may sue and be sued in its official name and shall have~~  
45 ~~a seal which shall be affixed to all certified copies of records and papers on file~~  
46 ~~and to such other instruments as the committee may direct. All courts shall take~~  
47 ~~judicial notice of such seal. Copies of records and proceedings of the committee~~  
48 ~~and of all papers on file with the division on behalf of the committee certified~~  
49 ~~under the seal shall be received as evidence in all courts of record.]~~  
50

~~[210.1014. 1. There is hereby created the "Amber Alert System~~  
2 ~~Oversight Committee", whose primary duty shall be to develop criteria and~~  
3 ~~procedures for the Amber alert system and shall be housed within the department~~  
4 ~~of public safety. The committee shall regularly review the function of the Amber~~  
5 ~~alert system and revise its criteria and procedures in cooperation with the~~  
6 ~~department of public safety to provide for efficient and effective public~~  
7 ~~notification. As soon as practicable, the committee shall adopt criteria and~~  
8 ~~procedures to expand the Amber alert system to provide urgent public alerts~~  
9 ~~related to homeland security, criminal acts, health emergencies, and other~~  
10 ~~imminent dangers to the public health and welfare.~~

11 ~~2. The Amber alert system oversight committee shall consist of ten~~  
12 ~~members of which seven members shall be appointed by the governor with the~~  
13 ~~advice and consent of the senate. Such members shall represent the following~~  
14 ~~entities: two representatives of the Missouri Sheriffs' Association; two~~  
15 ~~representatives of the Missouri Police Chiefs Association; one representative of~~  
16 ~~small market radio broadcasters; one representative of large market radio~~  
17 ~~broadcasters; one representative of television broadcasters. The director of the~~  
18 ~~department of public safety shall also be a member of the committee and shall~~  
19 ~~serve as chair of the committee. Additional members shall include one~~  
20 ~~representative of the highway patrol and one representative of the department of~~  
21 ~~health and senior services.~~

22 ~~3. Members of the oversight committee shall serve a term of four years,~~  
23 ~~except that members first appointed to the committee shall have staggered terms~~  
24 ~~of two, three, and four years and shall serve until their successor is duly~~  
25 ~~appointed and qualified.~~

26 ~~4. Members of the oversight committee shall serve without~~  
 27 ~~compensation, except that members shall be reimbursed for their actual and~~  
 28 ~~necessary expenses required for the discharge of their duties.~~

29 ~~5. The Amber alert system oversight committee shall promulgate rules~~  
 30 ~~for the implementation of the Amber alert system. Any rule or portion of a rule,~~  
 31 ~~as that term is defined in section 536.010, that is created under the authority~~  
 32 ~~delegated in this section shall become effective only if it complies with and is~~  
 33 ~~subject to all of the provisions of chapter 536 and, if applicable, section 536.028.~~  
 34 ~~This section and chapter 536 are nonseverable and if any of the powers vested~~  
 35 ~~with the general assembly pursuant to chapter 536 to review, to delay the~~  
 36 ~~effective date or to disapprove and annul a rule are subsequently held~~  
 37 ~~unconstitutional, then the grant of rulemaking authority and any rule proposed or~~  
 38 ~~adopted after August 28, 2003, shall be invalid and void.]~~

39

2 ~~[217.147. 1. There is hereby created the "Sentencing and Corrections~~  
 3 ~~Oversight Commission". The commission shall be composed of thirteen~~  
 4 ~~members as follows:~~

5 ~~(1) A circuit court judge to be appointed by the chief justice of the~~  
 6 ~~Missouri supreme court;~~

7 ~~(2) Three members to be appointed by the governor with the advice and~~  
 8 ~~consent of the senate, one of whom shall be a victim's advocate, one of whom~~  
 9 ~~shall be a representative from the Missouri Sheriffs' Association, and one of~~  
 10 ~~whom shall be a representative of the Missouri Association of Counties;~~

11 ~~(3) The following shall be ex officio, voting members:~~

12 ~~(a) The chair of the senate judiciary committee, or any successor~~  
 13 ~~committee that reviews legislation involving crime and criminal procedure, who~~  
 14 ~~shall serve as co-chair of the commission and the ranking minority member of~~  
 15 ~~such senate committee;~~

16 ~~(b) The chair of the appropriations-public safety and corrections~~  
 17 ~~committee of the house of representatives, or any successor committee that~~  
 18 ~~reviews similar legislation, who shall serve as co-chair and the ranking minority~~  
 19 ~~member of such house committee;~~

20 ~~(c) The director of the Missouri state public defender system, or his or~~  
 21 ~~her designee who is a practicing public defender;~~

22 ~~(d) The executive director of the Missouri office of prosecution services,~~  
 23 ~~or his or her designee who is a practicing prosecutor;~~

24 ~~(e) The director of the department of corrections, or his or her designee;~~

25 ~~(f) The chairman of the board of probation and parole, or his or her~~  
 26 ~~designee;~~

27 ~~(g) The chief justice of the Missouri supreme court, or his or her~~  
 28 ~~designee.~~

29 ~~2. Beginning with the appointments made after August 28, 2012, the~~  
~~circuit court judge member shall be appointed for four years, two of the members~~

30 appointed by the governor shall be appointed for three years, and one member  
 31 appointed by the governor shall be appointed for two years. Thereafter, the  
 32 members shall be appointed to serve four-year terms and shall serve until a  
 33 successor is appointed. A vacancy in the office of a member shall be filled by  
 34 appointment for the remainder of the unexpired term.

35 ~~3. The co-chairs are responsible for establishing and enforcing attendance~~  
 36 ~~and voting rules, bylaws, and the frequency, location, and time of meetings, and~~  
 37 ~~distributing meeting notices, except that the commission's first meeting shall~~  
 38 ~~occur by February 28, 2013, and the commission shall meet at least twice each~~  
 39 ~~calendar year.~~

40 ~~4. The duties of the commission shall include:~~

41 ~~(1) Monitoring and assisting the implementation of sections 217.703,~~  
 42 ~~217.718, and subsection 4 of section 559.036, and evaluating recidivism~~  
 43 ~~reductions, cost savings, and other effects resulting from the implementation;~~

44 ~~(2) Determining ways to reinvest any cost savings to pay for the~~  
 45 ~~continued implementation of the sections listed in subdivision (1) of this~~  
 46 ~~subsection and other evidence-based practices for reducing recidivism; and~~

47 ~~(3) Examining the issue of restitution for crime victims, including the~~  
 48 ~~amount ordered and collected annually, methods and costs of collection, and~~  
 49 ~~restitution's order of priority in official procedures and documents.~~

50 ~~5. The department, board, and office of state courts administrator shall~~  
 51 ~~collect and report any data requested by the commission in a timely fashion.~~

52 ~~6. The commission shall issue a report to the speaker of the house of~~  
 53 ~~representatives, senate president pro tempore, chief justice of the Missouri~~  
 54 ~~supreme court, and governor on December 31, 2013, and annually thereafter,~~  
 55 ~~detailing the effects of the sections listed in subdivision (1) of subsection 4 and~~  
 56 ~~providing the data and analysis demonstrating those effects. The report may also~~  
 57 ~~recommend ways to reinvest any cost savings into evidence-based practices to~~  
 58 ~~reduce recidivism and possible changes to sentencing and corrections policies~~  
 59 ~~and statutes.~~

60 ~~7. The department of corrections shall provide administrative support to~~  
 61 ~~the commission to carry out the duties of this section.~~

62 ~~8. No member shall receive any compensation for the performance of~~  
 63 ~~official duties, but the members who are not otherwise reimbursed by their~~  
 64 ~~agency shall be reimbursed for travel and other expenses actually and necessarily~~  
 65 ~~incurred in the performance of their duties.~~

66 ~~9. The provisions of this section shall automatically expire on August 28,~~  
 67 ~~2018.]~~

68

2 [217.900. 1. There is hereby established the "Missouri State Penitentiary  
 Redevelopment Commission".

3 ~~2. The commission shall consist of ten commissioners who shall be~~  
 4 ~~qualified voters of the state of Missouri. Three commissioners, no more than two~~



5 of whom shall belong to the same political party, shall be residents of Jefferson  
 6 City and shall be appointed by the mayor of that city with the advice and consent  
 7 of the governing body of that city; three commissioners, no more than two of  
 8 whom shall belong to the same political party, shall be residents of Cole County  
 9 but not of Jefferson City and shall be appointed by the county commission; and  
 10 four commissioners, no more than three of whom shall belong to the same  
 11 political party, none of whom shall be residents of Cole County or of Jefferson  
 12 City, shall be appointed by the governor with the advice and consent of the  
 13 senate. The governor shall appoint one of the commissioners who is not a  
 14 resident of Cole County or Jefferson City to be the chair of the commission. No  
 15 elected official of the state of Missouri or of any city or county in this state shall  
 16 be appointed to the commission.]

17  
 [217.903. The commissioners shall serve for terms of three years, except  
 2 that the first person appointed by each the mayor, the county commission and the  
 3 governor shall serve for two years and the second person appointed by the  
 4 governor shall serve for four years. Each commissioner shall hold office until a  
 5 successor has been appointed and qualified. In the event a vacancy exists or in  
 6 the event a commissioner's term expires, a successor commissioner shall be  
 7 appointed by whomever appointed the commissioner who initially held the  
 8 vacant positions and if no person is so selected within sixty days of the creation  
 9 of the vacancy, the unexpired term of such commissioner may be filled by a  
 10 majority vote of the remainder of the commissioners, provided such successor  
 11 commissioner shall meet the requirements set forth by sections 217.900 to  
 12 217.910. Pending any such appointment to fill any vacancy, the remaining  
 13 commissioners may conduct commission business. Commissioners shall serve  
 14 without compensation but shall be entitled to reimbursement from the Missouri  
 15 state penitentiary redevelopment commission fund established in subsection 1 of  
 16 section 217.910 for expenses incurred in conducting the commission's business.]

17  
 [217.905. 1. The commission shall have the following powers:  
 2 \_\_\_\_\_ (1) To acquire title to the property historically utilized as the Missouri  
 3 state penitentiary and to acquire by gift or bequest from public or private sources  
 4 property adjacent thereto and necessary or appropriate to the successful  
 5 redevelopment of the Missouri state penitentiary property;  
 6 \_\_\_\_\_ (2) To lease or sell real property to developers who will utilize the  
 7 property consistent with the master plan for the property and to hold proceeds  
 8 from such transactions outside the state treasury;  
 9 \_\_\_\_\_ (3) To adopt bylaws for the regulation of its affairs and the conduct of its  
 10 business;  
 11 \_\_\_\_\_ (4) To hire employees necessary to perform the commission's work;  
 12 \_\_\_\_\_ (5) To contract and to be contracted with, including, but without  
 13 limitation, the authority to enter into contracts with cities, counties and other

14 political subdivisions, agencies of the state of Missouri and public agencies  
 15 pursuant to sections 70.210 to 70.325 and otherwise, and to enter into contracts  
 16 with other entities, in connection with the acquisition by gift or bequest and in  
 17 connection with the planning, construction, financing, leasing, subleasing,  
 18 operation and maintenance of any real property or facility and for any other  
 19 lawful purpose, and to sue and to be sued;

20 ~~————— (6) To receive for its lawful activities contributions or moneys~~  
 21 ~~appropriated or otherwise designated for payment to the authority by~~  
 22 ~~municipalities, counties, state or other political subdivisions or public agencies~~  
 23 ~~or by the federal government or any agency or officer thereof or from any other~~  
 24 ~~sources and to apply for grants and other funding and deposit those funds in the~~  
 25 ~~Missouri state penitentiary redevelopment fund;~~

26 ~~————— (7) To disburse funds for its lawful activities and fix salaries and wages~~  
 27 ~~of its employees;~~

28 ~~————— (8) To invest any of the commission's funds in such types of investments~~  
 29 ~~as shall be determined by a resolution adopted by the commission;~~

30 ~~————— (9) To borrow money for the acquisition, construction, equipping,~~  
 31 ~~operation, maintenance, repair, remediation or improvement of any facility or real~~  
 32 ~~property to which the commission holds title and for any other proper purpose,~~  
 33 ~~and to issue negotiable notes, bonds and other instruments in writing as evidence~~  
 34 ~~of sums borrowed;~~

35 ~~————— (10) To perform all other necessary and incidental functions, and to~~  
 36 ~~exercise such additional powers as shall be conferred by the general assembly;~~  
 37 ~~and~~

38 ~~————— (11) To purchase insurance, including self-insurance, of any property or~~  
 39 ~~operations of the commission or its members, directors, officers and employees,~~  
 40 ~~against any risk or hazard, and to indemnify its members, agents, independent~~  
 41 ~~contractors, directors, officers and employees against any risk or hazard. The~~  
 42 ~~commission is specifically authorized to purchase insurance from the Missouri~~  
 43 ~~public entity risk management fund and is hereby determined to be a public entity~~  
 44 ~~as defined in section 537.700.~~

45 ~~————— 2. In no event shall the state be liable for any deficiency or indebtedness~~  
 46 ~~incurred by the commission.~~

47 ~~————— 3. The Missouri state penitentiary redevelopment commission is a state~~  
 48 ~~commission for purposes of section 105.711 and all members of the commission~~  
 49 ~~shall be entitled to coverage under the state legal expense fund.]~~

50  
 2 [217.907. The income of the commission and all properties any time  
 3 owned by the authority shall be exempt from all taxation in the state of Missouri.]

2 [217.910. 1. There is hereby created in the state treasury the "Missouri  
 3 State Penitentiary Redevelopment Commission Fund", which shall consist of  
 money collected pursuant to sections 217.900 to 217.910. The fund shall be

4       ~~administered by the Missouri state penitentiary redevelopment commission.~~  
 5       ~~Money in the fund shall be used solely for the purposes of the Missouri state~~  
 6       ~~penitentiary redevelopment commission.~~

7       ~~2. Notwithstanding the provisions of section 33.080, no portion of the~~  
 8       ~~fund shall be transferred to the general revenue fund, and any appropriation made~~  
 9       ~~to the fund shall not lapse. The state treasurer shall invest moneys in the fund in~~  
 10       ~~the same manner as other funds are invested. Interest and moneys earned on such~~  
 11       ~~investments shall be credited to the fund.~~

12       ~~3. Upon the dissolving of the commission, any funds remaining in the~~  
 13       ~~Missouri state penitentiary commission fund shall be transferred to the general~~  
 14       ~~revenue fund.]~~

15

2       ~~[260.365. 1. There is hereby created a hazardous waste management~~  
 3       ~~agency to be known as the "Hazardous Waste Management Commission of the~~  
 4       ~~State of Missouri", whose domicile for the purpose of sections 260.350 to~~  
 5       ~~260.430 shall be deemed to be that of the department of natural resources of the~~  
 6       ~~state of Missouri. The commission shall consist of seven members appointed by~~  
 7       ~~the governor with the advice and consent of the senate. No more than four~~  
 8       ~~members shall belong to the same political party. All members shall be~~  
 9       ~~representative of the general interest of the public and shall have an interest in~~  
 10       ~~and knowledge of waste management and the effects of improper waste~~  
 11       ~~management on health and the environment and shall serve in a manner~~  
 12       ~~consistent with the purposes of sections 260.350 to 260.430. Four of the~~  
 13       ~~members, but no more than four, one for each interest, shall be knowledgeable~~  
 14       ~~of and may be employed in agriculture, the retail petroleum industry, the waste~~  
 15       ~~generating industry and the waste management industry. Except for the industry~~  
 16       ~~members, no member shall receive, or have received during the previous two~~  
 17       ~~years, a significant portion of income directly or indirectly from any license or~~  
 18       ~~permit holder or applicant for license or permit under any waste management act.~~  
 19       ~~At the first meeting of the commission and annually thereafter, the members shall~~  
 20       ~~select from among themselves a chairman and a vice chairman. Prior to any vote~~  
 21       ~~on any variance, appeal or order, they shall adopt a voting rule to exclude from~~  
 22       ~~such vote any member with a conflict of interest with respect to the matter at~~  
 23       ~~issue.~~

24       ~~2. The members' terms of office shall be four years and until their~~  
 25       ~~successors are selected and qualified, except that, of those first appointed, three~~  
 26       ~~shall have a term of three years, two shall have a term of two years and two shall~~  
 27       ~~have a term of one year as designated by the governor at the time of appointment.~~  
 28       ~~There is no limitation on the number of terms any appointed member may serve.~~  
 29       ~~If a vacancy occurs the governor may appoint a member for the remaining portion~~  
 30       ~~of the unexpired term created by the vacancy. The governor may remove any~~  
 31       ~~appointed member for cause. The members of the commission shall be~~  
       ~~reimbursed for actual and necessary expenses incurred in the performance of their~~

32 ~~duties, and shall receive fifty dollars per day for each day spent in the~~  
33 ~~performance of their official duties while in attendance at regular commission~~  
34 ~~meetings.~~

35 ~~3. The commission shall hold at least four regular meetings each year and~~  
36 ~~such additional meetings as the chairman deems desirable at a place and time to~~  
37 ~~be fixed by the chairman. Special meetings may be called by three members of~~  
38 ~~the commission upon delivery of written notice to each member of the~~  
39 ~~commission. Reasonable written notice of all meetings shall be given by the~~  
40 ~~department to all members of the commission. Four members of the commission~~  
41 ~~shall constitute a quorum. All powers and duties conferred upon members of the~~  
42 ~~commission shall be exercised personally by the members and not by alternates~~  
43 ~~or representatives. All actions of the commission shall be taken at meetings open~~  
44 ~~to the public. Any member absent from four consecutive regular commission~~  
45 ~~meetings for any cause whatsoever shall be deemed to have resigned and the~~  
46 ~~vacaney shall be filled immediately in accordance with this section.]~~  
47

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

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

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

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

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

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

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

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

70 ~~————— (d) Rules and regulations establishing standards for the issuance,~~  
 71 ~~modification, suspension, revocation or denial of such licenses and permits as are~~  
 72 ~~consistent with the purposes of sections 260.350 to 260.430;~~

73 ~~————— (e) Rules and regulations establishing standards and procedures for the~~  
 74 ~~safe operation and maintenance of hazardous waste facilities in order to protect~~  
 75 ~~the health of humans and other living organisms;~~

76 ~~————— (f) Rules and regulations listing those wastes or combinations of wastes,~~  
 77 ~~for which criteria have been established under paragraph (a) of this subdivision~~  
 78 ~~and which are not compatible and which may not be stored or disposed of~~  
 79 ~~together;~~

80 ~~————— (g) Rules and regulations establishing procedures and requirements for~~  
 81 ~~the reporting of the generation, storage, transportation, treatment or disposal of~~  
 82 ~~hazardous wastes;~~

83 ~~————— (2) Adopt and publish, after notice as required by the provisions of~~  
 84 ~~chapter 536 pertaining to administrative rulemaking, and public hearing, a state~~  
 85 ~~hazardous waste management plan to provide for the safe and effective~~  
 86 ~~management of hazardous wastes within this state. This plan shall be adopted~~  
 87 ~~within two years after September 28, 1977, and revised at least once every five~~  
 88 ~~years thereafter;~~

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

96 ~~————— (4) Grant individual variances in accordance with the provisions of~~  
 97 ~~sections 260.350 to 260.430;~~

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

100 ~~————— 4. No rule or portion of a rule promulgated under the authority of sections~~  
 101 ~~260.350 to 260.480 and sections 260.565 to 260.575 shall become effective~~  
 102 ~~unless it has been promulgated pursuant to the provisions of section 536.024.~~

103 ~~————— 5. To the extent there is a conflict concerning authority for risk-based~~  
 104 ~~remediation rules between this section and section 644.143 or subdivision (8) of~~  
 105 ~~section 644.026, this section shall prevail.]~~

106

2 [262.820. There is hereby created the "Missouri Wine and Grape Board",  
 3 a body politic and corporate, an independent instrumentality exercising essential  
 4 public functions, with duties and powers as set forth in sections 262.820 to  
 5 262.859.]

2           ~~[262.823. The purpose of the board shall be to further the growth and~~  
 3           ~~development of the grape growing industry in the state of Missouri. The board~~  
 4           ~~shall have a correlate purpose of fostering the expansion of the grape market for~~  
 5           ~~Missouri grapes. To effectuate these goals, the board may:~~

6           ~~————— (1) Participate in cooperation with state, regional, national, or~~  
 7           ~~international activities, groups, and organizations whose objectives are that of~~  
 8           ~~developing new and better grape varieties to determine their suitability for~~  
 9           ~~growing in Missouri;~~

10          ~~————— (2) Participate in and develop research projects on improved~~  
 11          ~~wine-making methods utilizing the new grape varieties to be grown in Missouri;~~

12          ~~————— (3) Utilize the individual and collective expertise of the board members~~  
 13          ~~as well as experts in the fields of enology and viticulture selected by the board,~~  
 14          ~~to update and improve the quality of grapes grown in Missouri and advanced~~  
 15          ~~methods of producing wines from these Missouri grapes;~~

16          ~~————— (4) Furnish current information and associated data on research~~  
 17          ~~conducted by and for the board to grape growers and vintners in Missouri as well~~  
 18          ~~as to interested persons considering entering these fields within the state, and~~

19          ~~————— (5) Participate in subsequent studies, programs, research, and information~~  
 20          ~~and data dissemination in the areas of sales, promotions, and effective~~  
 21          ~~distribution of Missouri wines, and to oversee and provide any professional or~~  
 22          ~~legal services to promote such marketing goals.]~~

2           ~~[262.826. As used in sections 262.820 to 262.859, the following terms~~  
 3           ~~shall mean:~~

4           ~~————— (1) "Board", the Missouri wine and grape board established pursuant to~~  
 5           ~~section 262.820;~~

6           ~~————— (2) "Council", the Missouri wine marketing and research council~~  
 7           ~~established pursuant to section 275.462.]~~

2           ~~[262.829. The principal office of the board shall be located in Jefferson~~  
 3           ~~City, Missouri. The board may have offices at such other places as the board may~~  
 4           ~~from time to time designate. The board shall act as the organization within the~~  
 5           ~~department of agriculture charged with the promotion, research, and advisement~~  
 6           ~~of grapes and grape products in Missouri, and shall be the sole recipient of~~  
 7           ~~funding as provided for in section 311.554.]~~

2           ~~[262.832. Notwithstanding the provisions of any other law to the~~  
 3           ~~contrary, no officer or employee of this state shall be deemed to have forfeited or~~  
 4           ~~shall forfeit his or her office or employment by reason of his or her acceptance~~  
 5           ~~of membership on the board or his or her service thereto.]~~

2           ~~[262.835. The powers of the board shall be vested in eleven members,~~  
 3           ~~who shall be residents of this state. The board shall be composed of seven~~

3 industry members who shall represent the Missouri grape and wine industry, food  
4 service industry, or media marketing industry. These seven members shall be  
5 current members of the Missouri grape and wine advisory board as of the  
6 effective date of this act. Such members shall serve the remainder of their terms  
7 established for the advisory board. Upon the expiration of the terms of such  
8 members, the members of the board representing the industry shall be appointed  
9 by the governor, with the advice and consent of the senate. Except for ex officio  
10 members, each board member appointed by the governor shall serve a four-year  
11 term ending four years from the date of expiration of the term for which his or her  
12 predecessor was appointed; except that a person appointed to fill a vacancy prior  
13 to the expiration of such a term shall be appointed for the remainder of the term.  
14 No board member appointed under sections 262.820 to 262.859 by the governor  
15 shall serve more than two consecutive full terms. Each appointed board member  
16 shall hold office for the term of the member's appointment and until a successor  
17 is appointed and qualified. The board shall have four ex officio members,  
18 including the president of the Missouri Grape Growers Association, the president  
19 of the Missouri Vintners Association, the president of the Missouri Wine  
20 Marketing and Research Council, and the director of the department of  
21 agriculture. Ex officio members shall be voting members of the board and their  
22 terms will coincide with the time they hold the elected or appointed office  
23 qualifying them to be a member of the board.]  
24

2 [262.838. A board member shall be removed from office by the governor  
3 for malfeasance, willful neglect of duty, or other cause after notice and public  
4 hearing, unless such notice or hearing shall be expressly waived in writing.]

2 [262.841. The board members shall annually elect from among their  
3 number a chairperson and vice chairperson, and such other officers as they may  
4 deem necessary.]

2 [262.844. The board shall meet in Jefferson City within sixty days of the  
3 effective date of this act to elect a chairperson and vice chairperson of the board.  
4 The committee shall thereafter meet annually, within sixty days of July first, to  
5 elect officers and conduct business of the board. Additional meetings shall be  
6 held at the call of the chairperson or whenever two board members so request.  
7 Six members of the board shall constitute a quorum, and any action taken by the  
8 board under the provisions of sections 262.820 to 262.859 may be authorized by  
9 resolution approved by a majority, but not less than five, of the board members  
10 present at any regular or special meeting. In the absence of the chairman, the vice  
11 chairman may preside over the annual meeting of the board or in the absence of  
12 the chairman, any meeting requested by two or more commissioners. No vacancy  
13 in the membership of the board shall impair the right of a quorum to exercise all  
the rights and perform all the duties of the board.]



14

~~[262.847. Board members shall receive no compensation for the performance of their duties under sections 262.820 to 262.859, but each board member shall be reimbursed from the funds of the board for actual and necessary expenses incurred in carrying out the member's official duties under sections 262.820 to 262.859.]~~

6

~~[262.850. The board shall employ an executive director. The executive director shall be the secretary of the board and shall administer, manage, and direct the affairs and business of the board, subject to the policies, control, and direction of the board. The board may employ technical experts and such other officers, agents, and employees as they deem necessary, and may fix their qualifications, duties, and compensation. The executive director of the board shall be paid an amount to be determined by the board, but not to exceed that of a division director of the department of agriculture. The executive director and all other employees of the board shall be state employees and eligible for all corresponding benefits. The board may delegate to the executive director, or to one or more of its agents or employees, such powers and duties as it may deem proper.]~~

13

~~[262.853. The secretary shall keep a record of the proceedings of the board and shall be custodian of all books, documents, and papers filed with the board and of its minute book. The secretary shall have the authority to cause to be made copies of all minutes and other records and documents of the board.]~~

5

~~[262.856. The board shall have all of the powers necessary and convenient to carry out and effectuate the purposes and provisions of sections 262.820 to 262.859, including, but not limited to, the power to:~~

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~~(1) Receive and accept from any source, aid, or contributions of money, property, labor, or other things of value to be held, used, and applied to carry out the purposes of sections 262.820 to 262.859, subject to the conditions upon which the grants or contributions are made, including, but not limited to, gifts, or grants from any department, agency, or instrumentality of the United States for any purpose consistent with sections 262.820 to 262.859;~~

~~(2) To work with and counsel the viticulture and enology experts on the needs and requirements of grape producers and wine makers so as to optimize their work in developing the best strains of all grape varieties related to soil and climate conditions throughout the state and developing the art of wine making utilizing Missouri produced grapes;~~

~~(3) To review progress and final reports from these experts to determine the potential of economic forecasts for developing the Missouri grape and wine industries;~~

- 18 ~~————— (4) To confer and cooperate with similar boards or councils in other~~
- 19 ~~states to further understandings and accords on the grape and wine industries;~~
- 20 ~~————— (5) To approve and recommend desirable amendments to these powers~~
- 21 ~~of the board;~~
- 22 ~~————— (6) To perform such other duties as may be necessary to proper~~
- 23 ~~operations of the board.]~~
- 24

2 ~~[262.859. The board shall, following the close of each fiscal year, submit~~

3 ~~an annual report of its activities for the preceding year to the governor and the~~

4 ~~general assembly. Each report shall set forth a complete operating and financial~~

5 ~~statement for the authority during the fiscal year it covers.]~~

2 ~~[263.523. 1. The department shall certify a cotton growers' organization~~

3 ~~for the purpose of entering into agreements with the state of Missouri, other~~

4 ~~states, the federal government, and other parties as may be necessary to carry out~~

5 ~~the purposes of sections 263.500 to 263.537.~~

6 ~~————— 2. In order to be eligible for certification by the department, the cotton~~

7 ~~growers' organization must demonstrate to the satisfaction of the department that:~~

8 ~~————— (1) It is a nonprofit organization and could qualify as a tax exempt~~

9 ~~organization under Section 501(a) of the Internal Revenue Code;~~

10 ~~————— (2) Membership in the organization shall be open to all cotton growers~~

11 ~~in this state.~~

12 ~~————— 3. The organization shall have only one class of members with each~~

13 ~~member entitled to only one vote.~~

14 ~~————— 4. The organization's board of directors shall be composed as follows:~~

15 ~~————— (1) Two Missouri cotton growers recommended by the department, to be~~

16 ~~appointed by the governor;~~

17 ~~————— (2) Three Missouri cotton growers recommended by the largest general~~

18 ~~farm organization in this state, to be appointed by the governor;~~

19 ~~————— (3) Three Missouri cotton growers recommended by the largest cotton~~

20 ~~producer organization in this state, to be appointed by the governor;~~

21 ~~————— (4) One representative of state government from this state recommended~~

22 ~~by the department, to be appointed by the governor.~~

23 ~~————— 5. Directors shall serve for three-year terms, but of the first board~~

24 ~~appointed three members shall serve for a term of one year, three members shall~~

25 ~~serve for two years and three members shall serve for three years. All books and~~

26 ~~records of account and minutes of proceedings of the organization shall be~~

27 ~~available for inspection or audit by the department at any reasonable time.]~~

2 ~~[263.525. 1. Upon determination by the department that the organization~~

3 ~~meets the requirements of section 263.523, the department shall certify the~~

4 ~~organization as the official cotton growers' organization.~~

4 ~~2. Such certification shall be for the purposes of sections 263.500 to~~  
5 ~~263.537 only, and shall not affect other organizations or associations of cotton~~  
6 ~~growers established for other purposes.~~

7 ~~3. The department shall certify only one such organization and may~~  
8 ~~revoke the certification of the organization if at any time the organization shall~~  
9 ~~fail to meet the requirements of sections 263.500 to 263.537.]~~

10

~~[288.475. 1. There is hereby created a "Missouri State Unemployment~~  
2 ~~Council". The council shall consist of nine appointed voting members and two~~  
3 ~~appointed nonvoting members. All appointees shall be persons whose training~~  
4 ~~and experience qualify them to deal with the difficult problems of unemployment~~  
5 ~~compensation, particularly legal, accounting, actuarial, economic, and social~~  
6 ~~aspects of unemployment compensation.~~

7 ~~(1) Three voting members shall be appointed to the council by the~~  
8 ~~governor. One voting member shall be appointed on account of his or her~~  
9 ~~vocation, employment, or affiliations being classed as representative of~~  
10 ~~employers. One voting member shall be appointed on account of his or her~~  
11 ~~vocation, employment, or affiliations being classed as representative of~~  
12 ~~employees. One voting member shall be appointed to represent the public~~  
13 ~~interest separate from employee or employer representation.~~

14 ~~(2) Three voting members and one nonvoting member shall be appointed~~  
15 ~~to the council by the speaker of the house of representatives. One voting member~~  
16 ~~shall be appointed on account of his or her vocation, employment, or affiliations~~  
17 ~~being classed as representative of employers that employ twenty or less~~  
18 ~~employees. One voting member shall be appointed on account of his or her~~  
19 ~~vocation, employment, or affiliations being classed as representative of~~  
20 ~~employees. One voting member shall be appointed to represent the public~~  
21 ~~interest separate from employee or employer representation. One nonvoting~~  
22 ~~member shall be appointed from the house of representatives.~~

23 ~~(3) Three voting members and one nonvoting member shall be appointed~~  
24 ~~to the council by the president pro tem of the senate. One voting member shall~~  
25 ~~be appointed on account of his or her vocation, employment, or affiliations being~~  
26 ~~classed as representative of employers. One voting member shall be appointed~~  
27 ~~on account of his or her vocation, employment, or affiliations being classed as~~  
28 ~~representative of employees. One voting member shall be appointed to represent~~  
29 ~~the public interest separate from employee or employer representation. One~~  
30 ~~nonvoting member shall be appointed from the senate.~~

31 ~~2. The council shall organize itself and select a chairperson or~~  
32 ~~cochairpersons and other officers from the nine voting members. Six voting~~  
33 ~~members shall constitute a quorum and the council shall act only upon the~~  
34 ~~affirmative vote of at least five of the voting members. The council shall meet~~  
35 ~~no less than four times yearly. Members of the council shall serve without~~  
36 ~~compensation, but are to be reimbursed the amount of actual expenses. Actual~~

37 expenses shall be paid from the special employment security fund under section  
38 288.310.

39 ~~3. The division shall provide professional and clerical assistance as~~  
40 ~~needed for regularly scheduled meetings.~~

41 ~~4. Each nonvoting member shall serve for a term of four years or until he~~  
42 ~~or she is no longer a member of the general assembly whichever occurs first. A~~  
43 ~~nonvoting member's term shall be a maximum of four years. Each voting~~  
44 ~~member shall serve for a term of three years. For the initial appointment, the~~  
45 ~~governor-appointed employer representative, the speaker of the house-appointed~~  
46 ~~employee representative, and the president pro tem of the senate-appointed public~~  
47 ~~interest representative shall serve an initial term of one year. For the initial~~  
48 ~~appointment, the governor-appointed employee representative, the speaker of the~~  
49 ~~house-appointed public interest representative, and the president pro tem of the~~  
50 ~~senate-appointed employer representative shall serve an initial term of two years.~~  
51 ~~At the end of a voting member's term he or she may be reappointed; however, he~~  
52 ~~or she shall serve no more than two terms excluding the initial term for a~~  
53 ~~maximum of eight years.~~

54 ~~5. The council shall advise the division in carrying out the purposes of~~  
55 ~~this chapter. The council shall submit annually by January fifteenth to the~~  
56 ~~governor and the general assembly its recommendations regarding amendments~~  
57 ~~to this chapter, the status of unemployment insurance, the projected maintenance~~  
58 ~~of the solvency of unemployment insurance, and the adequacy of unemployment~~  
59 ~~compensation.~~

60 ~~6. The council shall present to the division every proposal of the council~~  
61 ~~for changes in this chapter and shall seek the division's concurrence with the~~  
62 ~~proposal. The division shall give careful consideration to every proposal~~  
63 ~~submitted by the council for legislative or administrative action and shall review~~  
64 ~~each legislative proposal for possible incorporation into department of labor and~~  
65 ~~industrial relations' recommendations.~~

66 ~~7. The council shall have access to only the records of the division that~~  
67 ~~are necessary for the administration of this chapter and to the reasonable services~~  
68 ~~of the employees of the division. It may request the director or any of the~~  
69 ~~employees appointed by the director or any employee subject to this chapter to~~  
70 ~~appear before it and to testify relative to the functioning of this chapter and to~~  
71 ~~other relevant matters. The council may conduct research of its own, make and~~  
72 ~~publish reports, and recommend to the division needed changes in this chapter~~  
73 ~~or in the rules of the division as it considers necessary.~~

74 ~~8. The council, unless prohibited by a concurrent resolution of the~~  
75 ~~general assembly, shall be authorized to commission an outside study of the~~  
76 ~~solvency, adequacy, and staffing and operational efficiency of the Missouri~~  
77 ~~unemployment system. The study shall be conducted every five years, the first~~  
78 ~~being conducted in fiscal year 2005. The study shall be funded subject to~~  
79 ~~appropriation from the special employment security fund under section 288.310.]~~

80

~~[324.177. 1. There is hereby established an "Advisory Commission for Clinical Perfusionists" which shall guide, advise and make recommendations to the board. The commission shall approve the examination required by section 324.133 and shall assist the board in carrying out the provisions of sections 324.125 to 324.183.~~

~~2. The advisory commission shall consist of five perfusionist members and two public members which shall be appointed by the governor with the advice and consent of the senate. The members of the commission shall be appointed for terms of six years; except those first appointed, of which one shall be appointed for a term of one year, one shall be appointed for a term of two years, one shall be appointed for a term of three years, one shall be appointed for a term of four years, one shall be appointed for a term of five years and one shall be appointed for a term of six years. The nonpublic commission members shall be residents of the state of Missouri for at least one year, shall be United States citizens and shall meet all the requirements for licensing provided in sections 324.125 to 324.183, shall be licensed pursuant to sections 324.125 to 324.183; except the members of the first commission, who shall be licensed within six months of their appointment and are actively engaged in the practice of perfusion. If a member of the commission shall, during the member's term as a commission member, remove the member's domicile from the state of Missouri, then the commission shall immediately notify the governor and the seat of that commission member shall be declared vacant. All such vacancies shall be filled by appointment as in the same manner as the preceding appointment. The public members shall be at the time of the members' appointment citizens of the United States; residents of the state for a period of at least one year and registered voters; persons who are not and never were members of any profession licensed or regulated pursuant to sections 324.125 to 324.183 or the spouse of such person; persons who do not have and never have had a material, financial interest in either the provision of the professional services regulated by sections 324.125 to 324.183, or an activity or organization directly related to any profession licensed or regulated by sections 324.125 to 324.183.~~

~~3. Notwithstanding any other provision of law to the contrary, any appointed member of the commission shall receive as compensation an amount established by the director of the division of professional registration not to exceed seventy dollars per day for commission business plus actual and necessary expenses. The director of the division of professional registration shall establish by rule guidelines for payment. All staff for the commission shall be provided by the division of professional registration.~~

~~4. A member of the commission may be removed if the member:~~

~~(1) Does not have, at the time of appointment, the qualifications required for appointment to the commission;~~

41

- 42 ~~\_\_\_\_\_ (2) Does not maintain during service on the commission the~~
- 43 ~~qualifications required for appointment to the commission;~~
- 44 ~~\_\_\_\_\_ (3) Violates any provision of sections 324.125 to 324.183;~~
- 45 ~~\_\_\_\_\_ (4) Cannot discharge the member's duties for a substantial part of the~~
- 46 ~~term for which the member is appointed because of illness or disability; or~~
- 47 ~~\_\_\_\_\_ (5) Is absent from more than half of the regularly scheduled commission~~
- 48 ~~meetings that the member is eligible to attend during a calendar year, unless the~~
- 49 ~~absence is excused by a majority vote of the commission.]~~

50

2 ~~[324.180. Not later than thirty days after the governor appoints the initial~~

3 ~~members of the commission and annually thereafter, the commission shall meet~~

4 ~~and elect one of its members as chairperson and one of its members as vice~~

5 ~~chairperson. The commission shall meet at least quarterly or at any other time~~

6 ~~if called by the chairperson or a majority of the commission. A majority of the~~

7 ~~members of the commission shall constitute a quorum.]~~

7

2 ~~[324.400. As used in sections 324.400 to 324.439, the following terms~~

3 ~~mean:~~

- 3 ~~\_\_\_\_\_ (1) "Council", the interior design council created in section 324.406;~~
- 4 ~~\_\_\_\_\_ (2) "Division", the division of professional registration;~~
- 5 ~~\_\_\_\_\_ (3) "Registered interior designer", a design professional who provides~~
- 6 ~~services including preparation of documents and specifications relative to~~
- 7 ~~nonload-bearing interior construction, furniture, finishes, fixtures and equipment~~
- 8 ~~and who meets the criteria of education, experience and examination as provided~~
- 9 ~~in sections 324.400 to 324.439.]~~

10

2 ~~[324.402. The state or any county, municipality, or other political~~

3 ~~subdivision shall not require the use of a registered interior designer for any~~

4 ~~residential building, residential remodeling, residential rehabilitation, or~~

5 ~~residential construction purposes.]~~

5

2 ~~[324.403. No person may use the name or title, registered interior~~

3 ~~designer, in this state unless that person is registered as required by sections~~

4 ~~324.400 to 324.439. Nothing in sections 324.400 to 324.439 shall be construed~~

5 ~~as limiting or preventing the practice of a person's profession or restricting a~~

6 ~~person from providing interior design services, provided such person does not~~

7 ~~indicate to the public that such person is registered as an interior designer~~

8 ~~pursuant to the provisions of sections 324.400 to 324.439.]~~

8

2 ~~[324.406. 1. There is hereby created within the division of professional~~

3 ~~registration a council to be known as the "Interior Design Council". The council~~

4 ~~shall consist of four interior designers and one public member appointed by the~~

5 ~~governor with the advice and consent of the senate. The governor shall give due~~

4

5 consideration to the recommendations by state organizations of the interior  
6 design profession for the appointment of the interior design members to the  
7 council. Council members shall be appointed to serve a term of four years;  
8 except that of the members first appointed, one interior design member and the  
9 public member shall be appointed for terms of four years, one member shall be  
10 appointed for a term of three years, one member shall be appointed for a term of  
11 two years and one member shall be appointed for a term of one year. No member  
12 of the council shall serve more than two terms.

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

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

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

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

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

42 ~~7. The council may sue and be sued as the interior design council and the~~  
43 ~~council members need not be named as parties. Members of the council shall not~~  
44 ~~be personally liable either jointly or severally for any act committed in the~~  
45 ~~performance of their official duties as council members. No council member~~  
46 ~~shall be personally liable for any costs which accrue in any action by or against~~  
47 ~~the council.]~~

48

~~[324.409. 1. To be a registered interior designer, a person:~~

~~2 (1) Shall take and pass or have passed the examination administered by  
3 the National Council for Interior Design Qualification or an equivalent  
4 examination approved by the council. In addition to proof of passage of the  
5 examination, the application shall provide substantial evidence to the council that  
6 the applicant:~~

~~7 (a) Is a graduate of a five-year or four-year interior design program from  
8 an accredited institution and has completed at least two years of diversified and  
9 appropriate interior design experience; or~~

~~10 (b) Has completed at least three years of an interior design curriculum  
11 from an accredited institution and has completed at least three years of diversified  
12 and appropriate interior design experience; or~~

~~13 (c) Is a graduate of a two-year interior design program from an accredited  
14 institution and has completed at least four years of diversified and appropriate  
15 interior design experience; or~~

~~16 (2) May qualify who is currently registered pursuant to sections 327.091  
17 to 327.171, and section 327.401 pertaining to the practice of architecture and  
18 registered with the council. Such applicant shall give authorization to the council  
19 in order to verify current registration with sections 327.091 to 327.171 and  
20 section 327.401 pertaining to the practice of architecture.~~

~~21 2. Verification of experience required pursuant to this section shall be  
22 based on a minimum of two client references, business or employment  
23 verification and three industry references, submitted to the council.~~

~~24 3. The council shall verify if an applicant has complied with the  
25 provisions of this section and has paid the required fees, then the council shall  
26 recommend such applicant be registered as a registered interior designer by the  
27 council.]~~

28

~~[324.412. 1. The division shall:~~

~~2 (1) Employ, within the limits of the appropriations for that purpose, such  
3 employees as are necessary to carry out the provisions of sections 324.400 to  
4 324.439;~~

~~5 (2) Exercise all budgeting, purchasing, reporting and other related  
6 management functions.~~

~~7 2. The council shall:~~

~~8 (1) Recommend prosecution for violations of sections 324.400 to  
9 324.439 to the appropriate prosecuting or circuit attorney;~~

~~10 (2) Promulgate such rules and regulations as are necessary to administer  
11 the provisions of sections 324.400 to 324.439. Any rule or portion of a rule, as  
12 that term is defined in section 536.010, that is promulgated to administer and  
13 enforce sections 324.400 to 324.439, shall become effective only if the agency  
14 has fully complied with all of the requirements of chapter 536, including but not~~



15 limited to, section 536.028, if applicable, after August 28, 1998. If the provisions  
16 of section 536.028 apply, the provisions of this section are nonseverable and if  
17 any of the powers vested with the general assembly pursuant to section 536.028  
18 to review, to delay the effective date, or to disapprove and annul a rule or portion  
19 of a rule are held unconstitutional or invalid, the purported grant of rulemaking  
20 authority and any rule so proposed and contained in the order of rulemaking shall  
21 be invalid and void, except that nothing in this section shall affect the validity of  
22 any rule adopted and promulgated prior to August 28, 1998.]  
23

2 [324.415. Applications for registration as a registered interior designer  
3 shall be typewritten on forms prescribed by the council and furnished to the  
4 applicant. The application shall contain the applicant's statements showing the  
5 applicant's education, experience, results of previous interior design certification,  
6 registration or licensing examinations, if any, and such other pertinent  
7 information as the council may require, or architect's registration number and  
8 such other pertinent information as the council may require. Each application  
9 shall contain a statement that is made under oath or affirmation and that the  
10 representations are true and correct to the best knowledge and belief of the person  
11 signing the application. The person shall be subject to the penalties for making  
12 a false affidavit or declaration and shall be accompanied by the required fee.]

2 [324.418. 1. The certificate of registration issued biennially to a  
3 registered interior designer pursuant to sections 324.400 to 324.439 shall be  
4 renewed on or before the certificate renewal date accompanied by the required  
5 fee. The certificate of registration of a registered interior designer which is not  
6 renewed within three months after the certificate renewal date shall be suspended  
7 automatically, subject to the right of the holder to have the suspended certificate  
8 of registration reinstated within nine months of the date of suspension if the  
9 person pays the required reinstatement fee. Any certificate of registration  
10 suspended and not reinstated within nine months of the suspension date shall  
11 expire and be void and the holder of such certificate shall have no rights or  
12 privileges provided to holders of valid certificates. Any person whose certificate  
13 of registration has expired may, upon demonstration of current qualifications and  
14 payment of required fees, be reregistered or reauthorized under the person's  
15 original certificate of registration number.

16 2. Each application for the renewal or reinstatement of a registration shall  
17 be on a form furnished to the applicant and shall be accompanied by the required  
18 fees and proof of current completion of at least one unit every two years of  
19 approved or verifiable continuing education in interior design or architecture,  
20 immediately prior to such renewal or reinstatement. Ten contact hours  
21 constitutes one continuing education unit. Five contact hours of teaching in  
interior design or architecture constitutes one continuing education unit. One

22 college course credit in interior design or architecture constitutes one continuing  
 23 education unit.]  
 24

2 [324.421. The council shall register without examination any interior  
 3 designer certified, licensed or registered in another state or territory of the United  
 4 States or foreign country if the applicant has qualifications which are at least  
 5 equivalent to the requirements for registration as a registered interior designer in  
 6 this state and such applicant pays the required fees.]

2 [324.424. 1. The council shall set the amount of the fees authorized by  
 3 sections 324.400 to 324.439 by rules and regulations. The fees shall be set at a  
 4 level to produce revenue which shall not substantially exceed the cost and  
 5 expense of administering sections 324.400 to 324.439. All fees required pursuant  
 6 to sections 324.400 to 324.439 shall be paid to and collected by the division of  
 7 professional registration and transmitted to the department of revenue for deposit  
 8 in the state treasury to the credit of the "Interior Designer Council Fund", which  
 is hereby created.

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

2 [324.427. It is unlawful for any person to advertise or indicate to the  
 3 public that the person is a registered interior designer in this state, unless such  
 4 person is registered as a registered interior designer by the council and is in good  
 5 standing pursuant to sections 324.400 to 324.439.]

2 [324.430. No person may use the designation registered interior designer  
 3 in Missouri, unless the council has issued a current certificate of registration  
 4 certifying that the person has been duly registered as a registered interior designer  
 5 in Missouri and unless such registration has been renewed or reinstated as  
 6 provided in section 324.418.]

2 [324.433. The right to use the title of registered interior designer shall be  
 3 deemed a personal right, based upon the qualifications of the individual,  
 4 evidenced by the person's current certificate of registration and such certificate  
 5 is not transferable; except that, a registered interior designer may perform the  
 6 interior designer's profession through, or as a member of, or as an employee of,  
 7 a partnership or corporation.]

- 2           ~~[324.436. 1. The council may refuse to issue any certificate required~~  
3           ~~pursuant to sections 324.400 to 324.439, or renew or reinstate any such~~  
4           ~~certificate, for any one or any combination of the reasons stated in subsection 2~~  
5           ~~of this section. The council shall notify the applicant in writing of the reasons for~~  
6           ~~the refusal and shall advise the applicant of the person's right to file a complaint~~  
7           ~~with the administrative hearing commission as provided in chapter 621.~~
- 8           ~~2. The council may cause a complaint to be filed with the administrative~~  
9           ~~hearing commission as provided by chapter 621 against any holder of a certificate~~  
10           ~~of registration required by sections 324.400 to 324.439 or any person who has~~  
11           ~~failed to renew or has surrendered the person's certificate of registration for any~~  
12           ~~one or combination of the following reasons:~~
- 13           ~~(1) The person has been finally adjudicated and found guilty, or entered~~  
14           ~~a plea of guilty or nolo contendere, in a criminal prosecution under the laws of~~  
15           ~~this state or any other state or of the United States, for any offense reasonably~~  
16           ~~related to the qualifications, functions or duties of the profession regulated by~~  
17           ~~sections 324.400 to 324.439; for any offense for which an essential element is~~  
18           ~~fraud, dishonesty or an act of violence; or for a felony, whether or not sentence~~  
19           ~~is imposed;~~
- 20           ~~(2) Use of fraud, deception, misrepresentation or bribery in securing any~~  
21           ~~certificate of registration issued pursuant to sections 324.400 to 324.439 or in~~  
22           ~~obtaining permission to take any examination given or required pursuant to~~  
23           ~~sections 324.400 to 324.439;~~
- 24           ~~(3) Obtaining or attempting to obtain any fee, charge, tuition or other~~  
25           ~~compensation by fraud, deception or misrepresentation;~~
- 26           ~~(4) Incompetency, misconduct, gross negligence, fraud, misrepresentation~~  
27           ~~or dishonesty in the performance of the functions or duties of the profession~~  
28           ~~regulated by sections 324.400 to 324.439;~~
- 29           ~~(5) Violation of, or assisting or enabling any person to violate, any~~  
30           ~~provision of sections 324.400 to 324.439, or of any lawful rule or regulation~~  
31           ~~adopted pursuant to such sections;~~
- 32           ~~(6) Impersonation of any person holding a certificate of registration or~~  
33           ~~authority, permit or license or allowing any person to use the person's certificate~~  
34           ~~or diploma from any school;~~
- 35           ~~(7) Disciplinary action against the holder of a certificate of registration~~  
36           ~~or other right to perform the profession regulated by sections 324.400 to 324.439~~  
37           ~~granted by another state, territory, federal agency or country upon grounds for~~  
38           ~~which revocation or suspension is authorized in this state;~~
- 39           ~~(8) A person is finally adjudged insane or incompetent by a court of~~  
40           ~~competent jurisdiction;~~
- 41           ~~(9) Issuance of a certificate of registration based upon a material mistake~~  
          ~~of fact;~~

42 ~~\_\_\_\_\_ (10) Use of any advertisement or solicitation which is false, misleading~~  
 43 ~~or deceptive to the general public or persons to whom the advertisement or~~  
 44 ~~solicitation is primarily directed, as it relates to the interior design profession.~~

45 ~~\_\_\_\_\_ 3. After the filing of a complaint pursuant to subsection 2 of this section,~~  
 46 ~~the proceedings shall be conducted in accordance with the provisions of chapter~~  
 47 ~~536 and chapter 621. Upon a finding by the administrative hearing commission~~  
 48 ~~that the grounds, provided in subsection 2 of this section, for disciplinary action~~  
 49 ~~are met, the council shall censure or place the person named in the complaint on~~  
 50 ~~probation for a period not to exceed five years or may suspend the person's~~  
 51 ~~certificate for a period not to exceed three years or may revoke the person's~~  
 52 ~~certificate of registration.]~~  
 53

2 ~~[324.439. After twenty-four months after August 28, 1998, any person~~  
 3 ~~who violates any provision of sections 324.400 to 324.439 shall be guilty of a~~  
 4 ~~class A misdemeanor.]~~

2 ~~[332.086. 1. There is hereby established a five-member "Advisory~~  
 3 ~~Commission for Dental Hygienists", composed of dental hygienists appointed by~~  
 4 ~~the governor as provided in subsection 2 of this section and the dental hygienist~~  
 5 ~~member of the Missouri dental board, which shall guide, advise and make~~  
 6 ~~recommendations to the Missouri dental board. The commission shall:~~

6 ~~\_\_\_\_\_ (1) Recommend the educational requirements to be registered as a dental~~  
 7 ~~hygienist;~~

8 ~~\_\_\_\_\_ (2) Annually review the practice act of dental hygiene;~~

9 ~~\_\_\_\_\_ (3) Make recommendations to the Missouri dental board regarding the~~  
 10 ~~practice, licensure, examination and discipline of dental hygienists; and~~

11 ~~\_\_\_\_\_ (4) Assist the board in any other way necessary to carry out the~~  
 12 ~~provisions of this chapter as they relate to dental hygienists.~~

13 ~~\_\_\_\_\_ 2. The members of the commission shall be appointed by the governor~~  
 14 ~~with the advice and consent of the senate. Each member of the commission shall~~  
 15 ~~be a citizen of the United States and a resident of Missouri for one year and shall~~  
 16 ~~be a dental hygienist registered and currently licensed pursuant to this chapter.~~  
 17 ~~Members of the commission who are not also members of the Missouri dental~~  
 18 ~~board shall be appointed for terms of five years, except for the members first~~  
 19 ~~appointed, one of which shall be appointed for a term of two years, one shall be~~  
 20 ~~appointed for a term of three years, one shall be appointed for a term of four years~~  
 21 ~~and one shall be appointed for a term of five years. The dental hygienist member~~  
 22 ~~of the Missouri dental board shall become a member of the commission and shall~~  
 23 ~~serve a term concurrent with the member's term on the dental board. All~~  
 24 ~~members of the initial commission shall be appointed by April 1, 2002.~~  
 25 ~~Members shall be chosen from lists submitted by the director of the division of~~  
 26 ~~professional registration. Lists of dental hygienists submitted to the governor~~

27 may include names submitted to the director of the division of professional  
 28 registration by the president of the Missouri Dental Hygienists Association.

29 ~~3. The commission shall hold an annual meeting at which it shall elect~~  
 30 ~~from its membership a chairperson and a secretary. The commission shall meet~~  
 31 ~~in conjunction with the dental board meetings or no more than fourteen days prior~~  
 32 ~~to regularly scheduled dental board meetings. Additional meetings shall require~~  
 33 ~~a majority vote of the commission. A quorum of the commission shall consist~~  
 34 ~~of a majority of its members.~~

35 ~~4. Members of the commission shall receive as compensation an amount~~  
 36 ~~set by the Missouri dental board not to exceed fifty dollars for each day devoted~~  
 37 ~~to the duties of the commission and shall be reimbursed for all actual and~~  
 38 ~~necessary expenses incurred in the performance of their official duties on the~~  
 39 ~~commission and in attending meetings of the Missouri dental board. The~~  
 40 ~~Missouri dental board shall provide all necessary staff and support services as~~  
 41 ~~required by the commission to hold commission meetings, to maintain records~~  
 42 ~~of official acts, and to conduct all other business of the commission.]~~

43

2 ~~[334.430. 1. There is hereby established an "Advisory Commission for~~  
 3 ~~Anesthesiologist Assistants" which shall guide, advise and make~~  
 4 ~~recommendations to the board. The commission shall be responsible for the~~  
 5 ~~ongoing examination of the scope of practice and promoting the continuing role~~  
 6 ~~of anesthesiologist assistants in the delivery of health care services. The~~  
 7 ~~commission shall assist the board in carrying out the provisions of sections~~  
 8 ~~334.400 to 334.430.~~

9 ~~2. The commission shall be appointed no later than July 1, 2005. The~~  
 10 ~~commission shall be composed of five members, to be appointed by the governor,~~  
 11 ~~with the advice and consent of the senate, as follows:~~

- 12 ~~(1) One member of the board;~~
- 13 ~~(2) One licensed anesthesiologist assistant;~~
- 14 ~~(3) Two licensed, board-certified anesthesiologists; and~~
- 15 ~~(4) One lay member.~~

16 ~~3. Each licensed anesthesiologist assistant member shall be a citizen of~~  
 17 ~~the United States and a resident of this state, and shall be licensed as an~~  
 18 ~~anesthesiologist assistant by this state. Each physician member shall be a United~~  
 19 ~~States citizen, a resident of this state and have an active license to practice~~  
 20 ~~medicine in this state. The lay member shall be a United States citizen and a~~  
 21 ~~resident of this state.~~

22 ~~4. The licensed anesthesiologist assistant member shall be appointed to~~  
 23 ~~serve a three-year term. The anesthesiologist members and lay member shall~~  
 24 ~~each be appointed to serve three-year terms, except at the time the commission~~  
 25 ~~is created, when one anesthesiologist member will be appointed for a first term~~  
 26 ~~of two years while the second anesthesiologist member will be appointed to a~~  
 27 ~~three-year term. This will ensure that at least one anesthesiologist member has~~

27 at least one year's experience as a member of the commission. Neither the  
28 anesthesiologist assistant member nor the physician members shall be appointed  
29 for more than two consecutive three-year terms.

30 ~~5. The president of the Missouri Society of Anesthesiologists or its~~  
31 ~~successor in office at the time shall, at least ninety days prior to the expiration of~~  
32 ~~a term of an anesthesiologist assistant member or an anesthesiologist member of~~  
33 ~~the commission or as soon as feasible after such a vacancy on the commission~~  
34 ~~otherwise occurs, submit to the director of the division of professional~~  
35 ~~registration a list, not to exceed five individuals per vacancy, of qualified and~~  
36 ~~willing anesthesiologists or anesthesiologist assistants, respectively, to fill the~~  
37 ~~vacancy in question, with the request and recommendation that the governor~~  
38 ~~appoint one of the persons so listed. With the list so submitted, the president of~~  
39 ~~the Missouri Society of Anesthesiologists shall include in a letter of transmittal~~  
40 ~~a description of the method by which the names were chosen by that association.~~

41 ~~6. Until such time as eligible anesthesiologist assistant candidates are~~  
42 ~~identified, the anesthesiologist assistant seat may remain vacant or may be filled~~  
43 ~~by a qualified anesthesiologist candidate, at the governor's discretion with the~~  
44 ~~advice and consent of the senate. This member may serve no more than two~~  
45 ~~consecutive three-year terms or until an eligible anesthesiologist assistant~~  
46 ~~candidate selected by the governor with the advice and consent of the senate from~~  
47 ~~a list provided as outlined above is appointed.~~

48 ~~7. Notwithstanding any other provision of law to the contrary, any~~  
49 ~~appointed member of the commission shall receive as compensation an amount~~  
50 ~~established by the director of the division of professional registration not to~~  
51 ~~exceed seventy dollars per day for commission business plus actual and necessary~~  
52 ~~expenses. The director of the division of professional registration shall establish~~  
53 ~~by rule the guidelines for payment. The board shall provide all staff for the~~  
54 ~~commission.~~

55 ~~8. The commission shall hold an open annual meeting at which time it~~  
56 ~~shall elect from its membership a chairman and secretary. The commission may~~  
57 ~~hold such additional meetings as may be required in the performance of its duties,~~  
58 ~~provided that notice of every meeting shall be given to each member at least ten~~  
59 ~~days prior to the date of the meeting. A quorum of the commission shall consist~~  
60 ~~of a majority of its members.~~

61 ~~9. No licensing activity or other statutory requirements shall become~~  
62 ~~effective until expenditures or personnel are specifically appropriated for the~~  
63 ~~purpose of conducting the business as required to administer the provisions of~~  
64 ~~sections 334.400 to 334.430 and the initial rules filed have become effective.]~~  
65

2 [334.625. 1. There is hereby established an "Advisory Commission for  
3 Physical Therapists" which shall guide, advise and make recommendations to the  
board. The commission shall approve the examination required by section

4 334.530 and shall assist the board in carrying out the provisions of sections  
5 334.500 to 334.620.

6 ~~2. The commission shall be appointed no later than October 1, 1989, and  
7 shall consist of five members appointed by the governor with the advice and  
8 consent of the senate. Each member shall be a citizen of the United States and  
9 a resident of this state and four shall be licensed as physical therapists by this  
10 state, and one shall be licensed as a physical therapist assistant by this state.  
11 Members shall be appointed to serve three-year terms, except that the first  
12 commission appointed shall consist of one member whose term shall be for one  
13 year; two members whose terms shall be for three years; and two members whose  
14 terms shall be for two years. The president of the Missouri Physical Therapy  
15 Association in office at the time shall, at least ninety days prior to the expiration  
16 of the term of a commission member or as soon as feasible after a vacancy on the  
17 commission otherwise occurs, submit to the director of the division of  
18 professional registration a list of five physical therapists if the commission  
19 member whose term is expiring is a physical therapist, or five physical therapist  
20 assistants if the commission member whose term is expiring is a physical  
21 therapist assistant, with the exception that the first commissioner to expire or  
22 vacancy created on the commission after August 28, 2007, shall be filled by the  
23 appointment of a physical therapist assistant. Each physical therapist and  
24 physical therapist assistant on the list submitted to the division of professional  
25 registration shall be qualified and willing to fill the vacancy in question, with the  
26 request and recommendation that the governor appoint one of the five persons so  
27 listed, and with the list so submitted, the president of the Missouri Physical  
28 Therapy Association shall include in his or her letter of transmittal a description  
29 of the method by which the names were chosen by that association.~~

30 ~~3. Notwithstanding any other provision of law to the contrary, any  
31 appointed member of the commission shall receive as compensation an amount  
32 established by the director of the division of professional registration not to  
33 exceed seventy dollars per day for commission business plus actual and necessary  
34 expenses. The director of the division of professional registration shall establish  
35 by rule guidelines for payment. All staff for the commission shall be provided  
36 by the board of healing arts.~~

37 ~~4. The commission shall hold an annual meeting at which it shall elect  
38 from its membership a chairman and secretary. The commission may hold such  
39 additional meetings as may be required in the performance of its duties, provided  
40 that notice of every meeting must be given to each member at least ten days prior  
41 to the date of the meeting. A quorum of the board shall consist of a majority of  
42 its members.]~~

43

2 [334.749. 1. There is hereby established an "Advisory Commission for  
3 Physician Assistants" which shall guide, advise and make recommendations to  
the board. The commission shall also be responsible for the ongoing examination

4 of the scope of practice and promoting the continuing role of physician assistants  
5 in the delivery of health care services. The commission shall assist the board in  
6 carrying out the provisions of sections 334.735 to 334.749.

7 ~~2. The commission shall be appointed no later than October 1, 1996, and  
8 shall consist of five members, one member of the board, two licensed physician  
9 assistants, one physician and one lay member. The two licensed physician  
10 assistant members, the physician member and the lay member shall be appointed  
11 by the governor with the advice and consent of the senate. Each licensed  
12 physician assistant member shall be a citizen of the United States and a resident  
13 of this state, and shall be licensed as a physician assistant by this state. The  
14 physician member shall be a United States citizen, a resident of this state, have  
15 an active Missouri license to practice medicine in this state and shall be a  
16 supervising physician, at the time of appointment, to a licensed physician  
17 assistant. The lay member shall be a United States citizen and a resident of this  
18 state. The licensed physician assistant members shall be appointed to serve  
19 three-year terms, except that the first commission appointed shall consist of one  
20 member whose term shall be for one year and one member whose term shall be  
21 for two years. The physician member and lay member shall each be appointed  
22 to serve a three-year term. No physician assistant member nor the physician  
23 member shall be appointed for more than two consecutive three-year terms. The  
24 president of the Missouri Academy of Physicians Assistants in office at the time  
25 shall, at least ninety days prior to the expiration of a term of a physician assistant  
26 member of a commission member or as soon as feasible after such a vacancy on  
27 the commission otherwise occurs, submit to the director of the division of  
28 professional registration a list of five physician assistants qualified and willing  
29 to fill the vacancy in question, with the request and recommendation that the  
30 governor appoint one of the five persons so listed, and with the list so submitted,  
31 the president of the Missouri Academy of Physicians Assistants shall include in  
32 his or her letter of transmittal a description of the method by which the names  
33 were chosen by that association.~~

34 ~~3. Notwithstanding any other provision of law to the contrary, any  
35 appointed member of the commission shall receive as compensation an amount  
36 established by the director of the division of professional registration not to  
37 exceed seventy dollars per day for commission business plus actual and necessary  
38 expenses. The director of the division of professional registration shall establish  
39 by rule guidelines for payment. All staff for the commission shall be provided  
40 by the state board of registration for the healing arts.~~

41 ~~4. The commission shall hold an open annual meeting at which time it  
42 shall elect from its membership a chairman and secretary. The commission may  
43 hold such additional meetings as may be required in the performance of its duties,  
44 provided that notice of every meeting shall be given to each member at least ten  
45 days prior to the date of the meeting. A quorum of the commission shall consist  
46 of a majority of its members.~~



47 ~~5. On August 28, 1998, all members of the advisory commission for~~  
48 ~~registered physician assistants shall become members of the advisory commission~~  
49 ~~for physician assistants and their successor shall be appointed in the same manner~~  
50 ~~and at the time their terms would have expired as members of the advisory~~  
51 ~~commission for registered physician assistants.]~~  
52

2 [337.050. 1. There is hereby created and established a "State Committee  
3 of Psychologists", which shall consist of seven licensed psychologists and one  
4 public member. The state committee of psychologists existing on August 28,  
5 1989, is abolished. Nothing in this section shall be construed to prevent the  
6 appointment of any current member of the state committee of psychologists to the  
7 new state committee of psychologists created on August 28, 1989.

8 ~~2. Appointments to the committee shall be made by the governor upon~~  
9 ~~the recommendations of the director of the division, upon the advice and consent~~  
10 ~~of the senate. The division, prior to submitting nominations, shall solicit~~  
11 ~~nominees from professional psychological associations and licensed~~  
12 ~~psychologists in the state. The term of office for committee members shall be~~  
13 ~~five years, and committee members shall not serve more than ten years. No~~  
14 ~~person who has previously served on the committee for ten years shall be eligible~~  
15 ~~for appointment. In making initial appointments to the committee, the governor~~  
16 ~~shall stagger the terms of the appointees so that two members serve initial terms~~  
17 ~~of two years, two members serve initial terms of three years, and two members~~  
18 ~~serve initial terms of four years.~~

19 ~~3. Each committee member shall be a resident of the state of Missouri for~~  
20 ~~one year, shall be a United States citizen, and shall, other than the public~~  
21 ~~member, have been licensed as a psychologist in this state for at least three years.~~  
22 ~~Committee members shall reflect a diversity of practice specialties. To ensure~~  
23 ~~adequate representation of the diverse fields of psychology, the committee shall~~  
24 ~~consist of at least two psychologists who are engaged full time in the doctoral~~  
25 ~~teaching and training of psychologists, and at least two psychologists who are~~  
26 ~~engaged full time in the professional practice of psychology. In addition, the first~~  
27 ~~appointment to the committee shall include at least one psychologist who shall~~  
28 ~~be licensed on the basis of a master's degree who shall serve a full term of five~~  
29 ~~years. Nothing in sections 337.010 to 337.090 shall be construed to prohibit full~~  
30 ~~membership rights on the committee for psychologists licensed on the basis of~~  
31 ~~a master's degree. If a member of the committee shall, during the member's term~~  
32 ~~as a committee member, remove the member's domicile from the state of~~  
33 ~~Missouri, then the committee shall immediately notify the director of the~~  
34 ~~division, and the seat of that committee member shall be declared vacant. All~~  
35 ~~such vacancies shall be filled by appointment of the governor with the advice and~~  
36 ~~consent of the senate, and the member so appointed shall serve for the unexpired~~  
~~term of the member whose seat has been declared vacant.~~

- 37 ~~4. The public member shall be at the time of the public member's~~  
38 ~~appointment a citizen of the United States; a resident of this state for a period of~~  
39 ~~one year and a registered voter; a person who is not and never was a member of~~  
40 ~~any profession licensed or regulated pursuant to sections 337.010 to 337.093 or~~  
41 ~~the spouse of such person; and a person who does not have and never has had a~~  
42 ~~material, financial interest in either the providing of the professional services~~  
43 ~~regulated by sections 337.010 to 337.093, or an activity or organization directly~~  
44 ~~related to any profession licensed or regulated pursuant to sections 337.010 to~~  
45 ~~337.093. The duties of the public member shall not include the determination of~~  
46 ~~the technical requirements to be met for licensure or whether any person meets~~  
47 ~~such technical requirements or of the technical competence or technical judgment~~  
48 ~~of a licensee or a candidate for licensure.~~
- 49 ~~5. The committee shall hold a regular annual meeting at which it shall~~  
50 ~~select from among its members a chairperson and a secretary. A quorum of the~~  
51 ~~committee shall consist of a majority of its members. In the absence of the~~  
52 ~~chairperson, the secretary shall conduct the office of the chairperson.~~
- 53 ~~6. Each member of the committee shall receive, as compensation, an~~  
54 ~~amount set by the division not to exceed fifty dollars for each day devoted to the~~  
55 ~~affairs of the committee and shall be entitled to reimbursement for necessary and~~  
56 ~~actual expenses incurred in the performance of the member's official duties.~~
- 57 ~~7. Staff for the committee shall be provided by the director of the~~  
58 ~~division of professional registration.~~
- 59 ~~8. The governor may remove any member of the committee for~~  
60 ~~misconduct, inefficiency, incompetency, or neglect of office.~~
- 61 ~~9. In addition to the powers set forth elsewhere in sections 337.010 to~~  
62 ~~337.090, the division may adopt rules and regulations, not otherwise inconsistent~~  
63 ~~with sections 337.010 to 337.090, to carry out the provisions of sections 337.010~~  
64 ~~to 337.090. The committee may promulgate, by rule, "Ethical Rules of Conduct"~~  
65 ~~governing the practices of psychology which rules shall be based upon the ethical~~  
66 ~~principles promulgated and published by the American Psychological~~  
67 ~~Association.~~
- 68 ~~10. Any rule or portion of a rule, as that term is defined in section~~  
69 ~~536.010, that is promulgated to administer and enforce sections 337.010 to~~  
70 ~~337.090, shall become effective only if the agency has fully complied with all of~~  
71 ~~the requirements of chapter 536 including but not limited to section 536.028 if~~  
72 ~~applicable, after August 28, 1998. All rulemaking authority delegated prior to~~  
73 ~~August 28, 1998, is of no force and effect and repealed as of August 28, 1998;~~  
74 ~~however nothing in this act shall be interpreted to repeal or affect the validity of~~  
75 ~~any rule adopted and promulgated prior to August 28, 1998. If the provisions of~~  
76 ~~section 536.028 apply, the provisions of this section are nonseverable and if any~~  
77 ~~of the powers vested with the general assembly pursuant to section 536.028 to~~  
78 ~~review, to delay the effective date, or to disapprove and annul a rule or portion~~  
79 ~~of a rule are held unconstitutional or invalid, the purported grant of rulemaking~~

80 authority and any rule so proposed and contained in the order of rulemaking shall  
 81 be invalid and void, except that nothing in this act shall affect the validity of any  
 82 rule adopted and promulgated prior to August 28, 1998.

83 ~~11. The committee may sue and be sued in its official name, and shall~~  
 84 ~~have a seal which shall be affixed to all certified copies or records and papers on~~  
 85 ~~file, and to such other instruments as the committee may direct. All courts shall~~  
 86 ~~take judicial notice of such seal. Copies of records and proceedings of the~~  
 87 ~~committee, and of all papers on file with the division on behalf of the committee~~  
 88 ~~certified under the seal shall be received as evidence in all courts of record.~~

89 ~~12. When applying for a renewal of a license pursuant to section 337.030,~~  
 90 ~~each licensed psychologist shall submit proof of the completion of at least forty~~  
 91 ~~hours of continuing education credit within the two-year period immediately~~  
 92 ~~preceding the date of the application for renewal of the license. The type of~~  
 93 ~~continuing education to be considered shall include, but not be limited to:~~

94 ~~(1) Attending recognized educational seminars, the content of which are~~  
 95 ~~primarily psychological, as defined by rule;~~

96 ~~(2) Attending a graduate level course at a recognized educational~~  
 97 ~~institution where the contents of which are primarily psychological, as defined~~  
 98 ~~by rule;~~

99 ~~(3) Presenting a recognized educational seminar, the contents of which~~  
 100 ~~are primarily psychological, as defined by rule;~~

101 ~~(4) Presenting a graduate level course at a recognized educational~~  
 102 ~~institution where the contents of which are primarily psychological, as defined~~  
 103 ~~by rule; and~~

104 ~~(5) Independent course of studies, the contents of which are primarily~~  
 105 ~~psychological, which have been approved by the committee and defined by rule.~~

106

107 ~~The committee shall determine by administrative rule the amount of training,~~  
 108 ~~instruction, self-instruction or teaching that shall be counted as an hour of~~  
 109 ~~continuing education credit.]~~

110

2 ~~[337.535. 1. There is hereby established the "Committee for Professional~~  
 3 ~~Counselors" which shall guide, advise, and make recommendations to the~~  
 4 ~~division and fulfill other responsibilities designated by this chapter. The~~  
 5 ~~committee shall approve the examination required by section 337.510 and shall~~  
 6 ~~assist the division in carrying out the provisions of sections 337.500 to 337.540.~~

7 ~~2. The committee shall consist of six members, including one public~~  
 8 ~~member, appointed by the governor with the advice and consent of the senate.~~  
 9 ~~Each member of the committee shall be a citizen of the United States and a~~  
 10 ~~resident of this state and, except as provided hereinafter, shall be licensed as a~~  
 11 ~~professional counselor by this state. Beginning with the appointments made after~~  
 12 ~~August 28, 1992, two members shall be appointed for four years, two members~~  
 shall be appointed for three years and two members shall be appointed for two

13 years. Thereafter, all members shall be appointed to serve four-year terms. No  
14 person shall be eligible for reappointment who has served as a member of the  
15 committee for a total of eight years. The membership of the committee shall  
16 reflect the differences in levels of education and work experience with  
17 consideration being given to race, gender and ethnic origins. Not more than two  
18 counselor educators shall be members of the committee at the same time. The  
19 president of the American Counseling Association of Missouri in office at the  
20 time shall, at least ninety days prior to the expiration of the term of the committee  
21 member, other than the public member, or as soon as feasible after the vacancy  
22 on the committee otherwise occurs, submit to the director of the division of  
23 professional registration a list of five professional counselors qualified and  
24 willing to fill the vacancy in question, with the request and recommendation that  
25 the governor appoint one of the five persons so listed, and with the list so  
26 submitted, the president of the American Counseling Association of Missouri  
27 shall include in his or her letter of transmittal a description of the method by  
28 which the names were chosen by that association.

29 ~~3. A vacancy in the office of a member shall be filled by appointment by~~  
30 ~~the governor for the remainder of the unexpired term.~~

31 ~~4. Each member of the committee shall receive as compensation, an~~  
32 ~~amount set by the committee not to exceed fifty dollars for each day devoted to~~  
33 ~~the affairs of the committee, and shall be reimbursed for necessary and actual~~  
34 ~~expenses incurred in the performance of his or her official duties. All staff for~~  
35 ~~the committee shall be provided by the division.~~

36 ~~5. The committee shall hold an annual meeting at which it shall elect~~  
37 ~~from its membership a chairperson and secretary. The committee may hold such~~  
38 ~~additional meetings as may be required in the performance of its duties, provided~~  
39 ~~that notice of every meeting must be given to each member at least three days~~  
40 ~~prior to the date of the meeting. A quorum of the committee shall consist of a~~  
41 ~~majority of its members.~~

42 ~~6. The governor may remove a committee member for misconduct,~~  
43 ~~incompetency or neglect of his or her official duties after giving the committee~~  
44 ~~member written notice of the charges against the committee member and an~~  
45 ~~opportunity to be heard thereon.~~

46 ~~7. The public member shall be at the time of his or her appointment a~~  
47 ~~citizen of the United States; a resident of this state for a period of one year and~~  
48 ~~a registered voter; a person who is not and never was a member of any profession~~  
49 ~~licensed or regulated pursuant to sections 337.500 to 337.540 or the spouse of~~  
50 ~~such person; and a person who does not have and never has had a material,~~  
51 ~~financial interest in either the providing of the professional services regulated by~~  
52 ~~sections 337.500 to 337.540, or an activity or organization directly related to any~~  
53 ~~profession licensed or regulated pursuant to sections 337.500 to 337.540. The~~  
54 ~~duties of the public member shall not include the determination of the technical~~  
55 ~~requirements to be met for licensure or whether any person meets such technical~~

56 requirements or of the technical competence or technical judgment of a licensee  
57 or a candidate for licensure.]  
58

2 [337.622. 1. There is hereby established the "State Committee for Social  
3 Workers", which shall guide, advise, and make recommendations to the division  
4 and fulfill other responsibilities designated by sections 337.600 to 337.689. The  
5 committee shall approve any examination required by sections 337.600 to  
6 337.689 and shall assist the division in carrying out the provisions of sections  
7 337.600 to 337.689.

8 ~~2. The committee shall consist of ten members, including a public  
9 member appointed by the governor with the advice and consent of the senate.  
10 Each member of the committee shall be a citizen of the United States and a  
11 resident of this state. The committee shall consist of six licensed clinical social  
12 workers, one licensed master social worker, one licensed baccalaureate social  
13 worker, one licensed advanced macro social worker, and one voting public  
14 member. At least two committee members shall be involved in the private  
15 practice of clinical social work. The governor shall endeavor to appoint members  
16 from different geographic regions of the state and with regard to the pattern of  
17 distribution of social workers in the state. The term of office for committee  
18 members shall be four years and no committee member shall serve more than ten  
19 years. The president of the National Association of Social Workers Missouri  
20 Chapter in office at the time shall, at least ninety days prior to the expiration of  
21 a term of a member of a clinical social worker, master social worker, advanced  
22 macro social worker, or baccalaureate social worker committee member or as  
23 soon as feasible after a vacancy on the committee otherwise occurs, submit to the  
24 director of the division of professional registration a list of five social workers  
25 qualified and willing to fill the vacancy in question, with the request and  
26 recommendation that the governor appoint one of the five persons in each  
27 category so listed, and with the list so submitted, the president of the National  
28 Association of Social Workers Missouri Chapter shall include in his or her letter  
29 of transmittal a description of the method by which the names were chosen by  
30 that association.~~

31 ~~3. A vacancy in the office of a member shall be filled by appointment by  
32 the governor for the remainder of the unexpired term.~~

33 ~~4. Notwithstanding any other provision of law to the contrary, any  
34 appointed member of the committee shall receive as compensation an amount  
35 established by the director of the division of professional registration not to  
36 exceed seventy dollars per day for committee business plus each member of the  
37 committee shall be reimbursed for necessary and actual expenses incurred in the  
38 performance of the member's official duties. The director of the division of  
39 professional registration shall establish by rule guidelines for payment. All staff  
for the committee shall be provided by the division.~~

40 ~~5. The committee shall hold an annual meeting at which it shall elect~~  
 41 ~~from its membership a chairperson and a secretary. The committee may hold~~  
 42 ~~such additional meetings as may be required in the performance of its duties;~~  
 43 ~~provided that notice of every meeting must be given to each member at least three~~  
 44 ~~days prior to the date of the meeting. A quorum of the board shall consist of a~~  
 45 ~~majority of its members.~~

46 ~~6. The governor may remove a committee member for misconduct,~~  
 47 ~~incompetency or neglect of the member's official duties after giving the~~  
 48 ~~committee member written notice of the charges against such member and an~~  
 49 ~~opportunity to be heard thereon.~~

50 ~~7. The public member shall be at the time of such member's appointment~~  
 51 ~~a citizen of the United States; a resident of this state for a period of one year and~~  
 52 ~~a registered voter; a person who is not and never was a member of any profession~~  
 53 ~~licensed or regulated pursuant to sections 337.600 to 337.689, or the spouse of~~  
 54 ~~such person; and a person who does not have and never has had a material,~~  
 55 ~~financial interest in either the providing of the professional services regulated by~~  
 56 ~~sections 337.600 to 337.689, or an activity or organization directly related to any~~  
 57 ~~profession licensed or regulated pursuant to sections 337.600 to 337.689. The~~  
 58 ~~duties of the public member shall not include the determination of the technical~~  
 59 ~~requirements to be met for licensure or whether any person meets such technical~~  
 60 ~~requirements or of the technical competence or technical judgment of a licensee~~  
 61 ~~or a candidate for licensure.]~~

62  
 2 ~~[337.739. 1. There is created and established the "State Committee of~~  
 3 ~~Marital and Family Therapists" which shall consist of four family and marital~~  
 4 ~~therapists and two voting public members. The committee shall be appointed by~~  
 5 ~~the governor with the advice and consent of the senate. Committee members~~  
 6 ~~shall serve for a term of five years, except for the members first appointed, one~~  
 7 ~~public member and one other member shall be appointed for five years, two~~  
 8 ~~members shall be appointed for four years, the other public member and one~~  
 9 ~~other member appointed for three years. No person shall be eligible for~~  
 10 ~~appointment to the committee who has served as a member of the committee for~~  
 11 ~~a total of ten years. Members shall be appointed to represent a diversity in~~  
 12 ~~gender, race and ethnicity. No more than three members shall be from the same~~  
 13 ~~political party.~~

14 ~~2. Each nonpublic committee member shall be a resident of the state of~~  
 15 ~~Missouri for one year, shall be a United States citizen, and shall meet all the~~  
 16 ~~requirements for licensing enumerated in sections 337.700 to 337.739, shall be~~  
 17 ~~licensed as a licensed marital and family therapist under sections 337.700 to~~  
 18 ~~337.739, except the members of the first committee, who shall be licensed within~~  
 19 ~~six months of their appointment, and are actively engaged in the practice of~~  
 20 ~~marital and family therapy. If a member of the committee shall, during the~~  
~~member's term as a committee member, remove the member's domicile from the~~

21 state of Missouri, then the committee shall immediately notify the governor, and  
 22 the seat of that committee member shall be declared vacant. All such vacancies  
 23 shall be filled by appointment as in the same manner as the first appointment, and  
 24 the member so appointed shall serve for the unexpired term of the member whose  
 25 seat has been declared vacant. The public members shall be at the time of each  
 26 member's appointment a citizen of the United States; a resident of this state for  
 27 a period of one year and a registered voter; a person who is not and never was a  
 28 member of any profession licensed or regulated pursuant to this chapter or the  
 29 spouse of such person; a person who does not have and never has had a material;  
 30 financial interest in either the provision of the professional services regulated by  
 31 this chapter, or an activity or organization directly related to any profession  
 32 licensed or regulated pursuant to this chapter.

33 ~~3. The committee shall hold a regular annual meeting at which it shall~~  
 34 ~~select from among its members a chairman and a secretary. A quorum of the~~  
 35 ~~committee shall consist of a majority of its members. In the absence of the~~  
 36 ~~chairman, the secretary shall conduct the office of the chairman.~~

37 ~~4. No member of the committee shall receive any compensation for the~~  
 38 ~~performance of the member's official duties but shall be entitled to~~  
 39 ~~reimbursement for necessary and actual expenses incurred in the performance of~~  
 40 ~~the member's duties. The committee shall share resources and facilities with the~~  
 41 ~~office for the committee for professional counselors provided for in sections~~  
 42 ~~337.500 to 337.540. All staff for the committee shall be provided by the director~~  
 43 ~~of the division of professional registration.~~

44 ~~5. The governor may remove any member of the committee for~~  
 45 ~~misconduct, inefficiency, incompetency or neglect of office.]~~

46  
 [338.320. 1. There is hereby established the "Missouri Electronic Prior  
 2 Authorization Committee" in order to facilitate, monitor, and report to the general  
 3 assembly on Missouri-based efforts to contribute to the establishment of national  
 4 electronic prior authorization standards. Such efforts shall include the  
 5 Missouri-based electronic prior authorization pilot program established under  
 6 subsection 5 of this section and the study and dissemination of information by the  
 7 committee of the efforts of the National Council on Prescription Drug Programs  
 8 (NCPDP) to develop national electronic prior authorization standards. The  
 9 committee shall advise the general assembly and the department of insurance,  
 10 financial institutions and professional registration as to whether there is a need  
 11 for administrative rules to be promulgated by the department of insurance,  
 12 financial institutions and professional registration as soon as practically possible.

13 ~~2. The Missouri electronic prior authorization committee shall consist of~~  
 14 ~~the following members:~~

15 ~~(1) Two members of the senate, appointed by the president pro tempore~~  
 16 ~~of the senate;~~

- 17 ~~————— (2) Two members of the house of representatives, appointed by the~~  
18 ~~speaker of the house of representatives;~~
- 19 ~~————— (3) One member from an organization of licensed physicians in the state;~~
- 20 ~~————— (4) One member who is a physician licensed in Missouri pursuant to~~  
21 ~~chapter 334;~~
- 22 ~~————— (5) One member who is a representative of a Missouri pharmacy benefit~~  
23 ~~management company;~~
- 24 ~~————— (6) One member from an organization representing licensed pharmacists~~  
25 ~~in the state;~~
- 26 ~~————— (7) One member from the business community representing businesses~~  
27 ~~on health insurance issues;~~
- 28 ~~————— (8) One member from an organization representing the leading~~  
29 ~~research-based pharmaceutical and biotechnology companies;~~
- 30 ~~————— (9) One member from an organization representing the largest generic~~  
31 ~~pharmaceutical trade association;~~
- 32 ~~————— (10) One patient advocate;~~
- 33 ~~————— (11) One member from an electronic prescription network that facilitates~~  
34 ~~the secure electronic exchange of clinical information between physicians,~~  
35 ~~pharmacies, payers, and pharmacy benefit managers and other health care~~  
36 ~~providers;~~
- 37 ~~————— (12) One member from a Missouri-based electronic health records~~  
38 ~~company;~~
- 39 ~~————— (13) One member from an organization representing the largest number~~  
40 ~~of hospitals in the state;~~
- 41 ~~————— (14) One member from a health carrier as such term is defined under~~  
42 ~~section 376.1350;~~
- 43 ~~————— (15) One member from an organization representing the largest number~~  
44 ~~of health carriers in the state, as such term is defined under section 376.1350;~~
- 45 ~~————— (16) The director of the department of social services, or the director's~~  
46 ~~designee;~~
- 47 ~~————— (17) The director of the department of insurance, financial institutions~~  
48 ~~and professional registration, who shall be chair of the committee.~~
- 49 ~~————— 3. All of the members, except for the members from the general~~  
50 ~~assembly, shall be appointed by the governor no later than September 1, 2012,~~  
51 ~~with the advice and consent of the senate. The staff of the department of~~  
52 ~~insurance, financial institutions and professional registration shall provide~~  
53 ~~assistance to the committee.~~
- 54 ~~————— 4. The duties of the committee shall be as follows:~~
- 55 ~~————— (1) Before February 1, 2019, monitor and report to the general assembly~~  
56 ~~on the Missouri-based electronic prior authorization pilot program created under~~  
57 ~~subsection 5 of this section including a report of the outcomes and best practices~~  
58 ~~developed as a result of the pilot program and how such information can be used~~  
59 ~~to inform the national standard-setting process;~~



60 ~~————— (2) Obtain specific updates from the NCPDP and other pharmacy benefit~~  
61 ~~managers and vendors that are currently engaged in pilot programs working~~  
62 ~~toward national electronic prior authorization standards;~~

63 ~~————— (3) Correspond and collaborate with the NCPDP and other such pilots~~  
64 ~~through the exchange of information and ideas;~~

65 ~~————— (4) Assist, when asked by the pharmacy benefit manager, with the~~  
66 ~~development of the pilot program created under subsection 5 of this section with~~  
67 ~~an understanding of information on the success and failures of other pilot~~  
68 ~~programs across the country;~~

69 ~~————— (5) Prepare a report at the end of each calendar year to be distributed to~~  
70 ~~the general assembly and governor with a summary of the committee's progress~~  
71 ~~and plans for the next calendar year, including a report on Missouri-based efforts~~  
72 ~~to contribute to the establishment of national electronic prior authorization~~  
73 ~~standards. Such annual report shall continue until such time as the NCPDP has~~  
74 ~~established national electronic prior authorization standards or this section has~~  
75 ~~expired, whichever is sooner. The first report shall be completed before January~~  
76 ~~1, 2013;~~

77 ~~————— (6) Upon the adoption of national electronic prior authorization standards~~  
78 ~~by the NCPDP, prepare a final report to be distributed to the general assembly~~  
79 ~~and governor that identifies the appropriate Missouri administrative regulations,~~  
80 ~~if any, that will need to be promulgated by the department of insurance, financial~~  
81 ~~institutions and professional registration, in order to make those standards~~  
82 ~~effective as soon as practically possible, and advise the general assembly and~~  
83 ~~governor if there are any legislative actions necessary to the furtherance of that~~  
84 ~~end.~~

85 ~~————— 5. The department of insurance, financial institutions and professional~~  
86 ~~registration and the Missouri electronic prior authorization committee shall~~  
87 ~~recruit a Missouri-based pharmacy benefits manager doing business nationally~~  
88 ~~to volunteer to conduct an electronic prior authorization pilot program in~~  
89 ~~Missouri. The pharmacy benefits manager conducting the pilot program shall~~  
90 ~~ensure that there are adequate Missouri licensed physicians and an electronic~~  
91 ~~prior authorization vendor capable and willing to participate in a Missouri-based~~  
92 ~~pilot program. Such pilot program established under this section shall be~~  
93 ~~operational by January 1, 2014. The department and the committee may provide~~  
94 ~~advice or assistance to the pharmacy benefit manager conducting the pilot~~  
95 ~~program but shall not maintain control or lead with the direction of the pilot~~  
96 ~~program.~~

97 ~~————— 6. Pursuant to section 23.253 of the Missouri sunset act:~~

98 ~~————— (1) The provisions of the new program authorized under this section shall~~  
99 ~~sunset automatically six years after August 28, 2012, unless reauthorized by an~~  
100 ~~act of the general assembly; and~~

101 ~~————— (2) If such program is reauthorized, the program authorized under this~~  
 102 ~~section shall sunset automatically twelve years after the effective date of the~~  
 103 ~~reauthorization of this section; and~~  
 104 ~~————— (3) This section shall terminate on September first of the calendar year~~  
 105 ~~immediately following the calendar year in which the program authorized under~~  
 106 ~~this section is sunset.]~~

107

~~[414.420. 1. As used in this section, the term "alternative fuel" shall have  
 2 the same meaning as in section 414.400.~~

~~3 ————— 2. There is hereby created the "Missouri Alternative Fuels Commission"  
 4 composed of nine members, including two members of the senate of different  
 5 political parties appointed by the president pro tem of the senate, two members  
 6 of the house of representatives of different political parties appointed by the  
 7 speaker of the house, and five other persons appointed by the governor, with the  
 8 advice and consent of the senate. The members appointed by the governor shall  
 9 be persons engaged in industries that produce alternative fuels, wholesale  
 10 alternative fuels, or retail alternative fuels, and no more than two of such  
 11 members shall represent an alternative fuel producer, retailer, or wholesaler and  
 12 no more than three of such members shall be of the same political party. The  
 13 members appointed by the governor shall be appointed for a term of four years.  
 14 Vacancies in the membership of the commission shall be filled in the same  
 15 manner as the original appointments. The commission shall elect a member of  
 16 its own group as chairman at the first meeting, which shall be called by the  
 17 governor. The commission shall meet at least four times in a calendar year at the  
 18 call of the chairman. Members of the commission shall serve without  
 19 compensation but shall be reimbursed for actual and necessary expenses incurred  
 20 in the performance of their duties.~~

~~21 ————— 3. The commission shall:  
 22 ————— (1) Make recommendations to the governor and general assembly on  
 23 changes to state law to facilitate the sale and distribution of alternative fuels and  
 24 alternative fuel vehicles;  
 25 ————— (2) Promote the development, sale, distribution, and consumption of  
 26 alternative fuels;  
 27 ————— (3) Promote the development and use of alternative fuel vehicles and  
 28 technology that will enhance the use of alternative and renewable transportation  
 29 fuels;  
 30 ————— (4) Educate consumers about alternative fuels, including but not limited  
 31 to ethanol and biodiesel;  
 32 ————— (5) Develop a long-range plan for the state to reduce consumption of  
 33 petroleum fuels; and  
 34 ————— (6) Submit an annual report to the governor and the general assembly.]~~

35

2                   ~~[620.1200. 1. There is hereby established the "Missouri Film~~  
 3                   ~~Commission" to advise the director of the department of economic development~~  
 4                   ~~on the promotion of the development of film production and facilities in~~  
 5                   ~~Missouri.~~  
 6                   ~~2. The commission shall be composed of nine members as follows:~~  
 7                   ~~(1) Two members shall be a state senator appointed in a bipartisan~~  
 8                   ~~manner by the president pro tem of the senate;~~  
 9                   ~~(2) Two members shall be a state representative appointed in a bipartisan~~  
 10                   ~~manner by the speaker of the house; and~~  
 11                   ~~(3) Five members, who have knowledge and experience with the motion~~  
 12                   ~~picture industry, shall be appointed by the director of the department of economic~~  
 13                   ~~development.~~  
 14                   ~~3. The members of the board appointed by the director shall be appointed~~  
 15                   ~~to serve terms of three years; except that, of the members first appointed, two~~  
 16                   ~~shall be appointed for a term of three years, two shall be appointed for a term of~~  
 17                   ~~two years and one shall be appointed for a one-year term. Any legislative~~  
 18                   ~~member shall serve only as long as such person holds such legislative office. The~~  
 19                   ~~legislative members shall serve during their current term of office but may be~~  
 20                   ~~reappointed.~~  
 21                   ~~4. The members of the commission shall receive no compensation for~~  
 22                   ~~servicing on the commission but shall be reimbursed for their actual and necessary~~  
 23                   ~~expenses incurred in the performance of their official duties.~~  
 24                   ~~5. The commission shall provide oversight and guidance to the director~~  
 25                   ~~of the department of economic development in administering the office of the~~  
 26                   ~~Missouri film commission, established in section 620.1210. The commission~~  
 27                   ~~shall make recommendations to the governor and the general assembly on:~~  
 28                   ~~(1) The removal of barriers so that film production in Missouri may be~~  
 29                   ~~more easily promoted; and~~  
 30                   ~~(2) The development of state incentives to attract private investment in~~  
 31                   ~~film production in the state.~~  
 32                   ~~6. The commission shall submit its recommendations by January first of~~  
 33                   ~~each year, beginning January 1, 1998.]~~

2                   ~~[620.1210. 1. There is hereby established within the department of~~  
 3                   ~~economic development the "Office of the Missouri Film Commission". The~~  
 4                   ~~objectives of this office shall be to:~~  
 5                   ~~(1) Explain the benefits and advantages of producing motion pictures in~~  
 6                   ~~Missouri, and describe the services and assistance available from the state and~~  
 7                   ~~local governments for the producers of motion pictures;~~  
 8                   ~~(2) Scout potential film locations for national and international film~~  
 9                   ~~prospects, and prepare and distribute promotional, informational and advertising~~  
 10                   ~~material, which describe and promote locations within the state for the production~~  
 11                   ~~of motion pictures;~~

- 11 ~~————— (3) Encourage cooperation between local, state and federal government~~  
 12 ~~agencies in the location and production of motion pictures in the state;~~
- 13 ~~————— (4) Serve as a liaison between film makers, community leaders and~~  
 14 ~~federal, state and local authorities;~~
- 15 ~~————— (5) Assist motion picture companies in securing permits to film at~~  
 16 ~~specific locations within the state, and assist such companies in obtaining other~~  
 17 ~~needed services related to the production of motion pictures;~~
- 18 ~~————— (6) Escort film production prospects on scouting trips;~~
- 19 ~~————— (7) Prepare a directory of the persons, firms and governmental agencies~~  
 20 ~~available to assist in the production of motion pictures;~~
- 21 ~~————— (8) Sponsor workshops on topics relating to filmmaking, including screen~~  
 22 ~~writing, film financing and the preparation of communities to attract and assist~~  
 23 ~~motion picture productions;~~
- 24 ~~————— (9) Represent the state at film industry trade shows and film festivals;~~
- 25 ~~————— (10) Produce and maintain a video library which depicts the variety and~~  
 26 ~~extent of the locations within Missouri, including rural locations, available for the~~  
 27 ~~production of motion pictures.~~

28 ~~————— 2. The office of the film commission, shall closely coordinate its efforts~~  
 29 ~~with any local film office. A "local film office" shall include any film office,~~  
 30 ~~tourism bureau or other economic development agency that seeks to promote film~~  
 31 ~~production funded principally by local governments in Missouri.]~~  
 32

2 ~~[620.1220. The office of the Missouri film commission shall be located~~  
 3 ~~in Jefferson City and shall replace any state agency, division or staff which, on~~  
 4 ~~August 28, 1996, sections 620.1200 to 620.1240, provides services to the film~~  
 5 ~~industry or is organized to promote film production in Missouri. The department~~  
 6 ~~of economic development may transfer staff from any agency replaced by the~~  
 7 ~~office of the Missouri film commission to this office.]~~

2 ~~[620.1230. The department of economic development shall provide the~~  
 3 ~~necessary personnel, within appropriations available therefor, to staff the office~~  
 4 ~~of the film commission, which shall be located in Jefferson City.]~~

2 ~~[620.1240. The director of the department of economic development~~  
 3 ~~shall administer sections 620.1210 to 620.1240. The director may issue such~~  
 4 ~~orders and promulgate such administrative rules that, in the opinion of the~~  
 5 ~~director, are necessary to execute and enforce the purposes of sections 620.1210~~  
 6 ~~to 620.1240. No rule or portion of a rule promulgated pursuant to the authority~~  
 7 ~~of sections 620.1210 to 620.1240 shall become effective unless it has been~~  
 8 ~~promulgated pursuant to the provisions of chapter 536.]~~

2 ~~[643.173. 1. There is hereby established within the department of natural~~  
 resources a "Small Business Technical Assistance Program" which shall provide

3 support and assistance to small business. To the maximum extent possible, the  
4 program shall be functionally separate from the department's air pollution  
5 enforcement responsibilities. The program shall advise regulated small business  
6 regarding permit application requirements, applicable provisions of 643.010 to  
7 643.190, and such other matters affecting small business as deemed appropriate  
8 by the committee. The commission shall establish time frames in which specific  
9 classes of deficiencies, except those affecting public health or the environment,  
10 shall be corrected.

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

27 ~~3. The committee shall:~~

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

29 ~~(2) Evaluate the impact of sections 643.010 to 643.190 and the rules~~  
30 ~~promulgated thereunder on small business;~~

31 ~~(3) Review and assess the impact of enforcement policies on small~~  
32 ~~business operations in Missouri;~~

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

36 ~~(5) Recommend to the commission rules establishing an expedited~~  
37 ~~review of modifications for small businesses;~~

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

✓