

FIRST REGULAR SESSION

# HOUSE BILL NO. 612

## 100TH GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE COLEMAN (97).

1485H.011

DANA RADEMAN MILLER, Chief Clerk

---

### AN ACT

To repeal section 620.010, RSMo, and to enact in lieu thereof two new sections relating to the Missouri state council on the arts.

---

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

Section A. Section 620.010, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 26.275 and 620.010, to read as follows:

**26.275. The Missouri state council on the arts, chapter 185, is transferred by type II transfer to the office of the lieutenant governor. The provisions of section 1 of the Omnibus State Reorganization Act of 1974 relating to the manner and procedures for transfer of state agencies shall apply to the transfer provided in this section, provided that the term "director of the department" as used in paragraph (b) of subdivision (1) of subsection 7 of section 1 of the act shall include the lieutenant governor solely for the purpose of transferring the state council on the arts to the office of the lieutenant governor. For the sole purpose of transferring the state council on the arts to the office of the lieutenant governor, in the event of any conflict, this section shall supersede section 1 of the Omnibus State Reorganization Act of 1974.**

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

2. The powers, duties and functions vested in the public service commission, chapters 386, 387, 388, 389, 390, 392, 393, and others, and the administrative hearing commission,

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.

20 sections 621.015 to 621.198 and others, are transferred by type III transfers to the department of  
21 economic development. The director of the department is directed to provide and coordinate  
22 staff and equipment services to these agencies in the interest of facilitating the work of the bodies  
23 and achieving optimum efficiency in staff services common to all the bodies. Nothing in the  
24 Reorganization Act of 1974 shall prevent the chairman of the public service commission from  
25 presenting additional budget requests or from explaining or clarifying its budget requests to the  
26 governor or general assembly.

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

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

33 5. All the powers, duties and functions vested in the tourism commission, chapter 258  
34 and others, are transferred to the "Division of Tourism", which is hereby created, by type III  
35 transfer.

36 6. All the powers, duties and functions of the department of community affairs, chapter  
37 251 and others, not otherwise assigned, are transferred by type I transfer to the department of  
38 economic development, and the department of community affairs is abolished. The director of  
39 the department of economic development may assume all the duties of the director of community  
40 affairs or may establish within the department such subunits and advisory committees as may be  
41 required to administer the programs so transferred. The director of the department shall appoint  
42 all members of such committees and heads of subunits.

43 ~~7. [The state council on the arts, chapter 185 and others, is transferred by type II transfer~~  
44 ~~to the department of economic development, and the members of the council shall be appointed~~  
45 ~~by the director of the department.~~

46 ~~8.]~~ The Missouri housing development commission, chapter 215, is assigned to the  
47 department of economic development, but shall remain a governmental instrumentality of the  
48 state of Missouri and shall constitute a body corporate and politic.

49 ~~[9.]~~ **8.** All the authority, powers, duties, functions, records, personnel, property, matters  
50 pending and other pertinent vestiges of the division of manpower planning of the department of  
51 social services are transferred by a type I transfer to the "Division of Workforce Development",  
52 which is hereby created, within the department of economic development. The division of  
53 manpower planning within the department of social services is abolished. The provisions of  
54 section 1 of the Omnibus State Reorganization Act of 1974, Appendix B, relating to the manner  
55 and procedures for transfers of state agencies shall apply to the transfers provided in this section.

56           ~~[10.]~~ **9.** All the authority, powers, functions, records, personnel, property, contracts,  
57 matters pending and other pertinent vestiges of the division of employment security within the  
58 department of labor and industrial relations related to job training and labor exchange that are  
59 funded with or based upon Wagner-Peyser funds, and other federal and state workforce  
60 development programs administered by the division of employment security are transferred by  
61 a type I transfer to the division of workforce development within the department of economic  
62 development.

63           ~~[11.]~~ **10.** Any rule or portion of a rule, as that term is defined in section 536.010, that is  
64 created under the authority delegated in this section shall become effective only if it complies  
65 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.  
66 This section and chapter 536 are nonseverable and if any of the powers vested with the general  
67 assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and  
68 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and  
69 any rule proposed or adopted after August 28, 2008, shall be invalid and void.