

FIRST REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 612

## 100TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE COLEMAN (97).

1485H.01P

DANA RADEMAN MILLER, ChiefClerk

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### 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.

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Section A. Section 620.010, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 26.275 and 620.010, to read as follows: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

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.

6           2. The powers, duties and functions vested in the public service commission, chapters  
7 386, 387, 388, 389, 390, 392, 393, and others, and the administrative hearing commission,  
8 sections 621.015 to 621.198 and others, are transferred by type III transfers to the department of  
9 economic development. The director of the department is directed to provide and coordinate  
10 staff and equipment services to these agencies in the interest of facilitating the work of the bodies  
11 and achieving optimum efficiency in staff services common to all the bodies. Nothing in the  
12 Reorganization Act of 1974 shall prevent the chairman of the public service commission from  
13 presenting additional budget requests or from explaining or clarifying its budget requests to the  
14 governor or general assembly.

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

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

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

24           6. All the powers, duties and functions of the department of community affairs, chapter  
25 251 and others, not otherwise assigned, are transferred by type I transfer to the department of  
26 economic development, and the department of community affairs is abolished. The director of  
27 the department of economic development may assume all the duties of the director of community  
28 affairs or may establish within the department such subunits and advisory committees as may be  
29 required to administer the programs so transferred. The director of the department shall appoint  
30 all members of such committees and heads of subunits.

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

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

37           ~~[9.]~~ 8. All the authority, powers, duties, functions, records, personnel, property, matters  
38 pending and other pertinent vestiges of the division of manpower planning of the department of  
39 social services are transferred by a type I transfer to the "Division of Workforce Development",  
40 which is hereby created, within the department of economic development. The division of  
41 manpower planning within the department of social services is abolished. The provisions of

42 section 1 of the Omnibus State Reorganization Act of 1974, Appendix B, relating to the manner  
43 and procedures for transfers of state agencies shall apply to the transfers provided in this section.

44 ~~[10.]~~ **9.** All the authority, powers, functions, records, personnel, property, contracts,  
45 matters pending and other pertinent vestiges of the division of employment security within the  
46 department of labor and industrial relations related to job training and labor exchange that are  
47 funded with or based upon Wagner-Peyser funds, and other federal and state workforce  
48 development programs administered by the division of employment security are transferred by  
49 a type I transfer to the division of workforce development within the department of economic  
50 development.

51 ~~[11.]~~ **10.** Any rule or portion of a rule, as that term is defined in section 536.010, that is  
52 created under the authority delegated in this section shall become effective only if it complies  
53 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.  
54 This section and chapter 536 are nonseverable and if any of the powers vested with the general  
55 assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and  
56 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and  
57 any rule proposed or adopted after August 28, 2008, shall be invalid and void.

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