

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 843
99TH GENERAL ASSEMBLY

Reported from the Committee on Professional Registration, March 29, 2018, with recommendation that the Senate Committee Substitute do pass.

5541S.02C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal sections 91.640, 143.1015, 186.007, 189.015, 189.025, 189.030, 189.035, 191.400, 191.980, 192.005, 192.014, 192.230, 192.240, 192.707, 192.710, 192.2030, 194.400, 194.408, 194.409, 196.1100, 196.1103, 196.1106, 196.1112, 196.1118, 196.1121, 196.1124, 196.1127, 196.1129, 196.1130, 208.197, 208.955, 210.170, 217.900, 217.903, 217.905, 217.907, 217.910, 253.408, 253.412, 288.475, 324.406, 324.409, 324.412, 324.415, 324.421, 324.424, 324.427, 324.430, 324.436, 348.265, 453.600, 620.1200, 633.200, and 701.040, 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 thirty-five new sections relating to the existence of certain state administrative boards and commissions.

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

Section A. Sections 91.640, 143.1015, 186.007, 189.015, 189.025, 189.030,
2 189.035, 191.400, 191.980, 192.005, 192.014, 192.230, 192.240, 192.707, 192.710,
3 192.2030, 194.400, 194.408, 194.409, 196.1100, 196.1103, 196.1106, 196.1112,
4 196.1118, 196.1121, 196.1124, 196.1127, 196.1129, 196.1130, 208.197, 208.955,
5 210.170, 217.900, 217.903, 217.905, 217.907, 217.910, 253.408, 253.412, 288.475,
6 324.406, 324.409, 324.412, 324.415, 324.421, 324.424, 324.427, 324.430, 324.436,
7 348.265, 453.600, 620.1200, 633.200, and 701.040, RSMo, sections 196.1109 and
8 196.1115 as enacted by senate bill no. 7, ninety-sixth general assembly, first
9 extraordinary session, and sections 196.1109 and 196.1115 as enacted by house

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

10 bill no. 688, ninety-second general assembly, first regular session, are repealed
11 and thirty-five new sections enacted in lieu thereof, to be known as sections
12 29.415, 91.640, 143.1015, 186.007, 189.015, 189.025, 189.030, 189.035, 191.400,
13 191.980, 192.005, 192.014, 192.230, 192.240, 192.707, 192.710, 194.400, 194.408,
14 196.1129, 208.955, 210.170, 253.408, 324.406, 324.409, 324.412, 324.415, 324.421,
15 324.424, 324.427, 324.430, 324.436, 453.600, 620.1200, 633.200, and 701.040, to
16 read as follows:

**29.415. The auditor shall conduct a study of the solvency,
2 adequacy, staffing, and operational efficiency of the Missouri
3 unemployment system created under chapter 288. The study shall be
4 conducted every five years, the first being conducted in fiscal year
5 2019. The study shall be funded subject to appropriation from the
6 special employment security fund under section 288.310.**

91.640. 1. In addition to the powers which it may now have, any
2 municipality as herein defined shall have power, under sections 91.620 to 91.770;

3 (1) To lease as herein provided, to acquire by gift, purchase or the exercise
4 of the right of eminent domain, to construct, to reconstruct, to improve, to better,
5 and to extend any undertaking, wholly within, or wholly without the
6 municipality, or partially within and partially without the municipality, and to
7 acquire by gift, purchase or the exercise of the right of eminent domain, lands,
8 easements, rights in lands and water rights in connection therewith;

9 (2) To operate and maintain any undertaking for its own use and for the
10 use of public and private consumers, and users within and without the territorial
11 boundaries of the municipality;

12 (3) To prescribe, revise and collect rates, fees, tolls or charges subject to
13 rules and regulations of **the** public service commission of **the** state of Missouri
14 for the services, facilities or commodities furnished by such undertaking, and in
15 anticipation of the collection of the revenues of such undertaking, to issue
16 revenue bonds, to finance in whole or in part the cost of the acquisition,
17 construction, reconstruction, improvement, betterment or extension of any
18 undertaking;

19 (4) To pledge to the punctual payment of said bonds and interest thereon
20 all or any part of the revenues of such undertaking (including the revenues of
21 improvements, betterments or extensions thereto thereafter constructed or
22 acquired, as well as the revenues of existing systems, plants, works,
23 instrumentalities, and properties of the undertaking so improved, bettered or
24 extended) or of any part of such undertaking; subject to any outstanding

25 obligation existing against such systems, plants; and

26 (5) To make all contracts, execute all instruments and do all things
27 necessary or convenient in the exercise of the powers herein granted or in the
28 performance of its covenants or duties or in order to secure the payment of its
29 bonds, provided, no encumbrance, mortgage or other pledge of property of the
30 municipality is created thereby, and provided no property of the municipality is
31 liable to be forfeited or taken in payment of said bonds, and provided no debt on
32 the credit of the municipality is thereby incurred in any manner for any purpose;
33 and provided further, that plans and specifications for the aforesaid undertakings
34 shall be submitted to and approved by the state board of health **and senior**
35 **services**; provided, however, that all contracts for the undertakings herein
36 authorized shall be awarded to the lowest and best bidder, notice of the letting
37 of such contract having been published as is required by law for the letting of
38 public contracts for the erection of public buildings.

39 2. For the purpose of constructing, managing and operating the
40 undertakings herein described there is hereby created a "board of public
41 works". This board shall consist of five members, who shall be qualified voters
42 and resident taxpayers of such municipality. The mayor or presiding officer of
43 such municipality shall be a member of this board. The other four members shall
44 be appointed by the mayor or presiding officer of the municipality, by and with
45 the consent and approval of the majority of the governing body. The term of office
46 of the members appointed shall be four years, except the terms of two members
47 of the first board appointed shall be for two years. The officer making the
48 appointment shall designate which members shall be appointed for two years and
49 which shall be for four years. Vacancies shall be filled for an unexpired term in
50 the same manner as the original appointment. The board shall organize when
51 new members are appointed to it. It shall select a chairman, vice chairman,
52 secretary and treasurer. The board of public works shall operate, manage and
53 control such undertakings, and in the performance of this duty may employ such
54 persons and expend such sums as are necessary to properly perform same, which
55 funds shall be appropriated and allowed by the governing body out of the
56 earnings of the undertaking. This board shall require any person who has
57 custody of any moneys or properties of the district to furnish bond executed by a
58 responsible bonding company, for the faithful performance of his or her duties as
59 prescribed by the board of public works and for the faithful accounting of all
60 moneys or property which may come into his custody or possession by virtue of
61 such employment or appointment. The board of public works shall be allowed

62 such a salary for their services as the governing body may determine not in
63 excess of one hundred dollars per month for each member and for their actual
64 expenses incurred in performing their duties under sections 91.620 to 91.770 they
65 shall be paid out of the revenue of the undertaking formed herein. The members
66 of the board of public works may be removed for cause after a public hearing by
67 the governing body. The board of public works shall make such report to the
68 governing body and at such times as may be required by the governing body, and
69 shall have the power to establish bylaws, rules and regulations for its own
70 government. The board of public works, in respect to all matter of custody,
71 operation, administration and maintenance of such work shall have all the powers
72 and perform all the duties herein provided for, not specifically delegated to the
73 governing body.

74 3. The government is hereby authorized to construct any undertaking
75 within a defense area, to acquire by purchase, lease, gift, exchange or the exercise
76 of eminent domain, lands, easements, rights of lands and water rights in
77 connection therewith and to maintain and operate such undertakings. Any
78 municipality is hereby authorized to lease from the government or to enter into
79 an agreement to operate for and in behalf of the government any undertaking
80 constructed by the government.

143.1015. 1. In each taxable year beginning on or after January 1, 2011,
2 each individual or corporation entitled to a tax refund in an amount sufficient to
3 make a designation under this section may designate that one dollar or any
4 amount in excess of one dollar on a single return, and two dollars or any amount
5 in excess of two dollars on a combined return, of the refund due be credited to the
6 foster care and adoptive parents recruitment and retention fund as established
7 under section 453.600, hereinafter referred to as the fund. If any individual or
8 corporation that is not entitled to a tax refund in an amount sufficient to make
9 a designation under this section wishes to make a contribution to the fund, such
10 individual or corporation may, by separate check, draft, or other negotiable
11 instrument, send in with the payment of taxes, or may send in separately, that
12 amount, clearly designated for the foster care and adoptive parents recruitment
13 and retention fund, the individual or corporation wishes to contribute. The
14 department of revenue shall deposit such amount to the fund as provided in
15 subsections 2 and 3 of this section. All moneys credited to the fund shall be
16 considered nonstate funds under the provisions of Article IV, Section 15 of the
17 Missouri Constitution.

18 2. The director of revenue shall deposit at least monthly all contributions

19 designated by individuals under this section to the state treasurer for deposit to
20 the fund.

21 3. The director of revenue shall deposit at least monthly all contributions
22 designated by corporations under this section, less an amount sufficient to cover
23 the costs of collection and handling by the department of revenue, to the state
24 treasury for deposit to the fund.

25 4. A contribution designated under this section shall only be deposited in
26 the fund after all other claims against the refund from which such contribution
27 is to be made have been satisfied.

28 5. Moneys deposited in the fund shall be distributed by the department
29 of social services in accordance with the provisions of this section and section
30 453.600.

31 [6. Under section 23.253 of the Missouri sunset act:

32 (1) The provisions of the new program authorized under this section shall
33 automatically sunset six years after August 28, 2011, unless reauthorized by an
34 act of the general assembly; and

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

38 (3) This section shall terminate on December thirty-first of the calendar
39 year immediately following the calendar year in which the program authorized
40 under this section is sunset.]

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

16 unexpired portion of the term of a member appointed by the governor. The
17 unexpired council terms of any senator or representative unable or unwilling to
18 serve shall be filled by their respective bodies in the same manner as vacancies
19 on standing committees are filled.

189.015. The chief fiscal officer of:

2 (1) Each city and county operating a hospital, clinic operated by a social
3 welfare board of a county of the second class, or hospital district in the state of
4 Missouri; and

5 (2) Each not-for-profit corporation operating a hospital under contract
6 with a city or county shall submit to the director and the state board of health
7 **and senior services**, a report, setting forth the local public hospital tax effort
8 for its last fiscal year, which shall equal:

9 (a) The total gross expenditures made by such city, county, corporation or
10 hospital district during a fiscal year for the operation of a hospital in the city,
11 county or district, less

12 (b) The total amounts received during that fiscal year by such city, county,
13 corporation, or district in payment for hospital services or in support of hospital
14 operations.

15 The report shall be made to the director not later than September first of each
16 year.

189.025. The director shall promptly propose such allocations in the
2 statements which he shall determine to be reasonably necessary to conform to the
3 provisions of sections 189.010 to 189.085 and which are within the limits of the
4 budget recommendations. He shall, thereupon, determine the local public
5 hospital tax effort for patient care for the fiscal year. He shall report this amount
6 to the state board of health **and senior services** and the chief fiscal officers of
7 the city, county, corporation, or district, accompanied by the proposed allocations.

189.030. Upon receipt of the information from the director, the state board
2 of health **and senior services** shall within forty-five days examine the proposed
3 allocated appropriations to ensure that such funds are allocated proportionately
4 to qualifying hospitals in a ratio based upon available funds as compared to the
5 maximum entitlement of each qualifying hospital and either approve them within
6 the limit of the budget recommendation, or shall disapprove proposed allocated
7 appropriations or parts thereof which it does not find to be reasonable for the
8 improvement of care to poor patients in the hospital or hospitals. If any
9 appropriation or part thereof is disapproved by the board of health **and senior**
10 **services**, the director may continue to submit revised proposals to the state

11 board of health **and senior services** within the limits of the budget
12 recommendation therefor until the state board of health **and senior services**
13 approves the appropriation within the limits of the budget recommendation. The
14 board shall send a letter on the proposed appropriations allocation approved by
15 it to the director and to the chief fiscal officer of the city, county, corporation, or
16 district. Thereafter by June fifteenth of each year the state board of health **and**
17 **senior services** shall revise the allocations within the appropriation therefor.

189.035. Upon receipt of the revised proposal under section 189.030 from
2 the state board of health **and senior services**, the commissioner of
3 administration shall issue warrants on the state treasurer for an amount equal
4 to the lesser of (a) ten percent of the local public hospital tax effort of the city,
5 county, corporation, or district, as determined by him under section 189.025, or
6 (b) the total proposed appropriations approved by the board of health **and senior**
7 **services**.

191.400. 1. There is hereby created a "State Board of Health **and Senior**
2 **Services**" which shall consist of [seven] **nine** members, who shall be appointed
3 by the governor, by and with the advice and consent of the senate. No member
4 of the state board of health **and senior services** shall hold any other office or
5 employment under the state of Missouri other than in a consulting status
6 relevant to the member's professional status, licensure or designation. Not more
7 than [four] **five** of the members of the state board of health **and senior**
8 **services** shall be from the same political party.

9 2. Each member shall be appointed for a term of four years; except that
10 of the members first appointed, two shall be appointed for a term of one year, two
11 for a term of two years, two for a term of three years, and [one] **three** for a term
12 of four years. The successors of each shall be appointed for full terms of four
13 years. No person may serve on the state board of health **and senior services**
14 for more than two terms. The terms of all members shall continue until their
15 successors have been duly appointed and qualified. Three of the persons
16 appointed to the state board of health **and senior services** shall be persons who
17 are physicians and surgeons licensed by the state board of registration for the
18 healing arts of Missouri, **one of whom must have expertise in**
19 **geriatrics**. One of the persons appointed to the state board of health **and**
20 **senior services** shall be a dentist licensed by the Missouri dental board. One
21 of the persons appointed to the state board of health **and senior services** shall
22 be a [chiropractic physician licensed by the Missouri state board of chiropractic
23 examiners] **person with expertise in nutrition**. [Two of the persons

24 appointed to the state board of health shall be persons other than those licensed
25 by the state board of registration for the healing arts, the Missouri dental board,
26 or the Missouri state board of chiropractic examiners and shall be representative
27 of those persons, professions and businesses which are regulated and supervised
28 by the department of health and senior services and the state board of health.]
29 **In making the four remaining appointments, the governor shall give**
30 **consideration to individuals having a special interest in public health,**
31 **disability-related issues, or gerontology, including senior citizens.** If a
32 vacancy occurs in the appointed membership, the governor may appoint a member
33 for the remaining portion of the unexpired term created by the vacancy. If the
34 vacancy occurs while the senate is not in session, the governor shall make a
35 temporary appointment subject to the approval of the senate when it next
36 convenes. The members shall receive actual and necessary expenses [plus
37 twenty-five dollars per day for] each day of actual attendance.

38 3. The board shall elect from among its membership a chairperson and a
39 vice chairperson, who shall act as chairperson in his or her absence. The board
40 shall meet at the call of the chairperson. The chairperson may call meetings at
41 such times as he or she deems advisable, and shall call a meeting when requested
42 to do so by three or more members of the board.

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
4 have entered into a written agreement with the program. These higher
5 educational institutions and regional area health education centers shall be those
6 that are recognized as program offices or regional centers by the federal area
7 health education centers program pursuant to 42 U.S.C. Section 294a. The
8 program is designed to improve the supply, distribution, availability, and quality
9 of health care personnel in Missouri communities and promote access to primary
10 care for 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
13 shall consist of twelve members that are residents of Missouri. The members of
14 the 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 of
20 the senate;

21 (4) Two members of the house of representatives appointed by the speaker
22 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
28 of 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 Members of the council shall be appointed by February 1, 2005. Of the members
37 first appointed to the council, six shall serve a term of four years and six shall
38 serve a term of two years, and thereafter, members shall serve a term of four
39 years. Members shall continue to serve until their successor is duly appointed
40 and qualified. Any vacancy on the council shall be filled in the same manner as
41 the original appointment.

42 3.] The [council] **director of the department of health and senior**
43 **services** shall have discretionary authority to monitor and recommend policy
44 direction for the Missouri area health education centers program, including
45 policies to ensure that all applicable requirements of the federal area health
46 education centers program are met.

47 [4.] 3. 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 practicing
53 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.]

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

192.014. The state board of health **and senior services** shall advise the
2 department of health and senior services in the:

3 (1) Promulgation of rules and regulations by the department of health and
4 senior services. At least sixty days before the rules and regulations prescribed
5 by the department or any subsequent changes in them become effective, a copy
6 shall be filed in the office of the secretary of state. All rules and regulations
7 promulgated by the department shall, as soon as practicable after their adoption,
8 be submitted to the general assembly. The rules and regulations shall continue
9 in force and effect until disapproved by the general assembly;

10 (2) Formulation of the budget for the department of health and senior

11 services; **and**

12 (3) Planning for and operation of the department of health and senior
13 services.

192.230. The department of health and senior services shall be empowered
2 and authorized to conduct a complete survey of all of the hospitals, both public
3 and private, and all health centers and units in the state, and to make a public
4 report of such survey and findings, and recommending a state plan for the
5 construction of such additional hospital and health center facilities as may be
6 deemed advisable by the department of health and senior services after
7 consultation with the state board of health **and senior services**, described in
8 section 192.240.

192.240. 1. There is created a "State Hospital Advisory Council" of ten
2 members who shall be appointed by the governor by and with the consent of the
3 senate.

4 2. The advisory council shall be composed of citizens who have resided in
5 this state not less than five years immediately prior to their appointment and
6 shall include two members representing nongovernmental organizations or
7 groups, two members representing state governmental agencies concerned with
8 the operation, construction or utilization of hospital or other facilities for the
9 diagnosis, prevention or treatment of illness or disease or for the provision of
10 rehabilitation services, one member particularly concerned with the education or
11 training of health professions personnel and five members who are
12 representatives of consumers familiar with the need for the services provided by
13 such facilities.

14 3. Each member of the advisory council shall serve for a term of two years
15 from and after his appointment and confirmation.

16 4. The members of the council shall not receive any compensation for their
17 services but shall be reimbursed for actual and necessary travel and subsistence
18 expenses incurred when acting officially as members of the advisory council.

19 5. The state board of health **and senior services** is empowered to
20 consult with the department of health and senior services on the official state
21 plan for construction and modernization of hospitals and other medical facilities,
22 as well as with state agencies and nongovernmental organizations or groups
23 concerned with rehabilitation services.

24 6. The director of the department of health and senior services will
25 approve such applications for federal assistance in the construction and
26 modernization of hospitals and other medical facilities as may be considered

27 advisable after consultation with the state board of health **and senior services**.

192.707. 1. The "Missouri Arthritis Advisory Board" is established within
2 the department of health and senior services, as a continuation of the arthritis
3 advisory board in existence on August 13, 1984. The board shall consist of
4 twenty-five members. The members of the board that are serving on August 13,
5 1984, shall continue until the expiration of this term. The board shall submit a
6 list of names to the director as recommendations to fill expired terms on the
7 board. The director shall fill each expired membership on the board, each of the
8 appointees to serve for a term of four years and until his successor is appointed
9 and confirmed. Vacancies on the board arising from reasons other than
10 expiration of the member's term shall be filled by the director for the time
11 remaining in the unexpired term.

12 2. The board shall meet semiannually and at other such times as called
13 by the chairman of the board. The chairman shall be elected from the board
14 membership at the first board meeting, and shall serve as chairman until a new
15 chairman is elected, or until his term on the board expires, whichever occurs first.

16 3. The board shall serve in an advisory capacity to the committee, and
17 report annually to the department and to the state board of health **and senior**
18 **services** regarding the implementing of the statewide arthritis plan, making
19 recommendations for necessary changes in content and direction.

20 4. The board shall be responsible for development and recommendations
21 of guidelines for programs supported under the state arthritis program, and make
22 recommendations on program relevance of grant applications funded under the
23 state arthritis program. The board will make final recommendations to the
24 director regarding programs and grants of the state arthritis program.

25 5. Any reimbursement of members of the board for their actual and
26 necessary expenses shall be subject to appropriations.

192.710. 1. The "Arthritis Program Review Committee" is hereby created
2 within the department of health and senior services. This committee shall consist
3 of fifteen members, two from each of the seven regions set forth in section 192.714
4 and one at-large member. The fourteen regional members shall be nominated to
5 the committee by the board. The one at-large member shall be nominated by the
6 state board of health **and senior services**. The members of the committee shall
7 include at least one from each of the following categories: rheumatology
8 educators, practicing rheumatologists, primary care practitioners, nurses, allied
9 health professionals, arthritis patients, and members of the general
10 public. Members of the committee shall be appointed by the director in

11 consultation with the board of health **and senior services**. Of the fifteen initial
12 members, five shall have a two-year term, five shall have a three-year term, and
13 five shall have a four-year term. Thereafter, each member shall serve a four-year
14 term and until his successor is appointed and confirmed. Vacancies on the
15 committee arising from reasons other than expiration of the member's term shall
16 be filled by the director for the time remaining in the unexpired term.

17 2. The committee shall meet annually and at other such times as called
18 by the chairman of the committee. The chairman shall be elected annually from
19 the committee membership at the first committee meeting and shall serve as
20 chairman until a new chairman is elected, or until his term on the committee
21 expires, whichever occurs first.

22 3. The committee shall review, make site visits and determine and make
23 recommendations to the board on the merit of regional arthritis center
24 applications. No program or other activity will be recommended for funding by
25 the board without the favorable review of the committee.

26 4. The arthritis program coordinator shall serve the committee as its
27 executive administrator.

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

3 (1) ["Committee", the unmarked human burial consultation committee]
4 **"Council", the Missouri advisory council on historic preservation**
5 **created under section 253.408;**

6 (2) "Cultural items", shall include:

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

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

17 (3) "General archaeological investigation", refers to:

18 (a) Excavations performed by professional archaeologists usually
19 consisting of a structured scientific undertaking comprised of three segments
20 including field investigations, laboratory analysis, and preparation and

21 submission of a report of investigation; and

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

25 (4) "Professional archaeologist", a person who has a graduate degree in
26 archaeology, anthropology, or closely related field, at least one year of full-time
27 professional experience or equivalent specialized training in archaeological
28 research, administration of management, or at least four months of supervised
29 field and analytic experience in general North American archaeology and
30 demonstrated ability to carry archaeological research to completion, as evidenced
31 by a master of arts or master of science thesis, or report equivalent in scope and
32 quality;

33 (5) "Second or subsequent violation", any violation, other than the first
34 violation, of a criminal law related to the trafficking of human remains or cultural
35 items located in the state of Missouri, the United States, or any other state;

36 (6) "Skeletal analyst", a person possessing a postgraduate degree
37 representing specialized training in skeletal biology, forensic osteology, or other
38 relevant aspects of physical anthropology. The skeletal analyst shall have a
39 minimum experience of one year in conducting laboratory reconstruction and
40 analysis, and shall have demonstrated the ability to design and execute a skeletal
41 analysis, and to present the written results and interpretations of such analysis
42 in a thorough, scientific, and timely manner;

43 (7) "Specific scientific investigations", refers to detailed studies of human
44 remains by professional archaeologists, anthropologists, osteologists, or
45 professionals in related disciplines;

46 (8) "State historic preservation officer", the director of the department of
47 natural resources;

48 (9) "Unmarked human burial", any instance where human skeletal
49 remains are discovered or believed to exist, but for which there exists no written
50 historical documentation or grave markers.

194.408. 1. Whenever an unmarked human burial or human skeletal
2 remains are reported to the state historic preservation officer, the state historic
3 preservation officer shall proceed as follows:

4 (1) Insofar as possible, the state historic preservation officer shall make
5 reasonable efforts to identify and locate persons who can establish direct kinship
6 with or descent from the individual whose remains constitute the burial. The
7 state historic preservation officer, in consultation with the most closely related

8 family member, shall determine the proper disposition of the remains;

9 (2) When no direct kin or descendants can be identified or located, but the
10 burial or remains can be shown to have ethnic affinity with living peoples, the
11 state historic preservation officer in consultation with the leaders of the ethnic
12 groups having a relation to the burial or remains shall determine the proper
13 disposition of the remains. But, if the state historic preservation officer
14 determines the burial or remains are scientifically significant, no reinterment
15 shall occur until the burial or remains have been examined by a skeletal analyst
16 designated by the state historic preservation officer. In no event shall
17 reinterment be delayed more than one year;

18 (3) When the burial or remains cannot be related to any living peoples,
19 the state historic preservation officer, in consultation with the [unmarked human
20 burial consultation committee] **Missouri advisory council on historic**
21 **preservation**, shall determine the proper disposition of the burial or
22 remains. But, if the state historic preservation officer determines the burial or
23 remains are scientifically significant, no reinterment shall occur until the burial
24 or remains have been examined by a skeletal analyst designated by the state
25 historic preservation officer. In no event shall reinterment be delayed more than
26 one year unless otherwise and to the extent determined by the [committee]
27 **council**;

28 (4) Notwithstanding subdivisions (2) and (3) of this section the state
29 historical preservation officer may seek approval from the [unmarked human
30 burial consultation committee] **council** to delay reinterment of the remains for
31 an additional scientific study in a facility chosen by the state historic
32 preservation officer. If the study is approved by the [committee] **council**
33 reinterment shall be delayed for a period as specified by the [committee] **council**.

34 **2. All actions and decisions of the state historic preservation**
35 **officer and the council shall be in conformity with the provisions of the**
36 **federal National Historic Preservation Act of 1966, as amended, and the**
37 **federal Native American Graves Protection and Repatriation Act**
38 **(NAGPRA).**

196.1129. 1. For purposes of this section, the term "board" shall mean the
2 [life sciences research board established under section 196.1103] **state board of**
3 **health and senior services established under section 191.400.**

4 2. Subject to appropriations, the board shall establish a program to award
5 grants for the establishment of umbilical cord blood banks to be located in this
6 state and for the expansion of existing umbilical cord blood banks located in this

7 state. The purposes and activities of umbilical cord blood banks eligible for
8 grants for this program shall be directed towards gathering, collecting, and
9 preserving umbilical cord and placental blood only from live births and providing
10 such blood and blood components primarily to recipients who are unrelated to the
11 donors of the blood, and towards persons and institutions conducting scientific
12 research requiring sources of human stem cells.

13 3. The board shall, by rule, establish eligibility criteria for awarding
14 grants under this section. In awarding grants, the board shall consider:

15 (1) The ability of the applicant to establish, operate, and maintain an
16 umbilical cord blood bank and to provide related services;

17 (2) The experience of the applicant in operating similar facilities; and

18 (3) The applicant's commitment to continue to operate and maintain an
19 umbilical cord blood bank after the expiration of the terms of the contract
20 required by subsection 4 of this section.

21 4. Recipients of grants awarded shall enter into contracts under which
22 each recipient agrees to:

23 (1) Operate and maintain an umbilical cord blood bank in this state at
24 least until the eighth anniversary of the date of the award of the grant;

25 (2) Gather, collect, and preserve umbilical cord blood only from live births;
26 and

27 (3) Comply with any financial or reporting requirements imposed on the
28 recipient under rules adopted by the board.

29 5. The grants authorized under this section shall be awarded subject to
30 funds specifically appropriated for that purpose.

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

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

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

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

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

14 described in section 334.120;

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

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

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

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

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

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

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

33 2. The members of the oversight committee, other than the members from
34 the general assembly and ex officio members, shall be appointed by the governor
35 with the advice and consent of the senate. A chair of the oversight committee
36 shall be selected by the members of the oversight committee. Of the members
37 first appointed to the oversight committee by the governor, eight members shall
38 serve a term of two years, seven members shall serve a term of one year, and
39 thereafter, members shall serve a term of two years. Members shall continue to
40 serve until their successor is duly appointed and qualified. Any vacancy on the
41 oversight committee shall be filled in the same manner as the original
42 appointment. Members shall serve on the oversight committee without
43 compensation but may be reimbursed for their actual and necessary expenses
44 from moneys appropriated to the department of social services for that
45 purpose. The department of social services shall provide technical, actuarial, and
46 administrative support services as required by the oversight committee. The
47 oversight committee shall:

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

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

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

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

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

61 (6) Review the results of the public process input collected under section
62 208.950;

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

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

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

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

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

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

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

83 (11) Conduct a study to determine whether an office of inspector general
84 shall be established. Such office would be responsible for oversight, auditing,
85 investigation, and performance review to provide increased accountability,
86 integrity, and oversight of state medical assistance programs, to assist in
87 improving agency and program operations, and to deter and identify fraud, abuse,

88 and illegal acts. The committee shall review the experience of all states that
89 have created a similar office to determine the impact of creating a similar office
90 in this state; and

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

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

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

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

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

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

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

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

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

113 4. The subcommittee shall include the following members:

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

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

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

120 (4) One member representing residential care facilities, predominantly
121 serving MO HealthNet participants, designated by the governor;

122 (5) One member representing assisted living facilities or continuing care
123 retirement communities, predominantly serving MO HealthNet participants,
124 designated by the governor;

125 (6) One member representing skilled nursing facilities, predominantly
126 serving MO HealthNet participants, designated by the governor;

127 (7) One member from the office of the state ombudsman for long-term care
128 facility residents, designated by the governor;

129 (8) One member representing Missouri centers for independent living,
130 designated by the governor;

131 (9) One consumer representative with expertise in services for seniors or
132 persons with a disability, designated by the governor;

133 (10) One member with expertise in Alzheimer's disease or related
134 dementia;

135 (11) One member from a county developmental disability board,
136 designated by the governor;

137 (12) One member representing the hospice care profession, designated by
138 the governor;

139 (13) One member representing the home health care profession,
140 designated by the governor;

141 (14) One member representing the adult day care profession, designated
142 by the governor;

143 (15) One member gerontologist, designated by the governor;

144 (16) Two members representing the aged, blind, and disabled population,
145 not of the same geographic area or demographic group designated by the
146 governor;

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

149 (18) One member of the house of representatives and one member of the
150 senate serving on the oversight committee, designated by the oversight committee
151 chair.

152 Members shall serve on the subcommittee without compensation but may be
153 reimbursed for their actual and necessary expenses from moneys appropriated to
154 the department of health and senior services for that purpose. The department
155 of health and senior services shall provide technical and administrative support
156 services as required by the committee.

157 5.] The provisions of section 23.253 shall not apply to sections 208.950 to
158 208.955.

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

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

- 10 (a) ~~[Organized labor]~~ **The philanthropy community;**
11 (b) The business community;
12 (c) The educational community;
13 (d) The religious community;
14 (e) The legal community;
15 (f) Professional providers of prevention services to families and children;
16 (g) ~~[Volunteers in prevention services]~~ **A former youth participant in**
17 **the state foster care system;**
18 (h) Social services;
19 (i) Health care services; and
20 (j) Mental health services;

21 (2) ~~[A physician licensed pursuant to chapter 334]~~ **A board certified**
22 **child abuse pediatrician or a SAFE CARE provider, as defined in**
23 **section 334.950;**

24 (3) Two members of the Missouri house of representatives, who shall be
25 appointed by the speaker of the house of representatives and shall be members
26 of two different political parties;

27 (4) Two members of the Missouri senate, who shall be appointed by the
28 president pro tem of the senate and who shall be members of two different
29 political parties; and

30 (5) Four members chosen and appointed by the governor.

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

41 vacant was originally filled. **Any member of the board on August 28, 2018,**
42 **shall not be removed based on not being representative of a category**
43 **in subdivision (1) of subsection 1 of this section.**

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

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

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

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

60 7. The board may accept federal funds for the purposes of sections 210.170
61 to 210.173 and section 143.1000 as well as gifts and donations from individuals,
62 private organizations, and foundations. The acceptance and use of federal funds
63 shall not commit any state funds nor place any obligation upon the general
64 assembly to continue the programs or activities for which the federal funds are
65 made available. All funds received in the manner described in this subsection
66 shall be transmitted to the state treasurer for deposit in the state treasury to the
67 credit of the children's trust fund.

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

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

253.408. 1. Sections 253.408 to 253.412 shall be known and may be cited
2 as the "State Historic Preservation Act".

3 2. The director of the department of natural resources is hereby

4 designated as the state historic preservation officer. The state historic
5 preservation office shall be located in the department of natural resources and
6 shall be responsible for establishing, implementing, and administering federal
7 and state programs or plans for historic preservation and shall have the following
8 duties including, but not limited to:

9 (1) Direct and conduct a comprehensive statewide survey of historic,
10 archaeological, architectural, and cultural properties and maintain inventories
11 of such properties;

12 (2) Identify and nominate eligible properties to the National Register of
13 Historic Places and otherwise administer applications for listing historic
14 properties on the national register;

15 (3) Prepare and implement a comprehensive statewide historic
16 preservation plan;

17 (4) Administer the state program of federal assistance for historic
18 preservation within the state;

19 (5) Administer historic preservation fund grants as mandated by the
20 National Historic Preservation Act of 1966, as amended;

21 (6) Provide public information, education and training, and technical
22 assistance relating to the federal and state historic preservation programs;

23 (7) Cooperate with local governments in the development of local historic
24 preservation programs, and to assist local governments in becoming certified
25 pursuant to the Historic Preservation Act of 1966, as amended;

26 (8) Advise and assist federal and state agencies and local governments in
27 carrying out their historic preservation responsibilities;

28 (9) Cooperate with the National Advisory Council on Historic
29 Preservation, federal and state agencies, local governments, and organizations
30 and individuals to ensure that historic properties are taken into consideration at
31 all levels of planning and development;

32 (10) Administer [the state unmarked human burial sites,]
33 **responsibilities** as detailed in sections 194.400 to 194.410;

34 (11) Administer the historic preservation revolving fund, as detailed in
35 sections 253.400 to 253.407; and

36 (12) Cooperate with the department of economic development in
37 administering the main street Missouri act, as detailed in sections 251.470 to
38 251.485.

39 **3. (1) There is hereby established and created, within the**
40 **department of natural resources, the "Missouri Advisory Council on**

41 **Historic Preservation"** consisting of nine persons, to be appointed by
42 **the governor with the advice and consent of the senate, who shall serve**
43 **without compensation other than expenses incurred. The membership**
44 **of the council shall be as provided in 36 C.F.R. Part 61.4, as may be**
45 **amended from time to time, and shall consist of persons having**
46 **expertise and knowledge in the fields of history, historic and**
47 **prehistoric archaeology, architectural history, architecture, and**
48 **economic and community development, as well as nonprofessional**
49 **members with demonstrated interest in historic preservation. Each**
50 **member shall serve for a term of two years from the date of**
51 **appointment and until his or her replacement is duly appointed.**

52 (2) **The council shall meet at least three times per year and may**
53 **adopt bylaws to govern its operations which bylaws shall be consistent**
54 **with all applicable federal rules and regulations.**

55 (3) **The council shall have all the powers, duties and**
56 **responsibilities provided by federal law and the rules and regulations**
57 **for such council including, but not limited to, the following:**

58 (a) **Reviewing and approving each national register nomination**
59 **prior to submission to the national register; and**

60 (b) **Reviewing each completed state historic preservation plan as**
61 **developed by the state historic preservation officer prior to its**
62 **submission to the Secretary of the United States Department of**
63 **Interior; and**

64 (c) **Providing general advice, guidance, and professional**
65 **recommendations to the state historic preservation officer in**
66 **conducting the comprehensive statewide survey, preparing the state**
67 **historic preservation plan, carrying out any grants-in-aid program, and**
68 **carrying out the other duties and responsibilities of the state historic**
69 **preservation officer.**

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

9 appointed, one interior design member and the public member shall be appointed
10 for terms of four years, one member shall be appointed for a term of three years,
11 one member shall be appointed for a term of two years and one member shall be
12 appointed for a term of one year. No member of the council shall serve more than
13 two terms.

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

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

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

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

40 6. The council shall meet at least twice each year and **guide, advise, and**
41 **make recommendations to** the division on matters within the scope of sections
42 324.400 to 324.439. The organization of the council shall be established by the
43 members of the council.

44 [7. The council may sue and be sued as the interior design council and the
45 council members need not be named as parties. Members of the council shall not

46 be personally liable either jointly or severally for any act committed in the
 47 performance of their official duties as council members. No council member shall
 48 be personally liable for any costs which accrue in any action by or against the
 49 council.]

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] **division**. In addition to proof of passage
 5 of the examination, the application shall provide substantial evidence to the
 6 [council] **division** that 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
 12 diversified 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] **division**. Such applicant shall give authorization
 19 to the [council] **division** in order to verify current registration with sections
 20 327.091 to 327.171 and 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 verification
 23 and three industry references, submitted to the [council] **division**.

24 3. The [council] **division** shall verify if an applicant has complied with
 25 the provisions of this section and has paid the required fees, then the [council]
 26 **division** shall recommend such applicant be registered as a registered interior
 27 designer by the [council] **division**.

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)] (3) Recommend prosecution for violations of sections 324.400 to
9 324.439 to the appropriate prosecuting or circuit attorney;

10 [(2)] (4) Promulgate such rules and regulations as are necessary to
11 administer the provisions of sections 324.400 to 324.439. Any rule or portion of
12 a rule, as that term is defined in section 536.010, that is promulgated to
13 administer and enforce sections 324.400 to 324.439, shall become effective only
14 if the agency has fully complied with all of the requirements of chapter 536,
15 including but not limited to, section 536.028, if applicable, after August 28, 1998.
16 If the provisions of section 536.028 apply, the provisions of this section are
17 nonseverable and if any of the powers vested with the general assembly pursuant
18 to section 536.028 to review, to delay the effective date, or to disapprove and
19 annul a rule or portion of a rule are held unconstitutional or invalid, the
20 purported grant of rulemaking authority and any rule so proposed and contained
21 in the order of rulemaking shall be invalid and void, except that nothing in this
22 section shall affect the validity of any rule adopted and promulgated prior to
23 August 28, 1998.

 324.415. Applications for registration as a registered interior designer
2 shall be typewritten on forms prescribed by the [council] **division** and furnished
3 to the applicant. The application shall contain the applicant's statements
4 showing the applicant's education, experience, results of previous interior design
5 certification, registration or licensing examinations, if any, and such other
6 pertinent information as the [council] **division** may require, or architect's
7 registration number and such other pertinent information as the [council]
8 **division** may require. Each application shall contain a statement that is made
9 under oath or affirmation and that the representations are true and correct to the
10 best knowledge and belief of the person signing the application. The person shall
11 be subject to the penalties for making a false affidavit or declaration and shall be
12 accompanied by the required fee.

 324.421. The [council] **division** shall register without examination any
2 interior designer certified, licensed or registered in another state or territory of
3 the United States or foreign country if the applicant has qualifications which are
4 at least equivalent to the requirements for registration as a registered interior
5 designer in this state and such applicant pays the required fees.

 324.424. 1. The [council] **division** shall set the amount of the fees
2 authorized by sections 324.400 to 324.439 by rules and regulations. The fees
3 shall be set at a level to produce revenue which shall not substantially exceed the

4 cost and expense of administering sections 324.400 to 324.439. All fees required
5 pursuant to sections 324.400 to 324.439 shall be paid to and collected by the
6 division of professional registration and transmitted to the department of revenue
7 for deposit in the state treasury to the credit of the "Interior Designer Council
8 Fund", which is hereby created.

9 2. Notwithstanding the provisions of section 33.080 to the contrary, money
10 in the fund shall not be transferred and placed to the credit of general revenue
11 until the amount in the fund at the end of the biennium exceeds three times the
12 amount of the appropriation to the council for the preceding fiscal year. The
13 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.

324.427. It is unlawful for any person to advertise or indicate to the public
2 that the person is a registered interior designer in this state, unless such person
3 is registered as a registered interior designer by the [council] **division** and is in
4 good standing pursuant to sections 324.400 to 324.439.

324.430. No person may use the designation registered interior designer
2 in Missouri, unless the [council] **division** has issued a current certificate of
3 registration certifying that the person has been duly registered as a registered
4 interior designer in Missouri and unless such registration has been renewed or
5 reinstated as provided in section 324.418.

324.436. 1. The [council] **division** may refuse to issue any certificate
2 required pursuant to sections 324.400 to 324.439, or renew or reinstate any such
3 certificate, for any one or any combination of the reasons stated in subsection 2
4 of this section. The [council] **division** shall notify the applicant in writing of the
5 reasons for the refusal and shall advise the applicant of the person's right to file
6 a complaint with the administrative hearing commission as provided in chapter
7 621.

8 2. The [council] **division** may cause a complaint to be filed with the
9 administrative hearing commission as provided by chapter 621 against any holder
10 of a certificate of registration required by sections 324.400 to 324.439 or any
11 person who has failed to renew or has surrendered the person's certificate of
12 registration for any 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
42 of fact;

43 (10) Use of any advertisement or solicitation which is false, misleading or
44 deceptive to the general public or persons to whom the advertisement or
45 solicitation is primarily directed, as it relates to the interior design profession.

46 3. After the filing of a complaint pursuant to subsection 2 of this section,
47 the proceedings shall be conducted in accordance with the provisions of chapter
48 536 and chapter 621. Upon a finding by the administrative hearing commission
49 that the grounds, provided in subsection 2 of this section, for disciplinary action
50 are met, the [council] **division** shall censure or place the person named in the
51 complaint on probation for a period not to exceed five years or may suspend the
52 person's certificate for a period not to exceed three years or may revoke the
53 person's certificate of registration.

453.600. 1. There is hereby created in the state treasury the "Foster Care
2 and Adoptive Parents Recruitment and Retention Fund" which shall consist of all
3 gifts, donations, transfers, and moneys appropriated by the general assembly, and
4 bequests to the fund. The fund shall maintain no more than the total of the last
5 two years of funding or a minimum of three hundred thousand dollars, whichever
6 is greater. The fund shall be administered by the [foster care and adoptive
7 parents recruitment and retention fund board created in subsection 3 of this
8 section] **Missouri state foster care and adoption board created in section**
9 **210.617.**

10 2. The state treasurer shall be custodian of the fund and may approve
11 disbursements from the fund in accordance with sections 30.170 and
12 30.180. Notwithstanding the provisions of section 33.080 to the contrary, any
13 moneys remaining in the fund at the end of the biennium shall not revert to the
14 credit of the general revenue fund. The state treasurer shall invest moneys in the
15 fund in the same manner as other funds are invested. Any interest and moneys
16 earned on such investments shall be credited to the fund.

17 3. [There is hereby created the "Foster Care and Adoptive Parents
18 Recruitment and Retention Fund Board" within the department of social
19 services. The board shall consist of the following members or their designees:

- 20 (1) The director of the department of social services;
21 (2) The director of the department of mental health;
22 (3) The director of the department of health and senior services;
23 (4) The following six members to be appointed by the director of the
24 department of social services:
25 (a) Two representatives of a recognized foster parent association;
26 (b) Two representatives of a licensed child-placing agency; and
27 (c) Two representatives of a licensed residential treatment center.

28 Members appointed under subdivision (4) of this subsection shall serve three-year
29 terms, subject to reappointment. Of the members initially appointed, three shall
30 be appointed for a two-year term and three shall be appointed three-year terms.
31 All members of the board shall serve without compensation but shall, subject to
32 appropriation, be reimbursed for reasonable and necessary expenses actually
33 incurred in the performance of their official duties as members of the board. The
34 department of social services shall, with existing resources, provide
35 administrative support and current staff as necessary for the effective operation
36 of the board.

37 4.] Upon appropriation, moneys in the fund shall be used to grant awards

38 to licensed community-based foster care and adoption recruitment programs. The
39 board shall establish guidelines for disbursement of the fund to certain
40 programs. Such programs shall include, but not be limited to, recruitment and
41 retention of foster and adoptive families for children who:

- 42 (1) Have been in out-of-home placement for fifteen months or more;
- 43 (2) Are more than twelve years of age; or
- 44 (3) Are in sibling groups.

45 Moneys in the fund shall not be subject to appropriation for purposes other than
46 those of evidence-based foster care and adoption programs as designated by the
47 board [established under this section.

48 5. Under section 23.253 of the Missouri sunset act:

49 (1) The provisions of the new fund authorized under this section shall
50 automatically sunset six years after August 28, 2011, unless reauthorized by an
51 act of the general assembly; and

52 (2) If such fund is reauthorized, the fund authorized under this section
53 shall automatically sunset twelve years after the effective date of the
54 reauthorization of this section; and

55 (3) This section shall terminate on December thirty-first of the calendar
56 year immediately following the calendar year in which the fund authorized under
57 this section is sunset].

620.1200. 1. There is hereby established the "Missouri Film Commission"
2 to advise the director of the department of economic development on the
3 promotion of the development of film production and facilities in Missouri.

4 2. The commission shall be composed of [nine members as follows:

5 (1) Two members shall be a state senator appointed in a bipartisan
6 manner by the president pro tem of the senate;

7 (2) Two members shall be a state representative appointed in a bipartisan
8 manner by the speaker of the house; and

9 (3)] five members, who have knowledge and experience with the motion
10 picture industry, **who** shall be appointed by the director of the department of
11 economic development.

12 3. The members of the [board] **commission** appointed by the director
13 shall be appointed to serve terms of three years; except that, of the members first
14 appointed, two shall be appointed for a term of three years, two shall be
15 appointed for a term of two years and one shall be appointed for a one-year
16 term. [Any legislative member shall serve only as long as such person holds such
17 legislative office. The legislative members shall serve during their current term

18 of office but may be reappointed.]

19 4. The members of the commission shall receive no compensation for
20 serving on the commission but shall be reimbursed for their actual and necessary
21 expenses incurred in the performance of their official duties.

22 5. The commission shall provide oversight and guidance to the director of
23 the department of economic development in administering the office of the
24 Missouri film commission, established in section 620.1210. The commission shall
25 make recommendations to the governor and the general assembly on:

26 (1) The removal of barriers so that film production in Missouri may be
27 more easily promoted; and

28 (2) The development of state incentives to attract private investment in
29 film production in the state.

30 6. The commission shall submit its recommendations by January first of
31 each year, beginning January 1, 1998.

633.200. 1. For purposes of this section, the term "autism spectrum
2 disorder" shall be defined as in standard diagnostic criteria for pervasive
3 developmental disorder, to include autistic disorder; Asperger's syndrome;
4 pervasive developmental disorder-not otherwise specified; childhood disintegrative
5 disorder; and Rett's syndrome.

6 2. There is hereby created the "Missouri Commission on Autism Spectrum
7 Disorders" to be housed within the department of mental health. The department
8 of mental health shall provide technical and administrative support as required
9 by the commission. The commission shall meet on at least four occasions
10 annually, including at least two occasions before the end of December of the first
11 year the commission is fully established. The commission may hold meetings by
12 telephone or video conference. The commission shall advise and make
13 recommendations to the governor, general assembly, and relevant state agencies
14 regarding matters concerning all state levels of autism spectrum disorder
15 services, including health care, education, and other adult and adolescent
16 services.

17 3. The commission shall be composed of twenty-four members, consisting
18 of the following:

19 (1) Four members of the general assembly, with two members from the
20 senate and two members from the house of representatives. The president pro
21 tem of the senate shall appoint one member from the senate and the minority
22 leader of the senate shall appoint one member from the senate. The speaker of
23 the house shall appoint one member from the house of representatives and the

24 minority leader of the house shall appoint one member from the house of
25 representatives;

26 (2) The director of the department of mental health, or his or her
27 designee;

28 (3) The commissioner of the department of elementary and secondary
29 education, or his or her designee;

30 (4) The director of the department of health and senior services, or his or
31 her designee;

32 (5) The director of the department of public safety, or his or her designee;

33 (6) The commissioner of the department of higher education, or his or her
34 designee;

35 (7) The director of the department of social services, or his or her
36 designee;

37 (8) The director of the department of insurance, financial institutions and
38 professional registration, or his or her designee;

39 (9) Two representatives from different institutions of higher learning
40 located in Missouri;

41 (10) An individual employed as a director of special education at a school
42 district located in Missouri;

43 (11) A speech and language pathologist;

44 (12) A diagnostician;

45 (13) A mental health provider;

46 (14) A primary care physician;

47 (15) Two parents of individuals with autism spectrum disorder, including
48 one parent of an individual under the age of eighteen and one parent of an
49 individual over the age of eighteen;

50 (16) Two individuals with autism spectrum disorder;

51 (17) A representative from an independent private provider or nonprofit
52 provider or organization;

53 (18) A member of a county developmental disability board.

54 The members of the commission, other than the members from the general
55 assembly and ex-officio members, shall be appointed by the [governor with the
56 advice and consent of the senate] **director of the department of mental**
57 **health**. A chair of the commission shall be selected by the members of the
58 commission. Of the members first appointed to the commission by the governor,
59 half shall serve a term of four years and half shall serve a term of two years, and
60 thereafter, members shall serve a term of four years **and may be**

61 **reappointed.** Members shall continue to serve until their successor is duly
62 appointed and qualified. Any vacancy on the commission shall be filled in the
63 same manner as the original appointment. Members shall serve on the
64 commission without compensation but may be reimbursed for their actual and
65 necessary expenses from moneys appropriated to the department of mental
66 health.

67 4. The members of the commission shall consist of a broad representation
68 of Missouri citizens, both urban and rural, who are concerned with the health and
69 quality of life for individuals with autism spectrum disorder.

70 5. The commission shall make recommendations for developing a
71 comprehensive statewide plan for an integrated system of training, treatment,
72 and services for individuals of all ages with autism spectrum disorder. By July
73 1, 2009, the commission shall issue preliminary findings and recommendations
74 to the general assembly.

75 6. In preparing the state plan, the commission shall specifically perform
76 the following responsibilities and report on them accordingly, in conjunction with
77 state agencies and the office of autism services:

78 (1) Study and report on the means for developing a comprehensive,
79 coordinated system of care delivery across the state to address the increased and
80 increasing presence of autism spectrum disorder and ensure that resources are
81 created, well-utilized, and appropriately spread across the state:

82 (a) Determine the need for the creation of additional centers for diagnostic
83 excellence in designated sectors of the state, which could provide clinical services,
84 including assessment, diagnoses, and treatment of patients;

85 (b) Plan for effectively evaluating regional service areas throughout the
86 state and their capacity, including outlining personnel and skills that exist within
87 the service area, other capabilities that exist, and resource needs that may be
88 unmet;

89 (c) Assess the need for additional behavioral intervention capabilities and,
90 as necessary, the means for expanding those capabilities in a regional service
91 area;

92 (d) Develop recommendations for expanding these services in conjunction
93 with hospitals after considering the resources that exist in terms of specialty
94 clinics and hospitals, and hospital inpatient care capabilities;

95 (2) Conduct an assessment of the need for coordinated, enhanced and
96 targeted special education capabilities within each region of the state;

97 (3) Develop a recommendation for enlisting appropriate universities and

98 colleges to ensure support and collaboration in developing certification or degree
99 programs for students specializing in autism spectrum disorder
100 intervention. This may include degree programs in education, special education,
101 social work, and psychology; and

102 (4) Other responsibilities may include but not be limited to:

103 (a) Provide recommendations regarding training programs and the content
104 of training programs being developed;

105 (b) Recommend individuals to participate in a committee of major
106 stakeholders charged with developing screening, diagnostic, assessment, and
107 treatment standards for Missouri;

108 (c) Participate in recommending a panel of qualified professionals and
109 experts to review existing models of evidence-based educational practices for
110 adaptation specific to Missouri;

111 (d) Examine the barriers to accurate information of the prevalence of
112 individuals with autism spectrum disorder across the state and recommend a
113 process for accurate reporting of demographic data;

114 (e) Explore the need for the creation of interagency councils and
115 evaluation of current councils to ensure a comprehensive, coordinated system of
116 care for all individuals with autism spectrum disorder;

117 (f) Study or explore other developmental delay disorders and genetic
118 conditions known to be associated with autism, including fragile X syndrome;
119 Sotos syndrome; Angelman syndrome; and tuberous sclerosis.

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
3 of sewage tanks and length of lateral lines based on the percolation or
4 permeability rate of the soil, construction, installation, and operation of on-site
5 sewage disposal systems. Advice from the department of natural resources shall
6 be considered. City or county governments may adopt, by order or ordinance, the
7 state standard in accordance with the provisions of sections 701.025 to 701.059.
8 In any jurisdiction where a city or county has not adopted the state standard, the
9 department of health and senior services shall enforce the state standard until
10 such time as the city or county adopts the standard;

11 (2) Define by rule a list of those persons who are qualified to perform the
12 percolation tests or soils morphology tests required by the state standard. The
13 list shall include the following:

14 (a) Persons trained and certified by either the department, which shall
15 include on-site sewage disposal system contractors or a certified agent of the

16 department;

17 (b) Licensed engineers as defined in section 327.011;

18 (c) Sanitarians meeting standards defined by the department;

19 (d) Qualified geologists as defined in section 256.501; and

20 (e) Soil scientists, defined as a person that has successfully completed at
21 least fifteen semester credit hours of soils science course work, including at least
22 three hours of course work in soil morphology and interpretations;

23 (3) Develop in accordance with sections 701.053 to 701.055 a voluntary
24 registration program for on-site sewage disposal system contractors. Approved
25 county programs shall implement the contractor registration program. In any
26 area where a county has not adopted, by order or ordinance, the contractor
27 registration program, the department shall implement the program until such
28 time as the county adopts the registration program;

29 (4) Establish an education training program specifically developed for
30 contractors and city and county employees. Contractors may be taught and
31 allowed to perform percolation tests. Reasonable fees may be charged of the
32 participants to cover the cost of the training and shall be deposited in the public
33 health services fund created in section 192.900. The department shall provide,
34 as a part of the education training program, an installation manual for on-site
35 sewage disposal systems. The manual shall also be made available, at the cost
36 of publication and distribution, to persons not participating in the education and
37 training program;

38 (5) Periodically review, but not more than annually, any county's or city's
39 ordinance or order and enforcement record to assure that the state standard is
40 being consistently and appropriately enforced. In its review the department shall
41 assess the timeliness of the county's or city's inspections of on-site sewage
42 systems, and county or city enforcement may be terminated if the department
43 determines that the county or city is unable to provide prompt inspections. If the
44 department determines that the standard is not being consistently or
45 appropriately enforced in any city or county, the department shall notify the
46 county or city of the department's intent to enforce the standard in that
47 jurisdiction and after thirty days' notice hold a public hearing in such county or
48 city to make a determination as to whether the state shall enforce the state
49 standard. Any city or county aggrieved by a decision of the department may
50 appeal a decision of the department to the state board of health **and senior**
51 **services** established under section 191.400. Any city or county aggrieved by a
52 decision of the state board of health **and senior services** may appeal that

53 decision to the administrative hearing commission in the manner provided in
54 section 621.120; and

55 (6) Promulgate such rules and regulations as are necessary to carry out
56 the provisions of sections 701.025 to 701.059.

57 2. Subdivision (5) of this section shall be void and of no effect after
58 January 1, 1998.

[192.2030. 1. There is hereby created a "State Board of
2 Senior Services" which shall consist of seven members, who shall
3 be appointed by the governor, by and with the advice and consent
4 of the senate. No member of the state board of senior services shall
5 hold any other office or employment under the state of Missouri
6 other than in a consulting status relevant to the member's
7 professional status, licensure or designation. Not more than four
8 of the members of the state board of senior services shall be from
9 the same political party.

10 2. Each member shall be appointed for a term of four years;
11 except that of the members first appointed, two shall be appointed
12 for a term of one year, two for a term of two years, two for a term
13 of three years and one for a term of four years. The successors of
14 each shall be appointed for full terms of four years. No person may
15 serve on the state board of senior services for more than two
16 terms. The terms of all members shall continue until their
17 successors have been duly appointed and qualified. One of the
18 persons appointed to the state board of senior services shall be a
19 person currently working in the field of gerontology. One of the
20 persons appointed to the state board of senior services shall be a
21 physician with expertise in geriatrics. One of the persons
22 appointed to the state board of senior services shall be a person
23 with expertise in nutrition. One of the persons appointed to the
24 state board of senior services shall be a person with expertise in
25 rehabilitation services of persons with disabilities. One of the
26 persons appointed to the state board of senior services shall be a
27 person with expertise in mental health issues. In making the two
28 remaining appointments, the governor shall give consideration to
29 individuals having a special interest in gerontology or
30 disability-related issues, including senior citizens. Four of the
31 seven members appointed to the state board of senior services shall

32 be members of the governor's advisory council on aging. If a
33 vacancy occurs in the appointed membership, the governor may
34 appoint a member for the remaining portion of the unexpired term
35 created by the vacancy. The members shall receive actual and
36 necessary expenses plus twenty-five dollars per day for each day of
37 actual attendance.

38 3. The board shall elect from among its membership a
39 chairman and a vice chairman, who shall act as chairman in his or
40 her absence. The board shall meet at the call of the
41 chairman. The chairman may call meetings at such times as he or
42 she deems advisable, and shall call a meeting when requested to do
43 so by three or more members of the board.

44 4. The state board of senior services shall advise the
45 department of health and senior services in the:

46 (1) Promulgation of rules and regulations by the
47 department of health and senior services;

48 (2) Formulation of the budget for the department of health
49 and senior services; and

50 (3) Planning for and operation of the department of health
51 and senior services.]

[194.409. 1. There is hereby created in the department of
2 natural resources, an "Unmarked Human Burial Consultation
3 Committee", which shall be composed of seven members to be
4 appointed by the governor with the advice and consent of the
5 senate. The members of the committee shall be appointed as
6 follows: the state historic preservation officer, two members who
7 are archaeologists or skeletal analysts, two native Americans who
8 are members of an Indian tribe recognized by the United States of
9 America, one member who is a non-Indian minority, and one
10 non-Indian, non-minority member who is neither a professional
11 archaeologist nor a skeletal analyst. Members of the committee
12 shall be residents of the state of Missouri.

13 2. The state historic preservation officer shall be chairman
14 of the committee and shall serve a term which is contemporaneous
15 with his employment as director of the department of natural
16 resources. The terms of all other members of the committee shall
17 be three years.

18 3. The committee shall meet at least once each calendar
19 year, but may meet more often at the request of the state historic
20 preservation officer.

21 4. The members of the committee shall serve voluntarily
22 and shall not receive compensation for membership on the
23 committee, except that they shall be eligible to receive
24 reimbursement for transportation expenses as provided for through
25 the budget approved for the office of the state historic preservation
26 officer.

27 5. All actions and decisions of the state historic
28 preservation officer and the unmarked human burial consultation
29 committee shall be in conformity with the provisions of the federal
30 National Historic Preservation Act of 1966, as amended.]

 [196.1100. 1. There is hereby established in the state
2 treasury the "Life Sciences Research Trust Fund" to be held
3 separate and apart from all other public moneys and funds of the
4 state, including but not limited to the tobacco securitization
5 settlement trust fund established in section 8.550. The state
6 treasurer shall deposit into the fund twenty-five percent of all
7 moneys received from the master settlement agreement, as defined
8 in section 196.1000, beginning in fiscal year 2007 and in perpetuity
9 thereafter. Moneys in the fund shall not be subject to
10 appropriation for purposes other than those provided in sections
11 196.1100 to 196.1130 without a majority vote in each house of the
12 general assembly. All moneys in the fund shall be used for the
13 purposes of sections 196.1100 to 196.1130 only. Notwithstanding
14 the provisions of section 33.080 to the contrary, the moneys in the
15 fund shall not revert to the credit of general revenue at the end of
16 the biennium.

17 2. Moneys in the life sciences research trust fund shall be
18 used strategically, in cooperation with other governmental and
19 not-for-profit private entities, to enhance the capacity of the state
20 of Missouri's ability to perform research to better serve the health
21 and welfare of the residents of the state of Missouri as a center of
22 life sciences research and development by building on the success
23 of research institutions located in Missouri, creating in and
24 attracting to Missouri new research and development institutions,

25 commercializing the life sciences technologies developed by such
26 institutions, and enhancing their capacity to carry out their
27 respective missions.]

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

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

14 (2) The members of the board shall be generally familiar
15 with the life sciences and current research trends and
16 developments with either technical or scientific expertise in life
17 sciences and with an understanding of the application of the
18 results of life sciences research. The appointment of a person to
19 the life sciences research committee created by Executive Order
20 01-10 issued by the governor on July 23, 2001, shall not disqualify
21 a person from serving as a member, either contemporaneously or
22 later, on the life sciences research board;

23 (3) No member of the life sciences research board shall
24 serve more than two consecutive full four-year terms;

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

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

4 (1) A "center for excellence for life sciences research" means
5 a system or regional consortium of public and private not-for-profit
6 academic, research, or health care institutions or organizations
engaged in competitive research in targeted fields consistent with

7 the strategic purposes of life sciences research as provided in
8 sections 196.1100 to 196.1130;

9 (2) The life sciences research board shall monitor and adopt
10 such rules as are necessary to assure quality and accountability in
11 the operation of the centers for excellence for life sciences research;

12 (3) One St. Louis area center for excellence may be
13 established within the geographical area encompassing the city of
14 St. Louis and St. Louis, St. Charles, Jefferson, and Franklin
15 counties. If any part of a municipality is located within any one
16 such county and also encompasses a part of another county in this
17 state, the entire area encompassed within the city limits of such
18 municipality shall be a part of the geographical area of the St.
19 Louis area center for excellence;

20 (4) One Kansas City area center for excellence may be
21 established within the geographical area encompassing Jackson,
22 Clay, Andrew, Buchanan, and Platte counties. If any part of a
23 municipality is located within any one such county and also
24 encompasses a part of another county in this state, the entire area
25 encompassed within the city limits of such municipality shall be a
26 part of the geographical area of the Kansas City area center for
27 excellence;

28 (5) One Springfield center for excellence may be established
29 within the geographical area encompassing Greene, Christian, and
30 Webster counties;

31 (6) A Missouri statewide center for excellence may be
32 established that shall encompass the institutions, agricultural
33 research centers dedicated to the development of plant-made
34 pharmaceuticals, and campuses within the University of Missouri
35 system and those regions of Missouri not encompassed within
36 another center for excellence; provided that the University of
37 Missouri-Kansas City and the University of Missouri-St. Louis
38 shall participate in the centers for excellence in their respective
39 geographical regions;

40 (7) The life sciences research board shall receive and review
41 suggestions for the formation and composition of the initial centers
42 for excellence. After receiving and reviewing such suggestions, the
43 life sciences research board shall determine the initial composition,

44 and shall consider and approve the organizational plan and
45 structure of the St. Louis area, Kansas City area, Springfield area,
46 and Missouri statewide centers for excellence;

47 (8) Before any center for excellence is considered to be a
48 center for excellence for life sciences research under sections
49 196.1100 to 196.1130, its composition and organizational structure
50 shall be approved by the life sciences research board;

51 (9) Any center for excellence for life sciences research that
52 is established within a geographical area specified in sections
53 196.1100 to 196.1130 shall be comprised of a consortium of public
54 and private not-for-profit academic, research, or health care
55 institutions or organizations that have collectively at least fifteen
56 million dollars in annual research expenditures in the life sciences,
57 including a collective minimum of two million dollars in basic
58 research in life sciences;

59 (10) Each center for excellence for life sciences research
60 shall appoint a screening committee. The centers, through their
61 screening committees, shall solicit, collect, prioritize, and forward
62 to the life sciences research board proposed research initiatives for
63 consideration for funding by the board. Members of each screening
64 committee shall generally be familiar with the life sciences and
65 current trends and developments with either technical or scientific
66 expertise in the life sciences with an understanding of life sciences
67 and with an understanding of the application of the results of life
68 sciences research. No member of a screening committee shall be
69 employed by any public or private entity eligible to receive
70 financial support from the life sciences research trust fund; and

71 (11) The centers for excellence for life sciences research
72 shall have any and all powers attendant to carrying out the
73 operations that are not contrary to the provisions of sections
74 196.1100 to 196.1130 or any rules, guidelines, or decisions adopted
75 by the life sciences research board.]

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

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

16 (2) Enhance technology transfer and technology
17 commercialization derived from research at public and private
18 not-for-profit institutions within the centers for excellence. For
19 purposes of sections 196.1100 to 196.1130, "technology transfer and
20 technology commercialization" includes stages of the regular
21 business cycle occurring after research and development of a life
22 science technology, including but not limited to reduction to
23 practice, proof of concept, and achieving federal Food and Drug
24 Administration, United States Department of Agriculture, or other
25 regulatory requirements in addition to the definition in section
26 348.251.

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

43 tobacco-related illnesses.]

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

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

17 (2) Enhance technology transfer and technology
18 commercialization derived from research at public and private
19 not-for-profit institutions within the centers for excellence. For
20 purposes of sections 196.1100 to 196.1130, "technology transfer and
21 technology commercialization" includes stages of the regular
22 business cycle occurring after research and development of a life
23 science technology, including but not limited to reduction to
24 practice, proof of concept, and achieving federal Food and Drug
25 Administration, United States Department of Agriculture, or other
26 regulatory requirements in addition to the definition in section
27 348.251.

28 Funds received by the board may be used for purposes authorized
29 in sections 196.1100 to 196.1130 and shall be subject to the
30 restrictions of sections 196.1100 to 196.1130, including but not
31 limited to the costs of personnel, supplies, equipment, and
32 renovation or construction of physical facilities; provided that in
33 any single fiscal year no more than ten percent of the moneys
34 appropriated shall be used for the construction of physical facilities
35 and further provided that in any fiscal year eighty percent of the
36 moneys shall be appropriated to build research capacity at public
and private not-for-profit institutions and twenty percent of the

37 moneys shall be appropriated for grants to public or private
38 not-for-profit institutions to promote life science technology
39 transfer and technology commercialization. Of the moneys
40 appropriated to build research capacity, twenty percent of the
41 moneys shall be appropriated to promote the development of
42 research of tobacco-related illnesses.]

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

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

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

13 (1) Award and enter into grants or contracts relating to

14 increasing Missouri's research capacity at public or private
15 not-for-profit institutions;

16 (2) Make provision for peer review panels to recommend
17 and review research projects;

18 (3) Contract for support services;

19 (4) Lease or acquire facilities and equipment;

20 (5) Employ administrative staff; and

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

24 3. The Missouri technology corporation, established under
25 section 348.251, shall serve as the administrative agent for the life
26 sciences research board.

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

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

9 competitive research in targeted fields consistent with the
10 provisions of sections 196.1100 to 196.1130.

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

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

16 (2) Make provision for peer review panels to recommend
17 and review research projects;

18 (3) Contract for administrative and support services;

19 (4) Lease or acquire facilities and equipment;

20 (5) Employ administrative staff; and

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

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

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

13 board's programs, grants, and contracts performed, shall be
14 provided to the governor and the general assembly, and shall be
15 available to the public. The cost of such assessment report shall
16 not be considered an administrative expense for purposes of
17 subsection 3 of section 196.1115.]

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

- 7 (1) The reasonableness of the cost;
- 8 (2) The connection to the grant or contract;
- 9 (3) The consistency demonstrated in assigning costs to the
10 grant or contract; and
- 11 (4) Conformance with the specific terms and conditions of
12 the award or contract.

13 The life sciences research board may from time to time issue rules
14 and guidelines consistent with such four-part test and provide
15 grant and contract recipients with a list or other explanation of
16 regularly permitted costs.

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

[196.1124. No member of the life sciences research board

2 shall be employed by any public or private not-for-profit entity
3 entitled to receive financial support from the life sciences research
4 trust fund, or participate in the making of any decision by the
5 board to make any grant to the board member, any person who is
6 related to the board member within the fourth degree of
7 consanguinity or affinity, any public entity for which the board
8 member serves as an officer, director, or other member of the
9 entity's governing body, or any private entity for which the board
10 member or the member's spouse is employed, serves as an officer,
11 director, or other member of the entity's governing body. The board
12 may from time to time issue conflict of interest guidelines and
13 requirements with respect to the administration of the life sciences
14 research program, to govern the actions of its employees and
15 agents, and to implement the provisions of this section.]

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

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

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

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

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

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

22 (5) "Human cloning", the creation of a human being by any
23 means other than by the fertilization of an oocyte of a human

24 female by a sperm of a human male;

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

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

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

36 (7) "Public funds", include:

37 (a) Any moneys received or controlled by the state of
38 Missouri or any official, department, division, agency, or political
39 subdivision thereof, including but not limited to moneys derived
40 from federal, state, or local taxes, gifts, or grants from any source,
41 settlements of any claims or causes of action, public or private,
42 bond proceeds, federal grants or payments, or intergovernmental
43 transfers;

44 (b) Any moneys received or controlled by an official,
45 department, division, or agency of state government or any political
46 subdivision thereof, or to any person or entity pursuant to
47 appropriation by the general assembly or governing body of any
48 political subdivision of this state;

49 (8) "Research project", research proposed to be funded by an
50 award of public funds conducted under the auspices of the entity
51 or entities that applied for and received such award, regardless of
52 whether the research is funded in whole or in part by such
53 award. Such research shall include basic research, including the
54 discovery of new knowledge; translational research, including
55 translational knowledge in a usable form; and clinical research,
56 including but not limited to health research in human development
57 and aging, cancer, endocrine, cardiovascular, neurological,
58 pulmonary, and infectious disease.

59 3. Public funds shall not be expended, paid, or granted to
60 or on behalf of an existing or proposed research project that

61 involves abortion services, human cloning, or prohibited human
62 research. A research project that receives an award of public funds
63 shall not share costs with another research project, person, or
64 entity not eligible to receive public funds pursuant to this
65 subsection; provided that a research project that receives an award
66 of public funds may pay a pro rata share of facilities and
67 administrative costs determined in the award of public funds
68 according to standards that ensure that public funds do not in any
69 way subsidize facilities and administrative costs of other research
70 projects, persons, or entities not eligible to receive public funds
71 pursuant to this subsection. The application for an award of public
72 funds shall set forth the proposed rates of pro rata cost
73 reimbursement and shall provide supporting data and rationale for
74 such rates. All applicants for and recipients of awards of public
75 funds shall comply with the cost accounting principles set forth in
76 Part 9905 of Title 48 of the Code of Federal Regulations, or
77 successor regulations, in connection with the application for and
78 administration of the research project. All moneys derived from an
79 award of public funds shall be expended only by checks, drafts, or
80 electronic transfers using a separate accounting process maintained
81 for each research project. No moneys derived from an award of
82 public funds shall be used to cover costs for any other research
83 project or to any other person or entity. No moneys derived from
84 an award of public funds shall be passed through to any other
85 research project, person, or entity unless included in the original
86 application for the award of public funds or in subsequent
87 amendments or requests to use separate contractors. A research
88 project that receives an award of public funds shall maintain
89 financial records that demonstrate strict compliance with this
90 subsection. Any audit conducted pursuant to any grant or contract
91 awarding public funds shall also certify whether there is
92 compliance with this subsection and shall note any noncompliance
93 as a material audit finding.

94 4. The provisions of this section shall inure to the benefit
95 of all residents of this state. Any taxpayer of this state or any
96 political subdivision of this state shall have standing to bring suit
97 against the state of Missouri or any official, department, division,

98 agency, or political subdivision of this state, and any recipient of
99 public funds who or which is in violation of this subsection in any
100 circuit court with jurisdiction to enforce the provisions of this
101 section.

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

105 6. Any provision of this section is not severable from any
106 appropriation subject to this section or any application declared by
107 any court to be subject to this section. If any provision of this
108 section is found to be invalid or unconstitutional, any appropriation
109 subject to this section or any appropriation declared by any court
110 to be subject to this section shall be void, invalid, and
111 unenforceable.]

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

6 [208.197. 1. The "Professional Services Payment
7 Committee" is hereby established within the MO HealthNet
8 division to develop and oversee the pay-for-performance payment
9 program guidelines under section 208.153. The members of the
10 committee shall be appointed by the governor no later than
11 December 31, 2007, and shall be subject to the advice and consent
12 of the senate. The committee shall be composed of eighteen
13 members, geographically balanced, including nine physicians
14 licensed to practice in this state, two patient advocates and the
15 attorney general, or his or her designee. The remaining members
16 shall be persons actively engaged in hospital administration,
17 nursing home administration, dentistry, and pharmaceuticals. The
18 members of the committee shall receive no compensation for their
19 services other than expenses actually incurred in the performance
of their official duties.

2 2. The MO HealthNet division shall maintain the
3 pay-for-performance payment program in a manner that ensures
4 quality of care, fosters the relationship between the patient and the
5 provider, uses accurate data and evidence-based measures, does not

20 discourage providers from caring for patients with complex or
21 high-risk conditions, and provides fair and equitable program
22 incentives.]

2 [217.900. 1. There is hereby established the "Missouri
State Penitentiary Redevelopment Commission".

3 2. The commission shall consist of ten commissioners who
4 shall be qualified voters of the state of Missouri. Three
5 commissioners, no more than two of whom shall belong to the same
6 political party, shall be residents of Jefferson City and shall be
7 appointed by the mayor of that city with the advice and consent of
8 the governing body of that city; three commissioners, no more than
9 two of whom shall belong to the same political party, shall be
10 residents of Cole County but not of Jefferson City and shall be
11 appointed by the county commission; and four commissioners, no
12 more than three of whom shall belong to the same political party,
13 none of whom shall be residents of Cole County or of Jefferson City,
14 shall be appointed by the governor with the advice and consent of
15 the senate. The governor shall appoint one of the commissioners
16 who is not a resident of Cole County or Jefferson City to be the
17 chair of the commission. No elected official of the state of Missouri
18 or of any city or county in this state shall be appointed to the
19 commission.]

2 [217.903. The commissioners shall serve for terms of three
years, except that the first person appointed by each the mayor, the
3 county commission and the governor shall serve for two years and
4 the second person appointed by the governor shall serve for four
5 years. Each commissioner shall hold office until a successor has
6 been appointed and qualified. In the event a vacancy exists or in
7 the event a commissioner's term expires, a successor commissioner
8 shall be appointed by whomever appointed the commissioner who
9 initially held the vacant positions and if no person is so selected
10 within sixty days of the creation of the vacancy, the unexpired term
11 of such commissioner may be filled by a majority vote of the
12 remainder of the commissioners, provided such successor
13 commissioner shall meet the requirements set forth by sections
14 217.900 to 217.910. Pending any such appointment to fill any
15 vacancy, the remaining commissioners may conduct commission

16 business. Commissioners shall serve without compensation but
17 shall be entitled to reimbursement from the Missouri state
18 penitentiary redevelopment commission fund established in
19 subsection 1 of section 217.910 for expenses incurred in conducting
20 the commission's business.]

2 [217.905. 1. The commission shall have the following
powers:

3 (1) To acquire title to the property historically utilized as
4 the Missouri state penitentiary and to acquire by gift or bequest
5 from public or private sources property adjacent thereto and
6 necessary or appropriate to the successful redevelopment of the
7 Missouri state penitentiary property;

8 (2) To lease or sell real property to developers who will
9 utilize the property consistent with the master plan for the
10 property and to hold proceeds from such transactions outside the
11 state treasury;

12 (3) To adopt bylaws for the regulation of its affairs and the
13 conduct of its business;

14 (4) To hire employees necessary to perform the
15 commission's work;

16 (5) To contract and to be contracted with, including, but
17 without limitation, the authority to enter into contracts with cities,
18 counties and other political subdivisions, agencies of the state of
19 Missouri and public agencies pursuant to sections 70.210 to 70.325
20 and otherwise, and to enter into contracts with other entities, in
21 connection with the acquisition by gift or bequest and in connection
22 with the planning, construction, financing, leasing, subleasing,
23 operation and maintenance of any real property or facility and for
24 any other lawful purpose, and to sue and to be sued;

25 (6) To receive for its lawful activities contributions or
26 moneys appropriated or otherwise designated for payment to the
27 authority by municipalities, counties, state or other political
28 subdivisions or public agencies or by the federal government or any
29 agency or officer thereof or from any other sources and to apply for
30 grants and other funding and deposit those funds in the Missouri
31 state penitentiary redevelopment fund;

32 (7) To disburse funds for its lawful activities and fix

33 salaries and wages of its employees;

34 (8) To invest any of the commission's funds in such types of
35 investments as shall be determined by a resolution adopted by the
36 commission;

37 (9) To borrow money for the acquisition, construction,
38 equipping, operation, maintenance, repair, remediation or
39 improvement of any facility or real property to which the
40 commission holds title and for any other proper purpose, and to
41 issue negotiable notes, bonds and other instruments in writing as
42 evidence of sums borrowed;

43 (10) To perform all other necessary and incidental
44 functions, and to exercise such additional powers as shall be
45 conferred by the general assembly; and

46 (11) To purchase insurance, including self-insurance, of any
47 property or operations of the commission or its members, directors,
48 officers and employees, against any risk or hazard, and to
49 indemnify its members, agents, independent contractors, directors,
50 officers and employees against any risk or hazard. The commission
51 is specifically authorized to purchase insurance from the Missouri
52 public entity risk management fund and is hereby determined to be
53 a public entity as defined in section 537.700.

54 2. In no event shall the state be liable for any deficiency or
55 indebtedness incurred by the commission.

56 3. The Missouri state penitentiary redevelopment
57 commission is a state commission for purposes of section 105.711
58 and all members of the commission shall be entitled to coverage
59 under the state legal expense fund.]

[217.907. The income of the commission and all properties
2 any time owned by the authority shall be exempt from all taxation
3 in the state of Missouri.]

[217.910. 1. There is hereby created in the state treasury
2 the "Missouri State Penitentiary Redevelopment Commission
3 Fund", which shall consist of money collected pursuant to sections
4 217.900 to 217.910. The fund shall be administered by the
5 Missouri state penitentiary redevelopment commission. Money in
6 the fund shall be used solely for the purposes of the Missouri state
7 penitentiary redevelopment commission.

8 2. Notwithstanding the provisions of section 33.080, no
9 portion of the fund shall be transferred to the general revenue
10 fund, and any appropriation made to the fund shall not lapse. The
11 state treasurer shall invest moneys in the fund in the same manner
12 as other funds are invested. Interest and moneys earned on such
13 investments shall be credited to the fund.

14 3. Upon the dissolving of the commission, any funds
15 remaining in the Missouri state penitentiary commission fund shall
16 be transferred to the general revenue fund.]

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

 [288.475. 1. There is hereby created a "Missouri State
2 Unemployment Council". The council shall consist of nine
3 appointed voting members and two appointed nonvoting
4 members. All appointees shall be persons whose training and
5 experience qualify them to deal with the difficult problems of
6 unemployment compensation, particularly legal, accounting,
7 actuarial, economic, and social aspects of unemployment
8 compensation.

9 (1) Three voting members shall be appointed to the council
10 by the governor. One voting member shall be appointed on account
11 of his or her vocation, employment, or affiliations being classed as
12 representative of employers. One voting member shall be
13 appointed on account of his or her vocation, employment, or
14 affiliations being classed as representative of employees. One
15 voting member shall be appointed to represent the public interest
16 separate from employee or employer representation.

17 (2) Three voting members and one nonvoting member shall
18 be appointed to the council by the speaker of the house of
19 representatives. One voting member shall be appointed on account
20 of his or her vocation, employment, or affiliations being classed as
21 representative of employers that employ twenty or less
22 employees. One voting member shall be appointed on account of
23 his or her vocation, employment, or affiliations being classed as

24 representative of employees. One voting member shall be
25 appointed to represent the public interest separate from employee
26 or employer representation. One nonvoting member shall be
27 appointed from the house of representatives.

28 (3) Three voting members and one nonvoting member shall
29 be appointed to the council by the president pro tem of the
30 senate. One voting member shall be appointed on account of his or
31 her vocation, employment, or affiliations being classed as
32 representative of employers. One voting member shall be
33 appointed on account of his or her vocation, employment, or
34 affiliations being classed as representative of employees. One
35 voting member shall be appointed to represent the public interest
36 separate from employee or employer representation. One nonvoting
37 member shall be appointed from the senate.

38 2. The council shall organize itself and select a chairperson
39 or cochairpersons and other officers from the nine voting
40 members. Six voting members shall constitute a quorum and the
41 council shall act only upon the affirmative vote of at least five of
42 the voting members. The council shall meet no less than four times
43 yearly. Members of the council shall serve without compensation,
44 but are to be reimbursed the amount of actual expenses. Actual
45 expenses shall be paid from the special employment security fund
46 under section 288.310.

47 3. The division shall provide professional and clerical
48 assistance as needed for regularly scheduled meetings.

49 4. Each nonvoting member shall serve for a term of four
50 years or until he or she is no longer a member of the general
51 assembly whichever occurs first. A nonvoting member's term shall
52 be a maximum of four years. Each voting member shall serve for
53 a term of three years. For the initial appointment, the
54 governor-appointed employer representative, the speaker of the
55 house-appointed employee representative, and the president pro
56 tem of the senate-appointed public interest representative shall
57 serve an initial term of one year. For the initial appointment, the
58 governor-appointed employee representative, the speaker of the
59 house-appointed public interest representative, and the president
60 pro tem of the senate-appointed employer representative shall

61 serve an initial term of two years. At the end of a voting member's
62 term he or she may be reappointed; however, he or she shall serve
63 no more than two terms excluding the initial term for a maximum
64 of eight years.

65 5. The council shall advise the division in carrying out the
66 purposes of this chapter. The council shall submit annually by
67 January fifteenth to the governor and the general assembly its
68 recommendations regarding amendments to this chapter, the status
69 of unemployment insurance, the projected maintenance of the
70 solvency of unemployment insurance, and the adequacy of
71 unemployment compensation.

72 6. The council shall present to the division every proposal
73 of the council for changes in this chapter and shall seek the
74 division's concurrence with the proposal. The division shall give
75 careful consideration to every proposal submitted by the council for
76 legislative or administrative action and shall review each
77 legislative proposal for possible incorporation into department of
78 labor and industrial relations' recommendations.

79 7. The council shall have access to only the records of the
80 division that are necessary for the administration of this chapter
81 and to the reasonable services of the employees of the division. It
82 may request the director or any of the employees appointed by the
83 director or any employee subject to this chapter to appear before it
84 and to testify relative to the functioning of this chapter and to
85 other relevant matters. The council may conduct research of its
86 own, make and publish reports, and recommend to the division
87 needed changes in this chapter or in the rules of the division as it
88 considers necessary.

89 8. The council, unless prohibited by a concurrent resolution
90 of the general assembly, shall be authorized to commission an
91 outside study of the solvency, adequacy, and staffing and
92 operational efficiency of the Missouri unemployment system. The
93 study shall be conducted every five years, the first being conducted
94 in fiscal year 2005. The study shall be funded subject to
95 appropriation from the special employment security fund under
96 section 288.310.]

[348.265. 1. As soon as practicable after February 3, 2012,

2 the director of the department of economic development, with the
3 assistance of the director of the department of revenue, shall
4 establish the base year gross wages and report the amount of the
5 base year gross wages to the president and board of the
6 corporation, the governor, and the general assembly. Within one
7 hundred eighty days after the end of each fiscal year beginning
8 with the fiscal year ending June 30, 2011, and for each subsequent
9 fiscal year prior to the end of the last funding year, the director of
10 economic development, with the assistance of the director of the
11 department of revenue, shall determine and report to the president
12 and board of the corporation, governor, and general assembly the
13 amount by which aggregate science and innovation employees'
14 gross wages for the fiscal year exceeds the base year gross
15 wages. The director of economic development and the director of
16 the department of revenue may consider any verifiable evidence,
17 including but not limited to the NAICS codes assigned or recorded
18 by the United States Department of Labor for companies with
19 employees in the state, when determining which organizations
20 should be classified as science and innovation companies.

21 2. Notwithstanding section 23.250 to the contrary, for each
22 of the twenty-five funding years, beginning July 1, 2012, subject to
23 appropriation, the director of revenue shall transfer to the Missouri
24 science and innovation reinvestment fund an amount not to exceed
25 an amount equal to the product of the applicable percentage
26 multiplied by an amount equal to the increase in aggregate science
27 and innovation employees' gross wages for the prior fiscal year,
28 over the base year gross wages. The director of revenue may make
29 estimated payments to the Missouri science and innovation
30 reinvestment fund more frequently based on estimates provided by
31 the director of revenue and reconciled annually.

32 3. Local political subdivisions may contribute to the
33 Missouri science and innovation reinvestment fund through a
34 grant, contract, or loan by dedicating a portion of any sales tax or
35 property tax increase resulting from increases in science and
36 innovation company economic activity occurring after February 3,
37 2012, or other such taxes or fees as such local political subdivisions
38 may establish.

39 4. Funding generated by the provisions of this section shall
40 be expended by the corporation to further its purposes as specified
41 in section 348.256.

42 5. Upon enactment of this section, the corporation shall
43 prepare a strategic plan for the use of the funding to be generated
44 by the provisions of this section, and may consult with science and
45 innovation partners, including but not limited to the research
46 alliance of Missouri, as established in section 348.257; the life
47 sciences research board established in section 196.1103; and the
48 innovation centers or centers for advanced technology, as
49 established in section 348.272. The corporation shall make a draft
50 strategic plan available for public comment prior to publication of
51 the final strategic plan.]

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