

SECOND REGULAR SESSION

HOUSE BILL NO. 2155

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HARRIS (23) (Sponsor), ROORDA, OXFORD, BAKER (25),
DARROUGH, WILDBERGER AND HARRIS (110) (Co-sponsors).

Read 1st time February 14, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

4772L.03I

AN ACT

To repeal sections 36.030, 386.210, 386.700, 386.710, and 620.010, RSMo, and to enact in lieu thereof six new sections relating to utilities.

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

Section A. Sections 36.030, 386.210, 386.700, 386.710, and 620.010, RSMo, are
2 repealed and six new sections enacted in lieu thereof, to be known as sections 27.105, 36.030,
3 386.210, 386.700, 386.710, and 620.010, to read as follows:

**27.105. The powers, duties, and functions vested in the office of public counsel are
2 transferred by type III transfer to the attorney general's office under the Omnibus State
3 Reorganization Act of 1974.**

36.030. 1. A system of personnel administration based on merit principles and designed
2 to secure efficient administration is established for all offices, positions and employees, except
3 attorneys, of the department of social services, the department of corrections, the department of
4 health and senior services, the department of natural resources, the department of mental health,
5 the division of personnel and other divisions and units of the office of administration, the
6 division of employment security, mine safety and on-site consultation sections of the division
7 of labor standards and administration operations of the department of labor and industrial
8 relations, the division of tourism and job development and training, the Missouri housing
9 development commission, and the office of public counsel [of the department of economic
10 development], the Missouri veterans commission, capitol police and state emergency

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

11 management agency of the department of public safety, such other agencies as may be designated
12 by law, and such other agencies as may be required to maintain personnel standards on a merit
13 basis by federal law or regulations for grant-in-aid programs; except that, the following offices
14 and positions of these agencies are not subject to this chapter and may be filled without regard
15 to its provisions:

16 (1) Other provisions of the law notwithstanding, members of boards and commissions,
17 departmental directors, five principal assistants designated by the departmental directors, division
18 directors, and three principal assistants designated by each division director; except that, these
19 exemptions shall not apply to the division of personnel;

20 (2) One principal assistant for each board or commission, the members of which are
21 appointed by the governor or by a director of the department;

22 (3) Chaplains and attorneys regularly employed or appointed in any department or
23 division subject to this chapter, except as provided in section 36.031;

24 (4) Persons employed in work assignments with a geographic location principally outside
25 the state of Missouri and other persons whose employment is such that selection by competitive
26 examination and standard classification and compensation practices are not practical under all
27 the circumstances as determined by the board by rule;

28 (5) Patients or inmates in state charitable, penal and correctional institutions who may
29 also be employees in the institutions;

30 (6) Persons employed in an internship capacity in a state department or institution as a
31 part of their formal training, at a college, university, business, trade or other technical school;
32 except that, by appropriate resolution of the governing authorities of any department or
33 institution, the personnel division may be called upon to assist in selecting persons to be
34 appointed to internship positions;

35 (7) The administrative head of each state medical, penal and correctional institution, as
36 warranted by the size and complexity of the organization and as approved by the board;

37 (8) Deputies or other policy-making assistants to the exempt head of each division of
38 service, as warranted by the size or complexity of the organization and in accordance with the
39 rules promulgated by the personnel advisory board;

40 (9) Special assistants as designated by an appointing authority; except that, the number
41 of such special assistants shall not exceed one percent of a department's total authorized full-time
42 equivalent workforce;

43 (10) Merit status shall be retained by present incumbents of positions identified in this
44 section which have previously been subject to this chapter.

45 2. All positions in the executive branch transferred to coverage pursuant to this chapter
46 where incumbents of such positions have at least twelve months' prior service on the effective

47 date of such transfer shall have incumbency preference and shall be permitted to retain their
48 positions, provided they meet qualification standards acceptable to the division of personnel of
49 the office of administration. An employee with less than twelve months of prior service on the
50 effective date of such transfer or an employee who is appointed to such position after the
51 effective date of such transfer and prior to the classification and allocation of the position by the
52 division of personnel shall be permitted to retain his or her position, provided he or she meets
53 acceptable qualification standards and subject to successful completion of a working test period
54 which shall not exceed twelve months of total service in the position. After the allocation of any
55 position to an established classification, such position shall thereafter be filled only in
56 accordance with all provisions of this chapter.

57 3. The system of personnel administration governs the appointment, promotion, transfer,
58 layoff, removal and discipline of employees and officers and other incidents of employment in
59 divisions of service subject to this chapter, and all appointments and promotions to positions
60 subject to this chapter shall be made on the basis of merit and fitness.

61 4. To encourage all state employees to improve the quality of state services, increase the
62 efficiency of state work operations, and reduce the costs of state programs, the director of the
63 division of personnel shall establish employee recognition programs, including a statewide
64 employee suggestion system. The director shall determine reasonable rules and shall provide
65 reasonable standards for determining the monetary awards, not to exceed five thousand dollars,
66 under the employee suggestion system. Awards shall be made from funds appropriated for this
67 purpose.

68 5. At the request of the senate or the house of representatives, the commissioner of
69 administration shall submit a report on the employee suggestion award program described in
70 subsection 4 of this section.

386.210. 1. The commission may confer in person, or by correspondence, by attending
2 conventions, or in any other way, with the members of the public, any public utility or similar
3 commission of this and other states and the United States of America, or any official, agency or
4 instrumentality thereof, on any matter relating to the performance of its duties.

5 2. Such communications may address any issue that at the time of such communication
6 is not the subject of a case that has been filed with the commission **or that can reasonably be**
7 **foreseen to become an issue before the commission.**

8 3. Such communications may also address substantive or procedural matters that are the
9 subject of a pending filing or case in which no evidentiary hearing has been scheduled, provided
10 that the communication:

11 (1) Is made at a public agenda meeting of the commission where such matter has been
12 posted in advance as an item for discussion or decision;

13 (2) Is made at a forum where representatives of the public utility affected thereby, the
14 office of public counsel, and any other party to the case are present; or

15 (3) If made outside such agenda meeting or forum, is subsequently disclosed to the
16 public utility, the office of the public counsel, and any other party to the case in accordance with
17 the following procedure:

18 (a) If the communication is written, the person or party making the communication shall
19 no later than the next business day following the communication file a copy of the written
20 communication in the official case file of the pending filing or case and serve it upon all parties
21 of record;

22 (b) If the communication is oral, the party making the oral communication shall no later
23 than the next business day following the communication file a memorandum in the official case
24 file of the pending case disclosing the communication and serve such memorandum on all parties
25 of record. The memorandum must contain a summary of the substance of the communication
26 and not merely a listing of the subjects covered.

27 4. Nothing in this section or any other provision of law shall be construed as imposing
28 any limitation on the free exchange of ideas, views, and information between any person and the
29 commission or any commissioner, provided that such communications relate to matters of
30 general regulatory policy and do not address the merits of the specific facts, evidence, claims,
31 or positions presented or taken in a pending case unless such communications comply with the
32 provisions of subsection 3 of this section.

33 5. The commission and any commissioner may also advise any member of the general
34 assembly or other governmental official of the issues or factual allegations that are the subject
35 of a pending case, provided that the commission or commissioner does not express an opinion
36 as to the merits of such issues or allegations, and may discuss in a public agenda meeting with
37 parties to a case in which an evidentiary hearing has been scheduled, any procedural matter in
38 such case or any matter relating to a unanimous stipulation or agreement resolving all of the
39 issues in such case.

40 6. The commission may enter into and establish fair and equitable cooperative
41 agreements or contracts with or act as an agent or licensee for the United States of America, or
42 any official, agency or instrumentality thereof, or any public utility or similar commission of
43 other states, that are proper, expedient, fair and equitable and in the interest of the state of
44 Missouri and the citizens thereof, for the purpose of carrying out its duties pursuant to section
45 386.250 as limited and supplemented by section 386.030 and to that end the commission may
46 receive and disburse any contributions, grants or other financial assistance as a result of or
47 pursuant to such agreements or contracts. Any contributions, grants or other financial assistance

48 so received shall be deposited in the public service commission utility fund or the state highway
49 commission fund depending upon the purposes for which they are received.

50 7. The commission may make joint investigations, hold joint hearings within or without
51 the state, and issue joint or concurrent orders in conjunction or concurrence with any railroad,
52 public utility or similar commission, of other states or the United States of America, or any
53 official, agency or any instrumentality thereof, except that in the holding of such investigations
54 or hearings, or in the making of such orders, the commission shall function under agreements or
55 contracts between states or under the concurrent power of states to regulate interstate commerce,
56 or as an agent of the United States of America, or any official, agency or instrumentality thereof,
57 or otherwise.

386.700. The [director of the department of economic development] **attorney general**
2 shall appoint a public counsel to serve at the pleasure of the [director of the department]
3 **attorney general**. The public counsel shall be an attorney at law licensed to practice law in this
4 state and whose salary shall be fixed by the department director within the appropriation made
5 therefor.

386.710. 1. The public counsel shall have the following powers and duties:

2 (1) He shall employ a staff or hire on a contract basis such employees and experts as are
3 necessary to carry out the purposes and responsibilities of his office, and shall set their
4 compensation within the appropriation made for that purpose;

5 (2) He may represent and protect the interests of the public in any proceeding before or
6 appeal from the public service commission;

7 (3) He shall have discretion to represent or refrain from representing the public in any
8 proceeding. He shall consider in exercising his discretion the importance and the extent of the
9 public interest involved and whether that interest would be adequately represented without the
10 action of his office. If the public counsel determines that there are conflicting public interests
11 involved in a particular matter, he may choose to represent one such interest based upon the
12 considerations of this section, to represent no interest in that matter, or to represent one interest
13 and certify to the [director of the department of economic development] **attorney general** that
14 there is a significant public interest which he cannot represent without creating a conflict of
15 interest and which will not be protected by any party to the proceeding. The [director of the
16 department] **attorney general** shall select an attorney, to be paid from funds appropriated for this
17 purpose, to represent that segment of the public certified to him by the public counsel as
18 unrepresented. Nothing in this section shall be construed to limit the right of any person, firm
19 or corporation specified in subsection 1 of section 386.390 to petition or make complaint to the
20 commission or otherwise intervene in proceedings or other matters before the commission.

21 2. The public counsel shall be served with all proposed tariffs, initial pleadings, and
22 applications, in all proceedings before the public service commission, and shall be served with
23 a copy of all orders of the commission.

24 3. Nothing in sections 386.071, 386.150, 386.155, 386.170, 386.200, 386.330, 386.360,
25 386.390, 386.400, 386.410, 386.420, 386.440, 386.450, 386.480, 386.500, 386.530, 386.540,
26 386.600, 386.700 and 386.710, shall be construed or interpreted to mean that the public counsel
27 shall not have the right to appeal any and all orders of the public service commission to the
28 courts which right of appeal exists and has existed since the time of transfer as provided in
29 section 386.500.

30 4. He shall have all powers necessary or proper to carry out the duties specified in this
31 section.

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

6 2. The office of director of the department of business and administration, chapter 35,
7 RSMo, and others, is abolished and all powers, duties, personnel and property of that office, not
8 previously reassigned by executive reorganization plan no. 1 of 1973 as submitted by the
9 governor pursuant to chapter 26, RSMo, are transferred by type I transfer to the director of the
10 department of economic development. The department of business and administration is hereby
11 abolished.

12 3. The duties and responsibilities relating to subsection 2 of section 35.010, RSMo, are
13 transferred by type I transfer to the personnel division, office of administration.

14 4. The powers, duties and functions vested in the public service commission, chapters
15 386, 387, 388, 389, 390, 392, and 393, RSMo, and others, and the administrative hearing
16 commission, sections 621.015 to 621.198, RSMo, and others, are transferred by type III transfers,
17 and the state banking board, chapter 361, RSMo, and others, and the savings and loan
18 commission, chapter 369, RSMo, and others, are transferred by type II transfers to the
19 department of economic development. The director of the department is directed to provide and
20 coordinate staff and equipment services to these agencies in the interest of facilitating the work
21 of the bodies and achieving optimum efficiency in staff services common to all the bodies.
22 Nothing in the Reorganization Act of 1974 shall prevent the chairman of the public service
23 commission from presenting additional budget requests or from explaining or clarifying its
24 budget requests to the governor or general assembly.

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

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

31 [7.] 6. There is hereby created a "Division of Credit Unions" in the department of
32 economic development, to be headed by a director, nominated by the department director and
33 appointed by the governor with the advice and consent of the senate. All the powers, duties and
34 functions vested in the state supervisor of credit unions in chapter 370, RSMo, and the powers
35 and duties relating to credit unions vested in the commissioner of finance in chapter 370, RSMo,
36 are transferred to the division of credit unions of the department of economic development, by
37 a type II transfer, and the office of the state supervisor of credit unions is abolished. The salary
38 of the director of the division of credit unions shall be set by the director of the department
39 within the limits of the appropriations therefor. The director of the division shall assume all the
40 duties and functions of the state supervisor of credit unions and the commissioner of finance only
41 where the director has duties and responsibilities relating to credit unions as set out in chapter
42 370, RSMo.

43 [8.] 7. The powers, duties and functions vested in the division of finance, chapters 361,
44 362, 364, 365, 367, and 408, RSMo, and others, are transferred by type II transfer to the
45 department of economic development. There shall be a director of the division who shall be
46 nominated by the department director and appointed by the governor with the advice and consent
47 of the senate.

48 [9.] 8. All the powers, duties and functions vested in the director of the division of
49 savings and loan supervision in chapter 369, RSMo, sections 443.700 to 443.712, RSMo, or by
50 any other provision of law are transferred to the division of finance of the department of
51 economic development by a type I transfer. The position of the director of the division of
52 savings and loan supervision is hereby abolished. The director of the division of finance shall
53 assume all the duties and functions of the director of the division of savings and loan supervision
54 as provided in chapter 369, RSMo, sections 443.700 to 443.712, RSMo, and by any other
55 provision of law. The division of savings and loan is hereby abolished. The powers of the
56 savings and loan commission are hereby limited to hearing appeals from decisions of the director
57 of the division of finance approving or denying applications to incorporate savings and loan
58 associations or to establish branches of savings and loan associations and approving regulations
59 pertaining to savings and loan associations. Any appeals shall be held in accordance with section
60 369.319, RSMo.

61 [10.] **9.** On and after August 28, 1990, the status of the division is modified under a
62 specific type transfer pursuant to section 1 of the Omnibus Reorganization Act of 1974. The
63 status of the division is modified from that of a division transferred to the department of
64 economic development pursuant to a type II transfer, as provided for in this section, to that of
65 an agency possessing the characteristics of a division transferred pursuant to a type III transfer;
66 provided, however, that the division will remain within the department of economic
67 development. The division of insurance shall be assigned to the department of economic
68 development as a type III division, and the director of the department of economic development
69 shall have no supervision, authority or control over the actions or decisions of the director of the
70 division. All authority, records, property, personnel, powers, duties, functions, matter pending
71 and all other pertinent vestiges pertaining thereto shall be retained by the division except as
72 modified by this section. If the division of insurance becomes a department by operation of a
73 constitutional amendment, the department of economic development shall continue until
74 December 31, 1991, to provide at least the same assistance as was provided in previous fiscal
75 years for personnel, data processing support and other benefits from appropriations.

76 [11.] **10.** All the powers, duties and functions of the commerce and industrial
77 development division and the industrial development commission, chapters 184 and 255, RSMo,
78 and others, not otherwise transferred, are transferred by type I transfer to the department of
79 economic development, and the industrial development commission is abolished. All powers,
80 duties and functions of the division of commerce and industrial development and the division
81 of community development are transferred by a type I transfer to the department of economic
82 development, and the division of commerce and industrial development and the division of
83 community development are abolished.

84 [12.] **11.** All the powers, duties and functions vested in the tourism commission, chapter
85 258, RSMo, and others, are transferred to the "Division of Tourism", which is hereby created,
86 by type III transfer.

87 [13.] **12.** All the powers, duties and functions of the department of community affairs,
88 chapter 251, RSMo, and others, not otherwise assigned, are transferred by type I transfer to the
89 department of economic development, and the department of community affairs is abolished.
90 The director of the department of economic development may assume all the duties of the
91 director of community affairs or may establish within the department such subunits and advisory
92 committees as may be required to administer the programs so transferred. The director of the
93 department shall appoint all members of such committees and heads of subunits.

94 [14.] **13.** (1) There is hereby established a "Division of Professional Registration"
95 assigned to the department of economic development as a type III division, headed by a director
96 appointed by the governor with the advice and consent of the senate.

97 (2) The director of the division of professional registration shall promulgate rules and
98 regulations which designate for each board or commission assigned to the division the renewal
99 date for licenses or certificates. After the initial establishment of renewal dates, no director of
100 the division shall promulgate a rule or regulation which would change the renewal date for
101 licenses or certificates if such change in renewal date would occur prior to the date on which the
102 renewal date in effect at the time such new renewal date is specified next occurs. Each board or
103 commission shall by rule or regulation establish licensing periods of one, two, or three years.
104 Registration fees set by a board or commission shall be effective for the entire licensing period
105 involved, and shall not be increased during any current licensing period. Persons who are
106 required to pay their first registration fees shall be allowed to pay the pro rata share of such fees
107 for the remainder of the period remaining at the time the fees are paid. Each board or
108 commission shall provide the necessary forms for initial registration, and thereafter the director
109 may prescribe standard forms for renewal of licenses and certificates. Each board or commission
110 shall by rule and regulation require each applicant to provide the information which is required
111 to keep the board's records current. Each board or commission shall issue the original license
112 or certificate.

113 (3) The division shall provide clerical and other staff services relating to the issuance and
114 renewal of licenses for all the professional licensing and regulating boards and commissions
115 assigned to the division. The division shall perform the financial management and clerical
116 functions as they each relate to issuance and renewal of licenses and certificates. "Issuance and
117 renewal of licenses and certificates" means the ministerial function of preparing and delivering
118 licenses or certificates, and obtaining material and information for the board or commission in
119 connection with the renewal thereof. It does not include any discretionary authority with regard
120 to the original review of an applicant's qualifications for licensure or certification, or the
121 subsequent review of licensee's or certificate holder's qualifications, or any disciplinary action
122 contemplated against the licensee or certificate holder. The division may develop and implement
123 microfilming systems and automated or manual management information systems.

124 (4) The director of the division shall establish a system of accounting and budgeting, in
125 cooperation with the director of the department, the office of administration, and the state
126 auditor's office, to ensure proper charges are made to the various boards for services rendered
127 to them. The general assembly shall appropriate to the division and other state agencies from
128 each board's funds, moneys sufficient to reimburse the division and other state agencies for all
129 services rendered and all facilities and supplies furnished to that board.

130 (5) For accounting purposes, the appropriation to the division and to the office of
131 administration for the payment of rent for quarters provided for the division shall be made from
132 the "Professional Registration Fees Fund", which is hereby created, and is to be used solely for

133 the purpose defined in subdivision (4) of this subsection. The fund shall consist of moneys
134 deposited into it from each board's fund. Each board shall contribute a prorated amount
135 necessary to fund the division for services rendered and rent based upon the system of accounting
136 and budgeting established by the director of the division as provided in subdivision (4) of this
137 subsection. Transfers of funds to the professional registration fees fund shall be made by each
138 board on July first of each year; provided, however, that the director of the division may establish
139 an alternative date or dates of transfers at the request of any board. Such transfers shall be made
140 until they equal the prorated amount for services rendered and rent by the division. The
141 provisions of section 33.080, RSMo, to the contrary notwithstanding, money in this fund shall
142 not be transferred and placed to the credit of general revenue until the amount in the fund at the
143 end of the biennium exceeds three times the appropriation from the professional registration fees
144 fund for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that
145 amount in the fund which exceeds the appropriate multiple of the appropriations from the
146 professional registration fees fund for the preceding fiscal year.

147 (6) The director of the division shall be responsible for collecting and accounting for all
148 moneys received by the division or its component agencies. Any money received by a board or
149 commission shall be promptly given, identified by type and source, to the director. The director
150 shall keep a record by board and state accounting system classification of the amount of revenue
151 the director receives. The director shall promptly transmit all receipts to the department of
152 revenue for deposit in the state treasury to the credit of the appropriate fund. The director shall
153 provide each board with all relevant financial information in a timely fashion. Each board shall
154 cooperate with the director by providing necessary information.

155 (7) All educational transcripts, test scores, complaints, investigatory reports, and
156 information pertaining to any person who is an applicant or licensee of any agency assigned to
157 the division of professional registration by statute or by the department of economic development
158 are confidential and may not be disclosed to the public or any member of the public, except with
159 the written consent of the person whose records are involved. The agency which possesses the
160 records or information shall disclose the records or information if the person whose records or
161 information is involved has consented to the disclosure. Each agency is entitled to the
162 attorney-client privilege and work-product privilege to the same extent as any other person.
163 Provided, however, that any board may disclose confidential information without the consent of
164 the person involved in the course of voluntary interstate exchange of information, or in the
165 course of any litigation concerning that person, or pursuant to a lawful request, or to other
166 administrative or law enforcement agencies acting within the scope of their statutory authority.
167 Information regarding identity, including names and addresses, registration, and currency of the

168 license of the persons possessing licenses to engage in a professional occupation and the names
169 and addresses of applicants for such licenses is not confidential information.

170 (8) Any deliberations conducted and votes taken in rendering a final decision after a
171 hearing before an agency assigned to the division shall be closed to the parties and the public.
172 Once a final decision is rendered, that decision shall be made available to the parties and the
173 public.

174 [15.] 14. (1) The division of registration and examination, department of education,
175 within chapter 161, RSMo, and others, is abolished and the following boards and commissions
176 are transferred by specific type transfers to the division of professional registration, department
177 of economic development: state board of accountancy, chapter 326, RSMo; state board of
178 barber examiners, chapter 328, RSMo; state board of registration for architects, professional
179 engineers and land surveyors, chapter 327, RSMo; state board of chiropractic examiners, chapter
180 331, RSMo; state board of cosmetology, chapter 329, RSMo; state board of healing arts, chapter
181 334, RSMo; Missouri dental board, chapter 332, RSMo; state board of embalmers and funeral
182 directors, chapter 333, RSMo; state board of optometry, chapter 336, RSMo; state board of
183 nursing, chapter 335, RSMo; board of pharmacy, chapter 338, RSMo; state board of podiatry,
184 chapter 330, RSMo; Missouri real estate commission, chapter 339, RSMo; and Missouri
185 veterinary medical board chapter 340, RSMo. The governor shall appoint members of these
186 boards by and with the advice and consent of the senate from nominees submitted by the director
187 of the department.

188 (2) The boards and commissions assigned to the division shall exercise all their
189 respective statutory duties and powers, except those clerical and other staff services involving
190 collecting and accounting for moneys and financial management relating to the issuance and
191 renewal of licenses, which services shall be provided by the division, within the appropriation
192 therefor. All clerical and other staff services relating to the issuance and renewal of licenses of
193 the individual boards and commissions are abolished. All clerical and other staff services
194 pertaining to collecting and accounting for moneys and to financial management relative to the
195 issuance and renewal of licenses of the individual boards and commissions are abolished.
196 Nothing herein shall prohibit employment of professional examining or testing services from
197 professional associations or others as required by the boards or commissions on contract.
198 Nothing herein shall be construed to affect the power of a board or commission to expend its
199 funds as appropriated. However, the division shall review the expense vouchers of each board.
200 The results of such review shall be submitted to the board reviewed and to the house and senate
201 appropriations committees annually.

202 (3) Notwithstanding any other provisions of law, the director of the division shall
203 exercise only those management functions of the boards and commissions specifically provided

204 in the Reorganization Act of 1974, and those relating to the allocation and assignment of space,
205 personnel other than board personnel, and equipment.

206 (4) "Board personnel", as used in this section or chapters 326, 327, 328, 329, 330, 331,
207 332, 333, 334, 335, 336, 338, 339 and 340, RSMo, shall mean personnel whose functions and
208 responsibilities are in areas not related to the clerical duties involving the issuance and renewal
209 of licenses, to the collecting and accounting for moneys, or to financial management relating to
210 issuance and renewal of licenses; specifically included are executive secretaries (or comparable
211 positions), consultants, inspectors, investigators, counsel, and secretarial support staff for these
212 positions; and such other positions as are established and authorized by statute for a particular
213 board or commission. Boards and commissions may employ legal counsel, if authorized by law,
214 and temporary personnel if the board is unable to meet its responsibilities with the employees
215 authorized above. Any board or commission which hires temporary employees shall annually
216 provide the division director and the appropriation committees of the general assembly with a
217 complete list of all persons employed in the previous year, the length of their employment, the
218 amount of their remuneration and a description of their responsibilities.

219 (5) Board personnel for each board or commission shall be employed by and serve at the
220 pleasure of the board or commission, shall be supervised as the board or commission designates,
221 and shall have their duties and compensation prescribed by the board or commission, within
222 appropriations for that purpose, except that compensation for board personnel shall not exceed
223 that established for comparable positions as determined by the board or commission pursuant
224 to the job and pay plan of the department of economic development. Nothing herein shall be
225 construed to permit salaries for any board personnel to be lowered except by board action.

226 (6) Each board or commission shall receive complaints concerning its licensees' business
227 or professional practices. Each board or commission shall establish by rule a procedure for the
228 handling of such complaints prior to the filing of formal complaints before the administrative
229 hearing commission. The rule shall provide, at a minimum, for the logging of each complaint
230 received, the recording of the licensee's name, the name of the complaining party, the date of the
231 complaint, and a brief statement of the complaint and its ultimate disposition. The rule shall
232 provide for informing the complaining party of the progress of the investigation, the dismissal
233 of the charges or the filing of a complaint before the administrative hearing commission.

234 [16.] **15.** All the powers, duties and functions of the division of athletics, chapter 317,
235 RSMo, and others, are transferred by type I transfer to the division of professional registration.
236 The athletic commission is abolished.

237 [17.] **16.** The state council on the arts, chapter 185, RSMo, and others, is transferred by
238 type II transfer to the department of economic development, and the members of the council shall
239 be appointed by the director of the department.

240 [18.] **17.** The Missouri housing development commission, chapter 215, RSMo, is
241 assigned to the department of economic development, but shall remain a governmental
242 instrumentality of the state of Missouri and shall constitute a body corporate and politic.

243 [19.] **18.** All the authority, powers, duties, functions, records, personnel, property,
244 matters pending and other pertinent vestiges of the division of manpower planning of the
245 department of social services are transferred by a type I transfer to the "Division of Job
246 Development and Training", which is hereby created, within the department of economic
247 development. The division of manpower planning within the department of social services is
248 abolished. The provisions of section 1 of the Omnibus State Reorganization Act of 1974,
249 Appendix B, relating to the manner and procedures for transfers of state agencies shall apply to
250 the transfers provided in this section.

251 [20.] **19.** Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,
252 that is created under the authority delegated in this chapter shall become effective only if it
253 complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable,
254 section 536.028, RSMo. All rulemaking authority delegated prior to August 28, 1999, is of no
255 force and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the
256 validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all
257 applicable provisions of law. This section and chapter 536, RSMo, are nonseverable and if any
258 of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to
259 delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional,
260 then the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999,
261 shall be invalid and void.

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