

SECOND REGULAR SESSION

# HOUSE BILL NO. 2190

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE WASSON.

5142L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 324.478, 337.739, and 339.507, RSMo, and to enact in lieu thereof three new sections relating to per diem for persons serving on certain professional registration committees or commissions.

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

Section A. Sections 324.478, 337.739, and 339.507, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 324.478, 337.739, and 339.507, to read as follows:

324.478. 1. There is hereby created within the division of professional registration a committee to be known as the "Missouri Acupuncturist Advisory Committee". The committee shall consist of five members, all of whom shall be citizens of the United States and registered voters of the state of Missouri. The governor shall appoint the members of the committee with the advice and consent of the senate for terms of four years; except as provided in subsection 2 of this section. Three committee members shall be acupuncturists. Such members shall at all times be holders of licenses for the practice of acupuncture in this state; except for the members of the first committee who shall meet the requirements for licensure pursuant to sections 324.475 to 324.499. One member shall be a current board member of the Missouri state board for chiropractic examiners. The remaining member shall be a public member. All members shall be chosen from lists submitted by the director of the division of professional registration. The president of the Acupuncture Association of Missouri in office at the time shall, at least ninety days prior to the expiration of the term of a board member, other than the public member, or as soon as feasible after a vacancy on the board otherwise occurs, submit to the director of the division of professional registration a list of five acupuncturists qualified and willing to fill the

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.

16 vacancy in question, with the request and recommendation that the governor appoint one of the  
17 five persons so listed, and with the list so submitted, the president of the Acupuncture  
18 Association of Missouri shall include in his or her letter of transmittal a description of the  
19 method by which the names were chosen by that association.

20         2. The initial appointments to the committee shall be one member for a term of one year,  
21 one member for a term of two years, one member for a term of three years and two members for  
22 a term of four years. **Committee members shall be entitled to reimbursement for necessary  
23 and actual expenses incurred in the performance of the member's duties. Notwithstanding  
24 any other provision of law to the contrary, any appointed member of the committee shall  
25 receive as compensation an amount established by the director of the division of  
26 professional registration not to exceed seventy dollars per day for committee business plus  
27 actual and necessary expenses. The director of the division of professional registration  
28 shall establish the guidelines for payment by rule.**

29         3. The public member of the committee shall not be and never has been a member of any  
30 profession regulated by the provisions of sections 324.475 to 324.499, or the spouse of any such  
31 person; and a person who does not have and never has had a material financial interest in either  
32 the providing of the professional services regulated by the provisions of sections 324.475 to  
33 324.499 or an activity or organization directly related to the profession regulated pursuant to  
34 sections 324.475 to 324.499.

35         4. Any member of the committee may be removed from the committee by the governor  
36 for neglect of duty required by law, for incompetency or for unethical or dishonest conduct.  
37 Upon the death, resignation, disqualification or removal of any member of the committee, the  
38 governor shall appoint a successor. A vacancy in the office of any member shall only be filled  
39 for the unexpired term.

40         5. The acupuncturist advisory committee shall:

41             (1) Review all applications for licensure;

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

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

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

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

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

337.739. 1. There is created and established the "State Committee of Marital and Family  
2 Therapists" which shall consist of four family and marital therapists and two voting public  
3 members. The committee shall be appointed by the governor with the advice and consent of the  
4 senate. Committee members shall serve for a term of five years, except for the members first  
5 appointed, one public member and one other member shall be appointed for five years, two  
6 members shall be appointed for four years, the other public member and one other member  
7 appointed for three years. No person shall be eligible for appointment to the committee who has  
8 served as a member of the committee for a total of ten years. Members shall be appointed to  
9 represent a diversity in gender, race and ethnicity. No more than three members shall be from  
10 the same political party.

11 2. Each nonpublic committee member shall be a resident of the state of Missouri for one  
12 year, shall be a United States citizen, and shall meet all the requirements for licensing  
13 enumerated in sections 337.700 to 337.739, shall be licensed pursuant to sections 337.700 to  
14 337.739, except the members of the first committee, who shall be licensed within six months of  
15 their appointment, and are actively engaged in the practice of marital and family therapy. If a  
16 member of the committee shall, during the member's term as a committee member, remove the  
17 member's domicile from the state of Missouri, then the committee shall immediately notify the  
18 governor, and the seat of that committee member shall be declared vacant. All such vacancies  
19 shall be filled by appointment as in the same manner as the first appointment, and the member  
20 so appointed shall serve for the unexpired term of the member whose seat has been declared  
21 vacant. The public members shall be at the time of each member's appointment a citizen of the  
22 United States; a resident of this state for a period of one year and a registered voter; a person who  
23 is not and never was a member of any profession licensed or regulated pursuant to this chapter  
24 or the spouse of such person; a person who does not have and never has had a material, financial  
25 interest in either the provision of the professional services regulated by this chapter, or an activity  
26 or organization directly related to any profession licensed or regulated pursuant to this chapter.

27 3. The committee shall hold a regular annual meeting at which it shall select from among  
28 its members a chairman and a secretary. A quorum of the committee shall consist of a majority  
29 of its members. In the absence of the chairman, the secretary shall conduct the office of the  
30 chairman.

31 4. [No member of the committee shall receive any compensation for the performance of  
32 the member's official duties but] **Committee members** shall be entitled to reimbursement for  
33 necessary and actual expenses incurred in the performance of the member's duties.

34 **Notwithstanding any other provision of law to the contrary, any appointed member of the**  
35 **committee shall receive as compensation an amount established by the director of the**  
36 **division of professional registration not to exceed seventy dollars per day for committee**  
37 **business plus actual and necessary expenses. The director of the division of professional**  
38 **registration shall establish the guidelines for pay by rule.** The committee shall share  
39 resources and facilities with the office for the committee for professional counselors provided  
40 for in sections 337.500 to 337.540. All staff for the committee shall be provided by the director  
41 of the division of professional registration.

42 5. The governor may remove any member of the committee for misconduct, inefficiency,  
43 incompetency or neglect of office.

339.507. 1. There is hereby created within the division of professional registration the  
2 "Missouri Real Estate Appraisers Commission", which shall consist of seven members appointed  
3 by the governor with the advice and consent of the senate, six of whom shall be appraiser  
4 members, and one shall be a public member. Each member shall be a resident of this state and  
5 a registered voter for a period of one year prior to the person's appointment. The president of the  
6 Missouri Appraiser Advisory Council in office at the time shall, at least ninety days prior to the  
7 expiration of the term of the commission member, other than the public member, or as soon as  
8 feasible after the vacancy on the commission otherwise occurs, submit to the director of the  
9 division of professional registration a list of five appraisers qualified and willing to fill the  
10 vacancy in question, with the request and recommendation that the governor appoint one of the  
11 five persons so listed, and with the list so submitted, the president of the Missouri Appraiser  
12 Advisory Council shall include in his or her letter of transmittal a description of the method by  
13 which the names were chosen by that association. The public member shall have never been  
14 engaged in the businesses of real estate appraisal, real estate sales or making loans secured by  
15 real estate.

16 2. The real estate appraiser members appointed by the governor shall be Missouri  
17 residents who have real estate appraisal experience in the state of Missouri for not less than five  
18 years immediately preceding their appointment. Appraiser members of the commission shall be  
19 appointed from the registry of state-certified real estate appraisers and state-licensed real estate  
20 appraisers.

21 3. All members shall be appointed for three-year terms. All members shall serve until  
22 their successors have been appointed and qualified. Vacancies occurring in the membership of  
23 the commission for any reason shall be filled by appointment by the governor for the unexpired  
24 term. Upon expiration of their terms, members of the commission shall continue to hold office  
25 until the appointment and qualification of their successors. No more than four members of the

26 commission shall be members of the same political party. No person shall be appointed for more  
27 than two consecutive terms. The governor may remove a member for cause.

28 4. The commission shall meet at least once each calendar quarter to conduct its business.  
29 A quorum of the commission shall consist of four members.

30 5. Each member of the commission shall be entitled to a per diem allowance of [fifty]  
31 **seventy** dollars for each [meeting] **day devoted to the affairs** of the commission [at which the  
32 member is present] and shall be entitled to reimbursement of the member's expenses necessarily  
33 incurred in the discharge of the member's official duties. [Each member of the commission shall  
34 be entitled to reimbursement of travel expenses necessarily incurred in attending meetings of the  
35 commission.]

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