

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 464

96TH GENERAL ASSEMBLY

1405S.06T

2011

AN ACT

To repeal sections 8.650, 8.900, 21.475, 21.780, 26.600, 26.603, 26.605, 26.607, 26.609, 26.611, 26.614, 32.250, 32.260, 90.101, 105.1006, 105.1010, 105.1012, 162.1000, 162.1060, 166.200, 166.201, 166.203, 166.205, 166.207, 166.209, 166.212, 166.215, 166.218, 166.220, 166.222, 166.225, 166.228, 166.231, 166.233, 166.235, 166.237, 166.240, 166.242, 190.176, 192.350, 192.352, 192.355, 192.735, 192.737, 192.739, 192.742, 192.745, 199.001, 199.003, 199.007, 199.009, 199.010, 199.029, 199.031, 199.037, 199.039, 199.041, 199.043, 199.051, 208.175, 208.195, 208.275, 208.792, 208.955, 210.101, 260.372, 260.705, 260.720, 260.725, 260.735, 286.001, 286.005, 286.200, 286.205, 286.210, 302.136, 304.028, 320.094, 320.205, 324.600, 324.603, 324.606, 324.609, 324.612, 324.615, 324.618, 324.621, 324.624, 324.627, 324.630, 324.635, 324.1100, 324.1102, 324.1103, 324.1104, 324.1106, 324.1108, 324.1110, 324.1112, 324.1114, 324.1116, 324.1118, 324.1120, 324.1122, 324.1124, 324.1128, 324.1130, 324.1132, 324.1134, 324.1136, 324.1138, 324.1140, 324.1144, 332.021, 334.120, 344.060, 344.105, 344.108, 361.070, 361.092, 361.093, 361.094, 361.095, 361.096, 361.097, 361.098, 361.105, 362.040, 362.111, 362.325, 369.014, 369.024, 369.144, 369.159, 369.294, 369.299, 369.304, 369.309, 369.314, 369.319, 369.329, 371.060, 371.090, 371.240, 536.310, 620.638, 620.641, 620.644, 620.647, 620.650, 620.653, 630.900, 630.910, 630.915, 632.020, 660.010, and 701.302, RSMo, section 362.105 as enacted by senate committee substitute for senate bill no. 630, ninety-fifth general assembly, second regular session, and section 362.105 as enacted by senate committee substitute for house committee substitute for house bill no. 221 merged with house substitute for senate committee substitute for senate bill no. 346, ninety-second general assembly, first regular session, and to enact in lieu thereof one hundred ten new sections relating to repealing and revising certain state boards, councils, committees, and commissions, with existing penalty provisions.

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.

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

Section A. Sections 8.650, 8.900, 21.475, 21.780, 26.600, 26.603, 26.605, 26.607, 26.609, 26.611, 26.614, 32.250, 32.260, 90.101, 105.1006, 105.1010, 105.1012, 162.1000, 162.1060, 166.200, 166.201, 166.203, 166.205, 166.207, 166.209, 166.212, 166.215, 166.218, 166.220, 166.222, 166.225, 166.228, 166.231, 166.233, 166.235, 166.237, 166.240, 166.242, 190.176, 192.350, 192.352, 192.355, 192.735, 192.737, 192.739, 192.742, 192.745, 199.001, 199.003, 199.007, 199.009, 199.010, 199.029, 199.031, 199.037, 199.039, 199.041, 199.043, 199.051, 208.175, 208.195, 208.275, 208.792, 208.955, 210.101, 260.372, 260.705, 260.720, 260.725, 260.735, 286.001, 286.005, 286.200, 286.205, 286.210, 302.136, 304.028, 320.094, 320.205, 324.600, 324.603, 324.606, 324.609, 324.612, 324.615, 324.618, 324.621, 324.624, 324.627, 324.630, 324.635, 324.1100, 324.1102, 324.1103, 324.1104, 324.1106, 324.1108, 324.1110, 324.1112, 324.1114, 324.1116, 324.1118, 324.1120, 324.1122, 324.1124, 324.1128, 324.1130, 324.1132, 324.1134, 324.1136, 324.1138, 324.1140, 324.1144, 332.021, 334.120, 344.060, 344.105, 344.108, 361.070, 361.092, 361.093, 361.094, 361.095, 361.096, 361.097, 361.098, 361.105, 362.040, 362.111, 362.325, 369.014, 369.024, 369.144, 369.159, 369.294, 369.299, 369.304, 369.309, 369.314, 369.319, 369.329, 371.060, 371.090, 371.240, 536.310, 620.638, 620.641, 620.644, 620.647, 620.650, 620.653, 630.900, 630.910, 630.915, 632.020, 660.010, and 701.302, RSMo, section 362.105 as enacted by senate committee substitute for senate bill no. 630, ninety-fifth general assembly, second regular session, and section 362.105 as enacted by senate committee substitute for house committee substitute for house bill no. 221 merged with house substitute for senate committee substitute for senate bill no. 346, ninety-second general assembly, first regular session, are repealed and one hundred ten new sections enacted in lieu thereof, to be known as sections 8.650, 8.900, 37.735, 37.740, 37.745, 90.101, 105.1006, 105.1012, 162.1000, 162.1060, 190.176, 192.735, 192.737, 192.739, 192.742, 192.745, 199.001, 199.003, 199.007, 199.009, 199.010, 199.029, 199.031, 199.037, 199.039, 199.041, 199.043, 199.051, 208.175, 208.275, 208.955, 210.101, 210.105, 260.372, 260.705, 260.720, 260.735, 286.001, 286.005, 304.028, 320.094, 320.205, 324.1100, 324.1102, 324.1103, 324.1104, 324.1106, 324.1107, 324.1108, 324.1109, 324.1110, 324.1112, 324.1114, 324.1116, 324.1118, 324.1120, 324.1122, 324.1124, 324.1128, 324.1130, 324.1132, 324.1134, 324.1136, 324.1138, 324.1144, 332.021, 334.120, 344.060, 344.105, 344.108, 361.070, 361.092, 361.093, 361.094, 361.095, 361.096, 361.097, 361.098, 361.105, 362.040, 362.105, 362.111, 362.325, 369.014, 369.024, 369.144, 369.159, 369.294, 369.299, 369.314, 369.329, 371.060, 371.090, 371.240, 536.310, 620.580, 620.582, 620.584, 620.586, 620.588, 620.590, 620.592, 620.638, 620.641, 620.644, 620.647, 620.650, 620.653, 632.020, and 660.010, to read as follows:

8.650. 1. Deviations from the standards set forth in sections 8.620 and 8.622 may be permitted where conformance to such standards is impractical and where the method, material, and dimension used in lieu thereof does not create a hazard.

4 2. Permission to deviate from the standards set forth in sections 8.620 and 8.622 may be
5 granted only by the commissioner of administration after consulting with the governor's
6 [committee on employment of the handicapped] **council on disability** established in section
7 [286.200] **37.735**. Application to deviate from the standards may be submitted by the owner of
8 the building only. Applications shall be submitted in such written forms as the commissioner
9 may require.

10 3. The commissioner shall maintain a codified listing of all applications received. The
11 listing shall indicate the action taken by the commissioner on each application.

 8.900. 1. A permanent memorial for workers who were killed on the job in Missouri or
2 who suffered an on-the-job injury that resulted in a permanent disability shall be established and
3 located on the grounds of the state capitol. [The memorial shall be of a design selected by a
4 competition organized by the "Workers Memorial Committee" which is hereby created. The
5 workers memorial committee shall be composed of the members of the board of public
6 buildings, or their designees, two members of the house of representatives, one from each
7 political party, selected by the speaker of the house, and two members of the senate, one from
8 each political party, selected by the president pro tem of the senate. The members of the
9 committee shall serve without compensation but shall be reimbursed for all actual and necessary
10 expenses incurred in the performance of their official duties for the committee.]

11 2. There is hereby established in the state treasury the "Workers Memorial Fund". Gifts,
12 grants and devises may be deposited in the workers memorial fund. Notwithstanding the
13 provisions of section 33.080, moneys in the fund shall not revert to general revenue. The state
14 treasurer shall invest the moneys from the fund in the same manner as other state funds are
15 invested. Interest accruing to the fund shall be deposited in the fund and shall not be transferred
16 to the general revenue fund.

**37.735. 1. The "Governor's Council on Disability" is hereby assigned to the office
2 of administration.**

3 **2. The council shall consist of a chairperson, twenty members, and an executive
4 director.**

5 **3. The chairperson shall be appointed by the governor with the advice and consent
6 of the senate. The members of the council shall be appointed by the governor.
7 Recruitment and appointment of members to the council shall provide for representation
8 of various ethnic, age, gender, and physical and mental disability groups.**

9 **4. The funds necessary for the executive director and such other personnel as
10 necessary shall be appropriated through the office of administration. The executive
11 director shall serve under the supervision of the committee chairman. The executive
12 director shall be exempted from the state merit system.**

13 **5. All members shall be appointed for four-year terms. Vacancies occurring in the
14 membership of the council for any reason shall be filled by appointment by the governor**

15 for the unexpired term. Upon expiration of their terms, members of the council shall
16 continue to hold office until the appointment and qualification of their successors. No
17 person shall be appointed for more than two consecutive terms, except that a person
18 appointed to fill a vacancy may serve for two additional successive terms. The governor
19 may remove a member for cause.

20 **6. Members of the council shall be chosen to meet the following criteria:**

21 (1) The majority of the council shall be comprised of people with disabilities,
22 representing the various disability groups. The remaining positions shall be filled by
23 family members of people with disabilities, persons who represent other disability-related
24 groups, and other advocates. A person considered to have a disability shall meet the
25 federal definition of disability as defined by P.L. 101-336;

26 (2) The council shall include at least one member from each congressional district;

27 (3) Members of the council shall be knowledgeable about disability-related issues
28 and have demonstrated a commitment to full participation of people with disabilities in all
29 aspects of community life.

30 **7. The chairperson of the council shall serve without compensation but shall be**
31 **reimbursed for actual and necessary travel and other expenses incurred in the**
32 **performance of the duties as chairperson of the council on disability. The members of the**
33 **council shall serve without compensation but may be reimbursed for their actual and**
34 **necessary expenses incurred in attending all meetings provided for by sections 37.735 to**
35 **37.745.**

36 **8. The council shall meet at least once each calendar quarter to conduct its business.**
37 **The executive director shall give notice to each member of the time and place of each**
38 **meeting of the council at least ten days before the scheduled date of the meeting, and notice**
39 **of any special meeting shall state the specific matters to be considered in the special**
40 **meeting which is not a regular quarterly meeting.**

41 **9. The chairperson, with the advice and consent of the council, shall appoint an**
42 **executive director who shall serve as a nonvoting member and executive officer of the**
43 **council. The executive director shall serve under the supervision of the chairperson of the**
44 **council. The executive director shall be a person who is knowledgeable about disability-**
45 **related issues and has demonstrated a commitment to full participation of people with**
46 **disabilities in all aspects of community life.**

47 **10. The director of each state department shall designate at least one employee who**
48 **shall act as a liaison with the council.**

37.740. The governor's council on disability shall:

2 (1) Act in an advisory capacity to all state agencies and have direct input to all
3 divisions of the office of administration on policies and practices which impact people with
4 disabilities. Input shall include policies and practices affecting personnel, purchasing,

5 design and construction of new facilities, facilities management, budget and planning and
6 general services. In the administration of its duties, the governor's council on disability in
7 cooperation with the office of administration shall offer technical assistance to help all
8 departments, divisions and branches of state government comply with applicable state and
9 federal law regarding persons with disabilities;

10 (2) Work and cooperate with other state commissions, councils or committees
11 pertaining to disabilities and other national, state and local entities to create public policies
12 and encourage system changes which eliminate barriers to people with disabilities;

13 (3) Advocate for public policies and practices which:

14 (a) Promote employment of people with disabilities;

15 (b) Expand opportunities in all aspects of life; and

16 (c) Promote awareness of and compliance with various federal, state and local laws
17 dealing with disabilities;

18 (4) Gather input from disability-related organizations and the public on disability-
19 related issues and report the results of this information in council reports to the governor;

20 (5) Accept grants, private gifts, and bequests, to be used to achieve the purposes of
21 sections 37.735 to 37.745;

22 (6) Promulgate those bylaws necessary for the efficient operation of the council;

23 (7) Prepare an annual report to be presented to the governor not later than
24 January first of each year.

37.745. The governor's council on disability may receive funds and property by gift,
2 devise, bequest or otherwise and may solicit funds to be used in carrying out the purposes
3 of sections 37.735 to 37.745.

90.101. 1. Notwithstanding any law to the contrary, the board of commissioners
2 of Tower Grove Park shall have the authority to adjust the size of its membership,
3 provided that any such adjustment shall be approved by a majority vote of the board
4 members.

5 2. Notwithstanding any law to the contrary, in case of any vacancy occurring in the
6 membership of the board of commissioners of Tower Grove Park from death, resignation, or
7 disqualification to act, the vacancy shall be filled by appointment from the remaining members
8 of the board, or a majority of them, for the balance of the term then vacant, and all vacancies
9 caused by the expiration of the term of office shall be filled by appointment from the judges of
10 the supreme court of the state of Missouri, or a majority of them or if said judges are unable or
11 unwilling to so act, which shall be presumed by their failure to act within thirty days following
12 delivery to the court of a slate of appointees, by the majority vote of the remaining board
13 members.

105.1006. All funds withheld from employees of the state of Missouri pursuant to
2 section 105.1005 shall be transferred to the director of revenue for deposit in the state treasury

3 to the credit of the "Missouri State Employees Voluntary Life Insurance Fund", which is hereby
4 created. The Missouri state employees voluntary life insurance fund shall be administered by
5 the [Missouri state employees voluntary life insurance commission] **commissioner of**
6 **administration**, and the moneys in the fund shall be used solely [by the commission] as
7 provided in sections 105.1000 to 105.1020, including the contracts entered into with employees
8 under section 105.1005. Notwithstanding the provisions of section 33.080 to the contrary,
9 moneys in the Missouri state employees voluntary life insurance fund at the end of any biennium
10 shall not be transferred to the credit of the general revenue fund. The [commission]
11 **commissioner** shall approve any voluntary life insurance agreement entered into by the state and
12 shall oversee the orderly administration of the fund in compliance with sections 105.1000 to
13 105.1020.

105.1012. 1. [Subject to the approval of the Missouri state employees voluntary life
2 insurance commission,] The office of administration shall establish and administer a voluntary
3 life insurance plan for the employees of the state of Missouri. Participation in such plan shall
4 be by a specific written agreement between such employees and the state which shall provide for
5 the payroll deduction of such amount of compensation as requested by the employee.
6 Participating employees shall authorize that such deferrals be made from their wages for the
7 purpose of participation in such plan.

8 2. Funds held for the state [by the Missouri state employees voluntary life insurance
9 commission] pursuant to a written payroll deduction agreement between the state and
10 participating employees may be invested in such life insurance contracts as are approved by the
11 [commission] **commissioner of administration**. All such insurance plans or policies to be
12 offered pursuant to this plan shall have been reviewed and selected [by the commission] based
13 on a competitive bidding process as established by such specifications and considerations as are
14 deemed appropriate [by the commission]. The bid shall include the costs of administration
15 incurred by the office of administration in implementing sections 105.1000 to 105.1020, which
16 shall be borne by the successful bidder.

162.1000. 1. As used in this section, the following terms mean:

2 (1) "Transition", a coordinated set of activities for a student, designed within an outcome
3 oriented process, which promotes movement to integrated employment, including supported
4 employment, postsecondary education, vocational training, continuing and adult education
5 services, independent living and community participation. The coordinated set of activities shall
6 be based upon the individual student's needs, taking into account the student's preferences and
7 interests, and shall include, but not be limited to, instruction, community experiences, the
8 development of employment and other postschool adult living objectives, and when appropriate,
9 acquisition of daily living skills and functional vocational evaluation;

10 (2) "Youth with disabilities", any person who is found eligible for special education as
11 defined in federal Public Law 101-476, the Individuals with Disabilities Education Act.

12 2. The individualized education program required for each student enrolled in special
13 education shall include a statement of the needed transition services for students beginning not
14 later than age sixteen and annually thereafter, and shall include, when appropriate, a statement
15 of interagency responsibility or linkages before the student leaves the school setting.

16 3. The "Missouri Interagency Council on Transition" is hereby created within the
17 division of special education, and shall be composed of the commissioner of the department of
18 elementary and secondary education, the assistant commissioners of the division of vocational
19 rehabilitation, the division of special education, and the division of vocational and adult
20 education, the director of the department of health and senior services, the director of the division
21 of maternal, child and family health, the director of the department of mental health, the director
22 of the department of social services, the president of the Missouri planning council for
23 developmental disabilities, the chairman of the Missouri [head] **brain** injury advisory council,
24 the president of the advisory council for comprehensive psychiatric services, the president of the
25 Missouri Association for Rehabilitation Facilities, or their designees, a representative of the
26 governor's [committee on employment of persons with disabilities] **council on disability**, and
27 seven professionals and consumer representatives with no less than three parents or primary
28 consumers, to be appointed by the governor from names submitted by any interested agency or
29 organization serving individuals with disabilities. At the first meeting a chair shall be selected
30 from the members to serve a term of two years. The council shall meet at least quarterly, and at
31 such other times at the call of the chair.

32 4. The Missouri interagency council on transition shall:

33 (1) Gather and coordinate data on transition services for secondary age youth with
34 disabilities;

35 (2) Provide information, consultation, and technical assistance to state and local agencies
36 and school districts involved in the delivery of services to youth with disabilities who are in
37 transition from school to work or postsecondary transition programs;

38 (3) Assist state and local agencies and school districts in establishing interagency
39 agreements to assure the necessary transition from school to work or postsecondary training
40 programs;

41 (4) Conduct an annual statewide assessment of transition needs and postsecondary
42 school outcomes from information supplied by local education agencies and local interagency
43 transition committees;

44 (5) Assist regions and local areas in planning interagency in-service training to develop
45 and improve transition services.

46 5. Members of the Missouri interagency council on transition shall receive no
47 compensation for their services while serving on the council; however, members may receive
48 reimbursement for their actual and necessary expenses incurred in the performance of their
49 duties.

50 6. Beginning on January 1, 1995, and on or before January first of each successive year,
51 the council shall make a written report to the governor and to the general assembly of its
52 activities for the preceding fiscal year. The council's annual report shall include
53 recommendations for administrative and legislative policies and programs to enhance the
54 delivery of transition services and supports.

162.1060. 1. There is hereby established a "Metropolitan Schools Achieving Value in
2 Transfer Corporation", which shall be a public body corporate, for the purpose of implementing
3 an urban voluntary school transfer program within a program area which shall include a city not
4 within a county and any school district located in whole or in part in a county with a population
5 in excess of nine hundred thousand persons which district chooses to participate. The
6 corporation shall be governed by a board of directors consisting of one representative from each
7 school district that participates in the urban voluntary school transfer program selected by the
8 governing body of each such district. The vote of each member of the board shall be weighted
9 proportionately to the percentage of the total of transfer students who attend school in the
10 member's district.

11 2. (1) The corporation's board of directors shall design and operate an urban voluntary
12 school transfer program for all participating districts. The board shall make provision for
13 transportation of all the students and for payment to school districts for the education of such
14 students. Acceptance of students into the program shall be determined by policies enacted by
15 the corporation's board of directors, provided that first preference for acceptance of students shall
16 be granted to students currently attending a district other than the district of residence pursuant
17 to a voluntary transfer program established pursuant to federal desegregation order, decree or
18 agreement. All provisions of this section shall be subject to a settlement incorporated into a final
19 judgment, provided that the financial provisions of this section shall not be superseded by such
20 settlement.

21 (2) Each district, other than a metropolitan school district, participating in an urban
22 voluntary school transfer program shall place before voters in the district a proposal to continue
23 participation in the urban voluntary school transfer program at the April election during the sixth
24 year of operation of the program. Unless a majority of district voters voting thereon votes to
25 continue participation in the program, each district, other than a metropolitan school district,
26 shall file a plan, no later than the end of the seventh year of the operation of the program, for
27 phase-out of the district's participation in the program, and such plan shall be provided to the
28 state board of education, the transitional school district and the board of directors of the
29 corporation. Each such plan shall provide for elimination of transfers to the district pursuant to
30 this section no later than the following schedule:

- 31 (a) The ninth year of the program for grades one through three;
32 (b) The tenth year of the program for grades four through six;
33 (c) The eleventh year of the program for grades seven through nine; and

34 (d) The twelfth year of the program for grades ten through twelve.

35 3. (1) Other provisions of law to the contrary notwithstanding, each student participating
36 in the program shall be considered an eligible pupil of the district of residence for the purpose
37 of distributing state aid, except that students attending school in a metropolitan school district
38 in a program established pursuant to this section shall be considered eligible pupils of the district
39 attended, and provided that the department shall determine the increased state aid eligibility
40 created by including pupils attending school in a program established pursuant to this section as
41 eligible pupils of the district of residence and shall distribute the full amount of such state aid
42 to the metropolitan schools achieving value in transfer corporation and shall not distribute state
43 aid on the basis of such pupils to the district of residence.

44 (2) For each student participating in the program, the corporation shall receive the total
45 of all state and federal aid that would otherwise be paid to the student's district of residence,
46 including, but not limited to, state aid provided pursuant to section 148.360, section 149.015, and
47 sections 163.031 and 163.087. The corporation shall pay a school district that receives a
48 nonresident student from the funds of the corporation in accordance with the provisions of this
49 section and agreements between the corporation and the participating school districts.

50 4. (1) In each of the first two fiscal years, the corporation shall also receive a payment
51 of twenty-five million dollars.

52 (2) For the third year of operation and thereafter, the corporation shall receive
53 transportation state aid, for each student that participates in the program, which shall be in the
54 same amount and on the same basis as would be received by the student's district of residence
55 if the student were attending a school in the attendance zone in the student's district of residence,
56 provided that such reimbursement shall not exceed one hundred fifty-five percent of the
57 statewide average per pupil cost for transportation for the second preceding school year.

58 (3) Funds received by the corporation pursuant to this subsection may be used for any
59 purpose and need not be expended in the year received.

60 5. The corporation created herein shall have all powers of a public body corporate,
61 except that it shall have no paid employees. The corporation, by contract with any public entity,
62 school district, or private entity, may retain the services of a fiscal agent, make provisions for
63 accounting, transportation management, or other assistance that the corporation may need to
64 carry out its functions, except that no contractor or employee of any contractor acting in a
65 policy-making function shall have ever have been a contractor or employee of the voluntary
66 interdistrict coordinating council or any other program established by the federal district court;
67 except that this restriction shall not apply to transportation contractors or their employees. When
68 a school district located in whole or in part in a county with a population in excess of nine
69 hundred thousand persons ceases to participate in the urban public school transfer program, its
70 representative shall be removed from the corporation's board of directors. When none of the
71 students who reside in a school district in a city not within a county opt to participate in the

72 program, the school district's representative shall be removed from the board of directors. When
73 all of the school districts have ended their participation in the program, in accordance with this
74 subsection, the corporation's operations shall cease, and any funds of the corporation remaining
75 shall be paid to the state of Missouri to the credit of the general revenue fund, except such
76 amounts as the commissioner of education shall determine should be paid to particular school
77 districts under the regulations applicable to federal programs or returned to the federal
78 government.

79 6. All funds received by the corporation shall become funds of the corporation and paid
80 for the purposes set forth in this section and in accordance with agreements entered into between
81 the corporation and participating school districts and other entities, provided that funds received
82 for particular purposes, under federal or state categorical programs benefiting individual
83 students, shall be paid to the district or entity providing services to the students entitled to such
84 services. The proportionate share of federal and state resources generated by students with
85 disabilities, or the staff serving them, shall be paid to the district where the child is attending
86 school, unless the district of residence is required by law to provide such services to the
87 individual students, except that a special school district containing the district where the child
88 is attending school shall be paid for all unreimbursed expenses for special education services
89 provided to students with disabilities. Funds held by the corporation at the close of a fiscal year
90 may be carried over and utilized by the corporation in subsequent fiscal years for the purposes
91 set forth in this section.

92 7. The board of directors may establish regional attendance zones which map the regions
93 of a district in a city not within a county to corresponding recipient districts within the remainder
94 of the program area. In establishing the regional attendance zones, the board of directors may
95 solicit comments and suggestions from residents of the program area and may adopt one or more
96 regional attendance zones previously established in the program area pursuant to a federal court
97 desegregation order, decree or agreement.

98 [8. No later than four years following the date an urban public school transfer program
99 is begun pursuant to this section in a program area, the senate and the house of representatives
100 shall establish a "Joint Committee on Urban Voluntary School Transfer Programs", composed
101 of five members of the senate, appointed by the president pro tem of the senate, and five
102 members of the house of representatives, appointed by the speaker of the house. Not more than
103 three members appointed by the president pro tem and not more than three members appointed
104 by the speaker of the house shall be from the same political party.

105 9. The joint committee may meet as necessary and hold hearings and conduct
106 investigations as it deems advisable. No later than five years following the date an urban
107 voluntary school transfer program is begun pursuant to this section in a program area, the
108 committee shall review and monitor the status of any urban voluntary school transfer program
109 established pursuant to this section and make any recommendations the committee deems

110 necessary to the general assembly regarding such program or programs, which may include
111 proposed changes to the program and recommendations regarding the continuation of the
112 program. The members shall receive no additional compensation, other than reimbursement for
113 their actual and necessary expenses incurred in the performance of their duties. The staff of the
114 committee on legislative research, house research, and senate research shall provide necessary
115 clerical, research, fiscal and legal services to the committee, as the committee may request.

116 10. No later than nine years following the date an urban public school transfer program
117 is begun pursuant to this section in a program area, the joint committee on urban voluntary
118 school transfer programs shall be reestablished in the form specified in subsection 8 of this
119 section and pursuant to the same provisions for reimbursement of expenses and staff support as
120 specified in subsection 9 of this section. No later than ten years following the date an urban
121 voluntary school transfer program is begun pursuant to this section in a program area, the
122 committee shall review and monitor the status of any urban voluntary school transfer program
123 established pursuant to this section and make any recommendations the committee deems
124 necessary to the general assembly regarding such program or programs.]

190.176. 1. The department shall develop and administer a uniform data collection
2 system on all ambulance runs and injured patients, pursuant to rules promulgated by the
3 department for the purpose of injury etiology, patient care outcome, injury and disease
4 prevention and research purposes. The department shall not require disclosure by hospitals of
5 data elements pursuant to this section unless those data elements are required by a federal agency
6 or were submitted to the department as of January 1, 1998, pursuant to:

- 7 (1) Departmental regulation of trauma centers; or
- 8 (2) The Missouri [head] **brain** and spinal cord injury registry established by sections
9 192.735 to 192.745; or
- 10 (3) Abstracts of inpatient hospital data; or
- 11 (4) If such data elements are requested by a lawful subpoena or subpoena duces tecum.

12 2. All information and documents in any civil action, otherwise discoverable, may be
13 obtained from any person or entity providing information pursuant to the provisions of sections
14 190.001 to 190.245.

192.735. As used in sections 192.735 to 192.745, unless the context clearly indicates
2 otherwise, the following terms shall mean:

- 3 (1) ["Department", the department of health and senior services;
- 4 (2) "Head] "**Brain** injury" or "traumatic [head] **brain** injury", a sudden insult or damage
5 to the brain or its coverings, not of a degenerative nature. Such insult or damage may produce
6 an altered state of consciousness and may result in a decrease of one or more of the following:
7 mental, cognitive, behavioral or physical functioning resulting in partial or total disability.
8 Cerebral vascular accidents, aneurisms and congenital deficits are specifically excluded from this
9 definition;

10 (2) "**Department**", the department of health and senior services;

11 (3) "Spinal cord injury", an injury that occurs as a result of trauma, which may involve
12 spinal vertebral fracture, and where the injured person suffers two or more of the following
13 effects either immediately or within forty-eight hours of injury:

14 (a) Effects on the sensory system including numbness, tingling or loss of sensation in the
15 body or in one or more extremities;

16 (b) Effects on the motor system including weakness or paralysis in one or more
17 extremities;

18 (c) Effects on the visceral system including bowel or bladder dysfunction or hypotension.

192.737. 1. The department of health and senior services shall establish and maintain
2 an information registry and reporting system for the purpose of data collection and needs
3 assessment of [head] **brain** and spinal cord injured persons in this state.

4 2. Reports of traumatic [head] **brain** and spinal cord injuries shall be filed with the
5 department by a treating physician or his designee within seven days of identification. The
6 attending physician of any patient with traumatic [head] **brain** or spinal cord injury who is in the
7 hospital shall provide in writing to the chief administrative officer the information required to
8 be reported by this section. The chief administrative officer of the hospital shall then have the
9 duty to submit the required reports.

10 3. Reporting forms and the manner in which the information is to be reported shall be
11 provided by the department. Such reports shall include, but shall not be limited to, the following
12 information: name, age, and residence of the injured person, the date and cause of the injury, the
13 initial diagnosis and such other information as required by the department.

192.739. 1. All reports and records made pursuant to sections 192.735 to 192.744 and
2 maintained by the department and other appropriate persons, officials and institutions pursuant
3 to sections 192.735 to 192.744 shall be confidential. Information shall not be made available to
4 any individual or institution except to:

5 (1) Appropriate staff of the department;

6 (2) Any person engaged in a bona fide research project, with the permission of the
7 director of the department, except that no information identifying the subjects of the reports or
8 the reporters shall be made available to researchers unless the department requests and receives
9 consent for such release pursuant to the provisions of this section;

10 (3) The Missouri [head] **brain** injury advisory council, except that no information
11 identifying the subjects of the reports or the reporters shall be made available to the council
12 unless consent for release is requested and received pursuant to the provisions of this section.
13 Only information pertaining to [head] **brain** injuries as defined in section 192.735 shall be
14 released to the council.

15 2. The department shall not reveal the identity of a patient, a reporting physician or
16 hospital, except that the identity of the patient may be released upon written consent of the

17 patient, parent or guardian, the identity of the physician may be released upon written consent
18 of the physician, and the identity of the hospital may be released upon written consent of the
19 hospital.

20 3. The department shall request consent for release from a patient, a reporting physician
21 or hospital only upon a showing by the applicant for such release that obtaining the identities of
22 certain patients, physicians or hospitals is necessary for his research.

23 4. The department shall at least annually compile a report of the data accumulated
24 through the reporting system established under section 192.737 and shall submit such data
25 relating to [head] **brain** injuries as defined in section 192.735 and in accordance with
26 confidentiality restrictions established pursuant to sections 192.735 to 192.744 to the director of
27 the Missouri [head] **brain** injury advisory council.

192.742. The department, in consultation with the Missouri [head] **brain** injury advisory
2 council, shall promulgate rules and regulations necessary to carry out the provisions of sections
3 192.735 to 192.744, pursuant to the provisions of section 192.006 and chapter 536.

192.745. 1. The "Missouri [Head] **Brain** Injury Advisory Council" is hereby established
2 [as created by executive order of the governor on March 5, 1985] **in the department of health**
3 **and senior services**. [The council shall consist of twenty-five members.] The members of the
4 council that are serving on [August 13, 1986] **February 2, 2005**, shall continue [serving on the
5 following basis: the two members of the council who are members of the house of
6 representatives and appointed by the speaker of the house of representatives shall serve for the
7 remainder of their terms; the two members of the council who are members of the senate
8 appointed by the president pro tempore of the senate shall serve for the remainder of their terms;
9 and the remaining twenty-one members shall determine by lot which seven are to have a one-year
10 term, which seven are to have a two-year term, and which seven are to have a three-year term]
11 **to fulfill their current terms. Through attrition, the council shall decrease from the present**
12 **twenty-five members to fifteen members**. Thereafter, the successors to each of these
13 [twenty-one] members shall serve a three-year term and until the member's successor is
14 appointed by the governor with the advice and consent of the senate. [In addition, two members
15 who are members of the house of representatives shall be appointed by the speaker of the house
16 and two members who are members of the senate shall be appointed by the president pro tempore
17 of the senate.] The members appointed by the governor shall [represent] **include: four** people
18 with [head] **brain** injuries[,] **or** relatives of persons with [head] **brain** injuries, [proprietary
19 schools as defined in section 173.600,] **and eleven other individuals from** professional groups,
20 health institutions, [or] **community groups, and** private industry [and state agencies which
21 administer programs regarding mental health, education, public health, public safety, insurance,
22 and Medicaid. The appointment of individuals representing state agencies shall be conditioned
23 on their continued employment with their respective agencies]. **In addition to the fifteen**
24 **council members, individuals representing state agencies with services that impact brain**

25 **injury survivors and their families shall participate on the council in an ex officio**
26 **nonvoting capacity. These individuals shall be appointed by the respective agency.**

27 2. The Missouri [head] **brain** injury advisory council is assigned to the [division of
28 general services in the office of administration] **department of health and senior services**. The
29 [office of administration] **department** shall submit estimates of requirements for appropriations
30 on behalf of the council for the necessary staff and expenses to carry out the duties and
31 responsibilities assigned by the council. [Such staff shall consist of a director and other support
32 staff.]

33 3. Meetings **of the full council** shall be held at least [every ninety days] **four times a**
34 **year** or at the call of the council chairperson, who shall be elected by the council.
35 **Subcommittees may meet on an as needed basis.**

36 4. [Each member shall, subject to appropriations, be reimbursed for reasonable and
37 necessary expenses actually incurred in the performance of the member's official duties.]
38 **Members of the council shall not receive any compensation for their services, but they**
39 **shall, subject to appropriations, be reimbursed for actual and necessary expenses incurred**
40 **in the performance of their duties from funds appropriated for this purpose.**

41 5. The council shall adopt written procedures to govern its activities. [Staff and
42 consultants shall be provided for the council from appropriations requested by the commissioner
43 of the office of administration for such purpose.]

44 6. The council, **under the direction of the department**, shall make recommendations
45 to the [governor] **department director** for developing and administering a state plan to provide
46 services for [head] **brain** injured persons.

47 7. No member of the council may participate in or seek to influence a decision or vote
48 of the council if the member would be directly involved with the matter or if the member would
49 derive income from it. A violation of the prohibition contained herein shall be grounds for a
50 person to be removed as a member of the council by the [governor] **department director**.

51 8. The council shall be advisory and shall:

52 (1) Promote meetings and programs for the discussion of reducing the debilitating effects
53 of [head] **brain** injuries and disseminate information in cooperation with any other department,
54 agency or entity on the prevention, evaluation, care, treatment and rehabilitation of persons
55 affected by [head] **brain** injuries;

56 (2) Study and review current prevention, evaluation, care, treatment and rehabilitation
57 technologies and recommend appropriate preparation, training, retraining and distribution of
58 manpower and resources in the provision of services to [head-injured] **brain-injured** persons
59 through private and public residential facilities, day programs and other specialized services;

60 (3) Recommend [what] specific methods, means and procedures [should be adopted] to
61 improve and upgrade the state's service delivery system for [head-injured] **brain-injured** citizens
62 of this state;

63 (4) Participate in developing and disseminating criteria and standards which may be
64 required for future funding or licensing of facilities, day programs and other specialized services
65 for [head-injured] **brain-injured** persons in this state;

66 (5) Report annually to the [commissioner of administration, the governor, and the
67 general assembly] **department director** on its activities, and on the results of its studies and the
68 recommendations of the council.

69 9. The [office of administration] **department** may accept on behalf of the council federal
70 funds, gifts and donations from individuals, private organizations and foundations, and any other
71 funds that may become available.

199.001. As used in sections 199.001 to 199.055, the following terms mean:

2 (1) ["Division", the division of injury prevention, head injury rehabilitation and local
3 health services of the department of health and senior services;

4 (2) "Head] "**Brain** injury", includes [head] **brain** injury[,] **and** traumatic [head] **brain**
5 injury[, and spinal cord injury] as defined in section 192.735;

6 (2) "**Department**", the **department of health and senior services' adult brain injury**
7 **program**;

8 (3) "Injury or trauma", any unintentional or intentional damage to the body resulting
9 from acute exposure to thermal, mechanical, electrical, or chemical energy or from the absence
10 of such essentials as heat or oxygen;

11 (4) "Rehabilitation", a comprehensive series of interventions for physical, medical,
12 cognitive and psychological disabilities designed to restore a person to his maximum functional
13 potential.

199.003. 1. [The "Division of Injury Prevention, Head Injury Rehabilitation and Local
2 Health Services" is hereby created and shall be a division of the department of health and senior
3 services.] The [division] **department** shall have the responsibility, **subject to appropriations**,
4 of ensuring that injury prevention and [head] **brain** injury rehabilitation evaluation, [case
5 management] **service coordination**, treatment, rehabilitation, and community support services
6 are accessible, wherever possible. [The division shall have and exercise supervision of division
7 rehabilitation facilities, residential programs and specialized services operated by the division
8 and oversight of facilities, programs and services funded by the division. The division may also
9 plan for prevention, treatment, rehabilitation and care, including hospice, for persons with other
10 diseases as determined by the general assembly by appropriations. The division shall also have
11 responsibilities for the support, development, and coordination of local health services.]

12 2. The powers, functions and duties of the [division] **department** shall include the
13 following:

14 (1) [Provision of funds for] **Planning and implementing**, in cooperation with the
15 Missouri [head] **brain** injury advisory council [and implementation of], accessible programs to

16 [rehabilitate and care for] **promote rehabilitation and community reintegration of** persons
17 with [head injuries, injury prevention and research] **brain injuries;**

18 (2) Provision of technical assistance and training to community-based programs [and
19 assistance and cooperation to programs of political subdivisions designed to assist in planning
20 and implementing quality services] **assisting persons with brain injuries;**

21 (3) Assurance of [program] quality [in compliance with such appropriate standards for
22 residential facilities, day programs, and specialized programs as may be established by the
23 division] **for brain injury services funded by the department;**

24 (4) Sponsorship and encouragement of research into the causes, effects, prevention,
25 treatment and rehabilitation of injuries and appropriateness and cost and benefit effectiveness
26 of [head] **brain** injury rehabilitation, residential programs and specialized services;

27 (5) Provision of public information relating to injury prevention and [head] **brain** injury
28 treatment and rehabilitation;

29 (6) Cooperation with nonstate governmental agencies and [the] private sector [in
30 establishing, conducting, integrating and coordinating] programs and projects relating to injury
31 prevention and [head] **brain** injury treatment and rehabilitation;

32 (7) [Review and oversight of those portions of the department's annual budget which are
33 directed for injury prevention and head injury services;

34 (8) Encouragement of the utilization, support, assistance and dedication of volunteers
35 to assist persons affected by head injuries to be accepted and integrated into normal community
36 activities;

37 (9) Support, development, and coordination of local health services, which shall include
38 but shall not be limited to:

39 (a) Professional resources and staff development;

40 (b) Services assessment and coordination;

41 (c) Standards development, implementation and quality assurance;

42 (d) Provision of basic public health services in areas not served by local public health
43 agencies;

44 (e) Fiscal resources and management;

45 (f) Technical assistance; and

46 (g) Assistance with public health problems, emergencies and conditions] **Receiving**
47 **federal grants and aids for injury prevention and for persons with brain injuries and brain**
48 **injury rehabilitation under the terms of the grants and aids and administering or paying**
49 **them out. The director shall approve such applications for federal assistance administered**
50 **through the department as may be considered advisable in consultation with the Missouri**
51 **brain injury advisory council;**

52 (8) **Promulgating rules under the provisions of this section, as necessary to**
53 **prescribe policies or standards which affect charging and funding of adult brain injury**

54 **rehabilitation services. The rules applicable to each program or service operated or**
55 **funded by the department shall be available for public inspection and review at such**
56 **program or service. The rules and policies shall be compatible with and appropriate to the**
57 **program mission, population served, size, type of service, and other reasonable**
58 **classifications;**

59 **(9) Promulgating reasonable rules relative to the implementation of participant**
60 **rights described in sections 199.001 to 199.051;**

61 **(10) Promulgating rules setting forth a reasonable standard means test which shall**
62 **be applied to all programs and services funded by the department in determining eligibility**
63 **for such services.**

64 **3. Any rule or portion of a rule, as that term is defined in section 536.010 that is**
65 **created under the authority delegated in this section shall become effective only if it**
66 **complies with and is subject to all of the provisions of chapter 536, and, if applicable,**
67 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**
68 **vested with the general assembly pursuant to chapter 536, to review, to delay the effective**
69 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
70 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2011,**
71 **shall be invalid and void.**

199.007. The Missouri [head] **brain** injury advisory council, created by section 192.745,
2 shall act as the advisory body to the [division and the division] **department and department**
3 director. Any power or function of the [division] **department** requiring planning activities shall
4 be undertaken with the direct input and cooperation of the advisory council. The [division]
5 **department** shall not undertake or duplicate any activity or function of the council under the
6 provisions of section 192.745.

199.009. 1. The [division] **department** may provide injury prevention, and [head] **brain**
2 injury evaluation, care, treatment, rehabilitation and such related services directly or through
3 contracts from private and public vendors in this state, the quality of the services being equal,
4 appropriate and consistent with professional advice in the least restrictive environment and as
5 close to an individual's home community as possible, with funds appropriated for this purpose.

6 2. If it is determined through a comprehensive evaluation that a person [is suffering from
7 a head] **has a traumatic brain** injury so as to require the coordination of provision of services,
8 including other state governmental agencies, nongovernmental and the private sector, and if such
9 person, such person's parent, if the person is a minor, or legal guardian, so requests, the [division]
10 **department** shall, within the limits of available resources and subject to relevant federal and
11 state laws, secure a comprehensive program of any necessary services for such person. Such
12 services may include, but need not be limited to, the following:

13 (1) Assessment and evaluation;

14 (2) [Case management] **Service coordination;**

- 15 (3) Counseling;
 16 (4) Respite care;
 17 (5) Recreation;
 18 (6) Rehabilitation;
 19 (7) Cognitive retraining;
 20 (8) Prevocational rehabilitation;
 21 (9) Residential care;
 22 (10) Homemaker services;
 23 (11) Day activity programs;
 24 (12) Supported living;
 25 (13) Referral to appropriate services;
 26 (14) Transportation;
 27 (15) Supported work, **if provided by the department, shall be directed toward**
 28 **preparation for education or vocational achievement, independent living, and community**
 29 **participation. Long-term needs shall be identified and efforts made to link participants**
 30 **with appropriate resources.**

31 3. In securing the comprehensive program of services, the [division] **department** shall
 32 involve the [patient] **participant**, his **or her** family or his **or her** legal guardian in decisions
 33 affecting his **or her** care, rehabilitation, services or referral. The quality of the services being
 34 equal, appropriate and consistent with professional advice, services shall be offered in the least
 35 restrictive environment and as close to an individual's home community as possible.

36 **4. In accordance with state and federal law, no service or program operated or**
 37 **funded by the department shall deny admission or other services to any person because of**
 38 **the person's race, sex, creed, marital status, national origin, handicap, or age.**

199.010. The curators of the University of Missouri shall provide for the care of persons
 2 needing [head] **brain** injury and other rehabilitation subject to appropriation by the general
 3 assembly. The department of health and senior services shall provide for the treatment and
 4 commitment of persons having tuberculosis subject to appropriation by the general assembly.

199.029. 1. The [division] **department** shall promulgate rules under the provisions of
 2 this section and chapter 536 as necessary to prescribe policies or standards which affect charging
 3 and funding of residential care rehabilitation programs and specialized services for persons with
 4 [head] **brain** injuries available to the public. The rules applicable to each facility, program or
 5 service operated or funded by the [division] **department** shall be available for public inspection
 6 and review at such facility, program or service. These rules shall not apply to facilities, programs
 7 or services operated or provided by curators of the University of Missouri.

8 2. The rules, operating regulations and facility policies shall be compatible with and
 9 appropriate to the facility or program mission, population served, size, type of service and other
 10 reasonable classifications. No rule or portion of a rule promulgated under the authority of this

11 chapter shall become effective unless it has been promulgated pursuant to the provisions of
12 section 536.024.

199.031. 1. The [division] **department** may receive federal grants and aids for injury
2 prevention and for persons with [head] **brain** injuries and [head] **brain** injury rehabilitation
3 under the terms of the grants and aids and administer or pay them out subject to the provisions
4 attached.

5 2. The director shall approve such applications for federal assistance administered
6 through the [division] **department** as may be considered advisable after consultation with the
7 Missouri [head] **brain** injury advisory council.

199.037. The director of the [division] **department** shall promulgate reasonable rules
2 relative to the implementation of patient rights described in sections 199.001 to [199.055]
3 **199.051**. These rules shall not apply to facilities, programs or services operated or provided by
4 the curators of the University of Missouri.

199.039. The director of the [division] **department** shall promulgate rules setting forth
2 a reasonable standard means test which shall be applied to all facilities, programs and services
3 operated or funded by the [division] **department** in determining the amount to be charged to
4 persons receiving services. Notwithstanding other provisions of sections 199.001 to [199.055]
5 **199.051**, the department shall accept funds from federal reimbursement, third-party
6 reimbursement, private pay or other funding sources.

199.041. 1. Any probate division of the circuit court having knowledge of the existence
2 of an estate of a patient receiving services from residential facilities or other programs operated
3 or funded by the [division] **department** shall promptly notify the director of the nature and
4 extent of the estate and the identity of the attorney of record and conservator. The director shall
5 then apply the standard means test contained in the rules of the [division] **department** to
6 determine if the estate shall be charged for services rendered by the [division] **department**.

7 2. If the director determines that the estate should be charged for the evaluation, care,
8 treatment, rehabilitation or room and board provided or funded by the [division] **department**,
9 and notifies the conservator, the conservator shall pay the charges. If the conservator fails to pay
10 for the charges, after reasonable delay, the head of the [division] **department**, residential facility
11 or day program may discharge the patient.

12 3. The decision of the director shall be final, and appeal may be made to the circuit court
13 of Cole County or the county where the person responsible for payment resides in the manner
14 provided by chapter 536. The director shall notify the conservator and the supervising court of
15 such failure to pay for services rendered by a facility or program operated or funded by the
16 [division] **department** at least thirty days before the patient is discharged. If the conservator
17 appeals the decision of the director, the patient shall remain in the facility or program pending
18 final disposition of the appeal.

199.043. In accordance with state and federal law, no residential facility, day program
2 or specialized service operated or funded by the [division] **department** shall deny admission or
3 other services to any person because of his race, sex, creed, marital status, national origin,
4 handicap or age.

199.051. The [division] **department** may inspect any facility or program at any time if
2 a contract has been issued or an application for a contract has been filed.

208.175. 1. The "Drug Utilization Review Board" is hereby established within the
2 [division of medical services] **MO HealthNet division** and shall be composed of the following
3 health care professionals who shall be appointed by the governor [not later than October 1,
4 1992,] and whose appointment shall be subject to the advice and consent of the senate:

5 (1) Six physicians who shall include:

6 (a) Three physicians who hold the doctor of medicine degree and are active in medical
7 practice;

8 (b) Two physicians who hold the doctor of osteopathy degree and are active in medical
9 practice; and

10 (c) One physician who holds the doctor of medicine or the doctor of osteopathy degree
11 and is active in the practice of psychiatry;

12 (2) Six actively practicing pharmacists who shall include:

13 (a) Three pharmacists who hold bachelor of science degrees in pharmacy and are active
14 as retail or patient care pharmacists;

15 (b) Two pharmacists who hold advanced clinical degrees in pharmacy and are active in
16 the practice of pharmaceutical therapy and clinical pharmaceutical management; and

17 (c) One pharmacist who holds either a bachelor of science degree in pharmacy or an
18 advanced clinical degree in pharmacy and is employed by a pharmaceutical manufacturer of
19 Medicaid-approved formulary drugs; and

20 (3) One certified medical quality assurance registered nurse with an advanced degree.

21 2. The membership of the drug utilization review board shall include health care
22 professionals who have recognized knowledge and expertise in one or more of the following:

23 (1) The clinically appropriate prescribing of covered outpatient drugs;

24 (2) The clinically appropriate dispensing and monitoring of covered outpatient drugs;

25 (3) Drug use review, evaluation and intervention;

26 (4) Medical quality assurance.

27 3. A chairperson shall be elected by the board members [at their first meeting, which
28 shall take place not later than November 1, 1992]. The board shall meet at least once every
29 ninety days. A quorum of eight members, including no fewer than three physicians and three
30 pharmacists, shall be required for the board to act in its official capacity.

31 4. Members appointed pursuant to subsection 1 of this section shall serve four-year
32 terms, except that of the original members, four shall be appointed for a term of two years, four

33 shall be appointed for a term of three years and five shall be appointed for a term of four years.
34 Members may be reappointed.

35 5. The members of the drug utilization review board or any regional advisory committee
36 shall receive no compensation for their services other than reasonable expenses actually incurred
37 in the performance of their official duties.

38 6. The drug utilization review board shall, either directly or through contracts between
39 the [division of medical services] **MO HealthNet division** and accredited health care
40 educational institutions, state medical societies or state pharmacist associations or societies or
41 other appropriate organizations, provide for educational outreach programs to educate
42 practitioners on common drug therapy problems with the aim of improving prescribing and
43 dispensing practices.

44 7. The drug utilization review board shall monitor drug usage and prescribing practices
45 in the Medicaid program. The board shall conduct its activities in accordance with the
46 requirements of subsection (g) of section 4401 of the Omnibus Budget Reconciliation Act of
47 1990 (P.L. 101-508). The board shall publish an educational newsletter to Missouri Medicaid
48 providers as to its considered opinion of the proper usage of the Medicaid formulary. It shall
49 advise providers of inappropriate drug utilization when it deems it appropriate to do so.

50 **8. The drug utilization review board may provide advice on guidelines, policies, and**
51 **procedures necessary to establish and maintain the Missouri Rx plan.**

52 **9.** Office space and support personnel shall be provided by the division of medical
53 services.

54 [9.] **10.** Subject to appropriations made specifically for that purpose, up to six regional
55 advisory committees to the drug utilization review board may be appointed. Members of the
56 regional advisory committees shall be physicians and pharmacists appointed by the drug
57 utilization review board. Each such member of a regional advisory committee shall have
58 recognized knowledge and expertise in one or more of the following:

- 59 (1) The clinically appropriate prescribing of covered outpatient drugs;
60 (2) The clinically appropriate dispensing and monitoring of covered outpatient drugs;
61 (3) Drug use review, evaluation, and intervention; or
62 (4) Medical quality assurance.

208.275. 1. As used in this section, unless the context otherwise indicates, the following
2 terms mean:

- 3 (1) "Elderly", any person who is sixty years of age or older;
4 (2) "Handicapped", any person having a physical or mental condition, either permanent
5 or temporary, which would substantially impair ability to operate or utilize available
6 transportation.

7 2. There is hereby created the "Coordinating Council on Special Transportation" within
8 the Missouri department of transportation. The members of the council shall be: [two members

9 of the senate appointed by the president pro tem, who shall be from different political parties;
10 two members of the house of representatives appointed by the speaker, who shall be from
11 different political parties;] the assistant for transportation of the Missouri department of
12 transportation, or his designee; the assistant commissioner of the department of elementary and
13 secondary education, responsible for special transportation, or his designee; the director of the
14 division of aging of the department of social services, or his designee; the deputy director for
15 mental retardation/developmental disabilities and the deputy director for administration of the
16 department of mental health, or their designees; the executive secretary of the governor's
17 committee on the employment of the handicapped; and seven consumer representatives
18 appointed by the governor by and with the advice and consent of the senate, four of the consumer
19 representatives shall represent the elderly and three shall represent the handicapped. Two of such
20 three members representing handicapped persons shall represent those with physical handicaps.
21 Consumer representatives appointed by the governor shall serve for terms of three years or until
22 a successor is appointed and qualified. Of the members first selected, two shall be selected for
23 a term of three years, two shall be selected for a term of two years, and three shall be selected for
24 a term of one year. In the event of the death or resignation of any member, his successor shall
25 be appointed to serve for the unexpired period of the term for which such member had been
26 appointed.

27 3. State agency personnel shall serve on the council without additional appropriations
28 or compensation. The consumer representatives shall serve without compensation except for
29 receiving reimbursement for the reasonable and necessary expenses incurred in the performance
30 of their duties on the council from funds appropriated to the department of transportation.
31 [Legislative members shall be reimbursed by their respective appointing bodies out of the
32 contingency fund for such body for necessary expenses incurred in the performance of their
33 duties.]

34 4. Staff for the council shall be provided by the Missouri department of transportation.
35 The department shall designate a special transportation coordinator who shall have had
36 experience in the area of special transportation, as well as such other staff as needed to enable
37 the council to perform its duties.

38 5. The council shall meet at least quarterly each year and shall elect from its members
39 a chairman and a vice chairman.

40 6. The coordinating council on special transportation shall:

41 (1) Recommend and periodically review policies for the coordinated planning and
42 delivery of special transportation when appropriate;

43 (2) Identify special transportation needs and recommend agency funding allocations and
44 resources to meet these needs when appropriate;

45 (3) Identify legal and administrative barriers to effective service delivery;

46 (4) Review agency methods for distributing funds within the state and make
47 recommendations when appropriate;

48 (5) Review agency funding criteria and make recommendations when appropriate;

49 (6) Review area transportation plans and make recommendations for plan format and
50 content;

51 (7) Establish measurable objectives for the delivery of transportation services;

52 (8) Review annual performance data and make recommendations for improved service
53 delivery, operating procedures or funding when appropriate;

54 (9) Review local disputes and conflicts on special transportation and recommend
55 solutions.

56 **7. The provisions of this section shall expire on December 31, 2014.**

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

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

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

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

11 (4) Two primary care physicians, licensed under chapter 334, [recommended by any
12 Missouri organization or association that represents a significant number of physicians licensed
13 in this state,] who care for participants, not from the same geographic area, **chosen in the same**
14 **manner as described in section 334.120;**

15 (5) Two physicians, licensed under chapter 334, who care for participants but who are
16 not primary care physicians and are not from the same geographic area, [recommended by any
17 Missouri organization or association that represents a significant number of physicians licensed
18 in this state] **chosen in the same manner as described in section 334.120;**

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

20 (7) [One] **Two** nonphysician health care [professional] **professionals, the first**
21 **nonphysician health care professional licensed under chapter 335 and the second**
22 **nonphysician health care professional licensed under chapter 337,** who [cares] care for
23 participants[, recommended by the director of the department of insurance, financial institutions
24 and professional registration];

25 (8) One dentist, who cares for participants[. The dentist shall be recommended by any
26 Missouri organization or association that represents a significant number of dentists licensed in
27 this state], **chosen in the same manner as described in section 332.021;**

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

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

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

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

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

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

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

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

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

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

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

64 (8) Determine how best to analyze and present the data reviewed under section 208.950
65 so that the health outcomes, participant and provider satisfaction, results from other states, health

66 plan comparisons, financial impact of the various health improvement plans and models of care,
67 study of provider access, and results of public input can be used by consumers, health care
68 providers, and public officials;

69 (9) Present significant findings of the analysis required in subdivision (8) of this
70 subsection in a report to the general assembly and governor, at least annually, beginning January
71 1, 2009;

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

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

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

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

79 (11) Conduct a study to determine whether an office of inspector general shall be
80 established. Such office would be responsible for oversight, auditing, investigation, and
81 performance review to provide increased accountability, integrity, and oversight of state medical
82 assistance programs, to assist in improving agency and program operations, and to deter and
83 identify fraud, abuse, and illegal acts. The committee shall review the experience of all states that
84 have created a similar office to determine the impact of creating a similar office in this state; and

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

88 3. By July 1, 2011, the oversight committee shall issue findings to the general assembly
89 on the success and failure of health improvement plans and shall recommend whether or not any
90 health improvement plans should be discontinued.

91 4. The oversight committee shall designate a subcommittee devoted to advising the
92 department on the development of a comprehensive entry point system for long-term care that
93 shall:

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

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

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

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

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

- 103 (6) Establish a long-term care system that seeks to achieve timely access to and payment
104 for care, foster quality and excellence in service delivery, and promote innovative and
105 cost-effective strategies; and
- 106 (7) Study one-stop shopping for seniors as established in section 208.612.
- 107 5. The subcommittee shall include the following members:
- 108 (1) The lieutenant governor or his or her designee, who shall serve as the subcommittee
109 chair;
- 110 (2) One member from a Missouri area agency on aging, designated by the governor;
- 111 (3) One member representing the in-home care profession, designated by the governor;
- 112 (4) One member representing residential care facilities, predominantly serving MO
113 HealthNet participants, designated by the governor;
- 114 (5) One member representing assisted living facilities or continuing care retirement
115 communities, predominantly serving MO HealthNet participants, designated by the governor;
- 116 (6) One member representing skilled nursing facilities, predominantly serving MO
117 HealthNet participants, designated by the governor;
- 118 (7) One member from the office of the state ombudsman for long-term care facility
119 residents, designated by the governor;
- 120 (8) One member representing Missouri centers for independent living, designated by the
121 governor;
- 122 (9) One consumer representative with expertise in services for seniors or [the disabled]
123 **persons with a disability**, designated by the governor;
- 124 (10) One member with expertise in Alzheimer's disease or related dementia;
- 125 (11) One member from a county developmental disability board, designated by the
126 governor;
- 127 (12) One member representing the hospice care profession, designated by the governor;
- 128 (13) One member representing the home health care profession, designated by the
129 governor;
- 130 (14) One member representing the adult day care profession, designated by the governor;
- 131 (15) One member gerontologist, designated by the governor;
- 132 (16) Two members representing the aged, blind, and disabled population, not of the same
133 geographic area or demographic group designated by the governor;
- 134 (17) The directors of the departments of social services, mental health, and health and
135 senior services, or their designees; and
- 136 (18) One member of the house of representatives and one member of the senate serving
137 on the oversight committee, designated by the oversight committee chair.
- 138 Members shall serve on the subcommittee without compensation but may be reimbursed for their
139 actual and necessary expenses from moneys appropriated to the department of health and senior

140 services for that purpose. The department of health and senior services shall provide technical
141 and administrative support services as required by the committee.

142 6. By October 1, 2008, the comprehensive entry point system subcommittee shall submit
143 its report to the governor and general assembly containing recommendations for the
144 implementation of the comprehensive entry point system, offering suggested legislative or
145 administrative proposals deemed necessary by the subcommittee to minimize conflict of interests
146 for successful implementation of the system. Such report shall contain, but not be limited to,
147 recommendations for implementation of the following consistent with the provisions of section
148 208.950:

149 (1) A complete statewide universal information and assistance system that is integrated
150 into the web-based electronic patient health record that can be accessible by phone, in-person,
151 via MO HealthNet providers and via the Internet that connects consumers to services or
152 providers and is used to establish consumers' needs for services. Through the system, consumers
153 shall be able to independently choose from a full range of home, community-based, and
154 facility-based health and social services as well as access appropriate services to meet individual
155 needs and preferences from the provider of the consumer's choice;

156 (2) A mechanism for developing a plan of service or care via the web-based electronic
157 patient health record to authorize appropriate services;

158 (3) A preadmission screening mechanism for MO HealthNet participants for nursing
159 home care;

160 (4) A case management or care coordination system to be available as needed; and

161 (5) An electronic system or database to coordinate and monitor the services provided
162 which are integrated into the web-based electronic patient health record.

163 7. Starting July 1, 2009, and for three years thereafter, the subcommittee shall provide
164 to the governor, lieutenant governor and the general assembly a yearly report that provides an
165 update on progress made by the subcommittee toward implementing the comprehensive entry
166 point system.

167 8. The provisions of section 23.253 shall not apply to sections 208.950 to 208.955.

 210.101. 1. There is hereby established the "Missouri Children's Services Commission",
2 which shall be composed of the following members:

3 (1) The director or [deputy director of the department of labor and industrial relations
4 and the director or deputy director of each state agency, department, division, or other entity
5 which provides services or programs for children, including, but not limited to, the department
6 of mental health, the department of elementary and secondary education, the department of social
7 services, the department of public safety and the department of health and senior services] **the**
8 **director's designee of the following departments: corrections, elementary and secondary**
9 **education, higher education, health and senior services, labor and industrial relations,**
10 **mental health, public safety, and social services;**

11 (2) One judge of a **family or** juvenile court, who shall be appointed by the chief justice
12 of the supreme court;

13 (3) [One judge of a family court, who shall be appointed by the chief justice of the
14 supreme court;

15 (4) Four] **Two** members, [two] **one** from each political party, of the house of
16 representatives, who shall be appointed by the speaker of the house of representatives;

17 [(5) Four] **(4) Two** members, [two] **one** from each political party, of the senate, who
18 shall be appointed by the president pro tempore of the senate [.] ;

19 All members shall serve for as long as they hold the position which made them eligible for
20 appointment to the Missouri children's services commission under this subsection. All members
21 shall serve without compensation but may be reimbursed for all actual and necessary expenses
22 incurred in the performance of their official duties for the commission.

23 2. All meetings of the Missouri children's services commission shall be open to the
24 public and shall, for all purposes, be deemed open public meetings under the provisions of
25 sections 610.010 to 610.030. The Missouri children's services commission shall meet no less
26 than once every two months[, and shall hold its first meeting no later than sixty days after
27 September 28, 1983]. Notice of all meetings of the commission shall be given to the general
28 assembly in the same manner required for notifying the general public of meetings of the general
29 assembly.

30 3. The Missouri children's services commission may make all rules it deems necessary
31 to enable it to conduct its meetings, elect its officers, and set the terms and duties of its officers.

32 4. The commission shall elect from amongst its members a chairman, vice chairman, a
33 secretary-reporter, and such other officers as it deems necessary.

34 5. The services of the personnel of any agency from which the director or deputy director
35 is a member of the commission shall be made available to the commission at the discretion of
36 such director or deputy director. All meetings of the commission shall be held in the state of
37 Missouri.

38 6. The officers of the commission may hire an executive director. Funding for the
39 executive director may be provided from the Missouri children's services commission fund or
40 other sources provided by law.

41 7. The commission, by majority vote, may invite individuals representing local and
42 federal agencies or private organizations and the general public to serve as ex officio members
43 of the commission. Such individuals shall not have a vote in commission business and shall
44 serve without compensation but may be reimbursed for all actual and necessary expenses
45 incurred in the performance of their official duties for the commission.

**210.105. 1. There is hereby created the "Missouri Task Force on Prematurity and
2 Infant Mortality" within the children's services commission to consist of the following
3 eighteen members:**

- 4 **(1) The following six members of the general assembly:**
5 **(a) Three members of the house of representatives, with two members to be**
6 **appointed by the speaker of the house and one member to be appointed by the minority**
7 **leader of the house;**
8 **(b) Three members of the senate, with two members to be appointed by the**
9 **president pro tem of the senate and one member to be appointed by the minority leader of**
10 **the senate;**
11 **(2) The director of the department of health and senior services, or the director's**
12 **designee;**
13 **(3) The director of the department of social services, or the director's designee;**
14 **(4) The director of the department of insurance, financial institutions and**
15 **professional registration, or the director's designee;**
16 **(5) One member representing a not-for-profit organization specializing in**
17 **prematurity and infant mortality;**
18 **(6) Two members who shall be either a physician or nurse practitioner specializing**
19 **in obstetrics and gynecology, family medicine, pediatrics or perinatology;**
20 **(7) Two consumer representatives who are parents of individuals born**
21 **prematurely, including one parent of an individual under the age of eighteen;**
22 **(8) Two members representing insurance providers in the state;**
23 **(9) One small business advocate; and**
24 **(10) One member of the small business regulatory fairness board.**

25

26 **Members of the task force, other than the legislative members and directors of state**
27 **agencies, shall be appointed by the governor with the advice and consent of the senate by**
28 **September 15, 2011.**

29 **2. A majority of a quorum from among the task force membership shall elect a**
30 **chair and vice-chair of the task force.**

31 **3. A majority vote of a quorum of the task force is required for any action.**

32 **4. The chairperson of the children's services commission shall convene the initial**
33 **meeting of the task force by no later than October 15, 2011. The task force shall meet at**
34 **least quarterly; except that the task force shall meet at least twice prior to the end of 2011.**
35 **Meetings may be held by telephone or video conference at the discretion of the chair.**

36 **5. Members shall serve on the commission without compensation, but may, subject**
37 **to appropriation, be reimbursed for actual and necessary expenses incurred in the**
38 **performance of their official duties as members of the task force.**

39 **6. The goal of the task force is to seek evidence-based and cost-effective approaches**
40 **to reduce Missouri's preterm birth and infant mortality rates.**

41 **7. The task force shall:**

- 42 **(1) Submit findings to the general assembly;**
43 **(2) Review appropriate and relevant evidence-based research regarding the causes**
44 **and effects of prematurity and birth defects in Missouri;**
45 **(3) Examine existing public and private entities currently associated with the**
46 **prevention and treatment of prematurity and infant mortality in Missouri;**
47 **(4) Develop cost-effective strategies to reduce prematurity and infant mortality; and**
48 **(5) Issue findings and propose to the appropriate public and private organizations**
49 **goals, objectives, strategies, and tactics designed to reduce prematurity and infant**
50 **mortality in Missouri, including recommendations on public policy for consideration**
51 **during the next appropriate session of the general assembly.**
- 52 **8. On or before December 31, 2013, the task force shall submit a report on their**
53 **findings to the governor and general assembly. The report shall include any dissenting**
54 **opinions in addition to any majority opinions.**
- 55 **9. The task force shall expire on January 1, 2015, or upon submission of a report**
56 **under subsection 8 of this section, whichever is earlier.**

260.372. 1. The Missouri hazardous waste management commission within the Missouri
2 department of natural resources is hereby given the authority to aid in the promotion of
3 hazardous waste recycling, reuse, or reduction by entering into contracts, subject to
4 appropriations, for the development and implementation of projects dealing with said uses of
5 hazardous wastes or the purchase and development of machinery, equipment, appliances,
6 devices, and supplies solely required to develop and operate hazardous waste recycling, reuse,
7 and reduction projects.

8 2. The hazardous waste management commission within the Missouri department of
9 natural resources shall promulgate rules and regulations to establish or participate in one or more
10 regional waste exchange clearing houses where generators of wastes may list those wastes that
11 have market value or other use.

12 **3. The hazardous waste management commission within the Missouri department**
13 **of natural resources shall act in an advisory capacity to Missouri's member on the midwest**
14 **low-level radioactive waste compact commission, review activities of the midwest low-level**
15 **radioactive waste compact commission and midwest interstate radioactive waste compact**
16 **states, and present recommendations in writing to the governor and the general assembly**
17 **as requested or as necessary to insure adequate exchange of information.**

260.705. Unless the context clearly requires otherwise, the following words and phrases
2 mean:

- 3 (1) ["Advisory committee", the low-level radioactive waste compact advisory committee;
4 (2)] "Care", the continued observation of a facility after closure for the purposes of
5 detecting a need for maintenance, insuring environmental safety, and determining compliance

6 with applicable licensure and regulatory requirements and including the correction of problems
7 which are detected as a result of that observation;

8 [(3)] (2) "Clean-up", all actions necessary to contain, collect, control, identify, analyze,
9 treat, disperse, remove, or dispose of low-level radioactive waste;

10 [(4)] (3) "Closure", measures which must be taken by a facility owner or operator when
11 he determines that the facility shall no longer accept low-level radioactive waste;

12 [(5)] (4) "Commission", the midwest interstate low-level radioactive waste commission;

13 [(6)] (5) "Decommissioning", the measures taken at the end of a facility's operating life
14 to assure the continued protection of the public from any residual radioactivity or other potential
15 hazards present at a facility;

16 [(7)] (6) "Facility", a parcel of land or site, together with the structures, equipment and
17 improvements on or appurtenant to the land or site, which is used or is being developed for the
18 treatment, storage or disposal of low-level radioactive waste;

19 [(8)] (7) "Host state", any state which is designated by the commission to host a regional
20 facility;

21 [(9)] (8) "Low-level radioactive waste" or "waste", radioactive waste not classified as
22 high-level radioactive waste, transuranic waste, spent nuclear fuel or by-product material as
23 defined in Section 11(e)(2) of the Atomic Energy Act of 1954;

24 [(10)] (9) "Midwest low-level radioactive waste compact", the midwest interstate
25 compact on low-level radioactive waste as enacted by the Missouri general assembly;

26 [(11)] (10) "Radioactive release", the emission, discharge, spillage, leakage, pumping,
27 pouring, emptying or dumping of low-level radioactive waste into the biosphere which exceeds
28 state or federal standards;

29 [(12)] (11) "Region", the area of the party states to the midwest low-level radioactive
30 waste compact;

31 [(13)] (12) "Regional facility", a facility which is located within the region and which
32 is established by a party state pursuant to designation of that state as a host state by the
33 commission; and

34 [(14)] (13) "Site", the geographic location of a facility.

260.720. 1. The governor shall appoint one member and one alternate member to
2 represent Missouri's interests on the midwest low-level radioactive waste compact commission.
3 Such appointment shall be with the advice and consent of the senate, as provided in section 51
4 of article IV of the Constitution of Missouri. The state's member on the commission, or the
5 alternate, shall be entitled to reimbursement for expenses necessarily incurred in the discharge
6 of his official duties plus, if not an employee of the state, fifty dollars for each day devoted to the
7 affairs of the commission.

8 2. Missouri's member on the commission shall [also serve on the advisory committee
9 created by section 260.725, and] report activities of the commission to the [advisory committee]
10 **hazardous waste management commission**, governor and general assembly as requested.

260.735. 1. In the event Missouri is designated by the commission to be a host state for
2 a regional low-level radioactive waste disposal facility, the director of the department of natural
3 resources shall, within seven days, report to the governor, the legislature and the [advisory
4 committee] **hazardous waste management commission** with recommendations for further
5 action.

6 2. If Missouri is designated as the host state for a regional disposal facility, the governor
7 shall provide notification of withdrawal, pursuant to Article VIII(i) of the Midwest Interstate
8 Low-Level Radioactive Waste Compact, unless that designation is approved by the general
9 assembly by a concurrent resolution; provided however, that if the general assembly, having had
10 the opportunity to consider the issue of whether or not to remain in the compact, for a period of
11 not less than sixty days within the ninety-day period immediately following such designation,
12 fails to render a concurrent resolution approving such designation or a concurrent resolution
13 calling for Missouri to withdraw from the compact, the governor need not provide such
14 notification of withdrawal.

286.001. As used in this chapter, unless the context clearly states otherwise, the
2 following terms mean:

3 (1) "Commission", the labor and industrial relations commission;

4 (2) ["Council", the governor's council on disability;

5 (3)] "Department", the department of labor and industrial relations;

6 [(4)] (3) "Director", the director of the department of labor and industrial relations;

7 [(5)] (4) "Division", the divisions of employment security, labor standards and workers'
8 compensation; and

9 [(6)] (5) "Division heads", the division directors for each of the divisions.

286.005. 1. There is hereby created a "Department of Labor and Industrial Relations"
2 to be headed by a labor and industrial relations commission as provided by section 49, article IV,
3 Constitution of Missouri. All the powers, duties and functions of the industrial commission are
4 transferred by type I transfer to the labor and industrial relations commission and the industrial
5 commission is abolished. The commission shall nominate and the governor shall appoint, with
6 the advice and consent of the senate, the director of the department to be the chief administrative
7 officer of the department. Members of the industrial commission on May 2, 1974, shall become
8 members of the commission and the terms of the commission members shall be the same as
9 provided by law for the industrial commission. Individuals appointed as members of the
10 industrial commission shall serve the remainder of the term to which they were appointed as
11 members of the commission. The members of the commission shall receive an annual salary of
12 seventy-two thousand seven hundred thirty-five dollars plus any salary adjustment provided

13 pursuant to section 105.005 payable out of the state treasury. The board of rehabilitation is
14 abolished as hereinafter set out and on May 2, 1974, no compensation shall be paid to any person
15 as a member of the board of rehabilitation, other provisions of the law notwithstanding. The
16 director of the department shall appoint other division heads in the department. For the purposes
17 of subsections 6, 7, 8 and 9 of section 1 of the reorganization act of 1974, the director of the
18 department shall be construed as the head of the department of labor and industrial relations.

19 2. All powers, duties, and functions vested by law in the division of employment
20 security, chapter 288, and others, are transferred by type II transfer to the department.

21 3. All powers, duties, and functions vested by law in the division of workers'
22 compensation, chapter 287, and others, are transferred by type II transfer to the department.

23 4. All the powers, duties, and functions of the board of rehabilitation, chapter 287, and
24 others, are transferred by type I transfer to the division of workers' compensation of the
25 department and the board of rehabilitation is abolished.

26 5. All powers, duties and functions vested by law in the division of industrial inspections
27 and the division of mine inspections, chapters 286, 290, 291, 292, 293, 294 and 444, which were
28 previously transferred by type I transfer to the inspection section of the department, are
29 transferred to the division of labor standards of the department. Employees of the division
30 performing duties related to the mine safety and health act and the occupational safety health act
31 shall be selected in accord with chapter 36.

32 6. All the powers, duties, and functions vested by law in the state board of mediation
33 under chapter 295, and others, are transferred by type II transfer to the department.

34 7. All employees of the division of employment security shall be selected in accord with
35 chapter 36.

36 8. The Missouri commission on human rights, and all the authority, powers, duties,
37 functions, records, personnel, property, matters pending and other pertinent vestiges thereof
38 vested in the Missouri commission on human rights under chapters 213, 296, 314, and others,
39 are transferred by type III transfer to the department. Members of the Missouri commission on
40 human rights shall be nominated by the director for appointment by the governor, by and with
41 the advice and consent of the senate.

42 [9. The department shall act as the administrative entity for the governor's council on
43 disability. The federal and state funds necessary for the administration and implementation of
44 the programs and services provided by the governor's council on disability shall be appropriated
45 through the department.]

304.028. 1. There is hereby created in the state treasury for use by the [Missouri Head
2 Injury Advisory Council] **department of health and senior services** a fund to be known as the
3 "[Head] **Brain** Injury Fund". All judgments collected pursuant to this section, federal grants,
4 private donations and any other moneys designated for the [head] **brain** injury fund shall be
5 deposited in the fund. Moneys deposited in the fund shall, upon appropriation by the general

6 assembly to the [office of administration] **department of health and senior services**, be
7 received and expended by the [council] **department** for the purpose of transition and integration
8 of medical, social and educational services or activities for purposes of outreach and [short-term]
9 supports to enable individuals with traumatic [head] **brain** injury and their families to live in the
10 community[, including counseling and mentoring the families]. Notwithstanding the provisions
11 of section 33.080 to the contrary, any unexpended balance in the [head] **brain** injury fund at the
12 end of any biennium shall not be transferred to the general revenue fund.

13 2. In all criminal cases including violations of any county ordinance or any violation of
14 criminal or traffic laws of this state, including an infraction, there shall be assessed as costs a
15 surcharge in the amount of two dollars. No such surcharge shall be collected in any proceeding
16 involving a violation of an ordinance or state law when the proceeding or defendant has been
17 dismissed by the court or when costs are to be paid by the state, county or municipality.

18 3. Such surcharge shall be collected and distributed by the clerk of the court as provided
19 in sections 488.010 to 488.020. The surcharge collected pursuant to this section shall be paid
20 to the state treasury to the credit of the [head] **brain** injury fund established in this section.

320.094. 1. The state treasurer shall annually transfer an amount prescribed in
2 subsection 2 of this section out of the state revenues derived from premium taxes levied on
3 insurance companies pursuant to sections 148.310 to 148.461 which are deposited by the director
4 of revenue in the general revenue fund pursuant to section 148.330 in a fund hereby created in
5 the state treasury, to be known as the "Fire Education Fund". Any interest earned from
6 investment of moneys in the fund, and all moneys received from gifts, grants, or other moneys
7 appropriated by the general assembly, shall be credited to the fund. The state treasurer shall
8 administer the fund, and the moneys in such fund shall be used solely as prescribed in this
9 section. Notwithstanding the provisions of section 33.080 to the contrary, moneys in the fire
10 education fund at the end of any biennium shall not be transferred to the credit of the general
11 revenue fund.

12 2. Beginning July 1, 1998, three percent of the amount of premium taxes collected in the
13 immediately preceding fiscal year pursuant to sections 148.310 to 148.461 which are deposited
14 in the general revenue fund that exceeds the amount of premium taxes which were deposited in
15 the general revenue fund in the 1997 fiscal year shall be transferred from the general revenue
16 fund to the credit of the fire education fund. At the end of each fiscal year, the commissioner of
17 administration shall determine the amount transferred to the credit of the fire education fund in
18 each fiscal year by computing the premium taxes deposited in the general revenue fund in the
19 prior fiscal year and comparing such amount to the amount of premium taxes deposited in the
20 general revenue fund in the 1997 fiscal year. An amount equal to three percent of the increase
21 computed pursuant to this section shall be transferred by the state treasurer to the credit of the
22 fire education fund; however, such transfer in any fiscal year shall not exceed one million five
23 hundred thousand dollars.

24 3. There is hereby established a special trust fund, to be known as the "Missouri Fire
25 Education Trust Fund", which shall consist of all moneys collected per subsection 2 of this
26 section transferred to the fund from the fire education fund pursuant to this subsection, any
27 earnings resulting from the investment of moneys in the fund, and all moneys received from
28 gifts, grants, or other moneys appropriated by the general assembly. Each fiscal year, an amount
29 equal to forty percent of the moneys transferred to the fire education fund collected pursuant to
30 subsection 2 of this section shall be transferred by the state treasurer to the credit of the Missouri
31 fire education trust fund. The fund shall be administered by [a board of trustees, consisting of
32 the state treasurer, two members of the senate appointed by the president pro tem of the senate,
33 two members of the house of representatives appointed by the speaker of the house, and two
34 members appointed by the governor with the advice and consent of the senate. Any member
35 appointed due to such person's membership in the senate or house of representatives shall serve
36 only as long as such person holds the office referenced in this section. The state treasurer shall
37 invest moneys in the fund in a manner as provided by law] **the Missouri fire safety**
38 **education/advisory commission**. Subject to appropriations, moneys in the fund shall be used
39 solely for the purposes described in this section[, but such appropriations shall be made only if
40 the board recommends to the general assembly that such moneys are needed in that fiscal year
41 to adequately fund the activities described in this section]. Moneys shall accumulate in the trust
42 fund until the earnings from investment of moneys in the fund can adequately support the
43 activities described in this section, as determined by the [board] **commission**. [At such time, the
44 board may recommend that the general assembly adjust or eliminate the funding mechanism
45 described in this section.] Notwithstanding the provisions of section 33.080 to the contrary,
46 moneys in the Missouri fire education trust fund at the end of any biennium shall not be
47 transferred to the credit of the general revenue fund.

48 4. The moneys in the fire education fund[, after any distribution pursuant to subsection
49 3 of this section,] shall be appropriated to the division of fire safety to coordinate education
50 needs in cooperation with community colleges, colleges, regional training facilities, fire and
51 emergency services training entities and universities of this state and shall provide training and
52 continuing education to firefighters in this state relating to fire department operations and the
53 personal safety of firefighters while performing fire department activities. Programs and
54 activities funded under this subsection [must] **shall** be approved by the Missouri fire **safety**
55 **education advisory** commission established in subsection 5 of this section. These funds shall
56 primarily be used to provide field education throughout the state, with not more than two percent
57 of funds under this subsection expended on administrative costs.

58 5. There is established the "Missouri Fire **Safety Education/Advisory Commission**", to
59 be domiciled in the division of fire safety within the department of public safety. The
60 commission shall be composed of [five] **nine** members appointed by the governor with the
61 advice and consent of the senate, consisting of [one firefighter] **two firefighters, with one**

62 serving as a volunteer of a [volunteer fire protection association,] **recognized fire department**
63 **and one serving as a** full-time firefighter employed by a recognized fire department [or fire
64 protection district, one firefighter training officer] , **two members shall be fire service training**
65 **officers, one member shall be a person with expertise in fire investigation, one member**
66 **shall be an insurer licensed to provide insurance coverage for losses due to fire, one**
67 **member who provides fire safety appliances or equipment, one [person] member who is**
68 serving as the chief of a **recognized** volunteer fire [protection association] **department**, and one
69 **member serving as the full-time** chief [fire officer from] **of** a recognized **paid** fire department
70 [or fire protection district]. No more than [three] **five** members appointed by the governor shall
71 be of the same political party. The terms of office for the members appointed by the governor
72 shall be four years and until their successors are selected and qualified, except that, of those first
73 appointed, two shall have a term of four years, two shall have a term of three years and one shall
74 have a term of two years. There is no limitation on the number of terms an appointed member
75 may serve. The governor may appoint a member for the remaining portion of the unexpired term
76 created by a vacancy. The governor may remove any appointed member for cause. The
77 members shall at their initial meeting select a chair. All members of the commission shall serve
78 without compensation for their duties, but shall be reimbursed for necessary travel and other
79 expenses incurred in the performance of their official duties. The commission shall meet at least
80 quarterly at the call of the chair and shall review and determine appropriate programs and
81 activities for which funds may be expended under subsection 4 of this section.

320.205. [1.] The governor, with the advice and consent of the senate, shall appoint a
2 full-time state fire marshal, who shall be the head of the division of fire safety. The state fire
3 marshal shall administer and enforce the provisions of sections 320.200 to 320.270. The state
4 fire marshal shall be a citizen of the United States, shall be a person of good moral character, and
5 a resident taxpayer of Missouri at the time of his appointment. The state fire marshal must have
6 had a minimum of ten years' experience in some phase of fire protection, fire prevention, or fire
7 investigation, which may include experience with any state, municipal, military, or industrial fire
8 protection agency. [He] **The state fire marshal** shall possess administrative ability and
9 experience [and] , be able to obtain facts in connection with the duties of [his] **the** office by field
10 investigations, and **be able** to accurately report [his] findings.

11 [2. There is hereby established within the department of public safety the "Missouri Fire
12 Safety Advisory Board", which shall be composed of six members appointed by the governor,
13 by and with the advice and consent of the senate, from a list of qualified candidates submitted
14 to the governor by the director of the department of public safety. It shall be the duty of the
15 Missouri fire safety advisory board to advise the fire marshal on all matters pertaining to the
16 responsibilities of the fire marshal and the division. All members of the Missouri fire safety
17 advisory board shall be qualified voters of Missouri at the time of their appointment, shall
18 receive no compensation for their services, and shall be reimbursed for their actual and necessary

19 expenses incurred in the performance of their official duties. Of the members appointed to the
20 Missouri fire safety advisory board, one shall be a chief of a fire department located within this
21 state, one shall be a firefighter, one shall be a person with expertise in the investigation of arson,
22 one shall be an instructor in a firefighting training program, one shall be a person who provides
23 fire safety appliances and equipment, and one shall be an insurer duly licensed to provide
24 insurance coverage for losses due to fire.]

324.1100. As used in sections 324.1100 to 324.1148, the following terms mean:

- 2 (1) "Board", the board of private investigator **and private fire investigator** examiners
3 established in section 324.1102;
- 4 (2) "Client", any person who engages the services of a private investigator **or a private**
5 **fire investigator**;
- 6 (3) "Department", the department of insurance, financial institutions and professional
7 registration;
- 8 (4) "Director", the director of the division of professional registration;
- 9 (5) "Division", the division of professional registration;
- 10 (6) **"Insurance adjuster", any person who receives any consideration, either**
11 **directly or indirectly, for adjusting in the disposal of any claim under or in connection with**
12 **a policy of insurance or engaging in soliciting insurance adjustment business**;
- 13 (7) "Law enforcement officer", a law enforcement officer as defined in section 556.061;
- 14 [(7)] (8) "Organization", a corporation, trust, estate, partnership, cooperative, or
15 association;
- 16 [(8)] (9) "Person", an individual or organization;
- 17 [(9)] (10) **"Principal place of business", the place where the licensee maintains a**
18 **permanent office, which may be a residence or business address**;
- 19 (11) **"Private fire investigation", the furnishing of, making of, or agreeing to make**
20 **any investigation of a fire to determine the origin or cause of such fire, or responsibility for**
21 **such fire**;
- 22 (12) **"Private fire investigator", any person who receives any consideration, either**
23 **directly or indirectly, for engaging in private fire investigation**;
- 24 (13) **"Private fire investigator agency", a person or firm that employs any person**
25 **to engage in private fire investigations**;
- 26 (14) "Private investigator", any person who receives any consideration, either directly
27 or indirectly, for engaging in the private investigator business;
- 28 [(10)] (15) "Private investigator agency", a person who regularly employs any other
29 person, other than an organization, to engage in the private investigator business;
- 30 [(11)] (16) "Private investigator business", the furnishing of, making of, or agreeing to
31 make, any investigation for the purpose of obtaining information pertaining to:

- 32 (a) Crimes or wrongs done or threatened against the United States or any state or territory
33 of the United States;
- 34 (b) The identity, habits, conduct, business, occupation, honesty, integrity, credibility,
35 knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations,
36 associations, transactions, acts, reputation, or character of any person;
- 37 (c) The location, disposition, or recovery of lost or stolen property;
- 38 (d) Securing evidence to be used before any court, board, officer, or investigating
39 committee;
- 40 (e) Sale of personal identification information to the public; or
- 41 (f) The cause of responsibility for libel, losses, accident, or damage or injury to persons
42 or property or protection of life or property.

324.1102. 1. The "Board of Private Investigator **and Private Fire Investigator**
2 Examiners" is hereby created within the division of professional registration. The board shall
3 be a body corporate and may sue and be sued. **The board shall guide, advise, and make**
4 **recommendations to the division and fulfill all other responsibilities designated by sections**
5 **324.1100 to 324.1148. The duties and responsibilities of the board with regard to private**
6 **fire investigators shall not take full force and effect until such time as the governor**
7 **appoints the fire investigator members and the appointments are confirmed by the senate.**
8 **Members serving on the board of private investigator examiners on August 28, 2011, shall**
9 **continue to serve on the board, fulfill the term they were previously appointed for, and be**
10 **eligible for reappointment.**

11 2. **Upon appointment by the governor and confirmation by the senate of the private**
12 **fire investigator members, the board of private investigator examiners and the board of**
13 **licensed private fire investigator examiners are abolished and their duties and**
14 **responsibilities shall merge into the board of private investigator and private fire**
15 **investigator examiners as established pursuant to this section. The board shall be a**
16 **continuance of and shall carry out the powers, duties, and functions of the board of private**
17 **investigator examiners and the board of licensed private fire investigator examiners.**

18 3. **Every act performed in the exercise of such powers, duties, and authorities by**
19 **or under the authority of the board of private investigator and private fire investigator**
20 **examiners shall be deemed to have the same force and effect as if performed by the board**
21 **of private investigator examiners or the board of licensed private fire investigator**
22 **examiners.**

23 4. **All rules and regulations of the board of private investigator examiners shall**
24 **continue to be effective and shall be deemed to be duly adopted rules and regulations of the**
25 **board of private investigator and private fire investigator examiners until revised,**
26 **amended, or repealed by the board. The board shall review such rules and regulations and**

27 shall adopt new rules and regulations as required for the administration of sections
28 324.1100 to 324.1148.

29 **5. Any person licensed by the board of private investigator examiners prior to the**
30 **appointment by the governor and confirmation by the senate of the private fire investigator**
31 **members of the board shall be considered licensed by the board.**

32 **6.** The board shall be composed of [five] **seven** members,[including] **three members**
33 **who have been actively engaged in the private investigator business for the previous five**
34 **years, two members who have been actively engaged in private fire investigation for the**
35 **previous five years, and** two public members, appointed by the governor with the advice and
36 consent of the senate. [Except for the public members,] Each member of the board shall be a
37 citizen of the United States, a resident of Missouri for at least one year, **and** a registered voter[,
38 at least thirty years of age, and shall have been actively engaged in the private investigator
39 business for the previous five years]. No more than one private investigator **or fire investigator**
40 board member may be employed by, or affiliated with, the same private investigator agency **or**
41 **fire investigator agency.** The initial [private] **fire** investigator board members shall not be
42 required to be licensed but shall obtain a license within one hundred eighty days after the
43 effective date of the rules [promulgated under sections 324.1100 to 324.1148] regarding **the**
44 **licensure of private fire investigators.** The public members shall each be [a citizen of the
45 United States, a resident of Missouri, a registered voter and] a person who is not and never was
46 a member of any profession licensed or regulated under sections 324.1100 to 324.1148 or the
47 spouse of such person; and a person who does not have and never has had a material, financial
48 interest in either the providing of the professional services regulated by sections 324.1100 to
49 324.1148, or an activity or organization directly related to any profession licensed or regulated
50 under sections 324.1100 to 324.1148. [The duties of the public members shall not include the
51 determination of the technical requirements to be met for licensure or whether any person meets
52 such technical requirements or of the technical competence or technical judgment of a licensee
53 or a candidate for licensure.]

54 [3.] **7.** The members shall be appointed for terms of five years, except [those] **of the** first
55 **two members** appointed **who are fire investigators,** [in which case two members, who shall
56 be private investigators,] **one member** shall be appointed for [terms] **a term** of [four] **five** years[,
57 two members] **and one member** shall be appointed for [terms] **a term** of three years[, and one
58 member shall be appointed for a one-year term]. Any vacancy on the board shall be filled for
59 the unexpired term of the member [and in the manner as the first appointment].

60 [4.] **8.** The members of the board may receive compensation, as determined by the
61 director for their services, if appropriate, and shall be reimbursed for actual and necessary
62 expenses incurred in performing their official duties on the board.

63 [5. There is hereby created in the state treasury]

64 **9. All money held in the board of private investigator examiners fund shall be**
65 **transferred to the "Board of Private Investigator and Private Fire Investigator Examiners**
66 **Fund" which is hereby created.** The "Board of Private Investigator **and Private Fire**
67 **Investigator** Examiners Fund"[, which] shall consist of money collected under sections
68 324.1100 to 324.1148. The state treasurer shall be custodian of the fund and may approve
69 disbursements from the fund in accordance with the provisions of sections 30.170 and 30.180.
70 Upon appropriation, money in the fund shall be used solely for the administration of sections
71 324.1100 to 324.1148. The provisions of section 33.080 to the contrary notwithstanding, money
72 in this fund shall not be transferred and placed to the credit of general revenue until the amount
73 in the fund at the end of the biennium exceeds two times the amount of the appropriation from
74 the board's funds for the preceding fiscal year or, if the board requires by rule permit renewal less
75 frequently than yearly, then three times the appropriation from the board's funds for the preceding
76 fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which
77 exceeds the appropriate multiple of the appropriations from the board's funds for the preceding
78 fiscal year.

 324.1103. For the purposes of sections 324.1100 to 324.1148, the division shall:

- 2 (1) Employ board personnel, within the limits of the appropriations for that purpose as
3 established in sections 324.1100 to 324.1148;
- 4 (2) Exercise all administrative functions;
- 5 (3) Deposit all fees collected under sections 324.1100 to 324.1148 by transmitting such
6 funds to the department of revenue for deposit in the state treasury to the credit of the board of
7 private investigator **and private fire investigator** examiners fund.

 324.1104. Unless expressly exempted from the provisions of sections 324.1100 to
2 324.1148:

- 3 (1) It shall be unlawful for any person to engage in the private investigator business **or**
4 **carry out a private fire investigation** in this state unless such person is licensed as a private
5 investigator **or private fire investigator** under sections 324.1100 to 324.1148;
- 6 (2) It shall be unlawful for any person to engage in business in this state as a private
7 investigator agency **or private fire investigator agency** unless such person is licensed under
8 sections 324.1100 to 324.1148.

 324.1106. The following persons shall not be deemed to be engaging in the private
2 investigator business:

- 3 (1) A person employed exclusively and regularly by one employer in connection only
4 with the affairs of such employer and where there exists an employer-employee relationship;
- 5 (2) Any officer or employee of the United States, or of this state or a political subdivision
6 thereof while engaged in the performance of the officer's or employee's official duties;

- 7 (3) Any employee, agent, or independent contractor employed by any government
8 agency, division, or department of the state whose work relationship is established by a written
9 contract while working within the scope of employment established under such contract;
- 10 (4) An attorney performing duties as an attorney, or an attorney's paralegal or employee
11 retained by such attorney assisting in the performance of such duties or investigation on behalf
12 of such attorney;
- 13 (5) A certified public accountant performing duties as a certified public accountant who
14 holds an active license issued by any state and the employees of such certified public accountant
15 or certified public accounting firm assisting in the performance of duties or investigation on
16 behalf of such certified public accountant or certified public accounting firm;
- 17 (6) A collection agency or an employee thereof while acting within the scope of
18 employment, while making an investigation incidental to the business of the agency, including
19 an investigation of the location of a debtor or a debtor's property where the contract with an
20 assignor creditor is for the collection of claims owed or due, or asserted to be owed or due, or
21 the equivalent thereof;
- 22 (7) Insurers and insurance producers licensed by the state, performing duties in
23 connection with insurance transacted by them;
- 24 (8) Any bank subject to the jurisdiction of the director of the division of finance of the
25 state of Missouri or the comptroller of currency of the United States;
- 26 (9) An insurance adjuster. [For the purposes of sections 324.1100 to 324.1148, an
27 "insurance adjuster" means any person who receives any consideration, either directly or
28 indirectly, for adjusting in the disposal of any claim under or in connection with a policy of
29 insurance or engaging in soliciting insurance adjustment business];
- 30 (10) Any private fire investigator whose primary purpose of employment is the
31 determination of the origin, nature, cause, or calculation of losses relevant to a fire;
- 32 (11) Employees of an organization, whether for-profit or not-for-profit, or its affiliate
33 or subsidiary, whether for-profit or not-for-profit, whose investigatory activities are limited to
34 making and processing requests for criminal history records and other background information
35 from state, federal, or local databases, including requests for employee background check
36 information under section 660.317;
- 37 (12) Any real estate broker, real estate salesperson, or real estate appraiser acting within
38 the scope of his or her license;
- 39 (13) Expert witnesses who have been certified or accredited by a national or state
40 association associated with the expert's scope of expertise;
- 41 (14) Any person who does not hold themselves out to the public as a private investigator
42 and is exclusively employed by or under exclusive contract with a state agency or political
43 subdivision;

44 (15) Any person performing duties or activities relating to serving legal process when
45 such person's duties or activities are incidental to the serving of legal process; or

46 (16) A consumer reporting agency as defined in 15 U.S.C. Section 1681a and its contract
47 and salaried employees.

**324.1107. The following persons or organizations shall not be deemed to be
2 engaging in private fire investigation:**

3 (1) Any officer or employee of the United States, this state, or a political subdivision
4 of this state, or an entity organized under section 320.300 while engaged in the
5 performance of the officer's or employee's official duties;

6 (2) An attorney performing duties as an attorney;

7 (3) An investigator who is an employee of an insurance company;

8 (4) Insurers and insurance producers licensed by the state, performing duties in
9 connection with insurance transacted by them;

10 (5) An insurance adjuster;

11 (6) An investigator employed by and under the supervision of a licensed attorney
12 while acting within the scope of employment who does not represent himself or herself to
13 be a licensed private fire investigator; or

14 (7) An individual certified by the division of fire safety as a fire instructor while
15 providing instruction, except if the individual conducts an on-site investigation within the
16 course of instruction.

324.1108. 1. Every person desiring to be licensed in this state as a private investigator
2 [or], private investigator agency, **private fire investigator, or private fire investigator agency**
3 shall make application therefor to the board [of private investigator examiner]. An application
4 for a license under the provisions of sections 324.1100 to 324.1148 shall be on a form prescribed
5 by the board [of private investigator examiners] and accompanied by the required application fee.
6 An application shall be verified and shall include:

7 (1) The full name and business address of the applicant;

8 (2) The name under which the applicant intends to conduct business;

9 (3) A statement as to the general nature of the business in which the applicant intends
10 to engage;

11 (4) A statement as to the classification or classifications under which the applicant
12 desires to be qualified;

13 (5) Two recent photographs of the applicant, of a type prescribed by the board [of private
14 investigator examiners], and two classifiable sets of the applicant's fingerprints processed in a
15 manner approved by the Missouri state highway patrol, central repository, under section 43.543;

16 (6) A verified statement of the applicant's experience qualifications; and

17 (7) Such other information, evidence, statements, or documents as may be required by
18 the board [of private investigator examiners].

- 19 2. Before an application for a license may be granted, the applicant shall:
- 20 (1) Be at least twenty-one years of age;
- 21 (2) Be a citizen of the United States;
- 22 (3) Provide proof of liability insurance with amount to be no less than two hundred fifty
- 23 thousand dollars in coverage and proof of workers' compensation insurance if required under
- 24 chapter 287. The board shall have the authority to raise the requirements as deemed necessary;
- 25 and
- 26 (4) Comply with such other qualifications as the board adopts by rules and regulations.

324.1109. 1. The owner of a company seeking any fire investigator agency license shall be licensed as a private fire investigator. The fire investigator agency may hire individuals to work for the agency who shall conduct investigations for such fire investigator agency only. Such individuals shall make application for a license as determined by the board and shall meet all requirements set forth by the board by rule. These individuals shall not be required to meet any experience requirements and shall be allowed to begin work immediately upon approval of the application by the board. Employees shall attend an approved training program within a time to be determined by the board and shall be under the direct supervision of a licensed private fire investigator until all requirements are met.

2. A licensee shall at all times be legally responsible for the good conduct of each of the licensee's employees or agents while engaged in the business of the licensee. A licensee is legally responsible for any acts committed by the licensee and the licensee's employees or agents which are in violation of section 324.1100 to 324.1148. A person receiving an agency license shall directly manage the agency and employees.

3. Each licensee shall maintain a record containing such information relative to the licensee's employees as may be prescribed by the board by rule. Such licensee shall file with the board the complete address of the licensee's principal place of business, including the name and number of the street. The board may require the filing of other information for the purpose of identifying such principal place of business.

324.1110. 1. The board [of private investigator examiners] shall require as a condition of licensure as a private investigator that the applicant pass a written examination as evidence of knowledge of investigator rules and regulations.

(1) In the event requirements have been met so that testing has been waived, qualification shall be dependent on a showing of, for the two previous years:

(a) Registration and good standing as a business in this state; and

(b) Two hundred fifty thousand dollars in business general liability insurance.

(2) The board may review applicants seeking reciprocity. An applicant seeking reciprocity shall have undergone a licensing procedure similar to that required by this state and shall meet this state's minimum insurance requirements.

11 2. **The board shall require as a condition of licensure as a private fire investigator**
12 **that the applicant:**

13 (1) **Provide evidence of active certification as a fire investigator issued by the**
14 **division of fire safety; and**

15 (2) **Provide proof of liability insurance with coverage of at least one million dollars.**

16 3. The board shall conduct a complete investigation of the background of each applicant
17 for licensure as a private investigator **or private fire investigator** to determine whether the
18 applicant is qualified for licensure under sections 324.1100 to 324.1148. The board shall outline
19 basic qualification requirements for licensing as a private investigator, **private investigator**
20 **agency, private fire investigator, and private fire investigator** agency.

21 [3. In the event requirements have been met so that testing has been waived, qualification
22 shall be dependent on a showing of, for the two previous years:

23 (1) Registration and good standing as a business in this state; and

24 (2) Two hundred fifty thousand dollars in business general liability insurance.

25 4. The board may review applicants seeking reciprocity. An applicant seeking
26 reciprocity shall have undergone a licensing procedure similar to that required by this state and
27 shall meet this state's minimum insurance requirements.]

324.1112. 1. The board [of private investigator examiners] may deny a request for a
2 license if the applicant:

3 (1) Has committed any act which, if committed by a licensee, would be grounds for the
4 suspension or revocation of a license under the provisions of sections 324.1100 to 324.1148;

5 (2) Has been convicted of or entered a plea of guilty or nolo contendere to a felony
6 offense, including the receiving of a suspended imposition of sentence following a plea or
7 finding of guilty to a felony offense;

8 (3) Has been convicted of or entered a plea of guilty or nolo contendere to a
9 misdemeanor offense involving moral turpitude, including receiving a suspended imposition of
10 sentence following a plea of guilty to a misdemeanor offense;

11 (4) Has been refused a license under sections 324.1100 to 324.1148 or had a license
12 revoked or denied in this state or any other state;

13 (5) Has falsified or willfully misrepresented information in an employment application,
14 records of evidence, or in testimony under oath;

15 (6) Has been dependent on or abused alcohol or drugs; or

16 (7) Has used, possessed, or trafficked in any illegal substance;

17 (8) [Has been refused a license under the provisions of sections 324.1100 to 324.1148
18 or had a license revoked in this state or in any other state;

19 (9)] While unlicensed, committed or aided and abetted the commission of any act for
20 which a license is required by sections 324.1100 to 324.1148 after August 28, 2007; or

21 [(10)] **(9) Knowingly made any false statement in the application to the board.**

22 2. The board shall consider any evidence of the applicant's rehabilitation when
23 considering a request for licensure.

 324.1114. 1. Every application submitted under the provisions of sections 324.1100 to
2 324.1148 shall be accompanied by a fee as determined by the board.

3 2. The board shall set fees as authorized by sections 324.1100 to 324.1148 at a level to
4 produce revenue which will not substantially exceed the cost and expense of administering
5 sections 324.1100 to 324.1148.

6 3. The fees prescribed by sections 324.1100 to 324.1148 shall be exclusive and
7 notwithstanding any other provision of law. No municipality may require any person licensed
8 under sections 324.1100 to 324.1148 to furnish any bond, pass any examination, or pay any
9 license fee or occupational tax relative to practicing the person's profession.

10 4. A [private investigator] license **issued under sections 324.1100 to 324.1148** shall
11 allow only the individual licensed by the state of Missouri to conduct investigations **as**
12 **designated by the licensure classification**. An agency license shall be applied for separately
13 and held by a person who is licensed as a private investigator **or private fire investigator**. The
14 agency may hire individuals to work for the agency conducting investigations for the agency
15 only. Persons hired shall make application as determined by the board and meet all requirements
16 set forth by the board except that they shall not be required to meet any experience requirements
17 and shall be allowed to begin working immediately upon [the agency submitting their
18 applications] **approval of the application by the board**.

 324.1116. A private investigator agency **or private fire investigator agency** shall not
2 hire any individual as an employee unless the individual:

3 (1) Is at least twenty-one years of age;

4 (2) Provides two recent photographs of themselves, of a type prescribed by the board of
5 private investigator examiners;

6 (3) Has been fingerprinted in a manner approved by the Missouri state highway patrol,
7 central repository, under section 43.543; and

8 (4) Complies with any other qualifications and requirements the board adopts by rule.

 324.1118. A private investigator agency **or private fire investigator agency** shall not
2 hire an individual, who is not licensed as a private investigator **or private fire investigator**, as
3 an employee if the individual:

4 (1) Has committed any act which, if committed by a licensee, would be grounds for the
5 suspension or revocation of a license under the provisions of sections 324.1100 to 324.1148;

6 (2) Within two years prior to the application date:

7 (a) Has been convicted of or entered a plea of guilty or nolo contendere to a felony
8 offense, including the receiving of a suspended imposition of sentence following a plea or
9 finding of guilty to a felony offense;

10 (b) Has been convicted of or entered a plea of guilty or nolo contendere to a
11 misdemeanor offense involving moral turpitude, including receiving a suspended imposition of
12 sentence following a plea of guilty to a misdemeanor offense;

13 (c) Has falsified or willfully misrepresented information in an employment application,
14 records of evidence, or in testimony under oath;

15 (d) Has been dependent on or abused alcohol or drugs; or

16 (e) Has used, possessed, or trafficked in any illegal substance;

17 (3) Has been refused a license under the provisions of sections 324.1100 to 324.1148 or
18 had a license revoked, **denied, or refused** in this state or in any other state;

19 (4) While unlicensed, committed or aided and abetted the commission of any act for
20 which a license is required by sections 324.1100 to 324.1148 after August 28, 2007; or

21 (5) Knowingly made any false statement in the application.

324.1120. An individual, who is not licensed as a private investigator **or private fire**
2 **investigator**, hired as an employee by a private investigator agency **or private fire investigator**
3 **agency** shall work only under the direct supervision of the agency whose identification number
4 appears on their application and shall work only for one agency at any one time.

324.1122. A licensee shall successfully complete sixteen hours of continuing education
2 units biennially. An individual not licensed as a private investigator or private fire investigator
3 who is hired as an employee by a private investigator agency or private fire investigator agency
4 shall successfully complete eight hours of continuing education units biennially. Such
5 continuing education shall be relevant to the private investigator **or private fire investigator**
6 business and shall be approved by the board as such.

324.1124. 1. The division shall determine the form of the license.

2 2. The license shall be posted at all times in a conspicuous place in the principal place
3 of business of the licensee. Upon the issuance of a license, a pocket card of such size, design,
4 and content as determined by the division shall be issued without charge to each licensee. Such
5 card shall be evidence that the licensee is licensed under sections 324.1100 to 324.1148. When
6 any person to whom a card is issued terminates such person's position, office, or association with
7 the licensee, the card shall be surrendered to the licensee and within five days thereafter shall be
8 mailed or delivered by the licensee to the board [of private investigator examiners] for
9 cancellation. Within thirty days after any change of address, a licensee shall notify the board of
10 the address change. The principal place of business may be at a residence or at a business
11 address, but it shall be the place at which the licensee maintains a permanent office.

324.1128. 1. Any licensee may divulge to the board, any law enforcement officer,
2 prosecuting attorney, or such person's representative any information such person may acquire
3 about any criminal offense. The licensee shall not divulge to any other person, except as
4 required by law, any other information acquired by the licensee at the direction of his or her
5 employer or client for whom the information was obtained. A licensee may instruct his or her

6 client to divulge any information to the board, any law enforcement officer, prosecuting attorney,
7 or other such person's representative related to a criminal offense if the client is the victim of the
8 criminal offense.

9 2. No licensee officer, director, partner, associate, or employee thereof shall:

10 (1) Knowingly make any false report to his or her employer or client for whom
11 information was being obtained;

12 (2) Cause any written report to be submitted to a client except by the licensee, and the
13 person submitting the report shall exercise diligence in ascertaining whether or not the facts and
14 information in such report are true and correct;

15 (3) Use a title, wear a uniform, use an insignia or an identification card, or make any
16 statement with the intent to give an impression that such person is connected in any way with the
17 federal government, a state government, or any political subdivision of a state government;

18 (4) Appear as an assignee party in any proceeding involving claim and delivery, replevin
19 or other possessory action, action to foreclose a chattel mortgage, mechanic's lien, materialman's
20 lien, or any other lien;

21 (5) Manufacture false evidence; [or]

22 (6) **Allow anyone other than the individual licensed pursuant to the provisions of**
23 **sections 324.1100 to 324.1148 or otherwise authorized by such sections to conduct an**
24 **investigation;**

25 (7) **Assign or transfer a license issued pursuant to section 324.1100 to 324.1148; or**

26 (8) Create any video recording of an individual in their domicile without the individual's
27 permission. Furthermore, if such video recording is made, it shall not be admissible as evidence
28 in any civil proceeding, **except in a proceeding against such licensee officer, director,**
29 **partner, associate, or employee.**

324.1130. Each licensee shall maintain a record containing such information relative to
2 the licensee's employees as may be prescribed by the board [of private investigator examiners].
3 Such licensee shall file with the board the complete address of the location of the licensee's
4 principal place of business. The board may require the filing of other information for the
5 purpose of identifying such principal place of business.

324.1132. Every advertisement by a licensee soliciting or advertising business shall
2 contain the licensee's name, city, and state as it appears in the records of the board [of private
3 investigator examiners]. No individual or business can advertise as a private investigator, private
4 detective, [or] private investigator agency, **private fire investigator, or private fire**
5 **investigator agency** without including their [state private investigator or private investigator]
6 **individual or** agency license number in the advertisement. A licensee shall not advertise or
7 conduct business from any Missouri address other than that shown on the records of the board
8 as the licensee's principal place of business unless the licensee has received an additional agency
9 license for such location after compliance with the provisions of sections 324.1100 to 324.1148

10 and such additional requirements necessary for the protection of the public as the board may
11 prescribe by regulation. A licensee shall notify the board in writing within ten days after closing
12 or changing the location of a branch office. The fee for the additional license shall be determined
13 by the board.

324.1134. 1. The board may suspend or refuse to **issue or** renew any certificate of
2 registration or authority, permit or license required under sections 324.1100 to 324.1148 for one
3 or any combination of causes stated in subsection 2 of this section. The board shall notify the
4 applicant in writing of the reasons for the suspension or refusal and shall advise the applicant of
5 the applicant's right to file a complaint with the administrative hearing commission as provided
6 by chapter 621. As an alternative to a refusal to issue or renew any certificate, registration or
7 authority, the board may, at its discretion, issue a license which is subject to probation, restriction
8 or limitation to an applicant for licensure for any one or any combination of causes stated in
9 subsection 2 of this section. The board's order of probation, limitation or restriction shall contain
10 a statement of the discipline imposed, the basis therefor, the date such action shall become
11 effective, and a statement that the applicant has thirty days to request in writing a hearing before
12 the administrative hearing commission. If the board issues a probationary, limited or restricted
13 license to an applicant for licensure, either party may file a written petition with the
14 administrative hearing commission within thirty days of the effective date of the probationary,
15 limited or restricted license seeking review of the board's determination. If no written request
16 for a hearing is received by the administrative hearing commission within the thirty-day period,
17 the right to seek review of the board's decision shall be considered as waived.

18 2. The board may cause a complaint to be filed with the administrative hearing
19 commission as provided by chapter 621 against any holder of any certificate of registration or
20 authority, permit or license required by [this chapter] **sections 324.1100 to 324.1148** or any
21 person who has failed to renew or has surrendered the person's certificate of registration or
22 authority, permit or license for any one or any combination of the following causes:

23 (1) Making any false statement or giving any false information or given any false
24 information in connection with an application for a license or a renewal or reinstatement thereof;

25 (2) Violating any provision of sections 324.1100 to 324.1148;

26 (3) Violating any rule of the board of private investigator examiners adopted under the
27 authority contained in sections 324.1100 to 324.1148;

28 (4) Impersonating, or permitting or aiding and abetting an employee to impersonate, a
29 law enforcement officer, **fire safety officer**, or employee of the United States of America, or of
30 any state or political subdivision thereof;

31 (5) Committing, or permitting any employee to commit any act, while the license was
32 expired, which would be cause for the suspension or revocation of a license, or grounds for the
33 denial of an application for a license;

34 (6) Knowingly violating, or advising, encouraging, or assisting the violation of, any court
35 order or injunction in the course of business as a licensee;

36 (7) Using any letterhead, advertisement, or other printed matter, or in any manner
37 whatever represented that such person is an instrumentality of the federal government, a state,
38 or any political subdivision thereof;

39 (8) Using a name different from that under which such person is currently licensed in any
40 advertisement, solicitation, or contract for business;

41 (9) Violating or assisting or enabling any person to violate any provision of this chapter
42 or any lawful rule or regulation adopted pursuant to the authority granted in this chapter; or

43 (10) Committing any act which is grounds for denial of an application for a license under
44 section 324.1112.

45 3. The record of conviction, or a certified copy thereof, shall be conclusive evidence of
46 such conviction, and a plea or verdict of guilty is deemed to be a conviction within the meaning
47 thereof.

48 4. The agency may continue under the direction of another employee if the licensee's
49 license is suspended or revoked by the board. The board shall establish a time frame in which
50 the agency shall identify an acceptable person who is qualified to assume control of the agency,
51 as required by the board.

52 5. After the filing of a complaint before the administrative hearing commission, the
53 proceedings shall be conducted in accordance with the provisions of chapter 621. Upon a finding
54 by the administrative hearing commission that the grounds in subsection 1 of this section for
55 disciplinary action are met, the board may singly or in combination censure or place the person
56 named in the complaint on probation under such terms and conditions as the board deems
57 appropriate for a period not to exceed five years, may suspend for a period not to exceed three
58 years, or revoke the license.

324.1136. 1. [Each licensee shall maintain a record containing such information relative
2 to the licensee's employees as may be prescribed by the board of private investigator examiners.
3 Such licensee shall file with the board the complete address of the location of the licensee's
4 principal place of business. The board may require the filing of other information for the
5 purpose of identifying such principal place of business.

6 2.] Each [private investigator or investigator agency] **licensee** operating under the
7 provisions of sections 324.1100 to 324.1148 shall be required to keep a complete record of the
8 business transactions of such investigator or investigator agency for a period of seven years.
9 Upon the service of a court order issued by a court of competent jurisdiction or upon the service
10 of a subpoena issued by the board that is based on a complaint supported by oath or affirmation,
11 which particularly describes the records and reports, any [licensed private investigator] **licensee**
12 who is the owner, partner, director, corporate officer, or custodian of business records shall
13 provide an opportunity for the inspection of the same and to inspect reports made. Any

14 information obtained by the board shall be kept confidential, except as may be necessary to
15 commence and prosecute any legal proceedings. The board shall not personally enter a licensee's
16 place of business to inspect records, but shall utilize an employee of the division of professional
17 registration to act as a gatherer of information and facts to present to the board regarding any
18 complaint or inspection under investigation.

19 [3.] 2. For the purpose of enforcing the provisions of sections 324.1100 to 324.1148,
20 and in making investigations relating to any violation thereof, the board shall have the power to
21 subpoena and bring before the board any person in this state and require the production of any
22 books, records, or papers which the board deems relevant to the inquiry. The board also may
23 administer an oath to and take the testimony of any person, or cause such person's deposition to
24 be taken, except that any applicant or licensee or officer, director, partner, or associate thereof
25 shall not be entitled to any fees or mileage. A subpoena issued under this section shall be
26 governed by the Missouri rules of civil procedure and shall comply with any confidentiality
27 standards or legal limitations imposed by privacy or open records acts, fair credit reporting acts,
28 polygraph acts, driver privacy protection acts, judicially recognized privileged communications,
29 and the bill of rights of both the United States and Missouri Constitutions. Any person duly
30 subpoenaed who fails to obey such subpoena without reasonable cause, or without such cause
31 refuses to be examined or to answer any legal or pertinent question as to the character or
32 qualification of such applicant or licensee or such applicant's alleged unlawful or deceptive
33 practices or methods, shall be guilty of a class A misdemeanor. The testimony of witnesses in
34 any investigative proceeding shall be under oath.

35 [4.] 3. Any licensee who is required by fully executed written contract or court order to
36 destroy, seal, or return to a party to a lawsuit, or to the court, records related to work performed
37 under that contract or court order shall maintain in his or her files a fully executed copy of the
38 contract or court order requiring destruction, sealing, or return of the records. Maintenance of
39 the contract or court order shall fulfill the requirements of this section.

2 324.1138. 1. The board shall adopt such rules and regulations as may be necessary to
2 carry out the provisions of sections 324.1100 to 324.1148.

3 2. **The board may establish by rule requirements for a dual license to be issued to**
4 **individuals who qualify separately for both a private investigator and private fire**
5 **investigator licensure.**

6 3. **The board may establish by rule a code of conduct.**

7 4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
8 under the authority delegated in sections 324.1100 to 324.1148 shall become effective only if it
9 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
10 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the
11 general assembly under chapter 536 to review, to delay the effective date, or to disapprove and

12 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
13 any rule proposed or adopted after August 28, 2007, shall be invalid and void.

324.1144. The board may negotiate and enter into reciprocal agreements with
2 appropriate officials in other states to permit licensed private [investigator] **investigators, fire**
3 **investigators, private investigator agencies, and private fire investigator** agencies [and
4 licensed private investigators] who meet or exceed the qualifications established in sections
5 324.1100 to 324.1148 to operate across state lines under mutually acceptable terms.

332.021. 1. "The Missouri Dental Board" shall consist of seven members including five
2 registered and currently licensed dentists, one registered and currently licensed dental hygienist
3 with voting authority as limited in subsection 4 of this section, and one voting public member.
4 Any currently valid certificate of registration or currently valid specialist's certificate issued by
5 the Missouri dental board as constituted pursuant to prior law shall be a valid certificate of
6 registration or a valid specialist's certificate, as the case may be, upon October 13, 1969, and
7 such certificates shall be valid so long as the holders thereof comply with the provisions of this
8 chapter.

9 2. Any person other than the public member appointed to the board as hereinafter
10 provided shall be a dentist or a dental hygienist who is registered and currently licensed in
11 Missouri, is a United States citizen, has been a resident of this state for one year immediately
12 preceding his or her appointment, has practiced dentistry or dental hygiene for at least five
13 consecutive years immediately preceding his or her appointment, shall have graduated from an
14 accredited dental school or dental hygiene school, and at the time of his or her appointment or
15 during his or her tenure on the board has or shall have no connection with or interest in, directly
16 or indirectly, any dental college, dental hygiene school, university, school, department, or other
17 institution of learning wherein dentistry or dental hygiene is taught, or with any dental laboratory
18 or other business enterprise directly related to the practice of dentistry or dental hygiene.

19 3. The governor shall appoint members to the board by and with the advice and consent
20 of the senate when a vacancy thereon occurs either by the expiration of a term or otherwise;
21 provided, however, that any board member shall serve until his or her successor is appointed and
22 has qualified. Each appointee, except where appointed to fill an unexpired term, shall be
23 appointed for a term of five years. The president of the Missouri Dental Association in office at
24 the time shall, at least ninety days prior to the expiration of the term of a board member other
25 than the dental hygienist or public member, or as soon as feasible after a vacancy on the board
26 otherwise occurs, submit to the director of the division of professional registration a list of five
27 dentists qualified and willing to fill the vacancy in question, with the request and
28 recommendation that the governor appoint one of the five persons so listed, and with the list so
29 submitted, the president of the Missouri Dental Association shall include in his or her letter of
30 transmittal a description of the method by which the names were chosen by that association.

31 4. The public member shall be at the time of his or her appointment a citizen of the
32 United States; a resident of this state for a period of one year and a registered voter; a person who
33 is not and never was a member of any profession licensed or regulated pursuant to this chapter
34 or the spouse of such person; and a person who does not have and never has had a material,
35 financial interest in either the providing of the professional services regulated by this chapter,
36 or an activity or organization directly related to any profession licensed or regulated pursuant to
37 this chapter. All members, including public members, shall be chosen from lists submitted by
38 the director of the division of professional registration. **The list of dentists submitted to the**
39 **governor shall include the names submitted to the director of the division of professional**
40 **registration by the president of the Missouri Dental Association. This list shall be a public**
41 **record available for inspection and copying under chapter 610.** Lists of dental hygienists
42 submitted to the governor may include names submitted to the director of the division of
43 professional registration by the president of the Missouri Dental Hygienists' Association. The
44 duties of the dental hygienist member shall not include participation in the determination for or
45 the issuance of a certificate of registration or a license to practice as a dentist. The duties of the
46 public member shall not include the determination of the technical requirements to be met for
47 licensure or whether any person meets such technical requirements or of the technical
48 competence or technical judgment of a licensee or a candidate for licensure.

49 5. The board shall have a seal which shall be in circular form and which shall impress the
50 word "SEAL" in the center and around said word the words "Missouri Dental Board". The seal
51 shall be affixed to such instruments as hereinafter provided and to any other instruments as the
52 board shall direct.

53 6. The board may sue and be sued as the Missouri dental board, and its members need
54 not be named as parties. Members of the board shall not be personally liable, either jointly or
55 severally, for any act or acts committed in the performance of their official duties as board
56 members; nor shall any board member be personally liable for any court costs which accrue in
57 any action by or against the board.

334.120. 1. There is hereby created and established a board to be known as "The State
2 Board of Registration for the Healing Arts" for the purpose of registering, licensing and
3 supervising all physicians and surgeons, and midwives in this state. The board shall consist of
4 nine members, including one voting public member, to be appointed by the governor by and with
5 the advice and consent of the senate, at least five of whom shall be graduates of professional
6 schools accredited by the Liaison Committee on Medical Education or recognized by the
7 Educational Commission for Foreign Medical Graduates, and at least two of whom shall be
8 graduates of professional schools approved and accredited as reputable by the American
9 Osteopathic Association, and all of whom, except the public member, shall be duly licensed and
10 registered as physicians and surgeons pursuant to the laws of this state. Each member must be
11 a citizen of the United States and must have been a resident of this state for a period of at least

12 one year next preceding his or her appointment and shall have been actively engaged in the
13 lawful and ethical practice of the profession of physician and surgeon for at least five years next
14 preceding his or her appointment. Not more than four members shall be affiliated with the same
15 political party. All members shall be appointed for a term of four years. Each member of the
16 board shall receive as compensation an amount set by the board not to exceed fifty dollars for
17 each day devoted to the affairs of the board, and shall be entitled to reimbursement of his or her
18 expenses necessarily incurred in the discharge of his or her official duties. The president of the
19 Missouri State Medical Association, for all medical physician appointments, or the president of
20 the Missouri Association of Osteopathic Physicians and Surgeons, for all osteopathic physician
21 appointments, in office at the time shall, at least ninety days prior to the expiration of the term
22 of the respective board member, other than the public member, or as soon as feasible after the
23 appropriate vacancy on the board otherwise occurs, submit to the director of the division of
24 professional registration a list of five physicians and surgeons qualified and willing to fill the
25 vacancy in question, with the request and recommendation that the governor appoint one of the
26 five persons so listed, and with the list so submitted, the president of the Missouri State Medical
27 Association or the Missouri Association of Osteopathic Physicians and Surgeons, as appropriate,
28 shall include in his or her letter of transmittal a description of the method by which the names
29 were chosen by that association.

30 2. The public member shall be at the time of his or her appointment a citizen of the
31 United States; a resident of this state for a period of one year and a registered voter; a person who
32 is not and never was a member of any profession licensed or regulated pursuant to this chapter
33 or the spouse of such person; and a person who does not have and never has had a material,
34 financial interest in either the providing of the professional services regulated by this chapter,
35 or an activity or organization directly related to any profession licensed or regulated pursuant to
36 this chapter. All members, including public members, shall be chosen from lists submitted by
37 the director of the division of professional registration. **The list of medical physicians or**
38 **osteopathic physicians submitted to the governor shall include the names submitted to the**
39 **director of the division of professional registration by the president of the Missouri State**
40 **Medical Association or the Missouri Association of Osteopathic Physicians and Surgeons,**
41 **respectively. This list shall be a public record available for inspection and copying under**
42 **chapter 610.** The duties of the public member shall not include the determination of the
43 technical requirements to be met for licensure or whether any person meets such technical
44 requirements or of the technical competence or technical judgment of a licensee or a candidate
45 for licensure.

344.060. 1. The [director of the department of health and senior services] **governor**
2 shall appoint **with the advice and consent of the senate** ten suitable persons who together with
3 the director of the department of health and senior services or the director's designee shall
4 constitute the "Missouri Board of Nursing Home Administrators" which is hereby created within

5 the department of health and senior services and which shall have the functions, powers and
6 duties prescribed by sections 344.010 to 344.108.

7 2. In addition to the director of the department of health and senior services or the
8 director's designee the membership of the board shall consist of one licensed physician, two
9 licensed health professionals, one person from the field of health care education, four persons
10 who have been in general administrative charge of a licensed nursing home for a period of at
11 least five years immediately preceding their appointment, and two public members. In addition
12 to these qualifications, the physician, the two licensed health care professionals, and the health
13 care educator shall be citizens of the United States and taxpaying residents of the state of
14 Missouri for one year preceding their appointments. The four appointees who have been in
15 general administrative charge of a licensed nursing home shall be citizens of the United States
16 and either residents of the state of Missouri for one year preceding their appointments or persons
17 who have been licensed by the board and whose five years of employment in a licensed nursing
18 home immediately preceding their appointment have occurred in the state of Missouri. The
19 public members shall be citizens of the United States, residents of the state of Missouri for one
20 year preceding their appointment, and registered voters. The public members shall be persons
21 who are not, or never were, licensed nursing home administrators or the spouse of such persons,
22 or persons who do not have or never have had a material, financial interest in either the providing
23 of licensed nursing home services or in an activity or organization directly related to licensed
24 nursing home administration. Neither the one licensed physician, the two licensed health
25 professionals, nor the person from the health care education field shall have any financial interest
26 in a licensed nursing home.

27 3. The members of the board shall be appointed for three-year terms or until their
28 successors are appointed and qualified provided that no more than four members' terms shall
29 expire in the same year. [All members appointed prior to September 28, 1979, shall serve the
30 term for which they were appointed.] The governor shall fill any vacancies on the board as
31 necessary. Appointment to fill an unexpired term shall not be considered an appointment for a
32 full term. Board membership, continued until successors are appointed and qualified, shall not
33 constitute an extension of the three-year term and the successors shall serve only the remainder
34 of the term.

35 4. Every member shall receive a certificate of appointment; and every appointee, before
36 entering upon his or her duties, shall take the oath of office required by article VII, section 11,
37 of the Constitution of Missouri.

38 5. Any member of the board may be removed by the [director of the department of health
39 and senior services] **governor** for misconduct, incompetency or neglect [to] **of** duty after first
40 being given an opportunity to be heard in his or her own behalf.

344.105. 1. Any nursing home administrator possessing a current license to practice as
2 a nursing home administrator in this state who has maintained an active license for at least ten

3 years may retire his or her license by filing an affidavit with the board which states the date on
4 which the licensee retired from such practice and such other facts as tend to verify the retirement
5 as the board may deem necessary. The affidavit shall be accompanied by a fee as provided by
6 rule, made payable to the department of health and senior services. Such request for retired
7 status may also be accomplished by signing the request for retired status that appears on the
8 nursing home administrator's application for license renewal and returning such application to
9 the board prior to June thirtieth of the year of renewal of the administrator's active license,
10 accompanied by a fee as provided by rule, made payable to the department of health and senior
11 services. [Information provided in the request for retired status shall be given under oath subject
12 to the penalties for the making of a false affidavit.]

13 2. An individual who requests retired license status shall return his or her original wall
14 license and all other indicia of licensure to the board. Once the board has received the original
15 wall license from the licensee or evidence satisfactory to the board that the license has been lost,
16 stolen, or destroyed, and the other requirements for requesting retired status have been met, the
17 board shall issue a new license to the licensee indicating that the licensee is retired.

18 3. A retired license may be reactivated within five years of the granting of the retired
19 license by filing with the board evidence satisfactory to the board of the completion of twenty
20 clock hours of continuing education for each calendar year the license was retired accompanied
21 by a fee as provided by rule made payable to the department of health and senior services. All
22 clock hours of continuing education shall be completed prior to the filing of the affidavit or
23 renewal form requesting reactivation of the retired license. If more than five years have passed
24 since the issuance of a retired license to a licensee, the licensee shall follow the procedures for
25 initial licensure stated in section 344.030.

26 4. No person shall practice as a nursing home administrator in this state or hold himself
27 or herself out as a nursing home administrator if his or her license is retired.

28 5. Retired licensees shall remain subject to disciplinary action for violations of this
29 chapter and the rules promulgated thereunder.

344.108. 1. Any nursing home administrator possessing a current license to practice as
2 a nursing home administrator in this state may place such license on inactive status by filing a
3 written signed request for inactive status with the board, accompanied by evidence satisfactory
4 to the board of completion of ten clock hours of continuing education in the area of patient care
5 and a fee as provided by rule made payable to the department of health and senior services. This
6 request may also be accomplished by signing the request for inactive status that appears on the
7 nursing home administrator's application for license renewal and returning such application to
8 the board prior to June thirtieth of the year of renewal of the administrator's active license,
9 accompanied by evidence satisfactory to the board of the completion of ten clock hours of
10 continuing education in the area of patient care and a fee as provided by rule made payable to the

11 department of health and senior services. [Information provided in the request for inactive status
12 shall be given under oath subject to the penalties of making a false affidavit.]

13 2. An individual who requests that his or her license be placed on inactive status shall
14 return all indicia of licensure to the board or submit evidence satisfactory to the board that the
15 license has been lost, stolen, or destroyed.

16 3. An inactive license shall expire on June thirtieth of the second year following the year
17 of issuance and every other year thereafter. Licensees seeking to renew shall, during the month
18 of May of the year of renewal, file an application for renewal on forms furnished by the board
19 that include evidence satisfactory to the board of the completion of ten clock hours of continuing
20 education in the area of patient care and shall be accompanied by a renewal fee as provided by
21 rule, payable to the department of health and senior services.

22 4. A license may be carried in inactive status for up to six years from the date of
23 issuance. If the licensee does not reactivate the license during the six-year period, the license
24 shall expire on the last day of the six-year period.

25 5. A holder of an inactive license may reactivate the license by submitting a written
26 request to the board, accompanied by evidence satisfactory to the board of the completion or plan
27 for completion of forty clock hours of continuing education and a fee as provided by rule made
28 payable to the department of health and senior services. The forty clock hours of continuing
29 education shall be earned no earlier than six months prior to the request for reactivation and no
30 later than twelve months after the inactive license has been reactivated. If the holder of an
31 inactive license requests reactivation prior to completing the forty clock hours of continuing
32 education, the board shall issue a six- month interim license to the licensee. The interim license
33 shall expire six months from the date of issuance or at such earlier time as the licensee earns the
34 forty clock hours of continuing education and submits evidence satisfactory to the board of
35 completion of the required hours.

36 6. A request for reactivation of an inactive license shall show, under oath or affirmation
37 of the nursing home administrator, a statement that the nursing home administrator has not
38 practiced during the inactive period and is not presently practicing in this state.

39 7. No person shall practice as a nursing home administrator or hold himself or herself
40 out as a nursing home administrator in this state while his or her license is inactive.

41 8. Inactive licensees shall remain subject to discipline for violations of this chapter and
42 the rules promulgated thereunder.

361.070. 1. The director of finance and all employees of the division of finance, which
2 term shall, for purposes of this section and section 361.080, include special agents, shall, before
3 entering upon the discharge of their duties, take the oath of office prescribed by the constitution,
4 and, in addition, take an oath that they will not reveal the conditions or affairs of any financial
5 institution or any facts pertaining to the same, that may come to their knowledge by virtue of
6 their official positions, unless required by law to do so in the discharge of the duties of their

7 offices or when testifying in any court proceeding. For purposes of this section and section
8 361.080, "financial institution" shall mean any entity subject to chartering, licensing, or
9 regulation by the division of finance.

10 2. The director of finance and all employees of the division of finance shall further
11 execute to the state of Missouri good and sufficient bonds with corporate surety, to be approved
12 by the governor and attorney general, conditioned that they will faithfully and impartially
13 discharge the duties of their offices, and pay over to the persons entitled by law to receive it, all
14 money coming into their hands by virtue of their offices. The principal amount of bond
15 applicable to each employee shall be determined by the state banking **and savings and loan**
16 board. The bond, after approval by the governor and attorney general, shall be filed with the
17 secretary of state for safekeeping. The bond premiums, not to exceed one percent on the amount
18 thereof, shall be paid out of the state treasury in the same manner as other expenses of the
19 division.

20 3. Neither the director of finance nor any employees of the division of finance who
21 participate in the examination of any bank or trust company, or who may be called upon to make
22 any official decision or determination affecting the operation of any bank or trust company, other
23 than the [banker] members of the state banking **and savings and loan** board **who are required**
24 **to have experience managing a bank or association as defined in chapter 369**, shall be an
25 officer, director, attorney, owner, or holder of stock in any bank or trust company or any bank
26 holding company as that term is defined in section 362.910, nor shall they receive, directly or
27 indirectly, any payment or gratuity from any such organization, nor engage in the negotiation of
28 loans for others with any state bank or trust company, nor be indebted to any state bank or trust
29 company.

30 4. The director of finance, in connection with any examination or investigation of any
31 person, company, or event, shall have the authority to compel the production of documents, in
32 whatever form they may exist, and shall have the authority to compel the attendance of and
33 administer oaths to any person having knowledge of any issue involved with the examination or
34 investigation. The director may seek judicial enforcement of an administrative subpoena by
35 application to the appropriate court. An administrative subpoena shall be subject to the same
36 defenses or subject to a protective order or conditions as provided and deemed appropriate by
37 the court in accordance with the Missouri Supreme Court Rules.

361.092. There is hereby created a "State Banking **and Savings and Loan** Board" which
2 shall have such powers and duties as are conferred upon it by law. The state banking **and**
3 **savings and loan** board with all of its powers, duties, and functions is assigned by type III
4 transfer under the authority of the Omnibus State Reorganization Act of 1974 [and executive
5 order 06-04] to the department of insurance, financial institutions and professional registration.

361.093. The state banking **and savings and loan** board shall advise [with] the director
2 of finance as to the proper administration of his office and the banking laws of this state and
3 make recommendations to the general assembly as to changes in these laws.

361.094. 1. The state banking **and savings and loan** board shall with reasonable
2 promptness hear and by order determine all appeals permitted by law from refusals of the
3 director of finance to grant certificates of incorporation to the proposed incorporators of banks,
4 from refusals of the director of finance to issue certificates permitting changes in the articles of
5 agreement of banks to provide for the relocation of these banks in other communities, from
6 refusals of the director of finance to grant certificates of incorporation to the proposed
7 incorporators of trust companies, and from refusals of the director of finance to issue certificates
8 permitting changes in the articles of agreement of trust companies to provide for the relocation
9 of these trust companies in other communities.

10 2. The state banking **and savings and loan** board shall hear and by order determine an
11 appeal from the action of the director granting the incorporation or relocation of a bank or trust
12 company upon application filed within ten days after the director's action by a bank, trust
13 company, national banking association or other persons claiming to be adversely affected
14 thereby. The application shall state the grounds upon which it is alleged that the action of the
15 director should be stayed, reversed or altered. In reviewing an application for appeal, the board
16 shall have access to all of the records and information used by the director in making his
17 decision. A decision shall be rendered on the appeal within ninety days from the date of the
18 application for appeal.

19 3. The board shall establish such rules as may be necessary to give effect to the
20 provisions of this section. The rules may provide that the board or the chairman of the board
21 may delegate responsibility for the conduct of investigations and the hearing of appeals provided
22 under any section of this law to a member of the board or to a hearing officer designated by the
23 board. Such hearing officer shall have the power to administer oaths, subpoena witnesses,
24 compel the production of records pertinent to any hearing, and take any action in connection with
25 such hearing which the board itself is authorized to take by law other than making the final
26 decision and appropriate order. When the hearing has been completed, the individual board
27 member or the hearing officer who conducted the hearing shall prepare a summary thereof and
28 recommend a findings of fact, conclusions of law, decision and appropriate order for approval
29 of the board. The board may adopt such recommendations in whole or in part, require the
30 production of additional testimony, reassign the case for rehearing, or may itself conduct such
31 new or additional hearing as is deemed necessary prior to rendering a final decision.

361.095. 1. The state banking **and savings and loan** board shall make rules and
2 regulations, consistent with applicable law, for the proceedings in connection with the appeals
3 provided for in section 361.094. No rule or portion of a rule promulgated under the authority of

4 this chapter shall become effective unless it has been promulgated pursuant to the provisions of
5 section 536.024.

6 2. The costs of the appeal shall be assessed against the losing party, and the board may
7 require the deposit of a reasonable sum for the payment of costs at the time the appeal is brought.

8 3. At any hearing provided for in section 361.094 the director of the division of finance
9 shall be deemed a party, and any person claiming to be adversely affected and any bank, trust
10 company or national banking association located in the city or town and county in which the
11 proposed bank or trust company is to be located upon incorporation or relocation may intervene.

12 4. The director of the division of finance shall act in accordance with any order of the
13 state banking **and savings and loan** board made pursuant to section 361.094, but the order of
14 the board shall be subject to judicial review as provided by law. Whether or not any review shall
15 operate as a stay of the board's order shall be determined by the board.

361.096. 1. At any hearing provided for in section 361.094, the state banking **and**
2 **savings and loan** board, or any member thereof, shall have power to administer oaths.

3 2. In connection with any such hearing, the board, or any member thereof, shall issue
4 subpoenas and subpoenas duces tecum on the board's own motion or at the request of any
5 intervenor or other party, which subpoenas or subpoenas duces tecum shall extend to all parts
6 of the state and shall be signed by the secretary of the board or by any other member thereof.
7 The board shall have power, on motion after due notice, for good cause to quash or modify any
8 subpoena or subpoena duces tecum on the grounds that the same is unduly burdensome,
9 unreasonable or oppressive. Subpoenas and subpoenas duces tecum may be served as in the case
10 of subpoenas in civil actions in the circuit court and each witness who shall appear before the
11 board in obedience to a subpoena or subpoena duces tecum shall receive for his attendance the
12 fees and mileage provided for witnesses in civil actions in the circuit court, which shall be paid
13 by the party at whose instance such subpoena or subpoena duces tecum was issued. In case of
14 refusal of a witness to obey any such subpoena or subpoena duces tecum, or to testify when
15 lawfully required to do so, the board may apply to a judge of the circuit court of the county of
16 the hearing or of any county where the witness resides or may be found, for an order upon such
17 witness to show cause why such subpoena or subpoena duces tecum should not be enforced, or
18 the witness required to give such testimony, which said order and a copy of the application
19 therefor shall be served upon the witness in the same manner as a summons in a civil action, and
20 if said circuit court shall, after a hearing, determine that the subpoena or subpoena duces tecum
21 should be sustained and enforced, or that the witness should be required to give such testimony,
22 said court shall make an order to enforce such subpoena or subpoena duces tecum, or compel
23 such testimony and may enforce such order as in the case of a subpoena or subpoena duces
24 tecum, or refusal to testify, in a civil action in the circuit court.

361.097. 1. The state banking **and savings and loan** board shall consist of five
2 members who shall be appointed by the governor, the senate concurring. No person shall be

3 eligible for appointment unless he [shall be] **or she is** a resident of this state. One member shall
4 be an attorney at law and a member of the Missouri Bar in good standing. Two members shall
5 each have had at least [ten years'] **five years of active bank management** experience in this
6 state [as an officer or director or partly as an officer and partly as a director of one or more state
7 banks or trust companies or national banking associations, of which at least five years shall have
8 been full-time, active bank management experience]. **One member shall have had at least five**
9 **years of active management experience in this state of one or more associations as defined**
10 **in chapter 369.** [The two other members] **One member** shall be [nonbankers] **an individual**
11 **who is not involved in the administration of a financial institution.** Not more than three
12 members of the board shall be members of the same political party. [The term of office of the
13 board first appointed shall in the case of one member be two years; in the case of two members
14 shall be four years; and in the case of the other two members shall be six years; with all said
15 terms beginning August 29, 1955. All subsequent terms shall be for a term of six years from the
16 expiration of the preceding term. The governor shall designate one member as chairman and
17 another member as secretary of the board.]

18 **2. The term of office of each member of the state banking and savings and loan**
19 **board shall be six years. The board shall select its own chairman and secretary.** The
20 members of the state banking **and savings and loan** board shall hold office for the respective
21 terms for which they are appointed and until their successors shall qualify. Vacancies [in said]
22 **on such** board shall be filled by appointment for the unexpired term in the same manner as in
23 the case of an original appointment.

361.098. 1. The members of the state banking **and savings and loan** board shall receive
2 as compensation for their services the sum of one hundred dollars per day while discharging their
3 duties, and shall be entitled to receive their necessary traveling and other expenses incurred while
4 actually engaged in the performance of their duties as such members.

5 2. A majority of the members of the board shall constitute a quorum for the transaction
6 of any business, for the performance of any duty or for the exercise of any power of the board.

7 3. The board may meet and exercise its powers in any place in this state and shall meet
8 at any time upon the call of its chairman or of the director of the division of finance or of any two
9 members of the board.

10 4. The board shall have an official seal bearing the inscription, "State Banking **and**
11 **Savings and Loan** Board of the State of Missouri", which shall be judicially noticed.

361.105. 1. The director of finance, with the approval of the state banking **and savings**
2 **and loan** board, shall have power to adopt, promulgate, amend and repeal rules and regulations
3 necessary or desirable to carry out the duties assigned to the division by law relating to banks and
4 trust companies and which are not inconsistent with the constitution or laws of this state. A copy
5 of every rule and regulation shall be mailed to each bank and trust company, postage prepaid,
6 at least fifteen days in advance of its effective date; except that the failure of a bank or trust

7 company to receive a copy of a rule or regulation shall not exempt it from the duty of compliance
8 with a rule or regulation lawfully promulgated hereunder. The director, in the exercise of the
9 power to make rules and regulations hereunder, shall act in the interests of promoting and
10 maintaining a sound banking system and sound trust companies, the security of deposits and
11 depositors and other customers, the preservation of the liquid position of banks and in the interest
12 of preventing injurious credit expansions and contractions.

13 2. No rule or portion of a rule promulgated under the authority of this chapter shall
14 become effective unless it has been promulgated pursuant to the provisions of section 536.024.

362.040. In case the director shall not be satisfied, as the result of the examination, that
2 the character, responsibility and general fitness of the persons named in the articles of agreement
3 are up to the standard above provided, or that the convenience and needs of the community to
4 be served justify and warrant the opening of the new bank or trust company therein, or that the
5 probable volume of business in such locality is sufficient to insure and maintain the solvency of
6 the new bank and the solvency of the then existing banks or trust companies in the locality,
7 without endangering the safety of any bank or trust company in the locality as a place of deposit
8 of public and private moneys; and on these accounts or any one of them shall refuse to grant the
9 certificate of incorporation, [he] **the director** shall forthwith give notice thereof to the proposed
10 incorporators from whom the articles of agreement were received, who, if they so desire, may
11 within ten days thereafter appeal from the refusal to the state banking **and savings and loan**
12 board.

[362.105. 1. Every bank and trust company created under the laws of this
2 state may for a fee or other consideration, directly or through a subsidiary
3 company, and upon complying with any applicable licensing statute:

4 (1) Conduct the business of receiving money on deposit and allowing
5 interest thereon not exceeding the legal rate or without allowing interest thereon,
6 and of buying and selling exchange, gold, silver, coin of all kinds, uncurrent
7 money, of loaning money upon real estate or personal property, and upon
8 collateral of personal security at a rate of interest not exceeding that allowed by
9 law, and also of buying, investing in, selling and discounting negotiable and
10 nonnegotiable paper of all kinds, including bonds as well as all kinds of
11 commercial paper; and for all loans and discounts made, the corporation may
12 receive and retain the interest in advance;

13 (2) Accept for payment, at a future date, drafts drawn upon it by its
14 customers and to issue letters of credit authorizing the holders thereof to draw
15 drafts upon it or upon its correspondents at sight or on time not exceeding one
16 year; provided, that no bank or trust company shall incur liabilities under this
17 subdivision to an amount equal at any time in the aggregate to more than its
18 paid-up and unimpaired capital stock and surplus fund, except with the approval
19 of the director under such general regulations as to amount of acceptances as the
20 director may prescribe;

21 (3) Purchase and hold, for the purpose of becoming a member of a
22 Federal Reserve Bank, so much of the capital stock thereof as will qualify it for

23 membership in the reserve bank pursuant to an act of Congress, approved
24 December 23, 1913, entitled "The Federal Reserve Act" and any amendments
25 thereto; to become a member of the Federal Reserve Bank, and to have and
26 exercise all powers, not in conflict with the laws of this state, which are conferred
27 upon any member by the Federal Reserve Act and any amendments thereto. The
28 member bank or trust company and its directors, officers and stockholders shall
29 continue to be subject, however, to all liabilities and duties imposed upon them
30 by any law of this state and to all the provisions of this chapter relating to banks
31 or trust companies;

32 (4) Subscribe for and purchase such stock in the Federal Deposit
33 Insurance Corporation and to make such payments to and to make such deposits
34 with the Federal Deposit Insurance Corporation and to pay such assessments
35 made by such corporation as will enable the bank or trust company to obtain the
36 benefits of the insurance of deposits under the act of Congress known as "The
37 Banking Act of 1933" and any amendments thereto;

38 (5) Invest in a bank service corporation as defined by the act of Congress
39 known as the "Bank Service Corporation Act", Public Law 87-856, as approved
40 October 23, 1962, to the same extent as provided by that act or any amendment
41 thereto;

42 (6) Hold a noncontrolling equity interest in any business entity that
43 conducts only activities that are financial in nature or incidental to financial
44 activity or that is established pursuant to subdivision (16) of this subsection
45 where the majority of the stock or other interest is held by Missouri banks,
46 Missouri trust companies, national banks located in Missouri, or any foreign bank
47 with a branch or branches in Missouri, or any combination of these financial
48 institutions; provided that if the entity is defined pursuant to Missouri law as any
49 type of financial institution subsidiary or other type of entity subject to special
50 conditions or regulations, those conditions and regulations shall remain
51 applicable, and provided that such business entity may be formed as any type of
52 business entity, in which each investor's liability is limited to the investment in
53 and loans to the business entity as otherwise provided by law;

54 (7) Receive upon deposit for safekeeping personal property of every
55 description, and to own or control a safety vault and rent the boxes therein;

56 (8) Purchase and hold the stock of one safe deposit company organized
57 and existing under the laws of the state of Missouri and doing a safe deposit
58 business on premises owned or leased by the bank or trust company at the main
59 banking house and any branch operated by the bank or trust company; provided,
60 that the purchasing and holding of the stock is first duly authorized by resolution
61 of the board of directors of the bank or trust company and by the written approval
62 of the director, and that all of the shares of the safe deposit company shall be
63 purchased and held, and shall not be sold or transferred except as a whole and not
64 be pledged at all, all sales or transfers or pledges in violation hereof to be void;

65 (9) Act as the fiscal or transfer agent of the United States, of any state,
66 municipality, body politic or corporation and in such capacity to receive and
67 disburse money, to transfer, register and countersign certificates of stock, bonds
68 and other evidences of indebtedness;

- 69 (10) Acquire or convey real property for the following purposes:
70 (a) Real property conveyed to it in satisfaction or part satisfaction of
71 debts previously contracted in the course of its business; and
72 (b) Real property purchased at sales under judgment, decrees or liens
73 held by it;
- 74 (11) Purchase, hold and become the owner and lessor of personal
75 property acquired upon the specific request of and for use of a customer; and, in
76 addition, leases that neither anticipate full purchase price repayment on the leased
77 asset, nor require the lease to cover the physical life of the asset, other than those
78 for motor vehicles which will not be used by bank or trust company personnel,
79 and may incur such additional obligations as may be incident to becoming an
80 owner and lessor of the property, subject to the following limitations:
81 (a) Lease transactions do not result in loans for the purpose of section
82 362.170, but the total amount disbursed under leasing obligations or rentals by
83 any bank to any person, partnership, association, or corporation shall at no time
84 exceed the legal loan limit permitted by statute except upon the written approval
85 of the director of finance;
86 (b) Lease payments are in the nature of rent rather than interest, and the
87 provisions of chapter 408 are not applicable;
- 88 (12) Contract with another bank or trust company, bank service
89 corporation or other partnership, corporation, association or person, within or
90 without the state, to render or receive services such as check and deposit sorting
91 and posting, computation and posting of interest and other credits and charges,
92 preparation and mailing of checks, statements, notices, and similar items, or any
93 other clerical, bookkeeping, accounting, statistical, financial counseling, or
94 similar services, or the storage, transmitting or processing of any information or
95 data; except that, the contract shall provide, to the satisfaction of the director of
96 finance, that the party providing such services to a bank or trust company will be
97 subject to regulation and examination to the same extent as if the services were
98 being performed by the bank or trust company on its own premises. This
99 subdivision shall not be deemed to authorize a bank or trust company to provide
100 any customer services through any system of electronic funds transfer at places
101 other than bank premises;
- 102 (13) Purchase and hold stock in a corporation whose only purpose is to
103 purchase, lease, hold or convey real property of a character which the bank or
104 trust company holding stock in the corporation could itself purchase, lease, hold
105 or convey pursuant to the provisions of paragraph (a) of subdivision (10) of this
106 subsection; provided, the purchase and holding of the stock is first duly
107 authorized by resolution of the board of directors of the bank or trust company
108 and by the written approval of the director, and that all of the shares of the
109 corporation shall be purchased and held by the bank or trust company and shall
110 not be sold or transferred except as a whole;
- 111 (14) Purchase and sell investment securities, without recourse, solely
112 upon order and for the account of customers; and establish and maintain one or
113 more mutual funds and offer to the public shares or participations therein. Any
114 bank which engages in such activity shall comply with all provisions of chapter

115 409 regarding the licensing and registration of sales personnel for mutual funds
116 so offered, provided that such banks shall register as a broker-dealer with the
117 office of the commissioner of securities and shall consent to supervision and
118 inspection by that office and shall be subject to the continuing jurisdiction of that
119 office;

120 (15) Make debt or equity investments in corporations or projects, whether
121 for profit or not for profit, designed to promote the development of the
122 community and its welfare, provided that the aggregate investment in all such
123 corporations and in all such projects does not exceed five percent of the
124 unimpaired capital of the bank, and provided that this limitation shall not apply
125 to loans made under the authority of other provisions of law, and other provisions
126 of law shall not limit this subdivision;

127 (16) Offer through one or more subsidiaries any products and services
128 which a national bank may offer through its financial subsidiaries, subject to the
129 limitations that are applicable to national bank financial subsidiaries, and
130 provided such bank or trust company meets the division of finance safety and
131 soundness considerations. This subdivision is enacted to provide in part
132 competitive equality with national banks' powers under the Gramm-Leach-Bliley
133 Act of 1999, Public Law 106-102.

134 2. In addition to the power and authorities granted in subsection 1 of this
135 section, and notwithstanding any limitations therein, a bank or trust company
136 may:

137 (1) Purchase or lease, in an amount not exceeding its legal loan limit, real
138 property and improvements thereto suitable for the convenient conduct of its
139 functions. The bank may derive income from renting or leasing such real
140 property or improvements or both. If the purchase or lease of such real property
141 or improvements exceeds the legal loan limit or is from an officer, director,
142 employee, affiliate, principal shareholder or a related interest of such person,
143 prior approval shall be obtained from the director of finance; and

144 (2) Loan money on real estate and handle escrows, settlements and
145 closings on real estate for the benefit of the bank's customers, as a core part of the
146 banking business, notwithstanding any other provision of law to the contrary.

147 3. In addition to the powers and authorities granted in subsection 1 of this
148 section, every trust company created under the laws of this state shall be
149 authorized and empowered to:

150 (1) Receive money in trust and to accumulate the same at such rate of
151 interest as may be obtained or agreed upon, or to allow such interest thereon as
152 may be prescribed or agreed;

153 (2) Accept and execute all such trusts and perform such duties of every
154 description as may be committed to it by any person or persons whatsoever, or
155 any corporation, and act as assignee, receiver, trustee and depositary, and to
156 accept and execute all such trusts and perform such duties of every description
157 as may be committed or transferred to it by order, judgment or decree of any
158 courts of record of this state or other states, or of the United States;

159 (3) Take, accept and hold, by the order, judgment or decree of any court
160 of this state, or of any other state, or of the United States, or by gift, grant,

161 assignment, transfer, devise or bequest of any person or corporation, any real or
162 personal property in trust, and to execute and perform any and all the legal and
163 lawful trusts in regard to the same upon the terms, conditions, limitations and
164 restrictions which may be declared, imposed, established or agreed upon in and
165 by the order, judgment, decree, gift, grant, assignment, transfer, devise or
166 bequest;

167 (4) Buy, invest in and sell all kinds of stocks or other investment
168 securities;

169 (5) Execute, as principal or surety, any bond or bonds required by law to
170 be given in any proceeding, in law or equity, in any of the courts of this state or
171 other states, or of the United States;

172 (6) Act as trustee, personal representative, or conservator or in any other
173 like fiduciary capacity;

174 (7) Act as attorney-in-fact or agent of any person or corporation, foreign
175 or domestic, in the management and control of real or personal property, the sale
176 or conveyance of same, the investment of money, and for any other lawful
177 purpose.

178 4. (1) In addition to the powers and authorities granted in this section,
179 the director of finance may, from time to time, with the approval of the state
180 banking board, issue orders granting such other powers and authorities as have
181 been granted to financial institutions subject to the supervision of the federal
182 government to:

183 (a) State-chartered banks and trust companies which are necessary to
184 enable such banks and trust companies to compete;

185 (b) State-chartered banks and trust companies to establish branches to the
186 same extent that federal law permits national banks to establish branches;

187 (c) Subsidiaries of state-chartered banks and trust companies to the same
188 extent powers are granted to national bank subsidiaries to enable such banks and
189 trust companies to compete;

190 (d) State-chartered banks and trust companies to establish trust
191 representative offices to the same extent national banks are permitted such
192 offices.

193 (2) The orders shall be promulgated as provided in section 361.105 and
194 shall not be inconsistent with the constitution and the laws of this state.

195 5. As used in this section, the term "subsidiary" shall include one or more
196 business entities of which the bank or trust company is the owner, provided the
197 owner's liability is limited by the investment in and loans to the subsidiary as
198 otherwise provided for by law.

199 6. A bank or trust company to which authority is granted by regulation
200 in subsection 4 of this section, based on the population of the political
201 subdivision, may continue to exercise such authority for up to five years after the
202 appropriate decennial census indicates that the population of the town in which
203 such bank or trust company is located has exceeded the limits provided for by
204 regulation pursuant to subsection 4 of this section.]

362.105. 1. Every bank and trust company created under the laws of this state may for
2 a fee or other consideration, directly or through a subsidiary company, and upon complying with
3 any applicable licensing statute:

4 (1) Conduct the business of receiving money on deposit and allowing interest thereon
5 not exceeding the legal rate or without allowing interest thereon, and of buying and selling
6 exchange, gold, silver, coin of all kinds, uncurrent money, of loaning money upon real estate or
7 personal property, and upon collateral of personal security at a rate of interest not exceeding that
8 allowed by law, and also of buying, investing in, selling and discounting negotiable and
9 nonnegotiable paper of all kinds, including bonds as well as all kinds of commercial paper; and
10 for all loans and discounts made, the corporation may receive and retain the interest in advance;

11 (2) Accept for payment, at a future date, drafts drawn upon it by its customers and to
12 issue letters of credit authorizing the holders thereof to draw drafts upon it or upon its
13 correspondents at sight or on time not exceeding one year; provided, that no bank or trust
14 company shall incur liabilities under this subdivision to an amount equal at any time in the
15 aggregate to more than its paid-up and unimpaired capital stock and surplus fund, except with
16 the approval of the director under such general regulations as to amount of acceptances as the
17 director may prescribe;

18 (3) Purchase and hold, for the purpose of becoming a member of a Federal Reserve
19 Bank, so much of the capital stock thereof as will qualify it for membership in the reserve bank
20 pursuant to an act of Congress, approved December 23, 1913, entitled "The Federal Reserve Act"
21 and any amendments thereto; to become a member of the Federal Reserve Bank, and to have and
22 exercise all powers, not in conflict with the laws of this state, which are conferred upon any
23 member by the Federal Reserve Act and any amendments thereto. The member bank or trust
24 company and its directors, officers and stockholders shall continue to be subject, however, to all
25 liabilities and duties imposed upon them by any law of this state and to all the provisions of this
26 chapter relating to banks or trust companies;

27 (4) Subscribe for and purchase such stock in the Federal Deposit Insurance Corporation
28 and to make such payments to and to make such deposits with the Federal Deposit Insurance
29 Corporation and to pay such assessments made by such corporation as will enable the bank or
30 trust company to obtain the benefits of the insurance of deposits under the act of Congress known
31 as "The Banking Act of 1933" and any amendments thereto;

32 (5) Invest in a bank service corporation as defined by the act of Congress known as the
33 "Bank Service Corporation Act", Public Law 87-856, as approved October 23, 1962, to the same
34 extent as provided by that act or any amendment thereto;

35 (6) Hold a noncontrolling equity interest in any business entity that conducts only
36 activities that are financial in nature or incidental to financial activity or that is established
37 pursuant to subdivision (16) of this subsection where the majority of the stock or other interest
38 is held by Missouri banks, Missouri trust companies, national banks located in Missouri, or any

39 foreign bank with a branch or branches in Missouri, or any combination of these financial
40 institutions; provided that if the entity is defined pursuant to Missouri law as any type of
41 financial institution subsidiary or other type of entity subject to special conditions or regulations,
42 those conditions and regulations shall remain applicable, and provided that such business entity
43 may be formed as any type of business entity, in which each investor's liability is limited to the
44 investment in and loans to the business entity as otherwise provided by law;

45 (7) Receive upon deposit for safekeeping personal property of every description, and to
46 own or control a safety vault and rent the boxes therein;

47 (8) Purchase and hold the stock of one safe deposit company organized and existing
48 under the laws of the state of Missouri and doing a safe deposit business on premises owned or
49 leased by the bank or trust company at the main banking house and any branch operated by the
50 bank or trust company; provided, that the purchasing and holding of the stock is first duly
51 authorized by resolution of the board of directors of the bank or trust company and by the written
52 approval of the director, and that all of the shares of the safe deposit company shall be purchased
53 and held, and shall not be sold or transferred except as a whole and not be pledged at all, all sales
54 or transfers or pledges in violation hereof to be void;

55 (9) Act as the fiscal or transfer agent of the United States, of any state, municipality,
56 body politic or corporation and in such capacity to receive and disburse money, to transfer,
57 register and countersign certificates of stock, bonds and other evidences of indebtedness;

58 (10) Acquire or convey real property for the following purposes:

59 (a) Real property conveyed to it in satisfaction or part satisfaction of debts previously
60 contracted in the course of its business; and

61 (b) Real property purchased at sales under judgment, decrees or liens held by it;

62 (11) Purchase, hold and become the owner and lessor of personal property acquired upon
63 the specific request of and for use of a customer; and, in addition, leases that neither anticipate
64 full purchase price repayment on the leased asset, nor require the lease to cover the physical life
65 of the asset, other than those for motor vehicles which will not be used by bank or trust company
66 personnel, and may incur such additional obligations as may be incident to becoming an owner
67 and lessor of the property, subject to the following limitations:

68 (a) Lease transactions do not result in loans for the purpose of section 362.170, but the
69 total amount disbursed under leasing obligations or rentals by any bank to any person,
70 partnership, association, or corporation shall at no time exceed the legal loan limit permitted by
71 statute except upon the written approval of the director of finance;

72 (b) Lease payments are in the nature of rent rather than interest, and the provisions of
73 chapter 408 are not applicable;

74 (12) Contract with another bank or trust company, bank service corporation or other
75 partnership, corporation, association or person, within or without the state, to render or receive
76 services such as check and deposit sorting and posting, computation and posting of interest and

77 other credits and charges, preparation and mailing of checks, statements, notices, and similar
78 items, or any other clerical, bookkeeping, accounting, statistical, financial counseling, or similar
79 services, or the storage, transmitting or processing of any information or data; except that, the
80 contract shall provide, to the satisfaction of the director of finance, that the party providing such
81 services to a bank or trust company will be subject to regulation and examination to the same
82 extent as if the services were being performed by the bank or trust company on its own premises.
83 This subdivision shall not be deemed to authorize a bank or trust company to provide any
84 customer services through any system of electronic funds transfer at places other than bank
85 premises;

86 (13) Purchase and hold stock in a corporation whose only purpose is to purchase, lease,
87 hold or convey real property of a character which the bank or trust company holding stock in the
88 corporation could itself purchase, lease, hold or convey pursuant to the provisions of paragraph
89 (a) of subdivision (10) of this subsection; provided, the purchase and holding of the stock is first
90 duly authorized by resolution of the board of directors of the bank or trust company and by the
91 written approval of the director, and that all of the shares of the corporation shall be purchased
92 and held by the bank or trust company and shall not be sold or transferred except as a whole;

93 (14) Purchase and sell investment securities, without recourse, solely upon order and for
94 the account of customers; and establish and maintain one or more mutual funds and offer to the
95 public shares or participations therein. Any bank which engages in such activity shall comply
96 with all provisions of chapter 409 regarding the licensing and registration of sales personnel for
97 mutual funds so offered, provided that such banks shall register as a broker-dealer with the office
98 of the commissioner of securities and shall consent to supervision and inspection by that office
99 and shall be subject to the continuing jurisdiction of that office;

100 (15) Make debt or equity investments in corporations or projects, whether for profit or
101 not for profit, designed to promote the development of the community and its welfare, provided
102 that the aggregate investment in all such corporations and in all such projects does not exceed
103 five percent of the unimpaired capital of the bank, and provided that this limitation shall not
104 apply to loans made under the authority of other provisions of law, and other provisions of law
105 shall not limit this subdivision;

106 (16) Offer through one or more subsidiaries any products and services which a national
107 bank may offer through its financial subsidiaries, subject to the limitations that are applicable to
108 national bank financial subsidiaries, and provided such bank or trust company meets the division
109 of finance safety and soundness considerations. This subdivision is enacted to provide in part
110 competitive equality with national banks' powers under the Gramm-Leach-Bliley Act of 1999,
111 Public Law 106-102.

112 2. In addition to the power and authorities granted in subsection 1 of this section, and
113 notwithstanding any limitations therein, a bank or trust company may:

114 (1) Purchase or lease, in an amount not exceeding its legal loan limit, real property and
115 improvements thereto suitable for the convenient conduct of its functions. The bank may derive
116 income from renting or leasing such real property or improvements or both. If the purchase or
117 lease of such real property or improvements exceeds the legal loan limit or is from an officer,
118 director, employee, affiliate, principal shareholder or a related interest of such person, prior
119 approval shall be obtained from the director of finance; and

120 (2) Loan money on real estate as defined in section 442.010, and handle escrows,
121 settlements and closings on real estate for the benefit of the bank's customers, as a core part of
122 the banking business, notwithstanding any other provision of law to the contrary.

123 3. In addition to the powers and authorities granted in subsection 1 of this section, every
124 trust company created under the laws of this state shall be authorized and empowered to:

125 (1) Receive money in trust and to accumulate the same at such rate of interest as may be
126 obtained or agreed upon, or to allow such interest thereon as may be prescribed or agreed;

127 (2) Accept and execute all such trusts and perform such duties of every description as
128 may be committed to it by any person or persons whatsoever, or any corporation, and act as
129 assignee, receiver, trustee and depository, and to accept and execute all such trusts and perform
130 such duties of every description as may be committed or transferred to it by order, judgment or
131 decree of any courts of record of this state or other states, or of the United States;

132 (3) Take, accept and hold, by the order, judgment or decree of any court of this state, or
133 of any other state, or of the United States, or by gift, grant, assignment, transfer, devise or
134 bequest of any person or corporation, any real or personal property in trust, and to execute and
135 perform any and all the legal and lawful trusts in regard to the same upon the terms, conditions,
136 limitations and restrictions which may be declared, imposed, established or agreed upon in and
137 by the order, judgment, decree, gift, grant, assignment, transfer, devise or bequest;

138 (4) Buy, invest in and sell all kinds of stocks or other investment securities;

139 (5) Execute, as principal or surety, any bond or bonds required by law to be given in any
140 proceeding, in law or equity, in any of the courts of this state or other states, or of the United
141 States;

142 (6) Act as trustee, personal representative, or conservator or in any other like fiduciary
143 capacity;

144 (7) Act as attorney-in-fact or agent of any person or corporation, foreign or domestic, in
145 the management and control of real or personal property, the sale or conveyance of same, the
146 investment of money, and for any other lawful purpose.

147 4. (1) In addition to the powers and authorities granted in this section, the director of
148 finance may, from time to time, with the approval of the state banking **and savings and loan**
149 board, issue orders granting such other powers and authorities as have been granted to financial
150 institutions subject to the supervision of the federal government to:

151 (a) State-chartered banks and trust companies which are necessary to enable such banks
152 and trust companies to compete;

153 (b) State-chartered banks and trust companies to establish branches to the same extent
154 that federal law permits national banks to establish branches;

155 (c) Subsidiaries of state-chartered banks and trust companies to the same extent powers
156 are granted to national bank subsidiaries to enable such banks and trust companies to compete;

157 (d) State-chartered banks and trust companies to establish trust representative offices to
158 the same extent national banks are permitted such offices.

159 (2) The orders shall be promulgated as provided in section 361.105 and shall not be
160 inconsistent with the constitution and the laws of this state.

161 5. As used in this section, the term "subsidiary" shall include one or more business
162 entities of which the bank or trust company is the owner, provided the owner's liability is limited
163 by the investment in and loans to the subsidiary as otherwise provided for by law.

164 6. A bank or trust company to which authority is granted by regulation in subsection 4
165 of this section, based on the population of the political subdivision, may continue to exercise
166 such authority for up to five years after the appropriate decennial census indicates that the
167 population of the town in which such bank or trust company is located has exceeded the limits
168 provided for by regulation pursuant to subsection 4 of this section.

362.111. A bank or trust company may impose fees or service charges on deposit
2 accounts; however, such fees or service charges are subject to such conditions or requirements
3 that may be fixed by regulations pursuant to section 361.105 by the director of the division of
4 finance and the state banking **and savings and loan** board. Notwithstanding any law to the
5 contrary, no such condition or requirement shall be more restrictive than the fees or service
6 charges on deposit accounts or similar accounts permitted any federally chartered depository
7 institution.

362.325. 1. Any bank or trust company may, at any time, and in any amount, increase
2 or, with the approval of the director, reduce its capital stock (as to its authorized but unissued
3 shares, its issued shares, and its capital stock as represented by such issued shares), including a
4 reduction of capital stock by reverse stock split, change its name, change or extend its business
5 or the length of its corporate life, avail itself of the privileges and provisions of this chapter or
6 otherwise change its articles of agreement in any way not inconsistent with the provisions of this
7 chapter, with the consent of the persons holding a majority of the stock of the bank or trust
8 company, which consent shall be obtained at an annual meeting or at a special meeting of the
9 shareholders called for that purpose. A bank or trust company may, but shall not be obligated
10 to, issue a certificate for a fractional share, and, by action of its board of directors, may in lieu
11 thereof, pay cash equal to the value of the fractional share.

12 2. The meeting shall be called and notice given as provided in section 362.044.

13 3. If, at any time and place specified in the notice, stockholders shall appear in person
14 or by proxy, in number representing not less than a majority of all the shares of stock of the bank
15 or trust company, they shall organize by choosing one of the directors as chairman of the
16 meeting, and a suitable person for secretary, and proceed to a vote of those present in person or
17 by proxy.

18 4. If, upon a canvass of the vote at the meeting, it is ascertained that the proposition has
19 carried, it shall be so declared by the president of the meeting and the proceedings entered of
20 record.

21 5. When the full amount of the proposed increase has been bona fide subscribed and paid
22 in cash to the board of directors of the bank or trust company or the change has been duly
23 authorized, then a statement of the proceedings, showing a compliance with the provisions of this
24 chapter, the increase of capital actually subscribed and paid up or the change shall be made out,
25 signed and verified by the affidavit of the president and countersigned by the cashier, or
26 secretary, and such statement shall be acknowledged by the president and one certified copy filed
27 in the public records of the division of finance.

28 6. Upon the filing of the certified copy the director shall promptly satisfy himself or
29 herself that there has been a compliance in good faith with all the requirements of the law
30 relating to the increase, decrease or change, and when he or she is so satisfied he or she shall
31 issue a certificate that the bank or trust company has complied with the law made and provided
32 for the increase or decrease of capital stock, and the amount to which the capital stock has been
33 increased or decreased or for the change in the length of its corporate life or any other change
34 provided for in this section. Thereupon, the capital stock of the bank or trust company shall be
35 increased or decreased to the amount specified in the certificate or the length of the corporate life
36 of the bank shall be changed or other authorized change made as specified in the certificate. The
37 certificate, or certified copies thereof, shall be taken in all the courts of the state as evidence of
38 the increase, decrease or change.

39 7. Provided, however, that if the change undertaken by the bank or trust company in its
40 articles of agreement shall provide for the relocation of the bank or trust company in another
41 community, the director shall make or cause to be made an examination to ascertain whether the
42 convenience and needs of the new community wherein the bank desires to locate are such as to
43 justify and warrant the opening of the bank therein and whether the probable volume of business
44 at the new location is sufficient to ensure and maintain the solvency of the bank and the solvency
45 of the then existing banks and trust companies at the location, without endangering the safety of
46 any bank or trust company in the locality as a place of deposit of public and private moneys, and,
47 if the director, as a result of the examination, be not satisfied in the particulars mentioned or
48 either of them, he or she may refuse to issue the certificate applied for, in which event he or she
49 shall forthwith give notice of his or her refusal to the bank applying for the certificate, which if

50 it so desires may, within ten days thereafter, appeal from the refusal to the state banking **and**
51 **savings and loan** board.

52 8. All certificates issued by the director of finance relating to amendments to the charter
53 of any bank shall be provided to the bank or trust company and one certified copy filed in the
54 public records of the division of finance.

55 9. The board of directors may designate a chief executive officer, and such officer will
56 replace the president for purposes of this section.

369.014. As used in this chapter, unless the context clearly requires a different meaning,
2 the following words and terms shall have the meanings indicated:

3 (1) "Account", the monetary interest of the owner thereof in the deposit capital of an
4 association and consists of the withdrawal value of such interest;

5 (2) "Agency", a place of business other than the home office or a branch office at which
6 an agent of the association transacts authorized business of the association;

7 (3) "Association", a savings and loan association or a savings association subject to the
8 provisions of this chapter;

9 (4) **"Board", the state banking and savings and loan board established under**
10 **chapter 361;**

11 (5) "Branch", a place of business other than the home office at which is transacted
12 authorized business of the association;

13 [(5)] (6) "Capital", the capital stock and any other capital contributions in a capital stock
14 association;

15 [(6)] (7) "Capital stock", shares of nonwithdrawable capital issued by a capital stock
16 association which may be issued as permitted under chapter 351;

17 [(7)] (8) "Capital stock association", an association which issues capital stock;

18 [(8) "Commission", the state savings and loan commission;]

19 (9) "County" includes the city of St. Louis;

20 (10) "Deposit capital", the aggregate of deposits in accounts plus earnings credited
21 thereto less lawful deductions therefrom;

22 (11) "Director of the division of finance", the chief officer of the division of finance;

23 (12) "Earnings", that part of the net income of an association which is payable to or
24 credited to the owners of accounts. Earnings do not include capital stock, dividends paid or
25 payable on capital stock or other distributions thereon. Earnings also may be referred to as
26 interest;

27 (13) "Federal association" or "federal savings association", an association chartered by
28 the Office of Thrift Supervision or any successor thereto as provided in section 5 of the Home
29 Owners Loan Act of 1933, as amended;

30 (14) "Foreign association", any association or federal association with its principal office
31 located outside Missouri;

32 (15) "Foreign holding company", any company or corporation authorized or existing
33 under the laws of any jurisdiction or authority other than Missouri which directly or indirectly
34 controls a foreign association;

35 (16) "Home office", the location named in the articles of incorporation or the new
36 location in place thereof approved by the director of the division of finance. If no location is
37 named in the articles of incorporation, the association shall file with the director of the division
38 of finance the location of its home office;

39 (17) "Impaired condition", the inability of an association to pay its debts as they become
40 due in the usual course of its business;

41 (18) "Insured association", an association the accounts of which are insured, fully or in
42 part, as provided in this chapter;

43 (19) "Liquid assets", cash on hand and on deposit with banks including federal home
44 loan banks and such other assets as may be so designated from time to time by the director of the
45 division of finance;

46 (20) "Member", a person owning an account of a mutual association or a person
47 borrowing from or assuming or obligated upon or owning property securing a loan held by a
48 mutual association;

49 (21) "Mutual association", an association not having capital stock;

50 (22) "Office", any place at which business of the association is conducted on a regular
51 and continuing basis;

52 (23) "Person", any individual, corporation, entity, voting trust, business trust,
53 partnership, association, syndicate, or organized group of persons whether incorporated or not;

54 (24) "Security instrument", mortgage, deed of trust, or other instrument in which real or
55 personal property is security for a debt;

56 (25) "Stockholder", a person owning capital stock of a capital stock association;

57 (26) "Withdrawal value", the amount deposited in an account in an association plus
58 earnings credited thereto less lawful deductions therefrom.

369.024. 1. Upon receipt of a petition for certificate of incorporation, the director of the
2 division of finance shall, based upon the petition and all supporting information and upon such
3 independent investigation and examination as the director may make, either refuse the petition
4 or tentatively approve it. The petition shall be refused if the director of the division of finance
5 finds that the proposed association is to be formed for any other than legitimate savings and loan
6 purposes, or that the character and general fitness of the incorporators, or of the initial
7 stockholders, if any, are not such as to command public confidence, or that the proposed
8 directors and officers are not such as to tend to the success of the proposed association, or that
9 the public convenience and advantage will not be promoted by its establishment, or that there
10 is no public need for, or the volume of business in the location is insufficient to justify, another

11 association. The refusal shall be in writing with the reasons therefor stated and shall be sent by
12 registered mail to the chairman of incorporators.

13 2. If the director of the division of finance tentatively approves the petition, the director
14 shall give written notice to each association and each federal association with an office in the
15 county or in a county adjoining the county in which the proposed association is to be located,
16 stating the name of the proposed association, where it proposes to establish the principal office
17 of the association and that a petition for certificate of incorporation has been approved
18 tentatively. Any association entitled to receive notice may within thirty days from the date of
19 mailing of the notice make written protest to the director of the division of finance against the
20 granting of the petition for incorporation. If no protest is filed within that time, the director of
21 the division of finance shall make a final decision upon the petition either denying or granting
22 the petition and notice thereof shall be sent by registered mail to the chairman of incorporators.

23 3. If a protest is filed, the director of the division of finance shall, if requested, and may
24 on the director's own motion, conduct a hearing not less than ten nor more than thirty days
25 following the end of the time for protest. Upon application of any party for good cause, or upon
26 the director of the division of finance's own motion, the date of the hearing may be postponed.
27 Notice shall be given stating the time and place of the hearing to the chairman of incorporators
28 and to each protesting party. Any interested person may appear at the hearing in person or by
29 counsel and offer any relevant evidence. Following the hearing the director of the division of
30 finance shall deny or grant the petition and give written notice of the director's decision to all
31 interested parties.

32 4. The petition shall not be granted, either with or without the hearing provided for in
33 this section, except upon affirmative findings from all the evidence that the requirements of
34 sections 369.010 to 369.369 have been complied with and that:

35 (1) The persons named in the petition are citizens of the United States of good character
36 and responsibility; and

37 (2) There is a necessity for the proposed association in the area to be served by it; and

38 (3) There is a reasonable probability of usefulness and success of the proposed
39 association; and

40 (4) The proposed association can be established without undue injury to any properly
41 conducted association or federal association.

42 5. The director of the division of finance may, either with or without the hearing
43 provided for in this section, and the **state banking and savings and loan [commission] board**
44 may upon an appeal from the ruling of the director of the division of finance, require as a
45 condition of approving the petition that the proposed association obtain a firm commitment for
46 insurance of its accounts from the Federal Deposit Insurance Corporation or any successor
47 thereto or from any agency of this state insuring savings accounts or from any other insurer
48 approved by the director of the division of finance.

49 6. If the petition is approved, the director of the division of finance shall, upon receipt
50 of the sworn statement of the chairman of incorporators that the initial savings accounts and the
51 expense fund provided for in sections 369.010 to 369.369 have been paid in full in cash, or, if
52 a capital stock association, all subscriptions for capital stock have been paid in full, certify the
53 approval of the petition in writing to the secretary of state and deliver to the secretary of state the
54 incorporation fee and [two copies] **one copy** of the articles of incorporation. From the time of
55 such approval, the association shall be subject to all provisions of sections 369.010 to 369.369
56 and to supervision and control by the director of the division of finance. The secretary of state
57 shall thereupon issue the certificate of incorporation.

 369.144. Each association incorporated pursuant to or operating under the provisions of
2 sections 369.010 to 369.369 has all the powers enumerated, authorized, and permitted by
3 sections 369.010 to 369.369 and such other rights, privileges, and powers as may be incidental
4 to or reasonably necessary to exercise such powers granted herein. Among others, and except
5 as otherwise limited by the provisions of sections 369.010 to 369.369, each association has the
6 following powers:

7 (1) To have perpetual existence; to adopt and use a corporate seal, which may be affixed
8 by imprint, facsimile, or otherwise; and to adopt and amend bylaws as provided in sections
9 369.010 to 369.369;

10 (2) To sue and be sued, complain and defend in any court of law or equity;

11 (3) To acquire, hold, sell, dispose of and convey real and personal property; and to
12 mortgage, pledge, or lease any real or personal property in the exercise of the powers granted
13 herein; provided, however, that such leasing activities are limited to the extent permitted a
14 federal association;

15 (4) To borrow from sources, individual or corporate. All such loans and advances may
16 be secured by property of the association, and may be evidenced by such notes, bonds,
17 debentures, or other obligations or securities as the director of the division of finance may
18 authorize for all associations;

19 (5) To obtain and maintain insurance of its accounts by the Federal Deposit Insurance
20 Corporation or any successor thereto, or by any agency of this state insuring accounts in
21 associations, or by any other insurer approved by the director of the division of finance, and may
22 comply with conditions necessary to obtain and maintain such insurance;

23 (6) To qualify as and become a member of a Federal Home Loan Bank;

24 (7) In addition to the powers and authorities granted in this section, the director of the
25 division of finance may, from time to time, with the approval of the [commission] **state banking**
26 **and savings and loan board**, issue regulations granting such other powers and authorities as
27 have been granted to federal associations subject to the supervision of the Office of Thrift
28 Supervision or any successor thereto which are necessary to enable associations to compete. The

29 regulations shall be promulgated as provided in this chapter and shall not be inconsistent with
30 the constitution and laws of this state;

31 (8) To appoint officers, agents, and employees as its business shall require and to provide
32 them suitable compensation; to enter into employment contracts not to exceed five years in
33 duration; to provide for life, health and casualty insurance for officers, employees and directors
34 who are not officers, and to adopt and operate reasonable bonus plans, retirement benefits and
35 deferred compensation plans for such officers and employees; to adopt and operate stock option
36 and similar incentive compensation programs by capital stock associations; and to provide for
37 indemnification of its officers, employees and directors as prescribed or permitted by sections
38 369.010 to 369.369 whether by insurance or otherwise;

39 (9) To become a member of, deal with, or make reasonable payments or contributions
40 to any organization to the extent that such organization assists in furthering or facilitating the
41 association's purposes, powers or community responsibilities, and to comply with any reasonable
42 conditions of eligibility;

43 (10) To sell money orders, travel checks and similar instruments drawn by it on its
44 commercial bank accounts, accounts it has with the district Federal Home Loan Bank or as agent
45 for any organization empowered to sell such instruments through agents within the state;

46 (11) When an association is a member of a Federal Home Loan Bank, to act as fiscal
47 agent of the United States, and, when so designated by the Secretary of the Treasury, to perform,
48 under such regulations as the Secretary may prescribe, all such reasonable duties as fiscal agents
49 for the United States as the Secretary may require; and to act as agent for any instrumentality of
50 the United States and as agent of this state or any instrumentality thereof;

51 (12) To service loans and investments for others;

52 (13) When an association is insured, to act as trustee of any trust created or organized
53 in the United States and forming part of a stock bonus, pension, or profit-sharing plan which
54 qualifies or qualified for specific tax treatment under section 401(d) of the Internal Revenue
55 Code of 1954 as amended, if the funds of such trust are invested only in accounts or deposits in
56 such association or in obligations or securities issued by such association. All funds held in such
57 fiduciary capacity by any such association may be commingled for appropriate purposes of
58 investment, but individual records shall be kept by the fiduciary for each participant and shall
59 show in proper detail all transactions engaged in under the authority of this subdivision;

60 (14) To act as agent for others in any transaction incidental to the operation of its
61 business;

62 (15) To accept deposits, and to lend and invest its funds as provided in sections 369.010
63 to 369.369;

64 (16) To use abbreviations, words or symbols in connection with any document of any
65 nature and on checks, proxies, notices and other instruments, which abbreviations, words, or

66 symbols shall have the same force and legal effect as though the respective words and phrases
67 for which they stand were set forth in full;

68 (17) To act as custodian or keeper of microfilm records of other savings associations or
69 place microfilm records of the association for storage and safekeeping with another association;

70 (18) To make donations in reasonable amounts for the public welfare or for charitable,
71 scientific, religious, or educational purposes;

72 (19) To act as agent for any electric, gas, water, telephone or other public utility company
73 operating within this state in receiving moneys due such company for utility services furnished
74 by such company;

75 (20) To enter into agreements with others to supply data processing services and for the
76 use of data processing equipment owned or controlled by the association.

369.159. An association may impose fees or service charges on accounts; however, such
2 fees or service charges are subject to such conditions or requirements that may be fixed by
3 regulations pursuant to section 369.301 by the director of the division of finance and the [state
4 savings and loan commission] **board**. Notwithstanding any law to the contrary, no such
5 condition or requirement shall be more restrictive than the fees or service charges on deposit
6 accounts or similar accounts permitted any federally chartered depository institution.

369.294. 1. The director of the division of finance and examiners shall not be interested
2 in an association directly or indirectly either as creditor (except that each may be an account
3 holder and receive earnings thereon), director, officer, employee, trustee, attorney or borrower
4 (except for a loan on the home property owned and occupied by the director or examiner or a
5 share loan), nor shall any one of them receive directly or indirectly any payment, compensation
6 or gratuity from any association.

7 2. The director, the examiners and all employees of the division of finance and members
8 of the [state savings and loan commission] **board** shall not divulge any information acquired in
9 the discharge of their duties except insofar as required by law or order of court. The director
10 may, however, furnish information to the Office of Thrift Supervision or any successor thereto,
11 the Federal Deposit Insurance Corporation or any successor thereto, any federal home loan bank
12 or savings departments of other states.

369.299. The director of the division of finance shall:

2 (1) Exercise all rights, powers and duties set forth in sections 369.010 to 369.369 or as
3 may be otherwise provided by law;

4 (2) Establish, amend, supplement and revoke, subject to the approval of the [state
5 savings and loan commission] **board**, all regulations authorized by the provisions of sections
6 369.010 to 369.369 and such additional regulations as may be reasonable or necessary to provide
7 for the organization, incorporation, examination, operation, and regulation of associations, and
8 service corporations, and the director may by regulation provide that an association shall have
9 all powers, rights, and privileges which it would have from time to time if organized and

10 operating in Missouri as a federal association under the laws of the United States. The director
11 shall deliver by mail to each association a copy of any proposed regulation or change in an
12 existing regulation. If five or more associations protest the proposed regulation or change and
13 request a hearing thereon within fifteen days thereafter, the director shall conduct a hearing
14 before acting thereon;

15 (3) Direct and supervise all the activities of the office;

16 (4) Exercise general supervision over all associations and all corporations which are
17 owned in whole or in part by an association or associations;

18 (5) Upon request of the governor make a report in writing to the governor on or before
19 the first day of March as to the financial condition as of December thirty-first of the preceding
20 year of each association;

21 (6) Have charge of the execution of laws relating to savings associations with authority
22 to sue in the director's name to enforce any law of this state applying to an association or to a
23 corporation in which an association has an interest, or applying to the officers, directors or
24 employees of any association.

369.314. The [commission] **board** shall:

2 (1) Approve or disapprove each regulation proposed by the director of the division of
3 finance pertaining to savings and loan associations; and

4 (2) Hear and determine any appeal [from] **permitted by law, including but not limited**
5 **to** an order or decision of the director pertaining to the incorporation, relocation or branching of
6 savings and loan associations, **which shall be conducted as provided in chapter 361.**

369.329. No association may establish or maintain a branch office or agency without the
2 prior written approval of the director of the division of finance, except that temporary and
3 incidental agencies may be created for individual transactions and for special temporary purposes
4 without such approval. Each application for approval of the establishment and maintenance of
5 a branch office or one or more agencies shall state the proposed location of the branch office or
6 agency, the functions to be performed at the office or agency, the estimated volume of business
7 at the branch office or agency, the estimated annual expense of the branch office or agency and
8 the mode of payments for the branch office or agency and such additional matters as the director
9 of the division of finance by regulation may require. Each such application shall be accompanied
10 by a budget of the association for the current earnings period and for the next succeeding
11 semiannual period, which reflects the estimated additional expense of the maintenance of each
12 such branch office or agency. No branch application shall be granted if, in the opinion of the
13 director or a majority of the members of the [commission] **board** on appeal, the policies,
14 condition or operation of the applicant afford a basis for supervisory objection to the application.
15 The director of the division of finance may hold a hearing at the director's discretion on the
16 application in accordance with such procedures as the director by regulation may require.

371.060. 1. Immediately upon the filing of the certificate of organization by the applicants, the director of finance shall submit to the state banking **and savings and loan** board the proposed articles of incorporation and the certificate of organization of the applicants and as soon as practicable thereafter the state banking **and savings and loan** board shall direct the director of finance to issue to the applicants a certificate of incorporation in such form as it may prescribe, if the board, from the best information available, determines that:

(1) Public convenience and necessity require the development finance corporation;

(2) The holders of the fully paid stock of the corporation are at least ten in number;

(3) That not less than two hundred fifty shares of no par value stock issued at one hundred dollars per share have been subscribed and fully paid for in cash;

(4) The bylaws and regulations submitted, if any, are in conformity with the articles of incorporation and the provisions of this chapter and not in conflict with any law of this state.

2. The director of finance shall return to the applicants one of the articles of incorporation submitted to him and shall endorse thereon the issuance by him of the certificate of incorporation.

371.090. 1. The articles of incorporation may be amended by a majority vote of the stockholders at any regular meeting or at a special meeting called for that purpose.

2. Articles of amendment signed by the president or vice president and attested by the secretary certifying to the amendment and its lawful adoption shall be executed, acknowledged and filed with the director of finance and, when approved by the state banking and savings and loan board, recorded with a certificate of the director of finance approving the articles of amendment, in the same manner as the original articles of incorporation. As soon as the director of finance issues his certificate of amendment the amendment is in effect.

371.240. 1. Any corporation organized under this chapter, after the payment in full and cancellation of all its bonds and other obligations issued under the provisions of this chapter, or after the deposit in trust with the respective trustees designated in any deeds of trust given to secure the payment of any such obligation of a sum of money sufficient for the purpose, may dissolve by the vote of a majority of the stockholders at any regular meeting or at a special meeting called for that purpose.

2. A certificate of dissolution shall be signed by the president or vice president and attested by the secretary, certifying to the dissolution and that they have been authorized by lawful action of the stockholders to execute and file such certificate. The certificate of dissolution shall be executed, acknowledged and filed with the director of finance and, when approved by the state banking **and savings and loan** board, shall be recorded in the same manner as the original articles of incorporation. When the director has endorsed the approval of the state banking **and savings and loan** board on the certificate of dissolution the corporation is deemed to be dissolved.

15 3. The corporation shall, however, continue for the purpose of paying, satisfying and
16 discharging any other existing liabilities or obligations and for collecting or liquidating its assets,
17 and doing all other acts required to adjust and wind up its business and affairs, and may sue and
18 be sued in its corporate name.

19 4. Any assets remaining after all liabilities and obligations have been satisfied shall be
20 distributed pro rata among the stockholders of the corporation.

536.310. 1. The board shall:

2 (1) Provide state agencies with input regarding rules that adversely affect small
3 businesses;

4 (2) Solicit input and conduct hearings from small business owners and state agencies
5 regarding any rules proposed by a state agency; and

6 (3) Provide an evaluation report to the governor and the general assembly, including any
7 recommendations and evaluations of state agencies regarding regulatory fairness for Missouri's
8 small businesses. The report shall include comments from small businesses, state agency
9 responses, and a summary of any public testimony on rules brought before the board for
10 consideration.

11 2. In any inquiry conducted by the board because of a request from a small business
12 owner, the board may make recommendations to the state agency.

13 If the board makes recommendations, such recommendations shall be based on any of the
14 following grounds:

15 (1) The rule creates an undue barrier to the formation, operation, and expansion of small
16 businesses in a manner that significantly outweighs the rule's benefits to the public; or

17 (2) New or significant economic information indicates the proposed rule would create
18 an undue impact on small businesses; or

19 (3) Technology, economic conditions, or other relevant factors justifying the purpose for
20 the rule has changed or no longer exists; or

21 (4) If the rule was adopted after August 28, 2004, whether the actual effect on small
22 businesses was not reflected in or significantly exceeded the small business impact statement
23 submitted prior to the adoption of the rules.

24 **3. Subject to appropriations, by a majority vote of the board, the board may hire**
25 **a one-half full-time equivalent employee for clerical support and a full-time equivalent**
26 **employee with total salaries funded from the department of economic development**
27 **appropriations up to one hundred fifty thousand dollars adjusted annually for inflation**
28 **for professional positions to:**

29 **(1) Conduct internet website additions, corrections, and deletions;**

30 **(2) Develop training programs for agencies;**

31 **(3) Send regulatory alerts to interested small business subscribers;**

32 (4) Track small business comments regarding agencies and review and respond to
33 the agency and small business accordingly;

34 (5) Prepare for board meetings and hearings, including outreach, travel, agendas,
35 and minutes;

36 (6) Prepare member maintenance expense reports and appointments;

37 (7) Analyze small business impact statements. After such analysis, the employee
38 shall review such statements, offer suggestions, and work with agencies to meet the statute
39 requirements;

40 (8) Analyze biannual report reviews;

41 (9) Conduct agency correspondence and training;

42 (10) Conduct small business outreach by speaking at chamber and association
43 events;

44 (11) Review the Missouri Register and other sources to look for proposed rules that
45 may affect small business.

46 4. Subject to appropriations, the board may receive additional funds for:

47 (1) Upkeep of its internet website;

48 (2) Information technology;

49 (3) Mileage for board members;

50 (4) Publication, printing, and distribution of annual reports;

51 (5) Outreach costs; and

52 (6) Expenses and equipment for the one and one half full time equivalent employee
53 of the board.

54 5. A majority vote of the board members shall be required for the hiring, retention,
55 and termination of board employees. All duties of board employees shall be dedicated
56 solely to the support of and for the furtherance of the purpose and mission of the board.

 620.580. Sections 620.580 to 620.592 shall be known and may be cited as the
2 "Missouri Community Service Act".

 620.582. As used in sections 620.580 to 620.592, the following terms mean:

2 (1) "Act", the national and community service act of 1990, as amended;

3 (2) "Commission", the Missouri community service commission created by sections
4 620.580 to 620.592;

5 (3) "Community service programs", the performance of tasks designed primarily
6 to address educational, public safety, human, or environmental needs at a local, regional,
7 state, or multistate level;

8 (4) "Corporation", the corporation for national and community service authorized
9 by the act;

10 (5) "National service position", a placement in a community service program
11 whereby an individual may earn an educational award, as authorized by the act;

12 (6) "National service laws", the act and other federal legislation that authorizes or
13 may authorize community service activities in states.

**620.584. 1. The Missouri community service commission is assigned to the
2 department of economic development.**

3 **2. The commission is established to make community service the common
4 expectation and experience of all Missourians with a special concentration on Missouri's
5 young people. The commission shall focus its efforts primarily on issues related to
6 education, public safety, human needs and the environment.**

7 **3. The commission shall work to renew the ethic of civic responsibility in Missouri
8 and to involve and enroll citizens in service opportunities that benefit Missouri while
9 offering citizens skills that can be used to further their own plans for education, for a
10 career, or for continuing community services. The commission shall build on the existing
11 organizational framework of state, local, and community-based programs and agencies to
12 expand full-time and part-time service opportunities for all citizens, but particularly
13 Missouri's youth.**

**620.586. 1. The commission shall include at least fifteen, but no more than
2 nineteen, voting members appointed by the governor with the advice and consent of the
3 senate. The commission shall include the following voting members:**

4 **(1) A representative of local government;**

5 **(2) The commissioner of the department of elementary and secondary education
6 or the designee of such person;**

7 **(3) An individual with experience in promoting the involvement of older adults in
8 service and volunteerism;**

9 **(4) A representative of a national service program;**

10 **(5) An individual with expertise in the educational, training, and development
11 needs of youth, particularly disadvantaged youth;**

12 **(6) An individual between the ages of sixteen and twenty-five years who is a
13 participant in or supervisor of a service program for school age youth, or a campus-based
14 or national service program;**

15 **(7) A representative of community-based agencies or organizations in the state;**

16 **(8) A representative of labor organizations;**

17 **(9) A member representing the business community;**

18 **(10) The lieutenant governor or his or her designee;**

19 **(11) A representative of the volunteer sector; and**

20 **(12) Between four and eight other members, appointed by the governor, provided
21 that no more than twenty percent of the voting members are officers or employees of the
22 state, and provided further that not more than fifty percent plus one of the voting members
23 of the commission are members of the same political party.**

24 **2. The commission shall include at least one nonvoting, ex officio member who shall**
25 **be a representative from the corporation for national and community service. The**
26 **governor may appoint any number of other nonvoting, ex officio members who shall serve**
27 **at the pleasure of the governor.**

28 **3. Appointments to the commission shall reflect the race, ethnicity, age, gender, and**
29 **disability characteristics of the population of the state as a whole.**

30 **4. Voting members shall serve renewable terms of three years, except that of the**
31 **first members appointed, one-third shall serve for a term of one year, one-third shall serve**
32 **for a term of two years, and one-third shall serve for a term of three years. If a commission**
33 **vacancy occurs, the governor shall appoint a new member to serve for the remainder of the**
34 **unexpired term. Vacancies shall not affect the power of the remaining members to execute**
35 **the commission's duties.**

36 **5. The members of the commission shall receive no compensation for their services**
37 **on the commission, but shall be reimbursed for ordinary and necessary expenses incurred**
38 **in the performance of their duties.**

39 **6. The voting members of the commission shall elect one of their members to serve**
40 **as chairperson of the commission. The voting members may elect such other officers as**
41 **deemed necessary.**

42 **7. The commission shall meet at least quarterly.**

620.588. 1. The commission shall have the following powers and duties:

2 **(1) To ensure that its funding decisions meet all federal and state statutory**
3 **requirements;**

4 **(2) To prepare for this state an annual national service plan that follows state and**
5 **federal guidelines;**

6 **(3) To recommend innovative statewide service programs to increase volunteer**
7 **participation and community-based problem solving by all age groups and among diverse**
8 **participants;**

9 **(4) To utilize local, state, and federal resources to initiate, strengthen, and expand**
10 **quality service programs;**

11 **(5) To promote interagency collaboration to maximize resources and develop a**
12 **model of such collaboration on the state level;**

13 **(6) To oversee the application process to apply for corporation grants and funds,**
14 **and for approval of service positions;**

15 **(7) To establish priorities, policies, and procedures for the use of funds received**
16 **under national service laws and for funds deposited into the community service**
17 **commission fund established in section 620.592;**

18 **(8) To provide technical assistance for applicants to plan and implement service**
19 **programs and to apply for assistance under the national service laws;**

20 **(9) To solicit and accept gifts, contributions, grants, bequests, or other aid from any**
 21 **person, business, organization or foundation, public or private and from federal, state or**
 22 **local government or any agency of federal, state or local government.**

23 **2. The commission shall have other powers and duties in addition to those listed in**
 24 **subsection 1 of this section, including:**

25 **(1) To utilize staff within the department of economic development, the office of a**
 26 **designated statewide elected official or other executive departments as needed for this**
 27 **purpose; and**

28 **(2) To enter into contracts with individuals, organizations, and institutions within**
 29 **amounts available for this purpose.**

620.590. 1. All state agencies, the University of Missouri extension system, and any
 2 **unit of local government, including school districts, may share information and cooperate**
 3 **with the commission to enable it to perform the functions assigned to it by state and federal**
 4 **law.**

5 **2. Any state agency that operates or plans to establish a community service**
 6 **program may coordinate its efforts with the commission.**

620.592. 1. There is hereby created in the state treasury the "Community Service
 2 **Commission Fund". The state treasurer shall deposit to the credit of the fund all moneys**
 3 **which may be appropriated to it by the general assembly and also any gifts, contributions,**
 4 **grants, bequests, or other aid received from federal, private, or other sources. The general**
 5 **assembly may appropriate moneys into the fund for the support of the commission and its**
 6 **activities. Notwithstanding the provisions of section 33.080 to the contrary, moneys in the**
 7 **fund shall not revert to the credit of the general revenue fund at the end of the biennium.**

8 **2. The commission shall submit an annual report of its activities to the speaker of**
 9 **the house of representatives, the president pro tem of the senate, and the governor before**
 10 **January thirty-first of each year.**

 620.638. As used in sections 620.635 to 620.653, the following terms mean:

2 **(1) ["Board", the Missouri seed capital investment board, as established pursuant to**
 3 **section 620.641;**

4 **(2)] "Committed contributions", the total amount of qualified contributions that are**
 5 **committed to a qualifying fund by contractual agreement;**

6 **[(3)] (2) "Corporation", the Missouri technology corporation as established pursuant to**
 7 **section 348.251;**

8 **[(4)] (3) "Department", the department of economic development;**

9 **[(5)] (4) "Director", the director of the department of economic development;**

10 **[(6)] (5) "Follow-up capital", capital provided to a qualified business in which a**
 11 **qualified fund has previously invested seed capital or start-up capital. No more than forty percent**
 12 **of the qualified contributions to a qualified fund may be used for follow-up capital, and no**

13 qualified contributions which generate tax credits before the second round of allocations as
14 authorized by section 620.650 shall be used for follow-up capital investments;

15 [(7)] (6) "Person", any individual, corporation, partnership, limited liability company
16 or other entity, including any charitable organization which is exempt from federal income tax
17 and whose Missouri unrelated business taxable income, if any, would be subject to the state
18 income tax imposed under chapter 143;

19 [(8)] (7) "Positive cash flow", total cash receipts from sales or services, but not from
20 investments or loans, exceeding total cash expenditures as calculated on a fiscal year basis;

21 [(9)] (8) "Qualified business", any independently owned and operated business which
22 is headquartered and located in Missouri and which is involved in or intends to be involved in
23 commerce for the purpose of manufacturing, processing or assembling products, conducting
24 research and development, or providing services in interstate commerce. Such a business shall
25 maintain its headquarters in Missouri for a period of at least three years from the date of receipt
26 of a qualified investment or be subject to penalties pursuant to section 620.017;

27 [(10)] (9) "Qualified contribution", cash contributions to a qualified fund pursuant to
28 the terms of contractual agreements made between the qualified fund and a qualified economic
29 development organization authorized by the [board] **corporation** to enter into such contracts;

30 [(11)] (10) "Qualified economic development organization", any corporation organized
31 pursuant to the provisions of chapter 355 that, as of January 1, 1991, had obtained a contract with
32 the department to operate an innovation center to promote, assist and coordinate the research and
33 development of new services, products or processes in this state;

34 [(12)] (11) "Qualified fund", a fund established by any corporation, partnership, joint
35 venture, unincorporated association, trust or other organization established pursuant to the laws
36 of Missouri and approved by [the board or] the corporation;

37 [(13)] (12) "Qualified investment", any investment of seed capital, start-up capital or
38 follow-up capital in a qualified business that does not cause more than ten percent of all the
39 qualified contributions to a qualified fund to be invested in a single qualified business;

40 [(14)] (13) "Seed capital", capital provided to a qualified business for research,
41 development and precommercialization activities to prove a concept for a new product, process
42 or service, and for activities related thereto; provided that, seed capital shall not be provided to
43 any business which in a past fiscal year has experienced a positive cash flow;

44 [(15)] (14) "Start-up capital", capital provided to a qualified business for use in
45 preproduction product development, service development or initial marketing thereof; provided
46 that, start-up capital shall not be provided to any business which has experienced a positive cash
47 flow in a past fiscal year;

48 [(16)] (15) "Uninvested capital", that portion of any qualified contribution to a qualified
49 fund, other than management fees not to exceed three percent per year of committed

50 contributions, qualified investments and other expenses or fees authorized by the [board]
51 **corporation**, that is not invested as a qualified investment within ten years of its receipt.

620.641. [There is hereby established the "Missouri Seed Capital Investment Board", to
2 be composed of thirteen persons. One person shall be the director, or the director's designee, and
3 each qualified economic development organization, not to exceed four, shall respectively be
4 represented by one member appointed by each organization. Eight members shall be appointed
5 by the governor with the advice and consent of the senate. Of these, one shall represent a major
6 public research university located within the state, one shall represent a major private research
7 university located within the state and the remaining six members shall have backgrounds in
8 technology, banking, labor or small business development. The eight members appointed by the
9 governor shall serve terms of three years; except that, of those first appointed, three shall serve
10 for terms of three years, three for terms of two years and two for terms of one year. The
11 members of the board shall annually elect one of its members who has been appointed by the
12 governor as chairman of the board. At any meeting of the board, seven members must be present
13 to constitute a quorum. The department shall provide support services necessary to carry out the
14 duties of the board.] **The powers and duties of the Missouri Seed Capital Investment Board**
15 **shall be transferred to the Missouri Technology Corporation effective August 28, 2011, and**
16 **the Missouri Seed Capital Investment Board shall be dissolved.**

620.644. 1. The Missouri seed capital and commercialization strategy shall be jointly
2 developed and approved by the boards of directors of all of the qualified economic development
3 organizations and submitted as one plan to the [board] **corporation** for its approval. The board
4 shall not approve any qualified fund, exclusive of the fund approved by the corporation, unless
5 such fund is described in the Missouri seed capital and commercialization strategy. The strategy
6 shall include a proposal for the establishment and operation of between one and four qualified
7 funds in Missouri, including the fund approved by the corporation pursuant to the provisions of
8 section 620.653. The initial strategy shall be submitted to the board no later than July 1, 2000,
9 and shall be approved or rejected by the board within three months of receipt. No tax credits
10 authorized pursuant to the provisions of sections 620.635 to 620.653 shall be awarded until such
11 strategy has been approved by the board, other than tax credits authorized for qualified
12 contributions to the fund approved by the corporation.

13 2. The department shall authorize the use of up to twenty million dollars in tax credits
14 by the approved qualified funds, in aggregate pursuant to the provisions of section 620.650, with
15 not more than five million dollars of tax credits being issued in any one year.

16 3. The [board or] corporation shall approve the professional managers employed by the
17 qualified funds according to criteria similar to that used by the U.S. Small Business
18 Administration's Small Business Investment Corporation Program.

19 4. The department may promulgate any rules and regulations necessary to administer the
20 provisions of sections 620.635 to 620.653. No rule or regulation or portion of a rule or

21 regulation promulgated pursuant to the authority of this section shall become effective unless it
22 has been promulgated pursuant to the provisions of chapter 536.

23 5. The [Missouri seed capital investment board] **corporation** shall report the following
24 to the department:

25 (1) As soon as practicable after the receipt of a qualified contribution the name of each
26 person from which the qualified contribution was received, the amount of each contributor's
27 qualified contribution and the tax credits computed pursuant to this section;

28 (2) On a quarterly basis, the amount of qualified investments made to any qualified
29 business;

30 (3) On a quarterly basis, verification that the investment of seed capital, start-up capital,
31 or follow-up capital in a qualified business does not direct more than ten percent of all the
32 qualified contributions to a qualified fund to be invested in a single qualifying business.

33 6. Each qualified fund shall provide annual audited financial statements, including the
34 opinion of an independent certified public accountant, to the department within ninety days of
35 the close of the state fiscal year. The audit shall address the methods of operation and conduct
36 of the business of the qualified economic development organization to determine compliance
37 with the statutes and program and program rules and that the qualified contributions received by
38 the qualified fund have been invested as required by this section.

620.647. 1. The [board or] corporation may authorize each qualified economic
2 development organization to enter into contractual agreements with any qualified fund allowing
3 such qualified fund to offer tax credits authorized pursuant to the provisions of sections 620.635
4 to 620.653 to those persons making qualified contributions to the qualified fund. The [board]
5 **corporation** shall establish policies and procedures requiring each authorized qualified
6 economic development organization to secure from each qualified fund and its investors the
7 maximum fund equity interest possible, as dictated by market conditions, in exchange for the use
8 of the tax credits. All tax credits authorized pursuant to sections 620.635 to 620.653 shall be
9 administered by the department.

10 2. Each qualified fund shall enter into a contract with one or more qualified economic
11 development organizations which shall entitle all qualified economic development organizations
12 in existence at that time to receive and share equally all distributions of equity and dividends or
13 other earnings of the fund that are generated as a result of any equity interest secured as a result
14 of actions taken to comply with subsection 1 of this section. Such contracts shall require the
15 qualified funds to transfer to the [board] **corporation** all distributions of dividends or other
16 earnings of the fund that are owed to any qualified economic development organization that has
17 dissolved or has ceased doing business for a period of one year or more.

18 3. All distributions of dividends, earnings, equity or the like owed pursuant to the
19 provisions of sections 620.635 to 620.653 to a qualified economic development organization by
20 any qualified fund shall be paid to the qualified economic development organization. The

21 qualified economic development organization shall use such payments solely for reinvestment
22 in qualified funds in order to provide ongoing seed capital, start-up capital and follow-up capital
23 for Missouri businesses. No qualified economic development organization may transfer any
24 dividends, earnings, equity or the like owed it pursuant to sections 620.635 to 620.653 to any
25 other person or entity without the approval of the [board] **corporation**.

620.650. 1. The sole purpose of each qualified fund is to make investments. One
2 hundred percent of investments made from qualified contributions shall be qualified investments.

3 2. Any person who makes a qualified contribution to a qualified fund shall receive a tax
4 credit against the tax otherwise due pursuant to chapter 143, chapter 147, or chapter 148, other
5 than taxes withheld pursuant to sections 143.191 to 143.265, in an amount equal to one hundred
6 percent of such person's qualified contribution.

7 3. Such person shall submit to the department an application for the tax credit on a form
8 provided by the department. The department shall award tax credits in the order the applications
9 are received and based upon the strategy approved by the [board] **corporation**. Tax credits
10 issued pursuant to this section may be claimed for the tax year in which the qualified contribution
11 is made or in any of the following ten years, and may be assigned, transferred or sold.

12 4. There is hereby imposed on each qualified fund a tax equal to fifteen percent of the
13 qualified fund's uninvested capital at the close of such qualified fund's tax year. For purposes
14 of tax computation, any distribution made by a qualified fund during a tax year is deemed made
15 at the end of such tax year. Each tax year, every qualified fund shall remit the tax imposed by
16 this section to the director of the department of revenue for deposit in the state treasury to the
17 credit of the general revenue fund.

620.653. The provisions of sections 620.635 to 620.650 to the contrary notwithstanding,
2 one qualified fund shall be approved by the corporation as soon as practicable after July 8, 1999.
3 Such fund need not be initially incorporated into the seed capital and commercialization strategy
4 until after the appointment of the board. After the appointment of the board, all powers
5 exercised by the corporation in relation to that fund shall be transferred to the board. **After the**
6 **dissolution of the board, all powers exercised by the board shall be transferred to the**
7 **corporation**. The corporation shall approve the professional fund manager employed by the
8 qualified fund established by this section.

632.020. 1. The Missouri advisory council for comprehensive psychiatric services,
2 created by executive order of the governor on June 10, 1977, shall act as an advisory body to the
3 division and the division director. The council shall be comprised of up to twenty-five members,
4 the number to be determined under the council bylaws.

5 2. The members of the council shall be appointed by the director. Members shall serve
6 for overlapping terms of three years each. The members of the existing council appointed under
7 the provisions of the executive order shall serve the remainder of their appointed terms. At the
8 expiration of the term of each such member, the director shall appoint an individual who shall

9 hold office for a term of three years. Each member shall hold office until a successor has been
10 appointed. Members shall have professional, research or personal interest in the prevention,
11 evaluation, care, treatment and rehabilitation of persons affected by mental disorders and mental
12 illness. The council shall include representatives from the following:

13 (1) Nongovernment organization or groups and state agencies concerned with the
14 planning, operation or use of comprehensive psychiatric services;

15 (2) Representatives of consumers and providers of comprehensive psychiatric services
16 who are familiar with the need for such services. At least one-half of the members shall be
17 consumers. No more than one-fourth of the members shall be vendors or members of boards of
18 directors, employees or officers of vendors, or any of their spouses, if such vendors receive more
19 than fifteen hundred dollars under contract with the department; except that members of boards
20 of directors of not-for-profit corporations shall not be considered members of board of directors
21 of vendors under this subsection.

22 3. A vacancy occurring on the council shall be filled by appointment of the director.

23 4. Meetings shall be held at least every ninety days at the call of the division director or
24 the council chairman, who shall be elected by the council.

25 5. Each member shall be reimbursed for reasonable and necessary expenses, including
26 travel expenses pursuant to the travel regulations for employees of the department, actually
27 incurred in the performance of his official duties.

28 6. The council may be divided into subcouncils in accordance with its bylaws. The
29 council shall study, plan and make recommendations on the prevention, evaluation, care,
30 treatment, rehabilitation, housing and facilities for persons affected by mental disorders and
31 mental illness.

32 7. No member of a state advisory council may participate in or seek to influence a
33 decision or vote of the council if the member would be directly involved with the matter or [if
34 he] would derive income from it. A violation of the prohibition contained herein shall be
35 grounds for a person to be removed as a member of the council by the director.

36 8. The council shall collaborate with the department in developing and administering a
37 state plan for comprehensive psychiatric services. The council shall be advisory and shall:

38 (1) Promote meetings and programs for the discussion of reducing the debilitating effects
39 of mental disorders and mental illness and disseminate information in cooperation with any other
40 department, agency or entity on the prevention, evaluation, care, treatment and rehabilitation for
41 persons affected by mental disorders or mental illness;

42 (2) Study and review current prevention, evaluation, care, treatment and rehabilitation
43 technologies and recommend appropriate preparation, training, retraining and distribution of
44 manpower and resources in the provision of services to persons affected by mental disorders or
45 mental illness through private and public residential facilities, day programs and other
46 specialized services;

47 (3) Recommend what specific methods, means and procedures should be adopted to
48 improve and upgrade the department comprehensive psychiatric service delivery system for
49 citizens of this state;

50 (4) Participate in developing and disseminating criteria and standards to qualify
51 comprehensive psychiatric service residential facilities, day programs and other specialized
52 services in this state for funding or licensing, or both, by the department;

53 **(5) Provide oversight for suicide prevention activities.**

660.010. 1. There is hereby created a "Department of Social Services" in charge of a
2 director appointed by the governor, by and with the advice and consent of the senate. All the
3 powers, duties and functions of the director of the department of public health and welfare,
4 chapters 191 and 192, and others, not previously reassigned by executive reorganization plan
5 number 2 of 1973 as submitted by the governor under chapter 26 except those assigned to the
6 department of mental health, are transferred by type I transfer to the director of the department
7 of social services and the office of the director, department of public health and welfare is
8 abolished. The department of public health and welfare is abolished. All employees of the
9 department of social services shall be covered by the provisions of chapter 36 except the director
10 of the department and his secretary, all division directors and their secretaries, and no more than
11 three additional positions in each division which may be designated by the division director.

12 2. It is the intent of the general assembly in establishing the department of social
13 services, as provided herein, to authorize the director of the department to coordinate the state's
14 programs devoted to those unable to provide for themselves and for the rehabilitation of victims
15 of social disadvantage. The director shall use the resources provided to the department to
16 provide comprehensive programs and leadership striking at the roots of dependency, disability
17 and abuse of society's rules with the purpose of improving service and economical operations.
18 The department is directed to take all steps possible to consolidate and coordinate the field
19 operations of the department to maximize service to the citizens of the state.

20 3. All the powers, duties and functions of the division of welfare, chapters 205, 207, 208,
21 209, and 210 and others, are transferred by type I transfer to the "Division of Family Services"
22 which is hereby created in the department of social services. The director of the division shall
23 be appointed by the director of the department. All references to the division of welfare shall
24 hereafter be construed to mean the division of family services of the department of social
25 services.

26 4. [All the powers, duties and functions of the board of nursing home administrators,
27 chapter 344, are transferred by type I transfer to the department of social services. The public
28 members of the board shall be appointed by the director of the department.

29 5.] The state's responsibility under public law 452 of the eighty-eighth Congress and
30 others, pertaining to the Office of Economic Opportunity, is transferred by type I transfer to the
31 department of social services.

32 [6.] 5. The state's responsibility under public law 73, Older Americans Act of 1965, of
33 the eighty-ninth Congress is transferred by type I transfer to the department of social services.

34 [7.] 6. All the powers, duties and functions vested by law in the curators of the
35 University of Missouri relating to crippled children's services, chapter 201, are transferred by
36 type I transfer to the department of social services.

37 [8.] 7. All the powers, duties and functions vested in the state board of training schools,
38 chapter 219 and others, are transferred by type I transfer to the "Division of Youth Services"
39 hereby authorized in the department of social services headed by a director appointed by the
40 director of the department. The state board of training schools shall be reconstituted as an
41 advisory board on youth services, appointed by the director of the department. The advisory
42 board shall visit each facility of the division as often as possible, shall file a written report with
43 the director of the department and the governor on conditions they observed relating to the care
44 and rehabilitative efforts in behalf of children assigned to the facility, the security of the facility
45 and any other matters pertinent in their judgment. Copies of these reports shall be filed with the
46 legislative library. Members of the advisory board shall receive reimbursement for their
47 expenses and twenty-five dollars a day for each day they engage in official business relating to
48 their duties. The members of the board shall be provided with identification means by the
49 director of the division permitting immediate access to all facilities enabling them to make
50 unannounced entrance to facilities they wish to inspect.

2 [21.475. 1. Because wetlands are a vital natural resource and wetland
3 conversion is of vital interest to Missouri farmers, conservationists, and
4 landowners, for oversight of various activities of the department of natural
5 resources and other agencies, the senate and the house of representatives shall
6 establish a "Joint Committee on Wetlands", composed of five members of the
7 senate, appointed by the president pro tem of the senate, and five members of the
8 house of representatives, appointed by the speaker of the house. Not more than
9 three members appointed by the president pro tem and not more than three
10 members appointed by the speaker of the house shall be from the same political
11 party. Any state department or agency except the department of conservation and
12 the department of transportation shall obtain the approval of the joint committee
13 on wetlands prior to entering into a contract with any entity of the government or
14 any private entity to conduct any activity relating to the definition, preservation
15 or restoration of wetlands. Each department, division and agency of state
16 government shall provide any information relating to the state's wetlands to the
17 joint committee on wetlands upon request of the committee.

18 2. The committee may hold hearings and conduct investigations within
19 the state as it deems advisable, and the members shall receive no additional
20 compensation, other than reimbursement for their actual and necessary expenses
21 incurred in the performance of their duties. The staff of the committee on
22 legislative research, house research, and senate research shall provide necessary
23 clerical, research, fiscal and legal services to the committee, as the committee
may request.]

2 [21.780. Every ten years after August 28, 1997, a review of county
3 salaries shall be made by the general assembly. A committee consisting of three
4 members of the house of representatives appointed by the speaker and three
5 members of the senate appointed by the president pro tem shall carry out the
6 review. The committee shall complete its review by December thirty-first of the
7 year in which the committee is appointed. Legislation to revise the then existing
8 salary schedules may be filed at the next following session of the general
9 assembly.]

2 [26.600. Sections 26.600 to 26.614 shall be known and may be cited as
3 the "Missouri Community Service Act".]

2 [26.603. As used in sections 26.600 to 26.614, the following terms mean:

3 (1) "Act", the national and community service act of 1990, as amended;

4 (2) "Commission", the Missouri community service commission created
5 by sections 26.600 to 26.614;

6 (3) "Community service programs", the performance of tasks designed
7 primarily to address educational, public safety, human, or environmental needs
8 at a local, regional, state, or multistate level;

9 (4) "Corporation", the corporation for national and community service
10 authorized by the act;

11 (5) "National service position", a placement in a community service
12 program whereby an individual may earn an educational award, as authorized by
13 the act;

14 (6) "National service laws", the act and other federal legislation that
15 authorizes or may authorize community service activities in states.]

2 [26.605. 1. There is hereby created and established within the office of
3 the governor "The Missouri Community Service Commission". The governor
4 may, by executive order, assign this commission to the office of any executive
5 department or statewide elected official.

6 2. The commission is established to make community service the
7 common expectation and experience of all Missourians with a special
8 concentration on Missouri's young people. The commission shall focus its efforts
9 primarily on issues related to education, public safety, human needs and the
10 environment.

11 3. The commission shall work to renew the ethic of civic responsibility
12 in Missouri and to involve and enroll citizens in service opportunities that benefit
13 Missouri while offering citizens skills that can be used to further their own plans
14 for education, for a career, or for continuing community services. The
15 commission shall build on the existing organizational framework of state, local
16 and community-based programs and agencies to expand full-time and part-time
17 service opportunities for all citizens, but particularly Missouri's youth.]

2 [26.607. 1. The commission shall include at least fifteen but no more
than twenty-five voting members appointed by the governor, with the advice and

3 consent of the senate. The commission shall include the following voting
4 members:

5 (1) A representative of local government;

6 (2) The commissioner of the department of elementary and secondary
7 education or the designee of such person;

8 (3) An individual with experience in promoting the involvement of older
9 adults in service and volunteerism;

10 (4) A representative of a national service program;

11 (5) An individual with expertise in the educational, training and
12 development needs of youth, particularly disadvantaged youth;

13 (6) An individual between the ages of sixteen and twenty-five years who
14 is a participant in or supervisor of a service program for school age youth, or a
15 campus-based or national service program;

16 (7) A representative of community-based agencies or organizations in the
17 state;

18 (8) A representative of labor organizations;

19 (9) A member representing the business community;

20 (10) The lieutenant governor or his or her designee;

21 (11) A representative from the Corporation for National and Community
22 Service, who shall serve as a nonvoting, ex officio member;

23 (12) Other members, at the discretion of and appointed by the governor,
24 provided that there are at least fifteen but not more than twenty-five voting
25 members, and provided that no more than twenty-five percent of the voting
26 members are officers or employees of the state, and provided further that not
27 more than fifty percent plus one of the voting members of the commission are
28 members of the same political party;

29 (13) The governor may appoint any number of other nonvoting, ex
30 officio members who shall serve at the pleasure of the governor.

31 2. Appointments to the commission shall reflect the race, ethnicity, age,
32 gender and disability characteristics of the population of the state as a whole.

33 3. Voting members shall serve renewable terms of three years, except that
34 of the first members appointed, one-third shall serve for a term of one year,
35 one-third shall serve for a term of two years, and one-third shall serve for a term
36 of three years. If a commission vacancy occurs, the governor shall appoint a new
37 member to serve for the remainder of the unexpired term. Vacancies shall not
38 affect the power of the remaining members to execute the commission's duties.

39 4. The members of the commission shall receive no compensation for
40 their services on the commission, but shall be reimbursed for ordinary and
41 necessary expenses incurred in the performance of their duties.

42 5. The voting members of the commission shall elect one of their
43 members to serve as chairperson of the commission. The voting members may
44 elect such other officers as deemed necessary.

45 6. The commission shall meet at least quarterly.]

46

[26.609. 1. The commission shall have the following powers and duties:

2 (1) To ensure that its funding decisions meet all federal and state
3 statutory requirements;

4 (2) To prepare for this state an annual national service plan that follows
5 state and federal guidelines;

6 (3) To recommend innovative statewide service programs to increase
7 volunteer participation and community-based problem solving by all age groups
8 and among diverse participants;

9 (4) To utilize local, state and federal resources to initiate, strengthen and
10 expand quality service programs;

11 (5) To promote interagency collaboration to maximize resources and
12 develop a model of such collaboration on the state level;

13 (6) To oversee the application process to apply for corporation grants and
14 funds, and for approval of service positions;

15 (7) To establish priorities, policies and procedures for the use of funds
16 received under national service laws and for funds deposited into the community
17 service commission fund established in section 26.614;

18 (8) To provide technical assistance for applicants to plan and implement
19 service programs and to apply for assistance under the national service laws;

20 (9) To solicit and accept gifts, contributions, grants, bequests or other aid
21 from any person, business, organization or foundation, public or private and from
22 federal, state or local government or any agency of federal, state or local
23 government.

24 2. The commission shall have other powers and duties in addition to
25 those listed in subsection 1 of this section, including:

26 (1) To utilize staff within the office of the governor, the office of a
27 designated statewide elected official or other executive departments as needed for
28 this purpose; and

29 (2) To enter into contracts with individuals, organizations and institutions
30 within amounts available for this purpose.]

31

[26.611. 1. All state agencies, the University of Missouri extension
2 system, and any unit of local government, including school districts, may share
3 information and cooperate with the commission to enable it to perform the
4 functions assigned to it by state and federal law.

5 2. Any state agency that operates or plans to establish a community
6 service program may coordinate its efforts with the commission.]

7

[26.614. 1. There is hereby created in the state treasury the "Community
2 Service Commission Fund". The state treasurer shall deposit to the credit of the
3 fund all moneys which may be appropriated to it by the general assembly and also
4 any gifts, contributions, grants, bequests or other aid received from federal,
5 private or other sources. The general assembly may appropriate moneys into the
6 fund for the support of the commission and its activities. Notwithstanding the
7 provisions of section 33.080 to the contrary, moneys in the fund shall not revert
8 to the credit of the general revenue fund at the end of the biennium.

9 2. The commission shall submit an annual report of its activities to the
10 speaker of the house of representatives, the president pro tem of the senate, and
11 the governor before January thirty-first of each year.]
12

2 [32.250. There is hereby established the "Multistate Tax Compact
3 Advisory Committee" composed of the member of the multistate tax commission
4 representing this state, any alternate designated by him, the attorney general or
5 his designee, and two members of the senate, appointed by the president pro tem
6 thereof and two members of the house of representatives, appointed by the
7 speaker thereof. The chairman shall be the member of the commission
8 representing this state. The committee shall meet on the call of its chairman or
9 at the request of a majority of its members, but in any event it shall meet not less
10 than three times in each year. The committee may consider any and all matters
11 relating to recommendations of the multistate tax commission and the activities
12 of the members in representing this state thereon.]

2 [32.260. The multistate tax compact advisory committee may employ
3 counsel to represent it or to act for it, and may fix his compensation within the
4 limits of funds appropriated to the committee.]

2 [105.1010. The Missouri state employees voluntary life insurance
3 commission shall have five commissioners, including one member of the house
4 of representatives to be selected by the speaker of the house, one member of the
5 senate to be selected by the president pro tem of the senate, and three other
6 commissioners to be appointed by the governor of the state of Missouri, with the
7 advice and consent of the senate. The members of the general assembly
8 appointed as commissioners shall serve during their terms of office in the general
9 assembly. The commissioners appointed by the governor shall serve a term of
10 three years; except that, of the commissioners first appointed, one shall be
11 appointed for a term of one year, one shall be appointed for a term of two years,
12 and one shall be appointed for a term of three years. The commission shall
13 annually elect a chairman and shall be required to meet not less than quarterly or
14 at any other such time as called by the chairman or a majority of the commission.
15 The members of the commission shall receive no compensation for their services,
16 but shall be reimbursed for their actual and necessary expenses incurred in the
17 performance of their duties.]

2 [166.200. Sections 166.200 to 166.242, sections 173.053 and 173.262
3 shall be known as the "Missouri Access to Higher Education Act".]

2 [166.201. As used in sections 166.200 to 166.242, sections 173.053 and
3 173.262, the following terms mean:

4 (1) "Advance tuition payment contract", a contract entered into by the
5 trust and a purchaser pursuant to the provisions of sections 166.200 to 166.242,
6 sections 173.053 and 173.262 to provide for the higher education of a qualified
beneficiary;

- 7 (2) "Board", the board of directors of the Missouri access to higher
8 education trust;
- 9 (3) "Fund", the Missouri access to higher education trust fund created in
10 section 166.207;
- 11 (4) "Pell grant", a federal grant for undergraduate students based on
12 financial need and, for the purposes of sections 166.200 to 166.242, sections
13 173.053 and 173.262, determines financial need;
- 14 (5) "Purchaser", a person who makes or is obligated to make advance
15 tuition payments pursuant to an advance tuition payment contract;
- 16 (6) "Qualified beneficiary", any resident of this state named as a
17 beneficiary in an advance tuition payment contract;
- 18 (7) "State institution of higher education", any college, university, or
19 community college supported in whole or in part out of state funds specifically
20 appropriated for operations;
- 21 (8) "Trust", the Missouri access to higher education trust created in
22 section 166.203;
- 23 (9) "Tuition", any tuition or other fees charged by a state institution of
24 higher education for attendance at that institution as a student by a resident of this
25 state;
- 26 (10) "Weighted average tuition cost of state institutions of higher
27 education", the tuition cost arrived at by adding the products of the annual
28 undergraduate tuition cost at each state institution of higher education and its
29 total number of undergraduate fiscal year equated students, and then dividing the
30 gross total of this cumulation by the total number of undergraduate fiscal year
31 equated students attending state institutions of higher education.]
- 32

2 [166.203. 1. There is hereby created the "Missouri Access to Higher
3 Education Trust", which shall be a body corporate and politic. The trust shall be
4 located within the state office of administration, but shall exercise its prescribed
5 powers, duties, and functions independently. The trust shall be governed by a
6 board of directors which shall consist of ten members with knowledge, skill, and
7 experience in the academic, business, or financial field appointed by the
8 governor, by and with the advice and consent of the senate. Not more than three
9 members of the board shall be, during their term of office on the board, either
10 officials, appointees, or employees of this state, except that at least one member
11 shall be appointed from a minority group. Of the remaining seven members
12 appointed by the governor, one shall be appointed from a nominee of the speaker
13 of the house of representatives, one shall be appointed from a nominee of the
14 president pro tem of the senate, one shall be a president of a public four-year
15 college or university, one shall be a president or chancellor of a public
16 community college, one shall represent the interests of Missouri independent
17 degree-granting colleges and universities, and one shall be the commissioner of
18 higher education. Of these remaining seven members, at least one shall be a
19 member of a minority group. Members shall be appointed for a term of three
20 years; except that, of the members first appointed, three shall be appointed for a
term of one year, three shall be appointed for a term of two years, and four shall

21 be appointed for a term of three years. A member shall serve until a successor
22 is appointed and qualified, and a vacancy shall be filled for the balance of the
23 unexpired term in the same manner as the original appointment. The governor
24 shall designate one member as chairperson. The governor shall also designate
25 one member as the president and chief executive officer of the trust and one
26 member as the vice president of the trust. Members of the board, other than the
27 president and vice president if they are not otherwise employees of the state, shall
28 receive no compensation, but shall be reimbursed for their actual and necessary
29 expenses incurred in the performance of their duties.

30 2. The board may delegate to its president, vice president, or other
31 member such functions and authority as the board considers necessary or
32 appropriate. These functions may include, but are not limited to, the oversight
33 and supervision of employees of the trust.

34 3. A majority of the members of the board serving shall constitute a
35 quorum for the transaction of business at a meeting of the board, or the exercise
36 of a power or function of the trust, notwithstanding the existence of one or more
37 vacancies. Voting upon action taken by the board shall be conducted by majority
38 vote of the members present at a meeting of the board, and, if authorized by the
39 bylaws of the board and when a quorum is present in person at the meeting, by
40 use of amplified telephonic equipment. The board shall meet at the call of the
41 chair and as may be provided in the bylaws of the trust. Meetings of the board
42 may be held anywhere within the state.]

43

2 [166.205. 1. In addition to the powers granted by other provisions of
3 sections 166.200 to 166.242, sections 173.053 and 173.262, the board shall have
4 the powers necessary to carry out and effectuate the purposes, objectives, and
5 provisions of sections 166.200 to 166.242, sections 173.053 and 173.262, the
6 purposes and objectives of the trust, including, but not limited to the power to:

6 (1) Pay money to state institutions of higher education from the trust;

7 (2) Impose reasonable limits on the number of participants in the trust;

8 (3) Contract for goods and services and engage personnel as is necessary
9 and engage the services of private consultants, actuaries, managers, legal counsel,
10 and auditors for rendering professional, management, and technical assistance
11 and advice;

12 (4) Solicit and accept gifts, grants, loans, and other aid from any person,
13 firm or corporation or the federal, state, or local government or any agency of the
14 federal, state, or a local government, or to participate in any other way in any
15 federal, state, or local government program;

16 (5) Charge, impose, and collect administrative fees and charges in
17 connection with any transaction and provide for reasonable penalties, including
18 default, for delinquent payment of fees or charges or for fraud;

19 (6) Procure insurance against any loss in connection with the trust's
20 property, assets, or activities;

21 (7) Sue and be sued, to have a seal and alter the same at pleasure, to have
22 perpetual succession, and to make and amend bylaws;

- 23 (8) To make, execute, and deliver contracts, conveyances, and other
24 instruments necessary or convenient to the exercise of its powers;
- 25 (9) Enter into contracts on behalf of the state;
- 26 (10) Administer the funds of the trust;
- 27 (11) Indemnify or procure insurance indemnifying any member of the
28 board from personal loss or accountability from liability resulting from a
29 member's action or inaction as a member of the board, including but not limited
30 to, liability asserted on any bonds or notes of the authority;
- 31 (12) Impose reasonable time limits on use of the tuition benefits provided
32 by the trust, if the limits are made a part of the contract;
- 33 (13) Provide for receiving contributions in lump sums or periodic sums;
- 34 (14) Promulgate reasonable rules and regulations and establish policies,
35 procedures, and eligibility criteria to implement sections 166.200 to 166.242,
36 sections 173.053 and 173.262.
- 37 2. No rule or portion of a rule promulgated under the authority of sections
38 166.200 to 166.242 and sections 173.053 and 173.262 shall become effective
39 unless it has been promulgated pursuant to the provisions of section 536.024.]
40

2 [166.207. There is hereby created in the state treasury a "Missouri Access
3 to Higher Education Trust Fund" into which shall be deposited all funds accruing
4 to the trust including payments received by the trust from purchasers on behalf
5 of qualified beneficiaries and from which, upon appropriation, shall be paid all
6 expenditures of the trust. The fund may be divided into separate accounts.
7 Moneys accruing to and deposited in the trust fund shall not be a part of "total
8 state revenues" as defined in sections 17 and 18 of article X of the Constitution
9 of the state of Missouri and the expenditure of such revenue shall not be an
10 expense of state government under section 20 of article X of the Constitution of
11 the state of Missouri. The provisions of section 33.080 to the contrary
12 notwithstanding, any unexpended balance in the Missouri access to higher
13 education trust fund at the end of any biennium shall not be transferred and
14 placed to the credit of the state general revenue fund. All interest or other
15 increase earned from the investment of money in the trust fund shall be credited
16 to and deposited to that fund. Unless otherwise provided by the board, money in
17 the fund shall, upon appropriation, be expended in the following order of priority:

18 (1) To make payments to state institutions of higher education on behalf
19 of qualified beneficiaries;

20 (2) To make refunds upon termination of an advance tuition payment
21 contract;

22 (3) To pay the costs of administration and organization of the trust and
23 the fund.]

2 [166.209. The board shall annually prepare or cause to be prepared an
3 accounting of the fund and shall transmit a copy of the accounting to the
4 governor, the president pro tem of the senate, and the speaker of the house of
representatives. The board shall also make available the accounting of the fund

5 to purchasers of the trust. The accounts of the board shall be subject to annual
6 audits by the state auditor.]
7

2 [166.212. 1. The fund shall be administered in a manner reasonably
3 designed to be actuarially sound such that the assets of the trust shall be sufficient
4 to defray the obligations of the trust.

5 2. In the accounting of the fund made pursuant to section 166.209, the
6 board shall annually evaluate or cause to be evaluated by a nationally recognized
7 actuary the actuarial soundness of the fund and determine the additional assets
8 needed, if any, to defray the obligations of the trust. If there are not sufficient
9 funds to ensure the actuarial soundness of the fund, the trust shall adjust
10 payments of subsequent purchases to ensure its actuarial soundness.

11 3. If there are insufficient numbers of new purchasers to ensure the
12 actuarial soundness of a plan of the trust, the available assets of the fund
13 attributable to the plan shall be immediately prorated among the then existing
14 contracts, and these shares shall be applied, at the option of the person to whom
15 the refund is payable or would be payable under the contract upon termination of
16 the contract, either towards the purposes of the contract for a qualified
17 beneficiary or disbursed to the person to whom the refund is payable or would be
18 payable under the contract upon termination of the contract.]

2 [166.215. 1. The trust on behalf of itself and the state, may contract with
3 a purchaser for the advance payment of tuition by the purchaser for a qualified
4 beneficiary to attend any of the state institutions of higher education to which the
5 qualified beneficiary is admitted, without further tuition cost to the qualified
6 beneficiary. In addition, an advance tuition payment contract shall set forth all
7 of the following:

8 (1) The amount of the payment or payments required from the purchaser
9 on behalf of the qualified beneficiary;

10 (2) The terms and conditions for making the payment, including, but not
11 limited to, the date or dates upon which the payment, or portions of the payment,
12 shall be due;

13 (3) Provisions for late payment charges and for default;

14 (4) The name and age of the qualified beneficiary under the contract. The
15 purchaser, with the approval of and on conditions determined by the trust, may
16 subsequently substitute another person for the qualified beneficiary originally
17 named;

18 (5) The number of credit hours or equivalent covered by the contract;

19 (6) The name of the person entitled to terminate the contract, which, as
20 provided by the contract, may be the purchaser, the qualified beneficiary, or a
21 person to act on behalf of the purchaser or qualified beneficiary, or any
22 combination of these persons;

23 (7) The terms and conditions under which the contract may be terminated
24 and the amount of the refund, if any, to which the person terminating the contract,
25 or specifically the purchaser or designated qualified beneficiary if the contract so
provides, shall be entitled upon termination;

26 (8) The assumption of a contractual obligation by the trust to the
27 qualified beneficiary on its own behalf and on behalf of the state to provide for
28 credit hours of higher education, not to exceed the credit hours required for the
29 granting of a baccalaureate degree or the number of credit hours provided by the
30 contract, whichever is less, at any state institution of higher education to which
31 the qualified beneficiary is admitted. The advance tuition payment contract shall
32 provide for the credit hours of higher education that a qualified beneficiary may
33 receive under the contract if the qualified beneficiary is not entitled to in-state
34 tuition rates;

35 (9) The period of time from the beginning to the end of which the
36 qualified beneficiary may receive the benefits under the contract;

37 (10) Other terms, conditions, and provisions as the trust considers in its
38 sole discretion to be necessary or appropriate.

39 2. The form of any advance tuition payment contract to be entered into
40 by the trust shall first be approved by the attorney general.]
41

2 [166.218. The trust shall make any arrangements that are necessary or
3 appropriate with state institutions of higher education in order to fulfill its
4 obligations under advance tuition payment contracts, which arrangements may
5 include, but need not be limited to, the payment by the trust of the then actual
6 in-state tuition cost on behalf of a qualified beneficiary to the state institution of
7 higher education.]

2 [166.220. An advance tuition payment contract shall provide that the
3 trust provide for the qualified beneficiary to attend a community college in this
4 state before entering another state institution of higher education for the purpose
5 of completing a baccalaureate degree if the beneficiary so chooses and that the
6 contract may be terminated pursuant to the provisions of sections 166.200 to
7 166.242, sections 173.053 and 173.262 after completing the requirements for a
8 degree or certificate at the community college in this state or before entering the
9 other state institution of higher education.]

2 [166.222. An advance tuition payment contract may provide that, if after
3 a number of years specified in the contract the contract has not been terminated
4 or the qualified beneficiary's rights under the contract have not been exercised,
5 the trust shall retain the amounts otherwise payable and the rights of the qualified
6 beneficiary, the purchaser, or the agent of either shall be considered terminated.]

2 [166.225. 1. The trust may offer contracts which provide for the refund
3 of investment income attributable to the fund upon cancellation by the purchaser
4 of the contract.

5 2. Contracts offered under this section may require that payment or
6 payments from a purchaser, on behalf of a qualified beneficiary who may attend
7 a state institution of higher education in less than four years after the date the
8 contract is entered into by the purchaser, be based upon attendance at a certain
9 state institution of higher education or at that state institution of higher education

9 with the highest prevailing tuition cost for the number of credit hours covered by
10 the contract.]
11

[166.228. 1. An advance tuition payment contract shall not authorize
2 termination of the contract except when one of the following occurs:

3 (1) The qualified beneficiary dies;

4 (2) The qualified beneficiary is not admitted to a state institution of
5 higher education after making proper application;

6 (3) The qualified beneficiary certifies to the trust, after attaining the age
7 of eighteen, that he or she has decided not to attend a state institution of higher
8 education and requests, in writing that the advance tuition payment contract be
9 terminated;

10 (4) Other circumstances, determined by the trust and set forth in the
11 advance tuition payment contract, occur.

12 2. An advance tuition payment contract may provide for a refund
13 pursuant to this section to a person to whom the refund is payable under the
14 contract upon termination of the contract. The refund may include all or a
15 portion of the payment or payments made by the purchaser under the contract and
16 all or a portion of the accrued investment income attributable to the payment or
17 payments. However, except as provided in subsection 4 of this section, the
18 amount of a refund shall not exceed the prevailing tuition cost on the date of
19 termination for the credit hours covered by the state institution of higher
20 education which charges the lowest rate of tuition. The amount of a refund shall
21 be reduced by the amount transferred to a community college on behalf of a
22 qualified beneficiary when the contract is terminated and by the amount
23 transferred to a state institution of higher education on behalf of a qualified
24 beneficiary. Termination of a contract and the right to receive a refund shall not
25 be authorized under the contract if the qualified beneficiary has completed more
26 than one-half of the credit hours required by the state institution of higher
27 education for the awarding of a baccalaureate degree. However, this provision
28 shall not affect the termination and refund rights of a graduate of a community
29 college.

30 3. An advance tuition payment contract may authorize a person who is
31 entitled under the advance tuition payment contract to terminate the contract, to
32 direct payment of the refund to an independent degree-granting college or
33 university in this state. If directed to make payments pursuant to this subsection,
34 the trust shall transfer to the designated institution an amount equal to the tuition
35 due for the qualified beneficiary, but the trust shall not transfer a cumulative
36 amount greater than the refund to which the person is entitled. If the refund
37 exceeds the total amount of transfers directed to the designated institution, the
38 excess shall be returned to the person to whom the refund is otherwise payable.

39 4. The amount of a refund paid upon termination of the advance tuition
40 payment contract by a person who directs the trust pursuant to subsection 3 of
41 this section to transfer the refund to an independent degree-granting college or
42 university located in this state shall not be greater than the weighted average

43 tuition cost of state institutions of higher education for the number of credit hours
44 covered by the contract on the date of termination.]

45

2 [166.231. An advance tuition payment contract shall not be entered by
3 the trust until the trust has solicited answers from the United States Internal
4 Revenue Service and the United States Securities and Exchange Commission
5 rulings regarding the status of the trust. The trust shall inform purchasers of the
6 rulings in question by these federal agencies prior to entering any such contract.]

6

2 [166.233. State institutions of higher education, purchasers, qualified
3 beneficiaries, holders of notes or bonds of the trust and others may enforce the
4 provisions of sections 166.200 to 166.242, sections 173.053 and 173.262 and any
5 contract, note or bond entered into pursuant to the provisions of sections 166.200
6 to 166.242, sections 173.053 and 173.262 by appropriate action brought in the
7 circuit court of Cole County.]

7

2 [166.235. The trust, in its discretion, may contract with others, public or
3 private, for the provision of all or a portion of the services necessary for the
4 management and operation of the trust.]

4

2 [166.237. Nothing in sections 166.200 to 166.242, sections 173.053 and
3 173.262 or in any advance tuition payment contract entered into pursuant to
4 sections 166.200 to 166.242, sections 173.053 and 173.262 shall be construed as
5 a promise or guarantee by the trust or the state of Missouri that a person will be
6 admitted to a state institution of higher education or to a particular state
7 institution of higher education, will be allowed to continue to attend a state
8 institution of higher education after having been admitted, or will be graduated
9 from a state institution of higher education.]

9

2 [166.240. An advance tuition payment contract is not a security subject
3 to regulation by the state as such under the provisions of chapter 409. An
4 advance tuition contract may not be sold or otherwise transferred by the
5 purchaser or qualified beneficiary without the prior approval of the trust, which
6 consent shall not be unreasonably withheld.]

6

2 [166.242. The state or any state agency, county, municipality, or other
3 political subdivision may, by contract or collective bargaining agreement, agree
4 with any employee to remit payments toward advance payment contracts through
5 payroll deductions made by the appropriate officer or officers of the state. Such
6 payments shall be held and administered in accordance with the provisions of
7 sections 166.200 to 166.242, sections 173.053 and 173.262.]

7

2 [192.350. 1. There is hereby established within the department of health
3 and senior services the "Missouri State Advisory Council on Pain and Symptom
4 Management". The council shall consist of nineteen members that are residents
5 of this state. The members of the council shall include:

4

- 5 (1) The director of the department of health and senior services, or the
6 director's designee, who shall serve as chair of the council;
- 7 (2) The state attorney general, or the attorney general's designee;
- 8 (3) Two members of the senate, appointed by the president pro tempore
9 of the senate;
- 10 (4) Two members of the house of representatives, appointed by the
11 speaker of the house of representatives;
- 12 (5) One physician, appointed by the Missouri state board of registration
13 for the healing arts, that is certified and accredited in pain management;
- 14 (6) One physician, appointed by the Missouri state board of registration
15 for the healing arts, that is certified and accredited in palliative care;
- 16 (7) Two registered nurses, appointed by the Missouri board of nursing,
17 with expertise in hospice, oncology, long-term care, or pain and symptom
18 management and are certified by the National Board for Certification of Hospice
19 and Palliative Nurses;
- 20 (8) One dentist, appointed by the Missouri board of dentistry, with
21 training in pain and symptom management and is associated with the education
22 and training of dental students;
- 23 (9) One pharmacist, appointed by the Missouri board of pharmacy, with
24 training in pain and symptom management and is associated with the education
25 and training of pharmacists;
- 26 (10) One representative of the Pharmaceutical Research and
27 Manufacturers of America, appointed by the governor, with the advice and
28 consent of the senate;
- 29 (11) One mental health services provider, appointed by the governor,
30 with the advice and consent of the senate;
- 31 (12) One physician assistant, appointed by the Missouri advisory
32 commission for physician assistants, with training in pain and symptom
33 management;
- 34 (13) One chiropractic physician, appointed by the Missouri state board
35 of chiropractic examiners, with training in pain and symptom management;
- 36 (14) One physical therapist, appointed by the Missouri Physical Therapy
37 Association, that specializes in pain management;
- 38 (15) One advocate representing voluntary health organizations or
39 advocacy groups with an interest in pain management, appointed by the governor,
40 with the advice and consent of the senate; and
- 41 (16) One member who has been diagnosed with chronic pain, appointed
42 by the governor, with the advice and consent of the senate.
- 43 2. Members of the council shall be appointed by February 1, 2004. Of
44 the members first appointed to the council, seven members shall serve a term of
45 two years, and eight members shall serve a term of one year, and thereafter,
46 members shall serve a term of two years. Members shall continue to serve until
47 their successor is duly appointed and qualified. Any vacancy on the council shall
48 be filled in the same manner as the original appointment.]
- 49

2 [192.352. 1. Members shall serve without compensation but shall,
3 subject to appropriations, be reimbursed for reasonable and necessary expenses
4 actually incurred in the performance of the member's official duties.

5 2. The department of health and senior services with existing resources
6 shall provide administrative support and current staff as necessary for the
7 effective operation of the council.]

2 [192.355. 1. Meetings shall be held at least every ninety days or at the
3 call of the council chair.

4 2. The advisory council shall:

5 (1) Hold public hearings pursuant to chapter 536 to gather information
6 from the general public on issues pertaining to pain and symptom management;

7 (2) Make recommendations on acute and chronic pain management
8 treatment practices;

9 (3) Analyze statutes, rules, and regulations regarding pain management;

10 (4) Study the use of alternative therapies regarding pain and symptom
11 management and any sanctions imposed;

12 (5) Review the acute and chronic pain management education provided
13 by professional licensing boards of this state;

14 (6) Examine the needs of adults, children, the terminally ill, racial and
15 ethnic minorities, and medically underserved populations that have acute and
16 chronic pain;

17 (7) Make recommendations on integrating pain and symptom
18 management into the customary practice of health care professionals;

19 (8) Identify the roles and responsibilities of health care professionals in
20 pain and symptom management;

21 (9) Make recommendations on the duration and content of continuing
22 education requirements for pain and symptom management;

23 (10) Review guidelines on pain and symptom management issued by the
24 United States Department of Health and Human Services;

25 (11) Provide an annual report on the activities of the council to the
26 director of the department of health and senior services, the speaker of the house
27 of representatives, the president pro tempore of the senate, and the governor by
28 February first of every year. Such report shall include, but not be limited to the
29 following:

30 (a) Issues and recommendations developed by the council;

31 (b) Pain management educational curricula and continuing education
32 requirements for institutions providing health care education;

33 (c) Information regarding the impact and effectiveness of prior
34 recommendations, if any, that have been implemented; and

35 (d) Review of current policies regarding pain and symptom management
36 and any changes thereto occurring in pain and symptom management.

37 3. The department of health and senior services may accept on behalf of
38 the council any federal funds, gifts, and donations from individuals, private
39 organizations, and foundations, and any other funds that may become available.]

2 [208.195. The director of the division of family services shall appoint an
3 advisory committee to provide professional and technical consultation in respect
4 to the medical care aspects for public assistance recipients as set out in this
5 chapter. The committee shall consist of twenty members, including the chairman
6 of the senate committee of public health and welfare and chairman of the house
7 of representatives committee of Social Security, and a minority member of each
8 committee and at least three physicians licensed to practice in this state. The
9 others shall be persons interested in hospital administration, nursing home
10 administration, nursing, dentistry, optometry and pharmaceuticals. The members
11 of the advisory committee shall receive no compensation for their services other
12 than expenses actually incurred in the performance of their official duties.]

2 [208.792. 1. There is hereby established the "Missouri Rx Plan Advisory
3 Commission" within the department of social services to provide advice on the
4 benefit design and operational policy of the Missouri Rx plan established in
5 sections 208.782 to 208.798. The commission shall consist of the following
6 fifteen members:

7 (1) The lieutenant governor, in his or her capacity as advocate for senior
8 citizens;

9 (2) Two members of the senate, with one member from the majority party
10 appointed by the president pro tem of the senate and one member of the minority
11 party appointed by the president pro tem of the senate with the concurrence of the
12 minority floor leader of the senate;

13 (3) Two members of the house of representatives, with one member from
14 the majority party appointed by the speaker of the house of representatives and
15 one member of the minority party appointed by the speaker of the house of
16 representatives;

17 (4) The director of the division of medical services in the department of
18 social services;

19 (5) The director of the division of senior and disability services in the
20 department of health and senior services;

21 (6) The chairperson of the governor's commission on special health,
22 psychological and social needs of minority older individuals;

23 (7) The following four members appointed by the governor, with the
24 advice and consent of the senate:

25 (a) A licensed pharmacist;

26 (b) A licensed physician;

27 (c) A representative from a senior advocacy group; and

28 (d) A representative from an area agency on aging;

29 (8) A representative from the pharmaceutical manufacturers industry as
30 a nonvoting member appointed by the president pro tem of the senate and the
31 speaker of the house of representatives;

32 (9) One public member appointed by the president pro tem of the senate;
33 and

34 (10) One public member appointed by the speaker of the house of
35 representatives. In making the initial appointment to the committee, the
36 governor, president pro tem, and speaker shall stagger the terms of the appointees
37 so that four members serve initial terms of two years, four members serve initial
38 terms of three years, four members serve initial terms of four years, and one
39 member serves an initial term of one year. All members appointed thereafter
40 shall serve three-year terms. All members shall be eligible for reappointment.
41 The commission shall elect a chair and may employ an executive director and
42 such professional, clerical, and research personnel as may be necessary to assist
43 in the performance of the commission's duties.

44 2. Recognizing the unique medical needs of the senior African-American
45 population, the president pro tem of the senate, speaker of the house of
46 representatives, and governor will collaborate to ensure that there is adequate
47 minority representation among legislative members and other members of the
48 commission.

49 3. The commission:

50 (1) May provide advice on guidelines, policies, and procedures necessary
51 to establish the Missouri Rx plan;

52 (2) Shall educate Missouri residents on quality prescription drug
53 programs and cost-containment strategies in medication therapy;

54 (3) Shall assist Missouri residents in enrolling or accessing prescription
55 drug assistance programs for which they are eligible; and

56 (4) Shall hold quarterly meetings and other meetings as deemed
57 necessary.

58 4. The members of the commission shall receive no compensation for
59 their service on the commission, but shall be reimbursed for ordinary and
60 necessary expenses incurred in the performance of their duties as a member of the
61 commission.]
62

2 [260.725. 1. There is hereby created within the department of natural
3 resources the "Low-level Radioactive Waste Compact Advisory Committee".
4 The committee shall consist of one representative of an institution of higher
5 education, one representative of the general public, one representative of
6 industry, one representative of a medical field, one member of the Missouri house
7 of representatives, one member of the Missouri senate and Missouri's member on
8 the midwest low-level radioactive waste compact commission. If Missouri is
9 designated a host state for a regional disposal facility, the advisory committee
10 shall be expanded to include a representative from the host county. Each member
11 shall be appointed by the governor with the advice and consent of the senate,
12 except that the member from the Missouri house of representatives shall be
13 appointed by the speaker of the house and the member from the Missouri senate
14 shall be appointed by the president pro tempore of the senate. Any representative
15 of a host county shall be nominated by the county court of the host county and
16 appointed by the governor. Each member shall serve for a term of four years
17 with the first members' appointments staggered so that all members' terms do not
expire simultaneously.

- 18 2. The advisory committee shall:
19 (1) Act in an advisory capacity to Missouri's member on the commission;
20 (2) Meet as necessary, but at least twice yearly, to review activities of the
21 commission and midwest interstate low-level radioactive waste compact states;
22 and
23 (3) Present recommendations in writing to the governor and the general
24 assembly as requested or as necessary to insure adequate exchange of
25 information.]
26

2 [286.200. 1. The "Governor's Committee on Employment of People with
3 Disabilities" will hereafter be known as the "Governor's Council on Disability"
4 and is hereby assigned to the department of labor and industrial relations.

5 2. The council shall consist of a chairperson, twenty members and an
6 executive director.

7 3. The chairperson shall be appointed by the governor with the advice
8 and consent of the senate. The members of the council shall be appointed by the
9 governor. Recruitment and appointment of members to the council shall provide
10 for representation of various ethnic, age, gender and physical and mental
11 disability groups.

12 4. (1) The nine members of the governor's committee on the employment
13 of people with disabilities whose terms of office expire in October of 1995 and
14 the four members of the governor's committee on the employment of people with
15 disabilities whose terms of office expire in October of 1997 shall be deemed
16 members of the council on disability. Of the ten members of the committee on
17 the employment of people with disabilities whose terms of office expired in
18 October of 1993 and any vacancies on the committee on the employment of
19 people with disabilities, only seven shall be appointed to the council;

20 (2) The terms of office for the chairperson and the seven council
21 members first appointed after August 28, 1994, shall be as follows:

22 (a) The term of office for one of the initial new council members shall
23 expire in October of 1995;

24 (b) The terms of office for the chairperson and the other six initial
25 council members shall expire in October of 1997, so that one-half of the members
26 of the council may be chosen every second year.

27 5. The funds necessary for the executive director and such other
28 personnel as necessary shall be appropriated through the department of labor and
29 industrial relations. The executive director shall serve under the supervision of
30 the committee chairman. The executive director shall be exempted from the state
31 merit system.

32 6. All successor members shall be appointed for four-year terms.
33 Vacancies occurring in the membership of the council for any reason shall be
34 filled by appointment by the governor for the unexpired term. Upon expiration
35 of their terms, members of the council shall continue to hold office until the
36 appointment and qualification of their successors. No person shall be appointed
for more than two consecutive terms, except that a person appointed to fill a

37 vacancy may serve for two additional successive terms. The governor may
38 remove a member for cause.

39 7. Members of the council shall be chosen to meet the following criteria:

40 (1) The majority of the council shall be comprised of people with
41 disabilities, representing the various disability groups. The remaining positions
42 shall be filled by family members of people with disabilities, persons who
43 represent other disability-related groups, and other advocates. A person
44 considered to have a disability shall meet the federal definition of disability as
45 defined by P.L. 101-336;

46 (2) The council shall include at least one member from each
47 congressional district;

48 (3) Members of the council shall be knowledgeable about
49 disability-related issues and have demonstrated a commitment to full
50 participation of people with disabilities in all aspects of community life.

51 8. The chairperson of the council shall serve without compensation but
52 shall be reimbursed for actual and necessary travel and other expenses incurred
53 in the performance of the duties as chairperson of the council on disability. The
54 members of the council shall serve without compensation but may be reimbursed
55 for their actual and necessary expenses incurred in attending all meetings
56 provided for by sections 286.200 to 286.210.

57 9. The council shall meet at least once each calendar quarter to conduct
58 its business. The executive director shall give written notice by mail to each
59 member of the time and place of each meeting of the council at least ten days
60 before the scheduled date of the meetings, and notice of any special meetings
61 shall state the specific matters to be considered in the special meeting which is
62 not a regular quarterly meeting.

63 10. The chairperson, with the advice and consent of the council, shall
64 appoint an executive director who shall serve as a nonvoting member and
65 executive officer of the council. The executive director shall serve under the
66 supervision of the chairperson of the council. The executive director shall be a
67 person who is knowledgeable about disability-related issues and has
68 demonstrated a commitment to full participation of people with disabilities in all
69 aspects of community life.

70 11. All information, documents, records and contracts of the committee
71 on employment of people with disabilities shall become those of the council on
72 disability.

73 12. The director of each state department shall designate at least one
74 employee who shall act as a liaison with the council.]

75

[286.205. The governor's council on disability shall:

2 (1) Act in an advisory capacity to all state agencies and have direct input
3 to all divisions of the office of administration on policies and practices which
4 impact people with disabilities. Input shall include policies and practices
5 affecting personnel, purchasing, design and construction of new facilities,
6 facilities management, budget and planning and general services. In the
7 administration of its duties, the governor's council on disability in cooperation

8 with the office of administration shall offer technical assistance to help all
9 departments, divisions and branches of state government comply with applicable
10 state and federal law regarding persons with disabilities;

11 (2) Work and cooperate with other state commissions, councils or
12 committees pertaining to disabilities and other national, state and local entities
13 to create public policies and encourage system changes which eliminate barriers
14 to people with disabilities;

15 (3) Advocate for public policies and practices which:

16 (a) Promote employment of people with disabilities;

17 (b) Expand opportunities in all aspects of life; and

18 (c) Promote awareness of and compliance with various federal, state and
19 local laws dealing with disabilities;

20 (4) Gather input from disability-related organizations and the public on
21 disability-related issues and report the results of this information in council
22 reports to the governor;

23 (5) Accept grants, private gifts, and bequests, to be used to achieve the
24 purposes of sections 286.200 to 286.210;

25 (6) Promulgate those bylaws necessary for the efficient operation of the
26 council;

27 (7) Prepare an annual report to be presented to the governor not later than
28 January first of each year.]
29

2 [286.210. The governor's council on disability may receive funds and
3 property by gift, devise, bequest or otherwise and may solicit funds to be used in
4 carrying out the purposes of sections 286.200 to 286.210.]

2 [302.136. The director shall by regulation establish the "Motorcycle
3 Safety Program Advisory Committee" to assist in the development and
4 implementation of the program. The committee shall consist of seven members
5 and shall include members representing the motoring public, motorcycle
6 dealerships, motorcycle instructors, law enforcement agencies, the motorcycle
7 safety education program, and the department of public safety. Beginning on
8 August 28, 1999, the governor shall appoint the members of the committee for
9 terms of three years; except those first appointed by the governor, two shall be
10 for terms of one year, two shall be for terms of two years and three shall be for
11 terms of three years. The committee shall appoint a chairman and meet at least
12 two times per year. Members shall serve without compensation, but may be
13 reimbursed for their reasonable expenses incurred in the performance of their
14 duties.]

2 [324.600. For the purposes of sections 324.600 to 324.635, the following
3 terms mean:

4 (1) "Board", the board of licensed private fire investigator examiners;

5 (2) "Client", any person who engages the services of a private fire
investigator;

- 6 (3) "Division", the division of fire safety within the department of public
7 safety;
- 8 (4) "Insurance adjuster", any person who receives any consideration,
9 either directly or indirectly, for adjusting in the disposal of any claim under or in
10 connection with a policy of insurance or engaging in soliciting insurance
11 adjustment business;
- 12 (5) "License", a private fire investigator license;
- 13 (6) "Licensed private fire investigation", the furnishing of, making of,
14 or agreeing to make any investigation of a fire for the origin, cause, or
15 responsibility of such fire;
- 16 (7) "Licensed private fire investigator", any person who receives any
17 consideration, either directly or indirectly, for engaging in the investigation of the
18 origin, cause, or responsibility of fires;
- 19 (8) "Licensed private fire investigator agency", a person or firm that
20 employs any person to engage in the investigation of fires to determine the origin,
21 cause, and responsibility of such fires;
- 22 (9) "Organization", a corporation, trust, estate, partnership, cooperation,
23 or association;
- 24 (10) "Person", an individual;
- 25 (11) "Principal place of business", the place where the licensee maintains
26 a permanent office which may be a residence or business address.]
27

- 2 [324.603. 1. The "Board of Licensed Private Fire Investigator
3 Examiners" is hereby created within the division of fire safety. The board shall
4 be composed of six members appointed by the governor, with the advice and
5 consent of the senate. The board shall consist of:
- 6 (1) The state fire marshal, or his or her designee;
- 7 (2) A representative of a private fire investigation agency;
- 8 (3) A representative of the insurance industry;
- 9 (4) A representative of the Missouri chapter of the International
10 Association of Arson Investigators;
- 11 (5) A representative of the Professional Fire and Fraud Investigators
12 Association;
- 13 (6) A representative of the Kansas City Arson Task Force; and
- 14 (7) One person who is an independent private fire investigator.
- 15 2. Each member of the board shall be a citizen of the United States, a
16 resident of this state, at least thirty years of age, and shall have been actively
17 engaged in fire investigation for the previous five years. No more than one board
18 member shall be employed by or affiliated with the same licensed private fire
19 investigation agency. The initial board members shall not be required to be
20 licensed but shall obtain a license within one hundred eighty days after
21 appointment to the board.
- 22 3. The members of the board shall be appointed for terms of three years,
23 except those first appointed, in which case two members shall be appointed for
24 terms of three years, two members shall be appointed for terms of two years, and
two members shall be appointed for a one-year term. Any vacancy on the board

25 shall be filled for the remainder of the unexpired term of that member. The
 26 members of the board shall serve without pay, but they shall receive per diem
 27 expenses in an equivalent amount as allowed for members of the general
 28 assembly.]
 29

[324.606. The following persons or organizations shall not be deemed to
 2 be engaging in licensed private fire investigation:

3 (1) Any officer or employee of the United States, this state, or a political
 4 subdivision of this state, or an entity organized under section 320.300 while
 5 engaged in the performance of the officer's or employee's official duties;

6 (2) An attorney performing duties as an attorney;

7 (3) An investigator who is an employee of an insurance company;

8 (4) Insurers, agents, and insurance brokers licensed by the state,
 9 performing duties in connection with insurance transacted by them;

10 (5) An insurance adjuster; or

11 (6) An investigator employed by and under the supervision of a licensed
 12 attorney while acting within the scope of employment, who does not represent
 13 himself or herself to be a licensed private fire investigator.]
 14

[324.609. 1. Every person desiring to be licensed in this state as a
 2 licensed private fire investigator or licensed private fire investigator agency shall
 3 make an application to the board. An application for a license pursuant to the
 4 provisions of sections 324.600 to 324.635 shall be on a form prescribed by the
 5 board and accompanied by the required application fee. An application shall be
 6 verified and shall include:

7 (1) The full name and business address of the applicant;

8 (2) The name that the applicant intends to do business under;

9 (3) A statement as to the general nature of the business that the applicant
 10 intends to engage in;

11 (4) Two recent passport photographs of the applicant and two classifiable
 12 sets of the applicant's fingerprints;

13 (5) A verified statement of the applicant's experience qualifications; and

14 (6) Such other information, evidence, statements, or documents as may
 15 be required by the state fire marshal.

16 2. To be eligible for licensure, the applicant shall:

17 (1) Be at least twenty-one years of age;

18 (2) Be a citizen of the United States;

19 (3) Not have a felony conviction or a conviction of a crime involving
 20 moral turpitude;

21 (4) Provide proof of liability insurance with amount to be no less than
 22 one million dollars in coverage; and

23 (5) Comply with such other qualifications as the board shall require. For
 24 the purposes of sections 324.600 to 324.635, the record of conviction, or a
 25 certified copy thereof, shall be conclusive evidence of such conviction, and a plea
 26 or verdict of guilty is deemed to be a conviction within the meaning thereof.

27 3. The board shall require as a condition of licensure that the applicant:

- 28 (1) Successfully complete a course of training approved by the state fire
29 marshal's office;
- 30 (2) Pass a written examination as evidence of knowledge of fire
31 investigation. Certification as a fire investigator by the state fire marshal or other
32 agencies approved by the state fire marshal shall constitute passing a written
33 examination;
- 34 (3) Provide a background check from an authorized state law
35 enforcement agency. The board shall conduct a complete investigation of the
36 background of each applicant for licensure as a licensed private fire investigator
37 or agency to determine whether the applicant is qualified for licensure pursuant
38 to sections 324.600 to 324.635; and
- 39 (4) Pass any other basic qualification requirements as the board shall
40 outline.
- 41 4. The board may deny a request for a license if the applicant has:
- 42 (1) Committed any act that, if committed by a licensee, would be grounds
43 for the suspension or revocation of a license pursuant to the provisions of
44 sections 324.600 to 324.635;
- 45 (2) Been finally adjudicated and found guilty, or entered a plea of guilty
46 or nolo contendere in a criminal prosecution under the laws of any state or the
47 United States for any offense reasonably related to the qualifications, functions,
48 or duties of any profession licensed or regulated under this chapter or for any
49 offense an essential element of which is fraud, dishonesty, or an act of violence,
50 or for any offense involving moral turpitude, whether or not a sentence is
51 imposed;
- 52 (3) Been refused a license pursuant to the provisions of sections 324.600
53 to 324.635 or had a license revoked in this state or in any other state;
- 54 (4) Prior to being licensed, committed, aided, or abetted the commission
55 of any act that requires a license pursuant to sections 324.600 to 324.635; and
- 56 (5) Knowingly made any false statement in the application.
- 57 5. Every application submitted pursuant to the provisions of sections
58 324.600 to 324.635 shall be accompanied by a fee as determined by the board as
59 follows:
- 60 (1) A separate fee shall be paid for an individual license, agency license,
61 and employees being licensed to work under an agency license; and
- 62 (2) If a license is issued for a period of less than two years, the fee shall
63 be prorated for the months, or fraction thereof, for which the license is issued.
- 64 6. All fees required pursuant to this section shall be paid to and collected
65 by the division of fire safety and transmitted to the department of revenue for
66 deposit in the state general revenue fund. The board shall set fees at a level to
67 produce revenue that will not substantially exceed or fail to cover the costs and
68 expenses of administering sections 324.600 to 324.635.
- 69 These fees shall be exclusive and no municipality may require any person
70 licensed pursuant to sections 324.600 to 324.635 to furnish any bond or pass any
71 examination to practice as a licensed private fire investigator.
- 72 7. Renewal of a license shall be made in the manner prescribed by the
73 board, including the payment of a renewal fee.]

2 [324.612. 1. The board shall determine the form of the license which
3 shall include:

- 4 (1) The name of the licensee;
- 5 (2) The name under which the licensee is to operate; and
- 6 (3) The number and date of the license.

7 2. The license shall be posted at all times in a conspicuous place in the
8 principal place of business of the licensee.

9 3. Upon the issuance of the license, a pocket card of such size, design,
10 and content as determined by the board shall be issued to each licensee. Such
11 card shall be evidence that the licensee is licensed pursuant to the provisions of
12 sections 324.600 to 324.635. When any person to whom a card is issued
13 terminates such person's position, office, or association with the licensee, the card
14 shall be surrendered to the licensee and within five days thereafter shall be mailed
15 or delivered by the licensee to the board for cancellation.]

2 [324.615. 1. The owner of a company seeking any agency license must
3 first be licensed as a private fire investigator. The agency may hire individuals
4 to work for the agency whom shall conduct investigations for such agency only.
5 Persons hired shall make application as determined by the board and shall meet
6 all requirements set forth by the board. They shall not be required to meet any
7 experience requirements and shall be allowed to begin work immediately.
8 Employees shall attend an approved training program within a time to be
9 determined by the board and will be under the direct supervision of a licensed
10 private fire investigator until all requirements are met.

11 2. A licensee shall at all times be legally responsible for the good conduct
12 of each of the licensee's employees or agents while engaged in the business of the
13 licensee. A licensee is legally responsible for any acts committed by the
14 licensee's employees or agents which are in violation of sections 324.600 to
15 324.635. A person receiving an agency license shall directly manage the agency
16 and employees.

17 3. Each licensee shall maintain a record containing such information
18 relative to the licensee's employees as may be prescribed by the board. Such
19 licensee shall file with the board the complete address of the licensee's principal
20 place of business including the name and number of the street. The board may
21 require the filing of other information for the purpose of identifying such
22 principal place of business.]

2 [324.618. No licensee or officer, director, partner, associate, or employee
3 of the licensee shall:

- 4 (1) Knowingly make any false report to his or her employer or client for
5 whom information was being obtained;
- 6 (2) Cause any written report to be submitted to a client except by the
7 licensee and the person submitting the report shall exercise diligence in
8 ascertaining whether or not the facts and information in such report are true and
correct;

- 9 (3) Use a title, wear a uniform, use an insignia or identification card, or
10 make any statement with the intent to give an impression that such person is
11 connected in any way with the federal or state government or any political
12 subdivision of the federal or state government;
- 13 (4) Appear as an assignee party in any proceeding involving claim and
14 delivery, replevin or other possessory action, action to foreclose a chattel
15 mortgage, mechanic's lien, materialman's lien, or any other lien;
- 16 (5) Manufacture false evidence;
- 17 (6) Allow anyone other than the individual licensed by the state to
18 conduct an investigation; or
- 19 (7) Assign or transfer a license issued pursuant to sections 324.600 to
20 324.635.]
21

2 [324.621. 1. Every advertisement by a licensee soliciting or advertising
3 business shall contain the licensee's name and address as they appear in the
4 records of the board.
5 2. A licensee shall not advertise or conduct business from any address in
6 this state other than that shown on the records of the board as the licensee's
7 principal place of business unless the licensee has received a branch office
8 certificate for such location after compliance with the provisions of sections
9 324.600 to 324.635 and such additional requirements necessary for the protection
10 of the public as the board may prescribe by regulation. A licensee shall notify the
11 board in writing within ten days after closing or changing the location of a branch
12 office.]

2 [324.624. 1. The board may deny a request for a license, or may suspend
3 or revoke a license issued pursuant to sections 324.600 to 324.635, or censure or
4 place a license on probation if, after notice and opportunity for hearing in
5 accordance with the provisions of chapter 621, the board determines the licensee
6 has:
7 (1) Made any false statement or given any false information in
8 connection with an application for a license or a renewal or reinstatement thereof;
9 (2) Violated any provisions of sections 324.600 to 324.635;
10 (3) Violated any rule of the board adopted pursuant to the authority
11 contained in sections 324.600 to 324.635;
12 (4) Been convicted of a felony or been convicted of a crime involving
13 moral turpitude;
14 (5) Impersonated, or permitted or aided and abetted an employee to
15 impersonate, a law enforcement officer or employee of the United States, or of
16 any state or political subdivision;
17 (6) Committed or permitted any employee to commit any act while the
18 license was expired that could be cause for the suspension or revocation of any
19 license, or grounds for the denial of an application for a license;
20 (7) Knowingly violated, or advised, encouraged, or assisted the violation
of any court order or injunction in the course of business as a licensee;

21 (8) Used any letterhead, advertisement, or other printed matter or in any
22 manner representing that such person is an instrumentality of the federal or state
23 government or any political subdivision of a federal or state government;

24 (9) Used a name different from that under which such person is currently
25 licensed in any advertisement, solicitation, or contact for business; or

26 (10) Committed any act that is grounds for denial of an application for
27 a license pursuant to the provisions of sections 324.600 to 324.635.

28 2. Any person whose license status is affected by any official action of
29 the state fire marshal or board of licensed private fire investigator examiners,
30 including, but not limited to, revocation, suspension, failure to renew a license,
31 or refusal to grant a license, may seek a determination by the administrative
32 hearing commission pursuant to the provisions of section 621.045. After the
33 filing of a complaint before the administrative hearing commission, the
34 proceedings shall be conducted in accordance with the provisions of chapter 621.
35 Upon a finding by the administrative hearing commission that the grounds,
36 provided in subsection 1 of this section, for disciplinary action are met, the board
37 may singly or in combination censure or place the person named in the complaint
38 on probation on such terms and conditions as the board deems appropriate for a
39 period not to exceed five years or may suspend, for a period not to exceed three
40 years, or revoke the license.

41 3. A licensed private fire investigator agency may continue under the
42 direction of another employee if the individual holding the license is suspended
43 or revoked as approved by the board. The board shall establish a time from
44 within which the licensed private fire investigator agency shall identify an
45 acceptable person who is qualified to assume control of the agency as required
46 by the board.]

47

2 [324.627. 1. For the purpose of enforcing the provisions of sections
3 324.600 to 324.635, or in making investigations relating to any violation thereof
4 or to the character, competency, or integrity of the applicants or licensees, or for
5 the purpose of investigating the business, business practices, or business methods
6 of any applicant or licensee, or of the officers, directors, partners, or associates
7 thereof, the board shall have the power to subpoena and bring before the board
8 any person in this state and require the production of any books, records, or
9 papers that the board deems relative to the inquiry. A subpoena issued pursuant
10 to this section shall be governed by this state's rules of civil procedure.

11 2. Any person subpoenaed who fails to obey such subpoena without
12 reasonable cause or who without such cause refuses to be examined or to answer
13 any legal or pertinent question as to the character or qualifications of such
14 applicant or licensee or such applicant's or licensee's business, business practices,
15 or methods or such violations shall be guilty of a class A misdemeanor.

16 3. The board may administer an oath and take the testimony of any
17 person, or cause such person's deposition to be taken, except that any applicant
18 or licensee or officer, director, partner, or associate thereof shall not be entitled
to any fees or mileage. The testimony of witnesses in any investigative

19 proceeding shall be under oath and willful. False swearing in such proceeding
20 shall be perjury.]

21

2 [324.630. 1. The board shall adopt such rules and regulations as may be
necessary to carry out the provisions of sections 324.600 to 324.635.

3 2. Any rule or portion of a rule, as that term is defined in section 536.010,
4 that is created under the authority delegated in this section shall become effective
5 only if it complies with and is subject to all of the provisions of chapter 536 and,
6 if applicable, section 536.028. This section and chapter 536 are nonseverable and
7 if any of the powers vested with the general assembly pursuant to chapter 536 to
8 review, to delay the effective date, or to disapprove and annul a rule are
9 subsequently held unconstitutional, then the grant of rulemaking authority and
10 any rule proposed or adopted after August 28, 2004, shall be invalid and void.]

11

2 [324.635. Any person who knowingly falsifies the fingerprints or
photographs or other information requested to be submitted pursuant to sections
3 324.600 to 324.635 is guilty of a class D felony. Any person who violates any
4 other provisions of sections 324.600 to 324.635 is guilty of a class A
5 misdemeanor.]

6

2 [324.1140. 1. The board of private investigator examiners shall license
persons who are qualified to train private investigators.

3 2. Persons wishing to become licensed trainers shall make application to
4 the board of private investigator examiners on a form prescribed by the board and
5 accompanied by a fee determined by the board. The application shall contain a
6 statement of the plan of operation of the training offered by the applicant and the
7 materials and aids to be used and any other information required by the board.

8 3. A license shall be granted to a trainer if the board finds that the
9 applicant:

10 (1) Has sufficient knowledge of private investigator business in order to
11 train private investigators sufficiently;

12 (2) Has supplied all required information to the board; and

13 (3) Has paid the required fee.

14 4. The license issued under this section shall be valid for two years and
15 shall be renewable biennially upon application and payment of the renewal fee
16 established by the board. An application for renewal of license shall be mailed
17 to every person to whom a license was issued or renewed during the current
18 licensing period. The applicant shall complete the application and return it to the
19 board by the renewal date with a renewal fee in an amount to be set by the board
20 and with evidence of continuing education under section 324.1122. Any licensee
21 who practices during the time the license has expired shall be considered
22 engaging in prohibited acts under section 324.1104 and shall be subject to the
23 penalties provided for the violation of the provisions of sections 324.1100 to
24 324.1148. If a person is otherwise eligible to renew the person's certification or
25 license, the person may renew an expired certification or license within two years
26 from the date of expiration. To renew such expired certificate or license, the

27 person shall submit an application for renewal, pay the renewal fee, pay a
28 delinquent renewal fee as established by the board, and present evidence in the
29 form prescribed by the board of having completed the continuing education
30 requirements for renewal specified in section 324.1122. Upon a finding of
31 extenuating circumstances, the commission may waive the payment of the
32 delinquent fee. If a person has failed to renew the person's license within two
33 years of its expiration, the license shall be void.]
34

[369.304. The procedure in all hearings before the director of the division
2 of finance shall be governed by, and conducted under, the provisions of chapter
3 536. The director may grant a hearing on any matter but shall be required to do
4 so only where so directed in sections 369.010 to 369.369. Unless otherwise
5 specifically provided by sections 369.010 to 369.369, any person who deems
6 himself or herself aggrieved by any decision, order, or action of the director may
7 appeal such decision and may receive a hearing before the state savings and loan
8 commission as provided in section 369.319. All decisions of the director shall
9 be final if not appealed to the commission as provided in section 369.319.]
10

[369.309. 1. There is created in the division of finance a "State Savings
2 and Loan Commission" which shall have such powers and duties as are now or
3 hereafter conferred upon it by law.

4 2. The commission shall consist of five members who shall be appointed
5 by the governor. They shall be residents of this state, and one of them shall be
6 a member of the Missouri Bar in good standing. The other members of the
7 commission shall each have had at least five years' experience in this state as an
8 officer or director of one or more associations. Not more than three members of
9 the commission shall be members of the same political party.

10 3. The term of office of each member of the commission shall be six
11 years. Members shall serve until their successors are duly appointed and have
12 qualified. Each member of the state savings and loan commission shall serve for
13 the remainder of the term for which the member was appointed to the
14 commission. The commission shall select its own chairman and secretary.
15 Vacancies in the commission shall be filled for the unexpired term in the same
16 manner as in the case of an original appointment.

17 4. The members of the commission shall receive as compensation the
18 sum of fifty dollars per day while discharging their duties, and they shall be
19 reimbursed for their actual and necessary expenses incurred in the performance
20 of their duties.

21 5. A majority of the members of the commission shall constitute a
22 quorum and the decision of a majority of a quorum shall be the decision of the
23 commission. The commission shall meet upon call of its chairman, or of the
24 director of the division of finance, or of any two members of the commission, and
25 may meet at any place in this state.]
26

[369.319. An appeal shall be perfected by filing with the director of the
2 division of finance within fifteen days after notice of the director's decision is

3 mailed, a notice of appeal stating the name of the appealing party and the order
4 or decision appealed from. The director shall mail copies thereof to all interested
5 parties. Upon any such hearing the transcript of the proceedings before the
6 director or, if the decision appealed from was made without a hearing, all
7 writings used or considered by the director in making such decision, shall be
8 considered by the commission and the commission may take evidence, the taking
9 of such evidence to be limited to newly discovered evidence in those appeals in
10 which there was a hearing before the director and to be governed by the
11 provisions of chapter 536. The review by the commission shall be similar to that
12 provided in appeals in equity cases in the courts of this state. Decisions shall be
13 made as provided in chapter 536. The costs on appeal shall include the per diem
14 compensation of the members of the commission and all such costs may be
15 assessed against parties other than the director as may be determined by the
16 commission. At least fifteen days' notice of the hearing shall be given to all
17 persons interested in the matter appealed from and to the director.]
18

2 [630.900. 1. The director of the department of mental health, in
3 partnership with the department of health and senior services and in collaboration
4 with the departments of social services, elementary and secondary education,
5 higher education, and corrections, and other appropriate agencies, organizations,
6 and institutions in the community, shall design a proposed state suicide
7 prevention plan using an evidence- based public health approach focused on
8 suicide prevention.

9 2. The plan shall include, but not be limited to:

10 (1) Promoting the use of employee assistance and workplace programs
11 to support employees with depression and other psychiatric illnesses and
12 substance abuse disorders, and refer them to services. In promoting such
13 programs, the director shall collaborate with employer and professional
14 associations, unions, and safety councils;

15 (2) Promoting the use of student assistance and educational programs to
16 support students with depression and other psychiatric illnesses and substance
17 abuse disorders. In promoting such programs, the director shall collaborate with
18 educators, administrators, students, and parents with emphasis on identification
19 of the risk factors associated with suicide;

20 (3) Providing training and technical assistance to local public health and
21 other community-based professionals to provide for integrated implementation
22 of best practices for preventing suicides;

23 (4) Establishing a toll-free suicide prevention hotline; and

24 (5) Coordinating with federal, state, and local agencies to collect,
25 analyze, and annually issue a public report on Missouri-specific data on suicide
26 and suicidal behaviors.

27 3. The proposed state suicide prevention plan designed and developed
28 pursuant to this section shall be submitted to the general assembly by December
29 31, 2004, and shall include any recommendations regarding statutory changes and
30 implementation and funding requirements of the plan.]

2 [630.910. 1. There is hereby created within the department of mental
3 health the "Suicide Prevention Advisory Committee" to be comprised of the
4 following eighteen members:

5 (1) Six representatives from each of the following state departments:
6 mental health, health and senior services, social services, elementary and
7 secondary education, corrections, and higher education;

8 (2) Ten citizen members representing suicide survivors, the criminal
9 justice system, the business community, clergy, schools, youth, mental health
10 professionals, health care providers, nonprofit organizations, and a researcher to
11 be appointed by the governor;

12 (3) One member from the house of representatives to be appointed by the
13 speaker of the house of representatives; and

14 (4) One member of the senate to be appointed by the president pro tem
15 of the senate.

16 2. The initial appointments to the advisory committee shall be made by
17 October 1, 2005. The initial ten members appointed under subdivision (2) of
18 subsection 1 of this section shall be appointed as follows: four members shall be
19 appointed for a four-year term, three members shall be appointed for a three-year
20 term, and three members shall be appointed for a two-year term.

21 3. The first meeting of the advisory committee shall be scheduled by the
22 director of the department of mental health and held on or before December 1,
23 2005. The committee shall meet at least quarterly thereafter. The director of the
24 department of mental health, or the director's designee, shall be the chair of the
25 advisory committee. Each of the departments listed in subdivision (1) of
26 subsection 1 of this section shall provide staff and technical support for the
27 advisory committee.

28 4. The advisory committee shall:

29 (1) Provide oversight, technical support, and outcome promotion for
30 prevention activities;

31 (2) Develop annual goals and objectives for ongoing suicide prevention
32 efforts;

33 (3) Make information on prevention and mental health intervention
34 models available to community groups implementing suicide prevention
35 programs;

36 (4) Promote the use of outcome methods that will allow comparison and
37 evaluation of the efficacy, effectiveness, cultural competence, and
38 cost-effectiveness of plan-supported interventions, including making specific
39 recording and monitoring instruments available for plan-supported projects;

40 (5) Review and recommend changes to existing or proposed statutes,
41 rules, and policies to prevent suicides; and

42 (6) Coordinate and issue a biannual report on suicide and suicidal
43 behaviors in the state using information drawn from federal, state, and local
44 sources.

45 5. Members of the committee shall serve without compensation but the
46 ten citizen members may be reimbursed for any actual expenses incurred in the
performance of their duties as members of the advisory committee.]

2 [630.915. 1. The department of mental health, in consultation with the
3 department of health and senior services, shall seek funding from the Centers for
4 Disease Control and Prevention to participate in the National Violent Death
5 Reporting System (NVDRS) to obtain better information about violent deaths,
6 including suicide.

7 2. If such funding under subsection 1 of this section is not available to the
8 state of Missouri, on or before July 1, 2006, the department of mental health, in
9 consultation with the department of health and senior services and subject to
10 appropriation, shall develop a state-based reporting system based on the National
11 Violent Death Reporting System that will provide information needed to
12 accurately assess the factors causing violent deaths, including suicide.

13 3. Information obtained from this state's participation in the National
14 Violent Death Reporting System under subsection 1 of this section or the
15 state-based system developed under subsection 2 of this section shall be used to
16 help answer questions regarding the magnitude, trends, and characteristics of
17 violent deaths and assist in the evaluation and improvement of violence
18 prevention policies and programs.

19 4. Information obtained under this section shall be provided to the suicide
20 prevention advisory committee established under section 630.910.

21 5. Pursuant to section 23.253 of the Missouri sunset act:

22 (1) The provisions of the new program authorized under this section shall
23 automatically sunset six years after August 28, 2005, unless reauthorized by an
24 act of the general assembly; and

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

28 (3) This section shall terminate on September first of the calendar year
29 immediately following the calendar year in which the program authorized under
30 this section is sunset.]

2 [701.302. 1. There is hereby established the "Advisory Committee on
3 Lead Poisoning". The members of the committee shall consist of twenty-seven
4 persons who shall be appointed by the governor with the advice and consent of
5 the senate, except as otherwise provided in this subsection. At least five of the
6 members of the committee shall be African-Americans or representatives of other
7 minority groups disproportionately affected by lead poisoning. The members of
8 the committee shall include:

9 (1) The director of the department of health and senior services or the
10 director's designee, who shall serve as an ex officio member;

11 (2) The director of the department of economic development or the
12 director's designee, who shall serve as an ex officio member;

13 (3) The director of the department of natural resources or the director's
14 designee, who shall serve as an ex officio member;

15 (4) The director of the department of social services or the director's
designee, who shall serve as an ex officio member;

- 16 (5) The director of the department of labor and industrial relations or the
17 director's designee, who shall serve as an ex officio member;
- 18 (6) One member of the senate, appointed by the president pro tempore
19 of the senate, and one member of the house of representatives, appointed by the
20 speaker of the house of representatives;
- 21 (7) A representative of the office of the attorney general, who shall serve
22 as an ex officio member;
- 23 (8) A member of a city council, county commission or other local
24 governmental entity;
- 25 (9) A representative of a community housing organization;
- 26 (10) A representative of property owners;
- 27 (11) A representative of the real estate industry;
- 28 (12) One representative of an appropriate public interest organization and
29 one representative of a local public health agency promoting environmental
30 health and advocating protection of children's health;
- 31 (13) A representative of the lead industry;
- 32 (14) A representative of the insurance industry;
- 33 (15) A representative of the banking industry;
- 34 (16) A parent of a currently or previously lead-poisoned child;
- 35 (17) A representative of the school boards association or an employee of
36 the department of elementary and secondary education, selected by the
37 commissioner of elementary and secondary education;
- 38 (18) Two representatives of the lead abatement industry, including one
39 licensed lead abatement contractor and one licensed lead abatement worker;
- 40 (19) A physician licensed under chapter 334;
- 41 (20) A representative of a lead testing laboratory;
- 42 (21) A lead inspector or risk assessor;
- 43 (22) The chief engineer of the department of transportation or the chief
44 engineer's designee, who shall serve as an ex officio member;
- 45 (23) A representative of a regulated industrial business; and
- 46 (24) A representative of a business organization.
- 47 2. The committee shall make recommendations relating to actions to:
- 48 (1) Eradicate childhood lead poisoning by the year 2012;
- 49 (2) Screen children for lead poisoning;
- 50 (3) Treat and medically manage lead-poisoned children;
- 51 (4) Prevent lead poisoning in children;
- 52 (5) Maintain and increase laboratory capacity for lead assessments and
53 screening, and a quality control program for laboratories;
- 54 (6) Abate lead problems after discovery;
- 55 (7) Identify additional resources, either through a tax or fee structure, to
56 implement programs necessary to address lead poisoning problems and issues;
- 57 (8) Provide an educational program on lead poisoning for the general
58 public and health care providers;
- 59 (9) Determine procedures for the removal and disposal of all lead
60 contaminated waste in accordance with the Toxic Substances Control Act, as

61 amended, 42 U.S.C. 2681, et seq., solid waste and hazardous waste statutes, and
62 any other applicable federal and state statutes and regulations.

63 3. The committee members shall receive no compensation but shall,
64 subject to appropriations, be reimbursed for actual and necessary expenses
65 incurred in the performance of their duties. All public members and local
66 officials shall serve for a term of two years and until their successors are selected
67 and qualified, and other members shall serve for as long as they hold the office
68 or position from which they were appointed.

69 4. No later than December fifteenth of each year, the committee shall
70 provide a written annual report of its recommendations for actions as required
71 pursuant to subsection 2 of this section to the governor and general assembly,
72 including any legislation proposed by the committee to implement the
73 recommendations.

74 5. The committee shall submit records of its meetings to the secretary of
75 the senate and the chief clerk of the house of representatives in accordance with
76 sections 610.020 and 610.023.]

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