FIRST REGULAR SESSION

SENATE COMMITTEE SUBSTITUTE FOR

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 464

96TH GENERAL ASSEMBLY

Reported from the Committee on Financial and Governmental Organizations and Elections, May 5, 2011, with recommendation that the Senate Committee Substitute do pass.

TERRY L. SPIELER, Secretary.

1405S.06C

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, 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, 208.530, 208.533, 208.535, 208.792, 208.955, 210.101, 210.102, 210.496, 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, 324.1144, 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

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

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 nine new sections relating to repealing and revising certain state boards, councils, committees, and commissions, with existing penalty provisions.

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, 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, 208.530, 208.533, 208.535, 208.792, 208.955, 210.101, 210.102, 210.496, 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, 324.1144, 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 section, 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 nine new sections enacted in lieu thereof, to be known as sections 8.650, 8.900, 37.735, 37.740, 37.745, 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, 210.102, 210.496, 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, 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, 536.312, 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.

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

3. The commissioner shall maintain a codified listing of all applications received. The 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 who suffered an on-the-job injury that resulted in a permanent disability shall be established and located on the grounds of the state capitol. **[**The memorial shall be of a design selected by a competition organized by the "Workers Memorial Committee" which is hereby created. The workers memorial committee shall be composed of the members of the board of public buildings, or their designees, two members of the house of representatives, one from each political party, selected by the speaker of the house, and two members of the senate, one from each political party, selected by the president pro tem of the senate. The members of the committee shall serve without compensation but shall be reimbursed for all actual and necessary expenses incurred in the performance of their official duties for the committee.**]**

2. There is hereby established in the state treasury the "Workers Memorial Fund". Gifts, grants and devises may be deposited in the workers memorial fund. Notwithstanding the provisions of section 33.080, moneys in the

fund shall not revert to general revenue. The state treasurer shall invest the moneys from the fund in the same manner as other state funds are invested. Interest accruing to the fund shall be deposited in the fund and shall not be transferred to the general revenue fund.

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

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

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

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

5. All members shall be appointed for four-year terms. Vacancies occurring in the membership of the council for any reason shall be filled by appointment by the governor for the unexpired term. Upon expiration of their terms, members of the council shall continue to hold office until the 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 vacancy may serve for two additional successive terms. The governor may remove a member for cause.

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

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

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

(3) Members of the council shall be knowledgeable about

disability-related issues and have demonstrated a commitment to full participation of people with disabilities in all aspects of community life.

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

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

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

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

37.740. The governor's council on disability shall:

(1) Act in an advisory capacity to all state agencies and have direct input to all divisions of the office of administration on policies and practices which impact people with disabilities. Input shall include policies and practices affecting personnel, purchasing, design and construction of new facilities, facilities management, budget and planning and general services. In the administration of its duties, the governor's council on disability in cooperation with the office of administration shall offer technical assistance to help all departments, divisions and branches of state government comply with applicable state and federal law regarding persons with disabilities;

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

(3) Advocate for public policies and practices which:

(a) Promote employment of people with disabilities;

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

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

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

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

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

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

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

105.1006. All funds withheld from employees of the state of Missouri pursuant to section 105.1005 shall be transferred to the director of revenue for deposit in the state treasury to the credit of the "Missouri State Employees Voluntary Life Insurance Fund", which is hereby created. The Missouri state employees voluntary life insurance fund shall be administered by the **[**Missouri state employees voluntary life insurance commission**]** **commissioner of administration**, and the moneys in the fund shall be used solely **[**by the commission**]** as provided in sections 105.1000 to 105.1020, including the contracts entered into with employees under section 105.1005. Notwithstanding the provisions of section 33.080 to the contrary, moneys in the Missouri state employees voluntary life insurance fund at the end of any biennium shall not be transferred to the credit of the general revenue fund. The **[**commission**]** **commissioner** shall approve any voluntary life insurance agreement entered into by the state and shall oversee the orderly administration of the fund in compliance with sections 105.1000 to 105.1020.

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

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

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

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

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

2. The individualized education program required for each student enrolled in special education shall include a statement of the needed transition services for students beginning not later than age sixteen and annually

18 thereafter, and shall include, when appropriate, a statement of interagency
19 responsibility or linkages before the student leaves the school setting.
20 3. The "Missouri Interagency Council on Transition" is hereby created
21 within the division of special education, and shall be composed of the
22 commissioner of the department of elementary and secondary education, the
23 assistant commissioners of the division of vocational rehabilitation, the division
24 of special education, and the division of vocational and adult education, the
25 director of the department of health and senior services, the director of the
26 division of maternal, child and family health, the director of the department of
27 mental health, the director of the department of social services, the president of
28 the Missouri planning council for developmental disabilities, the chairman of the
29 Missouri **[**head**] brain** injury advisory council, the president of the advisory
30 council for comprehensive psychiatric services, the president of the Missouri
31 Association for Rehabilitation Facilities, or their designees, a representative of
32 the governor's **[**committee on employment of persons with disabilities**] council**
33 **on disability**, and seven professionals and consumer representatives with no
34 less than three parents or primary consumers, to be appointed by the governor
35 from names submitted by any interested agency or organization serving
36 individuals with disabilities. At the first meeting a chair shall be selected from
37 the members to serve a term of two years. The council shall meet at least
38 quarterly, and at such other times at the call of the chair.
39 4. The Missouri interagency council on transition shall:
40 (1) Gather and coordinate data on transition services for secondary age
41 youth with disabilities;
42 (2) Provide information, consultation, and technical assistance to state
43 and local agencies and school districts involved in the delivery of services to youth
44 with disabilities who are in transition from school to work or postsecondary
45 transition programs;
46 (3) Assist state and local agencies and school districts in establishing
47 interagency agreements to assure the necessary transition from school to work or
48 postsecondary training programs;
49 (4) Conduct an annual statewide assessment of transition needs and
50 postsecondary school outcomes from information supplied by local education
51 agencies and local interagency transition committees;
52 (5) Assist regions and local areas in planning interagency in-service
53 training to develop and improve transition services.

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

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

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

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

24 (2) Each district, other than a metropolitan school district, participating
25 in an urban voluntary school transfer program shall place before voters in the
26 district a proposal to continue participation in the urban voluntary school
27 transfer program at the April election during the sixth year of operation of the

program. Unless a majority of district voters voting thereon votes to continue participation in the program, each district, other than a metropolitan school district, shall file a plan, no later than the end of the seventh year of the operation of the program, for phase-out of the district's participation in the program, and such plan shall be provided to the state board of education, the transitional school district and the board of directors of the corporation. Each such plan shall provide for elimination of transfers to the district pursuant to this section no later than the following schedule:

(a) The ninth year of the program for grades one through three;

(b) The tenth year of the program for grades four through six;

(c) The eleventh year of the program for grades seven through nine; and

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

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

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

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

(2) For the third year of operation and thereafter, the corporation shall receive transportation state aid, for each student that participates in the program, which shall be in the same amount and on the same basis as would be

received by the student's district of residence if the student were attending a school in the attendance zone in the student's district of residence, provided that such reimbursement shall not exceed one hundred fifty-five percent of the statewide average per pupil cost for transportation for the second preceding school year.

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

5. The corporation created herein shall have all powers of a public body corporate, except that it shall have no paid employees. The corporation, by contract with any public entity, school district, or private entity, may retain the services of a fiscal agent, make provisions for accounting, transportation management, or other assistance that the corporation may need to carry out its functions, except that no contractor or employee of any contractor acting in a policy-making function shall have ever have been a contractor or employee of the voluntary interdistrict coordinating council or any other program established by the federal district court; except that this restriction shall not apply to transportation contractors or their employees. When a school district located in whole or in part in a county with a population in excess of nine hundred thousand persons ceases to participate in the urban public school transfer program, its representative shall be removed from the corporation's board of directors. When none of the students who reside in a school district in a city not within a county opt to participate in the program, the school district's representative shall be removed from the board of directors. When all of the school districts have ended their participation in the program, in accordance with this subsection, the corporation's operations shall cease, and any funds of the corporation remaining shall be paid to the state of Missouri to the credit of the general revenue fund, except such amounts as the commissioner of education shall determine should be paid to particular school districts under the regulations applicable to federal programs or returned to the federal government.

6. All funds received by the corporation shall become funds of the corporation and paid for the purposes set forth in this section and in accordance with agreements entered into between the corporation and participating school districts and other entities, provided that funds received for particular purposes, under federal or state categorical programs benefiting individual students, shall be paid to the district or entity providing services to the students entitled to such services. The proportionate share of federal and state resources generated by

100 students with disabilities, or the staff serving them, shall be paid to the district
101 where the child is attending school, unless the district of residence is required by
102 law to provide such services to the individual students, except that a special
103 school district containing the district where the child is attending school shall be
104 paid for all unreimbursed expenses for special education services provided to
105 students with disabilities. Funds held by the corporation at the close of a fiscal
106 year may be carried over and utilized by the corporation in subsequent fiscal
107 years for the purposes set forth in this section.

108 7. The board of directors may establish regional attendance zones which
109 map the regions of a district in a city not within a county to corresponding
110 recipient districts within the remainder of the program area. In establishing the
111 regional attendance zones, the board of directors may solicit comments and
112 suggestions from residents of the program area and may adopt one or more
113 regional attendance zones previously established in the program area pursuant
114 to a federal court desegregation order, decree or agreement.

115 **[**8. No later than four years following the date an urban public school
116 transfer program is begun pursuant to this section in a program area, the senate
117 and the house of representatives shall establish a "Joint Committee on Urban
118 Voluntary School Transfer Programs", composed of five members of the senate,
119 appointed by the president pro tem of the senate, and five members of the house
120 of representatives, appointed by the speaker of the house. Not more than three
121 members appointed by the president pro tem and not more than three members
122 appointed by the speaker of the house shall be from the same political party.

123 9. The joint committee may meet as necessary and hold hearings and
124 conduct investigations as it deems advisable. No later than five years following
125 the date an urban voluntary school transfer program is begun pursuant to this
126 section in a program area, the committee shall review and monitor the status of
127 any urban voluntary school transfer program established pursuant to this section
128 and make any recommendations the committee deems necessary to the general
129 assembly regarding such program or programs, which may include proposed
130 changes to the program and recommendations regarding the continuation of the
131 program. The members shall receive no additional compensation, other than
132 reimbursement for their actual and necessary expenses incurred in the
133 performance of their duties. The staff of the committee on legislative research,
134 house research, and senate research shall provide necessary clerical, research,
135 fiscal and legal services to the committee, as the committee may request.

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

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

(1) Departmental regulation of trauma centers; or

(2) The Missouri **[**head**] brain** and spinal cord injury registry established by sections 192.735 to 192.745; or

(3) Abstracts of inpatient hospital data; or

(4) If such data elements are requested by a lawful subpoena or subpoena duces tecum.

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

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

(1) **[**"Department", the department of health and senior services;

(2) "Head**] "Brain** injury" or "traumatic **[**head**] brain** injury", a sudden insult or damage to the brain or its coverings, not of a degenerative nature. Such insult or damage may produce an altered state of consciousness and may result in a decrease of one or more of the following: mental, cognitive, behavioral or physical functioning resulting in partial or total disability. Cerebral vascular accidents, aneurisms and congenital deficits are specifically excluded from this

definition;

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

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

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

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

(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 an information registry and reporting system for the purpose of data collection and needs assessment of **[**head**]** **brain** and spinal cord injured persons in this state.

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

3. Reporting forms and the manner in which the information is to be reported shall be provided by the department. Such reports shall include, but shall not be limited to, the following information: name, age, and residence of the injured person, the date and cause of the injury, the 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 maintained by the department and other appropriate persons, officials and institutions pursuant to sections 192.735 to 192.744 shall be confidential. Information shall not be made available to any individual or institution except to:

(1) Appropriate staff of the department;

(2) Any person engaged in a bona fide research project, with the permission of the director of the department, except that no information

9 identifying the subjects of the reports or the reporters shall be made available to
10 researchers unless the department requests and receives consent for such release
11 pursuant to the provisions of this section;
12 (3) The Missouri **[**head**]** **brain** injury advisory council, except that no
13 information identifying the subjects of the reports or the reporters shall be made
14 available to the council unless consent for release is requested and received
15 pursuant to the provisions of this section. Only information pertaining to **[**head**]**
16 **brain** injuries as defined in section 192.735 shall be released to the council.
17 2. The department shall not reveal the identity of a patient, a reporting
18 physician or hospital, except that the identity of the patient may be released upon
19 written consent of the patient, parent or guardian, the identity of the physician
20 may be released upon written consent of the physician, and the identity of the
21 hospital may be released upon written consent of the hospital.
22 3. The department shall request consent for release from a patient, a
23 reporting physician or hospital only upon a showing by the applicant for such
24 release that obtaining the identities of certain patients, physicians or hospitals
25 is necessary for his research.
26 4. The department shall at least annually compile a report of the data
27 accumulated through the reporting system established under section 192.737 and
28 shall submit such data relating to **[**head**]** **brain** injuries as defined in section
29 192.735 and in accordance with confidentiality restrictions established pursuant
30 to sections 192.735 to 192.744 to the director of the Missouri **[**head**]** **brain** injury
31 advisory council.

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

192.745. 1. The "Missouri **[**Head**]** **Brain** Injury Advisory Council" is
2 hereby established **[**as created by executive order of the governor on March 5,
3 1985**]** **in the department of health and senior services**. **[**The council shall
4 consist of twenty-five members.**]** The members of the council that are serving on
5 **[**August 13, 1986**]** **February 2, 2005**, shall continue **[**serving on the following
6 basis: the two members of the council who are members of the house of
7 representatives and appointed by the speaker of the house of representatives
8 shall serve for the remainder of their terms; the two members of the council who
9 are members of the senate appointed by the president pro tempore of the senate

10 shall serve for the remainder of their terms; and the remaining twenty-one
11 members shall determine by lot which seven are to have a one-year term, which
12 seven are to have a two-year term, and which seven are to have a three-year
13 term**] to fulfill their current terms. Through attrition, the council shall**
14 **decrease from the present twenty-five members to fifteen**
15 **members**. Thereafter, the successors to each of these **[**twenty-one**]** members
16 shall serve a three-year term and until the member's successor is appointed by
17 the governor with the advice and consent of the senate. **[**In addition, two
18 members who are members of the house of representatives shall be appointed by
19 the speaker of the house and two members who are members of the senate shall
20 be appointed by the president pro tempore of the senate.**]** The members appointed
21 by the governor shall **[**represent**] include: four** people with **[**head**] brain**
22 injuries**[**,**] or** relatives of persons with **[**head**] brain** injuries, **[**proprietary schools
23 as defined in section 173.600,**] and eleven other individuals from**
24 professional groups, health institutions, **[**or**] community groups, and** private
25 industry **[**and state agencies which administer programs regarding mental health,
26 education, public health, public safety, insurance, and Medicaid. The
27 appointment of individuals representing state agencies shall be conditioned on
28 their continued employment with their respective agencies**]**. **In addition to the**
29 **fifteen council members, individuals representing state agencies with**
30 **services that impact brain injury survivors and their families shall**
31 **participate on the council in an ex officio nonvoting capacity. These**
32 **individuals shall be appointed by the respective agency.**

33 2. The Missouri **[**head**] brain** injury advisory council is assigned to the
34 **[**division of general services in the office of administration**] department of**
35 **health and senior services**. The **[**office of administration**] department** shall
36 submit estimates of requirements for appropriations on behalf of the council for
37 the necessary staff and expenses to carry out the duties and responsibilities
38 assigned by the council. **[**Such staff shall consist of a director and other support
39 staff.**]**

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

43 4. **[**Each member shall, subject to appropriations, be reimbursed for
44 reasonable and necessary expenses actually incurred in the performance of the
45 member's official duties.**] Members of the council shall not receive any**

46 **compensation for their services, but they shall, subject to**
47 **appropriations, be reimbursed for actual and necessary expenses**
48 **incurred in the performance of their duties from funds appropriated**
49 **for this purpose.**
50 5. The council shall adopt written procedures to govern its
51 activities. **[**Staff and consultants shall be provided for the council from
52 appropriations requested by the commissioner of the office of administration for
53 such purpose.**]**
54 6. The council**, under the direction of the department,** shall make
55 recommendations to the **[**governor**] department director** for developing and
56 administering a state plan to provide services for **[**head**] brain** injured persons.
57 7. No member of the council may participate in or seek to influence a
58 decision or vote of the council if the member would be directly involved with the
59 matter or if the member would derive income from it. A violation of the
60 prohibition contained herein shall be grounds for a person to be removed as a
61 member of the council by the **[**governor**] department director**.
62 8. The council shall be advisory and shall:
63 (1) Promote meetings and programs for the discussion of reducing the
64 debilitating effects of **[**head**] brain** injuries and disseminate information in
65 cooperation with any other department, agency or entity on the prevention,
66 evaluation, care, treatment and rehabilitation of persons affected by **[**head**] brain**
67 injuries;
68 (2) Study and review current prevention, evaluation, care, treatment and
69 rehabilitation technologies and recommend appropriate preparation, training,
70 retraining and distribution of manpower and resources in the provision of services
71 to **[**head-injured**] brain-injured** persons through private and public residential
72 facilities, day programs and other specialized services;
73 (3) Recommend **[**what**]** specific methods, means and procedures **[**should
74 be adopted**]** to improve and upgrade the state's service delivery system for
75 **[**head-injured**] brain-injured** citizens of this state;
76 (4) Participate in developing and disseminating criteria and standards
77 which may be required for future funding or licensing of facilities, day programs
78 and other specialized services for **[**head-injured**] brain-injured** persons in this
79 state;
80 (5) Report annually to the **[**commissioner of administration, the governor,
81 and the general assembly**] department director** on its activities, and on the

82 results of its studies and the recommendations of the council.

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

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

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

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

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

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

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

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

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

17 (1) **[**Provision of funds for**]** Planning **and implementing,** in cooperation

with the Missouri **[**head**] brain** injury advisory council **[**and implementation of**],** accessible programs to **[**rehabilitate and care for**] promote rehabilitation and community reintegration of** persons with **[**head injuries, injury prevention and research**] brain injuries**;

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

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

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

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

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

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

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

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

(a) Professional resources and staff development;

(b) Services assessment and coordination;

(c) Standards development, implementation and quality assurance;

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

(e) Fiscal resources and management;

(f) Technical assistance; and

54 (g) Assistance with public health problems, emergencies and conditions**]**
55 **Receiving federal grants and aids for injury prevention and for persons**
56 **with brain injuries and brain injury rehabilitation under the terms of**
57 **the grants and aids and administering or paying them out. The**
58 **director shall approve such applications for federal assistance**
59 **administered through the department as may be considered advisable**
60 **in consultation with the Missouri brain injury advisory council;**
61 **(8) Promulgating rules under the provisions of this section, as**
62 **necessary to prescribe policies or standards which affect charging and**
63 **funding of adult brain injury rehabilitation services. The rules**
64 **applicable to each program or service operated or funded by the**
65 **department shall be available for public inspection and review at such**
66 **program or service. The rules and policies shall be compatible with**
67 **and appropriate to the program mission, population served, size, type**
68 **of service, and other reasonable classifications;**
69 **(9) Promulgating reasonable rules relative to the implementation**
70 **of participant rights described in sections 199.001 to 199.051;**
71 **(10) Promulgating rules setting forth a reasonable standard**
72 **means test which shall be applied to all programs and services funded**
73 **by the department in determining eligibility for such services.**
74 **3. Any rule or portion of a rule, as that term is defined in section**
75 **536.010 that is created under the authority delegated in this section**
76 **shall become effective only if it complies with and is subject to all of**
77 **the provisions of chapter 536, and, if applicable, section 536.028. This**
78 **section and chapter 536 are nonseverable and if any of the powers**
79 **vested with the general assembly pursuant to chapter 536, to review, to**
80 **delay the effective date, or to disapprove and annul a rule are**
81 **subsequently held unconstitutional, then the grant of rulemaking**
82 **authority and any rule proposed or adopted after August 28, 2011, shall**
83 **be invalid and void**.

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

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

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

(1) Assessment and evaluation;

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

(3) Counseling;

(4) Respite care;

(5) Recreation;

(6) Rehabilitation;

(7) Cognitive retraining;

(8) Prevocational rehabilitation;

(9) Residential care;

(10) Homemaker services;

(11) Day activity programs;

(12) Supported living;

(13) Referral to appropriate services;

(14) Transportation;

(15) Supported work**, if provided by the department, shall be directed toward preparation for education or vocational achievement, independent living, and community participation. Long-term needs shall be identified and efforts made to link participants with appropriate resources**.

3. In securing the comprehensive program of services, the **[**division**]**

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

4. In accordance with state and federal law, no service or program operated or funded by the department shall deny admission or other services to any person because of 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 needing **[**head**] brain** injury and other rehabilitation subject to appropriation by the general assembly. The department of health and senior services shall provide for the treatment and 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 this section and chapter 536 as necessary to prescribe policies or standards which affect charging and funding of residential care rehabilitation programs and specialized services for persons with **[**head**] brain** injuries available to the public. The rules applicable to each facility, program or service operated or funded by the **[**division**] department** shall be available for public inspection and review at such facility, program or service. These rules shall not apply to facilities, programs or services operated or provided by curators of the University of Missouri.

2. The rules, operating regulations and facility policies shall be compatible with and appropriate to the facility or program mission, population served, size, type of service and other reasonable classifications. No rule or portion of a rule promulgated under the authority of this chapter shall become effective unless it has been promulgated pursuant to the provisions of section 536.024.

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

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

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

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

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

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

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

199.043. In accordance with state and federal law, no residential facility, day program or specialized service operated or funded by the **[**division**]**

3 **department** shall deny admission or other services to any person because of his
4 race, sex, creed, marital status, national origin, handicap or age.

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

208.175. 1. The "Drug Utilization Review Board" is hereby established
2 within the **[**division of medical services**] MO HealthNet division** and shall be
3 composed of the following health care professionals who shall be appointed by the
4 governor **[**not later than October 1, 1992,**]** and whose appointment shall be
5 subject to the advice and consent of the senate:
6 (1) Six physicians who shall include:
7 (a) Three physicians who hold the doctor of medicine degree and are
8 active in medical practice;
9 (b) Two physicians who hold the doctor of osteopathy degree and are
10 active in medical practice; and
11 (c) One physician who holds the doctor of medicine or the doctor of
12 osteopathy degree and is active in the practice of psychiatry;
13 (2) Six actively practicing pharmacists who shall include:
14 (a) Three pharmacists who hold bachelor of science degrees in pharmacy
15 and are active as retail or patient care pharmacists;
16 (b) Two pharmacists who hold advanced clinical degrees in pharmacy and
17 are active in the practice of pharmaceutical therapy and clinical pharmaceutical
18 management; and
19 (c) One pharmacist who holds either a bachelor of science degree in
20 pharmacy or an advanced clinical degree in pharmacy and is employed by a
21 pharmaceutical manufacturer of Medicaid-approved formulary drugs; and
22 (3) One certified medical quality assurance registered nurse with an
23 advanced degree.
24 2. The membership of the drug utilization review board shall include
25 health care professionals who have recognized knowledge and expertise in one or
26 more of the following:
27 (1) The clinically appropriate prescribing of covered outpatient drugs;
28 (2) The clinically appropriate dispensing and monitoring of covered
29 outpatient drugs;
30 (3) Drug use review, evaluation and intervention;
31 (4) Medical quality assurance.

32 3. A chairperson shall be elected by the board members **[**at their first
33 meeting, which shall take place not later than November 1, 1992**]**. The board
34 shall meet at least once every ninety days. A quorum of eight members, including
35 no fewer than three physicians and three pharmacists, shall be required for the
36 board to act in its official capacity.
37 4. Members appointed pursuant to subsection 1 of this section shall serve
38 four-year terms, except that of the original members, four shall be appointed for
39 a term of two years, four shall be appointed for a term of three years and five
40 shall be appointed for a term of four years. Members may be reappointed.
41 5. The members of the drug utilization review board or any regional
42 advisory committee shall receive no compensation for their services other than
43 reasonable expenses actually incurred in the performance of their official duties.
44 6. The drug utilization review board shall, either directly or through
45 contracts between the **[**division of medical services**]** **MO HealthNet division**
46 and accredited health care educational institutions, state medical societies or
47 state pharmacist associations or societies or other appropriate organizations,
48 provide for educational outreach programs to educate practitioners on common
49 drug therapy problems with the aim of improving prescribing and dispensing
50 practices.
51 7. The drug utilization review board shall monitor drug usage and
52 prescribing practices in the Medicaid program. The board shall conduct its
53 activities in accordance with the requirements of subsection (g) of section 4401
54 of the Omnibus Budget Reconciliation Act of 1990 (P.L. 101-508). The board shall
55 publish an educational newsletter to Missouri Medicaid providers as to its
56 considered opinion of the proper usage of the Medicaid formulary. It shall advise
57 providers of inappropriate drug utilization when it deems it appropriate to do so.
58 8. **The drug utilization review board may provide advice on**
59 **guidelines, policies, and procedures necessary to establish and**
60 **maintain the Missouri Rx plan.**
61 **9.** Office space and support personnel shall be provided by the division of
62 medical services.
63 **[**9.**]** **10.** Subject to appropriations made specifically for that purpose, up
64 to six regional advisory committees to the drug utilization review board may be
65 appointed. Members of the regional advisory committees shall be physicians and
66 pharmacists appointed by the drug utilization review board. Each such member
67 of a regional advisory committee shall have recognized knowledge and expertise

68 in one or more of the following:
69 (1) The clinically appropriate prescribing of covered outpatient drugs;
70 (2) The clinically appropriate dispensing and monitoring of covered
71 outpatient drugs;
72 (3) Drug use review, evaluation, and intervention; or
73 (4) Medical quality assurance.

208.275. 1. As used in this section, unless the context otherwise
2 indicates, the following 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,
5 either permanent or temporary, which would substantially impair ability to
6 operate or utilize available transportation.
7 2. There is hereby created the "Coordinating Council on Special
8 Transportation" within the Missouri department of transportation. The members
9 of the council shall be: **[**two members of the senate appointed by the president
10 pro tem, who shall be from different political parties; two members of the house
11 of representatives appointed by the speaker, who shall be from different political
12 parties;**]** the assistant for transportation of the Missouri department of
13 transportation, or his designee; the assistant commissioner of the department of
14 elementary and secondary education, responsible for special transportation, or his
15 designee; the director of the division of aging of the department of social services,
16 or his designee; the deputy director for mental retardation/developmental
17 disabilities and the deputy director for administration of the department of
18 mental health, or their designees; the executive secretary of the governor's
19 committee on the employment of the handicapped; and seven consumer
20 representatives appointed by the governor by and with the advice and consent of
21 the senate, four of the consumer representatives shall represent the elderly and
22 three shall represent the handicapped. Two of such three members representing
23 handicapped persons shall represent those with physical handicaps. Consumer
24 representatives appointed by the governor shall serve for terms of three years or
25 until a successor is appointed and qualified. Of the members first selected, two
26 shall be selected for a term of three years, two shall be selected for a term of two
27 years, and three shall be selected for a term of one year. In the event of the
28 death or resignation of any member, his successor shall be appointed to serve for
29 the unexpired period of the term for which such member had been appointed.
30 3. State agency personnel shall serve on the council without additional

31 appropriations or compensation. The consumer representatives shall serve
32 without compensation except for receiving reimbursement for the reasonable and
33 necessary expenses incurred in the performance of their duties on the council
34 from funds appropriated to the department of transportation. **[**Legislative
35 members shall be reimbursed by their respective appointing bodies out of the
36 contingency fund for such body for necessary expenses incurred in the
37 performance of their duties.**]**

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

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

44 6. The coordinating council on special transportation shall:

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

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

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

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

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

54 (6) Review area transportation plans and make recommendations for plan
55 format and content;

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

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

60 (9) Review local disputes and conflicts on special transportation and
61 recommend solutions.

62 **7. The provisions of this section shall expire on December 31,**
63 **2014.**

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

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

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

(3) One consumer representative;

(4) Two primary care physicians, licensed under chapter 334, recommended by any Missouri organization or association that represents a significant number of physicians licensed in this state, who care for participants, not from the same geographic area;

(5) Two physicians, licensed under chapter 334, who care for participants but who are not primary care physicians and are not from the same geographic area, recommended by any Missouri organization or association that represents a significant number of physicians licensed in this state**, and who are familiar with the medical needs of low-income population groups and with the resources available and required for their care**;

(6) One representative of the state hospital association;

(7) One nonphysician health care professional who cares for participants, recommended by the director of the department of insurance, financial institutions and professional registration;

(8) One dentist, who cares for participants. The dentist shall be recommended by any Missouri organization or association that represents a significant number of dentists licensed in this state;

(9) **[**Two patient advocates**]** **One mental health professional who cares for participants. The mental health professional shall be either a psychiatrist, psychologist, or professional counselor licensed under chapter 334 or 337 and shall be recommended by any Missouri organization or association that represents a significant number of either psychiatrists, psychologists, or professional counselors in this state, as appropriate to the appointment. The appointment of the type of mental health professional shall rotate with each new term;**

(10) One nurse licensed or registered under chapter 335 who cares for participants;

[(10)**]** **(11)** One public member; and

[(11)**]** **(12)** The directors of the department of social services, the department of mental health, the department of health and senior services, or the

40 respective directors' designees, who shall serve as ex-officio members of the
41 committee.
42 2. The members of the oversight committee, other than the members from
43 the general assembly and ex-officio members, shall be appointed by the governor
44 with the advice and consent of the senate. A chair of the oversight committee
45 shall be selected by the members of the oversight committee. Of the members
46 first appointed to the oversight committee by the governor, eight members shall
47 serve a term of two years, seven members shall serve a term of one year, and
48 thereafter, members shall serve a term of two years. Members shall continue to
49 serve until their successor is duly appointed and qualified. Any vacancy on the
50 oversight committee shall be filled in the same manner as the original
51 appointment. Members shall serve on the oversight committee without
52 compensation but may be reimbursed for their actual and necessary expenses
53 from moneys appropriated to the department of social services for that
54 purpose. The department of social services shall provide technical, actuarial, and
55 administrative support services as required by the oversight committee. The
56 oversight committee shall:
57 (1) Meet on at least four occasions annually**[**, including at least four before
58 the end of December of the first year the committee is established**]**. Meetings
59 **[**can**]** **may** be held by telephone or video conference at the discretion of the
60 committee;
61 (2) **Serve as a medical care advisory committee under Section**
62 **1902(a)(4) of the Social Security Act to advise the Medicaid agency**
63 **director about health and medical care services;**
64 **(3)** Review the participant and provider satisfaction reports and the
65 reports of health outcomes, social and behavioral outcomes, use of evidence-based
66 medicine and best practices as required of the health improvement plans and the
67 department of social services under section 208.950;
68 **[**(3)**]** **(4)** Review the results from other states of the relative success or
69 failure of various models of health delivery attempted;
70 **[**(4)**]** **(5)** Review the results of studies comparing health plans conducted
71 under section 208.950;
72 **[**(5)**]** **(6)** Review the data from health risk assessments collected and
73 reported under section 208.950;
74 **[**(6)**]** **(7)** Review the results of the public process input collected under
75 section 208.950;

76 **[**(7)**]** **(8)** Advise and approve proposed design and implementation
77 proposals for new health improvement plans submitted by the department, as
78 well as make recommendations and suggest modifications when necessary;
79 **[**(8)**]** **(9)** Determine how best to analyze and present the data reviewed
80 under section 208.950 so that the health outcomes, participant and provider
81 satisfaction, results from other states, health plan comparisons, financial impact
82 of the various health improvement plans and models of care, study of provider
83 access, and results of public input can be used by consumers, health care
84 providers, and public officials;
85 **[**(9)**]** **(10)** Present significant findings of the analysis required in
86 subdivision (8) of this subsection in a report to the general assembly and
87 governor, at least annually, beginning January 1, 2009;
88 **[**(10)**]** **(11)** Review the budget forecast issued by the legislative budget
89 office, and the report required under subsection (22) of subsection 1 of section
90 208.151, and after study:
91 (a) Consider ways to maximize the federal drawdown of funds;
92 (b) Study the demographics of the state and of the MO HealthNet
93 population, and how those demographics are changing;
94 (c) Consider what steps are needed to prepare for the increasing numbers
95 of participants as a result of the baby boom following World War II;
96 **[**(11)**]** **(12)** Conduct a study to determine whether an office of inspector
97 general shall be established. Such office would be responsible for oversight,
98 auditing, investigation, and performance review to provide increased
99 accountability, integrity, and oversight of state medical assistance programs, to
100 assist in improving agency and program operations, and to deter and identify
101 fraud, abuse, and illegal acts. The committee shall review the experience of all
102 states that have created a similar office to determine the impact of creating a
103 similar office in this state; and
104 **[**(12)**]** **(13)** Perform other tasks as necessary, including but not limited
105 to making recommendations to the division concerning the promulgation of rules
106 and emergency rules so that quality of care, provider availability, and participant
107 satisfaction can be assured.
108 3. By July 1, 2011, the oversight committee shall issue findings to the
109 general assembly on the success and failure of health improvement plans and
110 shall recommend whether or not any health improvement plans should be
111 discontinued.

112 4. [The oversight committee shall designate a subcommittee devoted to
113 advising the department on the development of a comprehensive entry point
114 system for long-term care that shall:
115 (1) Offer Missourians an array of choices including community-based,
116 in-home, residential and institutional services;
117 (2) Provide information and assistance about the array of long-term care
118 services to Missourians;
119 (3) Create a delivery system that is easy to understand and access
120 through multiple points, which shall include but shall not be limited to providers
121 of services;
122 (4) Create a delivery system that is efficient, reduces duplication, and
123 streamlines access to multiple funding sources and programs;
124 (5) Strengthen the long-term care quality assurance and quality
125 improvement system;
126 (6) Establish a long-term care system that seeks to achieve timely access
127 to and payment for care, foster quality and excellence in service delivery, and
128 promote innovative and cost-effective strategies; and
129 (7) Study one-stop shopping for seniors as established in section 208.612.
130 5. The subcommittee shall include the following members:
131 (1) The lieutenant governor or his or her designee, who shall serve as the
132 subcommittee chair;
133 (2) One member from a Missouri area agency on aging, designated by the
134 governor;
135 (3) One member representing the in-home care profession, designated by
136 the governor;
137 (4) One member representing residential care facilities, predominantly
138 serving MO HealthNet participants, designated by the governor;
139 (5) One member representing assisted living facilities or continuing care
140 retirement communities, predominantly serving MO HealthNet participants,
141 designated by the governor;
142 (6) One member representing skilled nursing facilities, predominantly
143 serving MO HealthNet participants, designated by the governor;
144 (7) One member from the office of the state ombudsman for long-term care
145 facility residents, designated by the governor;
146 (8) One member representing Missouri centers for independent living,
147 designated by the governor;

148 (9) One consumer representative with expertise in services for seniors or
149 the disabled, designated by the governor;
150 (10) One member with expertise in Alzheimer's disease or related
151 dementia;
152 (11) One member from a county developmental disability board,
153 designated by the governor;
154 (12) One member representing the hospice care profession, designated by
155 the governor;
156 (13) One member representing the home health care profession,
157 designated by the governor;
158 (14) One member representing the adult day care profession, designated
159 by the governor;
160 (15) One member gerontologist, designated by the governor;
161 (16) Two members representing the aged, blind, and disabled population,
162 not of the same geographic area or demographic group designated by the
163 governor;
164 (17) The directors of the departments of social services, mental health,
165 and health and senior services, or their designees; and
166 (18) One member of the house of representatives and one member of the
167 senate serving on the oversight committee, designated by the oversight committee
168 chair. Members shall serve on the subcommittee without compensation but may
169 be reimbursed for their actual and necessary expenses from moneys appropriated
170 to the department of health and senior services for that purpose. The department
171 of health and senior services shall provide technical and administrative support
172 services as required by the committee.
173 6. By October 1, 2008, the comprehensive entry point system
174 subcommittee shall submit its report to the governor and general assembly
175 containing recommendations for the implementation of the comprehensive entry
176 point system, offering suggested legislative or administrative proposals deemed
177 necessary by the subcommittee to minimize conflict of interests for successful
178 implementation of the system. Such report shall contain, but not be limited to,
179 recommendations for implementation of the following consistent with the
180 provisions of section 208.950:
181 (1) A complete statewide universal information and assistance system that
182 is integrated into the web-based electronic patient health record that can be
183 accessible by phone, in-person, via MO HealthNet providers and via the Internet

184 that connects consumers to services or providers and is used to establish
185 consumers' needs for services. Through the system, consumers shall be able to
186 independently choose from a full range of home, community-based, and
187 facility-based health and social services as well as access appropriate services to
188 meet individual needs and preferences from the provider of the consumer's choice;
189 (2) A mechanism for developing a plan of service or care via the web-based
190 electronic patient health record to authorize appropriate services;
191 (3) A preadmission screening mechanism for MO HealthNet participants
192 for nursing home care;
193 (4) A case management or care coordination system to be available as
194 needed; and
195 (5) An electronic system or database to coordinate and monitor the
196 services provided which are integrated into the web-based electronic patient
197 health record.
198 7. Starting July 1, 2009, and for three years thereafter, the subcommittee
199 shall provide to the governor, lieutenant governor and the general assembly a
200 yearly report that provides an update on progress made by the subcommittee
201 toward implementing the comprehensive entry point system.
202 8.**]** The provisions of section 23.253 shall not apply to sections 208.950 to
203 208.955.

210.101. 1. There is hereby established the "Missouri Children's Services
2 Commission", which shall be composed of the following members:
3 (1) The director or **[**deputy director of the department of labor and
4 industrial relations and the director or deputy director of each state agency,
5 department, division, or other entity which provides services or programs for
6 children, including, but not limited to, the department of mental health, the
7 department of elementary and secondary education, the department of social
8 services, the department of public safety and the department of health and senior
9 services**] the director's designee of the following departments:**
10 **corrections, elementary and secondary education, higher education,**
11 **health and senior services, labor and industrial relations, mental**
12 **health, public safety, and social services**;
13 (2) One judge of a **family or** juvenile court, who shall be appointed by the
14 chief justice of the supreme court;
15 (3) **[**One judge of a family court, who shall be appointed by the chief
16 justice of the supreme court;

17 (4) Four**] Two** members, **[**two**] one** from each political party, of the house
18 of representatives, who shall be appointed by the speaker of the house of
19 representatives;
20 **[**(5) Four**] (4) Two** members, **[**two**] one** from each political party, of the
21 senate, who shall be appointed by the president pro tempore of the senate**;**
22 **(5) Five at-large members who shall be appointed by the**
23 **governor, with the advice and consent of the senate, with one member**
24 **representing each of the following: pediatricians, family physicians,**
25 **hospital administrators, children's advocacy organizations, and parents**
26 **of minor children**.
27 All members shall serve for as long as they hold the position which made them
28 eligible for appointment to the Missouri children's services commission under this
29 subsection. All members shall serve without compensation but may be
30 reimbursed for all actual and necessary expenses incurred in the performance of
31 their official duties for the commission.
32 2. All meetings of the Missouri children's services commission shall be
33 open to the public and shall, for all purposes, be deemed open public meetings
34 under the provisions of sections 610.010 to 610.030. The Missouri children's
35 services commission shall meet no less than once every two months**[**, and shall
36 hold its first meeting no later than sixty days after September 28, 1983**]**. Notice
37 of all meetings of the commission shall be given to the general assembly in the
38 same manner required for notifying the general public of meetings of the general
39 assembly.
40 3. The Missouri children's services commission may make all rules it
41 deems necessary to enable it to conduct its meetings, elect its officers, and set the
42 terms and duties of its officers.
43 4. The commission shall elect from amongst its members a chairman, vice
44 chairman, a secretary-reporter, and such other officers as it deems necessary.
45 5. The services of the personnel of any agency from which the director or
46 deputy director is a member of the commission shall be made available to the
47 commission at the discretion of such director or deputy director. All meetings of
48 the commission shall be held in the state of Missouri.
49 6. The officers of the commission may hire an executive director. Funding
50 for the executive director may be provided from the Missouri children's services
51 commission fund or other sources provided by law.
52 7. The commission, by majority vote, may invite individuals representing

53 local and federal agencies or private organizations and the general public to serve
54 as ex officio members of the commission. Such individuals shall not have a vote
55 in commission business and shall serve without compensation but may be
56 reimbursed for all actual and necessary expenses incurred in the performance of
57 their official duties for the commission.

210.102. 1. It shall be the duty of the Missouri children's services
2 commission to:

3 (1) Make recommendations which will encourage greater interagency
4 coordination, cooperation, more effective utilization of existing resources and less
5 duplication of effort in activities of state agencies which affect the legal rights
6 and well-being of children in Missouri;

7 (2) Develop an integrated state plan for the care provided to children in
8 this state through state programs;

9 (3) Develop a plan to improve the quality of children's programs
10 statewide. Such plan shall include, but not be limited to:

11 (a) Methods for promoting geographic availability and financial
12 accessibility for all children and families in need of such services;

13 (b) Program recommendations for children's services which include child
14 development, education, supervision, health and social services;

15 **(c) Goals with measurable outcomes for state agencies with**
16 **respect to children's services;**

17 **(d) Policy recommendations to the governor and general**
18 **assembly;**

19 (4) Design and implement evaluation of the activities of the commission
20 in fulfilling the duties as set out in this section;

21 (5) Report annually to the governor with five copies each to the house of
22 representatives and senate about its activities including, but not limited to the
23 following:

24 (a) A general description of the activities pertaining to children of each
25 state agency having a member on the commission;

26 (b) A general description of the plans and goals, as they affect children,
27 of each state agency having a member on the commission;

28 (c) Recommendations for statutory and appropriation initiatives to
29 implement the integrated state plan;

30 (d) A report from the commission regarding the state of children in
31 Missouri.

2. There is hereby established within the children's services commission the "Coordinating Board for Early Childhood", which shall constitute a body corporate and politic, and shall include but not be limited to the following members:

(1) A representative from the governor's office;

(2) A representative from each of the following departments: health and senior services, mental health, social services, and elementary and secondary education;

(3) A representative of the judiciary;

(4) A representative of the family and community trust board (FACT);

(5) A representative from the head start program;

(6) Nine members appointed by the governor with the advice and consent of the senate who are representatives of the groups, such as business, philanthropy, civic groups, faith-based organizations, parent groups, advocacy organizations, early childhood service providers, and other stakeholders. The coordinating board may make all rules it deems necessary to enable it to conduct its meetings, elect its officers, and set the terms and duties of its officers. The coordinating board shall elect from amongst its members a chairperson, vice chairperson, a secretary-reporter, and such other officers as it deems necessary. Members of the board shall serve without compensation but may be reimbursed for actual expenses necessary to the performance of their official duties for the board.

3. The coordinating board for early childhood shall have the power to:

(1) Develop a comprehensive statewide long-range strategic plan for a cohesive early childhood system;

(2) Confer with public and private entities for the purpose of promoting and improving the development of children from birth through age five of this state;

(3) Identify legislative recommendations to improve services for children from birth through age five;

(4) Promote coordination of existing services and programs across public and private entities;

(5) Promote research-based approaches to services and ongoing program evaluation;

(6) Identify service gaps and advise public and private entities on methods to close such gaps;

68 (7) Apply for and accept gifts, grants, appropriations, loans, or
69 contributions to the coordinating board for early childhood fund from any source,
70 public or private, and enter into contracts or other transactions with any federal
71 or state agency, any private organizations, or any other source in furtherance of
72 the purpose of subsections 2 and 3 of this section, and take any and all actions
73 necessary to avail itself of such aid and cooperation;
74 (8) Direct disbursements from the coordinating board for early childhood
75 fund as provided in this section;
76 (9) Administer the coordinating board for early childhood fund and invest
77 any portion of the moneys not required for immediate disbursement in obligations
78 of the United States or any agency or instrumentality of the United States, in
79 obligations of the state of Missouri and its political subdivisions, in certificates
80 of deposit and time deposits, or other obligations of banks and savings and loan
81 associations, or in such other obligations as may be prescribed by the board;
82 (10) Purchase, receive, take by grant, gift, devise, bequest or otherwise,
83 lease, or otherwise acquire, own, hold, improve, employ, use, and otherwise deal
84 with real or personal property or any interests therein, wherever situated;
85 (11) Sell, convey, lease, exchange, transfer or otherwise dispose of all or
86 any of its property or any interest therein, wherever situated;
87 (12) Employ and fix the compensation of an executive director and such
88 other agents or employees as it considers necessary;
89 (13) Adopt, alter, or repeal by its own bylaws, rules, and regulations
90 governing the manner in which its business may be transacted;
91 (14) Adopt and use an official seal;
92 (15) Assess or charge fees as the board determines to be reasonable to
93 carry out its purposes;
94 (16) Make all expenditures which are incident and necessary to carry out
95 its purposes;
96 (17) Sue and be sued in its official name;
97 (18) Take such action, enter into such agreements, and exercise all
98 functions necessary or appropriate to carry out the duties and purposes set forth
99 in this section.
100 4. There is hereby created the "Coordinating Board for Early Childhood
101 Fund" which shall consist of the following:
102 (1) Any moneys appropriated by the general assembly for use by the board
103 in carrying out the powers set out in subsections 2 and 3 of this section;

(2) Any moneys received from grants or which are given, donated, or contributed to the fund from any source;

(3) Any moneys received as fees authorized under subsections 2 and 3 of this section;

(4) Any moneys received as interest on deposits or as income on approved investments of the fund;

(5) Any moneys obtained from any other available source. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the coordinating board for early childhood fund at the end of the biennium shall not revert to the credit of the general revenue fund.

210.496. The division may refuse to issue either a license or a provisional license to an applicant, or may suspend or revoke the license or provisional license of a licensee, who:

(1) Fails consistently to comply with the applicable provisions of sections 208.400 to **[**208.535**] 208.507** and the applicable rules promulgated thereunder;

(2) Violates any of the provisions of its license;

(3) Violates state laws or rules relating to the protection of children;

(4) Furnishes or makes any misleading or false statements or reports to the division;

(5) Refuses to submit to the division any reports or refuses to make available to the division any records required by the division in making an investigation;

(6) Fails or refuses to admit authorized representatives of the division at any reasonable time for the purpose of investigation;

(7) Fails or refuses to submit to an investigation by the division;

(8) Fails to provide, maintain, equip, and keep in safe and sanitary condition the premises established or used for the care of children being served, as required by law, rule, or ordinance applicable to the location of the foster home or residential care facility; or

(9) Fails to provide financial resources adequate for the satisfactory care of and services to children being served and the upkeep of the premises.

260.372. 1. The Missouri hazardous waste management commission within the Missouri department of natural resources is hereby given the authority to aid in the promotion of hazardous waste recycling, reuse, or reduction by entering into contracts, subject to appropriations, for the development and implementation of projects dealing with said uses of hazardous wastes or the

purchase and development of machinery, equipment, appliances, devices, and supplies solely required to develop and operate hazardous waste recycling, reuse, and reduction projects.

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

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

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

(1) **[**"Advisory committee", the low-level radioactive waste compact advisory committee;

(2)**]** "Care", the continued observation of a facility after closure for the purposes of detecting a need for maintenance, insuring environmental safety, and determining compliance with applicable licensure and regulatory requirements and including the correction of problems which are detected as a result of that observation;

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

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

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

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

21 **[**(7)**]** **(6)** "Facility", a parcel of land or site, together with the structures,
22 equipment and improvements on or appurtenant to the land or site, which is used
23 or is being developed for the treatment, storage or disposal of low-level
24 radioactive waste;
25 **[**(8)**]** **(7)** "Host state", any state which is designated by the commission
26 to host a regional facility;
27 **[**(9)**]** **(8)** "Low-level radioactive waste" or "waste", radioactive waste not
28 classified as high-level radioactive waste, transuranic waste, spent nuclear fuel
29 or by-product material as defined in Section 11(e)(2) of the Atomic Energy Act of
30 1954;
31 **[**(10)**]** **(9)** "Midwest low-level radioactive waste compact", the midwest
32 interstate compact on low-level radioactive waste as enacted by the Missouri
33 general assembly;
34 **[**(11)**]** **(10)** "Radioactive release", the emission, discharge, spillage,
35 leakage, pumping, pouring, emptying or dumping of low-level radioactive waste
36 into the biosphere which exceeds state or federal standards;
37 **[**(12)**]** **(11)** "Region", the area of the party states to the midwest low-level
38 radioactive waste compact;
39 **[**(13)**]** **(12)** "Regional facility", a facility which is located within the region
40 and which is established by a party state pursuant to designation of that state
41 as a host state by the commission; and
42 **[**(14)**]** **(13)** "Site", the geographic location of a facility.

260.720. 1. The governor shall appoint one member and one alternate
2 member to represent Missouri's interests on the midwest low-level radioactive
3 waste compact commission. Such appointment shall be with the advice and
4 consent of the senate, as provided in section 51 of article IV of the Constitution
5 of Missouri. The state's member on the commission, or the alternate, shall be
6 entitled to reimbursement for expenses necessarily incurred in the discharge of
7 his official duties plus, if not an employee of the state, fifty dollars for each day
8 devoted to the affairs of the commission.
9 2. Missouri's member on the commission shall **[**also serve on the advisory
10 committee created by section 260.725, and**]** report activities of the commission to
11 the **[**advisory committee**]** **hazardous waste management commission**,
12 governor and general assembly as requested.

260.735. 1. In the event Missouri is designated by the commission to be
2 a host state for a regional low-level radioactive waste disposal facility, the

director of the department of natural resources shall, within seven days, report to the governor, the legislature and the **[**advisory committee**] hazardous waste management commission** with recommendations for further action.

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

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

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

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

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

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

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

[(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" to be headed by a labor and industrial relations commission as provided by section 49, article IV, Constitution of Missouri. All the powers, duties and functions of the industrial commission are transferred by type I transfer to the labor and industrial relations commission and the industrial commission is abolished. The commission shall nominate and the governor shall appoint, with the advice and consent of the senate, the director of the department to be the chief administrative officer of the department. Members of the industrial commission on May 2, 1974, shall become members of the commission and the terms of the commission members shall be the same as provided by law for the industrial commission. Individuals appointed as members of the industrial commission shall serve the remainder of the term to which they were appointed as members of the commission. The members of the commission shall

14 receive an annual salary of seventy-two thousand seven hundred thirty-five
15 dollars plus any salary adjustment provided pursuant to section 105.005 payable
16 out of the state treasury. The board of rehabilitation is abolished as hereinafter
17 set out and on May 2, 1974, no compensation shall be paid to any person as a
18 member of the board of rehabilitation, other provisions of the law
19 notwithstanding. The director of the department shall appoint other division
20 heads in the department. For the purposes of subsections 6, 7, 8 and 9 of section
21 1 of the reorganization act of 1974, the director of the department shall be
22 construed as the head of the department of labor and industrial relations.

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

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

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

33 5. All powers, duties and functions vested by law in the division of
34 industrial inspections and the division of mine inspections, chapters 286, 290,
35 291, 292, 293, 294 and 444, which were previously transferred by type I transfer
36 to the inspection section of the department, are transferred to the division of
37 labor standards of the department. Employees of the division performing duties
38 related to the mine safety and health act and the occupational safety health act
39 shall be selected in accord with chapter 36.

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

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

45 8. The Missouri commission on human rights, and all the authority,
46 powers, duties, functions, records, personnel, property, matters pending and other
47 pertinent vestiges thereof vested in the Missouri commission on human rights
48 under chapters 213, 296, 314, and others, are transferred by type III transfer to
49 the department. Members of the Missouri commission on human rights shall be

50 nominated by the director for appointment by the governor, by and with the
51 advice and consent of the senate.
52 **[**9. The department shall act as the administrative entity for the
53 governor's council on disability. The federal and state funds necessary for the
54 administration and implementation of the programs and services provided by the
55 governor's council on disability shall be appropriated through the department.**]**

304.028. 1. There is hereby created in the state treasury for use by the
2 **[**Missouri Head Injury Advisory Council**] department of health and senior**
3 **services** a fund to be known as the "**[**Head**] Brain** Injury Fund". All judgments
4 collected pursuant to this section, federal grants, private donations and any other
5 moneys designated for the **[**head**] brain** injury fund shall be deposited in the
6 fund. Moneys deposited in the fund shall, upon appropriation by the general
7 assembly to the **[**office of administration**] department of health and senior**
8 **services**, be received and expended by the **[**council**] department** for the purpose
9 of transition and integration of medical, social and educational services or
10 activities for purposes of outreach and **[**short-term**]** supports to enable individuals
11 with traumatic **[**head**] brain** injury and their families to live in the community**[**,
12 including counseling and mentoring the families**]**. Notwithstanding the
13 provisions of section 33.080 to the contrary, any unexpended balance in the
14 **[**head**] brain** injury fund at the end of any biennium shall not be transferred to
15 the general revenue fund.
16 2. In all criminal cases including violations of any county ordinance or any
17 violation of criminal or traffic laws of this state, including an infraction, there
18 shall be assessed as costs a surcharge in the amount of two dollars. No such
19 surcharge shall be collected in any proceeding involving a violation of an
20 ordinance or state law when the proceeding or defendant has been dismissed by
21 the court or when costs are to be paid by the state, county or municipality.
22 3. Such surcharge shall be collected and distributed by the clerk of the
23 court as provided in sections 488.010 to 488.020. The surcharge collected
24 pursuant to this section shall be paid to the state treasury to the credit of the
25 **[**head**] brain** injury fund established in this section.

320.094. 1. The state treasurer shall annually transfer an amount
2 prescribed in subsection 2 of this section out of the state revenues derived from
3 premium taxes levied on insurance companies pursuant to sections 148.310 to
4 148.461 which are deposited by the director of revenue in the general revenue
5 fund pursuant to section 148.330 in a fund hereby created in the state treasury,

6 to be known as the "Fire Education Fund". Any interest earned from investment
7 of moneys in the fund, and all moneys received from gifts, grants, or other moneys
8 appropriated by the general assembly, shall be credited to the fund. The state
9 treasurer shall administer the fund, and the moneys in such fund shall be used
10 solely as prescribed in this section. Notwithstanding the provisions of section
11 33.080 to the contrary, moneys in the fire education fund at the end of any
12 biennium shall not be transferred to the credit of the general revenue fund.

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

27 3. There is hereby established a special trust fund, to be known as the
28 "Missouri Fire Education Trust Fund", which shall consist of all moneys collected
29 per subsection 2 of this section transferred to the fund from the fire education
30 fund pursuant to this subsection, any earnings resulting from the investment of
31 moneys in the fund, and all moneys received from gifts, grants, or other moneys
32 appropriated by the general assembly. Each fiscal year, an amount equal to forty
33 percent of the moneys transferred to the fire education fund collected pursuant
34 to subsection 2 of this section shall be transferred by the state treasurer to the
35 credit of the Missouri fire education trust fund. The fund shall be administered
36 by **[**a board of trustees, consisting of the state treasurer, two members of the
37 senate appointed by the president pro tem of the senate, two members of the
38 house of representatives appointed by the speaker of the house, and two members
39 appointed by the governor with the advice and consent of the senate. Any
40 member appointed due to such person's membership in the senate or house of
41 representatives shall serve only as long as such person holds the office referenced

42 in this section. The state treasurer shall invest moneys in the fund in a manner
43 as provided by law**] the Missouri fire safety education/advisory**
44 **commission**. Subject to appropriations, moneys in the fund shall be used solely
45 for the purposes described in this section**[**, but such appropriations shall be made
46 only if the board recommends to the general assembly that such moneys are
47 needed in that fiscal year to adequately fund the activities described in this
48 section**]**. Moneys shall accumulate in the trust fund until the earnings from
49 investment of moneys in the fund can adequately support the activities described
50 in this section, as determined by the **[**board**] commission**. **[**At such time, the
51 board may recommend that the general assembly adjust or eliminate the funding
52 mechanism described in this section.**]** Notwithstanding the provisions of section
53 33.080 to the contrary, moneys in the Missouri fire education trust fund at the
54 end of any biennium shall not be transferred to the credit of the general revenue
55 fund.

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

68 5. There is established the "Missouri Fire **Safety** Education**/Advisory**
69 Commission", to be domiciled in the division of fire safety within the department
70 of public safety. The commission shall be composed of **[**five**] nine** members
71 appointed by the governor with the advice and consent of the senate, consisting
72 of **[**one firefighter**] two firefighters, with one** serving as a volunteer of a
73 **[**volunteer fire protection association,**] recognized fire department and** one
74 **serving as a** full-time firefighter employed by a recognized fire department **[**or
75 fire protection district, one firefighter training officer**], two members shall be**
76 **fire service training officers, one member shall be a person with**
77 **expertise in fire investigation, one member shall be an insurer licensed**

78 **to provide insurance coverage for losses due to fire, one member shall**
79 **be a person with expertise in fire prevention**, one **[**person**]** **member who**
80 **is** serving as the chief of a **recognized** volunteer fire **[**protection association**]**
81 **department**, and one **member serving as the full-time** chief **[**fire officer
82 from**]** **of** a recognized **paid** fire department **[**or fire protection district**]**. No more
83 than **[**three**]** **five** members appointed by the governor shall be of the same
84 political party. The terms of office for the members appointed by the governor
85 shall be four years and until their successors are selected and qualified, except
86 that, of those first appointed, two shall have a term of four years, two shall have
87 a term of three years and one shall have a term of two years. There is no
88 limitation on the number of terms an appointed member may serve. The governor
89 may appoint a member for the remaining portion of the unexpired term created
90 by a vacancy. The governor may remove any appointed member for cause. The
91 members shall at their initial meeting select a chair. All members of the
92 commission shall serve without compensation for their duties, but shall be
93 reimbursed for necessary travel and other expenses incurred in the performance
94 of their official duties. The commission shall meet at least quarterly at the call
95 of the chair and shall review and determine appropriate programs and activities
96 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,
2 shall appoint a full-time state fire marshal, who shall be the head of the division
3 of fire safety. The state fire marshal shall administer and enforce the provisions
4 of sections 320.200 to 320.270. The state fire marshal shall be a citizen of the
5 United States, shall be a person of good moral character, and a resident taxpayer
6 of Missouri at the time of his appointment. The state fire marshal must have had
7 a minimum of ten years' experience in some phase of fire protection, fire
8 prevention, or fire investigation, which may include experience with any state,
9 municipal, military, or industrial fire protection agency. **[**He**]** **The state fire**
10 **marshal** shall possess administrative ability and experience **[**and**]****,** be able to
11 obtain facts in connection with the duties of **[**his**]** **the** office by field
12 investigations, and **be able** to accurately report **[**his**]** findings.

13 **[**2. There is hereby established within the department of public safety the
14 "Missouri Fire Safety Advisory Board", which shall be composed of six members
15 appointed by the governor, by and with the advice and consent of the senate, from
16 a list of qualified candidates submitted to the governor by the director of the
17 department of public safety. It shall be the duty of the Missouri fire safety

18 advisory board to advise the fire marshal on all matters pertaining to the
19 responsibilities of the fire marshal and the division. All members of the Missouri
20 fire safety advisory board shall be qualified voters of Missouri at the time of their
21 appointment, shall receive no compensation for their services, and shall be
22 reimbursed for their actual and necessary expenses incurred in the performance
23 of their official duties. Of the members appointed to the Missouri fire safety
24 advisory board, one shall be a chief of a fire department located within this state,
25 one shall be a firefighter, one shall be a person with expertise in the investigation
26 of arson, one shall be an instructor in a firefighting training program, one shall
27 be a person who provides fire safety appliances and equipment, and one shall be
28 an insurer duly licensed to provide insurance coverage for losses due to fire.**]**

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

3 (1) "Board", the board of private investigator **and private fire**
4 **investigator** examiners established in section 324.1102;

5 (2) "Client", any person who engages the services of a private investigator
6 **or a private fire investigator**;

7 (3) "Department", the department of insurance, financial institutions and
8 professional registration;

9 (4) "Director", the director of the division of professional registration;

10 (5) "Division", the division of professional registration;

11 (6) **"Insurance adjuster", any person who receives any**
12 **consideration, either directly or indirectly, for adjusting in the disposal**
13 **of any claim under or in connection with a policy of insurance or**
14 **engaging in soliciting insurance adjustment business;**

15 **(7)** "Law enforcement officer", a law enforcement officer as defined in
16 section 556.061;

17 **[**(7)**] (8)** "Organization", a corporation, trust, estate, partnership,
18 cooperative, or association;

19 **[**(8)**] (9)** "Person", an individual or organization;

20 **[**(9)**] (10) "Principal place of business", the place where the**
21 **licensee maintains a permanent office, which may be a residence or**
22 **business address;**

23 **(11) "Private fire investigation", the furnishing of, making of, or**
24 **agreeing to make any investigation of a fire to determine the origin or**
25 **cause of such fire, or responsibility for such fire;**

(12) "Private fire investigator", any person who receives any consideration, either directly or indirectly, for engaging in private fire investigation;

(13) "Private fire investigator agency", a person or firm that employees any person to engage in private fire investigations;

(14) "Private investigator", any person who receives any consideration, either directly or indirectly, for engaging in the private investigator business;

[(10)**]** **(15)** "Private investigator agency", a person who regularly employs any other person, other than an organization, to engage in the private investigator business;

[(11)**]** **(16)** "Private investigator business", the furnishing of, making of, or agreeing to make, any investigation for the purpose of obtaining information pertaining to:

(a) Crimes or wrongs done or threatened against the United States or any state or territory of the United States;

(b) The identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation, or character of any person;

(c) The location, disposition, or recovery of lost or stolen property;

(d) Securing evidence to be used before any court, board, officer, or investigating committee;

(e) Sale of personal identification information to the public; or

(f) The cause of responsibility for libel, losses, accident, or damage or injury to persons or property or protection of life or property.

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

12 **appointed for, and be eligible for reappointment.**
13 2. **Upon appointment by the governor and confirmation by the**
14 **senate of the private fire investigator members, the board of private**
15 **investigator examiners and the board of licensed private fire**
16 **investigator examiners are abolished and their duties and**
17 **responsibilities shall merge into the board of private investigator and**
18 **private fire investigator examiners as established pursuant to this**
19 **section. The board shall be a continuance of and shall carry out the**
20 **powers, duties, and functions of the board of private investigator**
21 **examiners and the board of licensed private fire investigator**
22 **examiners.**
23 **3. Every act performed in the exercise of such powers, duties,**
24 **and authorities by or under the authority of the board of private**
25 **investigator and private fire investigator examiners shall be deemed to**
26 **have the same force and effect as if performed by the board of private**
27 **investigator examiners or the board of licensed private fire**
28 **investigator examiners.**
29 **4. All rules and regulations of the board of private investigator**
30 **examiners shall continue to be effective and shall be deemed to be duly**
31 **adopted rules and regulations of the board of private investigator and**
32 **private fire investigator examiners until revised, amended, or repealed**
33 **by the board. The board shall review such rules and regulations and**
34 **shall adopt new rules and regulations as required for the**
35 **administration of sections 324.1100 to 324.1148.**
36 **5. Any person licensed by the board of private investigator**
37 **examiners prior to the appointment by the governor and confirmation**
38 **by the senate of the private fire investigator members of the board**
39 **shall be considered licensed by the board.**
40 **6.** The board shall be composed of **[**five**]** **seven** members,**[**including**]**
41 **three members who have been actively engaged in the private**
42 **investigator business for the previous five years, two members who**
43 **have been actively engaged in private fire investigation for the**
44 **previous five years, and** two public members, appointed by the governor with
45 the advice and consent of the senate. **[**Except for the public members,**]** Each
46 member of the board shall be a citizen of the United States, a resident of Missouri
47 for at least one year, **and** a registered voter**[**, at least thirty years of age, and
48 shall have been actively engaged in the private investigator business for the

49 previous five years**]**. No more than one private investigator **or fire investigator**
50 board member may be employed by, or affiliated with, the same private
51 investigator agency **or fire investigator agency**. The initial **[**private**] fire**
52 investigator board members shall not be required to be licensed but shall obtain
53 a license within one hundred eighty days after the effective date of the rules
54 **[**promulgated under sections 324.1100 to 324.1148**]** regarding **the** licensure **of**
55 **private fire investigators**. The public members shall each be **[**a citizen of the
56 United States, a resident of Missouri, a registered voter and**]** a person who is not
57 and never was a member of any profession licensed or regulated under sections
58 324.1100 to 324.1148 or the spouse of such person; and a person who does not
59 have and never has had a material, financial interest in either the providing of
60 the professional services regulated by sections 324.1100 to 324.1148, or an
61 activity or organization directly related to any profession licensed or regulated
62 under sections 324.1100 to 324.1148. **[**The duties of the public members shall not
63 include the determination of the technical requirements to be met for licensure
64 or whether any person meets such technical requirements or of the technical
65 competence or technical judgment of a licensee or a candidate for licensure.**]**

66 **[**3.**] 7.** The members shall be appointed for terms of five years, except
67 **[**those**] of the** first **two members** appointed **who are fire investigators**, **[**in
68 which case two members, who shall be private investigators,**] one member** shall
69 be appointed for **[**terms**] a term** of **[**four**] five** years**[**, two members**] and one**
70 **member** shall be appointed for **[**terms**] a term** of three years**[**, and one member
71 shall be appointed for a one-year term**]**. Any vacancy on the board shall be filled
72 for the unexpired term of the member **[**and in the manner as the first
73 appointment**]**.

74 **[**4.**] 8.** The members of the board may receive compensation, as
75 determined by the director for their services, if appropriate, and shall be
76 reimbursed for actual and necessary expenses incurred in performing their official
77 duties on the board.

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

79 **9. All money held in the board of private investigator examiners**
80 **fund shall be transferred to the "Board of Private Investigator and**
81 **Private Fire Investigator Examiners Fund" which is hereby**
82 **created.** The "Board of Private Investigator **and Private Fire Investigator**
83 Examiners Fund"**[**, which**]** shall consist of money collected under sections
84 324.1100 to 324.1148. The state treasurer shall be custodian of the fund and may

85 approve disbursements from the fund in accordance with the provisions of
86 sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used
87 solely for the administration of sections 324.1100 to 324.1148. The provisions of
88 section 33.080 to the contrary notwithstanding, money in this fund shall not be
89 transferred and placed to the credit of general revenue until the amount in the
90 fund at the end of the biennium exceeds two times the amount of the
91 appropriation from the board's funds for the preceding fiscal year or, if the board
92 requires by rule permit renewal less frequently than yearly, then three times the
93 appropriation from the board's funds for the preceding fiscal year. The amount,
94 if any, in the fund which shall lapse is that amount in the fund which exceeds the
95 appropriate multiple of the appropriations from the board's funds for the
96 preceding fiscal year.

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

3 (1) Employ board personnel, within the limits of the appropriations for
4 that purpose as established in sections 324.1100 to 324.1148;

5 (2) Exercise all administrative functions;

6 (3) Deposit all fees collected under sections 324.1100 to 324.1148 by
7 transmitting such funds to the department of revenue for deposit in the state
8 treasury to the credit of the board of private investigator **and private fire**
9 **investigator** examiners fund.

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

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

7 (2) It shall be unlawful for any person to engage in business in this state
8 as a private investigator agency **or private fire investigator agency** unless
9 such person is licensed under sections 324.1100 to 324.1148.

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

3 (1) A person employed exclusively and regularly by one employer in
4 connection only with the affairs of such employer and where there exists an
5 employer-employee relationship;

6 (2) Any officer or employee of the United States, or of this state or a

political subdivision thereof while engaged in the performance of the officer's or employee's official duties;

(3) Any employee, agent, or independent contractor employed by any government agency, division, or department of the state whose work relationship is established by a written contract while working within the scope of employment established under such contract;

(4) An attorney performing duties as an attorney, or an attorney's paralegal or employee retained by such attorney assisting in the performance of such duties or investigation on behalf of such attorney;

(5) A certified public accountant performing duties as a certified public accountant who holds an active license issued by any state and the employees of such certified public accountant or certified public accounting firm assisting in the performance of duties or investigation on behalf of such certified public accountant or certified public accounting firm;

(6) A collection agency or an employee thereof while acting within the scope of employment, while making an investigation incidental to the business of the agency, including an investigation of the location of a debtor or a debtor's property where the contract with an assignor creditor is for the collection of claims owed or due, or asserted to be owed or due, or the equivalent thereof;

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

(8) Any bank subject to the jurisdiction of the director of the division of finance of the state of Missouri or the comptroller of currency of the United States;

(9) An insurance adjuster. **[**For the purposes of sections 324.1100 to 324.1148, an "insurance adjuster" means any person who receives any consideration, either directly or indirectly, for adjusting in the disposal of any claim under or in connection with a policy of insurance or engaging in soliciting insurance adjustment business**]**;

(10) Any private fire investigator whose primary purpose of employment is the determination of the origin, nature, cause, or calculation of losses relevant to a fire;

(11) Employees of an organization, whether for-profit or not-for-profit, or its affiliate or subsidiary, whether for-profit or not-for-profit, whose investigatory activities are limited to making and processing requests for criminal history records and other background information from state, federal, or local databases,

43 including requests for employee background check information under section
44 660.317;
45 (12) Any real estate broker, real estate salesperson, or real estate
46 appraiser acting within the scope of his or her license;
47 (13) Expert witnesses who have been certified or accredited by a national
48 or state association associated with the expert's scope of expertise;
49 (14) Any person who does not hold themselves out to the public as a
50 private investigator and is exclusively employed by or under exclusive contract
51 with a state agency or political subdivision;
52 (15) Any person performing duties or activities relating to serving legal
53 process when such person's duties or activities are incidental to the serving of
54 legal process; or
55 (16) A consumer reporting agency as defined in 15 U.S.C. Section 1681a
56 and its contract and salaried employees.

324.1107. The following persons or organizations shall not be
2 **deemed to be engaging in private fire investigation:**
3 **(1) Any officer or employee of the United States, this state, or a**
4 **political subdivision of this state, or an entity organized under section**
5 **320.300 while engaged in the performance of the officer's or employee's**
6 **official duties;**
7 **(2) An attorney performing duties as an attorney;**
8 **(3) An investigator who is an employee of an insurance company;**
9 **(4) Insurers and insurance producers licensed by the state,**
10 **performing duties in connection with insurance transacted by them;**
11 **(5) An insurance adjuster;**
12 **(6) An investigator employed by and under the supervision of a**
13 **licensed attorney while acting within the scope of employment who**
14 **does not represent himself or herself to be a licensed private fire**
15 **investigator; or**
16 **(7) An individual certified by the division of fire safety as a fire**
17 **instructor while providing instruction, except if the individual**
18 **conducts an on-site investigation within the course of instruction.**

324.1108. 1. Every person desiring to be licensed in this state as a
2 private investigator **[**or**]**, private investigator agency**, private fire investigator,**
3 **or private fire investigator agency** shall make application therefor to the
4 board **[**of private investigator examiner**]**. An application for a license under the

provisions of sections 324.1100 to 324.1148 shall be on a form prescribed by the board [of private investigator examiners] and accompanied by the required application fee. An application shall be verified and shall include:

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

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

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

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

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

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

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

2. Before an application for a license may be granted, the applicant shall:

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

(2) Be a citizen of the United States;

(3) Provide proof of liability insurance with amount to be no less than two hundred fifty thousand dollars in coverage and proof of workers' compensation insurance if required under chapter 287. The board shall have the authority to raise the requirements as deemed necessary; and

(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

12 **supervision of a licensed private fire investigator until all**
13 **requirements are met.**
14 **2. A licensee shall at all times be legally responsible for the good**
15 **conduct of each of the licensee's employees or agents while engaged in**
16 **the business of the licensee. A licensee is legally responsible for any**
17 **acts committed by the licensee and the licensee's employees or agents**
18 **which are in violation of section 324.1100 to 324.1148. A person**
19 **receiving an agency license shall directly manage the agency and**
20 **employees.**
21 **3. Each licensee shall maintain a record containing such**
22 **information relative to the licensee's employees as may be prescribed**
23 **by the board by rule. Such licensee shall file with the board the**
24 **complete address of the licensee's principal place of business, including**
25 **the name and number of the street. The board may require the filing**
26 **of other information for the purpose of identifying such principal place**
27 **of business.**

324.1110. 1. The board **[**of private investigator examiners**]** shall require
2 as a condition of licensure as a private investigator that the applicant pass a
3 written examination as evidence of knowledge of investigator rules and
4 regulations.
5 **(1) In the event requirements have been met so that testing has**
6 **been waived, qualification shall be dependent on a showing of, for the**
7 **two previous years:**
8 **(a) Registration and good standing as a business in this state;**
9 **and**
10 **(b) Two hundred fifty thousand dollars in business general**
11 **liability insurance.**
12 **(2) The board may review applicants seeking reciprocity. An**
13 **applicant seeking reciprocity shall have undergone a licensing**
14 **procedure similar to that required by this state and shall meet this**
15 **state's minimum insurance requirements.**
16 2. **The board shall require as a condition of licensure as a private**
17 **fire investigator that the applicant:**
18 **(1) Provide evidence of active certification as a fire investigator**
19 **issued by the division of fire safety; and**
20 **(2) Provide proof of liability insurance with coverage of at least**
21 **one million dollars.**

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

[3. 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:

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

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

4. 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.**]**

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

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

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

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

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

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

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

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

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

21 (9)**]** While unlicensed, committed or aided and abetted the commission of
22 any act for which a license is required by sections 324.1100 to 324.1148 after
23 August 28, 2007; or
24 **[**(10)**]** **(9)** Knowingly made any false statement in the application **to the**
25 **board**.
26 2. The board shall consider any evidence of the applicant's rehabilitation
27 when considering a request for licensure.

324.1114. 1. Every application submitted under the provisions of sections
2 324.1100 to 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
4 at a level to produce revenue which will not substantially exceed the cost and
5 expense of administering sections 324.1100 to 324.1148.
6 3. The fees prescribed by sections 324.1100 to 324.1148 shall be exclusive
7 and notwithstanding any other provision of law. No municipality may require
8 any person licensed under sections 324.1100 to 324.1148 to furnish any bond,
9 pass any examination, or pay any license fee or occupational tax relative to
10 practicing the person's profession.
11 4. A **[**private investigator**]** license **issued under sections 324.1100 to**
12 **324.1148** shall allow only the individual licensed by the state of Missouri to
13 conduct investigations **as designated by the licensure classification**. An
14 agency license shall be applied for separately and held by a person who is
15 licensed as a private investigator **or private fire investigator**. The agency
16 may hire individuals to work for the agency conducting investigations for the
17 agency only. Persons hired shall make application as determined by the board
18 and meet all requirements set forth by the board except that they shall not be
19 required to meet any experience requirements and shall be allowed to begin
20 working immediately upon **[**the agency submitting their applications**]** **approval**
21 **of the application by the board**.

324.1116. A private investigator agency **or private fire investigator**
2 **agency** shall not 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
5 by the board of private investigator examiners;
6 (3) Has been fingerprinted in a manner approved by the Missouri state
7 highway patrol, central repository, under section 43.543; and
8 (4) Complies with any other qualifications and requirements the board

9 adopts by rule.

324.1118. A private investigator agency **or private fire investigator**
2 **agency** shall not hire an individual, who is not licensed as a private investigator
3 **or private fire investigator**, as an employee if the individual:
4 (1) Has committed any act which, if committed by a licensee, would be
5 grounds for the suspension or revocation of a license under the provisions of
6 sections 324.1100 to 324.1148;
7 (2) Within two years prior to the application date:
8 (a) Has been convicted of or entered a plea of guilty or nolo contendere to
9 a felony offense, including the receiving of a suspended imposition of sentence
10 following a plea or finding of guilty to a felony offense;
11 (b) Has been convicted of or entered a plea of guilty or nolo contendere to
12 a misdemeanor offense involving moral turpitude, including receiving a
13 suspended imposition of sentence following a plea of guilty to a misdemeanor
14 offense;
15 (c) Has falsified or willfully misrepresented information in an employment
16 application, records of evidence, or in testimony under oath;
17 (d) Has been dependent on or abused alcohol or drugs; or
18 (e) Has used, possessed, or trafficked in any illegal substance;
19 (3) Has been refused a license under the provisions of sections 324.1100
20 to 324.1148 or had a license revoked**, denied, or refused** in this state or in any
21 other state;
22 (4) While unlicensed, committed or aided and abetted the commission of
23 any act for which a license is required by sections 324.1100 to 324.1148 after
24 August 28, 2007; or
25 (5) Knowingly made any false statement in the application.

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

324.1122. A licensee shall successfully complete sixteen hours of
2 continuing education units biennially. An individual not licensed as a private
3 investigator or private fire investigator who is hired as an employee by a private
4 investigator agency or private fire investigator agency shall successfully complete
5 eight hours of continuing education units biennially. Such continuing education

6 shall be relevant to the private investigator **or private fire investigator**
7 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
3 principal place of business of the licensee. Upon the issuance of a license, a
4 pocket card of such size, design, and content as determined by the division shall
5 be issued without charge to each licensee. Such card shall be evidence that the
6 licensee is licensed under sections 324.1100 to 324.1148. When any person to
7 whom a card is issued terminates such person's position, office, or association
8 with the licensee, the card shall be surrendered to the licensee and within five
9 days thereafter shall be mailed or delivered by the licensee to the board **[**of
10 private investigator examiners**]** for cancellation. Within thirty days after any
11 change of address, a licensee shall notify the board of the address change. The
12 principal place of business may be at a residence or at a business address, but it
13 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
2 officer, prosecuting attorney, or such person's representative any information such
3 person may acquire about any criminal offense. The licensee shall not divulge to
4 any other person, except as required by law, any other information acquired by
5 the licensee at the direction of his or her employer or client for whom the
6 information was obtained. A licensee may instruct his or her client to divulge
7 any information to the board, any law enforcement officer, prosecuting attorney,
8 or other such person's representative related to a criminal offense if the client is
9 the victim of the criminal offense.

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

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

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

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

22 (4) Appear as an assignee party in any proceeding involving claim and
23 delivery, replevin or other possessory action, action to foreclose a chattel
24 mortgage, mechanic's lien, materialman's lien, or any other lien;
25 (5) Manufacture false evidence; **[**or**]**
26 (6) **Allow anyone other than the individual licensed pursuant to**
27 **the provisions of sections 324.1100 to 324.1148 or otherwise authorized**
28 **by such sections to conduct an investigation;**
29 **(7) Assign or transfer a license issued pursuant to section**
30 **324.1100 to 324.1148; or**
31 **(8)** Create any video recording of an individual in their domicile without
32 the individual's permission. Furthermore, if such video recording is made, it
33 shall not be admissible as evidence in any civil proceeding**, except in a**
34 **proceeding against such licensee officer, director, partner, associate,**
35 **or employee**.

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

324.1132. Every advertisement by a licensee soliciting or advertising
2 business shall contain the licensee's name, city, and state as it appears in the
3 records of the board **[**of private investigator examiners**]**. No individual or
4 business can advertise as a private investigator, private detective, **[**or**]** private
5 investigator agency**, private fire investigator, or private fire investigator**
6 **agency** without including their **[**state private investigator or private
7 investigator**] individual or** agency license number in the advertisement. A
8 licensee shall not advertise or conduct business from any Missouri address other
9 than that shown on the records of the board as the licensee's principal place of
10 business unless the licensee has received an additional agency license for such
11 location after compliance with the provisions of sections 324.1100 to 324.1148 and
12 such additional requirements necessary for the protection of the public as the
13 board may prescribe by regulation. A licensee shall notify the board in writing
14 within ten days after closing or changing the location of a branch office. The fee
15 for the additional license shall be determined by the board.

324.1134. 1. The board may suspend or refuse to **issue or** renew any

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

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

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

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

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

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

(5) Committing, or permitting any employee to commit any act, while the

license was expired, which would be cause for the suspension or revocation of a license, or grounds for the denial of an application for a license;

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

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

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

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

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

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

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

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

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

2.**]** Each **[**private investigator or investigator agency**]** **licensee** operating

8 under the provisions of sections 324.1100 to 324.1148 shall be required to keep
9 a complete record of the business transactions of such investigator or investigator
10 agency for a period of seven years. Upon the service of a court order issued by
11 a court of competent jurisdiction or upon the service of a subpoena issued by the
12 board that is based on a complaint supported by oath or affirmation, which
13 particularly describes the records and reports, any **[**licensed private investigator**]**
14 **licensee** who is the owner, partner, director, corporate officer, or custodian of
15 business records shall provide an opportunity for the inspection of the same and
16 to inspect reports made. Any information obtained by the board shall be kept
17 confidential, except as may be necessary to commence and prosecute any legal
18 proceedings. The board shall not personally enter a licensee's place of business
19 to inspect records, but shall utilize an employee of the division of professional
20 registration to act as a gatherer of information and facts to present to the board
21 regarding any complaint or inspection under investigation.

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

41 **[**4.**]** **3.** Any licensee who is required by fully executed written contract or
42 court order to destroy, seal, or return to a party to a lawsuit, or to the court,
43 records related to work performed under that contract or court order shall

maintain in his or her files a fully executed copy of the contract or court order requiring destruction, sealing, or return of the records. Maintenance of the contract or court order shall fulfill the requirements of this section.

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

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

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

4. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in sections 324.1100 to 324.1148 shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and 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 appropriate officials in other states to permit licensed private **[**investigator**]** **investigators, fire investigators, private investigator agencies, and private fire investigator** agencies **[**and licensed private investigators**]** who meet or exceed the qualifications established in sections 324.1100 to 324.1148 to operate across state lines under mutually acceptable terms.

344.060. 1. The **[**director of the department of health and senior services**]** **governor** shall appoint **with the advice and consent of the senate** ten suitable persons who together with the director of the department of health and senior services or the director's designee shall constitute the "Missouri Board of Nursing Home Administrators" which is hereby created within the department of health and senior services and which shall have the functions, powers and duties prescribed by sections 344.010 to 344.108.

2. In addition to the director of the department of health and senior services or the director's designee the membership of the board shall consist of one licensed physician, two licensed health professionals, one person from the field of health care education, four persons who have been in general administrative charge of a licensed nursing home for a period of at least five

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

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

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

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

344.105. 1. Any nursing home administrator possessing a current license

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

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

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

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

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

344.108. 1. Any nursing home administrator possessing a current license to practice as a nursing home administrator in this state may place such license on inactive status by filing a written signed request for inactive status with the

4 board, accompanied by evidence satisfactory to the board of completion of ten
5 clock hours of continuing education in the area of patient care and a fee as
6 provided by rule made payable to the department of health and senior
7 services. This request may also be accomplished by signing the request for
8 inactive status that appears on the nursing home administrator's application for
9 license renewal and returning such application to the board prior to June
10 thirtieth of the year of renewal of the administrator's active license, accompanied
11 by evidence satisfactory to the board of the completion of ten clock hours of
12 continuing education in the area of patient care and a fee as provided by rule
13 made payable to the department of health and senior services. [Information
14 provided in the request for inactive status shall be given under oath subject to
15 the penalties of making a false affidavit.]

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

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

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

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

education and submits evidence satisfactory to the board of completion of the required hours.

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

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

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

361.070. 1. The director of finance and all employees of the division of finance, which term shall, for purposes of this section and section 361.080, include special agents, shall, before entering upon the discharge of their duties, take the oath of office prescribed by the constitution, and, in addition, take an oath that they will not reveal the conditions or affairs of any financial institution or any facts pertaining to the same, that may come to their knowledge by virtue of their official positions, unless required by law to do so in the discharge of the duties of their offices or when testifying in any court proceeding. For purposes of this section and section 361.080, "financial institution" shall mean any entity subject to chartering, licensing, or regulation by the division of finance.

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

3. Neither the director of finance nor any employees of the division of finance who participate in the examination of any bank or trust company, or who may be called upon to make any official decision or determination affecting the operation of any bank or trust company, other than the **[**banker**]** members of the

26 state banking **and savings and loan** board **who are required to have**
27 **experience managing a bank or association as defined in chapter 369**,
28 shall be an officer, director, attorney, owner, or holder of stock in any bank or
29 trust company or any bank holding company as that term is defined in section
30 362.910, nor shall they receive, directly or indirectly, any payment or gratuity
31 from any such organization, nor engage in the negotiation of loans for others with
32 any state bank or trust company, nor be indebted to any state bank or trust
33 company.

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

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

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

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

9 issue certificates permitting changes in the articles of agreement of trust
10 companies to provide for the relocation of these trust companies in other
11 communities.

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

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

361.095. 1. The state banking **and savings and loan** board shall make
2 rules and regulations, consistent with applicable law, for the proceedings in
3 connection with the appeals provided for in section 361.094. No rule or portion
4 of a rule promulgated under the authority of this chapter shall become effective
5 unless it has been promulgated pursuant to the provisions of section 536.024.

6 2. The costs of the appeal shall be assessed against the losing party, and

7 the board may require the deposit of a reasonable sum for the payment of costs
8 at the time the appeal is brought.

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

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

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

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

25 determine that the subpoena or subpoena duces tecum should be sustained and
26 enforced, or that the witness should be required to give such testimony, said court
27 shall make an order to enforce such subpoena or subpoena duces tecum, or compel
28 such testimony and may enforce such order as in the case of a subpoena or
29 subpoena duces 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
2 of five members who shall be appointed by the governor, the senate concurring.
3 No person shall be eligible for appointment unless he **[**shall be**] or she is** a
4 resident of this state. One member shall be an attorney at law and a member of
5 the Missouri Bar in good standing. Two members shall each have had at least
6 **[**ten years'**] five years of active bank management** experience in this state
7 **[**as an officer or director or partly as an officer and partly as a director of one or
8 more state banks or trust companies or national banking associations, of which
9 at least five years shall have been full-time, active bank management
10 experience**]**. **One member shall have had at least five years of active**
11 **management experience in this state of one or more associations as**
12 **defined in chapter 369. [**The two other members**] One member** shall be
13 **[**nonbankers**] an individual who is not involved in the administration of**
14 **a financial institution**. Not more than three members of the board shall be
15 members of the same political party. **[**The term of office of the board first
16 appointed shall in the case of one member be two years; in the case of two
17 members shall be four years; and in the case of the other two members shall be
18 six years; with all said terms beginning August 29, 1955. All subsequent terms
19 shall be for a term of six years from the expiration of the preceding term. The
20 governor shall designate one member as chairman and another member as
21 secretary of the board.**]**

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

361.098. 1. The members of the state banking **and savings and loan**
2 board shall receive as compensation for their services the sum of one hundred
3 dollars per day while discharging their duties, and shall be entitled to receive

4 their necessary traveling and other expenses incurred while actually engaged in
5 the performance of their duties as such members.
6 2. A majority of the members of the board shall constitute a quorum for
7 the transaction of any business, for the performance of any duty or for the
8 exercise of any power of the board.
9 3. The board may meet and exercise its powers in any place in this state
10 and shall meet at any time upon the call of its chairman or of the director of the
11 division of finance or of any two members of the board.
12 4. The board shall have an official seal bearing the inscription, "State
13 Banking **and Savings and Loan** Board of the State of Missouri", which shall be
14 judicially noticed.

361.105. 1. The director of finance, with the approval of the state banking
2 **and savings and loan** board, shall have power to adopt, promulgate, amend and
3 repeal rules and regulations necessary or desirable to carry out the duties
4 assigned to the division by law relating to banks and trust companies and which
5 are not inconsistent with the constitution or laws of this state. A copy of every
6 rule and regulation shall be mailed to each bank and trust company, postage
7 prepaid, at least fifteen days in advance of its effective date; except that the
8 failure of a bank or trust company to receive a copy of a rule or regulation shall
9 not exempt it from the duty of compliance with a rule or regulation lawfully
10 promulgated hereunder. The director, in the exercise of the power to make rules
11 and regulations hereunder, shall act in the interests of promoting and
12 maintaining a sound banking system and sound trust companies, the security of
13 deposits and depositors and other customers, the preservation of the liquid
14 position of banks and in the interest of preventing injurious credit expansions
15 and contractions.
16 2. No rule or portion of a rule promulgated under the authority of this
17 chapter shall become effective unless it has been promulgated pursuant to the
18 provisions of section 536.024.

362.040. In case the director shall not be satisfied, as the result of the
2 examination, that the character, responsibility and general fitness of the persons
3 named in the articles of agreement are up to the standard above provided, or that
4 the convenience and needs of the community to be served justify and warrant the
5 opening of the new bank or trust company therein, or that the probable volume
6 of business in such locality is sufficient to insure and maintain the solvency of the
7 new bank and the solvency of the then existing banks or trust companies in the

locality, without endangering the safety of any bank or trust company in the locality as a place of deposit of public and private moneys; and on these accounts or any one of them shall refuse to grant the certificate of incorporation, **[**he**] the director** shall forthwith give notice thereof to the proposed incorporators from whom the articles of agreement were received, who, if they so desire, may within ten days thereafter appeal from the refusal to the state banking **and savings and loan** board.

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

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

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

(3) Purchase and hold, for the purpose of becoming a member of a Federal Reserve Bank, so much of the capital stock thereof as will qualify it for membership in the reserve bank pursuant to an act of Congress, approved December 23, 1913, entitled "The Federal Reserve Act" and any amendments thereto; to become a member of the Federal Reserve Bank, and to have and

30 exercise all powers, not in conflict with the laws of this state, which
31 are conferred upon any member by the Federal Reserve Act and
32 any amendments thereto. The member bank or trust company and
33 its directors, officers and stockholders shall continue to be subject,
34 however, to all liabilities and duties imposed upon them by any law
35 of this state and to all the provisions of this chapter relating to
36 banks or trust companies;

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

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

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

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

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

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

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

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

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

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

(a) Lease transactions do not result in loans for the purpose of section 362.170, but the total amount disbursed under leasing obligations or rentals by any bank to any person, partnership,

102 association, or corporation shall at no time exceed the legal loan
103 limit permitted by statute except upon the written approval of the
104 director of finance;
105 (b) Lease payments are in the nature of rent rather than
106 interest, and the provisions of chapter 408 are not applicable;
107 (12) Contract with another bank or trust company, bank
108 service corporation or other partnership, corporation, association
109 or person, within or without the state, to render or receive services
110 such as check and deposit sorting and posting, computation and
111 posting of interest and other credits and charges, preparation and
112 mailing of checks, statements, notices, and similar items, or any
113 other clerical, bookkeeping, accounting, statistical, financial
114 counseling, or similar services, or the storage, transmitting or
115 processing of any information or data; except that, the contract
116 shall provide, to the satisfaction of the director of finance, that the
117 party providing such services to a bank or trust company will be
118 subject to regulation and examination to the same extent as if the
119 services were being performed by the bank or trust company on its
120 own premises. This subdivision shall not be deemed to authorize
121 a bank or trust company to provide any customer services through
122 any system of electronic funds transfer at places other than bank
123 premises;
124 (13) Purchase and hold stock in a corporation whose only
125 purpose is to purchase, lease, hold or convey real property of a
126 character which the bank or trust company holding stock in the
127 corporation could itself purchase, lease, hold or convey pursuant to
128 the provisions of paragraph (a) of subdivision (10) of this
129 subsection; provided, the purchase and holding of the stock is first
130 duly authorized by resolution of the board of directors of the bank
131 or trust company and by the written approval of the director, and
132 that all of the shares of the corporation shall be purchased and
133 held by the bank or trust company and shall not be sold or
134 transferred except as a whole;
135 (14) Purchase and sell investment securities, without
136 recourse, solely upon order and for the account of customers; and
137 establish and maintain one or more mutual funds and offer to the

public shares or participations therein. Any bank which engages in such activity shall comply with all provisions of chapter 409 regarding the licensing and registration of sales personnel for mutual funds so offered, provided that such banks shall register as a broker-dealer with the office of the commissioner of securities and shall consent to supervision and inspection by that office and shall be subject to the continuing jurisdiction of that office;

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

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

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

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

(2) Loan money on real estate and handle escrows, settlements and closings on real estate for the benefit of the bank's

customers, as a core part of the banking business, notwithstanding any other provision of law to the contrary.

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

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

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

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

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

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

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

(7) Act as attorney-in-fact or agent of any person or corporation, foreign or domestic, in the management and control of real or personal property, the sale or conveyance of same, the

210 investment of money, and for any other lawful purpose.

211 4. (1) In addition to the powers and authorities granted in
212 this section, the director of finance may, from time to time, with
213 the approval of the state banking board, issue orders granting such
214 other powers and authorities as have been granted to financial
215 institutions subject to the supervision of the federal government to:

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

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

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

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

227 (2) The orders shall be promulgated as provided in section
228 361.105 and shall not be inconsistent with the constitution and the
229 laws of this state.

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

235 6. A bank or trust company to which authority is granted
236 by regulation in subsection 4 of this section, based on the
237 population of the political subdivision, may continue to exercise
238 such authority for up to five years after the appropriate decennial
239 census indicates that the population of the town in which such
240 bank or trust company is located has exceeded the limits provided
241 for by regulation pursuant to subsection 4 of this section.**]**

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

interest thereon not exceeding the legal rate or without allowing interest thereon, and of buying and selling exchange, gold, silver, coin of all kinds, uncurrent money, of loaning money upon real estate or personal property, and upon collateral of personal security at a rate of interest not exceeding that allowed by law, and also of buying, investing in, selling and discounting negotiable and nonnegotiable paper of all kinds, including bonds as well as all kinds of commercial paper; and for all loans and discounts made, the corporation may receive and retain the interest in advance;

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

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

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

(5) Invest in a bank service corporation as defined by the act of Congress known as the "Bank Service Corporation Act", Public Law 87-856, as approved 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
64 not be pledged at all, all sales or transfers or pledges in violation hereof to be
65 void;

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

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

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

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

75 (11) Purchase, hold and become the owner and lessor of personal property
76 acquired upon the specific request of and for use of a customer; and, in addition,

leases that neither anticipate full purchase price repayment on the leased asset, nor require the lease to cover the physical life of the asset, other than those for motor vehicles which will not be used by bank or trust company personnel, and may incur such additional obligations as may be incident to becoming an owner and lessor of the property, subject to the following limitations:

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

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

(12) Contract with another bank or trust company, bank service corporation or other partnership, corporation, association or person, within or without the state, to render or receive services such as check and deposit sorting and posting, computation and posting of interest and other credits and charges, preparation and mailing of checks, statements, notices, and similar items, or any other clerical, bookkeeping, accounting, statistical, financial counseling, or similar services, or the storage, transmitting or processing of any information or data; except that, the contract shall provide, to the satisfaction of the director of finance, that the party providing such services to a bank or trust company will be subject to regulation and examination to the same extent as if the services were being performed by the bank or trust company on its own premises. This subdivision shall not be deemed to authorize a bank or trust company to provide any customer services through any system of electronic funds transfer at places other than bank premises;

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

(14) Purchase and sell investment securities, without recourse, solely

113 upon order and for the account of customers; and establish and maintain one or
114 more mutual funds and offer to the public shares or participations therein. Any
115 bank which engages in such activity shall comply with all provisions of chapter
116 409 regarding the licensing and registration of sales personnel for mutual funds
117 so offered, provided that such banks shall register as a broker-dealer with the
118 office of the commissioner of securities and shall consent to supervision and
119 inspection by that office and shall be subject to the continuing jurisdiction of that
120 office;

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

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

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

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

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

149 3. In addition to the powers and authorities granted in subsection 1 of
150 this section, every trust company created under the laws of this state shall be
151 authorized and empowered to:
152 (1) Receive money in trust and to accumulate the same at such rate of
153 interest as may be obtained or agreed upon, or to allow such interest thereon as
154 may be prescribed or agreed;
155 (2) Accept and execute all such trusts and perform such duties of every
156 description as may be committed to it by any person or persons whatsoever, or
157 any corporation, and act as assignee, receiver, trustee and depositary, and to
158 accept and execute all such trusts and perform such duties of every description
159 as may be committed or transferred to it by order, judgment or decree of any
160 courts of record of this state or other states, or of the United States;
161 (3) Take, accept and hold, by the order, judgment or decree of any court
162 of this state, or of any other state, or of the United States, or by gift, grant,
163 assignment, transfer, devise or bequest of any person or corporation, any real or
164 personal property in trust, and to execute and perform any and all the legal and
165 lawful trusts in regard to the same upon the terms, conditions, limitations and
166 restrictions which may be declared, imposed, established or agreed upon in and
167 by the order, judgment, decree, gift, grant, assignment, transfer, devise or
168 bequest;
169 (4) Buy, invest in and sell all kinds of stocks or other investment
170 securities;
171 (5) Execute, as principal or surety, any bond or bonds required by law to
172 be given in any proceeding, in law or equity, in any of the courts of this state or
173 other states, or of the United States;
174 (6) Act as trustee, personal representative, or conservator or in any other
175 like fiduciary capacity;
176 (7) Act as attorney-in-fact or agent of any person or corporation, foreign
177 or domestic, in the management and control of real or personal property, the sale
178 or conveyance of same, the investment of money, and for any other lawful
179 purpose.
180 4. (1) In addition to the powers and authorities granted in this section,
181 the director of finance may, from time to time, with the approval of the state
182 banking **and savings and loan** board, issue orders granting such other powers
183 and authorities as have been granted to financial institutions subject to the
184 supervision of the federal government to:

185 (a) State-chartered banks and trust companies which are necessary to
186 enable such banks and trust companies to compete;
187 (b) State-chartered banks and trust companies to establish branches to
188 the same extent that federal law permits national banks to establish branches;
189 (c) Subsidiaries of state-chartered banks and trust companies to the same
190 extent powers are granted to national bank subsidiaries to enable such banks and
191 trust companies to compete;
192 (d) State-chartered banks and trust companies to establish trust
193 representative offices to the same extent national banks are permitted such
194 offices.
195 (2) The orders shall be promulgated as provided in section 361.105 and
196 shall not be inconsistent with the constitution and the laws of this state.
197 5. As used in this section, the term "subsidiary" shall include one or more
198 business entities of which the bank or trust company is the owner, provided the
199 owner's liability is limited by the investment in and loans to the subsidiary as
200 otherwise provided for by law.
201 6. A bank or trust company to which authority is granted by regulation
202 in subsection 4 of this section, based on the population of the political
203 subdivision, may continue to exercise such authority for up to five years after the
204 appropriate decennial census indicates that the population of the town in which
205 such bank or trust company is located has exceeded the limits provided for by
206 regulation pursuant to subsection 4 of this section.

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

362.325. 1. Any bank or trust company may, at any time, and in any
2 amount, increase or, with the approval of the director, reduce its capital stock (as
3 to its authorized but unissued shares, its issued shares, and its capital stock as
4 represented by such issued shares), including a reduction of capital stock by
5 reverse stock split, change its name, change or extend its business or the length
6 of its corporate life, avail itself of the privileges and provisions of this chapter or

7 otherwise change its articles of agreement in any way not inconsistent with the
8 provisions of this chapter, with the consent of the persons holding a majority of
9 the stock of the bank or trust company, which consent shall be obtained at an
10 annual meeting or at a special meeting of the shareholders called for that
11 purpose. A bank or trust company may, but shall not be obligated to, issue a
12 certificate for a fractional share, and, by action of its board of directors, may in
13 lieu thereof, pay cash equal to the value of the fractional share.

14 2. The meeting shall be called and notice given as provided in section
15 362.044.

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

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

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

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

43 certified copies thereof, shall be taken in all the courts of the state as evidence
44 of the increase, decrease or change.

45 7. Provided, however, that if the change undertaken by the bank or trust
46 company in its articles of agreement shall provide for the relocation of the bank
47 or trust company in another community, the director shall make or cause to be
48 made an examination to ascertain whether the convenience and needs of the new
49 community wherein the bank desires to locate are such as to justify and warrant
50 the opening of the bank therein and whether the probable volume of business at
51 the new location is sufficient to ensure and maintain the solvency of the bank and
52 the solvency of the then existing banks and trust companies at the location,
53 without endangering the safety of any bank or trust company in the locality as
54 a place of deposit of public and private moneys, and, if the director, as a result
55 of the examination, be not satisfied in the particulars mentioned or either of
56 them, he or she may refuse to issue the certificate applied for, in which event he
57 or she shall forthwith give notice of his or her refusal to the bank applying for the
58 certificate, which if it so desires may, within ten days thereafter, appeal from the
59 refusal to the state banking **and savings and loan** board.

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

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

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

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

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

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

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

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

15 **[**(5)**]** **(6)** "Capital", the capital stock and any other capital contributions
16 in a capital stock association;
17 **[**(6)**]** **(7)** "Capital stock", shares of nonwithdrawable capital issued by a
18 capital stock association which may be issued as permitted under chapter 351;
19 **[**(7)**]** **(8)** "Capital stock association", an association which issues capital
20 stock;
21 **[**(8) "Commission", the state savings and loan commission;**]**
22 (9) "County" includes the city of St. Louis;
23 (10) "Deposit capital", the aggregate of deposits in accounts plus earnings
24 credited thereto less lawful deductions therefrom;
25 (11) "Director of the division of finance", the chief officer of the division
26 of finance;
27 (12) "Earnings", that part of the net income of an association which is
28 payable to or credited to the owners of accounts. Earnings do not include capital
29 stock, dividends paid or payable on capital stock or other distributions
30 thereon. Earnings also may be referred to as interest;
31 (13) "Federal association" or "federal savings association", an association
32 chartered by the Office of Thrift Supervision or any successor thereto as provided
33 in section 5 of the Home Owners Loan Act of 1933, as amended;
34 (14) "Foreign association", any association or federal association with its
35 principal office located outside Missouri;
36 (15) "Foreign holding company", any company or corporation authorized
37 or existing under the laws of any jurisdiction or authority other than Missouri
38 which directly or indirectly controls a foreign association;
39 (16) "Home office", the location named in the articles of incorporation or
40 the new location in place thereof approved by the director of the division of
41 finance. If no location is named in the articles of incorporation, the association
42 shall file with the director of the division of finance the location of its home office;
43 (17) "Impaired condition", the inability of an association to pay its debts
44 as they become due in the usual course of its business;
45 (18) "Insured association", an association the accounts of which are
46 insured, fully or in part, as provided in this chapter;
47 (19) "Liquid assets", cash on hand and on deposit with banks including
48 federal home loan banks and such other assets as may be so designated from time
49 to time by the director of the division of finance;
50 (20) "Member", a person owning an account of a mutual association or a

51 person borrowing from or assuming or obligated upon or owning property securing
52 a loan held by a mutual association;
53 (21) "Mutual association", an association not having capital stock;
54 (22) "Office", any place at which business of the association is conducted
55 on a regular and continuing basis;
56 (23) "Person", any individual, corporation, entity, voting trust, business
57 trust, partnership, association, syndicate, or organized group of persons whether
58 incorporated or not;
59 (24) "Security instrument", mortgage, deed of trust, or other instrument
60 in which real or personal property is security for a debt;
61 (25) "Stockholder", a person owning capital stock of a capital stock
62 association;
63 (26) "Withdrawal value", the amount deposited in an account in an
64 association plus earnings credited thereto less lawful deductions therefrom.

369.024. 1. Upon receipt of a petition for certificate of incorporation, the
2 director of the division of finance shall, based upon the petition and all
3 supporting information and upon such independent investigation and examination
4 as the director may make, either refuse the petition or tentatively approve
5 it. The petition shall be refused if the director of the division of finance finds
6 that the proposed association is to be formed for any other than legitimate
7 savings and loan purposes, or that the character and general fitness of the
8 incorporators, or of the initial stockholders, if any, are not such as to command
9 public confidence, or that the proposed directors and officers are not such as to
10 tend to the success of the proposed association, or that the public convenience and
11 advantage will not be promoted by its establishment, or that there is no public
12 need for, or the volume of business in the location is insufficient to justify,
13 another association. The refusal shall be in writing with the reasons therefor
14 stated and shall be sent by registered mail to the chairman of incorporators.
15 2. If the director of the division of finance tentatively approves the
16 petition, the director shall give written notice to each association and each federal
17 association with an office in the county or in a county adjoining the county in
18 which the proposed association is to be located, stating the name of the proposed
19 association, where it proposes to establish the principal office of the association
20 and that a petition for certificate of incorporation has been approved
21 tentatively. Any association entitled to receive notice may within thirty days
22 from the date of mailing of the notice make written protest to the director of the

23 division of finance against the granting of the petition for incorporation. If no
24 protest is filed within that time, the director of the division of finance shall make
25 a final decision upon the petition either denying or granting the petition and
26 notice thereof shall be sent by registered mail to the chairman of incorporators.
27 3. If a protest is filed, the director of the division of finance shall, if
28 requested, and may on the director's own motion, conduct a hearing not less than
29 ten nor more than thirty days following the end of the time for protest. Upon
30 application of any party for good cause, or upon the director of the division of
31 finance's own motion, the date of the hearing may be postponed. Notice shall be
32 given stating the time and place of the hearing to the chairman of incorporators
33 and to each protesting party. Any interested person may appear at the hearing
34 in person or by counsel and offer any relevant evidence. Following the hearing
35 the director of the division of finance shall deny or grant the petition and give
36 written notice of the director's decision to all interested parties.
37 4. The petition shall not be granted, either with or without the hearing
38 provided for in this section, except upon affirmative findings from all the evidence
39 that the requirements of sections 369.010 to 369.369 have been complied with and
40 that:
41 (1) The persons named in the petition are citizens of the United States of
42 good character and responsibility; and
43 (2) There is a necessity for the proposed association in the area to be
44 served by it; and
45 (3) There is a reasonable probability of usefulness and success of the
46 proposed association; and
47 (4) The proposed association can be established without undue injury to
48 any properly conducted association or federal association.
49 5. The director of the division of finance may, either with or without the
50 hearing provided for in this section, and the **state banking and** savings and
51 loan **[**commission**] board** may upon an appeal from the ruling of the director of
52 the division of finance, require as a condition of approving the petition that the
53 proposed association obtain a firm commitment for insurance of its accounts from
54 the Federal Deposit Insurance Corporation or any successor thereto or from any
55 agency of this state insuring savings accounts or from any other insurer approved
56 by the director of the division of finance.
57 6. If the petition is approved, the director of the division of finance shall,
58 upon receipt of the sworn statement of the chairman of incorporators that the

59 initial savings accounts and the expense fund provided for in sections 369.010 to
60 369.369 have been paid in full in cash, or, if a capital stock association, all
61 subscriptions for capital stock have been paid in full, certify the approval of the
62 petition in writing to the secretary of state and deliver to the secretary of state
63 the incorporation fee and **[**two copies**] one copy** of the articles of
64 incorporation. From the time of such approval, the association shall be subject
65 to all provisions of sections 369.010 to 369.369 and to supervision and control by
66 the director of the division of finance. The secretary of state shall thereupon
67 issue the certificate of incorporation.

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

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

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

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

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

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

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

26 (7) In addition to the powers and authorities granted in this section, the
27 director of the division of finance may, from time to time, with the approval of the

28 **[**commission**] state banking and savings and loan board**, issue regulations
29 granting such other powers and authorities as have been granted to federal
30 associations subject to the supervision of the Office of Thrift Supervision or any
31 successor thereto which are necessary to enable associations to compete. The
32 regulations shall be promulgated as provided in this chapter and shall not be
33 inconsistent with the constitution and laws of this state;

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

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

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

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

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

59 (13) When an association is insured, to act as trustee of any trust created
60 or organized in the United States and forming part of a stock bonus, pension, or
61 profit-sharing plan which qualifies or qualified for specific tax treatment under
62 section 401(d) of the Internal Revenue Code of 1954 as amended, if the funds of
63 such trust are invested only in accounts or deposits in such association or in

64 obligations or securities issued by such association. All funds held in such
65 fiduciary capacity by any such association may be commingled for appropriate
66 purposes of investment, but individual records shall be kept by the fiduciary for
67 each participant and shall show in proper detail all transactions engaged in
68 under the authority of this subdivision;

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

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

73 (16) To use abbreviations, words or symbols in connection with any
74 document of any nature and on checks, proxies, notices and other instruments,
75 which abbreviations, words, or symbols shall have the same force and legal effect
76 as though the respective words and phrases for which they stand were set forth
77 in full;

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

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

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

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

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

369.294. 1. The director of the division of finance and examiners shall not
2 be interested in an association directly or indirectly either as creditor (except that
3 each may be an account holder and receive earnings thereon), director, officer,

employee, trustee, attorney or borrower (except for a loan on the home property owned and occupied by the director or examiner or a share loan), nor shall any one of them receive directly or indirectly any payment, compensation or gratuity from any association.

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

369.299. The director of the division of finance shall:

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

(2) Establish, amend, supplement and revoke, subject to the approval of the **[**state savings and loan commission**] board**, all regulations authorized by the provisions of sections 369.010 to 369.369 and such additional regulations as may be reasonable or necessary to provide for the organization, incorporation, examination, operation, and regulation of associations, and service corporations, and the director may by regulation provide that an association shall have all powers, rights, and privileges which it would have from time to time if organized and operating in Missouri as a federal association under the laws of the United States. The director shall deliver by mail to each association a copy of any proposed regulation or change in an existing regulation. If five or more associations protest the proposed regulation or change and request a hearing thereon within fifteen days thereafter, the director shall conduct a hearing before acting thereon;

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

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

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

(6) Have charge of the execution of laws relating to savings associations with authority to sue in the director's name to enforce any law of this state applying to an association or to a corporation in which an association has an

26 interest, or applying to the officers, directors or employees of any association.

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

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

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

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

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

8 (1) Public convenience and necessity require the development finance

9 corporation;
10 (2) The holders of the fully paid stock of the corporation are at least ten
11 in number;
12 (3) That not less than two hundred fifty shares of no par value stock
13 issued at one hundred dollars per share have been subscribed and fully paid for
14 in cash;
15 (4) The bylaws and regulations submitted, if any, are in conformity with
16 the articles of incorporation and the provisions of this chapter and not in conflict
17 with any law of this state.
18 2. The director of finance shall return to the applicants one of the articles
19 of incorporation submitted to him and shall endorse thereon the issuance by him
20 of the certificate of incorporation.

371.090. 1. The articles of incorporation may be amended by a majority
2 vote of the stockholders at any regular meeting or at a special meeting called for
3 that purpose.
4 2. Articles of amendment signed by the president or vice president and
5 attested by the secretary certifying to the amendment and its lawful adoption
6 shall be executed, acknowledged and filed with the director of finance and, when
7 approved by the state banking and savings and loan board, recorded with a
8 certificate of the director of finance approving the articles of amendment, in the
9 same manner as the original articles of incorporation. As soon as the director of
10 finance issues his certificate of amendment the amendment is in effect.

371.240. 1. Any corporation organized under this chapter, after the
2 payment in full and cancellation of all its bonds and other obligations issued
3 under the provisions of this chapter, or after the deposit in trust with the
4 respective trustees designated in any deeds of trust given to secure the payment
5 of any such obligation of a sum of money sufficient for the purpose, may dissolve
6 by the vote of a majority of the stockholders at any regular meeting or at a special
7 meeting called for that purpose.
8 2. A certificate of dissolution shall be signed by the president or vice
9 president and attested by the secretary, certifying to the dissolution and that they
10 have been authorized by lawful action of the stockholders to execute and file such
11 certificate. The certificate of dissolution shall be executed, acknowledged and
12 filed with the director of finance and, when approved by the state banking **and**
13 **savings and loan** board, shall be recorded in the same manner as the original
14 articles of incorporation. When the director has endorsed the approval of the

15 state banking **and savings and loan** board on the certificate of dissolution the
16 corporation is deemed to be dissolved.
17 3. The corporation shall, however, continue for the purpose of paying,
18 satisfying and discharging any other existing liabilities or obligations and for
19 collecting or liquidating its assets, and doing all other acts required to adjust and
20 wind up its business and affairs, and may sue and be sued in its corporate name.
21 4. Any assets remaining after all liabilities and obligations have been
22 satisfied shall be 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
3 small businesses;
4 (2) Solicit input and conduct hearings from small business owners and
5 state agencies regarding any rules proposed by a state agency; and
6 (3) Provide an evaluation report to the governor and the general assembly,
7 including any recommendations and evaluations of state agencies regarding
8 regulatory fairness for Missouri's small businesses. The report shall include
9 comments from small businesses, state agency responses, and a summary of any
10 public testimony on rules brought before the board for consideration.
11 2. In any inquiry conducted by the board because of a request from a
12 small business owner, the board may make recommendations to the state agency.
13 If the board makes recommendations, such recommendations shall be based on
14 any of the following grounds:
15 (1) The rule creates an undue barrier to the formation, operation, and
16 expansion of small businesses in a manner that significantly outweighs the rule's
17 benefits to the public; or
18 (2) New or significant economic information indicates the proposed rule
19 would create an undue impact on small businesses; or
20 (3) Technology, economic conditions, or other relevant factors justifying
21 the purpose for the rule has changed or no longer exists; or
22 (4) If the rule was adopted after August 28, 2004, whether the actual
23 effect on small businesses was not reflected in or significantly exceeded the small
24 business impact statement submitted prior to the adoption of the rules.
25 **3. Subject to appropriations, the board may hire a one-half full-**
26 **time equivalent employee for clerical support and a full-time equivalent**
27 **employee for a professional position to:**
28 **(1) Conduct internet website additions, corrections, and**

29 **deletions;**
30 **(2) Develop training programs for agencies;**
31 **(3) Send regulatory alerts to interested small business**
32 **subscribers;**
33 **(4) Track small business comments regarding agencies and**
34 **review and respond to the agency and small business accordingly;**
35 **(5) Prepare for board meetings and hearings, including outreach,**
36 **travel, agendas, and minutes;**
37 **(6) Prepare member maintenance expense reports and**
38 **appointments;**
39 **(7) Analyze small business impact statements. After such**
40 **analysis, the employee shall review such statements, offer suggestions,**
41 **and work with agencies to meet the statute requirements;**
42 **(8) Analyze biannual report reviews;**
43 **(9) Conduct agency correspondence and training;**
44 **(10) Conduct small business outreach by speaking at chamber**
45 **and association events;**
46 **(11) Review the Missouri Register and other sources to look for**
47 **proposed rules that may affect small business.**
48 **4. Subject to appropriations, the board may receive additional**
49 **funds for:**
50 **(1) Upkeep of its internet website;**
51 **(2) Information technology;**
52 **(3) Mileage for board members;**
53 **(4) Publication, printing, and distribution of annual reports; and**
54 **(5) Outreach costs.**

536.312. There is hereby created in the state treasury the "Small
2 **Business Regulatory Fairness Fund", which shall consist of moneys**
3 **collected by the secretary of state for business registration fees. Fifty**
4 **cents from each business registration fee shall be deposited into the**
5 **fund. The state treasurer shall be custodian of the fund and shall**
6 **approve disbursements from the fund in accordance with sections**
7 **30.170 and 30.180. Upon appropriation, moneys in the fund shall be**
8 **used solely for the administration of subsection 3 of section 536.310. At**
9 **the end of each fiscal year, the state treasurer shall transfer the**
10 **balance in this fund into the state general revenue fund. The state**
11 **treasurer shall invest moneys in the fund in the same manner as other**

12 **funds are invested. Any interest and moneys earned on such**
13 **investments shall be credited to the fund.**

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

620.582. As used in sections 620.580 to 620.592, the following
2 **terms mean:**
3 **(1) "Act", the national and community service act of 1990, as**
4 **amended;**
5 **(2) "Commission", the Missouri community service commission**
6 **created by sections 620.580 to 620.592;**
7 **(3) "Community service programs", the performance of tasks**
8 **designed primarily to address educational, public safety, human, or**
9 **environmental needs at a local, regional, state, or multistate level;**
10 **(4) "Corporation", the corporation for national and community**
11 **service authorized by the act;**
12 **(5) "National service position", a placement in a community**
13 **service program whereby an individual may earn an educational award,**
14 **as authorized by the act;**
15 **(6) "National service laws", the act and other federal legislation**
16 **that authorizes or may authorize community service activities in states.**

620.584. 1. The Missouri community service commission is
2 **assigned to the department of economic development.**
3 **2. The commission is established to make community service the**
4 **common expectation and experience of all Missourians with a special**
5 **concentration on Missouri's young people. The commission shall focus**
6 **its efforts primarily on issues related to education, public safety,**
7 **human needs and the environment.**
8 **3. The commission shall work to renew the ethic of civic**
9 **responsibility in Missouri and to involve and enroll citizens in service**
10 **opportunities that benefit Missouri while offering citizens skills that**
11 **can be used to further their own plans for education, for a career, or**
12 **for continuing community services. The commission shall build on the**
13 **existing organizational framework of state, local, and community-based**
14 **programs and agencies to expand full-time and part-time service**
15 **opportunities for all citizens, but particularly Missouri's youth.**

620.586. 1. The commission shall include at least fifteen, but no
2 **more than nineteen, voting members appointed by the governor with**

the advice and consent of the senate. The commission shall include the following voting members:

(1) A representative of local government;

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

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

(4) A representative of a national service program;

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

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

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

(8) A representative of labor organizations;

(9) A member representing the business community;

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

(11) A representative of the volunteer sector; and

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

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

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

4. Voting members shall serve renewable terms of three years, except that of the first members appointed, one-third shall serve for a term of one year, one-third shall serve for a term of two years, and one-third shall serve for a term of three years. If a commission vacancy occurs, the governor shall appoint a new member to serve for the

40 **remainder of the unexpired term. Vacancies shall not affect the power**
41 **of the remaining members to execute the commission's duties.**
42 **5. The members of the commission shall receive no compensation**
43 **for their services on the commission, but shall be reimbursed for**
44 **ordinary and necessary expenses incurred in the performance of their**
45 **duties.**
46 **6. The voting members of the commission shall elect one of their**
47 **members to serve as chairperson of the commission. The voting**
48 **members may elect such other officers as deemed necessary.**
49 **7. The commission shall meet at least quarterly.**

620.588. 1. The commission shall have the following powers and
2 **duties:**
3 **(1) To ensure that its funding decisions meet all federal and state**
4 **statutory requirements;**
5 **(2) To prepare for this state an annual national service plan that**
6 **follows state and federal guidelines;**
7 **(3) To recommend innovative statewide service programs to**
8 **increase volunteer participation and community-based problem solving**
9 **by all age groups and among diverse participants;**
10 **(4) To utilize local, state, and federal resources to initiate,**
11 **strengthen, and expand quality service programs;**
12 **(5) To promote interagency collaboration to maximize resources**
13 **and develop a model of such collaboration on the state level;**
14 **(6) To oversee the application process to apply for corporation**
15 **grants and funds, and for approval of service positions;**
16 **(7) To establish priorities, policies, and procedures for the use**
17 **of funds received under national service laws and for funds deposited**
18 **into the community service commission fund established in section**
19 **620.592;**
20 **(8) To provide technical assistance for applicants to plan and**
21 **implement service programs and to apply for assistance under the**
22 **national service laws;**
23 **(9) To solicit and accept gifts, contributions, grants, bequests, or**
24 **other aid from any person, business, organization or foundation, public**
25 **or private and from federal, state or local government or any agency of**
26 **federal, state or local government.**
27 **2. The commission shall have other powers and duties in**

addition to those listed in subsection 1 of this section, including:

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

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

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

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

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

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

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

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

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

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

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

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

11 development;

12 **[**(6)**]** **(5)** "Follow-up capital", capital provided to a qualified business in
13 which a qualified fund has previously invested seed capital or start-up capital.
14 No more than forty percent of the qualified contributions to a qualified fund may
15 be used for follow-up capital, and no qualified contributions which generate tax
16 credits before the second round of allocations as authorized by section 620.650
17 shall be used for follow-up capital investments;

18 **[**(7)**]** **(6)** "Person", any individual, corporation, partnership, limited
19 liability company or other entity, including any charitable organization which is
20 exempt from federal income tax and whose Missouri unrelated business taxable
21 income, if any, would be subject to the state income tax imposed under chapter
22 143;

23 **[**(8)**]** **(7)** "Positive cash flow", total cash receipts from sales or services,
24 but not from investments or loans, exceeding total cash expenditures as
25 calculated on a fiscal year basis;

26 **[**(9)**]** **(8)** "Qualified business", any independently owned and operated
27 business which is headquartered and located in Missouri and which is involved
28 in or intends to be involved in commerce for the purpose of manufacturing,
29 processing or assembling products, conducting research and development, or
30 providing services in interstate commerce. Such a business shall maintain its
31 headquarters in Missouri for a period of at least three years from the date of
32 receipt of a qualified investment or be subject to penalties pursuant to section
33 620.017;

34 **[**(10)**]** **(9)** "Qualified contribution", cash contributions to a qualified fund
35 pursuant to the terms of contractual agreements made between the qualified fund
36 and a qualified economic development organization authorized by the **[**board**]**
37 **corporation** to enter into such contracts;

38 **[**(11)**]** **(10)** "Qualified economic development organization", any
39 corporation organized pursuant to the provisions of chapter 355 that, as of
40 January 1, 1991, had obtained a contract with the department to operate an
41 innovation center to promote, assist and coordinate the research and development
42 of new services, products or processes in this state;

43 **[**(12)**]** **(11)** "Qualified fund", a fund established by any corporation,
44 partnership, joint venture, unincorporated association, trust or other organization
45 established pursuant to the laws of Missouri and approved by **[**the board or**]** the
46 corporation;

47 **[**(13)**]** **(12)** "Qualified investment", any investment of seed capital,
48 start-up capital or follow-up capital in a qualified business that does not cause
49 more than ten percent of all the qualified contributions to a qualified fund to be
50 invested in a single qualified business;

51 **[**(14)**]** **(13)** "Seed capital", capital provided to a qualified business for
52 research, development and precommercialization activities to prove a concept for
53 a new product, process or service, and for activities related thereto; provided that,
54 seed capital shall not be provided to any business which in a past fiscal year has
55 experienced a positive cash flow;

56 **[**(15)**]** **(14)** "Start-up capital", capital provided to a qualified business for
57 use in preproduction product development, service development or initial
58 marketing thereof; provided that, start-up capital shall not be provided to any
59 business which has experienced a positive cash flow in a past fiscal year;

60 **[**(16)**]** **(15)** "Uninvested capital", that portion of any qualified contribution
61 to a qualified fund, other than management fees not to exceed three percent per
62 year of committed contributions, qualified investments and other expenses or fees
63 authorized by the **[**board**]** **corporation**, that is not invested as a qualified
64 investment within ten years of its receipt.

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

19 **28, 2011, and the Missouri Seed Capital Investment Board shall be**
20 **dissolved.**

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

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

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

23 4. The department may promulgate any rules and regulations necessary
24 to administer the provisions of sections 620.635 to 620.653. No rule or regulation
25 or portion of a rule or regulation promulgated pursuant to the authority of this
26 section shall become effective unless it has been promulgated pursuant to the
27 provisions of chapter 536.

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

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

34 (2) On a quarterly basis, the amount of qualified investments made to any

35 qualified business;

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

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

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

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

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

organization shall use such payments solely for reinvestment in qualified funds in order to provide ongoing seed capital, start-up capital and follow-up capital for Missouri businesses. No qualified economic development organization may transfer any dividends, earnings, equity or the like owed it pursuant to sections 620.635 to 620.653 to any 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 hundred percent of investments made from qualified contributions shall be qualified investments.

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

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

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

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

9 professional fund manager employed by the qualified fund established by this
10 section.

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

6 2. The members of the council shall be appointed by the
7 director. Members shall serve for overlapping terms of three years each. The
8 members of the existing council appointed under the provisions of the executive
9 order shall serve the remainder of their appointed terms. At the expiration of the
10 term of each such member, the director shall appoint an individual who shall hold
11 office for a term of three years. Each member shall hold office until a successor
12 has been appointed. Members shall have professional, research or personal
13 interest in the prevention, evaluation, care, treatment and rehabilitation of
14 persons affected by mental disorders and mental illness. The council shall
15 include representatives from the following:

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

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

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

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

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

34 6. The council may be divided into subcouncils in accordance with its

35 bylaws. The council shall study, plan and make recommendations on the
36 prevention, evaluation, care, treatment, rehabilitation, housing and facilities for
37 persons affected by mental disorders and mental illness.

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

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

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

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

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

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

63 **(5) Provide oversight for suicide prevention activities**.

660.010. 1. There is hereby created a "Department of Social Services" in
2 charge of a director appointed by the governor, by and with the advice and
3 consent of the senate. All the powers, duties and functions of the director of the
4 department of public health and welfare, chapters 191 and 192, and others, not
5 previously reassigned by executive reorganization plan number 2 of 1973 as
6 submitted by the governor under chapter 26 except those assigned to the
7 department of mental health, are transferred by type I transfer to the director of

8 the department of social services and the office of the director, department of
9 public health and welfare is abolished. The department of public health and
10 welfare is abolished. All employees of the department of social services shall be
11 covered by the provisions of chapter 36 except the director of the department and
12 his secretary, all division directors and their secretaries, and no more than three
13 additional positions in each division which may be designated by the division
14 director.

15 2. It is the intent of the general assembly in establishing the department
16 of social services, as provided herein, to authorize the director of the department
17 to coordinate the state's programs devoted to those unable to provide for
18 themselves and for the rehabilitation of victims of social disadvantage. The
19 director shall use the resources provided to the department to provide
20 comprehensive programs and leadership striking at the roots of dependency,
21 disability and abuse of society's rules with the purpose of improving service and
22 economical operations. The department is directed to take all steps possible to
23 consolidate and coordinate the field operations of the department to maximize
24 service to the citizens of the state.

25 3. All the powers, duties and functions of the division of welfare, chapters
26 205, 207, 208, 209, and 210 and others, are transferred by type I transfer to the
27 "Division of Family Services" which is hereby created in the department of social
28 services. The director of the division shall be appointed by the director of the
29 department. All references to the division of welfare shall hereafter be construed
30 to mean the division of family services of the department of social services.

31 4. **[**All the powers, duties and functions of the board of nursing home
32 administrators, chapter 344, are transferred by type I transfer to the department
33 of social services. The public members of the board shall be appointed by the
34 director of the department.

35 5.**]** The state's responsibility under public law 452 of the eighty-eighth
36 Congress and others, pertaining to the Office of Economic Opportunity, is
37 transferred by type I transfer to the department of social services.

38 **[**6.**]** **5.** The state's responsibility under public law 73, Older Americans
39 Act of 1965, of the eighty-ninth Congress is transferred by type I transfer to the
40 department of social services.

41 **[**7.**]** **6.** All the powers, duties and functions vested by law in the curators
42 of the University of Missouri relating to crippled children's services, chapter 201,
43 are transferred by type I transfer to the department of social services.

44 **[**8.**]** **7.** All the powers, duties and functions vested in the state board of
45 training schools, chapter 219 and others, are transferred by type I transfer to the
46 "Division of Youth Services" hereby authorized in the department of social
47 services headed by a director appointed by the director of the department. The
48 state board of training schools shall be reconstituted as an advisory board on
49 youth services, appointed by the director of the department. The advisory board
50 shall visit each facility of the division as often as possible, shall file a written
51 report with the director of the department and the governor on conditions they
52 observed relating to the care and rehabilitative efforts in behalf of children
53 assigned to the facility, the security of the facility and any other matters
54 pertinent in their judgment. Copies of these reports shall be filed with the
55 legislative library. Members of the advisory board shall receive reimbursement
56 for their expenses and twenty-five dollars a day for each day they engage in
57 official business relating to their duties. The members of the board shall be
58 provided with identification means by the director of the division permitting
59 immediate access to all facilities enabling them to make unannounced entrance
60 to facilities they wish to inspect.

[21.475. 1. Because wetlands are a vital natural resource
2 and wetland conversion is of vital interest to Missouri farmers,
3 conservationists, and landowners, for oversight of various activities
4 of the department of natural resources and other agencies, the
5 senate and the house of representatives shall establish a "Joint
6 Committee on Wetlands", composed of five members of the senate,
7 appointed by the president pro tem of the senate, and five members
8 of the house of representatives, appointed by the speaker of the
9 house. Not more than three members appointed by the president
10 pro tem and not more than three members appointed by the
11 speaker of the house shall be from the same political party. Any
12 state department or agency except the department of conservation
13 and the department of transportation shall obtain the approval of
14 the joint committee on wetlands prior to entering into a contract
15 with any entity of the government or any private entity to conduct
16 any activity relating to the definition, preservation or restoration
17 of wetlands. Each department, division and agency of state
18 government shall provide any information relating to the state's
19 wetlands to the joint committee on wetlands upon request of the

20 committee.

21 2. The committee may hold hearings and conduct
22 investigations within the state as it deems advisable, and the
23 members shall receive no additional compensation, other than
24 reimbursement for their actual and necessary expenses incurred in
25 the performance of their duties. The staff of the committee on
26 legislative research, house research, and senate research shall
27 provide necessary clerical, research, fiscal and legal services to the
28 committee, as the committee may request.**]**

[21.780. Every ten years after August 28, 1997, a review of
2 county salaries shall be made by the general assembly. A
3 committee consisting of three members of the house of
4 representatives appointed by the speaker and three members of the
5 senate appointed by the president pro tem shall carry out the
6 review. The committee shall complete its review by December
7 thirty-first of the year in which the committee is
8 appointed. Legislation to revise the then existing salary schedules
9 may be filed at the next following session of the general assembly.**]**

[26.600. Sections 26.600 to 26.614 shall be known and may
2 be cited as the "Missouri Community Service Act".**]**

[26.603. As used in sections 26.600 to 26.614, the following
2 terms mean:

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

5 (2) "Commission", the Missouri community service
6 commission created by sections 26.600 to 26.614;

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

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

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

16 (6) "National service laws", the act and other federal

legislation that authorizes or may authorize community service activities in states.]

[26.605. 1. There is hereby created and established within the office of the governor "The Missouri Community Service Commission". The governor may, by executive order, assign this commission to the office of any executive department or statewide elected official.

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

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

[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 consent of the senate. The commission shall include the following voting members:

(1) A representative of local government;

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

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

(4) A representative of a national service program;

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

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

16 service program;
17 (7) A representative of community-based agencies or
18 organizations in the state;
19 (8) A representative of labor organizations;
20 (9) A member representing the business community;
21 (10) The lieutenant governor or his or her designee;
22 (11) A representative from the Corporation for National and
23 Community Service, who shall serve as a nonvoting, ex officio
24 member;
25 (12) Other members, at the discretion of and appointed by
26 the governor, provided that there are at least fifteen but not more
27 than twenty-five voting members, and provided that no more than
28 twenty-five percent of the voting members are officers or employees
29 of the state, and provided further that not more than fifty percent
30 plus one of the voting members of the commission are members of
31 the same political party;
32 (13) The governor may appoint any number of other
33 nonvoting, ex officio members who shall serve at the pleasure of the
34 governor.
35 2. Appointments to the commission shall reflect the race,
36 ethnicity, age, gender and disability characteristics of the
37 population of the state as a whole.
38 3. Voting members shall serve renewable terms of three
39 years, except that of the first members appointed, one-third shall
40 serve for a term of one year, one-third shall serve for a term of two
41 years, and one-third shall serve for a term of three years. If a
42 commission vacancy occurs, the governor shall appoint a new
43 member to serve for the remainder of the unexpired
44 term. Vacancies shall not affect the power of the remaining
45 members to execute the commission's duties.
46 4. The members of the commission shall receive no
47 compensation for their services on the commission, but shall be
48 reimbursed for ordinary and necessary expenses incurred in the
49 performance of their duties.
50 5. The voting members of the commission shall elect one of
51 their members to serve as chairperson of the commission. The

52 voting members may elect such other officers as deemed necessary.
53 6. The commission shall meet at least quarterly.**]**

[26.609. 1. The commission shall have the following powers
2 and duties:
3 (1) To ensure that its funding decisions meet all federal and
4 state statutory requirements;
5 (2) To prepare for this state an annual national service plan
6 that follows state and federal guidelines;
7 (3) To recommend innovative statewide service programs to
8 increase volunteer participation and community-based problem
9 solving by all age groups and among diverse participants;
10 (4) To utilize local, state and federal resources to initiate,
11 strengthen and expand quality service programs;
12 (5) To promote interagency collaboration to maximize
13 resources and develop a model of such collaboration on the state
14 level;
15 (6) To oversee the application process to apply for
16 corporation grants and funds, and for approval of service positions;
17 (7) To establish priorities, policies and procedures for the
18 use of funds received under national service laws and for funds
19 deposited into the community service commission fund established
20 in section 26.614;
21 (8) To provide technical assistance for applicants to plan
22 and implement service programs and to apply for assistance under
23 the national service laws;
24 (9) To solicit and accept gifts, contributions, grants,
25 bequests or other aid from any person, business, organization or
26 foundation, public or private and from federal, state or local
27 government or any agency of federal, state or local government.
28 2. The commission shall have other powers and duties in
29 addition to those listed in subsection 1 of this section, including:
30 (1) To utilize staff within the office of the governor, the
31 office of a designated statewide elected official or other executive
32 departments as needed for this purpose; and
33 (2) To enter into contracts with individuals, organizations
34 and institutions within amounts available for this purpose.**]**

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

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

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

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

[32.250. There is hereby established the "Multistate Tax Compact Advisory Committee" composed of the member of the multistate tax commission representing this state, any alternate designated by him, the attorney general or his designee, and two members of the senate, appointed by the president pro tem thereof and two members of the house of representatives, appointed by the speaker thereof. The chairman shall be the member of the commission representing this state. The committee shall meet on the call of its chairman or at the request of a majority of its members, but in any event it shall meet not less than three times in each year. The committee may consider any and all matters relating to recommendations of the multistate tax commission and the activities of the members in representing this state thereon.**]**

[32.260. The multistate tax compact advisory committee

may employ counsel to represent it or to act for it, and may fix his compensation within the limits of funds appropriated to the committee.**]**

[105.1010. The Missouri state employees voluntary life insurance commission shall have five commissioners, including one member of the house of representatives to be selected by the speaker of the house, one member of the senate to be selected by the president pro tem of the senate, and three other commissioners to be appointed by the governor of the state of Missouri, with the advice and consent of the senate. The members of the general assembly appointed as commissioners shall serve during their terms of office in the general assembly. The commissioners appointed by the governor shall serve a term of three years; except that, of the commissioners first appointed, one shall be appointed for a term of one year, one shall be appointed for a term of two years, and one shall be appointed for a term of three years. The commission shall annually elect a chairman and shall be required to meet not less than quarterly or at any other such time as called by the chairman or a majority of the commission. The members of the commission shall receive no compensation for their services, but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties.**]**

[166.200. Sections 166.200 to 166.242, sections 173.053 and 173.262 shall be known as the "Missouri Access to Higher Education Act".**]**

[166.201. As used in sections 166.200 to 166.242, sections 173.053 and 173.262, the following terms mean:

(1) "Advance tuition payment contract", a contract entered into by the trust and a purchaser pursuant to the provisions of sections 166.200 to 166.242, sections 173.053 and 173.262 to provide for the higher education of a qualified beneficiary;

(2) "Board", the board of directors of the Missouri access to higher education trust;

(3) "Fund", the Missouri access to higher education trust fund created in section 166.207;

(4) "Pell grant", a federal grant for undergraduate students

based on financial need and, for the purposes of sections 166.200 to 166.242, sections 173.053 and 173.262, determines financial need;

(5) "Purchaser", a person who makes or is obligated to make advance tuition payments pursuant to an advance tuition payment contract;

(6) "Qualified beneficiary", any resident of this state named as a beneficiary in an advance tuition payment contract;

(7) "State institution of higher education", any college, university, or community college supported in whole or in part out of state funds specifically appropriated for operations;

(8) "Trust", the Missouri access to higher education trust created in section 166.203;

(9) "Tuition", any tuition or other fees charged by a state institution of higher education for attendance at that institution as a student by a resident of this state;

(10) "Weighted average tuition cost of state institutions of higher education", the tuition cost arrived at by adding the products of the annual undergraduate tuition cost at each state institution of higher education and its total number of undergraduate fiscal year equated students, and then dividing the gross total of this cumulation by the total number of undergraduate fiscal year equated students attending state institutions of higher education.**]**

[166.203. 1. There is hereby created the "Missouri Access to Higher Education Trust", which shall be a body corporate and politic. The trust shall be located within the state office of administration, but shall exercise its prescribed powers, duties, and functions independently. The trust shall be governed by a board of directors which shall consist of ten members with knowledge, skill, and experience in the academic, business, or financial field appointed by the governor, by and with the advice and consent of the senate. Not more than three members of the board shall be, during their term of office on the board, either officials, appointees, or employees of this state, except that at least one member shall be appointed from a minority group. Of the remaining seven members

appointed by the governor, one shall be appointed from a nominee of the speaker of the house of representatives, one shall be appointed from a nominee of the president pro tem of the senate, one shall be a president of a public four-year college or university, one shall be a president or chancellor of a public community college, one shall represent the interests of Missouri independent degree-granting colleges and universities, and one shall be the commissioner of higher education. Of these remaining seven members, at least one shall be a member of a minority group. Members shall be appointed for a term of three 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 be appointed for a term of three years. A member shall serve until a successor is appointed and qualified, and a vacancy shall be filled for the balance of the unexpired term in the same manner as the original appointment. The governor shall designate one member as chairperson. The governor shall also designate one member as the president and chief executive officer of the trust and one member as the vice president of the trust. Members of the board, other than the president and vice president if they are not otherwise employees of the state, shall receive no compensation, but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties.

2. The board may delegate to its president, vice president, or other member such functions and authority as the board considers necessary or appropriate. These functions may include, but are not limited to, the oversight and supervision of employees of the trust.

3. A majority of the members of the board serving shall constitute a quorum for the transaction of business at a meeting of the board, or the exercise of a power or function of the trust, notwithstanding the existence of one or more vacancies. Voting upon action taken by the board shall be conducted by majority vote of the members present at a meeting of the board, and, if authorized by the bylaws of the board and when a quorum is

present in person at the meeting, by use of amplified telephonic equipment. The board shall meet at the call of the chair and as may be provided in the bylaws of the trust. Meetings of the board may be held anywhere within the state.**]**

[166.205. 1. In addition to the powers granted by other provisions of sections 166.200 to 166.242, sections 173.053 and 173.262, the board shall have the powers necessary to carry out and effectuate the purposes, objectives, and provisions of sections 166.200 to 166.242, sections 173.053 and 173.262, the purposes and objectives of the trust, including, but not limited to the power to:

(1) Pay money to state institutions of higher education from the trust;

(2) Impose reasonable limits on the number of participants in the trust;

(3) Contract for goods and services and engage personnel as is necessary and engage the services of private consultants, actuaries, managers, legal counsel, and auditors for rendering professional, management, and technical assistance and advice;

(4) Solicit and accept gifts, grants, loans, and other aid from any person, firm or corporation or the federal, state, or local government or any agency of the federal, state, or a local government, or to participate in any other way in any federal, state, or local government program;

(5) Charge, impose, and collect administrative fees and charges in connection with any transaction and provide for reasonable penalties, including default, for delinquent payment of fees or charges or for fraud;

(6) Procure insurance against any loss in connection with the trust's property, assets, or activities;

(7) Sue and be sued, to have a seal and alter the same at pleasure, to have perpetual succession, and to make and amend bylaws;

(8) To make, execute, and deliver contracts, conveyances, and other instruments necessary or convenient to the exercise of its powers;

(9) Enter into contracts on behalf of the state;

33 (10) Administer the funds of the trust;
34 (11) Indemnify or procure insurance indemnifying any
35 member of the board from personal loss or accountability from
36 liability resulting from a member's action or inaction as a member
37 of the board, including but not limited to, liability asserted on any
38 bonds or notes of the authority;
39 (12) Impose reasonable time limits on use of the tuition
40 benefits provided by the trust, if the limits are made a part of the
41 contract;
42 (13) Provide for receiving contributions in lump sums or
43 periodic sums;
44 (14) Promulgate reasonable rules and regulations and
45 establish policies, procedures, and eligibility criteria to implement
46 sections 166.200 to 166.242, sections 173.053 and 173.262.
47 2. No rule or portion of a rule promulgated under the
48 authority of sections 166.200 to 166.242 and sections 173.053 and
49 173.262 shall become effective unless it has been promulgated
50 pursuant to the provisions of section 536.024.**]**

[166.207. There is hereby created in the state treasury a
2 "Missouri Access to Higher Education Trust Fund" into which shall
3 be deposited all funds accruing to the trust including payments
4 received by the trust from purchasers on behalf of qualified
5 beneficiaries and from which, upon appropriation, shall be paid all
6 expenditures of the trust. The fund may be divided into separate
7 accounts. Moneys accruing to and deposited in the trust fund shall
8 not be a part of "total state revenues" as defined in sections 17 and
9 18 of article X of the Constitution of the state of Missouri and the
10 expenditure of such revenue shall not be an expense of state
11 government under section 20 of article X of the Constitution of the
12 state of Missouri. The provisions of section 33.080 to the contrary
13 notwithstanding, any unexpended balance in the Missouri access
14 to higher education trust fund at the end of any biennium shall not
15 be transferred and placed to the credit of the state general revenue
16 fund. All interest or other increase earned from the investment of
17 money in the trust fund shall be credited to and deposited to that
18 fund. Unless otherwise provided by the board, money in the fund

shall, upon appropriation, be expended in the following order of priority:

(1) To make payments to state institutions of higher education on behalf of qualified beneficiaries;

(2) To make refunds upon termination of an advance tuition payment contract;

(3) To pay the costs of administration and organization of the trust and the fund.**]**

[166.209. The board shall annually prepare or cause to be prepared an accounting of the fund and shall transmit a copy of the accounting to the 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 to purchasers of the trust. The accounts of the board shall be subject to annual audits by the state auditor.**]**

[166.212. 1. The fund shall be administered in a manner reasonably designed to be actuarially sound such that the assets of the trust shall be sufficient to defray the obligations of the trust.

2. In the accounting of the fund made pursuant to section 166.209, the board shall annually evaluate or cause to be evaluated by a nationally recognized actuary the actuarial soundness of the fund and determine the additional assets needed, if any, to defray the obligations of the trust. If there are not sufficient funds to ensure the actuarial soundness of the fund, the trust shall adjust payments of subsequent purchases to ensure its actuarial soundness.

3. If there are insufficient numbers of new purchasers to ensure the actuarial soundness of a plan of the trust, the available assets of the fund attributable to the plan shall be immediately prorated among the then existing contracts, and these shares shall be applied, at the option of the person to whom the refund is payable or would be payable under the contract upon termination of the contract, either towards the purposes of the contract for a qualified beneficiary or disbursed to the person to whom the refund is payable or would be payable under the contract upon termination of the contract.**]**

[166.215. 1. The trust on behalf of itself and the state, may contract with a purchaser for the advance payment of tuition by the purchaser for a qualified beneficiary to attend any of the state institutions of higher education to which the qualified beneficiary is admitted, without further tuition cost to the qualified beneficiary. In addition, an advance tuition payment contract shall set forth all of the following:

(1) The amount of the payment or payments required from the purchaser on behalf of the qualified beneficiary;

(2) The terms and conditions for making the payment, including, but not limited to, the date or dates upon which the payment, or portions of the payment, shall be due;

(3) Provisions for late payment charges and for default;

(4) The name and age of the qualified beneficiary under the contract. The purchaser, with the approval of and on conditions determined by the trust, may subsequently substitute another person for the qualified beneficiary originally named;

(5) The number of credit hours or equivalent covered by the contract;

(6) The name of the person entitled to terminate the contract, which, as provided by the contract, may be the purchaser, the qualified beneficiary, or a person to act on behalf of the purchaser or qualified beneficiary, or any combination of these persons;

(7) The terms and conditions under which the contract may be terminated and the amount of the refund, if any, to which the person terminating the contract, or specifically the purchaser or designated qualified beneficiary if the contract so provides, shall be entitled upon termination;

(8) The assumption of a contractual obligation by the trust to the qualified beneficiary on its own behalf and on behalf of the state to provide for credit hours of higher education, not to exceed the credit hours required for the granting of a baccalaureate degree or the number of credit hours provided by the contract, whichever is less, at any state institution of higher education to which the qualified beneficiary is admitted. The advance tuition payment

contract shall provide for the credit hours of higher education that a qualified beneficiary may receive under the contract if the qualified beneficiary is not entitled to in-state tuition rates;

(9) The period of time from the beginning to the end of which the qualified beneficiary may receive the benefits under the contract;

(10) Other terms, conditions, and provisions as the trust considers in its sole discretion to be necessary or appropriate.

2. The form of any advance tuition payment contract to be entered into by the trust shall first be approved by the attorney general.**]**

[166.218. The trust shall make any arrangements that are necessary or appropriate with state institutions of higher education in order to fulfill its obligations under advance tuition payment contracts, which arrangements may include, but need not be limited to, the payment by the trust of the then actual in-state tuition cost on behalf of a qualified beneficiary to the state institution of higher education.**]**

[166.220. An advance tuition payment contract shall provide that the trust provide for the qualified beneficiary to attend a community college in this state before entering another state institution of higher education for the purpose of completing a baccalaureate degree if the beneficiary so chooses and that the contract may be terminated pursuant to the provisions of sections 166.200 to 166.242, sections 173.053 and 173.262 after completing the requirements for a degree or certificate at the community college in this state or before entering the other state institution of higher education.**]**

[166.222. An advance tuition payment contract may provide that, if after a number of years specified in the contract the contract has not been terminated or the qualified beneficiary's rights under the contract have not been exercised, the trust shall retain the amounts otherwise payable and the rights of the qualified beneficiary, the purchaser, or the agent of either shall be considered terminated.**]**

[166.225. 1. The trust may offer contracts which provide

for the refund of investment income attributable to the fund upon cancellation by the purchaser of the contract.

2. Contracts offered under this section may require that payment or payments from a purchaser, on behalf of a qualified beneficiary who may attend a state institution of higher education in less than four years after the date the contract is entered into by the purchaser, be based upon attendance at a certain state institution of higher education or at that state institution of higher education with the highest prevailing tuition cost for the number of credit hours covered by the contract.**]**

[166.228. 1. An advance tuition payment contract shall not authorize termination of the contract except when one of the following occurs:

(1) The qualified beneficiary dies;

(2) The qualified beneficiary is not admitted to a state institution of higher education after making proper application;

(3) The qualified beneficiary certifies to the trust, after attaining the age of eighteen, that he or she has decided not to attend a state institution of higher education and requests, in writing that the advance tuition payment contract be terminated;

(4) Other circumstances, determined by the trust and set forth in the advance tuition payment contract, occur.

2. An advance tuition payment contract may provide for a refund pursuant to this section to a person to whom the refund is payable under the contract upon termination of the contract. The refund may include all or a portion of the payment or payments made by the purchaser under the contract and all or a portion of the accrued investment income attributable to the payment or payments. However, except as provided in subsection 4 of this section, the amount of a refund shall not exceed the prevailing tuition cost on the date of termination for the credit hours covered by the state institution of higher education which charges the lowest rate of tuition. The amount of a refund shall be reduced by the amount transferred to a community college on behalf of a qualified beneficiary when the contract is terminated and by the amount transferred to a state institution of higher education on

behalf of a qualified beneficiary. Termination of a contract and the right to receive a refund shall not be authorized under the contract if the qualified beneficiary has completed more than one-half of the credit hours required by the state institution of higher education for the awarding of a baccalaureate degree. However, this provision shall not affect the termination and refund rights of a graduate of a community college.

3. An advance tuition payment contract may authorize a person who is entitled under the advance tuition payment contract to terminate the contract, to direct payment of the refund to an independent degree-granting college or university in this state. If directed to make payments pursuant to this subsection, the trust shall transfer to the designated institution an amount equal to the tuition due for the qualified beneficiary, but the trust shall not transfer a cumulative amount greater than the refund to which the person is entitled. If the refund exceeds the total amount of transfers directed to the designated institution, the excess shall be returned to the person to whom the refund is otherwise payable.

4. The amount of a refund paid upon termination of the advance tuition payment contract by a person who directs the trust pursuant to subsection 3 of this section to transfer the refund to an independent degree-granting college or university located in this state shall not be greater than the weighted average tuition cost of state institutions of higher education for the number of credit hours covered by the contract on the date of termination.**]**

[166.231. An advance tuition payment contract shall not be entered by the trust until the trust has solicited answers from the United States Internal Revenue Service and the United States Securities and Exchange Commission rulings regarding the status of the trust. The trust shall inform purchasers of the rulings in question by these federal agencies prior to entering any such contract.**]**

[166.233. State institutions of higher education, purchasers, qualified beneficiaries, holders of notes or bonds of the trust and others may enforce the provisions of sections 166.200 to 166.242, sections 173.053 and 173.262 and any contract, note or bond

entered into pursuant to the provisions of sections 166.200 to 166.242, sections 173.053 and 173.262 by appropriate action brought in the circuit court of Cole County.**]**

[166.235. The trust, in its discretion, may contract with others, public or private, for the provision of all or a portion of the services necessary for the management and operation of the trust.**]**

[166.237. Nothing in sections 166.200 to 166.242, sections 173.053 and 173.262 or in any advance tuition payment contract entered into pursuant to sections 166.200 to 166.242, sections 173.053 and 173.262 shall be construed as a promise or guarantee by the trust or the state of Missouri that a person will be admitted to a state institution of higher education or to a particular state institution of higher education, will be allowed to continue to attend a state institution of higher education after having been admitted, or will be graduated from a state institution of higher education.**]**

[166.240. An advance tuition payment contract is not a security subject to regulation by the state as such under the provisions of chapter 409. An advance tuition contract may not be sold or otherwise transferred by the purchaser or qualified beneficiary without the prior approval of the trust, which consent shall not be unreasonably withheld.**]**

[166.242. The state or any state agency, county, municipality, or other political subdivision may, by contract or collective bargaining agreement, agree with any employee to remit payments toward advance payment contracts through payroll deductions made by the appropriate officer or officers of the state. Such payments shall be held and administered in accordance with the provisions of sections 166.200 to 166.242, sections 173.053 and 173.262.**]**

[192.350. 1. There is hereby established within the department of health and senior services the "Missouri State Advisory Council on Pain and Symptom Management". The council shall consist of nineteen members that are residents of this state. The members of the council shall include:

(1) The director of the department of health and senior

7 services, or the director's designee, who shall serve as chair of the
8 council;
9 (2) The state attorney general, or the attorney general's
10 designee;
11 (3) Two members of the senate, appointed by the president
12 pro tempore of the senate;
13 (4) Two members of the house of representatives, appointed
14 by the speaker of the house of representatives;
15 (5) One physician, appointed by the Missouri state board of
16 registration for the healing arts, that is certified and accredited in
17 pain management;
18 (6) One physician, appointed by the Missouri state board of
19 registration for the healing arts, that is certified and accredited in
20 palliative care;
21 (7) Two registered nurses, appointed by the Missouri board
22 of nursing, with expertise in hospice, oncology, long-term care, or
23 pain and symptom management and are certified by the National
24 Board for Certification of Hospice and Palliative Nurses;
25 (8) One dentist, appointed by the Missouri board of
26 dentistry, with training in pain and symptom management and is
27 associated with the education and training of dental students;
28 (9) One pharmacist, appointed by the Missouri board of
29 pharmacy, with training in pain and symptom management and is
30 associated with the education and training of pharmacists;
31 (10) One representative of the Pharmaceutical Research
32 and Manufacturers of America, appointed by the governor, with the
33 advice and consent of the senate;
34 (11) One mental health services provider, appointed by the
35 governor, with the advice and consent of the senate;
36 (12) One physician assistant, appointed by the Missouri
37 advisory commission for physician assistants, with training in pain
38 and symptom management;
39 (13) One chiropractic physician, appointed by the Missouri
40 state board of chiropractic examiners, with training in pain and
41 symptom management;
42 (14) One physical therapist, appointed by the Missouri

43 Physical Therapy Association, that specializes in pain
44 management;
45 (15) One advocate representing voluntary health
46 organizations or advocacy groups with an interest in pain
47 management, appointed by the governor, with the advice and
48 consent of the senate; and
49 (16) One member who has been diagnosed with chronic
50 pain, appointed by the governor, with the advice and consent of the
51 senate.
52 2. Members of the council shall be appointed by February
53 1, 2004. Of the members first appointed to the council, seven
54 members shall serve a term of two years, and eight members shall
55 serve a term of one year, and thereafter, members shall serve a
56 term of two years. Members shall continue to serve until their
57 successor is duly appointed and qualified. Any vacancy on the
58 council shall be filled in the same manner as the original
59 appointment.**]**

[192.352. 1. Members shall serve without compensation but
2 shall, subject to appropriations, be reimbursed for reasonable and
3 necessary expenses actually incurred in the performance of the
4 member's official duties.
5 2. The department of health and senior services with
6 existing resources shall provide administrative support and current
7 staff as necessary for the effective operation of the council.**]**

[192.355. 1. Meetings shall be held at least every ninety
2 days or at the call of the council chair.
3 2. The advisory council shall:
4 (1) Hold public hearings pursuant to chapter 536 to gather
5 information from the general public on issues pertaining to pain
6 and symptom management;
7 (2) Make recommendations on acute and chronic pain
8 management treatment practices;
9 (3) Analyze statutes, rules, and regulations regarding pain
10 management;
11 (4) Study the use of alternative therapies regarding pain
12 and symptom management and any sanctions imposed;

13 (5) Review the acute and chronic pain management
14 education provided by professional licensing boards of this state;
15 (6) Examine the needs of adults, children, the terminally ill,
16 racial and ethnic minorities, and medically underserved
17 populations that have acute and chronic pain;
18 (7) Make recommendations on integrating pain and
19 symptom management into the customary practice of health care
20 professionals;
21 (8) Identify the roles and responsibilities of health care
22 professionals in pain and symptom management;
23 (9) Make recommendations on the duration and content of
24 continuing education requirements for pain and symptom
25 management;
26 (10) Review guidelines on pain and symptom management
27 issued by the United States Department of Health and Human
28 Services;
29 (11) Provide an annual report on the activities of the
30 council to the director of the department of health and senior
31 services, the speaker of the house of representatives, the president
32 pro tempore of the senate, and the governor by February first of
33 every year. Such report shall include, but not be limited to the
34 following:
35 (a) Issues and recommendations developed by the council;
36 (b) Pain management educational curricula and continuing
37 education requirements for institutions providing health care
38 education;
39 (c) Information regarding the impact and effectiveness of
40 prior recommendations, if any, that have been implemented; and
41 (d) Review of current policies regarding pain and symptom
42 management and any changes thereto occurring in pain and
43 symptom management.
44 3. The department of health and senior services may accept
45 on behalf of the council any federal funds, gifts, and donations from
46 individuals, private organizations, and foundations, and any other
47 funds that may become available.**]**

[208.195. The director of the division of family services

shall appoint an advisory committee to provide professional and technical consultation in respect to the medical care aspects for public assistance recipients as set out in this chapter. The committee shall consist of twenty members, including the chairman of the senate committee of public health and welfare and chairman of the house of representatives committee of Social Security, and a minority member of each committee and at least three physicians licensed to practice in this state. The others shall be persons interested in hospital administration, nursing home administration, nursing, dentistry, optometry and pharmaceutics. The members of the advisory committee shall receive no compensation for their services other than expenses actually incurred in the performance of their official duties.**]**

[208.530. As used in sections 208.530 to 208.535, the following terms shall mean:

(1) "Commission", the commission on the special health, psychological and social needs of minority older individuals established in section 208.533;

(2) "Minority older individual", an individual who is sixty years of age or older and a member of a racial minority group;

(3) "Racial minority group":

(a) Blacks or African Americans;

(b) Native Americans;

(c) Hispanics;

(d) Asian Americans; and

(e) Other similar racial minority groups.**]**

[208.533. 1. There is hereby established a twenty-member "Commission on the Special Health, Psychological and Social Needs of Minority Older Individuals" under the division of aging. The commission shall consist of the following members:

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

(2) The directors of the office of minority health and the division of aging who shall serve as cochairs of the commission;

(3) Two members of the Missouri house of representatives, one from each major political party represented in the house of

representatives, appointed by the speaker of the house who shall serve in a nonvoting, advisory capacity;

(4) Two members of the senate, one from each major political party represented in the senate, appointed by the president pro tem of the senate who shall serve in a nonvoting, advisory capacity;

(5) A representative of the office of the lieutenant governor who shall serve in a nonvoting, advisory capacity; and

(6) Ten individuals appointed by the governor with the advice and consent of the senate who are currently working in the field of minority elderly health, psychological or social problems who have demonstrated expertise in one or more of the following areas: treatment of cardiovascular, cancer and diabetic conditions; nutrition; community-based health services; legal services; elderly consumer advocacy; gerontology or geriatrics; social work and other related services including housing. At least two of the individuals appointed by the governor shall be minority older individuals. The members appointed by the governor shall be residents of Missouri. Any vacancy on the commission shall be filled in the same manner as the original appointment.

2. Members appointed by the governor shall serve for three-year terms. Other members, except legislative members, shall serve for as long as they hold the position which made them eligible for appointment. Legislative members shall serve during their current term of office but may be reappointed.

3. Members of the commission shall not be compensated for their services, but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties. The office of administration and the departments of health and senior services, mental health and social services shall provide such support as the commission requires to aid it in the performance of its duties.**]**

[208.535. The responsibilities of the commission shall include, but not be limited to, the following:

(1) The commission shall annually prepare a report identifying the special needs of the minority older population in Missouri as compared to the older population at-large and make

recommendations for meeting those needs. The report shall be completed no later than October first of each year, beginning in 1999, and copies transmitted to the governor, the general assembly and appropriate state agencies. The report shall, at a minimum:

(a) Contain an overview of the special health, psychological and social needs of minority older Missourians with particular attention to low-income minority older individuals;

(b) Identify specific diseases and health conditions for which minority older individuals are at greater risk than the general population;

(c) Identify problems experienced by minority older individuals in obtaining services from governmental agencies;

(d) Identify programs at the state and local level designed to specifically meet the needs of minority older individuals; and

(e) Recommend program improvements and services at the state and local level designed to address the special unmet needs of the minority older population;

(2) In preparing the report required by this section, the commission shall solicit and consider the input of individuals and organizations representing the concerns of the minority older population, with particular attention to the service needs of those with incomes below the federal poverty level, concerning:

(a) Programs and services needed by minority older individuals;

(b) The extent to which existing programs do not meet the needs of minority older individuals;

(c) The accessibility of existing programs to minority older individuals;

(d) The availability and adequacy of information regarding existing services;

(e) Health problems that minority older individuals experience at a higher rate than the nonminority older population; and

(f) Financial, social and other barriers experienced by minority older individuals in obtaining needed services;

(3) Conduct an outreach program that provides information

42 to minority older Missourians about health, psychological and
43 social problems experienced by minority older individuals and
44 available programs to address those problems, as identified in the
45 report prepared pursuant to this section.**]**

[208.792. 1. There is hereby established the "Missouri Rx
2 Plan Advisory Commission" within the department of social
3 services to provide advice on the benefit design and operational
4 policy of the Missouri Rx plan established in sections 208.782 to
5 208.798. The commission shall consist of the following fifteen
6 members:

7 (1) The lieutenant governor, in his or her capacity as
8 advocate for senior citizens;

9 (2) Two members of the senate, with one member from the
10 majority party appointed by the president pro tem of the senate
11 and one member of the minority party appointed by the president
12 pro tem of the senate with the concurrence of the minority floor
13 leader of the senate;

14 (3) Two members of the house of representatives, with one
15 member from the majority party appointed by the speaker of the
16 house of representatives and one member of the minority party
17 appointed by the speaker of the house of representatives with the
18 concurrence of the minority floor leader of the house of
19 representatives;

20 (4) The director of the division of medical services in the
21 department of social services;

22 (5) The director of the division of senior and disability
23 services in the department of health and senior services;

24 (6) The chairperson of the governor's commission on special
25 health, psychological and social needs of minority older individuals;

26 (7) The following four members appointed by the governor,
27 with the advice and consent of the senate:

28 (a) A licensed pharmacist;

29 (b) A licensed physician;

30 (c) A representative from a senior advocacy group; and

31 (d) A representative from an area agency on aging;

32 (8) A representative from the pharmaceutical

33 manufacturers industry as a nonvoting member appointed by the
34 president pro tem of the senate and the speaker of the house of
35 representatives;
36 (9) One public member appointed by the president pro tem
37 of the senate; and
38 (10) One public member appointed by the speaker of the
39 house of representatives. In making the initial appointment to the
40 committee, the governor, president pro tem, and speaker shall
41 stagger the terms of the appointees so that four members serve
42 initial terms of two years, four members serve initial terms of three
43 years, four members serve initial terms of four years, and one
44 member serves an initial term of one year. All members appointed
45 thereafter shall serve three-year terms. All members shall be
46 eligible for reappointment. The commission shall elect a chair and
47 may employ an executive director and such professional, clerical,
48 and research personnel as may be necessary to assist in the
49 performance of the commission's duties.
50 2. Recognizing the unique medical needs of the senior
51 African-American population, the president pro tem of the senate,
52 speaker of the house of representatives, and governor will
53 collaborate to ensure that there is adequate minority
54 representation among legislative members and other members of
55 the commission.
56 3. The commission:
57 (1) May provide advice on guidelines, policies, and
58 procedures necessary to establish the Missouri Rx plan;
59 (2) Shall educate Missouri residents on quality prescription
60 drug programs and cost-containment strategies in medication
61 therapy;
62 (3) Shall assist Missouri residents in enrolling or accessing
63 prescription drug assistance programs for which they are eligible;
64 and
65 (4) Shall hold quarterly meetings and other meetings as
66 deemed necessary.
67 4. The members of the commission shall receive no
68 compensation for their service on the commission, but shall be

69 reimbursed for ordinary and necessary expenses incurred in the
70 performance of their duties as a member of the commission.**]**

[260.725. 1. There is hereby created within the department
2 of natural resources the "Low-level Radioactive Waste Compact
3 Advisory Committee". The committee shall consist of one
4 representative of an institution of higher education, one
5 representative of the general public, one representative of industry,
6 one representative of a medical field, one member of the Missouri
7 house of representatives, one member of the Missouri senate and
8 Missouri's member on the midwest low-level radioactive waste
9 compact commission. If Missouri is designated a host state for a
10 regional disposal facility, the advisory committee shall be expanded
11 to include a representative from the host county. Each member
12 shall be appointed by the governor with the advice and consent of
13 the senate, except that the member from the Missouri house of
14 representatives shall be appointed by the speaker of the house and
15 the member from the Missouri senate shall be appointed by the
16 president pro tempore of the senate. Any representative of a host
17 county shall be nominated by the county court of the host county
18 and appointed by the governor. Each member shall serve for a
19 term of four years with the first members' appointments staggered
20 so that all members' terms do not expire simultaneously.
21 2. The advisory committee shall:
22 (1) Act in an advisory capacity to Missouri's member on the
23 commission;
24 (2) Meet as necessary, but at least twice yearly, to review
25 activities of the commission and midwest interstate low-level
26 radioactive waste compact states; and
27 (3) Present recommendations in writing to the governor and
28 the general assembly as requested or as necessary to insure
29 adequate exchange of information.**]**

[286.200. 1. The "Governor's Committee on Employment of
2 People with Disabilities" will hereafter be known as the "Governor's
3 Council on Disability" and is hereby assigned to the department of
4 labor and industrial relations.
5 2. The council shall consist of a chairperson, twenty

6 members and an executive director.

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

13 4. (1) The nine members of the governor's committee on the
14 employment of people with disabilities whose terms of office expire
15 in October of 1995 and the four members of the governor's
16 committee on the employment of people with disabilities whose
17 terms of office expire in October of 1997 shall be deemed members
18 of the council on disability. Of the ten members of the committee
19 on the employment of people with disabilities whose terms of office
20 expired in October of 1993 and any vacancies on the committee on
21 the employment of people with disabilities, only seven shall be
22 appointed to the council;

23 (2) The terms of office for the chairperson and the seven
24 council members first appointed after August 28, 1994, shall be as
25 follows:

26 (a) The term of office for one of the initial new council
27 members shall expire in October of 1995;

28 (b) The terms of office for the chairperson and the other six
29 initial council members shall expire in October of 1997, so that
30 one-half of the members of the council may be chosen every second
31 year.

32 5. The funds necessary for the executive director and such
33 other personnel as necessary shall be appropriated through the
34 department of labor and industrial relations. The executive
35 director shall serve under the supervision of the committee
36 chairman. The executive director shall be exempted from the state
37 merit system.

38 6. All successor members shall be appointed for four-year
39 terms. Vacancies occurring in the membership of the council for
40 any reason shall be filled by appointment by the governor for the
41 unexpired term. Upon expiration of their terms, members of the

council shall continue to hold office until the 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 vacancy may serve for two additional successive terms. The governor may remove a member for cause.

7. Members of the council shall be chosen to meet the following criteria:

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

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

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

8. The chairperson of the council shall serve without compensation but shall be reimbursed for actual and necessary travel and other expenses incurred in the performance of the duties as chairperson of the council on disability. The members of the council shall serve without compensation but may be reimbursed for their actual and necessary expenses incurred in attending all meetings provided for by sections 286.200 to 286.210.

9. The council shall meet at least once each calendar quarter to conduct its business. The executive director shall give written notice by mail to each member of the time and place of each meeting of the council at least ten days before the scheduled date of the meetings, and notice of any special meetings shall state the specific matters to be considered in the special meeting which is not a regular quarterly meeting.

10. The chairperson, with the advice and consent of the council, shall appoint an executive director who shall serve as a

78 nonvoting member and executive officer of the council. The
79 executive director shall serve under the supervision of the
80 chairperson of the council. The executive director shall be a person
81 who is knowledgeable about disability-related issues and has
82 demonstrated a commitment to full participation of people with
83 disabilities in all aspects of community life.

84 11. All information, documents, records and contracts of the
85 committee on employment of people with disabilities shall become
86 those of the council on disability.

87 12. The director of each state department shall designate
88 at least one employee who shall act as a liaison with the council.**]**

[286.205. The governor's council on disability shall:

2 (1) Act in an advisory capacity to all state agencies and
3 have direct input to all divisions of the office of administration on
4 policies and practices which impact people with disabilities. Input
5 shall include policies and practices affecting personnel, purchasing,
6 design and construction of new facilities, facilities management,
7 budget and planning and general services. In the administration
8 of its duties, the governor's council on disability in cooperation with
9 the office of administration shall offer technical assistance to help
10 all departments, divisions and branches of state government
11 comply with applicable state and federal law regarding persons
12 with disabilities;

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

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

18 (a) Promote employment of people with disabilities;

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

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

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

25 (5) Accept grants, private gifts, and bequests, to be used to

26 achieve the purposes of sections 286.200 to 286.210;
27 (6) Promulgate those bylaws necessary for the efficient
28 operation of the council;
29 (7) Prepare an annual report to be presented to the
30 governor not later than January first of each year.**]**

[286.210. The governor's council on disability may receive
2 funds and property by gift, devise, bequest or otherwise and may
3 solicit funds to be used in carrying out the purposes of sections
4 286.200 to 286.210.**]**

[302.136. The director shall by regulation establish the
2 "Motorcycle Safety Program Advisory Committee" to assist in the
3 development and implementation of the program. The committee
4 shall consist of seven members and shall include members
5 representing the motoring public, motorcycle dealerships,
6 motorcycle instructors, law enforcement agencies, the motorcycle
7 safety education program, and the department of public
8 safety. Beginning on August 28, 1999, the governor shall appoint
9 the members of the committee for terms of three years; except
10 those first appointed by the governor, two shall be for terms of one
11 year, two shall be for terms of two years and three shall be for
12 terms of three years. The committee shall appoint a chairman and
13 meet at least two times per year. Members shall serve without
14 compensation, but may be reimbursed for their reasonable expenses
15 incurred in the performance of their duties.**]**

[324.600. For the purposes of sections 324.600 to 324.635,
2 the following terms mean:
3 (1) "Board", the board of licensed private fire investigator
4 examiners;
5 (2) "Client", any person who engages the services of a
6 private fire investigator;
7 (3) "Division", the division of fire safety within the
8 department of public safety;
9 (4) "Insurance adjuster", any person who receives any
10 consideration, either directly or indirectly, for adjusting in the
11 disposal of any claim under or in connection with a policy of
12 insurance or engaging in soliciting insurance adjustment business;

13 (5) "License", a private fire investigator license;
14 (6) "Licensed private fire investigation", the furnishing of,
15 making of, or agreeing to make any investigation of a fire for the
16 origin, cause, or responsibility of such fire;
17 (7) "Licensed private fire investigator", any person who
18 receives any consideration, either directly or indirectly, for
19 engaging in the investigation of the origin, cause, or responsibility
20 of fires;
21 (8) "Licensed private fire investigator agency", a person or
22 firm that employs any person to engage in the investigation of fires
23 to determine the origin, cause, and responsibility of such fires;
24 (9) "Organization", a corporation, trust, estate, partnership,
25 cooperation, or association;
26 (10) "Person", an individual;
27 (11) "Principal place of business", the place where the
28 licensee maintains a permanent office which may be a residence or
29 business address.**]**

[324.603. 1. The "Board of Licensed Private Fire
2 Investigator Examiners" is hereby created within the division of
3 fire safety. The board shall be composed of six members appointed
4 by the governor, with the advice and consent of the senate. The
5 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
10 International Association of Arson Investigators;
11 (5) A representative of the Professional Fire and Fraud
12 Investigators Association;
13 (6) A representative of the Kansas City Arson Task Force;
14 and
15 (7) One person who is an independent private fire
16 investigator.
17 2. Each member of the board shall be a citizen of the
18 United States, a resident of this state, at least thirty years of age,
19 and shall have been actively engaged in fire investigation for the

previous five years. No more than one board member shall be employed by or affiliated with the same licensed private fire investigation agency. The initial board members shall not be required to be licensed but shall obtain a license within one hundred eighty days after appointment to the board.

3. The members of the board shall be appointed for terms of three years, except those first appointed, in which case two members shall be appointed for 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 shall be filled for the remainder of the unexpired term of that member. The members of the board shall serve without pay, but they shall receive per diem expenses in an equivalent amount as allowed for members of the general assembly.**]**

[324.606. The following persons or organizations shall not be deemed to be engaging in licensed private fire investigation:

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

(2) An attorney performing duties as an attorney;

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

(4) Insurers, agents, and insurance brokers licensed by the state, performing duties in connection with insurance transacted by them;

(5) An insurance adjuster; or

(6) An investigator employed by and under the supervision of a licensed attorney while acting within the scope of employment, who does not represent himself or herself to be a licensed private fire investigator.**]**

[324.609. 1. Every person desiring to be licensed in this state as a licensed private fire investigator or licensed private fire investigator agency shall make an application to the board. An application for a license pursuant to the provisions of sections 324.600 to 324.635 shall be on a form prescribed by the board and

accompanied by the required application fee. An application shall be verified and shall include:

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

(2) The name that the applicant intends to do business under;

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

(4) Two recent passport photographs of the applicant and two classifiable sets of the applicant's fingerprints;

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

(6) Such other information, evidence, statements, or documents as may be required by the state fire marshal.

2. To be eligible for licensure, the applicant shall:

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

(2) Be a citizen of the United States;

(3) Not have a felony conviction or a conviction of a crime involving moral turpitude;

(4) Provide proof of liability insurance with amount to be no less than one million dollars in coverage; and

(5) Comply with such other qualifications as the board shall require. For the purposes of sections 324.600 to 324.635, the record of conviction, or a certified copy thereof, shall be conclusive evidence of such conviction, and a plea or verdict of guilty is deemed to be a conviction within the meaning thereof.

3. The board shall require as a condition of licensure that the applicant:

(1) Successfully complete a course of training approved by the state fire marshal's office;

(2) Pass a written examination as evidence of knowledge of fire investigation. Certification as a fire investigator by the state fire marshal or other agencies approved by the state fire marshal shall constitute passing a written examination;

(3) Provide a background check from an authorized state law enforcement agency. The board shall conduct a complete investigation of the background of each applicant for licensure as

a licensed private fire investigator or agency to determine whether the applicant is qualified for licensure pursuant to sections 324.600 to 324.635; and

(4) Pass any other basic qualification requirements as the board shall outline.

4. The board may deny a request for a license if the applicant has:

(1) Committed any act that, if committed by a licensee, would be grounds for the suspension or revocation of a license pursuant to the provisions of sections 324.600 to 324.635;

(2) Been finally adjudicated and found guilty, or entered a plea of guilty or nolo contendere in a criminal prosecution under the laws of any state or the United States for any offense reasonably related to the qualifications, functions, or duties of any profession licensed or regulated under this chapter or for any offense an essential element of which is fraud, dishonesty, or an act of violence, or for any offense involving moral turpitude, whether or not a sentence is imposed;

(3) Been refused a license pursuant to the provisions of sections 324.600 to 324.635 or had a license revoked in this state or in any other state;

(4) Prior to being licensed, committed, aided, or abetted the commission of any act that requires a license pursuant to sections 324.600 to 324.635; and

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

5. Every application submitted pursuant to the provisions of sections 324.600 to 324.635 shall be accompanied by a fee as determined by the board as follows:

(1) A separate fee shall be paid for an individual license, agency license, and employees being licensed to work under an agency license; and

(2) If a license is issued for a period of less than two years, the fee shall be prorated for the months, or fraction thereof, for which the license is issued.

6. All fees required pursuant to this section shall be paid to and collected by the division of fire safety and transmitted to the

department of revenue for deposit in the state general revenue fund. The board shall set fees at a level to produce revenue that will not substantially exceed or fail to cover the costs and expenses of administering sections 324.600 to 324.635.

These fees shall be exclusive and no municipality may require any person licensed pursuant to sections 324.600 to 324.635 to furnish any bond or pass any examination to practice as a licensed private fire investigator.

7. Renewal of a license shall be made in the manner prescribed by the board, including the payment of a renewal fee.**]**

[324.612. 1. The board shall determine the form of the license which shall include:

(1) The name of the licensee;

(2) The name under which the licensee is to operate; and

(3) The number and date of the license.

2. The license shall be posted at all times in a conspicuous place in the principal place of business of the licensee.

3. Upon the issuance of the license, a pocket card of such size, design, and content as determined by the board shall be issued to each licensee. Such card shall be evidence that the licensee is licensed pursuant to the provisions of sections 324.600 to 324.635. When any person to whom a card is issued terminates such person's position, office, or association with the licensee, the card shall be surrendered to the licensee and within five days thereafter shall be mailed or delivered by the licensee to the board for cancellation.**]**

[324.615. 1. The owner of a company seeking any agency license must first be licensed as a private fire investigator. The agency may hire individuals to work for the agency whom shall conduct investigations for such agency only. Persons hired shall make application as determined by the board and shall meet all requirements set forth by the board. They shall not be required to meet any experience requirements and shall be allowed to begin work immediately. Employees shall attend an approved training program within a time to be determined by the board and will 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's employees or agents which are in violation of sections 324.600 to 324.635. 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. 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.**]**

[324.618. No licensee or officer, director, partner, associate, or employee of the licensee shall:

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

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

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

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

(5) Manufacture false evidence;

(6) Allow anyone other than the individual licensed by the state to conduct an investigation; or

(7) Assign or transfer a license issued pursuant to sections

22 324.600 to 324.635.]

[324.621. 1. Every advertisement by a licensee soliciting or
2 advertising business shall contain the licensee's name and address
3 as they appear in the records of the board.
4 2. A licensee shall not advertise or conduct business from
5 any address in this state other than that shown on the records of
6 the board as the licensee's principal place of business unless the
7 licensee has received a branch office certificate for such location
8 after compliance with the provisions of sections 324.600 to 324.635
9 and such additional requirements necessary for the protection of
10 the public as the board may prescribe by regulation. A licensee
11 shall notify the board in writing within ten days after closing or
12 changing the location of a branch office.]

[324.624. 1. The board may deny a request for a license, or
2 may suspend or revoke a license issued pursuant to sections
3 324.600 to 324.635, or censure or place a license on probation if,
4 after notice and opportunity for hearing in accordance with the
5 provisions of chapter 621, the board determines the licensee has:
6 (1) Made any false statement or given any false information
7 in connection with an application for a license or a renewal or
8 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
11 authority contained in sections 324.600 to 324.635;
12 (4) Been convicted of a felony or been convicted of a crime
13 involving moral turpitude;
14 (5) Impersonated, or permitted or aided and abetted an
15 employee to impersonate, a law enforcement officer or employee of
16 the United States, or of any state or political subdivision;
17 (6) Committed or permitted any employee to commit any act
18 while the license was expired that could be cause for the
19 suspension or revocation of any license, or grounds for the denial
20 of an application for a license;
21 (7) Knowingly violated, or advised, encouraged, or assisted
22 the violation of any court order or injunction in the course of
23 business as a licensee;

24 (8) Used any letterhead, advertisement, or other printed
25 matter or in any manner representing that such person is an
26 instrumentality of the federal or state government or any political
27 subdivision of a federal or state government;
28 (9) Used a name different from that under which such
29 person is currently licensed in any advertisement, solicitation, or
30 contact for business; or
31 (10) Committed any act that is grounds for denial of an
32 application for a license pursuant to the provisions of sections
33 324.600 to 324.635.
34 2. Any person whose license status is affected by any
35 official action of the state fire marshal or board of licensed private
36 fire investigator examiners, including, but not limited to,
37 revocation, suspension, failure to renew a license, or refusal to
38 grant a license, may seek a determination by the administrative
39 hearing commission pursuant to the provisions of section
40 621.045. After the filing of a complaint before the administrative
41 hearing commission, the proceedings shall be conducted in
42 accordance with the provisions of chapter 621. Upon a finding by
43 the administrative hearing commission that the grounds, provided
44 in subsection 1 of this section, for disciplinary action are met, the
45 board may singly or in combination censure or place the person
46 named in the complaint on probation on such terms and conditions
47 as the board deems appropriate for a period not to exceed five years
48 or may suspend, for a period not to exceed three years, or revoke
49 the license.
50 3. A licensed private fire investigator agency may continue
51 under the direction of another employee if the individual holding
52 the license is suspended or revoked as approved by the board. The
53 board shall establish a time from within which the licensed private
54 fire investigator agency shall identify an acceptable person who is
55 qualified to assume control of the agency as required by the board.**]**

[324.627. 1. For the purpose of enforcing the provisions of
2 sections 324.600 to 324.635, or in making investigations relating to
3 any violation thereof or to the character, competency, or integrity
4 of the applicants or licensees, or for the purpose of investigating

the business, business practices, or business methods of any applicant or licensee, or of the officers, directors, partners, or associates thereof, the board shall have the power to subpoena and bring before the board any person in this state and require the production of any books, records, or papers that the board deems relative to the inquiry. A subpoena issued pursuant to this section shall be governed by this state's rules of civil procedure.

2. Any person subpoenaed who fails to obey such subpoena without reasonable cause or who without such cause refuses to be examined or to answer any legal or pertinent question as to the character or qualifications of such applicant or licensee or such applicant's or licensee's business, business practices, or methods or such violations shall be guilty of a class A misdemeanor.

3. The board may administer an oath and take the testimony of any person, or cause such person's deposition to be taken, except that any applicant 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 proceeding shall be under oath and willful. False swearing in such proceeding shall be perjury.**]**

[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.

2. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.**]**

[324.635. Any person who knowingly falsifies the fingerprints or photographs or other information requested to be

submitted pursuant to sections 324.600 to 324.635 is guilty of a class D felony. Any person who violates any other provisions of sections 324.600 to 324.635 is guilty of a class A misdemeanor.**]**

[369.304. The procedure in all hearings before the director of the division of finance shall be governed by, and conducted under, the provisions of chapter 536. The director may grant a hearing on any matter but shall be required to do so only where so directed in sections 369.010 to 369.369. Unless otherwise specifically provided by sections 369.010 to 369.369, any person who deems himself or herself aggrieved by any decision, order, or action of the director may appeal such decision and may receive a hearing before the state savings and loan commission as provided in section 369.319. All decisions of the director shall be final if not appealed to the commission as provided in section 369.319.**]**

[369.309. 1. There is created in the division of finance a "State Savings and Loan Commission" which shall have such powers and duties as are now or hereafter conferred upon it by law.

2. The commission shall consist of five members who shall be appointed by the governor. They shall be residents of this state, and one of them shall be a member of the Missouri Bar in good standing. The other members of the commission shall each have had at least five years' experience in this state as an officer or director of one or more associations. Not more than three members of the commission shall be members of the same political party.

3. The term of office of each member of the commission shall be six years. Members shall serve until their successors are duly appointed and have qualified. Each member of the state savings and loan commission shall serve for the remainder of the term for which the member was appointed to the commission. The commission shall select its own chairman and secretary. Vacancies in the commission shall be filled for the unexpired term in the same manner as in the case of an original appointment.

4. The members of the commission shall receive as compensation the sum of fifty dollars per day while discharging their duties, and they shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties.

23 5. A majority of the members of the commission shall
24 constitute a quorum and the decision of a majority of a quorum
25 shall be the decision of the commission. The commission shall
26 meet upon call of its chairman, or of the director of the division of
27 finance, or of any two members of the commission, and may meet
28 at any place in this state.**]**

[369.319. An appeal shall be perfected by filing with the
2 director of the division of finance within fifteen days after notice of
3 the director's decision is mailed, a notice of appeal stating the
4 name of the appealing party and the order or decision appealed
5 from. The director shall mail copies thereof to all interested
6 parties. Upon any such hearing the transcript of the proceedings
7 before the director or, if the decision appealed from was made
8 without a hearing, all writings used or considered by the director
9 in making such decision, shall be considered by the commission and
10 the commission may take evidence, the taking of such evidence to
11 be limited to newly discovered evidence in those appeals in which
12 there was a hearing before the director and to be governed by the
13 provisions of chapter 536. The review by the commission shall be
14 similar to that provided in appeals in equity cases in the courts of
15 this state. Decisions shall be made as provided in chapter
16 536. The costs on appeal shall include the per diem compensation
17 of the members of the commission and all such costs may be
18 assessed against parties other than the director as may be
19 determined by the commission. At least fifteen days' notice of the
20 hearing shall be given to all persons interested in the matter
21 appealed from and to the director.**]**

[630.900. 1. The director of the department of mental
2 health, in partnership with the department of health and senior
3 services and in collaboration with the departments of social
4 services, elementary and secondary education, higher education,
5 and corrections, and other appropriate agencies, organizations, and
6 institutions in the community, shall design a proposed state suicide
7 prevention plan using an evidence- based public health approach
8 focused on suicide prevention.
9 2. The plan shall include, but not be limited to:

10 (1) Promoting the use of employee assistance and workplace
11 programs to support employees with depression and other
12 psychiatric illnesses and substance abuse disorders, and refer them
13 to services. In promoting such programs, the director shall
14 collaborate with employer and professional associations, unions,
15 and safety councils;
16 (2) Promoting the use of student assistance and educational
17 programs to support students with depression and other psychiatric
18 illnesses and substance abuse disorders. In promoting such
19 programs, the director shall collaborate with educators,
20 administrators, students, and parents with emphasis on
21 identification of the risk factors associated with suicide;
22 (3) Providing training and technical assistance to local
23 public health and other community-based professionals to provide
24 for integrated implementation of best practices for preventing
25 suicides;
26 (4) Establishing a toll-free suicide prevention hotline; and
27 (5) Coordinating with federal, state, and local agencies to
28 collect, analyze, and annually issue a public report on
29 Missouri-specific data on suicide and suicidal behaviors.
30 3. The proposed state suicide prevention plan designed and
31 developed pursuant to this section shall be submitted to the
32 general assembly by December 31, 2004, and shall include any
33 recommendations regarding statutory changes and implementation
34 and funding requirements of the plan.**]**

[630.910. 1. There is hereby created within the department
2 of mental health the "Suicide Prevention Advisory Committee" to
3 be comprised of the following eighteen members:
4 (1) Six representatives from each of the following state
5 departments: mental health, health and senior services, social
6 services, elementary and secondary education, corrections, and
7 higher education;
8 (2) Ten citizen members representing suicide survivors, the
9 criminal justice system, the business community, clergy, schools,
10 youth, mental health professionals, health care providers, nonprofit
11 organizations, and a researcher to be appointed by the governor;

12 (3) One member from the house of representatives to be
13 appointed by the speaker of the house of representatives; and
14 (4) One member of the senate to be appointed by the
15 president pro tem of the senate.
16 2. The initial appointments to the advisory committee shall
17 be made by October 1, 2005. The initial ten members appointed
18 under subdivision (2) of subsection 1 of this section shall be
19 appointed as follows: four members shall be appointed for a
20 four-year term, three members shall be appointed for a three-year
21 term, and three members shall be appointed for a two-year term.
22 3. The first meeting of the advisory committee shall be
23 scheduled by the director of the department of mental health and
24 held on or before December 1, 2005. The committee shall meet at
25 least quarterly thereafter. The director of the department of
26 mental health, or the director's designee, shall be the chair of the
27 advisory committee. Each of the departments listed in subdivision
28 (1) of subsection 1 of this section shall provide staff and technical
29 support for the advisory committee.
30 4. The advisory committee shall:
31 (1) Provide oversight, technical support, and outcome
32 promotion for prevention activities;
33 (2) Develop annual goals and objectives for ongoing suicide
34 prevention efforts;
35 (3) Make information on prevention and mental health
36 intervention models available to community groups implementing
37 suicide prevention programs;
38 (4) Promote the use of outcome methods that will allow
39 comparison and evaluation of the efficacy, effectiveness, cultural
40 competence, and cost-effectiveness of plan-supported interventions,
41 including making specific recording and monitoring instruments
42 available for plan-supported projects;
43 (5) Review and recommend changes to existing or proposed
44 statutes, rules, and policies to prevent suicides; and
45 (6) Coordinate and issue a biannual report on suicide and
46 suicidal behaviors in the state using information drawn from
47 federal, state, and local sources.

5. Members of the committee shall serve without compensation but the ten citizen members may be reimbursed for any actual expenses incurred in the performance of their duties as members of the advisory committee.**]**

[630.915. 1. The department of mental health, in consultation with the department of health and senior services, shall seek funding from the Centers for Disease Control and Prevention to participate in the National Violent Death Reporting System (NVDRS) to obtain better information about violent deaths, including suicide.

2. If such funding under subsection 1 of this section is not available to the state of Missouri, on or before July 1, 2006, the department of mental health, in consultation with the department of health and senior services and subject to appropriation, shall develop a state-based reporting system based on the National Violent Death Reporting System that will provide information needed to accurately assess the factors causing violent deaths, including suicide.

3. Information obtained from this state's participation in the National Violent Death Reporting System under subsection 1 of this section or the state-based system developed under subsection 2 of this section shall be used to help answer questions regarding the magnitude, trends, and characteristics of violent deaths and assist in the evaluation and improvement of violence prevention policies and programs.

4. Information obtained under this section shall be provided to the suicide prevention advisory committee established under section 630.910.

5. Pursuant to section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after August 28, 2005, unless reauthorized by an act of the general assembly; and

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

(3) This section shall terminate on September first of the

33 calendar year immediately following the calendar year in which the
34 program authorized under this section is sunset.**]**

[701.302. 1. There is hereby established the "Advisory
2 Committee on Lead Poisoning". The members of the committee
3 shall consist of twenty-seven persons who shall be appointed by the
4 governor with the advice and consent of the senate, except as
5 otherwise provided in this subsection. At least five of the members
6 of the committee shall be African-Americans or representatives of
7 other minority groups disproportionately affected by lead
8 poisoning. The members of the committee shall include:

9 (1) The director of the department of health and senior
10 services or the director's designee, who shall serve as an ex officio
11 member;

12 (2) The director of the department of economic development
13 or the director's designee, who shall serve as an ex officio member;

14 (3) The director of the department of natural resources or
15 the director's designee, who shall serve as an ex officio member;

16 (4) The director of the department of social services or the
17 director's designee, who shall serve as an ex officio member;

18 (5) The director of the department of labor and industrial
19 relations or the director's designee, who shall serve as an ex officio
20 member;

21 (6) One member of the senate, appointed by the president
22 pro tempore of the senate, and one member of the house of
23 representatives, appointed by the speaker of the house of
24 representatives;

25 (7) A representative of the office of the attorney general,
26 who shall serve as an ex officio member;

27 (8) A member of a city council, county commission or other
28 local governmental entity;

29 (9) A representative of a community housing organization;

30 (10) A representative of property owners;

31 (11) A representative of the real estate industry;

32 (12) One representative of an appropriate public interest
33 organization and one representative of a local public health agency
34 promoting environmental health and advocating protection of

35 children's health;
36 (13) A representative of the lead industry;
37 (14) A representative of the insurance industry;
38 (15) A representative of the banking industry;
39 (16) A parent of a currently or previously lead-poisoned
40 child;
41 (17) A representative of the school boards association or an
42 employee of the department of elementary and secondary
43 education, selected by the commissioner of elementary and
44 secondary education;
45 (18) Two representatives of the lead abatement industry,
46 including one licensed lead abatement contractor and one licensed
47 lead abatement worker;
48 (19) A physician licensed under chapter 334;
49 (20) A representative of a lead testing laboratory;
50 (21) A lead inspector or risk assessor;
51 (22) The chief engineer of the department of transportation
52 or the chief engineer's designee, who shall serve as an ex officio
53 member;
54 (23) A representative of a regulated industrial business;
55 and
56 (24) A representative of a business organization.
57 2. The committee shall make recommendations relating to
58 actions to:
59 (1) Eradicate childhood lead poisoning by the year 2012;
60 (2) Screen children for lead poisoning;
61 (3) Treat and medically manage lead-poisoned children;
62 (4) Prevent lead poisoning in children;
63 (5) Maintain and increase laboratory capacity for lead
64 assessments and screening, and a quality control program for
65 laboratories;
66 (6) Abate lead problems after discovery;
67 (7) Identify additional resources, either through a tax or fee
68 structure, to implement programs necessary to address lead
69 poisoning problems and issues;
70 (8) Provide an educational program on lead poisoning for

71 the general public and health care providers;

72 (9) Determine procedures for the removal and disposal of all
73 lead contaminated waste in accordance with the Toxic Substances
74 Control Act, as amended, 42 U.S.C. 2681, et seq., solid waste and
75 hazardous waste statutes, and any other applicable federal and
76 state statutes and regulations.

77 3. The committee members shall receive no compensation
78 but shall, subject to appropriations, be reimbursed for actual and
79 necessary expenses incurred in the performance of their duties. All
80 public members and local officials shall serve for a term of two
81 years and until their successors are selected and qualified, and
82 other members shall serve for as long as they hold the office or
83 position from which they were appointed.

84 4. No later than December fifteenth of each year, the
85 committee shall provide a written annual report of its
86 recommendations for actions as required pursuant to subsection 2
87 of this section to the governor and general assembly, including any
88 legislation proposed by the committee to implement the
89 recommendations.

90 5. The committee shall submit records of its meetings to the
91 secretary of the senate and the chief clerk of the house of
92 representatives in accordance with sections 610.020 and 610.023.**]**

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