

FIRST REGULAR SESSION

HOUSE BILL NO. 880

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GUERNSEY.

1404H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 60.185, 60.195, 60.301, 60.321, 60.451, 60.510, 60.530, 60.540, 60.550, 60.560, 60.570, 60.580, 60.590, 60.595, 60.600, 60.610, 60.620, 60.653, 60.670, 236.410, 253.010, 253.035, 253.040, 253.412, 256.117, 256.605, 256.710, 258.010, 260.345, 260.365, 261.023, 278.080, 444.400, 444.410, 640.010, 640.075, and 643.173, RSMo, and to enact in lieu thereof thirty-seven new sections relating to the department of natural resources, with penalty provisions.

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

Section A. Sections 60.185, 60.195, 60.301, 60.321, 60.451, 60.510, 60.530, 60.540, 2 60.550, 60.560, 60.570, 60.580, 60.590, 60.595, 60.600, 60.610, 60.620, 60.653, 60.670, 3 236.410, 253.010, 253.035, 253.040, 253.412, 256.117, 256.605, 256.710, 258.010, 260.345, 4 260.365, 261.023, 278.080, 444.400, 444.410, 640.010, 640.075, and 643.173, RSMo, are 5 repealed and thirty-seven new sections enacted in lieu thereof, to be known as sections 60.185, 6 60.195, 60.301, 60.321, 60.451, 60.510, 60.530, 60.540, 60.550, 60.560, 60.570, 60.580, 60.590, 7 60.595, 60.600, 60.610, 60.620, 60.653, 60.670, 236.410, 253.010, 253.032, 253.035, 253.040, 8 253.412, 256.117, 256.605, 256.710, 258.010, 260.345, 260.365, 261.023, 278.080, 640.010, 9 640.075, 640.900, and 643.173, to read as follows:

60.185. The county surveyor of every county or city shall:

2 (1) Keep a fair and correct record of all surveys made by himself and his deputies, in a 3 well-bound book, with a convenient index, to be procured at the expense of the county or city 4 for that purpose, which books and indexes shall be the property of such county or city, and shall 5 be known as the county surveyor's plat book, and every such surveyor shall record in such book 6 a plat of all surveys executed by him or his deputies, within two weeks after the plat of survey

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

7 has been certified to, and such books shall be kept at the county seat or city hall and subject to
8 inspection by any person interested therein, under the supervision of the county surveyor for such
9 county or city;

10 (2) Number his surveys progressively;

11 (3) Deliver a copy of any plat of survey to any person requiring such a copy, on payment
12 of an amount equal to the fees allowed to the recorder of deeds for such a document, so long as
13 such records shall remain in his possession, and after such record shall have been deposited in
14 the office of the recorder of deeds, the recorder shall, on the request of anyone and on payment
15 of his fees for such service, deliver to such person a duly certified copy of such records under the
16 seal of his office, which shall be accepted as evidence, to all intents and purposes, as the
17 originals themselves;

18 (4) Maintain a copy of corner restoration documents as required in section 60.321 when
19 provided by the Missouri department of [natural resources] **agriculture**, and subject to
20 inspection and copying by any person interested therein during the normal office hours of the
21 county on payment of the fees allowed to the recorder for similar documents.

60.195. The several county commissions in this state are hereby authorized, in all cases
2 wherein they shall consider it to be the interest of their counties, to obtain from the Missouri
3 department of [natural resources] **agriculture** a certified copy of so much of the field notes of
4 all surveys lying within their counties, respectively, which have been and may be made by the
5 United States, as relates to the description of the township, section, fractional section, quarter
6 section and legal subdivisional corners, the variation of the needle at which the east and west
7 boundaries of township or range lines were run, the length of the north and south, as well as east
8 and west sectional lines; also, the fallings of all east and west township and sectional lines the
9 same to be filed in the office of the county surveyor of their counties, respectively.

60.301. Whenever the following words and terms are used in this chapter they shall have
2 the following meaning unless the context clearly indicates that a different meaning is intended:

3 (1) "Corners of the United States public land survey", those points that determine the
4 boundaries of the various subdivisions represented on the official plat such as the township
5 corner, the section corner, the quarter-section corner, grant corner and meander corner;

6 (2) "Existent corner", a corner whose position can be identified by verifying the evidence
7 of the original monument or its accessories, or by some physical evidence described in the field
8 notes, or located by an acceptable supplemental survey record or some physical evidence thereof,
9 or by testimony. The physical evidence of a corner may have been entirely obliterated but the
10 corner will be considered existent if its position can be recovered through the testimony of one
11 or more witnesses who have a dependable knowledge of the original location. A legally
12 reestablished corner shall have the same status as an existent corner;

13 (3) "Lost corner", a corner whose position cannot be determined, beyond reasonable
14 doubt, either from traces of the original marks or from acceptable evidence or testimony that
15 bears upon the original position;

16 (4) "Monument", the physical object which marks the corner point determined by the
17 surveying process. The accessories, such as bearing trees, bearing objects, reference monuments,
18 mounds of stone and other similar objects that aid in identifying the corner position, are also
19 considered a part of a corner monument;

20 (5) "Obliterated, decayed or destroyed corner", an existent corner at whose point there
21 are no remaining traces of the original monument or its accessories, but whose location has been
22 perpetuated by subsequent surveys, or the point may be recovered beyond reasonable doubt by
23 the acts and testimony of local residents, competent surveyors, other qualified local authorities
24 or witnesses, or by some acceptable record evidence. A position that depends upon the use of
25 collateral evidence can be accepted only if duly supported, generally through proper relation to
26 known corners, and agreement with the field notes regarding distances to natural objects, stream
27 crossings, line trees, etc., or unquestionable testimony;

28 (6) "Original government survey", that survey executed under the authority of the United
29 States government as recorded on the official plats and field notes of the United States public
30 land survey maintained by the Missouri department of [natural resources] **agriculture**;

31 (7) "Proportionate measurement", a measurement of a line that gives equal relative
32 weight to all parts of the line. The excess or deficiency between two existent corners is so
33 distributed that the amount of excess or deficiency given to each interval bears the same
34 proportion to the whole difference as the record length of the interval bears to the whole record
35 distance:

36 (a) "Single proportionate measurement", a measurement of a line applied to a new
37 measurement made between known points on a line to determine one or more positions on that
38 line;

39 (b) "Double proportionate measurement", a measurement applied to a new measurement
40 made between four known corners, two each on intersecting meridional and latitudinal lines, for
41 the purpose of relating the intersection to both. The procedure is described as follows: First,
42 measurements will be made between the nearest existent corners north and south of the lost
43 corner. A temporary point will be determined to locate the latitude of the lost corner on the
44 straight line connecting the existent corners and at the proper proportionate distance. Second,
45 measurements will be made between the nearest existent corners east and west of the lost corner.
46 A temporary point will be determined to locate the longitude of the lost corner on the straight
47 line connecting the existent corners and at the proportionate distance. Third, determine the
48 location of the lost corner at the intersection of an east-west line through the point determining

49 the latitude of the lost corner with a north-south line through the point determining the longitude
50 of the lost corner. When the total length of the line between the nearest existing corners was not
51 measured in the original government survey, the record distance from one existing corner to the
52 lost corner will be used instead of the proportionate distance. This exception will apply to either
53 or both of the east-west or north-south lines;

54 (8) "Record distance", the distance or length as shown on the original government
55 survey. In determining record distances, consideration shall be given as to whether the distance
56 was measured on a random or true line.

60.321. For the purpose of perpetuating the corners of the United States public land
2 survey, every surveyor who reestablishes a lost corner or restores an existent corner shall
3 monument the corner and shall file an instrument showing such reestablishment or restoration
4 with the Missouri department of [natural resources] **agriculture**, in accordance with the
5 specifications and procedures adopted by the Missouri department of [natural resources]
6 **agriculture**. Any surveyor who willfully and knowingly fails to perpetuate corners in
7 accordance with this section is guilty of misconduct in the practice of land surveying.

60.451. 1. For the purpose of more precisely defining the Missouri coordinate system
2 of 1927, the following definition by the United States Coast and Geodetic Survey is adopted:

3 (1) The Missouri coordinate system of 1927, east zone, is a transverse Mercator
4 projection of the Clarke spheroid of 1866, having a central meridian 90 degrees -- 30 minutes
5 west of Greenwich, on which meridian the scale is set at one part in fifteen thousand too small.
6 The origin of coordinates is at the intersection of the meridian 90 degrees -- 30 minutes west of
7 Greenwich and the parallel 35 degrees -- 50 minutes north latitude. This origin is given the
8 coordinates: $x = 500,000$ feet and $y = 0$ feet;

9 (2) The Missouri coordinate system of 1927, central zone, is a transverse Mercator
10 projection of the Clarke spheroid of 1866, having a central meridian 92 degrees -- 30 minutes
11 west of Greenwich, on which meridian the scale is set at one part in fifteen thousand too small.
12 The origin of coordinates is at the intersection of the meridian 92 degrees -- 30 minutes west of
13 Greenwich and the parallel of 35 degrees -- 50 minutes north latitude. This origin is given the
14 coordinates: $x = 500,000$ feet and $y = 0$ feet;

15 (3) The Missouri coordinate system of 1927, west zone, is a transverse Mercator
16 projection of the Clarke spheroid of 1866, having a central meridian 94 degrees -- 30 minutes
17 west of Greenwich, on which meridian the scale is set at one part in seventeen thousand too
18 small. The origin of coordinates is at the intersection of the meridian 94 degrees -- 30 minutes
19 west of Greenwich and the parallel 36 degrees -- 10 minutes north latitude. This origin is given
20 the coordinates: $x = 500,000$ feet and $y = 0$ feet.

21 2. For purposes of more precisely defining the Missouri coordinate system of 1983, the
22 following definition by the National Ocean Survey/National Geodetic Survey is adopted:

23 (1) The Missouri coordinate system 1983, east zone, is a transverse Mercator projection
24 of the North American Datum of 1983 having a central meridian 90 degrees -- 30 minutes west
25 of Greenwich, on which meridian the scale is set at one part in fifteen thousand too small. The
26 origin of coordinates is at the intersection of the meridian 90 degrees -- 30 minutes west of
27 Greenwich and the parallel 35 degrees -- 50 minutes north latitude. This origin is given the
28 coordinates: $x = 250,000$ meters and $y = 0$ meters;

29 (2) The Missouri coordinate system 1983, central zone, is a transverse Mercator
30 projection of the North American Datum of 1983 having a central meridian 92 degrees -- 30
31 minutes west of Greenwich, on which meridian the scale is set at one part in fifteen thousand too
32 small. The origin of coordinates is at the intersection of the meridian 92 degrees -- 30 minutes
33 west of Greenwich and the parallel of 35 degrees -- 50 minutes north latitude. This origin is
34 given the coordinates: $x = 500,000$ meters and $y = 0$ meters;

35 (3) The Missouri coordinate system 1983, west zone, is a transverse Mercator projection
36 of the North American Datum of 1983 having a central meridian 94 degrees -- 30 minutes west
37 of Greenwich, on which meridian the scale is set at one part in seventeen thousand too small.
38 The origin of coordinates is at the intersection of the meridian 94 degrees -- 30 minutes west of
39 Greenwich and the parallel 36 degrees -- 10 minutes north latitude. This origin is given the
40 coordinates: $x = 850,000$ meters and $y = 0$ meters.

41 3. The position of either Missouri coordinate system shall be as marked on the ground
42 by horizontal control stations established in conformity with the standards adopted by the
43 department of [natural resources] **agriculture** for first-order and second-order work, whose
44 geodetic positions have been rigidly adjusted on the appropriate datum and whose coordinates
45 have been computed on the system defined in this section. Any such station may be used for
46 establishing a survey connection with the Missouri coordinate system.

 60.510. The functions, duties and responsibilities of the department of [natural
2 resources] **agriculture** shall be as follows:

3 (1) To restore, maintain, and preserve the land survey monuments, section corners, and
4 quarter section corners established by the United States public land survey within Missouri,
5 together with all pertinent field notes, plats and documents; and also to restore, establish,
6 maintain, and preserve Missouri state and county boundary markers and other boundary markers
7 considered by the department of [natural resources] **agriculture** to be of importance, or
8 otherwise established by law;

9 (2) To design and cause to be placed at established public land survey corner sites, where
10 practical, substantial monuments permanently indicating, with words and figures, the exact

11 location involved, but if such monuments cannot be placed at the exact corner point, then witness
12 corners of similar design shall be placed as near by as possible, with words and figures indicating
13 the bearing and distance to the true corner;

14 (3) To establish, maintain, and provide safe storage facilities for a comprehensive system
15 of recordation of information respecting all monuments established by the United States public
16 land survey within this state, and such records as may be pertinent to the department of [natural
17 resources] **agriculture's** establishment or maintenance of other land corners, Missouri state
18 coordinate system stations and accessories, and survey monuments in general;

19 (4) To provide the framework for all geodetic positioning activities in the state. The
20 foundational elements include latitude, longitude, and elevation which contribute to informed
21 decision making and impact on a wide range of important activities including mapping and
22 geographic information systems, flood risk determination, transportation, land use and ecosystem
23 management and use of the Missouri state coordinate system, as established by sections 60.401
24 to 60.491;

25 (5) To collect and preserve information obtained from surveys made by those authorized
26 to establish land monuments or land boundaries, and to assist in the proper recording of the same
27 by the duly constituted county officials, or otherwise;

28 (6) To furnish, upon reasonable request and tender of the required fees therefor, certified
29 copies of records created or maintained by the department of [natural resources] **agriculture**
30 which, when certified by the state land surveyor or a designated assistant, shall be admissible in
31 evidence in any court in this state, as the original record; and

32 (7) To prescribe, and disseminate to those engaged in the business of land surveying,
33 regulations designed to assist in uniform and professional surveying methods and standards in
34 this state.

60.530. The state land surveyor shall, under guidance of the department of [natural
2 resources] **agriculture** and with the recommendation of the land survey commission, carry out
3 the routine functions and duties of the department of [natural resources] **agriculture**, as
4 prescribed in sections 60.510 to 60.620 and section 60.670. He or she shall, whenever practical,
5 cause all land surveys, except geodetic surveys, to be executed, under his or her direction by the
6 registered county surveyor or a local registered land surveyor when no registered county surveyor
7 exists. He or she shall perform such other work and acts as shall, in the judgment of the
8 department of [natural resources] **agriculture** and with the recommendation of the land survey
9 commission, be necessary and proper to carry out the objectives of sections 60.510 to 60.620 and
10 section 60.670 and, within the limits of appropriations made therefor and subject to the approval
11 of the department of [natural resources] **agriculture** and the state merit system, employ and fix

12 the compensation of such additional employees as may be necessary to carry out the provisions
13 of sections 60.510 to 60.620 and section 60.670.

60.540. The department of [natural resources] **agriculture** may acquire, in the name of
2 the state of Missouri, lands or interests therein, where necessary, to establish permanent control
3 stations; and may lease or purchase or acquire by negotiation or condemnation, where necessary,
4 land for the establishment of an office of the land survey program of the department of [natural
5 resources] **agriculture**. If condemnation is necessary, the attorney general shall bring the suit
6 in the name of the state in the same manner as authorized by law for the acquisition of lands by
7 the state transportation department.

60.550. The custody and ownership of the original United States public land survey
2 corners and accessories, including all restoration and replacements thereof and all accessories,
3 belonging to the state of Missouri is hereby transferred to the department of [natural resources]
4 **agriculture**. The department of [natural resources] **agriculture** shall see that the markers are
5 maintained, and the alteration, removal, disfiguration or destruction of any of the corners or
6 accessories, without specific permission of the department of [natural resources] **agriculture**,
7 is an act of destruction of state property and is a misdemeanor. Any person convicted thereof
8 shall be punished as provided by law. Each of the several prosecuting attorneys is specifically
9 directed to prosecute for the violation of this section for any act of destruction which occurs in
10 his county.

60.560. Upon their request, the state attorney general shall advise the land survey
2 commission or the department of [natural resources] **agriculture** or the state land surveyor with
3 respect to any legal matter, and shall represent the land survey commission or department of
4 [natural resources] **agriculture** in any proceeding in any court of the state in which the land
5 survey commission or land survey program shall be a party.

60.570. The permanent headquarters of the land survey program shall be at or near to the
2 principal office of the Missouri state geological survey. Until such time as other headquarters
3 can be obtained by the land survey program, the state geologist shall assign such space in the
4 state geological survey building as may be available. **If the land survey program
5 headquarters are located in any building owned by a state agency or department, the land
6 survey program shall not be liable to that agency or department for rent or any other costs
7 associated with the office space.** The land survey program may also establish and maintain
8 regional offices in the metropolitan areas of the state for the storage and distribution of local
9 survey record information.

60.580. The state land surveyor or any and all employees of the department of [natural
2 resources] **agriculture** have the right to enter upon private property for the purpose of making
3 surveys, or for searching for, locating, relocating, or remonumenting land monuments, leveling

4 stations, or section corners. Should any of these persons necessarily damage property of the
5 owner in making the surveys or searches or remonumentations, the department of [natural
6 resources] **agriculture** may make reasonable payment for the damage from funds available for
7 that purpose. However, department of [natural resources] **agriculture** employees are personally
8 liable for any damage caused by their wantonness, willfulness or negligence. All department of
9 [natural resources] **agriculture** employees are immune from arrest for trespass in performing
10 their legal duties as stated in sections 60.510 to 60.620 and section 60.670.

60.590. 1. On request of the department of [natural resources] **agriculture** or the state
2 land surveyor, all city and county recorders of deeds, together with all departments, boards or
3 agencies of state government, county, or city government, shall furnish to the department of
4 [natural resources] **agriculture** or the state land surveyor certified copies of desired records
5 which are in their custody. This service shall be free of cost when possible; otherwise, it shall
6 be at actual cost of reproduction of the records. On the same basis of cost, the department of
7 [natural resources] **agriculture** shall furnish records within its custody to other agencies or
8 departments of state, county or city, certifying them.

9 2. The department of [natural resources] **agriculture** may produce, reproduce and sell
10 maps, plats, reports, studies, and records, and the commission shall recommend to the
11 department of [natural resources] **agriculture** the charges therefor. All income received shall
12 be promptly deposited in the state treasury to the credit of the department of [natural resources]
13 **agriculture** document services fund.

60.595. 1. The "Department of [Natural Resources] **Agriculture** Revolving Services
2 Fund" is hereby created. All funds received by the department of [natural resources] **agriculture**
3 from the delivery of services and the sale or resale of maps, plats, reports, studies, records and
4 other publications and documents and surveying information, on paper or in electronic format,
5 by the department shall be credited to the fund. The director of the department shall administer
6 the fund. The state treasurer is the custodian of the fund and shall approve disbursements from
7 the fund requested by the director of the department. When appropriated, moneys in the fund
8 shall be used to purchase goods, equipment, hardware and software, maintenance and licenses,
9 software and database development and maintenance, personal services, and other services that
10 will ultimately be used to provide copies of information maintained or provided by the land
11 survey program, reprint maps, publications or other documents requested by governmental
12 agencies or members of the general public; to publish the maps, publications or other documents
13 or to purchase maps, publications or other documents for resale; and to pay shipping charges,
14 laboratory services, core library fees, workshop fees, conference fees, interdivisional cooperative
15 agreements, but for no other purpose.

16 2. An unencumbered balance in the fund at the end of the fiscal year not exceeding one
17 million dollars is exempt from the provisions of section 33.080 relating to the transfer of
18 unexpended balances to the general revenue fund.

19 3. The department of [natural resources] **agriculture** shall report all income to and
20 expenditures from such fund on a quarterly basis to the house budget committee and the senate
21 appropriations committee.

 60.600. Every employee of the department of [natural resources] **agriculture** who is
2 engaged in work required by law to be done by a registered land surveyor will be so registered.
3 No employee of the department of [natural resources] **agriculture** shall engage in private land
4 surveying or consultation while employed by the department of [natural resources] **agriculture**.

 60.610. Whenever the department of [natural resources] **agriculture** deems it expedient,
2 and when funds appropriated permit, the department of [natural resources] **agriculture** may enter
3 into any contract with agencies of the United States, with agencies of other states, or with private
4 persons, registered land surveyors or professional engineers, in order to plan and execute desired
5 land surveys or geodetic surveys, or to plan and execute other projects which are within the scope
6 and purpose of sections 60.510 to 60.620 and section 60.670.

 60.620. 1. There is hereby created the "Land Survey Commission", within the
2 department of [natural resources] **agriculture**. The commission shall consist of seven members,
3 six of whom shall be appointed by the governor. Members shall reside in this state. Members
4 of the commission shall hold office for terms of three years, but of the original appointments,
5 two members shall serve for one year, two members shall serve for two years, and two members
6 shall serve for three years. Members may serve only three consecutive terms on the commission.

7 2. The land survey commission shall consist of the following persons:

8 (1) [Four] **Five** members who shall be registered land surveyors, [one] **three** of which
9 shall be [a county surveyor] **from third class counties**;

10 (2) One member who shall represent the real estate or land title industry;

11 (3) One member who shall represent the public and have an interest in and knowledge
12 of land surveying; and

13 (4) The director of the department of [natural resources] **agriculture** or his or her
14 designee.

15

16 The members in subdivisions (1) to (3) of this subsection shall be appointed by the governor with
17 advice and consent of the senate and each shall serve until his or her successor is duly appointed.

18 3. The land survey commission shall elect a chairman annually. The commission shall
19 meet semiannually and at other such times as called by the chairman of the commission and shall
20 have a quorum when at least four members are present.

21 4. The land survey commission members shall serve without compensation but shall be
22 reimbursed for actual and necessary expenses incurred in the performance of their official duties.

23 5. The land survey commission shall provide the director of the department of [natural
24 resources] **agriculture** and the state land surveyor with recommendations on the operation and
25 the planning and prioritization of the land survey program and the design of regulations needed
26 to carry out the functions, duties, and responsibilities of the department of [natural resources]
27 **agriculture** in sections 60.510 to 60.620 and section 60.670.

28 6. The land survey commission shall recommend to the department of [natural resources]
29 **agriculture**:

30 (1) A person to be selected and appointed state land surveyor, who shall be the chief
31 administrative officer of the land survey program. The state land surveyor shall be selected
32 under the state merit system on the basis of professional experience and registration;

33 (2) Prioritization and execution of projects which are within the scope and purpose of
34 sections 60.510 to 60.620 and section 60.670;

35 (3) Prioritization and selection of public land survey corner monuments to be
36 reestablished through the county cooperative contracts in accordance with sections 8.285 to
37 8.291; and

38 (4) Approval of all other contracts for the planning and execution of projects which are
39 within the scope and purpose of sections 60.510 to 60.620 and section 60.670 and in accordance
40 with sections 8.285 to 8.291.

41 7. The commission shall, at least annually, prepare a report, which shall be available to
42 the general public, of the review by the commission of the land survey program, stating its
43 findings, conclusions, and recommendations to the director.

44 8. By December 1, 2013, the commission shall provide a report to the department of
45 [natural resources] **agriculture** and general assembly that recommends the appropriate
46 administrative or overhead cost rate that will be charged to the program, where such cost rate
47 shall include all indirect services provided by the division of geology and land survey,
48 department of [natural resources] **agriculture**, and office of administration.

60.653. 1. It shall be the duty of the recorder of deeds to maintain a copy of all survey
2 plats delivered to his custody in an appropriate file medium capable of reproduction.

3 2. Survey plats shall be placed in the plat books or such other record books as have been
4 previously established.

5 3. A duplicate of the recorded survey plat shall be provided to the land survey division
6 of the department of [natural resources] **agriculture** at an amount not to exceed the actual cost
7 of the duplicate.

8 4. The recorder shall maintain an index of all survey plats, subdivision plats, and
9 condominium plats by section, township, and range and by subdivision or condominium name.

10 5. Copies of survey plats shall be evidence in all courts of justice when properly certified
11 under the hand and official seal of the recorder.

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

2 (1) "Cadastral parcel mapping", an accurately delineated identification of all real
3 property parcels. The cadastral map is based upon the USPLSS. For cadastral parcel maps the
4 position of the legal framework is derived from the USPLSS, existing tax maps, and tax database
5 legal descriptions, recorded deeds, recorded surveys, and recorded subdivision plats;

6 (2) "Digital cadastral parcel mapping", encompasses the concepts of automated mapping,
7 graphic display and output, data analysis, and database management as pertains to cadastral
8 parcel mapping. Digital cadastral parcel mapping systems consist of hardware, software, data,
9 people, organizations, and institutional arrangements for collecting, storing, analyzing, and
10 disseminating information about the location and areas of parcels and the USPLSS;

11 (3) "USPLSS" or "United States Public Land Survey System", a survey executed under
12 the authority of the United States government as recorded on the official plats and field notes of
13 the United States public land survey maintained by the land survey program of the department
14 of [natural resources] **agriculture**;

15 (4) "Tax map", a document or map for taxation purposes representing the location,
16 dimensions, and other relevant information pertaining to a parcel of land subject to property
17 taxes.

18 2. The office of the state land surveyor established within the department of [natural
19 resources] **agriculture** shall promulgate rules and regulations establishing minimum standards
20 for digital cadastral parcel mapping. Any rule or portion of a rule, as that term is defined in
21 section 536.010, that is created under the authority delegated in this section shall become
22 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
23 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the
24 powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective
25 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of
26 rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid
27 and void.

28 3. Any map designed and used to reflect legal property descriptions or boundaries for
29 use in a digital cadastral mapping system shall comply with the rules promulgated under this
30 section, unless the party requesting the map specifies otherwise in writing, the map was designed
31 and in use prior to the promulgation of the rules, or the parties requesting and designing the map
32 have already agreed to the terms of their contract on the effective date of the rules promulgation.

236.410. 1. There is hereby created a "Dam and Reservoir Safety Council", whose
2 domicile for the purposes of sections 236.400 to 236.500 shall be the department of natural
3 resources of the state of Missouri, for the regulation of dam and reservoir safety. The council
4 shall consist of seven members, no more than four of whom shall be members of the same
5 political party, appointed by the governor with the advice and consent of the senate.

6 2. The members of the council shall have a background of academic training or
7 professional experience directly related to the design of dams and reservoirs. At least two
8 members of the council shall be professional engineers registered in the state of Missouri, one
9 of whom shall represent the general public; at least one member shall be an engineering
10 geologist; at least one member, in addition to the professional engineer, shall be a representative
11 of the general public; two members shall be from industry, one of whom shall be earthmoving
12 contractors; and one member shall be the owner of a dam or reservoir. **There shall be one**
13 **member from each of the five United States congressional districts in this state with the**
14 **highest number of dams.** The members shall serve for a term of two years; except, of the first
15 appointments three shall be appointed for one year. The governor shall fill any vacancy on the
16 council and may remove any appointed member for cause. The council shall annually elect a
17 chairman and vice chairman from among its members. The council shall meet regularly but not
18 less than quarterly. Special meetings and hearings may be called upon delivery of written notice
19 to each member of the council signed by the director, the chief engineer, the council chairman
20 or four of the council members. Four members of the council shall constitute a quorum to
21 transact the business of the council. The council shall decide all questions by a majority vote of
22 those present and constituting a quorum. The members of this council shall not receive any
23 compensations other than for actual travel and subsistence when acting officially as members of
24 the council. **The council shall prepare and present an annual report to the general**
25 **assembly by December thirty-first of each year.**

253.010. As used in this chapter, the following words shall mean:

- 2 (1) **"Commission", the Missouri state parks commission;**
3 (2) "Department", the department of natural resources;
4 [(2)] (3) "Land", upland, land under water, the water itself and every estate, interest and
5 right, legal or equitable in land or water;
6 [(3)] (4) "Park", any land, site or object primarily of recreational value or of cultural
7 value because of its scenic, historic, prehistoric, archeologic, scientific, or other distinctive
8 characteristics or natural features;
9 [(4)] (5) "Parkway", an elongated area of parkland, usually contiguous to a pleasure
10 driveway and often containing recreational areas.

253.032. 1. All powers, functions and duties of the Missouri state park board established by executive order 86-26 shall be transferred to the “Missouri State Parks Commission” which is hereby created.

2. The Missouri state parks commission shall formulate policies and general programs for all matters relating to the acquisition, development, and operation of the Missouri state park system. The commission shall receive and allocate or otherwise expend for the use or benefit of Missouri parks any funds appropriated by the general assembly or received from any other source for the use or benefit of such parks.

3. The state parks commission shall be composed of one member from each of the state’s United States congressional districts, the director of the department of natural resources, and the chairman of the state soil and water districts commission. The members from each of the state’s congressional districts shall be appointed by the governor of Missouri with the advice and consent of the senate, and not more than four of such members shall be from the same political party. Of the members first appointed, two members shall be appointed for a term of one year; three members shall be appointed for a term of two years; and three members shall be appointed for a term of three years. Each member subsequently appointed shall be appointed for a term of three years from the date of the expiration of the term for which his or her predecessor was appointed, except that any person appointed to fill a vacancy occurring prior to the expiration of the term for which his or her predecessor was appointed shall serve for the unexpired term of such predecessor. All members shall continue in office until the successors have been duly appointed and qualified. If any member vacates his or her position for any reason prior to the expiration of such term, the governor shall appoint a member to serve for the remainder of the unexpired term.

4. At its first meeting in each calendar year, the state parks commission shall select from its current members a chairman, who shall serve one year and until his successor is selected. The commission shall meet as often as necessary but not fewer than six times per year. The commission may hold meetings in any part of the state. Meetings shall be held at the request of the chairman, the director of the department of natural resources, or at the request of six members of the commission. A majority of the commission shall constitute a quorum for the transaction of business.

5. The commission may, when it deems necessary or at the request of the director of the department of natural resources, conduct a public hearing on a matter or matters under consideration. Such hearing shall be held at a time and place deemed by the commission to be appropriate, but only after due public notice.

36 **6. The commission shall prepare an annual report containing the current**
37 **conditions of the state park system and recommending future improvements which may**
38 **be necessary. The annual report shall be sent to the governor and members of the general**
39 **assembly and be made available to the general public.**

40 **7. The Missouri trails advisory board within the department of natural resources**
41 **shall report to the state parks commission.**

 253.035. 1. The [director of the department of natural resources] state parks commission
2 may make and promulgate all reasonable rules and regulations necessary for the proper
3 maintenance, improvement, acquisition and preservation of all state parks.

4 2. The rules and regulations of the [director] **commission** not relating to its organization
5 and internal management shall become effective not less than ten days after being filed with the
6 secretary of state, as provided in chapter 536. No rule or portion of a rule promulgated under the
7 authority of this chapter shall become effective unless it has been promulgated pursuant to the
8 provisions of section 536.024.

9 3. Any person who shall violate a rule issued pursuant to subsection 2 of this section
10 pertaining to the conduct of park visitors or the use by the public of park facilities shall be
11 subject to removal from a state park and shall be subject to other punishment as otherwise
12 provided by law.

 253.040. 1. The department of natural resources **in conjunction with the state parks**
2 **commission** is hereby authorized to accept or acquire by purchase, lease, donation, agreement
3 or eminent domain, any lands, or rights in lands, sites, objects or facilities which in its opinion
4 should be held, preserved, improved and maintained for park or parkway purposes. The
5 department of natural resources is authorized to improve, maintain, operate and regulate any such
6 lands, sites, objects or facilities when such action would promote the park program and the
7 general welfare. The department of natural resources is further authorized to accept gifts,
8 bequests or contributions of money or other real or personal property to be expended for any of
9 the purposes of sections 253.010 to 253.100; except that any contributions of money to the
10 department of natural resources shall be deposited with the state treasurer to the credit of the
11 state park earnings fund and expended upon authorization of the department of natural resources
12 for the purposes of sections 253.010 to 253.100 and for no other purposes.

13 2. In the event the right of eminent domain be exercised, it shall be exercised in the same
14 manner as now or hereafter provided for the exercise of eminent domain by the state highways
15 and transportation commission.

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

4 **The Missouri advisory council on historic preservation shall report to the Missouri state**
5 **parks commission under section 253.032.**

256.117. 1. Funds from department of [natural resources document services]
2 **agriculture revolving services** fund created in section 60.595 may be used to purchase, acquire
3 and copy maps described in sections 256.112 to 256.117, as well as all services necessary for the
4 operation of the map repository.

5 2. All funds from the sale of maps and products from the mine map repository shall be
6 deposited in the department of [natural resources document services] **agriculture revolving**
7 **services** fund created in section 60.595.

256.605. 1. The "Well Installation Board" is hereby established **within the safe**
2 **drinking water commission**, which shall be composed of nine members. Appointment to the
3 board shall be made without regard to race, creed, sex, religion, or national origin of the
4 appointees. Each member shall be a resident of the state and be conversant in well drilling,
5 completion, and plugging methods and techniques.

6 2. Four members of the board shall hold valid permits under sections 256.600 to
7 256.640. Two of these shall hold permits as well installation contractors, one shall hold a permit
8 as a heat pump installation contractor and as a well installation contractor and one shall hold a
9 permit as a monitoring well installation contractor and as a well installation contractor. Four
10 shall be public members, one of these shall be a public water supply district user and one shall
11 be a private well user. The director of the department or his designee shall serve as a member
12 of the board. Board members shall serve four-year terms except that two of the first appointed
13 public members and two of the first appointed members holding valid permits shall be appointed
14 to two-year terms. Members shall be appointed by the governor with the advice and consent of
15 the senate and each shall serve until his successor is duly appointed and qualified. Vacancies
16 shall be filled by appointment for the unexpired term. Any member who fails to attend at least
17 seventy-five percent of the regular board meetings in any one year, at the discretion of the board,
18 shall be deemed to have resigned. Members shall be reimbursed for actual and necessary
19 expenses incurred in the performance of their official duties while in attendance at board
20 meetings out of appropriations made for that purpose.

21 3. A member shall not be employed by or own an interest in a company, firm, or business
22 association which employs another member of the board or in which another member owns an
23 interest, if the company, firm, or business association is engaged in any phase of the well drilling,
24 pump installation, heat pump or monitoring well business.

25 4. Except for industry members, no member shall receive, or shall have received during
26 the previous two years, income derived directly or indirectly from any permittee or applicant
27 under sections 256.600 to 256.640.

28 5. The board shall meet on a quarterly basis, and special meetings may be called when
29 deemed necessary by the division. A majority of the board is a quorum for conducting business.
30 The board shall elect a chairman by a majority vote at the first meeting each year.

 256.710. 1. There is hereby created an advisory council to the state geologist known as
2 the "Industrial Minerals Advisory Council". The council shall be composed of nine members
3 as follows:

- 4 (1) The director of the department of transportation or his or her designee;
- 5 (2) Eight representatives of the following industries appointed by the director of the
6 department of natural resources:
 - 7 (a) Three representing the limestone quarry operators;
 - 8 (b) One representing the clay mining industry;
 - 9 (c) One representing the sandstone mining industry;
 - 10 (d) One representing the sand and gravel mining industry;
 - 11 (e) One representing the barite mining industry; and
 - 12 (f) One representing the granite mining industry.

13 The director of the department of natural resources or his or her designee shall act as chairperson
14 of the council and convene the council as needed.

15 2. The advisory council shall:

- 16 (1) Meet at least once each year;
- 17 (2) Annually review with the state geologist the income received and expenditures made
18 under sections 256.700 and 256.705;
- 19 (3) Consider all information and advise the director of the department of natural
20 resources in determining the method and amount of fees to be assessed;
- 21 (4) In performing its duties under this subsection, represent the best interests of the
22 Missouri mining industry;
- 23 (5) Serve in an advisory capacity in all matters pertaining to the administration of this
24 section and section 256.700;
- 25 (6) Serve in an advisory capacity in all other matters brought before the council by the
26 director of the department of natural resources; **and**
- 27 **(7) Prepare and present an annual report to the general assembly by December**
28 **thirty-first of each year.**

29 3. All members of the advisory council, with the exception of the director of the
30 department of transportation or his or her designee who shall serve indefinitely, shall serve for
31 terms of three years and until their successors are duly appointed and qualified; except that, of
32 the members first appointed:

33 (1) One member who represents the limestone quarry operators, the representative of the
34 clay mining industry, and the representative of the sandstone mining industry shall serve terms
35 of three years;

36 (2) One member who represents the limestone quarry operators, the representative of the
37 sand and gravel mining industry, and the representative of the barite mining industry shall serve
38 terms of two years; and

39 (3) One member who represents the limestone quarry operators, and the representative
40 of the granite mining industry shall serve a term of one year.

41 4. All members shall be residents of this state. Any member may be reappointed.

42 5. All members shall be reimbursed for reasonable expenses incurred in the performance
43 of their official duties in accordance with the reimbursement policy set by the director. All
44 reimbursements paid under this section shall be paid from fees collected under section 256.700.

45 6. Every vacancy on the advisory council shall be filled by the director of the department
46 of natural resources. The person selected to fill any such vacancy shall possess the same
47 qualifications required by this section as the member he or she replaces and shall serve until the
48 end of the unexpired term of his or her predecessor.

258.010. 1. There shall be a "State Interagency Council for Outdoor Recreation"
2 composed of the following state agencies:

- 3 (1) Department of agriculture;
- 4 (2) Office of administration;
- 5 (3) Department of social services;
- 6 (4) Department of economic development;
- 7 (5) Department of conservation;
- 8 (6) Department of natural resources;
- 9 (7) Department of transportation;
- 10 (8) University of Missouri.

11 2. The department of natural resources shall provide all staff support and office space
12 for the council.

13 **3. The state interagency council for outdoor recreation shall report to the Missouri**
14 **state parks commission under section 253.032.**

260.345. A state "Solid Waste Advisory Board" is created within the [department of
2 natural resources] **hazardous waste management commission**. The advisory board shall be
3 composed of [the chairman of the executive board of each of the solid waste management
4 districts and other members as provided in this section. Up to five additional members shall be
5 appointed by the director of which two members shall represent the solid waste management
6 industry and have an economic interest in or activity with any solid waste facility or operation,

7 one member may represent the solid waste composting or recycling industry businesses, and the
8 remaining members shall be public members who have demonstrated interest in solid waste
9 management issues and shall have no economic interest in or activity with any solid waste
10 facility or operation but may own stock in a publicly traded corporation which may be involved
11 in waste management as long as such holdings are not substantial] **one member from each of**
12 **the state's United States congressional districts, to be confirmed by the senate. One**
13 **member of the solid waste advisory board shall be elected to serve as a voting member of**
14 **the hazardous waste management commission.** The advisory board shall advise the
15 [department] **commission** regarding:

- 16 (1) The efficacy of its technical assistance program;
- 17 (2) Solid waste management problems experienced by solid waste management districts;
- 18 (3) The effects of proposed rules and regulations upon solid waste management within
19 the districts;
- 20 (4) Criteria to be used in awarding grants pursuant to section 260.335;
- 21 (5) Waste management issues pertinent to the districts;
- 22 (6) The development of improved methods of solid waste minimization, recycling and
23 resource recovery; and
- 24 (7) Such other matters as the advisory board may determine.

260.365. 1. There is hereby created a hazardous waste management agency to be known
2 as the "Hazardous Waste Management Commission of the State of Missouri", whose domicile
3 for the purpose of sections 260.350 to 260.430 shall be deemed to be that of the department of
4 natural resources of the state of Missouri. The commission shall consist of seven members
5 appointed by the governor with the advice and consent of the senate. **One of the members shall**
6 **be a member of the solid waste advisory board.** No more than four members shall belong to
7 the same political party. All members shall be representative of the general interest of the public
8 and shall have an interest in and knowledge of waste management and the effects of improper
9 waste management on health and the environment and shall serve in a manner consistent with
10 the purposes of sections 260.350 to 260.430. Three of the members, but no more than three, one
11 for each interest, shall be knowledgeable of and may be employed in agriculture, the waste
12 generating industry and the waste management industry. Except for the industry members, no
13 member shall receive, or have received during the previous two years, a significant portion of
14 income directly or indirectly from any license or permit holder or applicant for license or permit
15 under any waste management act. At the first meeting of the commission and annually
16 thereafter, the members shall select from among themselves a chairman and a vice chairman.
17 Prior to any vote on any variance, appeal or order, they shall adopt a voting rule to exclude from
18 such vote any member with a conflict of interest with respect to the matter at issue.

19 2. The members' terms of office shall be four years and until their successors are selected
20 and qualified, except that, of those first appointed, three shall have a term of three years, two
21 shall have a term of two years and two shall have a term of one year as designated by the
22 governor at the time of appointment. There is no limitation on the number of terms any
23 appointed member may serve. If a vacancy occurs the governor may appoint a member for the
24 remaining portion of the unexpired term created by the vacancy. The governor may remove any
25 appointed member for cause. The members of the commission shall be reimbursed for actual
26 and necessary expenses incurred in the performance of their duties, and shall receive fifty dollars
27 per day for each day spent in the performance of their official duties while in attendance at
28 regular commission meetings.

29 3. The commission shall hold at least four regular meetings each year and such additional
30 meetings as the chairman deems desirable at a place and time to be fixed by the chairman.
31 Special meetings may be called by three members of the commission upon delivery of written
32 notice to each member of the commission. Reasonable written notice of all meetings shall be
33 given by the department to all members of the commission. Four members of the commission
34 shall constitute a quorum. All powers and duties conferred upon members of the commission
35 shall be exercised personally by the members and not by alternates or representatives. All
36 actions of the commission shall be taken at meetings open to the public. Any member absent
37 from four consecutive regular commission meetings for any cause whatsoever shall be deemed
38 to have resigned and the vacancy shall be filled immediately in accordance with this section.

261.023. 1. There is hereby created a department of agriculture to be headed by a
2 director of the department of agriculture to be appointed by the governor, by and with the advice
3 and consent of the senate. The director shall possess the qualifications presently provided by law
4 for the position of commissioner of agriculture.

5 2. All powers, duties and functions now vested by law to the commissioner of the
6 department of agriculture and the department of agriculture, chapter 261 and others, are
7 transferred by type I transfer to the director of the department of agriculture and to the
8 department of agriculture herein created.

9 3. The state horticultural society created by sections 262.010 and 262.020 is transferred
10 by type I transfer to the department of agriculture.

11 4. All the powers, duties, and functions vested in the state milk board, chapter 196, are
12 transferred to the department of agriculture by type III transfer. The appointed members of the
13 board shall be nominated by the department director, and appointed by the governor with the
14 advice and consent of the senate. The department of health and senior services shall retain the
15 powers, duties and functions assigned by chapter 196.

16 5. All the powers, duties, functions and properties of the state fruit experiment station,
17 chapter 262, are transferred by type I transfer to the Southwest Missouri State University and
18 fruit experiment station board of trustees is abolished.

19 6. All the powers, duties and functions of the department of revenue relating to the
20 inspection of motor fuel and special fuel distributors, chapters 323 and 414, are transferred by
21 type I transfer to the department of agriculture and to the director of that department. The
22 collection of the taxes provided in chapters 142 and 136, however, shall be made by the
23 department of revenue.

24 **7. All the powers, duties, and functions of the land survey program of the**
25 **department of natural resources are transferred to the department of agriculture by type**
26 **I transfer.**

278.080. 1. There is hereby established "The State Soil and Water Districts
2 Commission" to administer for this state the soil and water conservation districts provided for
3 by sections 278.060 to 278.300. The state soil and water districts commission shall formulate
4 policies and general programs for the saving of Missouri soil and water by the soil and water
5 conservation districts, and shall give consideration to the districts' needs based on their character;
6 it shall receive and allocate or otherwise expend for the use or benefit of the soil and water
7 conservation districts any funds appropriated by the general assembly for the use or benefit of
8 such districts, including a soil and water conservation cost-share program; it shall receive and
9 properly convey to the soil and water conservation districts any other form of aid extended to
10 such districts by any other agency of this state, except that any money or other form of aid raised
11 or provided within a soil and water district for the use or benefit of that soil and water district
12 shall be received and administered by the governing body of that soil and water district; it shall
13 exercise other authority conferred upon it and perform other duties assigned to it by sections
14 278.060 to 278.300; and it shall be the administrative agency to represent this state in these and
15 all other matters arising from the provisions of sections 278.060 to 278.300.

16 2. The state soil and water districts commission shall be composed of four ex officio
17 members, [and] six farmer members, **the director of the division of state parks, and the**
18 **director of the water protection program.** The six farmer members shall be appointed by the
19 governor of Missouri with the advice and consent of the senate. Three of the farmer members
20 shall reside in the portion of this state which is north of the Missouri River and three of the
21 farmer members shall reside in the portion of this state which is south of the Missouri River.
22 The membership shall be geographically dispersed with no more than one of the farmer members
23 appointed from a state senatorial district. Not more than four of the farmer members shall be
24 from the same political party. The ex officio members shall be the director of the department
25 of natural resources, the director of the department of agriculture, the director of the department

26 of conservation, and the dean of the college of agriculture of the University of Missouri. Each
27 of the six farmer members shall be holding legal title to a farm, and shall be earning at least the
28 principal part of the member's livelihood from a farm, all at the time of appointment to the
29 commission. The farmer members shall each be appointed for a period of three years. All
30 members of the commission serving as of June 27, 2000, may continue to serve the unexpired
31 portion of the member's current term. There is no limitation on the number of terms that any of
32 the farmer members appointed by the governor may serve. If any farmer member vacates his or
33 her term for any reason prior to the expiration of such term, the governor may appoint a farmer
34 member to serve for the remainder of the unexpired term. Each member of the commission shall
35 continue to serve until the member's successor has been duly appointed and qualified.

36 3. The state soil and water districts commission may call upon the attorney general of
37 the state for such legal services as it may require.

38 4. At its first meeting in each calendar year, the state soil and water districts commission
39 shall select from its current members a chairman and a vice chairman. The ex officio members
40 shall not have the power to vote on any matter before the commission. A quorum shall consist
41 of [~~four farmer~~] **five voting** members. For the determination of any matter within the
42 commission's authority, at a meeting comprised of [~~four farmer~~] **five voting** members, a
43 concurrence of [~~three~~] **four** shall be required. No business of the commission shall be executed
44 in absence of a quorum. Each farmer member of the soil and water commission shall be entitled
45 to expenses, including travel expenses, necessarily incurred in the discharge of his or her duties
46 as a member of this commission. The state soil and water districts commission shall provide for
47 the execution of surety bonds for all of its employees and officers who shall be entrusted with
48 funds or property; shall provide for the keeping of a full and accurate record of all its proceedings
49 and of all its resolutions, regulations, and orders issued or adopted; and shall provide for an
50 annual audit of all its accounts of receipts and disbursements.

51 5. In addition to the authority and duty herein assigned to the state soil and water districts
52 commission, it shall have the following authority and duty:

53 (1) To encourage the formation of soil and water conservation districts in areas where
54 their establishment seems necessary and their administration seems feasible;

55 (2) To formulate and fix the rules and procedures for fair and impartial referendums on
56 the establishing or disestablishment of soil and water districts and for fair and impartial selection
57 of soil and water district supervisors;

58 (3) To receive petitions for the establishing of soil and water conservation districts as
59 provided in section 278.100; to determine the validity of these petitions; to conduct hearings
60 upon the subject of these petitions; to determine whether the establishment of a soil and water
61 district as petitioned would be effective in the saving of soil and water within the proposed area,

62 and whether a soil and water district if established could be feasibly administered; and, upon
63 reaching a favorable conclusion on these matters, to call for a referendum on the establishing of
64 the soil and water district as petitioned;

65 (4) To advise any soil and water conservation district in developing its program for
66 saving the soil and water in order that such district may become eligible for any form of aid from
67 state or federal sources;

68 (5) Subject to district allocations by the commission and other resources, to provide
69 training, programs and other assistance to soil and water conservation districts to identify
70 programs that respond to the character of the districts' needs;

71 (6) To obtain or accept the cooperation and financial, technical or material assistance of
72 the United States or any of its agencies, and of this state or any of its agencies, for the work of
73 such soil and water districts;

74 (7) To enter into agreements with the United States or any of its agencies on policies and
75 general programs for the saving of Missouri soil and water by the extension of federal aid to any
76 soil and water conservation district; to advise any soil and water conservation district; to advise
77 any soil and water conservation district on the amount or kind of federal aid needed for the
78 effective saving of soil and water in that district; to determine within the limits of available funds
79 or other resources the amount or kind of state aid to be used for saving of soil and water in any
80 soil and water conservation district; and to determine the withholding of state aid of any amount
81 or kind from any soil and water conservation district that has failed to follow the policies of the
82 state soil and water districts commission in any matter under the provisions of sections 278.060
83 to 278.300;

84 (8) To give such other proper assistance as the soil and water commission may judge to
85 be useful to any soil and water district in the saving of soil and water in that district;

86 (9) To promulgate such rules and regulations as may be necessary to effectively
87 administer a state-funded soil and water conservation cost-share program. Any rule or portion
88 of a rule promulgated under the authority of sections 278.060 to 278.300 shall become effective
89 only if it has been promulgated pursuant to the provisions of chapter 536.

90 6. Unless prohibited by any federal or state law, the commission may grant individual
91 variances to any rule or regulation promulgated thereto, upon presentation of adequate proof, that
92 compliance with sections 278.070 to 278.300, or any rule or regulation, standard, requirement,
93 limitation or order of the commission will have an arbitrary and unreasonable impact on
94 landowners participating in soil and water conservation eligible practices. The commission shall
95 promulgate such rules, regulations and administrative guidelines as necessary to effectively
96 administer this section.

640.010. 1. There is hereby created a department of natural resources in charge of a
2 director appointed by the governor, by and with the advice and consent of the senate. The
3 director shall administer the programs assigned to the department relating to environmental
4 control and the conservation and management of natural resources. The director shall coordinate
5 and supervise all staff and other personnel assigned to the department. He shall faithfully cause
6 to be executed all policies established by the boards and commissions assigned to the
7 department, be subject to their decisions as to all substantive and procedural rules and his
8 decisions shall be subject to appeal to the board or commission on request of the board or
9 commission or by affected parties. The director shall recommend policies to the various boards
10 and commissions assigned to the department to achieve effective and coordinated environmental
11 control and natural resource conservation policies.

12 2. The director shall appoint directors of staff to service each of the policy making
13 boards or commissions assigned to the department. Each director of staff shall be qualified by
14 education, training and experience in the technical matters of the board to which he is assigned
15 and his appointment shall be approved by the board to which he is assigned and he shall be
16 removed or reassigned on their request in writing to the director of the department. All other
17 employees of the department and of each board and commission assigned to the department shall
18 be appointed by the director of the department in accord with chapter 36, and shall be assigned
19 and may be reassigned as required by the director of the department in such a manner as to
20 provide optimum service, efficiency and economy.

21 3. The air conservation commission, chapter 203 and others, the clean water
22 commission, chapter 204 and others, are transferred by type II transfer to the department of
23 natural resources. The governor shall appoint the members of these bodies in accord with the
24 laws establishing them, with the advice and consent of the senate. The bodies hereby transferred
25 shall retain all rulemaking and hearing powers allotted by law, as well as those of any bodies
26 transferred to their jurisdiction. All the powers, duties and functions of the state environmental
27 improvement authority, chapter 260 and others, are transferred by type III transfer to the air
28 conservation commission. All the powers, duties and functions of the water resources board,
29 chapter 256 and others, are transferred by type I transfer to the clean water commission and the
30 board is abolished. No member of the clean water commission shall receive or shall have
31 received, during the previous two years from the date of his appointment, a significant portion
32 of his income directly or indirectly from permit holders or applicants for a permit under the
33 jurisdiction of the clean water commission. The state park board, chapter 253, is transferred to
34 the department of natural resources by type I transfer.

35 4. All the powers, duties and functions of the state soil and water districts commission,
36 chapter 278 and others, are transferred by a type II transfer to the department.

37 5. All the powers, duties and functions of the state geologist, chapter 256 and others, are
38 transferred by type I transfer to the department of natural resources. [All the powers, duties and
39 functions of the state land survey authority, chapter 60, are transferred to the department of
40 natural resources by type I transfer and the authority is abolished.] All the powers, duties and
41 functions of the state oil and gas council, chapter 259 and others are transferred to the department
42 of natural resources by type II transfer. The director of the department shall appoint a state
43 geologist who shall have the duties to supervise and coordinate the work formerly done by the
44 departments or authorities abolished by this subsection, and shall provide staff services for the
45 state oil and gas council.

46 6. All the powers, duties and functions of the land reclamation commission, chapter 444
47 and others, are transferred to the department of natural resources by type II transfer. All
48 necessary personnel required by the commission shall be selected, employed and discharged by
49 the commission. The director of the department shall not have the authority to abolish positions.

50 7. The functions performed by the division of health in relation to the maintenance of
51 a safe quality of water dispensed to the public, sections 640.100 to 640.115, and others, and for
52 licensing and regulating solid waste management systems and plans are transferred by type I
53 transfer to the department of natural resources.

54 8. (1) The state interagency council for outdoor recreation, chapter 258, is transferred
55 to the department of natural resources by type II transfer. The council shall consist of
56 representatives of the following state agencies: department of agriculture; department of
57 conservation; office of administration; department of natural resources; department of economic
58 development; department of social services; department of transportation; and the University of
59 Missouri.

60 (2) The council shall function as provided in chapter 258, except that the department of
61 natural resources shall provide all staff services as required by the council notwithstanding the
62 provisions of sections 258.030 and 258.040, and all personnel and property of the council are
63 hereby transferred by type I transfer to the department of natural resources and the office of
64 executive secretary to the council is abolished.

 640.075. The department of [natural resources] **agriculture** is authorized to gather data,
2 photographs and such other materials as may be necessary and to prepare, edit and publish from
3 time to time, as deemed necessary, copies of a brochure on the Thomas Hart Benton murals in
4 the house lounge and on other major works of art of the Missouri state capitol. The brochure
5 shall be sold at a price to be set by the department of [natural resources] **agriculture**. The
6 proceeds from the sale of the brochure shall be deposited in the state treasury to the credit of the
7 [natural resources document services] **department of agriculture revolving services** fund
8 created in section 60.595.

640.900. 1. The Missouri weatherization policy advisory council within the department of natural resources shall prepare and present an annual report to the general assembly by December thirty-first of each year.

2. Notwithstanding any provision of law to the contrary, recipients of any grant or funds from the Weatherization Assistance Program for Low-Income Persons shall be required to attend a financial planning or budgeting course from a local community action group, community college or school to receive the grant or funds. The provisions of this subsection shall be consistent with federal guidelines for the Weatherization Assistance Program for Low-Income Persons as authorized by 42 U.S.C. 6861. If necessary, the department shall apply for any federal waivers to implement the provisions of this subsection.

643.173. 1. There is hereby established within the [department of natural resources] **air conservation commission** a "Small Business Technical Assistance Program" which shall provide support and assistance to small business. To the maximum extent possible, the program shall be functionally separate from the department's air pollution enforcement responsibilities. The program shall advise regulated small business regarding permit application requirements, applicable provisions of 643.010 to 643.190, and such other matters affecting small business as deemed appropriate by the committee. The commission shall establish time frames in which specific classes of deficiencies, except those affecting public health or the environment, shall be corrected.

2. The [small business technical assistance program] **air conservation commission** shall be advised by a "Small Business Compliance Advisory Committee" which is hereby created. One member shall be appointed by the director of the department, two members shall be appointed by the governor to represent the public and four owners of small businesses regulated under this chapter shall be appointed by the general assembly, one each appointed by the majority and minority leaders of each chamber of the general assembly. No member of the air conservation commission shall serve as a member of the small business compliance advisory committee. The term of office shall be four years except that of those first appointed, one member appointed by the governor, one member appointed by the senate and one member appointed by the house of representatives shall be appointed to two-year terms. Members shall serve until their successors are duly appointed and qualified and vacancies shall be filled by appointment for the remaining portion of the unexpired term created by the vacancy. The members shall be reimbursed for actual and necessary expenses incurred in the performance of their duties while in attendance at committee meetings.

3. The committee shall:

(1) Receive reports from the ombudsman pursuant to section 643.175;

26 (2) Evaluate the impact of sections 643.010 to 643.190 and the rules promulgated
 27 thereunder on small business;

28 (3) Review and assess the impact of enforcement policies on small business operations
 29 in Missouri;

30 (4) Recommend to the department, the commission and the general assembly, as
 31 appropriate, changes in procedure, in rules or in the law which would facilitate small business
 32 compliance with sections 643.010 to 643.190;

33 (5) Recommend to the commission rules establishing an expedited review of
 34 modifications for small businesses;

35 (6) Conduct hearings, determine facts and make investigations consistent with the
 36 purposes of this section.

[444.400. The "Interstate Mining Compact" is hereby enacted into law
 2 and entered into by this state with all other states legally joining therein in the
 3 form substantially as follows: THE INTERSTATE MINING COMPACT
 4 ARTICLE I. Policies and Purposes There is created the "Interstate Mining
 5 Compact".

6 a. The party States find that:

7 1. Mining and the contributions thereof to the economy and well-being
 8 of every State are of basic significance.

9 2. The effects of mining on the availability of land, water and other
 10 resources for other uses present special problems which properly can be
 11 approached only with due consideration for the rights and interests of those
 12 engaged in mining, those using or proposing to use these resources for other
 13 purposes, and the public.

14 3. Measures for the reduction of the adverse effects of mining on land,
 15 water and other resources may be costly and the devising of means to deal with
 16 them are of both public and private concern.

17 4. Such variables as soil structure and composition, physiography,
 18 climatic conditions, and the needs of the public make impracticable the
 19 application to all mining areas of a single standard for the conservation,
 20 adaptation, or restoration of mined land, or the development of mineral and other
 21 natural resources, but justifiable requirements of law and practice relating to the
 22 effects of mining on land, water, and other resources may be reduced in equity
 23 or effectiveness unless they pertain similarly from State to State for all mining
 24 operation similarly situated.

25 5. The States are in a position and have the responsibility to assure that
 26 mining shall be conducted in accordance with sound conservation principles, and
 27 with due regard for local conditions.

28 b. The purposes of this compact are to:

29 1. Advance the protection and restoration of land, water and other
 30 resources affected by mining.

31 2. Assist in the reduction or elimination or counteracting of pollution or
32 deterioration of land, water and air attributable to mining.

33 3. Encourage, with due recognition of relevant regional, physical, and
34 other differences, programs in each of the party States which will achieve
35 comparable results in protecting, conserving, and improving the usefulness of
36 natural resources, to the end that the most desirable conduct of mining and related
37 operations may be universally facilitated.

38 4. Assist the party States in their efforts to facilitate the use of land and
39 other resources affected by mining, so that such use may be consistent with sound
40 land use, public health, and public safety, and to this end to study and
41 recommend, wherever desirable, techniques for the improvement, restoration or
42 protection of such land and other resources.

43 5. Assist in achieving and maintaining an efficient and productive mining
44 industry and in increasing economic and other benefits attributable to mining.

45 ARTICLE II. Definitions

46 As used in this compact, unless the context clearly requires a different
47 construction:

48 a. "Mining" means the breaking of the surface soil in order to facilitate
49 or accomplish the extraction or removal of minerals, ores, or other solid matter,
50 any activity or process constituting all or part of a process for the extraction or
51 removal of minerals, ores, and other solid matter from its original location, and
52 the preparation, washing, cleaning, or other treatment of minerals, ores, or other
53 solid matter so as to make them suitable for commercial, industrial, or
54 construction use; but shall not include those aspects of deep mining not having
55 significant effect on the surface, and shall not include excavation or grading when
56 conducted solely in aid of on site farming or construction.

57 b. "State" means a State of the United States, the District of Columbia,
58 the Commonwealth of Puerto Rico, or a Territory or Possession of the United
59 States.

60 ARTICLE III. The Commission

61 a. There is created the "Interstate Mining Commission". The
62 Commission consists of one voting member from each State. The Governor of
63 each party state shall notify the Commission in writing of the member and any
64 alternates. An alternate, may act on behalf of the member only in the member's
65 absence. The method for selection and the expenses of each Commission
66 member shall be the responsibility of the member's respective State.

67 b. Each commission member is entitled to one vote. No action of the
68 Commission is binding unless a majority of the total membership cast their votes
69 in the affirmative.

70 c. The commission shall elect annually from among its members a
71 chairperson. The commission shall adopt and publish, in convenient form,
72 bylaws, and policies which are not inconsistent with this compact, including
73 procedures in regard to notice, conduct and recording of meetings; access by the

74 public to records; provision of information to the public, conduct of adjudicatory
75 hearings; and issuance of decisions.

76 d. The commission shall meet at least once annually and shall also meet
77 upon the call of the chairperson or a commission member.

78 e. All meetings of the commission shall be open to the public with
79 reasonable advance notice. The commission may, by majority vote, close a
80 meeting to the public for the purpose of considering sensitive personnel or legal
81 strategy matters, however, all commission actions and decisions shall be made
82 in open meetings and appropriately recorded.

83 f. The commission may establish advisory committees for the purpose of
84 advising the commission on any matters pertaining to mining.

85 g. The office of the commission shall be in a party state. The
86 commission may appoint or contract for and compensate such limited staff
87 necessary to carry out its duties and functions. The staff shall serve at the
88 commission's pleasure with the exception that staff hired as the result of securing
89 federal funds shall be hired and governed under applicable federal statutes and
90 regulations. In selecting any staff, the commission shall assure that the staff has
91 adequate experience and formal training to carry out the functions assigned to it
92 by the commission.

93 h. The commission shall:

94 1. Receive and act on the petition of a non-party state to become an
95 eligible state.

96 2. Submit an annual report to, and otherwise communicate with, the
97 governors and the appropriate officers of the legislative bodies of the
98 commission.

99 3. Hear, negotiate, and, as necessary, resolve by final decision disputes
100 which may arise between the party states regarding this compact.

101 ARTICLE IV. Budget

102 1. The Commission shall submit to each party State a budget of its
103 estimated expenditures for such period as may be required by the laws of that
104 party State for presentation to the legislature thereof.

105 2. Each of the Commission's budgets of estimated expenditures shall
106 contain specific recommendations of the amount or amounts to be appropriated
107 by each of the party States. The total amount of appropriations requested under
108 any such budget shall be apportioned among the party States as follows: one-half
109 in equal shares, and the remainder in proportion to the value of minerals, ores,
110 and other solid matter mined. In determining such values, the Commission shall
111 employ such available public source or sources of information as, in its judgment,
112 present the most equitable and accurate comparisons among the party States.
113 Each of the Commission's budgets of estimated expenditures and requests for
114 appropriations shall indicate the source or sources used in obtaining information
115 concerning value of minerals, ores, and other solid matter mined.

116 3. The Commission shall keep accurate accounts of all receipts and
117 disbursements. The receipts and disbursements of the Commission shall be
118 subject to the audit and accounting procedures established under its bylaws. All
119 receipts and disbursements of funds handled by the Commission shall be audited
120 yearly by a qualified public accountant and the report of the audit shall be
121 included in and become part of the annual report of the Commission.

122 4. The Commission may accept for any of its purposes and functions and
123 may utilize and dispose of any donations, grants of money, equipment, supplies,
124 materials and services from any state or the United States (or any subdivision or
125 agency thereof), or interstate agency, or from any institution, person, firm or
126 corporation. The nature, amount and condition, if any, attendant upon any
127 donation or grant accepted or received by the commission together with the
128 identity of the donor, grantor or lender, shall be detailed in the annual report of
129 the commission.

130 5. The Commission is a legal entity separate and distinct from the party
131 states and is liable for its actions as a separate and distinct legal entity. Liabilities
132 of the commission are not liabilities of the party state. Members of the
133 commission are not personally liable for actions taken by them in their official
134 capacity.

135 a. Except as provided under paragraph four, nothing in this compact
136 alters liability for any act, omission, course of conduct or liability resulting from
137 any casual or other relationships.

138 b. Any person aggrieved by a final decision of the commission may
139 obtain judicial review of such decision in any court of jurisdiction by filing in
140 such court a petition for review within sixty days after the commission's final
141 decision.

142 ARTICLE V. Powers

143 a. In addition to any other powers conferred upon the Interstate Mining
144 Commission, such Commission shall have power to:

145 1. Study mining operations, processes and techniques for the purpose of
146 gaining knowledge concerning the effects of such operation, processes and
147 techniques on land, soil, water, air, plant and animal life, recreation, and patterns
148 of community or regional development or change.

149 2. Study the conservation, adaptation, improvement and restoration of
150 land and related resources affected by mining.

151 3. Make recommendations concerning any aspect or aspects of law or
152 practice and governmental administration dealing with matters within the
153 purview of this compact.

154 4. Gather and disseminate information relating to any of the matters
155 within the purview of this compact.

156 5. Cooperate with the federal government and any public or private
157 entities having interest in any subject coming within the purview of this compact.

158 6. Consult, upon the request of a party State and within resources
159 available therefor, with the officials of such State in respect to any problem
160 within the purview of this compact.

161 7. Study and make recommendations with respect to any practice,
162 process, techniques, or course of action that may improve the efficiency of
163 mining or the economic yield from mining operations.

164 8. Study and make recommendations relating to the safeguarding of
165 access to resources which are or may become the subject of mining operations to
166 the end that the needs of the economy for the products of mining may not be
167 adversely affected by unplanned or inappropriate use of land and other resources
168 containing minerals or otherwise connected with actual or potential mining sites.

169 ARTICLE VI. State Programs

170 a. Each party State agrees that within a reasonable time, it will formulate
171 and establish an effective program for the conservation and use of mined land,
172 by the establishment of standards, enactment of laws, or the continuing of the
173 same in force, to accomplish:

174 1. The protection of the public and the protection of adjoining and other
175 landowners from damage to their lands and the structures and other property
176 thereon resulting from the conduct of mining operations or the abandonment or
177 neglect of land and property formerly used in the conduct of such operations.

178 2. The conduct of mining and the handling of refuse and other mining
179 wastes in ways that will reduce adverse effects on the economic, residential,
180 recreational or aesthetic value and utility of land and water.

181 3. The institution and maintenance of suitable programs of adaptation,
182 restoration, and rehabilitation of mined lands.

183 4. The prevention, abatement and control of water, air and soil pollution
184 resulting from mining, present, past and future.

185 ARTICLE VII. Entry Into Force and Withdrawal

186 a. This compact shall enter into force when enacted into law by any four
187 or more States. Thereafter, this compact shall become effective as to any other
188 State upon its enactment thereof.

189 b. Any party State may withdraw from this compact by enacting a statute
190 repealing the same, but no such withdrawal shall take effect until one year after
191 the withdrawing party State has given notice in writing of the withdrawal to all
192 other party States. No withdrawal shall affect any liability already incurred by
193 or chargeable to a party State prior to the time of such withdrawal.

194 ARTICLE VIII. Effect On Other Laws

195 Nothing in this compact shall be construed to limit, repeal or supersede
196 any other law of any party State.

197 ARTICLE IX. Severability and Construction

198 The provisions of this compact shall be severable and if any phrase,
199 clause, sentence or provision of this compact is declared by a court of competent
200 jurisdiction to be contrary to the constitution of any participating state or of the

201 United States or the applicability thereof to any government, agency, person or
202 circumstance is held invalid, the validity of the remainder of this compact and the
203 applicability thereof to any government, agency, person or circumstance shall not
204 be affected thereby. If any provision of this compact shall be held contrary to the
205 constitution of any state participating therein, the compact shall remain in full
206 force and effect as to the state affected as to all severable matters.]
207

2 [444.410. The governor shall appoint one member and one alternate
3 member to represent Missouri's interests on the interstate mining commission.
4 Such appointment shall be with the advice and consent of the senate, as provided
5 in section 51 of article IV of the Constitution of Missouri. The state's member
6 on the commission, or the alternate, shall be entitled to reimbursement for
7 expenses necessarily incurred in the discharge of his official duties plus, if not an
8 employee of the state, fifty dollars for each day devoted to the affairs of the
commission.]

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