

SENATE SUBSTITUTE  
FOR  
SENATE BILL NO. 997  
AN ACT

To repeal sections 8.250, 8.260, 28.020, 29.030, 29.070, 30.020, 32.030, 33.100, 34.055, 34.057, 34.058, 34.100, 34.203, 34.206, 34.209, 34.212, 34.217, 34.218, 36.020, 36.030, 36.050, 36.060, 36.070, 36.080, 36.090, 36.100, 36.120, 36.140, 36.250, 36.440, 36.510, 37.010, 37.080, 41.140, 103.039, 104.150, 104.440, 105.721, 105.950, 105.1114, 138.220, 173.375, 207.030, 217.025, 219.031, 226.090, 261.040, 267.030, 286.120, 287.223, 288.220, 291.010, 311.610, 311.620, 323.025, 348.035, 360.035, 361.070, 374.030, and 388.610, RSMo, and to enact in lieu thereof sixty-four new sections relating to the office of administration, with penalty provisions.

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

Section A. Sections 8.250, 8.260, 28.020, 29.030, 29.070,  
2 30.020, 32.030, 33.100, 34.055, 34.057, 34.058, 34.100, 34.203,  
3 34.206, 34.209, 34.212, 34.217, 34.218, 36.020, 36.030, 36.050,  
4 36.060, 36.070, 36.080, 36.090, 36.100, 36.120, 36.140, 36.250,  
5 36.440, 36.510, 37.010, 37.080, 41.140, 103.039, 104.150,  
6 104.440, 105.721, 105.950, 105.1114, 138.220, 173.375, 207.030,  
7 217.025, 219.031, 226.090, 261.040, 267.030, 286.120, 287.223,  
8 288.220, 291.010, 311.610, 311.620, 323.025, 348.035, 360.035,  
9 361.070, 374.030, and 388.610, RSMo, are repealed and sixty-  
10 four new sections enacted in lieu thereof, to be known as  
11 sections 8.250, 8.260, 8.690, 8.960, 8.962, 8.964, 8.966,  
12 8.968, 8.970, 8.972, 8.974, 28.020, 29.030, 29.070, 30.020,  
13 32.030, 33.100, 34.055, 34.100, 36.020, 36.030, 36.060, 36.070,  
14 36.080, 36.090, 36.100, 36.120, 36.140, 36.250, 36.440, 36.510,

15 37.010, 37.080, 41.140, 103.039, 104.150, 104.440, 105.721,  
16 105.950, 105.1114, 138.220, 173.375, 207.030, 217.025, 219.031,  
17 226.090, 261.040, 267.030, 286.120, 287.223, 288.220, 291.010,  
18 311.610, 311.620, 323.025, 348.035, 360.035, 361.070, 374.030,  
19 388.610, 1, 2, 3, and 4, to read as follows:

8.250. 1. "Project" for the purposes of this chapter  
2 means the labor or material necessary for the construction,  
3 renovation, or repair of improvements to real property so  
4 that the work, when complete, shall be ready for service for  
5 its intended purpose and shall require no other work to be a  
6 completed system or component.

7 2. All contracts for projects, the cost of which  
8 exceeds twenty-five thousand dollars, entered into by any  
9 city containing five hundred thousand inhabitants or more  
10 shall be let to the lowest, responsive, responsible bidder  
11 or bidders after notice and publication of an advertisement  
12 for five days in a daily newspaper in the county where the  
13 work is located, or at least twice over a period of ten days  
14 or more in a newspaper in the county where the work is  
15 located, and in two daily newspapers in the state which do  
16 not have less than fifty thousand daily circulation, and [by  
17 such other means as are determined to be most likely to  
18 reach potential bidders] by publication of an invitation to  
19 bid for a period of ten days or more on the website of the  
20 city or through an electronic procurement system.

21 3. All contracts for projects, the cost of which  
22 exceeds one hundred thousand dollars, entered into by an  
23 officer or agency of this state shall be let to the lowest,  
24 responsive, responsible bidder or bidders based on  
25 preestablished criteria after notice and publication of an  
26 advertisement for five days in a daily newspaper in the  
27 county where the work is located, or at least twice over a  
28 period of ten days or more in a newspaper in the county

29 where the work is located and in one daily newspaper in the  
30 state which does not have less than fifty thousand daily  
31 circulation, and [by such other means as determined to be  
32 most likely to reach potential bidders] by publication of an  
33 invitation to bid for a period of ten days or more on the  
34 website of the officer or agency or through an electronic  
35 procurement system. For all contracts for projects between  
36 twenty-five thousand dollars and one hundred thousand  
37 dollars, a minimum of three contractors shall be solicited  
38 with the award being made to the lowest responsive,  
39 responsible bidder based on preestablished criteria.

40 4. The number of such public bids shall not be  
41 restricted or curtailed, but shall be open to all persons  
42 complying with the terms upon which the bids are requested  
43 or solicited unless debarred for cause. No contract shall  
44 be awarded when the amount appropriated for same is not  
45 sufficient to complete the work ready for service.

46 5. Dividing a project into component labor or material  
47 allocations for the purpose of avoiding bidding or  
48 advertising provisions required by this section is  
49 specifically prohibited.

8.260. All appropriations made by the general assembly  
2 amounting to one hundred thousand dollars or more for the  
3 construction, renovation, or repair of facilities shall be  
4 expended in the following manner:

5 (1) The agency requesting payment shall provide the  
6 commissioner of administration with satisfactory evidence  
7 that a bona fide contract, procured in accordance with all  
8 applicable procedures, exists for the work for which payment  
9 is requested;

10 (2) All requests for payment shall be approved by the  
11 architect or engineer registered to practice in the state of

12 Missouri who designed the project or who has been assigned  
13 to oversee it;

14 (3) In order to guarantee completion of the contract,  
15 the agency or officer shall retain a portion of the contract  
16 value in accordance with the provisions of section [34.057]  
17 8.960;

18 (4) A contractor may be paid for materials delivered  
19 to the site or to a storage facility approved by the  
20 director of the division of facilities management, design  
21 and construction as having adequate safeguards against loss,  
22 theft or conversion.

23 In no case shall the amount contracted for exceed the amount  
24 appropriated by the general assembly for the purpose.

8.690. 1. The office of administration shall have the  
2 authority to utilize:

3 (1) The construction manager-at-risk delivery method,  
4 as provided for in section 67.5050; and

5 (2) The design-build delivery method, as provided for  
6 in section 67.5060, except that in addition to noncivil  
7 works projects in excess of seven million dollars, no more  
8 than five noncivil works projects, as that term is used in  
9 section 67.5060, may be contracted for in any fiscal year  
10 that are less than seven million dollars.

11 2. The office of administration shall not be subject  
12 to subsection 15 of section 67.5050 and subsection 22 of  
13 section 67.5060 in executing contracts pursuant to this  
14 section.

15 3. The office of administration shall not be subject  
16 to the requirement in subsection 3 of section 67.5050 and in  
17 subsection 4 of section 67.5060 to publicly disclose at a  
18 regular meeting its intent to utilize the construction  
19 management at-risk method or the design-build method and its

20 selection criteria at least one week prior to publishing the  
21 request for qualifications or request for proposals.

22 4. When seeking bids or proposals from trade  
23 contractors or subcontractors pursuant to subsection 9 of  
24 section 67.5050, a construction manager-at-risk hired by the  
25 office of administration shall use the advertising standards  
26 applicable to the office of administration in section 8.250  
27 rather than the advertising standards in chapter 50.

28 5. For purposes of section 67.5050 and section 67.5060  
29 only, political subdivision shall also mean the office of  
30 administration.

[34.057.] 8.960. 1. Unless contrary to any federal  
2 funding requirements or unless funds from a state grant are  
3 not timely received by the contracting public municipality  
4 but notwithstanding any other law to the contrary, all  
5 public works contracts made and awarded by the appropriate  
6 officer, board or agency of the state or of a political  
7 subdivision of the state or of any district therein,  
8 including any municipality, county and any board referred to  
9 as the public owner, for construction, reconstruction or  
10 alteration of any public works project, shall provide for  
11 prompt payment by the public owner to the contractor, and  
12 any professional engineer, architect, landscape architect,  
13 or land surveyor, as well as prompt payment by the  
14 contractor to the subcontractor and material supplier in  
15 accordance with the following:

16 (1) A public owner shall make progress payments to the  
17 contractor and any professional engineer, architect,  
18 landscape architect, or land surveyor on at least a monthly  
19 basis as the work progresses, or, on a lump sum basis  
20 according to the terms of the lump sum contract. Except in  
21 the case of lump sum contracts, payments shall be based upon  
22 estimates prepared at least monthly of work performed and

23 material delivered, as determined by the project architect  
24 or engineer. Retainage withheld on any construction  
25 contract or subcontract for public works projects shall not  
26 exceed five percent of the value of the contract or  
27 subcontract. If the contractor is not required to obtain a  
28 bond under section 107.170 because the cost of the public  
29 works contract is not estimated to exceed fifty thousand  
30 dollars, the public owner may withhold retainage on the  
31 public works project in an amount not to exceed ten percent  
32 of the value of the contract or subcontract. The public  
33 owner shall pay the contractor the amount due, less a  
34 retainage, within thirty days following the latter of the  
35 following:

36 (a) The date of delivery of materials or construction  
37 services purchased;

38 (b) The date, as designated by the public owner, upon  
39 which the invoice is duly delivered to the person or place  
40 designated by the public owner; or

41 (c) In those instances in which the contractor  
42 approves the public owner's estimate, the date upon which  
43 such notice of approval is duly delivered to the person or  
44 place designated by the public owner;

45 (2) Payments shall be considered received within the  
46 context of this section when they are duly posted with the  
47 United States Postal Service or other agreed upon delivery  
48 service or when they are hand-delivered to an authorized  
49 person or place as agreed to by the contracting parties;

50 (3) If, in the discretion of the owner and the project  
51 architect or engineer and the contractor, it is determined  
52 that a subcontractor's performance has been completed and  
53 the subcontractor can be released prior to substantial  
54 completion of the public works contract without risk to the  
55 public owner, the contractor shall request such adjustment

56 in retainage, if any, from the public owner as necessary to  
57 enable the contractor to pay the subcontractor in full. The  
58 public owner may reduce or eliminate retainage on any  
59 contract payment if, in the public owner's opinion, the work  
60 is proceeding satisfactorily. If retainage is released and  
61 there are any remaining minor items to be completed, an  
62 amount equal to one hundred fifty percent of the value of  
63 each item as determined by the public owner's duly  
64 authorized representatives shall be withheld until such item  
65 or items are completed;

66 (4) The public owner shall pay at least ninety-eight  
67 percent of the retainage, less any offsets or deductions  
68 authorized in the contract or otherwise authorized by law,  
69 to the contractor. The contractor shall pay the  
70 subcontractor or supplier after substantial completion of  
71 the contract work and acceptance by the public owner's  
72 authorized contract representative, or as may otherwise be  
73 provided by the contract specifications for state highway,  
74 road or bridge projects administered by the state highways  
75 and transportation commission. Such payment shall be made  
76 within thirty days after acceptance, and the invoice and all  
77 other appropriate documentation and certifications in  
78 complete and acceptable form are provided, as may be  
79 required by the contract documents. If the public owner or  
80 the owner's representative determines the work is not  
81 substantially completed and accepted, then the owner or the  
82 owner's representative shall provide a written explanation  
83 of why the work is not considered substantially completed  
84 and accepted within fourteen calendar days to the  
85 contractor, who shall then provide such notice to the  
86 subcontractor or suppliers responsible for such work. If  
87 such written explanation is not given by the public body,  
88 the public body shall pay at least ninety-eight percent of

89 the retainage within thirty calendar days. If at that time  
90 there are any remaining minor items to be completed, an  
91 amount equal to one hundred fifty percent of the value of  
92 each item as determined by the public owner's representative  
93 shall be withheld until such items are completed;

94 (5) All estimates or invoices for supplies and  
95 services purchased, approved and processed, or final  
96 payments, shall be paid promptly and shall be subject to  
97 late payment charges provided in this section. Except as  
98 provided in subsection 4 of this section, if the contractor  
99 has not been paid within thirty days as set forth in  
100 subdivision (1) of subsection 1 of this section, the  
101 contracting agency shall pay the contractor, in addition to  
102 the payment due him, interest at the rate of one and one-  
103 half percent per month calculated from the expiration of the  
104 thirty-day period until fully paid;

105 (6) When a contractor receives any payment, the  
106 contractor shall pay each subcontractor and material  
107 supplier in proportion to the work completed by each  
108 subcontractor and material supplier his application less any  
109 retention not to exceed five percent. If the contractor  
110 receives less than the full payment due under the public  
111 construction contract, the contractor shall be obligated to  
112 disburse on a pro rata basis those funds received, with the  
113 contractor, subcontractors and material suppliers each  
114 receiving a prorated portion based on the amount of  
115 payment. When, however, the public owner does not release  
116 the full payment due under the contract because there are  
117 specific areas of work or materials he is rejecting or  
118 because he has otherwise determined such areas are not  
119 suitable for payment then those specific subcontractors or  
120 suppliers involved shall not be paid for that portion of the  
121 work rejected or deemed not suitable for payment; provided



122 the public owner or the owner's representative gives a  
123 written explanation to the contractor, subcontractor, or  
124 supplier involved as to why the work or supplies were  
125 rejected or deemed not suitable for payment, and all other  
126 subcontractors and suppliers shall be paid in full;

127 (7) If the contractor, without reasonable cause, fails  
128 to make any payment to his subcontractors and material  
129 suppliers within fifteen days after receipt of payment under  
130 the public construction contract, the contractor shall pay  
131 to his subcontractors and material suppliers, in addition to  
132 the payment due them, interest in the amount of one and one-  
133 half percent per month, calculated from the expiration of  
134 the fifteen-day period until fully paid. This subdivision  
135 shall also apply to any payments made by subcontractors and  
136 material suppliers to their subcontractors and material  
137 suppliers and to all payments made to lower tier  
138 subcontractors and material suppliers throughout the  
139 contracting chain;

140 (8) The public owner shall make final payment of all  
141 moneys owed to the contractor, including any retainage  
142 withheld under subdivision (4) of this subsection, less any  
143 offsets or deductions authorized in the contract or  
144 otherwise authorized by law, within thirty days of the due  
145 date. Final payment shall be considered due upon the  
146 earliest of the following events:

147 (a) Completion of the project and filing with the  
148 owner of all required documentation and certifications, in  
149 complete and acceptable form, in accordance with the terms  
150 and conditions of the contract;

151 (b) The project is certified by the architect or  
152 engineer authorized to make such certification on behalf of  
153 the owner as having been completed, including the filing of

154 all documentation and certifications required by the  
155 contract, in complete and acceptable form; or

156 (c) The project is certified by the contracting  
157 authority as having been completed, including the filing of  
158 all documentation and certifications required by the  
159 contract, in complete and acceptable form.

160 2. Nothing in this section shall prevent the  
161 contractor or subcontractor, at the time of application or  
162 certification to the public owner or contractor, from  
163 withholding such applications or certifications to the owner  
164 or contractor for payment to the subcontractor or material  
165 supplier. Amounts intended to be withheld shall not be  
166 included in such applications or certifications to the  
167 public owner or contractor. Reasons for withholding such  
168 applications or certifications shall include, but not be  
169 limited to, the following: unsatisfactory job progress;  
170 defective construction work or material not remedied;  
171 disputed work; failure to comply with other material  
172 provisions of the contract; third-party claims filed or  
173 reasonable evidence that a claim will be filed; failure of  
174 the subcontractor to make timely payments for labor,  
175 equipment and materials; damage to a contractor or another  
176 subcontractor or material supplier; reasonable evidence that  
177 the contract cannot be completed for the unpaid balance of  
178 the subcontract sum or a reasonable amount for retention,  
179 not to exceed the initial percentage retained by the owner.

180 3. Should the contractor determine, after application  
181 or certification has been made and after payment has been  
182 received from the public owner, or after payment has been  
183 received by a contractor based upon the public owner's  
184 estimate of materials in place and work performed as  
185 provided by contract, that all or a portion of the moneys  
186 needs to be withheld from a specific subcontractor or

187 material supplier for any of the reasons enumerated in this  
188 section, and such moneys are withheld from such  
189 subcontractor or material supplier, then such undistributed  
190 amounts shall be specifically identified in writing and  
191 deducted from the next application or certification made to  
192 the public owner or from the next estimate by the public  
193 owner of payment due the contractor, until a resolution of  
194 the matter has been achieved. Disputes shall be resolved in  
195 accordance with the terms of the contract documents. Upon  
196 such resolution the amounts withheld by the contractor from  
197 the subcontractor or material supplier shall be included in  
198 the next application or certification made to the public  
199 owner or the next estimate by the public owner and shall be  
200 paid promptly in accordance with the provisions of this  
201 section. This subsection shall also apply to applications  
202 or certifications made by subcontractors or material  
203 suppliers to the contractor and throughout the various tiers  
204 of the contracting chain.

205         4. The contracts which provide for payments to the  
206 contractor based upon the public owner's estimate of  
207 materials in place and work performed rather than  
208 applications or certifications submitted by the contractor,  
209 the public owner shall pay the contractor within thirty days  
210 following the date upon which the estimate is required by  
211 contract to be completed by the public owner, the amount due  
212 less a retainage not to exceed five percent. All such  
213 estimates by the public owner shall be paid promptly and  
214 shall be subject to late payment charges as provided in this  
215 subsection. After the thirtieth day following the date upon  
216 which the estimate is required by contract to be completed  
217 by the public owner, the contracting agency shall pay the  
218 contractor, in addition to the payment due him, interest at

219 a rate of one and one-half percent per month calculated from  
220 the expiration of the thirty-day period until fully paid.

221 5. The public owner shall pay or cause to be paid to  
222 any professional engineer, architect, landscape architect,  
223 or land surveyor the amount due within thirty days following  
224 the receipt of an invoice prepared and submitted in  
225 accordance with the contract terms. In addition to the  
226 payment due, the contracting agency shall pay interest at  
227 the rate of one and one-half percent per month calculated  
228 from the expiration of the thirty-day period until fully  
229 paid.

230 6. Nothing in this section shall prevent the owner  
231 from withholding payment or final payment from the  
232 contractor, or a subcontractor or material supplier.  
233 Reasons for withholding payment or final payment shall  
234 include, but not be limited to, the following: liquidated  
235 damages; unsatisfactory job progress; defective construction  
236 work or material not remedied; disputed work; failure to  
237 comply with any material provision of the contract; third  
238 party claims filed or reasonable evidence that a claim will  
239 be filed; failure to make timely payments for labor,  
240 equipment or materials; damage to a contractor,  
241 subcontractor or material supplier; reasonable evidence that  
242 a subcontractor or material supplier cannot be fully  
243 compensated under its contract with the contractor for the  
244 unpaid balance of the contract sum; or citation by the  
245 enforcing authority for acts of the contractor or  
246 subcontractor which do not comply with any material  
247 provision of the contract and which result in a violation of  
248 any federal, state or local law, regulation or ordinance  
249 applicable to that project causing additional costs or  
250 damages to the owner.

251           7. Nothing in this section shall be construed to  
252 require direct payment by a public owner to a subcontractor  
253 or supplier, except in the case of the default, as  
254 determined by a court, of the contractor on the contract  
255 with the public owner where no performance or payment bond  
256 is required or where the surety fails to execute its duties,  
257 as determined by a court.

258           8. Notwithstanding any other provisions in this  
259 section to the contrary, no late payment interest shall be  
260 due and owing for payments which are withheld in good faith  
261 for reasonable cause pursuant to subsections 2, 5, and 6 of  
262 this section. If it is determined by a court of competent  
263 jurisdiction that a payment which was withheld pursuant to  
264 subsections 2, 5, and 6 of this section was not withheld in  
265 good faith for reasonable cause, the court may impose  
266 interest at the rate of one and one-half percent per month  
267 calculated from the date of the invoice and may, in its  
268 discretion, award reasonable attorney fees to the prevailing  
269 party. In any civil action or part of a civil action  
270 brought pursuant to this section, if a court determines  
271 after a hearing for such purpose that the cause was  
272 initiated, or a defense was asserted, or a motion was filed,  
273 or any proceeding therein was done frivolously and in bad  
274 faith, the court shall require the party who initiated such  
275 cause, asserted such defense, filed such motion, or caused  
276 such proceeding to be had to pay the other party named in  
277 such action the amount of the costs attributable thereto and  
278 reasonable expenses incurred by such party, including  
279 reasonable attorney fees.

          [34.058.] 8.962. 1. As used in this section, the term  
2 "public works contract" means a contract of the state,  
3 county, city and other political subdivisions of the state,  
4 except the Missouri transportation department, for the

5 construction, alteration, repair, or maintenance of any  
6 building, structure, highway, bridge, viaduct, pipeline,  
7 public works, or any other works dealing with construction,  
8 which shall include, but need not be limited to, moving,  
9 demolition, or excavation performed in conjunction with such  
10 work.

11 2. Any clause in a public works contract that purports  
12 to waive, release, or extinguish the rights of a contractor  
13 to recover costs or damages, or obtain an equitable  
14 adjustment, for delays in performing such contract, if such  
15 delay is caused in whole, or in part, by acts or omissions  
16 within the control of the contracting public entity or  
17 persons acting on behalf thereof, is against public policy  
18 and is void and unenforceable.

19 3. Subsection 2 of this section is not intended to  
20 render void any contract provision of a public works  
21 contract that:

22 (1) Precludes a contractor from recovering that  
23 portion of delay costs caused by the acts or omissions of  
24 the contractor or its agents;

25 (2) Requires notice of any delay by the party  
26 responsible for such delay;

27 (3) Provides for reasonable liquidated damages; or

28 (4) Provides for arbitration or any other procedure  
29 designed to settle contract disputes.

30 [34.203.] 8.964. The provisions of sections [34.203 to  
31 34.216] 8.964 to 8.974 shall be known and may be cited as  
32 the "Fairness in Public Construction Act".

33 [34.206.] 8.966. The purpose of sections [34.203 to  
34 34.216] 8.964 to 8.974 is to fulfill the state's proprietary  
35 objectives in maintaining and promoting the economical,  
36 nondiscriminatory, and efficient expenditures of public  
37 funds in connection with publicly funded or assisted

6 construction projects. Nothing in sections [34.203 to  
7 34.216] 8.964 to 8.974 shall prohibit employers or other  
8 parties covered by the National Labor Relations Act from  
9 entering into agreements or engaging in any other activity  
10 arguably protected by law, nor shall any aspect of sections  
11 [34.203 to 34.216] 8.964 to 8.974 be interpreted in such a  
12 way as to interfere with the labor relations of parties  
13 covered by the National Labor Relations Act.

[34.209.] 8.968. 1. The state, any agency of the  
2 state, any political subdivision of the state, or any  
3 instrumentality thereof, when engaged in procuring or  
4 letting contracts for construction, repair, remodeling, or  
5 demolition of a facility shall ensure that bid  
6 specification, project agreements, and other controlling  
7 documents entered into, required, or subject to approval by  
8 the state, agency, political subdivision, or instrumentality  
9 do not:

10 (1) Require or prohibit bidders, offerors,  
11 contractors, or subcontractors to enter into or adhere to  
12 agreements with one or more labor organizations on the same  
13 or related projects; or

14 (2) Discriminate against, encourage, or give  
15 preferential treatment to bidders, offerors, contractors, or  
16 subcontractors for:

17 (a) Entering or refusing to enter agreements with one  
18 or more labor organizations on the same or related  
19 construction projects; or

20 (b) Remaining or refusing to remain signatory with one  
21 or more labor organizations on the same or related  
22 construction projects.

23 2. Nothing in this section shall be construed to  
24 prohibit the state, any agency of the state, any political  
25 subdivision of the state, or any instrumentality thereof

26 from requiring bidders, offerors, contractors, or  
27 subcontractors, as a condition of receiving work or  
28 submitting a bid, to test its workers and employees for the  
29 presence of illegal drugs.

[34.212.] 8.970. 1. The state, any agency of the  
2 state, any political subdivision of the state, or any  
3 instrumentality thereof shall not issue or award grants, tax  
4 abatements, or tax credits or enter into cooperative  
5 agreements for construction projects or for the improvement,  
6 maintenance, or renovation of real property or fixtures, a  
7 condition of which requires that bid specifications, project  
8 agreements, or other controlling documents pertaining to the  
9 grant, tax abatement, tax credit, or cooperative agreement  
10 contain any of the elements specified in section [34.209]  
11 8.968.

12 2. The state, any agency of the state, any political  
13 subdivision, or any instrumentality thereof shall exercise  
14 such authority as may be required to preclude a grant, tax  
15 abatement, or tax credit recipient or party to a cooperative  
16 agreement from imposing any of the elements specified in  
17 section [34.209] 8.968 in connection with any grant or  
18 cooperative agreement awarded or entered into. Nothing in  
19 sections [34.203 to 34.217] 8.964 to 8.974 shall prohibit  
20 contractors or subcontractors from voluntarily entering into  
21 agreements described in section [34.209] 8.968.

[34.217.] 8.972. Notwithstanding the provisions of  
2 section 1.140, the provisions of sections 290.095 and  
3 290.250 and sections [34.203 to 34.216] 8.964 to 8.974 shall  
4 not be severable. In the event a court of competent  
5 jurisdiction rules that any part of this act is  
6 unenforceable, the entire act shall be rendered null and  
7 void.



1           [34.218.] 8.974. 1. Any entity which violates the  
2 provisions of sections [34.203 to 34.217] 8.964 to 8.974  
3 shall be liable to the person affected for such equitable  
4 relief as may be appropriate, including reasonable  
5 attorney's fees.

6           2. Any entity which violates the provisions of  
7 sections [34.203 to 34.217] 8.964 to 8.974 shall not be  
8 eligible for any state funding or tax credits issued by the  
9 state for two years.

10          3. The prosecuting attorney or circuit attorney with  
11 jurisdiction over the location where a violation of sections  
12 [34.203 to 34.217] 8.964 to 8.974 occurs, or the attorney  
13 general of this state, shall investigate complaints of  
14 violation of such sections, and use all means at their  
15 command to ensure the effective enforcement of this section.

          28.020. The secretary of state, before entering upon  
2 the duties of his office, shall take and subscribe an oath  
3 or affirmation to support the Constitution of the United  
4 States and of this state, and to demean himself faithfully  
5 in office, which shall be endorsed upon his commission, and  
6 enter into bond, with security to be approved by the  
7 governor, to the state of Missouri, in the sum of ten  
8 thousand dollars, conditioned that he will well and truly  
9 perform the duties of secretary of state; which bond shall  
10 be attested by the governor, and deposited in the office of  
11 the governor. This bonding requirement may be satisfied by  
12 the commissioner of administration placing the secretary of  
13 state under a blanket bond, or by including the secretary of  
14 state in an analogous insurance policy, so long as that  
15 blanket bond or policy provides the state of Missouri with  
16 substantially similar protection as would be provided by the  
17 secretary of state's individual bond. The commissioner of

18 administration is hereby empowered to procure such a blanket  
19 bond or analogous insurance policy.

20 29.030. Immediately after his election or appointment,  
21 the state auditor shall execute and deliver to the governor  
22 a bond to the state in the sum of fifty thousand dollars, to  
23 be approved by the governor, conditioned for the faithful  
24 performance of all the duties required or which may be  
25 required of him by law, whether as state auditor or in any  
26 capacity in which he may be required to act ex officio by  
27 virtue of being state auditor; which bond shall be renewed  
28 every two years, and as much oftener as the governor may  
29 require. The state auditor's bond shall be a surety bond  
30 and entered into with a surety company or companies  
authorized to do business in this state. The cost of said  
bonds shall be paid by the state. If the governor be in  
doubt as to the solvency of the surety company or companies  
on the bond of the state auditor, he may require further  
evidence of the solvency of such surety company or  
companies. After the legality of said bond shall have been  
passed upon by the attorney general it shall be submitted to  
the governor for his approval. If the governor approve the  
bond, he shall endorse thereon such approval and its date,  
and deliver the same to the secretary of state to be filed  
and recorded in his office. This bonding requirement may be  
satisfied by the commissioner of administration placing the  
state auditor under a blanket bond, or by including the  
state auditor in an analogous insurance policy, so long as  
that bond or policy provides the state of Missouri with  
substantially similar protection as would be provided by the  
state auditor's individual bond. The commissioner of  
administration is hereby empowered to procure such a blanket  
bond or analogous insurance policy.

29.070. Every examiner appointed by the state auditor shall, before entering upon the duties of his appointment, take and file in the office of the secretary of state an oath to support the constitution of the state, to faithfully demean himself in office, to make fair and impartial examinations, and that he will not accept as presents or emoluments any pay, directly or indirectly, for the discharge of any act in the line of his duty other than the remuneration fixed and accorded to him by law, and that he will not reveal the condition of any office examined by him or any information secured in the course of any examination of any office to anyone except the state auditor, and every examiner shall enter into a bond, payable to the state of Missouri, in the sum of ten thousand dollars, to be approved by the state auditor and deposited in the office of the state treasurer conditioned that he will faithfully perform his duties as such examiner, and in case any such examiner shall knowingly report any officer as being a defaulter or as not being a defaulter, and knowing the same to be otherwise, and any person be injured thereby, such person shall have a right of action on such bond for his injuries; such action shall be brought in the name of the state and at the relation of the injured party. This bonding requirement may be satisfied by the commissioner of administration placing the examiner under a blanket bond, or by including the examiner in an analogous insurance policy, so long as that bond or policy provides the state of Missouri and any person injured by the examiner's knowingly improper actions with substantially similar protection as would be provided by the examiner's individual bond. The commissioner of administration is hereby empowered to procure such a blanket bond or analogous insurance policy.

30.020. 1. Immediately after his election or  
2 appointment, the state treasurer shall execute and deliver  
3 to the governor a surety bond to the state in the sum of  
4 five hundred thousand dollars to be approved by the governor  
5 and conditioned for the faithful performance of all his  
6 duties as state treasurer or ex officio, and for the safety  
7 of the state funds and securities in his custody or under  
8 his control.

9 2. If the bond is furnished by a corporate surety  
10 company the premium shall be paid by the state. The  
11 governor shall require the corporate surety to be duly  
12 licensed and authorized to do business in this state.

13 3. If the bond is a personal bond, it shall be renewed  
14 every two years or oftener if the governor requires and the  
15 safety of the public moneys and securities demands. Each  
16 personal surety shall subscribe and swear to a statement to  
17 be duly attested and endorsed on or attached to the bond,  
18 that he believes he is worth a certain stated sum, over and  
19 above all liabilities and exemptions, and any other  
20 particulars the governor requires.

21 4. After the legality of the bond has been passed upon  
22 by the attorney general, it shall be submitted to the  
23 governor for his approval. If the governor approves the  
24 bond, he shall endorse the approval and its date thereon and  
25 deliver the bond, with the affidavit of the surety if a  
26 personal bond, to the secretary of state to be filed and  
27 recorded in his office. If the governor doubts the solvency  
28 of any of the bondsmen, he may require further evidence of  
29 solvency before he approves the bond.

30 5. This bonding requirement may be satisfied by the  
31 commissioner of administration placing the state treasurer  
32 under a blanket bond, or by including the state treasurer in  
33 an analogous insurance policy, so long as that bond or

34 policy provides the state of Missouri with substantially  
35 similar protection as would be provided by the state  
36 treasurer's individual bond. The commissioner of  
37 administration is hereby empowered to procure such a blanket  
38 bond or analogous insurance policy.

32.030. Before taking office, the director of revenue  
2 shall take and subscribe an oath or affirmation to support  
3 the Constitution of the United States and of this state, and  
4 to demean himself faithfully in office. He shall also  
5 deposit with the secretary of state a bond, with sureties to  
6 be approved by the governor, in the amount of five hundred  
7 thousand dollars payable to the state of Missouri,  
8 conditioned on the faithful performance of the duties of his  
9 office and the satisfactory accounting of all moneys  
10 received by him. The premium of said bond shall be paid out  
11 of the appropriation for the department of revenue. This  
12 bonding requirement may be satisfied by the commissioner of  
13 administration placing the director of revenue under a  
14 blanket bond, or by including the director of revenue in an  
15 analogous insurance policy, so long as that bond or policy  
16 provides the state of Missouri with substantially similar  
17 protection as would be provided by the director of revenue's  
18 individual bond. The commissioner of administration is  
19 hereby empowered to procure such a blanket bond or analogous  
20 insurance policy.

33.100. The salaries of all elective and appointive  
2 officers and employees of the state shall be paid out of the  
3 state treasury, in biweekly, semimonthly, or monthly  
4 installments as designated by the commissioner of  
5 administration. The accounts and names of the officers and  
6 employees shall be presented to the commissioner of  
7 administration and a warrant therefor upon the state  
8 treasury shall be issued to be paid out of the appropriation

9 made for such purpose. The accounts of the officers and  
10 employees shall be stated in their names, respectively, and  
11 the correctness thereof shall be certified to by the  
12 officers, respectively, in whose employment they are.

34.055. 1. Except as otherwise provided in section  
2 ~~[34.057]~~ 8.960, all invoices for supplies and services  
3 purchased by the state, duly approved and processed, shall  
4 be subject to interest charges or late payment charges as  
5 provided in this section.

6 2. After the forty-fifth day following the later of  
7 the date of delivery of the supplies and services or the  
8 date upon which the invoice is duly approved and processed,  
9 interest retroactive to the thirtieth day shall be paid on  
10 any unpaid balance, except balances for services provided by  
11 a gas corporation, electrical corporation, water  
12 corporation, or sewer corporation which has received  
13 authorization from the public service commission to impose  
14 late payment charges on delinquent utility bills, upon  
15 application of the vendor thereof. The rate of such  
16 interest shall be three percentage points above the average  
17 predominant prime rate quoted by commercial banks to large  
18 businesses, as determined by the Board of Governors of the  
19 Federal Reserve System.

20 3. The state shall be liable for late payment charges  
21 on any delinquent bill for services purchased by the state  
22 from a gas corporation, electrical corporation, water  
23 corporation, or sewer corporation which has received  
24 authorization from the public service commission to impose  
25 late payment charges on delinquent utility bills. The rate  
26 of such late payment charges shall be as established for  
27 each such corporation by order of the public service  
28 commission, but bills rendered to the state shall not be

29 considered delinquent until thirty days after rendition of  
30 the bill by the corporation.

31 4. Any such interest charges or late payment charges  
32 shall be paid from appropriations which were made for the  
33 fiscal year in which the supplies or services were delivered  
34 to the respective departments purchasing such supplies or  
35 services. The commissioner of administration shall be  
36 responsible for the timely implementation of this section  
37 and all officers, departments, institutions and agencies of  
38 state government shall fully cooperate with the commissioner  
39 of administration in the implementation of this section. No  
40 late payment penalty shall be assessed against, nor payable  
41 by, the state unless pursuant to the provisions of this  
42 section.

43 5. Notwithstanding any other provision of this  
44 section, recipients of funds from the low-income energy  
45 assistance program shall be exempt from interest charges  
46 imposed by such section for the duration of the recipient's  
47 participation in the program.

34.100. The commissioner of administration may, when  
2 in the commissioner's best judgment it is in the best  
3 interests of the state, delegate the commissioner's  
4 procurement authority pursuant to this chapter to an  
5 individual department; provided, however, that each instance  
6 of single feasible source purchasing authority in excess of  
7 ~~five~~ ten thousand dollars under section 34.044 must be  
8 specifically delegated by the commissioner. The delegation  
9 may allow departments to negotiate in accordance with  
10 section 34.042 the purchase of services for patients,  
11 residents or clients with funds appropriated for this  
12 purpose. In accepting this delegated authority the  
13 department acknowledges its ability to, and agrees to,  
14 fulfill all of the requirements of this chapter in making

15 purchases and entering into contracts and keeping records.  
16 No claim for payment based upon any purchase under this  
17 section shall be certified by the commissioner unless  
18 accompanied by such documentation of compliance with the  
19 provisions of this chapter as the commissioner may require.  
20 Any department that fails to fulfill all such requirements  
21 may have its delegated authority rescinded by the  
22 commissioner of administration.

36.020. Unless the context clearly requires otherwise,  
2 the following terms mean:

3 (1) "Agency", "state agency" or "agency of the state",  
4 each department, board, commission or office of the state  
5 except for offices of the elected officials, the general  
6 assembly, the judiciary and academic institutions;

7 (2) "Appointing authority", an officer or agency  
8 subject to this chapter having power to make appointments;

9 (3) ["Board", the personnel advisory board as  
10 established by section 36.050;

11 (4)] "Broad classification band", a grouping of  
12 positions with similar levels of responsibility or expertise;

13 [(5)] (4) "Class", "class of positions", or "job  
14 class", a group of positions subject to this chapter  
15 sufficiently alike in duties, authority and responsibilities  
16 to justify the same qualifications and the same schedule of  
17 pay to all positions in the group;

18 [(6)] (5) "Director", the director of the division of  
19 personnel of the office of administration;

20 [(7)] (6) "Disabled veteran", a veteran who has served  
21 on active duty in the Armed Forces at any time who receives  
22 compensation as a result of a service-connected disability  
23 claim allowed by the federal agency responsible for the  
24 administration of veteran's affairs, or who receives  
25 disability retirement or disability pension benefits from a



26 federal agency as a result of such a disability or a  
27 National Guard veteran who was permanently disabled as a  
28 result of active service to the state at the call of the  
29 governor;

30 [(8)] (7) "Division of service" or "division", a state  
31 department or any division or branch of the state, or any  
32 agency of the state government, all the positions and  
33 employees in which are under the same appointing authority;

34 [(9)] (8) "Eleemosynary or penal institutions", an  
35 institution within state government holding, housing, or  
36 caring for inmates, patients, veterans, juveniles, or other  
37 individuals entrusted to or assigned to the state where it  
38 is anticipated that such individuals will be in residence  
39 for longer than one day. Eleemosynary or penal institutions  
40 shall not include elementary, secondary, or higher education  
41 institutions operated separately or independently from the  
42 foregoing institutions;

43 [(10)] (9) "Eligible", a person whose name is on a  
44 register or who has been determined to meet the  
45 qualifications for a class or position;

46 [(11)] (10) "Employee", shall include only those  
47 persons employed in excess of thirty-two hours per calendar  
48 week, for a duration that could exceed six months, by a  
49 state agency and shall not include patients, inmates, or  
50 residents in state eleemosynary or penal institutions who  
51 work for the state agency operating an eleemosynary or penal  
52 institutions;

53 [(12)] (11) "Examination" or "competitive  
54 examination", a means of determining eligibility or fitness  
55 for a class or position;

56 [(13)] (12) "Open competitive examination", a  
57 selection process for positions in a particular class,  
58 admission to which is not limited to persons employed in

59 positions subject to this chapter pursuant to subsection 1  
60 of section 36.030;

61 [(14)] (13) "Promotional examination", a selection  
62 process for positions in a particular class, admission to  
63 which is limited to employees with regular status in  
64 positions subject to this chapter pursuant to subsection 1  
65 of section 36.030;

66 [(15)] (14) "Register of eligibles", a list, which may  
67 be restricted by locality, of persons who have been found  
68 qualified for appointment to a position subject to this  
69 chapter pursuant to subsection 1 of section 36.030;

70 [(16)] (15) "Regular employee", a person employed in a  
71 position described under subdivision (2) of subsection 1 of  
72 section 36.030 who has successfully completed a probationary  
73 period as provided in section 36.250;

74 [(17)] (16) "State equal employment opportunity  
75 officer", the individual designated by the governor or the  
76 commissioner of administration as having responsibility for  
77 monitoring the compliance of the state as an employer with  
78 applicable equal employment opportunity law and regulation  
79 and for leadership in efforts to establish a state workforce  
80 which reflects the diversity of Missouri citizens at all  
81 levels of employment;

82 [(18)] (17) "Surviving spouse", the unmarried  
83 surviving spouse of a deceased disabled veteran or the  
84 unmarried surviving spouse of any person who was killed  
85 while on active duty in the Armed Forces of the United  
86 States or an unmarried surviving spouse of a National Guard  
87 veteran who was killed as a result of active service to the  
88 state at the call of the governor;

89 [(19)] (18) "Veteran", any person who is a citizen of  
90 this state who has been separated under honorable conditions  
91 from the Armed Forces of the United States who served on

92 active duty during peacetime or wartime for at least six  
93 consecutive months, unless released early as a result of a  
94 service-connected disability or a reduction in force at the  
95 convenience of the government, or any member of a reserve or  
96 National Guard component who has satisfactorily completed at  
97 least six years of service or who was called or ordered to  
98 active duty by the President and participated in any  
99 campaign or expedition for which a campaign badge or service  
100 medal has been authorized.

36.030. 1. (1) Employees in eleemosynary or penal  
2 institutions shall be selected on the basis of merit.

3 (2) So much of any agency that is required to maintain  
4 personnel standards on a merit basis by federal law or  
5 regulations for grant-in-aid programs shall, except for  
6 those positions specified in subsection 2 of this section,  
7 select employees on the basis of merit and maintain such  
8 standards as specified in this chapter and as otherwise  
9 required.

10 2. State agencies operating eleemosynary or penal  
11 institutions shall not domicile the following positions in  
12 such institutions and such positions shall not be selected  
13 in accordance with subsection 1 of this section:

14 (1) Other provisions of the law notwithstanding,  
15 members of boards and commissions, departmental directors,  
16 five principal assistants designated by the departmental  
17 directors, division directors, and three principal  
18 assistants designated by each division director;

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

22 (3) Chaplains and attorneys;

23 (4) Persons employed in work assignments with a  
24 geographic location principally outside the state of

25 Missouri and other persons whose employment is such that  
26 selection by competitive examination and standard  
27 classification and compensation practices are not practical  
28 under all the circumstances as determined by the [board]  
29 director by rule;

30 (5) Patients, inmates, or residents in state penal  
31 institutions who work for the agency operating the  
32 eleemosynary or penal institution;

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

40 (7) The administrative head of each state medical,  
41 penal and correctional institution, as warranted by the size  
42 and complexity of the organization and as approved by the  
43 [board] director;

44 (8) Deputies or other policy-making assistants to the  
45 exempt head of each division of service, as warranted by the  
46 size or complexity of the organization and in accordance  
47 with the rules promulgated by the [personnel advisory board]  
48 director;

49 (9) Special assistants as designated by an appointing  
50 authority; except that, the number of such special  
51 assistants shall not exceed two percent of a department's  
52 total authorized full-time equivalent workforce.

53 3. To encourage all state employees to improve the  
54 quality of state services, increase the efficiency of state  
55 work operations, and reduce the costs of state programs, the  
56 director [of the division of personnel] shall establish  
57 employee recognition programs, including a statewide

58 employee suggestion system. The director shall determine  
59 reasonable rules and shall provide reasonable standards for  
60 determining the monetary awards, not to exceed five thousand  
61 dollars, under the employee suggestion system.

62 4. At the request of the senate or the house of  
63 representatives, the commissioner of administration shall  
64 submit a report on the employee suggestion award program  
65 described in subsection 3 of this section.

36.060. 1. In addition to the duties imposed upon it  
2 elsewhere in this chapter, it shall be the duty of the  
3 ~~[board]~~ director:

4 (1) To make any investigation which ~~[it]~~ he or she may  
5 consider desirable concerning the administration of  
6 personnel subject to this chapter pursuant to subsection 1  
7 of section 36.030 and all personnel of any department or  
8 agency of the executive branch of state government not  
9 exempted from section 36.031;

10 (2) To hold regular meetings with appointing  
11 authorities to propose methods of resolving general  
12 personnel problems;

13 (3) ~~[To make annual reports, and such special reports~~  
14 as it considers desirable, to the governor and the general  
15 assembly regarding personnel administration in the state  
16 service and recommendations there. These special reports  
17 may evaluate the effectiveness of the personnel division and  
18 the appointing authorities in their operations under this  
19 chapter;

20 (4) ~~]~~ To make such suggestions and recommendations to  
21 the governor and the ~~[director]~~ commissioner of  
22 administration relating to the state's employment policies  
23 as will promote morale, efficiency and uniformity in  
24 compensation of the various employees in the state service;

25            [(5)] (4) To promulgate rules and regulations on  
26 behalf of the commissioner of administration to ensure that  
27 no applicant or employee is discriminated against on the  
28 basis of race, creed, color, religion, national origin, sex,  
29 ancestry or handicap.

30            2. No rule or portion of a rule promulgated under the  
31 authority of this chapter shall become effective unless it  
32 has been promulgated pursuant to the provisions of section  
33 536.024.

          36.070. 1. The [board] commissioner of administration  
2 shall have power to prescribe such rules and regulations not  
3 inconsistent with the provisions of this chapter as [it] he  
4 or she deems suitable and necessary to carry out the  
5 provisions of this chapter. Such rules and regulations  
6 shall be effective when filed with the secretary of state as  
7 provided by law.

8            2. The [board] commissioner of administration shall  
9 prescribe by rule the procedures for merit selection,  
10 uniform classification and pay, and covered appeals in  
11 accordance with the provisions of this chapter.

12            3. As of August 28, 2022, the rules of the personnel  
13 advisory board previously established by this chapter shall  
14 become rules of the commissioner of administration.

          36.080. 1. The director shall be a person, appointed  
2 by the commissioner of administration, who is experienced in  
3 the principles and methods of personnel administration, who  
4 is familiar with and in sympathy with the application of  
5 merit principles [and] or other efficient methods of public  
6 administration. The director shall be appointed for a term  
7 of four years beginning on July first following the election  
8 of a governor, which term may be renewed at its expiration  
9 at the option of the governor.

10           2. The personnel director shall not during his or her  
11 term of office, or for one year prior thereto:

12           (1) Be a member of any local, state or national  
13 committee of a political party;

14           (2) Be a member of any partisan political club or  
15 organization;

16           (3) Actively participate in any partisan political  
17 campaign; or

18           (4) Hold or be a candidate for any partisan public  
19 office.

20           3. [Upon an impending or actual vacancy in the  
21 position of director, the board shall publicly solicit  
22 applications for the position and prepare and submit to the  
23 governor a list of the five most qualified applicants. In  
24 the course of preparing such a list the board may engage the  
25 services of persons experienced in personnel administration  
26 as consultants to assist it in examining and determining the  
27 best qualified available persons for appointment as  
28 director. The board shall be authorized to pay, out of the  
29 funds appropriated to it, the necessary travel and other  
30 expenses of any consultants engaged under the provisions of  
31 this section, and may also defray the travel expenses of  
32 candidates for the position who are requested to report for  
33 an interview. The director may also assist the board with  
34 the search process and division of personnel resources may  
35 be used to advance the search process.

36           4. The provisions of subdivision (2) of subsection 5  
37 of section 1 of the Reorganization Act of 1974  
38 notwithstanding, the total compensation of any director  
39 shall not exceed the statutory salary of department heads.

40           5. The provisions of subsection 8 of section 15 of the  
41 Reorganization Act of 1974 notwithstanding, the governor  
42 shall appoint to the position of director, without regard to

43 his or her political affiliation and subject to the advice  
44 and consent of the senate, one of the persons named on the  
45 list submitted by the board.

46 6.] The director may be removed by the [board]  
47 commissioner of administration for no reason or for any  
48 reason not prohibited by law.

36.090. 1. The director, as executive head of the  
2 personnel division, shall direct and supervise all its  
3 administrative and technical activities. In addition to the  
4 duties imposed upon the director elsewhere in this chapter,  
5 the director may develop in cooperation with appointing  
6 authorities a management training program, a recruiting  
7 program, and a system of performance appraisals, and [to]  
8 may assist appointing authorities in the setting of  
9 productivity goals.

10 2. [The director shall assist the board in the  
11 performance of its functions and attend board meetings.

12 3.] The director may:

13 (1) Establish and maintain a roster of all officers  
14 and employees subject to this chapter pursuant to subsection  
15 1 of section 36.030 or pursuant to section 36.031, in which  
16 there shall be set forth, as to each employee, a record of  
17 the class title of the position held; the salary or pay; any  
18 change in class title, pay or status, and such other data as  
19 may be deemed desirable to produce significant facts  
20 pertaining to personnel administration;

21 (2) Appoint and fix the compensation of such experts  
22 and special assistants as may be necessary to carry out  
23 effectively the provisions of this chapter;

24 (3) Investigate the effects of this chapter and the  
25 rules promulgated under this chapter and report his or her  
26 findings and recommendations to the [board] commissioner of  
27 administration and the governor;



28 (4) Make annual reports concerning the work of the  
29 division, problems in personnel management, and actions  
30 taken or to be taken by the division to resolve those  
31 problems;

32 (5) Perform any other lawful act which he or she may  
33 consider necessary or desirable to carry out the purposes  
34 and provisions of this chapter.

35 [4.] 3. The director shall appoint a deputy or  
36 deputies. In case of the absence of the director or his or  
37 her inability from any cause to discharge the powers and  
38 duties of his or her office, such powers and duties shall  
39 devolve upon his or her deputy or deputies.

36.100. 1. The director shall ascertain the duties,  
2 authority and responsibilities of all positions subject to  
3 this chapter pursuant to subsection 1 of section 36.030, and  
4 all positions subject to this section pursuant to section  
5 36.031. After consultation with the appointing authorities,  
6 the director shall prepare [and recommend to the board], and  
7 maintain on a continuing basis, a position classification  
8 plan, which shall group all positions subject to this  
9 chapter pursuant to subsection 1 of section 36.030, and all  
10 positions subject to this section pursuant to section 36.031  
11 in classes, based on their duties, authority and  
12 responsibilities. Except as provided in subsection 2 of  
13 this section, the position classification plan shall set  
14 forth, for each class of positions, a class title and a  
15 statement of the duties, authority and responsibilities  
16 thereof, and the qualifications that are necessary or  
17 desirable for the satisfactory performance of the duties of  
18 the class; provided, that no plan shall be adopted which  
19 prohibits the substitution of experience for education for  
20 each class of positions, except that, the [board] director  
21 may determine that there is no equivalent substitution in

22 particular cases. Classifications should be sufficiently  
23 broad in scope to include as many comparable positions as  
24 possible both on an intra- and inter-departmental basis.

25 2. The classification plan may group positions with  
26 similar levels of responsibility or expertise into broad  
27 classification bands.

28 3. The director shall, in consultation with the  
29 agencies, eliminate and combine classes when possible,  
30 taking into consideration the recruitment, selection, and  
31 compensation of personnel in the various classes.

36.120. 1. Before establishing a new position in  
2 divisions of the service subject to this chapter pursuant to  
3 subsection 1 of section 36.030 or any new position in a  
4 department or agency of the executive branch of state  
5 government subject to this section pursuant to section  
6 36.031, or before making any permanent and substantial  
7 change of the duties, authority or responsibilities of any  
8 such position, an appointing authority shall notify the  
9 director in writing of the appointing authority's intention  
10 to do so, except where the positions may be allocated by the  
11 appointing authority.

12 2. The director may at any time allocate any new  
13 position to a class, or change the allocation of any  
14 position to a class, or **[recommend to the board]** make  
15 changes in the classification plan. **[Any change in the**  
16 **classification plan recommended by the director shall take**  
17 **effect when approved by the board, or on the ninetieth day**  
18 **after it is recommended to the board if prior thereto the**  
19 **board has not approved it. In case of necessity requiring**  
20 **the immediate establishment of a new class, the director may**  
21 **establish such a class on an interim basis pending approval**  
22 **of the class by the board as recommended by the director.]**

23           3. When the allocation of a position to a class is  
24 changed, the director shall notify the appointing  
25 authority. If allocation authority is delegated, the  
26 appointing authority shall notify the director of any  
27 changes in the allocation. If the position is filled at the  
28 time of reallocation to a class, the appointing authority  
29 shall immediately notify the incumbent of the position  
30 regarding the allocation change. If the incumbent does not  
31 agree with the new allocation, the incumbent may submit to  
32 the director a request for a review of the allocation of the  
33 position.

34           4. If any change is made in the classification plan by  
35 which a class of positions is divided, altered, or  
36 abolished, or classes are combined, the director shall  
37 forthwith reallocate the positions affected to their  
38 appropriate classes in the amended classification plan. An  
39 employee who is occupying a position reallocated to a  
40 different class shall, subject to the regulations, be given  
41 the same status in the new class as previously held in the  
42 class from which his or her position is reallocated.

43           5. [After a class of positions has been approved by  
44 the board,] The director is authorized to make such changes  
45 in the class title or in the statement of duties and  
46 qualifications for [the] a new class as the director finds  
47 necessary for current maintenance of the classification  
48 plan[; provided, however, that changes which materially  
49 affect the nature and level of a class or which involve a  
50 change in salary range for the class shall be approved by  
51 the board].

36.140. 1. After consultation with appointing  
2 authorities and the state fiscal officers, and after a  
3 public hearing following suitable notice, the director shall  
4 prepare [and recommend to the board] a pay plan for each

5 class of positions subject to this chapter pursuant to  
6 subsection 1 of section 36.030 and each class of positions  
7 subject to this section pursuant to section 36.031. The pay  
8 plan shall include, for each class of positions, a minimum  
9 and a maximum rate, and such provision for intermediate  
10 rates as the director considers necessary or equitable. The  
11 pay plan may also provide for the use of open, or stepless,  
12 pay ranges. The pay plan may include provision for grouping  
13 of positions with similar levels of responsibility or  
14 expertise into broad classification bands for purposes of  
15 determining compensation and for such salary differentials  
16 and other pay structures as the director considers necessary  
17 or equitable. In establishing the rates, the director shall  
18 give consideration to the experience in recruiting for  
19 positions in the state service, the rates of pay prevailing  
20 in the state for the services performed, and for comparable  
21 services in public and private employment, living costs,  
22 maintenance, or other benefits received by employees, and  
23 the financial condition and policies of the state. These  
24 considerations shall be made on a statewide basis and shall  
25 not make any distinction based on geographical areas or  
26 urban and rural conditions. The pay plan shall take effect  
27 when approved by [the board and] the governor, and each  
28 employee appointed to a position subject to this chapter  
29 pursuant to subsection 1 of section 36.030 and each class of  
30 positions subject to this section pursuant to section  
31 36.031, after the adoption of the pay plan shall be paid  
32 according to the provisions of the pay plan for the position  
33 in which he or she is employed; provided, that the  
34 commissioner of administration certifies that there are  
35 funds appropriated and available to pay the adopted pay  
36 plan. The pay plan shall also be used as the basis for  
37 preparing budget estimates for submission to the legislature

38 insofar as such budget estimates concern payment for  
39 services performed in positions subject to this chapter  
40 pursuant to subsection 1 of section 36.030 and positions  
41 subject to this section pursuant to section 36.031.  
42 Amendments to the pay plan may be recommended by the  
43 director from time to time as circumstances require and such  
44 amendments shall take effect when approved as provided by  
45 this section. The conditions under which employees may be  
46 appointed at a rate above the minimum provided for the  
47 class, or advance from one rate to another within the rates  
48 applicable to their positions, may be determined by the  
49 regulations.

50 2. Any change in the pay plan shall be made on a  
51 uniform statewide basis. No employee in a position subject  
52 to this chapter shall receive more or less compensation than  
53 another employee solely because of the geographical area in  
54 which the employee lives or works.

36.250. 1. Every person appointed to a permanent  
2 position described under subdivision (2) of subsection 1 of  
3 section 36.030 shall be required to successfully complete a  
4 working test during a probationary period which shall be of  
5 sufficient length to enable the appointing authority to  
6 observe the employee's ability to perform the various duties  
7 pertaining to the position.

8 2. The [board] director shall by regulation establish  
9 the standards governing normal length of the probationary  
10 period for different classes of positions. The regulations  
11 shall specify the criteria for reducing or lengthening the  
12 probationary period for individuals within the various  
13 classes. The minimum probationary period shall be three  
14 months. The maximum probationary period shall be eighteen  
15 months for top professional personnel and personnel with  
16 substantial supervisory or administrative responsibilities,

17 and twelve months for all others. However, a probationary  
18 period shall not be required for an employee reinstated  
19 within two years after layoff or demotion in lieu of layoff  
20 by the same division of service.

21 3. Prior to the expiration of an employee's  
22 probationary period, the appointing authority shall notify  
23 the director and the employee in writing whether the  
24 services of the employee have been satisfactory and whether  
25 the appointing authority will continue the employee in the  
26 employee's position.

27 4. At any time during the probationary period the  
28 appointing authority may remove an employee if, in the  
29 opinion of the appointing authority, the working test  
30 indicates that the employee is unable or unwilling to  
31 perform the duties of the position satisfactorily. Upon  
32 removal, the appointing authority shall forthwith report to  
33 the director and to the employee removed, in writing, the  
34 appointing authority's action and the reason thereof. An  
35 employee who is found by the director to have been appointed  
36 through fraud shall be removed within ten days of  
37 notification of the appointing authority.

36.440. 1. All officers and employees of the state  
2 subject to provisions of this chapter, whether pursuant to  
3 subsection 1 of section 36.030 or pursuant to section  
4 36.031, shall comply with and aid in all proper ways in  
5 carrying out the provisions of this chapter applicable to  
6 them and the regulations adopted thereunder. All officers  
7 and employees shall furnish any records or information which  
8 the director [or the board] may request for any purpose of  
9 this law.

10 2. A state officer or employee who shall fail to  
11 comply with any provision of this chapter or of any  
12 regulation adopted thereunder that is applicable to such

13 person shall be subject to all penalties and remedies now or  
14 hereafter provided by law for the failure of a public  
15 officer or employee to do any act required of him or her by  
16 this chapter. The director may maintain such action or  
17 proceeding at law or in equity as he or she considers  
18 necessary or appropriate to secure compliance with this  
19 chapter and the regulations adopted thereunder.

36.510. 1. In addition to other duties specified  
2 elsewhere in this chapter the director may perform the  
3 following functions in some or all agencies of state  
4 government:

5 (1) Develop, initiate and implement a central training  
6 program for personnel in agencies of state government and  
7 encourage and assist in the development of such specialized  
8 training activities as can best be administered internally  
9 by such individual agencies;

10 (2) Establish a management trainee program and  
11 prescribe rules for the establishment of a career executive  
12 service for the state;

13 (3) **[Formulate for approval of the board]** Promulgate  
14 regulations regarding mandatory training for persons  
15 employed in management positions in state agencies;

16 (4) Institute, coordinate and direct a statewide  
17 program for recruitment of personnel in cooperation with  
18 appointing authorities in state agencies;

19 (5) Assist all state departments in setting  
20 productivity goals and in implementing a standard system of  
21 performance appraisals;

22 (6) Establish and direct a central labor relations  
23 function for the state which shall coordinate labor  
24 relations activities in individual state agencies, including  
25 participation in negotiations and approval of agreements

26 relating to uniform wages, benefits and those aspects of  
27 employment which have fiscal impact on the state; and

28 (7) **Formulate** Promulgate rules **for approval of the**  
29 **board** and establish procedures and standards relating to  
30 position classification and compensation of employees which  
31 are designed to secure essential uniformity and  
32 comparability among state agencies.

33 2. Any person who is employed in a position subject to  
34 this chapter who engaged in a strike or labor stoppage shall  
35 be subject to the penalties provided by law.

37.010. 1. The governor, by and with the advice and  
2 consent of the senate, shall appoint a commissioner of  
3 administration, who shall head the "Office of  
4 Administration" which is hereby created. The commissioner  
5 of administration shall receive a salary as provided by law  
6 and shall also receive his or her actual and necessary  
7 expenses incurred in the discharge of his or her official  
8 duties. Before taking office, the commissioner of  
9 administration shall take and subscribe an oath or  
10 affirmation to support the Constitution of the United States  
11 and of this state, and to demean himself or herself  
12 faithfully in office. The commissioner shall also deposit  
13 with the governor a bond, with sureties to be approved by  
14 the governor, in the amount to be determined by the governor  
15 payable to the state of Missouri, conditioned on the  
16 faithful performance of the duties of his or her office.  
17 The premium of this bond shall be paid out of the  
18 appropriation for the office of the governor. This bonding  
19 requirement may be satisfied by the commissioner of  
20 administration placing himself or herself under a blanket  
21 bond, or by including himself or herself in an analogous  
22 insurance policy, so long as that bond or policy provides  
23 the state of Missouri with substantially similar protection



24 as would be provided by the commissioner of administration's  
25 individual bond. The commissioner of administration is  
26 hereby empowered to procure such a blanket bond or analogous  
27 insurance policy.

28         2. The governor shall appoint the commissioner of  
29 administration with the advice and consent of the senate.  
30 The commissioner shall be at least thirty years of age and  
31 must have been a resident and qualified voter of this state  
32 for the five years next preceding his or her appointment.  
33 He or she shall be qualified by training and experience to  
34 assume the managerial and administrative functions of the  
35 office of commissioner of administration.

36         3. The commissioner of administration shall, by virtue  
37 of his or her office, without additional compensation, head  
38 the division of budget, the division of purchasing, the  
39 division of facilities management, design and construction,  
40 the division of personnel, and the information technology  
41 services division. Whenever provisions of the constitution  
42 grant powers, impose duties or make other reference to the  
43 comptroller, they shall be construed as referring to the  
44 commissioner of administration.

45         4. The commissioner of administration shall provide  
46 the governor with such assistance in the supervision of the  
47 executive branch of state government as the governor  
48 requires and shall perform such other duties as are assigned  
49 to him or her by the governor or by law. The commissioner  
50 of administration shall work with other departments of the  
51 executive branch of state government to promote economy,  
52 efficiency and improved service in the transaction of state  
53 business. The commissioner of administration, with the  
54 approval of the governor, shall organize the work of the  
55 office of administration in such manner as to obtain maximum  
56 effectiveness of the personnel of the office. He or she may

57 consolidate, abolish, or reassign duties of positions or  
58 divisions combined within the office of administration[,  
59 except for the division of personnel. He or she may  
60 delegate specific duties to subordinates]. These  
61 subordinates shall take the same oath as the commissioner  
62 and shall be covered by the bond of the director or by  
63 separate bond as required by the governor.

64 5. [The personnel division, personnel director and  
65 personnel advisory board as provided in chapter 36 shall be  
66 in the office of administration.] The personnel director  
67 and employees of the personnel division shall perform such  
68 duties as directed by the commissioner of administration for  
69 personnel work in agencies and departments of state  
70 government to upgrade state employment and to improve the  
71 uniform quality of state employment.

72 6. The commissioner of administration shall prepare a  
73 complete inventory of all real estate, buildings and  
74 facilities of state government and an analysis of their  
75 utilization. Each year he or she shall formulate and submit  
76 to the governor a long-range plan for the ensuing five years  
77 for the repair, construction and rehabilitation of all state  
78 properties. The plan shall set forth the projects proposed  
79 to be authorized in each of the five years with each project  
80 ranked in the order of urgency of need from the standpoint  
81 of the state as a whole and shall be upgraded each year.  
82 Project proposals shall be accompanied by workload and  
83 utilization information explaining the need and purpose of  
84 each. Departments shall submit recommendations for capital  
85 improvement projects and other information in such form and  
86 at such times as required by the commissioner of  
87 administration to enable him or her to prepare the long-  
88 range plan. The commissioner of administration shall  
89 prepare the long-range plan together with analysis of

90 financing available and suggestions for further financing  
91 for approval of the governor who shall submit it to the  
92 general assembly. The long-range plan shall include  
93 credible estimates for operating purposes as well as capital  
94 outlay and shall include program data to justify need for  
95 the expenditures included. The long-range plan shall be  
96 extended, revised and resubmitted in the same manner to  
97 accompany each executive budget. The appropriate  
98 recommendations for the period for which appropriations are  
99 to be made shall be incorporated in the executive budget for  
100 that period together with recommendations for financing.  
101 Each revised long-range plan shall provide a report on  
102 progress in the repair, construction and rehabilitation of  
103 state properties and of the operating purposes program for  
104 the preceding fiscal period in terms of expenditures and  
105 meeting program goals.

106 7. The office of the commissioner of administration  
107 shall be in Jefferson City.

108 8. In case of death, resignation, removal from office  
109 or vacancy from any cause in the office of commissioner of  
110 administration, the governor shall take charge of the office  
111 and superintend the business thereof until a successor is  
112 appointed, commissioned and qualified.

37.080. 1. The state agency for surplus property may  
2 charge fees in an amount necessary for the reimbursement of  
3 freight, handling, warehousing, transferring, and accounting  
4 for surplus property handled by it. Moneys so collected  
5 shall be used for the operation and maintenance of the state  
6 agency for surplus property and for no other purpose. Any  
7 moneys found by the agency to be in excess of the costs  
8 incurred may be refunded within the fiscal period to the  
9 parties from whom the moneys were received.

10           2. The commissioner of the office of administration  
11 shall receive and keep all moneys collected under this  
12 section and shall disburse them under the direction of the  
13 state agency for surplus property in accordance with this  
14 law. He shall give a bond in an amount fixed and approved  
15 by the office of administration for the safekeeping and  
16 faithful administration of the funds. The premium of the  
17 bond shall be paid from funds received under this law. This  
18 bonding requirement may be satisfied by the commissioner of  
19 administration placing himself or herself, or his or her  
20 designee, under a blanket bond, or by including himself or  
21 herself, or his or her designee, in an analogous insurance  
22 policy, so long as that bond or policy provides the state of  
23 Missouri with substantially similar protection as would be  
24 provided by the individual bond of the commissioner of  
25 administration or his or her designee. The commissioner of  
26 administration is hereby empowered to procure such a blanket  
27 bond or analogous insurance policy.

          41.140. 1. There shall be an adjutant general of the  
2 state appointed by the governor by and with the advice and  
3 consent of the senate who, at the time of his appointment,  
4 has not less than ten years of previous military service as  
5 a commissioned officer with the military forces of this  
6 state, or the United States, or in any or all of such  
7 services combined, five years of the service being in field  
8 grade. His appointment as adjutant general shall not vacate  
9 his commission in the organized militia if the person  
10 appointed holds such commission.

          2. The adjutant general shall have the rank designated  
12 by the governor and shall receive eighteen thousand dollars  
13 per annum. He shall make bond before entering upon the  
14 duties of his office in the sum of twenty thousand dollars,  
15 conditioned upon the faithful performance of his duties, to

16 be approved by and filed in the office of the governor.  
17 This bonding requirement may be satisfied by the  
18 commissioner of administration placing the adjutant general  
19 under a blanket bond, or by including the adjutant general  
20 in an analogous insurance policy, so long as that bond or  
21 policy provides the state of Missouri with substantially  
22 similar protection as would be provided by the adjutant  
23 general's individual bond. The commissioner of  
24 administration is hereby empowered to procure such a blanket  
25 bond or analogous insurance policy.

103.039. All moneys received by or belonging to the  
2 plan shall be paid to the executive director and promptly  
3 deposited by the executive director to the credit of the  
4 plan in one or more banks or trust companies or other  
5 financial institutions as selected by the board. No such  
6 money shall be deposited in or be retained by any bank or  
7 trust company which does not have on deposit with and for  
8 the board at the time, the kind and value of collateral  
9 required by sections 30.240 and 30.270, for depositories of  
10 the state treasurer. These moneys are funds of the plan and  
11 shall not be commingled with any funds in the state  
12 treasury. The executive director shall be responsible for  
13 all funds, securities, and property belonging to the plan  
14 and shall be provided with such corporate surety bond for  
15 the faithful handling of the same as the board shall  
16 require. This bonding requirement may be satisfied by the  
17 commissioner of administration placing the executive  
18 director under a blanket bond, or by including the executive  
19 director in an analogous insurance policy, so long as that  
20 bond or policy provides the state of Missouri with  
21 substantially similar protection as would be provided by the  
22 executive director's individual bond. The commissioner of

23 administration is hereby empowered to procure such a blanket  
24 bond or analogous insurance policy.

104.150. 1. The board shall set up and maintain a  
2 transportation department employees' and highway patrol  
3 retirement and benefit fund account in which shall be placed  
4 all payroll deductions, deferred compensation, payments and  
5 income from all sources. All property, money, funds,  
6 investments, and rights which shall belong to, or be  
7 available for expenditure or use by, the system shall be  
8 dedicated to and held in trust for the members and for the  
9 purposes set out in sections 104.010 to 104.270 and sections  
10 104.600 to 104.800 and no other. The board, in the name and  
11 on behalf of the system, may purchase, acquire, hold,  
12 invest, lend, lease, sell, assign, transfer, and dispose of  
13 all property, rights, and securities, and enter into written  
14 contracts, when necessary or proper to carry out the  
15 purposes of sections 104.010 to 104.270 and sections 104.600  
16 to 104.800.

2. All moneys received by or belonging to the system  
18 shall be paid to the executive director and by him deposited  
19 to the credit of the system in one or more banks or trust  
20 companies. No such money shall be deposited in or be  
21 retained by any bank or trust company which does not have on  
22 deposit with and for the board at the time the kind and  
23 value of collateral required by section 30.270 for  
24 depositaries of the state treasurer. The executive director  
25 shall be responsible for all funds, securities, and property  
26 belonging to the system, and shall give such corporate  
27 surety bond for the faithful handling of the same as the  
28 board shall require. This bonding requirement may be  
29 satisfied by the commissioner of administration placing the  
30 executive director under a blanket bond, or by including the  
31 executive director in an analogous insurance policy, so long

32 as that bond or policy provides the state of Missouri with  
33 substantially similar protection as would be provided by the  
34 executive director's individual bond. The commissioner of  
35 administration is hereby empowered to procure such a blanket  
36 bond or analogous insurance policy.

37 3. The board may invest the funds of the system as  
38 permitted by sections 105.686 to 105.690.

104.440. 1. The board shall set up and maintain a  
2 Missouri state employees' retirement and benefit fund  
3 account in which shall be placed all payroll deductions,  
4 deferred compensation, payments, and income from all  
5 sources. All property, money, funds, investments, and  
6 rights which shall belong to, or be available for  
7 expenditure or use by, the system shall be dedicated to and  
8 held in trust for the members and for the purposes herein  
9 set out and no other. The board shall have power, in the  
10 name and on behalf of the system, to purchase, acquire,  
11 hold, invest, lend, lease, sell, assign, transfer, and  
12 dispose of all property, rights, and securities, and enter  
13 into written contracts, all as may be necessary or proper to  
14 carry out the purposes of sections 104.010 and 104.320 to  
15 104.800.

16 2. All moneys received by or belonging to the system  
17 shall be paid to the executive director and deposited by the  
18 executive director to the credit of the system in one or  
19 more banks or trust companies. No such money shall be  
20 deposited in or be retained by any bank or trust company  
21 which does not have on deposit with and for the board at the  
22 time the kind and value of collateral required by sections  
23 30.240 and 30.270 for depositaries of the state treasurer.  
24 The executive director shall be responsible for all funds,  
25 securities, and property belonging to the system, and shall  
26 give such corporate surety bond for the faithful handling of

27 the same as the board shall require. This bonding  
28 requirement may be satisfied by the commissioner of  
29 administration placing the executive director under a  
30 blanket bond, or by including the executive director in an  
31 analogous insurance policy, so long as that bond or policy  
32 provides the state of Missouri with substantially similar  
33 protection as would be provided by the executive director's  
34 individual bond. The commissioner of administration is  
35 hereby empowered to procure such a blanket bond or analogous  
36 insurance policy.

37 3. The board may invest the funds of the system as  
38 permitted by sections 105.686 to 105.690.

105.721. 1. The commissioner of administration may,  
2 in his discretion, direct that any or all of the moneys  
3 appropriated to the state legal expense fund be expended to  
4 procure one or more policies of insurance to insure against  
5 all or any portion of the potential liabilities or losses of  
6 the state of Missouri or its agencies, as well as all or any  
7 portion of the potential liabilities of the officers[,] and  
8 employees of the state of Missouri or its agencies.

9 2. [Until July 1, 1996, the commissioner of  
10 administration may procure one or more policies of insurance  
11 or reinsurance to insure against all potential losses from  
12 liabilities incurred by the state legal expense fund under  
13 paragraphs (d) and (e) of subdivision (3) of subsection 2 of  
14 section 105.711. On or before January 1, 1996, the  
15 commissioner of administration shall prepare and distribute  
16 a report regarding the cost effectiveness of insuring  
17 against potential losses to the state under paragraphs (d)  
18 and (e) of subdivision (3) of subsection 2 of section  
19 105.711, by the direct purchase of an insurance policy or  
20 policies as compared to self-insuring against such losses  
21 through appropriations to the state legal expense fund under



22 section 105.711. The report shall be submitted to the  
23 governor, the speaker of the house of representatives, the  
24 president pro tempore of the senate, and upon request to any  
25 member of the general assembly.

26 3.] After consultation with the state courts  
27 administrator, the commissioner of administration shall  
28 procure such surety bonds as are required by statute and  
29 such surety bonds as he deems necessary to protect the state  
30 against loss from the acts or omissions of any person within  
31 the judiciary that receives compensation from the state. No  
32 other bond for such person shall be required for the  
33 protection of the state. A copy of any bond procured  
34 pursuant to this section shall be filed with the secretary  
35 of state. This bonding requirement may be satisfied by the  
36 commissioner of administration placing any such person  
37 within the judiciary under a blanket bond, or by including  
38 any such person within the judiciary in an analogous  
39 insurance policy, so long as that bond or policy provides  
40 the state of Missouri with substantially similar protection  
41 as would be provided by such person's individual bond. The  
42 commissioner of administration is hereby empowered to  
43 procure such a blanket bond or analogous insurance policy.

44 3. The commissioner of administration may require a  
45 bond of any officer or employee of the state of Missouri or  
46 its agencies who has responsibility for or access to any  
47 money or property belonging to the state, or any money or  
48 property in which the state may have an interest, and who is  
49 not otherwise required by law to give a bond. The amounts  
50 of the bonds shall be fixed by the commissioner of  
51 administration.

52 4. For any individual described in subsection 3 of  
53 this section, or any other state officer or employee who is  
54 otherwise required to execute and provide a bond to the

55 state of Missouri or its agencies in order to assume their  
56 official duties as a state officer or employee, the  
57 commissioner of administration may, in fulfillment of that  
58 requirement, place the individual under a blanket bond, or  
59 include the individual in an analogous insurance policy, so  
60 long as that bond or policy provides the state of Missouri  
61 and, where a statute specifically provides for any injured  
62 person to sue on a particular bond, any such person injured,  
63 with substantially similar protection as would be provided  
64 by the individual bond that would be required otherwise.  
65 The commissioner of administration is hereby empowered to  
66 procure such a blanket bond or analogous insurance policy.

67 5. Where a particular bonding requirement for a state  
68 officer or employee designates a specific public funding  
69 source to be used to pay for charges or costs arising from  
70 the procurement of a bond, the commissioner of  
71 administration may use that same funding source to pay for  
72 charges or costs arising from the placement of that officer  
73 or employee under a blanket bond, or for the charges or  
74 costs arising from including that officer or employee in a  
75 qualifying analogous insurance policy. Otherwise, the  
76 charges or costs of any such blanket bond or analogous  
77 insurance policy procured by the commissioner of  
78 administration under this provision shall be paid from the  
79 state legal expense fund.

105.950. 1. Until June 30, 2000, the commissioner of  
2 administration and the directors of the departments of  
3 revenue, social services, agriculture, economic development,  
4 corrections, labor and industrial relations, natural  
5 resources, and public safety shall continue to receive the  
6 salaries they received on August 27, 1999, subject to annual  
7 adjustments as provided in section 105.005.

8           2. On and after July 1, 2000, the salary of the  
9 directors of the above departments shall be set by the  
10 governor within the limits of the salary ranges established  
11 pursuant to this section and the appropriation for that  
12 purpose. Salary ranges for department directors and members  
13 of the parole board shall be set by the personnel [advisory  
14 board] director after considering the results of a study  
15 periodically performed or administered by the office of  
16 administration. Such salary ranges shall be published yearly  
17 in an appendix to the revised statutes of Missouri.

18           3. Each of the above salaries shall be increased by  
19 any salary adjustment provided pursuant to the provisions of  
20 section 105.005.

          105.1114. Administrative procedures for the  
2 implementation of sections 105.1100 to 105.1116 shall be  
3 promulgated by the [state] personnel [advisory board]  
4 director for those employees classified under the state  
5 personnel law and by other public employers for those  
6 employees under their management and control. No rule or  
7 portion of a rule promulgated under the authority of  
8 sections 105.1100 to 105.1116 shall become effective unless  
9 it has been promulgated pursuant to the provisions of  
10 section 536.024.

          138.220. Before entering upon the discharge of his  
2 official duty, each member of the commission shall execute a  
3 bond payable to the state of Missouri in the penal sum of  
4 ten thousand dollars, to be approved by the governor, for  
5 the faithful discharge of official duties, and his official  
6 oath, duly subscribed to, shall be endorsed upon their  
7 official bond, which bond and oath, when so executed, shall  
8 be filed in the office of the secretary of state. This  
9 bonding requirement may be satisfied by the commissioner of  
10 administration placing the member under a blanket bond, or

11 by including the member in an analogous insurance policy, so  
12 long as that bond or policy provides the state of Missouri  
13 with substantially similar protection as would be provided  
14 by the member's individual bond. The commissioner of  
15 administration is hereby empowered to procure such a blanket  
16 bond or analogous insurance policy.

173.375. Each member of the authority shall execute a  
2 surety bond in the penal sum of fifty thousand dollars or,  
3 in lieu thereof, the chairman of the authority shall execute  
4 a blanket bond covering each member and the employees or  
5 other officers of the authority, each surety bond to be  
6 conditioned upon the faithful performance of the duties of  
7 the office or offices covered, to be executed by a surety  
8 company authorized to transact business in this state as  
9 surety, and to be approved by the attorney general and filed  
10 in the office of the secretary of state. The cost of each  
11 such bond shall be paid by the authority. This bonding  
12 requirement may be satisfied by the commissioner of  
13 administration placing the member under a blanket bond, or  
14 by including the member in an analogous insurance policy, so  
15 long as that bond or policy provides the state of Missouri  
16 with substantially similar protection as would be provided  
17 by the member's individual bond. The commissioner of  
18 administration is hereby empowered to procure such a blanket  
19 bond or analogous insurance policy.

207.030. The directors of the family support division  
2 and children's division shall be persons qualified by  
3 education and experience to supervise the work of such  
4 divisions and shall be citizens and taxpayers of Missouri.  
5 Before entering upon his or her duties, each director shall  
6 subscribe an oath or affirmation to support the Constitution  
7 of the United States and of the state of Missouri and to  
8 faithfully demean himself or herself in office. Each

9 director shall enter into good and sufficient bond, payable  
10 to the state of Missouri, conditioned upon the faithful  
11 discharge and performance of official duties, and upon  
12 accountability for all property and funds coming under such  
13 director's administration and control, said bond to be  
14 approved by the attorney general as to form, and by the  
15 governor as to its sufficiency, the premium on said bond to  
16 be paid by the state. The governor may remove the director  
17 of the children's division and the director of the family  
18 support division for incompetence, misconduct, or neglect of  
19 duty. This bonding requirement may be satisfied by the  
20 commissioner of administration placing the director under a  
21 blanket bond, or by including the director in an analogous  
22 insurance policy, so long as that bond or policy provides  
23 the state of Missouri with substantially similar protection  
24 as would be provided by the director's individual bond. The  
25 commissioner of administration is hereby empowered to  
26 procure such a blanket bond or analogous insurance policy.

217.025. 1. The general supervision, management and  
2 control of the department of corrections shall be in the  
3 director of corrections, who shall be appointed by the  
4 governor, by and with the advice and consent of the senate.

5 2. The director shall be a person of recognized  
6 character and integrity, and have such education, training,  
7 proven executive ability and experience as will fit for the  
8 successful performance of the official duties of the  
9 director. The director shall have education, training and  
10 experience in correctional management. The director shall  
11 be a citizen of the United States, but need not be a  
12 resident of the state of Missouri at the time of  
13 appointment. Before entering into the official duties of  
14 office, the director shall take an oath or affirmation to  
15 support the Constitution of the United States and the

16 Constitution of the State of Missouri and to faithfully  
17 demean himself or herself in the office of the director.  
18 The director shall enter into a good and sufficient  
19 corporate surety bond, payable to the state of Missouri,  
20 conditioned upon the faithful discharge and performance of  
21 the official duties of the director. The bond shall be  
22 approved by the attorney general as to form and by the  
23 governor as to its sufficiency. The premium on the bond  
24 shall be paid by the state. This bonding requirement may be  
25 satisfied by the commissioner of administration placing the  
26 director under a blanket bond, or by including the director  
27 in an analogous insurance policy, so long as that bond or  
28 policy provides the state of Missouri with substantially  
29 similar protection as would be provided by the director's  
30 individual bond. The commissioner of administration is  
31 hereby empowered to procure such a blanket bond or analogous  
32 insurance policy. The director shall devote full time to  
33 the official duties of the director, with primary  
34 responsibility being to ensure that positive efforts are  
35 made to ensure the public safety. The secondary  
36 responsibility of the director shall be to institute various  
37 rehabilitative programs which should include, but are not  
38 limited to, the areas of education, vocational training,  
39 treatment, counseling and guidance and an overall approach  
40 aimed at reducing recidivism.

41 3. The director shall establish the duties and  
42 responsibilities of employees of the department, shall  
43 supervise their work assignments and may require reports  
44 from any employee as to his conduct and management relating  
45 to the correctional centers and programs of the department.  
46 The director shall also be responsible for the  
47 implementation of uniform policies and procedures governing  
48 offenders and staff.

49           4. The director shall have control and jurisdiction  
50 over all persons who are legally sentenced, assigned and  
51 committed to the custody and supervision of the department.

52           5. The director shall have control and jurisdiction  
53 over all real estate, buildings, equipment, machinery,  
54 correctional centers and products properly belonging to, or  
55 used by, or in connection with any facility within the  
56 department except where such control and jurisdiction are  
57 reserved to others by law.

58           6. The director shall make and enforce such rules,  
59 regulations, orders and findings as the director may deem  
60 necessary for the proper management of all correctional  
61 centers and persons subject to the department's control.

62           7. The director shall establish and maintain  
63 correctional centers and units, as provided by  
64 appropriations, for the segregation of male and female  
65 offenders, and for the classification of offenders based on  
66 the level of security, supervision and program needs.

67           8. The director shall prepare and submit an annual  
68 budget of all funds necessary to be expended by the  
69 department and by the divisions of the department.

70           9. The director shall prepare and submit to the  
71 governor and the general assembly a written report of the  
72 administration of his duties, together with such  
73 recommendations and suggestions as the director may deem  
74 advisable. It may include projects, plans, accomplishments,  
75 together with statistics and summaries of financial receipts  
76 and expenditures. The director shall also advise the  
77 governor and the joint committee on corrections as to any  
78 improvements that may appear necessary for the efficiency,  
79 economy and general well-being of offenders, correctional  
80 centers, programs, and the department.

81           10. The director shall initiate and direct the  
82 development of a long-range plan to provide comprehensive  
83 integrated programs to accomplish the purpose of this  
84 chapter.

          219.031. 1. The division shall be administered by a  
2 director who shall be appointed by the director of the  
3 department.

4           2. The director shall be a resident of the state of  
5 Missouri while serving as director. The director shall have  
6 broad experience and demonstrated expertise in the  
7 development, operation, and administration of programs for  
8 children and shall be selected for his recognized ability,  
9 character and integrity.

10          3. Before entering upon his duties, the director shall  
11 take an oath or affirmation to support the Constitution of  
12 the United States and of the state of Missouri and to  
13 faithfully perform the duties of his office; and shall enter  
14 into good and sufficient corporate surety bond, conditioned  
15 upon the faithful performance of his duties, said bond to be  
16 approved by the attorney general as to form, and by the  
17 governor as to sufficiency; the premium on the bond to be  
18 paid by the state. This bonding requirement may be  
19 satisfied by the commissioner of administration placing the  
20 director under a blanket bond, or by including the director  
21 in an analogous insurance policy, so long as that bond or  
22 policy provides the state of Missouri with substantially  
23 similar protection as would be provided by the director's  
24 individual bond. The commissioner of administration is  
25 hereby empowered to procure such a blanket bond or analogous  
26 insurance policy.

27          4. The director shall devote full time to his official  
28 duties.



29           5. The director shall receive as his total  
30 compensation an annual salary in an amount to be determined  
31 by the department director and shall be entitled to  
32 reimbursement for actual and necessary expenses incurred in  
33 the performance of his official duties.

          226.090. All members of the commission, and every  
2 other person appointed to office, or employed by the  
3 commission, shall, before entering upon the duties of his  
4 office or employment, take and subscribe to an oath or  
5 affirmation to support the Constitution of the United States  
6 and of this state, and to faithfully and honestly discharge  
7 the duties of such office or employment. No member of the  
8 commission, engineer, or other person appointed or employed  
9 by the commission shall, directly or indirectly, have any  
10 pecuniary interest in, or act as agent for, the sale of road  
11 or bridge building material, equipment, tools, machinery or  
12 supplies, or in any contract for the construction or  
13 maintenance of state highways or bridges, or the financing  
14 thereof, or in any performance bond or workers' compensation  
15 or any other insurance furnished to the commission, or  
16 insurance furnished to any person, firm or corporation  
17 contracting with the commission. Any officer or employee of  
18 the commission who has custody or control of property or  
19 funds of the state, shall give a good and sufficient bond,  
20 in an amount and with sureties satisfactory to the  
21 commission, conditioned upon the faithful discharge of the  
22 duties of his office and upon the accounting for all  
23 property and funds coming into his hands by, through or from  
24 such office. This bonding requirement may be satisfied by  
25 the commissioner of administration placing the officer or  
26 employee under a blanket bond, or by including the officer  
27 or employee in an analogous insurance policy, so long as  
28 that bond or policy provides the state of Missouri with

29 substantially similar protection as would be provided by the  
30 officer's or employee's individual bond. The commissioner  
31 of administration is hereby empowered to procure such a  
32 blanket bond or analogous insurance policy. Any officer or  
33 employee who shall violate the provisions of this section  
34 shall be guilty of a misdemeanor. The commission shall have  
35 power to remove any officer or employee of the commission.  
36 The selection and removal of all employees of the highways  
37 and transportation commission, of the transportation  
38 department, or of the department of transportation, shall be  
39 without regard to political affiliations.

261.040. The director of agriculture, before entering  
2 upon the duties of his office, shall give bond in the sum of  
3 five thousand dollars, which bond, when approved by the  
4 governor, shall be filed with the secretary of state. This  
5 bonding requirement may be satisfied by the commissioner of  
6 administration placing the director under a blanket bond, or  
7 by including the director in an analogous insurance policy,  
8 so long as that bond or policy provides the state of  
9 Missouri with substantially similar protection as would be  
10 provided by the director's individual bond. The  
11 commissioner of administration is hereby empowered to  
12 procure such a blanket bond or analogous insurance policy.  
13 The director, within available appropriations, shall have  
14 authority to appoint a state fair secretary, clerks,  
15 stenographers, inspectors, and other employees necessary all  
16 at the salaries fixed by law for the administration of this  
17 law and other laws under his charge as a consolidated  
18 department conducted on an economical business basis. The  
19 director shall have authority to combine the duties of and  
20 to discharge any employee of the state department of  
21 agriculture. Each inspector shall be required to perform  
22 inspection duties under all inspection laws administered by

23 the director. The director is hereby authorized to require  
24 and approve the bond of any employee responsible for the  
25 safe handling of any state revenue or fees, or state  
26 property, whenever he shall deem it reasonably necessary to  
27 protect the interests of the state. This bonding  
28 requirement may be satisfied by the commissioner of  
29 administration placing the employee under a blanket bond, or  
30 by including the employee in an analogous insurance policy,  
31 so long as that bond or policy provides the state of  
32 Missouri with substantially similar protection as would be  
33 provided by the employee's individual bond. The  
34 commissioner of administration is hereby empowered to  
35 procure such a blanket bond or analogous insurance policy.

267.030. Said veterinary surgeon shall, before  
2 entering upon the discharge of his duty, file with said  
3 director of agriculture his oath of office with a  
4 satisfactory and sufficient bond for the faithful  
5 performance of his official duties. This bonding  
6 requirement may be satisfied by the commissioner of  
7 administration placing the veterinary surgeon under a  
8 blanket bond, or by including the veterinary surgeon in an  
9 analogous insurance policy, so long as that bond or policy  
10 provides the state of Missouri with substantially similar  
11 protection as would be provided by the veterinary surgeon's  
12 individual bond. The commissioner of administration is  
13 hereby empowered to procure such a blanket bond or analogous  
14 insurance policy. He shall have his office with or near the  
15 office of the director of agriculture; shall act only as an  
16 expert, and shall, when practicable, devote all time  
17 possible to the investigation of the nature of, causes of  
18 and remedies for the diseases of domestic animals. The  
19 director of agriculture shall have charge of all clerical  
20 work pertaining to the veterinary service.

286.120. Subject to the supervision of the director of  
2 the department of labor and industrial relations, the  
3 division of workers' compensation shall be supervised and  
4 controlled by a division director who shall be appointed by  
5 and report to the director of the department of labor and  
6 industrial relations. The division director shall have all  
7 of the powers now vested by law in administrative law judges  
8 by the provisions of the workers' compensation law. Under  
9 the supervision of the director of the department of labor  
10 and industrial relations, the division director shall  
11 exercise such powers, duties and responsibilities as deemed  
12 necessary and as prescribed by the director of the  
13 department of labor and industrial relations in connection  
14 with the administration of the workers' compensation law  
15 (chapter 287), and the victims of crime law (chapter 595).  
16 Before entering upon the division director's duties, the  
17 director of the division of workers' compensation shall give  
18 a bond to the state of Missouri in the sum of twenty-five  
19 thousand dollars, conditioned that said division director  
20 will faithfully account for all moneys and property that may  
21 come into the division director's hands by virtue of the  
22 division director's office, and if a surety bond is given,  
23 the premium therefor shall be paid by the state from the  
24 workers' compensation fund. This bonding requirement may be  
25 satisfied by the commissioner of administration placing the  
26 division director under a blanket bond, or by including the  
27 division director in an analogous insurance policy, so long  
28 as that bond or policy provides the state of Missouri with  
29 substantially similar protection as would be provided by the  
30 division director's individual bond. The commissioner of  
31 administration is hereby empowered to procure such a blanket  
32 bond or analogous insurance policy.

287.223. 1. There is hereby created the "Missouri Mesothelioma Risk Management Fund", which shall be a body corporate and politic. The board of trustees of this fund shall have the powers and duties specified in this section and such other powers as may be necessary or proper to enable it, its officers, employees and agents to carry out fully and effectively all the purposes of this section.

2. Unless otherwise clearly indicated by the context, the following words and terms as used in this section mean:

(1) "Board", the board of trustees of the Missouri mesothelioma risk management fund;

(2) "Fund", the Missouri mesothelioma risk management fund established by subsection 1 of this section.

3. Any employer may participate in the Missouri mesothelioma risk management fund and use funds collected under this section to pay mesothelioma awards made against an employer member of the fund.

4. Employers who participate in the fund shall make annual contributions to the fund in the amount determined by the board in accordance with this section relating to rates established by insurers. Participation in the fund has the same effect as purchase of insurance by such employer, as otherwise provided by law, and shall have the same effect as a self-insurance plan. Moneys in the fund shall be available for:

(1) The payment and settlement of all claims for which coverage has been obtained by any employer participating in the fund in accordance with coverages offered by the board relating to mesothelioma awards pursuant to paragraph (a) of subdivision (3) of subsection 4 of section 287.200;

(2) Attorney's fees and expenses incurred in the administration and representation of the fund.

33           5. No amount in excess of the amount specified by  
34 paragraph (a) of subdivision (3) of subsection 4 of section  
35 287.200 shall be paid from the fund for the payment of  
36 claims arising out of any award.

37           6. The board of trustees of the fund shall issue  
38 payment of benefits in accordance with coverages offered by  
39 the board. For any year in which any employer does not make  
40 a yearly contribution to the fund, the board of trustees of  
41 the fund shall not be responsible, in any way, for payment  
42 of any claim arising from an occurrence in that year. Any  
43 employer which discontinues its participation in the fund  
44 may not resume participation in the fund for five calendar  
45 years after discontinuing participation. Should an employer  
46 fail to make a yearly contribution, such employer shall be  
47 liable pursuant to paragraph (b) of subdivision (3) of  
48 subsection 4 of section 287.200 if a claim is made in such  
49 year. If ongoing benefits are due by the fund for an  
50 employer who fails to make a yearly contribution, such  
51 employer shall be liable to the fund for the ongoing  
52 benefits.

53           7. All staff for the fund shall be provided by the  
54 department of labor except as otherwise specifically  
55 determined by the board. The fund shall reimburse the  
56 department of labor for all costs of providing staff  
57 required by this subsection. Such reimbursement shall be  
58 made on an annual basis, pursuant to contract negotiated  
59 between the fund and the department of labor. The fund is a  
60 body corporate and politic, and the state of Missouri shall  
61 not be liable in any way with respect to claims made against  
62 the fund or against member employers covered by the fund,  
63 nor with respect to any expense of operation of the fund.  
64 Money in the fund is not state money nor is it money  
65 collected or received by the state.

66           8. Each participating employer shall notify the board  
67 of trustees of the fund within seven working days of the  
68 time notice is received that a claim for benefits has been  
69 made against the employer. The employer shall supply  
70 information to the board of trustees of the fund concerning  
71 any claim upon request. It shall also notify the board of  
72 trustees of the fund upon the closing of any claim.

73           9. The board may contract with independent insurance  
74 agents, authorizing such agents to accept contributions to  
75 the fund from employers on behalf of the board upon such  
76 terms and conditions as the board deems necessary, and may  
77 provide a reasonable method of compensating such agents.  
78 Such compensation shall not be additional to the  
79 contribution to the fund.

80           10. There is hereby established a "Board of Trustees  
81 of the Missouri Mesothelioma Risk Management Fund", which  
82 shall consist of the director of the department of labor,  
83 and four members, appointed by the governor with the advice  
84 and consent of the senate, who are officers or employees of  
85 those employers participating in the fund. No more than two  
86 members appointed by the governor shall be of the same  
87 political party. The members appointed by the governor  
88 shall serve four-year terms, except that the original  
89 appointees shall be appointed for the following terms: one  
90 for one year, one for two years, one for three years, and  
91 one for four years. Any vacancies occurring on the board  
92 shall be filled in the same manner. In appointing the  
93 initial board of trustees the governor may anticipate which  
94 public entities will participate in the fund, and the  
95 appointees may serve the terms designated herein, unless  
96 they sooner resign or are removed in accordance with law.

97           11. No trustee shall be liable personally in any way  
98 with respect to claims made against the fund or against  
99 member employers covered by the fund.

100           12. The board shall elect one of their members as  
101 chairman. He or she shall preside over meetings of the  
102 board and perform such other duties as shall be required by  
103 action of the board.

104           13. The chairman shall appoint another board member as  
105 vice chairman, and the vice chairman shall perform the  
106 duties of the chairman in the absence of the latter or upon  
107 his inability or refusal to act.

108           14. The board shall appoint a secretary who shall have  
109 charge of the offices and records of the fund, subject to  
110 the direction of the board.

111           15. The board shall meet in Jefferson City, Missouri,  
112 upon the written call of the chairman or by the agreement of  
113 any three members of the board. Notice of the meeting shall  
114 be delivered to all other trustees in person or by  
115 depositing notice in a United States post office in a  
116 properly stamped and addressed envelope not less than six  
117 days prior to the date fixed for the meeting. The board may  
118 meet at any time by unanimous mutual consent.

119           16. Three trustees shall constitute a quorum for the  
120 transaction of business, and any official action of the  
121 board shall be based on a majority vote of the trustees  
122 present.

123           17. The trustees shall serve without compensation but  
124 shall receive from the fund their actual and necessary  
125 expenses incurred in the performance of their duties for the  
126 board.

127           18. Duties performed for the fund by any member of the  
128 board who is an employee of a member employer shall be  
129 considered duties in connection with the regular employment



130 of such employer, and such person shall suffer no loss in  
131 regular compensation by reason of the performance of such  
132 duties.

133 19. The board shall keep a complete record of all its  
134 proceedings.

135 20. A statement covering the operations of the fund  
136 for the year, including income and disbursements, and of the  
137 financial condition of the fund at the end of the year,  
138 showing the valuation and appraisal of its assets and  
139 liabilities, as of July first, shall each year be delivered  
140 to the governor and be made readily available to public  
141 entities.

142 21. The general administration of, and responsibility  
143 for, the proper operation of the fund, including all  
144 decisions relating to payments from the fund, are hereby  
145 vested in the board of trustees.

146 22. The board shall determine and prescribe all rules,  
147 regulations, coverages to be offered, forms and rates to  
148 carry out the purposes of this section.

149 23. The board shall have exclusive jurisdiction and  
150 control over the funds and property of the fund.

151 24. No trustee or staff member of the fund shall  
152 receive any gain or profit from any moneys or transactions  
153 of the fund.

154 25. Any trustee or staff member accepting any gratuity  
155 or compensation for the purpose of influencing his or her  
156 action with respect to the investment of the funds of the  
157 system or in the operations of the fund shall forfeit his or  
158 her office.

159 26. The board shall have the authority to use moneys  
160 from the fund to purchase one or more policies of insurance  
161 or reinsurance to cover the liabilities of participating  
162 employers members which are covered by the fund. If such

163 insurance can be procured, the board shall have the  
164 authority to procure insurance covering participating member  
165 employers per occurrence for liabilities covered by the  
166 fund. The costs of such insurance shall be considered in  
167 determining the contribution of each employer member.

168 27. The board shall have the authority to use moneys  
169 from the fund to assist participating members in assessing  
170 and reducing the risk of liabilities which may be covered by  
171 the fund.

172 28. The board shall set up and maintain a Missouri  
173 mesothelioma risk management fund account in which shall be  
174 placed all contributions, premiums, and income from all  
175 sources. All property, money, funds, investments, and  
176 rights which shall belong to, or be available for  
177 expenditure or use by, the fund shall be dedicated to and  
178 held in trust for the purposes set out in this section and  
179 no other. The board shall have power, in the name of and on  
180 behalf of the fund, to purchase, acquire, hold, invest,  
181 lend, lease, sell, assign, transfer, and dispose of all  
182 property, rights, and securities, and enter into written  
183 contracts, all as may be necessary or proper to carry out  
184 the purposes of this section.

185 29. All moneys received by or belonging to the fund  
186 shall be paid to the secretary and deposited by him or her  
187 to the credit of the fund in one or more banks or trust  
188 companies. No such money shall be deposited in or be  
189 retained by any bank and trust company which does not have  
190 on deposit with the board at the time the kind and value of  
191 collateral required by section 30.270 for depositories of  
192 the state treasurer. The secretary shall be responsible for  
193 all funds, securities, and property belonging to the fund,  
194 and shall give such corporate surety bond for the faithful  
195 handling of the same as the board shall require. This

196 bonding requirement may be satisfied by the commissioner of  
197 administration placing the secretary under a blanket bond,  
198 or by including the secretary in an analogous insurance  
199 policy, so long as that bond or policy provides the state of  
200 Missouri with substantially similar protection as would be  
201 provided by the secretary's individual bond. The  
202 commissioner of administration is hereby empowered to  
203 procure such a blanket bond or analogous insurance policy.

204         30. So far as practicable, the funds and property of  
205 the fund shall be kept safely invested so as to earn a  
206 reasonable return. The board may invest the funds of the  
207 fund as permitted by the laws of Missouri relating to the  
208 investment of the capital, reserve, and surplus funds of  
209 casualty insurance companies organized under the laws of  
210 Missouri.

211         31. If contributions to the fund do not produce  
212 sufficient funds to pay any claims which may be due, the  
213 board shall assess and each member, including any member who  
214 has withdrawn but was a member in the year in which the  
215 assessment is required, shall pay such additional amounts  
216 which are each member's proportionate share of total claims  
217 allowed and due. The provisions of this subsection shall  
218 apply retroactively to the creation of the Missouri  
219 mesothelioma risk management fund.

220         32. The board, in order to carry out the purposes for  
221 which the fund is established, may select and employ, or  
222 contract with, persons experienced in insurance  
223 underwriting, accounting, the servicing of claims, and  
224 ratemaking, who shall serve at the board's pleasure, as  
225 technical advisors in establishing the annual contribution,  
226 or may call upon the director of the department of commerce  
227 and insurance for such services.

228           33. Nothing in this section shall be construed to  
229 broaden or restrict the liability of the member employers  
230 participating in the fund beyond the provisions of this  
231 section, nor to abolish or waive any defense at law which  
232 might otherwise be available to any employer member.

233           34. If, at the end of any fiscal year, the fund has a  
234 balance exceeding projected needs, and adequate reserves,  
235 the board may in its discretion refund on a pro rata basis  
236 to all participating employer members an amount based on the  
237 contributions of the public entity for the immediately  
238 preceding year.

          288.220. 1. Subject to the supervision of the  
2 director of the department of labor and industrial  
3 relations, the division of employment security of the  
4 department of labor and industrial relations shall be under  
5 the control, management and supervision of a director who  
6 shall be appointed by the governor, by and with the advice  
7 and consent of the senate. The director shall serve at the  
8 pleasure of the governor.

9           2. The division shall be responsible for administering  
10 the Missouri state unemployment insurance operation and any  
11 other operations as are necessary to administer the state's  
12 employment security law.

13           3. The central office of the division shall be  
14 maintained in the City of Jefferson.

15           4. Subject to the supervision and approval of the  
16 director of the department of labor and industrial  
17 relations, it shall be the duty of the director to  
18 administer this law; and the director shall have power and  
19 authority to adopt, amend, or rescind any regulations as the  
20 director deems necessary to the efficient internal  
21 management of the division. The director shall determine  
22 the division's organization and methods of procedure.

23 Subject to the provisions of the state [merit system]  
24 personnel law, chapter 36, the director shall employ and  
25 prescribe the duties and powers of the persons as may be  
26 necessary. The director shall collaborate with the  
27 personnel director [and the personnel advisory board] in  
28 establishing for employees of the division salaries  
29 comparable to the salaries paid by other states of a similar  
30 size and volume of operations to employees engaged in the  
31 administration of the employment security programs of those  
32 states. The director may delegate to any such person the  
33 power and authority as the director deems reasonable and  
34 proper for the effective administration of the law, and may  
35 in the director's discretion bond any person handling moneys  
36 or signing checks. This bonding requirement may be  
37 satisfied by the commissioner of administration placing any  
38 such person under a blanket bond, or by including any such  
39 person in an analogous insurance policy, so long as that  
40 bond or policy provides the state of Missouri with  
41 substantially similar protection as would be provided by  
42 that person's individual bond. The commissioner of  
43 administration is hereby empowered to procure such a blanket  
44 bond or analogous insurance policy. Further, the director  
45 shall have the power to make expenditures, require reports,  
46 make investigations and take other action not inconsistent  
47 with this law as he or she considers necessary to the  
48 efficient and proper administration of the law.

49 5. Subject to the approval of the director of the  
50 department of labor and industrial relations and the  
51 commission, the director shall adopt, amend or rescind the  
52 rules and regulations as are necessary to implement any of  
53 the provisions of this law not relating to the internal  
54 management of the division; however, the rules and  
55 regulations shall not become effective until ten days after

56 their approval by the commission and copies thereof have  
57 been filed in the office of the secretary of state.

291.010. Before the director of the inspection section  
2 shall enter upon the duties of his office, he shall give a  
3 good and sufficient bond to the state of Missouri in the  
4 penal sum of twenty thousand dollars, to be approved by the  
5 attorney general as to form, and by the governor as to  
6 sufficiency, conditioned upon the faithful performance of  
7 the duties of his office, and that he will render an honest  
8 and accurate accounting of all funds which may come into his  
9 hands through the performance of his official duties, and  
10 said director shall be held liable on his official bond for  
11 any defalcations of any of his deputies, agents, assistants  
12 or other employees. This bonding requirement may be  
13 satisfied by the commissioner of administration placing the  
14 director under a blanket bond, or by including the director  
15 in an analogous insurance policy, so long as that bond or  
16 policy provides the state of Missouri with substantially  
17 similar protection as would be provided by the director's  
18 individual bond. The commissioner of administration is  
19 hereby empowered to procure such a blanket bond or analogous  
20 insurance policy.

311.610. 1. For the purpose of carrying out the  
2 provisions of this chapter and the liquor control law, the  
3 governor, by and with the advice and consent of the senate,  
4 shall appoint some suitable person of good moral character  
5 over the age of thirty years, who has been a qualified  
6 elector in the state of Missouri for at least five years  
7 next before the date of his appointment, as supervisor of  
8 liquor control. The supervisor of liquor control shall  
9 serve at the pleasure and under the supervision and  
10 direction of the governor.

11           2. The supervisor of liquor control shall devote his  
12 entire time to the duties of his office and, with the  
13 approval of the governor, appoint and employ all agents,  
14 assistants, deputies, inspectors and employees necessary for  
15 the proper enforcement and administration of the provisions  
16 of the liquor control law whose salaries shall be fixed by  
17 the governor, but no salary shall be greater than that paid  
18 to employees in other state departments for similar work,  
19 except that no salary of an agent directly engaged in the  
20 enforcement of the liquor control law shall be less than  
21 eight thousand dollars a year. In addition to his salary,  
22 the supervisor of liquor control and each of the agents,  
23 assistants, deputies, inspectors and employees shall be  
24 reimbursed for all expenses necessarily incurred in the  
25 discharge of their duties. No expenses shall be allowed for  
26 sustenance to any supervisor, agent, assistant, deputy,  
27 inspector or employee while in the city or town of his  
28 residence.

29           3. Before entering upon the discharge of his duties,  
30 the supervisor of liquor control shall take and subscribe to  
31 an oath to support the Constitution of the United States and  
32 of this state, and faithfully demean himself in office, and  
33 shall also execute bond to the state of Missouri in the  
34 penal sum of ten thousand dollars, conditioned for the  
35 faithful performance of the duties of his office, which bond  
36 shall be approved by the governor and deposited with the  
37 secretary of state and kept in his office; the premiums of  
38 the bond shall be paid by the state out of funds  
39 appropriated for that purpose. This bonding requirement may  
40 be satisfied by the commissioner of administration placing  
41 the supervisor under a blanket bond, or by including the  
42 supervisor in an analogous insurance policy, so long as that  
43 bond or policy provides the state of Missouri with

44 substantially similar protection as would be provided by the  
45 supervisor's individual bond. The commissioner of  
46 administration is hereby empowered to procure such a blanket  
47 bond or analogous insurance policy.

48 4. The supervisor of liquor control shall issue  
49 licenses for the manufacture and sale of ardent spirits,  
50 malt, vinous, fermented and every class of liquors used as  
51 beverages. The supervisor of liquor control shall keep a  
52 record of all intoxicating liquor manufactured, brewed or  
53 sold in this state by every brewery, distiller,  
54 manufacturer, distributor or wholesaler, and make a complete  
55 report of the same to the governor at the end of each  
56 calendar year, or as soon thereafter as possible.

311.620. 1. No person shall be appointed as agent,  
2 assistant, deputy or inspector under the provisions of the  
3 liquor control law who shall have been convicted of or  
4 against whom any indictment may be pending for any offense;  
5 nor shall any person be appointed as such agent, assistant,  
6 deputy or inspector who is not of good character or who is  
7 not a citizen of the United States, and who is not a  
8 resident taxpaying citizen of the state at the time of his  
9 or her appointment; or who is not able to read and write the  
10 English language or who does not possess ordinary physical  
11 strength and who is not able to pass such physical and  
12 mental examination as the supervisor of alcohol and tobacco  
13 control may prescribe.

14 2. No agent, assistant, deputy or inspector so  
15 appointed shall hold any other commission or office,  
16 elective or appointive or accept any other employment  
17 compensation while he or she is an employee of the division  
18 of alcohol and tobacco control, except with the written  
19 permission of the supervisor of alcohol and tobacco  
20 control. No agent, assistant, deputy or inspector of the



21 division of alcohol and tobacco control shall accept any  
22 reward or gift other than his or her regular salary and  
23 expenses as provided in this chapter. No agent, assistant,  
24 deputy or inspector of the division of alcohol and tobacco  
25 control shall perform any police duty connected with the  
26 conduct of any election, nor at any time or in any manner  
27 electioneer for or against any party ticket, or any  
28 candidate for nomination or office on any party ticket, nor  
29 for or against any proposition of any kind or nature to be  
30 voted upon at any election.

31 3. The agents, assistants, deputies and inspectors  
32 appointed under the provisions of section 311.610 shall  
33 before entering upon the discharge of their duties, each  
34 take and subscribe an oath to support the Constitution and  
35 laws of the United States and the State of Missouri and to  
36 faithfully demean themselves in office in the form  
37 prescribed by Section 11, Article VII of the Constitution of  
38 this State, and they shall each give bond to be approved by  
39 the supervisor of alcohol and tobacco control for faithful  
40 performance of the duties of their respective offices and to  
41 safely keep and account for all moneys and property received  
42 by them. This bond shall be in the sum of five thousand  
43 dollars, and the cost of furnishing all such bonds shall be  
44 paid by the state. For any such individual, this bonding  
45 requirement may be satisfied by the commissioner of  
46 administration placing the agent, assistant, deputy, or  
47 inspector under a blanket bond, or by including the agent,  
48 assistant, deputy, or inspector in an analogous insurance  
49 policy, so long as that bond or policy provides the state of  
50 Missouri with substantially similar protection as would be  
51 provided by the agent's, assistant's, deputy's, or  
52 inspector's individual bond. The commissioner of

53 administration is hereby empowered to procure such a blanket  
54 bond or analogous insurance policy.

55 4. Any agent, assistant, deputy or inspector of the  
56 division of alcohol and tobacco control who shall violate  
57 the provisions of this chapter shall be immediately  
58 discharged.

323.025. 1. There is hereby created within the  
2 department of agriculture the "Missouri Propane Safety  
3 Commission", which shall constitute a body corporate and  
4 politic, an independent instrumentality exercising essential  
5 public functions. The commission shall ensure the  
6 administration and enforcement of this chapter and all rules  
7 and regulations and orders promulgated thereunder. The  
8 powers of the commission shall be vested in nine  
9 commissioners, who shall be residents of this state, to be  
10 appointed by the governor, by and with the advice and  
11 consent of the senate. The commission shall consist of one  
12 member representing multistate retail marketers of propane,  
13 one member representing wholesalers or resellers of propane,  
14 one member from a county of the third classification  
15 representing retail marketers of propane, one member who is  
16 affiliated with the Mechanical Contractors Association in  
17 Missouri, one member affiliated with the Plumbing Industry  
18 Council, one member representing an affiliated industry, one  
19 member representing the department of agriculture, the  
20 Missouri state fire marshal or his or her designee, and one  
21 public member. The commissioners annually shall elect from  
22 among their number a chairperson and a vice chairperson, and  
23 such other officers as they may deem necessary.

24 2. The commissioners shall serve five-year terms, with  
25 each term beginning July first and ending on June  
26 thirtieth. However, of the commissioners first appointed,  
27 two shall be appointed for a term of two years, two shall be

28 appointed for a term of three years, two shall be appointed  
29 for a term of four years, and three shall be appointed for a  
30 term of five years. Each commissioner appointed thereafter  
31 shall be appointed for a term ending five years from the  
32 date of expiration of the term for which his or her  
33 predecessor was appointed. A person appointed to fill a  
34 vacancy prior to the expiration of such a term shall be  
35 appointed for the remainder of the term. No commissioner  
36 appointed by the governor under this section shall serve  
37 more than one full term. For those commissioners first  
38 appointed, if such commissioner serves a term less than five  
39 years, each shall be eligible to serve one full five-year  
40 term. Each commissioner shall hold office for the term of  
41 such appointment and until such successor has been appointed  
42 and qualified.

43 3. Other than the public member, commission members  
44 shall be full-time employees or owners of businesses in the  
45 industry or the agency they represent.

46 4. Notwithstanding the provisions of any other law to  
47 the contrary:

48 (1) No officer or employee of this state shall be  
49 deemed to have forfeited or shall forfeit such office or  
50 employment by reason of his acceptance of membership on the  
51 commission or such service to the commission;

52 (2) It shall not constitute a conflict of interest for  
53 an employee of any company selling propane at retail or  
54 wholesale, or engaged in the manufacture, sale,  
55 installation, or distribution of propane-use equipment, the  
56 contracting of propane piping systems, or in the  
57 transportation, storage, or marketing of propane, or any  
58 other firm, person, or corporation, to serve as a member of  
59 the commission, provided such trustee, director, officer, or  
60 employee shall abstain from deliberation, action, and vote

61 by the commission in each instance where the business  
62 affiliation or public office association of any such  
63 trustee, director, officer, or employee is involved.

64 5. Commissioners shall receive no compensation for the  
65 performance of their duties under this section, but each  
66 commissioner shall be reimbursed from the funds of the  
67 commission for his or her actual and necessary expenses  
68 incurred in carrying out his or her official duties.

69 6. Meetings shall be held at the call of the  
70 chairperson or whenever two commissioners so request. Five  
71 commissioners of the commission shall constitute a quorum,  
72 and any action taken by the commission under the provisions  
73 of this chapter may be authorized by resolution approved by  
74 a majority, but not less than four of the commissioners  
75 present at any regular or special meeting. No vacancy in  
76 the membership of the commission shall impair the right of a  
77 quorum to exercise all the rights and perform all the duties  
78 of the commission.

79 7. The commissioners shall employ an executive  
80 director. The executive director also shall serve as the  
81 secretary for the commission and shall administer, manage,  
82 and direct the affairs and business of the commission,  
83 subject to the policies, control, and direction of the  
84 commissioners. The commission may employ technical experts  
85 and such other officers, agents, and employees as deemed  
86 necessary, and may fix their qualifications, duties, and  
87 compensation.

88 8. The secretary shall keep a record of the  
89 proceedings of the commission and shall be custodian of all  
90 books, documents, and papers filed with the commission and  
91 of its minute book and seal. The secretary shall have the  
92 authority to cause to be made copies of all minutes and  
93 other records and documents of the commission and to give

94 certificates, under the seal of the commission, to the  
95 effect that such copies are true copies, and all persons  
96 dealing with the commission may rely upon such  
97 certificates. Resolutions of the persons dealing with the  
98 commission need not be published or posted unless the  
99 commission shall so direct.

100 9. Before entering into his or her duties, each  
101 commissioner of the commission shall execute a surety bond  
102 for fifty thousand dollars, and the executive director shall  
103 execute a surety bond for one hundred thousand dollars or,  
104 in lieu thereof, the chairperson of the commission shall  
105 execute a blanket bond covering all members, the executive  
106 director, and the employees or other officers of the  
107 commission. Each surety bond shall be conditioned on the  
108 faithful performance of the duties of the office or offices  
109 covered, shall be executed by a surety company authorized to  
110 transact business in this state as surety, shall be approved  
111 by the attorney general, and shall be filed in the office of  
112 the secretary of state. The cost of each such bond shall be  
113 paid by the commission. For any such individual, this  
114 bonding requirement may be satisfied by the commissioner of  
115 administration placing the commissioner, executive director,  
116 employee, or other officer under a blanket bond, or by  
117 including the commissioner, executive director, employee, or  
118 other officer in an analogous insurance policy, so long as  
119 that bond or policy provides the state of Missouri with  
120 substantially similar protection as would be provided by the  
121 commissioner's, executive director's, employee's, or other  
122 officer's individual bond. The commissioner of  
123 administration is hereby empowered to procure such a blanket  
124 bond or analogous insurance policy.

125 10. At the beginning of each fiscal year, the  
126 commission shall prepare and submit for public comment a

127 budget plan, including the probable costs of all programs,  
128 projects, and contracts and a recommended rate of assessment  
129 as may be necessary to cover such costs. Publication of the  
130 proposed budget in the Missouri Register for at least thirty  
131 days shall constitute appropriate public notice. The  
132 commission shall approve or modify the budget following the  
133 public comment period.

134 11. The commission shall, following the close of each  
135 fiscal year, submit an annual report of its activities for  
136 the preceding year to the department of agriculture, the  
137 governor, and the general assembly. Each report shall set  
138 forth a complete operating and financial statement for the  
139 commission during the fiscal year it covers. At least once  
140 in each year, an independent certified public accountant  
141 shall audit the books and accounts of the commission.

142 12. The commission shall have the power necessary to:

143 (1) Sue and be sued in its own name;

144 (2) Have an official seal and alter the same at  
145 pleasure;

146 (3) Have perpetual succession;

147 (4) Maintain an office at such place or places within  
148 this state as the commission may designate;

149 (5) Conduct hearings and mediate disputes arising from  
150 the enforcement of this chapter;

151 (6) Disperse funds for its lawful activities and fix  
152 salaries and wages of its employees; and

153 (7) Exercise all powers necessary or convenient to  
154 accomplish its purposes.

155 13. The commission shall have the following duties:

156 (1) Develop comprehensive plans and programs for the  
157 prevention, control and abatement of propane-related  
158 accidents in Missouri;

159           (2) Mandate a comprehensive certification training  
160 program based on the department of agriculture's existing  
161 liquified petroleum gas certification and training program;  
162           (3) Promulgate by rule by August 28, 2010, a statewide  
163 code for the installation of propane-related equipment;  
164           (4) Advise, consult, and cooperate with other agencies  
165 of the state, the federal government, other states, and  
166 interstate agencies, as well as with affected groups,  
167 political subdivisions, and industries in furtherance of the  
168 purposes of this chapter;  
169           (5) Accept gifts, contributions, donations, loans and  
170 grants from the federal government and from other sources,  
171 public or private, for carrying out any of its functions.  
172 Such funds shall not be expended for other than the purposes  
173 for which provided;  
174           (6) Exercise general supervision of the administration  
175 and enforcement of this chapter and all rules, regulations,  
176 and orders promulgated hereunder;  
177           (7) Suspend any registration filed under this chapter  
178 granted to persons or companies doing business under the  
179 requirements of this chapter, if such registrant is in  
180 violation of any provision of this chapter;  
181           (8) Represent the state of Missouri in all matters  
182 pertaining to this chapter, including negotiation of  
183 interstate compact agreements;  
184           (9) To do any act necessary or convenient to the  
185 exercise of the powers granted by or reasonably implied from  
186 the provisions of this chapter.  
187           14. The director may make such investigations as the  
188 director deems necessary to carry out effectively the  
189 director's responsibilities under this chapter or to  
190 determine whether a person has engaged or is engaging in  
191 acts or practices that constitute a violation of any

192 provision of this chapter or of any regulation or plan  
193 issued under this chapter. For the purpose of any  
194 investigation, the administrator is empowered to administer  
195 oaths and affirmations, subpoena witnesses, compel their  
196 attendance, take evidence, and require the production of  
197 books, papers, and documents which are relevant to the  
198 inquiry. Such attendance of witnesses and the production of  
199 any such records may be required from any place in this  
200 state. In case of contumacy by or refusal to obey a  
201 subpoena issued to any person, the director may seek  
202 enforcement thereof in the circuit court of proper venue.

203 15. The Missouri propane safety commission is hereby  
204 authorized to regulate the inspection of and provide  
205 specifications for propane as provided in this section.

206 16. A commissioner shall be removed from office by the  
207 governor for misfeasance, malfeasance, or willful neglect of  
208 duty or other cause after notice and public hearing, unless  
209 such notice or hearing shall be expressly waived in writing.

210 17. The director or any designated employee shall have  
211 free access, during reasonable hours, to any premises in the  
212 state where an installation covered by this chapter is being  
213 constructed, or is being installed, for the purpose of  
214 ascertaining whether said installation is being constructed  
215 and installed in accordance with the applicable provisions.

348.035. Before entering into his duties, each  
2 commissioner of the authority shall execute a surety bond in  
3 the penal sum of fifty thousand dollars, and the executive  
4 director shall execute a surety bond in the penal sum of one  
5 hundred thousand dollars or, in lieu thereof, the chairman  
6 of the authority shall execute a blanket bond covering all  
7 members, the executive director, and the employees or other  
8 officers of the authority, each surety bond to be  
9 conditioned upon the faithful performance of the duties of



10 the office or offices covered, to be executed by a surety  
11 company authorized to transact business in this state as  
12 surety and to be approved by the attorney general and filed  
13 in the office of the secretary of state. The cost of each  
14 such bond shall be paid by the authority. For any such  
15 individual, this bonding requirement may be satisfied by the  
16 commissioner of administration placing the commissioner,  
17 executive director, employee, or other officer under a  
18 blanket bond, or by including the commissioner, executive  
19 director, employee, or other officer in an analogous  
20 insurance policy, so long as that bond or policy provides  
21 the state of Missouri with substantially similar protection  
22 as would be provided by the commissioner's, executive  
23 director's, employee's, or other officer's individual bond.  
24 The commissioner of administration is hereby empowered to  
25 procure such a blanket bond or analogous insurance policy.

360.035. Each member of the authority shall execute a  
2 surety bond in the penal sum of fifty thousand dollars or,  
3 in lieu thereof, the chairman of the authority shall execute  
4 a blanket bond covering each member and the employees or  
5 other officers of the authority, each surety bond to be  
6 conditioned upon the faithful performance of the duties of  
7 the office or offices covered, to be executed by a surety  
8 company authorized to transact business in this state as  
9 surety, and to be approved by the attorney general and filed  
10 in the office of the secretary of state. The cost of each  
11 such bond shall be paid by the authority. For any such  
12 individual, this bonding requirement may be satisfied by the  
13 commissioner of administration placing the member, employee,  
14 or other officer under a blanket bond, or by including the  
15 member, employee, or other officer in an analogous insurance  
16 policy, so long as that bond or policy provides the state of  
17 Missouri with substantially similar protection as would be

18 provided by the member's, employee's, or other officer's  
19 individual bond. The commissioner of administration is  
20 hereby empowered to procure such a blanket bond or analogous  
21 insurance policy.

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

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

30 division. For any such individual, this bonding requirement  
31 may be satisfied by the commissioner of administration  
32 placing the director or employee under a blanket bond, or by  
33 including the director or employee in an analogous insurance  
34 policy, so long as that bond or policy provides the state of  
35 Missouri with substantially similar protection as would be  
36 provided by the director's or employee's individual bond.  
37 The commissioner of administration is hereby empowered to  
38 procure such a blanket bond or analogous insurance policy.

39 3. Neither the director of finance nor any employees  
40 of the division of finance who participate in the  
41 examination of any bank or trust company, or who may be  
42 called upon to make any official decision or determination  
43 affecting the operation of any bank or trust company, other  
44 than the members of the state banking and savings and loan  
45 board who are required to have experience managing a bank or  
46 association as defined in chapter 369, shall be an officer,  
47 director, attorney, owner, or holder of stock in any bank or  
48 trust company or any bank holding company as that term is  
49 defined in section 362.910, nor shall they receive, directly  
50 or indirectly, any payment or gratuity from any such  
51 organization, nor engage in the negotiation of loans for  
52 others with any state bank or trust company, nor be indebted  
53 to any state bank or trust company.

54 4. The director of the division of finance shall  
55 establish an internal policy to ensure the professional  
56 conduct of employees of the division of finance who  
57 participate in the examination of any person or entity under  
58 the jurisdiction of the director of the division of finance,  
59 or who may be called upon to make any official decision or  
60 determination affecting the operation of any person or  
61 entity under the jurisdiction of the director of the  
62 division of finance. The policy shall address such matters

63 deemed appropriate by the director of the division of  
64 finance, including, but not limited to, procedures to  
65 address and mitigate the conflict of interest presented by  
66 offers of employment or negotiations regarding employment  
67 between an employee of the division and any person or entity  
68 under the jurisdiction of the director of the division of  
69 finance.

70 5. The director of finance, in connection with any  
71 examination or investigation of any person, company, or  
72 event, shall have the authority to compel the production of  
73 documents, in whatever form they may exist, and shall have  
74 the authority to compel the attendance of and administer  
75 oaths to any person having knowledge of any issue involved  
76 with the examination or investigation. The director may  
77 seek judicial enforcement of an administrative subpoena by  
78 application to the appropriate court. An administrative  
79 subpoena shall be subject to the same defenses or subject to  
80 a protective order or conditions as provided and deemed  
81 appropriate by the court in accordance with the Missouri  
82 supreme court rules.

374.030. Within twenty days after receiving his  
2 commission, and before entering upon the duties of his  
3 office, the director shall take the oath of office  
4 prescribed by the constitution of this state, and shall give  
5 a bond with a corporate surety or five or more good and  
6 sufficient sureties to the state of Missouri in the sum of  
7 two hundred fifty thousand dollars to be approved by the  
8 governor and attorney general, conditioned for the faithful  
9 discharge of his duty, which oath and bond shall be filed in  
10 the office of the secretary of state. This bonding  
11 requirement may be satisfied by the commissioner of  
12 administration placing the director under a blanket bond, or  
13 by including the director in an analogous insurance policy,

14 so long as that bond or policy provides the state of  
15 Missouri with substantially similar protection as would be  
16 provided by the director's individual bond. The  
17 commissioner of administration is hereby empowered to  
18 procure such a blanket bond or analogous insurance policy.

388.610. The director of the department of public  
2 safety shall approve applications and appoint such railroad  
3 policemen as he deems proper, taking into consideration,  
4 among other things, the education, training and experience  
5 of each person so appointed concerning the powers of peace  
6 officers and the limitations on powers of peace officers in  
7 regard to the constitutional rights of citizens to be secure  
8 in their persons and property. Those approved, appointed,  
9 and commissioned by the director of the department of public  
10 safety shall be issued commissions by the director of the  
11 department of public safety, and each of them, before  
12 entering into the performance of his duties, shall subscribe  
13 before the clerk of a circuit court of this state, an oath  
14 in the form prescribed by Section 11, Article VII, of the  
15 Constitution of this State, to support the constitution and  
16 laws of the United States and the state of Missouri, to  
17 faithfully demean himself in the office and to faithfully  
18 perform the duties of the office, and each of them shall  
19 enter into a surety bond in the sum of ten thousand dollars  
20 payable to the state of Missouri, conditioned upon the  
21 faithful performance of his duties. The executed oath of  
22 office, together with a copy of the commission and the bond,  
23 shall be filed with the director of the department of public  
24 safety until the commission is terminated or revoked as  
25 provided in this section. For any such individual, this  
26 bonding requirement may be satisfied by the commissioner of  
27 administration placing the railroad policeman under a  
28 blanket bond, or by including the railroad policeman in an

29 analogous insurance policy, so long as that bond or policy  
30 provides the state of Missouri with substantially similar  
31 protection as would be provided by the railroad policeman's  
32 individual bond. The commissioner of administration is  
33 hereby empowered to procure such a blanket bond or analogous  
34 insurance policy. As used in this section relating to  
35 railroad policemen, the word "commission" means a grant of  
36 authority to act as a peace officer.

Section 1. 1. The governor is hereby authorized and  
2 empowered to sell, transfer, grant, convey, remise, release,  
3 and forever quitclaim all interest of the state of Missouri  
4 in property located in the City of Kirksville, Adair County,  
5 Missouri. The property to be conveyed is more particularly  
6 described as follows:

7 All of Block thirty nine (39) of the Original  
8 Town (Now City) of Kirksville, Missouri.

9 2. The commissioner of administration shall set the  
10 terms and conditions for the conveyance as the commissioner  
11 deems reasonable. Such terms and conditions may include,  
12 but not be limited to, the number of appraisals required and  
13 the time, place, and terms of the conveyance.

14 3. The attorney general shall approve the form of the  
15 instrument of conveyance.

Section 2. 1. The governor is hereby authorized and  
2 empowered to sell, transfer, grant, convey, remise, release,  
3 and forever quitclaim all interest of the state of Missouri  
4 in property located in the City of Kirksville, Adair County,  
5 Missouri. The property to be conveyed is more particularly  
6 described as follows:

7 Part of the Northwest Fourth (NW 1/4) of the  
8 Northeast Quarter (NE 1/4) Section 16 Township  
9 62 Range 15 Adair County, Missouri, beginning at  
10 a point Six Hundred Twenty-nine and One-half

11 (629 1/2) feet South and Twenty (20) feet East  
12 of the Northwest (NW) Corner of said Forty acre  
13 tract, and running thence East Two Hundred  
14 Twenty-five (225) feet, thence South One Hundred  
15 Feet (100), thence West Two Hundred Twenty-five  
16 (225) feet, thence North One Hundred (100) feet  
17 to place of beginning;

18 Also part of the Northwest Fourth (NW 1/4) of  
19 the Northeast Quarter (NE 1/4) Section 16  
20 Township 62 Range 15 Adair County, Missouri,  
21 beginning Six Hundred Twenty-nine and One-half  
22 (629 1/2) feet South and Two Hundred Forty-five  
23 (245) feet East of the Northwest (NW) Corner of  
24 said Forty acre tract, and running thence East  
25 Four Hundred Forty-eight (448) feet more or less  
26 to the West line of Florence Street, thence  
27 South Fifty-one (51) feet Four (4) inches,  
28 thence West Four Hundred Forty-eight (448) feet,  
29 thence North Fifty-one (51) feet Four (4) inches  
30 to beginning; subject to Right-of-Way for  
31 highway across Southwest Corner thereof.

32 2. The commissioner of administration shall set the  
33 terms and conditions for the conveyance as the commissioner  
34 deems reasonable. Such terms and conditions may include,  
35 but not be limited to, the number of appraisals required and  
36 the time, place, and terms of the conveyance.

37 3. The attorney general shall approve the form of the  
38 instrument of conveyance.

Section 3. 1. The governor is hereby authorized and  
2 empowered to sell, transfer, grant, convey, remise, release,  
3 and forever quitclaim all interest of the state of Missouri  
4 in property located in the City of Rolla, Phelps County,

5 Missouri, to Edgewood Investments. The property to be  
6 conveyed is more particularly described as follows:

7 A fractional part of Lot 119 of the Railroad  
8 Addition in Rolla, Missouri, and more  
9 particularly described as follows: Commencing at  
10 the Northwest Corner of said Lot 119; thence  
11 South 0°43' West, 30.00 feet to the South line  
12 of Gale Drive; thence North 88°53' East, 311.92  
13 feet along said South street line; thence South  
14 0°52' West, 325.00 feet; thence North 88°53'  
15 East, 109.10 feet to the true point of beginning  
16 of the tract hereinafter described: Thence North  
17 88°53' East, 10.00 feet to the northwest corner  
18 of a parcel described in Phelps County Deed  
19 Records at Document No. 2017 4361; thence South  
20 0°52' West, 241.19 feet along the West line of  
21 said Document No. 2017 4361 parcel to its  
22 southwest corner; thence South 89°07' West,  
23 10.00 feet; thence North 0°52' East, 241.19 feet  
24 to the true point of beginning.

25 Description derived from survey recorded in  
26 Phelps County Surveyor's records in Book "I" at  
27 Page S 6038, dated August 30th, A.D. 1982, made  
28 by Elgin & Associates, Engineers & Surveyors,  
29 Rolla, Missouri.

30 2. The commissioner of administration shall set the  
31 terms and conditions for the conveyance as the commissioner  
32 deems reasonable. Such terms and conditions may include,  
33 but not be limited to, the number of appraisals required and  
34 the time, place, and terms of the conveyance.

35 3. The attorney general shall approve the form of the  
36 instrument of conveyance.



Section 4. 1. The governor is hereby authorized and empowered to sell, transfer, grant, convey, remise, release, and forever quitclaim all interest of the state of Missouri in property located in the City of St. Louis, Missouri. The property to be conveyed is more particularly described as follows:

Legal Description from Quit Claim Deed between the Land Reutilization Authority, City of St. Louis and the State of Missouri. Dated 10-3-1996

PARCEL NO. 1:

The Southern part of Lot 1 of HUTCHINSON'S THIRD ADDITION and in Block 3558 of the City of St. Louis, fronting 53 feet 5-1/2 inches on the East line of Newstead Avenue, by a depth Eastwardly of 202 feet 11-1/4 inches along the North line of Carrie Avenue to the West line of Lot 2 and having a width along the West line of said Lot 2 of 50 feet. Together with all improvements thereon, if any, known as and numbered 4443 N. Newstead Avenue and also known as parcel 3558-00-01100.

PARCEL NO. 2:

Lot 11 in Block 1 of HUTCHINSON'S ADDITION and in Block 3559 of the City of St. Louis, fronting 50 feet on the Northwest line of Pope Avenue, by a depth Northwest of 155 feet to the Southeast line of Lot 16 of said block and addition. Together with all improvements thereon, if any, known as and numbered 4521 Pope Avenue and also known as parcel 3559-00-02600.

PARCEL NO. 3:

The Northern 1/2 of Lot 12 in Block 1 of HUTCHINSON'S ADDITION and in Block 3559 of the

34 City of St. Louis, fronting 25 feet on the West  
35 line of Pope Avenue, by a depth Westwardly of  
36 155 feet to the dividing line of said Block.  
37 (Pope Avenue is now treated as running North and  
38 South).  
39 The Southern half of Lot No. 12, partly in Block  
40 No. 1 of HUTCHINSON'S SUBDIVISION of the SHREVE  
41 TRACT, and partly in HUTCHINSON'S THIRD  
42 SUBDIVISION and in Block No. 3559 of the City of  
43 St. Louis, fronting 25 feet on the West line of  
44 Pope Avenue, by a depth Westwardly of 155 feet  
45 to the West line of said Lot. (Pope Avenue is  
46 now treated as running North and South).  
47 Together with all improvements thereon, if any,  
48 known as and numbered 4515-17 Pope Avenue and  
49 also known as parcel 3559-00-02710.  
50 PARCEL NO. 4:  
51 The Northern 1/2 of Lot No. 13, partly in Block  
52 No. 1 of HUTCHINSON'S ADDITION and partly in  
53 HUTCHINSON'S THIRD SUBDIVISION and in Block No.  
54 3559 of the City of St. Louis, fronting 25 feet  
55 on the West line of Pope Avenue, by a depth  
56 Westwardly between parallel lines of 155 feet to  
57 the dividing line of said Block. (Pope Avenue  
58 is now treated as running North and South).  
59 Together with all improvements thereon, if any,  
60 known as and numbered 4511 Pope Avenue and also  
61 known as parcel 3559-00-02900.  
62 PARCEL NO. 5:  
63 The Southern 1/2 of Lot No. 13 in Block No. 1 of  
64 HUTCHINSON'S SUBDIVISION and in Block No. 3559  
65 of the City of St. Louis, having a front of 25  
66 feet on the West line of Pope Avenue, by a depth

67 Westwardly of 155 feet to the dividing line of  
68 said Block. Together with all improvements  
69 thereon, if any, known as and numbered 4509 Pope  
70 Avenue and also known as parcel 3559-00-03000.  
71 PARCEL NO. 6:  
72 Lot No. 14 in Block No. 3559 of the City of St.  
73 Louis, lying partly in HUTCHINSON'S THIRD  
74 SUBDIVISION and partly in Block No. 1 of  
75 HUTCHINSON'S ADDITION, fronting 93 feet 1-3/4.  
76 inches on the North line of Pope Avenue, by a  
77 depth Northwardly of 165 feet 81/2 inches on the  
78 West line and 155 feet on the East line to the  
79 North line of said lot, on which there is a  
80 width of 30 feet 2-1.2 inches; bounded West by  
81 Newstead Avenue. Together with all improvements  
82 thereon, if any, known as and numbered 4501-03  
83 Pope Avenue and also known as parcel 3559-00-  
84 03100.  
85 PARCEL NO. 7:  
86 Lots No. 15 and 16 in HUTCHINSON'S ADDITION and  
87 in Block 3559 of the City of St. Louis,  
88 beginning in the East line of Newstead Avenue at  
89 the Southwest corner of said Lot 15, thence  
90 North along the East line of Newstead Avenue 165  
91 feet 8-1/2 inches to Carrie Avenue, thence  
92 Northeast along Carrie Avenue 117 feet 3-1/2  
93 inches to the Northeast corner of said Lot 16,  
94 thence Southeast 155 feet to the Southeast  
95 corner of said Lot 16, thence Southwest 180 feet  
96 2-12 inches to the point of beginning. Together  
97 with all improvements thereon, if any, known as  
98 and numbered 4431 No. Newstead Avenue and also  
99 known as parcel 3559-00-03200.

100 Legal Description from Quit Claim Deed between  
101 the Health and Educational Facilities Authority  
102 and the State of Missouri. Dated 9-16-1993.  
103 PARCEL 1:  
104 Lots numbered 1, 2, 3, 4, 5 and 9 of  
105 HUTCHINSON'S 3RD SUBDIVISION in the Shreve Tract  
106 and in BLOCK 4417 of the City of St. Louis,  
107 being more particularly described as follows:  
108 Beginning at the intersection of the North line  
109 of Carter Avenue and the West line of Newstead  
110 Avenue; thence Northwardly along the West line  
111 of Newstead Avenue 190 feet to an angle in said  
112 street; thence Northwardly still following said  
113 West line of Newstead Avenue 209 feet 10-3/4  
114 inches to the corner of Lot 8; thence  
115 Southwestwardly along the line between Lots 8  
116 and 9, a distance of 180 feet 0-1/2 inch to the  
117 North line of Lot 3; thence Westwardly along the  
118 north line of Lots 3, 4 and 5, a distance of 500  
119 feet to a point in the East line of Taylor  
120 Avenue; thence Southwardly along the East line  
121 of Taylor Avenue 369 feet 4-1/2 inches to the  
122 North line of Carter Avenue; thence Eastwardly  
123 along the North line of Carter Avenue 801 feet 2-  
124 1/2 inches to the West line of Newstead Avenue  
125 and the place of beginning.  
126 PARCEL 2:  
127 Lots 7 and 8 of HUTCHINSON'S 3RD SUBDIVISION in  
128 the Shreve Tract and in BLOCK 4417 of the City  
129 of St. Louis, together fronting 225 feet 1-1/2  
130 inches on the West line of Newstead Avenue, by a  
131 depth Westwardly on the North line of Lot 7 of  
132 283 feet 4-1/2 inches and on the South line of

133 Lot 8 a distance of 180 feet 1/2 inch; bounded  
134 North by Lot 6 and South by Lot 9 and on the  
135 West by Lots 3 and 4 of said subdivision.

136 PARCEL 3:

137 Part of Lot 6 of HUTCHINSON'S 3RD SUBDIVISION in  
138 the Shreve Tract and in BLOCK 4417 of the City  
139 of St. Louis, beginning at a point in the East  
140 line of an alley, 181 feet South of the South  
141 line of Newstead Avenue; thence Southwardly  
142 along the East line of said alley, 183 feet 9  
143 inches to the south line of Lot 6; thence  
144 Eastwardly along the South line of said Lot, 157  
145 feet 6 inches to the West line of Lot 7; thence  
146 Northwardly along the West line of Lot 7 183  
147 feet 9 inches to a point 99 feet 7-1/2 inches  
148 South of the South line of Newstead Avenue;  
149 thence Westwardly 157 feet 6 inches to the East  
150 line of said alley and the point of beginning.

151 2. The commissioner of administration shall set the  
152 terms and conditions for the conveyance as the commissioner  
153 deems reasonable. Such terms and conditions may include,  
154 but not be limited to, the number of appraisals required and  
155 the time, place, and terms of the conveyance.

156 3. The attorney general shall approve the form of the  
157 instrument of conveyance.

2 [36.050. 1. The personnel advisory board  
3 and its functions, duties and powers prescribed  
4 in this chapter is transferred by type III  
5 transfer to the office of administration.  
6 2. The personnel advisory board shall  
7 consist of seven members. Four members of the  
8 board shall be public members, citizens of the  
9 state who are not state employees or officials,  
10 of good character and reputation, who are known  
11 to be in sympathy with the application of merit  
12 principles to public employment. Two members  
13 shall be employees of state agencies subject to  
14 this chapter pursuant to subsection 1 of section  
36.030 or any department, agency, or position of

15 the executive branch of state government not  
16 exempted from section 36.031, one a member of  
17 executive management, and one a nonmanagement  
18 employee. The state equal employment  
19 opportunity officer shall be a member of the  
20 board. No member of the board, during the  
21 member's term of office, or for at least one  
22 year prior thereto, shall be a member of any  
23 local, state or national committee of a  
24 political party or an officer or member of a  
25 committee in any partisan political club or  
26 organization, or hold, or be a candidate for, a  
27 partisan public office. An employee member who  
28 leaves state employment or otherwise fails to  
29 further qualify for the appointment shall vacate  
30 the position.

31 3. The members of the board shall be  
32 appointed by the governor by and with the advice  
33 and consent of the senate. Appointments of all  
34 members shall be for terms of six years. Any  
35 vacancy shall be filled by an appointment for  
36 the unexpired term. Each member of the board  
37 shall hold office until such member's successor  
38 is appointed and qualified.

39 4. A member of the board is removable by  
40 the governor only for just cause, after being  
41 given a written notice setting forth in  
42 substantial detail the charges against the  
43 member and an opportunity to be heard publicly  
44 on the charges before the governor. A copy of  
45 the charges and a transcript of the record of  
46 the hearing shall be filed with the secretary of  
47 state.

48 5. Each public member of the board shall  
49 be paid an amount for each day devoted to the  
50 work of the board which shall be determined by  
51 the commissioner of administration and filed  
52 with the reorganization plan of the office of  
53 administration; provided, however, that such  
54 amount shall not exceed that paid to members of  
55 boards and commissions with comparable  
56 responsibilities. All board members are  
57 entitled to reimbursement for necessary travel  
58 and other expenses pertaining to the duties of  
59 the board. Duties performed for the board by  
60 any employee member of the board shall be  
61 considered duties in connection with the  
62 appointment of the individual, and such employee  
63 member shall suffer no loss of regular  
64 compensation by reason of performance of such  
65 duties.

66 6. The board shall elect from among its  
67 membership a chairman and vice chairman, who  
68 shall act as chairman in the chairman's  
69 absence. It shall meet at the times and places  
70 specified by call of the chairman, the governor,  
71 or the director. At least one meeting shall be  
72 held every three months. All regular meetings  
73 are open to the public. Notice of each meeting

74 shall be given in writing to each member by the  
75 director. Four members shall constitute a  
76 quorum for the transaction of official business.  
77 7. To assist in the performance of its  
78 duties the board may employ staff from funds  
79 appropriated for this purpose; provided,  
80 however, that this provision shall not be  
81 interpreted to limit the ability of the  
82 personnel director to provide assistance to the  
83 board.]