

SENATE BILL NO. 729

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR COLEMAN.

2956S.01I

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 173.240, 196.1103, 196.1106, 196.1112, 196.1118, 196.1121, 196.1124, 196.1127, 208.530, 208.533, 208.535, 208.850, 208.853, 208.856, 208.859, 208.862, 208.865, 208.868, 208.871, 209.285, 209.287, 209.292, 209.299, 209.305, 209.307, 209.309, 209.317, 209.318, 209.321, 209.322, 210.102, 261.235, 643.173, 650.125, 650.205, 650.210, 650.215, 650.220, 650.225, 650.235, 650.245, 650.250, 650.255, 650.260, 650.265, 650.275, 650.277, and 650.285, RSMo, and section 196.1109 as enacted by senate bill no. 7, ninety-sixth general assembly, first extraordinary session, section 196.1109 as enacted by house bill no. 688, ninety-second general assembly, first regular session, section 196.1115 as enacted by senate bill no. 7, ninety-sixth general assembly, first extraordinary session, and section 196.1115 as enacted by house bill no. 688, ninety-second general assembly, first regular session, and to enact in lieu thereof thirty-four new sections relating to obsolete administrative entities.

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

Section A. Sections 173.240, 196.1103, 196.1106,
2 196.1112, 196.1118, 196.1121, 196.1124, 196.1127, 208.530,
3 208.533, 208.535, 208.850, 208.853, 208.856, 208.859, 208.862,
4 208.865, 208.868, 208.871, 209.285, 209.287, 209.292, 209.299,
5 209.305, 209.307, 209.309, 209.317, 209.318, 209.321, 209.322,
6 210.102, 261.235, 643.173, 650.125, 650.205, 650.210, 650.215,
7 650.220, 650.225, 650.235, 650.245, 650.250, 650.255, 650.260,
8 650.265, 650.275, 650.277, and 650.285, RSMo, and section
9 196.1109 as enacted by senate bill no. 7, ninety-sixth general
10 assembly, first extraordinary session, section 196.1109 as

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

11 enacted by house bill no. 688, ninety-second general assembly,
12 first regular session, section 196.1115 as enacted by senate
13 bill no. 7, ninety-sixth general assembly, first extraordinary
14 session, and section 196.1115 as enacted by house bill no. 688,
15 ninety-second general assembly, first regular session, are
16 repealed and thirty-four new sections enacted in lieu thereof,
17 to be known as sections 105.1650, 173.240, 196.1106, 196.1109,
18 196.1112, 196.1115, 196.1118, 196.1121, 196.1127, 209.285,
19 209.292, 209.299, 209.305, 209.307, 209.309, 209.317, 209.318,
20 209.321, 209.322, 261.235, 643.173, 650.205, 650.215, 650.220,
21 650.225, 650.235, 650.245, 650.250, 650.255, 650.260, 650.265,
22 650.275, 650.277, and 650.285, to read as follows:

**105.1650. Every state department with oversight of an
2 administrative entity shall annually compile a report of all
3 such administrative entities that have not convened a public
4 meeting or conducted public business for the most recent
5 three year period. Each department shall send the initial
6 report to each member of the general assembly by October 1,
7 2025, and by every October first thereafter. Such report
8 shall describe each administrative entity that has not met
9 or conducted any public business over the most recent three
10 year period and the statutory or administrative mission of
11 such administrative entity. The report shall also describe
12 if the duties of the administrative entity are being, or
13 could be, performed by another administrative entity.**

173.240. 1. There is hereby established within the
2 department of higher education and workforce development a
3 "Minority and Underrepresented Environmental Literacy
4 Program". The department of higher education and workforce
5 development, hereafter referred to as the department, may
6 award scholarships to minority and underrepresented students
7 to pursue environmentally related courses of study. The

8 scholarships shall be administered by the department
9 recruitment and retention program [under the supervision of
10 the minority environmental literacy advisory committee
11 established under this section]. Those ethnic groups which
12 are most severely underrepresented, as determined by data
13 gathered and maintained by the National Academy of Sciences,
14 shall receive priority in annual selection.

15 2. For the purpose of increasing the number of
16 minority and underrepresented students, as determined by the
17 National Academy of Sciences, who are enrolled in
18 environmentally related courses of study, there is hereby
19 created a "Recruitment and Retention Scholarship Fund". Any
20 unexpended balance in the recruitment and retention
21 scholarship fund shall not be subject to biennial transfer
22 under the provisions of section 33.080. All interest earned
23 on funds in the recruitment and retention scholarship fund
24 shall accrue to the fund.

25 3. The general assembly may appropriate funds to the
26 department for the purpose of funding scholarships as
27 authorized by this section. Such funds shall be from
28 general revenue, special fees administered by the
29 department, federal funding sources, gifts, or donations,
30 provided that such funds may be used for this purpose. All
31 sums received for this purpose shall be placed in the state
32 treasury and credited to the recruitment and retention
33 scholarship fund.

34 4. The department shall accept, receive and administer
35 grants or other funds, gifts, or donations from the public
36 and individuals, including the federal government, for the
37 purpose of funding scholarships under this section. Such
38 funds shall be deposited in the recruitment and retention
39 scholarship fund.

40 5. The department shall promulgate rules to administer
41 the scholarship program, which shall include qualifications,
42 application forms, annual filing deadlines, and scholarship
43 amounts. Any rule or portion of a rule, as that term is
44 defined in section 536.010, that is created under the
45 authority delegated in this section shall become effective
46 only if it complies with and is subject to all of the
47 provisions of chapter 536 and, if applicable, section
48 536.028. This section and chapter 536 are nonseverable and
49 if any of the powers vested with the general assembly
50 pursuant to chapter 536 to review, to delay the effective
51 date, or to disapprove and annul a rule are subsequently
52 held unconstitutional, then the grant of rulemaking
53 authority and any rule proposed or adopted after August 28,
54 2010, shall be invalid and void.

55 6. The scholarship program shall be directed toward
56 students in the following areas of study:

57 (1) Engineering students pursuing an environmental
58 course of study through undergraduate and graduate degrees
59 in civil, chemical, mechanical, environmental, or biological
60 engineering;

61 (2) Environmental sciences students pursuing
62 undergraduate and graduate degrees in geology, biology,
63 wildlife management, planning, natural resources, or a
64 closely related course of study;

65 (3) Chemistry students pursuing undergraduate and
66 graduate degrees in the field of environmental chemistry; and

67 (4) Law enforcement students pursuing undergraduate
68 and graduate degrees in environmental law enforcement.

69 [7. There is hereby created a "Minority Environmental
70 Literacy Advisory Committee", hereafter referred to as the
71 committee, to be comprised of:

72 (1) The commissioner of higher education or the
73 commissioner's designee, who will serve as chairperson of
74 the committee;

75 (2) Three representatives of universities and
76 colleges. The universities and colleges shall be selected
77 by the department, with the approval of the director of the
78 department of natural resources. The university and college
79 representatives shall each be appointed by the affirmative
80 action office of the respective institution;

81 (3) The director of the department of natural
82 resources or the director's designee;

83 (4) Five at-large members appointed by the governor,
84 with the advice and consent of the senate, who shall be high
85 school teachers and college professors and who shall be
86 selected to represent the various regions of the state;

87 (5) The state affirmative action officer.

88 8. The committee shall meet at least annually, at a
89 time and place to be determined by the chairperson, to
90 select students to receive scholarships from applications
91 filed with the department retention and recruitment
92 program. The members appointed by the governor shall be
93 reimbursed for their actual and necessary expenses.

94 9. Colleges and universities described in this section
95 shall include public community colleges.]

196.1106. Centers for life sciences research shall be
2 established and shall be subject to the following provisions:

3 (1) A "center for excellence for life sciences
4 research" means a system or regional consortium of public
5 and private not-for-profit academic, research, or health
6 care institutions or organizations engaged in competitive
7 research in targeted fields consistent with the strategic

8 purposes of life sciences research as provided in sections
9 196.1100 to 196.1130;

10 (2) The [life sciences research board] **department of**
11 **economic development** shall monitor and adopt such rules as
12 are necessary to assure quality and accountability in the
13 operation of the centers for excellence for life sciences
14 research;

15 (3) One St. Louis area center for excellence may be
16 established within the geographical area encompassing the
17 city of St. Louis and St. Louis, St. Charles, Jefferson,
18 and Franklin counties. If any part of a municipality is
19 located within any one such county and also encompasses a
20 part of another county in this state, the entire area
21 encompassed within the city limits of such municipality
22 shall be a part of the geographical area of the St. Louis
23 area center for excellence;

24 (4) One Kansas City area center for excellence may be
25 established within the geographical area encompassing
26 Jackson, Clay, Andrew, Buchanan, and Platte counties. If
27 any part of a municipality is located within any one such
28 county and also encompasses a part of another county in this
29 state, the entire area encompassed within the city limits of
30 such municipality shall be a part of the geographical area
31 of the Kansas City area center for excellence;

32 (5) One Springfield center for excellence may be
33 established within the geographical area encompassing
34 Greene, Christian, and Webster counties;

35 (6) A Missouri statewide center for excellence may be
36 established that shall encompass the institutions,
37 agricultural research centers dedicated to the development
38 of plant-made pharmaceuticals, and campuses within the
39 University of Missouri system and those regions of Missouri

40 not encompassed within another center for excellence;
41 provided that the University of Missouri-Kansas City and the
42 University of Missouri-St. Louis shall participate in the
43 centers for excellence in their respective geographical
44 regions;

45 (7) The **[life sciences research board] department of**
46 **economic development** shall receive and review suggestions
47 for the formation and composition of the initial centers for
48 excellence. After receiving and reviewing such suggestions,
49 the **[life sciences research board] department** shall
50 determine the initial composition, and shall consider and
51 approve the organizational plan and structure of the St.
52 Louis area, Kansas City area, Springfield area, and Missouri
53 statewide centers for excellence;

54 (8) Before any center for excellence is considered to
55 be a center for excellence for life sciences research under
56 sections 196.1100 to 196.1130, its composition and
57 organizational structure shall be approved by the **[life**
58 **sciences research board] department;**

59 (9) Any center for excellence for life sciences
60 research that is established within a geographical area
61 specified in sections 196.1100 to 196.1130 shall be
62 comprised of a consortium of public and private not-for-
63 profit academic, research, or health care institutions or
64 organizations that have collectively at least fifteen
65 million dollars in annual research expenditures in the life
66 sciences, including a collective minimum of two million
67 dollars in basic research in life sciences;

68 (10) Each center for excellence for life sciences
69 research shall appoint a screening committee. The centers,
70 through their screening committees, shall solicit, collect,
71 prioritize, and forward to the **[life sciences research**

72 [board] **department** proposed research initiatives for
73 consideration for funding by the [board] **department**.
74 Members of each screening committee shall generally be
75 familiar with the life sciences and current trends and
76 developments with either technical or scientific expertise
77 in the life sciences with an understanding of life sciences
78 and with an understanding of the application of the results
79 of life sciences research. No member of a screening
80 committee shall be employed by any public or private entity
81 eligible to receive financial support from the life sciences
82 research trust fund; and

83 (11) The centers for excellence for life sciences
84 research shall have any and all powers attendant to carrying
85 out the operations that are not contrary to the provisions
86 of sections 196.1100 to 196.1130 or any rules, guidelines,
87 or decisions adopted by the [life sciences research board]
88 **department**.

[196.1109. All moneys that are
2 appropriated by the general assembly from the
3 life sciences research trust fund shall be
4 appropriated to the life sciences research board
5 to increase the capacity for quality of life
6 sciences research at public and private not-for-
7 profit institutions in the state of Missouri and
8 to thereby:

9 (1) Improve the quantity and quality of
10 life sciences research at public and private not-
11 for-profit institutions, including but not
12 limited to basic research (including the
13 discovery of new knowledge), translational
14 research (including translating knowledge into a
15 usable form), and clinical research (including
16 the literal application of a therapy or
17 intervention to determine its efficacy),
18 including but not limited to health research in
19 human development and aging, cancer, endocrine,
20 cardiovascular, neurological, pulmonary, and

21 infectious disease, and plant sciences,
22 including but not limited to nutrition and food
23 safety; and

24 (2) Enhance technology transfer and
25 technology commercialization derived from
26 research at public and private not-for-profit
27 institutions within the centers for excellence.
28 For purposes of sections 196.1100 to 196.1130,
29 "technology transfer and technology
30 commercialization" includes stages of the
31 regular business cycle occurring after research
32 and development of a life science technology,
33 including but not limited to reduction to
34 practice, proof of concept, and achieving
35 federal Food and Drug Administration, United
36 States Department of Agriculture, or other
37 regulatory requirements in addition to the
38 definition in section 348.251.

39 Funds received by the board may be used for
40 purposes authorized in sections 196.1100 to
41 196.1130 and shall be subject to the
42 restrictions of sections 196.1100 to 196.1130,
43 including but not limited to the costs of
44 personnel, supplies, equipment, and renovation
45 or construction of physical facilities; provided
46 that in any single fiscal year no more than
47 thirty percent of the moneys appropriated shall
48 be used for the construction of physical
49 facilities and further provided that in any
50 fiscal year up to eighty percent of the moneys
51 shall be appropriated to build research capacity
52 at public and private not-for-profit
53 institutions and at least twenty percent and no
54 more than fifty percent of the moneys shall be
55 appropriated for grants to public or private not-
56 for-profit institutions to promote life science
57 technology transfer and technology
58 commercialization. Of the moneys appropriated
59 to build research capacity, twenty percent of
60 the moneys shall be appropriated to promote the
61 development of research of tobacco-related
62 illnesses.]

196.1109. All moneys that are appropriated by the
2 general assembly from the life sciences research trust fund
3 shall be appropriated to the [life sciences research board]
4 **department of economic development** to increase the capacity
5 for quality of life sciences research at public and private
6 not-for-profit institutions in the state of Missouri and to
7 thereby:

8 (1) Improve the quantity and quality of life sciences
9 research at public and private not-for-profit institutions,
10 including but not limited to basic research (including the
11 discovery of new knowledge), translational research
12 (including translating knowledge into a usable form), and
13 clinical research (including the literal application of a
14 therapy or intervention to determine its efficacy),
15 including but not limited to health research in human
16 development and aging, cancer, endocrine, cardiovascular,
17 neurological, pulmonary, and infectious disease, and plant
18 sciences, including but not limited to nutrition and food
19 safety; and

20 (2) Enhance technology transfer and technology
21 commercialization derived from research at public and
22 private not-for-profit institutions within the centers for
23 excellence. For purposes of sections 196.1100 to 196.1130,
24 "technology transfer and technology commercialization"
25 includes stages of the regular business cycle occurring
26 after research and development of a life science technology,
27 including but not limited to reduction to practice, proof of
28 concept, and achieving federal Food and Drug Administration,
29 United States Department of Agriculture, or other regulatory
30 requirements in addition to the definition in section
31 348.251.

32 Funds received by the [board] **department** may be used for
33 purposes authorized in sections 196.1100 to 196.1130 and
34 shall be subject to the restrictions of sections 196.1100 to
35 196.1130, including but not limited to the costs of
36 personnel, supplies, equipment, and renovation or
37 construction of physical facilities; provided that in any
38 single fiscal year no more than ten percent of the moneys
39 appropriated shall be used for the construction of physical
40 facilities and further provided that in any fiscal year
41 eighty percent of the moneys shall be appropriated to build
42 research capacity at public and private not-for-profit
43 institutions and twenty percent of the moneys shall be
44 appropriated for grants to public or private not-for-profit
45 institutions to promote life science technology transfer and
46 technology commercialization. Of the moneys appropriated to
47 build research capacity, twenty percent of the moneys shall
48 be appropriated to promote the development of research of
49 tobacco-related illnesses.

196.1112. In determining projects to authorize, the
2 [life sciences research board] **department of economic**
3 **development** shall consider those proposals endorsed by a
4 center for excellence, subject to a process of peer review
5 conducted under the auspices of the [board] **department**, and
6 shall also consider the potential of any proposal to bring
7 both health and economic benefits to the people of
8 Missouri. Specifically, at least eighty percent of the
9 moneys that are appropriated to the [board] **department** in
10 each fiscal year shall be distributed to public and private
11 not-for-profit institutions or organizations whose programs
12 and proposals have been recommended by a center for
13 excellence that meets the requirements set forth in
14 subdivisions (8) and (9) of section 196.1106. Collectively,

15 the institutions or organizations within a single center for
16 excellence shall receive in a single fiscal year no more
17 than fifty percent of the moneys appropriated to the [board]
18 **department** during such fiscal year. No single institution
19 or organization shall receive in any consecutive three-
20 fiscal-year period more than forty percent of the moneys
21 appropriated to the [board] **department** during such three-
22 fiscal-year period.

2 [196.1115. 1. The moneys appropriated to
3 the life sciences research board that are not
4 distributed by the board in any fiscal year to a
5 center for excellence or a center for excellence
6 endorsed program pursuant to section 196.1112,
7 if any, shall be held in reserve by the board or
8 shall be awarded on the basis of peer review
9 panel recommendations for capacity building
10 initiatives proposed by public and private not-
11 for-profit academic, research, or health care
12 institutions or organizations, or individuals
13 engaged in competitive research in targeted
14 fields consistent with the provisions of
15 sections 196.1100 to 196.1130.

16 2. The life sciences research board may,
17 in view of the limitations expressed in section
18 196.1130:

19 (1) Award and enter into grants or
20 contracts relating to increasing Missouri's
21 research capacity at public or private not-for-
22 profit institutions;

23 (2) Make provision for peer review panels
24 to recommend and review research projects;

25 (3) Contract for support services;

26 (4) Lease or acquire facilities and
27 equipment;

28 (5) Employ administrative staff; and

29 (6) Receive, retain, hold, invest,
30 disburse or administer any moneys that it
31 receives from appropriations or from any other
32 source.

33 3. The Missouri technology corporation,
established under section 348.251, shall serve

34 as the administrative agent for the life
35 sciences research board.

36 4. The life sciences research board shall
37 utilize as much of the moneys as reasonably
38 possible for building capacity at public and
39 private not-for-profit institutions to do
40 research rather than for administrative
41 expenses. The board shall not in any fiscal
42 year expend more than two percent of the total
43 moneys appropriated to it and of the moneys that
44 it has in reserve or has received from other
45 sources for its own administrative expenses for
46 appropriations equal to or greater than twenty
47 million dollars; three percent for
48 appropriations less than twenty million dollars
49 but equal to or greater than fifteen million
50 dollars; four percent for appropriations less
51 than fifteen million dollars but equal to or
52 greater than ten million dollars; five percent
53 for appropriations less than ten million
54 dollars; provided, however, that the general
55 assembly by appropriation from the life sciences
56 research trust fund may authorize a limited
57 amount of additional moneys to be expended for
58 administrative costs.]

196.1115. 1. The moneys appropriated to the [life
2 sciences research board] **department of economic development**
3 that are not distributed by the [board] **department** in any
4 fiscal year to a center for excellence or a center for
5 excellence endorsed program pursuant to section 196.1112, if
6 any, shall be held in reserve by the [board] **department** or
7 shall be awarded on the basis of peer review panel
8 recommendations for capacity building initiatives proposed
9 by public and private not-for-profit academic, research, or
10 health care institutions or organizations, or individuals
11 engaged in competitive research in targeted fields
12 consistent with the provisions of sections 196.1100 to
13 196.1130.

14 2. The [life sciences research board] **department** may,
15 in view of the limitations expressed in section 196.1130:

16 (1) Award and enter into grants or contracts relating
17 to increasing Missouri's research capacity at public or
18 private not-for-profit institutions;

19 (2) Make provision for peer review panels to recommend
20 and review research projects;

21 (3) Contract for administrative and support services;

22 (4) Lease or acquire facilities and equipment;

23 (5) Employ administrative staff; and

24 (6) Receive, retain, hold, invest, disburse or
25 administer any moneys that it receives from appropriations
26 or from any other source.

27 3. The [life sciences research board] **department** shall
28 utilize as much of the moneys as reasonably possible for
29 building capacity at public and private not-for-profit
30 institutions to do research rather than for administrative
31 expenses. The [board] **department** shall not in any fiscal
32 year expend more than two percent of the total moneys
33 appropriated to it and of the moneys that it has in reserve
34 or has received from other sources for its own
35 administrative expenses; provided, however, that the general
36 assembly by appropriation from the life sciences research
37 trust fund may authorize a limited amount of additional
38 moneys to be expended for administrative costs.

 196.1118. The [life sciences research board]
2 **department of economic development** shall make provision for
3 and secure the state auditor or outside public accounting
4 firm an annual audit of its financial affairs and the moneys
5 expended from the life sciences research trust fund. Such
6 audit shall be performed on a fiscal year basis and the cost
7 of such audit shall not be considered as an administrative

8 expense for purposes of subsection 3 of section 196.1115.
9 The **[board] department** shall make copies of each audit
10 available to the public. Every three years the **[board]**
11 **department**, with the assistance of its staff or independent
12 contractors as determined by the **[board] department**, shall
13 prepare a comprehensive report assessing the work and
14 progress of the life sciences research program. Such
15 assessment report shall analyze the impact of the **[board's]**
16 **department's** programs, grants, and contracts performed,
17 shall be provided to the governor and the general assembly,
18 and shall be available to the public. The cost of such
19 assessment report shall not be considered an administrative
20 expense for purposes of subsection 3 of section 196.1115.

196.1121. 1. Grant or contract awards made with
2 moneys appropriated from the life sciences research trust
3 fund shall provide for the reimbursement of costs. Whether
4 reimbursement of specific costs is allowed depends on the
5 application of a four-part test balancing which shall
6 include:
7 (1) The reasonableness of the cost;
8 (2) The connection to the grant or contract;
9 (3) The consistency demonstrated in assigning costs to
10 the grant or contract; and
11 (4) Conformance with the specific terms and conditions
12 of the award or contract.

13 The **[life sciences research board] department of economic**
14 **development** may from time to time issue rules and guidelines
15 consistent with such four-part test and provide grant and
16 contract recipients with a list or other explanation of
17 regularly permitted costs.

18 2. Grant and contract recipients shall preserve
19 research freedom, ensure timely disclosure of their research
20 findings to the scientific community, including through
21 publications and presentations at scientific meetings, and
22 promote utilization, commercialization, and public
23 availability of their inventions and other intellectual
24 property developed as a general institutional policy.
25 Institutions or organizations receiving grant or contract
26 awards shall retain all right, title, and interest,
27 including all intellectual property rights, in and to any
28 and all inventions, ideas, data, improvements,
29 modifications, know-how, creations, copyrightable material,
30 trade secrets, methods, processes, discoveries, and
31 derivatives, regardless of patentability, that are made in
32 the performance of work under a grant award. The [life
33 sciences research board] **department** shall adopt reasonable
34 rules to ensure that any such intellectual property rights
35 are utilized reasonably and in a manner that is in the
36 public interest.

196.1127. 1. The moneys appropriated to the [life
2 sciences research board] **department of economic development**
3 pursuant to sections 196.1100 to 196.1124 shall be subject
4 to the provisions of this section.

5 2. As used in this section, the following terms shall
6 mean:

7 (1) "Abortion services" include performing, inducing,
8 or assisting with abortions, as defined in section 188.015,
9 or encouraging patients to have abortions, referring
10 patients for abortions not necessary to save the life of the
11 mother, or development of drugs, chemicals, or devices
12 intended to be used to induce an abortion;

13 (2) "Child", a human being recognized as a minor
14 pursuant to the laws of this state, including if in vivo, an
15 unborn child as defined in section 188.015 and if in vitro,
16 a human being at any of the stages of biological development
17 of an unborn child from conception or inception onward;

18 (3) "Conception", the same meaning as such term is
19 defined in section 188.015;

20 (4) "Facilities and administrative costs", those costs
21 that are incurred for common or joint objectives and
22 therefore cannot be identified readily and specifically with
23 a particular research project or any other institutional
24 activity;

25 (5) "Human cloning", the creation of a human being by
26 any means other than by the fertilization of an oocyte of a
27 human female by a sperm of a human male;

28 (6) "Prohibited human research", research in a
29 research project in which there is the taking or utilization
30 of the organs, tissues, or cellular material of:

31 (a) A deceased child, unless consent is given by the
32 parents in a manner provided in sections 194.210 to 194.290
33 relating to anatomical gifts, and neither parent caused the
34 death of such child or consented to another person causing
35 the death of such child;

36 (b) A living child, when the intended or likely result
37 of such taking or utilization is to kill or cause harm to
38 the health, safety, or welfare of such child, or when the
39 purpose is to target such child for possible destruction in
40 the future;

41 (7) "Public funds", include:

42 (a) Any moneys received or controlled by the state of
43 Missouri or any official, department, division, agency, or
44 political subdivision thereof, including but not limited to

45 moneys derived from federal, state, or local taxes, gifts,
46 or grants from any source, settlements of any claims or
47 causes of action, public or private, bond proceeds, federal
48 grants or payments, or intergovernmental transfers;

49 (b) Any moneys received or controlled by an official,
50 department, division, or agency of state government or any
51 political subdivision thereof, or to any person or entity
52 pursuant to appropriation by the general assembly or
53 governing body of any political subdivision of this state;

54 (8) "Research project", research proposed to be funded
55 by an award of public funds conducted under the auspices of
56 the entity or entities that applied for and received such
57 award, regardless of whether the research is funded in whole
58 or in part by such award. Such research shall include basic
59 research, including the discovery of new knowledge;
60 translational research, including translational knowledge in
61 a usable form; and clinical research, including but not
62 limited to health research in human development and aging,
63 cancer, endocrine, cardiovascular, neurological, pulmonary,
64 and infectious disease.

65 3. Public funds shall not be expended, paid, or
66 granted to or on behalf of an existing or proposed research
67 project that involves abortion services, human cloning, or
68 prohibited human research. A research project that receives
69 an award of public funds shall not share costs with another
70 research project, person, or entity not eligible to receive
71 public funds pursuant to this subsection; provided that a
72 research project that receives an award of public funds may
73 pay a pro rata share of facilities and administrative costs
74 determined in the award of public funds according to
75 standards that ensure that public funds do not in any way
76 subsidize facilities and administrative costs of other

77 research projects, persons, or entities not eligible to
78 receive public funds pursuant to this subsection. The
79 application for an award of public funds shall set forth the
80 proposed rates of pro rata cost reimbursement and shall
81 provide supporting data and rationale for such rates. All
82 applicants for and recipients of awards of public funds
83 shall comply with the cost accounting principles set forth
84 in Part 9905 of Title 48 of the Code of Federal Regulations,
85 or successor regulations, in connection with the application
86 for and administration of the research project. All moneys
87 derived from an award of public funds shall be expended only
88 by checks, drafts, or electronic transfers using a separate
89 accounting process maintained for each research project. No
90 moneys derived from an award of public funds shall be used
91 to cover costs for any other research project or to any
92 other person or entity. No moneys derived from an award of
93 public funds shall be passed through to any other research
94 project, person, or entity unless included in the original
95 application for the award of public funds or in subsequent
96 amendments or requests to use separate contractors. A
97 research project that receives an award of public funds
98 shall maintain financial records that demonstrate strict
99 compliance with this subsection. Any audit conducted
100 pursuant to any grant or contract awarding public funds
101 shall also certify whether there is compliance with this
102 subsection and shall note any noncompliance as a material
103 audit finding.

104 4. The provisions of this section shall inure to the
105 benefit of all residents of this state. Any taxpayer of
106 this state or any political subdivision of this state shall
107 have standing to bring suit against the state of Missouri or
108 any official, department, division, agency, or political

109 subdivision of this state, and any recipient of public funds
110 who or which is in violation of this subsection in any
111 circuit court with jurisdiction to enforce the provisions of
112 this section.

113 5. This section shall not be construed to permit or
114 make lawful any conduct that is otherwise unlawful pursuant
115 to the laws of this state.

116 6. Any provision of this section is not severable from
117 any appropriation subject to this section or any application
118 declared by any court to be subject to this section. If any
119 provision of this section is found to be invalid or
120 unconstitutional, any appropriation subject to this section
121 or any appropriation declared by any court to be subject to
122 this section shall be void, invalid, and unenforceable.

209.285. As used in sections 209.285 to 209.339,
2 unless the context clearly requires otherwise, the following
3 terms mean:

4 (1) "American sign language", a visual-gestural system
5 of communication that has its own syntax, rhetoric and
6 grammar. American sign language is recognized, accepted and
7 used by many deaf Americans. This native language
8 represents concepts rather than words;

9 (2) ["Board", the Missouri board for certification of
10 interpreters, established within the commission in section
11 209.287;

12 (3)] "Certification", a document issued by the
13 Missouri commission for the deaf and hard of hearing
14 declaring that the holder is qualified to practice
15 interpreting at a disclosed level;

16 [(4)] (3) "Commission", the Missouri commission for
17 the deaf and hard of hearing;

18 [(5)] (4) "Committee", the Missouri state committee of
19 interpreters, established in section 209.319;

20 [(6)] (5) "Conversion levels", the process of granting
21 levels of certification by the commission to individuals
22 holding certification from another state or within another
23 certification system in this state or another state;

24 [(7)] (6) "Coordinator", a staff person, hired by the
25 executive director of the Missouri commission for the deaf
26 and hard of hearing, who shall serve as coordinator for the
27 Missouri interpreter certification system;

28 [(8)] (7) "Deaf person", any person who is not able to
29 discriminate speech when spoken in a normal conversational
30 tone regardless of the use of amplification devices;

31 [(9)] (8) "Department", the department of commerce and
32 insurance;

33 [(10)] (9) "Director", the director of the division of
34 professional registration;

35 [(11)] (10) "Division", the division of professional
36 registration;

37 [(12)] (11) "Executive director", the executive
38 director of the Missouri commission for the deaf and hard of
39 hearing;

40 [(13)] (12) "Interpreter", any person who offers to
41 render interpreting services implying that he or she is
42 trained, and experienced in interpreting, and holds a
43 current, valid certification and license to practice
44 interpreting in this state; provided that a
45 telecommunications operator providing deaf relay service or
46 a person providing operator services for the deaf shall not
47 be considered to be an interpreter;

48 [(14)] (13) "Interpreter trainer", a person, certified
49 and licensed by the state of Missouri as an interpreter, who

50 trains new interpreters in the translating of spoken English
51 or written concepts to any necessary specialized vocabulary
52 used by a deaf consumer. Necessary specialized vocabularies
53 include, but are not limited to, American sign language,
54 Pidgin Signed English, oral, tactile sign and language
55 deficient skills;

56 [(15)] (14) "Interpreting", the translating of English
57 spoken or written concepts to any necessary specialized
58 vocabulary used by a deaf person or the translating of a
59 deaf person's specialized vocabulary to English spoken or
60 written concepts; provided that a telecommunications
61 operator providing deaf relay service or a person providing
62 operator services for the deaf shall not be considered to be
63 interpreting. Necessary specialized vocabularies include,
64 but are not limited to, American sign language, Pidgin
65 Signed English, oral, tactile sign and language deficient
66 skills;

67 [(16)] (15) "Language deficient", mode of
68 communication used by deaf individuals who lack crucial
69 language components, including, but not limited to,
70 vocabulary, language concepts, expressive skills, language
71 skills and receptive skills;

72 [(17)] (16) "Missouri commission for the deaf",
73 Missouri commission for the deaf and hard of hearing
74 established in section 161.400;

75 [(18)] (17) "Oral", mode of communication having
76 characteristics of speech, speech reading and residual
77 hearing as a primary means of communication using
78 situational and culturally appropriate gestures, without the
79 use of sign language;

80 [(19)] (18) "Pidgin Signed English", a mode of
81 communication having characteristics of American sign
82 language;

83 [(20)] (19) "Practice of interpreting", rendering or
84 offering to render or supervise those who render to
85 individuals, couples, groups, organizations, institutions,
86 corporations, schools, government agencies or the general
87 public any interpreting service involving the translation of
88 any mode of communication used by a deaf person to spoken
89 English or of spoken English to a mode of communication used
90 by a deaf person;

91 [(21)] (20) "Tactile sign", mode of communication,
92 used by deaf and blind individuals, using any one or a
93 combination of the following: tactile sign, constricted
94 space sign or notetaking.

209.292. [1.] The [board] **commission** shall[, with the
2 approval of the commission]:

3 (1) Prescribe qualifications for each of the several
4 levels of certification based on proficiency and shall
5 evaluate and certify interpreters using such qualifications;

6 (2) Issue the certificates, bearing the signature of
7 the executive director, necessary to qualify for a license
8 to interpret;

9 (3) Develop a fee scale for interpreting services,
10 pursuant to section 161.405;

11 (4) Maintain the quality of interpreting services,
12 pursuant to section 161.405, by:

13 (a) Generating ideas for conducting interpreter
14 training workshops to update knowledge and skills; and

15 (b) Suggesting institutions of higher education to
16 provide interpreter training programs;

17 (5) Develop specific guidelines for the use of
18 interpreters according to their level of certification and
19 submit the guidelines to the division and copies to be
20 distributed to state departments, agencies, commissions,
21 courts, interpreters and to the public;

22 (6) Develop ethical rules of conduct to be recommended
23 for adoption by the division;

24 (7) Develop fees for application, administration of an
25 evaluation, conversion and certificate renewal, to cover the
26 cost of the certification system and administration;

27 (8) Compile a statewide registry of interpreters by
28 skill level and include recommendations relating to the
29 appropriate selection and utilization of interpreters for
30 the deaf. The registry shall be made available to and
31 recommended for adoption by state commissions, departments
32 and agencies;

33 (9) Develop a conversion system and policy for
34 accepting other certification systems into the certification
35 offered by the Missouri commission for the deaf and hard of
36 hearing;

37 (10) Develop acceptable professional development
38 activities to maintain certification;

39 (11) Investigate and implement the most appropriate
40 testing model for interpreter certification;

41 (12) When necessary, develop an evaluation team,
42 appointed by the commission, to assist in evaluating
43 interpreters;

44 (13) Provide opportunity to hear grievances against
45 the certification process or one of its members using the
46 guidelines established in chapter 621.

47 [2. An evaluation team appointed pursuant to
48 subdivision (12) of subsection 1 of this section shall have

49 similar backgrounds to the members of the board. The
50 evaluation team shall serve at the pleasure of the
51 commission. The commission shall reimburse evaluators for
52 actual and necessary expenses incurred in the performance of
53 their official duties and may fairly compensate them. A
54 member of an evaluation team may be removed from the team by
55 the executive director, after notice and an opportunity to
56 be heard, for the following reasons: misconduct,
57 inefficiency, incompetence or neglect of official duties.]

209.299. The [board] **commission** shall schedule
2 evaluations for persons seeking certification, at a central
3 location, at least four times each year in 1995 and 1996,
4 and at least twice a year thereafter, according to the
5 number of applicants seeking certification. As soon as
6 possible after completion of an evaluation, the coordinator
7 shall notify the applicant of his score and level of
8 certification.

209.305. 1. The evaluation shall be an assessment of
2 interpreter's language skills, expressive and receptive
3 skills, professionalism, knowledge of interpreting and
4 ethical practices. Modes of communication that shall be
5 evaluated include, but are not limited to:

- 6 (1) American sign language;
- 7 (2) Tactile sign;
- 8 (3) Language deficient;
- 9 (4) Oral;
- 10 (5) Pidgin Signed English; and
- 11 (6) Any necessary specialized vocabulary, language or
12 mode of communication in popular or regional use among deaf
13 people.

14 2. The [board or an evaluation team] **commission** shall
15 use testing materials developed by the commission or

16 contracted with a national organization to assess the
17 qualifications of interpreters. All testing materials and
18 records shall be held confidential by the commission.

209.307. Any member of the [board or an evaluation
2 team] **commission** who has a conflict of interest that may
3 have a direct effect on an evaluation shall excuse himself
4 or herself from the evaluation. The remaining members shall
5 assess that individual's performance.

209.309. The [board] **commission** may offer provisional
2 certification to interpreters achieving a minimal level of
3 certification established by the [board] **commission**. A
4 provisional certification is limited to one year; during
5 such year the interpreter must be reevaluated and achieve
6 the next higher level of certification. If an evaluation
7 slot is not available during the term of the provisional
8 license, the interpreter may be granted an extension. A
9 holder of a provisional certification may only be granted
10 one extension.

209.317. 1. The [board] **commission** may suspend, deny
2 or revoke a certificate if an interpreter:

3 (1) Impersonates another person holding interpreter
4 certification;

5 (2) Allows another person to use the interpreter's
6 certificate;

7 (3) Uses fraud, deception or misrepresentation in the
8 certification process;

9 (4) Harasses, abuses or threatens a member of the
10 board, evaluation team or a support staff person who is
11 administering the system;

12 (5) Intentionally divulges confidential information
13 relating to the certification process, including content,
14 topic, vocabulary, skills or any other testing material;

15 (6) Fails to achieve a minimum satisfactory
16 certification level.

17 2. The **[board] commission** shall provide that any
18 hearing concerning the denial, suspension or revocation of a
19 certificate shall follow administrative procedures for
20 hearings as provided in chapter 621.

 209.318. 1. There is hereby established in the state
2 treasury a fund to be known as the "Missouri Commission for
3 the Deaf and Hard of Hearing **[Board of Certification of**
4 **Interpreters]** Fund". All fees provided for in sections
5 209.287 to 209.318 shall be collected by the executive
6 director of the commission and shall be transmitted to the
7 department of revenue for deposit in the state treasury to
8 the credit of the Missouri commission for the deaf and hard
9 of hearing **[board of certification of interpreters]** fund.
10 Such funds, upon appropriation, shall be disbursed only for
11 payment of expenses of maintaining the **[board] commission**
12 and for the enforcement of the provisions of sections
13 209.287 to 209.318 and shall not be used to pay the salary
14 of the coordinator hired pursuant to section 209.289.
15 Warrants shall be drawn on the state treasury for payment
16 out of the fund.

17 2. The provisions of section 33.080 to the contrary
18 notwithstanding, money in this fund shall not be transferred
19 and placed to the credit of general revenue until the amount
20 in the fund at the end of the biennium exceeds two times the
21 amount of the appropriation from the fund for the preceding
22 fiscal year. The amount, if any, in the fund which shall
23 lapse is that amount in the fund which exceeds the
24 appropriate multiple of the appropriations from the fund for
25 the preceding fiscal year.

26 3. The expenses of maintaining the [board] **commission**
27 enforcement of the provisions of sections 209.287 to 209.318
28 during the first fiscal year shall be paid by the commission
29 from funds appropriated from general revenue for that
30 purpose.

 209.321. 1. No person shall represent himself or
2 herself as an interpreter or engage in the practice of
3 interpreting as defined in section 209.285 in the state of
4 Missouri unless such person is licensed as required by the
5 provisions of sections 209.319 to 209.339.

6 2. A person registered, certified or licensed by this
7 state, another state or any recognized national
8 certification agent, acceptable to the committee that allows
9 that person to practice any other occupation or profession
10 in this state, is not considered to be interpreting if he or
11 she is in performance of the occupation or profession for
12 which he or she is registered, certified or licensed. The
13 professions referred to in this subsection include, but are
14 not limited to, physicians, psychologists, nurses, certified
15 public accountants, architects and attorneys.

16 3. A licensed interpreter shall limit his or her
17 practice to demonstrated areas of competence as documented
18 by relevant professional education, training, experience and
19 certification. An interpreter not trained in an area shall
20 not practice in that area without obtaining additional
21 relevant professional education, training and experience
22 through an acceptable program as defined by rule by the
23 Missouri commission for the deaf and hard of hearing.

24 4. A person is not considered to be interpreting
25 pursuant to the provisions of this section if, in a casual
26 setting and as defined by rule, a person is acting as an

27 interpreter gratuitously or is engaged in interpreting
28 incidental to traveling.

29 5. A person is not considered to be interpreting
30 pursuant to the provisions of this section if a person is
31 engaged as a telecommunications operator providing deaf
32 relay service or operator services for the deaf.

33 6. A person is not considered to be interpreting under
34 the provisions of this section if the person is currently
35 enrolled in an interpreter training program which has been
36 accredited by a certifying agency and approved by the
37 committee. The training program shall offer a degree in
38 interpreting from an accredited institution of higher
39 education. Persons exempted under this provision shall
40 engage only in activities and services that constitute part
41 of a supervised course of study and shall clearly designate
42 themselves by a title of the student, practicum student,
43 student interpreter, trainee, or intern.

44 7. A person holding a current certification of license
45 from another state or recognized national certification
46 system deemed acceptable by the committee is not considered
47 to be interpreting as defined in this chapter when
48 temporarily present in the state for the purpose of
49 providing interpreting services for a convention,
50 conference, meeting, professional group, or educational
51 field trip.

52 8. (1) The [board for certification of interpreters]
53 **commission** shall grant a provisional certificate in
54 education for any applicant who meets either of the
55 following criteria:

56 (a) The applicant possesses a current valid
57 certification in the Missouri interpreters certification

58 system at either the novice or apprentice level and holds a
59 valid license to provide interpreting services; or

60 (b) The applicant has submitted an application for
61 certification in the Missouri interpreters certification
62 system and an application for an interpreting license
63 pursuant to sections 209.319 to 209.339 and has taken the
64 written test and performance test or attests that he or she
65 will complete the certification and licensure applications
66 and take the written test within sixty days following the
67 date of application for a provisional certificate in
68 education and will complete the performance test within
69 sixty days following passage of the written test.

70 (2) The **[board] commission** shall issue the provisional
71 certificate in education within ten business days following
72 receipt of a complete application.

73 (3) A provisional certificate issued under paragraph
74 (a) of subdivision (1) of this subsection shall be valid for
75 a term of three years and shall be renewed by the **[board]**
76 **commission**, upon request by the certificate holder, for one
77 additional term of three years if the certificate holder is
78 reevaluated during the first term of issuance and achieves a
79 higher level of certification in the Missouri interpreter
80 certification system.

81 (4) A provisional certificate issued under paragraph
82 (b) of subdivision (1) of this subsection shall be valid for
83 one year and shall be renewed, upon request by the
84 certificate holder, pursuant to subdivision (3) of this
85 subsection if the certificate holder is reevaluated during
86 the term of issuance and achieves a certification in the
87 Missouri interpreter certification system. Such renewed
88 certificate shall be subject to the term length and renewal
89 provisions of subdivision (3) of this subsection.

90 (5) A provisional certificate in education shall be
91 limited to providing interpreters services in preschool,
92 elementary and secondary school settings or as allowed by
93 any other valid Missouri certification or license held by
94 the individual.

95 (6) A provisional certificate in education may be
96 revoked by the board if the person makes any
97 misrepresentations or fails to fulfill any commitment made
98 pursuant to paragraph (b) of subdivision (1) of this
99 subsection, or violates the provisions of section 209.317 or
100 209.334 or breaks any of the ethical rules of conduct for
101 interpreters as established by state rule or fails to obtain
102 the necessary continuing education credits required for
103 certification maintenance.

209.322. The [board] **commission** shall recognize the
2 following certificates:

- 3 (1) National Registry of Interpreters for the Deaf
4 (NRID) certificates, which include Comprehensive Skills
5 Certificate (CSC), Certificate of Interpreting/Certificate
6 of Transliteration (CI/CT) and Certified Deaf Interpreter
7 (CDI);
- 8 (2) National Association of the Deaf (NAD) certificate
9 levels 3, 4 and 5; and
- 10 (3) A provisional public school certificate.

261.235. [1.] There is hereby created in the state
2 treasury for the use of the agriculture business development
3 division of the state department of agriculture a fund to be
4 known as "The AgriMissouri Fund". All moneys received by
5 the state department of agriculture for Missouri
6 agricultural products marketing development from any source,
7 including trademark fees, shall be deposited in the fund.
8 Moneys deposited in the fund shall, upon appropriation by

9 the general assembly to the state department of agriculture,
10 be expended by the agriculture business development division
11 of the state department of agriculture for promotion of
12 Missouri agricultural products under the AgriMissouri
13 program. The unexpended balance in the AgriMissouri fund at
14 the end of the biennium shall not be transferred to the
15 general revenue fund of the state treasury and accordingly
16 shall be exempt from the provisions of section 33.080
17 relating to transfer of funds to the ordinary revenue funds
18 of the state by the state treasurer.

19 [2. There is hereby created within the department of
20 agriculture the "AgriMissouri Advisory Commission for
21 Marketing Missouri Agricultural Products". The commission
22 shall establish guidelines, and make recommendations to the
23 director of agriculture, for the use of funds appropriated
24 by the general assembly for the agriculture business
25 development division of the department of agriculture, and
26 for all funds collected or appropriated to the AgriMissouri
27 fund created pursuant to subsection 1 of this section. The
28 guidelines shall focus on the promotion of the AgriMissouri
29 trademark associated with Missouri agricultural products
30 that have been approved by the general assembly, and shall
31 advance the following objectives:

32 (1) Increasing the impact and fostering the
33 effectiveness of local efforts to promote Missouri
34 agricultural products;

35 (2) Enabling and encouraging expanded advertising
36 efforts for Missouri agricultural products;

37 (3) Encouraging effective, high-quality advertising
38 projects, innovative marketing strategies, and the
39 coordination of local, regional and statewide marketing
40 efforts;

41 (4) Providing training and technical assistance to
42 cooperative-marketing partners of Missouri agricultural
43 products.

44 3. The commission may establish a fee structure for
45 sellers electing to use the AgriMissouri trademark
46 associated with Missouri agricultural products, so long as
47 the fees established and collected under this subsection do
48 not yield revenue greater than the total cost of
49 administering this section during the ensuing year. All
50 trademark fees shall be deposited to the credit of the
51 AgriMissouri fund, created pursuant to this section.

52 4. The commission shall consist of nine members
53 appointed by the governor with the advice and consent of the
54 senate. One member shall be the director of the agriculture
55 business development division of the department of
56 agriculture, or his or her representative. At least one
57 member shall be a specialist in advertising; at least one
58 member shall be a specialist in agribusiness; at least one
59 member shall be a specialist in the retail grocery business;
60 at least one member shall be a specialist in communications;
61 at least one member shall be a specialist in product
62 distribution; at least one member shall be a family farmer
63 with expertise in livestock farming; at least one member
64 shall be a family farmer with expertise in grain farming and
65 at least one member shall be a family farmer with expertise
66 in organic farming. Members shall serve for four-year
67 terms, except in the first appointments three members shall
68 be appointed for terms of four years, three members shall be
69 appointed for terms of three years and three members shall
70 be appointed for terms of two years each. Any member
71 appointed to fill a vacancy of an unexpired term shall be
72 appointed for the remainder of the term of the member

73 causing the vacancy. The governor shall appoint a
74 chairperson of the commission, subject to ratification by
75 the commission.

76 5. Commission members shall receive no compensation
77 but shall be reimbursed for actual and necessary expenses
78 incurred in the performance of their official duties on the
79 commission. The division of agriculture business
80 development of the department of agriculture shall provide
81 all necessary staff and support services as required by the
82 commission to hold commission meetings, to maintain records
83 of official acts and to conduct all other business of the
84 commission. The commission shall meet quarterly and at any
85 such time that it deems necessary. Meetings may be called
86 by the chairperson or by a petition signed by a majority of
87 the members of the commission. Ten days' notice shall be
88 given in writing to such members prior to the meeting date.
89 A simple majority of the members of the commission shall be
90 present to constitute a quorum. Proxy voting shall not be
91 permitted.

92 6. If the commission does establish a fee structure as
93 permitted under subsection 3 of this section, the
94 agriculture business development division of the department
95 of agriculture shall promulgate rules establishing the
96 commission's fee structure. The department of agriculture
97 shall also promulgate rules and regulations for the
98 implementation of this section. Any rule or portion of a
99 rule, as that term is defined in section 536.010, that is
100 created under the authority delegated in this section shall
101 become effective only if it complies with and is subject to
102 all of the provisions of chapter 536 and, if applicable,
103 section 536.028. This section and chapter 536 are
104 nonseverable and if any of the powers vested with the

105 general assembly pursuant to chapter 536 to review, to delay
106 the effective date, or to disapprove and annul a rule are
107 subsequently held unconstitutional, then the grant of
108 rulemaking authority and any rule proposed or adopted after
109 August 28, 2016, shall be invalid and void.]

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

[2. The small business technical assistance program
16 shall be advised by a "Small Business Compliance Advisory
17 Committee" which is hereby created. One member shall be
18 appointed by the director of the department, two members
19 shall be appointed by the governor to represent the public
20 and four owners of small businesses regulated under this
21 chapter shall be appointed by the general assembly, one each
22 appointed by the majority and minority leaders of each
23 chamber of the general assembly. No member of the air
24 conservation commission shall serve as a member of the small
25 business compliance advisory committee. The term of office
26 shall be four years except that of those first appointed,
27 one member appointed by the governor, one member appointed

28 by the senate and one member appointed by the house of
29 representatives shall be appointed to two-year terms.
30 Members shall serve until their successors are duly
31 appointed and qualified and vacancies shall be filled by
32 appointment for the remaining portion of the unexpired term
33 created by the vacancy. The members shall be reimbursed for
34 actual and necessary expenses incurred in the performance of
35 their duties while in attendance at committee meetings.

36 3. The committee shall:

- 37 (1) Receive reports from the ombudsman pursuant to
38 section 643.175;
- 39 (2) Evaluate the impact of sections 643.010 to 643.190
40 and the rules promulgated thereunder on small business;
- 41 (3) Review and assess the impact of enforcement
42 policies on small business operations in Missouri;
- 43 (4) Recommend to the department, the commission and
44 the general assembly, as appropriate, changes in procedure,
45 in rules or in the law which would facilitate small business
46 compliance with sections 643.010 to 643.190;
- 47 (5) Recommend to the commission rules establishing an
48 expedited review of modifications for small businesses;
- 49 (6) Conduct hearings, determine facts and make
50 investigations consistent with the purposes of this section.]

650.205. As used in sections 650.200 to 650.290,
2 unless the context clearly requires otherwise, the following
3 words and terms mean:

- 4 (1) "API-ASME", American Petroleum Institute-American
5 Society of Mechanical Engineers;
- 6 (2) "ASME", American Society of Mechanical Engineers;
- 7 (3) ["Board", the board of boiler and pressure vessel
8 rules;

9 (4)] "Boiler", a vessel intended for use in heating
10 water or other liquids for generating steam or other vapors
11 under pressure or vacuum by the application of heat
12 resulting from the combustion of fuels, electricity, atomic
13 energy, or waste gases;

14 [(5)] (4) "Certificate inspection", an inspection, the
15 report of which is used by the chief inspector to decide
16 whether or not a certificate as provided by subsection 3 of
17 section 650.265 may be issued. This certificate inspection
18 shall be an internal inspection when construction permits;
19 otherwise, it shall be as complete an inspection as possible;

20 (5) **"Department", the department of public safety;**

21 (6) "Director", the director of the inspection section
22 of the department of public safety;

23 (7) "Heating boiler", a steam boiler operating at
24 pressures not exceeding fifteen psig, or a hot water heating
25 boiler operating at pressures not exceeding one hundred
26 sixty psig or temperatures not exceeding two hundred fifty
27 degrees Fahrenheit at or near the boiler outlet, or both;

28 (8) "High pressure, high temperature water boiler", a
29 water boiler operating at pressures exceeding one hundred
30 sixty psig or temperatures exceeding two hundred fifty
31 degrees Fahrenheit at or near the boiler outlet, or both;

32 (9) "Power boiler", a boiler in which steam or other
33 vapor is generated at a pressure of more than fifteen psig
34 including a high pressure, high temperature water boiler;

35 (10) "Pressure vessel", a vessel in which the pressure
36 is obtained from an external source or by the application of
37 heat from an indirect source, other than those vessels
38 defined in subdivisions (4), (7), (8), and (9) of this
39 section;

40 (11) "Psig", pounds per square inch gauge.

650.215. 1. The **[board] department** shall formulate
2 definitions, rules and regulations for the safe
3 construction, installation, inspection, maintenance and
4 repair of boilers and pressure vessels in this state.

5 (1) The definitions, rules and regulations so
6 formulated for new construction shall be based upon and, at
7 all times, follow the generally accepted nationwide
8 engineering standards, formulae and practices established
9 and pertaining to boiler and pressure vessel construction
10 and safety, and the **[board] department** shall by resolution
11 adopt an existing published codification thereof, known as
12 the "Boiler and Pressure Vessel Code of the American Society
13 of Mechanical Engineers", with the amendments and
14 interpretations thereto made and approved by the council of
15 the society, and shall likewise adopt the amendments and
16 interpretations subsequently made and published by the same
17 authority; and when so adopted the same shall be deemed
18 incorporated into, and to constitute a part of, the whole of
19 the definitions, rules and regulations of the **[board]**
20 **department**. Amendments and interpretations to the code so
21 adopted shall be effective immediately upon being
22 promulgated, to the end that the definitions, rules and
23 regulations shall at all times follow the generally accepted
24 nationwide engineering standards.

25 (2) The **[board] department** shall formulate rules and
26 regulations for the inspection, maintenance and repair of
27 boilers and pressure vessels, which were in use in this
28 state prior to the date upon which the first rules and
29 regulations under sections 650.200 to 650.290 pertaining to
30 existing installations became effective, or during the
31 twelve-month period immediately thereafter.

32 (3) The rules for inspection, maintenance and repair
33 of installed boilers and pressure vessels shall be based
34 upon and follow the generally accepted national standards as
35 promulgated by the National Board of Boiler and Pressure
36 Vessel Inspectors or by the ANSI/API Standard 510, Pressure
37 Vessel Inspection Code, as amended, as a minimum, as it
38 relates to boiler and pressure vessels.

39 2. The rules and regulations and any subsequent
40 amendments thereto formulated by the **[board] department**
41 shall have the force and effect of law, except that the
42 rules applying to the construction of new boilers and
43 pressure vessels shall not be so construed as to prevent the
44 installation of such boilers and pressure vessels until
45 twelve months after their promulgation by the **[board]**
46 **department.**

47 3. Subsequent amendments to the rules and regulations
48 adopted by the **[board] department** shall be permissive
49 immediately and shall become mandatory twelve months after
50 their promulgation.

51 4. No rule or portion of a rule promulgated under the
52 authority of this chapter shall become effective unless it
53 has been promulgated pursuant to the provisions of section
54 536.024.

 650.220. No power boiler, low pressure boiler or
2 pressure vessel which does not conform to the rules and
3 regulations formulated by the **[board] department** governing
4 new construction and installation shall be installed and
5 operated in this state after twelve months from the date
6 upon which the first rules and regulations under sections
7 650.200 to 650.290 pertaining to new construction and
8 installation have become effective, unless the boiler or
9 pressure vessel is of a special design or construction, and

10 is not inconsistent with the spirit and safety objectives of
11 the rules and regulations, in which case a special
12 installation and operating permit may at its discretion be
13 granted by the **[board] department**.

650.225. 1. The maximum allowable pressure of a
2 boiler carrying the ASME code symbol or of a pressure vessel
3 carrying the ASME or API-ASME code symbol shall be
4 determined by the applicable sections of the code under
5 which it was constructed and stamped, or a later edition of
6 the ASME code, provided that the rerating has been performed
7 in accordance with the rules of such later edition.

8 2. The maximum allowable pressure of a boiler or
9 pressure vessel which does not carry the ASME or the API-
10 ASME code symbol shall be computed in accordance with the
11 inspection code of the National Board of Boiler and Pressure
12 Vessel Inspectors, or, when applicable, ANSI/API Standard
13 510, Pressure Vessel Inspection Code, unless the pressure
14 vessel is of a special construction, in which case the
15 **[board] department** may grant at its discretion a special
16 installation and operating permit for a pressure vessel of
17 special design or construction, consistent with the safety
18 objectives of the rules and regulations.

19 3. Sections 650.200 to 650.290 shall not be construed
20 as in any way preventing the use, sale or reinstallation of
21 a boiler or pressure vessel referred to in this section,
22 provided it has been made to conform to the rules and
23 regulations of the **[board] department** governing existing
24 installations; and provided, further, it has not been found
25 upon inspection to be in an unsafe condition.

650.235. 1. The director shall appoint a person who
2 has had at the time of the appointment not less than ten
3 years' experience in the construction, installation,

4 inspection, operation, maintenance or repair of high
5 pressure boilers and pressure vessels as a mechanical
6 engineer, steam operating engineer, boilermaker, or boiler
7 inspector, and who shall have passed the same kind of
8 examination as that prescribed under section 650.250, to be
9 chief inspector. The chief inspector may be removed for
10 cause after due investigation by the **[board] department** and
11 its recommendation to the director.

12 2. The chief inspector, if authorized by the director,
13 is hereby charged, directed and empowered:

14 (1) To take action necessary to the enforcement of the
15 laws of the state governing the use of boilers and pressure
16 vessels to which sections 650.200 to 650.290 apply and of
17 the rules and regulations of the **[board] department;**

18 (2) To keep a complete record of the type, dimensions,
19 maximum allowable pressure, age, location and date of the
20 last recorded inspection of all boilers and pressure vessels
21 to which sections 650.200 to 650.290 apply;

22 (3) To publish and make available to anyone requesting
23 them copies of the rules and regulations promulgated by the
24 **[board] department;**

25 (4) To issue, or to suspend, or revoke for cause,
26 inspection certificates as provided for in section 650.265;

27 (5) To cause the prosecution of all violators of the
28 provisions of sections 650.200 to 650.290;

29 (6) To draw upon the state treasurer for funds
30 necessary to meet the expense authorized by sections 650.200
31 to 650.290, which shall include the necessary traveling
32 expenses of the chief inspector and his deputies and the
33 expense incident to the maintenance of his office.

650.245. 1. In addition to the deputy boiler
2 inspectors authorized by section 650.240, the director

3 shall, upon the request of any company licensed to insure
4 and insuring in this state boilers and pressure vessels, or,
5 upon the request of any company operating pressure vessels
6 in this state for which the owner or user maintains a
7 regularly established inspection service which is under the
8 supervision of one or more engineers whose qualifications
9 are satisfactory to the [board] **department** and causes the
10 pressure vessels to be regularly inspected and rated by the
11 inspection service in accordance with applicable provisions
12 of the rules and regulations adopted by the [board]
13 **department** pursuant to section 650.215, issue to any
14 inspectors of the company commissions as special
15 inspectors. Each inspector before receiving his commission
16 shall satisfactorily pass the examination provided for by
17 section 650.250, or, in lieu of the examination, shall hold
18 a commission or a certificate of competency as an inspector
19 of boilers and pressure vessels for a state that has a
20 standard of examination substantially equal to that of the
21 state of Missouri or a commission as an inspector of boilers
22 and pressure vessels issued by the National Board of Boiler
23 and Pressure Vessel Inspectors. A commission as a special
24 inspector shall be issued to an inspector of a company
25 operating pressure vessels in this state only if, in
26 addition to meeting the requirements stated in this section,
27 the inspector is employed full time by the company and is
28 responsible for making inspections of pressure vessels used,
29 or to be used, by the company, and which are not for resale.

30 2. The special inspectors shall receive no salary
31 from, nor shall any of their expenses be paid by, the state,
32 and the continuance of a special inspector's commission
33 shall be conditioned upon his continuing in the employ of
34 the boiler insurance company or upon continuing in the

35 employ of the company so operating pressure vessels in this
36 state and upon his maintenance of the standards imposed by
37 sections 650.200 to 650.290.

38 3. The special inspectors shall inspect all boilers
39 and pressure vessels insured or all pressure vessels
40 operated by their respective companies, and, when so
41 inspected, the owners and users of the boilers and pressure
42 vessels shall be exempt from the payment to the state of the
43 inspection fees provided for in section 650.275.

650.250. 1. Examination for chief, deputy or special
2 inspectors shall be in writing and shall be held by the
3 [board, with at least two members of the board present at
4 all times during the examination] **department**. The
5 examination shall be confined to questions, the answers to
6 which will aid in determining the fitness and competency of
7 the applicant for the intended service. In case an
8 applicant for an inspector's commission fails to pass the
9 examination, he may appeal to the [board] **department** for
10 another examination which shall be given by the [board]
11 **department** within ninety days. The record of an applicant's
12 examination shall be accessible to the applicant and his
13 employer. An examination fee in accordance with the fee
14 schedule adopted pursuant to the provisions of subsection 1
15 of section 650.275, payable to the department [of public
16 safety], shall accompany each application for examination.

17 2. A commission issued pursuant to this section shall
18 be for a period of one year upon payment in accordance with
19 the fee schedule adopted pursuant to the provisions of
20 subsection 1 of section 650.275, and may be renewed annually
21 upon payment in accordance with the fee schedule adopted
22 pursuant to the provisions of subsection 1 of section
23 650.275.

650.255. 1. An inspector's commission may be
2 suspended by the director after due investigation and
3 recommendation by the **[board] department**, for the
4 incompetence or untrustworthiness of the holder thereof or
5 for willful falsification of any matter or statement
6 contained in his application or in a report of any
7 inspection made by him. Written notice of any such
8 suspension shall be given by the director within not more
9 than ten days thereof to the inspector and his employer. A
10 person whose commission has been suspended shall be entitled
11 to an appeal to the **[board] department** as provided in
12 section 650.285 and to be present in person or to be
13 represented by counsel at the hearing of the appeal.

14 2. If the **[board] department** has reason to believe
15 that a licensed inspector is no longer qualified to hold his
16 commission, the **[board] department** shall, upon not less than
17 ten days' written notice to the inspector and his employer,
18 hold a hearing at which the inspector and his employer shall
19 have an opportunity to be heard. If, as a result of the
20 hearing, the **[board] department** finds that the inspector is
21 no longer qualified to hold his commission, the **[board]**
22 **department** shall recommend to the director that the
23 commission shall be revoked and the director shall thereupon
24 revoke the commission forthwith.

25 3. A person whose commission has been suspended shall
26 be entitled to apply, after ninety days from the date of the
27 suspension, for reinstatement of the commission.

28 4. If a commission is lost or destroyed, a new
29 commission shall be issued in its place without another
30 examination.

650.260. 1. The director, the chief inspector, or any
2 special deputy inspector shall have free access, during

3 reasonable hours, to any premises in the state where a
4 boiler or pressure vessel is being constructed, or is being
5 installed, for the purpose of ascertaining whether the
6 boiler or pressure vessel is being constructed and installed
7 in accordance with the provisions of sections 650.200 to
8 650.290.

9 2. Each boiler and pressure vessel used or proposed to
10 be used within this state, except boilers or pressure
11 vessels exempt under section 650.230, shall be thoroughly
12 inspected as to their construction, installation and
13 condition as follows:

14 (1) Power boilers and high pressure, high temperature
15 water boilers shall receive a certificate inspection
16 annually and shall also be externally inspected annually
17 while under pressure if possible;

18 (2) Low pressure steam, hot water heating and hot
19 water supply boilers shall receive a certificate of
20 inspection biennially;

21 (3) Pressure vessels subject to internal corrosion
22 shall receive a certificate inspection biennially;

23 (4) Pressure vessels not subject to internal corrosion
24 shall receive a certificate inspection at intervals set by
25 the **[board] department**, but internal inspection shall not be
26 required of pressure vessels, the contents of which are
27 known to be noncorrosive to the material of which the shell,
28 heads or fittings are constructed, either from the chemical
29 composition of the contents or from evidence that the
30 contents are adequately treated with a corrosive inhibitor,
31 provided that the vessels are constructed in accordance with
32 the rules and regulations of the **[board] department**;

33 (5) Nuclear vessels within the scope of sections
34 650.200 to 650.290 shall be inspected and reported in such

35 form and with such appropriate information as the [board]
36 **department** shall designate;

37 (6) A grace period of two months beyond the periods
38 specified in subdivisions (1), (2), (3) and (4) of this
39 subsection may elapse between certificate inspections;

40 (7) The [board] **department** may, in its discretion,
41 permit longer periods between certificate inspections;

42 (8) Under the provisions of sections 650.200 to
43 650.290, the [board] **department** is responsible to provide
44 for the safety of life, limb and property and therefore has
45 jurisdiction over the interpretation and application of the
46 inspection requirements as provided for in the rules and
47 regulations which it has promulgated. Inspection during
48 construction and installation shall certify as to the
49 minimum requirements for safety as defined in the
50 construction codes. Inspection requirements of operating
51 equipment shall be in accordance with generally accepted
52 practice and compatible with the actual service conditions,
53 such as:

54 (a) Previous experience, based on records of
55 inspection, performance and maintenance;

56 (b) Location, with respect to personnel hazard;

57 (c) Quality of inspection and operating personnel;

58 (d) Provision for related safe operation controls;

59 (e) Interrelation with other operations outside the
60 scope of sections 650.200 to 650.290.

61 3. The inspections required in this section shall be
62 made by the chief inspector, by a deputy inspector, or by a
63 special inspector provided for in sections 650.200 to
64 650.290.

65 4. If at any time a test is deemed necessary for a
66 stated cause by an inspector, it shall be made by the owner

67 or user of the boiler or pressure vessel in the presence of
68 and under the supervision of the inspector. A fee in
69 accordance with the fee schedule adopted pursuant to the
70 provisions of subsection 1 of section 650.275, shall be
71 charged for such supervision.

72 5. All boilers except cast iron sectional boilers, and
73 pressure vessels to be installed in the state after the
74 twelve-month period from the date upon which the rules and
75 regulations of the [board] **department** become effective shall
76 be inspected during construction as required by the
77 applicable rules and regulations of the [board] **department**
78 by an inspector authorized to inspect boilers and pressure
79 vessels in this state, or, if constructed outside of the
80 state, by an inspector holding a commission issued by the
81 National Board of Boiler and Pressure Vessel Inspectors.

650.265. 1. Each company employing special
2 inspectors, except a company operating pressure vessels
3 covered by owner or user inspection service meeting the
4 requirements of subsection 1 of section 650.245, shall,
5 within thirty days following each certificate inspection
6 made by the inspectors, file a report of the inspection with
7 the chief inspector upon appropriate forms as promulgated by
8 the National Board of Boiler and Pressure Vessel
9 Inspectors. The filing of reports of external inspections
10 shall not be required except when the inspections disclose
11 that the boiler or pressure vessel is in a dangerous
12 condition. If the report filed pursuant to this subsection
13 indicates that the boiler or pressure vessel is found to
14 comply with the applicable rules and regulations, the owner
15 or user shall pay a fee in accordance with the fee schedule
16 adopted pursuant to the provisions of subsection 1 of
17 section 650.275, and an inspection certificate shall be

18 issued indicating the date of the inspection and the maximum
19 pressure under which the boiler or pressure vessel may be
20 operated.

21 2. Each company operating pressure vessels covered by
22 owner or user inspection service meeting the requirements of
23 subsection 1 of section 650.245 shall maintain in its files
24 an inspection record which shall list, by number and such
25 abbreviated description as may be necessary for
26 identification, each pressure vessel covered by sections
27 650.200 to 650.290, the date of the last inspection of each
28 such unit, and for each pressure vessel the approximate date
29 for the next inspection thereof arrived at by applying the
30 appropriate rules therefor to all data available at the time
31 the inspection record is compiled. The inspection record
32 shall be readily available for examination by the chief
33 inspector or his authorized representative during business
34 hours. Each such company shall, in addition, file annually
35 with the chief inspector a statement, signed by the engineer
36 having supervision over the inspections made during the
37 period covered thereby, stating the number of vessels
38 covered by sections 650.200 to 650.290 inspected during the
39 year and certifying that each inspection was conducted
40 pursuant to the inspection standards provided for by
41 sections 650.200 to 650.290. The annual statement shall be
42 accompanied by a filing fee in accordance with the fee
43 schedule adopted pursuant to the provisions of subsection 1
44 of section 650.275.

45 3. No inspection certificate issued for an insured
46 boiler or pressure vessel based upon a report of a special
47 inspector shall be valid after the boiler or pressure vessel
48 for which it was issued shall cease to be insured by a

49 company duly authorized by this state to provide the
50 insurance.

51 4. The director or his authorized representative may
52 at any time suspend an inspection certificate when, in his
53 opinion, the boiler or pressure vessel for which it was
54 issued cannot be operated without menace to the public
55 safety, or when the boiler or pressure vessel is found not
56 to comply with the rules and regulations formulated by the
57 **[board] department**. Each suspension of an inspection
58 certificate shall continue in effect until the boiler or
59 pressure vessel has been made to conform to the rules and
60 regulations of the **[board] department**, and until the
61 inspection certificate has been reinstated.

650.275. 1. The **[board] department**, in consultation
2 with the director, shall set the amount of the fees
3 authorized by the provisions of sections 650.200 to 650.290,
4 by rule or regulation promulgated in accordance with the
5 provisions of section 536.021. The fees shall be set at a
6 level which reflects the average fees from at least seventy-
7 five percent of states which regulate boilers and pressure
8 vessels. Additional surveys, when required, shall not be
9 performed prior to the biennial anniversary of the last
10 survey.

11 2. The owner or user of a boiler or pressure vessel
12 required by sections 650.200 to 650.290 to be inspected by
13 the chief inspector, or his deputy inspector, shall pay a
14 fee in accordance with the fee schedule adopted pursuant to
15 the provisions of subsection 1 of this section when invoiced
16 by the chief inspector.

17 3. The chief inspector shall transfer all fees so
18 received to the director.

650.277. 1. As otherwise provided by sections 650.200
2 to 650.295, the [boiler and pressure vessel board]
3 **department** shall set fees for inspection, permits, licenses,
4 and certificates required by sections 650.200 to 650.295.
5 Fees shall be determined by the [board] **department** to
6 provide sufficient funds for the operation of the [board]
7 **department** and shall be set by rule or regulation
8 promulgated in accordance with the provisions of section
9 536.021. The [board] **department** may alter the fee schedule
10 once every two years. Any funds collected pursuant to
11 sections 650.200 to 650.295 shall be deposited in the
12 "Boiler and Pressure Vessels Safety Fund", which is hereby
13 created. Beginning July 1, 2003, moneys in the fund shall
14 be appropriated from the fund for the expenses of the
15 [board] **department**. A municipality or other political
16 subdivision enforcing the provisions of sections 650.200 to
17 650.295 and which performs the inspections, permitting,
18 licensing, and certification as required, the fee for such
19 inspection shall be paid directly to the municipality or
20 political subdivision and shall not be preempted by sections
21 650.200 to 650.295, except that any fee established by the
22 [board] **department** for the issuance of appropriate state
23 certificates shall be paid to the [board] **department**.

24 2. Any rule or portion of a rule, as that term is
25 defined in section 536.010, that is created under the
26 authority delegated in this section or under the authority
27 of sections 650.210 to 650.275 shall become effective only
28 if it complies with and is subject to all of the provisions
29 of chapter 536 and, if applicable, section 536.028. This
30 section and chapter 536 are nonseverable and if any of the
31 powers vested with the general assembly pursuant to chapter
32 536 to review, to delay the effective date or to disapprove

33 and annul a rule are subsequently held unconstitutional,
34 then the grant of rulemaking authority and any rule proposed
35 or adopted after August 28, 2002, shall be invalid and void.

650.285. Any person aggrieved by an order or act of
2 the director or the chief inspector under sections 650.200
3 to 650.290 may, within fifteen days' notice thereof, appeal
4 from the order or act to the [board] **department** which shall,
5 within thirty days thereafter, issue an appropriate order
6 either approving or disapproving the order or act. A copy
7 of the order by the [board] **department** shall be given to all
8 interested parties. Within thirty days after any order or
9 act of the [board] **department** any person aggrieved by a
10 final order of the [board] **department** shall be entitled to a
11 judicial review thereof as provided in sections 536.100 to
12 536.140.

[196.1103. The management, governance, and
2 control of moneys appropriated from the life
3 sciences research trust fund shall be vested in
4 the "Life Sciences Research Board" which is
5 hereby created in the department of economic
6 development as a type III agency and which shall
7 consist of seven members. The following
8 provisions shall apply to the life sciences
9 research board and its members:

10 (1) Each member shall be appointed by the
11 governor with the advice and consent of the
12 senate pursuant to the procedures herein set
13 forth for a term of four years; except that, of
14 the initial members of the board appointed,
15 three shall be appointed for two-year terms and
16 four shall be appointed to four-year terms;

17 (2) The members of the board shall be
18 generally familiar with the life sciences and
19 current research trends and developments with
20 either technical or scientific expertise in life
21 sciences and with an understanding of the
22 application of the results of life sciences
23 research. The appointment of a person to the

24 life sciences research committee created by
25 Executive Order 01-10 issued by the governor on
26 July 23, 2001, shall not disqualify a person
27 from serving as a member, either
28 contemporaneously or later, on the life sciences
29 research board;

30 (3) No member of the life sciences
31 research board shall serve more than two
32 consecutive full four-year terms;

33 (4) The members of the life sciences
34 research board shall receive no salary or other
35 compensation for their services as a member of
36 the board, but shall receive reimbursement for
37 their actual and necessary expenses incurred in
38 performance of their duties as members of the
39 board.]

[196.1124. No member of the life sciences
2 research board shall be employed by any public
3 or private not-for-profit entity entitled to
4 receive financial support from the life sciences
5 research trust fund, or participate in the
6 making of any decision by the board to make any
7 grant to the board member, any person who is
8 related to the board member within the fourth
9 degree of consanguinity or affinity, any public
10 entity for which the board member serves as an
11 officer, director, or other member of the
12 entity's governing body, or any private entity
13 for which the board member or the member's
14 spouse is employed, serves as an officer,
15 director, or other member of the entity's
16 governing body. The board may from time to time
17 issue conflict of interest guidelines and
18 requirements with respect to the administration
19 of the life sciences research program, to govern
20 the actions of its employees and agents, and to
21 implement the provisions of this section.]

[208.530. As used in sections 208.530 to
2 208.535, the following terms shall mean:

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

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

10 (3) "Racial minority group":

11 (a) Blacks or African Americans;

12 (b) Native Americans;

13 (c) Hispanics;

14 (d) Asian Americans; and

15 (e) Other similar racial minority groups.]

[208.533. 1. There is hereby established
2 a twenty-member "Commission on the Special
3 Health, Psychological and Social Needs of
4 Minority Older Individuals" under the department
5 of health and senior services. The commission
6 shall consist of the following members:

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

10 (2) The directors of the office of
11 minority health and the department of health and
12 senior services who shall serve as cochairs of
13 the commission;

14 (3) Two members of the Missouri house of
15 representatives, one from each major political
16 party represented in the house of
17 representatives, appointed by the speaker of the
18 house who shall serve in a nonvoting, advisory
19 capacity;

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

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

28 (6) Ten individuals appointed by the
29 governor with the advice and consent of the
30 senate who are currently working in the field of
31 minority elderly health, psychological or social
32 problems who have demonstrated expertise in one
33 or more of the following areas: treatment of
34 cardiovascular, cancer and diabetic conditions;

35 nutrition; community-based health services;
36 legal services; elderly consumer advocacy;
37 gerontology or geriatrics; social work and other
38 related services including housing. At least
39 two of the individuals appointed by the governor
40 shall be minority older individuals. The
41 members appointed by the governor shall be
42 residents of Missouri. Any vacancy on the
43 commission shall be filled in the same manner as
44 the original appointment.

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

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

2 [208.535. The responsibilities of the
3 commission shall include, but not be limited to,
4 the following:

5 (1) The commission shall annually prepare
6 a report identifying the special needs of the
7 minority older population in Missouri as
8 compared to the older population at-large and
9 make recommendations for meeting those needs.
10 The report shall be completed no later than
11 October first of each year, beginning in 1999,
12 and copies transmitted to the governor, the
13 general assembly and appropriate state
14 agencies. The report shall, at a minimum:

15 (a) Contain an overview of the special
16 health, psychological and social needs of
minority older Missourians with particular

17 attention to low-income minority older
18 individuals;

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

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

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

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

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

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

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

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

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

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

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

55 (3) Conduct an outreach program that
56 provides information to minority older
57 Missourians about health, psychological and
58 social problems experienced by minority older
59 individuals and available programs to address

60 those problems, as identified in the report
61 prepared pursuant to this section.]

[208.850. Title.

2 Sections 208.850 to 208.871 shall be known
3 as and may be cited as "The Quality Home Care
4 Act".]

[208.853. Findings and purposes.

2 The people of the state of Missouri find as
3 follows:

4 (1) Thousands of Missouri senior citizens
5 and people with disabilities continue to live
6 independently in their own homes and avoid
7 placement in institutions such as nursing homes
8 only as the result of the availability of
9 qualified personal care attendants who assist
10 them with the activities of daily living.

11 (2) Many Missouri senior citizens and
12 people with disabilities who could not otherwise
13 afford personal care assistance services in
14 their own homes receive the services with
15 assistance provided by the state and federal
16 governments under the Missouri consumer directed
17 services program.

18 (3) The United States Supreme Court has
19 mandated that states provide services to persons
20 with disabilities "in community settings rather
21 than in institutions" when remaining in the
22 community is appropriate, consistent with the
23 wishes of the disabled person, and can be
24 reasonably accommodated.

25 (4) In-home care is not only the choice of
26 most senior citizens and people with
27 disabilities, it is less costly than
28 institutional care such as that provided in
29 nursing homes and thus saves Missouri taxpayers
30 significant amounts of money.

31 (5) The consumer directed services program
32 permits the consumers of these highly intimate
33 and personal services to hire, terminate and
34 supervise the individual providing the services,
35 but it does not currently give consumers any
36 role in setting wage rates for personal care
37 attendants.

38 (6) Personal care attendants generally
39 receive low wages, minimal or no benefits,
40 little if any training, and have no meaningful
41 input into their terms and conditions of
42 employment and no meaningful means of making
43 suggestions for improvements in the consumer
44 directed services program.

45 (7) The continued availability of quality
46 home care services is threatened by a looming
47 shortage of qualified personal care attendants
48 due to the aging population in the state as well
49 as low wages, a lack of benefits, and high rates
50 of occupational injury. These poor working
51 conditions also contribute to high turnover
52 among personal care attendants that impairs the
53 continuity of care.

54 (8) The safety of home care services is
55 threatened by both the failure of existing
56 safeguards to protect consumers from potentially
57 abusive attendants and lengthy delays in
58 processing background checks as recently
59 documented by the state auditor.

60 (9) The continued availability of quality,
61 safe home care services can be ensured through
62 the creation of the "Missouri Quality Home Care
63 Council" with authority to investigate the
64 quality, safety and availability of home care
65 services, recruit eligible personal care
66 attendants, recommend qualifications for
67 personal care attendants, improve the training
68 of personal care attendants, establish a
69 statewide list of eligible personal care
70 attendants, refer consumers to eligible personal
71 care attendants, engage in collective bargaining
72 with a representative of personal care
73 attendants, and recommend changes in personal
74 care attendants' wages and benefits to the
75 general assembly.]

[208.856. The Missouri Quality Home Care
2 Council.

3 1. Effective January 31, 2009, the
4 Missouri quality home care council is hereby
5 created to ensure the availability and improve

6 the quality of home care services by recruiting,
7 training and stabilizing the personal care
8 attendant workforce. Expenses of the council in
9 carrying out its powers and duties shall be paid
10 from any appropriations for that purpose by the
11 general assembly. The council shall be assigned
12 to the department of health and senior services
13 with supervision by the department extending
14 only to budgeting and reporting as provided by
15 subdivisions (4) and (5) of subsection 6 of
16 section 1 of the Reorganization Act of 1974.
17 Supervision by the department shall not extend
18 to matters relating to policies, regulatory
19 functions or other matters specifically
20 delegated to the council by sections 208.850 to
21 208.871 and the director of the department or
22 any employee of the department, either directly
23 or indirectly, shall not participate or
24 interfere with the activities of the council in
25 any manner not specifically provided by law.

26 2. The council shall consist of eleven
27 members appointed by the governor with the
28 advice and consent of the senate as follows:

29 (1) Six members shall be current or former
30 recipients of personal care assistance services
31 under the consumer directed services program, or
32 its successor program or programs. Two of the
33 consumer members shall have received services
34 for a period of at least one year, two shall
35 have received services for a period of at least
36 two years, and two shall have received services
37 for a period of at least three years. In order
38 to ensure that at least one of the consumer
39 members has personal knowledge of challenges
40 rural consumers face, at least one of these
41 members shall be a resident of a third class
42 county;

43 (2) One member shall be a representative
44 of the Missouri department of health and senior
45 services, or its successor entity;

46 (3) Two members shall be representatives
47 of Missouri centers for independent living, or
48 their successor entities;

49 (4) One member shall be a representative
50 of the governor's council on disabilities, or
51 its successor entity;

52 (5) One member shall be a representative
53 of the governor's advisory council on aging, or
54 its successor entity.

55 3. Each member of the council shall serve
56 a term of three years, except the first eleven
57 members who shall serve staggered terms as
58 follows: three recipient members and the
59 department of health and senior services member
60 shall serve one-year terms, two recipient
61 members and one centers for independent living
62 member shall serve two-year terms, and one
63 recipient member, one centers for independent
64 living member, and the council on disabilities
65 and advisory council on aging members shall
66 serve three-year terms. The initial members of
67 the council shall be appointed by the governor
68 by March 1, 2009. If a vacancy occurs, the
69 governor will appoint a replacement for the
70 remainder of the departing member's term.
71 Commission members shall be eligible for
72 reappointment but shall serve no more than two
73 terms. In making appointments, the governor
74 shall consider nominations or recommendations
75 from the agencies or groups represented on the
76 council. Members of the council shall serve
77 without compensation, but shall be reimbursed
78 their actual and necessary expenses. The
79 governor may remove a council member for good
80 cause.]

[208.859. The powers and duties of the
2 council.

3 The council shall have the following powers
4 and duties:

5 (1) Assess the size, quality and stability
6 of the home care workforce in Missouri and the
7 ability of the existing workforce to meet the
8 growing and changing needs of both aging and
9 disabled consumers;

10 (2) Encourage eligible individuals to
11 serve as personal care attendants;

12 (3) Provide training on a voluntary basis,
13 either directly or through contracts, in
14 cooperation with vendors, as defined in
15 subdivision (5) of section 208.865, for
16 prospective and current personal care
17 attendants;

18 (4) Recommend minimum qualifications for
19 personal care attendants to the department of
20 health and senior services;

21 (5) Establish and maintain a statewide
22 list of eligible, available personal care
23 attendants, in cooperation with vendors,
24 including attendants available to provide
25 respite and replacement services. In order to
26 facilitate the creation of such a list, all
27 vendors shall provide the council with the list
28 of persons eligible to be a personal care
29 attendant which vendors are required to maintain
30 under subsection 4 of section 208.906 and
31 subdivision (3) of subsection 1 of section
32 208.918. The council shall ensure that all
33 personal care attendants placed on the statewide
34 list are registered with the family care safety
35 registry as provided in sections 210.900 to
36 210.936 and are not listed on any of the
37 background check lists in the family care safety
38 registry, absent a good cause waiver obtained
39 from the department pursuant to section
40 192.2495. All consumers seeking personal care
41 attendants, whether or not they are participants
42 in the consumer directed services program, shall
43 have access to the statewide list;

44 (6) Provide routine, emergency, respite,
45 and replacement referrals of eligible and
46 available personal care attendants to vendors
47 and consumers;

48 (7) In cooperation with the Missouri state
49 highway patrol, the department of social
50 services' children's division, the department of
51 mental health, the department of health and
52 senior services, and vendors and on an on-going
53 basis, assess existing mechanisms for preventing
54 abuse and neglect of consumers in the home care
55 setting and recommend improvements to those

56 agencies and the general assembly. As part of
57 this duty, members and employees of the council
58 shall have access to the employee
59 disqualification list established in section
60 192.2490 and the family care safety registry.
61 Members and employees of the council shall
62 report to the department of health and senior
63 services when they have reasonable cause to
64 believe that a consumer has been abused or
65 neglected as defined in section 192.2400,
66 subject to the same standards set forth in
67 section 208.912;

68 (8) Recommend the wage rate or rates to be
69 paid personal care attendants and any economic
70 benefits to be received by personal care
71 attendants to the general assembly. The
72 department shall retain its existing authority
73 to establish the Medicaid reimbursement rate for
74 personal care assistance services under
75 subsection 2 of section 208.903;

76 (9) Establish other terms and conditions
77 of employment of personal care attendants
78 consistent with consumers' right to hire, fire,
79 train, and supervise personal care attendants;

80 (10) Cooperate with the department of
81 health and senior services and vendors to
82 improve the provision of personal care
83 assistance services;

84 (11) In carrying out its powers and duties
85 under sections 208.850 to 208.871, the council
86 may:

87 (a) Make and execute contracts and all
88 other instruments necessary or convenient for
89 the performance of its duties or exercise of its
90 powers;

91 (b) Issue rules under the Missouri
92 administrative procedures act, chapter 536, as
93 necessary for the purposes and policies of
94 sections 208.850 to 208.871. Any rule or
95 portion of a rule, as that term is defined in
96 section 536.010, that is created under the
97 authority delegated in this section, shall
98 become effective only if it complies with and is
99 subject to all of the provisions of chapter 536

100 and, if applicable, section 536.028. This
101 section and chapter 536 are nonseverable and if
102 any of the powers vested with the general
103 assembly pursuant to chapter 536 to review, to
104 delay the effective date, or to disapprove and
105 annul a rule are subsequently held
106 unconstitutional, then the grant of rulemaking
107 authority and any rule proposed or adopted after
108 August 28, 2008, shall be invalid and void;

109 (c) Establish offices, employ an executive
110 director and such other staff as is necessary to
111 carry out its functions and fix their
112 compensation, retain contractors as necessary
113 and prescribe their duties and power, incur
114 expenses, and create such liabilities as are
115 reasonable and proper for the administration of
116 sections 208.850 to 208.871;

117 (d) Solicit and accept for use any grant
118 of money, services or property from the federal
119 government, the state, or any political
120 subdivision or agency thereof, including federal
121 matching funds under Title XIX of the federal
122 Social Security Act, and do all things necessary
123 to cooperate with the federal government, the
124 state, or any political subdivision or agency
125 thereof in making an application for any grant;

126 (e) Keep records and engage in research
127 and the gathering of relevant statistics;

128 (f) Acquire, hold, or dispose of personal
129 property or any interest therein, and contract
130 for, lease, or otherwise provide facilities for
131 the activities conducted under this measure;

132 (g) Sue and be sued in its own name;

133 (h) Delegate to the appropriate persons
134 the power to execute contracts and other
135 instruments on its behalf and delegate any of
136 its powers and duties if consistent with the
137 purposes of sections 208.850 to 208.871; and

138 (i) Do other acts necessary or convenient
139 to execute the powers expressly granted to it.]

2 [208.862. 1. Consumers shall retain the
3 right to hire, fire, supervise, and train
personal care attendants.

4 2. Vendors shall continue to perform the
5 functions provided in sections 208.900 to
6 208.930. In addition to having a philosophy
7 that promotes the consumer's ability to live
8 independently in the most integrated setting or
9 the maximum community inclusion of persons with
10 physical disabilities, as required by subsection
11 1 of section 208.918, vendors shall provide to
12 consumers advocacy, independent living skills
13 training, peer counseling, and information and
14 referral services, as those terms are used in
15 subsection 3 of section 178.656.

16 3. The council shall be a public body as
17 that term is defined in section 105.500, and
18 personal care attendants shall be employees of
19 the council solely for purposes of sections
20 105.500 to 105.598.

21 4. The sole bargaining unit of personal
22 care attendants, as that term is defined in
23 section 105.500, shall be a statewide unit.
24 Personal care attendants who are related to or
25 members of the family of the consumer to whom
26 they provide services shall not for that reason
27 be excluded from the unit. The state board of
28 mediation shall conduct an election, by mail
29 ballot, to determine whether an organization
30 shall be designated the exclusive bargaining
31 representative as defined in section 105.500 for
32 the statewide unit of personal care attendants
33 under section 105.525 upon a showing that ten
34 percent of the personal care attendants in said
35 unit want to be represented by a
36 representative. The Missouri office of
37 administration shall represent the council in
38 any collective bargaining with a representative
39 of personal care attendants. Upon completion of
40 bargaining, any agreements shall be reduced to
41 writing and presented to the council for
42 adoption, modification or rejection.

43 5. The state of Missouri and all vendors
44 shall cooperate in the implementation of any
45 agreements reached by the council and any
46 representative of personal care attendants,
47 including making any payroll deductions

48 authorized by the agreements which can lawfully
49 be made pursuant to agreements entered into
50 under sections 105.500 to 105.598 as currently
51 construed by the Missouri appellate courts.

52 6. Personal care attendants shall not have
53 the right to strike and breach of this
54 prohibition will result in disqualification from
55 participation in the consumer directed services
56 program.

57 7. Personal care attendants shall not be
58 considered employees of the state of Missouri or
59 any vendor for any purpose.

60 8. (1) The provisions of sections 105.500
61 to 105.598 shall apply to all personal care
62 attendants, organizations elected as the
63 exclusive bargaining representative of the
64 bargaining unit of personal care attendants
65 under this section, and all officers and
66 employees of such organizations. For purposes
67 of this subsection, organizations elected as the
68 exclusive bargaining representative of a
69 bargaining unit under this section shall be
70 considered a labor organization, as that term is
71 defined in section 105.500.

72 (2) If an organization is not recertified
73 or is decertified as the exclusive bargaining
74 representative of a bargaining unit of personal
75 care attendants under section 105.575, any
76 subsequent certification of an organization as
77 exclusive bargaining representative of a
78 bargaining unit of personal care attendants
79 shall be conducted according to the provisions
80 of section 105.575, notwithstanding subsection 4
81 of this section to the contrary.]

[208.865. Definitions.

2 As used in sections 208.850 to 208.871:

3 (1) "Consumer" means a person receiving
4 personal care assistance services from a
5 personal care attendant as defined in
6 subdivision (4) of this section;

7 (2) "Council" means the Missouri quality
8 home care council;

9 (3) "Department" means the Missouri
10 department of health and senior services;

11 (4) "Personal care attendant" means a
12 person, other than a consumer's spouse,
13 providing consumer-directed personal care
14 assistance services as defined in subdivisions
15 (2) and (5) of section 208.900 under sections
16 208.900 to 208.927, similar consumer-directed
17 personal care assistance services under section
18 208.930, and similar consumer-directed personal
19 care assistance services through a program
20 operated pursuant to a waiver obtained under
21 Section 1915(c) of the federal Social Security
22 Act or similar consumer-directed services under
23 the successor to any of said programs;

24 (5) "Vendor" is defined in subdivision
25 (10) of section 208.900 and in subsection 2 of
26 section 208.862.]

[208.868. Federal approval and funding.

2 The council and the state of Missouri shall
3 take all actions reasonably necessary to obtain
4 any approval from the United States needed to
5 implement any part of sections 208.850 to
6 208.871 and to ensure continued federal funding
7 of any program governed by sections 208.850 to
8 208.871.]

[208.871. Severability.

2 If any section, subsection, subdivision,
3 paragraph, sentence, or clause of sections
4 208.850 to 208.871 is held to be invalid or
5 unconstitutional, such decision shall not affect
6 any remaining portion, section, or part thereof
7 which can be given effect without the invalid
8 provision.]

[209.287. 1. There is hereby established
2 within the Missouri commission for the deaf and
3 hard of hearing a board to be known as the
4 "Board for Certification of Interpreters", which
5 shall be composed of three members. The
6 executive director of the Missouri commission
7 for the deaf and hard of hearing or the

8 director's designee shall be a nonvoting member
9 of the board.

10 2. The members shall be appointed by the
11 governor with the advice and consent of the
12 senate from a list of recommendations from the
13 commission. The members shall be appointed for
14 terms of three years. No member shall be
15 eligible to serve more than two consecutive
16 terms, except a person appointed to fill a
17 vacancy for a partial term may serve two
18 additional terms. One of the members appointed
19 shall be deaf, one shall be a certified
20 interpreter, and one shall be deaf or a
21 certified interpreter. The members shall be
22 fluent in American sign language, Pidgin Signed
23 English, oral, tactile sign, or any specialized
24 vocabulary used by deaf persons. The member
25 shall have a background and knowledge of
26 interpreting and evaluation.

27 3. The members shall receive no
28 compensation for their services on the board,
29 but the commission shall reimburse the members
30 for actual and necessary expenses incurred in
31 the performance of their official duties. The
32 board shall meet not less than two times per
33 year. The board shall elect from its membership
34 a chairperson and a secretary. A quorum of the
35 board shall consist of two of its members.

36 4. Any member of the commission may
37 petition the governor to remove a member from
38 the board for the following reasons:
39 misconduct, inefficiency, incompetence or
40 neglect of his official duties. The governor
41 may remove the member after giving the committee
42 member written notice of the charges against him
43 or her and an opportunity to be heard pursuant
44 to administrative procedures in chapter 621.]

2 [210.102. 1. There is hereby established
3 within the department of elementary and
4 secondary education the "Coordinating Board for
5 Early Childhood", which shall constitute a body
6 corporate and politic, and shall include, but
not be limited to, the following members:

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

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

13 (3) A representative of the judiciary;

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

16 (5) A representative from the head start
17 program; and

18 (6) Nine members appointed by the governor
19 with the advice and consent of the senate who
20 are representatives of the groups, such as
21 business, philanthropy, civic groups, faith-
22 based organizations, parent groups, advocacy
23 organizations, early childhood service
24 providers, and other stakeholders.

25 The coordinating board may make all rules it
26 deems necessary to enable it to conduct its
27 meetings, elect its officers, and set the terms
28 and duties of its officers. The coordinating
29 board shall elect from amongst its members a
30 chairperson, vice chairperson, a secretary-
31 reporter, and such other officers as it deems
32 necessary. Members of the board shall serve
33 without compensation but may be reimbursed for
34 actual expenses necessary to the performance of
35 their official duties for the board.

36 2. The coordinating board for early
37 childhood shall have the power to:

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

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

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

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

- 51 (5) Promote research-based approaches to
52 services and ongoing program evaluation;
- 53 (6) Identify service gaps and advise
54 public and private entities on methods to close
55 such gaps;
- 56 (7) Apply for and accept gifts, grants,
57 appropriations, loans, or contributions to the
58 coordinating board for early childhood fund from
59 any source, public or private, and enter into
60 contracts or other transactions with any federal
61 or state agency, any private organizations, or
62 any other source in furtherance of the purpose
63 of subsection 1 of this section and this
64 subsection, and take any and all actions
65 necessary to avail itself of such aid and
66 cooperation;
- 67 (8) Direct disbursements from the
68 coordinating board for early childhood fund as
69 provided in this section;
- 70 (9) Administer the coordinating board for
71 early childhood fund and invest any portion of
72 the moneys not required for immediate
73 disbursement in obligations of the United States
74 or any agency or instrumentality of the United
75 States, in obligations of the state of Missouri
76 and its political subdivisions, in certificates
77 of deposit and time deposits, or other
78 obligations of banks and savings and loan
79 associations, or in such other obligations as
80 may be prescribed by the board;
- 81 (10) Purchase, receive, take by grant,
82 gift, devise, bequest or otherwise, lease, or
83 otherwise acquire, own, hold, improve, employ,
84 use, and otherwise deal with real or personal
85 property or any interests therein, wherever
86 situated;
- 87 (11) Sell, convey, lease, exchange,
88 transfer or otherwise dispose of all or any of
89 its property or any interest therein, wherever
90 situated;
- 91 (12) Employ and fix the compensation of an
92 executive director and such other agents or
93 employees as it considers necessary;

94 (13) Adopt, alter, or repeal by its own
95 bylaws, rules, and regulations governing the
96 manner in which its business may be transacted;

97 (14) Adopt and use an official seal;

98 (15) Assess or charge fees as the board
99 determines to be reasonable to carry out its
100 purposes;

101 (16) Make all expenditures which are
102 incident and necessary to carry out its purposes;

103 (17) Sue and be sued in its official name;

104 (18) Take such action, enter into such
105 agreements, and exercise all functions necessary
106 or appropriate to carry out the duties and
107 purposes set forth in this section.

108 3. There is hereby created the
109 "Coordinating Board for Early Childhood Fund"
110 which shall consist of the following:

111 (1) Any moneys appropriated by the general
112 assembly for use by the board in carrying out
113 the powers set out in subsections 1 and 2 of
114 this section;

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

118 (3) Any moneys received as fees authorized
119 under subsections 1 and 2 of this section;

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

123 (5) Any moneys obtained from any other
124 available source.

125 Notwithstanding the provisions of section 33.080
126 to the contrary, any moneys remaining in the
127 coordinating board for early childhood fund at
128 the end of the biennium shall not revert to the
129 credit of the general revenue fund.]

2 [650.125. 1. The provisions of this
3 section shall be known and may be cited as the
4 "Missouri Cybersecurity Act".

5 2. There is hereby established within the
6 department of public safety the "Missouri
7 Cybersecurity Commission". The commission shall
have as its purpose identifying risk to and

8 vulnerability of the state and critical
9 infrastructure with regard to cyber attacks of
10 any nature from within or outside the United
11 States and advising the governor on such
12 matters. The commission shall consist of the
13 following members:

14 (1) Eight members to be appointed by the
15 governor, one from each congressional district,
16 with four members from each party;

17 (2) The state chief information officer as
18 designated by the governor and commissioner of
19 the office of administration;

20 (3) One representative of the Missouri
21 state highway patrol, ex officio;

22 (4) One representative of the state
23 emergency management agency, ex officio; and

24 (5) One representative of the Missouri
25 national guard, ex officio.

26 No more than five of the nine members appointed
27 by the governor shall be of the same political
28 party. To be eligible for appointment by the
29 governor, a person shall have demonstrated
30 expertise in cybersecurity or experience in a
31 field that directly correlates to a need of the
32 state relating to cyber defense. The membership
33 of the commission shall reflect both private
34 sector and public sector expertise and
35 experience in cybersecurity. Appointed members
36 of the commission shall serve three-year terms,
37 except that of the initial appointments made by
38 the governor, three shall be for one-year terms,
39 three shall be for two-year terms, and three
40 shall be for three-year terms. No appointed
41 member of the commission shall serve more than
42 six years total. Any vacancy on the commission
43 shall be filled in the same manner as the
44 original appointment.

45 3. The members of the commission shall
46 serve without compensation, but shall be
47 reimbursed for the actual and necessary expenses
48 incurred in the discharge of the members'
49 official duties.

50 4. A chair of the commission shall be
51 selected by the members of the commission.

52 5. The department of public safety shall
53 furnish administrative support and staff for the
54 effective operation of the commission.

55 6. The commission shall meet at least
56 quarterly and at such other times as the chair
57 deems necessary.

58 7. The commission shall be funded by an
59 appropriation limited to that purpose. Any
60 expenditure constituting more than ten percent
61 of the commission's annual appropriation shall
62 be based on a competitive bid process.

63 8. The commission shall:

64 (1) Advise the governor on the state of
65 cybersecurity in the state of Missouri;

66 (2) Solicit data from state agencies,
67 political subdivisions of the state, public
68 institutions of higher education, and public
69 schools relating to cybersecurity;

70 (3) Make recommendations to reduce the
71 state's risk of cyber attack and to identify
72 best practices for the state to work offensively
73 against cyber threats.

74 9. State agencies, public institutions of
75 higher education, and public schools shall
76 provide any data requested by the commission
77 under this section unless such information is
78 protected from disclosure under chapter 610 or
79 is required to be kept confidential under a code
80 of ethics from a profession licensed in the
81 state. The provisions of this section shall not
82 be construed to compel private sector
83 organizations to provide information or data to
84 the commission.

85 10. The commission shall prepare and
86 present an annual report to the governor by
87 December thirty-first of each year. Any content
88 from the report protected under section 610.021,
89 including any cybersecurity vulnerabilities
90 identified by the commission, shall be held
91 confidential.]

2 [650.210. 1. There is hereby created
3 within the department of public safety a "Board
of Boiler and Pressure Vessel Rules", which

4 shall hereafter be referred to as the board,
5 consisting of seven members who shall be
6 appointed by the governor with the advice and
7 consent of the senate, one for a term of one
8 year, two for a term of two years, two for a
9 term of three years, and two for a term of four
10 years. At the expiration of their respective
11 terms of office, they, or their successors
12 identifiable with the same interest respectively
13 as hereinafter provided, shall be appointed for
14 terms of four years each. The governor may at
15 any time remove any member of the board for
16 inefficiency or neglect of duty in office. Upon
17 the death or incapacity of any member, the
18 governor shall fill the vacancy for the
19 remainder of the vacated term with a
20 representative of the same interests with which
21 his predecessor was identified. Of these seven
22 appointed members, one shall be a representative
23 of owners and users of high pressure boilers and
24 pressure vessels in manufacturing, processing,
25 or utilities, one shall be a representative of
26 owners and users of low pressure boilers and
27 pressure vessels in commercial buildings,
28 multiple-unit housing, or hotels, one shall be a
29 representative of the boiler manufacturers
30 within this state, one shall be a representative
31 of a boiler insurance company licensed to do
32 business in this state, one shall be a
33 mechanical engineer on the faculty of a
34 recognized engineering college in this state or
35 a licensed professional engineer having
36 equivalent experience, one shall be a
37 representative of the boilermakers, and one
38 shall be a representative of the practical steam
39 operating engineers. The board shall elect one
40 of its members to serve as chairman. The board
41 shall meet at least four times each year at
42 Jefferson City, or other place designated by the
43 chairman.

44 2. The members of the board shall serve
45 without salary and shall receive their actual
46 traveling and hotel expenses, incurred while in
47 the performance of their duties as members of

48 the board, to be paid in the same manner as in
49 the case of other state officers.]

✓