

SECOND REGULAR SESSION

HOUSE BILL NO. 1884

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES MCGAUGH (Sponsor),
DUGGER AND ENTLICHER (Co-sponsors).

6087L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 21.110, 28.060, 28.190, 29.280, 30.060, 30.070, 32.010, 37.010, 105.050, 192.007, 217.035, 261.010, 286.005, 287.610, 374.020, 374.080, 620.010, 640.010, 650.005, and 660.010, RSMo, and to enact in lieu thereof twenty-three new sections relating to vacancies in certain public offices, with a referendum clause.

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

Section A. Sections 21.110, 28.060, 28.190, 29.280, 30.060, 30.070, 32.010, 37.010, 105.050, 192.007, 217.035, 261.010, 286.005, 287.610, 374.020, 374.080, 620.010, 640.010, 650.005, and 660.010, RSMo, are repealed and twenty-three new sections enacted in lieu thereof, to be known as sections 21.110, 26.017, 26.018, 26.019, 27.016, 28.060, 28.190, 29.280, 30.060, 32.010, 37.010, 105.050, 192.007, 217.035, 261.010, 286.005, 287.610, 374.020, 620.010, 640.010, 650.005, 660.010, and 1, to read as follows:

21.110. If the governor receives any resignation or notice of vacancy, or if he is satisfied of the death of any member of either house, during the recess, he shall, [without delay] **within thirty days**, issue a writ of election to supply the vacancy.

26.017. Sections 21.110, 26.017, 26.018, 26.019, 27.016, 28.060, 28.190, 29.280, 30.060, 32.010, 37.010, 105.050, 192.007, 217.035, 261.010, 286.005, 287.610, 374.020, 620.010, 640.010, 650.005, and 660.010 may be cited as the "Executive Branch Accountability Act of 2014".

26.018. In case of death, resignation, removal from office, conviction after impeachment, or vacancy from any cause in the office of lieutenant governor, the governor shall, within thirty days, issue a writ of election to fill the vacancy for the remainder of the

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

4 term in which such vacancy occurred and until the successor is elected, commissioned, and
5 qualified. Such election shall be held, at the next general election. The candidates for the
6 election shall be nominated and placed on the ballot in accordance with the provisions of
7 sections 115.305 to 115.405. In the case of impeachment, the office shall remain vacant
8 until such impeachment is determined. If acquitted, the lieutenant governor shall be
9 reinstated in office.

26.019. The appointment of any head of an executive department or division
2 established by the Missouri Constitution or by law, any member of an administrative
3 board or commission, made under Article IV, Section 51 of the Missouri Constitution, shall
4 be made by and with the advice and consent of the senate. The provisions of this section
5 shall apply to all gubernatorial or lieutenant gubernatorial appointments, regardless of
6 whether the law creating the administrative board or commission, or the office of
7 department or division head, contains a specific requirement that the appointment be
8 subject to the advice and consent of the senate.

27.016. In case of death, resignation, removal from office, impeachment, or vacancy
2 from any cause in the office of attorney general, the governor shall immediately appoint
3 a qualified person to fill such vacancy until a successor is duly elected at the next general
4 election, commissioned, and qualified to fill the office for the remainder of the term in
5 which the vacancy occurred; and the governor shall take charge of the office and
6 superintend its business until such person is appointed, commissioned, and qualified;
7 except that in cases of impeachment, the governor shall appoint a qualified person to serve
8 only until such impeachment is determined, when the suspended officer, if acquitted, shall
9 be reinstated in office, or if the suspended officer is convicted, a new appointment shall be
10 made by the governor in the manner provided in this section.

28.060. [He] The secretary of state shall keep in his or her office and make available
2 to the public in a web-based electronic format an abstract of all commissions issued and
3 appointments made by the governor or lieutenant governor, and shall register therein the
4 substance of each commission, specifying the name of the person appointed, the office conferred,
5 the district or county for which the appointment is made, and the term of office; and when any
6 office shall become vacant [he] the secretary of state shall enter, in a space to be left for that
7 purpose, a memorandum of such vacancy and the occasion thereof, with a reference to any
8 evidence deposited in his or her office.

28.190. In case of death, resignation, removal from office, impeachment or vacancy from
2 any cause in the office of secretary of state, the governor shall immediately appoint a qualified
3 person to fill such vacancy [for the remainder of the term in which such vacancy occurred and
4 until his] until a successor is duly elected [or appointed] at the next general election,

5 commissioned and qualified **to fill the office for the remainder of the term in which the**
6 **vacancy occurred;** and the governor shall take charge of the office and superintend its business
7 until such person is appointed, commissioned and qualified; except that in case of impeachment,
8 the governor shall appoint a qualified person to serve only until such impeachment is determined,
9 when the suspended officer, if acquitted, shall be reinstated in office, or if the suspended officer
10 is convicted, a new appointment shall be made by the governor [as in the case of other vacancies]
11 **in the manner provided in this section.**

29.280. [When a vacancy occurs in the office of state auditor the governor shall
2 immediately appoint an auditor to fill such vacancy for the residue of the term in which the
3 vacancy occurred, and until his successor is elected or appointed, commissioned and qualified.]
4 **In case of death, resignation, removal from office, impeachment, or vacancy from any**
5 **cause in the office of state auditor, the governor shall immediately appoint a qualified**
6 **auditor to fill such vacancy until a successor is duly elected at the next general election,**
7 **commissioned, and qualified to fill the office for the remainder of the term in which the**
8 **vacancy occurred; and the governor shall take charge of the office and superintend its**
9 **business until such person is appointed, commissioned and qualified; except that in cases**
10 **of impeachment, the governor shall appoint a qualified person to serve only until such**
11 **impeachment is determined, when the suspended officer, if acquitted, shall be reinstated**
12 **in office, or if the suspended officer is convicted, a new appointment shall be made by the**
13 **governor in the manner provided in this section.**

30.060. [In case of death, resignation, removal from office, impeachment or vacancy
2 from any cause, in the office of the state treasurer, the governor shall take charge of such office
3 and superintend the business thereof until a successor is appointed, commissioned and qualified
4 except in case of impeachment, when no appointment shall be made until a determination of the
5 matter is had, when, in the event of an acquittal, the suspended officer shall be reinstated in
6 office.] **In case of death, resignation, removal from office, impeachment, or vacancy from**
7 **any cause in the office of state treasurer, the governor shall immediately appoint a**
8 **qualified person to fill such vacancy until a successor is duly elected at the next general**
9 **election, commissioned, and qualified to fill the office for the remainder of the term in**
10 **which the vacancy occurred; and the governor shall take charge of the office and**
11 **superintend its business until such person is appointed, commissioned, and qualified;**
12 **except that in cases of impeachment, the governor shall appoint a qualified person to serve**
13 **only until such impeachment is determined, when the suspended officer, if acquitted, shall**
14 **be reinstated in office, or if the suspended officer is convicted, a new appointment shall be**
15 **made by the governor in the manner provided in this section.**

32.010. 1. The department of revenue is in the charge of the director of revenue. The director shall be appointed by the governor, by and with the advice and consent of the senate, and shall serve at the pleasure of the governor.

2. The director shall designate by written order filed with the governor, the secretary of the senate, and the chief clerk of the house of representatives, a deputy director of the department to act for and exercise the powers of the director during any vacancy in the office of director or during the director's absence for official business, vacation, illness, or incapacity. The deputy director shall be subject to removal at the pleasure of the director. Upon the commencement of any vacancy in the office, the governor shall appoint the deputy director as acting director of the department. In the event that no deputy director has been appointed, the governor shall appoint an acting director from among the division directors within the department.

3. The deputy director, or division director, may serve as acting director for no longer than one hundred and twenty days from the date the vacancy first occurs. Upon the completion of one hundred and twenty days, the authority of the acting director shall expire. The governor shall not appoint another acting director after the authority of the deputy director, or division director, has expired. During any period of time in which the governor has appointed a director and submitted such person to the senate for its advice and consent during a regular or special session of the general assembly, the one hundred and twenty day period of authority for the acting director shall toll.

4. If the appointment of a director is returned to the governor by the senate, or does not receive the advice and consent of the senate, the deputy director, or division director, may continue to serve as acting director for no more than thirty days from the date of such return or failure to receive advice and consent. During any period of time in which the governor has appointed a director and submitted such person to the senate for its advice and consent, the thirty day period for the acting director under this subsection shall toll.

5. After the deputy director has served as acting director for longer than thirty days, the deputy director shall receive compensation equal to that of the director during the period when the deputy director is serving as acting director.

6. Nothing in this section shall be construed as prohibiting or otherwise limiting the ability of the governor to appoint a person as department head during a legislative interim under Section 51, Article IV of the Missouri Constitution.

37.010. 1. The governor, by and with the advice and consent of the senate, shall appoint a commissioner of administration, who shall head the "Office of Administration" which is hereby created. The commissioner of administration shall receive a salary as provided by law and shall also receive his actual and necessary expenses incurred in the discharge of his official duties.

5 Before taking office, the commissioner of administration shall take and subscribe an oath or
6 affirmation to support the Constitution of the United States and of this state, and to demean
7 himself faithfully in office. He shall also deposit with the governor a bond, with sureties to be
8 approved by the governor, in the amount to be determined by the governor payable to the state
9 of Missouri, conditioned on the faithful performance of the duties of his office. The premium
10 of this bond shall be paid out of the appropriation for the office of the governor.

11 2. The governor shall appoint the commissioner of administration with the advice and
12 consent of the senate. The commissioner shall be at least thirty years of age and must have been
13 a resident and qualified voter of this state for the five years next preceding his appointment. He
14 must be qualified by training and experience to assume the managerial and administrative
15 functions of the office of commissioner of administration.

16 3. **The commissioner shall designate by written order filed with the governor, the**
17 **secretary of the senate, and the chief clerk of the house of representatives, a deputy**
18 **commissioner of the department to act for and exercise the powers of the commissioner**
19 **during any vacancy in the office of commissioner or during the commissioner's absence for**
20 **official business, vacation, illness, or incapacity. The deputy commissioner shall be subject**
21 **to removal at the pleasure of the commissioner. Upon the commencement of any vacancy**
22 **in the office, the governor shall appoint the deputy commissioner as acting commissioner**
23 **of the department. In the event that no deputy commissioner has been appointed, the**
24 **governor shall appoint an acting commissioner from among the division directors within**
25 **the department.**

26 4. **The deputy commissioner, or division director, may serve as acting commissioner**
27 **for no longer than one hundred and twenty days from the date the vacancy first occurs.**
28 **Upon the completion of one hundred and twenty days, the authority of the acting**
29 **commissioner shall expire. The governor shall not appoint another acting commissioner**
30 **after the authority of the deputy commissioner, or division director, has expired. During**
31 **any period of time in which the governor has appointed a commissioner and submitted**
32 **such person to the senate for its advice and consent during a regular or special session of**
33 **the general assembly, the one hundred and twenty day period of authority for the acting**
34 **commissioner shall toll.**

35 5. **If the appointment of a commissioner is returned to the governor by the senate,**
36 **or does not receive the advice and consent of the senate, the deputy commissioner, or**
37 **division director, may continue to serve as acting commissioner for no more than thirty**
38 **days from the date of such return or failure to receive advice and consent. During any**
39 **period of time in which the governor has appointed a director and submitted such person**

40 to the senate for its advice and consent, the thirty day period for the acting director under
41 this subsection shall toll.

42 **6. After the deputy commissioner has served as acting commissioner for longer than**
43 **thirty days, the deputy commissioner shall receive compensation equal to that of the**
44 **commissioner during the period when the deputy commissioner is serving as acting**
45 **commissioner.**

46 **7. Nothing in this section shall be construed as prohibiting or otherwise limiting the**
47 **ability of the governor to appoint a person as department head during a legislative interim**
48 **under Section 51, Article IV of the Missouri Constitution.**

49 **8.** The commissioner of administration shall, by virtue of his office, without additional
50 compensation, head the division of budget, the division of purchasing, the division of design and
51 construction, and the division of electronic data processing coordination. Whenever provisions
52 of the constitution grant powers, impose duties or make other reference to the comptroller, they
53 shall be construed as referring to the commissioner of administration.

54 [4.] **9.** The commissioner of administration shall provide the governor with such
55 assistance in the supervision of the executive branch of state government as the governor requires
56 and shall perform such other duties as are assigned to him by the governor or by law. The
57 commissioner of administration shall work with other departments of the executive branch of
58 state government to promote economy, efficiency and improved service in the transaction of state
59 business. The commissioner of administration, with the approval of the governor, shall organize
60 the work of the office of administration in such manner as to obtain maximum effectiveness of
61 the personnel of the office. He may consolidate, abolish or reassign duties of positions or
62 divisions combined within the office of administration, except for the division of personnel. He
63 may delegate specific duties to subordinates. These subordinates shall take the same oath as the
64 commissioner and shall be covered by the bond of the director or by separate bond as required
65 by the governor.

66 [5.] **10.** The personnel division, personnel director and personnel advisory board as
67 provided in chapter 36 shall be in the office of administration. The personnel director and
68 employees of the personnel division shall perform such duties as directed by the commissioner
69 of administration for personnel work in agencies and departments of state government not
70 covered by the merit system law to upgrade state employment and to improve the uniform quality
71 of state employment.

72 [6.] **11.** The commissioner of administration shall prepare a complete inventory of all
73 real estate, buildings and facilities of state government and an analysis of their utilization. Each
74 year he shall formulate and submit to the governor a long-range plan for the ensuing five years
75 for the repair, construction and rehabilitation of all state properties. The plan shall set forth the

76 projects proposed to be authorized in each of the five years with each project ranked in the order
77 of urgency of need from the standpoint of the state as a whole and shall be upgraded each year.
78 Project proposals shall be accompanied by workload and utilization information explaining the
79 need and purpose of each. Departments shall submit recommendations for capital improvement
80 projects and other information in such form and at such times as required by the commissioner
81 of administration to enable him to prepare the long-range plan. The commissioner of
82 administration shall prepare the long-range plan together with analysis of financing available and
83 suggestions for further financing for approval of the governor who shall submit it to the general
84 assembly. The long-range plan shall include credible estimates for operating purposes as well
85 as capital outlay and shall include program data to justify need for the expenditures included.
86 The long-range plan shall be extended, revised and resubmitted in the same manner to
87 accompany each executive budget. The appropriate recommendations for the period for which
88 appropriations are to be made shall be incorporated in the executive budget for that period
89 together with recommendations for financing. Each revised long-range plan shall provide a
90 report on progress in the repair, construction and rehabilitation of state properties and of the
91 operating purposes program for the preceding fiscal period in terms of expenditures and meeting
92 program goals.

93 [7.] 12. All employees of the office of administration, except the commissioner and not
94 more than three other executive positions designated by the governor in an executive order, shall
95 be subject to the provisions of chapter 36. The commissioner shall appoint all employees of the
96 office of administration and may discharge the employees after proper hearing, provided that the
97 employment and discharge conform to the practices governing selection and discharge of
98 employees in accordance with the provisions of chapter 36.

99 [8.] 13. The office of the commissioner of administration shall be in Jefferson City.

100 [9.] 14. In case of death, resignation, removal from office or vacancy from any cause in
101 the office of commissioner of administration, the governor shall take charge of the office and
102 superintend the business thereof until a successor is appointed, commissioned and qualified.

105.050. If any vacancy shall happen from any cause in the office of [the attorney
2 general,] circuit attorney, prosecuting attorney or assistant prosecuting attorney, the governor,
3 upon being satisfied that such vacancy exists, shall appoint some competent person to fill the
4 same until the next regular election for [attorney general,] prosecuting attorney or assistant
5 prosecuting attorney, as the case may be; provided, in the case of a vacancy in the office of
6 prosecuting attorney, if there is no qualified person in the county who can or will accept such
7 appointment, then the governor may appoint any person who possesses all the qualifications set
8 forth in section 56.010, except the qualification as to residence.

192.007. 1. The director of the department of health and senior services shall be
2 appointed by the governor by and with the advice and consent of the senate. The director shall
3 serve at the pleasure of the governor and the director's salary shall not exceed appropriations
4 made for that purpose.

5 2. The director shall be a person of recognized character, integrity and executive ability,
6 shall be a graduate of an institution of higher education approved by recognized accrediting
7 agencies, and shall have had the administrative experience necessary to enable him to
8 successfully perform the duties of his office. He shall have experience in public health
9 management and agency operation and management.

10 3. **The director shall designate by written order filed with the governor, the**
11 **secretary of the senate, and the chief clerk of the house of representatives, a deputy**
12 **director of the department to act for and exercise the powers of the director during any**
13 **vacancy in the office of director or during the director's absence for official business,**
14 **vacation, illness, or incapacity. The deputy director shall be subject to removal at the**
15 **pleasure of the director. Upon the commencement of any vacancy in the office, the**
16 **governor shall appoint the deputy director as acting director of the department. In the**
17 **event that no deputy director has been appointed, the governor shall appoint an acting**
18 **director from among the division directors within the department.**

19 4. **The deputy director, or division director, may serve as acting director for no**
20 **longer than one hundred and twenty days from the date the vacancy first occurs. Upon the**
21 **completion of one hundred and twenty days, the authority of the acting director shall**
22 **expire. The governor shall not appoint another acting director after the authority of the**
23 **deputy director, or division director, has expired. During any period of time in which the**
24 **governor has appointed a director and submitted such person to the senate for its advice**
25 **and consent during a regular or special session of the general assembly, the one hundred**
26 **and twenty day period of authority for the acting director shall toll.**

27 5. **If the appointment of a director is returned to the governor by the senate, or does**
28 **not receive the advice and consent of the senate, the deputy director, or division director,**
29 **may continue to serve as acting director for no more than thirty days from the date of such**
30 **return or failure to receive advice and consent. During any period of time in which the**
31 **governor has appointed a director and submitted such person to the senate for its advice**
32 **and consent, the thirty day period for the acting director under this subsection shall toll.**

33 6. **After the deputy director has served as acting director for longer than thirty**
34 **days, the deputy director shall receive compensation equal to that of the director during**
35 **the period when the deputy director is serving as acting director.**

36 **7. Nothing in this section shall be construed as prohibiting or otherwise limiting the**
37 **ability of the governor to appoint a person as department head during a legislative interim**
38 **under Section 51, Article IV of the Missouri Constitution.**

217.035. 1. The director shall have the authority to:

2 (1) Establish, with approval of the governor, the internal organization of the department
3 and file the plan thereof with the secretary of state in the manner in which administrative rules
4 are filed, the commissioner of administration and the revisor of statutes;

5 (2) Exclusively prepare the budgets of the department and each division within the
6 department in the form and manner set out by statute or by the commissioner of administration;

7 (3) [Designate by written order filed with the governor, the president pro tem of the
8 senate, and the chairman of the joint committee on corrections, a deputy director of the
9 department to act for and exercise the powers of the director during the director's absence for
10 official business, vacation, illness or incapacity. The deputy director shall serve as acting
11 director no longer than six months; however, after the deputy director has acted as director for
12 longer than thirty days the deputy director shall receive compensation equal to that of the
13 director;

14 (4) Procure, either through the division of purchasing or by other means authorized by
15 law, supplies, material, equipment or contractual services for the department and each of its
16 divisions;

17 [(5)] (4) Establish policy for the department and each of its divisions;

18 [(6)] (5) Designate any responsibilities, duties and powers given by sections 217.010,
19 217.810, 558.011 and 558.026 to the department or the department director to any division or
20 division director.

21 **2. The director shall designate by written order filed with the governor, the**
22 **secretary of the senate, and the chief clerk of the house of representatives, a deputy**
23 **director of the department to act for and exercise the powers of the director during any**
24 **vacancy in the office of director or during the director's absence for official business,**
25 **vacation, illness, or incapacity. The deputy director shall be subject to removal at the**
26 **pleasure of the director. Upon the commencement of any vacancy in the office, the**
27 **governor shall appoint the deputy director as acting director of the department. In the**
28 **event that no deputy director has been appointed, the governor shall appoint an acting**
29 **director from among the division directors within the department.**

30 **3. The deputy director, or division director, may serve as acting director for no**
31 **longer than one hundred and twenty days from the date the vacancy first occurs. Upon the**
32 **completion of one hundred and twenty days, the authority of the acting director shall**
33 **expire. The governor shall not appoint another acting director after the authority of the**

34 **deputy director, or division director, has expired. During any period of time in which the**
35 **governor has appointed a director and submitted such person to the senate for its advice**
36 **and consent during a regular or special session of the general assembly, the one hundred**
37 **and twenty day period of authority for the acting director shall toll.**

38 **4. If the appointment of a director is returned to the governor by the senate, or does**
39 **not receive the advice and consent of the senate, the deputy director, or division director,**
40 **may continue to serve as acting director for no more than thirty days from the date of such**
41 **return or failure to receive advice and consent. During any period of time in which the**
42 **governor has appointed a director and submitted such person to the senate for its advice**
43 **and consent, the thirty day period for the acting director under this subsection shall toll.**

44 **5. After the deputy director has served as acting director for longer than thirty**
45 **days, the deputy director shall receive compensation equal to that of the director during**
46 **the period when the deputy director is serving as acting director.**

47 **6. Nothing in this section shall be construed as prohibiting or otherwise limiting the**
48 **ability of the governor to appoint a person as department head during a legislative interim**
49 **under Section 51, Article IV of the Missouri Constitution.**

261.010. 1. There is created a "Department of Agriculture", the main office of which
2 shall be in Jefferson City in quarters provided by the division of design and construction. The
3 governor, by and with the advice and consent of the senate, shall appoint a director of the
4 department of agriculture who shall be a practical farmer, well versed in agricultural science and
5 who shall serve at the pleasure of the governor. The director shall be in charge of the department
6 of agriculture.

7 **2. The director shall designate by written order filed with the governor, the**
8 **secretary of the senate, and the chief clerk of the house of representatives, a deputy**
9 **director of the department to act for and exercise the powers of the director during any**
10 **vacancy in the office of director or during the director's absence for official business,**
11 **vacation, illness, or incapacity. The deputy director shall be subject to removal at the**
12 **pleasure of the director. Upon the commencement of any vacancy in the office, the**
13 **governor shall appoint the deputy director as acting director of the department. In the**
14 **event that no deputy director has been appointed, the governor shall appoint an acting**
15 **director from among the division directors within the department.**

16 **3. The deputy director, or division director, may serve as acting director for no**
17 **longer than one hundred and twenty days from the date the vacancy first occurs. Upon the**
18 **completion of one hundred and twenty days, the authority of the acting director shall**
19 **expire. The governor shall not appoint another acting director after the authority of the**
20 **deputy director, or division director, has expired. During any period of time in which the**

21 **governor has appointed a director and submitted such person to the senate for its advice**
22 **and consent during a regular or special session of the general assembly, the one hundred**
23 **and twenty day period of authority for the acting director shall toll.**

24 **4. If the appointment of a director is returned to the governor by the senate, or does**
25 **not receive the advice and consent of the senate, the deputy director, or division director,**
26 **may continue to serve as acting director for no more than thirty days from the date of such**
27 **return or failure to receive advice and consent. During any period of time in which the**
28 **governor has appointed a director and submitted such person to the senate for its advice**
29 **and consent, the thirty day period for the acting director under this subsection shall toll.**

30 **5. After the deputy director has served as acting director for longer than thirty**
31 **days, the deputy director shall receive compensation equal to that of the director during**
32 **the period when the deputy director is serving as acting director.**

33 **6. Nothing in this section shall be construed as prohibiting or otherwise limiting the**
34 **ability of the governor to appoint a person as department head during a legislative interim**
35 **under Section 51, Article IV of the Missouri Constitution.**

286.005. 1. There is hereby created a "Department of Labor and Industrial Relations"
2 to be headed by a labor and industrial relations commission as provided by Section 49, Article
3 IV, Constitution of Missouri. All the powers, duties and functions of the industrial commission
4 are transferred by type I transfer to the labor and industrial relations commission and the
5 industrial commission is abolished. The commission shall nominate and the governor shall
6 appoint, with the advice and consent of the senate, the director of the department to be the chief
7 administrative officer of the department. Members of the industrial commission on May 2, 1974,
8 shall become members of the commission and the terms of the commission members shall be
9 the same as provided by law for the industrial commission. Individuals appointed as members
10 of the industrial commission shall serve the remainder of the term to which they were appointed
11 as members of the commission. The members of the commission shall receive an annual salary
12 of seventy-two thousand seven hundred thirty-five dollars plus any salary adjustment provided
13 pursuant to section 105.005 payable out of the state treasury. The board of rehabilitation is
14 abolished as hereinafter set out and on May 2, 1974, no compensation shall be paid to any person
15 as a member of the board of rehabilitation, other provisions of the law notwithstanding. The
16 director of the department shall appoint other division heads in the department. For the purposes
17 of subsections 6, 7, 8 and 9 of section 1 of the reorganization act of 1974, the director of the
18 department shall be construed as the head of the department of labor and industrial relations.

19 **2. The director shall designate by written order filed with the governor, the**
20 **secretary of the senate, and the chief clerk of the house of representatives, a deputy**
21 **director of the department to act for and exercise the powers of the director during any**

22 vacancy in the office of director or during the director's absence for official business,
23 vacation, illness, or incapacity. The deputy director shall be subject to removal at the
24 pleasure of the director. Upon the commencement of any vacancy in the office, the
25 governor shall appoint the deputy director as acting director of the department. In the
26 event that no deputy director has been appointed, the governor shall appoint an acting
27 director from among the division directors within the department.

28 **3. The deputy director, or division director, may serve as acting director for no**
29 **longer than one hundred and twenty days from the date the vacancy first occurs. Upon the**
30 **completion of one hundred and twenty days, the authority of the acting director shall**
31 **expire. The governor shall not appoint another acting director after the authority of the**
32 **deputy director, or division director, has expired. During any period of time in which the**
33 **governor has appointed a director and submitted such person to the senate for its advice**
34 **and consent during a regular or special session of the general assembly, the one hundred**
35 **and twenty day period of authority for the acting director shall toll.**

36 **4. If the appointment of a director is returned to the governor by the senate, or does**
37 **not receive the advice and consent of the senate, the deputy director, or division director,**
38 **may continue to serve as acting director for no more than thirty days from the date of such**
39 **return or failure to receive advice and consent. During any period of time in which the**
40 **governor has appointed a director and submitted such person to the senate for its advice**
41 **and consent, the thirty day period for the acting director under this subsection shall toll.**

42 **5. After the deputy director has served as acting director for longer than thirty**
43 **days, the deputy director shall receive compensation equal to that of the director during**
44 **the period when the deputy director is serving as acting director.**

45 **6. Nothing in this section shall be construed as prohibiting or otherwise limiting the**
46 **ability of the governor to appoint a person as department head during a legislative interim**
47 **under Section 51, Article IV of the Missouri Constitution.**

48 **7. All powers, duties, and functions vested by law in the division of employment**
49 **security, chapter 288, and others, are transferred by type II transfer to the department.**

50 **[3.] 8. All powers, duties, and functions vested by law in the division of workers'**
51 **compensation, chapter 287, and others, are transferred by type II transfer to the department.**

52 **[4.] 9. All the powers, duties, and functions of the board of rehabilitation, chapter 287,**
53 **and others, are transferred by type I transfer to the division of workers' compensation of the**
54 **department and the board of rehabilitation is abolished.**

55 **[5.] 10. All powers, duties and functions vested by law in the division of industrial**
56 **inspections and the division of mine inspections, chapters 286, 290, 291, 292, 293, 294 and 444,**
57 **which were previously transferred by type I transfer to the inspection section of the department,**

58 are transferred to the division of labor standards of the department. Employees of the division
59 performing duties related to the mine safety and health act and the occupational safety health act
60 shall be selected in accord with chapter 36.

61 [6.] 11. All the powers, duties, and functions vested by law in the state board of
62 mediation under chapter 295, and others, are transferred by type II transfer to the department.

63 [7.] 12. All employees of the division of employment security shall be selected in accord
64 with chapter 36.

65 [8.] 13. The Missouri commission on human rights, and all the authority, powers, duties,
66 functions, records, personnel, property, matters pending and other pertinent vestiges thereof
67 vested in the Missouri commission on human rights under chapters 213, 296, 314, and others,
68 are transferred by type III transfer to the department. Members of the Missouri commission on
69 human rights shall be nominated by the director for appointment by the governor, by and with
70 the advice and consent of the senate.

287.610. 1. [After August 28, 2005,] The division may **nominate and the governor**
2 **shall** appoint [additional] administrative law judges for a maximum of forty authorized
3 administrative law judges. **All administrative law judges appointed by the governor under**
4 **this section shall be with the advice and consent of the senate.** Appropriations shall be based
5 upon necessity, measured by the requirements and needs of each division office. Administrative
6 law judges shall be duly licensed lawyers under the laws of this state. Administrative law judges
7 shall not practice law or do law business and shall devote their whole time to the duties of their
8 office. The director of the division of workers' compensation shall publish and maintain on the
9 division's website the appointment dates or initial dates of service for all administrative law
10 judges.

11 2. The thirteen administrative law judges with the most years of service shall be subject
12 to a retention vote on August 28, 2008. The next thirteen administrative law judges with the
13 most years of service in descending order shall be subject to a retention vote on August 28, 2012.
14 Administrative law judges appointed and not previously referenced in this subsection shall be
15 subject to a retention vote on August 28, 2016. Subsequent retention votes shall be held every
16 twelve years. Any administrative law judge who has received two or more votes of no
17 confidence under performance audits by the committee shall not receive a vote of retention.

18 3. The administrative law judge review committee members shall not have any direct or
19 indirect employment or financial connection with a workers' compensation insurance company,
20 claims adjustment company, health care provider nor be a practicing workers' compensation
21 attorney. All members of the committee shall have a working knowledge of workers'
22 compensation.

23 4. The committee shall within thirty days of completing each performance audit make
24 a recommendation of confidence or no confidence for each administrative law judge.

25 5. The administrative law judges appointed by the division shall only have jurisdiction
26 to hear and determine claims upon original hearing and shall have no jurisdiction upon any
27 review hearing, either in the way of an appeal from an original hearing or by way of reopening
28 any prior award, except to correct a clerical error in an award or settlement if the correction is
29 made by the administrative law judge within twenty days of the original award or settlement.
30 The labor and industrial relations commission may remand any decision of an administrative law
31 judge for a more complete finding of facts. The commission may also correct a clerical error in
32 awards or settlements within thirty days of its final award. With respect to original hearings, the
33 administrative law judges shall have such jurisdiction and powers as are vested in the division
34 of workers' compensation under other sections of this chapter, and wherever in this chapter the
35 word "commission", "commissioners" or "division" is used in respect to any original hearing,
36 those terms shall mean the administrative law judges appointed under this section. When a
37 hearing is necessary upon any claim, the division shall assign an administrative law judge to such
38 hearing. Any administrative law judge shall have power to approve contracts of settlement, as
39 provided by section 287.390, between the parties to any compensation claim or dispute under this
40 chapter pending before the division of workers' compensation. Any award by an administrative
41 law judge upon an original hearing shall have the same force and effect, shall be enforceable in
42 the same manner as provided elsewhere in this chapter for awards by the labor and industrial
43 relations commission, and shall be subject to review as provided by section 287.480.

44 6. Any of the administrative law judges employed pursuant to this section may be
45 assigned on a temporary basis to the branch offices as necessary in order to ensure the proper
46 administration of this chapter.

47 7. All administrative law judges shall be required to participate in, on a continuing basis,
48 specific training that shall pertain to those elements of knowledge and procedure necessary for
49 the efficient and competent performance of the administrative law judges' required duties and
50 responsibilities. Such training requirements shall be established by the division subject to
51 appropriations and shall include training in medical determinations and records, mediation and
52 legal issues pertaining to workers' compensation adjudication. Such training may be credited
53 toward any continuing legal education requirements.

54 8. (1) The administrative law judge review committee shall conduct a performance audit
55 of all administrative law judges every two years. The audit results, stating the committee's
56 recommendation of confidence or no confidence of each administrative law judge shall be sent
57 to the governor no later than the first week of each legislative session immediately following
58 such audit. Any administrative law judge who has received three or more votes of no confidence

59 under two successive performance audits by the committee may have their appointment
60 immediately withdrawn.

61 (2) The review committee shall consist of one member appointed by the president pro
62 tem of the senate, one member appointed by the minority leader of the senate, one member
63 appointed by the speaker of the house of representatives, and one member appointed by the
64 minority leader of the house of representatives. The governor shall appoint to the committee one
65 member selected from the commission on retirement, removal, and discipline of judges.

66 This member shall act as a member ex officio and shall not have a vote in the committee. The
67 committee shall annually elect a chairperson from its members for a term of one year. The term
68 of service for all members shall be two years. The review committee members shall all serve
69 without compensation. Necessary expenses for review committee members and all necessary
70 support services to the review committee shall be provided by the division.

71 9. No rule or portion of a rule promulgated pursuant to the authority of this section shall
72 become effective unless it has been promulgated pursuant to the provisions of chapter 536.

374.020. 1. The chief officer of said department shall be designated as the director of
2 the department of insurance, financial institutions and professional registration. He shall be a
3 citizen of this state, and experienced in matters of insurance, and be appointed by the governor,
4 by and with the advice and consent of the senate, and shall hold his office concurrently with that
5 of the governor and until his successor is appointed and qualified, and shall be subject to removal
6 from office by the governor at his pleasure.

7 2. [If a vacancy shall at any time occur, the same shall be filled by the governor, by
8 appointment, subject to the confirmation of the senate, if in session; if not, then at its next
9 session.

10 **3.] The director shall designate by written order filed with the governor, the**
11 **secretary of the senate, and the chief clerk of the house of representatives, a deputy**
12 **director of the department to act for and exercise the powers of the director during any**
13 **vacancy in the office of director or during the director's absence for official business,**
14 **vacation, illness, or incapacity. The deputy director shall be subject to removal at the**
15 **pleasure of the director. Before entering upon his or her duties as deputy director, the**
16 **deputy director shall take the oath and be bonded as required of the director in section**
17 **374.030. Upon the commencement of any vacancy in the office, the governor shall appoint**
18 **the deputy director as acting director of the department. In the event that no deputy**
19 **director has been appointed, the governor shall appoint an acting director from among the**
20 **division directors within the department.**

21 **3. The deputy director, or division director, may serve as acting director for no**
22 **longer than one hundred and twenty days from the date the vacancy first occurs. Upon the**

23 completion of one hundred and twenty days, the authority of the acting director shall
24 expire. The governor shall not appoint another acting director after the authority of the
25 deputy director, or division director, has expired. During any period of time in which the
26 governor has appointed a director and submitted such person to the senate for its advice
27 and consent during a regular or special session of the general assembly, the one hundred
28 and twenty day period of authority for the acting director shall toll.

29 **4. If the appointment of a director is returned to the governor by the senate, or does**
30 **not receive the advice and consent of the senate, the deputy director, or division director,**
31 **may continue to serve as acting director for no more than thirty days from the date of such**
32 **return or failure to receive advice and consent. During any period of time in which the**
33 **governor has appointed a director and submitted such person to the senate for its advice**
34 **and consent, the thirty day period for the acting director under this subsection shall toll.**

35 **5. After the deputy director has served as acting director for longer than thirty**
36 **days, the deputy director shall receive compensation equal to that of the director during**
37 **the period when the deputy director is serving as acting director.**

38 **6. Nothing in this section shall be construed as prohibiting or otherwise limiting the**
39 **ability of the governor to appoint a person as department head during a legislative interim**
40 **under Section 51, Article IV of the Missouri Constitution.**

41 **7. It shall not be lawful for the director or his deputy to hold any position as officer,**
42 **agent or employee of any insurance or assurance company, nor shall he otherwise be directly or**
43 **indirectly interested in any insurance company, except as a policyholder.**

620.010. 1. There is hereby created a "Department of Economic Development" to be
2 headed by a director appointed by the governor, by and with the advice and consent of the senate.
3 All of the general provisions, definitions and powers enumerated in section 1 of the Omnibus
4 State Reorganization Act of 1974 shall continue to apply to this department and its divisions,
5 agencies and personnel.

6 **2. The director shall designate by written order filed with the governor, the**
7 **secretary of the senate, and the chief clerk of the house of representatives, a deputy**
8 **director of the department to act for and exercise the powers of the director during any**
9 **vacancy in the office of director or during the director's absence for official business,**
10 **vacation, illness, or incapacity. The deputy director shall be subject to removal at the**
11 **pleasure of the director. Upon the commencement of any vacancy in the office, the**
12 **governor shall appoint the deputy director as acting director of the department. In the**
13 **event that no deputy director has been appointed, the governor shall appoint an acting**
14 **director from among the division directors within the department.**

15 **3. The deputy director, or division director, may serve as acting director for no**
16 **longer than one hundred and twenty days from the date the vacancy first occurs. Upon the**
17 **completion of one hundred and twenty days, the authority of the acting director shall**
18 **expire. The governor shall not appoint another acting director after the authority of the**
19 **deputy director, or division director, has expired. During any period of time in which the**
20 **governor has appointed a director and submitted such person to the senate for its advice**
21 **and consent during a regular or special session of the general assembly, the one hundred**
22 **and twenty day period of authority for the acting director shall toll.**

23 **4. If the appointment of a director is returned to the governor by the senate, or does**
24 **not receive the advice and consent of the senate, the deputy director, or division director,**
25 **may continue to serve as acting director for no more than thirty days from the date of such**
26 **return or failure to receive advice and consent. During any period of time in which the**
27 **governor has appointed a director and submitted such person to the senate for its advice**
28 **and consent, the thirty day period for the acting director under this subsection shall toll.**

29 **5. After the deputy director has served as acting director for longer than thirty**
30 **days, the deputy director shall receive compensation equal to that of the director during**
31 **the period when the deputy director is serving as acting director.**

32 **6. Nothing in this section shall be construed as prohibiting or otherwise limiting the**
33 **ability of the governor to appoint a person as department head during a legislative interim**
34 **under Section 51, Article IV of the Missouri Constitution.**

35 **7. The powers, duties and functions vested in the public service commission, chapters**
36 **386, 387, 388, 389, 390, 392, 393, and others, and the administrative hearing commission,**
37 **sections 621.015 to 621.198 and others, are transferred by type III transfers to the department of**
38 **economic development. The director of the department is directed to provide and coordinate**
39 **staff and equipment services to these agencies in the interest of facilitating the work of the bodies**
40 **and achieving optimum efficiency in staff services common to all the bodies. Nothing in the**
41 **Reorganization Act of 1974 shall prevent the chairman of the public service commission from**
42 **presenting additional budget requests or from explaining or clarifying its budget requests to the**
43 **governor or general assembly.**

44 **[3.] 8. The powers, duties and functions vested in the office of the public counsel are**
45 **transferred by type III transfer to the department of economic development. Funding for the**
46 **general counsel's office shall be by general revenue.**

47 **[4.] 9. The public service commission is authorized to employ such staff as it deems**
48 **necessary for the functions performed by the general counsel other than those powers, duties and**
49 **functions relating to representation of the public before the public service commission.**

50 [5.] 10. All the powers, duties and functions vested in the tourism commission, chapter
51 258 and others, are transferred to the "Division of Tourism", which is hereby created, by type III
52 transfer.

53 [6.] 11. All the powers, duties and functions of the department of community affairs,
54 chapter 251 and others, not otherwise assigned, are transferred by type I transfer to the
55 department of economic development, and the department of community affairs is abolished.
56 The director of the department of economic development may assume all the duties of the
57 director of community affairs or may establish within the department such subunits and advisory
58 committees as may be required to administer the programs so transferred. The director of the
59 department shall appoint all members of such committees and heads of subunits.

60 [7.] 12. The state council on the arts, chapter 185 and others, is transferred by type II
61 transfer to the department of economic development, and the members of the council shall be
62 appointed by the director of the department.

63 [8.] 13. The Missouri housing development commission, chapter 215, is assigned to the
64 department of economic development, but shall remain a governmental instrumentality of the
65 state of Missouri and shall constitute a body corporate and politic.

66 [9.] 14. All the authority, powers, duties, functions, records, personnel, property, matters
67 pending and other pertinent vestiges of the division of manpower planning of the department of
68 social services are transferred by a type I transfer to the "Division of Job Development and
69 Training", which is hereby created, within the department of economic development. The
70 division of manpower planning within the department of social services is abolished. The
71 provisions of section 1 of the Omnibus State Reorganization Act of 1974, Appendix B, relating
72 to the manner and procedures for transfers of state agencies shall apply to the transfers provided
73 in this section.

74 [10.] 15. Any rule or portion of a rule, as that term is defined in section 536.010, that is
75 created under the authority delegated in this section shall become effective only if it complies
76 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
77 This section and chapter 536 are nonseverable and if any of the powers vested with the general
78 assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and
79 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
80 any rule proposed or adopted after August 28, 2008, shall be invalid and void.

640.010. 1. There is hereby created a department of natural resources in **the** charge of
2 a director appointed by the governor, by and with the advice and consent of the senate. The
3 director shall administer the programs assigned to the department relating to environmental
4 control and the conservation and management of natural resources. The director shall coordinate
5 and supervise all staff and other personnel assigned to the department. He shall faithfully cause

6 to be executed all policies established by the boards and commissions assigned to the
7 department, be subject to their decisions as to all substantive and procedural rules and his or her
8 decisions shall be subject to appeal as provided by law. The director shall recommend policies
9 to the various boards and commissions assigned to the department to achieve effective and
10 coordinated environmental control and natural resource conservation policies.

11 **2. The director shall designate by written order filed with the governor, the**
12 **secretary of the senate, and the chief clerk of the house of representatives, a deputy**
13 **director of the department to act for and exercise the powers of the director during any**
14 **vacancy in the office of director or during the director's absence for official business,**
15 **vacation, illness, or incapacity. The deputy director shall be subject to removal at the**
16 **pleasure of the director. Upon the commencement of any vacancy in the office, the**
17 **governor shall appoint the deputy director as acting director of the department. In the**
18 **event that no deputy director has been appointed, the governor shall appoint an acting**
19 **director from among the division directors within the department.**

20 **3. The deputy director, or division director, may serve as acting director for no**
21 **longer than one hundred and twenty days from the date the vacancy first occurs. Upon the**
22 **completion of one hundred and twenty days, the authority of the acting director shall**
23 **expire. The governor shall not appoint another acting director after the authority of the**
24 **deputy director, or division director, has expired. During any period of time in which the**
25 **governor has appointed a director and submitted such person to the senate for its advice**
26 **and consent during a regular or special session of the general assembly, the one hundred**
27 **and twenty day period of authority for the acting director shall toll.**

28 **4. If the appointment of a director is returned to the governor by the senate, or does**
29 **not receive the advice and consent of the senate, the deputy director, or division director,**
30 **may continue to serve as acting director for no more than thirty days from the date of such**
31 **return or failure to receive advice and consent. During any period of time in which the**
32 **governor has appointed a director and submitted such person to the senate for its advice**
33 **and consent, the thirty day period for the acting director under this subsection shall toll.**

34 **5. After the deputy director has served as acting director for longer than thirty**
35 **days, the deputy director shall receive compensation equal to that of the director during**
36 **the period when the deputy director is serving as acting director.**

37 **6. Nothing in this section shall be construed as prohibiting or otherwise limiting the**
38 **ability of the governor to appoint a person as department head during a legislative interim**
39 **under Section 51, Article IV of the Missouri Constitution.**

40 **7. The director shall appoint directors of staff to service each of the policy making**
41 **boards or commissions assigned to the department. Each director of staff shall be qualified by**

42 education, training and experience in the technical matters of the board to which he is assigned
43 and his or her appointment shall be approved by the board to which he is assigned and he shall
44 be removed or reassigned on their request in writing to the director of the department. All other
45 employees of the department and of each board and commission assigned to the department shall
46 be appointed by the director of the department in accord with chapter 36, and shall be assigned
47 and may be reassigned as required by the director of the department in such a manner as to
48 provide optimum service, efficiency and economy.

49 [3.] 8. The air conservation commission, chapter [203] 643 and others, the clean water
50 commission, chapter [204] 644 and others, are transferred by type II transfer to the department
51 of natural resources. The governor shall appoint the members of these bodies in accord with the
52 laws establishing them, with the advice and consent of the senate. The bodies hereby transferred
53 shall retain all rulemaking and hearing powers allotted by law, as well as those of any bodies
54 transferred to their jurisdiction. All the powers, duties and functions of the state environmental
55 improvement authority, chapter 260 and others, are transferred by type III transfer to the air
56 conservation commission. All the powers, duties and functions of the water resources board,
57 chapter 256 and others, are transferred by type I transfer to the clean water commission and the
58 board is abolished. No member of the clean water commission shall receive or shall have
59 received, during the previous two years from the date of his or her appointment, a significant
60 portion of his or her income directly or indirectly from permit holders or applicants for a permit
61 under the jurisdiction of the clean water commission. The state park board, chapter 253, is
62 transferred to the department of natural resources by type I transfer.

63 [4.] 9. All the powers, duties and functions of the state soil and water districts
64 commission, chapter 278 and others, are transferred by a type II transfer to the department.

65 [5.] 10. All the powers, duties and functions of the state geologist, chapter 256 and
66 others, are transferred by type I transfer to the department of natural resources. All the powers,
67 duties and functions of the state oil and gas council, chapter 259 and others, are transferred to
68 the department of natural resources by type II transfer. The director of the department shall
69 appoint a state geologist who shall have the duties to supervise and coordinate the work formerly
70 done by the departments or authorities abolished by this subsection, and shall provide staff
71 services for the state oil and gas council.

72 [6.] 11. All the powers, duties and functions of the land reclamation commission, chapter
73 444 and others, are transferred to the department of natural resources by type II transfer. All
74 necessary personnel required by the commission shall be selected, employed and discharged by
75 the commission. The director of the department shall not have the authority to abolish positions.

76 [7.] 12. The functions performed by the division of health in relation to the maintenance
77 of a safe quality of water dispensed to the public, sections 640.100 to 640.115, and others, and

78 for licensing and regulating solid waste management systems and plans are transferred by type
79 I transfer to the department of natural resources.

650.005. 1. There is hereby created a "Department of Public Safety" in the charge of a
2 director appointed by the governor with the advice and consent of the senate. The department's
3 role will be to provide overall coordination in the state's public safety and law enforcement
4 program, to provide channels of coordination with local and federal agencies in regard to public
5 safety, law enforcement and with all correctional and judicial agencies in regard to matters
6 pertaining to its responsibilities as they may interrelate with the other agencies or offices of state,
7 local or federal governments.

8 2. **The director shall designate by written order filed with the governor, the**
9 **secretary of the senate, and the chief clerk of the house of representatives, a deputy**
10 **director of the department to act for and exercise the powers of the director during any**
11 **vacancy in the office of director or during the director's absence for official business,**
12 **vacation, illness, or incapacity. The deputy director shall be subject to removal at the**
13 **pleasure of the director. Upon the commencement of any vacancy in the office, the**
14 **governor shall appoint the deputy director as acting director of the department. In the**
15 **event that no deputy director has been appointed, the governor shall appoint an acting**
16 **director from among the division directors within the department.**

17 3. **The deputy director, or division director, may serve as acting director for no**
18 **longer than one hundred and twenty days from the date the vacancy first occurs. Upon the**
19 **completion of one hundred and twenty days, the authority of the acting director shall**
20 **expire. The governor shall not appoint another acting director after the authority of the**
21 **deputy director, or division director, has expired. During any period of time in which the**
22 **governor has appointed a director and submitted such person to the senate for its advice**
23 **and consent during a regular or special session of the general assembly, the one hundred**
24 **and twenty day period of authority for the acting director shall toll.**

25 4. **If the appointment of a director is returned to the governor by the senate, or does**
26 **not receive the advice and consent of the senate, the deputy director, or division director,**
27 **may continue to serve as acting director for no more than thirty days from the date of such**
28 **return or failure to receive advice and consent. During any period of time in which the**
29 **governor has appointed a director and submitted such person to the senate for its advice**
30 **and consent, the thirty day period for the acting director under this subsection shall toll.**

31 5. **After the deputy director has served as acting director for longer than thirty**
32 **days, the deputy director shall receive compensation equal to that of the director during**
33 **the period when the deputy director is serving as acting director.**

34 **6. Nothing in this section shall be construed as prohibiting or otherwise limiting the**
35 **ability of the governor to appoint a person as department head during a legislative interim**
36 **under Section 51, Article IV of the Missouri Constitution.**

37 7. All the powers, duties and functions of the state highway patrol, chapter 43 and others,
38 are transferred by type II transfer to the department of public safety. The governor by and with
39 the advice and consent of the senate shall appoint the superintendent of the patrol. With the
40 exception of sections 43.100 to 43.120 relating to financial procedures, the director of public
41 safety shall succeed the state highways and transportation commission in approving actions of
42 the superintendent and related matters as provided in chapter 43. Uniformed members of the
43 patrol shall be selected in the manner provided by law and shall receive the compensation
44 provided by law. Nothing in the Reorganization Act of 1974, however, shall be interpreted to
45 affect the funding of appropriations or the operation of chapter 104 relating to retirement system
46 coverage or section 226.160 relating to workers' compensation for members of the patrol.

47 [3.] 8. All the powers, duties and functions of the supervisor of liquor control, chapter
48 311 and others, are transferred by type II transfer to the department of public safety. The
49 supervisor shall be nominated by the department director and appointed by the governor with the
50 advice and consent of the senate. The supervisor shall appoint such agents, assistants, deputies
51 and inspectors as limited by appropriations. All employees shall have the qualifications provided
52 by law and may be removed by the supervisor or director of the department as provided in
53 section 311.670.

54 [4.] 9. The director of public safety, superintendent of the highway patrol and
55 transportation division of the department of economic development are to examine the motor
56 carrier inspection laws and practices in Missouri to determine how best to enforce the laws with
57 a minimum of duplication, harassment of carriers and to improve the effectiveness of supervision
58 of weight and safety requirements and to report to the governor and general assembly by January
59 1, 1975, on their findings and on any actions taken.

60 [5.] 10. The Missouri division of highway safety is transferred by type I transfer to the
61 department of public safety. The division shall be in charge of a director who shall be appointed
62 by the director of the department.

63 [6.] 11. All the powers, duties and functions of the safety and fire prevention bureau of
64 the department of public health and welfare are transferred by type I transfer to the director of
65 public safety.

66 [7.] 12. All the powers, duties and functions of the state fire marshal, chapter 320 and
67 others, are transferred to the department of public safety by a type I transfer.

68 [8.] 13. All the powers, duties and functions of the law enforcement assistance council
69 administering federal grants, planning and the like relating to Public Laws 90-351, 90-445 and

70 related acts of Congress are transferred by type I transfer to the director of public safety. The
71 director of public safety shall appoint such advisory bodies as are required by federal laws or
72 regulations. The council is abolished.

73 [9.] 14. The director of public safety shall promulgate motor vehicle regulations and be
74 ex officio a member of the safety compact commission in place of the director of revenue and
75 all powers, duties and functions relating to chapter 307 are transferred by type I transfer to the
76 director of public safety.

77 [10.] 15. The office of adjutant general and the state militia are assigned to the
78 department of public safety; provided, however, nothing herein shall be construed to interfere
79 with the powers and duties of the governor as provided in Article IV, Section 6 of the
80 Constitution of the state of Missouri or chapter 41.

81 [11.] 16. All the powers, duties and functions of the Missouri boat commission, chapter
82 306 and others, are transferred by type I transfer to the "Missouri State Water Patrol", which is
83 hereby created, in the department of public safety. The Missouri boat commission and the office
84 of secretary to the commission are abolished. All deputy boat commissioners and all other
85 employees of the commission who were employed on February 1, 1974, shall be transferred to
86 the water patrol without further qualification. Effective January 1, 2011, all the powers, duties,
87 and functions of the Missouri state water patrol are transferred to the division of water patrol
88 within the Missouri state highway patrol as set out in section 43.390.

89 [12.] 17. The Missouri [veterans's] **veterans'** commission, chapter 42, is assigned to the
90 department of public safety.

91 [13.] 18. Any rule or portion of a rule, as that term is defined in section 536.010, that is
92 created under the authority delegated in this section shall become effective only if it complies
93 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
94 This section and chapter 536 are nonseverable and if any of the powers vested with the general
95 assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and
96 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
97 any rule proposed or adopted after August 28, 2009, shall be invalid and void.

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

9 department of social services shall be covered by the provisions of chapter 36 except the director
10 of the department and his secretary, all division directors and their secretaries, and no more than
11 three additional positions in each division which may be designated by the division director.

12 **2. The director shall designate by written order filed with the governor, the**
13 **secretary of the senate, and the chief clerk of the house of representatives, a deputy**
14 **director of the department to act for and exercise the powers of the director during any**
15 **vacancy in the office of director or during the director's absence for official business,**
16 **vacation, illness, or incapacity. The deputy director shall be subject to removal at the**
17 **pleasure of the director. Upon the commencement of any vacancy in the office, the**
18 **governor shall appoint the deputy director as acting director of the department. In the**
19 **event that no deputy director has been appointed, the governor shall appoint an acting**
20 **director from among the division directors within the department.**

21 **3. The deputy director, or division director, may serve as acting director for no**
22 **longer than one hundred and twenty days from the date the vacancy first occurs. Upon the**
23 **completion of one hundred and twenty days, the authority of the acting director shall**
24 **expire. The governor shall not appoint another acting director after the authority of the**
25 **deputy director, or division director, has expired. During any period of time in which the**
26 **governor has appointed a director and submitted such person to the senate for its advice**
27 **and consent during a regular or special session of the general assembly, the one hundred**
28 **and twenty day period of authority for the acting director shall toll.**

29 **4. If the appointment of a director is returned to the governor by the senate, or does**
30 **not receive the advice and consent of the senate, the deputy director, or division director,**
31 **may continue to serve as acting director for no more than thirty days from the date of such**
32 **return or failure to receive advice and consent. During any period of time in which the**
33 **governor has appointed a director and submitted such person to the senate for its advice**
34 **and consent, the thirty day period for the acting director under this subsection shall toll.**

35 **5. After the deputy director has served as acting director for longer than thirty**
36 **days, the deputy director shall receive compensation equal to that of the director during**
37 **the period when the deputy director is serving as acting director.**

38 **6. Nothing in this section shall be construed as prohibiting or otherwise limiting the**
39 **ability of the governor to appoint a person as department head during a legislative interim**
40 **under Section 51, Article IV of the Missouri Constitution.**

41 **7. It is the intent of the general assembly in establishing the department of social**
42 **services, as provided herein, to authorize the director of the department to coordinate the state's**
43 **programs devoted to those unable to provide for themselves and for the rehabilitation of victims**
44 **of social disadvantage. The director shall use the resources provided to the department to**

45 provide comprehensive programs and leadership striking at the roots of dependency, disability
46 and abuse of society's rules with the purpose of improving service and economical operations.
47 The department is directed to take all steps possible to consolidate and coordinate the field
48 operations of the department to maximize service to the citizens of the state.

49 [3.] 8. All the powers, duties and functions of the division of welfare, chapters 205, 207,
50 208, 209, and 210 and others, are transferred by type I transfer to the "Division of Family
51 Services" which is hereby created in the department of social services. The director of the
52 division shall be appointed by the director of the department. All references to the division of
53 welfare shall hereafter be construed to mean the division of family services of the department
54 of social services.

55 [4.] 9. The state's responsibility under public law 452 of the eighty-eighth Congress and
56 others, pertaining to the Office of Economic Opportunity, is transferred by type I transfer to the
57 department of social services.

58 [5.] 10. The state's responsibility under public law 73, Older Americans Act of 1965, of
59 the eighty-ninth Congress is transferred by type I transfer to the department of social services.

60 [6.] 11. All the powers, duties and functions vested by law in the curators of the
61 University of Missouri relating to crippled children's services, chapter 201, are transferred by
62 type I transfer to the department of social services.

63 [7.] 12. All the powers, duties and functions vested in the state board of training schools,
64 chapter 219 and others, are transferred by type I transfer to the "Division of Youth Services"
65 hereby authorized in the department of social services headed by a director appointed by the
66 director of the department. The state board of training schools shall be reconstituted as an
67 advisory board on youth services, appointed by the director of the department. The advisory
68 board shall visit each facility of the division as often as possible, shall file a written report with
69 the director of the department and the governor on conditions they observed relating to the care
70 and rehabilitative efforts in behalf of children assigned to the facility, the security of the facility
71 and any other matters pertinent in their judgment. Copies of these reports shall be filed with the
72 legislative library. Members of the advisory board shall receive reimbursement for their
73 expenses and twenty-five dollars a day for each day they engage in official business relating to
74 their duties. The members of the board shall be provided with identification means by the
75 director of the division permitting immediate access to all facilities enabling them to make
76 unannounced entrance to facilities they wish to inspect.

**Section 1. This act shall become effective only upon the passage and approval by
2 the voters of a constitutional amendment submitted to them by the general assembly
3 regarding the governor's appointment authority, and the secretary of state shall notify the
4 revisor of statutes of the date of the passage and approval of such constitutional**

5 **amendment. This section shall terminate upon the passage and approval of such**
 6 **constitutional amendment, and the revisor of statutes shall designate this section in a**
 7 **revision bill for repeal.**

2 [30.070. When a vacancy occurs in the office of state treasurer, the
 3 governor shall immediately appoint a state treasurer to fill such vacancy for the
 4 residue of the term in which the vacancy occurred, and until his successor is
 5 elected or appointed, commissioned and qualified.]

2 [374.080. 1. The director may appoint a deputy, who shall be subject to
 3 removal at pleasure by the director, and who shall possess all the powers and
 4 perform all the duties attached by law to the office of director during a vacancy
 5 in the office, and during the absence, inability or suspension of his principal. The
 6 director shall be responsible for the acts of his deputy, who shall, before entering
 7 upon the duties of his office, take the oath and be bonded as required of the
 8 director in section 374.030. The deputy director shall assist the director in the
 9 administration of the department, and perform such duties and have such powers
 10 as the director may direct.

11 2. In the event there is an absence of the director and no deputy has been
 12 appointed, the governor shall appoint the acting director from among the
 division directors within the department.]

2 Section B. This act is hereby submitted to the qualified voters of this state for approval
 3 or rejection at an election which is hereby ordered and which shall be held and conducted on
 4 Tuesday next following the first Monday in November, 2014, pursuant to the laws and
 5 constitutional provisions of this state for the submission of referendum measures by the general
 6 assembly, and this act shall become effective when approved by a majority of the votes cast
 thereon at such election and not otherwise.

2 Section C. Pursuant to chapter 116, RSMo, and other applicable constitutional provisions
 3 and laws of this state allowing the general assembly to adopt ballot language for the submission
 4 of referendum measures to the voters of this state, the official summary statement of the act
 proposed in this act shall be as follows:

5 "Shall Missouri law be amended to specify:
 6 The manner in which vacancies in appointive or elective public office shall be filled; and
 7 The process for the Governor to appoint acting department heads?"

