

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill No. 843, Page 45, Section 324.478, Line 49, by inserting after all of said section and
3 line the following:
4

5 "326.319. 1. All moneys payable pursuant to the provisions of this chapter shall be
6 collected by the division of professional registration who shall transmit them to the department of
7 revenue for deposit in the state treasury to the credit of a fund to be known as the "State Board of
8 Accountancy Fund" which is hereby created.

9 2. Notwithstanding the provisions of section 33.080 to the contrary, money in the fund shall
10 not be transferred and placed to the credit of general revenue until the amount in the fund at the end
11 of the biennium exceeds two times the average amount of [the appropriation] expenses from the
12 board's funds for the preceding three completed fiscal [year or, if the board requires by rule
13 certificate or permit renewal less frequently than yearly, then three times the appropriation from the
14 board's funds for the preceding fiscal year] years. The amount, if any, in the fund which shall lapse
15 is that amount in the fund [which] that exceeds two times the [appropriate multiple of the
16 appropriations from the board's funds for the preceding fiscal year] amount of such three-year
17 average. However, no moneys in this fund shall be transferred and placed to the credit of general
18 revenue in fiscal year 2020.

19 3. In any proceeding in which a remedy provided by subsection 1 or 2 of section 326.310 is
20 imposed, the board may also require the respondent licensee to pay the costs of the proceeding if the
21 board is a prevailing party or in settlement. The moneys shall be placed in the state treasury to the
22 credit of the "Missouri State Board of Accountancy Investigation Fund", which is hereby created, to
23 be used solely for investigations as provided in this chapter. The moneys shall not be considered in
24 calculating amounts to be transferred to general revenue as provided in subsection 2 of this section.
25 The fund shall be used solely for board investigations.

26 4. The board shall set the amount of the fees which this chapter authorizes and requires by
27 rule pursuant to chapter 536. The fees shall be set at a level to produce revenue which shall not
28 substantially exceed the cost and expense of administering this chapter.

29 327.081. 1. All funds received pursuant to the provisions of this chapter shall be deposited
30 in the state treasury to the credit of the "State Board for Architects, Professional Engineers,
31 Professional Land Surveyors and Professional Landscape Architects Fund" which is hereby
32 established. All expenditures authorized by this chapter shall be paid from funds appropriated to the
33 board by the general assembly from this fund.

34 2. The provisions of section 33.080 to the contrary notwithstanding, money in this fund
35 shall not be transferred and placed to the credit of general revenue until the amount in the fund at
36 the end of the biennium exceeds two times the average amount of [the appropriation] expenses from

Action Taken _____ Date _____

1 the board's funds for the preceding three completed fiscal [~~year or, if the board requires by rule~~
 2 ~~permit renewal less frequently than yearly, then three times the appropriation from the board's funds~~
 3 ~~for the preceding fiscal year] years. The amount, if any, in the fund which shall lapse is that amount~~
 4 ~~in the fund [which] that exceeds two times the [appropriate multiple of the appropriations from the~~
 5 ~~board's funds for the preceding fiscal year] amount of such three-year average. However, no~~
 6 ~~moneys in this fund shall be transferred and placed to the credit of general revenue in fiscal year~~
 7 ~~2020.~~

8 332.061. All funds received pursuant to the provisions of this chapter shall be transmitted
 9 by the director of the division of professional registration to the department of revenue for deposit
 10 in the state treasury to the credit of the "Dental Board Fund" which is hereby established. All
 11 expenditures authorized by this chapter shall be paid from funds appropriated from the dental board
 12 fund by the legislature. The provisions of section 33.080 to the contrary notwithstanding, money in
 13 this fund shall not be transferred and placed to the credit of general revenue until the amount in the
 14 fund at the end of the biennium [is] exceeds two times the average amount of [~~the appropriation]~~
 15 ~~expenses~~ from the board's funds for the preceding three completed fiscal [~~year or, if the board~~
 16 ~~requires by rule permit renewal less frequently than yearly, then three times the appropriation from~~
 17 ~~the board's funds for the preceding fiscal year] years. The amount, if any, in the fund which shall~~
 18 ~~lapse is that amount in the fund [which] that exceeds two times the [appropriate multiple of the~~
 19 ~~appropriations from the board's funds for the preceding fiscal year] amount of such three-year~~
 20 ~~average. However, no moneys in this fund shall be transferred and placed to the credit of general~~
 21 ~~revenue in fiscal year 2020."; and~~

22
 23 Further amend said bill, Page 46, Section 332.086, Line 37, by inserting after all of said section and
 24 line the following:

25
 26 "333.231. 1. All fees payable under this chapter shall be collected by the division of
 27 professional registration and transmitted to the department of revenue for deposit in the state
 28 treasury to the credit of the fund to be known as the "Board of Embalmers and Funeral Directors'
 29 Fund".

30 2. All compensation of board members and employees and all expenses incident to the
 31 administration of this chapter shall be paid out of the board of embalmers and funeral directors'
 32 fund. No expense of this board shall ever be paid out of any other fund of the state, either by
 33 deficiency bill or otherwise.

34 3. The provisions of section 33.080 to the contrary notwithstanding, money in this fund
 35 shall not be transferred and placed to the credit of general revenue until the amount in the fund at
 36 the end of the biennium exceeds two times the average amount of [~~the appropriation]~~ expenses from
 37 the board's funds for the preceding three completed fiscal [~~year or, if the board requires by rule~~
 38 ~~permit renewal less frequently than yearly, then three times the appropriation from the board's funds~~
 39 ~~for the preceding fiscal year] years. The amount, if any, in the fund which shall lapse is that amount~~
 40 ~~in the fund [which] that exceeds two times the [appropriate multiple of the appropriations from the~~
 41 ~~board's funds for the preceding fiscal year] amount of such three-year average. However, no~~
 42 ~~moneys in this fund shall be transferred and placed to the credit of general revenue in fiscal year~~
 43 ~~2020.~~

44 334.050. 1. There is hereby established in the office of the state treasurer a fund to be
 45 known as the "Board of Registration for the Healing Arts Fund". All fees of any kind and character
 46 authorized to be charged by the board shall be collected by the director of the division of
 47 professional registration and shall be transmitted to the department of revenue for deposit in the
 48 state treasury for credit to this fund, to be disbursed only in payment of expenses of maintaining the

1 board and for the enforcement of the provisions of law concerning professions regulated by the
 2 board; and no other money shall be paid out of the state treasury for carrying out these provisions.
 3 Warrants shall be issued on the state treasurer for payment out of said fund.

4 2. The provisions of section 33.080 to the contrary notwithstanding, money in this fund
 5 shall not be transferred and placed to the credit of general revenue until the amount in the fund at
 6 the end of the biennium exceeds two times the average amount of ~~[the appropriation]~~ expenses from
 7 the board's funds for the preceding three completed fiscal ~~[year or, if the board requires by rule~~
 8 ~~permit renewal less frequently than yearly, then three times the appropriation from the board's funds~~
 9 ~~for the preceding fiscal year] years~~. The amount, if any, in the fund which shall lapse is that amount
 10 in the fund ~~[which] that exceeds two times the [appropriate multiple of the appropriations from the~~
 11 ~~board's funds for the preceding fiscal year] amount of such three-year average. However, no~~
 12 moneys in this fund shall be transferred and placed to the credit of general revenue in fiscal year
 13 2020.

14 3. The board shall charge each person applying to and appearing before it for examination
 15 for certificate of licensure to practice as physician and surgeon, an examination fee. Should the
 16 examination prove unsatisfactory and the board refuse to issue a license thereon, the applicant
 17 failing to pass the examination may return to any meeting and be examined upon payment of a
 18 reexamination fee."; and

19
 20 Further amend said bill, Page 50, Section 335.021, Line 36, by inserting after all of said section and
 21 line the following:

22
 23 "335.036. 1. The board shall:

24 (1) Elect for a one-year term a president and a secretary, who shall also be treasurer, and the
 25 board may appoint, employ and fix the compensation of a legal counsel and such board personnel as
 26 defined in subdivision (4) of subsection 10 of section 324.001 as are necessary to administer the
 27 provisions of sections 335.011 to 335.096;

28 (2) Adopt and revise such rules and regulations as may be necessary to enable it to carry
 29 into effect the provisions of sections 335.011 to 335.096;

30 (3) Prescribe minimum standards for educational programs preparing persons for licensure
 31 pursuant to the provisions of sections 335.011 to 335.096;

32 (4) Provide for surveys of such programs every five years and in addition at such times as it
 33 may deem necessary;

34 (5) Designate as "approved" such programs as meet the requirements of sections 335.011 to
 35 335.096 and the rules and regulations enacted pursuant to such sections; and the board shall
 36 annually publish a list of such programs;

37 (6) Deny or withdraw approval from educational programs for failure to meet prescribed
 38 minimum standards;

39 (7) Examine, license, and cause to be renewed the licenses of duly qualified applicants;

40 (8) Cause the prosecution of all persons violating provisions of sections 335.011 to 335.096,
 41 and may incur such necessary expenses therefor;

42 (9) Keep a record of all the proceedings; and make an annual report to the governor and to
 43 the director of the department of insurance, financial institutions and professional registration;

44 (10) Establish an impaired nurse program.

45 2. The board shall set the amount of the fees which this chapter authorizes and requires by
 46 rules and regulations. The fees shall be set at a level to produce revenue which shall not
 47 substantially exceed the cost and expense of administering this chapter.

48 3. All fees received by the board pursuant to the provisions of sections 335.011 to 335.096

1 shall be deposited in the state treasury and be placed to the credit of the state board of nursing fund.
 2 All administrative costs and expenses of the board shall be paid from appropriations made for those
 3 purposes. The board is authorized to provide funding for the nursing education incentive program
 4 established in sections 335.200 to 335.203.

5 4. The provisions of section 33.080 to the contrary notwithstanding, money in this fund
 6 shall not be transferred and placed to the credit of general revenue until the amount in the fund at
 7 the end of the biennium exceeds two times the average amount of [the appropriation] expenses from
 8 the board's funds for the preceding three completed fiscal [year or, if the board requires by rule,
 9 permit renewal less frequently than yearly, then three times the appropriation from the board's funds
 10 for the preceding fiscal year] years. The amount, if any, in the fund which shall lapse is that amount
 11 in the fund [which] that exceeds two times the [appropriate multiple of the appropriations from the
 12 board's funds for the preceding fiscal year] amount of such three-year average. However, no
 13 moneys in this fund shall be transferred and placed to the credit of general revenue in fiscal year
 14 2020.

15 5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
 16 under the authority delegated in this chapter shall become effective only if it complies with and is
 17 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. All rulemaking
 18 authority delegated prior to August 28, 1999, is of no force and effect and repealed. Nothing in this
 19 section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to
 20 August 28, 1999, if it fully complied with all applicable provisions of law. This section and chapter
 21 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter
 22 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently held
 23 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
 24 August 28, 1999, shall be invalid and void.

25 338.070. 1. The board of pharmacy shall set the amount of the fees which this chapter
 26 authorizes and requires by rules and regulations promulgated pursuant to chapter 536. The fees
 27 shall be set at a level to produce revenue which shall not substantially exceed the cost and expense
 28 of administering this chapter. All fees shall be paid before an applicant may be admitted to
 29 examination or his or her name placed upon the register of pharmacists, or before any license or
 30 permit, or any renewal thereof, is issued by the board.

31 2. All fees payable pursuant to the provisions of this chapter shall be collected by the
 32 division of professional registration and transmitted to the department of revenue for deposit in the
 33 state treasury to the credit of the fund to be known as the "Board of Pharmacy Fund".

34 3. The provisions of section 33.080 to the contrary notwithstanding, money in this fund
 35 shall not be transferred and placed to the credit of general revenue until the amount in the fund at
 36 the end of the biennium exceeds two times the average amount of [the appropriation] expenses from
 37 the board's funds for the preceding three completed fiscal [year or, if the board requires by rule
 38 permit renewal less frequently than yearly, then three times the appropriation from the board's funds
 39 for the preceding fiscal year] years. The amount, if any, in the fund which shall lapse is that amount
 40 in the fund [which] that exceeds two times the [appropriate multiple of the appropriations from the
 41 board's funds for the preceding fiscal year] amount of such three-year average. However, no
 42 moneys in this fund shall be transferred and placed to the credit of general revenue in fiscal year
 43 2020."; and

44
 45 Further amend said bill by amending the title, enacting clause, and intersectional references
 46 accordingly.