

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1879-06
Bill No.: SCS for HS for HCS for HB 564
Subject: Economic Development Dept: Licenses - Professional
Type: Original
Date: May 5, 2003

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
General Revenue	(Up to \$11,481)	\$0	\$0
Total Estimated Net Effect on General Revenue Fund	(Up to \$11,481)	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
PR Fees Fund	(\$25,438)	\$25,438	\$0
Athlete Agent Fund*	\$0	\$0	\$0
Board of Registration for Healing Arts Fund	\$0	\$55,834	(\$52,198)
Manufactured Housing Fund	\$15,000	\$15,000	\$15,000
Public Service Commission Fund**	\$0	\$0	\$0
Missouri Real Estate Commission Fund	(\$18,229)	(\$21,875)	(\$21,875)
Criminal Records System Fund	\$0	\$4,508	\$140

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
Private Investigator Examiners Fund	\$0	\$122,266	(\$101,937)
Barber Fund	\$0	\$2,250	\$500
Dietician Fund	\$115,800	\$3,474	\$116,840
Total Estimated Net Effect on Other State Funds	\$87,133	\$206,895	(\$43,530)

*Offsetting income and costs expected to be less than \$100,000

**Assumes costs to the Fund of \$87,694, \$81,311, and \$83,384 and offsetting increases in assessments against regulated utilities in the next three fiscal years.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Federal Bureau of Investigation	\$0	\$7,728	\$240
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$7,728	\$240

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 40 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the following agencies indicated this proposal would have no fiscal impact on their agencies: **Department of Elementary and Secondary Education, Department of Public Safety - Missouri State Highway Patrol, Office of the Governor, Department of Revenue, Office of State Public Defender,** and the **Missouri Senate.**

Officials from the **Office of State Courts Administrator** stated this proposal would not have a fiscal impact on the Courts.

Officials from the **Office of Administration - Administrative Hearing Commission** assume this proposal will not significantly alter its caseload. However, if other similar bills also pass, resulting in more cases, or more complex cases, there could be a fiscal impact.

In response to similar proposals, officials from the **Office of Prosecution Services** assumed costs to prosecutors resulting from this proposal could be absorbed.

Officials from the **Department of Correction (DOC)** stated that currently, the DOC cannot predict the number of new commitments which may result from the creation of the offenses(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

DOC officials state that if additional persons are sentenced to the custody of the DOC due to the provisions of this proposal, the DOC will incur a corresponding increase in operational cost through supervision provided by the Board of Probation and Parole (FY02 average of \$3.10 per offender, per day or an annual cost of \$1,132 per offender).

In summary, supervision by the DOC through probation or incarceration would result in some additional costs, but it is assumed the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

Officials from the **Secretary of State's Office (SOS)** assumed the rules, regulations and forms issued by the Department of Economic Development - Division of Professional Registration and the Department of Elementary and Secondary Education could require as many as 150 pages in the *Code of State Regulations*. For any given rule, roughly half again as many pages are

published in the *Missouri Register* as in the Code because cost statements, fiscal notes and the like are not repeated in the Code. These costs are estimated. The estimated cost of a page in the ASSUMPTION (continued)

Missouri Register is \$23. The estimated cost of a page in the *Code of State Regulations* is \$27. The actual costs could be more or less the SOS's estimated cost of \$9,225 for FY 2004. The impact of this legislation in future years is unknown and depends upon the frequency and length of rules, filed, amended, rescinded or withdrawn.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

Section 324.205 - DIETICIANS

Officials from the **Department of Economic Development – Professional Registration (DPR)** state this proposal creates mandatory licensure for persons who practice or offer to practice dietetics in the State of Missouri. DPR notes the Missouri Dietetic Association estimates there will be approximately 579 applicants for licensure upon passage of this proposal (effective August 28, 2003). DPR estimates a \$200 application fee will be charged and a \$190 biennial fee thereafter (renewals occur in odd FYs). DPR calculates a 3% growth rate. DPR assumes all costs can be covered by the board's current appropriation.

Sections 324.1100 through 324.1140 - PRIVATE INVESTIGATORS

Officials from the **Missouri State Highway Patrol (MSHP)** assume 3,333 fingerprints or less would be processed within a one year time span. Based on that assumption, MSHP anticipates no need for FTE or equipment. MSHP states there would be an impact on total state revenue because of the fees for processing fingerprints: \$14 (state fee) x 3,333 = \$46,662 and \$24 (federal fee) x 3,333 = \$79,992. The federal money is passed through to the FBI and is not retained in the Criminal Records System Fund. The \$46,662 however, would be kept in the fund.

Oversight has adjusted the number of fingerprints to match the estimate provided by the Division of Professional Registration. **Oversight** assumes costs associated with fingerprints will begin in FY 2005 due to the length of time required to establish the board combined with the potential effect of grandfathering current private investigators.

Officials from the **Office of the Attorney General (AGO)** assume representing the Board of Private Investigator Examiners in licensure matters would require 0.5 (part-time) Assistant Attorney General II. AGO assumes salary and fringe benefits related to this position would cost ASSUMPTION (continued)

General Revenue \$21,509 in FY 2004; \$26,457 in FY 2005; and \$27,118 in FY 2006.

Oversight assumes that the AGO will be reimbursed for services from the Private Investigator Examiners Fund.

Officials with the **Department of Economic Development–Division of Professional Registration (DPR)** estimate the proposal will result in the licensing of 322 individuals as private investigators and at least 322 businesses, based on a search of Superpages.com. DPR assumes a fee of \$400 will be paid for all categories of licensure with biennial renewal. DPR estimates a 3% growth rate and assumes licensure begins in FY 2005, resulting in revenue to the Private Investigator Examiners Fund of \$257,600 in FY 2005 and \$3,864 in FY 2005.

DPR assumes all fees collected and all expenses would be deposited into and paid out of the Board of Private Investigator Examiners Fund. DPR notes expenses occurring prior to an appropriation (FY 2004) would be borrowed from another fund within Professional Registration and paid back in FY 2005 if funds are available.

DPR assumes implementation of the proposal will require hiring an additional 1.5 FTE in FY 2005, as follows: 0.5 Principal Assistant (0.5 FTE at \$48,240) to serve as the senior executive officer of the agency; 0.5 Licensure Technician II (0.5 FTE at \$24,492) to provide technical support, process applications for licensure and respond to any inquiries related to the licensure law or rules & regulations; and 0.5 Account Clerk II (0.5 FTE at \$23,184) to provide support for the Division's Central Accounting Section and Central Cash Receiving Room. DPR assumes rental space will be needed for these additional FTE at an annual cost of approximately \$2,600.

DPR assumes the five (5) member board would meet four (4) times per year for two (2) days per meeting, in Jefferson City. DPR notes the Principal Assistant, Licensure Technician and an Attorney General representative will also attend the meeting. DPR assumes there would be four (4) meetings in FY 2004 to promulgate rules and regulations. DPR estimates each board member will receive a \$50 per for each day conducting board business. DPR assumes per diem, mileage, lodging, and meal expenses (for five board members and three staff) to cost approximately \$9,500 annually.

DPR assumes 12 complaints would be received each year and would require, on average, five hours each to complete. DPR estimates 15% of these complaints (2) will require field investigations, each needing 30 hours of field work and one night's lodging. Travel expenses for the two investigations are estimated at \$670 annually. DPR assumes complaints and ASSUMPTION (continued)

investigations would not start until FY 2006.

DPR assumes there will be a cost associated with needing the services of the Attorney General's Office (AGO). DPR estimates 25% of investigations (1) would be forwarded to the AGO for further action. Assuming \$5,400 cost per case, DPR estimates \$5,400 annually beginning in FY 2006. DPR also estimates the AGO would provide approximately 60 hours of assistance with rules, opinions and meetings per year. Assuming an hourly rate of \$60.87, these costs are estimated at \$3,652 yearly.

DPR assumes printing and postage costs will be incurred in the first year for statute and rule mailings and for startup printing of rules, applications, letterhead and envelopes. DPR estimates printing and postage costs at \$6.19 per licensee in the first year, for a total cost of \$3,986. Subsequent years' printing and postage costs are expected to be \$2,500 annually, based on a similarly-sized board.

DPR assumes licensed private investigators will represent 0.5% of DPR's overhead. As such, the board will be required to reimburse the Division and the Department of Economic Development for its share of administrative overhead costs, \$12,498 per annum. DPR assumes these costs will begin in FY 2004.

Oversight has done the following to calculate the fiscal impact:

- (1) Assumed private investigative businesses may have more than one investigator and have adjusted the total number of potential licensees to 1,000 and assume DPR's request of 1.5 additional FTE should be able to handle the workload;
- (2) Adjusted the licensure fee to \$250 which should cover the operations of the Board;
- (3) Assumed additional rental space would not be required and no additional furniture or equipment should be required since requested FTE are all part-time positions;
- (4) Adjusted travel expense related to board meeting meal allowances by \$840 as a result of Office of Administration travel guidelines which do not allow meals for state employees when

they are in their official domicile; and

(5) Used DPR's estimates unless otherwise noted.

ASSUMPTION (continued)

Sections 324.1200 through 324.1257 - ATHLETE AGENTS

In response to the introduced version of this section of the proposal, the following agencies, schools and universities indicated this proposal would have no effect on their agencies or institutions: **University of Missouri, Truman State University, Central Missouri State University, Department of Higher Education, and the Office of Secretary of State - Division of Corporations.**

Officials from the **Department of Economic Development - Division of Professional Registration (DPR)** assume that since the certification and regulation of athletic agents is already established within the Secretary of State's Office (SOS), the necessary appropriation and fund amount will be transferred from the Secretary of State to the Division of Professional Registration. The division assumes that this appropriation amount will include, at a minimum, the necessary expense and equipment to cover expenses. It is assumed that DPR can assume the personal service duties associated with the proposal. The SOS has indicated that there are currently less than 35 agents registered.

Oversight assumes, based on information from the Office of Secretary of State (SOS), that there are currently 18 active athlete agents and 25 inactive athlete agents. The maximum amount of revenue generated would be \$21,500 in any year. The \$500 fee is biennial but **Oversight** cannot estimate how much is collected in any given year. There is currently ½ FTE assigned by SOS to the duties of this program; that position would be eliminated with the transfer to Professional Registration. **Oversight** assumes these duties could be absorbed within existing personnel and expenses of the program would be offset with fees generated from athlete agents.

Section 328.075 & 328.080 - BARBERS

Officials from the **Department of Economic Development, Division of Professional Registration (DPR)** assume this proposal would allow the creation of barber apprentice and barber apprentice supervisor license programs. The State Board of Barber Examiners estimates that there will be approximately 50 apprentice applicants and 35 apprentice supervisor applicants. It is estimated that a \$10 fee will be charged to the apprentice and a \$50 fee charged

to the supervisor. It is assumed that all costs can be covered by the board's current appropriation.

Oversight assumes there will be approximately 35 apprentice supervisor applications and 50 apprentice applications in FY 2005 when regulations for the apprenticeship program would become effective. Oversight also assumes there would be a minimal number of apprentice ASSUMPTION (continued)

supervisor applicants in FY 2006 after the initial biennial registration, followed by approximately 35 new and renewal apprentice supervisor applications in FY 2007. Oversight assumes apprentice applications would be relatively the same each year, and that fees would remain unchanged through FY 2006.

Section 334.1000 through 334.1039 - NATUROPATHIC PHYSICIANS

Officials from the **State Treasurer's Office (STO)** note licensure fees will be deposited into the Healing Arts Fund which already exists in the Treasury. STO assumes the proposal would have no fiscal impact on their office.

Officials from the **Office of the Attorney General (AGO)** assume representing the new division within the Board of Healing Arts would require 0.5 (part-time) Assistant Attorney General I. AGO assumes salary and fringe benefits related to this position would cost General Revenue \$18,437 in FY 2004; \$22,677 in FY 2005; and \$23,244 in FY 2006. AGO notes their office would be required to provide representation to witnesses to assert the defense/immunity provided for them by this proposal. AGO assumes this duty could not be assumed by the attorney(s) representing the Board because of ethical concerns. AGO assumes these lawsuits would occur infrequently, and could therefore be absorbed with existing resources. AGO notes any significant number of lawsuits would require additional staff or an expense and equipment appropriation to hire outside counsel.

Oversight assumes the AGO will be reimbursed for services from the Board of Registration for Healing Arts Fund relating to representation provided to the Board.

Officials from the **Department of Economic Development – Division of Professional Registration (DPR)** state based on an average licensee count for the 13 states in the nation that have licensure for the practice of naturopathic medicine, it is estimated that there will be approximately 171 licensees. DPR assumes a fee of \$750 will be paid for licensure with biennial renewal. DPR estimates a 3% growth rate and assumes licensure begins in FY 2005, resulting in revenue to the Board of Registration for Healing Arts Fund of \$128,250 in FY 2005 and \$1,875 in FY 2006.

DPR assumes all fees collected and all expenses would be deposited into and paid out of the Board of Registration for Healing Arts Fund.

DPR assumes implementation of the proposal will require utilizing an additional .75 FTE in FY
ASSUMPTION (continued)

2005, as follows: 0.5 Licensure Technician II (0.5 FTE at \$24,492) to process applications for licensure, assist with commission meetings as well as respond to any inquiries related to the licensure law or rules & regulations; and 0.25 Investigator (0.25 FTE at \$37,488) to assist in conducting investigations. In addition, it has been estimated that, at a minimum, the commission will pay .50% of the current principal assistant's annual salary (\$62,196). This estimate is based on an existing licensing group within the division will a similar structure and low number of licensees. DPR assumes rental space will be needed for these additional FTE at an annual cost of approximately \$1,259. DPR assumes equipment cost for the additional FTE will be \$7,920 in FY 2005.

DPR assumes the six (6) member board would meet four (4) times per year for two (2) days per meeting, in Jefferson City. DPR notes the Principal Assistant, an Attorney General representative and a staff person will also attend the meeting. DPR assumes there would be four (4) meetings, beginning in FY 2005, and each board member will receive a \$50 per diem. DPR assumes per diem, mileage, lodging, and meal expenses (for six board members and three staff) to cost approximately \$9,200 annually.

DPR assumes three (3) complaints (2% of licensees) would be received each year. DPR estimates 100% of these complaints (3) will require field investigations, each needing 30 hours of field work and one night's lodging. Travel expenses for the investigations are estimated at \$765 annually. DPR assumes complaints and investigations would start in FY 2005.

DPR assumes there will be a cost associated with needing the services of the Attorney General's Office (AGO). DPR estimates 25% of investigations (1) would be forwarded to the AGO for further action. Assuming \$5,400 cost per case, DPR estimates \$5,400 annually beginning in FY 2006. DPR also estimates the AGO would provide approximately 60 hours of assistance with rules, opinions and meetings per year. Assuming an hourly rate of \$60.87, these costs are estimated at \$3,652 yearly beginning in FY 2005.

DPR assumes printing and postage costs will be incurred in the first year for statute and rule mailings and for startup printing of rules, applications, letterhead and envelopes. DPR estimates printing and postage costs at \$6.19 per licensee in the first year, for a total cost of \$1,058. Subsequent years' printing and postage costs are expected to continue at this amount.

DPR assumes existing staff would design, program and implement a computer licensure program. However, if costs are higher than anticipated further monies will be required. DPR assumes a national examination will be utilized for examinations.

ASSUMPTION (continued)

Oversight has done the following to calculate the fiscal impact:

- (1) Adjusted DPR's licensure fee from \$750 to \$600 which should cover the operations of the Board;
- (2) Assumed additional rental space would not be required and no additional furniture or equipment should be required since requested FTE are all part-time positions;
- (3) Adjusted DPR's travel expense related to board meeting meal allowances by \$840 as a result of Office of Administration (OA) travel guidelines which do not allow meals for state employees when they are in their official domicile;
- (4) Adjust DPR's mileage rate of 33.5 cents per mile to 33 cents per mile per OA's FY 2004 state mileage allowance; and
- (5) Used DPR's estimates unless otherwise noted.

Sections 337.300 through 337.530 - COUNSELORS AND THERAPISTS

Officials from the **Office of the Attorney General (AGO)** assume representation of the Board of Counselors and Therapists would require 0.5 (part-time) Assistant Attorney General I. AGO assumes salary and fringe benefits related to this position would cost General Revenue \$18,437 in FY 2004; \$22,677 in FY 2005; and \$23,244 in FY 2006.

Oversight assumes the AGO will be reimbursed for services from the Board of Counselors and Therapists Fund relating to representation provided to the Board.

Officials from the **Department of Economic Development – Division of Professional Registration (DPR)** assume the proposal would have no fiscal impact on their division. DPR states that over a period of time costs for marital and family therapists may be reduced which would allow for the license fees for marital and family therapists to also be reduced.

Section 337.600; 337.604; 337.633 - SOCIAL WORKERS

In response to the introduced version of this portion of the proposal, officials from the **Department of Social Services – Division of Family Services (DFS)** assume the proposal may require changes to the personnel system if it is found that agency staff can no longer be referred ASSUMPTION (continued)

to as Social Service Workers, Social Work Specialists or Social Service Supervisors. DFS states if agency titles were required to change, items including the title, such as business cards and identification badges, would need to be replaced. In addition, changes to wording in the agency policy manuals may be required. DFS notes there is a lack of definition (in the proposal) of the forms of the title that prevent calculating an exact impact. DFS assumes the impact would be less than \$100,000 annually.

Oversight assumes any cost arising from the need to replace/update business cards, identification badges, letterhead and policy manuals could be paid from existing resources. **Oversight** further assumes any such cost should be incurred in fiscal years 2004 and 2005 only.

In response to the introduced version of this portion of the proposal, officials from the **Office of Administration – Division of Personnel (OA)** assume .50 FTE would be required for six months if this proposal is enacted. OA states enactment of this proposal would likely require several job titles to be changed, resulting in some administrative costs associated with reprinting class specifications and amending affected employee records. OA states in some cases, the current qualifying educational and/or experiential requirements may have to be revised to restrict it to licensed individuals only, but further analysis is required to assess impact on those classes and some current employees. OA states there could be costs to user agencies associated with retraining some employees or assisting them in obtaining licensure. It is unclear whether any unlicensed employee affected by this legislation would be grand fathered in, or if they would have to be reassigned to a non-licensed position if they could not obtain licensure. OA states such contingencies would result in additional costs for the agencies; however, OA states they are not able to estimate the costs. OA states given the brief time frame between enactment and the January 1, 2004, deadline, it would be necessary for us to recruit, on a temporary basis of six months, an experienced classification analyst to independently review positions, draft revisions to class specifications, and to work with the affected agencies to ensure compliance with the statute. OA assumes the temporary personnel analyst would cost General Revenue \$18,000 in FY 2004.

Oversight assumes any additional duties imposed on OA could be performed by existing staff. **Oversight** notes OA's assumption of "contingent" costs which could affect state agencies is speculative. **Oversight** assumes any costs to state agencies resulting from this proposal could, likewise, be absorbed.

ASSUMPTION (continued)

Section 339.105 - ESCROW ACCOUNTS

Officials from the **State Treasurer's Office (STO)** assume passage of the proposal would require their agency to accept the deposit of disputed escrow monies. STO assumes they would need one additional FTE (an Accountant I at an annual salary of \$30,204) to accept disputed escrow funds, account for disputed escrow funds while deposited with the Treasurer, and review the resolution of the dispute to determine the proper disposition of funds on deposit. STO estimates the cost, to General Revenue, for an additional FTE including salary, fringe benefits, and expense and equipment to be approximately \$45,000 annually.

Oversight inquired of the Missouri Real Estate Commission (REC) about the number of disputed escrow cases per year and learned the REC does not keep track of these cases currently. REC estimates a maximum of \$100,000 to \$200,000 would be deposited in the State Treasury annually as a result of this proposal. **Oversight** notes the State Treasurer's Office performs a similar function with regard to unclaimed property and assumes they could devise a similar system for disputed escrow cases. **Oversight** assumes STO could absorb the administrative impact resulting from passage of this proposal.

Section 339.120 - REAL ESTATE COMMISSION COMPENSATION

Officials from the **Department of Economic Development – Division of Professional Registration (DPR)** assume the increase in per diem reimbursement for the commissioners will cost the Missouri Real Estate Commission Fund approximately \$22,000 annually. DPR based their calculation on the on the number of hours billed by the seven commission members in FY 2002 which was 876 hours for the year. DPR notes license fees will not need to be increased to cover the additional cost.

Oversight notes the DPR did not reflect an increase in per diem costs for FY 2004 because the Commission would need an increased personal service appropriation which is not possible since the budget process for that year is currently in process. **Oversight** notes the effective date of the proposal would be August 28, 2003, and therefore shows 10 months' cost for FY 2004.

Sections 700.250 through 700.284 - MANUFACTURED HOUSING SETUP CONTRACTORS

Officials from the **Department of Economic Development, Office of Public Counsel;**

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Department of Revenue and the **Office of the State Treasurer** assume this portion of the proposal would not fiscally impact their agencies.

ASSUMPTION (continued)

Officials from the **Public Service Commission (PSC)** assume the proposal would establish a new program to train and license manufactured home installers. PSC assumes the proposal, if passed, should improve the quality of the product as homes will be set-up to meet required installation requirements, which will help to improve the consumer safety of the manufactured homes. Other positives include an increase in the value of the product and its longevity and possibly decrease the insurance rates for manufactured homes. Overall it will improve customer protection and reduce the number of consumer complaints received per capita.

PSC estimates approximately 200 to 250 contractors will require training and licensing. Each licensee will have 2 to 3 individuals to attend the training classes and licensing and renewals are required each year. Minimum of 6 training seminars will be required each year to be conducted throughout the state. These training sessions would be conducted by the proposed Training Tech I. PSC estimates a 25% turnover rate in the number of licensees each year. Additionally, a dispute resolution process must be set-up for any license application denied. This should be minor. PSC does not believe the \$75 registration fee proposed by the industry will cover the cost of the program. (e.g., other states charge around \$250 for similar programs.) If this proposed legislation is passed at the \$75 registration fee, the Manufactured Housing program could not continue to operate in a financially solvent manner. The current cash balance in the Manufactured Housing Fund is not sufficient to sustain any additional activity or requirements. Consequently, any new activity or program requirement must generate sufficient income or revenues to fully pay for the cost of the activity or program. The \$75 proposed fee is estimated to only generate \$15,000, and this amount is not sufficient to operate the program based on other states' fees for similar programs. (Total estimated net effect to the Manufactured Housing Fund is \$89,486 for FY 2004; \$86,992 for FY 2005; and \$89,610 for FY 2006.)

PSC assumes a Clerk III would be needed to assist with the licensing and tracking of applicants annually. Also, the clerk would set up training seminars and ensure all the application fees are paid and correspondence is answered in a timely manner.

Any additional fees associated with this proposed legislation will be deposited by the PSC into the Manufactured Housing Fund and will affect total state revenue.

Oversight has, for fiscal note purposes only, changed the starting salary for the two requested PSC staff positions to correspond to the second step above minimum for comparable positions in

the state's merit system pay grid. This decision reflects a study of actual starting salaries for new state employees for a six month period and the policy of the Oversight Subcommittee of the Joint Committee on Legislative Research.

ASSUMPTION (continued)

Oversight assumes PSC would adjust assessments against regulated utilities to offset increased costs due to this proposal; however, the amount of assessment against regulated utilities is limited to one-fourth of 1 percent (.0025) of gross intrastate operating revenues of all utilities under PSC jurisdiction. If assessments are insufficient to cover PSC costs, then the PSC would have to seek an increase in the amount which may be assessed or seek funding for the PSC from different sources.

This proposal would increase total state revenue.

<u>FISCAL IMPACT - State Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
GENERAL REVENUE (Repeal of Section 436.205)			
<u>Savings - Secretary of State</u>			
Reduction in Personal Services (½ FTE)	\$7,026	\$0	\$0
Reduction in Benefits	\$2,843	\$0	\$0
Reduction in Expense	<u>\$150</u>	<u>\$0</u>	<u>\$0</u>
Total Savings - Secretary of State	\$10,019	\$0	\$0
<u>Loss - Registration Fees from Athlete Agents</u>			
	<u>(Up to \$21,500)</u>	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE			
	<u>(Up to \$11,481)</u>	<u>\$0</u>	<u>\$0</u>
DIETITIAN FUND (Section 324.205)			
<u>Income – Div of Professional Registration</u>			
Licensure Fees	<u>\$115,800</u>	<u>\$3,474</u>	<u>\$116,840</u>

ESTIMATED NET EFFECT ON DIETITIAN FUND	<u>\$115,800</u>	<u>\$3,474</u>	<u>\$116,840</u>
	FY 2004 (10 Mo)	FY 2005	FY 2006
PRIVATE INVESTIGATOR EXAMINERS FUND (Sections 324.1100 to 324.1140)			
<u>Income</u> – DPR			
Licensure Fees/Renewals	\$0	\$250,000	\$7,500
<u>Cost</u> – DPR			
Transfers to PR Fees Fund	<u>\$0</u>	<u>(\$127,734)</u>	<u>(\$109,437)</u>
ESTIMATED NET EFFECT TO PRIVATE INVESTIGATOR EXAMINERS FUND	<u>\$0</u>	<u>\$122,266</u>	<u>(\$101,937)</u>
CRIMINAL RECORD SYSTEM FUND (Section 324.1108)			
<u>Income</u> – Missouri State Highway Patrol			
Fingerprint Fees	\$0	\$12,236	\$380
<u>Transfer</u> – Missouri State Highway Patrol			
Federal Portion (FBI) of Fingerprint Fees	<u>\$0</u>	<u>(\$7,728)</u>	<u>(\$240)</u>
ESTIMATED NET EFFECT ON CRIMINAL RECORD SYSTEM FUND	<u>\$0</u>	<u>\$4,508</u>	<u>\$140</u>

	FY 2004 (10 Mo)	FY 2005	FY 2006
ATHLETE AGENT FUND (Section 324.1224)			
<u>Income</u> - Professional Registration (DPR)			
Registration Fees from Athlete Agents	Unknown - Expected to be less than \$100,000	Unknown - Expected to be less than \$100,000	Unknown - Expected to be less than \$100,000
<u>Cost</u> - DPR			
Administrative Costs	(Unknown - Expected to be less than <u>\$100,000</u>)	(Unknown- Expected to be less than <u>\$100,000</u>)	(Unknown - Expected to be less than <u>\$100,000</u>)
ESTIMATED NET EFFECT ON ATHLETE AGENT FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
BARBER FUND (Sections 328.075 & 328.080)			
<u>Income</u> - DPR			
Revenue from Licensure Fees			
Apprentices (50 each year)	\$0	\$500	\$500
Supervisors (35 biennially)	<u>\$0</u>	<u>\$1,750</u>	<u>\$0</u>
		<u>\$2,250</u>	<u>\$500</u>
ESTIMATED NET EFFECT ON BARBER FUND	<u>\$0</u>	<u>\$2,250</u>	<u>\$500</u>

	FY 2004 (10 Mo)	FY 2005	FY 2006
BOARD OF REGISTRATION FOR HEALING ARTS FUND			
<u>Income</u> – DPR			
Revenue from Licensure Fees (Section 334.1003)	\$0	\$102,600	\$1,500
<u>Costs</u> – DPR (Sections 334.1006 & 334.1015)			
Board Member Per Diem	\$0	(\$2,400)	(\$2,400)
Personal Service (.755 FTE)	\$0	(\$23,039)	(\$23,615)
Fringe Benefits	\$0	(\$9,324)	(\$9,557)
Expenses	\$0	(\$8,241)	(\$8,522)
AGO	<u>\$0</u>	<u>(\$3,762)</u>	<u>(\$9,604)</u>
Total Costs – DPR	<u>\$0</u>	<u>(\$46,766)</u>	<u>(\$53,698)</u>
ESTIMATED NET EFFECT ON BOARD OF REGISTRATION FOR HEALING ARTS FUND	<u>\$0</u>	<u>\$55,834</u>	<u>(\$52,198)</u>
MISSOURI REAL ESTATE COMMISSION FUND (Section 339.105)			
<u>Costs</u> – REC			
Increase in Commission Member Per Diem	<u>(\$18,229)</u>	<u>(\$21,875)</u>	<u>(\$21,875)</u>
ESTIMATED NET EFFECT ON MISSOURI REAL ESTATE COMMISSION FUND	<u>(\$18,229)</u>	<u>(\$21,875)</u>	<u>(\$21,875)</u>

	FY 2004 (10 Mo)	FY 2005	FY 2006
MANUFACTURED HOUSING FUND			
<u>Income</u> - License Fees (Section 700.262)	<u>\$15,000</u>	<u>\$15,000</u>	<u>\$15,000</u>
ESTIMATED NET EFFECT ON MANUFACTURED HOUSING FUND	<u>\$15,000</u>	<u>\$15,000</u>	<u>\$15,000</u>
PUBLIC SERVICE COMMISSION FUND			
<u>Income</u> - Increased Assessments on Regulated Utilities (Section 386.370)	\$87,694	\$81,311	\$83,384
<u>Cost</u> - Public Service Commission (Section 700.254 & 700.262)			
Personal Service (2 FTE)	(\$42,435)	(\$52,195)	(\$53,500)
Fringe Benefits	(\$17,173)	(\$21,123)	(\$21,651)
Expense & Equipment	<u>(\$28,086)</u>	<u>(\$7,993)</u>	<u>(\$8,233)</u>
Total Cost - PSC	<u>(\$87,694)</u>	<u>(\$81,311)</u>	<u>(\$83,384)</u>
ESTIMATED NET EFFECT ON PUBLIC SERVICE COMMISSION FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

	FY 2004 (10 Mo)	FY 2005	FY 2006
PR FEES FUND			
<u>Income - DPR</u>			
Transfer from Private Investigator Examiners Fund (Sections 324.1100 to 324.1140)	\$0	\$127,734	\$109,437
<u>Costs - DPR (Sections 324.1100 to 324.1140)</u>			
Board Member Per Diem	(\$2,000)	(\$2,000)	(\$2,000)
Personal Service (1.5 FTE)	\$0	(\$50,386)	(\$51,646)
Fringe Benefits	\$0	(\$20,391)	(\$20,901)
Expense and Equipment	(\$7,288)	(\$12,884)	(\$12,527)
Division Administration	(\$12,498)	(\$12,873)	(\$13,259)
AGO	(\$3,652)	(\$3,762)	(\$9,104)
<u>Costs - DPR (Private Investigators)</u>	<u>(\$25,438)</u>	<u>(\$102,296)</u>	<u>(\$109,437)</u>
ESTIMATED NET EFFECT ON PR FEES FUND	<u>(\$25,438)</u>	<u>\$25,438</u>	<u>\$0</u>
FEDERAL FUNDS			
FEDERAL BUREAU OF INVESTIGATION			
<u>Income - Fingerprint fees (Section 324.1108)</u>			
	<u>\$0</u>	<u>\$7,728</u>	<u>\$240</u>

**ESTIMATED NET EFFECT ON
 FEDERAL BUREAU OF
 INVESTIGATION**

\$0 \$7,728 \$240

<u>FISCAL IMPACT - Local Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

Real Estate Brokers would need to familiarize themselves with the financial aspects of this proposal as it relates to them. This proposal could impact existing small businesses operating barber shops and barber schools, and would authorize the creation of barber apprenticeship businesses. This proposal could affect small businesses by allowing some physical therapists to begin practicing sooner. Small businesses who employ “social workers,” either in a paid or unpaid status, may realize an administrative impact resulting from ensuring such staff are accredited according to the requirements of this proposal. Contractors who install or set-up manufactured homes would be required to attend training and become licensed as either a Set-up Contractor or Independent Set-up Contractor. As a result of this proposal, naturopathic physicians would have to become licensed which would involve paying a licensure fee, required continuing education, and likely an increase in paperwork. Small businesses could expect a fiscal impact as a result of this proposal due to application, training and fingerprint search fees as well as the loss of manpower and salaries for investigators required to meet training standards. Small businesses could be affected by potential decreases in licensing fees for therapists and counselors.

DESCRIPTION

This proposal contains numerous provisions relating to the Division of Professional Registration. The provisions of the proposal include:

INTERPRETERS

Section 209.309

A person nominated by a local public school district in Missouri shall be granted a provisional public school certificate under certain conditions.

Section 209.323

Expands the authority of the division to deny license renewal of deaf interpreters for failure to provide satisfactory evidence of current certification with the Missouri Commission for the Deaf.

DESCRIPTION (continued)

OCCUPATIONAL THERAPISTS

Section 324.077

Gives the Missouri Board of Occupational Therapy the authority to issue a limited permit to applicants who provide satisfactory proof of eligibility to sit for the examination. The board is placed under the purview of the Administrative Hearing Commission.

DIETICIANS

Modifies provisions relating to the licensing of dietitians.

Section 324.200

Definitions for "dietetics practice" and "registered dietitian" are created.

Section 324.203

The State Committee of Dietitians is placed within the division of professional registration. The Committee shall assist the division in carrying out the provisions of the Dietitians Practice Act and shall approve the licensing examination.

Section 324.205

Certain persons are exempted from the licensure requirements of this proposal provided they do not hold themselves out as a dietitian. Any person holding themselves out as a dietitian or practices or offers to practice as a dietitian shall be guilty of a Class A misdemeanor.

Section 324.216

Licenses are allowed to let their license lapse or be put on inactive status, provided the licensee does not practice during the time the license is lapsed or inactive. The proposal creates requirements for maintaining an inactive license and for reinstating a lapsed license. A person practicing with a lapsed or inactive license shall be guilty of a Class A misdemeanor.

DESCRIPTION (continued)

INTERIOR DESIGN

Section 324.409

Removes grandfathering provision for registration that expired August 28, 2000.

TATOOING, BRANDING, BODY PIERCING

Section 324.526

Temporary licenses to practice tattooing, body piercing, or branding for shall be issued to applicants entering the state of Missouri for the sole purpose of participating in a state or national convention wherein the applicant will be practicing the profession of tattooing, body piercing, or branding. The temporary license will be valid for no longer than fourteen days and shall not be renewable. The fee for the temporary license will be \$25. The applicant must be otherwise qualified for licensure pursuant to sections 324.520 to 324.526.

An applicant for temporary licensure will not be required to provide a Social Security number if the application is submitted by a citizen of a foreign country who has not been issued a Social Security number and who previously has not been licensed by any other state, United States territory, or federal agency.

This Section has an emergency clause.

PRIVATE INVESTIGATORS

Sections 324.1100 through 324.1140

Creates the Board of Private Investigator Examiners within the Division of Professional Registration in the Department of Economic Development. The Board will consist of five members appointed by the Governor with the advice and consent of the Senate. The members may receive compensation as determined by the director and shall be reimbursed for actual and necessary expenses. The Board shall be a body corporate and may sue and be sued. The Board of Private Investigator Examiners Fund is also created.

The proposal makes it unlawful for persons to engage in the private investigator business unless licensed. Application requirements are specified. The Board shall ensure applicants complete a course of training conducted by a certified trainer; pass a written examination; and submit to an DESCRIPTION (continued)

oral interview with the Board. Complete background checks will be conducted on all applicants. The proposal grandfathers current private investigators and a license will be issued to such persons who apply within 180 days if the applicant shows registration and good standing as a business and \$250,000 in business general liability insurance. The Board is given authority to review reciprocity applications.

Grounds for denial of licensure are specified. The Board shall set the fees for licensure at a level to produce revenue which will not substantially exceed the cost and expense of administering the provisions of the proposal. Licenses shall expire two years after issuance and provisions for renewal are provided.

License disciplinary procedures are specified. The Board is given rulemaking authority. The Board shall certify qualified trainers of private investigators.

Licensees may divulge to the Board, law enforcement officers, or a prosecuting attorney information acquired as to any criminal offense. Licensees are prohibited from: knowingly making a false report; causing a report to be submitted that the licensee has not exercised due diligence in ascertaining the facts; giving the impression that the licensee is connected with the federal or state government or any political subdivision; appearing as an assignee in any proceeding; manufacturing false evidence; or creating a video of any person in their home without that person's permission. Persons who knowingly falsify fingerprints or photographs or other information required to be submitted is a Class D felony. Violation of other provisions is a Class A misdemeanor unless it is a second or subsequent violation in which case it is a Class D felony.

Provisions for licensure of current law enforcement officers and limitations on their conduct are specified.

ATHLETE AGENTS

Sections 324.1200 through 324.1257

The "Uniform Athlete Agents Act" is created. All athlete agents operating in this state must be registered and certified by the Department of Economic Development - Division of Professional Registration (DPR). Fees for registration and renewal will be set by DPR and deposited in the Athlete Agent Fund, which is created by the proposal. Registration and certification are valid for a two-year period and may be renewed indefinitely. The DPR director may refuse to issue a certificate or may suspend or revoke a certificate in certain circumstances.

DESCRIPTION (continued)

Requires all agent-athlete contracts to be written and to contain certain information, including the basis for the agent's fee and a notice warning the student-athlete about possible loss of eligibility.

Sections 436.200; 436.205; 436.209; 436.212 (REPEAL)

ARCHITECTS

Section 327.172

This proposal creates an inactive license status for architects. An inactive licensee shall not practice as an architect in this state, but may continue to use the title "architect." In order to reinstate such license to active status, the licensee must meet certain competency requirements established by the board of architects, professional engineers, professional land surveyors and landscape architects. Inactive licensees who fail to maintain a current license in any state for more than five years prior to requesting licensure reinstatement must take a licensing examination deemed appropriate by the board.

LANDSCAPE ARCHITECTS

Section 327.401

Adds the rights to practice as a landscape architect to those of a professional engineer and professional land surveyor as not being transferable.

Section 327.411

This proposal includes landscape architects in statutes concerning the right to practice and use of a personal seal. Currently, only architects, professional engineers and professional land surveyors are included in such sections.

BARBERS

Sections 328.075 & 328.080

This proposal would revise the barber license application process. A barber apprentice program would be created, with specifications for barber apprentices and for barber apprentice supervisors.

DESCRIPTION (continued)

The minimum age requirement for a barber is changed from 17 to 16. If the applicant is an apprentice, such applicant must complete at least 2000 hours under a barber apprentice supervisor.

Section 328.110

Allows barbers whose licenses have lapsed for over two years but less than five years to have their licenses reinstated by making application to the State Board of Barber Examiners, passing the practicum portion of the state licensing exam and paying the appropriate fees.

COSMETOLOGISTS AND MANICURISTS

Section 329.050

Requires manicurist apprentices to complete at least 800 hours of supervised training prior to making application for licensure;

Section 329.070

Requires the course of study for all cosmetology apprentices not to exceed 12 hours per day and 72 hours per week.

CHIROPRACTORS

Section 331.010

The “practice of chiropractic” is defined. Chiropractic physicians licensed in another state do not need to be licensed in this state if such chiropractor consults on a patient with a Missouri licensed chiropractor and the Missouri chiropractor retains ultimate control, or the out-of-state chiropractor renders a chiropractic opinion or provides testimony in any civil or criminal action pending in this state.

Section 331.030

Modifies reciprocal licensing of chiropractors to remove the requirement that the licensing authority of another state must grant reciprocal licensing to Missouri licensees. The board may require additional examination of reciprocal licensing applicants if the requirements for licensure DESCRIPTION (continued)

in the other state are not equivalent at the time application is made for licensure in this state.

Section 331.050

An inactive license status is created. The Board shall place qualified applicants on inactive status upon application. Inactive licensees may practice only on themselves and their families. Inactive licensees do not have to comply with continuing education requirements. Licensees wishing to reactivate their license within five years must meet all established requirements, excluding the licensing examination.

Section 331.053

A patient records statute is created. The proposal defines what constitutes a complete patient record. Patient records must remain under the control of the chiropractor for a minimum of seven years from the date of last professional service. Any corrections or additions made after 48 hours must be clearly marked. Violation of this statute shall only be a secondary cause for discipline of the chiropractor's license. The Board shall not obtain a medical record without the issuance of a subpoena.

DENTISTRY

Section 332.069

Allows for the practice of dentistry across state lines, as long as the person practicing across state lines is licensed to practice dentistry in another state and the practice is limited to the rendering of documented opinions concerning diagnosis and treatment through electronic means. When receiving consultations across state lines, the ultimate authority and responsibility for the diagnosis and treatment of the patient remains with the primary care dentist licensed in this state

Section 332.071

Expands the definition of "practices dentistry" to include the use of lasers.

Section 332.171

Authorizes the State Dental Board to issue specialist licenses to applicants who have been certified in any specialty by an examining board recognized by the American Dental Association or the Council on Dental Accreditation.

DESCRIPTION (continued)

Allows for issuance of specialized licenses for dentists who hold specialty licenses in other states, as long as they are licensed in this state and the educational requirements for their specialized licenses are the same or exceed those in this state.

Gives the board the authority to create specialization committees for each specialty recognized by the American Dental Association. The committees will assist the board in establishing criteria and evaluating applicants for specialty licenses. Specialty licenses will be subject to sanctions and licensees pay fees as set forth by the board.

Section 332.181 & Section 332.261

Requires all dentists and dental hygienists to complete all continuing education requirements prior to license renewal. Failing to do so, without reasonable cause, will result in the license being sanctioned by the board.

Requires all dentists and dental hygienists who have allowed their licenses to lapse for more than four years to make application and take all licensing examinations required by the board.

Section 332.321

Contains provisions pertaining to the disposition of complaints brought before the

Administrative Hearing Commission by the board regarding licensees who present a clear and present danger to the health and safety of the public at large.

Section 332.327

This proposal allows the State Dental Board to disclose records and information to the board's Committee on Well-Being for the purpose of assisting in the rehabilitation of impaired licensees. All information disclosed to the committee is still considered confidential and closed to the public.

Section 332.341 - (REPEAL)

DESCRIPTION (continued)

PHYSICAL THERAPISTS

Sections 334.530 through 334.672

Modifies provisions relating to the issuance of permanent, provisional and temporary licenses to physical therapists and physical therapist assistants.

Section 334.530

The Board of Healing Arts may waive the mandatory denial of a license to a physical therapist or physical therapist assistant applicant who fails the licensing examination three times if the applicant is licensed, has passed a licensing examination and has practiced in another state for two years without any disciplinary action, or has held an undisciplined provisional license for three years . If the applicant has obtained a higher professional degree since failing the exam three times, then such applicant is approved to sit for the exam an additional three times.

Sections 334.535 & 334.672

A provisional license classification is created for both physical therapists and physical therapist assistants. The Board may issue a provisional license to an applicant who has failed the licensing examination three or more times, achieved a passing score on a licensing examination, and

otherwise meets all requirements for permanent licensure. The provisionally licensed physical therapist or physical therapist assistant must practice under the direction and supervision of a licensed physical therapist.

Sections 334.550, 334.560, 334.665, 334.670

The issuance of a temporary license to a physical therapist or physical therapist assistant is limited to six months. A temporary license may be renewed for an additional six months following the first failure of a licensing examination. Such temporary license shall not be renewed after the second failure of a licensing examination. Upon the second failure, the applicant must complete a board-approved remediation program before taking the exam for a third time. An initial temporary license may be issued to students in their last semester of physical therapy school.

DESCRIPTION (continued)

ATHLETE TRAINERS

Section 334.702 through 334.717

Changes the requirements from being “registered” to being “licensed”.

NATUROPATHIC PHYSICIANS

Section 334.1000

Definitions are created relating to naturopathic medicine and required education.

Section 334.1003

Establishes requirements and procedures for the initial licensure of naturopaths.

Section 334.1006

The Advisory Commission for Naturopathic Medicine is established for the purpose of advising the state board of healing arts on the licensure and supervision of all naturopathic physicians.

The Commission shall consist of six members, one of which must be a public member, who will be appointed by the Governor. Each member shall serve a four year term, except for the members first appointed.

Section 334.1015

The State Board of Registration for the Healing Arts has the authority to adopt rules for licensing, enforce the provisions of this proposal, set the amount of fees, and deposit moneys in the Board's fund. The Board may prescribe continuing education requirements.

Section 334.1018

Naturopaths must display a license or certificate in a conspicuous location that is accessible to the public.

Section 334.1021

Any person seeking to practice as a naturopathic physician must take and pass required DESCRIPTION (continued)

examinations. An average score of seventy-five is required to pass any examination.

Section 334.1024

Creates a list of persons who are exempt from the licensure requirements.

Section 334.1027

Creates a "grandfathering" provision to allow for the licensure of naturopathic physicians who do not satisfy certain education requirements, provided such physicians meet other requirements relating to the active practice of naturopathic medicine. Such persons must apply for licensure by January 1, 2005.

Section 334.1030

Any person violating the provisions of this act shall be guilty of a Class A misdemeanor.

Section 334.1033

A naturopathic physician must meet the Board's minimum requirements for continuing education in order to renew a certificate of registration.

Section 334.1036

Every licensed naturopathic physician must renew their certificate of registration on or before the renewal date. A blank application form for registration will be mailed to the last known office or residence address. The failure to receive the application form does not mitigate the duty to register or exempt from penalties.

Section 334.1039

Registration fees must be paid to the Director of the Department and must accompany the application for registration.

DESCRIPTION (continued)

PSYCHOLOGISTS

Section 337.030

An inactive license status is created for psychologists. An inactive licensed psychologist shall not hold himself or herself out as being professionally engaged in the regular practice of psychology and shall not engage in the regular practice of psychology. Inactive licensees do not have to complete continuing education. An inactive licensee may reactivate the license by completing a committee-approved application, paying required fees, and submitting proof of current competency.

COUNSELORS AND THERAPISTS

Section 337.300

Provides the necessary definitions for professional counselors and marital and family therapists.

Section 337.303

Creates the Board of Counselors and Therapists, which shall consist of nine members to be appointed by the Governor.

Section 337.305

Abolishes the State Committee of Marital and Family Therapists and the Committee for Professional Counselors and their duties will merge into the Board of Counselors and Therapists.

Section 337.306

Communications made to licensed professional counselors and licensed marital and family therapists shall be considered privileged.

Section 337.312

The Board of Counselors and Therapists Fund is created in the state treasury and will consist of all moneys collected by the Board.

DESCRIPTION (continued)

Section 337.315

The Board has the authority to promulgate rules for applications for licenses, fees, examinations, and determining grievances and violations.

Section 337.403

Prohibits any unlicensed person from being referred to or practicing as a marital and family therapist.

Section 337.406

Requires marital and family therapists to be licensed and meet the requisite educational and examination requirements to practice and be compensated.

Section 337.412 and 337.415

Details the licensure requirements for marital and family therapists.

Section 337.418

Licenses for marital and family therapists will expire every two years. The Board may issue temporary permits for extenuating circumstances.

Section 337.430

The Board may refuse to issue or renew a license for a marital and family therapist for any one of a combination of specified causes.

Section 337.433

Anyone violating the provisions of 337.400 to 337.430 will be guilty of a Class B misdemeanor.

Section 337.440

The Board shall have the authority to issue subpoenas and require production of documents and records.

DESCRIPTION (continued)

PROFESSIONAL COUNSELORS

Section 337.505

Prohibits any unlicensed person from being referred to or practicing as a professional counselor.

Section 337.505 and 337.510

Details the licensure requirements for professional counselors.

Section 337.525

The Board may refuse to issue or renew a license for a professional counselor for any one of a combination of specified causes.

Section 337.530

Anyone violating the provisions of 337.505 to 337.540 will be guilty of a Class B misdemeanor.

Sections 337.500; 337.520; 337.535; 337.540; 337.700 through 337.739 (REPEAL)

The effective date for the repeal and enactment of the sections regarding the Board of Counselors and Therapists is July 1, 2005 or such time as the governor appoints the members of the Board of Counselors and Therapists and said appointments are confirmed by the senate, whichever occurs sooner.

SOCIAL WORKERS

Section 337.600

Defines "social worker" as any individual that has earned a social work degree from an accredited social work program approved by the Council on Social Work Education or that holds a current state baccalaureate or clinical social work license.

Section 337.604

Prohibits any person from holding themselves out as being a social worker or using the title of "social worker" unless the person holds a current license in baccalaureate or clinical social work issued by the State Committee for Social Workers or holds a degree from an
DESCRIPTION (continued)

accredited social work program approved by the Council on Social Work Education.

Beginning January 1, 2004, no person may use the title of "social worker" for volunteer or employment positions within contracts for services, documents, manuals, or reference material unless those persons being referred to have met all educational requirements set forth by the proposal.

Section 337.633

Violation of section 337.604 shall be subject to a fine of up to \$1,000.

REAL ESTATE AGENTS AND BROKERS

Section 339.010

LMD:LR:OD (12/02)

Adds Internet web sites to the licensing exemption, when in the case of advertising real estate, the advertising is incidental to their normal business operations.

Removes the requirement for land developers selling their own property from having to file with the Missouri Real Estate Commission a certified copy of a currently effective statement of record from the Office of Interstate Land Sales.

Section 339.040

Allows the commission to issue temporary work permits to individuals who have satisfied all licensing requirements prior to the final review and printing of their licenses.

Grants entities providing continuing education the authority to do so through the means of distance delivery.

Section 339.100

Gives the commission authority, when conducting investigations of complaints involving affiliated licensees, to forward copies of the information regarding the complaint to the affiliated licensee's broker.

Gives the commission authority, when a licensee fails to renew or surrender his or her license and the commission finds the licensee to be in violation of certain provisions, to cause DESCRIPTION (continued)

complaints to be filed with the Administrative Hearing Commission;

Section 339.105

Requires real estate brokers holding funds belonging to another party in a real estate transaction to maintain the funds in a separate account designated as an escrow or trust account. Brokers may not commingle their own personal funds or any other moneys in this account with the exception that a broker may deposit an amount not to exceed \$1,000 specifically identified for the purpose of covering service charges related to the account. When brokers decide not to maintain an escrow account, they must notify the commission. If they decide to open an escrow account, they must notify the commission within 10 business days of doing so. In the case of disputes regarding ownership of escrow moneys, the funds must be deposited with the State Treasurer within 365 days of the initial projected closing date. The funds will be held in trust until the dispute can be resolved

Section 339.120

Increases the amount of compensation which each member of the commission receives from \$50 to \$75 for each devoted to the affairs of the commission.

Section 339.517

Provides that the Real Estate Appraisers Commission may require that some or all of the real estate appraising experience of an applicant for licensure be obtained in this state.

Section 339.537

Upon request by the Commission, certified and licensed real estate appraisers must make certain records available for inspection or copying at the expense of the appraiser. Currently, when litigation is contemplated, reports and records must be retained for three years after the trial date. This proposal requires the records and reports to be retained for two years after the final disposition.

Section 339.800

Requires designated brokers who have affiliated licensees to obtain a written agreement for brokerage services or other written agreement addressing compensation.

DESCRIPTION (continued)

The repeal and reenactment of Sections 339.010 through 339.800 will become effective on January 1, 2004.

Sections 339.600; 339.603; 339.605; 339.606; 339.607; 339.608; 339.610; 339.612; 339.614; 339.617 (REPEAL)

Repeals the provisions relating to escrow agents.

ADMINISTRATIVE HEARING COMMISSION

Section 621.045

Places the Missouri Board of Occupational Therapy and the Board of Private Investigator Examiners and under the purview of the Administrative Hearing Commission. The proposal also

renames the Missouri Board for Architects, Engineers, Land Surveyors and Landscape Architects.

MANUFACTURED HOUSING SETUP CONTRACTORS

Section 700.256

Requires those who setup or install manufactured homes to be licensed. Any person desiring to obtain a setup contractor license must submit a written application. The applicant must be at least 18 years of age, pass an examination, provide proof of workers' compensation insurance, carry general liability insurance in amount determined by the Public Service Commission (PSC), and complete a minimum 8-hour training course.

Section 700.258

A direct agent of a licensed contractor working under the supervision of the licensee is not required to be licensed.

Section 700.260

The PSC may waive certain requirements if the applicant is licensed in another jurisdiction.

DESCRIPTION (continued)

Section 700.264

In certain circumstances, the PSC may issue a limited permit. Any person engaged in the business of manufactured home setup or installation on August 28, 2003, shall be exempt until December 31, 2004, from complying with the training and examination requirements of the act.

Section 700.266

A setup contractor license shall be renewed annually. The PSC may grant inactive status to a licensee. A licensee is required to notify the commission if the licensee cancels its liability coverage or workers' compensation coverage.

Section 700.268

The PSC may refuse to renew, suspend or revoke a license if the licensee is found guilty of unprofessional conduct.

Section 700.270

Persons who falsely hold themselves out as licensed contractors, use a suspended or revoked license, or otherwise engage as a setup contractor without a license are guilty of a misdemeanor.

Section 700.280

Political subdivisions of this state shall not require an additional license to engage in the setup or the installation of manufactured homes.

Section 700.282

Setup contractors are required to purchase setup decals from the commission and must affix the decals to the manufactured home upon setup.

AUCTIONEERS

Section 1

The Speaker of the House of Representatives and the President ProTem of the Senate shall appoint a joint interim study committee to review the business of auctioneers. The committee DESCRIPTION (continued)

shall study and report to the General Assembly on the issues of statewide licensing, reciprocal agreements with other states, continuing education for the auctioneer industry, ethical and legal issues related to real property sales, and any other issues deemed appropriate by the committee. Any findings and recommendations shall be reported to the General Assembly no later than December 31, 2004.

This proposal is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Economic Development
Division of Professional Registration
Office of Public Council
Public Service Commission
Office of Secretary of State
Administrative Rules Division
Corporations Division
Office of Administration
Administrative Hearing Commission
Personnel Division
Office of State Public Defender
Office of State Courts Administrator

L.R. No. 1879-06
Bill No. SCS for HS for HCS for HB 564
Page 40 of 40
May 5, 2003

Department of Public Safety
Missouri State Highway Patrol
Office of the Governor
Senate Administration
Department of Elementary and Secondary Education
Missouri Commission for the Deaf and Hard of Hearing
Department of Higher Education
Department of Social Services
Division of Family Services
Department of Corrections
Office of Prosecution Services
Office of State Treasurer
Truman University
University of Missouri System
Central Missouri State University



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DIRECTOR
MAY 5, 2003