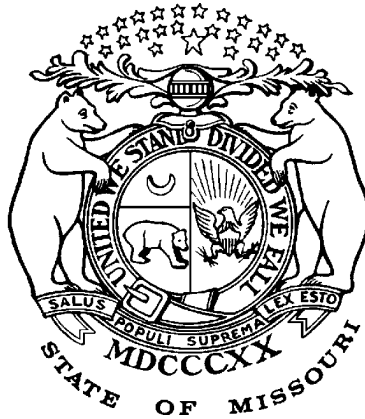


92nd General Assembly

First Regular Session

MISSOURI SENATE



WEEKLY BILL STATUS REPORT

JANUARY 20 - 24, 2003

Prepared by
Divisions of Research and Computer Information Systems

MISSOURI SENATE

BILL STATUS

SENATE BILLS

SB 0001

SENATE SPONSOR Russell

0202S.01I

SB 1 - This act requires any person born after August 28, 1982, to possess a boating safety identification card in order to operate a vessel or personal watercraft on the waters of this state, excluding rivers. The State Water Patrol will issue the card. The card will be issued to persons who:

(1) Have successfully completed a boating safety course approved by the National Association of State Boating Law Administrators and certified by the State Water Patrol;

(2) Have passed an equivalency examination prepared and administered by the State Water Patrol; or

(3) Hold a valid master's, mate's, or operator's license issued by the United States Coast Guard.

The State Water Patrol may charge a fee for the card that does not substantially exceed the administrative cost of this provision. No individual will be stopped or detained for the purpose of checking to see if the individual holds a boating safety identification card.

The act also requires that any person convicted of certain boating offenses must enroll and complete a boating safety education course which meets the State Water Patrol's minimum standards, file proof of successful completion of the course with the court, and not operate a vessel until filing proof.

This act is substantially similar to SB 1083 and HB 1307 (2002).

STEPHEN WITTE

120102 Prefiled

010803 S First Read

S33

011303 Second Read and Referred S Transportation Committee

EFFECTIVE : August 28, 2003

SB 0002

SENATE SPONSOR Russell

0211S.01I

SCS/SB 2 - This act deems a positive test result for controlled substances or for blood alcohol content of eight-hundredths of one percent or more as misconduct connected with work. Claimants suspended or terminated for positive test results are ineligible for benefits. Such claimants may become eligible if they participate in a state-approved drug or alcohol treatment program.

Employers suspending or terminating employees pursuant to this act must publicly post a controlled substance and alcohol workplace policy which warns that a positive test result will be

deemed misconduct and may result in suspension, treatment intervention, or termination.

This act is identical to SB 190 (2003).
RICHARD MOORE

120102 Prefiled
010803 S First Read S33
011303 Second Read and Referred S Small Business, Insurance
and Industrial Relations Committee
011503 Hearing Conducted S Small Business, Insurance and
Industrial Relations Committee
012203 SCS Voted Do Pass S Small Business, Insurance and
Industrial Relations Committee (0211S.04C)

EFFECTIVE : August 28, 2003

SB 0003

SENATE SPONSOR Russell

0434S.01I

SB 3 - This act provides that any fire protection district that is located in whole or in part within a first class or charter county and any county adjoining such first class or charter county may provide stretcher van and wheelchair transportation services if the fire protection district also provides emergency ambulance services.
JIM ERTLE

120102 Prefiled
010803 S First Read S33
011303 Second Read and Referred S Economic Development,
Local Government & Tourism Committee
011503 Hearing Conducted S Economic Development, Local
Government & Tourism Committee

EFFECTIVE : August 28, 2003

SB 0004

SENATE SPONSOR Caskey

0103S.01I

SB 4 - This act creates a subaccount known as the "Antiterrorism Fund" within the Missouri Disaster Fund. Contributions from the sale of "Fight Terrorism" license plates, and other moneys shall be deposited into this fund to finance antiterrorism activities.

This act allows motorists to obtain "Fight Terrorism" license plates. Any person desiring to obtain such plates must make an annual contribution of \$25 to the "Antiterrorism Fund".
STEPHEN WITTE

120102 Prefiled

010803 S First Read

S33

011303 Second Read and Referred S Transportation Committee

EFFECTIVE : August 28, 2003

SB 0005

SENATE SPONSOR Caskey

0356S.01I

SB 5 - This act allows judicial discretion in determining whether prior and persistent drug sentencing provisions should apply, or whether the court should instead order seizure of any assets directly related to the commission of an offense and order an approved treatment program.

Courts shall impose sentencing in all criminal trials after verdict or plea, except for first degree murder. The act requires courts to consider the Sentencing Commission guidelines. Presentence investigations shall include the recommended sentence established by the Sentencing Commission, a description of the impact of the crime upon the victim, and available alternatives to incarceration, including opportunities for restorative justice. The maximum penalty for a Class D felony is reduced from five to four years; the maximum penalty for a Class C felony is increased from seven to eight years. Extended sentencing terms for persistent offenders are deleted.

In all cases involving violations of Chapter 195, RSMo, the court has discretion to deviate from recommended guidelines, but shall enter written findings for any deviation for statistical purposes only. The findings shall be sent to the Sentencing Commission and made part of the offender's probation and parole record. Failure to enter written findings in these cases, when the sentence ordered is in excess of the guidelines, authorizes but does not require the Board to adjust the sentence to bring it into compliance with the guidelines. If the court suspends the imposition or execution of any sentence, the court may consider various restorative justice methods, such as restitution, community service, or work release programs. Detention shall be a condition of probation, instituted by order of court or at the discretion of the board of probation or parole.

The act allows persons convicted of statutory rape in the first degree and statutory sodomy in the first degree, who have no prior convictions for either crime, to be eligible for assessment by the sexual offender treatment unit of the Department of Corrections. The crimes of pharmacy robbery in the first degree and pharmacy robbery in the second degree are repealed.

"Armed criminal action" is limited to firearms, knives over four inches and explosives, instead of dangerous instrument or deadly weapon. The first offense is a Class C felony; second offense committed at a different time, a Class B felony; and third offense, committed at different times, a Class A felony.

Defendants convicted of armed criminal action may be eligible for parole, probation, conditional release or suspended imposition or execution of sentence. The act retains the minimum sentence requirements for armed criminal action. The independent audit required of law enforcement agencies involved in federal forfeitures shall be provided to the Department of Public Safety, as well as to the governing body of the agency. The Department shall not issue funds to any law enforcement agency that fails to comply.

This act is similar to SB 245 (2001).
SARAH MORROW

120102 Prefiled
010803 S First Read S33
011303 Second Read and Referred S Judiciary & Civil &
Criminal Jurisprudence Committee

EFFECTIVE : August 28, 2003

SB 0006

SENATE SPONSOR Caskey

0418S.01I

SB 6 - This act allows a creditor, surviving spouse or person acting for an unmarried child to commence an action for nonprobate transfer if the personal representative fails to commence an action within thirty days of a written request. If the personal representative fails to commence the action, he or she is under a duty to disclose information related to the identity of any beneficiary of a nonprobate transfer made by the decedent. If the representative does not disclose the information, the statute of limitations is tolled until the information is provided. If the personal representative is the beneficiary of the nonprobate transfer, the court may appoint an administrator ad litem to represent the estate in any proceeding.
SARAH MORROW

120102 Prefiled
010803 S First Read S33
011303 Second Read and Referred S Judiciary & Civil &
Criminal Jurisprudence Committee
012203 Hearing Conducted S Judiciary & Civil & Criminal
Jurisprudence Committee

EFFECTIVE : August 28, 2003

SB 0007

SENATE SPONSOR Mathewson

0492S.01I

SB 7 This act authorizes the state to convey state property in Pettis County to the E.W. Thompson State School. The Department of Elementary and Secondary Education is responsible for setting the terms and conditions of the sale of the property.
JIM ERTLE

120102 Prefiled

010803 S First Read

S33

011303 Second Read and Referred S Economic Development,
Local Government & Tourism Committee011503 Hearing Conducted S Economic Development, Local
Government & Tourism Committee-Consent

EFFECTIVE : August 28, 2002

SB 0008

SENATE SPONSOR Goode

0382S.02I

SB 8 - This act creates a senior citizen property tax deferral program. In brief, the system will allow senior citizens to defer payment of their property taxes until death, while securing the deferral with a lien on the real property. A detailed outline follows:

SECTION 135.037 (Definitions): Includes various definitions for use in the act.

"Equity interest" is defined and includes both outstanding secured debts such as a mortgage and accumulated deferred taxes.

"Homestead" is defined to include farm houses and surrounding land up to five acres; the term applies to multi-unit dwellings and permits a the percentage of the building comprising the domicile be considered a homestead; no homestead property may include more than five acres.

The maximum income limit for deferring 100% of property taxes is set at \$32,000.

"Household income" includes all household income for the property (includes children or other relatives income if they live on the property).

SECTION 135.039 (Election of deferral):

A taxpayer may elect to defer property taxes under the act between January 1 and October 15 of any year. The election is made by filing a form with the County Clerk who will forward the form to the Department of Revenue (DOR).

Income level must be below the maximum limit of \$32K.

A guardian or conservator may act for an individual seeking the deferral; a trustee may act as well.

A grievance for a claim denial follows the same procedure as any regular protest with the department of revenue.

SECTION 135.041 (Property requirements): In order to qualify for the program the property must meet the following requirements:

- Must be individual's homestead;
- Must be owned in fee simple or be in the process of being purchased in fee simple;
- No federal law, contract, or deed of trust for the property can contain any prohibition to the deferral or property taxes;
- Proof of insurance equal to or exceeding the market value must be shown and maintained throughout the deferral.

SECTION 135.043 (Form of deferral claim): The Department of Revenue shall provide a form where the applicant will:

- Describe the homestead;
- Recite facts establishing eligibility for the program including income;
- Attach documents required by the DOR for demonstrating eligibility;
- Sign a affidavit attesting that the statements in the claim are true.

SECTION 135.045 (DOR to notify the County Assessor):

- DOR shall notify each County Assessor where a property is situated that qualifies for the deferral.
- The Assessor shall note the deferral in his or her tax book.
- The Assessor shall forward the tax statement to the DOR.
- Interest accrues on the amount advanced to the county at a rate of 6% per annum.

SECTION 135.047 (Lien on deferred property):

- DOR will record a list of tax deferred property in each county.
- DOR will not pay any filing fee in connection with the recording.

SECTION 135.049 (County gets reimbursed): DOR will pay to any county where property is deferred the amount of the deferred taxes minus 2%.

SECTION 135.051 (Notice of eligibility): DOR shall notify each eligible taxpayer before December 15 of the year such taxes are due. The notice will:

- Indicate if the taxes have or have not been deferred;
- Provide the total balance of deferred taxes and interest;
- Inform the taxpayer that a voluntary prepayment may be made at any time.

SECTION 135.053 (Details of the tax lien):

- The tax lien will include estimated deferred taxes for five years plus interest.
- The DOR will file a new estimated lien every five years and update the accrued interest estimate.
- The lien will attach on January 1 of the filing year.
- The priority of the lien shall be equal to that of other tax liens; mortgages and other security interests recorded prior shall maintain priority.

If the amount of taxes and interest exceeds the estimated lien amount, then the DOR will have a lien for the excess amount as of January 1 of the year the excess occurred. This amount of excess shall be indicated on the notice of lien.

Foreclosure of this lien may be made pursuant to the law relating to foreclosure in civil suits or pursuant to any other collection methods within the director's power.

If the taxpayer makes voluntary payments they may request that the DOR record a partial satisfaction of the lien.

SECTION 135.059 (Conditions causing payment to come due):
Deferred taxes become payable when:

The last surviving tax deferral claimant dies;

The property is claimed or sold;

The property is no longer the homestead of the claimant(s), except in the case of absence due to health reasons;

The property is moved out of the state.

SECTION 135.061 (Payment comes due): Whenever any of the events from the prior section occur:

The deferral of taxes for the current year continues;

The amount of deferred taxes and interest shall be due and payable on the date of closing in the case of a sale or on the date of probate in the case of death; in the case of property being removed from the state, the due date shall be five days before the property is removed.

If the amount due is not paid and no extension is granted, then the property shall be subject to foreclosure.

SECTION 135.063 (Non-qualifying surviving spouse continuing deferral):

When a qualifying spouse dies who was participating in the deferral, the surviving spouse who was not eligible at the time of application for the deferral may continue the deferral by filing a claim if the spouse is or will be 60 years old within six month of death and the spouse continues to meet the standard deferral requirements.

A spouse who does not meet the age requirement stated above may continue the deferral of those taxes which have been previously deferred. When such spouse turns 62, such spouse may elect to defer the previous and the current years' taxes. Thereafter, the spouse's taxes will continue to be deferred under the program.

SECTION 135.065 (Income found to be over maximum limit):

If household income exceeds \$32K then the taxpayer may qualify for the program, but the amount that may be deferred will be reduced by 50 cents for each dollar of income above \$32K. If household income exceeds \$64K, no deferral will be permitted.

DOR shall notify the owners of a homestead that meets the income requirements pursuant to the above provision.

If a taxpayer in the program does not file a return, the taxpayer will be given 30 days notice before refusing to defer taxes for the next tax year.

If upon audit a taxpayer's household income is found to be in excess of \$32K, then the DOR shall determine the amount that should not have been deferred and pursue that amount as if it

were an income tax deficiency.

If upon audit a taxpayer's household income is found to be less than the limitation in the first provision of this section, the DOR shall determine the amount that should have been deferred and treat it as an income tax refund.

SECTION 135.066 (Deferral of tax increases): Any taxpayer(s) who has a household income of up to \$64K may defer the amount of property tax that has increased since the year following their 62nd birthday.

SECTION 135.067 (Payment of deferred taxes):

Payments are made to the DOR.

Payments may be made by the taxpayer or spouse, next of kin, heir at law or child of the taxpayer or by any person claiming legal or equitable interest in the property; no person other than the taxpayer may pay if the taxpayer objects within 30 days.

Any payment is applied against interest first.

If a taxpayer in the deferral program chooses to pay any or all of their current year tax bill, the payment will be applied to the principal of the deferred taxes first, rather than the interest as required for a regular prepayment.

When the lien and interest are paid in full, the DOR will record a satisfaction of deferred property tax lien in the county where the property is situated.

SECTION 135.073 (County to reimburse DOR upon foreclosure):

If the property is foreclosed upon the County Treasurer shall pay the DOR from the combined tax collections account the amount of deferred taxes and interest which were not collected by the DOR; immediately thereafter, the County Treasurer shall notify the tax collector of the amount paid to the Director for the property which has been deeded to the county. The amount paid by the county to the DOR will not exceed the amount collected by the foreclosure, minus reasonable expenses incurred by the county from the foreclosure process.

SECTION 135.075 (Extension of deferral to heirs): When the taxpayer(s) who originally claimed the deferral dies the DOR may extend the deferral of previously deferred taxes up to five years where:

The property becomes the homestead of an individual or individuals by inheritance or devise;

The individual or individuals commence occupancy of the property as their principal residence by February 15th after the year of death; and

The individual or individuals file an application with the DOR by February 15th after the year of death.

The extension shall terminate if the property is sold or removed from the state, or if none of the heirs or devisees use the property as a principal residence.

The DOR may require a bond for this extension.

The deferred taxed on extension shall continue to accrue interest.

Upon the death a taxpayer who has deferred property taxes, the spouse heir or devisees shall notify the DOR in writing within sixty days.

SECTION 135.077 (No intent to interfere with certain other securities):

Nothing in this act is intended to:

Prevent the collection, by foreclosure, of property taxes which become a lien against tax deferred property;

Defer payment of special assessments to benefitted property which assessments do not appear on the assessment and tax roll;

Affect any provision of any mortgage or other instrument relating to land requiring a person to pay property taxes.

SECTION 135.079 (Conflicting contract language after enactment): Once this act is enacted it shall be unlawful for any mortgage trust deed or land sale contract to contain a clause or statement which prohibits the owner from applying for the benefits of this deferral. Any such clause shall be void.

SECTION 135.083 (Senior Property Tax Deferral Revolving Account):

A revolving account shall be established for making payments to county tax collectors and the DOR.

The account funds shall be advanced annually to the DOR.

The account may contain a reserve for administrative expenses.

All sums received by the DOR as repayments of deferred property taxes shall be credited to the account, subject to appropriations.

If the amount in the account is insufficient, an appropriation may be made from the general revenue (GR) account; once revenue is sufficient in the account the DOR shall repay the GR account; repaid money is not part of TSR.

If there are insufficient funds in the GR account to provide funding to the revolving account, the Commissioner of Administration may issue revenue bonds.

REVENUE BONDS - DEFINITIONS: "commissioner", "revenue bonds", and "revolving account" are defined for simplicity.

REVENUE BONDS - ISSUING BONDS: The commissioner may issue bonds not in excess of the necessary funding required to maintain the revolving account. The net revenues and income of the revolving account shall be pledged to the payment of the bonds and shall maintain an interest and sinking fund in an amount adequate to pay such bonds, a reserve fund, and a depreciation fund.

REVENUE BONDS - NOT STATE DEBT: The bonds issued under this act shall not be a debt of this state.

REVENUE BONDS - TERMS OF BONDS:

Bonds shall not bear more than 15% interest and shall not mature over more than 40 years.

Serial bonds may be issued with or without the right to call them for payment before maturity or a covenant of a premium for such call.

Term bonds shall contain a reservation of the right to call them for payment prior to maturity with or without payment of a premium.

The bonds will be sold for the best price attainable not

less than 98% of par value; any such bonds may be sold to the United States of America or to any agency or instrumentality thereof, at a price not less than par and accrued interest, without public sale and without the giving of notice.

The bonds shall be MO tax exempt.

REVENUE BONDS - REFUNDING OF BONDS: The revenue bonds may be refunded when:

Such bonds have come due and there are not sufficient funds in the interest and sinking fund to pay such bonds and interest;

Such bonds are by their terms callable for payment and redemption in advance of their date of maturity and are duly called for payment and redemption; and

Such bonds are voluntarily surrendered by the holder for exchange for refunding bonds.

The commissioner may issue refunding bonds in the amount sufficient to payoff and redeem the bonds to be refunded, under the same terms for the revenue bonds.

REVENUE BONDS - FORM OF BONDS: The commissioner shall determine the form details and incidents of the bonds, within the requirements of this act. The holders of such bonds may compel the commission by civil action at law or equity to perform the duties required by this act concerning the revenue bonds.

JEFF CRAVER

120102 Prefiled

010803 S First Read

S33

011303 Second Read and Referred S Ways & Means Committee

012803 Hearing Scheduled S Ways & Means Committee

EFFECTIVE : August 28, 2003

SB 0009

SENATE SPONSOR Goode

0215S.03I

SB 9 - This act revises the law regarding seat belt usage and child restraint systems.

USE OF CHILD PASSENGER RESTRAINT SYSTEM/BOOSTER SEAT - This act requires children less than 4 years old, regardless of weight, or children weighing less than 40 pounds, regardless of age, to use an appropriate child passenger restraint system. The act requires children 4 years of age through 6 years of age or who weigh 40 pounds to 65 pounds, or are less than 4 feet, 9 inches tall, to be secured in a child passenger restraint system or a child booster seat. Children 6 years of age or older, or children who are at least 65 pounds, must use a safety belt.

WAIVER OF PENALTY - A person may escape the \$25 penalty by demonstrating that the person obtained a child safety seat prior to or at his or her hearing which is satisfactory to the court or the party responsible for prosecuting the violator's citation.

RENTAL AGENCIES - This act requires car rental agencies doing business in Missouri to inform customers of the requirements of Section 210.104 and to provide an appropriate child passenger safety restraint system for rental.

SEAT BELT REQUIREMENTS - If there are more persons than there are seat belts in the car, then the passengers must sit in the area behind the front seat unless the vehicle is designed only for a front-seated area.

This act has an effective date of January 1, 2004.

This act is substantially similar to SB 647 (2002) and SB 549 (2001).
STEPHEN WITTE

120102 Prefiled
010803 S First Read S33
011303 Second Read and Referred S Transportation Committee

EFFECTIVE : January 1, 2004

SB 0010

SENATE SPONSOR Goode

0416S.01I

SB 10 - This act would prohibit persons from sending unsolicited commercial electronic mail to persons on a list maintained by the Attorney General. The list would be maintained in the same manner as the current telephone "No-Call" list.

The Attorney General is charged with the duty of creating a database whereby citizens who object to receiving unsolicited electronic mail can register. Persons who initiate electronic transmissions soliciting purchase of, rental of, or investment in property, goods or services must clearly state their identity at the beginning of the message. The Attorney General may prosecute violations. Persons may be liable for civil penalties of up to \$5,000 per violation as well as sanctions for unlawful merchandising practices.

CINDY KADLEC

120102 Prefiled
010803 S First Read S33
011303 Second Read and Referred S Commerce & the Environment
Committee
012103 Hearing Conducted S Commerce & the Environment
Committee

EFFECTIVE : August 28, 2003

SB 0011

SENATE SPONSOR Kinder

0345S.01I

SB 11 - This act creates a state and local sales tax holiday for items of clothing (costing no more than \$100 each), school supplies (costing no more than \$50 per purchase) and personal computers (costing no more than \$2000 each) sold during two three-day periods in August. The state will reimburse all local tax revenues lost in calendar year 2003 and individual political subdivisions may, by ordinance, opt their local sales taxes out of the holiday exemption beginning in calendar year 2004. A joint legislative committee is created to study and review the effect of the sales tax holiday and to report their findings and recommendations to the General Assembly by January 8, 2005.

The act has an emergency clause and a sunset date of July 1, 2005.

JEFF CRAVER

120102 Prefiled

010803 S First Read

S33

011303 Second Read and Referred S Ways & Means Committee

012103 Hearing Conducted S Ways & Means Committee

EFFECTIVE : August 28, 2003

SB 0012

SENATE SPONSOR Kinder

0406S.01I

SB 12 - This act requires that the compelling state interest test be imposed on all government laws and ordinances that might infringe upon one's exercise of religion. Nothing in the act shall be construed to establish or eliminate a defense to a civil action or criminal prosecution based on civil rights law.

The act is identical to SB 958 (2002) and SB 261 (2001).
SARAH MORROW

120102 Prefiled

010803 S First Read

S33

011303 Second Read and Referred S Pensions & General Laws
Committee

EFFECTIVE : August 28, 2003

SB 0013

SENATE SPONSOR Kinder

0300S.01I

SB 13 - This act provides that the design, marketing, manufacture or sale of firearms or ammunition is not an unreasonably dangerous activity and does not constitute a nuisance per se. The act prohibits political subdivisions, as well as the state, from instituting a lawsuit against any firearms or ammunition manufacturer relating to design, marketing, manufacture or sale to the public. The act allows actions regarding breach of contract or warranty for firearms or ammunition purchased by a state or political subdivision.

This act is identical to SB 1027 (2002).
SARAH MORROW

120102 Prefiled

010803 S First Read

S33

011303 Second Read and Referred S Judiciary & Civil &
Criminal Jurisprudence Committee012203 Hearing Conducted S Judiciary & Civil & Criminal
Jurisprudence Committee

EFFECTIVE : August 28, 2002

SB 0014

SENATE SPONSOR DePasco

0318S.01I

SB 14 This act revises the maximum base compensation that can be offered to certain categories of Kansas City police personnel including the following:

1. Lieutenant colonels: from the current maximum of \$99,660 to the new maximum of \$106,764;
2. Majors: from the current \$85,848 to \$97,404;
3. Captains: from the current \$81,744 to \$88,860;
4. Sergeants: from the current \$66,972 to \$71,748; and
5. Detectives and Police Officers: from the current \$59,412 to \$63,648.

JIM ERTLE

120102 Prefiled

010803 S First Read

S33

011303 Second Read and Referred S Economic Development,
Tourism & Local Government Committee011503 Hearing Conducted S Economic Development, Tourism &
Local Government Committee

EFFECTIVE : August 28, 2002

SB 0015

SENATE SPONSOR Childers

0163S.02I

SB 15 This act establishes a Legislative Academy within the Division of Legislative Research. The Academy is designed to educate members of the General Assembly about the organization and operation of state government, appropriations and various other aspects of the legislative and executive branches, as well as the state constitution. The session of the Academy may be conducted during the interim of each biennium following the first regular session of each General Assembly. Participants are eligible for per diem and expense allowances comparable to session rates. For Senate members attending the Academy, two weeks will be devoted to Senate procedural rules and related matters.

The Academy also would assume responsibility for coordinating the Freshman Orientation mandated by Section 21.183, RSMo. Currently, the tours for incoming legislators are scheduled by the Appropriations Chairs of the respective chambers.

Finally, the act establishes an Advisory Committee to the Legislative Academy comprised of nine former legislators chosen by the Speaker and President Pro Tem. Duties of the Committee will primarily focus upon programming for Academy curriculum. The provisions establishing the Legislative Academy shall expire on December 31, 2007.

This act is similar to SB 672 (2002).
JIM ERTLE

120102 Prefiled

010803 S First Read

S33-34

012303 Second Read and Referred S Economic Development,
Tourism & Local Government Committee

EFFECTIVE : August 28, 2002

TERM DATE : Dec. 31, 2007

SB 0016

SENATE SPONSOR Childers

0234S.01I

SB 16 - This act provides that in any county which becomes a first classification county after September 1, 2000, one percent of all ad valorem taxes allocable to the county and each taxing authority in the county shall be deducted from taxes collected on the first five hundred million dollars of assessed valuation. The one-percent fee will be assigned among the political subdivisions. Beyond the five hundred million dollars of assessed valuation the amount of the deduction shall be one half of one percent, consistent with the current law.

JEFF CRAVER

120102 Prefiled
010803 S First Read S34
011303 Second Read and Referred S Economic Development,
Tourism and Local Government Committee
011503 Hearing Conducted S Economic Development, Tourism &
Local Government Committee

EFFECTIVE : August 28, 2002

SB 0017

SENATE SPONSOR Childers

0206S.01I

SB 17 - This act modifies funding for fire protection. The Fire Safety Fund is created and will consist of any moneys remaining in the Fire Education Fund. The fund will be invested by the state treasurer in a manner provided by law. The Fire Safety Fund will receive annual transfers of .5% of the amount of premium taxes collected. The Fire Safety Fund will be divided such that 40% of the money will go to the fire department grants fund and 20% of the money will be spent on fire education programs. The remaining funds will be used at the discretion of the Missouri Fire Safety Commission and will be used to fund the five fire consultants. No more than 5% of the fund may be used for administrative purposes.

The Fire Safety Commission is created. The members will include the State Fire Marshall, the State Forester and five members appointed by the Governor with the advice and consent to the Senate. No more than half of the members shall be from a single political party and no more than one member shall be from a single Congressional district. A maximum of five FTE fire consultants will be employed by the Division of Fire Safety and work in regions across the state as determined by the Commission. The fire consultants will work with local fire departments to improve fire protection. Funding for the fire consultants will come from the Fire Safety Fund.

The Fire Safety Grants Fund is established and will consist of 40% of the transfers made to the Fire Safety Fund. Grants may be made from this account to fund requests for fire departments, associations or districts serving an area with a population of less than 10,000. The Fire Safety Commission shall administer the grant program and is authorized to promulgate rules to implement the grant program.
STEVE WITTE

120102 Prefiled
010803 S First Read S34
012303 Second Read and Referred S Economic Development,
Tourism & Local Government Committee

EFFECTIVE : August 28, 2003

SB 0018

SENATE SPONSOR Yeckel

0448L.01I

SB 18 - This act enables an income tax deduction of up to \$8,000 for an individual and up to \$16,000 for a combined return for total annual contributions made to qualified savings programs and I.R.C. section 529 plans. Current law only allows such deduction in the amount of \$8,000, without specifying treatment of combined returns, and limits the deduction to only qualified savings program contributions.

JEFF CRAVER

120102 Prefiled

010803 S First Read

S34

011303 Second Read and Referred S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee012703 Hearing Scheduled S Financial & Governmental Org.,
Veterans' Affairs & Elections CommitteeEFFECTIVE : August 28, 2003

SB 0019

SENATE SPONSOR Yeckel

0466S.01I

SB 19 - This act allows a tax deduction to those who contribute to medical savings accounts. It provides that any person who is eligible for a federal tax deduction for contributions made to medical savings accounts will also be allowed a state tax deduction. Eligible persons, however, may not take both a federal and a state tax deduction for such contributions. The maximum deduction allowed is \$2,000 per individual and \$5,000 per household and there is no limit on the number of participating policies in Missouri. The Department of Revenue will administer the program.

This act is substantially similar to SB 778 (2002).

JEFF CRAVER

120102 Prefiled

010803 S First Read

S34

011303 Second Read and Referred S Ways & Means Committee

012103 Hearing Scheduled But Not Heard S Ways & Means Comm.

EFFECTIVE : August 28, 2003

SB 0020

SENATE SPONSOR Yeckel

0440S.02I

SB 20 - This act exempts transfers of certain property by the Bi-State Metropolitan Development District and the Kansas City Area Transportation District Authority from real and personal property taxes and state and local sales and use taxes.

This act is identical to SB 1203 (2002).
JEFF CRAVER

120102 Prefiled

010803 S First Read

S34

011303 Second Read and Referred S Ways & Means Committee

012803 Hearing Scheduled S Ways & Means Committee

EFFECTIVE : August 28, 2003

SB 0021

SENATE SPONSOR Bland

0154S.04I

SB 21 - This act makes several revisions to the criminal justice system.

This act provides that by September 1, 2003, the P.O.S.T. program incorporate into their training programs a standard protocol for interviewing witnesses when the identity of the suspect is unknown and for composing and conducting photo and line-up identifications. This act provides extensive instructions on conducting a lineup, photo identification and other procedures.

This act requires a jury instruction be developed that considers that the clarity and detail of the initial description of the perpetrator and the speed of recognition at the initial nonsuspect witness are the most reliable indicators of trustworthiness of an identification. However, it is for the finder of fact to determine the reliability of the identification. No violation of eyewitness protocol shall be the basis to exclude the testimony, but may warrant a jury instruction.

The act provides that if a "jail-house snitch" witnessed an incriminating admission by a defendant while incarcerated, such testimony shall be considered unreliable and inadmissible unless the witness signs a written statement answering a number of questions. The witness will be registered with the MULES system or with the Office of Prosecution Services that he or she testified as a "jail-house snitch" witness.

The act creates a Laboratory Oversight Committee which will provide independent review of state laboratory operations and

analysis. The Committee shall have the authority to appoint an ombudsman, issue reprimands and probations and establish rules for laboratory personnel. A fee of \$1.00 shall be assessed on each felony and non-traffic misdemeanor to be allocated to the Committee.

The act abolishes the rule of negative inferences as it pertains to criminal cases, and allows evidence as to whether tests were conducted which could include or exclude a defendant as the perpetrator.

This act also allows every defendant convicted of a felony may make a motion before the trial court for testing DNA on the defendant and other evidence used in the trial. The defendant shall present a prima face case that identity was a contested issue in the trial.

This act is similar to SB 1252 (2002).
SARAH MORROW

120102 Prefiled
010803 S First Read S34
011303 Second Read and Referred S Judiciary & Civil &
Criminal Jurisprudence Committee

EFFECTIVE : August 28, 2003

SB 0022

SENATE SPONSOR Bland

0151S.01I

SB 22 - This act creates a nine-member commission to study all aspects of the death penalty as administered in Missouri. The act requires the commission to hold public hearings and review all charges of first or second degree murder or voluntary manslaughter which were filed during or after 1977. Findings and recommendations of the commission shall be reported to the Governor, the Missouri Supreme Court and the General Assembly by January 1, 2005. The commission shall recommend any proposed modifications to Missouri laws necessary to ensure adequacy of trial and appellate legal counsel, accuracy of findings of guilt of the accused, elimination of race disparity in charging and sentencing, fair court procedures and fair and consistent charging and sentence recommendations made by local prosecutors around the state.

The act prohibits executions during the period of review, which period shall be from August 28, 2003, to January 1, 2005.

The act is identical to SB 731 (2002).
SARAH MORROW

120102 Prefiled
010803 S First Read S34

011303 Second Read and Referred S Judiciary & Civil &
Criminal Jurisprudence Committee

EFFECTIVE : August 28, 2003

SB 0023

SENATE SPONSOR Bland

0150S.01I

SB 23 - This act establishes the "Missouri Universal Health Assurance Program" (Program). The Program is a publicly-financed, statewide insurance program that will provide comprehensive health care coverage for Missouri residents.

The Director of the Department of Health will divide the population of the state into six regional districts, with an advisory council of seven private citizens established for each district. The advisory councils will assist the Board in development of a comprehensive state health care plan and will develop a transportation plan for indigent, elderly, and disabled clients.

The Program will be administered by a nineteen member Board of Governors, ten of which will be appointed by the Governor. The Directors of the Departments of Social Services, Health, and Mental Health will be ex-officio members and the Board shall include a representation of minority and disabled individuals. The Board will be responsible for implementing the Program, monitoring expenditures, adopting rules, employing staff, and studying the means of incorporating institutional long-term care benefits into the Program. An annual report will be required after conducting investigations and utilization reviews.

An annual comprehensive state health care plan should be established by the Board and should include a budget, an evaluation of district health care needs, and goals for various parts of the Program. Prior to establishment, the Board should appoint advisory subcommittees of health care research and ethics experts and public hearings should be held. The resulting comprehensive health care plan should seek to secure the most cost-effective health care.

The Board shall establish the "Missouri Health Care Trust Fund" which will be used for all aspects of Program operation. Revenues held in the trust fund are not subject to appropriation or allotment by the State or any political subdivision of the State. Various accounts will be created within the trust fund for specific purposes.

Every person who is a resident of Missouri, regardless of preexisting conditions, will be eligible to receive benefits for covered services under the Program. Persons who are not residents, but who are employed in Missouri will be eligible for benefits if a health premium surcharge is paid. Certain services, as listed, will not be covered under this Program.

The Program shall pay the expenses of institutional providers of health care and each provider shall negotiate an annual budget with the Program to cover anticipated expenses. The Program will reimburse independent providers of health care on a fee for service basis. Other insurers and employers may offer benefits that do not duplicate those offered by the Program. Sections 354.750 to 354.816 of this act will become effective April 1 of the year following the award of a waiver by the Department of Health and Human Services.

Every employer or self-employed person within the State will pay a health premium surcharge to the Department of Revenue based on the number of employees it has. A health premium surcharge, in addition to the state income tax, will be imposed on residents' gross income. An employer may agree to pay all or part of an employee's surcharge.

No later than thirty days after the effective date of this act, the Department of Social Services shall apply to the United States Secretary of Health and Human Services for all health care program waivers that would enable the state to deposit federal funds into the Missouri Health Care Trust Fund created in Section 354.771. The Department should also identify other federal fund sources. Under the same time frame, the Governor shall appoint Board members.

The Board shall request that the Program be made available to federal employees and retirees while they are residents of Missouri.

For five consecutive tax years after approval of the Program, any employer who has twenty-five or less employees will be allowed a tax credit against the new tax due in incremental amounts.

Certain sections of this act have a conditional effective date and the entire act will be submitted to the voters of the state for approval or rejection in November, 2004.

This act is identical to SB 762 (2002).
LORIE TOWE

120102 Prefiled

010803 S First Read

S34

011303 Second Read and Referred S Small Business, Insurance
and Industrial Relations Committee

EFFECTIVE : Contingent

SB 0024

SENATE SPONSOR Steelman

0494S.01I

SB 24 - This act modifies the investigation and reporting of elder abuse and neglect for in-home services to the elderly. The definition of "eligible adult" is broadened to include any person sixty years of age or older who is unable to protect his or her own interests or is unable to meet his or her essential human needs.

When the Department of Social Services is investigating whether an eligible adult is in serious physical danger and in need of protective services, referrals for protective intervention and oversight will be provided to clients served by the Department of Mental Health.

Any nurse practitioner, physician's assistant, hospital and clinic personnel, probation or parole officer, law enforcement officer, and adult day care worker that reasonably believes that an in-home services client has been abused or neglected is required to report such information to the Department.

This act repeals Section 660.058, RSMo, pertaining to budget allotments, service contracts, and performance measures for the area agencies on aging.

This act is similar to SB 684 (2002).
LORIE TOWE

120102 Prefiled

010803 S First Read

S34

011303 Second Read and Referred S Aging, Families and
Mental & Public Health Committee

012203 Hearing Conducted S Aging, Families and Mental &
Public Health Committee

EFFECTIVE : August 28, 2003

SB 0025

SENATE SPONSOR Steelman

0489S.01I

SB 25 - This act revises the appeals process for appeals of environmental issues. Appeals of environmental issues would be conducted by the Administrative Hearing Commission (AHC). The Commission is expanded from three to four members with one member having an interest in and knowledge of environmental issues.

A petition for hearing before the AHC must be filed within 30 days. All findings, orders, decisions and assessments must have language notifying the parties of their rights to appeal for a hearing before the AHC. Matters heard by the AHC will be governed by the provisions of Chapter 536, RSMo. These matters

shall take precedence over all other matters heard by the AHC. Decisions shall be rendered within 60 days of the completion of the hearing. All decisions of the AHC shall be subject to judicial review.

In all matters heard by the AHC pursuant to this act, the burden of proof shall be on the applicant on the appeal of a denial of a request for a permit, license or registration and the burden of proof shall be on the challenger or petitioner on the appeal of a granting of a request.

The effective date of this act is January 1, 2004.

This act is substantially similar to SS/SCS/SB 881 (2002).
SARAH MORROW

120102 Prefiled
010803 S First Read S34
011303 Second Read and Referred S Commerce & the Environment
Committee
012803 Hearing Scheduled S Commerce & Environment Committee

EFFECTIVE : January 1, 2004

SB 0026

SENATE SPONSOR Steelman

0493S.01I
SB 26 - This act authorizes a tax credit for individual taxpayers for 25% of the unreimbursed cost of qualified health-care insurance premiums.

This act is similar to SB 734 (2002).
JEFF CRAVER

120102 Prefiled
010803 S First Read S34
011303 Second Read and Referred S Ways & Means Committee
012803 Hearing Scheduled S Ways & Means Committee

EFFECTIVE : August 28, 2003

SB 0027

SENATE SPONSOR Gibbons

0484S.01I
SB 27 - This act creates the Missouri Individual Income Flat Tax Act. The act creates a flat tax on individual income of natural persons at a rate of four percent. The act also replaces most additions and subtractions from Missouri adjusted gross income with a larger personal deduction of \$10,000 per taxpayer (\$20,000 for a combined return, \$15,000 for a head of household return and \$20,000 for a surviving spouse return). The act

provides both non-resident and partnership allocation and computation of Missouri individual income tax liability.

This act is similar to SB 1153 (2002).
JEFF CRAVER

120102 Prefiled
010803 S First Read S34
011303 Second Read and Referred S Ways & Means Committee
012803 Hearing Scheduled S Ways & Means Committee

EFFECTIVE : January 1, 2004

SB 0028

SENATE SPONSOR Gross

0487S.01I

SB 28 - This act provides that the revenue estimate upon which the Governor's budget is based shall be the lesser of the revenue estimate as prepared under current law or the actual amount spent for the most recently completed fiscal year as modified by:

1. An increase of one percent; and
2. Any increase of state spending that has been approved by the voters.

This act is similar to HB 2231 (2002).
JIM ERTLE

120102 Prefiled
010803 S First Read S34
011303 Second Read and Referred S Governmental
Accountability and Fiscal Oversight Committee
012703 Hearing Scheduled S Governmental Accountability
and Fiscal Oversight Committee

EFFECTIVE : August 28, 2003

SB 0029

SENATE SPONSOR Gross

0346S.01I

SB 29 This act provides that a candidate cannot avoid the deadlines currently provided for in law simply based on low polling numbers or a belief that the candidate will not win the election.

JIM ERTLE

120102 Prefiled
010803 S First Read S34
011303 Second Read and Referred S Financial & Governmental

Organization, Veterans' Affairs & Elections Committee
012703 Hearing Scheduled S Financial & Governmental Org.,
Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2003

SB 0030

SENATE SPONSOR Gross

0038S.04I

SB 30 - This act creates a statewide alert system to be activated in the event a person is abducted.

STATEWIDE AMBER ALERT SYSTEM - The Department of Public Safety (DPS) shall develop a program whereby the state will be divided into regions. These regions are a coordinated effort between local law enforcement agencies and local media within the region. If a local entity does not have an alert system in place, DPS will notify local media in their region, who by prearranged plan will issue an alert.

In the event that there is credible evidence that an abduction suspect has traveled or is traveling out of one AMBER jurisdiction, DPS will coordinate the activation of other AMBER Alerts in the vicinity where the abductor is thought to be heading.

EXISTING LOCAL PROGRAMS - Currently existing AMBER programs operating as of the effective date of this bill will be exempted. This will give local jurisdictions about a year to develop their own programs.

Local programs coming online after the effective date of the law will need to conform with the following standards: (a) will only be activated in cases where there is a credible threat of serious bodily injury or death; (b) will not be activated in custodial disputes unless there is the credible threat of serious bodily injury or death; and (c) there are sufficient details as to the abduction as to make the activation of the system useful.

Participation in an AMBER Alert Program is entirely at the option of the local law enforcement agency.
SARAH MORROW

120102 Prefiled
010803 S First Read S34
011303 Second Read and Referred S Pensions & General Laws
Committee
012103 Hearing Conducted S Pensions & General Laws Committee

EFFECTIVE : August 28, 2003

SB 0031

SENATE SPONSOR Foster

0425S.01I

SB 31 - This act allows a school district to suspend a student who has been convicted of a felony criminal violation or has been charged with, or adjudicated to have committed a violent felony criminal violation, regardless of whether that student is prosecuted as an adult or as a juvenile.

Further, this act changes provisions in the Safe Schools Act by expanding the list of offenses for which a pupil may be prohibited from participating in regular programs of instruction to include any felony offense pursuant to Chapter 566, RSMo (sexual offenses) and Chapter 567, RSMo (prostitution).

This act is identical to SCS/SBs 937 & 936 (2002).
DONALD THALHUBER

120102 Prefiled

010803 S First Read

S34

011303 Second Read and Referred S Education Committee

012103 Hearing Conducted S Education Committee

EFFECTIVE : August 28, 2003

SB 0032

SENATE SPONSOR Foster

0433S.01I

SB 32 - This act limits the people who may complain of alleged prevailing wage violations to either agents/officers of the contracting public body or employees of the contractor/subcontractor. Payments may not be withheld until the alleged violation has been investigated and confirmed by the department.
RICHARD MOORE

120102 Prefiled

010803 S First Read

S34-35

011303 Second Read and Referred S Small Business, Insurance
and Industrial Relations Committee

EFFECTIVE : August 28, 2003

SB 0033

SENATE SPONSOR Loudon

0397S.01I

SB 33 - This act establishes the "Open Contracting Act" which prohibits public agencies from imposing certain labor requirements as conditions for performing public works.

Public entities procuring products or services or entering into contracts for manufacture of public works shall ensure that their agreements do not bind the other parties to such agreement to labor organizations. Public entities shall not discriminate against such parties who refuse to adhere to agreements with labor organizations. Public entities shall not require such parties to make their employees join or pay dues or fees to a labor organization in excess of costs already paid.

Public entities shall not issue grants or contract for construction projects requiring another party's employees join, become affiliated with, or pay more money to a labor organization. Such entities may exercise authority, as required, to prevent such action by a grant recipient or party to a contract.

Any interested party has standing to challenge agreements that violate these provisions.

This act is identical to SB 1091 (2002).
RICHARD MOORE

120102 Prefiled
010803 S First Read S35
011303 Second Read and Referred S Small Business, Insurance
and Industrial Relations Committee
011503 Hearing Conducted S Small Business, Insurance and
Industrial Relations Committee
012203 Voted Do Pass S Small Business, Insurance and
Industrial Relations Committee

EFFECTIVE : August 28, 2003

SB 0034

SENATE SPONSOR Loudon

0389S.01I

SB 34 - This act imposes civil liability on any person violating Missouri's informed consent law for abortions. Currently, Section 188.028, RSMo, requires informed consent of a minor or her parent or guardian before an abortion may be performed. New language imposes civil liability on any person who knowingly violates this section by enabling a minor to obtain an abortion without the required consent.

This act is identical to SB 1257 (2002).
LORIE TOWE

120102 Prefiled
010803 S First Read S35
011303 Second Read and Referred S Judiciary & Civil &
Criminal Jurisprudence Committee
012203 Hearing Conducted S Judiciary & Civil & Criminal

Jurisprudence Committee

EFFECTIVE : August 28, 2003

SB 0035

SENATE SPONSOR Loudon

0404S.01I

SB 35 This act provides for the Joint Committee on Wagering and Gaming to solicit competitive bids from state universities for a comprehensive study of pathological or problem gambling in this state. After bidding is closed, the Committee shall choose the best and lowest bid based on the academic and professional qualifications of the research team and the ability of the team to deliver the best data.

The study must focus on a review of existing policies regarding the prevention and treatment of pathological and problem gambling and formulate changes to these policies. The study must include information on the economic impact of pathological or serious problem gambling on the state and political subdivisions; how much money an individual pathological gambler costs society each year; the relationship between crime and gambling; the economic impact of gambling on other businesses; the demographics of pathological gamblers; and the costs and effectiveness of state and federal gambling regulatory policy.

The study director shall hold hearings, administer oaths, take testimony, receive evidence and subpoena witnesses and production of documents. The act directs the University to complete the study and file a report by January 31, 2006, and requires the general assembly to appropriate up to \$200,000 for the study.

This act is similar to SB 1176 (2002).
JIM ERTLE

120102 Prefiled
010803 S First Read

S35

EFFECTIVE : August 28, 2003

SB 0036

SENATE SPONSOR Klindt

0424S.02I

SB 36 - This act requires all regulations promulgated by the Department of Natural Resources, Hazardous Waste Management Commission, State Soil and Water Districts Commission, Petroleum Storage Tank Insurance Fund Board, Land Reclamation Commission, Safe Drinking Water Commission, Air Conservation Commission, and Clean Water Commission to be based on sound science. The Department of Natural Resources is required to prepare a risk

assessment and cost-benefit analysis for all rules promulgated by the referenced agencies.

The risk assessment and the cost-benefit analysis must include specific components which are covered in the act and must be developed using scientifically objective and unbiased standards. The assessments and analyses must be made available to the public via the Internet and DNR must allow for and respond to comments from the public. The assessment, analysis, testimony and comments must be considered by the department or the commission in promulgating the regulation. The failure of the department to conduct the risk assessment and the cost-benefit analysis will be considered grounds for vacating the regulation. The risk assessment is also required to be filed with the Joint Committee on Administrative Rules at the time the proposed rules are filed pursuant to Section 536.024, RSMo.

A provision is included to allow for the promulgation of regulations without conducting a risk assessment and a cost-benefit analysis if the director believes that the action is immediately necessary to protect the public health and welfare. However, the director must justify these actions in writing and the Department would then have the responsibility to complete the risk assessment and cost-benefit analysis within 45 days.

In proceedings challenging rules promulgated by the Department of Natural Resources, hazardous Waste Management Commission, State Soil and Water Districts Commission, Petroleum Storage Tank Insurance Fund Board, Land Reclamation Commission, Safe Drinking Water Commission, and Clean Water Commission the burden of proof shifts to the department or commission promulgating the rule to prove that the rule is necessary to prevent specific circumstances of conditions causing harm to human health and the environment.

This act removes the ability of third parties to challenge decisions of the Director of the Department of Natural Resources.

The act requires the Department of Natural Resources, Hazardous Waste Management Commission, State Soil and Water Districts Commission, Petroleum Storage Tank Insurance Fund Board, Land Reclamation Commission, Safe Drinking Water Commission, Air Conservation Commission and Clean Water Commission to state specific reasons for denials of permits.

This act is similar to SCS/SB 971 (2002).
CINDY KADLEC

120102 Prefiled
010803 S First Read S35
011303 Second Read and Referred S Agriculture, Conservation,
Parks & Natural Resources Committee
011603 Hearing Conducted S Agriculture, Conservation, Parks
& Natural Resources Committee
012303 Hearing Conducted S Agriculture, Conservation, Parks
& Natural Resources Committee-Continued

EFFECTIVE : August 28, 2003

SB 0037

SENATE SPONSOR Klindt

0421S.01I

SB 37 - The act would enact the provisions of the Uniform Electronic Transactions Act which would make electronic transactions as enforceable as traditional paper transactions if the parties agree to transact electronically. There are some exceptions for documents which must still be executed manually including laws governing the creation of execution of wills, codicils or testamentary trust and other certain provisions of the Uniform Commercial Code.

This act also repeals the current Missouri Digital Signatures Act contained in Sections 28.600 through 28.678, RSMo.
CINDY KADLEC

120102 Prefiled

010803 S First Read

S35

011303 Second Read and Referred S Pensions & General Laws
Committee

EFFECTIVE : August 28, 2003

SB 0038

SENATE SPONSOR Klindt

0445S.01I

SB 38 - This act creates the "Missouri Biomass Technology Commission". The Commission shall have seven members. The Commission is responsible for:

- 1) Collecting data for the development and use of alternative energy as a source of electricity;
- 2) Evaluating existing incentive programs that promote the development and use of alternative energy;
- 3) Creating new incentives and programs to promote alternative energy use; and
- 4) Making recommendations to the Legislature on program developments and uses for alternative energy.

The commission will develop a comprehensive guide to alternative energy development, production and use. This guide will be submitted to the Legislature.

This act expires on June 30, 2005.

This act is identical to SB 973 (2002).
SARAH MORROW

120102 Prefiled

01/23/03

MISSOURI SENATE
WEEKLY BILL STATUS REPORT

PAGE 30

010803 S First Read S35
011303 Second Read and Referred S Agriculture, Conservation,
Parks and Natural Resources Committee

EFFECTIVE : August 28, 2003

SB 0039

SENATE SPONSOR Cauthorn

0072S.01I

SB 39 - This act creates the "Missouri Sheriff's
Methamphetamine Relief Team" (MoSMART) housed in the Department
of Public Safety. This team consists of five sheriffs who will
serve a two-year term and elect a chairman.

The MoSMART Fund is created and is available on an
application basis to law enforcement entities and task forces.
Applications are evaluated based upon the level of funding
designated for methamphetamine enforcement before 1997 and upon
current need and circumstances.
SARAH MORROW

120102 Prefiled
010803 S First Read S35
011303 Second Read and Referred S Judiciary & Civil &
Criminal Jurisprudence Committee

EFFECTIVE : August 28, 2003

SB 0040

SENATE SPONSOR Cauthorn

0073S.01I

SB 40 - This act requires performance-based budget reviews
of every department, division or agency of state government at
least once every 5 years.

This act is similar to SB 696 (2002).
SARAH MORROW

120102 Prefiled
010803 S First Read S35
011303 Second Read and Referred S Governmental
Accountability and Fiscal Oversight Committee
012703 Hearing Scheduled S Governmental Accountability and
Fiscal Oversight Committee

EFFECTIVE : August 28, 2003

SB 0041

SENATE SPONSOR Cauthorn

0074S.02I

SB 41 - This act defines a Rural School District as any school district which contains any part of either a third or fourth class county, has a current assessed valuation which is less than thirty million dollars, and has a current membership which is less than or equal to six hundred pupils.

This act creates a program of signing bonuses for newly-hired teachers in rural school districts. An annual signing bonus of \$2000 will be given for a period of up to five consecutive years, provided the teacher is employed in the current year with a rural school district in a full-time teaching position.

A "newly-hired teacher" must be employed by the district as a full time teacher for the first time in the current school year, beginning no later than February first. Neither a substitute teacher nor any teacher who has been a "newly-hired teacher" in a previous school year is eligible to be a "newly-hired teacher".

The signing bonus shall be in addition to the base salary to which the teacher would otherwise be entitled. Teachers receiving the signing bonus shall receive any pay and benefits received by teachers of similar training, experience, and duties. The signing bonus shall be provided no later than one month following the commencement of employment as a newly-hired teacher.

This act is similar to SB 697 (2002).
DONALD THALHUBER

120102 Prefiled

010803 S First Read

S35

011303 Second Read and Referred S Education Committee

012103 Hearing Conducted S Education Committee

EFFECTIVE : August 28, 2003

SB 0042

SENATE SPONSOR Dougherty

0438S.02I

SB 42 - This act modifies various provisions related to elder abuse.

All Medicaid participation agreements must include a requirement for abuse and neglect training (Section 187.085).

The Department must provide certain long-term care information over its website (Section 187.107).

The Department and law enforcement must share resources for training and develop a checklist to guide personnel during elder abuse investigations (Section 187.111).

The Department must promptly refer all cases of suspected abuse to the appropriate law enforcement agency (Section 187.113).

The term "medical assistance" is redefined as any federal health care program. The term "health care provider" is also clarified as one paid to provide services (Section 191.900).

With approval of the court, the Attorney General has authority to investigate violations of §191.900, 191.910, and 198.070 (Section 191.910).

A license will be issued to an applicant that has previously operated facilities, that has a satisfactory compliance history, and that has not had a license denied or revoked based on lack of financial capacity (Section 198.022).

The Department may direct a noncompliant facility to take corrective actions related to staffing (Section 198.026).

Every residential care facility I or II, intermediate care facility, or skilled nursing facility must meet or exceed federal requirements for posting deficiencies (Section 198.030).

The use of unsubstantiated inspection reports by insurance carriers for the purpose of underwriting is prohibited (Section 198.032).

The Department may revoke a license if a facility fails to comply with class I standards on two occasions within a twenty-four month period (Section 198.036).

When issuing a decision, the Administrative Hearing Commission must consider conditions as they existed at the time of violation (Section 198.039).

In-home provider agencies must be given administrative appeal rights (Section 198.041).

A skilled nursing facility with private pay residents can receive Medicaid reimbursement if a private pay resident becomes Medicaid eligible without satisfying certificate of need requirements (Section 198.046).

Nurse practitioners, physician's assistants, and facility owners are required to report suspected abuse or neglect of facility residents (Section 198.070).

The pathway to safety law for Alzheimer's residents in residential care facilities is modified (Section 198.073).

Long-term care facilities and residential care facilities I and II must provide immunizations for influenza and pneumonia annually or upon admission. Written consent must be obtained from the resident and the resident's physician. The Department must develop rules for documenting compliance, including the documentation of residents who refuse the immunization. The Department may not impose a violation on a facility for not making an immunization available if a shortage exists (Section 198.074).

The Departments of Health and Senior Services, Social Services, Mental Health, and Elementary and Secondary Education must collaborate on assessment procedures for long-term care services (Section 198.080).

Skilled or intermediate care nursing assistants must complete training within one hundred and twenty days of employment. Training programs can be offered at the facility, provided there has not been a class I violation within twenty-four months. The Department must approve all training (Section 198.082).

Class I standards are divided into three violation categories: class I death violations, class I harm violations, and class I risk violations (Section 198.085).

Residents may file written complaints regarding the deprivation of rights or estates within two years of the alleged violation (Section 198.093).

Nursing home districts are not prohibited from establishing and maintaining senior housing within their corporate limits (Section 198.345).

Facility inspections are required twice per year, unless otherwise provided pursuant to Section 198.526. If a facility is without any class I violations during an eighteen-month period, the facility will be inspected annually for as long as the zero class I violation record is maintained (Section 198.525).

The frequency of inspections will be reduced to once a year, provided that during an eighteen-month period the facility had no class I deficiencies or class II violations and had no substantiated complaints or changes in ownership in the preceding year. Any employee of the Department that discloses an inspection time to a facility will be immediately terminated and guilty of a Class A misdemeanor. The Department has the authority to inspect any facility at any time (Section 198.526).

The Department will monitor the aging-in-place pilot programs and report to the General Assembly by January 1, 2008. The Department will base new licensure categories on the effectiveness of the pilot programs (Section 198.531).

The Department of Health and Senior Services shall promptly report incidents of suspected elder abuse to the appropriate

prosecutor and law enforcement (Section 565.186).

The list of mandatory reporters has been expanded and these individuals are required to report suspected abuse and neglect of any person sixty years or older that is unable to protect his or her interests or unable to meet essential human needs (Section 565.188).

Long-term care facilities, mental health facilities, and the Department of Mental Health may disclose information and records relating to suspected elder abuse to the Department of Health and Senior Services (Sections 630.140 and 630.167).

The term "eligible adult" is clarified as a person sixty years of age or older who is unable to protect his or her own interests or is unable to meet his or her essential human needs (Section 660.250).

During an investigation, the Department must provide a referral to the Department of Mental Health for protective intervention and oversight, if necessary (Section 660.260).

Certain reports compiled pursuant to Section 660.250 to Section 660.295 will be available without a court order (Section 660.263).

The Department is allowed to petition the court to enjoin interference with an investigation (Section 660.270).

The list of mandatory reporters, that are required to report suspected abuse and neglect of in-home services clients, has been expanded (Section 660.300).

Penalty provisions are clarified (Section 198.067).

Section 198.088 was modified to be gender-neutral.

Section 197.367 is repealed.

This act is similar to the CCS for SBs 670 & 684 (2002).
LORIE TOWE

120102 Prefiled

010803 S First Read

S35

011303 Second Read and Referred S Aging, Families and
Mental and Public Health Committee

EFFECTIVE : August 28, 2003

SB 0043

SENATE SPONSOR Dougherty

0488S.01I

SB 43 - This act creates the "Office of State Ombudsman for Children's Protection and Services" within the Department of Social Services. The purpose of the office is to assure that

children receive adequate protection and care from services and programs offered by the Department of Social Services.

This act also creates the "Task Force on Children's Justice" within the Department of Social Services. The purpose of the Task Force is to benefit and enhance children's lives by recommending improvement of child abuse and neglect laws, policies, and programs and to provide funding for these recommendations.

SARAH MORROW

120102 Prefiled

010803 S First Read

S35

011303 Second Read and Referred S Aging, Families and
Mental and Public Health Committee

011403 Hearing Conducted S Aging, Families and Mental and
Public Health Committee

EFFECTIVE : August 28, 2003

SB 0044

SENATE SPONSOR Dougherty

0252S.01I

SB 44 - This act allows employees to take six weeks of paid leave for family or medical reasons. The Family Temporary Disability Insurance Program is created to provide up to six weeks of paid leave for workers who take time off work to care for a seriously ill child, spouse, parent, domestic partner, or to bond with a new child. The Program will apply to all employers within Missouri.

The Program shall be a component of the state's unemployment compensation disability insurance program and will be funded through employee contributions. Employee contributions will be set at a rate determined by the Director of the Division of Employment Security. The rate shall not exceed one and one-half percent or be less than one-tenth percent of the employee's annual wage. The method for computing an individual's weekly benefit amount is identical to the workman's compensation calculation.

The Director of the Division of Employment Security must develop and maintain a program on family temporary disability insurance rights and benefits. Beginning January 1, 2004, the Director will provide to all employers a notice informing workers of their family temporary insurance rights and benefits. Notice must be given to each new employee hired on or after January 1, 2004, and to each employee leaving work on or after July 1, 2004, due to pregnancy, non-occupational sickness or injury, or to care for a family member.

Workers must present a certificate of medical eligibility from a treating physician or practitioner establishing the sickness, injury, or pregnancy of the employee or the condition

of the family member in need of care. The certificates shall include a diagnosis or a detailed statement of symptoms and the expected duration of the condition.

Employees will be eligible for the paid leave on any day in which they are unable to perform their regular work, but will have a seven-day waiting period before receiving benefits. Any employee receiving unemployment compensation, state disability benefits, or that has another family member available to provide care is not eligible for family temporary disability insurance benefits.

Employers may require employees to take up to two weeks of vacation prior to receiving the paid leave. No more than six weeks of family temporary disability insurance benefits will be paid within a twelve-month period. The paid leave must be taken concurrently with the leave available under the federal Family and Medical Leave Act.

Civil liability may be imposed against anyone knowingly presenting, certifying, soliciting, or falsifying information in violation of the requirements set forth in this act.
LORIE TOWE

120102 Prefiled
010803 S First Read S35
012303 Second Read and Referred S Aging, Families & Mental &
Public Health Committee

EFFECTIVE : January 1, 2004

SB 0045

SENATE SPONSOR Kennedy

0180S.01I

SB 45 - This act requires certain elder care facilities to provide immunizations for influenza and pneumonia to residents 65 years of age or older. A new Section 198.074 is created to require long term care facilities, residential care facilities I, and residential care facilities II to give these immunizations annually or upon admission. Written consent must be given by the residents and their physicians. The Department must develop rules for documenting compliance, including documenting those that refuse the immunizations. The Department may not impose a violation on a facility for not making an immunization available if a shortage exists. Information and assistance with immunizations will be provided to clients of adult day care facilities.

This act is similar to SB 1175 (2002).
LORIE TOWE

120102 Prefiled
010803 S First Read S35

011303 Second Read and Referred S Aging, Families and
Mental and Public Health Committee
011503 Hearing Conducted S Aging, Families and Mental and
Public Health Committee

EFFECTIVE : August 28, 2003

SB 0046

SENATE SPONSOR Kennedy

0175S.02I

SB 46 - This act will enable a taxpayer making less than \$30,000 per year who modifies their home to be accessible to a disabled person who resides with the taxpayer to claim a credit against their income tax for one hundred percent of the costs of modification, up to \$2,500. For taxpayers making between \$30,000 and \$60,000, a credit will be allowed in the amount equal to fifty percent of the costs of modification, up to \$2,500. All tax credits will be refundable, up to \$2,500 per year. The credits are not transferrable.

The act applies to tax years beginning January 1, 2004.

This act is similar to SB 982 (2002).
JEFF CRAVER

120102 Prefiled
010803 S First Read S35
011303 Second Read and Referred S Ways & Means Committee

EFFECTIVE : August 28, 2003

SB 0047

SENATE SPONSOR Kennedy

0185S.01I

SB 47 - This act allows St. Louis City to have a lien on property for which it has ordered a mechanic or person to perform for abatement of dangerous property, provided that it has paid the mechanic or person in full within 120 days after completion of the work.

This act is identical to HB 1194 (2002).
RICHARD MOORE

120102 Prefiled
010803 S First Read S35
011303 Second Read and Referred S Economic Development,
Tourism & Local Government Committee
011503 Hearing Conducted S Economic Development, Tourism &
Local Government Committee

EFFECTIVE : August 28, 2003

SB 0048

SENATE SPONSOR Coleman

0031S.03I

SB 48 - This act requires all private security guards and security guard firms to be licensed by the Department of Insurance.

This act requires security firms providing patrol, watchman, guard, armored car and bodyguard services to be licensed. A licensee must be at least 18 years old, a citizen of United States, of good moral character, and has not been convicted of a felony. The licensee must also have completed 30 hours of classroom training and passed a written examination approved by the Department. Each applicant must complete an approved, 20 hour firearm training course. Individuals wishing to be security guards must meet the same type of requirements for employment as firms.

A security firm must also be bonded or insured. The act also gives rule making authority to the Department of Insurance.
SARAH MORROW

120102 Prefiled

010803 S First Read

S35-36

011303 Second Read and Referred S Small Business, Insurance
and Industrial Relations Committee

EFFECTIVE : August 28, 2003

SB 0049

SENATE SPONSOR Coleman

0087S.01I

SB 49 - This act expands the crime of first degree property damage to include knowingly damaging a motor vehicle while breaking into the vehicle for the purpose of stealing therein, or damaging the vehicle during the act of stealing. Such actions constitute a Class C felony unless it is the second or subsequent such offense, in which case it is a Class B felony.

This act is identical to SB 1181 (2002).
SARAH MORROW

120102 Prefiled

010803 S First Read

S36

011303 Second Read and Referred S Judiciary & Civil &
Criminal Jurisprudence Committee

012703 Hearing Scheduled S Judiciary & Civil & Criminal
Jurisprudence Committee

EFFECTIVE : August 28, 2003

SB 0050

SENATE SPONSOR Coleman

0093S.01I

SB 50 - This act requires an election authority to complete its verification of initiative and referendum petition signatures not later than 30 days from the date the authority receives the petition from the Secretary of State. Currently, the authority must complete the verification within two weeks.

This act is identical to SB 1218 (2002).
JIM ERTLE

120102 Prefiled

010803 S First Read

S36

011303 Second Read and Referred S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee

012103 Hearing Conducted S Financial & Governmental Org.,
Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2003

SB 0051

SENATE SPONSOR Shields

0408S.01I

SB 51 - This act renames Missouri Western State College to Missouri Western State University.

This act is similar to HB 1994 (2002) & SB 979 (2002).
DONALD THALHUBER

120102 Prefiled

010803 S First Read

S36

012103 Second Read and Referred S Pensions & General Laws
Committee

EFFECTIVE : August 28, 2003

SB 0052

SENATE SPONSOR Shields

0328S.01I

SB 52 - Currently, the taxation of non-resident professional athletes and entertainers has a specific distribution schedule, subject to appropriation, which is set to expire in 2008. This act extends the expiration date of the distribution schedule to 2015.

This act is identical to SB 1225 (2002).
JEFF CRAVER

01/23/03

MISSOURI SENATE
WEEKLY BILL STATUS REPORT

PAGE 40

120102 Prefiled
010803 S First Read S36
011303 Second Read and Referred S Ways & Means Committee
012803 Hearing Scheduled S Ways & Means Committee

EFFECTIVE : August 28, 2003

SB 0053

SENATE SPONSOR Shields

0409S.01I
SB 53 - This act renames Missouri Western State College as
Missouri Western State University and Missouri Southern State
College as Missouri Southern State University-Joplin.

This act is similar to HB 1994 (2002) & SB 979 (2002.)
DONALD THALHUBER

120102 Prefiled
010803 S First Read S36
012103 Second Read and Referred S Pensions & General Laws
Committee

EFFECTIVE : August 28, 2003

SB 0054

SENATE SPONSOR Griesheimer

0299L.01I
SB 54 - This act allows BAR-97 vehicle emissions test for
residents in Franklin County to be conducted on a biennial basis.
The maximum testing fee is also increased to \$24 from \$10.50.
CINDY KADLEC

120102 Prefiled
010803 S First Read S36
011303 Second Read and Referred S Commerce & the Environment
Committee
012103 Hearing Conducted S Commerce & the Environment
Committee

EFFECTIVE : August 28, 2003

SB 0055

SENATE SPONSOR Nodler

0260S.03I
SB 55 - This act renames Missouri Southern State College as
Missouri Southern State University-Joplin.

Further, this act seeks to alter the residency requirement
for persons appointed to the board of regents of the renamed

Missouri Southern State University-Joplin. Currently, the Board of Regents of Missouri Southern State College must be residents of the district in which the college is located. This act states that persons appointed to the Board of Regents of Missouri Southern State University-Joplin be residents of Missouri and residents of the area within a 60 mile radius of the district in which the college is located.

Additionally, this act specifies that any costs incurred with respect to modifications of the names of state colleges and universities shall not be paid from state general revenue funds.

This act is similar to HB 1994 (2002) & SB 979 (2002).
DONALD THALHUBER

120102 Prefiled
010803 S First Read S36
012103 Second Read and Referred S Pensions & General Laws
Committee

EFFECTIVE : August 28, 2003

SB 0056

SENATE SPONSOR Nodler

0419S.02I

SB 56 - This act permits Missouri Southern State College to offer a Master's of Science in Business (MSB) degree and a Master's of Arts in Teaching (MAT) degree. The act states that, until August 28, 2008, any costs incurred with respect to the addition of the MSB and MAT degree programs shall not be paid from state general revenue funds.
DONALD THALHUBER

120102 Prefiled
010803 S First Read S36
011303 Second Read and Referred S Education Committee
012103 Hearing Conducted S Education Committee

EFFECTIVE : August 28, 2003

SB 0057

SENATE SPONSOR Nodler

0235S.02I

SB 57 - Under this act a candidate for State Senator, State Representative, County Clerk, Circuit Court Judge, Associate Circuit Court Judge, elected municipal offices in cities with a population of more than 100,000 and elected county government offices in counties with a population of more than 100,000 who choose to file their reports with the Missouri Ethics Commission electronically and who file a declaration with the local election authority that the report was filed electronically with the

Missouri Ethics Commission would be relieved from separately filing the report with the local election authority.
RICHARD MOORE

120102 Prefiled
010803 S First Read S36
011303 Second Read and Referred S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee
012103 Hearing Conducted S Financial & Governmental Org.,
Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2003

SB 0058

SENATE SPONSOR Russell

0191S.01I

SB 58 This act provides that a telecommunications company may charge a customer for Internet access service upon receipt of a signed statement from the customer for such service. The Public Service Commission may promulgate rules to enforce the act.

This act is identical to SB 770 (2002) and SB 190 (2001).
CINDY KADLEC

120102 Prefiled
010803 S First Read S36
011303 Second Read and Referred S Commerce & the Environment
Committee
012103 Hearing Conducted S Commerce & Environment Committee

EFFECTIVE : August 28, 2003

SB 0059

SENATE SPONSOR Russell

0210S.01I

SB 59 - This act changes Supreme Court rule 5.29 and allows nonattorney representation before the Administration Hearing Commission and the Division of Labor and Industrial Relations for officers to represent their businesses.

This act is identical to SB 706 (2002).
SARAH MORROW

120102 Prefiled
010803 S First Read S36
011303 Second Read and Referred S Judiciary & Civil &
Criminal Jurisprudence Committee
012703 Hearing Scheduled S Judiciary & Civil & Criminal
Jurisprudence Committee

EFFECTIVE : August 28, 2003

SB 0060

SENATE SPONSOR Russell

0274S.01I

SCS/SB 60 - This act provides that department and division directors may exempt themselves, supervisors, human resource managers, professional employees, security guards, probationary employees, and others from union membership. It also prohibits payroll deductions for labor organization service fees and further provides that no state employee shall be required to pay any type of fee to a labor organization, nor will be required to join a union in order to be employed.

This act is similar to SCS/SBs 641 & 705 (2002).
RICHARD MOORE

120102 Prefiled

010803 S First Read

S36

011303 Second Read and Referred S Small Business, Insurance
and Industrial Relations Committee011503 Hearing Conducted S Small Business, Insurance and
Industrial Relations Committee012203 SCS Voted Do Pass S Small Business, Insurance and
Industrial Relations Committee (0274S.03C)EFFECTIVE : August 28, 2003

SB 0061

SENATE SPONSOR Caskey

0172S.01I

SB 61 - Under this act no private individual or entity shall:

(1) Intentionally communicate or otherwise make available to the general public in any manner an individual's Social Security number;

(2) Print an individual's Social Security number on any card required for the individual to access products or services provided by the person or entity;

(3) Require an individual to disclose his or her Social Security number to enter into a commercial transaction;

(4) Require an individual to transmit his or her Social Security number over the Internet unless the connection is secure or the Social Security number is encrypted;

(5) Require an individual to use his or her Social Security number to access an Internet Web site;

(6) Print an individual's Social Security number on any materials that are mailed to the individual.

This act does not apply to the State or any political subdivisions.

This act specifically states that it does not prevent the collection, use, or release of a Social Security number as required by state or federal law.

An effective date of January 1, 2005 was included to allow businesses time to implement this act.

Finally, a penalty provision has been included that subjects any person or entity who violates the provisions of the sections to all available remedies found in Sections 407.010 thru 407.140.
RICHARD MOORE

120102 Prefiled
010803 S First Read S36
012303 Second Read and Referred S Judiciary & Civil &
Criminal Jurisprudence Committee

EFFECTIVE : January 1, 2005

SB 0062

SENATE SPONSOR Caskey

0097S.01I

SB 62 - This act allows Cass County to elect a County Surveyor beginning with the general election in 2004 and every four years thereafter.
JIM ERTLE

120102 Prefiled
010803 S First Read S36
011403 Second Read and Referred S Economic Development,
Tourism and Local Government Committee
011503 Hearing Conducted S Economic Development, Tourism &
Local Government Committee-Consent

EFFECTIVE : August 28, 2003

SB 0063

SENATE SPONSOR Caskey

0101S.01I

SB 63 - This act provides that a ruling on a petition for termination of parental rights is deemed a final ruling for the purposes of appeal.

This act is identical to SB 743 (2002).
JIM ERTLE

120102 Prefiled
010803 S First Read S36
011403 Second Read and Referred S Judiciary and Civil &
Criminal Jurisprudence Committee

012203 Hearing Conducted S Judiciary and Civil & Criminal
Jurisprudence Committee

EFFECTIVE : August 28, 2003

SB 0064

SENATE SPONSOR Goode

0298S.05I

SB 64 - This act allows counties or St. Louis City to submit a tax to the voters that funds enhanced 911, also referred to as wireless 911 services. The governing body must choose one of two questions to submit to voters: (1) an extension of the wire line tax for 911 services to wireless services at the same rate; or (2) combine the taxes for wired and wireless into a flat tax of \$.50 per line per month.

Twenty percent of the taxes collected on wireless service will be deposited into the 911 Emergency Services Fund which is created. This percentage will be decreased to 10% when at least 60% of the counties with 75% of the population have passed a tax on wireless services. Then the percentage will be eliminated two years after 100% of the counties have passed a tax on wireless services. Moneys in the fund will be used for matching grants for the purpose of implementing a comprehensive statewide 911 system. These grants will be administered by the Office of Administration in consultation with the Department of Public Safety.

Only cities passing the tax will be eligible for grants and may not receive grants for longer than three years or which have an amount exceeding 5% of the total funds available. Grants may be made on a collective basis to counties entering inter-county agreements to provide services.

The act clarifies that taxes generated by either the wired line or wireless line tax may only be used for the provision of emergency telephone services and for no other purpose. The act also authorizes the State Auditor to perform audits to ensure moneys are being used in this manner.

The act expands the scope of the Advisory Committee for 911 Service Oversight to include oversight of implementation of enhanced 911 services. The Advisory Committee is also instructed to advise the Department of Public Safety and the Office of Administration regarding the matching grants from the 911 Emergency Services Fund.

Most provisions of the current statewide enhanced 911 tax are repealed by the act.

CINDY KADLEC

120102 Prefiled

010803 S First Read

011403 Second Read and Referred S Economic Development,

S36-37

Tourism and Local Government Committee
011503 Hearing Conducted S Economic Development, Tourism &
Local Government Committee

EFFECTIVE : August 28, 2003

SB 0065

SENATE SPONSOR Goode

0162S.03I

SB 65 This act makes revisions to the Unmarked Human
Burial Act.

SECTION 194.400 - This act adds definitions for "cemetery", "funeral director", "family burial ground" and "religious cemetery" and modifies the definition of "unmarked human burial" to distinguish an unmarked human burial from a cemetery. The definition of "cultural items" is modified to allow the state historic preservation officer to determine, in consultation with various groups, which items constitute associated and unassociated funerary objects.

SECTION 194.403 - The Department of Natural Resources is granted rulemaking authority to carry out the provisions of the unmarked human burial act.

SECTION 194.407 - Currently, no construction shall be delayed for more than 30 days after the discovery of an unmarked human burial or skeletal remains. This act provides that additional delays of up to 30 days may be allowed if the state historic preservation officer determines that such additional delays are necessary. The state historic preservation officer must notify all parties directly affected by the delay of the additional delay and gives reasons. Any subsequent delay must not exceed 30 days and must be accompanied by written notification to the parties that gives reasons for the delay.

SECTION 194.408 - The act provides that reinterment may be delayed for more than one year in cases where the direct kin or descendants of human remains can be identified.

The state historic preservation officer is required to seek approval from the unmarked human burial consultation committee before delaying the reinterment of remains for more than one year. Currently, it is within the discretion of the officer to seek approval from the committee.

After an initial discovery of remains or a burial site, if a person wishes to further disturb the site or remains, then the person must follow all procedures required by the unmarked human burial act and is responsible for the costs of such procedures.

SECTION 194.409 - The act increases the number of annual meetings of the unmarked human burial consultation committee from one to two.

SECTION 194.410 - Civil penalties are created for anyone violating provisions of the Unmarked Human Burial Act. For natural persons, the penalty shall be \$1,000 per violation. For corporations and other entities, the penalty shall be \$10,000 per violation. The civil penalties can be in addition to other criminal penalties authorized by law. All civil penalty moneys collected shall be placed in the Natural Resources Protection Fund and, subject to appropriation, shall be used by the state historic preservation officer to carry out its duties regarding the unmarked human burial act.

This act contains penalty provisions.
JIM ERTLE

120102 Prefiled
010803 S First Read S37
012303 Second Read and Referred S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2003

SB 0066

SENATE SPONSOR Goode

0485L.01I

SB 66 - This act creates and defines the following new terms in the Real Property Tax Increment Allocation Redevelopment Act: "high unemployment", "low-fiscal capacity", "moderate income", and "new job".

The act changes criteria used to evaluate primarily retail redevelopment projects funded by tax increment financing in the City of St. Louis and in St. Louis, Jefferson, Warren, St. Charles, Franklin, Lincoln, St. Francois and Ste. Genevieve counties.

The act requires approved project areas to have high unemployment, low fiscal capacity, and moderate income; to be a redevelopment project of regional significance; to avoid unfair competition with existing businesses; and to meet other criteria showing economic decline. The act also limits the maximum amount of public funding for approved TIF projects to 30% of the total project costs, unless the redevelopment is occurring in certain specified areas.

The act does not allow TIF to be used to develop sites where 25% or more of the area is vacant and has not been previously developed, qualifies as "open space" as defined in Section 67.900, RSMo, or is presently being used for agricultural or horticultural purposes, except in certain cases.

The act requires an economic feasibility analysis indicating the return on investment of the proposed development and a study verifying that the proposed redevelopment property has not previously been developed through private enterprise. It allows

sharing of payments in lieu of taxes among affected political subdivisions. TIF projects must be approved by all affected political subdivisions.

The act also requires the above named counties and the City of St. Louis to create regional tax increment financing review authorities for the purpose of determining whether projects meet the criteria as provided in the act and approving or rejecting the projects.

The act has an effective date of July 1, 2004.
JEFF CRAVER

120102 Prefiled

120402 Bill Withdrawn

S37

EFFECTIVE : July 1, 2004

SB 0067

SENATE SPONSOR Childers

0205S.02I

SB 67 - The State Board of Education shall annually establish, by January first of each school year, a schedule of four to six specific professional development days for the next school year.

The Department of Elementary and Secondary Education shall not sponsor, co-sponsor or fund any professional development activities, workshops, conferences and other work sessions for certificated personnel unless the activities occur on the scheduled professional development days for that school year or on Saturdays, Sundays or any day during the months of June, July or August.

This requirement will be effective for the 2003-2004 school year and each school year thereafter, and shall not apply to activities scheduled for the 2002-2003 school year.

This act is similar to SB 674 (2002).
DON THALHUBER

120102 Prefiled

010803 S First Read

S37

011403 Second Read and Referred S Education Committee

012103 Hearing Scheduled, Not Heard S Education Committee

EFFECTIVE : August 28, 2003

SB 0068

SENATE SPONSOR Childers

0405S.01I

SB 68 This act provides that the Director of Revenue may make refunds from the amounts in the trust fund created to hold money generated by a sales tax for an ambulance or fire protection district. Currently, the Director of Revenue may authorize the State Treasurer to make such refunds.
JIM ERTLE

120102 Prefiled

010803 S First Read

S37

012303 Second Read and Referred S Economic Development,
Tourism & Local Government Committee

EFFECTIVE : August 28, 2003

SB 0069

SENATE SPONSOR Yeckel

0450S.01I

SB 69 - This act requires state agencies which are proposing rules to consider alternative compliance methods for small businesses and to prepare a small business impact statements.

The act creates the Small Business Regulatory Fairness Board. The Department of Economic Development will provide staff for the Board. The Board shall provide agencies with input regarding proposed rules, consider requests from small business owners for review of agency rules, review agency rules and make recommendations to the agency and general assembly regarding the need for a rule or legislation, conduct hearings and solicit input from regulated small businesses and prepare an annual evaluation report to the Governor.

The Board shall consist of two members appointed by the Governor, one member appointed by the Lieutenant Governor, two members appointed by the House of Representatives, two members appointed by the senate, one member appointed by the speaker of the House and one member appointed by the President Pro Tempore of the Senate.

Small business owners may petition an agency objecting to any rule, and the agency shall forward the petition to the Board and the Joint Committee on Administrative Rules. The agency must determine whether its impact statement or public hearing addressed the actual impact on small business and will submit a written response to the Board. The agency may determine the petition warrants adoption of amended or new rules, or may determine no additional action is necessary. A small business may seek review of the agency's decision by the Board. The Board shall report its findings to the Governor and General Assembly, which may take action as appropriate.

This act is identical to SB 1205 (2002).
JIM ERTLE

120102 Prefiled
010803 S First Read S37
011403 Second Read and Referred S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2003

SB 0070

SENATE SPONSOR Yeckel

0451S.01I

SB 70 - This act requires informed consent by a woman before the performance of an abortion.

A new Section 188.041 requires a physician to inform the mother of the unborn child of all reasonably foreseeable risks of an abortion. The mother must be allowed sufficient time to consider such information. Prior to an abortion, the mother and physician must certify in writing that such information was discussed. A physician will be civilly liable to the mother and any other person sustaining loss or damages caused by failure to provide such information.

Currently, Section 188.080, RSMo, prohibits anyone but licensed physicians from performing abortions and imposes a penalty. This act modifies the penalty for any physician who does not have clinical privileges to provide OB/GYN care at a hospital located within thirty miles of the location at which the abortion is performed.

Section 197.200, RSMo, currently defines medical treatment facility terms. This act modifies the definition of "ambulatory surgical center" to include any establishment operated for the purpose of performing or inducing any second or third trimester abortions or at least five first trimester abortions per month.

This act is identical to SB 1135 (2002).
JIM ERTLE

120102 Prefiled
010803 S First Read S37
011403 Second Read and Referred S Aging, Families & Mental &
Public Health Committee

EFFECTIVE : August 28, 2003

SB 0071

SENATE SPONSOR Yeckel

0452S.01I

SB 71 - This act extends a homestead property tax assessment freeze to all taxpayers' property, except when it changes hands.

This act is identical to SB 1036 (2002).
JEFF CRAVER

120102 Prefiled

010803 S First Read

S37

011403 Second Read and Referred S Ways and Means Committee

EFFECTIVE : August 28, 2003

SB 0072

SENATE SPONSOR Bland

0130S.01I

SB 72 - This act provides that charter schools shall be subject to the same accreditation standards and accreditation process currently applied to other public schools.

This act is identical to SB 678 (2002).
DONALD THALHUBER

120102 Prefiled

010803 S First Read

S37

011403 Second Read and Referred S Education Committee

EFFECTIVE : August 28, 2003

SB 0073

SENATE SPONSOR Bland

0152S.01I

SB 73 - This act establishes the Missouri Commission on Prevention and Management of Obesity within the Department of Health and Senior Services. The Commission will exist until August 28, 2005 and will have the following duties:

- (1) Collecting and analyzing data regarding obesity in Missouri;
- (2) Listing programs and services currently available to overweight adults and children;
- (3) Listing the funds available for maintaining these programs and services;
- (4) Examining the economic impact of the failure to treat obesity;
- (5) Identifying cultural, environmental, and socioeconomic barriers related to obesity;

(6) Providing specific recommendations to increase obesity prevention and management in Missouri.

The Commission must coordinate with various federal and state departments to ensure a comprehensive approach to obesity prevention and management. A report must be submitted to the Governor, House Budget committee, and Senate Appropriations by August 28, 2005.

The Commission, comprised of 22 members, must meet by October 1, 2003, and at least quarterly thereafter. The Director of the Department of Health and Senior Services will serve as chair of the Commission. By January 1, 2004, the Department must establish a resource databank containing information about obesity and related subjects.

In addition, school districts must undertake initiatives to create healthy school nutrition environments, which are defined as those that instruct and encourage students to develop healthy eating and physical activity habits. School districts should include quality school meals based on USDA dietary guidelines, other healthy food options, relaxed eating experiences, nutrition education, and appropriate marketing.

The act contains an emergency clause.

This act is similar to SB 680 (2002)
LORIE TOWE

120102 Prefiled
010803 S First Read S37
011403 Second Read and Referred S Aging, Families & Mental &
Public Health Committee

EFFECTIVE : August 28, 2003

SB 0074

SENATE SPONSOR Bland

0146S.01I
SB 74 - This act requires insurance companies to offer coverage for weight reduction counseling services for persons who are 50 pounds or more overweight and have been diagnosed by a doctor that such excess weight is or will create health problems.

This act is identical to SB 852 (2002).
STEPHEN WITTE

120102 Prefiled
010803 S First Read S37
011403 Second Read and Referred S Small Business, Insurance
and Industrial Relations Committee

EFFECTIVE : August 28, 2003

SB 0075

SENATE SPONSOR Steelman

0334S.02I

SB 75 - This act creates a certificate of birth for stillborn children.

A "stillborn child" is defined as a dead fetus that was the product of human conception of twenty weeks gestation or more, calculated from the date the last normal menstrual period began to the date of delivery, and that was born alive.

The state registrar must offer to the parent or parents of stillborn children a "Certificate of Birth Resulting in Stillbirth" on an appropriate form that satisfies the formatting and filing requirements of Section 193.085, RSMo, for live births. The certificate must be filed with the local registrar within seven days following the delivery. If the parent or parents of the stillborn child do not wish to provide a name, then any references to the name on the certificate will remain blank.

If a stillbirth has not been registered within one year of the date of delivery, then a certificate marked "delayed" can be filed and registered along with any other requirements necessary to substantiate the facts surrounding the stillbirth.

LORIE TOWE

120102 Prefiled

010803 S First Read

S37

011403 Second Read and Referred S Aging, Families & Mental & Public Health Committee

012203 Hearing Conducted S Aging, Families & Mental & Public Health Committee

EFFECTIVE : August 28, 2003

SB 0076

SENATE SPONSOR Gross

0124S.01I

SB 76 - This act exempts the homestead of persons who are over the age of 65 from increases in assessments for as long as they own the property. It applies only to the owner's principal residence and a married couple is eligible when one is aged 65 or older.

Application is made to the County Clerk and shall be made by June 1 of the year before the exemption is applicable. The Clerk must verify the application and notify affected political subdivisions of the exemption.

The counties shall make a payment in lieu of taxes to compensate for the amount that would otherwise go to the Blind

Pension Fund. The State Tax Commission shall estimate the financial impact of this act and the State of Missouri shall hold political subdivisions harmless for any revenue lost as a result of this act. If the General Assembly determines that there is insufficient total state revenue to reimburse the political subdivisions, it may declare that there will no homestead exemption for the following year.

This act is substantially similar to SB 691 (2002). The act has an effective date of 1/1/2004.

JEFF CRAVER

120102 Prefiled
010803 S First Read S37
011403 Second Read and Referred S Ways and Means Committee

EFFECTIVE : January 1, 2004

SB 0077

SENATE SPONSOR Gross

0293S.01I

SB 77 - This act enables a refund of erroneously collected sales tax from the sales of coffins and outer burial containers only if the retailer submitting the request can prove that they have already extended or intend to extend the refund to the original customers.

JEFF CRAVER

120102 Prefiled
010803 S First Read S37
011403 Second Read and Referred S Ways and Means Committee

EFFECTIVE : August 28, 2003

SB 0078

SENATE SPONSOR Gross

0436S.01I

SB 78 - This act allows employees under the Highway and Transportation Employees and Highway Patrol Employees Retirement System to purchase up to four years of creditable service for Highway and Transportation Employees and Highway Patrol Employees Retirement System.

CINDY KADLEC

120102 Prefiled
010803 S First Read S37
011403 Second Read and Referred S Pensions & General Laws Committee
012103 Hearing Conducted S Pensions & General Laws Committee

EFFECTIVE : August 28, 2003

SB 0079

SENATE SPONSOR Loudon

0396S.01I

SB 79 - This act limits the assessment of real property to a maximum increase of the inflationary rate over a prior year assessment. The reassessment cap only applies to a substantially identical piece of real property which has not changed hands.

This act is identical to SB 955 (2002).
JEFF CRAVER

120102 Prefiled

010803 S First Read

S37

011403 Second Read and Referred S Ways and Means Committee

012103 Hearing Cancelled S Ways and Means Committee

EFFECTIVE : August 28, 2003

SB 0080

SENATE SPONSOR Loudon

0378S.01I

SB 80 - This act prohibits reassessment of previously assessed real property and improvements until such time as there is a change in ownership of the property.

This act is similar to SB 844 (2002).
JEFF CRAVER

120102 Prefiled

010803 S First Read

S37

011403 Second Read and Referred S Ways and Means Committee

EFFECTIVE : August 28, 2003

SB 0081

SENATE SPONSOR Loudon

0393S.01I

SB 81 - This act expands the definition of "totally unemployed" in the context of employment security to include workers who have been suspended pending a final determination regarding alleged misconduct or employment status.

This act is identical to SB 954 (2002).
RICHARD MOORE

120102 Prefiled

01/23/03

MISSOURI SENATE
WEEKLY BILL STATUS REPORT

PAGE 56

010803 S First Read S37-38
011403 Second Read and Referred S Small Business, Insurance
and Industrial Relations Committee

EFFECTIVE : August 28, 2003

SB 0082

SENATE SPONSOR Klindt

0447S.01I
SB 82 - This act exempts religious, charitable, and
nonprofit organizations from food inspection if the food is sold
at a religious or charitable function or activity.

This act is identical to SB 904 (2002).
LORIE TOWE

120102 Prefiled
010803 S First Read S38
011403 Second Read and Referred S Aging, Families & Mental &
Public Health Committee

EFFECTIVE : August 28, 2003

SB 0083

SENATE SPONSOR Cauthorn

0071S.01I
SB 83 - This act allows fees to be collected from weapons
licensing and be deposited into a separate interest-bearing fund
known as the "County Sheriff's Revolving Fund".

This act sets out the requirements to apply for and obtain a
permit to carry a concealed firearm. The permits are issued by
the County Sheriff and are valid for a period of three years from
the date of issuance or renewal.

This act also authorizes the person to carry a concealed
firearm throughout the state with the exception of certain
places.
SARAH MORROW

120102 Prefiled
010803 S First Read S38
012303 Second Read and Referred S Pensions & General Laws
Committee

EFFECTIVE : August 28, 2003

SB 0084

SENATE SPONSOR Cauthorn

0439S.01I

SB 84 - This act allows contributors to take the tax credits for new generation cooperatives and new generation processing entities on a quarterly basis.

This act clarifies that the premium tax credits permitted in Sections 348.430 and 348.432, RSMo, shall only be subtracted against the general revenue fund and not against the county foreign insurance tax fund.

SARAH MORROW

120102 Prefiled

010803 S First Read

S38

012303 Second Read and Referred S Agriculture, Conservation,
Parks and Natural Resources Committee

EFFECTIVE : August 28, 2003

SB 0085

SENATE SPONSOR Dougherty

0435S.01I

SB 85 - This act requires certain facilities for children to show proof of accreditation and compliance with safety standards. Currently, Section 210.516, RSMo, requires licensure of all residential care facilities, foster homes, and child placing agencies, but exempts other facilities, such as those run by religious organizations.

This act requires religious license-exempt facilities to be accredited either by a nationally recognized organization or by an organization incorporated in Missouri with bylaws and rules adhered to by other facilities. Religious license-exempt facilities must be registered with the Department of Health and Senior Services and comply with sanitation and fire standards established by the state.

This act is similar to SB 724 (2002).
LORIE TOWE

120102 Prefiled

010803 S First Read

S38

011403 Second Read and Referred S Aging, Families & Mental &
Public Health Committee

EFFECTIVE : August 28, 2003

SB 0086

SENATE SPONSOR Dougherty

0446S.01I

SB 86 - This act requires health insurance companies to provide coverage for routine patient care costs incurred as the result of phase I or II clinical trials undertaken to treat cancer. Currently, Section 376.429, RSMo, requires coverage for phases III or IV only.

This act modifies the mandated prostate examination provision of the law by requiring coverage for bone scans and prostate antibody imaging for a nonsymptomatic man for whom there was an earlier diagnosis and as a guide for appropriate therapy for patients who have an above normal prostate specific antigen.

This act changes the procedure in which parental or guardian consent is noted for the organ donation process of minors. Under current law, parental or guardian consent must be noted on the minor's donor card, application for the donor's instruction permit or driver's license, or other document of gift. This act states that the consent can be noted on the permit or license; not the application.

This act is similar to SB 822 (2002) and SB 588 (2001).
STEPHEN WITTE

120102 Prefiled

010803 S First Read

S38

011403 Second Read and Referred S Small Business, Insurance
and Industrial Relations Committee

EFFECTIVE : August 28, 2003

SB 0087

SENATE SPONSOR Dougherty

0257S.01I

SB 87 - This act eliminates the time restrictions for children with special health care needs under Missouri's Health Insurance Program for Children.

This act defines "special health care needs" as a condition which left untreated would result in the death or serious physical injury of a child. A new Section 208.647 is created providing that any child with special health care needs that does not have access to employer-subsidized health insurance is not required to be without health care coverage for six months prior to eligibility for services. Furthermore, children with special health care needs are not subjected to the thirty-day waiting period following enrollment.
LORIE TOWE

120102 Prefiled

010803 S First Read

S38

011403 Second Read and Referred S Aging, Families & Mental &
Public Health Committee

EFFECTIVE : August 28, 2003

SB 0088

SENATE SPONSOR Kennedy

0181S.01I

SB 88 - This act 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. Each member must be a U.S. citizen, Missouri resident, at least 30 years old, and actively engages as a private investigator for at least five years. Board members will serve staggered terms of four years. The Board of Private Investigator Examiners Fund is also created.

The act makes it unlawful for persons to engage in the private investigator business unless licensed. Employees of not-for-profit organizations who make and process requested for healthcare providers and facilities for employee background screening are exempted from licensure. Application requirements are specified. Licensees must be at least 21, a U.S. citizen, and comply with qualifications set by the Board. Persons must also provide proof of liability insurance of at least \$1 million, proof of workers' compensation insurance within 30 days of licensure.

The Board shall ensure applicants complete a course of training conducted by a certified trainer; pass a written examination; and submit to an oral interview with the Board. Complete background checks will be conducted on all applicants. The act 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. Licenses must be posted in a conspicuous place in the principal place of business of the licensee. Pocket cards will also be issued to licensees. Licenses shall expire two years after issuance and provisions for renewal are provided.

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.

Restrictions on record keeping and advertising are specified. License disciplinary procedures are specified. The Board is given rulemaking authority. The Department of Public Safety shall establish guidelines to permit private investigators to carry concealed firearms which shall not be greater than the POST standards.

The Board shall certify qualified trainers of private investigators. Persons who knowingly falsify fingerprints or photographs 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.

This act is similar to SB 1187 (2002).
RICHARD MOORE

120102 Prefiled
010803 S First Read S38
011403 Second Read and Referred S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee
012703 Hearing Scheduled S Financial & Governmental Org.,
Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2003

SB 0089

SENATE SPONSOR Kennedy

0190S.01I

SB 89 - This act requires that amateur radio license plates contain the words "AMATEUR RADIO" in place of the words "SHOW-ME-STATE". Previous plate owners making a new application and paying a new fee to retain an amateur radio plate may request a replacement plate with the words "AMATEUR RADIO" in place of the words "SHOW-ME-STATE". If the application is made to retain a plate that is three years old or older, the replacement plate will be issued at no additional charge. If the plate is less than 3 years old, a replacement plate charge will apply.

This act is substantially similar to HB 684 (2001).
STEPHEN WITTE

120102 Prefiled
010803 S First Read S38
011403 Second Read and Referred S Transportation Committee

EFFECTIVE : August 28, 2003

SB 0090

SENATE SPONSOR Kennedy

0186S.01I

SB 90 - This act authorizes the Director of the Department of Public Safety to designate ten cities to adopt ordinances authorizing the use of automatic traffic control enforcement system to catch drivers who run red lights on highways or roads within their jurisdiction. If the road is a state highway, the city must enter into an agreement with the Transportation Commission regarding the installation of such a system.

The city must adopt an ordinance to establish the system and may enter into an agreement with a private vendor to establish the system. Any compensation paid to a vendor shall not be based upon a contingency basis or upon revenues generated from the system. The vehicle owner is presumed to be the violator unless the owner makes out an affidavit as to the true operator of the vehicle. The other person specified in the affidavit is then presumed to be the violator. If the vehicle is claimed to have been stolen, the owner must submit a proof that a police report was filed indicating that the vehicle was stolen. No points shall be assessed for a violation of this act. The fine shall not exceed \$50, including court costs. The city must give at least 30 days public notice before officially using the system.

This act has a sunset clause.

This act is similar to SB 1037 (2002) and SB 199 (2001).
STEPHEN WITTE

120102 Prefiled

010803 S First Read

S38

011403 Second Read and Referred S Transportation Committee

EFFECTIVE : August 28, 2003

TERM DATE : August 28, 2008

SB 0091

SENATE SPONSOR Coleman

0250S.01I

SB 91 - This act requires a law enforcement officer, prior to administering the test authorized by Section 577.021, RSMo, to inform the person:

(1) Why the officer is requesting the person to submit to the test;

(2) That the test is admissible to establish probable cause to arrest and as exculpatory evidence, but that the test is not admissible as evidence of a blood alcohol content; and

(3) That if the test establishes probable cause for an arrest, the person will be required to submit to another test authorized by Section 577.020, RSMo, or have his or her license revoked.

STEPHEN WITTE

120102 Prefiled

010803 S First Read

S38

012303 Second Read and Referred S Judiciary & Civil &
Criminal Jurisprudence Committee

EFFECTIVE : August 28, 2003

SB 0092

SENATE SPONSOR Coleman

0426S.02I

SB 92 - This act regulates the prevention and screening of lead poisoning in Missouri.

Real estate brokers and salespersons must be reasonably familiar with Sections 701.300 to 701.348, RSMo, to obtain and renew a license. An educational program will be developed to outline the duties and responsibilities (Section 339.185).

The act provides the necessary definitions relating to lead poisoning, including "affected property", "chewable surface", and "elevated blood lead" (Section 701.300).

The Advisory Committee on Lead Poisoning Prevention is established with members serving a term of four years. The Governor shall appoint a Director of Lead Poisoning Prevention that will chair the Committee. The Director shall establish a statewide program for the prevention, screening, diagnosis, and treatment of lead poisoning. Public service announcements, information pamphlets, and a training manual to accompany a "Lead-Safe Housing Awareness Seminar" will be produced. The Committee must establish a program for the early detection and screening of children under the age of six for elevated blood lead levels. The Director is responsible for maintaining a comprehensive record of all screenings, which will be indexed geographically and by owner (Section 701.302).

Affected properties must comply with the requirements for either a "lead-free" status or a "lead-safe" status on or before August 28, 2005. However, an owner of five or more affected properties may apply for an extension. An affected property is considered "lead-free" if the property was constructed after 1978 or an inspection report verifies that all interior surfaces are lead-free and all exterior surfaces were restored with a non-lead based paint. An affected property is considered "lead-safe" if the specified treatments listed in this section have been completed. Tenants must receive written notice at least 48 hours prior to any maintenance work and shall allow owners access to

the affected property at reasonable times. If the tenant has to vacate the property for longer than 24 hours, the owner will be responsible for any reasonable expenses incurred. An owner of an affected property will not be liable for any damages arising from a tenant's refusal to vacate or allow access. An owner of "lead-free" property, that has lead-based paint on the exterior, must submit certification every 3 years to the Director verifying that the exterior is not chipping, peeling, or flaking (Section 701.310).

Contractors, supervisors, and inspectors must be accredited by the Director with the duration of accreditation lasting three years. The Director shall promulgate a schedule of fees for registration of contractors, supervisors, and inspectors, which will be placed in the Lead Paint Removal Fund and used for accreditation and registration purposes (Section 701.312).

Anyone failing to comply with the provisions of Sections 701.300 to 701.348, RSMo, will be guilty of a Class A misdemeanor. Any civil or criminal action taken by state or local officials pursuant to Sections 701.300 to 701.348 will be reported to the Director. The Director shall issue an annual report detailing enforcement actions, the identity of owners of affected properties, the nature of the actions, and a description of any civil or criminal penalties (Section 701.321).

Effective August 28, 2005, every person shall have a right to housing that is lead-free or lead-safe. Injunctive relief will be available provided that an owner of affected property receives written notice of the violations and fails to comply with the required standards within 30 days of the filing. Cases brought pursuant to Sections 701.300 to 701.348, RSMo, will be granted an accelerated hearing. Upon a determination by the court, the petitioner will be entitled to damages and attorney's fees (Section 701.325).

Affected property must be registered with the Director of the Department on the appropriate forms. Registration will be renewed every two years but owners must update any changes in registration information within 30 days of the change. All information provided by the owner shall be open to the public. The Director shall promulgate a schedule of fees for the registration of affected properties, which will be placed in the Lead Paint Removal Fund. Any owner of affected property that fails to pay the fees will be civilly liable for triple the cumulative amount of the fees or \$150, whichever is greater. Any unpaid penalty will constitute a lien against the affected property (Section 701.326).

An owner or anyone acting on behalf of the owner may make a qualified offer to an individual provided that the affected property has been certified as "lead-free" or "lead-safe". Qualified offers must be made in writing and delivered by certified mail within 30 days upon receiving notification of an elevated blood level. A qualified offer is considered rejected if an individual does not accept it within 30 days. The acceptance of a qualified offer discharges the owner of any

potential civil liability. A qualified offer shall include the payment of all reasonable expenses and costs incurred as specified in this section. Any misrepresentation in the qualified offer may result in criminal penalties (Section 701.330).

The liability insurance of affected properties shall include coverage for bodily injury caused by exposure to lead-based paint. The Department of Insurance shall approve the rates for coverage based on specified standards (Section 701.331).

The "Lead-Safe or Lead-Free Property Revolving Loan Fund" is created and will consist of proceeds received from the sale of bonds, state appropriations, and any donations or gifts. The Committee will issue bonds for the purpose of the maintaining the Fund. Upon the discretion of the Director, these funds shall be used for the purpose of bringing affected properties into compliance (Section 701.339).

Income tax credits are available to any individual, corporation, or other business entity that removes lead-based paint and repairs affected property. Any tax credit not used in the taxable year of certification may be carried forward and applied to the individual's tax liability for five years (Section 701.341).

LORIE TOWE

120102 Prefiled

010803 S First Read

S38

011403 Second Read and Referred S Small Business, Insurance
and Industrial Relations Committee

EFFECTIVE : August 28, 2003

SB 0093

SENATE SPONSOR Shields

0324S.01I

SB 93 - This act exempts all purchases of tangible personal property and all items converted into tangible personal property which are donated to the State of Missouri from state and local sales and use taxes.

This act is identical to HB 1220 (2002).
JEFF CRAVER

120102 Prefiled

010803 S First Read

S38

011403 Second Read and Referred S Ways and Means Committee

EFFECTIVE : August 28, 2003

SB 0094

SENATE SPONSOR Shields

0327S.01I

SB 94 - This act creates an individual income tax credit of up to \$250 for instructional materials purchased by a teacher used in the course of that teacher's employment. The credit will apply to tax year 2003 and thereafter. The Department of Revenue is authorized to promulgate rules to govern the details of this credit.

This act is similar to HB 1222 (2002).
JEFF CRAVER

120102 Prefiled

010803 S First Read

S38

011403 Second Read and Referred S Ways and Means Committee

012803 Hearing Scheduled S Ways and Means Committee

EFFECTIVE : August 28, 2003

SB 0095

SENATE SPONSOR Shields

0323S.01I

SB 95 - This act establishes the Small Business Health Insurance Assistance Program to allow small employers a tax credit for costs associated with health insurance premiums paid on behalf of employees. Small employers are those with two to 25 employees who work at least 30 hours per week.

The act also specifies that a farmer's spouse may be considered a second eligible employee if the spouse is hired by the farmer. All eligible small employers will receive a tax credit of 25% of the amount paid annually in premiums for eligible employees. A small employer will receive higher credits for up to four years if the employer does not pay its employees' health insurance premiums on January 1, 2003, and begins to pay for its employees' premiums after that date. The tax credit is conditioned upon receiving appropriations from general revenue or the tobacco settlement to offset the costs of the tax credit to the state. The aggregate amount of tax credits awarded under this act's provisions may not exceed \$10 million.

The act has an expiration date of December 31, 2007.

This act is substantially similar to HB 1219 (2002).
STEPHEN WITTE

120102 Prefiled

010803 S First Read

S38

011403 Second Read and Referred S Ways and Means Committee

01/23/03

MISSOURI SENATE
WEEKLY BILL STATUS REPORT

PAGE 66

EFFECTIVE : August 28, 2003
TERM DATE : Dec. 31, 2007

SB 0096

SENATE SPONSOR Russell

0273S.01I

SB 96 - This act provides that the Governor or the Commissioner of the Office of Administration shall recognize a collective bargaining unit, upon approval by a majority of the unit's employees.

This act is identical to SB 746 (2002).
RICHARD MOORE

120102 Prefiled
010803 S First Read S38
011403 Second Read and Referred S Small Business, Insurance
and Industrial Relations Committee
012203 Hearing Conducted S Small Business, Insurance and
Industrial Relations Committee

EFFECTIVE : August 28, 2003

SB 0097

SENATE SPONSOR Russell

0412S.01I

SB 97 - This act allows corporations to designate an individual who is not an attorney to represent them in any proceeding before the Administrative Hearing Commission or any state agency. Such representation shall not be deemed to be the practice of law.

This act contains a penalty provision.

The act is similar to SB 747 (2002).
JIM ERTLE

120102 Prefiled
010803 S First Read S38
011403 Second Read and Referred S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2003

SB 0098

SENATE SPONSOR Russell

0277S.02I

SB 98 - This act provides that any employee of this state or any public body whose rights have been violated by a labor organization may institute a petition in circuit court for compensatory and punitive damages as well as the employees reasonable attorney fees and any other relief the court deems appropriate.

Further, any employee of the state or any public body may petition the board of mediation to revoke the certification of any labor organization that violates any provision of this section or fails to adequately and fairly represent the employees of the unit. The Board of Mediation shall have the power to conduct investigations and hearings to address issues raised in the petition. The Board shall adopt rules and regulations to govern the procedures for such hearings and determinations. The Board may assess reasonable attorney fees and costs to any labor organization found to be in violation of the laws of Missouri or abuse its power as majority representative in connection with the proceeding. Any final conclusions by the board of mediation are subject to review.

RICHARD MOORE

120102 Prefiled

010803 S First Read

S38

011403 Second Read and Referred S Small Business, Insurance
and Industrial Relations Committee012203 Hearing Conducted S Small Business, Insurance and
Industrial Relations Committee

EFFECTIVE : August 28, 2003

SB 0099

SENATE SPONSOR Caskey

0099S.01I

SB 99 - This act requires counties to deposit a percentage of their ad valorem property tax collections (one-half of one percent, not to exceed \$100,000/year) into a county assessment fund to support installation, operation and maintenance of a geographic information system (GIS) as approved by the county governing body, beginning on January 1, 2004.

This act is similar to SB 806 (2002).
JEFF CRAVER

120102 Prefiled

010803 S First Read

S38-39

011403 Second Read and Referred S Economic Development,
Tourism and Local Government Committee

011503 Hearing Conducted S Economic Development, Tourism &
Local Government Committee

EFFECTIVE : August 28, 2003

SB 0100

SENATE SPONSOR Caskey

0420S.01I

SB 100 - This act changes the eligibility age for retirement from 50 to 48 for the Missouri State Employees Retirement System and the Highway and Transportation Employees' and Highway Patrol Retirement System.
CINDY KADLEC

120102 Prefiled

010803 S First Read

S39

011403 Second Read and Referred S Pensions & General Laws
Committee

012103 Hearing Conducted S Pensions & General Laws Committee
Consent

EFFECTIVE : August 28, 2003

SB 0101

SENATE SPONSOR Caskey

0415S.01I

SB 101 - This act enables Cass County to establish municipal courts and appoint municipal judges in the same way in which charter counties are enabled to do so under current law. The courts are empowered to prosecute any violations of county ordinances as are the circuit courts. Various provisions and details involving judges qualifications, regular sessions of the courts, divisions of the courts, court procedure, jury trials and jurisdiction are provided in the act, which are identical to the current law regarding charter counties.
JEFF CRAVER

120102 Prefiled

010803 S First Read

S39

011403 Second Read and Referred S Economic Development,
Tourism and Local Government Committee

011503 Hearing Conducted S Economic Development, Tourism &
Local Government Committee-Consent

EFFECTIVE : August 28, 2003

SB 0102

SENATE SPONSOR Goode

0285S.01I

SB 102 - This act creates the Invasive Species Council. The named members of the Council are the Directors of the Departments of Agriculture, Conservation, Health, Natural Resources and Transportation. The Director of the Department of Conservation shall serve as the first-year Council chair and the other named members shall serve one year terms as Council chair on a rotating basis. Other agencies may be included. The five named agencies shall provide temporary staffing for the Council, and the Council may request appropriations for dedicated staffing.

State agencies whose actions affect invasive species shall attempt to prevent further impacts of invasive species and shall not act in ways that create further impacts of invasive species.

The Council shall oversee implementation of the act, encourage planning, develop recommendations, facilitate sharing of information and create and update an Invasive Species Management Plan.

The Plan shall be issued within 18 months of passage. The Plan shall be a 5-year rolling plan including goals, objectives and measures of success concerning invasive species.

This act is similar to SB 649 (2002) and SB 20 (2001).
CINDY KADLEC

120102 Prefiled

010803 S First Read

S39

011403 Second Read and Referred S Agriculture, Conservation,
Parks and Natural Resources Committee

EFFECTIVE : August 28, 2003

SB 0103

SENATE SPONSOR Goode

0193S.01I

SB 103 - This act extends the sunset on the fee for waste tires to 2014.
CINDY KADLEC

120102 Prefiled

010803 S First Read

S39

011403 Second Read and Referred S Commerce and Environment
Committee

EFFECTIVE : August 28, 2003

SB 0104

SENATE SPONSOR Goode

0036S.02I

SB 104 - This act increases the fee for the Housing Trust Fund from \$3 to \$5. This act also broadens the types of recordable instruments in which the fee will apply. Under current law, the \$3 fee only applies to certain types of real estate transactions. Under the act, the increased fee would apply to the recording of any instruments, except marriage contracts, certificates of marriage or marriage licenses.
STEPHEN WITTE

120102 Prefiled

010803 S First Read

S39

012303 Second Read and Referred S Small Business, Insurance
and Industrial Relations Committee

EFFECTIVE : August 28, 2003

SB 0105

SENATE SPONSOR Bland

0131S.01I

SB 105 - This act lowers the minimum age for jury service from 21 to 18. This act also excuses full-time students not residing within 20 miles of the city or county issuing the jury summons.

This act is similar to SB 763 (2002).
JIM ERTLE

120102 Prefiled

010803 S First Read

S39

011403 Second Read and Referred S Judiciary & Civil &
Criminal Jurisprudence Committee

EFFECTIVE : August 28, 2003

SB 0106

SENATE SPONSOR Bland

0153S.01I

SB 106 - This act establishes a Planning Commission for the Kansas City Missouri School District (KCMSD). The Commission shall consist of 15 members, including 11 members and 4 ex-officio members appointed by various specified, interested parties. The Commission shall conduct research, review and evaluation of key issues related to KCMSD and make recommendations for ways that the district may improve education, improve student performance and meet requirements applicable to school districts.

The State Board of Education may adopt an alternative plan whereby an unaccredited school district may return to accredited status, which may take more than two years, provided that the district annually meets all terms and conditions of the plan. The bill creates an Advisory Committee which shall serve as a liaison between the Commission and the community. The Advisory Committee shall seek public input and ideas to help the Commission in its efforts.

This is similar to SB 679 (2002).
DONALD THALHUBER

120102 Prefiled
010803 S First Read S39
011403 Second Read and Referred S Education Committee

EFFECTIVE : August 28, 2003

SB 0107

SENATE SPONSOR Bland

0161S.03I

SB 107 - This act creates a statewide AMBER Alert Program. The Department of Public Safety (DPS) shall work in coordination with federal, state, local and media entities to develop a program to locate abducted persons.

A statewide "AMBER Alert Board" is created to aid in the implementation and operation of the Amber Alert Program. The Board shall consist of the coordinator of the Amber Alert Program, the Attorney General and representatives from each of the Amber Alert regions.

The state will be divided into regions and each region is a coordinated effort between federal, state and local law enforcement agencies and local media within the region. In the event that there is credible evidence that an abduction suspect has traveled or is traveling out of one AMBER jurisdiction, DPS will coordinate the activation of other AMBER Alerts in the vicinity where the abductor is thought to be heading.

If a location currently has an existing AMBER program operating as of the effective date of this act, it will be required to be compliant with the statewide program by January 1, 2004. The Department of Public Safety is authorized to make rules for the operation of the Amber Alert system.

An AMBER Alert Coordinator will be designated within the Department of Public Safety to coordinate the efforts among participating entities.
SARAH MORROW

120102 Prefiled

010803 S First Read S39
011403 Second Read and Referred S Pensions & General Laws
Committee
012103 Hearing Conducted S Pensions & General Laws Committee

EFFECTIVE : August 28, 2003

SB 0108

SENATE SPONSOR Gross

0088S.01I

SB 108 - This act adds the Chief Information Officer as a member of the State Records Commission. The Chief Information Officer is the head of the Office of Information Technology.

This Commission has the duty to determine what records no longer have any administrative, legal, research or historical value and should be disposed of.

This act is identical to SB 690 (2002).
RICHARD MOORE

120102 Prefiled
010803 S First Read S39
011403 Second Read and Referred S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee
012103 Hearing Conducted S Financial & Governmental Org.,
Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2003

SB 0109

SENATE SPONSOR Gross

0213S.01I

SB 109 - This act establishes a mechanic's lien for persons who furnish rental equipment used in the course of alteration, construction, or repair of any building, improvement, or land. The mechanic's lien is for the reasonable rental value during the period of actual use of the equipment and any reasonable periods of nonuse of the equipment taken into account in the rental agreement. The act provides that the delivery of equipment to such building, improvement, or land creates a presumption that the equipment was used in the course of alteration, construction, or repair of the building, improvement, or land.

This act provides that a mechanic's lien for rental equipment must be filed within six months after the date in which the equipment was last available for use.
STEPHEN WITTE

120102 Prefiled
010803 S First Read S39

011403 Second Read and Referred S Commerce and Environment
Committee
012103 Hearing Scheduled, Not Heard S Commerce & Environment
Committee
012803 Hearing Scheduled S Commerce and Environment
Committee

EFFECTIVE : August 28, 2003

SB 0110

SENATE SPONSOR Gross

0090S.01I

SB 110 - This act details information to be included in
physician abortion reports.

Section 188.015, RSMo, is modified to include a definition
for the Department of Health and Senior Services and language
allowing interpretation of the definitions is removed.
Currently, Section 188.052, RSMo, requires a physician to submit
an abortion report for each abortion performed. New language
specifies that the report shall include, but not be limited to,
the following:

Information required by federal reports and organizations,
such as the Centers for Disease Control and Prevention;
Information regarding the type of procedure used to perform
the abortion; and
Specific reasons the woman sought the abortion.

Physician must currently submit an individual complication
report for post-abortion care. In addition, the Department is
responsible for annually publishing a statistical report. New
language requires the report to include data on abortions or
induced and post-abortion care. The report must contain the
gestational age by weekly increments at which the abortions were
performed. The report must not include any information that
would allow the identification of a patient, physician, or
hospital or abortion facility.

Currently, Section 188.070, RSMo, provides for a misdemeanor
for violation of confidentiality. New language increases the
penalty to a Class D felony for any person who knowingly violates
the confidentiality of records, reports, or documents maintained
by the abortion facility or hospital or received by the
Department of Health and Senior Services. A new Section 191.655
is also added to allow an action for breach of medical record
confidentiality, if not otherwise provided for. Damages, court
costs, attorney's fees, and other relief are allowed for
negligent, willful, intentional, or reckless violation of such
confidentiality.

This act is identical to SB 816 (2002).
LORIE TOWE

120102 Prefiled
010803 S First Read S39
011403 Second Read and Referred S Aging, Families & Mental &
Public Health Committee

EFFECTIVE : August 28, 2003

SB 0111

SENATE SPONSOR Loudon

0386S.01I

SB 111 - This act authorizes courts to set aside criminal convictions and to expunge criminal records under certain circumstances. Current law allows courts to expunge arrest records if there was no probable cause for the arrest, no charges will be filed, and the subject of the arrest has no criminal convictions. This act adds the additional restriction that the subject not have suspended impositions of sentence (SISs) on his record and that there are no pending investigations regarding the arrest. This act also allows expungement, however, based only upon a finding that no criminal charges have been filed against the subject for 10 years after the arrest.

This act contains the Missouri Rehabilitation and Sealed Records Act which authorizes a court to set aside a person's criminal convictions and seal a person's criminal record if such person:

1. Has had no more than 1 felony or 2 misdemeanors;
2. Has not been convicted for 10 consecutive years following service of his or her most recent sentence;
3. Has no convictions for violent felonies or a sex-related offense;
4. Has no A or B felony convictions for a drug-distribution offense;
5. Has no convictions on his or her commercial drivers license (CDL) involving a BAC of .04 or higher; and
6. Is at least 25.

The act criminalizes knowing use or release of records sealed pursuant to the act. Failure to seal or knowingly releasing such records is a Class B misdemeanor and knowing use of the records for financial gain is a Class D felony.

This act is similar to SB 1092 (2002).
SARAH MORROW

120102 Prefiled
010803 S First Read S39
011403 Second Read and Referred S Judiciary & Civil &
Criminal Jurisprudence Committee
012703 Hearing Scheduled S Judiciary & Civil & Criminal
Jurisprudence Committee

EFFECTIVE : August 28, 2003

SB 0112

SENATE SPONSOR Loudon

0379S.01I

SB 112 - This act allows parents to refuse to immunize their children without providing certain justifications.

Currently, Section 167.181, RSMo, allows a parent to exempt their school-age child from immunization by providing a written objection citing either religious beliefs or medical reasons. This act expands the ability of parents to refuse to immunize their children by not restricting the written objection to religious beliefs or medical contraindications. However, if the objection is due to medical contraindications, a statement from the child's physician to the school is still required.

Currently, Section 210.003, RSMo, allows a parent to exempt a daycare-age child from immunization by providing a written objection citing either medical contraindications or reasons as determined by the Department of Health and Senior Services. This act removes the provision allowing the Department to stipulate the reasons for an exemption and instead permits a parent to exempt a child through written objection only. For the medical exemption, a licensed physician must still certify that the immunization would endanger the child's health or life.

This act is identical to SB 951 (2002).
LORIE TOWE

120102 Prefiled

010803 S First Read

S39

011403 Second Read and Referred S Aging, Families & Mental & Public Health Committee

012203 Hearing Conducted S Aging, Families & Mental & Public Health Committee

EFFECTIVE : August 28, 2003

SB 0113

SENATE SPONSOR Loudon

0398S.01I

SB 113 - This act makes it illegal to install fake air bags in automobiles. A person convicted of this offense is guilty of a Class D felony, punishable by a \$5,000 fine, one year in jail or both.

This act is identical to SB 1090 (2002).
STEPHEN WITTE

120102 Prefiled

010803 S First Read

S39

012303 Second Read and Referred S Judiciary & Civil &

Criminal Jurisprudence Committee

EFFECTIVE : August 28, 2003

SB 0114

SENATE SPONSOR Dougherty

0063S.01I

SB 114 - This act broadens the definition of "genetic information" and "genetic testing". Under this act, no insurer may deny coverage to an individual or impose different premium rates on the basis of the individual's genetic information. This act applies to applications for coverage made on or after August 28, 2002. Under this act, an employer may not obtain genetic information of an employee or prospective employee nor shall an employer require the collection of a DNA sample of an employee or prospective employee. This act also broadens the scope of relief for a person harmed by genetic testing to include civil damages.

This act is identical to SB 803 (2002) and SB 412 (2001).
STEPHEN WITTE

120102 Prefiled

010803 S First Read

S39

011403 Second Read and Referred S Small Business, Insurance
and Industrial Relations Committee

EFFECTIVE : August 28, 2003

SB 0115

SENATE SPONSOR Dougherty

0061S.01I

SB 115 - This act gives the Department of Health and Senior Services authority to receive and investigate written complaints of indoor air quality made by an employee of a public school. The Department may investigate, determine the origin of the problem and make recommendations on mitigation of the problem.

This act is similar to SB 829 (2002).
CINDY KADLEC

120102 Prefiled

010803 S First Read

S39

012303 Second Read and Referred S Aging, Families & Mental &
Public Health Committee

EFFECTIVE : August 28, 2003

01/23/03

MISSOURI SENATE
WEEKLY BILL STATUS REPORT

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SB 0116

SENATE SPONSOR Shields

0329S.01I

SB 116 This act prohibits Public Service Commission members from establishing or maintaining a campaign committee that is regulated by the campaign finance disclosure law in Chapter 130, RSMo.

This act is identical to HB 1981 (2002).
JIM ERTLE

120102 Prefiled

010803 S First Read

S39

011403 Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee

012103 Hearing Conducted S Financial & Governmental Org, Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2003

SB 0117

SENATE SPONSOR Shields

0321S.01I

SB 117 - This act adds to the definition of "driveaway operation," the movement of motor vehicles or trailers for the purpose of transporting vehicles from one place to another.

This act is identical to HB 2175 (2002).
STEPHEN WITTE

120102 Prefiled

010803 S First Read

S39-40

011403 Second Read and Referred S Transportation Committee

EFFECTIVE : August 28, 2003

SB 0118

SENATE SPONSOR Shields

0322S.01I

SB 118 - This act changes the eligibility age for retirement from 50 to 48 for the Missouri State Employees Retirement System and the Highway and Transportation Employees' and Highway Patrol Retirement System.

CINDY KADLEC

120102 Prefiled

010803 S First Read

S40

011403 Second Read and Referred S Pensions & General Laws

Committee
012103 Hearing Conducted S Pensions & General Laws Committee

EFFECTIVE : August 28, 2003

SB 0119

SENATE SPONSOR Russell

0276S.01I

SB 119 - This act provides that no labor organization which engages in certain political activity on behalf of, or for a candidate for public office may be eligible to be certified or act as the exclusive representative for employees who work directly or indirectly under the public official for whom the labor organizations political activity was directed. Once a labor union is certified as the employees exclusive representative, it shall be required to affirmatively state under oath that it has not been involved in any political campaign for any such public official within the previous two years, and will not during the time it is authorized to act as the employees exclusive representative. If evidence is presented to the board of mediation that the labor organization has violated this prohibition, the board may suspend or revoke the certification of the labor organization to serve as the exclusive representative of the employees.

This act prohibits employees of certain elected officials from soliciting financial contributions or political support or endorsements from labor organizations which the official or anyone in that official's department or in a position subordinate to that official has had responsibility for meeting and conferring pursuant to Section 105.520, or with which said discussions have been held within two years prior to the solicitation, contribution, or endorsement. Any such official shall recuse himself from discussions on behalf of the public body in relation to the activities of the labor organization for a period of two years after the political activity occurred. Further, no employee on behalf of the state may engage in discussions, deliberations, or negotiations with any labor organization if the employee is involved in political activities where the appearance exists that the officer or agent would be granting favors to the labor organization in return for political favors in connection with the meet and confer process.
RICHARD MOORE

120102 Prefiled
010803 S First Read S40
011403 Second Read and Referred S Small Business, Insurance
and Industrial Relations Committee
012203 Hearing Conducted S Small Business, Insurance and
Industrial Relations Committee

EFFECTIVE : August 28, 2003

SB 0120

SENATE SPONSOR Caskey

0413S.01I

SB 120 - This act enables Cass County to adopt provisions of current law whereby it will be able to deposit an amount not greater than one-fifth of one percent of all ad valorem property tax collections on newly constructed property into the assessment fund of the county for collection costs.

JEFF CRAVER

120102 Prefiled

010803 S First Read

S40

011403 Second Read and Referred S Economic Development,
Tourism and Local Government Committee

011503 Hearing Conducted S Economic Development, Tourism &
Local Government Committee

EFFECTIVE : August 28, 2003

SB 0121

SENATE SPONSOR Caskey

0414S.01I

SB 121 - This act modifies the current law concerning a county's adoption of planning and zoning prior to becoming a first class county so as to specifically include Cass County. This change will enable Cass County to continue to operate under its existing planing and zoning laws.

JEFF CRAVER

120102 Prefiled

010803 S First Read

S40

011403 Second Read and Referred S Economic Development,
Tourism and Local Government Committee

011503 Hearing Conducted S Economic Development, Tourism &
Local Government Committee-Consent

EFFECTIVE : August 28, 2003

SB 0122

SENATE SPONSOR Caskey

0164S.02I

SB 122 - This act modifies the delivery date of the Assessor's book to a later date. Specifically, it changes the date from May 31 to August 31. This modification requires a slight modification of certain other dates concerning the progression of the book from the Assessor to the Clerk and then to the Collector. The current law set out specific dates for Jackson and Greene counties. This act maintains the status quo for Jackson and Greene Counties concerning these dates, while

modifying the delivery date for the remainder of the state.

The date changes will take effect January 1, 2004.
JEFF CRAVER

120102 Prefiled
010803 S First Read S40
011403 Second Read and Referred S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee
012703 Hearing Scheduled S Financial & Governmental Org.,
Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2003

SB 0123

SENATE SPONSOR Goode

0431S.01I

SB 123 - This act regulates high-cost home loans and establishes certain lender reporting requirements. The act prohibits specific practices with respect to high-cost home loans, including prepayment penalties, issuing high-cost loans stipulating negative amortization, loan flipping, making misleading statements about a residential home loan transaction, and compensating or intimidating appraisers to influence their judgment with regard to the value of the real estate.

ATTORNEY GENERAL'S POWERS - This act deletes a portion of current law which prohibits the Attorney General from moving forward with a unfair practice charge against a company under the supervision of the Department of Insurance, Director of the Division of Credit Unions or the Division of Finance. Under this act, the Attorney General's office will be able to proceed with charges against those companies.

PROHIBITED PREDATORY LENDING PRACTICES - Under this act, no prepayment penalties are allowed with respect to high cost home loans. Lenders are prohibited from engaging in the practice of negative amortization. Lenders are prohibited from engaging in the practice known as loan flipping. Lenders are prohibited from encouraging default on an existing loan in the connection with the closing of a consumer home loan. Lenders must reasonably believe that borrowers can repay the loan based on current and expected income, debt, and other financial resources other than the borrower's equity in his or her home. A borrower shall be presumed to be able to make payments under the loan if the borrower's total monthly debts do not exceed 50% of the borrower's monthly gross income. Lenders may not charge a fee for an unprovided service or misrepresent the amount charged by a third party service. Lenders may not make misleading statements with respect to a residential loan transaction regarding the borrower's ability to qualify. Lenders may not compensate or intimidate an appraiser regarding the value of real estate. Lenders may not finance certain forms of insurance through the home loan or for debt cancellation. High-cost loans in which

blanks are left to be filled in after contracts are signed are unenforceable.

CONTRACT LANGUAGE REQUIREMENTS - This act requires the lender to provide a copy of the loan in a different language if the discussions leading to the loan were in a different language.

PROHIBITED HIGH-COST LOAN CONTRACT TERMS AND PRACTICES - High-cost loans may not contain scheduled payments which are more than twice as large as the average of the earlier scheduled payments. High-cost loans can not contain terms which require more than two periodic payments are consolidated and paid in advance from the loan proceeds. High-cost loans can not contain provisions which increase the interest rate after default. High-cost loans may not contain provisions which allow the lender to increase the indebtedness at his or her discretion. Lenders are prohibited from charging borrowers fees to modify, renew or amend high-cost loans or to defer payments under the terms of the loan. Lenders are prohibited from making high-cost loans without first receiving certification from HUD that the borrower has received loan counseling. High-cost loans may not contain mandatory arbitration clauses. Lenders are prohibited from paying home-improvement contractors from the high-cost loan unless the instrument is both payable to the borrower and contractor, or through a third-party escrow agent.

GOOD FAITH - Lenders who attempt to evade the high-cost loan prohibitions by structuring the loan as an open-ended account transaction or some other transaction are still subject to the act. Lenders acting in good faith who fail to comply with Section 408.719 may evade prosecution if they notify the borrower of the compliance failure and make appropriate restitution.

PENALTIES AND REMEDIES - Lenders who violate this act will be liable to the borrower for actual damages, statutory damages equal to the finance charges in the agreement plus 10% of the amount financed, punitive damages for an intentional or reckless violation of the act, and reasonable attorney fees and costs.

Borrowers may be granted injunctive relief. If the lender intentionally violated this act, the loan is void rendering the lender incapable of collecting on the loan and the borrower may recover any payments under the agreement. The borrower also has the right to rescind the agreement against a party foreclosing on the loan.

UNLAWFUL TRADE PRACTICE - Violations of this act are deemed to be unlawful trade practices and may be prosecuted by the Attorney General's office.

INVESTMENT PROHIBITIONS - Lenders are prohibited from making investments which are backed by loans violating the act.

REPORTING REQUIREMENTS - Lenders which are exempt from federal reporting requirements because of the amount of loans they originated the proceeding year are required to report similar information to the Division of Finance. Lenders must report to

the Division of Finance the average and median interest rates of mortgage loans they originate grouped by income levels, gender and racial categories. The reporting requirements become effective January 1, 2005.

The rest of the act is effective January 1, 2004. This act is similar to HB 181 (2001).
STEPHEN WITTE

120102 Prefiled
010803 S First Read S40
011403 Second Read and Referred S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2003

SB 0124

SENATE SPONSOR Goode

0218S.01I
SB 124 - Under current law, if property is traded in on a purchase, purchasers pay sales or use tax only on the excess, if any, of the purchase price of the new item less any trade-in allowance and any applicable rebates. This act authorizes the reduction in the purchase price of an article if the trade-in has been subject to the imposition of sales or use tax or has been exempted or excluded from such tax. The act specifies that a purchaser of a motor vehicle, trailer, boat or outboard motor is only allowed a credit for the trade-in of a similar item.

This act is similar to SB 750 (2002).
JEFF CRAVER

120102 Prefiled
010803 S First Read S40
011403 Second Read and Referred S Ways and Means Committee

EFFECTIVE : August 28, 2003

SB 0125

SENATE SPONSOR Goode

0304S.04I
SB 125 - This act allows water corporations to file a petition with the Public Service Commission to recover costs associated with certain infrastructure system replacements once per year. The PSC may not approve a charge if it would produce total revenues exceeding 10% of the water corporation's base revenue level or if the water corporation has not had a general rate proceeding in the last three years. Petition filing requirements are specified in the act. The water corporation is required to reconcile the revenues generated with the underlying costs of the infrastructure replacements. The PSC is given

authority to promulgate rules for the implementation of these provisions.
CINDY KADLEC

120102 Prefiled
010803 S First Read S40
011403 Second Read and Referred S Commerce and Environment
Committee

EFFECTIVE : August 28, 2003

SB 0126

SENATE SPONSOR Bland

0140S.01I
SB 126 - This act allows the Public Service Commission to refund ratepayers for unauthorized use charges, penalties and refunds from pipelines after an evidentiary hearing.

This act is identical to SB 1235 (2002).
CINDY KADLEC

120102 Prefiled
010803 S First Read S40
011403 Second Read and Referred S Commerce and Environment
Committee

EFFECTIVE : August 28, 2003

SB 0127

SENATE SPONSOR Bland

0141S.01I
SB 127 - This act allows the Public Service Commission to consider the ability to pay as a factor in setting utility rates and may establish programs for low-income residents. The Commission may also require public utilities to provide information on the coordination of other programs and other bill related information.

This act is identical to SB 1234 (2002) and HB 1875 (2002).
CINDY KADLEC

120102 Prefiled
010803 S First Read S40
011403 Second Read and Referred S Commerce and Environment
Committee

EFFECTIVE : August 28, 2003

SB 0128

SENATE SPONSOR Bland

0144S.01I

SB 128 - This act allocates the increase in State sales tax revenues resulting from increases in the cost of natural gas in the 2000-2001 heating season to the Utilicare Stabilization Fund. This fund is used to provide heating assistance to those persons unable to pay utility costs.

This act is identical to SB 1042 (2002).
CINDY KADLEC

120102 Prefiled

010803 S First Read

S40

EFFECTIVE : August 28, 2003

SB 0129

SENATE SPONSOR Gross

0039S.01I

SB 129 - This act prohibits officials of any state agency from using public funds to support ballot measures or a candidate for public office. The act further states that such state officials or employees are permitted to make public appearances or issue press releases concerning a ballot measure.
JIM ERTLE

120102 Prefiled

010803 S First Read

S40

011403 Second Read and Referred S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2003

SB 0130

SENATE SPONSOR Gross

0317S.02I

SB 130 The act authorizes the State to convey state property in St. Charles County along 321 Knaust Road to St. Charles County. The State Commissioner of Administration is responsible for setting the terms and conditions of the sale of the property.
JIM ERTLE

120102 Prefiled

010803 S First Read

S40

011403 Second Read and Referred S Economic Development,
Tourism and Local Government Committee

011503 Hearing Conducted S Economic Development, Tourism &
Local Government Committee-Consent

EFFECTIVE : August 28, 2003

SB 0131

SENATE SPONSOR Gross

0339S.01I

SB 131 The act provides that a person convicted of a felony shall not vote until such time as the Governor grants a pardon, commutation of sentence or a reprieve to such person. Currently, a person convicted of a felony is prohibited from voting until the person finishes the sentence or, if on probation or parole, until the person is finally discharged from probation or parole.

JIM ERTLE

120102 Prefiled

010803 S First Read

S40

011403 Second Read and Referred S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee

012103 Hearing Conducted S Financial & Governmental Org.,
Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2003

SB 0132

SENATE SPONSOR Loudon

0390S.01I

SB 132 - This act revises the operation of the Cafeteria Plan for State employees. The act requires the Commissioner of Administration to include in the Cafeteria Plan, products from vendors if: (1) the product is eligible under the United States Code; (2) the vendor is approved by the Office of Administration; and (3) the vendor is receiving at least \$500,000 annually from State employees through voluntary payroll deductions.

CINDY KADLEC

120102 Prefiled

010803 S First Read

S40

011403 Second Read and Referres S Governmental
Accountability and Fiscal Oversight Committee

012703 Hearing Scheduled S Govermental Accountability and
Fiscal Oversight Committee

EFFECTIVE : August 28, 2003

SB 0133

SENATE SPONSOR Loudon

0388S.01I

SB 133 - This act prohibits elected and appointed officials from appearing in televised commercials or advertisements paid for by state money.

This act is identical to SB 1118 (2002).
JIM ERTLE

120102 Prefiled

010803 S First Read

S40

011403 Second Read and Referred S Governmental

Accountability and Fiscal Oversight Committee

012703 Hearing Scheduled S Governmental Accountability and
Fiscal Oversight Committee

EFFECTIVE : August 28, 2003

SB 0134

SENATE SPONSOR Loudon

0437S.01I

SB 134 - This act allows peace officers wounded in the line of duty, or surviving spouses, parents, brothers, sisters or children of a peace officer killed in the line of duty, to receive special license plates. The applicant shall pay \$15 in addition to regular registration fees. The plate shall bear the insignia depicting a yellow rose superimposed over the outline of a badge and shall bear the words "TO PROTECT AND SERVE".
STEPHEN WITTE

120102 Prefiled

010803 S First Read

S40

011403 Second Read and Referred S Transportation Committee

EFFECTIVE : August 28, 2003

SB 0135

SENATE SPONSOR Goode

0069S.01I

SB 135 This act exempts from taxation certain personal property leased to the state or to any political subdivision or to any tax-exempt organization, provided that such property is regularly and exclusively used for religious, educational or charitable purposes.

This act is similar to SB 773 (2002).
JEFF CRAVER

01/23/03

MISSOURI SENATE
WEEKLY BILL STATUS REPORT

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120102 Prefiled

010803 S First Read

S40-41

EFFECTIVE : August 28, 2003

SB 0136

SENATE SPONSOR Goode

0159S.01I

SB 136 - This act changes the opening day for filing a declaration of candidacy for offices in political subdivisions and special districts from the 15th Tuesday before the election in April to the 16th Tuesday before the election. The act also modifies the date before which the political subdivision or special district must notify the general public of the opening filing date, the offices to be filled, the place for filing and closing filing date from the 15th Tuesday before the election to the 16th Tuesday before the election.

JIM ERTLE

120102 Prefiled

010803 S First Read

S41

011403 Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee

012103 Hearing Conducted S Financial & Governmental Org., Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2003

SB 0137

SENATE SPONSOR Goode

0227S.01I

SB 137 - This act authorizes "design-build" contracts in certain instances.

The Director of the Division of Design and Construction may determine that a design-build procurement process is necessary for any particular project based upon criteria set out in the act. The Division may hire a consultant to prepare proposals, review documents, decide disputes and make inspections. Design-build proposals are evaluated by a team composed of at least two representatives of the Division, two representatives of the agency that is to use the finished building and a chairman appointed by the Director of the Division.

Proposals may be solicited in three phases: Phase I involves soliciting of qualifications so that design-builders may be pre-qualified. The top five qualifiers will be asked to participate in phase II, in which they submit their design for the project. In phase III, the design-build contractors shall submit cost proposals.

The Division shall pay those submitting unsuccessful Phase

II proposals for their technical submission and the Division may subsequently use the design.

The provisions of this act expire on December 31, 2005.

This act is similar to SB 748 (2002).
CINDY KADLEC

120102 Prefiled
010803 S First Read S41
011403 Second Read and Referred S Small Business, Insurance
and Industrial Relations Committee

EFFECTIVE : August 28, 2003
TERM DATE : December 31, '05

SB 0138

SENATE SPONSOR Bland

0136S.01I

SB 138 - This act modifies the maximum penalties a consumer must pay for late payments on certain credit transactions. Under the act, a lender may charge a late payment of 2% of the minimum payment due or \$15, whichever is less, on a small loan payment which is fifteen days or more in default.

This act also modifies the late charge on retail credit sales. Under the act, the maximum late charge that can be charged is \$5 (reduced from \$10) or \$2 (reduced from \$5) when the monthly installment due is less than \$25.

This act is similar to SB 1079 (2002).
JIM ERTLE

120102 Prefiled
010803 S First Read S41
011403 Second Read and Referred S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2003

SB 0139

SENATE SPONSOR Bland

0134S.01I

SB 139 - This act modifies the Grandparents as Foster Parents Program. This act returns the Program to that which was passed in SB 837 in 1999.

Section 453.325, RSMo, requires the Division of Family Services to establish the "Grandparents as Foster Parents" Program. A grandparent, who is age 50 or older, may participate if he or she is the legal guardian of a grandchild and if he or

she participates in the training available through the Division. If all of the requirements are satisfied, the Program will provide the following benefits:

Reimbursement based on the current foster care payment schedule;

Foster parent training, parenting skills training, childhood immunizations, and other similar health screens;

Continuing counseling for the child and the grandparent;

Support services, including respite care, child care, and transportation assistance;

Medicaid services to the child; and

Ancillary services, such as child care, respite care, transportation assistance, clothing allowances, but not direct financial payments to the participants.

Grandparents who are either under 50 years of age or who choose not to participate in the training for the Program may apply to the Division for foster care reimbursement and assistance.

This act is identical to SB 793 (2002).

LORIE TOWE

120102 Prefiled

010803 S First Read

S41

011403 Second Read and Referred S Ways and Means Committee

EFFECTIVE : August 28, 2003

TERM DATE : August 28, 2008

SB 0140

SENATE SPONSOR Bland

0133S.01I

SB 140 - This act establishes the General Assembly Scholarship Program for the purpose of helping certain students pay fees at any public college or university in the state.

Student eligibility qualifications include: residency, successful completion of a core curriculum, high school graduation with a minimum 2.5 GPA, extracurricular activity involvement, a composite score on the ACT of at least 18 on the 1989 version or its equivalent, and certain financial needs.

Students from families with annual adjusted gross incomes of less than \$25,000 are eligible for a full scholarship. Students from families with annual adjusted gross incomes of between \$25,000 and \$35,000 are eligible for partial scholarships on a sliding scale, and students whose families have an annual adjusted gross income of more than \$35,000 are not eligible without a showing of hardship because of large medical bills.

The act sets requirements for a student to maintain the scholarship, including participation in a work study program. The Coordinating Board for Higher Education is designated to

administer the program and make necessary rules and regulations.

The scholarship program shall be funded by a one percent per annum earnings tax on the salaries, wages, commissions and other compensation of nonresidents and on the net profits of associations, businesses, and other activities conducted by nonresidents. Organizations exempt from the earnings tax include religious, charitable, scientific or educational associations or corporations, civic groups organized to promote the social welfare and clubs organized for pleasure, recreation, or other nonprofit purposes.

Moneys from the earnings tax shall be deposited in the newly-created General Assembly Scholarship Program Fund. The Department of Revenue shall establish rules and regulations to collect and enforce the earnings tax.

The provisions of this act are effective January 1, 2004.

This act is identical to SB 790 from 2002.
DONALD THALHUBER

120102 Prefiled
010803 S First Read S41
011403 Second Read and Referred S Ways and Means Committee

EFFECTIVE : January 1, 2004

SB 0141

SENATE SPONSOR Gross

0292S.01I
SB 141 - This act narrows the definition of a "Qualified Missouri Project" to only include projects in school districts where less than twenty percent of the students receive free and reduced school lunches. This restriction only applies to the initial filing of the eligibility statement for the project.
JEFF CRAVER

120102 Prefiled
010803 S First Read S41
012103 Second Read and Referred S Ways and Means Committee

EFFECTIVE : August 28, 2003

SB 0142

SENATE SPONSOR Goode

0459S.01I
SB 142 - This act gives the power of eminent domain to towns and villages with 200 or more inhabitants. Such towns and villages are also authorized to provide for and regulate sewage reduction devices, street lighting systems and water supplies.

This act is substantially similar to SB 711 (2002).
JIM ERTLE

120102 Prefiled
010803 S First Read S41
012103 Second Read and Referred S Economic Development,
Tourism & Local Government Committee
012203 Hearing Conducted S Economic Development, Tourism &
Local Government Committee

EFFECTIVE : August 28, 2003

SB 0143

SENATE SPONSOR Goode

0486S.01I

SB 143 - This act provides that vetoed bills become
effective 30 days after the General Assembly votes to over-ride.

This act is similar to SB 749 (2002).
JIM ERTLE

120102 Prefiled
010803 S First Read S41
012103 Second Read and Referred S Governmental
Accountability & Fiscal Oversight Committee
012703 Hearing Scheduled S Governmental Accountability and
Fiscal Oversight Committee-Consent

EFFECTIVE : August 28, 2003

SB 0144

SENATE SPONSOR Goode

0495S.01I

SB 144 - This act revises the sunshine law in the following
manner:

- Includes a bi-state development agency in the definition
of "quasi-public governmental body";

- Any votes taken during a closed or open meeting shall be
by roll call, except on unanimous votes of the members present;

- Clarifies that votes taken by a public body in a closed
meeting regarding legal actions, the acquiring of real property,
or personnel matters must be taken by roll call vote and the
results of the vote be made public;

- No vote may be closed without an affirmative vote of the
body;

- Requires production of public records, and the fees for copying shall not exceed the amounts charged by the Secretary of State;

- Authorizes the Attorney General to attempt to resolve disputers or complaints, and to review open and closed records, except for privileged communications. Closed records shall remain closed, unless the Attorney General determines that closure was unlawful, in which case he shall be entitled to use the records in an action to enforce the Sunshine Law;

- Allows civil penalty if governmental body has "knowingly" violated act, and increases the penalty from \$500 to \$2500.

Provisions of this act are similar to SB 709 (2002).
JIM ERTLE

120102 Prefiled
010803 S First Read S41
012103 Second Read and Referred S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2003

SB 0145

SENATE SPONSOR Bland

0132S.01I

SB 145 - Currently, peace officers are required to report certain information concerning each stop of a driver of a motor vehicle for a violation of a traffic law or ordinance, including the racial identity of the person stopped, the violations alleged, the circumstances surrounding any resulting search and whether any arrest was made. This act requires such information for each stop of a motor vehicle, regardless of the purpose of the stop. The act also requires information to be collected on pedestrian stops.

This act is similar to SB 789 (2001).
RICHARD MOORE

120102 Prefiled
010803 S First Read S41
012103 Second Read and Referred S Judiciary & Civil &
Criminal Jurisprudence Committee

EFFECTIVE : August 28, 2003

SB 0146

SENATE SPONSOR Bland

0139S.01I

SB 146 - This act requires health carriers that offer health benefit plans in this state on or after January 1, 2004, to provide coverage for mental health conditions. Mental health conditions are defined as those listed in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders. Coverage for mental health conditions cannot have rates, terms, or conditions that place a greater financial burden on an insured for mental health condition than for physical health condition. This mandated benefit shall not apply to supplemental insurance policies, life care contracts, accident-only policies, specified disease policies or other specific policies.

The act also modifies some of the standards for chemical dependency coverage and repeals several sections relating to mental illness and addictive disorders. The sections repealed include current exceptions to the requirement that health insurers who cover services for mental illness and addictive disorders provide the same coverage as they do for physical illness. These provisions include exceptions that allow insurers to limit inpatient hospital treatment for mental illness to 90 days per year (Section 376.811.2), place annual and lifetime limits on alcohol and drug abuse treatment services (Section 376.827), and exclude or apply different limits to certain specified services (Section 376.833).

This act is similar to SB 1141 and HB 1440 (2002).
STEPHEN WITTE

120102 Prefiled

010803 S First Read

S41

012103 Second Read and Referred S Small Business, Insurance
and Industrial Relations Committee

EFFECTIVE : August 28, 2003

SB 0147

SENATE SPONSOR Bland

0138S.01I

SB 147 - This act outlines the minimum staffing requirements for skilled nursing facilities, licensed under Chapter 198, RSMo. A new Section 198.166 is created and requires every skilled nursing facility (SNF) to retain a full-time registered nurse (RN) to serve as Director of Nursing. SNFs with more than 100 licensed beds must employ a registered nurse to serve as Assistant Director of Nursing and must have a Director of In-Service Education. All SNFs must maintain the following ratio of staff to residents, which include Licensed Practical Nurses (LPNs) and RNs:

1 staff person to 15 residents during the morning shift;
1 staff person to 25 residents during the evening shift; and
1 staff person to 35 residents during the night-time shift.

Every SNF must also maintain the following staff to resident ratio of direct care providers, which include certified nurse's aides, LPNs, and RNs:

1 staff person to 5 residents during the morning shift;
1 staff person to 10 residents during the evening shift; and
1 staff person to 15 residents during the night-time shift.

Members of the nursing staff may not provide food, housekeeping, laundry, or maintenance services to residents. Employees hired to provide such services may not provide nursing care and may not be counted in the staff to resident ratios. The Division of Aging is allowed to develop rules to impose penalties on facilities that fail to meet the staffing requirements.

This act is identical to SB 1082 (2002).
LORIE TOWE

120102 Prefiled
010803 S First Read S41
012103 Second Read and Referred S Aging, Families & Mental &
Public Health Committee

EFFECTIVE : August 28, 2003
TERM DATE : August 28, 2008

SB 0148

SENATE SPONSOR Goode

0496S.01I

SB 148 - This act establishes a 65 mile per hour speed limit for trucks over 24,000 pounds on the rural interstates and freeways. The current speed limit for all vehicles is 70 miles per hour on rural interstates and freeways. The act also establishes a 60 mph hour speed limit for trucks on rural expressways and a 55 mph speed limit for trucks on urban interstate highways, freeways and expressways. The current speed limit for all vehicles is 70 miles per hour on rural interstates and freeways, 65 mph on rural expressways, and 60 mph on urban interstate highways, respectively. An operator of a truck who violates the speed limit by more than 5 mph will be fined an additional fine of \$50 per mile over that limit.

This act is similar to SB 774 (2002) and SB 138 (2001).
STEPHEN WITTE

120102 Prefiled
010803 S First Read S41
012103 Second Read and Referred S Transportation Committee

EFFECTIVE : August 28, 2003

SB 0149

SENATE SPONSOR Bland

0137S.01I

SB 149 - The act creates a new license classification for cosmetologists to be known as Class CB - braider. Braiders are required to take a course of study of at least 650 hours, or complete 1300 hours as an apprentice under the supervision of a licensed cosmetologist. The act also provides that schools of cosmetology must offer a course of study for 650 hours or the credit hours determined by the formula in Subpart A of Part 668 of Section 668.8 of Title 34 of the Code of Federal Regulations, as amended. A minimum of 100 hours of classroom training must be completed by the student before performing any acts of hair braiding on a patron or customer of a cosmetology school.

JIM ERTLE

120102 Prefiled

010803 S First Read

012103 Second Read and Referred S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2003

SB 0150

SENATE SPONSOR Bland

0145S.01I

SB 150 - This act allows any school district to create after school and summer educational programs in the subjects of art, science and mathematics for at-risk youth.

This act is similar to SB 794 (2002).

DON THALHUBER

120102 Prefiled

010803 S First Read

012103 Second Read and Referred S Education Committee

EFFECTIVE : August 28, 2003

SB 0151

SENATE SPONSOR Bland

0143S.01I

SB 151 - This act creates a pilot project which will require the Director of the Department of Economic Development to designate a tax free zone within a portion of Kansas City. The area to be designated shall be within a distressed community as defined by law. The city shall identify qualified areas and

shall recommend one such area for designation as the economically depressed tax free zone. All retail purchases made during the years 2003 through 2005 within the economically depressed tax-free zone will be exempt from all state and local sales tax.

This act is identical to SB 1045 (2002).
JEFF CRAVER

120102 Prefiled
010803 S First Read
012103 Second Read and Referred S Ways and Means Committee

EFFECTIVE : August 28, 2003

SB 0152

SENATE SPONSOR Bland

0149S.01I
SB 152 - This act prohibits manufacturers of concealable firearms or assault weapons, as defined in the act, from distributing such weapons unless they are equipped with a reusable child safety lock or firearm locking device.

This act is identical to SB 781 (2002).
JIM ERTLE

120102 Prefiled
010803 S First Read
012303 Second Read and Referred S Judiciary & Civil &
Criminal Jurisprudence Committee

EFFECTIVE : August 28, 2003

SB 0153

SENATE SPONSOR Bland

0148S.01I
SB 153 - This act authorizes an appropriation to the Missouri Housing Development Commission for grants to pay for operation and grant administration costs incurred by community housing development organizations.

This act is identical to SB 782 (2002).
STEPHEN WITTE

120102 Prefiled
010803 S First Read
012103 Second Read and Referred S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2003

SB 0154

SENATE SPONSOR Bland

0147S.01I

SB 154 - This act prohibits health carriers from changing their drug formulary except at the beginning of the policy's annual anniversary date. However, the health carrier may add new prescription drugs to its formulary. The health carrier may not increase an enrollee's co-payment, co-insurance or other out-of-pocket expenses except at the beginning of the annual anniversary date for the policy.

This act is identical to SB 792 (2002).
LORIE TOWE

120102 Prefiled

010803 S First Read

012103 Second Read and Referred S Small Business, Insurance
and Industrial Relations Committee

EFFECTIVE : August 28, 2003

SB 0155

SENATE SPONSOR Bland

0200S.01I

SB 155 - This act designates the first commercial film studio in Missouri operated by Walt Disney as a Missouri State Historical site.

This act is identical to SCS/SB 1043 (2002).
SARAH MORROW

120102 Prefiled

010803 S First Read

012103 Second Read and Referred S Agriculture, Conservation,
Parks and Natural Resources Committee

EFFECTIVE : Emergency Clause

SB 0156

SENATE SPONSOR Bland

0229S.01I

SB 156 - This act extends the sunset on the fee for waste tires to 2011.
CINDY KADLEC

120102 Prefiled

010803 S First Read

012103 Second Read and Referred S Commerce & Environment

Committee

EFFECTIVE : August 28, 2003

SB 0157

SENATE SPONSOR Bland

0032S.06I

SB 157 - This act requires anyone licensed under Sections 374.700 to 374.775 to complete a 20-hour classroom training program in the areas of law, field operations, skills, and first aid.

This act mandates that surety recovery agents licensed in this section be employed by no more than one bail bond agent.

Any complaints made against a person licensed under Sections 374.700 to 374.775 shall be investigated by the Department of Insurance and may be grounds for the denial of license renewal.

This act requires a bail bond agent licensed in another state to be accompanied by a local law enforcement official during an arrest.

This act prohibits a person licensed pursuant to Sections 374.700 to 374.775 to wear or display any uniform, badge or other insignia that purport the person to be a law enforcement official, but the act requires such person to carry identification cards issued by the Department of Insurance.

No person licensed in these sections shall carry any dangerous weapons, including any pistol, revolver or firearm.

Persons licensed under this section shall notify local law enforcement and be accompanied by at least one local law enforcement officer when performing the duties of fugitive recovery.

SARAH MORROW

120102 Prefiled

010803 S First Read

012103 Second Read and Referred S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2003

SB 0158

SENATE SPONSOR Bland

0192S.01I

SB 158 - This act creates the "State Board of Public Records" (Board). The Board is located in the Office of Administration and develops recommendations to monitor compliance of Missouri's Sunshine Law (Chapter 610, RSMo). The Board has

subpoena power to view all records. The Board will also determine if a central office dealing with citizen's complaints is necessary.

The Board is comprised of seven members to be appointed by the governor with the advice and consent of the Senate. No more than four members may be of the same political party. Board members will not receive compensation, but will be reimbursed for necessary and actual expenses.
SARAH MORROW

120102 Prefiled

010803 S First Read

012103 Second Read and Referred S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2003

SB 0159

SENATE SPONSOR Bland

0266S.01I

SB 159 - This act directs the State Board of Education to establish a coordinated health program board by January 1, 2004. No later than January 1, 2005, the coordinated health program board shall make available to each school district in the state a coordinated health program designed in order to prevent obesity, cardiovascular disease, and type II diabetes in elementary and secondary students. The programs must provide for the coordination of health education, physical education and physical activity, nutrition services, and parental involvement.

No later than January 1, 2006, each school district shall participate in appropriate training for the implementation of the program and administer the program in each elementary and secondary school in the district. The state board of education shall, in cooperation with the Missouri Department of Health, provide school districts with the necessary training under this section.

DONALD THALHUBER

120102 Prefiled

010803 S First Read

012103 Second Read and Referred S Aging, Families & Mental &
Public Health Committee

EFFECTIVE : August 28, 2003

SB 0160

SENATE SPONSOR Bland

0279S.01I

SB 160 - The act provides that first degree and second degree arson, which typically are Class B and Class C felonies, respectively, shall be a Class A felonies if the arson occurs to a church or other place of worship and was motivated because of the race, color, religion, national origin, sex, sexual orientation or disability of the victims.

This act is identical to SB 1278 (2002).
SARAH MORROW

120102 Prefiled

010803 S First Read

012103 Second Read and Referred S Judiciary & Civil &
Criminal Jurisprudence Committee

EFFECTIVE : August 28, 2003

SB 0161

SENATE SPONSOR Bland

0282S.01I

SB 161 - Under current law, persons who plead guilty or are found guilty of driving while intoxicated and driving with excessive blood alcohol content are required to successfully complete a substance abuse traffic offender program, pay the fees required for the program, and pay a supplemental fee of \$60 to the Division of Alcohol and Drug Abuse within the Department of Mental Health. This act applies these requirements to persons who plead guilty or who are found guilty of reckless and drunken operation or use of boats or skis, negligent operation of a vessel, and operating a vessel with excessive blood alcohol content.

This act is similar to SB 1216 and HB 1686 (2002).
STEPHEN WITTE

120102 Prefiled

010803 S First Read

EFFECTIVE : August 28, 2003

SB 0162

SENATE SPONSOR Bland

0281S.01I

SB 162 - This act requires insurance companies to provide mandatory coverage for twenty-four hours of inpatient care following surgery. The inpatient care may be for less than

twenty-fours if the patient agrees to a shorter period of inpatient care and the insurance policy provides coverage of post-discharge care. All insurance policies shall provide notice of this required coverage. This required coverage shall not be subject to greater deductibles or copayments than other similar health care coverages provided in the policy.

This act is similar to SB 1044 (2002).
STEPHEN WITTE

120102 Prefiled
010803 S First Read
012103 Second Read and Referred S Small Business, Insurance
and Industrial Relations Committee

EFFECTIVE : August 28, 2003

SB 0163

SENATE SPONSOR Bland

0187S.02I

SB 163 - This act authorizes the Department of Revenue to use biometric identification methods in order to properly identify driver license applicants. Biometric identification consists of facial recognition, fingerprints, hand geometry, iris recognition, retinal scans, and other methods of recognizing a person based upon physiological characteristics. Before issuing any driver license, nondriver license, or instruction permit, the applicant must provide biometric information as requested by the Director of the Department of Revenue. The Director is authorized to promulgate rules regarding the capture of biometric identification codes on applications for driver's licenses, nondriver's licenses, and instruction permits.

This act modifies the instruction permit application process. The act specifies what an instruction permit application must contain (name, Social Security Number, mailing address, etc.). An instruction permit application must also contain an unique biometric identification code. Additionally, the application must contain information which will enable the director to determine whether the applicant is fit to drive a motor vehicle or whether the applicant has any prior convictions relating to driving a motor vehicle (DWIs, driving without a license, etc.).

This act also reorganizes a provision of law relating to nondriver's licenses.
STEPHEN WITTE

120102 Prefiled
010803 S First Read
012103 Second Read and Referred S Transportation Committee

EFFECTIVE : August 28, 2003

SB 0164

SENATE SPONSOR Bland

0174S.01I

SB 164 - This act prohibits passengers, as well as drivers, from possessing or consuming an open container of an alcoholic beverage in the passenger area of a motor vehicle on a highway or a right-of-way. A person violating this act shall be guilty of an infraction with a penalty not to exceed \$25. This act does not apply to passengers in the passenger area of motor vehicle used to transport persons for compensation or to passengers in the living quarters of a house coach, house trailer or recreational motor vehicle. This act shall also not apply to the possession of an open container behind the last upright seat of a motor vehicle that is not equipped with a trunk.

This act is similar to one contained in SB 660 (2002) and SB 291 (2001).

STEPHEN WITTE

120102 Prefiled
010803 S First Read

EFFECTIVE : August 28, 2003

SB 0165

SENATE SPONSOR Bland

0040S.01I

SB 165 - This act increases the number of members of the Missouri Minority Business Advocacy Commission from nine to eleven. The new members shall include two minority members from the House of Representatives to be appointed by the Speaker of the House and two minority members from the Senate to be appointed by President Pro Tem. The act also provides for one representative of labor and one representative of a non-minority business to serve on the commission.

This act removes language granting sole authority to the Office of Administration and the Department of Economic Development in developing a financial plan and implements new language allowing them to assist the Commission in the development of a financial plan.

This act states that the plan will be compatible with the state disparity study of 1997 and will be submitted to the Governor and General Assembly by July, 2006, and biennially thereafter.

This act moves the authority of the commission from Chapter 33, RSMo, State Financial Administration, to Chapter 37 RSMo, Office of Administration.

This act is substantially similar to HB 2187 (2002).

LORIE TOWE

120102 Prefiled
010803 S First Read
012103 Second Read and Referred S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2003

SB 0166

SENATE SPONSOR Bland

0278S.01I

SB 166 - This act establishes a Needle Exchange Program within the Department of Health. The Needle Exchange Program will attempt to reduce HIV transmission associated with drug use by providing sterile needles and will encourage participants to seek substance abuse counseling. The Department may legally possess and distribute hypodermic needles or syringes as part of the Program. All records associated with the Program will be closed.

This act is identical to SB 764 (2002).
LORIE TOWE

120102 Prefiled
010803 S First Read
012103 Second Read and Referred S Aging, Families & Mental &
Public Health Committee

EFFECTIVE : August 28, 2003

SB 0167

SENATE SPONSOR Russell

0170S.02I

SB 167 This act provides that in any election contest for circuit or associate judge, regardless of whether the contest involves qualifications, irregularity or other cause and whether it is in a primary or general election, the petition must be filed in and heard by an adjoining Circuit Court.

If a petition contesting any election is filed in an incorrect circuit, the court in which it is filed shall have jurisdiction to transfer such case to the correct Circuit Court.
JIM ERTLE

120302 Prefiled
010803 S First Read
012103 Second Read and Referred S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee

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EFFECTIVE : August 28, 2003

SB 0168

SENATE SPONSOR Quick

0305S.01I

SB 168 - This act provides a \$150,000 death benefit for public safety officers who are killed in the line of duty. The benefits will be administered by the Office of Administration. Funds for benefits will come from General Revenue. Should the number of claims exceed appropriations the claims will be paid on a pro rata basis.

This act is similar to SB 977 (2002).
CINDY KADLEC

120302 Prefiled

010803 S First Read

012103 Second Read and Referred S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2003

SB 0169

SENATE SPONSOR Quick

0216S.01I

SB 169 This act repeals the death penalty and makes the crime of first degree murder punishable by life imprisonment without parole.
SARAH MORROW

120302 Prefiled

010803 S First Read

012103 Second Read and Referred S Judiciary & Civil &
Criminal Jurisprudence Committee

EFFECTIVE : August 28, 2003

SB 0170

SENATE SPONSOR Quick

0302S.01I

SB 170 - This act allows the Clay County Commission to vote to pay the salaries of deputy circuit clerks and division clerks with county funds. Currently, the salaries of deputy circuit clerks and division clerks must be paid by the state.

This act is similar to SCS/SB 996 (2002).
JIM ERTLE

120302 Prefiled
010803 S First Read
012103 Second Read and Referred S Economic Development,
Tourism & Local Government Committee
012203 Hearing Scheduled But Not Heard S Economic Develop.
Tourism & Local Government Committee-Consent

EFFECTIVE : August 28, 2003

SB 0171

SENATE SPONSOR Loudon

0527S.01I

SB 171 - This act allows firefighters wounded in the line of duty, or surviving spouses, parents, brothers, sisters or children of a firefighter killed in the line of duty, to receive special license plates. The applicant shall pay \$15 in addition to regular registration fees. The plate shall bear the words "FIREFIGHTERS MEMORIAL".

STEPHEN WITTE

120302 Prefiled
010803 S First Read
012103 Second Read and Referred S Transportation Committee

EFFECTIVE : August 28, 2003

SB 0172

SENATE SPONSOR Goode

0550L.01I

SB 172 - This act creates and defines the following new terms in the Real Property Tax Increment Allocation Redevelopment Act: "high unemployment", "low-fiscal capacity", "moderate income", and "new job".

The act requires that a study be a part of the basis for finding that a redevelopment area on the whole is a blighted area, a conservation area, or an economic development area, and that such area has not be subject to growth and development through private investment. This study must state that records were reviewed, inspections were made, comparisons were made, or tasks undertaken demonstrating that the property has not been developed through private enterprise over a period of time. The act also requires an economic feasibility analysis indicating the return on investment of the proposed development.

The act limits a portion of existing law concerning sharing of payments in lieu of taxes among affected political subdivisions to apply only to blighted areas.

The act changes criteria used to evaluate primarily retail redevelopment projects funded by tax increment

financing in the City of St. Louis and in St. Louis, Jefferson, Warren, St. Charles, Franklin, Lincoln, St. Francois and Ste. Genevieve counties. Any redevelopment project consisting solely of public infrastructure improvements on public land, requiring less than two million dollars in TIF, and where the TIF bonds will be paid-off in less than seven years are exempt from these new criteria. Also exempt are redevelopment projects for which eligible project redevelopment costs are to be paid from that portion of the total economic activity taxes and payments in lieu of taxes imposed by the municipality only, and real or potential revenues from no other taxing jurisdictions are involved.

The act requires approved project areas or census blocks within these counties and the city of St. Louis to have high unemployment, low fiscal capacity, and moderate income. The act also limits the maximum amount of public funding for approved TIF projects to 30% of the total project costs, unless the redevelopment is occurring in certain further impoverished areas.

The act does not allow TIF to be used to develop sites where 25% or more of the area is vacant and has not been previously developed, qualifies as "open space" as defined in Section 67.900, RSMo, or is presently being used for agricultural or horticultural purposes, except in certain cases. If a redevelopment project is located with a majority of the project in a qualifying area and a contiguous area of lesser size meets the same criteria as the original are, then the contiguous area shall be added to the qualifying area.

Where a municipality received payments in lieu of taxes, it may be required to pay 25% of such payments to other taxing entities otherwise entitled to receive revenue from levies on real property in such municipality. Those taxing entities will divide this revenue proportionately to the collections of revenue from real property in the development area to which each such taxing entity is entitled during that tax year.

An annual submission of information regarding the approval plan shall be made to the DED, who shall submit a report to the Governor and the general assembly by the last day of April each year.

Certain counties providing emergency services pursuant to Chapter 190 shall be entitled to reimbursement from the special allocation fund for direct costs of not less than 25% but not more than 100% of that districts tax increment.

The act has an effective date of July 1, 2004.
JEFF CRAVER

120402 Prefiled
010803 S First Read

EFFECTIVE : July 1, 2004

SB 0173

SENATE SPONSOR Quick

0411S.01I

SB 173 This act provides that when a fire protection district expands the number of directors from three to five, the initial term of office for the newly elected fire protection district director receiving the second highest number of votes shall be four years. Currently, the term of office is three years.

JIM ERTLE

120402 Prefiled

010803 S First Read

012103 Second Read and Referred S Economic Development,
Tourism & Local Government Committee

012203 Hearing Conducted S Economic Development, Tourism &
Local Government Committee-Consent

EFFECTIVE : August 28, 2003

SB 0174

SENATE SPONSOR Childers

0497S.01I

SB 174 - This act states that a paddlesport outfitter has no liability for any injury to or death of a participant resulting from the inherent risks of paddlesport. However, an outfitter is liable if: (1) he or she intentionally injures a participant; (2) is negligent and is the proximate cause of the injury; (3) provides unsafe equipment that he or she should have known was unsafe; (4) fails to provide an approved flotation device; and (5) fails to use ordinary care.

Every outfitter shall post a sign which contains a warning that the outfitter is not liable for an injury as a result of the inherent risks of paddlesport activities.

This act is similar to HB 1609 (2002).
SARAH MORROW

120402 Prefiled

010803 S First Read

012303 Second Read and Referred S Judiciary & Civil &
Criminal Jurisprudence Committee

EFFECTIVE : August 28, 2003

SB 0175

SENATE SPONSOR Loudon

0392S.01I

SB 175 - This act creates a food recovery program for restaurants and charitable or nonprofit organizations to provide food to needy persons.

A new Section 192.081 is created with definitions for "donor", "food", "perishable food", and "prepared food". The intent is to make surplus food available to charitable and nonprofit organizations or volunteers for distribution to the homeless or those in need of food. Any donor and charitable or nonprofit organization acting in good faith will not be subject to criminal penalty or civil damages arising from the condition of the food.

Reasonable efforts should be made between donors and charitable or nonprofit organizations to contact each other for the collection of food. The Department of Health and Senior Services must develop and annually update a public information brochure regarding food recovery. Also, the Department must submit a report to the Governor, President Pro Tem, and Speaker by November 1, 2004.

This act is similar to SB 1259 (2002).
LORIE TOWE

120402 Prefiled

010803 S First Read

012103 Second Read and Referred S Aging, Families & Mental &
Public Health Committee

EFFECTIVE : August 28, 2003

SB 0176

SENATE SPONSOR Wheeler

0537S.01I

SB 176 - This act authorizes the Bureau of Communicable Diseases within the Department of Health and Senior Services to monitor all epidemiological studies conducted by any public or private entity for suspected bioterrorist agents. Bioterrorist agents are agents which promote or spread bioterrorism and include, but are not limited to, anthrax, botulism, and smallpox.

The Bureau is responsible for notifying the affected local health departments of any suspected bioterrorist agents. The State Public Health Laboratory must test and report on all samples of suspected bioterrorist agents. The reports shall include the following:

The name of the disease or condition being reported;
The date of onset;

The date of diagnosis;
The name, address, telephone number, occupation, race/ethnic group, social security number, sex, age, and date of birth for the case or suspected case;
The date of death, if death has occurred; and
The name, address, and telephone number of the person making the report.

Reports compiled by the State Lab shall be furnished in a timely manner to the affected local health department. The information contained in the reports is confidential and will not be disclosed, except upon the written consent of the affected individual.

LORIE TOWE

120402 Prefiled
010803 S First Read
012203 Second Read and Referred S Aging, Families & Mental & Public Health Committee

EFFECTIVE : August 28, 2003

SB 0177

SENATE SPONSOR Wheeler

0551S.01I

SB 177 - This act allows the Director of the Department of Revenue to require aliens, at the time of application for a driver's license, to provide a translated and notarized copy of a birth certificate in addition to all other required information.

This act is similar to HB 1881 (2002).
STEPHEN WITTE

120402 Prefiled
010803 S First Read
011503 BILL WITHDRAWN

EFFECTIVE : August 28, 2003

SB 0178

SENATE SPONSOR Bland

0226S.01I

SB 178 - This act requires the Jackson County Collector to permit taxpayers with hardships to pay their real property taxes in equal monthly or quarterly installments. To qualify, a taxpayer, or in the case of joint ownership, taxpayers, must own the property and use it as their principal residence. A hardship is defined as either having a Missouri adjusted gross income of less than \$15,000 for an individual or \$20,000 for a couple, or being unemployed currently or at any time in the three months prior to applying for the installment payment method. Interest

for delinquent taxes will only apply if the taxpayer(s) is more than 30 days late paying any monthly or quarterly installment.
JEFF CRAVER

120502 Prefiled
010803 S First Read
012203 Second Read and Referred S Ways and Means Committee

EFFECTIVE : August 28, 2003

SB 0179

SENATE SPONSOR Bland

0585S.01I

SB 179 - This act prohibits an insurer from refusing to insure an eligible person's interest in residential property. The act requires insurance agents to provide prospective insureds accurate premium quotations for their property and obligates the agent to submit the insured's application for insurance to the insurer. The insurer shall explain to each prospective insured why it is canceling or refusing to renew a policy. An insurer shall not penalize an individual agent because of the geographic location of the business written by the agent.

This act is similar to SB SB 160 (2001).
STEPHEN WITTE

120502 Prefiled
010803 S First Read
012203 Second Read and Referred S Small Business, Insurance
and Industrial Relations Committee

EFFECTIVE : August 28, 2003

SB 0180

SENATE SPONSOR Bland

0483S.02I

SB 180 - This act allows retired teachers and administrators in the Kansas City public school district the option of coming out of retirement while not relinquishing their retirement benefits for up to four years.
DONALD THALHUBER

120502 Prefiled
010803 S First Read
012203 Second Read and Referred S Education Committee

EFFECTIVE : August 28, 2003

SB 0181

SENATE SPONSOR Cauthorn

0543S.02I

SB 181 - This act requires the salaries of all state employees, excluding elected officials and certain other statutory officials, be automatically adjusted at the beginning of each fiscal year to an amount equal to the percentage of such annual rate which corresponds to the most recent percentage change in the Consumer Price Index for the region of which Missouri is included. The Consumer Price Index is produced by the United States Department of Labor, Bureau of Labor Statistics.

RICHARD MOORE

120502 Prefiled

010803 S First Read

012203 Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee

012703 Hearing Scheduled S Financial & Governmental Org., Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2003

SB 0182

SENATE SPONSOR Cauthorn

0290S.02I

SB 182 - This act requires informed consent at least twenty-four hours prior to an abortion and any person performing an abortion must provide proof of financial responsibility.

The current language of Section 188.039, RSMo, regarding consent is deleted. Except for a medical emergency, new language requires a physician to confer with the patient regarding the benefits and risks of the procedure at least twenty-four hours prior to the abortion. For an abortion induced by drugs, the conference must take place at least twenty-four hours before prescribing the drugs. The patient must be screened for risk factors prior to or during the conference.

At the conclusion of the conference, the physician and patient must each sign the consent form that certifies the screening and discussion. The form will become part of the patient's medical file and will remain confidential. The Director of the Department of Health and Senior Services must develop a model consent form for physicians. However, lack of a model form will not affect the physician's duties to obtain consent.

A new Section 188.043 is created and requires any person performing an abortion to provide proof of financial responsibility to the Department. Proof of financial responsibility means any of the following:

Filing with the Department a written certificate for a medical malpractice insurance policy with limits of not less than five hundred thousand dollars per occurrence and one million dollars in the annual aggregate;

Filing with the Department a bond of a surety company with limits of not less than five hundred thousand dollars per occurrence and one million dollars in the annual aggregate;

Filing with the Department a certificate of the state treasurer attesting to the deposit of five hundred thousand dollars in cash or bonds.

The Department must annually receive verification that the insurance policy or surety bond is effective without any decrease in the amount of coverage or the amount of the bonds. Insurance and surety companies must provide notice to the Director of the Department within ten days prior to the cancellation of a medical malpractice insurance policy or a surety bond. Prior to any withdrawal, the state treasurer must receive a certificate from the Department verifying that proof of financial responsibility has been established by either a medical malpractice insurance policy or a surety bond.

Abortion facilities and hospitals are prohibited from employing any person performing abortions who has failed to furnish proof of financial responsibility.

The provisions of Section 188.043 will take effect on January 1, 2004.

This act is similar to SB 1056 (2002).
LORIE TOWE

120502 Prefiled

010803 S First Read

012203 Second Read and Referred S Aging, Families & Mental &
Public Health Committee

EFFECTIVE : Various

SB 0183

SENATE SPONSOR Dougherty

0126S.02I

SB 183 - This act requires temporary registration tags to incorporate a security measure to prevent tampering. The act also requires dealers, beginning January 1, 2004, to notify the Department of Revenue (DOR) by electronic means when it issues a temporary permit. This measure would allow DOR to monitor those who fail to register the vehicle after the 30 day period.

The act also makes it a Class C misdemeanor for any person who alters, counterfeits or misuses a temporary permit to avoid registering a motor vehicle. The person would also have his or her driver's license suspended for a period of sixty days.
STEPHEN WITTE

120502 Prefiled
010803 S First Read
012203 Second Read and Referred S Transportation Committee

EFFECTIVE : August 28, 2003

SB 0184

SENATE SPONSOR Bartle

0515S.01I

SB 184 - This act requires the posting of a statewide sexual offender list on the Internet. This will allow the public to search for registered sexual offenders by name, zip code and mile radius from any address. This act does limit the amount of information about a registered sexual offender to a photograph, name, address and crime committed.

This act is similar to HB 1611 (2002).
SARAH MORROW

120502 Prefiled
010803 S First Read
012203 Second Read and Referred S Judiciary & Civil &
Criminal Jurisprudence Committee
012703 Hearing Scheduled S Judiciary & Civil & Criminal
Jurisprudence Committee

EFFECTIVE : August 28, 2003

SB 0185

SENATE SPONSOR Wheeler

0555S.01I

SB 185 - This act creates the Missouri Office of Pharmaceutical Reporting within the Department of Health and Senior Services. The Office will be responsible for monitoring the pharmaceutical records compiled by licensed pharmacists and pharmacies. An automated system will be implemented for purposes of collecting, storing, and tracking information. The Office will have the authority to hire more inspectors and conduct random testing of controlled substances.

A new Section 338.600 is created and requires all licensed pharmacists and pharmacies to maintain records of ordering, receiving, dispensing, or transferring controlled substances. The Office of Pharmaceutical Reporting has the authority to review, copy, or seize these records. The records shall be uniformly maintained and retrievable for three years. However, in an emergency, they will be immediately retrievable within forty-eight hours. The records will include, but not be limited to, the following:

Invoices verifying the ordering and receipt of controlled

substances;

Documentation of controlled substances dispensed directly to the patient as well as any returned drugs;

Documentation of compounded controlled substances; and

An inventory of all controlled substances to be destroyed or returned to the vendor.

Pharmacists are required to notify and prepare a report to the Office of Pharmaceutical Reporting within forty-eight hours of any unusual or increased prescription rates, unusual types of prescriptions, or unusual trends in pharmacy visits that could signify a public health emergency. These reports can be made electronically or in writing and shall include the specific illness, patient's personal identification information, and the name of the reporting individual. The information contained in the reports is confidential and will not be disclosed, except upon the written consent of the affected individual. Any pharmacy or pharmacist in violation of the aforementioned will be guilty of a Class C misdemeanor.

Each pharmacy must display a sign concerning the reporting of prescription errors in a conspicuous location visible to consumers.

LORIE TOWE

120502 Prefiled

010803 S First Read

012203 Second Read and Referred S Aging, Families & Mental &
Public Health Committee

EFFECTIVE : August 28, 2003

SB 0186

SENATE SPONSOR Cauthorn

0544S.01I

SB 186 - This act repeals a provision which allows the Marion County Circuit Court to appoint the District I Clerk of the Circuit Court if the offices of Circuit Clerk and Recorder of Deeds are separated.

This act is identical to SB 869 (2002).
CINDY KADLEC

120902 Prefiled

010803 S First Read

012203 Second Read and Referred S Economic Development,
Tourism & Local Government Committee

EFFECTIVE : August 28, 2003

SB 0187

SENATE SPONSOR Yeckel

0644S.01I

SB 187 - This act creates numerous revisions to laws concerning charter schools.

SECTION 160.400 - Charter schools may be operated in the currently authorized territories, even if the existing school district no longer exists or includes that territory. The act clarifies that charter schools may be sponsored by a public 4-year college or university in a county containing an eligible school district, even if the college or university is not in the school district. The act alters the provision concerning school buildings owned or controlled by a school district in which charter schools may be established.

The act constructs a Charter School Sponsor Oversight and Accountability Fund, with grant funding administered by the office of administration. Funds shall be transferred annually by the State Treasurer, based upon the number of charter schools and charter school enrollment the previous year. Approved sponsors shall receive \$23,400 per school sponsored the previous year plus 0.5% of per pupil operating revenues for each student enrolled in such school the previous year. Any sponsor may apply and must demonstrate compliance of all requirements of law. Grant funds shall be prorated if necessary when funds are inadequate. Unused funds shall be retained and used to reduce the next year's withholding from charter school revenues.

Prior to granting or renewing a charter, sponsors must complete criminal background checks on the members of the Board of Directors of any nonprofit corporation applying to establish a charter school. No member of a charter school board may be employed by the charter school nor have a significant interest in any entity employed by or contracting with the Board.

SECTION 160.403 - This section establishes the Public Charter School Board, which shall be responsible for reviewing charter applications and granting or not granting charters. The Public Charter School Board shall notify applicants of a decision, in writing, within sixty days of submissions of applications. The public charter school board shall develop policies and procedures to measure and report the performance of schools and students for whom the board grants charters. The policies and procedures shall be designed to be compatible with the educational concept of the charter and philosophy of charter schools. Student progress shall be measured using data from a variety of vehicles.

The act also creates the Public Charter School Board Fund, which shall be used exclusively for the operation of the public charter school board. Subject to appropriation, the state treasurer shall, on the first business day of each fiscal year, transfer, from general revenue to the public charter school board fund, \$99,000 on an annual basis.

The act mandates that DESE shall provide all administrative support required by the public charter school board while utilizing the same resources and personnel that it currently provides to the State Board of Education without assigning additional costs to the public charter school board. The Department of Elementary and Secondary Education shall not have budgetary authority over the development of budgetary requests or the expenditures of funds.

SECTION 160.405 - This section revises the procedure and time line for chartering a school. A charter school proponent shall provide the local school district and the State Board of Education with copies of the charter school application within five days of submitting the application to the proposed sponsor. The sponsor's decision of approval or denial must be made within 90 days of filing the proposed charter (rather than the current 60); if the charter is denied, written notice must be served on the State Board of Education within five days. The State Board has 60 days to deny or grant a proposed charter and shall provide reasons for denial in writing, if applicable.

Charter schools are required to publish audits and financial reports. Charter schools may publish audit reports and annual financial reports via the internet on the secretary of state's website in lieu of other publishing requirements. A charter may be revoked for failure to provide necessary compliance information, or the sponsor may require specified remedial action of the school.

Charter school board members, officers and employees who willfully violate charter school laws or neglect to perform any duty in the charter school laws are guilty of a misdemeanor as other public school employees are under current law. A charter school board may participate in the Missouri Public Entity Risk Management Fund to the same extent as a school board. The act allows a charter school to be located on the property of a school district without the agreement of the governing board of that district.

SECTION 160.410 - Charter schools must make available the charter, the results of background checks, and the public report card to the parent of guardian of any pupil eligible to seek to enroll at the school. Reasonable fees may be charged for such copies.

SECTION 160.415 - This section alters the payment mechanism for state (and federal) aid to charter schools by mandating that DESE pay the charter schools directly. Currently, DESE pays school districts and the school districts forward the appropriate allotment to the charter schools inside their district. If DESE overpays or underpays the amount due the charter school, such over or under payment shall be repaid by the public charter school or credited to the public charter school in twelve equal payments in the next fiscal year. Any dispute between DESE, the school district, and a charter school regarding funding shall be resolved by the administrative hearing commission, with the

option of judicial review. If a dispute should occur, DESE is mandated to make every administrative and statutory effort to allow the continued education of children in their current public charter school educational setting and not take action which prevents (either directly or indirectly) the continued operation of a charter school. Further, DESE is forbidden to make an arbitrary and capricious decision which negatively impacts the education of a child.

SECTION 160.420 - This section allows district teachers employed in charter schools to retain tenure status and seniority rights for three years. Charter schools are permitted to hire noncertificated administrators.

SECTION 167.349 - This section allows any campus of the state university located in a county of the third classification (University of Missouri - Rolla) to sponsor charter schools.

SECTION 169.596 - This section permits any school district with a shortage of certified teachers to allow retired certificated teachers from any Missouri public teacher retirement system to teach full-time for up to two years without losing his or her retirement benefits, so long as the total number of such retired certificated teachers does not exceed the greater of ten percent of the total teacher staff for that school district, or five certificated teachers. Further, any school district with a shortage of non-certificated employees may allow those retired individuals to be employed full-time for up to two years without losing his or her retirement benefits. The total number of such retired non-certificated employees shall not exceed the greater of ten percent of the total non-certificated staff for that school district, or five employees. All necessary costs shall be paid by the hiring school district and shall not exceed the school district's statutory cost limitations. If enacted, this section shall take effect upon its passage and approval.

This act is similar to SB 1233 (2002).
DONALD THALHUBER

121002 Prefiled
010803 S First Read
012203 Second Read and Referred S Education Committee

EFFECTIVE : August 28, 2003

SB 0188

SENATE SPONSOR Cauthorn

0294S.02I

SB 188 - This act exempts from a senior (age 65 and over) individual taxpayer's state adjusted gross income the amount of annuity, pension and retirement allowances provided to the taxpayer during the tax year. The exemption makes those amounts no longer subject to state income tax.

This act takes effect for tax years beginning on or after January 1, 2004.

This act is similar to SB 823 (2001).
JEFF CRAVER

121002 Prefiled
010803 S First Read
012203 Second Read and Referred S Ways and Means Committee

EFFECTIVE : August 28, 2003

SB 0189

SENATE SPONSOR Loudon

0654S.01I

SB 189 - This act provides that Indian tribes for which service in employment is performed are "employers" and requires Indian tribe employers to contribute to the Unemployment Compensation Trust Fund.

This act is similar to HCS/SB 1005 (2002).
RICHARD MOORE

121102 Prefiled
010803 S First Read
012203 Second Read and Referred S Small Business, Insurance
and Industrial Relations Committee

EFFECTIVE : August 28, 2003

SB 0190

SENATE SPONSOR Loudon

0653S.01I

SB 190 - This act deems a positive test result for controlled substances or for blood alcohol content of eight-hundredths of one percent or more as misconduct connected with work. Claimants suspended or terminated for a positive test result are ineligible for benefits. Such claimants may become eligible if they participate in a state-approved drug or alcohol treatment program.

Employers suspending or terminating employees pursuant to this act must publicly post a controlled substance and alcohol workplace policy which warns that a positive test result will be deemed misconduct and may result in suspension, treatment intervention, or termination.

This act is similar to the perfected Senate version of SB 1005 (2002).
RICHARD MOORE

01/23/03

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121102 Prefiled
010803 S First Read
012203 Second Read and Referred S Small Business, Insurance
and Industrial Relations Committee

EFFECTIVE : August 28, 2003

SB 0191

SENATE SPONSOR Bartle

0662S.01I

SB 191 - This act prohibits human cloning. A new Section 565.305 is created and defines "cloning" as the production of a precise genetic copy of a molecule or chromosomes. "Human cloning" is also defined as the creation of or attempt to create a human being by transferring the nucleus from a human cell from whatever source into an oocyte from which the nucleus has been removed.

Any individual knowingly engaging or participating in human cloning or using public funds and public facilities for purposes of human cloning will be guilty of a Class B felony.
LORIE TOWE

121102 Prefiled
010803 S First Read
012203 Second Read and Referred S Judiciary & Civil &
Criminal Jurisprudence Committee

EFFECTIVE : August 28, 2003

SB 0192

SENATE SPONSOR Loudon

0377S.01I

SB 192 - This act allows the prosecution of a person charged with theft of a credit card and fraudulent use of a credit device or credit in various venues.

This act is identical to SB 1006 (2001).
SARAH MORROW

121202 Prefiled
010803 S First Read
011303 BILL WITHDRAWN

EFFECTIVE : August 28, 2003

SB 0193

SENATE SPONSOR Loudon

0693S.01I

SB 193 - This act enables the Highways and Transportation Commission to fund, construct, and operate toll roads, toll bridges, and other facilities connected with toll roads and bridges. It is contingent upon the approval of a constitutional amendment authorizing the Commission to fund, construct, and operate toll facilities.

The Commission is authorized to issue revenue bonds and refunding bonds for toll facilities. No more than \$500 million in bonds may be outstanding at any one time. The act exempts the interest on the bonds from taxation by the state.

Construction, operation, and retirement of debt in connection with toll facilities will be handled in three funds. The State Toll Facility Construction Fund will receive the proceeds from the sale of state road revenue bonds and moneys from other sources to be used to pay for the construction of toll facilities. The State Toll Facility Revenue Fund will receive state revenue from toll facilities. The State Toll Facility Bond and Interest Sinking Fund will receive funds from the State Toll Facility Revenue Fund which are in excess of what is needed to operate toll facilities.

These funds will be used to pay principal and interest on the bonds. If there are insufficient funds to do that, the commission is given authority to transfer moneys from the State Road Fund sufficient to make such payments. The Commission will establish segregated accounts within the various funds to keep the financing of projects separated from each other. The Commission has authority to make transfers between funds and accounts. When the bonds issued for a particular toll facility are paid off, the facility will continue in the state transportation system as a free facility.

This act is similar to SB 612 and HB 204 (2001).
STEPHEN WITTE

121202 Prefiled

010803 S First Read

012203 Second Read and Referred S Transportation Committee

EFFECTIVE : Contingent

SB 0194

SENATE SPONSOR Scott

0684S.01I

SB 194 - This act provides that Indian tribes for which service in employment is performed are considered "employers" and requires Indian tribe employers to contribute or make payments in

lieu of contributions to the Unemployment Compensation Trust Fund.

This act is identical to HB 2166 (2002).
RICHARD MOORE

121202 Prefiled
010803 S First Read
012203 Second Read and Referred S Small Business, Insurance
and Industrial Relations Committee

EFFECTIVE : August 28, 2003

SB 0195

SENATE SPONSOR Scott

0688S.01I

SB 195 - This act enables Platte and Clay Counties to levy a hotel and motel room tax of 1/2 percent. The revenue from the tax is used for the promotion of tourism. Current law enables Platte county to levy a 1/4 percent room tax. The act also clarifies that the tax is in addition to any hotel tax imposed by the City of Kansas City.

This act is similar to HB 1820 (2002).
JEFF CRAVER

121202 Prefiled
121202 Bill Withdrawn

EFFECTIVE : August 28, 2003

SB 0196

SENATE SPONSOR Scott

0689S.01I

SB 196 - This act specifies that the State of Missouri and its agencies shall not automatically purchase goods or services from Missouri Vocational Enterprises when existing Missouri businesses can provide such goods or services. When competition exists between Missouri Vocational Enterprises and existing Missouri businesses the state and its agencies shall purchase such items from the supplier who can best meet the purchaser's needs.

RICHARD MOORE

121202 Prefiled
010803 S First Read
012203 Second Read and Referred S Pensions & General Laws
Committee

EFFECTIVE : August 28, 2003

SB 0197

SENATE SPONSOR DePasco

0624S.01I

SB 197 - This act suspends all statutory sales and use tax exemptions, with the exceptions of food and certain pharmaceuticals and related health care items.

The suspension affected by this act will take effect beginning July 1, 2003 and ending June 30, 2005.

This act has a referendum clause.

This act is identical to SB 963 (2002).
JEFF CRAVER

121302 Prefiled

010803 S First Read

012203 Second Read and Referred S Ways and Means Committee

EFFECTIVE : Voter Approval

SB 0198

SENATE SPONSOR Caskey

0719S.01I

SB 198 - This act modifies provisions of the DNA Profiling System. The system shall be used to assist law enforcement in the identification of individuals are subjects of prosecution for criminal offenses in which biological evidence is recovered from the crime scene. Currently, the system can only be used to assist in the investigation and prosecution of violent and sex-related crimes. Any individual who pleads guilty or nolo contendere to a felony is required to give a biological sample for purposes of DNA analysis. Currently, only individuals convicted of certain violent and sex offenses must give a biological sample.

All DNA records and biological materials retained in the DNA profiling system are to be considered closed records. Any information maintained by any person, agency or political subdivision concerning an individual's DNA profile shall be strictly confidential and shall not be released except to certain peace officers, the attorney general, prosecuting or circuit attorneys or certain public employees that need to obtain such records to perform their public duties. Any person that obtains such records must only use them for investigative or prosecutorial purposes.

This act is identical to HB 54 (2003).
JIM ERTLE

121602 Prefiled

010803 S First Read
012303 Second Read and Referred S Judiciary & Civil &
Criminal Jurisprudence Committee

EFFECTIVE : August 28, 2003

SB 0199

SENATE SPONSOR Childers

0432S.02I

SB 199 - This act modifies the classification of counties.
The assessed valuation necessary to qualify as a first class
county is increased from the current \$450 million to \$600
million. The assessed valuation necessary to qualify as a second
class county is increased from the current \$300 million to \$450
million.
JIM ERTLE

121702 Prefiled
010803 S First Read
012203 Second Read and Referred S Economic Development,
Tourism & Local Government Committee

EFFECTIVE : August 28, 2003

SB 0200

SENATE SPONSOR Bland

0116S.02I

SB 200 - This act creates two multistate nursing licensure
compacts; one for registered nurses and one for advanced practice
registered nurses. These compacts allow licensed registered
nurses and advanced practice registered nurses to practice
nursing in states which participate in one of the nurse licensure
compacts. All states wishing to participate in the compacts must
adopt articles of authorization listed by the bill:

ARTICLE I - Finding and Declaration of Purpose;

ARTICLE II - Definitions;

ARTICLE III - General Provisions and Jurisdiction;

ARTICLE IV - Applications for Licensure in a Party State;

ARTICLE V - Adverse Actions;

ARTICLE VI - Additional Authorities Invested in Party State Nurse
Licensing Boards;

ARTICLE VII - Coordinated Licensure Information Systems;

ARTICLE VIII - Compact Administration and Interchange of

Information;

ARTICLE IX - Immunity;

ARTICLE X - Entry into Force, Withdrawal and Amendment; and

ARTICLE XI - Construction and Severability.

This act is similar to HB 1796 (2002).
JIM ERTLE

121702 Prefiled

010803 S First Read

012203 Second Read and Referred S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2003

SB 0201

SENATE SPONSOR Steelman

0646S.01I

SB 201 - This act prohibits health carriers and other organizations from changing health services codes without the permission of the physician. If a dispute arises, the health carrier must establish a procedure to resolve the dispute. Every contract between the health carrier and the physician must set forth the health services code the physician must use to receive reimbursement for such services. The codes must refer to the most recent American Medical Association code book and other recognized codes used in Medicare and Medicaid programs.

This act is identical to SB 1125 (2002).
STEPHEN WITTE

121702 Prefiled

010803 S First Read

012203 Second Read and Referred S Small Business, Insurance
and Industrial Relations Committee

EFFECTIVE : August 28, 2003

SB 0202

SENATE SPONSOR Childers

0699S.02I

SB 202 - This act requires that any water corporation, municipality or public water supply district shall allow access to its supply of water during an emergency to any fire protection district, city fire department or other entity providing fire protection services, regardless of any non-payment of fees.
JIM ERTLE

121802 Prefiled
010803 S First Read
012303 Second Read and Referred S Economic Development,
Tourism & Local Government Committee

EFFECTIVE : August 28, 2003

SB 0203

SENATE SPONSOR Bartle

0727S.01I

SB 203 This act provides that the party requesting an administrative subpoena shall enforce the subpoena at Circuit Court. Currently, the agency is responsible for enforcement of administrative subpoenas at Circuit Court. The involved agency and any party to the action is permitted to intervene in the enforcement action.

JIM ERTLE

121802 Prefiled
010803 S First Read
012203 Second Read and Referred S Judiciary & Civil &
Criminal Jurisprudence Committee
012703 Hearing Scheduled S Judiciary & Civil & Criminal
Jurisprudence Committee

EFFECTIVE : August 28, 2003

SB 0204

SENATE SPONSOR Yeckel

0738S.01I

SB 204 - This act authorizes school districts to designate an educational service agency, organized as a nonprofit corporation, for the purpose of developing, managing, and providing instructional services or programs to the participating district or districts.

DONALD THALHUBER

121902 Prefiled
010803 S First Read
012203 Second Read and Referred S Education Committee

EFFECTIVE : August 28, 2003

SB 0205

SENATE SPONSOR Gross

0091S.01I

SB 205 - This act revises school aid for school districts which are paid based upon the district's 1992-93 per eligible pupil payment amount rather than the payment amount calculated

under the current formula (including some portion of Line 14 payment) because the 1992-93 payment amount is greater. Such districts are generally referred to as "hold harmless" districts. This act requires districts to have an operating levy of at least \$2.75 in order to receive the hold harmless payment adjustment. This act would cause the hold harmless per eligible pupil payment amount to be adjusted, relative to the 1992-1993 school year amount, by the cumulative (CPI) increase from the 2003-04 school year to the current year.

This act is similar to SB 863 (2002).
DONALD THALHUBER

122002 Prefiled
010803 S First Read
012203 Second Read and Referred S Education Committee

EFFECTIVE : August 28, 2003

SB 0206

SENATE SPONSOR Champion

0522L.02I

SB 206 This act requires persons to obey the lawful order of a law enforcement officer while at the scene of an accident. Failure to obey the lawful order of a law enforcement officer while at the scene of an accident is a Class A misdemeanor.
SARAH MORROW

122002 Prefiled
010803 S First Read
012203 Second Read and Referred S Judiciary & Civil &
Criminal Jurisprudence Committee

EFFECTIVE : August 28, 2003

SB 0207

SENATE SPONSOR Mathewson

0070S.02I

SB 207 - This act modifies the law regarding damage claims by rental companies. Under this act, all damage claims made by a rental company must be reasonably and rationally related to the actual loss incurred. Rental companies shall not assert a claim for damages which exceeds: (1) the actual cash value of the vehicle less any proceeds from the disposal of the vehicle, or (2) the actual cost to repair the vehicle including all discounts or price reductions, whichever is less. This act also adds repair facilities to the type of entities which may make estimates for damage claims.
STEPHEN WITTE

01/23/03

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122602 Prefiled
010803 S First Read

EFFECTIVE : August 28, 2003

SB 0208

SENATE SPONSOR Mathewson

0710S.01I

SB 208 - This act allows recreational vehicle associations and recreational vehicle dealers to participate in vehicle shows at the Missouri state fairgrounds so long as the show involves 500 or more recreational vehicles and the show is for the purpose of entertainment or education of its members.
STEPHEN WITTE

122602 Prefiled
010803 S First Read
012203 Second Read and Referred S Economic Development,
Tourism & Local Government Committee

EFFECTIVE : August 28, 2003

SB 0209

SENATE SPONSOR Steelman

0695S.01I

SB 209 - This act requires the Division of Medical Services to annually recalculate the Medicaid nursing home reimbursement amount. For three years, the recalculated Medicaid reimbursement amount cannot be reduced below the rate allowed at the initial recalculation. The recalculated Medicaid reimbursement amount shall not be less than ninety dollars per day. When recalculating the Medicaid reimbursement rate of any facility, the Division of Medical Services may not apply a minimum utilization adjustment greater than the current statewide average occupancy minus three percent.

This act will be effective on July 1, 2003, and the recalculated rates will be effective on January 1, 2004.

This act is identical to SB 1240 (2002).
LORIE TOWE

122602 Prefiled
010803 S First Read
012203 Second Read and Referred S Aging, Families & Mental &
Public Health Committee

EFFECTIVE : July 1, 2003

SB 0210

SENATE SPONSOR Steelman

0814S.01I

SB 210 - This act modifies the method of selecting commissioners for family courts. In circuits under the non-partisan court plan, family court commissioners will be appointed by a majority of the judges in the circuit and then will have to stand for retention in the next general election. In all other circuits or counties, family court commissioners will be elected.

This act is identical to SB 294 (2001).
JIM ERTLE

122702 Prefiled

010803 S First Read

012203 Second Read and Referred S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2003

SB 0211

SENATE SPONSOR Cauthorn

0739S.01I

SB 211 - This act clarifies and specifies that sales of food, meals, drinks and tangible personal property at prison canteens are subject to the statewide sales tax on those items. The existing sales tax provisions concerning collection and remittance of such taxes will apply to items made taxable by this act.

JEFF CRAVER

123002 Prefiled

010803 S First Read

012203 Second Read and Referred S Ways and Means Committee

EFFECTIVE : August 28, 2003

SB 0212

SENATE SPONSOR Bartle

0788S.01I

SB 212 - This act revises certain provisions of the police retirement systems in Kansas City to make the plans consistent with the provisions of Section 401(a) of the Internal Revenue Code. A member's benefit shall be vested upon the earlier of completing 25 years of service, age 60 with 10 years of service, or age 70 regardless of years of service.

CINDY KADLEC

01/23/03

MISSOURI SENATE
WEEKLY BILL STATUS REPORT

PAGE 129

123002 Prefiled
010803 S First Read
012203 Second Read and Referred S Pensions & General Laws
Committee

EFFECTIVE : August 28, 2003

SB 0213

SENATE SPONSOR Bartle

0807S.01I

SB 213 - Supreme Court Rule 58.02 pertains to the formation
of class actions.

This act provides that a court of appeals may permit an
appeal from an order granting or denying class action
certification. Any such appeal does not stay proceeding in
circuit court unless the circuit judge or court of appeals so
orders.

This act makes Rule 58.02 substantially similar to Federal
Rule of Civil Procedure 23.
JIM ERTLE

123002 Prefiled
010803 S First Read
012203 Second Read and Referred S Judiciary & Civil &
Criminal Jurisprudence Committee

EFFECTIVE : August 28, 2003

SB 0214

SENATE SPONSOR Bartle

0804S.01I

SB 214 - This act provides that witnesses shall be allowed a
fee of \$25 per day plus a mileage allowance. Currently, witness
fees were determined by guidelines promulgated by the supreme
court.
JIM ERTLE

123002 Prefiled
010803 S First Read
012203 Second Read and Referred S Judiciary & Civil &
Criminal Jurisprudence Committee
012703 Hearing Scheduled S Judiciary & Civil & Criminal
Jurisprudence Committee

EFFECTIVE : August 28, 2003

SB 0215

SENATE SPONSOR Foster

0762S.01I

SB 215 - This act alters the conditions by which a school district may transfer moneys from the incidental fund to the capital projects fund. The act prescribes that any amount expended from the incidental fund for classroom instructional capital outlays must be subtracted from the nine percent of the district's entitlement used to calculate the limit on such transfers.

The act modifies the qualifications for school districts making transfers from the incidental fund to the capital projects fund by deleting the minimum levy and lease-purchase conditions and substituting compliance with provisions concerning compensation of certificated staff in the second preceding year or payment of all penalties for the second preceding year.

Additionally, the act lays out conditions under which a school district may refinance certain lease-purchase obligations. The Hayti R-II school district is currently the only district known to meet said conditions.

This act is identical to SB 1051 (2002).
DONALD THALHUBER

010203 Prefiled
010803 S First Read
012303 Second Read and Referred S Education Committee

EFFECTIVE : August 28, 2003

SB 0216

SENATE SPONSOR Foster

0740S.01I

SB 216 - This act allows members of the Missouri Association of State Troopers Emergency Relief Society to obtain license plates bearing the organization's emblem. The Missouri Association of State Troopers Emergency Relief Society will authorize the use of its emblem after receiving a \$25 emblem-use contribution fee. This fee must be used solely for the purposes of Missouri Association of State Troopers Emergency Relief Society. In addition to the \$25 contribution, any applicant desiring this specialized license plate shall pay \$15 in addition to regular registration fees.
STEPHEN WITTE

010203 Prefiled
010803 S First Read
012203 Second Read and Referred S Transportation Committee

01/23/03

MISSOURI SENATE
WEEKLY BILL STATUS REPORT

PAGE 131

EFFECTIVE : August 28, 2003

SB 0217

SENATE SPONSOR Champion

0763S.01I

SB 217 - This act renames Southwest Missouri State University as "Missouri State University". Further, the act specifies that costs incurred from altering the names of the state institutions contained in that section shall not be paid from state appropriations.
DONALD THALHUBER

010203 Prefiled
010803 S First Read
012203 Second Read and Referred S Pensions & General Laws
Committee

EFFECTIVE : August 28, 2003

SB 0218

SENATE SPONSOR Goode

0811S.01I

SB 218 - This act provides that a municipality may impose a fee of up to \$28 per year on a condominium that utilizes and is responsible for its own sewer line. Currently, municipalities are authorized to impose such a fee on residential property having six or less dwelling units.
JIM ERTLE

010303 Prefiled
010803 S First Read
012203 Second Read and Referred S Economic Development,
Tourism & Local Government Committee

EFFECTIVE : August 28, 2003

SB 0219

SENATE SPONSOR Steelman

0802S.01I

SB 219 - This act entitles any Korean Conflict veteran (military service beginning June 25, 1950 and ending July 27, 1953) who was honorably discharged and resides in Missouri to receive a medallion, medal and a certificate of appreciation. The Adjutant General shall determine those persons who are eligible for the award. Applications may be filed during calendar year 2004. The "Korean Conflict Veterans' Recognition Award Fund" is created and shall be used to fund the design, manufacture and distribution of the medallions, medals and certificates.

DONALD THALHUBER

010303 Prefiled
010803 S First Read
012203 Second Read and Referred S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee
012703 Hearing Scheduled S Financial & Governmental Org.,
Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2003

SB 0220

SENATE SPONSOR Bartle

0787S.01I

SB 220 - This act allows members of the Kansas City Police Retirement System to receive their retirement benefits in a partial lump sum. The act allows members with at least 26 years of service to receive an optional distribution under a partial lump-sum option plan. Requirements to make the election are provided. The method for calculating the amount of the lump sum distribution is provided. If a member chooses a lump sum distribution the base pension amount will be reduced according to the provisions in the act.

The act also changes the membership of the retirement board. The board will consist of five members. If the city has a civilian employees' retirement system, the five members will consist of one retired member of the police retirement system, one active member of the police retirement system, one member of the civilian employees' retirement system and two other members who are elected. If the city does not have a civilian employees' retirement system, the one member of the civilian employees' retirement system is replaced by another at large member. The method for election to these positions is specified.

This act is similar to SB 939 (2002).
CINDY KADLEC

010303 Prefiled
010803 S First Read
012203 Second Read and Referred S Pensions & General Laws
Committee

EFFECTIVE : August 28, 2003

SB 0221

SENATE SPONSOR Steelman

0793S.01I

SB 221 - This act prohibits the Public Service Commission from imposing any restrictions on the provision of high speed Internet or broadband service. The act also requires local

telephone companies to provide unbundled access to their network only to the extent specifically required by FCC regulations.
CINDY KADLEC

010603 Prefiled
010803 S First Read
012203 Second Read and Referred S Commerce & Environment
Committee

EFFECTIVE : August 28, 2003

SB 0222

SENATE SPONSOR Steelman

0773S.01I

SB 222 - This act creates the "County Crime Reduction Fund" which allows county commissions to create a fund to be expended for the following purposes:

- (1) Narcotics investigation, prevention, and intervention;
- (2) Purchase of law enforcement equipment and supplies for the sheriff's office;
- (3) Matching funds for federal or state law enforcement grants;
- (4) Funding for the reporting of all state and federal crime statistics or information; and
- (5) Any law enforcement related expense reasonably related to investigation, preparation, trial and disposition of criminal cases.

This act also provides that courts may consider ordering restorative justice methods if the imposition or execution of a misdemeanor sentence is suspended, and may order payment of up to \$1,000 to the County Crime Reduction Fund. The court may also order such a payment as a condition of probation.

This act is identical to SB 1195 (2002).
RICHARD MOORE

010603 Prefiled
010803 S First Read

EFFECTIVE : August 28, 2003

SB 0223

SENATE SPONSOR Foster

0694S.01I

SB 223 - This act changes the procedures for the licensing of auctioneers. Current law provides for the licensing of auctioneers by counties. This act creates a State Board of Auctioneers in the Division of Professional Registration within the Department of Economic Development. The Board oversees the examination and licensing of persons engaged in the practice of

auctioneering.

The act will not apply to certain persons listed in Section 343.392, RSMo. The Board collects fees that will be deposited into the State Board of Auctioneers Fund for administrative purposes. The Board will annually collect a fee of fifty dollars from each applicant and licensee to fund a subaccount of the Board. The subaccount will be used to compensate individuals aggrieved by the actions of a licensee.

This act is substantially similar to SCS/SB 1088 (2002).
JIM ERTLE

010603 Prefiled
010803 S First Read
012303 Second Read and Referred S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2003

SB 0224

SENATE SPONSOR Vogel

0860L.01I

SB 224 This act authorizes the state to convey a permanent easement on state property in Callaway County to the City of Fulton. The Commissioner of the Office of Administration is responsible for setting the terms and conditions of the sale of the property.
JIM ERTLE

010603 Prefiled
010803 S First Read
012203 Second Read and Referred S Economic Development,
Tourism & Local Government Committee

EFFECTIVE : August 28, 2003

SB 0225

SENATE SPONSOR Klindt

0647S.01I

SB 225 - This act enumerates the rights of persons with service animals. The act provides the necessary definitions relating to service animals, such as "major life activity", "physical or mental impairment", and "service animal" (Section 209.200).

The act prohibits discrimination in the sale or rental of a dwelling on the basis that a service animal will be residing or visiting the dwelling. Reasonable accommodations should be made. Landlords may require proof of a disability and proof of service animal status. No restriction on property or a real estate

transaction will be enforceable if it prohibits service animals. Restrictions on pets will not apply to service animals. The refusal to engage in a residential real estate transaction due to a person's use of a service animal is prohibited (Section 209.202).

The act prohibits an employer from discriminating against a person with a disability by directly or indirectly interfering with the person's use of a service animal. Employers may require proof of a disability and proof of service animal status. No employer may prohibit the presence of a service animal, unless the presence of the animal creates a direct threat or fundamentally alters the nature of the business (Section 209.204).

The act prohibits any person from requiring additional charges or any place of accommodation from denying equal services to a person using a service animal. Identification cards or other written documentation, the presence of a harness, tags, or credible verbal assurances will be considered evidence of the disability and that the animal is a service animal. A service animal's access may be restricted or denied if its presence poses a direct threat or fundamentally alters the nature of the business. Any person who violates this section may be subject to criminal prosecution or a complaint with the Human Rights Commission (Section 209.206).

The act prohibits any mode of public transportation from refusing service or charging additional fees to a person using a service animal. Any person who violates this section may be subject to criminal prosecution or a complaint with the Human Rights Commission (Section 209.208).

Motor vehicle drivers and persons using service animals must both take necessary safety precautions. Any driver failing to take such precautions will be liable for actual damages. Any person who intentionally causes an accident or injury to a person using a service animal will be guilty of a class B misdemeanor (Section 209.211).

Section 209.212 contains the following provisions for violations against service animals:

Intentional destruction or injury, unless for humane purposes, is a class C felony.

- Intentional deprivation or fraud is a class A misdemeanor and will not prohibit other charges of theft and possession of stolen property.

- Negligent or malicious killing or injury will result in civil liability to the user for \$1000 + fees.

- Willful or malicious injury is a class C felony.

- Sale or transfer of a stolen animal is a class C felony.

- Willful or negligent injury or destruction will result in civil liability for the value of the service animal and any related costs.

Any person misrepresenting an animal as a service animal will be guilty of a Class B misdemeanor (209.214).

The owner of a service animal or service animal in training will be liable for any damages caused by the animal. Owners must keep service animals restrained while in use or be subject to civil liability for any damages. Service animals must be identifiable (209.216).

The Human Rights Commission will have jurisdiction over violations of specified sections. Upon a showing that a complaint has been filed with the Commission, a prosecutor may withdraw any pending action concerning the same violations. The act does not exclude existing civil or criminal remedies (Section 209.218).

This act contains a severability clause.

This act is identical to SB 878 (2002).
LORIE TOWE

010702 Prefiled
010803 S First Read

EFFECTIVE : August 28, 2003

SB 0226

SENATE SPONSOR Klindt

0771S.01I
SB 226 - This act exempts motorcyclists age 21 and older from wearing a helmet when operating a motorcycle or motortricycle. Under current law, everyone operating a motorcycle or motortricycle must wear a helmet.

This act is substantially similar to SB 646 (2002), SB 18 (2001), SB 610 (2000) and SB 294 (1999).
STEPHEN WITTE

010702 Prefiled
010803 S First Read
012303 Second Read and Referred S Transportation Committee

EFFECTIVE : August 28, 2003

SB 0227

SENATE SPONSOR Cauthorn

0878S.01I
SB 227 - This act caps the speed limits established by County Commissions in 2nd, 3rd, and 4th Class Counties to 45 miles per hour. The requirement for posting speed limit signs shall only apply to roads which have a speed limit of less than 45 miles per hour.
STEPHEN WITTE

010702 Prefiled
010803 S First Read
012303 Second Read and Referred S Transportation Committee

EFFECTIVE : August 28, 2003

SB 0228

SENATE SPONSOR Griesheimer

0643S.01I

SB 228 - This act enables the City of Warrenton to levy a room tax on hotels and motels of between 2% and 5% per night. The governing body of the city shall select the tax rate within this range and shall submit the tax to its qualified voters for approval. The ballot language provided for this tax is the ballot language provided in current law for hotel taxes of this type. The proceeds from this tax will be dedicated to the promotion of tourism.
JEFF CRAVER

010702 Prefiled
010803 S First Read
012203 Second Read and Referred S Economic Development,
Tourism & Local Government Committee

EFFECTIVE : August 28, 2003

SB 0229

SENATE SPONSOR Bray

0864S.01I

SB 229 - This act makes various changes to economic development programs relating to distressed communities and small business investment tax credits.

The act:

- (1) Changes the definition of a community development corporation to stress industrial, economic, entrepreneurial, commercial and civic development of projects that benefit low-income individuals and communities;
- (2) Lowers the investment requirement of principal owners of Missouri small businesses eligible for investment from 50% of the business to 35% of the business;
- (3) Eliminates the designation of a "target area" for purposes of identifying areas of poverty by the Department of Social Services;
- (4) Increases the maximum percentage of investment ownership allowed in a small business to qualify for a tax credit from 50% to 65%;

(5) Reduces the time period requirement for investment in a small business from 5 years to 3 years and excludes any sale, change of control, or the going public of a business from the minimum period of time for investment for purposes of the small business investment tax credit program;

(6) Reduces the percentage of employees required to be located at a business contained within distressed communities from 75% to 60% and increases the maximum number of employees at a business contained within a distressed community from 100 to 150 to qualify for the distressed communities tax credit program;

(7) Allows the leasing of certain technology equipment to qualify as an expense for purposes of obtaining a tax credit;

(8) Increases the allowable tax credit percentage of the amount of qualified contribution to a qualified fund for purposes of tax credits for contributions to innovation centers from 50% to 75%;

(9) Allows any unused credits for these tax credit programs from the previous year to be added to any statewide caps for these programs in future years;

(10) Expands the availability of follow-up capital to include businesses which have previously received follow-up capital within the last 3 years for purposes of tax credits for contributions to innovation centers;

(11) Requires the Department of Economic Development to pursue a revocation of the tax credits only from the original applicant for the tax credit.

(12) expands the definition of a "distressed community" relating to tax credits for investment in or relocating a business to a distressed community. A distressed community will include areas within metropolitan statistical areas that are designated as either a federal empowerment zone, a federal enhanced enterprise community, or state enterprise zones designated prior to January 1, 1986, but will not include the expansion of those zones done after March 16, 1988.

This act contains an emergency clause.

This act is similar to SB 1023 (2002).

JEFF CRAVER

010803 S First Read
011303 BILL WITHDRAWN

EFFECTIVE : Emergency Clause

SB 0230

SENATE SPONSOR Bray

0832S.01I

SB 230 - Under this act, property separated by easements or rights-of-way shall be considered contiguous for transportation development district purposes.

Under the act, districts formed by property owners need not contain contiguous properties if:

1. The petition provides that the sole funding method is a sales tax;
2. A court finds that all the property within the proposed district will benefit district projects;
3. Each parcel within the district is within 5 miles of every other parcel.

ALTERNATIVE METHOD OF CREATING A DISTRICT - This act provides an alternative method for forming a transportation development district. The act allows two or more local transportation authorities which have adopted a resolution calling for the joint establishment of a district to form a transportation development district. The proposed district area shall be contiguous and may contain all or any portion of a county or city. The act outlines the requirements of the petition.

The act allows the alternatively formed development district to impose a sales tax contingent upon voter approval. The act also provides that the district may impose a funding mechanism other than a sales tax if approved by the voters within the district. The act sets forth the requirements of who may sit on the board of directors of the alternatively formed district.
STEPHEN WITTE

010803 S First Read

012303 Second Read and Referred S Transportation Committee

EFFECTIVE : August 28, 2003

SB 0231

SENATE SPONSOR Caskey

0890S.01I

SB 231 This act requires any statement of a defendant made during a custodial interrogation to be presumed inadmissible as evidence in a criminal proceeding unless: (1) the interrogation is electronically recorded; (2) prior to the statement, but during the recording, the accused was read his or her Miranda rights and those rights were knowingly waived; (3) the recording device was accurate and unaltered; (4) all voices on the recording are identified; and (5) the defendant's attorney is provided with a copy of all recordings no later than 20 days before the date of the proceeding.

The state may rebut the presumption of inadmissability that the statement was voluntary and reliable and there was good cause not to tape the interrogation.

A statement by the accused as a result of custodial interrogation is admissible if the statement was obtained in another state in compliance with the laws of that state or the statement was obtained by federal law enforcement officials in compliance with federal law.

All electronic recordings must be preserved through final appeals or until prosecution of the offense is barred by law.

This act only applies to custodial interrogations of persons suspected of committing a felony.
SARAH MORROW

010803 S First Read
012303 Second Read and Referred S Judiciary & Civil &
Criminal Jurisprudence Committee

EFFECTIVE : August 28, 2003

SB 0232

SENATE SPONSOR Cauthorn

0895S.01I
SB 232 This act authorizes the Department of Natural Resources to convey state property in Thousand Hills State Park to James Lyons. Consideration for the conveyance shall be the conveyance of property owned by Mr. Lyons to the Department of Natural Resources.
JIM ERTLE

010803 S First Read
012203 Second Read and Referred S Economic Development,
Tourism & Local Government Committee

EFFECTIVE : August 28, 2003

SB 0233

SENATE SPONSOR Foster

0859S.02I
SB 233 - This act revises provisions of the public school and non-teacher retirement systems. The act specifies that the contribution rate shall be fixed by the board and certified to the employer. The level rate of contribution for any fiscal year may not exceed the prior year's rate of contribution by more than 1/2%.

The act simplifies credit purchases under PSRS and NTRS systems. Payment for credit purchases must be completed prior to

termination of membership with the retirement system. The act clarifies that the member must have covered employment with the retirement system following the purchase credit. The act also defines the calculation of payment for such credit purchases.

The act creates a partial lump sum option for PSRS and NTRS members whose age plus creditable service equal at least 86 or whose creditable service is at least 33 years. The election to receive a partial lump-sum distribution must be made at least 30 days prior to retirement. The member may make such election in a 12, 24 or 36 month increment of their entire retirement benefit.
CINDY KADLEC

010903 S First Read

012303 Second Read and Referred S Pensions & General Laws
CommitteeEFFECTIVE : August 28, 2003

SB 0234

SENATE SPONSOR Quick

0931S.01I

SB 234 - This act allows Clay County to open or operate a concession stand at a privately operated marina.

This act has an emergency clause.
SARAH MORROW

010903 S First Read

012303 Second Read and Referred S Economic Development,
Tourism & Local Government CommitteeEFFECTIVE : Emergency Clause

SB 0235

SENATE SPONSOR Quick

0715S.01I

SB 235 - This act provides that the calculation of the limit for local government indebtedness as outlined in the Missouri Constitution shall include the additional value added to an area as a result of a TIF redevelopment project in such area. The County Assessor is instructed to include such value when making entries in the assessor's book.
JEFF CRAVER

010903 S First Read

012303 Second Read and Referred S Economic Development,
Tourism & Local Government Committee

EFFECTIVE : August 28, 2003

SB 0236

SENATE SPONSOR DePasco

0862S.01I

SB 236 - This act creates a one-dollar check-off for the Workers Memorial fund to be put on each tax return filed after January 1, 2004. Taxpayers will be able to donate one or more dollars of a refund claimed to the fund. Taxpayers can also send a check or other negotiable instrument designated to the fund with their tax return.

This act is similar to SB 883 (2002).
JEFF CRAVER

010903 S First Read

012303 Second Read and Referred S Ways and Means Committee

EFFECTIVE : August 28, 2003

SB 0237

SENATE SPONSOR Russell

0902S.01I

SB 237 - This act allows persons or corporations to sponsor or conduct a fishing contest on any lake in Missouri without obtaining authorization or approval from the Department of Conservation if the following conditions are met:

- (1) The contest is part of a multi-state fishing contest;
- (2) There is only one tagged fish per lake with a value of less than one million dollars;
- (3) The fish is tagged by the sponsor in the presence of a representative from the department of conservation;
- (4) There is no fee or consideration required to enter the contest;
- (5) Participants must have a fishing license; and
- (6) The contest shall last no more than 30 days.

SARAH MORROW

010903 S First Read

012203 Second Read and Referred S Economic Development,
Tourism & Local Government Committee

EFFECTIVE : August 28, 2003

SB 0238

SENATE SPONSOR Caskey

0806S.01I

SB 238 - This act provides that any unincorporated area within Cass County may incorporate as a city regardless of any proposed annexation of the area by certain cities. Any attempt of a city to annex the unincorporated area shall not be effective

until after the voters of the unincorporated area fail to approve the proposed incorporation of the area as a city.

This act exempts any proposed city, town or village located within Cass County from the prohibition against a proposed municipality being organized within two miles of the limits of certain existing cities.

This act contains an emergency clause.
JIM ERTLE

011303 S First Read
012303 Second Read and Referred S Economic Development,
Tourism & Local Government Committee

EFFECTIVE : August 28, 2003

SB 0239

SENATE SPONSOR Mathewson

0982S.01I

SB 239 - This act authorizes the Governor to convey the National Guard Armory in Sedalia to the Sedalia School District Foundation. Consideration for the conveyance shall be one dollar.
JIM ERTLE

011303 S First Read
012303 Second Read and Referred S Economic Development,
Tourism & Local Government Committee

EFFECTIVE : August 28, 2003

SB 0240

SENATE SPONSOR Mathewson

0940S.01I

SB 240 - This act allows honorably discharged veterans to obtain "U.S. VET" motor vehicle license plates. To obtain these plates, the individual will pay \$15 in addition to regular registration fees. This act also removes the requirement from the U.S. VET motorcycle plate provision that the person must have served during a period of war.
STEPHEN WITTE

011303 S First Read
012303 Second Read and Referred S Transportation Committee

EFFECTIVE : August 28, 2003

SB 0241

SENATE SPONSOR Yeckel

0973S.01I

SB 241 - This act prohibits the City of St. Louis, Kansas City, and any board or commissions in those cities from requiring peace officers to reside within the limits of the but may require peace officers to live within the state.

Officers may not be discriminated against based on their place of residence. However, political subdivisions may provide incentives to encourage officers to live within the jurisdiction. The provisions of the act shall not apply to the use of department property.
CINDY KADLEC

011303 S First Read

EFFECTIVE : August 28, 2003

SB 0242

SENATE SPONSOR Yeckel

0983S.01I

SB 242 - This act limits the amount of a supersedeas bond an appellant is required to post while an appeal is pending to \$25 million. The court may require an appellant to post a bond equal to the full amount of the judgement if an appellee can prove by a preponderance of the evidence that the appellant is purposefully dissipating assets to avoid judgement.
SARAH MORROW

011303 S First Read

012303 Second Read and Referred S Judiciary & Civil &
Criminal Jurisprudence Committee

EFFECTIVE : August 28, 2003

SB 0243

SENATE SPONSOR Yeckel

0919S.01I

SB 243 - This act creates the "State Property Preservation Fund". Moneys in the fund would be used for the purpose of repairing or replacing state-owned or leased property damaged from natural or man-made events.

Subject to appropriations, the fund would pay claims for property loss for state-owned or leased buildings. In order for the fund to make payment for property loss, a notice of coverage must be issued by the Office of Administration for the property and the state must be contractually obligated to provide

insurance for such property.

The act limits the aggregate amount of money to be paid out of the fund to not exceed the cost of repairing or restoring the building or the defeasance of outstanding debt secured by the property. Payments from the fund comes only after other insurance policies have been exhausted.

The fund shall satisfy all covenants requiring the state to provide property insurance for state-owned or leased buildings.

This act is similar to SCS/SB 1148 (2002).
JIM ERTLE

011303 S First Read

012303 Second Read and Referred S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2003

SB 0244

SENATE SPONSOR Russell

0910S.01I

SB 244 - This act creates the Exhibition Center & Recreation Facility District Act. The act enables citizens of Camden, Miller and Morgan counties to petition to create an exhibition center & recreation facility district. At least fifty property owners in the county must sign the petition.

The petition must include the petitioners names, a description of the district's boundaries, and the name of the proposed district. Once the petition is filed, the governing body may approve a resolution to the create the district. Following a public hearing, the governing body may adopt an order establishing the proposed district.

A board of trustees is created to administer any district created and the expenditure of revenue that accompanies such district. The governing body of each county within the district shall appoint four residents from the portion of the county within the district to serve on the board. The board will have the power to have a seal, sue and be sued, enter into contracts or other agreements affecting the affairs of the district, to borrow money, to issue bonds, to acquire and dispose of real and personal property, to refund bonds without an election, to manage the affairs of the district, to hire agents, to exercise the power of eminent domain, and to amend and adopt bylaws.

The district may submit to its voters a sales tax of up to one-half of one percent. The act includes ballot language to that effect. The act also includes the creation of a fund to receive such sales tax revenue and instructs the director of revenue to authorize the state treasurer to make disbursements to the district. The tax shall be reduced automatically to a rate

of one-tenth of one percent after twenty-five years unless an extension is voted upon by the voters in the district.

This act is similar to HB 144 (2003).
JEFF CRAVER

011303 S First Read
012303 Second Read and Referred S Economic Development,
Tourism & Local Government Committee

EFFECTIVE : August 28, 2003

SB 0245

SENATE SPONSOR Shields

0326S.02I

SB 245 - Under current law, excursion gambling boat proceeds deposited in the Gaming Proceeds for Education Fund (beyond the amount transferred to the School District Bond Fund) are directed to the State School Moneys Fund to be distributed through the foundation formula.

Under this act, beginning in fiscal year 2005, any increase in the funds transferred (during fiscal year 2004) from the Gaming Proceeds for Education Fund shall be transferred, on a monthly basis, to the Classroom Trust Fund.

The Classroom Trust Fund will finance school construction, teacher recruitment and professional development, technology enhancements, and school safety. The moneys in the Classroom Trust Fund will be distributed to each district on a per-eligible-pupil basis and are exempt from certificated salary compliance. The Classroom Trust Fund will also receive all unclaimed lottery prize money.

This act is similar to HB 1521 (2002).
DONALD THALHUBER

011303 S First Read
012303 Second Read and Referred S Education Committee

EFFECTIVE : August 28, 2003

SB 0246

SENATE SPONSOR Steelman

0728S.03I

SB 246 - This act changes certain requirements regarding the Public Service Commission. This act would remove the limitation on the residence of Commissioners, however, commissioners would still be required to live within the State.

The act also gives the PSC Commissioners authority to have a

technical advisory staff. This staff would consist of a pool of up to six full time employees and each Commissioner could hire up to one personal advisor. Before these employees could be hired the Commission would have to correspondingly eliminate positions within Commission staff to accommodate the hiring of the technical advisory staff such that there would be no net gain of employees to the PSC as a whole. The technical advisory staff would render advice and assistance to the Commissioners and provide relevant updates to the Commission. Each of the technical advisory staff would be subject to the same ex parte communication and conflict of interest requirements as the Commissioners. No person could be hired as part of the technical advisory staff within two years of employment with certain divisions of the PSC, corporations regulated by the PSC or the Office of Public Counsel. The technical advisory staff will never be a party to proceedings before the PSC.

The act also delineates standards for the PSC regarding ex parte communications. Commissioners may confer with members of the public, any public utility or similar commission and the act sets for the procedural guidelines for these communications.
CINDY KADLEC

011303 S First Read

012303 Second Read and Referred S Commerce and Environment
Committee

012803 Hearing Scheduled S Commerce & Environment Committee

EFFECTIVE : August 28, 2003

SB 0247

SENATE SPONSOR Dolan

0903S.02I

SB 247 - This act revises provisions of the public school retirement system. The act simplifies credit purchases under PSRS and NTRS systems. Payment for credit purchases must be completed prior to termination of membership with the retirement system. The act clarifies that the member must have covered employment with the retirement system following the purchase credit. The act also defines the calculation of payment for such credit purchases.

The act extends the 25 and out provisions for PSRS and NTRS for five additional years from July 1, 2003 to July 1, 2008.

The act creates a partial lump sum option for PSRS and NTRS members whose age plus creditable service equal at least 86 or whose creditable service is at least 33 years. The election to receive a partial lump-sum distribution must be made at least 30 days prior to retirement. The member may make such election in a 12, 24 or 36 month increment of their entire retirement benefit.

This act would allow school districts with a shortage of certified teachers or non-certificated employees to hire retirees

for up to two years without them losing their retirement benefits. The total number hired will not exceed 10% or five certificated teachers or employees. Retired certificated teachers hired would be included in the State Directory of New Hires. Persons would not be employed until the affected retirement systems have implemented rules assuring the provisions are cost-neutral and that the system remains actuarially sound. All necessary costs would be paid by the hiring school district and would not exceed the district's statutory cost limitations. In order to hire teachers and non-certificated employees to fill such shortage the school district is required to make certain findings which are specified.

The act also changes the ability of a member to elect to continue to be a part of the school insurance program. Members must make this election within one year of the date last employed by the district.
CINDY KADLEC

011303 S First Read

012303 Second Read and Referred S Education Committee

EFFECTIVE : August 28, 2003

SB 0248

SENATE SPONSOR Gross

0858S.02I

SB 248 - This act provides that any Administrative Law Judge or Legal Advisor who is originally employed as such on or after January 1, 2004, are no longer eligible to participate in the Administrative Law Judge and Legal Advisor's Retirement System but rather are covered under the state employees' retirement system. However, no Administrative Law Judge or Legal Advisor who is employed before January 1, 2004, or who has retired before that date will be affected by this act.

The liabilities and assets of the Administrative Law Judge's and Legal Advisor's retirement system are transferred and combined with the state employees' retirement system. The contribution rate certified by the board shall include amounts necessary to cover the costs of the Administrative Law Judge's and Legal Advisor's retirement system.
RICHARD MOORE

011303 S First Read

012303 Second Read and Referred S Pensions & General Laws
Committee

EFFECTIVE : August 28, 2003

SB 0249

SENATE SPONSOR Shields

0871S.01I

SB 249 - This act makes various changes to the law concerning economic development of distressed communities.

The act expands the definition of a "distressed community" in the law relating to tax credits for investment in or relocating a business to a distressed community. A distressed community will include areas within metropolitan statistical areas that are designated as either a federal empowerment zone, a federal enhanced enterprise community, or state enterprise zones designated prior to January 1, 1986, but will not include the expansion of those zones done after March 16, 1988.

The act also modifies provisions of the Rebuilding Communities and Neighborhood Preservation Act, in that it:

- (1) Expands the definition of "eligible residence" to include certain condominiums, entire apartment buildings, or single apartments within an apartment building;
- (2) Expands the definition of "new residence" to include separate adjacent single-family units;
- (3) Expands the definition of "project" to include the new construction, rehabilitation, or substantial rehabilitation of multiple residences, whether comprised of one structure containing multiple single-family residences (e.g., an apartment building) or multiple individual structures (e.g., townhouses or individual homes), in addition to single residences;
- (4) Corrects the definition of "qualifying residence" so that it accurately references census blocks groups within metropolitan statistical areas;
- (5) Clarifies the term "nonmetropolitan statistical area" as any county not located in a metropolitan statistical area;
- (6) Limits the tax credits available for the rehabilitation and construction of residences in distressed communities and census blocks to \$1.5 million for projects commenced after August 28, 2002. Under current law, of the \$16 million in community improvement tax credits allowed, \$8 million are to be allocated for "eligible residence" programs and \$8 million for "qualifying residence" programs; the act provides that if, by October 1 of the calendar year, the Director of the Department of Economic Development has issued all \$8 million of the credits allowed for one of these programs and has not issued the entire \$8 million allowance for the other program, the director is required to reallocate 70% of any unused tax credits from the program which has not reached its \$8 million cap to the one which has; the reallocated credits will be given to taxpayers who have applied for, but have not received, tax credits in that same year and who are engaged in projects in the area where the tax credit cap has been met for that same year; the maximum reallocated tax credit for any project may not exceed \$500,000;
- (7) Increases the value of the "eligible residence" tax credit from 15% of eligible costs up to \$25,000 to 20% of eligible costs up to \$40,000 but does not raise the annual cap for this tax credit;

(8) Increases the value of the "qualifying residence" tax credit from 15% of eligible costs up to \$40,000 to 20% of eligible costs, up to \$40,000, but does not raise the annual cap for this tax credit; and

(9) Allows one application for tax credits to be submitted to the department for preliminary approval in the case of projects involving the new construction, rehabilitation, or substantial rehabilitation of more than one residence; tax credits will be awarded upon final approval of an application and presentation of acceptable proof that substantial construction of each individual residence has been completed, rather than delaying issuance of the tax credits until the entire project is substantially complete.

This act is similar to HCS/HB 1143 (2002).
JEFF CRAVER

011403 S First Read

EFFECTIVE : August 28, 2003

SB 0250

SENATE SPONSOR Stoll

0156S.01I

SB 250 - This act authorizes Jefferson County to levy a sales tax of up to one-half percent. Twenty-five percent of the revenue from this tax shall go to a County Prosecuting Attorney's Office Trust Fund, to be used by the county prosecuting attorney's office. The remainder of the revenue shall be deposited in the Law Enforcement Sales Tax Trust Fund for the county.

The act has an emergency clause and a referendum with ballot language.
JEFF CRAVER

011403 S First Read

012303 Second Read and Referred S Economic Development,
Tourism & Local Government Committee

EFFECTIVE : Emergency Clause

SB 0251

SENATE SPONSOR Childers

0850S.01I

SB 251 - This act provides a sales tax exemption for retailers who donate inventory to private or public elementary or secondary schools and approved private or public institutions of higher learning.

This act is identical to SB 755 (2002).

JEFF CRAVER

011403 S First Read

012303 Second Read and Referred S Education Committee

EFFECTIVE : August 28, 2003

SB 0252

SENATE SPONSOR Steelman

0915S.01I

SB 252 - This act authorizes the Board of Fund Commissioners to issue additional bonds for grants and loans pursuant to several sections in Article III of the Missouri Constitution which are administered by the Clean Water Commission and relate to water, sewer and stormwater projects. This act authorizes additional bonds in addition to amounts authorized prior to August 28, 2004.

CINDY KADLEC

011403 S First Read

012303 Second Read and Referred S Commerce and Environment
Committee

EFFECTIVE : August 28, 2003

SB 0253

SENATE SPONSOR Steelman

0734S.03I

SB 253 - This act creates the Missouri Downtown Economic Stimulus Act. The provisions of the act shall not be construed to provide funding for sports stadiums or related facilities.

A Downtown Economic Stimulus Authority is created in each municipality upon the enactment of an ordinance establishing a development area in accordance with the act. Each Authority will be governed by a Board of Commissioners which will consist of between 5 and 13 members with staggered terms of three years. Commissioners will be appointed by the mayor or chief executive.

The powers of the Authority shall be exercised by its Board of Commissioners and powers of the authority are specified. The Authority shall be a public body corporate and politic. Powers granted to the authority are specified, excluding the right to acquire property by eminent domain. Certain information must be included in a development plan.

The act allows Kansas City to enact an ordinance establishing a fund for the purpose of providing funds to a community development corporation. The Community Development Corporation Revolving Fund is created. A board to administer the fund is created. Funding is provided from 5% of the state sales

tax increment portion from other net new revenues generated from projects certified for state supplemental downtown development financing.

Prior to the adoption of the ordinance designating the development area, adopting a development plan or adopting a development project, the authority must hold a public hearing.

A municipality may adopt development financing for the development project area and a special allocation fund for the deposit of certain taxes from the development area to be apportioned or diverted pursuant to the Real Property Tax Increment Allocation Redevelopment Act if all or a part of the development project area becomes subject to tax increment financing.

The municipality may submit the development plan to the Missouri Development Finance Board for approval of the use of tax increment financing and if submitted must contain certain information. The General Assembly may annually appropriate the lesser of the tax increment increase plus \$50 million or \$150 million into the state supplemental downtown development fund which is created.

The act establishes a Missouri Downtown Economic Stimulus Act Joint Legislative Committee which will consist of ten members of the General Assembly, five from each body.

The Authority must make a report to the Director of the Department of Economic Development by the end of February each year. The Director shall then compile a report for submission to the Governor and General Assembly.

Every five years after the establishment of a development plan, the governing body of the authority must hold a public hearing. The Director of the Department of Economic Development shall provide information and technical assistance as requested by any municipality.
CINDY KADLEC

011403 S First Read

EFFECTIVE : August 28, 2003

SB 0254

SENATE SPONSOR Goode

0978S.02I

SB 254 - This act increases the cigarette tax to twenty-eight and one-half mills per cigarette, or fifty-seven cents per pack. This act also increases the tax on tobacco products other than cigarettes to twenty-three and one-half percent.

The increased revenue from these two tax changes shall be deposited in the general revenue fund.

01/23/03

MISSOURI SENATE
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JEFF CRAVER

011403 S First Read

012303 Second Read and Referred S Ways and Means Committee

EFFECTIVE : Voter Approval

SB 0255

SENATE SPONSOR Kinder

0896L.01I

SB 255 - This act eliminates PSC ratemaking oversight for certain not-for-profit electrical cooperatives whose consumers are its stockholders.

CINDY KADLEC

011503 S First Read

012303 Second Read and Referred S Commerce and Environment
Committee

EFFECTIVE : August 28, 2003

SB 0256

SENATE SPONSOR Goode

0863S.01I

SB 256 - This act provides that if a jury is unable to unanimously agree on the imposition of the death penalty, then the judge shall declare the punishment to be life imprisonment without eligibility for probation, parole or release except by act of the Governor. The jury shall be so instructed before the case is submitted.

The provisions of this act shall only govern offenses committed after August 28, 2003.

JIM ERTLE

011503 S First Read

012303 Second Read and Referred S Judiciary & Civil &
Criminal Jurisprudence Committee

EFFECTIVE : August 28, 2003

SB 0257

SENATE SPONSOR Steelman

0847S.02I

SB 257 - This act creates the Missouri Patients' Compensation Fund. This fund provides excess medical malpractice coverage to healthcare providers who participate in the fund. Health care providers must carry primary medical malpractice

coverage with another insurer. The amount of the primary coverage will be established by the Director of the Department of Insurance by rule. When determining the minimum level of medical malpractice insurance, the Director shall consider the health care provider's area of practice, past risk experience, or any other relevant factors. The fund will be administered by a Patients' Compensation Board housed within the Department of Insurance. The board will consist of the Director of the Department of Insurance and nine other members representing health care providers, insurance companies, trial attorneys and the public. All health care providers will be required to pay annual membership fees. In addition to these fees, the director will levy a premium surcharge on each health care provider's medical malpractice insurance policy. The surcharge will be collected from the insurance companies when they receive the medical malpractice insurance premiums from the health care providers.

A person may recover from the fund if the person names the fund as a party in the lawsuit. The fund will only pay moneys to the aggrieved party if his or her damages exceed the health care provider's primary level of coverage. The fund may appear as a party in the action. The fund may retain counsel to defend itself. Insurers must provide an adequate defense of the fund in any action and must act in a fiduciary relationship with respect to any claim affecting the fund.

NOTICE OF PREMIUM INCREASES (Section 383.324) - This act also prohibits insurers who issue medical malpractice policies from increasing premiums without providing 90 days written notice.

STEPHEN WITTE

011503 S First Read

012303 Second Read and Referred S Small Business, Insurance
and Industrial Relations Committee

EFFECTIVE : August 28, 2003

SB 0258

SENATE SPONSOR Steelman

1023S.01I

SB 258 - This act modifies the law regarding transportation development districts. Under this act, special assessments against property owners within a transportation development district shall constitute a lien and shall be enforceable in the same manner as a real estate tax lien. A default in the payment of one annual special assessment payment shall not accelerate the due date of subsequent annual special assessment payments. Under this act, no suit to set aside or contest special assessments may be brought more than 90 days after the initial notice of the assessment.

STEPHEN WITTE

011503 S First Read

012303 Second Read and Referred S Transportation Committee

EFFECTIVE : August 28, 2003

SB 0259

SENATE SPONSOR Steelman

1011S.01I

SB 259 - This act imposes additional surcharges and driver's license suspensions on any person failing to yield the right-of-way when the violation results in physical injury, serious physical injury, or death to a person. In addition to the normal penalties, a person violating this act which results in physical injury will be assessed a surcharge \$200 and may have his or her driver's license suspended for 30 days. If a serious physical injury results, a \$500 surcharge will be imposed and a 90 day license suspension may be imposed. If the violation leads to a fatality, an additional \$1,000 surcharge is assessed and a six month license suspension may be imposed. The additional surcharges are deposited in the motorcycle safety trust fund.

This act is similar to SB 1077 and HB 1534 (2002).
STEPHEN WITTE

011503 S First Read

012303 Second Read and Referred S Transportation Committee

EFFECTIVE : August 28, 2003

SB 0260

SENATE SPONSOR Stoll

0937S.01I

SB 260 - This act modifies appropriation procedures for community college districts.

In addition to funds for operating purposes, each community college district would be eligible to receive an annual appropriation, exclusive of any capital appropriations, for the cost of maintenance and repair of facilities and grounds, as well as the purchase of equipment and furniture.

The act also allows capital appropriations to be excluded from the rule that states that these annual appropriations shall not exceed ten percent of the state appropriations to community college districts for operating purposes during the most recently completed fiscal year.

This act is identical to SB 813 (2002).
DONALD THALHUBER

011503 S First Read

01/23/03

MISSOURI SENATE
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012303 Second Read and Referred S Education Committee

EFFECTIVE : August 28, 2003

SB 0261

SENATE SPONSOR Clemens

1014S.01I

SB 261 - This act allows members of the Missouri Foxtrotting Horse Breed Association to obtain specialized license plates. After making a \$25 contribution to the association, the member may obtain the specialized license plate by paying \$15 in addition to regular registration fees. The plate shall bear the words "FOXTROTTER - STATE HORSE".

This act is identical to HB 170 (2003).
STEPHEN WITTE

011503 S First Read

012303 Second Read and Referred S Transportation Committee

EFFECTIVE : August 28, 2003

SB 0262

SENATE SPONSOR Clemens

0358S.01I

SB 262 - This act exempts social security benefits as well as public and private pensions and retirement benefits from Missouri income tax. Under the current law, a portion of these retirement benefits are exempted, with limitations on the amount of the exemption and those who qualify for the exemptions. This act removes those limitations and provides that after December 31, 2003, all of such retirement benefits shall be included as a subtraction to federal adjusted gross income on the Missouri personal income tax return.

JEFF CRAVER

011503 S First Read

012303 Second Read and Referred S Ways and Means Committee

EFFECTIVE : January 1, 2004

SB 0263

SENATE SPONSOR Jacob

0060S.01I

SB 263 This act allows the sealing of court records when the court imposes a suspended sentence and the person successfully completes any court-ordered probation. Once the records are sealed or closed, the arrest, charges, conviction or guilty plea cannot be used for impeachment purposes. A person

will not be guilty of perjury if, in a later case, the person fails to disclose the existence of the sealed record.

This act is identical to SB 1142 (2002).
SARAH MORROW

011503 S First Read
012303 Second Read and Referred S Judiciary & Civil &
Criminal Jurisprudence Committee

EFFECTIVE : August 28, 2003

SB 0264

SENATE SPONSOR Shields

0952S.01I

SB 264 - This act asserts that any school district which receives less money under the formula than it did during the previous year shall not be obligated to comply with the salary compliance provisions of Section 165.016, RSMo. The act prescribes that the district must have unrestricted fund balances in the combined incidental and teacher funds on June 13th of the preceding year which is equal to or less than seventeen percent of the combined expenditures for the preceding year from these funds as a condition for said non-compliance.
DONALD THALHUBER

011503 S First Read
012303 Second Read and Referred S Education Committee

EFFECTIVE : August 28, 2003

SB 0265

SENATE SPONSOR Shields

0574S.04I

SB 265 - This act asserts that, upon the recommendation of a state-approved baccalaureate-level teacher preparation program, successful attainment of the Missouri qualifying score on the exit assessment for teachers and administrators, and completion of a background check, the state board shall issue teaching certificates valid for the life span of the teacher. The act supplies any person who holds, as of August 28, 2003, a valid life classification, professional classification I, professional classification II or a continuous professional classification certificate of license to teach in the public schools of this state with a lifetime certificate of license to teach in the public schools of this state.

Additionally, the act mandates that the State Board grant life-time certificates to any person, upon an appropriate background check, who is hired to teach in a public school in this state and who possesses a valid teaching certificate from

another state.
DONALD THALHUBER

011503 S First Read
012303 Second Read and Referred S Education Committee

EFFECTIVE : August 28, 2003

SB 0266

SENATE SPONSOR Shields

1024L.01I

SB 266 - This act requires the Department of Mental Health to develop a plan to address the needs of persons who are on a waiting list for services. The plan must emphasize the partnership between developmentally disabled individuals and their families, community providers, and state officials. The plan shall include:

- A method for reducing the waiting period ninety days;
- A description of available services;
- An evaluation of the capacity to serve more individuals;
- A method of adjusting support and service levels based on individual needs;
- A method for determining when out-of-home twenty-four hour care is necessary;
- A description on how the plan will be implemented;
- Any necessary changes to state law;
- An analysis of the monetary effects to providing services to all eligible individuals and their families.

The act requires the plan to be completed by November 1, 2003. The Director of the Department must submit a copy to the General Assembly and the Governor.
LORIE TOWE

011503 S First Read
012303 Second Read and Referred S Aging, Families & Mental &
Public Health Committee

EFFECTIVE : August 28, 2003

SB 0267

SENATE SPONSOR Shields

0951S.01I

SB 267 - This act alters the criteria Department of Elementary and Secondary Education employs for designating a school, or school district, as "priority". Currently, one such criterion is school districts or school attendance centers that do not meet any of the accreditation standards on student performance established by the State Board of Education based upon the statewide assessment system (Section 160.510, RSMO.)

This act alters that standard to school districts or school attendance centers that do not meet any of the performance criteria established by the State Board of Education for the Missouri school improvement program.

DONALD THALHUBER

011503 S First Read

012303 Second Read and Referred S Education Committee

EFFECTIVE : August 28, 2003

SB 0268

SENATE SPONSOR Loudon

0169S.02I

SB 268 - This act grants early consideration of any action seeking money damages against a person for conduct or speech made in connection with a public hearing or meeting. All pending discovery shall be suspended pending a final decision on the motion. This act also mandates that if the rights of this section are used as an affirmative defense and the court grants a motion to dismiss on those grounds, reasonable attorney fees and costs incurred by the moving party will be awarded. If the court finds the motion to dismiss is frivolous, the court shall award costs and attorney fees to the prevailing party. If a party raises the motion under the provisions of this act, the party shall have the right to an expedited appeal.

JIM ERTLE

011503 S First Read

012303 Second Read and Referred S Judiciary & Civil &
Criminal Jurisprudence Committee

EFFECTIVE : August 28, 2003

SB 0269

SENATE SPONSOR Quick

1050S.01I

SB 269 - This act enables the governing body of Excelsior Springs in Clay County to submit to its qualified voters a ballot question authorizing a one-half cent sales tax. The revenue from such tax must be used for public safety purposes. Several uses are specifically included in the act, but the list is not all inclusive.

The Department of Revenue will collect the tax and submit it to the city treasurer. The act contains contingencies for when, if ever, the sales tax is abolished, or when, if ever, any erroneous payments or overpayments are made.

This act has an emergency clause and ballot language.

JEFF CRAVER

011503 S First Read
012303 Second Read and Referred S Economic Development,
Tourism & Local Government Committee

EFFECTIVE : Emergency Clause

SB 0270

SENATE SPONSOR Foster

0833S.01I

SB 270 - This act creates the Highway Patrol Trust Fund.
The fund is financed by a five-dollar surcharge on motor vehicle
or trailer licenses renewed on an annual basis and a ten dollar
surcharge on licenses renewed on a biennial basis.

This act has an emergency clause.
STEPHEN WITTE

011503 S First Read
012303 Second Read and Referred S Transportation Committee

EFFECTIVE : Emergency Clause

SB 0271

SENATE SPONSOR Jacob

0059S.01I

SB 271 - This act imposes an additional tax of 3 cents on
diesel fuel (making the motor fuel tax on diesel 20 cents per
gallon). Based on last year's figures, a 3 cent tax on diesel
would generate approximately \$27.348 million dollars of which
\$19.144 million would go to the state.

This act raises registration fees on beyond local commercial
motor vehicles by approximately 30%. This act raises fee for
trip permits from \$10 to \$14.50. This act raises the fee for
issuing or renewing a commercial driver's license from \$40 to
\$60. This act also raises the fee for a duplicate CDL from \$20
to \$30.

This act limits trucks registered over 48,000 pounds to 65
mph on rural freeways and interstates. The current law on rural
interstates is 70 mph. A person operating a truck in excess of
65 mph shall be fined a fine of \$100 for every five miles in
which the operator exceeds 65 mph in addition to all other fines
and court costs imposed for the speeding violation.

This act requires the Division of Motor Carrier and Railroad
Safety to charge a docket fee of \$200.
STEPHEN WITTE

011503 S First Read

012303 Second Read and Referred S Transportation Committee

EFFECTIVE : August 28, 2003

SB 0272

SENATE SPONSOR Bland

0690S.02I

SB 272 - This act makes various modifications relating to tax credits for distressed communities. With regard to the Rebuilding Communities and Neighborhood Preservation Act, the act:

(1) Expands the definition of "eligible residence" to include condominiums, entire apartment buildings, or single apartments within an apartment building, and includes Kansas City as a possible location for such residences;

(2) Expands the definition of "new residence" to include separate adjacent single-family units regardless of whether or not these units are located in a distressed community, and includes Christian and Greene Counties as a possible location for new residences meeting the definition of such term under the current law;

(3) Expands the definition of "project" to include the new construction, rehabilitation, or substantial rehabilitation of multiple residences, whether comprised of one structure containing multiple single-family residences or multiple individual structures, in addition to single residences;

(4) Expands the definition of "qualifying residence" to include Kansas City;

(5) Increases the value of the eligible residence tax credit from 15% of eligible costs to 20% of eligible costs, and increases the credit from \$25,000 over 10 years to \$40,000 over 10 years;

(6) Increases the value of the qualifying residence tax credit from 15% of eligible costs to 20% of eligible costs up to \$40,000 over 10 years;

(7) Modifies the definition of "multiple unit condominium" to enable properties which have received a certificate of existence of dangerous building to fit within the scope of the definition.
JEFF CRAVER

011503 S First Read

EFFECTIVE : August 28, 2003

SB 0273

SENATE SPONSOR Bland

1045S.01I

SB 273 - This act extends the sunset date on the Kansas City public mass transportation sales tax from December 31, 2003 to December 31, 2005. This act also allows Kansas City to use moneys from the public mass transportation trust fund for intracommunity transit services conducted by the interstate transportation authority.

This act is identical to HB 122 (2003).
STEPHEN WITTE

011503 S First Read

012303 Second Read and Referred S Transportation Committee

EFFECTIVE : August 28, 2003

SB 0274

SENATE SPONSOR Caskey

1109S.01I

SB 274 - This act mandates insurance coverage for children's hearing aids to the age of 19. This mandated coverage will be required in all health policies issued or renewed after January 1, 2004. Coverage provided by this act shall not be subject to a deductible or copayment that exceeds 20% of the actual covered service costs. Insurers are prohibited from requesting hearing acuity information from the insureds. The mandated coverage does not apply to certain types of policies such as supplemental insurance policies or specified disease policies. The act describes what type of hearing aids are covered. Policies subject to this act must provide replacement hearing aids for the child at least every three years.

A health insurer or health benefit plan subject to this mandate may not limit the benefits payable for hearing aids to less than \$1,250 per hearing aid for each ear with a hearing loss. An insured may choose a hearing aid higher than the benefit payable and may pay the difference between the price of the hearing aid and the benefit payable.

This act is similar to SB 838 (2002).
STEPHEN WITTE

011603 S First Read

012303 Second Read and Referred S Small Business, Insurance
and Industrial Relations Committee

EFFECTIVE : August 28, 2003

SB 0275

SENATE SPONSOR Russell

1001S.01I

SB 275 This act repeals the authority of the Governor to convey certain tracts of land owned by the state in Cole County to either the General Services Administration or the Missouri Development Finance Board.

JIM ERTLE

011603 S First Read

012303 Second Read and Referred S Economic Development,
Tourism & Local Government Committee

EFFECTIVE : August 28, 2003

SB 0276

SENATE SPONSOR Jacob

1099S.02I

SB 276 - This act repeals the \$500 gaming loss limit contained in Section 313.805, RSMo.

Further, this act directs any increase in the Gaming Proceeds for Education Fund during fiscal years 2004 through 2008 to the Educational Job Retraining Fund, established by this act within the State Treasury. The Educational Job Retraining Fund will be administered by the Department of Economic Development and will provide educational job training and tuition assistance for unemployed or underemployed Missouri residents who were employed in this state on a full-time basis for a minimum of three consecutive years immediately prior to losing their jobs due to job elimination during adverse economic conditions.

Beginning in fiscal year 2009 and for each fiscal year thereafter, any increase (from base fiscal year 2003) in the Gaming Proceeds for Education Fund shall be transferred to: the Missouri College Guarantee Fund; the Higher Education Academic Scholarship Program; and school districts pursuant to the Foundation Formula.

DONALD THALHUBER

011603 S First Read

EFFECTIVE : August 28, 2003

SB 0277

SENATE SPONSOR Jacob

1043S.01I

SB 277 - This act excuses anyone actively engaged in the practice of optometry (optometrists) from jury duty.
SARAH MORROW

011603 S First Read

012303 Second Read and Referred S Judiciary & Civil &
Criminal Jurisprudence Committee

EFFECTIVE : August 28, 2003

SB 0278

SENATE SPONSOR Steelman

0794S.02I

SB 278 - This act allows electrical corporations to recover reasonably and prudently incurred costs for natural gas and purchased electrical energy through energy adjustment rate schedules. The schedules must be filed with the Public Service Commission (PSC) and may be implemented in conjunction with a general rate proceeding or without a general rate proceeding.

Changes in the rate schedules may be made as frequently as every 30 days. A "true-up" procedure similar to the purchase gas recovery for gas corporation will be used to remedy over-collections. Only certain electrical and natural costs which are specified are recoverable. If an electrical corporation has adjustment rate schedules on file with the PSC, they must also submit an energy adjustment report to the PSC by the 15th of each month. The method for calculating the adjustment rates is specified in a calculation provided in the act. Adjustment rate schedules which are filed with the PSC must include detailed records, workpapers, and calculations for the PSC to make a determination on the level of the energy adjustment rate. Copies of such records must also be provided to the Office of Public Counsel. The adjustment rate schedules will be come effective 30 days after filing and are not subject to suspension by the PSC. Such filings shall be considered on an expedited bases and the procedure for handling such filings is specified.
CINDY KADLEC

011603 S First Read

012303 Second Read and Referred S Commerce and Environment
Committee

012803 Hearing Scheduled S Commerce & Environment Committee

EFFECTIVE : August 28, 2003

SB 0279

SENATE SPONSOR Scott

0834S.01I

SB 279 - This act 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, and complete a minimum 8-hour training course. A direct agent of a licensed contractor is not required to be licensed. The Commission may waive certain requirements if the applicant is licensed in another jurisdiction. In certain circumstances, the Commission 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.

A setup contractor license shall be renewed annually. The Commission 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. The Commission may refuse to renew, suspend or revoke a license if the licensee is guilty of unprofessional conduct.

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.

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

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

STEPHEN WITTE

011603 S First Read

EFFECTIVE : August 28, 2003

SB 0280

SENATE SPONSOR Scott

0410S.04I

SB 280 - This act enacts several tort reform measures.

SEAT BELT VIOLATIONS - Under this act, the failure to wear a seat belt shall be considered as evidence of comparative negligence in a lawsuit. The failure to wear a seatbelt can also be admitted

to mitigate damages without introducing expert evidence proving that the failure to wear the belt contributed to the injuries.

COLLATERAL SOURCE RULE - This act modifies the collateral source rule by adding the plaintiff's employer, workers' compensation insurer, and other insurance companies to the list of persons or entities in which the defendant can introduce evidence of payment. If the defendant introduces collateral source evidence, the defendant will not waive his or her right to a credit for any payments the defendant may have made to the plaintiff. Under current law, any introduction of collateral source evidence constitutes a waiver of any right to a credit against a judgment.

VENUE SHOPPING - This act requires courts to dismiss or transfer venue of any cause of action which has accrued outside of the county in which the court is located if there is another forum with jurisdiction of the parties and in which venue is proper and which the trial can be conveniently held taking into account the following factors:

1. The location where the cause of action accrued;
2. The location of witnesses other than retained experts, wherever located, and health care providers whose principal office is more than 100 miles from the residence of the plaintiff;
3. The residence of the parties.

A party may file a motion to transfer venue to a more convenient forum within 90 days after the last day allowed for the filing of a party's answer. A party who files an action in a county other than a county where one or more defendants reside or where the cause of action accrued shall bear the burden that the forum where the cause of action is pending is more convenient than a forum in which one or more defendants reside or where the cause of actions accrued. If the court finds a more convenient forum, the court shall grant the motion and transfer the case to the more convenient forum or dismiss the action so it can be filed in another state.

If the action is dismissed, and the cause of action is filed in another state with proper jurisdiction within six months of the order of dismissal, the defendants shall accept service of process in the other state. If the plaintiff files the action in another state within six months of the dismissal order, and the statute of limitations has ran when the action is filed in the other state, the defendants shall waive the statute of limitations as a defense for that time period. If a defendant fails to abide by these conditions, the plaintiff's cause of actions shall be reinstated in the court which dismissed the action. Alternatively, if the court in the other forum refuses to accept jurisdiction, the plaintiff may, within 30 days of the final order refusing jurisdiction, reinstate the action in the court which dismissed the cause of action.

This section requires the court clerk transferring a case to a more convenient forum to certify and transfer all original papers and orders to the new forum.

PUNITIVE DAMAGES - This act limits punitive damages in all actions tried before a jury to three times the liability of the defendant for compensatory damages.

SUPERSEDAS BONDS - This act establishes a \$25 million limit on supersededas bonds. This limit shall not apply if the appellee proves that the appellant is purposely dissipating assets outside the ordinary course of business to avoid payment of the judgment. If that is proven, the court may require a bond equal to the full amount of the judgment.

STATUTE OF LIMITATIONS - This act modifies the law regarding when a minor can bring a cause of action for medical malpractice. Under current law, a person less than 18 years of age has until the age of 20 to bring a cause of action. This act states that a minor less than six years of age has until his or her eighth birthday to bring the cause of action.

JOINT AND SEVERAL LIABILITY - This act repeals the current doctrine of joint and several liability and limits liability to the percentage of fault attributed to each defendant by the trier of fact.

NONECONOMIC DAMAGES - This act limits noneconomic damages in tort actions to \$250,000.

MEDICAL MALPRACTICE NONECONOMIC DAMAGES CAP - This act lowers the cap on noneconomic damages from \$350,000 to \$250,000 and removes the provision of the law which subjects the cap to periodic inflation increases. This act also removes the words "per occurrence" to ensure that there is a single cap, and not multiple caps per incidents of medical malpractice as held by the court in Scott v. SSM Healthcare.

DAMAGE CAPS FOR TRAUMA CARE - This act would impose a \$50,000 damage cap on claims arising out of the provision of trauma or emergency room care.

CAP ON CONTINGENCY FEES - This act would limit attorney's contingency fees in medical malpractice actions to 33% of the first \$50,000 recovered; 25% of the next \$50,000, 15% of the next \$500,000; and 10% of any amount exceeding \$600,000. In no case shall an attorney collect fees, charges, or any other costs which in the aggregate total more than 33% of the total charges.

AFFIDAVIT OF MERIT - This act would require (current law is discretionary) a court to dismiss any medical malpractice claim for which the plaintiff fails to file an affidavit stating that he or she has obtained the written opinion of a health care provider which states that the defendant failed to use such care as a reasonably prudent and careful health care provider would have under similar circumstances and that such failure caused the plaintiff's damages. The provision also requires the expert to be licensed and actively practicing in the same specialty as the defendant.

BENEVOLENT GESTURES - This act would make statement, writings, or benevolent gestures expressing sympathy or a general sense of benevolence relating to the pain, suffering, or death of a person involved in an accident inadmissible as evidence in a civil action. Statements of fault, however, shall not be inadmissible.

LOSER PAYS - This act would require the losing party in a medical malpractice action to pay the prevailing party's attorney fees and costs.

MEDICAL MALPRACTICE PUNITIVE DAMAGES - This act limits punitive damages in medical malpractice actions to cases where the defendant's actions were due to evil motive or reckless indifference. Punitive damages are capped at two times the total actual damages.

MANDATORY INSURANCE COVERAGE - This act provides that health carriers and hospitals cannot require physicians to carry professional liability insurance as a condition of contracting or granting hospital staff privileges. This act also removes the provision of the law which requires hospitals located within counties having more than 75,000 inhabitants to carry medical malpractice insurance in the minimum amount of \$500,000.
STEPHEN WITTE

011603 S First Read

EFFECTIVE : August 28, 2003

SB 0281

SENATE SPONSOR Shields

1055S.01I

SB 281 - This act allows any first class county to acquire, own, erect, operate, manage, and maintain buildings and property outside the limits of the established seat of justice.
RICHARD MOORE

011603 S First Read

012303 Second Read and Referred S Economic Development,
Tourism & Local Government Committee

EFFECTIVE : August 28, 2003

SB 0282

SENATE SPONSOR Shields

1039S.01I

SB 282 - This act changes the maximum amount of time a County Commission of a first class county may issue a lease or concession grant for certain public facilities from five years to seven years. Further, this act changes the maximum amount of time a County Commission of a first class county may operate such

facilities without seeking bids when no private operators are interested or available.

RICHARD MOORE

011603 S First Read

012303 Second Read and Referred S Economic Development,
Tourism & Local Government Committee

EFFECTIVE : August 28, 2003

SB 0283

SENATE SPONSOR Klindt

1056S.01I

SB 283 - Section 135.766, RSMo, containing the Small Business Tax Credit for Guaranty Fees in its entirety, was repealed by the General Assembly in SB 894 (2000). The Missouri Supreme Court then found that bill to be in violation of the clear title requirement in the Constitution. Thus, the Small Business Tax Credit for Guaranty Fees was never repealed and is still part of our laws. However, once SB 894 passed, the Revisor of Statutes removed the section from the printed version of the Revised Statutes. The Revisor is not authorized to re-publish a section of law that has been repealed by the legislature even if the Supreme Court has overturned that repeal. This act would serve to have the section re-published in the RSMo, but will not cause any substantive change to the current law.
JEFF CRAVER

011603 S First Read

012303 Second Read and Referred S Small Business, Insurance
and Industrial Relations Committee

EFFECTIVE : August 28, 2003

SB 0284

SENATE SPONSOR Loudon

0967S.02I

SB 284 - This act modifies the legal expense fund to include any licensed attorney in this state that practices law for no compensation at or through a tax exempt nonprofit community social services center. The aggregate of any payments from the legal expense fund shall be limited to a maximum of \$500,000 for all claims based upon the same act or acts alleged in a single cause and shall not exceed \$500,000 for any one claimant. All payments from insurance policies purchased by the state relating to the legal expense fund shall also be limited to \$500,000.

Any claim or judgment against such an attorney shall be paid by the legal expense fund to the extent damages are allowed in tort actions for improper health care. Liability or malpractice insurance possessed by an attorney shall not be considered

available for payment of a claim to the extent that the legal expense fund is required to make payment. However, an attorney may obtain liability or malpractice insurance for coverage of claims or judgments for amounts that exceed the maximum coverage of the legal expense fund.

The Attorney General shall promulgate rules regarding contract procedure and the documentation of legal practice for attorneys covered by this act.

JIM ERTLE

011603 S First Read

012303 Second Read and Referred S Judiciary & Civil &
Criminal Jurisprudence Committee

EFFECTIVE : August 28, 2003

SB 0285

SENATE SPONSOR Dougherty

0965S.01I

SB 285 - This act repeals the authority of the Gaming Commission to enforce a \$500 maximum loss per person per gambling excursion.

This act is similar to HB 147 (2003).
JIM ERTLE

011603 S First Read

EFFECTIVE : August 28, 2003

SB 0286

SENATE SPONSOR Dougherty

1049S.01I

SB 286 - This act allows metropolitan school districts (the Board of St. Louis Public Schools) the power to raise the compulsory attendance age to seventeen, whereas in all other school districts the compulsory attendance age is sixteen. Such a resolution changing the compulsory attendance age can only take effect after the school year during which the resolution is passed. The act also allows school boards to raise the mandatory age for part-time attendance from fifteen to sixteen.

The act also exempts the parents of home school students above the age of sixteen in the city of St. Louis from the requirements that specify hours of instruction and maintaining certain records (i.e. written record, academic samples, evaluations). Further, the act allows home school educators of students over sixteen in the city of St. Louis to only supply a written statement that the pupil is attending home school as a defense against any prosecution for educational neglect or

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violation of the compulsory attendance law.

This act is identical to SB 858 (2002).
DONALD THALHUBER

011603 S First Read
012303 Second Read and Referred S Education Committee

EFFECTIVE : August 28, 2003

SB 0287

SENATE SPONSOR Childers

0730S.03I
SB 287 - This act removes work done on behalf of schools
from the requirements of the Prevailing Wage Laws unless a
majority of the governing body of the school vote to subject
their educational institution to the prevailing wage law.
RICHARD MOORE

011603 S First Read
012303 Second Read and Referred S Small Business, Insurance
and Industrial Relations Committee

EFFECTIVE : August 28, 2003

SB 0288

SENATE SPONSOR Dolan

1051S.01I
SB 288 - This act changes the time for the owner of lost
property to prove property ownership from one year to 90 days
after publication.
SARAH MORROW

011603 S First Read

EFFECTIVE : August 28, 2003

SB 0289

SENATE SPONSOR Dolan

1070S.01I
SB 289 - This act names the portion of Highway 71 within
Jasper County the "Trooper Charles P. Corbin Memorial Highway".
STEPHEN WITTE

011603 S First Read
012303 Second Read and Referred S Transportation Committee

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EFFECTIVE : August 28, 2003

SB 0290

SENATE SPONSOR Gross

0922S.01I

SB 290 - This act allows for the recovery of certain costs by utilities through an Infrastructure System Replacement and Security Charge (ISRSC).

This act allows gas corporations to file a petition with the Public Service Commission to recover costs associated with certain infrastructure system replacements two times per year. The PSC may not approve a charge if it would produce total revenues exceeding 10% of the gas corporation's base revenue level or if the water corporation has not had a general rate proceeding in the last four years. Petition filing requirements are specified in the act. The water corporation is required to reconcile the revenues generated with the underlying costs of the infrastructure replacements. The PSC is given authority to promulgate rules for the implementation of these provisions.

The act also allows electric corporations to recover prudent expenditures for security measures. Applications for recovery of such items shall be confidential and subject to a protective order of the PSC. Electric corporations may also apply to the PSC to recover unreimbursed costs for capital projects for required relocations.

CINDY KADLEC

011603 S First Read

012303 Second Read and Referred S Commerce and Environment
Committee

EFFECTIVE : August 28, 2003

SB 0291

SENATE SPONSOR Caskey

1124S.01I

SB 291 - This act creates a tax credit against the private car ad valorem tax. The act enables a freight line company to have a credit equal to the amount of eligible expenses incurred during the immediately preceding calendar year against this tax. The term "eligible expenses" is defined as those incurred in the state to maintain to improve a freight line company's qualified rolling stock.

JEFF CRAVER

012103 S First Read

EFFECTIVE : August 28, 2003

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SB 0292

SENATE SPONSOR Yeckel

1053S.01I

SB 292 - This act provides that no person, other than the cardholder shall disclose more than the last five digits of a credit card or debit card account number on a sales receipt provided to the cardholder for merchandise sold in this state.
JIM ERTLE

012103 S First Read

EFFECTIVE : August 28, 2003

SB 0293

SENATE SPONSOR Vogel

0957S.01I

SB 293 - This act modifies the requirement for filing an income tax return to allow the department of revenue to specify a minimum income greater than the current law's minimum of \$200.
JEFF CRAVER

012103 S First Read

EFFECTIVE : August 28, 2003

SB 0294

SENATE SPONSOR Vogel

0956S.01I

SB 294 - This act gives the Lottery Commission the authority to require a fingerprint background check on any person seeking employment or employed by the commission. The background check includes a check of the Missouri Criminal Records Repository and gives the Commission the authority to run a national check with the FBI, if the Commission deems it necessary.
SARAH MORROW

012103 S First Read

EFFECTIVE : August 28, 2003

SB 0295

SENATE SPONSOR Shields

1060S.01I

SB 295 - This act modifies the provisions of the delinquent tax collection laws concerning the sale of lands pursuant to such collections.

The act extends the collection laws to include mineral rights and royalty interests with the scope of items subject to sale to discharge a tax lien.

The act removes the provisions that allow partial sales of land to satisfy taxes.

The act reduces the time that the Treasurer must hold the proceeds from the sale on behalf of absent owners from seven to three years. Where there is no trustee in a county or if there is a trustee that has not taken the property after a third offering of sale where no sale occurred, the collector may then sell property at any time and for any amount.

The act removes the requirement that the collector notify the person entitled to any excess funds from the sale.

The act reduces the redemption time for receiving land purchased at a sale from two years to one.

The act extends the collector's fees to include a title search fees, and allows the collector to charge for the recording fee. When a collector charges for the recording fee he or she is responsible for recording the deed.

The act restricts non-residents or delinquent taxpayers from being assigned certificates of purchase.
JEFF CRAVER

012103 S First Read

EFFECTIVE : August 28, 2003

SB 0296

SENATE SPONSOR Griesheimer

1130S.01I

SB 296 - This act adds a condition to the State Board's authority to classify the public schools of this state. The act states that any rule requirements for the purpose of classifying the public schools must be in place for two years prior to implementation.

DONALD THALHUBER

012103 S First Read

EFFECTIVE : August 28, 2003

SB 0297

SENATE SPONSOR Griesheimer

0986S.02I

SB 297 - This act provides that a state department, division or agency operating a state facility must allow access to its sewer line to a residential or commercial customer within the same sewer district or municipal sewerage system provided certain conditions are met.

The customer must provide written notice to the state department, division or agency that the customer wishes to connect to the state's sewer line. The state entity must then notify the Division of Design and Construction and either the sewer district or municipal sewerage system of the request. An engineer chosen by the customer with experience in sewer design and construction shall then investigate and report to the division of design and construction and the state entity operating the sewer line on the ability of the sewer line to satisfactorily process the additional sewage to be generated by the customer. All costs of the engineer shall be paid by the customer.

The Division of Design and Construction shall approve the request for connection unless good cause is demonstrated that the sewer line is unable to satisfactorily process the additional sewage. The sewer district or municipal sewerage system shall approve the request for connection unless it can demonstrate good cause that the sewerage system is unable to satisfactorily process the additional sewage. If the customer is rejected, then appeal lies with the circuit court.

If the customer's request is approved, the customer is responsible for all costs associated with the construction and future maintenance of the connection. The state entity operating the sewer line is authorized to charge a reasonable fee for the connection.

This act will not apply to sewer lines connected to package treatment plants.

JIM ERTLE

012103 S First Read

EFFECTIVE : August 28, 2003

SB 0298

SENATE SPONSOR Griesheimer

1128L.01I

SB 298 - This act modifies various provisions regarding liquor. The act removes the restriction on locating a business which sells intoxicating liquor within 100 feet of schools and churches. The act would allow the sale of malt liquor at retail

on Sunday. Currently Sunday liquor sales may only occur between 11:00 a.m. and midnight. This act allows Sunday liquor sales between 9:00 a.m. and midnight.

The act creates a presumption that if a container is sealed in a container specifying the contents as being intoxicating liquor that the contents shall be presumed to be intoxicating liquor.

The act also provides that only valid and unexpired driver's licenses and identification cards may be presented as proof of age for the consumption of alcoholic beverages. Employees designated as peace officers by the Supervisor of the Division of Liquor Control shall have full authority to make arrests for certain offenses.
CINDY KADLEC

012103 S First Read

EFFECTIVE : August 28, 2003

SB 0299

SENATE SPONSOR Champion

0682S.07I

SB 299 This act provides that the Budget Director must develop and implement a performance-based budgeting system that establishes goals and objectives, provides detailed measures of program and fund performance against attainment of planned outcomes, and provides for program evaluation. The Governor may consider outcome measures used for each program and fund as compared with the attainment of the established goals and objectives of the program and fund over the past three fiscal years in preparing budget recommendations to the General Assembly. The General Assembly shall consider such outcome measures and attainment of goals and objectives for each program and fund in approving appropriation levels for each program and fund.

The Governor's budget recommendations, which are annually submitted to the General Assembly, shall include all outcome measures and attainment of established goals and objectives of each program and fund for the past three fiscal years and the projected outcome measures for each program and fund for the current fiscal year and the next two fiscal years, the most recent reports done by the State Auditor's office, and any evaluations done by the Oversight Division of the Committee on Legislative Research.

The act requires a performance based budgeting review of each department and agency at least once every five years, beginning after January 1, 2005. The chairpersons of the House Budget Committee and Senate Appropriations Committee and the Director of the Division of Budget and Planning shall review the outcome measures used for programs and funds within the

department, division or agency being reviewed.
JIM ERTLE

012103 S First Read

012303 Second Read and Referred S Governmental
Accountability and Fiscal Oversight Committee

012703 Hearing Scheduled S Governmental Accountability and
Fiscal Oversight Committee

EFFECTIVE : August 28, 2003

SB 0300

SENATE SPONSOR Cauthorn

0737S.01I

SB 300 - This act regulates the licensing and registration
of anesthesiologist assistants.

New definitions are provided relating to anesthesiologist
assistants (Section 334.400). An anesthesiologist assistant can
assist the supervising anesthesiologist in developing and
implementing an anesthesia care plan for a patient.

Anesthesiologist assistants are prohibited from:

- Prescribing medications,
- Administering any drugs or devices that are beyond the
authority of the supervising anesthesiologist,
- Practicing without the supervision or the immediate
availability of the supervising anesthesiologist, and
- Billing patients for services.

Anesthesiologist assistants must be clearly identified and
addressed as such to prevent them from being mistaken as a
physician (Section 334.402).

An anesthesiologist assistant can apply for a license by
filling out the appropriate application forms and paying the
required application fee as promulgated by the Department of
Economic Development. Upon approval of the application, the
State Board of Registration for the Healing Arts shall issue a
license to be valid for two years (Section 334.404).

A temporary license may be granted upon the payment of a
temporary license fee, the submission of all required documents,
and the applicant meeting the necessary qualifications. The
temporary license shall be valid until the results of the
examination are announced (Section 334.406).

A licensed anesthesiologist assistant may apply to the Board
to be placed on the inactive status list. An anesthesiologist
assistant may return to active status by notifying the Board of
the intention to resume the practice, paying the appropriate
fees, and meeting all the licensure requirements of the Board
(Section 334.408).

A licensed anesthesiologist assistant that wishes to retire
must file with the Board an affidavit stating the date of

retirement and any other facts necessary to verify retirement (Section 334.410).

Upon the payment of a fee and documentation of all locations of previous practice and licensure, the Board can issue a license to any licensed out-of-state applicant without examination or additional certification. The Board shall have the authority to negotiate reciprocal compacts with licensing boards of other states for the admission of licensed anesthesiologist assistants from Missouri (Section 334.412).

The Board shall issue a certificate of registration to any applicant that meets the qualifications for an anesthesiologist assistant and has paid the required fee. The Board shall promulgate rules and regulations pertaining to application forms, certification, registration, and fees. The Board shall have the authority to issue subpoenas and establish guidelines for anesthesiologist assistants. The Board may refuse to issue, suspend, or renew a certificate of registration or license or may file a complaint for any of the outlined causes in this section. Administrative hearing procedures will apply. Upon a finding by the administrative hearing commission, the Board may censure, place on probation for up to ten years, suspend for up to seven years, or revoke a person's certificate of registration or license. Any person violating any of the provisions of Section 334.400 to Section 334.430 is guilty of a Class A misdemeanor (Section 334.414).

Every licensed anesthesiologist assistant must renew their certificate of registration on or before the renewal date. A blank application form for registration will be mailed to every licensee at their last known office or residence address. The failure to receive the application form does not mitigate the duty to register or exempt the licensee from penalties (Section 334.416).

Section 334.418 prohibits any person from practicing as an anesthesiologist assistant without a current, valid certificate of registration, with exceptions.

An anesthesiologist assistant must meet the Board's minimum requirements for continuing education in order to renew a certificate of registration (Section 334.420).

All fees will be collected by the Division of Professional Registration and deposited in the Treasury to the credit of the Board of Registration for the Healing Arts Fund (Section 334.422).

An anesthesiologist assistant can only practice under the direct supervision of an anesthesiologist who is physically present or immediately available. The supervising anesthesiologist shall adopt a written practice protocol that delineates the services provided and the manner of supervision (Section 334.424).

Hospitals will have full authority to limit the functions

and activities performed by an anesthesiologist assistant (Section 334.426). No person shall portray themselves to the public as a "licensed anesthesiologist assistant", unless they are licensed pursuant to §334.400 to §334.430. Any person found guilty of violating this section will be guilty of an infraction with a maximum fine of \$200 (Section 334.428).

The Advisory Commission for Anesthesiologist Assistants is created and will guide, advise, and make recommendations to the Board. The Commission, comprised of 5 members, will take effect no later than January 1, 2004. Members may receive up to \$70 per diem (Section 334.430).
LORIE TOWE

012103 S First Read

EFFECTIVE : August 28, 2003

SB 0301

SENATE SPONSOR Bray

1062S.01I

SB 301 - This act allows municipalities to impose and assess an annual fee of up to \$50, subject to voter approval, on certain residential property to provide funds to pay the cost of certain repairs of lateral sewer service lines. Currently, the maximum fee is \$28 per year and must be assessed on a quarterly basis.
JIM ERTLE

012103 S First Read

EFFECTIVE : August 28, 2003

SB 0302

SENATE SPONSOR Bray

1084S.03I

SB 302 - This act makes criminally negligent storage of a firearm a Class A misdemeanor.

A person commits the crime of criminally negligent storage of a firearm if the person stores or keeps any loaded or unloaded firearm with ammunition under his or her control and knowingly or reasonably should know a minor is capable of gaining access to the firearm and the minor uses the firearm to threaten or cause the death of any person.

A person does NOT commit this crime if: (1) the firearm is stored in a locked box; (2) the firearm has a locking mechanism; (3) the firearm is stored in a dismantled state; or (4) the ammunition is stored away from an unloaded firearm. A minor who uses a weapon in self-defense or is being supervised while engaged in hunting or another lawful purpose does not fall under

this law.

This act requires firearms dealers to post a written warning about the provision of this section in a conspicuous place where firearms are sold.

This act is similar to SB 922 (2002) and HB 1595 (2002).
SARAH MORROW

012103 S First Read

EFFECTIVE : August 28, 2003

SB 0303

SENATE SPONSOR Gibbons

0879S.02I

SB 303 - This act provides that a licensed ground ambulance service located within Saint Louis County may provide critical care ground ambulance service. Critical care ground ambulance service is defined as the ground transport of a patient who requires a level of care which is within the scope of training and qualifications of a critical care nurse.

Such critical care transport may only occur between two licensed hospitals. The transport shall be done in an ambulance designed and equipped for such purpose and must include certain personnel trained in critical care. An ambulance service providing critical care ground ambulance service must maintain at least 120% of the insurance required in regulation for a licensed ambulance service. The ambulance service may only provide such critical care ground ambulance service within its service area and no more than 125 miles away from its address of record.
JIM ERTLE

012103 S First Read

EFFECTIVE : August 28, 2003

SB 0304

SENATE SPONSOR Jacob

0057S.01I

SB 304 - This act creates a sales tax holiday for articles of clothing valued at one hundred dollars or less and school supplies valued at fifty dollars or less for nine days in early August. The holiday applies to both state and local sales taxes. The State will reimburse local jurisdictions for revenue lost as a result of this act.

The act permits local political subdivisions to opt-out of the sales tax holiday in 2004, its second year.

The act establishes a "Sales Tax Holiday Joint Legislative Committee" to study and review the effects of the holiday and report to the general assembly on or before January 8, 2005.

The act has an emergency clause enacting it on July 1, 2003, and a sunset of July 1, 2005.

This act is substantially similar to SB 927 (2002).
JEFF CRAVER

012103 S First Read

EFFECTIVE : Emergency Clause
TERM DATE : July 1, 2005

SB 0305

SENATE SPONSOR Jacob

0058S.01I

SB 305 - This act exempts from state sales taxes certain fees and dues paid to health and fitness centers. Fees and dues paid to health and fitness centers are exempt if they are paid solely for health-benefit activities; are separately stated on the bill; and do not include dues or fees for any other activities or services. The act defines the term "health-benefit activities" and enumerates certain activities which either qualify or do not qualify as a "health-benefit activity".

This act is identical to SB 928 (2002).
JEFF CRAVER

012103 S First Read

EFFECTIVE : August 28, 2003

SB 0306

SENATE SPONSOR Steelman

1036S.01I

SB 306 - This act specifies that the court must appoint a guardian ad litem where there are substantiated allegations of child abuse and neglect. The court may order an investigation and report, which shall be conducted by the local department of social services caseworker, the county juvenile officer, or any other competent person.
LORIE TOWE

012203 S First Read

EFFECTIVE : August 28, 2003

SB 0307

SENATE SPONSOR Steelman

1114S.01I

SB 307 - This act modifies the rebate amount for prescription drugs in the Missouri Senior Prescription Program. Current law requires pharmaceutical manufacturers participating in the Senior Prescription Program to pay a rebate of 15% on all prescription drugs. This act changes the rebate amount to 15% for brand name drugs and 11% for generic drugs.

This act contains an emergency clause.

This act is identical to HB 47 (2003).
LORIE TOWE

012203 S First Read

EFFECTIVE : August 28, 2003

SB 0308

SENATE SPONSOR Steelman

1201S.01I

SB 308 - This act creates the "Missouri Calcium Initiative". The term "governmental entity" is defined as the state of Missouri, its departments, agencies, boards, commissions and institutions, and all school districts of the state.

A purchasing agent of a governmental entity, which purchases food or beverages to serve in a building owned or operated by the entity, must give preference to high calcium foods and beverages that are equal to or lower in price than products of the same type and quality. If a state institution determines that the high calcium foods or beverages will interfere with the proper treatment and care of a patient, then the purchasing agent is not required to make such a purchase for the patient.

The provisions of the "Missouri Calcium Initiative" are in addition to any requirements placed upon a governmental entity by the United States Department of Agriculture under the National School Lunch Program or the School Breakfast Program.

For contracts entered into before July 1, 2003, the purchasing agent is not required to purchase high calcium foods and beverages if this would change the terms of the contract. The provisions of this act will take effect on July 1, 2003.

This act is identical to HB 1033 (2002).
LORIE TOWE

012203 S First Read

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EFFECTIVE : August 28, 2003

SB 0309

SENATE SPONSOR Caskey

1200S.01I

SB 309 - This act limits the payment of future refunds
mandated by Hancock provisions from certain DNR funds.
HENRY HERSCHEL

012203 S First Read

EFFECTIVE : August 28, 2003

SB 0310

SENATE SPONSOR Caskey

1149S.01I

SB 310 - This act adds a section regarding what law to apply
when dealing with general partnerships. The act:

- Replaces the phrase "constituent estate" with "constituent entity" and modifies subsections 2 and 3 of section 347.720, RSMo, to only apply to limited partnerships or limited corporations.

- Removes the liability of a partner of a limited liability partnership from the actions of any person under the partner's direct supervision and control;

- Provides an avenue for a domestic general partnership to merge or consolidate into one or more general partnerships, domestic or foreign limited partnerships, limited liability companies, trusts, business trusts, corporations, real estate investment trusts and other associations or business entities. Further, the act establishes a procedure for approval of the merger or consolidation. If the merger or consolidation is of one or more domestic partnerships into a surviving partnership this act establishes filing requirements with the Secretary of State; and

- Establishes a procedure for domestic limited partnership regarding the approval of a merger or consolidation.

RICHARD MOORE

012203 S First Read

EFFECTIVE : August 28, 2003

SB 0311

SENATE SPONSOR Dougherty

1089S.01I

SB 311 - This act modifies various provisions relating to the protection of the elderly. Section 187.010 provides the necessary definitions relating to long-term care facilities and elder abuse.

Certain mandated reporters must report suspected abuse and neglect of eligible adults or persons sixty years of age and older to the Department within 24 hours. Any required person failing to make a report within a reasonable time will be guilty of a Class A misdemeanor. Any person purposefully filing a false report of elder abuse and neglect will be guilty of a Class A misdemeanor (Section 187.020).

Reports involving the abuse and neglect of residents of long-term care facilities must contain the name and address of the facility, the name of the resident, the nature of the abuse and neglect, and the name of the complainant. Any person who knowingly abuses or neglects a resident of a facility will be guilty of a Class D felony (Section 187.024).

Reports involving the abuse and neglect of eligible adults not residing in a facility must contain the name and address of the facility, the name of the resident, the nature of the abuse and neglect, and the name of the complainant. Any person who knowingly abuses or neglects an eligible adult not residing in a facility will be guilty of a Class D felony (Section 187.028).

The Department must promptly refer all cases of suspected abuse to the appropriate law enforcement agency. The Department and law enforcement must share resources for training (Section 187.030). Subject to conditions, any statement made by a person sixty years or older or a disabled person shall be admissible in a criminal, civil, or administrative proceeding (Section 187.032).

Any person or institution making a report pursuant to Section 187.020 to Section 187.050 shall be immune from any civil or criminal liability (Section 187.034). Any person, who has reasonable cause to believe that the misappropriation of property or funds of an eligible adult not residing in a facility has occurred, must report such information to the Department. Retaliation against an eligible adult not residing in a facility for reporting any violations of standards is prohibited (Section 187.050).

Section 187.080 details the requirements of the employee disqualification list. Providers must request a criminal background check prior to allowing any full-time, part-time, or temporary employee to have contact with a patient or resident. Providers may have a private investigator, rather than the highway patrol, conduct the criminal background check (Section 187.084).

Section 187.087 specifies that confidential reports filed pursuant to Sections 187.020 to 187.034 and Sections 187.050 to 187.080 will not be deemed public records.

The Director has the authority to require answers to written interrogatories and require production of any papers or records that are relevant to an inspection and investigation (Section 187.090). The Departments of Social Services, Health and Senior Services, and Mental Health shall work together in the investigation of abuse, neglect, and financial exploitation (Section 187.102).

Section 197.317 and Section 197.318 restore the moratorium on the certificate of need expenditure minimum until January 1, 2007.

Section 197.416 details requirements for the Department when issuing or renewing the license of a home health agency. Applications for a license must include an affidavit regarding the exercise of due diligence in observing the condition and operation of the facility (Section 198.018).

Section 198.019 details requirements for the Department when issuing or renewing the license of a facility. Section 198.022 requires the Department to make two inspections of a facility per year, except as provided in Section 198.526.

The Department must promulgate rules requiring facilities to submit information as to their actual staffing and staff retention patterns. The information shall be available to the public by July 1, 2004 (Section 198.024).

Every residential care facility I or II, intermediate care facility, or skilled nursing facility shall post the most recent inspection report in conspicuous location in a facility (Section 198.031).

The Department of Social Services may access the records of Medicaid patients in order to perform constitutional and statutory duties. The use of unsubstantiated inspection reports by insurance carriers for the purpose of underwriting is prohibited (Section 198.032).

Section 198.036 allows the Department to revoke a license if a facility fails to comply with class I standards on two occasions within a 24-month period. The Department may revoke the license of a operator for any of the reasons that an application for a license is denied pursuant to Section 198.022.

An operator of a facility that has been cited for violations shall be liable for up to \$75,000 for each day the violations existed, regardless of whether the violations were corrected. The Elderly Home-Delivered Meals Trust Fund will receive 25% of the penalties collected and the remaining 75% of penalties collected will be deposited into the Nursing Facility Quality of Care Fund. Civil penalties cannot be sold, transferred, or

otherwise assigned. The General Assembly specifically intends for the civil penalties specified to be imposed, regardless of any subsequent correction (Section 198.067).

The administrator of a facility must contact the local coroner immediately upon the death of a resident. The Department must receive a written report containing the information provided to the coroner within one business day of the resident's death. Hospitals must immediately notify the administrator of a facility upon the death of a resident that was transferred to the emergency room or inpatient unit (Section 198.071).

Section 198.093 allows residents to file written complaints regarding the deprivation of rights or estates within two years of the alleged violation.

Nursing home districts are prohibited from evicting, harassing, or retaliating against a resident or employee because of any reported violations made by the resident, resident's family, or employee of the facility. Residents and employees of a facility may obtain information regarding their rights and protections from the Department's telephone referral and information line (Section 198.301).

Section 198.525 requires facility inspections twice per year, unless otherwise provided pursuant to Section 198.526. The frequency of inspections will be reduced to once a year, provided that during an 18-month period the facility had no class I deficiencies or class II violations and had no substantiated complaints or changes in ownership in the preceding year. Any employee of the Department that discloses an inspection time to a facility will be immediately terminated and guilty of a Class A misdemeanor (Section 198.526).

The patient care expenditure component of the nursing facility Medicaid per diem rate will include salaries and supplies for physical, occupational, speech and inhalation therapy (Section 208.159).

The Department shall have access to all financial, medical, mental health and judicial records with restrictions (Section 660.251).

All Medicaid participation agreements entered into by the Department and an in-home services agency shall include training on abuse and neglect (Section 660.252).

Section 660.270 allows the Department to petition the court to enjoin interference with an investigation. Section 660.310 requires the Department to give written notice of any proposed suspension, probation or termination. The Administrative Hearing Commission will have the authority to hear complaints and appeals.

The Department must not disclose any personally identifiable medical, social, personal or financial records of an eligible adult being served by the Division of Senior Services (Section

660.321).

This act is identical to HB 186 (2003).
LORIE TOWE

012203 S First Read

EFFECTIVE : August 28, 2003

SB 0312

SENATE SPONSOR Dolan

0998S.01I

SB 312 - This act changes the age a defendant must have reached at the time the crime was committed for the death penalty to be available as a sentence for a conviction of murder in the first degree. This act would require the age of eighteen be reached rather than sixteen, as in current law.
RICHARD MOORE

012203 S First Read

EFFECTIVE : August 28, 2003

SB 0313

SENATE SPONSOR Dolan

0927L.01I

SB 313 - This act expands the diseases considered "occupational diseases" for peace officers under Chapter 287 RSMo, to include diseases of the lungs, respiratory tract or disease of the heart or cardiovascular system, including carcinoma.
RICHARD MOORE

012203 S First Read

EFFECTIVE : August 28, 2003

SB 0314

SENATE SPONSOR Dolan

1190S.01I

SB 314 - This act repeals a doubly-enacted section regarding the towing of motor vehicles from private property.
STEPHEN WITTE

012203 S First Read

EFFECTIVE : August 28, 2003

SB 0315

SENATE SPONSOR Steelman

1218S.01I
SB 315 - This act establishes "Big Bluestem" (Andropogon
gerardii) as the official state grass.
SARAH MORROW

012203 S First Read

SB 0316

SENATE SPONSOR Kennedy

1096S.01I
SB 316 - This act requires specific health plans to cover
all services provided or ordered by registered nurse first
assistants. A "registered nurse first assistant" (RNFA) is
defined as a registered nurse, licensed in Missouri, who has
received additional certification through a nationally-recognized
professional organization to become a RNFA or who meets the
criteria for RNFAs established by the Missouri State Board of
Nursing. If so certified, then all services provided by RNFAs
shall be covered by the specified health plans, including
Medicaid.

This act is substantially similar to SB 752 (2002) and
SCS/SB 35 (2001).
STEVE WITTE

012203 S First Read

EFFECTIVE : August 28, 2003

SB 0317

SENATE SPONSOR Stoll

1144S.01I
SB 317 - This act establishes a deadline of December 15,
2003, for a Missouri Consolidated Health Care Plan study which is
presently required by law but possesses no deadline for
completion. The study regards the feasibility of including
within the plan individuals who are employees of eligible
agencies which have not elected to join the plan or who are
retirees of school districts.
DONALD THALHUBER

012303 S First Read

EFFECTIVE : August 28, 2003

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SB 0318

SENATE SPONSOR Stoll

1170S.01I

SB 318 - This act revises the MAP assessment subject matter "test domains" by limiting the scope of said domains in order to consistently and fairly assess same-grade level students and to allow for review and revision of curricula and lesson plans based upon student performance.
DONALD THALHUBER

012303 S First Read

EFFECTIVE : August 28, 2003

SB 0319

SENATE SPONSOR Stoll

1176S.01I

SB 319 - This act expands what constitutes the crime of peace disturbance. The crime of peace disturbance is committed, in some situations, when an individual allows a dog which they own or are in control of to continuously bark, if such barking disturbs or alarms another individual.
RICHARD MOORE

012303 S First Read

EFFECTIVE : August 28, 2003

SB 0320

SENATE SPONSOR Stoll

1123S.01I

SB 320 - This act allows a state individual income tax credit equal to a percentage of any earned income tax credit claimed by the taxpayer on the federal income tax return. The percentage of the federal credit allowed will be 10% for tax year 2003, 15% for tax year 2004, and 20% for tax year 2005 and thereafter. Any amount of credit which exceeds the taxpayer's liability in any tax year will be refunded to the taxpayer or carried forward into future tax years.

This act is similar to HB 1407 (2002).
JEFF CRAVER

012303 S First Read

EFFECTIVE : August 28, 2003

SB 0321

SENATE SPONSOR Days

1061S.02I

SB 321 - This act requires persons discharged from prison or parole, after serving his or her sentence, to be informed in writing of the process and procedure to register to vote.
SARAH MORROW

012303 S First Read

EFFECTIVE : August 28, 2003

SB 0322

SENATE SPONSOR Days

1038S.01I

SB 322 - This act allows any adopted person, that is eighteen or older and born in Missouri, to obtain a copy of their unaltered, original, and unamended birth certificate from the State Registrar upon written application.

Foreign-born adoptees and persons that were adopted by Missouri residents but subject to the adoption laws of other countries may file a written application with the State Registrar to receive a copy of their unaltered, original, and unamended birth certificate provided that the adoptee is at least eighteen years old.

This act is identical to HB 1195 (2002).
LORIE TOWE

012303 S First Read

EFFECTIVE : August 28, 2003

SB 0323

SENATE SPONSOR Days

1040S.02I

SB 323 - This act prohibits discrimination based upon a person's sexual orientation. The act clarifies that discrimination includes cases where unfair treatment results from the guilty party's mere assumptions about the victim of characteristics of race, religion, etc., whether or not those assumptions are true or false.

This act is identical to HB 1561 (2002).
SARAH MORROW

012303 S First Read

01/23/03

MISSOURI SENATE
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EFFECTIVE : August 28, 2003

SB 0324

SENATE SPONSOR Loudon

1265S.01I

SB 324 - This act allows the State to request a medical examination of an injured employee in Second Injury claims and modifies the admissibility of medical reports in Second Injury cases.

This act is identical to SB 631 (2002).
RICHARD MOORE

012303 S First Read

EFFECTIVE : August 28, 2003

SB 0325

SENATE SPONSOR Steelman

1186S.01I

SB 325 - This act requires the board of each public school district to require each district school to devote one class period to an observance of the significance of Veterans Day.

This act is identical to HB 71 (2003).
JIM ERTLE

012303 S First Read

EFFECTIVE : August 28, 2003

SB 0326

SENATE SPONSOR Steelman

1184S.01I

SB 326 - This act exempts any veteran of any branch of the United States military who has reached the age of 65 years from all state and local taxes.

Any revenue lost as the result of the exemption by counties and political subdivisions of this state will be replaced through appropriations to the "Local Revenue Replacement Fund" which is created by this act. Each political subdivision which loses revenue as a result of this exemption must certify such revenue loss to the commissioner of administration by November 1 for losses accrued in the preceding year.

This act is identical to HB 1252 (2002).
JIM ERTLE

012303 S First Read

EFFECTIVE : August 28, 2003

SB 0327

SENATE SPONSOR Gross

0824S.01I

SB 327 - This act 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.

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 act requires the records and reports to be retained for two years after the final disposition.
JIM ERTLE

012303 S First Read

EFFECTIVE : August 28, 2003

SB 0328

SENATE SPONSOR Coleman

0836S.02I

SB 328 - This act governs the legal rights and remedies of mobile home leases and mobile home lots containing five or more mobile homes.

LENGTH OF LEASES - Under the act, mobile home park owners are required to offer each tenant a written lease for a term of not less than 12 months.

RENEWAL OF LEASE - Every lease of a mobile home or mobile home lot shall contain an option which automatically renews the lease unless:

1. The tenant provides 30 day notice that he does not desire to renew the lease;
2. The park owner provides the tenant 120 days notice that the lease will not be renewed due to specific reasons; or
3. The park owner elects to cease operation of the mobile home park. If the park owner is ceasing operations of the park, the tenant shall be entitled to a minimum of 12 months notice.

TERMS OF FEES AND RENTS - The terms for payment of rent and fees shall be specifically itemized in the lease. Rent charged by a park owner may be increased upon the renewal of a lease provided 60 days notice has been provided prior to the expiration of the

lease.

MOBILE HOME PARK PROVISIONS - All mobile park leases shall contain covenants which bind the park owner to:

1. Keep the park area free from weeds and plant growth;
2. Maintain all utilities in good working condition;
3. Respect the privacy of tenants;
4. Maintain all roads within the park in good condition;
5. Disclose the names and addresses of all the owners of the park;
6. Provide a custodian's office and furnish each tenant with the name and address of the custodian.

LEASE PROHIBITIONS - No lease shall contain a provision that:

1. Allows the park owner to charge a late fee without allowing the tenant a 5-day grace period;
2. Allows the park owner to charge an amount in excess of one month's rent as a security deposit;
3. Requires the tenant to pay fees not specified in the lease;
4. Allows the park owner to move the mobile home to a different lot.

No lease shall require the tenant to purchase a mobile home from the park owner.

TENANT DUTIES - The act outlines the basic duties of the tenant. For example, the tenant is prohibited from storing inoperable motor vehicles at the mobile park and refrain from storing furniture on the premises.

RULES AND REGULATIONS OF THE PARK - Rules promulgated by the park owner are enforceable only if copies of the rules were delivered to the tenants prior to signing the lease; they apply to all tenants in a fair manner; the rules fairly inform the tenant of what he or she can do or not do; and the rules are not for the purpose of evading the obligation of the park owner.

This act requires the Missouri Housing Development Commission to produce and distribute pamphlets delineating the rights of mobile home landlords and tenants under this act.

STATUTORY GROUNDS FOR EVICTION - Under the act, a park owner may evict a tenant for:

1. Non-payment of rent;
2. Failure to comply with park rules; or
3. Failure to comply with local ordinances or other state laws regulating mobile homes.

IMPROPER GROUNDS FOR EVICTION - A tenant shall not be evicted for:

1. Exercising his or her rights under the lease;
2. Complaining to any governmental authority regarding the

park owner's alleged violations of any health or safety law, regulation, code or ordinance; or

3. Being a member of a home owners association.

SECURITY DEPOSITS - Mobile home park owners are required to give the tenant an itemized list of damages within 15 days after the expiration of the lease. The park owner's failure to furnish an itemized list shall constitute an agreement that no damages have incurred and that the security deposit is due to the tenant. Park owners owning parks containing 25 or more mobile homes shall pay interest to the tenant on security deposits.

RESTRICTIONS ON GOODS AND SERVICES - Under the act, park owners are prohibited from restricting a tenant's access to goods and services. A park owner cannot require the tenant to purchase gas or fuel from a particular dealer as a condition of the lease unless the owner provides the gas or fuel through a centralized distribution system.

TERMINATION OF LEASE - A tenant may terminate a lease and vacate the premises if the park owner fails, within 30 days, to remedy a condition which deprives the tenant of his or enjoyment of the premises. A park owner may terminate the lease if the tenant fails to pay rent after the owner has provided notice. If a tenant breaches any of the mobile home park rules, the park owner must provide the tenant with specific notice of tenant's breach. If the breach continues after the tenant has received such notice, the park owner may terminate the lease.

REMAINING IN POSSESSION - Tenants who remain in possession of the premises after a lease expires shall pay the park owner a sum, not to exceed two times the previous rent, for each day the tenant remains in possession.

MOBILE HOME SALES - Under the act, park owners cannot restrict a mobile home owner from selling his or her mobile home. The park owner cannot restrict a mobile home owner from securing the services of an independent salesperson when selling his or her home. The park owner is prohibited from imposing a fee on the sale of a mobile home unless the park owner assists the mobile home owner in the sale of such home. If the park owner assists the mobile home owner in the sale of his or her mobile home, the fee shall be set forth in writing prior to the sale and shall be a percentage of the actual sales price of the mobile home.

TENANT MEETINGS - Under this act, tenants may hold tenant meetings at reasonable hours and when facilities are available and shall not be subject to prohibition by the park owner.

STEPHEN WITTE

012303 S First Read

EFFECTIVE : August 28, 2003

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SB 0329

SENATE SPONSOR Griesheimer

1239S.01I
SB 329 - This act extends the waste tire collection fee from
2004 to 2014.
HENRY T. HERSCHEL

012303 S First Read

EFFECTIVE : August 28, 2003

SB 0330

SENATE SPONSOR Caskey

1247S.01I
SB 330 - This act allows the Division of Child Support
Enforcement to send income withholding orders and orders to
enroll to employers by either regular or certified mail.
LORIE TOWE

012303 S First Read

EFFECTIVE : August 28, 2003

SB 0331

SENATE SPONSOR Childers

1219S.01I
SB 331 - This act allows any qualified applicant for the
"SILVER STAR" license plate to obtain two sets of plates.
Currently, only one set of plates is allowed. This act also
provides that apportioned motor vehicles or commercial motor
vehicles in excess of 18,000 pounds are not eligible for the
special license plate.

This act is identical to HB 75 (2003).
STEPHEN WITTE

012303 S First Read

EFFECTIVE : August 28, 2003

SB 0332

SENATE SPONSOR Childers

0642S.05I
SB 332 - This act modifies the definitions of
"construction", "maintenance work" and "Public body" under the
prevailing wage law. Further, it limits the individuals who are

eligible to receive the benefits of the prevailing wage law to those engaged in actual construction or reconstruction of public works and expressly removes individuals engaged in repairs from being eligible to receive the benefits of the prevailing wage law.

This act directs the Department of Labor and Industrial Relations to use the appropriate federal prevailing wage when adequate information is not available.

This act removes the requirement that the Department of Labor and Industrial Relations when determining the prevailing wage consider the applicable wage rate established by a collective bargaining agreement. Further, it removes all provisions dealing with collective bargaining in determining and adjusting the annual wage rates.

This act removes the requires that contractors and subcontractors engaged in public works include in their records the names of their workmen. Further, it removes subsections three and four, these subsections require contractors and subcontractors engaged in the construction of public works to have certain information affixed on certain motor vehicles and motorized self-propelled pieces of equipment.

This act makes each subsequent day where a willful violation occurs a separate offense under this section.
RICHARD MOORE

012303 S First Read

EFFECTIVE : August 28, 2003

SB 0333

SENATE SPONSOR Childers

0520S.01I

SB 333 - This act allows counties of the third classification and any political subdivisions within such counties, upon voter approval, to exempt themselves from the state prevailing wage law. Majority approval by the governing body of the political subdivision or a petition by the voters signed by 10% of all registered voters in the political subdivision is required before the proposal can be submitted to voters. This act does not apply to construction projects involving federal funds. The act contains suggested ballot language.

This act is similar to SB 102 (2001).
RICHARD MOORE

012303 S First Read

EFFECTIVE : August 28, 2003

SB 0334

SENATE SPONSOR Goode

1241S.01I

SB 334 - This act changes the jurisdiction over underground storage tanks from the Clean Water Commission to the Missouri Hazardous Waste Management Commission.
HENRY T. HERSCHEL

012303 S First Read

EFFECTIVE : August 28, 2003

SB 0335

SENATE SPONSOR Goode

1256S.01I

SB 335 - This act increases the penalties for violations of the Natural Gas Pipeline Safety Act to be in line with the current federal penalties which are \$25,000 per violation with a maximum of \$500,000 per related series of violations.

This act is similar to SB 870 (2002), SB 150, (2001), SB 745 (2000) and HB 1326 (2000).
CINDY KADLEC

012303 S First Read

EFFECTIVE : August 28, 2003

SB 0336

SENATE SPONSOR Bray

1121S.02I

SB 336 - This act makes various changes to economic development programs relating to distressed communities and small business investment tax credits.

The act:

(1) Changes the definition of a community development corporation to stress industrial, economic, entrepreneurial, commercial and civic development of projects that benefit low-income individuals and communities;

(2) Lowers the investment requirement of principal owners of Missouri small businesses eligible for investment from 50% of the business to 35% of the business;

(3) Eliminates the designation of a "target area" for purposes of identifying areas of poverty by the Department of Social Services;

(4) Increases the maximum percentage of investment ownership allowed in a small business to qualify for a tax credit from 50% to 65%;

(5) Reduces the time period requirement for investment in a small business from 5 years to 3 years and excludes any sale, change of control, or the going public of a business from the minimum period of time for investment for purposes of the small business investment tax credit program;

(6) Reduces the percentage of employees required to be located at a business contained within distressed communities from 75% to 60% and increases the maximum number of employees at a business contained within a distressed community from 100 to 150 to qualify for the distressed communities tax credit program;

(7) Allows the leasing of certain technology equipment to qualify as an expense for purposes of obtaining a tax credit;

(8) Increases the allowable tax credit percentage of the amount of qualified contribution to a qualified fund for purposes of tax credits for contributions to innovation centers from 50% to 75%;

(9) Allows any unused credits for these tax credit programs from the previous year to be added to any statewide caps for these programs in future years;

(10) Expands the availability of follow-up capital to include businesses which have previously received follow-up capital within the last 3 years for purposes of tax credits for contributions to innovation centers;

(11) Modifies the definition of "qualified fund" to specify that distributions of equity from the fund to qualified economic development organizations at the statutory 10% rate shall be calculated after the amount the fund invested in the corporation or other similar entity is returned to the fund; and

(12) Requires the Department of Economic Development to pursue a revocation of the tax credits only from the original applicant for the tax credit.

This act contains an emergency clause.
JEFF CRAVER

012303 S First Read

EFFECTIVE : Emergency Clause

SB 0337

SENATE SPONSOR Cauthorn

0904S.01I

SB 337 - This act asserts that any school district which allows an excused absence for athletics or any other extra-curricular activity shall allow any student to use regularly scheduled instructional time as is reasonably necessary for participation in an officially-sanctioned activity of any FFA, FHA, FCCLA and 4-H program.

The act also provides that students may participate in FFA, FHA, FCCLA and 4-H events and Missouri State Fair competitions while having such participation count as regular school attendance for the purpose of state school aid.

This act is similar to SB 756 (2002).
DONALD THALHUBER

012303 S First Read

EFFECTIVE : August 28, 2003

SB 0338

SENATE SPONSOR Cauthorn

0888S.02I

SB 338 - This act restores the moratorium on the expenditure minimum for beds in long-term care facilities until January 1, 2007.
LORIE TOWE

012303 S First Read

EFFECTIVE : Emergency Clause
TERM DATE : Jan. 1, 2007

SB 0339

SENATE SPONSOR Jacob

0744S.02I

SB 339 - This act requires 90 days advance written notice prior to a disconnection of water service. Water service to a residence shall not be disconnected unless the noncurrent outstanding bill amount exceeds \$100. Water service to a residence may not be disconnected unless a notice is sent to the customer by certified mail and must include the proposed action, date of proposed action, cost of reconnection, reason for the action, amount of the arrearage, address where payment can be sent, any actions which the residential customer may take to prevent the disconnection, and contact information for the customer to call.

CINDY KADLEC

012303 S First Read

EFFECTIVE : August 28, 2003

SB 0340

SENATE SPONSOR Wheeler

1263S.01I

SB 340 - This act provides an equalizing cost-of-living adjustment (COLA) for certain retirees of the Kansas City Police retirement system. The equalizing COLA shall not exceed 25% of the member's base pension. The retirement board must base its determination for granting the equalizing COLA on the advice of the plan's actuary that the increase will not cause the present value of the plan to exceed the sum of fund asset plus the present value of anticipated future contributions.
CINDY KADLEC

012303 S First Read

EFFECTIVE : August 28, 2003

SB 0341

SENATE SPONSOR Wheeler

1264S.02I

SB 341 - This act revises provisions of the Kansas City Police and Civilians Retirement Systems. This act provides active members of the system who are on the retirement board with up to 10 days paid leave to be able to attend meetings and educational seminars approved by the retirement board.

The act authorizes the retirement board to administer early retirement incentives offered to employees in addition to other benefits such members may be entitled to. However, the city shall agree to increase its contribution to provide for the full actuarial costs of the early retirement incentives.

The act also adds a funeral benefit of \$1,000 for members as of August 28, 2003, who die in service or who die after retiring.
CINDY KADLEC

012303 S First Read

EFFECTIVE : August 28, 2003

SB 0342

SENATE SPONSOR Dolan

1231S.01I

SB 342 - This act adds various forms of cancer to the diseases currently presumed to be suffered by firemen in the line of duty.
RICHARD MOORE

012303 S First Read

EFFECTIVE : August 28, 2003

SB 0343

SENATE SPONSOR Dolan

0866S.02I

SB 343 - This act revises the procedures relating to disabled license plates and placards and the use of designated disabled parking spaces.

The Director of the Department of Public Safety is authorized to promulgate rules to allow persons to issue citations to vehicles violating disabled parking provisions. A person desiring to issue citations must submit an application to the director and be certified. The Director of Public Safety, in conjunction with the Missouri Supreme Court, will also prescribe the forms for the issuance of citations. A person issuing a citation is required to forward a copy of the citation to the Director of Public Safety and the Director of the Department of Revenue. The Director of the Department of Public Safety shall forward a copy of the citation to the appropriate prosecuting attorney for prosecution.

Physicians or health care practitioners will be guilty of a Class D felony if they issue, sign, or furnish a physician's statement or certificate to enable a person to obtain disabled license plates or windshield placards for any person who does not meet established conditions required by law or if there is no basis for a diagnosis, or state a condition or diagnosis which is outside the scope of the provider's license. Under current law it is a Class C misdemeanor for a health care practitioner to certify an individual for a disabled plate or placard if the diagnosis is outside the practitioner's scope .

This act allows other health care practitioners (chiropractors, podiatrists, and optometrists) to certify individuals for disabled license plates and placards.

Under this act, age, in and of itself, shall not be a factor in determining whether a person is entitled to a disabled license plate. The act establishes record maintenance requirements for physicians and health care practitioners who issue physician's statements.

Under this act, a physician's statement shall:

1. Be on a form prescribed by the Director of Revenue;
2. Set forth the specific diagnosis which renders the person physically disabled;
3. Include the physician's license number; and
4. Be signed by the physician or health care practitioner.

This act holds that an applicant for a disabled license plate consents and authorizes his or her physician to release his or her medical information to licensing boards, administrative bodies, law enforcement, prosecuting attorneys, and the courts to secure compliance with the law.

This act requires the physician who issues a statement for a disabled license plate to maintain certain medical records and documentation relating to the issuance of such statement. These records shall be open to inspection.

No more than two removable windshield handicap placards may be issued by the Director of Revenue to any one person. The director will be required to periodically check with the appropriate licensing boards to verify that physicians or other health care practitioners who sign physician's statements are duly licensed and registered. The Director must annually take steps to check with vital statistics to see if any person issued disabled plates or placards is deceased.

The Director also will be required to issue a certificate, bound in plastic, identifying the name and address of any person issued disabled plates or placards and the plate number or placard identifying number. If a disabled person has a driver's license, such certificate may be incorporated into and made a part of the license.

Any person issued a disabled plate or placard must present a new physicians statement every four years.

This act requires the Director of Revenue to annually check with the bureau of vital statistics to determine whether the holder of any disabled license plate or placard is deceased, and if so, take all reasonable steps necessary to obtain the return of such plates and placards.

Under this act, all existing disabled hanging placards shall expire on September 30, 2004. Thereafter, the Director shall no issue or renew existing placards unless the applicant provides a current physicians's statement. All existing disabled plates will expire as of its first renewal date which follows from and subsequent to September 30, 2003.

Under this act, a person who cannot produce the certificate which authorizes him or her to park in a disabled parking space shall be guilty of an infraction and shall be fined not less than \$50 and not more than \$300. If a person can later produce a valid certificate in court, the person shall not be found guilty

of an infraction.
STEPHEN WITTE

012303 S First Read

EFFECTIVE : August 28, 2003

SB 0344

SENATE SPONSOR Scott

1146S.01I

SB 344 - Beginning in the 2004-2005 school year, all public schools with emergency sirens shall ensure that such sirens are uniform and possess the same ringing sound in each school. In addition, the emergency sirens shall consist of three separate rings to indicate a tornado, and on long ring to indicate a fire.
DONALD THALHUBER

012303 S First Read

EFFECTIVE : August 28, 2003

SB 0345

SENATE SPONSOR Jacob

1214S.01I

SB 345 - This act provides that beginning on January 1, 2007, the number of circuit judges in the 13th judicial circuit shall increase from three to four. The fourth circuit judge shall be elected in 2006 for a two-year term and thereafter in 2008 for a full four-year term.
JIM ERTLE

012303 S First Read

EFFECTIVE : August 28, 2003

SB 0346

SENATE SPONSOR Yeckel

0990S.01I

SB 346 - This act modifies a number of laws associated with banking.

The Missouri Higher Education Loan Authority is authorized to consolidate existing parent loans for undergraduate students ("PLUS").

Duties of parties regarding the creation of liens on certain watercraft are modified to provide that the director of revenue shall mail the certificate of title with the new and address of

the new lienholder to the owner named in the certificate of title, not the first lienholder named in the certificate.

The Director of the Division of Finance is authorized to obtain data filed with federal regulatory agencies in lieu of requiring direct filing of reports of condition from financial institutions. The Director may require verification of the data from such institutions. During the Director's examination of a bank or trust company, if the director relies upon audits by a C.P.A., the Director must be afforded access to any workpapers used as a basis for the audit.

The definition of "bank" is modified to specifically include chartered commercial banks and national banks in this state. The definitions of "demand deposits" and "time deposits" are modified to provide that payment of such deposits can be required as provided in federal law. Currently, payments can be required within 30 days.

Banks are authorized to purchase or lease real property in an amount not exceeding its legal loan limit and may derive income from the renting or leasing of such property. Should the purchase or lease exceed the legal loan limit or be from an interested party, such bank must seek prior approval from the Director of the Division of Finance. Banks and trust companies, savings and loan associations and credit unions may impose fees or service charges on deposit accounts, subject to certain promulgated rules.

The act creates a definition of a "trust holding company" and authorizes the formation of a trust holding company in Missouri. The Director of the Division of Finance is required to determine if a proposed acquisition by a trust holding company of a trust company is consistent with the interests of having sound trust companies. The Director is authorized to grant or deny the proposed acquisition. The Director may examine and investigate trust holding companies.

This act modifies provisions of the Uniform Commercial Code. Any transaction that complies with Articles 3, 4 and 9 of the Code shall not be subject to common law claims other than those specifically provided for in the Code. Consumer transactions are included in the rules for secured transactions when the amount of a deficiency or surplus is in issue.

Variable rate agreements are subject to certain statutes limiting fees and charges until the extension of credit is paid off or the debtor requests an extension or refinancing. At the time of such request, the creditor may convert the credit extension to a loan contract or times sales agreement, provided the same statutes limiting fees and charges will still apply.

The act provides that Section 443.130, RSMo, relating to penalties for failure to release certain mortgages shall be construed as provided in *Lines v. Mercantile Bank*, 70 S.W.2d 676 (Mo. App. Ct. 2002).

The act deletes certain sections in Chapter 408, RSMo,
concerning variable interest rates.
JIM ERTLE

012303 S First Read

EFFECTIVE : August 28, 2003

SB 0347

SENATE SPONSOR Loudon

1258S.01I

SB 347 - This act modifies the definitions "accident" and
"injury" within Chapter 287, RSMo.

This act also limits the applicability of an occupational
disease within Chapter 287, RSMo, to cases where the occupational
exposure was the dominant factor in causing the physical
condition. Further, to be compensated for an occupational
disease the claimant must satisfy the requirements of accidental
injuries set forth in Section 287.020, RSMo.

When the occupational disease is related to repetitive
motion and the dominant factor causing the injury was acquired
while with a prior employer, such prior employer shall be liable
for the disease. An employer who has paid benefits to an
employee based on an injury acquired while with a prior employer
has the right to sue the employee to satisfy any payments made by
the employer.
RICHARD MOORE

012303 S First Read

EFFECTIVE : August 28, 2003

SB 0348

SENATE SPONSOR Coleman

0789S.01I

SB 348 - This act extends powers to civilian review boards
that investigate allegations of misconduct by local law
enforcement officers. The powers granted in this act include:
subpoena powers, administer oaths, require production of papers,
records and documents, and the examination of witnesses.
SARAH MORROW

012303 S First Read

EFFECTIVE : August 28, 2003

SCR 001

SENATE SPONSOR Gross

0359S.01I

SCR 1 - This resolution rejects the amount of increase in compensation for public officials as recommended by the Citizen's Commission on Compensation for Elected Officials.
JIM ERTLE

010803 S First Read
010903 Referred S Rules, Joint Rules, Resolutions & Ethics Committee
011403 Hearing Conducted S Rules, Joint Rules, Resolutions and Ethics Committee
011403 Voted Do Pass S Rules, Joint Rules, Resolutions and Ethics Committee
011403 Reported Do Pass S Rules, Joint Rules, Resolutions and Ethics Committee to Floor
011403 Referred S Governmental Accountability and Fiscal Oversight Committee
011503 Hearing Conducted S Governmental Accountability and Fiscal Oversight
011503 Voted Do Pass S Governmental Accountability and Fiscal Oversight
011503 Reported From S Governmental Accountability and Fiscal Oversight Committee to Floor
011503 S Third Read and Passed
011503 H First Read

SCR 002

SENATE SPONSOR Bland

0223S.03I

SCR 2 - This resolution would rename the Joint Interim Committee on After-School Programs as the Joint Legislative Committee on Out-of-School Programs. The authority of the committee will terminate on December 31, 2004, and the resolution requires that the committee report its recommendations and findings to the General Assembly by January 1, 2005.

Further, the resolution alters the composition of the committee from three members of the House and Senate to include five members from each body.

This resolution is similar to SCR 73 (2002).
DONALD THALHUBER

011503 S First Read
012103 Referred Rules, Joint Rules, Resolutions & Ethics Committee

EFFECTIVE : Upon Passage

SCR 003

SENATE SPONSOR Loudon

0691S.01I

SCR 3 - This resolution urges the State of Illinois to either enact a law that requires parental consent for minors to obtain an abortion or, if no such law is enacted, to recognize Missouri's parental consent law.
LORIE TOWE

012303 S First Read

SJR 001

SENATE SPONSOR Bland

0155S.01I

SJR 1 - This proposed constitutional amendment, if approved by the voters, would ratify the Equal Rights Amendment to the United States Constitution.

This resolution is identical to SJR 28 (2002).
SARAH MORROW

120102 Prefiled

010803 S First Read

012303 Second Read and Referred S Judiciary & Civil &
Criminal Jurisprudence Committee

EFFECTIVE : Voter Approval

SJR 002

SENATE SPONSOR Bland

0041S.02I

SJR 2 - This constitutional amendment, if approved by the voters, repeals the provisions of the Hancock Amendment as they are found in Sections 16, 17, 18, and 18(e) of article X, Constitution of Missouri as they relate to a limitation on state revenue and limitations on tax increases.
JEFF CRAVER

120102 Prefiled

010803 S First Read

012303 Second Read and Referred S Ways and Means Committee

EFFECTIVE : Voter Approval

SJR 003

SENATE SPONSOR Gross

0096S.01I

SJR 3 - This constitutional amendment, if approved by voters, enables the Legislature to extend a property tax exemption to any property owned by veterans' organizations.

This resolution is identical to SJR 39 (2002)
JEFF CRAVER

120102 Prefiled

010803 S First Read

012303 Second Read and Referred S Ways and Means Committee

EFFECTIVE : Voter Approval

SJR 004

SENATE SPONSOR Cauthorn

0291S.01I

SJR 4 - This proposed constitutional amendment, if approved by the voters, allows a school district to provide transportation for private school pupils, provided that any such pupil, or the pupil's parent or other guardian, reimburses the district for the proportionate share of the actual operating and capital expenses incurred in providing the transportation services.

This resolution is identical to SJR 30 (2002).
DONALD THALHUBER

120102 Prefiled

010803 S First Read

012303 Second Read and Referred S Education Committee

EFFECTIVE : Voter Approval

SJR 005

SENATE SPONSOR Bland

0104S.01I

SJR 5 - This proposed constitutional amendment creates the "Revenue Stabilization Fund" which will be used to receive excess funds during a given fiscal year. If approved by the voters, the fund shall hold the money in lieu of the excess being distributed pro rata to taxpayers. In years of a fiscal shortfall, the general assembly may make use of the revenue in the fund as necessary.

This resolution is identical to SJR 36 (2002).
JEFF CRAVER

120502 Prefiled
010803 S First Read
012303 Second Read and Referred S Ways and Means Committee

EFFECTIVE : Voter Approval

SJR 006

SENATE SPONSOR Bartle

0521S.02I

SJR 6 - This proposed constitutional amendment abolishes the Highways and Transportation Commission and transfers that body's powers to the Director of the Department of Transportation. The Director will be appointed by the Governor, with the advice and consent of the Senate. The present members of the Highway Commission shall serve until a Director has been appointed by the Governor and approved by the Senate. All references to the Highway Commission shall mean the Director of Transportation and the Department of Transportation.

This resolution is similar to HJR 52 (2002).
STEPHEN WITTE

120902 Prefiled
010803 S First Read
012303 Second Read and Referred S Transportation Committee

EFFECTIVE : Voter Approval

SJR 007

SENATE SPONSOR Loudon

0692S.01I

SJR 7 - This proposed constitutional amendment allows the Highways and Transportation Commission to conduct feasibility studies, fund, design, acquire, construct, maintain and operate toll facilities. The Commission shall fix and collect tolls for the use of all toll facilities. After the costs of paying a toll road has been paid off, the facility shall discontinue collecting fees and the facility shall become part of the state system.

The Commission may issue toll facility revenue refunding bonds for the construction of toll roads. The bonds are to be paid off from toll fees and if necessary from the state road fund. The bonds may be sold at either public or private sale. The proceeds of the bonds shall be deposited in the appropriate toll facility fund. The resolution allows the Commission to transfer moneys from the state road fund to a toll facility fund to finance the feasibility studies if there are funds available. The moneys from the state road fund shall be repaid with interest.

The Commission may enter into contracts with other entities in order to construct the toll roads. The Commission may

relocate or incorporate existing public roads for the construction of a toll facility. Revenue generated from the toll roads shall not be included as a part of total state revenue for the purposes of the Hancock Amendment.

This resolution is similar to SJR 33, SJR 37 (2002) and HJR 7 (2001).
STEPHEN WITTE

121202 Prefiled
010803 S First Read
012303 Second Read and Referred S Transportation Committee

EFFECTIVE : Voter Approval

SJR 008

SENATE SPONSOR Bartle

0704S.01I

SJR 8 - This constitutional amendment, if approved by voters, would create a limit of two terms for the offices of Lieutenant Governor, Secretary of State, Attorney General and State Auditor. Currently, only the offices of Governor and State Treasurer are subject to a limit of two terms.
JIM ERTLE

121702 Prefiled
010803 S First Read
012303 Second Read and Referred S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : Voter Approval

SJR 009

SENATE SPONSOR Yeckel

0638S.01I

SJR 9 - This proposed constitutional amendment removes Article IX, Section 8 of the Missouri Constitution, which explicitly prohibits the distribution of state moneys to religious organizations. Article IX, Section 8 of the Missouri Constitution is commonly referred to as the "Blaine Amendment".
DONALD THALHUBER

121802 Prefiled
010803 S First Read

EFFECTIVE : Voter Approval

SJR 010

SENATE SPONSOR Yeckel

0637S.01I

SJR 10 - This proposed constitutional amendment removes the portion of Article I, Section 7 that limits the distribution of moneys from the "public treasury in aid of any church, sect or denomination of religion, or in aid of any priest, preacher, minister or teacher thereof".

DONALD THALHUBER

121802 Prefiled

010803 S First Read

EFFECTIVE : Voter Approval

SJR 011

SENATE SPONSOR Bartle

0724S.01I

SJR 11 - This proposed constitutional amendment, if approved by the voters, would reduce the number of State Representatives from 163 to 105 and increase the number of Senators from 34 to 35.

Beginning with the 94th General Assembly, the state will be divided into 35 senatorial districts. Each state senatorial district shall have 3 state representative districts contained wholly within such senatorial district. Each representative district shall contain as close to one-third of the population of such senatorial district as possible. One reapportionment commission shall be responsible for the division of Senate and Representative districts. Currently, there is both a House and Senate reapportionment commission.

This SJR is similar to HJR 54 (2002).
JIM ERTLE

121802 Prefiled

010803 S First Read

012303 Second Read and Referred S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : Voter Approval

SJR 012

SENATE SPONSOR Mathewson

0667S.05I

SJR 12 - This proposed constitutional amendment raises the gas tax an additional four cents. The proceeds from the additional gas tax are subject to appropriation by the General

Assembly and shall be used exclusively for the payment of principal and interest on state road bonds in an amount not to exceed \$2.25 billion as authorized by the general assembly prior to June 30, 2006. The tax will terminate whenever the Commissioner of Administration determines that the proceeds of the tax are sufficient to retire the road bonds or December 31, 2026, whichever is earlier.
STEPHEN WITTE

010803 S First Read

012303 Second Read and Referred S Transportation Committee

EFFECTIVE : Voter Approval
TERM DATE : Contingent

SJR 013

SENATE SPONSOR Stoll

0120S.01I

SJR 13 - This proposed constitutional amendment, if approved by voters, will amend Article III of the Missouri Constitution by allowing a person to participate in the management, conduct or operation of bingo if such person has been a bona fide member of the licensed organization for the six months immediately preceding such participation.

This joint resolution is identical to SJR 50 (2000).
JIM ERTLE

011403 S First Read

EFFECTIVE : Voter Approval

SJR 014

SENATE SPONSOR Jacob

1048S.01I

SJR 14 - This proposed constitutional amendment creates the "Revenue Stabilization Fund" which will be used to receive excess funds during a given fiscal year. The fund shall hold the money in lieu of the excess being distributed pro rata to taxpayers. In years of a fiscal shortfall, the general assembly may make use of the revenue in the fund as necessary.

This SJR is identical to SJR 36 (2002).
JEFF CRAVER

011503 S First Read

012303 Second Read and Referred S Ways and Means Committee

EFFECTIVE : Voter Approval

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SJR 015

SENATE SPONSOR Gross

1168S.01I
SJR 15 - This constitutional amendment, if approved by the
voters, would abolish the Missouri Citizen's Commission on
Compensation.
JIM ERTLE

012303 S First Read

SR 0002

SENATE SPONSOR Gibbons

010803 S First Read
010803 S adopted

EFFECTIVE : January 8, 2003

SR 0004

SENATE SPONSOR Kinder

0899S.04I
SR 4 - This resolution revises numerous Senate Committee
names and duties. This resolution also revises the number of
bills that need to be printed.
RON KIRCHOFF

010803 S First Read
010903 SA 1 S offered & adopted (Kinder)
010903 S adopted, as amended

SR 0030

SENATE SPONSOR Shields

0969S.01I
SR 30 - This resolution would allow members of the senate to
use laptop computers at their desk.
RON KIRCHOFF

011503 S First Read
011503 Referred S Rules, Joint Rules, Resolutions & Ethics
Committee
012303 Hearing Conducted S Rules, Joint Rules, Resolutions &
Ethics Committee

01/23/03

MISSOURI SENATE
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EFFECTIVE :

Upon Passage

01/23/03

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HCR 001

SENATE HANDLER Gibbons

HOUSE SPONSOR

010803 H First Read

010803 H adopted

010803 S First Read

S7

010903 S adopted

011503 H escort committee appointed

011503 S escort committee appointed

HCR 002

SENATE HANDLER Gibbons

HOUSE SPONSOR

010803 H First Read

010803 H adopted

010803 S First Read

S7

010903 S adopted

012203 H escort committee appointed

012203 S escort committee appointed

HCR 006

HCS HCR 6

HOUSE SPONSOR Bruns

0428L.02

HCS/HCR 6 - This resolution rejects the amount of increase
in compensation for public officials as recommended by the
Citizen's Commission on Compensation for Elected Officials.
JIM ERTLE

011403 Introduced and read first time (H)

H67

011503 Read second time (H)

H71

011603 Referred: Rules

H117

012103 Public Hearing Held (H)

012103 Executive Session Held (H)

012103 HCS Reported Do Pass (H)

H126

012203 HCS H adopted

012203 H adopted

012303 S First Read
