

92nd General Assembly

Second Regular Session

MISSOURI SENATE



WEEKLY BILL STATUS REPORT

JANUARY 20 - 23, 2004

Prepared by
Divisions of Research and Computer Information Systems

MISSOURI SENATE

BILL STATUS

SENATE BILLS

SB 0700

SENATE SPONSOR Russell

2970S.02I

SB 700 - This act authorizes the creation of an enterprise zone in Laclede County.

JEFF CRAVER

120103 Prefiled

010704 S First Read

S6

010804 Second Read and Referred S Economic Development, Tourism and Local Goverment Committee

S77

011404 Hearing Conducted S Economic Development, Tourism and Local Government Committee

EFFECTIVE : August 28, 2004

SB 0701

SENATE SPONSOR Russell

2955S.01I

SB 701 - 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/SB 60 (2003).
RICHARD MOORE

120103 Prefiled

010704 S First Read

S6

010804 Second Read and Referred S Small Business, Insurance and Industrial Relations Committee

S77

EFFECTIVE : August 28, 2004

SB 0702

SENATE SPONSOR Russell

2708S.01I

SB 702 - This act requires the University of Missouri's Board of Curators to make policy decisions by means of a roll-call vote. Further, the act directs the secretary of the board to include in the journal any motions and supporting details

which concern any vote of the board which affects university policy, including the names of those curators voting aye and those voting no.

DONALD THALHUBER

120103 Prefiled

010704 S First Read

S6

011504 Second Read and Referred S Education Committee

S117

EFFECTIVE : August 28, 2004

SB 0703

SENATE SPONSOR Caskey

2947S.04I

SB 703 - This act provides that if a person files a petition for modification of child custody and owes past due child support, then he or she must post a bond in the amount of the past due child support owed or the reasonable legal fees of the custodial parent, whichever is greater, prior to filing the petition. The bond shall be held in escrow by the court until the modification proceedings have been concluded. Then, the bond shall be transmitted to the Division of Child Support Enforcement for disbursement to the custodial parent.

LORIE TOWE

120103 Prefiled

010704 S First Read

S6

010804 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee

S77

011204 Hearing Conducted S Judiciary & Civil & Criminal Jurisprudence Committee-Consent

EFFECTIVE : August 28, 2004

SB 0704

SENATE SPONSOR Caskey

2470S.02I

SB 704 - This act allows a person who has received two DWIs within a five-year period to receive a limited driving privilege after serving 90 days of the revocation period. Under the current law, a circuit court or the director of revenue may allow a person who has had his or her driver's license revoked because he or she obtained two DWIs within a five-year period to obtain a limited driving privilege if the person has served at least two years of the revocation.

STEPHEN WITTE

120103	Prefiled	
010704	S First Read	S6
010804	Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S77
011204	Hearing Scheduled, Not Heard S Judiciary and Civil & Criminal Jurisprudence Committee	

EFFECTIVE : August 28, 2004

SB 0705

SENATE SPONSOR Caskey

2798S.02I

SB 705 - 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, 2005. 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 identical to SCS SB 274 (2003).
STEPHEN WITTE

120103	Prefiled	
010704	S First Read	S6
010804	Second Read and Referred S Small Business, Insurance and Industrial Relations Committee	S77

EFFECTIVE : August 28, 2004

SB 0706

SENATE SPONSOR Mathewson

2892S.02I

SB 706 - The act revises provisions relating to medical malpractice.

TAX CREDITS - A tax credit is allowed, up to \$10,000, for 10% of

the increase in amounts paid for medical malpractice insurance premiums from one policy year to the next immediate policy year. The credit expires on December 31, 2008.

MEDICAL MALPRACTICE INSURANCE RATES - Insurance companies are prohibited from increasing or modifying existing premiums or canceling policies until such time as new rate filings are approved by the department of insurance.

The act requires the director of the department of insurance to approve or disapprove rates for medical malpractice insurance. The act sets out factors for the director to consider including the Missouri loss experience, rather than the loss experience in other states unless the failure to do so would jeopardize the insurer's financial stability. The Director must also ensure that the rates reflect the impact of any state and federal legislation regarding tort reform or medical malpractice insurance. The Director must approve or disapprove rate filings within 60 days unless additional time is needed based on applicant's failure to provide information.

PATIENT COMPENSATION FUND - The Missouri Patients' Compensation Fund is created in order to pay that portion of a medical malpractice claim which is in excess of the minimum liability limits established by the newly created Patients' Compensation Board or the maximum liability limits of the health care provider's insurance policy. The Fund is not liable for intentional crimes or punitive damages. The Board shall also establish by rule the maximum amount recoverable from the Fund. The Board shall be comprised of physician, attorney, insurance industry, hospital and general public representatives and the Director of the Department of Insurance. The Governor, with the advice and consent of the Senate, shall appoint all members. All licensed Missouri health care providers must participate in the fund. The amount of membership fees and surcharges shall be determined by the Board. The Board shall set minimum liability limits for each medical malpractice insurance policy by rule.

STATUTE OF LIMITATIONS - The act modifies the exception to the two-year statute of limitations in cases involving minors. Currently, a minor under 18 years of age has until his or her 20th birthday to bring suit. The act provides that a minor less than 12 years of age has until his or her 14th birthday to bring suit.

NON-ECONOMIC DAMAGE CAPS - This provision 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*. Provides for a cap on noneconomic damages of \$350,000 and that periodic inflationary increases from the cap shall begin on August 28, 2004. A plaintiff may recover up to \$700,000 in noneconomic damages where the damages suffered by the plaintiff were for: (1) wrongful

death, (2) permanent and substantial physical deformity, loss of use of a limb or loss of a bodily organ system, or (3) permanent physical or mental functional injury that permanently prevents the injured person from being able to independently care for himself or herself and perform life sustaining activities.

JOINT AND SEVERAL LIABILITY - Only in medical malpractice actions, the act requires the court to enter judgment against each liable party based on their percentage of fault and on the principle of joint and several liability up to certain dollar amounts depending on the fault of the plaintiff and the percentage fault of the defendant.

AFFIDAVIT OF MERIT - This provision 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 act limits extensions of time to file such affidavit to 90 days. The provision also requires the expert to be licensed and actively practicing in substantially the same specialty as the defendant. Any defendant may request the court to review the opinion for a determination of whether the expert meets the qualifications of this section.

BENEVOLENT GESTURES - This provision would make statements, 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.

THIRD PARTY ACTIONS - The act prohibits suits against health care providers by or on behalf of a third party nonpatient for rendering health care services to a patient whose subsequent act is a proximate cause of injury or death to the third party unless the care provided was in willful and wanton or reckless disregard of a foreseeable risk of harm to third persons.

This act is similar to SB 280 (2003), SB 257 (2003) and SB 387 (2003).

JIM ERTLE

120103	Prefiled	
010704	S First Read	S6
010804	Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S77
012604	Hearing Scheduled S Judiciary & Civil & Criminal Jurisprudence Committee	

SB 0707

SENATE SPONSOR Mathewson

3160S.01I

SB 707 - This act repeals the loss limits and adds a 1% surcharge on a gaming boat's adjusted gross receipts (AGR) tax, only if the boat's AGR are greater than \$20 million.

JEFF CRAVER

120103 Prefiled

010704 S First Read

S6

010804 Second Read and Referred S Ways & Means Committee

S77

EFFECTIVE : Referendum

SB 0708

SENATE SPONSOR Mathewson

2823S.01I

SB 708 This act requires courts to order a person convicted of certain drug and alcohol traffic offenses to reimburse the state or local law enforcement agency for costs associated with the arrest. Currently, it is within the discretion of the court to order the reimbursement of such costs.

The minimum dollar amount that must be imposed by the court shall be \$85. The maximum dollar amount that may be imposed by the court is \$165. The court is given discretion to lower the amount within the range of \$165 to \$85 if the court finds that the submitted costs are excessive. A dollar amount equally ten percent of the amount imposed by the court shall be deposited into the county treasury. A court may allow the convicted person to pay such costs in installments, provided that the person must pay \$25 down initially and the remaining balance in two equal installments.

JIM ERTLE

120103 Prefiled

010704 S First Read

S6

012004 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee

S129

EFFECTIVE : August 28, 2004

SB 0709

SENATE SPONSOR Goode

2637S.01I

SB 709 - 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 payed 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 devisee 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

120103 Prefiled

010704 S First Read

S6

010804 Second Read and Referred S Ways & Means Committee

S77

EFFECTIVE : August 28, 2004

SB 0710

SENATE SPONSOR Goode

2638S.04I

SB 710 - This act requires children less than four 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 four years of age through five years of age or who weigh 40 pounds to 60 pounds to be secured in a child passenger restraint system or a child booster seat. Children six years of age or older, or children who are at least 60 pounds, must use a safety belt, child restraint system or booster seat. Children weighing more than 40 pounds, who would otherwise be required to be secured in a booster seat, may be transported in the back seat while only wearing a lap belt if the back seat of the motor vehicle is not equipped with a combination lap and shoulder belt for booster seat installation.

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. This act requires car rental agencies to inform customers of the law and provide for rent appropriate child restraint system. No

points will be assessed against a person's driver's license for violating this act. 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 exception does not apply to passengers riding with an intermediate licensee. This act has an effective date of January 1, 2005. This portion of the act is substantially similar to SB 9 (2003), SB 647 (2002) and SB 549 (2001).

STEPHEN WITTE

120103 Prefiled

010704 S First Read

S6

010804 Second Read and Referred S Transportation Committee S77

EFFECTIVE : January 1, 2005

SB 0711

SENATE SPONSOR Goode

3188S.02I

SB 711 - This act requires the Department of Revenue (hereinafter, "DOR") to submit annual report to the legislature summarizing economic development expenditures. The act requires that such report will include:

1. Uncollected revenue from every tax credit, abatement, exemption and reduction;
2. The name of any taxpayer who claimed such tax break over \$5,000;
3. All state appropriated expenditures for economic development, including departmental budgets.

The act requires an annual report to the DOR and the Department of Economic Development ("DED") from each property taxing entity in the state that has property that has received any kind of property tax abatement or reduction. The report will detail the property at issue and the amount of the tax break.

The act requires municipalities that collect sales and other economic activity taxes to submit an annual report to the DOR & DED that details the amount of money deposited in a special allocation fund for the purposes of tax increment financing.

All of the above reports collected by the DOR & DED will be published annually. Failure to submit a report will result in withholding of any future development subsidy to the delinquent political subdivision.

When requesting a development study a granting body will complete an application for the subsidy which will include certain basic information plus the number of individuals employed

by the applicant at the project site and at the applicant's parent corporation's site, the subsidies being applied for and their respective values, the number of new jobs to be created, a list of community economic benefits to result from the project, a list of development subsidies already received and any public investments already made or to be made, a statement of whether the development will reduce or reassign employment as a result of any restructuring of the parent company, and a certification by the chief officer of the applicant as to the accuracy of the application. If the granting body approves the application it will submit the application to the DOR & DED.

Thereafter, the granting body will submit a progress report with the DED annually. The report will contain basic information plus follow up information to compare the predictions from the above application with the actual results from being provided the development subsidy. The details of this report are enumerated in the act.

Granting bodies and the recipient corporations shall file annual progress reports for the duration of the subsidy, but at least for five years. On the two year anniversary of the project the granting body shall file a report wherein it shall indicate whether the corporate parent has maintained ninety percent of its employment in the state. The corporation will be required to provide all such information, and failure to do so will result in a fine of \$500 per day after the deadline for the report.

A granting body shall not award a development subsidy if the cost per job is greater than \$35,000. Certain minimum wage requirements are established in the act, with lower requirements for small businesses. The act requires that the recipient corporation fulfill its job creation and wage requirements for the project site within two years of the subsidy and maintain such goal for the duration of the subsidy, but at least for five years. The corporate parent must maintain at least ninety percent of its employment in the state as long as the development subsidy is in effect, but for at least five years. Failure to meet these requirements will cause the granting body to recapture a portion of the development subsidy. Failure to meet the above employment requirements for three consecutive years will result in loss of the subsidy. After losing the subsidy, the recipient corporation will refund all remaining value of the subsidy to the granting body.

Enforcement of the provisions of this act will be available to any income taxpayer or organization representing taxpayers in the state. Attorney's fees are granted to such prevailing plaintiff.

JEFF CRAVER

010704 S First Read S6
011404 Second Read and Referred S Ways & Means Committee S101

EFFECTIVE : August 28, 2004

SB 0712

SENATE SPONSOR Quick

2984S.01I

SB 712 - 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 168 (2003).

JIM ERTLE

120103 Prefiled

010704 S First Read S7
010804 Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee S77
011204 Hearing Conducted S Financial & Governmental Org., Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2004

SB 0713

SENATE SPONSOR Quick

2988S.01I

SB 713 - This act repeals the death penalty and makes the crime of first degree murder punishable by life imprisonment without parole.

This act is identical to SB 169 (2003).
SUSAN HENDERSON

120103 Prefiled

010704 S First Read S6
010804 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee S77

EFFECTIVE : August 28, 2004

SB 0714
 SCS SBS 714 & 761
 SENATE SPONSOR Kinder

3171S.02C

SCS/SBS 714 & 761 - This act renames Southwest Missouri State University as Missouri State University.

Further, the act specifies that the name change of any higher education institution contained in that section shall not authorize the establishment of new degree programs other than as established by statute, including approval by the coordinating board.

Lastly, this act alters the composition of the governing board of the renamed Missouri State University from eight members to ten.

This act is similar to the SS/SB 217 from 2003.
 DONALD THALHUBER

120103	Prefiled	
010704	S First Read	S6
010804	Second Read and Referred S Pensions & General Laws Committee	S77
011304	Hearing Conducted S Pensions & General Laws Committee	
012104	SCS Voted Do Pass (w/SCS SBS 714 & 761) S Pensions and General Laws Committee (3171.02C)	
012204	Reported From S Pensions & General Laws Committee to Floor w/SCS	S147
012604	003 S Calendar S Bills for Perfection w/SCS	

EFFECTIVE : August 28, 2004

 SB 0715

SENATE SPONSOR Childers

2789S.01I

SCS/SB 715 - 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. No county will move to a lower classification than its current classification as a result of the changes in the assessed valuation requirement, however, such a county may move to a lower classification after five years at a level below the requisite amount for the counties current classification (Section 48.020 & 48.030).

The act allows any county that has the requisite assessed

valuation to become a first class county to choose to do so upon an affirmative vote of the county's governing body, even though the county has not had such valuation for five successive years as required under current law (Section 48.030).

The act authorizes Jasper County and Boone County to adopt rules, regulations, or ordinances to impose a civil fine of not more than \$1,000 per violation for certain misdemeanors. The appointed county counselor prosecutes such violations. Fines collected pursuant to this act shall be paid into the county general fund to be used to pay for the cost of enforcement of such offenses (Section 49.272).

This act authorizes county commissions to establish by ordinance or order a "County Law Enforcement Restitution Fund", which shall be under the supervision of a board of trustees with certain requirements for the composition of membership. The money in the fund can only be used for certain law enforcement purposes such as narcotics investigation, prevention, and intervention, the purchase of equipment, and other related expenses. The county commission may not reduce an law enforcement agency's budget as a result of money that it receives from the fund (Section 50.550 and 50.565).

This act allows the court to order payment to a statutorily created fund for costs incurred as a result of an offender's actions. The performance of free work ordered by the court may be performed for offender treatment programs, work release programs in local facilities, and community-based residential and nonresidential programs.

This act establishes that the court may specifically order payment to a county law enforcement restitution fund, but such contribution shall not exceed \$275 and can only be used for the purposes provided for in statute. A judge may only order payment to a fund if it has been created by ordinance or resolution and cannot have authority or control over the fund. This act requires a hearing before a person's probation can be revoked for failure to pay to the fund (Section 559.021).

The act authorizes county treasurers in counties of the third and fourth classification to issue payroll checks before the filing of the county budget estimates (Section 50.740).

This act creates the "Exhibition Center & Recreation Facility District Act". The act enables citizens of Camden, Miller, Morgan, Jasper, Newton, Buchanan and Wright 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 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. At least one member of the board shall be the owner of a business in the district and at least one member shall be the owner of a lodging facility in the district. Two of the members of the board must reside in the district. 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, and to amend and adopt bylaws.

The district may submit to its voters a sales tax of up to one-quarter 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 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 makes a technical change to delete the requirement that the treasurer make the disbursements in the case of an overpayment, as such is not required for non-state funds.

After August 28, 2004, Boone County may create a district in an unincorporated area of the county or in an incorporated area of the county upon approval of the governing body of the incorporated area. It is necessary to file a petition, signed by all the property owners in the district, with the governing body of the county. There must be unanimous approval by all the property owners within the district of the order creating the district and the proposed sales tax ballot question. If there are no voters in the area, the question will be submitted to the qualified voters of the county (Section 67.2000).

This act removes boards of trustees of community college districts from the exception authorizing candidates in certain situations to assume responsibilities of a position without an

election (Section 115.124).

This act authorizes the Department of Economic Development to designate an enterprise zone in Douglas County (Section 135.217).

This act authorizes the Department of Economic Development to designate an area within Jackson County as a satellite zone. The governing body of the county must submit a plan describing how the zone corresponds to the county's overall enterprise zone strategy. The Department of Economic Development is also authorized to designate an enterprise zone in Laclede County. The zones must be approved by the Director of Department of Economic Development and meet all statutory requirements (Section 135.207 and 135.261).

This act modifies the percentage of property tax collections that are deposited in the county assessment fund. It increases the percentage from one-half of one percent to three-quarter of one percent in first and second counties and St. Louis City. For third and fourth class counties the percentage becomes one and one-quarter percent, up from one percent in third and fourth class counties (Section 137.720).

This act provides that in any county which becomes a first classification county after September 1, 1997 and Jasper County, 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. Currently, the law provides for such counties which become first classification counties after September 1, 1998 (Section 137.721).

The act clarifies that a municipality in Christian County may continue to operate an emergency telephone service in the event the county also establishes a service or has been reclassified into a higher classification (Section 190.306).

The act authorizes counties of the second, third, or fourth classification to set by ordinance countywide speed limits on roads within the county which are maintained by the county (Section 304.010).

The act authorizes the use of money from the "Inmate Security Fund" to be used for security measures to ensure that inmates can be properly identified and tracked within the system. Currently, the fund may be used for "biometric measures" only (Section 488.5026).

In addition to amounts authorized prior to August 28, 2004, this act authorizes the Board of Fund Commissioners to issue bonds for grants and loans pursuant to several sections of Article III of the Missouri Constitution. The authorizations are for:

- (1) \$10 million of bonds for waste water pollution control, drinking water system improvements, and storm water control pursuant to Section 37(e);
- (2) \$10 million of bonds for rural water and sewer projects pursuant to Section 37(g); and
- (3) \$20 million of bonds for storm water control plans, studies, and projects in first classification counties and the City of St. Louis pursuant to Section 37(h). (Sections 644.581, 644.582, 644.583).

Sections 48.020 and 48.030 have an emergency clause.
SUSAN HENDERSON

120103	Prefiled	
010704	S First Read	S6
010804	Second Read and Referred S Economic Development, Tourism and Local Goverment Committee	S77
011404	Hearing Conducted S Economic Development, Tourism and Local Government Committee	
012004	SCS Voted Do Pass S Economic Development, Tourism and Local Government Committee (2789S.05C)	

EFFECTIVE : August 28, 2004

SB 0716

SENATE SPONSOR Childers

2594S.02I

SB 716 - This act establishes a system by which the Clean Water Commission determines a per capita cost average for all safe water remediation projects in the state to encourage the subsequent designer firms or engineers to prepare engineering plans which have an average cost less than the per capita average by offering bonuses for the below cost design.

The Commission establishes the per capita average cost by dividing up the state into six classes by population. This act would apply to any state or federally funded project.

This act is similar to SCS/SB 560 (2003).
HENRY HERSCHEL

120103	Prefiled	
010704	S First Read	S6

EFFECTIVE :	August 28, 2004	

SB 0717

SENATE SPONSOR Childers

2820S.01I

SB 717 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.

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.

Pursuant to the Sunset Act, the provisions establishing the Legislative Academy shall expire on December 31, 2008.

This act is similar to SB 15 (2003).
JIM ERTLE

120103 Prefiled
010704 S First Read S7
010804 Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee S77
011204 Hearing Conducted S Financial & Governmental Org., Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2004

SB 0718

SENATE SPONSOR Yeckel

2994S.01I

SB 718 - This act requires state agencies which are proposing rules to consider alternative compliance methods for small businesses and to prepare a small business impact

statement. The provisions of this act shall not apply to rules that do not require an agency to interpret or describe the requirements of a statute. An agency, upon request by the Board, shall conduct a hearing on a proposed rule. The Board shall not request more than 12 hearings per quarter. Any proposed rule that is required to have a small business impact statement but fails to include the statement shall be invalid.

For proposed rules that affect small business, the state agency must submit a small business participation statement to the Board within 30 days after a public hearing is held, or if no hearing is held, then at least 30 days prior to the issuance of a final order of rulemaking.

The act creates the Small Business Regulatory Fairness Board. The Joint Committee on Administrative Rules 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 not have the power to interfere with an agency or administrative enforcement action, intervene in legal actions between a small business and an agency, or subpoena witnesses or documents.

The Board shall consist of two members appointed by the Governor, one member appointed by the Lieutenant Governor, one member who is chair of the Minority Business Advocacy Commission, 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. Except for initial members, appointed members shall serve a term of three years.

Small business owners may petition an agency objecting to any rule, and the agency shall forward the petition to the Commissioner of Administration and the Joint Committee on Administrative Rules. 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 the filing of petition by the Board for the adoption, amendment or repeal of any rule. The Board may make an evaluation report to the Governor and General Assembly on rulemaking proceedings, comments from small business and the response of the state agency. The Governor or General Assembly may subsequently take such action in response to the evaluation report and state agency response as they find appropriate.

The Board shall provide to the head of each state agency a list of any rules adopted by the agency that affect small business and have generated complaints or concerns, including any

rules that the board determines may duplicate, overlap or conflict with other rules or exceed statutory authority. Within 45 days after being notified by the Board of the list, the agency shall submit a written report to the Board in response to the complaints or concerns.

Any agency that can assess administrative penalties or fines shall consider waiving or reducing such fines upon a business if the business meets certain conditions relating to correction of the violation by the business or the unintentional nature of the violation. The act sets out conditions where the agency is not required to consider the waiver or reduction of the fine.

A small business may seek a declaratory judgment if there is a claim of a material violation by the state agency regarding the small business impact statement for the proposed rule.

This act is similar to CCS/HCS/SCS/SB 69 (2003).
JIM ERTLE

120103 Prefiled
010704 S First Read
010804 Second Read and Referred S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee S77

EFFECTIVE : August 28, 2004

SB 0719

SENATE SPONSOR Yeckel

3044S.02I

SB 719 - This act creates the Missouri Physicians Mutual Insurance Company Act. The Missouri Physicians Mutual Insurance Company is created as an independent public corporation for the purpose of insuring Missouri physicians and their employees and their business against liability for professional negligence and other casualty losses. The company will be organized as a mutual insurance company and shall not be a state agency. The company shall be a member of the Missouri property and casualty guaranty association and shall be subject to assessments. Members of that association shall bear responsibility in the event the company becomes insolvent.

BOARD OF DIRECTORS - The company shall be administered by a Board of Directors consisting of seven members. The initial members shall be appointed by the Governor with the advice and consent of the Senate. One member shall come from St. Louis or St. Louis County, one member from Jackson or Clay County, one member from Green County, and the remaining four members shall come from other areas of the state. The Board shall

hire an administrator who shall be in charge of the day-to-day operations and management of the company.

RATE SETTING AND INVESTMENTS - The Board shall have full power and authority to establish rates to be charged by the company for insurance. Rates shall be set at amounts sufficient to carry all claims to maturity, meet the reasonable expenses of conducting the business of the company and maintain a reasonable surplus. The Board shall invest and reinvest the surplus or reserves of the company.

PRODUCERS MAY SELL COMPANY POLICIES - Any insurance producer licensed to sell professional negligence insurance in Missouri shall be authorized to sell insurance policies for the company.

MEDICAL NEGLIGENCE REDUCTION PROGRAM - The administrator shall formulate, implement, and monitor a program to decrease medical negligence. The Board may refuse to insure or terminate the insurance of any subscriber who refuses to attend seminars or other programs designed to reduce medical malpractice.

STATE APPROPRIATIONS/OPERATING EXPENSES - The company shall not receive any state appropriation, directly or indirectly, except it may receive loans from the State Treasurer. After October 1, 2004, the State Treasurer shall make one or more loans to the company not to exceed \$10 million. These monies shall come from a fund known as the Physicians Mutual Insurance Company Loan Fund which shall be funded by the Legislature by an appropriation. The loans shall be for a term of 10 years and shall bear interest at the annual rate on the rate for linked deposit loans as calculated by the State Treasurer pursuant to Section 30.758.

REVENUE BONDS - The Board is authorized to issue revenue bonds in an amount not to exceed \$50 million. The bonds shall have a maturity of no more than 10 years from the date of issuance. The bonds may be sold at a public or a private sale.

AUDITS - The Board shall have an audit of its books, accounts, and funds conducted annually by a competent and independent CPA firm. A copy of the audit shall be filed with the Director of the Department of Insurance and the administrator. The incurred loss experience and expense of the company shall be ascertained each year to include but not be limited to estimates of outstanding liabilities for claims reported to the company but not yet paid and liabilities for claims arising from injuries which have occurred but have not yet been reported to the company.

The Department of Insurance shall conduct an examination of the company. The Board shall pay the cost of the

examination.

This act is similar to SB 658 (2003).
STEPHEN WITTE

120103 Prefiled	
010704 S First Read	S7
010804 Second Read and Referred S Small Business, Insurance and Industrial Relations Committee	S77

EFFECTIVE : August 28, 2004

SB 0720

SENATE SPONSOR Yeckel

2989S.01I

SB 720 - This act allows a tax deduction to those who contribute to medical savings accounts. It provides that any person who is not 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 similar to SCS SB 19 (2003).
JEFF CRAVER

120103 Prefiled	
010704 S First Read	S7
010804 Second Read and Referred S Ways & Means Committee	S77
011304 Hearing Cancelled S Ways and Means Committee	

EFFECTIVE : August 28, 2004

SB 0721

SENATE SPONSOR Jacob

2616S.01I

SB 721 - 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.

This act is identical to SB 276 (2003).
DONALD THALHUBER

120103	Prefiled	
010704	S First Read	S7
010804	Second Read and Referred S Ways & Means Committee	S77

EFFECTIVE : August 28, 2004

SB 0722

SENATE SPONSOR Jacob

2606S.01I
SB 722 - Under this act, a person whose driver's license has been revoked due to accumulating 12 points within 12 months, 18 points within 24 months, or 24 points within 36 months shall be required to carry liability insurance in the amount of 50/100/20 (\$50,000 death or bodily injury of one person, \$100,000 for two or more persons, \$25,000 property damage) in order to have his or her license reinstated.

SECOND REVOCATION - If a person's license is revoked a second time, then the person must file proof of financial responsibility with the department of revenue in the following amounts in order to have his or her license reinstated:

1. \$75,000 death or bodily injury of one person
2. \$150,000 for two or more persons
3. \$50,000 property damage.

The revocation period for a person whose license is revoked due to excessive points for a second time is increased to three years.

THIRD REVOCATION - If a person's license is revoked a third time, then the person must file proof of financial responsibility with the department of revenue in the following amounts in order to have his or her license reinstated:

1. \$100,000 death or bodily injury of one person
2. \$200,000 for two or more persons
3. \$75,000 property damage.

The revocation period for a person whose license is revoked due to excessive points for a third or subsequent time is increased to five years.

FOURTH OR SUBSEQUENT REVOCATION - If a person's license is revoked a fourth or subsequent time, then the person must file proof of financial responsibility with the Department of Revenue in the following amounts in order to have his or her license reinstated:

1. \$250,000 death or bodily injury of one person
2. \$500,000 for two or more persons
3. \$100,000 property damage.

The revocation period for a person whose license is revoked due to excessive points for a fourth time is increased to seven years. The revocation period for a person whose license is revoked due to excessive points for a fifth or subsequent time is increased to ten years.

STEPHEN WITTE

120103	Prefiled	
010704	S First Read	S7
010804	Second Read and Referred S Small Business, Insurance and Industrial Relations Committee	S77

EFFECTIVE : August 28, 2004

SB 0723

SENATE SPONSOR Jacob

2607S.01I

SB 723 - This act establishes faculty representatives to the governing boards of state colleges and universities.

This act applies to the University of Missouri, Lincoln University, Truman State University and the state four-year universities and colleges. The nonvoting faculty representative shall be appointed by the Governor for a term of three years from a list of three names provided by the faculty organization. The bill provides for four faculty representatives to the Board of Curators of the University of Missouri, one from each campus.

This act is identical to SB 650 (2003).
DONALD THALHUBER

120103 Prefiled
010704 S First Read
010804 Second Read and Referred S Education Committee

S7
S77

EFFECTIVE : August 28, 2004

SB 0724

SENATE SPONSOR Bland

2675S.01I

SB 724 - This act requires the State Board of Education to establish a process whereby a charter school may demonstrate compliance with applicable school-level standards of the Missouri School Improvement Plan (MSIP) and requires each charter school in the Kansas City district to demonstrate compliance with the State Board's standards or document that the school is accredited by an accreditation agency which accredits one or more non-public schools in Missouri, provided that such standards are no lower than the state standards.

This act is identical to SB 072 (2003).
DONALD THALHUBER

120103 Prefiled
010704 S First Read
010804 Second Read and Referred S Education Committee

S7
S77

EFFECTIVE : August 28, 2004

SB 0725

SENATE SPONSOR Bland

2690S.01I

SB 725 - 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 105 (2003).
JIM ERTLE

120103 Prefiled
010704 S First Read
010804 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee

S7
S77

EFFECTIVE : August 28, 2004

SB 0726

SENATE SPONSOR Bland

2655S.01I

SB 726 - 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, 2006. 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, 2004, to January 1, 2006.

The act is similar to SB 22 (2003).
SUSAN HENDERSON

120103 Prefiled	
010704 S First Read	S7
010804 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S77

EFFECTIVE : August 28, 2004

SB 0727

SENATE SPONSOR Steelman

3154S.03I

SB 727 - The act revises provisions relating to civil liability.

TAX CREDITS - A tax credit is allowed, up to \$10,000, for 10% of the amounts paid for medical malpractice insurance premiums in the aggregate in one policy period for any physician who practices in a high risk specialty and who sees patients, at least 20% of whom are on Medicaid. The credit expires on December 31, 2007.

INSURANCE REQUIREMENTS FOR HMO'S - The act provides that health services corporations, HMO's and health benefit plan entities cannot require, as a condition of participation in the network,

that a physician maintain a medical malpractice insurance policy that is deemed excessive by the director of the department of insurance.

MEDICAL MALPRACTICE INSURANCE RATES - Insurance companies are prohibited from increasing or modifying existing premiums or canceling policies until such time as new rate filings are approved by the Department of Insurance.

The act requires the director of the Department of Insurance to approve or disapprove rates for medical malpractice insurance. The act sets out factors for the Director to consider including the Missouri loss experience, rather than the loss experience in other states unless the failure to do so would jeopardize the insurer's financial stability. The Director must also ensure that the rates reflect the impact of any state and federal legislation regarding tort reform or medical malpractice insurance. The Director must approve or disapprove rate filings within 60 days unless additional time is needed based on applicant's failure to provide information. If the Director finds a rate to be excessive, the director may order a refund of the excessive portion of the rate to the policyholder.

NOTICE OF PREMIUM INCREASES - This act also prohibits insurers who issue medical malpractice policies from increasing premiums without providing 90 days written notice.

VENUE IN MEDICAL MALPRACTICE ACTIONS - In any action commenced against a health care provider for improper healthcare, no suit can be commenced in any county other than the county where the cause of action accrued or an adjoining county.

STATUTE OF LIMITATIONS - The act modifies the exception to the two year statute of limitations in cases involving minors. Currently, a minor under 18 years of age has until his or her 20th birthday to bring suit. The act provides that a minor less than 12 years of age has until his or her 14th birthday to bring suit.

JOINT AND SEVERAL LIABILITY - Only in medical malpractice actions, the act requires the court to enter judgment against each liable party based on their percentage of fault and on the principle of joint and several liability up to certain dollar amounts depending on the fault of the plaintiff and the percentage fault of the defendant.

NON-ECONOMIC DAMAGE CAPS - This provision 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*. Provides for a cap on noneconomic damages of \$350,000 and that periodic inflationary increases from the cap shall begin on August 28, 2004. A plaintiff may recover up to \$700,000 in noneconomic damages where

the damages suffered by the plaintiff were for: (1) wrongful death, (2) permanent and substantial physical deformity, loss of use of a limb or loss of a bodily organ system, or (3) permanent physical or mental functional injury that permanently prevents the injured person from being able to independently care for himself or herself and perform life sustaining activities.

AFFIDAVIT OF MERIT - The act modifies the requirements of the affidavit. The health care provider offering the opinion must have training and experience in a like area of expertise and must have been actively practicing within 10 years of the date of the affidavit. The affidavit is subject to review by the court, upon motion of a party, to determine compliance with this section. The affidavit must be filed within 90 days of the defendant filing an affidavit indicating that all records pertaining to the patient have been disclosed to the patient. If the plaintiff fails to file such affidavit in time, the action as to that defendant shall be stayed and, upon motion of the defendant, shall be dismissed without prejudice.

BENEVOLENT GESTURES - This provision would make statements, 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.

EFFECTIVE DATE OF ACT - The provisions of this act concerning tort reform shall only apply to cases filed after August 28, 2004.

This act contains an emergency clause.

This act is similar to SB 280 (2003), SB 257 (2003) and SB 387 (2003).

JIM ERTLE

120103	Prefiled	
010704	S First Read	S7
010804	Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S78
012604	Hearing Scheduled S Judiciary & Civil & Criminal Jurisprudence Committee	

EFFECTIVE : Contingent

SB 0728

SENATE SPONSOR Steelman

2725S.01I

SB 728 - This act creates a tax credit of up to \$2,000 for

10% of the contribution made by a small business to a health reimbursement arrangement. The health reimbursement arrangement must meet certain requirements which basically constitute a hybrid self-insurance plan with an umbrella. Certain farmers will qualify as eligible employees under the definitions provided by the act.

The credit can be carried forward for five years, and is not refundable or transferrable. The credits will be administered by the department of insurance and the department of revenue, jointly. In no fiscal year shall the credits issued exceed \$15 million.

This act is identical to SCS/SB 26 (2003).
JEFF CRAVER

120103 Prefiled

010704 S First Read

S7

010804 Second Read and Referred S Ways & Means Committee

S78

EFFECTIVE : August 28, 2004

SB 0729

SENATE SPONSOR Steelman

2731S.01I

SB 729 - 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.

Medicaid rates shall be recalculated for all Missouri facilities over three state fiscal years in three separate payments beginning July 1, 2004. The Department shall recalculate the class ceilings for patient care (120% of the median), ancillary (120% of the median), and administration (110% of the median), with each facility receiving one-third of the underpaid amount.

For July 1, 2004, the Department, using the adjusted costs in the Medicaid cost report for the fiscal year ending in 2001 and an inflationary factor, shall redetermine the allowable per patient day costs for each facility. For July 1, 2005, the Department shall perform the same calculations, but shall use the adjusted costs for the fiscal year ending in 2002. For July 1,

2006, the Department shall perform the same calculations using the adjusted costs for the fiscal year ending in 2003. For July 1, 2007, each facility shall receive a full recalculation based upon its 2004 Medicaid cost report of adjusted costs.

This act takes effect on July 1, 2004.

This act is identical to SCS/SB 209 (2003).
LORIE TOWE

120103 Prefiled	
010704 S First Read	S7
011504 Second Read and Referred S Aging, Families, Mental & Public Health Committee	S117

EFFECTIVE : July 1, 2004

SB 0730

SENATE SPONSOR Gross

2966S.02I

SB 730 - This act creates the Missouri Homestead Preservation Act. The act will enable senior citizens and disabled persons to obtain a credit against their property taxes for an increase to their taxes that exceeds a certain amount (around 5%). The credit for an excessive increase will be applied against the taxes paid in the following year. The act requires an appropriation by the legislature to fund the credit. A more detailed summary follows:

By September 30th of any year, all persons wishing to participate in the homestead exemption must have applied with their local assessor. Applicants must include the following information:

1. Age 65 or older (at least one spouse)
2. Income test (where circuit breaker leaves off up to \$50K (\$54K for a married couple))
3. Verification of homestead property (farms will be the house and appurtenances and the up to five acres surrounding the house, as such land is classified residential property on the assessor's property record card)
4. Certification that the property owner has not made any improvements to the property in the last year of greater than \$5K (Improvements for handicap accessibility excluded). This will be verified by the assessors.

By October 31st the assessors will forward all info on homestead applicants to Department of Revenue (DOR). Next, by December 1st the DOR certifies to collectors those applicants who meet requirements of the homestead exemption credit.

In January the legislature will file an appropriation bill to fund homestead exemption based on following criteria:

Appropriation = Sum tax liability increases on a per homestead recipient basis over the last two years that exceed 5%.

By January 15th county collectors must provide list of any homestead recipients who have failed to pay the property taxes due for the year that just ended December 31. Recipients are disqualified from the pending appropriation and the appropriation is adjusted accordingly.

After the legislature makes appropriation for homestead exemption the DOR will calculate/verify that the amount of the appropriation matches the level of exemption (the 5% cap). If appropriation is insufficient, DOR will adjust the 5% figure accordingly. DOR then certifies a list to collectors of each homestead recipient, including the specific exemption (credit) the recipient is to receive. The State Treasurer next sends money to county collection funds to be distributed as normal property tax funds are distributed.

Around October/November county collectors send current year tax bill with credit for prior year homestead exemption listed on the bill and applied against current bill.

JEFF CRAVER

120103 Prefiled	
010704 S First Read	S7
010804 Second Read and Referred S Ways & Means Committee	S78
012004 Hearing Conducted S Ways & Means Committee	

EFFECTIVE : August 28, 2004

SB 0731

SENATE SPONSOR Gross

2941S.01I

SB 731 - This act exempts contractors from paying sales taxes on materials used in Department of Transportation projects. This act does not go into effect until July 1, 2005.

This act is similar to SB 501 (2003) and to a provision contained in CCS/SS/SCS/HB 327 (2003).

STEPHEN WITTE

120103 Prefiled	
010704 S First Read	S7

010804 Second Read and Referred S Transportation Committee S78

EFFECTIVE : August 28, 2004

SB 0732

SENATE SPONSOR Gross

2861S.01I

SB 732 - This act assigns the sole duty of the metropolitan district to the development, operation and maintenance of a public system of interconnecting trails and parks. This act goes on to state that the district shall not substitute for the powers and responsibilities of other conservation and environmental regulatory agencies. Finally, this act specifically states that nothing in the statute shall authorize the district to regulate water quality, watershed or land use issues in the counties comprising the district.

MEGAN CRAIN

120103 Prefiled

010704 S First Read	S7
010804 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee	S78
011504 Hearing Conducted S Agriculture, Conservation, Parks & Natural Resources Committee	
012204 Voted Do Pass S Agriculture, Conservation, Parks & Natural Resources Committee	
012204 Reported From S Agriculture, Conservation, Parks & Natural Resources Committee to Floor	S146
012604 002 S Calendar S Bills for Perfection	

EFFECTIVE : August 28, 2004

SB 0733

SENATE SPONSOR Foster

2700S.01I

SB 733 - This act asserts that the contract for any vocational agriculture teacher shall be a twelve-month contract to ensure the continuing coverage of all duties relating to vocational agriculture courses during periods of time when school is not in session.

DONALD THALHUBER

120103 Prefiled

010704 S First Read	S7
010804 Second Read and Referred S Education Committee	S78
012004 Hearing Conducted S Education Committee	

EFFECTIVE : August 28, 2004

SB 0734

SENATE SPONSOR Foster

3152S.01I

SB 734 - This act makes various changes in the law relating to unemployment compensation.

This act removes subdivision 1 of Section 288.036, RSMo, which makes an exemption from the definition of "wages" for wages earned in excess of the state taxable wage base as calculated by subsection 2 of the section. The items addressed within the removed provision are addressed in subsection 2 of the section. The state taxable wage base in 2005 shall be \$10,000 and for the following years shall be set based on the preceding September 30 balance of the unemployment trust fund, less any outstanding federal advances or state bonds. Should the trust fund on September 30 be below 350 million, employers must pay an additional \$1,000. Should the trust fund on September 30 be in excess of 800 million, employers are credited an amount of \$500.

The maximum weekly benefit amount for all claims filed in 2004 and 2005 shall be \$250.00; in 2006 and 2007, \$255.00; in 2008 \$260.00. Should the unemployment trust fund become insolvent the maximum weekly benefit amount shall not be increased until a time twenty-four months or later of its solvency.

No eight-week extension, pursuant to Section 288.040.1(2)(b), RSMo, is available if the employer has a base contribution rate of six percent. A claimant is not ineligible for unemployment benefits even though they are not actively and earnestly seeking work if such failure is because the individual is participating in a state approved drug or alcohol treatment program.

The act changes existing law by not allowing an individual to receive compensation during the waiting week prior to receiving unemployment benefits. Under current law the waiting week is compensable after the 9th compensable week. Further, suspension of four or more weeks shall be treated as a discharge.

In cases of discharge for misconduct connected to work, the division shall reduce a claimant's benefit balance by an amount equal to the number of penalty weeks multiplied by the claimants weekly benefit amount.

The act, in Section 288.060, removes the exemption for termination pay, severance pay, and elected officials, thus allowing such to be considered wages pursuant to this law. Beginning in January 2005 severance pay shall be reportable and deductible as wages within the section.

Should the unemployment compensation trust fund average balance for the previous four quarters fall below seven hundred million dollars, the contribution rate shall be increased based on the statutory formula in Section 288.121. Beginning in 2005 until the contributions are in excess of the benefits paid for a period of one fiscal year, an employers total contribution rate shall be equal to the base rate multiplied by the contribution rate adjustment, plus a temporary solvency charge.

Should the unemployment compensation trust fund average balance for the previous four quarters be in excess of nine hundred million dollars, the contribution rate shall be set based on the statutory formula in Section 288.122.

To protect the unemployment compensation trust fund, no fund shall be established that increases employer taxes that are offset by a reduction of unemployment contributions.

RICHARD MOORE

120103	Prefiled	
010704	S First Read	S7
010804	Second Read and Referred S Small Business, Insurance and Industrial Relations Committee	S78

EFFECTIVE : August 28, 2004

SB 0735

SENATE SPONSOR Foster

2570S.06I

SB 735 - This act brings into law the Missouri State Parks Board created through Executive Order 86-26. This act increases the number of board members, specifies the qualifications for those members, and requires the board appointments to be passed with the advice and consent of the Senate.

The base responsibilities of the board remain what they were with the executive order, but with this act, those responsibilities have grown. With this act, the board is now the authorizing authority for all matters relating to the acquisition, development, and operation of the Missouri state park system, including historical monuments, memorials, and markers. Any attempt to erect, modify or remove any monument, memorial or marker must first go to a public hearing and then be decided by majority vote of the Missouri State Parks Board.

At least two meetings per year for the board are mandated in this act, pursuant to the original executive order; as is the consultation with the department of natural resources for the annual inventory and report on the conditions of the state parks and historic monuments, memorials, and markers.

The act dictates that any monument, flag, memorial, or marker that was in place before December 21, 2002 be replaced and future modification be subject to board vote. Any person who knowingly removes, defaces or destroys monuments, memorials or markers protected under the registry shall be guilty of a class A misdemeanor. And finally, the possibility of relocating monuments, memorials or markers for the sake of construction or repair is accounted for, provided the monument, memorial or marker is prominently displayed.

MEGAN CRAIN

120103 Prefiled

010704 S First Read

S7-8

010804 Second Read and Referred S Agriculture, Conservation,
Parks & Natural Resources Committee

S78

EFFECTIVE : August 28, 2004

SB 0736

SENATE SPONSOR Loudon

3067S.01I

SB 736 - 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 must ensure that their agreements do not bind the other parties to such agreement to a labor organization. Public entities shall not discriminate against such parties who refuse to adhere to agreements with labor organizations. Public entities shall not require such parties make their employees join, pay dues, or pay fees to a labor organization in excess of costs already paid.

Public entities shall not issue grants or contract for construction projects requiring another parties 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 33 (2003).
RICHARD MOORE

120103 Prefiled

010704 S First Read	S8
010804 Second Read and Referred S Small Business, Insurance and Industrial Relations Committee	S78

EFFECTIVE : August 28, 2004

SB 0737

SENATE SPONSOR Loudon

2822S.01I

SB 737 - This act requires that on a monthly basis the Division of Employment Security cross check Missouri unemployment compensation recipients against available federal and state databases containing new hire and wage information.

The act defines "misconduct" within Chapter 288, RSMo.

The act removes subdivision (1) of Section 288.036 which makes an exemption from the definition of "wages" for wages earned in excess of the state taxable wage base as calculated by subsection 2 of the section. The items addressed within the removed provision are addressed in subsection 2 of the section. The state taxable wage base in 2004 shall be \$9,000 and for the following years shall be set based on the preceding September 30 balance of the unemployment trust fund, less any outstanding federal advances or state bonds. Should the trust fund on September 30 be below 350 million, employers must pay an additional \$1,000. Should the trust fund on September 30 be in excess of 500 million, employers are credited an amount of \$500.

The maximum weekly benefit amount for all claims filed after the effective date of this act shall be \$250.

A claimant is not ineligible for unemployment benefits even though they are not actively and earnestly seeking work if such failure is because the individual is participating in a state approved drug or alcohol treatment program.

The act changes existing law by not allowing an individual to receive compensation during the waiting week prior to receiving unemployment benefits. Under current law the waiting week is compensable after the 9th compensable week. Further, suspension of four or more weeks shall be treated as a discharge.

An offer of suitable work shall be conclusively established if an employer notifies the claimant by any form of certified mail of such an offer. If a deputy finds a claimant has been discharged for misconduct connected with work, the claimant shall be disqualified for waiting week credit or benefits during the base period until such time the claimant has earned wages for work insured pursuant to law. If the claimant has been disqualified on more than one occasion within the base period,

the claimant shall be required to earn wages in excess of eight times the maximum weekly benefit amount for each disqualification.

The act, in Section 288.060, removes the exemption for termination pay, severance pay, and elected officials, thus allowing such to be considered wages pursuant to this law.

The act establishes that where the successor of a business was an employer who was subject to a different contribution rate within the year, the Division will recalculate as of the date of the acquisition. The recalculation shall apply beginning the 1st day of the next calendar quarter. The successor employer shall use its rate for the quarter in which acquisition was made.

The act adds a provision which states that in addition to the money from the federal government and any money from state bonds issued pursuant to Section 288.330, a fee for the purpose of payment of the principal, interest, and administrative expenses shall be required by each employer. The act sets how the amount is to be determined. For money collected for state bonds pursuant to Section 288.128, RSMo, the General Assembly must appropriate such money before it may be used to repay such indebtedness. If the General Assembly does not appropriate such funds then the money shall be placed within the special employment security fund.

Such state departments, divisions and agencies that fall under the purview of the Wagner-Peyser Act shall have the power to contract with private entities for the purpose of providing employment and re-employment services.

The act allows money from state bonds issued pursuant to Section 288.330 to go into the state employment security fund and be used as appropriated by the General Assembly.

The act, in Section 288.330, removes the prohibition that the state not issue bonds or otherwise borrow money to pay unemployment benefits. The act defines "bond" within the subsection. "Bond", means any type of obligation including bond, note, or bond anticipation note or similar instrument issued pursuant to this section. The act creates the Missouri Commission on Employment Security Financing. Further, it sets membership and the commissions powers. Any bonds issued by the Commission must mature no later than ten years after issuance, and the Commission may not exceed a total of five hundred million dollars of indebtedness in the issuance of bonds. The Commission shall provide for repayment of bonds, may pledge money for the payment of bonds if the General Assembly appropriates funds for such purpose. The act establishes that bonds issued pursuant to this section are not debts of the state, such bonds are only payable from revenue provided for such payment pursuant to Section 288.330. The owner of any bonds issued pursuant to this

section shall, at the time of purchase, agree to waive any right of recovery and forever hold harmless the state and any agency, political corporation or political subdivision thereof. The bond owner shall agree the sole source of revenue for repayment of such bonds shall be those revenues derived from contributions received pursuant to 288.128 RSMo. Further, the subdivision states what must be stated on the bonds. The act states that the state will not limit or alter the rights vested in the Commission to fulfill agreements made with owners of such bonds until the bonds are fully discharged. The Commission may provide for the flow of funds, establishment and maintenance of separate accounts within the special employment security fund. Further, the commission may provide for other necessary actions with respect to the fund and may issue bonds to repay those outstanding bonds. Further, the bonds, transactions related to bonds and profits from such bonds are not taxable by the state or any political subdivision thereof. The Commission may place the proceeds, less issuance costs of bonds in the state unemployment compensation fund and use such funds for the purposes the fund was created for. If the money is not placed immediately in the fund, such money shall be held in the special employment security fund until transferred to the state unemployment compensation fund. The Commission may enter into any contract or agreement necessary or desirable to effect cost effective financing.

The provisions of Section 288.330, when in conflict with other law shall be superior to such conflicting law. Should the state be subject to loss of federal funds available to it, the Commission may administer this subsection in such a way to conform with the federal requirements until the General Assembly has an opportunity to amend this subsection accordingly.

Except as otherwise provided by law, it shall be unlawful for any person or entity in any way associated with the Division of Unemployment Security to make known in any manner, permit the inspection or use of or divulge to anyone any information obtained by an investigation or received from any other governmental entity with respect to employment laws. However, this shall not apply to the disclosure of information by an individual charged with such information's custody or disclosure of such information in a judicial proceeding brought to enforce the employment laws of this state. Any person in violation of this section is guilty of a Class D felony.

This act is similar to SB 2 (2003).
RICHARD MOORE

120103 Prefiled	
010704 S First Read	S8
010804 Second Read and Referred S Small Business, Insurance and Industrial Relations Committee	S78

SB 0738

SENATE SPONSOR Loudon

3138S.02I

SB 738 - This act provides that no person shall intentionally cause, aid or assist a minor to obtain an abortion without the required informed consent. Any person who violates this act shall be civilly liable to the minor and to the person required to the required informed consent. A court may award damages, including attorney's fees and court costs, to any person adversely affected by a violation of this act. A court may also award punitive damages.

It is not a defense to a claim brought pursuant to this act that the abortion was performed in accordance with the required consent of the state or place where the abortion was performed. An unemancipated minor does not have the capacity to consent to any action of this act or to Section 188.028, RSMo.

A court may enjoin conduct in violation of this act upon a petition by the Attorney General, a prosecuting or circuit attorney, or a person adversely affected or who may be adversely affected. In order to enjoin such conduct, there must be a showing that such conduct is reasonably anticipated to occur in the future or has occurred in the past and it is not unreasonable to expect that such conduct will be repeated.

This act is similar to SS/SB 34 (2003).
JIM ERTLE

120103	Prefiled	
010704	S First Read	S8
010804	Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S78
012104	Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee	

EFFECTIVE : August 28, 2004

SB 0739

SENATE SPONSOR Klindt

2973S.02I

SB 739 - All rules of the hazardous waste, soil and water, petroleum storage tank insurers, land reclamation, safe drinking water, air conservation, and clean water commissions and funds will require a regulatory impact report.

In addition, the regulatory impact report shall contain a qualitative and quantitative impact report regarding the rule.

The impact report shall be published in at least one newspaper and be filed with the joint committee on administrative rules.

The act also provides that the burden of proof shall be on the boards or commissions promulgating rules to prove that the rule is necessary to prevent the specific circumstance or condition that would cause harm to human health, public welfare, or the environment.

The act requires that the Department of Natural Resources submit all permits to the applicants in ample time for their final review before public comment. If the department denies the permit, they must state the reasons for the denial.

HENRY HERSCHEL

120103	Prefiled	
010704	S First Read	S8
010804	Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee	S78
011504	Hearing Conducted S Agriculture, Conservation, Parks & Natural Resources Committee	
012204	Voted Do Pass S Agriculture, Conservation, Parks & Natural Resources Committee	
012204	Reported From S Agriculture, Conservation, Parks & Natural Resources Committee to Floor	S146
012604	001 S Calendar S Bills for Perfection	

EFFECTIVE : August 28, 2004

SB 0740

SENATE SPONSOR Klindt

2456S.01I

SB 740 - This act makes changes to subsection 4 of Section 148.330, RSMo, with regard to holding both schools and counties harmless with the apportioned moneys from the county stock insurance fund.

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 stock insurance fund.

Except for changes noted, this act is identical to SB 84 (2003).

MEGAN CRAIN

120103	Prefiled	
010704	S First Read	S8
010804	Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee	S78

EFFECTIVE : August 28, 2004

SB 0741

SENATE SPONSOR Klindt

3157S.01I

SB 741 - This act broadens the purpose of the fund to include the promotion of innovative programs that preserve the state's air, water and land resources. This act goes on to extend the use of air pollution permit fees to include funding programs that encourage alternative energy sources.

MEGAN CRAIN

120103	Prefiled	
010704	S First Read	S8
010804	Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee	S78
012204	Hearing Conducted S Agriculture, Conservation, Parks & Natural Resources Committee	

EFFECTIVE : August 28, 2004

SB 0742

SENATE SPONSOR Cauthorn

2458S.01I

SB 742 - This act would modify state law by broadening what is considered disqualifying misconduct, by precluding an individual from receiving unemployment benefits when the misconduct in question occurs outside of work, but affects an employee's ability or fitness to discharge the duties of their employment.

RICHARD MOORE

120103	Prefiled	
010704	S First Read	S8
010804	Second Read and Referred S Small Business, Insurance and Industrial Relations Committee	S78

EFFECTIVE : August 28, 2004

SB 0743

SENATE SPONSOR Cauthorn

3023S.01I

SB 743 - This act allows employees that are a member of a religious organization which have tenants or teachings opposed to the acceptance of insurance benefits, an opportunity to prospectively reject the provisions of Chapter 287, RSMo.

This act is identical to SB 533 (2003).
RICHARD MOORE

120103 Prefiled	
010704 S First Read	S8
010804 Second Read and Referred S Small Business, Insurance and Industrial Relations Committee	S78

EFFECTIVE : August 28, 2004

SB 0744

SENATE SPONSOR Cauthorn

2957S.01I

SB 744 - 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 226 (2003), SB 646 (2002), SB 18 (2001), SB 610 (2000) and SB 294 (1999).
STEPHEN WITTE

120103 Prefiled	
010704 S First Read	S8
010804 Second Read and Referred S Transportation Committee	S78

EFFECTIVE : August 28, 2004

SB 0745

SENATE SPONSOR Dougherty

2771S.04I

SB 745 - This act modifies various provisions regarding foster care and protective services for children.

CHILD ABUSE AND NEGLECT - The Children's Division is required to establish protocols for ensuring the safety of children; providing due process for those accused of child abuse and

neglect; and hotline calls. The Division must use a structured decision-making model to classify all reports, which must be initiated within twenty-four hours and classified based on the level of risk and injury to the child (Section 210.145).

The Division cannot meet with a child in a school or facility building where the abuse is alleged to have occurred (Section 210.145).

Identifying information in investigative reports that are based on insufficient evidence of abuse and neglect shall be retained for five years. Individuals included in the Central Registry prior to May of 1999 may request a review of their case record to determine if the allegation should be classified as family assessment rather than an investigation. Those that are classified as family assessments shall be removed from the Registry (Section 210.152).

An officer must cease questioning if the child wishes to have his or her parent, legal guardian, or attorney present (Section 211.059).

The age limitation for statements by children to be admissible is changed from twelve to fourteen (Sections 491.075 and 492.304).

CHILD ABUSE AND NEGLECT REVIEW BOARDS - The Division shall establish a sufficient number of boards to ensure that cases are reviewed in a timely manner (Section 210.153).

CHILDREN'S DIVISION - By January 1, 2005, the Division must identify all children in its custody and report to the General Assembly on the type of foster care being provided (Section 210.112).

By January 15, 2006, the Division must report to the General Assembly on the privatization of services (Section 210.113).

The Division must conduct a diligent search for the natural parents of a child in its custody if their location is unknown (Section 210.127).

CHILDREN'S HEALTH INSURANCE PROGRAM - 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 and is not subject to the 30-day waiting period following enrollment (Section 208.647).

COMPULSORY SCHOOL ATTENDANCE - Juvenile officers must notify and report to the school district any violations of compulsory school attendance when the only basis for action involves an alleged violation of compulsory school attendance. The school district

must immediately refer all private, parochial, or home school matters to the prosecuting attorney of the county where the child legally resides. Public school violations of compulsory school attendance may be referred by the school district to the prosecuting attorney (Section 211.031).

COURT PROCEEDINGS - The court shall make reasonable efforts to inform parties of a status conference to be held within three days of child being taken into custody. Certain issues must be addressed at the status conference, including whether the child can be immediately returned to his or her home. A protective custody hearing may be requested at the status hearing and must be held within fourteen days of the request. Continuances will not be granted except upon a written motion. An adjudication must be held no later than sixty days after the child has been taken into custody. If the court determines there is sufficient cause for the child to remain in custody, then a dispositional review must be conducted within ninety days. During the first year the child is in custody, review hearings must be conducted every 90 to 120 days and at least every six months thereafter (Section 211.032).

Upon the motion of any parent or their child, the court shall grant a change of judge, a change of venue, or both (Section 211.031).

DEPARTMENT OF SOCIAL SERVICES - It is the goal of the General Assembly for the Department to attain accreditation by the Council for Accreditation for Families and Children's Services. The Department must implement a pilot program in three circuits and attain accreditation in those circuits within three years. Full accreditation by the Department should occur within six years (Section 210.114).

Beginning February 1, 2005, the Department is required to submit an annual statistical report to the Governor and the General Assembly regarding the number of children receiving protective services from the state and private service providers (Section 210.188).

The Department of Social Services shall submit amendments to state plans and seek waivers from the U.S. Department of Health and Human Services for reimbursements under Title IV-E and Title XIX. The Department must also take the necessary steps for federal block grant money for foster care and adoption assistance (Section 210.535).

The Department of Social Services, in conjunction with the Department of Mental Health, must apply for federal waivers from the U.S. Department of Health and Human Services in order to provide services to children (Section 211.181).

FAMILY SUPPORT TEAM MEETINGS - The Children's Division must

arrange a team meeting immediately following the status hearing and any additional team meetings prior to taking any action on the placement of a child. The parent or legal guardian, foster parents, guardian ad litem, juvenile officer, caseworker, court-appointed-special advocate, and any designee of the parent shall be notified and invited to participate in all team meetings. At the conclusion of the meeting, all parties must sign a form that states that they are aware of the team's decision. Any dissenting views will be noted on the form and included in the child's case records (Section 210.762).

All information provided at family support meetings is confidential, except a parent may waive confidentiality. Any party that does not agree to confidentiality may be excluded from the meetings (Section 210.763).

FOSTER CARE - For the emergency placement of a child, the juvenile court or the Children's Division may request that a name-based criminal history record check must include full orders of protection and outstanding warrants of each person over the age of 18 who reside in the home. Within five days of the emergency placement, all persons 18 and over in the home must submit two sets of fingerprints for a more extensive criminal background check. A child shall immediately be removed from the home if any person residing in the home fails to provide the requested fingerprints. If the placement of a child is denied due to the results of a name-based search and the denial is subsequently contested, all persons 18 and over in the home will be required to submit two sets of fingerprints for the criminal background checks (Section 210.482).

For the licensing of foster parents, the Division must conduct a search for ex parte or full orders of protection on any adult in the applicant's household through the Office of State Courts Administrator. A response shall be provided to the Division within 10 days of a request. The Division must also conduct a criminal background fingerprint check of state and federal criminal database information (Section 210.487).

The Division shall provide standards and training for the licensing of prospective foster parents and performance-based criteria for the evaluation of licensed foster parents (Section 210.542).

The Division must notify the child's parent or legal guardian that the child has been placed in foster care, except in instances of imminent harm. A child shall not be removed from school for placement in foster care without a court order specifying that the child shall be removed from school (Section 210.760).

If placement results in the child attending a new school, records shall be automatically transferred to the new school.

Upon request of the foster family and whenever possible, the child will continue attending at the same school (Section 211.032).

GUARDIAN AD LITEMS AND VOLUNTEER ADVOCATES - Guardian ad litem and volunteer advocates shall be informed of meetings and have the right to attend any meetings involving the child. Guardian ad litem must advocate for timely hearings. The court shall have the authority to conduct general and criminal background checks, including a check of the Family Care Safety Registry (Section 210.160).

LICENSE-EXEMPT CHILD CARE FACILITIES - If a license-exempt facility or program receives a school exception, they must annually submit documentation to the Department verifying the license-exempt status (Section 210.201).

MISSOURI FAMILY TRUST - New language allows the Missouri Family Trust to be used by residents of adjacent states. Upon the death of a life beneficiary, the state of Missouri will receive from the beneficiary's account the amount of total medical assistance paid on behalf of the life beneficiary. If there is any amount remaining in the account, then an amount equal to 75% of the principal balance will be distributed to the life beneficiary's heirs. If there are no heirs, the remaining balance will be distributed to the charitable trust (Sections 402.199 - 402.217).

OFFICE OF CHILD ADVOCATE - The "Office of the Child Advocate for Children's Protection and Services" is created within the Office of Administration to assure that children receive adequate protection and care from services and programs offered by the Departments of Mental Health and Social Services (Sections 37.700 - 37.730).

PRIVATIZATION OF SERVICES - Whenever available and appropriate, the Children's Division is required to contract for the provision of children's services through private children's services providers and community agencies. The state will continue to be the sole provider of child abuse and neglect hotline services, the initial child abuse and neglect investigation, and the initial family assessment. These private children's services providers and agencies must undergo background checks pursuant to Chapter 43, RSMo and submit the names of all employees to the Family Care Safety Registry (Section 210.109).

RELATIVE PLACEMENT - The Division must place children in their custody with relatives, unless it is contrary to the best interests of the child. If it is not in the best interests of the child, the court shall make a specific finding on the record detailing why the child is not to be placed with relatives. The age of the child's relative shall not be the only factor that the Division takes into consideration when making placement decisions and recommendations to the court. The Division must adhere to

the Indian Child Welfare Act when placing a Native American child in protective custody (Section 210.565).

SCHOOL AND SCHOOL EMPLOYEES - The school district shall ensure that a criminal background check is conducted on any person employed after January 1, 2005, before they have contact with a child. Individuals must submit two sets of fingerprints, which shall be used by the Highway Patrol, the Family Care Safety Registry, and the FBI. Fees for the federal and state background checks shall be paid by the employee. School district policies may provide that the applicant be reimbursed for these costs. Information shall be reported to the Department of Elementary and Secondary Education by school officials, who will be immune from civil liability (Section 168.283).

The Division and school employees are prohibited from performing a strip search of any student, without the permission of the parent (Section 210.760).

Individuals that are obtaining a school bus driver permit are required to submit two sets of fingerprints to the highway patrol. The first is used to search the criminal history repository and the other is forwarded to the FBI. The applicant shall pay the fee (Section 302.272).

SCREENING FOR LEAD POISONING - The Departments of Health and Senior Services and Social Services shall devise a three-year educational strategy to increase the number of children on Medicaid that are tested for lead poisoning. The goal of the educational strategy is to have 75% of the children tested by August 28, 2008 (Section 701.336).

TASK FORCE ON CHILDREN'S JUVENILE JUSTICE - The Task Force on Children's Juvenile Justice established by the Children's Division shall conduct an independent review of the policies, procedures, and cases of state and local agencies and their effectiveness. The Task Force may have access to information on cases it has been asked to review and may receive assistance from the Department of Social Services, but is prohibited from disclosing information about specific cases (Section 210.187).

LORIE TOWE

120103	Prefiled	
010704	S First Read	S8
010804	Second Read and Referred S Aging, Families, Mental & Public Health Committee	S78
012104	Hearing Conducted S Aging, Families, Mental & Public Health Committee	

EFFECTIVE : August 28, 2004

SB 0746

SENATE SPONSOR Dougherty

2913S.06I

SB 746 - This act modifies the law relating to lead abatement and lead poisoning.

New language in Section 701.304 allows the Director of the Department of Health and Senior Services to levy fines pursuant to sections 701.300 to 701.338, RSMo. All fines shall be deposited into the Public Health Services Fund.

Representatives of the Department, local government or health departments have the authority to re-enter a dwelling or a child-occupied facility to determine if the required actions have been taken. If the representative does not have consent to enter, they may petition the court for an order to enter the premises. An order shall be granted upon a showing that the representative attempted to notify the dwelling's owner in writing and 48 hours in advance of the time and purpose of the re-entry (Section 701.308).

Upon re-entry, if the lead hazard has not been reduced, the Department or representative may report any violation of sections 701.300 to 701.338, RSMo, to the prosecuting attorney of the appropriate county. In addition, the court may impose a fine in an amount which shall reflect the seriousness of the threat to human health. However, this amount shall not exceed \$10,000. The fine shall not be less than \$5,000 if the owner has failed to reduce the identified lead hazard upon proof that:

- (1) The owner has been notified that a child six and under in his property has an elevated blood lead level;
- (2) Re-entry revealed that the required actions to reduce the lead were not taken; and
- (3) Another occupant or child in his dwelling is identified with an elevated blood lead level (Section 701.308).

If the Department revisits an abatement project because a contractor is not present or is in violation of Sections 701.300 to 701.338, RSMo, or any regulations, the lead abatement contractor must pay a fee of \$150 per revisit. In addition, the Department may assess a fine not to exceed \$1,000 for the first violation and \$5,000 for each subsequent violation against any inspector, risk assessor, lead abatement worker, lead abatement supervisor, project designer, or contractor licensed by the Department. For continuing violations, every day the violation continues to occur shall be deemed a separate violation (Section 701.311).

The Departments of Health and Senior Services and Social Services, along with related not-for-profits, HMOs, and the MO Consolidated Health Care Plan, shall devise a three-year

educational strategy designed to increase the number of children on Medicaid that are tested for lead poisoning. The goal of the strategy is to have 75% of the children tested by August 28, 2008 (Section 701.336).

The Department of Social Services must seek Medicaid waivers for the funding of lead cleaning treatments and lead reduction measures in the properties of Medicaid recipients. The Department will coordinate with the Department of Health and Senior Services to ensure that priority homes receive the appropriate funding and that risk assessments are conducted to identify lead hazards in properties (Section 701.336).

The Department of Social Services, in collaboration with the Department of Health and Senior Services, must ensure that all children between the ages of six months and six years who are in foster care in high risk areas are tested annually for lead poisoning with the costs paid through the state Medicaid program. If any child in foster care in a high risk area is not Medicaid-eligible, the costs of the testing shall be paid by the state (Section 701.342).

LORIE TOWE

120103	Prefiled	
010704	S First Read	S8
011504	Second Read and Referred S Aging, Families, Mental & Public Health Committee	S117

EFFECTIVE : August 28, 2004

SB 0747

SENATE SPONSOR Dougherty

2778S.01I

SB 747 - 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, 2004, and to policies issued or renewed after such date. 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 114 (2003).
STEPHEN WITTE

120103	Prefiled	
010704	S First Read	S8
010804	Second Read and Referred S Small Business, Insurance and Industrial Relations Committee	S78

EFFECTIVE : August 28, 2004

SB 0748

SENATE SPONSOR Kennedy

2886S.01I

SB 748 - 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 identical to SB 89 (2003).
STEPHEN WITTE

120103	Prefiled	
010704	S First Read	S8
010804	Second Read and Referred S Transportation Committee	S78

EFFECTIVE : August 28, 2004

SB 0749

SENATE SPONSOR Kennedy

3186S.01I

SB 749 - This act defines the term "registered nurse first assistants" and authorizes the Missouri State Board of Nursing to promulgate rules for their certification. 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.

This act is similar to SB 316 (2003).
STEPHEN WITTE

120103 Prefiled

010704 S First Read S8
010804 Second Read and Referred S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee S78

EFFECTIVE : August 28, 2004

SB 0750

SENATE SPONSOR Kennedy

2877S.03I

SB 750 - 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 grandfathered 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 one their conduct are specified.

This act is identical to SB 88 (2003).
JIM ERTLE

120103 Prefiled
010704 S First Read S8
010804 Second Read and Referred S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee S78

EFFECTIVE : August 28, 2004

SB 0751

SENATE SPONSOR Coleman

2586S.01I
SB 751 - This act modifies the law relating to lead
poisoning.

New language allows the Director of the Department of Health and Senior Services to levy fines pursuant to sections 701.300 to 701.348. All fines shall be deposited into the Public Health Services Fund (Section 701.304).

Any lead abatement contractor that fails to notify the Department prior to starting a lead abatement project will be fined one thousand dollars for the first identified offense, two thousand dollars for the second identified offense, and thereafter fines will be doubled for each identified offense.

Once the abatement has been completed, the lead abatement contractor must submit written notification and the final clearance inspection report to the Department (Section 701.309).

The Director shall require the posting of a bond for lead abatement contractors. Licensees or applicants for licensure must provide evidence of their ability to indemnify any person that may suffer damage from lead-based paint activities to which they may be liable. The licensee or applicant for licensure may provide proof of liability insurance or a surety bond in an amount to be determined by the Department, which shall not be less than \$300,000 dollars (Section 701.312).

Local community organizations, government agencies, and quasi-government agencies that issue grants or loans for lead abatement projects must provide written notification to the Department no later than ten days prior to the onset of a project. The failure to provide written notification will result in a fine of \$250 dollars. In emergency situations, the community organization, government agency, or quasi-government agency must notify the Department within twenty-four hours of the onset of a lead abatement project and provide written notification to the Department within five days (Section 701.313).

The Director shall promulgate rules and regulations for the development of educational materials that licensed lead abatement contractors can provide to property owners. The educational materials shall explain the rights and responsibilities of the property owner and the lead abatement contractor (Section 701.314).

Current law specifies that any violation of sections 701.308, 701.309, 701.310, 701.311 and 701.316 is a Class A misdemeanor. New language states that any subsequent violation of these sections will be a Class D felony (Section 701.320).

This act is identical to SCS/SB 454 (2003).
LORIE TOWE

120103	Prefiled	
010704	S First Read	S8
011504	Second Read and Referred S Aging, Families, Mental & Public Health Committee	S117

EFFECTIVE : August 28, 2004

SB 0752

SENATE SPONSOR Coleman

2580S.01I

SB 752 - 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 49 (2003).
SUSAN HENDERSON

120103	Prefiled	
010704	S First Read	S8
010804	Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S78
011204	Hearing Conducted S Judiciary & Civil & Criminal Jurisprudence Committee	

EFFECTIVE : August 28, 2004

SB 0753

SENATE SPONSOR Coleman

2818S.01I

SB 753 - This act governs the legal rights and remedies of mobile home leases and mobile home lots containing five or more mobile homes.

ORDINANCES AND CODES - Under this act, no person shall rent or offer for rent or sale any mobile home that does not conform to sanitation, housing and health codes.

EXEMPTIONS - Mobile home parks operated by the state or federal government and recreational camper or travel parks are not subject to the provisions of this act.

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, unless the parties agree to a different term subject to existing leases, which shall be continued pursuant to their terms. Tenants in possession on the effective date of this act shall have 30 days after the receipt of the offer for a written lease to accept or reject the offer. The park owner must notify his tenants in writing within 30 days of the effective date of this act that a written lease is available. If the tenant shall fail to sign and return the written lease to the park owner within 30 days, then the tenancy may be terminated by the park owner only by giving the tenant written notice that the tenancy shall terminate not sooner than 60 days from the date the rent payment next becomes due.

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 120 days notice. If there is less than 120 days remaining in the term of the lease, the tenant is entitled to the balance of his lease plus a written month to month tenancy, at the expiring lease rate, to provide the tenant with a full 120 days 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. Any provision of a lease whereby the provisions of this act are waived is void.

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. All new tenants shall be offered a pamphlet before they are obligated under a lease and shall sign an acknowledgment of receipt to be kept on file by the park operator.

STATUTORY GROUNDS FOR EVICTION - Under the act, a park owner may only 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 of written notice, to remedy a condition which deprives the tenant of his or enjoyment of the premises. A park owner who is found in violation of any code, statute, ordinance, or regulation governing the operation of a mobile home park or the maintenance of premises shall be liable for court costs and reasonable

attorney fees. 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. Tenants may ask for assistance from non-profit organizations in organizing a tenants' organization.

SECURITY DEPOSIT - This act requires landlords to return security deposits within 15 days (down from 30 days) or furnish an itemized list of damages.

This act is similar to SB 328 (2003).
STEPHEN WITTE

120103 Prefiled
010704 S First Read

S8-9

EFFECTIVE : August 28, 2004

SB 0754

SENATE SPONSOR Vogel

2769S.03I

SB 754 - 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. At least one member of the board shall be the owner of a business in the district and at least one member shall be the owner of a lodging facility in the district. Two of the members of the board must reside in the district. 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, and to amend and adopt bylaws.

The district may submit to its voters a sales tax of up to one-quarter 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 the Department of Revenue to authorize 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 makes a technical change to delete the requirement that the treasurer make the disbursements in the case of an overpayment, as such is not required for non-state funds.

This act is similar to SB 244 (2003) and HB 144 (2003).
JEFF CRAVER

120103	Prefiled	
010704	S First Read	S9
010804	Second Read and Referred S Ways & Means Committee	S78
011304	Hearing Conducted S Ways & Means Committee	

EFFECTIVE : August 28, 2004

SB 0755

SENATE SPONSOR Shields

3141S.01I

SCS/SB 755 - This act generates several alterations to the state's higher education policy.

SECTION 160.545 - This section asserts that the A+ reimbursements shall not be issued to any four-year institutions of higher education, regardless of whether such reimbursements are made indirectly by means of a public community college or vocational or technical school. Further, the act specifies that in order for any public community college or vocational or technical school to receive reimbursements from the A+ schools program, the qualifying student must exclusively attend a public community college or vocational or technical school.

SECTION 172.360 - This section eliminates the minimum age qualification (which presently is set at sixteen) for admission to the University of the State of Missouri.

SECTION 174.020 - This section renames Missouri Western State College as Missouri Western State University.

SECTION 174.241 - This section eliminates the board of regents of Missouri Western State College.

SECTION 174.251 - This section designates Missouri Western State University as a statewide institution of applied learning. The section further asserts that Missouri Western State University shall discontinue, as of July 1, 2008, any and all associate degree programs unless the continuation of such associate degree programs is approved by the coordinating board by July 1, 2006.

SECTION 174.324 - This section reemphasizes that any new masters degree program offered at Missouri Western State University or any other public institution of higher education in this state must be approved by the coordinating board for higher education.

SECTION 174.450 - This section adds Missouri Western State University to the list of institutions which are charged with a statewide mission and governed by a board of governors.

This act contains many of the provisions of SB 858 (2004) and the SS/SB 51 (2003).

DONALD THALHUBER

120103	Prefiled	
010704	S First Read	S9
010804	Second Read and Referred S Pensions & General Laws Committee	S78
011304	Hearing Conducted S Pensions & General Laws Committee	
012104	SCS Voted Do Pass S Pensions & General Laws Committee (3141S.03C)	

EFFECTIVE : August 28, 2004

SB 0756

SENATE SPONSOR Shields

3084S.01I

SB 756 - 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, 2004, 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 the bill's provisions may not exceed \$10 million.

The act has an expiration date of December 31, 2008.

This act is substantially similar to SB 95 (2003) and HB 1219 (2002).

STEPHEN WITTE

120103 Prefiled

010704 S First Read

S9

010804 Second Read and Referred S Ways & Means Committee

S78

EFFECTIVE : August 28, 2004

SB 0757

SENATE SPONSOR Shields

3086S.01I

SB 757 - This act modifies the definition of "driveaway operation" to include the transporting of vehicles in transit from one place to another by driveaway or towaway methods. The act provides that driveaway license plates may only be used for the purpose of transporting vehicles in transit. Driveaway license plates may not be used by tow truck operators transporting wrecked, abandoned, improperly parked, or burned vehicles. The act extends the area for certain land improvement contractors' commercial motor vehicles from 25 miles to 50 miles.

This provision was contained in the truly agreed to

version of HB 327(2003).

STEPHEN WITTE

120103 Prefiled

010704 S First Read

S9

010804 Second Read and Referred S Transportation Committee

S78

EFFECTIVE : August 28, 2004

SB 0758

SENATE SPONSOR Griesheimer

2524S.01I

SB 758 - This act authorizes the governing bodies of the cities of Pacific, St. Clair, Sullivan, and Union to submit a transient guest tax proposal to a vote of the people of such cities. The tax proposal shall be for at least two percent but not more than five percent.

JEFF CRAVER

120103 Prefiled

010704 S First Read

S9

010804 Second Read and Referred S Economic Development, Tourism and Local Government Committee

S78

011404 Hearing Cancelled S Economic Development, Tourism and Local Government Committee

012104 Hearing Conducted S Economic Development, Tourism and Local Government Committee-Consent

EFFECTIVE : August 28, 2003

SB 0759

SENATE SPONSOR Griesheimer

2745S.01I

SB 759 - This act extends the waste tire collection fee from 2004 to 2010.

This act is identical to SCS/SB 329 (2003).

HENRY T. HERSCHEL

120103 Prefiled

010704 S First Read

S9

010804 Second Read and Referred S Commerce & the Environment Committee

S78

EFFECTIVE : August 28, 2004

SB 0760

SENATE SPONSOR Griesheimer

2891S.01I

SB 760 - This act requires all railroad corporations owning or operating a railroad which traverses through Eureka, Missouri to establish a suitable stopping place, depot or union station within such city to accommodate the boarding and unboarding of passengers.

STEPHEN WITTE

120103 Prefiled

010704 S First Read

S9

010804 Second Read and Referred S Transportation Committee S78

EFFECTIVE : August 28, 2004

SB 0761

SCS SBs 714 & 761

SENATE SPONSOR Champion

2920S.01I

120103 Prefiled

010704 S First Read

S9

010804 Second Read and Referred S Pensions & General Laws Committee

S78

011304 Hearing Conducted S Pensions & General Laws Committee

012104 Bill Combined w/SCS SBs 714 & 761

S147

EFFECTIVE : August 28, 2004

SB 0762

SENATE SPONSOR Champion

3212S.01I

SB 762 - This act modifies various provisions relating to foster care and protective services for children.

Upon initial application, applicants must submit fingerprints in addition to the required criminal background check. The Division of Family Services will have the authority to conduct a search for ex parte or full orders of protection using the automated court information system.

The Division shall provide standards and training for the licensing of prospective foster parents and performance-based criteria for the evaluation of licensed foster parents.

The age of the child's relative shall not be the only factor

that the Division takes into consideration when making placement decisions and recommendations to the court regarding the placement of the child with that relative. The Division must adhere to the Indian Child Welfare Act (25 U.S.C. 1915) when placing a Native American child in protective custody.

The Division must notify the child's parent or legal guardian that the child has been placed in foster care, except in instances of imminent harm. A child shall not be removed from school for placement in foster care without a court order specifying that the child shall be removed from school.

Prior to taking any action relating to the placement of a child, the Division must arrange a team meeting. However in instances where the welfare of a child requires immediate or emergency placement, the Division may temporarily place a child in protective custody, but they must schedule a team meeting within seventy-two hours of the temporary placement. The parent or legal guardian, the guardian ad litem, the juvenile officer, the caseworker, the court-appointed-special-advocate, and any designee of the parent that has written authorization shall be notified and invited to participate in all team meetings. Team meetings may include any other persons who can assist the team in making the appropriate decisions on behalf of the child.

At the conclusion of the meeting, all parties must sign a form provided by the Department that states that they are aware of the team's decision. Any dissenting views will be noted on the form and included in the child's case records.

The case records of a child in protective custody will be available for review by the parent or legal guardian of the child. Upon the death of a child in protective custody, the case records of the child shall be available to the public as provided in section 210.150, RSMo, and upon any request made pursuant to Chapter 610, RSMo.

This act is similar to SCS/SB 430 (2003).
LORIE TOWE

120103	Prefiled	
010704	S First Read	S9
010804	Second Read and Referred S Aging, Families, Mental & Public Health Committee	S78
012104	Hearing Conducted S Aging, Families, Mental & Public Health Committee	

EFFECTIVE : August 28, 2004

SB 0763

SENATE SPONSOR Bartle

2726S.01I

SB 763 - This act limits the certificate of need law to only long-term care facilities.

This act is similar to SB 449 (2003).
LORIE TOWE

120103 Prefiled

010704 S First Read

S9

010804 Second Read and Referred S Aging, Families, Mental & Public Health Committee

S78

EFFECTIVE : August 28, 2004

SB 0764

SENATE SPONSOR Bartle

2733S.01I

SB 764 - This act removes the line 1(b) formula calculation (which currently determines an entitlement amount for any portion of a levy above the minimum-required levy) and alter the line 1(a) calculation accordingly, so that a district's entitlement would be the product of: multiplying the number of eligible pupils by the district's operating levy for school purposes multiplied by the guaranteed tax base per eligible pupil times the proration factor.

In other words, under the provisions of this act, should the formula be underfunded, all of the districts' entitlements will be calculated utilizing the same proration factor, regardless of the levy a district imposes. The current formula, if underfunded, applies a lower proration factor when calculating the portion of a district's entitlement which is above \$2.75.

This act is identical to SB 553 (2003).
DONALD THALHUBER

120103 Prefiled

010704 S First Read

S9

010804 Second Read and Referred S Education Committee

S78

EFFECTIVE : August 28, 2004

SB 0765

SENATE SPONSOR Bartle

2720S.01I

SB 765 - This act prohibits human cloning. "Cloning a human being" is defined as the creation of a human being by

any means other than by the fertilization of a naturally intact oocyte of a human female by a naturally intact sperm of a human male.

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.

This act is identical to SB 191 (2003).
SUSAN HENDERSON

120103	Prefiled	
010704	S First Read	S9
010804	Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S78
011204	Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee	

EFFECTIVE : August 28, 2004

SB 0766

SENATE SPONSOR Clemens

3040S.01I
SB 766 - 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 act allows members of the Missouri Foxtrotting Horse Breed Association to personalize the specialized license plates without a fee. The plate shall bear the words "FOXTROTTER - STATE HORSE".

This act is identical to SCS/SB 261 (2003).
STEPHEN WITTE

120103	Prefiled	
010704	S First Read	S9
010804	Second Read and Referred S Transportation Committee	S78

EFFECTIVE : August 28, 2004

SB 0767

SENATE SPONSOR Clemens

3059S.01I
SB 767 - This act designates the portion of Interstate 44 within Webster County as the Edward P. Hubble Memorial

Highway.
STEPHEN WITTE

120103 Prefiled
010704 S First Read S9
010804 Second Read and Referred S Transportation Committee S78

EFFECTIVE : August 28, 2004

SB 0768

SENATE SPONSOR Nodler

2596S.02I
SB 768 - This act articulates new qualifications for the Board of Governors of Missouri Southern State University - Joplin.

Five voting members shall be selected from Missouri's Workforce Investment Area Southwest region, which includes the following counties: Barton, Jasper, Newton, McDonald, Dade, Lawrence, and Barry provided that no more than three of these five members shall be appointed from any one county. Two voting members shall be selected from any of the counties in the state which are outside of the aforementioned counties.

Further, the act grandfathers current board members in regard to the county residency requirement.

DONALD THALHUBER

120103 Prefiled
010704 S First Read S9
010804 Second Read and Referred S Education Committee S78

EFFECTIVE : August 28, 2004

SB 0769

SENATE SPONSOR Nodler

3143S.01I
SB 769 - This act establishes a procedures for disincorporation of a road district in Jasper County. This act shall not apply to any road district which is located within two counties.

STEPHEN WITTE

120103 Prefiled
010704 S First Read S9
010804 Second Read and Referred S Economic Development,

Tourism and Local Government Committee S78
011404 Hearing Conducted S Economic Development, Tourism and
Local Government Committee
012004 Voted Do Pass S Economic Development, Tourism and
Local Government Committee - Consent

EFFECTIVE : August 28, 2004

SB 0770

SENATE SPONSOR Nodler

2804S.01I

SB 770 - This act removes the portion of I-44 in Jasper
County from the designation of George Washington Carver
Memorial Highway. This portion of Interstate 44 was already
designated as the "Congressman Gene Taylor Highway" prior to
the creation of the George Washington Carver Memorial Highway.
STEPHEN WITTE

120103 Prefiled

010704 S First Read S9
010804 Second Read and Referred S Transportation Committee S78

EFFECTIVE : August 28, 2004

SB 0771

SENATE SPONSOR Bray

2751S.01I

SB 771 - This act allows operators of low-speed vehicles
to use public highways under certain conditions. A low-speed
vehicle is a four-wheeled vehicle whose top speed is greater
than 20 mph but less than 25 mph and is manufactured in
compliance with the National Highway Traffic Safety
Administration standards. A low-speed vehicle shall not be
operated on a street or highway with a posted speed limit
greater than 35 mph. A low-speed vehicle shall be exempt from
inspection and emission testing, but must comply with the
federal standards. Every operator of a low-speed vehicle
shall maintain financial responsibility as required under
Chapter 303, RSMo. Every operator of a low-speed vehicle must
have a driver's license. City and counties may promulgate
ordinances which are more stringent than this act.

These provisions were contained in SB 594 and HB 327
(2003)(Section 304.029).

STEPHEN WITTE

120103 Prefiled

010704 S First Read S9
010804 Second Read and Referred S Transportation Committee S78

EFFECTIVE : August 28, 2004

SB 0772

SENATE SPONSOR Bray

3159S.01I

SB 772 - This act allows commercial transport vehicles or railroad passenger cars that are stopped to load or unload passengers to use alternately flashing warning signals.

STEPHEN WITTE

120103 Prefiled

010704 S First Read S9-10
010804 Second Read and Referred S Transportation Committee S78

EFFECTIVE : August 28, 2004

SB 0773

SENATE SPONSOR Bray

3158S.01I

SB 773 - This act modifies the law relating to residential property insurance.

RESIDENTIAL INSURANCE - Under this act, an insurer may cancel a homeowner's policy if physical changes in the property insured have significantly increased the hazards originally insured. Under the current law, an insurer may cancel the policy if physical changes have increased the hazards originally insured.

Under this act, the insurer must give the insured 60 days notice prior to cancelling the insured's policy (current law is 30 days). The insurer must also give the insured 60 days of its intention not to renew a policy.

Under this act, homeowner insurance companies shall not consider as a claim any inquiry made by the insured as to whether the policy covers a certain loss or whether the policy provides a certain type or level of coverage. Homeowner insurance companies are prohibited from refusing to renew a policy on the basis of a weather-related claim. Further, insurers are prohibited from using a rating plan or a rating system which surcharges the insured's dwelling fire or homeowners insurance premium based upon the insured's weather-related claims or upon inquiries into whether the policy covers certain losses.

FAIR PLAN - Under this act, the name of the Missouri Basic

Property Insurance Inspection and Placement Program is changed to the Fair Access to Insurance Requirements (FAIR) plan. FAIR plans were created in the late 1960's to make property insurance more readily available to people who can't obtain it from private insurers because their property is considered "high risk". The plans are operated by the insurance industry and make insurance available to property owners meeting certain requirements. Under the act, the FAIR plan is to offer dwelling fire, commercial fire and homeowners coverage for property owners, renters, and condominium owners. These coverages shall be similar to what is available in the standard market and provide protection against loss from various hazards.

The act increases the amount of property insurance coverage a person can obtain through the program on residential property from \$100,000 to \$300,000 and on commercial property from \$1,000,000 to \$3,000,000.

Under this act, the length of time in which the facility must approve or decline whether the FAIR plan will insure a potential insured is decreased from five days to three days after the inspection report and application are received.

All property insurance plans and underwriting guidelines used in the FAIR plan must be submitted to the director for approval at least 60 days prior to their use.

A FAIR plan insurance policy shall not be cancelled or nonrenewed unless the insured receives 60 days notice (up from 30 days).

The governing committee of the FAIR plan is increase by two members (for a total of 15 members). The two new members shall be consumer representatives. Under this act, the date of the annual meeting of the insurers and the governing committee must also be approved by the Director.

STEPHEN WITTE

120103 Prefiled

010704 S First Read

S10

010804 Second Read and Referred S Small Business, Insurance
and Industrial Relations Committee

S78

EFFECTIVE : August 28, 2004

SB 0774

SENATE SPONSOR Wheeler

3166S.01I

SB 774 - This act establishes the lifetime home grant program. Under this act, an additional fee of \$1 will be

charged on real estate instruments. These additional fees will be deposited in a newly created fund known as the Lifetime Home Fund. This fund shall be administered by the Missouri Housing Development Commission. Beginning January 1, 2005, individuals who build a universally designed lifetime home may apply for a payment from the fund in the amount of \$5,000. This act also allows an individual to qualify for a lifetime home grant, up to \$5,000, by renovating a qualified existing residence.

This act is similar to SB 580 (2003).
STEPHEN WITTE

120103 Prefiled
010704 S First Read S10
012004 Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee S129

EFFECTIVE : August 28, 2004

SB 0775

SENATE SPONSOR Wheeler

3164S.01I
SB 775 - This act creates the Missouri Office of Pharmaceutical Reporting within the Department of Health and Senior Services.

The Office of Pharmaceutical Reporting must monitor data transmitted from pharmacies for any unusual or increased prescription rates, unusual types of prescriptions, or unusual trends in pharmacy visits occurring within 48 hours that could give rise to a public health emergency.

The electronic data processing system, currently used for record keeping by licensed pharmacies, must transmit to the Office of Pharmaceutical Reporting any of the following:

- Unusual increases in over-the-counter pharmaceuticals for conditions specified by the Department;
- Unusual increases in antibiotics;
- Prescriptions that treat an uncommon disease or are associated with bioterrorism.

The Office of Pharmaceutical Reporting is responsible for the inspection and investigation of any reported abnormalities. Local public health agencies and the Department of Homeland Security will be notified in a timely manner of any potential public health emergencies.

This act is similar to SB 185 (2003).
LORIE TOWE

120103 Prefiled
010704 S First Read S10
010804 Second Read and Referred S Aging, Families, Mental &
Public Health Committee S78

EFFECTIVE : August 28, 2004

SB 0776

SENATE SPONSOR Wheeler

3163S.01I

SB 776 - This act authorizes the Bureau of Communicable Diseases, which is within the Department of Health and Senior Services, to monitor all epidemiological studies conducted by any public or private entity for potential 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.

This act is identical to SB 176 (2003).
LORIE TOWE

120103 Prefiled
010704 S First Read S10
010804 Second Read and Referred S Aging, Families, Mental &
Public Health Committee S78

EFFECTIVE : August 28, 2004

SB 0777

SENATE SPONSOR Russell

3036S.01I

SB 777 - This act creates a commission to allocate tax credits. The allocation of credits cannot exceed one and ½ percent of the total general revenue collections from the prior fiscal year, or \$125 million. The commission shall use and follow, to as reasonable extent, data reflecting usage of such credits for at least the two prior years as well as a forecasted use of each such credit in the current and next fiscal years when making a specific allocation.

JEFF CRAVER

120103 Prefiled

010704 S First Read

S10

010804 Second Read and Referred S Ways & Means Committee

S78

EFFECTIVE : August 28, 2004

SB 0778

SENATE SPONSOR Russell

2661S.01I

SB 778 - This act modifies the Historic Preservation Tax Credit by limiting the credit to commercial purposes. However, the act continues to allow the credit to be used for residential purposes if the property is a certified historic structure and listed individually on the National Register of Historic Places.

JEFF CRAVER

120103 Prefiled

010704 S First Read

S10

010804 Second Read and Referred S Ways & Means Committee

S79

EFFECTIVE : August 28, 2004

SB 0779

SENATE SPONSOR Russell

2508S.01I

SB 779 - This act prohibits the Chief Engineer of the Department of Transportation from issuing special permits for manufactured homes exceeding 14 feet in width on lettered highways or numbered roads that have shoulders less than six feet wide. A permit can be issued if the chief engineer finds that no other possible route is available to deliver the manufactured home. If such a permit is issued, the

manufactured home can only be moved between 8:30 a.m. and 4:00 p.m. and the movement must be accompanied by a three-vehicle escort.

STEPHEN WITTE

120103 Prefiled	
010704 S First Read	S10
010804 Second Read and Referred S Commerce & the Environment Committee	S79

EFFECTIVE : August 28, 2004

SB 0780

SENATE SPONSOR Caskey

2496S.01I

SB 780 - This act seeks to hold the tuition charged to Missouri undergraduates constant for the four continuous academic years following the student's initial enrollment at any institution of higher education in Missouri that receives any state funds whatsoever.

If a Missouri student is enrolled in an undergraduate degree program that requires more than four years to complete, that student's tuition shall remain constant for the customary time required to complete the degree program. The customary time required to complete a degree program shall be defined by the institution offering the program.

If an undergraduate student from Missouri changes majors, the tuition charged to the student shall equal the amount the student would have been assessed had the student been admitted to the changed major program when the student first enrolled in college.

DONALD THALHUBER

120103 Prefiled	
010704 S First Read	S10
010804 Second Read and Referred S Education Committee	S79
012004 Hearing Conducted S Education Committee	

EFFECTIVE : August 28, 2004

SB 0781

SENATE SPONSOR Caskey

3002S.01I

SB 781 - This act provides that the circuit judge hearing an application for witness immunity shall hold a nonadversarial

hearing to determine whether sufficient proof has been offered to justify the issuance of an order granting witness immunity. The act deletes language which disqualified the judge hearing such matter from any further criminal trial or ancillary proceeding.

JIM ERTLE

120103	Prefiled	
010704	S First Read	S10
010804	Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S79
011204	Hearing Conducted S Judiciary & Civil & Criminal Jurisprudence Committee-Consent	

EFFECTIVE : August 28, 2004

SB 0782

SENATE SPONSOR Caskey

2815S.01I

SCS/SB 782 - This act requires each county treasurer to designate in writing a qualified individual to act temporarily on his/her behalf in the instance when the county treasurer is incapacitated so as to be unable to complete the duties of the office.

The act requires that the designee cannot by statute be ineligible to serve as a county treasurer. The designee must also take an oath and give a bond in the same manner as the county treasurer. The designee shall only be given authority to perform the duties of the county treasurer until the county treasurer confirms in writing that he/she has the requisite capacity to act again as county treasurer or for a maximum of 60 days, whichever occurs first. Sixty days after the designee has taken the oath of office, the office shall be considered vacant and filled according to the provisions of Section 105.030, RSMo.

The act provides that a county treasurer must settle his or her accounts in June and December each year. When there is a vacancy, the county commission, except in counties with a charter form of government, must appoint a deputy treasurer or other qualified person to serve until the treasurer returns or the term expires. The interim treasurer or treasurer will be responsible for settling accounts and delivering everything needed by the successor.

The act also requires that the county commission attest to the accounting of school money by the treasurer or interim treasurer. Such order is entered into record and is a discharge of liability of the treasurer.

The act provides for the county commission, except in counties with a charter form of government, to appoint an acting treasurer when there is a vacancy and no deputy treasurer. The county commission must employ and pay the staff necessary to perform the duties of the office.

SUSAN HENDERSON

120103	Prefiled	
010704	S First Read	S10
010804	Second Read and Referred S Economic Development, Tourism and Local Goverment Committee	S79
011404	Hearing Conducted S Economic Development, Tourism and Local Government Committee	
012004	SCS Voted Do Pass S Economic Development, Tourism and Local Government Committee-Consent (2815S.02C)	

EFFECTIVE : August 28, 2004

SB 0783

SENATE SPONSOR Mathewson

3180S.01I
SB 783 - This act removes the qualification that there shall be no more than two State Fair Commission members from any congressional district.

The act has an emergency clause.
MEGAN CRAIN

120103	Prefiled	
010704	S First Read	S10
010804	Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee	S79
011204	Hearing Conducted S Financial & Governmental Org. Veterans' Affairs & Elections Committee - Consent	

EFFECTIVE : August 28, 2004

SB 0784

SENATE SPONSOR Goode

2639S.02I
SB 784 - 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.

Taxes collected pursuant to this section shall be used to pay for the operation of emergency services and for no other purpose. Counties collecting the tax before implementing service shall remit all funds collected to the state treasurer to be deposited in the 911 emergency services fund, provided they have not yet begun implementation of service within twelve months of ceasing collection of said tax.

The State Auditor shall have the authority to perform audits of both receipts and expenditures of taxes collected to ensure proper administration of said funds.

The taxes imposed with this act are due on a monthly basis and shall be remitted to the governing body by the service supplier, no later than thirty days after the close of a month. The service supplier will include a list of any and all service users who refuse to pay the tax with each return filing. Any remittance not paid within the thirty day period by the service supplier shall accrue interest at a rate of once percent per month. Nothing in this section shall prevent agreements between service suppliers and governing bodies alternating remittance schedules.

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.

This act is similar to SB 64 (2003).

MEGAN CRAIN

120103	Prefiled	
010704	S First Read	S10
010804	Second Read and Referred S Economic Development, Tourism and Local Goverment Committee	S79
011404	Hearing Conducted S Economic Development, Tourism and Local Government Committee	

EFFECTIVE : August 28, 2004

SB 0785

SENATE SPONSOR Goode

2640S.01I

SB 785 - 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 102 (2003).
MEGAN CRAIN

120103	Prefiled	
010704	S First Read	S10
010804	Second Read and Referred S Agriculture, Conservation,	

Parks & Natural Resources Committee

S79

EFFECTIVE : August 28, 2004

SB 0786

SENATE SPONSOR Goode

3137S.02I

SB 786 - This act pertains to unsolicited electronic mail and subscribers' defense against the transmission of such communications.

Any person who has subscribed to the state or federal database shall be considered a subscriber who has notified a sender not to initiate the transmission of any further unsolicited electronic mail (Section 407.1138).

This act employs a date of July 1, 2005, after which no unsolicited electronic mail shall be transmitted to subscribers who have given notice to the attorney general (Section 407.1148).

This act authorizes the creation and maintenance of a database containing electronic addresses of subscribers who object to receiving unsolicited mail. The database is to be maintained by the attorney general and is to be in operation no later than July 1, 2005 (Section 407.1149).

This act authorizes the attorney general to include Missouri's list of based e-mail subscribers if and when there is a national database created for the same purpose; to allow subscribers the opportunity to object to unsolicited electronic mail via inclusion in a database.

The information contained in the database will not be used for any other purpose other than that which is necessary for compliance, and shall not be considered public record.

The General Assembly may appropriate funds, including the merchandising practices revolving fund, to establish and maintain the database.

No later than February 1, 2005, the Attorney General shall promulgate rules governing the establishment and maintenance of the state database.

This act is similar to SB 10 (2003).
MEGAN CRAIN

120103 Prefiled

010704 S First Read

S10

010804 Second Read and Referred S Commerce & the Environment

Committee

S79

EFFECTIVE : August 28, 2004

SB 0787

SENATE SPONSOR Childers

2474S.01I

SB 787 - This act provides that if the voters of a city approve the licensing of gambling boats within the city, then the voters of the county must subsequently approve the licensing of gambling boats within such city. Currently, once a city approves of the licensing of gambling boats within the city, there is no subsequent county-wide vote on the matter.

The provisions of this act shall not apply to any city which has voted to approve the licensing of gambling boats and where a licensed has been granted to an entity to operate a gambling boat prior to August 28, 2004.

JIM ERTLE

120103 Prefiled

010704 S First Read

S10

EFFECTIVE : August 28, 2004

SB 0788

SENATE SPONSOR Childers

2475S.03I

SB 788 - Under this act, any person operating emergency or fire equipment during functions such as parades, special events, repair, service or other authorized movements shall not be required to have a commercial driver's license. This act also clarifies two provisions of Missouri law regarding the operation of emergency vehicles.

This act has an emergency clause.
STEPHEN WITTE

120103 Prefiled

010704 S First Read

S10

012004 Second Read and Referred S Transportation Committee S129

EFFECTIVE : August 28, 2004

SB 0789

SENATE SPONSOR Childers

2956S.01I

SCS/SB 789 - 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. No county will move to a lower classification than its current classification as a result of the changes in the assessed valuation requirement, however, such a county may move to a lower classification after five years at a level below the requisite amount for the county's current classification.

This act modifies Section 48.030, RSMo, to allow any county that has the requisite assessed valuation to become a first class county to choose to do so upon an affirmative vote of the county's governing body, even though the county has not had such valuation for five successive years as required under current law.

This act has an emergency clause.

This act is similar to SCS/SB 199 (2003).
SUSAN HENDERSON

120103	Prefiled	
010704	S First Read	S10
010804	Second Read and Referred S Economic Development, Tourism and Local Goverment Committee	S79
011404	Hearing Conducted S Economic Development, Tourism and Local Government Committee	
012004	SCS Voted Do Pass S Economic Development, Tourism and Local Government Committee-Consent (2956S.02C)	

EFFECTIVE : August 28, 2004

SB 0790

SENATE SPONSOR Yeckel

2997S.01I

SB 790 - This act modifies the penalty for physicians who perform abortions. Currently, Section 188.080, RSMo, prohibits anyone but licensed physicians from performing abortions and imposes a penalty. This act modifies the penalty to state that any physician who does not have clinical privileges to provide OB/GYN care at a hospital located within 30 miles of the location at which the abortion is performed is guilty of a Class B felony.

The act also modifies the definition of "ambulatory surgical center" in Section 197.200, RSMo, to include "any establishment operated for the purpose of performing or inducing any second or third trimester abortions or at least five or more first trimester abortions per month".

This act is similar to SB 70 (2003).
LORIE TOWE

120103	Prefiled	
010704	S First Read	S10
011504	Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S117
012104	Hearing Conducted S Judiciary & Civil & Criminal Jurisprudence Committee	

EFFECTIVE : August 28, 2004

SB 0791

SENATE SPONSOR Yeckel

3034S.01I

SB 791 - This act allows a tax credit for contributions to support pregnancy resource centers. The credit is for 50% of the contribution, cannot exceed \$50,000 per year, is not refundable but can be carried forward. No more than a total of \$2 million may be claimed in credits in any one year. A pregnancy resource center is a non-residential facility that provides assistance designed to support women and encourage birth over abortion. The center must be tax exempt, must provide direct person-to-person counseling at no cost, and cannot provide abortion referrals.

This act is similar to SB 437 (2003).
JEFF CRAVER

120103	Prefiled	
010704	S First Read	S10-11
010804	Second Read and Referred S Ways & Means Committee	S79

EFFECTIVE : August 28, 2004

SB 0792

SENATE SPONSOR Yeckel

2998S.01I

SB 792 - This act extends a homestead property tax assessment freeze to all taxpayers' property, except when it changes hands.

This act is identical to SB 71 (2003).
JEFF CRAVER

120103 Prefiled
010704 S First Read S11
010804 Second Read and Referred S Ways & Means Committee S79
011304 Hearing Conducted S Ways & Means Committee

EFFECTIVE : August 28, 2004

SB 0793

SENATE SPONSOR Jacob

2605S.01I

SB 793 - 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 263 (2003).
SUSAN HENDERSON

120103 Prefiled
010704 S First Read S11
010804 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee S79

EFFECTIVE : August 28, 2004

SB 0794

SENATE SPONSOR Jacob

2604S.01I

SB 794 - 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".

The act is identical to SB 928 (2002) and SB 305 (2003).
JEFF CRAVER

120103 Prefiled
010704 S First Read S11
010804 Second Read and Referred S Ways & Means Committee S79
012004 Hearing Conducted S Ways & Means Committee

EFFECTIVE : August 28, 2004

SB 0795

SENATE SPONSOR Bland

2656S.01I

SB 795 - 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, 2005.

This act is identical to SB 23 (2003).
LORIE TOWE

120103 Prefiled	
010704 S First Read	S11
010804 Second Read and Referred S Small Business, Insurance and Industrial Relations Committee	S79

SB 0796

SENATE SPONSOR Bland

2674S.01I

SB 796 - This act directs the State Board of Education to establish a coordinated health program board by January 1, 2005. No later than January 1, 2006, the Coordinated Health Program Board shall make available to each school district in the state a coordinated health program designed 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.

Each school district may 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 may, in cooperation with the Department of Health and Senior Services, provide school districts with the necessary training.

This act is similar to SCS/SB 159 (2003)
LORIE TOWE

120103 Prefiled
010704 S First Read
010804 Second Read and Referred S Education Committee

S11
S79

EFFECTIVE : August 28, 2004

SB 0797

SENATE SPONSOR Bland

2712S.01I

SB 797 - 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 2004 through 2006 within the economically depressed tax-free zone will be exempt from all state and local sales tax.

This act is identical to SB 151 (2003).
JEFF CRAVER

120103 Prefiled
010704 S First Read

S11

010804 Second Read and Referred S Ways & Means Committee S79

EFFECTIVE : August 28, 2004

SB 0798

SENATE SPONSOR Steelman

3077S.02I

SB 798 - This act creates the Respect Life license plate. Any person may acquire such a plate after making a contribution (\$25 annual/ \$50 biennial) to the Missouri Alternatives to Abortion Fund which is created by the act. The contribution shall be made directly to the department of revenue. The Director of the Department of Revenue is directed to issue samples of the Respect Life license plates so that the plates are displayed in various registration offices. Moneys in the Missouri Alternatives to Abortion Fund shall be used to promote alternatives to abortion services by grants to private agencies. Moneys may also may be used to implement the provisions of the "Adoption Awareness Law".

This act is similar to SB 386 (2003).
STEPHEN WITTE

120103 Prefiled

010704 S First Read

S11

010804 Second Read and Referred S Transportation Committee S79

EFFECTIVE : August 28, 2004

SB 0799

SENATE SPONSOR Steelman

2727S.02I

SB 799 - This act allows the State Registrar to issue a certification of stillbirth to the parent or parents of a stillborn child.

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 not born alive.

The certification of stillbirth form must satisfy the formatting and filing requirements of Section 193.085, RSMo, for live births. The certification must be filed with the local registrar within seven days of 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 certification will remain blank.

If a stillbirth has not been registered within one year of the date of delivery, then a certification marked "delayed" can be filed and registered along with any other requirements necessary to substantiate the facts surrounding the stillbirth. A certification of stillbirth may be issued to any individual having a direct and tangible interest in the record. The certification shall include the statement "This is not proof of a live birth".

An individual may file an application for certification of stillbirth for any birth that resulted in stillbirth that occurred prior to August 28, 2004.

This act is similar to SCS/SB 75 (2003).
LORIE TOWE

120103 Prefiled
010704 S First Read S11
010804 Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee S79
011204 Hearing Conducted S Financial & Governmental Org., Veterans' Affairs & Elections Committee - Consent

EFFECTIVE : August 28, 2004

SB 0800

SENATE SPONSOR Steelman

2759S.01I

SB 800 - This act creates a one dollar check-off on the Missouri income tax return. The money designated by the check-off will be deposited into the ALS Lou Gehrig's Disease Fund, to be distributed to the Missouri ALS Associations for the St. Louis and Kansas City regions. The check-off of one dollar is primarily for taxpayers who are to receive a refund. However, taxpayers who owe taxes may also contribute to the fund and any taxpayer may elect to contribute more than one dollar.

JEFF CRAVER

120103 Prefiled
010704 S First Read S11
010804 Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee S79
012604 Hearing Scheduled S Financial & Governmental Org., Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2004

SB 0801

SENATE SPONSOR Gross

2844S.01I

SB 801 - This act removes the owner from liability from paying a tenant's or other occupant's sewer and water bill. Under the current law, it is deemed that sewer and water services are furnished to both the owner and occupant of the place that receives the services. The current law allows the city or sewer district to sue either the owner of the place or its occupant to recoup the costs of providing the services. This act states that the city or sewer district can only sue the occupant for such services.

STEPHEN WITTE

120103	Prefiled	
010704	S First Read	S11
011204	Second Read and Referred S Commerce & the Environment Committee	S89
012004	Hearing Conducted S Commerce & the Environment Committee	

EFFECTIVE : August 28, 2004

SB 0802

SENATE SPONSOR Gross

2852S.01I

SB 802 - This act sets out the requirements for a peace officer to obtain a warrant via the telephone. This act allows the prosecuting attorney to give voice authorization to the applicant to affix his or her signature to the application for a search warrant. After the prosecutor's signature is affixed, the applicant shall contact a judge who may take an oral statement under oath that is recorded. Such statement shall be deemed to be an application and an affidavit for the purposes of issuing a search warrant. This act also sets out the forms for the application and affidavit for a telephonic search warrant.

This act is identical to SB 528 (2003).
SUSAN HENDERSON

120103	Prefiled	
010704	S First Read	S11
010804	Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S79
011204	Hearing Conducted S Judiciary & Civil & Criminal Jurisprudence Committee	

EFFECTIVE : August 28, 2004

SB 0803

SENATE SPONSOR Gross

3097S.01I

SB 803 - This act enables the Children's Division to meet with a child in a school building or child-care facility provided that the abuse is not alleged to have occurred there.

The act contains an emergency clause.
LORIE TOWE

120103	Prefiled	
010704	S First Read	S11
011204	Second Read and Referred S Aging, Families, Mental & Public Health Committee	S89
012804	Hearing Scheduled S Aging, Families, Mental & Public Health Committee	

EFFECTIVE : August 28, 2004

SB 0804

SENATE SPONSOR Foster

2704S.02I

SB 804 - This act modifies language in section 198.086 regarding Alzheimer's Demonstration Projects. New language also specifies that each participating facility that does not receive reimbursement from the state Medicaid program only has to file a cost report relating to its activities-based programming.

LORIE TOWE

120103	Prefiled	
010704	S First Read	S11
011204	Second Read and Referred S Aging, Families, Mental & Public Health Committee	S90
012804	Hearing Scheduled S Aging, Families, Mental & Public Health Committee	

EFFECTIVE : August 28, 2004

SB 0805

SENATE SPONSOR Loudon

3101S.01I

SB 805 - This act eliminates the requirement that individual and small group health insurance policies provide coverage for certain health insurance mandates. This act also eliminates a marketing restriction on insurance companies.

This act establishes the Mandated Benefit Review Commission within the Department of Insurance. The Commission will be comprised of the Director of the Department of Insurance, the Director of the Department of Health, four members of the General Assembly (2 Senate/2 House - nonvoting advisory capacity), and six individuals appointed by the governor with the advice and consent of the Senate (2 health insurance purchasers, two employers (small and large), and two employees who pay a percentage of their employer sponsored health insurance. The Commission must be established by October 1, 2004.

Once the Commission has been established, it must review all existing state mandated benefits and issue a report to the General Assembly by the tenth legislative day in January 2006. The report shall discuss the projected costs of all state and federal mandates and the Commission shall recommend to the General Assembly which mandated benefits should be repealed from state law.

The Commission shall also review all mandated benefits proposed by member of the General Assembly. Whenever a bill containing a mandated benefit is proposed, the committee having jurisdiction over the proposal shall determine whether the committee favors the proposed mandate or not. If the Committee is in favor of the mandate, the Committee may refer the matter to the Commission for its review. The Committee must review the proposed mandate and issue a report to the committee. The report must contain the social impact of mandating the benefit, the financial impact of mandating the benefit, the medical efficacy of mandating the benefit, and the effects of balancing the social, economic and medical efficacy considerations. Once a review and evaluation of the mandated benefit has been made by the commission, the committee shall review the commission's findings.

Under this act, no mandated health benefit shall be enacted into law prior to January 1, 2006. After that date, no proposed mandate may be enacted into law unless the commission has reviewed and evaluated the mandate.

This act is identical to SB 460 and HB 193 (2003) and is similar to provisions contained in SB 1063 (2002).

STEPHEN WITTE

120103 Prefiled
010704 S First Read S11
011204 Second Read and Referred S Small Business, Insurance
and Industrial Relations Committee
012104 Hearing Conducted S Small Business, Insurance and
Industrial Relations Committee-Consent

EFFECTIVE : August 28, 2004

SB 0806

SENATE SPONSOR Loudon

3105S.01I

SB 806 - This act modifies the adoption tax credit by eliminating the aggregate cap on the credit.

The act is identical to SB 500 (2003).
JEFF CRAVER

120103 Prefiled

010704 S First Read

S11

011204 Second Read and Referred S Ways & Means Committee

S90

EFFECTIVE : August 28, 2004

SB 0807

SENATE SPONSOR Loudon

3142S.01I

SB 807 - 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.

This act is identical to SB 268 (2003).
JIM ERTLE

120103 Prefiled

010704 S First Read

S11

011204 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee

S90

EFFECTIVE : August 28, 2004

SB 0808

SENATE SPONSOR Klindt

2740S.02I

SB 808 - This act establishes the Missouri Biomass

Technology Commission. The Commission shall have seven members. The directors from the Departments of Agriculture, Economic Development, and Natural Resources are members. Other members include four individuals with backgrounds in alternative energy research or business, individuals appointed by the Governor with advice and consent of the Senate.

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, 2007.
MEGAN CRAIN

120103 Prefiled

010704 S First Read

S11

011204 Second Read and Referred S Agriculture, Conservation,
Parks & Natural Resources Committee

S90

012204 Hearing Conducted S Agriculture, Conservation, Parks
& Natural Resources Committee

EFFECTIVE : August 28, 2004

SB 0809

SENATE SPONSOR Klindt

2965S.01I

SB 809 - This act makes information collected in the course of an insurance compliance audit privileged information and not discoverable in civil, criminal or administrative proceedings unless an exception applies.

Audit documents submitted to the Director of Insurance are confidential. Audit documents submitted to the department of insurance remain property of the insurer and are not subject to disclosure under the Sunshine Law. Persons preparing the audit documents shall not be examined in civil, criminal or administrative hearings unless the documents are not privileged.

The privilege established in this act shall not apply to

documents which are expressly waived. A court may require disclosure of materials, after in-camera review, if it determines that the privilege was asserted for a fraudulent purpose or that the privilege does not apply. A court may order disclosure of materials in a criminal proceeding, after in-camera review, if it determines that the privilege was asserted for a fraudulent purpose, that the privilege does not apply or that material contains relevant evidence of a crime which is not otherwise available.

An insurer may voluntarily submit the audit to the Department of Insurance without waiving the privilege. The privilege is deemed to be waived by the insurer 30 days after receiving a request for disclosure of a self-evaluative audit by the department or a prosecutor, unless the insurer files a petition for an in camera examination. Any compelled disclosure of an audit will not make the audit a public document.

The privilege shall not apply to:

- (1) Documents expressly required to be collected, maintained or reported to regulatory agencies pursuant to law;
- (2) Information obtained by observation or monitoring by any regulatory agency; or
- (3) Information obtained from an independent source.

The privilege created by this act shall apply to all litigation or administrative proceedings pending on the effective date of this act.

This act is similar to SB 406 (2003), SB 1157 (2002) and HB 927 (2001).

STEPHEN WITTE

120103 Prefiled	
010704 S First Read	S11
011204 Second Read and Referred S Small Business, Insurance and Industrial Relations Committee	S90

EFFECTIVE : August 28, 2004

SB 0810

SENATE SPONSOR Klindt

2964S.01I

SB 810 - This act provides immunity from civil liability to certain persons owning land adjoining public trails.

MEGAN CRAIN

120103 Prefiled
010704 S First Read S11-12
011204 Second Read and Referred S Agriculture, Conservation,
Parks & Natural Resources Committee S90

EFFECTIVE : August 28, 2004

SB 0811

SENATE SPONSOR Cauthorn

3026S.01I

SB 811 - 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.

The act takes effect for tax years beginning on or after January 1, 2004.

This act is similar to SB 823 (2002) and SB 188 (2003).
JEFF CRAVER

120103 Prefiled
010704 S First Read S12
011204 Second Read and Referred S Pensions & General Laws
Committee S90
012704 Hearing Scheduled S Pensions & General Laws Committee

EFFECTIVE : August 28, 2004

SB 0812

SENATE SPONSOR Cauthorn

3025S.01I

SB 812 - 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.

This act is similar to SB 211 (2003).
JEFF CRAVER

120103 Prefiled
010704 S First Read S12
011204 Second Read and Referred S Ways & Means Committee S90
012004 Hearing Conducted S Ways & Means Committee

EFFECTIVE : August 28, 2004

SB 0813

SENATE SPONSOR Cauthorn

3024S.01I

SB 813 - 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 such regularly scheduled instructional time as is reasonably necessary for participation in an officially-sanctioned activity of any FFA, FCCLA and 4-H program.

The act also provides that students may participate in FFA, 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 identical to the SCS/SB 337 (2003).
DONALD THALHUBER

120103 Prefiled

010704 S First Read S12
011204 Second Read and Referred S Education Committee S90

EFFECTIVE : August 28, 2004

SB 0814

SENATE SPONSOR Dougherty

2927S.01I

SB 814 - The act increases from 100 to 200 the number of one-year, renewable \$2,000 scholarships for minority students. The act also increases the scholarship amount (from \$2,000 to \$3,000) if the student is entering the special education field.

The act is identical to SB 898 (2002).
DONALD THALHUBER

120103 Prefiled

010704 S First Read S12
011204 Second Read and Referred S Education Committee S90

EFFECTIVE : August 28, 2004

SB 0815

SENATE SPONSOR Dougherty

2780S.01I

SB 815 - 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 115 (2003).
MEGAN CRAIN

120103 Prefiled

010704 S First Read

S12

011204 Second Read and Referred S Aging, Families, Mental & Public Health Committee

S90

EFFECTIVE : August 28, 2004

SB 0816

SENATE SPONSOR Dougherty

2784S.01I

SB 816 - This act allows eligible foster children to receive a waiver of tuition and fees at state-funded colleges or universities. Eligible students shall be Missouri residents, shall have graduated from high school or received a GED within the last three years, shall have been accepted for admission at a state-funded college or university, shall have applied for other student financial assistance, shall have been in foster care under the Department of Social Services on or after one of the dates specified in the act, shall complete community service or public internship as required under the act and shall apply to the Coordinating Board for Higher Education for the waiver.

The waiver shall be annually renewable for up to a total of four years if the student remains in good academic standing. The waiver shall only be used after other sources of aid are used. No student enrolled when the act becomes effective shall be eligible for a waiver under this act. The program shall begin with incoming freshmen in the 2005 fall semester.

This act is similar to SB 572 (2003).
DONALD THALHUBER

120103 Prefiled

010704 S First Read

S12

011204 Second Read and Referred S Education Committee

S90

EFFECTIVE : August 28, 2004

SB 0817

SENATE SPONSOR Kennedy

2911S.01I

SB 817 - This act regulates the licensure and registration of marital and family therapists and counselors.

The act creates the Board of Counselors and Therapists, which shall consist of nine members to be appointed by the Governor. The act abolishes the State Committee of Marital and Family Therapists and the Committee for Professional Counselors and merges their duties into the Board of Counselors and Therapists.

Communications made to licensed professional counselors and licensed marital and family therapists shall be considered privileged. The Board shall have the authority to issue subpoenas and require production of documents and records.

The act sets forth educational and examination requirements to be licensed as a marital and family therapist or a professional counselor. The Board may issue temporary permits for extenuating circumstances.

Anyone violating the provisions of Sections 337.400 to 337.430 and Sections 337.505 to 337.540 will be guilty of a Class B misdemeanor.

This act is similar to SB 523 (2003).
JIM ERTLE

120103 Prefiled

010704 S First Read

S12

011204 Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee S90

EFFECTIVE : August 28, 2004

SB 0818

SENATE SPONSOR Coleman

2917S.01I

SB 818 - This act changes the definition in Section 567.010, RSMo, of "prostitution-related offense" to include any violation of state law or county or municipal ordinance related to prostitution.

SUSAN HENDERSON

120103 Prefiled

010704 S First Read	S12
011204 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S90
012104 Hearing Conducted S Judiciary & Civil & Criminal Jurisprudence Committee	

EFFECTIVE : August 28, 2004

SB 0819

SENATE SPONSOR Coleman

2918S.01I

SB 819 - This act allows the court to order, in addition to other penalties, the convicted person to reimburse law enforcement for reasonable costs associated with arrests involving violations of county or municipal ordinances relating to prostitution, including the cost of blood testing.

SUSAN HENDERSON

120103 Prefiled

010704 S First Read	S12
011204 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S90
012104 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee	

EFFECTIVE : August 28, 2004

SB 0820

SENATE SPONSOR Coleman

2582S.01I

SB 820 - 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.

This act is identical to SB 91 (2003).
STEPHEN WITTE

120103 Prefiled
010704 S First Read S12
011204 Second Read and Referred S Judiciary and Civil &
Criminal Jurisprudence Committee S90

EFFECTIVE : August 28, 2004

SB 0821

SENATE SPONSOR Shields

3127S.01I

SB 821 - This act taxes adult entertainment products and services at a rate of 5%. Such products and services include matter containing sexually explicit material, or live performances of sexually explicit conduct. A tax is also imposed for the storage of sexually explicit material. The Department of Revenue shall promulgate rules to enforce the provisions of this act.

JEFF CRAVER

120103 Prefiled
010704 S First Read S12
011204 Second Read and Referred S Ways & Means Committee S90

EFFECTIVE : August 28, 2004

SB 0822

SENATE SPONSOR Shields

3126S.01I

SB 822 - This act requires all controlled substances present in the state to have tax stamps affixed. The Director of the Department of Revenue shall issue these stamps. The person purchasing the stamps may do so anonymously. The value of the stamp that must be affixed varies among the type and form of the controlled substance.

Neither the Director of the Department of Revenue may reveal any information gathered in the assessment process, nor may that information be used in a criminal proceeding.

Anyone in possession of a controlled substance that does not have a stamp affixed will be subject to an assessment and applicable penalties and statutory interest. Failure to pay an assessment may result in seizure and sale of property by the department of revenue.

Half of all revenue gained from the tax stamps will be

deposited in general revenue, with one-half of that amount to be appropriated to fund the foundation formula. The other half of the revenue raised through assessment and delinquent taxes will be sent to the law enforcement agencies that participated in the investigation.

The act is identical to SB 610 (2003).
JEFF CRAVER

120103 Prefiled

010704 S First Read

S12

011204 Second Read and Referred S Ways & Means Committee

S90

EFFECTIVE : August 28, 2004

SB 0823

SENATE SPONSOR Shields

3066S.01I

SB 823 - This act changes the classification of an intoxication-related offense from a Class A misdemeanor to a Class D felony when the person committing the violation is a prior offender.

SUSAN HENDERSON

120103 Prefiled

010704 S First Read

S12

011204 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee

S90

EFFECTIVE : August 28, 2004

SB 0824

SENATE SPONSOR Griesheimer

3090S.01I

SB 824 - This act allows peace officers the option as to whether they will or will not seize a motor vehicle that has a missing or illegible identification number and relieves the courts of the responsibility of storing a vehicle that does not have the proper identification number. The responsibility of storing the vehicle shall be placed with the police agency investigating the circumstances surrounding the motor vehicle in question. The current law mandates law enforcement officers to seize any motor vehicle with an altered or missing public vehicle identification number despite any identifiable criminal intent.

STEPHEN WITTE

120103 Prefiled
010704 S First Read S12
012004 Second Read and Referred S Judiciary and Civil &
Criminal Jurisprudence Committee S129

EFFECTIVE : August 28, 2004

SB 0825

SENATE SPONSOR Griesheimer

3091S.01I

SB 825 - This act revises the current weigh station law. Under the current law, a person who avoids stopping at a weigh station must also be found to be overweight in order to be penalized for evading the weigh station. This act removes this qualification and simply penalizes a person for evading a weigh station, regardless of the reason.

This act is similar to HB 1918 (2002).
STEPHEN WITTE

120103 Prefiled
010704 S First Read S12
011204 Second Read and Referred S Transportation Committee S90

EFFECTIVE : August 28, 2004

SB 0826

SENATE SPONSOR Bartle

2805S.01I

SB 826 - This act conditions the issuance of driving privileges upon continued enrollment in school and progress towards graduation for anyone under the age of 18. Beginning August 28, 2004, a driver's license or learner's permit applicant under the age of 18 will need to present proof of graduation or enrollment and progress in school in order to receive or renew a license or permit. The act applies to students in home schools, and in vocational, alternative, and special education programs, as well as in public and nonpublic secondary schools and high school equivalence courses.

Schools (and the parent of a home-schooled child) must report withdrawals of students 15 years of age and older to the Department of Revenue, which will suspend the license of the withdrawing student 30 days after notification. Schools must also report when to the Department of Revenue that the student is not making satisfactory academic progress which is defined as not maintaining a cumulative GPA of 1.75 or higher.

The act defines withdrawal as 10 consecutive days or a total of 15 days of unexcused absence in a semester. Students who withdraw in order to transfer to another school and who provide proof of transfer within 5 days will not be reported. Emancipated minors may request a waiver from the local school board; the school board must decide if it is in the emancipated minor's best interests to have a license.

STEPHEN WITTE

120103 Prefiled

010704 S First Read

S12

012004 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee

S129

EFFECTIVE : August 28, 2004

SB 0827

SENATE SPONSOR Bartle

2723S.01I

SB 827 - This act allows appeals from orders granting or denying class action certification. Such an appeal shall not stay court proceedings unless so ordered by the trial court or the court of appeals.

This act is identical to SCS/SB 213 (2003).
JIM ERTLE

120103 Prefiled

010704 S First Read

S12

011204 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee

S90

012104 Hearing Conducted S Judiciary & Civil & Criminal Jurisprudence Committee

EFFECTIVE : August 28, 2004

SB 0828

SENATE SPONSOR Bartle

2732S.01I

SB 828 - This act reduces the salaries of members of the General Assembly in fiscal year 2005 to a sum equal to 97 percent of their salaries in fiscal year 2004.

This act has an emergency clause.

This act is similar to SB 499 (2003).
JIM ERTLE

120103 Prefiled
010704 S First Read S12
011204 Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee S90
012004 Hearing Conducted S Financial & Governmental Org., Veterans' Affairs & Elections Committee

EFFECTIVE : Emergency Clause

SB 0829

SENATE SPONSOR Bray

3173S.01I

SB 829 - This act revises provisions concerning public employees and appointed officials and establishes the Public Employee Due Process Act.

The act:

Prohibits employees from appealing a dismissal or demotion under the act if an employee has a right to appeal the dismissal or demotion under the State Personnel Law (Merit System);

Establishes the Public Employee Due Process Act;

Requires public bodies to serve written notice (in person or by certified mail) to employees they intend to terminate, discipline, or demote. The notice must contain the grounds for the intended action;

Requires the notice to contain a provision allowing the matter to be heard by a hearing officer;

Requires a public body to provide an employee a remediation plan of at least four months duration before proceeding with a plan to terminate, discipline, or demote the employee;

Contains provisions concerning the hearing process by the State Board of Mediation, including the selection of a hearing officer, disclosure of witnesses, employee representation by legal counsel and other counsel, and recording the hearing;

Allows the hearing to be open to the public unless a closed hearing is requested by the employee;

Specifies the duties of the hearing officer;

Requires the board to develop regulations concerning discovery by the parties and regulations concerning the hearing process;

Contains provisions concerning the disposition of the hearing, including a review of the hearing officer's decision under Sections 536.100 to 536.140, RSMo;

Prohibits appointed officials who are removed by the Governor from appealing their removal under the act;

Allows permanent teachers to be notified of their right to a hearing by the board of education or the State Board of Mediation and their right to request a hearing by the board of education or

the State Board of Mediation if their contract is considered for termination; and

Specifies the hearing process for permanent teachers who are contesting the termination of their contract. Permanent teachers can elect to appeal the decision to terminate their contract through the Board of Education or the State Board of Mediation.

RICHARD MOORE

120103 Prefiled

010704 S First Read

S13

011204 Second Read and Referred S Small Business, Insurance
and Industrial Relations Committee

S90

EFFECTIVE : August 28, 2004

SB 0830

SENATE SPONSOR Bray

3184S.01I

SB 830 - This act brings Missouri sales and use tax laws into compliance with the streamlined sales and use tax agreement.

Compliance involves modifying many sections throughout the law, based upon meeting the following criteria:

(1) The sourcing of sales must be changed to be based on receipt. This means that current law is modified, where necessary, to consider the point of sale, and thus the applicable tax rate, to be the point of receipt of the product;

(2) When a city annexes property, the change to the tax rate will take place on the first day of the second calendar quarter after the Director of Revenue receives notice of the boundary change;

(3) The same provisions as in (2) shall apply to rate changes;

(4) All sales taxes must be administered at the state level if they are not already;

(5) All state and local sales taxes must have the same base. This means that exemptions at the state and local level must be identical;

(6) Certain definitions, including a definitions for "delivery charges", "food" "lease or rental", "purchase price", "sales price", "tangible personal property" and other modified definitions, must be adopted from the streamlined sales and use tax agreement;

(7) The Department of Revenue can require electronic filing and payment of the sales and use tax;

(8) Registration for out of state sellers is simplified and no bond is required;

(9) No caps or thresholds may exist on the collection of

sales or use taxes; and

(10) Out of state sellers must be offered uniform, simplified, electronic filing.

The act is similar to SB 631 (2003).
JEFF CRAVER

120103 Prefiled

010704 S First Read

S13

011204 Second Read and Referred S Ways & Means Committee

S90

EFFECTIVE : August 28, 2004

SB 0831

SENATE SPONSOR Bray

3187S.01I

SB 831 - 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 five years to three 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 three 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.

The act is similar to SB 336 (2003).
JEFF CRAVER

120103	Prefiled	
010704	S First Read	S13
011204	Second Read and Referred S Ways & Means Committee	S90

EFFECTIVE : August 28, 2004

SB 0832

SENATE SPONSOR Wheeler

3165S.01I

SB 832 - This act would subject a nonprofit health entity to additional requirements prior to the nonprofit health entity entering into any agreement or transaction to convey its assets to a for-profit corporation or entity.

APPLICATION - Any entity or corporation making such an acquisition in a nonprofit hospital must first apply to the Attorney General (AG) and the Department of Health (in cases involving nonprofit hospitals) or the attorney general and the

department of insurance (in cases involving nonprofit HMOs or health services corporations). The application shall include a copy of the acquisition agreement, a financial and economic analysis and any other relevant documents requested by the AG. (Section 355.903)

The Department of Health & Senior Services or the Department of Insurance must publish notice of the application within 10 days after receiving the application in a local newspaper and shall notify individuals who have requested such notice. If the AG decides to review the application, the appropriate department will review the application and forward its recommendation to the AG as to whether the application should be approved.

ATTORNEY GENERAL - The AG has 15 days to decide whether to review the application and if the AG decides to review the application, he or she must approve or disapprove the application within 75 days after deciding to review. The AG shall hold at least one public hearing. The AG shall not approve the acquisition unless the AG finds that the acquisition is in the public interest. The AG must consider a variety of factors outlined in the act to determine whether it is in the public interest. The AG may conditionally approve an application.

APPEAL OF ATTORNEY GENERAL'S DECISION - A person with a legal interest in a nonprofit health entity may obtain judicial review of the AG's decision. Venue for the appeal shall lie in the county where the health entity being divested is located. The AG's decision shall be approved unless there was an abuse of discretion.

CONFLICTS OF INTEREST - The act limits conflicts of interest between the buyer and the nonprofit health entity and between the buyer and any nonprofit charitable institution which may receive assets.

ENFORCEMENT - The Department of Health & Senior Services or the Department of Insurance, in the appropriate case, may suspend or revoke a nonprofit health license if this act is violated (e.g. failure to get approval under this act or failure to follow conflict of interest rules).

This act contains an emergency clause.

This act is similar to SB 579 (2003).
JIM ERTLE

120103 Prefiled
010704 S First Read
011204 Second Read and Referred S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee S90

S13

EFFECTIVE : August 28, 2004

SB 0833

SENATE SPONSOR Russell

2529S.01I

SB 833 - This act eliminates the provision allowing for marriage under the age of fifteen with the court's consent. This act requires an individual to be eighteen in order to marry, with an exception allowing only those who are seventeen to marry with parental consent. No one under the age of seventeen shall be issued a marriage license under any circumstances. This Act does not modify the requirement that every license state that the individuals marrying are "of age" or the name of the consenting parent if one, or both, of the individuals is under age.

SUSAN HENDERSON

120103 Prefiled

010704 S First Read

S13

011204 Second Read and Referred S Aging, Families, Mental & Public Health Committee

S90

EFFECTIVE : August 28, 2004

SB 0834

SENATE SPONSOR Russell

2954S.01I

SB 834 - This act provides that the Governor or the Director of the Office of Administration shall recognize a state employee collective bargaining unit, upon approval by a majority of the unit's employees.

This act is identical to SCS/SB 96 (2003).
RICHARD MOORE

120103 Prefiled

010704 S First Read

S13

011204 Second Read and Referred S Small Business, Insurance and Industrial Relations Committee

S90

EFFECTIVE : August 28, 2004

SB 0835

SENATE SPONSOR Caskey

2797S.01I

SB 835 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 inadmissibility 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.

This act is identical to SB 231 (2003).
SUSAN HENDERSON

120103	Prefiled	
010704	S First Read	S13
011204	Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S90
012104	Hearing Conducted S Judiciary & Civil & Criminal Jurisprudence Committee	

EFFECTIVE : August 28, 2004

SB 0836

SENATE SPONSOR Caskey

2801S.01I

SB 836 - 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. The act requires the state to reimburse any political subdivision which experience a loss of revenue due to

the provisions of the act.
JEFF CRAVER

120103 Prefiled
010704 S First Read S13
011204 Second Read and Referred S Ways & Means Committee S90
012004 Hearing Conducted S Ways & Means Committee

EFFECTIVE : August 28, 2004

SB 0837

SENATE SPONSOR Caskey

3031S.01I

SB 837 - This act requires that when a professional licensee of this state has been found to be delinquent on his or her taxes and then remedies such delinquency, the director of revenue shall, within ten business days, provide written notification as to such remedy.

JEFF CRAVER

120103 Prefiled
010704 S First Read S13
011204 Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee S90
012004 Hearing Conducted S Financial & Governmental Org., Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2004

SB 0838

SENATE SPONSOR Goode

2647S.01I

SB 838 - 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, 2004.

This act is identical to SB 256 (2003).
JIM ERTLE

120103 Prefiled

010704 S First Read	S13
011204 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S90

EFFECTIVE : August 28, 2004

SB 0839

SENATE SPONSOR Goode

2646S.01I

SB 839 - 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 thirty-three and one-half percent. This is a forty cent per-pack increase to cigarettes and a twenty-three and one-half percentage point increase to tobacco products.

The increased revenue from these two tax changes shall be deposited in the general revenue fund.

The act is identical to SB 254 (2003).
JEFF CRAVER

120103 Prefiled	
010704 S First Read	S13
011204 Second Read and Referred S Ways & Means Committee	S90

EFFECTIVE : Referendum

SB 0840

SENATE SPONSOR Goode

2652S.07I

SB 840 - This act establishes a transfer notice procedure when one person sells or transfers an interest in a motor vehicle to another person. Under the terms of the act, the transferor must notify the Department of Revenue within 10 days of transferring the motor vehicle. The Department of Revenue will determine the notice's form. A new motor vehicle franchise dealer is exempt from this requirement. The notice required by this act does not constitute an assignment or release of any interest in the vehicle.

Once the Department of Revenue receives the transfer notice, it shall make a notation in its records that the motor vehicle has been transferred. Until a new title is issued for the transferred motor vehicle, whenever the Department is asked to provide the name of the owner of the motor vehicle as shown in its records, the Department shall provide the

transferor's name and indicate that the records show a notification of transfer but do not show a title transfer. The Department shall also provide the name of the transferee if available. If the Department does not receive a title application from the named transferee within 60 days of receiving the transfer notice, the Department shall notify the transferee to apply for title. A person will be guilty of a Class C misdemeanor if he knowingly submits false information on the transfer notice (sections 301.196-301.198). These provisions are similar to ones contained in SS/SCS/HCS/HB 600 (2003). The provisions are modeled after provisions contained in Oregon law. These provisions will not go into effect until January 1, 2005.

This act provides that tow trucks requested by law enforcement shall be considered an emergency vehicle after arriving at the scene of an accident. Tow trucks shall only be considered emergency vehicles after arriving and when working the scene at the direction and supervision of law enforcement.

This act provides that towing companies performing tows pursuant to Section 304.155 (law enforcement requested tows) and Section 304.157 (nonconsensual private property tows) shall meet the following requirements:

- (1) Have a verifiable commercial address or storefront;
- (2) Have a fenced, secure and lighted storage lot or an enclosed, secure building for the storage of vehicles;
- (3) Be available 24 hours a day, 7 days a week;
- (4) Maintain an insurance policy or other form of security in the amount of \$1,000,000 per incident;

- (5) Provide worker's compensation on all of its employees, if required to do so by law; and
- (6) Maintain current motor vehicle registrations on all the tow trucks within the towing company's fleet.

The act allows municipalities to adopt ordinances with respect to towing company standards in addition to these minimum standards.

This act modifies the current criminal statute on abandoning a motor vehicle. Under this act, the last owner of record of a motor vehicle shall be deemed *prima facie* to have been the owner of the motor vehicle at the time of abandonment. The last owner of record shall not be deemed to have been the owner of the motor vehicle or to have been the person who abandoned the vehicle if the person has filed notice with the Department of Revenue pursuant to Section 301.196 that the person's interest in the motor vehicle has been transferred. The registered owner shall not be subject to the penalties of the statute if the motor vehicle was in

the care, custody, or control of another person at the time of the violation. The owner can submit an affidavit naming the other person who was in control of the car. The affidavit shall raise a rebuttable presumption that the named person in the affidavit was in control of the vehicle. The court can then terminate the prosecution. If the vehicle is alleged to have been stolen, the owner shall submit a police report. Any person convicted of abandoning a motor vehicle shall be liable for all towing and storage charges and such liability shall remain even if the motor vehicle is sold pursuant a towing lien.

This act authorizes a law enforcement officer to remove abandoned property abandoned on the right-of-way of an interstate highway which is left unattended for two hours, instead of 10 hours, if the law enforcement officer determines that the abandoned property to be a serious hazard to other motorists. The act also authorizes a law enforcement officer to remove abandoned property abandoned on the right-of-way of an interstate highway outside of an urbanized area which is left unattended for two hours, instead of 48 hours, if the law enforcement officer determines that the abandoned property to be a serious hazard to other motorists.

STEPHEN WITTE

120103	Prefiled	
010704	S First Read	S13
011504	Second Read and Referred S Transportation Committee	S117

EFFECTIVE : August 28, 2004

SB 0841

SENATE SPONSOR Childers

2826S.02I

SB 841 - This act conveys the National Guard Armory Building in Pierce City from the state to Pierce City.

This act has an emergency clause.
SUSAN HENDERSON

120103	Prefiled	
010704	S First Read	S13
011204	Second Read and Referred S Economic Development, Tourism and Local Government Committee	S90
012104	Hearing Conducted S Economic Development, Tourism & Local Government Committee-Consent	

EFFECTIVE : Emergency Clause

SB 0842

SENATE SPONSOR Childers

2793S.02I

SB 842 - This act changes the date a lodging establishment license expires to the thirtieth day of September following its issuance. Currently, a lodging establishment license expires on the thirtieth day of May following its issuance.

This act has an emergency clause.
SUSAN HENDERSON

120103 Prefiled
010704 S First Read S13
011204 Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee S90
012004 Hearing Conducted S Financial & Governmental Org., Veterans' Affairs & Elections Committee

EFFECTIVE : Emergency Clause

SB 0843

SENATE SPONSOR Childers

2794S.02I

SB 843 - 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 identical to SB 333(2003).
SUSAN HENDERSON

120103 Prefiled
010704 S First Read S13
011204 Second Read and Referred S Small Business, Insurance and Industrial Relations Committee S90
012104 Hearing Conducted S Small Business, Insurance and Industrial Relations Committee

EFFECTIVE : August 28, 2004

SB 0844

SENATE SPONSOR Yeckel

3004S.03I

SB 844 - This act provides that authorizes the practice of surgical comanagement under certain conditions relating to the informed consent of the patient and the inconvenience of having the operating surgeon responsible for pre- and post-operative care.

None of the comanaging eye care providers may receive a percentage of the global surgical fee that exceeds the relative value of their services provided to the patients. The patient is required to sign a form indicating that the patient understands the financial arrangement between the eye care providers, the licensure and qualifications of the eye care providers, the patient's right to receive care from any of the providers and the right of the patient to accept or decline to participate in the surgical comanagement arrangement. The eye care providers must establish written protocols governing the manner in which care will be provided to patients.

Nothing in this act will authorize a comanaging eye care provider to demand to manage postoperative care in return for making a surgical referral, threaten to withhold referrals to a surgeon who does not agree to comanage a patient, and other coercive practices.

JIM ERTLE

120103 Prefiled

010704 S First Read

S13

EFFECTIVE : August 28, 2004

SB 0845

SENATE SPONSOR Yeckel

3015S.01I

SB 845 - This act establishes the Grand Army of the Republic Veterans' Memorial Highway on the portion of Interstate 44 from the intersection of Highway 100 at the city of Gray Summit west to the Franklin/Crawford County line. The Grand Army of the Republic shall pay for all appropriate signage.

STEPHEN WITTE

120103 Prefiled

010704 S First Read

S14

011204 Second Read and Referred S Transportation Committee S90

EFFECTIVE : August 28, 2004

SB 0846

SENATE SPONSOR Yeckel

3001S.01I

SB 846 - This act modifies provisions relating to the licensing of dietitians. Definitions for "dietetics practice" and "registered dietitian" are created. The State Committee of Dietitians is placed within the division of professional registration. The Committee shall assist the division in carrying out the provisions of the Dieticians Practice Act and shall approve the licensing examination.

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

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

This act is identical to SB 415 (2003).
JIM ERTLE

120103 Prefiled
010704 S First Read S14
011204 Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee S90
012004 Hearing Conducted S Financial & Governmental Org., Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2004

SB 0847

SENATE SPONSOR Bland

2668S.01I

SB 847 - This act will require 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.

This act is identical to SB 178 (2003).

JEFF CRAVER

120103 Prefiled

010704 S First Read S14
011204 Second Read and Referred S Ways & Means Committee S90

EFFECTIVE : August 28, 2004

SB 0848

SENATE SPONSOR Bland

2711S.01I

SB 848 - 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 150 (2003).

DONALD THALHUBER

120103 Prefiled

010704 S First Read S14
011204 Second Read and Referred S Education Committee S90

EFFECTIVE : August 28, 2004

SB 0849

SENATE SPONSOR Bland

2520S.01I

SB 849 - This act mandates that after July 1, 2005, no school district shall receive state aid unless the district offers an alternative education program. Further, the act requires that one percent of the formula appropriation to the Department of Elementary & Secondary Education (DESE) shall be distributed by DESE to establish and fund alternative education programs.

DONALD THALHUBER

120103 Prefiled

010704 S First Read S14
011204 Second Read and Referred S Education Committee S90

EFFECTIVE : August 28, 2004

SB 0850

SENATE SPONSOR Steelman

2682S.01I

SB 850 - This Act conveys the National Guard Armory Building in Salem to the City of Salem.
SUSAN HENDERSON

120103 Prefiled
010704 S First Read S14
011204 Second Read and Referred S Economic Development, Tourism and Local Government Committee S90
012104 Hearing Conducted S Economic Development, Tourism & Local Government Committee

EFFECTIVE : August 28, 2004

SB 0851

SENATE SPONSOR Gross

2926S.01I

SB 851 - This act extends the period between the initial inspection and the reinspection of motor vehicles, from thirty to sixty days. This act directs the air conservation commission to lower the waiver amount for elderly owners as well as those owners who are financially solely dependant on federal and state disability benefits and other public assistance monies, provided they submit reasonable and reliable proof to the commission of their age, disability, and/or income. This act further requires those owners to re-submit that reasonable and reliable proof to the commission thirty calendar days prior to each subsequent emissions inspection before the lowered waiver amount is allowed.
MEGAN CRAIN

120103 Prefiled
010704 S First Read S14
011204 Second Read and Referred S Commerce & the Environment Committee S90

EFFECTIVE : August 28, 2004

SB 0852

SENATE SPONSOR Gross

3038S.02I

SB 852 - This act seeks to restore the readiness assessments that existed in statute prior to 1996. Under the provisions of this act, each school district in the state, beginning with the

2005-06 school year, would provide an assessment program, without charge, to determine readiness for children whose fifth birthday for purposes of kindergarten, and whose sixth birthday for purposes of grade one, occurs on or after August 1 but not later than September 13. Each school district may determine its own program of readiness assessment. Only children who by their assessment are found ready to enter kindergarten or to enter grade one that year shall be admitted to that grade.

This act removes current statutory language which articulates a divergent policy for the Kansas City and St. Louis public schools.

DONALD THALHUBER

120103 Prefiled
010704 S First Read S14
011204 Second Read and Referred S Education Committee S91

EFFECTIVE : August 28, 2004

SB 0853

SENATE SPONSOR Gross

3100S.01I

SB 853 - This act limits government contracting when personal information of Missouri residents is involved to companies within the United States. The act prevents the state from contracting with a foreign company that intends to gather personal information (beyond the name, address, and phone number) of a Missouri resident and use that information in the performance of the contract. The prohibition extends to subcontractors as well.

JEFF CRAVER

120103 Prefiled
010704 S First Read S14
011204 Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee S91

EFFECTIVE : August 28, 2004

SB 0854

SENATE SPONSOR Loudon

3106S.01I

SB 854 - This act requires a parent or guardian to object in writing to a vaccination for their child prior to the first day the child attends school.

Within two weeks of the child attending school, the parent or guardian must submit either proof of vaccination or a notarized vaccination exemption form. The notarized vaccination exemption form will include the name of the child, a list of vaccinations to be marked for exemption, the name and signature of the parent or guardian, and verification that the parent or guardian has reviewed the appropriate materials and has made an informed decision.

Nothing in Section 167.181 shall diminish any religious freedoms protected by the Missouri Constitution and the United States Constitution.

For children enrolled in day care, preschool, and nursery school, a parent or guardian may file a written objection to a vaccination. The parent or guardian can either furnish their own exemption form or use the exemption form provided by the Department.

This act is similar to SB 112 (2003).
LORIE TOWE

120103	Prefiled	
010704	S First Read	S14
011204	Second Read and Referred S Aging, Families, Mental & Public Health Committee	S91

EFFECTIVE : August 28, 2004

SB 0855

SENATE SPONSOR Loudon

3102S.01I
SB 855 - 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 193 (2003).
STEPHEN WITTE

120103	Prefiled	
010704	S First Read	S14
011204	Second Read and Referred S Transportation Committee	S91

EFFECTIVE : Contingent-const. amendment

SB 0856

SENATE SPONSOR Loudon

3231S.01I
SB 856 - This act revises the workers' compensation law.

The act requires that every appointed individual to the Labor and Industrial Relations Commission, serving in any capacity, must receive confirmation from the Senate.

The act modifies the definition of "accident" to include only events that are "an unexpected traumatic event or unusual strain identifiable by time and place of occurrence producing at the time objective systems of an injury, caused by a specific event during a single work shift". The act modifies the definition of "injury" by limiting the definition to only allow compensation if the accident was the dominant factor in causing the condition. The act limits benefits for pre-existing conditions in cases where a work-related injury causes increased permanent disability and reduces compensation by the amount of permanent partial disability that was pre-existing. The act exempts from coverage personal health conditions that manifest themselves at work when an accident is not the dominant factor in the need for medical treatment and injuries from unknown causes. Deterioration from normal activities of day-to-day living is not compensable. The act prohibits accidents which are sustained in

route to work from being compensable. The act abrogates specific cases which address "arising out of" and "in the course of the employment".

In certain situations, diseases of the lungs or respiratory tract or disease of the heart or cardiovascular system, including carcinoma, may be recognized as occupational diseases for the purposes of this chapter, and is a disability due to exposure to smoke, gases, or inadequate oxygen, for peace officers certified pursuant to Chapter 590, RSMo.

The act states that an occupational disease is only compensable if the occupational exposure was the dominant factor in causing the condition. The act increases the penalty when violation of drug and alcohol rules are involved, by reducing benefits by 50 percent, it also requires that intoxication at or above the legal blood level be conclusively presumed to be the proximate cause of injury. The act requires that voluntary settlements be approved.

The act prohibits administrative law judges from having a campaign committee.

The act imposes an impartial standard of review for cases arising under this chapter, rather than a liberal construction that exists under current law.

The act allows an employee to opt out of workers' compensation for religious reasons, but he or she must sign a waiver agreeing not to take future civil actions against the employer.

RICHARD MOORE

120103	Prefiled	
010704	S First Read	S14
011204	Second Read and Referred S Small Business, Insurance and Industrial Relations Committee	S91

EFFECTIVE : August 28, 2004

SB 0857

SENATE SPONSOR Klindt

2959S.01I

SB 857 - This act exempts religious, charitable, and nonprofit organizations from food inspection laws if the food is sold at a religious or charitable function.

Section 261.241, RSMo, provides that sellers of jams and jellies are exempt from specified production requirements as long as they do not annually sell more than \$30,000 of jams and

jellies per domicile. Sellers of jams and jellies are also exempt from all other health standards pursuant to Chapter 196, RSMo, as long as the following requirements are met:

- The jams and jellies must be manufactured in the domicile of the person processing and selling them;
- The jams and jellies must be labeled in legible English with certain information;
- A placard must be displayed in a prominent location stating "This product has not been inspected by the Department; and
- A record of jams and jellies processed and sold must be maintained.

Anyone who violates these provisions may be enjoined from selling jams and jellies by the Department.

This act is similar to SB 82 (2003).
LORIE TOWE

120103 Prefiled
010704 S First Read S14

EFFECTIVE : August 28, 2004

SB 0858

SENATE SPONSOR Klindt

2741S.01I

SB 858 - This act asserts that the A+ reimbursements shall not be issued to any four-year institutions of higher education, regardless of whether such reimbursements are made indirectly by means of a public community college or vocational or technical school. Further, the act specifies that in order for any public community college or vocational or technical school to receive reimbursements from the A+ schools program, the qualifying student must exclusively attend a public community college or vocational or technical school.

This act is identical to SB 520 (2003).
DONALD THALHUBER

120103 Prefiled
010704 S First Read S14
011204 Second Read and Referred S Education Committee S91

EFFECTIVE : August 28, 2004

SB 0859

SENATE SPONSOR Klindt

2963S.01I

SB 859 - This act allows the Superintendent of the Highway Patrol to authorize officers to accept federal commissions to provide investigative and arrest authority and to enforce federal laws. The act also allows Highway Patrol officers to run for and hold positions as school board members.

This act is identical to SB 559 (2003).
SUSAN HENDERSON

120103 Prefiled
010704 S First Read S14
011204 Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee S91
012004 Hearing Conducted S Financial & Governmental Org., Veterans' Affairs & Elections Committee-Consent

EFFECTIVE : August 28, 2004

SB 0860

SENATE SPONSOR Cauthorn

3135S.01I

SB 860 - 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.

JIM ERTLE

120103 Prefiled
010704 S First Read S14
011204 Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee S91
012604 Hearing Scheduled S Financial & Governmental Org., Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2004

SB 0861

SENATE SPONSOR Cauthorn

2453S.02I

SB 861 - This act creates the NRA special license plate. Any member of the NRA desiring such a plate shall pay a \$25 emblem-use contribution to the NRA and pay the Department of Revenue a \$15 fee in addition to regular registration fees. The emblem-use contributions shall be used by the NRA for the Eddie Eagle Gun Safe Program, youth programs, and education and training in the state of Missouri.

STEPHEN WITTE

120103 Prefiled

010704 S First Read

S14

011204 Second Read and Referred S Transportation Committee S91

EFFECTIVE : August 28, 2004

SB 0862

SENATE SPONSOR Cauthorn

3128S.01I

SB 862 - This act creates the "Respect Life" license plate. Any person may acquire such a plate after making a contribution (\$25 annual/ \$50 biennial) to the Missouri Alternatives to Abortion Fund which is created by the act. The contribution shall be made directly to the Department of Revenue. The Director of the Department of Revenue is directed to issue samples of the Respect Life license plates so that the plates are displayed in various registration offices. Moneys in the Missouri Alternatives to Abortion Fund shall be used to promote alternatives to abortion services by grants to private agencies.

STEPHEN WITTE

120103 Prefiled

010704 S First Read

S14

011204 Second Read and Referred S Transportation Committee S91

EFFECTIVE : August 28, 2004

SB 0863

SENATE SPONSOR Dougherty

2782S.01I

SB 863 - 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 SB 285 (2003).
JIM ERTLE

120103 Prefiled	
010704 S First Read	S14
011204 Second Read and Referred S Ways & Means Committee	S91

EFFECTIVE : August 28, 2004

SB 0864

SENATE SPONSOR Dougherty

2914S.02I

SB 864 - This act creates a tax credit for the abatement of lead contamination and designates a dollar check-off on the Missouri income tax return for the Childhood Lead Testing Fund.

This act creates the "Lead Abatement Tax Credit Program", which allows a tax credit for costs incurred for the abatement of lead contamination in an individual's dwelling. The amount of the tax credit shall be equal to the lesser of 50% of the costs or \$5,000 per dwelling. However, the aggregate amount of these credits shall not exceed \$2 million dollars. These credits shall be transferrable and negotiable, but non-refundable. This Program shall apply to all tax years ending on or after December 31, 2005.

The Director of the Department of Economic Development shall determine what the eligible costs are for the credit to be claimed. Eligible costs will be limited to the reasonable costs for abating the property and returning the dwelling to a substantially similar condition. Rule-making authority is given to the Director of the Department of Economic Development, who must consult with the Directors of the Departments of Health and Senior Services and Revenue.

A new Section 143.603 creates a one dollar check-off on the Missouri income tax return. The money designated by the check-off will be deposited into the Childhood Lead Testing Fund, which was created in section 701.345, RSMo. The check-off of one dollar is primarily for taxpayers who are to receive a refund. However, taxpayers who owe taxes may also contribute to the fund and any taxpayer may elect to contribute more than one dollar.

LORIE TOWE

120103 Prefiled	
010704 S First Read	S15
011204 Second Read and Referred S Ways & Means Committee	S91

EFFECTIVE : August 28, 2004

SB 0865

SENATE SPONSOR Dougherty

2777S.03I

SB 865 - This act allows metropolitan school districts (the Board of St. Louis Public Schools) the power to shift their compulsory attendance age range to either six to seventeen years of age or seven to seventeen years of age. In all other school districts the compulsory attendance age range would remain seven to sixteen years of age.

Such a resolution changing the compulsory attendance age can only take effect with the approval of the voters of the district and after the school year during which the resolution is passed.

The act provides exemptions to 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 violation of the compulsory attendance law.

This act is similar to SB 286 (2003).
DONALD THALHUBER

120103	Prefiled	
010704	S First Read	S15
011204	Second Read and Referred S Education Committee	S91

EFFECTIVE : August 28, 2004

SB 0866

SENATE SPONSOR Coleman

2451S.01I

SB 866 - This act revises certain qualifications and procedures for election to the school board in the St. Louis City School District. Residency in the subdistrict from which a member is elected is required. The act clarifies that a qualified resident of the subdistrict will be appointed by the mayor to fill any vacancy.

This act is similar to SB 007 (2003 special session) and HB 112 (2001).
DONALD THALHUBER

120103 Prefiled
010704 S First Read S15
011204 Second Read and Referred S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee S91

EFFECTIVE : August 28, 2004

SB 0867

SENATE SPONSOR Coleman

3054S.01I

SB 867 - This act requires that any product that contains a radio frequency identification tag or bar code shall have a label disclosing that information to the consumer.

HENRY HERSCHEL

120103 Prefiled
010704 S First Read S15
011204 Second Read and Referred S Commerce & the Environment
Committee S91

EFFECTIVE : August 28, 2004

SB 0868

SENATE SPONSOR Shields

3046S.01I

SB 868 - 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 2005 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) and SB 94 (2003).
JEFF CRAVER

120103 Prefiled
010704 S First Read S15
011204 Second Read and Referred S Ways & Means Committee S91
012004 Hearing Conducted S Ways & Means Committee

EFFECTIVE : August 28, 2004

SB 0869

SENATE SPONSOR Shields

3177S.01I

SB 869 - This act provides that a public governmental body is authorized to close a meeting or record to the extent they relate to operational plans, guidelines, policies or procedures held by an agency responsible for public health or safety that are used in responding to or preventing certain critical incidents or events that appear to be terrorist, criminal or hostile in nature and which have the potential to endanger an individual's or the public's safety. This exception does not apply to information regarding expenditures, purchases or contracts made by the agency to implement such plans, guidelines, policies or procedures.

This act is similar to SB 411 (2003).
JIM ERTLE

120103	Prefiled	
010704	S First Read	S15
012004	Second Read and Referred S Commerce & the Environment Committee	S129
012704	Hearing Scheduled S Commerce & the Environment Committee	

EFFECTIVE : August 28, 2004

SB 0870

SENATE SPONSOR Bartle

2735S.01I

SB 870 - This act prohibits adult cabaret or sexually-oriented billboards from being located within one mile of a state highway. This prohibition will not apply if the business is located within one mile of the highway. If the adult cabaret or sexually-oriented business is located within one mile of the state highway, then the business can display a maximum of two exterior signs on the premises of the business. The signs are limited to the purpose of conveying identification and providing notice that the premises are off limits to minors. The identification sign is limited to 40 square feet and can only convey the name, address, telephone number and operating hours of the business. Signs existing before the effective date of this act do not have to comply for a period of three years. Business owners who violate this act are guilty of a Class C misdemeanor.

This act is identical to SB 615 (2003).
STEPHEN WITTE

120103	Prefiled	
010704	S First Read	S15
012004	Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S129

EFFECTIVE : August 28, 2004

SB 0871

SENATE SPONSOR Bray

3174S.01I

SB 871 - This act creates a cause of action for wrongful discharge. Employees may sue for wrongful discharge if:

The employee is discharged for refusing to violate the law or public policy;

The employer violated its own written personnel policy in dismissing the employee; or

The employer deviates from a customary practice used for the dismissal of employees.

An employee may be discharged at will during a probationary period, which may not exceed 12 months. Employees maintain the burden of proof in wrongful discharge suits. Damages available to the employee include back wages and benefits, plus interest, when the employer violates its own personnel policy or customary practices regarding dismissal. When an employee claims the discharge was in retaliation for the employee's refusal to violate the law or public policy, punitive damages and compensatory damages for physical and mental distress are available. Employers subject to the bill include those employing 15 or more people at least 20 weeks per year and the state and its political subdivisions. The bill excludes federal employees and may not amend or negate the terms of a collective bargaining agreement. Employees must exhaust an employer's established internal procedures which may not exceed 90 days before filing a suit. Lawsuits must be filed within one year of the date of discharge, but internal procedures will toll that date for up to 180 days. Any party to such a suit may demand a jury trial.

This act is identical to HB 1067 (2002).
RICHARD MOORE

120103	Prefiled	
010704	S First Read	S15
011204	Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S91

EFFECTIVE : August 28, 2004

SB 0872

SENATE SPONSOR Bray

3172S.01I

SB 872 - Current law permits local school boards to dismiss tenured teachers for certain causes after following certain administrative procedures. This act would allow teachers to

request an administrative hearing at which a hearing officer would decide whether or not the teacher will be dismissed.

The act requires school boards or superintendents to notify teachers at least 120 days before formal notice is served, instead of the current 30 days notice requirement. Under the provisions of this act, should a school board suspend a teacher until a decision is rendered, that teacher is entitled to receive salary and benefits during the suspension. Currently, teachers are only guaranteed salary. Presently, either the teacher or the local school board may request a hearing. This act permits only the teacher to request a hearing.

This act articulates a procedure for the selection of a hearing officer and directs the state board to promulgate rules for the hearings. The act specifies that the hearing will be open to the public unless the teacher requests that the hearing be closed.

Within 30 days after the hearing, the hearing officer must render a decision, which shall be final unless appealed.

This act is identical to SB 461 (2003).
DONALD THALHUBER

120103	Prefiled	
010704	S First Read	S15
011204	Second Read and Referred S Education Committee	S91

EFFECTIVE : August 28, 2004

SB 0873

SENATE SPONSOR Bray

3175S.01I

SB 873 - This act removes references to male and female employees and prohibits paying any employee wages less than those paid to employees of the opposite gender for the same work.

The act also:

Redefines "wages" to include bonuses, stock options, and any compensation that has economic value to an employee;

Creates a civil cause of action against employers who pay lower wages to employees of the opposite gender when the work performed is equal, requires equal skill, and is performed under similar conditions;

Exempts certain wage payment differentials from civil action when they are based on merit systems, regional economic factors, factors that measure pay due to output, or other bona fide factors other than gender. Varying local market rates for equal

jobs do not qualify for this exemption;

Prohibits employers from reducing wages to comply with this act;

Prohibits employers from retaliating against employees who utilize the protections of this act and creates a civil action for actual and compensatory damages for such retaliation; Creates a civil action against employers for actual damages and compensatory damages, not to exceed twice the wages awarded, for any unlawful gender-based pay practice;

Authorizes an injunction against employers for violation of the provisions of the act;

Allows for the recovery of attorney fees and court costs in any civil action brought due to the act; and

Abolishes the six-month statute of limitations for filing an action.

This act is identical to HB 1069 (2002).

RICHARD MOORE

120103 Prefiled

010704 S First Read

S15

012004 Second Read and Referred S Small Business, Insurance and Industrial Relations Committee

S129

EFFECTIVE : August 28, 2004

SB 0874

SENATE SPONSOR Caskey

3039S.01I

SB 874 - This act removes the current exemption that allows a member of a specified religious denomination, which prohibits photographs of members as being contrary to its religious tenets to elect not to have their photograph taken for identification purposes on a Missouri driver's license and non-drivers identification license.

RICHARD MOORE

120103 Prefiled

010704 S First Read

S15

011404 Second Read and Referred S Transportation Committee S101

012004 Hearing Conducted S Transportation Committee

EFFECTIVE : August 28, 2004

SB 0875

SENATE SPONSOR Caskey

3214S.01I

SB 875 - This act modifies the percentage of property tax collections that are deposited in the county assessment fund. It increases the percentage from one-half of one percent to one percent in first class counties and St. Louis City. For second, third, and fourth class counties the percentage becomes two percent, up from one-and one half percent in second class counties and one percent in third and fourth class counties.

JEFF CRAVER

120103	Prefiled	
010704	S First Read	S15
011204	Second Read and Referred S Economic Development, Tourism and Local Government Committee	S91
012104	Hearing Conducted S Economic Development, Tourism & Local Government Committee-Consent	

EFFECTIVE : August 28, 2004

SB 0876

SENATE SPONSOR Goode

2641S.01I

SB 876 - This act establishes a fifty cent fee on each new tire sold at retail, to be paid to the Department of Revenue. A portion of the proceeds of new tire fees, less six percent the proceeds, shall be transferred into a subaccount of the solid waster management fund. Other available revenue may be allocated to the Department of Natural Resources, Secondary Education, and utilized for grants. The department shall promulgate by rule, a plan utilizing the monies generated to remove waste tires from illegal tire dumps, provide grants to people that will use products derived from waste tires or used waste tires as fuel, and resource recovery activities.

This act extends the sunset on fees for waste tires until January 1, 2014.

MEGAN CRAIN

120103	Prefiled	
010704	S First Read	S15
011204	Second Read and Referred S Commerce & the Environment Committee	S91
012004	Hearing Conducted S Commerce & the Environment Committee	

EFFECTIVE : August 28, 2004

SB 0877

SENATE SPONSOR Goode

2753S.03I

SB 877 - This act gives the power of eminent domain to towns and villages in St. Louis County. Such towns and villages are also authorized to provide for and regulate sewage reduction devices, street lighting systems and water supplies.

This act is similar to SB 142 (2003).
JIM ERTLE

120103 Prefiled

010704 S First Read

S15

EFFECTIVE : August 28, 2004

SB 0878

SENATE SPONSOR Goode

2796S.02I

SB 878 - This act directs Missouri gas companies to file a set of experimental tariffs with the Public Service Commission. These tariffs are applicable to all school districts, whether charter, private, public or parochial thereafter. The tariffs shall, at a minimum, provide for the aggregate purchasing of natural gas, the resale of such natural gas supplies at the gas corporation's cost of purchasing such supplies, and they shall not require special metering. The Commission may suspend the program for a period of time if it is causing a negative financial impact on the corporation, its customers or local taxing authorities.

The termination date has been extended to June 30, 2007 - two years after its original termination date.
MEGAN CRAIN

120103 Prefiled

010704 S First Read

S15

011204 Second Read and Referred S Commerce & the Environment Committee

S91

012004 Hearing Cancelled S Commerce & the Environment Committee-Consent

012704 Hearing Scheduled S Commerce & the Environment Committee-Consent

EFFECTIVE : August 28, 2004

SB 0879

SENATE SPONSOR Bland

2699S.01I

SB 879 - 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, 2005.

This act is identical to SB 140 from 2003.
DONALD THALHUBER

120103 Prefiled	
010704 S First Read	S15
011204 Second Read and Referred S Ways & Means Committee	S91

EFFECTIVE : August 28, 2004

SB 0880

SENATE SPONSOR Bland

2680S.01I

SB 880 - 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 138 (2003).

JIM ERTLE

120103 Prefiled

010704 S First Read

S15

011204 Second Read and Referred S Financial & Governmental

Organization, Veterans' Affairs & Elections Committee S91

EFFECTIVE : August 28, 2004

SB 0881

SENATE SPONSOR Bland

2707S.01I

SB 881 - This act requires health carriers that offer health benefit plans in this state on or after January 1, 2005, 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 146 (2003).
STEPHEN WITTE

120103 Prefiled	
010704 S First Read	S15-16
011204 Second Read and Referred S Small Business, Insurance and Industrial Relations Committee	S91

EFFECTIVE : August 28, 2004

SB 0882

SENATE SPONSOR Klindt

2742S.01I

SB 882 - This act expands the definition of "animal facility" to include an animal farming operation, business or organization that engages in the agricultural production or scientific research, including barns, buildings or other structures.

This act makes it illegal to release, steal, or intentionally cause injury to animals at these facilities. Other prohibitions include but are not limited to, damaging, stealing or vandalizing property within the facility, illegally obtaining records from the facility, and the release or theft of animals from a facility. Penalties are laid out for violations of these prohibitions as are recovery provisions for persons damaged by those who violate the act.

The act makes it a Class D felony if a person photographs, videotapes or otherwise obtains images without the express written consent of the animal facility, from a location not legally accessible to the public.

This act makes it a Class B felony for a person to intentionally or knowingly release or introduce any pathogen or disease in or near an animal facility that has the potential to cause disease to an animal or that threatens the human health or biosecurity at the animal facility.

This act also gives the Director of the Department of Agriculture the ability to initiate civil legal action in the circuit court of the county where the violation occurred.

This act is identical to SB 657(2003).
MEGAN CRAIN

120103 Prefiled
010704 S First Read S16
011204 Second Read and Referred S Agriculture, Conservation,
Parks & Natural Resources Committee S91

EFFECTIVE : August 28, 2004

SB 0883

SENATE SPONSOR Klindt

2960.01

SB 883 - Section 135.766, 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

120103 Prefiled
010704 S First Read S16
012004 Second Read and Referred S Small Business, Insurance
and Industrial Relations Committee S129

EFFECTIVE : August 28, 2004

SB 0884

SENATE SPONSOR Klindt

2958S.01I

SB 884 - This act provides that the Revisor of Statutes shall amend the Revised Statutes of Missouri accordingly to reflect occurrences when the Supreme Court determines that a bill is unconstitutional on procedural grounds. This applies when a bill is improperly enacted, but does not apply when the Court determines a bill to be unconstitutional on substantive grounds.

JEFF CRAVER

120103 Prefiled
010704 S First Read S16

012004 Second Read and Referred S Financial & Governmental
Organizations, Veterans' Affairs & Election Committee S129

EFFECTIVE : August 28, 2004

SB 0885

SENATE SPONSOR Cauthorn

3185S.01I

SB 885 - This act provides an alternative method for issuing certain utilities revenue bonds. Current law requires that the issuance be put to a vote of the people. With this act, for the purposes of purchasing or leasing, constructing, installing, and operating reservoirs, pipelines, wells, check dams, pumping stations, water purification plants, and other facilities for the production, wholesale distribution, and utilization of water, the municipal water commission may provide for a vote by the governing body of each contracting municipality. Such vote shall require the approval of three-quarters of all governing bodies of the contracting municipalities. The commission must receive an engineers report, and provide a public hearing prior to the issuance.

JEFF CRAVER

120103 Prefiled
010704 S First Read S16
011204 Second Read and Referred S Commerce & the Environment
Committee S91

EFFECTIVE : August 28, 2004

SB 0886

SENATE SPONSOR Cauthorn

2467S.02I

SB 886 - This act creates voluntary districts for individuals who are owners or operators of land used in the cultivation of commercial crops within the physical boundaries of the district.

This act establishes organizational requirements, rights, and responsibilities for the grower districts.

This act is similar to provisions (Sections 261.250 to 261.289) that were contained in SS/SCS/HCS/HB 257 (2003).

MEGAN CRAIN

120103 Prefiled
010704 S First Read S16

011204 Second Read and Referred S Agriculture, Conservation,
Parks & Natural Resources Committee S91

EFFECTIVE : August 28, 2004

SB 0887

SENATE SPONSOR Goode

2643S.01I

SB 887 - This act modifies the current limitation to the reduction in the taxable purchase price of an article by trading-in another item. 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. Current law also allows a purchaser of a vehicle for agricultural purposes to offset the taxable purchase price with grain or livestock produced by the purchaser. The act removes this exception to the trade-in restriction.

This act is similar to SB 750 (2002) and SB 124 (2003).
JEFF CRAVER

120103 Prefiled

010704 S First Read S16
011204 Second Read and Referred S Ways & Means Committee S91
012004 Hearing Conducted S Ways & Means Committee

EFFECTIVE : August 28, 2004

SB 0888

SENATE SPONSOR Goode

2651S.01I

SB 888 - Currently, in certain cases, a nonresident may receive an itemized deduction on their federal return for property taxes paid to another state. Current Missouri law does not require that this amount be "added-back" on the Missouri return. Therefore, the deduction for property taxes paid to another state carries through to apply against the Missouri income tax of a nonresident. This act eliminates this deduction by requiring nonresidents to add-back the amount of the federal deduction on their Missouri tax return.

JEFF CRAVER

120103 Prefiled

010704 S First Read S16
011204 Second Read and Referred S Ways & Means Committee S91
012004 Hearing Conducted S Ways & Means Committee

EFFECTIVE : August 28, 2004

SB 0889

SENATE SPONSOR Goode

2645S.01I

SB 889 - The act 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. The act provides 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.

The act requires production of public records, and the fees for copying shall not exceed the amounts charged by the Secretary of State. The Attorney General is authorized to attempt to resolve disputes 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. The act allows a civil penalty if a governmental body has "knowingly" violated the Sunshine Law. Currently, the governmental body must "purposely" violate the Sunshine Law. If a purposeful violation of the Sunshine Law is found, then the court may award costs and reasonable attorneys fees to the other party.

This act is similar to SB 144 (2003).
JIM ERTLE

120103	Prefiled	
010704	S First Read	S16
011504	Second Read and Referred S Commerce & the Environment Committee	S117
012704	Hearing Scheduled S Commerce & the Environment Committee	

EFFECTIVE : August 28, 2004

SB 0890

SENATE SPONSOR Bland

2615S.02I

SB 890 - This act may be known as the "Gun Show Enforcement and Security Act".

This act creates the "Gun Show Enforcement and Security Act", which requires gun show producers to possess a certificate of eligibility from the Department of Public

Safety in order to put on a gun show. The act requires gun show producers to complete the following:

- State familiarity with this act;
- Provide proof of at least one million dollars of liability insurance;
- Provide the Department of Public Safety with a list of planned shows for the year;
- Provide law enforcement with a list of people or entities participating in the show if requested before or during the event;
- Submit an annual event and security plan to the Department of Public Safety and law enforcement, and in the event of modification of such plan, provide updated information;
- Inform gun show vendors of the Gun Show Enforcement and Security Act's requirements and if the vendor refuses to comply, he/she cannot participate;
- Create written contracts with gun show vendors that contain a provision affirming the parties knowledge of the Gun Show Enforcement and Security Act;
- Post signs with notices of information to the attendees at the entrances of the show and the parking lot;

If a gun show producer does not comply with these requirements, the violation is a Class A misdemeanor unless it is a violation pertaining to posting signs, which is a Class B misdemeanor. Other violations of these sections are an infraction for the first offense and a Class B misdemeanor for subsequent violations. A wilful violation of these sections though is a Class A misdemeanor.

The act requires gun show or event vendors to certify in writing to they intend to comply with the requirements of this Act and other applicable laws, not engage in hate crimes, and ensure that the guns are unloaded or secured. Vendors must also provide background information on him/herself and employees to the gun show producer. The gun show producer must keep this information and make it available to law enforcement if requested.

The act requires ammunition to be stored in closed containers at gun shows. With limited exception, possession of a firearm and its accompanying ammunition at the same time is prohibited at gun show events. All firearms brought to the premises by the general public must be tagged and the tag contains information about the owner.

The act requires vendors and employees to wear name tags at the event and every person at the event to carry a identification card.

The act prohibits anyone under the age of 18 to attend

the event without being accompanied by an adult (Sections 571.160-571.167).

BAN ON ASSAULT WEAPONS (Section 571.173) - This section of the Act bans the manufacturing and possession of assault weapons in the state of Missouri. The manufacturing, selling, and other transactions concerning certain weapons can be stopped for a period of time if the Attorney General brings an action in circuit court for a "declaration of temporary suspension". The court will then decide if the weapon should qualify as an "assault weapon" permanently, and if so, all activities concerning the assault weapon must cease. During such proceedings, the Attorney General must notify interested parties. Any interested manufacturer may intervene in the action in a timely manner. The Attorney General has the burden of proof to prove that a weapon should be deemed an "assault weapon" during the hearing.

The act requires the Attorney General to prepare a description of the stated assault weapons and distribute the material to law enforcement agencies. Also, the Attorney General must maintain a list of assault weapons to be published in the Missouri Code of Regulations.

Under this act, manufacturing, distributing, transporting, or importing an assault weapon into the state is a Class C felony. Manufacturers supplying groups such as law enforcement and state agencies are exempted from this prohibition.

Under the act, anyone possessing an assault weapon is guilty of a Class A misdemeanor unless he/she possessed it before the effective date or the date when the weapon was added to the assault weapons list. In such cases, a first-time violation is an infraction and the assault weapon is returned to the owner. If the court finds that the weapon is a threat to public safety, it may order the owner to destroy the assault weapon within 30 days. A failure to destroy the weapon is a Class A misdemeanor. Exceptions to the prohibition against possession of an assault weapon are made for various groups, such as law enforcement and state agencies.

FIREARM DEALER REGULATIONS (Section 571.180) - This section of the Act creates numerous regulations concerning firearm dealers such as:

Requiring a certificate of eligibility from the Department of Public Safety;

Prohibiting residential dealers;

Maintaining a list of current employees and conduct annual background check for employees of a firearm dealer to supply to law enforcement if requested;

Requiring dealers to have a burglar alarm connected to the police department;

Defining a firearm "dealer" & necessary requirements;

Requiring a 10 day wait period before delivering firearms;

Requiring firearms to be stored to be stored securely or unloaded;

Requiring firearms safety devices;

Prohibiting individuals from applying to purchase more than one firearm within a 30-day period;

A wilful violation of this section is a Class A misdemeanor and prohibits a dealer from receiving a certificate of eligibility for one year.

BALLISTIC FINGERPRINTING (Section 571.183) - This section of the Act requires firearm manufacturers to ship a container with a shell casing of a projectile discharged from the gun and other information needed to identify the gun and shell casing when transporting the gun for sale, rental, or transfer. Dealers must confirm to the Missouri State Highway Patrol that the manufacturer complied with the law. The container is forwarded to the Highway Patrol Crime Laboratory when the gun is sold. This section provides the Highway Patrol with a method to track guns that are later used in crimes and identify them accurately.

LOCKING DEVICES (Section 571.186) - This section of the Act makes it unlawful for manufacturers to distribute concealable firearms or assault weapons unless the firearm or assault weapon is equipped with a reusable child safety lock, firearm lock or other locking device. This portion of the Act is similar to Senate Bill 152 (2003).

CHILD ACCESS PROTECTION (Section 571.188) - This section of the Act creates the offense of "unlawfully permitting a child access to a firearm" by storing or leaving a loaded firearm within easy access of a child if the child intentionally discharges the firearm and inflicts injury or death. This section of the Act creates exceptions to the offense and a procedure to follow when a child is accidentally shot by another family member.

SUSAN HENDERSON

120103	Prefiled	
010704	S First Read	S16
012004	Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S129

EFFECTIVE : August 28, 2004

SB 0891

SENATE SPONSOR Bland

2445S.01I

SB 891 - This act requires the Department of Transportation to examine the congestion problems occurring at certain intersections on U.S. Highway 71. The Department must conduct a feasibility study to determine whether overpass systems should be established at such intersections. The act also requires the Department to conduct a feasibility study to determine whether an exit onto U.S. Highway 71 off westbound Interstate 70 should be constructed. The report must be submitted to the General Assembly no later than December 1, 2004.

STEPHEN WITTE

120103 Prefiled

010704 S First Read

S16

011204 Second Read and Referred S Transportation Committee S91

EFFECTIVE : August 28, 2004

SB 0892

SENATE SPONSOR Bland

2449S.01I

SB 892 - This act allows an individual to submit all required reinstatement fees and documents to any permanent branch office maintained by the department of revenue. This provision has an effective date of July 1, 2005.

STEPHEN WITTE

120103 Prefiled

010704 S First Read

S16

012004 Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee S129

EFFECTIVE : August 28, 2004

SB 0893

SENATE SPONSOR Goode

3030S.02I

SB 893 - This act makes various changes to the law regarding community development. Below is a section-by-section summary of this act.

SECTION 99.805 - The act creates and defines the following

new terms in the Real Property Tax Increment Allocation Redevelopment Act: "central business district", "economic activity taxes", "high unemployment", "low-fiscal capacity", "moderate income", "new job", and "retail project".

SECTION 99.810 - 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 for project worth over \$250,000 in TIF. All documents relating to the study and other current requirements must be published prior to 30 days of the adoption of the TIF plan. A resident may enjoin such adoption by suit or 5% of registered voters may petition to have the plan delayed until the voters of the municipality can vote on the issue.

SECTION 99.845 - 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.

SECTION 99.866 - This section clarifies that the new section added to the TIF law apply statewide except as provided in subsections 2 and 3 of this section and section 99.867. All of the new section apply to any redevelopment projects approved by a municipality after July 1, 2004.

In subsection 2 of Section 99.866 the act provides that any redevelopment project consisting solely of public infrastructure improvements on public land requiring \$250,000 or less in TIF, so long as the bonds for such project will be paid off in seven years or less, are exempt from the provisions of Sections 99.866 to 99.873; provided, however, no stringing of projects is allowed. No exempt project pursuant to this section can be combined with another exempt project for a period of five years.

Subsection 3 of Section 99.866 applies to 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. Such projects are exempted from the provisions of Sections 99.866 to 99.873.

SECTION 99.867 - This section provides the third exception to the statewide provisions of Sections 99.866 to 99.873. It provides that for redevelopment projects located entirely or partially within metropolitan statistical areas of the state, the

municipality and any proposed redevelopment area have to meet the requirements of Section 99.810 and the following:

- (1) The host municipality or, for unincorporated areas, the host school district has low fiscal capacity;
- (2) The census block group or groups, as defined in the most recent census, containing the proposed redevelopment area have high unemployment; or
- (3) The municipality, census block group or groups, as defined in the most recent decennial census, containing the proposed redevelopment area are of moderate income.

Those retail projects not located entirely or partially within a metropolitan statistical area in the state may use TIF if the municipality finds conditions of blight or the area is a conservation area. In addition, the area must meet the following additional characteristics:

- (1) It must be located in the central business district of a city, town, or village;
- (2) It must include only those parcels of real property directly and substantially benefitted by the proposed redevelopment plan;
- (3) It can be renovated through one or more redevelopment projects;
- (4) The median age of structures within the area exceeds 30, and the establishments within them have generally suffered from stagnant or declining taxable sales or corporate receipts during the preceding three years;
- (5) It is contiguous, provided, that a development area may include up to three noncontiguous areas selected for redevelopment projects, provided that each noncontiguous area meets the above requirements; and
- (6) The redevelopment area will not exceed 10% of the entire area of the municipality.

In addition, this section prohibits TIF from being used to develop retail projects in areas outside the metropolitan statistical areas of the state unless the area meets all the criteria above.

Subsection 3 of Section 99.867 further restricts TIF to prevent it from being used for more than 5% of the total estimated redevelopment costs or 30% of the infrastructure costs, whichever is greater, of a project that is primarily retail unless the redevelopment is in a:

- (1) Municipality;
- (2) Census block group or group of block groups with a median household income less than 70% of that of the metropolitan area;
- (3) A distressed community as defined in Section 135.530;
- (4) A federal enterprise zone or a federal empowerment zone.

Except where the redevelopment project is contained in a

municipality's comprehensive plan adopted prior to January 1, 2000, or it consumes less than 10 acres of land contiguous to a central business district located outside a metropolitan statistical area of the state, TIF shall not be used where:

- (1) 25% or more of the area is vacant and has not previously been developed;
- (2) The area qualifies as "open space" pursuant to section 67.900, RSMo; or
- (3) The area is presently being used for agricultural or horticultural purposes.

SECTION 99.870 - For the life of a project, the municipality shall pay 25% of the payments in lieu of taxes to any other taxing entities entitled to receive property tax revenue in such municipality. This amount shall be divided proportionately among the other affected taxing entities. When a TIF project includes residential uses, unless the commission members representing the affected school board or boards say otherwise, real property tax levies attributable to the residential portion of the development shall pass through to the school district or districts.

SECTION 99.872 - The act requires that the municipality and the developer submit information to Department of Economic Development (DED) regarding the approved plan annually. DED shall establish reporting requirements by rule. DED shall submit a report to the Governor and the General Assembly by the last day of April of each year. The report shall identify the number and location of redevelopment areas, quantifying public investment in each, and assess the public benefit, as quantified in terms of tax revenue and net new job creation, and show the economic impact of the project on each taxing district which is at least partially within the boundaries of the redevelopment area.

SECTION 99.873 - The act makes any district providing emergency services pursuant to chapter 190 or 321, RSMo, entitled to reimbursement from the special allocation fund for direct costs. However, such reimbursement must be between 25% and 100% of the district's tax increment.

The act has an effective date of July 1, 2005.
JEFF CRAVER

120103 Prefiled	
010704 S First Read	S16
012004 Second Read and Referred S Ways & Means Committee	S129

EFFECTIVE : July 1, 2005

SB 0894

SENATE SPONSOR Goode

3048S.01I

SB 894 - This act amends the current Missouri bumper height law to include vehicles with a gross vehicle rating (GVWR) over 9001 pounds to a gross vehicle rating of 11,500 pounds. The maximum front bumper height would be 29 inches and the maximum of the rear bumper height would be 31 inches.
STEPHEN WITTE

120103 Prefiled

010704 S First Read

S16

011504 Second Read and Referred S Transportation Committee S117

EFFECTIVE : August 28, 2004

SB 0895

SENATE SPONSOR Goode

3147S.01I

SB 895 - 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, 2005. This act is similar to SB 123 (2003) and HB 181 (2001).

STEPHEN WITTE

120103 Prefiled

010704 S First Read

S16

011204 Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee S91

EFFECTIVE : August 28, 2004

SB 0896

SENATE SPONSOR Bland

2672S.01I

SB 896 - This act creates the "Professional Bail Bondsman and Surety Recovery Agent Licensure Act". No person shall engage in the activities of a bail bond agent or a general bail bond agent without being licensed. Judges, attorneys, court officials, law enforcement officers and public employees cannot be licensed as bail bond agents or general bail bond agents. A licensed bail bond agent cannot execute or issue appearance bonds without a valid appointment from a general bail bond agent and without attaching to the appearance bond an executed and prenumbered power of attorney referencing the general bail bond agent or insurer. A bail bond agent shall not hold an appointment and execute or issue bonds for more than one general bail bond agent at a time. A bail bond agent must be licensed for four years before being licensed as a general bail bond agent and have at least \$10,000 in liquid assets along with an assignment of \$10,000 to the state. Any person acting as a bail bond agent without a license shall be guilty of a Class A misdemeanor. A person posting a bail bond who receives no fee is not affected by such licensing requirements.

An applicant for a bail bond agent license or a general bail bond agent license shall apply to the Director of the Department of Insurance. The application shall be accompanied by a duly executed general power of attorney issued by the general bail bond agent of the insurer for whom the agent will be acting. The application shall also include proof that the applicant is a Missouri resident or corporation and has the paid annual franchise tax. Applicants must have a high school diploma or GED, be at least 21 years of age and of good moral character, meet the qualifications provided by the Supreme Court rules, and be a citizen of the United States.

Every bail bond agent shall file a power of attorney form with the Department of Insurance and maintain records.

No insurer or licensee, court or law enforcement officer, shall pay a fee or give consideration in order to secure a settlement, compromise, remission or reduction of the amount of any bail bond.

A licensee may accept collateral security from the principal in a fiduciary capacity which collateral shall be returned upon final termination of liability on the bond. The licensee must provide a prenumbered written receipt and report the acceptance of the collateral to the general bail bond agent.

This act allows the Department of Insurance to grant a license without a written exam to a bail bond agent who was licensed, immediately prior to applying with the Department, in another state if the individual meets certain qualifications. The Department of Insurance may negotiate reciprocal compacts with other states.

This act modifies the reasons the Department of Insurance may file a complaint with the administrative hearing commission against a license holder under this act or a person who fails to renew his or her license.

This act allows the Director of the Department of Insurance to examine and inquire into all violations of the bail bond law of this state and business transacted by any bail bond agent, general bail bond agent or surety recovery agent. In lieu of formal discipline of a bail bond agent, the director may enter into agreements for monetary penalties. The director is also given the power to issue a cease and desist order or seek an injunction.

This act requires surety recovery agents to be licensed. The Director of the Department of Insurance shall control the licensing process.

Applications for examination and licensure as a surety

recovery agent shall be prescribed by the department and be accompanied by proof that the applicant is a US citizen, is 21 years old, and has a high school diploma or GED. The completion of an approved training course with at least 40 hours of training is required. The act lists the areas which persons conducting the training will have expertise in. Licensed bail bond agents performing fugitive recovery must be licensed as a surety recovery agent.

The Director shall issue a license for a period of one year to any surety recovery agent licensed in another jurisdiction whose requirements are similar to those in Missouri. The director may negotiate reciprocal compacts with other states' licensing entities.

This act sets out provisions for renewal of licenses.

The Director may cause a complaint to be filed with the Administrative Hearing Commission. In lieu of filing a complaint with the Administrative Hearing Commission, the Director and surety recovery agent may enter into an agreement for a monetary penalty.

A surety recovery agent may detain a subject in a lawful manner and enter upon private or public property in a lawful manner to execute apprehension of the subject if the agent has probable grounds to believe the subject breached the terms of the surety agreement. The agent may detain the subject in a lawful manner for no more than 72 hours if travel time is required. The agent may transport the subject from state to state, and county to county, to a place of authorized surrender.

It is a Class D felony if a person holds himself out to be a licensed surety agent without obtaining a license. While performing fugitive recovery, the agent must display a photo identification card.

A court may forfeit the bond and order an execution hearing between 90 and 150 days after the person fails to appear. If the bail bond agent provides proof that it is physically impossible for the defendant, bail bond agent or surety to satisfy conditions of the bond, the bail bond agent or surety shall be released from liability and all money and property deposited with the court shall be returned within ten days. Upon forfeiture of the bond, the court may order that the defendant's driver's license be suspended until such time as the defendant has satisfied the forfeiture.

The act establishes that a defendant shall be surrendered without the return of premium for the bond if the indemnitor attests in writing the desire to be released or if the agent discovers the defendant is guilty of certain activities.

This act is identical to SCS/SB 157 (2003).
SUSAN HENDERSON

120103 Prefiled
010704 S First Read S16
011204 Second Read and Referred S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee S91

EFFECTIVE : August 28, 2004

SB 0897

SENATE SPONSOR Bland

2676S.01I

SB 897 - This act provides that first degree and second degree arson, which typically are Class B and Class C felonies, respectively, shall be 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 160 (2003).
SUSAN HENDERSON

120103 Prefiled
010704 S First Read S16
011204 Second Read and Referred S Judiciary and Civil &
Criminal Jurisprudence Committee S91

EFFECTIVE : August 28, 2004

SB 0898

SENATE SPONSOR Bland

2713S.01I

SB 898 - 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 152 (2003).
SUSAN HENDERSON

120103 Prefiled
010704 S First Read S17
011204 Second Read and Referred S Judiciary and Civil &
Criminal Jurisprudence Committee S129

EFFECTIVE : August 28, 2004

SB 0899

SENATE SPONSOR Goode

3049S.01I

SB 899 - This act amends the school bus inspection law to include the inspection of frames on school buses.

STEPHEN WITTE

120103 Prefiled

010704 S First Read

S17

011204 Second Read and Referred S Transportation Committee S91

EFFECTIVE : August 28, 2004

SB 0900

SENATE SPONSOR Goode

2765S.01I

SB 900 - This act mandates emission testing for certain vehicles before sale or transfer and biennially after that to ensure compliance with the Federal Clean Air Act. This act goes on to lay out the vehicles which are subject to the emission inspection program and those that are exempt from the regulations. Included in the exemptions are vehicles manufactured twenty-six years prior to the current model year. Other vehicles admitted in this exemption include but are not limited to, motorcycles, school buses, new and used vehicles manufactured within two years of the current calendar year, and diesel powered vehicles.

This act allows dealers to sell vehicles with prior inspection and approval, provided they disclose that information to the seller. A new inspection must then take place within one hundred and twenty days immediately preceding that sale. The act also makes provisions for buyers who purchase vehicles without prior inspection and lays out circumstances under which those returns are acceptable.

The act lays out maximum fees for emission testing as well as procedures for owners and inspection facilities.

The Missouri Air Pollution Control Fund is created with this act. Moneys from this fund are to be allocated between the Missouri state Highway Patrol, Department of Natural Resources, the Air Pollution Control Program, and other expenditures decided upon by the General Assembly for the administration and enforcement of vehicle inspections.

MEGAN CRAIN

120103 Prefiled
010704 S First Read S17
011204 Second Read and Referred S Commerce & the Environment
Committee S91

EFFECTIVE : August 28, 2004

SB 0901

SENATE SPONSOR Goode

2650S.01I

SB 901 - This act outlines the Department of Natural Resources' responsibilities including but not limited to, certificates of registration, when such registration should be denied, when it is appropriate for the department to institute clean up operations, and when liability for those operations can be transferred to the owner.

This act allows for commencement of a civil action by the Department, on behalf of the state, against a non compliant owner/operator. This act dictates that when a violation is alleged, the department shall provide the owner/operator written criteria detailing exactly what action is necessary for compliance.

This act provides the authority for the Department to adopt more stringent state regulations than those furnished by the federal government if such rules are necessary to protect human health or the environment. The procedure by which those rules are adopted is laid out in this act.

Through this act, the Department has the authority to assess an administrative penalty to any owner/operator not in compliance with the regulations governing underground storage tanks.

This act changes the jurisdiction over underground storage tanks from the Clean Water Commission to the Missouri Hazardous Waste Management Commission.

MEGAN CRAIN

120103 Prefiled
010704 S First Read S17
011504 Second Read and Referred S Commerce & the Environment
Committee S117

EFFECTIVE : August 28, 2004

SB 0902

SENATE SPONSOR Bland

2679S.01I

SB 902 - 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, 2006 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, 2006.

The Commission, comprised of 22 members, must meet by October 1, 2004, 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, 2005, the Department must establish a resource databank containing information about obesity and related subjects.

In addition, the Department of Health and Senior Services may provide technical assistance to schools and school districts to create healthy school nutrition environments, which are defined as those that instruct and encourage students to develop healthy eating and physical activity habits. Healthy school nutrition environments may 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 SCS/SB 73 (2003).
LORIE TOWE

120103 Prefiled	
010704 S First Read	S17
011504 Second Read and Referred S Aging, Families, Mental & Public Health Committee	S117

EFFECTIVE : August 28, 2004

SB 0903

SENATE SPONSOR Bland

2659S.01I

SB 903 - 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

120203 Prefiled

010704 S First Read

S17

011504 Second Read and Referred S Ways & Means Committee

S117

EFFECTIVE : August 28, 2004

SB 0904

SENATE SPONSOR Gross

2848S.01I

SB 904 - 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.

Physicians 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. A new Section 191.655, is also added to allow an action for breach of medical confidentiality relating to abortion procedures, 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 SCS/SB 110 (2003).
LORIE TOWE

120203 Prefiled	
010704 S First Read	S17
011504 Second Read and Referred S Aging, Families, Mental & Public Health Committee	S117

EFFECTIVE : August 28, 2004

SB 0905

SENATE SPONSOR Foster

3244S.01I

SB 905 - 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.

This act is similar to SB 216 (2003).
STEPHEN WITTE

120203 Prefiled
010704 S First Read
011504 Second Read and Referred S Transportation Committee S17
S117

EFFECTIVE : August 28, 2004

SB 0906

SENATE SPONSOR Foster

2702S.01I

SB 906 - Under this act, health carriers may offer as an option, one or more health benefit plans which contain deductibles, coinsurance, coinsurance differentials, or variable copayments. This act shall not be construed as prevent a health carrier from covering federal or state mandated health benefits.

STEPHEN WITTE

120203 Prefiled
010704 S First Read
011504 Second Read and Referred S Small Business, Insurance and Industrial Relations Committee S17
S117

EFFECTIVE : August 28, 2004

SB 0907

SENATE SPONSOR Klindt

2743S.01I

SB 907 - This act changes the name of the Division of

Personnel to the Division of Human Resources and changes the name of the Personnel Advisory Board to the Human Resources Advisory Board.

The Director of the Division of Human Resources is allowed to work with appointing authorities and delegate his or her duties as may be appropriate for the purpose of promoting economy, efficiency and improved services. The act prohibits persons from seeking, offering or providing assistance in the completion of the merit examination. It makes violation of the provisions relating to merit examinations a Class A misdemeanor. Departments would be allowed to hire anyone from the list of available eligible rather than the agency only being provided the top 15 ranking of available eligibles. The act also codifies the back pay hearing process.

The act creates the opportunity for the General Assembly to reappropriate up to 50% of the unexpended amount, after accounting for any withholdings, remaining in an agency budget at the end of the fiscal year. Such moneys may be used for one year salary increases for full or part-time regular employees of the agency whose median salary is below the median salary for the agency; for purchase of technology equipment; or professional development training for employees.

The act also creates a system of performance evaluation for granting and withholding of salary increases in the state personnel system. It also allows for a one year salary increases to state employees in recognition of above standard or outstanding performance which would become a permanent increase if reviewed and approved a second year. Rules shall be promulgated to implement a performance plan that is simple and understandable; are cost neutral compared to the compensation plan in place for fiscal year 2004; is developed with input from state employees and affected parties; emphasizes planning, management and evaluation of performance; and includes uniform guidelines for all state agencies. The performance plan shall be submitted to the General Assembly by January 1, 2005. State agencies may implement individualized plans. Initial hiring of state employees shall typically be at the minimum rate in the pay plan for similar positions. The Director shall monitor compliance and file an annual report with the General Assembly.

The act alters the state employee suggestion program. The Commissioner of the Office of Administration shall adopt rules implementing the program. Awards of up to \$3,500 shall be available to state employees who submit workable suggestions for saving state moneys or increased efficiencies in government. The awards shall be paid by the state agency that benefitted from and implemented the suggestion. The Commissioner of the Office of Administration shall oversee the program and implement rules which will preclude opportunities for abuse within the program and ensure objective decision-making procedures.

This act is similar to SCS/SB 693 (2003).
RICHARD MOORE

120203 Prefiled
010704 S First Read S17
011504 Second Read and Referred S Small Business, Insurance
and Industrial Relations Committee S117

EFFECTIVE : August 28, 2004

SB 0908

SENATE SPONSOR Cauthorn

3233S.01I

SB 908 - This act creates the Missouri Medical Malpractice Mutual Insurance Company Act. The company is created as an independent public corporation for the purpose of insuring Missouri physicians and their employees and their business against liability for professional negligence and other casualty losses. The company will be organized as a mutual insurance company and shall not be a state agency. The company shall be a member of the Missouri property and casualty guaranty association and shall be subject to assessments. Members of that association shall bear responsibility in the event the company becomes insolvent.

BOARD OF DIRECTORS - The company shall be administered by a Board of Directors consisting of seven members. The initial members shall be appointed by the Governor with the advice and consent of the Senate. One member shall come from St. Louis or St. Louis County, one member from Jackson or Clay County, one member from Green County, and the remaining four members shall come from other areas of the state. The Board shall hire an administrator who shall be in charge of the day-to-day operations and management of the company.

RATE SETTING AND INVESTMENTS - The Board shall have full power and authority to establish rates to be charged by the company for insurance. Rates shall be set at amounts sufficient to carry all claims to maturity, meet the reasonable expenses of conducting the business of the company and maintain a reasonable surplus. The Board shall invest and reinvest the surplus or reserves of the company.

PRODUCERS MAY SELL COMPANY POLICIES - Any insurance producer licensed to sell professional negligence insurance in Missouri shall be authorized to sell insurance policies for the company.

MEDICAL NEGLIGENCE REDUCTION PROGRAM - The administrator shall

formulate, implement, and monitor a program to decrease medical negligence. The Board may refuse to insure or terminate the insurance of any subscriber who refuses to attend seminars or other programs designed to reduce medical malpractice.

STATE APPROPRIATIONS/OPERATING EXPENSES - The company shall not receive any state appropriation, directly or indirectly, except it may receive loans from the State Treasurer. After October 1, 2004, the State Treasurer shall make one or more loans to the company not to exceed \$10 million. These monies shall come from a fund known as the Physicians Mutual Insurance Company Loan Fund which shall be funded by the Legislature by an appropriation. The loans shall be for a term of 10 years and shall bear interest at the annual rate on the rate for linked deposit loans as calculated by the State Treasurer pursuant to Section 30.758.

REVENUE BONDS - The Board is authorized to issue revenue bonds in an amount not to exceed \$50 million. The bonds shall have a maturity of no more than 10 years from the date of issuance. The bonds may be sold at a public or a private sale.

AUDITS - The Board shall have an audit of its books, accounts, and funds conducted annually by a competent and independent CPA firm. A copy of the audit shall be filed with the Director of the Department of Insurance and the administrator.

The incurred loss experience and expense of the company shall be ascertained each year to include but not be limited to estimates of outstanding liabilities for claims reported to the company but not yet paid and liabilities for claims arising from injuries which have occurred but have not yet been reported to the company.

The Department of Insurance shall conduct an examination of the company. The Board shall pay the cost of the examination.

This act is similar to SB 658 (2003).
STEPHEN WITTE

120203 Prefiled	
010704 S First Read	S17
011404 Second Read and Referred S Small Business, Insurance and Industrial Relations Committee	S101

EFFECTIVE : August 28, 2004

SB 0909

SENATE SPONSOR Bartle

3063S.01I

SB 909 - This act increases the maximum fine that may be imposed by a constitutional charter city, a fourth class city and a third class city from \$500 to \$1,000.

JIM ERTLE

120203 Prefiled

010704 S First Read

S17

011504 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee

S117

EFFECTIVE : August 28, 2004

SB 0910

SENATE SPONSOR Bland

2686S.01I

SB 910 - 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 74 (2003).

STEPHEN WITTE

120303 Prefiled

010704 S First Read

011504 Second Read and Referred S Small Business, Insurance and Industrial Relations Committee

S117

EFFECTIVE : August 28, 2004

SB 0911

SENATE SPONSOR Bland

2642S.01I

SB 911 - This act extends the sunset on the fee for waste tires to 2011.

MEGAN CRAIN

120303 Prefiled

010704 S First Read

S17

011504 Second Read and Referred S Commerce & the Environment Committee

S117

EFFECTIVE : August 28, 2004

SB 0912

SENATE SPONSOR Dougherty

2951S.02I

SB 912 - This act modifies the law relating to license-exempt facilities for children. Currently, Section 210.516, RSMo, requires the licensure of all residential care facilities, foster homes, and child placing agencies, while exempting other facilities, such as those run by religious organizations. New language provides that all residential care facilities, foster homes, and child placing agencies must be licensed except:

- (1) Camps, sanitariums, or homes providing recreational, medical treatment, or nursing care;
- (2) Hospitals licensed pursuant to Chapter 197, RSMo;
- (3) Individuals who takes care of a personal friend's child free of charge for less than 90 consecutive days;
- (4) Child placing agencies, foster homes, and residential care facilities maintained by the Department of Mental Health; and
- (5) Institutions maintained by the state, city, or county.

This act is similar to SB 85 (2003).
LORIE TOWE

120303 Prefiled

010704 S First Read

S17

011504 Second Read and Referred S Aging, Families, Mental & Public Health Committee

S117

EFFECTIVE : August 28, 2004

SB 0913

SENATE SPONSOR Dougherty

2879S.01I

SB 913 - This act creates a list of various forms of identification such as social security numbers, drivers license numbers, and other information, that are to be considered the subject of identity theft.

Under this act, it is a Class A misdemeanor if a person commits identity theft involving no more than \$500. Subsequent offenses involving less than \$500 are Class D felonies. It is a Class D felony if the value of the identity theft exceeds \$500, but involves no more than \$1,000. It is a Class C felony if the value of the identity theft exceeds \$1,000, but involves no more than \$10,000. It is a Class B felony if the value of the identity theft exceeds \$10,000, but involves no more than \$100,000. It is a Class A felony if the value of the identity

theft exceeds \$100,000.

This act allows any person who commits identity theft to be liable to the victim for up to \$5,000, in addition to criminal penalties. The victim may also bring a civil action to enjoin future acts of identity theft by the individual.

This act allows a deceased person's estate to recover damages for identity theft to which the decedent was a victim.

This act is not applicable in certain situations when a person obtains the identity of another. Such situations include, obtaining an identity to buy alcoholic beverages, receiving credit information in a commercial transaction, lawfully exercising a security interest by a creditor, and complying with a court order or other decree.

This act defines the offense of trafficking stolen identities as manufacturing, selling, transferring, purchasing, or possessing identification documents for the purposes of identity theft. Under this act, trafficking of stolen identification documents is a class B felony. Possession of five or more identification documents of one person, or identification documents of more than five people, is evidence that the person intends to commit identity theft. Possession of one's own identification, his or her spouse's identification, or that of a consenting person is not an offense.

SUSAN HENDERSON

120303 Prefiled	
010704 S First Read	S17
011504 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S117

EFFECTIVE : August 28, 2004

SB 0914

SENATE SPONSOR Dougherty

3133S.01I

SB 914 - This act requires the incremental increase of the foster care reimbursement rate and the adoption subsidy rate over four years beginning in the 2005 fiscal year. Both rates shall be increased until they meet or exceed rates established by the United States Department of Agriculture.

This act is similar to SB 410 (2001).
LORIE TOWE

120303 Prefiled

010704 S First Read S17
011504 Second Read and Referred S Aging, Families, Mental & Public Health Committee S117

EFFECTIVE : August 28, 2004

SB 0915

SENATE SPONSOR Dougherty

2864S.01I

SB 915 - This act raises the recording fee on certain real estate instruments from \$3 to \$5. From this additional \$2 fee, \$1.50 will be placed in the Missouri Housing Trust Fund and the remaining 50 cents shall be deposited in the recorder's fund. Under this act, an additional \$1 fee will be charged on real estate instruments. These additional fees will be deposited in a newly created fund known as the Lifetime Home Fund.

SUSAN HENDERSON

120303 Prefiled

010704 S First Read S17-18
012004 Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee S129

EFFECTIVE : August 28, 2004

SB 0916

SENATE SPONSOR Dougherty

2862S.01I

SB 916 - This act defines a person who is adjudicated innocent as if DNA testing demonstrates his or her innocence, an order of release has been entered by the court, and all appeals have been exhausted. Such person will have a cause of action against the state for wrongful imprisonment. An adjudicated innocent person shall receive compensation for economic and non-economic injuries. The filing of false statements in order to receive compensation for non-economic injuries is a Class A misdemeanor. If the results of the DNA testing confirm the person's guilt, then the individual filing for DNA testing must be sanctioned and pay the cost of the testing.

SUSAN HENDERSON

120303 Prefiled

010704 S First Read S18
011504 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee S117

EFFECTIVE : August 28, 2004

SB 0917

SENATE SPONSOR Dougherty

2779S.01I

SB 917 - 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.

LORIE TOWE

120303 Prefiled	
010704 S First Read	S18
011504 Second Read and Referred S Small Business, Insurance and Industrial Relations Committee	S117

EFFECTIVE : August 28, 2004

SB 0918

SENATE SPONSOR Dougherty

2781S.01I

SB 918 - This act modifies the mandated coverage for prostate examinations by including bone scans and prostate antibody imaging to be used on any nonsymptomatic man for whom there was an earlier diagnosis and on any patient that has an above normal prostate specific antigen.

This act is similar to SB 350 (2003).
LORIE TOWE

120303 Prefiled	
010704 S First Read	S18
011504 Second Read and Referred S Small Business, Insurance and Industrial Relations Committee	S117

EFFECTIVE : August 28, 2004

SB 0919

SENATE SPONSOR Gibbons

2560S.01I

SB 919 - This act revises the procedures relating to disabled license plates and placards and the use of designated disabled parking spaces.

Under this act, fraudulent procurement or use of a disabled license plate is a Class A misdemeanor. Under

current law, it is a Class C misdemeanor.

Physicians or health care practitioners will be guilty of a Class A misdemeanor 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 (Section 301.141).

This act allows other health care practitioners (chiropractors, podiatrists, and optometrists) to certify individuals for disabled license plates and placards (Section 301.142).

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 (Section 301.142.1(f)).

This act provides that other authorized health care practitioners may furnish disabled persons a statement for only those health care conditions for which the practitioner is authorized to treat. The act establishes record maintenance requirements for physicians and health care practitioners who issue physician statements. Such records shall be available to inspection to the practitioner's licensing board, the Department of Revenue and appropriate law enforcement officers. Such records shall be confidential unless required to be disclosed by law.

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 (Section 301.142.3).

No more than two removable windshield handicap placards may be issued by the Director of the Department of Revenue to any one person. Placards shall be renewable only by the person to which the placard was originally issued. The placard shall only be used when the person is in the motor vehicle at the time of parking or when the person is being delivered.

The Director also will be required to issue a registration certificate identifying the name, address, and

other identifying information as prescribed by the Director. The Director shall furnish the applicant with a notice which sets forth that plates or placards are non-transferable, what the restrictions of use are, and the penalties for violating this act. The validated registration receipt given to the applicant shall serve as the registration certificate.

Every new applicant for a disabled plate or placard shall be required to present a new physician's statement dated no more than 90 days prior to such application. Renewal applicants will be required to submit a physician's statement dated no more than 90 days prior to such application upon their first renewal occurring on or after August 1, 2005. Upon completing subsequent renewal applications, a physician's statement dated no more than 90 days prior to such application shall be required every fourth year.

Under this act, a personal representative of a decedent who comes into possession of disabled plates shall return the plates to the director of revenue. Failure to do so is a Class A misdemeanor.

Under this act, the fee for a replacement windshield placard is increased from \$2 to \$4.

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 a Class A misdemeanor. If a person can later produce a valid certificate in court, the person shall not be found guilty. Under this act, a placard shall only be used when the vehicle is parked in a disabled parking space (Section 304.601).

This act is substantially similar to SS/SCS/HB 598 and SB 343 (2003). This act has an effective date of January 1, 2005.

STEPHEN WITTE

120403 Prefiled

010704 S First Read S18
011504 Second Read and Referred S Transportation Committee S117

EFFECTIVE : January 1, 2005

SB 0920

SENATE SPONSOR Caskey

3307S.01I

SB 920 - The act extends the ability of water patrol officers to enforce the law on all premises leased or owned or under control of the Missouri State Water Patrol (Section

306.165).

The act allows Water Patrol officers to arrest anyone violating the law in his or her presence throughout the state (Section 306.165).

The act allows Water Patrol officers to arrest a person if there is probable cause that the individual committed a crime originally under the Water Patrol's jurisdiction, even if the suspect is currently out of the Water Patrol's jurisdiction. If possible, the water patrol officer must notify the respective local law enforcement of the city or county of the arrest (Section 306.165).

The act changes the required training of water patrol officers from 600 hours to that required by the certification and training provisions of Chapter 590, RSMo (Section 306.165).

The act grants the State Water Patrol full authority, as given to other peace officers when working in cooperation with other law enforcement agencies, to enforce vehicular traffic violations as long as such power is exercised only upon prior notification of the chief law enforcement officer of each jurisdiction (Section 306.167).

The act allows state Water Patrol officers to obtain a search warrant anywhere in the state if the crime that was originally committed was within the Water Patrol officer's jurisdiction. The sheriff of the county where the warrant is to be served must be notified of the application for a search warrant (Section 306.169).

The act expands the definition of "peace officer" in sections relating to searches and seizures to include members of the State Water Patrol (Section 542.261).

SUSAN HENDERSON

120503 Prefiled

010704 S First Read

S18

011504 Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee S117

EFFECTIVE : August 28, 2004

SB 0921

SENATE SPONSOR Caskey

3309S.01I

SB 921 - This act states that a review hearing to place an offender in administrative segregation while in a

correctional facility is not a contested case pursuant to Chapter 536, RSMo. The review hearings are not subject to the rules of evidence and the Department of Corrections may promulgate rules, based on its authority to create operating regulations, for such hearings. The conduct and order resulting from the review hearing are final and unappealable.

SUSAN HENDERSON

120503 Prefiled
010704 S First Read S18
012004 Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee S129
012604 Hearing Scheduled S Financial & Governmental Org., Veterans' Affairs & Elections Committee-Consent

EFFECTIVE : August 28, 2004

SB 0922

SENATE SPONSOR Coleman

3290S.01I
SB 922 - This act formulates a new procedure of recalling school board members in addition to the methods for recall outlined in the academically deficient school statute. Upon a petition signed by at least 25% of the number voting in the last school board election, a recall election will be held. The act specifies the requirements for the filing, format, and verification of the petition.

If a majority votes to retain the recalled member, the member remains in office and cannot be subject to another recall, except as provided in the academically deficient school statute. If the member is recalled, a successor will be chosen in the same manner as vacancies are filled for any 7-member district.

This act is identical to HB 979 (2001).
DONALD THALHUBER

120503 Prefiled
010704 S First Read S18
011504 Second Read and Referred S Education Committee S117

EFFECTIVE : August 28, 2004

SB 0923

SENATE SPONSOR Goode

3287S.02I
SB 923 - This act asserts that, beginning with the 2004-2005

school year, the summer school add-on for eligible pupils (i.e. double counting of summer school students) shall only include those eligible pupils that attended summer school in the immediately preceding year.

Further, the act specifies that, should a school district either: (1) discontinue its summer school program, or (2) experience a decrease by over fifty percent from the previous year in its summer school enrollment, the school district shall only be entitled to receive state aid for the summer school add-on based on the actual summer school attendance from the current year.

DONALD THALHUBER

120803	Prefiled	
010704	S First Read	S18
011504	Second Read and Referred S Education Committee	S117

EFFECTIVE : August 28, 2004

SB 0924

SENATE SPONSOR Bland

2654S.03I
SB 924 - This act makes changes to the criminal justice system.

SURCHARGE ON CRIMINAL CASES - The act creates a \$5 surcharge on all criminal court cases to be used for the "Missouri Laboratory Oversight Committee Revolving Fund" and the "Justice Improvement Fund" (Section 488.5022).

ELECTRONICALLY RECORDING POLICE INTERVIEWS - The act mandates that any interview conducted by a peace officer in a police facility for a person that may have witnessed a first degree murder, second degree murder, voluntary or involuntary manslaughter crime be electronically recorded. This act also requires any interview of a suspect of these crimes to be electronically recorded. This act defines electronically recorded. This act outlines the requirements that must be met for any statement obtained at a police facility to be admissible in a criminal proceeding. The state may rebut the presumption of the inadmissibility of a statement not electronically recorded with good cause. Under this act, an electronic recording of a statement is admissible against the defendant if the statement was obtained in accordance of laws of this state, those of another state, or the United States. This act requires law enforcement officials to preserve electronic recordings until the defendant's conviction is final and no appeals remain available (Section 491.800).

ELECTRONICALLY RECORDING INDIVIDUALS WITH SIGNIFICANT LEARNING DISABILITIES AND THOSE UNDER THE AGE OF TWELVE - The act requires any interview or questioning relating to a felony, which is conducted by a peace officer with a person whom the peace officer has a reasonable belief that the person has significant learning disabilities, or a person under the age of 12, shall be electronically recorded (Section 491.803).

JAIL HOUSE SNITCH - The act requires prosecutors using the testimony of a witness who was incarcerated at the same time as the defendant to obtain an affidavit from the witness containing: (1) listing of specific consideration given by the state; (2) requests by law enforcement about cooperating; (3) listing of previous criminal cases that the witness has testified in; (4) listing of cases that the witness has been a state's witness and the consideration given; and (5) any media account of the charges that the witness may have observed (Section 491.806).

The Department of Public Safety shall establish a registry to track state's witnesses on the MULES system. The prosecutor will supply the information, including a written copy of the witness statement. The registry is only an investigative database and is not a public record.

LAW ENFORCEMENT CERTIFICATION TO PROSECUTOR - The act requires that the law enforcement officer in charge of the principal investigating agency certify to the prosecutor a list of all evidence, including a list of witnesses. This shall be done within 10 days of presentment to the prosecutor and the certification is an ongoing obligation until the investigation is closed (Section 491.809).

TESTING AS EVIDENCE - This act defines forensic testing and allows the accused to have the right to argue that the lack of fingerprints or other evidence from forensic testing which was conducted to connect the defendant to the crime is relevant to the state's burden or may be consistent with an alternative theory of crime (Section 546.065).

EYEWITNESS EVIDENCE PROTOCOL TO FINDER OF FACT - The act allows a significant violation of the eyewitness evidence protocol to result in the finder of fact being instructed as to the risks of mistaken identification. However, no violation of the eyewitness evidence protocol shall provide the basis for a court to grant a motion to exclude any eyewitness identification. This section also allows the jury to be instructed as to the reliability of eyewitness evidence, if used in trial (Section 546.070).

EYEWITNESS EVIDENCE FORMS - The act gives the Director of Public Safety the authority to provide standardized eyewitness evidence forms for use by law enforcement in all cases where

an individual was observed by the witness and the identity of the suspect is unknown by the witness (Section 590.700).

EYEWITNESS EVIDENCE PROTOCOL - The act requires the director of public safety to promulgate an eyewitness evidence protocol. There are seven requirements set out in this section. This section requires peace officers to follow this section when obtaining eyewitness evidence (Section 590.702).

DNA EVIDENCE - The act requires possible DNA evidence must be preserved by the Highway Patrol for all felonies. Previously, this section only was limited to specific crimes (Section 650.056).

LABORATORY OVERSIGHT COMMITTEE - This act creates a seven member "Laboratory Oversight Committee". This committee will provide independent review of state crime lab operations. The committee will have the power to: (1) appoint an ombudsman to each crime laboratory to resolve conflict; (2) issue public reprimands to laboratories and individuals; (3) sanction a laboratory having multiple violations of good scientific procedure; and (4) administer oaths, subpoena witnesses, issue subpoenas duces tecum and require production of documents and records (Section 650.500).

LAB REPORTS - The act mandates that every lab report shall be signed by the individual conducting the test. The report shall also contain a listing of outside agencies which have currently accredited the lab. The report shall also certify if the testing was performed in accordance with national or association standards (Section 650.505).

This section also makes it a class B felony for any public employee or lab personnel to knowingly alter or falsify laboratory test results for the purpose of changing the test results.

MISSOURI LABORATORY OVERSIGHT COMMITTEE REVOLVING FUND - The act sets up the "Missouri Laboratory Oversight Committee Revolving Fund" that consists of a portion of the moneys collected from the \$5 criminal surcharge listed in Section 488.5022 of this act. Specifically, four dollars of the five dollar surcharge goes the fund. One-half of the money shall be directed to conduct DNA testing of currently incarcerated individuals and to improve the DNA database. One-fourth of the money shall be used for accreditation testing and auditing of crime lab facilities. The remaining one-fourth shall be used by the Laboratory Oversight Committee to obtain new equipment and to provide training for Missouri crime lab personnel (Section 650.507).

JUSTICE IMPROVEMENT FUND - The act sets up the "Justice Improvement Fund" that consists of a portion of the moneys

collected from the \$5 criminal surcharge listed in Section 488.5022 of this act. Specifically, one dollar of the five dollar surcharge goes to the fund. The fund is designed to reimburse law enforcement agencies for necessary expenses accrued to comply with the requirements of these sections. The Director of the Department of Public Safety administers the fund and is granted rulemaking power to do so. If the fund balance exceeds \$30,000, the excess money shall be used to grant scholarships for law enforcement training. Scholarships will be granted to those officers or candidates whose departments require them to personally accrue the cost of training. The officer or candidate must stay in the profession for four years following the completion of his or her training or he or she must reimburse the fund for the scholarship money awarded on a pro-rata basis for each month he or she is not employed in law enforcement that is less than the required forty-eight months (Section 650.509).

CRIME LAB RECORDS - The act requires state crime laboratories to keep records on testing methodology, quality assurance, internal auditing, technical reviews, instrument maintenance, technician lab notes and written external auditing procedures for a period of twelve years (Section 650.510).

SALARY COMPENSATION LEVEL - The act requires the Director of Public Safety to promulgate a standard salary compensation level for all Missouri law enforcement officers (Section 650.515).

SUSAN HENDERSON

120803	Prefiled	
010704	S First Read	S18
011504	Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S117

EFFECTIVE : August 28, 2004

SB 0925

SENATE SPONSOR Bland

3293S.01I

SB 925 - This act requires police officers in Kansas City to be a citizen and resident of the city for at least one year in order to be appointed.

SUSAN HENDERSON

120803	Prefiled	
010704	S First Read	S18
011504	Second Read and Referred S Economic Development, Tourism and Local Government Committee	S117

EFFECTIVE : August 28, 2004

SB 0926

SENATE SPONSOR Loudon

3139S.01I

SB 926 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, 2007, and requires the general assembly to appropriate up to \$200,000 for the study.

This act is identical to SB 35 (2003).
JIM ERTLE

120803 Prefiled

010704 S First Read

S18

011504 Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee S117

EFFECTIVE : August 28, 2004

SB 0927

SENATE SPONSOR Loudon

3104S.01I

SB 927 - 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 80 (2003).

JEFF CRAVER

120803 Prefiled
010704 S First Read

S18

EFFECTIVE : August 28, 2004

SB 0928

SENATE SPONSOR Loudon

3234S.01I

SB 928 - 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". 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".

This act is similar to SB 134 and 171 (2003).
STEPHEN WITTE

120803 Prefiled
010704 S First Read S18
011504 Second Read and Referred S Transportation Committee S117EFFECTIVE : August 28, 2004

SB 0929

SENATE SPONSOR Wheeler

3218L.01I

SB 929 - Under this act, a landlord may remove a tenant's property without liability after the tenant has been ordered to vacated the premises. This act allows Kansas City to enact ordinances that prohibit landlords from disposing tenant property by removing it from a building and placing it on the premises of the property. Any ordinance adopted by a city shall give the tenant 72-hour notice that the landlord intends to dispose of the property and that after such notice period, the landlord may dispose of the property by sale, gift or disposal. The landlord, however, shall be prohibited from disposing of the property by placing it on the premises,

rights-of-ways, streets or sidewalks. The reasonable cost of disposing of the tenant's property may be charged against the tenant.

STEPHEN WITTE

120803 Prefiled
010704 S First Read

S18

EFFECTIVE : August 28, 2004

SB 0930

SENATE SPONSOR Loudon

3079S.01I

SB 930 - 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 324 (2003).
RICHARD MOORE

120803 Prefiled
010704 S First Read
011504 Second Read and Referred S Small Business, Insurance and Industrial Relations Committee

S18

S117

EFFECTIVE : August 28, 2004

SB 0931

SENATE SPONSOR Loudon

3232S.01I

SB 931 - This act requires the Circuit Clerk of the City of St. Louis to be appointed by a majority of the circuit judges of the circuit court of St. Louis. The Circuit Clerk shall be removable for cause by a majority of the circuit judges. These provisions shall become effective on January 1, 2005.

This act is similar to SB 451 (2003).
JIM ERTLE

120803 Prefiled
010704 S First Read
011504 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee
012104 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

S18

S118

EFFECTIVE : August 28, 2004

SB 0932

SENATE SPONSOR Loudon

3073S.01I

SB 932 - This act removes the salaries of elected officials from those salaries which are not considered wages when determining the amount a partially unemployed employee is entitled to receive in a given week.

This act is identical to SB 607 (2003).
RICHARD MOORE

120803 Prefiled

010704 S First Read

S18

011504 Second Read and Referred S Small Business, Insurance and Industrial Relations Committee

S117

012104 Hearing Conducted S Small Business, Insurance & Industrial Relations Committee-Consent

EFFECTIVE : August 28, 2004

SB 0933

SENATE SPONSOR Yeckel

3261S.02I

SB 933 - This act allows an income tax deduction of up to \$8,000 per taxpayer for annual contributions made to qualified savings programs and any similar I.R.C. Section 529 plan authorized by this state or any other state or political subdivision. Currently, the income tax deduction is only available for contributions made to the Missouri Higher Education Savings Program.

This act creates the "Missouri Higher Education Deposit Program". This program is a nonexclusive alternative to the Missouri Higher Education Savings Program and participants may elect to participate in both programs subject to aggregate program limitations. The program is administered by the Missouri Higher Education Deposit Program Board which shall consist of the Director of the Division of Finance, who shall serve as chair, the Commissioner of the Department of Higher Education, the Commissioner of the Office of Administration and private citizen representatives with experience in the areas of deposit rate determination and placement of certificates of deposit. Private citizen members shall serve four year terms. Members of the Board shall be subject to conflict of interest provisions for public employees. The Board is required to meet at least quarterly.

The Board is granted certain powers to develop and implement

the program, including the power to enter into agreements with financial entities for the operation of the deposit program, provided that such entity is a private for-profit or not-for-profit entity, and the power to enter into participation agreements with participants in the program. The Board may invest the funds received from participants in appropriate investment instruments held by depository institutions or directly deposit the funds in such institutions. The investment of funds may be delegated by the Board to representatives of financial entities, but the investment must be in certificates of deposit and other deposits in federally insured depository institutions. Such representatives must pass a board-approved qualification test and be certified by the Board.

The Board is responsible for establishing various deposit opportunities based on amounts deposited and time held that are uniformly available to all depository institutions that participate in the program. The various categories of fixed or variable rates shall be the only interest rates available under this program.

The Board is authorized to enter into agreements with participants on behalf of beneficiaries. The agreement must include certain terms and conditions, including the method for calculating the return on the contribution, the risks associated with the investment, the maximum amount that may be contributed annually, and an understanding that the agreement does not guarantee admittance to any eligible educational institution. The Board shall establish the maximum annual amount that may be contributed by a participant and the minimum length of time that contributions and earnings must be held by the program. Early withdrawals shall be subject to a penalty.

Contributions and earnings in the program may be used for qualified educational expenses. Participants may cancel a participation agreement at will. The Board shall impose a maximum 10% penalty of the earnings of the account for any distribution not used for certain purposes. The State Auditor shall, semi-annually, review the financial status and investment policy of the program as well as the participation rate and continued viability of the program. Money accruing to and deposited in individual deposit accounts shall not be part of "total state revenues" as defined by the Missouri Constitution. Personally identifiable information regarding participants and beneficiaries shall be confidential.

This act is similar to SCS/SB 18 (2003) and HCS/HB 73 (2003).

JIM ERTLE

011504 Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee S118
012604 Hearing Scheduled S Financial & Governmental Org., Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2004

SB 0934

SENATE SPONSOR Bland

3385S.01I

SB 934 - This act requires the Department of Transportation to examine the congestion problems occurring at certain intersections on U.S. Highway 71. The Department must conduct a feasibility study to determine whether overpass systems should be established at such intersections. The report must be submitted to the General Assembly no later than December 1, 2004. The act also requires the Department to conduct a feasibility study to determine whether an exit onto U.S. Highway 71 off westbound Interstate 70 should be constructed.

STEPHEN WITTE

120903 Prefiled

010704 S First Read S18
011504 Second Read and Referred S Transportation Committee S118

EFFECTIVE : August 28, 2004

SB 0935

SENATE SPONSOR Gibbons

3368S.01I

SB 935 - This act allows members of the Missouri State Society Daughters of the American Revolution to obtain specialized license plates. To obtain the specialized plate, the member of the organization must pay a one-time emblem-use authorization contribution of \$25 and \$15 in addition to regular registration fees.

This act is identical to SB 368 (2003).
STEPHEN WITTE

120903 Prefiled

010704 S First Read S19
011504 Second Read and Referred S Transportation Committee S118

EFFECTIVE : August 28, 2004

SB 0936

SENATE SPONSOR Gross

2455S.03I

SB 936 - This act is intended to permit a regulated entity to avoid civil penalties if the failure to comply with the environmental laws or regulations of federal, state, or local laws or ordinances was promptly reported to the regulation agency in compliance with requirements of this act.

In order to meet the requirements of the act, the non-compliance has to be discovered voluntarily by due diligence and/or a company audit performed by the regulated entity.

The regulated entity is required to take remedial action within 60 days to correct the non-compliance. A shorter or longer time to remediate may be permitted under certain circumstances.

To comply with the act, an incident of non-compliance may not have occurred in the facility within the previous three years and within the previous five years if multiple facilities are involved.

HENRY HERSCHEL

120903 Prefiled

120903 Bill Withdrawn

S19

EFFECTIVE : August 28, 2004

SB 0937

SENATE SPONSOR Gross

3181S.02I

SB 937 - This act requires the Secretary of State to develop a Missouri Catalog of Assistance Programs to serve as the repository of information for public assistance programs. The catalog must be available in a printed form and in an electronic form that is accessible over the Internet. A task team consisting of one person from each state agency is established to facilitate information gathering for the development of the catalog. The task team must submit a report to the Governor, members of the General Assembly, and the Chief Justice of the Missouri Supreme Court proposing a plan to standardize the application for state assistance. The catalog must be operational by June 30, 2005, and provide a notice of funding availability. The act specifies information that must be included in the catalog about each program that is listed.

The act creates the Missouri Catalog of Assistance Programs

Resource Fund, to be administered by the Secretary of State. The fund consists of costs assessed to state agencies based on the percentage of funds the agency represents during each state fiscal year.

This act is similar to HB 718 (2003).
JIM ERTLE

121103 Prefiled
010704 S First Read
012004 Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee S129

EFFECTIVE : August 28, 2004

SB 0938

SENATE SPONSOR Gross

3179S.02I
SB 938 - This act provides that, after January 1, 2005, the state shall utilize an electronic funds transfer system to directly deposit the wages and salaries of all state employees into bank accounts designated by the employees. Exceptions are created in the act for those persons who are unable to obtain a bank account.

JIM ERTLE

121103 Prefiled
010704 S First Read
011504 Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee S118

EFFECTIVE : August 28, 2004

SB 0939

SENATE SPONSOR Coleman

3083S.02I
SB 939 - This act allows only persons 23 years of age or older, who have a valid concealed carry endorsement, to transport a concealable firearm in the passenger compartment of a motor vehicle.
SUSAN HENDERSON

121103 Prefiled
010704 S First Read
012004 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee S129

EFFECTIVE : August 28, 2004

SB 0940

SENATE SPONSOR Coleman

3088S.02I

SB 940 - This act creates a list of various forms of identification such as Social Security numbers, drivers license numbers, and other information, that are to be considered the subject of identity theft.

Under this act, it is a Class A misdemeanor if a person commits identity theft involving no more than \$500. Subsequent offenses involving less than \$500 are class D felonies. It is a Class D felony if the value of the identity theft exceeds \$500, but involves no more than \$1,000. It is a Class C felony if the value of the identity theft exceeds \$1,000, but involves no more than \$10,000. It is a Class B felony if the value of the identity theft exceeds \$10,000, but involves no more than \$100,000. It is a Class A felony if the value of the identity theft exceeds \$100,000.

This act allows any person who commits identity theft to be liable to the victim for up to \$5,000, in addition to criminal penalties. The victim may also bring a civil action to enjoin future acts of identity theft by the individual.

This act allows a deceased person's estate to recover damages for identity theft to which the decedent was a victim.

This act is not applicable in certain situations when a person obtains the identity of another. Such situations include, obtaining an identity to buy alcoholic beverages, receiving credit information in a commercial transaction, lawfully exercising a security interest by a creditor, and complying with a court order or other decree.

This act defines the offense of trafficking stolen identities as manufacturing, selling, transferring, purchasing, or possessing identification documents for the purposes of identity theft. Under this act, trafficking of stolen identification documents is a Class B felony. Possession of five or more identification documents of one person, or identification documents of more than five people, is evidence that the person intends to commit identity theft. Possession of one's own identification, his or her spouse's identification, or that of a consenting person is not an offense.

SUSAN HENDERSON

121103 Prefiled
010704 S First Read
011504 Second Read and Referred S Judiciary and Civil &

S19

Criminal Jurisprudence Committee

S118

EFFECTIVE : August 28, 2003

SB 0941

SENATE SPONSOR Coleman

3391S.01I

SB 941 - Currently, the Board of Education of the St. Louis Public Schools must advertise for bids from banking institutions once a year, whereas every other school district in the state must bid for such services every three years. This act authorizes a three-year bid cycle for the St. Louis Public Schools.

DONALD THALHUBER

121103 Prefiled

010704 S First Read

S19

011504 Second Read and Referred S Education Committee

S118

EFFECTIVE : August 28, 2004

SB 0942

SENATE SPONSOR Nodler

3339S.01I

SB 942 - The act authorizes the state to convey the National Guard Armory Building in Neosho to the City of Neosho.

SUSAN HENDERSON

121103 Prefiled

010704 S First Read

S19

011504 Second Read and Referred S Economic Development,
Tourism and Local Government Committee

S118

012104 Hearing Conducted S Economic Development, Tourism &
Local Government Committee-Consent

EFFECTIVE : August 28, 2004

SB 0943

SENATE SPONSOR Goode

3461S.01I

SB 943 - This act makes revisions to the Unmarked Human Burial Act.

This act adds definitions for "burial site", "cemetery", and

"Native American" 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 be consistent with the Native American Grave Protection and Repatriation Act (NAGPRA).

Jurisdiction for human remains and objects in unmarked human burials, other than those subject to criminal investigation, shall be with the state historic preservation officer. This jurisdiction will not extend to objects in state and local museums acquired before August 28, 1987. The Department of Natural Resources is granted rulemaking authority to carry out the provisions of the unmarked human burial act.

This act makes the provisions of this act applicable to human remains and associated cultural items. Local law enforcement shall have jurisdiction if the remains are involved in a criminal, as opposed to legal, investigation.

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 with the consent of all affected persons, or if a court orders such additional delay. The act provides that reinterment may be delayed for more than one year in cases where the delay and its rationale are approved by the unmarked human burial consultation committee. When any burial site appears to be that of a Native American, the state historic preservation officer shall comply with NAGPRA.

If the state Historic Preservation officer assumes jurisdiction over a burial site, the lawful private or public owner shall have the right to continue construction or other activities after compliance with the provisions of this act. However, if the activities will result in further disturbance of the site, then the state Historic Preservation officer shall remove the remains and objects from the site and the lawful owner shall be responsible for certain costs associated with the removal. The act increases the number of annual meetings of the unmarked human burial consultation committee from one to two.

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. The Department of Natural Resources may request either the Attorney General or a local prosecuting attorney to institute actions authorized by this act.

This act contains penalty provisions.

This act is similar to SB 65 (2003).

JIM ERTLE

121203 Prefiled
010704 S First Read

S19

EFFECTIVE : August 28, 2004

SB 0944

SENATE SPONSOR Goode

3433S.01I

SB 944 - This act applies to all construction which reduces flood stage capacity in flood ways of the Cuivre, Meramec, Mississippi, and Missouri Rivers. The act requires that any construction, except exempted construction, must have a permit. The agency issuing the permit must provide "worst-case" analysis of a flood way.

Construction that would obstruct a flood way is not permitted unless a "worst-case" analysis is done. A "worst-case" analysis standard is met and a permit is necessary if:

- (1) The water surface would be contained within the existing bank and existing vertical extensions; or
- (2) Water surface would not exceed one half of a foot from a single development or an increase of one-half foot cumulatively after 8/28/2004 and the water's velocity would not exceed the "scour" velocity of the predominant soil type in channel or would otherwise increase eroding.

The agency may issue a statewide permit for specific activities such as minor boat docks or utility crossings which meet the standards defined in this section. One permit would suffice for all the specific activity statewide.

If an application is denied the agency shall provide sufficient written explanation to the applicant. The applicants can appeal the denial pursuant to Chapter 536, RSMo.

The agency has the authority to investigate and pursue legal remedies against all unauthorized activities and violations of the permit. The act also outlaws misrepresentation or fraud in permit application and in claims made relating to flooding incidents.

The following activities are exempt from the act:

- (1) Installation of field tile and similar construction which does not obstruct flood flow;
- (2) Installation of irrigation equipment in flood way;
- (3) Work on a private lake which would not impact dam or

traverse the lake;

- (4) Removal of vegetation or trash;
- (5) Routine maintenance of existing structure;
- (6) Maintenance to preserve design capacity and function of existing devices to reduce flooding;
- (7) Maintenance of existing bridges except to increase the height of existing roadway;
- (8) Widening of bridge decks;
- (9) Culvert extension not to exceed 40 feet;
- (10) Removal of bridge and culvert structure as long as it does not obstruct the flood way;
- (11) Installation of fences;
- (12) Construction of farm related building when the structure is one foot about the 100-year flood level.

A sunset provision is included for the act to expire six years after enactment.

HENRY HERSCHEL

121203 Prefiled

010704 S First Read

S19

011504 Second Read and Referred S Commerce & the Environment Committee

S118

EFFECTIVE : August 28, 2004

SB 0945

SENATE SPONSOR Gibbons

3365S.01I

SB 945 - This act directs the State Board of Education to assist and encourage school districts in adopting service-learning programs and projects. Service learning may be included as part of any course contributing to the satisfaction of credits necessary for high school graduation and also as an instructional strategy at any grade level to address appropriate areas of current state educational standards.

DONALD THALHUBER

121203 Prefiled

010704 S First Read

S19

011504 Second Read and Referred S Education Committee

S118

EFFECTIVE : August 28, 2004

SB 0946

SENATE SPONSOR Bray

3176S.01I

SB 946 - 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 death or serious physical injury to another 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 and stores at least one part which is essential to the operation of the firearm in a locked box; or (4) the ammunition is stored away from an unloaded firearm in a locked box. 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. A person does not commit this crime if the minor obtained possession of the firearm due to unlawful entry onto the premises.

This act requires firearm 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 302 (2003).
SUSAN HENDERSON

121203	Prefiled	
010704	S First Read	S19
012004	Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S129

EFFECTIVE : August 28, 2004

SB 0947

SENATE SPONSOR Russell

3469S.01I

SB 947 - This act requires orders and ordinances of political subdivisions to comply with the limited preemption of the Federal Communications Commission Amateur Radio preemption order and other applicable federal regulations. Any order or ordinance relating to amateur radio antennas must be reasonable and minimal in nature.
SUSAN HENDERSON

121503 Prefiled

010704 S First Read	S19
011504 Second Read and Referred S Commerce & the Environment Committee	S118

SB 0948

SENATE SPONSOR Steelman

3471S.01I

SB 948 - This act prohibits glass beverage containers on navigable waterways in Missouri unless the substance is prescribed by a licensed physician. The act also requires persons on navigable waterways to secure containers with food and beverages in vessels which are susceptible to swamping or tipping and discharging their contents into a waterway. Persons are required to carry a trash bag and transport their trash for disposal. If the beverage is outside the secured container it must be held in a floating holder or other device designed to prevent the beverage from sinking.

Violations are a Class A misdemeanor and each violation may be prosecuted as a separate offense.

MEGAN CRAIN

121503 Prefiled	
010704 S First Read	S19
012004 Second Read and Referred S Commerce & the Environment Committee	S129

EFFECTIVE : August 28, 2004

SB 0949

SENATE SPONSOR Steelman

2722S.01I

SB 949 - Under this act, 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.

Under this act, 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. Transcripts of hearings must be retained by the AHC and the decisions made must be made available

to the public.

Under this act, all decisions of the AHC shall be subject to judicial review and that right shall be available to Department of Natural Resources and any other commission aggrieved by the AHC's final decision.

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, 2005.
MEGAN CRAIN

121503	Prefiled	
010704	S First Read	S19
011504	Second Read and Referred S Commerce & the Environment Committee	S118
012004	Hearing Recessed S Commerce & the Environment Committee	
012704	Hearing Continued S Commerce & the Environment Committee	

EFFECTIVE : January 1, 2005

SB 0950

SENATE SPONSOR Griesheimer

3108S.01I

SB 950 - This act limits the class-by-class roll-back provisions in the property tax law to apply only to Saint Louis county. Current law provides that in 2005 and after property tax rates statewide will be rolled back separately for each subclass of real property (residential, agricultural, and commercial) and personal property. This act limits those provisions to only apply to political subdivisions in Saint Louis County.

JEFF CRAVER

121503	Prefiled	
010704	S First Read	S19
011504	Second Read and Referred S Ways & Means Committee	S118

EFFECTIVE : August 28, 2004

SB 0951

SENATE SPONSOR Griesheimer

3430S.01I

SB 951 - The act eliminates the requirement that political subdivisions must file a copy of their contracts with the Secretary of State and the recorder of deeds in the county where each contracting political subdivision is located.

SUSAN HENDERSON

121503	Prefiled	
010704	S First Read	S19
012004	Second Read and Referred S Economic Development, Tourism and Local Government Committee	S129
012804	Hearing Scheduled S Economic Development, Tourism and Local Government Committee	

EFFECTIVE : August 28, 2004

SB 0952

SENATE SPONSOR Wheeler

3473S.01I

SB 952 - This act creates two new classifications and salary ranges for corporals and detective corporals with the Kansas City Police Department. This act adds investigators to the salary range designated for detectives and police officers.

This act allows the Kansas City Board of Police Commissioners to offer incentive pay of no more than ten percent of the base salary earned by police officers of any rank to those who are assigned duties which are unusually demanding and require an extraordinary degree of skill. Currently, the Board of Police Commissioners can offer incentive pay of no more than five percent of the base salary earned by such police officers.

SUSAN HENDERSON

121503	Prefiled	
010704	S First Read	S19
011504	Second Read and Referred S Economic Development, Tourism and Local Government Committee	S118

EFFECTIVE : August 28, 2004

SB 0953

SENATE SPONSOR Caskey

3474S.01I

SB 953 - This act permits the use of funds in the water and wastewater pollution loan fund, the water pollution permit fee, the water and wastewater loan revolving fund, or any fund

established by the office of administration for the sole purpose of paying any portion of a Hancock refund in the EPA finds that the payment of such a refund would violate a federal clean water regulation.

Further, the act does not permit any money deposited in the state park earning fund, Arrow Rock state historical site endowment fund, the confederate memorial park fund, the Dr. Edmond A. Babler Memorial state park fund, the Pansy Johnson-Travis memorial state gardens trust fund, or the Meramec-Onondaga state park fund to be used for any Hancock refunds if the money a gift made to these funds.

HENRY T. HERSCHEL

121603 Prefiled
010704 S First Read

S19

EFFECTIVE : August 28, 2004

SB 0954

SENATE SPONSOR Foster

3439S.01I

SB 954 - This act permits the Department of Natural Resources to expedite the review of applications to build air containment sources through the use of independent contractors.

After the project and the application bills are approved, then the Department of Natural Resources will bill the applicant for the independent contractor's actual cost. The applicant may agree in advance to the increased cost of the contractual review. If the applicant withdraws an application, the applicant must reimburse the contractor's fees.

HENRY T. HERSCHEL

121603 Prefiled
010704 S First Read S19-20
011504 Second Read and Referred S Commerce & the Environment Committee S118

EFFECTIVE : August 28, 2004

SB 0955

SENATE SPONSOR Scott

3262S.01I

SB 955 - This act clarifies that members of the Missouri Highways and Transportation Commission will elect from among their members two person who shall serve as chair and vice

chair of the Commission. This act clarifies that only the two most senior members of the Commission are eligible for leadership positions. Effective March 1, 2005, the Commission shall select the two most senior members of the commission to serve as chair and vice-chair of the Commission. At the end of a one-year period, the two members shall switch leadership positions and serve in the new positions for one year. Thereafter, the Commission shall continue to use this rotating system for selecting its leadership.

The act also clarifies that if a leadership position becomes vacant due to death, resignation or removal before the one-year leadership term expires, the Commission shall elect one of its members to serve the remainder of the vacating member's term. Such an election shall not prohibit the member from later serving in a leadership position when such member's seniority qualifies that member for a leadership position.

STEPHEN WITTE

121603	Prefiled	
010704	S First Read	S20
011504	Second Read and Referred S Transportation Committee	S118

EFFECTIVE : August 28, 2004

SB 0956

SENATE SPONSOR Scott

3265S.01I

SB 956 - This act allows persons operating animal-driven vehicles during the dark to use lamps or lanterns which comply with rules promulgated by the Department of Public Safety. The act also allows persons operating an animal-drawn vehicle to equip their vehicle with reflective material complying with rules promulgated by the Department of Public Safety rather than displaying the slow-moving triangle emblem (Sections 307.125 and 307.127). These provisions are similar to provisions contained in CCS/SS/SCS/HB 327 (2003).

STEPHEN WITTE

121603	Prefiled	
010704	S First Read	S20
011504	Second Read and Referred S Transportation Committee	S118

EFFECTIVE : August 28, 2004

SB 0957

SENATE SPONSOR Scott

3388S.01I

SB 957 - Under this act, a claimant's failure to wear a seat belt shall be admissible as evidence on the issue of comparative negligence. Under the current law, failure to wear a seat belt is not considered evidence of comparative negligence.

This act modifies the law regarding sovereign immunity with respect to public employees. Under this act, the remedy against a public entity under the sovereign immunity statutes for injuries, death or property damage arising from negligent acts or omissions of its public employees is exclusive or any other civil action or proceeding for money damages against the employee or the employee's estate. Any other civil action relating to the same subject matter against the civil employee is precluded without regard to when the act or omission occurred. The doctrine of joint and several liability shall not apply against any public entity or public employee under any cause of action arising under sovereign immunity principles.

STEPHEN WITTE

121603	Prefiled	
010704	S First Read	S20
011504	Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S118
012604	Hearing Scheduled S Judiciary & Civil & Criminal Jurisprudence Committee	

EFFECTIVE : August 28, 2004

SB 0958

SENATE SPONSOR Scott

3389S.01I

SB 958 - This act authorizes the state Highways and Transportation Commission to construct, maintain and operate toll facilities on the state highway system.

TOLL FACILITY REVENUE BONDS - The Commission is authorized to issue state toll facility revenue bonds to finance toll facility projects. Such bonds may be issued without the consent of the General Assembly. Bonds issued for toll facility projects shall not be deemed to constitute a debt or liability of the state and shall be payable solely from the state toll facility fund. Toll facility bonds shall be exempt from taxation.

FAILURE TO PAY TOLL - Persons or entities which fail to pay tolls or other fees shall be guilty of an infraction punishable by a fine not to exceed \$200. The Commission may enforce the payment of tolls by using automated enforcement

technology, including automatic vehicle license plate identification photography and video surveillance. The use of such automated enforcement technology may be used only for the purpose of recording the image of the nonpaying motorist's license plate. Photo monitoring system evidence which shows that a motorist has failed to pay a toll shall raise a rebuttable presumption that the motor vehicle was used in violation of the law. A collection fee, not to exceed \$100, may be charged to recover the cost of collecting an unpaid toll. The act allows a court to install a device on the nonpaying motor vehicle that prohibits its movement. The nonpaying motorist may also have his or her motor vehicle registration voided until the toll and all fines are paid.

TOLL FACILITY PROJECTS - Prior to the commencement of any toll facility project, the Commission shall obtain a study of the proposed toll facility project by a qualified independent consultant. If the Commission determines, based upon the study, that the toll facility project is in the best interest of the state, the Commission shall then be required to obtain approval of the toll facility project by the General Assembly.

SPECIFIC TOLL FACILITY PROJECTS - The General Assembly authorizes the following toll facility projects:

- (1) Interstate 70;
- (2) A new bridge spanning the boundaries of Missouri and Illinois in St. Louis; existing bridges in that area may also be tolled;
- (3) The portion of Highway 71 in McDonald County;
- (4) The Paseo Bridge located in Kansas City; and
- (5) Interstate 44.

The Commission is authorized to construct these toll facility projects with the design-build project delivery system.

COLLECTION OF TOLLS - The Commission may use any method for imposing and collecting tolls, including toll tickets, barrier toll facilities, billing accounts, commuter passes and electronic recording or identification devices.

STATE TOLL FACILITY FUND - The act establishes within the state treasury the "State Toll Facility Fund" which shall stand appropriated without any legislative action. All tolls, fees, state toll facility revenue bond proceeds, and other charges imposed for using toll facilities shall be deposited in the fund. The fund shall be used to pay:

- (1) The costs of issuing state toll facility revenue bonds and refunding bonds, the costs of feasibility studies and the costs for constructing toll facilities;
- (2) The cost of collecting toll facility revenues;

(3) The principal and interest on any outstanding state toll facility revenue bonds and refunding bonds.

TOLL FACILITY FUND CAN BORROW FUNDS FROM STATE ROAD FUND - If revenues in the state toll facility fund are insufficient to pay for authorized costs, the Commission shall transfer amounts from the state road fund to keep the toll facility fund solvent. Transfers from the state road fund shall be repaid in the time and manner determined by the Commission. The Commission is authorized to continue to collect tolls and fees on all toll facilities until all costs have been repaid. Any amount in the state toll facility fund in excess of what is needed to pay authorized costs shall be transferred to the state road fund.

This act is contingent upon the passage of a constitutional amendment that authorizes the Commission to construct and operate toll facilities. This act is similar to SB 855 (2004) and SB 193 (2003).

STEPHEN WITTE

121603 Prefiled

010704 S First Read

S20

011504 Second Read and Referred S Transportation Committee S118

EFFECTIVE : Contingent on Const. Amendment

SB 0959

SENATE SPONSOR Childers

3470S.03I

SB 959 - Currently, ninety percent of one percent of foundation formula money is distributed by the Commissioner of Education to address statewide areas of critical need for learning and development. This act removes the aforementioned earmark and instead requires that each year the Department of Elementary and Secondary Education (DESE) request funds for such purpose.

Further, this act removes the current requirement which directs ten percent of one percent of foundation formula money to grant awards by the state board of education for the "Success Leads to Success" grant program.

DONALD THALHUBER

121703 Prefiled

010704 S First Read

S20

EFFECTIVE : August 28, 2004

SB 0960

SENATE SPONSOR Gibbons

2757S.02I

SB 960 - This act makes technical clarifications to various provisions of the property tax law that were changed in HB 1150, et. al. (2002). The act clarifies that the inflationary growth factor allowed to be applied for each class or subclass of property upon reassessment may differ among such types of property. The limit for growth will be equal to the actual assessment in such class or subclass. However, the net limit for the political subdivision will still be the C.P.I., or 5%, as set by the Constitution.

The act clarifies that when a rate must be revised-up to hold the political subdivision harmless after making the above calculation, such revision will be weighted based on the relative assessed valuation of the class or subclass of property. The act further describes this calculation.

The act clarifies that when rolling-back a rate, a political subdivision that is not a school district must start its calculation with the actual amount levied in the prior year, and not any other number.

The act requires that all existing and any future rules or forms interpreting the rate calculation in Section 137.073, RSMo, must be submitted to the Joint Committee On Administrative Rules for approval.

JEFF CRAVER

121803 Prefiled

010704 S First Read

S20

012004 Second Read and Referred S Ways & Means Committee

S129

EFFECTIVE : August 28, 2004

SB 0961

SENATE SPONSOR Champion

3520S.01I

SB 961 - This act requires orders and ordinances of political subdivisions to comply with the limited preemption of the Federal Communications Commission Amateur Radio preemption order and other applicable federal regulations. Any order or ordinance relating to amateur radio antennas must be reasonable and minimal in nature.

This act does not prohibit a political subdivision from taking action to protect or preserve a historic, a historical

or architectural district that is established by the political subdivision or under state or federal law.

SUSAN HENDERSON

121803 Prefiled
010704 S First Read

S20

EFFECTIVE : August 28, 2004

SB 0962

SENATE SPONSOR Clemens

3337S.01I

SB 962 - This act changes athletic trainers from being registered to being licensed.

JIM ERTLE

121803 Prefiled

010704 S First Read

S20

011504 Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee S118

EFFECTIVE : August 28, 2004

SB 0963

SENATE SPONSOR Shields

3050S.01I

SB 963 - This act allows public hospitals in Clay County to close portions of records and meetings that pertain to:

- (1) Payment amounts and payment methodologies for health carriers or self-insured health plans;
- (2) The development of new health services or facilities;
- (3) The expansion of existing health services or facilities; and
- (4) The amount of compensation paid to physicians.

The closed records will be disclosed to the State Auditor or by subpoena.

LORIE TOWE

121903 Prefiled

010704 S First Read

S20

012004 Second Read and Referred S Commerce & the Environment Committee

S129

EFFECTIVE : August 28, 2004

SB 0964

SENATE SPONSOR Shields

3047S.01I

SB 964 - This act amends the Putative Father Registry.

Lack of knowledge of a pregnancy does not excuse the failure to timely file with the State Registrar. Further, a man's consent to an adoption is not waived by the failure to timely file with the State Registrar unless there was fraud or misrepresentation by the mother. Upon the discovery of the fraud or misrepresentation, the man shall have fifteen days to file. Pamphlets and publications regarding the Putative Father Registry must include the specific statements contained in subsection 10 of this section (Section 192.016).

Petitions for adoption shall include the payment of a \$50 filing fee, which shall be used to fund the Putative Father Registry (Section 453.020).

The consent form must specify that the birth parent understands the importance of identifying possible fathers and may provide the names (Section 453.030).

In cases where the father is unknown, a search of the Missouri Putative Father Registry or any other state's registry must be conducted. Where the mother has named potential fathers and the adoption petition has been filed, a statement declaring that the man has been named and a copy of the pamphlet must be mailed to the last known address of each man (Section 453.060).

This section provides that any man who has had sexual intercourse with a woman is deemed on notice that a child may be conceived and is entitled to notice of adoption proceedings only as provided in Chapter 453, RSMo (Section 453.061).

This act is identical to SB 649 (2003).

LORIE TOWE

121903	Prefiled	
010704	S First Read	S20
011504	Second Read and Referred S Aging, Families, Mental & Public Health Committee	S118

EFFECTIVE : August 28, 2004

SB 0965

SENATE SPONSOR Shields

3087S.01I

SB 965 - This act allows members or alumni of Alpha Phi Omega to obtain specialized license plates. A member may obtain such a plate by making an annual emblem-use contribution fee of \$25 to the organization and by paying a fee of \$15 in addition to regular registration fees.

This act is similar to SB 484 (2003).
STEPHEN WITTE

121903 Prefiled

010704 S First Read

S20

011504 Second Read and Referred S Transportation Committee S118

EFFECTIVE : August 28, 2004

SB 0966

SENATE SPONSOR Shields

3129S.01I

SB 966 - This act establishes that a temporary employee of a temporary help firm, who is aware of this law, shall be deemed to have voluntarily quit their employment if the employee does not contact the firm for reassignment prior to filing for benefits.

This act is identical to SB 614 (2003).
RICHARD MOORE

121903 Prefiled

010704 S First Read

S20

011504 Second Read and Referred S Small Business, Insurance and Industrial Relations Committee S118

EFFECTIVE : August 28, 2004

SB 0967

SENATE SPONSOR Shields

3155S.01I

SB 967 - This act alters the definition of "Approved Private Institution" in the section concerning Charles Gallagher Financial Awards to include proprietary schools as defined in Sections 173.600 to 173.618, RSMo, which offer associate or baccalaureate degrees.

Further, the act alters the definition of "Qualified Employment" in the Nursing Student Loan Program to include full time employment in a position requiring licensure as a licensed practical nurse or registered professional nurse in any hospital.

This act is similar to the SCS/SB 428 from 2003.
DONALD THALHUBER

121903 Prefiled
010704 S First Read S20
011504 Second Read and Referred S Education Committee S118

EFFECTIVE : August 28, 2004

SB 0968

SENATE SPONSOR Shields

3402S.01I

SB 968 - This act states that if a school district places a contracted teacher on leave of absence after thirty days, but less than sixty days, subsequent to the Governor signing the Elementary and Secondary Education appropriation bill, the district shall pay the affected teacher one quarter of the value of that teacher's contract. If a school district places a contracted teacher on leave of absence after sixty days subsequent to the Governor signing the Elementary and Secondary Education appropriation bill, but before half of that school year is completed, the district shall pay the affected teacher one half of the value of that teacher's contract.

DONALD THALHUBER

121903 Prefiled
010704 S First Read S20
011504 Second Read and Referred S Education Committee S118
012704 Hearing Scheduled S Education Committee

EFFECTIVE : August 28, 2004

SB 0969

SENATE SPONSOR Shields

3393S.01I

SB 969 - This act removes the proration factor for the Career Ladder program.
DONALD THALHUBER

121903 Prefiled
010704 S First Read S20
011504 Second Read and Referred S Education Committee S118
012004 Hearing Conducted S Education Committee

EFFECTIVE : August 28, 2004

SB 0970

SENATE SPONSOR Childers

3518S.01I

SB 970- This act provides that in any county which becomes a first classification county after September 1, 1997, 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.

Currently, the law provides for such counties which become first classification counties after September 1, 1998.

SUSAN HENDERSON

122203 Prefiled

010704 S First Read S20
011504 Second Read and Referred S Economic Development,
Tourism and Local Government Committee S118
012104 Hearing Conducted S Economic Development, Tourism &
Local Government Committee-Consent

EFFECTIVE : August 28, 2004

SB 0971

SENATE SPONSOR Stoll

2500S.01I

SB 971 - The act limits the location of the counties where an individual can be prosecuted for identity theft.

This act changes identity theft from a Class A misdemeanor to a Class D felony.

SUSAN HENDERSON

122303 Prefiled

010704 S First Read S20-21
011504 Second Read and Referred S Judiciary and Civil &
Criminal Jurisprudence Committee S118

EFFECTIVE : August 28, 2004

SB 0972

SENATE SPONSOR Stoll

2579S.03I

SB 972 - This act authorizes the Governor to award a Public Safety Medal of Valor to a public safety officer who is cited by the Attorney General, upon the recommendation of the medal of valor review board, for extraordinary valor above and beyond the call of duty. The design of the medal may be determined by the Governor.

Further, the act:

- Outlines provisions for the posthumous awarding of the medal;
- Defines which public safety officers are eligible for the award;
- Details the selection and functioning of the board; and
- Sets up the Missouri Public Safety Officer Medal of Valor Fund, to be administered by the Office of Administration.

DONALD THALHUBER

122303 Prefiled

010704 S First Read

S21

011504 Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee S118

EFFECTIVE : August 28, 2004

SB 0973

SENATE SPONSOR Stoll

2802S.01I

SB 973 - This act requires additional information when the Department of Economic Development enters into an agreement with a party to provide grants, loans, tax credits or other financial assistance to the party through a program administered by the Department.

The act requires that additional information about the economic incentive and the financial obligation of the party if the requirements of the agreement are not met. The agreement must also list any other financial assistance received by the party for the same project. Any proceeds from an economic incentive that are returned to the Department of Economic Development must be used for worker training and re-training programs administered by the division of workforce development.

The Department of Economic Development must prepare an annual report to the President pro tem of the Senate and the Speaker of the House of Representatives that contains certain

information about the economic incentives administered in the past year.

This act is identical to SB 473 (2003).
JIM ERTLE

122303	Prefiled	
010704	S First Read	S21
012004	Second Read and Referred S Economic Development, Tourism and Local Government Committee	S129-130
012804	Hearing Scheduled S Economic Development, Tourism and Local Government Committee	

EFFECTIVE : August 28, 2004

SB 0974

SENATE SPONSOR Dougherty

3429S.01I

SB 974 - This act protects a no-cost health screener from a malpractice suit.
HENRY T. HERSCHEL

122303	Prefiled	
010704	S First Read	S21
011504	Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S118
012604	Hearing Scheduled S Judiciary & Civil & Criminal Jurisprudence Committee	

EFFECTIVE : August 28, 2004

SB 0975

SENATE SPONSOR Dougherty

3315S.05I

SB 975 - Currently, only public community colleges and public vocational or technical schools are statutorily authorized to receive A+ reimbursements. This act additionally allows any private vocational or technical school that is a member of the North Central Association and accredited by the Higher Learning Commission to receive A+ reimbursements, provided that such reimbursements do not violate certain constitutional provisions and also provided that the private vocational or technical school does not receive tuition reimbursements in excess of the tuition rate charged by a public community college for course work offered by the private vocational or technical school within the service area of that community college.

DONALD THALHUBER

122303 Prefiled
010704 S First Read S21
011504 Second Read and Referred S Education Committee S118

EFFECTIVE : August 28, 2004

SB 0976

SENATE SPONSOR Stoll

2800S.01I

SB 976 - This act allow members of MOSERS who retired prior to July 1, 1990, and who have been employed by the board of trustees as a special consultant to receive an additional \$5 per month times the number of years of creditable service the member served.

This act is identical to SB 588 (2003).
RICHARD MOORE

122303 Prefiled
010704 S First Read S21
011504 Second Read and Referred S Pensions & General Laws Committee S118
012704 Hearing Scheduled S Pensions & General Laws Committee

EFFECTIVE : August 28, 2004

SB 0977

SENATE SPONSOR Stoll

2799S.01I

SB 977 - This act changes the cost-of-living assessment (COLA) for certain special consultants and retirees from 80% to 100% of the consumer price index for all adjustments after September 1, 2003, but not more than 5% of the annuity amount payable immediately before the payment of the COLA.

This act is identical to SB 587 (2003).
RICHARD MOORE

122303 Prefiled
010704 S First Read S21
011504 Second Read and Referred S Pensions & General Laws Committee S118
012704 Hearing Scheduled S Pensions & General Laws Committee

EFFECTIVE : August 28, 2004

SB 0978

SENATE SPONSOR Stoll

3460S.01I

SB 978 - This act establishes the "Collaborative for Applied Experiences in Science" (CAES) program, for the purpose of increasing the statewide potential scientific and technical workforce by identifying, recruiting, and retaining talented in-state and resident out-of-state undergraduates. To achieve this end, CAES will:

- Develop a summer employment program emphasizing the development of research and technical skills in the fields of science, mathematics, computer science, and engineering;
- Provide mechanisms for retaining high potential students;
- Introduce students to the potential career opportunities within the state;
- Facilitate employer access to a highly select talent pool; and
- Keep collegiate-level students from Missouri who attend national and regional universities informed about career opportunities in the state.

This act is identical to the SCS/SB 353 (2003).
DONALD THALHUBER

122303	Prefiled	
010704	S First Read	S21
011504	Second Read and Referred S Education Committee	S118

EFFECTIVE : August 28, 2004

SB 0979

SENATE SPONSOR Stoll

3467S.01I

SB 979 - This act establishes the "Missouri Statewide Initiative for Scientific Education Enhancement" (MOSISE2) program.

The goal of the MOSISE2 program is the encouragement and support of science enrichment opportunities for gifted and talented elementary and secondary students in Missouri. The MOSISE2 curriculum may be developed by the Coordinating Board of Higher Education.

The participating universities that provide MOSISE2 programs may: conduct programs, seminars, and classes for gifted and talented students within or without the boundaries of any school district and, for that purpose, employ instructors, supervisors,

and other personnel and provide necessary equipment and supplies; and transport, or arrange for transportation of, students to or from educational institutions where regularly scheduled programs and classes are being conducted.

The Department of Elementary and Secondary Education will plan, develop, and provide a request for proposals (RFP) structure for two-year and four-year colleges and universities and other scientific research institutions in the State of Missouri to develop programs through a competitive proposal process. The Department shall assemble a twelve-member review panel of experts to review and judge the RFPs. An application shall be approved by the panel for a period of one, two, three or five years, or denied, based on the quality of the plan, in accordance with criteria adopted by the panel. Those criteria shall be reviewed by the twelve-member review panel at least once every three years.

The Commissioner of Education shall: apportion funds to each participating university; assist participating universities, upon their request, to design, implement, and evaluate MOSISE2 programs; ensure the proper expenditure of MOSISE2 funds; encourage the development of locally designed, innovative programs for gifted and talented students; assist school districts in the development and implementation of staff development programs related to gifted and talented students; and encourage the development of procedures that assure the ongoing participation of parents of gifted and talented students in the planning and evaluation of MOSISE2 funded programs.

A participating university shall be entitled to state aid for participating students who take part in a program. Attendance of participating students at these programs, seminars, and classes shall be included in computing the average daily attendance of a school district for the purposes of apportionments from the state public school fund. Participation in the MOSISE programs may be included as part of a school district's career development and teacher excellence plan.

Program funding will be a shared responsibility between the participating universities and this state. The participating universities will provide a match of one dollar for every two dollars provided by the state.

This act is identical to SB 1237 (2002).
DONALD THALHUBER

122303 Prefiled
010704 S First Read
011504 Second Read and Referred S Education Committee

S21
S118

EFFECTIVE : August 28, 2004

SB 0980

SENATE SPONSOR Bartle

3567L.01I

SB 980 - This act repeals certain sections of law which have expired, sunset, terminated, or are ineffective.

RICHARD MOORE

123003	Prefiled	
010704	S First Read	S21
011504	Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee	S118
012204	Hearing Cancelled S Governmental Accountability and Fiscal Oversight Committee	
012604	Hearing Scheduled S Governmental Accountability and Fiscal Oversight Committee	

EFFECTIVE : August 28, 2004

SB 0981

SENATE SPONSOR Vogel

3572S.01I

SB 981 - This act exempts hotel/motel sleeping rooms paid for by tax exempt entities from certain local transient guest taxes.

JEFF CRAVER

123103	Prefiled	
010704	S First Read	S21
011504	Second Read and Referred S Ways & Means Committee	S118

EFFECTIVE : August 28, 2004

SB 0982

SENATE SPONSOR Coleman

2585S.02I

SB 982 - 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.

The act provides that civilian review boards will also have the power to conduct evidentiary hearings and investigate allegations of racial profiling. Further, the act requires all local law enforcement agencies and their employees to cooperate

with civilian review boards in their jurisdiction.

This act is similar to SB 348 (2003).
JIM ERTLE

010204 Prefiled
010704 S First Read
011504 Second Read and Referred S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee S118

EFFECTIVE : August 28, 2004

SB 0983

SENATE SPONSOR Quick

3392S.01I

SB 983 - This act allows a beneficiary who receive a motor vehicle or an outboard motor or vessel pursuant to a transfer on death instrument to make one reassignment of the original certificate of ownership upon the death of the owner to another owner without transferring the certificate to the beneficiary's name.

This act allows owners of manufactured homes who own the home as joint tenants with the right of survivorship or as tenants by the entirety to receive a certificate of ownership in beneficiary form from the Director of the Department of Revenue. The beneficiary form shall include a directive to the Director of Revenue to transfer the certificate of ownership on the death of the owner or owners. The directive shall also permit the beneficiary to make one reassignment of the original certificate of ownership upon the death of the owner to another owner without transferring the certificate to the beneficiary's name.

A certificate of ownership in beneficiary form may not be issued to persons who hold their interest in a manufactured home as tenants in common. During the lifetime of the owners, the signature or consent of the beneficiary shall not be required for transactions relating to the manufactured home. The owner may revoke the certificate of ownership or change beneficiaries before the owner's death under certain conditions (Sale of ownership in home with proper assignment of certificate or reissuance of certificate or redesignation of beneficiary with the Director). A beneficiary's interest in the home shall be subject to security interests which the owner accrued during his or her lifetime. A beneficiary's interest in a certificate of ownership may not be changed or revoked by will or other instruments. The Director shall issue a new certificate of ownership to the surviving owners or beneficiaries upon proof of death.

STEPHEN WITTE

010504 Prefiled
010704 S First Read

S21-22

EFFECTIVE : August 28, 2004

SB 0984

SENATE SPONSOR Foster

3553S.01I

SB 984 - This act states that any supplier furnishing a crop production input, petroleum product, and/or feed have a lien for that product. The lien shall attach to all crops and proceeds which are produced utilizing the production input and all livestock consuming the feed. The liens established herein shall not apply to the portion of the crops and/or livestock that have been completely paid for by the producer. Perfection of the lien shall come from filing with the Missouri Secretary of State a uniform commercial code financing statement. A supplier may notify a lender of a lien by delivery of a lien-notification statement addressed to the lender; such delivery shall be by certified mail or another method evidencing receipt. This act establishes the priority of a lien over a security interest only in cases where such lien has been perfected, the order of priority is also laid out in this act. This act also lays out enforcement procedures for lien holders.

MEGAN CRAIN

010504 Prefiled
010704 S First Read S22
011504 Second Read and Referred S Agriculture, Conservation,
Parks & Natural Resources Committee S118

EFFECTIVE : August 28, 2004

SB 0985

SENATE SPONSOR Foster

3554S.01I

SB 985 - This act amends the Uniform Commercial Code.

This act deals with production-money security interests, provides added definitions, including "production-money crops", "production-money obligation", and "production of crops", and addresses the priority and perfection of security interests and agricultural liens.

MEGAN CRAIN

010504 Prefiled

010704 S First Read	S22
011504 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee	S118

EFFECTIVE : August 28, 2004

SB 0986

SENATE SPONSOR Cauthorn

3457S.01I

SB 986 - This act creates the crime of "endangering a corrections employee" if an offender or prisoner causes such an employee to come into contact with bodily fluids. This offense is a Class D felony.

This act makes it a Class B felony if a person endangers a corrections employee by knowingly putting the employee in danger of contracting HIV, Hepatitis B or Hepatitis C.

If a person causes an employee to come in contact with an unidentified substance, it is a Class A misdemeanor.

This act also removes inmates and correctional facilities from the provisions of Section 565.092, RSMo.

This act is similar to SB 418 (2003).
SUSAN HENDERSON

010504 Prefiled	
010704 S First Read	S22
011504 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S118

EFFECTIVE : August 28, 2004

SB 0987

SENATE SPONSOR Quick

3305S.02I

SB 987 - This act requires that the petition needed to form a public water supply district be verified by at least of the signers of the petition. The verification shall include a statement confirming that service has been made by mail to municipalities located within two miles of the boundary of the water supply district sought.

This act eliminates the six-month restriction limiting municipalities and public water supply districts from forming agreements to provide water service to areas that have been annexed to the municipality.

SUSAN HENDERSON

010604 Prefiled
010704 S First Read S22
012004 Second Read and Referred S Commerce & the Environment
Committee

EFFECTIVE : August 28, 2004

SB 0988

SENATE SPONSOR Steelman

3678S.01I

SB 988 - This act extends the waste tire fee to January 1, 2005. In addition ,this act deals with the issuance of contracts for the removal or clean up of waste tires. Under this act, contract preference shall go to any vendor that meets one or more of the stated requirements. Such requirements include but shall not be limited to, Missouri vendors, out of state vendors that employ Missouri residents, or nonresident vendors that have an affiliate or subsidiary in Missouri.

This act has an emergency clause.
MEGAN CRAIN

010604 Prefiled
010704 S First Read S22
011504 Second Read and Referred S Commerce & the Environment
Committee S118
012004 Hearing Conducted S Commerce & the Environment
Committee-Consent

EFFECTIVE : August 28, 2004

SB 0989

SENATE SPONSOR Gross

3573S.01I

SB 989 - This act is intended to permit a regulated entity to avoid civil penalties if the failure to comply with the environmental laws or regulations of federal, state, or local laws or ordinances was promptly reported to the regulation agency in compliance with requirements of this act.

In order to meet the requirements of the act, the non-compliance has to be discovered voluntarily by due diligence and/or a company audit performed by the regulated entity.

The regulated entity is required to take remedial action

within 60 days to correct the non-compliance. A shorter or longer time to remediate may be permitted under certain circumstances.

To comply with the act, an incident of non-compliance may not have occurred in the facility within the previous three years and within the previous five years if multiple facilities are involved.

HENRY HERSCHEL

010604 Prefiled	
010704 S First Read	S22
011504 Second Read and Referred S Commerce & the Environment Committee	S118

EFFECTIVE : August 28, 2004

SB 0990

SENATE SPONSOR Loudon

2894S.03I

SB 990 - This act creates both a high and a low voltage licensing board relating to the electrical industry to be located within the Division of Professional Registration. Each board shall have seven members who are appointed by the Governor and confirmed by the Senate. Members of each board shall serve four-year staggered terms with an eight-year term limit. Each board will meet at least four times annually, and members may be reimbursed for expenses and receive compensation of up to \$50 per day.

The act also establishes state licensing requirements for low and high voltage electrical contractors. Contractors practicing prior to March 1, 2004, may apply for a waiver of requirements under some circumstances. Other practicing contractors may apply for a two-year limited, non-renewable license while they await passing a state examination. The Division may establish licensing fees to cover administrative costs and may develop reciprocal licensing agreements with other states. Each respective board may file complaints against contractors with the Administrative Hearing Commission and suspend or revoke licenses if warranted by the Commission's findings. Violators of licensing requirements are guilty of a Class B misdemeanor.

RICHARD MOORE

010604 Prefiled	
010704 S First Read	S22
011404 Second Read and Referred S Small Business, Insurance and Industrial Relations Committee	S101

012104 Hearing Conducted S Small Business, Insurance and
Industrial Relations Committee

EFFECTIVE : August 28, 2004

SB 0991

SENATE SPONSOR Dougherty

2786S.01I

SB 991 - This act prohibits a consumer reporting agency from determining the credit risk score of a resident of this state by the number of inquiries posted on a consumer's credit files. Any consumer who receives a credit risk score in violation of this act shall have the right to bring a civil action and seek injunctive relief. The Attorney General is also authorized to prosecute civil and criminal actions authorized by this section.

This act is identical to SB 670 (2003).
JIM ERTLE

010604 Prefiled

010704 S First Read

S22

011504 Second Read and Referred S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee S118

EFFECTIVE : August 28, 2004

SB 0992

SENATE SPONSOR Cauthorn

3156S.01I

SB 992 - This act changes the definition of containers approved for transporting anhydrous ammonia to include any container approved in accordance with the provisions of the American National Standard for the Storage and Handling of Anhydrous Ammonia, K61.1, as amended.

SUSAN HENDERSON

010604 Prefiled

010704 S First Read

S22

EFFECTIVE : August 28, 2004

SB 0993

SENATE SPONSOR Cauthorn

3415S.01I

SB 993 - Currently, Section 168.081, RSMo, requires public

teachers of kindergarten through grade twelve to possess a valid teaching certificate. This act broadens this requirement to include pre-kindergarten teachers as well.

DONALD THALHUBER

010604 Prefiled
010704 S First Read S22
011504 Second Read and Referred S Education Committee S118
012704 Hearing Scheduled S Education Committee

EFFECTIVE : August 28, 2004

SB 0994

SENATE SPONSOR Coleman

3578S.01I

SB 994 - This act allows defendants to assert legal or equitable defenses, setoffs, or counterclaims in unlawful detainer actions.

STEPHEN WITTE

010604 Prefiled
010704 S First Read S22
011504 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee S118

EFFECTIVE : August 28, 2004

SB 0995

SENATE SPONSOR Coleman

3676S.01I

SB 995 - This act changes the name of Harris-Stowe State College to Harris-Stowe University.

DONALD THALHUBER

010604 Prefiled
010704 S First Read S22
011504 Second Read and Referred S Pensions & General Laws Committee S119

EFFECTIVE : August 28, 2004

SB 0996

SENATE SPONSOR Shields

3552S.01I

SB 996 - This act creates a list of various forms of identification such as social security numbers, drivers license numbers, and other information, which are to be considered the subject of identity theft.

Under this act, it is a Class A misdemeanor if a person commits identity theft involving no more than \$500. A subsequent offense involving no more than \$500 is a Class D felony. It is a Class D felony if the value of the identity theft exceeds \$500, but involves no more than \$1,000. It is a Class C felony if the value of the identity theft exceeds \$1,000, but involves no more than \$10,000. It is a Class B felony if the value of the identity theft exceeds \$10,000, but involves no more than \$100,000. It is a Class A felony if the value of the identity theft exceeds \$100,000.

This act allows any person who commits identity theft to be liable to the victim for up to \$5,000, in addition to criminal penalties. The victim may also bring a civil action to enjoin future acts of identity theft by the individual.

This act allows a deceased person's estate to recover damages for identity theft to which the decedent was a victim.

This act is not applicable in certain situations when a person obtains the identity of another. Such situations include, obtaining an identity to buy alcoholic beverages, receiving credit information in a commercial transaction, lawfully exercising a security interest by a creditor, and complying with a court order or other decree.

This act defines the offense of trafficking stolen identities as manufacturing, selling, transferring, purchasing, or possessing identification documents for the purposes of identity theft. Under this act, trafficking of stolen identification documents is a Class B felony. Possession of five or more identification documents of one person, or identification documents of more than five people, is evidence that the person intends to commit identity theft. Possession of one's own identification, his or her spouse's identification, or that of a consenting person is not an offense.

SUSAN HENDERSON

010604 Prefiled	
010704 S First Read	S22
011504 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S119

EFFECTIVE : August 28, 2004

SB 0997

SENATE SPONSOR Shields

3642S.01I

SB 997 - This act creates the "Exhibition Center & Recreation Facility District Act". The act enables citizens of Buchanan, 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. At least one member of the board shall be the owner of a business in the district and at least one member shall be the owner of a lodging facility in the district. Two of the members of the board must reside in the district. 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, and to amend and adopt bylaws.

The district may submit to its voters a sales tax of up to one-quarter 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 the Department of Revenue to authorize 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 makes a technical change to delete the requirement that the treasurer make the disbursements in the case of an overpayment, as such is not required for non-state funds.

This act is similar to SB 244 (2003), HB 144 (2003) and SB 754 (2004).
JEFF CRAVER

011504 Second Read and Referred S Ways & Means Committee S119

EFFECTIVE : August 28, 2004

SB 0998

SENATE SPONSOR Shields

3551S.01I

SB 998 - Current law defines "distressed community" to include various areas including metropolitan statistical areas and certain census block groups. Regarding census block groups, this act modifies the definition to say that a distressed community includes census block groups which have a population of at least 500, down from the current law population requirement of 2,500. The act also adds to the definition by including within the definition federal empowerment zones, federal enhanced enterprise communities, or a state enterprise zone designated before January 1, 1986, if such zones or communities lie in metropolitan statistical areas.

JEFF CRAVER

010604 Prefiled

010704 S First Read

S22

011504 Second Read and Referred S Ways & Means Committee

S119

EFFECTIVE : August 28, 2004

SB 0999

SENATE SPONSOR Griesheimer

3586S.02I

SB 999 - This act directs franchisors to specify, in writing, franchisee obligations with regard to preparation, delivery, and warranty service. The franchisor shall compensate the franchisee for required warranty service. A schedule for such compensation shall be provided to the franchisee by the franchisor and include information on parts, work, service and time allowance for work and service.

This act directs franchisors to perform warranty obligations, include the expected date for which replacement parts will be available upon recall orders, and compensate franchisees for the repairs effected by any recalls. This act states that any franchisee claims made be paid within thirty days of their approval from the franchisor. Any claims not specifically disapproved within that time frame are considered approved and payment is to be expected within the thirty-day time frame discussed above. Franchisees shall maintain records of all warranty repairs for two years after a claim has been paid.

This act holds franchisors responsible for compensating franchisees for franchisor-sponsored sales events, promotions or activities. Such claims are to be paid within ten days after their approval from the franchisor.

MEGAN CRAIN

010604 Prefiled	
010704 S First Read	S22
011504 Second Read and Referred S Commerce & the Environment Committee	S119

EFFECTIVE : August 28, 2004

SB 1000

SENATE SPONSOR Bartle

3639S.02I

SB 1000 - The act provides that results of forensic DNA analysis shall be admissible as evidence to prove or disprove any relevant fact during a criminal trial or proceeding. Under this act, the "DNA Profiling System" is designed to assist federal, state, and local law enforcement with the identification, investigation, and prosecution of individuals, as well as the identification of missing people.

The act requires the DNA profiling system to support the development of forensic studies and protocols, and maintain a population statistics database for crime laboratories, in addition to the other activities it performs.

The act requires the DNA profiling system to collaborate with the FBI and other agencies relating to the state's participation in the FBI's Combined DNA Index System(CODIS).

The act allows the Department of Corrections, the Division of Probation and Parole, an authorized designee, or a contracted third party to collect DNA samples.

This act requires that every individual, who pleads guilty to a felony or any sexual offense pursuant to Chapter 566, RSMo, provide a sample for the purposes of DNA profiling analysis. An individual must be tested: 1) Upon entering the Department of Corrections; 2) Before release from a county jail, detention facility, state correctional facility, mental health facility, or other institution; 3) Upon being admitted to Missouri from another state pursuant to an interstate compact; or 4) While under the jurisdiction of the Department of Corrections, if the person is already under such jurisdiction. If an individual is currently under the jurisdiction of the Department of Corrections, he or she may not be released before the end of the maximum term available

unless the person has provided a DNA sample.

The act requires a person to provide another sample for DNA profiling analysis, if his or her original sample was not adequate for any reason. In addition, the act limits the effect of obtaining or placing an offender's DNA sample in the database by mistake.

The act requires that a mandatory fee of \$160 be assessed on any person who has committed a qualifying offense pursuant to this act. The fee will be collected by the Department of Corrections and transmitted to the Department of Public Safety, in order for a DNA database fund to be established. The fund will be used for the operation of the CODIS systems. If an inmate refuses to pay this fee, the Department of Corrections may collect the amount owed from the inmate's wages or prison account.

This act makes all DNA records and biological materials retained for the DNA profiling system closed records. The records shall be considered confidential, and with limited exceptions, cannot be disclosed. Anyone who properly obtains the records may only use the information for certain specified purposes.

The act allows individuals to request expungement of their DNA sample and profile if the court issues a dismissal of the charges or reversal of the decision. The act sets out the proper procedure to be used when a person requests expungement of his or her information and such expungement is granted. With the expungement of information, the highway patrol is not required to destroy evidence obtained from DNA samples if evidence relating to other people would be destroyed as well. The failure or delay in expunging a person's information; however, shall not be a reason to suppress evidence or change the result of his or her case.

SUSAN HENDERSON

010604	Prefiled	
010704	S First Read	S22
011504	Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S119
012104	Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee	
012104	Voted Do Pass S Judiciary and Civil & Criminal Jurisprudence Committee	
012204	Reported From S Judiciary and Civil & Criminal Jurisprudence Committee to Floor	S147
012604	004 S Calendar S Bills for Perfection	

EFFECTIVE : August 28, 2004

SB 1001

SENATE SPONSOR Wheeler

3542S.02I

SB 1001 - This act regulates the treatment of end stage renal disease.

SECTION 197.800 - This sections provides definitions for terms associated with end stage renal disease dialysis facilities.

SECTION 197.802 - This section prohibits any person or governmental unit from establishing, conducting, or maintaining an end stage renal disease dialysis facility without a license issued by the Department of Health and Senior Services.

SECTION 197.804 - The Department shall provide application forms for licensure. The Department may require a facility to submit evidence of the ability to comply with reasonable standards, rules, and regulations. All applications must include an annual license fee, which will not exceed \$2,500. These fees will be deposited in the Public Health Services Fund to be used solely for licensing and training activities.

SECTION 197.806 - The Department shall issue a license to a facility if they have met the requirements in Section 197.804 and can affirmatively show that:

- (1) The medical staff consists of licensed physicians;
- (2) Dialysis treatments are performed as specified in this section;
- (3) Continuous physician and nursing services are provided in the facility; and
- (4) Adequate and complete medical records for patients are maintained.

Licenses shall only be issued for the named persons and premises and shall be valid for one year.

SECTION 197.808 - This section allows the Department to deny, suspend or revoke a license in any of the specified circumstances.

SECTION 197.810 - Administrative hearing procedures shall apply to any person aggrieved by a final decision of the Department relating to the status of their license.

SECTION 197.812 - The Department may adopt rules, regulations, and standards for the types of services provided pursuant to Sections 197.800 to 197.816 and to assure quality patient care and safety. The Department may inspect and investigate these facilities as it deems necessary.

SECTION 197.814 - Any person operating, conducting, managing

or establishing an end stage renal disease dialysis facility without a valid license will be guilty of a Class A misdemeanor and subject to a fine of not more than \$500. Each day the violation continues shall be deemed a separate offense. The Attorney General may request an injunction against the violator. Any person operating, conducting, managing or establishing a facility that uses or employs the words "State", "Missouri", "State of Missouri", "Department of Health and Senior Services", "MO", or any emblem of the state or Department to give a false impression of involvement shall be subject to a fine of \$100 per day for each day the advertisement or statement appears.

LORIE TOWE

010604 Prefiled

010704 S First Read

S22

EFFECTIVE : August 28, 2004

SB 1002

SENATE SPONSOR Bray

3710S.01I

SB 1002 - This act creates the "Freedom = Choice" license plate. A person desiring such a plate must make a \$25 annual or \$50 biennial contribution to the Missouri Freedom = Choice Support Fund. The Director of the Department of Revenue is required to issue samples of the plates to all offices within the state. Such plates shall be prominently displayed in the state offices along with literature describing the plates, the Missouri Freedom = Choice Support Fund, and the purposes for which the fund is used. The act creates the fund and allows the General Assembly to appropriate moneys to the fund. The fund shall be used to provide and promote family planning services by grants to family service providers. None of the funds appropriated may be used for abortion or abortion counseling.

STEPHEN WITTE

010704 S First Read

S24

012004 Second Read and Referred S Transportation Committee S130

EFFECTIVE : August 28, 2004

SB 1003

SCS SB 1003

SENATE SPONSOR Gibbons

3472S.04P

SCS/SB 1003 - This act establishes a comprehensive children's mental health service system.

SECTION 208.152 - Child serving agencies within the comprehensive children's mental health service system are included under the provision of mental health services for the payment of Medicaid benefits.

SECTION 208.204 - By judicial review or family support meetings, the Children's Division must determine which child custody cases only need mental health services. Within sixty days, individualized service plans must be developed to identify which agencies will supply the appropriate services to the child. These plans will be submitted to the court for approval and the child's family may actively participate in the plan. Children in need of only mental health services may be returned to the family's custody. Services shall be provided in the least restrictive environment. The Department of Social Services shall bill the Department of Mental Health for the appropriate moneys for the care of these children.

SECTION 630.097 - The Department of Mental Health, in partnership with all of the Departments represented on the Children's Services Commission, must develop a comprehensive children's mental health service system. This system will include a "Comprehensive System Management Team". The Department of Mental Health, along with all of the Departments from the Children's Services Commission, must develop a plan detailing outcomes, changes in population and progress to be submitted to the House, Senate and Governor by December 31, 2004.

SECTION 630.210 - The standard means test for children in need of mental health services shall be waived to avoid custody transfers to the Children's Division. The Department of Mental Health is responsible for notifying parents that the standard means test may be waived.

LORIE TOWE

010704 S First Read	S24
011204 Second Read and Referred S Aging, Families, Mental & Public Health Committee	S91
011404 Hearing Conducted S Aging, Families, Mental & Public Health Committee	
011504 SCS Voted Do Pass S Aging, Families, Mental & Public Health Committee (3472S.04C)	
011504 Reported From S Aging, Families, Mental & Public Health Committee to Floor w/SCS	S117
012004 SA 1 to SCS S offered & Ruled out of order (Bray)	S127-128
012004 SA 2 to SCS S offered & Ruled out of order (Wheeler)	S128-129
012004 SCS S adopted	S129
012004 Perfected	S129
012104 Reported Truly Perfected S Rules Committee	S141
012204 S Third Read and Passed	S146
012204 H First Read	H129

SB 1004

SENATE SPONSOR Shields

3574S.01I

SB 1004 - This act provides that only persons licensed by the Board of Healing Art and the Board of Nursing may administer a drug by injection for a fee. Such persons' scope of practice must include the administration of drugs by injection. Nothing in this act shall prevent the self-administration of drugs by injection or the administration of drugs by injection by family or friends if no fee is received.

JIM ERTLE

010704 S First Read	S24
012004 Second Read and Referred S Aging, Families, Mental & Public Health Committee	S130

EFFECTIVE : August 28, 2004

SB 1005

SENATE SPONSOR Shields

3546S.02I

SB 1005 - This act clarifies the opportunity for an incumbent, local exchange telecommunications company to change its rates by filing tariffs with the Public Service Commission and provided the change is consistent with Subsections 2 through 5 of Section 392.200, RSMo.

MEGAN CRAIN

010704 S First Read	S24
012004 Second Read and Referred S Commerce & the Environment Committee	S130

EFFECTIVE : August 28, 2004

SB 1006

SENATE SPONSOR Goode

3653L.01I

SB 1006 - This act designates a portion of Missouri Route 364 in St. Louis County as the "Buzz Westfall Memorial Highway".

STEPHEN WITTE

010704 S First Read	S24
012004 Second Read and Referred S Transportation Committee	S130

EFFECTIVE : August 28, 2004

SB 1007

SENATE SPONSOR Goode

3735S.01I

SB 1007 - This act provides that all gubernatorial appointments that are constitutionally required, to be made with the advice and consent of the Senate must be so made, regardless of whether the statute which creates the appointed position specifically calls for the appointment to be made subject to the advice and consent of the Senate.

JIM ERTLE

010704 S First Read

S24

012004 Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee S130

EFFECTIVE : August 28, 2004

SB 1008

SENATE SPONSOR Goode

3738S.01I

SB 1008 - This act makes various changes designed to increase accountability for tax increment financing projects (TIF). The act:

- (1) Creates countywide public finance review authorities in counties where TIF is used;
- (2) Excludes sales taxes dedicated by a vote of the people to a specific purpose or project from being subject to TIF;
- (3) Defines a retail project as any redevelopment project where more than 50% of total costs are devoted to retail establishment;
- (4) Provides that the information required by current law to be included in a redevelopment plan must be substantial and competent and that which a reasonable person would believe;
- (5) Requires an economic feasibility analysis indicating the return on investment of the proposed development for project worth over \$250,000 in TIF. All documents relating to the study and other current requirements must be published prior to 30 days of the adoption of the TIF plan. A resident may enjoin such adoption by suit or 5% of registered voters may petition to have the plan delayed until the voters of the municipality can vote on the issue;
- (6) Prohibits approval of a retail project for TIF unless the local countywide public finance review authority certifies that the TIF will serve a regional public benefit because of extended absence of private investment, the project would bring under-served retail activity to the area, the retail project will result in new jobs, sales, and property taxes, and the TIF will not unfairly influence competition with other retail

establishments;

(7) Requires that infrastructure improvements supported by TIF meet the Americans with Disabilities Act requirements;

(8) Requires that a municipality seeking to designate a TIF located wholly or partially outside its boundaries must first obtain permission from any other municipality in which the TIF would be located;

(9) Requires that, for the life of a project, the municipality shall pay 25% of the payments in lieu of taxes to any other taxing entities entitled to receive property tax revenue in such municipality. This amount shall be divided proportionately among the other affected taxing entities. When a TIF project includes residential uses, unless the commission members representing the affected school board or boards say otherwise, real property tax levies attributable to the residential portion of the development shall pass through to the school district or districts;

(10) Requires that the municipality and the developer submit information to Department of Economic Development (DED) regarding the approved plan annually, to be published on the department's web site. The report shall identify the number and location of redevelopment areas, quantifying public investment in each, and assess the public benefit, as quantified in terms of tax revenue and net new job creation, and show the economic impact of the project on each taxing district which is at least partially within the boundaries of the redevelopment area;

(11) Requires that the governing body and DED have access to the TIF site and to the records of the business established on the site at all reasonable times;

(12) Provides that the annual report for retail projects must include a certification from the countywide public finance review authority reaffirming the continuing economic benefit of the TIF.

JEFF CRAVER

010704 S First Read	S24
012004 Second Read and Referred S Ways & Means Committee	S130

EFFECTIVE : August 28, 2004

SB 1009

SENATE SPONSOR Griesheimer

2750S.01I

SB 1009 - This act regulates the sale of motor vehicle extended service contracts for the repair, replacement or maintenance of motor vehicles. The act does not apply to warranties, maintenance agreements, commercial transactions and service contracts sold to non-consumers. The act requires those providing service under a motor vehicle extended service contract to demonstrate financial responsibility by insuring the service

contracts under reimbursement insurance policies or by other means such as providing a surety bond. Service contract administrators are required to register with the Department of Insurance. The act provides for the requirements of a reimbursement insurance policy for insuring a motor vehicle extended service contract. The act specifies the form and content of motor vehicle extended service contracts and requires contract administrators to maintain certain records. This act provides for civil penalties for violating the act and gives the Director of the Department of Insurance various powers to enforce the act's provisions.

This act is based after the National Association of Insurance Commissioners (NAIC) Service Contracts Model Act.

This act has an effective date of January 1, 2007.

This act is identical to SCS/SB 477 (2003)
MEGAN CRAIN

010704 S First Read	S24
012004 Second Read and Referred S Commerce & the Environment Committee	S130

EFFECTIVE : January 1, 2007

SB 1010

SENATE SPONSOR Dougherty

3426S.02I

SB 1010 - This act adds the attorney general and any state official or body charged with investigating such alleged misconduct to those individuals a state employee may discuss the operations of an agency without discipline being brought against them. Further, the act establishes a civil cause of action for violations of Section 105.055, RSMo. The new cause of action would allow for actual damages, litigation expenses and reasonable attorney fees to be imposed.

The act adds harassment to those actions which are prohibited from occurring to an employee who reports a violation of Sections 610.010 to 610.030, RSMo.

RICHARD MOORE

010704 S First Read	S24
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EFFECTIVE : August 28, 2004

SB 1011

SENATE SPONSOR Dougherty

3178S.01I

SB 1011 - This act requires health insurance benefit plans to reimburse a licensed professional counselor with a Ph.D. in counseling at the same rate as a licensed psychologist.

JIM ERTLE

010704 S First Read	S24
012004 Second Read and Referred S Small Business, Insurance and Industrial Relations Committee	S130

EFFECTIVE : August 28, 2004

SB 1012

SENATE SPONSOR Caskey

3680S.01I

SB 1012 - Current law requires a person redeeming their property that has been sold at a tax foreclosure sale to pay interest of up to 10% on the entire purchase price of the property, even if the purchaser bid more than the delinquent taxes. This act limits the interest to only the amount of the bid price that represents the delinquent taxes.

JEFF CRAVER

010704 S First Read	S24
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EFFECTIVE : August 28, 2004

SB 1013

SENATE SPONSOR Stoll

3570S.01I

SB 1013 - This act states that when a vascular organ gift is made in Missouri, organ procurement organizations must use their best efforts to find a suitable recipient on a transplant list in Missouri.

LORIE TOWE

010704 S First Read	S24
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EFFECTIVE : August 28, 2004

SB 1014

SENATE SPONSOR Yeckel

3003S.03I

SB 1014 - The act prohibits the City of St. Louis and any board or commissions in St. Louis from requiring peace officers to reside within the limits of the city after they have been employed for four consecutive years, however, the city may require peace officers to live within the state. The calculation of the length of employment begins from the date of appointment. Peace officers who work less than eight hours per day and those who are full-time employees are subject to this act.

The act prohibits discrimination against peace officers based on their place of residence after they have been employed for four consecutive years. 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.

SUSAN HENDERSON

010704 S First Read

012004 Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee S130
012604 Hearing Scheduled S Financial & Governmental Org., Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2004

SB 1015

SENATE SPONSOR Kennedy

2896S.01I

SB 1015 - This act creates a Gang Resistance Education and Training program to be used in schools. The purpose of this program is to help children use non-violent means to resolve conflict and understand how gangs impact communities and individuals.

This program is to be administered by the Department of Public Safety and local law enforcement, in conjunction with the Department of Elementary and Secondary Education.

The funding for this program comes from a ten dollar surcharge assessed as costs in all criminal cases. There is a fund set up in the state treasury known as the "GREAT Fund" in which the money from the court costs is deposited and transferred to the Department of Public Safety.

This act is similar to SB 582 (2003).
DONALD THALHUBER

010804 S First Read S76
012004 Second Read and Referred S Education Committee S130

EFFECTIVE : August 28, 2004

SB 1016

SENATE SPONSOR Champion

3827S.01I
SB 1016 - This act modifies provisions of the Sunshine Law relating to electronic public meetings and records.

The definition of a public meeting shall include meetings conducted in person or by conference call, video conference, internet chat or internet message board. The definition of a public vote shall include votes taken by telephone or other electronic means. Notice of public meetings conducted by telephone or other electronic means shall identify the mode by which the meeting will be conducted and a location where the public can observe and attend the meeting. Notice of public meetings to be held on the internet or another computer link must be posted on the body's website and the principal office and shall inform the public on how to access that meeting. A public body must allow for the recording of a public meeting and may establish guidelines regarding the manner in which recordings must be conducted in order to minimize disruption to the meeting.

If a member of a public body transmit a message relating to public business, in writing or by electronic means, to other members of the body so that a majority of the members, including the sender, are copied, then the member must transmit the message to the custodian of records for the body. Such message is considered a public record. If a request for records is made by e-mail or another electronic format, the body may provide the requested records in the same format.

JIM ERTLE

010804 S First Read S76
012004 Second Read and Referred S Commerce & the Environment Committee S130
012704 Hearing Scheduled S Commerce & the Environment Committee

EFFECTIVE : August 28, 2004

SB 1017

SENATE SPONSOR Champion

3818S.01I

SB 1017 - 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.

This act is identical to SB 206 (2003).
SUSAN HENDERSON

010804 S First Read	S76
012004 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S130

EFFECTIVE : August 28, 2004

SB 1018

SENATE SPONSOR Champion

3755S.01I

SB 1018 - This act requires the Children's Division to arrange a team meeting prior to taking any action relating to the placement of a child in their custody. However, where the welfare of a child requires immediate or emergency placement, the Division may temporarily place a child in protective custody, but they must schedule a team meeting with seventy-two hours of the temporary placement.

The parent or legal guardian, the guardian ad litem, the juvenile officer, the Children's Division caseworker, the court-appointed-special-advocate, and any designee of the parent shall be notified and invited to participate in all team meetings. Team meetings may include any other persons who can assist the team in making the appropriate decisions on behalf of the child.

At the conclusion of the meeting, all parties must sign a form, provided by the Division, that states that they are aware of the team's decision regarding custody of the child. Any dissenting views will be noted on the form and included in the child's case records.

LORIE TOWE

010804 S First Read S76
012004 Second Read and Referred S Aging, Families, Mental & S130
Public Health Committee

EFFECTIVE : August 28, 2004

SB 1019

SENATE SPONSOR Steelman

3064S.02I
SB 1019 - This act provides that moneys from the law library fund may be used by Phelps County for the payment of guardian ad litem fees.
JIM ERTLE

010804 S First Read S76

EFFECTIVE : August 28, 2004

SB 1020

SENATE SPONSOR Steelman

2728S.03I
SB 1020 - This act revises various provisions relating to public records. The Curators of the University of Missouri are considered a public governmental body. Certain internal

memoranda and letters concerning advice, opinions and recommendations made in connection with the deliberative decision-making process of a public body are considered a public record. Public bodies are required to maintain minutes of closed meetings. The act provides that a public body is authorized to close a meeting or record related to an "imminent" cause of action.

Records concerning a transaction involving real estate must be made public upon execution of the transaction, rather than within 72 hours of execution. Records of public employees concerning hours worked and employee benefit information such as the amount of sick leave and vacation leave must be open. Donations or contributions from private sources to the salary of a chancellor or president in the University of Missouri system cannot be closed. The names of the final slate of candidates for any position of final authority in a public governmental office must be open. Final audit reports issued by auditors of a public body must be open. Records relating to the procurement of or expenditures relating to security systems are open. A member of a public body that objects to the closing of a meeting shall be immune from any liability for improper closure of a meeting. The objecting member cannot vote on the issue or participate in the discussion.

The act modifies the allowable copying charges for public records. Fees cannot exceed five cents per page and the hourly fee for search time cannot exceed the rate of pay for the least senior employment of the public body. The first hour of time must be provided without charge. The fee for access to public records on a computer shall only include the cost of the disk used for duplication.

In any suit against a public body for violation of the Sunshine Law, the custodian of records cannot alter or dispose of the records at issue. The act provides that a public body or member or any law enforcement officer or agency is liable for any negligent violation of the Sunshine Law. Currently, the body or member must purposely violate the Law. The act increases the potential penalty from a maximum of \$500 to a range of \$50 to \$1,000. A public body must ensure that any contract for a public records database must not impair the ability of the public to inspect or copy public records. The act deletes language which authorized a law enforcement agency to withhold accident or incident reports for 60 days.

This act is similar to SB 414 (2003).
JIM ERTLE

010804 S First Read	S76
012004 Second Read and Referred S Commerce & the Environment Committee	S130

012704 Hearing Scheduled S Commerce & the Environment
Committee

EFFECTIVE : August 28, 2004

SB 1021

SENATE SPONSOR Steelman

3812S.01I

SB 1021 - Currently, a policy of the Department of Elementary and Secondary Education allows teachers who have at least five years of teaching experience and who possess national board certification to automatically become eligible for stage III of the career ladder program.

This act directs the Commissioner of Education to cause the department to regard a speech pathologist who holds both a valid certificate of license to teach and a Certificate of Clinical Competence to have fulfilled the standards required to be placed on Stage III of the career ladder program, provided that such speech pathologist has been employed by a public school in Missouri for at least five years.

DONALD THALHUBER

010804 S First Read

S76

EFFECTIVE : August 28, 2004

SB 1022

SENATE SPONSOR Gross

3698S.01I

SB 1022 - This act includes child pornography within the list of sexual abuse cases that are investigated by the Department of Social Services' State Technical Assistance Team. New language holds the Director of Legal Services accountable for all cases reported to and filed by the team.

Upon the request of law enforcement agencies or a prosecuting official, the state technical assistance team within the Division of Legal Services must assist in investigations involving child abuse, child neglect, child sexual abuse, child exploitation, and child pornography.

LORIE TOWE

010804 S First Read

S76

EFFECTIVE : August 28, 2004

SB 1023

SENATE SPONSOR Griesheimer

3816S.01I

SB 1023 - This act creates the offense of criminal use of real property through the misuse of audiovisual recording devices. A person who knowingly operates the audiovisual recording function of a device at a movie without proper consent from certain individuals is guilty of criminal use of real property.

Certain persons who alert law enforcement authorities of an alleged violation shall not be civilly liable for subsequent actions taken to detain an individual until such law enforcement authorities arrive if he or she acted in good faith. There is an exception to this provision if the plaintiff can prove that he or she was held for an unreasonable amount of time.

This act does not prohibit law enforcement from operating audiovisual recording devices during the course of their authorized activities.

This act makes criminal use of real property pursuant to this section a Class A misdemeanor unless it is a second or subsequent offense, in which case, it is a Class D felony.

SUSAN HENDERSON

010804 S First Read	S76
012004 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S130

EFFECTIVE : August 28, 2004

SB 1024

SENATE SPONSOR Stoll

3583S.01I

SB 1024 - This act allows Jefferson County create an ordinance to enact a mechanical code to ensure proper licensing of mechanical contractors and workers.

SUSAN HENDERSON

010804 S First Read	S76
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EFFECTIVE : August 28, 2004

SB 1025

SENATE SPONSOR Griesheimer

3729S.01I

SB 1025 - This act modifies Section 392.200, RSMo, by adding instances where customer-specific pricing is authorized for telecommunication companies. This act provides the option for DS-1 related retail services as well as when business services have been classified as competitive pursuant to Subsection 5 of Section 392.245, RSMo.

MEGAN CRAIN

010804 S First Read	S76
012004 Second Read and Referred S Commerce & the Environment Committee	S130

EFFECTIVE : August 28, 2004

SB 1026

SENATE SPONSOR Mathewson

3394S.02I

SB 1026 - This act requires all individuals convicted of a felony and those who enter into a plea agreement resulting in a conviction of a felony to be DNA tested upon entering the custody of the Department of Corrections. Also, this act also requires the DNA testing of felons convicted of certain sexual or violent offenses, who are being released from a county jail or detention facility.

Under this act, the Missouri State Highway Patrol and the Department of Corrections are responsible for ensuring adherence to this law.

Any person required to provide a sample for DNA testing must do so without refusal at a designated collection site. Any personnel collecting the samples shall not be civilly or criminally liable if the act is performed in a reasonable manner and such personnel may use as much force as is necessary to complete the process.

The procedure and rules used in this process cannot conflict with those applicable to the DNA profiling system and the FBI's DNA data bank system.

According to this act, unauthorized use or dissemination of DNA information for purposes other than law enforcement or criminal justice is a Class A misdemeanor.

Under this act, the state's acceptance of a felon from

another state into the Department of Corrections is conditional on the person providing a sample for DNA profiling analysis.

A person who is required to provide a sample for DNA profiling analysis, but has not provided such a sample, shall do so after being notified. It is a Class A misdemeanor for a person subject to this act to knowingly refuse to provide a sample after being notified. This act requires individuals who have provided inadequate samples for testing purposes to provide an additional sample.

This act allows a person, whose case has been dismissed or conviction reversed, to request being expunged from the DNA profiling system. Upon receiving the necessary documentation, such individual's sample for DNA testing shall be destroyed and all of the DNA records shall be expunged from the DNA profiling system. An item of physical evidence, from which DNA profiling analysis was taken, does not have to be destroyed if evidence relating to another person would also be destroyed.

SUSAN HENDERSON

011204 S First Read

S87

EFFECTIVE : August 28, 2004

SB 1027

SENATE SPONSOR Cauthorn

3585S.03I

SB 1027 - The act is known as the "Professional Bail Bondsmen and Surety Recovery Agent Licensure Act". Under this act, no person shall engage in the activities of a bail bond agent or a general bail bond agent without being licensed. Judges, attorneys, court officials, law enforcement officers and public employees cannot be licensed as such agents. A licensed bail bond agent cannot execute or issue appearance bonds without a valid appointment from a general bail bond agent and without attaching to the appearance bond an executed and prenumbered power of attorney referencing the general bail bond agent or insurer.

A bail bond agent must be licensed for two years before being licensed as a general bail bond agent. Bail bond agents cannot have unlicensed people soliciting or engaging in business for them. A person posting a bail bond who receives no fee is not affected by such licensing requirements. It is a Class A misdemeanor to violate these licensing requirements.

The Department of Insurance administers and enforces this

act and the Director of the Department sets the amount of fees required, which cannot exceed \$100 every two years.

New bail bond agents and general bail bond agents must have at least 20 hours of initial basic training and at least eight hours of yearly continuing education. The Department will set the amount of fees to be paid for the training, which cannot exceed \$120 for the initial basic training and \$100 for the continuing education. After completing the training, the Director will issue a two-year license for a fee of no more than \$100.

The act requires that a person prove, along with other requirements, that he or she has a high school diploma or GED in order to receive a license.

In addition, applicants for general bail bond agent licenses must furnish proof that the applicant completed two years as a bail bond agent and possesses at least \$10,000 in liquid assets along with a duly executed assignment of \$10,000 to the state. The Director may require additional assignments of assets when the accumulation of unwarranted judgments by the general bail bond agent warrants additional funds, which cannot exceed \$25,000.

The act requires bail bond agents to account for each power of attorney assigned by the general bail bond agent. The general bail bond agent must maintain certain records and provide copies of the bail contract to certain interested parties.

No insurer or licensee, court, or law enforcement officer shall pay a fee, give anything of value, or accept anything of value, in order to secure a settlement, compromise, remission, or reduction of the amount of any bail bond.

A licensee may accept collateral security from the principal in a fiduciary capacity, which collateral shall be returned upon final termination of liability on the bond. The licensee must provide a prenumbered written receipt and report the acceptance of the collateral to the general bail bond agent. The collateral security may be used to reimburse the licensee for costs associated with forfeiture. The general bail bond agent must retain records relating to the use of the collateral to reimburse the licensee.

In addition to other requirements, an applicant who is licensed in another state cannot have any suspensions or revocations of a license, must pay the same fees as resident applicants, and complete the same education requirements. The Department of Insurance may negotiate reciprocal compacts with other states for the admission of licensed bail bond agents.

The act modifies and creates new reasons the Director of the Department of Insurance may file a complaint with the administrative hearing commission against a license holder or a person who fails to renew his or her license.

The act allows the Director to suspend or revoke a license or enter into agreements for monetary penalties in lieu of formal discipline of a bail bond agent. An agent's license can be revoked or suspended immediately for certain actions and will be classified as a Class C felony if the person is convicted of such activity. The Director is also given the power to issue a cease and desist order or seek an injunction when it appears an unlicensed person is violating this act.

The act requires the court to extend the judgment date or notify the Department of the failure to satisfy the judgment after a six-month period. All bail bond agents and general bail bond agents shall be qualified to write bail upon a surety's liability in all courts of the state.

The act allows the Director of the Department of Insurance to examine and inquire into all violations of bail bond law of this state and business transacted by any bail bond agent, general bail bond agent or surety recovery agent. The Director, or an appointee, may compel appearance and examine people when investigating a matter of concern.

The act requires surety recovery agents to be licensed. The Director of the Department of Insurance shall control the licensing process and set the amount of fees required as long as they do not exceed \$125. Licenses for surety recovery agents are valid for two years and the fees for the license cannot exceed \$100.

Applications for examination and licensure as a surety recovery agent are on forms prescribed by the Department of Insurance and must be accompanied by proof that the applicant is a US citizen and at least 21 years old, and has a high school diploma or GED. The completion of twenty hours of initial basic training is required along with eight hours of yearly continuing education.

The act requires the Director to issue licenses, with limited exceptions, to surety recovery agents from other jurisdictions for two years. The Department of Insurance may negotiate reciprocal compacts with other states for admission of licensed surety recovery agents.

The act allows a surety, or a surety recovery agent with written authority, to apprehend a defendant anywhere within the state before or after the forfeiture of the undertaking without personal liability for false imprisonment.

The act sets out provisions for renewal of surety recovery agent licenses. The Director may refuse to renew any license for reasons specified in the act.

The act creates reasons the Director of the Department of Insurance may file a complaint with the administrative hearing commission against a license holder or a person who fails to renew his or her surety recovery agent license. Instead of filing a complaint with the administrative hearing commission, the Director and surety recovery agent may enter into an agreement for a monetary penalty. Also, after a finding by the commission of a violation, the surety recovery agent's license may be suspended or revoked. The Director may also issue a cease and desist order or seek an injunction against those appearing to act as a surety recovery agent without a license.

A surety recovery agent may detain a subject in a lawful manner and enter upon private or public property in order to execute apprehension of the subject, if the agent has probable grounds to believe the subject breached the terms of the surety agreement. The agent may detain the subject for no more than 72 hours when travel time is required. The agent may transport the subject from state to state, and county to county, to a place of authorized surrender.

Under this act, it is a Class D felony if a person does not have a valid surety recovery agent license or bail bond agent license and holds himself or herself out as a licensed agent, claims that he or she can render such services, or engages in fugitive recovery. If an agent wrongfully causes damage to person or property while apprehending a person, he or she will be liable for such damages.

The court may forfeit the bond or order an execution hearing between 90 and 150 days after the person fails to appear for trial, judgment, or on another occasion when his or her presence is needed. If the bail bond agent provides proof that the defendant is incarcerated or that it is physically impossible for the defendant, bail bond agent, or surety to satisfy conditions of the bond, the bail bond agent or surety shall be released from liability and all money and property deposited with the court shall be returned within ten days.

On application of the surety filed within one year of the payment of final judgment, the court shall order remission of 100% of the bond amount to the surety under certain conditions.

The act establishes that a defendant shall be surrendered without the return of the premium for the bond if the indemnitor attests in writing the desire to be released or if

the agent discovers the defendant is guilty of certain activities. Upon forfeiture of the bond, the court may order that the defendant's driver's license be suspended until such time as the defendant has satisfied the forfeiture.

SUSAN HENDERSON

011204 S First Read

S87-88

EFFECTIVE : August 28, 2004

SB 1028

SENATE SPONSOR Cauthorn

3707S.01I

SB 1028 - This act makes various changes regarding procurement. The act:

- (1) Allows the state to give preference in purchasing to businesses that are either located in Missouri or which employ Missourians;
- (2) Allows the state to use the reverse auction procurement method, wherein bidders would openly compete against each other through real-time electronic bidding with the award being made to the lowest bidder;
- (3) Modifies the recycling preference law to remove provisions that have expired; and
- (4) Removes sections concerning vendor rotation and purchasing consolidation.

The act is similar to SB 660 (2003).

JEFF CRAVER

011204 S First Read

S88

012004 Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee S130
012204 Re-referred S Governmental Accountability & Fiscal Oversight Committee S148
012604 Hearing Scheduled S Governmental Accountability & Fiscal Oversight Committee

EFFECTIVE : August 28, 2004

SB 1029

SENATE SPONSOR Bray

3669S.01I

SB 1029 - This act prohibits state contracts from being awarded to any contractor or subcontractor who performs the contracted work outside the United States. Further the act

establishes penalties and required termination of any contract where the contractor or contractor after being awarded the contract transfers the contracted work to a location outside the United States.

RICHARD MOORE

011204 S First Read S88
012004 Second Read and Referred S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee S130

EFFECTIVE : August 28, 2004

SB 1030

SENATE SPONSOR Bray

3539S.01I

SB 1030 - This act requires applicants for health care benefits under programs such as Medicaid and CHIPS to identify the employer of the proposed beneficiary. If the proposed beneficiary is not employed, the applicant shall identify the employer of the adult who is providing some or all of the proposed beneficiary's support.

By the first of July every year, the Department of Social Services must deliver a report to the General Assembly listing all of the employers identified in this application process. The report shall include the company's name, location and the total number of employees and their dependants who are enrolled in the state's health care programs. This report shall also be available to the public through the Department's website.

LORIE TOWE

011204 S First Read S88

EFFECTIVE : August 28, 2004

SB 1031

SENATE SPONSOR Bray

3183S.04I

SB 1031 - This act provides for various measures relating to bicycle safety and the duties owed to bicyclists by motorists.

DESIGNATED BICYCLE LANES - This act prohibits blocking or obstructing a designated bicycle lane with a parked or standing motor vehicle. The act establishes standards for motorists crossing bicycle lanes (Section 300.330).

DEGREE OF CARE - This act requires drivers to exercise the highest degree of care to avoid colliding with pedestrians, bicyclists, and motorcyclists (Section 300.410- Model Traffic Ordinance) (Sections 304.677 and 537.038).

OVERTAKING A BICYCLIST - This act requires motorists to pass bicyclists with the highest degree of care by leaving a safe distance between the motor vehicle and the bicycle (no less than 3 feet) (Section 300.411-Model Traffic Ordinance)(Section 304.678).

ADDITIONAL POINTS - This act assesses 8 points for a misdemeanor assault in the 3rd degree conviction involving the use of motor vehicle (subdivision 14 (14)). This act assesses an additional two points to a person's driver's license for any violation that occurs in a school zone. An additional 4 points shall be assessed to the person's license when a violation leads to personal injury. This act assesses 8 points to a person's driver's license for a conviction for operating a motor vehicle causing serious physical injury for a conviction for assault in the third degree involving the use of a motor vehicle. This act assesses an additional 12 points when the death of another person results from certain motor vehicle violations (Section 302.302). Points shall be assessed against a person's driver's license for speeding a school zone even if the person exceeded the speed limit by only five miles per hour or less (Section 304.009).

REVOCATION PERIODS AND LICENSE REINSTATEMENT - This act also provides specific revocation periods for any person who has his or her license revoked for committing a felony using a motor vehicle. Under this act, no person who has had his or her license revoked or suspended shall have the license reinstated until the person participates in a driver-improvement program (Section 302.304).

LIMITED DRIVING PRIVILEGE - Under this act, no person who has his or her license revoked or suspended for a conviction for assault in the third degree involving the use of a motor vehicle shall be eligible for a limited driving privilege. No person shall be eligible for a limited driving privilege until the person participates in and successfully completes a driver-improvement program (Section 302.309).

UNIFORM SCHOOL SPEED ZONES - This act allows counties and municipalities to establish maximum school speed zones of 20 miles per hour. The counties and municipalities may establish a speed limit lower than 20 mph if it finds that a lower limit is needed to promote public safety. This act allows the county or municipality to double the fines for traffic violations that occur within a school zone (Section 304.675).

SPECIFIC OFFENSES - This act creates three specific offenses

for motorists who cause physical injury, serious physical injury or death to another person (Section 304.679).

DEFINITION OF BICYCLE - This act modifies the definition of bicycle (Section 307.180).

APPROACHING AN INTERSECTION - This act requires bicyclists approaching a stop sign to slow down or stop before entering the intersection. The bicyclist shall yield the right-of-way to any motor vehicle in the intersection or approaching in such a manner to constitute an immediate hazard. Under this act, a bicyclist approaching a traffic light shall stop before entering the intersection, except that the bicyclist may cautiously make a right-hand turn without stopping or make a left-hand turn onto a one-way highway without stopping.

RIDING ON SHOULDERS - This act provides that the riding of bicycles on shoulders shall be permitted unless local regulations or State Highways and Transportation Commission regulations provide otherwise. If shoulder travel is prohibited, it shall be clearly designated by sign (Section 307.191).

INVOLUNTARY MANSLAUGHTER - This act provides that knowingly passing too close to (colliding with) a bicyclist causing death is first degree involuntary manslaughter. The act also provides that the reckless operation of a motor vehicle causing death to another person is second degree involuntary manslaughter (Section 565.024).

ASSAULT - This act provides that recklessly causing serious physical injury to another person with a motor vehicle is 2nd degree assault. Recklessness shall be presumed if it is shown that the motorist overtook a bicyclist too closely by failing to leave a safe distance of at least three feet (Section 565.060). The act also provides that if a person operates a motor vehicle in a manner that violates a traffic law or regulation and the violation causes serious physical injury to another person, then the person is guilty of 3rd degree assault (Section 565.070).

STEPHEN WITTE

011204 S First Read

S88

EFFECTIVE : August 28, 2004

SB 1032

SENATE SPONSOR Bray

3834S.01I

SB 1032 - This act deletes the provisions of the

"academically deficient schools" statute and alters the "priority schools" statute in an attempt to consolidate the two school accountability measures.

The new school accountability language directs the Department of Elementary and Secondary Education (DESE) to identify as a priority school any school that fails to meet acceptable standards of student achievement established by the state Board of Education. The Board of Education of any district that contains a priority school shall submit a comprehensive school improvement plan that provides for:

- Identification of the areas of academic deficiency in student performance on the MAP by disaggregating scores based upon certain criteria, as specified in the act;
- Implementation of research-based strategies to assist the priority school in addressing the areas of deficiency;
- Alignment of the priority school's curriculum to address deficiencies in student achievement;
- Reallocation of district resources to address the areas of academic deficiency; and
- Listing of all schools declared to be priority schools in the district's annual school accountability report.

The State Board of Education may appoint a team to conduct an educational audit of any priority school to determine the factors that have contributed to the lack of student achievement.

The act sets up procedures and time lines for districts that are mandated to complete comprehensive school improvement plans.

The act allows DESE to withhold formula funds from any school district that fails to submit a comprehensive school improvement plan based upon the standards and time lines established by the act until such district submits their improvement plan.

DONALD THALHUBER

011204 S First Read	S88
012004 Second Read and Referred S Education Committee	S130
012704 Hearing Scheduled S Education Committee	

EFFECTIVE : August 28, 2004

SB 1033

SENATE SPONSOR Clemens

3675S.01I

SB 1033 - This act limits liability of paddlesport outfitters for injury or death cause by inherent risks of paddlesport activities.

This act is similar to SB 174 (2003) and TAT/SS/SCS/SB 280 (2003).
JIM ERTLE

011204 S First Read

S88

EFFECTIVE : August 28, 2004

SB 1034

SENATE SPONSOR Childers

3711S.03I

SB 1034 - This act regulates the business practice of travel clubs and vacation clubs (herein after "club"). The club must register to do business or possess a fictitious name in accordance with existing state law.

Before contracting with citizens of this state, the club shall file and maintain a bond with the Attorney General's office. The Attorney General shall set the bond amount by rule. The bond or letter of credit shall be in favor of any private client injured by a violation of the terms of this act. In lieu of a bond or letter of credit, a club must annually provide proof to the Attorney General that the company has insurance against nonperformance in an amount equal to what bonds have been issued.

The act also permits a purchaser to rescind the contract with the travel club within seven days.

The act also requires that a seller provide a confirmation number to a buyer within five days.

HENRY T. HERSCHEL

011204 S First Read

S88

EFFECTIVE : August 28, 2004

SB 1035

SENATE SPONSOR Steelman

3870S.01I

SB 1035 - This act proposes an "any willing provider" provision which would prohibit health insurers or health carriers from discriminating against (refusing to contract with) providers who are willing to meet the terms and conditions established by the health insurer or health carrier.

STEPHEN WITTE

011204 S First Read

S88

EFFECTIVE : August 28, 2004

SB 1036

SENATE SPONSOR Steelman

2730S.01I

SB 1036 - 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 201 (2003).
STEPHEN WITTE

011204 S First Read

S88

EFFECTIVE : August 28, 2004

SB 1037

SENATE SPONSOR Steelman

3777S.01I

SB 1037 - This act modifies Section 67.1846, RSMo, allowing franchise fees to be used as credits for any public utility right-of-way users along with business license taxes or gross receipts taxes.

MEGAN CRAIN

011204 S First Read

S88

012004 Second Read and Referred S Commerce & the Environment Committee

S130

EFFECTIVE : August 28, 2003

SB 1038

SENATE SPONSOR Yeckel

3568S.03I

SB 1038 - This act modifies a number of laws associated with banking.

State employees are authorized to make investment deposits from their paycheck into their bank or savings and loan. (Sections 33.103, 362.191 and 369.176).

This act creates the "Missouri Higher Education Deposit Program" (Sections 166.435 to 166.556). This program is a nonexclusive alternative to the Missouri Higher Education Savings Program and participants may elect to participate in both programs subject to aggregate program limitations. The program is administered by the Missouri Higher Education Deposit Program Board which shall consist of the Director of the Division of Finance, who shall serve as chair, the Commissioner of the Department of Higher Education, the Commissioner of the Office of Administration and private citizen representatives with experience in the areas of deposit rate determination and placement of certificates of deposit. Private citizen members shall serve four year terms. Members of the Board shall be subject to conflict of interest provisions for public employees. The Board is required to meet at least quarterly.

The Board is granted certain powers to develop and implement the program, including the power to enter into agreements with financial entities for the operation of the deposit program, provided that such entity is a private for-profit or not-for-profit entity, and the power to enter into participation agreements with participants in the program. The Board may invest the funds received from participants in appropriate investment instruments held by depository institutions or directly deposit the funds in such institutions. The investment of funds may be delegated by the Board to representatives of financial entities, but the investment must be in certificates of deposit and other deposits in federally insured depository institutions. Such representatives must pass a board-approved qualification test and be certified by the Board.

The Board is responsible for establishing various deposit opportunities based on amounts deposited and time held that are uniformly available to all depository institutions that participate in the program. The various categories of fixed or variable rates shall be the only interest rates available under this program.

The Board is authorized to enter into agreements with participants on behalf of beneficiaries. The agreement must include certain terms and conditions, including the method for calculating the return on the contribution, the risks associated with the investment, the maximum amount that may be contributed annually, and an understanding that the agreement does not guarantee admittance to any eligible educational institution. The Board shall establish the maximum annual amount that may be contributed by a participant and the minimum length of time that contributions and earnings must be held by the program. Early withdrawals shall be subject to a penalty.

Contributions and earnings in the program may be used for qualified educational expenses. Participants may cancel a participation agreement at will. The Board shall impose a maximum 10% penalty of the earnings of the account for any distribution not used for certain purposes. The State Auditor shall, semi-annually, review the financial status and investment policy of the program as well as the participation rate and continued viability of the program. Money accruing to and deposited in individual deposit accounts shall not be part of "total state revenues" as defined by the Missouri Constitution. Personally identifiable information regarding participants and beneficiaries shall be confidential.

The act authorizes state chartered banks to purchase a non-controlling interest in any business, provided national banks have the same power. State chartered banks are prohibited from purchasing an interest in a real estate brokerage business (Section 362.105). The recording fee for the expedited filing of title or liens is increased from \$6 to \$15 (Section 408.032). Currently, contracts may provide for a charge for late payment on installments in an amount not to exceed the greater of 5% of each installment due or \$15, except that a minimum charge of \$10 may be made. The act deletes language concerning the minimum charge of \$10 (Section 408.140).

On loans of more than \$600, the lender may collect a fee in advance for allowing a debtor to defer monthly loan payments, provided the debtor agrees in writing and the fee is no more than the lesser of \$50 or 10% of the loan payments deferred (Section 408.178). The charging of certain fees shall be considered permitted, even if the loans are exempt from other requirements (Sections 408.190 and 408.232). Changes made in this act to sections concerning allowable fees are remedial in nature (Section 408.480).

The act creates definitions for the deceptive use of a financial institution's name in notification or solicitation and deceptive use of another's name in notification or solicitation. A financial institution whose name is deceptively used may bring a private civil action and may recover a minimum of \$10,000, plus court costs and attorneys fees, plus any damages such financial institution proves at trial (Section 427.225). Debtors are prohibited from maintaining an action or defense related to a credit agreement, regardless of the legal theory advanced (Section 432.045). The act provides that secured parties receiving satisfaction for debt secured with regard to a mortgage who fail to submit a sufficient deed of release for recording with 45 days shall be liable to the aggrieved party for an amount not to exceed \$300 a day. The amount shall not exceed \$10,000 in the aggregate, but such aggregate shall be limited to 10% of the amount of the security instrument. If a document is rejected for recording, the secured party shall 60 days to resubmit the

document (Section 443.130).

The act modifies the crime of identity theft. The act defines what "means of identification" fall within the parameters of the crime. The punishment for the crime is graduated depending on the dollar amount of the stolen property, ranging from a Class A misdemeanor to a Class A felony. The act authorizes the filing of a civil action to recover damages of up to \$5,000 per incident or three times the amount of actual damages, whichever is greater. Such action may also seek injunctive relief. Such civil action may be commenced regardless of whether a criminal prosecution ever occurs. The act sets out exemptions to the provisions of this section. Any person who subsequently is criminally convicted of this crime after a first offense shall be guilty of a Class D felony (Section 570.223). The act creates the crime of trafficking in stolen identities. Possession of five or more identification documents of the same person, or possession of identifying information of five or more separate persons shall be evidence that the identities are possessed with the intent to manufacture, sell, transfer or purchase identification documents for the purpose of committing identity theft. The crime of trafficking in stolen identities is a Class B felony.

JIM ERTLE

011204 S First Read S88
012004 Second Read and Referred S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee S130
012604 Hearing Scheduled S Financial & Governmental Org.,
Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2004

SB 1039

SENATE SPONSOR Yeckel

2993S.04I
SB 1039 - This act regulates the licensing of naturopathic physicians.

Definitions are created relating to naturopathic medicine and required education (Section 334.1050). The act establishes requirements and procedures for the initial licensure of naturopaths (Section 334.1053).

The Advisory Commission for Naturopathic Medicine is established for the purpose of advising the state board of healing arts on the licensure and supervision of all naturopathic physicians. The Commission shall consist of six members, one of which must be a public member, who will be appointed by the Governor. Each member shall serve a four year term, except for

the members first appointed (Section 334.1056).

The State Board of Registration for the Healing Arts has the authority to adopt rules for licensing, enforce the provisions of this act, set the amount of fees, and deposit moneys in the Board's fund. The Board may prescribe continuing education requirements (Section 334.1059).

Naturopaths must display a license or certificate in a conspicuous location that is accessible to the public (Section 334.1062). Any person seeking to practice as a naturopathic physician must take and pass required examinations. Persons licensed in other states that authorize the practice of naturopathy to the same extent and the same manner as Missouri shall be licensed without examination. The Board is authorized to enter into reciprocal agreements with other states. (Section 334.1062).

Section 334.1068 creates a list of persons who are exempt from the licensure requirements. Section 334.1071 creates a "grandfathering" provision to allow for the licensure of naturopathic physicians who do not satisfy certain education requirements, provided such physicians meet other requirements relating to the active practice of naturopathic medicine. Such persons must apply for licensure by July 1, 2006.

Any person violating the provisions of this act shall be guilty of a Class A misdemeanor (Section 334.1074).

A naturopathic physician must meet the Board's minimum requirements for continuing education in order to renew a certificate of registration (Section 334.1077). Every licensed naturopathic physician must renew their certificate of registration on or before the renewal date. A blank application form for registration will be mailed to the last known office or residence address. The failure to receive the application form does not mitigate the duty to register or exempt from penalties (Section 334.1080). Registration fees must be paid to the Director of the Department and must accompany the application for registration (Section 334.1083).

This act is similar to SCS/SB 372 (2003).
JIM ERTLE

011204 S First Read	S88
012004 Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee	S130
012604 Hearing Scheduled S Financial & Governmental Org., Veterans' Affairs & Elections Committee	

EFFECTIVE : August 28, 2004

SB 1040

SENATE SPONSOR Griesheimer

3853S.01I

SB 1040 - This act extends the waste tire fee until 2009, extends the hazardous waste generator fee until 2010, and extends the hazardous waste storage fee until 2010.

This act has an emergency clause.
HENRY HERSCHEL

011204 S First Read S88
012004 Second Read and Referred S Commerce & the Environment
Committee S130

EFFECTIVE : August 28, 2004

SB 1041

SENATE SPONSOR Griesheimer

3845S.01I

SB 1041 - This act allows law enforcement officers, other than an elected sheriff or deputy, to make a written request for a hearing within forty-eight hours of a dismissal or other disciplinary action that leads to a reduction or withholding of pay. Currently, such officers may request a meeting. This act requires the law enforcement agency to provide a written statement of the reason for dismissal.

SUSAN HENDERSON

011204 S First Read S88

EFFECTIVE : August 28, 2004

SB 1042

SENATE SPONSOR Griesheimer

3584S.01I

SB 1042 - This act applies the procedures of the Administrative Hearing Commission to Department of Revenue denials of motor vehicle dealer or manufacturer licenses. Under the current law, the Department of Revenue determines whether to deny the applicant or licensee a license. Under this act, if the Department decides to deny a license, it shall file a complaint with the Administrative Hearing Commission. The complaint shall be filed within one year of the date in which the Department of Revenue receives notice of an alleged violation of a statute or regulation. The

Administrative Hearing Commission will make the determination whether there are statutory ground for denying the license. If the Administrative Hearing Commission finds grounds for denial, then the Department of Revenue may refuse to issue the license. Decisions of the Administrative Hearing Commission and Department are appealable pursuant to Chapter 536, RSMo.

STEPHEN WITTE

011204 S First Read

S88

EFFECTIVE : August 28, 2004

SB 1043

SENATE SPONSOR Gross

3802S.01I

SB 1043 - Under this act, the Joint Committee on Transportation Oversight is assigned the duty of approving or denying special license plate applications submitted to it by the Department of Revenue (Section 21.795). This act also removes the special license plate exemption which allowed organizations to forego the 100 applicants requirement by paying for the actual cost of initial issuance (Section 301.2999).

Organizations seeking authorization to establish a new special license plate must initially petition the Department of Revenue. The organization must submit an application which:

- (1) Describes the proposed license plate;
- (2) Is accompanied by 100 applications and special plate fees from eligible applicants who plan to purchase the special license plate; and
- (3) Is accompanied by an application fee, not to exceed \$5,000, to defray the cost of reviewing the application and developing the plate (Section 301.3150).

All moneys received by the Department of Revenue, excluding the special license plate fee, shall be deposited in the "Department of Revenue Specialty Plate Fund". The state Treasurer shall be the custodian of the fund and shall make disbursements from the fund for the development and review of special license plates.

The required documents and fees must be submitted to the Department of Revenue by July 1st prior to the next regular session of the General Assembly to be approved by the Joint Committee on Transportation Oversight. If the special license plate application is approved by the Joint Committee, the sponsoring organization shall submit the proposed art work to

the Department of Revenue no later than 60 days after such approval. If the Joint Committee denies the application, 97% of the application fee shall be refunded to the organization along with all special license plate fees submitted. The Department shall begin production and distribution of the new special license plates within one year after approval of the special license plate by the Joint Committee. The Department is authorized to discontinue issuance of special license plates if the organization no longer provides services or has stopped issuing emblem use-authorization statements.

Any person or organization who has received a notice of denial of application for development of a special license plate may request a hearing to review the committee's decision within 15 days of receiving the notice of denial (Section 301.3152).

The special license plate fee for all special plates, except special military license plates, is increased from \$15 to \$25 (Section 301.3154). The fee for personalizing license plates is also increased from \$15 to \$25 (Section 301.144.1).
STEPHEN WITTE

011204 S First Read	S89
012004 Second Read and Referred S Transportation Committee	S130

EFFECTIVE : August 28, 2004

SB 1044

SENATE SPONSOR Shields

3847S.01I

SB 1044 - This act creates and establishes rules for the "Secretary of State's Council on Library Development". The act establishes definitions for Sections 181.100 to 181.130 relating to the state libraries. The act removes Section 181.110 RSMo, which addresses state publications to be indexed and published. Finally the act establishes rules addressing publication of state materials.

RICHARD MOORE

011204 S First Read	S89
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EFFECTIVE : August 28, 2004

SB 1045

SENATE SPONSOR Kinder

3739S.01I

SB 1045 - The act prohibits burning a cross with the intent to intimidate any person or group of persons. A person violating this act shall be guilty of a Class A misdemeanor for the first offense and a Class D felony for any subsequent offenses.

SUSAN HENDERSON

011204 S First Read

S89

EFFECTIVE : August 28, 2004

SB 1046

SENATE SPONSOR Gibbons

3367S.01

SB 1046 - This act allows persons to receive "Friends of Kids with Cancer" license plates after making an annual \$25 contribution to the Friends of Kids with Cancer organization. In addition to the \$25 contribution, the person must pay \$15 plus regular registration fees. No additional fee shall be assessed for the personalization of such plates.

This act is similar to SB 369 (2003).
STEPHEN WITTE

011204 S First Read

S89

012004 Second Read and Referred S Transportation Committee S130

EFFECTIVE : August 28, 2004

SB 1047

SENATE SPONSOR Kennedy

3900S.01I

SB 1047 - This act gives the Children's Division the sole authority to license foster homes, residential care facilities, and child-placing agencies. Current law requires the Department of Health and Senior Services to license residential care facilities for children. This act repeals Section 210.484, RSMo, and thereby gives the Children's Division the authority to license residential care facilities for children.

LORIE TOWE

011304 S First Read

S95

EFFECTIVE : August 28, 2004

SB 1048

SENATE SPONSOR Nodler

3543S.01I

SB 1048 - This act allows certain tax-exempt organizations (such as churches and other charitable organizations) to submit a form verifying their tax-exempt status when registering motor vehicles owned by the organizations. The specific organizations exempted are delineated in Subdivision (5) of Section 137.100 and Subsection 1 of Section 137.101. Currently, the organization must submit a statement certified by the county collector showing that no taxes were due. The act presumes that the organization owes no taxes on the personal property and the organization merely has to show that it is a tax-exempt entity. The presumption can be rebutted if the department of revenue receives notice from the assessor that the personal property owned by the organization was not used for religious or charitable purposes pursuant to law. If that is the case, then the department of revenue shall require the organization to submit a statement certified by the county or township collector that the organization has paid all personal property taxes.

STEPHEN WITTE

011304 S First Read

S95

EFFECTIVE : August 28, 2004

SB 1049

SENATE SPONSOR Bray

3378S.02I

SB 1049 - This act modifies provisions regarding the designation of "next-of-kin" for purposes of the disposition of dead bodies. Persons taking control or custody of a body may only do so after gifts, if any, are made of the deceased's body pursuant to the Uniform Anatomical Gift Act.

Any person designated by the deceased in a prepaid funeral plan or certain other written instruments as the "next-of-kin" shall have the top priority in determining the disposition of the body. If multiple documents exist, then the latest executed shall have priority. Before being allowed the right of sepulcher with regard to a deceased's body, the person must agree to carry out the deceased's person's wishes as stated in a prepaid funeral plan or other written instruments.

In actions against a funeral director or establishment for actions taken in funeral arrangements, a funeral director or

establishment shall only be liable if they have actual knowledge that a person's claim to be the deceased's person's next-of-kin was false or had information that would cause a reasonable person to believe the claim was false.

Any person claiming the right to control disposition of the body must state in writing any knowledge of the person as to the designation of a next-of-kin by the deceased person and, if no designation was made, information regarding persons with superior rights to control the body and that attempts have been made to locate such persons.

JIM ERTLE

011304 S First Read

S96

EFFECTIVE : August 28, 2004

SB 1050

SENATE SPONSOR Bray

3800S.01I

SB 1050 - This act prohibits a railroad company or its employees to deny, delay, or interfere with its employees medical treatment for injuries received during their employment. Further, the act prohibits any discipline or threat of discipline being imposed against a railroad employee for seeking medical attention for injuries received during their employment. Any person violating the provisions of this act shall be guilty of a Class D felony.

RICHARD MOORE

011304 S First Read

S96

EFFECTIVE : August 28, 2004

SB 1051

SENATE SPONSOR Steelman

3957S.01I

SB 1051 - This act enables the city of Hermann to enact a transient guest tax. The provisions of the tax would follow the common transient guest tax provisions in existing law. These provisions include a maximum tax of 5% and require that the measure be put to a vote of the people.

JEFF CRAVER

011304 S First Read

S96

012004 Second Read and Referred S Economic Development,

Tourism and Local Government Committee S130
012804 Hearing Cancelled S Economic Development, Tourism and
Local Government Committee

EFFECTIVE : August 28, 2004

SB 1052

SENATE SPONSOR Jacob

2609S.01I
SB 1052 - This act eliminates the minimum age qualification
(which presently is set at sixteen) for admission to the
University of the State of Missouri.

This act is identical to SB 476 (2003).
DONALD THALHUBER

011304 S First Read S96
012004 Second Read and Referred S Education Committee S130
012704 Hearing Scheduled S Education Committee

EFFECTIVE : August 28, 2004

SB 1053

SENATE SPONSOR Shields

3861S.01I
SB 1053 - This act requires that school districts meet the
requirements of Section 160.530, RSMo, in order to be eligible
for state aid.

Under current law, Section 160.530, RSMo, requires, as a
condition of receiving state aid, that school districts allocate
one percent of their state aid to the professional development
committee of the district.

DONALD THALHUBER

011304 S First Read S96
012004 Second Read and Referred S Education Committee S130

EFFECTIVE : August 28, 2004

SB 1054

SENATE SPONSOR Bartle

3889S.01I
SB 1054 - This act allows certain members of the Police
Retirement System of Kansas City, who retired before August 28,

2001, to receive in each year beginning August 29, 2004, in addition to the member's base pension and all cost-of-living adjustments under other subsections of this section, an equalizing cost-of-living adjustment not to exceed an aggregate for all years of five percent of the member's base pension.

RICHARD MOORE

011304 S First Read S96
012004 Second Read and Referred S Pensions & General Laws Committee S130
012704 Hearing Scheduled S Pensions & General Laws Committee

EFFECTIVE : August 28, 2004

SB 1055

SENATE SPONSOR Bartle

3891S.01I

SB 1055 - This act allows any member of the Civilian Employees' Retirement System of the Police Department of Kansas City who was retired on or before August 28, 2003, and is receiving retirement benefits from the Civilian Employees' Retirement System of the Police Department of Kansas City to be appointed a special consultant on the problems of retirement, aging, and other matters, for the remainder of such member's life. Upon such members' death there shall be paid a funeral benefit of one thousand dollars in addition to all other benefits.

RICHARD MOORE

011304 S First Read S96

EFFECTIVE : August 28, 2004

SB 1056

SENATE SPONSOR Bartle

3947S.01I

SB 1056 - This act requires that future tax increment financing (TIF) projects dedicate 10% of the tax increment that would otherwise be used to fund the redevelopment project to any school within the boundary of the TIF area. Where more than one school is located within the TIF area, the 10% portion will be divided pro rata by the land area of the school districts contained within the TIF area.

Because this act amends a double-enacted section, the act also repeals one version of Section 99.845, RSMo.

JEFF CRAVER

011404 S First Read S106
012004 Second Read and Referred S Ways & Means Committee S130

EFFECTIVE : August 28, 2004

SB 1057

SENATE SPONSOR Bartle

3863S.01I

SB 1057 - This act establishes the Classroom Trust Fund.

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 2006, any increase in the funds transferred (during fiscal year 2005) 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 identical to SB 245 (2003).
DONALD THALHUBER

011404 S First Read S106

EFFECTIVE : August 28, 2004

SB 1058

SENATE SPONSOR Bartle

3577S.01I

SB 1058 - This act increases the gaming boat admission fees by three dollars. The additional three dollars in fees will be distributed to the schools under the provisions of the foundation formula.

The act has a referendum clause.
JEFF CRAVER

011404 S First Read S106-107
012004 Second Read and Referred S Ways & Means Committee S130

EFFECTIVE : Referendum

SB 1059

SENATE SPONSOR Bartle

3844S.01I

SB 1059 - This act establishes a procedure for the determination of tax liability for purposes of corporate income tax of certain expenses and costs related to certain intangible property when the property is transferred to a related entity. The act provides specific criteria for determining if transactional expenses and costs related to the transfer and use of the rights to patents, trade names, trademarks, and other intangible property incurred by a taxpayer from a related entity are a legitimate business expense and are allowed to be deducted in the computation of Missouri taxable income.

The act establishes a test to determine that the transaction or transfer in question was not primarily intended to avoid tax. The test is a five part test, wherein satisfaction of two parts of the test will lead to the conclusion that the transaction is not a tax avoidance scheme.

This act is identical to HB 969 (2004).
JEFF CRAVER

011404 S First Read S107

EFFECTIVE : August 28, 2004

SB 1060

SENATE SPONSOR Bartle

3901S.02I

SB 1060 - This act creates a number of new court filing fees and uses the money raised from the fees to provide additional moneys to the school foundation formula. The act includes fees for intervenors, third-party plaintiffs filing cross-claims or counterclaims, jury demands, foreign judgment filings, transcribing of a judgement, motions for change of venue, issuance of writs of attachment, execution or garnishment, and records search fee if requested by a person who is not a party named in the action for which the search is being requested.

JIM ERTLE

011404 S First Read

S107

EFFECTIVE : August 28, 2004

SB 1061

SENATE SPONSOR Callahan

3778S.01I

SB 1061 - This act excludes from TIF (tax increment financing) any transportation sales tax passed in Kansas City. The act will prevent TIF from applying to the recently passed Kansas City ATA tax. This change will prevent revenue from the transportation sales tax from being used to fund the TIF revenue stream used to pay TIF bonds.

The act has an emergency clause.
JEFF CRAVER

011404 S First Read

S107

EFFECTIVE : Emergency Clause

SB 1062

SENATE SPONSOR Griesheimer

3892S.01I

SB 1062 - This act allows caterers to have special licenses to sell liquor at certain functions. There are two special licenses that may be issued. One license is for an unlimited number of functions and is valid for a maximum of fifty days. The fee for this license is \$500. The other license available is for an unlimited number of functions and is valid for one year. The fee for this license is \$1,000. If an individual decides within a year of the issuance of a fifty day license, he or she may pay an additional \$500 to receive an annual license.

The act requires that those being issued such licenses must report to the supervisor of alcohol and tobacco control the location of each function at least three days in advance.
SUSAN HENDERSON

011404 S First Read

S107

EFFECTIVE : August 28, 2004

SB 1063

SENATE SPONSOR Scott

3519S.01I

SB 1063 - Under this act, whenever a transportation development district has been formed under Missouri law, adjacent property owners may petition the court by unanimous petition to add their property to the district. Any property added to the transportation development district shall be subject to all projects, taxes, and special assessments which exist at the time of the court order. Owners of the added property shall be allowed to vote at the next election to fill vacancies on the district board and on other matters. The property owners shall have one vote per acre as established by law.

STEPHEN WITTE

011404 S First Read

S107

EFFECTIVE : August 28, 2004

SB 1064

SENATE SPONSOR Scott

3266S.01I

SB 1064 - This act eliminates the expiration date of Section 488.2205, RSMo, which allows for the collection and distribution of certain court costs.

SUSAN HENDERSON

011404 S First Read

S107

EFFECTIVE : August 28, 2004

SB 1065

SENATE SPONSOR Steelman

3964S.01I

SB 1065 - This act extends the sunset on hazardous waste fees from January 1, 2005 to January 1, 2007.

MEGAN CRAIN

011404 S First Read

S107

012004 Second Read and Referred S Commerce & the Environment Committee

S130

EFFECTIVE : August 28, 2004

SB 1066

SENATE SPONSOR Steelman

3580S.01I

SB 1066 - This act modifies provisions of the tort victims' compensation fund. Tort victims of uninsured motorists whose claims were settled within the policy limits of applicable uninsured motorist insurance coverage are added to coverage from the fund.

The act provides that claims from the fund shall be paid on a pro rata basis before September 30th in the next succeeding year based upon the annual claims period in which the application to the fund was made. Currently, claims from the fund are paid in chronological order with the oldest claim being paid first. If no funds are available for the payment of claims, the division of workers' compensation is authorized to suspend any investigation or hearing of claims until such time as moneys in the fund exceed \$500,000. Currently, the division is authorized to suspend action on claims until such time as the fund exceeds \$100,000. Once an award is paid in full or on a pro rata basis, a claimant cannot collect additional payment from the fund.

JIM ERTLE

011404 S First Read

S107

EFFECTIVE : August 28, 2004

SB 1067

SENATE SPONSOR Bland

3362S.01I

SB 1067 - This act establishes the Missouri Universal Health Assurance Program.

The Program is a publicly-financed, statewide insurance program that will provide comprehensive health care coverage for Missouri residents. It is a corporate body (Sections 354.750 - 354.753).

The Director of the Department of Health will divide the population of the state into six regional districts, with an advisory council of 13 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 (Section 354.756).

The Program will be administered by a 23-member Board of Governors, 14 of which will be appointed by the Governor. The

directors of the Departments of Social Services, Health and Senior Services, and Mental Health will be ex-officio members and the Board shall include a sufficient representation of minority and disabled individuals and at least 48% shall be women. 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 (Sections 354.759 - 354.762).

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 (Sections 354.765 - 354.768).

The Board should 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. The "Prevention Account" and the "Health Services Account" will be created within the trust fund for specific purposes (Sections 354.771 - 354.780).

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 (Sections 354.783 - 354.789).

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, using the Federal Medicare reimbursement fees as a guideline. Other insurers and employers may offer benefits that do not duplicate those offered by the Program (Sections 354.792 - 354.795).

A health premium surcharge, in addition to the state income tax, will be imposed on residents' gross income (Section 354.804).

No later than 30 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. The Department should also identify other federal fund sources. Under the same time frame, the Governor shall appoint Board members (Sections 354.807 - 354.810).

The Board shall request that the Program be made available to federal employees and retirees while they are residents of Missouri (Section 354.813).

This act has a conditional effective date and will be submitted to the voters of the state for approval or rejection in November 2004.

This act is similar to SB 23 (2003).
LORIE TOWE

011404 S First Read	S107
012004 Second Read and Referred S Small Business, Insurance and Industrial Relations Committee	S130

EFFECTIVE : August 28, 2004

SB 1068

SENATE SPONSOR Gross

3962S.01I
SB 1068 - This act creates a new section that requires calling party information to be communicated from one telecommunications service to another; namely the transmission of the jurisdictionally appropriate telephone number of the party initiating the communication.

MEGAN CRAIN

011404 S First Read	S107
012004 Second Read and Referred S Commerce & the Environment Committee	S130

EFFECTIVE : August 28, 2004

SB 1069

SENATE SPONSOR Gross

3961S.03I
SB 1069 - This act allows telecommunications companies to file with the Public Service Commission a rate change provided they notify the Commission within twenty days, state the changes proposed, the time such change will go into effect, and by filing new schedules that are to be kept open to public inspection. The Commission may allow a change in rates without requiring the

twenty days notice, under good cause and conditions as it may prescribe.

This act adds the definition of "central office based broadband service" to Section 386.020, RSMo. This act provides the opportunity for regulated, incumbent local exchange telecommunications companies to make up to six annual adjustments to access and local rates. This act creates a new Section 392.405, that provides for competitive classification of all services in an exchange when the large incumbent company has made a broadband commitment and demonstrates that three or more competitors are providing service within the exchange.

MEGAN CRAIN

011404 S First Read	S107
012004 Second Read and Referred S Commerce & the Environment Committee	S130

EFFECTIVE : August 28, 2004

SB 1070

SENATE SPONSOR Gross

3182S.02I

SB 1070 - This act creates procedures for the protection of historic shipwrecks. All historic shipwreck materials which have been abandoned on lands beneath navigable waters shall belong to the state. The Department of Natural Resources shall be responsible for oversight of the acceptable visitation, study and salvage of historic shipwrecks.

Before salvaging a shipwreck, positive identification of each shipwreck is required. Persons must apply for an exploratory permit from the department which allows the person to search for and identify the precise location of the shipwreck. An exploratory permit is not necessary if the shipwreck has been previously identified. The permit holder shall have one year to demonstrate that the specific shipwreck has been located. After the exploratory permit expires, the person must wait one year before applying for a new exploratory permit for the same shipwreck.

Professional maritime archaeologists must apply for a research permit in order to perform any activity associated with any survey or research project.

The act requires any person wishing to salvage an identified shipwreck to have a salvage permit. The applicant must have some association with a professional maritime archaeologist who directs, on site, all aspects of the proposed excavation. No exploratory or salvage permit shall be issued for shipwrecks in

state parks or historic sites.

The state is prohibited from limiting visitation to shipwrecks unless threats are apparent to natural resources, the shipwreck site or visitors to the site. The state must make clear the dangers of diving on submerged shipwrecks. Any person who knowingly take historic shipwreck materials from a shipwreck or destroys or vandalizes a shipwreck is guilty of a Class A misdemeanor for the first offense and a Class D felony for the second or subsequent offense.

JIM ERTLE

011404 S First Read

S107

EFFECTIVE : August 28, 2004

SB 1071

SENATE SPONSOR Bartle

3846S.01I

SB 1071 - This act specifies that "next friend", as used in Section 188.028, RSMo, does not include another minor child or any person who has a financial interest or may potentially gain from the minor's decision to have an abortion.

This act is identical to HB 915 (2004).
LORIE TOWE

011404 S First Read

S107

EFFECTIVE : August 28, 2004

SB 1072

SENATE SPONSOR Dougherty

3575S.02I

SB 1072 - This act establishes the "Hope Scholarship Program".

The Hope Scholarship Program will be administered by the Department of Elementary and Secondary education. The program will provide scholarships for eligible students who enter and make a commitment to pursue a teacher education program and agree to teach in a Missouri public high school, the population of which includes a higher than average "at-risk" student population, as a condition of receiving the scholarship. The student will teach for a period of two years for every one year they received a scholarship or the scholarship will be treated as a loan.

An eligible student is defined as an individual who is a United States citizen and a Missouri resident who graduated with at least a 2.5 GPA from a Missouri high school. The scholarship recipient must maintain a cumulative GPA of at least 2.5 on a four-point scale or equivalent in college. The four-year hope scholarship will encompass the total cost of an eligible student's tuition and fees at a four-year college or university located in Missouri.

DONALD THALHUBER

011404 S First Read

S107

EFFECTIVE : August 28, 2004

SB 1073

SENATE SPONSOR Dougherty

3838S.01I

SB 1073 - Under current law, in order for a teacher to fit the definition of a "permanent teacher," that teacher must teach in the same school district for five successive years. Under the provisions of this act, a teacher would fit the definition of "permanent teacher" after five total years of service, regardless of district, except that the first year of employment in a district would be probationary. Further, the act states that, should a permanent teacher discontinue teaching for more than five years, that teacher, upon returning to the profession, would be considered a probationary teacher for one year, and after such year would then be granted permanent status.

DONALD THALHUBER

011404 S First Read

S107

EFFECTIVE : August 28, 2004

SB 1074

SENATE SPONSOR Coleman

3973S.01I

SB 1074 - This act requires apprentice barbers to be licensed by the Barber Board. Such apprentice applicants must be at least 17 years of age. Persons who want to act as apprentice supervisors must possess a certificate of registration as a barber and complete an eight-hour apprentice supervision instruction course. Supervisors cannot supervise more than two apprentices at one time. An apprentice must complete at least 2,000 hours under the direct supervision of a licensed barber apprentice supervisor in order to be certified as a barber. The

sufficiency of all qualifications of applicants are determined by the Board. The apprentice training must be recognized by the board for a period not to exceed five years.

JIM ERTLE

011404 S First Read

S108

EFFECTIVE : August 28, 2004

SB 1075

SENATE SPONSOR Coleman

3991S.01I

SB 1075 - This act authorizes the conveyance of the Midtown Habilitation Center.

This act is similar to SB 674 (2003).
SUSAN HENDERSON

011404 S First Read

S108

EFFECTIVE : August 28, 2004

SB 1076

SENATE SPONSOR Caskey

4042S.01I

SB 1076 - This act modifies the nonprobate transfer of assets. Recipients of a recoverable transfer of a decedent's property shall be liable to account for a percentage of the property received if necessary to discharge statutory allowances to the decedent's surviving spouse and dependent children and for other unpaid claims remaining after the application of the decedent's estate. In order to enforce the obligation of a recipient of a recoverable transfer, an action for accounting must be commenced within 18 months of the death of the decedent by the decedent's personal representative or a qualified claimant, if the personal representative fails to follow certain procedures relating to the personal representative's failure to respond to a demand for accounting. The failure of the personal representative to provide certain information in response to a demand from a qualified claimant may toll the 18-month requirement. Any judgement in a proceeding for accounting must take into the account the expenses of administration of the estate.

If an action for accounting is commenced within 18 months, other recipients of recoverable transfers may be brought into the action, even if such joinder occurs later than 18 months

following the decedent's death. If an action is commenced after 18 months, then only the personal representative who received a recoverable transfer shall be liable to account pursuant to this act and no other recipient may be joined.

JIM ERTLE

011504 S First Read

S114

EFFECTIVE : August 28, 2004

SB 1077

SENATE SPONSOR Loudon

3921S.01I

SB 1077 - This act allows commercial casualty insurance policies to exclude coverage for loss by fire or other perils caused by terrorism.

STEPHEN WITTE

011504 S First Read

S114

EFFECTIVE : August 28, 2004

SB 1078

SENATE SPONSOR Loudon

3791S.01I

SB 1078 - This act modifies the criteria used for issuing extraordinary dividends by property and casualty insurance companies. Under the current law, holding companies can issue extraordinary dividends to shareholders over a certain level by meeting statutory criteria. Under this act, the law is modified so that the criteria used for issuing extraordinary dividends for life insurance companies is applied to other types of insurance companies.

STEPHEN WITTE

011504 S First Read

S114

EFFECTIVE : August 28, 2004

SB 1079

SENATE SPONSOR Callahan

3736S.01I

SB 1079 - This act freezes the assessed value of all property owners over the age of 62 until such time as the

property is sold or transferred.
JEFF CRAVER

011504 S First Read

S114

SB 1080

SENATE SPONSOR Nodler

3588S.03I

SB 1080 - This act amends certain policies with regard to MAP testing by stating that, no later than June 30, 2006, the state board of education shall:

- (1) Align the performance standards of the MAP so that such indicators meet, but do not exceed, the performance standards of the National Assessment of Educational Progress (NAEP) exam; and
- (2) Administer any other adjustments necessary in order to aid the state in conforming to federal standards, including the institution of yearly examination of students in the required subject areas where compelled by federal regulations.

DONALD THALHUBER

011504 S First Read

S114

012004 Second Read and Referred S Education Committee

S130

012704 Hearing Scheduled S Education Committee

EFFECTIVE : August 28, 2004

SB 1081

SENATE SPONSOR Kinder

3591S.01I

SB 1081 - This act permits contractors to resolve law suits without litigation.

In any civil action against a contractor for damages relating to new construction or a "substantive" residential remodeling, the claimant must file a notice of claim not less than 90 days before filing a civil action (Section 431.303).

Thirty days after filing the notice of claim, the contractor must file a written response, which may include:
1) A proposal to inspect the residence (claimant must provide reasonable access); 2) An offer to settle the dispute without inspection; and 3) A denial of the homeowner's claim.

The claimant may reject the offer of compromise from the contractor. The parties must then attempt to mediate the claim under Section 431.309, RSMo. If the claim is not

resolved by mediation, the claimant may file an action against the contractor.

If the contractor elects to inspect the residence, within 14 days after the inspection, the contractor may provide the claimant with a written offer to remedy the defect, make an offer of monetary settlement, or deny liability. If the contractor does not adhere to the timetable under this section, the claimant may file suit. If the claimant rejects the offer of settlement, the matter must be mediated under Section 431.309. All rejection or acceptance of the contractor's offer of settlement must be in writing.

All civil actions that do not follow the requirements of this act shall be dismissed without prejudice. However, the adherence to the requisites of this act will toll the statute of limitations.

The act establishes a cause of action that can be brought on behalf of the homeowners' association when two or more residences have the same construction defects. The board must comply with the provisions of the act and provide written notice of the action to each homeowner in the association (Section 401.306).

Unless the contractor fails to comply with the requisites of the act, the claimant must seek mediation before commencing any civil action. The mediation must commence within 45 days of a request for mediation by either party. Documents or statements used in mediation cannot be used in any subsequent civil action (Section 431.309).

The contractor shall provide a notice to each prospective claimant at the time of contracting that any disputes between the parties are subject to the requisites of this act. The language for the notice is contained in the act (Section 431.312).

HENRY T. HERSCHEL

011504 S First Read

S114

EFFECTIVE : August 28, 2004

SB 1082

SENATE SPONSOR Childers

3487S.02I

SB 1082 - This act pertains to state communications/telecommunications network efficiency and a state commission to handle all communication policies and funds. The breakdown of the act is as follows:

The Division of Network Efficiency is created within the Office of Administration. The appointment of a director comes from the Governor with the advice and consent of the Senate. The purpose of the division is laid out (Section 8.1105).

Prior to fiscal year 2006, the division is to conduct an analysis of existing state telecommunications network capabilities and utilize those findings to implement a telecommunications network plan for all public governmental bodies within the state (Section 8.1110).

In fiscal year 2006 and after, the division shall have the sole responsibility of providing network access to those public governmental bodies and ensuring the most effective and efficient network configuration available. Procedural guidelines for agencies and the division are laid out here (Section 8.1115).

Periodic reevaluations of the state telecommunications network plan shall occur based on technological advances, cost benefit analysis, the addition of new public governmental facilities (Section 8.1120).

Annual reporting requirements are laid out (Section 8.1125).

The Telecommunications Network Efficiency Account is created, consisting of funds appropriated by the General Assembly, other moneys received from federal funds, gifts, donations, and other designated money (Section 8.1135).

All moneys appropriated and received shall be paid to and deposited in the account (Section 8.1140).

Moneys in the account shall be available by the division to carry out appropriate provisions (Section 8.1145).

Any unexpended money within the account shall not be transferred to the ordinary revenue funds of the state (Section 8.1150).

The State Communications Commission is created and detailed. Membership information, term limits, the appointment of a chairman, and advisory staff are all laid out here. The duty of the Commission shall be to coordinate and implement communication infrastructure for the state including but not limited to, network capability, interoperable communications and public safety communication initiatives. The Commission shall have the authority to establish state-wide policies with regard to state communication infrastructure (Section 8.1155).

The temporary appointment of a chairman when Governor-appointed chairman is sick or absent (Section 8.1158).

The State Communications Trust Fund is created, a fund created to enhance the capacity and the ability of Missouri to create and maintain an effective and efficient statewide communication infrastructure. Moneys in the fund are to be used exclusively to carry out provisions in this act and shall be held separate and apart from all other public moneys of the state. Under this act, all funds provided by the federal government or any other source, for communication initiatives shall be placed in this account, subject to the Commission's discretion and disbursement (Section 8.1160).

Annual reporting requirements are detailed (Section 8.1165).

The Missouri sunset provisions shall not apply to these provisions.

MEGAN CRAIN
RICHARD MOORE

011504 S First Read

S114

EFFECTIVE : August 28, 2004

SB 1083

SENATE SPONSOR Kennedy

4027S.01I

SB 1083 - This act removes the six month age limitation in Section 701.342, RSMo. Current law requires the Department of Health and Senior Services to annually screen or test all children between the ages of six months to six years in high risk areas for lead poisoning. This act requires all children less than six years of age to be tested or screened for possible lead poisoning.

LORIE TOWE

011504 S First Read

S114

SB 1084

SENATE SPONSOR Foster

3761S.01I

SB 1084 - Current law allows retired certificated teachers who are receiving a benefit from the teacher retirement system to teach full time for up to two years without losing their retirement benefit. This act seeks to modify this provision by allowing retired certificated employees who are receiving a benefit from the teacher retirement system to be employed full-time for up to two years without losing their retirement benefit.

DONALD THALHUBER

011504 S First Read S114
012004 Second Read and Referred S Pensions & General Laws
Committee S130
012704 Hearing Scheduled S Pensions & General Laws Committee

EFFECTIVE : August 28, 2004

SB 1085

SENATE SPONSOR Foster

3709S.01I

SB 1085 - This act creates a one dollar check-off on the Missouri income tax return. The money designated by the check-off will be deposited into the Multiple Sclerosis Fund, to be distributed to the Gateway Area Charter of the Multiple Sclerosis Society. The check-off of one dollar is primarily for taxpayers who are to receive a refund. However, taxpayers who owe taxes may also contribute to the fund and any taxpayer may elect to contribute more than one dollar.

JEFF CRAVER

011504 S First Read S114

EFFECTIVE : August 28, 2004

SB 1086

SENATE SPONSOR Cauthorn

4053S.01I

SB 1086 - This act restricts lenders from requiring borrowers to obtain homeowners insurance in an amount exceeding the replacement value of the improvements and contents of the real property as a condition of financing a residential mortgage. A violation of this provision shall not affect the validity of the loan, note secured by a deed of trust, mortgage, or deed of trust.

STEPHEN WITTE

011504 S First Read S114

EFFECTIVE : August 28, 2004

SB 1087

SENATE SPONSOR Days

3730S.01I

SB 1087 - Current law expresses that school districts may coordinate with public, private, and private not-for-profit agencies for the delivery of efficient early childhood special education. This act changes the aforementioned "may" to "shall".

This act requires school districts providing early childhood special education to give consideration to the value of continuing services with Part C providers for the remainder of a school year when developing an individualized education program for a student who has received services pursuant to Part C of the Individuals with Disabilities Education Act and reaches the age of three years during a regular school year. Further, the act removes language from the section which specifies that preference shall be given to the continuation of services with the student's private provider unless the cost exceeds the average per student cost of early childhood education in the district.

This act is similar to the SCS/SB 632 & SB 644 from 2003.
DONALD THALHUBER

011504 S First Read

S114

EFFECTIVE : August 28, 2004

SB 1088

SENATE SPONSOR Steelman

3932S.01I

SB 1088 - This act modifies the definition of ATVs and allows passengers to ride on ATVs if the seat of such vehicles are designed to carry more than one person. The ATV definition is modified by increasing the unladen dry weight of an ATV from 600 pounds to 1,000 pounds and by providing that an ATV may be a vehicle with a seat designed to carry more than one person. This provision was contained in the Truly Agreed To version of HB 327 and HB 598 (2003).

STEPHEN WITTE

011504 S First Read

S115

EFFECTIVE : August 28, 2004

SB 1089

SENATE SPONSOR Steelman

3752S.01I

SB 1089 - This act modifies Section 392.200, RSMo, by authorizing every telecommunication company to offer discounted rates or other special promotions on any of its services to any

existing, new and/or former customers.
MEGAN CRAIN

011504 S First Read S115
012004 Second Read and Referred S Commerce & the Environment
Committee S130

EFFECTIVE : August 28, 2004

SB 1090

SENATE SPONSOR Jacob

4016S.01I
SB 1090 - Current law requires employment of at least
seventeen hours per week in order to be considered eligible for
the classroom teacher "job-sharing" program.

This act seeks to alter the aforementioned requirement from
a minimum of seventeen hours per week to a minimum of fifteen
hours per week.

DONALD THALHUBER

011504 S First Read S115
012004 Second Read and Referred S Pensions & General Laws
Committee S130

EFFECTIVE : August 28, 2004

SB 1091

SENATE SPONSOR Klindt

3476S.01I
SB 1091 - This act removes a provision of law which makes
funding to public school districts which provide two-year college
courses contingent upon such districts meeting certain scholastic
standards established in the statutes regarding junior college
districts.

Further, the act attaches the term "courses in workforce
development and new job training" to the definition of what
constitutes a community college.

Lastly, the act states that community college course
offerings may lead to the granting of baccalaureate or higher
degrees through transfer and articulation.

DONALD THALHUBER

011504 S First Read S115
EFFECTIVE : August 28, 2004

SB 1092

SENATE SPONSOR Bartle

4075S.01I

SB 1092 - This act prohibits future redevelopment (TIF) projects from being used for residential purposes, except in Kansas City and St. Louis.

JEFF CRAVER

011504 S First Read

S115

EFFECTIVE : August 28, 2004

SB 1093

SENATE SPONSOR Gibbons

3931S.01I

SB 1093 - This act allows the treasurer of public entities to invest funds that are not immediately needed for their intended use. For such investments, certain conditions must be met, which include placing the funds in a banking institution, the banking institution must arrange for the deposit of the funds in certificates of deposit, each certificate of deposit must be insured by the FDIC, the banking institution must act as custodian for the public entity with respect to the certificate of deposit, and the banking institution must receive an equal amount of deposits from customers of other banking institutions to that of the public funds initially placed by the public entity.

SUSAN HENDERSON

011504 S First Read

S115

EFFECTIVE : August 28, 2004

SB 1094

SENATE SPONSOR Scott

3029S.06I

SB 1094 - This act modifies provisions relating to tort reform.

INTEREST ON JUDGEMENTS (Section 408.040) - Prejudgement interest is calculated 90 days after the demand or offer is received by certified mail return receipt. Currently, it is calculated 60 days after the demand or offer is made. Such demands and offers must be in writing; accompanied by an affidavit from the claimant covering the legal theory and damages claimed; list the medical

providers of the claimant, include other medical information and contain authorization to allow the other party to obtain employment and medical records; and be left open for 90 days. The trial court shall determine whether prejudgement interest is awarded. Claims for prejudgement and post-judgment interest in tort actions shall be calculated at a interest rate tied to the auction price for 52 week U.S. Treasury bills.

EXPERT WITNESS TESTIMONY (Section 490.065) - The act adopts language contained in Federal Rules of Evidence that allows expert testimony if: the testimony is based upon sufficient facts or data; is the product of reliable principles and methods; and the witness has applied the principles and methods reliably to the facts of the case.

VENUE (Section 508.010) - Requires that venue in all tort actions, including torts for improper healthcare, shall only be in county where cause of action accrued. If cause did not accrue in Missouri, then venue shall be in the county where the defendant resides. The residence of a corporation is whether the registered agent of the corporation maintains an office. Venue in suits against not-for-profit corporations shall be in the county where the cause of action accrues or the county where the office of the registered agent is maintained. The act also repeals sections 508.040 (venue for corporations) and 508.070 (venue for motor carriers).

PUNITIVE DAMAGES (Section 510.263) - A jury must find that a defendant's actions or omissions were willful, wanton or malicious by clear and convincing evidence in order to have a submissible case for punitive damages. "Punitive damage award" is defined to include an award for punitive or exemplary damages as well as an award for aggravating circumstances. Discovery of a defendant's assets only can occur after the trial court finds the plaintiff will have a submissible case for punitive damages.

STATUTE OF LIMITATIONS IN ACTIONS AGAINST HEALTH CARE PROVIDERS - (Section 516.105) - A minor less than six years of age has until his 8th birthday to bring cause of action. Currently, a person less than 18 years of age has until the age of 20 to bring the action.

JOINT AND SEVERAL LIABILITY (Section 537.067) - Repeals the current doctrine of joint and several liability and limits liability in all tort actions, including tort actions based on improper health care, to the percentage of fault attributed to each defendant by the trier of fact. The act repeals Section 538.230 which created a separate comparative fault statute for tort actions involving improper health care.

MEDIATION (Section 537.072) - Requires mediation in all tort cases except where judge finds no chance of success.

DEFINITION OF "HEALTH CARE PROVIDER" (Section 538.205) - Includes long term care facilities licensed under Chapter 198, RSMo, professional corporations, business corporations and any other person or entity that provides health care services through one or more employees possessing a license or certificate.

MEDICAL MALPRACTICE NONECONOMIC DAMAGES CAP (Section 538.210) - Cap on noneconomic damages for all plaintiffs is lowered from \$350,000 to \$250,000 per cause of action and provision that subjects cap to periodic inflation increases is removed. This section also removes the words "per occurrence" to ensure a single cap and not multiple caps per incidents of medical malpractice as held by the court in *Scott v. SSM Healthcare*. No hospital or health care provider shall be liable for actions of entity or person who is not an employee of such hospital or health care provider. All persons and entities asserting a wrongful death claim are considered one plaintiff.

DAMAGE CAPS FOR TRAUMA CARE (Section 538.213) - Limits civil damages against certain physicians, dentists, hospitals and hospital employees to \$150,000 in claims arising out of emergency room care. The limit does not apply to grossly negligent or reckless, willful or wanton conduct.

AFFIDAVIT OF MERIT (Section 538.225) - Requires a court to dismiss any medical malpractice claim where the plaintiff fails to file an affidavit stating that he or she has obtained the written opinion of a legally qualified health care provider which states that the defendant failed to use reasonable care and such care caused plaintiff's damages. Currently, it is within the court's discretion to dismiss the case. The affidavit must state the names and addresses of all health care providers offering the opinion. The expert must be licensed in the same profession and substantially the same specialty as the defendant. The time for filing the affidavit can be extended for up to 90 days.

BENEVOLENT GESTURES (Section 538.227) - Prohibits statements, writings or benevolent gestures expressing sympathy made to the person or to the family of the person from being admitted into evidence.

PEER REVIEW RECORDS (Section 538.301) - Records of certain quality assessment and assurance committees are confidential and not subject to legal compulsion nor use in any proceeding. Persons are not liable for good faith decisions regarding such committees. Persons cannot be compelled to testify regarding such documents.

SEVERABILITY (Section 1) - Adds severability clause.

EFFECTIVE DATE OF ACT (Section 2) - Provides that the act shall only apply to cases filed after August 28, 2004.

This act is similar to SS/SCS/SB 280 (2003).
JIM ERTLE

011504 S First Read	S119
012004 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S130
012604 Hearing Scheduled S Judiciary and Civil & Criminal Jurisprudence Committee	

EFFECTIVE : August 28, 2004

SB 1095

SENATE SPONSOR Goode

3661S.03I

SB 1095 - This act creates the "Health Care for Missouri's People" program within the Department of Health and Senior Services. An advisory board composed of fourteen members shall be responsible for administering the program. The purpose of the program is to provide health care services for the uninsured and the under-insured residents of Missouri. The goals of the program shall include:

- placement of health care practitioners;
- timely access to high quality health care services;
- implementing, expanding, or maintaining access to services;
- funding the program by assessing a cigarette tax;
- funding evidence-based prevention and cessation programs;
- and
- increasing the availability of pharmaceuticals.

The Department of Health and Senior Services, with the advice of the advisory board, must establish a grant process for qualified health centers. A new section 191.1012 creates the Health Care for Missouri's People fund into which any moneys appropriated by the General Assembly or any moneys received pursuant to sections 149.015 and 149.160, RSMo, may be deposited.

This act also increases the cigarette tax to twenty-eight and one-half mills per cigarette, or fifty-seven cents per pack. The tax on tobacco products other than cigarettes is increased to thirty-three and one-half percent. This is a forty cent per-pack increase to cigarettes and a thirteen and one-half percentage point increase to tobacco products.

Licensees shall make a final inventory of all unstamped cigarettes in their possession and have it certified to the Department if the cigarette tax increase is approved. The tax shall apply to the final inventory and payment shall be due on February 28, 2005. The increased tax shall apply to all cigarette stamps sold by the Department beginning on January 1,

2005. Between the approval date and January 1, 2005, the Department must limit sales of cigarettes to no more than 100% of the licensee's average purchase for the previous year.

The increased revenue from these two tax changes shall be deposited in the state's general revenue fund. Amounts generated in excess of \$150 million per year from the Health Care for Missouri's People program will be deposited in the state's general revenue fund.

LORIE TOWE

012004 S First Read

S126

EFFECTIVE : August 28, 2004

SB 1096

SENATE SPONSOR Caskey

4109S.01I

SB 1096 - This act establishes the Manufactured Home Installation Act. A new type of professional (the manufactured home installer) will be licensed by the Public Service Commission. The act requires the Public Service Commission to implement a program consistent with the American Homeownership and Economic Opportunity Act of 2000 (federal law). Under that federal act, states which do not have their own programs in place by December 27, 2005, the federal law will be enforced by the Department of Housing and Urban Development.

A manufactured home installer shall not engage in that business without obtaining a license from the Public Service Commission. Cities and counties shall require any additional license. Dealers or manufacturers who perform their own installation must have one licensed installer. Persons installing a manufactured home on his or her own property for their own occupancy do not need to obtain a license.

The act delineates the requirements for obtaining a license. The applicant must complete a training program approved by the Commission and must obtain a passing grade on an examination which will ascertain whether the applicant has adequate skills and knowledge pertaining the home installation profession. The applicant must also pay all applicable fees. The applicant must also show proof of a certificate of insurance for workers' compensation insurance and show proof of general liability insurance in an amount of \$300,000.

The act allows the Commission to waive the training and examination requirements for home installers who have licenses from other states with similar licensing requirements.

The act allows the Commission to issue a limited use installer license to a person who has not met the training and examination requirements of the act. The limited licensee may install homes under licensed supervision and must pass the required examination before attaining a full license.

The act provides for the renewal of an installer license. The Commission may suspend a person's license for failure to carry the required workers' compensation coverage or general liability insurance coverage. The Commission may also grant inactive status to a licensee.

The act provides penalties for fraudulently obtaining a license, committing a crime relating to the home installation profession, violating orders of the Commission, or violating installation standards provided by the act. A person who violates these provisions may have their license revoked or suspended. Decisions to revoke or suspend a home installer's license are subject to judicial review.

The act allows the Commission to investigate complaints against home installers and allows the Commission to seek a restraining order or writ of mandamus in the name of the state against persons who is violating any provisions of this act or order of the Commission.

Under the act, the Commission must require installers to install homes in accordance with the installation instructions approved by the United States Department of Housing and Urban Development and provided by the manufacturer of the manufactured home. The Commission shall adopt standards for the proper installation of manufactured homes. Licensed installers shall purchase installation stickers from the Commission and shall affix such sticker to the manufactured home upon completion of the installation. The Commission shall inspect a percentage of installed manufactured homes consistent with federal requirements.

The act requires the Commission to implement a process to address installation-related disputes among manufacturers, dealers and licensed installers. The Commission may implement the provisions of this act using its own employees, independent contractors, or though other private or public entities. All fees collected pursuant to this act shall be deposited in the Manufactured Housing Fund.

The act provides that the Commission shall not issue or renew a registration or license unless a bond or other security in a form prescribed by the Commission is filed with the Commission. The bond or other security is payable to the manufactured housing fund. If a bond is filed, the bond must be issued by a company authorized to do business in this

state. If other security is filed, that security must be maintained in or by a banking institution located in this state. An applicant for a license or certificate of registration or a license holder shall file a bond or other security for the issuance or renewal of the license or certificate of registration in the following amount:

- (1) \$100,000 for a manufacturer;
- (2) \$50,000 for a dealer; or
- (3) \$10,000 for an installer.

STEPHEN WITTE

012004 S First Read

S126-127

SB 1097

SENATE SPONSOR Clemens

4129S.01I

SB 1097 - This act enables the Department of Economic Development to designate a new enterprise zone in Douglass County.

JEFF CRAVER

012004 S First Read

S127

EFFECTIVE : August 28, 2004

SB 1098

SENATE SPONSOR Clemens

4058S.01I

SB 1098 - This act enables the Department of Economic Development to designate two new enterprise zones in the cities of Nixa and Ozark.

JEFF CRAVER

012004 S First Read

S127

EFFECTIVE : August 28, 2004

SB 1099

SENATE SPONSOR Gibbons

3665S.05I

SB 1099 - This act makes various changes to the various Missouri tax credits. The act:

(1) Establishes a system of classifications for tax credits and minimum requirements for each classification. The requirements are designed to verify compliance and instill confidence in the tax credit system, but avoid undue burdens on the individuals and businesses who apply for the credits.

The act follows established classifications and application requirements where possible. The administering state agencies are enabled to implement rules to include additional requirements or explain the listed requirements. Any such rules are subject to the standard rules promulgation and approval requirements.

(2) Implements reporting requirements focused on gathering meaningful information in order to assist future legislatures in assessing the value of tax credit programs. The reporting requirements are varied to reflect the diverse landscape of the currently enacted tax credits.

The requirements reflect differences between economic development credits and social benefit credits that have benefits that are not revealed in the same empirical fashion. Reporting occurs over a period of three years for most credits. Annual reporting is fixed to a date certain (June 30) for all reports.

Reporting is the duty of the recipient of the credit, and not any subsequent purchaser, in the case of a transferred credit. An exception to this is made in the case of contribution based credits. These credits are obtained differently from other credits. Contribution based credits are given to the a contributor who donates money to a specific program. The state policy is the promotion of the program, and thus reporting is the duty of the recipient of the contribution and not the recipient of the credit. Additionally, the act requires that a taxpayer receiving a credit be made aware of the future reporting requirements prior to issuance.

(3) Implements a compliance system for reporting. Failure to meet the annual reporting requirements will result in graduated penalties. A six month grace period and at least one notice by certified mail to the last known address of the taxpayer is included. Penalties also accompany fraud in the application process. If fraud is found by a court of competent jurisdiction, a one hundred percent penalty will be incurred.

Penalties are assessed against a noncompliant taxpayer as of the end of the taxpayer's taxable year and due and owing as of the last date of filing of the taxpayer's return. Further collection procedures follow the existing collection procedures for income taxes.

(4) Requires that prior to approval of any tax credit application, an administering agency shall verify through the department of revenue that the tax credit applicant does not owe

any delinquent taxes, including penalties and interest. Such delinquency will not affect the approval of the application for such tax credits, except that the amount of credits issued are reduced by the applicant's tax delinquency.

(5) Requires two months notice to the state whenever more than a million income tax credits are going to be redeemed. The notice must come prior to the assessment of tax liability (the date when income tax liability is actually fixed, due and owing) whenever a large sum of credits are going to be claimed against a taxpayer's income tax liability. The act provides that an early filing of tax liability will count as notice so long as it is at least two month prior to assessment date. (For individual filers, the assessment date is typically April 15, regardless of when the return is actually filed.)

(6) Provides that the minimum application requirements specified in (1) are made open records once the credits have been issued. In the case where state approval of a credit application comes prior to actual issuance, the application data become open records at the time such application is approved. However, information relating to the application for a special needs adoption tax credit are excluded from the open record policy.

(7) Expands the existing audit statutes for state sponsored cost benefit analysis to require periodic examination of all credits. Current law only subjects credits administered by the Department of Economic Development to be analyzed. All audits are required to be provided to the governor, the legislature and, specifically, the Joint Committee on Tax Policy.

(8) Charges the Joint Committee on Tax Policy with an automatic review by the committee after each of the Auditor's tax credit program audits. After this period of review, the committee is given the option to make an official recommendation to the General Assembly as to the merit and suggested future treatment of each credit.

JEFF CRAVER

012004 S First Read

S127

EFFECTIVE : August 28, 2004

SB 1100

SENATE SPONSOR Gibbons

3718S.01I

SB 1100 - This act provides that the publishing of proposed rules in the Missouri Register and final administrative rules in the Code of State Regulations may be done in a format prescribed by the Secretary of State. A notice of proposed rulemaking must

include the text of the proposed rule with new matter printed in boldface type. Currently, new matter in a text may also be underlined.

The text of a rule, regulation, standard or guideline of a federal agency or a nationally or state recognized organization, which is incorporated by reference into an administrative rule must be available at the headquarters of the agency adopting the rule. Currently, both the agency and the secretary of state must make a copy of the referenced material available at their respective offices.

JIM ERTLE

012004 S First Read

S127

EFFECTIVE : August 28, 2004

SB 1101

SENATE SPONSOR Steelman

4063S.01I

SB 1101 - This act asserts that the president of the University of Missouri system shall preside over all four campuses of the system and under no circumstance shall the president serve as, or act as, the chancellor of any individual campus in the system.

DONALD THALHUBER

012004 S First Read

S127

EFFECTIVE : August 28, 2004

SB 1102

SENATE SPONSOR Steelman

4110S.01I

SB 1102 - 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".

The act is identical to SB 928 (2002), SB 305 (2003), & SB 794 (2004).

JEFF CRAVER

012004 S First Read

S127

EFFECTIVE : August 28, 2004

SB 1103

SENATE SPONSOR Steelman

3963S.02I

SB 1103 - In addition to amounts authorized prior to August 28, 2004, this act authorizes the Board of Fund Commissioners to issue bonds for grants and loans pursuant to several sections of Article III of the Missouri Constitution.

The authorizations are for:

- (1) \$10 million of bonds for waste water pollution control, drinking water system improvements, and storm water control pursuant to Section 37(e);
- (2) \$10 million of bonds for rural water and sewer projects pursuant to Section 37(g); and
- (3) \$20 million of bonds for storm water control plans, studies, and projects in first classification counties and the City of St. Louis pursuant to Section 37(h).

This act is similar to HB 932 (2004).

MEGAN CRAIN

012004 S First Read

S127

EFFECTIVE : August 28, 2004

SB 1104

SENATE SPONSOR Steelman

4132S.01I

SB 1104 - This act enables the Department of Economic Development to designate two new enterprise zones in the cities of Richland and Crocker.

JEFF CRAVER

012004 S First Read

S127

EFFECTIVE : August 28, 2004

SB 1105

SENATE SPONSOR Shields

4068S.01I

SB 1105 - This act modifies the dollar amount of certain

properties that can be exempted from attachment in bankruptcy proceedings.

The act increases the exemption for certain household goods from \$1,000 to \$3,000. Wedding rings of up to \$1,500 are exempt. The act further increases the value of "any other property of any kind" from \$400 to \$600. Implements of a trade are increased from \$2,000 to \$3,000. Motor vehicles in the aggregate are increased from \$1,000 to \$3,000. Mobile homes, when used as a principal residence, are increased from \$1,000 to \$5,000. A person's right to increase alimony is increased from \$500 to \$750 a month. The amount that a head of household may exempt from execution is increased from \$850 plus \$250 for each dependent to \$1250 plus \$350 for each dependent, including dependents who are determined to be disabled.

Beginning on April 1, 2006, and every three years thereafter, the dollar amount for exempt properties shall be adjusted based on the Consumer Price Index. The Director of Revenue shall publish the dollar amounts that will become effective on such April 1st no later than the previous March 1st.

JIM ERTLE

012004 S First Read

S127

EFFECTIVE : August 28, 2004

SB 1106

SENATE SPONSOR Shields

4084S.02I

SB 1106 - This act conveys the Glore Psychiatric Museum to the St. Joseph Museum Inc.

This act contains an emergency clause.
SUSAN HENDERSON

012004 S First Read

S130

EFFECTIVE : Emergency Clause

SB 1107

SENATE SPONSOR Shields

4078S.02I

SB 1107 - This act conveys the Woodson Academy to the St. Joseph School District.
SUSAN HENDERSON

012004 S First Read

S130

EFFECTIVE : Emergency Clause

SRB 1108

SENATE SPONSOR Bartle

3948L.01I

SRB 1108 - This act repeals certain sections of law which have expired, sunset, terminated, or are ineffective.

RICHARD MOORE

012004 S First Read

S130-131

EFFECTIVE : August 28, 2004

SB 1109

SENATE SPONSOR Coleman

3912S.01I

SB 1109 - This act seeks to allow eligible nonimmigrant aliens to receive "in-state" tuition at any Missouri higher education institution that receives any state funds whatsoever. In order to meet the eligibility requirements of this act, a student must:

- Not establish a residence outside of Missouri;
- Have resided with his or her parent or guardian while attending a public or private high school in Missouri;
- Have graduated from a public or private high school or received the equivalent of a high school diploma in Missouri;
- Have attended school in Missouri for at least three years as of the date the individual graduated from high school or received the equivalent of a high school diploma;
- Be registered as an entering student in the higher education institution not earlier than the 2004 fall semester;
- Provide (in the case of an individual who is not a citizen or a permanent resident of the United States) the higher education institution with an affidavit stating that the individual will file an application to become a permanent resident of the United States at the earliest opportunity the individual is eligible to do so.

This act possesses an effective date of August 01, 2004, and applies only to tuition for a term or semester that begins on or after August 01, 2004.

DONALD THALHUBER

012004 S First Read

S131

EFFECTIVE : August 28, 2004

SB 1110

SENATE SPONSOR Coleman

4045S.01I

SB 1110 - This act changes the name of Harris-Stowe State College to Harris-Stowe State University.

DONALD THALHUBER

012004 S First Read

S131

EFFECTIVE : August 28, 2004

SB 1111

SENATE SPONSOR Klindt

2714S.01I

SB 1111 - This act adds Grundy County to the current list of counties which allow moneys collected as court costs for the purpose of maintaining a law library to be used for courtroom renovation and technology enhancement.

SUSAN HENDERSON

012104 S First Read

S140

EFFECTIVE : August 28, 2004

SB 1112

SENATE SPONSOR Clemens

4041S.01I

SB 1112 -This act includes uncontested elections for trustees for community college districts within a provision of law that provides for no election when the number of candidates equals the number of positions available.

JIM ERTLE

012104 S First Read

S140

EFFECTIVE : August 28, 2004

SB 1113

SENATE SPONSOR Loudon

4066S.01I

SB 1113 - This act modifies provisions relating to notaries public.

The act deletes the requirement that applicants for appointment and commission as a notary public must include their social security number on the application and that applicants must submit the names of two registered voters who endorse the application. Applicants cannot have been convicted of or pled guilty to any felony or to any misdemeanor incompatible with the duties of a notary public. The secretary of state is authorized to prohibit the issuance or renewal of an appointment for up to one year following rejection of the application or renewal request or following the failure to appear and qualify within 90 days after the commission is issued. Applicants are required to read the Missouri Notary Public Handbook and complete certain training. The surety bond to be maintained by the notary public must commence at least 90 days, rather than 30 days after the date of submission of the application. The act modifies what a notary public must keep in their journal.

Notary documents must use certain sized print and include the commission number of the notary public. The act provides deadlines for notaries to submit changes of address or name. Notaries must send changes of address or name within 30 days. If a notary resigns following the receipt of a complaint by the secretary of state, the secretary of state may deny future applications by such person. Notaries are authorized to charge a travel fee, provided certain conditions are met. The Secretary of State is empowered to administer the provisions of this act and perform all required duties, including immediate suspension of a notary upon written notice if the situation involves serious unlawful effect on the general public, provided the notary is afforded a hearing and adjudication as soon as practicable.

If a notary's seal is stolen, the notary must immediately notify the secretary of state in writing. Upon receipt of required documentation, a new commission number will be issued and the secretary of state may post notice on its web site indicating that the old number is no longer valid.

JIM ERTLE

012104 S First Read

S140

EFFECTIVE : August 28, 2004

SB 1114

SENATE SPONSOR Loudon

3903S.02I

SB 1114 - This act changes the termination date of Section 82.291, RSMo, regarding removal of nuisances from August 28, 2004, to August 28, 2008.

This act is similar to SB 621 (2003).
SUSAN HENDERSON

012104 S First Read

S140

EFFECTIVE : August 28, 2004

SB 1115

SENATE SPONSOR Loudon

4140S.01I

SB 1115 - This act establishes new registration procedures for street rods and custom vehicles. The annual fee will be \$15 in addition to the regular registration fees. Owners of these vehicles must certify at the time of registration that the vehicle will be maintained for occasional transportation, exhibits, club activities, parades, tours, and similar uses and will not be used for daily transportation. These vehicles are exempt from vehicle inspections and emission tests. License plates for these vehicles will bear the words "STREET ROD" or "CUSTOM VEHICLE." A street rod or custom vehicle may use blue dot tail lights for stop lamps, rear turning indicator lamps, rear hazard lamps, and rear reflectors.

This act is identical to HB 1062 (2004).
STEPHEN WITTE

012104 S First Read

S140

EFFECTIVE : August 28, 2004

SB 1116

SENATE SPONSOR Stoll

4079S.01I

SB 1116 - This act amends Section 407.1104, RSMo, (telemarketing no-call list) by adding business subscribers and persons who use wireless cell phones.

HENRY HERSCHEL

012104 S First Read

S140

EFFECTIVE : August 28, 2004

SB 1117

SENATE SPONSOR Stoll

3984L.01I

SB 1117 - This act authorizes a surcharge of up to \$10 be assessed in each court proceeding filed in the 23rd judicial circuit (Jefferson County) in all civil and criminal cases, including violations of county or municipal ordinances any violations of traffic laws. The county shall use the funds generated by the surcharge for costs associated with the operation of judicial facilities of the 23rd judicial circuit.

JIM ERTLE

012104 S First Read

S140

EFFECTIVE : August 28, 2004

SB 1118

SENATE SPONSOR Cauthorn

4000S.01I

SB 1118 - This act exempts natural gas used by eligible new generation cooperatives as defined in Section 348.432 RSMo, from certain provisions of the local sales and use tax law.

MEGAN CRAIN

012104 S First Read

S140-141

EFFECTIVE : August 28, 2004

SB 1119

SENATE SPONSOR Cauthorn

3264S.01I

SB 1119 - This act protects the conscience rights of pharmaceutical professionals. A new Section 338.603 provides that pharmaceutical professionals shall not be required to perform, assist, recommend, refer for, or participate in any service involving a particular drug or device that they have a good faith belief is used for abortions. In these instances, the pharmaceutical professional shall be immune from civil or criminal liability and will not have their license suspended or revoked.

Employers cannot refuse to hire, discriminate against, segregate, or terminate a pharmaceutical professional because of their opposition to any service involving a particular drug or device that they have a good faith belief is used for abortions.

Colleges and teaching hospitals are also prohibited from discriminating against any person who refuses to participate in any service or training which involves a particular drug that they have a good faith belief is used for abortions. In addition, they are prohibited from requiring a student or teacher to pay fees to fund these activities.

A party injured by any of the acts described in Sections 338.603 to 338.606 can institute a civil action to recover treble damages, court costs, and reasonable attorney's fees.

LORIE TOWE

012104 S First Read

S141

EFFECTIVE : August 28, 2004

SB 1120

SENATE SPONSOR Cauthorn

3432S.02I

SB 1120 - This act modifies Section 393.015, RSMo, first by enabling water companies to contract with sewer providers to terminate water services to any water user who has not paid a sewer bill.

This act awards immunity from civil liability to any water company disconnecting service at the behest of a sewer company via a water termination agreement.

This act allows sewer companies to file a request with the Public Service Commission (PSC) if the request made to the water company has not been honored within the six-month time frame. The PSC would then draft such an agreement between the two companies. Under this act, three commissioners shall be appointed by the companies to draft the termination agreement.

The provisions in any water termination agreement drafted by the PSC are as follows:

-The rules and regulations of the sewer provider shall provide the number of delinquent days that are required before water service is discontinued for failure to pay a sewage bill.

-The sewer provider must first provide written notice to the water provider before service is discontinued - that notice shall include both the date and amount due on the delinquent bill.

-All reasonable expenses incurred by the water provider in carrying out the water termination agreement shall be reimbursed by the sewer provider.

-Water companies carrying out these agreements shall be held

harmless as a result of carrying out the agreement. Related costs to the water provider shall be recalculated annually.

-Payments received as a result of these agreements shall be received by the water company before service is restored. If service is never restored, any amount collected for delinquent accounts shall be equally divided between the water and sewer companies.

This act allows both the sewer and water companies to present evidence and information to the PSC before such an agreement is drafted, provided each company receive prior notice of the hearing from the PSC. Once an agreement is drafted under this act, the PSC shall submit the agreement to the appropriate circuit court and a decision as to the approval of said agreement shall be issued therein. If an agreement is not approved, the PSC shall then submit a revised agreement to the court for reconsideration. All court decisions are subject to appeal and all costs incurred in the process shall be paid by the sewer provider requesting the agreement.

MEGAN CRAIN

012104 S First Read

S141

EFFECTIVE : August 28, 2004

SB 1121

SENATE SPONSOR Cauthorn

4157S.01I

SB 1121 - Under this act, the maximum posted speed limit in any second, third, or fourth classification shall not exceed 55 miles per hour. If the county commission does not mark the road with signs indicating the designated speed limit, the speed limit shall be 45 miles per hour by default.

This act is similar to SCS/SB 227 (2003).

STEPHEN WITTE

012104 S First Read

S141

EFFECTIVE : August 28, 2004

SB 1122

SENATE SPONSOR Shields

4017S.01I

SB 1122 - This act modifies provisions relating to the practice of dentistry and the powers of the Dental Board.

The Dental Board is authorized to issue and enforce subpoenas, including subpoenas duces tecum. Board investigators are authorized to inspect any person or entity licensed or permitted by the board, including all facilities and equipment related to the delivery of dental care or the making of dental prostheses. The investigators may also inspect clinical and administrative records related to the dental care of patients. The definition of the "practice of dentistry" is modified to include persons who interfere with the dentist's independent professional judgement as well as persons who review patient data in order to make judgements or decisions about the dental care of a patient.

The act provides that nothing shall make it unlawful for dental hygiene students and persons practicing dentistry in certain federally qualified health centers or migrant, community or health care for the homeless health centers to provide appropriate services without a license or registration.

Certain federally qualified not-for-profit corporations may provide dental services if such corporation employs personnel licensed in this state and serves certain low-income populations. Such corporations must be organized for health purposes only. The corporation shall not interfere with a licensed dentist's professional judgement and must apply for a permit from the Dental Board to employ licensed dental personnel to render dental services. The permitted corporation shall be subject to discipline in the same manner as any other licensee of the board. The act authorizes the board to seek injunctive relief against a corporation or other entity and creates a new basis for seeking injunctive relief relating to interference by a person or entity with the professional judgement of a licensed dentist.

JIM ERTLE

012104 S First Read

S141

EFFECTIVE : August 28, 2004

SB 1123

SENATE SPONSOR Gibbons

3576S.02I

SB 1123 - This act requires the Division of Medical Services to annually recalculate the Medicaid nursing home reimbursement amount. Medicaid rates shall be recalculated for all Missouri facilities over three state fiscal years in three separate payments beginning July 1, 2004. The Department shall recalculate the class ceilings for patient care (120% of the median), ancillary (120% of the median), and administration (110% of the median), with each facility receiving one-third of the

unpaid amount.

For July 1, 2004, the Department, using the adjusted costs in the Medicaid cost report for the fiscal year ending in 2001 and an inflationary factor, shall redetermine the allowable per patient day costs for each facility. For July 1, 2005, the Department shall perform the same calculations, but shall use the adjusted costs for the fiscal year ending in 2002. For July 1, 2006, the Department shall perform the same calculations using the adjusted costs for the fiscal year ending in 2003. For July 1, 2007, each facility shall receive a full recalculation based upon its 2004 Medicaid cost report of adjusted costs.

This act shall take effect on July 1, 2004.
LORIE TOWE

012104 S First Read

S141

EFFECTIVE : August 28, 2004

SB 1124

SENATE SPONSOR Goode

4103S.02I

SB 1124 - This act allows electrical companies to recover all reasonable and prudent costs incurred for fuel delivery and variable cost components of purchased electrical energy through energy cost adjustment schedules. Companies can pursue this option either through filing a proposed schedule with the Public Service Commission (PSC) as part of a general rate proceeding or in cases where the PSC has explicitly permitted the option in another contested proceeding.

Under this act, the PSC shall establish and implement a true-up mechanism, which will remedy any over or under-collections from previous adjustment periods through inclusion of such over or under recoveries in subsequent cost adjustments.

The PSC shall allow modification of energy adjustment schedules every ninety days to reflect varying fuel and purchased energy costs reflected in the permanent base rates filed with the Commission.

Electrical corporations are not allowed under this act to collect energy cost adjustments for a period exceeding three years unless it has been explicitly permitted to do so by the Commission. Once the corporation has begun collecting costs under such an agreement, the corporation shall not discontinue the use of an energy adjustment clause unless it has been explicitly permitted to do so by the Commission.

Nothing in this act allows corporations to avoid any rate freeze, moratorium, or other commitments made in connection with a prior proceeding settlement. And nothing shall be construed as limiting the authority of the PSC to review and consider fuel and purchased energy costs.

The Commission may take into account any reduction in business risk to an electrical corporation resulting from the energy adjustment clause in setting the electrical corporation's allowed return in any rate proceeding.

This act provides the commission with the authority to implement mechanisms designed to provide the electrical corporation with incentives for performance in the acquisition of fuel and purchased power.

The act directs that any corporation adopting an energy adjustment clause conduct its affairs in a reasonable and prudent manner, with its actions being subject to prudence review at least once every thirty-six months. Every corporation operating under an energy adjustment clause shall reconcile its differences between the revenues resulting from such adjustment and the appropriate pretax revenues found by the Commission during that time; such a reconciliation shall occur every twelve months and be subject to review by the commission.

MEGAN CRAIN

012204 S First Read

S145

EFFECTIVE : August 28, 2004

SB 1125

SENATE SPONSOR Goode

4194S.02I

SB 1125 - This act pertains to consumer protection and utility companies.

SECTION 386.370 - This act deals with estimates and assessments made by both the Public Service Commission and the Public Counsel with regard to the regulation of public utilities. The fund such payments are credited to has been modified and is now known as the Public Service Commission and Public Counsel Fund.

SECTION 386.390 - This act states that any complaint can be brought in front of the commission alleging a utility's rates are excessive. If such a complaint is made, the public utility shall, within thirty days or less, file a bond or undertaking approved by the Commission conditioned upon the refund, of amounts collected after the date of the filing in excess of rates

and charges finally determined by the Commission to be lawful, with interest thereon at the legal rate. If after a hearing, the Commission determines that the utility's rates are unlawful, the Commission shall order a refund with interest. Both parties involved in such a complaint shall have the obligation to present evidence to support the alleged overcharge; provided that the burden of proof shall be upon the utility corporation. The Commission shall issue an order with regard to the complaint within eleven months from the date of the initial filing.

SECTION 386.900 - Any corporation proposing to invest or enter into a contract for infrastructure project must first notify the Commission of its proposal. The Commission shall require that the corporation engage in a competitive bidding process and provide information on that process to the Commission.

SECTION 393.190 - No corporation, person, or public utility shall sell, assign, lease, transfer, or mortgage the franchise without first securing an order from the Commission to do so. The Commission shall grant its approval if the transaction is for a proper purpose and is in the public interest.

MEGAN CRAIN

012204 S First Read

S145

EFFECTIVE : August 28, 2004

SB 1126

SENATE SPONSOR Russell

4122S.01I

SB 1126 - This act requires that on a monthly basis the Division of Employment Security cross check Missouri unemployment compensation recipients against available federal and state databases containing new hire and wage information.

The act disqualifies a person from receiving unemployment benefits for failing or refusing to take a test for controlled substances. Under this act, such failure or refusal constitutes misconduct connected with the person's work. For a first offense, the person will be disqualified from receiving benefits for not less than six weeks nor more than 16 weeks. For a second or subsequent discharge related to failing or refusing to take a drug test, the person will be disqualified from receiving benefits for a period of 26 weeks. Further, the presence of any controlled substance shown by a test shall be deemed competent evidence and shall be admissible in any administrative hearing. The act clarifies that a positive test for prescribed medications does not constitute misconduct.

State departments, divisions and agencies that fall under the purview of the Wagner-Peyser Act shall have the power to contract with private entities for the purpose of providing employment and re-employment services.

Except as otherwise provided by law, it shall be unlawful for any person in any way associated with the Division of Unemployment Security to make known in any manner, permit the inspection or use of or divulge to anyone any information obtained by an investigation or received from any other governmental entity with respect to employment laws. However, this shall not apply to the disclosure of information by an individual charged with such information's custody or disclosure of such information in a judicial proceeding brought to enforce the employment laws of this state. Any person in violation of Section 288.385 RSMo, is guilty of a Class D felony.

Any person who receives benefits by fraud or misrepresentation associated with Chapter 288, RSMo, in which a penalty is not specified in law is guilty of a Class A misdemeanor. Further, any person who has a conviction associated with this chapter and subsequently violates a provision of Chapter 288, RSMo, is guilty of a Class D felony.

This act is similar to SS#2/SS/SCS/SB 2 (2003).
RICHARD MOORE

012204 S First Read

S145

EFFECTIVE : August 28, 2004

SB 1127

SENATE SPONSOR Cauthorn

4161S.01I

SB 1127 - This act creates a multistate nursing licensure compacts for registered nurses. This compact allows licensed registered nurses to practice nursing in states which participate in the nurse licensure compact. All states wishing to participate in the compact must adopt articles of authorization listed by the act:

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 520 (2003) and SB 200 (2003).
JIM ERTLE

012204 S First Read

S145

EFFECTIVE : August 28, 2004

SB 1128

SENATE SPONSOR Cauthorn

4173S.01I

SB 1128 - This act modifies Chapters 640 and 644, RSMo, by providing new definitions and expanding existing ones dealing with confined animal feeding operations (CAFO). This act authorizes the Clean Water Commission to regulate and promulgate rules for the establishment, permitting, design, construction, operation and management of any Class I CAFO.

This act provides the Department of Natural Resources with the opportunity to designate an AFO as a CAFO and lays out considerations that shall be noted by the Department when making such a designation. No such designation shall be made without an on-site inspection of the operation by the Department. Regulatory or local controls concerning the establishment, permitting, design, construction, operation, and management of a CAFO shall be consistent with and no more restrictive than those provided in Sections 640.703 to 640.758 RSMo, unless such controls are recommended and approved by the board of the respective local soil and water conservation district and are based on empirical peer-reviewed scientific and economic data.

This act modifies the application process required by the department for construction of new facilities, new lagoon, or for an increase of the capacity to house or grow animals at an existing facility. Changes have also been made to the "proof of notification" requirement with regards to public notice and

comment.

This act directs any owner or operator of a class IA facility that utilizes a flush system to employ one or more persons who shall visually inspect gravity outfall lines, recycle pump stations, and recycle force mains appurtenant to its animal manure lagoons for discharges and the structural integrity of any lagoon whose water level is below the emergency spillway.

This act directs any class IA facility that has an unauthorized discharge to report within, twenty-four hours, to the department and all adjoining property owners of the facility onto whose property the unauthorized discharge flowed.

This act directs owners and operators of class IA CAFO's to pay a fee to the department, the calculation of such a fee is laid out in the act. The fees collected shall be deposited in the CAFO Indemnity Fund; monies utilized by the fund administrators for lagoon closure activities are also detailed in the act.

This act directs the department to conduct quarterly inspections of each class IA CAFO that utilizes a flush system.

This act expands definition of "discharge" in Section 644.016, RSMo, by excluding instances of accidental or unintentional release of water contaminants, those accidental or unintentional releases to waters of the state where the water contaminants are entirely confined upon lands controlled by a single person, or by two or more persons jointly, or remediated to the extent that does not exceed any of the standards, regulations, or limitations set forth. This act also expands the definitions of "point source" and "water contaminant source" by excluding agricultural storm water discharges and return flows from irrigated agriculture.

MEGAN CRAIN

012204 S First Read

S145

EFFECTIVE : August 28, 2004

SB 1129

SENATE SPONSOR Bray

3544S.02I

SB 1129 - This act requires the Missouri Office of Administration to contract only with telemarketing or telephone center services with vendors who operate within the United States. The act also prohibits telemarketers from supplying identifying information to telemarketers in foreign countries.

HENRY T. HERSCHEL

012204 S First Read

S145

EFFECTIVE : August 28, 2004

SB 1130

SENATE SPONSOR Scott

4121S.01I

SB 1130 - This act provides that regional planning commissions shall be considered a political subdivision for the purposes of Sections 70.600 to 70.755, RSMo. Employees of regional planning commissions are eligible for membership in the Missouri local government employees' retirement system once the commission is considered an "employer" pursuant to Section 70.600, RSMo. The act also provides that all monies owed to any retirement system be paid prior to dissolution of the commission.

RICHARD MOORE

012204 S First Read

S145

EFFECTIVE : August 28, 2004

SB 1131

SENATE SPONSOR Steelman

4204S.01I

SB 1131 - This act modifies Section 386.390 RSMo, by first eliminating the requirement for twenty-five signatures for an overearnings complaint. This act also states that any overearnings complaint must be decided by the Public Service Commission within eleven months from the date of the initial filing. Finally, this act provides the Commission authority to order any corporation that has been found by the Commission to have intentionally overcharged customers, to refund all affected customers with interest from the date of the overcharge.

MEGAN CRAIN

012204 S First Read

S145

EFFECTIVE : August 28, 2004

SB 1132

SENATE SPONSOR Steelman

3582S.01I

SB 1132 - This act allows any gas, water and/or electric company proposing to invest in infrastructure, facility additions, or entering into any contract to purchase power or natural gas, to submit an application with the Public Service Commission (PSC) for a determination of prudence before such investment is made. The company may also request, as part of the same application, that the PSC determine ratemaking principles that will be applied to the cost of such infrastructure in future proceedings before the Commission.

The PSC has sixty days to determine whether or not the application is complete, if not, the company then has ten days to resubmit the completed application. Any Commission determination that an application is incomplete is appealable to the court of appeals on an expedited basis.

The PSC shall conduct a hearing and issue an order with regard to the completed predetermination application within two hundred ten days of the submission, if such an issue is not ordered by the Commission within that time frame, the project/investment is deemed to be prudent as proposed, and any ratemaking principles requested by the company in the application shall also be deemed approved by the PSC.

If, after a hearing and consequent order, the PSC determines that the proposed investment is reasonable and prudent, the commission may impose monitoring and reporting conditions on the company responsible. No costs shall be included in the company's rates until the project is fully operational. Nothing in this act alters the PSC's authority to set the rates of the company in question.

The company has two hundred seventy days after a prudency predetermination order has been issued, to notify the Commission whether it will go forward with the investment/project proposed in the original application. If the company notifies the commission that the proposed investment will not be made, any proposed ratemaking principles will be of no further force and there is to be no adverse presumption applied to the company in future dealings with the PSC.

Both the company and the PSC have authority through this act, to request considering the modification or termination of a project approved by the Commission. If such a decision is ordered by the Commission, the company shall be allowed to recover in rates the amounts already expensed on the project including interest expense and a return on investment from the time the original order was entered.

No company shall file more than one application in a twelve month period, excluding circumstances when an application has been denied, dismissed, or approved but not entered into - a company can file a new application for the same or an alternative

project at any time. Such limitations can be waived by the PSC if the waiver is found to be in the public interest.

MEGAN CRAIN

012204 S First Read

S145

EFFECTIVE : August 28, 2004

SB 1133

SENATE SPONSOR Foster

4059S.01I

SB 1133 - Currently, both teachers and principals are included in the section of the Metropolitan school district's teacher tenure statute which outlines procedures regarding reductions in force. This act removes school principals from the section.

DONALD THALHUBER

012204 S First Read

S145

EFFECTIVE : August 28, 2004

SB 1134

SENATE SPONSOR Foster

4116S.01I

SB 1134 - This act establishes the Missouri Junior/Senior Cadets Program.

The program will encourage high school juniors and seniors to mentor kindergarten through eighth grade students in their respective school districts for a minimum of six hours per week during the school year. The act sets up eligibility criteria for mentors.

If a mentor successfully provides mentoring services for an average of at least six hours per week during a school year, the mentor shall receive: one hour of class credit which may satisfy graduation requirements; and if the mentor attends college with the stated intention of becoming a teacher, the mentor shall be reimbursed by DESE for the costs of one credit hour per semester for a total of no more than eight semesters.

The act also establishes the "Missouri Junior/Senior Cadets Fund" in the state treasury.

DONALD THALHUBER

012204 S First Read

S145

EFFECTIVE : August 28, 2004

SB 1135

SENATE SPONSOR Foster

4060S.01I

SB 1135 - This act defines "bullying" and requires each public school district to promulgate and implement a bully-free school plan. The plans must state specific policies designed to prevent bullying from occurring and must also contain procedures for disciplining students who bully. The act requires school districts to annually submit a report to the Department of Elementary and Secondary Education, which shall be made available to the public, regarding bullying incidents.

This act is similar to HB 1726 from 2002.
DONALD THALHUBER

012204 S First Read

S145

EFFECTIVE : August 28, 2004

SB 1136

SENATE SPONSOR Vogel

3848S.02I

SB 1136 - This act allows the Governor to transfer land, which is part of the correctional facility known as the Church Farm, to another government agency without holding a public auction.

SUSAN HENDERSON

012204 S First Read

S145

EFFECTIVE : August 28, 2004

SB 1137

SENATE SPONSOR Vogel

3691S.02I

SB 1137 - This act provides that cost-of-living adjustments shall not be considered a component of a county officer's base compensation. A cost-of-living adjustment shall be cumulative and must be established by the salary commission each year, and if it does not do so, the cost-of-living adjustment will be the same as that of the prior year.

A cost-of-living adjustment given during an incumbent's tenure in office shall be cumulative; however, a newly elected officer will only receive the established base salary authorized by the salary commission.

This act also refers to the "Salary Commission" each time it is appropriate, so that there is no confusion between the Salary Commission and the County Commission.

For the purposes of Sections 50.333 and 50.343, the terms salary and compensation does not include cost-of-living adjustments.

SUSAN HENDERSON

012204 S First Read

S146

EFFECTIVE : August 28, 2004

SB 1138

SENATE SPONSOR Bartle

4154S.01I

SB 1138 - This act modifies provisions relating to courts.

JUVENILE COURT (Sections 211.141 and 211.327) - In certain matters referred to the juvenile court, the juvenile officer shall make a risk and needs assessment of the child. The results of the assessment shall be provided to the office of state courts administrator.

MECHANIC'S LIENS (Sections 429.032 to 429.540 and 478.725) - The act provides that liens shall be filed directly with the recorder of deeds instead of the circuit court. Section 429.470 is modified by requiring the judgement creditor to forward a certified copy of the judgement to the secretary of state.

CHILD SUPPORT GUIDELINES (Section 452.340) - The timeframe for review of child support guidelines is increased once every three years to once every four years.

DOMESTIC RELATIONS RESOLUTION FUND (Section 452.554) - Moneys from the fund may be used to provide services to support domestic relations cases.

FOREIGN LANGUAGE INTERPRETERS (Sections 476.800 to 476.820 and 491.300) - The act repeals the current section regarding the fees for interpreters and enacts three new sections on interpreters for non-English speaking persons. Courts are required to appoint qualified interpreters in all legal proceedings in which the non-English speaking person is a party or witness. The person may waive the appointment of an interpreter. Interpreters in civil,

juvenile and criminal proceedings shall be allowed a reasonable fee approved by the court, but shall not be compensated for travel time.

BASIC CIVIL LEGAL SERVICES FUND (Section 488.031) - The fee for filings in the probate division shall be \$8.

LAW LIBRARY SURCHARGE (Section 488.429) - The act authorizes any county to use moneys from the law library fund for the county or circuit family services and justice fund or for courtroom renovation and technology enhancement.

DOMESTIC VIOLENCE SHELTER SURCHARGE (Section 488.445) - The act removes the effective date for an ordinance to be effective in order to impose the surcharge.

CRIMINAL CASE FEES (Sections 488.4014 and 488.5320) - The act provides that the county fee and sheriff's fee shall be assessed upon a guilty plea or a finding of guilt.

CRIME VICTIM'S COMPENSATION (Section 595.045) - The act assesses the crime victim's compensation judgement upon a guilty plea or finding of guilt. The judgement is assessed on all misdemeanors, except certain traffic, conservation and wildlife offenses.

JIM ERTLE

012204 S First Read

S146

EFFECTIVE : August 28, 2004

SB 1139

SENATE SPONSOR Mathewson

4170S.01I

SB 1139 - This act expresses that all general officers shall serve at the pleasure of the Adjutant General.

DONALD THALHUBER

012204 S First Read

S146

EFFECTIVE : August 28, 2004

SB 1140

SENATE SPONSOR Mathewson

4171S.01I

SB 1140 - This act expresses that all monies received in the Pettis County school fund in resolution of environmental law violations shall be deposited into the capital projects fund.

DONALD THALHUBER

012204 S First Read

S146

EFFECTIVE : August 28, 2004

SB 1141

SENATE SPONSOR Loudon

4165S.01I

SB 1141 - This act allows the owners of a majority of the acreage of a swamp, wet or overflowed land, or other similar property that is located in one or more counties or in any city, town, or village to form a levee district.

In addition to its other powers, the board of supervisors of the district is authorized to construct waterlines under this act.

This act allows the board of supervisors of any levee district to adopt alternative procedures by order, resolution, or ordinance, with respect to installment taxes and voting rights. Currently, this power is only reserved for districts with property of a certain assessed valuation and in a county with a specified minimum population.

The act updates certain sections to be consistent with commonly used statutory language.

SUSAN HENDERSON

012204 S First Read

S146

EFFECTIVE : August 28, 2004

SB 1142

SENATE SPONSOR DolAttractions opera

3966S.01I

SB 1142 - This act establishes the "Disposition of Fetal Remains Act". A new Section 194.381 provides that a mother has a right to determine the final disposition of the fetal remains, regardless of the duration of a pregnancy. Final disposition of fetal remains may be by cremation, burial, incineration in an approved medical waste incinerator, or other means authorized by the Director of the Department of Health and Senior Services. The final disposition of fetal remains does not require a religious service or ceremony.

Within twenty-four hours of a miscarriage, hospitals and

other health care facilities must notify the mother in writing of her right to determine the final disposition of the remains of the fetus. Hospitals and other health care facilities must make counseling available to the mother concerning the death of the fetus.

Any person who violates the provisions of Sections 194.375 to 194.390 will be guilty of a Class C misdemeanor. The "Disposition of Fetal Remains Act" does not prohibit a woman's ability to obtain a legal abortion.

This act is identical to SB 435 (2003).
LORIE TOWE

012204 S First Read

S149

EFFECTIVE : August 28, 2004

SB 1143

SENATE SPONSOR Dolan

2836S.01I

SB 1143 - This act establishes the lifetime home grant program. A fund known as the Lifetime Home Fund is established in the state treasury. This fund shall be administered by the Missouri Housing Development Commission. Beginning January 1, 2005, individuals who build a universally designed lifetime home may apply for a payment from the fund in the amount of \$5,000. This act also allows an individual to qualify for a lifetime home grant, up to \$5,000, by renovating a qualified existing residence.

This act is similar to SCS/SB 580 and SS/SCS/HS/HB 197 (2003).
STEPHEN WITTE

012204 S First Read

S149

EFFECTIVE : August 28, 2004

SB 1144

SENATE SPONSOR Dolan

4205S.01I

SB 1144 - This act revises the procedures relating to disabled license plates and placards and the use of designated disabled parking spaces.

Under this act, fraudulent procurement or use of a

disabled license plate is a Class A misdemeanor. Under current law, it is a Class C misdemeanor.

Physicians or health care practitioners will be guilty of a Class A misdemeanor 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 (Section 301.141).

This act allows other health care practitioners (chiropractors, podiatrists, and optometrists) to certify individuals for disabled license plates and placards (Section 301.142).

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 (Section 301.142.1(f)).

This act provides that other authorized health care practitioners may furnish disabled persons a statement for only those health care conditions for which the practitioner is authorized to treat. The act establishes record maintenance requirements for physicians and health care practitioners who issue physician statements. Such records shall be available to inspection to the practitioner's licensing board, the Department of Revenue and appropriate law enforcement officers. Such records shall be confidential unless required to be disclosed by law.

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 (Section 301.142.3).

No more than two removable windshield handicap placards may be issued by the Director of the Department of Revenue to any one person. Placards shall be renewable only by the person to which the placard was originally issued. The placard shall only be used when the person is in the motor vehicle at the time of parking or when the person is being delivered.

The Director also will be required to issue a

registration certificate identifying the name, address, and other identifying information as prescribed by the Director. The Director shall furnish the applicant with a notice which sets forth that plates or placards are non-transferable, what the restrictions of use are, and the penalties for violating this act. The validated registration receipt given to the applicant shall serve as the registration certificate.

Every new applicant for a disabled plate or placard shall be required to present a new physician's statement dated no more than 90 days prior to such application. Renewal applicants will be required to submit a physician's statement dated no more than 90 days prior to such application upon their first renewal occurring on or after August 1, 2005. Upon completing subsequent renewal applications, a physician's statement dated no more than 90 days prior to such application shall be required every 4th year.

Under this act, a personal representative of a decedent who comes into possession of disabled plates shall return the plates to the Director of Revenue. Failure to do so is a Class A misdemeanor.

Under this act, the fee for a replacement windshield placard is increased from \$2 to \$4.

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 a Class A misdemeanor. If a person can later produce a valid certificate in court, the person shall not be found guilty. Under this act, a placard shall only be used when the vehicle is parked in a disabled parking space (section 304.601).

This act is identical to SB 919 (2004) and is substantially similar to SS/SCS/HB 598 and SB 343 (2003).

This act has an effective date of January 1, 2005.
STEPHEN WITTE

012204 S First Read

S149

EFFECTIVE : January 1, 2005

SCR 022

SENATE SPONSOR Kinder

3296S.01I

SCR 22 - This act urges Congress to amend the Social Security Act and other statutes to allow Missouri citizens to voluntarily opt-out of the federal Social Security System and

invest their Social Security taxes in personal retirement accounts approved by the State Treasurer's office. This program shall be similar in concept to the Missouri Saving for Tuition 529 Program.

LORIE TOWE

010704 S First Read S24-25
010804 Referred S Rules, Joint Rules, Resolutions & Ethics Committee S77
012204 Hearing Conducted S Rules, Joint Rules, Resolutions & Ethics Committee

EFFECTIVE : August 28, 2004

SCR 023

SENATE SPONSOR Gross

3299S.01I

SCR 23 - This resolution designates the bridge crossing the Missouri River between St. Charles County and St. Louis County on Interstate 70 the "Blanchette Memorial Bridge". This act designates the bridge crossing the Missouri River between St. Charles County and St. Louis County on U.S. Route 40/61 the "Daniel Boone Bridge". This act designates the bridge crossing the Missouri River between St. Charles County and St. Louis County on Highway 370 the "Discovery Bridge". The state shall not be obligated to provide any funding to commemorate or memorialize the designated bridges.

STEPHEN WITTE

010704 S First Read S25-26
010804 Referred S Rules, Joint Rules, Resolutions & Ethics Committee S77
011504 Hearing Conducted S Rules, Joint Rules, Resolutions & Ethics Committee

EFFECTIVE : August 28, 2004

SCR 024

SENATE SPONSOR Cauthorn

3027S.01I

SCR 24 - This resolution expresses the support and gratitude of the General Assembly for faith-based and community organizations and encourages the state and all local governments to work in partnership with such organizations to provide quality social services to the citizens of this state.

This resolution is identical to SCR 17 (2003).

LORIE TOWE

010704 S First Read	S26
010804 Referred S Rules, Joint Rules, Resolutions & Ethics Committee	S77
011504 Hearing Conducted S Rules, Joint Rules, Resolutions & Ethics Committee	

EFFECTIVE : August 28, 2004

SCR 025

SENATE SPONSOR Stoll

3571S.01I

SCR 25 - This resolution urges Congress to repeal the federal Government Pension Offset (GPO) and Windfall Elimination Provision (WEP) of the federal Social Security Act.

This resolution is identical to SCR 06 (2003).
DONALD THALHUBER

010804 S First Read	S76-77
011204 Referred S Rules, Joint Rules, Resolutions & Ethics Committee	S89
011504 Hearing Conducted S Rules, Joint Rules, Resolutions & Ethics Committee	

EFFECTIVE : August 28, 2004

SCR 026

SENATE SPONSOR Childers

3849S.01I

SCR 26 - This resolution creates the "AgroForestry Industrialization Committee". The purpose of the committee being to review and evaluate both the industrial and economic impact of agroforestry industrialization, environmental responsibilities of the industry, and to make recommendations for future legislative action.

The membership of the committee is laid out in this resolution, as are term limits, compensation information, and meeting times. The committee shall have access to closed records for purposes of carrying out its duties, provided they do not disclose any identifying information closed pursuant to statute or general order.

The Office of Administration is directed to provide minimal funding, administrative support, and staff for the effective

operation of this committee.

The recommendation report to the General Assembly shall be due before July 30, 2005, with the committee's final report being submitted to the General Assembly no later than December 31, 2005. The committee shall terminate on that same day, December 31, 2005.

MEGAN CRAIN

011204 S First Read	S86-87
011304 Second Read and Referred S Rules, Joint Rules, Resolutions and Ethics Committee	S96
012204 Hearing Conducted S Rules, Joint Rules, Resolutions & Ethics Committee	

SCR 027

SENATE SPONSOR Kennedy

3728S.01I
SCR 27 - This resolution urges Congress to reject any recommendations from the President's Commission to base postal services on profit seeking motives or to cut services to any American Community.

RICHARD MOORE

011404 S First Read	S106
011504 Referred S Rules, Joint Rules, Resolutions & Ethics Committee	S117
012204 Hearing Cancelled S Rules, Joint Rules, Resolutions & Ethics Committee	

EFFECTIVE : August 28, 2004

SCR 028

SENATE SPONSOR Kennedy

3652S.01I
SCR 28 - This resolution urges the President of the United States to order the Food and Drug Administration to lift the ban on Canadian pharmaceuticals.

LORIE TOWE

012004 S First Read	S126
012104 Referred S Rules, Joint Rules, Resolutions & Ethics Committee	S134

SCR 029

SENATE SPONSOR Kennedy

3960S.01I

SCR 29 - This resolution formally recognizes the yellow with three red stripes heritage and freedom flag as the official flag of the Vietnamese-American community and encourages county officials and city legislators in Missouri to pass resolutions recognizing the flag as the official flag of the Vietnamese-American community.

DONALD THALHUBER

012104 S First Read	S134-135
012204 Referred S Rules, Joint Rules, Resolutions & Ethics Committee	S148

SCR 030

SENATE SPONSOR Gibbons

3946L.01I

SCR 30 - This resolution authorizes the printing of all acts and resolutions passed by the General Assembly in 2003.

HENRY T. HERSCHEL

012104 S First Read	S140
012204 S adopted	S144-145
012204 H First Read	H128

SJR 024

SENATE SPONSOR Caskey

2824S.01I

SCS/SJR 24 - The proposed constitutional amendment preserves the opportunity of individual citizens to harvest wild birds, fish and game without diminishing the duty of the department of conservation, creating rights to trespass on private property or the diminution of other private rights.

MEGAN CRAIN

120103 Prefiled	
010704 S First Read	S22
011204 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee	S89
012204 Hearing Conducted S Agriculture, Conservation, Parks & Natural Resources Committee	

012204 SCS Voted Do Pass S Agriculture, Conservation, Parks & Natural Resources Committee (2824S.02C)

EFFECTIVE : August 28, 2004

SJR 025

SENATE SPONSOR Yeckel

3169S.01I

SJR 25 - 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".

This resolution is identical to SJR 9 (2003).
JIM ERTLE

120103 Prefiled

010704 S First Read

S23

011204 Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee S89

EFFECTIVE : August 28, 2004

SJR 026

SENATE SPONSOR Yeckel

3168S.01I

SJR 26 - 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".

This resolution is identical to SJR 10 (2003).
JIM ERTLE

120103 Prefiled

010704 S First Read

S23

011204 Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee S89

EFFECTIVE : August 28, 2004

SJR 027

SENATE SPONSOR Jacob

2612S.01I

SJR 27 - 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 resolution is identical to SJR 14 (2003).
JEFF CRAVER

120103	Prefiled	
010704	S First Read	S23
011204	Second Read and Referred S Ways & Means Committee	S89

EFFECTIVE : August 28, 2004

SJR 028

SENATE SPONSOR Jacob

2608S.01I

SJR 28 - Subject to approval of voters at the next general election, or at a special election called by the Governor, this constitutional amendment repeals legislative term limits.

This proposed constitutional amendment is identical to SJR 16 (2003).

JIM ERTLE

120103	Prefiled	
010704	S First Read	S23
011204	Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee	S89

EFFECTIVE : August 28, 2004

SJR 029

SENATE SPONSOR Steelman

3078S.01I

SJR 29 - This proposed Constitutional Amendment states that only marriages between a man and a woman will be valid and recognized in the state of Missouri.

LORIE TOWE

120103	Prefiled	
010704	S First Read	S23
011204	Second Read and Referred S Aging, Families, Mental & Public Health Committee	S89

EFFECTIVE : August 28, 2004

SJR 030

SENATE SPONSOR Gross

2854S.01I

SJR 30 - 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 3 (2003).
JEFF CRAVER

120103 Prefiled	
010704 S First Read	S23
011204 Second Read and Referred S Ways & Means Committee	S89

EFFECTIVE : Upon voter approval

SJR 031

SENATE SPONSOR Loudon

3099S.01I

SJR 31 - 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 7 (2003), SJR 33, SJR 37 (2002) and HJR 7 (2001).
STEPHEN WITTE

120103 Prefiled
010704 S First Read S23
011204 Second Read and Referred S Transportation Committee S89

EFFECTIVE : Upon Voter Approval

SJR 032

SENATE SPONSOR Cauthorn

3022S.01I

SJR 32 - 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 04 (2003).
DONALD THALHUBER

120103 Prefiled
010704 S First Read S23
011404 Second Read and Referred S Education Committee S101

EFFECTIVE : Auagust 28, 2004

SJR 033

SENATE SPONSOR Coleman

2806S.01I

SJR 33 - This proposed constitutional amendment, if approved by the voters, changes the minimum age requirement for state representatives from 24 to 21 and the minimum age requirement for state senators from 30 to 25.

This resolution is identical to SJR 23 (2003).
JIM ERTLE

120103 Prefiled
010704 S First Read S23
011204 Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee S89

EFFECTIVE : Contingent

SJR 034

SENATE SPONSOR Bartle

2803S.01I

SJR 34 - This proposed constitutional amendment abolishes the Highways and Transportation Commission and transfers that body's powers to the Director of Transportation. The director will be appointed by the Governor, with the advice and consent of the Senate. All references to the Highway Commission shall mean the Director of Transportation and the Department of Transportation.

This joint resolution is similar to SJR 6 (2003) and HJR 52 (2002).

STEPHEN WITTE

120103 Prefiled

010704 S First Read

S23

011204 Second Read and Referred S Transportation Committee S89

EFFECTIVE : Voter Approval

SJR 035

SENATE SPONSOR Bland

3289S.01I

SJR 35 - This resolution would constitute Missouri's ratification of the Equal Rights Amendment to the United States Constitution. To become effective, a United States constitutional amendment requires 3/4 of the states to ratify the amendment.

This resolution is identical to SJR 1 (2003).
SUSAN HENDERSON

120803 Prefiled

010704 S First Read

S23

011204 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee S89

EFFECTIVE : Voter Approval

SJR 036

SENATE SPONSOR Foster

3094S.01I

SJR 36 - This proposed constitutional amendment adds livestock and grain used for agricultural purposes to the list of

property exempt from taxation by the constitution.
JEFF CRAVER

121003 Prefiled
010704 S First Read S23
011204 Second Read and Referred S Agriculture, Conservation,
Parks & Natural Resources Committee S89

EFFECTIVE : Referendum

SJR 037

SENATE SPONSOR Scott

3390S.01I

SJR 37 - This proposed constitutional amendment eliminates non-highway agencies from receiving highway revenues over a five-year period. The Department of Transportation and the state highway patrol are exempt from this elimination. This proposal will go into effect the first fiscal year after the voters approve the resolution.

STEPHEN WITTE

121603 Prefiled
010704 S First Read S23
011204 Second Read and Referred S Transportation Committee S89

EFFECTIVE : Voter approval

SJR 038

SENATE SPONSOR Scott

3387S.01I

SJR 38 - This proposed constitutional amendment allows the 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. The Commission is authorized to issue state toll facility revenue bonds or refunding bonds authorized by the general assembly without the consent of any other state agency or board. The Commission is authorized to enter into contracts with other federal, state or local agencies to conduct its duties with respect to constructing toll facilities.

Moneys obtained from toll facility revenue bonds, tolls and other fees shall be deposited in the state toll facility fund from the Commission to expend for toll facility projects authorized by the General Assembly. Moneys in the fund shall stand appropriated without legislative action to be expended

in the sole discretion of the Commission. The Commission is authorized to transfer moneys from the state road fund to the state facility fund to pay toll facility costs. Any such transfers from the state road fund shall be repaid. The Commission is authorized to relocate or incorporate any public road or highway into a state toll facility project. Revenue generated from the toll roads shall not be included as a part of total state revenue, nor shall revenue expenditures be considered an "expense of state government" for the purposes of the Hancock Amendment.

This resolution is similar to SJR 31 (2004).
STEPHEN WITTE

121603 Prefiled
010704 S First Read S23
011204 Second Read and Referred S Transportation Committee S89

EFFECTIVE : Voter approval

SJR 039

SENATE SPONSOR Foster

3403S.03I

SJR 39 - Currently, the State Board of Education constitutes eight lay members whose terms of office are eight years each. Subject to voter approval, this resolution changes from eight to six the number of lay members on the board. Further, the resolution alters the length of such terms to three years, with one reappointment possible. Also, the act seeks to alter from four to three the number of lay members which may be affiliated with any major political party. Lastly, the resolution seeks to add three active classroom teachers to the board, the terms of whom shall be three years with no reappointment potential.

DONALD THALHUBER

121703 Prefiled
010704 S First Read S24
011204 Second Read and Referred S Education Committee S89
012004 Hearing Conducted S Education Committee

EFFECTIVE : Voter approval

SJR 040

SENATE SPONSOR Stoll

3384S.01I

SJR 40 - 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 13 (2003).
JIM ERTLE

122303 Prefiled
010704 S First Read S24
011204 Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee S89

EFFECTIVE : Voter approval

SJR 041

SENATE SPONSOR Kinder

3734S.01I

SJR 41 - This proposed constitutional amendment, subject to voter approval, removes the provision of the Constitution that the Governor shall provide recommendations of laws necessary to provide revenues to support his annual budget request.

JEFF CRAVER

011304 S First Read S96
011404 Second Read and Referred S Governmental Accountability and Fiscal Oversight Committee S101
012204 Hearing Cancelled S Governmental Accountability and Fiscal Oversight Committee
012604 Hearing Scheduled S Governmental Accountability and Fiscal Oversight Committee

EFFECTIVE : Referendum

SJR 042

SENATE SPONSOR Coleman

3674S.02I

SJR 42 - This proposed constitutional amendment, if approved by the voters, authorizes the General Assembly to issue one series of bonds in an amount two billion dollars for the purpose of technology and infrastructure upgrading, repairing, remodeling, building, and rebuilding the elementary and secondary schools of this state. No more than 25% of the revenue derived from the bonds may be spent in any three-fiscal-year period.

The bonds will be for 20 years and will bear interest a rate to be set by law. The bonds will be issued by the State Board of

Fund Commissioners. The interest on the bonds will be paid by corresponding sinking funds.

An income tax surcharge of 1/2 of one percent will be added to the state income tax to pay for the interest on the bonds. In the event that the income tax is insufficient to pay the interest, a statewide property tax will be levied in the following year to pay for such shortfall.

Any excess from the income tax surcharge will be deposited equally into two funds. One fund will be dedicated to two purposes:

(1) One-half to be used for grant programs to public schools to promote teacher recruitment, retention, and training, and;

(2) One-half to be used for grant programs to public schools to enhance student achievement with an emphasis on reading programs.

The monies in the other fund will be distributed to the public schools of this state on an equal per pupil basis.

At any time when a refund is triggered by the provisions of the Hancock Amendment, the monies to be refunded will first be used to pay the principal and interest of the debt serviceable during such fiscal year or any future fiscal year for which the bonds are outstanding. The income tax surcharge will be reduced in the next tax year to offset the additional money made available by the Hancock refund.

This act is similar to SJR 18 (2003).
JEFF CRAVER

011404 S First Read

S108

EFFECTIVE : August 28, 2004

SJR 043

SENATE SPONSOR Klindt

3550S.01I

SJR 43 - This act modifies the fund to add an additional saving mechanism that requires 30% of any annual surplus to be deposited in the fund. This money will be separately accounted for in the fund. The act also requires that in the case where there is a surplus and a Hancock refund is triggered, than 50% of the surplus (excluding the portion being refunded to the citizenry) will be put in the budget stabilization fund.

Of the monies in the fund arising by these new mechanisms, 50% can be spent in an emergency by a simple majority vote of the

legislature. The remaining 50% would require a 2/3 vote to be spent.

The act also modifies the existing provisions of the fund by allowing a 2-year grace period before repayment is required when the core monies in the fund are tapped. Once repayment starts, it extends the repayment period to four years from the current three-year requirement.

JEFF CRAVER

012104 S First Read

S141

EFFECTIVE : Referendum

SJR 044

SENATE SPONSOR Dolan

2588S.03I

SJR 44 - This proposed constitutional amendment, if approved by the voters, eliminates non-highway agencies from receiving highway revenues over a five-year period. The resolution also reduces the amount of appropriations the highway patrol receives from highway user revenues by ten percent over a ten-year period. By the tenth fiscal year and every fiscal year thereafter, the highway patrol will not receive any appropriation from highway user revenues. The Department of Transportation is exempt from the diversion. Costs incurred by the Office of Administration on behalf of employees of the department of transportation may be paid from highway revenues. This will begin July 1, 2005, provided that the voters approve this resolution in November 2004.

This resolution directs one-half of the proceeds from the tax on motor vehicles, trailers, boats, and outboard motors which currently goes to the General Revenue Fund to the state road fund over a ten-year period. This redirection will be phased in over a ten-year period beginning the first fiscal year following the adoption of this resolution. This will begin July 1, 2007, provided that the voters approve this resolution in November 2004.

This resolution is similar to SJR 17 (2003).
STEPHEN WITTE

012204 S First Read

S149

SR 1118

SENATE SPONSOR Steelman

3998S.03I

SR 1118 - This resolution pertains to State of New York, et al v. U.S. EPA, No. 03-01380 (D.D.C., 2003) a lawsuit filed with the intent of having the Equipment Replacement Provision rule, promulgated by the EPA, declared invalid. This resolution seeks to validate the EPA's rule and commits the Senate to join a Motion to Intervene in the lawsuit on behalf of the federal agency.

MEGAN CRAIN

011404 S First Read	S108
011504 Referred S Rules, Joint Rules, Resolutions & Ethics Committee	S117
012204 Hearing Conducted S Rules, Joint Rules, Resolutions & Ethics Committee	
012204 Voted Do Pass S Rules, Joint Rules, Resolutions & Ethics Committee	

EFFECTIVE : August 28, 2004

SR 1151

SENATE SPONSOR Gibbons

SR 1151 - This resolution establishes the rates of pay for employees of the Senate.

HENRY T. HERSCHEL

012004 S First Read	S125-126
012004 S adopted	S125

MISSOURI SENATE

BILL STATUS

HOUSE BILLS

HB 0916

HOUSE SPONSOR Brown

3308L.01P

HB 916 - This act creates a list of various forms of identification such as social security numbers, drivers license numbers, and other information, which are to be considered the subject of identity theft.

Under this act, it is a Class A misdemeanor if a person commits identity theft involving no more than \$500. A subsequent offense involving no more than \$500 is a Class D felony. It is a Class D felony if the value of the identity theft exceeds \$500, but involves no more than \$1,000. It is a Class C felony if the value of the identity theft exceeds \$1,000, but involves no more than \$10,000. It is a Class B felony if the value of the identity theft exceeds \$10,000, but involves no more than \$100,000. It is a Class A felony if the value of the identity theft exceeds \$100,000.

This act allows any person who commits identity theft to be liable to the victim for up to \$5,000, in addition to criminal penalties. The victim may also bring a civil action to enjoin future acts of identity theft by the individual.

This act allows a deceased person's estate to recover damages for identity theft to which the decedent was a victim.

This act is not applicable in certain situations when a person obtains the identity of another. Such situations include, obtaining an identity to buy alcoholic beverages, receiving credit information in a commercial transaction, lawfully exercising a security interest by a creditor, and complying with a court order or other decree.

This act defines the offense of trafficking stolen identities as manufacturing, selling, transferring, purchasing, or possessing identification documents for the purposes of identity theft. Under this act, trafficking of stolen identification documents is a Class B felony. Possession of five or more identification documents of one person, or identification documents of more than five people, is evidence that the person intends to commit identity theft.

SUSAN HENDERSON

121903	Prefiled (H)	
010704	Read first time (H)	H21
010804	Read second time (H)	H35
010804	Referred: Crime Prevention and Public Safety (H)	H36
011204	Public Hearing Held (H)	
011204	Executive Session Held (H)	

011204 Reported Do Pass w/HCA 1 H Crime Prevention and Public Safety Committee	H66
011404 Perfected with amendments (H)	H71
011504 Third Read and Passed (H)	
011504 S First Read	S119

EFFECTIVE : August 28, 2004

HCR 001

SENATE HANDLER Gibbons	HOUSE SPONSOR Crowell
	3659L.02I

010704 Introduced (H)	H25-26
010704 Adopted (H)	H26
010704 S First Read	S26-27
011204 S adopted	S87
011304 S escort committee appointed	
011304 Senators: Bartle, Bland, Gibbons, Goode, Jacob, Kennedy, Kinder, Loudon, Wheeler, Yeckel	S96
011404 S escort committee replaced Kinder with Gross	S101
011404 H escort committee appointed	
011404 Representatives: Townley, Miller, Reinhart, Crawford, Holand, Purgason, Witte, Bland, Jolly, Bringer	S101

HCR 002

SENATE HANDLER Gibbons	HOUSE SPONSOR Crowell
	3658L.03I

010704 Introduced (H)	H26
010704 Adopted (H)	H26
010704 S First Read	S27
011204 S adopted	S87
012104 S escort committee appointed (Governor)	
012104 (Kinder, Gibbons, Russell, Yeckel, Klindt, Mathewson, Bland, Dougherty, Jacob, Coleman)	S134
012104 H escort committee appointed (Governor)	
012104 (Cooper-120, Cunningham-86, Portwood, Bearden, Fares, St. Onge, Johnson-90, Ransdall, Harris-23, Jones)	H100
012104 H escort committee appointed (Lt. Governor & Senate)	
012104 (May, Moore, Mayer, Hunter, Roark, Behnen, Zweifel, Harris-110, Boykins, El-Amin)	H98

HCR 003

SENATE HANDLER Gibbons	HOUSE SPONSOR Crowell
	3660L.02I

010704 Introduced (H)	H26
010704 Adopted (H)	H26
010704 S First Read	S27
011204 S adopted	S87

HCR 005

HOUSE SPONSOR Byrd

3806L.01P

HCR 5 - This resolution disapproves the proposed rule change to 1 CSR 10-4.010. This rule change would have allowed payroll deductions from certain state employee paychecks for the purpose of paying union dues.

RICHARD MOORE

010704 Introduced and read first time (H)	H10
010804 Read second time (H)	H35
010804 Referred: Rules (H)	H35
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