

92nd General Assembly

Second Regular Session

MISSOURI SENATE



WEEKLY BILL STATUS REPORT

MARCH 1 - 5, 2004

Prepared by
Divisions of Research and Computer Information Systems

MISSOURI SENATE

BILL STATUS

SENATE BILLS

SB 0700

SCS SB 700

SENATE SPONSOR Russell

2970S.03P

SCS/SB 700 - This act authorizes the creation of an enterprise zone in Laclede County, and a satellite enterprise zone in Independence.

JEFF CRAVER

120103 Prefiled
 010704 S First Read S6
 010804 Second Read and Referred S Economic Development, S77
 Tourism and Local Government Committee
 011404 Hearing Conducted S Economic Development, Tourism
 and Local Government Committee
 020404 SCS Voted Do Pass S Economic Development, Tourism
 and Local Government Committee (2970S.03C)
 022404 Reported From S Economic Development, Tourism & Local S367
 Government Committee to Floor w/SCS
 022504 SCS S adopted S378
 022504 Perfected S378
 022604 Reported Truly Perfected S Rules Committee S387
 022604 Referred S Governmental Accountability & Fiscal S486
 Oversight Committee
 030104 Hearing Cancelled S Governmental Accountability
 and Fiscal Oversight Committee
 030204 Hearing Conducted S Governmental Accountability and
 Fiscal Oversight Committee
 030204 Voted Do Pass S Governmental Accountability and
 Fiscal Oversight Committee
 030204 Reported From S Governmental Accountability and S513
 Fiscal Oversight Committee to Floor
 030404 S Third Read and Passed
 030404 H First Read

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 S77
and Industrial Relations Committee

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 & S77
Criminal Jurisprudence Committee

011204 Hearing Conducted S Judiciary & Civil & Criminal
Jurisprudence Committee-Consent
020204 Voted Do Pass S Judiciary & Civil & Criminal
Jurisprudence Committee-Consent
020904 Reported From S Judiciary & Civil & Criminal S254
Jurisprudence Committee to Floor - Consent
021204 Removed from Consent Calendar S289

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 S77
and Industrial Relations Committee
030304 Hearing Conducted S Small Business, Insurance and
Industrial Relations Committee

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 Conducted S Judiciary & Civil & Criminal Jurisprudence Committee	

EFFECTIVE : August 28, 2004

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
021704	Hearing Conducted S Ways & Means Committee	

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
020904	Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee	

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 paid and no extension is granted, then the property shall be subject to foreclosure.

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

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

A spouse who does not meet the age requirement stated above

may continue the deferral of those taxes which have been previously deferred. When such spouse turns 62, such spouse may elect to defer the previous and the current years' taxes. Thereafter, the spouse's taxes will continue to be deferred under the program.

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

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

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

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

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

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

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

SECTION 135.067 (Payment of deferred taxes):

Payments are made to the DOR.

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

Any payment is applied against interest first.

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

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

SECTION 135.073 (County to reimburse DOR upon foreclosure):

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

from the foreclosure process.

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

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

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

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

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

The DOR may require a bond for this extension.

The deferred taxed on extension shall continue to accrue interest.

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

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

Nothing in this act is intended to:

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

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

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

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

SECTION 135.083 (Senior Property Tax Deferral Revolving Account):

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

The account funds shall be advanced annually to the DOR.

The account may contain a reserve for administrative expenses.

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

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

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

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

REVENUE BONDS - ISSUING BONDS: The commissioner may issue bonds not in excess of the necessary funding required to maintain the revolving account. The net revenues and income of the revolving account shall be pledged to the payment of the bonds and shall maintain an interest 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

SCS SB 710

SENATE SPONSOR Goode

2638S.06C

SCS/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
 021004 Hearing Conducted S Transportation Committee
 030404 SCS Voted Do Pass S Transportation Com. (2638S.06C)
 030404 Reported From S Transportation Com. to Floor w/SCS
 030804 011 S Calendar S Bills for Perfection w/SCS

EFFECTIVE : January 1, 2005

SB 0711

SENATE SPONSOR Goode

3188S.02I

SB 711 - This act implement various provisions for job creation and fiscal accountability. A section by section summary follows:

SECTION 620.1650 - Definitions

SECTION 620.1566 - An interagency task force (defined) must submit a report to the General Assembly are report within three weeks of the start of session. The report must include:

- (1) Uncollected revenue from every tax credit, abatement, exemption and reduction provided by the state or a local government;
- (2) The name of any taxpayer who claimed such tax break over \$5,000;
- (3) An aggregate summary of tax breaks that were less than \$5,000;
- (4) All state appropriated expenditures for economic development, including departmental budgets.

SECTION 620.1660 - The act requires an annual report to the Department of Revenue (DOR) 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 that details the amount of money deposited in a special allocation fund for the purposes of tax increment financing (includes sales and other economic activity taxes as well as payments in lieu of tax).

All of the above reports collected by the DOR will be published annually. Failure to submit a report after a three month warning and then an additional five month period will result in withholding of any future development subsidy to the delinquent political subdivision until the report is filed.

SECTION 620.1655 - When requesting a development study a granting body will complete an application for the subsidy which will include certain basic information plus the following highlights:

- (1) The number of individuals employed by the applicant at the project site and at the applicant's parent corporation's site;
- (2) The subsidies being applied for and their respective values;

- (3) The number of new jobs to be created;
- (4) A list of community economic benefits to result from the project;
- (5) A list of development subsidies already received and any public investments already made or to be made;
- (6) A statement of whether the development will reduce or reassign employment as a result of any restructuring of the parent company; and
- (7) 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.

SECTION 620.1670 - The granting body will submit a progress report with the DOR 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.

SECTION 620.1675 - A granting body shall not award a development subsidy if the cost per job is greater than \$35,000.

SECTION 620.1680 - 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 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.

SECTION 620.1690 - 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

120103 Prefiled
 010704 S First Read S6
 011404 Second Read and Referred S Ways & Means Committee S101
 030204 Hearing Scheduled, Not Heard S Ways & Means Committee

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

SS SCS SBs 714 & 761
SENATE SPONSOR Kinder

3171S.06P

SS/SCS/SBs 714 & 761 - This act renames "Southwest Missouri State University" as "Missouri State University" and "Central Missouri State University" as "The University of Central Missouri."

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.

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

Lastly, the act contains what is in essence a "non-compete" clause, the provisions of which restrict Missouri State University from duplicating the research, missions, professional doctoral programs, and existing first professional programs of the University of Missouri.

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
012804	SS for SCS S offered (Kinder) (3171S.06F)	S178
012804	SS for SS for SCS S offered & defeated (Jacob) (3171S.07F)	S178-180
012804	SS#2 for SS for SCS S offered & defeated (Jacob) (3171S.08F)	S180-181
012804	SS#3 for SS for SCS S offered & defeated (Jacob) (3171S.09F)	S181
012804	SA 1 to SS for SCS S offered & withdrawn (Jacob)	S181-182
012804	SA 2 to SS for SCS S offered & defeated (Jacob)	S182
012804	SA 3 to SS for SCS S offered & adopted (Caskey)	S183
012804	SA 4 to SS for SCS S offered & defeated (Jacob)	S183
012804	SA 5 to SS for SCS S offered & Ruled out of order (Bray)	S183-184
012804	SA 6 to SS for SCS S offered & adopted (Champion)	S184

012804 SA 7 to SS for SCS S offered (Jacob)	S184
012804 Bill Placed on Informal Calendar	S185
012904 SA 7 to SS for SCS S Ruled out of order	S193
012904 SA 8 to SS for SCS S offered & defeated (Jacob)	S193-195
012904 SA 9 to SS for SCS S offered & Ruled out of order (Jacob)	S195
012904 SA 10 to SS for SCS S offered (Jacob)	S195
012904 Bill Placed on Informal Calendar	S195
020204 SA 1 to SA 10 to SS for SCS S offered & Ruled out of order (Jacob)	S205
020204 SA 10 to SS for SCS S Ruled out of order	S205
020204 SA 11 to SS for SCS S offered & withdrawn (Jacob)	S205-206
020204 SA 12 to SS for SCS S offered & defeated (Jacob)	S206
020204 SA 13 to SS for SCS S offered (Jacob)	S207
020204 Bill Placed on Informal Calendar	S207
020304 SA 13 to SS for SCS S defeated	S212
020304 SA 14 to SS for SCS S offered (Jacob)	S212-214
020304 SSA 1 for SA 14 to SS for SCS S offered (Caskey)	S214-215
020304 SA 1 to SSA 1 for SA 14 to SS for SCS S offered & withdrawn (Jacob)	S215
020304 SA 2 to SSA 1 for SA 14 to SS for SCS S offered & withdrawn (Jacob)	S215-216
020304 SA 3 to SSA 1 for SA 14 to SS for SCS S offered & withdrawn (Jacob)	S216-217
020304 SA 4 to SSA 1 for SA 14 to SS for SCS S offered (Jacob)	S217-218
020304 SSA 1 to SA 14 to SS for SCS S withdrawn	S219
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020304 SA 15 to SS for SCS S offered & defeated (Jacob)	S219
020304 SA 16 to SS for SCS S offered & defeated (Jacob)	S219-220
020304 SA 17 to SS for SCS S offered & defeated (Jacob)	S220
020304 SA 18 to SS for SCS S offered & defeated (Jacob)	S220-221
020304 SA 19 to SS for SCS S offered & defeated (Jacob)	S221-222
020304 SA 20 to SS for SCS S offered & defeated (Bray)	S222
020304 SA 21 to SS for SCS S offered & withdrawn (Jacob)	S222-223
020304 SA 22 to SS for SCS S offered & adopted (Champion)	S223
020304 SS for SCS, as amended, S adopted	S223
020304 Perfected	S223

EFFECTIVE : August 28, 2004

SB 0715

SCS SB 715

SENATE SPONSOR Childers

2789S.05C

SS/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 and Cass 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. Currently, only Boone County has such authorization (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; such members may or may not live in the district. The remaining two members 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 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 act allows for an extension of the tax if the extension is approved by the voters in the district.

Current law enables the creation of regional recreation districts. This act would permit Boone county to establish a regional recreation district on undeveloped property if all persons owning property within the proposed district consent and there are no eligible qualified voters residing within the district. Otherwise, the eligible and qualified voters of the district would approve the formation of the district by a public vote. The act also permits a sales tax to be submitted for a vote for the district under similar terms as above.

These sections are similar to SB 244 (2003) and HB 144 (2003) (Sections 67.793, 67.799, and 67.2000).

This act adds boards of trustees of community college districts to 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 establishes the percentage of property tax collections that are deposited in the county assessment fund. The percentage of all property tax collections except for collections on new construction and improvements shall be one-half of one percent for counties of the first and second classification and one percent for counties of the third and fourth classification. As an incentive to find and assess new construction, for all counties and St. Louis, one-eighth of property tax collections on new construction and improvements shall be submitted to the State Tax Commission to be deposited in the "County Assessment and Equalization Fund". The fund will be apportioned to the assessment funds of the counties and St. Louis based upon the ratio of each parcel count within a county compared to the total count of the state. These sections will expire on December 31, 2009 (Sections 137.720 and 137.723).

This act provides that in any county which becomes a first classification county after September 1, 1996 and Jasper County, one percent of all property 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 became 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

THIS SUMMARY REFLECTS THE SENATE SUBSTITUTE THAT HAS BEEN OFFERED, BUT NOT YET ADOPTED

SA 1 - Allows the Greene county jail to collect a fee from those being arrested and processed

SA 2 - Requires sexual offenders in Greene County to pay a fee for registering and updating information as a sexual offender

SA 3 - Requires the county commissioner and the county highway engineer to serve one the county planning board in a non-voting, advisory role in Cass County

SA 4 - Exempts all new sewer and water districts from recording fees

SA 5 - Landfill fees in Johnson County will go into the county general revenue fund instead of being dedicated to use by the industrial development authority

SA 7 - States duties of the Metropolitan Park and Recreation System and how sales tax collected for them shall be used

SA 8 - Limits maximum speed limit set by the county commission to 55 miles per hour if marked with signs and 45 miles per hour if not marked

SA 1 to SA 8 - Changes the maximum allowable speed limit to 50 miles per hour if the road is not marked with signs

SA 9 - Reenacts most sections included in SB 1107 (2002) concerning emergency services

SA 10 - Adds Jefferson County to the Exhibition Center and Recreational Facility District Act

SA 11 - Clarifies language in section concerning property taxes in certain counties

SA 12 - Increases funding to county assessment funds

SA 13 - Allows the governing bodies in St. Charles County to establish a theater, cultural arts, and entertainment district

SA 14 - Allows extra funds in the "Inmate Security Fund" to be used for maintenance of biometric verification systems and expenses for housing inmates

SA 15 - Enables Herman to enact a transient guest tax

SA 16 - Enables Boone and Cole counties to enact ordinances to abate trash, weeds, and derelict items from property

SA 17 - Allows Cass County to establish a courthouse restoration fund

SA 19 - Repeals Section 190.044

SA 20 - Provides an alternative method for issuing certain utilities revenue bonds

SA 21 - Eliminated sections creating enterprise zones

SA 22 - Allows county officials' salaries to be computed on an assessed valuation basis without regard to modifications because of the existence of enterprise zones

SA 23 - Allows flexibility in the type of security that may be accepted in lieu of full compensation of required infrastructure improvements

120103 Prefiled

010704 S First Read

S6

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

012904 Reported From S Economic Development, Tourism & Local S191
Government Committee to Floor w/SCS

021004 SS for SCS S offered (Childers) (2789S.07F) S270

021004 SA 1 to SS for SCS S offered & adopted (Champion) S270-271

021004 SA 2 to SS for SCS S offered & adopted (Champion) S271-272

021004 SA 3 to SS for SCS S offered & adopted (Caskey) S272-273

021004 SA 4 to SS for SCS S offered & adopted (Caskey) S273-274

021004 SA 5 to SS for SCS S offered & adopted (Caskey) S274-275

021004 SA 6 to SS for SCS S offered (Gross) S276

021004 Bill Placed on Informal Calendar S276

022604 SA 6 to SS for SCS S withdrawn S388

022604 SA 7 to SS for SCS S offered & adopted (Gross) S388

022604 SA 8 to SS for SCS S offered (Cauthorn) S388

022604 SA 1 to SA 8 to SS for SCS S offered & adopted (Scott) S388-389

022604 SA 8 to SS for SCS, as amended, S adopted S389

022604 SA 9 to SS for SCS S offered & adopted (Childers) S389-448

022604 SA 10 to SS for SCS S offered & adopted (Stoll) S448

022604 SA 11 to SS for SCS S offered & adopted (Caskey) S448

022604 SA 12 to SS for SCS S offered & adopted (Caskey) S448-449

022604 SA 13 to SS for SCS S offered & adopted (Gross) S449-463

022604 SA 14 to SS for SCS S offered & adopted (Nodler) S463

022604 SA 15 to SS for SCS S offered & adopted (Steelman) S463-464

022604 SA 16 to SS for SCS S offered & adopted (Jacob) S464-466

022604 SA 17 to SS for SCS S offered & adopted (Caskey) S466-467

022604 SA 18 to SS for SCS S offered (Goode) S467-480

022604 SA 1 to SA 18 to SS for SCS S offered &
withdrawn (Dolan) S480-481

022604 SA 18 to SS for SCS S withdrawn S481

022604 SA 19 to SS for SCS S offered & adopted (Klindt) S481

022604 SA 20 to SS for SCS S offered & adopted (Cauthorn) S481-482

022604 SA 21 to SS for SCS S offered & adopted (Childers) S482-483

022604 SA 22 to SS for SCS S offered & adopted (Childers) S483-484

022604 SA 23 to SS for SCS S offered & adopted (Jacob) S484

022604 SA 24 to SS for SCS S offered (Jacob) S484-485

022604 Bill Placed on Informal Calendar S485

030804 S Inf Calendar S Bills for Perfection

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
020904 Second Read and Referred S Commerce & the Environment S262
Committee
030204 Hearing Conducted S Commerce & the Environment
Committee

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
020304 Voted Do Pass 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 ERTL

120103	Prefiled	
010704	S First Read	S7
010804	Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee	S77
020204	Hearing Conducted S Financial & Governmental Org., Veterans' Affairs & Elections Committee	
020304	Voted Do Pass S Financial & Governmental Org., Veterans' Affairs & Elections Committee	
020504	Reported From S Financial & Governmental Org., Vet. Affairs & Elections Committee to Floor	S240
021104	Bill Placed on Informal Calendar	S281
030804	S Inf Calendar S Bills for Perfection	

EFFECTIVE : August 28, 2004

SB 0719

SENATE SPONSOR Yeckel

3044S.02I

120103 Prefiled
 010704 S First Read S7
 010804 Second Read and Referred S Small Business, Insurance and Industrial Relations Committee S77
 021804 Hearing Scheduled But Not Heard S Small Business, Insurance and Industrial Relations Committee
 022504 Hearing Conducted S Small Business, Insurance and Industrial Relations Committee
 022504 Combined w/SCS SBs 908 & 719 (3233S.10C)
 030304 Committee Vote Reconsidered on SCS SBs 908 & 719
 030304 Combined w/SCS SBs 908 & 719 (3233S.12C)

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
011704	Hearing Conducted S Ways & Means Committee	

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
 021104 Hearing Conducted S Small Business, Insurance and
 Industrial Relations Committee

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 S7
010804 Second Read and Referred S Education Committee 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 S7
010804 Second Read and Referred S Education Committee 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 S7
 010804 Second Read and Referred S Judiciary and Civil & S77
 Criminal Jurisprudence Committee

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 & S77
 Criminal Jurisprudence Committee

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

011504 S First Read	S119
012004 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S130
012604 Hearing Conducted S Judiciary and 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

020304 Hearing Cancelled S Ways & Means Committee

021004 Hearing Conducted S Ways & Means Committee

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

SS SCS SB 730

SENATE SPONSOR Gross

2966S.05P

SS/SCS/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) of household income);
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 5% of the prior year assessed value. 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.

The act also incorporates provisions of SB 709 (2004), deemed the Senior Property Tax Deferral Program. In brief, the system will allow senior citizens to defer payment of their property taxes until death, while securing the deferral with a lien on the real property. A detailed outline follows:

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

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

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

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

"Household income" includes all household income for the

property (includes children or other relatives income if they live on the property).

SECTION 135.039 (Election of deferral):

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

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

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

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

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

Must be individual's homestead;

Must be owned in fee simple or be in the process of being purchased in fee simple;

No federal law, contract, or deed of trust for the property can contain any prohibition to the deferral or property taxes;

Proof of insurance equal to or exceeding the market value must be shown and maintained throughout the deferral.

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

Describe the homestead;

Recite facts establishing eligibility for the program including income;

Attach documents required by the DOR for demonstrating eligibility;

Sign a affidavit attesting that the statements in the claim are true.

SECTION 135.045 (DOR to notify the County Assessor):

DOR shall notify each County Assessor where a property is situated that qualifies for the deferral.

The Assessor shall note the deferral in his or her tax book.

The Assessor shall forward the tax statement to the DOR.

Interest accrues on the amount advanced to the county at a rate of 6% per annum.

SECTION 135.047 (Lien on deferred property):

DOR will record a list of tax deferred property in each county.

DOR will not pay any filing fee in connection with the recording.

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

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

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

SECTION 135.053 (Details of the tax lien):

The tax lien will include estimated deferred taxes for five years plus interest.

The DOR will file a new estimated lien every five years and update the accrued interest estimate.

The lien will attach on January 1 of the filing year.

The priority of the lien shall be equal to that of other tax liens; mortgages and other security interests recorded prior shall maintain priority.

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

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

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

SECTION 135.059 (Conditions causing payment to come due):

Deferred taxes become payable when:

- The last surviving tax deferral claimant dies;
- The property is claimed or sold;
- The property is no longer the homestead of the claimant(s), except in the case of absence due to health reasons;
- The property is moved out of the state.

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

The deferral of taxes for the current year continues;

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

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

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

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

deferral requirements.

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

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

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

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

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

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

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

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

SECTION 135.067 (Payment of deferred taxes):

Payments are made to the DOR.

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

Any payment is applied against interest first.

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

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

SECTION 135.073 (County to reimburse DOR upon foreclosure):

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

county to the DOR will not exceed the amount collected by the foreclosure, minus reasonable expenses incurred by the county from the foreclosure process.

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

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

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

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

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

The DOR may require a bond for this extension.

The deferred taxed on extension shall continue to accrue interest.

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

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

Nothing in this act is intended to:

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

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

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

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

SECTION 135.083 (Senior Property Tax Deferral Revolving Account):

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

The account funds shall be advanced annually to the DOR.

The account may contain a reserve for administrative expenses.

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

If the amount in the account is insufficient, an appropriation may be made from the general revenue (GR) account;

once revenue is sufficient in the account the DOR shall repay the GR account; repaid money is not part of TSR.

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

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

REVENUE BONDS - ISSUING BONDS: The commissioner may issue bonds not in excess of the necessary funding required to maintain the revolving account. The net revenues and income of the revolving account shall be pledged to the payment of the bonds and shall maintain an interest 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 S7
010804 Second Read and Referred S Ways & Means Committee S78
012004 Hearing Conducted S Ways & Means Committee
012704 SCS Voted Do Pass S Ways & Means Committee(2966S.03C)
012904 Reported From S Ways & Means Committee to Floor w/SCS S191
021104 Bill Placed on Informal Calendar S280
021204 SS for SCS S offered (Gross) (2966S.05F) S289
021204 SA 1 to SS for SCS S offered & adopted (Goode) S289-301
021204 SA 2 to SS for SCS S offered & adopted (Bray) S301
021204 SS for SCS, as amended, S adopted S301
021204 Perfected S301
021604 Reported Truly Perfected S Rules Committee S308
021604 Referred S Governmental Accountability & Fiscal Oversight Committee S319
021804 Hearing Conducted S Governmental Accountability and Fiscal Oversight Committee
021804 Voted Do Pass S Governmental Accountability and Fiscal Oversight Committee
021804 Reported From S Governmental Accountability and Fiscal Oversight Committee to Floor S333
022404 S Third Read and Passed S365-366
022404 H First Read H411
022504 H Second Read H420
022604 Referred H Senior Security Committee H443
030204 Hearing Conducted H Senior Security Committee
030204 HCS Voted Do Pass H Senior Security 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
020304 Hearing Conducted S Transportation Committee

EFFECTIVE : August 28, 2004

SB 0732

SS SB 732

SENATE SPONSOR Gross

2861S.03P

SS/SB 732 - This act deals with the metropolitan parks and recreation district. Under this act, the word "primary" has been removed from the statute, leaving the duty of the districts open for the development, operation, and maintenance of a system of parks and trails. Language has been added to clarify that nothing shall restrict the districts from entering into or initiating projects dealing with parks that are not necessarily connected to trails. Other added language pertains to grants awarded to municipalities for park purposes, with this act, those grants must be consistent with the purpose of the district.

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
012804	Bill Placed on Informal Calendar	S178
021104	SS S offered & adopted (Gross)	S280
021104	Perfected	S280
021204	Reported Truly Perfected S Rules Committee	S289
021704	S Third Read and Passed	S325
021704	H First Read	H351
021804	H Second Read	H358
022604	Referred H Local Government Committee	H443

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

021004 Voted Do Pass 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
021104	Hearing Conducted S Small Business, Insurance and Industrial Relations Committee	

EFFECTIVE : August 28, 2004

SB 0735

SENATE SPONSOR Foster

2570S.06I

SCS/SB 735 - This act establishes the Missouri State Park Board, originally created by Executive Order 86-26. The original purpose of the board remains in tact with this substitute, however the management of the historic marker program becomes the responsibility of the board here. Membership information is

detailed in this act - the number is kept at the current board membership, eight; at least two of these members are to come from areas where a historic site of significant military history is located. This substitute defines what a "historic site of significant military history" is to mean for the purposes of this act. All members are to be appointed by the governor with the advice and consent of the senate.

The historic marker program is laid out in this act and this substitute clarifies that such program is a voluntary one, with military memorials, monuments, or markers located on state, municipal, private and other land being included on the registry. Withdrawal from the registry by private and municipal landowners is dealt with in the act. Registration fees that shall be established by the board for those landowners interested in submitting their site for inclusion on the registry, shall be utilized exclusively for the administration and management of the historic marker program.

Reporting requirements for the board are laid out in this act, the meeting time for the board has been changed to coincide with current practice by the board - they shall meet at least quarterly or when called to meet by the chairman.

The Department of Natural Resources shall not, under this act, modify or remove any registered marker without due process. Such process shall include public hearings, notice of these hearings, and a majority vote by the Missouri state park board before any change can be made.

The act directs that any monument, flag, memorial, or marker that was in place before December 21, 2002, on any site under the control of the department and has since been removed, 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
012904	Hearing Conducted S Agriculture, Conservation, Parks & Natural Resources Committee	
021204	SCS Voted Do Pass S Agriculture, Conservation, Parks & Natural Resources Committee (2570S.10C)	

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
- 012804 Hearing Cancelled S Small Business, Insurance and Industrial Relations Committee
- 020404 Hearing Conducted S Small Business, Insurance and Industrial Relations Committee
- 021104 Voted Do Pass S Small Business, Insurance and Industrial Relations Committee

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
020404	Hearing Conducted S Small Business, Insurance and Industrial Relations Committee	

EFFECTIVE : August 28, 2004

SB 0738

SCS SBs 738 & 790
SENATE SPONSOR Loudon

3138S.04C

SCS/SBs 738 & 790 - 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 has sufficient contact with this state and 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, litigation costs and court costs, to any person adversely affected by a violation of this act. The court may include compensation for emotional injury even if there is no personal presence at the scene of any act or event. 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 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 SS/SB 34 (2003) and SB 70 (2003).
JIM ERTL

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	
020204	SCS Voted Do Pass (SCS SBs 738 & 790) S Judiciary & Civil & Criminal Jurisprudence Committee (3138S.04C)	
030404	Reported from S Judiciary & Civil & Criminal Jurisprudence Committee to Floor w/SCS	
030804	013 S Calendar S Bills for Perfection w/SCS	

EFFECTIVE : August 28, 2004

SB 0739

SENATE SPONSOR Klindt

2973S.02P

SB 739 - This act requires a regulatory impact report of the 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.

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.

The act does not permit 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 to pay any portion of a Hancock refund.

HENRY T. 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
012704	SA 1 S offered & defeated (Dougherty)	S164
012704	Bill Placed on Informal Calendar	S164
012704	SA 2 S offered & defeated (Jacob)	S165
012704	SA 3 S offered & adopted (Caskey)	S165
012704	SA 4 S offered & adopted (Klindt)	S165-166
012704	SA 5 S offered & defeated (Days)	S166
012704	SA 6 S offered & defeated (Coleman)	S166
012704	Perfected, as amended	S166
012804	Reported Truly Perfected S Rules Committee	S178

012804 Referred S Governmental Accountability & Fiscal Oversight Committee	S178
020204 Hearing Conducted S Governmental Accountability & Fiscal Oversight Committee	
020204 Voted Do Pass S Governmental Accountability & Fiscal Oversight Committee	
020204 Reported From S Government Accountability & Fiscal Oversight Committee to Floor	S207
020904 S Third Read and Passed	S255
020904 H First Read	H258
021004 H Second Read	H266
021204 Referred H Agriculture Committee	H321
022404 Hearing Conducted H Agriculture Committee	
030204 HCS Voted Do Pass H Agriculture Committee	

EFFECTIVE : August 28, 2004

SB 0740

SS SCS SBs 740, 886, 1178

SENATE SPONSOR Klindt

2456S.04P

SS/SCS/SBs 740, 886, & 1178 - Legislation pertaining to agriculture programs. A breakdown of the act follows:

SECTION 148.330 - Pertaining to agricultural tax credits. This section 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. Additional language was added that clarifies the county stock insurance fund's inclusion in the calculation of state revenue occurs for all fiscal years beginning on or after July 1, 2004. This section is similar to SB 740 and SB 84 (2003).

SECTIONS 261.115 through 261.289 - Pertaining to grower's districts. This section 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. Section 261.115 was changed to clarify that while records and documents that may endanger the competitiveness of a business shall be deemed closed, an exception to that shall be the amount and recipient of any loan or grant administered by the Missouri agriculture and small business development authority.

This section establishes organizational requirements, rights, and responsibilities for the grower districts. This section is similar to SB 886 and provisions (Sections 261.250 to 261.289) that were contained in SS/SCS/HCS/HB 257 (2003).

SECTION 265.475 - Pertaining to meat inspection programs. This section authorizes the director of the department of agriculture to promulgate regulations consistent with and equal to the Federal Meat Inspection Act, the Federal Poultry Products

Inspection Act, and all other similar federal regulations.

SECTIONS 348.406 to 348.410 - Pertaining to the Agricultural Business Development Loan Program. This section allows the Missouri Agricultural and Small Business Development Authority (MASBDA) to issue certificates of guaranty covering a first loss up to but not more than fifty percent for eligible borrowers. This section states that outstanding guaranteed loans shall at no time exceed an amount which would allow immediate redemption of twenty percent of the outstanding loans guaranteed by the fund at any one time. This section is similar to SB 1178.

SECTIONS 348.430 to 348.432 - Pertaining to agricultural tax credits. These sections allow contributors to take the tax credits for new generation cooperatives and new generation processing entities on a quarterly basis. An allowance is made for tax credits allowed under this section to be carried back to any of the contributor's three prior tax years and forward to any of the contributor's five subsequent taxable years.

These sections deal with the new generation cooperative incentive tax credit and adds language that would enable those persons holding such credits to claim them on a quarterly basis. Language here that mirrors the "carry back three prior tax years and forward any five" is added to by new language that clarifies that option can be entertained regardless of the type of tax liability to which such credits are applied.

If any refunds from funds listed under Article X of the Missouri Constitution violates federal regulations, the Department of Natural Resources shall identify an equal amount from other funds appropriated to the department and the commissioner of administration shall transfer these funds to the state general revenue fund.

SECTION 263.534 - Pertaining to assessments on cotton growers for boll weevil eradication. New language adds to the list of other remedies for the collection of assessments, including penalties and interest. Under this act, the Department of Agriculture shall have an assessment lien that attaches and is perfected after 60 days - a change that removes from the Department the current responsibility of filing all liens with the Secretary of State.

SECTIONS 267.470 to 267.556 - Laws pertaining to state veterinarians and diseased animals - all repealed with this act.
MEGAN CRAIN

120103 Prefiled

010704 S First Read

S8

010804 Second Read and Referred S Agriculture, Conservation, S78
Parks & Natural Resources Committee

012904 Hearing Conducted S Agriculture, Conservation, Parks
& Natural Resources Committee
021904 SCS Voted Do Pass (SCS SBs 740, 886, 1178) S Agri.,
Cons., Parks & Natural Resources Committee (2456.03C)
022404 Reported From S Agriculture, Conservation, Parks & S367
Natural Resources Committee to Floor w/SCS
030204 SS for SCS S offered (Klindt) (2456S.04F) S510
030204 SA 1 to SS for SCS S offered & adopted (Klindt) S510
030204 SA 2 to SS for SCS S offered & adopted (Quick) S510-511
030204 SA 3 to SS for SCS S offered & adopted (Caskey) S511
030204 SA 4 to SS for SCS S offered & adopted (Foster) S511-512
030204 SA 5 to SS for SCS S offered & defeated (Jacob) S512
030204 SS for SCS, as amended, S adopted S512
030204 Perfected S512
030304 Reported Truly Perfected S Rules Committee S521
030404 S Third Read and Passed
030404 H First Read

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
020504 Voted Do Pass S Agriculture, Conservation, Parks &
Natural Resources Committee
020904 Reported From S Agriculture, Conservation, Parks & S253-254
Natural Resources Committee to Floor - Consent
030804 S Consent Calendar (2/9)

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 employees 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
020404 Hearing Conducted S Small Business, Insurance and
Industrial Relations Committee

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
020404 Hearing Conducted S Small Business, Insurance and
Industrial Relations Committee

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
021704 Hearing Conducted S Transportation Committee

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
SCS SBs 746 & 751
SENATE SPONSOR Dougherty

2913S.06I

SCS/SBs 746 & 751 - This act modifies provisions relating to lead abatement.

SECTION 143.603 - A one dollar check-off on the Missouri income tax return is created and the money designated by the check-off will be deposited into the Childhood Lead Testing Fund. 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.

SECTION 701.304 - New language 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. In commercial lead production areas where the Department determines that an individual, who resides in a single-family dwelling and the owners use it as their primary residence, has an elevated blood lead level due directly to lead paint, the owner of the dwelling shall make a good faith effort to abate the lead paint. Upon completion of the good faith efforts, the owner of the dwelling shall not be subject to any fines issued pursuant to this section.

SECTION 701.305 - The Department of Health and Senior Services shall provide on its Internet website educational materials that explain the rights and responsibilities of the property owners, tenants, lead inspectors, risk assessors, and lead abatement contractors.

SECTION 701.308 - 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.

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 6 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 701.309 - Any lead abatement contractor that fails to notify the Department prior to starting a lead abatement project will be fined \$1,000 for the first identified offense, \$2,000 for the second identified offense, and thereafter fines will be double for each identified offense. The lead abatement contractor shall inform the owners and tenants of a dwelling that information regarding potential lead hazards can be accessed on the Department's internet website. Once the abatement has been completed, the lead abatement contractor must submit written notification and the final clearance inspection report to the Department.

SECTION 701.311 - 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 701.312 - The Director shall require lead abatement contractors to purchase and maintain liability insurance. 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 in an amount to be determined by the Department, which shall not be less than \$300,000 dollars.

SECTION 701.313 - 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 levied by the Department. In emergency situations, the community organization, government agency, or quasi-government agency must notify the Department within 24 hours of the onset of a lead abatement project and provide written notification to the Department within five days.

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

SECTION 701.336 - The Departments of Health and Senior Services and Social Services, along with related not-for-profits, American Academy of Pediatrics, 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 seventy-five percent of the children tested by August 28, 2008.

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 701.342 - 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. The costs of the testing will be 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.

LORIE TOWE

120103 Prefiled

010704 S First Read

S8

011504 Second Read and Referred S Aging, Families, Mental &
Public Health Committee

S117

012804 Hearing Conducted S Aging, Families, Mental & Public
Health Committee

021904 SCS Voted Do Pass (SCS SBs 746 & 751) S Aging, Fam.,
Mental & Public Health Committee (2913S.09C)

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
 020904 Hearing Conducted S Financial & Governmental Org.,
 Veterans' Affairs & Elections Committee
 022504 Voted Do Pass S Financial & Governmental Org.,
 Veterans' Affairs & Elections Committee

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

Grounds for denial of licensure are specified. The Board shall set the fees for licensure. Licenses must be posted in a conspicuous place in the principal place of business of the licensee. Pocket cards will also be issued to licensees. Licenses shall expire two years after issuance and provisions for renewal are provided.

Licensees may divulge to the Board, law enforcement officers, or a prosecuting attorney information acquired as to any criminal offense. Licensees are prohibited from: knowingly making a false report; causing a report to be submitted that the licensee has not exercised due diligence in ascertaining the facts; giving the impression that the licensee is connected with the federal or state government or any political subdivision; appearing as an assignee in any proceeding; manufacturing false evidence; or creating a video of any person in their home without that person's permission.

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

The Board shall certify qualified trainers of private investigators. Persons who knowingly falsify fingerprints or photographs required to be submitted is a Class D felony. Violation of other provisions is a Class A misdemeanor unless it is a second or subsequent violation in which case it is a Class D felony.

Provisions for licensure of current law enforcement officers

and limitations 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
020904 Hearing Conducted S Financial & Governmental Org.,
Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2004

SB 0751
SCS SBs 746 & 751
SENATE SPONSOR Coleman

2586S.01I

120103 Prefiled
010704 S First Read S8
011504 Second Read and Referred S Aging, Families, Mental &
Public Health Committee S117
021104 Hearing Recessed S Aging, Families, Mental & Public
Health Committee
021804 Hearing Conducted S Aging, Families, Mental & Public
Health Committee
021904 Bill Combined (SCS SBs 746 & 751) S Aging, Families,
Mental & Public Health Committee

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 a 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
012604	Second Read and Referred S Small Business, Insurance and Industrial Relations Committee	S157
021104	Hearing Conducted S Small Business, Insurance and Industrial Relations Committee	

EFFECTIVE : August 28, 2004

SB 0754

SCS SB 754

SENATE SPONSOR Vogel

2769S.07P

SCS/SB 754 - This act creates the "Exhibition Center & Recreation Facility District Act". The act enables citizens of Camden, Miller, Morgan, Jasper, Jefferson, 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 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.

Also, current law enables the creation of regional recreation districts. This act would permit a county to establish a regional recreation district on undeveloped property if all persons owning property within the proposed district consent and there are no eligible qualified voters residing within the district. Otherwise, the eligible and qualified voters of the district would approve the formation of the district by a public vote. The act also permits a sales tax to be submitted for a vote for the district under similar terms as above.

Regarding current law pertaining to the metropolitan parks and recreation districts, the scope of the duty of the districts is opened for the development, operation and maintenance of a system of parks and trails. Language has been added to clarify that nothing shall restrict the districts from entering into or initiating projects dealing with parks that are not necessarily connected to trails. Other added language pertains to grants awarded to municipalities for park purposes, with this amendment, those grants must be consistent with the purpose of the district. The act goes on to state that the district shall not substitute for the powers and responsibilities of other conservation and environmental regulatory agencies. Finally, it 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.

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	
020504	SCS Voted Do Pass S Ways & Means Com. (2769S.07C)	
020904	Reported From S Ways & Means Committee to Floor w/SCS - Consent	S262
021104	Submitted corrected committee report	S282
021204	Removed from Consent Calendar	S289
021604	Reported From S Ways & Means Committee to Floor w/SCS	S307
021604	Committee Chair requested the bill be returned to committee to be submitted at a later date	S320
022604	Reported From S Ways & Means Committee to Floor w/SCS	S387
030304	SA 1 to SCS S offered & adopted (Kennedy)	S527
030304	SA 2 to SCS S offered & adopted (Gross)	S527-528
030304	SCS, as amended, S adopted	S528
030304	Perfected	S528
030404	Reported Truly Perfected S Rules Committee	
030804	002 S Calendar S Bills for Third Reading	

EFFECTIVE : August 28, 2004

SB 0755

SCS SB 755

SENATE SPONSOR Shields

3141S.03C

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)	
022404	Reported From S Pensions & General Laws Committee to Floor w/SCS	S367-368
030204	Bill Placed on Informal Calendar	S513
030804	S Inf Calendar S Bills for Perfection w/SCS	

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

SCS SB 757

SENATE SPONSOR Shields

3086S.03C

SCS/SB 757 - This act modifies the definition of "driveaway operation" and "driveaway operator" to include:

(1) The movement of any vehicle or vehicles, not owned by the transporter, constituting the commodity being transported, by a person engaged in the business of furnishing drivers and operators for the purpose of transporting vehicles in transit from one place to another by the drive away or tow away methods.

(2) The movement of a motor vehicle by any person who is lawfully engaged in the business of transporting or delivering vehicles that are not the person's own and vehicles of a type otherwise required to be registered, by the driveaway or towaway methods, from a point of manufacture, assembly or distribution or from the owner of the vehicles to a dealer or sales agent of a manufacturer or to any consignee designated by the shipper or consignor.

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.

STEPHEN WITTE

120103 Prefiled
 010704 S First Read S9
 010804 Second Read and Referred S Transportation Committee S78
 021004 Hearing Conducted S Transportation Committee
 022304 SCS Voted Do Pass S Transportation Committee-Consent
 (3086S.03C)
 022304 Reported From S Transportation Committee to S356
 Floor w/SCS - Consent
 030804 S Consent Calendar w/SCS (2/23)

EFFECTIVE : August 28, 2004

SB 0758

SCS SB 758

SENATE SPONSOR Griesheimer

2524S.02P

SCS/SB 758 - This act authorizes the governing bodies of the cities of Pacific, Riverside, 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, S78
 Tourism and Local Government Committee
 011404 Hearing Cancelled S Economic Development, Tourism
 and Local Government Committee
 012104 Hearing Conducted S Economic Development, Tourism
 and Local Government Committee-Consent
 012804 SCS Voted Do Pass S Economic Development, Tourism
 and Local Govt. Committee-Consent (2524S.02C)
 020204 Reported From S Economic Development, Tourism & S202
 Local Government Committee to Floor w/SCS - Consent
 020904 SCS S adopted S255-256
 020904 S Third Read and Passed - Consent S256
 021004 H First Read H282
 021104 H Second Read H291
 021204 Referred H Tax Policy Committee H321

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 S78
Committee

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
021004 Hearing Scheduled But Not Heard S Transportation
Committee

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
SCS#2 SB 762
SENATE SPONSOR Champion

3212S.04C

SCS#2/SB 762 - This act modifies various provisions of the law relating to foster care and protective services for children.

SECTION 210.487 - The Children's Division will have the authority to conduct a search for full orders of protection using the automated court information system.

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

SECTION 210.565 - 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.

SECTION 210.760 - The Division must notify the child's parent or legal guardian that the child has been placed in foster care.

SECTION 210.762 - Prior to taking any action relating to the placement of a child, the Children's 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 Children's Division 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 Division 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 210.764 - The case records of a child in protective custody will be available for review by the parent or legal guardian of the child.

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

120103 Prefiled

010704 S First Read

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

S9

S78

012104 Hearing Conducted S Aging, Families, Mental & Public
Health Committee

012804 SCS Voted Do Pass S Aging, Families, Mental & Public
Health Committee - Consent (3212S.02C)

020204 Reported From S Aging, Families, & Mental & Public S203
Health Committee to Floor w/SCS-Consent

020504 Removed from Consent Calendar S242

021804 Committee Vote Reconsidered on SCS/SB 762

021804 SCS#2 Voted Do Pass S Aging, Families & Mental &
Public Health Committee-Consent (3212S.04C)

030104 Reported From S Aging, Families & Mental & Public S496
Health Committee to Floor w/SCS - Consent

030804 S Consent Calendar w/SCS (3/1)

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 & S78
Public Health Committee

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
021704 Hearing Conducted S Education Committee

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

SCS SB 767
SENATE SPONSOR Clemens

3059S.02P

SCS/SB 767 - This act designates the portion of Interstate 44 within Webster County as the Edwin P. Hubble Memorial Highway.

STEPHEN WITTE

120103 Prefiled
010704 S First Read S9
010804 Second Read and Referred S Transportation Committee S78
012704 Hearing Conducted S Transportation Committee
012904 SCS Voted Do Pass S Transportation Committee -
Consent (3059S.02C)
020204 Reported From S Transportation Committee to S203
Floor w/SCS - Consent
020904 SCS S adopted S259
020904 S Third Read and Passed - Consent S260
021004 H First Read H282
021104 H Second Read H291
021204 Referred H Transportation & Motor Vehicles Committee H321

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
021704 Hearing Conducted S Education Committee
022404 Voted Do Pass S Education Committee-Consent
030104 Reported From S Education Committee to Floor-Consent S497
030804 S Consent Calendar (3/1)

EFFECTIVE : August 28, 2004

SB 0769

SENATE SPONSOR Nodler

3143S.01P

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, S78
Tourism and Local Government Committee
011404 Hearing Conducted S Economic Development, Tourism and
Local Government Committee
012004 Voted Do Pass S Economic Development, Tourism and
Local Government Committee - Consent
020204 Reported From S Economic Development, Tourism & S202
Local Government Committee to Floor - Consent
020904 S Third Read and Passed - Consent S256
021004 H First Read H282
021104 H Second Read H291
021204 Referred H Local Government Committee H321

EFFECTIVE : August 28, 2004

SB 0770

SENATE SPONSOR Nodler

2804S.01P

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
012704 Hearing Conducted S Transportation Committee	
012804 Voted Do Pass S Transportation Committee - Consent	
020204 Reported From S Transportation Com. to Floor-Consent	S203
020904 S Third Read and Passed - Consent	S258-259
021004 H First Read	H282
021104 H Second Read	H291
021204 Referred H Transportation & Motor Vehicles Committee	H321

EFFECTIVE : August 28, 2004

SB 0771

SCS SB 771

SENATE SPONSOR Bray

2751S.03C

SCS/SB 771 - This act allows operators of low-speed vehicles to use public highways under certain conditions. According to federal regulations, a low-speed vehicle is a four-wheeled vehicle whose top speed is greater than 20 mph but less than 25 mph. All low-speed vehicles must be 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
 021704 Hearing Conducted S Transportation Committee
 022304 SCS Voted Do Pass S Transportation Committee-Consent
 (2751S.03C)
 022304 Reported From S Transportation Committee to S356
 Floor w/SCS - Consent
 030804 S Consent Calendar w/SCS (2/23)

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
 020304 Hearing Conducted S Transportation Committee-Consent
 022304 Voted Do Pass S Transportation Committee-Consent
 022304 Reported From S Transportation Committee to S356-357
 Floor - Consent
 030804 S Consent Calendar (2/23)

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 S129030104 Hearing Conducted S Financial & Governmental Org.,
Veterans' Affairs & Elections Committee

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 & S78
Public Health Committee

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 & S78
Public Health Committee

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 S79
Committee

EFFECTIVE : August 28, 2004

SB 0780

SCS SB 780

SENATE SPONSOR Caskey

2496S.01I

SCS/SB 780 - This act holds 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 which offers baccalaureate degrees and 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
 020504 SCS Voted Do Pass S Education Committee (2496S.02C)

EFFECTIVE : August 28, 2004

SB 0781

SENATE SPONSOR Caskey

3002S.01P

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 & S79
 Criminal Jurisprudence Committee
 011204 Hearing Conducted S Judiciary & Civil & Criminal
 Jurisprudence Committee-Consent
 020204 Voted Do Pass S Judiciary & Civil & Criminal
 Jurisprudence Committee-Consent
 020904 Reported From S Judiciary & Civil & Criminal S254
 Jurisprudence Committee to Floor - Consent
 022504 S Third Read and Passed - Consent S380
 022604 H First Read H446
 030104 H Second Read
 030404 Referred H Judiciary Committee

EFFECTIVE : August 28, 2004

SB 0782

SCS SB 782

SENATE SPONSOR Caskey

2815S.02P

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 Government 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)	
020204	Reported From S Economic Development, Tourism & Local Government Committee to Floor w/SCS - Consent	S202
020904	SCS S adopted	S256-257
020904	S Third Read and Passed - Consent	S257
021004	H First Read	H282
021104	H Second Read	H291
021204	Referred H Local Government Committee	H321

EFFECTIVE : August 28, 2004

SB 0783

SENATE SPONSOR Mathewson

3180S.01P

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 S79
Organization, Veterans' Affairs & Elections Committee
011204 Hearing Conducted S Financial & Governmental Org.
Veterans' Affairs & Elections Committee - Consent
020304 Voted Do Pass S Financial & Governmental Org.,
Veterans' Affairs & Elections Committee -Consent
020904 Reported From S Financial & Governmental Org., Vet. S254
Affairs & Elections Committee to Floor - Consent
030104 S Third Read and Passed - EC adopted - Consent S501
030204 H First Read (w/EC) H468
030304 H Second Read
030404 Referred H Tourism & Cultural Affairs Committee

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 Government Committee	S79
011404	Hearing Conducted S Economic Development, Tourism and Local Government Committee	
021104	Voted Do Pass 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
020504	Hearing Conducted S Agriculture, Conservation, Parks & Natural Resources Committee	

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
021104 Second Read and Referred S Financial & Governmental S282
Org., Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2004

SB 0788

SCS SB 788
SENATE SPONSOR Childers

2475S.04C

SCS/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
021704 Hearing Conducted S Transportation Committee
022304 SCS Voted Do Pass S Transportation Committee-Consent
(2475S.04C)
022304 Reported From S Transportation Committee to S357
Floor w/SCS - Consent
030804 S Consent Calendar w/SCS (2/23)

EFFECTIVE : August 28, 2004

SB 0789

SCS SB 789
SENATE SPONSOR Childers

2956S.02P

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 Government 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)	
020204	Reported From S Economic Development, Tourism & Local Government Committee to Floor w/SCS - Consent	S202
020904	SCS S adopted	S257
020904	S Third Read and Passed - Consent	S257
021004	H First Read	H282-283
021104	H Second Read	H291
021204	Referred H Local Government Committee	H321

EFFECTIVE : August 28, 2004

SB 0790

SCS SBs 738 & 790
SENATE SPONSOR Yeckel

2997S.01I

120103	Prefiled	
010704	S First Read	S13
011504	Second Read and Referred S Judiciary & Civil & Criminal Jurisprudence Committee	S90
012104	Hearing Conducted S Judiciary & Civil & Criminal Jurisprudence Committee	
020204	Bill Combined (SCS/SBs 738 & 790)	

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
030204	Hearing Conducted S Ways & Means Committee	

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 S79
and Industrial Relations Committee

EFFECTIVE : August 28, 2004

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 S11
010804 Second Read and Referred S Education Committee 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

SCS SB 799

SENATE SPONSOR Steelman

2727S.03C

SCS/SB 799 - This act requires the State Registrar to issue a "Certificate of Birth Resulting in Stillbirth" to any applicant having a direct and tangible interest in the record. The information shall be based on information available from the spontaneous fetal death report filed pursuant to Section 193.165, RSMo. The certificate shall include the statement "This is not proof of a live birth". Individuals may file an application for a certificate for any birth that resulted in stillbirth 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 S79
Organization, Veterans' Affairs & Elections Committee
011204 Hearing Conducted S Financial & Governmental Org.,
Veterans' Affairs & Elections Committee - Consent
020304 SCS Voted Do Pass S Financial & Governmental Org.,
Veterans' Affairs & Elections Comm.(2727S.03)-Consent
020904 Reported From S Financial & Gov. Org., Veterans' S255
Affairs & Elections Committee to Floor w/SCS -Consent
030104 Motion to adopt SCS - withdrawn S502
030804 S Consent Calendar w/SCS (2/9)

EFFECTIVE : August 28, 2004

SB 0800

SCS for SBs 1085 & 800
SENATE SPONSOR Steelman

2759S.01I

120103 Prefiled
 010704 S First Read S11
 010804 Second Read and Referred S Financial & Governmental
 Organization, Veterans' Affairs & Elections Committee S79
 012604 Hearing Conducted S Financial & Governmental Org.,
 Veterans' Affairs & Elections Committee
 022504 Bill Combined with SB 1085 S Financial & Gov. 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	
020204	Voted Do Pass S Judiciary and Civil & Criminal Jurisprudence Committee	

EFFECTIVE : August 28, 2004

SB 0803

SENATE SPONSOR Gross

3097S.01P

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 Conducted S Aging, Families, Mental & Public Health Committee	
020504	Voted Do Pass S Aging, Families, Mental & Public Health Committee	
020904	Reported From S Aging, Families, Mental & Public Health Committee to Floor - Consent	S254
030104	S Third Read and Passed - EC adopted - Consent	S500-501
030204	H First Read (w/EC)	H468
030304	H Second Read	
030404	Referred H Education 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 Conducted S Aging, Families, Mental & Public Health Committee

EFFECTIVE : August 28, 2004

SB 0805

SENATE SPONSOR Loudon

3101S.01I

SB 805 - This act attempts to curtail health insurance premium increases by creating a "bare-bones" health insurance policy. The "bare-bones" or "stripped-down" health insurance policy created by this act does not have to include coverage for all the state required mandated health benefits. The act will allow individuals and small employers to purchase more affordable health insurance by providing that such policies need not include coverage for certain maternity benefits, newborn children, continuation of health insurance after termination of employment (state COBRA), mammographies, adopted children, certain childhood immunizations, and PKU formulas. Under current law, individuals and small employers cannot purchase limited mandate health insurance policies without these mandated health insurance benefits. Nothing in this act requires individuals or small employers to buy these types of policies. This act also eliminates a marketing restriction on insurance companies. Under the current law, health insurance companies may market limited mandate health insurance policies, which must include the above aforementioned mandated health care benefits, only to those who currently do not have health insurance coverage or to persons or employers which certify in writing to the insurer that they will terminate the coverage they currently have at the time they would otherwise renew coverage because of cost.

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

012904 Voted Do Pass S Small Business, Insurance and
Industrial Relations Committee

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
022404	Hearing Conducted S Ways & Means Committee	

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
020904	Hearing Scheduled But Not Heard, S Judiciary & Civil and Criminal Jurisprudence Committee	
021604	Hearing Conducted S Judiciary & Civil and Criminal Jurisprudence Committee	
030204	Voted Do Pass S Judiciary and Civil & Criminal Jurisprudence Committee	

EFFECTIVE : August 28, 2004

SB 0808

SENATE SPONSOR Klindt

2740S.02P

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	
020504	Voted Do Pass S Agriculture, Conservation, Parks & Natural Resources Committee	
020904	Reported From S Agriculture, Conservation, Parks & Natural Resources Committee to Floor - Consent	S253
022504	S Third Read and Passed - Consent	S379
022604	H First Read	H446
030104	H Second Read	
030404	Referred H Conservation & Natural Resources Committee	

EFFECTIVE : August 28, 2004

SB 0809

SCS SB 809

SENATE SPONSOR Klindt

2965S.02C

SCS/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.

Insurance compliance self-evaluative documents submitted to the Director of Department of Insurance in conjunction with other examinations 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 (Section 375.1064).

The privilege established in this act shall not apply to documents which are expressly waived. In a civil or administrative proceeding, 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 (Section 375.1065).

The privilege is deemed to be waived by the insurer 30 days after receiving a request for disclosure of a self-evaluative audit by a prosecutor or the attorney general, unless the insurer files a petition for an in camera examination. After conducting an in-camera review of the insurance compliance audit document, the court may require disclosure of any portion of the document it determines is not privileged. Any compelled disclosure of an audit will not make the audit a public document or be deemed a waiver of the privilege for any other civil, criminal or administrative proceeding (Section 375.1066).

An insurer has the burden of demonstrating the applicability of the privilege (Section 375.1067).

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 (section 375.1069).

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
021104 Hearing Conducted S Small Business, Insurance and
Industrial Relations Committee
022504 SCS Voted Do Pass S Small Business, Insurance and
Industrial Relations Committee (2965S.02C)
030404 Reported From S Small Business, Insurance &
Industrial Relations Committee to Floor w/SCS
030804 005 S Calendar S Bills for Perfection w/SCS

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
012904 Hearing Conducted S Agriculture, Conservation, Parks
& Natural Resources Committee

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 Conducted 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 & S90
Public Health Committee

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

SCS SB 817

SENATE SPONSOR Kennedy

2911S.02C

SCS/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
- 020904 Hearing Conducted S Financial & Governmental Org., Veterans' Affairs & Elections Committee
- 022504 SCS Voted Do Pass S Financial & Governmental Org., Vet. Affairs & Elections Comm.-Consent (2911S.02C)
- 030104 Reported From S Financial & Governmental Org., Vet. Affairs & Elections Committee to Floor w/SCS-Consent S496
- 030404 Removed From S Consent Calendar

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
- 020904 Voted Do Pass S Judiciary and 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
in 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
022404 Hearing Conducted S Ways & Means Committee	

EFFECTIVE : August 28, 2004

SB 0822

SENATE SPONSOR Shields

3126S.01I

SCS/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.

Twenty-five percent of the fund will go to the MoSMART fund and twenty five percent will go to the "controlled substances clean-up fund". 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 also changes the definition of containers approved fro transporting anhydrous ammonia.

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

120103 Prefiled	
010704 S First Read	S12
011204 Second Read and Referred S Ways & Means Committee	S90
020304 Hearing Cancelled S Ways & Means Committee	

021004 Hearing Conducted S Ways & Means Committee
 030204 SCS Voted Do Pass S Ways & Means Comm. (3126S.05C)

EFFECTIVE : August 28, 2004

 SB 0823

SENATE SPONSOR Shields

3066S.01I

SCS/SB 823 - This act defines a "persistent offender" as a person who has pleaded guilty to or has been found guilty of two or more intoxication-related traffic offenses, involuntary manslaughter, assault in the second degree, or assault of a law enforcement officer in the second degree.

Currently, the law defines a "persistent offender" as a person who has pleaded guilty to or been found guilty of two or more intoxication-related traffic offenses within the past ten years, along being found guilty of the other offenses listed above.

Thus, the act eliminates the ten-year time limit and allows an individual to be considered a "persistent offender" even if the offenses are far apart in time.

Currently, the law defines a "prior offender" as a person who has pleaded guilty to or been found guilty of a prior intoxication-related traffic offense within the past five years. This time limit has not been changed.

Under this act, a first intoxication-related offense is a Class A misdemeanor (Section 577.010 and 577.012). A prior offender who has been convicted of one other offense in the past five years will be guilty of a Class A misdemeanor (Section 577.023). A persistent offender, who has been convicted of two or more offenses, regardless of when they occurred, will be guilty of a Class C felony (Section 577.023).
 SUSAN HENDERSON

120103 Prefiled
 010704 S First Read S12
 011204 Second Read and Referred S Judiciary and Civil & S90
 Criminal Jurisprudence Committee
 022404 Hearing Conducted S Judiciary and Civil and Criminal
 Jurisprudence Committee
 030204 SCS Voted Do Pass S Judiciary and Civil & Criminal
 Jurisprudence Committee (3306S.02C)

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

021604 Hearing Conducted S Judiciary and Civil & Criminal
Jurisprudence Committee030204 Voted Do Pass S Judiciary and Civil & Criminal
Jurisprudence Committee-Consent

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

020304 Hearing Conducted S Transportation Committee

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

020904 Hearing Scheduled But Not Heard S Judiciary & Civil
and Criminal Jurisprudence Committee

EFFECTIVE : August 28, 2004

SB 0827

SCS SB 827

SENATE SPONSOR Bartle

2723S.02P

SCS/SB 827 - This act allows appeals from orders granting or denying class action certification, provided the court of appeals, in its discretion, allows such an appeal and the appeal shall not stay court proceedings unless so ordered by the trial court or the court of appeals.

This act is similar 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	
020204	SCS Voted Do Pass S Judiciary & Civil & Criminal Jurisprudence Committee-Consent (2723S.02C)	
020904	Reported From S Judiciary & Civil & Criminal Jurisprudence Committee to Floor w/SCS - Consent	S254
030304	SCS S adopted	S524
030304	S Third Read and Passed - Consent	S524-525
030404	H First Read	

EFFECTIVE : August 28, 2004

SB 0828

SENATE SPONSOR Bartle

2732S.01I

SCS/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. The savings generated from the reduction in salary shall go the newly created "Iraqi War Memorial Fund". The Adjutant General will administer the fund. Moneys in the fund shall be equally distributed among the next-of-kin of those Missouri residents who lost their lives in the Iraqi War prior to August 28, 2004. Applications must be turned in by August 28, 2005.

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	
021704	SCS Voted Do Pass S Financial & Governmental Org., Veterans' Affairs & Elections Committee (2732S.02C)	

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

011204 Second Read and Referred S Small Business, Insurance S90
And Industrial Relations Committee

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
020304	Hearing Cancelled S Ways & Means Committee	
021004	Hearing Conducted S Ways and Means Committee	

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 S13
011204 Second Read and Referred S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee S90
020904 Hearing Conducted S Financial & Governmental Org.,
Veterans' Affairs & Elections Committee

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 & S90
Public Health Committee

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 S90
and Industrial Relations Committee

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 inadmissability that the statement was voluntary and reliable and there was good cause not to tape the interrogation.

A statement by the accused as a result of custodial interrogation is admissible if the statement was obtained in another state in compliance with the laws of that state or the statement was obtained by federal law enforcement officials in compliance with federal law.

All electronic recordings must be preserved through final appeals or until prosecution of the offense is barred by law.

This act only applies to custodial interrogations of persons suspected of committing a felony.

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
- 020204 Voted Do Pass S Judiciary & Civil & Criminal Jurisprudence Committee

EFFECTIVE : August 28, 2004

SB 0836

SENATE SPONSOR Caskey

2801S.01I

SCS/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
 012704 SCS Voted Do Pass S Ways & Means Committee 2801S.02C

EFFECTIVE : August 28, 2004

SB 0837

SCS SB 837

SENATE SPONSOR Caskey

3031S.02P

SCS/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 of notifying the governmental entity issuing the license of the remedy, provide written notification as to such remedy to the licensee.

Currently, a license is revoked in the case of tax delinquency. This act says that the license shall be suspended.
 JIM ERTL

120103 Prefiled
 010704 S First Read S13
 011204 Second Read and Referred S Financial & Governmental S90
 Organization, Veterans' Affairs & Elections Committee
 012004 Hearing Conducted S Financial & Governmental Org.,
 Veterans' Affairs & Elections Committee
 020304 SCS Voted Do Pass S Financial & Gov. Org., Veterans'
 Affairs & Elections Committee (3031S.02C) - Consent
 020904 Reported From S Financial & Gov. Org., Veterans' S254-255
 Affairs & Elections Committee to Floor w/SCS -Consent
 030104 SCS S adopted S501
 030104 S Third Read and Passed - Consent S501-502
 030204 H First Read H468
 030304 H Second Read
 030404 Referred H Tax Policy 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 & S90
Criminal Jurisprudence Committee

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

120103 Prefiled
010704 S First Read S13
011504 Second Read and Referred S Transportation Committee S117
020304 Hearing Conducted S Transportation Committee
030404 Bill Combined w/SCS SBs 1233, 840 & 1043

EFFECTIVE : August 28, 2004

****SB 0841****SCS SBs 942, 850 & 841
SENATE SPONSOR Childers

2826S.02I

120103 Prefiled

010704 S First Read S13

011204 Second Read and Referred S Economic Development,
Tourism and Local Government Committee S90012104 Hearing Conducted S Economic Development, Tourism &
Local Government Committee-Consent

012804 Bill Combined (SCS/SBs 942, 850 & 841)

EFFECTIVE : Emergency Clause

****SB 0842****

SENATE SPONSOR Childers

2793S.02I

SCS/SB 842 - This act requires that lodging establishment owners be licensed and provides for the transfer of such a license to a new owner. The license fee, which must be obtained for each establishment, is \$50 with additional fees depending upon the number of rooms at the establishment. Under this act, the Department of Health and Senior Services is responsible for the licensing and keeping of records. The Director may deny, revoke, suspend, or place on probation, the license for failing to pass the required annual inspection. If an establishment passes inspection, it will receive an approved inspection report to accompany the license.

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 also requires the Department to promulgate rules which establish sanitation, construction, and safety standards for lodging establishments, but such rules shall not prohibit the enforcement of ordinances concerning such standards or the creation of more stringent ordinances. Also, no private right of action shall be prohibited because of the rules.

This act allows the Director to refuse issuing a license or he or she may revoke, deny, suspend, or place on probation, a license for noncompliance with any rules or regulations promulgated pursuant to this act. The lodging establishment owner will receive a reasonable amount of time to comply with the department's standards after receiving notice of the violation. After such time, the Director will decide if the efforts of the owner are sufficient to be deemed in compliance

or not. Before taking action for noncompliance, the Director must give notice to the owner as to the reasons for the proposed action. After receiving notice, the owner may request a hearing by filing a written request within 15 days and the Director must fix a date for a hearing within 45 days of the request. An establishment may only stay open during judicial review if the owner can demonstrate that it will not create a health or safety hazard to do so.

Under this act, the Director will have the duty of closing a lodging establishment that creates a menace to public health. The notice of the closing must state the reasoning for such action and the licensee may appeal the decision within five days after receiving notice. A hearing must be held within 15 days from the date the appeal is filed and the closing of the establishment must continue until the proceedings are finished. A person aggrieved by a final decision regarding such action is entitled to judicial review.

This act states that a lodging establishment owner is guilty of a Class B misdemeanor if he or she is operating without a license and each day is considered a separate offense.

This act lists certain entities that are not subject to this act such as timeshares, dorms or other school-owned facilities, not-for-profit organizations, community organizations, and churches.

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
022504 SCS Voted Do Pass S Financial & Governmental Org.,
Veterans' Aff. & Elections Comm - Consent (2793S.04C)

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

020504 Second Read and Referred S Pensions & General Laws S244
Committee

EFFECTIVE : August 28, 2004

SB 0845

SCS SB 845

SENATE SPONSOR Yeckel

3015S.02C

SCS/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 Department of Missouri, Sons of Union Veterans of the Civil War shall pay for all appropriate signage.

STEPHEN WITTE

120103 Prefiled

010704 S First Read S14

011204 Second Read and Referred S Transportation Committee S90

012704 Hearing Conducted S Transportation Committee

022304 SCS Voted Do Pass S Transportation Committee-Consent
(3015S.02C)

022304 Reported From S Transportation Committee to S357
Floor w/SCS - Consent

030804 S Consent Calendar w/SCS (2/23)

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.

Licenses are allowed to let their license lapse or be put on inactive status, provided the licensee does not practice during the time the license is lapsed or inactive. The 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
021004 Voted Do Pass 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
030204 Hearing Scheduled, Not Heard S Ways & Means Committee

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
030204 Hearing Scheduled But Not Heard S Education Committee

EFFECTIVE : August 28, 2004

SB 0850

SCS SBs 942, 850 & 841
SENATE SPONSOR Steelman

2682S.01I

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
012804 Bill Combined (SCS/SBs 942, 850 & 841)

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 S90
Committee

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 S91

Organization, Veterans' Affairs & Elections Committee

022304 Hearing Scheduled But Not Heard S Financial &

Gov., Org., Veterans' Affairs & Elections Committee

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 & S91
Public Health Committee
022504 Hearing Conducted S Aging, Families, Mental and
Public Health Committee

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
022404 Hearing Conducted S Transportation Committee

EFFECTIVE : Contingent-const. amendment

SB 0856

SCS SB 856

SENATE SPONSOR Loudon

3231S.03C

SCS/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 symptoms 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".

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 S91
 and Industrial Relations Committee
 012804 Hearing Cancelled S Small Business, Insurance and
 Industrial Relations Committee
 020404 Hearing Conducted S Small Business, Insurance and
 Industrial Relations Committee
 021104 SCS Voted Do Pass S Small Business, Insurance and
 Industrial Relations Committee (3231S.03C)
 021204 Reported From S Small Business, Insurance and S288
 Industrial Relations Committee to Floor w/SCS
 021804 Bill Placed on Informal Calendar S337
 030804 S Inf Calendar S Bills for Perfection

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
012604 Second Read and Referred S Pensions & General Laws
Committee S157
020304 Hearing Cancelled S Pensions & General Laws Committee
021004 Hearing Conducted S Pensions & General Laws Committee

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

SCS SB 859

SENATE SPONSOR Klindt

2963S.02P

SCS/SB 859 - The act also allows Highway Patrol officers to run for and hold positions as school board members.

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

120103 Prefiled
010704 S First Read S14

011204 Second Read and Referred S Financial & Governmental S91
Organization, Veterans' Affairs & Elections Committee
012004 Hearing Conducted S Financial & Governmental Org.,
Veterans' Affairs & Elections Committee-Consent
020304 SCS Voted Do Pass S Financial & Gov., Veterans'
Affairs & Elections Committee (2963S.02C) - Consent
020904 Reported From S Financial & Gov. Org., Veterans' S255
Affairs & Elections Committee to Floor w/SCS -Consent
030104 SCS S adopted S502
030104 S Third Read and Passed - Consent S502
030204 H First Read H468
030304 H Second Read
030404 Referred H Local Government Committee

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 S91
Organization, Veterans' Affairs & Elections Committee
012604 Hearing Scheduled, Not Heard S Financial & Govern.
Organization, Veterans' Affairs & Elections Committee
020204 Hearing Scheduled But Not Heard S Financial &
Governmental Org. Veterans' Affairs & Elections Comm.
020904 Hearing Conducted S Financial and 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
021703 Hearing Conducted S Transportation Committee

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
011704 Hearing Conducted S Ways & Means Committee	

EFFECTIVE : August 28, 2004

SB 0864

SENATE SPONSOR Dougherty

2914S.02I

SCS/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, provided that there is a reduction in the lead levels. 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. These credits shall not apply to certain primary responsible parties (PRPs). 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. The Director must certify the tax credits to the Department of Revenue. 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 form. 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
020304 Hearing Cancelled S Ways & Means Committee	
021004 Hearing Conducted S Ways & Means Committee	
030204 SCS Voted Do Pass S Ways & Means Comm. (2914S.03C)	

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
020904 Hearing Conducted S Financial & Governmental Org.,
Veterans' Affairs & Elections Committee-Consent
021704 Voted Do Pass S Financial & Governmental Org.,
Veterans' Affairs & Elections Committee

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 S91
Committee
030904 Hearing Scheduled S Commerce and the Environment
Committee

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

SCS SBs 1020, 889 & 869
SENATE SPONSOR Shields

3177S.01I

120103 Prefiled
 010704 S First Read S15
 012004 Second Read and Referred S Commerce & the Environment
 Committee S129
 012704 Hearing Conducted S Commerce & the Environment
 Committee
 020504 Bill Combined w/SCS SBs 1020, 889 & 869

EFFECTIVE : August 28, 2004

SB 0870

SENATE SPONSOR Bartle

2735S.01P

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
 020904 Hearing Conducted S Judiciary and Civil and Criminal
 Jurisprudence Committee
 020904 Voted Do Pass S Judiciary and Civil & Criminal
 Jurisprudence Committee
 021204 Reported From S Judiciary and Civil & Criminal
 Jurisprudence Committee to Floor S289
 022504 SA 1 S offered (Days) S374
 022504 SA 1 to SA 1 S offered & withdrawn (Jacob) S374
 022504 SSA 1 for SA 1 S offered & withdrawn (Jacob) S374-375

022504 SSA 2 for SA 1 S offered & adopted (Bartle)	S375
022504 SA 2 S offered & defeated (Days)	S375
022504 SA 3 S offered & withdrawn (Jacob)	S375
022504 SA 4 S offered & adopted (Jacob)	S375-376
022504 Perfected, as amended	S376
022604 Reported Truly Perfected S Rules Committee	S387
030404 S Third Read and Passed	
030404 H First Read	

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 S129
and Industrial Relations Committee

EFFECTIVE : August 28, 2004

SB 0874

SCS SBs 1144, 919, & 874
SENATE SPONSOR Caskey

3039S.01I

120103 Prefiled
010704 S First Read S15
011404 Second Read and Referred S Transportation Committee S101
012004 Hearing Conducted S Transportation Committee
012904 Bill Combined (SCS SBs 1144, 919, & 874
S Transportation Committee

EFFECTIVE : August 28, 2004

SB 0875

SCS SB 875

SENATE SPONSOR Caskey

3214S.01I

SCS/SB 875 - This act establishes the percentage of property tax collections that are deposited in the county assessment fund. The percentage of all property tax collections shall be one-half of one percent for all counties of the first and second classification and one percent for counties of the third and fourth classification. An additional one-eighth of one percent shall be deducted from tax collections and deposited in the county assessment fund in counties of the first classification and counties with a charter form of government, and an additional one-quarter of one percent shall be deducted from tax collections and deposited in the county assessment fund in counties of the second, third, and fourth classification. Such additional amounts shall not exceed \$100,000 in any year for any county of the first classification and any county with a charter form of government and \$50,000 for any county of the second, third, and fourth classification.

The act requires the State Tax Commission to conduct a study to determine the impact of increased fees on assessed valuation four years after the effective date of this act.

Any increase provided for in this act shall be disallowed in any year the State Tax Commission certifies that the equivalent sales ratio for the county is less than or equal to 31 2/3 percent.

This act will become effective on January 1, 2005 and expire on December 31, 2009.

SUSAN HENDERSON

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-Consent030304 SCS Voted Do Pass S Economic Development, Tourism &
Local Government Committee 3214S.12C

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
021104	Second Read and Referred S Economic Development, Tourism & Local Government Committee	S282
022504	Hearing Conducted S Economic Development, Tourism & Local Government Committee-Consent	

EFFECTIVE : August 28, 2004

SB 0878

SCS SB 878

SENATE SPONSOR Goode

2796S.04P

SCS/SB 878 - The termination date for the experimental tariff program has been extended to June 30, 2007, two years after its original termination date.

This act includes language that extends the experimental tariffs already set in place by the Public Service Commission to coincide with the extended 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 Conducted S Commerce & the Environment Committee-Consent	
020504	SCS Voted Do Pass S Commerce & the Environment Committee-Consent (2796S.04C)	
020904	Reported From S Commerce & the Environment Committee to Floor w/SCS - Consent	S255
030304	SCS S adopted	S523
030304	S Third Read and Passed - Consent	S523-524
030404	H First Read	

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	S91

Organization, Veterans' Affairs & Elections Committee

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 S91EFFECTIVE : 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, S91
Parks & Natural Resources Committee

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
 012804 Hearing Cancelled S Small Business, Insurance and Industrial Relations Committee
 020404 Hearing Conducted S Small Business, Insurance and Industrial Relations Committee-Consent
 021804 Voted Do Pass S Small Business, Insurance and Industrial Relations Committee-Consent
 022304 Reported From S Small Business, Insurance & Industrial Relations Committee to Floor - Consent S356
 030804 S Consent Calendar (2/23)

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
 020904 Hearing Conducted S Financial & Governmental Org., Veterans' Affairs & Elections Committee-Consent
 022504 Voted Do Pass S Financial & Governmental Org., Veterans' Affairs & Elections Committee-Consent
 030104 Reported From S Financial & Governmental Org., Vet. Affairs & Elections Committee to Floor - Consent S497
 030804 S Consent Calendar (3/1)

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 S91
 Committee
 021004 Hearing Conducted S Commerce and the Environment
 Committee-Consent
 021904 Voted Do Pass S Commerce and the Environment
 Committee-Consent
 022304 Reported From S Commerce & the Environment S387
 Committee to Floor - Consent
 022604 Removed from S Consent Calendar

EFFECTIVE : August 28, 2004

SB 0886

SCS SBs 740, 886, & 1178
SENATE SPONSOR Cauthorn

2467S.02I

120103 Prefiled
 010704 S First Read S16
 011204 Second Read and Referred S Agriculture, Conservation, S91
 Parks & Natural Resources Committee
 012904 Hearing Conducted S Agriculture, Conservation, Parks
 & Natural Resources Committee
 020504 Voted Do Pass S Agriculture, Conservation, Parks &
 Natural Resources Committee
 020904 Reported From S Agriculture, Conservation, Parks & S253
 Natural Resources Committee to Floor - Consent
 021204 Removed from Consent Calendar S289
 021904 Bill Combined (SCS SBs 740, 886, & 1178) S Agri.,

Conservation, Parks & Natural Resources Committee

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
030204 Voted Do Pass S Ways & Means Committee

EFFECTIVE : August 28, 2004

SB 0889

SCS SBs 1020, 889 & 869
SENATE SPONSOR Goode

2645S.01I

120103 Prefiled
 010704 S First Read S16
 011504 Second Read and Referred S Commerce & the Environment
 Committee S117
 012704 Hearing Conducted S Commerce & the Environment
 Committee
 020504 Bill Combined w/SCS SBs 1020, 889 & 869

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	S14
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 been 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
020304 Hearing Conducted S Transportation Committee
022304 Voted Do Pass S Transportation Committee-Consent
022304 Reported From S Transportation Committee to S357
Floor - Consent
030804 S Consent Calendar (2/23)

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 S91
Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2004

SB 0896

SENATE SPONSOR Bland

2672S.01I

120103 Prefiled
010704 S First Read S16
011204 Second Read and Referred S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee S91
020904 Hearing Conducted S Financial & Governmental Org.,
Veterans' Affairs & Elections Committee
030204 Bill Combined w/SCS SBs 1027 & 896

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 & S91
Criminal Jurisprudence Committee
022404 Hearing Conducted S Judiciary and Civil & Criminal
Jurisprudence Committee

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
012004 Second Read and Referred S Judiciary and Civil & S129
Criminal Jurisprudence Committee

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
021004 Hearing Conducted S Transportation Committee
022304 Voted Do Pass S Transportation Committee-Consent
022304 Reported From S Transportation Committee to S357
Floor - Consent
030804 S Consent Calendar (2/23)

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

CLARIFIES THAT THE PROVISIONS OF 307.366.2 SHALL NOT APPLY TO VEHICLES MANUFACTURED 26 YEARS "OR MORE" PRIOR TO THE CURRENT MODEL YEAR

120103 Prefiled
 010704 S First Read S17
 011204 Second Read and Referred S Commerce & the Environment S91
 Committee
 021704 Hearing Conducted S Commerce and the Environment
 Committee-Consent
 021904 Voted Do Pass w/SCA 1 S Commerce and the Environment
 Committee-Consent
 022304 Reported From S Commerce & the Environment S356
 Committee to Floor w/SCA 1 - Consent
 030804 S Consent Calendar w/SCA 1 (2/23)

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 S117
Committee
030204 Hearing Conducted S Commerce & the Environment
Committee-Consent

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 & S117
Public Health Committee

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
020304	Hearing Cancelled S Ways & Means Committee	
021004	Hearing Conducted S Ways & Means Committee	

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 & S117
Public Health Committee
022504 Hearing Conducted S Aging, Families, Mental and
Public Health Committee
030304 Hearing Continued S Aging, Families, Mental and
Public Health Committee

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 S17
011504 Second Read and Referred S Transportation Committee 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 S17
011504 Second Read and Referred S Small Business, Insurance
and Industrial Relations Committee S117
021104 Hearing Conducted S Small Business, Insurance and
Industrial Relations Committee

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

011504 Second Read and Referred S Small Business, Insurance S117
and Industrial Relations Committee

EFFECTIVE : August 28, 2004

SB 0908

SENATE SPONSOR Cauthorn

3233S.01I

SCS/SB 908 & 719 - This act modifies the law of how insurance companies may be formed to offer malpractice insurance.

STOCK INSURANCE COMPANIES - This act allows medical malpractice insurance stock insurance companies to form under certain conditions. The general incorporation provisions of Chapter 379, RSMo, and insurance laws of this state shall be applicable unless the provisions of the act provide otherwise. No company authorized to issue medical malpractice insurance prior to August 28, 2004, shall incorporate under the provisions of this act. Under this act, the director of the Department of Insurance may waive the capital and surplus requirements solely for medical malpractice for any company formed under the provisions of this act. The act also provides that any company formed under this act shall not be a member of the Missouri Property and Casualty Insurance Guarantee Association, unless the company meets the applicable capital and surplus requirements and maintains such capital and surplus requirements for a period of not less than three consecutive years. Physician mutual insurance companies formed under Chapter 383, RSMo, may be merged into any company formed under this act.

SUBJECTING CERTAIN MED MAL POLICIES TO CANCELLATION AND RATE FILING REQUIREMENTS - Under this act, the definition of "commercial casualty insurance" as used in Section 379.882 and 379.888 shall include medical malpractice insurance. By including medical malpractice insurance in the definition of "commercial casualty insurance" in those sections, medical malpractice insurance policies will be subject to certain cancellation and nonrenewal requirements and the rate filing requirements that apply to other forms of commercial casualty insurance.

CONVERTING BEDPAN MUTUALS - Under this act, physician mutual insurance companies (383s or bedpan mutuals) formed under Chapter 383, RSMo, may be converted into an insurance company licensed under Chapter 375, 377, or 379, RSMo, or other business entity. Before converting into another form of insurance company, the physician mutual insurance company must pay all outstanding claims, indemnities and other liabilities.

WAIVER OF LAWSUITS PROHIBITED - No physician mutual insurance company shall require, as a condition in any insurance policy, that the insured health care provider waive any right to pursue a cause of action against the managers or directors of the company for mismanagement or other breach of fiduciary duties.

ARTICLES OF ASSOCIATION - The articles of incorporation filed by a company formed under sections 383.010 to 383.040 shall specify the types of assessments that will be applied to its members.

FINANCIAL AND MARKET CONDUCT EXAMINATIONS - This act modifies the section which subjects mutual insurance companies formed under Sections 383.010 to 383.040 to market conduct and financial examinations by the Department of Insurance.

CAPITAL AND SURPLUS OF 383 COMPANY - This act subjects associations formed under Sections 383.010 to 383.040 to the capital and surplus requirements of Section 379.080.

MAINTENANCE OF UNEARNED PREMIUM AND LOSS RESERVES - This act subjects associations formed under Sections 383.010 to 383.040 to the maintenance of unearned premium and loss reserves requirements of Section 379.102.

UNFAIR TRADE PRACTICES - Medical malpractice insurance associations formed under Sections 383.010 to 383.040 shall be subject the unfair trade practices act.

SOLVENCY - This act requires the Director of the Department of Insurance to order associations formed under Sections 383.010 to 383.040 to submit to its surplus to at least zero dollars. The Director of the Department of Insurance shall monitor the performance of the association's plan and order assessments upon its members if these surplus requirements are not met. Under the current law, this function is discretionary. The act provides that it is an unfair trade practice for an association to assert, contrary to its articles and bylaws, to its members that assessments shall not be made.

STEPHEN WITTE

120203 Prefiled
 010704 S First Read S17
 011404 Second Read and Referred S Small Business, Insurance and Industrial Relations Committee S101
 021804 Hearing Conducted S Small Business, Insurance and Industrial Relations Committee
 022504 SCS Voted Do Pass w/SCS SBs 908 & 719 S Small Bus. Insurance & Industrial Relations Comm. (3233S.10C)
 030304 Committee Vote Reconsidered on SCS SBs 908 & 719
 030304 SCS Voted Do Pass w/SCS SBs 908 & 719 S Small Bus.

Insurance & Industrial Relations Comm. (3233S.12C)

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 S117
Committee
021704 Hearing Conducted S Commerce and the Environment
Committee-Consent

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 & S117
Public Health Committee

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
020204	Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee	

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
012804 Hearing Conducted S Aging, Families, Mental & Public
Health Committee

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
030104 Hearing Conducted S Financial & Governmental Org.,
Veterans' Affairs & Elections Committee

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 & S117
Criminal Jurisprudence Committee

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 S117
and Industrial Relations Committee

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 S117
 and Industrial Relations Committee

EFFECTIVE : August 28, 2004

SB 0919
 SCS SBs 1144, 919, & 874
 SENATE SPONSOR Gibbons

2560S.02I

120403 Prefiled
 010704 S First Read S18
 011504 Second Read and Referred S Transportation Committee S117
 012704 Hearing Conducted S Transportation Committee
 012904 Bill Combined (SCS SBs 1144, 919, & 874)
 S Transportation Committee

EFFECTIVE : January 1, 2005

SB 0920
 SENATE SPONSOR Caskey

3307S.01P

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
020904	Hearing Conducted S Financial & Governmental Org., Veterans' Affairs & Elections Committee	
021004	Voted Do Pass S Financial & Governmental Org., Veterans' Affairs & Elections Committee-Consent	
021604	Reported From S Financial & Governmental Org., Vet. Affairs & Elections Committee to Floor - Consent	S307
021904	Removed from S Consent Calendar	S344
022604	Reported From S Financial & Governmental Org., Vet. Affairs & Elections Committee to Floor	S387
030304	Perfected	S521
030304	Reported Truly Perfected S Rules Committee	S523
030404	S Third Read and Passed	
030404	H First Read	

EFFECTIVE : August 28, 2004

SB 0921

SCS SB 921

SENATE SPONSOR Caskey

3309S.03P

SCS/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.

This act contains an emergency clause.

JIM ERTLE

120503	Prefiled	
010704	S First Read	S18
012004	Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee	S129

012604 Hearing Conducted S Financial & Governmental Org.,
Veterans' Affairs & Elections Committee-Consent
021004 SCS Voted Do Pass S Financial & Governmental Org.,
Vet. Affairs & Elections Comm.-Consent (3309S.03C)
021604 Reported From S Financial & Governmental Org., Vet.
Affairs & Elections Committee to Floor w/SCS -Consent
030304 SCS S adopted S526
030304 S Third Read and Passed - EC adopted - Consent S526-527
030404 H First Read (w/EC)

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
030904 Hearing Scheduled S Education Committee

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

021704 Hearing Conducted S Education Committee

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
022504	Hearing Scheduled but not Heard S Economic Development Local Government Committee	
030304	Hearing Conducted S Economic Development, Tourism and Local Government Committee	

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 S117020904 Hearing Conducted S Financial & Governmental Org.,
Veterans' Affairs & Elections Committee021004 Voted Do Pass S Financial & Governmental Org.,
Veterans' Affairs & Elections Committee

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
012604 Second Read and Referred S Ways & Means Committee S157
022404 Hearing Conducted S Ways & Means Committee

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 S117

EFFECTIVE : 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
 012604 Second Read and Referred S Small Business, Insurance and Industrial Relations Committee S157
 022504 Hearing Conducted S Small Business, Insurance and Industrial Relations Committee

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 S18
 011504 Second Read and Referred S Small Business, Insurance and Industrial Relations Committee 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	S18
011504	Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S118
012104	Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee	
030204	Voted Do Pass S Judiciary and Civil & Criminal Jurisprudence Committee	

EFFECTIVE : August 28, 2004

SB 0932

SENATE SPONSOR Loudon

3073S.01P

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	
012904	Voted Do Pass S Small Business, Insurance and Industrial Relations Committee-Consent	
020204	Reported From S Small Business, Insurance & Industrial Relations Committee to Floor - Consent	S207
020904	S Third Read and Passed - Consent	S260
021004	H First Read	H283
021104	H Second Read	H291
021204	Referred H Workforce Development & Workplace Safety Committee	H321
022504	Hearing Conducted H Workforce Development & Workplace Safety Committee	
030304	Voted Do Pass H Workforce Development & Workplace Safety Committee	

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

120903	Prefiled	
010704	S First Read	S18
011504	Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee	S118
012604	Hearing Scheduled, Not Heard, S Financial & Govern. Organization, Veterans' Affairs & Elections Committee	
020204	Hearing Conducted S Financial & Governmental Org., Veterans' Affairs & Elections Committee	
021004	Voted Do Pass S Financial & Governmental Org., Veterans' Affairs & Elections Committee	
021204	Reported From S Financial & Governmental Org., Veterans' Affairs & Elections Committee to Floor	S288
021704	Bill Placed on Informal Calendar	S325
030804	S Inf Calendar S Bills for Perfection	

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
030204 Hearing Scheduled But Not Heard S Transportation
Committee

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

SCS SB 937

SENATE SPONSOR Gross

3181S.05P

SCS/SB 937 - This act requires the Office of Administration 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 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 Office of Administration. The fund consists of costs assessed to state agencies based on the percentage of funds the agency represents during each state fiscal year.

The provisions of this act shall sunset in six years.

This act is similar to HB 718 (2003).

JIM ERTLE

121103 Prefiled

010704 S First Read

S19

012004 Second Read and Referred S Financial & Governmental S129
Organization, Veterans' Affairs & Elections Committee

021604 Hearing Conducted S Financial & Governmental Org.,
Veterans' Affairs & Elections Committee

021704 SCS Voted Do Pass S Financial & Governmental Org.,
Veterans' Affairs & Elections Committee (3181S.05C)

022604 Reported From S Financial & Governmental Org., Vet. S387
Affairs & Elections Committee to Floor w/SCS

030304 Bill Placed on Informal Calendar S521

030304 SA 1 to SCS S offered & adopted (Bray) S521-522

030304 SCS, as amended, S adopted S522

030304 Perfected S522

030304 Reported Truly Perfected S Rules Committee S523

030404 Referred S Governmental Accountability & Fiscal
Oversight Committee

030804 Hearing Scheduled S Governmental Accountability and
Fiscal Oversight Committee

030804 001 S Calendar S Bills for Third Reading (In Fiscal)

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 S19

011504 Second Read and Referred S Financial & Governmental S118
Organization, Veterans' Affairs & Elections Committee

022304 Hearing Conducted S Financial & Governmental Org.,
Veterans' Affairs & Elections Committee

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 S19
012004 Second Read and Referred S Judiciary and Civil & S129
Criminal Jurisprudence Committee

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 S19
011504 Second Read and Referred S Judiciary and Civil &
Criminal Jurisprudence Committee S118
020204 Hearing Conducted S Judiciary and Civil & Criminal
Jurisprudence Committee

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
030904 Hearing Scheduled s Education Committee

EFFECTIVE : August 28, 2004

SB 0942

SCS SBs 942, 850 & 841
SENATE SPONSOR Nodler

3339S.03P

SCS/SBs 942, 850 & 841 - This act authorizes the state to convey various pieces of land including the National Guard Armory in Pierce City, Salem, and 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

012804	SCS Voted Do Pass (SCS/SBs 942, 850 & 841) S Economic Dev., Tourism & Local Govt. Comm.-Consent (3339S.03C)	
020204	Reported From S Economic Development, Tourism & Local Government Committee to Floor w/SCS - Consent	S202
020904	SCS S adopted	S257-258
020904	S Third Read and Passed - EC adopted - Consent	S258
021004	H First Read (w/EC)	H283
021104	H Second Read	H291
021204	Referred H Local Government Committee	H321

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

012904 Second Read and Referred S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee

S196

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 S118
Committee

EFFECTIVE : August 28, 2004

SB 0945

SCS SB 945

SENATE SPONSOR Gibbons

3365S.03C

SCS/SB 945 - This act directs the State Board of Education to provide any assistance needed to 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
020304	Hearing Cancelled S Education Committee	
021004	Hearing Conducted S Education Committee	
021704	SCS Voted Do Pass S Education Committee-Consent (3365S.03C)	
022304	Reported From S Education Committee to Floor w/SCS - Consent	S356
030804	S Consent Calendar w/SCS (2/23)	

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 & S129
Criminal Jurisprudence Committee

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 S118
Committee

SB 0948

SENATE SPONSOR Steelman

3471S.01I

SCS/SB 948 - This act prohibits unsecured 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 S129
 Committee
 021704 Hearing Conducted S Commerce and the Environment
 Committee
 022504 SCS Voted Do Pass S Commerce and Environment
 Committee (3471S.03C)

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 Conducted 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
 012704 Hearing Conducted S Ways & Means Committee

EFFECTIVE : August 28, 2004

SB 0951

SENATE SPONSOR Griesheimer

3430S.01P

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, Not Heard S Economic Development,
 Tourism and Local Government Committee
 020404 Hearing Conducted S Economic Development, Tourism
 and Local Government Committee

020404	Voted Do Pass S Economic Development, Tourism and Local Government Committee-Consent	
020904	Reported From S Economic Development, Tourism & Local Government Committee to Floor-Consent	S253
021804	S Third Read and Passed - Consent	S337
022304	H First Read	H390
022404	H Second Read	H399
022604	Referred H Local Government Committee	H443

EFFECTIVE : August 28, 2004

SB 0952

SCS SB 952

SENATE SPONSOR Wheeler

3473S.02P

SCS/SB 952 - This act creates two new classifications and salary ranges for master police officers and master detectives. 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
020404	Hearing Conducted S Economic Development, Tourism and Local Government Committee	
020404	SCS Voted Do Pass S Economic Development, Tourism and Local Government Committee (3473S.02C) - Consent	
020904	Reported From S Economic Development, Tourism & Local Government Committee to Floor w/SCS - Consent	S253
021804	SCS S adopted	S337-338
021804	S Third Read and Passed - Consent	S338
022304	H First Read	H391
022404	H Second Read	H399
022604	Referred H Local Government Committee	H443
030804	Hearing Scheduled H Local Government Committee (3:00 p.m. - HR 6)	

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

012604 Second Read and Referred S Commerce & the Environment S157
Committee

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 S118
Committee

030204 Hearing Conducted S Commerce & the Environment

Committee

EFFECTIVE : August 28, 2004

SB 0955

SCS SB 955

SENATE SPONSOR Scott

3262S.02C

SCS/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, removal or refusal of service 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. The act provides that any commission member reappointed shall on be eligible to serve as chair or vice chair during the final two years of the member's reappointment.

STEPHEN WITTE

121603	Prefiled	
010704	S First Read	S20
011504	Second Read and Referred S Transportation Committee	S118
012704	Hearing Conducted S Transportation Committee	
012904	SCS Voted Do Pass S Transportation Committee - Consent (3262S.02C)	
020204	Reported From S Transportation Committee to Floor w/SCS - Consent	S203
020504	Removed from Consent Calendar	S242

EFFECTIVE : August 28, 2004

SB 0956

SCS SB 956

SENATE SPONSOR Scott

3265S.02C

SCS/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

020304 Hearing Scheduled But Not Heard S Transportation
Committee

021004 Hearing Conducted S Transportation Committee

022304 SCS Voted Do Pass S Transportation Committee-Consent
(3265S.02C)022304 Reported From S Transportation Committee to S357
Floor w/SCS - Consent

030804 S Consent Calendar w/SCS (2/23)

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 Conducted 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
022404 Hearing Conducted S Transportation Committee

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
012604 Second Read and Referred S Education Committee S157

EFFECTIVE : August 28, 2004

SB 0960

SCS SB 960

SENATE SPONSOR Gibbons

2757S.03C

SCS/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 prevents the roll-back calculation of the rates for the four classes of property from causing a "roll-up" of the personal property tax rate.

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 must be promulgated by rule and not incorporated into a rule by reference.

The act allows the City of Saint Louis and counties other than Saint Louis county to opt-out of the provisions of HB 1150 (2002). Current law makes these provisions effective statewide January 1, 2005. This act moves the effective date to October 1, 2004, but then allows an opt-out provision before January 1, 2005. Once the provisions of HB 1150 are implemented in a county in a year of general reassessment, the county cannot opt-out. Any county that does opt-out may opt-in at a later date. If a political subdivision lies on the border of two or more counties, and one of those counties has opted out without the others doing so, the governing body of the political subdivision must meet within 30 days of the opt-out and choose whether to opt-out or stay in.

JEFF CRAVER

121803	Prefiled	
010704	S First Read	S20
012004	Second Read and Referred S Ways & Means Committee	S129
012704	Hearing Conducted S Ways & Means Committee	
030204	SCS Voted Do Pass S Ways & Means Comm. (2757S.03C)	
030404	Reported From S Ways & Means Committee to Floor w/SCS	
030804	009 S Calendar S Bills for Perfection w/SCS	

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
012604 Second Read and Referred S Commerce & the Environment S157
Committee
030904 Hearing Scheduled S Commerce and the Environment
Committee-Consent

EFFECTIVE : August 28, 2004

SB 0962

SCS SB 962

SENATE SPONSOR Clemens

3337S.02C

SCS/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 S118
Organization, Veterans' Affairs & Elections Committee
021604 Hearing Conducted S Financial & Governmental Org.,
Veterans' Affairs & Elections Committee-Consent
021704 SCS Voted Do Pass S Financial & Governmental Org.,
Veterans' Affairs & Elections Com-Consent (3337S.02C)
022304 Reported From S Financial & Governmental Org., Vet. S355
Affairs & Elections Committee to Floor w/SCS -Consent
030804 S Consent Calendar w/SCS (2/23)

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 S129
Committee

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
021104 Hearing Conducted S Aging, Families, Mental & Public
Health Committee

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
 020404 Hearing Conducted S Small Business, Insurance and Industrial Relations Committee-Consent
 021804 Voted Do Pass S Small Business, Insurance and Industrial Relations Committee-Consent
 022304 Reported From S Small Business, Insurance & Industrial Relations Committee to Floor - Consent S356
 030804 S Consent Calendar (2/23)

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
 020304 Hearing Cancelled S Education Committee
 021704 Hearing Conducted S Education Committee

EFFECTIVE : August 28, 2004

SB 0968

SS SCS SB 968

SENATE SPONSOR Shields

3402S.08P

SS/SCS/SB 968 - This act renders alterations to several state policies regarding teachers.

SECTION 168.104 - This section adds certified teachers who teach at the pre-kindergarten level to the definition of the word "teacher" in the teacher tenure act.

SECTION 168.124 - This section asserts that, should a Board of Education choose to utilize the mechanism for reducing teacher forces in an attempt to manage adverse financial conditions caused by reductions in state education appropriations, then the district additionally shall comply with the following provision: If a school district has an unrestricted combined ending fund balance of more than 10% in its teachers' and incidental funds, and in the subsequent fiscal year such district places a contracted teacher on leave of absence after 40 days subsequent to the Governor signing the Elementary and Secondary Education appropriation bill, the district shall pay the affected teacher the greater of their salary for any days worked under the contract, or a sum equal to three thousand dollars.

SECTION 168.126 - Current law requires school districts to notify in writing a probationary teacher who will not be retained by the school district of the termination of their employment and requires school districts to provide the teacher, upon the teacher's request, a concise statement concerning the reason for such termination. This section requires the district in all cases to issue notice to the teacher expressly declaring the reason for the termination if the reason for such is due to a decrease in pupil enrollment, school district reorganization, or the financial condition of the school district.

SECTION 168.303 - 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 section seeks to alter the aforementioned requirement from a minimum of seventeen hours per week to a minimum of fifteen hours per week.
DONALD THALHUBER

121903	Prefiled	
010704	S First Read	S20
011504	Second Read and Referred S Education Committee	S118
012704	Hearing Conducted S Education Committee	
021004	SCS Voted Do Pass S Education Committee (3402S.07C)	
022604	Reported From S Education Committee to Floor w/SCS	S387
030304	Bill Placed on Informal Calendar	S521
030304	SA 1 to SCS S offered & adopted (Steelman)	S522
030304	SA 2 to SCS S offered & adopted (Goode)	S522
030304	SA 3 to SCS S offered & withdrawn (Cauthorn)	S522-523
030304	Bill Placed on Informal Calendar	S523
030404	SS for SCS S offered (Shields) (3402S.08F)	
030404	SA 1 to SS for SCS S offered & defeated (Bray)	
030404	SA 2 to SS for SCS S offered & adopted (Jacob)	
030404	SS for SCS, as amended, S adopted	
030404	Perfected	

EFFECTIVE : August 28, 2004

SB 0969

SCS SB 969

SENATE SPONSOR Shields

3393S.02P

SCS/SB 969 - This act renders alterations to the state's education policy.

SECTION 163.031 - This section removes the proration factor for the Career Ladder program.

SECTION 168.500 - 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 section 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 and is approved for such placement by the local district.

This section contains provisions similar to SB 1021.

SECTION 171.053 - This section 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 section 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 section contains the provisions of SB 813.

DONALD THALHUBER

121903	Prefiled	
010704	S First Read	S20
011504	Second Read and Referred S Education Committee	S118
012004	Hearing Conducted S Education Committee	
020507	Voted Do Pass S Education Committee	
021007	Committee Vote Reconsidered S Education Committee	
021007	SCS Voted Do Pass S Education Committee (3393S.02C)	
021204	Reported From S Education Committee to Floor w/SCS	S288
021804	SA 1 to SCS S offered & withdrawn (Caskey)	S334
021804	SA 2 to SCS S offered (Steelman)	S334-336

021804 SA 1 to SA 2 to SCS S offered & adopted (Childers)	S336
021804 SA 2 to SCS, as amended, S adopted	S336
021804 SA 3 to SCS S offered (Caskey)	S336
021804 SSA 1 for SA 3 to SCS S offered & withdrawn (Caskey)	S336
021804 SA 3 to SCS S withdrawn	S336
021804 SA 4 to SCS S offered & adopted (Cauthorn)	S336-337
021804 SCS, as amended, S adopted	S337
021804 Perfected	S337
021904 Reported Truly Perfected S Rules Committee	S348
022404 Referred S Governmental Accountability & Fiscal Oversight Committee	S365
022604 Hearing Conducted S Governmental Accountability and Fiscal Oversight Committee	
022604 Voted Do Pass S Governmental Accountability and Fiscal Oversight Committee	
022604 Reported From S Governmental Accountability & Fiscal Oversight Committee to Floor	S387
030104 S Third Read and Passed	S499
030204 H First Read	H468
030304 H Second Read	
030404 Referred H Education Committee	

EFFECTIVE : August 28, 2004

SB 0970

SENATE SPONSOR Childers

3518S.01I

SCS/SB 970 - This act provides that in any county which becomes a first classification county after September 1, 1996 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).

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	
020404 SCS Voted Do Pass S Economic Development, Tourism & Local Government Committee 3518S.03C	

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

020204 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

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

030804 Hearing Scheduled S Financial & Governmental Org., Veterans' Affairs & Elections Committee

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, Not Heard S Economic Development,
Tourism Local Government Committee020404 Hearing Conducted S Economic Development, Tourism
and Local Government Committee021104 Voted Do Pass S Economic Development, Tourism and
Local Government Committee

EFFECTIVE : August 28, 2004

SB 0974

SCS SB 974

SENATE SPONSOR Dougherty

3429S.02C

SCS/SB 974 - This act modifies the State Legal Expense Fund. Physicians licensed pursuant to Chapter 334, RSMo, who provide free health screenings in any setting without receiving compensation, are included in the list of persons for whom the State Legal Expense Fund is available.

New language also clarifies that malpractice insurance obtained by or on behalf of any physician, dentist, physician assistant, dental hygienist, or nurse, whose services are volunteered, is not considered available to pay any portion of a judgment or claim for which the State Legal Expense Fund is liable.

LORIE TOWE

122303	Prefiled	
010704	S First Read	S21
011504	Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S118
012604	Hearing Conducted S Judiciary & Civil & Criminal Jurisprudence Committee	
022404	SCS Voted Do Pass S Judiciary and Civil & Criminal Jurisprudence Committee-Consent (3429S.02C)	
030104	Reported From S Judiciary & Civil & Criminal Jurisprudence Committee to Floor w/SCS - Consent	S497
030804	S Consent Calendar w/SCS (3/1)	

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
030904	Hearing Scheduled S Education Committee	

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 Conducted 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 Conducted 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
030204	Hearing Conducted S Education Committee	

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	S21
011504	Second Read and Referred S Education Committee	S118
030204	Hearing Conducted S Education Committee	

EFFECTIVE : August 28, 2004

SB 0980

SCS SB 980
SENATE SPONSOR Bartle

3567L.02P

SCS/SB 980 - This act repeals certain sections of law which have expired, sunset, terminated, or are ineffective.

HENRY HERSCHEL

ORGANIZATION, VETERANS' AFFAIRS & ELECTIONS COMMITTEE

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 Conducted S Governmental Accountability and Fiscal Oversight Committee	
020204	SCS Voted Do Pass S Governmental Accountability and Fiscal Oversight Committee (3567L.02C)	
020204	Reported From S Governmental Accountability & Fiscal Oversight Committee to Floor w/SCS - Consent	S207
020904	Motion to Third Read S withdrawn	S260-261
021204	SCS adopted	S301
021204	S Third Read and Passed - Consent	S301
021604	H First Read	H331-332
021704	H Second Read	H339
022604	Referred H Judiciary Committee	H443

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
030204	Hearing Conducted S Ways & Means Committee	

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	S21
011504	Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee	S118
030104	Hearing Conducted S Financial & Governmental Org., Veterans' Affairs & Elections Committee	

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
 012604 Second Read and Referred S Small Business, Insurance S157
 and Industrial Relations Committee
 022504 Hearing Conducted S Small Business, Insurance and
 Industrial Relations Committee

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, S118
 Parks & Natural Resources Committee

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, S118
Parks & Natural Resources Committee

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 & S118
Criminal Jurisprudence Committee022404 Hearing Conducted S Judiciary and Civil & Criminal
Jurisprudence Committee

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
Committee022404 Hearing Conducted S Commerce and the Environment
Committee

EFFECTIVE : August 28, 2004

SB 0988

SCS SB 988

SENATE SPONSOR Steelman

3678S.02C

SCS/SB 988 - This act changes certain provisions pertaining to scrap tires.

This act changes the definition from "waste tire" to "scrap tire" and clarifies that for any rules currently in place for the program and any rules promulgated pursuant to provisions within this act, the terms "scrap" and "waste" shall be used synonymously.

This act eliminates the two dollar cap for scrap tires. This act extends the scrap tire fee until January 1, 2009. This act goes on to restructure the allocation of revenue derived from that fee. A portion of the revenue remains with the department of natural resources for the purpose of removal efforts over five years. The allocation of revenue changes throughout that time, with seventy five percent of revenue allocated in FY 2005 for such purpose, fifty percent of revenue allocated in FY 2006, twenty-five percent of revenue allocated in FY 2007, twenty percent of revenue allocated in FY 2008, and for FY 2009 and after, zero percent of revenue shall be allocated to the

department of natural resources for the purpose of scrap tire removal. In no fiscal year shall the department spend more than fifteen percent of revenue allocated on administration costs.

In each fiscal year, the portion of revenue derived from the scrap tire fee not allocated to the Department of Natural resources shall be divided equally between the Department of Economic Development, and the Missouri development finance board as well as the school district safe surfacing fund, established in this act. These moneys shall be used primarily for the development, creation, and promotion of innovative products made from recycled scrap tires. Namely, to fund the construction of safe surfaces for Missouri schools and the awarding of incentive grants for such purpose. All revenue allocated towards the development, creation, and promotion of innovative products made from recycled scrap tires shall be administered by the Department of Economic Development and no more than fifteen percent of allocated revenue shall be spent on administration costs in any fiscal year.

This act directs both the Department of Natural Resources and the Department of Economic Development to prepare and submit annual reports by February 1 to the Governor and General Assembly on scrap tire removal efforts and incentive grants provided under the provisions of this act.

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 eliminates the statutes currently dealing with the educational and training programs conducted by the Department of Natural Resources.

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	
022404	SCS Voted Do Pass S Commerce and the Environment Committee	(3678S.02C)
030404	Reported From S Commerce & the Environment Committee to Floor w/SCS	
030804	003 S Calendar S Bills for Perfection w/SCS	

EFFECTIVE : August 28, 2004

SB 0989

SCS SB 989

SENATE SPONSOR Gross

3573S.02C

SCS/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
020304	Hearing Scheduled But Not Heard S Commerce and the Environment Committee	
020404	Hearing Scheduled But Not Heard S Commerce and the Environment Committee	
021004	Hearing Conducted S Commerce and the Environment Committee	
022404	SCS Voted Do Pass S Commerce and the Environment Committee (3573S.02C)	
022404	Reported From S Commerce & the Environment Committee to Floor w/SCS	S367
022504	Bill Placed on Informal Calendar	S378
030804	S Inf Calendar S Bills for Perfection	

EFFECTIVE : August 28, 2004

SB 0990

SCS SB 990

SENATE SPONSOR Loudon

2894S.06C

SCS/SB 990 - This act creates an Electrical Contractors Licensing Board to be located within the Division of Professional

Registration. The Board shall have seven members who are appointed by the Governor and confirmed by the Senate. Members of the Board shall serve four-year staggered terms with an eight-year term limit. The 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 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. The 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	
012904	SCS Voted Do Pass S Small Business, Insurance and Industrial Relations Committee (2894S.06C)	
012904	Reported From S Small Business, Insurance & Industrial Relations Committee to Floor w/SCS	S191
021104	Bill Placed on Informal Calendar	S280
030804	S Inf Calendar S Bills for Perfection w/SCS	

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 S118
 Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2004

SB 0992

SCS SB 992

SENATE SPONSOR Cauthorn

3156S.03C

SCS/SB 992 - This act changes the definition of containers approved for transporting anhydrous ammonia.

SUSAN HENDERSON

010604 Prefiled
 010704 S First Read S22
 012604 Second Read and Referred S Agriculture, Conservation, S157
 Parks and Natural Resources Committee
 020504 Hearing Conducted S Agriculture, Conservation, Parks
 and Natural Resources Committee
 021904 SCS Voted Do Pass S Agriculture, Conservation, Parks
 and Natural Resources Committee-Consent (3156S.03C)
 022304 Reported From S Agriculture, Conservation, Parks & S355
 Natural Resources Committee to Floor w/SCS - Consent
 030804 S Consent Calendar w/SCS (2/23)

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 Conducted 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 & S118
Criminal Jurisprudence Committee

022404 Hearing Conducted S Judiciary and Civil and Criminal
Jurisprudence Committee

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 S119
Committee

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 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

010604	Prefiled	
010704	S First Read	S22
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
 020304 Hearing Cancelled S Ways & Means Committee
 021004 Hearing Conducted S Ways & Means Committee

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 S119

Committee
030204 Hearing Conducted S Commerce & the Environment
Committee-Consent

EFFECTIVE : August 28, 2004

SB 1000

SS SB 1000

SENATE SPONSOR Bartle

3639S.10P

SS/SB 1000 - 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 Department of Corrections, the Division of Probation and Parole, an authorized designee, or a contracted third party shall collect DNA samples from those offenders who are under the jurisdiction of the Department. The county jail, an authorized designee, or a contracted third party is responsible for the collection of DNA samples from those in county jail.

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, 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.

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.

The act creates a thirty dollar surcharge to be assessed in each circuit court proceeding filed within the state in a criminal case in which the defendant pleads guilty or nolo contendere to or is convicted of a felony. A fifteen dollar

surcharge shall be assessed as a cost in criminal cases in which the individual pleads or is convicted of a misdemeanor. A fifty cent surcharge shall be assessed as a cost in a criminal case in which the individual pleads or is convicted of a traffic-related offense in circuit court. The act creates the "DNA Profiling Analysis Fund" which the money from the surcharges will be deposited into. No money from the general revenue fund will be appropriated for DNA profiling analysis.

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. The Highway Patrol must notify the individual of the expungement of his or her or the reason for not expunging the DNA sample and profile within thirty days after receiving a court order. 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.

The act provides that individuals released from incarceration because of exoneration resulting from DNA profiling analysis shall receive restitution from the state in an amount equal to the U.S. Department of Health and Human Services federal poverty guidelines for each year of incarceration.

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
020404	SS S offered (Bartle)	(3639S.10F) S230
020404	SA 1 to SS S offered & adopted (Bartle)	S230-231

020404 SA 2 to SS S offered & adopted (Quick)	S231
020404 Bill Placed on Informal Calendar	S231
020504 SA 3 to SS S offered & adopted (Bray)	S242-243
020504 SA 4 to SS S offered & adopted (Dougherty)	S243
020504 SS, as amended, S adopted	S243
020504 Perfected	S243
020904 Reported Truly Perfected S Rules Committee to Floor	S255
020904 Referred S Governmental Accountability & Fiscal Oversight Committee	S262
021604 Hearing Conducted S Governmental Accountability and Fiscal Oversight Committee	
021604 Voted Do Pass S Governmental Accountability and Fiscal Oversight Committee	
021604 Reported From S Governmental Accountability & Fiscal Oversight Committee to Floor	S307
021704 S Third Read and Passed	S324
021704 H First Read	H351
021804 H Second Read	H358
022604 Referred H Crime Prevention & Public Safety Committee	H443

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
012604 Second Read and Referred S Aging, Families & Mental S157
Health Committee
030304 Hearing Conducted S Aging, Families & Mental and
Public Health Committee

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 fo 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.04T

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 Mental Health shall bill the Department of Social Services 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
012604	H Second Read	H138
020204	Referred H Health Care Policy Committee	H196
021104	Hearing Conducted H Health Care Policy Committee	
021804	Voted Do Pass H Health Care Policy Committee	
021904	Reported Do Pass H Health Care Policy Committee	H378
022404	H Third Read and Passed	H405-406
022404	Truly Agreed To and Finally Passed	S369
022504	Reported Duly Enrolled S Rules Committee	S376
022504	Signed by Senate President	S376
022604	Signed by House Speaker	H434
022604	Delivered to Governor	S386

EFFECTIVE : August 28, 2004

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 & S130
 Public Health Committee

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 S130
 Committee
 020304 Hearing Scheduled But Not Heard S Commerce and the
 Environment Committee
 020404 Hearing Conducted S Commerce and the Environment
 Committee

EFFECTIVE : August 28, 2004

SB 1006

SCS SB 1006

SENATE SPONSOR Goode

3653S.02P

SCS/SB 1006 - This act designates a portion of Missouri Route 364 in St. Louis County as the "Buzz Westfall Memorial Highway". The highway shall not include any portion of the Veterans Memorial Bridge.

STEPHEN WITTE

010704 S First Read S24
 012004 Second Read and Referred S Transportation Committee S130
 012704 Hearing Conducted S Transportation Committee
 012904 SCS Voted Do Pass S Transportation Committee -
 Consent (3653S.02C)
 020204 Reported From S Transportation Committee to S203
 Floor w/SCS - Consent
 020904 SCS S adopted S259
 020904 S Third Read and Passed - Consent S259
 021004 H First Read H283

021104 H Second Read H291
021204 Referred H Transportation Committee H321

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 S130
Organization, Veterans' Affairs & Elections Committee
021604 Hearing Conducted S Financial & Governmental Org.,
Veterans' Affairs & Elections Committee-Consent
021704 Voted Do Pass S Financial & Governmental Org.,
Veterans' Affairs & Elections Committee-Consent
022304 Reported From S Financial & Governmental Org., Vet. S355
Affairs & Elections Committee to Floor - Consent
030804 S Consent Calendar (2/23)

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 S130
Committee
030204 Hearing Conducted S Commerce & the Environment
Committee-Consent

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
012604	Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee	S157-158
030104	Hearing Conducted S Financial & Governmental Org., Veterans' Affairs & Elections Committee	

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.01P

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
012604	Second Read and Referred S Economic Development, Tourism and Local Government Committee	S158
020404	Hearing Conducted S Economic Development, Tourism and Local Government Committee	
020404	Voted Do Pass S Economic Development, Tourism and	

Local Government Committee-Consent		
020904	Reported From S Economic Development, Tourism & Local Government Committee to Floor - Consent	S253
021804	S Third Read and Passed - Consent	S338
022304	H First Read	H391
022404	H Second Read	H399
022604	Referred H Tax Policy Committee	H443

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
012604	Second Read and Referred S Aging, Families, Mental & Public Health Committee	S158
021104	Hearing Conducted S Aging, Families, Mental and Public Health Committee	

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 Recessed S Financial & Governmental Org.,
 Veterans' Affairs & Elections Committee
 020204 Hearing Conducted S Financial & Governmental Org.,
 Veterans' Affairs & Elections Committee
 021704 Voted Do Pass 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 Conducted 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
021604 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee	
030204 Voted Do Pass S Judiciary and Civil & Criminal Jurisprudence Committee	

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
012604 Second Read and Referred S Judiciary and Civil & S158
Criminal Jurisprudence Committee
021604 Hearing Conducted S Judiciary and Civil & Criminal
Jurisprudence Committee

EFFECTIVE : August 28, 2004

SB 1020

SCS SBs 1020, 889 & 869

SENATE SPONSOR Steelman

2728S.05C

SCS/SBs 1020, 889 & 869 - This act revises various provisions relating to public records. The Curators of the University of Missouri and any bi-state development agency 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. Final audit reports issued by auditors of a

public body must be open. Operational guidelines and policies of certain public health and safety entities used to respond to terrorist threats may be closed. Such records must be reviewed by the receiving agency within 90 days of submission to see if retention of the document is necessary to further a state security interest. Agencies seeking to close such records must make certain written statements about the need to not release such records. Records voluntarily submitted by a non-public entity owning or operating an infrastructure to a public governmental body for use by the body to devise plans for the protection of the infrastructure may be closed. 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 modifies the allowable copying charges for public records. Fees cannot exceed 10 cents per page and the hourly fee for search time cannot exceed the average hourly rate of pay for the clerical staff of the public body. The first half-hour of time must be provided without charge. The fee for access to public records on a computer shall include the cost of the disk used for duplication and staff time, which shall not exceed the average hourly rate of pay for clerical staff of the body. 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 or purposeful violation of the Sunshine Law. If such public entity or member commits a grossly negligent violation of the Law, the fine shall range from \$25 to \$1,000 and the court may award costs and attorney fees. If such public entity purposely violates the Law, the fine shall range from \$1,000 to \$5,000 and the court shall award costs and attorney fees. In all cases, the court shall have discretion in the amount of the fine based on the size of the jurisdiction, the seriousness of the offense, and whether the entity or member has previously violated the Law.

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

012704 Hearing Conducted S Commerce & the Environment
Committee

020504 SCS Voted Do Pass w/SCS SBs 1020, 889 & 869 S
Commerce & the Environment Committee (2728S.05C)

020504 Reported From S Commerce & the Environment Committee S239
to Floor w/SCS

021104 Bill Placed on Informal Calendar S281

022304 SA 1 to SCS S offered & adopted (Griesheimer) S357-358

022304 SA 2 to SCS S offered (Mathewson) S358

022304 SSA 1 for SA 2 to SCS S offered (Steelman) S358

022304 Bill Placed on Informal Calendar S358

030804 S Inf Calendar S Bills for Perfection

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

012604 Second Read and Referred S Education Committee S158

020304 Hearing Cancelled S Education Committee

021004 Hearing Conducted S Education Committee

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
012604 Second Read and Referred S Pensions & General Laws Committee	S158
020304 Hearing Cancelled S Pensions & General Laws Committee	
021004 Hearing Conducted S Pensions & General Laws Committee	

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
020204 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee	

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
012604	Second Read and Referred S Economic Development, Tourism and Local Government Committee	S158
020404	Hearing Conducted S Economic Development, Tourism and Local Government Committee	

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
020304	Hearing Scheduled But Not Heard S Commerce and the Environment Committee	
020404	Hearing Scheduled But Not Heard S Commerce & the Environment Committee	
021004	Hearing Conducted S Commerce and the Environment Committee	

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
012604 Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee	S158

EFFECTIVE : August 28, 2004

SB 1027

SCS SBs 1027 & 896

SENATE SPONSOR Cauthorn

3585S.06C

SCS/SBs 1027 & 896 - The act shall be 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 such requirements.

The Department of Insurance administers and enforces this act and the Director of the Department sets the amount of fees required.

New bail bond agents and general bail bond agents must have at least 16 hours of initial basic training and at least eight hours of biennial continuing education. The Department will set the amount of fees to be paid for the training, which cannot exceed \$200 for the initial basic training and \$150 for the continuing education. After completing the training, the Director will issue a two-year license for a fee of no more than \$150.

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. Those currently employed in such positions are not required to meet these educational requirements.

In addition, applicants for general bail bond agent licenses must furnish proof that the applicant completed two years as a bail bond agent and possess 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 if he or she makes such a request in writing. 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.

All licenses issued to bail bond agents and general bail bond agents shall be renewed biennially.

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. 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.

Any bail bond agent licensed in the state shall have access to all publicly available court records of the defendant to make an assessment of the defendant's probability of attending all court dates. The act has provisions which provide for defendants and bail bond agents having access to

each other and the conditions associated with such access.

The act allows the Director of the Department of Insurance to examine and inquire into all alleged violations of bail bond law of this state, complaints filed with the department, 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. Licenses for surety recovery agents are valid for two years and the fees for the license cannot exceed \$150.

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 sixteen hours of initial basic training is required along with eight hours of biennial 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 bail bond agent, general bail bond agent, or 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 180 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 two years 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
012604	Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee	S158
020904	Hearing Conducted S Financial & Governmental Org., Veterans' Affairs & Elections Committee	
030204	SCS Voted Do Pass w/SCS SBs 1027 & 896 S Financial & Gov. Org., Vets' Affairs & Elections Com. (3585S.06C)	
030404	Reported From S Financial & Governmental Org., Vet. Affairs & Elections Committee to Floor w/SCS	
030804	002 S Calendar S Bills for Perfection w/SCS	

EFFECTIVE : August 28, 2004

SB 1028

SENATE SPONSOR Cauthorn

3707S.01P

SB 1028 - This act makes various changes regarding procurement. The act:

(1) 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;

(2) Modifies the recycling preference law to remove provisions that have expired; and

(3) 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 Conducted S Governmental Accountability & Fiscal Oversight Committee-Consent	
020204	Voted Do Pass S Governmental Accountability & Fiscal Oversight Committee-Consent	
020204	Reported From S Governmental Accountability & Fiscal Oversight Committee to Floor - Consent	S207
020904	S Third Read and Passed - Consent	S261-262
021004	H First Read	H283
021104	H Second Read	H291
021204	Referred H Budget Committee	H321

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 S130
 Organization, Veterans' Affairs & Elections Committee

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
 012604 Second Read and Referred S Aging, Families, Mental & Public Health Committee S158
 021104 Hearing Conducted S Aging, Families, Mental & Public Health Committee

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
012604 Second Read and Referred S Transportation Committee S158

EFFECTIVE : August 28, 2004

SB 1032

SCS SB 1032

SENATE SPONSOR Bray

3834S.01I

SCS/SB 1032 - This act deletes the provisions of the "academically deficient schools" statute and alter 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 and based upon certain factors specified within the act. 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 Conducted S Education Committee	
020504 SCS Voted Do Pass S Education Committee (3834S.02C)	

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
012604 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S158
021604 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee	
030204 Voted Do Pass S Judiciary and Civil & Criminal Jurisprudence Committee-Consent	

EFFECTIVE : August 28, 2004

SB 1034

SCS SB 1034

SENATE SPONSOR Childers

3711S.03I

SCS/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 or letter of credit amount by rule. Until the Attorney General's Office promulgates a rule, the amount of the bond is \$50,000. 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. Notice to rescind does not need to take special form and is effective upon mailing

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
012604 Second Read and Referred S Economic Development, Tourism and Local Government Committee	S158
020404 Hearing Conducted S Economic Development, Tourism and Local Government Committee	
030304 SCS Voted Do Pass S Economic Development, Tourism and Local Government Committee 3711S.05C	

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
012604 Second Read and Referred S Small Business, Insurance and Industrial Relations Committee S158
030304 Hearing Scheduled But Not Heard S Small Business, Insurance & Industrial Relations Committee
031004 Hearing Scheduled S Small Business, Insurance and Industrial Relations Committee

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
012604 Second Read and Referred S Small Business, Insurance and Industrial Relations Committee S158
030304 Hearing Scheduled But Not Heard S Small Business, Insurance & Industrial Relations Committee
031004 Hearing Scheduled S Small Business, Insurance and Industrial Relations Committee

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 S130
Committee
021704 Hearing Conducted S Commerce & the Environment
Committee-Consent

EFFECTIVE : August 28, 2003

SB 1038

SCS SB 1038

SENATE SPONSOR Yeckel

3568S.05P

SCS/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 Savings Program Board. The Board is required to meet at least quarterly. The act adds an additional member to the Board who shall be a private member with experience in banking or deposit rate determination and placement of depository certificates of deposit (166.415).

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. The board shall allow participants to contribute in minimum increments of \$50.

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 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 deliver to the person making satisfaction a sufficient deed of release within 45 days shall forfeit to the mortgagor 10% of the amount of the security instrument. Currently, the time for making such delivery is 15 days. If a document is rejected for recording, the secured party shall 60 days to resubmit the document (Section 443.130).

JIM ERTL

011204	S First Read	S88
012004	Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee	S130
012604	Hearing Conducted S Financial & Governmental Org., Veterans' Affairs & Elections Committee	
020304	SCS Voted Do Pass S Financial & Governmental Org., Veterans Affairs & Elections Committee (3568S.05C)	
021204	Reported From S Financial & Governmental Org., Veterans' Affairs & Elections Com. to Floor w/SCS	S288
021804	SA 1 to SCS S offered & adopted (Yeckel)	S333
021804	SA 2 to SCS S offered (Jacob)	S333
021804	Bill Placed on Informal Calendar	S333
021904	SA 2 to SCS S withdrawn	S345
021904	SA 3 to SCS S offered & adopted (Jacob)	S345
021904	SA 4 to SCS S offered & adopted (Jacob)	S345
021904	SA 5 to SCS S offered & withdrawn (Days)	S345
021904	SA 6 to SCS S offered & adopted (Days)	S345-348
021904	SCS, as amended, S adopted	S348
021904	Perfected	S348
022404	Reported Truly Perfected S Rules Committee	S365
022404	Referred S Governmental Accountability & Fiscal Oversight Committee	S368
022604	Hearing Conducted S Governmental Accountability and Fiscal Oversight Committee	
022604	Voted Do Pass S Governmental Accountability and Fiscal Oversight Committee	
022604	Reported From S Governmental Accountability & Fiscal Oversight to Floor	S387
030104	S Third Read and Passed	S499-500
030204	H First Read	H469

030304 H Second Read
030404 Referred H Financial Services Committee

EFFECTIVE : August 28, 2004

SB 1039

SENATE SPONSOR Yeckel

2993S.04I

SCS/SB 1039 - This act regulates the licensing of naturopaths.

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 naturopaths. 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 naturopath 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 naturopaths who do not satisfy certain education requirements, provided such naturopaths 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 naturopath must meet the Board's minimum requirements for

continuing education in order to renew a certificate of registration (Section 334.1077). Every licensed naturopath 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 ERTL

011204	S First Read	S88
012004	Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee	S130
012604	Hearing Conducted S Financial & Governmental Org., Veterans' Affairs & Elections Committee	
022504	SCS Voted Do Pass S Financial & Governmental Org., Veterans' Affairs & Elections Committee (2993S.05C)	

EFFECTIVE : August 28, 2004

SB 1040

SCS SB 1040

SENATE SPONSOR Griesheimer

3853S.05P

SCS/SB 1040 - This act creates a joint committee appointed by the Speaker of the House and President Pro Tem of the Senate to examine the present hazardous waste fee structure and ultimately make a recommendation to the Governor and the General Assembly regarding how to more fairly apportion the cost of services provided among those that benefit from the services by December 31, 2004.

This act allows Missouri's treatment storage and disposal facilities receiving hazardous waste from out-of-state generators to submit registration describing type and quantity of hazardous waste received from out-of-state generators and fee information to DNR. The act allows out-of-state hazardous waste generators to avoid the registration requirement in Section 260.380.1(1) and (8) if they have complied with the previously mentioned registrations under Section 260.375(11).

This act extends the hazardous waste fee until June 30, 2006, except that the Department shall collect this fee for any hazardous waste generated prior to such date.

HENRY HERSCHEL

011204 S First Read S88
 012004 Second Read and Referred S Commerce & the Environment S130
 Committee
 021704 Hearing Conducted S Commerce and the Environment
 Committee
 022404 SCS Voted Do Pass S Commerce and the Environment
 Committee (3853S.05C)
 030104 Reported From S Commerce & the Environment Committee S504
 to Floor w/SCS
 030304 SCS S adopted S529
 030304 Perfected S529
 030404 Reported Truly Perfected S Rules Committee
 030404 Referred S Governmental Accountability & Fiscal
 Oversight Committee
 030804 Hearing Scheduled S Governmental Accountability and
 Fiscal Oversight Committee
 030804 003 S Calendar S Bills for Third Reading (In Fiscal)

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
 012604 Second Read and Referred S Economic Development, S158
 Tourism and Local Government Committee

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
012604 Second Read and Referred S Commerce & the Environment S158
Committee

EFFECTIVE : August 28, 2004

SB 1043

SENATE SPONSOR Gross

3802S.01I

011204 S First Read S89
012004 Second Read and Referred S Transportation Committee S130
021704 Hearing Conducted S Transportation Committee
030404 Bill Combined w/SCS SBs 1233, 840 & 1043

EFFECTIVE : August 28, 2004

SB 1044

SCS SB 1044

SENATE SPONSOR Shields

3847S.04C

SCS/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
012604 Second Read and Referred S Financial & Governmental S158
Organization, Veterans' Affairs & Elections Committee
021604 Hearing Conducted S Financial & Governmental Org.,
Veterans' Affairs & Elections Committee-Consent
021704 SCS Voted Do Pass S Financial & Governmental Org.,
Vets' Affairs & Elections Comm.-Consent (3847S.04C)

022304 Reported From S Financial & Governmental Org., Vet. S355
 Affairs & Elections Committee to Floor w/SCS -Consent
 030804 S Consent Calendar w/SCS (2/23)

EFFECTIVE : August 28, 2004

SB 1045

SCS SB 1045

SENATE SPONSOR Kinder

3739S.02P

SCS/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
 012604 Second Read and Referred S Pensions & General Laws S158
 Committee
 021004 Hearing Conducted S Pensions & General Laws Committee
 022404 Voted Do Pass S Pensions & General Laws Committee
 022404 Committee Vote Reconsidered S Pensions & General
 Laws Committee
 022404 SCS Voted Do Pass S Pensions & General Laws Committee
 (3739S.02C)
 022604 Reported From S Pensions & General Laws Committee to S387
 Floor w/SCS
 030304 SCS S adopted S522
 030304 Perfected S522
 030304 Reported Truly Perfected S Rules Committee S523
 030404 S Third Read and Passed
 030404 H First Read

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
012604 Second Read and Referred S Aging, Families, Mental & S158
Public Health Committee
021804 Hearing Conducted S Aging, Families, Mental & Public
Health Committee
030304 Voted Do Pass S Aging, Families, Mental & Public
Health Committee - Consent

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
012604 Second Read and Referred S Financial & Governmental S158
Organization, Veterans' Affairs & Elections Committee
021604 Hearing Conducted S Financial & Governmental Org.,
Veterans' Affairs & Elections Committee-Consent
021704 Voted Do Pass S Financial & Governmental Org.,
Veterans' Affairs & Elections Committee-Consent
022304 Reported From S Financial & Governmental Org., Vet. S355
Affairs & Elections Committee to Floor - Consent
030804 S Consent Calendar (2/23)

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
012604 Second Read and Referred S Aging, Families, Mental & S158
Public Health Committee

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
012604 Second Read and Referred S Small Business, Insurance S158
and Industrial Relations Committee

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.01P

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 Conducted S Education Committee	
020504 Voted Do Pass S Education Committee	
020904 Reported From S Education Committee to Floor-Consent	S254
022504 S Third Read and Passed - Consent	S380
022604 H First Read	H446
030104 H Second Read	
030404 Referred H 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
022404 Hearing Conducted S Education Committee	

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 Conducted 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 member's 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
012604 Second Read and Referred S Pensions & General Laws
Committee S158
020304 Hearing Cancelled S Pensions & General Laws Committee
021004 Hearing Conducted S Pensions & General Laws
Committee-Consent
022404 Voted Do Pass S Pensions & General Laws
Committee - Consent
030104 Reported From S Pensions & General Laws Committee to
Floor - Consent S498
030804 S Consent Calendar (3/1)

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
020304 Hearing Cancelled S Ways & Means Committee	
021004 Hearing Conducted S Ways & Means Committee	

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
012604 Second Read and Referred S Education Committee	S158

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
021704 Hearing Conducted S Ways & Means Committee	

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
012604 Second Read and Referred S Ways & Means Committee	
012704 Hearing Conducted S Ways & Means Committee	S158

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
012604 Second Read and Referred S Education Committee	S158
020304 Hearing Cancelled S Education Committee	
021004 Hearing Conducted S Education Committee	

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
012604 Second Read and Referred S Pensions & General Laws Committee	S158
020304 Hearing Cancelled S Pensions & General Laws Committee	
021004 Hearing Conducted S Pensions & General Laws Committee	

EFFECTIVE : Emergency Clause

SB 1062

SCS SB 1062

SENATE SPONSOR Griesheimer

3892S.02P

SCS/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 valid for a maximum of fifty days and the fee 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.

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
012604 Second Read and Referred S Economic Development, Tourism and Local Government Committee	S158
020404 Hearing Conducted S Economic Development, Tourism and Local Government Committee	
020404 SCS Voted Do Pass S Economic Development, Tourism and Local Government Committee-Consent (3892S.02C)	
020904 Reported From S Economic Development, Tourism & Local Government Committee to Floor w/SCS - Consent	S253
021804 SCS S adopted	S338
021804 S Third Read and Passed - Consent	S338-339
022304 H First Read	H391
022404 H Second Read	
030404 Referred H Local Government Committee	

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
012604 Second Read and Referred S Transportation Committee	S158

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
012604	Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S158
021604	Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee	
022404	Voted Do Pass S Judiciary and Civil and Criminal Jurisprudence Committee-Consent	
030104	Reported From S Judiciary & Civil & Criminal Jurisprudence Committee to Floor - Consent	S497
030804	S Consent Calendar (3/1)	

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
021704	Hearing Conducted S Commerce and the Environment Committee-Consent	

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 ERTL

011404 S First Read	S107
012604 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S158
022404 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee	

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 S130
and Industrial Relations Committee

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 S130
Committee
020304 Hearing Scheduled S But Not Heard Commerce and the
Environment Committee
020404 Hearing Conducted S Commerce and the Environment
Committee

EFFECTIVE : August 28, 2004

SB 1069

SCS SB 1069, 1068, 1025, 1005 & 1089

SENATE SPONSOR Gross

3961S.07C

SCS/SBs 1069, 1068, 1025, 1005, & 1089 - This act makes numerous changes to telecommunications law.

SECTION 386.020 (SB 1069) - Pertaining to competitive classification. This act modifies the definition of "effective competition". It is still to be decided by the Public Service Commission (PSC) but added language clarifies that wireless carriers shall be included in the instances where competition is being decided. Changes have been made to the definition of

"competitive classification" here, namely the reference to wireless services - I have removed the federal references and inserted in lieu thereof language narrowing the focus to wireless two-way communications; I have made this change wherever the federal reference to "commercial mobile service provider" was made . The qualification that currently allows the PSC to consider any factors deemed relevant and necessary to the Commission's decision has been eliminated with this provision.

SECTION 392.200 (SB 1025 & 1089) - Pertaining to customer specific pricing and special promotions. This act authorizes customer specific pricing on an equal basis for incumbent and alternate local exchange companies in certain circumstances. Included therein, and new to this act, are retail services, DS-1 or higher, and ISDN PRI services offered to retail end user business customers classified as competitive pursuant to subsection 5 of Section 392.245, RSMo.

This act authorizes every telecommunication company to offer discounted rates or other special promotions on any of its services to any existing, new and/or former customers.

SECTION 392.220 (SB 1069) - Pertaining to rate rebalancing. Modifies the current law that states that the Public Service Commission has 30 days to approve and/or suspend tariff applications by telecommunication companies. Tariffs are prices set for services offered. This act changes that time frame to 20 days to reflect electronic automation of the tariff application process.

SECTION 392.245 (SB 1069 & SB 1005) - Pertaining to rate rebalancing. This act adds language clarifying that a small incumbent local exchange company may elect to be regulated by the PSC if two or more wireless providers are providing services in any part of the small incumbent company's service area.

This act expands the current law regarding rate rebalancing for two more years - as it stands, eligible telecommunications companies have 4 years to undergo rate rebalancing, this act changes that time frame to 6 years.

Pertaining to price cap regulations, 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.

Pertaining to competitive classification, this act clarifies that telecommunications service shall be classified as competitive in an exchange in which at least one non-affiliated local company has been certified to provide service in that exchange and is currently providing the service, one non-affiliated wireless carrier is licensed by the FCC to provide

service in that exchange and is currently providing the service, any incumbent local exchange company classified as competitive under this section is offering service, and other factors are met pursuant to the definition of "effective competition" established in subdivision 13 of Section 386.020. Telecommunication carriers offering pre-paid service shall not be considered companies providing telecommunications service under this act. This act maintains and adds to the current provision that allows the PSC to go into an exchange any time, but no less than every five years, after an incumbent local exchange carrier's services have been determined competitive to reevaluate that exchange.

SECTION 392.351 (SB 1068) - Pertaining to calling party information. This act directs any provider of a telecommunications service that originates or forwards any intrastate, interexchange message over the public switched telecommunication network, to transmit the jurisdictionally appropriate telephone number of the party initiating the message. Wireless providers shall be considered providers of telecommunication services under this section.

MEGAN CRAIN

011404	S First Read	S107
012004	Second Read and Referred S Commerce & the Environment Committee	S130
020304	Hearing Conducted S Commerce and the Environment Committee	
030104	SCS Voted Do Pass S Commerce and the Environment Committee (3961S.07C)	
030404	Reported From S Commerce & the Environment Committee to Floor w/SCS	
030804	004 S Calendar S Bills for Perfection w/SCS	

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
012604 Second Read and Referred S Pensions & General Laws Committee	S158
020304 Hearing Cancelled S Pensions & General Laws Committee	
021004 Hearing Conducted S Pensions & General Laws Committee	

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
012604 Second Read and Referred S Aging, Families, Mental & Public Health Committee	S158

022504 Hearing Conducted S Aging, Families, Mental and
Public Health Committee

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
012604 Second Read and Referred S Education Committee	S158
021004 Hearing Conducted S Education Committee	

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
012604 Second Read and Referred S Education Committee	S158
030204 Hearing Conducted S Education Committee	

EFFECTIVE : August 28, 2004

SB 1074

SENATE SPONSOR Coleman

3973S.01I

SCS/SB 1074 - This act requires apprentice barbers to be registered 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 license as a barber and complete an eight-hour apprentice supervision instruction course. An apprentice must complete at least 2,000 hours under the direct supervision of a certified barber apprentice supervisor in order to be licensed 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
012604 Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee	S158
030104 Hearing Conducted S Financial & Governmental Org., Veterans' Affairs & Elections Committee	
030204 SCS Voted Do Pass S Financial & Governmental Org., Vets' Affairs & Elections Comm.-Consent (3973S.02C)	

EFFECTIVE : August 28, 2004

SB 1075

SCS SB 1075

SENATE SPONSOR Coleman

3991S.02P

SCS/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
012604 Second Read and Referred S Economic Development, Tourism and Local Government Committee	S158
020404 Hearing Conducted S Economic Development, Tourism and Local Government Committee	
020404 SCS Voted Do Pass S Economic Development, Tourism and Local Government Committee-Consent (3991S.02C)	
020904 Reported From S Economic Development, Tourism & Local Government Committee to Floor w/SCS - Consent	S253
022504 SCS S adopted	S378-379
022504 S Third Read and Passed - Consent	S379
022604 H First Read	H446
030104 H Second Read	
030404 Referred H Local Government Committee	

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
012604 Second Read and Referred S Judiciary and Civil &	

Criminal Jurisprudence Committee S158
 020204 Hearing Conducted S Judiciary and Civil & Criminal
 Jurisprudence Committee
 020904 Voted Do Pass S Judiciary and Civil & Criminal
 Jurisprudence Committee

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
 012604 Second Read and Referred S Small Business, Insurance S158
 and Industrial Relations Committee

EFFECTIVE : August 28, 2004

SB 1078

SCS SB 1078

SENATE SPONSOR Loudon

3791S.03C

SCS/SB 1078 - This act modifies the law so that the criteria used for issuing extraordinary dividends for life insurance companies is applied to property and casualty insurance companies. The act also defines net income as excluding net realized capital gains to the extent that realized capital gains exceed realized capital losses.

STEPHEN WITTE

011504 S First Read S114
 012604 Second Read and Referred S Small Business, Insurance S158
 and Industrial Relations Committee
 021104 Hearing Conducted S Small Business, Insurance and
 Industrial Relations Committee-Consent
 021804 SCS Voted Do Pass S Small Business, Insurance and
 Industrial Relations Committee-Consent (3791S.03C)
 022304 Reported From S Small Business, Insurance & Ind. S356
 Relations Committee to Floor w/SCS - Consent
 030804 S Consent Calendar w/SCS (2/23)

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
012604 Second Read and Referred S Ways & Means Committee	S158

SB 1080

SENATE SPONSOR Nodler

3588S.03P

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 existing federal standards, including the institution of yearly examination of students in the required subject areas where compelled by existing federal regulations.

Further, the 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 and based upon certain factors specified within the act. 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 establishes 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

011504 S First Read	S114
012004 Second Read and Referred S Education Committee	S130
012704 Hearing Conducted S Education Committee	
020504 Voted Do Pass S Education Committee	
020504 Reported From S Education Committee to Floor	S240
021104 Bill Placed on Informal Calendar	S281
021604 SA 1 S offered & Ruled out of order (Days)	S308
021604 SA 2 S offered (Bray)	S308-316
021604 SA 1 to SA 2 S offered & adopted (Childers)	S316-317
021604 SA 2, as amended, S adopted	S317
021604 SA 3 S offered & Ruled out of order (Dougherty)	S317-319
021604 SA 4 S offered (Jacob)	S319
021604 Bill Placed on Informal Calendar	S319
021704 SA 4 S withdrawn	S325
021704 SA 5 S offered & adopted (Jacob)	S325
021704 Perfected, as amended	S325
021804 Reported Truly Perfected S Rules Committee	S333
022404 S Third Read and Passed	S366
022404 H First Read	H411-412
022504 H Second Read	H420
022604 Referred H Education Committee	H443

EFFECTIVE : August 28, 2004

SB 1081

SCS SB 1081

SENATE SPONSOR Kinder

3591S.05C

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
012604	Second Read and Referred S Pensions & General Laws Committee	S158
021004	Hearing Scheduled, Not Heard S Pensions & General Laws Committee	
021704	Hearing Conducted S Pensions & General Laws Comm.	
030204	SCS Voted Do Pass S Pensions & General Laws Committee (3591S.05C)	
030404	Reported From S Pensions & General Laws Committee to Floor w/SCS	
030804	007 S Calendar S Bills for Perfection w/SCS	

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
012604 Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee	S158
020504 Re-referred S Economic Development, Tourism & Local Government Committee	S244
021104 Hearing Conducted S Economic Development, Tourism & Local Government Committee	

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
012604	Second Read and Referred S Aging, Families, Mental & Public Health Committee	S159
030304	Hearing Conducted S Aging, Families, Mental and Public Health Committee - Consent	
030304	Voted Do Pass S Aging, Families, Mental and Public Health Committee - Consent	

SB 1084

SENATE SPONSOR Foster

3761S.01I

SCS/SB 1084 - This act renders alterations to the teacher retirement system.

SECTIONS 168.303 & 169.712 - 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.

These sections are identical to SB 1090.

SECTION 169.596 - Current law allows a person receiving a retirement benefit from the teacher public school retirement system to teach full time for up to two years without losing his or her retirement benefit. This act adds language stating that no such person shall be employed as a superintendent under this section.

Further, current law allows a person receiving a retirement benefit from the non-teacher public school retirement system to be employed full time for up to two years without losing his or her retirement benefit.

This act allows a person receiving a retirement benefit from either the public school teacher retirement system or the non-teacher public school retirement system to, without losing his or her retirement benefit, be employed full time as a non-certified employee for up to two years.

DONALD THALHUBER

011504 S First Read	S114
012004 Second Read and Referred S Pensions & General Laws Committee	S130
012704 Hearing Conducted S Pensions & General Laws Committee	
030204 SCS Voted Do Pass S Pensions & General Laws Committee (3761S.04C)	

EFFECTIVE : August 28, 2004

SB 1085

SCS SBs 1085 & 800

SENATE SPONSOR Foster

3709S.03C

SCS/SBs 1085 & 800 - This act creates a minimum one dollar and maximum two hundred dollar check-off on the Missouri income tax return for individuals or corporations entitled to a refund. The money designated by the check-off will be deposited into one of the following funds created by the act: the American Cancer Society Heartland Division Fund, the ALS Lou Gehrig's Disease Fund, the American Lung Association of Missouri Fund, the Muscular Dystrophy Association Fund, the Arthritis Foundation Fund, the Gateway Area Diabetes Association Fund, or the National Multiple Sclerosis Society Fund. The Director of Revenue is required to establish a method for creating one box on the tax return form and designations for each of the available funds on a separate instruction sheet. The Director shall also establish a method for distributing money in the different fund to the designated organizations. Such organizations receiving moneys from a fund shall only expend such moneys for the support of residents of this state.

The Director of Revenue shall transfer at least monthly all contributions made by individuals and corporations, less one percent of the amount in the fund at the time of the transfer for the cost of collection and handling by the Department of Revenue. The maximum annual amount that can be transferred for collection costs cannot exceed \$100,000. All contributions made under this act shall only be deposited in the appropriate fund after all other claims against the refund have been satisfied.

JIM ERTLE

011504 S First Read	S114
012604 Second Read and Referred S Financial & Governmental	

Organization, Veterans' Affairs & Elections Committee S159
 020204 Hearing Conducted S Financial & Governmental Org.,
 Veterans' Affairs & Elections Committee
 022504 SCS Voted Do Pass (SCS SB 1085/800)S Financial & Gov.
 Org., Vet. Aff. & Elections Comm.-Consent (3709S.03C)
 030104 Reported From S Financial & Gov. Org., Vet. Affairs & S496-497
 Elections Committee to Floor w/SCS - Consent
 030804 S Consent Calendar w/SCS (3/1)

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
 012604 Second Read and Referred S Small Business, Insurance S159
 and Industrial Relations Committee
 021104 Hearing Conducted S Small Business, Insurance and
 Industrial Relations Committee-Consent
 021804 Voted Do Pass S Small Business, Insurance and
 Industrial Relations Committee-Consent
 022304 Reported From S Small Business, Insurance & S356
 Industrial Relations Committee to Floor - Consent
 030804 S Consent Calendar (2/23)

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
012604 Second Read and Referred S Education Committee	S159
020304 Hearing Cancelled S Education Committee	
021004 Hearing Conducted S Education Committee	
021704 Voted Do Pass S Education Committee-Consent	
022304 Reported From S Education Committee to Floor-Consent	S356
030804 S Consent Calendar (2/23)	

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
012604 Second Read and Referred S Transportation Committee	S159
020304 Hearing Conducted S Transportation Committee	

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
020304 Hearing Scheduled But Not Heard S Commerce and the Environment Committee	
020404 Hearing Scheduled But Not Heard S Commerce and the Environment Committee	
021004 Hearing Conducted S Commerce and the Environment Committee	

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
030204 Hearing Conducted S Pensions & General Laws Committee	

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
012604 Second Read and Referred S Education Committee	S159
030904 Hearing Scheduled S Education Committee	

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
012604 Second Read and Referred S Ways & Means Committee	S159
020304 Hearing Cancelled S Ways & Means Committee	
021004 Hearing Conducted S Ways & Means Committee	

EFFECTIVE : August 28, 2004

SB 1093

SCS SB 1093

SENATE SPONSOR Gibbons

3931S.03C

SCS/SB 1093 - This act allows political subdivisions and other 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.

This act allows a bank, trust company, a savings and loan association or savings bank, may act as a custodian and place funds in other financial institutions as long as they are insured by the FDIC.

SUSAN HENDERSON

011504 S First Read S115
012604 Second Read and Referred S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee S159
020204 Hearing Conducted S Financial & Governmental Org.,
Veterans' Affairs & Elections Committee
020304 SCS Voted Do Pass S Financial & Governmental Org.,
Veterans' Affairs & Elections Committee (3931S.03C)
020904 Reported From S Financial & Governmental Org., Vet. S254
Affairs & Elections Committee to Floor w/SCS-Consent
030804 S Consent Calendar w/SCS (2/9)

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 Conducted 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
012904 Second Read and Referred S Small Business, Insurance and Industrial Relations Committee	S196

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 to 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 through 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
012604 Second Read and Referred S Small Business, Insurance and Industrial Relations Committee	S159
022504 Hearing Conducted S Small Business, Insurance and Industrial Relations Committee	

SB 1097

SCS SBs 1097, 1098 & 1104
SENATE SPONSOR Clemens

4129S.01I

SCS/SB 1097 - This act enables the Department of Economic Development to designate new enterprise zones in Douglass County, and the cities of Richland, Crocker, Nixa, and Ozark.

JEFF CRAVER

012004 S First Read	S127
012604 Second Read and Referred S Economic Development, Tourism and Local Government Committee	S159
020404 Hearing Conducted S Economic Development, Tourism and Local Government Committee	
021104 SCS Voted Do Pass w/SCS SBs 1097, 1098 & 1104 S Economic Dev., Tourism & Local Gov. Com. (4129S.03C)	

EFFECTIVE : August 28, 2004

SB 1098

SCS SBs 1097, 1098 & 1104
SENATE SPONSOR Clemens

4058S.01I

012004 S First Read	S127
012604 Second Read and Referred S Economic Development, Tourism and Local Government Committee	S159
020404 Hearing Conducted S Economic Development, Tourism and Local Government Committee	
021104 Bill Combined w/SCS SBs 1097, 1098 & 1104	

EFFECTIVE : August 28, 2004

SB 1099

SS SCS SB 1099
SENATE SPONSOR Gibbons

3665S.08P

SS/SCS/SB 1099 - This act makes various changes to the various Missouri tax credits and enacts the Tax Credit Accountability Act of 2004. The act:

(1) 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. (Section 210.810)

(2) 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. (Sections 135.800 and 135.802)

(3) 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. (Section 135.805)

(4) 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. (Section 135.810)

(5) 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. (Section 135.815)

(6) Requires that all administering agencies implement a system of tracking issuance and redemption of credits. This system should be developed with the cooperation of the Department of Revenue who has already begun implementing a similar system in certain cases. (Section 135.825)

(7) Provides that application information submitted by a taxpayer seeking a tax credit be made subject to the Sunshine Law once the credits have been approved. 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. (Sections 610.255 and 620.014)

(8) Expands the options of the Department of Economic Development when the department engages in an agreement regarding discretionary tax credits. Current law enables such agreements. This act will allow the department to require that specific purposes and goals for the incentive be set forth in each such agreement. Current law also allows for recapture of such discretionary credits where a taxpayer breaches the agreement. This act will expand the recapture to include the additional purposes and goals mentioned above. (Section 620.017).

(9) 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. (Section 620.1300)

(10) Creates an Interagency Development Task Force to summarize and annually report all uncollected revenues and appropriated expenditures at the state and local level. The task force will be comprised of the fiscal officers of the state Departments of Agriculture, Economic Development, Labor and Industrial Relations, Revenue, Natural Resources, and Transportation and convened by the Commissioner of Administration or, if the Commissioner so chooses, the Director of the Division of Budget and Planning or the Office of Administration. (Section 620.1655)

JEFF CRAVER

012004 S First Read	S127
012604 Second Read and Referred S Ways & Means Committee	S159
012704 Hearing Conducted S Ways & Means Committee	
020504 SCS Voted Do Pass S Ways & Means Com. (3665S.07C)	
020504 Reported From S Ways & Means Committee to Floor w/SCS	S240
021104 SA 1 to SCS S offered & adopted (Gibbons)	S281
021104 Bill Placed on Informal Calendar	S281
021704 SS for SCS S offered (Gibbons) (3665S.08F)	S327

021704 SA 1 to SS for SCS S offered (Goode)	S327-328
021704 SSA 1 for SA 1 to SS for SCS S offered & withdrawn (Loudon)	S328
021704 SA 1 to SS for SCS S withdrawn	S328
021704 SA 2 to SS for SCS S offered & adopted (Gibbons)	S328
021704 SA 3 to SS for SCS S offered & withdrawn (Bartle)	S328-329
021704 SS for SCS, as amended, S adopted	S329
021704 Perfected	S329
021804 Reported Truly Perfected S Rules Committee	S339
021804 Referred S Governmental Accountability & Fiscal Oversight Committee	S339
022504 Hearing Conducted S Governmental Accountability and Fiscal Oversight Committee	
022304 Voted Do Pass S Governmental Accountability and Fiscal Oversight Committee	
022304 Reported From S Governmental Accountability and Fiscal Oversight Committee to Floor	S358
022404 S Third Read and Passed	S366-367
022404 H First Read	H412
022504 H Second Read	H420
022604 Referred H Tax Policy Committee	H443
030304 Re-referred H Job Creation & Economic Development Committee	H479

EFFECTIVE : August 28, 2004

SB 1100

SCS SB 1100

SENATE SPONSOR Gibbons

3718S.04P

SCS/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, or in writing upon request. 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
012904 Second Read and Referred S Governmental Accountability & Fiscal Oversight Committee	S196
020904 Hearing Conducted S Governmental Accountability and	

Fiscal Oversight Committee

020904 SCS Voted Do Pass S Governmental Accountability and
Fiscal Oversight Committee-Consent (3718S.04C)

020904 Reported From S Governmental Accountability & Fiscal S254
Oversight Committee to Floor - Consent

022504 SCS S adopted S379

022504 S Third Read and Passed - Consent S379-380

022604 H First Read H446

030104 H Second Read

030404 Referred H Judiciary Committee

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

020404 Second Read and Referred S Education Committee S233

030204 Hearing Conducted S Education Committee

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

020404 Second Read and Referred S Ways & Means Committee S233

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
 020404 Second Read and Referred S Commerce & the Environment S233
 Committee
 022404 Hearing Conducted S Commerce and the Environment
 Committee

EFFECTIVE : August 28, 2004

****SB 1104****

SCS SBs 1097, 1098 & 1104
SENATE SPONSOR Steelman

4132S.01I

012004 S First Read S127
 020404 Second Read and Referred S Economic Development, S233
 Tourism and Local Government Committee
 021104 Hearing Conducted S Economic Development, Tourism
 and Local Government Committee
 021104 Bill Combined w/SCS SBs 1097, 1098 & 1104

EFFECTIVE : August 28, 2004

****SB 1105****

SCS SB 1105
SENATE SPONSOR Shields

4068S.02C

SCS/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 \$1,250 plus \$350 for each dependent, including dependents who are determined to be disabled.

JIM ERTL

012004	S First Read	S127
020904	Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee	S262
022304	Hearing Conducted S Financial & Governmental Org. Veterans' Affairs & Elections Committee	
022504	SCS Voted Do Pass S Financial & Governmental Org., Veterans' Aff. & Elections Comm. - Consent (4068S.02)	
030104	Reported From S Financial & Gov. Org., Vet. Affairs & Elections Committee to Floor w/SCS - Consent	S497
030404	Removed From S Consent Calendar	

EFFECTIVE : August 28, 2004

SB 1106

SCS SB 1106

SENATE SPONSOR Shields

4084S.03P

SCS/SB 1106 - This act conveys the Glore Psychiatric Museum and the personal property of the state within the building to the St. Joseph Museum Inc.

This act has an emergency clause.

SUSAN HENDERSON

012004	S First Read	S130
020404	Second Read and Referred S Economic Development, Tourism and Local Government Committee	S233
021104	Hearing Conducted S Economic Development, Tourism and Local Government Committee-Consent	
021104	SCS Voted Do Pass S Economic Development, Tourism and Local Government Committee-Consent (4084S.03C)	
021604	Reported From S Economic Development, Tourism and Local Government Committee to Floor w/SCS - Consent	S307

030304 SCS S adopted	S525
030304 S Third Read and Passed - EC adopted - Consent	S525-526
030404 H First Read (w/EC)	

EFFECTIVE : Emergency Clause

SB 1107

SENATE SPONSOR Shields

4078S.02P

SB 1107 - This act conveys the Woodson Academy to the St. Joseph School District.

SUSAN HENDERSON

012004 S First Read	S130
020404 Second Read and Referred S Economic Development, Tourism and Local Government Committee	S233
021104 Hearing Conducted S Economic Development, Tourism and Local Government Committee	
021104 Voted Do Pass S Economic Development, Tourism and Local Government Committee - Consent	
021604 Reported From S Economic Development, Tourism & Local Government Committee to Floor - Consent	S307
030304 S Third Read and Passed - Consent	S525
030404 H First Read	

EFFECTIVE : Emergency Clause

SRB 1108

SENATE SPONSOR Bartle

3948L.01P

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
020404 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S233
020904 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee-Consent	
020904 Voted Do Pass S Judiciary and Civil and Criminal Jurisprudence Committee-Consent	
021604 Reported From S Judiciary and Civil & Criminal Jurisprudence Committee to Floor - Consent	S307
030304 S Third Read and Passed - Consent	S527
030404 H First Read	

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
020404 Second Read and Referred S Education Committee	S233

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
012904 Second Read and Referred S Pensions & General Laws Committee	S196
021704 Hearing Conducted S Pensions & General Laws Committee	

EFFECTIVE : August 28, 2004

SB 1111

SCS 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
020404	Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S233
021604	Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee	
022404	Voted Do Pass S Judiciary and Civil and Criminal Jurisprudence Committee-Consent	
030104	Reported From S Judiciary & Civil & Criminal Jurisprudence Committee to Floor - Consent	S497
030804	S Consent Calendar (3/1)	

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
020404	Second Read and Referred S Education Committee	S233
022404	Hearing Conducted S Education Committee	
030204	Voted Do Pass S Education Committee-Consent	

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
020404	Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee	S233
030804	Hearing Scheduled S Financial & Governmental Org., Veterans' Affairs & Elections Committee	

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
020904	Second Read and Referred S Economic Development, Tourism and Local Government Committee	S262
021804	Hearing Conducted S Economic Development, Tourism and Local Government Committee	
021804	Voted Do Pass S Economic Development, Tourism and Local Government Committee-Consent	
022304	Reported From S Economic Development, Tourism & Local Government Committee to Floor - Consent	S357
030804	S Consent Calendar (2/23)	

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
020404	Second Read and Referred S Transportation Committee	S233

EFFECTIVE : August 28, 2004

SB 1116

SCS SB 1116
SENATE SPONSOR Stoll

4079S.01I

SCS/SB 1116 - This act amends Section 407.1104, RSMo,

(telemarketing no-call list) by adding persons who use wireless cell phones.

HENRY HERSCHEL

012104 S First Read S140
020404 Second Read and Referred S Commerce & the Environment S233
Committee
021704 Hearing Conducted S Commerce and the Environment
Committee
022404 SCS Voted Do Pass S Commerce and the Environment
Committee 4079S.03C

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
020404 Second Read and Referred S Judiciary and Civil & S233
Criminal Jurisprudence Committee
030204 Hearing Conducted S Judiciary and Civil & Criminal
Jurisprudence Committee

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
020404 Second Read and Referred S Agriculture, Conservation, S233
Parks & Natural Resources Committee
021204 Hearing Conducted S Agriculture, Conservation, Parks

and Natural Resources Committee

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
020904	Second Read and Referred S Aging, Families, Mental & Public Health Committee	S262
031004	Hearing Scheduled S Aging, Families, Mental & Public Health Committee	

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

030904 Hearing Scheduled S Commerce & the Environment
Committee

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
020904 Second Read and Referred S Economic Development, Tourism and Local Government Committee	S262
021804 Hearing Conducted S Economic Development, Tourism & Local Government Committee	

EFFECTIVE : August 28, 2004

SB 1122

SCS SB 1122

SENATE SPONSOR Shields

4017S.03C

SCS/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. 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. No fee shall be charged for the issuance or renewal of a permit. 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
012904	Second Read and Referred S Aging, Families, Mental & Public Health Committee	S196
020404	Hearing Conducted S Aging, Families, Mental & Public Health Committee	
020504	SCS Voted Do Pass S Aging, Families, Mental & Public Health Committee (4017S.03C)	
022404	Reported From S Aging, Families, Mental & Public Health Committee to Floor w/SCS	S368
030204	SS for SCS S offered (Shields) (4017S.07F)	S513
030204	SA 1 to SS for SCS S offered & withdrawn (Jacob)	S513
030204	SA 2 to SS for SCS S offered & defeated (Jacob)	S513-514
030204	SA 3 to SS for SCS S offered & adopted (Shields)	S514
030204	SA 4 to SS for SCS S offered & adopted (Kennedy)	S514
030204	Bill Placed on Informal Calendar	S514
030804	S Inf Calendar S Bills for Perfection	

EFFECTIVE : August 28, 2004

SB 1123

SENATE SPONSOR Gibbons

3576S.02P

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, shall redetermine the allowable per patient day costs for each facility. Each facility shall receive a rate increase of 1/3 the amount that is underpaid. 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
020204	Second Read and Referred S Aging, Families, Mental & Public Health Committee	S207
020404	Hearing Conducted S Aging, Families, Mental & Public Health Committee	
021104	Voted Do Pass S Aging, Families, Mental & Public Health Committee	
021204	Reported From S Aging, Families, Mental & Public Health Committee to Floor	S288
021804	Bill Placed on Informal Calendar	S337
030304	Perfected	S529
030404	Reported Truly Perfected S Rules Committee	
030404	Referred S Governmental Accountability & Fiscal Oversight Committee	
030804	Hearing Scheduled s Governmental Accountability and Fiscal Oversight Committee	
030804	004 S Calendar S Bills for Third Reading (In Fiscal)	

EFFECTIVE : August 28, 2004

SB 1124

SCS Sb 1124

SENATE SPONSOR Goode

4103S.02I

SCS/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 no more often than 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
020404 Second Read and Referred S Commerce & the Environment Committee	S233
021004 Hearing Conducted S Commerce and the Environment Committee	
022404 SCS Voted Do Pass S Commerce and the Environment Committee 4103S.03C	

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
020404 Second Read and Referred S Commerce & the Environment Committee	S233
021004 Hearing Cancelled S Commerce and the Environment Committee	
021704 Hearing Conducted S Commerce and the Environment Committee	

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

020404 Second Read and Referred S Small Business, Insurance S233
and Industrial Relations Committee

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
020504 Second Read and Referred S Pensions & General Laws S244
Committee

EFFECTIVE : August 28, 2004

SB 1128

SENATE SPONSOR Cauthorn

4173S.01I

SCS/SB 1128 - This act revises the law relating to concentrated animal feeding operations (CAFO's).

Language has been added to the section dealing with local regulations - if local governments wish to impose more restrictive controls regarding AFO's, they shall seek and receive a recommendation from their respective soil and water conservation district board. The recommendation must be received from the board within one hundred eighty days; the inference is that nothing in such recommendation would prohibit a local government from imposing such restrictions on their own.

SECTION 640.703 - This act modifies Chapters 640 and 644, RSMo, by providing new definitions and expanding existing ones dealing with confined animal feeding operations (CAFO).

SECTION 640.710 - 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 upon determining that it is a significant contributor of water pollutants to waters of the state. This act 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. Such recommendation must be received within one hundred eighty days.

SECTION 640.715 - 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.

SECTION 640.725 - 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.

SECTION 640.730 - 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 within one stream mile.

SECTION 640.745 - 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.

SECTION 640.750 - This act directs the Department to conduct quarterly inspections of each class IA CAFO that utilizes a flush system.

SECTION 644.016 - 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
012904	Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee	S196
021204	Hearing Conducted S Agriculture, Conservation, Parks and Natural Resources Committee	
022604	SCS Voted Do Pass S Agriculture, Conservation, Parks and Natural Resources Committee 4173S.05C	

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
 012904 Second Read and Referred S Financial & Governmental S196
 Organization, Veterans' Affairs & Elections Committee

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
 020404 Second Read and Referred S Pensions & General Laws S233
 Committee
 021704 Hearing Conducted S Pensions & General Laws Committee
 022404 Voted Do Pass S Pensions & General Laws Committee
 030104 Reported From S Pensions & General Laws S497
 Committee to Floor - Consent
 030804 S Consent Calendar (3/1)

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
020404 Second Read and Referred S Commerce & the Environment S233
Committee
021004 Hearing Cancelled S Commerce and the Environment
Committee
021704 Hearing Conducted S Commerce and the Environment
Committee

EFFECTIVE : August 28, 2004

SB 1132

SENATE SPONSOR Steelman

3582S.01I

SCS/SB 1132 - Legislation pertaining to predetermination of prudence for infrastructure investments by utilities.

SECTION 386.376 - This act allows the commission to approve programs that would assist low-income residential ratepayers as well as energy efficiency, weatherization, and evaluation components as part of such programs.

Changes made to this section included removing language that would enable only utility companies to offer those programs; as it stands, that option is open to anyone - utility, Public Service Commission (PSC), or consumer. The second change involved removing language that would enable utility companies to include terms for adjusting rates in their proposal to the PSC to ensure no negative financial impact on the company for programs offering assistance.

SECTION 386.390 - This act maintains the twenty-five signature requirement for a rate complaint, however added language clarifies that those signatures shall come from twenty-five residential consumers or five large industrial customers as the term is defined within this section.

This act directs the Commission to decide any overearnings complaints heard within eleven months. A change was made here to remove language that clarified the eleven month time frame from the date all testimony and exhibits are filed with the commission, as it stands, the language directs those complaints to be decided within eleven months period.

This act establishes a refund policy upon a finding that the corporation has overearned - a change from the previous version which qualified that overearning. In cases where the commission has determined that a company has overearned, refunds with interest from the date of the filing of an earnings complaint are due - another change.

SECTION 393.156 - This act allows any electrical corporation

proposing to invest more than ten percent of its net utility plant in any new generation plant may file with the PSC an application requesting a predetermination of prudence on the decision to construct. Any and all other projects - contractual, transportation agreements, etc. - can also be submitted to the PSC for such a determination, however it is at the discretion of the PSC whether or not they will consider such proposals - this is a change from the previous draft where the PSC's discretion came in as to whether or not the PSC would make a determination, this language adds to that discretion in that now, the PSC has the option to consider such proposals. 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 application may include, at the option of the corporation, a request for a certificate of convenience and necessity under Section 393.170 RSMo.

At the time the application is filed, the corporation shall file all evidence supporting its proposed course of action as well as proposed confidentiality agreements and identify all material for which a need for confidentiality is asserted. If any proposed generation facility is not to be located within the state, the corporation shall also submit evidence that the location of the facility or the contract is in the best interest of Missouri ratepayers.

Under this act, the PSC shall establish guidelines for the submission of the application. The commission shall conduct a hearing and issue an order within one hundred and eighty days after the filing of an application. Under this act, the commission may approve the application as proposed by the corporation, on the basis of conditions required to be accepted by the corporation, or may reject the application. 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. Costs shall be included in the company's rates only in accordance with existing law, except as provided in subsection 6 of the section. Nothing in this act alters the PSC's authority to set the rates or to review the prudence of construction management for the company in question.

The order by the PSC approving, modifying, or rejecting the determination of prudence and addressing ratemaking principles will be applied in any future rate case to the investment and costs of the facility or contract and shall be binding for ratemaking purposes in all future proceedings. Ratemaking principles may include but shall not be limited to, estimated service life, depreciation rate for cost of service purposes, and authorized return on equity.

If the Commission fails to issue an order within one hundred

and eighty days, any certificate for convenience and necessity and any ratemaking principles requested by the corporation in the application shall be deemed approved by the Commission and shall be binding for ratemaking purposes in all future proceedings.

Under this act, the corporation shall have two hundred seventy days after the effective date of a prudency order to notify the commission whether it will proceed with the proposed project identified in the application. If the corporation notifies the Commission that it will not proceed with the proposed project, any ratemaking principles included in the order will be of no further force and effect and there shall be no adverse presumption applied to the corporation in any future proceeding before the Commission.

The corporation shall report to the PSC at the times specified in the order or upon the occurrence of any unusual event which may individually, collectively, materially and adversely affect the project for which a certificate has been issued. At the time of such a report, the corporation or the Commission may consider a modification or termination of the project.

In the event that the Commission, after hearing, determines the continuation of the project is no longer prudent or should be modified, the corporation shall be allowed to recover in rates, the amounts already expensed, incurred, or obligated on such project. These costs will be amortized to expenses over a period of years and in a manner to be determined by the commission at the time the application is initially approved or when the order to modify or terminate the project is issued.

No company shall file more than one application covering more than one project 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.

Nothing in this act shall excuse a corporation from complying with its public service obligation to provide safe and adequate service at just and reasonable rates.

MEGAN CRAIN

012204 S First Read	S145
020404 Second Read and Referred S Commerce & the Environment Committee	S233
021004 Hearing Conducted S Commerce and the Environment Committee	
022504 SCS Voted Do Pass S Commerce and Environment Committee	(3582S.08C)

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
020404 Second Read and Referred S Education Committee	S233
022404 Hearing Conducted S Education Committee	
030204 Voted Do Pass S Education Committee-Consent	

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
020904 Second Read and Referred S Education Committee	S262
022404 Hearing Conducted S Education Committee	
030204 Voted Do Pass S Education Committee	

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
020404 Second Read and Referred S Education Committee	S233
022404 Hearing Conducted S Education Committee	

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
020404 Second Read and Referred S Economic Development, Tourism and Local Government Committee	S233
021104 Hearing Cancelled S Economic Development, Tourism and Local Government Committee	

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
020904 Second Read and Referred S Economic Development, Tourism and Local Government Committee	S262
021804 Hearing Conducted S Economic Development, Tourism and Local Government Committee	

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 ERTL

012204	S First Read	S146
020404	Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S233
020904	Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee	
020904	Voted Do Pass S Judiciary and Civil and Criminal Jurisprudence Committee	
021204	Reported From S Judiciary and Civil & Criminal Jurisprudence Committee to Floor	S288
022504	Bill Placed on Informal Calendar	
030804	S Inf Calendar S Bills for Perfection	

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
020904 Second Read and Referred S Financial & Governmental S262
Organization, Veterans' Affairs & Elections Committee

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
020404 Second Read and Referred S Education Committee S233
021704 Hearing Conducted S Education Committee

EFFECTIVE : August 28, 2004

SB 1141

SCS SB 1141

SENATE SPONSOR Loudon

4165S.03C

SCS/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, third or fourth class cities, or any city within St. Charles County.

In levee districts with an assessed valuation of real property of \$25 million and which are located in St. Louis County, the board of supervisors of the district is authorized to construct waterlines and other works deemed necessary.

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
 020504 Second Read and Referred S Pensions & General Laws S244
 Committee
 021704 Hearing Conducted S Pensions & General Laws Committee
 030204 SCS Voted Do Pass S Pensions & General Laws
 Committee (4165S.03C)
 030404 Reported From S Pensions & General Laws Committee to
 Floor w/SCS
 030804 008 S Calendar S Bills for Perfection w/SCS

EFFECTIVE : August 28, 2004

 SB 1142

SCS SB 1142

SENATE SPONSOR Dolan

3966S.01I

SCS/SB 1142 - This act establishes the "Disposition of Fetal Remains Act" and allows the state registrar to issue a "Certificate of Birth Resulting in Stillbirth" for stillborn children.

SECTION 193.255 - The state registrar shall issue a "Certificate of Birth Resulting in Stillbirth" to any applicant having a direct and tangible interest in the record. The information shall be based on information available from the spontaneous fetal death report filed pursuant to Section 193.165, RSMo. The certificate shall include the statement "This is not proof of a live birth". Individuals may file an application for a certificate for any birth that resulted in stillbirth prior to August 28, 2004.

SECTION 194.378 - The mother has a right to determine the final disposition of the fetal remains, regardless of the duration of a pregnancy. The mother may choose any means of final disposition authorized by law or by the Department.

SECTION 194.381 - 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.

SECTION 194.384 - Hospitals and other health care facilities must adopt written standards regarding the final disposition of fetal remains.

SECTION 194.387 - 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

fetal remains. Hospitals and other health care facilities must make counseling available to the mother concerning the death of the fetus.

SECTION 194.390 - The "Disposition of Fetal Remains Act" does not prohibit a woman's ability to obtain a legal abortion.

Portions of this act are identical to SCS/SB 799 (2004).
LORIE TOWE

012204	S First Read	S149
020904	Second Read and Referred S Aging, Families, Mental & Public Health Committee	S262
022504	Hearing Conducted S Aging, Families, Mental and Public Health Committee	
030304	SCS Voted Do Pass S Aging, Families, Mental and Public Health Committee (3966S.03C) - Consent	

EFFECTIVE : August 28, 2004

SB 1143

SENATE SPONSOR Dolan

2836S.01I

SB 1143 - This act creates the crime of motor vehicle theft if a person appropriates a motor vehicle of another with the purpose to deprive him or her of it, without consent or by means of deceit or coercion. Motor vehicle theft is a Class C felony.

This act creates the crime of carjacking when a person obtains unauthorized possession or control of a motor vehicle from another individual in actual possession by intimidation, force or threat of force. Carjacking is a Class B felony.

This act creates the crime of unauthorized use of a vehicle if a person knowingly takes, operates, exercises control over, rides in, or otherwise uses a vehicle without the consent of the owner or has custody of the vehicle pursuant to an agreement with the owner of the vehicle and uses the vehicle in gross deviation from the agreed purpose. Violation of this provision is a Class A misdemeanor.

This act also creates the crime of tampering with a motor vehicle if a person knows that he or she does not have the consent of the owner and takes, operated, or otherwise uses a motor vehicle. The crime of tampering is a Class B misdemeanor. A second violation of this provision is a Class A misdemeanor. Third and subsequent violations are a Class D felony.

This act is identical to SB 584 (2003).
SUSAN HENDERSON

012204 S First Read S149
020504 Second Read and Referred S Transportation Committee S244
021004 Hearing Conducted S Transportation Committee

EFFECTIVE : August 28, 2004

SB 1144

SCS SBs 1144, 919, & 874
SENATE SPONSOR Dolan

4205S.03P

SCS/SBs 1144, 919 & 874 - 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 an 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).

DRIVER'S LICENSE PHOTO EXEMPTION - This act requires applicants for driver's licenses to have their photograph taken unless the applicant qualifies for a religious exemption. No photograph or digital image shall be taken of a person wearing anything that cloaks the facial features of the person. An applicant may receive a driver's license or nondriver's license without a photograph if the applicant's photograph is taken and maintained on file with the Department of Revenue. In order to qualify for the exemption, the applicant must submit a form verifying that the exemption is required as part of their religious affiliation. The applicant must also submit proof that he or she has been a U.S. citizen for a minimum of five years and resident of Missouri for at least one year, except that an applicant possessing a valid driver's license from another state without a photograph shall be exempt from the one year residency requirement. The application for a driver's license without a photograph shall be made at license offices prescribed by the director. The Department of Revenue shall allow an applicant to have their photograph taken by a photographer who is of the same sex of the applicant in a segregated location.

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

012204 S First Read	S149
012604 Second Read and Referred S Transportation Committee	S159
012704 Hearing Conducted S Transportation Committee	
012904 SCS Voted Do Pass w/SCS/SBs 1144, 919, & 874 S Transportation Committee (4205S.03C)	
012904 Reported From S Transportation Comm. to Floor w/SCS	S191
021104 SCS S adopted	S280
021104 Perfected	S280
021204 Reported Truly Perfected S Rules Committee	S289
021704 S Third Read and Passed	S324-325
021704 H First Read	H351
021804 H Second Read	H358
021904 Referred H Transportation & Motor Vehicle Committee	H370
022504 Hearing Conducted H Transportation & Motor Vehicle Committee	
030304 HCS Voted Do Pass H Transportation & Motor Vehicle Committee	

EFFECTIVE : January 1, 2005

SB 1145

SENATE SPONSOR Kennedy

4244S.01I

SB 1145 - This act authorizes cities and counties with a population greater than 25,000 and the City of St. Louis to adopt ordinances authorizing the use of automatic traffic control enforcement systems to catch drivers who run red lights on highways or roads within their jurisdiction. The city or county adopting the ordinance may enter into an agreement with the state highways and transportation commission regarding the use of such a system on a state highway within the boundaries of the city or county. The vehicle owner is presumed to be the violator unless the owner can furnish evidence that the vehicle was stolen at the time of the violation or that the vehicle had not run the red light.

The city of St. Louis must designate the parking commission to be the system administrator of the automated traffic control system. No points shall be assessed for a violation obtained through the use of the automated traffic control system. The maximum fine imposed shall not exceed \$500. The city must give at least 30 days public notice before officially using the system. Signs must indicate the presence of the system and shall be visible to approaching traffic.

This act has a sunset clause.

This act is similar to SB 90 (2003).

STEPHEN WITTE

012604 S First Read	S156
020504 Second Read and Referred S Transportation Committee	S244
021004 Hearing Conducted S Transportation Committee	

EFFECTIVE : August 28, 2004
TERM DATE : August 28, 2009

SB 1146

SENATE SPONSOR Dougherty

4209S.01I

SB 1146 - This act regulates the use of "Traffic Signal Preemption Systems" (TSPS). These devices are used to control traffic signals at intersections. Under the act, these devices may be used by:

- (1) Emergency vehicle operators during an emergency;
- (2) Authorized bus operators to maintain a longer green light; and
- (3) An authorized operator in a traffic signal maintenance vehicle in order to facilitate traffic signal maintenance activities.

An unauthorized person using such a device shall be guilty of a Class B misdemeanor.

STEPHEN WITTE

012604 S First Read	S156
020404 Second Read and Referred S Transportation Committee	S233
021004 Hearing Conducted S Transportation Committee	

EFFECTIVE : August 28, 2004

SB 1147

SENATE SPONSOR Dougherty

4211S.01I

SB 1147 - In addition to those committed for mental disease or defect, this act makes the crime of escape from commitment, for those committed to a state mental hospital as a sexually violent predator, a Class D felony.

SUSAN HENDERSON

012604 S First Read	S156
020404 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S233
030204 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee	

EFFECTIVE : August 28, 2004

SB 1148

SENATE SPONSOR Dougherty

2885S.04I

SB 1148 - This act creates the "Children's Environmental Health and Protection Advisory Council" within the Department of Health and Senior Services. The Council will consist of eighteen members, who will be appointed by February 1, 2005. Meetings must be held at least six times a year or at the call of the chairperson or nine members of the Council. The duties of the Council shall include:

-Holding public hearings to gather information relating to the environmental health and protection of children;

- Analyzing statutes, rules, and regulations;
- Making recommendations on regulations that would minimize any negative impact on children's health;
- Reviewing current policies and proposed regulations pertaining to the exposure of children to environmental hazards;
- Gathering and disseminating information on how to reduce, treat, and eliminate a child's exposure to environmental hazards;
- Creating educational programs for parents, guardians, and caregivers; and
- Preparing an annual report to deliver to the Speaker, Pro Tem, and Governor by February 1st of each year.

Members of the Council will serve without compensation but may be reimbursed for any expenses incurred. The Department of Health will provide administrative support and current staff to the Council as deemed necessary. Subject to appropriations, the Council may employ consultants.

LORIE TOWE

012604 S First Read S156
020404 Second Read and Referred S Aging, Families, Mental & S233
Public Health Committee

EFFECTIVE : August 28, 2004

SB 1149

SENATE SPONSOR Dougherty

4222L.01I

SB 1149 - This act ensures that persons placed on the Child Abuse and Neglect Registry receive sufficient due process before any information concerning the abuse and neglect is disclosed.

Current law allows persons aggrieved by the Division's decision to seek administrative review to the Child Abuse and Neglect Review Board. This act moves the authority to review the Division's determinations to the Administrative Hearing Commission.

LORIE TOWE

012604 S First Read S156
020504 Second Read and Referred S Judiciary and Civil & S244
Criminal Jurisprudence Committee

EFFECTIVE : August 28, 2004

SB 1150

SENATE SPONSOR Goode

4182S.01I

SB 1150 - This act makes various modifications to Missouri taxes. The act:

(1) Decouples Missouri's income tax from the federal income tax code. The act adopts the IRC as it was written January 1, 2004 (Section 143.091);

(2) Reinstates the decoupling from the federal accelerated depreciation and makes it permanent (Section 143.121);

(3) Eliminates the timely filing discount for employers who withhold their employees' income tax (Sections 143.225 & 143.261);

(4) Modifies the way losses and operating expenses are deducted among parties for various types of property, including intellectual property. Minimum standards are established regarding what connections among various corporate entities constitute related parties and affiliated groups for multi-state corporate income tax purposes. Under this provision, the entire profit of a unitary group will be aggregated and then divided among the members of the group. This allocation will be based upon the relative incomes of the members, without regard to intra-group transfers of these certain targeted operating expenses ("Geoffrey" scenario). The effect of this provision will be to eliminate income classified by the courts as "non-Missouri source income" (Sections 143.431 & 143.434);

(5) Eliminates the filing of single factor apportionment for multistate income tax calculations (Sections 143.431, 143.451, 143.461, & 143.471);

(6) Restricts the current definition of "common carrier" for purposes of qualifying for a state and local sales and use tax exemption (Sections 144.010 & 144.030); and

(7) Prohibits retailers from obtaining refunds of sales and use taxes without crediting the original purchasers. In the case of over-collections of less than \$1,000, such over-collections may be refunded without the higher burden of returning the funds to the purchaser. The \$1,000 threshold is an aggregate sum over a five-year period. In the alternative, a retailer, upon submission of an approved plan by the Director of the Department of Revenue, may offer fixed value coupons to customers to satisfy the distribution of the over-collections.

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

012604 S First Read	S156
020404 Second Read and Referred S Ways & Means Committee	S233

EFFECTIVE : September 1, 2004

SB 1151

SENATE SPONSOR Steelman

3727S.01I

SB 1151 - This act requires health carriers that offer health benefit plans in Missouri to provide coverage for mental health conditions on or after January 1, 2005. Under current law, there are several exceptions to the requirement that health insurers provide the same coverage for mental illness and addictive disorders as they do for physical illness. This act repeals those exceptions.

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 treatment of a mental health condition than for treatment of a physical health condition.

This act is similar to HB 855 (2004).
LORIE TOWE

012604	S First Read	S156
012904	Second Read and Referred S Small Business, Insurance and Industrial Relations Committee	S196
030304	Hearing Conducted S Small Business, Insurance and Industrial Relations Committee	
031004	Hearing Scheduled S Small Business, Insurance and Industrial Relations Committee	

EFFECTIVE : August 28, 2004

SB 1152

SENATE SPONSOR Steelman

4253S.01I

SB 1152 - This act pertains to reorganized common sewer districts.

SECTION 204.600 - This act allows any sewer organized and existing under current law to convert to a reorganized common sewer district.

SECTION 204.602 - This act details the procedural guidelines for the formation of a new reorganized common sewer district and directs that any such petition be accompanied by a deposit as well as at least fifty signatures from voters and/or property owners living within the proposed district. Public notice of such a petition shall be given in some newspaper of general circulation in the county which the proceedings are being held

and the date of those proceedings. The notice shall then signed by the clerk of the circuit court and published in three successive issues of a weekly newspaper once a week for three consecutive weeks.

Exceptions to the proposed district can be made by any voter or property owner living within the proposed district, provided those exceptions are filed no less than five days prior to the petition's hearing date. Procedural guidelines for exceptions are also laid out in the act.

The court has authority to find in favor of the formation or against, if the decision is positive, the court shall then appoint five voters from the district to constitute the first board of trustees for the district. The decree of incorporation shall not become final until it has been submitted to the voters living within the proposed district, decided by a majority of those voters, and ultimately declared incorporated by the court.

Once a reorganized sewer district has been incorporated, the boundaries of such district can be extended from time to time provided the initiative to do so has come from the board of trustees and/or the voters living within the district. Procedural guidelines are laid out in this act for such an extension.

The board of trustees may petition the court to allow the district to engage in the construction, maintenance and operation of water supply and distribution facilities.

SECTION 204.604 - This act details the procedural guidelines for the conversion of an existing sewer district into a new reorganized common sewer district, as well as public notice requirements and exceptions to the proposed conversion.

SECTION 204.606 - This act clarifies that any conversion shall not affect the bonded indebtedness or security interest of any creditor of any existing common sewer district, and that all covenants and obligations shall remain in full force and effect.

SECTION 204.608 - This act states that after a decree of incorporation has been issued, the reorganized common sewer district is considered in law and equity to be a body corporate subject to all the advantages and disadvantages included therein. A reorganized common sewer district, under this act, shall have exclusive jurisdiction and authority to provide wastewater collection and treatment services within the boundaries of the district.

SECTION 204.610 - This act details the powers, compensation, terms, and membership of the board of trustees.

SECTION 204.612 - The board shall have no power to levy or

collect taxes in order to pay general obligation bonds.

SECTION 204.614 - This act details the issuance of general obligation bonds from the reorganized common sewer district.

SECTION 204.616 - The board of trustees shall have the power to pass all necessary rules for the reorganized common sewer district. Such rules and regulations shall be enforceable by civil or administrative actions.

SECTION 204.618 - The power of the board to contract and/or enter into agreements is detailed in the act. Under this act, the board has the authority to declare the violation of its rules to be a misdemeanor punishable by fines or other civil remedies available in law. Other powers of the board are laid out here - creating procedural remedies for persons affected by the permitting process, provide for the operation of the district's treatment facilities and pretreatment programs.

SECTION 204.620 - The powers of the board with regard to purchasing, leasing or renting property as well as the power to enter private land for surveying purposes are detailed here.

SECTION 204.622 - The board shall have the authority to enter into contracts for the districts, for both construction projects as well as professional services.

SECTION 204.624 - This act lays out the sources of payments for obligations entered into by the board with regard to acquiring, constructing, improving, or extending a sewer system.

SECTION 204.626 - This act details the issuance of revenue bonds for the reorganized common sewer district.

SECTION 204.628 - This act details the collection of fees and charges by the reorganized common sewer districts.

SECTION 204.630 - It shall be the mandatory duty of any reorganized common sewer district to collect sufficient revenues in order to maintain the operation of the district. The rates of the district shall be revised from time to time to meet the requirements set forth in the act.

SECTION 204.632 - Net revenue for the reorganized common sewer district is detailed here.

SECTION 204.634 - The board has authority to establish various accounts by resolution.

SECTION 204.636 - The board has the authority to refund bonds.

SECTION 204.638 - The board may apply for and accept grants, funds, materials or labor from the state and/or federal

government for the construction of a sewerage system.

SECTION 204.640 - The responsibility to render all services necessary to carry out the provisions of the act lies with local government officials.

SECTION 204.652 - Any reorganized common sewer district or metropolitan sewer district organized pursuant to Chapter 204 or 249 RSMo, may make improvements which confer benefits upon property within a sanitary sewer improvement area. The boards of such districts may incur indebtedness and issue temporary notes to pay for a portion or the entirety of such improvement projects.

SECTION 204.654 - Procedural guidelines for establishing a sanitary sewer improvement area are detailed in this act.

SECTION 204.656 - The apportionment of assessments is dealt with in this act.

SECTION 204.658 - The assessment process is detailed.

SECTION 204.660 - The hearings needed before such improvement projects are entered into are dealt with as well as the process which bears the final assessments for said projects.

SECTION 204.662 - There is a limitation on suits made to set aside assessments.

SECTION 204.664 - The process for correcting assessments is dealt with in this act.

SECTION 204.666 - Assessments authorized pursuant to this act shall constitute a lien against such property until paid in full.

SECTION 204.668 - Temporary notes and bonds may be issued by the trustees of the district to pay the costs of such improvement.

SECTION 204.670 - Separate funds or accounts shall be created by the district for each improvement project.

SECTION 207.672 - Any sewer district may enter into a cooperative agreement with a city or county for the purposes of constructing sanitary sewer system improvements.

MEGAN CRAIN

012604 S First Read	S156
020504 Second Read and Referred S Commerce & the Environment Committee	S244
022404 Hearing Conducted S Commerce and the Environment Committee-Consent	

EFFECTIVE : August 28, 2004

SB 1153

SENATE SPONSOR Cauthorn

4256S.01I

SB 1153 - This act clarifies that statutory restrictions regarding the pursuing, taking, killing or disposition of wildlife shall not preclude a person from hand fishing for catfish or carp during the months of June and July.

MEGAN CRAIN

012604 S First Read S156
020504 Second Read and Referred S Agriculture, Conservation, S244
Parks & Natural Resources Committee
021904 Hearing Conducted S Agriculture, Conservation, Parks
and Natural Resources Committee
030404 Voted Do Pass S Agriculture, Conservation, Parks and
and Natural Resources Committe

EFFECTIVE : August 28, 2004

SB 1154

SENATE SPONSOR Cauthorn

4172S.01I

SB 1154 - This act authorizes a dentist or dental hygienist to delegate the removal of hard and soft deposits to a dental assistant, provided the assistant has at least three years of clinical experience and has completed required education. The dental board has the authority to enact rules regulating the use of dental assistants to remove hard and soft deposits.

JIM ERTLE

012604 S First Read S156
020504 Second Read and Referred S Financial & Governmental S244
Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2004

SB 1155

SENATE SPONSOR Cauthorn

4001S.01I

SB 1155 - This act adds the definitions of "development facility" and "new generation cooperative" to Section 99.1000 RSMo, and includes new generation cooperatives to the definition of "development project".

MEGAN CRAIN

012604 S First Read S156
020404 Second Read and Referred S Commerce & the Environment S233
Committee
030904 Hearing Scheduled S Commerce and the Environment
Committee-Consent

EFFECTIVE : August 28, 2004

SB 1156

SENATE SPONSOR Caskey

4258S.01I

SB 1156 - This act modifies the definition of "professional counseling" to include the ability to diagnose and to identify mental, emotional and behavioral disorders based upon the assessment of the symptoms presented and observed characteristics.

JIM ERTLE

012604 S First Read S156-157
021604 Second Read and Referred S Aging, Families, Mental & S319
Public Health Committee
031004 Hearing Scheduled S Aging, Families, Mental & Public
Health Committee

EFFECTIVE : August 28, 2004

SB 1157

SENATE SPONSOR Scott

4134S.02I

SB 1157 - This act changes the name of residential care facilities I and II to assisted living facilities I and II.

An "assisted living facility I" is defined as any licensed facility that provides 24-hour care and protective oversight to three or more residents who need shelter and board.

An "assisted living facility II" is defined as any licensed facility that provides 24-hour care and protective oversight to three or more residents who need shelter, board, and assistance with any activities of daily living (ADL) or any instrumental activities of daily living (IADL).

New definitions for "dementia", "activities of daily living", and "instrumental activities of daily living" are also provided in section 198.006, RSMo.

Assisted living facilities I and II must provide 24-hour staff in appropriate numbers and skill to meet the needs of

residents and must have a written plan for evacuating residents in the event of a disaster. Assisted living facilities II may continue to care for residents with dementia who require assistance to evacuate provided that, among other requirements, the resident is assessed by either a licensed professional or an individual with a bachelor's degree in social work.

Individualized service plans, which shall include an evacuation plan, must be implemented for each resident with dementia who requires assistance to evacuate. These plans must be reviewed with the resident at least semi-annually and modified whenever a significant change occurs in the resident's condition that would require additional services.

Any person, who previously qualified for residence due to a temporary illness, surgery, or injury lasting no more than 45 days, may remain in an assisted living facility II as long as it is approved by a physician.

This act is similar to HB 943 (2004).
LORIE TOWE

012604 S First Read	S157
021004 Second Read and Referred S Pensions & General Laws Committee	S276
022404 Hearing Conducted S Pensions & General Laws Committee	

EFFECTIVE : August 28, 2004

SB 1158

SENATE SPONSOR Bray

3902S.01I

SB 1158 - This act creates the "Woman's Right to Know Act". "Emergency contraception" is defined as any drug or device approved by the FDA that prevents pregnancy after intercourse.

The Division of Maternal, Child, and Family Health shall be responsible for raising public awareness and promoting counseling and referrals for all contraceptive devices approved by the Food and Drug Administration. The Division shall distribute information regarding the availability, safety, and effectiveness of emergency contraception and must stress that it is a method of pregnancy prevention that cannot harm or abort an established pregnancy. The information must also inform women that health plans which cover prescription drugs are also required to cover contraceptive drugs and devices.

This act is similar to SB 393 (2003).
LORIE TOWE

012604 S First Read S157
 020404 Second Read and Referred S Aging, Families, Mental & S233
 Public Health Committee

EFFECTIVE : August 28, 2004

 SB 1159

SENATE SPONSOR Foster

4142S.01I

SB 1159 - This act establishes the "Coordinating Board for Early Childhood" within the Children's Services Commission. The Coordinating Board will be a corporate body and will consist of nineteen representatives, including representation from the various departments, the governor's office, the family and community trust board, and the head start program. The Coordinating Board shall elect a chairperson and may promulgate any other rules it deems necessary. Members of the Coordinating Board will serve without compensation, but may be reimbursed for any expenses incurred.

Among other things, the Coordinating Board shall have the power to:

- develop a comprehensive statewide plan for the early childhood system;
- confer with public and private entities;
- promote coordination of existing services from public and private entities;
- identify service gaps and offer advice on how to close such gaps;
- evaluate programs on an ongoing basis;
- administer the "Coordinating Board of Early Childhood Fund" and invest any portion of the moneys;
- assess and charge fees; and
- sue and be sued.

This act also creates the Coordinating Board for Early Childhood Fund. Moneys deposited in the fund shall include appropriations from the General Assembly, grants, fees, or interest on deposits.

This act is identical to HB 1190 (2004).
 LORIE TOWE

012604 S First Read S157
 020404 Second Read and Referred S Aging, Families, Mental & S233
 Public Health Committee
 022504 Hearing Conducted S Aging, Families, Mental and
 Public Health Committee

EFFECTIVE : August 28, 2004

SB 1160

SCS SB 1160

SENATE SPONSOR Shields

3666S.03P

SCS/SB 1160 - This act establishes the Prescription Drug Repository Program within the Department of Health and Senior Services by January 1, 2005. The program shall accept and dispense donated prescription drugs to eligible Missouri residents. Only sealed and unopened prescription drugs will be accepted.

Any person or entity may donate prescription drugs at any pharmacy, hospital, or non-profit clinic that elects to participate in the program. These participating pharmacies, hospitals, and non-profit clinics shall dispense the donated prescription drugs to eligible Missouri residents in compliance with federal and state drug laws. Persons receiving the donated prescription drugs may be charged a handling fee, which shall not exceed two hundred percent of the Medicaid dispensing fee.

The donated prescription drugs must not be resold and any individual who knowingly resells a donated prescription drug will be guilty of a Class D felony. Any person or entity who acts in good faith relating to the provisions of this act shall not be subject to civil or criminal liability. However, immunity from liability will not extend to defective prescription drugs or prescription drugs that are not dispensed properly.

The Director of the Department of Health and Senior Services, in consultation with the State Board of Pharmacy, must promulgate rules to implement this program.

This act is similar to HB 898 (2004).
LORIE TOWE

012604	S First Read	S157
020404	Second Read and Referred S Aging, Families, Mental & Public Health Committee	S233
021804	Hearing Conducted S Aging, Families, Mental & Public Health Committee	
021904	SCS Voted Do Pass S Aging, Families, Mental & Public Health Committee (3666S.03C)	
022604	Reported From S Aging, Families, Mental & Public Health Committee to Floor w/SCS	S387
030304	SA 1 to SCS S offered & adopted (Shields)	S528
030304	SA 2 to SCS S offered & adopted (Gibbons)	S528-529
030304	SCS, as amended, S adopted	S529
030304	Perfected	S529
030404	Reported Truly Perfected S Rules Committee	
030804	005 S Calendar S Bills for Third Reading	

EFFECTIVE : August 28, 2004

SB 1161

SENATE SPONSOR Jacob

4162S.01I

SB 1161 - Current law enables the creation of regional recreation districts. This act would permit a county to establish a regional recreation district on undeveloped property if all persons owning property within the proposed district consent and there are no eligible qualified voters residing within the district. Otherwise, the eligible and qualified voters of the district would approve the formation of the district by a public vote. The act also permits a sales tax to be submitted for a vote for the district under similar terms as above.

JEFF CRAVER

012604	S First Read	S157
020904	Second Read and Referred S Economic Development, Tourism and Local Government Committee	S262
021804	Hearing Conducted S Economic Development, Tourism and Local Government Committee	

EFFECTIVE : August 28, 2004

SB 1162

SENATE SPONSOR Jacob

4163S.01I

SB 1162 - This act allows flexibility in the type of security that may be accepted in lieu of full completion of required infrastructure improvements in subdivisions prior to the plat being recorded by allowing securities beyond surety bonds (e.g. cash bonds).

JEFF CRAVER

012604	S First Read	S157
020904	Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee	S262
021604	Hearing Conducted S Financial & Governmental Org., Veterans' Affairs & Elections Committee-Consent	
021704	Voted Do Pass S Financial & Governmental Org., Veterans' Affairs & Elections Committee-Consent	
022304	Reported From S Financial & Governmental Org., Vet. Affairs & Elections Committee to Floor - Consent	S355
030804	S Consent Calendar (2/23)	

EFFECTIVE : August 28, 2004

SB 1163

SENATE SPONSOR Jacob

4164S.01I

SB 1163 - This act enables any first class county to enact ordinances for the purpose of abating trash, weeds, and derelict items from a piece of property. Current law enables this for only Jefferson County.

JEFF CRAVER

012604	S First Read	S157
020904	Second Read and Referred S Economic Development, Tourism and Local Government Committee	S262
021804	Hearing Conducted S Economic Development, Tourism and Local Government Committee	
030304	Voted Do Pass S Economic Development, Tourism and Local Government Committee	

EFFECTIVE : August 28, 2004

SB 1164

SENATE SPONSOR Jacob

4146S.01I

SB 1164 - 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.

The act designates the additional revenue from this statutory change to the Missouri college guarantee fund.

This act is similar to SB 888 (2004).
JEFF CRAVER

012604	S First Read	S157
020404	Second Read and Referred S Ways & Means Committee	S233
022404	Hearing Conducted S Ways and Means Committee	

EFFECTIVE : August 28, 2004

SB 1165

SENATE SPONSOR Russell

4245S.01I

SB 1165 - This act repeals the Shannon county tourism tax,
effective September 1, 2004.

JEFF CRAVER

012704 S First Read	S163
020404 Second Read and Referred S Ways & Means Committee	S233
022404 Hearing Conducted S Ways and Means Committee	
030204 Voted Do Pass S Ways & Means Committee-Consent	

EFFECTIVE : September 1, 2004

SB 1166

SENATE SPONSOR Caskey

4276S.01I

SB 1166 - The act adds Cass County to the provision
allowing a 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.

SUSAN HENDERSON

012704 S First Read	S163-164
020404 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S233
020904 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee	
022404 Voted Do Pass S Judiciary and Civil and Criminal Jurisprudence Committee-Consent	
030104 Reported From S Judiciary & Civil & Criminal Jurisprudence Committee to Floor - Consent	S497
030404 Removed From S Consent Calendar	

EFFECTIVE : August 28, 2004

SB 1167

SENATE SPONSOR Caskey

4288S.01I

SB 1167 - This act limits the bifurcation of a trial to
Class A or Class B felonies. If the jury in the first stage
finds the defendant guilty of a Class A or B felony, the issue

in the second stage is the assessment of punishment for each crime the defendant is found guilty of in the first stage.

This act requires that discovery as to evidence that may be presented in the second stage shall be completed prior to beginning of the first stage of the trial. The state will be the first to proceed in the second stage. The attorney must argue the issue of punishment to the jury within the range of punishment authorized by statute for each offense and may argue recommended sentence options and the factors to consider for each offense. For each offense, the court shall instruct the jury as to the range of punishment, recommended sentence options, and factors to consider when sentencing, if the defendant submits a correct instruction containing such information to the court.

Under this act, the jury shall assess and decide the punishment during the second stage for each crime the jury found the defendant guilty of in the first stage.

The second stage of the trial shall not proceed and the court shall assess punishment instead of the jury unless the defendant requests in writing within 30 days following arraignment that the jury assess punishment. Also, a second stage shall not proceed and the court shall assess punishment instead of the jury, if the defendant requests in writing that the court assess the punishment before the second stage, the state pleads and proves the defendant is a prior, persistent, dangerous or persistent misdemeanor offender, or the defendant is not found guilty of a Class A or B felony.

SUSAN HENDERSON

012704 S First Read	S164
020404 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S233
021604 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee	

EFFECTIVE : August 28, 2004

SB 1168

SENATE SPONSOR Jacob

4108S.01I

SB 1168 - This act modifies provisions relating to the Missouri Family Trust.

The act modifies the intent statement of the trust to include residents of adjacent states within the goals of the trust. All state agencies are required to disregard the trust as resource for determining eligibility for assistance under Chapter

208, RSMo, for Missouri residents, unless prohibited by federal law. The Board of Trustees shall advise, consult and render service to departments and agencies of the state and to other tax exempt 501(c)(3) nonprofit agencies which provide services to Missouri residents with a disability. Life beneficiaries of the trust are authorized to contribute to the trust, however, the amount of the contribution is subject to certain criteria. The cotrustee, rather than the trust, shall be responsible for at least annually determining the amount of principal or income to be provided for the support of the beneficiary. Any disagreements between the trust and cotrustee that are submitted for arbitration shall be resolved, after hearing, in accordance with the Commercial Arbitration Rules of the American Arbitration Association. The arbitrators' judgment may be submitted to a court of competent jurisdiction.

The act revises provisions regarding the withdrawal of the principal balance from an account of a life beneficiary, the distribution of undistributed income, and the possible distribution of the principal balance to a charitable trust. The act authorizes, with the consent of the board of trustees, a person to establish a restricted account within the charitable trust and to determine the beneficiaries of the restricted account, provided the beneficiaries qualify as participants in the trust.

This act is similar to HB 923 (2004).

JIM ERTLE

012704 S First Read	S164
020904 Second Read and Referred S Aging, Families, Mental & Public Health Committee	S262

EFFECTIVE : August 28, 2004

SB 1169

SENATE SPONSOR Jacob

4124S.02I

SB 1169 - This act provides that an individual may not waive any age discrimination right or claim under Chapter 213, RSMo, unless the waiver is knowing and voluntary. The act establishes minimum requirements for a waiver to be knowing and voluntary.

The act also establishes minimum requirements for a waiver to be knowing and voluntary when settling a charge filed with the Equal Employment Opportunity Commission, the Missouri Commission on Human Rights or an action filed in court alleging age discrimination of a kind prohibited pursuant to Section 213.055, RSMo.

The act places the burden of proof on the party asserting the validity of the waiver in cases where the validity of the waiver is in question. Further, no waiver agreement may affect the Missouri Commission on Human Rights' rights and responsibilities to enforce Chapter 213, RSMo. Also, no waiver may be used to justify interfering with the protected right of an employee to file a charge or participate in an investigation or proceeding conducted by the Missouri Commission on Human Rights.
RICHARD MOORE

012704 S First Read	S164
020904 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S262

EFFECTIVE : August 28, 2004

SB 1170

SENATE SPONSOR Shields

2587S.03I

SB 1170 - This act requires participation in, and completion of, a community-based substance abuse treatment program, by those who are found guilty of drug regulations or offenses relating to the possession and use of drugs and alcohol. This act requires people convicted of nonviolent offenses who are diagnosed with a serious mental illness that appears to have been a contributing factor to the crime to undergo community based treatment as well. The act states the procedure to be used for the assessments and services provided to such defendants.

This act does not apply to convicted felons, persistent offenders, defendants who failed two prior courses of substance abuse treatment and remain unamenable to such treatment, and defendants who refuse treatment.

This act allows the court to increase the requirements of community based treatment if the defendant violates his/her probation.

This act allows any inmate to be considered for early release under parole in order to participate in a community based treatment program, if he or she is within one year of projected release by parole, has served a minimum of 120 days of his or her sentence, and is serving a sentence for a drug or alcohol related offense or a nonviolent offense and is diagnosed with a serious mental illness that appears to be a contributing factor to the crime. The act states the procedure to be used for the assessments and services provided to offenders/parolees.

This act does not apply to inmates who refuse treatment, failed in prior courses of substance abuse treatment while on parole and remain unamenable to such treatment, or are serving terms or have past convictions for dangerous felonies.

This act creates the "Rehabilitation Fund", which requires each offender under supervision of the parole board to pay a monthly rehabilitation fee of \$25 or \$300 annually. The fees may be waived temporarily or on a permanent basis for offenders who would suffer financial hardship for the following reasons:

- (1) Temporary or permanent employment disability;
- (2) Temporary unemployment for bonafide and authorized reasons;
- (3) Approved full time enrollment in school or vocational training;
- (4) Detention in a jail or other correctional facility for thirty days or longer;
- (5) Indigence due to hospitalization, nursing home residence, hospice residence, or placement in other liberty restricting environments in which no income earning ability exists.

Money deposited into the fund is appropriated for funding the rehabilitation services required under this act. The Department of Mental may enter into agreements with other governmental or non-governmental entities for the collection of the fees. There shall be an annual report prepared regarding money in the fund.

The Department of Corrections and the Department of Mental Health make the rules and regulations necessary to implement and administer this act.

SUSAN HENDERSON

012704	S First Read	S164
020904	Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S262
022404	Hearing Cancelled S Judiciary and Civil and Criminal Jurisprudence Committee	
030204	Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee	

EFFECTIVE : August 28, 2004

SB 1171

SENATE SPONSOR Griesheimer

2440S.06I

SB 1171 - This act would codify the Office of Homeland

Security and the Missouri Security Council in statute, rather than by Executive Order as it currently exists. Further, the Office of Homeland Security and the Missouri Security Council shall terminate ninety days following the dissolution of the Federal Department of Homeland Security.

The act requires that the Joint Committee on Terrorism, Bioterrorism, and Homeland Security meet regularly but must meet once annually, current law requires a quarterly meeting.

This act contains an emergency clause.

RICHARD MOORE

012704 S First Read S168
012904 Second Read and Referred S Commerce & the Environment S196
Committee
030204 Hearing Conducted S Commerce & the Environment
Committee

EFFECTIVE : August 28, 2004

SB 1172

SCS SB 1172

SENATE SPONSOR Gibbons

3725S.04C

SCS/SB 1172 - This act authorizes the Secretary of State to open and maintain an archival facility in St. Louis. The act also provides the opportunity for the Secretary of State to receive any monies or properties for the development or maintenance of such a facility. Nothing in this act however, shall require any local agency, entity, or subdivision to transfer any records to the state archives.

This act establishes the Missouri State Archives - St. Louis Trust Fund, a revolving fund which shall consist of all monies received from federal, private or other sources for the development or maintenance of the archival facility as well as fees generated from the facility. Monies from the fund are to be used exclusively for the development or maintenance of the facility and the state treasurer shall be the custodian of the fund. This act prohibits funds obtained through the provisions of the act to be made a part of the general operating budget for the state, or to be transferred into the general revenue fund. No moneys from the state general revenue fund can be appropriated for the funding an archival facility in St. Louis.

JIM ERTLE

012704 S First Read S168
020404 Second Read and Referred S Financial & Governmental S233
Organization, Veterans' Affairs & Elections Committee

021604 Hearing Conducted S Financial & Governmental Org.,
Veterans' Affairs & Elections Committee-Consent
021704 SCS Voted Do Pass S Financial & Governmental Org.,
Vets' Affairs & Elections Comm.-Consent (3725S.04C)
022304 Reported From S Financial & Governmental Org., Vet. S355
Affairs & Elections Committee to Floor w/SCS -Consent
030804 S Consent Calendar w/SCS (2/23)

EFFECTIVE : August 28, 2004

SB 1173

SENATE SPONSOR Days

4283S.01I

SB 1173 - This act makes several changes to the laws regarding the use of credit information by insurance companies.

This act modifies the definition of "adverse action" to have the same meaning as provided in federal law. Adverse actions include cancellation, denial, or non-renewal of personal insurance coverage or any unfavorable change in the terms of coverage, including charging a higher premium. This act adds several specific types of insurance products to the definition of an insurance "contract". The current law on the use of credit information only applies automobile insurance policies and property insurance policies.

This act repeals a provision that allows insurers to take adverse actions against persons based on an inability to compute their insurance credit scores. The act prohibits insurance companies from using loss information in calculating its insurance credit scores if it also uses loss information separately to calculate its rates. This act prohibits insurers from considering an absence of credit information or the inability to calculate an insurance score in underwriting insurance. This act requires insurers to use underwriting factors other than credit information to underwrite any policy that has been in force for more than 36 months. This act allows any insured to request a current credit report and a re-rating of their policy at each annual renewal.

This act prohibits insurers and credit reporting agencies from using as a negative factor in underwriting any credit inquiry not initiated by the insured, collection accounts with a medical industry code, multiple credit inquiries within a 30-day period, the absence of credit history, the use of a particular type of credit or debit card, or a consumer's total available line of credit. This act also requires insurers to file their credit scoring models or processes with the department and makes any insurer's filing of a model or process related to credit information a trade secret and

protected from public disclosure pursuant to Sections 417.450 through 417.467, RSMo.

This act is identical to HB 1131 (2004).
STEPHEN WITTE

012804 S First Read S171
020404 Second Read and Referred S Small Business, Insurance S233
and Industrial Relations Committee

EFFECTIVE : August 28, 2004

SB 1174

SENATE SPONSOR Caskey

4310S.01I

SB 1174 - This act abolishes the Missouri Housing Development Commission on January 1, 2005. All the activities, programs and operations formerly conducted by the commission shall be transferred to the Director of the Department of Economic Development.
STEPHEN WITTE

012804 S First Read S171
020904 Second Read and Referred S Pensions & General Laws S262
Committee
021704 Hearing Conducted S Pensions & General Laws Committee

EFFECTIVE : August 28, 2004

SB 1175

SENATE SPONSOR Yeckel

4147S.01I

SB 1175 - This act modifies provisions relating to jury service. Qualified persons must serve as jurors unless excused (Section 494.400). Licensed attorneys are no longer disqualified from serving as a juror. Persons with mental and physical disabilities must provide the court with documentation in order to be disqualified for up to 24 months (Section 494.425). Persons who have served as juror in the past two years are excused from jury duty. Physicians, chiropractors, dentists and pharmacists are no longer excused from jury duty. Persons for whom jury duty would impose an undue or extreme physical or financial hardship are excused, provided certain conditions are met. The act defines what is meant by undue or extreme physical or financial hardship. The court is charged with making the determination. Such persons must submit documentation to the judge to support the request to be excused. After two years,

such person shall become eligible again for jury duty, unless the court finds that the grounds for excuse are permanent in nature (Section 494.430). Police officers are no longer excused from jury duty (Section 494.431).

Persons scheduled for jury duty have the one time right to postpone their initial appearance, if the person agrees to a new date for jury duty within six months. Subsequent requests for postponement shall only be granted in the case of an extreme emergency (Section 494.432). A person who fails to appear for jury duty, and has not obtained a postponement, shall be in civil contempt of court. Currently, such a person would be in criminal contempt of court. Following a show cause hearing, the court shall fine the person in an amount of not more than \$500 or community service, or both (Section 494.450).

The Missouri Supreme Court shall promulgate rules to establish a "Lengthy Trial Fund". The Fund shall be used to provide wage supplementation for jurors who serve more than 10 days and who receive less than their regular wages from their employer during the period of jury duty. Each trial court shall collect a fee of \$20 from each attorney who files a civil case, with some exceptions for certain attorneys and causes of action. The wage supplementation is limited to a maximum of \$300 per day (Section 494.455). Employers cannot require employees to use personal or sick leave for time spent responding to a summons for jury duty. A court shall automatically postpone and reschedule jury duty for an employee of a company with five or fewer employees if another employee of the company has been summoned during the same period (Section 494.460).

JIM ERTLE

012804 S First Read	S185
020404 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S233
022404 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee	
030204 Voted Do Pass S Judiciary and Civil & Criminal Jurisprudence Committee	

EFFECTIVE : August 28, 2004

SB 1176

SENATE SPONSOR Shields

4270S.01I

SB 1176 - This act allows the election authority in each county that does not have a board of election commissioners to receive an additional \$7,500 to perform duties in compliance with the Help America Vote Act of 2002.

This act is identical to HB 1092 (2004).
SUSAN HENDERSON

012804 S First Read	S185
020404 Second Read and Referred S Economic Development, Tourism and Local Government Committee	S233
021104 Hearing Conducted S Economic Development, Tourism and Local Government Committee-Consent	

EFFECTIVE : August 28, 2004

SB 1177

SCS SB 1177

SENATE SPONSOR Klindt

4155S.02C

SCS/SB 1177 - This act pertains to Joint Municipal Utility Commissions.

SECTION 393.705 - Provides a definition for "participating municipality", modifies the definition of "project" to include the improvement of any utility facility or property including, without limitation, transmission and distribution systems, and all other types of utilities and revenue-producing facilities as deemed appropriate by the governing bodies of the contracting or participating municipalities. The reference to project facilities being "used and useful" has been eliminated.

SECTION 393.710 - Allows municipalities, public water supply districts, and sewer districts to establish a joint municipal utility commission by joint contract. The specifications of those contracts are laid out here. The term "project" is applied as it has been defined in Section 393.705; other technical changes are made.

SECTION 393.715 - The general powers of a commission are modified here, to be exercised for the benefit of its contracting members. Language clarifies that the either the board of directors or the executive committee of the commission can make decisions.

SECTION 393.720 - Language that establishes the commission as a body politic and corporate of the state; emphasizes that the commission can exercise public powers for the benefit of its contracting members and in order to carry out the public functions of its contracting members.

SECTION 393.725 - The issuance of bonds by the commission is outlined. Technical changes are made primarily to accommodate the possibility that a single joint commission may be involved in financing separate projects serving different sets of municipal utilities, which would need segregated financial treatment.

SECTION 393.730 - Added language that reiterates the requirement of sufficiency of project revenues to secure repayment of joint commission bonds.

SECTION 393.740 - Authorizes participating entities to apportion any tax obligations among themselves.

SECTION 393.745 - Incorporates reference to potential delegation of board authority to its executive committee.

SECTION 393.760 - Permits a joint commission and remaining municipalities involved in a joint project to proceed with the project without the involvement of any proposed participating municipality in which the majority of voters fail to approve the issuance of municipal bonds. Changes to ballot language are included here.

SECTION 393.770 - Clarifies that revenue the joint commission derives from any and all services of its interest in a project may be available for bond repayment, and that joint commission sales of energy or other commodities to a municipal utility do not constitute a debt or obligation of the municipality payable from any other source other than its utility operations.

MEGAN CRAIN

012904	S First Read	S190
020404	Second Read and Referred S Commerce & the Environment Committee	S233
021704	Hearing Conducted S Commerce and the Environment Committee-Consent	
021904	SCS Voted Do Pass S Commerce & the Environment Comm.	
022304	Reported From S Commerce & the Environment Committee to Floor w/SCS - Consent	S355
030804	S Consent Calendar w/SCS (2/23)	

EFFECTIVE : August 28, 2004

SB 1178

SCS SBs 740, 886, & 1178
SENATE SPONSOR Klindt

3697S.02I

012904	S First Read	S190
020404	Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee	S234
021204	Hearing Conducted S Agriculture, Conservation, Parks and Natural Resources Committee	
021904	Bill Combined (SCS SBs 740, 886, 1178) S Agriculture Parks and Natural Resources Committee	

EFFECTIVE : August 28, 2004

SB 1179

SENATE SPONSOR Steelman

4104S.01I

SB 1179 - The act revises provisions relating to medical malpractice insurance.

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.

This act contains an emergency clause.

This act is similar to SB 727 (2004).

JIM ERTLE

012904 S First Read	S190
020904 Second Read and Referred S Small Business, Insurance and Industrial Relations Committee	S262

EFFECTIVE : Contingent

SB 1180

SCS SB 1180

SENATE SPONSOR Shields

3051S.05C

SCS/SB 1180 - This act establishes eight life science reinvestment funds. They are to be located in Cape Girardeau, Joplin, Kansas City, St. Louis, central Missouri, Springfield, St. Joseph, and one that includes areas of Missouri not encompassed by the other districts. The districts will function similarly to a TIF in that new sales, income, and property tax revenues will be utilized to fund development in the district. Money collected will be used by the reinvestment commission in each district to provide grants and contracts for development for projects in the district. An application procedure is established in the act, as are spending restrictions. Every three years the commission must produce comprehensive reports assessing the development of the district.

The act creates enterprise zones for:

1. Douglas County
2. Richland
3. Crocker
4. Nixa
5. Ozark
6. Independence and Sugar Creek (the part of each city in the Kansas City school district)
7. Laclede
8. Independence - Satellite zone
9. St. Clair
10. Pacific

The act allows the enterprise zone in Springfield to be extended.

The act has an emergency clause.

This act is similar to SB 648 (2003).

JEFF CRAVER

012904	S First Read	S190
020504	Second Read and Referred S Economic Development, Tourism and Local Government Committee	S244
021804	Hearing Conducted S Economic Development, Tourism and Local Government Committee	
030304	SCS Voted Do Pass S Economic Development, Tourism and Local Government Committee (3051S.05C)	
030404	Reported From S Economic Development, Tourism & Local Government Committee to Floor w/SCS	
030804	001 S Calendar S Bills for Perfection w/SCS	

EFFECTIVE : Emergency Clause

SB 1181

SENATE SPONSOR Yeckel

4352S.01I

SCS/SB 1181 - This act modifies provisions relating to the licensure of physical therapists and physical therapist assistants. The act eliminates the requirement that applicants for licensure as a physical therapist or physical therapist assistant must pass the required examination within three attempts. The requirement that the examination must be the same for all applicants is eliminated, as well as the requirement that the board must preserve the examination grades and scores and make them available for public inspection.

Temporary licenses for physical therapists and physical therapist assistants will only be valid for 90 days or until the results of the examination are received. The temporary license cannot be renewed.

The act makes it a cause for discipline of a physical therapist's license to practice independent of the prescription and direction of a physician, dentist or podiatrist licensed in another state.

JIM ERTLE

012904	S First Read	S190
020904	Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee	S262
021604	Hearing Cancelled S Financial & Governmental Org., Veterans' Affairs & Elections Committee-Consent	
030104	Hearing Conducted S Financial & Governmental Org., Veterans' Affairs & Elections Committee	
030204	SCS Voted Do Pass S Financial & Governmental Org., Vets' Affairs & Elections Comm.-Consent (4352S.02C)	

EFFECTIVE : August 28, 2004

SB 1182

SENATE SPONSOR Dolan

4299S.01I

SB 1182 - This act provides that if a local zoning authority requires a legally erected billboard to be removed or altered a condition or prerequisite for obtaining a permit or license unrelated to billboards, then such requirement shall constitute a compelled removal. This type of removal is prohibited unless just compensation is paid.

STEPHEN WITTE

012904 S First Read S190-191
 021004 Second Read and Referred S Transportation Committee S276
 021704 Hearing Conducted S Transportation Committee

EFFECTIVE : August 28, 2004

SB 1183

SENATE SPONSOR Dolan

3589S.01I

SB 1183 - In accordance with this act, cities and towns may only impose requirements for the posting of bonds or escrows for subdivision-related improvements. In lieu of completion of work and installations prior to the final approval of a plat, the council will accept, at the option of the developer, an escrow secured with cash, an escrow secured with an irrevocable letter of credit, or a surety bond.

Under this act, regulations shall provide that in the event a developer, who has posted a bond or an escrow with the city, transfers title of the subdivision property prior to full release, the municipality will accept a replacement escrow from the successor. The city will accept a replacement in the amount held by the city at the time of the property transfer. Upon receiving the replacement escrow, the city shall fully release the original escrow or bond and the prior developer from all obligations associated with the subdivision improvements.

This act includes "bond amount" where the statute previously referred only to "escrow funds."

SUSAN HENDERSON

012904 S First Read S191
 021004 Second Read and Referred S Financial & Governmental S276
 Organization, Veterans' Affairs & Elections Committee
 030104 Hearing Conducted S Financial & Governmental Org.,
 Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2004

SB 1184

SENATE SPONSOR Griesheimer

4119S.03I

SB 1184 - This act specifies that, for business tangible personal property, the true value in money of the property shall be the installed fair market value of the property. The act defines the exact type of property and defines installed fair market value. The act requires the state tax commission to

establish tables to provide assessors with guidance as to the proper valuation of various types of property and the depreciation of such property. Such tables must be reviewed at least every two years. The act enables assessors to adjust an assessment based on various concepts of obsolescence. The act provides that the tables and the assessors adjustments shall be presumed to be valid.

The act has an effective date of January 1, 2005.
JEFF CRAVER

012904 S First Read	S191
020504 Second Read and Referred S Ways & Means Committee	S244
030204 Hearing Conducted S Ways & Means Committee	

EFFECTIVE : January 1, 2005

SB 1185

SENATE SPONSOR Gross

3663S.02I

SB 1185 - This act creates the "Commonsense Food Consumption Act". Certain manufacturers, distributors, sellers and advertisers of food are immune from civil liability for claims arising out of weight gain or obesity, or health conditions associated with weight gain or obesity. The provisions of this act shall not apply where there is a violation of misbranding or adulteration requirements which causes the injury, or to knowing violations of laws relating to the making or selling of food which caused the injury. In such allowable actions, the act sets out pleading requirements regarding the alleged violation. The act also requires that discovery shall be stayed during a motion to dismiss, provided certain conditions are met.

The provisions of this act shall apply to all claims pending on the effective date of the act and all subsequent claims.
JIM ERTLE

012904 S First Read	S191
021004 Second Read and Referred S Pensions & General Laws Committee	S276
021704 Hearing Conducted S Pensions & General Laws Committee	
030204 Voted Do Pass S Pensions & General Laws Committee	

EFFECTIVE : August 28, 2004

SB 1186

SENATE SPONSOR Bland

4032S.02I

SB 1186 - This act requires motor vehicle dealers to have used car buyers sign a form which acknowledges the buyers' receipt of a buyers guide. The buyers guide is a disclosure document or window form required by federal regulations to be posted on the used motor vehicle. The buyers guide required by federal law informs buyers:

- (1) Whether the vehicle is being sold "as is" or is accompanied by a warranty;
- (2) What percentage of the repair costs a dealer will pay under the applicable warranty;
- (3) That oral promises are difficult to enforce;
- (4) To get all promises in writing;
- (5) To ask to have the car inspected by an independent mechanic before they buy.

This act goes beyond the federal regulations by mandating that the buyers guide include a signature line and an accompanying statement next to the signature line stating "I hereby acknowledge receipt of the buyers guide at the closing of this sale". Both parties to the sale shall keep a copy of the signed buyers guide. The motor vehicle dealer shall also attach a notation to the buyers guide setting forth the Department of Revenue's toll-free number. A violation of this act constitutes an unlawful trade practice. If the used motor vehicle dealer fails to provide the appropriate notice and fails to obtain a signed buyers guide, the buyer may cancel the sale within 30 days. The buyer shall have the right to return the vehicle to the used motor vehicle dealer and obtain a full refund of all payments made toward the purchase of the used motor vehicle, less any damage to the used motor vehicle incurred while ownership was vested in the buyer, and less a reasonable amount for the use not to exceed one-half the amount allowed per mile by the Internal Revenue Service, as provided by regulation, revenue procedure, or revenue ruling promulgated pursuant to Chapter 162 of the Internal Revenue Code, for use of a personal vehicle for business purposes. The act requires the Department of Revenue to utilize its toll-free number service to receive complaints from used motor vehicle buyers regarding possible violations of this act.

The act also authorizes the Department of Revenue to initiate investigations to ensure compliance with the act. Any motor vehicle dealer who fails to comply with the act shall be subject to disciplinary action by the Department of Revenue.

STEPHEN WITTE

012904 S First Read S196
020404 Second Read and Referred S Commerce & the Environment S234
Committee
030204 Hearing Scheduled But Not Heard S Commerce & the
Environment Committee

EFFECTIVE : August 28, 2004

SB 1187

SENATE SPONSOR Wheeler

4330S.01I

SB 1187 - This act establishes that the state or any political subdivision of the state shall encourage the distribution of plans and specifications for the construction, remodel, or repair of facilities to all available plan rooms and electronic plan rooms in order to encourage meaningful competition, diversity, and the lowest responsible bids for such projects.

No agreement shall be made by a public body or any body supported by tax dollars that would restrict the sources or availability of plans and specifications, or limit the distribution of plans and specifications to contractors, subcontractors and suppliers to a single or limited number of reprographic firms, plan rooms, or electronic plan rooms, unless specified by law.

Any existing contract which would be in violation of this act upon its enactment shall not be renewed.

RICHARD MOORE

012904 S First Read S196
021004 Second Read and Referred S Governmental S276
Accountability and Fiscal Oversight Committee
022304 Hearing Conducted S Governmental Accountability and
Fiscal Oversight Committee

EFFECTIVE : August 28, 2004

SB 1188

SCS SB 1188

SENATE SPONSOR Loudon

3785S.02C

SCS/SB 1188 - This act amends the formula that may be used for determining the minimum present value of an annuity when it is terminated early. Current law requires these contracts to offer a minimum interest rate of 3%. The act removes this minimum and allows these contracts to offer a rate that is tied to the five-year Constant Maturity Treasury Rate, as reported by

the Federal Reserve. The act permits sellers of annuities to continue to use the current formula until July 1, 2006. The current law is set to expire on July 1, 2004.

This act contains an emergency clause.

This act is similar to HB 938 (2004).

JIM ERTLE

012904	S First Read	S196
020504	Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee	S244
021604	Hearing Conducted S Financial & Governmental Org., Veterans' Affairs & Elections Committee	
022504	SCS Voted Do Pass S Financial & Governmental Org., Veterans' Affairs & Elections Comm-Consent (3785S.02)	
030104	Reported From S Financial & Gov. Org., Vet. Affairs & Elections Committee to Floor w/SCS - Consent	S497
030404	Removed From S Consent Calendar	

EFFECTIVE : August 28, 2004

SB 1189

SENATE SPONSOR Scott

4317S.01I

SB 1189 - This act modifies how the place of death of an individual is determined. An individual who is being transferred into this state from another or from one county within this state to another, for emergency medical treatment and who dies in transit or while in the emergency room, the place of from which the individual was first removed.

The coroner or medical examiner from the transferring county is responsible for the death certificate and investigating the cause and manner of death. However, a coroner or medical examiner in the county where the individual actually dies may upon authorization of the coroner or medical examiner of the transferring county, investigate and conduct postmortem examinations at the expense of the transferring county.

The coroner, medical examiner or emergency room staff of the county where the individual actually dies must immediately notify the proper authorities of the transferring county, and shall make available information necessary to conduct a death investigation.

If an individual who has been transferred across state or county lines seeking medical treatment dies after being admitted as a patient to a medical facility, the coroner or

medical examiner of the county where the individual actually dies or the medical facility must notify the proper authorities of the transferring county of the death.

In the case of death by homicide, suicide, accident, child fatality or any unusual or suspicious manner the investigation of the cause and manner of death shall revert to the county of origin.

Except as provided elsewhere in this act, following the death of an individual, if the body is transferred to another county or state for the purpose of burial, the transferring county is responsible for the death certificate and death investigation.

This act is identical to SB 425 (2003).
SUSAN HENDERSON

012904 S First Read	S197
020904 Second Read and Referred S Pensions & General Laws Committee	S262
021704 Hearing Conducted S Pensions & General Laws Committee	

EFFECTIVE : August 28, 2004

SB 1190

SENATE SPONSOR Caskey

4420S.01I

SB 1190 - This act authorizes agents of the Gaming Commission who are certified as peace officers or instructors to be considered peace officers in this state. Such agents will have the power to arrest a person, make searches and seizures and serve process for violation of gaming laws. Such agents will have the same powers as a peace officer when working with or at the request of other law enforcement agencies. The agents have the authority to make arrests for violation of all laws of this state if they occur on property where licensed gaming occurs. Finally, the agents may arrest on view, at any place in this state, a person who the agent sees asserting physical force for the purpose of causing or creating a substantial risk of death or serious injury.

Any gaming licensee who erroneously accepts wagers from a person who has self-excluded themselves from gambling boats shall transfer such wagers into the compulsive gamblers fund in accordance with rules promulgated by the Gaming Commission.

JIM ERTLE

020204 S First Read

S201

021604 Second Read and Referred S Financial & Governmental S319
Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2004

SB 1191

SENATE SPONSOR Steelman

4400S.01I

SB 1191 - This act makes resisting a detention or stop by fleeing in a manner that creates a risk of injury or death a Class D felony. Currently, only resisting an arrest in this manner is a Class D felony.

SUSAN HENDERSON

020204 S First Read S201
020504 Second Read and Referred S Judiciary and Civil & S244
Criminal Jurisprudence Committee
030204 Hearing Conducted S Judiciary and Civil & Criminal
Jurisprudence Committee

EFFECTIVE : August 28, 2004

SB 1192

SENATE SPONSOR Steelman

4399S.01I

SB 1192 - This act imposes additional surcharges and driver's license suspensions on any person failing to yield the right-of-way when the violation results in physical injury, serious physical injury, or death to a person. In addition to the normal penalties, a person violating this act which results in physical injury will be assessed a surcharge \$200 and may have his or her driver's license suspended for 30 days. If a serious physical injury results, a \$500 surcharge will be imposed and a 90-day license suspension may be imposed. If the violation leads to a fatality, an additional \$1,000 surcharge is assessed and a six month license suspension may be imposed. The additional surcharges are deposited in the motorcycle safety trust fund.

This act is identical to SB 259 (2003), SB 1077 and HB 1534 (2002).

STEPHEN WITTE

020204 S First Read S201
020904 Second Read and Referred S Judiciary and Civil & S262
Criminal Jurisprudence Committee

EFFECTIVE : August 28, 2004

SB 1193

SENATE SPONSOR Steelman

4421S.01I

SB 1193 - This act allows members of Friends of Rodeo to obtain specialized license plates bearing their organization's emblem after paying a \$25 emblem-use authorization fee in addition to regular registration fees.

STEPHEN WITTE

020204 S First Read S201
020504 Second Read and Referred S Transportation Committee S244

EFFECTIVE : August 28, 2004

SB 1194

SENATE SPONSOR Vogel

4287S.01I

SB 1194 - This act pertains to dry cleaning law, namely extending the termination date originally set for August 28, 2007, to August 28, 2012.

MEGAN CRAIN

020204 S First Read S201-202
020904 Second Read and Referred S Commerce & the Environment S262
Committee
030904 Hearing Scheduled S Commerce and the Environment
Committee-Consent

EFFECTIVE : August 28, 2004

SB 1195

SENATE SPONSOR Klindt

2760S.02I

SCS/SB 1195 - This act removes the July 1, 1999, tolling date for the six month election to receive prior creditable service within Section 211.393.2.(e). Thus, individuals may again elect to receive such prior creditable service within the section.

This act includes certain prior service of juvenile court personnel who were paid by a grant, prior to July 1, 1999, to the definition of "juvenile court employee" within Section 211.393 RSMo. This modification will allow such juvenile court personnel to include time served in such position towards creditable service for MOSERS purposes.

RICHARD MOORE

020204	S First Read	S202
020504	Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S244
022404	Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee	
030204	SCS Voted Do Pass S Judiciary and Civil & Criminal Jurisprudence Committee (2760S.03C)	

EFFECTIVE : August 28, 2004

SB 1196

SENATE SPONSOR Klindt

4284S.01I

SB 1196 - This act defines the terms "American Pyrotechnics Association (APA) Standard 87-1", chemical composition", "discharge site", "display fireworks", "display site", "distributor", "fireworks", "licensed operator", "NFPA", "permit", "proximate fireworks", pyrotechnic operator", and removes the definition of "special firework" within Sections 320.106 to 320.161, RSMo.

The act states that any false statement or declaration made on a permit application may result in the State Fire Marshal refusing to issue such permit for up to three years. Further the act modifies the fees the State Fire Marshal shall charge for permits. Additionally, the act limits the areas of which the State Fire Marshal may promulgate rules in accordance with Sections 320.106 to 320.161, RSMo. The act establishes civil penalties for anyone who manufactures, sells, offers for sale, ships, or causes fireworks to be shipped into the state without possessing the applicable permits (Section 320.111).

The act provided that all costs associated with an adjudication of rights pursuant to this law shall be placed upon the defendant.

The act makes numerous changes to the requirements that must be met in order to obtain a permit for displays or proximate fireworks. The act modifies provisions of law relating to ignition of fireworks within certain proximity to various items. Further, the act modifies provisions of law relating to the storage of fireworks.

RICHARD MOORE

020204	S First Read	S202
020904	Second Read and Referred S Commerce & the Environment Committee	S262

030904 Hearing Scheduled S Commerce and the Environment
Committee

EFFECTIVE : August 28, 2004

SB 1197

SCS SB 1197

SENATE SPONSOR Quick

4019S.03P

SCS/SB 1197 - This act provides that after the initial appointment of directors, that in any district located in whole or in part in Clay County, such directors shall be elected for a term of three years. If no one files as a candidate for election, the county commission shall appoint a person to serve the three year term or until the next general election.

SUSAN HENDERSON

020204 S First Read	S202
020504 Second Read and Referred S Economic Development, Tourism and Local Government Committee	S244
021104 Hearing Conducted S Economic Development, Tourism and Local Government Committee-Consent	
021104 SCS Voted Do Pass S Economic Development, Tourism and Local Government Committee-Consent (4019S.03C)	
021604 Reported From S Economic Development, Tourism & Local Government Committee to Floor w/SCS - Consent	S307
030304 SCS S adopted	S524
030304 S Third Read and Passed - Consent	S524
030404 H First Read	

EFFECTIVE : August 28, 2004

SB 1198

SENATE SPONSOR Russell

4298S.01I

SB 1198 - This act repeals the employer withholding bonus,
effective September 1, 2004.

JEFF CRAVER

SCA 1 - REINSTATES THE WITHOLDING BONUS ON JANUARY 1, 2007

020204 S First Read	S202
020504 Second Read and Referred S Ways & Means Committee	S244
022404 Hearing Conducted S Ways and Means Committee	
030204 Voted Do Pass w/SCA 1 S Ways & Means Committee	

EFFECTIVE : September 1, 2004

SB 1199

SENATE SPONSOR Kennedy

3478S.01I

SB 1199 - This act increases the pay, for retired members of the police force employed as advisors to the board of trustees, from ten dollars to fifteen dollars, multiplied by the numbers of years the retired member is past the age of sixty.

SUSAN HENDERSON

020204 S First Read S202
020904 Second Read and Referred S Pensions & General Laws S262
Committee
030204 Hearing Conducted S Pensions & General Laws Committee

EFFECTIVE : August 28, 2004

SB 1200

SENATE SPONSOR Griesheimer

4423S.01I

SB 1200 - This act allows motorists to obtain Lewis and Clark special license plates. After paying an annual contribution of \$10 to the Missouri Travel Council, a \$15 special license plate fee, and regular registration fees, a set of special license plates depicting the Lewis and Clark expedition will be issued.

STEPHEN WITTE

020204 S First Read S207
020904 Second Read and Referred S Transportation Committee S262
021704 Hearing Conducted S Transportation Committee

EFFECTIVE : August 28, 2004

SB 1201

SENATE SPONSOR Cauthorn

4371S.01I

SB 1201 - This act directs the Department of Agriculture to assess a surcharge of eighteen dollars on all petroleum products within the state. Fifty-five percent of the revenue generated by this surcharge shall be deposited in the Missouri qualified fuel ethanol producer incentive fund. The remaining forty-five percent shall be deposited in the Missouri qualified biodiesel incentive fund. Railroad and airline companies are not subject to the load fee described in this act.

MEGAN CRAIN

020204 S First Read S207
 020504 Second Read and Referred S Transportation Committee S244
 022404 Hearing Conducted S Transportation Committee
 030404 Voted Do Pass S Transportation Committee

EFFECTIVE : August 28, 2004

SB 1202

SENATE SPONSOR Gibbons

4261S.02I

SB 1202 - This act modifies the fee paid by those requesting criminal history record information. The fee is increased from five to ten dollars per request for information not based on a fingerprint search and from fourteen to twenty dollars per request for information based on a fingerprint search.

SUSAN HENDERSON

020204 S First Read S207
 021004 Second Read and Referred S Pensions & General Laws S276
 Committee
 021704 Hearing Conducted S Pensions & General Laws Committee

EFFECTIVE : August 28, 2004

SB 1203

SENATE SPONSOR Klindt

4464S.01I

SB 1203 - This act modifies the amount of escrow funds that may be released by tobacco manufacturers who do not participate in the Master Settlement Agreement and are required to deposit a certain amount of funds into an escrow fund. Such manufacturers may have funds released from escrow to the extent that the funds placed in escrow on account of units sold in this state in a particular year are greater than the Master Settlement Agreement payments that such manufacturer would have been required to make if it had been a participating manufacturer.

JIM ERTLE

020404 S First Read S229
 020904 Second Read and Referred S Ways & Means Committee S262
 021704 Hearing Conducted S Ways & Means Committee

EFFECTIVE : August 28, 2004

SB 1204

SENATE SPONSOR Cauthorn

4333S.01I

SCS/SB 1204 - This act prohibits permitted assessments from a workman's wages for the purpose of funding union job targeting programs, market recovery programs, or any other form of deduction which revert back to the benefit of the employer. Currently, persons employed on public works projects may not be assessed any portion of their wages except to a duly constituted labor organization.

This act prohibits employers from bidding for or perform work on a construction project contemplated in Sections 290.210 to 290.340 where such bid or work performance includes any wage subsidies or rebates from any employees or labor organizations on such project or any other project or from any third party, in whole or in part, to subsidize the employer's labor costs on the project.

Further, this act modifies Section 290.340 by including agents or representatives of labor organizations as those who are subject to the penalty provisions of the prevailing wage law.
RICHARD MOORE

020404	S First Read	S229
020904	Second Read and Referred S Small Business, Insurance and Industrial Relations Committee	S262
022504	Hearing Conducted S Small Business, Insurance and Industrial Relations Committee	
030304	SCS Voted Do Pass S Small Business, Insurance and Industrial Relations Committee (4333S.04C)	

EFFECTIVE : August 28, 2004

SB 1205

SENATE SPONSOR Cauthorn

4444S.01I

SB 1205 - This act authorizes minimum amounts of compensation for certain corrections personnel. The amount of compensation, which is subject to appropriations, is based upon rank and length of service.

This act will become effective July 1, 2005.

This act is identical to HB 1271 (2004).
SUSAN HENDERSON

020404 S First Read S229
021004 Second Read and Referred S Financial & Governmental S276
Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2004

SB 1206

SENATE SPONSOR Stoll

3263S.02I

SB 1206 - This act requires all entities that provide child care, health care, or elder care services to submit the employment history of licensed and unlicensed personnel to an acceptable database operated by a not-for-profit or private company. The company must have the capability to access and track various criminal background checks conducted by the state highway patrol and the FBI, employee disqualification lists, and the Family Care Safety Registry.

The Departments of Mental Health, Health and Senior Services and Social Services shall have joint rule-making authority to promulgate the provisions of this act.

LORIE TOWE

020404 S First Read S229
020904 Second Read and Referred S Aging, Families, Mental & S262
Public Health Committee

EFFECTIVE : August 28, 2004

SB 1207

SENATE SPONSOR Stoll

4358S.01I

SB 1207 - This act removes the word "commercial" in describing registered interior designers.

JIM ERTLE

020404 S First Read S229
020904 Second Read and Referred S Financial & Governmental S262
Organization, Veterans' Affairs & Elections Committee
030104 Hearing Conducted S Financial & Governmental Org.,
Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2004

SB 1208

SENATE SPONSOR Stoll

4309S.01I

SB 1208 - This act states that the State Board of Education shall, in consultation with the Boards of Education of school districts, educational personnel, and other interested parties, adopt a policy by December 1, 2004, which encourages effective involvement by parents and families in support of their children and the education of their children.

The act sets out elements and goals for the development of the policy adopted by the State Board.

Further, the act states that the Board of Education of each school district shall, in consultation with the state board, educational personnel, and other interested parties, adopt policies no later than March 1, 2005 which encourage effective involvement by parents and families in support of their children and the education of their children.

This act is identical to SB 586 from 2003.
DONALD THALHUBER

020404 S First Read	S229-230
021004 Second Read and Referred S Education Committee	S276

EFFECTIVE : August 28, 2004

SB 1209

SENATE SPONSOR Bland

4128S.03I

SB 1209 - This act doubles the current pension and retirement benefit deduction to the first twelve thousand dollars, if other requirements in current law are met.

The act has an effective date of 1/1/05.
JEFF CRAVER

020404 S First Read	S230
020904 Second Read and Referred S Ways & Means Committee	S262

EFFECTIVE : January 1, 2005

SB 1210

SENATE SPONSOR Bray

4290S.02I

SB 1210 - This act creates the crime of abuse through forced labor by knowingly providing or obtaining the labor or services of a person through threats of harm or restraint, by means of causing a person to believe that if the labor is not performed that person or another will suffer harm, or by means of abuse or the threat of abuse of the law or legal process. The crime of abuse through forced labor is a Class B felony (Section 556.203).

This act creates the crime of trafficking for the purposes of slavery, involuntary servitude, or forced labor if a person knowingly recruits, harbors, transports, provides, or obtains by any means, another person for labor or services. The crime of trafficking pursuant to this section is a Class B felony (Section 556.206).

This act creates the crime of sexual trafficking of a child if the individual knowingly recruits, transports, harbors, provides, or obtains a child to participate in a commercial sex act. It is a crime to benefit financially from participation in such activities or to cause a person under the age of eighteen to engage in a commercial sex act through the use of fraud, coercion, or force. The crime of sexual trafficking of a child is a Class A felony if the child is under the age of fourteen; otherwise, it is a Class B felony (Section 556.209).

This act creates the crime of contributing to human trafficking through the misuse of documentation. It is a crime to misuse another person's identification to commit the above trafficking offenses or to restrict a person's ability to move or travel. The crime of contributing to human trafficking through the misuse of documentation is a Class D felony (Section 556.212).

This act requires the sentencing court to order the offender to pay restitution to the victim of the offenses established in Sections 556.203, 556.206, 556.209 (Section 556.215).

This act requires international matchmaking organizations to provide notice to each recruit from another country that certain information regarding clients is available. Such an organization must disseminate the criminal history record information and marital history information of a client along with basic rights information within 30 days after it receives the information. A client of an organization must obtain his or her own criminal history and give it to the organization along with the marital history information. The organization must require the client to affirm that the information is accurate and complete. It is a Class D felony to wilfully provide incomplete or false information or to violate the requirements of notice and providing information as required

by this section (Section 556.218).
SUSAN HENDERSON

020404	S First Read	S230
020904	Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S263
022404	Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee	

EFFECTIVE : August 28, 2004

SB 1211

SENATE SPONSOR Wheeler

4203S.01I

SB 1211 - The act deletes the requirement that summons in
landlord/tenant actions must be served by certified mail.

This act is similar to a provision in SB 1138 (2004).
JIM ERTLE

020404	S First Read	S230
020904	Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S263
030204	Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee	

EFFECTIVE : August 28, 2004

SB 1212

SCS SB 1212

SENATE SPONSOR Wheeler

4451S.04C

SCS/SB 1212 - The act conveys state property, known as
the Felix Building, to the Truman Medical Center.

SUSAN HENDERSON

020404	S First Read	S230
020904	Second Read and Referred S Economic Development, Tourism and Local Government Committee	S263
022504	Hearing Conducted S Economic Development, Tourism and Local Government Committee-Consent	
022504	SCS Voted Do Pass S Economic Development, Tourism and Local Government Committee-Consent (4451S.04C)	
030104	Reported From S Economic Development, Tourism & Local Government Committee to Floor w/SCS - Consent	S496
030804	S Consent Calendar w/SCS (3/1)	

EFFECTIVE : August 28, 2004

SB 1213

SENATE SPONSOR Steelman

4326S.01I

SB 1213 - This act requires all tobacco product manufacturers who sell cigarettes in this state to file an annual form with the Attorney General stating they are in compliance with the Master Settlement Agreement. Participating manufacturers must certify a list of its brand families. Nonparticipating manufacturers must provide additional information as indicated including a more detailed listing of brand families and units sold and that the nonparticipating manufacturer is registered to do business in the state, maintains a qualified escrow fund (including specific information regarding the account), is in full compliance with the Master Settlement. Tobacco product manufacturers must maintain information used to compile the certification for five years.

By January 1, 2005, the Attorney General shall publish or make available on its website a list of all tobacco product manufacturers who have filed certifications. It shall be unlawful to any person to affix a stamp to a package of cigarettes of a tobacco product manufacturer or brand family that is not included in the directory or to offer those cigarettes for sale.

Foreign nonparticipating manufacturers who are not registered to do business in the state must designate an agent for service of process as a condition precedent to being listed in the directory.

Stamping agents are required to submit a quarterly report to the Attorney General the equivalent stick count for which the stamping agent affixed stamps or otherwise paid the tax due for the cigarettes. The stamping agent must maintain documentation used to compile the report for five years. The Director of Revenue and the Attorney General may share information for the purposes of enforcement of the provisions of this act.

The Attorney General may require nonparticipating manufacturers, stamping agents and tobacco product manufacturers to provide certain additional information necessary to determine compliance.

Upon determination of a violation, the Director of the Department of Revenue may suspend the license of a stamping agent. Each stamp affixed and each sale or offer to sell cigarettes shall constitute a separate violation. The Director of the Department of Revenue may also impose a civil penalty of the greater of 500% of the retail value of the cigarettes or \$5,000. Cigarettes sole, offered for sale or possessed for sale that are in violation are deemed contraband and subject to

seizure and forfeiture. The Attorney General may seek and injunction for threatened or actual violations.

It is a Class A misdemeanor to sell or distribute cigarettes, or acquire, hold, own, possess, transport, import or cause to be imported cigarettes that the person knew or should have known were intended for distribution in the State which are in violation of the stamping provisions. Violations of the stamping provisions shall also be deemed to be engaged in unfair merchandising practices pursuant to Chapter 407, RSMo.

Decisions regarding maintenance of the directory by the Attorney General shall be subject to review by the Administrative Hearings Commission. Effective dates for implementation of the provisions are provided. The Attorney General may promulgate necessary rules. The State shall be entitled to recover costs of enforcement actions including reasonable attorneys fees. If a court determines that a violation has occurred, the court shall order any profits be disgorged and paid into the Tobacco Control Special Fund which is created.

This act is identical to HB 1267 (2004).
JIM ERTLE

020404 S First Read	S230
020904 Second Read and Referred S Ways & Means Committee	S263
021704 Hearing Conducted S Ways & Means Committee	

EFFECTIVE : August 28, 2004

SB 1214

SENATE SPONSOR Griesheimer

2497S.02I

SB 1214 - This act creates an exemption in the Missouri Sunshine Law in certain situations for public bodies who receive information that is voluntarily submitted by a non-public entity who owns or operates an infrastructure to any public governmental body, for use by that body to devise plans for the protection of that infrastructure. Further, records that are voluntarily submitted by a non-public entity must be reviewed by the receiving agency within ninety days of submission to determine if retention of the document is necessary in furtherance of a state security interest, if not the documents must be returned to the non-public governmental body or destroyed.

This act contains an emergency clause.
RICHARD MOORE

020404 S First Read	S230
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020904 Second Read and Referred S Commerce & the Environment S263
Committee

EFFECTIVE : December 31, 2008

SB 1215

SENATE SPONSOR Griesheimer

4449S.01I

SCS/SB 1215 - This act provides that public entities which provide or pay for medical benefits for their employees and dependents under a plan of self-insurance shall have the same rights and obligations and be subject to the same remedies as the Department of Social Service and Medicaid are, as provided in Section 208.215. That section allows the Department of Social Services to recover payments from third parties for the payment of medical bills. The act provides that the act shall not apply to limited benefit supplemental health insurance policies paid entirely by an employee of the public entity.

STEPHEN WITTE

020404 S First Read S230
020904 Second Read and Referred S Small Business, Insurance S263
and Industrial Relations Committee
021804 Hearing Conducted S Small Business, Insurance and
Industrial Relations Committee
030304 SCS Voted Do Pass S Small Business, Insurance and
Industrial Relations-Consent (4449S.03C)

EFFECTIVE : August 28, 2004

SB 1216

SENATE SPONSOR Kennedy

4456S.01I

SB 1216 - This act allows members of the Department of Transportation to purchase up to four years of his or her creditable prior service as a non-federal full-time public employee that is equivalent to service within the Department of Transportation, if they are not receiving and are not eligible to receive credits or benefits from any other public plan for the service to be purchased.

RICHARD MOORE

020404 S First Read S230
020904 Second Read and Referred S Pensions & General Laws S263
Committee
022404 Hearing Conducted S Pensions & General Laws Committee

Consent

EFFECTIVE : August 28, 2004

SB 1217

SENATE SPONSOR Bartle

3873S.04I

SB 1217 - This act states that school districts located at least partially in Jackson County shall be reimbursed fully by the Department of Elementary and Secondary Education for the costs associated with offering special educational services to any children that are in the protective custody of the department of social services.

The act cites Article X, Section 21 of the Missouri Constitution, which is the Hancock amendment's unfunded mandate provision.

DONALD THALHUBER

020404 S First Read	S230
020904 Second Read and Referred S Education Committee	S263

EFFECTIVE : August 28, 2004

SB 1218

SCS SB 1218

SENATE SPONSOR Quick

4486S.02C

SCS/SB 1218 - This act provides that only persons who are licensed as registered nurses and who hold recognition from the board of nursing as an advanced practice registered nurse may use the title "Advanced Practice Registered Nurse" or the abbreviation "APRN."

JIM ERTLE

020404 S First Read	S230
021004 Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee	S276
021604 Hearing Conducted S Financial & Governmental Org., Veterans' Affairs & Elections Committee-Consent	
021704 SCS Voted Do Pass S Financial & Governmental Org., Vets' Affairs & Elections Com.-Consent (4486S.02C)	
022304 Reported From S Financial & Governmental Org., Vet. Affairs & Elections Committee to Floor w/SCS -Consent	S355
030804 S Consent Calendar w/SCS (2/23)	

EFFECTIVE : August 28, 2004

SB 1219

SENATE SPONSOR Shields

4357S.02I

SB 1219 - This act allows members of the Search and Rescue Council of Missouri to obtain specialized license plates after paying an emblem-use authorization fee in addition to other registration fees.

STEPHEN WITTE

020404 S First Read S230

020904 Second Read and Referred S Transportation Committee S263

EFFECTIVE : August 28, 2004

SB 1220

SCS SB 1220

SENATE SPONSOR Caskey

4437S.03C

SCS/SB 1220 - This act increases the maximum amount of compensation that certain county officials may receive if the salary commission decides to increase salaries. The act equalizes the maximum amount of compensation that certain county officials may receive. This act also extends the assessed valuation tables upon which the salaries are based to include higher assessed values in the counties.

This act requires that expenses incurred for training of certain county officials be reimbursed.

SECTION 49.082 - This act increases the maximum amount of compensation that may be received by the county commissioner in all counties, except charter counties and certain counties of the first classification.

SECTION 50.334 - This act increases the maximum amount of compensation that may be received by the recorder of deeds in all counties, except charter counties.

SECTION 50.343 - This act increases the maximum amount of compensation for certain county officials and extends the assessed valuation table upon which the salaries are based to include higher assessed values in the counties.

SECTION 51.281 - This act increases the maximum amount of compensation for the county clerk in all counties, except first class counties.

SECTION 51.283 - This act allows the election authority in each county that does not have a board of election

commissioners to receive an additional \$7,500 to perform duties in compliance with the Help America Vote Act of 2002.

SECTION 52.269 - This act increases the maximum amount of compensation that may be received by the county collector in all counties, except charter counties.

SECTION 53.082 - This act increases the maximum amount of compensation that may be received by the county assessor in all counties, except those of the first classification.

SECTION 54.261 - This act increases the maximum amount of compensation that may be received by the county treasurer in all counties, except charter counties.

SECTION 54.320 - This act increases the maximum amount of compensation that may be received by the county treasurer ex officio collector in third and fourth class township counties.

This act also allows the treasurer ex officio collector of such counties to employ no less than one full time deputy. The treasurer ex officio collector may employ as many deputies and assistants as necessary.

SECTION 56.265 - This act increases the maximum amount of compensation that may be received by part-time prosecutors in all counties, except charter counties.

SECTION 57.317 - This act increases the maximum amount of compensation that may be received by the county sheriff in all counties, except charter counties.

SECTION 58.095 - This act increases the maximum amount of compensation that may be received by the county coroner in all counties, except those with a charter form of government.

SUSAN HENDERSON

020404	S First Read	S230
020904	Second Read and Referred S Economic Development, Tourism and Local Government Committee	S263
021804	Hearing Conducted S Economic Development, Tourism and Local Government Committee	
030304	SCS Voted Do Pass S Economic Development, Tourism and Local Government Committee (4437S.03C)	
030404	Reported From S Economic Development, Tourism & Local Government Committee to Floor w/SCS	
030804	012 S Calendar S Bills for Perfection w/SCS	

EFFECTIVE : August 28, 2004

SB 1221

SENATE SPONSOR Kinder

4494S.01I

SB 1221 - This act authorizes the Health and Educational Facilities Authority to issue bonds in the amount of \$190,440,000. The revenue derived from such bonds shall be used for the construction and renovation of life sciences and economic development infrastructure on the several campuses of the University of Missouri, as such projects are delineated in the act.

Further, the act authorizes the curators of the University of Missouri to enter into a long-term ground lease for the purpose of the construction of a hotel/convention center on property owned by the University. The act additionally expresses that the proceeds from such ground lease shall be utilized in order to construct a Performing Arts Center on such property.

The bond issuance component of the act issimilar to SB 1227.

DONALD THALHUBER

020404 S First Read	S232
020504 Second Read and Referred S Appropriations Committee	S244
030304 Hearing Conducted S Appropriations Committee	

EFFECTIVE : August 28, 2004

SB 1222

SENATE SPONSOR Dougherty

4328S.01I

SB 1222 - This act requires that state employees be paid at a rate of one and one half times their standard hourly rate for all time worked in excess of 40 hours per week. Overtime will be paid unless the employee chooses to use accrued overtime hours as compensatory leave time, if leave time is available and the employee's supervisor agrees. Any employee who works a state holiday will have the option of receiving either equal compensatory time off or payment at the straight hourly rate. This applies only to employees who are otherwise eligible for compensatory time.

Any state employee requesting cash payment for at least 20 hours of accrued overtime is to be compensated within 30 calendar days of the request.

Beginning on January 1, 2006, and annually thereafter, each department must pay all state employees who are paid at an hourly

rate in full for any overtime hours accrued during the previous calendar year not yet paid or used in the form of compensatory leave time. State employees may retain up to 80 hours of compensatory leave time.

By November of each year, every department must notify the Commissioner of Administration, the House Budget Chairman, and the Senate Appropriations Chairman of the amount of overtime paid in the previous year and an estimate of the overtime to be paid in the current fiscal year. The fiscal year estimate is to be a separate line item appropriation for each department in its appropriation bill.

RICHARD MOORE

020404 S First Read S232
021004 Second Read and Referred S Small Business, Insurance S276
and Industrial Relations Committee

EFFECTIVE : August 28, 2004

SB 1223

SENATE SPONSOR Dougherty

4410S.01I

SB 1223 - This act allows guardian ad litem to receive a reasonable fee in adoption proceedings. The court has the discretion to award the fees as a final judgment to be paid by any party or through public funds.

LORIE TOWE

020404 S First Read S232
020904 Second Read and Referred S Aging, Families, Mental & S263
Public Health Committee

EFFECTIVE : August 28, 2004

SB 1224

SENATE SPONSOR Dougherty

4020S.01I

SB 1224 - This act modifies provisions relating to homeless youth and qualified minors. The term "homeless child or youth" is modified in Section 167.020, RSMo, to include those children and youth who:

-are sharing housing with other persons, living in motels, hotels, or emergency shelters, or are awaiting foster care placement;

-have a primary nighttime residence that is not designed for regular sleeping accommodations;

-are living in cars, public spaces, abandoned buildings, or similar settings; and
-are migratory.

Under current law, a minor is deemed qualified and competent if they are at least sixteen, homeless, self-supporting, and have the parent's consent. New language in Section 431.056, RSMo, defines a self-supporting minor as "surviving without the physical or financial support of the parents". In addition, the parental consent requirement is clarified to include both express and implied consent.

LORIE TOWE

020404 S First Read S232
020904 Second Read and Referred S Aging, Families, Mental & S263
Public Health Committee
030304 Hearing Conducted S Aging, Families, Mental & Public
Health Committee

EFFECTIVE : August 28, 2004

SB 1225

SCS SB 1225

SENATE SPONSOR Dougherty

4398S.02C

SCS/SB 1225 - This act increases the maximum amount of compensation payable to St. Louis police officers by \$1,500.
SUSAN HENDERSON

020404 S First Read S232
020904 Second Read and Referred S Economic Development, S263
Tourism and Local Government Committee
021804 Hearing Conducted S Economic Development, Tourism and
Local Government Committee
021804 SCS Voted Do Pass S Economic Development, Tourism and
Local Government Committee (4398S.02C)
022304 Reported From S Economic Development, Tourism and S357
Local Government Committee to Floor w/SCS - Consent
030804 S Consent Calendar w/SCS (2/23)

EFFECTIVE : August 28, 2004

SB 1226

SENATE SPONSOR Callahan

4385S.04I

SB 1226 - This act prohibits a person from qualifying as a candidate for any public elective office who has been convicted of, or pled guilty to, any felony or misdemeanor under the laws

of the United States. A conviction or plea of guilty to such felony or misdemeanor shall result in the automatic suspension of an individual currently holding office. The suspension shall continue until all appellate review of the original trial court proceedings are exhausted.

JIM ERTLE

020404 S First Read S232-233
020904 Second Read and Referred S Financial & Governmental S263
Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2004

SB 1227

SENATE SPONSOR Russell

4496S.01I

SB 1227 - This act authorizes the issuance of bonds for construction and renovation projects for the University of Missouri system as follows:

FROM BOND PROCEEDS	\$190,440,000
FROM LOCAL FUNDS	\$115,433,000
<hr/>	
TOTAL	\$305,873,000
MARTY DREWEL	

020504 S First Read S239
020904 Second Read and Referred S Appropriations Committee S263
030304 Hearing Conducted S Appropriations Committee

EFFECTIVE : July 1, 2004

SB 1228

SENATE SPONSOR Gibbons

4417S.01I

SB 1228 - This act requires the Highway Patrol to maintain a website with the names, addresses, and offenses of individuals required to be on the sexual offender registry. The state will not be civilly or criminally liable for the erroneous placement of an individual's name or address on the website unless there is evidence that the action was performed maliciously.

This act makes it a Class D felony for an individual who committed a sexual offense that is an unclassified felony, Class A felony, Class B felony, or a felony involving a child under the age of fourteen, to fail to register as a sexual

offender. A second or subsequent offense by such individuals is a Class C felony. Currently, any individual who is required to register as a sexual offense and fails to do so, is guilty of a Class A misdemeanor.

SUSAN HENDERSON

020504	S First Read	S239
020904	Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S263
030204	Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee	

EFFECTIVE : August 28, 2004

SB 1229

SENATE SPONSOR Caskey

4452S.01I

SB 1229 - This act excludes commercially produced tobacco products from those items or substances which people cannot knowingly deliver or conceal in a county jail or correctional facility.

Currently, it is a Class D felony to bring any alkaloid or spiritous or malt liquor into a correctional facility and the definition of alkaloid includes those substances with nicotine.

SUSAN HENDERSON

020504	S First Read	S239
020904	Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee	S263
021604	Hearing Conducted S Financial & Governmental Org., Veterans' Affairs & Elections Committee-Consent	
021704	Voted Do Pass S Financial & Governmental Org., Veterans' Affairs & Elections Committee-Consent	
022304	Reported From S Financial & Governmental Org., Vet. Affairs & Elections Committee to Floor - Consent	S355
030804	S Consent Calendar (2/23)	

EFFECTIVE : August 28, 2004

SB 1230

SENATE SPONSOR Clemens

3943S.02I

SB 1230 - This act raises the aggregate amount of contributions that a candidate for certain judicial offices, political party offices and certain local government offices may

receive before being required to file an exemption statement with the Missouri Ethics Commission in order to avoid forming a campaign committee and filing disclosure reports. The act raises the dollar limit from \$1,000 to \$5,000.

The amount of contributions and expenditures that a campaign committee may make and receive before being required to file quarterly disclosure reports is increased from \$500 to \$5,000.
JIM ERTLE

020504	S First Read	S239
020904	Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee	S263
030104	Hearing Conducted S Financial & Governmental Org., Veterans' Affairs & Elections Committee	
030204	Voted Do Pass S Financial & Governmental Org., Veterans' Affairs & Elections Committee-Consent	

EFFECTIVE : August 28, 2004

SB 1231

SENATE SPONSOR Clemens

4331S.01I

SB 1231 - This act exempts dentists from acupuncture licensing requirements, unless a dentist uses the title "acupuncturist".

JIM ERTLE

020504	S First Read	S239
020904	Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee	S263
030104	Hearing Conducted S Financial & Governmental Org., Veterans' Affairs & Elections Committee	

EFFECTIVE : August 28, 2004

SB 1232

SCS SB 1232

SENATE SPONSOR Clemens

3753S.03C

SCS/SB 1232 - This act, entitled "The Competitive Government Act", requires that all state agencies assess their current functions every other year beginning in 2005 to determine what functions could be performed by a private sector contractor. The act requires that a list be prepared by the agencies and sent to the office of administration and the state competition council, which has not yet been established. Until the council is established, the Office of Administration will perform the

council's duties.

Once the list is established and published, the agencies will prepare a competitive sourcing plan under the direction of the council. For future activities that are included on the list, the agencies and private sector groups will enter a competitive bidding process. The act instructs agencies to consider all costs, including quality assurance, liability insurance, and others in order to have accurate comparisons with private sector bidders.

The act provides that an interested party may challenge an omission or an inclusion of an activity on the list. The act also provides for administrative review of such challenge.

JEFF CRAVER

020504	S First Read	S239
021004	Second Read and Referred S Governmental Accountability & Fiscal Oversight Committee	S276
021604	Hearing Conducted S Governmental Accountability and Fiscal Oversight Committee	
022604	SCS Voted Do Pass S Governmental Accountability and Fiscal Oversight Committee (3753S.03C)	
030404	Reported From S Governmental Accountability & Fiscal Oversight Committee to Floor w/SCS	
030804	006 S Calendar S Bills for Perfection w/SCS	

EFFECTIVE : August 28, 2004

SB 1233

SCS SBs 1233, 840 & 1043
SENATE SPONSOR Dolan

2561S.07C

SCS/SBs 1233, 840 & 1043 - This act makes numerous revisions to laws relating to the operation, registration, and titling of motor vehicles.

SPECIAL LICENSE PLATE PROCEDURE THROUGH JOINT COMMITTEE ON TRANSPORTATION OVERSIGHT - 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 21.795.6). 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 301.2999.4).

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 long 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).

PERSONALIZED LICENSE PLATES - Under this act, the restriction that personalized plates not exceed 6 characters in length is removed. The personalization fee is increased from \$15 to \$25 (section 301.144). The act adds cleanup language regarding the type of vehicles that can display personalized license plates. This act eliminates the requirement of the department to issue a 'stock' plate that is only utilized 30-60 days until the personalized license plate is manufactured; instead the person will receive a temporary permit until the plate is issued (subsection 2 of Section 301.144).

AMATEUR RADIO PLATES - 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". This act is substantially similar to SB 89 (2003) and HB 684 (2001) (Section 301.144.5).

PEACE OFFICER PLATES - 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 provision is similar to the one contained in SB 134 (2003)(Section 301.3128).

KINGDOM OF CALONTIR - This act provides that the words "KINGDOM OF CALONTIR" shall replace the words "SHOW-ME STATE" (Section 301.3098).

FIREFIGHTER PLATES - 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 provision is similar to the one contained in SB 171 (2003)(Section 301.3129).

U.S. VETERAN LICENSE PLATES - This act allows honorably discharged veterans to obtain "U.S. VET" motor vehicle license plates. To obtain these plates, the individual will pay \$15 in addition to regular registration fees. This act also removes the requirement from the U.S. VET motorcycle plate provision that the person must have served during a period of war (Section 301.3999). This provision is similar to one contained in SB 240 (2003).

FOXTROTTLING LICENSE PLATE - 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 part of the act is identical to SB 261 and HB 170 (2003)(Section 301.3126).

DAUGHTERS OF THE AMERICAN REVOLUTION - 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 (Section 301.134). This provision was

contained in SB 368 (2003).

KIDS WITH CANCER LICENSE PLATES - 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 provision was contained in SB 369 (2003)(Section 301.3122).

SPECIAL OLYMPIC LICENSE PLATES - This act creates the Special Olympics Missouri license plate. An individual may obtain such a plate after paying \$25 to Special Olympics Missouri in addition to the \$15 special license plate fee and other registration fees. This provision was contained in SB 382 (2003)(Section 301.3124).

CHILDREN'S TRUST FUND LICENSE PLATES - This act modifies the law regarding Children's Trust Fund license plates. This act states that the plates cannot be issue for apportioned motor vehicles or commercial motor vehicles in excess of 18,000 pounds. This act allows the \$25 contribution to be made at the time of registration. This act also requires the Director of Revenue to issue sample license plates to be displayed in revenue offices and that literature describing the Children's Trust Fund be distributed in such offices. This provision is similar to one contained in SB 402 (2003)(Section 301.463).

PROFESSIONAL ENGINEERS LICENSE PLATE - This act allows members of the Missouri Society of Professional Engineers to receive special license plates. In order to obtain such a plate, the member must pay \$25 for an emblem-use contribution to the organization and pay \$15 in addition to regular registration fees. This provision was contained in SB 403(2003)(Section 301.3132).

ORGAN DONOR LICENSE PLATE - This act creates an organ donor license plate. In order to receive an organ donor license plate, the driver must first donate \$25 to the Organ Donor Program Fund established under Section 194.297. The driver must also pay \$15 in addition to regular registration fees. The license plate will bear the words "BE AN ORGAN DONOR" in lieu of the words "SHOW-ME STATE". The plates will be designed by the director of revenue in consultation with the Organ Donation Advisory Committee. This provision was contained in SB 419 (2003)(Section 301.3125).

ALPHA PHI OMEGA LICENSE PLATES - 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 provision was contained in SB 484 (2003)(Section 301.3137).

FORMER LEGISLATORS - This act allows former members of the Missouri legislature to receive special license plates. This

provision is similar to one contained in HB 1789 (2002)(Section 301.3106).

STREET RODS AND CUSTOM VEHICLE REGISTRATION - This act establishes new registration procedures for street rods and custom vehicles. The act defines "street rod" and "custom vehicle". The annual fee for these vehicles shall equal the fee charged for a personalized license plate (\$15) plus regular registration fees. Owners of these types of vehicles must certify at the time of registration that the vehicles will be maintained for occasional transportation, exhibits, club activities, parades, tours, and similar uses and will not be used for general daily transportation. These vehicles are exempt from vehicle inspections and emission tests. License plates for these categories of vehicles shall 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. A "blue dot tail light" is a red lamp installed in the rear of the motor vehicle which contains a blue or purple insert that is not more than one inch in diameter. These provisions are similar to HB 598, SB 570 and HB 283(2003)(Section 301.132).

BOY SCOUT/GIRL SCOUT PLATES - This act allows for special license plates designated "Boy Scouts of America", "Girl Scouts of America", and "Gold Award". To obtain these plates, a person must get an emblem-use authorization statement (\$25 contribution). Persons wanting a "Boy Scouts of America" plate must get the authorization statement from any local district council in the state. Persons wanting a "Girl Scouts of America" or "Gold Award" plate must get the authorization statement from the Girl Scouts of America. The use authorization statement must be presented to the Department of Revenue at the time of registration along with a \$15 fee in addition to the registration fee and other documents required by law. No additional fee will be charged for personalization of these plates. Revenue collected from authorization contributions, minus any reasonable administrative cost, will be used solely for the purposes of the respective organizations. This portion of this act is identical to HB 626 (2003)(Sections 301.3139, 301.3140, and 301.3141).

CAMP QUALITY LICENSE PLATES - This act allows persons who make a \$25 contribution to Camp Quality of Missouri to receive license plates with that organization's insignia. Contributions received by the organization will be used for providing scholarships to children with cancer (Sections 301.3144).

STATE TROOPERS EMERGENCY RELIEF SOCIETY - 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 provision is similar to SB 216 (2003)(Section 301.3130).

LEWIS AND CLARK LICENSE PLATE - This act allows motorists to obtain Lewis and Clark special license plates. After paying an annual contribution of \$25 to the Missouri Travel Council, a \$15 special license plate fee, and regular registration fees, a set of special license plates depicting the Lewis and Clark expedition will be issued. This portion of the act is identical to SB 1200 (Section 301.3133).

SALVAGE VEHICLE - This act revises the definition of "salvage vehicle" to include any motor vehicle, semitrailer, or house trailer which has been damaged to the extent that the total cost of repairs to rebuild the vehicle to its condition immediately before it was damaged exceeds 75% of the fair market value of the vehicle prior to the damage. The total cost of repairs to rebuild or reconstruct the vehicle shall not include the cost or repairing, replacing, or reinstalling tires, sound systems or any sales tax for parts or materials to rebuild the vehicle (Section 301.010). The act defines "fair market value." Salvage titles may be negotiable with one reassignment on the back of the title by registered dealers or insurance companies (Section 301.217). This act is similar to SB 1262 and HB 1284 (2004).

STOLEN VEHICLES - SALVAGE DETERMINATION - This act allows insurance companies to obtain clean title without a salvage designation for stolen vehicles which has sustained not sustained damage to the extent that the vehicle would have been declared a salvage vehicle (75% threshold). If the insurance company determines that the stolen vehicle has not exceeded the damage threshold, then the insurance company may have the vehicle inspected by the highway patrol. After the stolen vehicle has been inspected and the insurance company returns any previously issued salvage certificate, the department of revenue will issue the company a certificate without the salvage designation (Section 301.227).

INSURANCE COMPANIES/CLAIMS ADJUSTMENT - This act allows insurance companies who purchase a vehicle through the claims adjustment process for which the company is unable to obtain a negotiable title to apply for a salvage certificate of title (Section 301.193).

OUT OF STATE SALVAGE TITLE INSPECTION PROCESS - Under this act, before an original Missouri certificate of ownership is issued, if a salvage certificate of title has been issued for the same vehicle but no prior inspection and verification has been made in this state, an inspection and a verification of the VIN numbers shall be conducted by the Highway Patrol (Section 301.190).

SALVAGE MOTOR VEHICLE DEALER LICENSE - This act requires salvage motor vehicle licenses to renewed biennially instead of annually and increases the annual fee from \$65 to \$130 for a biennial license (Section 301.219).

TRANSFER NOTICE (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. Transfers to and from motor vehicle dealers are exempt from the provisions of this act. The notice required by this act does not constitute an assignment or release of any interest in the vehicle. Retail sales made by license dealers shall be reported pursuant to the monthly sales report law. 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 show in its records, or when the law requires the department to provide the name of the owner that appears on the title, the department shall provide the owner's name on the title 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). The act provides that sellers of motor vehicles who fail to provide transfer notice shall be guilty of an infraction. These provisions are similar to ones contained in SS/SCS/HCS/HB 600 (2003). These provisions will not go into effect until January 1, 2006.

MONTHLY SALES REPORTS The act allows the department of revenue to levy penalties against dealers who fail to file monthly sales reports or file them untimely. The act provides that delinquent filers shall be subject to the disciplinary provisions of section 301.562 (revocation or suspension of license) or a penalty up to \$300 per violation. The act allows monthly sales reports to be filed electronically January 1, 2006. Dealers selling 20 or more motor vehicle dealers per month shall be required to file such reports beginning January 1, 2007. Dealers filing their monthly sales report electronically are exempt from filing the notice of transfer and those who do not file electronically shall submit the notice of transfer with their monthly sales report (section 301.280).

STANDARDS FOR TOWING COMPANIES - This act provides that towing companies performing tows pursuant to Sections 304.155 (law

enforcement requested tows) and 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 (Section 304.154).

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

TOWER ONLINE ACCESS TO DOR RECORDS - This act modifies the towing statutes to allow towers to access Department of Revenue records when attempting to discover abandoned property owners (sections 304.155.6 and 304.157).

ABANDONING A MOTOR VEHICLE - 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 (Section 577.080).

LAW ENFORCEMENT TOWS - 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 2 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 2 hours, instead of 48 hours, if the law enforcement officer determines that the abandoned property to be a serious hazard to other motorists (Section 304.155).

STAGGERED REGISTRATION FOR COMMERCIAL MOTOR VEHICLES - Under current law, commercial motor vehicles are required to be registered on an annual basis. This act adds an option at the Missouri Highways and Transportation Commission's discretion to begin a one-year registration on the beginning date of a quarter. The act allows for registration periods greater than one year during the transition period. This act transfers the penalties that may be assessed to the applicable periods before each quarter so that there is no change in penalty enforcement. The act allows the issuance of a partial year registration for additions to a fleet as a convenience to the customer (so all registrations for one customer will expire at the same time). The act deletes a provision relating to prorated registration fees over the course of a year that will no longer be necessary since partial registrations will now be allowed for only such reasons as determined by the commission. This act updates the plate display provision to change it from December 31 to the day before each quarter begins, as applicable. The act removes references to the Highway Reciprocity Commission and the Division of Motor Carrier and Railroad Safety and replaces those references with the commission (Sections 301.041, 390.136, 390.340, 308.280, 308.283, 308.600, 308.620 and 622.095).

COMMERCIAL DRIVER'S LICENSES - This act makes several revisions to the commercial driver's license law. These provisions are substantially similar to those contained in HB 1118 (2004).

SCHOOL BUS ENDORSEMENT - Any individual who operates a school bus must have a school bus endorsement on their driver's license. In order to obtain a school bus endorsement, an applicant must submit two sets of fingerprints. One set of prints will be used by the State Highway Patrol to search the criminal history repository, and the second set will be forwarded to the Federal Bureau of Investigation for searching the federal criminal history files. The applicant will pay the fee for the state criminal history information and the federal criminal history record. The temporary school bus permit may only be issued if the applicant has been determined not to have pled guilty to or been found guilty of certain offenses. The act also allows applicants who have a school bus endorsement from another state to receive one in Missouri (sections 302.177, 302.272, and 302.273).

DRIVING WHILE REVOKED - CDL - This act creates the crime of driving a commercial motor vehicle while revoked if a person

operates a commercial motor vehicle with a revoked, suspended, canceled license or is otherwise disqualified from operating a commercial motor vehicle. This offense is a class A misdemeanor. Driving a commercial motor vehicle on a fourth or subsequent offense with commercial driving privileges revoked or suspended, with no prior alcohol-related enforcement contacts, and the defendant waived the right to an attorney and the prior three offenses occurred within 10 years and the person served a 10-day sentence on the previous offenses is a Class D felony. Any person with a prior alcohol-related contact convicted of driving a commercial motor while revoked a third or subsequent time is guilty of a Class D felony. Driving a commercial motor vehicle while revoked is a Class D felony on the second or subsequent DWI conviction. Driving a commercial motor vehicle while revoked on a fourth or subsequent conviction for other offenses is a Class D felony (section 302.727).

DRIVER IMPROVEMENT PROGRAM/LIMITED DRIVING PRIVILEGES - Under this act, holders of a commercial driver's license can avoid the assessment of points upon the completion of a driver-improvement program (Section 302.302.5). CDL holders will not be allowed limited driving privileges for a commercial vehicle if their driving privileges are suspended, revoked, canceled, denied, or disqualified. This limitation, however, shall not prevent the individual from obtaining a limited driving privilege for a noncommercial motor vehicle if otherwise qualified (Section 302.309).

APPLICATION PROCEDURE -STATE RECORD CHECKS - This act requires applicants for a CDL to disclose the names of all states which have issued them a CDL during the previous 10-year period (Section 302.735). The Director of the Department of Revenue is required before the initial issuance of a CDL and for the first renewal to obtain driving record information from any state licensing system in which the person had been issued a license . A CDL driving record must contain a complete history of the driver, including information and convictions from previous states of licensure (Section 302.740).

DISQUALIFICATION AND OTHER OFFENSES - The act modifies the definition of "disqualification" to include suspension and revocation of commercial driver's licenses, withdrawal of driving privileges, or a determination by the Federal Motor Carrier Safety Administrator that the driver is not qualified to operate a commercial motor vehicle (section 302.700). The act modifies the definition of commercial motor vehicle to include vehicles designed to transport 16 or more passengers instead of 15 as provided by the current law. The act modifies the definition of "driving under the influence of alcohol" to include offenses committed while driving a commercial or noncommercial motor vehicle. The act modifies the definition of "serious traffic violation" to include driving a commercial motor vehicle without a CDL license in the person's possession (may later submit proof

to the court of proper licensure) or driving a commercial motor vehicle without the proper endorsement for the type of vehicle being driven or cargo being transported. The director is required to disqualify any driver the U. S. Secretary of Transportation has determined to constitute an imminent hazard. A person who drives a commercial motor vehicle without having his or his CDL license in his or her possession shall be guilty of a class A misdemeanor (Section 302.725). Driving a commercial motor vehicle which causes a fatality due to negligent operation shall disqualify the driver (Section 302.755).

OUT-OF-SERVICE ORDERS - Any driver who violates an out-of-service order is subject to a civil penalty not to exceed an amount determined by the U. S. Secretary of Transportation in addition to the disqualification (Section 302.756).

SENTENCING - No federal, state, county, municipal, or local court can defer imposition of judgment, suspend imposition of sentence, or allow an individual who possesses or is required to possess a CDL to enter into a diversion program that will prevent a conviction for any violation of any traffic law from appearing on the driver's record maintained by the Department of Revenue (Section 302.345).

The commercial driver license provisions of the act will become effective September 30, 2005.

STEPHEN WITTE

020504	S First Read	S239
020904	Second Read and Referred S Transportation Committee	S263
021704	Hearing Conducted S Transportation Committee	
030404	SCS Voted Do Pass w/SCS SBs 1233, 840 & 1043 S Transportation Committee (2561S.07C)	
030404	Reported From S Transportation Com. to Floor w/SCS	
030804	010 S Calendar S Bills for Perfection w/SCS	

EFFECTIVE : August 28, 2004

SB 1234

SCS SB 1234

SENATE SPONSOR Mathewson

4484S.01I

SB 1234 - This act implements the jobs now infrastructure program. This is a plan to redirect existing revenues currently used by several tax credit programs. This redirected revenue, would then be used as bond payments to produce revenue for the jobs now fund. The bonds will be issued by the Missouri Development Finance Board to assist cities, counties and other public entities with infrastructure development.

Sixty percent of the jobs now fund will be allocated for

direct grants and low interest/no interest loans for public infrastructures projects; twenty percent of the funds will be allocated for grants and loans to public entities that can be used to leverage federal or non-state dollars; and twenty percent of the funds will be allocated for public college and university facilities that show an investment in industries with probability of creating jobs in the future.

The jobs now infrastructure program would include certain road and bridge projects; rail spurs; levies; drainage-to include curb gutters; sidewalks and lighting; public buildings; demolition and remediation; ADA compliance for public facilities; water and sewer facilities; broadband infrastructure; airports and others. Eligible infrastructure activities may include cost associated with design and planning and/or payment of bond insurance for local bond issuances.

The jobs now infrastructure program also includes an enhanced Enterprise Zone Program. The current Enterprise Zones will be allowed to run the life of their term plus the 7-year extension. The Enhanced Enterprise Zone Program (EEZ) would be officially designated by the Department of Economic Development (DED) and approved by the Joint Committee on Economic Development Policy and Planning. All zones would be required to demonstrate a specific degree of economic distress; in addition to economic distress, new zones could be named based on applications that would demonstrate the potential for creation of sustainable jobs in targeted industry cluster development.

Under the act, local governments may abate real property tax at a minimum of 50% and may expand the local abatement up to 100% for EEZ for up to 25 years. Any abatement requires a public notice and a public hearing with notification of the Department of Economic Development. After local abatement has occurred, a project within an EEZ would be eligible to be considered for state tax credits.

Credits granted to a company may be sellable or the company may seek a refund for any portion of the credits that would exceed their tax liability. The EEZ program will limit the state tax credits that may be issued to \$7 million yearly.

JEFF CRAVER

020504	S First Read	S245
021004	Second Read and Referred S Economic Development, Tourism and Local Government Committee	S276
021804	Hearing Conducted S Economic Development, Tourism and Local Government Committee	
030304	SCS Voted Do Pass S Economic Development, Tourism and Local Government Committee (4484S.02C)	

EFFECTIVE : August 28, 2004

SB 1235

SENATE SPONSOR Loudon

4462S.01I

SCS/SB 1235 - Under the current law, the Director of the Department of Insurance must disallow as an asset or deduction from liability to any ceding insurer any credit for reinsurance unless the reinsurance is payable to the ceding company and to its receiver if the ceding company is impaired or insolvent. This act removes the requirement that the ceding company be impaired (Section 375.246). Under this act, no setoff shall be allowed where the obligations between the person and the insurer arise from reinsurance relationships resulting in business where either the person or insurer has assumed risks and obligations from the other party and then has ceded back to that party substantially the same risks and obligations (Section 375.1198). The act also removes the December 31, 2005, sunset clause on two provisions of Section 375.1220 which allow an estimation of contingent liabilities to be used to fix creditors' claims during the liquidation process. The act provides that expert testimony concerning estimates of incurred but not reported losses may be received into evidence in any tribunal proceeding by the receiver or by the reinsurer, provided that the testimony is otherwise admissible (section 375.1220).

STEPHEN WITTE

020504	S First Read	S245
020904	Second Read and Referred S Small Business, Insurance and Industrial Relations Committee	S263
021804	Hearing Conducted S Small Business, Insurance and Industrial Relations Committee	
030304	SCS Voted Do Pass S Small Business, Insurance and Industrial Relations Committee-Consent (4462S.02C)	

EFFECTIVE : August 28, 2004

SB 1236

SENATE SPONSOR Kennedy

4386S.01I

SB 1236 - This act creates the Medical Imaging and Radiation Therapy Quality Assurance Act. Any person administering medical imaging and radiation therapy procedures is required to be licensed by the newly created Medical Imaging and Radiation Therapy Board of Examiners. Such Board shall be located with the division of professional registration. The act exempts certain health care professionals, such as physicians, dentists, chiropractors, podiatrists, registered nurses and certain qualified persons currently practicing medical imaging and

radiation therapy from the licensure requirements.

Certain education and experience requirements are enacted for applicants to be licensed as radiographers, radiation therapists, nuclear medicine technologists and dental radiographers. Medical facilities, dental facilities, educational institutions and other public and private institutions wishing to offer programs in medical imaging and radiation therapy must meet certain requirements of the Board. The Board is granted additional powers to adopt rules, give examinations, issue temporary licenses, require continuing education as part of the renewal of a license renewal, and to discipline licensees. The Board shall investigate complaints, file charges, hold hearings, render judgements and hear appeals when warranted to seek discipline of a licensee. Further, the Board is granted subpoena power for the appearance of witnesses.

Any violation of this act shall be a Class A misdemeanor.

This act is identical to HB 1214 (2004).

JIM ERTLE

020904 S First Read	S253
021604 Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee	S319

EFFECTIVE : August 28, 2004

SB 1237

SENATE SPONSOR Bartle

4273S.01I

SB 1237 - This act makes it unlawful for a person to interfere or obstruct a securities investigation. A person who willfully obstructs such an investigation shall be fined not more than \$1 million or imprisoned for not more than 10 years, or both. The Commissioner of Securities is given authority to investigate allegations of obstruction, to seek civil enforcement of any violation, to seek administrative enforcement of any violation and to promulgate rules to carry out the provisions of this act.

JIM ERTLE

021004 S First Read	S270
021604 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S319

EFFECTIVE : August 28, 2004

SB 1238

SENATE SPONSOR Days

4528S.01I

SB 1238 - The act prohibits discrimination based upon a person's sexual orientation. Such discrimination includes unlawful housing practices, the denial of loans or other financial assistance, the denial of membership into an organization relating to the selling or renting of dwellings, unlawful employment practices, and the denial of the right to use public accommodations.

This act defines "sexual orientation" as male or female heterosexuality, homosexuality, or bisexuality by inclination, practice, identity or expression, or having a self-image or identity not traditionally associated with one's biological maleness or femaleness.

The act also clarifies that discrimination includes cases where unfair treatment results from the guilty party's mere assumptions about the victim of characteristics of race, religion, etc., whether or not those assumptions are true or false.

This is identical to SB 323 (2003).
SUSAN HENDERSON

021004 S First Read	S270
021604 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S319-320

EFFECTIVE : August 28, 2004

SB 1239

SENATE SPONSOR Callahan

4497S.01I

SB 1239 - This act enables the creation of a new enterprise zone in portions of Independence and Sugar Creek that are within the Kansas City school district.

JEFF CRAVER

021004 S First Read	S270
021604 Second Read and Referred S Economic Development, Tourism and Local Government Committee	S320
022504 Hearing Conducted S Economic Development, Tourism and Local Government Committee	

EFFECTIVE : August 28, 2004

SB 1240

SCS SB 1240

SENATE SPONSOR Griesheimer

4450S.03I

SB 1240 - The act allows Franklin County to use funds for the maintenance and upkeep of a law library to pay debt service on bonds issued by the county.

SUSAN HENDERSON

021104	S First Read	S282
021604	Second Read and Referred S Economic Development, Tourism and Local Government Committee	S320
022504	Hearing Conducted S Economic Development, Tourism and Local Government Committee-Consent	
030303	SCS Voted Do Pass S Economic Development, Tourism and Local Government Committee-Consent 4450S.04C	

EFFECTIVE : August 28, 2004

SB 1241

SENATE SPONSOR Yeckel

2999S.01I

SB 1241 - This act creates numerous revisions to laws concerning charter schools.

SECTION 160.400 - Charter schools may be operated in the currently authorized territories, even if the existing school district no longer exists or includes that territory. The act clarifies that charter schools may be sponsored by a public 4-year college or university in a county containing an eligible school district, even if the college or university is not in the school district. The act alters the provision concerning school buildings owned or controlled by a school district in which charter schools may be established.

The act constructs a Charter School Sponsor Oversight and Accountability Fund, with grant funding administered by the office of administration. Funds shall be transferred annually by the State Treasurer, based upon the number of charter schools and charter school enrollment the previous year. Approved sponsors shall receive \$23,400 per school sponsored the previous year plus 0.5% of per pupil operating revenues for each student enrolled in such school the previous year. Any sponsor may apply and must demonstrate compliance of all requirements of law. Grant funds shall be prorated if necessary when funds are inadequate. Unused funds shall be retained and used to reduce the next year's withholding from charter school revenues.

Prior to granting or renewing a charter, sponsors must

complete criminal background checks on the members of the Board of Directors of any nonprofit corporation applying to establish a charter school. No member of a charter school board may be employed by the charter school nor have a significant interest in any entity employed by or contracting with the board.

SECTION 160.403 - This section establishes the Public Charter School Board, which shall be responsible for reviewing charter applications and granting or not granting charters. The Public Charter School Board shall notify applicants of a decision, in writing, within sixty days of submissions of applications. The public charter school board shall develop policies and procedures to measure and report the performance of schools and students for whom the board grants charters. The policies and procedures shall be designed to be compatible with the educational concept of the charter and philosophy of charter schools. Student progress shall be measured using data from a variety of vehicles.

The act also creates the Public Charter School Board Fund, which shall be used exclusively for the operation of the public charter school board. Subject to appropriation, the state treasurer shall, on the first business day of each fiscal year, transfer, from general revenue to the public charter school board fund, \$99,000 on an annual basis.

The act mandates that DESE shall provide all administrative support required by the public charter school board while utilizing the same resources and personnel that it currently provides to the state board of education without assigning additional costs to the public charter school board. The department of elementary and secondary education shall not have budgetary authority over the development of budgetary requests or the expenditures of funds.

SECTION 160.405 - This section revises the procedure and time line for chartering a school. A charter school proponent shall provide the local school district and the State Board of Education with copies of the charter school application within five days of submitting the application to the proposed sponsor. The sponsor's decision of approval or denial must be made within 90 days of filing the proposed charter (rather than the current 60); if the charter is denied, written notice must be served on the State Board of Education within five days. The State Board has 60 days to deny or grant a proposed charter and shall provide reasons for denial in writing, if applicable.

Charter schools are required to publish audits and financial reports. Charter schools may publish audit reports and annual financial reports via the internet on the secretary of state's website in lieu of other publishing requirements. A charter may be revoked for failure to provide necessary compliance information, or the sponsor may require specified remedial action

of the school.

Charter school board members, officers and employees who willfully violate charter school laws or neglect to perform any duty in the charter school laws are guilty of a misdemeanor as other public school employees are under current law. A charter school board may participate in the Missouri Public Entity Risk Management Fund to the same extent as a school board. The act allows a charter school to be located on the property of a school district without the agreement of the governing board of that district.

SECTION 160.410 - Charter schools must make available the charter, the results of background checks, and the public report card to the parent of guardian of any pupil eligible to seek to enroll at the school. Reasonable fees may be charged for such copies.

SECTION 160.415 - This section alters the payment mechanism for state (and federal) aid to charter schools by mandating that DESE pay the charter schools directly. Currently, DESE pays school districts and the school districts forward the appropriate allotment to the charter schools inside their district. If DESE overpays or underpays the amount due the charter school, such over or under payment shall be repaid by the public charter school or credited to the public charter school in twelve equal payments in the next fiscal year. Any dispute between DESE, the school district, and a charter school regarding funding shall be resolved by the administrative hearing commission, with the option of judicial review. If a dispute should occur, DESE is mandated to make every administrative and statutory effort to allow the continued education of children in their current public charter school educational setting and not take action which prevents (either directly or indirectly) the continued operation of a charter school. Further, DESE is forbidden to make an arbitrary and capricious decision which negatively impacts the education of a child.

SECTION 160.420 - This section allows district teachers employed in charter schools to retain tenure status and seniority rights for three years. Charter schools are permitted to hire noncertificated administrators.

SECTION 167.349 - This section allows any campus of the state university located in a county of the third classification (University of Missouri-Rolla) to sponsor charter schools.

This act is similar to SB 187 (2003).
DONALD THALHUBER

021104 S First Read	S282
021604 Second Read and Referred S Education Committee	S320

EFFECTIVE : August 28, 2004

SB 1242

SENATE SPONSOR Wheeler

4520S.01I

SB 1242 - This act renders alterations to the Kansas City public school retirement system.

The alteration of Section 169.270, RSMo, would redefine the term "regular employee". Current law necessitates that a regular employee work in a position for five hours a day, five days a week. This act seeks to alter this provision by requiring that an employee only work a total of twenty-five hours a week, regardless of how many days it takes to work the twenty-five hours.

The modification of Subsection 12 of Section 169.291, RSMo, allows the retirement system to appoint more than three physicians to its medical board. Current law allows for only three physicians on the board.

The revision of Subsection 3 of Section 169.295, RSMo, allows the board of trustees to use one or more banks for conducting business. Current law allows the board to utilize only one bank.

The alteration of Section 169.332, RSMo, allows the medical board to certify, for the purposes of approving a member's disability allowance, that a member is mentally or physically unable to perform their duties based on either a medical examination or other medical information. Current law allows for such a designation only after a medical examination.

DONALD THALHUBER

021104	S First Read	S282
021604	Second Read and Referred S Pensions & General Laws Committee	S320
022404	Hearing Conducted S Pensions & General Laws Committee Consent	

EFFECTIVE : August 28, 2004

SB 1243

SENATE SPONSOR Wheeler

4482S.01I

SB 1243 - This act requires the Public Administrator of Jackson County, who is serving as a conservator, to have pooled accounts audited at least once a year. The audit must review all receipts and disbursements of each estate account and a CPA must report to the judge about each account. The

county is responsible for the expense of the audit.

Under this act, an account cannot be considered pooled unless:

- (1) It is maintained at a bank or saving and loan institution;
- (2) It is titled to reflect that the account is being held by a fiduciary; and
- (3) The fiduciary maintains records that contain a statement of all accretions and disbursements and are maintained in the ordinary course of business.

SUSAN HENDERSON

021104	S First Read	S282
021604	Second Read and Referred S Economic Development, Tourism and Local Government Committee	S320
022504	Hearing Conducted S Economic Development, Tourism and Local Government Committee-Consent	
022504	Voted Do Pass S Economic Development, Tourism and Local Government Committee-Consent	
030104	Reported From S Economic Development, Tourism & Local Government Committee to Floor - Consent	S496
030804	S Consent Calendar (3/1)	

EFFECTIVE : August 28, 2004

SB 1244

SENATE SPONSOR Coleman

4512S.01I

SB 1244 - The act extends the statute of limitations for sexual offenses from ten to twenty years after the victim reaches the age of eighteen.

The act adds the crime of promoting child pornography to the list of crimes for which an individual must register as a sexual offender. It also requires individuals convicted of sexual offenses in a foreign country or in a military jurisdiction to register as sexual offenders.

The act is identical to HB 1287 (2004).
SUSAN HENDERSON

021204	S First Read	S287
021604	Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S320

EFFECTIVE : August 28, 2004

SB 1245

SENATE SPONSOR Wheeler

4455S.01I

SB 1245 - This act allows two or more physicians to jointly negotiate with a carrier to engage in certain activities involving non-fee-related matters. These activities shall include: defining medical necessity; utilization management procedures; clinical practice guidelines; preventive care policies; patient referrals; drug formularies; liability of physicians; method and timing of payments; procedures for selecting and terminating participating physicians; and terms of contracts.

If the Attorney General finds that a carrier has a substantial amount of market power in a particular area and that this is a threat to the quality of patient care, then two or more physicians may negotiate with the carrier regarding fees and fee-related matters.

Before entering into negotiations, a joint negotiation representative must submit certain information, including a fee, to the Attorney General for his approval. Physicians are permitted to communicate with each other and the representative regarding contractual terms. The representative shall have the sole authority to negotiate with the carrier on behalf of the physicians as a group.

After an agreement has been reached between the representative and the carrier, a copy of the proposed contract must be submitted to the Attorney General for his written approval or disapproval. If negotiations end, then the representative must report such information to the Attorney General within 14 days. All information disclosed to the Attorney General shall be confidential.

The Attorney General shall report to the Governor and the General Assembly by August 28, 2008 on the implementation of this bill. The Attorney General shall have rule-making authority.
LORIE TOWE

021204 S First Read	S287
021604 Second Read and Referred S Small Business, Insurance and Industrial Relations Committee	S320

EFFECTIVE : August 28, 2004

SB 1246

SENATE SPONSOR Quick

4578S.02I

SB 1246 - This act gives Clay County park rangers the same powers given to other peace officers of the state. The rangers can enforce any state law or local regulation within the boundaries of a park. The act also requires park rangers to be under the supervision of the county commission and not under the supervision of the county sheriff.

This act is similar to HB 2117 (2000).
SUSAN HENDERSON

021204 S First Read	S301-302
021604 Second Read and Referred S Economic Development, Tourism and Local Government Committee	S320
022504 Hearing Cancelled S Economic Development, Tourism and Local Government Committee	

EFFECTIVE : August 28, 2004

SB 1247

SENATE SPONSOR Dougherty

3581S.01I

SB 1247 - This act modifies the legal expense fund to include any licensed attorney in this state that practices law for no compensation at or through a tax exempt nonprofit community social services center. The aggregate of any payments from the legal expense fund shall be limited to a maximum of \$500,000 for all claims based upon the same act or acts alleged in a single cause and shall not exceed \$500,000 for any one claimant. All payments from insurance policies purchased by the state relating to the legal expense fund shall also be limited to \$500,000. For purposes of this act, all individuals and entities asserting a wrongful death claim are considered one claimant. Payment from the fund resulting from a claim against an individual precludes execution of a judgment against the individual for tort actions committed by the individual.

Any claim or judgment against such an attorney shall be paid by the legal expense fund to the extent damages are allowed in tort actions for improper health care. Liability or malpractice insurance possessed by an attorney shall not be considered available for payment of a claim to the extent that the legal expense fund is required to make payment. However, an attorney may obtain liability or malpractice insurance for coverage of claims or judgments for amounts that exceed the maximum coverage of the legal expense fund.

The Attorney General shall promulgate rules regarding contract procedure and the documentation of legal practice for attorneys covered by this act.

JIM ERTLE

021204 S First Read S302
 021604 Second Read and Referred S Judiciary and Civil & S320
 Criminal Jurisprudence Committee

EFFECTIVE : August 28, 2004

SB 1248

SENATE SPONSOR Callahan

4254S.02I

SB 1248 - This act shall be known as the "Missouri Emergency Response Personnel Strike Prevention Act". Certain emergency response personnel are exempted from Section 105.520, RSMo, which requires public bodies to confer with labor organizations when proposals are submitted.

Emergency response personnel may bargain collectively about wages, hours, and other conditions of employment with the appropriate legislative body. The act establishes the method of, and rules pertaining to such bargaining.

The act establishes that it is unlawful for any bargaining unit, subject to the provisions of Sections 105.1325 to 105.1352, to strike. If a strike occurs, all employees who participate in the strike shall be automatically terminated and, at the conclusion of the strike, may be rehired at the discretion of the employer. However, any individual who is rehired shall lose all seniority, tenure and pay grade steps derived acquired by virtue of the employee's past employment. Any party who violates the provisions of Sections 105.1325 to 105.1352 may seek injunctive relief.

Any labor organization which is certified as the exclusive representative of the employees of an appropriate unit and which thereafter is found to have ordered, called for, supported or participated in a strike by the employees in a bargaining unit shall, upon such action, forfeit its status as the exclusive representative of such employees for a period of three years.

The provisions of Sections 105.1325 to 105.1352 may be adopted by any city, town or certain other political subdivision to which Sections 105.1325 to 105.1352 apply.

RICHARD MOORE

021204 S First Read S302
 021604 Second Read and Referred S Small Business, Insurance S320
 and Industrial Relations Committee

EFFECTIVE : August 28, 2004

SB 1249

SENATE SPONSOR Champion

4584S.01I

SB 1249 - This act codifies Executive Order 03-27 issued by Governor Holden on December 2, 2004, into statute. The act expands the preference given by state bodies to Missouri businesses.

RICHARD MOORE

021204	S First Read	S302
021604	Second Read and Referred S Governmental Accountability & Fiscal Oversight Committee	S320
022304	Hearing Conducted S Governmental Accountability and Fiscal Oversight Committee	
030204	Voted Do Pass S Governmental Accountability and Fiscal Oversight Committee-Consent	

EFFECTIVE : August 28, 2004

SB 1250

SENATE SPONSOR Scott

4583S.01I

SCS/SB 1250 - This legislation pertains to the Missouri Propane Education and Research Council.

The change in this substitute involved deleting the word "producers" from subsection 3 and replacing it with "wholesalers or resellers".

This act modifies the membership requirements for the council; first by increasing the number of members from six to nine, clarifying that members may be appointed to a maximum of two consecutive terms, stating that members filling unexpired terms will not have any partial term of service count against the two-term limitation, and by limiting former members from being reappointed if they have not been members for one year.

MEGAN CRAIN

021204	S First Read	S302
021604	Second Read and Referred S Pensions & General Laws Committee	S320
022404	Hearing Conducted S Pensions & General Laws Committee	
030204	SCS Voted Do Pass S Pensions & General Laws Committee-Consent (4583S.02C)	

EFFECTIVE : August 28, 2004

SB 1251

SENATE SPONSOR Dolan

4125S.04I

SB 1251 - This act revises the law regarding motor vehicle registration fees, reissuance of license plates and repeals the motor vehicle inspection for certain vehicles.

HIGHWAY PATROL SAFETY FUND - This act establishes the Highway Patrol Safety Fund. The fund will be funded by moneys received from an annual \$6 fee imposed on passenger motor vehicle owners and owners of trucks having a gross weight of 12,000 or less. The fund will also be funded by 5% of any increase in motor vehicle registration fees. The fund is contingent upon a constitutional amendment authorizing the establishment of the fund and the sources of revenue (Section 43.027).

ANNUAL REGISTRATION FEES - This act modifies the law regarding annual registration fees with respect to passenger motor vehicles by removing all references to horsepower ratings and charging a uniform fee of \$29.75. The act also removes references from Sections 301.057 and 301.058 relating to commercial motor vehicles having a gross weight of 12,000 or less, and describes such vehicles as trucks having a gross weight of 12,000 pounds or less and imposes the uniform fee of \$29.75 on such vehicles.

REISSUANCE OF LICENSE PLATES - Beginning January 1, 2006, and every 6 years thereafter, the Department of Revenue will issue new license plates. The Department of Revenue may charge a fee, up to \$2.25, to cover the cost of reissuance. The fees to cover the cost of reissuance may be assessed every 6 years and may be increased to account for inflation, but shall not be higher than the actual cost of reissuance (Section 301.130).

REPEAL OF MOTOR VEHICLE INSPECTION - This act repeals the motor vehicle inspection requirement for passenger motor vehicles, motorcycles, motortricycles, and trucks having a gross weight of 12,000 or less (Section 307.350).

REDEMPTION OF INSPECTION STICKERS - This act provides that if a constitutional amendment is approved by the voters to establish a separate state highway patrol fund, then official inspection stations shall have only until the beginning of the following fiscal year to seek a refund for any unused inspection stickers (Section 307.365).

HIGHWAY PATROL INSPECTION AUTHORITY - This act authorizes the Highway Patrol to stop motor vehicles and submit to an inspection if the officer determines that the motor vehicle is

being operated in an unsafe condition and is an endangerment to the driver and others. The act requires the driver to have the motor vehicle repaired and obtain a safety inspection certificate within 10 days and report such fact to the highway patrol. If the owner or operator of the motor vehicle does not forward a copy of the certificate within 30 days, the Department of Revenue is authorized to suspend the registration of the motor vehicle.

The majority of the provisions of this act are contingent upon voter approval of a constitutional amendment establishing a dedicated funding source for the state highway patrol.

STEPHEN WITTE

021204 S First Read	S302
021604 Second Read and Referred S Transportation Committee	S320
030204 Hearing Scheduled But Not Heard S Transportation Committee	

EFFECTIVE : Varies

SB 1252

SENATE SPONSOR Mathewson

4587S.01I

SB 1252 - The act requires a person who, by operating a vehicle, proximately causes an incident requiring an emergency response to pay restitution to the public agency that provides such services.

SUSAN HENDERSON

021204 S First Read	S302
021604 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S320

EFFECTIVE : August 28, 2004

SB 1253

SCS SB 1253

SENATE SPONSOR Mathewson

4547S.02C

SCS/SB 1253 - This act clarifies the definition of "city" or "such city" in relation to urban redevelopment.

SUSAN HENDERSON

021204 S First Read	S302
021604 Second Read and Referred S Economic Development, Tourism and Local Government Committee	S320

022504 Hearing Conducted S Economic Development, Tourism and
Local Government Committee-Consent
022504 SCS Voted Do Pass S Economic Development, Tourism and
Local Government Committee-Consent (4547S.02C)
030104 Reported From S Economic Development, Tourism & S496
Local Government Committee to Floor w/SCS - Consent
030804 S Consent Calendar w/SCS (3/1)

EFFECTIVE : August 28, 2004

SB 1254

SENATE SPONSOR Klindt

4633S.01I

SB 1254 - This act opens up moneys in the Missouri Air
Emission Reduction Fund to be used for programs that encourage
alternative energy sources.

MEGAN CRAIN

021604 S First Read S306
021704 Second Read and Referred S Commerce & the Environment S329
Committee

EFFECTIVE : August 28, 2004

SB 1255

SENATE SPONSOR Dougherty

4620L.01I

SB 1255 - This act authorizes an advanced practice nurse to
prescribe schedule III, IV and V controlled substances if such
nurse has been delegated the authority under a collaborative
practice agreement.

JIM ERTLE

021604 S First Read S306
021704 Second Read and Referred S Financial & Governmental S329
Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2004

SB 1256

SENATE SPONSOR Caskey

4605S.01I

SB 1256 - The act revises the retirement provisions to
provide for Prosecuting or Circuit Attorneys in counties that
elect to become part of the District Attorney system created

by this act.

This act establishes a District Attorney System. District attorneys shall be elected during the 2006 general election in each judicial circuit for counties that elect to be part of the system, and serve for four year terms. The District Attorney must be a resident of the judicial circuit for one year before being elected. The District Attorney of each circuit shall receive the same annual salary as the circuit judge.

District attorneys shall prosecute all criminal actions for the circuits in which they serve. They may appoint assistants, investigators, and clerical staff, as deemed necessary to fulfill the duties of the office.

The act contains a schedule for reimbursement by the state for the budget of offices in the District Attorney system, ranging from 5 percent in 2007 to 50 percent in 2016 for circuits consisting of one county, and from 10 percent in 2007 to 50 percent in 2011 for circuits consisting of more than one participating county. In circuits where more than one county contributed to the expenses, each county shall be reimbursed in the same proportion as the contribution.

This act requires the District Attorney to be employed full-time with the office and cannot engage in the practice of law elsewhere. The act specifies a procedure for counties without a charter form of government to join the system. In such counties, the county commission must adopt by majority vote a resolution to join the system. In counties with a charter form of government, the governing body must adopt by charter amendment a provision to join the system and eliminate the office of prosecuting attorney.

This act is similar to SB 1193 (2002).
SUSAN HENDERSON

021604 S First Read S306
021704 Second Read and Referred S Judiciary and Civil & S329
Criminal Jurisprudence Committee

EFFECTIVE : August 28, 2004

SB 1257

SENATE SPONSOR Days

4595S.01I

SB 1257 - This act asserts that, should a student be expelled for bringing a weapon to school, violent behavior, or for an act of school violence, that student shall not, for the

purposes of the accreditation process of the Missouri school improvement plan, be considered a drop-out or be included in the calculation of that district's educational persistence ratio.

DONALD THALHUBER

021604 S First Read	S306
021704 Second Read and Referred S Education Committee	S329
022404 Hearing Conducted S Education Committee-Consent	
030204 Voted Do Pass S Education Committee-Consent	

EFFECTIVE : August 28, 2004

SB 1258

SENATE SPONSOR Scott

4640S.01I

SB 1258 - Under this act, a person commits the crime of kidnapping by unlawfully removing a child under the age of fourteen without the consent of his or her guardian or parent from the place where he or she is found or by unlawfully confining a child under the age of fourteen without the consent of his or her parent or guardian for a substantial period of time.

SUSAN HENDERSON

021604 S First Read	S306
021704 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S329
030204 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee	

EFFECTIVE : August 28, 2004

SB 1259

SENATE SPONSOR Childers

4271S.02I

SB 1259 - This act allows nonresidents born after January 1, 1984, to operate a vessel on the lakes of this state with a temporary boater education permit. The permit may be obtained from the State Water Patrol by completing and passing a written examination developed by the Missouri State Water Patrol. The permit shall expire if the nonresident obtains a permanent identification card or 30 days after its issuance, whichever occurs first. A \$10 fee will be charged for the temporary permit. Upon successful completion of the test and prior to renting a vessel, the business entity responsible for giving the examination shall collect and forward the fees to the Missouri State Water Patrol. The temporary boater permit

provision has a termination date of December 31, 2010.
STEPHEN WITTE

021604 S First Read	S306
022304 Second Read and Referred S Economic Development, Tourism and Local Government Committee	S358
030304 Hearing Conducted S Economic Development, Tourism and Local Government Committee	

EFFECTIVE : August 28, 2004

SB 1260

SENATE SPONSOR Dolan

4539S.01I

SCS/SB 1260 - This act permits a law enforcement officer to enforce the seat belt law if the violation is clearly visible to the officer without stopping the vehicle. The act provides noncompliance with the seat belt law shall not constitute probable cause for a search of the driver, passenger, or vehicle. The act also increases the seat belt fine from \$10 to \$15.

STEPHEN WITTE

021604 S First Read	S306
022304 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S358
022504 Re-referred S Transportation Committee	S376
030204 Hearing Conducted S Transportation Committee	
030404 SCS Voted Do Pass S Transportation Com. (4539S.02C)	

EFFECTIVE : August 28, 2004

SB 1261

SENATE SPONSOR Dolan

3662S.02I

SB 1261 - This act expands the diseases currently recognized as "occupational diseases" under the Workers Compensation Law to include any form of hepatitis or HIV.

Further the act expands those individuals who may claim an occupational disease within Chapter 287, RSMo, to include peace officers certified pursuant to Chapter 590, RSMo, and salaried or volunteer firefighters, paramedics or emergency medical technicians who have acquired a diseases of the lungs, respiratory tract or disease of the heart or cardiovascular system, including carcinoma.

This act is similar to 0084S.01I (2003) and SCS/SB 313 (2003).

RICHARD MOORE

021604 S First Read S306
022304 Second Read and Referred S Small Business, Insurance S358
and Industrial Relations Committee

EFFECTIVE : August 28, 2004

SB 1262

SENATE SPONSOR Dolan

4571S.01I

SCS/SB 1262 - This act revises the definition of "salvage vehicle" to include any motor vehicle, semitrailer, or house trailer which has been damaged to the extent that the total cost of repairs to rebuild the vehicle to its condition immediately before it was damaged exceeds 75% of the fair market value of the vehicle prior to the damage. The total cost of repairs to rebuild or reconstruct the vehicle shall not include the cost of repairing, replacing, or reinstalling inflatable safety restraints, tires, sound systems or any sales tax for parts or materials to rebuild the vehicle (Section 301.010). The act defines "fair market value." Salvage titles may be negotiable with one reassignment on the back of the title by registered dealers or insurance companies (Section 301.217).

This act is similar to SB 1262 and HB 1284 (2004).
STEPHEN WITTE

021604 S First Read S306-307
021704 Second Read and Referred S Transportation Committee S329
030204 Hearing Conducted S Transportation Committee
030404 SCS Voted Do Pass S Transportation Committee-Consent
(4571S.07C)

EFFECTIVE : August 28, 2004

SB 1263

SENATE SPONSOR Dolan

4570S.01I

SB 1263 - This act makes several changes in the laws regarding car rental contracts. The act changes the definition of "authorized driver" as it is used in car rental contracts to include only the actual renter, the renter's spouse (if qualified) and any person expressly listed in the

renter's contract. The current law includes the renter's employer or co-workers, drivers who operate the vehicle during an emergency situation, and those who park the rental vehicle at a commercial establishment. The act prohibits car rental companies from requiring the purchase of damage waiver, optional car rental insurance or other optional products.

The act revises the written notice that must appear on every car rental contract regarding the purchase of optional insurance coverage. The notice shall state that the consumer may wish to determine whether if his or her personal insurance or credit card will provide coverage for the rental car. The act requires car rental companies to post a clear and conspicuous sign on the premises that informs the consumer about collision damage waiver, any other optional car rental insurance, and how the consumer's own auto insurance policy or credit card might already offer that protection. This act makes a car rental company subject to a \$50 fine for each violation, up to \$10,000 in any calendar year.

This act is identical to HB 1285 (2004).
STEPHEN WITTE

021604 S First Read	S307
021704 Second Read and Referred S Transportation Committee	S329

EFFECTIVE : August 28, 2004

SB 1264

SENATE SPONSOR Scott

4257S.03I

SB 1264 - This act establishes rules relating to the taking of land subject to the Farmland Protection Act by eminent domain.

The act also:

(1) Requires the condemning entity to declare the exact location of the property desired and the specific intended use of the property;

(2) Prohibits the condemning entity from using the property for any purpose other than its original intended purpose;

(3) Prohibits the condemning entity from transferring the property to another entity;

(4) Gives the property owner the right to buy back any condemned property that the condemning entity does not use for 10 years;

(5) Requires the condemning entity to pay for all costs of litigation; and

(6) Establishes a method by which the court must appoint commissioners for condemnation proceedings.

The condemning entity will select a commissioner, the landowner will select a commissioner, and the two parties must agree on an independent appraiser to serve as the third commissioner. If they cannot agree on a third commissioner, the court will appoint one.

Parts of this act are similar to HB 1085 (2004).
RICHARD MOORE

021604 S First Read	S307
022304 Second Read and Referred S Pensions & General Laws Committee	S358

EFFECTIVE : August 28, 2004

SB 1265

SENATE SPONSOR Bartle

3826S.01I

SB 1265 - This act establishes requirements for members of the Civilian Review Board. A member must be at least eighteen years old, a registered voter, and not convicted of a felony.

SUSAN HENDERSON

021604 S First Read	S307
022304 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S358
030204 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee	

EFFECTIVE : August 28, 2004

SB 1266

SENATE SPONSOR Kennedy

4495S.01I

SB 1266 - This act includes "unborn children" of pregnant women within the definition of "children" for eligibility in the Children's Health Insurance Program.

This act is identical to HB 1307 (2004).
LORIE TOWE

021704 S First Read S324
022304 Second Read and Referred S Small Business, Insurance S358
and Industrial Relations Committee

EFFECTIVE : August 28, 2004

SB 1267

SENATE SPONSOR Kinder

4321S.01I

SB 1267 - This act modifies Chapter 416, RSMo, namely sections within the Missouri Motor Fuel Marketing Act. The sections were originally passed as CCS/SS/SCS/HS/HB 414 (1995); the court held the act unconstitutional as violating the single subject requirement of Article III, Section 23.

This act re-enacts two sections and puts back into law that which is already present. However, pursuant to the court's decision, the revisor of statutes cannot put the act back into law without first passing this language.

MEGAN CRAIN

021704 S First Read S324
022304 Second Read and Referred S Commerce & the Environment S358
Committee

EFFECTIVE : August 28, 2004

SB 1268

SENATE SPONSOR Shields

4429S.01I

SB 1268 - Under current law, a county may collect a fee, not to exceed \$3, for a special use permit. This act allows the fees to be based upon all cost reasonably incurred by the county in managing the public right-of-way. The act also allows the permit fee to be based upon, when appropriate, an allocation among all users of the public-right-of-way. The fee shall reflect the proportionate costs imposed on the county by each of the various types of uses of the public rights-of-way. Nothing shall prevent a county from imposing different or new fees on public utility right-of-way users so long as the fee is consistent with federal and state law. The fees must also be imposed on a nondiscriminatory basis.

STEPHEN WITTE

021704 S First Read S324
022304 Second Read and Referred S Economic Development, S358
Tourism and Local Government Committee

030304 Hearing Scheduled But Not Heard S Economic
Development, Tourism and Local Government Committee
031004 Hearing Scheduled S Economic Development, Tourism
and Local Government Committee

EFFECTIVE : August 28, 2004

SB 1269

SENATE SPONSOR Yeckel

4670S.01I

SB 1269 - This act expands the community improvement district law to enable any district formed as a political subdivision to establish a sales tax to fund the district. current law enables this tax for Kansas City only. Consistent with constitutional provisions, such tax, under the current law, would have to be submitted to a vote of the people.
JEFF CRAVER

021804 S First Read S332
022304 Second Read and Referred S Economic Development, S358
Tourism and Local Government Committee
030304 Hearing Conducted S Economic Development, Tourism and
Local Government Committee

EFFECTIVE : August 28, 2004

SB 1270

SENATE SPONSOR Yeckel

4582S.01I

SB 1270 - This act regulates the operation of motor scooters. As defined in the act, a motor scooter is a device with two tandem wheels, one which has a brake, that has handlebars which is designed to be stood or sat upon by the operator and is powered by an electric motor or internal combustion engine that is capable of propelling the device with or without human propulsion at a speed no greater than twenty-five miles per hour on a level road.

Under the act, no driver's license shall be required to operate a motor scooter. A motor scooter with an internal combustion engine shall have a functionally effective muffler as original equipment or an original equipment manufacturer replacement part; provided that any replacement muffler shall not cause the engine to make more noise than it did when it was originally manufactured. Every motor scooter when in use at nighttime shall be equipped with and shall use lamps. No person under seventeen years of age shall operate or be a passenger on a motor scooter unless the operator or passenger

wears protective headgear. Every person operating a motor scooter shall ride as near to the right side of the highway, roadway or alleyway as practicable and shall exercise due care when passing a standing vehicle or one proceeding in the same direction. Any violation of the provisions of the act shall be deemed a class C misdemeanor.

STEPHEN WITTE

021804 S First Read S332-333
022304 Second Read and Referred S Transportation Committee S358
030204 Hearing Conducted S Transportation Committee

EFFECTIVE : August 28, 2004

SB 1271

SENATE SPONSOR Coleman

2584S.01I

SB 1271 - This act regulates the prevention and screening of lead poisoning in Missouri. The following is a summary of the act:

SECTION 339.185 - This section requires real estate brokers and salespersons to be reasonably familiar with the lead poisoning prevention sections to obtain a license or renewal. An educational program will be developed to outline the duties and responsibilities.

SECTION 701.300 - This section provides definitions for "affected property", "chewable surface", and "elevated blood lead".

SECTION 701.302 - The Advisory Committee on Lead Poisoning Prevention is established. The Director of Lead Poisoning Prevention will be appointed by the Governor and will chair the Advisory Committee. The Director will designate which officers in local government will assist in administering all the programs created under sections 701.300 to 701.348, RSMo. A statewide program shall be established by the Director and the Advisory Committee dealing with the prevention, screening, and treatment of lead poisoning. Public service announcements, information pamphlets, and a training manual for a "Lead-Safe Housing Awareness Seminar" will be produced. The Director shall also establish a program for the early detection and screening of lead poisoning.

SECTION 701.310 - Affected properties must comply with the requirements for either a "lead-free" status or a "lead-safe" status on or before August 28, 2006. Owners of five or more affected properties may apply for an extension.

SECTION 701.312 - Contractors, supervisors, and inspectors must

be accredited by the Director, with the duration of the accreditation lasting three years. The Director shall promulgate a schedule of fees for the registration of inspectors, which will be collected and held in a special fund used for accreditation purposes.

SECTION 701.321 - Failure to comply with the provisions of sections 701.300 to 701.348, RSMo, will result in a Class A misdemeanor. The Director shall issue an annual report detailing the enforcement actions and the identity of owners of affected properties.

SECTION 701.325 - Effective August 28, 2006, a person shall have a right to housing which is lead-free or lead-safe. If owners of affected property fail to comply with the required standards, injunctive relief is available to the person.

SECTION 701.326 - Affected property must be registered with the Director on the appropriate forms. The Director shall promulgate a schedule of fees for the registration of affected properties, which will be collected and held in a special fund used for registration purposes.

SECTION 701.330 - This section deals with all the potential bases of civil liability relating to lead poisoning. Qualified offers to persons at-risk must be made in writing within thirty days by owners of affected property upon receiving notification of an elevated blood level.

SECTION 701.331 - This section deals with liability insurance of affected properties.

SECTION 701.339 - The "Lead-Safe or Lead-Free Property Revolving Loan Fund" is created and will consist of proceeds received from the sale of bonds, state appropriations, and any donations or gifts. Within the discretion of the Director, these funds shall be used to bring affected properties into compliance.

SECTION 701.341 - Income tax credits are available to any individual, corporation, or other business entity that removes lead-based paint and repairs affected property.

This act is identical to SCS/SB 92 (2003).
LORIE TOWE

021804 S First Read S333
022304 Second Read and Referred S Aging, Families, Mental & S358
Public Health Committee

EFFECTIVE : August 28, 2004

SB 1272

SENATE SPONSOR Coleman

4546S.01I

SB 1272 - This act establishes the Child Support Insurance Act within the Department of Social Services. The Child Support Insurance program allows custodial parents to receive child support insurance payments for a qualified child in certain circumstances. Certain participation requirements must be satisfied.

The child support insurance payment shall be \$100 for the first qualified child and \$50 for each additional qualified child. The maximum payment amount per month shall not exceed \$200. Funding for the program will be provided through noncustodial child support payments and appropriations. Appropriations from general revenue may be counted toward the state's maintenance of effort for the federal temporary assistance for needy families (TANF) program.

For noncustodial parents who are in arrears on their child support obligations, the state may choose to do any of the following:

- Noncustodial parents who are more than two months behind in payments must be referred to the Parent's Fair Share Program.
- Noncustodial parents who are not making reasonable progress in their payments may be subject to penalties.
- Noncustodial parents who have been in the Parent's Fair Share Program for five years and who are not making at least the current child support payment are presumed to have failed the program and will be charged with penalties.

This act is similar to SB 696 (2003).
LORIE TOWE

021804 S First Read	S333
022304 Second Read and Referred S Aging, Families, Mental & Public Health Committee	S358

EFFECTIVE : August 28, 2004

SB 1273

SENATE SPONSOR Coleman

2581S.02I

SB 1273 - This act requires security firms providing patrol, watchman, guard, courier, armored car, and bodyguard services to be licensed. Each applicant for a license must pay a fee, which will cover the costs of the licensing program.

This act requires employer-licensees to register employees within thirty days of his or her hiring. The employee must be at least 18 years old, a citizen of United States or a registered resident alien, have a command of the English language, be of good moral character, and not be convicted of a felony involving moral turpitude or a dangerous weapon. The employee must also have completed 30 hours of classroom training and passed a written examination approved by the Department. The employee's application for registration must be accompanied by two sets of fingerprints and one photograph. Upon receiving a registration card, the employee must wear the card at all times during work.

This act requires any employee of a private security business that uses firearms as part of its business to be 21 years old, have a command of the English language, and complete a 20 hour firearm training. Individuals wishing to be security guards must meet the same type of requirements for employment as firms.

This act does not apply to any peace officer or active military personnel.

This act gives rule making authority to the Department of Economic Development.

This act is similar to SB 48 (2003).
SUSAN HENDERSON

021804 S First Read	S334
022304 Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee	S358

EFFECTIVE : August 28, 2004

SB 1274

SENATE SPONSOR Shields

4600S.01I

SB 1274 - This act establishes the Missouri Area Health Education Centers program in Section 191.1015. This program is a collaborative partnership of higher education institutions, regional health education centers, and other entities with written agreements with the program. The program is designed to improve the availability and quality of health care personnel and to promote access to primary care for medically under-served populations.

The Missouri Area Health Education Board is established within the Department of Health and Senior Services. The Board

will consist of ten members, who will be appointed by February 1, 2005. The Board shall have the discretionary authority to monitor policy direction and ensure that all federal requirements are met. The Board shall report annually to the Governor and General Assembly.

The program shall develop and enhance recruitment and community-based training programs, provide educational support to practicing health care professionals, and promote programs that improve access to health care in Missouri.

LORIE TOWE

021904	S First Read	S344
022304	Second Read and Referred S Aging, Families, Mental & Public Health Committee	S358
030304	Hearing Conducted S Aging, Families, Mental & Public Health Committee	
030304	Voted Do Pass S Aging, Families, Mental & Public Health Committee - Consent	

EFFECTIVE : August 28, 2004

SB 1275

SENATE SPONSOR Vogel

4632S.01I

SB 1275 - This act sets the true value in money for assessment of television broadcasting equipment at a value determined based upon the historical cost of the item as depreciated. The depreciation is set by the act in a series of tables. Tables are provided for both analog and digital equipment.

JEFF CRAVER

021904	S First Read	S344
022304	Second Read and Referred S Ways & Means Committee	S358

EFFECTIVE : August 28, 2004

SB 1276

SENATE SPONSOR Vogel

4561S.01I

SB 1276 - This act classifies noncommercial airport hangars as residential real property. Current law does not specify how these facilities are classified.

JEFF CRAVER

021904 S First Read S344
022304 Second Read and Referred S Ways & Means Committee S358
030204 Hearing Scheduled, Not Heard S Ways & Means Committee

EFFECTIVE : August 28, 2004

SB 1277

SENATE SPONSOR Yeckel

4639S.01I

SB 1277 - This act provides for the licensing of private fire investigators. The act creates the Board of Licensed Private Fire Investigator Examiners within the Division of Fire Safety in the Department of Public Safety. All persons wishing to act as private fire investigators are required to be licensed by the Board. Certain professions are exempted for licensure requirements. The act sets out membership on the board as well as the powers and duties of the board. All applications must be accompanied by a fee which shall be collected by the Division of Fire Safety and deposited in the general revenue fund. The Board shall develop the form of the license which must be carried and displayed by licensees. The act contains provisions pertaining to advertising, fraud, making false statements, manufacturing false evidence and claiming affiliations with state or federal government agencies. The Board is empowered to conduct investigations, issue subpoenas, deny licensure or take disciplinary action against licensees, and cause complaints to be filed with the administrative hearing commission.

This act is similar to HB 1733 (2002).

JIM ERTLE

021904 S First Read S344
022304 Second Read and Referred S Financial & Governmental S358
Organization, Veterans' Affairs & Elections Committee
030804 Hearing Scheduled S Financial & Governmental Org.,
Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2004

SB 1278

SENATE SPONSOR Yeckel

4387S.01I

SB 1278 - This act provides for the licensing of amusement machine operators. The Director of the Division of Professional Registration within the Department of Economic Development shall oversee the licensing of amusement machine operators. The two year fee for licensure shall not exceed \$1,000. The fee for a license to operate amusement machines only at a state or local

fair shall be \$100 for each month in which the machines are operated. In order to obtain a license, an applicant must be at least 21 years of age, a resident of this state for at least one year, except for persons operating machines at carnivals or fairs, and must have a Missouri sales tax number. Any person operating a machine without a license shall be assessed a penalty of up to \$100 for each machine in the person's possession.

The Director is authorized to seek disciplinary action, including the assessment of monetary penalties against licensees. All collected fees shall be deposited into the "Amusement Machine Operator License Fund" which is created by this act. This act shall not become effective until expenditures and personnel are specifically appropriated for this purpose and initial administrative rules have become effective.

JIM ERTLE

021904 S First Read	S344
022304 Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee	S358
030804 Hearing Scheduled S Financial & Governmental Org., Veterans' Affairs & Elections Committee	

EFFECTIVE : August 28, 2004

SB 1279

SENATE SPONSOR Steelman

4608S.01I

SB 1279 - This act creates the Missouri Hospital Infection Control Act of 2004. This purpose of this act is to encourage hospitals to take appropriate actions to decrease the risk of infection. The Department of Health and Senior Services shall have the authority to issue subpoenas for the investigation of complaints and potential infection outbreaks. All suspected infection outbreaks must be reported to the Department. Furthermore, hospitals must adopt evidence-based control policies, which are subject to review by the Department.

Infection control officers can require hospitals to terminate any practice or procedure which does not meet the standard of care for preventing infections. In addition, hospital infection surveillance measures must be adequate to detect all nosocomial infections. Any manager or supervisor of a hospital who restricts an employee from discussing an aspect of care with the Department shall be guilty of a Class A misdemeanor.

Facilities must perform a root-cause analysis and report to the Department on all cases involving nosocomial infection that resulted in death or a major loss of function. The Department

must maintain a database of these reports. Facilities are also required to report methicillin- and vancomycin- resistant infections.

All information collected shall be confidential. However, information regarding the number and frequency of occurrences of staph infections in each hospital or facility shall be available on the Department's internet website or upon request.

This act is similar to HB 1477 (2004).
LORIE TOWE

021904 S First Read S348
022304 Second Read and Referred S Aging, Families, Mental & S358
Public Health Committee

EFFECTIVE : August 28, 2004

SB 1280

SENATE SPONSOR Childers

4701S.01I

SB 1280 - This act increases the sales tax by 1/2% for one year, then lowers the increase to 1/4% for one year, then lowers the increase to 1/8% for one year, and finally returns the sales tax rate to the current levy.

The act has a referendum clause for August 2004, and an effective date of October 1, 2004, if approved by the voters.
JEFF CRAVER

022304 S First Read S354
030104 Second Read and Referred S Ways & Means Committee S498

EFFECTIVE : Referendum

SB 1281

SENATE SPONSOR Childers

4702S.01I

SB 1281 - This act increases the income tax by 1/2% for one year, then lowers the increase to 1/4% for one year, then lowers the increase to 1/8% for one year, and finally returns the sales tax rate to the current levy.

The act has a referendum clause for November 2004, and an effective date of January 1, 2005, if approved by the voters.
JEFF CRAVER

022304 S First Read S354
030104 Second Read and Referred S Ways & Means Committee S498

EFFECTIVE : Referendum

SB 1282

SENATE SPONSOR Kennedy

4708S.01I

SB 1282 - This act will enable a taxpayer making less than \$30,000 per year who modifies their home to be accessible to a disabled person who resides with the taxpayer to claim a credit against their income tax for one hundred percent of the costs of modification, up to \$2,500. For taxpayers making between \$30,000 and \$60,000, a credit will be allowed in the amount equal to fifty percent of the costs of modification, up to \$2,500. All tax credits will be refundable, up to \$2,500 per year. The credits are not transferrable. The credit has a statewide maximum of \$100,000 per year.

If any portion of the modification was claimed as a deduction on the taxpayer's federal income tax, then the amount of the tax credit shall be reduced by 1/3.

The credit applies to tax years beginning January 1, 2005, and expires December 31, 2010.

The act reduces the cap on the mature worker tax credit by \$100,000.

This act is similar to SB 982 (2002) & SB 46 (2003).
JEFF CRAVER

022304 S First Read S354
030104 Second Read and Referred S Ways & Means Committee S498

EFFECTIVE : August 28, 2004

SB 1283

SENATE SPONSOR Bray

4706S.01I

SB 1283 - This act provides that the apportioned amount of each expenditure made by committees subject to campaign finance disclosure requirements in support of or in opposition to a candidate shall be reported to the candidate, the Missouri Ethics Commission and the appropriate election authority. Such report shall be made within five days of making the expenditure, and the report made to the Commission shall be made in an electronic format as prescribed by the Commission and shall become a part of

the candidate's disclosure report.

This act is identical to SB 646 (2003).
JIM ERTLE

022304 S First Read S354
030104 Second Read and Referred S Financial & Governmental S498
Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2004

SB 1284

SENATE SPONSOR Clemens

4718S.01I

SB 1284 - This act repeals a section of law that required lobbyists to provide a general description of all proposed legislation supported or opposed by the lobbyist.

JIM ERTLE

022304 S First Read S354
030104 Second Read and Referred S Financial & Governmental S498
Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2004

SB 1285

SENATE SPONSOR Wheeler

4671S.02I

SB 1285 - This act allows fee offices, which are located in cities where the Department of Revenue maintains an office, to collect the statutory fees for processing driver's licenses, motor vehicle registrations, and other transactions.
STEPHEN WITTE

022304 S First Read S354
030104 Second Read and Referred S Transportation Committee S498

EFFECTIVE : August 28, 2004

SB 1286

SENATE SPONSOR Loudon

4689S.01I

SB 1286 - This act modifies Section 167.181, RSMo, to provide that the rules promulgated by the Department of Health

and Senior Services can modify the manner and frequency, including "zero" frequency, of immunizations.

New language also states that the rules shall not require any immunizations that are not specified in Section 167.181, RSMo. The immunizations currently specified in this section are: poliomyelitis, rubella, rubeola, mumps, tetanus, pertussis, diphtheria, and hepatitis B.

LORIE TOWE

022304 S First Read S354
030104 Second Read and Referred S Aging, Families, Mental & S498
Public Health Committee

EFFECTIVE : August 28, 2004

SB 1287

SENATE SPONSOR Griesheimer

4714S.01I

SB 1287 - This act expands those state employees who may be granted leave with pay while acting as a disaster service volunteer, to include not only individuals certified by the American Red Cross but also by the SEMA Partnership Committee.

RICHARD MOORE

022304 S First Read S354
030104 Second Read and Referred S Financial & Governmental S498
Organization, Veterans' Affairs & Elections Committee
030804 Hearing Scheduled S Financial & Governmental Org.,
Veterans' Affairs & Elections Committee-Consent

EFFECTIVE : August 28, 2004

SB 1288

SENATE SPONSOR Vogel

4662S.01I

SB 1288 - This act reenacts the Missouri Title Insurance laws that were enacted in SB 894 (2000), because the bill was declared unconstitutional, due to a Hammerschmidt violation in that bill.

The act makes changes to and reorganizes the Missouri Title Insurance Act. In its main provisions, the act:

- (1) Expands the definitions section;
- (2) Requires a title insurer or title agent issuing a lender's title insurance policy, when no owner's policy has been requested, to give written notice to a purchaser/mortgagor that

the lender's policy does not protect the purchaser;

(3) Requires a written contract setting forth the allocation of responsibilities between a title insurer and a title insurance agent and delineates the title insurer's supervisory responsibilities regarding title insurance agents;

(4) Permits a title insurer or title insurance agent to operate as an escrow, security, settlement, or closing agent if certain listed requirements are complied with or met;

(5) Lists the actions the Director of the Department of Insurance may take or penalties that may be imposed against title insurers or title insurance agents that violate the title insurance laws;

(6) Prohibits an insurer that transacts any other class, type, or kind of business from obtaining a title insurance license, except that a title insurer can issue closing or settlement protection;

(7) Requires domestic and foreign title insurers to file an actuarial certificate with the required annual audited financial report and to establish a supplemental reserve accordingly;

(8) Subjects all title insurers to the Missouri Uniform Insurers Liquidation Act;

(9) Prohibits the use of listed title insurance forms unless the forms have been approved by the director;

(10) Permits a title insurer to meet its obligations regarding premium and form filing by becoming a member of or subscriber to a rate service company organized and licensed under the act;

(11) Sets forth procedures for hearings and review of rate filings;

(12) Sets forth requirements for the establishment and licensure of a rate service company; and

(13) Requires all title insurance agents to be licensed, lists the responsibilities and obligations for licensure, and details title insurance continuing education requirements.

JEFF CRAVER

022304 S First Read

S354-355

030404 Second Read and Referred S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2004

SB 1289

SENATE SPONSOR Kennedy

4618S.01I

SB 1289 - This act adds various provisions that expressly limit the authorities power in certain situations to those expressed in Sections 67.650 to 67.658, RSMo. Further, the act allows the authority to own, lease, or otherwise occupy, at no cost to the authority, a luxury suite, luxury box, or other

similar accommodation located at, upon, or within any stadium, facility, or complex owned, leased, or operated by the authority and to accept tickets to any event of any kind at such stadium, facility or complex, subject to certain restrictions expressed within the act.

RICHARD MOORE

022304 S First Read

S360

EFFECTIVE : August 28, 2004

SB 1290

SENATE SPONSOR Steelman

4260S.01I

SB 1290 - This act enables the county of Dent to enact a transient guest tax. The tax will be subject to the standard transient guest tax statute, including the requirement of voter approval.

JEFF CRAVER

022404 S First Read

S365

030104 Second Read and Referred S Economic Development,
Tourism and Local Government Committee

S498

031004 Hearing Scheduled S Economic Development, Tourism and
Local Government Committee

EFFECTIVE : August 28, 2004

SB 1291

SENATE SPONSOR Days

3819S.01I

SB 1291 - This act requires state employees to contribute a percentage of their annual income toward their health insurance coverage beginning in fiscal year 2005. The coverage will be Missouri Consolidated Health Care Plan's premium plan option and will be based on the employee's annual salary. If the employee's plan is not the lowest cost plan, the state will contribute the amount of the lowest cost premium or the full amount of the premium plan, whichever is less. If no plan option is available, the rates will be applicable to coverage under the co-pay plan.

Moneys shall be appropriated by the General Assembly in the fiscal year 2005 budget to cover the cost of reimbursing employees for the Missouri Consolidated Health Care Plan premiums paid by employees between January 1, 2004 and June 30, 2004, which exceed the premium amount that they would have paid had the act been in effect.

This act contains an emergency clause.

This act is identical to HB 473 (2003).

LORIE TOWE

022404 S First Read S365
030104 Second Read and Referred S Small Business, Insurance S498
and Industrial Relations Committee

EFFECTIVE : August 28, 2004

SB 1292

SENATE SPONSOR Bray

4368S.01I

SB 1292 - This act regards the safe staffing and quality care in Veterans homes and mental health facilities operated by the Division of Comprehensive Psychiatric Services and the Division of Mental Retardation and Developmental Disabilities within the Department of Mental Health.

This act requires that all veterans homes and Mental Health facilities adopt minimum staffing ratios, as specified within the act, and employ sufficient and necessary direct care staff, over and above the minimum safety ratios currently specified in statute.

Some of the many other provisions of the act are:

- Certain care staff shall not be assigned any additional duties;
- If a client residing in a veterans home or mental health facility is hospitalized in a general acute care hospital, the direct care staff from the mental health facility or the Veterans home shall not be transferred to such hospitals;
- Veterans home management and mental health facility management shall be responsible for any harm to clients resulting from insufficient staffing;
- Mandatory overtime shall not be used as a substitute for sufficient staffing; and
- Each veterans home and mental health facility shall document and submit certain information to the Missouri veterans Commission or the Department of Mental health on a monthly basis.

The act sets out provisions regarding mandatory and voluntary overtime.

Certain forms, subject to public inspection upon request, shall be used by direct care staff, clients, their representatives and guardians, and representatives of direct care workers to document noncompliance with the law. In the case of

veterans homes, the Executive Director of the Missouri veterans commission, and in the case of mental health facilities, the Director of the Department of health, shall investigate all complaints and the act establishes a means for the remedy of those violations. The act also contains protections for whistle blowers. Any person who sustains personal injuries arising from violations shall have a cause of action for damages.

DONALD THALHUBER

022404 S First Read S365
030104 Second Read and Referred S Aging, Families, Mental & S498
Public Health Committee

EFFECTIVE : August 28, 2004

SB 1293

SENATE SPONSOR Bray

4366S.01I

SB 1293 - This act, establishes that in cases of serious injury involving disability following the period of rendition of medical aid as provided by subsection 1 of Section 287.140, where physical rehabilitation is necessary, a sum equal to fifty percent of the applicable temporary-total disability compensation rate per week benefit from the second injury fund in the state treasury shall be paid to the employee while the employee is actually being rehabilitated. Under current law the employer must offer and the employee must accept the offer for forty dollars per week during such period of disability. Any such injured employee shall be entitled to continuous employment with the same employer to the occupation engaged in when the injury was sustained. Further, no Family and Medical Leave Act entitlements or restoration rights, or similar federal or state laws relating to such topic, shall be reduced while the employee is unable to work as a result of an occupation injury or illness. (Section 287.141)

The act changes the time constraints that a determination must be made as to whether the employee has sustained an injury that results in loss of suitable gainful employment by replacing within one hundred and twenty days of the date of the injury to sixty days from the date of the employee's application for vocational rehabilitation services. Further the employer will not make such a determination but rather the Director of the Division will. If a rehabilitation practitioner or provider is retained by the employer, pursuant to Section 287.148.1, the rehabilitation practitioner or provider must meet the enumerated requirements within ten days rather than ninety as under current law. The Director rather than the employer, as under current law, shall have the authority to extend the vocational rehabilitation plan for such time beyond twenty-six weeks as the

director deems reasonable. An extension of the plan shall be done with the intent of returning the employee to not only gainful employment, as under current law, but rather to gainful employment at comparable wages. The act removes the cost cap for implementing the vocational plan. (Section 287.148)

The act changes the dates in which payment of benefit payments are due by the employer or their insurer. (Section 287.160)

In relation to temporary total disability, the act limits the application of Section 287.170.1(4) to injuries occurring before August 28, 2004. Further the act states that for all injuries occurring on or after August 28, 2004 the weekly compensation shall be 66 2/3 percent of the injured employees average weekly earnings. Additionally the injured employer shall be entitled to continuous employment with the same employer and in the same occupation that the individual held when the injury occurred, when released by a physician to return to work and no Family Medical Leave Act Entitlements or other similar rights shall be reduced as a result of the injury. (Section 287.170)

In relation to temporary partial disability, the act limits the application of 287.180.1(4) to injuries occurring before August 28, 2004. Further the act states that for all injuries occurring on or after August 28, 2004, the weekly compensation shall be 66 2/3 percent of the injured employees average weekly earnings. Additionally, no Family Medical Leave Act Entitlements or other similar rights shall be reduced as a result of the injury. (Section 287.780)

The act places the burden of proof on the employee to show that the employer knew or should have known that discharge or discrimination in violation of this chapter was occurring.
RICHARD MOORE

022404 S First Read S365
030104 Second Read and Referred S Small Business, Insurance S498
and Industrial Relations Committee

EFFECTIVE : August 28, 2004

SB 1294

SENATE SPONSOR Kennedy

4751S.01I

SB 1294 - This act allows a court-appointed counsel to be awarded a reasonable fee to be paid under the provisions of subsection 2 of Section 632.415, RSMo, when defending a patient refusing electroconvulsive therapy.

HENRY T. HERSCHEL

022504 S First Read S373
 030104 Second Read and Referred S Aging, Families, Mental & S498
 Public Health Committee

EFFECTIVE : August 28, 2004

SB 1295

SENATE SPONSOR Klindt

4712S.04I

SB 1295 - This act allows Northwest Missouri State University to be transferred to the curators of the University of Missouri by agreement between the board of regents of Northwest Missouri State University and the board of curators of the University of Missouri. After such an agreement is rendered, Northwest Missouri State University shall thereafter be known as "The University of Missouri - Northwest." However, if such an agreement is not achieved by August 28, 2005, the provisions of this act shall become null and void.

All employees of Northwest Missouri State University shall become employees of the curators of the University of Missouri on August 28, 2005. The act outlines specific personnel, retirement, and benefit policies for such employees including a provision which allows any employee who desires to continue participation in their current benefit programs to continue such participation.

Further, the act renders certain alterations to the statutes necessary for the incorporation to occur. Such alterations shall only become effective upon the commencement of an agreement between the two boards and the providing of written notice to the revisor of statutes concerning the rendering of such agreement.
 DONALD THALHUBER

022504 S First Read S374
 030104 Second Read and Referred S Pensions & General Laws S498
 Committee

EFFECTIVE : August 28, 2004

SB 1296

SENATE SPONSOR Callahan

4727S.01I

SB 1296 - The act authorizes the conveyance of state property known as Highlands I and Highlands II, which is currently operated by the Department of Mental Health in the

Kansas City area.
SUSAN HENDERSON

022504 S First Read	S374
030104 Second Read and Referred S Economic Development, Tourism and Local Government Committee	S498
031004 Hearing Scheduled S Economic Development, Tourism and Local Government Committee	

EFFECTIVE : August 28, 2004

SB 1297

SENATE SPONSOR Callahan

4730S.02I

SB 1297 - This act asserts that the portion of the Kansas City School District that is located in the city of Independence shall be considered a subdistrict for taxing purposes. The act disallows the subdistrict to levy an operating levy for school purposes above \$3.50 per \$100 of assessed valuation.
DONALD THALHUBER

022504 S First Read	S374
030104 Second Read and Referred S Education Committee	S498

EFFECTIVE : August 28, 2004

SB 1298

SENATE SPONSOR Loudon

4652S.01I

SB 1298 - This act exempts transfers of certain property by the Bi-State Metropolitan Development District and the Kansas City Area Transportation District Authority from real and personal property taxes and state and local sales and use taxes.

This act is similar to SB 1203 (2002) & SB 20 (2003).
JEFF CRAVER

022504 S First Read	S374
030104 Second Read and Referred S Ways & Means Committee	S498

EFFECTIVE : August 28, 2004

SB 1299

SENATE SPONSOR Loudon

4729S.01I

SB 1299 - This act raises the liability limits on residential insurance policies issued under the FAIR plan from \$100,000 to \$200,000.

STEPHEN WITTE

022504 S First Read S374
030104 Second Read and Referred S Small Business, Insurance and Industrial Relations Committee S498
030304 Hearing Conducted S Small Business, Insurance and Industrial Relations Committee-Consent
030304 Voted Do Pass S Small Business, Insurance and Industrial Relations Committee-Consent

EFFECTIVE : August 28, 2004

SB 1300

SENATE SPONSOR Loudon

4426S.06I

SB 1300 - This act prohibits the sheltering of certain assets by individuals in long-term care facilities.

Assets used for the purchase of an annuity shall be treated by the Department of Social Services as an available resource unless:

- the annuity was purchased more the 5 years prior to the individual entering a long-term care facility; or
- the annuity is actuarially sound as measured against the Social Security Administration Life Expectancy Tables; and
- the annuity provides equal payments for its' duration; and
- the annuity provides Missouri with secondary or contingent beneficiary status in an amount equal to the medicaid expenditure made on the individual's behalf.

The Department shall have rule-making authority to implement this act.

In addition, the Department is required to enforce TEFRA liens on permanently institutionalized individuals, who the Department determines cannot reasonably be expected to be discharged and returned home.

LORIE TOWE

022504 S First Read S374
030104 Second Read and Referred S Small Business, Insurance and Industrial Relations Committee S498

EFFECTIVE : August 28, 2004

SB 1301

SENATE SPONSOR Bray

4746S.01I

SB 1301 - This act requires medical malpractice insurance rates to be approved by the Director of 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 insurer may charge an additional premium or grant a discount based upon the health care provider's loss experience, loss prevention measures employed, number of claims, the specialty of the provider and other factors approved by the Director. 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 a rate filing is rejected, the director shall notify the insurer in writing of the rejection and indicate the rate that the Director has determined to be justified. The insurer may request a hearing to challenge the Director's decision.

The Director shall annually provide the Governor and the General Assembly a report as to the increases or decreases of the rates approved pursuant to this act.

This act is substantially similar to SB 1179 (2004).
STEPHEN WITTE

022504 S First Read	S374
030104 Second Read and Referred S Small Business, Insurance and Industrial Relations Committee	S498

EFFECTIVE : August 28, 2004

SB 1302

SENATE SPONSOR Champion

4741S.01I

SB 1302 - This act authorizes the Board of Governors of Southwest Missouri State University to convey land along South Scenic Avenue in Springfield, Missouri.

This act has an emergency clause.
SUSAN HENDERSON

022504 S First Read S374
030104 Second Read and Referred S Economic Development, S498
Tourism and Local Government Committee
031004 Hearing Scheduled S Economic Development, Tourism and
Local Government Committee

EFFECTIVE : August 28, 2004

SB 1303

SENATE SPONSOR Steelman

4765S.01I

SB 1303 - The act prohibits the City of St. Louis and any
of its boards or commissions from restricting police officers
from living in counties adjacent to the city.
SUSAN HENDERSON

022504 S First Read S376
030104 Second Read and Referred S Financial & Governmental S498
Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2004

SB 1304

SENATE SPONSOR Griesheimer

4654S.02I

SB 1304 - This act provides that any district providing
emergency services will be entitled to reimbursement from the
special allocation fund in an amount of at least fifty percent
of the district's tax increment.

Under this act, no new tax increment financing project
shall be authorized in any area which is within an area
designated as flood plain and located within St. Charles
county.

This act shall not apply to tax increment financing
projects or districts approved prior to July 1, 2005.

The act shall allow the tax increment financing projects
to modify, amend, or expand such projects. The act allows the
tax increment financing district to modify, amend, or expand
such districts by not more than five percent.
SUSAN HENDERSON

022504 S First Read S376
 030104 Second Read and Referred S Economic Development, S498
 Tourism and Local Government Committee
 031004 Hearing Scheduled S Economic Development, Tourism and
 Local Government Committee

EFFECTIVE : August 28, 2004

 SB 1305

SENATE SPONSOR Champion

4745S.01I

SB 1305 - This act authorizes the issuance of bonds for life science projects for the institutions of higher education as follows:

FROM BOND PROCEEDS	\$290,440,000
FROM LOCAL FUNDS	\$115,433,001
<hr/>	<hr/>
TOTAL	\$405,873,001

MARTY DREWEL

022504 S First Read S376
 030104 Second Read and Referred S Appropriations Committee S498
 030304 Hearing Conducted S Appropriations Committee

 SB 1306

SENATE SPONSOR Nodler

4754S.01I

SB 1306 - This act expands the definitions in Section 444.765 to include, "commercial purpose", "construction", "excavation", "fill dirt", "land improvement", "mining", "public entity", "quarry" and adds to the standing definition of "surface mining" to clarify that such mining shall not mean excavations of minerals or fill dirt from real property in preparation for construction.

Powers of the Commission are expanded upon in this act, language clarifying that the Commission shall have no authority to regulate the excavation of minerals or fill dirt for construction purposes. The Commission shall not have the authority to regulate commerce in the sale of minerals, this includes enforcing regulations or policies protecting or establishing markets for operators of surface mining. The powers authorized in this act shall be utilized to promote the reclamation of land from surface mining for the purposes of conservation.

This act states that no person, public entity, or contractor shall be required to obtain a permit to move mineral or fill dirt within the confines of real property where the excavation occurs for the primary purpose of construction at the site of the excavation. It shall be presumed that excavations are for the purposes of construction if:

- (1) Excavation is performed pursuant to engineering plans for construction on the real property provided those plans were prepared by an architect, professional engineer or landscape architect;
- (2) There is a written contract for work which establishes the date(s) for work, terms of payment for the work, and requires excavation for purposes of construction;

This act states that any person engaged in land improvement involving the moving of minerals or fill dirt may or may not be required to obtain a permit pursuant to a determination by the Commission as to whether activity on the real property constitute surface mining. It shall be presumed that such activities if:

- (1) The real property has been designated as a surface mine by the federal Mine Safety and Health Administration;
- (2) Minerals from the property are sold on a frequent on-going basis;
- (3) A pit, peak or ridge persists on the property as consistent with plans for land improvement and which endangers the health, safety or welfare of the general public.

It shall be presumed that such activities are not for the purposes of mining if:

- (1) The real property has been approved by a recognized zoning authority for designated use other than as a quarry;
- (2) Surety bonds have been provided by the property owner as required for purposes of development;
- (3) Performance or payment bonds have been provided by a contractor as required by a public entity pursuant to Section 107.170, RSMo;
- (4) The land improvement is for the purpose of preparing the property for agricultural purposes.

This act states that if a determination is made that a surface mining permit is needed for real property which is purported to be for the purposes of construction, such determination shall be communicated to the property owner. That notification is laid out in the act.

Finally, this act authorizes the imposition of additional penalties up to double the cumulative total of penalties levied by this act.

MEGAN CRAIN

022504 S First Read S377
030104 Second Read and Referred S Commerce & the Environment S498
Committee

EFFECTIVE : August 28, 2004

SB 1307

SENATE SPONSOR Gibbons

4167S.01I

SB 1307 - This act defines child pornography and the possession of it. A person commits the crime of possession of child pornography if the individual possesses it while knowing of the contents. A person with more than 20 items of child pornography is considered to have knowledge regarding the contents of the items.

This act establishes affirmative defenses to the crime of possession of child pornography. Such defenses include taking steps to destroy the child pornography and not allowing anyone except law enforcement agents to view it. It is also a defense to report the matter to law enforcement and permit the agents access to the material in order to remove it or to attempt to determine how it was sent and received.

The age of a child that appears to be under the age of eighteen may be established according to Section 573.050, which includes using expert medical testimony. The child need not be identified or appear at any proceeding.

This act makes possession of child pornography a Class C felony for possession of no more than 20 items, and a Class B felony for more than 20 items.

SUSAN HENDERSON

022604 S First Read S386
030104 Second Read and Referred S Judiciary and Civil & S498
Criminal Jurisprudence Committee

EFFECTIVE : August 28, 2004

SB 1308

SENATE SPONSOR Klindt

4668S.01I

SB 1308 - This act requires that state employees be paid at a rate of one and one half times their standard hourly rate for all time worked in excess of 40 hours per week. Overtime will be paid unless the employee chooses to use accrued overtime hours as compensatory leave time, if leave time is available and the

employee's supervisor agrees. Any employee who works a state holiday will have the option of receiving either equal compensatory time off or payment at the straight hourly rate. This applies only to employees who are otherwise eligible for compensatory time.

Any state employee requesting cash payment for at least 20 hours of accrued overtime is to be compensated within 30 calendar days of the request.

Beginning on January 1, 2006, and annually thereafter, each department must pay all state employees who are paid at an hourly rate in full for any overtime hours accrued during the previous calendar year not yet paid or used in the form of compensatory leave time. State employees may retain up to 80 hours of compensatory leave time.

By November of each year, every department must notify the Commissioner of Administration, the House Budget Chairman, and the Senate Appropriations Chairman of the amount of overtime paid in the previous year and an estimate of the overtime to be paid in the current fiscal year. The fiscal year estimate is to be a separate line item appropriation for each department in its appropriation bill.

RICHARD MOORE

022604 S First Read	S386
030104 Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee	S498

EFFECTIVE : August 28, 2004

SB 1309

SENATE SPONSOR Stoll

4559S.01I

SB 1309 - This act details the conditions under which a public higher education institution may require the use of an individual's Social Security number. Beginning July 1, 2006, these numbers cannot be: Posted publicly; Transmitted over the Internet unless the connection is secure or the number encrypted; Required as an access code unless an additional authentication device is required; Printed on documents mailed to an individual unless required by law; or used on a student identification card.

The act establishes procedures whereby the institutions that have been using Social Security numbers in any of the prohibited ways prior to July 1, 2006, may continue the use of such numbers under certain circumstances.

The act becomes effective January 1, 2005.

This act is identical to HB 1169.
DONALD THALHUBER

022604 S First Read S386
030104 Second Read and Referred S Education Committee S498

EFFECTIVE : August 28, 2004

SB 1310

SENATE SPONSOR Gross

4713S.01I

SB 1310 - This act authorizes the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects to impose civil penalties against licensed and unlicensed persons. Any person who practices architecture, engineering, land surveying or landscape architecture without a valid license may be subject to an administrative action by the board to seek a civil penalty. The board can initiate investigations against the unlicensed person and can issue subpoenas to compel attendance and testimony of witnesses.

The complaint must be filed with the Administrative Hearing Commission, which shall conduct a hearing and issue its findings of fact and conclusions of law. The duties of the Commission are amended to include the ability to hear such cases. If the Commission finds the unlicensed person has violated this act, then the board may issue a civil penalty. The penalty shall not exceed \$5,000 for each day of violation, with a maximum penalty of \$25,000. The unlicensed person has the right to appeal the order imposing the fine to a circuit court. Once the case is final, the attorney general shall commence an action to recover the penalty, including reasonable attorney fees and costs and a surcharge of 15% of the penalty plus 10% per year on any amounts owed. The validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

In any action to impose a civil penalty, whether against a licensed or unlicensed person, the board may assess its reasonable costs and expenses incurred in conducting the investigation and administrative hearing. Finally, the board is authorized to impose a civil penalty against a licensee after a finding by the Administrative Hearing Commission of cause to discipline the license.

JIM ERTLE

022604 S First Read S386
030104 Second Read and Referred S Pensions & General Laws S498

Committee

EFFECTIVE : August 28, 2004

SB 1311

SENATE SPONSOR Wheeler

4558S.01I

SB 1311 - This act increases the credit allowed for taxes paid to another state by basing the amount of the credit on the tax liability in the foreign state prior subtraction of any tax credits taken in such state. Current law allows the credit, but requires the subtraction of credits that were based on charitable contributions which also qualify for charitable deductions at the federal level. Consistent with the current law, the act requires a reciprocal credit in the foreign state for taxes paid in Missouri in order for the Missouri credit to be used.

The act has an effective date of January 1, 2005.
JEFF CRAVER

022604 S First Read	S386
030104 Second Read and Referred S Ways & Means Committee	S498

EFFECTIVE : January 1, 2005

SB 1312

SENATE SPONSOR Callahan

4779S.01I

SB 1312 - This act requires a payment in lieu of tax to a school district within the area of the redevelopment plan by any chapter 353 property tax abatement project in Kansas City that involves a newspaper printing facility.

JEFF CRAVER

022604 S First Read	S386
030104 Second Read and Referred S Ways & Means Committee	S498

EFFECTIVE : August 28, 2004

SB 1313

SENATE SPONSOR Bray

4755S.01I

SB 1313 - This act prohibits any governmental entity from prohibiting, interfering with, or discriminating against the right of consenting adults to obtain or use safe contraception.

Nothing in this act shall be construed to prevent the implementation of any laws, rules, or taxes relating to the sale or distribution of contraceptives provided that they are reasonably designed to promote public health and do not hinder public access to contraceptives.

LORIE TOWE

022604 S First Read S386
030404 Second Read and Referred S Aging, Families, Mental &
Public Health Committee

EFFECTIVE : August 28, 2004

SB 1314

SENATE SPONSOR Bray

4208S.05I

SB 1314 - This act allows a law enforcement officer to remove a firearm from the scene if the officer has probable cause to believe domestic assault has occurred and has observed a firearm at the scene.

The act requires the officer to provide the owner of the firearm with information about retaking it and safe storage during the proceedings related to the alleged act if the firearm is taken from the scene. The owner may retake the firearm with fourteen days after the proceeding unless he or she is ordered to have the firearm confiscated and disposed.

The act requires sheriffs to deny firearm permits if the applicant is subject to an existing order of protection prohibiting the possession of a firearm or has been convicted of domestic assault or a violation of an order of protection which was issued in response to a domestic assault situation.

The act makes it unlawful for certain persons to possess a firearm. Such persons include only those who are subject to a court order that was issued after a hearing of which the person had notice, restrains a person from harassing, stalking, or threatening an intimate partner or his or her child, includes a finding that such person represents a credible threat to the safety of the partner or child or has been convicted of a misdemeanor crime of domestic assault. A violation of this provision is a Class D felony.

SUSAN HENDERSON

022604 S First Read S386
030104 Second Read and Referred S Judiciary and Civil &
Criminal Jurisprudence Committee S498

EFFECTIVE : August 28, 2004

SB 1315

SENATE SPONSOR Steelman

4756S.01I

SB 1315 - This act pertains to sand and gravel.

This act defines "noncommercial operator" as a person whose excavation activities are limited to their privately owned land used for purposes other than surface mining. This act goes on to clarify that it is unlawful for any operator other than a noncommercial operator to engage in surface mining without first obtaining a permit to do so. The exception to that rule is detailed in this act; when an operator conducts gravel removal at the request of a property owner for the purpose of managing seasonal gravel accretion on property not used for gravel mining.

This act allows for the selling or bartering of material extracted from the landowner's property without a permit only when that excavation is conducted in accordance to department guidelines.

MEGAN CRAIN

022604 S First Read	S386
030104 Second Read and Referred S Commerce & the Environment Committee	S498

EFFECTIVE : August 28, 2004

SB 1316

SENATE SPONSOR Steelman

4777S.01I

SB 1316 - This act asserts that a school district's decision to not retain a probationary teacher may only be based upon the competency or job performance of that teacher and no such decision shall be made because of a decrease in pupil enrollment, school district reorganization or the financial condition of the school district. In cases where school districts are compelled to reduce their labor force because of a decrease in pupil enrollment, school district reorganization or the financial condition of the school district, the district shall solely comply with the current law provisions regarding reduction in teacher forces.

DONALD THALHUBER

022604 S First Read	S386
030104 Second Read and Referred S Education Committee	S498

EFFECTIVE : August 28, 2004

SB 1317

SENATE SPONSOR Steelman

4322S.01I

SB 1317 - This act seeks to improve access to vital records compiled by the Department of Health and Senior Services. Current law requires a signature on vital records prescribed by physicians, hospitals, and funeral homes. This act allows physicians, hospitals, and funeral homes to either sign the vital record or submit it electronically in a process approved by the Department.

Reproductions of vital records must be of durable material, must accurately reproduce the original records, and must be retained in accordance with the standards of the State Records Commission. Birth records over ninety years old and death records over fifty years old shall be transferred to the Missouri State Archives and may be disclosed upon request. However, disclosure will not include original sealed birth records.

The fee for copies of vital records is increased from ten dollars to thirteen dollars. For every vital record fee collected, three dollars will go to the Public Health Services Fund and, upon appropriation, will be used for automating Missouri's vital records system and developing an electronic birth and death registration system. The electronic birth and death registration system will be implemented by December 31, 2008.

LORIE TOWE

022604 S First Read	S386
030104 Second Read and Referred S Aging, Families, Mental & Public Health Committee	S498

EFFECTIVE : August 28, 2004

SB 1318

SENATE SPONSOR Scott

4710S.01I

SB 1318 - This act creates the crime of stealing if he or she is in possession of property possessed pursuant to a short-term rental contract and that person does not return the property at the end of the lease or if the person does return the property but does not pay the lease or rental charge agreed to. The crime is a Class C felony.

SUSAN HENDERSON

022604 S First Read

S386

030104 Second Read and Referred S Judiciary and Civil & S498
Criminal Jurisprudence Committee

EFFECTIVE : August 28, 2004

SB 1319

SENATE SPONSOR Shields

4771S.01I

SB 1319 - This act modifies the law regarding health insurance coverage for chiropractic care. Every health benefit plan must provide coverage for chiropractic care delivered by a licensed chiropractor. The coverage must allow enrollees direct access to a participating chiropractor of their choice within the health carrier's network.

Coverage shall include the initial diagnosis, clinically appropriate and medically necessary services and supplies, and up to twenty-six office visits per year. Health carriers are prohibited from requiring an enrollee or a chiropractor to provide prior notice or authorization as a condition of coverage for the twenty-six visits per year. However, health carriers may require prior notice or authorization for visits in excess of the allowed twenty-six visits per year.

The availability of chiropractic health care benefits must be clearly disclosed to all enrollees. Health benefit plans are prohibited from imposing greater deductibles or establishing different dollar limits for chiropractic health care than for other primary health care. Certain health insurance policies are exempt from providing coverage for chiropractic health care.

This act is identical to HB 1509 (2004).
LORIE TOWE

022604 S First Read S386
030104 Second Read and Referred S Small Business, Insurance S498
and Industrial Relations Committee
030304 Hearing Scheduled But Not Heard S Small Business,
Insurance & Industrial Relations Committee

EFFECTIVE : August 28, 2004

SB 1320

SENATE SPONSOR Kinder

4747S.01I

SB 1320 - This act authorizes the management of any state institution with control of any funds to solicit bids from banks in any year in which the bid is requested. Currently, such bids

shall only be solicit bids in odd-numbered years. The act provides that bids may be for a period of one to four years. Banks are authorized to submit bids for a term of up to four years.

JIM ERTLE

022604 S First Read S386
030104 Second Read and Referred S Financial & Governmental S498
Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2004

SB 1321

SENATE SPONSOR Callahan

4757S.01I

SB 1321 - This act places restrictions on the sale of cigarettes which are subsequently mailed or shipped to the consumer.

The act requires the seller to obtain from the consumer, prior to shipping or mailing the cigarettes, certification of age and to provide the consumer with information clearly stating the age requirements for the purchase of cigarettes.

Additional provisions require the payment of the state cigarette tax by the person receiving the mail order cigarettes, a statement of mail order sales to be filed with the Division of Alcohol and Tobacco within the Department of Public Safety, and a signature of acceptance by the service that delivers the mail order cigarettes.

The act imposes a first time penalty for violation of the act of \$1,000 or five times the value of delivery; any subsequent violation will be \$10,000 or five times the retail value of the delivery. The failure to pay taxes will be five times the amount of the tax in question. The Attorney General, or a person holding a valid permit under 26 U.S.C. 5713, may bring action in the appropriate state court.

HENRY HERSCHEL

022604 S First Read S387
030104 Second Read and Referred S Ways & Means Committee S498

EFFECTIVE : August 28, 2004

SB 1322

SENATE SPONSOR Mathewson

4786S.02I

SB 1322 - This act prohibits the display of any signs, placards or any other items on the walls in the public areas of the state capitol. The provisions of this act shall not apply to the interior offices of public officials and state employees who work in the capitol, and shall not apply to official signs or displays posted by the office of administration.

JIM ERTLE

022604 S First Read	S486
030104 Second Read and Referred S Financial & Governmental Organization, Veterans' Affairs & Elections Committee	S498

EFFECTIVE : August 28, 2004

SB 1323

SENATE SPONSOR Shields

4785S.01I

SB 1323 - Current law establishes a Joint Committee on Education comprised of five members from each chamber that meets every four years. This act allows the committee to meet in any year that the president pro tem and the speaker appoint members to serve on the committee. The act alters the composition of the committee from five members per chamber to seven members per chamber. The act adds the study of education funding to the committee's charge.

DONALD THALHUBER

022604 S First Read	S486
030104 Second Read and Referred S Education Committee	S498
030904 Hearing Scheduled S Education Committee	

EFFECTIVE : August 28, 2004

SB 1324

SENATE SPONSOR Dolan

4624S.02I

SB 1324 - This act repeals the sovereign immunity waiver imposed on multi-state compact agencies for their proprietary functions. Under the current law, such agencies enjoy no sovereign or governmental immunity for their proprietary functions. This act also includes the provisions found in SB 957 (2004). 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

022604 S First Read	S486
030104 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S498

EFFECTIVE : August 28, 2004

SB 1325

SENATE SPONSOR Dolan

4717S.01I

SB 1325 - This act modifies the law regarding visitation rights for grandparents.

New language specifies that grandparents have the right to file a motion for modification of a dissolution decree to seek visitation rights when:

- visitation has been denied to them; or
- there is only one surviving parent and they deny reasonable visitation to the grandparents; or
- the child has resided in the grandparent's home for at least six months within the year that the petition was filed; and
- they are unreasonably denied visitation for longer than ninety days.

LORIE TOWE

022604 S First Read	S486
030104 Second Read and Referred S Aging, Families, Mental & Public Health Committee	S498-499

EFFECTIVE : August 28, 2004

SB 1326

SENATE SPONSOR Dolan

3933S.01I

SB 1326 - This act provides that persistent or prior offenders charged with alcohol-related traffic offenses will be ineligible for a suspended imposition of sentence whether the individuals are in municipal, county, or state court.

SUSAN HENDERSON

022604 S First Read S486
030104 Second Read and Referred S Transportation Committee S499

EFFECTIVE : August 28, 2004

SB 1327

SENATE SPONSOR Coleman

4772S.01I

SB 1327 - This act requires any person who wishes to vote in a primary election to declare a party affiliation. The declaration can occur at the time of registration to vote, or at the polling place on the primary election day. The Secretary of State is authorized to create statements of party affiliation that can be filled out at the polling place in order for the person to vote at the primary election. Such statements shall be retained by the election authority. A person can change their declaration of party affiliation at any time up to 14 days prior to the primary election. Election authorities, voter registration agencies, and offices of the division of motor vehicles shall inform each person who is registering to vote that the person can declare a party affiliation. The registration form is amended so that an applicant for registration to vote can declare their party affiliation.

JIM ERTLE

022604 S First Read S486
030104 Second Read and Referred S Financial & Governmental S499
Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2004

SB 1328

SENATE SPONSOR Yeckel

4782S.01I

SB 1328 - This act requires each bill filed in the General Assembly to contain a section that states the purpose or reasoning of the General Assembly in making the law.

JIM ERTLE

022604 S First Read S486

030404 Second Read and Referred S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2004

SB 1329

SENATE SPONSOR Griesheimer

4722S.03I

SB 1329 - This act establishes the "(County) Emergency Services Board". Annually, the board shall establish a tax rate not to exceed the amount authorized. Three of the seven members on the board shall represent public safety entities. Those serving upon the effective date of this bill will be able to serve and seek reappointment or reelection.

This act establishes that the board will elect its chairman annually.

This act creates additional powers and duties for the board which include acquiring land, borrowing money and issuing bonds, suing and being sued, using a corporate seal, entering contract, managing the board's business affairs, hiring employees, paying expenses associated with the first election, and other powers needed to provide emergency services.

Under this act, to purchase property or equipment needed for the operation of central dispatching of emergency services, the board may borrow money and issue bonds. The question of the loan shall be decided by the submission of the question to the voters of the county.

If passed by the voters, the board shall have the power to borrow money in the name of the board for the amount and purposes specified on the ballot; and in turn, issue bonds.

The loans shall not be contracted for more than 20 years and the act establishes a limit on the total amount of the loan. The directors shall direct a portion of the tax needed to pay the interest on the indebtedness as it falls due and to constitute a sinking fund for the payment of principal as it becomes due as well.

SUSAN HENDERSON

022604 S First Read	S486
030104 Second Read and Referred S Economic Development, Tourism and Local Government Committee	S499
031004 Hearing Scheduled S Economic Development, Tourism and Local Government Committee	

EFFECTIVE : August 28, 2004

SB 1330

SENATE SPONSOR Bray

4748L.01I

SB 1330 - This act modifies the law relating to the establishment of paternity.

New language requires the Division of Family Support to provide a presumptive father identification form when a child is born to an unmarried woman or a woman who is married but whose husband is not the father. The form shall contain any information on the identity and location of the possible father. This form will not be deemed an affidavit and its' use will not subject the mother to any civil or criminal penalties if the information is provided in good faith.

The Division shall furnish the form to county clerks, state and local registrar's offices, and the mother for her review. The Division shall maintain a file on each child listed on a presumptive father identification form and shall take the necessary steps to located the suspected father.

If the suspected father is located, the Division shall attempt to legally obtain a DNA sample to establish paternity for the child. If the DNA test confirms paternity, the Division is responsible for notifying the biological father of his rights and responsibilities regarding the child. Once paternity is established, the Attorney General may recover any administrative costs associated with the paternity test.

LORIE TOWE

022604 S First Read	S486
030104 Second Read and Referred S Aging, Families, Mental & Public Health Committee	S499

EFFECTIVE : August 28, 2004

SB 1331

SENATE SPONSOR Gibbons

4791S.01I

SB 1331 - This act revises the definition of "municipality" to include a portion of a county designated by the county as a development project area for the purposes of Sections 99.915 to 99.1060, RSMo.

HENRY T. HERSCHEL

022604 S First Read	S486
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EFFECTIVE : August 28, 2004

SB 1332

SENATE SPONSOR Caskey

4849S.01I

SB 1332 - This act authorizes the sheriff of every county to pay costs and expenses for activities related to the issuing of concealed carry endorsements from the sheriff's revolving fund. The application and renewal fees shall be based on the sheriff's estimate of the actual costs and expenses incurred. If the maximum fee is inadequate to cover the actual expenses in a year and there are insufficient funds in the revolving fund, a sheriff may present specific and verified evidence of the unreimbursed expenses to the Office of Administration which, upon certification by the Attorney General, shall reimburse such sheriff for those expenses.
SUSAN HENDERSON

030104 S First Read

S492

EFFECTIVE : August 28, 2004

SB 1333

SENATE SPONSOR Caskey

4809S.01I

SB 1333 - The act provides for the creation of a wholesale water and sewer authority by filing a petition in the circuit court of a county within the area where the proposed authority will be.

The act provides for what information shall be included in the petition, which includes the approval of the necessary governing bodies, a general description of the project, the number of initial members of the board, the proposed name of the authority, the proposed funding, and a request that the authority be considered a political subdivision.

The clerk of the circuit court shall give notice in newspapers to the public of the proposed creation of the authority. The court may order a public hearing and must provide notice in the same manner if it chooses to do so. Any resident of the area where the proposed authority will be may support or oppose the creation and seek declaratory judgment to prevent the creation of the authority. The costs of filing and defending the petition and all other costs incurred in obtaining certification will be paid by the petitioners, who may be reimbursed if the authority is organized.

The court will decide if formation of such an authority is proper, and if so, will declare the authority to be a

political subdivision of the state. Any party may appeal the court's order or declaratory judgment.

Following formation, an authority can add members that were not in the original petition. Following the requisite public notice, such an addition requires a public hearing and a vote of the board of directors in favor of the addition.

The act allows the presiding officer, with the consent of the provider, to appoint one member and an alternate to the board. The act provides further requirements that each director must meet and the power of the authority to remove directors.

The act describes the procedure that the board will follow to conduct business.

The act establishes the powers that the board of directors of an authority shall have, which include accepting funds, suing and being sued, entering franchises and contracts, borrowing money, acquiring land and facilities, operating and maintaining facilities, establishing a system of fees and charges for services, providing wholesale water service and wholesale wastewater service, managing business affairs, hiring and retaining employees and agents, adopting rules, investing funds not otherwise immediately needed, and exercising other rights needed to fulfill the authority's obligations.

The act also grants the authority the power to enter into purchase agreements for the purchase, sale, exchange, or transmission of wholesale water or wastewater service.

Under this act, an authority may authorize or issue obligations for the purpose of paying all or any part of the cost of any project. Any issue of authority obligations outstanding may be refunded at any time by the authority by issuing its refunding obligations in such amount as the authority may deem necessary.

The authority may enter into funding or financing arrangements or any other contract or agreement with any person or other entity.

SUSAN HENDERSON

030104 S First Read

S492

030404 Second Read and Referred S Commerce & the Environment
Committee

EFFECTIVE : August 28, 2004

****SB 1334****

SENATE SPONSOR Dougherty

4812S.01I

SB 1334 - This act adds in-home child care providers, child care facilities, and long-term care facilities to the list of property that triggers the offense of distributing a controlled substance near schools.

This act is identical to HB 791 (2004).
LORIE TOWE

030104 S First Read

S492

030404 Second Read and Referred S Education Committee

EFFECTIVE : August 28, 2004

****SB 1335****

SENATE SPONSOR Dougherty

4761S.01I

SB 1335 - This act modifies the law allowing all counties and St. Louis City to levy sale and property taxes for community services for children by clarifying that the sole purpose of the tax is to provide services to protect the well-being and safety of children and youth and to strengthen families.

JEFF CRAVER

030104 S First Read

S492

EFFECTIVE : August 28, 2004

****SB 1336****

SENATE SPONSOR Kennedy

4806S.01I

SB 1336 - 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 Missouri Military Family Relief Fund, to be administered by the adjutant general and distributed to the families of Missouri residents who are members of the National Guard or the reserves and have been called to duty as a result of the terrorist attacks of September 11, 2001. 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.

JIM ERTLE

030104 S First Read S492
030404 Second Read and Referred S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2004

SB 1337

SENATE SPONSOR Kennedy

4259S.01I

SB 1337 - This act would give a tax credit to registered sole proprietorships, certain registered corporations, and certain registered insurance companies that have either started a new business or expanded an existing business that employees 80 people or less a year. The credit would be available for the first three years following the expansion or establishment of the business and would be for an amount equal to ten percent of the new revenue produced by the business, not to exceed five thousand, against the tax imposed on it pursuant to Chapter 143 or 148, RSMo. The credit may be carried forward to subsequent tax years but not beyond the third tax year following the expansion of establishment of the business.

To be eligible for the credit the business must register with the business with the Secretary of State and file a letter or intent with the Department of Revenue within ninety days of commencement of operations at the new or expanded business. The maximum number of tax credits certified in any fiscal year shall not exceed three million dollars, if properly acquired tax credits exceed three million the taxpayer shall be entitled to use the credit in the next year in which the cap is not yet exceeded. The Directors of Economic Development and Revenue shall promulgate rules in accordance with this act.
JEFF CRAVER

030104 S First Read S492
030404 Second Read and Referred S Ways & Means Committee

EFFECTIVE : August 28, 2004

SB 1338

SENATE SPONSOR Callahan

4846S.01I

SB 1338 - This act enables the fire protection districts in Raytown to submit a one-quarter cent sales tax to a vote for homeland security and training purposes. The tax may be repealed by a late vote of the people. Ballot language for the

establishment of the tax and the repeal of the tax are included
in the act..

JEFF CRAVER

030104 S First Read S492

030404 Second Read and Referred S Economic Development,
Tourism and Local Government Committee

031004 Hearing Scheduled S Economic Development, Tourism and
Local Government Committee

EFFECTIVE : August 28, 2004

SB 1339

SENATE SPONSOR Callahan

4844S.01I

SB 1339 - Current law allows only public colleges and
universities to sponsor charter schools. This act removes the
word "public" from the aforementioned provision.

DONALD THALHUBER

030104 S First Read S492

030404 Second Read and Referred S Education Committee

EFFECTIVE : August 28, 2004

SB 1340

SENATE SPONSOR Callahan

4709S.02I

SB 1340 - This act allows Kansas City to collect of traffic
fines, parking fines, towing and vehicle immobilization fees, and
the penalties and court costs associated with those fines and
fees at the same time as the collection of a taxpayer's personal
property taxes.

The act is Similar to HB 1067 (2004).

JEFF CRAVER

030104 S First Read S492

030404 Second Read and Referred S Economic Development,
Tourism and Local Government Committee

031004 Hearing Scheduled S Economic Development, Tourism and
Local Government Committee

EFFECTIVE : August 28, 2004

SB 1341

SENATE SPONSOR Cauthorn

4807S.01I

SB 1341 - This act revises the purposes for which the monies in the County Sheriff's Revolving fund, created in the concealed weapons statute, can be spent. The act extends the purposes to include all reasonable expenses related to accepting and processing the applications for concealed weapons permits.

JEFF CRAVER

030104 S First Read

S492

EFFECTIVE : August 28, 2004

SB 1342

SENATE SPONSOR Cauthorn

4778S.01I

SB 1342 - This act requires the Office of Administration to conduct a study addressing the nursing shortage in this state and the cost-effectiveness of increasing efforts to improve recruitment of nurses, to increase enrollment of nurses at Missouri schools of nursing, and to provide incentives to retain nurses in this state. An advisory panel of nurses shall make written recommendations to the Commissioner of the Office of Administration by July 1, 2005.

JIM ERTLE

030104 S First Read

S492

030404 Second Read and Referred S Aging, Families, Mental &
Public Health Committee

EFFECTIVE : August 28, 2004

SB 1343

SENATE SPONSOR Champion

4131S.02I

SB 1343 - This act modifies the expiration of an enterprise zone to be 25 years after the exemption for the zone was granted. Current law bases the 25 year period on the original designation of the enterprise zone by the Department of Economic Development.

JEFF CRAVER

030104 S First Read

S492

030404 Second Read and Referred S Economic Development,

Tourism and Local Government Committee
031004 Hearing Scheduled S Economic Development, Tourism and
Local Government Committee

EFFECTIVE : August 28, 2004

SB 1344

SENATE SPONSOR Champion

4813S.01I

SB 1344 - This act modifies the law concerning the Joint Committee on Economic Development Policy and Planning. The act makes the chair and vice chair rotate between the House and the Senate on a biennial basis. Currently the rotation is annual. The act also specifies that the chair and vice chair are appointed by the leadership of the respective houses.

JEFF CRAVER

030104 S First Read S492
030404 Second Read and Referred S Economic Development,
Tourism and Local Government Committee
031004 Hearing Scheduled S Economic Development, Tourism and
Local Government Committee

EFFECTIVE : August 28, 2004

SB 1345

SENATE SPONSOR Coleman

4776S.01I

SB 1345 - This act modifies the law regarding the crimes of stealing, tampering, and receiving stolen property.

The act:

(1) Requires the court to order that restitution be paid to the victim of tampering or auto theft, including the victim's insurance deductible payment, towing and storage fees, and any wages lost by the victim in prosecuting the offense;

(2) Prohibits the court or the Division of Probation and Parole from releasing a person early from probation or parole if the person has failed to pay restitution;

(3) Makes evidence of prior acts of tampering admissible to prove the requisite knowledge or belief in a current tampering case;

(4) Makes tampering in the second degree a Class C

felony when the person has a prior conviction for tampering in the first or second degree, auto theft, or receiving stolen property;

(5) Expands the crime of stealing to include obtaining control over property or services when a reasonable person would realize that such property was stolen and clarifies that the crime occurs when undercover police are posing as sellers of stolen property; and

(6) Makes auto theft a class B felony when the person has two prior convictions for stealing-related offenses.

This act is identical to HB 1470 (2004).
SUSAN HENDERSON

030104 S First Read S492
030404 Second Read and Referred S Judiciary and Civil &
Criminal Jurisprudence Committee

EFFECTIVE : August 28, 2004

SB 1346

SENATE SPONSOR Coleman

4840S.01I

SB 1346 - This act shall be known as the "Emergency Care for Sexual Assault Victims Act of 2004". It shall be the standard of care for hospitals and health care facilities to do the following:

- provide each sexual assault victim with medically and factually accurate information about emergency contraception;
- orally inform each sexual assault victim that emergency contraception may be provided at the hospital; and
- provide the complete regimen of emergency contraception immediately to the sexual assault victim who requests it.

Hospitals and health care facilities must ensure that they provide their employees with medically and factually accurate information about emergency contraception. The Department of Health and Senior Services shall develop, prepare, and produce informational materials relating to emergency contraception to hospitals and health care facilities. The informational materials must be medically and factually accurate, clearly written, and explain the nature of emergency contraception.

The Department must respond to complaints and periodically determine whether hospitals and health care facilities are in compliance with this act. If a hospital or a health care facility is not in compliance, then the Department shall impose a fine of \$5,000 per woman who is denied information or emergency

contraception and a fine of \$5,000 for failure to comply with the provisions of this act. For every thirty days that a hospital or health care facility is not in compliance, an additional fine of \$5,000 shall be imposed.

LORIE TOWE

030104 S First Read

S493

EFFECTIVE : August 28, 2004

SB 1347

SENATE SPONSOR Coleman

4787S.01I

SB 1347 - This act imposes a \$20 surcharge on all felony court proceedings involving drugs; offenses against the person; sexual offenses; robbery, burglary, and arson; stealing; and weapons, except when charges are dismissed or when costs are to be paid by the state or political subdivision.

Fifty percent of the surcharge will be deposited in the Gang Resistance Education and Training (GREAT) Fund, to be administered by the Department of Elementary & Secondary Education (DESE). The Department, in conjunction with participating local law enforcement, will develop a program for gang resistance training in school districts in need of such services, as determined by the department. The program is intended to help children understand how gang violence affects communities and how to resolve conflicts without violence. The remaining 50% of the funds collected will be used to provide matching grants to school districts to fund the after-school reading retreat program.

The provisions of the act terminate on December 31, 2009.

This act is identical to HB 1458.

DONALD THALHUBER

030104 S First Read

S493

030404 Second Read and Referred S Education Committee

EFFECTIVE : August 28, 2004

SB 1348

SENATE SPONSOR Coleman

4736S.01I

SB 1348 - The act eliminates the mandatory minimum sentences for those convicted of a felony, except dangerous

felons. The act states that a felon must serve a sentence imposed by a judge, but the Board of Probation and Parole will have discretion to review the sentence and release the offender before the completion of the sentence.

Those offenders sentenced under the mandatory minimum sentencing statutes before August 28, 2004, shall have his or her sentence reviewed by the Board. The Board shall have discretion to release such an offender before the end of his or her sentence.

SUSAN HENDERSON

030104 S First Read S493
030404 Second Read and Referred S Judiciary and Civil &
Criminal Jurisprudence Committee

EFFECTIVE : August 28, 2004

SB 1349

SENATE SPONSOR Coleman

4790S.01I

SB 1349 - This act adjusts the "eligible pupils" definition in the state aid formula so that districts would garner an additional sixty percent (over the amount already awarded per pupil) for each "English as a Second Language" (ESL) student the district educates. The act creates a definition regarding ESL students.

DONALD THALHUBER

030104 S First Read S493
030404 Second Read and Referred S Education Committee

EFFECTIVE : August 28, 2004

SB 1350

SENATE SPONSOR Stoll

4783S.01I

SB 1350 - This act requires the Department of Elementary & Secondary Education (DESE) to adopt an indoor air quality program beginning January 1, 2006. Schools would be inspected and evaluated at least once every three years. The Department would develop procedures for handling complaints about air quality and establish minimum standards for air quality that are no less than the standards promulgated by specified national building and safety codes. Reports of the inspection results will be made public and sent to the building principal, the local and state school boards, the Department, and to persons filing complaints.

Problems must be remedied within 60 days of receipt of the report.

This act is identical to HB 1189.
DONALD THALHUBER

030104 S First Read S493
030404 Second Read and Referred S Education Committee

EFFECTIVE : August 28, 2004

SB 1351

SENATE SPONSOR Stoll

4820S.01I

SB 1351 - This act states that the Board of Trustees of the Missouri Consolidated Health Care Plan shall promulgate rules for including in the plan individuals who are employees of eligible agencies which have not elected to join the plan or who are retirees of school districts.

DONALD THALHUBER

030104 S First Read S493
030404 Second Read and Referred S Aging, Families, Mental &
Public Health Committee

EFFECTIVE : August 28, 2004

SB 1352

SENATE SPONSOR Stoll

4723S.02I

SB 1352 - This act establishes alternative charter schools.

The act asserts that alternative charter schools must possess a significant percentage of enrolled students identified with the risk factors associated with failure to persist to graduation. Further, the act lays out additional criteria for charter schools to be designated as "alternative."

The act lays out alternative methods of evaluating such schools and authorizes academic assessments that measure student performance on an individualized time frame, provided that alternative charter schools are not held to lower performance standards than other public or charter schools.

Further, the act incorporates the newly established alternative charter schools into current charter school law which regards priority of charter school applicants. Also, the act

adds schools that meet the eligibility requirements established for alternative charter schools into the current law requirement that sponsors granting three or more charters grant at least one-third of such charters to schools that actively recruit dropouts or high-risk students as their student body and address the needs of such students.

DONALD THALHUBER

030104 S First Read S493
030404 Second Read and Referred S Education Committee

EFFECTIVE : August 28, 2004

SB 1353

SENATE SPONSOR Bray

4781S.01I

SB 1353 - This act provides that a joint municipal public safety communications is a political subdivision and its employees will be considered eligible for membership in the Missouri Local Government Employees' Retirement System.

SUSAN HENDERSON

030104 S First Read S493
030404 Second Read and Referred S Economic Development,
Tourism and Local Government Committee
031004 Hearing Scheduled S Economic Development, Tourism and
Local Government Committee

EFFECTIVE : August 28, 2004

SB 1354

SENATE SPONSOR Steelman

4688S.01I

SB 1354 - Under this act, a person commits the crime of invasion of privacy by knowingly photographing or filming another person when his or her full or partial nudity was not intended to be photographed or filmed and subsequently distributes the photo or film that allows access to that image via a computer without the written consent.

Under a current law, there is no requirement for written consent to allow access to an image via the computer and a person can only commit the crime of invasion of privacy if he or she knowingly photographs or films another without his or her consent while he or she is nude and in a place where one would have a reasonable expectation of privacy.

Under this act, a person commits the crime of invasion of privacy by knowingly videotaping or recording a person to secretly tape, film, or record by electronic means under or through the clothing worn by that other person in order to view his or her body or undergarments without his or her consent.

Invasion of privacy is a Class D felony unless the person has committed the crime before or there is more than one victim, in which case, it is a Class C felony.

A person is guilty of a Class A misdemeanor if he or she violates the provision regarding videotaping or recording another person under his or her clothes in order to view his or her body or undergarments.

SUSAN HENDERSON

030104 S First Read

S493

030404 Second Read and Referred S Judiciary and Civil &
Criminal Jurisprudence Committee

EFFECTIVE : August 28, 2004

SB 1355

SENATE SPONSOR Days

4705S.01I

SB 1355 - This act requires the state, subject to appropriations, to participate in the Infant and Toddler Program pursuant to Part C of the Individuals with Disabilities Education Act (IDEA). The following is a summary of the sections of the act:

SECTION 160.850 - The state shall provide early intervention services to eligible infants and toddlers. The Department of Elementary and Secondary Education shall be responsible for implementing and promulgating rules for Part C of IDEA through the First Steps program.

SECTION 160.855 - The Department must maintain a statewide birth-to-age-three system of early intervention services and shall be administered through the First Steps program. The system shall compile data on eligible children and their families and shall include a comprehensive child-find and public awareness program.

SECTION 160.860 - Any funds appropriated to the Department for these services shall not be used to relieve a public or private source of their obligation to pay for services. Federal funds must be used whenever necessary to prevent a delay in the receipt of services. Providers shall submit requests for payment to the First Steps program and where applicable, the program shall seek

reimbursement from public and private payers. The Department must promulgate rules concerning the cost and fees for family participation in early intervention services. Fees will not be applied to any family who is unable to pay and they will receive the services at no cost. In addition, certain services will always be provided to families at no cost. Any moneys generated by family participation in early intervention services shall be deposited in the "First Steps Fund".

SECTION 160.865 - The First Steps program may be required to pay insurance deductibles and co-payments for approved services as an incentive to access the family's insurance.

SECTION 160.870 - The "First Steps Fund" is created in the State Treasury and any moneys deposited into the fund shall be used solely for the First Steps program.

SECTION 376.1223 - Certain health care policies must provide coverage to reimburse the First Steps program for early intervention services provided to eligible children and their families. The coverage shall be limited annually to \$3,000 per child, with a maximum of \$9,000 over the three years that the child is eligible for the program. Early intervention services shall be provided pursuant to an individualized family service plan and will be deemed medically necessary. The First Steps program shall be considered the rendering provider of these services.

LORIE TOWE

030104 S First Read S493
030404 Second Read and Referred S Education Committee

EFFECTIVE : August 28, 2004

SB 1356

SENATE SPONSOR Jacob

4818S.02I

SB 1356 - This act prohibits an individual from transporting a concealable firearm in a motor vehicle without obtaining a concealed firearm endorsement.

SUSAN HENDERSON

030104 S First Read S493

EFFECTIVE : August 28, 2004

SB 1357

SENATE SPONSOR Jacob

4838S.03I

SB 1357 - The act states that a concealed carry endorsement or permit from another state does not authorize a person to carry a concealed firearm within this state.

SUSAN HENDERSON

030104 S First Read

S493

EFFECTIVE : August 28, 2004

SB 1358

SENATE SPONSOR Jacob

4848S.01I

SB 1358 - The act eliminates certain provisions throughout Section 571.107, RSMo, which state that possession of a firearm in a vehicle on the premises of prohibited locations is not a criminal offense.

The act eliminates exceptions throughout Section 571.107, RSMo, which allow the carrying of concealed firearms with a concealed carry endorsement in prohibited locations.

The act prohibits the carrying of concealed firearms with an endorsement in any restaurant, bar, or pub.

The act prohibits the carrying of concealed firearms in any sports arena, stadium, gymnasium, and other sports-related places.

The act prohibits the carrying of concealed firearms in any library.

The act prohibits the carrying of concealed firearms in any bank, trust company, banking corporation, reserve depository or bank holding company.

The act prohibits the carrying of concealed firearms in any fraternity or sorority house.

SUSAN HENDERSON

030104 S First Read

S493

EFFECTIVE : August 28, 2004

****SB 1359****

SENATE SPONSOR Jacob

4685S.01I

SB 1359 - The act extends the statute of limitations for sexual offenses involving a person eighteen years old or younger from ten to twenty years unless the prosecution is for forcible rape, attempted forcible rape, forcible sodomy, or attempted forcible sodomy; in which case, the prosecution may begin at any time.

The act is identical to HB 1505 (2004).
SUSAN HENDERSON

030104 S First Read

S493

030404 Second Read and Referred S Judiciary and Civil &
Criminal Jurisprudence Committee

EFFECTIVE : August 28, 2004

****SB 1360****

SENATE SPONSOR Jacob

4684S.01I

SB 1360 - This act extends the statute of limitations on civil claims for damages caused by sexual abuse suffered as a child. Under current law, a claim must be brought within three years from the date the victim should have discovered the injury or illness or within five years of the victim's eighteenth birthday, whichever occurs later.

The act extends the statute of limitations to allow an action to be brought within ten years of the victim turning 21 years old or within three years of the date of discovering that the injury or illness was caused by childhood sexual abuse, whichever occurs later.

The act is identical to HB 1436 (2004).
SUSAN HENDERSON

030104 S First Read

S493

030404 Second Read and Referred S Judiciary and Civil &
Criminal Jurisprudence Committee

EFFECTIVE : August 28, 2004

SB 1361

SENATE SPONSOR Griesheimer

4612S.03I

SB 1361 - This act establishes a new means of distributing education funds.

The act adds a 2% income tax surcharge, with a credit provided based upon property taxes paid to local school districts.

The act sets up a \$5,000 base pupil amount (to be adjusted annually by the CPI, not to exceed five percent) and adds adjustments for certain factors, including cost of living, gifted, special education, English as second language, free and reduced price lunch, among others. Overall, this formula contains a more student-needs approach than the current tax rate driven formula.

The act contains a hold harmless clause that is adjusted for inflation.

The act would allow any school district not in St. Louis or Kansas City to elect to become a charter district. Such districts may issue charters to schools within their district. Such charter schools shall be governed by provisions somewhat equivalent to those in the current charter school law.

Further, the act phases in a policy whereby the summer school add-on for eligible pupils shall only include those eligible pupils that attended summer school in the current year. Also, the act specifies that in order for a school district to utilize an eligible pupil count for kindergarten from the immediately preceding or second preceding school years, the district must schedule the same number of hours on a daily basis in the current year for kindergarten instruction as that district scheduled in the immediately preceding or second preceding years for kindergarten instruction. In all other cases, the eligible pupils payment shall only include the current year kindergarten average daily attendance. This section of the act contains an emergency clause.

DONALD THALHUBER

030104 S First Read

S493

030404 Second Read and Referred S Education Committee

EFFECTIVE : August 28, 2004

SB 1362

SENATE SPONSOR Griesheimer

4810S.01I

SB 1362 - This act requires insurance companies to provide coverage for computerized prosthetic devices (arms and legs). The mandate shall not apply to certain types of policies such as accident-only, specified disease, long-term care policies or other types of limited benefit health insurance policies. The mandate applies to health insurance policies issued or renewed on or after January 1, 2005. The mandated coverage shall not be subject to greater deductibles or copayments than other types of health care services.

STEPHEN WITTE

030104 S First Read

S493

030404 Second Read and Referred S Small Business, Insurance
and Industrial Relations Committee

EFFECTIVE : August 28, 2004

SB 1363

SENATE SPONSOR Griesheimer

4826S.01I

SB 1363 - This act limits venue in tort actions, including tort actions based on improper health care, to the county where the cause of action accrued.

This act contains a referendum clause.

JIM ERTLE

030104 S First Read

S493

030404 Second Read and Referred S Judiciary and Civil &
Criminal Jurisprudence Committee

EFFECTIVE : Contingent

SB 1364

SENATE SPONSOR Gross

4768S.01I

SB 1364 - This act enables Saint Charles County to establish a theater, cultural arts, and entertainment district. The sales tax in the district shall be up to one-half of one percent. The act establishes minimum criteria for the formation of the district, including land area, and petition requirements.

The district will be controlled by a board of directors, the number of which must be specified in the petition. The act lays out criteria for the board of directors. The board has various powers, including the power to issue bonds. The bonding power is provided in detail in the act.

Public meetings regarding the formation of the district must take place before the governing body of the county can put the proposal to a vote of the people in the proposed district. Once the governing body of the county approves a resolution to establish the district, a vote is authorized. After it is approved, the district shall be formalized by an ordinance from the governing body.

The act allows for subdistricts in the district that may oppose the creation of the district and thereby avoid the sales tax to support the district. The act establishes a procedure for forming a governing body for a subdistrict.

If there are no registered voters in a subdistrict, one or more property owners who collectively own one or more parcels of real estate comprising at least a majority of the land situated in the proposed subdistricts within the proposed district may file a petition with the circuit court requesting the creation of a theater, cultural arts, and entertainment district. The circuit clerk of the county in which the petition is filed pursuant to this section shall present the petition to the judge, who shall set the petition for hearing. The court shall hear the case without a jury. If the court determines the petition is defective or the proposed district or its plan of operation is unconstitutional, it shall refuse to incorporate the district. If the court determines the petition is not legally defective and the proposed district and plan of operation are not unconstitutional, the court shall order an election for voter approval and certify the questions to the circuit clerk.

The act contains ballot language for the formation and possible dissolution of the district. In the event that a district is dissolved, the act contains provisions to govern such dissolution.

The sales tax is to be collected by the municipality and placed into a special trust fund for the purposes of the district. The act also contains sourcing language for the treatment of out-of-district purchases.

JEFF CRAVER

030104 S First Read

S494

030404 Second Read and Referred S Economic Development,
Tourism and Local Government Committee

031004 Hearing Scheduled S Economic Development, Tourism and
Local Government Committee

EFFECTIVE : August 28, 2004

SB 1365

SENATE SPONSOR Yeckel

4788S.01I

SB 1365 - This act, subject to appropriation, causes the General Assembly to encourage the development of veterans' outreach and education programs which promote the historical significance of veterans' military service. These programs must be approved by the Executive Director of the Missouri Veterans Commission and will be conducted inside public schools, veteran cemeteries, veteran homes, and other institutions. The provisions of this section will expire six years from the effective date of the act.

The act also creates the Veterans' Historical Education Trust Fund, to be administered by the Missouri Veterans Commission. The fund will be used to finance veterans' outreach and educational programs.

This act merges the provisions of HB 1381 and HB 1382.
DONALD THALHUBER

030104 S First Read S494
030404 Second Read and Referred S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee
030804 Hearing Scheduled S Financial & Governmental Org.,
Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2004

SB 1366

SENATE SPONSOR Yeckel

4831S.01I

SB 1366 - This act prohibits any entity from preventing a student athlete from competing in or training for any sports event recognized by the United States Olympic Committee and sanctioned by the national governing body for that sport. The provisions of the act apply only to those sports under the jurisdiction of the United States Olympic Committee and known to be "Olympic" sports.

This act is identical to HB 920.
DONALD THALHUBER

030104 S First Read S494

EFFECTIVE : August 28, 2004

****SB 1367****

SENATE SPONSOR Yeckel

4850S.01I

SB 1367 - This act makes certain students eligible for in-state tuition, regardless of a student's immigration status. If a student has attended high school for two or more years in Missouri and has graduated from a Missouri high school or achieved the equivalent of a high school diploma in-state, and, if an alien, has filed an affidavit stating intent to become a permanent resident of the United States at the earliest opportunity, the student qualifies for in-state tuition. These students may be counted for apportionment purposes by community college districts as full-time equivalent students. Student information obtained in implementing the bill must be kept confidential. Students may transfer between institutions and keep their in-state tuition status.

This act is similar to HB 1506.
DONALD THALHUBER

030104 S First Read

S494

030404 Second Read and Referred S Education Committee

EFFECTIVE : August 28, 2004

****SB 1368****

SENATE SPONSOR Nodler

4822S.01I

SB 1368 - This act provides for the regulation and licensing of professional addiction counselors.

New definitions are provided relating to addiction counseling (Section 337.800). Any person is prohibited from using certain titles related to addiction counseling without a license. These provisions do not apply to certain practitioners who have specialty training in addiction counseling. As of August 28, 2005, every person practicing as an addiction counselor must comply with all educational, training and examination requirements and be licensed under these sections. Licensed addiction counselors must have professional liability insurance coverage (Section 337.803).

This act should not be construed to require persons to employ licensed addiction counselors if not otherwise required to do so by law. This act does, however, require addiction counselors in private practice to be licensed (Section 337.806).

Applicants for licensure must follow procedures outlined by

the Board of Licensed Addiction Counselors for initial licensure and renewal (Section 337.809).

Applicants must provide evidence to the Board that all licensure, education, and training requirements have been met and must successfully pass a licensure examination adopted by the Board. Any person licensed as an addiction counselor in another state that has substantially the same requirements shall receive a license by reciprocity. Temporary licenses may also be issued for up to 18 months. Limited licenses under supervision may be issued to those who do not meet the licensure requirements. All applicants must authorize the Board to complete criminal background checks (Section 337.812).

The Board is authorized to promulgate rules regarding application, fees, examination, levels of licensure, grievances and appeals, reciprocity, and ethical standards (Section 337.815). The Board may refuse to issue or renew a license and the allowable causes for the Board to file a complaint are outlined in the section. Administrative hearing procedures will apply. Persons reporting violations in good faith will not be subject to liability. Upon a finding by the administrative hearing commission on one or more of the grounds listed in this section, the Board may censure, place on probation for up to five years or revoke a person's license (Section 337.818).

Any person violating the requirements of this act will be guilty of a Class B misdemeanor. Upon conviction, all compensation received for services must be refunded. The Division of Professional Registration may sue and the Attorney General may request an injunction against the violator (Section 337.821). Confidentiality requirements, with certain exceptions, of addiction counselors are outlined (Section 337.824).

The State Board of Licensed Addiction Counselors is established to advise the Division of Professional Registration. The Board, comprised of eleven members, will take effect on January 1, 2004. The Board will consist of four members that are public members and seven members that are licensed addiction counselors. The seven addiction counselor members must be eligible for licensure within twelve months of appointment and may not be licensed in any other behavioral health profession. Members may receive up to a \$150 per diem (Section 337.827). The State Board of Licensed Addiction Counselors Fund is also created (Section 337.830).

This act is similar to SB 603 (2003).
JIM ERTLE

030104 S First Read

S494

030404 Second Read and Referred S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2004

SB 1369

SENATE SPONSOR Nodler

4763S.01I

SB 1369 - This act establishes procedures that must be followed concerning an administrative hearing for an employees back pay when such employee has been dismissed or involuntarily demoted for cause.

RICHARD MOORE

030104 S First Read

S494

030404 Second Read and Referred S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2004

SB 1370

SENATE SPONSOR Nodler

4793S.01I

SB 1370 - This act requires any governmental unit of the state of Missouri, including any political subdivision, that enters into a contract for the implementation of any energy conservation or facility improvement measures to meet certain conditions. Before entering into a contract, the qualified provider proposing to improve energy conservation in a public facility must issue a report guaranteeing an amount of savings in energy or operating costs if certain installation, modifications or remodeling is performed. Before entering into a contract, the governmental unit must solicit bids from qualified providers. The winning bid does not need to be the lowest bid. Energy savings must be guaranteed for the entire term of the contract. The qualified provider must periodically send the amount of cost savings attributable to the improvements to the governmental unit.

JIM ERTLE

030104 S First Read

S494

030404 Second Read and Referred S Governmental
Accountability & Fiscal Oversight Committee

030804 Hearing Scheduled S Governmental Accountability and
030804 Fiscal Oversight Committee

EFFECTIVE : August 28, 2004

SB 1371

SENATE SPONSOR Kinder

4574S.08I

SB 1371 - This act will close the standard drug benefit coverage gap for certain seniors that was created due to the enactment of the Medicare Prescription Drug, Improvement and Modernization Act of 2003.

The "Missouri Senior Prescription Drug Plan" is created within the Department of Health and Senior Services. This plan is not an entitlement and is only a payer of last resort. Beginning January 1, 2006 and subject to appropriations, the state shall pay seventy-five percent of the standard drug benefit coverage gap of \$2850 for eligible individuals whose income is within 150% to 200% of the federal poverty level or for eligible individuals whose income is 150% below the federal poverty level and who fail the asset test.

The plan shall provide coverage for only the prescription drugs covered in the providers' formulary under the federal program. The plan shall not include coverage for any of the following drugs:

- those used for anorexia and weight gain;
- those used to promote fertility;
- those used for cosmetic purposes or hair growth;
- those used for coughs or colds;
- prescription vitamins;
- nonprescription drugs;
- barbiturates; and
- benzodiazepines.

The plan shall also exclude any drugs that are not "reasonable and necessary" as defined pursuant to the federal program. The plan shall not be charged any amount in excess of the amount that the providers charge the federal program.

A new Section 208.582 creates the "Missouri Senior Prescription Drug Plan Commission", which shall be composed of nine members. Members appointed by the Governor shall serve for three years, legislative members shall serve for their current term of office, and all other members shall serve for as long as they hold the position which made them eligible for appointment.

The Commission shall have rule-making authority for the implementation of the plan and shall apply for any applicable federal waivers or grants. Members of the Commission shall receive no compensation, but may be reimbursed for any expenses incurred. The Commission may also employ administrative staff as necessary to assist the Commission.

Beginning November 15, 2005, applications for the program will be conducted jointly with applications for the Medicare Part D benefit. The Commission shall verify annually the eligibility of applicants for the plan.

A new Section 208.584 establishes the "Missouri Senior

Prescription Drug Plan Clearinghouse" within the Commission. The purpose of the Clearinghouse is to assist all Missourians in accessing prescription drugs programs, to educate the public on quality drug programs, to maintain a toll-free number, and to provide information on eligibility, enrollment, and benefits for the plan on the Department's website.

Sections 208.550 to 208.571 pertaining to the Missouri Senior Rx Program shall terminate thirty days after notice is provided to the Revisor of Statutes that the Medicare Prescription Drug, Improvement and Modernization Act of 2003 has been fully implemented.

LORIE TOWE

030104 S First Read S494
030404 Second Read and Referred S Aging, Families, Mental &
Public Health Committee
031004 Hearing Scheduled A Aging, Families, Mental & Public
Health Committee

EFFECTIVE : August 28, 2004

SB 1372

SENATE SPONSOR Klindt

4767S.02I

SB 1372 - This act removes the Missouri Wine Marking and Research Council from law and replaces it with the Missouri Wine and Grape Board. Further, the act significantly expands the power of the board. The act establishes the powers and duties of the Board.

RICHARD MOORE

030104 S First Read S494
030404 Second Read and Referred S Agriculture, Conservation,
Parks & Natural Resources Committee

EFFECTIVE : August 28, 2004

SB 1373

SENATE SPONSOR Bartle

4143S.01I

SB 1373 - This act is the "Interstate Compact for Juveniles" which states the responsibilities of the compacting states to ensure the welfare and safe return of juveniles, delinquents, and status offenders who have absconded, escaped, or run away from supervision and control while endangering the safety of themselves and others. The compact also recognizes

that each state is responsible for the safe return of juveniles who have run away from home and in doing so have left their state of residence. This act acknowledges the authorization and encouragement by Congress to recognize such compacts. The act calls for the compacting states to achieve their goals through joint and cooperative action.

INTERSTATE COMMISSION FOR JUVENILES - This act states that the compacting states shall create an "Interstate Commission for Juveniles," which shall be a body corporate and joint agency of the compacting states. In addition to commissioners from each state, the Commission shall include certain non-voting individuals who are members of interested organizations. Each compacting state at a meeting is entitled to one vote and a majority of the states is a quorum.

An executive committee shall act on behalf of the Commission when it is not in session and oversee the day-to-day activities.

This act creating the compact requires the Commission to meet at least once a year and establishes the rules for voting. The by-laws of the Commission will establish the procedure for making records and information available to the public. The procedure and rules regarding meetings, whether they be open or closed, is contained in the act. The Commission must collect data concerning the movement of juveniles.

POWERS AND DUTIES OF THE INTERSTATE COMMISSION - This act establishes the powers and duties of the Interstate Commission which encompass many areas that contribute to the compacting states reaching the intended goal of protecting and returning juveniles, along with day-to-day activities needed to keep the entity functioning.

ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION -The act establishes the organization and operation of the Interstate Commission including the subjects that must be covered by the by-laws, the election of officers, and the appointment or retention of an executive director.

The act establishes the qualified immunity, available defenses, and indemnification that apply to the Commission's executive director and employees.

Rulemaking Functions of the Interstate Commission

The act establishes the rulemaking functions of the Interstate Commission which must promulgate and publish rules in order to achieve the purposes of the compact.

OVERSIGHT, ENFORCEMENT AND DISPUTE RESOLUTION BY THE INTERSTATE COMMISSION - Under this act, the Interstate

Commission shall oversee the administration and operation of the interstate movement of juveniles subject to the compact. The courts and executive agencies in the states will enforce the compact. The act also requires the Interstate Commission to attempt dispute resolution in the circumstance of disagreement regarding an issue of the compact among the compacting states.

FINANCE - This act establishes the financing and accounting of the Interstate Commission.

STATE COUNCIL - This act requires that each state that is a member of the compact create a State Council for Interstate Juvenile Supervision with members representing branches of government and other groups.

COMPACTING STATES, EFFECTIVE DATE AND AMENDMENT - Any state, the District of Columbia, or territory is eligible to become a member of the compact.

The compact shall become effective and binding upon the legislative enactment of the compact into law by no less than 35 of the states. The act provides for the amending process with the compact.

WITHDRAWAL, DEFAULT, TERMINATION AND JUDICIAL ENFORCEMENT - The act also provides for the withdrawal of states through the repeal of the enacting statute and the responsibilities of those states that choose to do so.

The compact also provides for the imposition of penalties when a compacting state defaults in the performance of its obligations, which includes alternative dispute resolution, remedial training, suspension, and termination.

Under this act, the Interstate Commission may initiate legal action in the U.S. District Court for the District of Columbia or where the offices of the Commission are located.

Upon dissolution, the compact becomes null and void with no further force or effect.

BINDING EFFECT OF THE COMPACT AND OTHER LAWS - Nothing in the compact shall prevent the enforcement of any other law of a compacting state that is not inconsistent with the compact. All conflicting laws except state constitutions and other interstate compacts are superseded by this compact. All lawful actions taken by the Interstate Commission and agreements between the Interstate Commission and the compacting states are binding.

SUSAN HENDERSON

030104 S First Read

S494

030404 Second Read and Referred S Judiciary and Civil &
Criminal Jurisprudence Committee

EFFECTIVE : August 28, 2004

SB 1374

SENATE SPONSOR Gibbons

4697S.01I

SB 1374 - This act makes various changes to taxation:

1. CORPORATE TAX (modifies three factor to weighted sales): The act modifies three factor apportionment to be 40% sales, 30% property, and 30% payroll. Current law sets these factors at one-third each.

2. CAR TAX (property): The act phases down the assessment level for car taxes over five years. It reduces the current 33 and 1/3% rate by 20% (6 and 2/3%) per year. The act allows the cost of reducing the assessment level to be proportionally shifted to the three classes of real property.

3. BUSINESS PERSONAL PROPERTY TAX: The act specifies that, for business tangible personal property, the true value in money of the property shall be the installed fair market value of the property. The act defines the exact type of property and defines installed fair market value. The act requires the state tax commission to establish tables to provide assessors with guidance as to the proper valuation of various types of property and the depreciation of such property. Such tables must be reviewed at least every two years. The act enables assessors to adjust an assessment based on various concepts of obsolescence. The act provides that the tables and the assessors adjustments shall be presumed to be valid.

4. DECOUPLE FROM FEDERAL IRC (all income tax): The act decouples from the federal IRC by setting the reference to the IRC in current law as being the IRC as it stood on January 1, 2004.

5. NONRESIDENT PROPERTY TAX DEDUCTIONS: 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. The act eliminates this deduction by requiring nonresidents to add-back the amount of the federal deduction on their Missouri tax return.

6. SINGLE RATE TAX (Individual): The act creates a single

rate tax on individual income of individuals at a rate of four and one-half percent. The act also replaces most additions, subtractions, and deductions from Missouri adjusted gross income with a larger personal deduction of \$10,000 per taxpayer (\$20,000 for a combined return, \$15,000 for a head of household return, \$20,000 for a surviving spouse return, and \$1500 for a dependent filer). The act provides both non-resident and partnership allocation and computation of Missouri individual income tax liability.

The act has an effective date of January 1, 2005.
JEFF CRAVER

030104 S First Read S494
030404 Second Read and Referred S Ways & Means Committee

EFFECTIVE : August 28, 2004

SB 1375

SENATE SPONSOR Gibbons

4832S.01I

SB 1375 - This act requires the General Assembly to record all debate regarding joint resolutions that would modify the Constitution. If the resolution is passed by the voters, each house of the general assembly would have to transcribe the debate within three months. Official copies of the transcript would be submitted to the secretary of state and the legislative librarian. Once transcribed and verified, the transcript would have the same evidentiary value, in so far as it relates to debate, as a transcription from a constitutional convention.
JEFF CRAVER

030104 S First Read S494
030404 Second Read and Referred S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2004

SB 1376

SENATE SPONSOR Gibbons

4675S.03I

SB 1376 - This act prohibits individuals from committing certain acts as they relate to animal facilities. These acts include:

(1) Release or steal an animal from an animal facility, or otherwise intentionally cause the death, injury, or loss of

any animal at or from an animal facility which is not authorized by that facility;

(2) Damage, vandalize, or steal any property in or on an animal facility;

(3) Obtain access or employment to an animal facility by false pretenses for the purpose of performing acts not authorized by the facility;

(4) By unauthorized means, knowingly enter or otherwise interfere with the operation of an animal facility to destroy, damage, or obtain unauthorized possession of equipment, animals, records, documents, previously recorded images, or existing material for the purpose of damaging the enterprise conducted at the animal facility;

(5) By unauthorized means, knowingly enter or otherwise interfere with the operation of an animal facility to duplicate or alter, records, documents, previously recorded images, or existing material for the purpose of damaging the enterprise conducted at the animal facility;

(6) Knowingly obtain unauthorized possession of records, data, previously produced images of the facility, material, equipment, or animals, by theft, trespass, or false pretenses for the purpose of damaging the enterprise conducted at an animal facility;

(7) By unauthorized means, knowingly duplicate or alter, records, existing material, or documents for the purpose of damaging the enterprise conducted at an animal facility;

(8) By unauthorized means, knowingly conceal, abandon, damage, or destroy, equipment, animals, records, existing material, documents or the structures housing the animal facility for the purpose of damaging the enterprise conducted at an animal facility;

(9) Enter or remain on an animal facility with the intent to commit an act prohibited by this section; or

(10) Intentionally or knowingly release or introduce any pathogen or disease in or near an animal facility that has the potential to cause disease in any animal at the animal facility or that otherwise threatens human health or biosecurity at the animal facility.

Under this act, an individual is guilty of a misdemeanor for each violation unless the loss, theft, or damage to the animal facility exceeds \$300 dollars. An individual who violates (1)-(9) shall be guilty of a class D felony unless the loss, theft, or damage to the animal facility is more than

\$300 but does not exceed \$10,000. A person is guilty of a class C felony if the damage is between \$10,000 and \$100,000 and guilty of a class B felony if the damage is more than \$100,000.

An individual who violates (10) is guilty of a class C felony unless the loss or damage is equal to or less than \$100,000 or a class B felony if the loss or damage exceeds \$100,000.

The Director of the Department of Agriculture is given authority to initiate a civil action in the circuit court of the county in which the violation occurred.

This act shall not prohibit any law enforcement or other government agents from performing their duties.

SUSAN HENDERSON

030104 S First Read S494
030404 Second Read and Referred S Agriculture, Conservation,
Parks & Natural Resources Committee

EFFECTIVE : August 28, 2004

SB 1377

SENATE SPONSOR Bray

4852S.01I

SB 1377 - This act allows the hiring of a retired teacher to work between 550 and 800 hours as a teacher, librarian, counselor or other position without losing their retirement benefit. Such a teacher may earn up to 75% of the regular earnings for that position. The act requires the district to contribute the regular contribution percentage, which is 10.5% this year, but will be 11% next year and will continue to increase by 0.5% per year for the next few years.

DONALD THALHUBER

030104 S First Read S494
030404 Second Read and Referred S Pensions & General Laws
Committee

EFFECTIVE : August 28, 2004

SB 1378

SENATE SPONSOR Stoll

4742S.01I

SB 1378 - This act requires the Commissioner of

Administration to include in the Cafeteria Plan, products from vendors if: (1) the product is eligible under the Internal Revenue Code; (2) the vendor is approved by the Office of Administration; and (3) the vendor is receiving at least \$500,000 annually from State employees through voluntary payroll deductions.

The act is similar to SB 132 (2003).
JEFF CRAVER

030104 S First Read S494
030404 Second Read and Referred S Financial & Governmental
Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2004

SB 1379

SENATE SPONSOR Cauthorn

4853S.01I

SB 1379 - Legislation pertaining to renewable energy. This act requires the Department of Natural Resources to promulgate rules requiring suppliers of electrical energy to generate and purchase electricity from renewable energy resources. These rules shall include a portfolio requirement providing the following:

- renewable energy sources of no less than 1/4 of 1% of retail sales after 2005;
 - renewable energy sources of no less than 1 & 1/2% after 2008;
 - renewable energy sources of no less than 3% after 2011;
- and
- renewable energy sources of no less than 6% for 2017 to 2027.

These rules shall apply to all power sold to Missouri users, including power that is self-generated or purchased from another source in or outside of the state. All suppliers of electricity must provide documentation to the Department and the Commission demonstrating compliance with the provisions of this section.

The Department must also establish by rule a certification process for power that is generated from renewable energy sources. The certification process shall be consistent with operation practices of the Regional Transmission Organizations in the Midwestern United States. Criteria for certification shall be based on fuel type, technology, and the environmental impacts of the facility.

MEGAN CRAIN

030104 S First Read

S494-495

030404 Second Read and Referred S Commerce & the Environment
CommitteeEFFECTIVE : August 28, 2004

SB 1380

SENATE SPONSOR Cauthorn

4854S.01I

SB 1380 - Legislation pertaining to renewable energy. This act requires the Department of Natural Resources to promulgate rules requiring retail suppliers of electrical energy to generate and purchase electricity from renewable energy resources. These rules shall include a portfolio requirement providing the following:

- renewable energy sources of no less than 1/4 of 1% of retail sales after 2005;
 - renewable energy sources of no less than 1 & 1/2% after 2008;
 - renewable energy sources of no less than 3% after 2011;
- and
- renewable energy sources of no less than 6% for 2017 to 2027.

These rules shall apply to all power sold to Missouri users, including power that is self-generated or purchased from another source in or outside of the state. All suppliers of electricity must provide documentation to the Department and the Commission demonstrating compliance with the provisions of this section.

The Department must also establish by rule a certification process for power that is generated from renewable energy sources. The certification process shall be consistent with operation practices of the Regional Transmission Organizations in the Midwestern United States. Criteria for certification shall be based on fuel type, technology, and the environmental impacts of the facility.

MEGAN CRAIN

030104 S First Read

S495

030404 Second Read and Referred S Commerce & the Environment
CommitteeEFFECTIVE : August 28, 2004

SB 1381

SENATE SPONSOR Loudon

4715S.01I

SB 1381 - This act denies noneconomic damages for injuries to persons who at the time of the accident were operating a motor vehicle in violation of the DWI, excessive BAC, or financial responsibility laws. A person who is injured in an accident who failed to maintain financial responsibility on the motor vehicle shall not be precluded from recovering noneconomic damages if the injuries were caused by a drunk driver. The insurer shall not be liable to indemnify for noneconomic losses for an injured person who was operating his or her vehicle in violation of the aforementioned laws.

STEPHEN WITTE

030104 S First Read

S495

030404 Second Read and Referred S Judiciary and Civil &
Criminal Jurisprudence Committee

EFFECTIVE : August 28, 2004

SB 1382

SENATE SPONSOR Quick

4076S.03I

SB 1382 - This act states that every parent or guardian is responsible for enrolling his or her child in school and ensuring attendance until the age of eighteen. A child may be excused from attendance until age eighteen by the superintendent or a court. A child who completes secondary grade levels or a GED test prior to age eighteen shall not be required to attend school.

This act requires that children under eighteen years of age, who have not completed school and who are not attending regular day school shall be required to attend part-time classes regularly.

This act changes the definition of child to mean a person under eighteen years of age in Chapter 211, RSMo, concerning juvenile courts. The jurisdiction of the juvenile courts is extended to those individuals under the age of eighteen.

The act states that a child between the ages of twelve and eighteen can be transferred to a court of general jurisdiction unless there is a petition which alleges that a child ten years of age or older has committed certain dangerous felonies.

This act allows a person who has not reached the age of eighteen at the time when he or she committed murder in the first degree to be imprisoned for life without parole or probation.

This act establishes that a person does not commit false imprisonment under certain circumstances when the person being restrained is under the age of eighteen.

This act changes the definition of child to mean a person under the age of eighteen in Chapter 565, RSMo, concerning Offenses Against the Person.

SUSAN HENDERSON

030104 S First Read S495
030404 Second Read and Referred S Judiciary and Civil &
Criminal Jurisprudence Committee

EFFECTIVE : August 28, 2004

SB 1383

SENATE SPONSOR Scott

4440S.06I

SB 1383 - Under this act, motor carriers may voluntarily request a compliance audit to be conducted by the Highways and Transportation Commission to determine whether the motor carrier is in compliance with motor carrier statutes and regulations. No fines or penalties shall be levied against a motor carrier for violations discovered during a compliance audit. However, if a serious safety violation is discovered, the commission may shut down the operation of the motor carrier. A motor carrier may only request one compliance audit every five years. One third of the audits conducted by the Commission shall be voluntary compliance audits. The act provides that motor carriers shall have 60 days from the release of an audit (enforcement audits and voluntary compliance audits) to appeal the decision to the Administrative Hearing Commission. Except for issues discovered in the process of a mechanical inspection regarding safety of actual operating equipment, the burden of proof shall be on the Commission.

Under this act, no local law enforcement officer or local agency shall perform commercial motor vehicle enforcement and his restricted from enforcing commercial motor vehicle equipment, size, height and weight violations described in Sections 304.170 to 304.230.

STEPHEN WITTE

030104 S First Read S495
030404 Second Read and Referred S Commerce & the Environment
Committee

EFFECTIVE : August 28, 2004

SB 1384

SENATE SPONSOR Scott

4784S.02I

SB 1384 - This act gives any member of the Public School Retirement System who after the division of total unused sick leave by 168 hours retains any balance of unused sick leave hours, an additional full month of creditable service for retirement purposes within Section 104.601, RSMo. The act also removes the prohibition of using unused sick leave to reach the time of vesting within the retirement system.

The act allows that if a member terminates employment and is eligible to receive an annuity pursuant to the year 2000 plan, or becomes a vested former member at the time of termination, the member's or former member's unused sick leave who after the division of total unused sick leave by 168 hours retains any balance of unused sick leave hours, an additional full month of creditable service for retirement purposes within Section 104.601, RSMo. The act also removes the prohibition of using unused sick leave to reach the time of vesting within the retirement system.

RICHARD MOORE

030104 S First Read

S495

030404 Second Read and Referred S Pensions & General Laws
Committee

EFFECTIVE : July 1, 2005

SB 1385

SENATE SPONSOR Scott

4635S.01I

SB 1385 - This act places an annual one dollar disaster mitigation fee on most residential and business insurance policies within the state. The fee shall be deposited into the Emergency Management, Preparedness, and Assistance Trust Fund established by this act. Funds appropriated from the trust fund shall be allocated to SEMA to be utilized for the implementation and administration of state and local emergency management programs, state relief assistance for non-federally declared emergencies, and programs for disaster education.

The act allows for funds to be taken from the trust fund when federal funds are available to the state that require matching state funds.

This act is exempt from the sunset provision found in Sections 23.280 to 23.298, RSMo.

RICHARD MOORE

030104 S First Read S495
030404 Second Read and Referred S Small Business, Insurance
and Industrial Relations Committee

EFFECTIVE : August 28, 2004

SB 1386

SENATE SPONSOR Scott

4827S.01I

SB 1386 - This act modifies a number of provisions relating to ethics and campaign finance contribution disclosures. The act requires lobbyists to file verified registration forms with the Missouri Ethics Commission no later than January 5 of each year or five days after beginning lobbyist activities. Financial interest statements must be filed with the commission electronically rather than in paper form. The act changes the dates by which financial interest statements must be filed.

Candidates for General Assembly leadership positions may form campaign committees. The act sets the campaign contribution limits for the leadership committees, requires the leadership committees to file campaign contribution disclosure reports by certain dates, and prohibits the leadership committees from making campaign contributions to leadership candidates' regular candidate committees.

The notice that must be given to subjects of complaints and commission investigations is changed from "actual notice" to "notice". Persons appealing actions of the Missouri Ethics Commission against them must appeal to the circuit court of Cole county, rather than the Administrative Hearing Commission. The act deletes direct dollar amounts from various sections limiting campaign contributions and instead references the section setting the base amount and the method of computing the biennial increase. The act requires certain candidates who must currently file required reports with both their local election authority and the Commission, to just file with the Commission.

The act requires that candidates for the General Assembly file campaign disclosure reports electronically, beginning on a date set by the commission but not later than January 1, 2005. The act repeals the requirement that the Commission print and make available a summary of all laws over which the Commission has enforcement powers. The act reorganizes various sections regarding reporting requirements for out-of-state committees and candidates nominated by political party committees. Finally, the dollar amount of contributions which triggers the requirement for continuing committees to file electronic reports is lowered from

\$15,000 to \$5,000 and the act extends the requirement to political party committees and campaign committees.

This act is identical to HB 1150 (2004).
JIM ERTLE

030104 S First Read

S495

EFFECTIVE : August 28, 2004

SB 1387

SENATE SPONSOR Dolan

2840S.02I

SB 1387 - This act adds a student member with limited voting powers to the board of regents, governors, and curators of several of the public institutions of higher education in this state.

SOUTHEAST MISSOURI STATE UNIVERSITY (SECTION 174.050) - This section, which was last amended in 1949, used to apply to all of the boards of regents of higher education institutions in the chapter. However, only one institution (Southeast Missouri State University) currently is governed by this section, so for purposes of clarification, the section has been altered to exclusively apply to Southeast Missouri State University. Further, the section has been amended to allow for a student regent with limited voting powers.

SECTION 174.055 - This section, which articulates the conditions regarding the non-voting student representative on the board of regents, has been removed.

SECTION 174.070 - Clarifying language only.

MISSOURI WESTERN STATE COLLEGE (SECTION 174.241) - This section has been altered to allow for a student regent with limited voting powers on the board of regents of Missouri Western State College.

HARRIS STOWE COLLEGE (SECTION 174.300) - This section has been altered to allow for a student regent with limited voting powers on the board of regents of Harris Stowe College.

NORTHWEST MISSOURI STATE UNIVERSITY (SECTION 174.332) - This section has been altered to allow for a student regent with limited voting powers on the board of regents of Northwest Missouri State University.

CENTRAL MISSOURI STATE UNIVERSITY, MISSOURI SOUTHERN STATE UNIVERSITY-JOPLIN, and SOUTHWEST MISSOURI STATE UNIVERSITY

(SECTION 174.450) - This section has been altered to allow for a student governor with limited voting powers on the board of governors of Central Missouri State University, Southwest Missouri State University, and Missouri Southern State University- Joplin.

SECTION 174.453 - Clarifying language only.

TRUMAN STATE UNIVERSITY (SECTION 174.610) - This section has been altered to allow for a student governor with limited voting powers on the Board of Governors of Truman State University.

SECTION 174.620 - Clarifying language only.

SECTION 174.621 - The provisions which reference the limitations of the student representative's powers have been removed from this section.

LINCOLN UNIVERSITY (SECTION 175.020) - This section has been altered to allow for a student curator with limited voting powers on the Board of Governors of Lincoln University.

SECTION 175.021 - This section, which articulates the conditions regarding the non-voting student representative on the board of curators, has been removed.

SECTION 175.023 - The provisions which reference the limitations of the student representative's powers have been removed from this section.

SECTION 175.030 - Clarifying language only.

SECTION 175.040 - Exempts the student curator from the provisions of this section.

LINN STATE TECHNICAL COLLEGE (SECTION 178.632) - This section has been modified to allow for a student regent with full voting powers on the governing board of Linn State Technical College.

SECTION 178.633 - Clarifying language only.

This act is similar to the SCS/SB 525 from 2003.
DONALD THALHUBER

030104 S First Read

S495

EFFECTIVE : August 28, 2004

SB 1388

SENATE SPONSOR Dolan

4811S.01I

SB 1388 - This act establishes the doctrine of claim of right for income tax purposes in Missouri. Under the claim of right provision of federal law, a taxpayer is allowed to recalculate taxes previously paid, but subsequently determined to have been paid in error. The usual situation occurs when a taxpayer claims income in a taxable year and pays tax on the income, and then discovers at a later time that the income should not have been claimed, and later returns that income to its source in another tax year. The federal statute allows that taxpayer to calculate income tax for the year in which the amount is returned and to take either a deduction or a credit.

Under current law, Missouri Taxpayers are allowed to take the deduction in these circumstances because the federal deduction flows through to the Missouri return. However, the law does not provide for the credit option. This act would enable this second option of a credit.

JEFF CRAVER

030104 S First Read S495
030404 Second Read and Referred S Ways & Means Committee

EFFECTIVE : August 28, 2004

SB 1389

SENATE SPONSOR Dolan

4606S.01I

SB 1389 - This act details the conditions under which a public higher education institution may require the use of an individual's Social Security number. Beginning July 1, 2006, these numbers cannot be: posted publicly; transmitted over the Internet unless the connection is secure or the number encrypted; required as an access code unless an additional authentication device is required; printed on documents mailed to an individual unless required by law; or used on a student identification card.

The act establishes procedures whereby the institutions that have been using Social Security numbers in any of the prohibited ways prior to July 1, 2006, may continue the use of such numbers under certain circumstances.

The act becomes effective January 1, 2005.

This act is identical to HB 1169.

DONALD THALHUBER

030104 S First Read S495

EFFECTIVE : January 1, 2005

****SB 1390****

SENATE SPONSOR Foster

4821S.01I

SB 1390 - This act modifies Section 263.534, RSMo, pertaining to assessments on cotton growers. New language adds to the list of other remedies for the collection of assessments, including penalties and interest. Under this act, the Department of Agriculture shall have an assessment lien that attaches and is perfected after 60 days - a change that removes from the department the current responsibility of filing all liens with the Secretary of State.

Other changes include a notification requirement for the department regarding liens attached after the date of perfection. This assessment lien is not subject to the provisions of Article 9 of the UCC - Secured Transactions or the provisions of the food security act.

MEGAN CRAIN

030104 S First Read

S495

EFFECTIVE : August 28, 2004

****SB 1391****

SENATE SPONSOR Foster

4789S.02I

SB 1391 - This act allows the cities of Steele, Marston, and Matthews to impose, upon voter approval, a room tax of not more than 5% per night. This tax will be in addition to any other tax authorized by law and will be used for tourism purposes and infrastructure improvements.

The act is identical to HB 1456 (2004).
JEFF CRAVER

030104 S First Read

S495

EFFECTIVE : August 28, 2004

****SB 1392****

SENATE SPONSOR Goode

4843S.01I

SB 1392 - This act states that Section 334.253, RSMo, shall not be construed to prohibit the employment of physical therapists in rehabilitation facilities that are affiliated with

not-for-profit organizations or hospitals and that are accredited by the Commission on Accreditation of Rehabilitation Facilities.
LORIE TOWE

030104 S First Read

S495

EFFECTIVE : August 28, 2004

SB 1393

SENATE SPONSOR Vogel

4483S.02I

SB 1393 - This act designates a portion of U.S. Highway 54 in Cole County the "Trooper Dennis H. Marriott Memorial Highway".
STEPHEN WITTE

030104 S First Read

S495

EFFECTIVE : August 28, 2004

SB 1394

SENATE SPONSOR Vogel

4828S.01I

SB 1394 - This act makes various revisions to tax collection laws:

1. ELIMINATION OF LOCAL LETTERS - Section 32.087.16 requires that the Department of Revenue notify each local taxing entity of a delinquency before turning the case over to the Attorney General for collection. Since the Department of Revenue automatically collects the delinquent local tax, the statute will be changed to relieve the Department of Revenue from the requirement to notify the local taxing entity and make statutory that the Department of Revenue will include local tax in its suit against the taxpayer

2. RESPONSIBLE PARTY - Sections 144.241.2 and 144.157.3 permit the Department of Revenue to assess tax against the officer(s) of a corporation as responsible parties if the corporation fails to file and pay tax. The Supreme Court ruled that the use of the word "and" permits the Department of Revenue to assess responsible parties only if it fails to have actually filed a return. This leads to the circumstance that for an officer or responsible party of a corporation to avoid being held personally responsible for the corporation's tax avoidance it only need to file the return. This proposal would change the word "and" to "or" so that an individual cannot avoid being held

responsible for taxes by having filed the return.

3. CIRCUIT BREAKER TAX - Currently, if an individual erroneously or fraudulently receives a property tax credit refund that exceeds the amount legally due, the Department of Revenue does not have authority to offset future property tax credit refunds due to the claimant. This is also the case when the taxpayer receiving the property tax credit has an income tax delinquency. The act will allow DOR to offset any property tax credit refund against an income tax delinquency or a delinquency created by a property tax credit claim.

3. REVOCATION OF SALES TAX LICENSE FOR WITHHOLDING DELINQUENCY - The act allows for the revocation of a retail sales tax license for failure to pay employer withholding tax. Currently, businesses are allowed to keep their retail sales tax license and stay in business, despite having large employer withholding tax delinquencies.
JEFF CRAVER

030104 S First Read

EFFECTIVE : August 28, 2004

SB 1395

SENATE SPONSOR Shields

4002S.03I

SB 1395 - This act modifies the artist and entertainers tax law to no longer restrict the amount of money that the Missouri arts council can receive through their percentage share of the tax revenues. Current law restricts the share to \$10 million.
JEFF CRAVER

030104 S First Read

S495-496

EFFECTIVE : August 28, 2004

SB 1396

SENATE SPONSOR Shields

3349S.02I

SB 1396 - This act modifies the law relating to pharmacists, pharmacies, pharmaceutical services, and drug distributors.

The act provides that pharmacy technicians must, at a minimum, be legal working age. The Board of Pharmacy may place the names of pharmacy technicians who commit certain crimes on the employee disqualification list. The Board is authorized to

deny licenses or issue probated licenses to pharmacy technician applicants who have committed certain crimes (Section 338.013).

The Board may refuse to issue or renew any certificate of registration or license for incompetence and for denial of licensure in another state, as well as disciplinary action in another state, regardless of whether it is was voluntarily agreed to or not (Section 338.055).

The Board may conduct a disciplinary hearing on any person who has failed to renew or has surrendered his or her license based on a finding of guilt against the person for certain crimes (Section 338.065).

The Board, upon a majority vote of the members, shall have the authority to administer oaths, issue subpoenas, and require production of documents and records (Section 338.145).

Any person who in good faith reports or provides assistance to the board, shall be immune from civil liability (Section 338.155).

Section 338.220 adds two new pharmacy classifications: non-sterile compounding pharmacy and internet pharmacy.

The Board shall have the authority to terminate the distribution of prescription drugs that have been adulterated, misbranded, or stolen (Section 338.380).

This act is similar to SB 557 (2003).
JIM ERTLE

030104 S First Read

S496

EFFECTIVE : August 28, 2004

SB 1397

SENATE SPONSOR Gibbons

3468S.03I

SB 1397 - This act prohibits any individual with a concealed carry endorsement from carrying a weapon into any elementary or secondary school facility or school event.

As used in this act, the term "school event" means any school-sanctioned or school-sponsored activity. The term "school facility" is defined as any location on the grounds or facilities of any school, school administration building, or the real property that comprises a public or private elementary school, middle school, or secondary school.

This act eliminates the provision, which states that possession of a firearm in a vehicle on the premises of a school facility is not a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

This act eliminates the provision stating that unlawful use of a weapon by carrying a firearm into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by the school does not apply to individuals with a concealed carry endorsement.

SUSAN HENDERSON

030104 S First Read

S504

EFFECTIVE : August 28, 2004

SB 1398

SENATE SPONSOR Jacob

4864S.01I

SB 1398 - This act enables statutory members of the Missouri Development Finance Board, the Missouri Housing Development Commission, and the Second State Capitol Commission to be represented by proxy at meetings, provided the member sends written, signed verification of such proxy by the beginning of any such meeting.

JEFF CRAVER

030104 S First Read

S504

EFFECTIVE : August 28, 2004

SB 1399

SENATE SPONSOR Kennedy

4861S.01I

SB 1399 - This act allows small employer health benefit plans to be nonrenewed if the small employer carrier elects to discontinue a health benefit plan as part of a plan of administrative simplification provided that the small employer carrier, through itself or an affiliated carrier, guarantees issue of another health benefit plan in a similar class of business to those eligible employees and dependents covered under the discontinued plan. Further the small employer carrier, or its affiliated carrier providing such guaranteed issue, must treat the impacted eligible employees and dependents as if they had continuous coverage from the date that they first became covered under the discontinued plan.

STEPHEN WITTE

030104 S First Read

S504

EFFECTIVE : August 28, 2004

SB 1400

SENATE SPONSOR Loudon

4851S.01I

SB 1400 - This act authorizes a physical therapist or physical therapist's assistant to provide rehabilitation services on animals pursuant to the written prescription of a licensed veterinarian, provided the supervising veterinarian is immediately available for consultation, assistance or intervention either personally or by telephone.

JIM ERTLE

030104 S First Read

S504

EFFECTIVE : August 28, 2004

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 Committee020304 Voted Do Pass 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	
012904 Voted Do Pass S Rules, Joint Rules, Resolutions & Ethics Committee	
012904 Reported From S Rules, Joint Rules, Resolutions & Ethics Committee to Floor	S191
020404 S adopted	S229
020404 H First Read	H228

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	
012904 Voted Do Pass S Rules, Joint Rules, Resolutions & Ethics Committee	
012904 Reported From S Rules, Joint Rules, Resolutions & Ethics Committee to Floor	S191
020504 S adopted	S239
020504 H First Read	H246

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	
012904 Voted Do Pass S Rules, Joint Rules, Resolutions & Ethics Committee	
012904 Reported From S Rules, Joint Rules, Resolutions & Ethics Committee to Floor	S191
020904 S adopted	S251
020904 H First Read	H255-256

EFFECTIVE : August 28, 2004

SCR 026

SS SCR 26

SENATE SPONSOR Childers

3849S.03F

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	
012904	Voted Do Pass S Rules, Joint Rules, Resolutions & Ethics Committee	
012904	Reported From S Rules, Joint Rules, Resolutions & Ethics Committee to Floor	S192
020904	SS S offered & adopted (Childers)	(3849S.03F)
020904	S Third Read and Passed	S251-252
020904	H First Read	H256-257
021004	H Second Read	H266
021204	Referred H Agriculture Committee	H321
030204	Hearing Conducted H Agriculture Committee	
030204	HCS Voted Do Pass H Agriculture 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	
012904	Hearing Conducted 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
012904 Hearing Conducted S Rules, Joint Rules, Resolutions & Ethics Committee	

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

SCR 031

SENATE SPONSOR Vogel

4281S.01I

SCR 31 - This resolution provides for a long-term ground lease of property owned by the University of Missouri.

This resolution is similar to SCR 4 (2003).

SUSAN HENDERSON

012604 S First Read	S154-156
012704 Referred S Rules, Joint Rules, Resolutions & Ethics Committee	S164

SCR 032

SENATE SPONSOR Gibbons

3850S.04I

SCR 32 - This resolution lauds the benefits of character education and challenges the school districts of the state to develop character education programs for their students.
DONALD THALHUBER

SCA 1 - INSTRUCTS THE SECRETARY OF THE SENATE TO GIVE COPIES OF THE RESOLUTION TO THE COMMISSIONER OF DESE AND INSTRUCTS THE COMMISSIONER OF DESE TO DISTRIBUTE THE RESOLUTION TO EACH SCHOOL DISTRICT

012604 S First Read	S155-156
012704 Referred S Rules, Joint Rules, Resolutions & Ethics Committee	S164
021204 Hearing Conducted S Rules, Joint Rules, Resolutions & Ethics Committee	
021904 Voted Do Pass w/SCA 1 S Rules, Joint Rules, Resolutions & Ethics Committee	
021904 Reported From S Rules, Joint Rules, Resolutions & Ethics Committee to Floor w/SCA 1	S344-345
022504 SCA 1 S adopted	S377
022504 S adopted, as amended	S377
022604 H First Read	H443

SCR 033

SENATE SPONSOR Kinder

4293L.01I

SCR 33 - This resolution urges the Department of Transportation to grant approval to Primaris Airlines' request to service Lambert Airport.
STEPHEN WITTE

012904 S First Read	S190
020204 Referred S Rules, Joint Rules, Resolutions & Ethics Committee	S202
020504 Hearing Conducted S Rules, Joint Rules, Resolutions &	

Ethics Committee

020504	Voted Do Pass S Rules, Joint Rules, Resolutions & Ethics Committee	
020504	Reported From S Rules, Joint Rules, Resolutions & Ethics Committee to Floor	S242
020904	S adopted	S252
020904	H First Read	H257-258
022404	Referred H Rules Committee	H411
022604	Hearing Conducted H Rules Committee	
022604	Voted Do Pass H Rules Committee	
030304	Reported Do Pass H Rules Committee	H481
030404	H adopted	

SCR 034

SENATE SPONSOR Caskey

4381S.01I

SCR 34 - This resolution requests that the Governor authorize by Executive Order the creation of the Division of Rehabilitation Services for the Blind within the Department of Social Services. Currently, Rehabilitation Services for the Blind is only a program that is administered by the Department of Social Services.

LORIE TOWE

012904	S First Read	S196
020204	Referred S Rules, Joint Rules, Resolutions & Ethics Committee	S202
020504	Hearing Conducted S Rules, Joint Rules, Resolutions & Ethics Committee	
021204	Voted Do Pass S Rules, Joint Rules, Resolutions & Ethics Committee	
021204	Reported From S Rules, Joint Rules, Resolutions & Ethics Committee to Floor	S302
021604	S adopted	S306
021604	H First Read	H331

EFFECTIVE : August 28, 2004

SCR 035

SENATE SPONSOR Russell

3762S.03I

SCR 35 - This resolution names a building located at the Southeast Missouri Mental Health Center the "Danny Staples Building".

HENRY T. HERSCHEL

020404	S First Read	S231
020504	Referred S Rules, Joint Rules, Resolutions & Ethics Committee	S243
021204	Hearing Conducted S Rules, Joint Rules, Resolutions & Ethics Committee	
021904	Voted Do Pass S Rules, Joint Rules, Resolutions & Ethics Committee	
021904	Reported From S Rules, Joint Rules, Resolutions & Ethics Committee to Floor	S345
022504	S Third Read and Passed	S377
022604	H First Read	H445
030104	H Second Read	
030404	Referred H Corrections & State Institutions Committee	

EFFECTIVE : August 28, 2004

SCR 036

SCS SCR 36

SENATE SPONSOR Gibbons

4332S.04C

SCS/SCR 36 - This resolution creates the Joint Interim Committee on Underage Drinking.

The Committee is charged with studying current public and private efforts to combat underage drinking, evaluate their effectiveness and make recommendations to the General Assembly on actions needed to combat the problem of underage drinking. The Committee is composed of both public and private members appointed by the leaders of both parties in both houses. Members must be appointed by June 1, 2004, and the report of the Committee is due before December 31, 2004.

JIM ERTLE

020404	S First Read	S231-232
020504	Referred S Rules, Joint Rules, Resolutions & Ethics Committee	S243
021204	Hearing Conducted S Rules, Joint Rules, Resolutions & Ethics Committee	
030404	SCS Voted Do Pass S Rules, Joint Rules, Resolutions & Ethics Committee (4332S.04C)	
030404	Reported From S Rules, Joint Rules, Resolutions & Ethics Committee to Floor w/SCS	
030804	S Resolutions Calendar w/SCS	

EFFECTIVE : August 28, 2004

SCR 037

SENATE SPONSOR Shields

4614S.01I

SCR 37 - This resolution establishes the Joint Interim Committee on Teacher Support, Regulatory Reduction and Accountability.

DONALD THALHUBER

021204	S First Read	S287-288
021604	Referred S Rules, Joint Rules, Resolutions & Ethics Committee	S319
022604	Hearing Conducted S Rules, Joint Rules, Resolutions & Ethics Committee	
030404	Voted Do Pass S Rules, Joint Rules, Resolutions & Ethics Committee	
030404	Reported From S Rules, Joint Rules, Resolutions & Ethics Committee to Floor	
030804	S Resolutions Calendar	

SCR 038

SENATE SPONSOR Vogel

4436S.02I

SCR 38 - This resolution creates a long-term ground lease of property owned by the University of Missouri.

This resolution is similar to SCR 4 (2003).

SUSAN HENDERSON

021904	S First Read	S342-343
022404	Referred S Rules, Joint Rules, Resolutions & Ethics Committee	S365
030404	Hearing Cancelled S Rules, Joint Rules, Resolutions & Ethics Committee	

SCR 039

SENATE SPONSOR Nodler

4653S.01I

SCR 39 - This resolution requests the Governor to have governmental entities of the state of Missouri enter into contracts for the implementation of any energy conservation or facility improvement measures if certain conditions are met. Before entering into a contract, the entity proposing to improve energy conservation in a state facility must issue a report guaranteeing an amount of savings in energy or operating costs if certain installation, modifications or remodeling is performed. Before entering into a contract, the governmental entity must solicit bids from qualified providers. The winning bid does not need to be the lowest bid. Energy savings must be guaranteed for

the entire term of the contract. The qualified provider must periodically send the amount of cost savings attributable to the improvements to the governmental entity. This resolution shall be presented to the Governor for his approval or rejection.

JIM ERTLE

021904 S First Read S343-344
022404 Referred S Rules, Joint Rules, Resolutions & Ethics S365
Committee
022604 Hearing Conducted S Joint Rules, Resolutions & Ethics
Committee

SCR 040

SENATE SPONSOR Steelman

4667S.03I

SCR 40 - This resolution authorize the University of Missouri's Board of Curators to enter into a long-term ground lease of property owned by the University.

The resolution also approves the ground lease for the purpose of constructing a student residential facility on the Rolla campus.

DONALD THALHUBER

021904 S First Read S348
022404 Referred S Rules, Joint Rules, Resolutions & Ethics S365
Committee

SCR 041

SCS SCR 41

SENATE SPONSOR Klindt

4711S.02C

SCS/SCR 41 - This resolution requests that the President of the United States direct both the Fish and Wildlife Service as well as the Army Corps of Engineers to develop a new plan for operating the Missouri river; a plan that does not necessarily call for the current "spring rise" and "summer low flow" that has been harmful to Missouri's economy.

MEGAN CRAIN

022304 S First Read
022404 Referred S Rules, Joint Rules, Resolutions & Ethics
022604 Hearing Conducted S Rules, Joint Rules, Resolutions &
Ethics Committee
030404 SCS Voted Do Pass S Rules, Joint Rules, Resolutions &

Ethics Committee (4711S.02C)
 030404 Reported From S Rules, Joint Rules, Resolutions &
 Ethics Committee to Floor w/SCS
 030804 S Resolutions Calendar w/SCS

EFFECTIVE : August 28, 2004

SCR 042

SENATE SPONSOR Bray

4836S.02I

SCR 42 - This resolution urges the United States Congress to
 pass a fiscal relief package for the states in an amount of at
 least \$20 billion dollars.

LORIE TOWE

030104 S First Read S491
 030204 Refers S Rules, Joint Rules, Resolutions & Ethics S510
 Committee

 SCR 043

SENATE SPONSOR Yeckel

4825S.01I

SCR 43 - This resolution creates the "Interim Committee on
 Violent Crime". The Committee shall conduct an in-depth study on
 the causes, issues related to, and the resulting effects of
 violent crime within Missouri and discover methods of reducing
 such crime in order to improve the safety and quality of life for
 citizens within this state.

SUSAN HENDERSON

030104 S First Read S491-492
 030204 Referred S Rules, Joint Rules, Resolutions & Ethics S510
 Committee

 SJR 024

SCS SJR 24

SENATE SPONSOR Caskey

2824S.02C

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, S89
 Parks & Natural Resources Committee
 012204 Hearing Conducted S Agriculture, Conservation, Parks
 & Natural Resources Committee
 012204 SCS Voted Do Pass S Agriculture, Conservation, Parks
 & Natural Resources Committee (2824S.02C)
 030104 Reported From S Agriculture, Conservation, Parks & S497
 Natural Resources Committee to Floor w/SCS - Consent
 030404 Removed From S Consent Calendar

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 S89
 Organization, Veterans' Affairs & Elections Committee
 022304 Hearing Conducted S Financial & Governmental Org.,
 Veterans' Affairs and Elections Committee

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 S89
Organization, Veterans' Affairs & Elections Committee
022304 Hearing Condcuted S Financial & Governmental Org.,
Veterans' Affairs & Elections Committee

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
022404 Hearing Conducted S Ways & Means Committee

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 S89
Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : August 28, 2004

SJR 029

SENATE SPONSOR Steelman

3078S.01P

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 & S89
 Public Health Committee
 020404 Hearing Conducted S Aging, Families, Mental & Public
 Health Committee
 020504 Voted Do Pass S Aging, Families, Mental & Public
 Health Committee
 021204 Reported From S Aging, Families, Mental & Public S288
 Health Committee to Floor
 022404 SA 1 S offered (Stelman) S367
 022404 Bill Placed on Informal Calendar S367
 022404 SA 1 S adopted S368
 022404 SA 2 S offered & withdrawn (Caskey) S368
 022404 SA 3 S offered & defeated (Jacob) S368-369
 022404 Perfected S369
 022504 Reported Truly Perfected S Rules Committee S376
 030104 S Third Read and Passed S500
 030204 H First Read H467
 030304 H Second Read
 030404 Referred H Children & Families Committee

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
 022404 Hearing Conducted S Ways & Means Committee
 030204 Voted Do Pass S Ways & Means Committee

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

022404 Hearing Conducted S Transportation Committee

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 S89
Organization, Veterans' Affairs & Elections Committee
030104 Hearing Conducted s Financial & Governmental Org.,
Veterans' Affairs & Elections Committee
030804 Hearing Scheduled S Financial & Governmental Org.,
Veterans' Affairs & Elections Committee

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
012704 Hearing Conducted S Transportation Committee

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 State 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 & S89
Criminal Jurisprudence Committee

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, S89
Parks & Natural Resources Committee
020504 Hearing Conducted S Agriculture, Conservation, Parks
& Natural Resources Committee

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
022404 Hearing Conducted S Transportation Committee

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 S89
 Organization, Veterans' Affairs & Elections Committee
 021604 Hearing Conducted S Financial & Governmental Org.,
 Veterans' Affairs & Elections Committee
 030204 Voted Do Pass S Financial & Governmental Org.,
 Veterans' Affairs & Elections Committee

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 Conducted 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
012604 Second Read and Referred S Education Committee	S159

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
021604 Second Read and Referred S Governmental Accountability & Fiscal Oversight Committee	S320
030804 Hearing Scheduled S Governmental Accountability and Fiscal Oversight Committee	

EFFECTIVE : Referendum

SJR 044

SCS SJR 44

SENATE SPONSOR Dolan

2588S.05P

SCS/SJR 44- This resolution eliminates non-highway agencies from receiving highway revenues over a five-year period. The Department of Transportation and the highway patrol are exempt from the diversion. Costs incurred by the Office of Administration on behalf of employees of the department of transportation and highway patrol may be paid from highway revenues. This will begin July 1, 2005, provided that the voters approve this resolution in November 2004.

REDIRECTION OF ONE HALF OF MOTOR VEHICLE SALES TAX - This resolution directs all 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, 2009, provided that the voters approve this resolution in November 2004. This portion of the resolution is similar to SJR 17 (2003).

HIGHWAY PATROL SAFETY FUND - This act creates a highway patrol safety fund and authorizes two separate funding sources to fund it. Beginning July 1, 2005, provided the voters approve this resolution in November 2004, 5% of any increase in motor vehicle registration fees shall be credited to the state Highway Patrol Safety fund. The fund shall also receive a separate motor vehicle registration fee or surcharge dedicated to the state Highway Patrol Safety fund unencumbered by the funding allocation formula of the constitution. The funds in the highway Patrol Safety fund shall be exhausted prior to making any appropriation from the State Highways and Transportation Department Fund.

STEPHEN WITTE

012204	S First Read	S149
012604	Second Read and Referred S Transportation Committee	S159
020304	Hearing Conducted S Transportation Committee	
020504	SCS Voted Do Pass S Transportation Com. (2588S.05C)	
020504	Reported From S Transportation Committee to Floor w/SCS	S240
021704	Bill Placed on Informal Calendar	S326
021704	SA 1 to SCS S offered & adopted (Dolan)	S326
021704	SA 2 to SCS S offered (Goode)	S326
021704	Bill Placed on Informal Calendar	S326
021704	SA 2 to SCS S defeated	S327
021704	SCS, as amended, S adopted	S327
021704	Perfected	S327
021804	Reported Truly Perfected S Rules Committee	S333
021804	Referred S Governmental Accountability & Fiscal Oversight Committee	S339
022304	Hearing Conducted S Governmental Accountability and Fiscal Oversight Committee	
022304	Voted Do Pass S Governmental Accountability and Fiscal Oversight Committee	
022304	Reported From S Governmental Accountability and Fiscal Oversight Committee to Floor	S358
022404	S Third Read and Passed	S366
022404	H First Read	H411
022504	H Second Read	H419
022604	Referred H Transportation & Motor Vehicle Committee	H443

EFFECTIVE : Contingent

SJR 045

SENATE SPONSOR Bartle

4263S.01I

SJR 45 - This proposed constitutional amendment, if approved by the voters, would eliminate the requirement of one associate circuit judge per county and convert all associate circuit judges in circuit judges, effective January 1, 2006.

This SJR is similar to HJR 11 (2003).
JIM ERTLE

012704	S First Read	S164
020404	Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee	S234
020904	Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee	
020904	Motion to Report Bill Do Pass FAILED S Civil & Criminal Jurisprudence Committee	

EFFECTIVE : Referendum

SJR 046

SENATE SPONSOR Bartle

4269S.01I

SJR 46 - This proposed constitutional amendment, if approved by the voters, would reduce the number of State Representatives from 163 to 90 and decrease the number of Senators from 34 to 30.

Beginning with the 97th General Assembly, the state will be divided into 30 senatorial districts. Each state senatorial district shall have 3 state representative districts contained wholly within such senatorial district. Each representative district shall contain as close to one-third of the population of such senatorial district as possible. One reapportionment commission shall be responsible for the division of Senate and Representative districts. Currently, there is both a House and Senate reapportionment commission.

This resolution is similar to SJR 11 (2003).
JIM ERTLE

021004 S First Read S270
021604 Second Read and Referred S Financial & Governmental S320
Organization, Veterans' Affairs & Elections Committee

EFFECTIVE : Voter Approval

SJR 047

SENATE SPONSOR Cauthorn

4538S.01I

SJR 47 - This resolution submits to the voters, an amendment to the Missouri Constitution changing Section 43(a) of Article IV, so that the conservation sales tax would be reconsidered by a vote of the people every ten years.

This resolution is similar to SJR 21 (2003).
MEGAN CRAIN

021104 S First Read S282
022304 Second Read and Referred S Agriculture, Conservation, S358
Parks & Natural Resources Committee

EFFECTIVE : Voter approval

SJR 048

SENATE SPONSOR Jacob

4839S.02I

SJR 48 - The act proposes a constitutional amendment prohibiting the General Assembly from passing a law that is identical or substantially similar in effect to any law or constitutional amendment that has been previously put to a vote of the people of this state and rejected by the people.

The constitutional amendment would not prohibit the passing of a law that is identical or substantially similar to the one rejected by the people if, after the vote of the people rejecting the law or amendment, the law or amendment was put to a subsequent vote of the people of this state and was approved by the people.

SUSAN HENDERSON

030104 S First Read

S496

EFFECTIVE : August 28, 2004

SJR 049

SENATE SPONSOR Klindt

4830S.01I

SJR 49 - This joint resolution modifies the constitution, upon voter approval, by resubmitting the parks and soils tax to the voters every 10 years, beginning in 2008.

JEFF CRAVER

030104 S First Read

S496

EFFECTIVE : Referendum

SJR 050

SENATE SPONSOR Stoll

4847S.01I

SJR 50 - This proposed constitutional amendment permits voters to approve school district bond issues with a simple majority if the election is held on a general election day or a general municipal election day. Currently, the size of the supermajority varies by election date from two-thirds to four-sevenths.

This act is identical to HJR 044.

DONALD THALHUBER

030104 S First Read

S496

EFFECTIVE : referendum

SJR 051

SENATE SPONSOR Goode

4859S.01I

SJR 51 - This joint resolution repeals subsection 6 of Section 27(a) of Article IV of the Missouri Constitution. This section relates to the budget reserve fund. The repeal of subsection 6 would repeal the requirement that any withdraw from the fund for emergency purposes be paid back in three years.
JEFF CRAVER

030104 S First Read

S496

EFFECTIVE : Referendum

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 S117012204 Hearing Conducted S Rules, Joint Rules, Resolutions &
Ethics Committee012204 Voted Do Pass S Rules, Joint Rules, Resolutions &
Ethics Committee012904 Reported From S Rules, Joint Rules, Resolutions &
Ethics Committee to Floor S191

020404 SA 1 S offered & adopted (Steelman) S229

020404 S adopted, as amended S229

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

SR 1193

SENATE SPONSOR Vogel

0007SR.01I

SR 1193 - Allows the Silver-Haired Legislature to use the
Senate Chamber.

HENRY T. HERSCHEL

012604 S First Read	S154
012604 S adopted	S154

SR 1286

SENATE SPONSOR Vogel

0008SR.01

SR 1286 - This resolution allows the Missouri Catholic
Conference to use the Senate Chamber on October 2, 2004.

HENRY T. HERSCHEL

021004 S First Read	S269-270
021004 S adopted	S270

SR 1404

SENATE SPONSOR Vogel

SR 1404 - This resolution allows the Missouri YMCA Youth in
Government Program to use the Senate Chamber on November 20,
2004.

HENRY T. HERSCHEL

022604 S First Read	S385-386
022604 S adopted	S386

03/05/04

MISSOURI SENATE
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SR 1412

SENATE SPONSOR Jacob

SR 1412 - This resolution allows Girls State to use the
Senate chamber on June 22, 2004.

HENRY T. HERSCHEL

030104 S First Read

S490-491

030104 S adopted

S491

MISSOURI SENATE

BILL STATUS

HOUSE BILLS

HB 0841

HOUSE SPONSOR Angst

3404L.01P

HB 841 - This act prohibits persons from using food or beverage containers made of glass when traveling upon the waters of the state in watercraft such as canoes, kayaks, or inner tubes which are susceptible to swamping or tipping. Persons carrying appropriately packaged beverages or food on the waters of the state in these watercraft are required to use a cooler, icebox, or other nonglass container which floats. Containers are to be sealed and carried affixed to the watercraft. All trash is to be disposed of lawfully. A violation of this act is a Class A misdemeanor.

STEPHEN WITTE

121103	Prefiled (H)	
010704	Read first time (H)	H16
010804	Read second time (H)	H35
012104	Referred: Local Government (H)	H113
012904	Public Hearing Held (H)	
020904	Executive Session Held (H)	
022504	Reported Do Pass (H)	H424-425
030304	Perfected with amendments (H)	
030404	Third Read and Passed (H)	
030404	S First Read	

EFFECTIVE : August 28, 2004

HB 0916

SCS HB 916

SENATE HANDLER Shields HOUSE SPONSOR Brown

3308S.02T

SCS/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 allows a person charged with identity theft to be prosecuted:

- (1) In the county in which the offense is committed; or
- (2) If the offense is committed partly in one county and partly in another, or if the elements of the offense occur in more than one county, then in any of the counties where any element of the offense occurred; or
- (3) In the county in which the defendant resides; or
- (4) In the county in which the victim resides; or
- (5) In the county in which the property obtained or attempted to be obtained was located.

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.

This act expands the crime of false impersonation to include the providing of a false identity to a law enforcement officer upon arrest. If the false identity is not discovered until after the person is convicted, the prosecutor must file a motion to correct the arrest records and court records. The act also allows the court to order the expungement of the false arrest records for the person whose identity was used.

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	H66

Public Safety Committee	
011404	Perfected with amendments (H) H71
011504	Third Read and Passed (H)
011504	S First Read S119
012904	Second Read and Referred S Judiciary & Civil & Criminal Jurisprudence Committee S196
020204	Hearing Conducted S Judiciary & Civil & Criminal Jurisprudence Committee
021604	SCS Voted Do Pass S Judiciary & Civil & Criminal Jurisprudence Committee (3308S.02C)
022404	Reported From S Judiciary and Civil & Criminal Jurisprudence Committee to Floor w/SCS S368
022504	SCS S adopted S377-378
022504	S Third Read and Passed S378
030404	H concurs in SCS
030404	H Third Read and Passed
030404	Truly Agreed to and Finally Passed

EFFECTIVE : August 28, 2004

HB 0946

HCS HBs 946, 1106 & 952

HOUSE SPONSOR Crawford

3521L.04P

HCS/HBs 946, 1106 & 952 - This act makes several changes to the law regarding transportation.

MODOT REPORT TO JOINT COMMITTEE ON TRANSPORTATION OVERSIGHT - This act requires that the report to the Joint Committee on Transportation include an inventory of the real property owned by the Department of Transportation under review for disposal and property necessary for future use. The report shall include a description of all real estate transactions by the department for the preceding fiscal year. This information will include the date of each transaction, the source of revenue used, and the allocation of any income produced by the real estate (Section 21.795).

ADMINISTRATIVE SERVICE FEES - Under this act, administrative service fees imposed to recoup expenditures made from the county general revenue fund to provide administrative services to the county park fund or the county road and bridge fund shall not exceed 5% of the total budget of the fund on which the fee is imposed. This limitation is only imposed on counties of the third classification (Section 50.515).

HIGHWAYS AND TRANSPORTATION COMMISSION - 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, removal or refusal of service 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. The act provides that any commission member reappointed shall on be eligible to serve as chair or vice chair during the final two years of the member's reappointment (Section 226.030). This provision is similar to the one contained in SB 955 (2004).

CHIEF COUNSEL OF MODOT - This act requires the Director of the Department of Transportation to select and fix the salary of the chief counsel for the department. Under current law, the chief counsel is selected by the Highways and Transportation Commission (Section 226.060).

BILLBOARD REMOVAL -This act provides that if a local zoning authority requires a legally erected billboard to be removed or altered a condition or prerequisite for obtaining a permit or license unrelated to billboards, then such requirement shall constitute a compelled removal. This type of removal is prohibited unless just compensation is paid (Section 226.527). This provision is similar to the one contained in SB 1182 (2004).

SEXUALLY-ORIENTED BILLBOARDS - 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 (Section 226.532). This act is similar to SB 870 (2004) and SB 615 (2003).

THIRD AND FOURTH CLASS COUNTY OUTDOOR ADVERTISING - Under this act, any business located in a third or fourth classification county may erect informational or on-premises signs or property on any state highway indicating the location of the business. The maximum size of the sign cannot exceed 10 feet wide and six feet high. No business under this provision will be allowed more than two signs on any given roadway (Section 226.611).

EMINENT DOMAIN BY HIGHWAY COMMISSION - This act requires that when the Highways and Transportation Commission acquires real estate through eminent domain the restriction or loss of access to any adjacent highway be considered when assessing damages. Restriction or loss of access includes the prohibition of making right or left turns into or out of the real estate involved, if access was present before the proposed improvement was built (Section 227.120). This section has an emergency clause.

HIGHWAY NAME DESIGNATIONS - The act makes several highway name designations: (1) Names the portion of State Highway J in Lincoln County from the intersection of State Highway J and State Highway 47 to the intersection of State Highway J and State Highway U as the "Veterans Highway"; (2) Names the portion of U. S. Highway 67 in St. Francois County between State Route 8 in Desloge and State Route 32 in Leadington as the "Deputy Steven R. Ziegler Memorial Highway"; (3) Names the portion of U. S. Highway 71 from Iris Road to State Highway 86 in Newton County as the "James W. Minton, Jr. Memorial Highway"; (4) Names the portion of U. S. Highway 249 bypass in Jasper County from Newman Road to U. S. Highway 171 as the "Earl Carr Memorial Highway"; (5) Names the portion of State Route 364 in St. Louis County from Interstate 270 to the crossing of the Missouri River, known as the Veterans' Memorial Bridge as the "Buzz Westfall Memorial Highway"; (6) Names the portion of Interstate 70 between mile marker 69 in Saline County east to mile marker 123 in Boone County as the "U. S. Submarine Veterans' Memorial Highway"; and (7) Names the portion of State Route 51 in Perry County from Interstate 55 to U. S. Highway 61 as the "Thomas G. Tucker, Jr. Memorial Highway".

DISINCORPORATION OF ROAD DISTRICTS - Any county wanting to disincorporate a road district must present a petition to the county commission or similar authority. The petition must be signed by the lesser of 50 or a majority of the registered voters residing in the district, state the name of the district, and request the disincorporation of the district. The county commission, after providing notice and a hearing, may disincorporate the road district (Section 233.166).

TRANSPORTATION DEVELOPMENT DISTRICTS - This act allows owners

of property adjacent to a transportation development district and owners of property within the district to petition the court by unanimous petition to add the adjacent property to the district. All property added to the district pursuant to this procedure shall be subject to all projects, taxes and special assessments. The adjacent property owners will be allowed to vote in the next election to fill board vacancies and any other issue relevant to the transportation development district (Section 238.208).

LOCAL LOG TRUCK TRACTORS - The act defines the term "local log truck tractor" and establishes the maximum axle weight on local log trucks of 22,400 pounds on one axle or 44,800 pounds on any tandem axle that does not have more than three axles and does not pull a trailer which has more than two axles (Section 301.010).

COMMERCIAL ZONE - The act extends the Kansas City commercial zone south along U. S. Highway 71 and State Route 291 to and including the City of Harrisonville.

STEPHEN WITTE

010604	Prefiled (H)	
010704	Read first time (H)	H22
010804	Read second time (H)	H35
012004	Referred: Transportation and Motor Vehicles (H)	H93
012104	Public Hearing Held (H)	
012204	Executive Session Held (H)	
012204	HCS Reported Do Pass (H)	H128
022404	Taken up for perfection (H)	H399-404
022404	Laid Over (H)	H404
022404	Taken up for perfection (H)	H406-411
022404	HCS adopted in House (H)	H411
022404	Laid Over (H)	H411
022504	Taken up for perfection (H)	H420
022504	Perfected with amendments (H)	H420
022604	Third Read and Passed - EC defeated (H)	H435
022604	S First Read	S485
030104	Second Read and Referred S Transportation Committee	S499

EFFECTIVE : Varied

HB 0950

HCS HBs 950 & 948

SENATE HANDLER Childers

HOUSE SPONSOR Crowell

2969L.02T

HCS/HBs 950 & 948 - 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. All counties with an assessed valuation of less than \$450 million will be counties of the third classification. 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.

SUSAN HENDERSON

010704	Read first time (H)	H23
010804	Read second time (H)	H35
011504	Referred: Local Government (H)	H83
012204	Public Hearing Held (H)	
012204	Executive Session Held (H)	
012204	HCS Reported Do Pass by Consent (H)	H124
012604	Objection Filed. Removed from Consent Calendar - Rule	H139
020204	HCS adopted in House (H)	H195
020204	Perfected (H)	H195
020504	Third Read and Passed - EC defeated (H)	H237-239
020504	S First Read	S245
020904	Second Read and Referred S Economic Development, Tourism & Local Government Committee	S263
021804	Hearing Conducted S Economic Development, Tourism and Local Government Committee	
021804	Voted Do Pass S Economic Development, Tourism and Local Government Committee	
022304	Reported From S Economic Development, Tourism & Local Government Committee to Floor - Consent	S357
030204	S Third Read and Passed - Consent	S514
030204	Truly Agreed to and Finally Passed	S514
030404	Signed by House Speaker	

HB 0969

HOUSE SPONSOR Cooper

3592L.01P

HB 969 - 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.

Any issue relevant to ascertaining the tax liability of a taxpayer related to the deductibility of these expenses and costs will be strictly construed against the taxing authority in favor of the taxpayer.

This act is similar to SB 1059 (2004).
JEFF CRAVER

010804	Introduced and read first time (H)	H33
011204	Read second time (H)	H42
011204	Referred: Tax Policy (H)	H43
011304	Public Hearing Held (H)	
011304	Executive Session Held (H)	
011304	Reported Do Pass (H)	H51
012704	Taken up for perfection (H)	H147-149
012704	Laid Over (H)	H149
012804	Taken up for perfection (H)	H168-169
012804	Perfectured with amendments (H)	H168-169
012904	H Third Read and Passed	H169-170
012904	S First Read	S197
020904	Second Read and Referred S Ways & Means Committee	S263
030204	Hearing Conducted S Ways & Means Committee	
030804	Hearing Scheduled S Ways & Means Committee	

EFFECTIVE : August 28, 2004

HB 0980

HCS HB 980

HOUSE SPONSOR Myers

2513L.02P

HCS/HB 980 - This act requires a regulatory impact report of the 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.

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 T. HERSCHEL

010804	Introduced and read first time (H)	H34
011204	Read second time (H)	H42
011404	Referred: Agriculture (H)	H71
012004	Public Hearing Held (H)	
012704	Executive Session Held (H)	
012904	HCS Reported Do Pass (H)	H184
020304	HCS adopted in House (H)	H204
020304	Perfecting with amendments (H)	H203-204
020404	Referred: Budget (H)	H226
022404	Corrected Fiscal Note (H)	H404
022604	Third Read and Passed (H)	H437
022604	S First Read	S485
030104	Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee	S499
030404	Hearing Conducted S Agriculture, Conservation, Parks and Natural Resources Committee	

EFFECTIVE : August 28, 2004

HB 0994

HOUSE SPONSOR Cunningham

3708L.01P

HB 994 - Currently, a surcharge of up to \$10 may be collected in all criminal proceedings filed in the 30th Judicial Circuit if the surcharge was authorized by a county or municipal order, ordinance, or resolution adopted prior to January 1, 1997. The act removes the restriction that the authorizing order, ordinance, or resolution must have been adopted before January 1, 1997. The sunset date for this section is extended from January 1, 2005, to January 1, 2010.

This act is similar to SB 1064 (2004).
JIM ERTLE

010804	Introduced and read first time (H)	H35
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011204 Read second time (H)	H42
011504 Referred: Judiciary (H)	H83
012104 Public Hearing Held (H)	
012804 Executive Session Held (H)	
012904 Reported Do Pass by Consent (H)	H184
021904 H Third Read and Passed - Consent	H367-368
021904 S First Read	S348
030104 Second Read and Referred S Judiciary & Civil & Criminal Jurisprudence Committee	S499

EFFECTIVE : August 28, 2004

HB 1040
HCS HB 1040

HOUSE SPONSOR Cunningham

3701L.02P

HCS/HB 1040 - This act renders several alterations to the state's education policy.

SECTION 160.261 - Students who are suspended for acts of violence or drug-related activity cannot be within 1,000 feet of any public school under certain conditions outlined in the section.

SECTION 160.518 - This section amends certain policies with regard to MAP testing by stating that, no later than June 30, 2006, the State Board of Education shall align assessment performance standards to create four levels, correlated with grade level expectations established by the department. The "at-grade level" standard will align with the "proficient" standard used in the National Assessment of Educational Progress (NAEP) exam. The department will make other changes necessary to meet federal requirements. By July 1, 2006, the department will revise its accreditation standards to permit process and resource standard waivers consistent with academic performance profiles.

SECTION 160.570 - This section permits districts to develop incentives or supplementary work as a consequence of a student's performance on the MAP assessment.

SECTION 161.089 - The scoring rubric for the MSIP or any successor accreditation program must not require points for the Parents as Teachers Program, although deficiencies may be noted as an area of concern. The scoring rubric for AP courses shall recognize the difficulty of providing such courses in sparsely populated areas and must reward districts that use instructional technology to accomplish their advanced placement goals.

SECTION 161.096 - The department will audit district transportation contracts annually.

SECTION 161.209 - The department must seek feedback on its rules and regulations and give priority to the review of existing

regulations that could be relaxed in hard economic times, as defined in the substitute, without affecting student achievement.

SECTION 162.065 - Districts and their bus contractors must consult the sex offender registration list before deciding upon the location of bus stops, and buses must carry passenger manifests. Districts must provide the results of bus safety inspections and any corporate safety information to parents each year.

SECTION 162.261 - This section clarifies that the nepotism provisions of the Missouri Constitution apply to school districts.

SECTION 163.036 - This section 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 current year; attendance from previous years' summer school will not count.

SECTIONS 167.031 & 167.051 - The City of St. Louis school district is permitted to raise its compulsory school attendance age to 17 by action of the school board.

SECTION 171.031 - Districts serving the same students, such as K-8 districts and the districts that provide high schools to those districts, must make a good-faith effort to coordinate their school calendars.

SECTION 210.145 - The Division of Family Services cannot meet with a child in the same school or child care facility where abuse is alleged to have occurred. Currently, the division cannot meet with a child at any school or child care facility. This provision contains an emergency clause.

DONALD THALHUBER

011204	Introduced and read first time (H)	H42
011304	Read second time (H)	H50
011304	Referred: Education (H)	H50
011404	Public Hearing Held (H)	
012104	Public Hearing Held (H)	
012804	Hearing continued	
020404	Executive Session Held (H)	
020504	HCS Reported Do Pass (H)	H245
021104	HCS adopted in House (H)	H305
021104	Perfected with amendments (H)	H294-305
021604	Referred: Budget (H)	H330
021804	Public Hearing Held (H)	
021804	Executive Session Held (H)	
021804	Reported Do Pass (H)	H360
022304	Third Read and Passed - EC adopted (H)	H388-389

022304 S First Read (w/EC) S360
030104 Second Read and Referred S Education Committee S499

EFFECTIVE : August 28, 2004

HB 1182
SCS HCS HB 1182

HOUSE SPONSOR Munzlinger

4015S.03C

SCS/HCS/HB 1182 - This act pertains to agriculture programs.

The change in this substitute incorporated an amendment adopted for SCS/SB's 740 et al; language clarifying for all fiscal year beginning on or after July 1, 2004, the county stock insurance fund shall be included in the calculation of total state revenue.

A breakdown of the act follows for your reference:

SECTION 148.330 - Pertaining to agricultural tax credits. This section 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. Language has been added that would put the county stock insurance fund back onto general revenue. This section is similar to SB 740 and SB 84 (2003).

SECTIONS 348.430 through 348.432 - Pertaining to agricultural tax credits. These sections allow contributors to take the tax credits for new generation cooperatives and new generation processing entities on a quarterly basis. An allowance is made for tax credits allowed under this section to be carried back to any of the contributor's three prior tax years and forward to any of the contributor's five subsequent taxable years and the new owner of the tax credits issued pursuant to Section 348.430 has the same rights in the credit as the contributor.

These sections deal with the new generation cooperative incentive tax credit and adds language that would enable those persons holding such credits to claim them on a quarterly basis. Language here that mirrors the "carry back three prior tax years and forward any five" is added to by new language that clarifies that option can be entertained regardless of the type of tax liability to which such credits are applied.

MEGAN CRAIN

012104 Introduced and read first time (H) H108
012204 Read second time (H) H123
012204 Referred: Agriculture (H) H124
012704 Public Hearing Held (H)
012804 Executive Session Held (H)

012904 HCS Reported Do Pass (H)	H184
020304 HCS adopted in House (H)	H205
020304 Perfected (H)	H205
020504 Third Read and Passed (H)	H239-240
020504 S First Read	S245
020904 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee	S263
021904 Hearing Conducted S Agriculture, Conservation, Parks and Natural Resources Committee	
030404 SCS Voted Do Pass S Agriculture, Conservation, Parks and Natural Resources Committee (4015S.03C)	
030404 Reported From S Agriculture, Conservation, Parks & Tourism Committee to Floor w/SCS	
030804 001 S Calendar H Bills for Third Reading w/SCS	

HB 1268

HS HCS HBs 1268 & 1211

HOUSE SPONSOR Smith (118)

4224L.04P

HS/HCS/HBs 1268 & 1211 - This act makes numerous
modifications to the Missouri Employment Security Law.

The 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. (285.300)

The act defines "misconduct", "temporary help firm", and
"temporary employee" within Chapter 288, RSMo. (288.030)

The act removes language which will make severance pay in
all instances be considered wages. 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 2005
shall be \$8,000 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 state taxable wage base may not
be increased beyond \$11,000. (288.036)

The act revises the maximum weekly benefit amount for claims
filed after the effective date of this act. (288.038)

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. (288.040.1)

Suspension for misconduct for a period of four or more weeks shall be treated as a discharge. (288.040.2)

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. (288.050.1(1))

A person who quits work because of fear for his or her safety by reason of domestic violence qualifies for unemployment benefits. However, the claimant is subject to certain qualification requirements. (288.050.1(1)(e))

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. (288.050.1(3))

If a claimant is discharged for misconduct, no benefits are to be paid or charged against the employer for any period of employment within the base period until the claimant has earned wages insured under the unemployment law. If a claimant is disqualified a second or subsequent time, the claimant is required to earn wages at least eight times the claimant's weekly benefit amount for each disqualification and the additionally required wages will run consecutively. Further, the act deems a positive test result for controlled substances or for blood alcohol content of eight-hundredths of one percent or more as misconduct connected with work. (288.050.2)

Absenteeism or tardiness may result in discharge and constitute misconduct. (288.050.3)

A worker's weekly wage in excess of \$40, increased from the current \$20, subtracted from the weekly benefit amount will determine the worker's partial weekly benefit amount. An individual shall be considered to be unemployed as to severance pay for any week the individual is registered at, as well as attending, any state institution of higher education or public secondary school or is registered at, as well as attending, a labor and industrial relations commission qualified vocational, educational, or training program that meets commission established minimum standards. The commission shall annually update and review the list of qualified programs. (288.060.3)

The recalculation procedure for the contribution rate for a successor employer based upon the combined experience of all predecessor and successor employers is specified. (288.110)

If the balance in the Unemployment Compensation Trust Fund for the four preceding quarters falls between \$450 million and

\$400 million, the employer's contribution rate will be increased for the succeeding four quarters by 10%. If the balance falls between \$400 million and \$350 million, the rate will be increased by 20%. If the balance falls below \$350 million, the rate will increase by 30%. Effective January 1, 2005, if the balance falls below \$350 million and the employer is paying the maximum contribution rate of 6%, the rate will increase by 40%. (288.121.1)

Effective January 1, 2005, an employer's total contribution rate will equal the employer's base rate plus a temporary solvency charge of .1% added to the percentage increases. (288.121.2)

The act adds a provision which states that in addition to the money from the federal government or any money from state bonds issued pursuant to Section 288.330, or from moneys advanced under financial agreements provided for in section 288.330, subsection 2, subdivision (17), 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. (288.128.1)

The act allows the state, to the extent allowed by law, to contract with private entities for the purpose of providing employment and reemployment services consistent with the Wagner-Peyser Act. (288.270)

To ensure that employment trust fund moneys are utilized only for the purpose authorized, no other fund shall be established with increased employer taxes that are offset by a reduction of unemployment contributions, except for the special employment security fund created in section 288.310. (288.290)

The act allows money from state bonds issued pursuant to Section 288.330 or from moneys advanced under financial agreements provided for in section 288.330, subsection 2, subdivision (17), to go into the state employment security fund. (288.310)

The act creates the Missouri Commission on Employment Security Financing. The commission shall be composed of seven members appointed by the Governor and confirmed by the Senate. The commission is authorized to sell bonds, with a maturity of no longer than ten years, and enter into financial agreements, provided that the total indebtedness does not exceed \$450 million and the agreement avoids borrowing under federal legislation or in an amount to refinance any previous state borrowing. Prior to any bond issuance and/or entering into financial agreements, the commission must make an affirmative finding that the issuance of bonds and/or the entering into financial agreements results in a savings to the state and to employers. Bonded indebtedness and financial agreement obligations are not to continue for more than

five consecutive years. The bonded indebtedness and financial agreement debt does not constitute a debt of the state. The powers, composition, additional responsibilities, and limitations of the commission and bonding provisions are specified. (288.330)

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 this section is guilty of a Class D felony. (288.385.1-3)

The act stipulates that the Department of Labor and Industrial Relations may project financial data for proposed legislation if the data is given to the sponsor of the legislation at least 48 hours prior to making the data public. Any employee in violation of this provision will be assessed a \$500 civil penalty. (288.385.4)

The act establishes a default penalty provision for chapter 288 when fraud or misrepresentation is involved. (288.395)

The act requires the Division of Employment Security to send to all employing units in the state by October 1, 2004, a summary of the changes enacted in the substitute. Additionally, the division is required to provide pertinent information to enable the employing unit to comply with the resulting employer requirements. (288.397)

The Missouri State Unemployment Council is created. Annually the council is to report to the Governor and the General Assembly its recommendations on pertinent legislation, status and projected maintenance requirements for solvency of unemployment insurance, and the adequacy of unemployment compensation. The Division of Employment Security will provide the commission with access to the division's records, services required, employee testimony, and give consideration to recommendations on relevant legislation and rules. The council may, except if prohibited by concurrent resolution by the General Assembly, commission an outside study of the solvency, adequacy, and staffing and operational efficiency of the Missouri unemployment system. The first study is authorized to begin in Fiscal Year 2005 and a successor study every five years thereafter. The commission's composition, terms, and certain member voting and nonvoting designations are specified. (Section 1)

The act allows the Department of Labor and Industrial Relations to contract with private entities for the purpose of

identifying and recovering overpayments to employees and collection of delinquent employer contributions. (Section 2)

This act contains an emergency clause.

RICHARD MOORE

012604	Introduced and read first time (H)	H137
012704	Read second time (H)	H147
012704	Referred: Workforce Development and Workplace Safety	H149
012804	Public Hearing Held (H)	
012904	Executive Session Held (H)	
020504	HCS Reported Do Pass (H)	H246
021704	Taken up for perfection (H)	H339-340
021704	House Substitute offered (H)	H339
021704	Laid Over (H)	H340
021704	Taken up for perfection (H)	H341-351
021704	Laid Over (H)	H351
021804	Taken up for perfection (H)	H358-359
021804	Laid Over (H)	H359
021904	Taken up for perfection (H)	H366
021904	HS adopted in House (H)	H367
021904	Perfected with amendments (H)	H366-367
022604	Third Read and Passed (H)	H438
022604	S First Read	S485
030104	Second Read and Referred S Small Business, Insurance and Industrial Relations Committee	S499
031004	Hearing Scheduled S Small Business, Insurance and Industrial Relations Committee	

HB 1338
HCS HB 1338

HOUSE SPONSOR Wood

3949L.02P

HCS/HB 1338 - 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

012904	Introduced and read first time (H)	H182
020204	Read second time (H)	H195
020504	Referred: Tourism and Cultural Affairs (H)	H245
021004	Public Hearing Held (H)	
021704	Executive Session Held (H)	
022504	HCS Reported Do Pass (H)	H425
030104	HCS adopted in House (H)	H454
030104	Perfected with amendments (H)	H454
030404	Third Read and Passed (H)	
030404	S First Read	

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
012604 S escort committee appointed
012604 Senators: Bray, Callahan, Cauthorn, Days, Dolan,
Griesheimer, Kennedy, Russell, Scott, Stoll
012804 H escort committee appointed (Lt. Governor & Senate)
012804 Byrd, Dempsey, Quinn, Shoemaker, Smith-118, Self,
Darrough, Thompson, Sager, Swinger
012804 H escort committee appointed (Dir. of Transportation)
012804 Pearce, Smith-14, Munzlinger, Dethrow, Angst,
Ruestman, Kuessner, Henke, Hubbard, Levota

HCR 005

SENATE HANDLER Russell 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
011304 Public Hearing Held (H)
011304 Executive Session Held (H)
011304 Reported Do Pass (H) H50-51
012004 Taken up for Third Reading (H) H92
012004 Laid over-Third Reading (H) H92
012104 Taken up for Third Reading (H) H107
012104 Third Read and Passed (H) H111-112
012104 Emergency clause defeated (H) H112-113
012204 S First Read S148-149
012604 Referred S Rules, Joint Rules, Resolutions & Ethics
Committee S157
012904 Hearing Conducted S Rules, Joint Rules, Resolutions
and Ethics Committee

020304	Voted Do Pass S Rules, Joint Rules, Resolutions and Ethics Committee	
020304	Reported From S Rules, Joint Rules, Resolutions & Ethics Committee to Floor	S224
020504	S Third Read and Passed	S243
020504	Truly Agreed to and Finally Passed	S243
021004	Signed by House Speaker	H281
021104	Signed by Senate President	S281
021104	Delivered to Governor	H292
022504	Vetoed by Governor	H426-427
