

93rd General Assembly

First Regular Session

MISSOURI SENATE



WEEKLY BILL STATUS REPORT

**FEBRUARY 28 - MARCH 4, 2005**

Prepared by  
Divisions of Research and Computer Information Systems

\*\*\* SB 1 \*\*\* HCS SS SCS SBs 1 & 130  
SENATE SPONSOR: Loudon

0220L.14C  
HOUSE HANDLER: Hunter

HCS/SS/SCS/SBs 1 & 130 - This act revises the workers' compensation law.

**ACCIDENT AND INJURY** - The act modifies the definition of "accident" to include only events that are "an unexpected traumatic event or unusual strain identifiable by time and place of occurrence producing at the time objective systems of an injury, caused by a specific event during a single work shift". The act modifies the definition of "injury" by limiting the definition to only allow compensation if the accident was the prevailing 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 injuries from unknown causes and personal health conditions that manifest themselves at work, when an accident is not the prevailing factor in the need for medical treatment. The act prohibits accidents which are sustained while traveling to the employer's principal place of business from the employee's home or to the employee's home from the employer's principal place of business from being compensable.

**ABROGATION OF CASE LAW** - It is the intent of the Legislature to reject and abrogate earlier case law interpretations on the meaning of or definition of "arising out of", and "in the course of the employment", as extended in the following cases: *Bennet v. Columbia Health Care and Rehabilitation*, 80 S.W. 3d 524, (Mo. App. W.D. 2002); *Kasl v. Bristol Care, Inc.*, 984 S.W. 2d 852 (Mo. banc 1999); and *Drewes v. TWA*, 984 S.W. 2d 512 (Mo. banc 1999).

**EMPLOYER LIABILITY** - Any person who contracts to have work done as part of the usual course of business on their premises shall be liable to the contractor, it's subcontractors and employees for death or injury which occurs on the premises. If the erection of improvements, demolition, alteration or repair of the premises is being provided by an independent contractor, the independent contractor shall be deemed the employer of the subcontractors and employees where the principle contractor is on the premises and doing work. The immediate contractor or subcontractor shall have primary liability as an employer of the employees of his subcontractor. A right to contribution is available for any secondarily liable parties. The provisions of this section (Section 287.041 RSMo.) shall not apply to for-hire motor carriers. The changes to the provisions of subsection 1 of section 287.040 are remedial and curative and should be given that consideration.

**COMPENSABILITY** - Occupational disease is only compensable if the occupational exposure was the prevailing factor in causing the condition. Injury due to repetitive motion is recognized as an occupational disease and is only compensable if the occupational exposure is a prevailing factor in causing the medical condition or disability. Disease of the lungs or respiratory tract, hypotension, hypertension, or disease of the heart or cardiovascular system, including carcinoma, may be recognized as occupational diseases for the purposes of workers' compensation law and are defined to be disability due to exposure to smoke, gases, carcinogens, inadequate oxygen of firefighters of a paid fire department or police officers of a paid police department certified under Chapter 590, RSMo.

**REDUCTION OF BENEFITS FOR CERTAIN ACTS** - The act eliminates the posting requirements for reduction of compensation and death benefits where an injury is caused by the failure the employee to use employer provided safety devises. The act increases the penalty when violation of a drug or alcohol rule is involved, by mandating that workers' compensation and death benefits be forfeited. A health care provider shall be compensated for all authorized services such

provider rendered prior to an order reducing compensation under this section. Intoxication at or above the legal blood level shall give rise to a conclusive presumption that the voluntary use of alcohol was the proximate cause of injury. An employee must forfeit compensation for any injury under the provisions of workers' compensation law when the employee: accepts workers' compensation benefits under the laws of another state; files a claim or application for a hearing in another state requesting workers' compensation benefits; or indicates an intent to receive benefits for the injury or occupational disease under another state's workers' compensation law.

**NOTICE POSTING BY EMPLOYERS** - Every employer must post notice in a prominent and conspicuous place, which notifies employees of the requirement that such employees must inform their employers of an accident within thirty days from such accident and that failure to do so may jeopardize their ability to receive medical coverage, compensation or any other benefit for the injury under workers' compensation law.

**CRIMINAL PENALTIES FOR VIOLATIONS OF WORKERS' COMPENSATION LAW-**

1. Any insurance company or self-insurer who intentionally refuses to comply with known and legally indisputable compensation obligations with an intent to defraud will be guilty of a Class A misdemeanor, and receive the greater of a fine up to ten thousand dollars or double the value of the fraud. The punishment for a subsequent offense is a Class D felony.
2. Any person who knowingly files a claim against the second injury fund in this state if the person has filed a claim under the workers' compensation law of another state for the same injury or occupational disease will be guilty of a Class A misdemeanor. The punishment for a subsequent will be a Class D felony.
3. Any health care provider who commits fraudulent billing practices will be guilty of a Class A misdemeanor and receive a fine of up to twenty thousand dollars. The punishment for a subsequent offense is increased to a Class D felony.

**ANNUAL REPORT FROM THE ATTORNEY GENERAL** - By January 1, 2006, the Attorney General shall forward to the Division of Workers' Compensation and the members of the General Assembly, the first addition of an annual report of the costs of prosecuting fraud and noncompliance under workers' compensation law. The report will include the number of cases filed with the Attorney General by county, by the fraud and noncompliance unit, the number of cases prosecuted by county by the Attorney General and county prosecutor, fines and penalties levied and received, and all incidental costs.

**VOCATIONAL TESTING AND ASSESSMENT** - The act provides that an employee must submit to appropriate vocational testing and a vocational rehabilitation assessment required by an employer or insurer.

**SUBROGATION LIENS** - The act grants an employer a subrogation lien when a third person is liable for the death of an employee.

**DISQUALIFICATION FOR RECEIPT OF UNEMPLOYMENT COMPENSATION OR POST INJURY MISCONDUCT** - The act disqualifies an employee from receiving temporary total disability during any period of time in which the claimant applies and receives unemployment compensation. Any employee who is terminated from post injury employment based upon post injury misconduct shall be ineligible to receive either temporary total disability or temporary partial disability benefits.

**PROOF OF PERMANENT DISABILITY** - Permanent partial or total disability shall be demonstrated and certified by a physician. In determining the impairment subjective complaints shall not be considered unless certified by a physician. The fifth edition of "Guide to the Evaluation of Permanent Impairment", published by the American Medical Association, shall be applied in determining the level of disability under workers' compensation law.

**COMPENSATION FOR HEARING LOSS** - Loss of hearing of twenty-six decibels or less shall not constitute any compensable hearing disability and loss of hearing average ninety-two decibels shall constitute total or one hundred percent compensable hearing loss.

**COSTS** - If the division or the commission determines that any proceedings have been brought, prosecuted, or defended without reasonable grounds, the division may assess the whole cost of the proceedings upon the party who brought, prosecuted, or defended them.

**WAGES AND BONUSES** - A monetary bonus, paid by an employer to an employee, of up to three percent of the employee's yearly compensation from such employer shall not have the effect of increasing the compensation amount used in calculating the employee's compensation or wages for purposes of any workers' compensation claim governed under workers' compensation law.

**ACCIDENT REPORTING** - The act requires every employer or his insurer in this state file with the division a full and complete report of every injury or death to any employee within thirty days from the date of injury or death.

**VOLUNTARY SETTLEMENT AGREEMENTS** - The act allows parties to enter into voluntary agreements to settle claims and states that approval shall be granted as long as the settlement is not manifestly unjust. In any claim where an offer of settlement is made in writing, and the employee is not represented by counsel, the employee is entitled to one hundred percent of the amount offered. If the employee rejects the offer, the employee is entitled to one hundred percent of the initial offer and seventy five percent of any amount in dispute. An attorney may only collect twenty-five percent of an amount over the initial offer.

**NOTICE OF REPETITIVE TRAUMA CASE** - The act requires written notice to an employer be made no later than thirty days after diagnosis of the condition before proceedings are maintained for a repetitive trauma or occupational disease case.

**ADMINISTRATIVE LAW JUDGES**- After August 28, 2005, the Governor may appoint additional administrative law judges for a maximum of forty authorized administrative law judges. The terms of administrative law judges are set out and must be published by the Director of the Division of Workers' Compensation. Performance audits shall be done annually by the division director with a recommendation of confidence or no confidence for each administrative law judge. Any administrative law judge may be discharged or removed only by the Governor under a performance audit by the administrative law judge review committee.

**COMPENSATION FOR CHIEF COUNSEL**- Each chief legal counsel located at the division office in Jefferson City, MO shall be compensated at two thousand dollars above eighty percent of the rate at which an associate circuit judge is compensated.

**SECOND INJURY FUND** - Beginning October 31, 2005, the Director of the Division of Workers' Compensation is required to estimate the amount of benefits payable for each year and calculate the

total amount of annual surcharge to be imposed upon all workers' compensation policyholders and self-insured for the following calendar year. The amount of the annual surcharge shall be set at a percentage not to exceed three percent.

STANDARD OF REVIEW - The act imposes a strict construction review with regard to the provisions of the workers compensation chapter and an impartial standard of review for the facts and evidence of a case. Beginning January 1, 2006, only administrative law judges, the commission, and the appellate courts of this state shall have the power to review claims filed under workers' compensation law.

OPT- OUT PROVISION - Allows an employee to opt out of the provisions of workers' compensation law for religious reasons.

BURDEN OF PROOF - The burden of proof for establishing an affirmative defense is on the employer. The burden of proving an entitlement to compensation under workers' compensation law is on the employee or dependent.

CLAIMS AGAINST INSOLVENT SELF-INSURED PARTIES - The act requires the Division to notify each employee of a self-insured member filing bankruptcy of his or her obligation to file a notice of claim with the court of jurisdiction and of the need of the employee to provide the guarantee fund and the division with the records set out in this section. The act then requires the claimant to file a claim with the appropriate bankruptcy court prior to the time Division of Workers' Compensation attaches jurisdiction.

TREND FACTORS - The Director of Insurance may formulate trend factors that allow for comparison with trend factors developed by the advisory organization for each of the job classifications.

JASON ZAMKUS

HA #1- REMOVES LANGUAGE RECOGNIZING INJURY DUE TO REPETITIVE MOTION AS AN OCCUPATIONAL DISEASE. ADDS THE WORD PAID BEFORE THE WORDS FIREFIGHTER AND POLICE OFFICER IN SECTION 287.067 RSMO. AMENDS PROVISIONS OF SECTION 287.128 RELATING TO UNLAWFUL ACTIVITIES AND PENALTIES. ADDS SECTION 287.642 RELATING TO THE CREATION OF AREA PUBLIC INFORMATION PROGRAMS.

HA #2- AMENDS SECTION 287.610 RELATING TO ADMINISTRATIVE LAW JUDGES

HA #3- DELETES ALL OF SECTION 287.042.

HA #4- AMENDS SECTION 287.190 RELATING TO PERMANENT PARTIAL DISABILITY.

HA #5- AMENDS SECTION 287.390 RELATING TO VOLUNTARY SETTLEMENT AGREEMENTS AND ATTORNEY FEES.

HA #8- AMENDS SECTION 287.020 BY STATING THAT SAID SECTION SHALL NOT APPLY TO LAW ENFORCEMENT OFFICERS.

HA #9- INSERTS SECTION 287.043 RELATING TO THE ABROGATION OF CASE LAW DEFINING THE WORD "OWNER".

HA #10- AMENDS SECTION 287.120 BY ADDING A PROVISION RELATING TO FORFEITURE OF BENEFITS FOR EMPLOYEE REFUSAL TO SUBMIT TO DRUG OR ALCOHOL TESTING.

HA #11- AMENDS SECTION 287.120 BY ADDING A PROVISION DESCRIBING SITUATIONS WHERE AN EMPLOYEE WILL BE REQUIRED TO FORFEIT BENEFITS.

HA #12- AMENDS SECTION 287.465 RELATING TO CLAIMS FILED AGAINST INSOLVENT EMPLOYERS.

HA #13- INSERTS A NEW SECTION GRANTING IMMUNITY TO HEALTH CARE PROVIDERS WHO IN GOOD FAITH FAILS TO REPORT CERTAIN VIOLATIONS.

12/01/2004 Prefiled

01/05/2005 S First Read (S26)

01/12/2005 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S75)

01/12/2005 Hearing Conducted S Small Business, Insurance & Industrial Relations Committee

01/20/2005 Hearing Conducted S Small Business, Insurance & Industrial Relations Committee

01/26/2005 SCS SBs 1 & 130-Voted Do Pass S Small Business, Insurance & Industrial Relations Committee (0220S.08C)

02/03/2005 Reported from S Small Business, Insurance & Industrial Relations Committee to Floor w/SCS (S168)

02/08/2005 Placed on Informal Calendar (S184)

02/09/2005 SS for SCS S offered (Loudon) (0220S.11F) (S192)

02/09/2005 SA 1 to SS for SCS S offered & adopted (Crowell)--0220S11.09S (S192)

02/09/2005 SA 2 to SS for SCS S offered & adopted (Cauthorn)--0220S11.05S (S192-193)

02/09/2005 SA 3 to SS for SCS S offered (Graham)--0220S11.01F (S193)

02/09/2005 SSA 1 for SA 3 to SS for SCS S offered & adopted (Loudon)--(0220S11.03S) (S193)

02/09/2005 SA 4 to SS for SCS S offered (Loudon)--0220S11.01S (S193)

02/09/2005 SA 1 to SA 4 to SS for SCS S offered & adopted (Gibbons) (S193-194)

02/09/2005 SA 4 to SS for SS, as amended, S adopted (S194)

02/09/2005 SA 5 to SS for SCS S offered & withdrawn(Callahan)--0220S.11.03F (S194)

02/09/2005 SA 6 to SS for SCS S offered & withdrawn (Bray)--0220S11.04F (S194)

02/09/2005 SA 7 to SS for SCS S offered & adopted (Callahan)--0220S11.22S (S194)

02/09/2005 SA 8 to SS for SCS S offered & defeated (Green)--0220S11.22S (S194)

02/09/2005 SA 9 to SS for SCS S offered (Callahan)--0220S11.06F (S194-195)

02/09/2005 Bill Placed on Informal Calendar (S195)

02/09/2005 SA 9 to SS for SCS S withdrawn (S195)

02/09/2005 SA 10 to SS for SCS S offered & adopted(Coleman)--0220S11.07F (S195)

02/09/2005 SA 11 to SS for SCS S offered & adopted (Green)--0220S11.31S (S195-196)

02/09/2005 SA 12 to SS for SCS S offered & adopted (Koster)--0220S11S.08F (S196)

02/09/2005 SA 13 to SS for SCS S offered & adopted (Stouffer)--0220S11.21F (S196)

02/09/2005 SA 14 to SS for SCS S offered & adopted (Kennedy)--SGA05.01S (S196)

02/09/2005 SA 15 to SS for SCS S offered & defeated (Bray)--0220S11.09F (S197)

02/09/2005 SA 16 to SS for SCS S offered & defeated (Callahan)--0220S11.10F (S197)

02/09/2005 SA 17 to SS for SCS S offered & defeated (Green)--0220S11.10S (S197)

02/09/2005 SA 18 to SS for SCS S offered & adopted (Crowell)--0220S11.11F (S197-198)

02/09/2005 SA 19 to SS for SCS S offered & adopted (Loudon)--0220S11.12F (S198)

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02/09/2005 SA 20 to SS for SCS S offered & defeated(Green)--0220S11.13F (S198)  
02/09/2005 SA 21 to SS for SCS S offered & defeated (Days)--0220S11.14F (S198)  
02/09/2005 SA 22 to SS for SCS S offered & adopted (Gibbons)--0220S11.15F (S198)  
02/09/2005 SA 23 to SS for SCS S offered & adopted (Gibbons)--0220S11.16F (S198-199)  
02/09/2005 SA 24 to SS for SCS S offered & adopted (Loudon)--0220S11.50S (S199-202)  
02/09/2005 SA 25 to SS for SCS S offered & adopted (Callahan)--0220S11.17F (S202)  
02/09/2005 SS for SCS, as amended, S adopted (S202)  
02/09/2005 Perfected (S202)  
02/09/2005 Reported Truly Perfected S Rules Committee (S202)  
02/09/2005 Referred S Governmental Accountability & Fiscal Oversight Committee (S202)  
02/10/2005 Hearing Conducted Governmental Accountability & Fiscal Oversight Committee  
02/10/2005 Voted Do Pass S Governmental Accountability & Fiscal Oversight Committee  
02/10/2005 Reported from S Governmental Accountability & Fiscal Oversight Committee to Floor (S207)  
02/10/2005 S Third Read and Passed (S207-208)  
02/10/2005 H First Read (H287)  
02/14/2005 H Second Read (H294)  
02/14/2005 Referred H Workforce Development & Workplace Safety Committee (H295)  
02/23/2005 Hearing Conducted H Workforce Development & Workplace Safety Committee  
02/24/2005 HCS Voted Do Pass H Workforce Development & Workplace Safety Committee  
02/24/2005 HCS Reported Do Pass H Workforce Development & Workplace Safety Committee (H405)  
02/24/2005 Referred to Rules Committee pursuant to Rule 25(26)(f) (H405)  
02/28/2005 Hearing Conducted H Rules Committee  
02/28/2005 Voted Do Pass H Rules Committee w/time limit of 5 hours for debate on third reading  
03/01/2005 Reported Do Pass H Rules Committee w/time limit of 5 hours for debate on third reading  
03/02/2005 HA 1 to HCS H offered & adopted (Pratt) (H448-451 / S351-354)  
03/02/2005 HA 2 to HCS H offered & adopted (Smith 118) (H451-452 / S354-357)  
03/02/2005 HA 3 to HCS H offered & adopted (Pratt) (H453 / S357)  
03/02/2005 HA 4 to HCS H offered (Cooper 155) (H453 / S357)  
03/02/2005 HA 1 to HA 4 to HCS H offered & adopted (Page) (H453-454 / S357)  
03/02/2005 HA 4 to HCS, as amended, H adopted (H454 / S357-358)  
03/02/2005 HA 5 to HCS H offered & adopted (Hunter) (H454 / S358)  
03/02/2005 HA 6 to HCS H offered & Ruled out of order (Burnett) (H454-455)  
03/02/2005 HA 7 to HCS H offered & defeated (Meadows) (H455-456)  
03/02/2005 HA 8 to HCS H offered & adopted (Jolly) (H458-459 / S359)  
03/02/2005 Laid Over (H456)  
03/02/2005 HA 9 to HCS H offered & adopted (Stevenson) (H459-460 / S359)  
03/02/2005 HA 10 to HCS H offered & adopted (Parson) (H460 / S359)  
03/02/2005 HA 11 to HCS H offered & adopted (Flook) (H460-461 / S359-360)  
03/02/2005 HA 12 to HCS H offered & adopted (Cooper 120) (H461 / S360)  
03/02/2005 HA 13 to HCS H offered (Portwood) (H461)  
03/02/2005 HA 1 to HA 13 to HCS H offered & adopted (Wright 137) (H461)  
03/02/2005 HA 13 to HCS, as amended, H defeated (H461-462)  
03/02/2005 HA 14 to HCS H offered & Ruled out of order (Darrough) (H462)  
03/02/2005 HA 15 to HCS H offered & defeated (Harris 23) (H462)  
03/02/2005 HA 16 to HCS H offered & defeated (Bowman) (H462-463)  
03/02/2005 HA 17 to HCS H offered & defeated (Walsh) (H463-464)

03/02/2005 HCS, as amended, H adopted (H464)  
03/02/2005 H Third Read and Passed (H464-465 / S351)  
03/03/2005 S refused to concur in HCS, as amended (S360)  
03/03/2005 S requests H recede or grant conference (S360)

EFFECTIVE: August 28, 2005

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\*\*\* SB 2 \*\*\*

0424S.01I

SENATE SPONSOR: Loudon

SB 2 - 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 identical to SCS/SBs 738 & 790 (2004).

JIM ERTLE

12/01/2004 Prefiled  
01/05/2005 S First Read (S26)  
01/13/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S83)  
02/21/2005 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2005

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\*\*\* SB 3 \*\*\*

0413S.01I

SENATE SPONSOR: Loudon

SB 3 - This act modifies the adoption tax credit by eliminating the aggregate cap on the credit.



The act is similar to SB 500 (2003) and SB 806 (2004).  
JASON ZAMKUS

12/01/2004 Prefiled

01/05/2005 S First Read (S26)

01/13/2005 Second Read and Referred S Ways & Means Committee (S83)

02/24/2005 Hearing Conducted S Ways & Means Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 4 \*\*\*

0403S.01I

SENATE SPONSOR: Klindt

SB 4 - This act eliminates straight ticket voting. The act prohibits any ballot from allowing a person to cast a straight political party ticket in any partisan election.

JIM ERTLE

12/01/2004 Prefiled

01/05/2005 S First Read (S26)

01/12/2005 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S75)

EFFECTIVE: August 28, 2005

\*\*\* SB 5 \*\*\*

0469S.01I

SENATE SPONSOR: Klindt

SB 5 - This act provides that any city, town, or village must ensure that there is an adequate supply of electric service to an area that is to be annexed. They can do so by:

- Making a determination that there is a provider authorized and capable of serving the annexed area; or
- Granting authority to an electric cooperative to serve all of the area; or
- Requiring all suppliers serving within the area to be annexed to enter into a territorial agreement.

The act requires any grant of authority to a rural electric cooperative to serve the area be included in the annexation ordinance. The cooperative's property and operations in the area will be subject to taxation by the city, town, or village.

Any rural electric cooperative granted authority may generate, manufacture, purchase, acquire, accumulate, and transmit electric energy, and distribute, sell, supply, and dispose of electric energy with the area. This is in addition to other powers they might have under the law. This authority does not affect the rights of other electric suppliers to provide service in the annexed area.

When complying with this act, a city, town, or village cannot require that a provider transfer any of its facilities or customers to another provider. Nor shall this act prohibit electric providers from continuing to serve existing customers and structures in annexed areas.

According to this act, any city, town, or village that has a pending annexation may petition the PSC (Public Service Commission) to designate the boundaries of the electric service areas to be

served by provider. The PSC designations shall be binding. The PSC must rule on applications within 90 days of the filing.

Currently, the law provides that the PSC shall hold evidentiary hearings to determine whether territorial agreements should be approved. This act would allow such hearings to be waived if the matter is resolved by stipulation and agreement by all the parties. Also, the law currently provides that the PSC shall hold hearings regarding complaints about the territorial agreements. This act would also allow these hearings to be waived in the same manner.

In addition, if the PSC determines that a territorial agreement that is the subject of a complaint is no longer in the public interest, it has the authority to suspend or revoke the agreement.

Section 71.516 of this act has an effective date of June 1, 2005.

SUSAN HENDERSON

12/01/2004 Prefiled

01/05/2005 S First Read (S26)

01/13/2005 Second Read and Referred S Commerce, Energy and the Environment Committee (S83)

02/01/2005 Hearing Conducted S Commerce, Energy and the Environment Committee

EFFECTIVE: August 28, 2005

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\*\*\* SB 6 \*\*\* SCS SB 6  
SENATE SPONSOR: Klindt

0286S.04C

SCS/SB 6 - This act pertains to the Missouri Alternative and Renewable Energy 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 a mixture of backgrounds in alternative and renewable energy research, business, and environmental stewardship; the individuals shall be 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 and renewable energy as a source of power;
- (2) Evaluating existing incentive programs that promote the development and use of alternative and renewable energy;
- (3) Creating new incentives and programs to promote alternative and renewable energy use; and
- (4) Making recommendations to the Legislature on program developments and uses for alternative and renewable energy.

The commission will develop a comprehensive guide to alternative and renewable energy development, production and use. This guide will be submitted to the Legislature by December 31, 2007.

This act expires on June 30, 2008.

MEGAN WORD

12/01/2004 Prefiled  
01/05/2005 S First Read (S26-27)  
01/12/2005 Second Read and Referred S Commerce, Energy and the Environment Committee (S75)  
01/25/2005 Hearing Conducted S Commerce, Energy and the Environment Committee  
02/16/2005 SCS Voted Do Pass S Commerce, Energy and the Environment Committee-Consent (0286S.04C)  
02/21/2005 Reported from S Commerce, Energy and the Environment Committee to Floor w/SCS - Consent (S255)  
02/28/2005 SCS S adopted (S303)  
02/28/2005 S Third Read and Passed w/SCS - Consent (S303)  
03/01/2005 H First Read (H440)  
03/02/2005 H Second Read (H448)

EFFECTIVE: August 28, 2005

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\*\*\* SB 7 \*\*\*

0333S.01I

SENATE SPONSOR: Dougherty

SB 7 - This act modifies the law relating to lead abatement and lead poisoning.

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 143.603).

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 701.305).

Section 701.306 clarifies that written notification shall include options that are appropriate for reducing lead hazards.

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 forty-eight hours in advance of the time and purpose of the re-entry (Section 701.308).

Any lead abatement contractor that fails to notify the Department prior to starting a lead abatement project will be fined two hundred and fifty dollars for the first identified offense, five hundred dollars 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 701.309).

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 701.312).

Injunctions may be brought by the Department or the Attorney General in Circuit court until substantial compliance with sections 701.300 to 701.338 is achieved. All actions may be placed at the head of the docket and hearings shall be held within fifteen days of filing. Individuals cited with a violation of sections 701.300 to 701.338, by clear and convincing evidence, shall be fined up to one thousand dollars for the first violation and five thousand dollars for subsequent violations. The fines shall be deposited into the "Missouri Lead Abatement Loan Fund" (Section 701.317).

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

ADRIANE CROUSE

12/01/2004 Prefiled

01/05/2005 S First Read (S27)

01/13/2005 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S83)

01/26/2005 Hearing Conducted S Aging, Families, Mental & Public Health Committee

EFFECTIVE: August 28, 2005

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\*\*\* SB 8 \*\*\*

0326S.011

SENATE SPONSOR: Dougherty

SB 8 - 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.

ADRIANE CROUSE

12/01/2004 Prefiled  
01/05/2005 S First Read (S27)  
01/13/2005 Second Read and Referred S Aging, Families, Mental & Public Health Committee  
(S83)

EFFECTIVE: August 28, 2005

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\*\*\* SB 9 \*\*\*

0251L.01I

SENATE SPONSOR: Dougherty

SB 9 - 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 SB 1334 (2004).

JIM ERTLE

12/01/2004 Prefiled  
01/05/2005 S First Read (S27)  
01/13/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee  
(S83)

EFFECTIVE: August 28, 2005

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\*\*\* SB 10 \*\*\* SCS SBs 10 & 27

0228S.06P

SENATE SPONSOR: Cauthorn

SCS/SBs 10 & 27 - This act concerns the sale of products containing pseudoephedrine and ephedrine.

SECTION 195.017 - This act adds ephedrine to the list of substances included in Schedule IV. It provides that ephedrine, its salts, optical isomers and salts of optical isomers are included when the substance is the only active medicinal ingredient. A substance is placed on Schedule IV if it has a low potential for abuse relative to Schedule III substances, it has currently accepted medical use in treatment, and abuse of the substance may lead to limited physical dependence or psychological dependence relative to Schedule III substances.

This section also makes changes to the controlled substances in Schedule V. According to statute, a substance is placed in Schedule V if it has a low potential for abuse compared to Schedule IV, has currently accepted medical use in treatment, and abuse of the substance may lead to limited physical dependence or psychological dependence relative to Schedule IV substances. Substances, including any compound, mixture, or preparation containing any detectable quantity of pseudoephedrine or ephedrine, its salts or optical isomers, or salts of optical isomers. However, substances in liquid or liquid-filled gel capsule form are not included.

This section allows only a licensed pharmacist or registered technician to dispense, sell, or distribute products containing pseudoephedrine or ephedrine to a person without a prescription. These packages must be offered for sale only from behind a checkout counter where the public is not permitted. In addition, a person buying these products must be at least 18 years old.

According to this act, a pharmacist or technician must require a person purchasing, receiving, or acquiring these products, who is not known to him, to furnish a photo ID showing his or her date of birth.

Within 90 days of the enactment of this act, pharmacists and technicians must implement and maintain a written or electronic log of each transaction. The log must contain the name and address of the purchase, amount of the product purchased, the date of the purchase, and the name or initials of the pharmacist or technician.

Within 30 days of enactment, everyone dispensing or offering pseudoephedrine and ephedrine products for sale must ensure that all products are behind a checkout counter. In addition, all people in possession of such products, who do not have a controlled substance registration, must return the products to a manufacturer, distributor, or transfer them to an authorized controlled substance registrant. People possessing the liquid and liquid-filled gel capsule products, which are not included on the schedule, are excluded.

No one can buy more of these products than allowed by Chapter 195, RSMo.

The Department of Health and Senior Services may exempt products which it finds are not used in illegal manufacture of methamphetamine or other dangerous substances. A manufacturer can apply for removal from the schedule and the department may grant such removal if the product is formulated in such a way so to effectively prevent the conversion of the active ingredient into methamphetamine.

Any person who violates these provisions is guilty of a Class A misdemeanor.

SECTION 195.417 - This section requires that products containing pseudoephedrine be offered for sale only from behind a checkout counter where the public is not permitted and be sold only by a pharmacist or registered technician except those in liquid or liquid gel cap form.

According to this act, no person can sell or dispense more than the specified amount to any individual within 30 days and no person can purchase more than the amount specified within 30 days. This specified amount does not apply to any quantity dispensed under a valid prescription. The specified amount includes:

- Any number of packages that contain no more than 9 grams of any drug containing a sole active ingredient of ephedrine, pseudoephedrine, or phenylpropanolamine.
- Any number of packages of said combination drug that contain no more than 9 grams of such substances.
- Any number of package of any combination drug containing ephedrine, pseudoephedrine, phenylpropanolamine, or any number of packages of said combination drug that contain no more than 9 grams of such substances.

However, the provisions of this section limiting individuals from purchasing the specified amount in any thirty day period shall not apply to any compounds, mixtures, or preparations that are in liquid or liquid-filled gel capsule form. But, any person shall not purchase, receive, or otherwise acquire more than the specified amount of these compounds, mixtures, or preparations in a single purchase.

People selling or dispensing substances with pseudoephedrine or ephedrine must maintain logs, documents, and records. This does not include those selling only compounds, mixtures, or preparations in liquid or liquid-filled gel capsule form. All of these logs, documents, and records shall be open for inspection and copying by law enforcement officers.

This act has an emergency clause.  
SUSAN HENDERSON

12/01/2004 Prefiled  
01/05/2005 S First Read (S27)  
01/13/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S83)  
01/24/2005 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee  
02/03/2005 SCS SBs 10 & 27 Voted Do Pass S Judiciary and Civil & Criminal Jurisprudence Committee (0228S.06C)  
02/07/2005 Reported from S Judiciary and Civil & Criminal Jurisprudence Committee to Floor w/SCS (S181)  
02/08/2005 SA 1 to SCS S offered & adopted (Cauthorn) (S184)  
02/08/2005 SA 2 to SCS S offered (Graham) (S185)  
02/08/2005 SSA 1 for SA 2 to SCS S offered & adopted (Cauthorn) (S185)  
02/08/2005 SCS, as amended, S adopted (S185)  
02/08/2005 Perfected (S185)  
02/09/2005 Reported Truly Perfected S Rules Committee (S192)  
02/10/2005 S Third Read and Passed (w/EC) (S207)  
02/10/2005 H First Read (w/EC) (H288)  
02/14/2005 H Second Read (H294)

EFFECTIVE: Emergency Clause

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\*\*\* SB 11 \*\*\*

0303S.01I

SENATE SPONSOR: Cauthorn

SB 11 - 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.

This act is identical to SB 860 (2004).  
JIM ERTLE

12/01/2004 Prefiled  
01/05/2005 S First Read (S27)  
01/12/2005 Second Read and Referred S Governmental Accountability & Fiscal Oversight Committee (S75)  
01/24/2005 Hearing Conducted S Governmental Accountability & Fiscal Oversight Committee  
EFFECTIVE: August 28, 2005

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\*\*\* SB 12 \*\*\*

0301S.01I

SENATE SPONSOR: Cauthorn

SB 12 - 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 744 (2004), SB 226 (2003), SB 646 (2002), SB 18

(2001), SB 610 (2000) and SB 294 (1999).

STEPHEN WITTE

12/01/2004 Prefiled

01/05/2005 S First Read (S27)

01/12/2005 Second Read and Referred S Transportation Committee (S75)

01/18/2005 Hearing Conducted S Transportation Committee

02/08/2005 Voted Do Pass S Transportation Committee

EFFECTIVE: August 28, 2005

**\*\*\* SB 13 \*\*\*** SCS SB 13  
SENATE SPONSOR: Kennedy

0468S.01I

SCS/SB 13 - 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 a member of the National Guard, a member of the reserves and a representative of the Missouri Veteran's Commission. The money shall be distributed to the families of Missouri residents who are members of the National Guard or the reserves and have been called to duty between September 11, 2001 and December 31, 2010. 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.

The act shall sunset in six years. This act is similar to HCS/SCS/SB 1336 (2004).

JIM ERTLE

12/01/2004 Prefiled

01/05/2005 S First Read (S27)

01/13/2005 Second Read and Referred S Ways & Means Committee (S83)

01/27/2005 Hearing Conducted S Ways & Means Committee

02/03/2005 SCS Voted Do Pass S Ways & Means Committee-Consent (0468S.03C)

02/14/2005 Reported from S Ways & Means Committee to Floor - Consent (S219)

02/16/2005 Reported from S Ways & Means Committee to Floor w/SCS (Corrected Committee Report) (S239)

02/17/2005 Removed S Consent Calendar (S247)

EFFECTIVE: August 28, 2005

**\*\*\* SB 14 \*\*\***  
SENATE SPONSOR: Kennedy

0408S.01I

SB 14 - 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 749 (2004).

JIM ERTLE

12/01/2004 Prefiled

01/05/2005 S First Read (S27)

01/13/2005 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S83)



02/07/2005 Hearing Conducted S Financial & Governmental Organizations and Elections  
Committee

EFFECTIVE: August 28, 2005

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\*\*\* SB 15 \*\*\*

0410S.01I

SENATE SPONSOR: Kennedy

SB 15 - This act enables 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, subject to appropriation.

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, 2006, and expires December 31, 2011.

This act is similar to SB 982 (2002), SB 46 (2003) and SCS/SB 1282 (2004).

JASON ZAMKUS

12/01/2004 Prefiled

01/05/2005 S First Read (S27)

01/13/2005 Second Read and Referred S Ways & Means Committee (S83)

01/27/2005 Hearing Conducted S Ways & Means Committee

02/03/2005 Voted Do Pass S Ways & Means Committee

EFFECTIVE: August 28, 2005

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\*\*\* SB 16 \*\*\*

0126S.01I

SENATE SPONSOR: Coleman

SB 16 - This 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, 2005, 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.

This act is similar to SB 1348 (2004).

SUSAN HENDERSON

12/01/2004 Prefiled

01/05/2005 S First Read (S27)

01/12/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S75)

03/07/2005 Hearing Scheduled S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2005

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\*\*\* SB 17 \*\*\*

0131S.01I

SENATE SPONSOR: Coleman

SB 17 - This act allows defendants to assert legal or equitable defenses, setoffs, or counterclaims in unlawful detainer actions.

This act is similar to SB 994 (2004).

STEPHEN WITTE

12/01/2004 Prefiled

01/05/2005 S First Read (S27)

01/13/2005 Second Read and Referred S Judiciary and Civil &amp; Criminal Jurisprudence Committee (S83)

EFFECTIVE: August 28, 2005

\*\*\* SB 18 \*\*\*

0124S.01I

SENATE SPONSOR: Coleman

SB 18 - This act exempts all pensions provided as a result of service in the armed forces of the United State from state income tax.

The act has an effective date of January 1, 2006.

JASON ZAMKUS

12/01/2004 Prefiled

01/05/2005 S First Read (S27)

01/13/2005 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S83)

02/01/2005 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee

EFFECTIVE: January 1, 2006

\*\*\* SB 19 \*\*\*

0221S.03I

SENATE SPONSOR: Shields

SCS/SB 19 - This act renames both Missouri Western State College and Missouri Southern State University-Joplin.

SECTION 174.020 - This section renames Missouri Western State College as Missouri Western State University and Missouri Southern State University - Joplin as Missouri Southern 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, 2010, any and all associate degree programs unless the continuation of such associate degree programs is approved by the coordinating board.

SECTION 174.324 - This section reemphasizes that any new masters degree program offered at Missouri Western State University or Missouri Southern 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.

SECTION 174.453 - This section defines new qualifications for the Board of Governors of Missouri Western State University.

Five voting members shall be selected from the following counties: Buchanan, Platte, Clinton, Andrew, and DeKalb 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 section grandfathers current board members in regard to the county residency requirement.

DONALD THALHUBER

12/01/2004 Prefiled

01/05/2005 S First Read (S27)

01/12/2005 Second Read and Referred S Education Committee (S75)

01/18/2005 Hearing Conducted S Education Committee

01/25/2005 SCS Voted Do Pass S Education Committee- Consent (0221S.05C)

EFFECTIVE: August 28, 2005

**\*\*\* SB 20 \*\*\***

0432S.01I

SENATE SPONSOR: Shields

SB 20 - 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), SB 94 (2003) and SB 868 (2004).

JASON ZAMKUS

12/01/2004 Prefiled

01/05/2005 S First Read (S27)

01/13/2005 Second Read and Referred S Education Committee (S83)

02/01/2005 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2005

**\*\*\* SB 21 \*\*\***

0411S.01P

SENATE SPONSOR: Shields

SB 21 - This act provides that the fifty dollar filing fee for an adoption petition shall be deposited in the Putative Father Registry Fund.

ADRIANE CROUSE

12/01/2004 Prefiled

01/05/2005 S First Read (S27)

01/12/2005 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S75)

01/19/2005 Hearing Conducted S Aging, Families, Mental & Public Health Committee

01/26/2005 Voted Do Pass S Aging, Families, Mental & Public Health Committee - Consent  
 02/14/2005 Reported from S Aging, Families, Mental & Public Health Committee to Floor -  
 Consent (S218)  
 02/24/2005 S Third Read and Passed - Consent (S284)  
 02/28/2005 H First Read (H421)  
 03/01/2005 H Second Read (H429)

EFFECTIVE: August 28, 2005

\*\*\* SB 22 \*\*\*

0412S.03I

SENATE SPONSOR: Griesheimer

SB 22 - This act provides that on or before August 31, 2007, the Air Conservation Commission shall suspend operation of any motor vehicle emissions inspection program established under Sections 643.300 to 643.360 and shall revert to the motor vehicle inspection standard under Section 307.366, RSMo, and may institute a decentralized emissions inspection program.

STEPHEN WITTE

12/01/2004 Prefiled  
 01/05/2005 S First Read (S27)  
 01/13/2005 Second Read and Referred S Transportation Committee (S83)  
 02/08/2005 Hearing Conducted S Transportation Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 23 \*\*\*

0053S.01I

SENATE SPONSOR: Griesheimer

SCS/SB 27 & 51 - This act concerns entertainment-related criminal offenses.

SECTION 570.225 - This section provides that for certain offenses involving unauthorized recordings the penalty is a fine of not more than \$50,000 or a prison sentence of not more than five years if the offense involves 100 or more articles. Currently, this section says that such a penalty is applicable to offenses involving 1,000 or more articles.

SECTION 570.300 - This section includes knowingly attempting to connect to, tamper with, or interfere with cable television signals, cables, wires, devices, or equipment, is used for the distribution of cable television and which results in the unauthorized use of a cable television system or the disruption of the delivery of the cable television service.

The section does not prohibit, restrict, or limit the purchase, sale, or use of products intended to provide services and features to a customer who has lawfully obtained a connection from a cable company.

Theft of cable television committed in this manner is a Class C felony.

SECTION 570.500 - This section 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.

This section defines a motion picture theater as a movie theater, screening room, or other venue being used primarily for the exhibition of a motion picture, but excluding the lobby, entrance, or

any other area where a motion picture cannot be viewed.

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 section does not prohibit law enforcement from operating audiovisual recording devices during the course of their authorized activities.

This section 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

12/01/2004 Prefiled

01/05/2005 S First Read (S27)

01/13/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S83)

01/18/2005 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

02/21/2005 SCS SBs 23 & 51 Voted Do Pass S Judiciary and Civil & Criminal Jurisprudence Committee (0053S.02C)

EFFECTIVE: August 28, 2005

\*\*\* SB 24 \*\*\*

0055S.02P

SENATE SPONSOR: Griesheimer

SCS/SB 24 - Currently, there is an expiration date on all of Section 488.429, RSMo. This act limits the expiration date of December 31, 2014, to the provision allowing for debt service on county bonds for renovation and enhancement projects. The additional \$10 fee for Franklin County in Section 488.426 will expire on December 31, 2014.

SUSAN HENDERSON

12/01/2004 Prefiled

01/05/2005 S First Read (S27-28)

01/12/2005 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S75)

01/26/2005 Hearing Conducted S Economic Development, Tourism & Local Government Committee

02/02/2005 SCS Voted Do Pass S Economic Development, Tourism & Local Government Committee-Consent (0055S.02C)

02/14/2005 Reported from S Economic Development, Tourism & Local Government Committee to Floor to Floor w/SCS - Consent (S217)

02/22/2005 SCS S adopted (S263)

02/22/2005 S Third Read and Passed - Consent (S264)

02/23/2005 H First Read (H393)

02/24/2005 H Second Read (H400)

EFFECTIVE: August 28, 2005

\*\*\* SB 25 \*\*\*

0048S.01I

SENATE SPONSOR: Champion

SB 25 - This act renames "Southwest Missouri State University" as "Missouri State

University."

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.

DONALD THALHUBER

12/01/2004 Prefiled  
01/05/2005 S First Read (S28)  
01/12/2005 Second Read and Referred S Education Committee (S75)  
01/18/2005 Hearing Conducted S Education Committee  
01/25/2005 Voted Do Pass S Education Committee

EFFECTIVE: August 28, 2005

**\*\*\* SB 26 \*\*\***

0222S.01I

SENATE SPONSOR: Champion

SB 26 - This act increases the resource limits for public assistance eligibility from \$1,000 to \$2,000 for individuals and from \$2,000 to \$3,000 for married couples.

This act is similar to HB 345 (2001).

ADRIANE CROUSE

12/01/2004 Prefiled  
01/05/2005 S First Read (S28)  
01/13/2005 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S84)

EFFECTIVE: August 28, 2005

**\*\*\* SB 27 \*\*\*** SCS SBs 10 & 27

0322S.02I

SENATE SPONSOR: Champion

This bill has been combined with SB 10

12/01/2004 Prefiled  
01/05/2005 S First Read (S28)  
01/13/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S84)  
01/24/2005 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee  
02/03/2005 Bill Combined SCS SBs 10 & 27

EFFECTIVE: August 28, 2005

**\*\*\* SB 28 \*\*\***

0046S.02I

SENATE SPONSOR: Dolan

SCS/SB 28 - This act provides that the anti-kickback penalties specified in Section 191.905 will not apply to certain programs established by pharmaceutical companies. These programs provide partial rebates of private health insurance copayments to patients with multiple sclerosis or other chronic, potentially disabling or life-threatening conditions who have been prescribed disease-managing medicines for which there are no generic equivalents.

ADRIANE CROUSE

12/01/2004 Prefiled  
 01/05/2005 S First Read (S28)  
 01/13/2005 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S84)  
 02/09/2005 Hearing Conducted S Aging, Families, Mental & Public Health Committee  
 02/23/2005 SCS Voted Do Pass S Aging, Families, Mental & Public Health Committee (0046.04C)  
 03/02/2005 Committee Vote Reconsidered  
 03/02/2005 SCS Voted Do Pass S Aging, Families, Mental & Public Health Committee-Consent (0046S.05C)

EFFECTIVE: August 28, 2005

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\*\*\* SB 29 \*\*\* SCS SB 29 0230S.02C  
 SENATE SPONSOR: Dolan

SCS/SB 29 - 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. The act also clears the local zoning authority of responsibility for paying compensation after a compelled removal or alteration of an outdoor advertising structure unless the local zoning authority requires the removal of the outdoor advertising.

ANDY LYSKOWSKI

12/01/2004 Prefiled  
 01/05/2005 S First Read (S28)  
 01/13/2005 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S84)  
 01/26/2005 Hearing Conducted S Economic Development, Tourism & Local Government Committee  
 02/02/2005 SCS Voted Do Pass S Economic Development, Tourism & Local Government Committee(0230S.02C)  
 02/17/2005 Reported from S Economic Development, Tourism & Local Government Committee to Floor w/SCS (S249)  
 02/23/2005 SA 1 to SCS S offered (Dougherty)--0230S02.01F (S276)  
 02/23/2005 Bill Placed on Informal Calendar (S276)  
 03/07/2005 S Informal Calendar S Bills for Perfection w/SCS & SA 1 (pending)

EFFECTIVE: August 28, 2005

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\*\*\* SB 30 \*\*\* 0229S.01I  
 SENATE SPONSOR: Dolan

SB 30 - Under this act, persons who install airbags that do not meet federal safety standards or install airbags that have been installed in another motor vehicle without disclosing such fact shall be guilty of a Class D felony (Section 307.156).

STEPHEN WITTE

12/01/2004 Prefiled  
 01/05/2005 S First Read (S28)  
 01/13/2005 Second Read and Referred S Transportation Committee (S84)  
 02/01/2005 Hearing Conducted S Transportation Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 31 \*\*\*

0050S.031

SENATE SPONSOR: Bartle

SB 31 - This act creates enabling legislation to construct toll roads provided a constitutional measure is passed by the Missouri voters.

**TOLL ROADS AUTHORIZATION** - This act authorizes the Transportation Commission to construct, maintain and operate toll facilities on the state highway system. The Commission is authorized to issue state toll facility revenue bonds to finance toll facility projects authorized by the General Assembly. 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. The Commission is required to obtain a study of the proposed toll facility project by one or more qualified independent consultants prior to commencing any project (Section 226.1200).

**TOLL FACILITY PROJECTS** - Prior to the commencement of any toll facility project, the Director of Transportation shall obtain a study of the proposed toll facility project by a qualified independent consultant. If the Director of Transportation determines, based upon the study, that the toll facility project is in the best interest of the state, the Director of Transportation shall then be required to obtain approval of the toll facility project by the General Assembly (Section 226.1200.3).

**SPECIFIC TOLL FACILITY PROJECTS** - Under the enabling legislation, the General Assembly authorizes a toll facility projects to be constructed upon Interstate 70 between St. Louis and Kansas City. The commission is authorized to construct these toll facility projects with the design-build project delivery system (section 226.1205). The toll for traveling the entire length of Interstate 70 is capped at \$5 (indexed for inflation).

**STATE TOLL FACILITY FUND** - The act establishes within the state treasury the "State Toll Facility Fund" which shall stand appropriated without any legislative action (Section 226.205). All tolls, fees, state toll facility revenue bond proceeds, and other charges imposed for using toll facilities shall be credited to 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.

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.



COLLECTION AND ENFORCEMENT 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 (Section 226.1215). The act further outlines the enforcement mechanisms the Department of Transportation may utilize to ensure that motorists pay for using state toll roads. 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 (Section 226.1230). A motorist who fails to pay a toll shall be guilty of an infraction punishable by a fine not to exceed \$200 (Section 226.1230.6). 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. The act also outlines what procedures must be taken in order to collect tolls and issue traffic citations.

This act is contingent upon the passage of a constitutional amendment that authorizes the Department of Transportation to construct and operate toll facilities.

This act is similar to SB 855 (2004) and SB 193 (2003).

STEPHEN WITTE

12/01/2004 Prefiled

01/05/2005 S First Read (S28)

01/13/2005 Second Read and Referred S Transportation Committee (S84)

02/08/2005 Hearing Conducted S Transportation Committee

EFFECTIVE: Contingent

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\*\*\* SB 32 \*\*\* SCS SB 32  
SENATE SPONSOR: Bartle

0099S.08F

SCS/SB 32 - This act regulates sexually-oriented businesses.

SECTION 64.2540 - This section defines numerous terms associated with sexually oriented businesses. The term "sexually oriented business" includes any business which offers its patrons goods of which a substantial portion are sexually-oriented material. Any business where more than ten percent of display space is used for sexually-oriented materials shall be presumed to be a sexually oriented business.

SECTION 67.2542 - This section requires sexually oriented businesses to pay a \$5 admission tax for each person entering a sexually oriented business. The businesses shall pay the tax to the Department of Revenue and the money will be deposited into the "State Schools Money Fund".

This section also creates an adjusted gross receipts tax at a rate of twenty percent for all sexually oriented businesses. The taxes will be returned to the Department of Revenue and deposited into the state treasury to the credit of the state schools moneys fund.

SECTION 67.2546 - This section prohibits the exhibition of films, videos, DVDs, or other video reproductions depicting specified sexual activities in viewing rooms at sexually oriented businesses. A person who violates this provision is guilty of a Class A misdemeanor.

If a sexually oriented business allows specified criminal activity or specified sexual activity on the premises or otherwise fails to comply with these requirements, it shall be considered a nuisance and closed pursuant to Section 567.080, RSMo.

SECTION 67.2548 - This section prohibits anyone under the age of 21 from being employed by a sexually-oriented business. Violation of this section is a Class A misdemeanor.

SECTION 67.2552 - It is a Class A misdemeanor for a person to knowingly and intentionally appear nude or depict, perform, or simulate specified sexual activities in a sexually oriented business. This section also makes it a Class A misdemeanor for a person to knowingly or intentionally appear semi-nude unless the person is an employee who remains a specified distance away from the patrons and behind a railing.

It is a Class A misdemeanor for an employee, while semi-nude in a business, to solicit any pay or gratuity from a customer or for a customer to pay an employee while he or she is in a semi-nude state.

It is a Class A misdemeanor for an employee, while in a semi-nude state, to touch a customer or for a person to knowingly allow a person under 21 on the premises except for those on the premises for maintenance, repair work, or delivery of items.

This section prohibits a sexually oriented business from being open between the hours of 10 p.m. and 10 a.m. on weekdays and Saturdays. These businesses will be closed on state holidays and Sundays.

SECTION 67.2554 - This section allows any county, city, town or village to create an ordinance requiring sexually oriented businesses to be licensed. Any applicant for such a license must provide certain information on the application including personal description information, present contact information, and proof of age. A license shall not be issued to any person who has had a sexual offense, obscenity offense, or alcohol-related offense conviction during the past 5 years.

SECTION 67.2556 - This section allows any county, city, town or village to have zoning power to regulate the location of sexually oriented businesses. This section also explains that the purpose of this legislation is to protect public policy interests such as mitigating the adverse secondary effects of sexually oriented businesses, limiting harm to minors, and reduction of crime.

SECTION 311.488 - This section prohibits the Supervisor of the Division of Alcohol and Tobacco Control from issuing a liquor license to a sexually oriented business.

SECTION 567.080 - This section states that any room, building or other structure regularly used for lewdness and assignation purposes is a public nuisance. Currently, only those places where prostitution is conducted are considered public nuisances.

Under this section, any person who establishes, maintains, uses, owns, or leases a place for lewdness, assignation, or prostitution is guilty of maintaining a nuisance. If convicted, a person will be by a fine of not more than \$1000 and/or a short jail sentence.

An action to enjoin such a nuisance may be brought if a lessee, sublessee employee or agent of the owner, assignee, or partner of the owner, knew the nuisance was being maintained. Currently,

the law provides for such an injunction only if the owner knows of such activity.

SECTION 573.503 - This section makes it a Class B misdemeanor for an adult cabaret employee to not complete a background check if required to do so by an order or ordinance. Currently, this section allows counties and St. Louis City to create an order or ordinance requiring employees of adult cabarets to complete background checks but there is no penalty for failing to do so.

SUSAN HENDERSON

12/01/2004 Prefiled

01/05/2005 S First Read (S28)

01/13/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S84)

01/24/2005 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

02/02/2005 SCS Voted Do Pass S Judiciary and Civil & Criminal Jurisprudence Committee (0099S.06C)

02/17/2005 Reported from S Judiciary and Civil & Criminal Jurisprudence Committee to Floor w/SCS (S249)

02/23/2005 SS for SCS S offered (Bartle) (0099S.08F) (S276)

02/23/2005 Bill Placed on Informal Calendar (S276)

03/07/2005 S Informal Calendar S Bills for Perfection w/SCS & SS/SCS (pending)

EFFECTIVE: August 28, 2005

\*\*\* SB 33 \*\*\* SCS SBs 202, 33, 45, 183 & 217

0129S.02I

SENATE SPONSOR: Bartle

This bill has been combined with SB 202

12/01/2004 Prefiled

01/05/2005 S First Read (S28)

01/12/2005 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S75)

01/25/2005 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee

02/01/2005 Bill Combined w/SCS SBs 202, 33, 45, 183 & 217

EFFECTIVE: August 28, 2005

\*\*\* SB 34 \*\*\*

0438S.01I

SENATE SPONSOR: Clemens

This bill has been combined with SB 163

12/01/2004 Prefiled

01/05/2005 S First Read (S28)

01/13/2005 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S84)

02/09/2005 Hearing Conducted S Small Business, Insurance & Industrial Relations Committee

02/16/2005 Bill Combined w/SCS SBs 163 & 34

EFFECTIVE: August 28, 2005

\*\*\* SB 35 \*\*\*

0429S.01I

SENATE SPONSOR: Clemens

SB 35 - This act amends workers' compensation law as follows:

(1) Owner-operators of for-hire motor carriers, operating in a commercial zone or under a certificate issued by the Missouri Department of Transportation or by the United States Department of Transportation, or its subagencies shall not be deemed to be employees under Missouri workers' compensation law;

(2) For-hire motor carriers shall not be deemed an employer of lessors of motor vehicles or lessor's employee.

JASON ZAMKUS

12/01/2004 Prefiled

12/17/2004 Bill Withdrawn (S28)

EFFECTIVE: August 28, 2005

\*\*\* SB 36 \*\*\*

0188S.02I

SENATE SPONSOR: Nodler

SB 36 - This act increases the number of voting members on the governing board of Missouri Southern State University-Joplin from seven to eight.

DONALD THALHUBER

12/01/2004 Prefiled

01/05/2005 S First Read (S28)

01/12/2005 Second Read and Referred S Education Committee (S75)

01/18/2005 Hearing Conducted S Education Committee

01/25/2005 Voted Do Pass S Education Committee-Consent

02/14/2005 Reported from S Education Committee to Floor - Consent (S219)

02/16/2005 Removed S Consent Calendar

EFFECTIVE: August 28, 2005

\*\*\* SB 37 \*\*\*

0041S.03I

SENATE SPONSOR: Nodler

SCS/SB 37 - Under this act, a person who commits involuntary manslaughter in the first degree is guilty of a Class A felony if at least one of the following conditions exist:

- The person has a blood alcohol level that is at least one and a half times the legal limit; or
- A fatality occurs when the person's vehicle leaves a public thoroughfare or its right of way.

Currently, involuntary manslaughter in the first degree is a Class C felony.

SUSAN HENDERSON

12/01/2004 Prefiled

01/05/2005 S First Read (S28)

01/12/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S75)

01/24/2005 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

02/21/2005 SCS Voted Do Pass S Judiciary and Civil & Criminal Jurisprudence Committee (0041S.04C)

EFFECTIVE: August 28, 2005

\*\*\* SB 38 \*\*\*

0439S.01I

SENATE SPONSOR: Nodler

SB 38 - This act removes the portion of I-44 in Jasper County from the designation of George Washington Carver Memorial Highway. This portion was already designated as the "Congressman Gene Taylor Highway" prior to the creation of the George Washington Carver Memorial Highway.

This act is identical to SB 770 (2004).

STEPHEN WITTE

12/01/2004 Prefiled

01/05/2005 S First Read (S28)

01/13/2005 Second Read and Referred S Transportation Committee (S84)

01/25/2005 Hearing Conducted S Transportation Committee

02/24/2005 Voted Do Pass S Transportation Committee-Consent

03/01/2005 Reported from S Transportation Committee to Floor - Consent (S327)

03/07/2005 S Consent Calendar (3/1)

EFFECTIVE: August 28, 2005

\*\*\* SB 39 \*\*\*

0227S.011

SENATE SPONSOR: Bray

SB 39 - This act closes 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.

MISSOURI SENIOR PRESCRIPTION DRUG PLAN - The "Missouri Senior Prescription Drug Plan" is created within the Department of Health and Senior Services. The plan shall be effective upon notice to the Revisor by the Commission that the Medicare Act of 2003 has been fully implemented.

APPROPRIATIONS FOR THE PLAN - This plan is not an entitlement and is only a payer of last resort. Benefits are limited to the amounts appropriated for the plan. If the costs exceed the amounts appropriated, then the Commission may request a supplemental appropriation to fund the plan or may direct the prescription drug plan (PDP) sponsors to implement cost-control measures, such as increasing the amount of co-insurance.

BENEFIT - Subject to appropriations and other available funds, the plan shall provide gap coverage up to a total benefit of \$2,138 for each eligible senior in the first year of the plan and thereafter, the amount shall be adjusted annually each year based upon the Medicare Act of 2003.

ELIGIBILITY - Individuals who are 65 and older and are a participant in the Medicare Part D benefit will be eligible for the plan if their income is:

- within 150% to 200% of the federal poverty level; or
- below 150% of the federal poverty level and they fail the asset test.

APPLICATIONS FOR THE PLAN - Applications for the Missouri Senior Prescription Drug Plan will be conducted jointly with applications for the Medicare Part D benefit. The enrollment period for the state plan shall correspond with the enrollment period for the federal program.

COVERAGE - The plan shall provide coverage for only the prescription drugs covered in the PDP sponsors' 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. For covered prescription drugs, the state plan shall not be charged an amount in excess of the price charged pursuant to the federal program.

**MISSOURI SENIOR PRESCRIPTION DRUG PLAN COMMISSION** - The "Missouri Senior Prescription Drug Plan Commission" is created and will be composed of twelve 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.

**ADMINISTRATION OF THE COMMISSION** - 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.

**DUTIES OF THE COMMISSION** - The Commission shall have the authority to:

- contract with PDP sponsors for implementing and administering the plan and determining eligibility;
- adjust the fee payments with PDP sponsors;
- set and adjust co-insurance at different amounts;
- coordinate with the Missouri Senior Rx Commission to avoid any duplication in coverage and to ensure a smooth transition between the two programs;
- apply for federal waivers and grants;
- promulgate rules; and
- perform any other function necessary for the implementation of the plan.

**MISSOURI SENIOR PRESCRIPTION DRUG PLAN CLEARINGHOUSE** - The "Missouri Senior Prescription Drug Plan Clearinghouse" is created 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.

**TERMINATION OF THE MISSOURI SENIOR PRESCRIPTION DRUG PLAN** - The Missouri Senior Prescription Drug Plan shall be subject to reauthorization every four years.

**MISSOURI SENIOR RX PROGRAM** - Applicants not currently participating in the program must submit an initial enrollment application to the Division. Initial applications will be accepted during an open enrollment period from January 1 through February 28 of each year. Current enrollees will automatically remain in the program unless they specifically opt-out during the open enrollment period. The Division shall establish procedures to verify an applicants' continued eligibility (This provision is identical to HB 894 (2004)).

MISSOURI SENIOR RX FUND - Moneys in the Missouri Senior Rx Fund shall be credited to the Missouri Senior Prescription Drug Plan Fund after notice is provided to the Revisor that the Medicare Act of 2003 has been fully implemented.

TERMINATION OF THE MISSOURI SENIOR RX PROGRAM - The Missouri Senior Rx Program shall terminate after notice is provided to the Revisor of Statutes that the Medicare Act of 2003 has been fully implemented.

ADRIANE CROUSE

12/01/2004 Prefiled

01/05/2005 S First Read (S28)

01/13/2005 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S84)

01/26/2005 Hearing Conducted S Aging, Families, Mental & Public Health Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 40 \*\*\*

0440S.01I

SENATE SPONSOR: Bray

SB 40 - 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.

ANDY LYSKOWSKI

12/01/2004 Prefiled

01/05/2005 S First Read (S40)

01/13/2005 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S84)

EFFECTIVE: August 28, 2005

\*\*\* SB 41 \*\*\*

0434S.01I

SENATE SPONSOR: Bray

SB 41 - This act makes criminally negligent storage of a firearm a Class A misdemeanor.

A person commits the crime of criminally negligent storage of a firearm if the person stores or keeps any loaded or unloaded firearm with ammunition under his or her control and knowingly or reasonably should know a minor is capable of gaining access to the firearm and the minor uses the firearm to threaten or cause the death of any person.

A person does NOT commit this crime if: (1) the firearm is stored in a locked box; (2) the firearm has a locking mechanism; (3) the firearm is stored in a dismantled state 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 946 (2004).

SUSAN HENDERSON

12/01/2004 Prefiled

01/05/2005 S First Read (S28)

01/13/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S84)

EFFECTIVE: August 28, 2005

\*\*\* SB 42 \*\*\*

0400S.01I

SENATE SPONSOR: Days

SB 42 - 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 identical to SB 1087 (2004).

DONALD THALHUBER

12/01/2004 Prefiled

01/05/2005 S First Read (S28-29)

01/13/2005 Second Read and Referred S Education Committee (S84)

01/25/2005 Hearing Conducted S Education Committee

02/22/2005 Voted Do Pass S Education Committee-Consent

02/28/2005 Reported from S Education Committee to Floor - Consent (S300)

03/07/2005 S Consent Calendar (2/28)

EFFECTIVE: August 28, 2005

\*\*\* SB 43 \*\*\*

0463S.01I

SENATE SPONSOR: Days

SB 43 - 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 similar to SB 1173 and HB 1131 (2004).

STEPHEN WITTE

12/01/2004 Prefiled

01/05/2005 S First Read (S29)

01/13/2005 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S84)

02/02/2005 Hearing Conducted S Small Business, Insurance & Industrial Relations Committee

EFFECTIVE: August 28, 2005

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\*\*\* SB 44 \*\*\*

0265S.01I

SENATE SPONSOR: Wheeler

SCS/SB 44 - The act allows for a ten thousand dollar state income tax deduction to be taken in the year in which a organ donation is made. Missouri drivers licenses will have a notice on the back of each license providing notice that Missouri allows a one-time ten thousand dollar state income tax deduction for organ donations.

The act defines which organs qualify for the deduction, as well as what expenses will be deductible. The deduction is not available for a part-year resident or a nonresident.

The act has an effective date of 1/1/06.

JASON ZAMKUS

12/01/2004 Prefiled

01/05/2005 S First Read (S29)

01/13/2005 Second Read and Referred S Ways & Means Committee (S84)

02/10/2005 Hearing Conducted S Ways & Means Committee

02/24/2005 SCS Voted Do Pass S Ways & Means Committee (0265S.02C)

EFFECTIVE: January 1, 2006

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\*\*\* SB 45 \*\*\* SCS SBs 202, 33, 45, 183 & 217

0193L.01I

SENATE SPONSOR: Purgason

This bill has been combined with SB 202

12/01/2004 Prefiled

01/05/2005 S First Read (S29)

01/12/2005 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S75)

01/25/2005 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee

02/01/2005 Bill Combined w/SCS SBs 202, 33, 45, 183 & 217

EFFECTIVE: August 28, 2005

**\*\*\* SB 46 \*\*\***

0066L.01I

SENATE SPONSOR: Purgason

SB 46 - Currently, the law requires the public water system to report the results of all state-required tests on drinking water to the Department of Natural Resources. Also, it must report to each customer in accordance with the federal Safe Drinking Water Act. According to this act, the Department of Natural Resources shall not require that such reports be mailed or directly delivered to customers.

MEGAN WORD

12/01/2004 Prefiled

01/05/2005 S First Read (S29)

01/12/2005 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S75)

01/26/2005 Hearing Cancelled Agriculture, Conservation, Parks & Natural Resources Committee

EFFECTIVE: August 28, 2005

**\*\*\* SB 47 \*\*\***

0291S.01I

SENATE SPONSOR: Crowell

SB 47 - This act modifies the sales tax holiday by removing the local opt out provisions. The act also moves the holiday back one week to the first weekend in August. The current law is set to expire July 1, 2005. The act removes the expiration entirely.

JASON ZAMKUS

12/01/2004 Prefiled

01/05/2005 S First Read (S29)

01/13/2005 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S84)

EFFECTIVE: August 28, 2005

**\*\*\* SB 48 \*\*\***

0266S.01I

SENATE SPONSOR: Crowell

SB 48 - 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 that receives any state funds whatsoever.

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

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

This act is identical to SB 780 (2004).  
DONALD THALHUBER

12/01/2004 Prefiled  
01/05/2005 S First Read (S29)  
01/13/2005 Second Read and Referred S Education Committee (S84)  
EFFECTIVE: August 28, 2005

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\*\*\* SB 49 \*\*\* 0296S.01I  
SENATE SPONSOR: Crowell

This bill has been combined with SB 74

12/01/2004 Prefiled  
01/05/2005 S First Read (S29)  
01/12/2005 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S75)  
02/16/2005 Hearing Conducted S Aging, Families, Mental & Public Health Committee  
03/02/2005 Bill Combined w/SCS SBs 74 and 49  
EFFECTIVE: August 28, 2005

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\*\*\* SB 50 \*\*\* 0252L.01I  
SENATE SPONSOR: Taylor

SB 50 - This act requires persons registering to vote to provide a copy of their birth certificate or other proof of U.S. citizenship.

This act is similar to HCS/HB 900 (2004).  
JIM ERTLE

12/01/2004 Prefiled  
01/05/2005 S First Read (S29)  
01/12/2005 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S75)  
01/31/2005 Hearing Cancelled Financial & Governmental Organizations and Elections Committee  
02/07/2005 Hearing Conducted S Financial & Governmental Organizations and Elections Committee  
EFFECTIVE: August 28, 2005

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\*\*\* SB 51 \*\*\* 0206L.01I  
SENATE SPONSOR: Taylor

This bill has been combined with SB 23

12/01/2004 Prefiled  
01/05/2005 S First Read (S29)  
01/13/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S84)  
01/18/2005 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

02/21/2005 Bill Combined w/SCS SB 23 & 51

EFFECTIVE: August 28, 2005

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**\*\*\* SB 52 \*\*\***

0417S.01I

SENATE SPONSOR: Loudon

SB 52 - 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.

This act is identical to SB 1381 (2004).

STEPHEN WITTE

12/01/2004 Prefiled

01/05/2005 S First Read (S29)

01/13/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S84)

02/07/2005 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2005

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**\*\*\* SB 53 \*\*\***

0416S.01I

SENATE SPONSOR: Loudon

SB 53 - 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, 2006.

This act is similar to SB 931 (2004).

JIM ERTLE

12/01/2004 Prefiled

01/05/2005 S First Read (S29)

01/13/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S84)

01/24/2005 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2005

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**\*\*\* SB 54 \*\*\***

0402S.01I

SENATE SPONSOR: Loudon

SB 54 - This act eliminates straight ticket voting. The act prohibits any ballot from allowing a person to cast a straight political party ticket in any partisan election.

JIM ERTLE

12/01/2004 Prefiled

01/05/2005 S First Read (S29)

01/12/2005 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S75)

01/31/2005 Hearing Conducted S Financial & Governmental Organizations and Elections  
Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 55 \*\*\*

0287S.011

SENATE SPONSOR: Klindt

SB 55 - 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. The court can also require the disclosure of materials if the court finds that the material contains evidence relevant to the breach of a civil duty owed by the insurer to others and the following factors are present:

- (1) The person requesting the information has a compelling need for it;
- (2) The information is not otherwise available; and
- (3) The person requesting the information is unable to obtain the substantial equivalent of the information by any means without incurring unreasonable cost and delay.

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 initiated after the effective date of this act (Section 375.1069).

This act is similar to SB 908 (2004), SB 406 (2003), SB 1157 (2002) and HB 927 (2001).  
STEPHEN WITTE

12/01/2004 Prefiled

01/05/2005 S First Read (S29)

01/13/2005 Second Read and Referred S Small Business, Insurance & Industrial Relations  
Committee (S84)

01/24/2005 Hearing Cancelled

02/16/2005 Hearing Conducted S Small Business, Insurance & Industrial Relations Committee

02/23/2005 SCS Voted Do Pass S Small Business, Insurance & Industrial Relations Committee  
(0287S.02C)

EFFECTIVE: August 28, 2005

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\*\*\* SB 56 \*\*\*

0459S.011

SENATE SPONSOR: Klindt

SB 56 - This act changes the law 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, 2010. 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 2006 for such purpose, fifty percent of revenue allocated in FY 2007, twenty-five percent of revenue allocated in FY 2008, twenty percent of revenue allocated in FY 2009, and for FY 2010, ten percent of revenue shall be allocated to the Department of Natural Resources for the purpose of scrap tire removal. The act extends and modifies the fee distribution after FY 2010. The money from the fee shall continue to be apportioned to the Department of Economic Development for recycling but changes that funneled to the Department of Natural Resources; for FY 2010 and the subsequent five years, DNR's moneys are to be used to fund solid waste districts. The distribution shall occur so that each district operates at a minimum funding level of \$75,000 from all state sources and any or all surplus revenue after that point shall be distributed equally between the districts. In no fiscal year shall the department spend more than twenty 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, the environmental improvement and energy resources authority, 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 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 WORD

12/01/2004 Prefiled

01/05/2005 S First Read (S29)

01/12/2005 Second Read and Referred S Commerce, Energy and the Environment Committee (S75)

EFFECTIVE: August 28, 2005

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\*\*\* SB 57 \*\*\* SCS SB 57  
SENATE SPONSOR: Klindt

0258S.04C

SCS/SB 57 - This act exempts certain employees of a title agency or title insurer from possessing a license. An employee will not be required to hold a license if:

(1) He or she is an escrow processor whose primary responsibility is to obtain and prepare figures for closing real estate transactions.

(2) The employee's primary duties are limited to clerical functions.

(3) The employee's primary duties are limited to providing technical support or advice regarding business systems, software or other business equipment.

In order to qualify for the above exemptions, the employee cannot quote or negotiate title insurance rates or determine title insurance policy coverages.

This act reduces the fee to obtain a license to sell title insurance for residents of this state from \$100 to \$60. The lowering of this fee shall not apply to nonresident producers who apply for, or renew a license to sell title insurance.

STEPHEN WITTE

12/01/2004 Prefiled

01/05/2005 S First Read (S29)

01/13/2005 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S84)

01/26/2005 Hearing Conducted S Small Business, Insurance & Industrial Relations Committee

02/23/2005 SCS Voted Do Pass S Small Business, Insurance & Industrial Relations Committee-Consent (0258S.04C)

02/28/2005 Reported from S Small Business, Insurance & Industrial Relations Committee to Floor w/SCS - Consent (S300)

03/07/2005 S Consent Calendar w/SCS (2/28)

EFFECTIVE: August 28, 2005

\*\*\* SB 58 \*\*\*

0328S.01I

SENATE SPONSOR: Dougherty

SB 58 - Currently, on top of the regular user fee an additional \$3 fee is charged and collected. This act increases the additional fee to \$5. Of this \$5 fee, \$4.50 shall be forwarded monthly by the recorder of deed to the Director of Revenue. The remaining 50 cents will be deposited in the recorder's fund.

In addition, this act provides that an additional fee of \$1 be charged and collected by each recorder. The fees collected will be forwarded monthly to the Director of Revenue.

The \$4.50 fee will be placed in the Missouri Housing Trust Fund. Under this act, the additional \$1 fee will be deposited in the Lifetime Home Fund.

This act is identical to SB 915 (2004).

SUSAN HENDERSON

12/01/2004 Prefiled

01/05/2005 S First Read (S29)

01/13/2005 Second Read and Referred S Ways &amp; Means Committee (S84)

EFFECTIVE: August 28, 2005

\*\*\* SB 59 \*\*\*

0435S.01I

SENATE SPONSOR: Dougherty

SB 59 - 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, 2005, 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 747 (2004) and SB 114 (2003).

STEPHEN WITTE

12/01/2004 Prefiled

01/05/2005 S First Read (S29)

01/13/2005 Second Read and Referred S Small Business, Insurance & Industrial Relations  
Committee (S84)

03/02/2005 Hearing Cancelled S Small Business, Insurance &amp; Industrial Relations Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 60 \*\*\*

0247L.01I

SENATE SPONSOR: Dougherty

SB 60 - This act requires the incremental increase of the foster care reimbursement rate and the adoption subsidy rate over four years beginning in the 2006 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 914 (2004).  
ADRIANE CROUSE

12/01/2004 Prefiled  
01/05/2005 S First Read (S29)  
01/13/2005 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S84)  
02/02/2005 Hearing Conducted S Aging, Families, Mental & Public Health Committee  
03/02/2005 Voted Do Pass S Aging, Families, Mental & Public Health Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 61 \*\*\*

0297S.01I

SENATE SPONSOR: Cauthorn

SB 61 - This act specifies that sales of tangible personal property at prison canteens are subject to the statewide sales tax on those items, with the exception of hygiene products and items used in the preparation of legal documents. The money collected by the canteens will be remitted quarterly to the Department of Revenue, for credit to the general revenue fund. The Department of Corrections shall be allocated a portion of the funds for administration of the tax and paying a full-time employee to manage the collection of the tax.

This act is identical to SCS/SB 812 (2004).  
JASON ZAMKUS

12/01/2004 Prefiled  
01/05/2005 S First Read (S29-30)  
01/13/2005 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S84)  
01/24/2005 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 62 \*\*\*

0310S.01I

SENATE SPONSOR: Cauthorn

SB 62 - This act allows hand fishing for catfish or carp in the months of June and July in the state under the regulation of the Department of Conservation.

This act is similar to SB 1153 (2004).  
MEGAN WORD

12/01/2004 Prefiled  
01/05/2005 S First Read (S30)  
01/12/2005 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S75)  
03/02/2005 Hearing Recessed S Agriculture, Conservation, Parks & Natural Resources Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 63 \*\*\*

0302S.01I

SENATE SPONSOR: Cauthorn

SB 63 - This act creates an deduction from an individual taxpayer's Missouri adjusted gross

income for the amount of annuity, pension and retirement allowances provided to the taxpayer during the tax year from a private or non-private source. The taxpayer must be age 65 or older. The act phases in the exemption over four years to an eventual \$6,000 deduction.

The act takes effect for tax years beginning on or after January 1, 2006.

JASON ZAMKUS

12/01/2004 Prefiled

01/05/2005 S First Read (S30)

01/13/2005 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S84)

01/25/2005 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee

EFFECTIVE: August 28, 2005

**\*\*\* SB 64 \*\*\***

0409S.011

SENATE SPONSOR: Kennedy

SB 64 - 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 SB 1236 (2004).

JIM ERTLE

12/01/2004 Prefiled

01/05/2005 S First Read (S30)

01/13/2005 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S84)

02/02/2005 Hearing Conducted S Aging, Families, Mental & Public Health Committee

EFFECTIVE: August 28, 2005

**\*\*\* SB 65 \*\*\***

0125S.011

SENATE SPONSOR: Coleman

SB 65 - 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

12/01/2004 Prefiled

01/05/2005 S First Read (S30)

01/13/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S84)

01/18/2005 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee (S84)

EFFECTIVE: August 28, 2005

**\*\*\* SB 66 \*\*\***

0052S.01I

SENATE SPONSOR: Coleman

SCS/SBs 66 & 175 - This act creates a scholarship program for the children and spouses of deceased veterans.

Under the provisions of this act, the Coordinating Board for Higher Education will provide up to 25 tuition grants to the surviving spouses and children of any member of the military who was killed in the line of duty and who was, at the time of enlistment and death, a citizen of Missouri. The tuition grants are also available to the surviving children of Missouri veterans who are disabled due to combat service.

The grants will pay fifty percent of the survivors' tuition costs, the actual cost of books, and up to two thousand dollars per semester for room and board.

The act delineates specific eligibility criteria for both the recipients and the higher education institutions.

The Coordinating Board will administer the program.

DONALD THALHUBER

12/01/2004 Prefiled

01/05/2005 S First Read (S30)

01/13/2005 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S84)

02/01/2005 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee

03/01/2005 SCS SBs 66 and 175 Voted Do Pass S Pensions, Veterans' Affairs and General Laws Committee(0052S.03C)

EFFECTIVE: August 28, 2005

**\*\*\* SB 67 \*\*\***

0127S.01I

SENATE SPONSOR: Coleman

SB 67 - 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, patronizing prostitution, or promoting prostitution.

This act is identical to SB 818 (2004).

SUSAN HENDERSON

12/01/2004 Prefiled

01/05/2005 S First Read (S30)

01/13/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S84)

01/18/2005 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2005

**\*\*\* SB 68 \*\*\*** SCS SB 68  
SENATE SPONSOR: Shields

0418S.01I

SB 68 - This act creates a sales and use tax exemption for college athletic events. The events must be played at a public facility, which facility must be a neutral site for the competing teams.  
JASON ZAMKUS

12/01/2004 Prefiled

01/05/2005 S First Read (S30)

01/13/2005 Second Read and Referred S Ways & Means Committee (S84)

01/27/2005 Hearing Conducted S Ways & Means Committee

02/03/2005 SCS Voted Do Pass S Ways & Means Committee-Consent (0418S.02C)

EFFECTIVE: August 28, 2005

**\*\*\* SB 69 \*\*\***  
SENATE SPONSOR: Shields

0428S.02P

SCS/SB 69 - This act authorizes the Governor to convey land in Jackson County to the City of Kansas City. This is the current location of the Division of Probation and Parole and the Division of Employment Security.

This act has an emergency clause.  
SUSAN HENDERSON

12/01/2004 Prefiled

01/05/2005 S First Read (S30)

01/12/2005 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S75)

01/26/2005 Hearing Conducted S Economic Development, Tourism & Local Government Committee

02/02/2005 SCS Voted Do Pass S Economic Development, Tourism & Local Government Committee-Consent (0428S.02C)

02/14/2005 Reported from S Economic Development, Tourism & Local Government Committee to Floor to Floor w/SCS - Consent (S217)

02/22/2005 SCS S adopted (S264)

02/22/2005 S Third Read and Passed - Consent (EC adopted) (S264-265)

02/23/2005 H First Read (w/EC) (H393-394)

02/24/2005 H Second Read (H400)

EFFECTIVE: August 28, 2005

**\*\*\* SB 70 \*\*\***  
SENATE SPONSOR: Shields

0405S.02P

SCS/SB 70 - This act modifies the BUILD tax credit by enabling a development agency or an entity working on behalf of the development agency to act in the same capacity as an "eligible industry" within the scope of the BUILD credit. Development agencies are defined in existing statute and consist of governmental or quasi-governmental entities. Provides that nine hundred

fifty thousand dollars shall be reserved for an approved project for a world headquarters of a business whose primary function is tax return preparation that is located in Kansas City. Currently, eligible industries receive benefits under the BUILD program.  
JASON ZAMKUS

12/01/2004 Prefiled  
01/05/2005 S First Read (S30)  
01/13/2005 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S84)  
01/26/2005 Hearing Conducted S Economic Development, Tourism & Local Government Committee  
02/09/2005 SCS Voted Do Pass S Economic Development, Tourism & Local Government Committee (0405S.02C) - Consent  
02/14/2005 Reported from S Economic Development, Tourism & Local Government Committee to Floor to Floor w/SCS - Consent (S217)  
02/22/2005 SCS S adopted (S265)  
02/22/2005 S Third Read and Passed - Consent (S265)  
02/23/2005 H First Read (H394)  
02/24/2005 H Second Read (H400)  
EFFECTIVE: August 28, 2005

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\*\*\* SB 71 \*\*\*

0306S.01P

SENATE SPONSOR: Griesheimer

SB 71 - 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 State Emergency Management Agency Partnership Committee.

This act is identical to SB 1287 (2004).

JASON ZAMKUS

12/01/2004 Prefiled  
01/05/2005 S First Read (S30)  
01/12/2005 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S75)  
01/24/2005 Hearing Conducted S Financial & Governmental Organizations and Elections Committee  
02/14/2005 Voted Do Pass S Financial & Governmental Organizations and Elections Committee-Consent  
02/14/2005 Reported from S Financial & Governmental Organizations and Elections Committee to Floor - Consent (S218)  
02/24/2005 S Third Read and Passed - Consent (S284)  
02/28/2005 H First Read (H421)  
03/01/2005 H Second Read (H429)  
EFFECTIVE: August 28, 2005

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\*\*\* SB 72 \*\*\*

0309S.01I

SENATE SPONSOR: Griesheimer

SB 72 - 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, 2006. The mandated coverage shall not be subject to greater deductibles or copayments than other types of health care services.

This act is similar to SB 1362 (2004).

STEPHEN WITTE

12/01/2004 Prefiled

01/05/2005 S First Read (S30)

01/13/2005 Second Read and Referred S Small Business, Insurance & Industrial Relations  
Committee (S84)

EFFECTIVE: August 28, 2005

\*\*\* SB 73 \*\*\* SCS SB 73  
SENATE SPONSOR: Champion

0225S.02C

SCS/SB 73 - This act allows the chief law enforcement officer of the county to maintain a web page on the Internet which shall be open to the public and shall include a registered sexual offender search capability.

Only the name of the offender, the last known address of the offender, a photograph of the offender, and the crime or crimes for which the offender was convicted that caused him or her to have to register shall be available to the public.

SUSAN HENDERSON

12/01/2004 Prefiled

01/05/2005 S First Read (S30)

01/13/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee  
(S84)

01/18/2005 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

02/21/2005 SCS Voted Do Pass S Judiciary and Civil & Criminal Jurisprudence Committee -  
Consent (0225S.02C)

02/28/2005 Reported from S Judiciary and Civil & Criminal Jurisprudence Committee to Floor  
w/SCS - Consent (S301)

03/07/2005 S Consent Calendar w/SCS (2/28)

EFFECTIVE: August 28, 2005

\*\*\* SB 74 \*\*\*  
SENATE SPONSOR: Champion

0224S.01I

SCS/SBs 74 & 49 - The act prohibits immunizations containing mercury preservatives after April 1, 2007. Any immunizations administered to children under fourteen years of age or pregnant women shall not contain any mercury preservatives, including thimerosal. The Food and Drug Administration's designation of an immunization as "thimerosal free" or "trace only" shall comply with this act. Any person who receives an immunization not designated as "thimerosal free" or "trace only" shall be notified in advance that it contains a mercury-based preservative.

Beginning April 1, 2007, insurers, health service corporations, or health maintenance organizations who provide coverage for immunizations on a fee schedule or a percentage reimbursement basis shall reimburse at the same rate for immunizations not containing mercury.

The Director of the Department of Health and Senior Services will be exempt from compliance

with this act by providing documentation of a pending outbreak requiring a public vaccination program for which a sufficient supply of mercury-free vaccines are not available. Any person receiving an exempted vaccination shall be notified in advance that it contains a mercury-based preservative. The Director shall determine the duration of the exemption. The required documentation shall be submitted to the chairs of the committees in the House of Representatives and the Senate whose jurisdiction covers public health policy.

This act is similar to SCS/HB 852 (2004).

ADRIANE CROUSE

12/01/2004 Prefiled

01/05/2005 S First Read (S30)

01/13/2005 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S84)

02/16/2005 Hearing Conducted S Aging, Families, Mental & Public Health Committee

03/02/2005 SCS SBs 74 and 49 Voted Do Pass S Aging, Families, Mental & Public Health Committee (0224S.04C)

EFFECTIVE: August 28, 2005

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\*\*\* SB 75 \*\*\*

0445S.01I

SENATE SPONSOR: Champion

SB 75 - This act closes the standard drug benefit coverage gap that was created due to the enactment of the Medicare Act of 2003.

SECTION 208.568 - Moneys in the Missouri Senior Rx Fund shall be credited to the Missouri Senior Prescription Drug Plan Fund after notice is provided to the Revisor that Medicare Act of 2003 has been fully implemented.

SECTION 208.574 - The provisions of the Missouri Senior Rx Program shall terminate after notice is provided to the Revisor that the Medicare Act of 2003 has been fully implemented.

SECTION 208.575(1) - This subsection provides definitions for "eligible senior", "2006 standard drug coverage gap", and "prescription drug plan sponsors (PDP)".

SECTION 208.575(2) - The "Missouri Senior Prescription Drug Plan" is created within the Department of Health and Senior Services. The plan shall be effective upon notice to the Revisor by the Commission that the Medicare Act of 2003 has been fully implemented.

SECTION 208.575(3) - This plan is not an entitlement and is only a payer of last resort. The benefits shall be limited to the amounts appropriated for the plan. If the costs of the plan exceed the amounts appropriated, the Commission may request a supplemental appropriation to fund the plan or may direct PDP sponsors to implement cost control measures.

SECTION 208.575(4) - Subject to appropriations and other available funds, the plan shall pay seventy-five percent of the 2006 standard drug benefit coverage gap of up to \$2850, which shall not exceed \$2138, for each eligible senior each year.

SECTION 208.575(5) - Applications for the program will be conducted jointly with applications for the Medicare Part D benefit. The enrollment period for the state plan shall correspond with the enrollment period for the federal program.

SECTION 208.575(6), (7), & (8) - The plan shall provide coverage for only the prescription drugs covered in the PDP sponsors' 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 Section 1862(a) of P.L. 108-173.

SECTION 208.575(9) - For the covered prescription drugs, the state plan shall not be charged an amount in excess of the price charged pursuant to the federal program.

SECTION 208.577(1) & (2) - The "Missouri Senior Prescription Plan Commission" is created and shall be composed of 12 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.

SECTION 208.577(3) & (4) - 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.

SECTION 208.577(5) - The Commission shall have the authority to contract with PDP sponsors for implementing and administering the plan and for determining the eligibility of applicants. The Commission shall also have the authority to adjust the fee payments with PDP sponsors, coordinate with the Missouri Senior Rx Commission to avoid any duplication in coverage and to ensure a smooth transition between the two programs, and perform any other function necessary for the implementation and administration of the plan.

SECTION 208.577(6) & (7) - The Commission may apply for any federal waivers or grants. The Commission shall have rule-making authority for the implementation of sections 208.575 and 208.583.

SECTION 208.579(1) & (2) - The "Missouri Senior Prescription Plan Clearinghouse" is established within the Commission. The Commission may submit proposals for the third-party administration of the Clearinghouse. 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 provide information on eligibility, enrollment, and benefits for the plan on the Department's website.

SECTION 208.581 - The "Missouri Senior Prescription Drug Plan Fund" is created within the State Treasury. The fund will consist of appropriations by the General Assembly, federal moneys, or moneys from other sources. Moneys in the fund shall be used solely by the Commission and the Department of Health and Senior Services for the implementation of the plan.



SECTION 208.583 - This new section provides that sections 208.575 to 208.583 shall be subject to reauthorization every four years.

This act is similar to the perfected version of SB 1371 (2004).

ADRIANE CROUSE

12/01/2004 Prefiled

01/05/2005 S First Read (S30)

01/13/2005 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S84)

01/26/2005 Hearing Conducted S Aging, Families, Mental & Public Health Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 76 \*\*\*

0226S.011

SENATE SPONSOR: Dolan

SB 76 - 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 1192 (2004), SB 259 (2003), SB 1077 and HB 1534 (2002).

STEPHEN WITTE

12/01/2004 Prefiled

01/05/2005 S First Read (S30)

01/13/2005 Second Read and Referred S Transportation Committee (S84)

01/18/2005 Hearing Conducted S Transportation Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 77 \*\*\*

0232S.011

SENATE SPONSOR: Dolan

SB 77 - This act proposes to amend the current law regarding transportation development districts by: (1) providing a method to amend the boundaries of a transportation development district after formation, (2) enabling districts to incur indebtedness and pledge district revenues to the repayment of the indebtedness, (3) shortening the period of time required to complete a mail-in election and (4) making "clean-up" revisions throughout the current statutes.

This act adds a provision that all transportation development districts formed after August 28, 2005, may not overlap with another transportation development district using the same funding mechanism. This act also adds "bicycle/pedestrian facilities" to the list of acceptable projects for which a transportation development district may be formed (Section 238.202).

This act inserts a provision that a district may be created to fund, promote, plan, design, construct, or improve a project and then only to subsequently to maintain and operate it (Section 238.205).

This act allows the court to consider that all fo the property in the district will receive a direct transportation-related improvement from the project, not just a general benefit before the court approves it. The act adds a provision that mandates the city and county in which the proposed district will sit will be respondents to the petition filed. The act updates the requirements of the petition process so that a petitioner must recite that either the commission or the local transportation authority has approved the project at the time the petition is filed (Section 238.207).

This act requires the circuit clerk to publish notice of the hearing on the petition at the petitioner's expense. The notice of the hearing shall be published in a newspaper of general circulation in the county at least two weeks before the hearing on the petition. The act allows voters to vote in a single election on both formation and taxation, but only if using a sales tax mechanism, but only if the petition was filed by a governing body. The act removes the ability of the court to forego a hearing if any parties or property owners object to the court proceeding without a hearing (Section 238.210).

The act also shortens the time, from 14 weeks to 8 weeks, within which a mail-in election within a district can be accomplished (Section 238.216). The act decreases the amount of time that a failed transportation development district measure may be resubmitted to the voters from two years to one year (Section 238.215.4). Under this act, if a transportation development district is approved, the petitioners may be reimbursed for costs relating to preliminary engineering design, surveys, traffic studies, legal, and planning (Section 238.217).

The act removes the term "funding" and replaces the term with "imposition of the tax or fee". The act inserts a provision that the proposed project must be, in the opinion of the commission, not intended to be merged into the state highways and transportation system, for the commission to decline or consider the project. The act adds a requirement that the local transportation authority must find that the project is consistent with its transportation plan and by ordinance or resolution has approved it in order for a local-transportation authority project to be approved by the court. The act adds a requirement that if the commission declines to consider the project that it shall notify the local transportation authority of its determination (Section 238.225).

The act provides that a district may use the taxes or other funding methods to fund its operating expenses, including all necessary and incidental expenses related to the issuance of revenue bonds (Section 238.227).

The act adds a requirement that the local transportation authority or the commission, as applicable, has by ordinance or resolution approved of the imposition or increase or increase of the tax (Section 238.235).

The act provides that the sales tax imposed by a district may imposed in increments of 1/8 of one percent, up to a maximum of one percent (Section 238.236).

This act also permits a district to incur indebtedness and pledge the revenues generated from the property or retail sales tax imposed by the district to the repayment of the indebtedness, provided the requirements of Article VI Section 26 of the Missouri Constitution have been met (Section 238.242.7).

This act authorizes transportation development districts to enter into design-build project contracts (Section 238.252).

The act adds a requirement that if the transportation development district desires to add or delete a project that it obtain the consent of the local transportation authority, or commission, as applicable (Section 238.257).

The current law currently does not address the issue of whether a district may amend its boundaries after it has been formed. This act provides that, if a resolution is passed by the board of directors of a district, a petition may be filed with the circuit court of the county that entered the judgment creating the district to amend the boundaries. The petition may be filed by the board of directors of the district or, if no persons eligible to be registered voters reside within the proposed amended boundaries of the district, the owners of record of all of the real property within the proposed district boundaries. The contents of the petition and the procedure for amending the district boundaries is similar to the procedure used to form a district. The petition shall set forth the description of the proposed boundaries of the amended district and whether the current funding mechanism should be extended to the newly amended area within the district (Section 238.258).

The act adds a requirement that when the state auditor does an audit of a transportation development district that a copy of the audit must be sent to the commission or the local transportation authority, as applicable (Section 238.272 and Section 238.275).

The act also makes a variety of minor revisions in an effort to eliminate ambiguities, inconsistencies and omissions throughout the transportation development district statutes (Sections 238.207 to Sections 238.258).

STEPHEN WITTE

12/01/2004 Prefiled

01/05/2005 S First Read (S30)

01/12/2005 Second Read and Referred S Transportation Committee (S75)

01/18/2005 Hearing Conducted S Transportation Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 78 \*\*\*

0237S.011

SENATE SPONSOR: Dolan

SB 78 - This act clarifies that the penalty enhancement provisions in Section 577.023 relating to prior/persistent offenders should be applied consistently whether in municipal, county, and state courts. Specifically, this act clarifies that when an individual is charged under a municipal ordinance the individual is not entitled to suspended imposition of sentence if he/she meets the definition and classification as prior or persistent offender under Section 577.023.1(2) and (3).

STEPHEN WITTE

12/01/2004 Prefiled

01/05/2005 S First Read (S30)

01/12/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S75)

02/07/2005 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 79 \*\*\*

0263S.011

SENATE SPONSOR: Bartle

SB 79 - 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. This act is identical to SB 1058 (2004).

JIM ERTLE

12/01/2004 Prefiled

01/05/2005 S First Read (S30-31)

01/13/2005 Second Read and Referred S Ways & Means Committee (S84)

EFFECTIVE: Referendum

\*\*\* SB 80 \*\*\*

0119S.02I

SENATE SPONSOR: Bartle

SB 80 - This act requires that future TIF projects dedicate at least 10% of the tax increment that would otherwise be used to fund the redevelopment project and at least 10% of all payments in lieu of taxes 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.

The act is similar to SB 1056 (2004).

ANDY LYSKOWSKI

12/01/2004 Prefiled

01/05/2005 S First Read (S31)

01/13/2005 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S84)

02/02/2005 Hearing Conducted S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 81 \*\*\*

0118S.01I

SENATE SPONSOR: Bartle

SB 81 - 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. Therefore, this legislation will lessen the financial impact (for districts with operating levies above \$2.75) should the formula possess a proration factor of less than 1.0.

This act is identical to SB 764 (2004).

DONALD THALHUBER

12/01/2004 Prefiled  
 01/05/2005 S First Read (S31)  
 01/13/2005 Second Read and Referred S Education Committee (S84)  
 01/25/2005 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 82 \*\*\*

0231S.01I

SENATE SPONSOR: Bray

SB 82 - 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 July 1st 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.

This act is identical to SB 1030 (2004).

ANDY LYSKOWSKI

12/01/2004 Prefiled  
 01/05/2005 S First Read (S31)  
 01/13/2005 Second Read and Referred S Small Business, Insurance & Industrial Relations  
 Committee (S84)

EFFECTIVE: August 28, 2005

\*\*\* SB 83 \*\*\*

0444S.03I

SENATE SPONSOR: Bray

SB 83 - This act makes numerous changes to the laws regarding medical malpractice liability.

**TAX CREDIT FOR MEDICAL MALPRACTICE PREMIUMS FOR HEALTH CARE PROVIDERS** - This act creates a tax credit for health care providers to offset medical malpractice insurance premiums. The tax credit is in an amount of up to 15% of an annual increase in the provider's medical malpractice insurance premium. The tax credit is capped at \$15 million (Section 135.163).

**FAILURE TO REPORT CLAIM INFORMATION** - This act provides that insurers and self-insured health care providers failing to timely report claim information pursuant to Sections 383.100 - 383.125 will be subject to Section 374.215 penalties and fines section 383.112).

**COMPETITIVE BIDDING PROCESS** - This act allows the Director of the Department of Insurance to establish a competitive bidding process with respect to the Missouri Joint Underwriting Association after the director determines that medical malpractice insurance is not reasonably available in the voluntary market (Sections 383.150 and 383.151).

**INSURANCE OVERSIGHT AND RATE REDUCTION PROGRAM** - This act establishes new standards and procedures for making and using rates for medical malpractice insurance. First, the

act exempts medical malpractice insurance from the rate regulations that apply to other forms of property and casualty insurance (Section 379.316). The act provides that such rates shall not be excessive, inadequate or unfairly discriminatory (section 383,151). Any insurer that desires to increase a rate by less than 15% shall file the rate, along with supporting data, no later than 30 days after such rate becomes effective. These filings shall not be subject to approval or disapproval by the Director of the Department of Insurance (Section 383.200).

Any insurer desiring to increase a rate 15% or higher shall submit a complete rate application to the director. The applicant has the burden of proving that the requested rate increase is justified.

The act provides that every insurer that has filed a rate increase not requiring approval by the Director for two consecutive years and in the 3rd desires a rate increase in which the aggregate over the three-year period will exceed a total 40% rate increase will have to prove that the rate is justified.

Every insurer that has not filed or had a rate increase approved for three consecutive years may file a rate increase in the 4th year in an amount not to exceed 25% without being required to justify the rate increase.

The Director has authority to promulgate rules which will set forth standards that insurers will use to calculate their rates. The rules shall establish a range within which an expected rate or return shall be presumed reasonable, establish categories of expenses that shall be presumed reasonable, establish proper weights to be given to different years of experience and any other standard deemed reasonable and appropriate by the Director.

The Director shall require insurers to submit in their application for a rate change the following:

- (1) A comparison between the insurer's projected incurred losses and its ultimate incurred losses for the eight most recent policy years for which data is available and
- (2) A memorandum explaining its methodology the insurer used to reflect the total investment income it reasonably expects to earn on all its assets during the period the proposed rate is to be in effect.

The Director shall notify the public of any application for a rate increase of 15% or more, and shall hold a hearing on the application within 45 days. The application shall be deemed approved 90 days after such hearing unless disapproved by the Director after the hearing.

This act gives the Director the authority to order an insurer to discontinue using an excessive rate and that the insurer refund the excessive portion of the rate to any policyholder who has paid such rate. The Director shall not be required to find that a reasonable degree of competition does not exist to find a rate excessive.

The Director may consider out-of-state experiences if their insufficient experience in this state. In some circumstances, the director may consider nationwide experience (Section 383.200.3).

**COMPRESSION OF RATES AMONG DIFFERENT MEDICAL SPECIALTIES** - This act provides that the ratio between the base rate of the highest-rated specialty and the base rate of the lowest-rated specialty shall be no more than a ratio of six-to-one (Section 383.205).

**EXPERIENCE RATING** - This act requires medical malpractice insurers to apply a credit or debit on the provider's loss experience. The insurer shall include a schedule of all such credits and debits, or a description of such alternative method in all filings it makes with the director of insurance (Section 383.210).

**DATA DISCLOSURE** - This act requires each malpractice insurer, on or before March 1st of every year to file certain information with the department of insurance. The information shall consist of or relate to, but not be limited to: closed claims; judgments, payment, and severity of injury in connection with judgments; rate changes during the previous five-year period; premiums and losses by medical specialty; premiums and losses by experience of insured; and investment performance of the insurer (Section 383.215).

**MEDICAL MALPRACTICE INSURANCE QUOTATION SERVICE** - This act requires the department by July 1, 2006, to develop and establish an interactive Internet web site enabling health care providers to obtain medical malpractice insurance quotes. Insurers' rate changes must be integrated into the website within 10 days. The site must provide contact information for each of the insurers participating. By December 1, 2006, the director of the department must submit a report to the General Assembly on the development, implementation, and effectiveness of the website (Section 383.220).

**FILING OF MANUALS AND CLASSIFICATIONS** - This act requires insurers to file new manuals of classifications, rules, underwriting rules, rates, rate plans and modifications, policy forms and other forms to which such rates are applied, that reflect the savings, if any, attributable to each provision in the act (Section 383.225).

**NOTICE OF RENEWAL PREMIUM RATE INCREASE** - This act requires insurers to provide at least 90 days written notice to insureds of renewal premium rate increases (Section 383.230).

**MEDIATION** - This act requires parties in tort actions based on improper health care to make a good faith effort to engage in mediation with a trained mediator and to submit a report of the results to the court (Section 537.072).

**NONECONOMIC DAMAGES CAP** - This act deletes the "per occurrence" language in reference to caps on noneconomic damages in order to overrule an Eastern District Court of Appeals decision (Scott)(section 538.210).

**CHALLENGING VENUE** - This act establishes a procedure for health care provider defendants to contest venue, stays most discovery during the pendency of the venue contest, and awards costs, expenses, and reasonable attorney fees to the prevailing party (Section 538.211).

**EXPERT WITNESS** - This act requires that health care providers executing the expert affidavit to have education, training, and experience in a like area as the defendant health care provider or a logical extension of the field and to be actively engaged in the practice of medicine or retired within five years of the date of the affidavit. The affidavit is subject to an in-camera review by the court upon motion of a party (Section 538.225).

**BENEVOLENT GESTURES** - This act prohibits statements, writings, or benevolent gestures expressing sympathy from being admissible as evidence of an admission of liability in a civil action. Statements of fault will be admissible (Section 538.226).

This act contains an emergency clause. This act contains provisions similar to those contained in HB 1428 (2004).

STEPHEN WITTE

12/01/2004 Prefiled

01/05/2005 S First Read (S31)

01/13/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S85)

EFFECTIVE: Emergency Clause

\*\*\* SB 84 \*\*\*

0426S.01I

SENATE SPONSOR: Bray

SB 84 - This act modifies the information that must be provided to the secretary of state when a group wishes to form a new political party. The act repeals the requirement that the petition to form the new party must contain, if presidential electors are to be nominated by petition, the name of at least one qualified resident in each congressional district to be a nominee for presidential elector. The act also repeals the requirement that the petition must contain the names and addresses of the chairman and treasurer of the new party.

JIM ERTLE

12/01/2004 Prefiled

01/05/2005 S First Read (S31)

01/13/2005 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S85)

01/31/2005 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 85 \*\*\*

0422S.01I

SENATE SPONSOR: Crowell

SB 85 - 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 2007 and upon condition of full funding of the foundation formula, 20% of the moneys from the Gaming Proceeds for Education Fund will be redirected into the Classroom Trust Fund, created by this act. Each subsequent year for four years, an additional 20% of those moneys will be directed to the Classroom Trust Fund until 100% of the gaming moneys go to that fund.

The act requires the chairs of the Senate Appropriations Committee and the House Budget Committee to determine whether sufficient moneys have been appropriated to achieve a proration factor of 1.0 in the equity portion of the formula. The act states that the gambling moneys must be replaced in the State School Moneys Fund by general revenue. The funds will be distributed on a per-pupil basis and may be used for teacher recruitment and retention, construction and repair of buildings, technology enhancements or instructional materials, school safety, and supplying additional funds for any required state or federal program.

This act similar to the perfected HB 288 (2003).

DONALD THALHUBER



12/01/2004 Prefiled  
 01/05/2005 S First Read (S31)  
 01/13/2005 Second Read and Referred S Education Committee (S85)

EFFECTIVE: Contingent

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\*\*\* SB 86 \*\*\*

0421S.01P

SENATE SPONSOR: Crowell

SB 86 - This act changes the deadline for filing exceptions to 30 days from the date of notice of the condemnation commissioners' report. Currently, the deadline is 10 days from the date of notice.

SUSAN HENDERSON

12/01/2004 Prefiled  
 01/05/2005 S First Read (S31)  
 01/13/2005 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S85)  
 01/26/2005 Hearing Conducted S Economic Development, Tourism & Local Government Committee  
 02/02/2005 Voted Do Pass S Economic Development, Tourism & Local Government Committee-Consent  
 02/14/2005 Reported from S Economic Development, Tourism & Local Government Committee to Floor - Consent (S217)  
 02/22/2005 S Third Read and Passed - Consent (S265-266)  
 02/23/2005 H First Read (H394)  
 02/24/2005 H Second Read (H400)  
 03/03/2005 Referred H Judiciary Committee (H481)

EFFECTIVE: August 28, 2005

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\*\*\* SB 87 \*\*\*

0289S.01I

SENATE SPONSOR: Klindt

SB 87 - 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 858 (2004).

DONALD THALHUBER

12/01/2004 Prefiled  
 01/05/2005 S First Read (S31)  
 01/13/2005 Second Read and Referred S Education Committee (S85)

EFFECTIVE: August 28, 2005

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\*\*\* SB 88 \*\*\*

0288S.01I

SENATE SPONSOR: Klindt

SB 88 - This act exempts certain food sales from food inspection laws.

Religious, charitable, and nonprofit organizations that sell foods, which are not potentially dangerous, at their events are exempt from state food inspection laws.

Sellers of jams, jellies, and honey are exempt from specified production requirements as long as they do not annually sell more than \$30,000 of jams, jellies, and honey per domicile. Sellers of jams, jellies, and honey are also exempt from all other health standards pursuant to Sections 196.190 to 196.271, RSMo, as long as the following requirements are met:

- The jams, jellies, and honey must be manufactured in the domicile of the person processing and selling them;
- The jams, jellies, and honey 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, jellies, and honey processed and sold must be maintained.

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

This act is identical to SCS/SB 857 (2004).  
ADRIANE CROUSE

12/01/2004 Prefiled

01/05/2005 S First Read (S31)

01/13/2005 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S85)

02/23/2005 Hearing Conducted S Aging, Families, Mental & Public Health Committee

03/02/2005 Voted Do Pass S Aging, Families, Mental & Public Health Committee

03/03/2005 Reported from S Aging, Families, Mental & Public Health Committee to Floor (S351)

03/07/2005 S Formal Calendar S Bills for Perfection

EFFECTIVE: August 28, 2005

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\*\*\* SB 89 \*\*\*

0245L.011

SENATE SPONSOR: Dougherty

SB 89 - 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; have graduated from high school or received a GED within the last three years; have been accepted for admission at a state-funded college or university; have applied for other student financial assistance; have been in foster care under the Department of Social Services on or after one of the dates specified in the act; complete community service or public internship as required under the act; and 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 2006 fall semester.

This act is similar to SB 816 (2004).  
DONALD THALHUBER

12/01/2004 Prefiled

01/05/2005 S First Read (S31)

01/13/2005 Second Read and Referred S Ways & Means Committee (S85)

EFFECTIVE: August 28, 2005

**\*\*\* SB 90 \*\*\***

0332S.01I

SENATE SPONSOR: Dougherty

SCS/SB 90 - This act authorizes an advanced practice registered nurse to prescribe schedule II, III, IV and V controlled substances if such nurse has been delegated the authority under a collaborative practice agreement.

This act is similar to SB 1255 (2004).

ADRIANE CROUSE

12/01/2004 Prefiled

01/05/2005 S First Read (S31)

01/13/2005 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S85)

02/16/2005 Hearing Conducted S Aging, Families, Mental & Public Health Committee

03/02/2005 SCS Voted Do Pass S Aging, Families, Mental & Public Health Committee (0332S.04C)

EFFECTIVE: August 28, 2005

**\*\*\* SB 91 \*\*\***

0329S.01I

SENATE SPONSOR: Dougherty

SB 91 - 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, technical school or certain proprietary schools that are accredited by a nationally recognized accreditation organization to receive A+ reimbursements, provided that:

-Such reimbursements do not violate certain constitutional provisions;

-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; and

-A community college in the county or the county adjacent does not offer the same or substantially similar program.

This act is similar to the SCS/SB 975 (2004).

DONALD THALHUBER

12/01/2004 Prefiled

01/05/2005 S First Read (S31)

01/13/2005 Second Read and Referred S Education Committee (S85)

EFFECTIVE: August 28, 2005

**\*\*\* SB 92 \*\*\***

0307S.01I

SENATE SPONSOR: Cauthorn

SB 92 - 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.

This act is identical to SB 861 (2004).  
JASON ZAMKUS

12/01/2004 Prefiled  
01/05/2005 S First Read (S31)  
01/13/2005 Second Read and Referred S Transportation Committee (S85)  
EFFECTIVE: August 28, 2005

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\*\*\* SB 93 \*\*\*

0311S.01I

SENATE SPONSOR: Cauthorn

SCS/SB 93 - This act creates the crime of endangering a corrections employee, visitor to a correctional facility, or other offender or prisoner if an offender or prisoner causes such person to come into contact with bodily fluids. This offense is a Class D felony.

This act makes it a Class C felony if a person endangers a corrections employee, visitor to a correctional facility, or other offender by knowingly putting the employee in danger of contracting HIV, Hepatitis B or Hepatitis C.

If a person causes an employee, visitor, or other offender to come in contact with an unidentified substance, it is a class A misdemeanor.

This act also removes inmates and correctional facilities from Section 565.092.

This act is similar to SB 986 (2004).  
SUSAN HENDERSON

12/01/2004 Prefiled  
01/05/2005 S First Read (S31)  
01/13/2005 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S85)  
01/24/2005 Hearing Conducted S Financial & Governmental Organizations and Elections Committee  
02/28/2005 SCS Voted Do Pass S Financial & Governmental Organizations and Elections Committee (0311S.04C)

EFFECTIVE: August 28, 2005

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\*\*\* SB 94 \*\*\*

0308S.01I

SENATE SPONSOR: Cauthorn

SB 94 - 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.

This act is identical to SB 862 (2004).  
JASON ZAMKUS

12/01/2004 Prefiled

01/05/2005 S First Read (S31)

01/13/2005 Second Read and Referred S Transportation Committee (S85)

EFFECTIVE: August 28, 2005

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\*\*\* SB 95 \*\*\*

0223S.011

SENATE SPONSOR: Coleman

SB 95 - This act modifies various provisions relating to lead poisoning.

New language allows the Director of the Department of Health and Senior Services to levy fines pursuant to Sections 701.300 to 701.348. All fines shall be deposited into the Public Health Services Fund. Owners of single family homes in areas of commercial lead production shall not be fined or required to pay for any type of lead remediation (Section 701.304).

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 701.305).

Any lead abatement contractor that fails to notify the Department prior to starting a lead abatement project will be fined one thousand dollars for the first identified offense, two thousand dollars for the second identified offense, and thereafter fines will be doubled for each identified offense. Written notification shall include disclosure of any potential lead hazards to the owners and tenants of a dwelling by the licensed risk assessor, who conducted the initial risk assessment. Once the abatement has been completed, the lead abatement contractor must submit written notification and the final clearance inspection report to the Department (Section 701.309).

The Director shall require 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 701.312).

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

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

This act is identical to SCS/SB 751 (2004).

ADRIANE CROUSE

12/01/2004 Prefiled

01/05/2005 S First Read (S31)

01/13/2005 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S85)

01/19/2005 Hearing Conducted S Aging, Families, Mental & Public Health Committee

EFFECTIVE: August 28, 2005

**\*\*\* SB 96 \*\*\***

0197S.011

SENATE SPONSOR: Coleman

SB 96 - 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 752 (2004).

SUSAN HENDERSON

12/01/2004 Prefiled

01/05/2005 S First Read (S31)

01/13/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S85)

02/07/2005 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2005

**\*\*\* SB 97 \*\*\***

0379S.011

SENATE SPONSOR: Coleman

SB 97 - This act alters the name of Harris-Stowe State College to Harris-Stowe State University.

This act is identical to SB 1110 (2004).

DONALD THALHUBER

12/01/2004 Prefiled

01/05/2005 S First Read (S31)

01/12/2005 Second Read and Referred S Education Committee (S75)

01/18/2005 Hearing Conducted S Education Committee

01/25/2005 Voted Do Pass S Education Committee- Consent

EFFECTIVE: August 28, 2005

**\*\*\* SB 98 \*\*\*** SS SCS SB 98

0039S.10T

SENATE SPONSOR: Champion

HOUSE HANDLER: Marsh

SS/SCS/SB 98 - This act generates several alterations to the state's higher education policy. Most notably, the act would rename Southwest Missouri State University, Missouri Western State College, Harris-Stowe State College, and Missouri Southern State University-Joplin. The act would also authorize the governing board of Central Missouri State University to alter the name of their institution.

SECTION 172.020 - This section reaffirms that, pursuant to the Missouri Constitution, the University of Missouri is the state university.

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

State University; Southwest Missouri State University as Missouri State University; Harris-Stowe State College as Harris-Stowe State University; and Missouri Southern State University - Joplin as Missouri Southern State University.

Further, the section contains a provision that would allow the governing board of Central Missouri State University to alter the name of their institution to "The University of Central Missouri" within in the next two years.

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

SECTION 174.250 - This section expands Missouri Western State University's district boundary to Buchanan County and counties contiguous to Buchanan County.

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, 2010, any and all associate degree programs unless the continuation of such associate degree programs is approved by the coordinating board.

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 that are charged with a statewide mission and governed by a board of governors. The section also changes the composition of the governing board of the renamed Missouri State University from eight members to ten.

SECTION 174.453 - This section formulates new qualifications for the board of governors of Missouri Western State University and Missouri Southern University.

For Missouri Western, five voting members shall be selected from the following counties: Buchanan, Platte, Clinton, Andrew, and DeKalb 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 that are outside of the aforementioned counties. The section grandfathers current board members in regard to the county residency requirement.

For Missouri Southern, the number of governors appointed from the counties surrounding the institution has been altered from five to six in order to correspond to the increase in the number of governors provided in subsection 3 of section 174.450.

SECTION 1 - This section 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. The section allows Missouri State University to offer engineering programs and doctoral programs only in cooperation with the University of Missouri, provided that such cooperative agreements are approved by each institution and that the University of Missouri is the degree-granting institution. If the University of Missouri declines to cooperate in the offering of such programs, Missouri State University may cooperate with another educational institution, or directly offer the degree. The section allows Missouri State University to offer doctoral programs in audiology and physical therapy.

Further, the section explicitly states that the alteration of the name of Southwest Missouri State University to Missouri State University shall not entitle Missouri State University to any additional state funding.

DONALD THALHUBER

12/01/2004 Prefiled  
01/05/2005 S First Read (S31-32)  
01/12/2005 Second Read and Referred S Education Committee (S75)  
01/18/2005 Hearing Conducted S Education Committee  
01/25/2005 Voted Do Pass S Education Committee (0039S.06C)  
02/10/2005 Reported from S Education Committee to Floor w/SCS (S207)  
02/14/2005 SS for SCS S offered (Champion)--(0039S.10S) (S219)  
02/14/2005 SA 1 to SS for SCS S offered (Days)--0039S10.117S (S219-220)  
02/14/2005 Bill Placed on Informal Calendar (S220)  
02/14/2005 SA 1 to SA 1 to SS for SCS S offered & withdrawn (Dolan)--0039S10.02FL (S221)  
02/14/2005 SA 1 to SS for SCS S withdrawn (S221)  
02/14/2005 SA 2 to SS for SCS S offered & adopted (Koster)--0039S10.01FL (S221-222)  
02/14/2005 SA 3 to SS for SCS S offered & withdrawn(Days)--0039S10.01F (S222)  
02/14/2005 SA 4 to SS for SCS S offered & adopted(Graham)--0039S10.158S (S222-223)  
02/14/2005 SA 5 to SS for SCS S offered & adopted (Graham)--0039S10.03FL (S223)  
02/14/2005 SS for SCS, as amended, S adopted (S223)  
02/14/2005 Perfected (S224)  
02/15/2005 Reported Truly Perfected S Rules Committee (S228)  
02/16/2005 S Third Read and Passed (S236-237)  
02/16/2005 H First Read (H344)  
02/17/2005 H Second Read (H348)  
02/17/2005 Referred H Higher Education Committee (H358)  
02/22/2005 Hearing Conducted H Higher Education Committee  
02/22/2005 Voted Do Pass Higher Education Committee  
02/22/2005 Reported Do Pass H Higher Education Committee (H380)  
02/22/2005 Referred to Rules Committee pursuant to Rule 25(26)(f) (H380)  
02/23/2005 Hearing Conducted H Rules Committee  
02/23/2005 Voted Do Pass H Rules Committee  
02/23/2005 Reported Do Pass H Rules Committee (5 hours debate) (H387)  
02/28/2005 HA 1 H offered & ruled out of order (Jolly) (H414)  
02/28/2005 HA 2 H offered & ruled out order (Bringer) (H414-415)  
02/28/2005 HA 3 H offered & defeated (Harris) (H416-417)  
02/28/2005 HA 4 H offered & defeated (Baker) (H417-418)  
02/28/2005 HA 5 H offered & defeated (Johnson) (H418-420)  
02/28/2005 Laid over (H420)  
03/01/2005 Taken up for Third Reading (H429)  
03/01/2005 HA 6 H offered & defeated (Henke) (H429)  
03/01/2005 HA 7 H offered & defeated (Robb) (H429-431)  
03/01/2005 HA 8 H offered & defeated (Yates) (H431-432)  
03/01/2005 Laid Over (H432)  
03/01/2005 Taken up for Third Reading (H433)  
03/01/2005 H Third Read and Passed (H433-434)  
03/01/2005 Truly Agreed To and Finally Passed (S326)  
03/02/2005 Reported Duly Enrolled S Rules Committee (S335)



03/02/2005 Signed by Senate President (S335)  
 03/02/2005 Signed by House Speaker (H458 / S335)  
 03/02/2005 Delivered to Governor (S335)

EFFECTIVE: August 28, 2005

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\*\*\* SB 99 \*\*\*

0378S.01P

SENATE SPONSOR: Champion

SB 99 - 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 is similar to SB 1344 (perfected 2004).

ANDY LYSKOWSKI

12/01/2004 Prefiled  
 01/05/2005 S First Read (S32)  
 01/13/2005 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S85)  
 01/26/2005 Hearing Conducted S Economic Development, Tourism & Local Government Committee  
 02/02/2005 Voted Do Pass S Economic Development, Tourism & Local Government Committee-Consent  
 02/14/2005 Reported from S Economic Development, Tourism & Local Government Committee to Floor - Consent (S217)  
 02/22/2005 Motion to Third Read Bill - Withdrawn (S266-267)  
 02/22/2005 S Third Read and Passed - Consent (S267-268)  
 02/23/2005 H First Read (S394)  
 02/24/2005 H Second Read (H400)

EFFECTIVE: August 28, 2005

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\*\*\* SB 100 \*\*\*

0109S.03P

SENATE SPONSOR: Champion

SCS/SB 100 - This act modifies provisions relating to the licensing of speech-language pathologist and audiologists. Currently, speech language pathology bachelor degrees must be from an institution accredited or approved by the Council on Academic Accreditation of the American Speech-Language-Hearing Association (ASHA). Since ASHA no longer accredits such programs, the act requires the degree to be from a institution approved by a regional accrediting body.

The act also exempts persons with audiology clinical doctoral degrees from current clinical fellowship requirements which are needed in order to become licensed.

Finally, the president of the Missouri Academy of Audiology, in consultation with the president of the Missouri Speech, Hearing and Language Association, is responsible for submitting names to the boarding of healing arts when a vacancy occurs on a commission for one of the licensed audiologist positions.

JIM ERTLE

12/01/2004 Prefiled  
 01/05/2005 S First Read (S32)

01/13/2005 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S85)  
 02/07/2005 Hearing Conducted S Financial & Governmental Organizations and Elections Committee  
 02/14/2005 SCS Voted Do Pass S Financial & Governmental Organizations and Elections Committee-Consent (0109S.03C)  
 02/14/2005 Reported from S Financial & Governmental Organizations and Elections Committee to Floor w/SCS - Consent (S218)  
 02/22/2005 SCS S adopted (S268)  
 02/22/2005 S Third Read and Passed - Consent (S268-269)  
 02/23/2005 H First Read (H394)  
 02/24/2005 H Second Read (H400)

EFFECTIVE: August 28, 2005

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\*\*\* SB 101 \*\*\*

0205S.01I

SENATE SPONSOR: Dolan

SB 101 - This act establishes an annual indexing adjustment for the motor fuel tax beginning in 2005. On or about February 15th of each year, the Director of the Department of Revenue shall calculate the adjusted rate by multiplying the current motor fuel tax rate by an inflation index. Under the terms of the act, the inflation index is the Consumer Price Index (CPI) for the calendar year ending on December 31st immediately preceding the calculation date divided by the CPI for the prior calendar year. The adjusted rate must be rounded to the nearest one-tenth of a cent. The adjusted rate shall become effective on July 1st following the calculation.

STEPHEN WITTE

12/01/2004 Prefiled

01/05/2005 S First Read (S101)

01/12/2005 Second Read and Referred S Transportation Committee (S75)

EFFECTIVE: August 28, 2005

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\*\*\* SB 102 \*\*\* SCS SBs 202, 33, 45, 183 & 217

0122S.01I

SENATE SPONSOR: Bartle

SB 102 - 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

12/01/2004 Prefiled

01/05/2005 S First Read (S32)

01/13/2005 Second Read and Referred S Education Committee (S85)

02/01/2005 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2005

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\*\*\* SB 103 \*\*\* SCS SBs 103 & 115

0117S.03C

SENATE SPONSOR: Bartle

SCS/SBs 103 & 115 - Current law requires superintendents to convene hearings in order to determine whether certain students may be enrolled in the district. The hearings must occur within five working days of the request to register. This act would alter the aforementioned provision so that districts must convene such hearings within fifteen working days of the request to register.

Current law requires district boards to convene a hearing in order to determine whether a pupil shall be granted a waiver of certain registration requirements. This act would allow districts to convene a committee of their board in order to rule on such residency waiver requests.

DONALD THALHUBER

12/01/2004 Prefiled

01/05/2005 S First Read (S32)

01/13/2005 Second Read and Referred S Education Committee (S85)

01/25/2005 Hearing Conducted S Education Committee

02/22/2005 SCS Voted Do Pass (w/SCS/SBs 103 & 115) S Education Committee-Consent (0117S.03C)

02/28/2005 Reported from S Education Committee to Floor w/SCS - Consent (S300)

03/07/2005 S Consent Calendar w/SCS (2/28)

EFFECTIVE: August 28, 2005

\*\*\* SB 104 \*\*\*

0044S.01I

SENATE SPONSOR: Bartle

SB 104 - This act allows for the termination of parental rights for the domestic murder of a spouse. Current language in Section 211.447, RSMo, does not list the domestic murder of a child's parent by the other parent as a ground for terminating parental rights. New language provides that the murder, voluntary manslaughter or the attempt to commit such crimes, or the felony assault of the parent by the child's other parent shall be grounds for termination of parental rights.

JIM ERTLE

12/01/2004 Prefiled

01/05/2005 S First Read (S32)

01/12/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S75)

01/18/2005 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 105 \*\*\*

0336S.01I

SENATE SPONSOR: Bray

SB 105 - This act allows culinary students who are eighteen years of age or older to taste, but not consume or imbibe, any beer, ale, porter, wine, or other similar malt or fermented beverage as part of the required curriculum.

The act explicitly disallows a student under the age of twenty-one to receive any beer, ale, porter, wine, or other similar malt or fermented beverage unless the beverage is delivered as part of the student's required curriculum and the beverage is used only for instructional purposes during classes conducted as part of the curriculum.

DONALD THALHUBER

12/01/2004 Prefiled

01/05/2005 S First Read (S32)

01/13/2005 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S85)

EFFECTIVE: August 28, 2005

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\*\*\* SB 106 \*\*\*

0430S.011

SENATE SPONSOR: Bray

SB 106 - This act makes several changes with respect to residential property insurance. This act is substantially similar to SB 773 (2004).

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 (Section 375.002).

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 (Sections 375.003 and 375.004).

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 (Section 375.001). Homeowner insurance companies are prohibited from refusing to renew a policy on the basis of a weather-related claim (Section 375.004). 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 1960s 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 \$200,000 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)(Section 379.845).

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

12/01/2004 Prefiled

01/05/2005 S First Read (S32)

01/13/2005 Second Read and Referred S Small Business, Insurance & Industrial Relations  
Committee (S85)

EFFECTIVE: August 28, 2005

**\*\*\* SB 107 \*\*\***

0433S.01I

SENATE SPONSOR: Bray

SB 107 - 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.

JASON ZAMKUS

12/01/2004 Prefiled

01/05/2005 S First Read (S32)

01/13/2005 Second Read and Referred S Governmental Accountability & Fiscal Oversight  
Committee (S85)

01/24/2005 Hearing Conducted S Governmental Accountability &amp; Fiscal Oversight Committee

EFFECTIVE: August 28, 2005

**\*\*\* SB 108 \*\*\***

0407S.01I

SENATE SPONSOR: Dougherty

SB 108 - 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 an safety of children and youth and to strengthen families.

This act is identical to SB 1335 (2004).

JASON ZAMKUS

12/01/2004 Prefiled

01/05/2005 S First Read (S32)

01/13/2005 Second Read and Referred S Ways &amp; Means Committee (S85)

EFFECTIVE: August 28, 2005

**\*\*\* SB 109 \*\*\***

0331S.01I

SENATE SPONSOR: Dougherty

SB 109 - Current law states that a permanent teacher must be employed as a teacher 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

12/01/2004 Prefiled

01/05/2005 S First Read (S32)

01/13/2005 Second Read and Referred S Education Committee (S85)

02/01/2005 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 110 \*\*\*

0249L.01I

SENATE SPONSOR: Dougherty

SB 110 - 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.

This act is identical to SB 1011 (2004).

JIM ERTLE

12/01/2004 Prefiled

01/05/2005 S First Read (S32)

01/13/2005 Second Read and Referred S Small Business, Insurance & Industrial Relations  
Committee (S85)

EFFECTIVE: August 28, 2005

\*\*\* SB 111 \*\*\*

0298S.01I

SENATE SPONSOR: Cauthorn

SB 111 - This act modifies state law by broadening what is considered disqualifying misconduct. It would preclude 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. The act further provides that employees who 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 a combination of Senate Bills 742 & 743 (2004).

JASON ZAMKUS

12/01/2004 Prefiled

01/05/2005 S First Read (S32)

01/13/2005 Second Read and Referred S Small Business, Insurance & Industrial Relations  
Committee (S85)

EFFECTIVE: August 28, 2005

\*\*\* SB 112 \*\*\*

0388S.01I

SENATE SPONSOR: Coleman

SB 112 - This act formulates a procedure for recalling school board members. 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 during his or her term. 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 similar to SB 922 (2004).  
DONALD THALHUBER

12/01/2004 Prefiled  
01/05/2005 S First Read (S32)  
01/12/2005 Second Read and Referred S Education Committee (S75)  
02/01/2005 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2005

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\*\*\* SB 113 \*\*\*

0375S.01I

SENATE SPONSOR: Coleman

SB 113 - 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 982 (2004).  
SUSAN HENDERSON

12/01/2004 Prefiled  
01/05/2005 S First Read (S32)  
01/13/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S85)  
03/07/2005 Hearing Scheduled S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2005

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\*\*\* SB 114 \*\*\*

0035S.01I

SENATE SPONSOR: Champion

SB 114 - The act alters the composition of the governing board of Southwest Missouri State University from eight members to ten.

DONALD THALHUBER

12/01/2004 Prefiled  
01/05/2005 S First Read (S32)  
01/12/2005 Second Read and Referred S Education Committee (S75)  
02/01/2005 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2005

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\*\*\* SB 115 \*\*\* SCS SBs 103 & 115

0049S.01I

SENATE SPONSOR: Bartle

This bill has been combined with SB 103

12/01/2004 Prefiled  
01/05/2005 S First Read (S32)

01/13/2005 Second Read and Referred S Education Committee (S85)  
 01/25/2005 Hearing Conducted S Education Committee  
 02/22/2005 Bill Combined w/(SCS SBs 103 & 115)

EFFECTIVE: August 28, 2005

**\*\*\* SB 116 \*\*\***

0262S.01I

SENATE SPONSOR: Bartle

SB 116 - 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 2007, any increase in the funds transferred (during fiscal year 2006) 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 1057 (2004).

DONALD THALHUBER

12/01/2004 Prefiled  
 01/05/2005 S First Read (S32-33)  
 01/13/2005 Second Read and Referred S Education Committee (S85)  
 02/08/2005 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2005

**\*\*\* SB 117 \*\*\***

0260S.01W

SENATE SPONSOR: Bartle

12/01/2004 Prefiled  
 12/02/2004 Bill Withdrawn (S33)

EFFECTIVE: August 28, 2005

**\*\*\* SB 118 \*\*\***

0443S.01I

SENATE SPONSOR: Bray

SB 118 - 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 formulates 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 872 (2004).  
DONALD THALHUBER

12/01/2004 Prefiled

01/05/2005 S First Read (S33)

01/13/2005 Second Read and Referred S Education Committee (S85)

02/08/2005 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2005

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\*\*\* SB 119 \*\*\*

0436S.01I

SENATE SPONSOR: Bray

SB 119 - 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 SB 873 (2004).

JASON ZAMKUS

12/01/2004 Prefiled

01/05/2005 S First Read (S33)

01/13/2005 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S85)

EFFECTIVE: August 28, 2005

\*\*\* SB 120 \*\*\*

0441S.01I

SENATE SPONSOR: Bray

SB 120 - 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) or if the employee is in a policy making position without a right to appeal;

- 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.

JASON ZAMKUS

12/01/2004 Prefiled

01/05/2005 S First Read (S33)

01/13/2005 Second Read and Referred S Governmental Accountability & Fiscal Oversight Committee (S85)

01/24/2005 Hearing Conducted S Governmental Accountability & Fiscal Oversight Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 121 \*\*\*

0431S.01I

SENATE SPONSOR: Bray

SB 121 - 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.

This act is identical to SB 1292 (2004).

JIM ERTLE

12/01/2004 Prefiled

01/05/2005 S First Read (S33)

01/13/2005 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S85)

EFFECTIVE: August 28, 2005

\*\*\* SB 122 \*\*\*

0177S.02I

SENATE SPONSOR: Nodler

SB 122 - This act creates the Energy Efficiency Implementation Act.

The Office of Administration is required to identify and deposit into the office of administration revolving administrative trust fund no more than two and a half percent of the total cost savings realized when the state enters into a guaranteed energy cost savings contract. Subject to appropriation, the Office of Administration may expend the cost savings deposited in the fund to offset all reasonable costs associated with the implementation of future guaranteed energy cost

savings contracts. The Office of Administration will be required to compile a report at least annually which outlines the cost savings identified by the Office of Administration.

The Office of Administration shall have authority to:

- (1) Establish policies and procedures for facility management and valuation;
- (2) Coordinate a state facility review;
- (3) Implement a capital improvement plan;
- (4) Solicit and evaluate state facility investment proposals;
- (5) Establish performance measures for facility management operations; and
- (6) Prepare annual reports and plans concerning operation savings.

JIM ERTLE

12/08/2004 Prefiled

01/05/2005 S First Read (S33)

01/13/2005 Second Read and Referred S Governmental Accountability & Fiscal Oversight Committee (S85)

01/24/2005 Hearing Conducted S Governmental Accountability & Fiscal Oversight Committee

02/07/2005 SCS Voted Do Pass S Governmental Accountability & Fiscal Oversight Committee-Consent(0177S.03C)

02/14/2005 Reported from S Governmental Accountability & Fiscal Oversight Committee to Floor w/SCS - Consent (S217-218)

02/17/2005 Removed S Consent Calendar (S247)

02/21/2005 Committee Vote Reconsidered

02/21/2005 Voted Do Pass S Governmental Accountability & Fiscal Oversight Committee-Consent

02/21/2005 Reported from S Governmental Accountability & Fiscal Oversight Committee to Floor - Consent (S255)

02/28/2005 S Third Read and Passed - Consent (S302-303)

03/01/2005 H First Read (H441)

03/02/2005 H Second Read (H448)

EFFECTIVE: August 28, 2005

\*\*\* SB 123 \*\*\*

0582S.01P

SENATE SPONSOR: Bartle

SB 123 - This act permits a corporation to have some or all classes or series of its stock uncertificated. It also extends the appraisal remedy available for corporate mergers and acquisitions to situations where a corporation sells all or substantially all of its corporate assets. The act also modifies language regarding the filing of amendments or restatements of a corporations articles of incorporation with the secretary of state.

JASON ZAMKUS

12/13/2004 Prefiled

01/05/2005 S First Read (S33)

01/13/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S85)

01/24/2005 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

02/07/2005 Voted Do Pass S Judiciary and Civil & Criminal Jurisprudence Committee - Consent

02/14/2005 Reported from S Judiciary and Civil & Criminal Jurisprudence Committee to Floor - Consent (S218)

02/24/2005 S Third Read and Passed - Consent (S285-286)

02/28/2005 H First Read (H422)  
03/01/2005 H Second Read (H429)

EFFECTIVE: August 28, 2005

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\*\*\* SB 124 \*\*\*

0586S.01I

SENATE SPONSOR: Nodler

SB 124 - As a part of a general rate proceeding in which the Public Service Commission considers all relevant factors that may affect the costs or overall rates, the Commission may authorize an electrical corporation to recover all or a portion of its costs for delivering fuel, including transportation costs, to its generating stations. The Commission also may authorize an electrical corporation to recover all or a portion of its costs to purchase electrical energy for its retail customers pursuant to an interim energy change and other specific changes.

MEGAN WORD

12/13/2004 Prefiled

01/05/2005 S First Read (S33)

01/13/2005 Second Read and Referred S Commerce, Energy and the Environment Committee (S85)

EFFECTIVE: August 28, 2005

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\*\*\* SB 125 \*\*\*

0549L.01I

SENATE SPONSOR: Taylor

SB 125 - This act exempts motor fuel for school buses from the state motor fuel tax. The act includes language to permit the department of revenue to promulgate rules to implement the provisions of the act.

JASON ZAMKUS

12/13/2004 Prefiled

01/05/2005 S First Read (S33)

01/13/2005 Second Read and Referred S Ways & Means Committee (S85)

EFFECTIVE: August 28, 2005

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\*\*\* SB 126 \*\*\*

0560S.01I

SENATE SPONSOR: Dolan

SB 126 - This act extends the sunset date for the licensure of health care facilities to August 28, 2008.

LORIE TOWE

12/14/2004 Prefiled

12/17/2004 Bill Withdrawn (S33)

EFFECTIVE: August 28, 2005

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\*\*\* SB 127 \*\*\*

0562S.01I

SENATE SPONSOR: Dolan

SB 127 - This act modifies provisions of the law relating to health care providers and ambulatory medical treatment centers.

New language in sections 192.655 and 192.667, RSMo, changes "hospitals" to "health care providers". Also, Section 197.200, RSMo, renames and modifies the definition of "ambulatory

surgical centers" to become "ambulatory medical treatment centers".

Section 197.205 provides that the Department of Health and Senior Services may establish subcategories of licensure for the various types of ambulatory medical treatment centers.

The annual license fee for applications is changed from two hundred dollars to a sufficient amount to be determined by the Department. All license fees shall be deposited in the "Ambulatory Medical Treatment Center Fund", which is created in the State Treasury (Section 197.210).

The Department shall issue licenses to ambulatory medical treatment centers if they submit a working agreement with at least one hospital in the same community regarding emergency transfers and admittance of patients. If hospitals and ambulatory medical treatment centers are unable to negotiate a working agreement, then they must enter into binding arbitration based on the American Arbitration Association (Section 197.215).

The regulations adopted by the Department of Health and Senior Services regarding ambulatory medical treatment centers must be consistent with Medicare participation and standards, which are developed by nationally recognized and accredited entities (Section 197.225).

Section 197.230 requires the Department to conduct inspections of ambulatory medical treatment centers with at least the same frequency as inspections of hospitals.

Each hospital and ambulatory medical treatment center shall submit to the Department of Health and Senior Services its Medicare net patient revenue, Medicaid net patient revenue, and the cost of the uninsured. If the sum of these three values is less than thirty percent of its total net patient service revenue for the fiscal year, then the hospital or ambulatory medical treatment center shall remit the amount of shortfall to the Department of Revenue to be deposited in the "Physician Support Fund".

Section 197.855 creates the "Physician Support Fund" in the State Treasury. The monies in this fund shall be used to improve access to care across the state by enhancing Medicaid payments to physicians.

By July 1, 2006, the State Board of Registration for the Healing Arts shall promulgate guidelines and standards for the performance of office-based surgery. By January 15, 2007, the Board shall present a report to the Governor and the General Assembly addressing patient safety, trends regarding office-based surgery, and recommendations for legislative action (Section 1).

LORIE TOWE

12/14/2004 Prefiled

12/17/2004 Bill Withdrawn (S33)

EFFECTIVE: August 28, 2005

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\*\*\* SB 128 \*\*\*

0130S.011

SENATE SPONSOR: Coleman

SB 128 - 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.

This act is identical to SB 867 (2004).

MEGAN WORD

12/16/2004 Prefiled

01/05/2005 S First Read (S33)

01/13/2005 Second Read and Referred S Commerce, Energy and the Environment Committee (S85)

EFFECTIVE: August 28, 2005

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**\*\*\* SB 129 \*\*\***

0681S.01I

SENATE SPONSOR: Vogel

SB 129 - This act changes the title of the official required to hear employment security cases from "referee" to "administrative appeals judge".

JASON ZAMKUS

12/17/2004 Prefiled

01/05/2005 S First Read (S33)

01/12/2005 Second Read and Referred S Financial &amp; Governmental Organizations and Elections Committee (S75)

01/31/2005 Hearing Conducted S Financial &amp; Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2005

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**\*\*\* SB 130 \*\*\***

0581S.01I

SENATE SPONSOR: Clemens

This bill has been combined with SB 1

12/17/2004 Prefiled

01/05/2005 S First Read (S33)

01/12/2005 Second Read and Referred S Small Business, Insurance &amp; Industrial Relations Committee (S75)

01/12/2005 Hearing Conducted S Small Business, Insurance &amp; Industrial Relations Committee

01/26/2005 Bill Combined (SCS SBs 1 &amp; 130)

EFFECTIVE: August 28, 2005

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**\*\*\* SB 131 \*\*\***

0510S.01P

SENATE SPONSOR: Loudon

SB 131 - This act allows insurance companies to invest capital, reserves and surplus in preferred or guaranteed stocks.

JASON ZAMKUS

12/20/2004 Prefiled

01/05/2005 S First Read (S33)

01/13/2005 Second Read and Referred S Economic Development, Tourism &amp; Local Government Committee (S85)

01/24/2005 Re-referred S Small Business, Insurance &amp; Industrial Relations Committee (S108)

02/02/2005 Second Read and Referred S Small Business, Insurance &amp; Industrial Relations Committee

02/02/2005 Hearing Conducted S Small Business, Insurance &amp; Industrial Relations Committee

02/16/2005 Voted Do Pass S Small Business, Insurance &amp; Industrial Relations Committee-Consent

02/21/2005 Reported from S Small Business, Insurance & Industrial Relations Committee to Floor  
- Consent (S255)

02/28/2005 S Third Read and Passed - Consent (S301)

03/01/2005 H First Read (H441)

03/02/2005 H Second Read (H448)

EFFECTIVE: August 28, 2005

\*\*\* SB 132 \*\*\*

0643S.01I

SENATE SPONSOR: Ridgeway

SB 132 - This act amends Section 407.1104, RSMo, (telemarketing no-call list) by adding persons who use wireless cell phones.

MEGAN WORD

12/21/2004 Prefiled

01/05/2005 S First Read (S33)

01/13/2005 Second Read and Referred S Commerce, Energy and the Environment Committee  
(S85)

EFFECTIVE: August 28, 2005

\*\*\* SB 133 \*\*\*

0634S.01I

SENATE SPONSOR: Loudon

SB 133 - This act requires the Commissioner of Administration to include in the state's 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.

This act is similar to SB 132 (2003) & SB 1378 (2004).

JASON ZAMKUS

12/22/2004 Prefiled

01/05/2005 S First Read (S33)

01/13/2005 Second Read and Referred S Financial & Governmental Organizations and Elections  
Committee (S85)

01/24/2005 Hearing Conducted S Financial & Governmental Organizations and Elections  
Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 134 \*\*\* SCS SBs 134, 135 & 139

0569S.01I

SENATE SPONSOR: Wheeler

SB 134 - This act concerns actions to stop nuisances in Kansas City.

This act provides that a neighborhood organization representing persons aggrieved by a code violation may seek injunctive and other equitable relief in the circuit court for abatement of the nuisance upon showing: 1) The notice requirements have been satisfied; and 2) The nuisance still exists and has not been abated.

This act limits when such an action may be brought. It must be at least 60 days after the organization sends notice to the appropriate municipal agency. The action may not be brought if the municipal code enforcement agency has filed an action for equitable relief from the nuisance. Also, it must be at least 60 days after the organization sends notice to the tenant and property



owner. If notice by mail is not returned, is refused, or signed for by a person other than the addressee, notice can be given by sending a copy by mail and posting a copy on the property.

This act requires notice to include the nature of the alleged nuisance, the date and time it was first discovered, the location of the nuisance, and the relief sought.

In filing a suit, an officer of the neighborhood organization shall certify to the court that the organization has taken steps to satisfy the notice requirements and that each condition needed for filing has been met.

Under this act, an action may not be brought against an owner of residential rental property unless a notice of violation has first been issued by an appropriate municipal code enforcement agency and remains outstanding after 45 days.

If a violation notice is an essential element of the municipal enforcement action, a copy of the notice signed by an official from the agency shall be prima facie evidence of the facts within the notice. A notice of abatement issued by the agency is evidence that the plaintiff is not entitled to the requested relief.

Under this act, a proceeding must be heard at the earliest date practicable and be expedited.

A political subdivision of the state and its agencies shall not be subject to any action resulting from an action against a private property owner under this act.

Nothing in this act may be construed as to abrogate any equitable or legal right or remedy otherwise available under the law. This act may not be construed to grant standing for actions challenging zoning applications, involving the interior physical defect of property, or involving a municipal alcohol law.

SUSAN HENDERSON

12/22/2004 Prefiled

01/05/2005 S First Read (S33)

01/13/2005 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S85)

02/09/2005 Hearing Conducted S Economic Development, Tourism & Local Government Committee

02/23/2005 SCS SBs 134, 135 & 139 Voted Do Pass S Economic Development, Tourism & Local Government Committee (0569S.02C)

EFFECTIVE: August 28, 2005

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\*\*\* SB 135 \*\*\* SCS SBs 134, 135 & 139  
SENATE SPONSOR: Wheeler

0568S.02I

This bill has been combined with SB 134

12/22/2004 Prefiled

01/05/2005 S First Read (S33)

01/13/2005 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S85)

02/09/2005 Hearing Conducted S Economic Development, Tourism & Local Government Committee

02/23/2005 Bill Combined w/SCS SBs 134, 135 & 139)

EFFECTIVE: August 28, 2005

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\*\*\* SB 136 \*\*\*

0705S.01I

SENATE SPONSOR: Champion

SB 136 - This act permits fully accredited school districts with more than 5,000 students to obtain a waiver from the Department of Elementary and Secondary Education permitting the district to choose its own accreditation standards if the district has maintained five consecutive years of full accreditation under state standards and can demonstrate through valid methods that its students are attaining reasonable standards. This waiver procedure supersedes other waiver rules.

This act is identical to HB 1406 from 2004.

DONALD THALHUBER

12/23/2004 Prefiled

01/05/2005 S First Read (S33)

01/13/2005 Second Read and Referred S Education Committee (S85)

02/08/2005 Hearing Scheduled But Not Heard S Education Committee

EFFECTIVE: August 28, 2005

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\*\*\* SB 137 \*\*\*

0563L.01I

SENATE SPONSOR: Taylor

SB 137 - This act prohibits insurers from acquiring or maintaining any ownership interest in auto body repair shops, windshield repair shops or replacement shops. Any insurer that currently has an ownership interest in such a repair shop shall divest itself of the interest by August 28, 2008. This act also prohibits insurers from offering incentives or providing compensation to a person for the purpose of rewarding that person for referring an insured to an auto repair shop in which the insurer maintains an ownership interest. A violation of this act shall constitute a unlawful trade practice under Chapter 407.

STEPHEN WITTE

12/28/2004 Prefiled

01/05/2005 S First Read (S33-34)

01/13/2005 Second Read and Referred S Small Business, Insurance & Industrial Relations  
Committee (S85)

EFFECTIVE: August 28, 2005

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\*\*\* SB 138 \*\*\* SCS SB 138

0208S.02P

SENATE SPONSOR: Wheeler

SCS/SB 138 - Under current law, the Kansas City sales tax for mass transportation will expire on December 31, 2005. This act extends the expiration date to December 31, 2007 this expiration date.

JASON ZAMKUS

12/29/2004 Prefiled

01/05/2005 S First Read (S34)

01/13/2005 Second Read and Referred S Ways & Means Committee (S85)

01/27/2005 Hearing Conducted S Ways & Means Committee

02/10/2005 SCS Voted Do Pass S Ways & Means Committee (0208S.02C)

02/17/2005 Reported from S Ways & Means Committee to Floor w/SCS (S248)

02/23/2005 SCS S adopted (S275)  
 02/23/2005 Perfected (S275)  
 02/24/2005 Reported Truly Perfected S Rules Committee (S289)  
 02/24/2005 Referred S Governmental Accountability and Fiscal Oversight Committee (S290)  
 02/28/2005 Voted Do Pass S Governmental Accountability and Fiscal Oversight Committee  
 02/28/2005 Reported from S Governmental Accountability and Fiscal Oversight Committee to  
 Floor (S298)  
 02/28/2005 S Third Read and Passed (S298-299)  
 02/28/2005 H First Read (H422)  
 03/01/2005 H Second Read (H429)

EFFECTIVE: August 28, 2005

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\*\*\* SB 139 \*\*\* SCS SBs 134, 135 & 139  
 SENATE SPONSOR: Wheeler

0731S.01I

This bill has been combined with SB 139

12/29/2004 Prefiled  
 01/05/2005 S First Read (S34)  
 01/13/2005 Second Read and Referred S Economic Development, Tourism & Local Government  
 Committee (S86)  
 02/09/2005 Hearing Conducted S Economic Development, Tourism & Local Government  
 Committee  
 02/23/2005 Bill Combined w/SCS SBs 134, 135 & 139)

EFFECTIVE: August 28, 2005

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\*\*\* SB 140 \*\*\*  
 SENATE SPONSOR: Days

0546S.01I

SB 140 - This act requires state employees to contribute a percentage of their annual income toward their health insurance coverage beginning in fiscal year 2006. 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 2006 budget to cover the cost of reimbursing employees for the Missouri Consolidated Health Care Plan premiums paid by employees between January 1, 2005 and June 30, 2005, 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 SB 1291 (2004).  
 JIM ERTLE

12/30/2004 Prefiled  
 01/05/2005 S First Read (S34)  
 01/13/2005 Second Read and Referred S Financial & Governmental Organizations and Elections  
 Committee (S86)  
 01/24/2005 Hearing Scheduled But Not Heard

01/31/2005 Hearing Conducted S Financial & Governmental Organizations and Elections  
Committee

EFFECTIVE: August 28, 2005

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\*\*\* SB 141 \*\*\*

0641S.01P

SENATE SPONSOR: Nodler

SB 141 - This act exempts dealers who sell only emergency vehicles from maintaining a bona fide place of business (including the related law enforcement certification requirements) and from meeting the minimum yearly sales.

STEPHEN WITTE

01/03/2005 Prefiled

01/05/2005 S First Read (S34)

01/13/2005 Second Read and Referred S Financial & Governmental Organizations and Elections  
Committee (S86)

01/24/2005 Hearing Conducted S Financial & Governmental Organizations and Elections  
Committee

02/14/2005 Voted Do Pass S Financial & Governmental Organizations and Elections  
Committee-Consent

02/14/2005 Reported from S Financial & Governmental Organizations and Elections Committee to  
Floor - Consent (S218)

02/22/2005 S Third Read and Passed - Consent (S268)

02/23/2005 H First Read (H394)

02/24/2005 H Second Read (H400)

EFFECTIVE: August 28, 2005

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\*\*\* SB 142 \*\*\*

0393S.01I

SENATE SPONSOR: Gross

SB 142 - 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, 2006.

This act is similar to SB 731 (2004), SB 501 (2003) and to a provision contained in  
CCS/SS/SCS/HB 327 (2003).

STEPHEN WITTE

01/04/2005 Prefiled

01/05/2005 S First Read (S34)

01/13/2005 Second Read and Referred S Transportation Committee (S86)

02/01/2005 Hearing Conducted S Transportation Committee

EFFECTIVE: August 28, 2005

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\*\*\* SB 143 \*\*\*

0687S.02I

SENATE SPONSOR: Gross

SB 143 - This act extends the sunset on the pharmacy providers tax, the hospital federal reimbursement allowance, and the nursing home federal reimbursement allowance by one year. Currently, each is set to expire in 2005.

The act contains an emergency clause.  
JASON ZAMKUS

01/04/2005 Prefiled

01/05/2005 S First Read (S34)

01/13/2005 Second Read and Referred S Ways & Means Committee (S86)

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\*\*\* SB 144 \*\*\*

0796S.02I

SENATE SPONSOR: Gross

SB 144 - This act converts two current associate circuit judges into circuit judges beginning on January 1, 2006. Current family court commissioners and drug court commissioners will become associate circuit judges on January 1, 2006, but will maintain their responsibilities with regard to the family court and drug court.

JIM ERTLE

01/04/2005 Prefiled

01/05/2005 S First Read (S34)

01/13/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S86)

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\*\*\* SB 145 \*\*\*

0330S.01I

SENATE SPONSOR: Dougherty

SB 145 - 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 991 (2004).

JIM ERTLE

01/04/2005 Prefiled

01/05/2005 S First Read (S34)

01/13/2005 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S86)

EFFECTIVE: August 28, 2005

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\*\*\* SB 146 \*\*\*

0781S.01I

SENATE SPONSOR: Dougherty

SB 146 - 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 815 (2004).

DONALD THALHUBER

01/04/2005 Prefiled

01/05/2005 S First Read (S34)

01/13/2005 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S86)

EFFECTIVE: August 28, 2005

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\*\*\* SB 147 \*\*\*    SCS SB 147  
SENATE SPONSOR: Cauthorn

0775S.02P

SCS/SB 147 - This act pertains to the Missouri qualified biodiesel producer incentive fund.

The act modifies the eligibility of producers for grants available from the fund. Current law states that producers are eligible for a total of sixty months. The act states that the producer may still be eligible for an additional twenty-four months, or until the full amount of funding is received, if the original appropriation was not fully met.

This act authorizes an additional ten cents per gallon for the next fifteen million gallons of qualified biodiesel produced from Missouri agricultural products is available for eligible producers. A producer's grant amount in a fiscal year is limited to thirty cents per gallon for the first fifteen million gallons of qualified biodiesel. The limit of biodiesel produced that cannot be applied to the computation of a grant has been raised from any amount in excess of fifteen gallons, to any amount in excess of thirty million gallons.

This act removes language that subjects the fund to "appropriations with funds other than general revenue funds". With this draft, the fund is simply "subject to appropriation".

MEGAN WORD

01/04/2005 Prefiled

01/05/2005 S First Read (S34)

01/13/2005 Second Read and Referred S Agriculture, Conservation, Parks &amp; Natural Resources Committee (S86)

01/26/2005 Hearing Conducted S Agriculture, Conservation, Parks &amp; Natural Resources Committee

02/02/2005 SCS Voted Do Pass S Agriculture, Conservation, Parks &amp; Natural Resources Committee (0775S.02C)

02/17/2005 Reported from S Agriculture, Conservation, Parks &amp; Natural Resources Committee to Floor w/SCS (S249)

02/28/2005 SCS S adopted (S301)

02/28/2005 Perfected (S301)

03/01/2005 Reported Truly Perfected S Rules Committee (S311)

03/01/2005 Referred S Governmental Accountability and Fiscal Oversight Committee (S312)

03/02/2005 Voted Do Pass S Governmental Accountability and Fiscal Oversight Committee

03/03/2005 Reported from S Governmental Accountability and Fiscal Oversight Committee to Floor (S348)

03/03/2005 S Third Read and Passed (S348-349)

EFFECTIVE: August 28, 2005

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\*\*\* SB 148 \*\*\*  
SENATE SPONSOR: Nodler

0758S.01I

SB 148 - This act pertains to environmental regulation, in particular, the Land Reclamation Act.

This act clarifies that the Land Reclamation Act shall not be understood as a mechanism with which to regulate the excavation of minerals or fill dirt for the purpose of construction as unrelated to surface mining or the reclamation of land subsequent to surface mining.

The act adds definitions to Section 444.765 RSMo, as well as modifies the standing definition of "surface mining".

The act clarifies duties of the land reclamation commission, excluding the commission from regulating the excavation of minerals or fill dirt for the purpose of construction as unrelated to surface mining or the reclamation of land subsequent to surface mining, and stating that the powers granted the commission shall be utilized to promote the reclamation of land disturbed by surface mining for purposes of restoration.

The act allows for public entities, private persons, contractors or subcontractors to public entities or private persons to move minerals or fill dirt within the confines of real property for the purposes of construction or to remove such minerals or dirt as incidental to the primary purpose of construction at the site of excavation, without first obtaining a permit to do so. The circumstances under which excavations are to be considered for the purposes of construction are laid out in this act, as are those which shall be considered for the purposes of surface mining. Any private person, lessor, public entity, contractor or subcontractor engaged in land improvement may not be required to obtain a surface mining permit under this act, provided a determination by the director or commission is forthcoming to that effect. The activities to be considered for the purposes of mining are laid out in this act. The act goes on to state circumstances where land improvement activities are not for the purposes of mining and do not require a permit.

The Land Reclamation Commission shall promulgate rules further defining when land improvement does or does not require a surface mining permit. Such a determination shall be communicated to the owner of the property in question by letter. Upon request of the property owner, an informal conference shall be scheduled with the Director within fifteen calendar days to discuss the determination. Following which, the Director shall issue a written determination no later than thirty calendar days after the aforementioned conference. If there continues to be a disagreement between the property owner and the Director, the property owner may make a request for a hearing before the commission; the details of that request are laid out in this act. The act clarifies that until a written determination has been issued, the property owner may continue the activity at the site in question. If the final determination is that a permit is required, all fees or rules of the commission shall apply.

The burden of proof to establish that a permit is required shall be on the director and commission, that burden establishing that a permit is not required shall be on the person receiving a determination to the contrary.

MEGAN WORD

01/04/2005 Prefiled

01/05/2005 S First Read (S34)

01/13/2005 Second Read and Referred S Commerce, Energy and the Environment Committee (S86)

01/25/2005 Hearing Conducted S Commerce, Energy and the Environment Committee

02/08/2005 Voted Do Pass S Commerce, Energy and the Environment Committee-Consent

02/14/2005 Reported from S Commerce, Energy and the Environment Committee to Floor - Consent (S217)

02/17/2005 Removed S Consent Calendar (S247)

EFFECTIVE: August 28, 2005

SENATE SPONSOR: Nodler

SB 149 - This act establishes a separate hearing for a back pay award and establishment of a reinstatement date after the appeal of a decision finding in favor of a state employee in the merit system in a dismissal, demotion or suspension.

JIM ERTLE

01/04/2005 Prefiled

01/05/2005 S First Read (S34)

01/13/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S86)

01/24/2005 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

02/07/2005 Voted Do Pass S Judiciary and Civil & Criminal Jurisprudence Committee - Consent

02/14/2005 Reported from S Judiciary and Civil & Criminal Jurisprudence Committee to Floor - Consent (S218)

02/24/2005 S Third Read and Passed - Consent (S286)

02/28/2005 H First Read (H422)

03/01/2005 H Second Read (H429)

EFFECTIVE: August 28, 2005

\*\*\* SB 150 \*\*\*

0484S.011

SENATE SPONSOR: Green

SB 150 - This act creates the Public Service Accountability Act, which requires most public bodies to analyze costs and benefits of privatizing their services for any service valued at \$25,000 or more. The public body must prepare a statement of services proposed to be the subject of the privatization contract that includes the specific quantity and standard of quality which will be used to solicit sealed bids.

The act contains requirements for the bidding procedure. A comprehensive written estimate of the cost of a privatization contract and the cost of regular public employees providing the services must be prepared. A contract can only be granted when the cost differential is more than a 10% savings. Minimum wages for the privatization contract are established. No contract may exceed two years in length. Privatization contractors must offer employment positions to qualified agency employees whose jobs are eliminated as a result of the contract.

The act outlines other considerations for the awarding of a privatization contract. Certain restrictions are placed on the hiring of a subcontractor and creates guidelines for the contractor to follow during the length of the privatization contract. Remedies for violation of this law are outlined in the act. Funds of a public body may not be used to support or oppose unionization. A privatization contract is defined as an agreement, or combination or series of agreements, by which a non-governmental person or entity agrees with a public body to provide services which are substantially similar to and in lieu of services which have been provided, in whole or in part, by regular employees of a public body.

This act contains an emergency clause.

JASON ZAMKUS

01/04/2005 Prefiled

01/05/2005 S First Read (S34)

01/13/2005 Second Read and Referred S Governmental Accountability & Fiscal Oversight Committee (S86)



EFFECTIVE: August 28, 2005

\*\*\* SB 151 \*\*\*

0642S.01I

SENATE SPONSOR: Green

SB 151 - This act prohibits state senators and representatives from receiving state health insurance. The act includes a delayed effective date, which makes the act effective January 1, 2006, the same time that the insurance policies are renewed.

JASON ZAMKUS

01/04/2005 Prefiled

01/05/2005 S First Read (S34)

01/13/2005 Second Read and Referred S Small Business, Insurance & Industrial Relations  
Committee (S86)

02/02/2005 Hearing Conducted S Small Business, Insurance &amp; Industrial Relations Committee

03/02/2005 Voted Do Not Pass S Small Business, Insurance &amp; Industrial Relations Committee

EFFECTIVE: October 1, 2006

\*\*\* SB 152 \*\*\*

0762S.01I

SENATE SPONSOR: Wilson

SCS/SB 152 - This act creates the "Youth Smoking Prevention Trust Fund", which shall be funded by monies received under the Master Settlement Agreement. The Commission for Youth Smoking Prevention is established in the Department of Health and its membership and duties are outlined within the act.

ADRIANE CROUSE

01/04/2005 Prefiled

01/05/2005 S First Read (S34)

01/13/2005 Second Read and Referred S Aging, Families, Mental & Public Health Committee  
(S86)

02/23/2005 Hearing Conducted S Aging, Families, Mental &amp; Public Health Committee

03/02/2005 SCS Voted Do Pass S Aging, Families, Mental & Public Health Committee  
(0762S.02C)

EFFECTIVE: August 28, 2005

\*\*\* SB 153 \*\*\*

0482S.01I

SENATE SPONSOR: Graham

SB 153 - This act modifies the law relating to ombudsman volunteers. This act prohibits any long-term care facility from relieving an ombudsman volunteer from their duties. Ombudsman volunteers may only be relieved by the regional ombudsman in consultation with the state ombudsman.

This act also requires all long-term care facilities to accept ombudsman volunteers when they are available. Any long-term care facility not willing to work with the ombudsman program will be subject to sanctions by the Department of Health and Senior Services.

This act is identical to HB 1441 (2004).

ANDY LYSKOWSKI

01/05/2005 S First Read (S35)

01/13/2005 Second Read and Referred S Aging, Families, Mental & Public Health Committee  
(S86)

EFFECTIVE: August 28, 2005

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\*\*\* SB 154 \*\*\*

0235S.01I

SENATE SPONSOR: Bray

SB 154 - 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.

This act is identical to SB 1330 (2004).

JIM ERTLE

01/05/2005 S First Read (S35)

01/13/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee  
(S86)

EFFECTIVE: August 28, 2005

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\*\*\* SB 155 \*\*\* SCS SB 155

0716S.04C

SENATE SPONSOR: Mayer

SCS/SB 155 - This act changes the reporting requirement for child abuse and neglect. The previous version required the Division of Family Services to expunge the information from reports against mandatory reporters when the report was found to be malicious, for purposes of harassment, or in retaliation thirty days after the date of the report. This act changes the time period to forty-five days and changes the trigger to the conclusion of the investigation by the division rather than from the date of the report (as some investigations take time).

Additionally, the act provides for the expungement of information after 45 days in the case of malicious, harassment or retaliatory reports for all other reports filed - not just for those filed against mandatory reporters.

For all other reports where insufficient evidence of abuse or neglect is found by the division, identifying information shall be retained for two years from the conclusion of the investigation.

DONALD THALHUBER

01/05/2005 S First Read (S35)

01/18/2005 Second Read and Referred S Education Committee (S90)  
 01/25/2005 Hearing Cancelled Education  
 02/08/2005 Hearing Conducted S Education Committee  
 02/22/2005 SCS Voted Do Pass S Education Committee-Consent (0716S.04C)  
 02/28/2005 Reported from S Education Committee to Floor w/SCS - Consent (S300)  
 03/03/2005 Removed S Consent Calendar (S348)

EFFECTIVE: August 28, 2005

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\*\*\* SB 156 \*\*\*

0622S.01I

SENATE SPONSOR: Shields

SB 156 - This act modifies the law relating to port authorities. This act expands or clarifies the port authority law to provide that one of the purposes of a port authority is to promote development within the port district (Section 68.020). The act allows port authorities to acquire, own, construct, develop, lease, maintain, and conduct land reclamation with respect to unimproved land, residential developments, commercial developments and mixed-use developments. Under current law, port authorities can only own and develop property that is industrial in nature (Section 68.025). Under the current law, port authorities have the power to own and develop certain property for a period of five years in the event private operators are not interested or available. After the five year period, the properties must be submitted to a competitive bidding process. This act modifies this process by interjecting more flexibility for port authorities. The act provides that port authorities may enter into agreements with private operators and public entities for the joint development, redevelopment and reclamation of property within the port district.

STEPHEN WITTE

01/06/2005 S First Read (S43)  
 01/18/2005 Second Read and Referred S Transportation Committee (S90)  
 02/08/2005 Hearing Conducted S Transportation Committee-Consent  
 02/24/2005 Voted Do Pass S Transportation Committee-Consent  
 03/01/2005 Reported from S Transportation Committee to Floor - Consent (S327)  
 03/07/2005 S Consent Calendar (3/1)

EFFECTIVE: August 28, 2005

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\*\*\* SB 157 \*\*\* SCS SBs 157 & 234

0585S.01I

SENATE SPONSOR: Crowell

SCS/SBs 157 & 234 - Currently, the money in the sheriff's revolving fund can only be used by law enforcement for purchasing equipment and to provide training. This act would also allow the money in the fund to be used for costs necessary to process applications, including, but not limited to, the purchase of equipment, training, fingerprinting, background checks, employment of more personnel, and other expenditures.

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.

This act is similar to HB 1601 (2004).  
 SUSAN HENDERSON

01/06/2005 S First Read (S43)

01/18/2005 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S90)

02/01/2005 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee

02/08/2005 SCS SBs 157 & 234 Voted Do Pass S Pensions, Veterans' Affairs and General Laws Committee (0585S.06C)

EFFECTIVE: August 28, 2005

\*\*\* SB 158 \*\*\*

0709S.02I

SENATE SPONSOR: Cauthorn

SB 158 - This act establishes a prescription monitoring program in the Department of Health and Senior Services. The program will monitor the prescribing and dispensing of all Schedule II through Schedule V controlled substances by all licensed professionals who prescribe or dispense these substances in Missouri. The dispenser must electronically submit to the department information for each prescription and specifies the frequency of the submissions. The department may issue a waiver to a dispenser who is unable to submit the required information electronically. If a waiver is obtained, a dispenser can submit the required information in paper format or by other approved means. All submitted prescription information shall be confidential. Exceptions to this requirement include violations of law or breach of professional standards which result in an investigation and the submission or the release of prescription information to authorized persons.

The act authorizes the release of non-personal, general information for statistical, educational, and research purposes. The department may contract with other state agencies or private vendors to implement the provisions of this act. The act contains penalty provisions for dispensers and authorized persons who violate provisions of the act. The department is required to implement certain education courses regarding the prescription monitoring program. The department shall, when appropriate, work with associations for impaired professionals to ensure ongoing monitoring and treatment and encourage individual patients who are addicted to substances monitored by the program to receive addiction treatment.

The provisions of this act shall be effective on January 1, 2006 and sunset in six years.

This act is similar to HB 987 (2004).

JIM ERTLE

01/10/2005 S First Read (S60)

01/18/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S90)

01/24/2005 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: January 1, 2006

\*\*\* SB 159 \*\*\*

0806S.01I

SENATE SPONSOR: Cauthorn

SB 159 - This act adds substances to the controlled substance schedules.  
SUSAN HENDERSON

01/10/2005 S First Read (S60)

01/18/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S90)

01/24/2005 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 160 \*\*\*

0511S.01I

SENATE SPONSOR: Bartle

SB 160 - 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 an oocyte of a human female by a sperm of a human male.

This act prohibits any individual from knowingly cloning, attempting to clone a human being, or participating in cloning a human being. This act also prohibits any person from knowingly using public funds or public facilities to clone a human being.

Under this act, no public employee shall knowingly allow any person to clone a human being while making use of public funds or facilities.

A violation of this section is a Class B felony.

SUSAN HENDERSON

01/11/2005 S First Read (S66)

01/24/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S108)

01/31/2005 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

02/02/2005 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

02/14/2005 Voted Do Pass S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 161 \*\*\* SCS SB 161

0662S.04C

SENATE SPONSOR: Gross

SCS/SB 161 - This substitute disallows local school boards from prohibiting teachers and administrators from reading or posting in public school buildings any excerpt from a specified list of documents and verses related to American and Missouri history, the civil rights movement, and patriotism. The act prohibits censorship of any of the specified items based on religious content or reference.

This act is similar to HB 971 from 1996.

DONALD THALHUBER

01/11/2005 S First Read (S66)

01/18/2005 Second Read and Referred S Education Committee (S90)

02/15/2005 Hearing Conducted S Education Committee

03/01/2005 SCS Voted Do Pass S Education Committee-Consent (0662S.04C)

03/01/2005 Reported from S Education Committee to Floor w/SCS - Consent (S327)

03/07/2005 S Consent Calendar w/SCS (3/1)

EFFECTIVE: August 28, 2005

\*\*\* SB 162 \*\*\*

0259S.01P

SENATE SPONSOR: Gross

SB 162 - This act removes references to the Committee on Radiation Control from sections

192.400, 192.410, and 192.420, RSMo.  
ADRIANE CROUSE

01/11/2005 S First Read (S66-67)

01/18/2005 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S90)

01/26/2005 Hearing Conducted S Aging, Families, Mental & Public Health Committee

02/02/2005 Voted Do Pass S Aging, Families, Mental & Public Health Committee-Consent

02/14/2005 Reported from S Aging, Families, Mental & Public Health Committee to Floor - Consent (S218)

02/24/2005 S Third Read and Passed - Consent (S284-285)

02/28/2005 H First Read (H422)

03/01/2005 H Second Read (H429)

EFFECTIVE: August 28, 2005

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\*\*\* SB 163 \*\*\*

0415S.03I

SENATE SPONSOR: Loudon

SCS/SB 163 - The act is identical to the introduced version except it eliminates Section 288.050 from the text of the bill although the section still exists elsewhere in statute.

The original act makes the following changes with regard to unemployment Compensation:

SECTION 288.036-TAXABLE WAGE BASE (TAX) INCREASE LIMIT - The mandated increases in the taxable base are limited to a maximum of \$12,000 instead of \$13,000 under current law.

SECTION 288.038-MAXIMUM WEEKLY BENEFIT INCREASE - The mandated increases in the weekly benefit amount are limited to \$300 per week, instead of the \$320 per week under current law.

The weekly benefit amount will permanently be set at 3.75% of the average of the claimants two highest quarters earnings within the base period beginning in 2006. Current law has 4% of the highest quarter in 2005, 3.75% of the highest quarter in 2006 and 2007, and then 4% of the average of the two highest quarters in 2008.

SECTION 288.045-DRUG AND ALCOHOL TESTING - Eliminates acceptable limits of marijuana and alcohol. Allows consideration of random and pre-employment screens for a finding of misconduct with appropriate notice. Permits accrediting by approved professional organizations, rather than just U.S. D.O.T.. Allows for a refusal to submit to a drug screen to be considered misconduct.

SECTION 288.121-UNCONSTITUTIONAL SURCHARGE ELIMINATED - Eliminates the temporary debt indebtedness assessment.

SECTION 288.128-DUAL SURCHARGE/UNCONSTITUTIONAL SURCHARGE ELIMINATED -Subsection 1 eliminates one year payment of all outstanding non-federal loans. Subsection 2 deletes the entire section authorizing unconstitutional surcharge.

SECTION 288.310- DELETES REFERENCES TO UNCONSTITUTIONAL SURCHARGE

SECTION 288.330-PERMITS BONDING WITHOUT UNCONSTITUTIONAL SURCHARGE - Deletes all references to the unconstitutional surcharge and extends repayment period to not longer than 10 years.

The act also amends the definition of employment as it pertains to unemployment compensation. The act states that owners and operators who lease motor vehicles with drivers to a for-hire motor carrier shall not be deemed employed for the purposes of unemployment security.  
ANDY LYSKOWSKI

01/11/2005 S First Read (S67)

01/18/2005 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S90)

02/09/2005 Hearing Conducted S Small Business, Insurance & Industrial Relations Committee

02/16/2005 SCS Voted Do Pass S Small Business, Insurance & Industrial Relations Committee (0415.07C)

EFFECTIVE: August 28, 2005

\*\*\* SB 164 \*\*\*

0583S.01I

SENATE SPONSOR: Crowell

SB 164 - This act prohibits the expenditure of public funds to existing or proposed health and social services programs that directly or indirectly subsidize abortion services. An entity that is affiliated with another entity that provides abortion services may only receive public funds if the affiliated entity is an independent affiliate. Entities that provide counseling to pregnant women and receive public funds may only provide non-directive pregnancy counseling and may not display or distribute material promoting abortion services.

This act also requires entities that receive public funds to maintain records that demonstrate strict compliance. An independent audit of these entities must be conducted at least once every three years. If the recipient of public funds is affiliated with an entity that provides abortion services, an audit must be conducted each year to ensure compliance. The act includes exceptions for reimbursement to entities that provide services that are required under federal Medicaid regulations and certain services required under the federal family planning program.

This act is identical to HB 1000 (2004).

JIM ERTLE

01/11/2005 S First Read (S67)

01/18/2005 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S90)

EFFECTIVE: August 28, 2005

\*\*\* SB 165 \*\*\*

0887S.01P

SENATE SPONSOR: Bartle

SB 165 - This act changes the appeal of a Public Service Commission order from the circuit court in the county where the hearing was held to the appellate court of the district where the commission has its principal office. The filing of the notice of appeal shall not automatically stay the commission's order. The appealing party may ask the appellate court to appoint a special master to determine whether the order must be stayed. The special master has the authority to maintain the status quo of the commission's order pending the appeal or the order. If the appellate court decision of the commission's order is further appealed, the appeal to the Missouri Supreme

Court will take precedence over all other civil appeals on the supreme court docket if a bond of \$500 is filed in a timely manner.

JIM ERTLE

01/12/2005 S First Read (S71)

01/18/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S90)

01/24/2005 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

02/07/2005 Voted Do Pass S Judiciary and Civil & Criminal Jurisprudence Committee - Consent

02/14/2005 Reported from S Judiciary and Civil & Criminal Jurisprudence Committee to Floor - Consent (S218)

02/24/2005 S Third Read and Passed - Consent (S285)

02/28/2005 H First Read (H422)

03/01/2005 H Second Read (H429)

EFFECTIVE: August 28, 2005

\*\*\* SB 166 \*\*\*

0944S.011

SENATE SPONSOR: Green

SB 166 - This act allows the state to determine which employers are shifting their responsibility to provide health care coverage for their employees to state taxpayers. This is accomplished by requiring hospitals to report employees of private companies which obtain care at emergency rooms or disclose that they do not have health care benefits. In addition, the state must disclose the total cost to the state if providing public health care benefits for the employees.

ANDY LYSKOWSKI

01/12/2005 S First Read (S71)

01/18/2005 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S90)

02/02/2005 Hearing Conducted S Small Business, Insurance & Industrial Relations Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 167 \*\*\*

0878S.011

SENATE SPONSOR: Green

SB 167 - This act requires that privately funded mental health facilities have the same reporting requirements for patient abuse as state mental health facilities. This act also requires a cost benefit analysis before the closing or downsizing of any state mental health facility.

ADRIANE CROUSE

01/12/2005 S First Read (S71)

01/18/2005 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S90)

02/09/2005 Hearing Cancelled Aging, Families, Mental & Public Health Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 168 \*\*\*

0780S.021

SENATE SPONSOR: Dolan

SCS/SB 168 - This act permits contractors to resolve law suits without litigation.

Contractors must provide notice in contracts with homeowners for the sale, construction or substantial remodel of a residence. The notice sets out required procedures for resolving disputes



with contractors (Section 431.303).

Before filing an action against a contractor claiming a construction defect relating to the construction or remodel of a residence, the homeowner must serve the contractor with notice of the claim of construction defects. The homeowner must wait ninety days before filing an action. During that time, the contractor must respond to the claim, which may include offers to inspect the residence, remedy of all or part of the claim or deny the homeowner's claim. An action can be filed if the contractor violates any of the requirements of the act. Homeowners who decide to use small claim court do not have to submit to mediation under this act. The requirements of this act do not apply to a subrogated insurance claim.

The claimant may reject the offer of compromise from the contractor. The parties must then attempt to mediate the claim as provided in this act. If the claim is not resolved by mediation, the claimant may file an action against the contractor. None of the written statements made in attempt to reach an agreement of the parties may be used against either party in a subsequent cause of action and the mediator may not be subpoenaed.

If the homeowner elects to allow the contractor to inspect the residence, the parties shall agree on a time and date for the inspection within 14 days. The inspection shall occur within 14 days from the date that the homeowner elects to allow the contractor to inspect. 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.

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.

If immediate action by the homeowner is needed to prevent injury because of construction defects, including garage doors, that threaten the life, physical health (not including emotional or mental health) or safety of persons, the homeowner can make such repairs and may include the costs of repairs in the written notice of construction defects. Any other homeowner repairs may not be included in the claim (Section 431.306).

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 cause of action. Prior to filing an action, the board must provide written notice of the action to each homeowner in the association. A majority of the homeowners must consent in writing to proceed with an action.

Unless the contractor fails to comply with the requisites of the act, or fails to respond or make agreed upon repairs 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 431.312).

Nothing in this act shall be construed to create a theory or cause of action upon which liability may be based or to limit any causes of action otherwise available to a homeowner or contractor. Furthermore, nothing in this act shall be construed to prevent contracts between homeowners and contractors calling for binding arbitration (Section 431.315). This act does not apply to an action brought by an insurer if payment was made by the insurer pursuant to a claim under an insurance policy. If the action is equal or less than the applicable small claims jurisdictional amount, the

claimant must pay the mediator \$500.

JASON ZAMKUS

01/12/2005 S First Read (S71)

01/18/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S90)

02/07/2005 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

02/21/2005 SCS Voted Do Pass S Judiciary and Civil & Criminal Jurisprudence Committee (0780S.03C)

EFFECTIVE: August 28, 2005

**\*\*\* SB 169 \*\*\***

0757S.01I

SENATE SPONSOR: Gross

SB 169 - This act extends the aviation sales from 2008 to 2010. The act also clarifies the agency (Department of Transportation) that Section 305.230, RSMo applies.

JASON ZAMKUS

01/12/2005 S First Read (S71)

01/18/2005 Second Read and Referred S Ways & Means Committee (S90)

01/24/2005 Hearing Cancelled S Ways & Means Committee

01/27/2005 Hearing Cancelled Ways & Means Committee

EFFECTIVE: August 28, 2005

**\*\*\* SB 170 \*\*\***

0636S.03I

SENATE SPONSOR: Gross

SB 170 - This act extends the Dry Cleaning Fee until 2012. The act also requires that the Hazardous Waste Commission adopt rules to carry out the provisions of Sections 260.900 to 260.960, RSMo, no later than July 1, 2007.

MEGAN WORD

01/12/2005 S First Read (S71)

01/18/2005 Second Read and Referred S Ways & Means Committee (S90)

01/27/2005 Hearing Conducted S Ways & Means Committee

EFFECTIVE: August 28, 2005

**\*\*\* SB 171 \*\*\***

0893S.01P

SENATE SPONSOR: Purgason

SB 171 - The act removes Section 229.160, RSMo from the law. The section requires all persons owning, among other things, tractors, and moving those vehicles over public highways to lay down planks on the floors of all bridges. If such planks are not laid the person responsible for the vehicle is held liable for double the amount of injury caused to the bridge in question.

MEGAN WORD

01/12/2005 S First Read (S71-72)

01/18/2005 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S90)

01/26/2005 Hearing Conducted S Agriculture, Conservation, Parks & Natural Resources Committee

02/02/2005 Voted Do Pass S Agriculture, Conservation, Parks & Natural Resources Committee-Consent

02/14/2005 Reported from S Agriculture, Conservation, Parks & Natural Resources Committee to Floor - Consent (S219)

02/24/2005 S Third Read and Passed - Consent (S287)

02/28/2005 H First Read (H422)

03/01/2005 H Second Read (H429)

EFFECTIVE: August 28, 2005

\*\*\* SB 172 \*\*\*

0898S.01I

SENATE SPONSOR: Purgason

SB 172 - This act repeals HS/HCS/HB 1433 (2004) authorizing the creation of watershed improvement districts.

SUSAN HENDERSON

01/12/2005 S First Read (S72)

01/18/2005 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S90)

02/09/2005 Hearing Conducted S Agriculture, Conservation, Parks & Natural Resources Committee

03/02/2005 Voted Do Pass S Agriculture, Conservation, Parks & Natural Resources Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 173 \*\*\*

0851S.01P

SENATE SPONSOR: Scott

SB 173 - This act creates a graduated increase in payments to sheltered workshops. Currently, the workshops are reimbursed at a rate of thirteen dollars multiplied by the number of six-hour or longer days worked by handicapped workers. This act increases this payment so that, by July 1, 2008, and thereafter, the workshops are reimbursed at a rate of eighteen dollars multiplied by the number of six-hour or longer days worked by handicapped workers.

DONALD THALHUBER

01/12/2005 S First Read (S72)

01/18/2005 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S90)

02/02/2005 Hearing Conducted S Aging, Families, Mental & Public Health Committee

02/23/2005 Voted Do Pass S Aging, Families, Mental & Public Health Committee

02/28/2005 Reported from S Aging, Families, Mental & Public Health Committee to Floor (S299)

03/01/2005 SA 1 S offered & defeated (Graham)--(0851S01.03S) (S314)

03/01/2005 SA 2 S offered & defeated (Graham)--(0851S01.04S) (S314-315)

03/01/2005 SA 3 S offered & defeated (Graham)--(0851S01.02S) (S315)

03/01/2005 Perfected (S315)

03/02/2005 Reported Truly Perfected S Rules Committee

03/02/2005 Referred S Governmental Accountability and Fiscal Oversight Committee

03/07/2005 Hearing Scheduled S Governmental Accountability & Fiscal Oversight Committee

03/07/2005 S Formal Calendar S Bills for Third Reading (Fiscal Oversight)

EFFECTIVE: August 28, 2005

\*\*\* SB 174 \*\*\*

0953S.01P

SENATE SPONSOR: Vogel

SB 174 - This act authorizes the state to convey land to the Regional West Fire Protection

District.

This act has an emergency clause.

SUSAN HENDERSON

01/12/2005 S First Read (S74)

01/18/2005 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S90)

01/26/2005 Hearing Conducted S Economic Development, Tourism & Local Government Committee

02/02/2005 Voted Do Pass S Economic Development, Tourism & Local Government Committee-Consent

02/14/2005 Reported from S Economic Development, Tourism & Local Government Committee to Floor - Consent (S217)

02/22/2005 S Third Read and Passed - Consent (EC adopted) (S266)

02/23/2005 H First Read (w/EC) (H395)

02/24/2005 H Second Read (H400)

EFFECTIVE: Emergency Clause

\*\*\* SB 175 \*\*\*

0890S.03I

SENATE SPONSOR: Koster

This bill has been combined with SB 66

01/13/2005 S First Read (S80-81)

01/18/2005 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S90)

02/01/2005 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee

03/01/2005 Bill Combined w/SB66

EFFECTIVE: August 28, 2005

\*\*\* SB 176 \*\*\*

0979S.02I

SENATE SPONSOR: Vogel

HOUSE HANDLER: Deeken

SB 176 - This act allows Cole County to elect a sheriff, due to a vacancy in the office, on the general municipal election day (April 5) regardless of the amount of time that lapses from the date of vacancy. Currently, if the vacancy occurs more than 9 months from a general election, a special election must be held.

This provision will expire on June 1, 2005.

This act allows the governing body of Poplar Bluff to impose, subject to voter approval, a sales tax on retail sales for the purpose of funding local economic development projects, including transportation projects. The sales tax may be approved at the rate of one-half of 1% of the receipts from taxable retail sales within the city. Revenue collected from the sales tax, less 1% for the cost of collection, is to be deposited by the Director of Revenue into the Local Economic Development Sales Tax Fund. The tax will terminate as approved by the voters.

This act has an emergency clause.

SUSAN HENDERSON

01/13/2005 S First Read (S81)

01/18/2005 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S90)  
 01/19/2005 Hearing Conducted S Economic Development, Tourism & Local Government Committee  
 01/19/2005 Voted Do Pass S Economic Development, Tourism & Local Government Committee-Consent  
 01/20/2005 Reported from S Economic Development, Tourism & Local Government Committee to Floor (S102)  
 01/24/2005 SA 1 S offered & defeated (Graham) (S107)  
 01/24/2005 Perfected (S107)  
 01/24/2005 Reported Truly Perfected S Rules Committee (S108)  
 01/25/2005 S Third and Passed (EC adopted) (S111-112)  
 01/25/2005 H First Read (H149)  
 01/26/2005 H Second Read (H152)  
 01/26/2005 Referred H Elections Committee (H161)  
 01/27/2005 Hearing Conducted H Elections Committee  
 01/27/2005 Reported Do Pass H Elections Committee  
 01/27/2005 Referred to H Rules Committee pursuant to Rule 25(26)(f)  
 01/31/2005 Hearing Conducted H Rules Committee  
 01/31/2005 Voted Do Pass H Rules Committee  
 01/31/2005 Reported Do Pass H Rules Committee (H185)  
 02/01/2005 H Third Read and Passed (w/EC) (H192-193 / S152)  
 02/01/2005 Truly Agreed To and Finally Passed (w/EC) (H193-194)  
 02/01/2005 Reported Duly Enrolled S Rules Committee (S152)  
 02/01/2005 Signed by Senate President (S152)  
 02/01/2005 Signed by House Speaker (H194)  
 02/01/2005 Delivered to Governor (w/EC) (S152)  
 02/01/2005 Signed by Governor (w/EC)

EFFECTIVE: Emergency Clause

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\*\*\* SB 177 \*\*\*

0787S.01P

SENATE SPONSOR: Shields

SB 177 - Currently, certain dentists who perform dental primary care and preventive health services are covered by the state legal expense fund. This act adds extractions to the definition of "dental primary care and preventive health services.

JIM ERTLE

01/13/2005 S First Read (S177)  
 01/18/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S90)  
 02/21/2005 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee  
 02/21/2005 Voted Do Pass S Judiciary and Civil & Criminal Jurisprudence Committee - Consent  
 02/23/2005 Reported from S Judiciary and Civil & Criminal Jurisprudence Committee to Floor - Consent (S275)  
 03/03/2005 S Third Read and Passed - Consent (S361)

EFFECTIVE: August 28, 2005

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\*\*\* SB 178 \*\*\*

0847S.01P

SENATE SPONSOR: Shields

SB 178 - This act modifies provisions regarding the licensing of podiatrists. References to podiatry are changed to podiatric medicine. The act changes references to the registration of podiatrists to the licensure of podiatrists. The required examination for licensure shall be an exam offered by the National Board of Podiatric Medical Examiners as well as an exam on applicable Missouri law and regulations. The act deletes the requirement that the license contain the residence address of the individual. The act authorizes the board to require an additional fee for duplicate licenses if the person maintains more than one office.

Persons serving an internship/residency in a Missouri hospital may obtain a license from the board for a two-year period, instead of the current law which authorizes a one-year license with a one-year renewal. The act modifies provisions to require biennial license renewal, rather than annual license renewal. A retired podiatrist will be required to submit evidence of obtaining sufficient continuing education in order to reactivate the person's license. Each board member will receive \$70, rather than the current \$50, for each day devoted to board activities.

The act provides that if the board revokes the license of a podiatrist, the board may prohibit the person from reapplying for a period of time ranging from two to seven years. Before restoring any license which has been revoked or inactive for any reason, the board can require the person to obtain continuing medical education courses and pass specified examinations.

JIM ERTLE

01/13/2005 S First Read (S81)

01/18/2005 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S90)

01/31/2005 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

02/14/2005 Voted Do Pass S Financial & Governmental Organizations and Elections Committee-Consent

02/14/2005 Reported from S Financial & Governmental Organizations and Elections Committee to Floor - Consent (S218)

02/22/2005 S Third Read and Passed - Consent (S267)

02/23/2005 H First Read (H395)

02/24/2005 H Second Read (H400)

EFFECTIVE: August 28, 2005

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\*\*\* SB 179 \*\*\* SS SCS SB 179  
SENATE SPONSOR: Griesheimer

0983S.05P

SS/SCS/SB 179 - This act pertains to cost recovery for utility companies.

The act provides the opportunity for any electrical corporation to make application to the Public Service Commission in order to utilize interim energy charges or periodic rate adjustments to recover costs of fuel and purchased power. The act allows the commission to include in such rate schedules features intended to provide incentives to improve efficiency and cost-effectiveness for the utility's fuel and purchased power procurement.

The act provides the opportunity for any electrical, gas or water corporation to make application to the public service commission in order to utilize periodic rate adjustments to recover costs related to environmental compliance. The costs here can be capital or expense. The act stipulates a cap on this rate adjustment, any such adjustment shall not exceed two and one-half percent per year. There is a carry over provision in the language, however any such carry over

shall respect and stay within the limit set for the annual cap.

The act allows for limited adjustments for changes in customer usage for variations in weather and/or conservation.

The act provides the commission with the discretion to approve, modify or reject any adjustment mechanism after hearing and considering all relevant factors. The act lays out the standards by which any electrical, gas or water corporation must meet in order to have an adjustment mechanism approved by the commission:

- The mechanism is reasonably designed to provide the utility with a sufficient opportunity to earn a fair return on equity;

- The mechanism includes provisions for an annual true-up; correct any over or under collections through subsequent rate adjustments or refunds

- For any utility applying for a fuel or environmental cost mechanism, a rate case must be filed within four years from the commission's order implementing the mechanism. The act also modifies this time frame by adding language that would "stop the clock" if for some reason, the adjustment mechanism is prohibited; in other words, if you cannot use the mechanism for a certain period of time, that time does not count towards the four year limit.

- For any utility applying for a fuel or environmental cost mechanism, a prudence review shall accompany such a mechanism no less than every eighteen months, and shall require a refund of any imprudently incurred cost.

Any mechanism approved by the commission shall remain in effect until the commission orders otherwise. Any charges passed to the customer as a result of an approved mechanism shall be separately disclosed on each customer bill. The commission may take into account any business risk resulting from the mechanism in setting the corporation's allowed return. The act explicitly states that any decision made by the commission shall be binding for the entire term of the plan.

The act allows companies to apply for adjustment mechanisms prior to the promulgation of rules governing the application process by the commission, however, the act directs the commission to have these rules in place prior to any decisions being made with regard to these applications.

The act also directs the Public Service Commission to appoint a task force to study and make recommendations on the cost recovery and implementation of conservation and weatherization programs for electrical and gas corporations.

The effective date of the act is January 1, 2006.

MEGAN WORD

01/13/2005 S First Read (S81)

01/18/2005 Second Read and Referred S Commerce, Energy and the Environment Committee (S90)

02/08/2005 Hearing Conducted S Commerce, Energy and the Environment Committee

02/16/2005 SCS Voted Do Pass S Commerce, Energy and the Environment Committee (0983S.04C)

02/17/2005 Reported from S Commerce, Energy and the Environment Committee to Floor w/SCS (S248)  
 02/23/2005 Bill Placed on Informal Calendar (S275)  
 03/02/2005 SS for SCS S offered (Griesheimer) (0983S.05F) (S336)  
 03/02/2005 SA 1 to SS for SCS S offered (Bray)--(0983S05.01F) (S336-337)  
 03/02/2005 Bill Placed on Informal Calendar (S337)  
 03/02/2005 SA 1 to SS for SCS S defeated (S339-340)  
 03/02/2005 SA 2 to SS for SCS S offered & defeated (Kennedy)--(0983S05.03S) (S340)  
 03/02/2005 SA 3 to SS for SCS S offered & adopted (Shields)--(0983S05.01S) (S340)  
 03/02/2005 SA 4 to SS for SCS S offered & defeated (Bray)--(0983S05.02F) (S340-341)  
 03/02/2005 SS for SCS, as amended, S adopted (S341)  
 03/02/2005 Perfected (S341)  
 03/03/2005 Reported Truly Perfected S Rules Committee (S351)  
 03/03/2005 Referred S Governmental Accountability and Fiscal Oversight Committee (S351)  
 03/07/2005 Hearing Scheduled S Governmental Accountability & Fiscal Oversight Committee  
 03/07/2005 S Formal Calendar S Bills for Third Reading (Fiscal Oversight)

EFFECTIVE: January 1, 2006

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\*\*\* SB 180 \*\*\*

0485S.01P

SENATE SPONSOR: Loudon

SB 180 - This act requires the Governor to annually issue a proclamation setting apart February sixth as "Ronald Reagan Day" in Missouri.

JASON ZAMKUS

01/13/2005 S First Read (S81)  
 01/18/2005 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S90)  
 01/24/2005 Hearing Conducted S Financial & Governmental Organizations and Elections Committee  
 02/14/2005 Voted Do Pass S Financial & Governmental Organizations and Elections Committee - Consent  
 02/14/2005 Reported from S Financial & Governmental Organizations and Elections Committee to Floor - Consent (S218)  
 02/22/2005 S Third Read and Passed - Consent (S267)  
 02/23/2005 H First Read (H395)  
 02/24/2005 H Second Read (H400)

EFFECTIVE: August 28, 2005

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\*\*\* SB 181 \*\*\*

0486S.02I

SENATE SPONSOR: Loudon

SB 181 - This act designates the New Mississippi River Bridge, which connects Missouri to Illinois in downtown St. Louis, as the "Ronald Wilson Reagan Memorial Bridge".

JASON ZAMKUS

01/13/2005 S First Read (S81)  
 01/18/2005 Second Read and Referred S Transportation Committee (S90)  
 01/25/2005 Hearing Conducted S Transportation Committee

EFFECTIVE: August 28, 2005

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\*\*\* SB 182 \*\*\*

0892S.01I



SENATE SPONSOR: Scott

SCS/SB 182 - This act exempts persons who only sell liquefied petroleum gas in containers having a capacity of 50 pounds or less that have been filled by another person to be registered with the Department of Agriculture from the registration requirements of Section 323.060.

Under this act, persons registered to sell liquefied petroleum gas must demonstrate financial responsibility for compensating third parties for bodily injury and property damage caused by the release of liquefied petroleum gas. The minimum amount of financial responsibility shall be \$1,000,000 per occurrence with an annual aggregate of \$2,000,000. The person may demonstrate insurance either by self insurance. The person may also demonstrate financial responsibility by obtaining a liability insurance policy or an endorsement to an existing policy issued by an insurance company authorized to do business in Missouri. The policy or endorsement must require that the insurance company with notify the Department of Agriculture if the policy is cancelled. The insurance requirements have an effective date of January 1, 2006.

STEPHEN WITTE

01/13/2005 S First Read (S81)

01/18/2005 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S90)

01/24/2005 Hearing Cancelled S Small Business, Insurance & Industrial Relations Committee

02/23/2005 Hearing Conducted S Small Business, Insurance & Industrial Relations Committee

03/02/2005 SCS Voted Do Pass S Small Business, Insurance & Industrial Relations Committee-Consent (0892S.02C)

EFFECTIVE: August 28, 2005

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\*\*\* SB 183 \*\*\* SCS SBs 202, 33, 45, 183 & 217

0657S.01I

SENATE SPONSOR: Scott

This bill has been combined with SB 202

01/13/2005 S First Read (S81)

01/18/2005 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S90)

01/25/2005 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee

02/01/2005 Bill Combined w/SCS SBs 202, 33, 45, 183 & 217

EFFECTIVE: August 28, 2005

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\*\*\* SB 184 \*\*\*

0889S.01I

SENATE SPONSOR: Coleman

SB 184 - This act imposes a \$25 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 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 this act terminate on December 31, 2010.

This act is similar to SB 1347 (2004).

DONALD THALHUBER

01/13/2005 S First Read (S81)

01/18/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S90)

EFFECTIVE: August 28, 2005

\*\*\* SB 185 \*\*\*

0778S.011

SENATE SPONSOR: Loudon

SB 185 - 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 with 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.

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

This act is similar to SB 736 (2004).

ANDY LYSKOWSKI

01/18/2005 S First Read (S89)

01/24/2005 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S108)

02/09/2005 Hearing Conducted S Small Business, Insurance & Industrial Relations Committee

02/23/2005 Voted Do Pass S Small Business, Insurance & Industrial Relations Committee

02/28/2005 Reported from S Small Business, Insurance & Industrial Relations Committee to Floor (S299)

03/01/2005 SA 1 S offered (Callahan)--(0778S01.01F) (S311-312)

03/01/2005 Bill Placed on Informal Calendar (S312)

03/07/2005 S Informal Calendar S Bills for Perfection w/SA 1 (pending)

EFFECTIVE: August 28, 2005

\*\*\* SB 186 \*\*\*

0753S.021

SENATE SPONSOR: Loudon

SB 186 - This act establishes the Missouri Electrical Industry Licensing Board. The are a number of definitions in the act regarding the Board. The act sets forth the makeup of the Board. The number of members and how they are appointed is included. The act contains removal and reappointment provisions.

A chairperson and vice chairperson are annually elected. The division of professional registration with the board administers the rules and regulations to carry out the provisions of Sections 324.808 to 324.845 RSMo and may promulgate necessary rules so long as the rules are compatible with the sections. Any rules must be compatible and is subject to the provisions of

Administrative procedure and review (Chapter 536, RSMo).

The act sets up meetings for the board and requires that they meet at least four times per year. Board members will be compensated by an amount not to exceed fifty dollars plus expenses per meeting. The division shall employ workers to carry out the provisions and establish applicable fees which shall not substantially exceed the cost of administering Sections 324.808 to 324.845. The fees shall be transferred to the department of revenue and then deposited in the state treasury to the credit of the Missouri electrical industry licensing board fund.

The act defines what work is included in electrical contracting and requires that the provisions only apply to working with voltage in excess of fifty volts. Every electrical contracting firm shall employ at a supervisory level, at least one licensed electrical contractor.

The requirements for applying for an electrical contractor's license are included and cover age, insurance, education, costs, experience in terms of hours, and other licenses.

The act also provides waivers for the licensing requirement. Electrical contractors who currently hold an electrical license that requires, prior to January 1, 2005, a written exam and the applicant has taken the exam. Electrical contractors who have a license in this state that does not require a written exam may apply for a limited license and must apply before December 31, 2006. If the contractor is in a political subdivision that does not require a license shall not be required to possess a license in order to continue to operate in such political subdivisions. The division, in collaboration with the board may negotiate reciprocal contracts with other states that require standards for licensure, registration, or certification more stringent than those covered by these sections.

The act also sets up the "Missouri Electrical Industry Licensing Board Fund". Renewal notices for licensed contractors shall be mailed prior to the renewal date. Failure to provide the fee or information required for renewal shall result in the license being declared inactive. Inactive licenses have one year to be restored.

The Board may also refuse to issue or renew any license for any of a number of reasons laid out in the act. The applicant has a right to file a complaint with the Administrative Hearing Commission. After filing the complaint, the proceedings shall be conducted according to the provisions of the Administrative Hearing Commission (Chapter 621, RSMo). The Board may then, after the hearing, place the person named in the complaint on probation as the board deems appropriate not to exceed five years, suspend for up to three years, or revoke the license, certificate or permit.

The act also states that anyone who knowingly violates or is an accessory to the violation of any provision of Sections 324.808 to 324.845 RSMo is guilty of a Class B misdemeanor. These provisions do not, however, release anyone from civil liability or criminal prosecution under any other laws of the state of Missouri.

Finally the provisions of the Missouri sunset act (Sections 23.250 to 23.298) shall not apply to this act.

ANDY LYKOWSKI

01/18/2005 S First Read (S89)

01/24/2005 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S108)

02/07/2005 Hearing Cancelled Financial & Governmental Organizations and Elections Committee

02/28/2005 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2005

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\*\*\* SB 187 \*\*\*

0447S.04I

SENATE SPONSOR: Cauthorn

SB 187 - The act adds and modifies definitions to Section 640.755, RSMo.

The act changes the authority to promulgate rules regulating the establishment, permitting, design and management of concentrated animal feed operations (CAFOs) in accordance with the Missouri clean water law from the Department of Natural Resources to the clean water commission.

The act states that AFOs can be designated as CAFOs if it is determined that it is a significant contributor of pollutants to waters of the state. The act lays out factors to be considered when making that designation. The act states that no such designation shall be made without an on-site inspection. In addition, no AFO with numbers of animals below a class II CAFO shall receive such designation unless pollutants are discharged into state waters through a manmade, flushing system or similar device, or discharged into state waters which originate outside the facility and come into contact with the animals confined in that operation.

The act clarifies that regulatory controls imposed by local governments shall be consistent and no more restrictive than those outlined in Sections 640.703 to 640.758.

The act modifies requirements needed for a construction permit for a new operation, lagoon, or for an increase of the capacity to house or grow animals at an existing operation. Proof of such notification shall be required prior to approving such an application. Said proof shall consist of a certified statement that notification was accomplished by mailing a letter to the department, county governing body, and the last known addresses of all adjoining property owners.

The act modifies the requirements for Class IA facilities that utilize flush systems. The act tightens the number of people that must be notified within twenty-four hours of any unauthorized discharge; with this act all adjoining property owners of the facility onto whose property the discharge flowed and affected downstream property owners within one stream mile shall be notified.

The fee structure for the Concentrated Animal Feeding Operation Indemnity Fund has been changed with this act.

The act increases the number of inspections required by the department of Class IA CAFOs that utilize flush systems, from at least one on site inspection to quarterly inspections.

The act modifies the definition of "point source" to clarify that agricultural stormwater discharges and return flows from irrigated agriculture do not qualify as a point source. The definition of "water contaminant source" is also modified here, citing the same circumstances as those that should not be considered a water contaminant source.

MEGAN WORD

01/18/2005 S First Read (S89)  
 01/24/2005 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources  
 Committee (S108)  
 02/02/2005 Hearing Conducted S Agriculture, Conservation, Parks & Natural Resources  
 Committee  
 02/09/2005 Voted Do Pass S Agriculture, Conservation, Parks & Natural Resources Committee  
 02/28/2005 Reported from S Agriculture, Conservation, Parks & Natural Resources Committee to  
 Floor (S299)  
 03/03/2005 Bill Placed on Informal Calendar (S362)  
 03/07/2005 S Informal Calendar S Bills for Perfection

EFFECTIVE: August 28, 2005

\*\*\* SB 188 \*\*\*

1048S.01I

SENATE SPONSOR: Griesheimer

SB 188 - This act defines business personal property. A separate subclass of tangible personal property is created for business personal property and it is valued for purposes of taxation at thirty-three and one-third percent of its true value in money. The true value in money of business personal property is determined by the cost approach to value, using methods and procedures established by rules promulgated by the state tax commission. These methods and procedures for valuation will be used by assessors beginning in the 2006 tax year. The act has an effective date of June 15, 2005.

JASON ZAMKUS

01/18/2005 S First Read (S89)  
 01/24/2005 Second Read and Referred S Ways & Means Committee (S108)  
 02/17/2005 Hearing Conducted S Ways & Means Committee

EFFECTIVE: June 15, 2005

\*\*\* SB 189 \*\*\*

1021S.01P

SENATE SPONSOR: Gross

SB 189 - This act extends the sunset on the pharmacy providers tax, the hospital federal reimbursement allowance, and the nursing home federal reimbursement allowance by one year. Currently, each is set to expire in 2005.

The act contains an emergency clause.

JASON ZAMKUS

01/18/2005 S First Read (S89)  
 01/24/2005 Second Read and Referred S Ways & Means Committee (S108)  
 01/27/2005 Hearing Conducted S Ways & Means Committee  
 02/03/2005 Voted Do Pass S Ways & Means Committee-Consent  
 02/14/2005 Reported from S Ways & Means Committee to Floor - Consent (S218-219)  
 02/24/2005 S Third Read and Passed - Consent (EC adopted) (S286-287)  
 02/28/2005 H First Read (w/EC) (H423)  
 03/01/2005 H Second Read (H429)

EFFECTIVE: Emergency Clause

\*\*\* SB 190 \*\*\*

0994S.01I

SENATE SPONSOR: Griesheimer

SB 190 - This act modifies provisions regarding residential mortgage brokers.

The act defines "continuing education" and establishes standards to comply with the continuing education requirements. The definition of "exempt entity" is modified to include any authorized licensed insurance agent, broker, or producer in any state and any loan originator under exclusive contract with a licensee who has a net worth on file with the Director of the Division of Finance in the Department of Economic Development that exceeds \$25 million who only offers loan products of affiliated lenders wholly owned by the same publicly traded company as the licensee. The act adds any mortgage banker to the definition of "exempt entity" for the purpose of mortgage broker licensure. Any person employed or contracted by a licensee who assists in brokerage activities is removed the definition of "exempt entity". The act defines "loan originator" and "residential loan originator license certification course".

The act exempts certain financial institutions from the loan originator licensing requirements. The act exempts from the licensing requirements those persons holding mortgage broker or loan originator licenses prior to the effective date of the act. The director must consider advice from the Residential Mortgage Board on the promulgation of any rule and on the decision to deny or revoke a license. The director will provide relevant documents to the board. All license applications shall include evidence of the satisfactory completion of the residential loan originator license certification course and examination. Loan originator licensees shall deliver their licenses to their current employer and notify the director. In the case where employment is terminated, the licensee will return his or her license to the director with a written explanation of the reasons for termination. All license renewal applications must include evidence of the completion of all continuing education requirements.

JIM ERTLE

01/19/2005 S First Read (S93)

01/24/2005 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S108)

\*\*\* SB 191 \*\*\*

1076S.011

SENATE SPONSOR: Koster

SB 191 - This act creates a third circuit judge in the seventeenth judicial circuit (Cass and Johnson counties). The new circuit judge shall be elected in 2008 and shall begin on January 1, 2009.

JIM ERTLE

01/19/2005 S First Read (S93)

01/24/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S108)

03/07/2005 Hearing Scheduled S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 192 \*\*\*

1016S.011

SENATE SPONSOR: Engler

SB 192 - This act pertains to hazardous materials.

The act allows for the disposal of hazardous materials once the law enforcement agency has documented the representative samples of said materials.

MEGAN WORD

01/19/2005 S First Read (S93)  
01/24/2005 Second Read and Referred S Commerce, Energy and the Environment Committee (S108)  
02/22/2005 Hearing Conducted S Commerce, Energy and the Environment Committee-Consent  
03/01/2005 Voted Do Pass S Commerce, Energy and the Environment Committee-Consent  
03/01/2005 Reported from S Commerce, Energy and the Environment Committee to Floor - Consent (S312)  
03/07/2005 S Consent Calendar (3/1)

EFFECTIVE: August 28, 2005

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\*\*\* SB 193 \*\*\*

0374S.02I

SENATE SPONSOR: Engler

SCS/SB 193 - This act pertains to the Missouri State Park Board.

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 act, however the management of the historic marker program becomes the responsibility of the board here. Membership information is detailed in this act, it is kept at the current board membership, eight. All members are to be appointed by the governor with the advice and consent of the senate.

The historic marker program is laid out, the act 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. Funds set aside for state parks pursuant to section 253.090 RSMo as well as those under Article IV, Section 43(a), 43(b) and 43(c) in the Missouri Constitution shall not be utilized in any way for the program. Language has been included to provide for the appropriation of funds from other revenue sources at the discretion of the general assembly when and if they so choose.

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.

Any person who knowingly removes, defaces or destroys monuments, memorials or markers protected under the registry shall be guilty of a Class A misdemeanor. 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 WORD

01/19/2005 S First Read (S93)  
01/24/2005 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S108)

02/02/2005 Hearing Conducted S Agriculture, Conservation, Parks & Natural Resources  
Committee  
02/09/2005 SCS Voted Do Pass S Agriculture, Conservation, Parks & Natural Resources  
Committee (0374S.04C)

EFFECTIVE: August 28, 2005

\*\*\* SB 194 \*\*\*

1018S.011

SENATE SPONSOR: Engler

SB 194 - Currently, Section 595.209, RSMo, provides crime victims the right to be notified, upon written request, of certain information regarding the offender. This information includes notification of any decision by a parole board, juvenile releasing authority, or circuit court presiding over release pursuant to Chapter 552. This act would also provide for notification of any decision by a circuit court presiding over release under Section 558.016, RSMo, or Section 217.362, RSMo.

Currently, Section 558.016, RSMo, provides for the sentencing of prior or persistent offenders. It also allows nonviolent offenders, who have committed a class C or D felony and have no prior prison commitments, to be released after 120 days in order to complete the sentence on probation or parole, or other court-approved alternative sentence.

Currently, Section 217.362, RSMo, provides that a court may sentence certain offenders (non violent and not prior/persistent offenders) to drug or alcohol treatment.

SUSAN HENDERSON

01/19/2005 S First Read (S93)

01/24/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee  
(S108)

02/21/2005 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 195 \*\*\*

0483S.011

SENATE SPONSOR: Graham

SB 195 - Under the provisions of this act, property taxes paid in other states by nonresidents would be included as adjusted gross income for Missouri income tax. The additional revenue generated from this alteration would be directed to the College Guarantee Fund.

The act also deletes the \$500 loss limit, alters the admission fee to excursion gambling boats from \$2 per time period to a \$4 daily fee, and raises the gross receipts tax on the boats from 20% to 21%.

The additional revenues from the gross receipts tax increase are directed to the Higher Education Investment Fund in order to meet bond obligations for various projects. Any remaining proceeds will fund student financial aid programs, and further proceeds up to \$12 million will endow chairs in life sciences at the University of Missouri. Any remaining proceeds will be utilized to restore core funding levels for community colleges and higher education to Fiscal Year 2002 appropriated levels. The act dedicates an amount not to exceed the Fiscal Year 2005 level of the gross receipts tax to the Gaming Proceeds for Education Fund. The additional revenues must not supplant general revenue or lottery proceeds for higher education. The act holds certain higher education programs harmless at their Fiscal Year 2005 level of general revenue.



This act is similar to HB 1537 (2004).  
DONALD THALHUBER

01/19/2005 S First Read (S93)  
01/24/2005 Second Read and Referred S Ways & Means Committee (S108)

EFFECTIVE: August 28, 2005

\*\*\* SB 196 \*\*\*

0973S.01I

SENATE SPONSOR: Ridgeway

SCS/SB 196 - This act modifies the sales and use tax exemption to include electrical energy or gas, whether natural, artificial or propane, water, or other utilities which are ultimately consumed in connection with the manufacturing of cellular glass products or the recovery of spent carbon products.

JASON ZAMKUS

01/19/2005 S First Read (S93)  
01/24/2005 Second Read and Referred S Ways & Means Committee (S108)  
02/03/2005 Hearing Conducted S Ways & Means Committee  
02/24/2005 SCS Voted Do Pass S Ways & Means Committee (0973S.06C)

EFFECTIVE: August 28, 2005

\*\*\* SB 197 \*\*\*

0942S.02I

SENATE SPONSOR: Gross

SB 197 - Under the provisions of this act, no elementary or secondary educational institution that receives any state funds whatsoever shall participate in any sporting event or athletic tournament held within the city limits of any municipality with certain public policies regarding marijuana.

The policies specified within the act include ordinances allowing for the use marijuana for medicinal purposes or ordinances limiting misdemeanor marijuana possession fines to two hundred fifty dollars.

DONALD THALHUBER

01/19/2005 S First Read (S93)  
01/24/2005 Second Read and Referred S Education Committee (S108)  
02/15/2005 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 198 \*\*\*

0682S.02I

SENATE SPONSOR: Gross

SB 198 - This act disallows any provider of abortion services from providing sex education to students in any public elementary or secondary education institution in this state.

The act defines the term "Abortion services".  
DONALD THALHUBER

01/19/2005 S First Read (S93-94)  
01/24/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S108)

02/21/2005 Hearing Scheduled But Not Heard Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2005

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\*\*\* SB 199 \*\*\*

1075S.01I

SENATE SPONSOR: Gross

SB 199 - Current law requires that applications for the Korean Conflict medallion, medal, and certificate be filed with the Office of the Adjutant General between January 1, 2004, and January 1, 2005. This act extends the deadline to January 1, 2006.

This act is identical to HB 163 (2005).  
DONALD THALHUBER

01/19/2005 S First Read (S94)

01/24/2005 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S108)

02/01/2005 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee

02/08/2005 Voted Do Pass S Pensions, Veterans' Affairs and General Laws Committee

EFFECTIVE: August 28, 2005

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\*\*\* SB 200 \*\*\*

0884S.02I

SENATE SPONSOR: Gross

SB 200 - Under this act, no more than fifty percent of any flood plain in any county shall be used for residential, industrial, or commercial use. The term "flood plain" is defined as in Section 135.478, RSMo.

Upon the effective date of this section, if a flood plain has more that fifty percent of its area used for residential, commercial, or industrial use, such percentage may be maintained but shall not increase.

SUSAN HENDERSON

01/19/2005 S First Read (S94)

01/24/2005 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S108)

EFFECTIVE: August 28, 2005

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\*\*\* SB 201 \*\*\*

0808S.01I

SENATE SPONSOR: Green

SB 201 - This act repeals Section 130.032 which sets limits on the amount of campaign contributions to candidates for elected office.

JIM ERTLE

01/19/2005 S First Read (S94)

01/24/2005 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S108)

01/31/2005 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2005

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\*\*\* SB 202 \*\*\*

SCS SBs 202, 33, 45, 183 & 217

1095S.03P

SENATE SPONSOR: Crowell

SCS/SBs 202, 33, 45, 183, & 217 - Under the provisions of this act, any administrative law judge or legal advisor who is originally employed as such on or after the effective date of the act will no longer be eligible to participate in the Administrative Law Judge and Legal Advisor's Retirement System. Instead, such persons will be covered under the state employees' retirement system. However, no administrative law judge or legal advisor who is employed before the effective date of the act, or who has retired before that date, will be affected by this act.

The liabilities and assets of the Administrative Law Judge's and Legal Advisor's retirement system are transferred and combined with the state employees' retirement system.

The provisions of this act will apply to the following persons: administrative law judges, employees of administrative law judges, members of the Administrative Hearing Commission, legal advisors, members of the Labor and Industrial Relations Commission, and the chairperson of the State Board of Mediation.

This act contains an emergency clause.

This act is similar to the introduced SB 0248 (2003).

DONALD THALHUBER

01/19/2005 S First Read (S94)

01/24/2005 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S108)

01/25/2005 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee

02/01/2005 SCS SBs 202, 33, 45, 183 & 217 Voted Do Pass S Pensions, Veterans' Affairs and General Laws Committee (1095S.03C)

02/07/2005 Reported from S Pensions, Veterans' Affairs and General Laws Committee to Floor w/SCS (S181)

02/10/2005 SA 1 to SCS S offered & adopted (Graham)--1095S03.01S (S208)

02/10/2005 SCS, as amended, S adopted (S208)

02/10/2005 Perfected (S208-209)

02/14/2005 Reported Truly Perfected S Rules Committee (S219)

02/16/2005 S Third Read and Passed - EC adopted (S235-236)

02/16/2005 H First Read (H345)

02/17/2005 H Second Read (H348)

02/17/2005 Referred H Retirement Committee (H358)

EFFECTIVE: Emergency Clause

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\*\*\* SB 203 \*\*\*

0805S.011

SENATE SPONSOR: Dougherty

SB 203 - This act adds "young adults" to the Missouri Consolidated Health Care plan and provides guidelines for coverage. A young adult is defined as a person between the ages of 18 and 25. The medical expenses of young adults are covered by the plan. This act also establishes a separate young adult benefit trust fund account.

The trust fund account for young adults is administered by the same board as the Missouri Consolidated Health Care plan. Payments to the young adult trust fund shall be used to offset premium costs for young adults in the young adults plan. Insurance agents or brokers may be

authorized to sell coverage to the young adults. The board may establish a schedule to pay for the services of insurance agents or brokers. It allows quarterly taxing on premiums for certain health services corporations and health maintenance organizations. This act expands the role of the commissioner of administration and the state treasurer with regard to the young adult benefit trust fund account.

ADRIANE CROUSE

01/20/2005 S First Read (S97)

01/24/2005 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S108)

02/09/2005 Hearing Conducted S Aging, Families, Mental & Public Health Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 204 \*\*\*

0248L.01I

SENATE SPONSOR: Dougherty

SB 204 - This act requires health insurance companies to provide coverage for routine patient care costs incurred as the result of phase I or II clinical trials undertaken to treat cancer. Currently, Section 376.429, RSMo, requires coverage for phases III or IV only.

This act is identical to SB 917 (2004).

STEPHEN WITTE

01/20/2005 S First Read (S97)

01/24/2005 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S108)

EFFECTIVE: August 28, 2005

\*\*\* SB 205 \*\*\*

1111S.01I

SENATE SPONSOR: Klindt

SB 205 - This act pertains to public utility right-of-way users.

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 WORD

01/20/2005 S First Read (S97)

01/24/2005 Second Read and Referred S Commerce, Energy and the Environment Committee (S108)

02/01/2005 Hearing Conducted S Commerce, Energy and the Environment Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 206 \*\*\*

0947S.03I

SENATE SPONSOR: Champion

SB 206 - The act exempts buildings meeting certain criteria contained in a one hundred year flood plain in Springfield. The building must have been or will be flood proofed as governed by the Federal Emergency Management Agencies (FEMA) standards. If the authority approves the building as being flood proofed by FEMA standards, the building shall be eligible for the state sales tax increment and the state income tax increment.

ANDY LYSKOWSKI

01/20/2005 S First Read (S97)  
 01/24/2005 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S108)  
 02/02/2005 Hearing Conducted S Economic Development, Tourism & Local Government Committee  
 02/09/2005 Voted Do Pass S Economic Development, Tourism & Local Government Committee - Consent  
 02/14/2005 Reported from S Economic Development, Tourism & Local Government Committee to Floor - Consent (S217)  
 02/17/2005 Removed S Consent Calendar (S247)

EFFECTIVE: August 28, 2005

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\*\*\* SB 207 \*\*\*

1119S.01I

SENATE SPONSOR: Graham

SB 207 - This act extends the sunset date for the sales tax holiday from July 1, 2005 to July 1, 2010.

This act contains an emergency clause.

JASON ZAMKUS

01/20/2005 S First Read (S97)  
 01/24/2005 Second Read and Referred S Ways & Means Committee (S108)

EFFECTIVE: August 28, 2005

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\*\*\* SB 208 \*\*\*

1077S.01I

SENATE SPONSOR: Koster

SB 208 - This act requires a cost-benefit analysis study be completed prior to the closing or downsizing of a state-funded mental health facility.

ADRIANE CROUSE

01/20/2005 S First Read (S98)  
 01/24/2005 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S108)  
 02/02/2005 Hearing Conducted S Aging, Families, Mental & Public Health Committee-Consent

EFFECTIVE: August 28, 2005

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\*\*\* SB 209 \*\*\*

1073S.01I

SENATE SPONSOR: Koster

SB 209 - This act designates a portion of Highway 58 in Johnson County as the "Veterans Memorial Parkway". Signage for the highway will be paid for, erected and maintained by the city of Holden Veterans of Foreign Wars.

This act is similar to HB 210 (2005).

STEPHEN WITTE

01/20/2005 S First Read (S98)  
 01/24/2005 Second Read and Referred S Transportation Committee (S108)  
 02/22/2005 Hearing Conducted S Transportation Committee  
 02/24/2005 Voted Do Pass S Transportation Committee-Consent

03/01/2005 Reported from S Transportation Committee to Floor - Consent (S327)

03/07/2005 S Consent Calendar (3/1)

EFFECTIVE: August 28, 2005

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\*\*\* SB 210 \*\*\* SS SCS SB 210  
SENATE SPONSOR: Griesheimer

0883S.09P

SS/SCS/SB 210 - This act relates to county government.

SECTION 44.090 - This act allows the executive officer of any political subdivision to enter into mutual-aid agreements or agreements for reciprocal emergency aid. In time of emergency it shall be the duty of each local organization to render assistance in accordance with the mutual-aid arrangements or agreements.

The contracts agreed upon may provide for compensation and other terms. They may be for an indefinite period of time as long as a 60 day cancellation notice by either party. The contracts cannot be entered into for the purpose of reduction of staffing.

At the time of a significant emergency anywhere in the state or bordering states, the highest ranking official of a political subdivision available may render aid to any requesting political subdivision as long as he or she is in compliance with the policies of that jurisdiction. When responding to requests, political subdivisions will be subject to all provisions as if it were providing service in its own jurisdiction.

All political subdivisions, upon enactment of these provisions or an execution of an agreement, are automatically part of the Missouri statewide mutual aid system. A political subdivision can elect to not participate. It must provide a copy of the resolution doing so to the State Fire Marshal & State Emergency Management Agency.

This act specifies what organizations, people, and other entities shall be considered an emergency response agency.

Under this act, it shall be the responsibility of each political subdivision to adopt the National Incident Management System promulgated by the U.S. Dept. Of Homeland Security. In the event of a disaster beyond the capabilities of a political subdivision, the governing body may request assistance and shall be done within the guidelines of the statewide mutual aid plan.

Any entity or individual that holds license, certificate, or other permit issued by a participating political subdivision or state, shall be deemed to hold such a position in the subdivision requesting assistance. Any political subdivision providing assistance shall receive appropriate reimbursement and such reimbursement must be in accordance with state and federal guidelines.

Applicable benefits normally available to personnel are also available to such persons when an injury or death occurs when rendering assistance to another political subdivision under this section. Responders shall be eligible for the same benefits that may be available to them for line of duty deaths.

All activities performed under these agreements are deemed to be governmental functions. For the purposes of liability, all participating political subdivisions responding are deemed employees of such participating political subdivision.

SECTION 50.530 - This act defines an "accounting officer" as the county auditor in counties of the first and second classification and county clerks in counties of the third and fourth classification. Currently, the statute uses out-of-date terminology to classify counties.

This act also defines a "budget officer" as a person appointed by the county commission of counties of the first classification or the presiding commissioner in Cass County and counties of the second classification, unless the commission designates the county clerk. The "budget officer" in counties of the third and fourth classification is the county clerk. Currently, the statute provides that the presiding commissioner is the "budget officer" only in counties of the second classification.

SECTION 50.757 - This act provides that when purchasing supplies for the county, the purchasing agent shall give preference to supplies manufactured in the United State.

SECTION 55.160 - This act raises from \$250 to \$1,000 the value of property for which the county auditor in first and second classification counties is required to inventory.

SECTION 59.044 - This act allows the recorder of deeds in most counties (not St. Louis, charter counties, or first classification) to be paid the statutory compensation provided for in Sections 50.333 and 50.334.

SECTION 64.215 - This act requires that the county commissioner and county highway engineer, as members of the county planning board, be nonvoting members in Cass County.

Currently, these individuals are members on the board with voting power in Cass County.

SECTION 64.940 - This act requires that any expenditure made by the Jackson County Sports Authority that is over \$5,000, including professional service contracts, must be competitively bid.

SECTION 67.055 - This act states that after September 1, 2005, no fund shall be created to be used as a depository for money received or collected to fund additional costs incurred by any county office. Any money collected for such purposes shall be deposited in the general revenue fund of the county. This excludes money collected under any section in effect before September 1, 2005.

SECTION 67.1159 & SECTION 210.860 - The act authorizes cities in addition to counties to levy a sales tax and a property tax for the purpose of providing service for children and families. Revenues derived from this tax shall be deposited in the county treasury to the credit of the Community Children's Services Fund to provide funds for counseling and related services to children and youth in the county which will promote healthy lifestyles among children and youth and strengthen families.

SECTION 67.1305 - This section of the act shall be called the "Local Economic Development Empowerment Act".

This section allows the governing body of any city or county to impose, by order or ordinance after voter approval, a sales tax for economic development purposes. The tax shall not be more than ½ of 1 %. Any city or county that imposes a tax under sections 67.1300 or 67.1303 shall not impose this tax.

All sales tax collected pursuant to this section will be collected by the Director of Revenue, less 1% for the cost of collection. The money will be deposited into the "Local Economic

Development Empowerment Trust Fund". The director must keep records of the money in the trust fund and the records shall be open to the officers of the city, county, or the public. No later than the 10th day of each month, the director will distribute the money deposited in the trust fund during the previous month to the city or county which levied the tax.

If a city or county abolishes the tax, it must notify the director at least 90 days before the repeal. The director may order retention in the trust fund for a period of one year, of 2% of the amount collected after receipt of such notice of the repeal in order to cover possible refunds or overpayment and redeem dishonored checks. After a year, the director will return the balance to the city or county and close the account.

Revenue generated by this tax cannot be used for retail development projects unless they are for redevelopment of downtown areas or historic projects. At least 20% of the revenue generated by this tax must be used for long-term economic development preparation. No more than 25% of the revenue generated may be used for administrative purposes.

Each city or county imposing this tax must establish an Economic Development Tax Board. The board is for volunteers and shall consist of 5 members for a city and 7 members for a county, appointed by various local entities or officials.

The board, subject to approval of the governing body, shall consider economic development plans, economic development projects, or designations of an economic development area. It shall provide notice and hold hearings. The board will make recommendations to the governing body within 90 days of a hearing and the governing body will then have the final determination on use and expenditure of money from the trust fund. There are specific requirements that projects and plans outside of the city or county must meet in order for the board to make a recommendation to use such trust fund money.

When this tax is imposed within a special taxing district, it shall be excluded from the calculation of revenues available to such districts and no revenues from the tax will be used for the purposes of such district unless recommended by the board and approved by the governing body.

The board must report at least annually to the governing body on the use of the money in the trust fund and on progress of any plan, project, or designation adopted. It must also submit a report each year by March 1 to the Joint Committee on Economic Development.

Any city or county which adopts this sales tax may submit the question of repeal to the voter on any date. When a governing body receives a petition, signed by 10% of the voters, calling for an election to repeal the sales tax, it must submit a proposal doing so to the voters.

SECTION 67.1775 - Currently, the governing body of St. Louis or any county, may after voter approval, levy a sales tax not to exceed one-quarter of a cent in the county for the purpose of providing services, including counseling, family support, and temporary residential services to persons nineteen years of age or less. This act would allow the Department of Revenue to collect the "Community Services for Children Sales Tax". Also, the act rephrases the ballot language.

SECTION 67.1850 - This act changes the definition of county and municipality in Chapter 67, RSMo, concerning political subdivisions.

SECTION 67.2535 - This act allows St. Charles County to conduct and pay for the monitoring of



blasting operations, whether the operation is located in an unincorporated area of the county or within the limits of a village, town, city, or municipality located with the county.

SECTION 110.130 - Under this act, at the April term, the county commission shall receive proposals from banks which desire to be selected as the depositaries of the funds of the county. Currently, such proposals are made at the May term.

Under this act, on the first day of the April term, the county commission, also publicly opens the bids and shall select the depositaries of all public funds. Currently, such opening occurs at the first day of the May term.

SECTION 115.019 - This act authorizes the Cass County Commission to seek the formation of a board of election commissioners in Cass County. Upon majority vote of the Commission, the question of whether to form a board of election commissioners in Cass County shall be placed on the ballot.

SECTION 137.115 - This act provides that where a political subdivision is contained within two or more counties, and at least one of the counties has opted out of the four tax rate calculation, the act requires the use of the single tax rate as in effect prior to the enactment of House Bill 1150 (2002).

SECTION 137.122 & 137.071 - For the purpose of setting tax rates, each taxing authority shall exclude from its total assessed valuation, 72% of the total amount of business personal property that is the subject of an appeal at the state tax commission or in a court. This exclusion will only apply to the portion of such property that is disputed in appeal. If the taxing authority uses a multi-rate approach, this exclusion is made from the personal property class.

The state tax commission will provide the total assessed value for which an appeal is pending no later than August 20th each year. Whenever an appeal is resolved and the result causes money to be paid to the authority, such taxing authority shall not be required to make an additional adjustment to its rates during the same fiscal cycle once the deadline for setting rates has passed, but it shall adjust its rates due to such payment in the next rate setting cycle to offset the payment in the next taxable year. (Section 137.071)

This section defines "business personal property" as tangible personal property used in a trade or business or used to produce income. It has a determinable life of longer than 1 year except that supplies used by a business are considered business personal property. Certain property including, but not limited to, livestock, farm machinery, grain and other crops, property subject to the motor vehicle registration provisions, and property assessed under Section 137.078, RSMo, are excluded from the definition.

In order to establish uniformity, each assessor shall use the standardized schedule of depreciation in this section to determine the assessed valuation of depreciable tangible personal property for the purpose of estimating the value of property subject to taxation.

Each assessor will value depreciable tangible personal property by applying the class life and recovery period to the original cost of the property according to the federal Modified Accelerated Cost Recovery System life tables.

The depreciated tangible personal property will continue to have the depreciation factor last listed so long as it is owned or held by the taxpayer, so that the value of the property will remain at

such rate.

The estimated value of property determined using the life tables is presumed to be correct, however, such estimation may be disproved by substantial and persuasive evidence of the true value under any method approved by the state tax commission. Such methods include appraisal using accepted techniques in accordance with the Uniform Standards of Professional Appraisal Practice or by proof of functional or economic obsolescence or physical deterioration.

For the purposes of appeal, the salvage or scrap value of depreciable tangible personal property may only be considered if the property is not in use as of the assessment date.

This section of the act shall not apply to business personal property placed in service before January 2, 2006. (Section 137.122)

SECTION 137.130 - This act provides that whenever an assessor or an employee has insufficient information to assess any real property, he or she shall assess the property based upon physical inspection. In order to do so, the assessor or an employee shall have the right to enter into any lands for the purpose of assessing the real or personal property. The assessor may not enter the interior of a structure on any real property for the inspection without permission.

SECTION 205.010 - Currently, any county may operate a public health center. Whenever the county commission is presented with a petition signed by at least 10% of the voters asking that an annual tax be levied the county shall submit the question to the voters at an election.

In addition to the current method, this act would require the Cass or Cooper County Commission to submit the question of establishing a public health center to the voters if the commission, by a majority vote, chose to do so.

SECTION 210.860 (see above)

SECTION 233.295 - This act allows Barry County and Christian County, upon voter petition and after a public hearing, to disincorporate any special road district except one located in two counties.

SECTION 263.245 - The act includes Schuyler county in Section 263.245, RSMo, which provides that owners of land in certain counties shall control all brush growing on their property that is designated as the county right-of-way or county maintenance easement part of such property and which is adjacent to any county road.

SECTIONS 488.426 & 488.429 - Currently, there is an expiration date on all of Section 488.429, RSMo. This act limits the expiration date of December 31, 2014, to the provision allowing for debt service on county bonds for renovation and enhancement projects. The additional \$10 fee for Franklin County in Section 488.426, RSMo, will expire on December 31, 2014 and Jasper County is added to this provision.

SUSAN HENDERSON

01/20/2005 S First Read (S98)

01/24/2005 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S108)

02/02/2005 Hearing Conducted S Economic Development, Tourism & Local Government Committee

02/09/2005 SCS Voted Do Pass S Economic Development, Tourism & Local Government Committee (0883S.07C)  
 02/14/2005 Reported from S Economic Development, Tourism & Local Government Committee to Floor w/SCS (S220)  
 02/21/2005 Bill Placed on Informal Calendar (S256)  
 03/01/2005 SS for SCS S offered (Griesheimer) (0883S.09F) (S315-316)  
 03/01/2005 SA 1 to SS for SCS S offered & adopted (Griesheimer)--(0883S09.06S) (S316)  
 03/01/2005 SA 2 to SS for SCS S offered & adopted (Griesheimer)--(0883S09.13S) (S316)  
 03/01/2005 SA 3 to SS for SCS S offered & defeated (Green)--(0883S09.15S) (S316-318)  
 03/01/2005 SA 4 to SS for SCS S offered & adopted (Callahan)--(0883S09.08S) (S318-320)  
 03/01/2005 SA 5 to SS for SCS S offered & adopted (Gross)--(0883S09.17S) (S320-323)  
 03/01/2005 SA 6 to SS for SCS S offered & adopted (Nodler)--(0883S09.05S) (S323)  
 03/01/2005 SA 7 to SS for SS S offered & adopted (Cauthorn)--(0883S09.16S) (S323-324)  
 03/01/2005 SA 8 to SS for SCS S offered & adopted (Graham)--(0883S09.09S) (S324)  
 03/01/2005 SA 9 to SS for SCS S offered & adopted (Shields)--(0883S09.07S) (S324-325)  
 03/01/2005 SA 10 to SS for SCS S offered & adopted (Dolan)--(0883S09.18S) (S325-326)  
 03/01/2005 SA 11 to SS for SCS S offered & adopted (Coleman)--(0883S09.01F) (S326)  
 03/01/2005 SA 12 to SS for SCS S offered & adopted (Gross)--(0883S09.04S) (S325)  
 03/01/2005 SS for SCS, as amended, S adopted (S326)  
 03/01/2005 Perfected (S326)  
 03/02/2005 Reported Truly Perfected S Rules Committee (S339)  
 03/03/2005 S Third Read and Passed (S349-350)

EFFECTIVE: August 28, 2005

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\*\*\* SB 211 \*\*\*

0530S.02P

SENATE SPONSOR: Loudon

SB 211 - Currently, certain rights with regard to sales commissions extend only to wholesale product sales. This act extends such rights to services for sale and includes certain business entities acting as a sales representative.

JASON ZAMKUS

01/20/2005 S First Read (S98)  
 01/24/2005 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S108)  
 02/02/2005 Hearing Conducted S Small Business, Insurance & Industrial Relations Committee  
 02/16/2005 Voted Do Pass S Small Business, Insurance & Industrial Relations Committee-Consent  
 02/21/2005 Reported from S Small Business, Insurance & Industrial Relations Committee to Floor - Consent (S255)  
 02/28/2005 S Third Read and Passed - Consent (S302)  
 03/01/2005 H First Read (H441)  
 03/02/2005 H Second Read (H448)

EFFECTIVE: August 28, 2005

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\*\*\* SB 212 \*\*\*

0801S.01I

SENATE SPONSOR: Loudon

SB 212 - This act allows commercial casualty insurance policies to exclude coverage for loss by fire or other perils caused by terrorism.

This act is identical to SB 1077 (2004).

STEPHEN WITTE

01/20/2005 S First Read (S98)

01/24/2005 Second Read and Referred S Small Business, Insurance & Industrial Relations  
Committee (S108)

EFFECTIVE: August 28, 2005

\*\*\* SB 213 \*\*\*

1096S.01I

SENATE SPONSOR: Cauthorn

SCS/SB 213 - This act requires individuals to be a member of a statewide professional association before being licensed by the Department of Insurance as a bail bond agent, general bail bond agent, or surety recovery agent.

The director will establish the requirements that an association must meet in order for it be a recognized statewide professional association of which an applicant may be a member in order to be licensed. The director shall not mandate membership in any particular association.

Upon renewal of the license, a person must show continuing membership in one of the statewide professional association.

SUSAN HENDERSON

01/20/2005 S First Read (S102)

01/24/2005 Second Read and Referred S Financial & Governmental Organizations and Elections  
Committee (S108)02/07/2005 Hearing Conducted S Financial & Governmental Organizations and Elections  
Committee02/28/2005 SCS Voted Do Pass S Financial & Governmental Organizations and Elections  
Committee (1096S.02C)

EFFECTIVE: August 28, 2005

\*\*\* SB 214 \*\*\*

1054S.01I

SENATE SPONSOR: Scott

SB 214 - Under the provisions of this act, beginning July 1, 2006, every child enrolling in kindergarten, first grade, or a Head Start program shall receive at least one comprehensive vision examination performed by a state licensed optometrist or ophthalmologist. The state Board of Education shall promulgate rules regarding the requirements of this act.

The act requires DESE and the department of Health and Senior Services to compile and maintain a list of sources to which children who may need vision examinations or children who have been found to need further examination or vision correction may be referred for treatment on a free or reduced cost basis.

Further, the act alters the statutorily-allowed uses for the "Blindness Education, Screening and Treatment Program Fund" to include vision examinations required by this act for those children for whom public or private health insurance does not cover the cost of the examination.

DONALD THALHUBER

01/24/2005 S First Read (S107)

01/27/2005 Second Read and Referred S Aging, Families, Mental & Public Health Committee  
(S134)

02/09/2005 Hearing Conducted S Aging, Families, Mental & Public Health Committee

EFFECTIVE: August 28, 2005

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\*\*\* SB 215 \*\*\*

0891S.01I

SENATE SPONSOR: Days

SB 215 - This act prohibits a financial institution that operates an ATM from charging a fee to a person using the ATM if the person does not have an account with the financial institution.

JIM ERTLE

01/24/2005 S First Read (S107)

01/27/2005 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S134)

EFFECTIVE: August 28, 2005

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\*\*\* SB 216 \*\*\*

0951S.02I

SENATE SPONSOR: Champion

SB 216 – This act requires depositions of crime laboratory employees to take place in the county where the employee is employed.

JIM ERTLE

01/24/2005 S First Read (S107)

01/27/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S134)

EFFECTIVE: August 28, 2005

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\*\*\* SB 217 \*\*\* SCS SBs 202, 33, 45, 183 & 217

1157S.01I

SENATE SPONSOR: Gross

This bill has been combined with SB 202

01/24/2005 S First Read (S107)

01/27/2005 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S134)

02/01/2005 Bill Combined w/SCS SBs 202, 33, 45, 183 & 217

EFFECTIVE: January 1, 2006

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\*\*\* SB 218 \*\*\*

1152S.01I

SENATE SPONSOR: Klindt

SCS/SB 218 - This act pertains to telecommunications.

This act allows small incumbent local exchange companies (ILEC) to be regulated under price cap provided that two or more wireless providers are indeed providing services in any part of the service area - the federal references for these services are given in this act. The change made to this substitute involved changing the annual increase for nonbasic telecommunications services from eight percent to five percent.

MEGAN WORD

01/24/2005 S First Read (S107)

01/27/2005 Second Read and Referred S Commerce, Energy and the Environment Committee (S134)

02/22/2005 Hearing Conducted S Commerce, Energy and the Environment Committee-Consent

03/01/2005 SCS Voted Do Pass S Commerce, Energy and the Environment Committee  
(1152S.02C)

EFFECTIVE: August 28, 2005

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\*\*\* SB 219 \*\*\*

0886S.01I

SENATE SPONSOR: Dolan

SB 219 - This act creates a state income tax dependency exemption for the year in which a taxpayer has a still born child.

JASON ZAMKUS

01/24/2005 S First Read (S107)

01/27/2005 Second Read and Referred S Ways & Means Committee (S134)

EFFECTIVE: August 28, 2005

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\*\*\* SB 220 \*\*\*

0885S.02I

SENATE SPONSOR: Dolan

SB 220 - This act restores sovereign immunity to Bi-State Metropolitan Development District (Metro) and the Kansas City Area Transportation District Authority (KCATA). In addition, this act provides that 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 of any other civil action or proceeding for money damages by reason of the same subject matter 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.

STEPHEN WITTE

01/24/2005 S First Read (S107)

01/27/2005 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S134)

02/16/2005 Hearing Conducted S Economic Development, Tourism & Local Government Committee

02/23/2005 Voted Do Pass S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2005

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\*\*\* SB 221 \*\*\* SCS SBs 221, 250 & 256

0633S.03C

SENATE SPONSOR: Dolan

SCS/SBs 221, 250 & 256 - This act makes modifies several provisions relating to the operation of motor vehicles.

**SEAT BELTS/BOOSTER SEATS** - 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 (Section 307.178).

This act requires children less than four years old to use an appropriate child passenger restraint system. The act requires children four years of age through five years of age to be secured in a child booster seat. Children six years of age or older must use a safety belt. The fine for violating this section is \$25. No court costs shall be charged and no points shall be assessed. 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. No points will be assessed against a person's driver's license for violating the child restraint provisions of this act. This act is substantially similar to SB 710 (2004), SB 9 (2003), SB 647 (2002) and SB 549 (2001).

**AIRBAGS** - Under this act, persons who install airbags that do not meet federal safety standards or install airbags that have been installed in another motor vehicle without disclosing such fact shall be guilty of a Class D felony (Section 307.156).

**AFFIRMATIVE DEFENSE FOR PROCEEDING THROUGH REDLIGHT WITH A MOTORCYCLE ("DEAD RED")**- This act provides that a person operating a motorcycle who enters or crosses an intersection controlled by a traffic-control signal against a red light shall have an affirmative defense to that charge if the person establishes all of the following conditions:

- (1) The motorcycle has been brought to a complete stop;
- (2) The traffic-control signal continues to show a red light for an unreasonable time;
- (3) The traffic-control signal is apparently malfunctioning or, if programmed or engineered to change to a green light only after detecting the approach of a motor vehicle, the signal has apparently failed to detect the arrival of the motorcycle; and
- (4) No motor vehicle or person is approaching on the street or highway to be crossed or entered or is so far away from the intersection that it does not constitute an immediate hazard.

The affirmative defense applies only to a violation for entering or crossing an intersection controlled by a traffic-control signal against a red light and does not provide a defense to any other civil or criminal action (section 304.281).

**PRIMARY SEAT BELT ENFORCEMENT** - 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 (Section 307.178).

**CLUTCH'S LAW (FAILURE TO YIELD RIGHT OF WAY)** - This act increases the penalties and imposes driver's license points 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. Any person violating Section 304.351 (failure to yield right-of-way) which results in physical injury will be assessed a fine of not less than \$200 and have 8 points assessed against his or her driver's license. If a serious physical injury results, the person shall be guilty of a Class B misdemeanor and a fine of not less than \$500 will be imposed and 8 points will be assessed. If the failure to yield violation leads to a fatality, the person shall be guilty of a Class A misdemeanor and a fine of not less than \$1,000 will be imposed and 12 points will be assessed against his or her driver's license (Sections 302.302 and 304.351). This act is similar to SB 1192 (2004), SB 259 (2003), SB 1077 and HB 1534 (2002).

**LANE RESTRICTION BY LARGE TRUCKS** - This act prohibits trucks (in excess of 48,000 pounds) from being driven in the far left-hand lane on interstate highways, freeways or expressways in the urban areas of this state. This prohibition shall not apply in certain circumstances. This provision passed in HB 327 et al (omnibus transportation bill) in 2003, but was vetoed by the Governor. The act is also similar to SB 384 (2003) (Section 304.015).

**NO PASSING WHEN MARKED WITH SOLID YELLOW STRIPE** - This act prohibits driving to the left hand side of the a roadway when it is clearly marked with a solid yellow center stripe indicating a no passing zone or an unsafe location to overtake or drive to the left side of the

roadway (Class B misdemeanor)(Section 304.016).

**TREATMENT OF PRIOR AND PERSISTENT OFFENDERS INVOLVING MUNICIPAL INTOXICATED-RELATED TRAFFIC OFFENSES** - This act clarifies that the penalty enhancement provisions in Section 577.023 relating to prior/persistent offenders should be applied consistently whether in municipal, county, and state courts. Specifically, this act clarifies that when an individual is charged under a municipal ordinance the individual is not entitled to suspended imposition of sentence if he/she meets the definition and classification as prior or persistent offender under Section 577.023.1(2) and (3).

**CERTIFICATION OF ALCOHOL RELATED REPORTS** - This act requires alcohol related reports submitted to the Department of Revenue by law enforcement officers to be certified rather than verified. The act requires law enforcement officers to certify the alcohol arrest reports under penalties of perjury prior to filing the reports with the department (Section 302.510 and 577.041). The reports shall be admissible as prima facie evidence at administrative hearings. The act repeals the requirement for license surrender in order to obtain a hearing on administrative alcohol arrests (Section 302.530). These provisions are similar to ones contained in SB 490 (2003).

STEPHEN WITTE

01/24/2005 S First Read (S107)

01/27/2005 Second Read and Referred S Transportation Committee (S134)

02/01/2005 Hearing Conducted S Transportation Committee

02/24/2005 SCS Voted Do Pass (w/SCS/SBs 221, 250 & 256) S Transportation Committee  
(0633S.03C)

03/03/2005 Reported from S Transportation Committee to Floor w/SCS (S351)

03/07/2005 S Formal Calendar S Bills for Perfection w/SCS

EFFECTIVE: August 28, 2005

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\*\*\* SB 222 \*\*\* SCS SB 222  
SENATE SPONSOR: Callahan

1184S.02I

SCS/SB 222 - The act relieves any person licensed or required to affix a tax stamp on cigarette packages or any retailer who in good faith sells cigarettes that do not comply with state law, from being subject to any administrative, civil or criminal penalties associated with such act. However it does not relieve a wholesaler or retailer from any penalty imposed by law if the tax stamp has not been lawfully applied.

Declarations of non-compliant cigarettes must be posted on the website of both the Attorney General and the Department of Revenue. The director of the department of revenue must notify all wholesalers in writing via U.S. Mail of the manufacturers and cigarette brands that are no longer lawful to sell in the state. Within five days of such notification, the wholesaler must provide the director with a count of said manufacturers cigarette brands that the wholesaler is holding in inventory for sale in this state.

The cigarette manufacturer shall have the right to remedy any reason the director or attorney general gives for making it unlawful to sell such cigarette brands in this state and in the event said manufacturer provides such remedy, the director and attorney general shall cease any impending action to make such manufacturers brands unlawful for sale. Any tobacco product manufacturer aggrieved by a declaration of non-compliance has a right to seek relief in a court of competent jurisdiction.

JASON ZAMKUS



01/25/2005 S First Read (S111)  
 01/27/2005 Second Read and Referred S Economic Development, Tourism & Local Government  
 Committee (S134)  
 02/16/2005 Hearing Conducted S Economic Development, Tourism & Local Government  
 Committee  
 02/23/2005 SCS Voted Do Pass S Economic Development, Tourism & Local Government  
 Committee - Consent (1184S.06C)  
 02/28/2005 Reported from S Economic Development, Tourism & Local Government Committee to  
 Floor w/SCS - Consent (S299)  
 03/07/2005 S Consent Calendar w/SCS

EFFECTIVE: August 28, 2005

\*\*\* SB 223 \*\*\*

1115S.02I

SENATE SPONSOR: Clemens

SB 223 - This act modifies provisions relating to the licensing of athletic trainers. In HB 1399 (2004) and SB 962 (2004), athletic trainers were to be licensed, rather than registered. This act provides that any person who was a registered athletic trainer on August 28, 2004, shall be entitled to continue to practice. Further, the provisions of the athletic trainers practice act shall not apply to student, rather than the current apprentice, athletic trainers.

JIM ERTLE

01/25/2005 S First Read (S111)  
 01/27/2005 Second Read and Referred S Financial & Governmental Organizations and Elections  
 Committee (S134)

EFFECTIVE: August 28, 2005

\*\*\* SB 224 \*\*\*

1175S.01I

SENATE SPONSOR: Clemens

SB 224 - 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 or improve a freight line company's qualified rolling stock. The act requires the state to reimburse any political subdivision which experiences a loss of revenue due to the provisions of the act.

JASON ZAMKUS

01/25/2005 S First Read (S111)  
 01/27/2005 Second Read and Referred S Ways & Means Committee (S134)  
 02/24/2005 Hearing Conducted S Ways & Means Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 225 \*\*\* SCS SB 225

1138S.09F

SENATE SPONSOR: Cauthorn

SCS/SB 225 - This act pertains to hazardous waste.

SECTION 260.262 - Directs a fee of fifty cents to be collected for each lead-acid battery sold. The fee, less six percent to be retained by the seller as collection costs, shall be paid to the department of revenue. Of the monies kept by the department of revenue, four percent shall be retained by the department, the rest shall be deposited in the hazardous waste fund.

SECTION 260.342 - Repeals entire section.

SECTION 260.375 - Removes requirement for out of state generators to file a registration report with the commission, as well as removing the allowance for in state generators to submit such registration for these out of state generators.

SECTION 260.380 - New language clarifies that requirements set forth by the commission apply only to those generators located in Missouri. Removes references to out of state generators and the requirements set forth by the department. Removes requirement for in state generators that are receiving hazardous waste from out of state generators pay an annual fee.

There has been a change to the fee paid for by generators - new language clarifies that the fee for in state generators shall be five dollars per ton or portion thereof of waste registered with the department; a change from current law that provided the commission the discretion to establish the fee annually. New language states that the fee shall not exceed fifty-two thousand dollars per generator site per year nor be less than one hundred fifty dollars per site per year.

New language has been added that directs Missouri treatment, storage and disposal facilities to pay an annual fee equal to two dollars per ton or portion thereof for all hazardous waste received from outside the state. Failure to pay such a fee shall result in the imposition of a penalty equal to fifteen percent of the original fee. The fee shall expire December 2011.

SECTION 260.391 - Adds circumstances to the list by which the hazardous waste fund receives funds - new language includes taxes, penalties or interest assessed on those fees or taxes. New language also adds to the list of circumstances to which the hazardous waste fund is responsible - including, prevention of leaks from underground storage tanks and response to petroleum releases from both underground and above ground tanks, and for any other expenditures that are not covered under the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980. Included in these "other expenditures" are:

- Administrative services as necessary for the identification, assessment and cleanup of abandoned sites;
- Payments to other state agencies for services consistent with section 260.435 to 260.550;
- Acquisition of property as provided in section 260.420;
- A development study of a hazardous waste facility in Missouri;
- Financing the non-federal share associated with the cost of clean up and site remediation;
- Reimbursement of owners or operators who accept waste pursuant to department orders

Language clarifies that any funds remaining in the hazardous waste remedial fund shall be transferred to the hazardous waste fund. No monies from the fund shall be available for abandoned site clean up unless the director has made all reasonable efforts to secure voluntary payment from the owners or operators of such site. The Director shall make all reasonable efforts to recover expended funds through litigation or cooperative agreements with responsible persons. All recovered monies shall be deposited in the hazardous waste fund. In addition to the revenue specified in the section, the Department shall request an annual appropriation from general revenue equal to any state match obligation to the EPA for cleanup performed pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980.

SECTION 260.420 - All references to the hazardous waste remedial fund have been removed.

SECTION 260.446 - Section repealed.

SECTION 260.475 - All references to the hazardous waste remedial fund have been removed, along with the deposit breakdown between said fund and the hazardous waste fund - the act forwards all monies to be deposited in the hazardous waste fund. The fee authorized in this section shall expire December 2011.

SECTION 260.479 - Section repealed.

SECTION 260.480 - Repeals current section - added language that clarifies any funds remaining in the hazardous waste remedial fund shall be transferred to the hazardous waste fund.

SECTION 260.481 - All references to the hazardous waste remedial fund have been removed.

SECTION 260.546 - All references to the hazardous waste remedial fund have been removed.

SECTION 260.569 - All references to the hazardous waste remedial fund have been removed.

MEGAN WORD

01/25/2005 S First Read (S111)

01/27/2005 Second Read and Referred S Ways & Means Committee (S134)

02/03/2005 Hearing Conducted S Ways & Means Committee

02/10/2005 Voted Do Pass S Ways & Means Committee (1138S.07C)

02/14/2005 Reported from S Ways & Means Committee to Floor w/SCS (S220)

02/17/2005 SS for SCS S offered (Cauthorn)--(1138S.08F) (S247)

02/17/2005 SA 1 to SS for SCS S offered (Vogel)--1138S08.01F (S247-248)

02/17/2005 Bill Placed on Informal Calendar (S248)

02/21/2005 SA 1 to SS for SCS S withdrawn (S257)

02/21/2005 SS for SCS S withdrawn (S257)

02/21/2005 SS#2 for SCS S offered (Cauthorn) (1138S.09F) (S257)

02/21/2005 Bill Placed on Informal Calendar (S257)

03/07/2005 S Informal Calendar S Bills for Perfection w/SCS & SS/SCS (pending)

EFFECTIVE: August 28, 2005

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\*\*\* SB 226 \*\*\*

1053S.011

SENATE SPONSOR: Cauthorn

SB 226 - This act requires certain cost-containment measures within the Medicaid program.

The Department of Social Services shall conduct an annual income and eligibility verification review for each recipient of medical assistance. The review shall be completed no later than twelve months after the recipient's last eligibility review determination. The act specifies how the verification review may be completed and also requires participants to provide documentation for income verification. The Department must establish by rule the procedures for requiring recipients or applicants to disclose certain information about the availability of employer-sponsored health care and their employment status at the time of application or eligibility verification review.

For Medicaid eligibility, investments in annuities shall be limited to annuities which:

-are actuarially sound as measured against the Social Security Administration Life Expectancy Tables;

-provide equal payments for its' duration; and

-provide Missouri with secondary or contingent beneficiary status in an amount equal to the Medicaid expenditure made on the individual's behalf.

The Department must establish a thirty-six month look-back period to review investments in annuities made by applicants for Medicaid benefits. The Department shall also have rule-making authority to implement the provisions of Section 208.212.

ADRIANE CROUSE

01/25/2005 S First Read (S111)

01/27/2005 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S134)

EFFECTIVE: August 28, 2005

\*\*\* SB 227 \*\*\*

0984S.01I

SENATE SPONSOR: Engler

SCS/SB 227 - This act designates a portion of state highway M within Washington County which is located within the city limits of Irondale as the "Trooper Robert Kolilis Memorial Highway". The act provides that MoDOT will erect the signs designating the highway and the costs will be paid by the Missouri State Troopers' Association.

STEPHEN WITTE

01/25/2005 S First Read (S111)

01/27/2005 Second Read and Referred S Transportation Committee (S134)

02/22/2005 Hearing Conducted S Transportation Committee

02/24/2005 SCS Voted Do Pass S Transportation Committee-Consent (0948S.02C)

03/01/2005 Reported from S Transportation Committee to Floor - Consent (S327)

03/07/2005 S Consent Calendar (3/1)

EFFECTIVE: August 28, 2005

\*\*\* SB 228 \*\*\*

1171S.02I

SENATE SPONSOR: Ridgeway

SB 228 - This act requires health carriers to reimburse non-network chiropractors according to the same formula as any other non-network provider is reimbursed. Under current law, a health carrier is not required to reimburse for services rendered by a non-network chiropractor unless prior approval has been obtained from the health carrier.

This act is similar to HB 138 (2005).

STEPHEN WITTE

01/25/2005 S First Read (S111)

01/27/2005 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S134)

03/02/2005 Hearing Conducted S Small Business, Insurance & Industrial Relations Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 229 \*\*\*

1126S.01I

SENATE SPONSOR: Bray

SB 229 - This act would allow 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.

This act is identical to your SB 1377 (2004).

DONALD THALHUBER

01/25/2005 S First Read (S111)

01/27/2005 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S134)

EFFECTIVE: August 28, 2005

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\*\*\* SB 230 \*\*\*

0948S.04I

SENATE SPONSOR: Champion

SB 230 – This act modifies the distribution of the \$150 surcharge in all criminal drug cases. Of the \$150, \$10 will be payable to the county where the case is filed and \$10 will be payable to the prosecuting attorney training fund in the county where the case is filed. Further, the act eliminates the requirement that a crime lab must make an analysis of a controlled substance in order for the surcharge to be assessed and collected.

JIM ERTLE

01/25/2005 S First Read (S112)

01/27/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S134-135)

EFFECTIVE: August 28, 2005

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\*\*\* SB 231 \*\*\*

1189S.01I

SENATE SPONSOR: Crowell

SB 231 - Under the provisions of this act, any Missouri public higher education institution intending to increase tuition shall be required to provide public notice of the proposed increase not less than six months before the beginning of any academic year. The act requires notice be given to both the public and members of the general assembly regarding the intended increase. The act details specific requirements for the notice and requires that it advise interested parties of their right to submit written comments to the institution during the six-month period between the notice and the effective date of the proposed tuition increase. The act requires each institution to hold a public hearing on proposed tuition increases. After the public hearing, the institution shall provide the coordinating board certain information as specified in the act. The coordinating board shall review the submitted information for conformance with the provisions of this act and determine whether the proposed tuition increase exceeds the percentage increase in the relevant CPI. Not more than thirty days after the receipt of such information, the coordinating board shall submit to the governor and the general assembly the results of its review.

Another provision of the act requires the University of Missouri to submit a budget to the general assembly detailed by campus, department, college, and program within each department and college. The university's appropriations shall be detailed in the appropriation bill using these same categories. Fund transfers between colleges and departments are prohibited unless approved by the general assembly. Unexpended balances in college and department funds would lapse to the state general revenue fund.

DONALD THALHUBER

01/25/2005 S First Read (S112)

01/31/2005 Second Read and Referred S Education Committee (S140)

02/15/2005 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2005

**\*\*\* SB 232 \*\*\***

1121S.01I

SENATE SPONSOR: Loudon

SB 232 - This act provides that all conduct, speech or other petitioning activities made in connection with a public meeting shall be immune from civil liability if such conduct is aimed at procuring any government action. Under current law, a party sued for such conduct is authorized to file a special motion to dismiss the action. This act provides that the motion shall be granted unless the responding party produces clear and convincing evidence that the moving party is not immunized from liability.

A party who prevails on a special motion may petition the court for actual and punitive damages for abuse of process and malicious prosecution. Expenses of a party initiating legal action based on such conduct, speech or other petitioning activities shall qualify as a tax deductible business expense.

The Attorney General is authorized to intervene and assume the costs of defending a suit which appears to be violating a Missouri citizen's speech which is immune from civil liability as provided in this act.

JIM ERTLE

01/26/2005 S First Read (S115)

01/31/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S140)

02/07/2005 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

02/21/2005 Voted Do Pass S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2005

**\*\*\* SB 233 \*\*\***

1229S.02C

SENATE SPONSOR: Stouffer

SCS/SB 233 - This act designates the bridge crossing the Missouri River on Highway 13 between Lafayette and Ray Counties the "Congressman Ike Skelton Bridge". All signage costs shall be for through private sources.

STEPHEN WITTE

01/26/2005 S First Read (S115)

01/31/2005 Second Read and Referred S Transportation Committee (S140)

02/22/2005 Hearing Conducted S Transportation Committee

02/24/2005 SCS Voted Do Pass S Transportation Committee-Consent (1229S.02C)

03/01/2005 Reported from S Transportation Committee to Floor w/SCS - Consent (S327)

03/07/2005 S Consent Calendar (3/1)

EFFECTIVE: August 28, 2005

**\*\*\* SB 234 \*\*\*** SCS SBs 157 & 234

1044S.01I

SENATE SPONSOR: Purgason

This bill has been combined with SB 157

01/26/2005 S First Read (S115)

01/31/2005 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S140)

02/01/2005 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee

02/08/2005 Bill Combined SCS SBs 157 & 234

EFFECTIVE: August 28, 2005

\*\*\* SB 235 \*\*\*

0395S.01I

SENATE SPONSOR: Wheeler

SB 235 - 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 act. The Attorney General shall have rule-making authority.

This act is identical to SB 1245 (2004).

JIM ERTLE

01/26/2005 S First Read (S115)

01/31/2005 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S140)

02/16/2005 Hearing Scheduled But Not Heard Aging, Families, Mental & Public Health Committee

02/23/2005 Hearing Conducted S Aging, Families, Mental & Public Health Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 236 \*\*\*

0974S.02I

SENATE SPONSOR: Klindt

SB 236 - This act pertains to private applicator licenses.

The act maintains the prohibition on the issuance of a licensing fee but allows for the collection of a fee by the University of Missouri Extension Service for the actual cost of the materials necessary to complete the course of instruction required for a certified private applicator's license. Such costs shall be reviewed on an annual basis by the directors of both the Department of Agriculture and the Extension service.

MEGAN WORD

01/26/2005 S First Read (S115)

01/31/2005 Second Read and Referred S Commerce, Energy and the Environment Committee (S140)

02/22/2005 Hearing Conducted S Commerce, Energy and the Environment Committee

03/01/2005 Voted Do Pass S Commerce, Energy and the Environment Committee-Consent

03/01/2005 Reported from S Commerce, Energy and the Environment Committee to Floor - Consent (S312)

03/07/2005 S Consent Calendar (3/1)

EFFECTIVE: August 28, 2005

\*\*\* SB 237 \*\*\* SCS SB 237

0985S.04C

SENATE SPONSOR: Klindt

SCS/SB 237 - This act pertains to telecommunications.

The changes made to the original bill include:

- Authorized customer specific pricing has been authorized, for business customers only, for interexchange telecommunications companies

- Dial up Internet networks have been added as providers that shall not be considered as providers of basic local service

- Provided a definition for broadband network

- Resellers of telecommunications services have been added as providers that shall not be considered as providers of providing basic telecommunications service

- The amount of time between a tariff filing proposing a rate decrease for competitive services and when that decrease takes place has been changed - from seven days to one day

- New authorization for customer specific pricing has been changed here - only business services offered in an exchange where basic local service offered to business customers has been declared competitive can enjoy the customer specific pricing option.

- The PSC's directive to review the state of competition in exchanges where it has been declared has been changed here - rather than every five years, we've changed it to every two years, or if an ILEC increases rates for basic local services in an exchange classified as competitive.

- The rate rebalancing changes have been removed - have left the law as it stands with one exception, the cost justification language is still being removed in this substitute.



- The maximum allowable prices for nonbasic services can be changed up to five percent per year - this is a decrease from eight percent to five.

- All new language pertaining to new services offered after September 1, 2005 has been removed in this substitute.

The act modifies the definition of "competitive telecommunications service" to include the services which have been classified as such in Section 392.245.

The act modifies the commission's approval process for service offerings in a sub-exchange. The act states that telecommunication services may be offered in a sub-exchange unless the Public Service Commission finds that doing so is contrary to the public interest; a change from the current law which states that such approval shall be based upon clear and convincing evidence.

The act authorizes customer-specific pricing on an equal basis for both incumbent and alternative local exchange companies, and adds all services which have been declared competitive under Section 392.245 to the circumstances where customer-specific pricing has been authorized.

The act allows telecommunications companies to offer discounted rates or special promotions to existing customers as well as new or former customers.

The act allows incumbent and alternative local exchange companies to offer packages of services - which is defined in this act as more than one telecommunications service or telecommunication service combined with one or more non telecommunication service - and that such packages shall not be subject to price cap or rate of return regulations, provided that any service offered in the package is available on its own, apart from the package.

The act states that any rate, charge, toll or rental for telecommunication service that does not exceed the maximum allowable price shall be deemed to be just, reasonable and lawful. The act adds to the provisions that allow small incumbent local exchange companies to be regulated under the price cap provisions by including situations where two or more wireless providers are providing service in any part of the company's service area.

The act allows an incumbent local exchange company to change the rates of service so long as they are consistent with subsections 2 through 5 of Section 392.200.

The act changes the standards by which services are classified as competitive. The act states that any service offered to business and residential customers other than exchange access service, shall be classified as competitive if there are two non-affiliated entities providing basic local service to both business and residential customers within that exchange. The act clarifies that wireless providers shall be considered as entities providing basic local services, provided that only one such non-affiliated provider shall be considered as providing said service within an exchange. The act clarifies that any entity providing local voice service, regardless of the technology utilized as well as whether or not that entity is subject to regulation, shall be considered as an entity providing basic local service. The act states that companies only offering prepaid services shall not be considered entities providing basic local service.

The act provides a time frame of thirty days from the request under which the commission shall determine whether the requisite number of companies are providing the services required and if so,

approve tariffs as competitive. If the services of an incumbent local exchange company are determined to be competitive, the company may thereafter adjust its rates upon filing tariffs which shall become effective within the timelines identified in Section 392.500. The commission is authorized to review the services which have been classified as competitive to determine if the competitive conditions continue to exist in the exchange.

MEGAN WORD

01/26/2005 S First Read (S115)

01/31/2005 Second Read and Referred S Commerce, Energy and the Environment Committee (S140)

02/15/2005 Hearing Conducted S Commerce, Energy and the Environment Committee

03/01/2005 SCS Voted Do Pass S Commerce, Energy and the Environment Committee (0985S.04C)

03/01/2005 Reported from S Commerce, Energy and the Environment Committee to Floor w/SCS (S327)

03/07/2005 S Formal Calendar S Bills for Perfection w/SCS

EFFECTIVE: August 28, 2005

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\*\*\* SB 238 \*\*\* SCS SB 238  
SENATE SPONSOR: Gross

1197S.05C

SCS/SB 238 - The act expands the scope of Section 67.1775, RSMo, by allowing cities, in addition to counties, to levy a sales tax for the purpose of providing services described in Section 210.861, RSMo, including counseling, family support, and temporary residential services to persons nineteen years of age or less. The committee substitute modifies some of the ballot language to allow for lawful collection of the revenues derived from the local sales tax. The "Community Children's Services Fund" is created. All revenues collected under the local sales tax, less one percent for the cost of collection, will first be deposited in the state's general revenue fund and then transferred to the Community Children's Services Fund.

The act modifies language in Section 210.860, RSMo, to allow for the imposition property tax of a twenty-five cents on each one hundred dollars of assessed valuation on taxable property for services for the purpose of providing counseling, family support, and temporary residential services to persons eighteen years of age or less and those services described in Section 210.861. Under current law, this section provided for the same twenty-five cent property tax to be levied for the purpose of providing counseling, family support, and temporary residential services to persons eighteen years of age or less. Revenues derived from this tax shall be deposited in the county treasury to the credit of the Community Children's Services Fund to provide funds for counseling and related services to children and youth in the county which will promote healthy lifestyles among children and youth and strengthen families.

JASON ZAMKUS

01/26/2005 S First Read (S115)

02/03/2005 Second Read and Referred S Ways & Means Committee (S172)

02/10/2005 Hearing Conducted S Ways & Means Committee

02/24/2005 SCS Voted Do Pass S Ways & Means Committee-Consent (1197S.05C)

03/01/2005 Reported from S Ways & Means Committee to Floor w/SCS - Consent (S312)

03/07/2005 S Consent Calendar w/SCS (3/1)

EFFECTIVE: August 28, 2005

SENATE SPONSOR: Scott

SB 239 - This act, pending voter approval, would levy a six percent tax per room per night on all sleeping rooms paid for by transient guests in the city of Lamar Heights. Pending voter approval, the act would also levy a two percent sales tax on the gross receipts derived from the retail sales of food by every person operating a food establishment in Lamar Heights.

The revenue created by the imposition of these taxes will be used exclusively for the purpose of funding capital improvements.

This act contains an emergency clause.

JASON ZAMKUS

01/26/2005 S First Read (S115)

02/03/2005 Second Read and Referred S Ways & Means Committee (S172)

02/24/2005 Hearing Conducted S Ways & Means Committee

EFFECTIVE: Emergency Clause

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\*\*\* SB 240 \*\*\*

0566S.02I

SENATE SPONSOR: Scott

SB 240 - This act modifies provisions regarding lobbyist reporting requirements and campaign finance disclosure for public officials.

Reports of lobbyist activities are due no later than January 5th of each year or within five days after beginning activities as a lobbyist. Lobbyists are no longer required to make reports to the Missouri Ethics Commission on proposed legislation or action by the executive branch or judicial branch which the lobbyist or lobbyist principal supported or opposed.

Certain candidates for elective office are required to file financial interest statements no later than March 31st or within 10 days of filing for office, whichever is later for the preceding calendar year. Candidates for election in April shall file such statements by January 31st for the preceding calendar year. Candidates nominated by political caucus shall file such statements within 10 days of nomination. The Missouri Ethics Commission shall be the filing officer in any case where no filing officer is designated for the filing of a financial interest statement. Any document postmarked by midnight of the day designated for filing shall be deemed as timely filed.

The Commission is required to provide notice, not actual notice, of certain actions to the subject of a complaint filed with the Commission. Notice requirements are also modified regarding the assessment of late fees by the Commission. Appeals of actions of the Commission may be appealed to the circuit court of Cole County, rather than the administrative hearing commission.

Every committee which is required to file a statement of organization may exclude bank account numbers from the statement when the report is filed with an officer other than the Commission. All records of committee receipts and expenditures shall be available for inspection by the Commission, rather than the current campaign finance review board. Written reports are not required for any candidate whose officer for filing is the Commission if the report is filed electronically with the Commission.

The act reorganizes sections of law concerning reporting requirements for out-of-state committees and reporting requirements for candidates nominated by political party committees. Currently, continuing committees are required to file electronic reports if the committee makes contributions of more than \$15,000. This act changes the amount to \$5,000 and includes political

party committees and campaign committees within this requirement.

The act provides that an individual who seeks nomination to a public office by nomination of a political party committee shall be subject to campaign finance disclosure requirements, with certain modifications relating to reporting dates. The act repeals a section of law that requires the Commission to print a summary of all laws over which the Commission has enforcement power.

This act is similar to SS#2/SCS/HS/HCS/HB 1150 (2004).

JIM ERTLE

01/26/2005 S First Read (S115-116)  
 01/31/2005 Second Read and Referred S Governmental Accountability & Fiscal Oversight Committee (S140)  
 02/21/2005 Hearing Conducted S Governmental Accountability & Fiscal Oversight Committee  
 02/28/2005 Voted Do Pass S Governmental Accountability & Fiscal Oversight Committee-Consent  
 02/28/2005 Reported from S Governmental Accountability & Fiscal Oversight Committee to Floor - Consent (S298)  
 03/03/2005 Removed S Consent Calendar (S348)

EFFECTIVE: August 28, 2005

\*\*\* SB 241 \*\*\*

1117S.01I

SENATE SPONSOR: Scott

SB 241 - This act provides that lobbyists are no longer required to make reports to the Missouri Ethics Commission on proposed legislation or action by the executive branch or judicial branch which the lobbyist or lobbyist principal supported or opposed.

JIM ERTLE

01/26/2005 S First Read (S116)  
 01/31/2005 Second Read and Referred S Governmental Accountability & Fiscal Oversight Committee (S140)  
 02/21/2005 Hearing Conducted S Governmental Accountability & Fiscal Oversight Committee  
 02/28/2005 Voted Do Pass S Governmental Accountability & Fiscal Oversight Committee-Consent  
 02/28/2005 Reported from S Governmental Accountability & Fiscal Oversight Committee to Floor - Consent (S298)  
 03/03/2005 Removed S Consent Calendar (S348)

EFFECTIVE: August 28, 2005

\*\*\* SB 242 \*\*\*

1234S.01I

SENATE SPONSOR: Scott

SB 242 - This act requires all deputy coroners and assistants to the coroner to register with the Missouri Coroners' and Medical Examiners' Association immediately after being appointed but before they begin their duties.

SUSAN HENDERSON

01/26/2005 S First Read (S116)  
 01/31/2005 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S140)

02/07/2005 Hearing Conducted S Financial & Governmental Organizations and Elections Committee  
02/21/2005 Voted Do Pass S Financial & Governmental Organizations and Elections Committee-Consent  
02/21/2005 Reported from S Financial & Governmental Organizations and Elections Committee to Floor - Consent (S255)  
02/28/2005 S Third Read and Passed - Consent (S301)  
03/01/2005 H First Read (H441)  
03/02/2005 H Second Read (S448)

EFFECTIVE: August 28, 2005

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\*\*\* SB 243 \*\*\*

1235S.011

SENATE SPONSOR: Scott

SB 243 - This act modifies how the place of death of an individual is determined. An individual who is being transferred into this state from another, from one county within this state to another, or dies while being treated in the emergency room of the receiving facility, the place of from which the individual was first removed is considered the place of death.

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 emergency room staff, coroner or medical examiner where the individual actually dies must immediately notify the proper authorities of the transferring county or state 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, criminal abortion, or by any unusual or suspicious manner, the investigation of the cause and manner of death shall revert to the county or state of origin. The coroner or medical examiner shall be responsible for the certificate of death.

There shall not be any statute of limitations or time limits on the cause of death when it is the result of the types of death listed above.

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.

A coroner or medical examiner shall make reasonable efforts to accommodate tissue as well as organ donation.

This act is similar to SCS/SB 1189 (2004).  
SUSAN HENDERSON

01/26/2005 S First Read (S116)

01/31/2005 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S140)

EFFECTIVE: August 28, 2005

\*\*\* SB 244 \*\*\*

1233S.01I

SENATE SPONSOR: Scott

SB 244 - Under this act, health carriers are prohibited from requiring an applicant or insured to submit tax forms which disclose salaries, income, wages, or any other tax information not relevant to determining coverage eligibility. If any health carrier requires an applicant or insured to submit tax forms for purposes of determining eligibility, the health carrier shall allow the applicant or insured to redact or otherwise edit any information relating to salaries, wages, income, or other tax information not relevant to determining coverage eligibility. Failure to comply with this act shall constitute an unfair trade practice. The act directs the Director of the Department of Insurance to promulgate rules for the enforcement of this act and establish categories of tax information in addition to salaries, income, or wages in which health carriers shall not request by means of a tax return.

STEPHEN WITTE

01/26/2005 S First Read (S116)

01/31/2005 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S140)

02/23/2005 Hearing Conducted S Small Business, Insurance & Industrial Relations Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 245 \*\*\*

1182L.01I

SENATE SPONSOR: Scott

SB 245 - This act creates a partial sales tax exemption for the sale of modular units. For the purpose of use tax in relation to the sale of modular units, the manufacturer of such modular units will be considered the contractor and the tax rate will be computed on the use tax rate where the modular unit is being placed.

JASON ZAMKUS

01/26/2005 S First Read (S116)

01/31/2005 Second Read and Referred S Ways & Means Committee (S140)

02/03/2005 Hearing Conducted S Ways & Means Committee

02/17/2005 SCS Voted Do Pass S Ways & Means Committee (1182L.02C)

EFFECTIVE: August 28, 2005

\*\*\* SB 246 \*\*\* SCS SB 246

1129S.02C

SENATE SPONSOR: Days

SCS/SB 246 - This act pertains to the authorization of water pollution bonds.

This act authorizes the Board of Fund Commissioners, in addition to amounts authorized prior to August 28, 2006, 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).

MEGAN WORD

01/26/2005 S First Read (S116)

01/31/2005 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S140)

02/14/2005 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

02/28/2005 SCS Voted Do Pass S Financial & Governmental Organizations and Elections Committee-Consent (1129S.02C)

02/28/2005 Reported from S Financial & Governmental Organizations and Elections Committee to Floor w/SCS - Consent (S300)

03/07/2005 S Consent Calendar w/SCS (2/28)

EFFECTIVE: August 28, 2005

\*\*\* SB 247 \*\*\*

0882S.02C

SENATE SPONSOR: Dolan

SCS/SB 247 - This act makes a couple of technical changes to the professional engineers license plate statute. Under this act, the \$25 emblem-use contribution shall go to the Missouri Society of Professional Engineers rather than the Missouri Society of Professional Engineers Educational Foundation. The act also provides that the license plate shall bear the words "PROFESSIONAL ENGINEERS". This act also adds a corrected provision dealing with volunteer firefighter and fire district firefighter special license plates. This provision was erroneously omitted last session by the General Assembly.

STEPHEN WITTE

01/26/2005 S First Read (S116)

01/31/2005 Second Read and Referred S Transportation Committee (S140)

02/22/2005 Hearing Conducted S Transportation Committee

02/24/2005 SCS Voted Do Pass S Transportation Committee-Consent (0882S.02C)

03/01/2005 Reported from S Transportation Committee to Floor w/SCS - Consent (S327)

03/07/2005 S Consent Calendar (3/1)

EFFECTIVE: August 28, 2005

\*\*\* SB 248 \*\*\*

0377S.01I

SENATE SPONSOR: Dolan

SB 248 - This act creates a Missouri income tax deduction for tuition, fees, and school supplies paid for education expenses for grades kindergarten through twelve. The school must be situated in Missouri. The deduction is capped at \$2500.

JASON ZAMKUS

01/26/2005 S First Read (S116)

01/31/2005 Second Read and Referred S Ways & Means Committee (S140)

EFFECTIVE: August 28, 2005

\*\*\* SB 249 \*\*\*

0621S.01I

SENATE SPONSOR: Dolan

SB 249 - 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 (Section 307.178).

This act requires children less than four years old to use an appropriate child passenger restraint system. The act requires children four years of age through five years of age to be secured in a child booster seat. Children six years of age or older must use a safety belt. The fine for violating this section is \$10. No court costs shall be charged and no points shall be assessed. A person may escape the \$10 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. No points will be assessed against a person's driver's license for violating the child restraint provisions of this act.

This act has an effective date of January 1, 2006.

This act is substantially similar to SB 710 (2004), SB 9 (2003), SB 647 (2002) and SB 549 (2001). This act has an effective date of January 1, 2006.

STEPHEN WITTE

01/26/2005 S First Read (S117)

01/27/2005 Bill Withdrawn (S126)

EFFECTIVE: January 1, 2006

**\*\*\* SB 250 \*\*\***

0621S.02I

SENATE SPONSOR: Dolan

This bill has been combined with SB 221

01/26/2005 S First Read (S117)

01/31/2005 Second Read and Referred S Transportation Committee (S140)

02/15/2005 Hearing Conducted S Transportation Committee

02/24/2005 Bill Combined w/(SCS/SBs 221, 250 & 256)

EFFECTIVE: January 1, 2006

**\*\*\* SB 251 \*\*\***

1057S.01I

SENATE SPONSOR: Ridgeway

SCS/SB 251 - 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, and 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 taxpayer may only be permitted to redeem the tax credit provided in this act if the director of revenue has reallocated other state tax credits to the tax credit created in this act. 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 Senate Bill 791 (2004).

JASON ZAMKUS

01/27/2005 S First Read (S125)

01/31/2005 Second Read and Referred S Ways & Means Committee (S140)

02/24/2005 Hearing Conducted S Ways & Means Committee



03/03/2005 SCS Voted Do Pass S Ways & Means Committee (1057S.02C)

EFFECTIVE: August 28, 2005

\*\*\* SB 252 \*\*\*

1190S.05P

SENATE SPONSOR: Koster

SCS/SB 252 - This act creates the "Missouri Military Preparedness and Enhancement Commission." The commission will advise the Governor and the general assembly and military-related issues, as specified within the act, and will provide an annual report. The department of economic development will furnish administrative support for the commission.

Five members of the commission shall be appointed by the governor. Two members of the House, one from each political party, shall be appointed by the speaker. Two members of the Senate, one from each political party, shall be appointed the pro temp. Members shall serve three year terms, and may serve a maximum of six years.

The act asserts that spouses and unemancipated minor children of military members assigned within the state under military orders shall receive in-state tuition at Missouri public higher education institutions.

This act contains an emergency clause.

DONALD THALHUBER

01/27/2005 S First Read (S125-126)

01/31/2005 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S140)

02/08/2005 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee

02/22/2005 SCS Voted Do Pass S Pensions, Veterans' Affairs and General Laws Committee-Consent (1190S.05C)

02/23/2005 Reported from S Pensions, Veterans' Affairs and General Laws Committee to Floor w/SCS - Consent (S275)

03/03/2005 SCS S adopted (S360)

03/03/2005 S Third Read and Passed - Consent (EC adopted) (S360-361)

EFFECTIVE: August 28, 2005

\*\*\* SB 253 \*\*\*

0894S.03I

SENATE SPONSOR: Koster

SB 253 - This act allows a motor vehicle dealer to purchase, or accept as a trade in, and later sell, a motor vehicle without a title from a seller provided certain procedures are followed.

**ABILITY OF DEALER TO OBTAIN DUPLICATE OR REPLACEMENT TITLE** - Under this act, a vehicle dealer may obtain a duplicate or replacement title in the owner's name if the owner's title has been lost, stolen, mutilated, or destroyed and is not available for assignment. The licensed dealer must procure a power of attorney from the owner authorizing the dealer to obtain a duplicate or replacement title in the owner's name and sign any title assignments on the owner's behalf. The application to the department of revenue for the duplicate or replacement title shall be accompanied by the executed power of attorney, or a copy thereof, and the application shall contain the appropriate mailing address of the dealer. Under current law (Section 301.300), only the lawful holder of the title (owner) may obtain a duplicate or replacement title.

**PURCHASE OF VEHICLE WITHOUT TITLE** - Under this act, a dealer may purchase, or accept

as a trade in, a vehicle without a title if the seller provides the dealer the following:

- (1) A signed written contract between the licensed dealer and the owner of the vehicle; and
- (2) Physical delivery of the vehicle to the licensed dealer; and
- (3) A power of attorney from the owner to the licensed dealer, authorizing the licensed dealer to obtain a duplicate or replacement title in the owner's name and sign any title assignments on the owner's behalf.

If these steps are followed, the sale or trade of the vehicle to the dealer shall be consider final.

**SALE OF VEHICLE WITHOUT TITLE BY DEALER** - If a licensed dealer purchases the vehicle from the seller in conformance with this act, the licensed dealer may sell the vehicle prior to receiving and assigning to the purchaser the certificate of title. The sale of the vehicle to the purchaser shall be considered final if:

- (1) All outstanding liens created on the vehicle have been paid in full; and
- (2) The dealer has obtained proof or other evidence from the department of revenue confirming that no outstanding child support liens exist upon the vehicle at the time of sale; and
- (3) The dealer has obtained proof or other evidence from the department of revenue confirming that all applicable state sales tax has been satisfied on the sale of the vehicle to the owner; and
- (4) The dealer has signed and submitted an application for duplicate or replacement title for the vehicle.

**TIME FRAME FOR OBTAINING AND DELIVERING TITLE** - A licensed dealer shall, within five business days of obtaining a vehicle without a title, apply for a duplicate or replacement title. Upon receipt of a duplicate or replacement title, the dealer shall assign and deliver said certificate of title to the purchaser of the vehicle within five business days.

**FAILURE TO COMPLY WITH THIS ACT** - If the dealer fails to comply with this act, the dealer shall be liable to the purchaser for actual damages, plus court costs and reasonable attorney fees. If a seller fraudulently misrepresents to the dealer that it is the owner of the vehicle, then the seller shall be liable to the dealer or subsequent purchaser for any damages resulting from such misrepresentation. Prior to seeking court costs or attorney fees authorized under this act, the aggrieved party must deliver an itemized written demand of its actual damages to the party from whom damages are sought and the party has not satisfied or offered to satisfy the demand within 30 days of its receipt.

STEPHEN WITTE

01/27/2005 S First Read (S126)

01/31/2005 Second Read and Referred S Transportation Committee (S140)

02/22/2005 Hearing Conducted S Transportation Committee

EFFECTIVE: August 28, 2005

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\*\*\* SB 254 \*\*\*

1288S.011

SENATE SPONSOR: Engler

SB 254 - This act prohibits any person under the age of 21 from distributing prescription medication to any individual who does not have a valid prescription upon school property. For the purpose of this act, the term "prescription medication" does not include medication containing a controlled substance.

This act prohibits any person under the age of 21 from possessing prescription medication on

school property without a valid prescription.

This act does not apply to school personnel who are responsible for storing, maintaining, or dispensing medication or to emergency personnel. Nor shall this act apply to the use of prescription medication by emergency personnel.

Any person who distributes prescription medication to a person without a valid prescription under this section shall be guilty of a Class B misdemeanor for a first offense and a Class A misdemeanor for any second or subsequent offense.

Any person who possesses prescription medication without a valid prescription under this section shall be guilty of a class C misdemeanor for the first offense and a Class B misdemeanor for any second or subsequent offense.

SUSAN HENDERSON

01/27/2005 S First Read (S126)

01/31/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S254)

EFFECTIVE: August 28, 2005

\*\*\* SB 255 \*\*\*

1079S.011

SENATE SPONSOR: Dolan

SB 255 - This act provides a \$5,000 cash benefit to the families of Missouri veterans who died while serving in Iraq or Afghanistan after September 11, 2001. The act also provides a \$1,000 cash benefit to veterans wounded as a result of combat action in Afghanistan or Iraq after September 11, 2001.

The adjutant general of the state of Missouri shall administer the program.

The act creates the "War on Terror Veteran Fund".

DONALD THALHUBER

01/27/2005 S First Read (S126)

01/31/2005 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S140)

02/08/2005 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 256 \*\*\*

1302S.011

SENATE SPONSOR: Dolan

This bill has been combined with SB 221

01/27/2005 S First Read (S126)

01/31/2005 Second Read and Referred S Transportation Committee (S140)

02/15/2005 Hearing Conducted S Transportation Committee

02/24/2005 Bill Combined w/(SCS/SBs 221, 250, & 256)

EFFECTIVE: August 28, 2005

\*\*\* SB 257 \*\*\*

1091S.011

SENATE SPONSOR: Koster

SB 257 - This act authorizes the Cass County Commission to seek the formation of a board of election commissioners in Cass County. Upon majority vote of the Commission, the question of whether to form a board of election commissioners in Cass County shall be placed on the ballot.

JIM ERTLE

01/27/2005 S First Read (S132)

01/31/2005 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S140)

02/09/2005 Hearing Conducted S Economic Development, Tourism & Local Government Committee

02/23/2005 Voted Do Pass S Economic Development, Tourism & Local Government Committee - Consent

02/28/2005 Reported from S Economic Development, Tourism & Local Government Committee to Floor - Consent (S299)

03/07/2005 S Consent Calendar (2/28)

EFFECTIVE: August 28, 2005

\*\*\* SB 258 \*\*\* SCS SB 258  
SENATE SPONSOR: Koster

1089S.02C

SCS/SB 258 - Currently, any county may operate a public health center. Whenever the county commission is presented with a petition signed by at least 10% of the voters asking that an annual tax be levied the county shall submit the question to the voters at an election.

In addition to the current method, this act would require the Cass County Commission and the Cooper County Commission to submit the question of establishing a public health center to the voters if the commission, by a majority vote, chooses to do so.

SUSAN HENDERSON

01/27/2005 S First Read (S132)

01/31/2005 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S140)

02/09/2005 Hearing Conducted S Economic Development, Tourism & Local Government Committee

02/23/2005 SCS Voted Do Pass S Economic Development, Tourism & Local Government Committee - Consent (1089S.02C)

02/28/2005 Reported from S Economic Development, Tourism & Local Government Committee to Floor w/SCS - Consent (S299-300)

03/07/2005 S Consent Calendar w/SCS (2/28)

EFFECTIVE: August 28, 2005

\*\*\* SB 259 \*\*\*  
SENATE SPONSOR: Koster

1090S.01I

SB 259 - This act requires that the county commissioner and county highway engineer, as members of the county planning board, be nonvoting members in Cass County.

Currently, these individuals are members on the board with voting power in Cass County.  
SUSAN HENDERSON

01/27/2005 S First Read (S132)

01/31/2005 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S140)  
 02/09/2005 Hearing Conducted S Economic Development, Tourism & Local Government Committee  
 02/23/2005 Voted Do Pass S Economic Development, Tourism & Local Government Committee - Consent  
 02/28/2005 Reported from S Economic Development, Tourism & Local Government Committee to Floor - Consent (S300)  
 03/07/2005 S Consent Calendar (2/28)

EFFECTIVE: August 28, 2005

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\*\*\* SB 260 \*\*\*    SCS SB 260  
 SENATE SPONSOR: Koster

1088S.02C

SCS/SB 260 - This act defines an "accounting officer" as the county auditor in counties of the first and second classification and county clerks in counties of the third and fourth classification. Currently, the statute uses out-of-date terminology to classify counties.

This act also defines a "budget officer" as a person appointed by the county commission of counties of the first classification or the presiding commissioner in Cass County and counties of the second classification, unless the commission designates the county clerk. The "budget officer" in counties of the third and fourth classification is the county clerk. Currently, the statute provides that the presiding commissioner is the "budget officer" only in counties of the second classification.  
 SUSAN HENDERSON

01/27/2005 S First Read (S132)  
 01/31/2005 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S140)  
 02/09/2005 Hearing Conducted S Economic Development, Tourism & Local Government Committee  
 02/23/2005 SCS Voted Do Pass S Economic Development, Tourism & Local Government Committee - Consent (1088S.02C)  
 02/28/2005 Reported from S Economic Development, Tourism & Local Government Committee to Floor w/SCS - Consent (S300)  
 03/07/2005 S Consent Calendar w/SCS (2/28)

EFFECTIVE: August 28, 2005

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\*\*\* SB 261 \*\*\*  
 SENATE SPONSOR: Loudon

0755S.011

SB 261 - This act prohibits the Missouri Small Employer Health Reinsurance Program from taking on any risk after October 1, 2005. Moneys and assets which are a part of the Missouri Small Employer Health Reinsurance Program shall be transferred to the Missouri health insurance pool and used for the administration and operation of said pool.  
 STEPHEN WITTE

01/27/2005 S First Read (S132)  
 01/31/2005 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S140)  
 02/23/2005 Hearing Conducted S Small Business, Insurance & Industrial Relations Committee  
 03/02/2005 Voted Do Pass S Small Business, Insurance & Industrial Relations Committee-Consent

EFFECTIVE: August 28, 2005

\*\*\* SB 262 \*\*\*    SCS SB 262  
SENATE SPONSOR: Griesheimer

1320S.02C

SCS/SB 262 - Section 311.070, RSMo, allows wine manufacturers to apply for and be issued a license to sell intoxicating liquor by the drink if the premises is in close proximity to the winery. Currently, there are limitations as to when the premises may remain open. This act provides that such premises must be closed between 1:30 am and 6:00 am on weekdays, and between 1:30 am Sunday and 6:00 am Monday. However, such premises may remain open between the hours of 9:00 am and midnight on Sunday.

Section 311.070, RSMo, also allows a person to apply for and be issued a license to sell intoxicating liquor by the drink. This act requires that 75% or more of the drinks sold shall be Missouri-produced wines.

This act specifies that all references to "liquor control" in statute shall mean "the division of alcohol and tobacco control".

SUSAN HENDERSON

01/31/2005 S First Read (S138)

02/03/2005 Second Read and Referred S Economic Development, Tourism &amp; Local Government Committee (S172)

02/16/2005 Hearing Conducted S Economic Development, Tourism &amp; Local Government Committee

02/23/2005 SCS Voted Do Pass S Economic Development, Tourism &amp; Local Government Committee - Consent (1320S.02C)

02/28/2005 Reported from S Economic Development, Tourism &amp; Local Government Committee to Floor w/SCS - Consent (S300)

03/07/2005 S Consent Calendar w/SCS (2/28)

EFFECTIVE: August 28, 2005

\*\*\* SB 263 \*\*\*  
SENATE SPONSOR: Griesheimer

0054S.01I

SB 263 - This act provides that the election of the Warren County Emergency Services Board members is to take place during the first municipal election in a calendar year.

SUSAN HENDERSON

01/31/2005 S First Read (S138)

02/03/2005 Second Read and Referred S Financial &amp; Governmental Organizations and Elections Committee (S172)

02/14/2005 Hearing Conducted S Financial &amp; Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 264 \*\*\*  
SENATE SPONSOR: Stouffer

1187S.01I

SB 264 - This act pertains to ethanol and its byproducts.

The act adds ethanol's byproducts, including but not limited to dry distilled grain, to the list of items exempt from sales and use tax. The word "primary" has been removed with regard to natural

gas used in the manufacture or processing of ethanol and its byproducts; eliminating distinction between primary and secondary products.

MEGAN WORD

01/31/2005 S First Read (S138)

02/03/2005 Second Read and Referred S Ways & Means Committee (S172)

03/03/2005 Hearing Conducted S Ways & Means Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 265 \*\*\*

1356S.01I

SENATE SPONSOR: Taylor

SB 265 - Currently, Section 247.085, RSMo, provides that the Board of Directors of any public water supply district, which is dependent upon purchases of water to supply its needs, has the power to sell and convey property to any city. The city assumes the payment of all outstanding bond obligations and it must provide water service to the inhabitants in the district as agreed upon by the board and the city.

This act would allow the Board of Directors of any district to sell and convey property under these circumstances, instead of only those who are dependent upon purchases of water to supply its needs.

SUSAN HENDERSON

01/31/2005 S First Read (S138)

02/03/2005 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S172)

02/23/2005 Hearing Conducted S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 266 \*\*\*

0810S.03C

SENATE SPONSOR: Gibbons

SCS/SB 266 - The current definition of "teacher" in the teacher tenure act includes certified teachers who teach at the pre-kindergarten level.

This act modifies the aforementioned definition by requiring that such prekindergarten teachers, in order to fit the definition of teacher, must teach in a prekindergarten program in which no fees are charged to parents and guardians.

DONALD THALHUBER

01/31/2005 S First Read (S138)

02/03/2005 Second Read and Referred S Education Committee (S172)

02/22/2005 Hearing Conducted S Education Committee

03/01/2005 SCS Voted Do Pass S Education Committee-Consent (0810S.03C)

03/01/2005 Reported from S Education Committee to Floor w/SCS - Consent (S327)

03/07/2005 S Consent Calendar (3/1)

EFFECTIVE: August 28, 2005

\*\*\* SB 267 \*\*\* SCS SB 267

1173.04C

SENATE SPONSOR: Gibbons

SCS/SB 267 - This committee substitute replaces deleted language in the original bill, which

provided an opt-in provision for counties that had previously opted-out of the four rate tax calculation. In addition, where a political subdivision is contained within two or more counties, and at least one of the counties has opted out of the four tax rate calculation, the act requires the use of the single tax rate as in effect prior to the enactment of House Bill 1150.

JASON ZAMKUS

01/31/2005 S First Read (S138)  
 02/03/2005 Second Read and Referred S Ways & Means Committee (S172)  
 02/10/2005 Hearing Conducted S Ways & Means Committee  
 02/17/2005 Voted Do Pass S Ways & Means Committee  
 02/24/2005 Committee Vote Reconsidered  
 02/24/2005 SCS Voted Do Pass S Ways & Means Committee-Consent (1173.04C)  
 03/01/2005 Reported from S Ways & Means Committee to Floor w/SCS - Consent (S312)  
 03/07/2005 S Consent Calendar w/SCS (3/1)

EFFECTIVE: August 28, 2005

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\*\*\* SB 268 \*\*\*

0110S.01I

SENATE SPONSOR: Gibbons

SB 268 - This act creates additional ballot language that would enable a Missouri history museum subdistrict located in a Metropolitan Zoological Park and Museum District to put a proposal before the voters of the district to increase its property tax. This tax increased would be up to a maximum rate of six cents per hundred dollars assessed valuation.

JASON ZAMKUS

01/31/2005 S First Read (S138)  
 02/03/2005 Second Read and Referred S Ways & Means Committee (S172)  
 02/10/2005 Hearing Conducted S Ways & Means Committee  
 02/17/2005 Voted Do Pass S Ways & Means Committee - Consent  
 03/01/2005 Reported from S Ways & Means Committee to Floor - Consent (S312)  
 03/07/2005 S Consent Calendar (3/1)

EFFECTIVE: August 28, 2005

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\*\*\* SB 269 \*\*\* SCS SB 269

0768S.04C

SENATE SPONSOR: Shields

SCS/SB 269 - This act requires the Department of Revenue to annually estimate the amount of revenue collected from the athletes and entertainers tax. Once collected, the revenue from such tax will be deposited in the "Nonresident Entertainer and Athlete Fund", which is created by this act.

For fiscal year 2007 and each fiscal year thereafter, an annual allocation of twenty-four percent of the total annual estimate of revenue derived from the tax shall be made to the Missouri Arts Council Trust Fund.

For fiscal year 2007 and each fiscal year thereafter, annual allocations of four percent of the total annual estimate of revenue derived from the tax will be made to each of the four remaining funds currently provided for in statute. As a result, the Missouri Humanities Council Trust Fund, Missouri State Library Networking Fund, Missouri Public Television Broadcasting Corporation Special Fund, and the Missouri Historic Preservation Revolving Fund, will each be allocated four percent of the annual estimate.

The act further provides for the pro rata annual distribution of the remaining sixty percent of the



annual estimate of revenue derived from the tax to the Jackson County Sports authority, three sports facilities in St. Louis including the Edward Jones Dome and to each county commission in an amount proportionate to each entities contribution to the fund. These distributions will start in fiscal year 2007. Any distributions under this section to the Edward Jones Dome will reduce any other appropriations the Dome would receive from General Revenue.

JASON ZAMKUS

01/31/2005 S First Read (S139)

02/03/2005 Second Read and Referred S Ways & Means Committee (S172)

02/24/2005 Hearing Conducted S Ways & Means Committee

02/24/2005 SCS Voted Do Pass S Ways & Means Committee (0768S.04C)

02/28/2005 Reported from S Ways & Means Committee to Floor w/SCS (S299)

03/01/2005 Bill Placed on Informal Calendar (S314)

03/07/2005 S Informal Calendar S Bills for Perfection w/SCS (pending)

EFFECTIVE: August 28, 2005

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\*\*\* SB 270 \*\*\* SCS SB 270

1236S.03P

SENATE SPONSOR: Scott

SCS/SB 270 - This act modifies provisions relating to the linked deposit program and other duties of the State Treasurer.

Any written contract between the state treasurer and a depository of state funds may be for a period of up to five years. (Section 30.250). Currently, the state treasurer must give consideration to the comparative yield to be derived in determining where to invest state moneys. This act repeals that requirement and instead requires the treasurer to give consideration to the benefits to the economy and welfare of the state when state money is invested in banking institutions of this state, as well as the aggregate return in earnings and taxes on deposits and investments. (Section 30.260).

The State Treasurer is required to use only certain securities as collateral for moneys deposited by the treasurer into financial institutions, unless the treasurer determines that any of such securities may place state public funds at risk. The list of approved securities is modified to add mortgage securities, including qualified individual loans secured by deeds of trust on residential, commercial or farm real estate. Such mortgage securities must meet certain requirements to ensure that the financial institution is compliant with current standards of the Federal Home Loan Bank of Des Moines, Iowa. The act sets forth collateral requirements for different types of mortgage securities. Each financial institution pledging such mortgage securities must report monthly to the State Treasurer to ensure that the securities meet collateral requirements. The list of approved securities is also modified to include any investment in which the State Treasurer may invest. These two new additions to the list are not authorized for political subdivisions. (Section 30.270).

The State Treasurer is authorized to enter into agreements with private entities to provide services relating to the State Treasurer's statutory and constitutional duties. (Section 30.286). Currently, the Treasurer cannot deposit state funds into a Missouri bank if the Governor, State Auditor or State Treasurer owns stock or is an officer or employee of the bank. This act provides that the Treasurer may invest in such a bank, regardless of whether it is in Missouri, if such state official discloses the ownership of stock or employment. (Section 30.440).

The act modifies numerous provisions regarding the linked deposit program, which allows financial institutions to make lower interest rate loans to certain types of agri-businesses, job

enhancement businesses, educational institutions, real estate development and other entities in order to stimulate economic development. The act modifies certain definitions, including: "eligible agribusiness" by deleting the requirement that the business must employ ten or more persons; "eligible beginning farmer" by increasing the limit on the size and value of a farm in order to qualify under the definition; and "linked deposit" by removing language setting the interest rate floor for such loans at two percent. (Section 30.750).

Currently, the State Treasurer may invest in linked deposits as long as the aggregate amount does not exceed \$360 million. The act raises that aggregate amount to \$720 million. The act doubles the cap on the amount of money which can currently be invested in linked deposits for different types of qualified businesses and other entities. Further, the act repeals language which limited the state Treasurer's ability to commingle allocations among the types of linked deposits. (Sections 30.753 and 30.830). Currently, linked deposits made to certain eligible agribusinesses cannot exceed \$100,000. The act caps such linked deposits at a dollar limit determined by the state treasurer. Beginning August 28, 2005, lending institutions shall give consideration to eligible borrowers who have not previously received linked deposits, but nothing prohibits a lending institution from making a linked deposit to an eligible borrower who has previously received a linked deposit. (Section 30.756).

The State Treasurer is authorized to place linked deposits with a lending institution at certain below-market rates, provided that the linked deposit rate is not below one percent. All linked deposit rates are determined and calculated by the State Treasurer. The State Treasurer must ensure that at least five percent of the linked deposit loans are awarded to female or minority owned entities. The agreement between the State Treasurer and the lending institution receiving linked deposits shall specify that the original deposit plus renewals shall not exceed five years. Each year, the lending institution must repay the state treasurer any linked deposit principal received from the borrower in the previous year. Certain lines of credit are excluded from the repayment provisions of this act. (Section 30.758).

The interest rate that may be charged by a lending institution receiving linked deposits shall be set at an amount equal to the amount reduced by the State Treasurer making the linked deposit to the lending institution. The act deletes a requirement that the State Treasurer annually report on the linked deposit program to the General Assembly, since current law requires a similar report by the linked deposit review committee. (Section 30.760). The act extends the expiration of the linked deposit program from 2007 to 2015. (Section 30.767). The State Treasurer is authorized to renew linked deposits for certain agribusinesses for additional, up to five-year, terms, instead of the current one-year terms. (Section 30.840).

The act creates a new category of borrower that may participate in the linked deposit program relating to the creation of facilities producing goods derived from agricultural commodities or producing an energy source derived from a renewable domestically grown organic compound, such as ethanol. The Missouri Agricultural and Small Business Development Authority is required to determine eligible facility borrowers, based on the borrower's ability to repay the loan, the economic conditions of the area in which the agricultural property is located, and the prospect for success of the project. An eligible facility borrower cannot receive a linked deposit loan for more than \$70 million. (Section 30.860).

The act creates the "State Treasurer's General Operations Fund." Moneys in the fund shall be used to pay for personal service, equipment and other expenses of the State Treasurer in carrying out official duties. The State Treasurer shall deduct the costs incurred by the State Treasurer in

administering official duties of the treasurer from the interest earned on the state's investments and deposit such deducted moneys in the Fund. The total costs of the State Treasurer for personal service, equipment and other expenses cannot exceed ten basis points of the total average daily fund balance of funds in the state treasury. (Section 1).

The act repeals a section that required any bank account with more than \$10,000 to be obtained through an open and competitive process. (Section 30.247).

This act contains an emergency clause.

JIM ERTLE

02/01/2005 S First Read (S152)  
 02/03/2005 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S172)  
 02/07/2005 Hearing Conducted S Financial & Governmental Organizations and Elections Committee  
 02/14/2005 SCS Voted Do Pass S Financial & Governmental Organizations and Elections Committee (1236S.03C)  
 02/14/2005 Reported from S Financial & Governmental Organizations and Elections Committee to Floor w/SCS (S220)  
 02/16/2005 SA 1 to SCS S offered & defeated (Bray)--1236S03.01F (S237)  
 02/16/2005 SA 2 to SCS S offered & adopted (Gross)--1236S03.02F (S237-238)  
 02/16/2005 SA 3 to SCS S offered & adopted (Coleman)--1236S03.01FL (S238)  
 02/16/2005 SA 4 to SCS S offered & defeated (Bray)--1236S03.03F (S238)  
 02/16/2005 SA 5 to SCS S offered & adopted (Koster)--1236S03.04FL (S238)  
 02/16/2005 SCS, as amended, S adopted (S238)  
 02/16/2005 Perfected (S238)  
 02/17/2005 Reported Truly Perfected S Rules Committee (S247)  
 02/17/2005 Referred S Governmental Accountability and Fiscal Oversight Committee (S247)  
 02/21/2005 Hearing Conducted S Governmental Accountability & Fiscal Oversight Committee  
 02/21/2005 Voted Do Pass S Governmental Accountability and Fiscal Oversight Committee  
 02/21/2005 Reported from S Governmental Accountability and Fiscal Oversight Committee to Floor (S255)  
 02/21/2005 S Third Read and Passed - EC adopted (S255-256)  
 02/21/2005 H First Read (w/EC) (H368)  
 02/22/2005 H Second Read (H377)

EFFECTIVE: August 28, 2005

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\*\*\* SB 271 \*\*\*

0685S.02I

SENATE SPONSOR: Scott

SB 271 - This act modifies provisions relating to tort reform.

SEAT BELT VIOLATIONS - Failure of a plaintiff to wear a seat belt may reduce the amount of the plaintiff's recovery by 50% of the damages after reduction for comparative negligence. Currently, the amount may only be reduced by 1%.

SUITS AGAINST NONPROFIT CORPORATIONS - 355.176 - The act repeals and reenacts section 355.176 regarding services of process in suits against nonprofit corporations.

INTEREST ON JUDGEMENTS - Section 408.040 - Prejudgment 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 award prejudgement interest if the conditions of this section are met. Claims for prejudgement interest in tort actions shall be calculated at an interest rate tied to the Federal Funds Rate, as established by the Federal Reserve Board, plus three percent. Claims for post-judgement interest in tort actions shall be calculated at an interest rate tied to the Federal Funds Rate plus five percent. If a claimant fails to file suit in circuit court within 30 days after the expiration of 90 days of the demand being open, then the court shall not award prejudgement interest to the claimant.

**COLLATERAL SOURCE EVIDENCE - Section 490.715 -** Parties may introduce evidence of amounts actually paid for medical treatment, however no party may introduce evidence of billing for an amount in excess of the amount actually paid for medical treatment.

**VENUE - Section 508.010 -** Where the cause of action accrues in Missouri, venue in all tort actions, including torts for improper healthcare, shall only be in any county within the judicial circuit where cause of action accrued. The judicial circuit where the cause of action accrued is defined to be the judicial circuit where the plaintiff was first injured by the wrongful acts of the defendant. If the cause did not accrue in Missouri, then venue depends on whether there is an individual or corporate defendant. For an individual defendant, venue shall be in any county within the judicial circuit where an individual defendant resides or if there are one or two plaintiffs and either resided in Missouri on the date the cause of action accrued, any county within the judicial circuit where one of the plaintiffs resided on the date the cause of action accrued. For a corporate defendant, venue shall be in either any county within the judicial circuit where the registered agent is located or, if there are one or two plaintiffs and either resided in Missouri on the date the cause of action accrued, any county within the judicial circuit where one of the plaintiffs resided on the date the cause of action accrued. Motions to dismiss or to transfer based on a claim of improper venue shall be granted if not denied within 90 days of filing, unless the time period is waived by all parties.

In a wrongful death action, the plaintiff is considered first injured where the decedent was first injured by the wrongful acts of the defendant. These venue provisions will apply to both for-profit and non-profit entities. If the parties agree to a change in venue, then the court shall transfer to such county, provided that if other parties are added who do not consent, then the venue shall be transferred to an appropriate county. In medical malpractice tort actions, the plaintiff shall be considered injured in the county where the plaintiff was first examined for the medical condition at issue. (538.232). The act also repeals sections 508.040 (venue for corporations), 508.070 (venue for motor carriers) and 508.120 (disqualification of judge and change of venue).

**PUNITIVE DAMAGES - Sections 510.263 and 510.265 -** The section is made applicable to tort actions for improper health care. No award of punitive damages shall exceed the greater of \$250,000 or three times the net amount of the judgment against the defendant. "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.

**SUPERSEDEAS BONDS - Section 512.099 -** This section limits the amount of a supersedeas bond to \$25 million in all cases in which there is a count alleging a tort.

**COSTS** - Section 514.060 - Costs that may be assessed in civil actions include fees for travel, expert witnesses, videotaping and photocopying.

**STATUTE OF LIMITATIONS IN ACTIONS AGAINST HEALTH CARE PROVIDERS** - Section 516.105 - Currently, in no event may a suit be commenced after ten years from a minor's 20th birthday. The act changes it to the minor's 18th birthday.

**PEER REVIEW COMMITTEES** (Section 537.035) - Authorizes the appointment of a peer review committee by the board of trustees or chief executive officer of a long-term care facility licensed under chapter 198, RSMo. This addition has the effect of making records of nursing home quality assessment and assurance committees privileged and inadmissible in court.

**JOINT AND SEVERAL LIABILITY** - Sections 537.067 and 538.230 - The act eliminates joint and several liability. In tort actions, a defendant is responsible for their percentage of fault.

**WRONGFUL DEATH ACTIONS** - Section 537.090 - For purposes of determining damages, if the deceased was at least 50% responsible for the care of a minor or disabled person, then there shall be a rebuttable presumption that the value of the care provided is equal to 2/3 of the state average weekly wage.

**DEFINITION OF "HEALTH CARE PROVIDER"** - Section 538.205 - Includes long term care facilities licensed under chapter 198, RSMo and manufacturers, wholesaler and distributors of Food and Drug Administration-approved drugs. The definition of "punitive damages" shall include exemplary damages and damages for aggravating circumstances.

**MEDICAL MALPRACTICE NONECONOMIC DAMAGES CAP** - Section 538.210 - Cap on noneconomic damages for all plaintiffs is lowered from its current inflation-adjusted cap of \$565,000 (adjusted from its base amount of \$350,000 in 1986) to \$250,000. There shall be no inflation adjustment. No plaintiff shall recover more than \$400,000 regardless of the number of defendants. 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*. The cap applies to any person or entity that is a defendant in a lawsuit brought against a health care provider or that arises out of the rendering of health care services. 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. Any spouse claiming loss of consortium shall be considered the same plaintiff as their spouse. All persons and entities asserting a wrongful death claim are considered one plaintiff.

**PERIODIC PAYMENTS** - Section 538.220 - Requires future medical payments to be made in an amount according to a schedule determined by the payee's life expectancy. The court shall apply interest on future payments at an interest rate tied to the average auction price of a 52-week United States Treasury bill.

**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 name and address of the health provider offering the opinion. The health care provider offering the opinion must be licensed in the same

profession and either practicing or within five year of retirement of practice in substantially the same specialty as the defendant. The time for filing the affidavit can extended for up to 90 days.

BENEVOLENT GESTURES - Section 538.229 - Prohibits statements, writings or benevolent gestures expressing sympathy made to the person or to the family of the person from being admitted into evidence.

SEVERABILITY - Section 1 - Adds severability clause.

EFFECTIVE DATE OF ACT - Section 2 - Provides that the act shall apply to all cases filed after August 28, 2005.

CHANGE OF VENUE - Section 3 - If a plaintiff or defendant is added or removed prior to trial which would, if originally added or removed to the initial petition, alter the determination of venue, then the judge shall transfer the case to a proper forum.

This act is similar to and HB 393 (2005) and TAT/SS/SCS/HS/HCS/HB 1304 (2004).

JIM ERTLE

02/01/2005 S First Read (S152-153)

02/03/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S172)

EFFECTIVE: August 28, 2005

\*\*\* SB 272 \*\*\*

0880S.02I

SENATE SPONSOR: Gross

SB 272 - This act limits the amount of revenue derived from admission fees for gaming boats a home dock city or county may collect after fiscal year 2007 to the percentage of revenue attributable to admission fees for fiscal year 2006. All revenue derived from admission fees to gaming boats, by a home dock city or county, shall be used exclusively for capital expenditures. Any revenue collected in excess of the limitation provided in this act after fiscal year 2007, will have the effect of rolling back property tax rates.

JASON ZAMKUS

02/01/2005 S First Read (S153)

02/03/2005 Second Read and Referred S Ways & Means Committee (S172)

02/17/2005 Hearing Conducted S Ways & Means Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 273 \*\*\*

1242L.01I

SENATE SPONSOR: Taylor

SB 273 - This act permits the delivery sale of cigarettes to a consumer provided certain requirements are satisfied. More specifically, the act requires that prior to first delivery sale to the consumer, the seller obtain from the consumer reliable written certification signed by the consumer stating the consumer is not a minor and is aware of the illegality of the purchase of cigarettes by a minor. The act further requires the person selling cigarettes by delivery to provide notice: of the illegality of purchases of cigarettes by minors; of the adverse effects of tobacco use; of the fact that the sale of cigarettes is subject to tax; and how the tax shall be paid. The act sets out requirements for verification upon delivery of the age of the recipient.

This act contains penalty provisions for violation of the sections contained within this act.  
JASON ZAMKUS

02/01/2005 S First Read (S153)

02/03/2005 Second Read and Referred S Economic Development, Tourism & Local Government  
Committee (S172)

EFFECTIVE: August 28, 2005

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\*\*\* SB 274 \*\*\*

0253L.02I

SENATE SPONSOR: Taylor

SB 274 - This act concerns travel clubs exclusively and does not include travel agencies.

In this act, travel clubs are defined as businesses selling the reoccurring right to purchase vacation benefits at discounted prices and charging customers a membership fee that collectively equals at least \$750.

Travel clubs will be required to maintain an effective registration statement with the Attorney General's office. The registration statement must contain the following information:

(1) Pertinent identification information - the club's name, affiliation with other organizations, place of organization, bylaws, governing documents, names of owners and directors, address, and other organizational information; and

(2) A description of the vacation benefits offered for sale.

The Attorney General must provide evidence of his or her approval of the registration statement within 30 days of its submission. If the registration statements meets the requirements stated, the Attorney General must approve the registration. If deficiencies exist, the Attorney General must inform the vacation club in writing to allow the club the right to cure. The Attorney General must provide the advice needed to cure the deficiency within 15 working days from the initial filing of the documents.

Travel clubs that are operating prior to the effective date may continue their business activities while the Attorney General is processing their registration statements as long as the statement is filed with the Attorney General within 90 days. Registration is not transferable.

The Attorney General may charge an annual renewal fee of no more than \$50 for registration statements. The renewal must be made within 30 calendar days of the anniversary date of the issuance of the club's registration statement.

In addition to the registration statement, the Vacation Club must provide the following:

(1) The form of contract which contains a rescission statement; and

(3) Payment of \$50.

The rescission statement in the contract will state that the customer has the right to rescind the transaction for 3 working days after the date of agreement by delivering a written statement and he or she must return all materials received from the club.

The surety bond that is required to be delivered by travel clubs that have been adjudged to have violated this act shall be for \$50,000. In the event that such surety bond is accessed subsequent to posting as a result of the need to reimburse purchasers, the amount of the surety bond shall be increased by ten thousand dollars per reimbursement.

The surety bond is designed to reimburse customers who exercise their rights under the rescission statement but do not receive a refund or those who are subjected to fraud or misrepresentation.

Under this act, all purchasers of vacation benefits from a registered club have a non-waivable right for 3 working days to rescind and cancel their purchase and receive a full or partial refund minus any services actually consumed or utilized. Upon rescinding the contract, the purchaser must return any materials he or she received from the club. However, all purchasers of vacation benefits from a non-registered club have a non-waivable right for 3 years to rescind and cancel their benefits.

Any individual who purchases a membership and has a complaint has the option, in addition to filing a civil suit, to file a written complaint with the Attorney General or county prosecuting attorney. The office receiving the complaint must deliver to the club that is the subject of the complaint, within 10 working days, all written complaints. If the office fails to do so, subsequent actions will be stayed for 30 business days.

Prior to being subject to any available remedies under this act, a travel club shall have 30 days following the date that a complaint is filed to cure any grievances. The parties cannot seek over forms of redress during this period. Upon satisfaction or settlement, the parties shall execute a written mutual release. Any payments under a settlement must be made within 15 days of the signing date.

The Attorney General, prosecuting attorney, or complaintant may bring an action to enjoin violations if certain conditions have been met.

A person who violates this act is guilty of a class D felony and is subject to a \$10,000 fine. Money collected under this act are transferred to the State School Moneys Fund.

Any travel club registered to operate in this state, which has been adjudged to have failed to provide a refund equal to the purchase price of the unused travel benefits within 15 business days of such valid exercise or has been adjudged to have failed to honor a settlement agreement, shall post a surety bond upon the earlier of a judgment entered on said violations or its next annual registration.

Any travel club registered to operate in this state which has been adjudged to have engaged in fraud in the procurement or sale of contracts shall be required to post a security bond upon the earlier of the judgment finding such or its next annual registration.

This act is similar to SB 1034 (2004).  
SUSAN HENDERSON

02/01/2005 S First Read (S153)

02/03/2005 Second Read and Referred S Small Business, Insurance & Industrial Relations  
Committee (S172)



02/16/2005 Hearing Conducted S Small Business, Insurance & Industrial Relations Committee

EFFECTIVE: August 28, 2005

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\*\*\* SB 275 \*\*\*

1050S.01I

SENATE SPONSOR: Crowell

SB 275 - Under the provisions of this act, the board of trustees of the Missouri State Employees' Retirement System (MOSERS) and the board of trustees of the Highways and Transportation Employees' and Highway Patrol Retirement System (HTEHPRS) shall take all necessary action to effectuate the consolidation of HTEHPRS into MOSERS. Such consolidation shall be completed by no later than September 1, 2008.

The act requires that the respective boards execute a written agreement describing the process by which the consolidation of the systems shall occur no later than December 31, 2005. If the retirement systems fail to enter into such an agreement by December 31, 2005, MOSERS shall assume control of HTEHPRS and be vested with all necessary powers and duties effective January 1, 2006, and the board of trustees of HTEHPRS no longer shall be vested with the power to administer the HTEHPRS.

From September 1, 2005 to September 1, 2008, the Superintendent of the Missouri State Highway Patrol and the Director of the Missouri Department of Transportation, or their successors, shall be members of the board of trustees of MOSERS and shall have the same duties and responsibilities as other members of the board.

ADRIANE CROUSE

02/01/2005 S First Read (S153)

02/07/2005 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S181)

EFFECTIVE: August 28, 2005

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\*\*\* SB 276 \*\*\*

1064S.02I

SENATE SPONSOR: Crowell

SB 276 - This act renders several alterations to the state employees retirement system, summarized below by section.

SECTION 104.010.1 (7) - This subdivision adds language that would allow the board to promulgate rules necessary to accommodate any change in the state payroll system as it relates to how final average compensation is calculated for purposes of determining a retirement benefit.

SECTION 104.010.1 (20)(a) - This paragraph alters the required hours for benefit eligibility under the definition of "employee" from 1,000 hours to 1,040 hours.

SECTION 104.010.1 (20)(b) - This paragraph clarifies that a retiree is not a legislative employee. Also changes the required hours for benefit eligibility from 1,000 hours to 1,040 hours.

SECTION 104.010.1 (27) - This subdivision clarifies that a member means an employee, retiree, or terminated-vested member.

SECTION 104.335.6 - This section removes cash-out provisions that are no longer in effect for active employees.

SECTION 104.342.8 - This subsection alters the word "compensation" to "contribution" as it

relates to the process of certifying contribution rates.

SECTION 104.344 - This section removes language that allows members to purchase contract service.

SECTION 104.352 & 104.354 - These sections only correct numerical statutory references.

SECTION 104.378 - The changes to this section would allow a survivor of a member to receive or transfer service so long as the service had not been transferred prior to member's death under the statutory references contained in the section.

SECTION 104.395 - This section clarifies that a member must request a pop-up in the event of a spouse's death and states when such an election may occur.

SECTION 104.450 - This section deals with the makeup of the board of trustees by adding definitions for the terms "retiree" and "employees" as they pertain to membership on the board. Language also included that directs the board to determine the procedures for nomination and election of elective board members by board rule.

SECTION 104.410.6 - This subsection makes clear that members on long-term disability are to be treated like active employees as it relates to insurance and retirement benefits.

SECTION 104.490.1 - This subsection changes the correction of error language by requiring errors be corrected within a ten-year period.

SECTION 104.601 - This section adds language clarifying that an employee working in multiple benefit eligible provisions cannot accrue more than a total of ten hours of sick leave per month for purposes of computing years of service in the calculation of a retirement benefit.

SECTION 104.603 - This section incorporates and includes administrative law judges, legal advisors, and judges into the current provisions that affect re-employment of retirees under Chapter 104, RSMo, so that all retirees of plans administered by MOSERS would be treated in the same manner - the retirement benefits of any retiree who is reemployed into a benefit eligible position after retirement would be terminated while so employed. Upon re-retirement, an additional annuity would be calculated for the retiree based on the position held while reemployed. The section also clarifies that the system (MOSERS or MoDot and Patrol Employees' Retirement System) that paid the original annuity will be responsible for paying the additional annuity.

SECTION 104.606 - This section states that members must apply and complete service purchase services under Chapters 104 and 105, RSMo, prior to retirement.

SECTION 104.607 - This section creates an excess benefit plan that would allow the board of trustees of either system to pay benefits presently subject to Internal Revenue Code 415 limitations.

SECTION 104.620 - This section extends the final beneficiary payment provisions contained in Chapter 104, RSMo, to judges and members of the ALJ plan.

SECTION 104.800.1 - The provisions of this subsection affect transferred service between MOSERS and MPERS. The existing statutory language is clarified by breaking out the specific categories of service that are eligible for transfer.

SECTION 104.1003 (13) - This subdivision changes the required hours for benefit eligibility under the definition of "employee" from 1000 hours to 1040 hours.

SECTION 104.1003 (13)(e) - This paragraph amends the definition of "employee" to include part-time legislative employees.

SECTION 104.1003 (16) - This subdivision adds language that would allow the board to promulgate rules necessary to accommodate any change in the state payroll system as it relates to how final average compensation is calculated for purposes of determining a retirement benefit.

SECTION 104.1012 - This section adds indemnification language for the board as it relates to education and advice given to members for retirement planning.

SECTION 104.1015 - This sections adds language that requires any change in plan election to be completed prior to mailing or electronically transferring the first annuity payment to such member.

SECTION 104.1021.2 - This subsection adds language that clarifies that an employee working in multiple benefit eligible provisions cannot accrue more than a total of ten hours of sick leave per month for purposes of computing years of service in the calculation of a retirement benefit.

SECTION 104.1021.11 - This subsection changes the vesting requirement for service purchase transfers for legislators from two full biennial assemblies to three full biennial assemblies. The current law vesting requirement for legislators is three full biennial assemblies.

SECTION 104.1021.13 - This subsection would allow a survivor of a member to receive or transfer service (if the service had not been transferred prior to a member's death) under the statutory references contained in this section.

SECTION 104.1024.1 - This subsection adds clarifying language stating that annuity payments shall be issued by the last day of each month provided that all documentation required for the calculation and payment of benefits is received.

SECTION 104.1024.4 - This subsection clarifies that the temporary benefit ceases at age 62.

SECTION 104.1027 - This section clarifies the latest time that a member can change a benefit election.

SECTION 104.1030.3 - This subsection clarifies that MOSERS can pay beneficiary payments to the natural parent or the legal guardian of minor child until age 18; thereafter the benefit may be paid to the child until age 21.

SECTION 104.1042.1 - This subsection clarifies that members on long-term disability are to be treated like active employees as it relates to insurance and retirement benefits.

SECTION 104.1025.1 (5) - This subdivision removes unnecessary wording from the contribution rate language for the College and University Retirement Plan (CURP).

SECTION 104.1072.4 - This subdivision concerns life insurance benefits for retirees. A retiree

may retain his or her optional life insurance at the level it was the month prior to retirement. The optional life insurance can be retained until the member's earliest age for eligibility for reduced Social Security benefits. Language has been added that stipulates the optional insurance cannot be retained beyond age 62, except what is permitted in subsection (2).

SECTION 104.1205.2 - This subsection adds indemnification language for the board as it relates to education and advice given to members for retirement planning.

SECTION 104.1215 - This section clarifies that an employee must participate and receive contributions in the CURP for six years before electing to become a member of MOSERS.

SECTION 476.682.4 - This subsection clarifies the currently ambiguous language regarding how senior judges are covered under the judicial plan and adds language to "increase prospectively" retirement benefits of senior judges and commissioners after receiving credit for each additional year or part of a year if it causes their total service to equal 12 years.

ADRIANE CROUSE

02/01/2005 S First Read (S153)

02/07/2005 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S181)

EFFECTIVE: August 28, 2005

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\*\*\* SB 277 \*\*\*

1213S.01I

SENATE SPONSOR: Bray

SB 277 - This act allows small employers to join the Missouri Consolidated Health Care Plan. For purposes of the act, the term "employer" means an employer who employed an average of at least one but not more than fifty persons during the preceding calendar year and who employs at least one person on the first day of the plan year. A small employer includes a sole proprietor and a partner of a partnership. The state health care plan shall maintain a separate benefit trust fund account for premium payments and other income received from small employers.

This act is identical to HB 1412 (1998).

STEPHEN WITTE

02/01/2005 S First Read (S153)

02/07/2005 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S181)

EFFECTIVE: August 28, 2005

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\*\*\* SB 278 \*\*\*

1351S.01I

SENATE SPONSOR: Nodler

SB 278 - 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.

This act is identical to SB 1310 (2004).

JIM ERTLE

02/02/2005 S First Read (S157)

02/07/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S181)

02/10/2005 Re-referred S Financial & Governmental Organizations and Elections Committee (S209)

02/28/2005 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 279 \*\*\*

1228S.011

SENATE SPONSOR: Taylor

SB 279 – This act modifies provisions of the Uniform Commercial Code relating to negotiable instruments and bank deposits and collections. Transfer warranties and presentment warranties for negotiable instruments and bank deposits and collections will apply to demand drafts. The person submitting the demand draft warrants that creation of the demand draft was authorized by the person identified as the maker of the check.

JIM ERTLE

02/02/2005 S First Read (S157)

02/07/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S181)

03/07/2005 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 280 \*\*\*

1227S.011

SENATE SPONSOR: Taylor

SB 280 – This act increases the minimum number of hours a manicure apprentice must complete in order to be licensed from 750 to 800. A person may apply to take the required licensing examination if the person is a graduate of a foreign cosmetology program if the Cosmetology Board, in its sole discretion, determines that the program has educational requirements which are substantially the same as the requirements for an educational establishment licensed by the Board.

JIM ERTLE

02/02/2005 S First Read (S157)  
 02/07/2005 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S181)  
 02/14/2005 Hearing Conducted S Financial & Governmental Organizations and Elections Committee  
 02/28/2005 Voted Do Pass S Financial & Governmental Organizations and Elections Committee-Consent  
 02/28/2005 Reported from S Financial & Governmental Organizations and Elections Committee to Floor - Consent (S300-301)  
 03/07/2005 S Consent Calendar w/SCS (2/28)

EFFECTIVE: August 28, 2005

\*\*\* SB 281 \*\*\*

1298S.02I

SENATE SPONSOR: Klindt

SB 281 - This act pertains to commercial motor vehicles and exemptions for farm vehicles.

The act increases the weight limit for farm vehicles from forty-two thousand pounds to eighty thousand pounds or the maximum gross vehicle weight provided by law. This language continues the exemption for properly marked farm vehicles to haul materials without operating under the regulations set aside for commercial vehicles, unless such vehicle is transporting hazardous waste.  
 MEGAN WORD

02/02/2005 S First Read (S157)  
 02/07/2005 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S181)  
 02/16/2005 Hearing Conducted S Agriculture, Conservation, Parks & Natural Resources Committee-Consent

EFFECTIVE: August 28, 2005

\*\*\* SB 282 \*\*\*

1406S.01I

SENATE SPONSOR: Green

SB 282 - The act makes various changes to the law regarding community development. Below is a section-by-section summary of this act.

SECTION 99.805 - The act creates and defines the following new terms in the Real Property Tax Increment Allocation Redevelopment Act: "central business district", "economic activity taxes", "high unemployment", "low-fiscal capacity", "moderate income", "new job", and "retail project".

SECTION 99.810 - The act requires that a study be a part of the basis for finding that a redevelopment area on the whole is a blighted area, a conservation area, or an economic development area, and that such area has not be subject to growth and development through private investment. This study must state that records were reviewed, inspections were made, comparisons were made, or tasks undertaken demonstrating that the property has not been developed through private enterprise over a period of time. The act also requires an economic feasibility analysis indicating the return on investment of the proposed development for project worth over \$250,000 in TIF. All documents relating to the study and other current requirements must be published prior to 30 days of the adoption of the TIF plan. A resident may enjoin such adoption by suit or 5% of registered voters may petition to have the plan delayed until the voters of the municipality can vote on the issue.

SECTION 99.845 - The act limits a portion of existing law concerning sharing of payments in lieu of taxes among affected political subdivisions to apply only to blighted areas.

SECTION 99.866 - This section clarifies that the new section added to the TIF law apply statewide except as provided in subsections 2 and 3 of this section and section 99.867. All of the new section apply to any redevelopment projects approved by a municipality after July 1, 2005.

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.  
ANDY LYSKOWSKI

02/02/2005 S First Read (S157)

02/07/2005 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S181)

02/23/2005 Hearing Conducted S Economic Development, Tourism & Local Government Committee

EFFECTIVE: July 1, 2006

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\*\*\* SB 283 \*\*\*

1408S.011

SENATE SPONSOR: Champion

SB 283 - This act allows municipalities and counties to prohibit the carrying of concealed firearms in any playground, park, pool, athletic or recreational facility owned, leased, or controlled by the city or county.

SUSAN HENDERSON



02/02/2005 S First Read (S157)

02/07/2005 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S181)

EFFECTIVE: August 28, 2005

\*\*\* SB 284 \*\*\*

0756S.05I

SENATE SPONSOR: Cauthorn

SCS/SB 284 - The act establishes the Dairy Herd Development Fund; a fund which shall be used to make loans to eligible applicants for the purchase of dairy cows. The fund is to be administered by the Missouri agricultural and small business authority.

The act provides for an initial appropriation of one million dollars at the discretion of the general assembly and provides the same opportunity every year thereafter until the authority is able to loan 1 million dollars per fiscal year from the principle and interest payments to the fund. Such a limit however, shall not limit the future balance of the fund in any way.

Eligible farmers shall use the dairy herd development loan to purchase dairy cows and may not finance more than ninety percent of the anticipated cost for the project with the loan. The time and repayment shall be established by rule promulgated by the authority. The manner of this repayment shall follow this schedule:

- No payments in the first year of repayment, however interest shall accrue during that time
- Interest only in the second year of repayment
- Amortized equal payments of principal and interest for the third to seventh year of repayment

The authority is granted rule making power to set limits on loans given from the fund provided that they consult with the Missouri Dairy Growth Council and receive recommendations to that end.

Eligibility for the loan shall be established by rule by the authority and take into consideration several factors; all of which are laid out in the act.

MEGAN WORD

02/03/2005 S First Read (S166)

02/07/2005 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S181)

02/16/2005 Hearing Conducted S Agriculture, Conservation, Parks & Natural Resources Committee-Consent

03/02/2005 SCS Voted Do Pass S Agriculture, Conservation, Parks & Natural Resources Committee (0756S.06C)

EFFECTIVE: August 28, 2005

\*\*\* SB 285 \*\*\*

1394S.01I

SENATE SPONSOR: Clemens

SB 285 - Current law states that when a school district interrupts its career ladder program and in a subsequent school year renews its participation, the district must reenter the program on the cost-sharing basis specified in statute.

This act would allow any school district that participated in the career ladder program prior to

the 2001-2002 school year but ceased its participation at any time from July 1, 2001, to July 1, 2005, to resume participation in the program at the same matching level for which the district qualified during its last year of participation, provided that the district reenters the program no later than July 1, 2006.

DONALD THALHUBER

02/03/2005 S First Read (S166)

02/07/2005 Second Read and Referred S Education Committee (S181)

02/15/2005 Hearing Conducted S Education Committee

02/22/2005 Voted Do Pass S Education Committee-Consent

02/28/2005 Reported from S Education Committee to Floor - Consent (S300)

03/07/2005 S Consent Calendar (2/28)

EFFECTIVE: August 28, 2005

\*\*\* SB 286 \*\*\*

1222S.02I

SENATE SPONSOR: Nodler

SB 286 - Currently under Section 173.604, RSMo, the Coordinating Board issues certificates of approval to operate within this state to certain out-of-state public higher education institutions that meet the minimal standards of that section.

This act seeks to exempt such institutions, as of July 01, 2006, from the requirements of Section 173.604, RSMo. Further, the act would revoke, on July 01, 2006, all previously issued certificates granted to out-of-state public higher education institutions to operate within this state. Instead, the act directs the coordinating board to hold out-of-state public higher education institutions to criteria similar to those required of public in-state higher education institutions in order for such institutions to operate within this state.

The act directs the Coordinating Board to promulgate rules for the implementation of this act no later than December 31, 2005.

DONALD THALHUBER

02/03/2005 S First Read (S166)

02/07/2005 Second Read and Referred S Education Committee (S181)

02/15/2005 Hearing Conducted S Education Committee

03/01/2005 Voted Do Pass S Education Committee-Consent

03/01/2005 Reported from S Education Committee to Floor - Consent (S327)

03/07/2005 S Consent Calendar (3/1)

EFFECTIVE: August 28, 2005

\*\*\* SB 287 \*\*\*

1420S.01I

SENATE SPONSOR: Shields

SB 287 - This act requires that school districts meet the requirements of Section 160.530, RSMo, in order to be eligible for state aid.

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.

This act is identical to SB 1053 (2004).

DONALD THALHUBER

02/03/2005 S First Read (S166)

02/07/2005 Second Read and Referred S Education Committee (S181)

EFFECTIVE: August 28, 2005

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\*\*\* SB 288 \*\*\*

1278S.02I

SENATE SPONSOR: Klindt

SB 288 - This act authorizes the Governor to convey land in Nodaway County to the Delta Nu Teke Association in exchange for receiving another parcel of land from the association. Currently, the land is owned by Northwest Missouri State University.

SUSAN HENDERSON

02/03/2005 S First Read (S166)

02/07/2005 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S181)

03/02/2005 Hearing Conducted S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2005

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\*\*\* SB 289 \*\*\*

1398S.01I

SENATE SPONSOR: Engler

SB 289 - This act eliminates a grand jury's duty to examine public buildings and report on their conditions.

SUSAN HENDERSON

02/03/2005 S First Read (S166)

02/07/2005 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S181)

02/23/2005 Hearing Conducted S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2005

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\*\*\* SB 290 \*\*\*

1392S.01I

SENATE SPONSOR: Engler

SB 290 - This act provides that beginning July 1, 2006, owners of motor vehicles will have the option of registering their motor vehicles on a biennial or quadrennial basis. Renewal of four-year registrations will be every other even-numbered calendar year for vehicles manufactured in an even-numbered model year, and vehicles manufactured in an odd-numbered model year will be every other odd-numbered calendar year. Fees collected at the time of a four-year registration will include the annual registration fee plus a pro rata amount for the additional 36 months of the registration.

Under this act, an initial one-time motor vehicle safety inspection is only required at the time of registration. The inspection shall be valid for the entire period the owner possesses the vehicle and no subsequent registrations shall be required unless the vehicle is transferred to another person.

This act is identical to HB 262 (2005).

STEPHEN WITTE

02/03/2005 S First Read (S166)

02/07/2005 Second Read and Referred S Transportation Committee (S181)

03/01/2005 Hearing Conducted S Transportation Committee

EFFECTIVE: August 28, 2005

**\*\*\* SB 291 \*\*\***

1402S.01I

SENATE SPONSOR: Mayer

SCS/SB 291 - This act modifies prevailing wage law.

The committee substitute changes the act in the following manner:

(1) The original act merged the open contracting act with the prevailing wage act. The open contracting act has been removed in this committee substitute.

(2) The criteria for determining the prevailing wages in each locality is changed from looking at comparable private construction projects to the prevailing wages for work of a similar character in the locality and not less than the prevailing wages for legal holiday and overtime work.

(3) The committee substitute also establishes different criteria for counties based on their classification (whether or not the construction must be in excess of a certain dollar amount).

(4) The new language sets out guidelines for the public body proposing to undertake the work including:

- they may not subdivide contracts to avoid compliance
- when a project crosses jurisdictional lines, the wage determination shall be based in the location where the majority of the work takes place
- when mistakes are allowed in determining the prevailing wage and the penalties
- the criteria for estimating the project costs

(5) The process for objection to the annual wage orders and the hours to be considered are included in the committee substitute.

(6) The committee substitute narrows the action for amounts paid to workmen by limiting it to the employer and no other party.

(7) Section 290.340 is eliminated from the substitute which assessed a five hundred dollar fine for violation of the act.

(8) The committee substitute adds the power of the attorney general to bring suit in the name of the state on behalf of workers and creates a two year commencement provision for a cause of action.

ANDY LYSKOWSKI

02/03/2005 S First Read (S166)

02/10/2005 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S209)

02/16/2005 Hearing Conducted S Small Business, Insurance & Industrial Relations Committee

02/23/2005 SCS Voted Do Pass S Small Business, Insurance & Industrial Relations Committee (1402S.04C)

EFFECTIVE: August 28, 2005

**\*\*\* SB 292 \*\*\***

1399S.01I

SENATE SPONSOR: Bray

SB 292 - 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 713 (2004).

SUSAN HENDERSON

02/03/2005 S First Read (S166)

02/10/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S209)

EFFECTIVE: August 28, 2005

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\*\*\* SB 293 \*\*\*

1254S.01

SENATE SPONSOR: Bray

SB 293 - 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 gender.

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) and SCS/SB 1238 (2004).

SUSAN HENDERSON

02/03/2005 S First Read (S166-167)

02/10/2005 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S209)

EFFECTIVE: August 28, 2005

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\*\*\* SB 294 \*\*\*

1445S.01I

SENATE SPONSOR: Bray

SB 294 - 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

02/03/2005 S First Read (S167)

02/10/2005 Second Read and Referred S Transportation Committee (S209)

EFFECTIVE: August 28, 2005

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\*\*\* SB 295 \*\*\*

1452S.01I

SENATE SPONSOR: Dolan

SB 295 - 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 a member of the National Guard, a member of the reserves and a representative of the Missouri Veteran's Commission. The money shall be distributed to the families of Missouri residents who are members of the National Guard or the reserves and have been called to duty between September 11, 2001 and December 31, 2010. 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.

The act shall sunset in six years.

This act is identical to HCS/SCS/SB 1336 (2004).

JIM ERTLE

02/03/2005 S First Read (S167)

02/10/2005 Second Read and Referred S Ways & Means Committee (S209)

EFFECTIVE: August 28, 2005

\*\*\* SB 296 \*\*\*

1074S.01I

SENATE SPONSOR: Coleman

SB 296 - 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 immigrant 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 act must be kept confidential. Students may transfer between institutions and keep their in-state tuition status.

This act is identical to SCS/SB 1367 (2004).

DONALD THALHUBER

02/03/2005 S First Read (S167)

02/10/2005 Second Read and Referred S Education Committee (S209)

02/22/2005 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 297 \*\*\*

0815S.01I

SENATE SPONSOR: Coleman

SB 297 - This act allows non-certified employees of the metropolitan school district to be removed if the employee is convicted of a state or federal crime or if the employee is incompetent.

Further, the act alters the metropolitan school district's procedures with regard to the termination hearing process for employees subject to removal. The act allows the board to appoint a hearing officer in order to hear such cases.

DONALD THALHUBER

02/03/2005 S First Read (S167)

02/10/2005 Second Read and Referred S Education Committee (S209)

EFFECTIVE: August 28, 2005

\*\*\* SB 298 \*\*\*

0813S.01I

SENATE SPONSOR: Coleman

SB 298 - This act regards the superintendent and teachers of the St. Louis Public school system.

The act alters the current statutory requirement that the superintendent's supervision of the school system be subject the control of the board and instead asserts that the superintendent's supervision of the school system be subject to policies established by the board.

Current law mandates that the superintendent hire a treasurer, a commissioner of school buildings, and as many associate and assistant superintendents as the superintendent deems necessary. This act alters the aforementioned mandate so that the superintendent has the option as to whether to fill such positions. Further, the act alters the term of the superintendent from four years to five years.

Current law requires that only the district's teaching appointments and promotions be based on merit. Under the provisions of this act, all of the district's employee appointments and promotions will be merit-based.

DONALD THALHUBER

02/03/2005 S First Read (S167)

02/10/2005 Second Read and Referred S Education Committee (S209)

03/01/2005 Hearing Conducted S Education Committee-Consent

EFFECTIVE: August 28, 2005

\*\*\* SB 299 \*\*\*

0814S.01I

SENATE SPONSOR: Coleman

SB 299 - Currently, both metropolitan school district 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.

This act is identical to the perfected SB 1133 (2004).

DONALD THALHUBER

02/03/2005 S First Read (S167)

02/10/2005 Second Read and Referred S Education Committee (S209)

03/01/2005 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 300 \*\*\*

0128S.01I

SENATE SPONSOR: Coleman

SB 300 - 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 753 (2004) and SB 328 (2003)  
STEPHEN WITTE

02/03/2005 S First Read (S167)

02/10/2005 Second Read and Referred S Economic Development, Tourism & Local Government  
Committee (S209)

EFFECTIVE: August 28, 2005

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\*\*\* SB 301 \*\*\*

1270S.01I

SENATE SPONSOR: Coleman

SB 301 - This act increases the maximum amount of compensation payable to St. Louis police officers.

This act has an emergency clause.

SUSAN HENDERSON

02/03/2005 S First Read (S167)

02/10/2005 Second Read and Referred S Economic Development, Tourism & Local Government  
Committee (S209)

02/23/2005 Hearing Conducted S Economic Development, Tourism & Local Government  
Committee

EFFECTIVE: Emergency Clause

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\*\*\* SB 302 \*\*\*

1142S.01I

SENATE SPONSOR: Coleman

SB 302 - This act provides that the two St. Louis City school board members whose terms expire in April 2006 shall continue to serve until November 2006 when their successors are elected. Thereafter, the election date for those two members shall be the general election date in November, rather than the municipal election date in April.

JIM ERTLE

02/03/2005 S First Read (S167)

02/10/2005 Second Read and Referred S Financial & Governmental Organizations and Elections  
Committee (S209)

02/21/2005 Hearing Conducted S Financial & Governmental Organizations and Elections  
Committee

EFFECTIVE: August 28, 2005

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\*\*\* SB 303 \*\*\*

1395S.011

SENATE SPONSOR: Dougherty

SB 303 - This act creates a ten-member commission to study all aspects of the death penalty as administered in Missouri. The act requires the commission to hold public hearings and study all aspects of the death penalty as administered in Missouri, including all cases in which the death penalty was sought, and by using random sampling to review a statistical representation of cases in which charges of first degree murder, second degree murder, or voluntary manslaughter were filed after January 1, 1977. The review and analysis shall examine data concerning the facts of the offenses, the county where charges were filed, the crime of which the person was convicted, the sentence, personal information about the convicted person, evidence of mental retardation, prior criminal history of the defendant, information about the legal defense team, results of appellate review and post-conviction review, and costs for implementing the sentence.

In considering the experience and training of attorneys, the commission shall consider the experience and training levels required by the Missouri Supreme Court, other courts and legislatures, and recommendations of national associations.

Findings and recommendations of the commission shall be reported to the Governor, the Missouri Supreme Court and the General Assembly by January 1, 2009. 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, 2005 to January 1, 2009.

This act is identical to HB 408 (2005).

SUSAN HENDERSON

02/03/2005 S First Read (S167)

02/10/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S209)

EFFECTIVE: August 28, 2005

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\*\*\* SB 304 \*\*\*

1040S.011

SENATE SPONSOR: Ridgeway

SB 304 - This act alters statutes regarding military leave for Kansas City police officers and civilian employees. Members of the Police Retirement System of Kansas City and the Civilian Employees' Retirement System of the Police Department of Kansas City who are on leave of absence due to military service in which the United States has declared war, a compulsory draft, or the combat mobilization of any units of the military reserves are entitled to service credit for the time spent in the military service. During their military service, members are not required to pay any member contributions into the retirement system.

Should it becomes necessary for the years of the service to be included in the calculation of the member's compensation, the member will be deemed to have received the same compensation throughout the period of service as the member's base annual salary immediately prior to the

commencement of the leave of absence.

Eligible members who are absent because of the military leave are entitled to federal employment and re-employment rights.

ADRIANE CROUSE

02/07/2005 S First Read (S176)

02/10/2005 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S209)

02/22/2005 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee

03/01/2005 Voted Do Pass S Pensions, Veterans' Affairs and General Laws Committee-Consent

03/01/2005 Reported from S Pensions, Veterans' Affairs and General Laws Committee to Floor - Consent (S314)

03/07/2005 S Consent Calendar (3/1)

EFFECTIVE: August 28, 2005

\*\*\* SB 305 \*\*\*

1220S.01I

SENATE SPONSOR: Engler

SB 305 - This act authorizes minimum amounts of compensation for certain corrections personnel.

SUSAN HENDERSON

02/07/2005 S First Read (S176-177)

02/10/2005 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S209)

02/28/2005 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: July 1, 2006

\*\*\* SB 306 \*\*\*

1486S.01I

SENATE SPONSOR: Purgason

SB 306 - This act raises the amount school board members may accept for performing services for (or selling property to) their district from \$1,500 to \$5,000.

DONALD THALHUBER

02/07/2005 S First Read (S177)

02/10/2005 Second Read and Referred S Education Committee (S209)

03/01/2005 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 307 \*\*\*

1358S.01I

SENATE SPONSOR: Purgason

SB 307 - This act prohibits an official or employee serving in an executive or administrative capacity on a city board from performing any service for the city in excess of \$5,000 per year. This does not include the compensation received for the position.

This act also prohibits an official or employee serving in such a capacity on a city board from selling, renting, or leasing any property to the city for more than \$5,000 per year unless the transaction is made pursuant to an award on a contract or sale made after public notice and competitive bidding.

SUSAN HENDERSON

02/07/2005 S First Read (S177)

02/10/2005 Second Read and Referred S Economic Development, Tourism & Local Government  
Committee (S209)02/23/2005 Hearing Conducted S Economic Development, Tourism & Local Government  
Committee

EFFECTIVE: August 28, 2005

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**\*\*\* SB 308 \*\*\***

1493S.01I

SENATE SPONSOR: Purgason

SB 308 - The act allows a corporation to apply for reinstatement after it has been dissolved. The new provisions allow a corporation to apply for reinstatement if it has been forfeited after 1978 and prior to 2000 for failure to file an annual report.

ANDY LYSKOWSKI

02/07/2005 S First Read (S177)

02/10/2005 Second Read and Referred S Financial & Governmental Organizations and Elections  
Committee (S209)02/28/2005 Hearing Conducted S Financial & Governmental Organizations and Elections  
Committee

EFFECTIVE: August 28, 2005

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**\*\*\* SB 309 \*\*\***

1268S.02I

SENATE SPONSOR: Wilson

SB 309 - This act defines a "stun gun or taser" as any portable device or weapon from which an electric current, impulse, wave, or beam is produced that is capable of incapacitating temporarily, injuring, or killing a human being.

This act would make ownership, possession or discharge of a stun gun or taser gun an unlawful use of a weapon. However, this prohibition does not apply to peace officers, prison employees, members of the armed forces, people vested with the judicial power of the state, any person with a duty to execute process, probation officers, corporate security advisors, or coroners or medical examiners.

Unlawful use of a weapon is a class D felony.

SUSAN HENDERSON

02/07/2005 S First Read (S177)

02/10/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee  
(S209)

EFFECTIVE: August 28, 2005

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**\*\*\* SB 310 \*\*\***

1472S.01I

SENATE SPONSOR: Champion

SB 310 - This act requires mandatory withholding of retirement income which includes withholding for entities outside of Missouri. The term retirement income is defined as any annuity, pension, or retirement allowance as defined in subsection 1 of Section 143.124, RSMo. A taxpayer is granted the option to have additional withholding or, upon written notification, the taxpayer may elect not to have an amount withheld from their payment.

JASON ZAMKUS

02/07/2005 S First Read (S177)

02/10/2005 Second Read and Referred S Ways &amp; Means Committee (S209)

EFFECTIVE: August 28, 2005

**\*\*\* SB 311 \*\*\***

1483S.01I

SENATE SPONSOR: Dolan

SB 311 - This act allows any telecommunications corporation, gas corporation, public water or sewer district, water corporation, sewer corporation, electric corporation, rural electric cooperative, or cable television company to place its facilities or system within the right-of-way of any state highway, county road, or other political subdivision. The location, construction, installation, repair, maintenance, and removal of all such facilities or systems within said right-of-way of any state highway shall be under the exclusive control and supervision of the state highway and transportation commission. The location, construction, installation, repair, maintenance, and removal of all such facilities or systems within the right-of-way of any county road or city street shall be under the control and supervision of the governing body of said political subdivision.

This act also provides that every telecommunication corporation, gas corporation, public water and/or sewer district, water corporation, sewer corporation, electric corporation, rural electric cooperative and cable television company shall have the power of eminent domain in the manner provided by the laws of this state.

STEPHEN WITTE

02/07/2005 S First Read (S177)

02/10/2005 Second Read and Referred S Commerce, Energy and the Environment Committee (S209)

02/22/2005 Hearing Conducted S Commerce, Energy and the Environment Committee

EFFECTIVE: August 28, 2005

**\*\*\* SB 312 \*\*\*** SCS SB 312

1289S.03P

SENATE SPONSOR: Dolan

SCS/SB 312 - This act allows the Governor to appoint two additional members to the Highways and Transportation Commission on or after August 28, 2005. One member appointed by the Governor shall be a representative of the state's interests in matters relating to air and mass transit. The other member appointed by the Governor shall be a representative of the state's interests in matters relating to freight and river transit. The two additional members appointed under this subsection shall serve with terms expiring September 1, 2011. The act further provides that in order to serve as chair or vice-chair, the most senior members must have at least one year remaining in their terms. Members appointed after the expiration of the original members' terms shall serve for six years.

STEPHEN WITTE

02/07/2005 S First Read (S177)

02/10/2005 Second Read and Referred S Transportation Committee (S209)

02/15/2005 Hearing Conducted S Transportation Committee

02/24/2005 SCS Voted Do Pass S Transportation Committee (1289S.03C)

02/28/2005 Reported from S Transportation Committee to Floor w/SCS (S299)

03/01/2005 SCS S adopted (S315)

03/01/2005 Perfected (S315)

03/02/2005 Reported Truly Perfected S Rules Committee (S335)

03/03/2005 S Third Read and Passed (S349)

EFFECTIVE: August 28, 2005

\*\*\* SB 313 \*\*\*

1482S.02I

SENATE SPONSOR: Dolan

SB 313 - This act increases various penalties for offenses occurring within highway work zones or construction zones. Under this act, any person convicted of a second or subsequent moving violation within a work zone shall be assessed a fine of \$75. The act provides that a person who is convicted of speeding or passing a vehicle within a work zone when a highway worker is present a second or subsequent time shall be assessed a fine of \$300 in addition to any other fine authorized by law.

The act also creates the crime of "endangerment of a highway worker". A person convicted of this crime shall be guilty of a Class A misdemeanor if no injury results from the offense. If a highway worker is injured the offender shall be guilty of a Class D felony. If a death of a highway worker results from the commission of the crime, the offender shall be guilty of a Class C felony. A person commits this crime if the motorist:

- (1) Exceeds the posted speed limit by 25 mph or more;
  - (2) Fails to stop for a work zone flagman or fails to obey traffic control signals erected in the work zone;
  - (3) Drives through or around the work zone by any lane not clearly designated for such purpose;
  - (4) Physically assaults or attempts to assault a highway worker with a motor vehicle or other deadly weapon;
  - (5) Intentionally strikes or moves barrels, barriers, signs or other devices erected to control the flow of traffic; or
  - (6) Commits various offenses in which points may be assessed under Section 302.302, RSMo.
- STEPHEN WITTE

02/07/2005 S First Read (S177)

02/10/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S209)

02/15/2005 Re-referred S Transportation Committee (S229)

03/01/2005 Hearing Conducted S Transportation Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 314 \*\*\*

0100S.08I

SENATE SPONSOR: Dolan

SB 314 - This act modifies the current law of how companies must relocate a utility facility from a highway right-of-way. The act modernizes the current law by applying the law to include "utility facilities", an encompassing term which includes any pipe, pipeline, duct, wire line, conduit, pole, tower, equipment, or other structure, whether aboveground or underground, used to transmit, distribute, or deliver telegraph or telecommunication services, water, cable television

services, electricity, gas, liquids, steam, sewerage, or other materials to the public.

**NOTICE TO OWNER OF UTILITY FACILITY** - Under this act, whenever utility facilities are located within the right-of-way of a proposed highway improvement or construction project, the director shall serve written notice upon the owners of the utility facilities. The notice shall contain a project plan indicating the places on the right-of-way where the utility facilities may be maintained or relocated. The owner of the utility facilities shall review the project plan to verify whether the owner's facilities are shown. The Department also shall provide any additional and duplicate plan information needed by the owner to design and lay out the removal, relocation, or adjustment of existing utility facilities and the placement of relocated or additional facilities within the project limits. The plan shall also include a general description of the work to be done and the desired date for completion of utility facility relocation.

**SUBMISSION OF WORK PLAN** - Within 90 calendar days of mailing the notice, the owner must provide the department with a work plan. The work plan shall include a narrative description of what work will be done, whether the work is dependent on work by another owner, whether the work will be done prior to highway construction and which work will be necessary to coordinate with the work of the contractor, when the work will be started, and the length of time in working days required to complete the work. An additional 30 days will be allowed to furnish the work plan if coordination is required with other facility owners.

**APPROVAL OF WORK PLAN** - After the work plan has been submitted, the department shall review the work plan. The director may reduce the number of working days for relocating the utility facility suggested by the owner if the director determines the schedule would cause undue delay. The Department may require facility owners to provide monthly progress reports regarding the status of the relocation of its utility facility until its relocation is completed.

**LIABILITY FOR FAILING TO IMPLEMENT RELOCATION** - If any owner fails to comply with and implement the provisions of this act, the contractor, with the consent of the commission or director, may undertake highway construction without liability to such owner for damages to the owner's utility facilities, lines, poles, wires, conduits, pipelines, or tramways. The owner also shall be liable to the department's contractor for damages resulting from such failure and delay.

If the owner fails to complete the required relocation of its utility facilities within the applicable time period, the director shall have the authority to assess and collect from the owner a civil penalty in the amount of five hundred dollars for each calendar day after the scheduled deadline that the owner fails to complete the required relocation. The failure of another owner to sufficiently complete its required relocation of utility facilities that interfere with the owner's relocation plan shall constitute an affirmative defense to the assessment of a civil penalty. No civil penalty shall be assessed for delays that result from catastrophic weather events or acts of God.

**LOCAL GOVERNMENTS** - This act provides that the governing authority of cities and counties shall have the authority to adopt ordinances, resolutions, or regulations consistent with this act regarding the relocation of utility facilities located within the rights-of-way of highways or roads under their respective jurisdiction.

STEPHEN WITTE

02/07/2005 S First Read (S177)

02/10/2005 Second Read and Referred S Commerce, Energy and the Environment Committee (S209)



02/15/2005 Re-referred S Transportation Committee (S229)

02/22/2005 Hearing Conducted S Transportation Committee

EFFECTIVE: August 28, 2005

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\*\*\* SB 315 \*\*\*

1505S.01I

SENATE SPONSOR: Dolan

SB 315 - This Act extends the sunset date for the licensure of health care facilities to August 28, 2008.

ADRIANE CROUSE

02/07/2005 S First Read (S177)

02/10/2005 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S209)

02/15/2005 Re-referred S Aging, Families, Mental & Public Health Committee (S229)

03/09/2005 Hearing Scheduled S Aging, Families, Mental & Public Health Committee

EFFECTIVE: August 28, 2005

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\*\*\* SB 316 \*\*\*

1081S.02I

SENATE SPONSOR: Dolan

SB 316 - This act modifies provisions of the law relating to health care providers and ambulatory medical treatment centers.

The act modifies definitions for "ambulatory surgical center", "health care provider" and "financial data" in Section 192.665 and creates a new definition for "ambulatory medical treatment centers" in Section 197.200. New language in Sections 192.655 and 192.667, RSMo, changes "hospitals" to "health care providers" and includes hospitals and ambulatory medical treatment centers within the definition of "health care provider". Also, Section 197.200, RSMo, modifies the definition of "ambulatory surgical center" to provide that such centers shall be a subcategory of ambulatory medical treatment centers.

Section 197.205 provides that the Department of Health and Senior Services may establish subcategories of licensure for the various types of ambulatory medical treatment centers.

The annual license fee for applications is changed from two hundred dollars to a sufficient amount to be determined by the Department. All license fees shall be deposited in the "Ambulatory Medical Treatment Center Fund", which is created in the State Treasury (Section 197.210).

The Department shall issue licenses to ambulatory medical treatment centers if they submit a working agreement with at least one hospital in the same community regarding emergency transfers and admittance of patients or if each member of the applicant's surgical or medical staff has privileges in at least one hospital in the same community in which the treatment center is located. Such requirement will only apply to centers performing surgical procedures, childbirths, cardiac catheterization or endoscopy. If hospitals and ambulatory medical treatment centers are unable to negotiate a working agreement, then they must enter into binding arbitration based on the American Arbitration Association (Section 197.215).

The regulations adopted by the Department of Health and Senior Services regarding ambulatory medical treatment centers must be consistent with Medicare or the joint commission on accreditation of health organizations participation and standards, which are developed by nationally

recognized and accredited entities (Section 197.225).

Section 197.230 requires the Department to conduct inspections of ambulatory medical treatment centers. The centers are to have the opportunity to use inspections from recognized accrediting organizations in lieu of state inspection and the department shall attempt to schedule inspections such that a ambulatory medical treatment center is not subject to more than one inspection in any twelve-month period.

By July 1, 2006, the State Board of Registration for the Healing Arts shall promulgate guidelines and standards for the performance of office-based surgery. By January 15, 2007, the Board shall present a report to the Governor and the General Assembly addressing patient safety, trends regarding office-based surgery, and recommendations for legislative action (Section 1).

The Act also creates a new section, 375.939, which prohibits a health care provider, as defined in Section 376.1350, RSMo, from eliminating the need for or waiving insurance copayments.

ADRIANE CROUSE

02/07/2005 S First Read (S177)

02/10/2005 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S209)

03/09/2005 Hearing Scheduled S Aging, Families, Mental & Public Health Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 317 \*\*\*

1362S.011

SENATE SPONSOR: Mayer

SB 317 - Current law allows uniformed members of the highway patrol to purchase, prior to retirement, up to four years of creditable service for any time such person served as a non-federal full-time public employee in this state prior to becoming a member of the system. This act extends the aforementioned provision to each employee of the highways and transportation commission, each uniformed member of the highway patrol, and each civilian or non-uniformed employee of the state highway patrol. Further, the act removes a provision requiring the filing of an affidavit stating that the member is not receiving credits or benefits from any other public plan for the service to be purchased.

Further, the act states that all such creditable service payments must be completed prior to retirement or termination of employment. If a member who purchased creditable service dies prior to retirement, the surviving spouse may, upon written request, receive a refund of the amount contributed for such purchase of such creditable service.

ADRIANE CROUSE

02/07/2005 S First Read (S177)

02/10/2005 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S209)

02/22/2005 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee

03/01/2005 Voted Do Pass S Pensions, Veterans' Affairs and General Laws Committee-Consent

03/01/2005 Reported from S Pensions, Veterans' Affairs and General Laws Committee to Floor - Consent (S314)

03/07/2005 S Consent Calendar (3/1)

EFFECTIVE: August 28, 2005

\*\*\* SB 318 \*\*\*

0949S.03I

SENATE SPONSOR: Crowell

SB 318 - This act removes certain employees of the Division of Finance and Division of Credit Unions from the state merit employee system. The directors of the two divisions are authorized to maintain equitable salary schedules for examiners, professional staff and support personnel. The salary for bank and credit union examiners shall be based on a comparison of the salaries for similar positions at federal bank regulatory agencies and other states.

The act also authorizes the Division of Finance to collect an amount not to exceed 15% of certain estimated costs from banks and trust companies in order to conduct the examinations. Currently, the division was authorized to collect an amount equal to 15%. Fees and charges to bank and trust companies must be reviewed annually by the division of finance to determine whether the regulatory costs are offset by the fees and charges. The division may adjust the fees in order to fully recover such costs.

JIM ERTLE

02/08/2005 S First Read (S184)

02/10/2005 Second Read and Referred S Financial &amp; Governmental Organizations and Elections Committee (S209)

02/21/2005 Hearing Conducted S Financial &amp; Governmental Organizations and Elections Committee

02/28/2005 Voted Do Pass S Financial &amp; Governmental Organizations and Elections Committee-Consent

02/28/2005 Reported from S Financial &amp; Governmental Organizations and Elections Committee to Floor - Consent (S300)

03/07/2005 S Consent Calendar (2/28)

EFFECTIVE: August 28, 2005

\*\*\* SB 319 \*\*\*

1305S.01I

SENATE SPONSOR: Koster

SB 319 - This act sets out penalty provisions for claimants found to be in violation of a company's alcohol or controlled substance policy. The provisions do not apply to claimant's who are subject to the provisions of any collective bargaining agreement which already include alcohol or drug testing. The act lays out criteria and guidelines for testing. There is no requirement for a finding of evidence of impairment of work performance in order for a positive test to qualify as misconduct connect with work.

The act also includes provisions regarding payment of benefits. Additionally, this act provides for the recalculation of rates and liabilities for transfers of a trade or business between common owners. Provides new employer-rate assignments for individuals, organizations and employing units who acquire a business solely or primarily for the purpose of obtaining a lower rate of contribution. Creates penalties for knowingly violating or attempting to violate the provisions of this act or any other provision relating to unemployment compensation including assignment to the maximum base rate and civil monetary penalties.

ANDY LYSKOWSKI

02/08/2005 S First Read (S184)

02/10/2005 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S209)

EFFECTIVE: August 28, 2005

\*\*\* SB 320 \*\*\*

1194S.01I

SENATE SPONSOR: Koster

SB 320 - The act creates a lien against real estate for non-payment of rental equipment fees. The act includes a statute of limitations which begins to run upon the return of the equipment and expires six months from said date.

JASON ZAMKUS

02/08/2005 S First Read (S184)

02/10/2005 Second Read and Referred S Judiciary and Civil &amp; Criminal Jurisprudence Committee (S210)

EFFECTIVE: August 28, 2005

\*\*\* SB 321 \*\*\*

1177S.01I

SENATE SPONSOR: Shields

SB 321 - This act creates the Dental Carve-Out Act of 2005.

This act requires the Division of Medical Services within the Department of Social Services to establish and implement a process for managing dental benefits for public assistance recipients. Various methodologies, programs, and practices can be used to determine the medical necessity and appropriateness of a recipient's treatment.

The division is allowed to place coverage limits on dental services, excluding state and federally mandated services. The limits must be determined by sound clinical practice guidelines.

The division shall establish a statewide uniform dental program and contract with a single source private entity to provide dental program management service coordination.

The division is prohibited from requiring a dentist to alter a patient's previous course of treatment unless the alteration is warranted by the patient's condition as initiated by the dentist.

This act is Similar to HB 1037 (2004)

ADRIANE CROUSE

02/08/2005 S First Read (S184)

02/15/2005 Second Read and Referred S Aging, Families, Mental &amp; Public Health Committee (S228)

03/02/2005 Hearing Conducted S Aging, Families, Mental &amp; Public Health Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 322 \*\*\*

0763S.01I

SENATE SPONSOR: Bartle

SB 322 - Currently, Section 311.110, RSMo, states that any person except a parent or guardian who shall procure for, sell, or give away, or otherwise supply alcohol to minor is guilty of a misdemeanor.

In addition to the current provisions, this act prohibits any owner, occupant, or other person or legal entity with a lawful right to the use and enjoyment of any property from knowingly allowing a minor to drink or knowingly failing to stop a minor from drinking on such property, unless the

person is the minor's parent or guardian. Any person who violates this provision is guilty of a Class B misdemeanor.

This act provides a defense to prosecution for licensed retailers, who sold to a minor, with a reasonable belief that the person was 21 because the minor presented a identification card containing a photography and purporting to establish that such individual was 21 years of age.

SUSAN HENDERSON

02/08/2005 S First Read (S184)

02/15/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S228)

02/28/2005 Hearing Scheduled S Judiciary and Civil & Criminal Jurisprudence Committee

02/28/2005 Hearing Cancelled Judiciary and Civil & Criminal Jurisprudence Committee

03/07/2005 Hearing Scheduled S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 323 \*\*\*

0943S.01I

SENATE SPONSOR: Bartle

SB 323 - This act establishes the eligibility criteria for awarding grants to umbilical cord blood banks. The Life Sciences Research Board shall award grants based on:

- (1) The ability of the applicant
- (2) The experience of the applicant
- (3) The applicant's commitment after the expiration of the contract.

The grants will expand existing umbilical cord blood banks and establish new ones for the state of Missouri. The grants shall be awarded subject to appropriation of funds for that purpose.

ANDY LYSKOWSKI

02/08/2005 S First Read (S184)

02/15/2005 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S228)

03/09/2005 Hearing Scheduled S Aging, Families, Mental & Public Health Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 324 \*\*\*

0982S.01I

SENATE SPONSOR: Scott

SB 324 - This act authorizes a state tax deduction of up to \$8,000 per taxpayer for contributions made to qualified educational savings programs sponsored by other states.

JIM ERTLE

02/08/2005 S First Read (S184)

02/15/2005 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S228)

02/21/2005 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 325 \*\*\*

0564S.01I

SENATE SPONSOR: Bray

SB 325 - 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 within 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 those who are subject to a court order that:

- (1) Was issued after a hearing of which the person had notice;
- (2) Restrains a person from harassing, stalking, or threatening an intimate partner or his or her child; and
- (3) 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

02/08/2005 S First Read (S184)

02/15/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S228)

EFFECTIVE: August 28, 2005

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\*\*\* SB 326 \*\*\*

1283S.01I

SENATE SPONSOR: Nodler

SB 326 - This act makes various revisions to the Tobacco Master Settlement Agreement. The number of tobacco units sold in Missouri is allowed to be taken into consideration for the release of the funds. Certain requirements are established for participating tobacco manufacturers and for nonparticipating tobacco manufacturers relating to the agreement between various tobacco companies and the State of Missouri, 45 other states, the District of Columbia, and five U. S. territories.

All tobacco manufacturers whose cigarettes are sold in Missouri are required to report and certify to the Department of Revenue and the Attorney General's office by April 30 of each year that they are in compliance with the Tobacco Settlement Model Statute currently in Missouri law. In addition to the certification, participating manufacturers must also provide a list of "brand families" of cigarette types. Nonparticipating manufacturers must submit their brand families, the number of units sold for each family at any time during the year, the name and address of any other manufacturer of their brand families in the preceding or current calendar year, and other information to verify compliance with the model statute.

Each nonresident or foreign nonparticipating manufacturer must be registered to do business in

the state or maintain an agent within the state for the purpose of service of process relating to the enforcement of the act. By June 1, 2006, the Director of the Department of Revenue must make available for public inspection or publish on the department's web site a list of all tobacco product manufacturers that have satisfied the certification requirements established in the act.

Stamping agents (persons authorized to affix cigarette tax stamps to cigarette packages) are required to submit to the director an e-mail address for the receipt of notifications as required by the bill and to submit various reports and documents as required by the department.

Various penalties and actions for failure to comply with the requirements of the bill are included.

The act contains an emergency clause.

JASON ZAMKUS

02/09/2005 S First Read (S191)

02/15/2005 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S228)

03/02/2005 Hearing Conducted S Economic Development, Tourism & Local Government Committee

EFFECTIVE: Emergency Clause

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\*\*\* SB 327 \*\*\*

1400S.01I

SENATE SPONSOR: Scott

SB 327 - This act makes various changes relating to the operation of commercial motor vehicles.

**PREEMPTION OF COMMERCIAL MOTOR VEHICLE LAWS** - Under this act, no local law enforcement officer or local agency shall perform commercial motor vehicle enforcement and is restricted from enforcing commercial motor vehicle equipment, size, height and weight violations described in Sections 304.170 to 304.230. Local governments are prohibited from adopting ordinances or regulations regarding the enforcement of commercial motor vehicle law. This act, however, does not prevent political subdivisions from adopting ordinances or regulations restricting commercial motor vehicle equipment, size, travel, weight or height on roads which are not state and federal designated roads or roads which are not maintained with state and federal monies (Section 304.233).

**FEDERAL MONIES FOR COMMERCIAL MOTOR VEHICLE ENFORCEMENT** - Under this act, the superintendent of the highway patrol shall apply for all federal funding which is currently available or may become available which has been formerly allocated to local political subdivisions (Section 304.234).

**EXPANSION OF COMMERCIAL ZONE JURISDICTION** - Under this act, Department of Transportation's jurisdiction is expanded by allowing it to enforce motor carrier regulations in commercial zones (Section 390.030).

**EDUCATIONAL COMPLIANCE AUDITS** - Under this act, motor carriers may voluntarily request a educational compliance contact 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 an educational compliance contact. The commission, however, may take any legal actions necessary to shut down the operation of a motor carrier that has committed a violation that presents a safety issue. A motor carrier may only request one compliance contact every five years. A request for an educational compliance contact shall not be a reason for the commission to perform a compliance review. Motor carriers which are subject to a current complaint investigation shall not be eligible for an educational compliance contact (Section 622.552).

Under this act, motor carriers shall have 60 days from the written release of compliance review findings or educational compliance contacts to appeal the commission's decision to the Administrative Hearing Commission (Section 622.554).

The act also makes a couple of technical references by replacing the term "division of motor carrier and railroad safety" with "state highways and transportation commission" (Section 390.201 and 622.550).

STEPHEN WITTE

02/09/2005 S First Read (S191)

02/15/2005 Second Read and Referred S Transportation Committee (S228)

03/08/2005 Hearing Scheduled S Transportation Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 328 \*\*\*

1577S.01I

SENATE SPONSOR: Coleman

SB 328 - This act provides that the two St. Louis City school board members whose terms expire in April 2006 shall continue to serve until November 2006 when their successors are elected. Thereafter, the election date for those two members shall be the general election date in November, rather than the municipal election date in April.

JIM ERTLE

02/09/2005 S First Read (S191)

02/10/2005 Bill Withdrawn (S210)

EFFECTIVE: August 28, 2005

\*\*\* SB 329 \*\*\*

1522L.01I

SENATE SPONSOR: Coleman

SB 329 - This act prohibits a parent, sibling or child of a statewide elected official from registering as a lobbyist with the Missouri Ethics Commission.

JIM ERTLE

02/09/2005 S First Read (S191)

02/15/2005 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S228)

EFFECTIVE: August 28, 2005

\*\*\* SB 330 \*\*\*

1576S.01I

SENATE SPONSOR: Coleman

SB 330 - This act imposes a \$25 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 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 this act terminate on December 31, 2010.

This act is similar to SB 1347 (2004).

DONALD THALHUBER

02/09/2005 S First Read (S191)

02/10/2005 Bill Withdrawn (S210)

EFFECTIVE: August 28, 2005

\*\*\* SB 331 \*\*\*

0323S.01I

SENATE SPONSOR: Coleman

SB 331 - This act modifies various provisions relating to delinquent child support payments.

Financial institutions shall place a hold on the bank accounts of any non-custodial parent who is more than fifteen days in arrears in child support payments. The hold on their account shall also prevent the non-custodial parent from purchasing real or personal property and from starting a business (Section 454.507).

The Division shall report the name of any non-custodial parent who is more than fifteen days in arrears in child support payments to consumer reporting agencies (Section 454.512).

If a non-custodial parent is more than fifteen days in arrears in child support payments, a lien shall be automatically filed on their real estate (Section 454.515).

ADRIANE CROUSE

02/09/2005 S First Read (S191)

02/15/2005 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S228)

EFFECTIVE: August 28, 2005

\*\*\* SB 332 \*\*\*

1478S.01I

SENATE SPONSOR: Crowell

SB 332 - This act authorizes the Governor to convey land in Scott County to Sikeston Acquisition.

SUSAN HENDERSON

02/09/2005 S First Read (S191)

02/15/2005 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S228)

EFFECTIVE: August 28, 2005

\*\*\* SB 333 \*\*\*

1564S.01I

SENATE SPONSOR: Green

SB 333 - The act requires the Department of Elementary and Secondary Education to adopt an indoor air quality program beginning January 1, 2007. Under this act, schools would be inspected and evaluated every three years. The department must establish procedures for handling complaints about air quality and establish minimum standards for air quality that are no less than the standards laid out in national building and safety codes. There are also reporting provisions in the act.

ANDY LYSKOWSKI

02/09/2005 S First Read (S191)

02/15/2005 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources  
Committee (S228)

EFFECTIVE: August 28, 2005

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\*\*\* SB 334 \*\*\*

1566S.01I

SENATE SPONSOR: Green

SB 334 - The act makes penalties for any employer who employs illegal aliens. Any employer who does so is not eligible for any state-administered or subsidized tax credit, tax abatement or loan from this state. The act specifically states that no employer shall employ or subcontract with any illegal alien on any publicly financed project. Additionally, the act adds the penalty of a fine of ten dollars per individual illegal alien per day each individual illegal alien was employed or subcontracted and the violator cannot bid on publicly financed projects for ten years immediately following the last violation.

ANDY LYSKOWSKI

02/09/2005 S First Read (S191)

02/15/2005 Second Read and Referred S Small Business, Insurance & Industrial Relations  
Committee (S228)

02/23/2005 Hearing Conducted S Small Business, Insurance & Industrial Relations Committee

EFFECTIVE: August 28, 2005

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\*\*\* SB 335 \*\*\*

1561S.01I

SENATE SPONSOR: Dougherty

SB 335 - This act allows the Office of Administration to promulgate rules and regulations that prohibit 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 offices of public officials and state employees who work in the capitol or the interior walls of the elevators in the capitol, and shall not apply to official signs or displays posted by the Office of Administration.

SUSAN HENDERSON

02/10/2005 S First Read (S205)

02/15/2005 Second Read and Referred S Governmental Accountability & Fiscal Oversight  
Committee (S228)

EFFECTIVE: August 28, 2005

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\*\*\* SB 336 \*\*\*

1297S.01I

SENATE SPONSOR: Dougherty

SB 336 - Currently, only public community colleges and public vocational or technical schools are statutorily authorized to receive A+ reimbursements. This act additionally allows any

non-profit 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.

This act is similar to SB 091 (2005) and SB 975 (2004).  
DONALD THALHUBER

02/10/2005 S First Read (S205)

02/15/2005 Second Read and Referred S Education Committee (S228)

03/01/2005 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2005

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\*\*\* SB 337 \*\*\*

1515S.01I

SENATE SPONSOR: Crowell

SB 337 - This act repeals current law that required a circuit clerk to remit 80% of the fee for processing a passport application to the state and retain 20% for the county. The act provides that the circuit clerk may retain the entire fee for services performed in preparing and completing passport applications.

JIM ERTLE

02/10/2005 S First Read (S205)

02/15/2005 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S228)

EFFECTIVE: August 28, 2005

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\*\*\* SB 338 \*\*\*

0811S.07I

SENATE SPONSOR: Gross

SB 338 - This act creates the Homestead Exemption Tax Credit. The act:

- Prohibits a claimant from receiving the homestead exemption credit in a year following the year in which the claimant received the property tax credit;
- Extends homestead exemption credit to property owned in trust. The trust may receive a credit, provided the prior owner meets all other requirements and such owners income is imputed to the trust for purposes of determining qualification under the maximum upper limit;
- Creates an exception to the disqualification for improvements made to property which exceed five percent of the prior years appraised value for improvements made to accommodate a disabled person for applications filed after 2005.

The homestead exemption limit for claims filed in 2005 and 2006 shall be based on the increase in tax liability from 2004 to 2005.

An eligible owner who otherwise satisfies the requirements for receiving a homestead exemption shall not apply for the credit more than once during the period ranging from April 1, 2005 to September 30, 2006.

Current law bases the homestead exemption on the increase to tax liability from the prior year. The act moves this back an additional year.

In the event collector of the county determines that an individual is ineligible prior to issuing the credit, the credit shall be void and any corresponding moneys shall lapse to the state to be credited to the general revenue fund.

After 2005, the one-quarter of one percent distributed to the county assessment funds is terminated.

JASON ZAMKUS

02/10/2005 S First Read (S205-206)

02/15/2005 Second Read and Referred S Ways & Means Committee (S228)

03/03/2005 Hearing Conducted S Ways & Means Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 339 \*\*\*

1429S.01I

SENATE SPONSOR: Gross

SB 339 - This act removes language referring to branch offices for the Department of Revenue from Section 32.040, RSMo.

JASON ZAMKUS

02/10/2005 S First Read (S206)

02/15/2005 Second Read and Referred S Ways & Means Committee (S228)

03/03/2005 Hearing Conducted S Ways & Means Committee

EFFECTIVE: August 28, 2007

\*\*\* SB 340 \*\*\*

1383S.02I

SENATE SPONSOR: Kennedy

SB 340 - This act authorizes the City of St. Louis to adopt ordinances to use automated traffic control systems. The ordinance must provide that:

(1) The owner of the vehicle shall be given notice of a violation within 30 days of its occurrence. The notice shall include copies of any photos, videotape or other recorded images generated by the automated traffic control system;

(2) The owner shall be responsible for the violation unless the owner can furnish evidence that the vehicle was in the care or control of another person. The owner can submit an affidavit stating that another person was in control of the vehicle or that the vehicle was stolen at the time of the violation.

If conclusive evidence is submitted that another person was in control of the vehicle, then a citation may be issued to the person identified in the affidavit.

Under this act, advance warning signs must be posted not more than 300 feet from the location of the automated traffic control system location.

A violation detected by an automated traffic control system shall be deemed a noncriminal violation. A civil penalty of \$50 shall be assessed and no points shall be assessed against the owner's driver's license.

The act provides that St. Louis may enter into an agreement with private vendors to perform operational and administrative tasks associated with such systems. Any compensation paid to vendors shall not be based upon a contingency basis or be based upon revenues generated from the use of such a system.

The act provides that one year following the adoption of the St. Louis City ordinance, the Department of Public Safety must issue a report as to the effectiveness of the use of such systems and whether such a system should be instituted on a statewide basis.

STEPHEN WITTE

02/10/2005 S First Read (S206)

02/15/2005 Second Read and Referred S Transportation Committee (S228)

03/08/2005 Hearing Scheduled S Transportation Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 341 \*\*\*

1269S.01I

SENATE SPONSOR: Bartle

SB 341 - This act limits the certificate of need law to only long-term care facilities.

This act is similar to SB763 (2004).

ADRIANE CROUSE

02/10/2005 S First Read (S206)

02/15/2005 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S228)

EFFECTIVE: August 28, 2005

\*\*\* SB 342 \*\*\*

0567S.01I

SENATE SPONSOR: Bartle

SB 342 – This act authorizes municipal courts to contract with a public entity or employ a person to serve as the city’s probation officer. Currently, such courts may only contract with a private entity to provide probation services. Persons found guilty of municipal ordinances and placed on probation will be required to pay a service fee to the court to pay for the probation services.

Currently, only cities which do not have probation services for persons convicted of ordinance violations may contract with private entities to provide probation services. This act authorizes any city to contract with a private or public entity or employ a probation officer to provide probation services.

JIM ERTLE

02/10/2005 S First Read (S206)

02/15/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S228)

02/21/2005 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

02/21/2005 Voted Do Pass S Judiciary and Civil & Criminal Jurisprudence Committee - Consent

02/23/2005 Reported from S Judiciary and Civil & Criminal Jurisprudence Committee to Floor - Consent (S275)

03/03/2005 S Third Read and Passed - Consent (S361)

EFFECTIVE: August 28, 2005

\*\*\* SB 343 \*\*\*

1280.05I

SENATE SPONSOR: Bartle

SB 343 - The act extends the previous cap on the amount of the appropriation of fifteen million dollars. Provisions now provide that the annual amount of the revenues approved for disbursements from the MO supplemental tax increment financing fund, in combination with the annual amount of other new revenues approved for disbursements from the state supplemental downtown development fund (under Section 99.960, RSMo) shall not exceed one hundred fifty million dollars.

Under the act, redevelopment project costs may include portions of salaries and expenses of the Department of Economic Development and the Department of Revenue allocable to each redevelopment project approved for disbursements from the MO supplemental tax increment financing fund for administrative functions associated with such redevelopment project. The amounts shall be recovered from new state revenues deposited in the MO supplemental tax increment financing fund.

ANDY LYSKOWSKI

02/10/2005 S First Read (S209)

02/15/2005 Second Read and Referred S Ways &amp; Means Committee (S228)

02/28/2005 Re-referred S Economic Development, Tourism &amp; Local Government Committee (S304)

03/09/2005 Hearing Scheduled S Economic Development, Tourism &amp; Local Government Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 344 \*\*\*

1523S.01I

SENATE SPONSOR: Wheeler

SB 344 - This act provides that the service of summons in an unlawful detainer action shall be delivered by ordinary, rather than certified, mail. If the officer assigned to execute the summons returns to the court with information that the defendant cannot be found and with proof by affidavit that the summons was mailed, then the judge shall proceed to hear the matter as if personal service had been made.

JIM ERTLE

02/14/2005 S First Read (S214)

02/17/2005 Second Read and Referred S Judiciary and Civil &amp; Criminal Jurisprudence Committee (S249)

EFFECTIVE: August 28, 2005

\*\*\* SB 345 \*\*\*

1546S.01I

SENATE SPONSOR: Vogel

SB 345 - When there is substantial common ownership of a business, and an employer transfers its trade or business, the attributable unemployment experience is transferred to the employer to whom the business is transferred. Upon such a transfer, the rates and liabilities of both employers shall be recalculated.

If the entity is not an employer at the time it acquires the business, the unemployment experience is not transferred to that entity if the division finds that the acquisition was primarily for

obtaining a lower interest rate. Instead, the entity shall be assigned the applicable new employer rate (section 288.090). The division shall use objective factors to determine whether or not the acquisition was primarily for obtaining a lower rate of contributions.

Any violation of provisions related to determining the assignment of a contribution rate is subject to the following penalties:

- If the violator is an employer, for the current year and following three years, the base rate shall be the maximum rate applicable to that type of employer or the employer's current base rate plus two percent, whichever is greater. Additionally, a civil monetary penalty of not more than five thousand dollars may be imposed.

- If the violator is not an employer, the entity is subject to a civil monetary penalty of not more than five thousand dollars (such fine shall be deposited in the special employment security fund).

ANDY LYSKOWSKI

02/14/2005 S First Read (S214)

02/17/2005 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S249)

03/02/2005 Hearing Cancelled Small Business, Insurance & Industrial Relations Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 346 \*\*\*

1597S.011

SENATE SPONSOR: Clemens

SB 346 - This act limits liability of paddlesport outfitters for injury or death cause by inherent risks of paddlesport activities.

This act is similar to SB 1033 (2004) and TAT/SS/SCS/SB 280 (2003).

JIM ERTLE

02/14/2005 S First Read (S214)

02/17/2005 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S249)

03/09/2005 Hearing Scheduled S Agriculture, Conservation, Parks & Natural Resources Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 347 \*\*\*

1114S.03

SENATE SPONSOR: Clemens

SB 347 - This act requires applicants for licensure as a professional counselor, after August 28, 2007, to complete a minimum of three hours of graduate level coursework in diagnostic systems. All licensed professional counselors shall be required to pay a renewal fee and submit evidence of the completion of continuing education.

JIM ERTLE

02/14/2005 S First Read (S214)

02/17/2005 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S249)

03/02/2005 Hearing Conducted S Aging, Families, Mental & Public Health Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 348 \*\*\*

1492S.011

SENATE SPONSOR: Clemens

SB 348 - This act exempts dentists from acupuncture licensing requirements, unless a dentist uses the title "acupuncturist".

This act is identical to SB 1231 (2004).

JIM ERTLE

02/14/2005 S First Read (S214)

02/17/2005 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S249)

EFFECTIVE: August 28, 2005

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\*\*\* SB 349 \*\*\*

0879S.02I

SENATE SPONSOR: Green

SB 349 - This act sets forth new definitions for the purpose of prevailing wage law. There is a notice provision for the wage rates and requires the wage rates be delivered to the worker with their first paycheck on the project.

The penalties for a contractor for paying workers less than the prevailing wage rate are changed from ten to fifty dollars per workman employed for each calendar day. All contracts must contain penalty provisions to this effect. In addition to the abovementioned penalties, a contractor shall pay fifty dollars per calendar day to the Department of Labor and Industrial Relations. The department also has the authority to collect all unpaid penalties due to the department.

The funds collected by the department shall be transmitted to the department of revenue and deposited in the "Prevailing Wage Enforcement and Education Fund" which is created by this act in the state treasury. No portion of the fund shall be transferred to the general revenue fund until the amount exceeds two times the amount of the appropriations from the fund for the preceding fiscal year at the end of the biennium. The amount which shall lapse is the amount which exceeds the two times the amount of the appropriations from the fund for the preceding fiscal year.

The public body who awards a contract under prevailing wage law shall notify the department of labor and industrial relations when all work is completed and payments are made for the public works project.

The Department of Labor and Industrial Relations shall investigate and determine the prevailing hourly rate of wages from time to time as it deems necessary and annually on or before July first of each year. In determining the prevailing hourly rate of wages, the department shall not consider rates paid to workers in bonafide apprenticeships.

A certified copy of the initial determination shall be filed with the Secretary of State and the commission. Within ten days of the filing, the annual wage order shall be posted on the division's web page. Any person affected by the annual wage order may object in writing to the commission. The rates for the annual wage order for a locality are final after thirty days.

The collective bargaining agreement rate shall be adopted as the prevailing wage rate unless there is evidence of no less than eighty hours of actual work performed in the locality during the preceding calendar year, and to supersede such a rate, an individual or individuals shall submit evidence to the department. Should the department determine the information is fraudulent, the department may forward the information to the prosecuting attorney in the locality the information



submitter resides.

A general wage order must be filed with the Labor and Industrial Relations Commission which shall post it on the division's website. Objections to the general wage order must be filed within thirty days of the filing with the Secretary of State and the commission. If no objection is filed, the general wage order is final. The Labor and Industrial Relations Commission shall set the date for hearing and hear the objections. The commission shall rule on the written objection within twenty days of the hearing. The final decision of the commission is subject to review and the division shall be notified of all applications for review and may intervene as a party in such actions.

The department, may take depositions, subpoenas, and make document requests to any public works project or nonpublic works project if the information is needed in any investigation concerning a public works project, prevailing wage information.

There are new requirements for the public body to collect certified copies of current payroll records for each contractor performing public works construction. The required information is listed in the act as well as record keeping requirements. The records shall be available for inspection by an authorized representative of the department.

The department shall file with the secretary of state a list of contractors or subcontractors who have been convicted or plead guilty or nolo contendere to violations. The contractors or subcontractors shall be prohibited from contracting or performing any work with any public body for one year from the date of the first conviction or entry of a pleading to the charge of violating the prevailing wage law and for three years from the date of each subsequent violation, conviction, guilty plea, or plea of nolo contendere. The Secretary of State shall publish the notice of debarment.

Additional provisions allow a court to issue a temporary restraining order and a preliminary injunction when a violation occurs and removes the requirement for posting of a bond. When it appears to the department that a violation has occurred, the department may notify the Attorney General in writing. The attorney general may bring suit in the name of the state in the circuit court of the county of the occurrence. The public body, if not the state, shall be joined in any such suit. Nothing precludes a public body from bringing an action pursuant to contractual or statutory rights. All actions must commence within five years of the start of the cause of action.

Any person who violates, omits to comply, or knowingly provides false information with regards to prevailing wages shall be punished for each violation. Each prosecuting attorney and circuit attorney has the duty to commence criminal actions and the attorney general has original jurisdiction to commence such actions where venue is appropriate. Employers may not discharge or refuse to further employ a worker for filing a complaint or assisting in the investigation of a complaint. The punishment for doing such shall be a fine not exceeding five hundred dollars or imprisonment for each day such a violation or omission continues. The worker shall be returned to employment and shall receive wages from the date of discharge or refusal to employ until the date of re-employment.

ANDY LYSKOWSKI

02/14/2005 S First Read (S214-215)

02/17/2005 Second Read and Referred S Small Business, Insurance & Industrial Relations  
Committee (S249)

EFFECTIVE: August 28, 2005

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**\*\*\* SB 350 \*\*\***

1604S.01I

SENATE SPONSOR: Wilson

SB 350 - This act prohibits distribution of controlled substances in parks. Currently, Section 195.214, RSMo, only prohibits distribution in or near schools. Distribution of a controlled substance is a Class A felony under this section.

SUSAN HENDERSON

02/14/2005 S First Read (S215)

02/17/2005 Second Read and Referred S Judiciary and Civil &amp; Criminal Jurisprudence Committee (S249)

EFFECTIVE: August 28, 2005

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**\*\*\* SB 351 \*\*\***

1605S.01I

SENATE SPONSOR: Ridgeway

SB 351 - This act provides for a minor to receive a minor in possession (MIP) if he or she has a detectable blood alcohol content.

Currently, Section 311.325, RSMo, provides that any person under the age of 21, who purchases or attempts to purchase, or has in his or her possession, any intoxicating liquor is guilty of a misdemeanor. This act provides that a minor is also guilty of a misdemeanor for a "minor in possession" if he or she has a detectable blood alcohol content.

SUSAN HENDERSON

02/15/2005 S First Read (S227)

02/17/2005 Second Read and Referred S Judiciary and Civil &amp; Criminal Jurisprudence Committee (S249)

EFFECTIVE: August 28, 2005

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**\*\*\* SB 352 \*\*\***

1613S.01I

SENATE SPONSOR: Stouffer

SB 352 - This act creates a income tax credit for child care services performed by qualified spouse in an amount equal to one thousand two hundred and fifty dollars. The tax credit must be claimed in the same tax year as the services are performed and may not be carried forward or back. The credit is refundable in the amount the credit exceeds actual tax liability.

JASON ZAMKUS

02/15/2005 S First Read (S227)

02/17/2005 Second Read and Referred S Ways &amp; Means Committee (S249)

03/03/2005 Hearing Conducted S Ways &amp; Means Committee

EFFECTIVE: January 1, 2006

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**\*\*\* SB 353 \*\*\***

1502S.01I

SENATE SPONSOR: Gibbons

SB 353 - This act sets the expiration date of the Missouri Senior RX Program at December 31, 2006, and thereafter provides reauthorization each year by concurrent resolution.

ADRIANE CROUSE

02/15/2005 S First Read (S227)

02/17/2005 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S249)

03/02/2005 Hearing Conducted S Aging, Families, Mental & Public Health Committee

EFFECTIVE: August 28, 2005

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\*\*\* SB 354 \*\*\*

1631S.011

SENATE SPONSOR: Griesheimer

SB 354 - This act allows the commission to suspend, revoke or cancel the registration, license, permit or other credential issued to a motor carrier if a federal agency or the commission has issued an out-of-service order against the motor carrier. The law is applicable to out-of-service orders placing a motor carrier's entire operation out of service but does not apply to out-of-service orders placing an individual driver or vehicle out of service.

If the commission issues an order under this act, the motor carrier shall not operate any commercial motor vehicles and shall not allow any employees to operate any commercial motor vehicles in intrastate or interstate commerce. After the commission has issued an order, the motor carrier shall surrender all license plates, motor carrier licenses, registrations, permits, and other credentials. After the commission has issued an order, the out-of-state motor carrier shall not be eligible to apply for the issuance or reinstatement of any license, registration, permit, certificate or other credential until the out-of-service order has been rescinded or the orders have been set aside by a court of proper jurisdiction.

The act provides that any federal or state order shall be admissible in administrative and court proceedings and that such orders shall constitute prima facie evidence that the motor carrier violated federal regulations or that the motor carrier's operation of commercial motor vehicles poses an imminent hazard.

The act allows persons aggrieved by a commission's order to appeal to a circuit court for a hearing and review of the order. Judicial review of the order will be waived unless the petition is filed within 30 days of the issuance of the order.

Under this act, the commission may receive and disclose any data relating to any out-of-service motor carrier to the Federal Motor Carrier Administration, the Department of Revenue, the highway patrol, other law enforcement agencies, and motor carrier liability insurance companies.

The Department of Revenue may immediately, without a hearing, update the records to reflect the suspension, revocation or cancellation of all motor vehicle license plates, registrations, and other credentials. The Department of Revenue shall notify the motor carrier, and the commission, of all actions taken pursuant to the commission's order.

STEPHEN WITTE

02/15/2005 S First Read (S227)

02/17/2005 Second Read and Referred S Transportation Committee (S249)

03/01/2005 Hearing Conducted S Transportation Committee

EFFECTIVE: August 28, 2005

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\*\*\* SB 355 \*\*\*

1623S.011

SENATE SPONSOR: Griesheimer

SB 355 - This act creates the Missouri Wine and Grape Board. The purpose of the board is to further the growth and development of the grape growing industry in the state of Missouri. In order

to reach these goals, the board may participate in activities with other groups and organizations to develop better grape varieties, develop research projects, utilize expertise of the board members and experts in the proper fields of study, furnish information and data to grape growers and vintners, and participate in studies, programs, and information dissemination in the areas of sales, promotions, and effective distribution of Missouri wines.

The principal office of the board will be located in Jefferson City, but it may have offices elsewhere if needed. The board will act as an organization within the Department of Agriculture and receive funding from the "Missouri Wine and Grape Fund".

No officer or employee shall be considered to have given up his or her office or employment by accepting membership on the board.

The act provides that the board will have 11 members. Seven of the members will represent the Missouri grape and wine industry, the food service industry, or the medai marketing industry. These members will be current members of the Missouri Grape and Wine Advisory Board. When the terms of these members expire, the seven positions will be filled by having the Governor appoint new members, with the advice and consent of the Senate, for four year terms. No appointed board member can serve more than two consecutive terms. The board will also have four ex officio members, including the President of the Missouri Grape Growers Association, the President of the Missouri Vintners Association, the President of the Missouri Wine Marketing and Research Council, and the Director of the Department of Agriculture. The members shall be voting members and their terms will coincide with the time they hold the elected or appointed office.

The act provides for the schedule of where and how often the board must meet. It also specifies how many members are necessary for a quorum and voting. The board members can be removed from office by the Governor for malfeasance, neglect of duty, or other cause after notice of a public hearing.

The act requires the board to select a chairperson and vice chairperson. They can also elect other officers if necessary. The board members will not receive compensation for their duties, but they shall be reimbursed for their expenses.

The board must employ an executive director who will serve as the secretary of the board and will administer and manage the affairs and business of the board. The board may also employ experts. The director and other employees will be eligible for all corresponding benefits. The director, as secretary, will be responsible for keeping the records of the board.

To fulfill their goals and duties, the board will have power to:

- Receive and accept aid or contributions for purposes consistent with this act;
- Work with and counsel viticulture and enology experts on the needs of grape producers and wine makers in order to make the best strains of grape varieties;
- Review progress and reports from experts;
- Confer and cooperate with other boards and councils;
- Approve and recommend amendments to these powers; and

- Perform other duties necessary to proper operation of the board.

The board must submit an annual report to the Governor and General Assembly on the activities of the prior year.

Currently the charges imposed under Section 311.554, RSMo, are deposited to the credit of a separate account in the Marketing Development Fund, created by Section 261.035, RSMo. This act would require such charges to be deposited into the "Missouri Wine and Grape Fund", which is created by this act. There is a six cents per gallon charge for the selling of wine which can only be used for market development in developing programs for growing, selling, and marketing of grapes and grape products grown in Missouri. There is an additional six cent per gallon charge which can only be used for research and advertisement of grapes and grape products in Missouri.

SUSAN HENDERSON

02/15/2005 S First Read (S227)

02/17/2005 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S249)

02/28/2005 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2005

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\*\*\* SB 356 \*\*\*

1595S.02I

SENATE SPONSOR: Shields

SB 356 - Under the current law, a person applying for a limited driving privilege is barred from receiving a limited driving privilege if he or she has previously been granted the privilege within the immediate preceding five years. Under this act, this restriction is removed.

This act creates the crime of aggravated vehicular manslaughter. A person commits this crime if he or she while in an intoxicated condition, operates a motor vehicle in this state, and when so operating with criminal negligence:

- (a) Causes the death of any person not a passenger in the vehicle operated by the defendant, or
- (b) Causes the death of two or more persons, or
- (c) Causes the death of any person while the defendant's blood alcohol is greater than or equal to .20 percent of alcohol by weight in the defendant's blood.

Committing the crime of aggravated vehicular manslaughter is a Class B felony.

This act creates two new types of offenders for the purposes of applying the enhanced penalties and prison requirements of Section 577.023, RSMo.

The act modifies the definition of a "persistent offender". Under the provisions of the act, a "persistent offender" is a person convicted of two or more intoxication-related traffic offenses. Under the current law, the prior offenses must have occurred within 10 years of the offense for which the person is being charged.

The act defines an "aggravated offender" as a person who has pleaded to or been found guilty of:

(1) Three or more intoxication-related traffic offenses or

(2) One intoxicated-related traffic offense and certain enumerated crimes (involuntary manslaughter, aggravated vehicular manslaughter, assault in the second degree, or assault of a law enforcement officer).

This act defines a "chronic offender" as a person who has pleaded guilty to or has been found guilty of:

(1) Four or more intoxication-related traffic offenses;

(2) On two or more of separate occasions certain enumerated crimes (e.g. involuntary manslaughter, aggravated vehicular manslaughter, assault in the second degree); or

(3) Two or intoxicated-related traffic offenses plus has been found guilty of certain enumerated crimes (e.g. involuntary manslaughter, aggravated vehicular manslaughter, assault in the second degree).

Any person who is found guilty of a DWI or driving with an excessive blood alcohol content (BAC) and is proved to be an aggravated offender shall be guilty of a Class C felony. Aggravated offenders shall not be eligible for parole or probation until they serve a minimum of 60 days imprisonment.

Any person who is found guilty of a DWI or driving with an excessive blood alcohol content (BAC) and is proved to be a chronic offender shall be guilty of a Class B felony. Chronic offenders shall not be eligible for parole or probation until they serve a minimum of two years imprisonment.  
STEPHEN WITTE

02/15/2005 S First Read (S227)

02/17/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S249)

EFFECTIVE: August 28, 2005

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\*\*\* SB 357 \*\*\*

1381S.011

SENATE SPONSOR: Shields

SB 357 - This act removes outmoded language and provisions from the Kansas City Police and Civilian Employees' Retirement Systems.

The act adds definitions for "consultant" and "surviving spouse". (Section 86.900 and also as to civilians in Section 86.1310).

Section 86.1110 provides that a member of the plan may choose to purchase creditable service prior to retirement, rather than during the first two years of returning to police service.

Sections 86.1150 and 86.1640, explain that any member, police or civilian, convicted of a felony prior to separation from active service shall not be entitled to any benefit from the system except the return of the member's accumulated contributions.

This act is similar to HB 323 (2005).  
ADRIANE CROUSE

02/15/2005 S First Read (S227)

02/17/2005 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S249)

EFFECTIVE: August 28, 2005

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\*\*\* SB 358 \*\*\*

1570S.011

SENATE SPONSOR: Taylor

SB 358 - The act raises the minimum number of members of the board of directors in each tourism district to seven.

**BOARD SELECTION AND TERM** - Three members are selected by the governing body in that district which collected the largest amount of retail sales tax in the year preceding the establishment of the district and shall serve for a term of three years. Two members are selected by the governing body that collected the second largest amount of retail sales tax within the district in the year preceding the establishment of the district and shall serve for two years. In the event that no such place exists in the district, two members are selected by the governing body that collected the largest amount of retail sales tax within the district in the year preceding the establishment of the district. The remaining members shall serve a term of one year each. One member is selected by the governing body which collected the largest amount of retail sales tax within the district in the year preceding the establishment of the district. One member is selected by the governing body of the county that collected the second largest amount. Every member shall either be a resident of the district, own real property in the district, be employed by a business in the district or operate a business in the district.

**VACANCIES** - Any vacancy in the board is filled in the same way the person who vacated the position was selected within sixty days of the vacancy, and the new person serves the remainder of the term. Should no person be selected in the sixty days, the remaining members of the board shall select a person to serve the remainder of the vacated seat.

**OTHER PROVISIONS** - If a tourism community enhancement district is already in existence, one additional board member shall be appointed by the governing body that collected the largest amount of retail sales tax in that district in the preceding year. This is a one year appointment. The additional board members are appointed by the second largest collector of retail sales tax for a two year term. Thereafter, all board members shall serve three year terms. The first a second board positions, when expired, are appointed by the governing body that collected the largest amount of retail sales tax. The third and fourth board positions are appointed by the governing body with the second largest amount. The fifth board position is appointed by the governing body which collected the largest amount of retail sales tax within the district in the year preceding the establishment of the district.

The act has a new provision which allows the board, by a majority vote, to submit a tax of not more than one percent on all retail sales except sales of food (as defined in Section 144.014). Other retail sales are already exempted by statute.

The act also allows one percent of the revenues collected from the tax authorized by the act to be held in reserve to be used by the board for the reimbursement or administrative expenses involved with the board's duties listed in the act. Any excess fund from this one percent may be used in the same manner as the following section.

Ninety-eight percent of the revenues collected from the tax shall be used for marketing, advertising and promotion of tourism. The district shall enter into agreements with organizations to promote public relations, tourism and the like for the benefit of the district. Two percent of the revenues may be distributed among each destination marketing organization, located in each school district, for marketing based upon a marketing plan which shall be submitted each year by the marketing organizations located in the district if the marketing plan is approved by the board.

One percent of the revenues collected from the tax may be retained by the Missouri Department of Revenue or any other entity responsible for the collection of sales tax.

This act eliminates the previous calculations for the distribution of revenue collected from the tax. Additionally, members of the board of directors may be removed by a majority vote of the appointing governing body whereas previously it was a two-thirds vote.

ANDY LYSKOWSKI

02/15/2005 S First Read (S227)

02/17/2005 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S249)

02/28/2005 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2005

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\*\*\* SB 359 \*\*\*

1598S.01I

SENATE SPONSOR: Taylor

SB 359 - This act provides for price and performance comparisons of health care facilities. The act requires hospitals and ambulatory surgery centers to disclose to the Department of Health and Senior Services the following "performance outcomes data":

- (1) Volume of cases
- (2) Average patient charges
- (3) Infection rates
- (4) Length of stay
- (5) Re-admission rates
- (5) Mortality rates
- (6) Complication rates and
- (7) Infection rates.

The act also requires the department to collect the data electronically and to establish a statewide website. The website will post performance outcomes data for each hospital and ambulatory surgery center and educational information for consumers. This act requires adherence to state and federal privacy laws and prohibits release of data that could be used to identify a patient.

The department must also establish an advisory group of technical experts to provide input into the data reporting and collection efforts. The department will also release an annual consumer guide by January 1 of each year.

The act creates fines for non-compliance with the data reporting requirements and directs the fines to be deposited in a special fund for data collection and reporting purposes.

ADRIANE CROUSE



02/15/2005 S First Read (S227)

02/17/2005 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S249)

EFFECTIVE: August 28, 2005

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\*\*\* SB 360 \*\*\*

1471S.011

SENATE SPONSOR: Bray

SB 360 - 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 9/1/2005.

JASON ZAMKUS

02/15/2005 S First Read (S227-228)

02/17/2005 Second Read and Referred S Ways & Means Committee (S249)

EFFECTIVE: September 1, 2005

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\*\*\* SB 361 \*\*\*

1616S.011

SENATE SPONSOR: Stouffer

SB 361 - This act allows the City of Excelsior Springs to levy a tax at thirty cents on the one hundred dollars assessed for hospital, public health, or museum purposes in lieu of the twenty cents currently provided by statute.

JASON ZAMKUS

02/16/2005 S First Read (S235)

02/22/2005 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S269)

03/09/2005 Hearing Scheduled S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 362 \*\*\*

1572S.01I

SENATE SPONSOR: Stouffer

SB 362 - This act creates an income tax credit in an amount equal to fifty percent of a donation made to a qualifying residential treatment agency. An agency may apply for tax credits in an aggregate amount that does not exceed forty percent of the payments made by the department of social services to the agency in the preceding twelve months. The tax credit is fully transferable and may be carried back three years or forward until the full amount of the credit has been used.

JASON ZAMKUS

02/16/2005 S First Read (S235)

02/22/2005 Second Read and Referred S Ways & Means Committee (S269)

03/03/2005 Hearing Conducted S Ways & Means Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 363 \*\*\*

1382S.01I

SENATE SPONSOR: Kennedy

SB 363 - 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 SB 1266 (2004).

ADRIANE CROUSE

02/16/2005 S First Read (S235)

02/22/2005 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S269)

EFFECTIVE: August 28, 2005

\*\*\* SB 364 \*\*\*

1542S.01I

SENATE SPONSOR: Purgason

SB 364 - This act authorizes the Board of Governors of Southwest Missouri State University to convey land in Howell County.

This act has an emergency clause.

SUSAN HENDERSON

02/16/2005 S First Read (S235)

02/22/2005 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S269)

03/02/2005 Hearing Conducted S Economic Development, Tourism & Local Government Committee

EFFECTIVE: Emergency Clause

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\*\*\* SB 365 \*\*\*

1415S.01I

SENATE SPONSOR: Mayer

SB 365 - This act requires health insurers to cover routine patient care costs incurred as a result of phase I and phase II clinical trials for cancer treatment. Current law requires coverage only for phase III and IV of these trials.

This act is identical to HB 30 (2005).

STEPHEN WITTE

02/16/2005 S First Read (S235)

02/22/2005 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S269)

EFFECTIVE: August 28, 2005

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\*\*\* SB 366 \*\*\*

1619S.02I

SENATE SPONSOR: Wheeler

SB 366 - 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.

ADRIANE CROUSE

02/16/2005 S First Read (S235)

02/22/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S269)

EFFECTIVE: August 28, 2005

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\*\*\* SB 367 \*\*\*

1656S.01I

SENATE SPONSOR: Cauthorn

SB 367 - The act changes the requirement for payment of overtime hours for nonexempt state employees from within the calendar quarter to within the calendar month following the request for payment.

ANDY LYSKOWSKI

02/16/2005 S First Read (S240)

02/22/2005 Second Read and Referred S Governmental Accountability & Fiscal Oversight Committee (S269)

02/28/2005 Hearing Conducted S Governmental Accountability & Fiscal Oversight Committee

03/02/2005 Voted Do Pass S Governmental Accountability & Fiscal Oversight Committee-Consent

EFFECTIVE: August 28, 2005

\*\*\* SB 368 \*\*\*

1322L.02I

SENATE SPONSOR: Dougherty

SB 368 - This act makes persons diagnosed with cancer eligible for medicaid benefits, including those persons diagnosed with breast or cervical cancer who are ineligible under current law.

ADRIANE CROUSE

02/17/2005 S First Read (S244)

02/22/2005 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S269)

EFFECTIVE: August 28, 2005

\*\*\* SB 369 \*\*\*

1568L.01I

SENATE SPONSOR: Dougherty

SB 369 - This act mandates that an insurer provide coverage for at least a forty-eight hour hospital stay immediately following a mastectomy and for a minimum of seventy-two hours in the hospital following immediate or concurrent reconstructive surgery as a result of a mastectomy.

ADRIANE CROUSE

02/17/2005 S First Read (S244)

02/22/2005 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S269)

EFFECTIVE: August 28, 2005

\*\*\* SB 370 \*\*\*

1591S.01I

SENATE SPONSOR: Dougherty

SB 370 - This act prohibits an insurer from increasing premium rates, cancelling a policy, or refusing to issue or renew a homeowner's insurance policy on the basis of a policyholder inquiring about making a claim, if such policyholder does not in fact submit a claim. The act further provides that the insurer shall not consider an inquiry into to the type or level of coverage as a claim. No insurer shall keep a record of such inquiries for the purpose of determining cancellations, renewals or nonrenewals. A violation of this act shall be deemed an unfair trade practice.

STEPHEN WITTE

02/17/2005 S First Read (S244)

02/22/2005 Second Read and Referred S Small Business, Insurance & Industrial Relations  
Committee (S269)

EFFECTIVE: August 28, 2005

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\*\*\* SB 371 \*\*\*

1681S.01I

SENATE SPONSOR: Dolan

SB 371 - This act prohibits members of the general assembly from accepting gifts from lobbyists. The prohibition may be satisfied by reimbursing the lobbyist for the gift within 30 days of obtaining actual knowledge that reimbursement is required.

The act also provides that members of the General Assembly shall be reimbursed at 100% of the federal per diem, rather than the current 80%.

JIM ERTLE

02/17/2005 S First Read (S244)

02/22/2005 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee  
(S269)

EFFECTIVE: August 28, 2005

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\*\*\* SB 372 \*\*\*

1514S.02I

SENATE SPONSOR: Engler

SB 372 - 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 or other stationary object. The act establishes standards for motorists crossing bicycle lanes. The act defines a designated bicycle lane as a portion of the roadway or highway which has been designated by the governing body having jurisdiction over the roadway by striping, signing and pavement markings for the preferential or exclusive use of bicycles. (Section 300.330).

**AVOIDING COLLISION WITH A BICYCLIST OR PEDESTRIAN** - Under this act, when passing a bicyclist or pedestrian, a motorist is required to leave a safe distance, not less than three feet, between the motor vehicle and the bicycle. Failure to comply with this provision is an infraction unless an accident occurs (Class C misdemeanor)(Section 300.411 and Section 304.678).

**DEFINITION OF BICYCLE** - This act modifies the definition of bicycle to include vehicles propelled by human power having two parallel wheels and one forward or rear wheel, all of which are more than 14" in diameter (Section 307.180).

**RIDING ON SHOULDERS** - This act provides that bicycles operating at less than the posted speed limit or slower than the flow of traffic may be operated on the shoulder adjacent to the roadway. (Section 307.191).

**BIKE HAND SIGNALS** - This act provides that a bike rider shall signal in the same manner as other vehicles except that the rider does not have to continuously signal by hand and arm if the hand is needed for the control or operation of the bicycle (Section 307.192).

STEPHEN WITTE

02/17/2005 S First Read (S244)

02/22/2005 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S269)  
03/09/2005 Hearing Scheduled S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 373 \*\*\*

1641S.01I

SENATE SPONSOR: Bartle

SB 373 - This act requires the Governor to appoint, with the advice and consent of the Senate, a new Director when there is a vacancy on the Board of Directors for the Missouri Employers Mutual Insurance Company.

JASON ZAMKUS

02/17/2005 S First Read (S244)  
02/22/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S269)  
03/07/2005 Hearing Scheduled S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 374 \*\*\*

1655S.01I

SENATE SPONSOR: Loudon

SB 374 - This act designates a portion of State Highway 370 in St. Louis and St. Charles counties from the intersection of Interstate 270 west to the intersection of Interstate 70 as the "Officer Scott Armstrong Memorial Highway".

This act is identical to HB 513 (2005).

STEPHEN WITTE

02/17/2005 S First Read (S244)  
02/22/2005 Second Read and Referred S Transportation Committee (S269)  
03/01/2005 Hearing Conducted S Transportation Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 375 \*\*\*

0950S.01I

SENATE SPONSOR: Loudon

SB 375 - Under the provisions of this act, when determining a person's MOSERS retirement benefit, a state worker with ten years of service under MOSERS will also be credited for all of the years that person served in the military.

DONALD THALHUBER

02/17/2005 S First Read (S244)  
02/22/2005 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S269)

EFFECTIVE: August 28, 2005

\*\*\* SB 376 \*\*\*

1625S.01I

SENATE SPONSOR: Loudon

SB 376 - This act provides that a private contractor who provides services to children and families as directed by the children's division within the Department of Social Services and who

receives state moneys from the division or the department shall be immune from criminal and civil liability for providing such services. The immunity to the private contractor will be the same immunity from criminal and civil liability granted to the children's division when the division or department directly provides such services.

ADRIANE CROUSE

02/17/2005 S First Read (S244)

02/22/2005 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S269)

EFFECTIVE: August 28, 2005

\*\*\* SB 377 \*\*\*

0800S.01I

SENATE SPONSOR: Loudon

SB 377 - 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.

This act is identical to SB 1400 (2004).

JIM ERTLE

02/17/2005 S First Read (S244)

02/22/2005 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S269)

EFFECTIVE: August 28, 2005

\*\*\* SB 378 \*\*\*

1676S.01I

SENATE SPONSOR: Coleman

SB 378 - Under this act, a person replacing stolen license plate tabs may receive four license plate tabs a year at no cost. The current law provides two free tabs. Under this act, a citation shall not be issued for missing license plate tabs if the person indicates to law enforcement that the tabs have been stolen and a check of the person's motor vehicle registration record reveals that the vehicle is properly registered. Court costs shall be waived in cases where a citation has been improperly issued.

STEPHEN WITTE

02/17/2005 S First Read (S244)

02/22/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S269)

EFFECTIVE: August 28, 2005

\*\*\* SB 379 \*\*\*

1108S.02I

SENATE SPONSOR: Coleman

SB 379 - This act sets standards for emergency care for rape victims.

Hospitals and health care facilities are required to do the following:

- provide each sexual assault victim with medically and factually accurate information about emergency contraception;
- orally inform each victim that emergency contraception may be provided at the hospital; and
- provide the complete regimen of emergency contraception immediately to the 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 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 shall respond to complaints and shall periodically determine whether hospitals and health care facilities are in compliance. 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 30 days that a hospital or health care facility is not in compliance, an additional fine of \$5,000 shall be imposed.

This act is similar/identical to SB 1346 (2004)  
ADRIANE CROUSE

02/17/2005 S First Read (S245)

02/22/2005 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S269)

EFFECTIVE: August 28, 2005

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\*\*\* SB 380 \*\*\*

1670S.01I

SENATE SPONSOR: Wheeler

SB 380 - Currently, Section 182.707, RSMo, requires the board of trustees of the urban public library district to employ a duly qualified graduate librarian as the chief executive and administrative officer of the district.

This act removes the requirement that such person be a duly qualified librarian.  
DONALD THALHUBER

02/21/2005 S First Read (S254)

02/22/2005 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S269)

03/09/2005 Hearing Scheduled S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2005

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\*\*\* SB 381 \*\*\*

1569S.01I

SENATE SPONSOR: Ridgeway

SB 381 - This act relates to the use of personal information.

Currently, Section 407.1355, RSMo, prohibits a person or entity from publicly posting an individual's Social Security number. This act redefines "public post" to include intentionally communicating or making an individual's social security number available to his or her co-workers. This act also prohibits requiring an individual to use his or her social security number as an employee number for employment-related activities. Currently, subsection 1 of this section, which includes these provisions of the act, applies to the use of Social Security numbers on or after July 1, 2006. This act makes the subsection effective on the same date as the act.



This act also changes the penalty for identity theft based upon the amount of credit, money, goods, or services stolen or appropriated.

Currently, identity theft which results in the theft or appropriation of credit, money, goods, services, or other property worth more than \$500 but no more than \$10,000 is a Class C felony. This act makes identity theft involving more than \$500 but no more than \$5,000 a Class C felony.

Currently, identity theft which results in the theft or appropriation of credit, money, goods, services, or other property worth more than \$10,000 but no more than \$100,000 is a Class B felony. This act makes identity theft involving more than \$5,000 but no more than \$50,000 a Class B felony.

Currently, identity theft which results in the theft or appropriation of credit, money, goods, services, or other property worth more than \$100,000 is a Class A felony. This act makes identity theft involving more than \$50,000 a Class A felony.

This act has an emergency clause.

SUSAN HENDERSON

02/21/2005 S First Read (S254)

02/28/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S303)

EFFECTIVE: Emergency Clause

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\*\*\* SB 382 \*\*\*

0199S.01I

SENATE SPONSOR: Vogel

SB 382 - This act authorizes the Governor to convey the State Health Laboratory in Jefferson City.

SUSAN HENDERSON

02/21/2005 S First Read (S254)

02/28/2005 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S303)

EFFECTIVE: August 28, 2005

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\*\*\* SB 383 \*\*\*

1649S.01I

SENATE SPONSOR: Vogel

SB 383 - This act abolishes the Motorist Insurance Identification Database Act.

STEPHEN WITTE

02/21/2005 S First Read (S254)

02/28/2005 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S303)

EFFECTIVE: August 28, 2005

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\*\*\* SB 384 \*\*\*

1552S.01I

SENATE SPONSOR: Scott

SB 384 - This act authorizes an insurer to contest the applicability of its coverages by intervening in the underlying action for purposes of having the court determine issues of coverage

on the policy and also to agree with its insured to proceed under the terms of the policy while reserving the right to later determine the extent of its coverage. A court must allow the insurer to intervene if the insurer agrees to pay a reasonable fee for legal services rendered on behalf of the insured in defending the action regardless of its outcome, and the court finds that the insurer's request is made in good faith.

JIM ERTLE

02/21/2005 S First Read (S254)

02/28/2005 Second Read and Referred S Small Business, Insurance & Industrial Relations  
Committee (S303)

EFFECTIVE: August 28, 2005

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\*\*\* SB 385 \*\*\*

0946S.02I

SENATE SPONSOR: Scott

SB 385 - This act modifies provisions regarding civil liability and procedure.

CHANGE OF VENUE (SECTION 508.140) - Either party may request the court to transfer venue to some county in the same, adjoining or next adjoining county without cause being shown.

OFFER OF JUDGEMENT (SECTION 514.060) - Requires mediation in all tort actions in which claimed damages exceed \$25,000, unless the court finds that mediation would have no chance of success. Awards costs to the prevailing party, defined as the plaintiff if the plaintiff's net recovery exceeds his or her last position at mediation, and defined as the defendant if the plaintiff's net recovery is less than the defendant's last position at mediation. If plaintiff's net recovery is between the parties' last positions at mediation, neither party prevails nor pays the costs of the other party.

STATUTE OF LIMITATIONS (SECTIONS 516.120 and 516.140) - Reduces the statute of limitations in civil liability cases from five years to two years.

NONECONOMIC DAMAGES IN MOTOR VEHICLE VIOLATIONS (SECTION 537.039) - This provision 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. This is identical to SB 1381 (2004).

PADDLESPOUT LIABILITY (SECTION 537.327) - This act limits liability of paddlesport outfitters for injury or death cause by inherent risks of paddlesport activities. This is identical to SB 1033 (2004).

AFFIDAVITS IN TORT ACTIONS AGAINST LICENSED PROFESSIONALS (SECTION 537.530) - This provision requires an affidavit from a similarly licensed professional supporting a cause of action for non-medical claims of professional negligence.

RESTORATION OF SOVEREIGN IMMUNITY (SECTION 537.600) - Restores sovereign immunity to Bi-State Metropolitan Development District (Metro) and the Kansas City Area Transportation District Authority (KCATA).

BUSINESS PREMISES SAFETY ACT (SECTIONS 537.785 and 537.787) - Provides that no duty exists on business owners to guard against criminal act of third party unless they have reason to know that acts may occur that pose threat of harm to a person or the same criminal acts have occurred on the premises within prior two years. The proximate cause of any injury sustained by criminal act on the premises is the responsibility of the person committing the criminal act.

AGRITOURISM PROMOTION (SECTIONS 537.800 to 537.810) - Agritourism operators are required to post signs warning participants that no liability will be imposed on the operator for injuries resulting from the inherent risks of the activity. If such sign is posted, the operator is not liable for civil damages, except for willful or wanton conduct or if the operator has actual knowledge of a dangerous condition.

SKI OPERATOR LIABILITY (SECTION 537.780) - This section sets for duties for skiers and ski are operators and exempts ski operators from liability for injuries resulting from the inherent dangers of skiing.

JIM ERTLE

02/21/2005 S First Read (S254)

02/28/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S303)

EFFECTIVE: August 28, 2005

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\*\*\* SB 386 \*\*\*

0414S.03I

SENATE SPONSOR: Loudon

SB 386 – 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, 2008, and requires the General Assembly to appropriate up to \$200,000 for the study.

The act limits the number of gambling boat licenses which may be issued to eleven until such time as the university submits its report to the governor and the general assembly.

This act is similar to SB 926 (2004).

JASON ZAMKUS

02/21/2005 S First Read (S254)

02/28/2005 Second Read and Referred S Ways & Means Committee (S303)

EFFECTIVE: August 28, 2005

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\*\*\* SB 387 \*\*\*

1339S.02I

SENATE SPONSOR: Loudon

SB 387 - The act requires each slot machine used on a gaming boat be individually licensed by the Gaming Commission and each gaming boat be licensed to utilize such machines. The number of licenses to utilize slot machines the commission may grant to gaming boats is limited to eleven, which is the number of currently issued and active licensed gaming boats in the state of Missouri.

JASON ZAMKUS

02/21/2005 S First Read (S254)

02/28/2005 Second Read and Referred S Ways & Means Committee (S304)

EFFECTIVE: August 28, 2005

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\*\*\* SB 388 \*\*\*

1693S.01I

SENATE SPONSOR: Loudon

SB 388 - This act creates a tax credit for monetary donations to a qualifying residential treatment agency. Only qualifying residential treatment agencies may submit an application for the tax credit on behalf of individuals making monetary donations to the agency. Agencies may apply for tax credits in an aggregate amount that does not exceed forty percent of payments made by the department to the agency in the preceding twelve months. An applicant who makes a monetary donation to a qualifying residential treatment agency may receive a tax credit equal to fifty percent of the amount of the donation. The tax credit may be carried back for the three years prior to issuance or forward until the full amount of the credit is used.

JASON ZAMKUS

02/21/2005 S First Read (S254)

02/28/2005 Second Read and Referred S Ways & Means Committee (S304)

EFFECTIVE: August 28, 2005

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\*\*\* SB 389 \*\*\*

1593S.01I

SENATE SPONSOR: Taylor

SB 389 - This act creates a new Class 3 election offense for using a wireless electronic recording device to record the content of a voted ballot to any unauthorized person or destination. An offender shall be punished by imprisonment of not more than one year or by a fine of not more than \$2,500, or both. As a Class 3 election offense, this shall be considered a misdemeanor connected with the exercise of the right of suffrage.

In addition, the act creates a new Class 4 election offense for a voter to use a wireless electronic recording device in a polling place with the intent of giving or receiving information on how the voter is about to vote or has voted. An offender shall be punished by imprisonment of not more than one year or by a fine of not more than \$2,500, or both. As a Class 4 election offense, this shall not be considered a misdemeanor connected with the exercise of the right of suffrage.

JIM ERTLE

02/21/2005 S First Read (S259)

02/28/2005 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S304)

03/07/2005 Hearing Scheduled S Financial & Governmental Organizations and Elections  
Committee

EFFECTIVE: August 28, 2005

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**\*\*\* SB 390 \*\*\***

1541S.01I

SENATE SPONSOR: Taylor

SB 390 - This act allows motor vehicle dealers, when advertising by broadcast media, to provide disclaimers and disclosures by referring to an Internet web page and toll-free number containing the information required to be disclosed by law.

STEPHEN WITTE

02/21/2005 S First Read (S259)

02/28/2005 Second Read and Referred S Transportation Committee (S304)

03/08/2005 Hearing Scheduled S Transportation Committee

EFFECTIVE: August 28, 2005

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**\*\*\* SB 391 \*\*\***

1712S.01I

SENATE SPONSOR: Dougherty

SB 391 - Under current law, a person in the City of St. Louis, St. Louis County, or Jackson County may file a nuisance action against a nearby property owner when the property owner fails to maintain his or her property. This act grants neighborhood organizations in the City of St. Louis standing to file these nuisance actions.

SUSAN HENDERSON

02/21/2005 S First Read (S259)

02/28/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S304)

EFFECTIVE: August 28, 2005

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**\*\*\* SB 392 \*\*\***

1711S.02I

SENATE SPONSOR: Coleman

SB 392 - This act authorizes the Governor to convey the Midtown Habilitation Center to St. Louis University.

This act is similar to SCS/SB 1075 (2004).

SUSAN HENDERSON

02/22/2005 S First Read (S262)

02/28/2005 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S304)

03/09/2005 Hearing Scheduled S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2005

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**\*\*\* SB 393 \*\*\***

1624S.02I

SENATE SPONSOR: Stouffer

SB 393 - This act repeals the terms "residential care facility" I and II and replaces them with the newly created terms "assisted living residence" I and II. Assisted living residences contain services consisting of social models based on the premise that the resident's unit is his or her home. There

are new definitions for "activities of daily living" which include eating, dressing, bathing, toileting, transferring, and walking and for "instrumental activities of daily living" which consist of preparing meals, shopping for personal items, medication management, managing money, using the telephone, housework, and transportation ability.

This act prescribes requirements for assisted living residences in order to accept or retain individuals. An individual in a residence must not require hospitalization or skilled nursing. The residence must employ a staff large enough and skilled enough to handle twenty-four hour care. The residence must also have a written plan for the protection of all residents in the event of a disaster. The residence must implement self-care and leisure activity programs.

The residence must complete pre move-in screening and resident assessments for community based services. This assessment will be completed by a trained professional using tools provided by the Department of Health and Senior Services and will be conducted upon admission, at least annually, and whenever a significant change has occurred in the resident's condition. This assessment will be used by the residence to implement an individualized service plan to be reviewed at least annually by the resident or legal representative.

The residence must ensure that it does not accept or retain a resident who has exhibited behaviors which indicate that he or she is a danger to self or others or requires physical or chemical restraint. The resident must not require skilled nursing services or more than one person to physically assist the resident with any activity of daily living, except bathing. The resident must not be bed-bound or similarly immobilized due to a debilitating or chronic condition.

The residence must also develop a plan to protect the rights, privacy, and safety of all residents.

The act repeals the requirement that residential care facilities can only admit persons who are capable mentally and physically of negotiating a normal path to safety under certain conditions. This act now allows for an assisted living residence to accept an individual with a physical, cognitive, or other impairment that prevents the resident from safely evacuating the residence with minimal assistance so long as the residence has sufficient staff present twenty-four hours a day to assist in evacuations and contains an individualized evacuation plan for such a resident. The residence shall also be equipped with an automatic sprinkler system, an automated fire door system and smoke alarms compliant with national fire codes.

The residence must take measures to allow residents the opportunity to explore the facility and grounds and use personal electronic monitoring device for any resident whose physician recommends the use of the device.

ADRIANE CROUSE

02/22/2005 S First Read (S262)

02/28/2005 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S304)

EFFECTIVE: August 28, 2005

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\*\*\* SB 394 \*\*\*

SENATE SPONSOR: Nodler

1738S.011

SB 394 - This act repeals the law requiring the State Treasurer to maintain information on financial institutions, in which the state invests funds, doing business in Northern Ireland.

JIM ERTLE

02/22/2005 S First Read (S262-263)  
02/28/2005 Second Read and Referred S Financial & Governmental Organizations and Elections  
Committee (S304)  
03/07/2005 Hearing Scheduled S Financial & Governmental Organizations and Elections  
Committee

EFFECTIVE: August 28, 2005

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\*\*\* SB 395 \*\*\*

1617S.011

SENATE SPONSOR: Scott

SB 395 - This act creates a new section allowing any circuit court that has not established a family court to assess a thirty-dollar surcharge in all proceedings that would otherwise be under the jurisdiction of a family court, such as actions involving dissolution or annulment of marriage, legal separation, maintenance, child custody and modification, adoption, juvenile proceedings, establishment of parent and child relationship proceedings, and child support enforcement.

The surcharge will not be charged when no court costs are otherwise required, or in any proceeding when costs are waived or to be paid by the state, county, or municipality. The surcharge will not be charged to a government agency or against the petitioner for adult abuse and child protections actions, but may be charged to the respondent in such actions.

The funds collected from the surcharges will be deposited in an alternative dispute resolution fund. The fund shall be used to provide alternative dispute resolution services to those parties in the sort of proceedings mentioned above and to fund a specialist to develop and implement an alternative dispute resolution program.

Circuit courts may enter into a multi-circuit agreement to jointly hire the specialist and to fund the specialist from the various dispute resolution funds.

From the funds collected under this act, each circuit or county where an alternative dispute resolution specialist has been appointed shall reimburse the state for actual costs of that portion of the salaries of such a specialist.

ADRIANE CROUSE

02/22/2005 S First Read (S263)  
02/28/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee  
(S304)

EFFECTIVE: August 28, 2005

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\*\*\* SB 396 \*\*\*

1680S.011

SENATE SPONSOR: Crowell

SB 396 - This act extends the transfer of jet fuel sales tax revenue into the State Aviation Trust Fund from December 31, 2008 to December 31, 2013. The act also increases the amount that certain individual airports can receive for air traffic control towers from \$125,000 to \$167,000 per year.

STEPHEN WITTE

02/22/2005 S First Read (S263)  
02/28/2005 Second Read and Referred S Transportation Committee (S304)  
03/08/2005 Hearing Scheduled S Transportation Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 397 \*\*\*

1669L.02I

SENATE SPONSOR: Graham

SB 397 - This act makes changes to the criminal justice system.

**SURCHARGE ON CRIMINAL CASES** - The act creates a \$5 surcharge on all criminal court cases, with \$4 deposited into the "Missouri Laboratory Oversight Committee Revolving Fund" and \$1 deposited into 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 and consist of nonleading questions that do not unduly suggest the answer (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.

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 (Section 491.806).

**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).

**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 (Section 590.702).

**DNA EVIDENCE** - The act requires that 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).

**LOCAL DNA SYSTEM** - In addition to current requirements, this act prohibits any local law enforcement agency from establishing or operating a DNA profiling system unless the system is accredited by a national nonprofit association involved in forensic science and undergoes external audits periodically that show compliance with crime lab standards established by the FBI (Section 650.057).

**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 do the following when allegations of misconduct have been made against any Missouri crime lab: (1) issue public reprimands to laboratories and individuals; (2) sanction a laboratory having multiple violations of good scientific procedure; (3) administer oaths, subpoena witnesses, issue subpoenas duces tecum and require production of documents and records; (4) submit material covertly to a Missouri crime lab for testing; (5) display a placard at crime labs providing contact information to the oversight committee; (6) seek equitable relief in a circuit court to ensure that every crime lab is in compliance with the federal DNA Identification Act and other protocols established by the FBI (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.

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 (Section 650.505).

**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. One-half of the money shall be directed to conduct DNA testing of currently incarcerated individuals and to improve the DNA database. One-quarter of the money shall be used for accreditation testing and auditing of crime lab facilities. The remaining one-quarter 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. 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).

SUSAN HENDERSON

02/22/2005 S First Read (S263)

02/28/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S304)

EFFECTIVE: August 28, 2005

\*\*\* SB 398 \*\*\*

1716S.01I

SENATE SPONSOR: Graham

SB 398 - This act requires fee agents to be appointed by the Governor with the advice and consent of the Senate beginning August 28, 2005.

STEPHEN WITTE

02/22/2005 S First Read (S263)

02/28/2005 Second Read and Referred S Governmental Accountability & Fiscal Oversight Committee (S304)

EFFECTIVE: August 28, 2005

\*\*\* SB 399 \*\*\*

0837S.02I

SENATE SPONSOR: Bray

SB 399 - 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 830 (2004).

JASON ZAMKUS

02/22/2005 S First Read (S263)

02/28/2005 Second Read and Referred S Ways & Means Committee (S304)

EFFECTIVE: August 28, 2005

\*\*\* SB 400 \*\*\*

1694S.011

SENATE SPONSOR: Klindt

SB 400 - This act pertains to wholesale water and sewer authorities.

The act allows for wholesale water and sewer authorities to be created; to do so, two or more providers shall petition the circuit court in which the proposed authority is to be located. The details required in the petition are laid out in the act. Public notice is required once the court has the petition, and the court has, within its discretion, the permission to call a public hearing on the formation of such a district.

The act allows for an authority, once it has been formed, to add to the membership; the requirements for such an addition are also laid out in the act.

Board membership for the authority is detailed in the act as well as the powers they possess. Proceedings for the dissolution of such an authority is provided for in the act, and no authority shall be dissolved until after all of its debts have been paid.

MEGAN WORD

02/22/2005 S First Read (S269)

02/28/2005 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S304)

EFFECTIVE: August 28, 2005

\*\*\* SB 401 \*\*\*

1731S.011

SENATE SPONSOR: Kennedy

SB 401 - This act removes a provision that limited increased allowances in the computation of a member's average final compensation as to various benefits throughout the system to a total of three children. This act also no longer requires that the ordinary disability retirement allowance not exceed seventy percent of the member's average final compensation. Finally, a benefit paid to the surviving spouse will now consist of an amount equal to the officer's then current benefit for a

period of one year and thereafter for forty percent of the deceased member's average final compensation.

ADRIANE CROUSE

02/22/2005 S First Read (S269-270)

02/28/2005 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S304)

EFFECTIVE: August 28, 2005

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\*\*\* SB 402 \*\*\*

0337S.031

SENATE SPONSOR: Gibbons

SB 402 - This act relates to underage drinking.

SECTION 160.069 - SCHOOL POLICY ON ALCOHOL - This act provides that every school district shall develop a policy by June 31, 2006, detailing the consequences that will result for a student at school if the student is found to be in possession or drinking alcohol either on or off school property.

SECTION 302.178 - DELAY IN RECEIVING LICENSE FOR MIP - This act prohibits a person, who receives a "minor in possession" while under the age of sixteen, from receiving his or her intermediate driver's license at the age of sixteen. Instead, the person must wait six months before being able to get a license. He or she must still meet all of the requirements currently set out in this section in order to receive an intermediate driver's license after the six month waiting period.

SECTION 311.110 - OPEN HOUSE PARTIES - ALLOWING MINORS TO DRINK -Currently, this section states that any person except a parent or guardian who shall procure for, sell, or give away, or otherwise supply alcohol to minor is guilty of a misdemeanor. In addition to the current provisions, this act prohibits any owner, occupant, or other person or legal entity with a lawful right to the use and enjoyment of any property from knowingly allowing a minor to drink or knowingly failing to stop a minor from drinking on such property, unless the person is the minor's parent or guardian.

SECTION 311.325 - MINOR IN POSSESSION BY CONSUMPTION - Currently, this section provides that any person under the age of 21, who purchases or attempts to purchase, or has in his or her possession, any intoxicating liquor is guilty of a misdemeanor. In addition to the current provisions, this act provides that a minor is guilty of a misdemeanor for a "minor in possession" if he or she is found to be visibly intoxicated or has a blood alcohol content of more than .02. Under this act, a minor can receive a "minor in possession" for purchasing, attempting to purchase, or possessing a controlled substance not otherwise authorized. Also, a minor can receive a MIP for being in a visibly intoxicated condition as a result of using a controlled substance.

SECTION 570.223 - MAKING AND SELLING FAKE IDs - Currently, a person who obtains the identity of another in order to obtain alcohol is not in violation of this section. This act does not change this provision. However, this act provides that any person who obtains, transfers, or uses any means of identification for the purpose of manufacturing and providing or selling a false identification card to a minor for the purpose of purchasing or obtaining alcohol is guilty of a Class A misdemeanor.

SECTION 577.500 - SUSPENSION OF A DRIVER'S LICENSE FOR AN MIP -Currently, this section requires a court to enter an order suspending or revoking the driving privileges of a person

under the age of 21 for any alcohol related traffic offense or any offense involving the possession or use of alcohol committed while driving. The period of suspension for a first offense is 90 days and one year for subsequent offenses.

This act would provide that a court will enter an order suspending or revoking the driver's license of any person with a intermediate driver's license issued pursuant to Section 302.187, RSMo, for 30 days if he or she receives a "minor in possession" under Section 311.325, RSMo. Any second or subsequent offender will result in the revocation of the person's driving privileges for 90 days.

SUSAN HENDERSON

02/22/2005 S First Read (S269)

02/28/2005 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S304)

EFFECTIVE: August 28, 2005

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\*\*\* SB 403 \*\*\*

1757S.011

SENATE SPONSOR: Green

SB 403 - This act modifies the definition of the practice of professional counseling and creates new definitions for "assessment", "consulting", "counseling treatment interventions", "diagnosis", "referral", and "research". The practice of professional counseling shall include certain types of individual, family and marriage counseling and psychotherapy, assessment, crisis intervention, diagnosis of persons with mental, emotional and behavioral disorders, consulting, research and referral.

This act is similar to SB 535 (2003).

JIM ERTLE

02/23/2005 S First Read (S274)

02/28/2005 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S304)

EFFECTIVE: August 28, 2005

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\*\*\* SB 404 \*\*\*

1527S.011

SENATE SPONSOR: Koster

SB 404 - This act modifies provisions relating to various court costs. No court in this state that is authorized to collect court costs is required to refund any overpayment of less than \$5 or collect any due court costs of less than \$5. In probate cases, there shall be an \$8 court cost deposited into the Basic Civil Legal Services Fund. The act removes an effective date for a municipality or county to enact an ordinance to impose a domestic violence shelter surcharge on marriage licenses and civil cases filed in circuit court. Currently, such ordinance had to be in effect prior to January 1, 2001. For any county or city with a domestic violence shelter or whose residents are in a shelter located in another county, the domestic violence shelter surcharge may be assessed in any criminal case, including violations of any county or municipal ordinance.

JIM ERTLE

02/23/2005 S First Read (S274)

02/28/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S304)

EFFECTIVE: August 28, 2005

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**\*\*\* SB 405 \*\*\***

1517S.01I

SENATE SPONSOR: Koster

SB 405 - This act provides that when a prospective juror seeks an excuse from jury duty based on a hardship, the person shall submit such documentation regarding the hardship as may be required by the judge. When a prospective juror seeks a postponement of jury duty, the act provides that the court, rather than the prospective juror, shall select the new date for jury duty.

JIM ERTLE

02/23/2005 S First Read (S274)

02/28/2005 Second Read and Referred S Judiciary and Civil &amp; Criminal Jurisprudence Committee (S304)

EFFECTIVE: August 28, 2005

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**\*\*\* SB 406 \*\*\***

1437S.04I

SENATE SPONSOR: Gross

SB 406 - This act limits the issuance and redemption of certain economic development tax credits in any fiscal year, beginning in fiscal year 2006, to three percent of the net general revenue of the state for the prior fiscal year. The act also provides that in any fiscal year, no tax credits shall be approved or issued or redeemed for a specific tax credit program until the tax credits for that specific program that were denied in the preceding year, due to the limitation imposed by this section, are issued.

JASON ZAMKUS

02/23/2005 S First Read (S274)

02/28/2005 Second Read and Referred S Ways &amp; Means Committee (S304)

EFFECTIVE: August 28, 2005

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**\*\*\* SB 407 \*\*\***

1768S.01I

SENATE SPONSOR: Mayer

SB 407 - This act states that a beneficiary deed that provides for the transfer of property upon the last to die of two or more grantors of the deed will be effective if all owners of that property are grantors under the deed. This act will apply to all beneficiary deeds, including those executed prior to August 28, 2005.

JIM ERTLE

02/23/2005 S First Read (S274)

02/28/2005 Second Read and Referred S Judiciary and Civil &amp; Criminal Jurisprudence Committee (S304)

EFFECTIVE: August 28, 2005

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**\*\*\* SB 408 \*\*\***

1748S.01I

SENATE SPONSOR: Ridgeway

SB 408 - Under this act, any health carrier may offer as an option, one or more health benefit plans which contain deductibles, coinsurance, coinsurance differentials, or variable copayments, as agreed to by the group or individual policy holder. Health benefit plans which contain deductibles may be combined with health savings accounts (HSAs), as described in the Medicare Reform Act.

This act is similar to SB 906 (2004).

STEPHEN WITTE

02/23/2005 S First Read (S274)

02/28/2005 Second Read and Referred S Aging, Families, Mental & Public Health Committee  
(S304)

EFFECTIVE: August 28, 2005

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\*\*\* SB 409 \*\*\*

1719S.011

SENATE SPONSOR: Graham

SB 409 - This act requires every health club to have at least one automated external defibrillator on the premises. The act requires the defibrillator to at all times be deployed in a manner consistent with the requirements prescribed under Section 190.092 and to have at least one employee trained on the use of the defibrillator per shift and on duty during hours of operation.  
ADRIANE CROUSE

02/23/2005 S First Read (S274)

02/28/2005 Second Read and Referred S Aging, Families, Mental & Public Health Committee  
(S304)

EFFECTIVE: August 28, 2005

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\*\*\* SB 410 \*\*\*

1808L.011

SENATE SPONSOR: Graham

SB 410 - This act modifies the provision dealing with the exclusion of assets for purposes of determining eligibility for public assistance. These assets now include one home for an applicant, his or her spouse, or a dependant child, regardless of whether the home was purchased prior to or after admission to a nursing facility. Also, income-producing property, such as a farm or residential or business rental property, used by the claimant for either business or employment reasons shall be excluded.

ADRIANE CROUSE

02/24/2005 S First Read (S283)

02/28/2005 Second Read and Referred S Aging, Families, Mental & Public Health Committee

EFFECTIVE: August 28, 2005

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\*\*\* SB 411 \*\*\*

1805S.011

SENATE SPONSOR: Wilson

SB 411 - This act pertains to the no call list.

This act amends Section 407.1104, RSMo, (telemarketing no-call list) by adding persons who use wireless cell phones.

The act is identical to the perfected SCS/SB 1116 (2004).

MEGAN WORD

02/24/2005 S First Read (S283)

02/28/2005 Second Read and Referred S Commerce, Energy and the Environment Committee  
(S304)

EFFECTIVE: August 28, 2005

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\*\*\* SB 412 \*\*\*

1776S.011

SENATE SPONSOR: Taylor

SB 412 - The act defines "safety sensitive positions" and affords those who serve in such positions one additional pay bracket. The act requires that each department have a maximum of three pay brackets per pay grade. Additionally, each department shall administer a study at least every five years to insure that state salaries stay competitive with the private sector. Finally, as of July 1, 2006, each department shall adopt a pay system with twenty-six pay periods annually.

ANDY LYSKOWSKI

02/24/2005 S First Read (S283)

02/28/2005 Second Read and Referred S Small Business, Insurance & Industrial Relations  
Committee (S304)

EFFECTIVE: August 28, 2005

\*\*\* SB 413 \*\*\*

1696S.021

SENATE SPONSOR: Taylor

SB 413 - The act prohibits a political subdivision from granting a franchise for the provision of video programming or other programming services on terms more favorable or less burdensome than those of existing franchises. The act requires a new franchise to impose on the new cable operator equivalent obligations concerning public access facilities or other requirements imposed on existing franchises.

MEGAN WORD

02/24/2005 S First Read (S283)

02/28/2005 Second Read and Referred S Commerce, Energy and the Environment Committee  
(S304)

EFFECTIVE: August 28, 2005

\*\*\* SB 414 \*\*\*

1287S.021

SENATE SPONSOR: Purgason

SB 414 - This act relates to counties with township organization.

SECTION 65.030 - This section provides that upon petition of 10% of the voters in the last general election, in any county of the third or fourth classification, the county commission must submit the question of adoption of township organization to the voters. Currently, 100 of the voters must petition.

SECTION 65.150 - This section requires that a person serving as a township official must remain a resident of the township for the duration of his or her term. Currently, this section only provides that a person must be a voter and resident of a township in order to be eligible for an office.

SECTION 65.180 - This section requires a person in a township office, who refuses to serve, to forfeit \$100 for the use of the contingent fund. Currently, such person must forfeit \$5.

SECTION 65.183 - This section provides that any person serving as a township official may be removed from the township board by a majority vote of the other board members for failing to attend two or more consecutive meetings of the board.

SECTION 65.190 - This section requires that any township officer who must take an oath of office, must forfeit \$100 to the township before taking such oath. Currently, the section requires such individual to forfeit \$20.



SECTION 65.200 - This section allows the township board to submit recommendations to the county commission to fill vacancies in a township office. Currently, this section allows the township board to fill such vacancies.

SECTION 65.220 - This section allows the township board to accept written, dated, and signed resignations from township officers. Currently, the section does not provide that the resignation must be written, dated, and signed.

SECTION 65.230 - This section provides that the township clerk, trustee, and members of the township board must received a maximum amount of \$50 per day for the first meeting each month and a maximum of \$20 per day for subsequent meetings during the month. Currently, the section provides for a lower amount of pay per day.

This section also provides that the township trustee as ex officio treasurer shall receive a compensation of 2% for receiving and disbursing all moneys for the first \$50,000 received as ex officio treasurer. Currently, there is no \$50,000 cap on receiving the 2% of compensation.

This section also allows township officials may receive an hourly wage set by the township board but cannot exceed the local prevailing wage limit. They cannot receive such compensation for attending monthly meetings or for performing duties of the office of treasurer.

SECTION 65.300 - This section requires the township board to meet on a quarterly basis or more frequently if the board deems it necessary. The meetings must be held at a location in the township that is accessible to the public. Currently, this section requires the board to meet at the township clerk's office and on a triannual basis.

SECTION 65.610 - This section provides that upon petition of 10% of the voters in the last general election, in any county of the third or fourth classification, the county commission must submit the question of abolishing the township organization to the voters. Currently, 100 of the voters must petition.

SECTION 231.230 - This section requires the township board to present to the county commission a certified statement of the amount of money needed to construct a bridge that costs more than \$4,500. Currently, such a statement is required if a bridge will cost more than \$100,000.

SUSAN HENDERSON

02/24/2005 S First Read (S283)

02/28/2005 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S304)

EFFECTIVE: August 28, 2005

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\*\*\* SB 415 \*\*\*

1689L.011

SENATE SPONSOR: Cauthorn

SB 415 - This act pertains to water and sewer companies.

The act modifies Section 393.015, RSMo, to allow sewer corporations to contract only with water corporations to terminate water services over delinquent accounts; this is a change from the current law which provides that opportunity to water corporations, municipalities or public water supply districts.

New language provides the opportunity for municipality providing water or any water district to request to contract with a sewer district to terminate water services to any user with a delinquent account. No liability shall be borne by any water provider, or contractor acting for the water provider, for damages related to the termination of water service. The exception that is of course, if the damage caused is due to negligence on the part of the water provider, or their contractor.

If an agreement cannot be arranged within six months of a request, the sewer provider may file a request with the circuit court to have three commissioners draft such an agreement. The provisions of the agreement are laid out in the act.

Both the water and sewer provider shall be allowed to present evidence pertaining to the agreement in question, provided written notice is given fifteen days prior to the hearing. The decision by the commissioners shall be handed down - if it is approved, the order to become effective shall take place sixty days after the date of such judgement; if it is not approved, the court shall provide the opportunity for the commissioners to change the agreement and resubmit it to the court for review. All judgements by the court are subject to appeal.

MEGAN WORD

02/24/2005 S First Read (S283)

02/28/2005 Second Read and Referred S Economic Development, Tourism & Local Government  
Committee (S304)

EFFECTIVE: August 28, 2005

\*\*\* SB 416 \*\*\*

1732S.011

SENATE SPONSOR: Engler

SB 416 - This act proposes an "any willing provider" provision which would prohibit health insurers or health carriers from discriminating against (refusing to contract with) optometrists or ophthalmologists who are willing to meet the terms and conditions established by the health insurer or health carrier.

STEPHEN WITTE

02/24/2005 S First Read (S283)

02/28/2005 Second Read and Referred S Aging, Families, Mental & Public Health Committee  
(S304)

EFFECTIVE: August 28, 2005

\*\*\* SB 417 \*\*\*

1722S.011

SENATE SPONSOR: Engler

SB 417 - This act extends voting rights to a student curator or governing board member for the University of Missouri, Southwest Missouri State University, and Truman State University. Currently, the boards have nonvoting student members. The act does not change the status of the nonvoting member but requires that the next appointment of a voting member be a full-time student, who will serve for two years or as long as the person maintains full-time student status.

This act is identical to HB 0440 (2005).

DONALD THALHUBER

02/24/2005 S First Read (S283)

02/28/2005 Second Read and Referred S Education Committee (S304)

03/08/2005 Hearing Scheduled S Education Committee

EFFECTIVE: August 28, 2005

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\*\*\* SB 418 \*\*\*

1375S.011

SENATE SPONSOR: Mayer

SB 418 - Currently, in addition to the \$7.50 surcharge assessed on criminal court proceedings for the "Crime Victims? Compensation Fund", the court must enter a judgment of \$10 for each plea or finding of guilt for a misdemeanor.

This act adds offenses in Chapter 301 and 309, RSMo, relating to registration and licensing of motor vehicles, carriers, and express companies to the list of misdemeanors that are exempted from this additional \$10 judgement.

SUSAN HENDERSON

02/24/2005 S First Read (S283)

02/28/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S304)

EFFECTIVE: August 28, 2005

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\*\*\* SB 419 \*\*\*

1371S.011

SENATE SPONSOR: Mayer

SB 419 - This act provides that all records and files maintained in any court proceeding concerning alcohol-related driving offenses in this section shall be confidential and only available to the parties or by order of court for good cause shown if the court enters an order of expungement.

SUSAN HENDERSON

02/24/2005 S First Read (S283)

02/28/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S304)

EFFECTIVE: August 28, 2005

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\*\*\* SB 420 \*\*\*

1373S.011

SENATE SPONSOR: Mayer

SB 420 - Currently, Section 534.090, RSMO, concerning service of summons for unlawful detainer, provides that if a summons in such an action cannot be served in an ordinary manner, the judge, at the request of the plaintiff, must order notices be posted in certain locations and that the summons be delivered by certified mail to the defendant's last known address.

This act allows the judge to order the summons to be delivered by ordinary mail. If the officer states that the defendant cannot be found, or has left his or her usual place of abode, and if proof is made by affidavit of the posting, and of the mailing of a copy of the summons and complaint, the judge must proceed to hear the case as if there had been personal service.

SUSAN HENDERSON

02/24/2005 S First Read (S283)

02/28/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S304)

EFFECTIVE: August 28, 2005

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\*\*\* SB 421 \*\*\*

1525S.011

SENATE SPONSOR: Bartle

SB 421 - This act provides that a verified petition must be filed with the circuit court clerk when seeking to form a transportation district. Currently, an unverified petition is filed with the circuit clerk who then must verify the signatures.

JIM ERTLE

02/24/2005 S First Read (S283)

02/28/2005 Second Read and Referred S Transportation Committee (S304)

EFFECTIVE: August 28, 2005

\*\*\* SB 422 \*\*\*

1524S.01I

SENATE SPONSOR: Bartle

SB 422 - This act provides that when a court enters an order of expungement for arrest records or alcohol-related driving offenses, the expunged records shall be confidential and only available to the parties or by court order for good cause.

JIM ERTLE

02/24/2005 S First Read (S283-284)

02/28/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S304)

03/07/2005 Hearing Scheduled S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 423 \*\*\*

1586S.02I

SENATE SPONSOR: Bartle

SB 423 - This act exempts traffic violations cases from the \$15 criminal case surcharge used to fund the DNA profiling analysis of convicted felons.

This act requires that the sheriff of the county assigned to an offender perform the DNA sample collection when such qualified offender is under the custody and control of a company contracted by the county or court to perform supervision or treatment. Currently, the statute only provides for who will conduct the DNA sample collection when an offender is under the custody of the Department of Corrections or a county jail.

Currently, every individual who pleads guilty or is convicted of a felony or sexual offense, under Chapter 566, RSMo, or has been determined to be a sexually violent predator, must have a sample collected for purposes of DNA profiling analysis. This act clarifies that the sample is collected upon entering or before release from a Department of Corrections reception or diagnostic center, county jail, detention facility, state correctional facility, or other institution. Such institutions include those that are operated by a private, local, or state agency.

SUSAN HENDERSON

02/24/2005 S First Read (S284)

02/28/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S304)

03/07/2005 Hearing Scheduled S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 424 \*\*\*

1740S.01I

SENATE SPONSOR: Callahan

SB 424 - Under the current law, a person applying for a limited driving privilege is barred from receiving a limited driving privilege if he or she has previously been granted the privilege within the immediate preceding five years. Under this act, this restriction is removed.

This act creates the crime of aggravated vehicular manslaughter. A person commits this crime if he or she while in an intoxicated condition, operates a motor vehicle in this state, and when so operating with criminal negligence:

- (a) Causes the death of any person not a passenger in the vehicle operated by the defendant, or
- (b) Causes the death of two or more persons, or
- (c) Causes the death of any person while the defendant's blood alcohol is greater than or equal to .20 percent of alcohol by weight in the defendant's blood.

Committing the crime of aggravated vehicular manslaughter is a Class B felony.

This act creates two new types of offenders for the purposes of applying the enhanced penalties and prison requirements of Section 577.023.

The act modifies the definition of a "persistent offender." Under the provisions of the act, a "persistent offender" is a person convicted of two or more intoxication-related traffic offenses. Under the current law, the prior offenses must have occurred within 10 years of the offense for which the person is being charged.

The act defines an "aggravated offender" as a person who has pleaded to or been found guilty of:

- (1) Three or more intoxication-related traffic offenses; or
- (2) One intoxicated-related traffic offense and certain enumerated crimes (involuntary manslaughter, aggravated vehicular manslaughter, assault in the second degree, or assault of a law enforcement officer).

The act defines a "chronic offender" as a person who has pleaded guilty to or has been found guilty of:

- (1) Four or more intoxication-related traffic offenses;
- (2) On two or more of separate occasions certain enumerated crimes (e.g. involuntary manslaughter, aggravated vehicular manslaughter, assault in the second degree); or
- (3) Two or intoxicated-related traffic offenses plus has been found guilty of certain enumerated crimes (e.g. involuntary manslaughter, aggravated vehicular manslaughter, assault in the second degree).

Any person who is found guilty of a DWI or driving with an excessive blood alcohol content (BAC) and is proved to be an aggravated offender shall be guilty of a class C felony. Aggravated offenders shall not be eligible for parole or probation until they serve a minimum of 60 days imprisonment.

Any person who is found guilty of a DWI or driving with an excessive blood alcohol content (BAC) and is proved to be a chronic offender shall be guilty of a class B felony. Chronic offenders shall not be eligible for parole or probation until they serve a minimum of 2 years imprisonment.

This act is identical to SB 356 (2005).  
SUSAN HENDERSON

02/28/2005 S First Read (S294)

03/02/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee  
(S337)

EFFECTIVE: August 28, 2005

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\*\*\* SB 425 \*\*\*

1739S.011

SENATE SPONSOR: Callahan

SB 425 - This act relates to bad checks.

Currently, a person is guilty of passing a bad check if:

- He or she makes or issues a check knowing that it will not be paid by the drawee or that there is no such drawee; or
- If he or she does so knowing that there are insufficient funds, no account, or no drawee and does not pay the check within 10 days after receiving notice.

Under this act, a person would also be guilty of passing a bad check with any other form of presentment involving the transmission of account information, not just a check.

Under this act, passing a bad check is a Class A misdemeanor unless certain circumstances exist, including when the issuer has no account with the drawee or if there was no such drawee at the time the check was issued. In such cases, passing bad checks is a Class C felony. Currently, a person is guilty of a Class D felony under such circumstances.

A prosecuting attorney who takes an action under this section collects an administrative handling cost from the issuer in an amount of \$25 for checks of less than \$100, \$50 for checks between \$100 and \$250, and \$50 plus an additional 10% fee of the face amount for checks of \$250 or more, with a maximum fee being \$75. Currently, the amount of the administrative handling cost varies depending on the amount of the check, however, the scale differs from the one in this act.

In addition to the administrative handling cost, a prosecuting attorney shall collect \$5 per check for deposit into the Missouri Office of Prosecution Services Fund. Under this act, the money can be used for lawful expenses incurred by the attorney in operation of his or her office. This is in addition to the current allowable uses which include, but are not limited to, office supplies, postage, witness preparation, and additional staff. Currently, \$1 is collected for the fund.

This act removes the provision which states that in all cases where a prosecutor receives notice of a violation with respect to a payroll check or order, if he or she finds a violation, shall file an information or seek indictment within 60 days.

SUSAN HENDERSON

02/28/2005 S First Read (S294-295)

03/02/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee  
(S337)

EFFECTIVE: August 28, 2005

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**\*\*\* SB 426 \*\*\***

1845S.01I

SENATE SPONSOR: Callahan

SB 426 - This act requires the Director of the Department of Revenue to return noncommercial drivers' licenses and remove suspensions from driving records when licensees provide proof of the disposition of charges and payment of all applicable fines and court costs. This provision shall apply retroactively (those who have paid municipal fines and paid reinstatement prior to August 28, 2005). In cases involving commercial drivers' licenses, the director will reinstate licenses upon receiving proof of the disposition of charges and payment of all applicable fines and court costs.

This act is similar to HB 789 (2005).

STEPHEN WITTE

02/28/2005 S First Read (S295)

03/02/2005 Second Read and Referred S Judiciary and Civil &amp; Criminal Jurisprudence Committee (S337)

EFFECTIVE: August 28, 2005

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**\*\*\* SB 427 \*\*\***

1715S.01I

SENATE SPONSOR: Callahan

SB 427 - Under this act, highway contracts shall be granted to a Missouri business bidder even though such bidder is not the lowest responsible bidder if the bidder's bid is no more than 10% higher than the lowest responsible bid submitted by the nonresident bidder. The act also defines what a resident business is for purposes of applying the preference. The act further states that the preference shall not apply to highway contracts involving federal funds.

STEPHEN WITTE

02/28/2005 S First Read (S295)

03/02/2005 Second Read and Referred S Transportation Committee (S337)

EFFECTIVE: August 28, 2005

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**\*\*\* SB 428 \*\*\***

1851S.01I

SENATE SPONSOR: Callahan

SB 428 - This act requires insurance companies that issue homeowner's, life or health insurance to discount the premium by 10% if the insured is a senior citizen (65 years of age or older).

STEPHEN WITTE

02/28/2005 S First Read (S295)

03/02/2005 Second Read and Referred S Small Business, Insurance &amp; Industrial Relations Committee (S337)

EFFECTIVE: August 28, 2005

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**\*\*\* SB 429 \*\*\***

1861S.01I

SENATE SPONSOR: Callahan

SB 429 - This act creates a one-time one hundred dollar income tax credit for a taxpayer who adopts a dog from an animal shelter. 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.

JASON ZAMKUS

02/28/2005 S First Read (S295)

03/02/2005 Second Read and Referred S Ways & Means Committee (S337)

EFFECTIVE: August 28, 2005

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\*\*\* SB 430 \*\*\*

1862S.02I

SENATE SPONSOR: Callahan

SB 430 - This act modifies the definition of gambling device by excluding amusement devices that confer only an immediate right of replay or a coupon credit that can be redeemed on the premises for something of value, not to exceed five dollars per play, except for cash, intoxicating beer or liquor, or tobacco products.

JASON ZAMKUS

02/28/2005 S First Read (S295)

03/02/2005 Second Read and Referred S Ways & Means Committee

EFFECTIVE: August 28, 2005

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\*\*\* SB 431 \*\*\*

0941S.01I

SENATE SPONSOR: Callahan

SB 431 - This act permits the city council of the city of Independence to levy up to a two percent sales tax on food to be known as the "Museum and Tourism-Related Tax". Pending voter approval, the legislation would designate fifty percent of the proceeds to redevelopment and continuing operation of the National Frontier Trials Museum, which shall be deposited in the "Museum Trust Fund". The other fifty percent of funds derived from this tax would be deposited in the "Tourism Related Trust Fund" and used for such purposes.

JASON ZAMKUS

02/28/2005 S First Read (S295)

03/02/2005 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S337)

EFFECTIVE: August 28, 2005

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\*\*\* SB 432 \*\*\*

1874S.01I

SENATE SPONSOR: Stouffer

SB 432 - This act pertains to animal identification.

The act directs any information related to animal identification - brands, vaccination registrations, electronic identification mechanisms, and voluntary premises registration - shall be kept confidential; to be shared only with state and federal veterinarians.

MEGAN WORD

02/28/2005 S First Read (S295)

03/02/2005 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S337)

EFFECTIVE: August 28, 2005

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\*\*\* SB 433 \*\*\*

1723S.02I

SENATE SPONSOR: Stouffer

SB 433 - This act creates the Missouri Health Care Stabilization Fund. This fund provides excess medical malpractice coverage to health care providers who participate in the fund. Health care providers must carry primary medical malpractice coverage with another insurer. The liability



limits for the primary policy shall not be less than \$200,000 for each occurrence and not less than \$600,000 for all claims in any one reporting year. The fund will be administered by a Health Care Stabilization Board housed within the Department of Insurance. The board will consist of the Director of the Department of Insurance and nine other members representing health care providers, insurance companies, trial attorneys and the public. All health care providers will be required to pay annual membership fees. In addition to these fees, the director will levy a premium surcharge on each health care provider's medical malpractice insurance policy. The surcharge will be collected from insurance companies when they receive the medical malpractice insurance premiums from the health care providers.

A person may recover from the fund if the person names the fund as a party in the lawsuit. The fund will only pay moneys to the aggrieved party if his or her damages exceed the health care provider's primary level of coverage. The fund may appear as a party in the action. The fund may retain counsel to defend itself. Insurers must provide an adequate defense of the fund in any action and must act in a fiduciary relationship with respect to any claim affecting the fund. The maximum amount recoverable from the fund shall not exceed \$800,000 pursuant to any one judgement or settlement for any party against a health care provider and an aggregate cap of \$2,400,000 for all judgments or settlements for any health care provider. The fund is not responsible for paying punitive damages rendered in any judgment.

The provisions contained in this act are similar to ones contained in SB 706 (2004) and SB 257 (2003).

STEPHEN WITTE

02/28/2005 S First Read (S295)

03/02/2005 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S337)

EFFECTIVE: August 28, 2005

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\*\*\* SB 434 \*\*\*

1837S.011

SENATE SPONSOR: Cauthorn

SB 434 - This act pertains to the Administrative Hearing Commission.

The act removes language that subjects the commission's compensation and expenses to general revenue appropriations - the draft simply states that those items will be paid from appropriations.

The act transfers authority to hear appeals to the administrative hearing commission; however the authority to render final decisions remains with the commissions listed in the act. The act lays out procedural details as well as notification requirements for any appeal that may be heard before the Administrative Hearing Commission.

The act directs appropriations to be made from the respective funds to cover the Administrative Hearing Commission's costs to cover the appeals.

MEGAN WORD

02/28/2005 S First Read (S295)

03/02/2005 Second Read and Referred S Governmental Accountability & Fiscal Oversight Committee (S337)

03/07/2005 Hearing Scheduled S Governmental Accountability & Fiscal Oversight Committee

EFFECTIVE: August 28, 2005

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**\*\*\* SB 435 \*\*\***

1838S.04I

SENATE SPONSOR: Wilson

SB 435 - This act enacts several measures to combat fraudulent practices with respect to real estate transactions.

REAL ESTATE APPRAISERS - Under this act, a real estate appraiser who knowingly communicates a false or fraudulent appraisal or otherwise engages in fraudulent misconduct shall have his or her license revoked (Section 339.532). Any real estate appraiser who gives a false or fraudulent appraisal or who otherwise accepts an appraisal assignment which is contingent upon giving a certain appraisal shall be guilty of a Class A misdemeanor. If a real estate appraiser gives a false appraisal with the intent or knowledge that such appraisal will be used to defraud a person of this possessory interest in real estate then the appraiser shall be guilty of a Class D felony (Section 339.550).

HOME SOLICITATION - This act prohibits home solicitors from selling products financed by the consumer's home which would put the consumer in those types of situations. This act outlaws certain unfair or deceptive practices relating to home improvement loans to consumer. It would prohibit home solicitations where a home improvement loan is made encumbering the person's home to pay the loan and where the practice violates federal law. Violation of this act's provisions would constitute a Class A misdemeanor. This portion of the act is similar to SB 656 (2002) and HB 1144 (1999)(section 407.725).

FORGED DEEDS - This act makes it a Class C felony for any person to record a forged deed with the recorder of deeds office. The person shall also be liable to the true property owner for actual damages or \$1,000, whichever is greater along with court costs and attorney fees (Section 442.383).

STEPHEN WITTE

02/28/2005 S First Read (S295)

03/02/2005 Second Read and Referred S Judiciary and Civil &amp; Criminal Jurisprudence Committee (S337)

EFFECTIVE: August 28, 2005

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**\*\*\* SB 436 \*\*\***

1659S.01I

SENATE SPONSOR: Bray

SB 436 - This act enables senior citizens sixty-two years or older to delay paying property taxes on their residences. The taxes plus interest, must be paid when the owner dies or sells the property, moves, or the property changes ownership. The income limit to qualify for the deferral is thirty-two thousand dollars. Beyond that amount, the amount the owner can defer is phased out at a rate of fifty cents per dollar made over thirty-two thousand dollars, until their income reaches twice this limit.

A senior citizen who has qualified for and deferred his or her property tax in a prior year who for some reason fails to defer a property tax due in a subsequent year can apply for a refund, if done so in a timely manner.

If a senior citizen's income exceeds the limit of thirty-two thousand dollars, but not twice that limit, that portion of tax which they are not able to defer which resulted from an increase in their property tax beginning in the calendar year after their sixty second birthday will be eligible for

deferral. However, this provision of the act is not retroactive and seniors currently over the age of sixty-two who qualify may defer the increased amount based on their property tax level beginning in the calendar year after the passage of this act.

The act establishes eligibility criteria for the taxpayer and the property for participating in the deferral.

All deferrals of tax will result in a lien to be held by the Department of Revenue against the property of the taxpayer. The lien will be for the amount of the property tax as estimated by the Department of Revenue plus interest to accrue at six percent per annum.

JASON ZAMKUS

02/28/2005 S First Read (S295)

03/02/2005 Second Read and Referred S Ways & Means Committee (S337)

EFFECTIVE: August 28, 2005

\*\*\* SB 437 \*\*\*

1778S.01I

SENATE SPONSOR: Bray

SB 437 - This act defines an international matchmaking organization as a legal entity that does business in the United States and for-profit offers to residents of Missouri, dating, matrimonial, or social referral services involving citizens of foreign countries who are not residing in the United States. Such business shall include, but is not limited to, the exchange of names, telephone numbers, addresses, and other information, the selection of photos, or the creation of a social environment in a country other than the United States. Such businesses shall not include a traditional matchmaking organization of a religious nature or an organization that does not charge a fee.

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.

An organization shall not provide any further services to the client or recruit until the required information is received and provided to the recruit. 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.

SUSAN HENDERSON

02/28/2005 S First Read (S295)

03/02/2005 Second Read and Referred S Commerce, Energy and the Environment Committee (S337)

EFFECTIVE: August 28, 2005

\*\*\* SB 438 \*\*\*

1743S.01I

SENATE SPONSOR: Bartle

SB 438 - Currently, a person is guilty of such an offense if he or she manufactures

methamphetamine in the presence of a person less than 17 years of age.

Under this act, in addition to the other ways already provided by law, a person is guilty of child endangerment in the first degree if he or she unlawfully manufacturers or attempts to manufacture methamphetamine in a residence where a person less than 17 years of age resides.

SUSAN HENDERSON

02/28/2005 S First Read (S295)

03/02/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S337)

EFFECTIVE: August 28, 2005

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\*\*\* SB 439 \*\*\*

1744S.011

SENATE SPONSOR: Bartle

SB 439 - Under this act, a person who operates a vehicle in violation of the statutes concerning involuntary manslaughter, assault in the second degree, diving while intoxicated, and driving with excessive blood alcohol content, while a child who is less than 17 years old is present shall be guilty of endangering the welfare of a child in the second degree.

Such offense is a Class A misdemeanor unless committed as part of a ritual or ceremony, in which case, it is a Class D felony.

SUSAN HENDERSON

02/28/2005 S First Read (S295)

03/02/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S338)

EFFECTIVE: August 28, 2005

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\*\*\* SB 440 \*\*\*

1620S.011

SENATE SPONSOR: Ridgeway

SB 440 - Under current law, in order for a manufacturer to receive an exemption from sales tax for electrical energy used in the primary manufacture of a product, the manufacturer must prove that the total cost of electricity used exceeds ten percent of the total cost of production or that the raw materials used in the primary manufacture of a product contain at least twenty-five percent recovered materials. This act creates a rebuttable presumption that the raw materials used in the primary manufacture of automobiles contain at least twenty-five percent recovered materials.

JASON ZAMKUS

02/28/2005 S First Read (S295)

03/02/2005 Second Read and Referred S Ways & Means Committee (S338)

EFFECTIVE: August 28, 2005

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\*\*\* SB 441 \*\*\*

1779S.021

SENATE SPONSOR: Ridgeway

SB 441 - This act creates an administrative procedure in which a towing company may seek to recoup reasonable towing and storage fees associated with towing an abandoned vehicle from public property. The towing company may submit an affidavit within 30 days, but no more than 45 days of the tow to recoup the towing company's towing and storage fees. In addition to the affidavit, the towing company must submit an application which shall include an itemized accounting of the towing and storage fees. The application shall also be accompanied by a copy of

the crime and inquiry inspection report (DOR 4569 Form) and the applicant shall attest that the towing company has complied with all the procedural requirements of Sections 304.155 to 304.158.

Within five days of receiving the application, the Department of Revenue shall send notice to the registered owner of the abandoned motor vehicle that a claim for reasonable towing and storage charges has been filed with the department. The notice shall further state that if the registered owner of the abandoned motor vehicle does not provide satisfactory proof to the department that such charges have been satisfied within thirty days of receiving the notice, the department shall suspend the owner's driver's license or driving privileges and any motor vehicle registrations registered in the owner's name. The notice of suspension shall be mailed to the registered owner at the last known address shown on the department's records. The notice of suspension is deemed received three days after mailing. The notice of suspension shall clearly specify the reason and statutory grounds for the suspension and the effective date of the suspension, the right of the person to request a hearing, the procedure for requesting a hearing, and the date by which that request for a hearing must be made. If the request for a hearing is received by the department prior to the effective date of the suspension, the effective date of the suspension will be stayed until a final order is issued following the hearing.

The suspension shall become effective thirty days after the registered owner of the abandoned motor vehicle is deemed to have received the notice. The period of the suspension shall continue until the registered owner submits proof that he or she has satisfied all reasonable towing and storage charges associated with the abandonment of such property.

Under this act, "reasonable storage charges" shall not exceed the charges for motor vehicles which have been towed with the consent of the owner on a negotiated basis. For any application submitted pursuant to this section, reasonable storage charges shall not exceed ninety days.  
STEPHEN WITTE

02/28/2005 S First Read (S295)

03/02/2005 Second Read and Referred S Transportation Committee (S338)

EFFECTIVE: August 28, 2005

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\*\*\* SB 442 \*\*\*

1816S.011

SENATE SPONSOR: Ridgeway

SB 442 - This act changes the penalties for the crime of financial exploitation of the elderly and disabled. The crime is a Class B felony if the value of property is one thousand dollars but less than fifty thousand dollars and it is a Class A felony if the value of the property is fifty thousand dollars or more.

This act also changes the definition for "disabled person" from a person with a impairment or condition rendering the person incapable of avoiding or preventing the commission of an offense to a person with a disability that substantially impairs the person's ability to provide adequately for the person's care or protection. An "elderly person," is now defined as a person sixty years of age or older. The definition of "intimidation," has been changed to include a threat of physical or emotional harm.

ADRIANE CROUSE

02/28/2005 S First Read (S295-296)

03/02/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S338)

EFFECTIVE: August 28, 2005

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\*\*\* SB 443 \*\*\*

0257S.031

SENATE SPONSOR: Taylor

SB 443 - This act prohibits title agencies from commingling escrow funds held by the title agency. The act requires the title agency to establish separate fiduciary trust accounts for the deposit of such funds.

This act requires title insurers to issue closing or settlement protection to a proposed insured if the title insurer issues a commitment, binder or title insurance policy. The current law allow the title insurer to do so if the insured requests closing or settlement protection (Section 381.058).

Under this act, settlement agents who accept funds of more than \$2,500 for a closing shall require the buyer, seller or lender to convey the funds as certified funds. The current threshold in the law is \$10,000. Under this act, no title insurer, title insurance agency or title insurance agent, shall make any payment, disbursement or withdrawal in excess of \$2,500 from an escrow account which it maintains as a depository of funds received from the public for the settlement of real estate transactions unless a corresponding deposit of funds was made to the escrow account for the benefit of the payee. The current threshold is \$10,000 (sections 381.410 and 381.412).

STEPHEN WITTE

02/28/2005 S First Read (S296)

03/02/2005 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S338)

EFFECTIVE: August 28, 2005

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\*\*\* SB 444 \*\*\*

0292S.041

SENATE SPONSOR: Taylor

SB 444 - Under this act, in all written contracts made between a building contractor or a developer and a prospective buyer of a residential home, the building contractor or developer shall notify the buyer that:

(1) Twenty percent of the purchase price shall be deposited in an escrow account with a title agency or title insurance company authorized to insure real property within this state;

(2) The building contractor or developer will maintain a corporate surety bond in an amount equal to 20% of the purchase price of the residential home; or

(3) The building contractor or developer will provide an affidavit stating that all subcontractors, laborers or materialmen have been paid in full.

The title agency or title insurance company shall serve as the escrow agent and shall act in a fiduciary capacity with respect to such account. All interest earned on the deposited funds shall be credited to the escrow account. Funds deposited in the escrow account shall be held to satisfy valid mechanics' liens filed by contractors, subcontractors, or other materialmen who have provided materials or labor with respect to the residential home. Prior to or upon the final settlement or closing on the residential home, the building contractor or developer shall set aside twenty percent of the purchase price in the escrow account.

The monies shall be held in escrow no longer than six months following the final closing or settlement date on the residential home and shall be released to the building contractor or developer upon such date unless the title agency receives notice that a mechanic's lien has been filed. If any mechanics' liens have been filed, the monies shall be held in escrow until the parties' rights to the escrowed funds have been determined by a court of competent jurisdiction or by agreement between the principal contractor and the subcontractor, materialman, or other person who filed the claim.

Any building contractor or developer who willfully fails to comply with the provisions of this section concerning the establishment of an escrow account and the deposit of funds into escrow shall be guilty of a Class A misdemeanor. The failure to place funds in an escrow account within five business days of the closing date shall be prima facie evidence of a violation of this act.

In lieu of establishing an escrow account, the building contractor or developer may obtain and maintain a corporate surety bond, letter of credit, or other acceptable financial instrument in amount equal to 20% of the purchase price. The building contractor may also escape establishing an escrow account by providing the buyer an affidavit stating that the building contractor has paid each of the building contractor's subcontractors, laborers or materialmen in full for all labor and materials provided. A building contractor who intentionally, knowingly, or recklessly makes a false or misleading statement in the affidavit shall be guilty of a Class D felony.

STEPHEN WITTE

02/28/2005 S First Read (S296)

03/02/2005 Second Read and Referred S Small Business, Insurance & Industrial Relations  
Committee (S338)

EFFECTIVE: August 28, 2005

\*\*\* SB 445 \*\*\*

1818S.01I

SENATE SPONSOR: Taylor

SB 445 - This act increases the fee for a certificate of number when registering the following watercraft: (1) Under 16 feet in length from \$10 to \$20; (2) 16 feet to 26 feet in length from \$20 to \$55; (3) 26 feet to 40 feet in length from \$30 to \$100; and (4) 40 feet and longer from \$40 to \$150.

The first \$2 million collected annually for numbering will be deposited into the General Revenue Fund. All fees collected in excess of \$2 million will be deposited into the newly created Missouri State Water Patrol Fund. Moneys in this fund, subject to appropriation, will be used solely for the expenses of the State Water Patrol. When applying for or renewing a vessel's certificate of number, from the state or for a vessel documented with the United States Coast Guard, the owner must submit proof that all personal property taxes owed or previously owed on the vessel have been paid or that no taxes were due.

This act is identical to HB 291 (2005).

JASON ZAMKUS

02/28/2005 S First Read (S296)

03/02/2005 Second Read and Referred S Transportation Committee (S445)

EFFECTIVE: August 28, 2005

\*\*\* SB 446 \*\*\*

1789S.03I

SENATE SPONSOR: Crowell

SB 446 - This act disallows any member of the General Assembly from being employed in any capacity by any of the state four-year higher education institutions or by the University of Missouri system for a period of four years after such member's last term of office as a member of the general assembly has expired.

Further, the act disallows any person who has served as a voting member on the University of Missouri's board of curators or on the governing board of any four-year public higher education institution from being employed or compensated by the institution in any capacity not related to service on the board for a period of four years after such person's last term of service.

DONALD THALHUBER

02/28/2005 S First Read (S296)

03/02/2005 Second Read and Referred S Education Committee (S338)

EFFECTIVE: August 28, 2005

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\*\*\* SB 447 \*\*\*

1690S.01I

SENATE SPONSOR: Crowell

SB 447 - This act removes, beginning January 1, 2006, the ability of certain state employees to transfer up to eight years of credit between the Missouri State Employees' Retirement System and various state retirement systems.

ADRIANE CROUSE

02/28/2005 S First Read (S296)

03/02/2005 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S338)

EFFECTIVE: August 28, 2005

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\*\*\* SB 448 \*\*\*

1635S.01I

SENATE SPONSOR: Crowell

SB 448 - This act allows the sheriff of a county granting a change of venue and the sheriff of a county into which the cause is removed to agree as to which county's jail will house a defendant. If the sheriffs don't agree, the defendant will be confined in the county into which the cause is removed. If the county granting the change of venue continues to house the defendant, the sheriff of the county will be responsible for getting the defendant to court appearances.

SUSAN HENDERSON

02/28/2005 S First Read (S296)

03/02/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S338)

EFFECTIVE: August 28, 2005

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\*\*\* SB 449 \*\*\*

1879S.01I

SENATE SPONSOR: Crowell

SB 449 - This act permits a tax payer to deduct the amount of pension or retirement income taxed by another state from the taxpayer's federal adjusted gross income. A statement of distribution showing the portion of income previously taxed shall be submitted to the department of revenue when the taxpayer's return is filed.

JASON ZAMKUS



02/28/2005 S First Read (S296)

03/02/2005 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S338)

EFFECTIVE: August 28, 2005

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\*\*\* SB 450 \*\*\*

1881S.011

SENATE SPONSOR: Dolan

SB 450 - This act authorizes the Governor to convey land in the City of St. Louis and St. Louis County.

SUSAN HENDERSON

02/28/2005 S First Read (S296)

03/02/2005 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S338)

EFFECTIVE: August 28, 2005

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\*\*\* SB 451 \*\*\*

1721S.011

SENATE SPONSOR: Dolan

SB 451 - This act requires the prosecuting or circuit attorney to impanel an adult abuse fatality review panel to investigate deaths relating to suspected adult abuse. The panel shall be formed and operate according to the department of social services guidelines. The panel shall include the prosecuting or circuit attorney, the coroner or medical examiner, a representative of law enforcement personnel, a representative of the division of family services, a public health care provider, and an emergency medical services provider.

The panel may also review at its own discretion any death reported to it by the medical examiner or coroner, even if the death does not meet criteria for review as set forth by the department.

The panel shall issue a final report, which shall be a public record, of each investigation to the department of social services, state technical assistance teams and to the director of the Department of Health and Senior Services. The departments shall make recommendations and develop programs to prevent adult abuse injuries and deaths.

ADRIANE CROUSE

02/28/2005 S First Read (S296)

03/02/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S338)

EFFECTIVE: August 28, 2005

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\*\*\* SB 452 \*\*\*

1868S.011

SENATE SPONSOR: Dolan

SB 452 - This act repeals Section 409.107. This section prohibits investment firms and legal firms offering bond services from being involved in the issuance of bonds authorized by an election in which the firm made a contribution to any campaign in support of the election.

JIM ERTLE

02/28/2005 S First Read (S296)

03/02/2005 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S338)

03/07/2005 Hearing Scheduled S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 453 \*\*\*

0754S.02I

SENATE SPONSOR: Loudon

SB 453 - This act changes the termination date of Section 82.291, RSMo, regarding removal of nuisances from August 28, 2005, to August 28, 2010.

SUSAN HENDERSON

02/28/2005 S First Read (S296)

03/02/2005 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S338)

EFFECTIVE: August 28, 2005

\*\*\* SB 454 \*\*\*

1852S.01I

SENATE SPONSOR: Loudon

SB 454 - This act allows students taking courses in American Sign Language (ASL) to receive foreign language academic credit at public schools and public higher education institutions. Credit is received when a student completes the course with a passing grade or demonstrates proficiency in the language.

Academic credit earned by a student may also be used to satisfy any foreign language or language arts entrance requirements of public higher education institutions.

Nothing in this act prohibits a public higher education department from establishing specific departmental language requirements for majors that cannot be met by ASL.

Upon request, the Missouri Commission for the Deaf and Hard of Hearing and the Missouri Sign Language Teachers Association will provide guidance on the development and teaching of ASL courses in the schools or institutions.

ADRIANE CROUSE

02/28/2005 S First Read (S296)

03/02/2005 Second Read and Referred S Education Committee (S338)

EFFECTIVE: August 28, 2005

\*\*\* SB 455 \*\*\*

1871S.01I

SENATE SPONSOR: Loudon

SB 455 - This act creates numerous revisions to laws concerning charter schools.

SECTION 160.400 - Current law states that charter schools are independent, publically supported schools. This act alters the aforementioned statement to read that charter schools are independent, public schools.

The act expands the list of possible locations where Charter schools may be operated to include large school districts that have been designated as either provisionally accredited or unaccredited. Also, 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 any public 4-year college or university with an approved teacher preparation program. The act alters the provision concerning school buildings owned or controlled by a school district in which charter schools may be established. The act caps expenses associated with sponsorship of a charter School to three percent.

Prior to granting or renewing a charter, sponsors must complete criminal background checks on the members of the Board of Directors applying to establish a charter school. No member of a charter school board may be employed by the charter school nor have substantial interest in any entity employed by or contracting with the board.

The act requires timely submission of data required by the State Board of Education.

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 90 days to deny or grant a proposed charter and shall provide reasons for denial in writing.

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.

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 includes provisions relating to Charter schools becoming local education agencies and includes alterations regarding the payment mechanism to charter schools. 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 non-certificated 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.

DONALD THALHUBER

02/28/2005 S First Read (S296)

03/02/2005 Second Read and Referred S Education Committee (S338)

EFFECTIVE: August 28, 2005

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\*\*\* SB 456 \*\*\*

1727S.01I

SENATE SPONSOR: Nodler

SB 456 - The act adds an "affected small business" definition which includes anything that is directly related to the formation, operation, or expansion of a small business. The section also excludes legislative or judicial agencies from the definition of agency for this section.

Small businesses are not required to exhaust administrative remedies in suits against agencies if the party bringing the action is a small business claiming a material violation of Section 536.300 by the state agency requirement for a small business impact statement for the amendment or rule.

Before submitting proposed rules for adoption, the state agency, after determining whether or not the proposed rule affects small business, the agency shall consider creative, innovative or flexible methods of compliance for small business.

The agency then prepares a business impact statement and must submit that, along with the proposed rules, to the small business regulatory fairness board prior to providing notice for a public hearing. The statement shall now include a reasonable determination of the businesses that will be affected by the proposed rules. The statement shall also include provisions that are related to any federal, state, or county standards with explanation for imposing the standard.

The act also lays out what the small business statement, submitted by the agency after the public hearing shall include.

The board is granted the power to adopt rules necessary to implement these new sections.

The act also establishes the grounds upon which a small business may file a written petition objecting to all or part of the adopted rules, and the subsequent procedure.

A requirement that agencies with rules that affect small business shall submit a list of such rules to the General Assembly and the small business regulatory fairness board by June 13th each odd numbered year and provide the list to the head of each agency. There are also provisions regarding public testimony for any agency report.

Finally a small business affected by a regulation under this section is entitled to judicial review in a circuit court in the county where the small business has its primary place of business or Cole county.

ANDY LYSKOWSKI

02/28/2005 S First Read (S296)

03/02/2005 Second Read and Referred S Small Business, Insurance & Industrial Relations  
Committee (S338)

EFFECTIVE: August 28, 2005

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\*\*\* SB 457 \*\*\*

1745S.01I

SENATE SPONSOR: Wheeler

SB 457 - This act prohibits any long-term care facility from relieving an ombudsman volunteer from their duties. Ombudsman volunteers may only be relieved by the regional ombudsman in consultation with the state ombudsman.

This act also requires all long-term care facilities to accept ombudsman volunteers when they are available. Any long-term care facility not willing to work with the ombudsman program will be subject to sanctions by the Department of Health and Senior Services.

This act is identical to HB 1441 (2004)  
ADRIANE CROUSE

02/28/2005 S First Read (S296)

03/02/2005 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S338)

EFFECTIVE: August 28, 2005

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\*\*\* SB 458 \*\*\*

1872S.011

SENATE SPONSOR: Wheeler

SB 458 - Under this act if a pharmacist refuses to fill a prescription based on sincere religious beliefs, the pharmacist must still fill the prescription unless the pharmacist's employer can accommodate the refusal without undue hardship to the employer or customers. A pharmacist has a duty to ensure that each customer is not subjected to humiliation, breaches of confidentiality or pressure to fill or not fill a prescription, regardless of whether an accommodation for the pharmacist was implemented. Violation of these duties shall subject the licence of the pharmacist to disciplinary action from the Board of Pharmacy.

ADRIANE CROUSE

02/28/2005 S First Read (S296)

03/02/2005 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S338)

EFFECTIVE: August 28, 2005

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\*\*\* SB 459 \*\*\*

1863S.011

SENATE SPONSOR: Green

SB 459 - This act creates an income tax deduction for small businesses and farmers that provide health insurance coverage for employees. The deduction will be equal to one hundred percent of expenses related to providing employees with health insurance.

JASON ZAMKUS

02/28/2005 S First Read (S296)

03/02/2005 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S338)

EFFECTIVE: August 28, 2005

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\*\*\* SB 460 \*\*\*

1842S.011

SENATE SPONSOR: Koster

SB 460 - Under this act, any person who employs a fraudulent scheme, makes a false statement of material fact, or engages in other fraudulent practices with respect to an insurance transaction shall be fined not more than \$100,000 or imprisoned not more than 10 years, or both. A court may also order that a person convicted of insurance fraud to pay restitution.

STEPHEN WITTE

02/28/2005 S First Read (S296-297)

03/02/2005 Second Read and Referred S Small Business, Insurance & Industrial Relations  
Committee (S338)

EFFECTIVE: August 28, 2005

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**\*\*\* SB 461 \*\*\***

1844S.01I

SENATE SPONSOR: Koster

SB 461 - Currently, Section 217.705, RSMo, requires probation and parole officers to keep record of their work, make reports, and perform duties required by the Board of Probation and Parole. In addition to these duties, this act provides that in the event a parolee is transferred to another probation and parole officer, the written record of the former officer shall be given to the new officer.

Currently, Sections 565.081, 565.082, 565.083, RSMo, criminalize assault of a law enforcement officer or emergency personnel in the first, second, and third degree respectively. This act adds probation and parole officers to these sections.

SUSAN HENDERSON

02/28/2005 S First Read (S297)

03/02/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee  
(S338)

EFFECTIVE: August 28, 2005

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**\*\*\* SB 462 \*\*\***

1848S.01I

SENATE SPONSOR: Klindt

SB 462 - This act pertains to sewer and water corporations.

The act allows the Public Service Commission to order a capable public utility to acquire a smaller water or sewer corporation in the event that such water or sewer corporation violates standards that affect the safety of the service provided, or if they have failed to comply with commission orders related to the safety of the service provided. It is a process that is allowed under current law, but changes in this act make this process a more expedient one for the commission to adopt.

The commission shall, before they make a decision to allow such a acquisition, discuss other options with the water or sewer corporation in question and allow the corporation thirty days to investigate these alternatives. Those alternatives are laid out in the act.

When there is an eminent threat to life or property, the commission may appoint an interim receiver before a hearing on the acquisition takes place. Any price agreed upon in the event that an acquisition is necessary, must first be reviewed by the commission to ensure a reasonable figure.

Any capable public utility that is ordered to acquire a water or sewer corporation shall, within thirty days of the commission's order, submit a detailed plan for bringing the water or sewer corporation into compliance with applicable regulations. The department of natural resources will have the opportunity to comment on the plan before any final decision is made.

Language has been added to ensure that any capable public utility acquiring a water or sewer

corporation under order by the commission, not be subject to any enforcement action by state or local agencies that had notice of the plan, and if the basis for these actions is related to violations perpetrated by the water or sewer corporation. Exceptions to this waiver are laid out in the act.

Upon acquiring a corporation, the commission shall allow a rate surcharge to be applied to the rates in order to recover one hundred percent of the revenues necessary to provide a net after-tax return on the rate making rate base value of the water or sewer corporations facilities and those for improvements made to corporation upon acquisition.

Proceedings established in the act can be initiated by a complaint filed by the commission, office of public counsel, local government leaders within the community inadequately served by the water or sewer corporation, or at least twenty-five consumers within that same community. The burden of proof lays with the complainant, and "in the public interest" shall be the standard by which any decision is made.

Notice requirements are laid out in the act - proximate utility companies providing the same type of service as the water or sewer corporation, the corporation's customers, are among the list.

The commission shall initiate a rulemaking to promulgate rules to carry out the provisions of this act.

MEGAN WORD

02/28/2005 S First Read (S297)

03/02/2005 Second Read and Referred S Commerce, Energy and the Environment Committee (S338)

03/08/2005 Hearing Scheduled S Commerce, Energy and the Environment Committee

EFFECTIVE: August 28, 2005

\*\*\* SB 463 \*\*\*

1718S.01I

SENATE SPONSOR: Gross

SB 463 - The act provides that the Sunshine Law shall only apply to certain non-profit organizations to the extent that a vote, record or meeting pertains to a contract with a public governmental body or to an activity carried out under an agreement with a public governmental body.

JIM ERTLE

02/28/2005 S First Read (S297)

03/02/2005 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S338)

EFFECTIVE: August 28, 2005

\*\*\* SB 464 \*\*\*

1894S.01I

SENATE SPONSOR: Vogel

SB 464 - This act modifies the duties and powers of the Missouri Penitentiary Redevelopment Commission.

Currently, the commission has the power to lease or sell property to developers. This act would allow the commission to hold the proceeds from such transactions outside the state treasury.

This act would remove the commissions ability to receive rentals or proceeds from the sale of

real estate for its lawful activities. However, the commission will continue to receive contributions and money from other sources and be able to apply for grants or other funding. Under this act, the commission will be able to deposit such funds into the Missouri State Penitentiary Redevelopment Fund.

Under the act, the commission is authorized to purchase insurance from the Missouri Public Risk Management Fund and is determined to be a "public entity", as defined by Section 537.700, RSMo.

The commission shall be a state commission for the purposes of Section 105.711, RSMo, which created the "State Legal Expense Fund". All members of the commission will be entitled to coverage under this fund.

SUSAN HENDERSON

02/28/2005 S First Read (S297)

03/02/2005 Second Read and Referred S Ways & Means Committee (S338)

EFFECTIVE: August 28, 2005

\*\*\* SB 465 \*\*\*

1901S.011

SENATE SPONSOR: Vogel

SB 465 - This act removes the requirement that the Department of Revenue must contact owners and lienholders of a motor vehicle when an application for repossessed title is not accompanied by the written consent of those parties (Section 301.215). This act raises the limits on surety bonds a new motor vehicle franchise dealer or used motor vehicle dealer must furnish in order to obtain a license. The limits are raised from \$25,000 to \$75,000. The bond limits for other types of dealers will remain at \$25,000. The act further provides that the department of revenue shall issue a separate distinct license number for each separate bona fide established place of business, regardless of whether such separate locations share common ownership (Section 301.560). This act repeals a section of law which currently allows sellers of motor vehicles not subject to the Missouri Motor Vehicle Time Sale Law to include in the contractual time sale the outstanding balance of a prior loan or lease of a motor vehicle used as a trade-in (Section 365.200).  
STEPHEN WITTE

02/28/2005 S First Read (S297)

03/02/2005 Second Read and Referred S Transportation Committee (S338)

EFFECTIVE: August 28, 2005

\*\*\* SB 466 \*\*\*

1870S.011

SENATE SPONSOR: Vogel

SB 466 - This act provides temporary retirement incentives and medical incentives for employees currently eligible to retire under the Missouri State Employees' Retirement System (MOSERS).

This act provides that employees currently eligible to retire will receive medical coverage at the active employee rate. The active employee rate will then revert to the regular retiree rate after five years or Medicare eligibility, whichever occurs first.

This act also provides a temporary retirement incentive from May 1, 2005 through September 1, 2005, for employees whose age and service total seventy-eight years. Unused sick leave will be credited towards eligibility. Currently, the employee's age and service must total eighty years. In



addition, the act allows for a seventy percent health care subsidy to be provided to the retiree for five years or until Medicare eligibility. If a retiree's annual leave accrual payments are in excess of two thousand dollars, the payments will be staggered over a two-year period. Also, the retiree will be prohibited from any employment with any department for a period of two years from the date of election.

All of the vacated positions are held to a twenty-five percent re-hire limitation, with exceptions for critical, seasonal or federally funded positions. The exceptions are defined by rules promulgated from the Office of Administration.

This act has an emergency clause.

ADRIANE CROUSE

02/28/2005 S First Read (S297)

03/02/2005 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S338)

EFFECTIVE: Emergency Clause

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\*\*\* SB 467 \*\*\*

1860S.02I

SENATE SPONSOR: Griesheimer

SB 467 - This act pertains to solid waste.

The act directs district boards to arrange for independent financial audits. Those districts receiving \$200,000 or more of financial assistance shall have annual audits, those receiving less than \$200,000 shall have audits at least every two years; all such audits are subject to review by the state auditor. Language also provides the opportunity for the department to conduct performance audits at least once every three years.

The act states that no annual adjustment will be made to the charges collected from operators of solid waste sanitary landfills and transfer stations, from October 2005 to October 2009, except an amount consistent with the need to fund the operating costs of the department.

All moneys remaining in the solid waste management fund after the appropriation for market development shall be divided up; the allocations have changed with this act.

- 38% goes to the elimination of illegal solid waste. In addition to this percentage, the department shall receive any annual increases in the charge from October 2005 to October 2009 and be used solely to fund the operating costs of the department.
- 62% goes to grants for participating cities, counties and districts. 50% of the revenue shall be allocated based on the population of each district, and 50% shall be allocated based on the amount of revenue generated from each district.
- Each district shall receive a minimum of \$95,000 for district grants and district operations.

The act modifies the solid waste advisory board, adds to the membership as well as the responsibilities.

MEGAN WORD

02/28/2005 S First Read (S297)

03/02/2005 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources  
Committee (S338)

EFFECTIVE: August 28, 2005

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\*\*\* SB 468 \*\*\*

1640S.03I

SENATE SPONSOR: Griesheimer

SB 468 - The act pertains to the aforementioned subject.

The act allows landowners to more easily form their own sewer districts. Currently, county commissions are primarily responsible for the sewer districts, this act would enable landowners who form or convert their sewer district into a reorganized common sewer district, to exert more control over the districts themselves. The county commissions are still involved, but the responsibility is shared here; evoking a more active participation from the landowners within the district.

A condensed breakdown of the draft follows for reference:

SECTION 204.600 - This act allows any sewer organized and existing under current law to convert to a reorganized common sewer district, as well as allowing for the establishment of a reorganized common sewer district. Once such a district has been established, it shall enjoy all powers and authority provided for common sewer districts.

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. The petition shall be filed with the circuit court and a date for hearing of the petition will be set. 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 - This act authorizes the board to make the plans for any construction, acquisition of land, rights-of-ways, or otherwise for the district. The power of the board to contract and/or enter into agreements is detailed in the act, as are the powers available to the board once agreements are made.

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 204.650 - This act introduces the sanitary sewer improvement area act. This section provides definitions.

MEGAN WORD

02/28/2005 S First Read (S297)

03/02/2005 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S338)

EFFECTIVE: August 28, 2005

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\*\*\* SB 469 \*\*\*

0617S.09I

SENATE SPONSOR: Griesheimer

SB 469 - This act consolidates tax collection in counties having township organization by eliminating the position of township collectors and giving the responsibilities to the former treasurer ex officio collector, now called the "collector-treasurer".

Laws generally applicable to county collectors shall apply and govern county collector-treasurers except when they conflict with law specifically applicable to county collector-treasurer, in which case, such laws shall govern.

This act provides that the treasurer ex officio collector of a county with township organization shall no longer retain such title, and shall instead, assume the office of collector-treasurer on March 1, 2007. Until such date the township collector shall continue to perform the same duties and be subject to the same requirements and liabilities until his or her term expires. On such date though, the township collector shall cease to perform his or her duties and shall promptly deliver to the collector-treasurer, all books, papers, records, and property pertaining to the office. Notwithstanding other provisions of law to the contrary, the collector-treasurer shall obtain and hold the same duties, powers, and obligations previously granted to, and held by, the township collector. The collector-treasurer will also continue to perform the duties of the current "treasurer ex officio collector". Provisions have been made so that the consolidation of the duties of these two positions does not result in conflict.

The county treasurer-collector will continue to be compensated in the same manner as when he or she was the treasurer ex officio collector and will post the same bond. The collector-treasurer shall be allowed to employ not less than one full time deputy, and is entitled to employ such number as may be necessary to promptly and correctly perform the duties of the office of collector-treasurer. The collector-treasurers and county clerks in counties having township organization will receive \$5,000 in addition to their current compensation for their duties.

In addition to the percentages that the current treasurer ex officio collector is allowed to retain for various purposes, this act allows the treasurer-collector to retain one-half of one percent on all licenses, taxes, and all interest collected in order to be deposited in the county treasury. This money can only be used to complete the mailing of personal property tax statements and receipts.

This act eliminates provisions directed specifically at township collectors such as their election and requirement to take an oath. It also transfers the powers given to them with regard to collecting taxes to the treasurer-collector. Powers currently given to the treasurer ex officio collector that require interaction with the township collector have been transferred to other county officials such as the county clerk.

SUSAN HENDERSON

02/28/2005 S First Read (S297)

03/02/2005 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S338)

EFFECTIVE: August 28, 2005

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\*\*\* SB 470 \*\*\*

1780S.02I

SENATE SPONSOR: Engler

SB 470 - This act pertains to blasting and excavation and may be cited as the "Missouri Blasting Safety Act". An abbreviated breakdown of the act follows.

The act directs that any person who uses explosives first obtain a license except those who are exempted within the act. The Missouri Division of Fire Safety shall be responsible for issuing the licenses and information required on the application is laid out in the act. There will be a fee submitted with the application, the amount of which shall be established by the division through rules promulgated to that effect, however such fee shall not exceed one hundred dollars.

The act lays out qualifications for any applicant, some of those include:

- applicant is at least 21 years old;
- applicant has been honest in his/her application for licensure;
- applicant is familiar with other federal and state regulations relating to explosives;
- applicant has not been convicted of a felony;
- applicant does not use illegal drugs;
- applicant has completed an approved blaster's training course and successfully passed the certification examination;
- applicant has two years or two thousand hours of experience directly related to the use of explosives and shall provide signed documentation speaking to that experience;
- applicant has not been adjudicated as mentally defective; and
- applicant is a citizen of the United States.

Upon satisfying the requirements, the division shall issue a license, and any change of material fact relating to these requirements must be provided to the division by the individual holding the license.

The act states that such license shall expire three years from the date of issuance; any attempt to renew such a license shall require documentation that an additional eight hours of explosive-related training has been completed by the individual. Any training above and beyond the eight hours required for renewal shall not carry over for more than one subsequent renewal of the license.

The act lays out the documentation provided when a license is issued, and directs any individual who holds such a license to provide the division with such documentation.

Circumstances under which a license can be suspended or revoked are laid out in the act. In such a case, the division shall provide written notice to the individual in question and that individual must then surrender all copies of the license to the division as well as ceasing all blasting activity. The decision to suspend or revoke a license may be appealed by the individual to the state blasting safety board, as it established in the act. Any decision made by the board shall be done within thirty days of the date the appeal is received by the board.

The act directs any person whose license has been expired for a period of three years or less to complete the examination and attend eight hours of training. Those licenses that have been expired for more than three years, require satisfying the qualifications for initial licensure as well as completing twenty hours of training and passing the examination.

License reciprocity is dealt with in the act; enjoyed by anyone holding a valid license or certification from another source within the last three years provided all requirements meet or exceed the provisions laid out in this act. The burden of proof lays with the division with regard to investigating the requirements of other licenses or certifications as they relate to this particular license.

The act details the courses of instruction offered by the division, directs that two such courses be offered annually, and that they shall fulfill the training requirements laid out in the act. Other courses may be utilized as necessary training courses, provided those courses have been approved by the division. Upon such approval, the division shall issue a letter attesting to that fact, and such letter shall be valid for three years. It is however, the division's prerogative to determine otherwise in that time, and revoke any letters approving such a course. Requirements for courses seeking to satisfy the training element are laid out in the act as are the requirements for those providing such training.

The division is to approve a standard examination for license qualification, and a fee not to exceed fifty dollars shall accompany the exam. Results from the examination are to be provided within thirty days to the individual, and anyone failing the test can retake it within six months without having to complete an additional course of instruction. If an individual fails the test twice, additional instruction must be taken before the examination can be retaken.

Any person guilty of loading or firing explosives without a valid license to do so shall be guilty of a Class C misdemeanor for the first offense, a Class B misdemeanor for the second offense, or a Class A misdemeanor for the third offense; anyone found convicted of a Class A misdemeanor for this violation shall permanently prohibited from obtaining a blaster's license in this state.

The act lays out those individual's who are exempt from the requirements provided for in the act, some of those include:

- employees of universities when the use of explosives is confined to a course of instruction;
- individuals using explosive materials in the forms prescribed by the official U.S. Pharmacopoeia or the National Formulary and used in medicines or medical agents;
- individuals conducting training or emergency operations;
- individuals who are members of the armed forces;
- individuals using pyrotechnics;
- individuals using small arms ammunition which are subject to the Gun Control Act of 1968;

- individuals using agricultural fertilizers when used for agricultural and horticulture purposes;
- individuals handling explosives while engaged in the process of explosive manufacturing; and
- employees of rural electric cooperatives

The act lays out prescriptive requirements for blasting activity in the state; including details with regard to seismograph recordings.

The act directs each person using explosives in the state to register with the state fire marshal within sixty days of the effective date - August 28, 2005. A registration fee of one hundred dollars shall accompany the registration, and an annual report to the state fire marshal shall be forthcoming stating any change or addition to the information laid out in the original report. Information required for the report is laid out in the act. A fee per ton shall be submitted annually with the report, the minimum being set at fifty dollars, the maximum being set at two thousand five hundred dollars.

The act creates a state blasting safety board, membership, terms in office, meeting times and responsibilities of the board are all laid out in the act.

Duties for the division of fire safety are laid out in the act with regard to the training, testing, and licensing discussed in the act.

The Missouri explosives safety act administration fund is created in the act. The state fire marshal shall submit a report to the state blasting safety board annually detailing the revenue in the fund generated by fees, and how that revenue was spent.

Notice of violations and how they shall be prescribed are detailed in the act, any person receiving such a notice has the opportunity to request a hearing before the state blasting safety board. Decisions by the board are appealable to the Administrative Hearing Commission.

The act directs any person using explosives to notify, at least twenty-four hours in advance, the responsible municipality whose jurisdiction the blasting is taking place in. The municipality's powers with regard to information are laid out in the act.

MEGAN WORD

02/28/2005 S First Read (S297)

03/02/2005 Second Read and Referred S Economic Development, Tourism & Local Government  
Committee (S338)

EFFECTIVE: August 28, 2005

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\*\*\* SB 471 \*\*\*

1752S.031

SENATE SPONSOR: Engler

SB 471 - This act requires the state highway to certify heavy tow truck operators.

Beginning July 1, 2006, no person shall operate a heavy duty towing vehicle to remove abandoned property, or property directed to be moved by law enforcement, without holding a certificate issued by the state highway patrol authorizing such person to engage in such activities.

An application for a certificate shall be on forms furnished by the state highway patrol and shall be accompanied by proof that the person:

- (1) Possesses and will maintain an appropriate commercial driver's license classification;

(2) Maintains a valid liability insurance policy upon the heavy duty towing vehicle issued by an insurer authorized to do business in this state, or a bond or other acceptable surety in the amount of at least seven hundred fifty thousand dollars;

(3) Has obtained the current annual Missouri vehicle inspection certificate as required by law; and

(4) Has been tested and certified by a national program which has been funded by federal or state government to perform any law enforcement calls

Any person obtaining a certificate under this act shall maintain such certificate in the heavy duty towing vehicle and shall exhibit it on demand of any peace officer. Such certificate shall be valid for one year after its issuance. The state highway patrol shall charge a fee of fifty dollars for the initial certificate issued and a renewal fee of twenty-five dollars for each year thereafter.

Insurance companies insuring heavy duty towing vehicles shall notify the Missouri state highway patrol immediately upon the cancellation or reduction of insurance below the minimum amount.

Law enforcement may demand proof of the above requirements immediately after the driver arrives at the scene of the abandoned property or law enforcement request for assistance. A driver who is not registered under this section shall not be permitted to work the scene. Any person who attempts to tow abandoned property at the request of law enforcement without holding a registration certificate issued under this section shall be guilty of a Class A misdemeanor.

A towing company or the employer of heavy duty towing vehicle drivers shall verify to the highway state patrol by July 1, 2006, of the names of such eligible employees, their appropriate commercial driver license information, and proof of the insurance requirements. Towing companies and employers of heavy duty towing vehicles shall annually update this information. Any individual having five or more years experience operating heavy duty towing vehicles, prior to July 1, 2006, shall be exempt from training requirements of the act. The state highway patrol shall send those individuals an exemption notification certificate, which shall be kept on their person when operating heavy duty towing vehicles, for inspection by law enforcement.

STEPHEN WITTE

02/28/2005 S First Read (S297)

03/02/2005 Second Read and Referred S Transportation Committee (S338)

EFFECTIVE: August 28, 2005

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\*\*\* SB 472 \*\*\*

1829S.011

SENATE SPONSOR: Coleman

SB 472 - This act replaces the term "absentee voting" with "advance voting". Any person may cast an advance ballot. Currently, a person must have a specified reason for casting an absentee ballot. The act repeals the current advanced voting system which requires the secretary of state to implement a plan for advanced voting for the fourteen days leading up to an election. The act authorizes any person to vote in person at the central voting location of the election authority within six weeks of the election or at a satellite site established by the election authority within two weeks of the election. The secretary of state is authorized to establish procedures for requesting an advance voting ballot by mail. The act also authorizes overseas voters to cast advance voting ballots in federal elections even if such persons are eligible to register to vote in Missouri.

The act provides that the names and addresses of persons applying to vote by advanced ballot



shall be confidential. Currently, such names and addresses may be made available to the candidates and campaign committees. The act makes it a Class Four election offense to knowingly disclose such confidential information.

The provisions of this act become effective on January 1, 2006.

JIM ERTLE

02/28/2005 S First Read (S297)

03/02/2005 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S338)

EFFECTIVE: January 1, 2006

\*\*\* SB 473 \*\*\*

1849S.011

SENATE SPONSOR: Kennedy

SB 473 - This act provides an inflation increase in the per pupil amount of state aid for hold-harmless school districts. Beginning with school year 2005-2006, no hold-harmless district meeting the conditions specified in the bill will receive less per pupil than the 2003-2004 per pupil amount plus the cumulative change in the Consumer Price Index.

This act contains an emergency clause.

DONALD THALHUBER

02/28/2005 S First Read (S297)

03/02/2005 Second Read and Referred S Education Committee (S338)

EFFECTIVE: Emergency Clause

\*\*\* SB 474 \*\*\*

1846S.011

SENATE SPONSOR: Kennedy

SB 474 - This act requires the addition of two state licensed real estate appraisers to each county Board of Equalization. Each state tax commissioner who serves on or after August 13, 2006 must also be a state licensed real estate appraiser and prepare and submit to the governor, a report on the progress and status of the statewide reassessment program. Compensation will be provided to each state commissioner for preparing and submitting the progress report.

JASON ZAMKUS

02/28/2005 S First Read (S297)

03/02/2005 Second Read and Referred S Governmental Accountability & Fiscal Oversight Committee (S338)

EFFECTIVE: August 28, 2005

\*\*\* SB 475 \*\*\*

1847S.011

SENATE SPONSOR: Kennedy

SB 475 - This act adds a condition to the hold-harmless calculation permitting districts that receive students in the voluntary transfer program to have an amount per eligible pupil that is no less than their 1992-1993 per pupil amount plus the amount of line 14 aid per pupil for the current year. A scheduled reduction of line 14 funds for districts that fall below a specified level of performance on the statewide assessments in math and reading is repealed.

This act is identical to HB 128 (2005).

DONALD THALHUBER

02/28/2005 S First Read (S298)

03/02/2005 Second Read and Referred S Education Committee (S338)

EFFECTIVE: August 28, 2005

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\*\*\* SB 476 \*\*\*

1750S.01I

SENATE SPONSOR: Scott

SB 476 - This act modifies provisions relating to banking.

The act repeals a provision requiring bank examiners to be members of a political party. All employees of the division of finance shall be required to take an oath that, in part, provides they shall not reveal the condition or affairs of any financial institution regulated by the division of finance. The director of the Division of Finance is authorized to compel the attendance of witnesses and production of documents in an examination or investigation. Current law authorizes the director to seek the removal of a corporate officer subject to the regulation of the division for certain malfeasance. The act extends such authority to officers of financial institutions.

The act removes a requirement that the division must petition the circuit court where a bank is located for an order appointing the FDIC as liquidating agent of a bank. When a bank restates its articles of agreement, the act sets forth a procedure for the bank to amend its articles of incorporation at the same time. Currently, a bank must seek the approval of the division to open a branch office. A drop box for deposit purposes shall not be considered a branch. A branch office can be temporarily closed for any reasonable period of time for repairs or purposes decided by the board of directors, provided notice is posted at the entrance and given to the division of finance. Any loan or extension of credit to an officer or director of a bank must be made in accordance with Federal Reserve Board regulations.

The act repeals sections setting forth requirements for banks maintaining reserves against aggregate deposits. In its place, the act requires banks and trust companies to maintain reserves against aggregate deposits as provided by the Federal Reserve Act. A bank's required surplus fund cannot be created or increased by the net earnings of the bank. A bank must account for every item of income and expense to determine the amount of net income or loss for a dividend period.

The term "foreign corporation" is changed to "out-of-state bank or trust company" and includes a federally regulated thrift institution. Unless such out-of-state bank or trust company verifies to the division it satisfies certain capital requirements and maintains a bond for faithful performance of fiduciary duties, the director may require a bond of at least one million dollars.

JIM ERTLE

02/28/2005 S First Read (S296)

03/02/2005 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S338)

03/07/2005 Hearing Scheduled S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2005

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\*\*\* SB 477 \*\*\*

1830S.01I

SENATE SPONSOR: Scott

SB 477 - This act prohibits a person who represents a company that has been fined in any state for promoting prostitution or providing prostitutes for customer entertainment within twenty years

prior to filing an application with the gaming commission from receiving a license to conduct gambling games or operate an excursion gambling boat.

JASON ZAMKUS

02/28/2005 S First Read (S298)

03/02/2005 Second Read and Referred S Ways & Means Committee (S338)

EFFECTIVE: August 28, 2005

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\*\*\* SB 478 \*\*\*

1822S.011

SENATE SPONSOR: Scott

SB 478 -This act modifies provisions relating to elections.

An election authority may appoint two election judges of different political parties to a polling place in order to assist voters who appear at the wrong polling place. (Section 115.081). The act prohibits the payment of compensation to a person based on the number of voters registered by the person or registration applications collected by submitted by the person. It shall be unlawful for a person who collects registration applications to destroy, deface or conceal such applications. Any registration application collected by a person must be submitted to the election authority within seven days. Violation of any of these provisions is a class four election offense. (Section 115.203).

Persons who are compensated for soliciting more than ten voter registration applications must register with the secretary of state as a voter registration solicitor. Such solicitor must be a registered voter in this state and must submit relevant personal information to the secretary of state. Any person that knowingly fails to register or submits false information is guilty of a class three election offense. (Section 115.205). The act creates procedures for a person to file a complaint with the secretary of state alleging a violation of the Help America Vote Act of 2002 and for the secretary to investigate such complaints. If a violation is identified, the secretary shall determine and provide the appropriate remedy. (Section 115.219).

In cases where a voter's name is mistakenly purged from the voter registration list, the voter must appeal to the circuit court on or before two weeks before the election and the court must decide the appeal prior to the election day. If the court restores the person's name to the registration list, the person shall be entitled to cast a provisional ballot. The person must attach documents relating to the appeal, including the court order, to the provisional ballot envelope. (Section 115.223).

The act provides that any person may cast an absentee ballot for any reason. Currently, a person can only cast an absentee ballot if the person meets a specified reason. (Sections 115.277 and 115.279). The act also removes the requirement that an application for absentee ballot and the affidavit accompanying the ballot must be made under oath. (Sections 115.283 and 115.291). Voters can obtain absentee ballots at the central office or an alternative location of the election authority if the absentee ballot application is timely submitted. Six weeks prior to an election, an election authority may personally deliver absentee ballots to voters at its central or alternative location. (Section 115.287).

The election authority must verify that the signature on an absentee ballot envelope matches the signature on file. If an absentee ballot is rejected, the election authority must notify the individual and allow them to correct the information on the envelope. (Section 115.295). Election authorities may start preparation of absentee ballots ten days, rather than the current five, prior to the election. (Section 115.300).

The act establishes procedures to establish a voter's eligibility at a polling place, including examination of the precinct register, and, if eligibility cannot be determined, allowing the person to cast a provisional ballot. If it appears that the person is eligible to vote at a different polling place, the person may cast a provisional ballot at the wrong polling place or travel to the correct place. A provisional ballot shall only count if the voter was eligible to vote at such polling place. In order to cast a provisional ballot, the person must complete an affidavit. Provisional ballots must be separated from other ballots. The act sets forth procedures for the election authority to follow in determining whether the ballot should count and documentation that must be made after a finding that the voter was eligible or ineligible to cast such ballot. After the election authority completes its review, the ballots and eligibility information shall be delivered to bipartisan counting teams, which shall count eligible provisional ballots. Challengers and watchers may be present at all times when provisional ballots are being reviewed by counting teams. No court shall have jurisdiction to extend polling hours. (Section 115.430).

For punch card ballots, the election authority must inspect all ballot cards for hanging chad or damaged ballots. A bipartisan team must be appointed for the inspection. If a ballot is damaged, the team can replace the ballot with a new one that duplicates the voter's intent if there is an undisputed method of matching the duplicate with its original. If a chad is hanging by two or less corners, it shall be removed. The act also creates standards for use in determining voter intent when counting ballots in jurisdictions using an optical scan voting system, a centrally-based tabulator or paper ballots. The use of write-in stickers is allowed, provided certain conditions are met. (Section 115.456).

Currently, is a class four election offense to electioneer or conduct exit polls within twenty-five feet of a polling place. The act extends the distance to fifty feet. (Section 115.637).

The act repeals law authorizing election authorities to implement an advanced voting system. (Section 115.126).

JIM ERTLE

02/28/2005 S First Read (S298)

EFFECTIVE: August 28, 2005

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\*\*\* SB 479 \*\*\*

1839S.011

SENATE SPONSOR: Scott

SB 479 - This act requires an elected official, or candidate for elective office and certain other officials of a political subdivision with an operating budget of over \$2 million to file financial interest statements. Currently, this requirement only applies to political subdivisions with an operating budget of over \$1 million.

JIM ERTLE

02/28/2005 S First Read (S298)

03/02/2005 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S338)

03/07/2005 Hearing Scheduled S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2005

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\*\*\* SB 480 \*\*\*

1654S.011

SENATE SPONSOR: Shields

SB 480 - This act requires the State Board of Education to adopt a policy by December 1, 2005, that encourages effective involvement by parents and families in support of the education of their children.

The act delineates elements and goals for the development of the policy adopted by the State Board.

Further, the act requires the Board of Education of each school district to adopt policies no later than March 1, 2006, that encourage effective involvement by parents and families in support of their children and the education of their children.

This act is identical to SB 1208 (2004).

DONALD THALHUBER

02/28/2005 S First Read (S298)

03/02/2005 Second Read and Referred S Education Committee (S338)

03/08/2005 Hearing Scheduled S Education Committee

EFFECTIVE: August 28, 2005

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\*\*\* SB 481 \*\*\*

1801S.011

SENATE SPONSOR: Shields

SB 481 - Currently, the definition of "severely handicapped children" includes handicapped children under the age of 21 who, because of the extent of the handicapping condition, are unable to benefit from or meaningfully participate in programs in the public schools for handicapped children. This act alters the aforementioned definition by striking the current provisions and instead inserts language so the definition only includes those children who meet the eligibility criteria for severely handicapped children as identified in state regulations that implement the individuals with disabilities education act.

Further, the act deletes two sections of current law that require the state board of education to provide special education services for all severely handicapped children residing in school districts if such school districts are unable to provide appropriate programs of special instruction for severely handicapped children.

DONALD THALHUBER

02/28/2005 S First Read (S303)

03/02/2005 Second Read and Referred S Education Committee (S338)

03/08/2005 Hearing Scheduled S Education Committee

EFFECTIVE: August 28, 2005

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\*\*\* SB 482 \*\*\*

1828S.011

SENATE SPONSOR: Cauthorn

SB 482 - This act pertains to air contaminant source fees.

The act allows for the annual adjustment of per ton fees paid for by air contaminant sources; a change from the current law that allows for the minimum and maximum limits to be adjusted on an annual basis. The act applies limits to the fees; they shall not be less than twenty-five dollars per ton of regulated air contaminant nor more than forty dollars per ton of regulated air contaminant.

MEGAN WORD

02/28/2005 S First Read (S303)

03/02/2005 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources  
Committee (S338)

EFFECTIVE: August 28, 2005

**\*\*\* SB 483 \*\*\***

1873S.011

SENATE SPONSOR: Cauthorn

SB 483 - This act pertains to environmental non-compliance

The act allows for the Department of Natural Resources to notify an individual who has allegedly violated an environmental regulation or permit issued by the department, before taking legal action to remedy that violation. The act also allows the individual to respond to the notification, request a meeting with the department and work with the department to fix any issues of non-compliance.

The procedural mechanism by which this process is run is laid out in the act, as well as strategies for individuals who do not comply with the provisions of the act.

MEGAN WORD

02/28/2005 S First Read (S303)

03/02/2005 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources  
Committee (S338)

EFFECTIVE: August 28, 2005

**\*\*\* SB 484 \*\*\***

1923S.011

SENATE SPONSOR: Stouffer

SB 484 - This act allows the board of a fire protection district to create an ordinance, rule, or regulation allowing the district to charge individuals, who reside outside of the district, but who receive services within the boundaries of the district, for the actual and reasonable costs of such services received. The cost shall not exceed \$100 for a fire alarm or call or \$500 for one hour of service at an emergency or fire.

SUSAN HENDERSON

03/01/2005 S First Read (S309)

03/03/2005 Second Read and Referred S Economic Development, Tourism & Local Government  
Committee (S362)

EFFECTIVE: August 28, 2005

**\*\*\* SB 485 \*\*\***

1923S.011

SENATE SPONSOR: Days

SB 485 - This act allows any taxpayer age sixty-five years or older with a household income of seventy thousand dollars or less, or any individual with a disability receiving social security income, may elect to defer any increases in taxes on homestead property beyond the total property taxes paid in the previous year by obtaining a deferral. In order to qualify for a tax deferral, the following requirements must be met:

(1) The property must be the homestead of the taxpayer who files the claim for deferral, except for a taxpayer required to be absent from the homestead by reason of health who owns the dwelling

jointly with one or more individuals who qualify for the deferral;

(2) The homestead must be located in a county with a charter for of government and with more than one million inhabitants;

(3) There must be no prohibition to the deferral of property taxes contained in any provision of federal law, rule or regulation applicable to a mortgage, trust deed, land sale contract or conditional sale contract for which the homestead is security;

(4) The equity interest in the homestead must equal or exceed ten percent of the true value in money of the homestead; and

(5) The taxpayer claiming the deferral must show proof of, and maintain throughout the deferral period, insurance on the homestead in an amount equal to or exceeding the assessed value of the homestead.

A taxpayers claim for deferral must be filed with the county assessor. The county assessor must forward each claim to the Director of Revenue who will determine if the property is eligible for deferral. The interest rate on the deferred amount of taxes will be two percent annually. The Director of Revenue will have a lien on the homestead property in the amount of deferred taxes and interest due. The lien created under this section will not have priority over the lien of mortgages, trust deeds or security interests which are recorded or noted on a certificate of title prior to the attachment of the lien for deferred taxes.

Deferred taxes and interest will become due and payable when:

(1) The taxpayer who claimed the deferral dies;

(2) The homestead property is sold or otherwise transferred;

(3) The tax-deferred property is no longer the property of the taxpayer who claimed the deferral;

(4) The tax-deferred property is a manufactured structure or floating home which is moved out of the state.

The provisions of this act shall automatically sunset five years from the acts effective date.  
JASON ZAMKUS

03/01/2005 S First Read (S309)

03/03/2005 Second Read and Referred S Ways & Means Committee (S362)

EFFECTIVE: August 28, 2005

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\*\*\* SB 486 \*\*\*

1815S.01I

SENATE SPONSOR: Engler

SB 486 - This act removes the ability of state employees, statewide officials, members of the General Assembly, and prosecuting and circuit attorneys to transfer up to eight years of credit to the Judicial Retirement System.

ADRIANE CROUSE

03/01/2005 S First Read (S309)

03/03/2005 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S362)

EFFECTIVE: August 28, 2005

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\*\*\* SB 487 \*\*\*

0544S.011

SENATE SPONSOR: Engler

SB 487 - This act expands Missouri's littering law by requiring offenders to perform four hours of picking up litter along a highway or other form of community service for the first offense, and eight hours for a second or subsequent offense. The act also assesses two points against the driver's license for littering from a motor vehicle.

STEPHEN WITTE

03/01/2005 S First Read (S309)

03/03/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S362)

EFFECTIVE: August 28, 2005

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\*\*\* SB 488 \*\*\*

1916S.011

SENATE SPONSOR: Engler

SB 488 - This act provides that if an insurance company pays a claim on a salvage vehicle and the insured is retaining ownership of the vehicle, as prior salvage, and the vehicle has sustained only cosmetic damage, and reconstruction or rebuilding is not being made, the vehicle will not be subject to the examination conducted by the Highway Patrol in order for a title to be obtained.

STEPHEN WITTE

03/01/2005 S First Read (S309)

03/03/2005 Second Read and Referred S Transportation Committee (S362)

EFFECTIVE: August 28, 2005

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\*\*\* SB 489 \*\*\*

1939S.011

SENATE SPONSOR: Loudon

SB 489 - This act requires people who broker and sell animals for research purposes only to hold such animals with proper care, medical attention, food, and shelter, for 30 days prior to selling them. During this time period, such person must post a picture of each animal he or she is holding on a website easily accessible to the public. If a person has sufficient proof that an animal on the site belongs to him or her, then the person holding the animal must return it to the owner within five days of receiving such proof.

A violation of these provisions shall be considered prima facie evidence that the animal is stolen property under the provisions of Section 570.030, RSMo. Currently, stealing an animal under Section 570.030, RSMo, is a Class D felony.

SUSAN HENDERSON

03/01/2005 S First Read (S309-310)

03/03/2005 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S362)

EFFECTIVE: August 28, 2005

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## \*\*\* SB 490 \*\*\*

SENATE SPONSOR: Koster

SB 490 - This act allows Warrensburg to annex areas along a road up to 2.5 miles from existing boundaries of the city.

SUSAN HENDERSON

03/01/2005 S First Read (S310)

03/03/2005 Second Read and Referred S Economic Development, Tourism & Local Government  
Committee (S362)

EFFECTIVE: August 28, 2005

## \*\*\* SB 491 \*\*\*

1975S.011

SENATE SPONSOR: Klindt

SB 491 - This act provides that the "Motorcycle Safety Trust Fund", the "Spinal Cord Injury Fund", and the "Head Injury Fund" shall all expire on June 30, 2007. The current criminal surcharge to fund independent living centers shall also expire on June 30, 2007. The act removes the expiration date of September 1, 2011 on the "Statewide Court Automation Fund." In determining whether a court cost will apply to a traffic violation case, the act defines "traffic violation case" to be any nonfelony case filed under certain chapters, but shall not include traffic offenses relating to driving while intoxicated, or operating a vehicle with a suspended or revoked license, or to offenses resulting in personal injury or property damage, or where the defendant flees an officer.

Currently, the court cost attributable to the statewide court automation fund is seven dollars. The act sets different levels of fees depending on where the case is filed and the type of case filing.

JIM ERTLE

03/01/2005 S First Read (S310)

03/03/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee  
(S362)

EFFECTIVE: August 28, 2005

## \*\*\* SB 492 \*\*\*

1920S.011

SENATE SPONSOR: Kennedy

SB 492 - The act requires that any person, business entity, or agents thereof who provide construction services under contract to any school must submit to a drug test. The act establishes testing procedures and the verification process. Penalty provisions are included.

ANDY LYSKOWSKI

03/01/2005 S First Read (S310)

03/03/2005 Second Read and Referred S Small Business, Insurance & Industrial Relations  
Committee (S362)

EFFECTIVE: August 28, 2005

## \*\*\* SB 493 \*\*\*

1876S.011

SENATE SPONSOR: Kennedy

SB 493 - This act creates the Board of Private Investigator Examiners within the Division of Professional Registration in the Department of Economic Development. The Board will consist of five members appointed by the Governor with the advice and consent of the Senate. Each member must be a U.S. citizen, Missouri resident, at least 30 years old, and actively engages as a private

investigator for at least five years. Board members will serve staggered terms of four years. The Board of Private Investigator Examiners Fund is also created.

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

The Board shall ensure applicants complete a course of training conducted by a certified trainer; pass a written examination; and submit to an oral interview with the Board. Complete background checks will be conducted on all applicants. The act grandfathers current private investigators and a license will be issued to such persons who apply within 180 days if the applicant shows registration and good standing as a business and \$250,000 in business general liability insurance. The Board is given authority to review reciprocity applications.

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

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

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

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

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

This act is similar to SB 750 (2004).

JIM ERTL

03/03/2005 Second Read and Referred S Financial & Governmental Organizations and Elections  
Committee (S362)

03/01/2005 S First Read (S310)

EFFECTIVE: August 28, 2005

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**\*\*\* SB 494 \*\*\***

1692S.011

SENATE SPONSOR: Bray

SB 494 - This act relates to exoneration using DNA testing.

Currently, if a person is exonerated of a crime by the results of DNA testing, he or she must file a petition for the payment of said restitution with the sentencing court within one year of the release from confinement after August 28, 2003.

This act would maintain the one year limitation on filing a petition in most circumstances. However, it allows those individuals exonerated and released prior to August 28, 2004 to file a petition for restitution within 10 years of their release.

SUSAN HENDERSON

03/01/2005 S First Read (S310)

03/03/2005 Second Read and Referred S Judiciary and Civil &amp; Criminal Jurisprudence Committee (S362)

EFFECTIVE: August 28, 2005

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**\*\*\* SB 495 \*\*\***

1633S.011

SENATE SPONSOR: Mayer

SB 495 - This act requires that notification given to a crime victim of an offender's release must utilize the statewide automated crime victim notification system. If the system cannot be used though, written notification by mail to the most current address will be sufficient.

SUSAN HENDERSON

03/01/2005 S First Read (S310)

03/03/2005 Second Read and Referred S Judiciary and Civil &amp; Criminal Jurisprudence Committee (S362)

EFFECTIVE: August 28, 2005

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**\*\*\* SB 496 \*\*\***

1865S.011

SENATE SPONSOR: Mayer

SB 496 - This act removes the Corrections Officer Certification Commission's ability to:

- Cause a job task analysis to be made of jobs of jailers and private jail custody staff;
- Make recommendations to the Department of Corrections, the legislature, or the Governor concerning the qualifications, training, testing, and certification of such individuals; or
- Recommend qualifications and training standards for such individuals.

SUSAN HENDERSON

03/01/2005 S First Read (S310)

03/03/2005 Second Read and Referred S Financial &amp; Governmental Organizations and Elections Committee (S362)

EFFECTIVE: August 28, 2005

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**\*\*\* SB 497 \*\*\***

1897S.011

SENATE SPONSOR: Mayer

SB 497 - This act transfers the Commercial Vehicle Enforcement Division of the state Highway Patrol to the Department of Public Safety and renames the division as the "Missouri Highway Safety Enforcement Division". Missouri highway safety enforcement officers shall be officers of the state of Missouri and shall have full power and authority as now or hereafter vested in certified peace officers to enforce all laws of the state.

Under this act, Missouri highway and safety enforcement officers shall also have the power:

- (1) To require the operator of any commercial vehicle to stop and submit to a vehicle and driver inspection to determine compliance with commercial vehicle laws;
- (2) To enter in or upon commercial vehicles and break cargo seals in order to perform inspections or investigations on the public highways, at motor carrier terminal or other facilities;
- (3) To assure compliance with safety and hazardous materials regulations and homeland security regulations;
- (4) To place vehicles and drivers out of service in accordance with the North American Standard Out of Service Criteria and the right of search and seizure upon the public highways, at motor carrier terminals, or other facilities; and
- (5) To make arrests for violations not committed in the safety enforcement officer's presence and apply for and serve search warrants.

An operator of any vehicle who fails to obey a reasonable request of a Missouri highway safety enforcement officer shall be guilty of a misdemeanor.

Missouri highway safety enforcement officers must complete training approved by the director of the Department of Public Safety.

The act creates the "Commercial Vehicle Enforcement Fund." The fund shall consist of money derived from three percent of all fees collected by the state of Missouri from the operation of commercial vehicles in the state.

This act is identical to HB 634 (2005).

STEPHEN WITTE

03/01/2005 S First Read (S310)

03/03/2005 Second Read and Referred S Transportation Committee (S362)

EFFECTIVE: August 28, 2005

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\*\*\* SB 498 \*\*\*

1903S.011

SENATE SPONSOR: Mayer

SB 498 - This act amends the provision allowing a sales tax exemption for sales of aircraft to common carriers for storage or for use in interstate commerce and all sales made by or to not-for-profit organizations in their civic or charitable functions and activities. Under current law not-for-profit organizations would receive this exemption only if the sale was made solely in their civic or charitable functions and activities.

JASON ZAMKUS

03/01/2005 S First Read (S310)

03/03/2005 Second Read and Referred S Ways & Means Committee (S362)

EFFECTIVE: August 28, 2005

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\*\*\* SB 499 \*\*\*

1925S.01I

SENATE SPONSOR: Mayer

SB 499 - This act provides that judgments entered by an associate division of the circuit court which are entitled to a trial de novo under Section 512.180, RSMo, shall be a lien upon final judgment if an application is not filed or, alternatively, upon final judgment of the trial de novo if an application is filed. Such judgments and decrees entered by small claims and municipal divisions of the circuit court do not constitute liens.

SUSAN HENDERSON

03/01/2005 S First Read (S310)

03/03/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S362)

EFFECTIVE: August 28, 2005

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\*\*\* SB 500 \*\*\*

1821S.02I

SENATE SPONSOR: Gibbons

SB 500 - Under this act, the Department of Elementary and Secondary Education will maintain a statewide birth to age three system of early intervention services through the first steps program. The statewide system shall include a comprehensive public awareness program to ensure eligible children are identified and evaluated for eligibility.

The structure for the delivery of first steps services will be on a regional basis, with the regions to be determined by the department.

The department will promulgate rules providing for family cost participation in the first steps program. The family participation will consist of a process to access private and public insurance and a fee for participation set by a sliding scale corresponding with the financial resources of the parents or legal guardians. The sliding scale fee shall contemplate factors such as adjusted gross income and family size, a monthly fee for participation, and a minimum fee of five dollars and a maximum fee of one hundred dollars. No fee will be charged to a family whose income qualifies for Medicaid.

Fees will not be applied to a family that is unable to pay and the early intervention services will be provided to these families. Financial ability will be determined by financial documentation provided by the family. Notice of collection procedures, schedule of fees or payments, and guidelines for "inability to pay" shall be made available to parents for eligible children.

When funds are used to reimburse the service provider in order to prevent a delay of the provision of services to a child, the funds must be recovered from the public or private source that has ultimate responsibility for payment.

Nothing in this act will permit any other state agency that provides medically related services to reduce medical assistance to eligible children.

All amounts generated by family cost participation, including fees, co-pays, and insurance

reimbursements, will be deposited to the first steps fund created in Section 160.920. The first steps program may be required to pay insurance deductibles and copayments for approved services to eligible children as an incentive to access the family medical insurance.

This act also provides that the department of social services shall recognize the first steps established under this act, and shall pay all claims for reimbursement for Medicaid-eligible children to the first steps system.

This act also provides that each health carrier or health benefit plan that offers or issues health benefit plans which are issued on or after the effective date of this act shall provide coverage to reimburse the first steps program for early intervention services. Such coverage shall be limited to three thousand dollars per covered child per policy per calendar year, with a maximum of nine thousand dollars over three years. Early intervention services shall be deemed medically necessary. Also, early intervention services required under this act shall not be subject to any deductible, coinsurance or co-payment.

This act has an emergency clause.

ADRIANE CROUSE

03/01/2005 S First Read (S310)

03/03/2005 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S362)

EFFECTIVE: Emergency clause

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\*\*\* SB 501 \*\*\*

1915S.011

SENATE SPONSOR: Gibbons

SB 501 - This act establishes in the Department of Mental Health, an "Office of Comprehensive Child Mental Health" to implement a comprehensive child mental health service system plan. The office shall provide oversight, support, training, and coordination with other teams in the implementation of the service system plan.

This act also creates the Comprehensive Child Mental Health Clinical Advisory Council, consisting of ten members from the following disciplines: pediatric medicine, child psychiatry, child psychology, social work, clinical counseling, school psychologist, research, financing, and evaluation. Members of the council shall share information, identify funding and research opportunities, and advise the department on how to provide a comprehensive child mental health system.

The department and the comprehensive system management team shall conduct an analysis of all state funding by departments providing child mental health services by January 1, 2006, and submit any recommendations to the governor and general assembly by July 1, 2006. Further, the system management team shall establish a process to assist communities with child mental health services. The process may include the provision of monetary grants, respite and school-based services, and the development of local funding for mental health services.

ADRIANE CROUSE

03/01/2005 S First Read (S310)

03/03/2005 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S362)

EFFECTIVE: August 28, 2005

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**\*\*\* SB 502 \*\*\***

1717S.04I

SENATE SPONSOR: Gibbons

SB 502 - This act authorizes the Governor to convey land in St. Louis County to Manchester United Methodist Church in exchange for receiving another parcel of land from the church.

SUSAN HENDERSON

03/01/2005 S First Read (S310)

03/03/2005 Second Read and Referred S Economic Development, Tourism & Local Government  
Committee (S362)

EFFECTIVE: Emergency Clause

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**\*\*\* SB 503 \*\*\***

1840S.01I

SENATE SPONSOR: Cauthorn

SB 503 - This act pertains to environmental audits.

This act details the conditions under which noncompliance with environmental regulations by an entity subject to environmental law will be protected from administrative, civil, and criminal penalties and prosecution and public disclosure pursuant to Chapter 610, RSMo. Some of the conditions include:

1. Discovery of the noncompliance through a voluntary, as opposed to a legally mandated, internal environmental audit or compliance management system;
2. Full and timely disclosure of the noncompliance to the Department of Natural Resources;
3. Discovery and disclosure of the noncompliance prior to any governmental inspection or investigation, third-party complaint, whistle-blower employee report, or imminent discovery by any regulatory department or agency;
4. Reasonable time limits for correcting the noncompliance;
5. Written agreements to take necessary steps to prevent recurrence;
6. Absence of occurrence of the identical noncompliance by the facility within the previous three years or within the previous five years at facilities owned or operated by the same entity; and
7. The entity's cooperation with the department to determine the applicability of the protections afforded by the act.

MEGAN WORD

03/01/2005 S First Read (S310)

03/03/2005 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources  
Committee (S362)

EFFECTIVE: August 28, 2005

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**\*\*\* SB 504 \*\*\***

1878S.02I

SENATE SPONSOR: Dougherty

SB 504 - This act creates the Office of Inspector General within the Office of Administration. The Office of Inspector General will prevent and detect fraud, waste and abuse in the expenditure of public funds, whether state, federal, or local in programs and operations of state government, local governments and private entities accepting public funds. The Office of Inspector General will also ensure that tax credits offered under state statute are being used for the purpose stated under the applicable state statute. The Inspector General will be appointed by a majority vote of the Governor, Attorney General, and State Auditor.

JASON ZAMKUS

03/03/2005 Second Read and Referred S Governmental Accountability & Fiscal Oversight  
Committee (S362)

03/01/2005 S First Read (S310)

EFFECTIVE: August 28, 2005

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\*\*\* SB 505 \*\*\*

1882S.011

SENATE SPONSOR: Dougherty

SB 505 - The act makes it a misdemeanor for any credit card issuer to charge any fees or increase any rates for a holder when the holder owes or fails to make timely payments to any other creditor.

ANDY LYSKOWSKI

03/01/2005 S First Read (S310)

03/03/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee  
(S362)

EFFECTIVE: August 28, 2005

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\*\*\* SB 506 \*\*\*

1887S.021

SENATE SPONSOR: Dougherty

SB 506 - This act pertains to identity theft.

The act first prohibits the sharing of personal financial information with any unauthorized person unless the individual consents to the share.

The act requires a business or person that conducts business in the state that owns or licenses computerized data, to disclose any breach of security of that data, to any citizen of this state whose information may, or may very well have been, acquired by an unauthorized person. Notification requirements are laid out in the act.

The act allows for individuals to place security alerts and security freezes on their credit report, notifying any recipient of the report that the individual may have been a victim of identity theft, and prohibiting the release of the individual's information without the express consent of the consumer. The act details the obligations of consumer reporting agencies in response to this option.

The act has a penalty provision for violations - Class A misdemeanor, fines up to \$1,000 or imprisonment for up to one year.

MEGAN WORD

03/01/2005 S First Read (S311)

03/03/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee  
(S362-363)

EFFECTIVE: August 28, 2005

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\*\*\* SB 507 \*\*\*

1912L.011

SENATE SPONSOR: Graham

SB 507 - This act raises from \$250 to \$1,000 the value of property for which the county auditor in counties of the first and second classification is required to inventory.

SUSAN HENDERSON



03/01/2005 S First Read (S311)

03/03/2005 Second Read and Referred S Economic Development, Tourism & Local Government  
Committee (S363)

EFFECTIVE: August 28, 2005

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\*\*\* SB 508 \*\*\*

1924S.011

SENATE SPONSOR: Wheeler

SB 508 - This act pertains to the detachment of territory for water supply districts.

The act modifies the circumstances where territory located in a district can detach; with this act, such a detachment can occur for territory that the district has not made service available. The act changes the financial language to make it consistent with the federal statute. New language has been added to require any political subdivision or private entity to first petition the court for the territory in question to be detached before any infrastructure may be built.

MEGAN WORD

03/01/2005 S First Read (S311)

03/03/2005 Second Read and Referred S Economic Development, Tourism & Local Government  
Committee (S363)

EFFECTIVE: August 28, 2005

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\*\*\* SB 509 \*\*\*

1902S.011

SENATE SPONSOR: Dolan

SB 509 - This act allows a taxpayer a tax credit against the taxpayers income tax liability in an amount equal to the applicable percentage of the adjusted purchase price paid to the issuer of a qualified equity investment. The total of all such credits taken by any person under this section shall not exceed such person's total combined income and franchise tax liability. The tax credit may be carried forward two years.

If any amount of the federal tax credit available with respect to a qualified equity investment which is eligible for a credit under this section is recaptured under the provisions of the Internal Revenue Code, the Department of Revenue shall have the right to recapture a portion of the credit granted with respect to such qualified equity investment. The percentage of the credit granted that may be subject to recapture will be equal to the percentage of the total federal credit earned with respect to such qualified equity investment that is recaptured under the provisions of the Internal Revenue Code.

JASON ZAMKUS

03/01/2005 S First Read (S311)

03/03/2005 Second Read and Referred S Ways & Means Committee (S363)

EFFECTIVE: August 28, 2005

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\*\*\* SB 510 \*\*\*

1933S.011

SENATE SPONSOR: Koster

SB 510 - The act introduces new provisions for the repayment of Title XII loans incurred from 2003 through 2005 including a surcharge which shall expire in 2020. The act removes the language accounting for situations in which the unemployment compensation fund is not utilizing moneys advanced by the federal government.

The act also incorporates the temporary debt indebtedness surcharge into calculations as well as empowers the Director of Employment Security to grant a 10% reduction to employers with a positive experience calculated rate to be offset by levying a 10% increase on those with a negative experience calculated rate.

The fixed or variable rate affected by the board of Unemployment Security shall mature no later than 15 years after issuance. The act also changes numerous 2008 deadlines to 2020.

ANDY LYSKOWSKI

03/01/2005 S First Read (S311)

03/03/2005 Second Read and Referred S Small Business, Insurance & Industrial Relations  
Committee (S363)

EFFECTIVE: August 28, 2005

\*\*\* SB 511 \*\*\*

1741S.011

SENATE SPONSOR: Callahan

SB 511 - This act provides that a prosecution is commenced for a misdemeanor or infraction when the information is filed. A prosecution for a felony is commenced when the complaint is filed.

SUSAN HENDERSON

03/01/2005 S First Read (S311)

03/03/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee  
(S363)

EFFECTIVE: August 28, 2005

\*\*\* SB 512 \*\*\*

1746S.011

SENATE SPONSOR: Callahan

SB 512 - This act removes the language stating that a person commits the crime of tampering with a witness "in an official proceeding".

SUSAN HENDERSON

03/01/2005 S First Read (S311)

03/03/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee  
(S363)

EFFECTIVE: August 28, 2005

\*\*\* SB 513 \*\*\*

1749S.011

SENATE SPONSOR: Callahan

SB 513 - This act removes the provision from Section 545.050, RSMo, which states that if a defendant is acquitted or the prosecution fails, judgement shall be entered against such prosecutor for the costs.

Currently, with most trials, if the defendant is acquitted, the costs shall be paid by the county except when the prosecutor is adjudged to pay them or it is otherwise provided by law. This act repeals the provision stating that the prosecutor can be adjudged to pay the costs. Thus, leaving the statute to state that the county shall pay the costs if the defendant is acquitted.

This act also repeals Sections 550.050, 550.070, and 550.080, RSMo, which specify that the prosecutor is responsible for paying certain court costs.

SUSAN HENDERSON

03/01/2005 S First Read (S311)

03/03/2005 Second Read and Referred S Judiciary and Civil &amp; Criminal Jurisprudence Committee (S363)

EFFECTIVE: August 28, 2005

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**\*\*\* SB 514 \*\*\***

1922S.011

SENATE SPONSOR: Ridgeway

SB 514 - This act prohibits a state official or an employee of the state or a political subdivision from being subject to civil liability, impeachment or removal from employment as a result of acknowledging God as the supreme ruler of the universe. The Attorney General will defend any action brought against such official or employee.

JIM ERTLE

03/01/2005 S First Read (S311)

03/03/2005 Second Read and Referred S Judiciary and Civil &amp; Criminal Jurisprudence Committee (S363)

EFFECTIVE: August 28, 2005

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**\*\*\* SB 515 \*\*\***

0550L.011

SENATE SPONSOR: Taylor

SB 515 - This act requires summer school programs be run by the school district, not a another entity, in order for such district to be eligible for the double counting of summer school attendance.

DONALD THALHUBER

03/01/2005 S First Read (S311)

03/03/2005 Second Read and Referred S Education Committee (S363)

EFFECTIVE: August 28, 2005

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**\*\*\* SB 516 \*\*\***

1913S.011

SENATE SPONSOR: Griesheimer

SB 516 - This act eliminates the provision in Section 99.847, RSMo, which states that any district providing emergency services shall be entitled to reimbursement from the special allocation fund in the amount of at least 50% but not more than 100% of the district's tax increment.

SUSAN HENDERSON

03/01/2005 S First Read (S311)

03/03/2005 Second Read and Referred S Economic Development, Tourism &amp; Local Government Committee (S363)

EFFECTIVE: August 28, 2005

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**\*\*\* SB 517 \*\*\***

1786S.021

SENATE SPONSOR: Shields

SB 517 - This act requires a health care provider to make reasonable efforts to locate an individual willing and available to act as a surrogate to make health care decisions if an adult patient is unable to make or communicate health care treatment decisions and if the patient has not designated an agent to make health care decisions or a guardian has not been appointed. The health care provider shall attempt to locate the following individuals in order of priority to act as a surrogate:

- (1) Patient's spouse, unless they are legally separated;
- (2) An adult child of the patient;
- (3) A parent of the patient;
- (4) A sibling of the patient;
- (5) A close friend

If the health care provider cannot locate a surrogate, the patient's attending physician may make health care treatment decisions after the physician consults with and obtains the recommendations of an institutional ethics committee, which is a standing committee of a licensed health care institution that renders advice concerning ethical issues involving medical treatment.

This act provides civil and criminal immunity to health care providers acting in good faith.  
ADRIANE CROUSE

03/01/2005 S First Read (S311)

03/03/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S363)

EFFECTIVE: August 28, 2005

\*\*\* SB 518 \*\*\*

1950S.01I

SENATE SPONSOR: Kennedy

SB 518 - This act creates the Assistive Technology Trust Fund, which will consist of gifts, donations, grants, and bequests from individuals or groups given for the purpose of assistive technology. The moneys in the fund are to be used to establish and maintain assistive technology programs and services provided by the Advisory Assistive Technology Council. The council is required to employ staff as necessary, enter into grants and contracts with public and private entities, and administer the fund.

ANDY LYSKOWSKI

03/01/2005 S First Read (S313)

03/03/2005 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S363)

EFFECTIVE: August 28, 2005

\*\*\* SB 519 \*\*\*

1914S.01I

SENATE SPONSOR: Callahan

SB 519 - This act requires that any expenditure made by the Jackson County Sports Authority that is over \$5,000, including professional service contracts, must be competitively bid.

SUSAN HENDERSON

03/01/2005 S First Read (S313)

03/03/2005 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S363)

EFFECTIVE: August 28, 2005

\*\*\* SB 520 \*\*\*

1751S.01I

SENATE SPONSOR: Callahan

SB 520 - Currently, a person arrested and confined without a warrant or other process for breach of the peace or other criminal offense shall be discharged from custody within 20 hours unless he or she is charged with an offense and held by warrant. Under this act, such person would

have to be discharged within 48 hours.  
SUSAN HENDERSON

03/01/2005 S First Read (S313)

03/03/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee  
(S363)

EFFECTIVE: August 28, 2005

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\*\*\* SB 521 \*\*\*

1212S.03I

SENATE SPONSOR: Crowell

SB 521 - This act expands the membership of the Community Service Commission to include the Lieutenant Governor.

STEPHEN WITTE

03/01/2005 S First Read (S313)

03/03/2005 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee  
(S363)

EFFECTIVE: August 28, 2005

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\*\*\* SB 522 \*\*\*

1930S.02I

SENATE SPONSOR: Ridgeway

SB 522 - This act provides for an informal dispute resolution for long-term care facilities to contest deficiency statements stemming from inspections or complaint investigations conducted by the Department of Health and Senior Services. Such challenges shall be conducted by an impartial hearing officer. The hearing officers shall be licensed lawyers and other non-lawyer professionals who have experience or who have completed training in the areas of mediation or arbitration.

The process shall consist of a facility filing a written request to informally contest the deficiency statements conducted by the department. The informal dispute resolution process shall be conducted such that the process will not delay the formal imposition of remedies. The decisions issued by the officer may reverse or modify the formal imposition of remedies and shall be issued within a reasonable time of the hearing.

This act also references the informal dispute resolution process in other sections dealing with inspection and inspection records requirements.

ADRIANE CROUSE

03/01/2005 S First Read (S313)

03/03/2005 Second Read and Referred S Aging, Families, Mental & Public Health Committee  
(S363)

EFFECTIVE: August 28, 2005

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\*\*\* SB 523 \*\*\*

1949S.01I

SENATE SPONSOR: Cauthorn

SB 523 - This act authorizes the Department of Economic development to contract with a higher education institution to establish a distant dental hygienist learning program. Such program must meet standards established by the council on dental accreditation.

This act sunsets in six years.

JIM ERTLE

03/01/2005 S First Read (S313)

03/03/2005 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S363)

EFFECTIVE: August 28, 2005

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\*\*\* SB 524 \*\*\*

1917S.011

SENATE SPONSOR: Coleman

SB 524 - This act regulates the licensing of naturopathic physicians.

Definitions are created relating to naturopathic medicine and required education. The act establishes requirements and procedures for the initial licensure of naturopaths.

The Advisory Commission for Naturopathic Medicine is established for the purpose of advising the state board of healing arts on the licensure and supervision of all naturopathic physicians. The Commission shall consist of six members, one of which must be a public member, who will be appointed by the Governor. Each member shall serve a four year term, except for the members first appointed.

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.

Naturopaths must display a license or certificate in a conspicuous location that is accessible to the public. Any person seeking to practice as a naturopathic physician must take and pass required examinations. Persons licensed in other states that authorize the practice of naturopathy to the same extent and the same manner as Missouri shall be licensed without examination. The Board is authorized to enter into reciprocal agreements with other states.

The act creates a list of persons who are exempt from the licensure requirements. The act creates a "grandfathering" provision to allow for the licensure of naturopathic physicians who do not satisfy certain education requirements, provided such physicians meet other requirements relating to the active practice of naturopathic medicine. Such persons must apply for licensure by July 1, 2007.

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

A naturopathic physician must meet the Board's minimum requirements for continuing education in order to renew a certificate of registration. Every licensed naturopathic physician must renew their certificate of registration on or before the renewal date. A blank application form for registration will be mailed to the last known office or residence address. The failure to receive the application form does not mitigate the duty to register or exempt from penalties. Registration fees must be paid to the Director of the Department and must accompany the application for registration.

This act is similar to SB 1039 (2004).

JIM ERTLE

03/03/2005 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S363)

03/01/2005 S First Read (S313)

EFFECTIVE: August 28, 2005

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\*\*\* SB 525 \*\*\*

1931S.01I

SENATE SPONSOR: Coleman

SB 525 - This act requires health benefit plans to provide coverage for diagnostic testing and healthcare services for chronic kidney disease patients.

ADRIANE CROUSE

03/01/2005 S First Read (S313)

03/03/2005 Second Read and Referred S Small Business, Insurance & Industrial Relations  
Committee (S363)

EFFECTIVE: August 28, 2005

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\*\*\* SB 526 \*\*\*

1948S.01I

SENATE SPONSOR: Scott

SB 526 - This act requires that any contribution to the Missouri Higher Education Savings Program must be held in the program for at least twelve months in order to avoid penalties provided in current law.

JIM ERTLE

03/01/2005 S First Read (S313)

03/03/2005 Second Read and Referred S Financial & Governmental Organizations and Elections  
Committee (S363)

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\*\*\* SB 527 \*\*\*

1804S.01I

SENATE SPONSOR: Wilson

SB 527 - This act provides that hospitals and ambulatory surgical centers implement an acuity-based patient classification system in order to ensure adequate nurse to patient ratios. This act specifically enumerates minimum direct-care registered nurse-to-patient ratios for various units within a hospital or ambulatory surgical center. The Department of Health and Senior Services shall have the powers and duties to promulgate rules and regulations necessary to implement the ratios.

As a condition of licensing, each hospital or ambulatory surgical center shall submit annually to the department a prospective staffing plan which is sufficient to meet the specified ratios.

This act also provides that hospitals and ambulatory surgical centers may be fined twenty-five thousand dollars for failing to adhere to a daily written nurse staffing plan as prescribed in Section 197.288, RSMo. The fines collected will be placed in the Health Initiatives Fund.

ADRIANE CROUSE

03/01/2005 S First Read (S313)

03/03/2005 Second Read and Referred S Aging, Families, Mental & Public Health Committee  
(S363)

EFFECTIVE: August 28, 2005

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\*\*\* SB 528 \*\*\*

1956S.01I

SENATE SPONSOR: Bray

SB 528 - This act establishes the Missouri Universal Health Assurance Program. The program

is a publicly financed, statewide insurance program that will provide comprehensive and necessary health care services for Missouri residents. The Director of the Department of Health and Senior Services is required to divide the population of the state into six regional health planning and policy development districts. An advisory council of 13 members will be established for each district. The advisory councils will assist the board of governors of the program in creating an annual comprehensive state health care plan as well as developing a transportation plan for indigent, elderly, and disabled clients.

The program will be administered by a 25-member board of governors, of whom 16 members will be appointed by the Governor, with the advice and consent of the Senate. The directors of the departments of Social Services, Health and Senior Services, and Mental Health will be ex-officio members; and the board will include representation of minority and disabled individuals. The board will be responsible for monitoring expenditures, adopting rules, employing staff, and studying methods for incorporating institutional and long-term care benefits into the program. The board is also required to submit an annual report to the Speaker of the House of Representatives, the President Pro Tem of the Senate, and the Governor with recommendations for changes in health insurance and health care laws. Prior to the implementation of the comprehensive plan, the board is required to appoint an advisory subcommittees of health care researchers and ethics experts and conduct public hearings. The comprehensive plan is required to seek and secure the delivery of the most cost-effective health care services.

The act also establishes the Missouri Health Care Trust Fund which will be used to finance the program. Certain health care services are excluded from coverage. The program is required to pay the expenses of institutional providers of health care, and each provider is required to negotiate an annual budget with the program which will 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.

No later than 30 days after the effective date of the act, the Department of Social Services is required to 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 is also required to identify other federal funding sources.

Specific sections of the act will become effective April 1 of the year following the award of a waiver by the United States Department of Health and Human Services. Notice of the receipt of the waiver must be given to the Revisor of Statutes.

STEPHEN WITTE

03/01/2005 S First Read (S313)

03/03/2005 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S363)

EFFECTIVE: August 28, 2005

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\*\*\* SB 529 \*\*\*

1941S.011

SENATE SPONSOR: Vogel

SB 529 - This act prohibits any city or town from bringing or maintaining an action in state or federal court as a representative of a class to enforce or collect any business license tax imposed on a telecommunications company. Municipalities are prohibited from imposing a business license tax, tower tax, or antennae tax on communications company. Any business license tax imposed on a telecommunications company after August 28, 2005, shall be imposed on the retail sale of



telecommunications service.

On or before January 1, 2006, the Director of Revenue must publish a list of the municipalities which have enacted ordinances imposing a business license tax on a telecommunications company prior to August 28, 2005. On or before February 1, 2006, all telecommunications companies in Missouri must provide the director of revenue and the state auditor with the amount of municipal business license tax which they paid to each municipality identified in the list published by the Director of Revenue and an itemized list of the companies gross receipts for the previous four quarters for each category of gross receipts in each municipality.

Beginning July 1, 2006, the director will collect, administer, and distribute telecommunications business license tax revenues. All business license taxes will be based solely and exclusively on those gross receipts of telecommunications companies for the retail sale of telecommunications services. The department of revenue will retain a collection fee of up to one percent of all funds collected and distributed.

In order to comply with Article X, Section 22 of the Missouri Constitution, the state auditor will adjust the gross receipts percentage rate for each municipality identified by the director of revenue so that the amount received in total from all telecommunications companies remains the same in each municipality.

The director shall be notified within thirty days, in writing, of any change in the municipal business tax rate adopted by a municipality. The maximum rate of taxation on gross receipts shall not exceed five percent, for bills rendered during the period from July 1, 2006 to December 31, 2007, and three percent for those bills rendered on or after January 1, 2008.

Municipalities which have had an ordinance imposing a business license tax on telecommunications companies which specifically included the words "wireless", "cell phones", or "mobile phones" in its business license ordinance, prior to November 4, 1980, and had not limited its tax to local exchange telephone service or landlines and had taken action to collect such tax shall not be required to adjust its business license tax.

The statute of limitations for prosecution of alleged nonpayment or underpayment of the business license tax will be three years. Full immunity is granted to certain telecommunications companies for any amounts of business license taxes up to August 28, 2005, which they failed to a municipality based on a subjective good faith belief that the company was either not covered by the municipal business license ordinance or that certain categories of the companies revenue did not qualify under the definition or wording of the ordinance as gross receipts upon which the taxes should be calculated. Any lawsuit or audit of back taxes, initiated prior to August 28, 2005, by a municipality for the nonpayment of business license taxes by a telecommunications company must be dismissed with prejudice or ceased.

JASON ZAMKUS

03/01/2005 S First Read (S313)

03/03/2005 Second Read and Referred S Ways & Means Committee (S363)

EFFECTIVE: August 28, 2005

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\*\*\* SB 530 \*\*\*

SENATE SPONSOR: Vogel

0256S.011

SB 530 - This act waives the additional fee charged for military specialized license plates.

JASON ZAMKUS

03/01/2005 S First Read (S313)

03/03/2005 Second Read and Referred S Transportation Committee (S363)

EFFECTIVE: August 28, 2005

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**\*\*\* SB 531 \*\*\***

1900S.02I

SENATE SPONSOR: Klindt

SB 531 - This act modifies Missouri Supreme Court Rule 8.07 regarding the application to take the bar examination. Currently, the Board of Bar Examiners may allow an applicant to sit for the bar examination if the applicant has not graduated from an ABA-approved law school if the applicant furnishes evidence that for at least five years the applicant has been engaged in the practice of law, or served as a lawyer in the military, or taught at an ABA-approved law school. This act repeals the five year requirement and provides that the applicant may sit for the bar examination if the applicant furnishes a certificate of good standing and a disciplinary statement from each state where the applicant is admitted to the bar.

The act also permits a member of the General Assembly who has served at least eight years to sit for the bar examination.

JIM ERTLE

03/01/2005 S First Read (S313)

03/03/2005 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S363)

EFFECTIVE: August 28, 2005

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**\*\*\* SB 532 \*\*\***

1921S.01I

SENATE SPONSOR: Ridgeway

SB 532 - This act creates the Medical Ownership Program, a new Medicaid coverage program consisting of managed health savings accounts. This act creates the Medical Ownership Committee, a joint committee of the General Assembly, consisting of five members of the Senate and five members of the House. The members of the committee shall be appointed by September 1, 2005, and will obtain support from the department of social services, as necessary.

By January 15, 2006, the committee shall study and issue recommendations in a report to the governor, the general assembly, and the department of social services for implementing the medical ownership program, curtailing wasteful health care spending, and coordinating with the division of medical services to ensure a smooth transition between the current state medicaid program and the new program.

This act contains an emergency clause.

ADRIANE CROUSE

03/01/2005 S First Read (S313)

03/03/2005 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S532)

EFFECTIVE: Emergency clause

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**\*\*\* SB 533 \*\*\***

1590S.02I

SENATE SPONSOR: Shields

SB 533 - This act provides a penalty for persons placed on the employee disqualification list who continue to work in the health care industry while on the list by extending the person's placement on the list for one additional year. This extension is not subject to appeal. Also, such person who continues to work in a position for which he or she is prohibited by such placement on the list is guilty of a Class A misdemeanor. This act also modifies the required notice to be provided to the employee by the Department of Social Services after an investigation and a determination has been made to place an employee's name on the list.

ADRIANE CROUSE

03/01/2005 S First Read (S313-314)

03/03/2005 Second Read and Referred S Small Business, Insurance & Industrial Relations  
Committee (S363)

EFFECTIVE: August 28, 2005

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\*\*\* SB 534 \*\*\*

0809S.011

SENATE SPONSOR: Bartle

SB 534 - This act modifies procedures when a municipal judge becomes absent, sick or disqualified. For municipal courts with more than one judge, the presiding judge of the municipal court may request the presiding judge of the circuit court to designate a special municipal judge until the absence ceases. Alternatively, the presiding judge of the municipal court may issue designate a procedure where the municipal court administrator or court clerk may request the presiding judge of the circuit court to designate a special municipal judge.

In the absence of multiple judges or a written procedure, the mayor or chairman of the board of trustees may make such request of the presiding judge of the circuit court. If it is impossible for the mayor or chairman to reach the presiding judge of the circuit court, the mayor or the chairman may designate a special municipal judge until the presiding judge of the circuit court can designate a special municipal judge.

JIM ERTLE

03/01/2005 S First Read (S314)

03/03/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee  
(S363)

EFFECTIVE: August 28, 2005

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\*\*\* SB 535 \*\*\*

1958S.011

SENATE SPONSOR: Vogel

SB 535 - This act creates a sales and use tax exemption for all sales and purchases of tangible personal property, utilities, services, or any other transaction that would be subject to state or local sales tax when such sales or purchases are made by a contractor for use in fulfillment of any obligation under a contract with the United States Government.

JASON ZAMKUS

03/01/2005 S First Read (S328)

03/03/2005 Second Read and Referred S Ways & Means Committee (S363)

EFFECTIVE: August 28, 2005

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\*\*\* SB 536 \*\*\*

1539S.011

SENATE SPONSOR: Bartle

SB 536 - This act modifies the current law with respect to the landlord's disposition of tenant

property. Under this act, if the landlord reasonably believes that the tenant has abandoned the premises, all personal property that the tenant has left on the premises may be removed. The landlord may not be held to respond in damages in an action by a tenant claiming loss by reason of the landlord's election to destroy, sell, or otherwise dispose of the property. No claim shall lie in conversion or any other cause of action for the destruction, sale, or disposal of the tenant's property if the provisions of this section have been followed. If, however, the landlord deliberately or negligently violated the provisions of this section, the landlord shall be liable for actual damages. This act removes the requirement that the rent be unpaid for 30 days and removes the notice requirement from the landlord that the landlord will dispose of the tenant's property.

STEPHEN WITTE

03/01/2005 S First Read (S328)

03/03/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S363)

EFFECTIVE: August 28, 2005

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\*\*\* SB 537 \*\*\*

1528S.01I

SENATE SPONSOR: Bartle

SB 537 - The current law provides that in unlawful detainer actions and rent and possession actions, trial de novos and appeals shall not stay execution for restitution unless the defendant gives a bond to secure the damages obtained in the judgment. This act provides that the bond must be a cash bond.

STEPHEN WITTE

03/01/2005 S First Read (S328)

03/03/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S363)

EFFECTIVE: August 28, 2005

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\*\*\* SB 538 \*\*\*

1526S.01I

SENATE SPONSOR: Bartle

SB 538 - This act provides that the court date set forth in a unlawful detainer and rent and possession summons to be set for a date no more than 10 business days after the issuance of the summons. The current law provides for 21 business days. The unlawful detainer or rent and possession summons shall be served 2 days before the court date. The current law provides 4 days. The act also provides that is service is done by posting, then a copy of the summons and complain must be affixed to the premises at least five business day before the court date and mail a copy of the summons to the defendant's last know address 5 business days before the court date. The current law requires the posting and mailing 10 days before the court date. The act also provides that a party may request a writ of possession or writ of restitution at any time prior to the entry of judgment but the writ cannot be executed until after the judgment becomes final.

STEPHEN WITTE

03/01/2005 S First Read (S328)

03/03/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S363)

EFFECTIVE: August 28, 2005

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\*\*\* SB 539 \*\*\*

1714S.04I

SENATE SPONSOR: Purgason

SB 539 -This act modifies certain provisions dealing with various health care and social services programs, including medicaid, the Missouri Senior RX, and personal care assistance programs.

PERSONAL CARE ASSISTANCE PROGRAM - This act moves the personal care assistance program for disabled persons the Department of Elementary and Secondary Education to the Department of Health and Senior Services (Section 192.1000).

The department shall provide financial assistance to physically disabled persons for personal care assistance services through eligible vendors. The act prescribes requirements for eligibility and annual eligibility review (Sections 192.1003 and 192.1006). Upon determination of eligibility, the department shall develop a personal care assistance services plan (192.1006).

Consumers receiving personal care assistance shall be responsible for the supervision of the attendant while the vendor shall be responsible for the medicaid reimbursement process, including filing claims and mailing individual payment directly to the assistant (Section 192.1009).

The services are not authorized if the primary benefit of the services is to the household unit and such household may reasonably be expected to share or do for one another when they live in the same household. Neither shall the services be used to employ a personal care assistant who is listed on any of the background check lists, unless a good cause waiver is first obtained from the department (Section 192.1009).

In addition, this act delineates the duties of certain persons to report instances where such person reasonably believes a consumer has been neglected, abused, or where the consumer's property of funds have been misappropriated (Sections 192.1012 and 192.1015). It also details the duties of the department's case manager to investigate instances of abuse. It shall be a Class A misdemeanor if a person who is required to report abuse fails to do so. This act also provides for an employee disqualification list to be maintained by the department for attendants who commit fraudulent acts (Section 192.1015).

MEDICAID - This act provides that annual income eligibility and verification reviews are to be conducted for medicaid recipients (Section 208.147). The family support division shall annually send a re-verification from letter to the recipient requiring the recipient to respond within ten days and to provide income verification documents.

This act reduces income levels for eligibility and eliminates some optional services.

Further, this act provides the Department of Social Services may apply for federal medicaid waivers as necessary, provided that such costs to the state will not exceed one million additional dollars (Section 208.151). Such a request for a waiver will not become effective except by executive order.

In addition, the act provides that a health care provider may not refuse to provide a service if a recipient is unable to pay a required fee. However, upon approval from the Centers for Medicare and Medicaid Services, a provider may terminate future services to an individual with an unclaimed debt, so long as it is the provider's routine business practice to do so and the provider gives advance notice to the individual and reasonable opportunity for payment(Section 208.152).

This act also provides that for purposes of medicaid eligibility, investment in annuities shall be

limited only to those annuities that are actuarially sound (Section 208.212). The department shall establish a seventy-two month look-back period to review any investment in an annuity by an applicant for medicaid benefits.

THE MISSOURI SENIOR RX PROGRAM - The Missouri Senior RX program may select one or more prescription drug plans as the preferred plan for purposes of the coordination of benefits between the program and the Medicare Part D drug benefit(Section 208.782). The department shall give initial enrollment priority to the medicaid dual eligible population, which are those individuals who are eligible for medicare and medicaid. The successive enrollment priority shall be medicare eligible participants with an annual household income at or below one hundred and fifty percent of the federal poverty guidelines(Section 208.784).

The program is a payor of last resort, and is meant to cover costs for participants who are not covered by the medicare part D program. Ineligible persons include those who are qualified for coverage of payments for prescriptions drugs under a public assistance program, other than from the Medicare Modernization Act benefits, and if the persons are not considered dual eligible. Also, persons who are qualified for full coverage under another plan of assistance or insurance are ineligible(Section 208.788).

This act also creates the Missouri Senior RX Program Advisory Commission, which shall be charged with advising the benefit design and operational policy of the program (Section208.792).

ADRIANE CROUSE

03/01/2005 S First Read (S328)

03/03/2005 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S363)

03/07/2005 Hearing Scheduled S Pensions, Veterans' Affairs and General Laws Committee

EFFECTIVE: August 28, 2005

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\*\*\* SB 540 \*\*\*

1960S.01I

SENATE SPONSOR: Bray

SB 540 - 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.

JASON ZAMKUS

03/01/2005 S First Read (S328)

03/03/2005 Second Read and Referred S Ways & Means Committee (S363)

EFFECTIVE: August 28, 2005

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\*\*\* SB 541 \*\*\*

1911S.01I

SENATE SPONSOR: Callahan

SB 541 - The act exempts attorneys' fees in Jackson county from the definition of "redevelopment project costs". Thus, in Jackson county, attorneys' fees are not eligible for TIF reimbursement.

ANDY LYSKOWSKI

03/01/2005 S First Read (S328)

03/03/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S363)

EFFECTIVE: August 28, 2005

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\*\*\* SB 542 \*\*\*

1853S.02I

SENATE SPONSOR: Callahan

SB 542 - 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.

This act is similar to SB 1226 (2004).

JIM ERTLE

03/01/2005 S First Read (S328)

03/03/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S363)

EFFECTIVE: August 28, 2005

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\*\*\* SB 543 \*\*\*

1841S.01I

SENATE SPONSOR: Callahan

SB 543 - Under this act, no person shall be elected to serve more than eight years total as the county executive or in the legislature of Jackson County. In applying this section, service resulting from an election prior to this act becoming effective, or service of less than two years, in the case of a member elected after the effective date of this section to complete the term of another person shall not be counted.

SUSAN HENDERSON

03/01/2005 S First Read (S328)

03/03/2005 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S363)

EFFECTIVE: August 28, 2005

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\*\*\* SB 544 \*\*\*

1944S.01I

SENATE SPONSOR: Gross

SB 544 - This act permits the use of municipal grant funds for any recreation program or park improvement serving municipal residents.

JASON ZAMKUS

03/01/2005 S First Read (S328)

03/03/2005 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S363)

EFFECTIVE: August 28, 2005

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\*\*\* SB 545 \*\*\*

1934S.01I

SENATE SPONSOR: Loudon

SB 545 - The act provides quarterly cash payments of up to 5% of new taxable payroll to qualifying manufacturing and service companies based on their new payroll investment (minimum \$2.5 million). The act requires minimum thresholds for the number new jobs created. In order to

qualify, companies must be a basic industry as defined by the act, must offer basic health insurance coverage and pay at least 50% of the cost, and must meet minimum average wage requirements. Payments are made directly to the company for up to 10 years. A lower payroll threshold is available for certain projects or as a result of location in targeted areas.

The act establishes the Incentive Approval Committee laying out the composition and the duties. The "Quality Jobs Program Incentive Payment Fund" is established and formulas are provided for calculating the disbursement of cash payments. Penalty provisions for false or fraudulent claims are included.

ANDY LYSKOWSKI

03/01/2005 S First Read (S328)

03/03/2005 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S363)

EFFECTIVE: August 28, 2005

\*\*\* SB 546 \*\*\*

1957S.02I

SENATE SPONSOR: Loudon

SB 546 - This act allows for a refund of the amount of sales tax paid for the purchase of a motor vehicle which is assembled and sold in Missouri on or after January 1, 2006. An individual that has paid sales tax on the purchase of a motor vehicle may receive a refund of the amount of tax paid upon application to the Department of Revenue. The refund amount shall be deducted from the general revenue fund.

JASON ZAMKUS

03/01/2005 S First Read (S328)

03/03/2005 Second Read and Referred S Ways & Means Committee (S364)

EFFECTIVE: August 28, 2005

\*\*\* SB 547 \*\*\*

1945S.02I

SENATE SPONSOR: Loudon

SB 547 - This act provides that when a dispute arises regarding sustaining the life of a patient who is in a persistent vegetative state, the court may award custody to any party willing to continue care. The court must take into account the relationship the party has with the patient and the degree of consanguinity. If there is a financial settlement or sizeable estate at issue, the court may appoint a trustee to disburse funds for appropriate care.

ADRIANE CROUSE

03/01/2005 S First Read (S328)

03/03/2005 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S364)

EFFECTIVE: August 28, 2005

\*\*\* SB 548 \*\*\*

1963S.01I

SENATE SPONSOR: Loudon

SB 548 - This act replaces most administrative hearings held by or within executive branch departments with a newly created Office of Administrative Hearings, located within the Office of Administration. Administrative hearings within the legislative and judicial branches are exempted.

Administrative Law Judges (ALJ) are appointed by the Governor. The Governor shall appoint



a chief ALJ, with the advice and consent of the senate to serve a term of four years. The chief ALJ is responsible for setting hearing procedures and other rules.

Administrative Law Judges may not be employed to influence the office for two years after termination. However, they may practice law before another ALJ within those two years. All current department procedures regarding hearings (evidence, notice, limitations) still apply. All current references to the Administrative Hearing Commission shall be interpreted to mean this new office.

This act would become effective on January 1, 2006. This act is identical to SB 970 (2000).  
JIM ERTLE

03/01/2005 S First Read (S328)

03/03/2005 Second Read and Referred S Governmental Accountability & Fiscal Oversight  
Committee (S364)

03/07/2005 Hearing Scheduled S Governmental Accountability & Fiscal Oversight Committee

EFFECTIVE: January 1, 2006

\*\*\* SB 549 \*\*\*

1629S.03I

SENATE SPONSOR: Green

SB 549 - This act prohibits a parent, sibling or child of a statewide elected official from registering as a lobbyist with the Missouri Ethics Commission. The act also prohibits the Director of the Department of Revenue from appointing or selecting any person to act as fee agent if that person is related within the 4th degree of consanguinity or affinity to the sitting Governor, a State Senator or House member or their respective spouses.

STEPHEN WITTE

03/01/2005 S First Read (S328)

03/03/2005 Second Read and Referred S Financial & Governmental Organizations and Elections  
Committee (S364)

EFFECTIVE: August 28, 2005

\*\*\* SB 550 \*\*\*

1961S.01I

SENATE SPONSOR: Mayer

SB 550 - This act creates a tax credit equal to thirty percent of the total donations made in a tax year to certain religious or charitable organizations that a significant part of whose activities consist of providing temporary housing or medical services. The Department of Social Services will promulgate rules and regulations to determine the eligibility requirements for an organization to qualify and issue such credits. The Department of Social Services must annually compile and post on its website a list of the organizations that qualify to issue tax credits under this act.

The tax credit is fully transferrable, but it must be sold at or above seventy-five percent of actual value. A tax payer may carry forward a tax credit received under this section for five years. The total amount of tax credits issued or redeemed under this section will be limited to an aggregate amount of five million dollars.

JASON ZAMKUS

03/01/2005 S First Read (S329)

03/03/2005 Second Read and Referred S Ways & Means Committee (S364)

EFFECTIVE: August 28, 2005

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**\*\*\* SB 551 \*\*\***

1976S.01I

SENATE SPONSOR: Mayer

SB 551 - This act adds a definition for emergency as it relates to the removal of a child from a his or her home. Emergency is defined as a real and substantive risk of sexual abuse, imminent danger of death, or serious physical harm.

ADRIANE CROUSE

03/01/2005 S First Read (S329)

03/03/2005 Second Read and Referred S Aging, Families, Mental &amp; Public Health Committee (S364)

EFFECTIVE: August 28, 2005

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**\*\*\* SB 552 \*\*\***

1836S.01I

SENATE SPONSOR: Mayer

SB 552 - This act provides the directors of the Medical Malpractice Joint Underwriting Association may provide medical malpractice insurance coverage as determined by the directors. The policies may provide coverage on a claims-made, an occurrence, or a prior-acts basis. The act also modifies the law with respect to the surcharge paid by association members during their first year of medical malpractice coverage. This act provides that the directors of the association may determine what methods of payment are acceptable for paying the surcharge and that the directors may refund surcharges where appropriate.

STEPHEN WITTE

03/01/2005 S First Read (S329)

03/03/2005 Second Read and Referred S Small Business, Insurance &amp; Industrial Relations Committee (S364)

EFFECTIVE: August 28, 2005

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**\*\*\* SB 553 \*\*\***

1962L.01I

SENATE SPONSOR: Mayer

SB 553 - This act pertains to meat inspections. The act modifies Section 265.300, RSMo, by including llamas, alpaca and buffalo in the definition of livestock.

MEGAN WORD

03/01/2005 S First Read (S329)

03/03/2005 Second Read and Referred S Agriculture, Conservation, Parks &amp; Natural Resources Committee (S364)

EFFECTIVE: August 28, 2005

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**\*\*\* SB 554 \*\*\***

1969S.01I

SENATE SPONSOR: Griesheimer

SB 554 - This act creates the Business Broker Board. The board shall regulate the licensing and discipline of persons who act as a broker in order to assist a person to procure an existing business.

JIM ERTLE

03/01/2005 S First Read (S329)

03/03/2005 Second Read and Referred S Financial &amp; Governmental Organizations and Elections Committee (S364)

EFFECTIVE: August 28, 2005

**\*\*\* SB 555 \*\*\***

1954S.01I

SENATE SPONSOR: Shields

SB 555 - This act provides financial assistance to physically disabled persons for personal care assistance services through eligible vendors.

ADRIANE CROUSE

03/01/2005 S First Read (S329)

03/03/2005 Second Read and Referred S Aging, Families, Mental &amp; Public Health Committee (S364)

EFFECTIVE: August 28, 2005

**\*\*\* SB 556 \*\*\***

1859S.03I

SENATE SPONSOR: Gibbons

SB 556 - This act establishes the "Medicaid Reform Commission" to study and review the current Medicaid program and make recommendations for reforms.

The commission will consist of twelve members, six from the House and six from the Senate. Additionally, the directors of the Departments of Social Services, Health and Senior Services, and Mental Health shall serve as ex-officio members of the commission.

The commission shall make recommendations to the general assembly by September 1, 2005 on reforming, redesigning and restructuring a new innovative healthcare delivery state Medicaid system to replace the current state Medicaid system, which will sunset on July 1, 2007.

The provisions of this act will expire September 1, 2008.

ADRIANE CROUSE

03/01/2005 S First Read (S329)

03/03/2005 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S364)

EFFECTIVE: August 28, 2005

**\*\*\* SCR 1 \*\*\***

SENATE SPONSOR: Gibbons

SCR 1 - This resolutions establishes a committee relating to the 2005 inaugural ceremonies.

JIM ERTLE

01/05/2005 S First Read (S35-36)

01/06/2005 S Adopted (S43)

01/06/2005 S Committee Appointed - Callahan, Cauthorn, Champion, Clemens, Coleman, Dolan, Gibbons, Graham, Griesheimer, Gross, Green, Klindt, Loudon, Scott, Shields, Vogel, Wheeler, Wilson (S43)

01/10/2005 H adopted (H34-35 / S51)

01/10/2005 H Committee Appointed - Baker, Chinn, Nance, Cunningham, Phillips, Roark, Icet, Moore, Behnen, Hobbs, Hunter, Henke, Villa, Harris, Levota, Johnson, Wright-Jones, Young (H35 / S51)

**\*\*\* SCR 2 \*\*\***

0313S.01I

SENATE SPONSOR: Cauthorn

SCR 2 - 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 24 (2004).

JIM ERTLE

01/11/2005 S Offered (S66)

01/12/2005 Referred S Rules, Joint Rules, Resolutions & Ethics Committee (S75)

01/13/2005 Hearing Conducted S Rules, Joint Rules, Resolutions & Ethics Committee

01/20/2005 Voted Do Pass S Rules, Joint Rules, Resolutions & Ethics Committee

02/15/2005 Reported from S Rules, Joint Rules, Resolutions & Ethics Committee to Floor (S228)

03/02/2005 S adopted (S335)

03/02/2005 H First Read (H470)

\*\*\* SCR 3 \*\*\*

1435L.01I

SENATE SPONSOR: Crowell

SCR 3 - This act recognizes February 14th as Congenital Heart Defect Awareness Day in Missouri.

JIM ERTLE

02/03/2005 S offered (S167-168)

02/07/2005 Referred S Rules, Joint Rules, Resolutions & Ethics Committee (S181)

02/10/2005 Hearing Conducted S Rules, Joint Rules, Resolutions & Ethics Committee

02/10/2005 Voted Do Pass S Rules, Joint Rules, Resolutions & Ethics Committee

02/15/2005 Reported from S Rules, Joint Rules, Resolutions & Ethics Committee to Floor (S228)

03/02/2005 SA 1 S offered & adopted (Crowell)--(1435L01.01F) (S335)

03/02/2005 S adopted, as amended (S335-336)

\*\*\* SCR 4 \*\*\*

1397S.02I

SENATE SPONSOR: Ridgeway

SCR 4 - This Resolution supports implementation of school policies that ensure a healthy environment in our schools by increasing the physical education requirement in kindergarten through twelfth grade and by offering nutritious food and beverage choices. This Resolution is to be distributed to every school district in Missouri through the Department of Elementary and Secondary Education.

ADRIANE CROUSE

02/16/2005 S First Read (S235)

02/17/2005 Referred S Rules, Joint Rules, Resolutions & Ethics Committee (S246)

\*\*\* SCR 5 \*\*\*

1390S.01I

SENATE SPONSOR: Mayer

SCR 5 - This Senate Concurrent Resolution supports the implementation of the Comprehensive Cancer Action Plan to review data regarding cervical cancer and evaluating methods to provide women with information and screening of cervical cancer. The plan is to be implemented by the Missouri Department of Health and Senior Services and the Missouri Cancer Consortium. The plan will present yearly cancer control strategies to the Governor, Lieutenant Governor, President

Pro Tem of the Senate and the Speaker of the House of Representatives and post the information on the Missouri state Internet website.

ADRIANE CROUSE

02/24/2005 S offered (S282-283)

02/28/2005 Referred S Rules, Joint Rules, Resolutions & Ethics Committee (S304)

03/03/2005 Hearing Conducted S Rules, Joint Rules, Resolutions & Ethics Committee

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\*\*\* SCR 6 \*\*\*

1817S.01I

SENATE SPONSOR: Ridgeway

SCR 6 - This resolution expresses the Missouri General Assembly's support of the negotiations of a Tawain-United States free trade agreement.

ANDY LYSKOWSKI

02/28/2005 S First Read (S294)

03/01/2005 Referred S Rules, Joint Rules, Resolutions & Ethics Committee (S312)

03/03/2005 Hearing Conducted S Rules, Joint Rules, Resolutions & Ethics Committee

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\*\*\* SCR 7 \*\*\*

1632S.01I

SENATE SPONSOR: Loudon

SCR 7 - This resolution urges the United States Congress to consider establishing the Chiropractic Center for Military Research at Logan College of Chiropractic due to the fact that there is currently no collaborative enterprise between preeminent chiropractic colleges, scientists, and military researchers to address the integration of chiropractic care into military health care environments.

ADRIANE CROUSE

03/01/2005 S First Read (S309)

03/02/2005 Referred S Rules, Joint Rules, Resolutions & Ethics Committee (S339)

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\*\*\* SCR 8 \*\*\*

1806S.02I

SENATE SPONSOR: Ridgeway

SCR 8 - This Senate concurrent resolution expresses the General Assembly's support for Taiwan to have an observer status in the World Health Organization.

ADRIANE CROUSE

03/03/2005 S offered (S348)

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\*\*\* SJR 1 \*\*\*

0112S.07P

SENATE SPONSOR: Klindt

SS/SJR 1 - This resolution pertains to the parks and soils tax.

This joint resolution modifies the constitution, upon voter approval, by resubmitting the parks and soils tax to the voters every 10 years, beginning in 2006. The resolution would have the tax continue until 2016, provided the voters approve the measure. At that point, the tax would automatically come up for voter approval every ten years. If the tax is not approved by the voters, the tax will terminate at the end of the second fiscal year after the last election has been held. Currently, the tax is set to expire in 2008 without an option for voter approval.

The new language added to this substitute clarifies that the Governor can call a special election for the purpose of voting on the aforementioned tax.

The act is similar to SJR 49 (2004).  
MEGAN WORD

12/01/2004 Prefiled  
01/05/2005 S First Read (S34)  
01/18/2005 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources  
Committee (S90)  
01/26/2005 Hearing Conducted S Agriculture, Conservation, Parks & Natural Resources  
Committee  
02/02/2005 Voted Do Pass S Agriculture, Conservation, Parks & Natural Resources Committee  
02/14/2005 Reported from S Agriculture, Conservation, Parks & Natural Resources Committee to  
Floor (S220)  
02/21/2005 SS S offered (Klindt) (0112S.07F) (S256)  
02/21/2005 SA 1 to SS S offered & defeated (Green)--0112S07.01S (S256-257)  
02/21/2005 SS S adopted (S257)  
02/21/2005 Perfected (S257)  
02/22/2005 Reported Truly Perfected S Rules Committee (S263)  
02/23/2005 Bill Placed on Informal Calendar (S276)  
02/24/2005 S Third Read and Passed (S287-288)  
02/24/2005 H First Read (H407)  
02/28/2005 H Second Read (H413)

EFFECTIVE: referendum

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\*\*\* SJR 2 \*\*\*

0290S.01I

SENATE SPONSOR: Klindt

SJR 2 - This resolution amends the current constitutional provisions regarding the budget reserve fund. The fund, often called the "rainy day fund" would be modified to allow a four year repayment term instead of the current three year term, when money is withdrawn from the fund for emergency purposes.

The amendment sets aside thirty percent of any amount of general revenue collections that exceed general revenue expenditures in a fiscal year. The amendment would also set aside one-half of any amount that exceeds general revenue expenditures in a year in which a "Hancock refund" was required, if any excess exists after making the refund.

One-half of the money in the fund that was deposited as a result of these new provisions would be accessible by a simple majority vote of each house of the legislature, in any year in which there is a budget shortfall. The remaining half would be accessible by a two thirds vote.

This SJR is similar to SJR 43 (2004).  
JASON ZAMKUS

12/01/2004 Prefiled  
01/05/2005 S First Read (S34)  
01/18/2005 Second Read and Referred S Governmental Accountability & Fiscal Oversight  
Committee (S90)  
02/21/2005 Hearing Conducted S Governmental Accountability & Fiscal Oversight Committee

EFFECTIVE: referendum

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\*\*\* SJR 3 \*\*\*

0314S.01I

SENATE SPONSOR: Cauthorn

SJR 3 - This proposed constitutional amendment provides that the conservation sales tax be resubmitted to the voters every ten years after the general election in 2006.

This resolution is identical to SJR 47 (2004).

MEGAN WORD

12/01/2004 Prefiled

01/05/2005 S First Read (S34-35)

01/18/2005 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources  
Committee (S90)

02/23/2005 Hearing Recessed S Agriculture, Conservation, Parks &amp; Natural Resources Committee

03/02/2005 Hearing Conducted S Agriculture, Conservation, Parks & Natural Resources  
Committee

EFFECTIVE: referendum

\*\*\* SJR 4 \*\*\*

0442S.01I

SENATE SPONSOR: Cauthorn

SJR 4 - This resolution places a proposed constitutional amendment before the voters to allow 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 032 (2004).

DONALD THALHUBER

12/01/2004 Prefiled

01/05/2005 S First Read (S35)

01/18/2005 Second Read and Referred S Education Committee (S90)

03/08/2005 Hearing Scheduled S Education Committee

EFFECTIVE: referendum

\*\*\* SJR 5 \*\*\*

0380S.01I

SENATE SPONSOR: Coleman

SJR 5 - 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 33 (2004).

JIM ERTLE

12/01/2004 Prefiled

01/05/2005 S First Read (S35)

01/18/2005 Second Read and Referred S Financial & Governmental Organizations and Elections  
Committee (S90)02/14/2005 Hearing Conducted S Financial & Governmental Organizations and Elections  
Committee

EFFECTIVE: referendum

\*\*\* SJR 6 \*\*\*

0042S.03I

SENATE SPONSOR: Bartle

SJR 6 - This resolution amends the Constitution by creating a Missouri Savings Account. The account shall be comprised of funds deposited annually at a rate of 2% of the general revenue appropriations for that year. If general revenue collections do not increase by 3% or more by the end of a fiscal year, the monies deposited in the fund that year shall lapse and be used for the next year's expenditures.

In any year in which there is a budget shortfall or when the consensus revenue estimate forecasts a decrease in revenue for the upcoming year, the general assembly may utilize 1/3 of the monies in the fund for budgetary purposes. If the balance in the account reaches 1/3 of general revenue collections for any fiscal year, the excess shall lapse to general revenue.

JASON ZAMKUS

12/01/2004 Prefiled

01/05/2005 S First Read (S35)

01/18/2005 Second Read and Referred S Financial &amp; Governmental Organizations and Elections Committee (S90)

02/14/2005 Hearing Cancelled Financial &amp; Governmental Organizations and Elections Committee

02/21/2005 Hearing Conducted S Financial &amp; Governmental Organizations and Elections Committee

EFFECTIVE: referendum

\*\*\* SJR 7 \*\*\*

0113S.01I

SENATE SPONSOR: Bartle

SJR 7 - 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 34 (2004), SJR 6 (2003) and HJR 52 (2002).

STEPHEN WITTE

12/01/2004 Prefiled

01/05/2005 S First Read (S35)

01/18/2005 Second Read and Referred S Transportation Committee (S90)

02/08/2005 Hearing Conducted S Transportation Committee

EFFECTIVE: Referendum

\*\*\* SJR 8 \*\*\*

0420S.01I

SENATE SPONSOR: Bartle

SJR 8 - This proposed constitutional amendment, if approved by the voters, forever preserves an individual's right to hunt in Missouri.

MEGAN WORD

12/01/2004 Prefiled

01/05/2005 S First Read (S35)

01/18/2005 Second Read and Referred S Agriculture, Conservation, Parks &amp; Natural Resources Committee (S90)



02/02/2005 Hearing Conducted S Agriculture, Conservation, Parks & Natural Resources Committee  
 02/09/2005 Voted Do Pass S Agriculture, Conservation, Parks & Natural Resources Committee - Consent  
 02/14/2005 Reported from S Agriculture, Conservation, Parks & Natural Resources Committee to Floor - Consent (S219)  
 02/17/2005 Removed S Consent Calendar (S247)

EFFECTIVE: Referendum

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\*\*\* SJR 9 \*\*\*

0116S.01I

SENATE SPONSOR: Clemens

SJR 9 - This proposed constitutional amendment, if approved by the voters, requires the first legislative session of each general assembly to be used exclusively for the enactment of appropriations laws except for emergency legislation where health, welfare, and safety requires legislative action. The second legislative session shall be used exclusively for the enactment of general laws except for the enactment of supplemental appropriations laws if necessary.

JASON ZAMKUS

12/01/2004 Prefiled  
 01/05/2005 S First Read (S35)  
 01/18/2005 Second Read and Referred S Governmental Accountability & Fiscal Oversight Committee (S90)  
 03/07/2005 Hearing Scheduled S Governmental Accountability & Fiscal Oversight Committee

EFFECTIVE: referendum

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\*\*\* SJR 10 \*\*\*

0276L.01I

SENATE SPONSOR: Purgason

SJR 10 - This proposed constitutional amendment, if approved by the voters, requires two-thirds majority vote of the people to change current regulations involving the harvest of wildlife and forestry.

MEGAN WORD

12/01/2004 Prefiled  
 01/05/2005 S First Read (S35)  
 01/18/2005 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S90-91)

EFFECTIVE: Referendum

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\*\*\* SJR 11 \*\*\*

0051S.03I

SENATE SPONSOR: Bartle

SJR 11 - This resolution authorizes the 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. 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. 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 in a time and manner determined by the Commission. The Commission is authorized to relocate or incorporate any public road or highway into a state toll facility project authorized by the General Assembly. 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 SJR is similar to SJR 38 (2004).

STEPHEN WITTE

12/01/2004 Prefiled

01/05/2005 S First Read (S35)

01/18/2005 Second Read and Referred S Transportation Committee (S91)

02/08/2005 Hearing Conducted S Transportation Committee

EFFECTIVE: Referendum

\*\*\* SJR 12 \*\*\*

0691S.011

SENATE SPONSOR: Taylor

SJR 12 - This proposed constitutional amendment allows persons to act as managers of bingo games operated by charitable organizations as long as they are members of the licensed organization.

This SJR is identical to HJR 54 (2004).

JIM ERTLE

01/04/2005 Prefiled

01/05/2005 S First Read (S35)

01/18/2005 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S91)

02/14/2005 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: Contingent

\*\*\* SJR 13 \*\*\*

0888S.011

SENATE SPONSOR: Bartle

SJR 13 - This proposed constitutional amendment, if approved by the voters, would reduce the number of State Representatives from 163 to 99 and decrease the number of Senators from 34 to 33.

Beginning with the 97th General Assembly, the state will be divided into 33 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 46 (2004).

JIM ERTLE

01/19/2005 S First Read (S94)

01/24/2005 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S108)

01/31/2005 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: Referendum

\*\*\* SJR 14 \*\*\*

1350S.01I

SENATE SPONSOR: Klindt

SJR 14 - This proposed constitutional amendment pertains to the Conservation Commission.

The resolution adds two members to the commission - increasing the membership from four to six, with at least two of the members being actively engaged in agriculture. The terms have also changed with the increase in membership. This act directs that three of the terms shall be concurrent and two shall begin two years before the concurrent terms.

MEGAN WORD

01/31/2005 S First Read (S139)

02/15/2005 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S228-229)

EFFECTIVE: voter approval

\*\*\* SJR 15 \*\*\*

0952S.01I

SENATE SPONSOR: Coleman

SJR 15 - This proposed constitutional amendment creates the "Education First Trust Fund" to be funded by the issuance of bonds, not to exceed in the aggregate, of two billion dollars. No more than twenty-five percent of the revenue from such bonds will be expended in any three-year fiscal period. The bonds will be repaid over a twenty year period. This resolution provides for a one percent tax on state income and a one half cent sales tax to create additional revenue for the fund.

JASON ZAMKUS

02/03/2005 S First Read (S167)

02/15/2005 Second Read and Referred S Education Committee (S229)

03/08/2005 Hearing Scheduled S Education Committee

EFFECTIVE: Referendum

\*\*\* SJR 16 \*\*\*

1500S.01I

SENATE SPONSOR: Gross

SJR 16 - This proposed constitutional amendment, if approved by the voters, would reduce the term of office for a supreme court judge from twelve years to five years. Further, in order for a supreme court judge to be retained, the judge must receive two-thirds of the public vote, rather than a simple majority of the vote.

JIM ERTLE

02/07/2005 S First Read (S177)

02/15/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S229)

EFFECTIVE: Contingent

\*\*\* SJR 17 \*\*\*

1290S.01I

SENATE SPONSOR: Crowell

SJR 17 - This proposed constitutional amendment increases the membership of the State Board of Education from eight to nine and specifies that one member be an active classroom teacher, one member be an active school principal, and one member be an active school superintendent. The teacher, principal, and superintendent would be appointed pursuant to statute, and the six lay members would continue to be appointed by the Governor. The terms of members are reduced from eight years to four years.

The teacher, principal, and superintendent members would serve one three-year term, while lay members could be reappointed for a second four-year term.

DONALD THALHUBER

02/09/2005 S First Read (S191-192)

02/15/2005 Second Read and Referred S Education Committee (S229)

EFFECTIVE: Referendum

\*\*\* SJR 18 \*\*\*

1679S.01I

SENATE SPONSOR: Bartle

SJR 18 - This proposed constitutional amendment states that the power to determine public school funding shall exclusively be the province of the General Assembly and the Governor. The power to determine public school funding shall not fall within the province of the judiciary.

DONALD THALHUBER

02/17/2005 S First Read (S245)

02/22/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S269)

EFFECTIVE: Referendum

\*\*\* SJR 19 \*\*\*

1747S.01I

SENATE SPONSOR: Ridgeway

SJR 19 - This constitutional amendment, if approved by voters, enables the Legislature to extend a property tax exemption for any property owned by veterans' organizations.

JASON ZAMKUS

02/23/2005 S First Read (S275)

02/28/2005 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S304)

EFFECTIVE: Voter Approval

\*\*\* SJR 20 \*\*\*

1866S.01I

SENATE SPONSOR: Shields

SJR 20 - This resolution proposes a constitutional amendment to elevate the allowable level of bonded indebtedness for school districts from 15% to 20%.

DONALD THALHUBER

02/28/2005 S First Read (S298)

03/02/2005 Second Read and Referred S Education Committee (S338)

03/08/2005 Hearing Scheduled S Education Committee

EFFECTIVE: Referendum

\*\*\* SR 13 \*\*\*

0462S.05

SENATE SPONSOR: Gibbons

SR 13 - This resolution changes the number of members included in the Senate Committees.  
JIM ERTLE

01/05/2005 S First Read (S36-38)

01/06/2005 SA 1 S offered & adopted (Gibbons) (S42-43)

01/06/2005 S adopted, as amended (S43)

\*\*\* SR 143 \*\*\*

0012SR.01

SENATE SPONSOR: Stouffer

SR 143 - This resolution allows the Silver Haired Legislature to use the Senate Chamber on October 27, 2005.

JIM ERTLE

01/26/2005 S offered & adopted

\*\*\* SR 150 \*\*\* SCS SR 150

0976S.08C

SENATE SPONSOR: Shields

SCS/SR 150 - This resolution changes certain Senate Rules.

RULES 4, 6, 21, 45 - A technical change was made to reflect that the Committee on Rules is now known as the Committee on Rules, Joint Rules, Resolutions and Ethics and the Committee on State Budget Control is now known as the Committee on Governmental Accountability and Fiscal Oversight.

RULE 7 - This change to the rule on voting procedure prohibits a senator from changing or casting his or her vote after the yeas and nays have been announced by the president.

RULE 10 - Updates the description of the Judiciary Committee to reflect that it is now the Committee on the Judiciary and Civil and Criminal Jurisprudence. This is in the context of the Judiciary Committee Chair acting as parliamentarian in the absence of the president pro tem.

RULE 14 - A technical change is made to reflect it is the president pro tem who signs all acts, resolutions and addresses.

RULE 19 - This rule removes language requiring the secretary make a notation at the foot of a bill noting his final passage.

RULE 26 - The president pro tem and the majority and minority floor leaders will be ex-officio members of all standing and statutory committees of the senate for the purpose of quorum and discussion, but shall have no vote unless they are duly appointed members of such committee.

RULE 27 - The Committee on Parliamentary Procedure shall be composed of the president pro tem, the chair of the judiciary committee and the minority floor leader.

RULE 45 - For consent bills, this change provides that any objections must be filed with the secretary of the senate.

RULE 52 - Requires senate bills reported from committee to lie on the table one day and house bills reported to the senate for third reading and senate bills on third reading to lie on the table for

one day.

RULE 64 - A floor substitute will be treated as an original bill and subject to floor amendments, but shall not be subject to amendment by further floor substitute.

NEW RULE 65 - Authorizes, at any time, the sponsor of a bill being debated on the floor to withdraw the bill and place it on the informal calendar, even if another member is addressing the senate or an amendment or substitute is pending. Once the bill is brought back before the body, the sponsor of the pending amendment or substitute will be recognized by the chair.

RULE 66 (OLD 65) - This change is similar to the change in rule 7, but applies to the voting procedure on final passage of a bill. Senators cannot cast or change their vote after the vote is announced by the president.

RULE 68 (67) - This change deletes a requirement that, during the signing of a bill by the presiding officer of the senate, the bill be read at length.

RULE 76 (75) - This change modifies the rule on the right to the floor. In order to maintain the recognition of the chair, the senator must be engaged in debate or in discourse. If such a senator seeks to have the body stand at ease, he must seek unanimous consent from the body. The rule exempts senators with permanent disabilities from having to rise in order to seek recognition from the chair. Senators with temporary disabilities must submit a letter to the secretary of the senate, which shall be printed in the journal, and subsequently shall be recognized without standing.

RULE 77 (76) - Currently, if two senators rise at once, the chair shall name the senator who is to speak first, with the other having preference next. The rule is changed to provide that nothing in the rule shall be interpreted to prevent any senator not chosen from making a motion that is in order under the rules.

RULE 96 (95) - This rule authorizes the research staff, as well as the press, to use laptop computers in the Senate Chamber, provided their use does not interfere with the decorum of the Senate or otherwise prove disruptive.

RULE 102 - The proposed change repeals this rule that limits the gifts which may be accepted by members of the Senate.

JIM ERTLE

01/27/2005 S offered (S126-131)

01/27/2005 Referred S Rules, Joint Rules, Resolutions & Ethics Committee (S131)

01/31/2005 Hearing Conducted S Rules, Joint Rules, Resolutions & Ethics Committee

01/31/2005 SCS Voted Do Pass S Rules, Joint Rules, Resolutions & Ethics Committee  
(0976S.08C)

01/31/2005 Reported from S Rules, Joint Rules, Resolutions & Ethics Committee to Floor w/SCS  
(S141-146)

02/01/2005 SA 1 to SCS S offered & defeated (Bartle) (S150-151)

02/01/2005 SA 2 to SCS S offered & adopted (Graham) (S151)

02/01/2005 SA 3 to SCS S offered & defeated (Bray) (S151)

02/01/2005 SA 4 to SCS S offered & defeated (Gross) (S151-152)

02/01/2005 SCS, as amended, S adopted (S152)

02/01/2005 S adopted (S152)

**\*\*\* SR 332 \*\*\***

SENATE SPONSOR: Shields

SR 332 - This resolution establishes rates of pay for Senate employees as approved by the Senate Administration Committee.

JIM ERTLE

02/16/2005 S offered

02/17/2005 S adopted

**\*\*\* SR 333 \*\*\***

0014SR.01

SENATE SPONSOR: Vogel

SR 333 - This resolution allows the Missouri Catholic Conference to use the Senate Chamber on October 1, 2005.

JIM ERTLE

02/16/2005 S offered

02/16/2005 S adopted

**\*\*\* SR 448 \*\*\***

1787S.01I

SENATE SPONSOR: Engler

SR 448 - The resolution encourages a more streamlined approach to regulations governing air quality; lowering conflicts between state environmental policies, litigation, and creating a more efficient emission reduction strategy.

The resolution calls for the adoption of multi-emission legislation, such as the Clear Skies Act, to better combat emission reduction from nitrogen oxides, sulfur dioxide, and mercury. The program should maintain and encourage a diverse fuel supply that will benefit states, local communities, consumers and manufacturers. The resolution calls for enforcement of the program, to the greatest extent necessary, to be born by the states.

The resolution voices support for the Clean Skies Act provided that the final version of the act does not contain a historical cap on carbon dioxide emissions.

MEGAN WORD

02/24/2005 S offered (S281-282)

02/28/2005 Referred S Rules, Joint Rules, Resolutions &amp; Ethics Committee (S304)

03/03/2005 Hearing Conducted S Rules, Joint Rules, Resolutions &amp; Ethics Committee

**\*\*\* SR 520 \*\*\***

0015SR.01

SENATE SPONSOR: Vogel

SR 520 - This resolution allows the YMCS Youth in Government to use the Senate Chamber on November 19 and December 1, 2005.

JIM ERTLE

03/03/2005 S offered &amp; adopted (S347)

\*\*\* HB 248 \*\*\*

1009L.01P  
HOUSE HANDLER: Pearce

HB 248 - This act allows lenders of motor vehicle time sale loans to collect a fee in advance for permitting the debtor to defer monthly loan payments on loans of \$600 or more, provided the debtor agrees in writing. The cannot be greater than the lesser of \$50 or 10% of the payments deferred. A minimum fee of \$25 is permitted. If an extension is made, the debtor must pay a monthly payment before any further extensions are permitted. The original loan terms must remain the same. This act does not apply to pre-computed loans.

JIM ERTLE

01/18/2005 Introduced and read first time (H) (H114)  
 01/19/2005 Read second time (H) (H118)  
 01/25/2005 Referred: Financial Institutions (H148)  
 02/08/2005 Public Hearing Held (H)  
 02/08/2005 Executive Session Held (H)  
 02/08/2005 Reported Do Pass by Consent (H) (H269)  
 02/08/2005 Referred: Rules pursuant to Rule 25(26)(f) (H) (H269)  
 02/14/2005 Executive Session Held (H)  
 02/14/2005 Rules - Reported Do Pass by Consent (H) (H294)  
 03/03/2005 Third read and passed by Consent (H)  
 03/03/2005 S First Read (S362)

EFFECTIVE: August 28, 2005

\*\*\* HB 297 \*\*\* HCS HB 297

0895L.02P  
HOUSE HANDLER: Pearce

HCS/HB 297 - Currently, school districts are required to produce an annual accountability report card for each school building, distribute copies to the households with students, and make copies available to other members of the public upon request. This act transfers the responsibility for producing the report card to DESE, specifying that there will be report cards for each district, each public school building in a district, and each charter school. The report card will be designed to satisfy federal and state statistical disclosure requirements about academic achievement, finances, staff, and other indicators.

The act makes changes to the contents of the report card and clarifies existing requirements. The requirement to report participation rates in several programs and activities is removed. The report card must disclose each school that has been identified as a priority school under state law or as needing improvement or requiring specific improvement measures under federal law. Districts must provide the report card information by December 1, or as soon as it is ready, and give preference to distribution methods that will include the information with other important information, such as student report cards.

DONALD THALHUBER

01/24/2005 Introduced and read first time (H) (H140)  
 01/25/2005 Read second time (H) (H144)  
 01/25/2005 Referred: Elementary and Secondary Education (H148)  
 02/02/2005 Public Hearing Held (H)  
 02/02/2005 Executive Session Held (H)  
 02/03/2005 HCS Reported Do Pass by Consent (H) (H220)  
 02/03/2005 Referred: Rules pursuant to Rule 25(26)(f) (H) (H220)  
 02/10/2005 Rules - Reported Do Pass by Consent (H) (H281)



03/03/2005 Third read and passed by Consent (H)

03/03/2005 S First Read (S362)

EFFECTIVE: August 28, 2005

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\*\*\* HB 347 \*\*\* HCS HB 347

0817L.03P  
HOUSE HANDLER: Pratt

HCS/HB 347 - The act establishes the procedural requirements for the filing of a lawsuit for defective residential construction.

The act includes notice provisions for:

- A contractor, upon entering into a contract, must include the right to offer a cure to construction defects before a claimant may commence an action
- A homeowner to provide written notice to the contractor detailing the alleged defective construction prior to filing a lawsuit
- A contractor must provide written notice proposing an inspection of the residence to evaluate the defect, an offer to remedy the claim without an inspection, offer to remedy part of the claim and settle the remainder, offer to settle the claim without inspection, or dispute the claim and neither remedy or compromise
- A claimant rejecting the inspection proposal or settlement offer

The claimant and contractor shall then attempt to resolve the claim through mediation, and if the claim remains unresolved, the claimant may bring an action against the contractor without further notice. The act includes time requirements for both the contractor and claimant dealing with the notice provisions.

Additionally, the act contains provisions for an association or executive board acting on behalf of an association when dealing with an alleged construction defect.

ANDY LYSKOWSKI

01/26/2005 Introduced and read first time (H) (H163)

01/27/2005 Read second time (H) (H173)

02/10/2005 Referred: Local Government (H) (H284)

02/17/2005 Public Hearing Held (H)

02/21/2005 Executive Session Held (H)

02/21/2005 HCS Reported Do Pass (H) (H368)

02/21/2005 Referred: Rules pursuant to Rule 25(26)(f) (H) (H368)

02/22/2005 Executive Session Held (H)

02/22/2005 Reported Do Pass (H) (H377)

02/24/2005 HCS adopted in House (H) (H402)

02/24/2005 Perfected with amendments (H) (H400)

03/01/2005 Third read and passed (H)

03/01/2005 S First Read (S326)

EFFECTIVE: August 28, 2005

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\*\*\* HB 393 \*\*\* HCS HB 393

1188L.04P  
HOUSE HANDLER: Byrd

HCS/HB 393 - This act modifies provisions relating to tort reform.

SUITS AGAINST NONPROFIT CORPORATIONS - 355.176 - The act repeals and reenacts section 355.176 regarding services of process in suits against nonprofit corporations.

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 award prejudgement interest if the conditions of this section are met. Claims for prejudgement interest in tort actions shall be calculated at an interest rate tied to the Federal Funds Rate, as established by the Federal Reserve Board, plus three percent. Claims for post-judgement interest in tort actions shall be calculated at an interest rate tied to the Federal Funds Rate plus five percent. If a claimant fails to file suit in circuit court within 120 days after the demand was received, then the court shall not award prejudgement interest to the claimant.

COLLATERAL SOURCE EVIDENCE - Section 490.715 - Parties may introduce evidence of the value of medical treatment rendered to a party. There shall be a rebuttable presumption that the dollar amount paid to the health care provider represents the value of the treatment rendered. Either party may ask the court, outside of the presence of the jury, to hear additional evidence to determine the value.

VENUE - Section 508.010 - Where the cause of action accrues in Missouri, venue in all tort actions, including torts for improper healthcare, shall only be in the county where cause of action accrued. If the cause did not accrue in Missouri, then venue depends on whether there is an individual or corporate defendant. For an individual defendant, venue shall be in the county where an individual defendant resides or if the plaintiff resided in Missouri at the time the plaintiff was first injured, the county of the plaintiff's principal residence when the plaintiff was first injured. For a corporate defendant, venue shall be in either the county where the registered agent is located or, if the plaintiff resided in Missouri on the date of first injury, then the county containing the plaintiff's principal residence.

Motions to dismiss or to transfer based on a claim of improper venue shall be granted if not denied within 90 days of filing, unless the time period is waived by all parties.

In a wrongful death action, the plaintiff is considered first injured where the decedent was first injured by the wrongful acts of the defendant. These venue provisions will apply to both for-profit and non-profit entities. If the parties agree to a change in venue, then the court shall transfer to such county, provided that if other parties are added who do not consent, then the venue shall be transferred to an appropriate county. In medical malpractice tort actions, the plaintiff shall be considered injured in the county where the plaintiff was first examined for the medical condition at issue. (Section 538.232). The act also repeals sections 508.040 (venue for corporations), 508.070 (venue for motor carriers) and 508.120 (disqualification of judge and change of venue). The act provides that statutory venue provisions will prevail over any contrary Supreme Court Rules. (508.011).

PUNITIVE DAMAGES - Sections 510.263 and 510.265 - The section is made applicable to tort actions for improper health care. No award of punitive damages shall exceed the greater of \$250,000 or three times the net amount of the judgment against the defendant. The limits do not apply if the state is the plaintiff or the defendant is convicted of a felony related to the underlying case. "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.

SUPERSEDEAS BONDS - Section 512.099 - This section limits the amount of a supersedeas bond to \$25 million in all cases in which there is a count alleging a tort.

COSTS - Section 514.060 - Costs that may be assessed in civil actions include fees for travel, expert witnesses, videotaping and photocopying.

STATUTE OF LIMITATIONS IN ACTIONS AGAINST HEALTH CARE PROVIDERS - Section 516.105 - Currently, in no event may a suit be commenced after ten years from a minor's 20th birthday. The act changes it to the minor's 18th birthday.

PEER REVIEW COMMITTEES (Section 537.035) - Authorizes the appointment of a peer review committee by the board of trustees or chief executive officer of a long-term care facility licensed under chapter 198, RSMo. This addition has the effect of making records of nursing home quality assessment and assurance committees privileged and inadmissible in court.

JOINT AND SEVERAL LIABILITY - Sections 537.067 and 538.230 - The act eliminates joint and several liability. The liability of each defendant is several only and not joint unless otherwise provided in actions in which there is a count alleging personal injury, emotional distress, property damage, or wrongful death and claims for improper health care. A party is responsible for the fault of another person or for payment of the proportionate share of another person if the other person was acting as an employee of the party or if the party's liability for fault of another arises out of a duty created by the Federal Employers' Liability Act.

WRONGFUL DEATH ACTIONS - Section 537.090 - For purposes of determining damages, if the deceased was not employed full time and was at least 50% responsible for the care of a minor or disabled person, then there shall be a rebuttable presumption that the value of the care provided is equal to 110% of the state average weekly wage.

DEFINITION OF "HEALTH CARE PROVIDER" - Section 538.205 - Includes long term care facilities licensed under Chapter 198, RSMo and manufacturers, wholesaler and distributors of Food and Drug Administration-approved drugs. The definition of "punitive damages" shall include exemplary damages and damages for aggravating circumstances.

MEDICAL MALPRACTICE NONECONOMIC DAMAGES CAP - Section 538.210 - Cap on noneconomic damages for all plaintiffs is lowered from its current inflation-adjusted cap of \$565,000 (adjusted from its base amount of \$350,000 in 1986) to \$250,000. There shall be no inflation adjustment. No plaintiff shall recover more than \$400,000 regardless of the number of defendants. 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. The cap applies to any person or entity that is a defendant in a lawsuit brought against a health care provider or that arises out of the rendering of health care services. 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. Any spouse claiming loss of consortium shall be considered the same plaintiff as their spouse. All persons and entities asserting a wrongful death claim are considered one plaintiff.

PERIODIC PAYMENTS - Section 538.220 - Requires future medical payments to be made in an amount according to a schedule determined by the payee's life expectancy. The court shall apply interest on future payments at an interest rate tied to the average auction price of a 52-week United

States Treasury bill.

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 name and address of the health provider offering the opinion. The health care provider offering the opinion must be licensed in the same profession and either practicing or within five year of retirement of practice in substantially the same specialty as the defendant. The time for filing the affidavit can extended for up to 90 days.

At least 120 days after the filing of a petition, a defendant may file a request with the court that it examine in camera the opinion. If the opinion fails to meet the requirements of this section, then the court shall conduct a hearing within 30 days to determine if probable cause exists to believe that a health care provider will testify that the plaintiff was injured due to medical negligence by the defendant. If the court finds no probable cause, then the case will be dismissed and the plaintiff must pay the defendant's attorney fees and costs.

BENEVOLENT GESTURES - Section 538.229 - Prohibits statements, writings or benevolent gestures expressing sympathy made to the person or to the family of the person from being admitted into evidence.

SEVERABILITY - Section 1 - Adds severability clause.

EFFECTIVE DATE OF ACT - Section 2 - Provides that the act shall apply to all cases filed after August 28, 2005.

CHANGE OF VENUE - Section 3 - If a plaintiff or defendant is added or removed prior to trial which would, if originally added or removed to the initial petition, alter the determination of venue, then the judge shall transfer the case to a proper forum.

This act is similar to and SB 271 (2005) and TAT/SS/SCS/HS/HCS/HB 1304 (2004).  
JIM ERTLE

01/31/2005 Introduced and read first time (H) (H185)  
02/01/2005 Read second time (H) (H192)  
02/01/2005 Referred: Judiciary (H) (H194)  
02/08/2005 Public Hearing Held (H)  
02/09/2005 Executive Session Held (H)  
02/10/2005 HCS Reported Do Pass (H) (H285)  
02/10/2005 Referred: Rules pursuant to Rule 25(26)(f) (H) (H285)  
02/14/2005 Executive Session Held (H)  
02/14/2005 Reported Do Pass (H) (H294)  
02/15/2005 Taken up for perfection (H) (H301)  
02/15/2005 Laid Over (H) (H305)  
02/15/2005 Taken up for perfection (H) (H306)  
02/15/2005 Laid Over (H) (H312)  
02/16/2005 Taken up for perfection (H)  
02/16/2005 Laid Over (H)  
02/16/2005 Taken up for perfection (H)

02/16/2005 HCS adopted in House (H)  
02/16/2005 Perfected with amendments (H)  
02/17/2005 Third read and passed (H)  
02/17/2005 S First Read (S245)  
02/22/2005 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S269)  
02/28/2005 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee  
EFFECTIVE: August 28, 2005

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\*\*\* HB 441 \*\*\* HCS HB 441

1367L.03P  
HOUSE HANDLER: Behnen

HCS/HB 441 - This act creates restrictions regarding the sale of products containing ephedrine and pseudoephedrine.

This act places ephedrine, its salts, optical isomers and salts of optical isomers, when it is the only active medicinal ingredient, on Schedule IV for controlled substances. This act also places any compound, mixture, or preparation containing any detectable quantity of pseudoephedrine or ephedrine on Schedule V for controlled substances. However, products in a liquid or liquid-filled gel capsule form are excluded.

If any of the compounds, mixtures, or preparations containing ephedrine or pseudoephedrine on Schedule V are dispensed, sold, or distributed in a pharmacy without a prescription, they must be sold from behind a checkout counter and by a pharmacist or registered technician. Anyone buying these products must be at least 18 years old. The pharmacist must have a person buying these products furnish a photo ID showing his or her birth date if the pharmacist does not know the person. Within 30 days of this act becoming effective, it must be ensured that the products are for sale behind the counter.

Within 90 days of this act becoming effective, pharmacists and technicians must maintain a written or electronic log of each transaction. The log must include the information, such as the name and address of the purchase, the amount of the product purchased, the date of the purchase, and the name of the pharmacist or technician who dispensed the product. People selling liquid and gel capsules are exempt from this requirement. All the logs, records and documents maintained about these products shall be open for inspection and copying by law enforcement officers.

Within 30 days of this act becoming effective, any business selling these products that does not have a state and federal controlled substances registration must return them to a manufacturer or distributor or transfer them to a registrant.

Any person who violates these provisions is guilty of a class A misdemeanor.

Manufacturers may apply with the Department of Health and Senior Services for exemption from the Schedule and the Department may grant such an exemption if the product is not used to illegally manufacture methamphetamine or other drugs. The Department will also create rules on how the pseudoephedrine and ephedrine products on Schedule V will be stored.

Currently, only the amount of ephedrine or pseudoephedrine that can be purchased at one time is limited. This act provides that no person can sell or dispense, and no one can purchase or receive products containing more than nine grams of ephedrine or pseudoephedrine within a 30 day period.

This act is similar to SCS/SB 10 & 27 (2005).

This act has an emergency clause.

SUSAN HENDERSON

02/02/2005 Introduced and read first time (H) (H214)  
 02/03/2005 Read second time (H) (H220)  
 02/03/2005 Referred: Crime Prevention and Public Safety (H) (H220)  
 02/08/2005 Public Hearing Held (H)  
 02/08/2005 Executive Session Held (H)  
 02/09/2005 HCS Reported Do Pass (H) (H274)  
 02/09/2005 Referred: Rules pursuant to Rule 25(26)(f) (H) (H274)  
 02/14/2005 Executive Session Held (H)  
 02/14/2005 Reported Do Pass (H) (H294)  
 02/16/2005 HCS adopted in House (H)  
 02/16/2005 Perfected with amendments (H)  
 02/17/2005 Third read and passed - EC adopted (H)  
 02/17/2005 S First Read (w/EC) (S246)

EFFECTIVE: Emergency Clause

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\*\*\* HB 468 \*\*\* HCS HB 468

1391L.02P  
HOUSE HANDLER: Richard

HCS/HB 468 - This act modifies provisions relating to the linked deposit program and other duties of the State Treasurer.

Any written contract between the state treasurer and a depository of state funds may be for a period of up to five years. (Section 30.250). Currently, the state treasurer must give consideration to the comparative yield to be derived in determining where to invest state moneys. This act repeals that requirement and instead requires the treasurer to give consideration to the benefits to the economy and welfare of the state when state money is invested in banking institutions of this state, as well as the aggregate return in earnings and taxes on deposits and investments. (Section 30.260).

The State Treasurer is required to use only certain securities as collateral for moneys deposited by the treasurer into financial institutions, unless the treasurer determines that any of such securities may place state public funds at risk. The list of approved securities is modified to add mortgage securities, including qualified individual loans secured by deeds of trust on residential, commercial or farm real estate. Such mortgage securities must meet certain requirements to ensure that the financial institution is compliant with current standards of the Federal Home Loan Bank of Des Moines, Iowa. The act sets forth collateral requirements for different types of mortgage securities. Each financial institution pledging such mortgage securities must report monthly to the State Treasurer to ensure that the securities meet collateral requirements. The list of approved securities is also modified to include any investment in which the State Treasurer may invest. These two new additions to the list are not authorized for political subdivisions. (Section 30.270).

The State Treasurer is authorized to enter into agreements with private entities to provide services relating to the State Treasurer's statutory and constitutional duties. (Section 30.286). Currently, the Treasurer cannot deposit state funds into a Missouri bank if the Governor, State Auditor or State Treasurer owns stock or is an officer or employee of the bank. This act provides that the Treasurer may invest in such a bank, regardless of whether it is in Missouri, if such state

official discloses the ownership of stock or employment. (Section 30.440).

The act modifies numerous provisions regarding the linked deposit program, which allows financial institutions to make lower interest rate loans to certain types of agri-businesses, job enhancement businesses, educational institutions, real estate development and other entities in order to stimulate economic development. The act modifies certain definitions, including: "eligible agribusiness" by deleting the requirement that the business must employ ten or more persons; "eligible beginning farmer" by increasing the limit on the size and value of a farm in order to qualify under the definition; and "linked deposit" by removing language setting the interest rate floor for such loans at two percent. (Section 30.750).

Currently, the State Treasurer may invest in linked deposits as long as the aggregate amount does not exceed \$360 million. The act raises that aggregate amount to \$720 million. The act doubles the cap on the amount of money which can currently be invested in linked deposits for different types of qualified businesses and other entities. Further, the act repeals language which limited the state Treasurer's ability to commingle allocations among the types of linked deposits. (Sections 30.753 and 30.830). Currently, linked deposits made to certain eligible agribusinesses cannot exceed \$100,000. The act caps such linked deposits at a dollar limit determined by the state treasurer. Beginning August 28, 2005, lending institutions shall give consideration to eligible borrowers who have not previously received linked deposits, but nothing prohibits a lending institution from making a linked deposit to an eligible borrower who has previously received a linked deposit. (Section 30.756).

The State Treasurer is authorized to place linked deposits with a lending institution at certain below-market rates, provided that the linked deposit rate is not below one percent. All linked deposit rates are determined and calculated by the State Treasurer. The agreement between the State Treasurer and the lending institution receiving linked deposits shall specify that the original deposit plus renewals shall not exceed five years. Each year, the lending institution must repay the state treasurer any linked deposit principal received from the borrower in the previous year. Certain lines of credit are excluded from the repayment provisions of this act. (Section 30.758).

The act deletes a requirement that the State Treasurer annually report on the linked deposit program to the General Assembly, since current law requires a similar report by the linked deposit review committee. (Section 30.760). The act extends the expiration of the linked deposit program from 2007 to 2015. (Section 30.767). The State Treasurer is authorized to renew linked deposits for certain agribusinesses for additional, up to five-year, terms, instead of the current one-year terms. (Section 30.840).

The act creates a new category of borrower that may participate in the linked deposit program relating to the creation of facilities producing goods derived from agricultural commodities or producing an energy source derived from a renewable domestically grown organic compound, such as ethanol. The Missouri Agricultural and Small Business Development Authority is required to determine eligible facility borrowers, based on the borrower's ability to repay the loan, the economic conditions of the area in which the agricultural property is located, and the prospect for success of the project. An eligible facility borrower cannot receive a linked deposit loan for more than \$70 million. (Section 30.860).

The act creates the "State Treasurer's General Operations Fund." Moneys in the fund shall be used to pay for personal service, equipment and other expenses of the State Treasurer in carrying out official duties. The State Treasurer shall deduct the costs incurred by the State Treasurer in

administering official duties of the treasurer from the interest earned on the state's investments and deposit such deducted moneys in the Fund. The total costs of the State Treasurer for personal service, equipment and other expenses cannot exceed ten basis points of the total average daily fund balance of funds in the state treasury. (Section 1).

The act repeals a section that required any bank account with more than \$10,000 to be obtained through an open and competitive process. (Section 30.247).

This act contains an emergency clause.

This act is similar to SCS/SB 270 (2005).

JIM ERTLE

02/07/2005 Introduced and read first time (H) (H260)  
 02/08/2005 Read second time (H) (H268)  
 02/10/2005 Referred: Financial Institutions (H285)  
 02/15/2005 Public Hearing Held (H)  
 02/15/2005 Executive Session Held (H)  
 02/16/2005 HCS Reported Do Pass (H) (H343)  
 02/16/2005 Referred: Rules pursuant to Rule 25(26)(f) (H) (H343)  
 02/21/2005 Executive Session Held (H)  
 02/21/2005 Reported Do Pass (H) (H367)  
 02/23/2005 HCS adopted in House (H) (H391)  
 02/23/2005 Perfected with amendments (H) (H388)  
 02/24/2005 Referred: Fiscal Review (H) (H403)  
 03/01/2005 Executive Session Held (H)  
 03/01/2005 Reported Do Pass (H)  
 03/01/2005 Third Read and passed (H)  
 03/01/2005 S First Read (S326-327)

EFFECTIVE: Contingent

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\*\*\* HCR 1 \*\*\*

SENATE SPONSOR: Shields

0748L.011

HOUSE HANDLER: Dempsey

HCR001 Dempsey, Tom

\*\*\*\*\* NO BILL SUMMARY \*\*\*\*\*

01/05/2005 Offered (H) (H16)  
 01/05/2005 Adopted (H) (H16)  
 01/05/2005 S First Read (S26)  
 01/11/2005 S Adopted (S65-66 / H46)  
 01/11/2005 S Escort Committee Appointed-Bartle, Loudon, Crowell, Mayer, Ridgeway, Koster, Coleman, Callahan, Wilson, Green (S66 / H46)  
 01/12/2005 H Escort Committee Appointed - Parker, Yates, Goodman, Wright-137, Flook, Fares, Robinson, El-Amin, Spreng, Lowe (H47 / S71)

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\*\*\* HCR 2 \*\*\*

SENATE SPONSOR: Shields

0747L.011

HOUSE HANDLER: Dempsey

HCR002 Dempsey, Tom

\*\*\*\*\* NO BILL SUMMARY \*\*\*\*\*



01/05/2005 Offered (H) (H16)  
01/05/2005 Adopted (H) (H16)  
01/05/2005 S First Read (S26)  
01/24/2005 SA 1 S offered & adopted (Shields) (S106)  
01/24/2005 S passed, as amended (S106)  
01/25/2005 H concurs in SA1 (H144-145)  
01/25/2005 H passed, as amended (H145-146)  
01/25/2005 S Escort Committee appointed: Gibbons, Shields, Coleman, Crowell, Clemens, Nodler,  
Days, Callahan, Wheeler, Kennedy (S112 / H149)  
01/26/2005 H Escort Committee appointed: Phillips, Black, Myers, Wright, Denison, Sutherland,  
Boykins, Fraser, Lampe, Wagner (H153 / S118)  
01/26/2005 S Escort Committee change: Wilson replaces Wheeler (S118 / H153)

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\*\*\* HCR 10 \*\*\*

0749L.01I  
HOUSE HANDLER: Dempsey

HCR010 Dempsey, Tom

\*\*\*\*\* NO BILL SUMMARY \*\*\*\*\*

01/11/2005 Offered (H) (H43)  
01/11/2005 Adopted (H) (H43)  
01/11/2005 S First Read (S67)  
01/31/2005 S adopted (S138)

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