

A SUMMARY OF LEGISLATION  
TRULY AGREED TO AND FINALLY PASSED

by the

93rd General Assembly

First Regular Session



2005

Prepared by the  
Divisions of Research, Computer Information Systems  
and Administration  
of the  
MISSOURI SENATE

CCS/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 "accident", "occupational disease", "arising out of", and "in the course of the employment". It is also the intent of the legislature to reject and abrogate earlier case law interpretations on the meaning of or definition of "owner".

**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.

**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 paid firefighters of a paid fire department or paid police officers of a paid police department certified under Chapter 590, RSMo, if a direct causal relationship is established.

**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. An employee who suffers an injury as a result of the failure to obey employer safety rules will have benefits reduced by 25 to 50 percent. The act increases the penalty when violation of a drug or alcohol rule is involved, by mandating that workers' compensation and death benefits reduced by fifty percent. Intoxication at or above the legal blood level shall give rise to a rebuttable presumption that the voluntary use of alcohol was the proximate cause of injury. A preponderance of the evidence standard will apply to rebut such presumption.

**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

SPONSOR: Loudon

HANDLER: Hunter

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** - 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 D felony, 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 C felony.

Any person who knowingly makes a false or fraudulent statement to an investigator of the division of workers' compensation in the course of investigating fraud or noncompliance will be guilty of a class A misdemeanor and receive a fine of up to ten thousand dollars. The punishment for a subsequent offense is increased to a Class C felony.

Any person, company, or other entity that prepares or provides an invalid certificate of insurance as proof of workers' compensation insurance will be guilty of a Class D felony and receive a fine of the greater of a fine up to ten thousand dollars or double the value of the fraud.

Any employer who knowingly fails to insure his liability under workers' compensation law will be guilty of a Class A misdemeanor and will receive the greater of a fine in an amount up to three times the amount of annual premiums the employer would have paid or fifty thousand dollars.

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 of each year, the Attorney General shall forward to the Division of Workers' Compensation, 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

SPONSOR: Loudon

HANDLER: Hunter

certified by a physician. In determining compensability and disability, where inconsistent or conflicting medical opinions exist, objective medical findings shall prevail over subjective medical findings. Objective medical findings are those findings demonstrable on physical examination or by appropriate tests or diagnostic procedures.

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 to file with the division a full and complete report of every injury or death to any employee within thirty days after knowledge of the 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 the result of undue influence or fraud, and the employee fully understands his or her rights and benefits and voluntarily agrees to accept the terms of the agreement. 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. Legal counsel representing the employee will receive reasonable fees for services rendered.

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. Performance audits shall be conducted every two years by the six member administrative law judge review committee with a recommendation of confidence or no confidence for each administrative law judge. Administrative law judges will stand for retention votes by the committee every twelve years. An administrative law judge will not receive a retention vote if the administrative law judge has received two or more votes of no confidence for performance audits and may be removed from the appointment immediately.

COMPENSATION FOR CHIEF COUNSEL - Each chief legal counsel located at the division office in Jefferson City 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

SPONSOR: Loudon

HANDLER: Hunter

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 of Workers' Compensation to notify each employee of a self-insured member filing bankruptcy, liquidation, or dissolution 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 the division attaches jurisdiction.

**TREND FACTORS** - The Director of Insurance will allow pure premium rate data to be distributed, upon filing with the director with a final distribution, in a format which allows for comparison of such data with trend factors developed by the advisory organization for each of the job classifications.

JASON ZAMKUS

---

HCS/SCS/SBs 10 & 27 - 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 pharmacy counter where the public is not permitted and by a pharmacist or registered technician. Within 30 days of this act becoming effective, it must be ensured that the products are for sale behind the counter. 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 90 days of this act becoming effective, pharmacists and technicians must maintain a written or electronic log of each transaction. The log must include information, such as the name and address of the purchaser, 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/HCS/HB 441.

This act has an emergency clause.

SUSAN HENDERSON

---

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

SPONSOR: Shields

HANDLER: Stevenson

HCS/SB 21 - This act modifies the "Adoption Awareness Law" and provides that the department of social services, with the assistance of the department of health and senior services, may establish and implement an advertising campaign to recruit adoptive and foster care families. The department is also required to establish a toll-free telephone number for information on adoption and foster care and to answer questions and assist persons inquiring about becoming adoptive parents or foster parents.

This act creates the Putative Father Registry Fund and provides that the fifty dollar filing fee for an adoption petition shall be deposited in the fund.

This act also modifies the provisions dealing with the registry of biological parents and adopted adults. The age in the definitions for "adopted adult" and "adopted sibling" was changed from a person who is twenty-one years of age or older to a person who is eighteen years of age or older. The age for an "adopted child" was changed to any person who is less than eighteen years of age.

Current law provides that the Children's Division of the Department of Social Services shall maintain a registry by which biological parents and adoptive adults may indicate their desire to be contacted by each other. This act provides that adult siblings may also sign up on the registry. Further, this act provides that at the time of registry, a biological parent or adult sibling may consent in writing to the release of identifying information to an adopted adult.

Current law provides that an adopted adult may make a written request to the circuit court to secure and disclose information identifying the adopted adult's biological parents. This act provides that if the biological parents have consented to the release of identifying information, the court shall disclose such identifying information to the adopted adult. If the biological parents have not consented to the release of the information, the court shall, within ten days of receipt of the request, notify the adoptive parents of the request and of the agency or juvenile court having access to the information requested by the adopted adult.

ADRIANE CROUSE

---

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

SPONSOR: Griesheimer

HANDLER: Schlottach

HCS/SCS/SB 24 - This act places an expiration date of December 31, 2014 on the additional \$10 fee currently imposed on most court cases in Franklin County.

SUSAN HENDERSON

---

HCS/SS/SCS/SBs 37, 322, 78, 351, & 424 - This act relates to alcohol-related offenses.

SECTION 302.060

This act removes the requirement that the judge be an attorney in certain traffic-related cases.

SECTION 302.321 & 302.541

This act removes the requirement that the judge be an attorney in certain traffic cases.

SECTION 311.310

Currently, this section states that any person, except a parent or guardian, who procures for, sells, or gives away, or otherwise supplies 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.

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

SECTION 565.024

This act restructures the statute regarding involuntary manslaughter in the first degree and changes the penalty for the crime depending on aggravating circumstances.

Currently, involuntary manslaughter in the first degree is a Class C felony if: (1) A person recklessly causes the death of another, or (2) While in an intoxicated condition operates a vehicle, and when doing so, acts with criminal negligence to cause the death of another.

Under this act, a person is guilty of a Class B felony (exception below) and must serve 85% of his or her sentence, if, in an intoxicated condition operates a vehicle, and when doing so, acts with criminal negligence to:

- Cause the death of a person not a passenger; or
- Cause the death of two or more persons; or
- Cause the death of any person while he or she has a blood alcohol content of at least .18

If a person commits a second offense of involuntary manslaughter in the first degree it is a Class A felony, if it is the second time that the person is convicted for the offense by causing the death of a person while having a BAC of at least .18

SECTION 568.050

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

SPONSOR: Nodler

HANDLER: Stevenson

case, it is a Class D felony.

SECTION 577.001 - This act defines the term "court" in Chapter 577, RSMo, relating to Public Safety Offenses, to include any circuit court or municipal court, but not any juvenile or drug court.

SECTION 577.023

This act clarifies that the penalty enhancement provisions in Section 577.023 relating to prior, persistent, aggravated, and chronic offenders should be applied consistently whether in municipal, county, and state courts. Specifically, this act specifies 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 a prior, persistent, aggravated, or chronic offender under Section 577.023.1.

This act creates two new types of offenders ("aggravated offenders" and "chronic 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, 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 or 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 or 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.

SECTION 577.500 - This act removes the requirement that the judge be an attorney in certain traffic-related cases.

**\*\*\* SB 37 \*\*\* (Cont'd)**

SPONSOR: Nodler  
SUSAN HENDERSON

HANDLER: Stevenson

---

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

SPONSOR: Nodler

HANDLER: St. Onge

HCS/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. The act, however, includes within the George Washington Carver Memorial designation a portion of U.S. Highway 71 contained in Jasper County. The act also designates a portion of State Route V in Newton County as the "Carver Prairie Drive".

This act is similar to SB 770 (2004).

STEPHEN WITTE

---

**\*\*\* SB 68 \*\*\***

SPONSOR: Shields

HANDLER: Yates

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

JASON ZAMKUS

---

**\*\*\* SB 69 \*\*\***

SPONSOR: Shields

HANDLER: Pratt

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

---

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

SPONSOR: Griesheimer

HANDLER: Nieves

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).

ANDY LYSKOWSKI

---

SPONSOR: Champion

HANDLER: Weter

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

---

SPONSOR: Champion

HANDLER: Cooper

HCS/SS/SCS/SBs 74 & 49 - This act modifies and creates new provisions with respect to the Department of Health and Senior Services.

MERCURY IMMUNIZATIONS - Under the act, after April 1, 2007, any immunizations administered to knowingly pregnant women or children under three years of age shall not contain more than 1 microgram of mercury per 0.5-milliliter dose.

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 shall exempt the use of a vaccine from compliance with this act if the director finds, and the governor concurs, that an actual or potential public health emergency exists, including an epidemic, outbreak or shortage for which there does not exist a sufficient supply of vaccine that complies with this act that would prevent knowingly pregnant or children less than three years of age from receiving the vaccine. The director shall determine the duration of such exemption.

NEWBORN SCREENING - This act provides that newborn screening requirements are not limited to disorders and conditions specified in current law.

HEPATITIS C INFORMATION - This act requires healthcare employers to make certain information available to their employees on the risk of exposure to hepatitis C, including availability of testing, cost, and protocol for accidental exposure.

The department shall maintain a "Missouri Hepatitis C" Internet website and provide information on the disease and on support groups in Missouri. The website must also contain links providing information on the disease.

DEPARTMENT OF HEALTH AND SENIOR SERVICES FUNDS - This also act creates the Department of Health and Senior Services Administrative and Cost Allocation Fund and the Department of Health and Senior Services Disaster Fund.

The act specifies that the administrative and cost allocation fund will receive funding by appropriations, deposits, and moneys transferred or paid to the department in return for goods and services provided.

The disaster fund will be used during a state of emergency at the direction of the Governor to furnish immediate aid and relief.

As to both funds, the State Treasurer will serve as custodian and the department director will serve as administrator. Also, moneys in these funds will not lapse to general revenue at the end of the biennium, and all interest earned will be deposited into the funds.

This act also provides that any interest earned on the Missouri Public Health Services Fund shall accrue to the fund.

MISSOURI SENIOR ADVOCACY AND EFFICIENCY COMMISSION - This act creates the "Missouri

SPONSOR: Champion

HANDLER: Cooper

Senior Advocacy and Efficiency Commission." The commission is charged with gathering information pertaining to the quality and efficiency of senior services offered by the state, analyze statutes and administrative rules as to the efficiency or lack thereof of certain programs, utilize staff of the General Assembly to assist seniors in making application for federal prescription drug assistance, serve as a resource for state and federal pharmaceutical benefits, and maintain a web-site and toll-free senior advocacy support telephone number.

**BIRTH AND DEATH CERTIFICATES** - This act also modifies the birth and death certificate provisions. This act provides that a birth certificate shall be filed within five days of birth and certify the place, time, and date of the live birth by a signature or an electronic process approved by the Department of Health and Senior Services. Current law provides that the certificate be filed within seven days of birth. Also, when a medical certification is filed in order to obtain a death certificate, it must be attested to by either a signature or an electronic process approved by the department.

**CONTROLLED SUBSTANCES** - This act modifies the provision dealing with controlled substances being only dispensed upon prescriptions. Current law provides that the person filling the prescription shall write the date of filling and his own signature on the prescription. This act provides that the person filling the prescription shall either act as noted above or retain the date of filling and the identity of the dispenser as electronic prescription information.

This act also provides that the supply limitations for Schedule II, III, IV or V controlled substances may be increased if the physician describes on the prescription form or indicates via telephone, fax, or electronic communication to the pharmacy or attached to the prescription form, the medical reason for requiring the larger supply.

**PERSONAL CARE ASSISTANCE SERVICES** - This act provides that, subject to appropriations, the Department of Health and Senior Services may provide financial assistance for consumer-directed personal care assistance services through eligible vendors, as provided in sections 660.661 through 660.687, to qualified non-Medicaid eligible individuals and specifies the eligibility and program guidelines.

This act has an emergency clause for the provisions relating to the department's funds.

ADRIANE CROUSE

---

HCS/SS/SB 95 - This act modifies the law relating to lead abatement and lead poisoning.

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

SECTION 701.304 - Provides that the director of the Department of Health and Senior Services shall assess fees for licenses and accreditation and impose administrative penalties, with the fees and fines to be deposited into the state treasury to the credit of the public health services fund.

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

SECTION 701.308 - A representative of the department, or a representative of a unit of local government or health department is authorized to re-enter a dwelling or child-occupied facility to determine if the owner has taken the required actions for abating or establishing interim controls for the lead hazard. If consent is not granted, the representative of the department may petition the court for an order to enter the premises to determine if the owner has taken the required actions for abating or establishing interim controls for the lead hazard. The court shall grant the order upon a showing by the department that the department has attempted to notify the dwelling's owner.

In commercial lead production areas, if the department identifies lead hazards due to paint, mini-blinds, or other household products/sources in a property where a child has been identified with an elevated blood level, the owner shall comply with the requirement for abating or establishing interim controls for the above stated hazards, in a manner consistent with the recommendations described by the department and within the applicable time period.

If the residential property owner is owned by a commercial lead production or transport company, which has not taken the required actions for abating or establishing interim controls for the lead hazard in a manner consistent with the options provided by the department, the commercial lead production or transport company shall be deemed to be in violation of the provisions of this act.

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

Lead abatement contractors and public agencies, organizations issuing grants and loans for lead abatement projects or interim controls to inform owners and tenants of dwellings that information regarding lead hazards can be accessed on the department Internet website.

SECTION 701.311 - The director of the department may, instead of shall as in current law, issue notices

SPONSOR: Coleman

HANDLER: Hubbard

of violation to property owners or persons responsible. The notice shall contain an outline of corrective action which is required to effect compliance.

This act provides that nothing in the act shall be construed as requiring the department to issue a notice of violation, but rather gives the department discretion to do so when the department believes that the public interest will be adequately served.

However, the department shall develop, publish, and post on its website an enforcement manual that delineates the categories of violation for which the department shall issue a notice of violation or for which the department may either issue a notice of violation or issue a suitable written notice or warning.

SECTION 701.312 - The Director shall require lead abatement contractors to purchase and maintain liability and error and omissions 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.

SECTION 701.313 - Local community organizations, government agencies, and quasi-government agencies that issue grants or loans for lead abatement projects must provide written notification to the Department no later than ten days prior to the onset of a project. The failure to provide written notification will result in a fine of \$250 dollars 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 701.314 - The director shall have the power to issue notices of violation, written notices and letters of warning in the area of training for lead inspectors, risk assessors, lead abatement supervisors, lead abatement workers and project designers.

SECTION 701.317 - The department will have the power to elect to impose administrative penalties or to request the Attorney General's office or prosecutor to seek civil penalties in court.

SECTION 701.320 - Any lead inspector, risk assessor, lead abatement supervisor, lead abatement worker, project designer, or lead abatement contractor who engages in a lead abatement project while such person's license, issued by the department for such work, is under suspension or revocation is guilty of a class D felony.

SECTION 701.328 - The department may release, without consent, information to federal employees and agents as well as to state or local agencies for the employees to perform their public duties.

SECTION 701.337 - Any penalties collected from this provision shall be deposited in the "Missouri Lead Abatement Loan Fund".

ADRIANE CROUSE

---

SPONSOR: Champion

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.

**\*\*\* SB 98 \*\*\*** (Cont'd)

SPONSOR: Champion

HANDLER: Marsh

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

---

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

SPONSOR: Champion

HANDLER: Dixon

HCS/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-Language-Hearing 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

---

**\*\*\* SB 103 \*\*\***

SPONSOR: Bartle

HANDLER: Yates

HCS/SCS/SBs 103 & 115 - 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

---

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

SPONSOR: Nodler

HANDLER: Wright

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

---

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

SPONSOR: Loudon

HANDLER: Yates

SB 131 - This act allows insurance companies to invest capital, reserves and surplus in preferred or guaranteed stocks. The investments must carry at least the second highest designation rating by the National Association of Insurance Commissioners or a nationally recognized rating agency approved by the Department of Insurance. Life insurance company investments in corporations must also meet the requirements of Sections 375.1070 to 375.1075, RSMo, regarding outlines for investing in medium or lower quality institutions.

This act is similar to HB 69 (2005).

STEPHEN WITTE

---

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

SPONSOR: Loudon

HANDLER: Yates

SCS/SB 133 - The act allows the Commissioner of Administration to include in the state's cafeteria plan any product eligible under Section 125 of Title 26 U.S.C. including payment to the state by vendors for the cost of administering the deductions as set by the Office of Administration.

ANDY LYSKOWSKI

---

**\*\*\* SB 149 \*\*\***

SPONSOR: Nodler

HANDLER: Stevenson

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

---

**\*\*\* SB 155 \*\*\***

SPONSOR: Mayer

HANDLER: Kingery

CCS/HCS/SCS#2/SB 155 - The act modifies reporting requirements for child abuse and neglect. There are provisions for 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. Such information shall be expunged forty-five days after the conclusion of the investigation. The same expungement requirements shall apply to all other reports filed.

For reports filed by a mandatory reporter, where insufficient evidence of abuse or neglect is found by the division, the identifying information shall be retained for five years from the conclusion of the investigation. 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. At the end of the respective time period, the information shall be removed from the division and destroyed.

If a minor abuses another child, that minor cannot return to or reside in any residence within 1000 feet of the residence of the abused child, or any child care facility or school the abused child attends until the abused child is eighteen years old. These provisions do not apply if the abuse is between siblings.

ANDY LYSKOWSKI

---

**\*\*\* SB 156 \*\*\***

SPONSOR: Shields

HANDLER: Richard

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

---

HCS/SS/SCS/SB 168 - This act permits contractors to repair construction defects prior to the commencement of 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. Additionally, the contractor must provide the homeowner with a flowchart describing the various time frame guidelines processes required by this act (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 contractor shall 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.

The claimant may reject the offer of compromise from the contractor. The parties may 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 shall serve a report to the claimant on the scope of the inspection and the findings and results of the inspection, and 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 may be mediated.

All civil actions that do not follow the requirements of this act shall be dismissed without prejudice. However, 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 or condominium association. An association must hold a meeting of the members upon the request of the contractor after rejection of the contractor's settlement offer by the association. The meeting is only required if the contractor asks for such a meeting in its settlement offer. The meeting must be held at least 15 days prior to filing a claim. The notice for the meeting must include the time and place of the meeting, the options that are available to address the construction defects and the text of the settlement offer. No more than one request to meet can be made by the contractor.

The parties may seek mediation before commencing any civil action. Mediation must be non-binding and independently administered. The parties share the cost of the mediator's charges. The mediation

**\*\*\* SB 168 \*\*\*** (Cont'd)

SPONSOR: Dolan

HANDLER: Pratt

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. 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 (Section 431.315).

The act prohibits a racially discriminatory restrictive covenant in any declaration or other governing document of a homeowners association. The board of directors of any association shall amend, without approval of the owners, any declaration or other governing document that includes a restrictive covenant and shall restate the declaration or document without the restrictive covenant. If, after notice to the association, it fails to remove a restrictive covenant, the commission on human rights, a city or county where the development is located, or any person may bring an action for injunctive relief. The court may award attorney fees to the prevailing party. The provisions of this section will become effective on January 1, 2006 (Section 213.041).

JIM ERTLE

---

**\*\*\* SB 170 \*\*\***

SPONSOR: Gross

HANDLER: Byrd

SCS/SB 170 - This act pertains to hazardous waste, in particular, the Dry Cleaning Emergency Response Trust Fund (DERT).

The act extends the operation of the DERT Fund to 2012. The act direct the Hazardous Waste Management Commission to promulgate rules to carry out the provisions of the act no later than July 1, 2007. The act exempts dry-cleaners who use non-chlorinated solvents from the operation of the program.

MEGAN WORD

---

**\*\*\* SB 174 \*\*\***

SPONSOR: Vogel

HANDLER: Bruns

HCS/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

---

SPONSOR: Vogel

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

---

CCS/HCS/SB 177 - This act modifies a number of provisions regarding professional registration.

DENTAL EXTRACTIONS - Section 105.712 - 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."

LICENSE FEE FOR EMERGENCY PERSONNEL - Section 190.550 - The Department of Health and Senior Services must establish a fee schedule to be paid by applicants for specific emergency personnel licenses. Moneys collected by the department will be deposited into the Missouri Public Health Services Fund. These provisions will not apply to persons employed by volunteer ambulance services.

GEOLOGISTS - The act removes the grandfather provisions regarding the licensing of geologists.

MANICURISTS - Section 329.50 - 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. This provision is identical to SB 280 (2005).

DENTAL HYGIENISTS - Sections 332.302 to 332.312 - The act establishes the Dental Hygienist Distance Learning Committee and authorizes the Department of Economic Development to contract with an institution of higher education to establish a distant dental hygienist learning program for the purpose of off-site clinical and didactic training. The program must meet all standards established by the Council on Dental Accreditation. This provision is similar to SB 523 (2005).

PHYSICIAN ASSISTANTS - Section 334.735 - The act removes a provision of law that conflicts with the definition of "physician assistants".

SOCIAL WORKERS - Sections 337.600, 337.603, 337.615, 337.618, and 337.653 - Currently, an applicant for licensure must complete 24 months of supervised clinical experience. This act requires an applicant to complete 3,000 hours of clinical experience with a licensed social worker in at least 24 months, but no more than 48 months. The act removes a requirement that an applicant must pass examination specifically on Missouri law and regulations governing the practice of social work and a requirement that the applicant be a member in good standing of the Academy of Certified Social Workers. Licensed social workers must complete a minimum of 30 hours of continuing education for license renewal. Currently, licensed baccalaureate social workers cannot engage in the private practice of clinical social work. This act modifies the scope of practice for a licensed baccalaureate social worker and authorizes such licensee to engage in the independent practice of baccalaureate social worker. The act defines what constitutes "independent practice".

NURSING HOME ADMINISTRATORS - Section 344.040 - The act requires all nursing home administrators licenses to expire on June 30 following the year it was issued and every other year thereafter. An administrator seeking a renewal must file an application during the month of May of the year of their renewal, accompanied by a fee, as provided by rule, payable to the Department of Health and Senior Services. The board shall provide by rule as to whether licenses issued or renewed during 2006 may be for either a one- or two-year term.

**\*\*\* SB 177 \*\*\* (Cont'd)**

SPONSOR: Shields

HANDLER: Behnen

ATHLETE AGENTS - 436.218 - The act modifies the definition of "student athlete" within the provisions regarding athletic contracts.

SETTLEMENT NEGOTIATIONS - Section 621.045 - The act removes the requirement that the a professional licensing board wait 30 days before informing a licensee that they are in violation of their licensing requirements prior to engaging in settlement negotiations and shortens the time from 60 to 30 days that the licensee has to consider the settlement offer prior to contacting the respective board to discuss the settlement offer.

BOARD OF PHARMACY - Section 1 - The act authorizes the Board of Pharmacy to prepare an equitable salary schedule for employees attributed to the inspection of licensed entities.

JIM ERTLE

---

**\*\*\* SB 178 \*\*\***

SPONSOR: Shields

HANDLER: Schaaf

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

---

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.

**\*\*\* SB 179 \*\*\* (Cont'd)**

SPONSOR: Griesheimer

HANDLER: Rector

The effective date of the act is January 1, 2006.

MEGAN WORD

---

**\*\*\* SB 182 \*\*\***

SPONSOR: Scott

HANDLER: Rector

HCS/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 under subsection 1 of section 323.060 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

---

**\*\*\* SB 189 \*\*\***

SPONSOR: Gross

HANDLER: Icet

HCS/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.

Beginning July 1, 2005, each Medicaid managed care organization in this state must pay, in addition to all other fees or taxes required by law, a Medicaid managed care organization reimbursement based on a formula set forth in rules promulgated by the Department of Social Services. No reimbursement allowance will be collected in the event the federal center for medicaid and medicaid services determines that such reimbursement allowance is not authorized under title XIX of the Social Security Act.

The act provides record retention and reporting requirements for medicaid managed care organizations. The director of the Department of Social Services will make a determination as to the amount of reimbursement allowance due from each Medicaid managed care organization and notify each organization of the amount due. Reimbursement allowance amounts due may be offset if requested by the organization. Reimbursement allowances will be paid to the department of social services to be deposited into the Medicaid Managed Care Organizations Allowance Fund created in this act.

The act contains provisions relating to unpaid and delinquent payments and the Department of Social Services ability to compel payment. The director of the Department of Social Services may deny, suspend or revoke a medicaid managed care organization which fails to pay a managed care organization's delinquent reimbursement allowance unless under appeal.

This act contains an emergency clause.

JASON ZAMKUS

---

**\*\*\* SB 196 \*\*\***

SPONSOR: Ridgeway

HANDLER: Ervin

HCS/SCS/SB 196 - This act modifies the sales and use tax exemption definition of material recovery processing plant. Under the act, a material processing plant means a facility that has as its primary purpose the recovery of materials into a useable product or a different form which is used in producing a new product and shall include a facility or equipment which is used exclusively for the collection of recovered materials for delivery to a material recovery processing plant but shall not include motor vehicles used on highways. A material recovery processing plant will qualify under the provisions of this act regardless of ownership of the material being recovered. Material recovery is not the reuse of materials within a manufacturing process or the use of a product previously recovered.

This act further 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 in any material recovery processing plant.

JASON ZAMKUS

---

SPONSOR: Crowell

HANDLER: Smith

HCS/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 248 (2003).  
DONALD THALHUBER

---

CCS/HCS/SS/SCS/SB 210 - This act relates to political subdivisions.

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 50.333 - This act allows a court administrator, as well as the circuit court clerk, to schedule salary commission meetings and serve as the temporary chairman until the members elect a chairman.

SECTION 50.530 -Under this act, the budget officer:

- In counties of the first classification with more than 100,000 people according to the 1970 census, is

SPONSOR: Griesheimer  
appointed by the county commission

HANDLER: Johnson

- In counties of the first classification with less than 100,000 people according to the 1970 census, is the county auditor
- In Cass County and counties of the second classification, is the presiding commissioner unless the commission designates the county clerk
- In counties of the third and fourth classification, is the county clerk.

SECTION 50.1030 - As part of the annual review by the Board of Directors of the County Employees' Retirement Fund, the board will determine if having an additional benefit or enhancement which will improve the quality of life for future retirees is feasible.

After the annual review, the Board may vote to make any of the feasible adjustments outlined in Section 50.1030, RSMo, subject to the following guidelines:

- No adjustment can be made until the fund has achieved a funded ratio of assets to the actuarial accrued liability equaling at least 80%. No benefit adjustment shall be adopted which causes the funded ratio to fall more than 5%.
- Adjustment can be made no more than once every 12 months
- Any adjustment within a 12 month period may increase the actuarially determined and required annual contribution as a percentage of payroll no more than 1%
- Adjustments, except for COLA, will apply only with respect to active employees on the effective date of an adjustment.

SECTION 52.317 - This act allows the county commission to budget in a common fund for one-time expenditures so that it does not appear in any specific department's or office's budget.

SECTIONS 54.010, 54.280, 54.320, 54.330, 65.110, 65.160, 65.460, 65.490, 65.600, 136.010, 136.160, 137.465, 137.585, 139.120, 139.350, 139.400, 139.420, 139.430, 139.440, 139.450, 139.460, 165.071, 242.560, 245.205, & 301.025 - Under this act, 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.

SPONSOR: Griesheimer

HANDLER: Johnson

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 number deputies and assistants that are needed by a collector-treasurer shall be determined by the collector-treasurer, but he or she shall have no less than one full-time deputy.

This act requires the treasurer-collector to collect a fee of 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.

The fees collected on the total tax levied will be based on a scale and the money will be deposited into the general revenue fund of the county.

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.

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.

SECTIONS 56.060, 56.631, 56.640, 56.650, 56.660

Currently, only certain counties are allowed to appoint a county counselor. This act removes this limitation so that any county may do so.

SECTION 59.005 - This act defines the terms "copying" and "duplicate" in the Recorder of Deeds Chapter.

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 66.411 - This act prohibits St. Charles County from dissolving the municipal fire department of St. Charles City until the question is submitted to the voters and a majority of them approve.

SECTIONS 67.469, 140.150, & 140.160 - This act adds special assessments for neighborhood improvement districts to the laws regarding the collection of property taxes and other local taxes. These assessments are allowed to be collected and assessed in the same manner as other local taxes.

SECTION 67.1159 - When any tax, interest, or penalty imposed in relation to the St. Charles County Convention and Sports Facilities Authority is not paid when due, the authority may file for record a notice

SPONSOR: Griesheimer

HANDLER: Johnson

of lien in the recorder's office. The notice will specify the amount due and the name of the liable person. From the time of filing such notice, the amount of tax shall have the force and effect of a lien against the real and personal property of the business of such person or the facility giving rise to the tax.

Under this act, a lien may be released by filing a release of the lien executed by a duly authorized agent of the authority upon payment or upon receipt of sufficient security, or by final judgment holding such lien to have been erroneously imposed.

Each recorder shall receive statutory fee for the filing of each notice of lien and for each release of lien filed for record. The authority is authorized to collect an additional penalty from each taxpayer equal to the cost of filing a notice of lien or release with respect to such taxpayer.

Any person operating or managing a business or facility who owes taxes, penalty, or interest, or is required to file any report with the authority, must notify, in writing, the authority at least 10 days prior to any sale of the entire business or a major part thereof. The notice includes the name of the business or facility and the owner, the intended date of purchase, and the name of the person purchaser and person collecting the tax. Any person who takes with notice of delinquent tax or noncompliance is considered to be taking subject to any tax, penalty, or interest owed by the seller.

The authority shall have the power to bring a civil action to enjoin the operation of a business or facility, if the business or facility has a tax, penalty, or interest which is unpaid or is violation of the statutes relating to the authority.

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 1/2 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.

SPONSOR: Griesheimer

HANDLER: Johnson

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.

SECTION 67.1754 - This act allows grant proceeds to be used to fund any recreation program or park improvement.

SECTION 67.1775 & & SECTIONS 210.860 & 210.861

The act modifies some of the ballot language to allow for lawful collection of the revenues derived from the local sales tax. 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 67.1850 - This act extends the authority to all cities and counties in the state to develop geographic information systems and the ability to charge for the use of the systems.

SECTION 67.1922 & 67.1934

Currently, certain counties with significant lake shoreline are authorized, upon voter approval, to impose a single retail sales tax not to exceed 1.5% for the purpose of promoting water quality, infrastructure, and tourism. This act modifies such authorization so that voters can approve one or more retail sales taxes not to exceed 1.5% in the aggregate for the purpose of affecting water quality, infrastructure, or tourism, singularly or in any combination.

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 71.740 - This act allows every commission, board, committee, officer, or other governing body of a city or town to purchase and use items made, grown, manufactured, and produced within Missouri,

SPONSOR: Griesheimer

HANDLER: Johnson

when they are found in marketable quantities and can be secured without more than 10% additional cost over non-Missouri products, as long as the quality and fitness of article shall be considered in purchasing or letting contracts.

SECTION 89.450 - No land owner located within the platting jurisdiction of a municipality may knowingly transfer land by reference to or by other use of a plat or any purported subdivision of the land before the plat has been approved by the planning commission and recorded, unless the owner discloses in writing that such plat has not been approved by the commission and the sale is contingent upon such approval.

SECTION 94.270 - On or after January 1, 2006, St. Peters shall not levy or collect a hotel license fee of more than \$1,000. No hotel shall be required to pay a license fee in excess of such amount, and any fee that does so, will automatically be reduced to comply with this section. St. Peters may increase a hotel license tax by 5% per year but the total tax levied under this section shall not exceed 1/8 of 1% of such hotels? gross revenue.

Other cities under this section may increase a hotel license tax by 5% per year but the total tax levied shall not exceed the greater of: 1) 1/8 of 1% of such hotels? gross revenue, or 2) the business license tax rate of such hotel on May 1, 2005. This provision will not apply to any tax levied by a city when the revenue from such tax is restricted for use to a project form which bonds are outstanding as of May 1, 2005.

SECTIONS 99.1080 to 99.1092 - This act creates the "Downtown Revitalization Preservation Program".

A redevelopment plan will include a general description of the program undertaken to accomplish the redevelopment projects and related objectives.

A redevelopment plan may be adopted by a municipality in reliance on findings that a reasonable person would believe: 1) the redevelopment area is a blighted or conservation area and has not been subject to growth through investment by private enterprise, 2) the plan conforms to the comprehensive plan for the redevelopment of the municipality as a whole, 3) generally the estimated dates of completion have been stated, 4) a relocation plan is developed if a business or residence must be moved, and 5) the plan does not include the redevelopment of a gambling establishment.

Before adopting a redevelopment plan, a municipality must provide notice and hold a public hearing. The act provides the procedure that must be followed by a municipality prior to adoption, including when changes are allowed to be made, and how notification must be given. After adoption of an ordinance designating a redevelopment area, no ordinance can be adopted altering the exterior boundaries of the area affecting the general land uses established under the plan or project without a public hearing.

A municipality must submit an application to the Dept. Of Economic Development for review and determination as to approval of the disbursement of project costs from the Downtown Revitalization Preservation Fund, which is created in this act. The application must be forwarded and approved by the Commissioner of Administration. This act sets limits on disbursements from the fund and lays out requirements for the information which must be included in the application.

Redevelopment projects can only receive disbursements from the fund for 25 years. A municipality that receives money from the fund must place it in a separate account from other net new revenues within

SPONSOR: Griesheimer

HANDLER: Johnson

the special allocation fund.

A redevelopment project approved for financing cannot thereafter elect to receive tax increment financing under the Real Property Tax Increment Allocation Redevelopment Act and continue to receive the downtown revitalization financing.

SECTIONS 100.050 & 100.059 - Under this act, all amounts paid in excess of actual costs for an industrial development project in Franklin County shall be disbursed to each taxing entity in proportion to the current ad valorem tax levy of each taxing entity. Also, notice of proposed projects must be provided to all the taxing entities in Franklin County.

Also, this act requires that information about junior college districts, in addition to school districts, counties, and cities, be included with a project plan for an industrial development project. Junior college districts will also receive the same notification regarding projects as the other listed entities.

SECTION 110.130 & 110.150 - Under this act, at the April term, the county commission shall receive proposals from banks which desire to be selected as the depositories 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 depositories 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 137.071 & 137.122 - 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.

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 one 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 of rural electric cooperatives, property subject to the motor vehicle registration provisions, and property assessed under Section 137.078, RSMo, are excluded from the definition. (Section 137.071)

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

SPONSOR: Griesheimer

HANDLER: Johnson

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 137.078 - This act adds studio broadcast equipment, tower transmission and antenna equipment, and broadcast towers to the property tax depreciation schedules for broadcasting equipment.

SECTION 137.115, 139.040, 139.055 & 301.025 - This act allows local government officials to accept cash, personal checks, business checks, money orders, credit cards, or electronic transfers of funds for the payment of any city or county tax or license. The local government can charge the person a fee equal to the amount charged to the county or city by the bank, processor, or issuer of the electronic payment.

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 137.130 - 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 137.720 - This act changes the calculation of the amount of the transfer of certain county funds. Currently, counties are required to transfer from the county general revenue fund to the assessment fund an amount equal to an average of the three most recent years' payments. The act requires that capital expenditures and equipment expenses identified in a memorandum of understanding signed by the county governing body and the county assessor be deducted from a year's contribution before computing the three-year average.

SECTIONS 140.150 & 140.160 - This act changes the date at which lands are sold for delinquent taxes from the fourth Monday in August to a day in August to be specified by the county collector and changes

SPONSOR: Griesheimer

HANDLER: Johnson

the time frame for publishing the list of delinquent lands accordingly.

SECTIONS 190.010, 190.015, & 190.090 - This act also allows the territory in an ambulance district to not be contiguous, but instead, within a 5 mile radius of the other territory contained within the district limits.

Under this act, fire protection districts in St. Louis County may choose to create an ambulance district if:

- The boundaries are congruent with each participating fire protection district's existing boundaries provided no ambulance district already exists; and
- The dominant provider of ambulance services within the proposed district as of September 1, 2005 discontinues service; and
- The board of each participating district, by a majority vote, approves the formation of the district; and
- The participating fire protection districts are contiguous.

SECTION 198.345 - This act authorizes nursing home districts in Marion and Ralls counties to maintain apartments for seniors that provide at a minimum housing, food services, and emergency call buttons. Such nursing home districts shall not lease such apartments for less than fair market rent as reported by the United States Department of Housing and Urban Development.

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.

SECTIONS 210.860 & 210.861 (see above)

SECTION 215.246 - Beginning July 1, 2006, this act prohibits the Missouri Housing Development Commission from awarding grants or loans to the City of Kansas City until the city's governing body implements oversight procedures to review expenditures and development plans for all housing contracts in excess of \$100,000.

SECTION 233.295 - This act allows any county to disincorporate special road districts.

SECTION 250.140 - This act adds water supply districts to those entities that may sue landlords or tenants for past due bills less any security deposit amounts and requires those supplier entities to make a good faith effort to notify the property owner when the tenant's sewer or water bill is more than 30 days past due. The owner cannot be held liable for sums due from the tenant for more than 90 days of service, and the water provider cannot be held civilly or criminally liable for terminating service due to the delinquency of the payment. In the cities of St. Louis and Kansas City, until January 1, 2007, owners

SPONSOR: Griesheimer

HANDLER: Johnson

cannot be held liable for more than 120 days of service and after that date owners cannot be held liable for more than 90 days of service. The water provider cannot be held civilly or criminally liable for terminating service due to the delinquency of the payment. This provision only applies to residences with their own private water and sewer lines.

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.

SECTION 321.120 - This act changes the terms of fire protection district board members in St. Charles County from six years to four years over a period of time.

SECTION 321.130 - This act lowers the residency requirement for directors of fire protection districts from 2 to 1 year.

SECTION 321.222 - This act provides that if a city in Jefferson County or the county adopts, implements, or enforces a residential construction regulatory system, neither fire protection districts nor their boards in Jefferson County shall have the power to adopt, enforce, or implement a residential construction regulatory system. Any system adopted by such a district will be void when the city adopts its own system. No fire protection district shall enact, adopt ordinances or orders that pertain to the subdivision of land for the purpose of residential construction or the construction, installation, and erection of any improvements and utility facilities related to or for the purpose of serving residential construction.

A fire protection district may enter into a contract with a city to assist in the implementation of the residential construction regulatory system of such city, as it relates to fire protection issues so long as the city retains jurisdiction over the implementation and enforcement of such system.

SECTION 321.322 - This act provides that Harrisonville will be governed by Section 72.418 relating to city reimbursement to the fire protection district.

SECTION 321.603 - This act provides that fire protection board members shall not be paid more than one attendance fee if such member attends more than one meeting per calendar week.

SECTION 473.770 & 473.771 - This act allows certain public administrators to delegate certain duties to a deputy. Specifically, a deputy who is a licensed attorney can execute inventories, settlements, surety bonds, pleadings, and other court documents filed in the name of the public administrator.

SECTION 483.537 - This act provides that a clerk of a state court, who takes or processes applications for passports or their renewal shall account for the fees charged for such service and for the expenditure of such fee in an annual report made to the presiding judge and the office of the state courts administrator. Such fees shall be only for the maintenance of the courthouse or to fund operations of the circuit court.

SECTIONS 488.426 & 488.429 - The additional \$10 fee for Franklin County in Section 488.426, RSMo, will expire on December 31, 2014 for the law library fund.

SECTION 545.550 - This act specifies that when a change of venue is granted in a criminal case, the defendant will be housed in the county in which the cause is removed if the respective sheriffs do not

**\*\*\* SB 210 \*\*\* (Cont'd)**

SPONSOR: Griesheimer

HANDLER: Johnson

agree.

SECTION 573.505 - This act allows the revenue from a sales tax that currently goes only to background checks to be used for general law enforcement purposes by the sheriff's office, upon voter approval.

SECTION 1 - This act authorizes the Governor to convey state property in Buchanan County.

SECTION 2 - This act authorizes the Governor to convey state property in St. Francois County.

SECTION 3 - This act requires the county commission in all counties except charter counties shall be responsible for the computation of salaries of all county officials provided that any percentage salary adjustments in a county shall be equal for all such officials in that county. The salary schedules in statute shall be set as a base schedule for those county officials, unless the current salary of such officials, as of August 28, 2005, is lower.

SECTION 4 - Under this act, Madison County may impose a sales tax for public recreational projects and programs upon voter approval.

SECTION 5 - This act authorizes the Governor to convey state property in Jasper County.

SECTION 6 - This act authorizes the Governor to convey state property in Cole County.

SECTION 7 - This act authorizes the Department of Natural Resources to remise, release, and forever quit claim property at Fort Davidson State Historic Park to the City of Pilot Knob. In return, the Department is authorized to receive via quit claim deed another piece of property.

SUSAN HENDERSON

---

**\*\*\* SB 211 \*\*\***

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.

ANDY LYSKOWSKI

---

**\*\*\* SB 216 \*\*\***

SPONSOR: Champion

HANDLER: Goodman

HCS/SB 216 – Unless otherwise ordered by a court, this act requires depositions of employees of publicly funded crime laboratories to take place in the county where the employee is employed.

JIM ERTLE

---

HCS/SS# 2/SCS/SB 225 - This act pertains to hazardous waste.

SECTION 260.200 - Changes "waste tire" references to "scrap tire".

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 along with the number of batteries sold during the preceding month. 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 260.270 - Changes "waste tire" references to "scrap tire".

SECTION 260.272 - Changes "waste tire" references to "scrap tire".

SECTION 260.273 - Reinstates the tire fee at fifty cents. The act reinstates the fee beginning the first day of the month no more than sixty days following the effective date of the act; the fee is set to terminate January 2010.

The act directs the Department of Natural Resources to report by January 1, 2009, a complete accounting of tire cleanups - this includes those completed or in progress, the costs associated with these cleanups, number of tires remaining at that time, balance of the fund and enforcement actions initiated to address scrap tires.

SECTION 260.274 - Repeals entire section.

SECTION 260.275 - Changes "waste tire" references to "scrap tire".

SECTION 260.276 - Changes "waste tire" references to "scrap tire".

SECTION 260.278 - Changes "waste tire" references to "scrap tire".

SECTION 260.279 - The act provides preference to Missouri vendors bidding on contracts by the department for the removal or clean up of scrap tires. A five percent preference and ten bonus points shall be given to any vendor that meets one or more of the following factors:

- Vendors residing in Missouri for two years preceding the bid;
- Non - resident vendors that employ at least twenty Missouri residents and have maintained their principal place of business in the state for two years preceding the bid;
- Vendors that reside in Missouri that employ at least seventy-five percent of their workers from Missouri for the entire term of the project;
- Non - resident vendors that employ at least twenty Missouri residents and have maintained their principal place of business in the state for two years preceding the bid; for the entire term of the project, these vendors shall employ at least seventy-five percent of their workers from Missouri;
- Vendors that provide written certification that the end use of the tires will be for fuel purposes or for the manufacture of a useable good or product; landfilling of tires, tire chips, or tire shreds shall not permit a vendor a preference.

SECTION 260.325 - Solid waste management district boards shall arrange for independent financial

SPONSOR: Cauthorn

HANDLER: Hobbs

audits of the district's operations. Districts receiving two hundred thousand dollars or more shall undergo annual audits, those districts receiving less than two hundred thousand dollars of financial assistance shall undergo the audits at least once every two years. The contents of these audits shall be open to the State Auditor and the option to audit the districts by the state auditor is provided for in the act. The department shall perform audits of district grants, provided the resources are there, at least once every three years.

SECTION 260.330 - The fees for solid waste landfills are modified in the act. No annual adjustment to the current fee is to be made from October 2005 to October 2009, except that which is needed for operating costs and any increase in the total amount of solid waste accepted at landfills and that to be transferred out of the state. No annual increase made during the time frame of October 2005 to October 2009 shall exceed the percentage increase measured by the consumer price index, and shall be made at the discretion of the director of the Department of Natural Resources.

The fees for transfer stations have been modified in the act. No annual adjustment to the current fee is to be made from October 2005 to October 2009, except that which is needed for operating costs and any increase in the total amount of solid waste accepted at landfills and that to be transferred out of the state. No annual increase made during the time frame of October 2005 to October 2009 shall exceed the percentage increase measured by the consumer price index, and shall be made at the discretion of the director of the Department of Natural Resources.

SECTION 260.335 - Each fiscal year, eight hundred thousand dollars from the solid waste management fund shall be made available to the department and the environmental improvement and energy resources authority for the development of markets for recovered materials; this is a change from the current appropriation of one million dollars. Each fiscal year, up to two hundred thousand dollars from the solid waste management fund shall be used by the department for grants to solid waste management districts. District eligibility is laid out in the act as is the calculation for fund disbursement.

Remaining moneys in the fund shall be allocated as follows:

- Thirty-nine percent of the moneys shall go towards the elimination of illegal solid waste disposal;
- Sixty-one percent of the moneys shall go towards grants - the breakdown of these moneys are, forty percent shall be allocated based on the population of each district and sixty percent shall be allocated based on the amount of revenue generated within each district.
- No more than fifty percent of the allocable revenue may be used for the implementation of a solid waste management plan and at least fifty percent of the allocable revenue shall be allocated for waste reduction, recycling and related services.

Each district shall receive a minimum of ninety-five thousand dollars for district grants and operations.

SECTION 260.345 - The act changes the membership of the solid waste advisory board, two members shall represent the solid waste management industry, and one member may represent the solid waste composting or recycling industry. The authority to terminate any member based on the failure to attend at least fifty percent of the board meetings has been removed in the act.

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.

SPONSOR: Cauthorn

HANDLER: Hobbs

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 260.475 - 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.

SPONSOR: Cauthorn

HANDLER: Hobbs

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.

SECTION 260.900 - Changes the definition "dry cleaning solvent" to include dry-cleaners who use non-chlorinated solvents and exclude those who use petroleum-based solvents.

SECTION 260.905 - Provides an extension to the hazardous waste management commission to promulgate rules for dry cleaning facility environmental remediation until 2007.

SECTION 260.925 - Modifies circumstances where moneys from the Dry Cleaning Emergency Response Trust Fund (DERT) cannot be used; for corrective action at sites that have been taken out of operation prior to July 1, 2009 and not documented to the department prior to that date.

SECTION 260.935 - Removes facilities that use petroleum, nonchlorinated solvents from the requirement to pay an annual dry-cleaning facility registration surcharge.

SECTION 260.940 - Removes the solvent factor for any nonchlorinated dry-cleaning solvent.

SECTION 260.960 - Clarifies that any rule promulgated after the effective date of this section shall be invalid.

SECTION 260.965 - Sets an expiration date of August 28, 2012 for the operation of the DERT Fund.

SECTION 304.184 - Any truck or tractor-trailer engaged in transporting solid waste may operate with a weight not to exceed twenty-two thousand four hundred pounds on one axle or not to exceed forty-four thousand eight hundred pounds on any tandem axle. The act does not permit the operation of any motor vehicle on the highways in excess of the weight limits imposed by federal statutes.

The sections pertaining to dry cleaning facilities have an emergency clause.

MEGAN WORD

---

SPONSOR: Stouffer

HANDLER: Nance

CCS#2/HCS/SCS/SB 233 - This act designates various highways and bridges after prominent Missourians and creates a nonlegislative process for naming highways and bridges.

This act designates a portion of Interstate 44 in Greene County as the "Congressman Mel Hancock Freeway" (Section 227.356).

The act designates a portion of U.S. 412 in Dunklin County and Pemiscot County as the "Governor John M. Dalton Memorial Highway" (section 227.358).

This act designates a portion of Highway 58 within Johnson County as the "Veterans Memorial Parkway" (Section 227.361). This provision was contained in SB 209 (2005).

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 (Section 227.362).

The act establishes a process in which organizations can petition the Department of Transportation to designate a highway or bridge. The act sets forth application requirements and deposit requirements to pay for signage for the proposed designation. The act requires one member of the General Assembly to sponsor the proposed bridge or highway designation and an application accompanied by a list of 100 signatures of persons who support the proposed designation. The act creates the Department of Transportation Bridge and Highway Sign Fund in which organization deposits shall be placed. The act requires the department to give public notice of the proposed highway or bridge designation. Highways or bridges to be named after law enforcement officers or members of the armed forces killed in the line of duty are not subject to the process. The act requires the proposed designation to be approved by the Senate and House committees on transportation (Section 227.365).

The act designates a portion of Highway 370 in St. Louis County as the "Officer Scott Armstrong Memorial Highway" (Section 227.367). This provision is similar to one contained in SB 374 and HB 513 (2005).

The act designate a portion of Interstate 44 in Phelps County as the "Governor Mel Carnahan Memorial Highway" (section 227.370).

The act designates a portion of U.S. Highway 61 in Lewis County as the "Students of Missouri Assisting Rural Transportation Memorial Highway" (Section 227.371).

The act designates a portion of Missouri Highway 30 in St. Louis County as the "Chief Jerry Buehne Memorial Road" (Section 227.372).

The act designates the new Highway 19 Missouri River Bridge in Hermann as the "Senator Christopher S. Bond Bridge" (Section 227.373).

STEPHEN WITTE

---

CCS/HCS/SS/SCS/SB 237- This act pertains to telecommunications.

SECTION 227.240 - The act adds cable television to the list of utilities allowed access to the Department of Transportation's right of way corridor.

SECTION 386.020 - The act modifies the definition of "competitive telecommunications service" to include the services which have been classified as such in Section 392.245.

SECTION 392.200 - 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 (PSC) 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 for business customers only. It shall be offered on an equal basis for both incumbent and alternative local exchange companies and for interexchange telecommunications companies. The act adds business services in an exchange where basic local services offered to business customers 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 one or more 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 each service offered in the package is available on its own, apart from the package, still subject to rate of return or price cap regulations.

SECTION 392.245 - 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 in addition to the incumbent local exchange company 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 states that any entity providing local voice service over facilities in which it or one of its affiliates have an ownership shall be considered as a basic local service provider; regardless of whether or not that entity is regulated by the PSC. A provider of local voice service that requires the use of a third party, unaffiliated broadband network for origination of such service shall not be

SPONSOR: Klindt

HANDLER: Rector

considered a basic service provider. Local voice service has been defined in the act; two-way voice service capable of receiving calls from a provider of basic local telecommunication service. The act defines broadband network as a connection that delivers services at speeds exceeding two hundred kilobits per second in at least one direction. The act states that companies only offering prepaid services, or only reselling telecommunications service, 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.

The act allows ILEC's to petition the commission for a competitive classification determination separate from the determination found when the requisite number of providers are supplying service in an exchange. This process allows an ILEC to use competition from any entity providing voice service using another company's facilities to do so, as the basis for the petition. This would allow, in certain circumstances, resellers to be considered in this petition process - this is different than the competitive classification determination found when the requisite number of providers are supplying service in an exchange, where resellers are not considered in the competition equation. The determination for competition here utilizes a more subjective investigation by the commission and provides more time for the commission to make a determination; sixty days. The act also directs the commission to maintain records of regulated providers of local voice service; the commission shall utilize these records when making a determination on any such petition.

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 at least every two years, or when an ILEC increases the rates for basic local services in an exchange which has been declared competitive. The purpose for the review is to determine if the competitive conditions continue to exist in the exchange.

The maximum annual increase for non basic telecommunications services of an ILEC has been changed with the act; the maximum allowable increase is now five percent rather than eight.

The act provides a mechanism by which the Public Service Commission shall measure the rates for basic local telecommunications service; the measure shall come at the time of the effective date of the act, two years after that date, and five years after the effective date of the act.

SECTION 392.500 - The act makes a change to the time frame relating to both increases and decreases in rates for any competitive telecommunications service. The act makes increases effective ten days after the filing of the proposed rate and decreases effective after one day's notice of such a decrease to the commission.

SECTIONS 536.024 and 536.037 - The act makes a change to current law and subjects any rules or regulations promulgated by the commission beginning January 1, 2007, to review by the Joint Committee on Administrative Rules.

MEGAN WORD

---

**\*\*\* SB 238 \*\*\***

SPONSOR: Gross

HANDLER: Faith

HCS/SCS/SB 238 - The act 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 the City of St. Louis to impose a 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

---

**\*\*\* SB 246 \*\*\***

SPONSOR: Days

HANDLER: Hoskins

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

---

SPONSOR: Koster

HANDLER: Pearce

HCS/SCS/SB 252 - This act creates the "Missouri Military Preparedness and Enhancement Commission". The commission will advise the Governor and the General Assembly on 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 tem. Members shall serve three year terms, and may serve a maximum of six years.

The governing body or the county planning commission of Johnson County shall provide for the planning, zoning, and building within all or any portion of the unincorporated area extending 3,000 feet outward from the boundaries of Whiteman Air Force Base and the area within the perimeter of accident potential zones one and two.

The act asserts that spouses, primary or secondary age children, and children under twenty-four years of age of military members assigned within the state under military orders shall receive in-state tuition at Missouri public higher education institutions.

The act authorizes an individual income tax deduction for income received for military service in a combat zone, as defined in the act, as long as the income is included in the individual's federal adjusted gross income. The deduction will apply to all taxable years beginning on or after January 1, 2005.

This act contains an emergency clause.

ADRIANE CROUSE

---

**\*\*\* SB 254 \*\*\***

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.

This act is similar to certain provisions in CCS/SS/SCS/HCS/HB 353 (2005).

SUSAN HENDERSON

---

**\*\*\* SB 258 \*\*\***

SPONSOR: Koster

HANDLER: Baker

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.

This act is similar to certain provisions in CCS/SS/SCS/HCS/HB 58 & CCS/HCS/SS/SCS/SB 210 (2005).

SUSAN HENDERSON

---

**\*\*\* SB 259 \*\*\***

SPONSOR: Koster

HANDLER: Baker

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.

This act is similar to certain provisions in CCS/SS/SCS/HCS/HB 58 & CCS/HCS/SS/SCS/SB 210 (2005).

SUSAN HENDERSON

---

**\*\*\* SB 261 \*\*\***

SPONSOR: Loudon

HANDLER: Yates

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

---

SPONSOR: Griesheimer

HANDLER: Johnson

HCS/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 provides that any liquor license cannot be granted within one 100 feet of any school, church, or other place of worship, unless the applicant first obtains written consent from the board of alderman, city council, or other proper city authority.

This provision shall not apply to any premises holding a license issued before January 1, 2004.

Under this act, the prohibition against liquor licenses being issued within 100 feet of these places does not apply to licenses for the Fourth of July, or those issued to church, school, civic, fraternal, veteran, political, or charitable club that has obtained exemption from federal taxes.

This act also redefines the term "keg" to exclude any nonreturnable container with a capacity of less than 6 gallons in the keg registration statute. Any retailer must require a keg purchaser to present an ID and a minimum deposit of \$50 per keg. The licensee must record information regarding the keg sale on the identification form provided by the Division of Alcohol and Tobacco Control.

Any person who possesses the qualification required by and meets the requirements of Chapter 311, RSMo, may apply for a license to sell liquor by the drink at retail for consumption on the premises of any place of entertainment between certain specified hours. A "place of entertainment" is defined as an establishment in St. Charles County which has a gross annual sales in excess of \$150,000 and has been in operation for at least one year.

The authority for the collector of fees by cities and counties relating to the sale of liquor by the drink for consumption on the premises where sold, shall apply to a "place of entertainment". And such a place will be required to pay an additional fee of \$200 per year.

This act allows wholesaler's to donate or deliver brandy, as well as beer and wine, to charitable and religious organizations. Under this act, a charge for admission to an event at which beer, wine, or brandy is available without charge shall not constitute resale, which prohibits such a donation.

This act extends the time, from 20 to 68 hours, that a temporary permit to sell intoxicating liquor is valid.

This act specifies that all references to "liquor control" in statute shall mean "the division of alcohol and tobacco control".

SUSAN HENDERSON

**\*\*\* SB 266 \*\*\***

SPONSOR: Gibbons

HANDLER: Fares

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.

This act is contained in truly agreed to and finally passed CCS/SCS/HCS/HB 297.

DONALD THALHUBER

---

**\*\*\* SB 267 \*\*\***

SPONSOR: Gibbons

HANDLER: Jackson

SCS/SB 267 - This act replaces deleted language 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

---

SPONSOR: Scott

HANDLER: Richard

HCS/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).

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. If the market rate is 5% or above, then the state treasurer shall reduce the market rate by up to 3% to obtain the linked deposit

SPONSOR: Scott

HANDLER: Richard

rate. If the market rate is less than 5%, then the state treasurer shall reduce the market rate by up to 60% to obtain the linked deposit rate. All linked deposit rates are determined and calculated by the State Treasurer. The State Treasurer must make a good faith effort to ensure that 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 a rate 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

---

SPONSOR: Gross

HANDLER: Dempsey

HCS/SCS/SB 272 - This act limits the amount of revenue derived from admission fees for gaming boats St. Charles City may collect after fiscal year 2008 to the percentage of revenue attributable to admission fees for fiscal year 2006. In the case of a new casino, the revenue from such casino will be limited to the average percentage of revenue attributable to admission fees for the first two fiscal years of the casinos operation. All revenue derived from admission fees to gaming boats, by St. Charles City, shall be used exclusively for capital, cultural, and special law enforcement purpose 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. Home dock cities or counties that have rolled back property tax rates to zero or do not levy a property tax are provided with the alternative to offset costs associated with providing certain services to taxpayers or to lower certain other tax rates.

JASON ZAMKUS

---

SPONSOR: Taylor

HANDLER: Richard

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

SPONSOR: Taylor

HANDLER: Richard

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

---

SPONSOR: Taylor

HANDLER: Wasson

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

---

SPONSOR: Taylor

HANDLER: Wasson

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.

Upon appointment of the new members by the governor and the advice and consent of the senate, the State Board of Barber Examiners and the State Board of Cosmetology shall be combined to become the State Board of Cosmetology and Barber Examiners. The board shall consist of eleven members with nine of the members licensed as cosmetologists, a cosmetology school owner and barbers. The act provides that parental consent must be given for a minor to obtain body waxing on or near genitalia.

The provisions of this act are similar to SCS/HCS/HB 665 (2005).

JIM ERTLE

---

CCS/HCS/SS/SCS/SB 287 - Currently, the state's education formula is essentially an equalized tax-rate driven formula, meaning that the formula provides a certain amount of money per student, per penny of tax rate. This act seeks to transition the state away from this tax-rate driven philosophy to a formula that is primarily student-needs based.

The formula requires the Department of Elementary and Secondary Education to calculate a state adequacy target. The adequacy target amount is the minimum amount of funds a district needs in order to educate each student. In order to calculate the target, the department will identify certain high performing districts (performance districts) and extrapolate the amount that those districts spent on educating their students. This amount will become the new state minimum per student, or the state adequacy target. The state adequacy target will be recalculated by the department every two years using the most current list of performance districts. This number will not decrease due to any such recalculation.

The formula assigns additional weight to districts' student counts based on certain student characteristics, specifically, to students who qualify for free and reduced lunch, receive special education services, or possess limited English language proficiency. The department will identify the aggregate percentage of the performance districts' free and reduced price lunch, special education, and limited English language proficiency populations in order to create threshold percentage amounts. Any district with student populations above the threshold percentages in any of the weighted characteristic areas will be assigned additional "weight" for the number of the district's students above the threshold amounts. These additional weights will be added to the district's student population in order to arrive at that district's weighted average daily attendance.

Further, the act contains a proxy variable for the relative purchasing power of a dollar, the dollar value modifier. The modifier is an index corresponding to the wage-per-job (on a regional basis) that captures 15% of the percent deviation from the state's median wage-per-job.

A district's state aid calculation will be: The district's weighted average daily attendance multiplied by the state adequacy target. This figure may be adjusted upward by the dollar value modifier. From this total, the district's local effort will be subtracted, and if this number is above zero, this number is the district's state aid payment. If the number is below zero, then the district will receive no less revenue on a per weighted daily attendance basis than the district received in the 2005-2006 school year. This "hold harmless" calculation is adjusted to reflect usage of weighed average daily attendance. The dollar value modifier is also applied to the hold-harmless payment, and such application is phased in over a three-year period.

For very small school districts, the hold harmless calculation will be based on the actual amount of state revenue received by the district in the 2004-2005 or 2005-2006 school year, whichever is greater. This amount is not a per-student figure. The small school district "hold harmless" calculation also is adjusted to reflect usage of weighed average daily attendance, and the dollar value modifier is applied to this hold-harmless payment. The dollar value modifier application is phased in over a three year period.

The formula itself is phased in over a seven-year period, during which time the state adequacy target may not be adjusted downward. During the phase-in period, districts with significant decreases in gifted and summer school programs will have funds corresponding to those decreased levels reduced from their current-year payments.

The local revenue figure utilized in a district's state aid calculation is the amount of locally generated

SPONSOR: Shields

HANDLER: Baker

revenue the district would have received in fiscal year 2005 if its operating levy was set at \$3.43. The \$3.43 amount is called the performance levy. In every year subsequent to the first-year calculation, a district's "local effort" amount will be frozen, except for any growth in locally collected fines, so that any growth in local revenue collections will be retained by the district and not used to offset state aid payments.

The current formula comprises several categorical aid streams: transportation continues, unaltered, as do the career ladder, vocational education, and educational and screening programs. The line 14 "at-risk," gifted, special education, and remedial reading categoricals are folded into the district's base amount, along with the cigarette tax and free textbook moneys. Revenues from gaming, which will be deposited into the Classroom Trust Fund, also established by the act, will be distributed on an average-daily-attendance basis.

The act creates option districts, which may elect to relinquish state aid in return for regulatory relief. Placement of moneys in school district funds and the transfer of moneys between funds are revised to reflect the new formula and changes to the certificated salary compliance requirement. A mechanism designed to aid small schools by distributing an additional \$15 million annually among districts with 350 students or less is included. A financial incentive for districts to provide summer school may be triggered if a 25 percent decrease (from the 2005-2006 school year) in the statewide percentage of summer school attendance occurs. The act alters policies regarding special education services, including a provision that requires DESE to reimburse school districts for the education costs of high-need children with an IEP exceeding three times the current expenditure per average daily attendance. Clarifying language regarding state aid payments to the Metropolitan Schools Achieving Value in Transfer Corporation is included, as well as a provision stating that such corporation shall receive transportation state aid for each student who participates in the transfer program in the amount of 155% of the statewide average per-pupil cost for transportation. The act requires the joint committee on tax policy to analyze local property tax assessment practices and submit a report regarding such to the general assembly and the state tax commission, the latter of which is charged with ensuring that all counties are assessed accurately. The act increases teacher minimum salaries; alters charter school laws; and enacts other changes relating to accountability. Many sections of the act revise existing law in order to correspond to new terminology utilized in the formula. The act deletes numerous provisions rendered obsolete by the adoption of the new formula.

The special education policy alterations will become effective on August 28, 2005. The rest of the act will become effective July 1, 2006.

DONALD THALHUBER

SPONSOR: Klindt

HANDLER: Lager

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

---

**\*\*\* SB 289 \*\*\***

SPONSOR: Engler

HANDLER: Tilley

SCS/SB 289 - This act allows prosecutors to have discretion as whether a grand jury will examine public buildings and report on their condition, instead of mandating such examination.

SUSAN HENDERSON

---

**\*\*\* SB 298 \*\*\***

SPONSOR: Coleman

HANDLER: Wright

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.

Current law requires that only the districts 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.

This act is contained in the truly agreed to and finally passed CCS/SCS/HCS/HB 297.

DONALD THALHUBER

---

**\*\*\* SB 299 \*\*\***

SPONSOR: Coleman

HANDLER: Wright

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), and this act is contained in the truly agreed to and finally passed CCS/SCS/HCS/HB 297.

DONALD THALHUBER

---

**\*\*\* SB 302 \*\*\***

SPONSOR: Coleman

HANDLER: Cunningham

SCS/SB 302 - This act provides that the two St. Louis City school board members whose terms expire in April 2010 shall continue to serve until November 2010 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

---

**\*\*\* SB 306 \*\*\***

SPONSOR: Purgason

HANDLER: Dethrow

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

---

**\*\*\* SB 307 \*\*\***

SPONSOR: Purgason

HANDLER: Kuessner

HCS/SB 307 - This act raises the amount an elected or appointed official or employee of the state or political subdivision can accept for performing services or selling, renting, or leasing property to their state agency or political subdivision from \$1,500 to \$5,000.

This act is similar to HB 577 (2005).

SUSAN HENDERSON

---

**\*\*\* SB 318 \*\*\***

SPONSOR: Crowell

HANDLER: Cooper

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

---

**\*\*\* SB 320 \*\*\***

SPONSOR: Koster

HANDLER: Baker

HCS/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 date the equipment is removed from the renter's property and expires sixty days from said date. Provisions of the act set out certain situations in which a lien involving rental equipment will not exist.

JASON ZAMKUS

---

SPONSOR: Bartle

HANDLER: Cooper

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

---

SPONSOR: Bartle

HANDLER: Richard

CCS/HCS/SS/SB 343 - This act changes the laws regarding job development programs administered by the Department of Economic Development.

TAX INCREMENT FINANCING - The act:

(1) Specifies that at no time can the annual amount approved for disbursement from the Missouri Supplemental Tax Increment Financing (TIF) Fund exceed \$32 million. Currently, the aggregate appropriation cannot exceed \$15 million (Section 99.845, RSMo); and

(2) Removes the requirement that all personnel and other costs incurred by the Department of Economic Development for the administration and operation of the Missouri Supplemental TIF Fund must be paid from general revenue and reimbursed by the TIF projects' developers. However, the state can still ask that the reasonably incurred expenses of the departments of Economic Development and Revenue for the administration of the TIF projects be reimbursed from the revenues deposited into the Missouri Supplemental TIF Fund (Section 99.845).

MODESA - The act decreases the annual amount approved for disbursement from the state supplemental downtown development fund from \$150 million to \$108 million (Section 99.960).

BUSINESS USE INCENTIVES FOR LARGE-SCALE DEVELOPMENT PROGRAM (BUILD) - The act:

(1) Authorizes certain development agencies or a corporation, limited liability company, or partnership that is formed on behalf of the development agency to act as an eligible industry for purposes of the Business Use Incentives for Large-Scale Development (BUILD) Program (Section 100.710); and

(2) Requires that \$950,000 of the \$15 million in tax credits authorized annually for BUILD be reserved for an approved project in the City of Kansas City (Section 100.850).

MISSOURI QUALITY JOBS PROGRAM - The act:

(1) Establishes the Missouri Quality Jobs Program to provide incentives to businesses in return for the new tax revenues and other economic stimulus that will be produced by the new jobs created as a result of the program (Sections 620.1875 - 620.1890);

(2) Prohibits any qualified company that receives benefits through the program from receiving tax credits or exemptions for the same new jobs at the project facility through new or expanded business facilities, enterprise zones, relocating a business to a distressed community, and rural empowerment zones (Section 620.1881);

(3) Defines the following four project types (Section 620.1881):

(a) Small and expanding business projects which create at least 20 new jobs in two years if located in a rural area or 40 new jobs in two years if located elsewhere. In either case, the business cannot have more than 100 total employees. Qualified companies may retain for three years an amount equal to the withholding taxes from the new jobs if the average wage of the new payroll equals or exceeds the county's average wage. If the average wage of the new payroll is at least 120% of the county's average wage, the amount may be retained for five years;

(b) Technology business projects which create at least 10 new jobs within two years. Seventy-five percent of the jobs must be directly involved with the operations of the technology company.

SPONSOR: Bartle

HANDLER: Richard

Qualified companies may retain for five years an amount equal to a maximum of 5% of the new payroll from the withholding tax of the new jobs if the average wage of the new payroll equals or exceeds the county's average wage. An additional 0.5% of new payroll may be retained if the average wage of the new payroll exceeds 120% of the county's average wage in any year. If the average wage of the new payroll exceeds 140% of the county's average wage in any year, an additional 0.5% may be retained. The Department of Economic Development will issue a refundable tax credit for any difference between the benefit allowed and the withholding tax retained in the event that the withholding tax is not sufficient to provide the entire benefit due to the qualified company. The maximum amount of tax credits that can be issued in a calendar year is \$500,000 and cannot be carried forward but can be sold. A refund will be issued to the qualified company if the credits exceed the company's tax liability;

(c) High-impact projects which create at least 100 new jobs within two years. Qualified companies may retain an amount from the withholding tax of the new jobs equal to 3% of new payroll for a period of five years if the average wage of the new payroll equals or exceeds the county's average wage. A qualified company may retain 3.5% of new payroll if the average wage of the new payroll in any year exceeds 120% of the county's average wage or 4% of the new payroll if the average wage in any year exceeds 140% of the county's average wage. An additional 1% of new payroll may be added if local incentives are between 10% and 24% of the new direct local revenues; 2% of new payroll may be added if the local incentives are between 25% and 49%; or 3% of payroll may be added if the local incentives are 50% or more of the new direct revenue. The department will issue a refundable tax credit for any difference between the benefit allowed and the withholding tax retained in the event that the withholding tax is not sufficient to provide the entire benefit due to the qualified company. The maximum amount of tax credits that can be issued in a calendar year is \$750,000. This amount can be increased to \$1 million if the action is proposed by the department and approved by the Quality Jobs Advisory Task Force. This tax credit cannot be carried forward but can be sold. A refund will be issued to the qualified company if the credits exceed the company's tax liability; and

(d) Job retention projects are those in which the qualified company has employed at least 1,000 full-time, year-round employees during the two years prior to the year in which the application for the program is made. The average wage for these employees must be greater than the county's average wage and the same level of full-time, year-round employees must be retained after the application is made. The qualified company must make a \$70 million investment or a \$30 million investment while maintaining an annual payroll of at least \$70 million. In either case, the investment must be made within two years of making an application for the program. Local taxing entities must provide local incentives of at least 50% of the new local revenues created by the project for 10 years. The tax credit may be up to 50% of the withholding tax generated by the full-time, year-round employees at the project facility for five years. The maximum amount of tax credits that can be issued in a calendar year is \$750,000. This amount can be increased to \$1 million if the action is proposed by the department and approved by the Quality Jobs Advisory Task Force. The total amount of tax credits issued for all projects cannot exceed \$3 million annually, and no tax credits will be issued after August 30, 2007. This tax credit cannot be carried forward but can be sold. A refund will be issued to the qualified company if the credits exceed the Company's tax liability;

(4) Requires qualified companies to provide an annual report to the department documenting the basis for the benefits of this program (Section 620.1881);

(5) Stipulates that the maximum amount of tax credits that can be issued in a calendar year for the

SPONSOR: Bartle

HANDLER: Richard

entire program is \$12 million. The act reduces the annual amount of tax credits that can be authorized for relocating a business to a distressed community from \$10 million to \$8 million and specifies that the remaining \$2 million must be transferred to the program. There is no limit on the amount of withholding taxes that may be retained by approved companies under the program (Section 620.1881);

(6) Requires that employees of qualified companies receive full credit for the amount of tax withheld (Section 620.1881);

(7) Establishes the Quality Jobs Advisory Task Force consisting of the chairperson of the Senate's Economic Development Committee, the chairperson of the House of Representative's Economic Development Committee, a member of the House of Representative's Economic Development Committee appointed by the Minority Leader of the House of Representatives, a member of the Senate's Economic Development Committee appointed by the Minority Leader of the Senate, the Director of the Department of Economic Development, and two members appointed by the Governor (Section 620.1887);

(8) Requires the department to submit an annual report to the General Assembly by March 1 of each year. The act specifies the requirements of the report (Section 620.1890);

(9) Authorizes the department to charge the recipient of any tax credit a fee in an amount of up to 2.5% of the tax credits issued. The fee must be paid when the tax credits are issued; however, no fee will be charged for youth opportunities and violence prevention, the Family Development Account, or neighborhood assistance tax credits (Section 620.1900); and

(10) Creates the Economic Development Advancement Fund for the deposit of all fees for tax credits. At least 50% will be appropriated for marketing, technical assistance, training, contracts for specialized economic development services, and new initiatives and pilot programming to address economic trends. The remaining money may be appropriated for staffing, operating expenses, and accountability functions of the department (Section 620.1900).

LOCAL OPTION SALES TAX - Any city or county is authorized to levy a sales tax of up to 0.5%, upon voter approval. This tax must be in lieu of the economic development sales tax allowed by Sections 67.1300 and 67.1303. Revenue collected from this tax will be deposited by the Director of the Department of Revenue in the city's or county's local option economic development sales tax trust fund. These funds will not be considered state money and will be distributed monthly to the city or county which levied the tax. The act specifies how the funds are to be spent and requires that the city or county establish an economic development tax board. Fund cannot be used for retail development except for the redevelopment of downtowns and historic districts. The Department of Economic Development must submit to the Joint Committee on Economic Development by March 1 of each year a report summarizing the status of each project using this sales tax. The act specifies what must be included in this report (Section 67.1305).

#### ENTERPRISE ZONES – RETAINED BUSINESS FACILITIES TAX CREDIT

The act extends the time for the approval of an essential industry retention project from December 31, 2005 to December 31, 2007 (Section 1).

#### INVESTING IN OR RELOCATING A BUSINESS TO A DISTRESSED COMMUNITY -

The act expands the term "computer programming" corporation to include Internet, web hosting, and other information technology and expands the term "telecommunications corporation" to include wireless,

**\*\*\* SB 343 \*\*\* (Cont'd)**

SPONSOR: Bartle

HANDLER: Richard

wired, or other telecommunications corporations allowing these corporations to receive a tax credit for investing in or relocating a business to a distressed community (Section 135.535).

ANDY LYSKOWSKI

---

**\*\*\* SB 346 \*\*\***

SPONSOR: Clemens

HANDLER: Ruestman

SS/SCS/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

---

**\*\*\* SB 347 \*\*\***

SPONSOR: Clemens

HANDLER: Cooper

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

---

HCS/SCS/SB 355 - This act pertains to agriculture.

SECTION 142.029 - The act extends the Missouri qualified ethanol producer incentive fund to expire in 2015.

SECTION 142.031 - New language makes it clear that eligibility for a Missouri qualified producer incentive grant is for sixty months unless such producers fail, within that time frame, due to a lack of appropriations, to receive the full amount from the fund for which they were eligible. In such cases, the producer shall continue to be eligible for up to twenty-four additional months or until they have received the maximum amount of funding for which they were originally eligible.

The amount which each eligible producer can receive has been modified with the act; a total grant equal to thirty cents per gallon for the first fifteen million gallons plus ten cents per gallon for the next fifteen million gallons of qualified biodiesel. All biodiesel produced in excess of thirty million gallons shall not be applied to the computation of the grant.

SECTION 142.815 - The act adds to the circumstances when motor fuel is exempt from the fuel tax. Bulk sales of one hundred gallons or more of gas made to farmers and delivered by the ultimate vender to a farm location for agricultural purposes only. The vender may make a claim for the refund under section 142.824 with this act, provided the farmer to which the gasoline was sold provides an exemption certificate.

SECTION 144.010 - Includes llamas, alpacas and buffalo to the definition of livestock.

SECTION 144.030 - Adds natural gas, propane and electricity used by an eligible new generation cooperative or processing entity as well as field drain tile, to the list of exemptions from sale and use taxes.

SECTION 196.291 - All sales of foods which are not potentially dangerous, sold by religious, non profit or charitable organizations shall be exempt from food inspection laws.

SECTION 246.005 - Any drainage district, levee district, or drainage and levee district shall have five years after the lapse of the corporate charter to reinstate and extend the time of the corporate existence. This section has an emergency clause.

SECTION 261.241 - Sellers of jams, jellies and honey whose annual sales are less than thirty thousand dollars per domicile shall not be required to construct separate facilities for the manufacturing of such food. Such sellers shall be exempt from health regulations if certain requirements are met. New to this list of requirements is information to be labeled on all jams, jellies and honey sold. Anyone who violates this section may be enjoined by the department of health and senior services.

SECTION 262.820 - Establishes the Missouri Wine and Grape Board.

SECTION 262.823 - 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

SPONSOR: Griesheimer

HANDLER: Loehner

the areas of sales, promotions, and effective distribution of Missouri wines.

#### SECTION 262.826 - Definitions

SECTION 262.829 - 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 will be the sole recipient of funding from the "Missouri Wine and Grape Fund".

SECTION 262.832 - No officer or employee shall be considered to have given up his or her office or employment by accepting membership on the board.

SECTION 262.835 - 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 4 year terms. No appointed board member can serve more than 2 consecutive terms. The board will also have 4 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.

SECTION 262.838 - A board member shall be removed from office for malfeasance, willful neglect of duty, or other cause.

SECTION 262.841 - The board members shall annually elect a chairman and a vice chairman.

SECTION 262.844 - 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 4 year terms. No appointed board member can serve more than 2 consecutive terms. The board will also have 4 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.

SECTION 262.847 - The board members will not receive compensation for their duties, but they shall be reimbursed for their expenses.

SECTION 262.850 - The board shall employ an executive director to be paid an amount to be determined by the board, but not to exceed that of the director of the department of agriculture.

SECTION 262.853 - The director, as secretary, will be responsible for keeping the records of the board.

SECTION 262.856 - To fulfill their goals and duties, the board will have power to:

- Receive and accept aid or contributions for purposes consistent with this act;

SPONSOR: Griesheimer

HANDLER: Loehner

- 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.

SECTION 262.859 - The board must submit an annual report to the Governor and General Assembly on the activities of the prior year.

SECTION 265.300 - Adds llamas, alpaca and buffalo to the definition of livestock - section pertaining to meat inspections.

SECTION 267.565 - Adds llamas, alpaca and buffalo to the definition of livestock - section pertaining to livestock disease.

SECTION 268.063 - Directs any information pertaining to premises registration be kept confidential, to be shared with no one except state and federal animal health officials, and shall not be subject to subpoena.

SECTION 276.606 - Adds llamas, alpaca and buffalo to the definition of livestock - section pertaining to livestock dealers.

SECTION 277.020 - Adds llamas, alpaca and buffalo to the definition of livestock - section pertaining to Missouri livestock marketing law.

SECTION 277.200 - Adds llamas, alpaca and buffalo to the definition of livestock - section pertaining to livestock packers.

SECTION 281.040 - Maintains the prohibition on the issuance of a licensing fee but allows for the collection of a fee for the actual cost of the materials necessary to complete the course of instruction required for a certified private applicator's license. The University of Missouri Extension Service shall pay for the materials required for the course of instruction and that such costs shall be reviewed on an annual basis by the directors of both the Department of Agriculture and the Extension service.

SECTION 311.554 - 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. The Missouri Wine and Grape Board will receive money from this fund.

**\*\*\* SB 355 \*\*\* (Cont'd)**

SPONSOR: Griesheimer

HANDLER: Loehner

SECTION 348.430 - Removes prohibition for members, owners, investors or lenders of a new generation cooperative to receive agricultural product utilization contributor tax credits.

SECTION 414.433 - Extends the period of time in which school districts can contract with eligible new generation cooperatives to purchase biodiesel fuel - this act extends that time frame to the 2011-2012 school year.

MEGAN WORD

---

**\*\*\* SB 367 \*\*\***

SPONSOR: Cauthorn

HANDLER: Deeken

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.

This act also provides that state employees, members of the General Assembly, elected officials, and members of the judicial branch who fail to pay their state income taxes shall provide a payment plan in the form of a payroll deduction. If the state employee, General Assembly member, elected official or judicial member terminates the payroll deduction without agreement of his or her supervisor or Director of Revenue, the person shall either be terminated from his job or reported to the appropriate ethics committee for disciplinary action.

ANDY LYSKOWSKI

---

**\*\*\* SB 372 \*\*\***

SPONSOR: Engler

HANDLER: Kuessner

HCS/SCS/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, a motorist is required to leave a safe distance between the motor vehicle and the bicycle. (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

---

**\*\*\* SB 378 \*\*\***

SPONSOR: Coleman

HANDLER: Boykins

SB 378 - Under this act, a person replacing stolen license plate tabs may receive two sets of two 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

---

**\*\*\* SB 394 \*\*\***

SPONSOR: Nodler

HANDLER: Pearce

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

**\*\*\* SB 396 \*\*\***

SPONSOR: Crowell

HANDLER: Cooper

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

---

**\*\*\* SB 401 \*\*\***

SPONSOR: Kennedy

HANDLER: Lembke

HCS/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.

ADRIANE CROUSE

---

HCS/SS/SB 402 - This act is relating to substance abuse.

SECTION 160.069 - SCHOOL POLICY ON ALCOHOL - This act provides that every school district shall develop a policy by June 30, 2006, detailing the consequences that will result for a student at school if the student is found to be in possession or drinking alcohol on school property or while representing the school at extracurricular activities.

SECTION 311.110 - OPEN HOUSE PARTIES - ALLOWING MINORS TO DRINK -Currently, this section states that any person, except a parent or guardian, who procures for, sells, or gives away, or otherwise supplies 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 real or personal 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. Violation of this provision is a Class B misdemeanor.

SECTION 311.325 - MINOR IN POSSESSION BY CONSUMPTION - 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 is "visibly intoxicated" or has a detectable blood alcohol content of .02.

SECTION 311.326 - After a period of one year or reaching 21, a person who has been found guilty of violating Section 311.325 for the first time and who has not been convicted of another alcohol-related offense since, may apply to have the court expunge his or her record. If the court finds no other alcohol-related offenses, the court shall enter an order of expungement. A person can receive only one expungement under this section.

SECTION 311.722 - GUIDELINES FOR USE OF MINORS IN INVESTIGATIONS - This act prohibits the Supervisor of Alcohol and Tobacco Control from using minors to enforce the liquor laws unless he or she promulgates rules and regulations that establish standards for the use of minors. The supervisor shall establish permissive standards by July 1, 2006 for the use of minors in investigations by law enforcement. The guidelines must provide for the minor to be 18 or 19 years old, have a youthful appearance, carry his or her own identification to be shown upon request, and truthfully answer questions about his or her age. The Supervisor of Alcohol and Tobacco Control shall not participate with other law enforcement agency that chooses not to follow the guidelines. Minors used in investigations under this section shall be exempt from violations of Chapter 311 and 312.

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 - A court, upon a plea of guilty or conviction, or, if the court is a juvenile court, upon a finding of fact, shall enter an order suspending or revoking the driving privileges of any person who has received a "minor in possession" if the person was more than 15 but under 21.

**\*\*\* SB 402 \*\*\*** (Cont'd)

SPONSOR: Gibbons

HANDLER: Johnson

The period of suspension shall be 30 days for the first offense and 90 days for the second offense. Any third or subsequent offense will result in revocation for one year.

SUSAN HENDERSON

---

**\*\*\* SB 407 \*\*\***

SPONSOR: Mayer

HANDLER: Lipke

SCS/SB 407 - This act states that the term "owner" when used to define a person having a right to create a beneficiary deed shall include any such person, regardless of the terminology used to refer to the owner in the deed. This act will apply to all beneficiary deeds, including those executed prior to August 28, 2005.

JIM ERTLE

---

SPONSOR: Mayer

HANDLER: Byrd

CCS/HCS/SCS/SBs 420 & 344 - This act modifies numerous provisions regarding judicial procedures and personnel.

HEALTH PROFESSIONALS - Section 44.045 - Health care professionals who volunteer to be deployed in a state emergency may be deployed and otherwise confidential contact information may be released to facilitate such deployment. This provision is similar to HB 85 (2005).

STATE LEGAL EXPENSE FUND - 105.711 and 105.726 - Adds health care providers under contract with a county jail to prison services to patients and inmates to coverage from fund. For claims against officers and employees of the state, the fund shall be liable for economic damages and up to \$350,000 for noneconomic damages. The noneconomic damage cap is shall be adjusted annually based on certain indexes. If payment is made from the fund, such payment shall be the exclusive remedy for the claimant. Exempts the police boards of Kansas City and St. Louis City from coverage under the fund, except that the fund shall reimburse such police boards for liability claims otherwise eligible for payment from the fund up to \$1 million. The attorney general is responsible for establishing procedures for the representation of such police boards and the compensation to be paid by the board for such representation. These provisions are similar to SCS/SB 220 (2005).

PRIVATE CHILDREN SERVICES LIABILITY - 210.116 - A private contractor with the children's division that provides services to children and their families will receive the same immunity from civil liability as the division. The immunity will not apply to a private contractor if the contractor knowingly violates policies or rules of the division or any state law relating to child abuse. This provision is similar to SB 376 (2005).

CHILD PROTECTION - 210.117, 211.038 and 211.181 - This act prohibits a child, who has been taken into the custody of the state or the jurisdiction of a juvenile court, from being reunited with a parent or being placed back in the home in which the parent or any person living in the home has been found guilty or plead guilty to certain sexual offenses or offenses against the family when a child was the victim. The Child Support Division may exercise discretion in the placement of a child in a home with a parent when the parent or person living in the home has been found guilty or plead guilty for similar offenses in another state. A juvenile court cannot place a juvenile sex offender in a home within 1000 feet of the victim until the victim reaches 18 years of age. The act prohibits a minor from residing within a certain distance of a child abused by the minor. These provisions are similar to HCS#2/HB 568 (2005).

SAFE PLACE FOR NEWBORNS - 210.950 - Extends the affirmative defense to prosecution for voluntary relinquishment of a child no more than one year old. Currently, the child must be between six and thirty days old.

ALTERNATIVE SENTENCING - 217.860 - Establishes the Task Force on Alternative Sentencing within the Department of Corrections and provides that the primary duty of the task force is to develop a statewide plan for alternative sentencing programs. This provision is similar to HB 813 (2005).

TRANSPORTATION DISTRICT - 238.216 - Requires a verified petition to be submitted in order to form a transportation district. This provision is similar to SB 421 (2005).

CHILD SUPPORT - 452.340 - Authorizes a court to enter a judgment abating child support one time for a period of up to five months for any semester in which a child completes at least six but less than 12 credit hours when a child has pursued a path of continuous attendance at an institution of higher learning and

SPONSOR: Mayer

HANDLER: Byrd

has demonstrated evidence of a plan to continue the attendance. This provision is similar to HB 694 (2005). Further, the act changes the review of the child support guidelines from every three years to every four years. This provision is similar to HB 719 (2005).

ORDERS OF PROTECTION - 455.516 and 455.524 - The act provides that child orders of protection may be issued for at least 180 days and up to one year. Further, the court shall retain jurisdiction over a full order of protection for a child for the duration of the order and allows the court to schedule compliance review hearings to monitor compliance with the order.

NONPROBATE TRANSFERS - 461.005 - This act states that the term "owner" when used to define a person having a right to create a beneficiary deed shall include any such person, regardless of the terminology used to refer to the owner in the deed. This act will apply to all beneficiary deeds, including those executed prior to August 28, 2005. This provision is similar to SCS/SB 407 (2005).

PROBATE JUDGES - 472.060 and 478.255 - Applies current replacement procedures to disqualified probate judges. This provision is similar to HB 764 (2005).

JUDICIAL CIRCUITS - 478.550, 478.570 and 478.600 - The act increases the number of circuit judges in the 11th and 23rd judicial circuits from 4 to 6 beginning January 1, 2007. The family court and drug court commissioner positions in those circuits shall become associate circuit judge positions beginning on January 1, 2007. Further, there will be one additional associate circuit judge in Cass County beginning January 1, 2007. This provision is similar to SS/SCS/SB 144 and SB 191 (2005).

PASSPORT FEES - 483.537 - The act requires clerks who process passport applications and collect a fee for the processing to account for the expenditure of the fee in an annual report to the presiding judge and the Office of State Courts Administrator. The fees may only be used for the maintenance of the courthouse or to fund operations of the circuit court.

NOTARY PUBLIC - 486.200 - Adds attorneys licensed to practice law in this state to the definition of "notary public".

COURT COSTS - Various sections in chapter 488 - 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. The circuit court may retain any overpayment for operation of the circuit court. 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. The act authorizes a circuit court to contract with a private entity operated under a contract with a state agency or the office of state courts administrator. These provisions are similar to HCS/SB 404 (2005).

JURY DUTY - 494.430 and 494.432 - Health care providers and employees of religious institutions may be excused from jury duty upon timely application to the court. Courts must specify the date a prospective juror will appear for jury service before granting a postponement. These provisions are identical to HCS/SB 405 (2005).

STATUTE OF LIMITATIONS - 516.030 - An action for prevailing wages by a workman must be brought

SPONSOR: Mayer  
within three years.

HANDLER: Byrd

UNLAWFUL DETAINER ACTIONS - 534.090 - The service of summons in an unlawful detainer action will 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, the judge will proceed to hear the matter as if personal service had been made.

REMOVAL OF DEFENDANTS - 545.550 - Sheriffs are authorized agree as to which county will house a defendant after a change of venue. This provision is identical to one in SB 448 (2005) and HCS/HB 353 (2005).

CIVIL ACTION FOR PASSING BAD CHECKS - 570.123 - Currently, any person bringing a civil action against a person who passes a bad check may be entitled to attorney fees. This act provides that such person may be liable for "reasonable" attorney fees.

PERSONAL INFORMATION ON THE INTERNET - Section 1 - The act prohibits a court or a state or local agency from releasing personal information of certain elected and appointed officials on the Internet. It shall be a class C misdemeanor if any person knowingly posts personal information on such officials on the internet.

PRACTICE OF LAW - Section 2 - Banks or lending institutions that make residential loans and impose a fee of less than \$200 for processing the application shall not be considered as engaged in the practice of law.

29th JUDICIAL CIRCUIT - Section 3 - The act creates a state-funded family court commissioner position in the 29th judicial circuit.

42nd JUDICIAL CIRCUIT - Section 4 - The act creates a state-funded drug court commissioner position in the 42nd judicial circuit.

23rd JUDICIAL CIRCUIT - Section 5 - Any drug court commissioner appointed in the 23rd judicial circuit will be a state-funded position.

JIM ERTLE

SPONSOR: Bartle

HANDLER: Yates

HCS/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.

This act is identical to SCS/HCS/HB 362 (2005).  
JIM ERTLE

---

**\*\*\* SB 423 \*\*\***

SPONSOR: Bartle

HANDLER: Lipke

HCS/SCS/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 specifies 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.

This act is identical to SCS/HBs 361 & 684 (2005).

SUSAN HENDERSON

---

**\*\*\* SB 431 \*\*\***

SPONSOR: Callahan

HANDLER: Sutherland

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

---

**\*\*\* SB 450 \*\*\***

SPONSOR: Dolan

HANDLER: Portwood

HCS/SCS/SB 450 - This act authorizes the Governor to convey various pieces of state property.

This act contains an emergency clause.

Certain provisions of this act are similar to SCS/SB 392 (2005).

SUSAN HENDERSON

---

SPONSOR: Loudon

HANDLER: St. Onge

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.

This act is similar to certain provisions of CCS/SS/SCS/HCS/HB 58 (2005).

SUSAN HENDERSON

---

HCS/SS/SCS/SB 462 - This act pertains to receivership of certain water and sewer corporations.

The act modifies the language pertaining to construction contracts and state agencies; the act increases the amount of money allowed for such contracts, the act makes the change from twenty-five thousand dollars to one hundred thousand dollars.

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.

Provided there is no threat of imminent harm to life or property, the commission shall, before they make a decision to allow such an 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 the utilization of the commission's small company rate case procedure for establishing the rates for the system being acquired. Such a strategy shall be used until a determination is made on the acquiring utility's next company wide general rate increase, but not more than three years from the date of the 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, at least twenty-five consumers within that same community, or prospective consumers. 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.

Public utilities that would otherwise be capable utilities except for the number of customers the utility serves, may petition the commission to be designated a capable utility for the purposes of this act. If the commission finds that such a designation is not detrimental to the public interest, the petition may be

**\*\*\* SB 462 \*\*\* (Cont'd)**

SPONSOR: Klindt  
granted.

HANDLER: Schad

The commission shall initiate a rule making to promulgate rules to carry out the provisions of this act.

The act makes it clear that for certain cities who have committed or agreed in writing to provide sewer service to any homes within a subdivision, or has indirectly provided this service and plan to discontinue this service, must provide customers written notification two years before the service is stopped; service must continue during that two year time frame.

The act excludes certain sewer and public water supply districts from the definition of "capable utility".

The act has an emergency clause.

MEGAN WORD

---

**\*\*\* SB 480 \*\*\***

SPONSOR: Shields

HANDLER: Kraus

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

---

**\*\*\* SB 488 \*\*\***

SPONSOR: Engler

HANDLER: Robinson

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, the vehicle will not be subject to the examination conducted by the Highway Patrol in order for a title to be obtained.

STEPHEN WITTE

---

**\*\*\* SB 490 \*\*\***

SPONSOR: Koster

HANDLER: Pearce

HCS/SB 490 -This act allows the City of Warrensburg to annex areas along the road or highway up to 2.5 miles from the existing city boundary.

This act is similar to certain provisions of CCS/SS/SCS/HCS/HB 58 (2005) & CCS/HCS/SS/SCS/SB 210 (2005) & HCS/HB 215 (2005).

SUSAN HENDERSON

---

SPONSOR: Gibbons

CCS/HCS/SCS/SB 500 - Under this act, a lead state agency designated by the governor 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 (Section 160.900). A State Interagency Coordinating Council will be established to assist the lead agency in implementing the program (Section 160.905).

The structure for the delivery of the Part C early intervention system services will be on a regional basis, with the regions to be determined by the lead agency through a bidding process. The bidding process must establish criteria for allowing regions to implement models that will serve the unique needs of their community. The process shall also encourage agreements between bidding organizations and other state and local governmental entities providing similar services to infants and toddlers, including the department of mental health's division of mental retardation and developmental disability centers and with established quality early intervention providers in the region (Section 160.910).

Each regional office shall include in their proposal assurances and documentation of their plan to provide for those functions specifically identified under state and federal regulations, ensure provider oversight, include family oriented, transdisciplinary and coaching approaches as necessary, utilize multiple funding sources, and implement a system to re-utilize and oversee assistive technology services (Section 160.915).

The lead agency shall not use general revenue funds appropriated for the administration of the Part C early intervention system to satisfy a financial commitment for services that should have been paid from another public or private source (Section 160.920.1). Federal funds available under the federal program shall be used whenever necessary to prevent the delay of early intervention services to the eligible child or family. When funds are used to reimburse the service provider to prevent a delay of services, the funds shall be recovered from the public or private service that has ultimate responsibility for payment (Section 160.920.1).

The lead agency in the first instance and where applicable, will seek payment from all third party payers prior to claiming payment from the state program (Section 160.920.5).

The lead agency shall also pay required deductibles, copayments, or other out-of-pocket expenses for an eligible child directly to the provider. (Section 160.920.6).

A schedule of monthly cost participation fees for services per qualifying family will be established by the lead agency for services per family regardless of the number of children participating or the amount of services provided. These fees shall not include services to be provided to the family at no cost as established by the IDEA (Section 160.920.7).

Fees shall be based on a sliding scale to become effective October 1, 2005, and will take into account the following elements:

- adjusted gross income, family size, financial hardship, and Medicaid eligibility with the fee implementation beginning at two hundred percent of the federal poverty guidelines;
- a minimum monthly fee amount of five dollars to the maximum of one hundred dollars;
- an increased fee schedule for parents who have insurance and elect not to use the insurance;
- the effect of procedures for notifying regional offices if a family is not paying the cost participation and suspension of services; and
- the effect of procedures for determining waivers for the cost participation based on significant

SPONSOR: Gibbons

financial hardship or medicaid eligibility (Section 160.920.7).

The lead agency shall provide regional offices with the necessary financial data to assist regional offices in monitoring their expenditures and the cost of direct services (Section 160.910).

Nothing in this act will permit any other state agency that provides medically related services to reduce medical assistance to eligible children (Section 160.920).

All amounts generated by family cost participation, including insurance and Medicaid reimbursements, will be deposited to the Part C early intervention system fund created in Section 160.925 (Section 160.920).

In addition, 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 (Section 162.700). 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 federal 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 (Section 162.700).

The department of social services shall recognize the Part C early intervention system as an eligible program and shall pay all claims for reimbursement for Medicaid-eligible children to the Part C early intervention system. For those eligible children having other private insurance, the department of social services shall seek reimbursement as appropriate from the lead agency for payments made to the Part C early intervention system for covered benefits provided by health benefit plans under section 376.1218 (Section 208.144).

This act also provides that each health carrier that offers or issues health benefit plans, other than Medicaid health benefit plans, which are issued or renewed in this state on or after January 1, 2006, shall provide coverage for early intervention services for children in the Part C IDEA system. Early intervention services include medically necessary speech and language therapy, occupational therapy, physical therapy, and assistive technology devices for children from birth to age three who are identified by the Part C IDEA system as eligible for 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 per child (Section 376.1218).

In the event that the provisions of section 376.1218.1 do not apply to a health carrier because of preemption by a federal law, or the provisions are found to be unconstitutional, then the lead agency shall be responsible for payment and provision of any benefit required under section 376.1218 (Section 376.1218.3).

A health benefit plan shall be billed at the applicable Medicaid rate at the time the covered benefit is delivered, and the health benefit plan shall pay the Part C early intervention system at such rate for

SPONSOR: Gibbons

benefits covered by this act(Section 376.1218.5).

The health care service required by this section shall not be subject to any greater deductible, copayment, or coinsurance than other similar health care services provided by the health benefit plan (Section 376.1218.6).

Payments made during a calendar year by a health carrier subject to the provisions of this act to the Part C early intervention system for services provided to children covered by the Part C system shall not exceed one-half of one percent of the direct written premium for health benefit plans as reported to the department of insurance on the health carrier's most recently filed annual financial statement. (Section 376.1218.7(1)).

Instead of reimbursing claims, a carrier may directly pay the Part C early intervention system by January 31 of the calendar year an amount equal to one-half of one percent of the direct written premium for health benefit plans as reported to the department of insurance on the health carrier's most recently filed annual financial statement, or five hundred thousand dollars, whichever is less. The payment shall constitute full and complete satisfaction of the carrier's obligation for the calendar year (Section 376.1218.7(2)).

This act shall not apply to supplemental insurance policies, including a life care contract, specified disease policies, hospital policy providing a fixed daily benefit only, Medicare supplement policy, hospitalization-surgical care policy, long-term care policy, or short-term major medical policies of six months or less duration (Section 376.1218.8).

Except for health carriers or health benefit plans making direct payments in complete satisfaction of the carrier's obligation for the calendar year, under section 376.1218.7(2), the Department of Insurance shall collect data related to the number of children receiving private insurance coverage under section 376.1218 and the total amount of moneys paid on behalf of such children by private health insurance carriers or health benefit plans. The department shall report to the General Assembly regarding the department's findings no later than January 30, 2007, and annually thereafter (Section 376.1218.9)

The provisions of the Part C early intervention system shall sunset in two years, unless reauthorized by an act of the general assembly (Section 1).

ADRIANE CROUSE

---

**\*\*\* SB 501 \*\*\***

SPONSOR: Gibbons

HANDLER: Stefanick

SCS/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, which shall include, but not be limited to, 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.  
ADRIANE CROUSE

---

**\*\*\* SB 507 \*\*\***

SPONSOR: Graham

HANDLER: Baker

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.

This act is similar to certain provisions of CCS/SS/SCS/HCS/HB 58 (2005) & CCS/HCS/SS/SCS/SB 210 (2005).  
SUSAN HENDERSON

---

**\*\*\* SB 516 \*\*\***

SPONSOR: Griesheimer

HANDLER: Richard

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

---

**\*\*\* SB 518 \*\*\***

SPONSOR: Kennedy

HANDLER: Cooper

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

---

**\*\*\* SB 521 \*\*\***

SPONSOR: Crowell

HANDLER: Cooper

SB 521 - This act expands the membership of the Community Service Commission to include the Lieutenant Governor or his or her designee.  
STEPHEN WITTE

---

SPONSOR: Purgason

HANDLER: Stefanick

SS/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.

MEDICAID - This act requires an institutionalized spouse applying for Medicaid and who has a spouse living in the community to divert income to the community spouse to raise the community spouse's income to the level of the minimum monthly needs allowance. This diversion of income shall occur before the community spouse is allowed to retain assets (Section 208.010).

This act also 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 form 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, including the medical assistance for the working disabled (MAWD) and general relief medical assistance programs.

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.

Subject to federal law, the department must promulgate rules that require recipients of medical assistance to participate in cost-sharing activities for all covered services, except for those services covered by personal care, mental health, and health care for uninsured children programs. The cost-sharing provision will also not apply to other qualified children, pregnant women, or blind persons (Section 208.152). 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 department, 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 sixty month look-back period to review any investment in an annuity by an applicant for Medicaid benefits.

This act also provides that the department shall have the right to enforce federal TEFRA liens on the property of permanently institutionalized individuals, which include those people who the department determines cannot reasonably be expected to be discharged and return home (Section 208.215).

This act lowers the income level for parents of uninsured children in the CHIPS program that are required to pay a premium from two hundred and twenty-six percent of the federal poverty level to one hundred and fifty-one percent of the federal poverty level (Section 208.640).

NURSING HOME FACILITIES - This act removes language specifying certain cost reports for future rebasing that were to be effective starting July 1, 2005, and then successively on July 1, 2006, and July 1, 2007.

THE MISSOURI RX PLAN - The Missouri RX plan 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

SPONSOR: Purgason

HANDLER: Stefanick

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 RX Plan Advisory Commission, which shall be charged with advising the benefit design and operational policy of the program (Section 208.792).

Persons eligible for services under the current Missouri Senior RX program on December 13, 2005 shall be eligible for those services until January 1, 2006 (Section 208.786)

The provisions of the current Missouri Senior Rx plan will expire following notice to the revisor of statutes by the Missouri Senior RX program advisory commission that the Medicare Modernization Act of 2003 has been fully implemented (Section 208.798).

**MEDICAID REFORM COMMISSION** - This act establishes the "Medicaid Reform Commission" to study and review the current Medicaid program and make recommendations for reforms (Section 208.014).

The commission will consist of ten members, five from the House and five 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 January 1, 2006 on reforming, redesigning and restructuring a new innovative healthcare delivery state Medicaid system to replace the current state Medicaid system, which will sunset on June 30, 2008.

**ADOPTION SUBSIDY** - The sections dealing with adoption subsidy rates now provide that the subsidy shall only be granted to children who reside in a household with an income that does not exceed two hundred percent of the federal poverty level or are eligible for Title IV-E adoption assistance (Section 453.073).

**PERSONAL CARE ASSISTANCE PROGRAM** - This act moves the personal care assistance program for disabled persons from the Department of Elementary and Secondary Education to the Department of Health and Senior Services. (Section 660.661).

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 660.664 and 660.667). Upon determination of eligibility, the department shall develop a personal care assistance services plan (Section 660.667).

Consumers receiving personal care assistance shall be responsible for the supervision of the attendant

SPONSOR: Purgason

HANDLER: Stefanick

while the vendor shall be responsible for the medicaid reimbursement process, including filing claims and mailing individual payment directly to the assistant (Section 660.670).

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 660.670).

The department of social services shall conduct hearings for the personal care assistance program (Section 660.681).

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 (Section 660.673 and 660.676). 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 660.676).

ADRIANE CROUSE

---

SPONSOR: Klindt

HANDLER: Chinn

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

---

**\*\*\* HB 1 \*\*\***

SPONSOR: Lager

HANDLER: Gross

CCS/SCS/HB 1 - Public Debt

.	Governor	House
GR	\$104,855,732	\$104,855,732
FEDERAL	0	0
OTHER	1,002,235	1,002,235
.		
TOTAL	<u>\$105,857,967</u>	<u>\$105,857,967</u>

.	Senate	Final
GR	\$ 97,784,797	\$104,855,732
FEDERAL	0	0
OTHER	8,073,170	1,002,235
.		
TOTAL	<u>\$105,857,967</u>	<u>\$105,857,967</u>

MARTY DREWEL

---

**\*\*\* HB 2 \*\*\***

SPONSOR: Lager

HANDLER: Gross

CCS/SCS/HCS/HB 2 - Elementary and Secondary Education

.	Governor	House
GR	\$2,581,658,821	\$2,560,707,926
FEDERAL	947,095,778	946,856,485
OTHER	1,327,485,337	1,335,789,504
.		
TOTAL	<u>\$4,856,239,936</u>	<u>\$4,843,353,915</u>

.	Senate	Final
GR	\$2,551,645,921	\$2,558,361,252
FEDERAL	948,234,645	948,302,067
OTHER	1,336,789,504	1,336,789,504
.		
TOTAL	<u>\$4,836,670,070</u>	<u>\$4,843,452,823</u>

MARTY DREWEL

SPONSOR: Lager

HANDLER: Gross

CCS/SCS/HCS/HB 3 - Higher Education

.	Governor	House
GR	\$ 857,179,450	\$ 860,089,387
FEDERAL	6,250,409	6,247,637
OTHER	183,830,833	183,805,883
.		
TOTAL	<u>\$1,047,260,692</u>	<u>\$1,050,142,907</u>

.	Senate	Final
GR	\$ 811,795,416	\$ 857,407,118
FEDERAL	6,247,637	6,247,638
OTHER	183,805,883	183,805,883
.		
TOTAL	<u>\$1,001,848,936</u>	<u>\$1,047,460,639</u>

MARTY DREWEL

---

SPONSOR: Lager

HANDLER: Gross

CCS/SCS/HCS/HB 4 - Revenue & Transportation

REVENUE

	Governor	House
GR	\$ 118,573,293	\$ 95,598,626
FEDERAL	7,647,174	7,644,994
OTHER	331,401,157	336,276,611
TOTAL	<u>\$ 457,621,624</u>	<u>\$ 439,520,231</u>

	Senate	Final
GR	\$ 91,562,662	\$ 95,788,938
FEDERAL	7,644,994	7,644,994
OTHER	324,789,987	324,789,987
TOTAL	<u>\$ 423,997,643</u>	<u>\$ 428,223,919</u>

TRANSPORTATION

	Governor	House
GR	\$ 10,691,923	\$ 11,689,615
FEDERAL	57,439,612	57,431,590
OTHER	1,659,260,443	1,656,809,297
TOTAL	<u>\$1,727,391,978</u>	<u>\$1,725,930,502</u>

	Senate	Final
GR	\$ 11,139,115	\$ 11,489,115
FEDERAL	57,431,590	57,431,590
OTHER	1,656,859,297	1,656,709,297
TOTAL	<u>\$1,725,430,002</u>	<u>\$1,725,630,002</u>

MARTY DREWEL

SPONSOR: Lager

HANDLER: Gross

CCS/SCS/HCS/HB 1005 - Office of Administration

OFFICE OF ADMINISTRATION

.	Governor	House
GR	\$155,405,336	\$145,932,640
FEDERAL	16,121,900	16,116,423
OTHER	9,319,234	9,307,399
.		
TOTAL	<u>\$180,846,470</u>	<u>\$171,356,462</u>

.	Senate	Final
GR	\$150,917,264	\$146,838,265
FEDERAL	16,116,423	16,116,423
OTHER	9,157,399	9,157,399
.		
TOTAL	<u>\$176,191,086</u>	<u>\$172,112,087</u>

EMPLOYEE BENEFITS

.	Governor	House
GR	\$487,975,454	\$467,559,216
FEDERAL	148,074,289	147,578,286
OTHER	142,427,076	142,016,079
.		
TOTAL	<u>\$778,476,819</u>	<u>\$757,153,581</u>

.	Senate	Final
GR	\$475,323,434	\$475,323,434
FEDERAL	147,578,286	147,578,286
OTHER	141,568,823	141,568,823
.		
TOTAL	<u>\$764,470,543</u>	<u>\$764,470,543</u>

MARTY DREWEL

---

SPONSOR: Lager

HANDLER: Gross

CCS/SCS/HCS/HB 6 - Agriculture, Natural Resources & Conservation

AGRICULTURE

	Governor	House
GR	\$ 20,875,352	\$ 19,275,224
FEDERAL	5,532,236	5,563,180
OTHER	14,643,464	14,673,262
TOTAL	<u>\$ 41,051,052</u>	<u>\$ 39,511,666</u>

	Senate	Final
GR	\$ 15,006,732	\$ 16,609,677
FEDERAL	5,443,995	5,443,995
OTHER	15,695,405	15,695,405
TOTAL	<u>\$ 36,146,132</u>	<u>\$ 37,749,077</u>

NATURAL RESOURCES

	Governor	House
GR	\$ 8,714,391	\$ 7,141,165
FEDERAL	44,588,267	44,617,355
OTHER	275,271,171	275,700,354
TOTAL	<u>\$328,573,829</u>	<u>\$327,458,874</u>

	Senate	Final
GR	\$ 6,541,165	\$ 6,641,165
FEDERAL	44,618,355	44,618,355
OTHER	275,700,354	275,700,354
TOTAL	<u>\$326,859,874</u>	<u>\$326,959,874</u>

CONSERVATION

	Governor	House
GR	\$ 0	\$ 0
FEDERAL	0	0
OTHER	137,899,679	137,196,601
TOTAL	<u>\$137,889,679</u>	<u>\$137,196,601</u>

SPONSOR: Lager

HANDLER: Gross

.	Senate	Final
GR	\$ 0	\$ 0
FEDERAL	0	0
OTHER	137,196,601	137,196,601
.		
TOTAL	<u>\$137,196,601</u>	<u>\$137,196,601</u>
MARTY DREWEL		

---

SPONSOR: Lager

HANDLER: Gross

CCS/SCS/HCS/HB 7 - Economic Development, Insurance & Labor and Industrial Relations

ECONOMIC DEVELOPMENT

	Governor	House
GR	\$ 48,334,391	\$ 44,960,855
FEDERAL	163,506,782	163,261,784
OTHER	74,724,671	74,612,613
TOTAL	<u>\$274,883,934</u>	<u>\$282,835,252</u>

	Senate	Final
GR	\$ 39,596,717	\$ 40,696,717
FEDERAL	163,001,784	163,032,156
OTHER	68,435,407	73,435,407
TOTAL	<u>\$271,043,908</u>	<u>\$277,164,280</u>

INSURANCE

	Governor	House
GR	\$ 0	\$ 0
FEDERAL	450,000	450,000
OTHER	14,036,435	13,848,508
TOTAL	<u>\$ 14,486,435</u>	<u>\$ 14,298,508</u>

	Senate	Final
GR	\$ 0	\$ 0
FEDERAL	600,000	600,000
OTHER	13,848,508	13,848,508
TOTAL	<u>\$ 14,448,508</u>	<u>\$ 14,448,508</u>

LABOR AND INDUSTRIAL RELATIONS

	Governor	House
GR	\$ 2,999,906	\$ 2,653,917
FEDERAL	60,731,167	60,408,140
OTHER	102,536,838	102,476,778
TOTAL	<u>\$166,267,911</u>	<u>\$165,538,835</u>

	Senate	Final
--	--------	-------

**\*\*\* HB 7 \*\*\* (Cont'd)**

SPONSOR: Lager

HANDLER: Gross

GR	\$ 2,801,719	\$ 2,892,830
FEDERAL	60,408,140	60,408,140
OTHER	102,476,778	102,476,778
.		
TOTAL	<u>165,686,637</u>	<u>\$165,777,748</u>

MARTY DREWEL

---

**\*\*\* HB 8 \*\*\***

SPONSOR: Lager

HANDLER: Gross

CCS/SCS/HCS/HB 8 - Public Safety

.	Governor	House
GR	\$ 62,232,660	\$ 60,038,308
FEDERAL	72,632,220	73,980,467
OTHER	250,383,433	248,905,797
.		
TOTAL	<u>\$385,248,313</u>	<u>\$382,924,572</u>

.	Senate	Final
GR	\$ 59,636,745	\$ 64,794,502
FEDERAL	73,980,467	73,980,467
OTHER	258,261,053	249,120,123
.		
TOTAL	<u>\$391,878,265</u>	<u>\$387,895,092</u>

MARTY DREWEL

---

SPONSOR: Lager

HANDLER: Gross

CCS/SCS/HCS/HB 9 - Corrections

.	Governor	House
GR	\$538,036,406	\$510,966,041
FEDERAL	8,162,175	8,139,981
OTHER	42,821,101	44,280,622
.		
TOTAL	<u>\$589,019,682</u>	<u>\$563,386,644</u>

.	Senate	Final
GR	\$516,768,254	\$516,768,254,
FEDERAL	8,139,981	8,139,981
OTHER	42,840,685	42,840,685
.		
TOTAL	<u>\$567,748,920</u>	<u>\$567,748,920</u>

MARTY DREWEL

---

SPONSOR: Lager

HANDLER: Gross

CCS/SCS/HCS/HB 10 - Mental Health & Health

MENTAL HEALTH

	Governor	House
GR	\$489,603,006	\$504,028,777
FEDERAL	410,745,281	418,188,662
OTHER	35,483,123	35,468,138
TOTAL	<u>\$955,831,410</u>	<u>\$957,685,577</u>

	Senate	Final
GR	\$510,503,227	\$516,408,237
FEDERAL	413,806,110	420,634,421
OTHER	35,837,786	35,837,786
TOTAL	<u>\$960,147,123</u>	<u>\$972,880,444</u>

HEALTH

	Governor	House
GR	\$213,446,814	\$223,245,912
FEDERAL	576,244,118	571,049,758
OTHER	55,743,969	55,698,198
TOTAL	<u>\$845,434,901</u>	<u>\$849,993,868</u>

	Senate	Final
GR	\$207,203,350	\$216,098,620
FEDERAL	552,453,438	564,482,938
OTHER	51,777,756	51,777,756
TOTAL	<u>\$811,434,544</u>	<u>\$832,359,314</u>

MARTY DREWEL

SPONSOR: Lager

HANDLER: Gross

CCS/SCS/HCS/HB 11 - Social Services

.	Governor	House
GR	\$1,313,348,662	\$1,263,993,308
FEDERAL	3,277,707,305	3,285,978,916
OTHER	1,270,939,883	1,305,233,975
.		
TOTAL	<u>\$5,861,995,850</u>	<u>\$5,855,206,199</u>

.	Senate	Final
GR	\$1,296,222,298	\$1,260,393,802
FEDERAL	3,400,663,573	3,344,596,550
OTHER	1,362,048,236	1,359,204,109
.		
TOTAL	<u>\$6,058,934,107</u>	<u>\$5,964,194,461</u>

MARTY DREWEL

---

SPONSOR: Lager

HANDLER: Gross

CCS/SCS/HCS/HB 12 - Elected Officials, Judiciary, Public Defender & General Assembly

ELECTED OFFICIALS

	Governor	House
GR	\$ 43,730,676	\$ 45,472,777
FEDERAL	74,914,507	75,404,353
OTHER	42,475,162	44,127,316
TOTAL	<u>\$161,120,345</u>	<u>\$165,004,446</u>

	Senate	Final
GR	\$ 40,075,299	\$ 42,922,819
FEDERAL	75,071,079	75,071,079
OTHER	42,722,361	44,248,716
TOTAL	<u>\$157,868,739</u>	<u>\$162,242,614</u>

JUDICIARY

	Governor	House
GR	\$141,739,476	\$143,405,934
FEDERAL	12,918,360	12,881,488
OTHER	9,230,068	9,212,166
TOTAL	<u>\$163,887,904</u>	<u>\$165,499,588</u>

	Senate	Final
GR	\$140,280,764	\$140,367,340
FEDERAL	12,881,488	12,881,488
OTHER	9,212,166	9,212,166
TOTAL	<u>\$162,374,418</u>	<u>\$162,460,994</u>

PUBLIC DEFENDER

	Governor	House
GR	\$28,693,128	\$ 28,213,282
FEDERAL	125,000	125,000
OTHER	1,968,743	1,968,134
TOTAL	<u>\$30,786,871</u>	<u>\$ 30,306,416</u>

**\*\*\* HB 12 \*\*\* (Cont'd)**

SPONSOR: Lager

HANDLER: Gross

.	Senate	Final
GR	\$28,463,282	\$ 28,463,282
FEDERAL	125,000	125,000
OTHER	1,968,134	1,968,134
.		
TOTAL	<u>\$30,556,416</u>	<u>\$ 30,556,416</u>

GENERAL ASSEMBLY

.	Governor	House
GR	\$31,533,926	\$ 31,211,685
FEDERAL	0	0
OTHER	192,910	192,691
.		
TOTAL	<u>\$31,726,836</u>	<u>\$ 31,404,376</u>

.	Senate	Final
GR	\$31,008,402	\$ 30,968,402
FEDERAL	0	0
OTHER	192,691	192,691
.		
TOTAL	<u>\$31,201,093</u>	<u>\$ 31,161,093</u>

MARTY DREWEL

---

**\*\*\* HB 13 \*\*\***

SPONSOR: Lager

HANDLER: Gross

HB 13 - Statewide Leasing

.	Governor	House
GR	\$ 24,845,437	\$ 23,709,741
FEDERAL	13,828,112	13,607,865
OTHER	5,058,818	4,997,724
.		
TOTAL	<u>\$ 43,732,367</u>	<u>\$ 42,315,330</u>

.	Senate	Final
GR	\$ 23,865,502	
FEDERAL	13,607,866	
OTHER	4,997,725	
.		
TOTAL	<u>\$ 42,471,093</u>	

MARTY DREWEL

**\*\*\* HB 14 \*\*\***

SPONSOR: Lager

HANDLER: Gross

CCS/SCS/HCS/HB 14 - Supplemental Appropriations

.	Governor	House
GR	\$116,940,624	\$ 96,792,916
FEDERAL	149,443,934	116,271,319
OTHER	9,676,203	9,671,203
.		
TOTAL	<u>\$276,060,761</u>	<u>\$222,735,438</u>

.	Senate	Final
GR	\$ 87,037,934	\$ 94,288,842
FEDERAL	108,152,653	116,271,319
OTHER	6,671,203	6,971,203
.		
TOTAL	<u>\$201,861,790</u>	<u>\$217,531,364</u>

MARTY DREWEL

---

**\*\*\* HB 15 \*\*\***

SPONSOR: Lager

HCS HB 15 Lager, Brad  
\*\*\*\*\* NO BILL SUMMARY \*\*\*\*\*

---

**\*\*\* HB 18 \*\*\***

SPONSOR: Lager

HCS/HB 18 - Maintenance & Repair

.	Governor	House
GR	\$ 81,086,755	\$ 81,086,755
FEDERAL	6,624,884	6,050,002
OTHER	26,066,613	25,757,061
.		
TOTAL	<u>\$113,778,252</u>	<u>\$112,893,818</u>

.	Senate	Final
GR	\$ 81,086,755	\$ 81,086,755
FEDERAL	6,050,002	6,050,002
OTHER	25,757,061	25,757,061
.		
TOTAL	<u>\$112,893,818</u>	<u>\$112,893,818</u>

MARTY DREWEL

**\*\*\* HB 19 \*\*\***

SPONSOR: Lager

HANDLER: Gross

SCS/HCS/HB 19 - New Construction

.	Governor	House
GR	\$ 13,450,525	\$ 16,650,525
FEDERAL	112,650,422	112,650,422
OTHER	57,041,360	57,591,360
.		
TOTAL	<u>\$183,142,307</u>	<u>\$186,892,307</u>

.	Senate	Final
GR	\$ 13,700,525	\$ 13,700,525
FEDERAL	112,650,422	112,650,422
OTHER	56,635,174	56,635,174
.		
TOTAL	<u>\$182,986,121</u>	<u>\$182,986,121</u>

MARTY DREWEL

---

**\*\*\* HB 33 \*\*\***

SPONSOR: Phillips

HANDLER: Shields

HB 33 - This act pertains to state emblems.

The act designates the North American Bullfrog as the official amphibian of the state.

MEGAN WORD

---

**\*\*\* HB 40 \*\*\***

SPONSOR: Tilley

HANDLER: Engler

HB 40 - The act allows taxpayers and registered voters of a county to be members on a board of directors for any industrial development corporation formed by any municipality located within a county of the second classification. Prior to this act, the directors in such a county were required to be voters and taxpayers in the municipality.

ANDY LYSKOWSKI

---

**\*\*\* HB 43 \*\*\***

SPONSOR: Wallace

HANDLER: Taylor

HB 43 - This act designates a portion of U. S. Highway 160 from State Route 76 to State Route 125 as the "Rick Harmon Memorial Highway".

STEPHEN WITTE

**\*\*\* HB 47 \*\*\***

SPONSOR: Brown

HANDLER: Shields

SCS/HCS/HB 47 - This act requires trustees of consolidated public library districts to reside in the library district, as well as in the county they represent on the district board.

The act provides that the trustees in office as of August 28, 2005, who reside outside the district shall be deemed to have vacated their trusteeships and successors will be appointed.

SUSAN HENDERSON

---

**\*\*\* HB 56 \*\*\***

SPONSOR: Threlkeld

HANDLER: Dolan

HCS/HB 56 - This act provides that the anti-kickback, anti-rebating and other prohibited financial incentive provisions of Section 191.905 shall not apply to pharmaceutical programs that rebate a portion of health insurance copayments and coinsurance to multiple sclerosis patients or others suffering from chronic conditions who have been prescribed medicines for which there are no generic equivalents.

STEPHEN WITTE

---

SPONSOR: Johnson

HANDLER: Griesheimer

CCS/SS/SCS/HCS/HB 58 - This act relates to political subdivisions.

SECTION 44.045 - Under this act, if approved by the state emergency management agency during an emergency declared by the Governor or General Assembly, health care providers may be deployed to provide health care services.

In a declared state of emergency, the Dept. Of Health and the Division of Professional Registration may release otherwise confidential contact and licensure, registration, or certification information relating to health care providers, to agencies to facilitate deployment.

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

SPONSOR: Johnson

HANDLER: Griesheimer

participating political subdivision.

SECTIONS 49.093 & 55.160 - 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 and the county department officer in counties of the third and fourth classification is required to inventory.

SECTION 49.272 - This act authorizes the Jasper and Jefferson county commissions to impose by rule, regulation, or ordinance a civil fine of up to \$1,000 for each violation of any rule, regulation, or ordinance adopted by the commission.

SECTION 50.343 - This act allows county officials' salaries to be computed on an assessed valuation basis without regard to modifications because of the existence of enterprise zones.

SECTION 50.530 - Under this act, the budget officer:

- In counties of the first classification with more than 100,000 people according to the 1970 census, is appointed by the county commission

- In counties of the first classification with less than 100,000 people according to the 1970 census, is the county auditor

- In Cass County and counties of the second classification, is the presiding commissioner unless the commission designates the county clerk

- In counties of the third and fourth classification, is the county clerk.

SECTION 50.760 - This act requires county commissions without a purchasing agent to estimate county expenditures for supplies for the following year. The commission may authorize the purchase of supplies at a public action. No contract for a purchase is valid until the commission has approved a purchase order for the supplies for which bids were advertised and submitted.

SECTION 50.770 - This act specifies that "supplies" include materials, equipment, and contractual services but excludes regulated utility services.

SECTIONS 50.780 & 50.783 - This act authorizes competitive bids to be waived by the county commission under emergency circumstances or when there is only a single, feasible source for the supplies. A proposed purchase of more than \$3,000 for a single, feasible source must be posted and a proposed purchase of more than \$5,000 must be advertised.

SECTION 50.784 - This act authorizes the county commission to delegate its procurement authority to county departments provided that the department follows all the laws for purchasing, entering contracts, and keeping records. The delegation may allow the county departments to negotiate the purchase of services. No claim for payment will be certified by the commission unless accompanied by documentation. Any department given procurement authority must keep full and detailed records. Each instance of single feasible source purchasing authority over \$5,000 must be specifically delegated by the commission.

SECTION 50.1030 - As part of the annual review by the Board of Directors of the County Employees?

SPONSOR: Johnson

HANDLER: Griesheimer

Retirement Fund, the board will determine if having an additional benefit or enhancement which will improve the quality of life for future retirees is feasible.

After the annual review, the Board may vote to make any of the feasible adjustments outlined in Section 50.1030, RSMo, subject to the following guidelines:

- No adjustment can be made until the fund has achieved a funded ratio of assets to the actuarial accrued liability equaling at least 80%. No benefit adjustment shall be adopted which causes the funded ratio to fall more than 5%.
- Adjustment can be made no more than once every 12 months
- Any adjustment within a 12 month period may increase the actuarially determined and required annual contribution as a percentage of payroll no more than 1%
- Adjustments, except for COLA, will apply only with respect to active employees on the effective date of an adjustment.

SECTION 52.317 - This act allows the county commission to budget in a common fund for one-time expenditures so that it does not appear in any specific department's or office's budget.

SECTIONS 54.010, 54.280, 54.320, 54.330, 65.110, 65.160, 65.460, 65.490, 65.600, 136.010, 136.160, 137.465, 137.585, 139.120, 139.350, 139.400, 139.420, 139.430, 139.440, 139.450, 139.460, 165.071, 242.560, 245.205, & 301.025 - Under this act, 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 number deputies and assistants that are needed by a collector-treasurer shall be determined by the collector-treasurer, but he or she shall have no less than one full-time deputy.

This act requires the treasurer-collector to collect a fee of 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.

The fees collected on the total tax levied will be based on a scale and the money will be deposited into

SPONSOR: Johnson

HANDLER: Griesheimer

the general revenue fund of the county.

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.

SECTIONS 56.060, 56.631, 56.640, 56.650, 56.660

Currently, only certain counties are allowed to appoint a county counselor. This act removes this limitation so that any county may do so.

SECTION 59.005 - This act defines the terms "copying" and "duplicate" in the Recorder of Deeds Chapter.

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.

SECTIONS 65.030, 65.150, 65.180, 65.183, 65.190, 65.200, 65.220, 65.230, 65.300, 65.610, & 231.230 - This act 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 65.030)

This act 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 65.150)

This act 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 65.180)

This act 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 65.183)

This act 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 65.190)

This act 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 65.200)

SPONSOR: Johnson

HANDLER: Griesheimer

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 65.220)

This act 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 act 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 act 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 65.230)

This act 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 65.300)

This act 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 65.610)

This act 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 \$4500. Currently, such a statement is required if a bridge will cost more than \$100,000. (Section 231.230)

SECTION 67.055 - This act provides that any moneys received or collected to fund additional costs incurred by any county office shall be reviewed by the county budget officer when he or she is formulating the annual budget and shall be used solely for the purposes outlined in statute.

SECTION 67.459 - This act provides that an improvement cost, assessed by a reasonable assessment plan in a neighborhood improvement district determined by a governing body may include, in the case of condo or equitable owner association ownership, a determination that all units are equally benefited.

SECTIONS 67.469, 140.150, & 140.160 - This act adds special assessments for neighborhood improvement districts to the laws regarding the collection of property taxes and other local taxes. These assessments are allowed to be collected and assessed in the same manner as other local taxes.

SECTION 67.1003 - This act authorizes the City of Maryville to impose, upon voter approval, a transient guest tax of up to 5% on hotel and motel rooms.

This portion of the act is identical to HB 874 (2005).

SPONSOR: Johnson

HANDLER: Griesheimer

SECTION 67.1062, 67.1069 & 67.1070 - The act changes the definition of "agency" in Chapter 67, RSMo, to include any entity which provides any service related to homeless persons, rather than just housing-related assistance.

This act also eliminates the provision in Section 67.1067, RSMo, requiring the inclusion of evidence that an agency is a nonprofit corporation when applying for funds to help provide homeless people with services.

Under this act, in order to qualify for funds an agency may be an entity which provides services related to homeless persons or meet the listed requirements. Currently, an agency must meet the listed requirements, which include having a diverse group of trustees and requiring employees to maintain confidentiality.

SECTION 67.1159 - When any tax, interest, or penalty imposed in relation to the St. Charles County Convention and Sports Facilities Authority is not paid when due, the authority may file for record a notice of lien in the recorder's office. The notice will specify the amount due and the name of the liable person. From the time of filing such notice, the amount of tax shall have the force and effect of a lien against the real and personal property of the business of such person or the facility giving rise to the tax.

Under this act, a lien may be released by filing a release of the lien executed by a duly authorized agent of the authority upon payment or upon receipt of sufficient security, or by final judgment holding such lien to have been erroneously imposed.

Each recorder shall receive statutory fee for the filing of each notice of lien and for each release of lien filed for record. The authority is authorized to collect an additional penalty from each taxpayer equal to the cost of filing a notice of lien or release with respect to such taxpayer.

Any person operating or managing a business or facility who owes taxes, penalty, or interest, or is required to file any report with the authority, must notify, in writing, the authority at least 10 days prior to any sale of the entire business or a major part thereof. The notice includes the name of the business or facility and the owner, the intended date of purchase, and the name of the person purchaser and person collecting the tax. Any person who takes with notice of delinquent tax or noncompliance is considered to be taking subject to any tax, penalty, or interest owed by the seller.

The authority shall have the power to bring a civil action to enjoin the operation of a business or facility, if the business or facility has a tax, penalty, or interest which is unpaid or is violation of the statutes relating to the authority.

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

SPONSOR: Johnson

HANDLER: Griesheimer

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.

SECTION 67.1350 - This act allows Warrensburg to annex areas along a road or highway up to 2.5 miles from the existing city boundaries.

This section is identical to HCS/HB 215 (2005).

SECTIONS 67.1401 & 67.1451 - This act redefines the term "owner" in the "Community Improvement District Act". It also allows for each director of a Community Improvement District Board in Springfield to be either: 1) an owner of real property within the district; 2) a legally authorized representative of a property owner; or 3) a registered voter within the district.

In Springfield, if there are less than 5 owners of real property located within a district, the board may

SPONSOR: Johnson

HANDLER: Griesheimer

be comprised of up to 5 legally authorized representatives of such property owners.

SECTION 67.1754 - This act allows grant proceeds to be used to fund any recreation program or park improvement.

SECTION 67.1775 & & SECTIONS 210.860 & 210.861

The act modifies some of the ballot language to allow for lawful collection of the revenues derived from the local sales tax. 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 67.1809 - This act specifies the jurisdiction of the regional taxicab commission. Under this act, the regional taxicab commission may exercise jurisdiction over any person who engages in the business of transporting passengers in commerce, wholly within the regional taxicab district, in any motor vehicle designed or used to transport not more than eight passengers including the driver.

The jurisdiction of the regional taxicab commission shall not apply to:

- (1) Operators who are required to be licensed, supervised and regulated by the state highways and transportation commission. The regional taxicab commission's jurisdiction shall not extend to motor vehicles transporting passengers within the district in interstate commerce, and those interstate operations are subject to the powers of the state highways and transportation commission;
- (2) Motor vehicles that are operated exclusively by not-for-profit corporations or governmental entities, whose operations within the regional taxicab district are subsidized, wholly or in part, with public transit funding (federal or state);
- (3) Vehicles that transport one or more passengers upon the public highways in a continuous journey from a place of origin within the regional taxicab district to a destination outside the district, or from a place of origin outside the district to a destination within the district, either with or without a return trip to the point of origin.

Every person, partnership or corporation who becomes subject to the jurisdiction of the regional taxicab commission which was previously under the jurisdiction (through permit or certificate) of the state highways and transportation commission is deemed to be licensed, permitted and authorized by the regional taxicab commission, and the vehicles and drivers used by such motor carriers are hereby deemed to be licensed, permitted and authorized by the regional taxicab commission to operate and engage in the transportation of passengers within the regional taxicab district, to the same extent as they were formerly licensed, permitted and authorized by the highways and transportation commission on August 27, 2005. Such motor carriers, drivers and vehicles are exempt from applying for any license, certificate, permit or other credential issued or required by the regional taxicab commission, except that the regional taxicab commission may, after December 31, 2005, require such motor carriers and drivers to apply and pay the regular fees for annual renewals of such licenses, permits, certificates or other credentials, pursuant to uniform requirements applicable to all motor carriers, vehicles and drivers operating within the regional taxicab district.

SECTION 67.1850 - This act extends the authority to all cities and counties in the state to develop

SPONSOR: Johnson

HANDLER: Griesheimer

geographic information systems and the ability to charge for the use of the systems.

SECTION 67.2555 - This act requires any expenditure of more than \$5,000 made by the Jackson County executive be competitively bid.

SECTION 71.012 - This act increases the percentage of people that must object to a proposed annexation from 2% to 5% of the qualified voters before additional procedures are required for annexation.

SECTION 71.794 - This act eliminates the requirement that the notice of a hearing for a proposed special business district be sent by registered or certified mail with a return receipt attached.

SECTION 79.600 - This act allows for an unincorporated area of the county that is to be used for a recycling facility to be annexed to Eureka if the municipality and county adopt reciprocal ordinances. The elected officials of Eureka must first receive consent from the property owners of the unincorporated area. They must believe that its in the best interest of the city for the facility to be located in the municipality. The subject parcel shall be considered contiguous and compact with the if it is located within 2 miles of the city by means of railroad line owned property.

SECTION 82.291 - This act extends the expiration date of Section 82.291, RSMo, to August 28, 2010, which makes property owners in Hazelwood liable for removal of all derelict vehicles that are not properly stored if they are deemed to be a public nuisance.

This portion of the act is identical to SB 453 (2005).

SECTIONS 82.301 to 82.305 - 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.

SPONSOR: Johnson

HANDLER: Griesheimer

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.

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.

SECTION 82.1025 - This act grants neighborhoods organizations in the cities of St. Louis, Kansas City, and Springfield and the counties of Platte, Jefferson, Franklin, and St. Louis standing to file nuisance actions against a nearby property owners when the owner fails to maintain his or her property.

SECTION 94.270 - On or after January 1, 2006, St. Peters shall not levy or collect a hotel license fee of more than \$1,000. No hotel shall be required to pay a license fee in excess of such amount, and any fee that does so, will automatically be reduced to comply with this section. St. Peters may increase a hotel license tax by 5% per year but the total tax levied under this section shall not exceed 1/8 of 1% of such hotels? gross revenue.

Other cities under this section may increase a hotel license tax by 5% per year but the total tax levied shall not exceed the greater of: 1) 1/8 of 1% of such hotels? gross revenue, or 2) the business license tax rate of such hotel on May 1, 2005. This provision will not apply to any tax levied by a city when the revenue from such tax is restricted for use to a project form which bonds are outstanding as of May 1, 2005.

SECTION 94.700 - This act authorizes a city with a population of 100 or more to levy a transportation sales tax, upon voter approval. Currently, only cities with a population of 200 or more are authorized to levy this tax.

SECTION 94.837 - This act authorizes the cities of Canton, La Grange, and Edina to impose a transient guest tax, upon voter approval, on all hotels and motels within their city limits, which cannot exceed 5% per occupied room per night.

SECTION 94.838 - This act authorizes the City of Lamar Heights to impose, upon voter approval, a room tax of not more than 6% per night and a local sales tax on food of not more than 2%. These taxes will be in addition to any other taxes authorized by law and used solely for capital improvements. The act provides a procedure to repeal the tax.

SECTIONS 99.1080 to 99.1092 - This act creates the "Downtown Revitalization Preservation Program".

A redevelopment plan will include a general description of the program undertaken to accomplish the redevelopment projects and related objectives.

A redevelopment plan may be adopted by a municipality in reliance on findings that a reasonable person would believe: 1) the redevelopment area is a blighted or conservation area and has not been subject to growth through investment by private enterprise, 2) the plan conforms to the comprehensive

SPONSOR: Johnson

HANDLER: Griesheimer

plan for the redevelopment of the municipality as a whole, 3) generally the estimated dates of completion have been stated, 4) a relocation plan is developed if a business or residence must be moved, and 5) the plan does not include the redevelopment of a gambling establishment.

Before adopting a redevelopment plan, a municipality must provide notice and hold a public hearing. The act provides the procedure that must be followed by a municipality prior to adoption, including when changes are allowed to be made, and how notification must be given. After adoption of an ordinance designating a redevelopment area, no ordinance can be adopted altering the exterior boundaries of the area affecting the general land uses established under the plan or project without a public hearing.

A municipality must submit an application to the Dept. Of Economic Development for review and determination as to approval of the disbursement of project costs from the Downtown Revitalization Preservation Fund, which is created in this act. The application must be forwarded and approved by the Commissioner of Administration. This act sets limits on disbursements from the fund and lays out requirements for the information which must be included in the application.

Redevelopment projects can only receive disbursements from the fund for 25 years. A municipality that receives money from the fund must place it in a separate account from other net new revenues within the special allocation fund.

A redevelopment project approved for financing cannot thereafter elect to receive tax increment financing under the Real Property Tax Increment Allocation Redevelopment Act and continue to receive the downtown revitalization financing.

SECTIONS 100.050 & 100.059 - Under this act, all amounts paid in excess of actual costs for an industrial development project in Franklin County shall be disbursed to each taxing entity in proportion to the current ad valorem tax levy of each taxing entity. Also, notice of proposed projects must be provided to all the taxing entities in Franklin County.

Also, this act requires that information about junior college districts, in addition to school districts, counties, and cities, be included with a project plan for an industrial development project. Junior college districts will also receive the same notification regarding projects as the other listed entities.

SECTION 105.711 - This act adds health care providers under contract to provide services to patients at county jails to coverage under the State Legal Expense Fund.

SECTION 115.013 - This act excludes the city attorney in cities of the third or fourth classification from the definition of "public office" in Section 115.013, RSMo, relating to elections.

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 115.348 - Under this act, no person shall qualify as a candidate for elective public office in Missouri, who has been convicted of or pled guilty to a federal felony or misdemeanor.

SECTION 135.010 & 137.106 - The act:

SPONSOR: Johnson

HANDLER: Griesheimer

- 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.

SECTIONS 137.071 & 137.122 - 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.

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 of rural electric cooperatives, property subject to the motor vehicle registration provisions, and property assessed under Section 137.078, RSMo, are excluded from the definition. (Section 137.071)

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

SPONSOR: Johnson

HANDLER: Griesheimer

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)

SECTIONS 137.073, 313.800 & 313.820 - This act limits the amount of revenue derived from admission fees for gaming boats St. Charles City may collect after fiscal year 2008 to the percentage of revenue attributable to admission fees for fiscal year 2006. In the case of a new casino, the revenue from such casino will be limited to the average percentage of revenue attributable to admission fees for the first two fiscal years of the casinos operation. All revenue derived from admission fees to gaming boats, by St. Charles City, shall be used exclusively for capital, cultural, and special law enforcement purpose 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. Home dock cities or counties that have rolled back property tax rates to zero or do not levy a property tax are provided with the alternative to offset costs associated with providing certain services to taxpayers or to lower certain other tax rates.

SECTION 137.100 - This act exempts motor vehicles leased for a period of one year to a religious, educational, or charitable organization from taxation for state, county, or local purposes

SECTION 137.078 - This act adds studio broadcast equipment, tower transmission and antenna equipment, and broadcast towers to the property tax depreciation schedules for broadcasting equipment.

SECTIONS 137.115, 139.040, 139.055 & 301.025 - This act allows local government officials to accept cash, personal checks, business checks, money orders, credit cards, or electronic transfers of funds for the payment of any city or county tax or license. The local government can charge the person a fee equal to the amount charged to the county or city by the bank, processor, or issuer of the electronic payment.

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 137.130 - This act provides that whenever an assessor or an employee has insufficient

SPONSOR: Johnson

HANDLER: Griesheimer

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 137.720 - This act changes the calculation of the amount of the transfer of certain county funds. Currently, counties are required to transfer from the county general revenue fund to the assessment fund an amount equal to an average of the three most recent years' payments. The act requires that capital expenditures and equipment expenses identified in a memorandum of understanding signed by the county governing body and the county assessor be deducted from a year's contribution before computing the three- year average.

SECTION 138.100 - This act allows a county board of equalization to meet at least once a month for the purpose of hearing allegations or erroneous assessments and other errors. Currently, such a board is required to meet monthly.

SECTIONS 140.150 - This act changes the date at which lands are sold for delinquent taxes from the fourth Monday in August to a day in August to be specified by the county collector and changes the time frame for publishing the list of delinquent lands accordingly.

SECTIONS 190.010, 190.015, & 190.090 - This act also allows the territory in an ambulance district to not be contiguous, but instead, within a 5 mile radius of the other territory contained within the district limits.

Under this act, fire protection districts in St. Louis County may choose to create an ambulance district if:

- The boundaries are congruent with each participating fire protection district's existing boundaries provided no ambulance district already exists; and
- The dominant provider of ambulance services within the proposed district as of September 1, 2005 discontinues service; and
- The board of each participating district, by a majority vote, approves the formation of the district; and
- The participating fire protection districts are contiguous.

SECTION 190.292 - This act specifies that the election of the Warren County Emergency Services Board members is to take place during the first municipal election in a calendar year.

SECTION 190.335 - Under this act, in Greene County any emergency telephone service 911 board appointed by a county which is in existence on the date the voters approve a sales tax shall continue to exist and shall have the same powers.

SECTION 198.345 - This act authorizes nursing home districts in Marion and Ralls counties to maintain apartments for seniors that provide at a minimum housing, food services, and emergency call buttons. Such nursing home districts shall not lease such apartments for less than fair market rent as reported by the United States Department of Housing and Urban Development.

SPONSOR: Johnson

HANDLER: Griesheimer

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 215.246 - Beginning July 1, 2006, this act prohibits the Missouri Housing Development Commission from awarding grants or loans to the City of Kansas City until the city's governing body implements oversight procedures to review expenditures and development plans for all housing contracts in excess of \$100,000.

SECTION 217.905 - 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 amendment 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.

SECTION 231.444 - This act allows Worth County, upon voter approval, to levy and impose a tax not to exceed 25 cents per acre on agricultural and horticultural property. The proceeds will be deposited into the "Special Road Rock Fund", which is used to purchase road rock on county roads.

Currently, this statute only applies to Carter, Scotland, Knox, and Schuyler counties.

SECTION 233.295 - This act allows any county to disincorporate special road districts.

SECTION 246.005 - This act provides that drainage and levee districts shall have 5 years after their corporate charter lapses to reinstate and extend the time of corporate existence by the circuit court.

SECTION 247.060 - This act provides that members of a water supply district will be deemed to have vacated their seats after three consecutive meetings, and in which case, the vacancies will be filled as any other seats would be.

SECTIONS 247.060 & 247.180 - This act requires water supply district board election to be held in April.

SPONSOR: Johnson

HANDLER: Griesheimer

SECTION 249.1150, 249.1152, 249,1154,640.635, 644.076, 701.038 & 701.053 - Section 249.1150, RSMo, created the Upper White River Basin Watershed Improvement District, new provisions in this act allow counties to opt out of this district. Opting out can occur with a ballot initiative from at least 20% of the county residents, a vote, and ultimately, a simple majority in favor of that opting out. The other choice involves the county commission issuing an order to call a county vote on the issue.

Any county who successfully opts out shall be allowed to rejoin the Upper White River Basin Watershed Improvement District at any time, through one of two ways; once again, a ballot initiative leading up to a vote or an order issuing a county wide vote on the issue.

Section 249.1154, RSMo, is repealed. New provisions allow the nine counties within the district to opt out of well volume monitoring.

Section 249.1152, RSMo, allowing other counties of the third classification to form watershed improvement districts is repealed.

Section 640.635, RSMo, requiring any person performing an analysis of wastewater to be licensed with the Department of Natural Resources, is repealed.

SECTION 250.140 - This act adds water supply districts to those entities that may sue landlords or tenants for past due bills less any security deposit amounts and requires those supplier entities to make a good faith effort to notify the property owner when the tenant's sewer or water bill is more than 30 days past due. The owner cannot be held liable for sums due from the tenant for more than 90 days of service, and the water provider cannot be held civilly or criminally liable for terminating service due to the delinquency of the payment. In the cities of St. Louis and Kansas City, until January 1, 2007, owners cannot be held liable for more than 120 days of service and after that date owners cannot be held liable for more than 90 days of service. The water provider cannot be held civilly or criminally liable for terminating service due to the delinquency of the payment. This provision only applies to residences with their own private water and sewer lines.

SECTION 263.245 - The act includes Schuyler and Worth Counties 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.

SECTION 278.240 - This act eliminates the requirement that candidates for trustee of a watershed district live within the district.

SECTION 311.087 - Any person acting for a promotional association who possesses the qualifications and meets the requirements of Chapter 311, RSMo, may apply for and receive an entertainment district special license to sell intoxicating liquor by the drink for retail for consumption. The fee for such a license is \$300 per year.

Within the limits of Chapter 311, a promotional association may allow people to leave licensed establishments located in the entertainment district with an alcohol beverage and enter other establishments with the beverage. No person can take the drink outside the area designated by the promotional association. The association must ensure that minors are distinguished from others.

SPONSOR: Johnson

HANDLER: Griesheimer

Every licensee within the district must serve alcoholic beverages in containers that have the licensee's trade name or logo. The holder of these licenses is solely responsible for alcohol violations.

As defined by this section, an "entertainment district" is any area located in Kansas City that is located in the city's central business district.

"Promotional association" is defined as an association in Missouri, which is organized by one or more property owners within the entertainment district, who own or control not less than 100,000 square feet of the premises designed for lease by bars, nightclubs, restaurants, and other entertainment venues.

SECTION 320.121 - This act allows towns and villages, in addition to cities and counties, prohibit fireworks.

SECTION 321.120 - This act changes the terms of fire protection district board members in St. Charles County from six years to four years over a period of time.

SECTIONS 321.190 & 321.603 - This act prohibits fire district board members from being paid more than one attendance fee if such member attends more than one board meeting in a calendar week.

SECTION 321.220 - 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.

SECTION 321.222 - This act provides that if a city in Jefferson County or the county adopts, implements, or enforces a residential construction regulatory system, neither fire protection districts nor their boards in Jefferson County shall have the power to adopt, enforce, or implement a residential construction regulatory system. Any system adopted by such a district will be void when the city adopts its own system. No fire protection district shall enact, adopt ordinances or orders that pertain to the subdivision of land for the purpose of residential construction or the construction, installation, and erection of any improvements and utility facilities related to or for the purpose of serving residential construction.

A fire protection district may enter into a contract with a city to assist in the implementation of the residential construction regulatory system of such city, as it relates to fire protection issues so long as the city retains jurisdiction over the implementation and enforcement of such system.

SECTION 321.322 - This act provides that Harrisonville will be governed by Section 72.418 relating to city reimbursement to the fire protection district.

SECTION 349.045 - This act designates the requirements that the board of an industrial development corporation in Lewis County must meet.

SECTIONS 393.015 & 393.016 - This act allows water companies to contract with sewer providers to terminate services for delinquent accounts. The City of St. Louis and St. Louis County are exempted from this provision.

SECTIONS 447.620, 447.622, 447.625, 447.640 - This act lengthens the time from one month to six months that a property must be unoccupied before a person can petition to have it declared abandoned.

SPONSOR: Johnson

HANDLER: Griesheimer

SECTIONS 473.770 & 473.771 - This act allows certain public administrators to delegate certain duties to a deputy. Specifically, a deputy who is a licensed attorney can execute inventories, settlements, surety bonds, pleadings, and other court documents filed in the name of the public administrator.

SECTIONS 478.570 & 478.600 - This act adds an associate circuit judge position in Cass County on January 1, 2006. There shall be six circuit judges in the 11th judicial circuit. Beginning January 1, 2007, the family court commissioner positions in the 11th circuit shall become associate circuit judge positions. The newly created associate circuit judges in St. Charles may, rather than shall, retain the duties and responsibilities with regard to the family court.

Beginning on January 1, 2007, the drug court commissioner position in the 11th circuit shall become an associate circuit judge position.

SECTION 488.2220 - This act adds Springfield to Section 488.2220, RSMo, which allows certain cities to provide for additional court costs of up to \$5 for municipal ordinance violations.

SECTION 537.600 - This act restores sovereign immunity to Metro and KCATA, provides immunity to state employees for official actions, and removes St. Louis and Kansas City Police Boards from legal defense fund coverage.

SECTION 559.607 - 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.

This portion of the act is identical to SB 342 (2005).

SECTION 573.505 - This act allows the revenue from a sales tax that currently goes only to background checks to be used for general law enforcement purposes by the sheriff's office, upon voter approval.

SECTION 1 - This act authorizes the Governor to convey state property in Buchanan County.

SECTION 2 - This act authorizes the Governor to convey state property in St. Francois County.

SECTION 3 - This act requires the county commission in all counties except charter counties shall be responsible for the computation of salaries of all county officials provided that any percentage salary adjustments in a county shall be equal for all such officials in that county. The salary schedules in statute shall be set as a base schedule for those county officials, unless the current salary of such officials, as of August 28, 2005, is lower.

SECTION 4 - Under this act, Madison County may impose a sales tax for public recreational projects and programs upon voter approval.

**\*\*\* HB 58 \*\*\*** (Cont'd)

SPONSOR: Johnson

HANDLER: Griesheimer

SECTION 5 - This act authorizes the Department of Natural Resources to remise, release, and forever quit claim property at Fort Davidson State Historic Park to the City of Pilot Knob. In return, the Department is authorized to receive via quit claim deed another piece of property.

SECTION 6 - This act authorizes the Governor to convey state property in Cole County.

SECTION 7 - This act authorizes the Governor to convey state property in Lafayette County.

SUSAN HENDERSON

---

**\*\*\* HB 64 \*\*\***

SPONSOR: Sutherland

HANDLER: Crowell

SS/SCS/HCS/HB 64 - This act extends the current state and local sales and use tax holiday for certain clothing, personal computers, and school supplies purchased for personal use during a three-day period each August. This act changed the dollar amount for qualifying computer software purchases from two hundred to three hundred fifty dollars and for personal computers from two thousand to three thousand fifty dollars. The act does not apply to any retailer when less than 2% of the retailers's merchandise offered for sale qualifies for the sales tax holiday.

For the 2005 sales tax holiday, the ability for local governments to opt out of the holiday is limited to those that opted out in 2004. However, any political subdivision may enact an ordinance to allow the 2005 sales tax holiday to apply to its local sales taxes. The political subdivision must notify the department of revenue not less than 45 calendar days prior to the beginning date of the sales tax holiday of any ordinance or order opting out or rescinding an order to opt out.

After the 2005 sales tax holiday, any political subdivision may adopt an ordinance or order to opt out of the holiday. After opting out, the subdivision may rescind the ordinance or order. Again, the political subdivision must notify the department of revenue not less than 45 calendar days prior to the beginning date of the sales tax holiday of any ordinance or order opting out or rescinding an order to opt out.

The act contains an emergency clause.

JASON ZAMKUS

---

**\*\*\* HB 69 \*\*\***

SPONSOR: Rupp

HANDLER: Loudon

HB 69 - This act allows insurance companies to invest capital, reserves and surplus in preferred or guaranteed stocks. The investments must carry at least the second highest designation rating by the National Association of Insurance Commissioners or a nationally recognized rating agency approved by the Department of Insurance. Life insurance company investments in corporations must also meet the requirements of Sections 375.1070 to 375.1075, RSMo, regarding outlines for investing in medium or lower quality institutions.

This act is similar to SB 131 (2005).

STEPHEN WITTE

---

**\*\*\* HB 114 \*\*\***

SPONSOR: Johnson

HANDLER: Wheeler

HB 114 - This act extends the expiration date of December 31, 2005, from the Kansas City transportation sales tax, allowing the sales tax to remain in effect until 2015.

This act is similar to SB 138 (2005).

JASON ZAMKUS

---

**\*\*\* HB 116 \*\*\***

SPONSOR: Deeken

HANDLER: Vogel

SS/HB 116 - This act provides for rights of persons with dogs.

Under this act, service dogs are defined as dogs that have been specially trained to do work or perform tasks which benefit a particular person with a disability and includes guide dogs for the blind or visually impaired, hearing dogs, medical alert dogs, and mobility dogs.

Any person who causes physical injury or death of a service dog is guilty of a Class A misdemeanor. Any person who knowingly fails to control his or her animal from causing physical injury or death of a service dog is guilty of a Class A misdemeanor.

Any person who knowingly harasses a service dog or fails to control his or her animal from harassing a service dog such that the service dog is prevented from performing its duties is guilty of a Class B misdemeanor. Civil damages may be recovered by the service dog owner or the person with a disability who uses the service dog.

Anyone who knowingly impersonates a person with a disability by representing himself or herself as disabled or represents his or her dog as a service dog is guilty of a Class C misdemeanor and is guilty of a Class B misdemeanor upon a subsequent violation, and such person is also liable for any actual damages resulting from the impersonation.

This act contains an emergency clause for Sections 209.200 to 209.204, specifically relating to service dogs.

ADRIANE CROUSE

---

**\*\*\* HB 119 \*\*\***

SPONSOR: Jones

HANDLER: Stouffer

HCS/HB 119 - This act provides that state employees and members of state retirement systems who are or become members of the United States Armed Forces or the national guard and are called to military service in times of active armed warfare shall be entitled to life insurance benefits for the entire duration of the deployment, including time periods in excess of twelve months. The ability to retain the benefits shall be subject to the terms and conditions of any life insurance policy in place. The employees or retiree shall be required to pay for the cost of the coverage.

This act contains an emergency clause.

ADRIANE CROUSE

---

**\*\*\* HB 127 \*\*\***

SPONSOR: Bivins

HANDLER: Griesheimer

HB 127 - This act limits the attendance fees that fire protection district board members can receive for attending board meetings to one per calendar week.

This act is similar to certain provisions of CCS/SS/SCS/HCS/HB 58 (2005) & CCS/HCS/SS/SCS/SB 210 (2005).

SUSAN HENDERSON

---

**\*\*\* HB 155 \*\*\***

SPONSOR: Ruestman

HANDLER: Taylor

HB 155 - This act designates a portion of State Highway E in McDonald County from the Arkansas state line north to State Highway 76 as the "Albert Brumley Memorial Highway".

STEPHEN WITTE

---

**\*\*\* HB 163 \*\*\***

SPONSOR: Smith

HANDLER: Gross

HCS/HBs 163, 213 & 216 - Currently, any World War II veteran who wants to receive a medallion, medal, and certificate of appreciation must have been a Missouri resident before August 28, 2000, and must have made application for the medals prior to July 1, 2004. Veterans of the Korean Conflict who wanted to receive the medallion, medal, and certificate of appreciation must have been Missouri residents before August 28, 2003, and must have made application for the medals prior to January 1, 2005. This act authorizes veterans of World War II or the Korean Conflict to receive the medals of appreciation as long as they are a resident of Missouri, had been a resident at the time of entering or being discharged from the military, or had been a resident at the time of death. The application deadlines for both medical programs are removed. In both programs, the act requires that the medallions, medals, and certificates be awarded until the supply is exhausted. When there are fewer than 100 medallions, medals, and certificates for either program, the Adjutant General must notify the General Assembly.

The act contains an emergency clause.

This act is similar to SB 199 (2005).

DONALD THALHUBER

---

**\*\*\* HB 174 \*\*\***

SPONSOR: Wood

HANDLER: Taylor

HCS/HB 174 - This act requires that the license of a real estate broker or salesperson shall be revoked or, in the case of an applicant, shall not be issued, if such person is found guilty of certain felonies. The license revocation or denial may be appealed to the administrative hearing commission. A definition of "exclusive brokerage agreement" is created to authorize a real estate broker to act as the exclusive limited agent on behalf of their client provided that the parties have entered into a written agency agreement. The act specifies certain services which must be provided by a broker who has entered into an exclusive brokerage agreement.

JIM ERTLE

---

SPONSOR: Emery

HANDLER: Scott

SS/SCS/HCS/HB 186 - This act relates to local taxes.

#### SECTION 67.055

This act provides that any moneys received or collected to fund additional costs incurred by any county office shall be reviewed by the county budget officer when he or she is formulating the annual budget and shall be used solely for the purposes outlined in statute.

#### SECTION 67.459

This act provides that an improvement cost, assessed by a reasonable assessment plan in a neighborhood improvement district determined by a governing body may include, in the case of condo or equitable owner association ownership, a determination that all units are equally benefitted.

SECTION 67.1003 - This act authorizes the City of Maryville to impose, upon voter approval, a transient guest tax of up to 5% on hotel and motel rooms.

SECTION 67.1062, 67.1069 & 67.1070 - The act changes the definition of "agency" in Chapter 67, RSMo, to include any entity which provides any service related to homeless persons, rather than just housing-related assistance.

This act also eliminates the provision in Section 67.1067, RSMo, requiring the inclusion of evidence that an agency is a nonprofit corporation when applying for funds to help provide homeless people with services.

Under this act, in order to qualify for funds an agency may be an entity which provides services related to homeless persons or meet the listed requirements. Currently, an agency must meet the listed requirements, which include having a diverse group of trustees and requiring employees to maintain confidentiality.

#### SECTION 67.1159

When any tax, interest, or penalty imposed in relation to the St. Charles County Convention and Sports Facilities Authority is not paid when due, the authority may file for record a notice of lien in the recorder's office. The notice will specify the amount due and the name of the liable person. From the time of filing such notice, the amount of tax shall have the force and effect of a lien against the real and personal property of the business of such person or the facility giving rise to the tax.

Under this act, a lien may be released by filing a release of the lien executed by a duly authorized agent of the authority upon payment or upon receipt of sufficient security, or by final judgment holding such lien to have been erroneously imposed.

Each recorder shall receive statutory fee for the filing of each notice of lien and for each release of lien filed for record. The authority is authorized to collect an additional penalty from each taxpayer equal to the cost of filing a notice of lien or release with respect to such taxpayer.

Any person operating or managing a business or facility who owes taxes, penalty, or interest, or is required to file any report with the authority, must notify, in writing, the authority at least 10 days prior to any sale of the entire business or a major part thereof. The notice includes the name of the business or facility and the owner, the intended date of purchase, and the name of the person purchaser and person collecting the tax. Any person who takes with notice of delinquent tax or noncompliance is considered to

SPONSOR: Emery

HANDLER: Scott

be taking subject to any tax, penalty, or interest owed by the seller.

The authority shall have the power to bring a civil action to enjoin the operation of a business or facility, if the business or facility has a tax, penalty, or interest which is unpaid or is violation of the statutes relating to the authority.

#### SECTION 67.1305

This act 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 1/2 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 Option Economic Development Sales Tax 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 five members for a city and seven 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.

SPONSOR: Emery

HANDLER: Scott

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.

#### SECTIONS 67.1775 & 210.860, 210.861

The act 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 the City of St. Louis to impose a 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.

#### SECTIONS 67.1922 & 67.1934

Currently, certain counties with significant lake shoreline are authorized, upon voter approval, to impose a single retail sales tax not to exceed 1.5% for the purpose of promoting water quality, infrastructure, and tourism. This act modifies such authorization so that voters can approve one or more retail sales taxes not to exceed 1.5% in the aggregate for the purpose of affecting water quality, infrastructure, or tourism, singularly or in any combination.

SECTIONS 67.1956, 67.1959, 67.1968, 67.1979 - 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

SPONSOR: Emery

HANDLER: Scott

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.

#### SECTION 82.850

This act permits the City of Independence and Joplin to levy up to a two percent sales tax on food to be known as the "Museum and Tourism-Related Tax", to be used for museums and tourism-related activities. The act defines museum and tourism-related activities that will qualify for the tax revenue and establishes how the tax will be collected.

#### SECTION 94.070

This act allows the City of Excelsior Springs to levy a tax pf thirty cents on one hundred dollars assessed for hospital, public health, or museum purposes in lieu of the twenty cents currently provided by statute.

This portion of the act is identical to SB 361 (2005).

SPONSOR: Emery

HANDLER: Scott

SECTION 94.270 - On or after January 1, 2006, St. Peters shall not levy or collect a hotel license fee of more than \$1,000. No hotel shall be required to pay a license fee in excess of such amount, and any fee that does so, will automatically be reduced to comply with this section. St. Peters may increase a hotel license tax by 5% per year but the total tax levied under this section shall not exceed 1/8 of 1% of such hotels' gross revenue.

Other cities under this section may increase a hotel license tax by 5% per year but the total tax levied shall not exceed the greater of: 1) 1/8 of 1% of such hotels' gross revenue, or 2) the business license tax rate of such hotel on May 1, 2005. This provision will not apply to any tax levied by a city when the revenue from such tax is restricted for use to a project for which bonds are outstanding as of May 1, 2005.

#### SECTION 94.660

This act increases, from 1/2 of one percent to one percent, a transportation sales tax that St. Louis City and St. Louis County may propose, by order or ordinance, for submission to the voters.

#### SECTION 94.700

This act modifies the definition of "city" to mean any incorporated city, town, or village with a population of 100 or more. Currently, it includes any city, town, or village with a population of more than 200.

#### SECTION 94.837

This act authorizes the cities of Canton, La Grange, and Edina to impose a transient guest tax, upon voter approval, on all hotels and motels within their city limits, which cannot exceed 5% per occupied room per night.

#### SECTION 94.838

This act authorizes the City of Lamar Heights to impose, upon voter approval, a room tax of not more than 6% per night and a local sales tax on food of not more than 2%. These taxes will be in addition to any other taxes authorized by law and used solely for capital improvements. The act provides a procedure to repeal the tax.

This section has an emergency clause.

SECTIONS 100.050 & 100.059 - Under this act, all amounts paid in excess of actual costs for an industrial development project in Franklin County shall be disbursed to each taxing entity in proportion to the current ad valorem tax levy of each taxing entity. Also, notice of proposed projects must be provided to all the taxing entities in Franklin County.

Also, this act requires that information about junior college districts, in addition to school districts, counties, and cities, be included with a project plan for an industrial development project. Junior college districts will also receive the same notification regarding projects as the other listed entities.

SECTIONS 135.010 & 137.106 - This 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;

SPONSOR: Emery

HANDLER: Scott

- 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.

SECTIONS 137.073, 313.800 & 313.820 - This act limits the amount of revenue derived from admission fees for gaming boats St. Charles City may collect after fiscal year 2008 to the percentage of revenue attributable to admission fees for fiscal year 2006. In the case of a new casino, the revenue from such casino will be limited to the average percentage of revenue attributable to admission fees for the first two fiscal years of the casinos operation. All revenue derived from admission fees to gaming boats, by St. Charles City, shall be used exclusively for capital, cultural, and special law enforcement purpose 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. Home dock cities or counties that have rolled back property tax rates to zero or do not levy a property tax are provided with the alternative to offset costs associated with providing certain services to taxpayers or to lower certain other tax rates.

SECTION 137.100 - This act exempts motor vehicles leased for a period of one year to a religious, educational, or charitable organization from taxation for state, county, or local purposes

SECTION 144.030 - This act removes the requirement that non-profit, social, service, and fraternal organizations can be exempted from sales tax on sales made "solely" by the organization in their functions and activities.

SECTION 144.044

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.

This section is identical to SB 245 (2005).

SPONSOR: Emery

HANDLER: Scott

SECTION 144.518

This act exempts, machines or parts for machines used in a commercial, coin-operated amusement and vending business where sales tax is paid on the gross receipts derived from the use of the machines, from Section 82.850.

SECTIONS 184.352, 184.353 - This act creates an "African-American History Museum and Cultural Subdistrict" under the Metropolitan Zoological Park and Museum District. The subdistrict shall provide for the collection, preservation, and exhibition of items relating to the history and culture of African Americans. Upon voter approval, the district can create a subdistrict and impose a tax. If a subdistrict is created, the commissioners may establish and charge fees for admission.

SECTION 184.357

This act authorizes, upon voter approval, an increase in the property tax rate for certain history museum subdistricts.

SECTION 198.345

This act authorizes nursing home districts to maintain apartments for seniors that provide, at a minimum, housing, food services, and emergency call buttons. The nursing home districts shall not lease such apartments for less than the fair market rent as reported by the U.S. Department of Housing & Urban Development.

SECTION 1

This act allows Madison County to impose a sales tax, upon voter approval, for public recreational projects and programs. The sales tax may be at a rate of up to 1% and the revenue will be deposited into the "County Recreation Sales Trust Fund". The sales tax will expire 20 years after the date it becomes effective unless extended by the voters.

SUSAN HENDERSON

---

SS/SCS/HCS/HB 209 - This act pertains to telecommunications taxes.

The act is similar to the SCS/HCS/HB 209 except that the new formula for the existing tax base has been removed here - that language is identical to the HCS/HB 209.

Beginning on July 1, 2006, the Director of the Department of Revenue will collect, administer and distribute telecommunications business license tax revenues in accordance with this act. The business license tax will be based solely on the gross receipts of telecommunications companies for retail sale of telecommunications services, to customers, subject to sales tax. Telecommunications companies must file quarterly returns with the Director of Revenue with an attached schedule setting forth the total amount of taxable gross receipts for the quarter and the amount of business license tax due to each municipality. The municipalities must file the total amount of tax revenue collected for the previous fiscal year; any inconsistency arising from these numbers shall be resolved through an audit performed by the state auditor. The Director of Revenue will distribute the appropriate amount of tax revenues to each municipality and, in exchange will, retain a collection fee of one percent including interest on all funds collected and distributed.

The maximum rate of the gross receipts percentage for any municipality shall not exceed 5% for any bills rendered on or after July 1, 2006, except for certain cities who shall be subject to the five percent limit after July 1, 2010. However certain municipalities will be exempt from the limitation and readjustment of tax rates. The Director of Revenue and any municipality will have authority to audit telecommunications companies. The statute of limitations for claims of non-payment or underpayment of the business license tax is three years. Telecommunications companies are permitted to pass the tax onto its retail customers only if the company itemizes the tax on the customer's bill.

**DETERMINING LOCATIONS OF UTILITY FACILITIES** - The commission shall attempt to determine what utility facilities are located within the right-of-way of a planned construction project by researching permit files and reviewing map files. The commission shall also conduct field investigations and contact local governments to identify any utility facilities within the right-of-way.

Within 30 days of completing the survey, the commission shall notify utility owners that a construction project is planned that may conflict with their facilities. The act sets forth what the notification must include (e.g. the desired date for completion of a relocation plan and the anticipated month and year a letting date could be set for the construction project). The owner shall examine the notice and notify the commission in writing of any utility facility not correctly described in the notice. The response shall describe the general location of each utility facility by confirming the location shown in the notice or by providing additions or corrections (Section 227.243).

**SUBMISSION OF PROJECT PLAN** - Upon completion of the initial design of the construction project, the commission shall provide at least one set of project plans to each owner of a utility facility. The project plans shall show those portions of the project upon which the owner's utility facilities are located. The plans shall show where the owner's utility facilities are located and where the utility facilities of other owners are located in relation to work required for the project.

**RESPONSE BY UTILITY OWNERS TO PROJECT PLAN** - Within 30 days of receipt of the project plans, the utility owner shall develop a preliminary plan of adjustment. The plan of adjustment shall include:

- (1) Verification that all utility facilities are shown;

SPONSOR: Cooper

HANDLER: Griesheimer

- (2) The proposed location of adjusted utility facilities;
- (3) Any additional right-of-way requirements; and
- (4) Any other concerns.

When two or more owners have facilities in the construction project area, the commission shall schedule a utility coordination meeting as soon as possible but no longer than 30 days after the project plans were mailed. If there is a conflict between two owners that cannot be resolved by the owners, the commission shall determine the method to resolve the conflict. The commission shall notify all utility owners involved with the projects in writing of its acceptance or revisions to the utility plan of adjustment (Section 227.244).

**SUBMISSION OF RELOCATION PLAN BY UTILITY OWNERS** - Within 120 days of receiving written notice of approval of the utility plan of adjustment from the commission, the owner shall provide the commission with a relocation plan.

**CONTENTS OF RELOCATION PLAN** - The relocation plan shall include a description of work that will be done in relocating the owner's utility facilities and whether the work or a portion of the work must be coordinated with or is contingent upon work being performed by other utility owners or the contractor to the commission. The plan shall state when the work will be started and the length of time in days estimated to complete the work. It shall also describe whether the plan is incomplete due to other owners or the commission failing to provide information needed to complete the relocation plan.

**COORDINATION WITH HIGHWAY CONTRACTOR** - If the utility owner's relocation work is dependent upon or must be coordinated with work being performed by the department's contractor, the commission shall convene a meeting of the contractor and the one or more owners whose relocation work is dependent upon or must be coordinated with the contractor's work. If the approved relocation plan is dependent upon or must be coordinated with work to be performed by the contractor, the contractor shall notify the commission of its best estimate of the date that all construction necessary for the relocation of utilities will be completed, at least 14 days prior to such date. If such completion date is delayed due to weather or other causes, the contractor shall immediately notify the commission of the delay and the revised expected completion date. The contractor shall give a second notice to the department five days prior to the date work will be completed as necessary for relocation work to begin.

**COMMISSION REVIEW OF RELOCATION PLAN** - The commission shall review the relocation plan to ensure compatibility with permit requirements, the project plan, and the anticipated letting date and notice to proceed for the project. The commission shall notify the owner in writing within 30 days of receiving the plan whether the plan is acceptable or not. The commission shall specify which parts of the relocation plan are not acceptable. The owner shall submit a revised relocation plan within 30 days after receipt of notice by the commission. The commission shall review the revised relocation plan, and if the relocation plan is still not acceptable, it shall provide a relocation plan to the owner. The owner shall not be bound by the commission's relocation plan if it requires the payment of overtime or imposes an unreasonable deadline.

**IMPLEMENTATION OF RELOCATION** - The commission shall notify the owner in writing not less than 30 days before the owner is required to begin relocation required by the relocation plan. The owner shall complete its work within the time frame described in the plan. The owner shall notify the department when relocation work has started and when all relocation work is complete. The commission may require the owner to submit progress reports until relocation is completed.

SPONSOR: Cooper

HANDLER: Griesheimer

DAMAGES - If the owner fails to provide the responses or corrections to project plans, the commission may recover from the owner damages of \$100 per day for each day the required act is not completed. If the owner fails to provide a relocation plan or fails to timely relocate utility facilities in accordance with the plan resulting in any delay to the construction project, the commission may recover damages of \$1,000 per day for each day the required act is not completed. Damages may be recovered through actions brought by the commission's chief counsel or by the attorney general. Damages shall be deposited in the state road fund. Damages shall not be assessed due to acts of God, extreme weather events, labor strikes and shortages, or other events beyond the reasonable control of the owner.

PAYMENT OF RELOCATION COSTS - The removal and relocation of utility facilities shall be made at the owner's expense unless otherwise provided for by the commission. If the owner fails to relocate its utilities in accordance with the relocation plan, the commission may remove and relocate the facilities at the expense of the owner.

LOCAL REGULATION - Under this act, any home rule city having a population of 60,000 or greater or any charter county of the first classification may adopt ordinances or regulations consistent with the act regarding the relocation of utility facilities located within the right-of-way of streets, highways, or roads under their respective jurisdiction. Any ordinance, policy, resolution, or regulation adopted under the authority of this section shall not infringe upon, negate or otherwise abrogate an owner's right to construct, own, operate, and maintain utility facilities within the right-of-ways of such political subdivision that the owner otherwise enjoyed prior to the adoption of such ordinance, policy, resolution, or regulation.

JASON ZAMKUS

---

SPONSOR: Pearce

HANDLER: Koster

HCS/HB 215 - This act allows the City of Warrensburg to annex areas along the road or highway up to 2.5 miles from the existing city boundary.

This act is similar to SB 490 (2005) & certain provisions of CCS/SS/SCS/HCS/HB 58 (2005) & CCS/HCS/SS/SCS/SB 210 (2005).

SUSAN HENDERSON

---

SPONSOR: Salva

HANDLER: Wheeler

HB 219 - This act pertains to the naming of a room at the Missouri state archives.

The act designates a reading room in the Missouri state archives as the "Alex M. Petrovic Reading Room".

MEGAN WORD

---

SPONSOR: Portwood

HANDLER: Gross

SCS/HB 229 - 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.

This act is identical to the SCS/SB 338.

JASON ZAMKUS

SPONSOR: Portwood

HANDLER: Ridgeway

SCS/HCS#2/HB 232 - Under this act, health care providers may condition the furnishing of the patient's health care records to the patient, the patient's authorized representative or any other person or entity authorized by law to obtain or reproduce such records, upon payment of fees. The fee is based on copying, in an amount not more than seventeen dollars and five cents plus forty cents per page for the cost of supplies and labor, postage, and notary fees, with the notary fees not to exceed two dollars. Current law provides that the provider may charge a handling fee of fifteen dollars plus a fee of thirty-five cents per page for copies of documents made on a standard photocopy machine.

ADRIANE CROUSE

---

**\*\*\* HB 236 \*\*\***

SPONSOR: Goodman

HANDLER: Taylor

HB 236 - This act pertains to a National Guard armory.

The act designates the active national guard armory in Pierce City as the "Lawrence A. Witt" National Guard armory.

MEGAN WORD

---

**\*\*\* HB 243 \*\*\***

SPONSOR: May

HANDLER: Dolan

HB 243 - This act designates a portion of U. S. Highway 63 in Phelps County as the "Korean War Veterans Association Memorial Highway". The intersection of U. S. Highway 63 and the parallel 38 degrees north latitude will be indicated as the "38th Parallel" by signs.

STEPHEN WITTE

---

**\*\*\* HB 248 \*\*\***

SPONSOR: Pearce

HANDLER: Dolan

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

---

**\*\*\* HB 258 \*\*\***

SPONSOR: Cunningham

HANDLER: Nodler

HB 258 - This act repeals the current law requirement that school districts take an annual census of children up to age 21 with disabilities.

Further, the act removes provisions concerning funding for the census, and removes references to the repealed sections.

DONALD THALHUBER

---

**\*\*\* HB 260 \*\*\***

SPONSOR: Deeken

HANDLER: Vogel

HB 260 - This act authorizes the state to convey land to the Regional West Fire Protection District.

This act has an emergency clause.

This act is identical to SB 174 (2005).

SUSAN HENDERSON

---

**\*\*\* HB 261 \*\*\***

SPONSOR: Deeken

HANDLER: Griesheimer

HB 261 - The act creates two new benefit options in the Missouri Local Government Employees' Retirement System (LAGERS). Members covered by the new benefit programs will receive a benefit equal to 1.75% of the member's final average salary multiplied by the number of years of creditable service. Certain members retiring due to early retirement, 80 and out, or mandatory retirement will receive a temporary allowance equal to .25% of the member's final average salary multiplied by the number of years of creditable service. This temporary benefit will terminate at the end of the calendar month in which the member dies or attains age 65. After August 28, 2005, political subdivisions may not elect coverage under the two eliminated programs.

ADRIANE CROUSE

---

**\*\*\* HB 276 \*\*\***

SPONSOR: Cunningham

HANDLER: Nodler

HCS/HB 276 - This act alters laws regarding special education to comply with the recent reauthorization of the federal Individuals with Disabilities Education Act (IDEA). Currently, challenges to decisions about certain disciplinary placements require the child to remain in the interim placement until the challenge is resolved or the interim period elapses, whichever is earlier. Parents and the school are permitted to reach an agreement that does not follow this restriction. Serious bodily injury is added to the list of reasons for disciplinary action that may result in an interim alternative setting, which parents may challenge.

Mediation must be offered to parents and the school before a request for a hearing; currently, it is available after a hearing is requested. The act clarifies that mediation agreements must be signed by the parties and specifies who may sign for the school. These agreements are legally binding and enforceable in state and federal court.

Due process hearing requests and responses to requests must conform to the IDEA. The chair of the hearing panel or the hearing officer may determine sufficiency and must implement the process and procedures relating to sufficiency of notice. The school must call a preliminary meeting, referred to as a resolution session, which must follow federal guidelines in its procedures and for any resulting agreement.

DONALD THALHUBER

---

**\*\*\* HB 280 \*\*\***

SPONSOR: Walsh

HANDLER: Green

HB 280 - Currently, election judges must take, when time permits, voting ballots and equipment to physically disabled voters who are unable to enter polling places. This act removes the condition that such act only shall be one "when time permits".

JIM ERTLE

---

SPONSOR: Pearce

HANDLER: Nodler

CCS/SCS/HCS/HB 297 - This act renders alterations to several of the state's education policies.

SECTION 160.522 - 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 section 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.

This section 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.

This section is identical to the HCS/HB 297.

SECTION 168.104 - The current definition of "teacher" in the teacher tenure act includes certified teachers who teach at the pre-kindergarten level.

This section 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.

This section is identical to the perfected SCS/SB 266.

SECTIONS 168.211 and 168.261 - These sections regard the superintendent and teachers of the St. Louis Public school system.

These sections alter 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. These sections alter the aforementioned mandate so that the superintendent has the option as to whether to fill such positions.

Current law requires that only the district's teaching appointments and promotions be based on merit. Under the provisions of these sections, all of the district's employee appointments and promotions will be merit based.

These sections are identical to the perfected SB 298.

SECTION 168.221 - 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

**\*\*\* HB 297 \*\*\* (Cont'd)**

SPONSOR: Pearce

HANDLER: Nodler

regarding reductions in force. This section removes school principals from the section.

This section is identical to the perfected SB 299.

SECTION 168.515 - 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 section 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.

This section is identical to the perfected SB 285.

DONALD THALHUBER

---

**\*\*\* HB 323 \*\*\***

SPONSOR: Johnson

HANDLER: Shields

HB 323 - This act removes outmoded language and provisions from the Kansas City Police and Civilian Employees' Retirement Systems. The act also adds definitions for "consultant", and "surviving spouse".

A member of the police plan may choose to purchase creditable service prior to retirement, rather than during the first two years of returning to police service.

This act provides 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 deletes reference to medical care costs or hospitalization for supplemental benefit that was in current law.

This specifies that as to both plans, to be eligible for a pension, members must be vested in the retirement system.

This act is similar/identical to HB 357 (2005).

ADRIANE CROUSE

---

**\*\*\* HB 342 \*\*\***

SPONSOR: Baker

HANDLER: Koster

HB 342 - 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.

This act is identical to SB 257 (2005).

JIM ERTLE

---

**\*\*\* HB 345 \*\*\***

SPONSOR: Baker

HANDLER: Koster

HB 345 - 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.

This act is identical to SB 259 (2005) & is similar to certain provisions of CCS/SS/SCS/HCS/HB 58 (2005) & CCS/HCS/SS/SCS/SB 210 (2005).

SUSAN HENDERSON

---

**\*\*\* HB 348 \*\*\***

SPONSOR: Pearce

HANDLER: Koster

HCS/HB 348 - The act establishes the "Missouri Military Preparedness and Enhancement Commission". Member appointment is included in the act. The commission's duties include preparing a biennial strategic plan and an annual report. The commission is funded by appropriation, and the Department of Economic Development will provide administrative support staff.

Additionally, the governing body or the county planning commission of Johnson County must provide for the planning and zoning within the unincorporated area extending 3,000 feet from the boundaries of Whiteman Air Force Base and the area within the perimeter of accident potential zones one and two.

The act also contains provisions regarding student resident status. Military personnel stationed in Missouri, as well as their spouses and unemancipated children, will be considered Missouri residents.

The act contains an emergency clause.

ANDY LYSKOWSKI

---

SPONSOR: Lipke

HANDLER: Bartle

CCS/SS/SCS/HCS/HB 353 - This act relates to crime.

SECTION 1.160 - This act removes a provision requiring defendants to be sentenced according to the law in place at the time of the sentencing, rather than the law as it existed at the time of the crime, whenever the change in law reduced the penalty for the offense.

SECTION 8.177 - This act authorizes the Missouri Capitol Police to arrest a person anywhere in Cole County, when there is probable cause to believe the person committed a crime within capitol police jurisdiction or when a person commits a crime in the presence of an on-duty capitol police officer.

SECTION 43.010 - This act defines the term "MULES" - the Missouri Uniform Law Enforcement System.

SECTION 43.120 - Under this act, the Superintendent of the Highway Patrol is responsible for establishing policies and procedures, in cooperation with law enforcement, to protect the integrity of the MULES system.

SECTIONS 43.300 to 43.330 - This act creates the Governor's Security Division within the Highway Patrol. The division will provide transportation and security for the Governor and other public officials.

SECTION 43.509 - This act requires the Department of Public Safety to establish rules and regulations to implement Section 43.500 to 43.543, which includes provisions relating to criminal history.

Section 43.535 - This act provides that law enforcement agencies may perform a criminal history review for only open records through the MULES system for the purpose of hiring municipal or county employees. The requesting entity must pay a fee to the central repository.

This act allows cities and counties to enact ordinances requiring fingerprints of job applicants or licensees in certain occupations for the purpose of conducting a criminal record review.

SECTION 43.543 - This act expands what entities may have individuals submit fingerprints to the Highway Patrol for the purpose of checking the person's criminal history.

SECTION 105.711 - This act adds health care providers under contract to provide services to patients at county jails to coverage under the State Legal Expense Fund.

SECTION 115.135, 115.155, 115.160, & 115.631 - This act requires a person registering to vote to identify himself or herself by presenting a copy of a birth certificate, a Native American tribal document, other proof of citizenship, driver's license, or other form of identification. Any person registering to vote who falsifies information is guilty of a Class C felony.

SECTION 115.348 - 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 identical to SB 542 (2005).

SECTION 195.017 - This act adds substances to the controlled substances schedules.

SPONSOR: Lipke

HANDLER: Bartle

This section of the act is similar to SB 159 & HB 793 (2005).

SECTION 211.031 - This act removes the juvenile court jurisdiction in cases involving children under the age of 17 who violate state or municipal ordinances prohibiting the possession or use of tobacco products.

SECTION 217.105 - This act removes the Corrections Officer Certification Commission's authority over jailers.

This act is identical to SB 496 (2005).

SECTION 217.705 - In addition to other 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.

SECTION 217.735, 559.106, 575.205, & 575.206 - This act requires prior sex offenders, who commit rape, sodomy, child molestation, sexual misconduct or abuse, enticement of a child, or sexual trafficking of a child, against a child under the age of 14, to be electronically monitored as a mandatory condition of supervision. This is applicable to those who commit such an act on or after August 28, 2005.

For the purposes of this section, a "sexual offender" is a person who has previously been found guilty of a sexual offense. This act will apply to offenders who have been granted probation, and to offenders who have been released on parole, conditional release, or upon serving their full sentence without early release. Supervision of an offender who was released after serving his or her full sentence will be considered as supervision on parole.

The board of probation and parole may terminate the supervision of an offender who is being supervised when the offender is 65 or older and may adopt rules relating to the supervision and electronic monitoring of these offenders. (Section 217.735)

A court must order these prior sexual offenders be supervised by the board of probation and parole for the duration of his or her natural life. When such probation is ordered, a mandatory condition is that the offender be electronically monitored. (Section 559.106)

A person commits the crime of tampering with electronic monitoring equipment if he or she intentionally removes or alters equipment which a court or the board of probation and parole has required the person to wear. This crime is a Class C felony. (Section 575.205)

A person commits the crime of violating a condition of lifetime probation if the person knowingly violates a condition of probation, parole, or conditional release. This crime is a Class C felony. (Section 575.206)

SECTION 217.750 - This act adds failure to register as a sex offender to the list of violations for which the Board of Probation and Parole provides supervision services.

SECTIONS 302.321 & 302.541 - This act removes the requirement that the judge be an attorney in certain traffic cases.

SPONSOR: Lipke

HANDLER: Bartle

This act removes the requirement in Section 302.321, RSMo, that a person with prior driving while revoked offenses must have served at least a ten day sentence for prior offenses in order to receive an increased penalty for the current offense.

SECTION 304.022 - This act increases the penalty, from a Class C to a Class B misdemeanor, for failure to yield to an emergency vehicle.

SECTIONS 306.112 to 306.119 - This act adds chemical urine tests to the list of tests that may be conducted by the State Water Patrol to measure the blood-alcohol content of a person operating a water craft.

SECTION 306.140 - This act increases from \$200 to \$500 the damage amount that requires the filing of an accident report when there is damage to a water craft.

SECTION 306.147 - This act prohibits the use of any device that, when activated, allows a water craft's muffler to exceed the maximum decibel levels allowed by law.

SECTION 367.031 - Currently, any pawnbroker licensed after August 28, 2002, must meet certain requirements. This act specifies that these requirements must apply to all pawnbrokers, regardless of when they were licensed.

This act is identical to HB 710 (2005).

SECTION 407.1355 & 570.223 - 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.

SPONSOR: Lipke

HANDLER: Bartle

These sections of the act have an emergency clause.

These sections are identical to SB 381 (2005).

SECTION 479.230 - 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.

This act is identical to SB 534 (2005).

SECTION 542.276 - This act requires that a search warrant must command that the described item be seized, photographed, or copied within 10 days and that such items may be filed with the issuing court, instead of the circuit clerk.

SECTION 544.170 - This act allows law enforcement agencies to hold a suspect arrested without a warrant for up to 24 hours before charging the person with a crime. Currently, suspects can be held for 24 hours when arrested for a Class A felony and 20 hours for lesser offenses.

SECTION 545.550 - This act provides that the sheriff granting a change of venue and the sheriff of the county into which the cause is removed, may agree as to which county's jail will house the defendant. If they don't agree, the defendant will be housed in the county into which the cause is removed.

This act is similar to SB 448 (2005).

SECTION 556.036 & 569.040 - This act requires a prosecution for the crimes of arson, knowingly burning or exploding, recklessly burning or exploding, and negligently burning or exploding to commence within five years.

In addition to the current provisions of Section 569.040, RSMo, a person commits the crime of arson in the first degree when he or she damages a building or inhabitable structure, by starting a fire or explosion, in an attempt to produce methamphetamine.

A person who commits arson in the first degree in this manner is guilty of a class B felony unless a person suffers serious physical injury or has died as a result of a fire or explosion started in an attempt by the defendant to produce methamphetamine.

SECTION 558.016 - This act removes the provision allowing first-time offenders convicted of a nonviolent class C or D felony to petition the court for early release after serving at least 120 days.

SPONSOR: Lipke

HANDLER: Bartle

SECTION 558.019 - This act removes a provision allowing the board to convert an offender's consecutive prison sentences into concurrent sentences.

SECTIONS 559.016 & 559.036 - This act allows the court to add up to one year onto a person's probationary period when the person has violated the terms of his or her probation.

This act allows prosecutors to file a motion seeking the revocation of a person's probation.

This act requires the court to temporarily suspend a person's probationary period when issuing an arrest warrant for the person. When the arrest warrant is served, the probation period will begin to run again.

SECTION 559.105 - This act allows the court to order restitution be paid to the victim of tampering or auto theft, including the victim's insurance deductible payment, towing and storage fees, and any reasonable expenses incurred by the victim in prosecuting the offense.

This act prohibits the court or the Board of Probation and Parole from releasing a person early from probation and parole if the person has failed to pay restitution under this section.

SECTION 559.115 - This act prohibits probation from being granted to offenders convicted of child molestation in the first degree when it is classified as a Class A felony.

SECTION 559.607 - 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.

Any city that does not have probation services or that contracts out those services with a private entity, may continue to contract with such entity or employ any qualified person and contract with the municipal division.

This act is similar to SB 342 (2005).

SECTIONS 565.081, 565.082, & 565.083 - 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.

SECTION 566.086 - This act creates the crime of sexual contact with a student which is a Class D felony. The crime is committed when teach has sexual contact with a student on school property.

SECTIONS 566.200, 566.221, 566.223 - This act defines an international marriage broker as a legal entity that charges fees to residents of Missouri for providing dating, matrimonial, or social referrals or matching services involving non-resident aliens. Such business shall include, but is not limited to, the exchange of names, telephone numbers, addresses, and other information. Such businesses shall not

SPONSOR: Lipke

HANDLER: Bartle

include a traditional matchmaking organization of a religious nature, an entity that does not focus on providing service to non-resident aliens and charges customers the same fee for its services, or an organization that does not charge a fee.

This act requires international marriage brokers to provide notice to each recruit from another country that certain information regarding clients is available. Such a broker 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 a broker must obtain his or her own criminal history and give it to the broker along with the marital history information. The broker must require the client to affirm that the information is accurate and complete.

A broker 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. Nothing in this act will preempt any other right or remedy available to a party utilizing the services of a broker or other international matchmaking organization.

SECTION 568.045 - This act expands the crime of endangering the welfare of a child in the first degree. Currently, a person commits the offense if he or she produces or sells methamphetamine in the presence of a child under the age of 17. The crime is expanded to include producing, selling, or attempting to produce the drug within the residence of the child.

SECTION 568.050 - This act expands the crime of endangering the welfare of a child in the second degree. The offense is committed when a person operating a motor vehicle commits involuntary manslaughter, driving while intoxicated, or driving with excessive blood-alcohol content while a child under the age of 17 is in the vehicle.

SECTIONS 569.080 & 569.090 - This act makes evidence of prior acts of tampering admissible to prove the requisite knowledge or belief in a current tampering case. The act also makes tampering in the second degree a Class C felony when the person has a prior conviction for tampering in the first or second degree, auto theft, or receiving stolen property.

SECTION 570.030 - Under this act, if a person appropriates material worth less than \$500 with the intent to make methamphetamine, it shall be a Class C felony, rather than a Class D felony. Also, the theft of anhydrous ammonia or liquid nitrogen is a Class B felony, instead of a Class C felony.

SECTION 570.040 - This act makes auto theft a Class B felony if a person has two prior convictions for stealing-related offenses. The person only has to have received a sentence of 10 days for the prior offenses, rather than actually serving the sentence.

SECTION 570.080 - This act makes evidence of prior acts of receiving stolen property admissible to prove the requisite knowledge or belief in a current receiving of stolen property.

SECTION 570.120 - This act relates to bad checks.

Currently, a person is guilty of passing a bad check if:

SPONSOR: Lipke

HANDLER: Bartle

- 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.

This act is identical to SB 425 (2005).

SECTION 570.145 - 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.

This act is identical to SB 442 (2005).

SECTION 570.255 - This act modifies the crime of illegal copying and distribution of sound recordings by lowering the threshold for a felony from 1,000 illegal copies to 100 illegal copies.

SPONSOR: Lipke

HANDLER: Bartle

SECTION 570.300 - This act expands the crime of theft of cable service to include when a person knowingly attempts to tamper with any cable television equipment which results in the disruption or unauthorized use of a cable television system. A person is guilty of a Class C felony if they commit the crime in this manner.

SECTION 575.150 - This act provides that resisting an arrest, detention, or stop by fleeing in a manner that the person know creates a substantial risk of serious physical injury or death is a Class D felony. Otherwise, it is a Class A misdemeanor.

SECTION 575.270 - This act removes the language stating that a person commits the crime of tampering with a witness "in an official proceeding".

This act is identical to SB 512 (2005).

SECTION 576.050 - This act provides that a person commits the crime of misuse of information if he or she knowingly obtains or recklessly discloses information from MULES or NCIC for private or personal use.

SECTION 577.023 - This act removes the reference to require that a judge be an attorney in certain traffic cases.

SECTION 577.041 - This act allows evidence of refusal of arrest to be evidence in a proceeding about assault of a law enforcement officer.

SECTION 577.500 - This act removes the requirement that the judge be an attorney in certain traffic cases.

SECTIONS 577.625 & 577.628 - This act creates the crimes of possession and distribution of prescription medication on school property without a valid prescription. This act makes possession under this section a Class C misdemeanor and distribution a Class B misdemeanor. Under this act, prescription medication does not include those containing controlled substances.

SECTION 578.500 - This act makes it a Class A misdemeanor to operate a video camera within a motion picture theater without the consent of the theater owner. A second or subsequent offense is a Class D felony. The owner of the movie theater is exempt from civil liability for detaining a person suspected of the offense, as long as the detention is reasonable. Nor shall law enforcement be prevented from operating recording devices in a movie theater.

SECTION 590.040 - This act provides that persons commissioned as a reserve peace officer within a county of the first classification on August 28, 2001, who have already met the required minimum training, shall be granted a license as a reserve peace officer without the standard minimum training required by the POST commission.

SECTION 595.209 - 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, RSMo.

SPONSOR: Lipke

HANDLER: Bartle

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.

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.

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.

SECTION 595.210 - This act allows the victim of a sexually violent offender to testify at any parole hearing for such predator arising out of an escape from commitment.

This act contains an emergency clause.

SECTION 650.030 - This act grants the Director of Public Safety to have authority to establish a state firearms training and qualification standard for retired law enforcement officers carrying concealed firearm and shall promulgate rules.

SECTION 650.055 - This act also caps the amount of restitution that a person can receive each year after being exonerated by DNA testing to \$36,500 until he or she receives the full amount he or she is owed.

This act contains an emergency clause for certain sections.

SUSAN HENDERSON

---

**\*\*\* HB 365 \*\*\***

SPONSOR: Munzlinger

HANDLER: Crowell

HCS/HB 365 - This act allows the "County Sheriff's Revolving Fund" to be used to make necessary expenditures to process applications for concealed carry endorsements or renewals. Such expenditures include, but are not limited to, training, fingerprinting, background checks, employment of personnel, and purchase of equipment. Currently, the fund may be used only for the purchase of equipment and to provide training.

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 has an emergency clause.

This act is similar to SCS/SBs 157 & 234 (2005).

SUSAN HENDERSON

---

**\*\*\* HB 379 \*\*\***

SPONSOR: Cooper

HANDLER: Crowell

HCS/HB 379 - 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.

This act is similar to SB 318 (2005).

JIM ERTLE

---

SPONSOR: Yates

HANDLER: Loudon

HCS/HB 388 - Under this act, certain records held by the Department of Insurance are classified as nonpublic records and not available for public disclosure. The nonpublic records are:

- (1) Documents or materials contained in any consumer complaint file maintained by the Department of Insurance; and
- (2) Documents and other materials submitted by insurance companies and producers relating to a department investigation.

These nonpublic records are not confidential and not subject to disclosure unless sought by subpoena by the appropriate body. The director may only produce the documents to another state or federal agency pursuant to a subpoena, lawful request or formal discovery material. The documents may become public once they are admitted into evidence in any administrative, civil or criminal proceeding. The director may release records related to a insurance company examination if the director finds the release to be in the public interest. No waiver of applicable privileges or claims of confidentiality shall result from the director's disclosure to governmental agencies, the National Association of Insurance Commissioners, or law enforcement authorities (Section 374.071).

STEPHEN WITTE

---

SPONSOR: Byrd

HANDLER: Scott

CCS/SS/SCS/HCS/HB 393 - This act modifies provisions relating to tort reform.

SUITS AGAINST NONPROFIT CORPORATIONS - Section 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 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. The judgment shall state the applicable interest rate, which shall not vary once entered.

EVIDENCE OF MEDICAL BILLS - 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 only in the county where the plaintiff first received treatment for a medical condition at issue. (Section 538.232). The act also repeals Sections 508.040 (venue for corporations), Section 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. (Section 508.011).

PUNITIVE DAMAGES - Sections 510.263 and 510.265 - This section is made applicable to tort actions involving improper health care. "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.

SPONSOR: Byrd

HANDLER: Scott

No award of punitive damages shall exceed the greater of \$500,000 or five 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 or to certain cases involving housing.

SUPERSEDEAS BONDS - Section 512.099 - This section limits the amount of a supersedeas bond to \$50 million in all cases in which there is a count alleging a tort.

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 two years from the minor's 18th birthday. The statute of limitations with regard to failure to inform on test results does not include the act of informing the patient of results of negligently performed or erroneous medical tests.

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. A peer review committee may be comprised of, and appointed by, employed health care professionals of a university. Interviews and memoranda of peer review committees are privileged. The disclosure of peer review documents to governmental agencies, accrediting agencies or other health care provider, whether proper or not, does not waive their non-discoverability or admissibility.

JOINT AND SEVERAL LIABILITY - Sections 537.067 and 538.230 -Provides for joint and several liability if a defendant bears 51% or more of the fault, but no joint and several liability if a defendant is less than 51% at fault. No joint and several liability for punitive damages. A party is responsible for payment of the proportionate share of an employee or if the liability is based on duty created by Federal Employers' Liability Act. Also, a party cannot disclose the impact of this section to the trier of fact. The act repeals current law regarding joint and several liability for health care providers and applies the changes in this act regard joint and several liability to health care providers.

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, disabled or elderly person, then there shall be a rebuttable presumption that the value of the care provided is calculated based on 110% of the weekly state average weekly wage. If the decedent was a minor, there is a rebuttable presumption that the pecuniary loss suffered by the death are calculated based on the annual income of the parents.

DEFINITION OF "HEALTH CARE PROVIDER" - Section 538.205 - Includes long term care facilities licensed under Chapter 198, RSMo. 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 approximately \$570,000 (adjusted from its base amount of \$350,000 in 1986) to \$350,000. There shall be no inflation adjustment. No plaintiff shall recover more than \$350,000 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 individuals and entities that provide, consult upon, refer, coordinate or arrange for health care services to the plaintiff and who is a defendant in a tort action involving improper health care. An individual or entity is not liable to plaintiff for actions of non-employees. The cap applies to claims for contribution. Any spouse

SPONSOR: Byrd

HANDLER: Scott

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 years of retirement of practice in substantially the same specialty as the defendant. The time for filing the affidavit can be extended for up to 90 days.

At least 180 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.

FREE CLINICS - Section 538.228 - A physician working without compensation from any party or third-party provider at a free clinic, a city or county health department or a combined city-county health department shall be immune from civil liability unless the conduct was grossly negligent or willful or wanton or the physician maintained liability insurance for the treatment at the time it was rendered. This immunity will not apply to the performance of abortions. In order to fall under the limited liability, the treatment must be certified in advance as being rendered free of charge with no compensation from any party or third-party provider, or any attempt to obtain compensation from a third-party provider. Coverage under the state legal expense fund is not considered as maintaining liability insurance.

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. Nothing shall prohibit the admission of a statement of fault.

APPLICATION OF CERTAIN SECTIONS TO TORTS FOR IMPROPER HEALTH CARE - Section 538.300 - Sections involving collateral source evidence, pleading requirements, punitive damages, joint and several liability and the tort victims compensation fund will apply to tort actions involving improper healthcare. Under current law, these sections do not apply to such tort actions.

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

**\*\*\* HB 393 \*\*\* (Cont'd)**

SPONSOR: Byrd

HANDLER: Scott

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

---

**\*\*\* HB 395 \*\*\***

SPONSOR: Wood

HANDLER: Taylor

HB 395 - This act extends the power to sell and convey all or part of the district's property to cities owning waterworks systems in exchange for the city paying for all outstanding bond obligations of the district. The change with this act is that all public water supply districts have that power, rather than just those water supply districts which are dependent upon purchases of water to supply their needs.

This act is identical to SB 265 (2005).

MEGAN WORD

---

**\*\*\* HB 402 \*\*\***

SPONSOR: Schaaf

HANDLER: Shields

HB 402 - 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.

This act is substantially similar to SB 178 (2005).

JIM ERTLE

---

**\*\*\* HB 413 \*\*\***

SPONSOR: Hubbard

HANDLER: Coleman

HB 413 - This act requires the Department of Health and Senior Services to offer a vaccination program for first responders who may be exposed to infectious diseases when deployed to disaster locations as a result of a bioterrorism event.

The vaccinations shall include, but not be limited to, smallpox, anthrax, and other vaccinations recommended by the Centers for Disease Control and Prevention's Advisory Committee on Immunization Practices.

Participation in the program is voluntary, except for those first responders who have been determined by their employer to not be able to safely perform their duties without being vaccinated. The recommendations of the Centers for Disease Control shall be followed when providing appropriate screening for contraindications to vaccination for first responders. A first responder shall be exempt from vaccinations when a medical contraindication is indicated by a licensed physician.

If a shortage of the vaccines exists following a bioterrorism event, the director shall give priority for such vaccinations to persons exposed to the disease and to first responders who are deployed to the disaster location.

The department shall provide education to first responders concerning vaccinations offered and the associated diseases. The department may contract with health care providers for the administration of the vaccination program.

The vaccination program shall become effective upon receipt of federal funding.

This act contains an emergency clause.

ADRIANE CROUSE

---

**\*\*\* HB 422 \*\*\***

SPONSOR: Black

HANDLER: Crowell

HCS/HB 422 - This act authorizes the Governor to convey state property in Mississippi County to the City of Charleston.

SUSAN HENDERSON

---

**\*\*\* HB 431 \*\*\***

SPONSOR: Wright

HANDLER: Champion

HB 431 - This act allows certain buildings in the City of Springfield to be eligible to receive the sales and income tax increments of the Missouri Downtown and Rural Economic Stimulus Act (MODRESA) if they are located within the 100-year flood plain. Buildings located within the city's 100-year flood plain must be certified as flood proofed in accordance with the Federal Emergency Management Agency's standards or they will not be eligible to receive the MODRESA tax benefits.

ANDY LYSKOWSKI

---

SPONSOR: Jackson

HANDLER: Dolan

SS/SCS/HCS/HB 437 - 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, which is hereby created, and which is to be administered by the command sergeants major of the Missouri National Guard, a command sergeants major of a reserve component or its equivalent, 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 provisions of the tax check-off in this act shall sunset in six years.

Under current law, if a Missouri National Guard scholarship recipient ceases to be a member of the Missouri National Guard, he or she is required to repay the full amount of the scholarship. This act requires the recipients to maintain their military affiliation in order to avoid repayment penalties, although they are not required to be members of the Missouri National Guard. Individuals who are medically disqualified from service prior to the end of their three-year obligation are not required to repay the grant and individuals who are called to active duty will be credited for time served in fulfillment of their three-year obligation. Under current law, these scholarship funds may only be used after all available United States Department of Defense educational assistance funds have been expended. This act removes this requirement.

ADRIANE CROUSE

---

SPONSOR: Behnen

HANDLER: Cauthorn

SS/SCS/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 pharmacy counter where the public is not permitted and by a pharmacist or registered technician. Within 30 days of this act becoming effective, it must be ensured that the products are for sale behind the counter. 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 90 days of this act becoming effective, pharmacists and technicians must maintain a written or electronic log of each transaction. The log must include information, such as the name and address of the purchaser, 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. This is not required of businesses selling exempted products, including liquid, liquid-filled gel caps and other products exempted by the Dept. Of Health.

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 HCS/SCS/SBs 10 & 27 (2005).

This act has an emergency clause.

SUSAN HENDERSON

---

SPONSOR: Sander

HANDLER: Mayer

SCS/HCS/HB 443 - This act alters provisions regarding the Public School Retirement System of Missouri (PSRS).

The act:

- (1) Alters the name of the Nonteacher School Employee Retirement System (NTRS) to the Public Education Employee Retirement System;
- (2) Excludes from the definition of "salary" employer-paid premiums for medical insurance for a spouse and children and employer contributions to deferred compensation plans;
- (3) Requires the cost of the remaining credit not paid by the member purchasing prior service credit by June 30 of each year to be recalculated each July 1 in lieu of charging interest. Members filing purchase applications prior to January 1, 2006 may elect to continue to have the cost of their purchases based on the calculation in effect prior to January 1, 2006;
- (4) Allows members who have prior nonfederal public employment or who were employed in a position covered by Social Security and who worked at least 20 hours a week on a regular basis to purchase equivalent creditable service;
- (5) Adds a term-certain retirement option under which a lump sum will be paid to a beneficiary if all guaranteed payments to the retired individual and their beneficiary are less than the member's accumulated contributions;
- (6) Provides an order of distribution for any benefits payable upon the death of a member or the death of a deceased member's beneficiary;
- (7) Specifies that if a member of PSRS has received disability retirement, they are not eligible to elect a distribution under the partial lump sum option plan. This provision is already in the NTRS;
- (8) Allows a member's beneficiary, in lieu of receiving any benefit from the retirement system, to elect that the benefits be payable to the deceased member's children;
- (9) Repeals Section 169.555, RSMo, which regards contribution rates; and
- (10) Allows the NTRS to establish a qualified governmental excess benefit arrangement plan.
- (11) Allows certain information related to investment activities to be closed under Chapter 610, RSMo, so long as the disclosure of such information would jeopardize the ability of the board to implement a decision or to achieve investment objectives.

DONALD THALHUBER

---

**\*\*\* HB 445 \*\*\***

SPONSOR: Guest

HANDLER: Klindt

HB 445 - The codification of municipal ordinances may incorporate by reference, state statutes relating to vehicle equipment regulations in Chapter 307, RSMo.

SUSAN HENDERSON

---

**\*\*\* HB 448 \*\*\***

SPONSOR: Villa

HANDLER: Coleman

HCS/HB 448 - This act increases the maximum amount of compensation payable to St. Louis police officers. The act provides that the salaries assume 26 biweekly installments falling within the effective date. If 27 installments fall within the time period, it is assumed that the salaries will be adjusted accordingly to reflect the an extra pay period.

This act has an emergency clause.

This act is similar to SB 301 (2005).

SUSAN HENDERSON

---

**\*\*\* HB 453 \*\*\***

SPONSOR: May

HANDLER: Crowell

HB 453 - This act authorizes the Governor to convey state property in Phelps County to the City of St. James.

SUSAN HENDERSON

---

**\*\*\* HB 455 \*\*\***

SPONSOR: Quinn

HANDLER: Klindt

HB 455 - This act pertains to watershed districts.

The act eliminates the current requirement that only landowners living within the watershed district can be elected to serve as trustees of the watershed district; under the act landowners within the district may enjoy that opportunity.

MEGAN WORD

---

HCS/HB 461 - The act adds studio broadcast equipment, transmitter and antenna equipment, and broadcast towers to the property tax depreciation schedules for broadcasting equipment. Depreciation tables are established to determine the true value in money of television broadcasting equipment beginning January 1, 2008, and radio broadcasting equipment beginning January 1, 2006. For tax rate setting purposes, the substitute requires each taxing authority to 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 property that is disputed in the appeal. If the taxing authority uses a multi-rate approach, this exclusion is made from the personal property class. The commission will provide the total assessed value for which an appeal is pending no later than August 20 of each year. Whenever an appeal is resolved and the result causes money to be paid to the authority, the taxing authority is not required to make an additional adjustment to its rates during the same fiscal cycle once the deadline for setting rates has passed. However, the taxing authority will adjust its rates due to the payment in the next rate setting cycle to offset the payment in the next taxable year. "Business personal property" is defined as tangible personal property used in a trade or business or used to produce income and has a determinable life of longer than one year, with some exceptions. In order to establish uniformity, each assessor will use the standardized schedule of depreciation established in the substitute to determine the assessed valuation of depreciable tangible personal property. 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 estimated value of property determined using the life tables is presumed to be correct; however, an estimation may be disproved by substantial and persuasive evidence of the true value under any method approved by the commission. These 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. The salvage or scrap value of depreciable tangible personal property may only be considered if the property is not in use on the assessment date. This act does not apply to business personal property placed in service before January 2, 2006.

A tax exemption is created for motor vehicles leased for a period of at least one year to any religious, educational, or charitable organization which has obtained an exemption from the payment of federal income taxes, provided such vehicles are used exclusively for religious, educational, or charitable purposes.

Property of rural electric cooperatives under chapter 394, RSMo is exempted from the definition of business personal property.

A claimant is prohibited from receiving the homestead exemption credit in a year following the year in which the claimant received the property tax credit. Eligibility is for the homestead exemption tax credit is extended 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.

An exception is created 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 amendment moves this back an additional year.

**\*\*\* HB 461 \*\*\* (Cont'd)**

SPONSOR: Sutherland

HANDLER: Griesheimer

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.

The requirement that the rules promulgated by the state auditor, for any and all forms for the calculation of rates which currently do not exist, shall be promulgated within thirty days of the effective date of the statute has been removed.

The payment of expenses, incurred by an assessor in attending courses of study referred to in sections 53.250 to 53.265 RSMo, by the state, will now be subject to appropriation.

JASON ZAMKUS

---

**\*\*\* HB 462 \*\*\***

SPONSOR: Smith

HANDLER: Shields

HCS/HBs 462 & 463 - This act provides that any mental health professional, substance abuse counselor, or health care provider may in good faith render suicide prevention interventions at the scene of a threatened suicide and shall not be liable for any civil damages for acts or omissions in rendering such interventions, other than in the event of gross negligence. This same immunity applies to any other person who has been trained to provide suicide prevention interventions.

Mental health facilities or mental health programs may disclose information and records to parents, legal guardians, treatment professionals, law enforcement officers, and other individuals who could use such information to mitigate the likelihood of a suicide.

This act establishes the Suicide Prevention Advisory Committee within the Department of Mental Health. The advisory committee shall, among other duties, provide oversight, technical support, and outcome prevention activities. In addition, the committee shall make information on prevention and mental health intervention models available to community groups implementing suicide prevention programs and review and recommend changes to existing or proposed statutes, rules, and policies to prevent suicides.

The Department of Mental Health in consultation with the department of health and senior services shall seek funding from the Centers of Disease Control and Prevention to participate in the National Violent Death Reporting System (NVDRS) to obtain better information about violent deaths, including suicide. If such funding is not available by July 1, 2006, the departments shall develop a state-based reporting system based on the NVDRS.

There is a six-year sunset provision for the advisory committee.

ADRIANE CROUSE

---

**\*\*\* HB 479 \*\*\***

SPONSOR: Ervin

HANDLER: Ridgeway

HB 479- This act authorizes the disincorporation of a regional recreational district in Clay County upon the request of the district if it enacts a resolution to disincorporate and has less than \$1,000 total debt and no real property.

JASON ZAMKUS

---

**\*\*\* HB 486 \*\*\***

SPONSOR: Bruns

HANDLER: Vogel

HB 486 - Currently, a person who provides assessment services for the state in sexual offender cases cannot be related within the third degree of consanguinity or affinity to any person who has a financial interest in a sex offender counseling program. This act removes such prohibition when there is only one qualified service provider within a reasonably accessible distance from the offender.

SUSAN HENDERSON

---

SPONSOR: Bruns

HANDLER: Dolan

SS/SCS/HB 487 - This act makes several changes with respect to the titling and registration of motor vehicles as well as the licensing of drivers.

CAPITOL POLICE - This act adds Missouri Capitol Police vehicles to the definition of "emergency vehicle" for purposes of yielding the right-of-way (Section 304.022). The act allows capitol police to arrest persons in Cole County based upon probable cause to believe person committed crime within capitol police jurisdiction (Section 8.177).

RICHARD L. HARRIMAN HIGHWAY - This act designates a portion of State Route H in Clay County as the "Richard L. Harriman Highway" (Section 227.363).

CRIMINAL BACKGROUND CHECK BY SCHOOL DISTRICTS RATHER THAN DEPARTMENT OF REVENUE - Under this act, school districts shall be responsible for conducting criminal background checks for school bus drivers. Drivers may continue to operate school busses pending the results of the background check (Section 168.133). The Department of Revenue will no longer be responsible for obtaining criminal background checks or for collecting fingerprints from school bus operators (Section 43.530.2). The act provides that each school district shall have on file a statement from a medical examiner which indicates that the driver is physically qualified to operate a school bus for the purpose of transporting pupils. Such statement shall be made on an annual basis. For new drivers, such statement shall be on file prior to the driver's initial operation of a school bus. This provision applies to drivers employed by the school district or under contract with the school district (Section 1). On an annual basis, each school district shall provide training in at least eight hours of duration to each school bus driver employed by the school district or under contract with the school district. Such training shall provide special instruction in school bus driving (Section 2).

SCHOOL BUS LICENSE ENDORSEMENT - This act modifies the current law regarding school bus endorsements (Section 302.272). School bus examinations for drivers 70 years of age or older must be completed annually. Out-of-state residents will be exempt from Missouri's school bus endorsement requirements if the person possesses a valid driver's license and a school bus endorsement from their state of residence.

FEE OFFICE FEES - This act provides that a fee office may charge a fee of \$2.50 for instruction permits, nondriver licenses, chauffeur licenses and driver's licenses issue for three years or less. A \$5.00 fee may be charged for licenses or instruction permits exceeding three years in length. The current law allows a fee office to impose a \$5.00 fee regardless of the length of term (Section 136.055).

CREDIT FOR TRADE-IN - This act provides that the bill of sale that a person must submit to the Department of Revenue to claim a trade-in sales tax exemption does not have to be notarized (Section 144.025).

PRIOR SALVAGE VEHICLE - 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, the vehicle will not be subject to the in-depth Highway Patrol inspection in order for a title to be obtained (Section 301.020.4 and section 301.190.10). This portion of the act is similar to SB 488 (2005).

PROOF OF PAYMENT OF PERSONAL PROPERTY TAXES - This act modifies the provision of law regarding supplying proof that a person has paid his or her personal property taxes. Under this act, an applicant for a motor vehicle registration can supply proof by submitting a statement certified by a county

SPONSOR: Bruns

HANDLER: Dolan

or township collector for the previous year that no taxes were assessed or due and the applicant has no unpaid taxes on the collector's tax roll for any subsequent year (Section 301.025).

**LICENSE PLATE DESIGN ADVISORY COMMITTEE** - This act changes the date in which the advisory committee to study a new license plate design must meet. Under the current law, the committee must meet prior to April 1, 2006, to develop the new plate and the final design was due by that date. The act establishes a new date of January 1, 2007 (Section 301.129).

**LICENSE PLATE TABS AND LICENSE PLATE REISSUANCE** - The act revises the date in which the Department of Revenue must issue license plate tabs that include information to assure that the tabs correlate with the correct license plates. The current law dictates a date of January 1, 2009, while the act establishes a date of January 1, 2010 (Section 301.130.6). The act also changes the date in which new license plates will be reissued. Under the current law, new license plates were to be reissued between January 1, 2007, and December 31, 2009. The new reissuance period is between January 1, 2009, and December 31, 2011 (Section 301.130.9). Under this act, the Department of Corrections will no longer erect and maintain tabs beginning January 1, 2010. The current law provides that this task was to end on January 1, 2009 (Section 301.290).

**REPOSSESSED TITLE** - This act modifies the procedure for obtaining a "Repossessed Title". Under the current law, a lienholder must submit an application describing the repossessed vehicle, an affidavit stating that the debtor defaulted and a copy of the security agreement. Under the act, the lienholder does not have to submit a copy of the security agreement, but must state in the affidavit that the lienholder has obtained written consent of all lienholders of record to repossess the vehicle or has provided all lienholders with written notice of the repossession. The lienholder must also give the owner and lienholders 10 days written notice that an application for a repossessed title will be made. Under the current law, if the application is not accompanied by the written consent of lienholders, the department of revenue will not issue a repossessed title unless the department first gave such parties 10 days notice (Section 301.215).

**STOLEN LICENSE TABS** - This act allows the replacement of up to two sets of two license plate tabs when stolen and the proper application with a police report is submitted to the Department of Revenue. Law enforcement officers are prohibited from issuing a citation to any person for a missing license plate tab if a vehicle registration check reveals the vehicle is properly registered and the owner indicates the tab has been stolen. Officers may instead issue a warning under these circumstances. If a citation is improperly issued, any court costs will be waived (Section 301.301 and Section 301.302)(HB 564 (2005)).

**MOTOR VEHICLE TRANSACTIONS WITHOUT CONTEMPORANEOUS EXCHANGE OF TITLE** - 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. 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, only the lawful holder of the title (owner) may obtain a duplicate or replacement title (Section 301.300). Under this act, a dealer may purchase, or accept as a trade in, a vehicle without a title if the

SPONSOR: Bruns

HANDLER: Dolan

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.

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.

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.

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 the dealer cannot be found and fails to assign and deliver the duplicate or replacement certificate of title to the purchaser, then the purchaser may deliver to the director a copy of the sales contract, a copy of the application for duplicate title, and a copy of the power of attorney. The director shall give the dealer notice informing the dealer that the director intends to cancel any prior certificate of title issued to the dealer on the vehicle and issue to the purchaser a certificate of title in the name of the purchaser, subject to any liens incurred by the purchaser in connection with the purchase of the vehicle, unless the dealer, within 10 business days from the date of the director's notice, files with the director a written objection to the director taking such action. If the dealer does timely file a written objection with the director, then the director shall not take any further action without an order from a court of competent jurisdiction. However, if the dealer does not timely file a written objection with the director, then the director shall cancel the prior certificate of title issued to the dealer on the vehicle and issue a certificate of title to the purchaser or the vehicle, subject to any liens incurred by the purchaser in connection with the purchase of the vehicle.

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 from whom damages are sought has not satisfied the written demand within 30 days after receipt of the written demand (Section 301.894).

DRIVER LICENSE PROVISIONS - The act reorganizes the language contained in Section 302.177 for

SPONSOR: Bruns

HANDLER: Dolan

readability regarding the issuance of six year and three year licenses, their respective fees, and that licenses will expire on the applicant's birthday unless licensed for a shorter period due to other requirements of law (Section 302.177). The act also modifies the provision of law regarding the application process for a commercial driver's license (Section 302.272). The act clarifies that CDLs issued to 21 to 69 year old individuals shall expire on the 6th year after issuance unless the license must be issued for a shorter period due to other requirements of law or for staggering of work. For individuals under 18, or for those 70 years of age or older, the license shall expire the 3rd year after issuance unless the license must be issued for a shorter period due to other requirements of law (Section 302.375). The act provides that a CDL containing a hazardous materials endorsement issued to a person 70 years of age or older shall not be issued for a period exceeding 3 years. The act also provides that effective December 19, 2005, the director of the department of revenue may issue nonresident CDLs to foreign citizens under certain conditions. The nonresident CDL expires on the date that the person's lawful presence expires. The nonresident must meet the same testing and record requirements as Missouri CDL holders (Section 302.735).

**JURISDICTION OF REGIONAL TAXICAB COMMISSION** - This act clarifies the jurisdiction of the regional taxicab commission. Under this act, the regional taxicab commission may exercise jurisdiction over any person who engages in the business of transporting passengers in commerce, wholly within the regional taxicab district, in any motor vehicle designed or used to transport not more than eight passengers including the driver.

The jurisdiction of the regional taxicab commission shall not apply to:

- (1) Operators who are required to be licensed, supervised and regulated by the state highways and transportation commission. The regional taxicab commission's jurisdiction shall not extend to motor vehicles transporting passengers within the district in interstate commerce, and those interstate operations are subject to the powers of the state highways and transportation commission;
- (2) Motor vehicles that are operated exclusively by not-for-profit corporations or governmental entities, whose operations within the regional taxicab district are subsidized, wholly or in part, with public transit funding (federal or state);
- (3) Vehicles that transport one or more passengers upon the public highways in a continuous journey from a place of origin within the regional taxicab district to a destination outside the district, or from a place of origin outside the district to a destination within the district, either with or without a return trip to the point of origin.

Every person, partnership or corporation who becomes subject to the jurisdiction of the regional taxicab commission which was previously under the jurisdiction (through permit or certificate) of the state highways and transportation commission is deemed to be licensed, permitted and authorized by the regional taxicab commission, and the vehicles and drivers used by such motor carriers are hereby deemed to be licensed, permitted and authorized by the regional taxicab commission to operate and engage in the transportation of passengers within the regional taxicab district, to the same extent as they were formerly licensed, permitted and authorized by the highways and transportation commission on August 27, 2005. Such motor carriers, drivers and vehicles are exempt from applying for any license, certificate, permit or other credential issued or required by the regional taxicab commission, except that the regional taxicab commission may, after December 31, 2005, require such motor carriers and drivers to apply and pay the regular fees for annual renewals of such licenses, permits, certificates or other credentials, pursuant to

SPONSOR: Bruns

HANDLER: Dolan

uniform requirements applicable to all motor carriers, vehicles and drivers operating within the regional taxicab district (Section 67.1809).

LOCAL LOG TRUCK - This act allows harvesting equipment to be transported upon a local log truck (Section 301.010).

This act provides for various measures relating to bicycle safety and the duties owed to bicyclists by motorists. The bicycle provisions are similar to those contained in HB 632 and SB 372 (2005).

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, a motorist is required to leave a safe distance between the motor vehicle and the bicycle. (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).

ABANDONED MOTOR VEHICLES - Under this act, law enforcement officers may authorize a towing company to immediately move any vehicle left unattended on any interstate highway or freeway in an urbanized area. Currently, a vehicle must be abandoned for at least four hours (Section 304.155).

WEIGHT LIMITS FOR SOLID WASTE TRUCKS - This act places an existing provision of law in a different chapter for purposes of allowing law enforcement to enforce the weight limit provisions pertaining to solid waste trucks (Section 304.184 and Section 260.218).

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 (Sections 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).

**\*\*\* HB 487 \*\*\* (Cont'd)**

SPONSOR: Bruns

HANDLER: Dolan

MOTOR VEHICLE DEALER ADVERTISING - This act allows motor vehicle dealers, when advertising by broadcast or print media, to provide disclaimers and disclosures by referring to an Internet web page or a toll-free number containing the information required to be disclosed by law (Section 301.567). This provision is contained in SCS/SB 390 (Senate Amendment 4).

TAX EXEMPTION FOR LEASE OF MOTOR VEHICLES BY CHARITIES - This act exempts from state, county and local taxes, motor vehicles leased for a period of at least one year by certain not-for-profit tax exempt entities and government agencies if the vehicles are used exclusively for the religious, educational, or charitable purposes (Section 137.100)(Senate Amendment 3).

This act contains an emergency clause for the school bus and commercial driver license provisions.  
STEPHEN WITTE

---

**\*\*\* HB 500 \*\*\***

SPONSOR: Smith

HANDLER: Koster

SS/SCS/HCS/HBs 500 & 533 - The act requires that the unemployment experience rate transfer with a business if both employers involved in the transfer have substantially common ownership, management, or control of the business and the transfer was made to lower the rating. The rate and liabilities of both employers will be recalculated. The rate does not transfer with the business if the employer acquiring the business is not an employer in the state at the time of the acquisition.

If an employer knowingly violates, attempts to violate, or knowingly advises another in a manner that results in a violation of the provisions relating to the determination of an unemployment experience rate, the employer's rate will be the greater of the maximum rate or the employer's rate plus 2% for the current year and the following three rate years.

ANDY LYSKOWSKI

---

**\*\*\* HB 513 \*\*\***

SPONSOR: Zweifel

HANDLER: Loudon

HCS/HB 513 - This act designates a portion of State Highway 370 in St. Louis County from the intersection of Interstate 270 west to the Blanchette Bridge as the "Officer Scott Armstrong Memorial Highway".

STEPHEN WITTE

---

SPONSOR: Wood

HANDLER: Taylor

SCS/HCS/HB 515 - This act adds wireless telephone services to the list of exempt businesses from a tax voted on by the board of directors in a tourism community enhancement district.

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

**\*\*\* HB 515 \*\*\* (Cont'd)**

SPONSOR: Wood

HANDLER: Taylor

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

---

**\*\*\* HB 524 \*\*\***

SPONSOR: May

HANDLER: Scott

HB 524 - 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.

This act is identical to SB 241 (2005).  
JIM ERTLE

---

SPONSOR: May

HANDLER: Scott

HCS/HB 525 - 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 a political party committee 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

---

**\*\*\* HB 530 \*\*\***

SPONSOR: Moore

HANDLER: Loudon

HB 530 - This act treats American Sign Language (ASL) as a foreign language for the granting of academic credit at public elementary and secondary schools and public higher education institutions. Students may receive academic credit for demonstrating proficiency or completing a course with a passing grade. The credit may be used to satisfy the foreign language or language arts requirements, including entrance requirements of public higher education institutions.

Nothing in the act prohibits a department within a higher education institution from establishing specific language requirements for its majors that cannot be met by ASL, nor does the act prohibit the offering of non-credit courses in ASL.

This act is similar to SB 454 (2005).

DONALD THALHUBER

---

**\*\*\* HB 531 \*\*\***

SPONSOR: Wright

HANDLER: Champion

HCS/HB 531 - This act authorizes the Governor to convey state property in Greene County to the Greater Ozarks Association for Retarded Citizens.

SUSAN HENDERSON

---

**\*\*\* HB 563 \*\*\***

SPONSOR: Rucker

HANDLER: Shields

HCS/HB 563 - This act pertains to drainage and levee districts.

The act gives any drainage district, levee district, or drainage and levee district five years after the lapse of the corporate charter to reinstate and extend the time of its corporate existence through the circuit court having jurisdiction.

The act contains an emergency clause.

MEGAN WORD

---

**\*\*\* HB 567 \*\*\***

SPONSOR: Stevenson

HANDLER: Crowell

HB 567 - 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.

This act is similar to SB 86 (2005).

SUSAN HENDERSON

---

SPONSOR: Stevenson

HANDLER: Nodler

CCS/SS/HCS#2/HB 568 - This act modifies several provisions relating to the protection of children.

MODEL SCHOOL WELLNESS - This act establishes a "Model School Wellness Program" within DESE to establish school-based pilot programs that focus on encouraging students to establish and maintain healthy lifestyles, as defined in the act.

School districts may apply for one-year grants for school year 2005-2006. The department shall establish selection criteria and methods for distribution of funds to school districts applying for such funds. The department shall promulgate rules in order to implement the program.

A school district that receives a grant under this section shall use the funds to plan and implement the program in a diverse sampling of schools in each district. The programs shall address students' academic success as well as health concerns, and encourage links between the school and home settings to promote active healthy lifestyles across the students' learning environments. The tobacco prevention initiative shall focus on grades four and five to target students before they transition into middle grades. The obesity prevention programs will cover sequential wellness education across grades kindergarten through fifth grades.

The wellness pilot program sunsets on August 28, 2011.

ASSESSMENT AND INTENSIVE TREATMENT SERVICES FOR CHILDREN - This act adds a definition to the Foster Care Act, in section 210.110, for assessment and intensive treatment services for children under ten years old.

The children's division of the department of social services shall develop an approach which will recognize and treat the specific needs of at-risk and abused or neglected children under the age of ten. The assessment shall be a broad physical, developmental, and mental health screening to be completed within thirty days of a child's entry into custody and every six months thereafter as long as the child remains in care.

The screening battery shall be performed by licensed mental health professionals and pediatricians familiar with the effects of abuse and neglect on young children. Such treatment services may include in-home services, out of home placement, intensive twenty-four hour treatment services, family counseling, parenting training and other best practices.

For those children whose screening indicate an area of concern, there shall be a comprehensive, in-depth health, psycho-diagnostic, or developmental assessment within sixty days of entry into custody.

A provision was added to Section 210.212, dealing with case management services for children in the foster care and child protection system, which references the assessments and intensive treatment services for children under ten years old defined in Section 210.110.

PRIVATE CONTRACTOR IMMUNITY - This act also 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 have qualified immunity from civil liability for providing such services when the child is not in the physical care of such private contractor. The qualified immunity to the private contractor will be the same immunity from civil liability granted to the children's division when the division or department directly provides such services.

SPONSOR: Stevenson

HANDLER: Nodler

However, this immunity shall not apply if a private contractor knowingly violates a stated or written policy of the division, department or division rule, or any state law directly related to the child abuse and neglect activities of the division or any local ordinance relating to the safety condition of the property.

MINORS IN THE CUSTODY OF THEIR PARENTS - This act prohibits a child, who has been taken into the custody of the state or the jurisdiction of a juvenile court, from being reunited with a parent or being placed back in the home in which the parent or any person living in the home has been found guilty or plead guilty to certain sexual offenses or offenses against the family when a child was the victim. The Child Support Division may exercise discretion in the placement of a child in a home with a parent when the parent or person living in the home has been found guilty or plead guilty for similar offenses in another state.

This act prohibits a court from awarding custody or unsupervised visitation, granting visitation rights, or modifying an order granting or denying visitation rights to a parent or non-custodial parent if the parent or a person living with the parent has been found guilty or plead guilty to certain sexual offenses or offenses against the family when a child was the victim.

The court may exercise discretion in the placement of a child in a home or granting, awarding or modifying of visitation rights with a parent when the parent or person living in the home has been found guilty or plead guilty for similar offenses in another state.

This act removes the provision stating that the child may be returned to the care and custody of a non-offending parent so long as the parent does not have a full order of protection entered against such parent.

ADRIANE CROUSE

---

**\*\*\* HB 576 \*\*\***

SPONSOR: Flook

HANDLER: Nodler

HCS/HB 576 - This act modifies laws regarding the Small Business Regulatory Fairness Board and the procedures necessary for obtaining judicial review of administrative decisions. Currently, the board is allowed to conduct hearings and solicit input from business owners regarding government agencies' rules or proposed rules, after which the board provides input to the agencies creating the rules.

The act requires, rather than allows, the board to carry out these functions. Currently, any person can petition an agency for the adoption, amendment, or repeal of a rule. The act requires the agency to submit a written response to these petitions to the board within 60 days of the receipt of the petition. If the agency determines that no change in a rule is needed, any small business affected by the rule may seek a review by the board.

Each agency promulgating a rule that affects small business must submit, every two years, a list of these rules to the General Assembly and the board. The agency must also submit reports explaining why any rule should be continued. Within 45 days of being notified by the board of a rule that has generated complaints from small businesses, the agency must submit a written response to the board.

The act grants any small business that is adversely affected by a final agency action the right to sue in circuit court for compliance with the procedures specified in this act. These suits must be commenced within one year of a rule becoming final. The act also specifies that if an agency-other than the administrative hearing commission or any board established to provide independent review that is authorized to promulgate rules and regulations under Chapter 536, RSMo -fails to issue a final decision on a contested case within either 60 days after the conclusion of a hearing or within 180 days after the receipt by the agency of a written request for the issuance of a final decision, whichever time is earlier, the person is considered to have exhausted all administrative remedies and is entitled to judicial review in circuit court. The court is allowed to conduct a de novo review of the agency's decision upon application of any party when the action of the agency under review involves only the application of the law to the facts by the agency.

ANDY LYSKOWSKI

---

**\*\*\* HB 577 \*\*\***

SPONSOR: Kuessner

HANDLER: Purgason

HCS/HB 577 - This act raises the amount an elected or appointed official or employee of the state or political subdivision can accept for performing services or selling, renting, or leasing property to their state agency or political subdivision from \$1,500 to \$5,000.

This act is similar to SB 306 (2005).

JIM ERTLE

---

**\*\*\* HB 596 \*\*\***

SPONSOR: Schaaf

HANDLER: Shields

HB 596 - This act allows employers to provide or contract for health insurance benefits at a reduced premium rate for employees who do not smoke or use tobacco products.

ADRIANE CROUSE

---

**\*\*\* HB 600 \*\*\***

SPONSOR: Cooper

HANDLER: Clemens

HB 600 - 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.

This act is identical to SB 347 (2005).

JIM ERTLE

---

**\*\*\* HB 617 \*\*\***

SPONSOR: Kelly

HANDLER: Clemens

SS/SCS/HB 617 - This act pertains to watershed districts.

The act maintains the Upper White River Basin Watershed Improvement District, however new language provides the opportunity for counties located within the district to opt out in one of two ways. The county commission can call for a county vote, or at least twenty percent of the property owners living within the county can call for a vote. For any county that opts out of the district, the act allows these counties to rejoin the district at any time pursuant to a vote called for by a ballot initiative or the county commission order.

New language allows counties within the district to designate groundwater depletion areas within certain areas of the county and they may choose to allow or disallow well volume monitoring.

The act changes the standard by which sewage complaints are investigated; the act calls for the complaint to come from an aggrieved party or an adjacent landowner only. The act allows on-site sewage disposal system contractors to qualify for registration by completing training offered by the county provided that training has first been certified by the department.

The act repeals language allowing formation of new watershed districts as well as language that allows well volume monitoring in any county by commission order or petition. The act also repeals language that requires any person performing an analysis of wastewater to first be licensed by the department of natural resources.

MEGAN WORD

---

**\*\*\* HB 618 \*\*\***

SPONSOR: Bearden

HANDLER: Dolan

SCS/HB 618 - Under the current law, the Highway Patrol cannot have more than 965 officers, patrol officers, and radio personnel. This act exempts members assigned to the Division of Drug and Crime Control from these caps. This act also adds Missouri Capitol Police vehicles to the definition of "emergency vehicle" for purposes of yielding the right-of-way. This provisions is contained in HB 447 (2005).

STEPHEN WITTE

---

**\*\*\* HB 630 \*\*\***

SPONSOR: Pollock

HANDLER: Purgason

HCS/HB 630 - The act allows a not-for-profit corporation to apply for reinstatement if it had been forfeited after 1978 for failure to file an annual report.

ANDY LYSKOSKI

---

**\*\*\* HB 631 \*\*\***

SPONSOR: Portwood

HANDLER: Gibbons

HCS/HB 631 - 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.

The act allows the state to convey a piece of land in exchange for another similar piece or for a sale price to be determined by the Commission of Administration. If the state conveys the piece of land, the Manchester United Methodist Church shall build a new group home on another piece of land in accordance with specifications approved by the Commissioner of Administration and convey the home and property to the state in exchange. The church shall have the right of first refusal to purchase the land conveyed to the state if the General Assembly authorizes the right to sell it in the future. As alternative consideration, the church may build a new group home on the property owned by the church and lease the property to the state for \$1 per year for a minimum of 20 years or until the state stops using the property for a group home.

This act has an emergency clause.

This act is identical to SCS/SB 502 (2005).

SUSAN HENDERSON

---

**\*\*\* HB 638 \*\*\***

SPONSOR: Cunningham

HANDLER: Wheeler

SCS/HB 638 - 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.

This act is similar to SB 380 (2005).

SUSAN HENDERSON

---

**\*\*\* HB 678 \*\*\***

SPONSOR: Byrd

HANDLER: Bartle

CCS/SCS/HB 678 - The act allows a corporation to specify that classes or series of its stock will be uncertificated shares. The corporation must specify this in its articles of incorporation or its bylaws. Every holder of stock represented by certificate is entitled to have a certificate from the corporation. Upon request, a corporation must furnish to holders of uncertificated shares information regarding the voting powers, designations, and preferences along with other special rights of each class of stock. Remedies outlined in Section 351.405 for the rights of dissenting shareholders with respect to a transaction are the exclusive remedy for the shareholder unless there is fraud or lack of authorization for the transaction. The act also adds the provision entitling holders of uncertificated shares to receive a statement of holdings from the company.

ANDY LYSKOWSKI

---

**\*\*\* HB 681 \*\*\***

SPONSOR: Chappelle-Nadal

HANDLER: Days

HB 681 - Under this act, the Office of Advocacy and Assistance for the Elderly is renamed as the Office of Advocacy and Assistance for Senior Citizens.

ADRIANE CROUSE

---

**\*\*\* HB 685 \*\*\***

SPONSOR: Franz

HANDLER: Purgason

SCS/HB 685 - This act authorizes the Board of Governors of Southwest Missouri State University to convey property in Howell County and Springfield.

This act has an emergency clause.

This act is similar to SB 364 (2005).

SUSAN HENDERSON

---

**\*\*\* HB 688 \*\*\***

SPONSOR: Byrd

HANDLER: Bartle

SCS/HB 688 - This act provides that a court shall grant a stay of all administrative and court proceedings in which a member of the general assembly is an attorney for any party, a necessary witness, or a party to a civil action during the period from January 1st to June 1st or whenever the general assembly is in session. Such stay shall also apply to any order requiring a member of the general assembly to serve as a juror. The stay will not apply: to a court proceeding where the member of the general assembly is a criminal defendant; if the member waives the stay; to any unemployment compensation cases; or to any proceeding seeking injunctive relief. The court of appeals shall have original jurisdiction over any application for termination or modification of a stay.

For continuances under current law when the general assembly is in veto session or special session, the act requires a court to grant a continuance if the party files written notice within 20 days of the session, rather than the filing of an affidavit. No proceedings can occur until the adjournment of the general assembly session for three, rather than the current 20, days. For out-of-session committee hearings, no proceedings can occur for one day, rather than the current 10 days, before or after the hearing.

JIM ERTLE

---

**\*\*\* HB 700 \*\*\***

SPONSOR: Moore

HANDLER: Cauthorn

HB 700 - This act authorizes the Board of Probation and Parole to charge offenders placed under the supervision of the board a fee of up to \$60 a month. All fees will be deposited into the Inmate Fund within the state treasury and may be used for community corrections and intervention services for offenders. The board will adopt rules sanctioning offenders for nonpayment and establishing, waiving, collecting, and using the fees.

The act also makes it a Class C felony for any person held in a correctional setting within this state who is knowingly infected with HIV, hepatitis B, or hepatitis C to intentionally cause another person to come into contact with any of their bodily fluids.

SUSAN HENDERSON

---

SPONSOR: Cunningham

HANDLER: Scott

SCS/HB 707 - 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. The director may seek judicial enforcement of a subpoena by application to an appropriate court. 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.

This act is identical to SB 476 (2005).

JIM ERTLE

---

SPONSOR: Behnen

HANDLER: Scott

HB 738 - Currently, applicants for a real estate appraiser's license must complete all the necessary experience requirements within three years of passing the qualifying exam. This act authorizes applicants to complete these requirements within two years.

This act contains an emergency clause.

JIM ERTLE

---

**\*\*\* HB 743 \*\*\***

SPONSOR: Kingery

HANDLER: Engler

HB 743 - This act authorizes the Governor to convey state property in Madison County to the United States government for national forest purposes.

SUSAN HENDERSON

---

**\*\*\* HB 824 \*\*\***

SPONSOR: Hobbs

HANDLER: Klindt

HCS/HB 824 - This act pertains to environmental regulation.

The act modifies the land reclamation act first by exempting the excavation of mineral or fill dirt for the purposes of construction or land improvement from the surface mining permitting process. Excavations that are to be considered for construction and land improvement purposes are laid out in the act. If it is found, by the staff director of the land reclamation commission, that excavation thought to be exempt from permitting, is indeed determined to be surface mining and appropriate for permitting, notification to that effect shall be sent in writing to the owner of the property. The act allows for the owner to request an informal conference with the director within fifteen days to discuss the determination, and no more than thirty calendar days after such conference, a written determination shall be sent to the owner of the property from the director.

There is an appeal option laid out in the act; the property owner may request a hearing before the land reclamation commission if the decision by the director is unacceptable. The act does allow the excavation to continue while a determination is contested.

The act transfers authority to hear appeals granted to the hazardous waste management commission, land reclamation commission, safe drinking water commission, air conservation commission, and the clean water commission, to the administrative hearing commission. The authority to render final decisions after appeals heard by the administrative hearing commission remains with the commissions listed in the act. The funds used to cover the costs associated with these appeals shall come from appropriations from the various commissions privy to this process.

The act modifies the amount which is to be paid by permitted air contaminant sources; currently the minimum and maximum limits for these fees can be adjusted on an annual basis. The act changes that; with this act those fees may still be adjusted on an annual basis but shall not be less than twenty-five dollars per ton of regulated air contaminant and not more than forty dollars per ton of regulated air contaminant.

MEGAN WORD

---

**\*\*\* HB 866 \*\*\***

SPONSOR: Wilson

HCS/HB 866 - 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. The act also provides that the director may refer evidence of fraudulent insurance acts to the appropriate prosecuting attorney for criminal proceedings.

STEPHEN WITTE

---

SS#2/SCS/HCS/HB 972 - This act relates to crime.

SECTIONS 67.2540, 67.2546, 67.2552

This act defines numerous terms associated with sexually oriented businesses. The term "sexually oriented business" includes any adult cabaret or any business which offers its patrons goods of which a substantial or significant portion are sexually-oriented material. Under this act, it shall be presumed that a business that derives thirty percent or less of its revenue from sexually-oriented materials is presumed not to be a sexually-oriented business. No building, premises, structure, or other facility that contains any sexually oriented businesses shall contain any other kind of sexually oriented business.

This act prohibits the exhibition of films, videos, DVDs, or other video reproductions depicting specified sexual activities in viewing rooms at sexually oriented businesses unless the viewing room is visible from a continuous main aisle in the sexually-oriented business. A viewing room cannot be obscured by any curtain, door, or other enclosure. No viewing room can be occupied by more than one individual at a time and there shall be no aperture between viewing rooms which is designed or constructed to facilitate sexual activity between persons in other rooms. 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.

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 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 act 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.

SECTIONS 217.735, 559.106, 575.205, & 575.206

This act requires prior sex offenders, who commit rape, sodomy, child molestation, sexual misconduct or abuse, enticement of a child, or sexual trafficking of a child, against a child under the age of 14, to be electronically monitored as a mandatory condition of supervision. This is applicable to those who commit such an act on or after August 28, 2005.

For the purposes of this section, a "sexual offender" is a person who has previously been found guilty of a sexual offense. This act will apply to offenders who have been granted probation, and to offenders who have been released on parole, conditional release, or upon serving their full sentence without early release. Supervision of an offender who was released after serving his or her full sentence will be considered as supervision on parole.

The Board of Probation and Parole may terminate the supervision of an offender who is being

SPONSOR: Jetton

HANDLER: Nodler

supervised when the offender is 65 or older and may adopt rules relating to the supervision and electronic monitoring of these offenders. (Section 217.735)

A court must order these prior sexual offenders be supervised by the board of probation and parole for the duration of his or her natural life. When such probation is ordered, a mandatory condition is that the offender be electronically monitored. (Section 559.106)

A person commits the crime of tampering with electronic monitoring equipment if he or she intentionally removes or alters equipment which a court or the board of probation and parole has required the person to wear. This crime is a class C felony. (Section 575.205)

A person commits the crime of violating a condition of lifetime probation if the person knowingly violates a condition of probation, parole, or conditional release. This crime is a Class C felony. (Section 575.206)

#### SECTION 311.310

Currently, this section states that any person, except a parent or guardian, who procures for, sells, or gives away, or otherwise supplies 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.

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

#### SECTION 565.024

This act restructures the statute regarding involuntary manslaughter in the first degree and changes the penalty for the crime depending on aggravating circumstances.

Currently, involuntary manslaughter in the first degree is a Class C felony if: (1) A person recklessly causes the death of another, or (2) While in an intoxicated condition operates a vehicle, and when doing so, acts with criminal negligence to cause the death of another.

Under this act, a person is guilty of a Class B felony (exception below) and must serve 85% of his or her sentence, if, in an intoxicated condition operates a vehicle, and when doing so, acts with criminal negligence to:

- Cause the death of a person not a passenger; or
- Cause the death of two or more persons; or
- Cause the death of any person while he or she has a blood alcohol content of at least .18

If a person commits a second offense of involuntary manslaughter in the first degree it is a Class A felony, if it is the second time that the person is convicted for the offense by causing the death of a person while having a BAC of at least .18

SPONSOR: Jetton

HANDLER: Nodler

SECTION 566.083

This act modifies the wording in Section 566.083.1(1), RSMo, so that the qualification of a person acting "knowingly" applies to both required elements, which includes knowingly exposing oneself to a child under the age of 14 and knowing that doing so would cause alarm to the child.

This section of the act has an emergency clause.

SECTION 568.050

Under this act, a person who operates a vehicle in violation of the statutes concerning involuntary manslaughter, assault in the second degree, driving 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.

SECTION 577.001

This act specifies that the term "court" in Chapter 577, Public Safety Offenses, includes any circuit, associate circuit, or municipal court, including traffic court, but not any juvenile court or drug court.

SECTION 577.023

This act clarifies that the penalty enhancement provisions in Section 577.023 relating to prior, persistent, aggravated, and chronic offenders should be applied consistently whether in municipal, county, and state courts. Specifically, this act specifies 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 a prior, persistent, aggravated, or chronic offender under Section 577.023.1.

This act creates two new types of offenders ("aggravated offenders" and "chronic 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, 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

**\*\*\* HB 972 \*\*\* (Cont'd)**

SPONSOR: Jetton

HANDLER: Nodler

or 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 or 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.

SUSAN HENDERSON

---

**\*\*\* HCR 20 \*\*\***

SPONSOR: Rupp

HANDLER: Dolan

HCR 20 - This resolution declares October fifteenth of each year to be "Pregnancy and Infant Loss Remembrance Day" in the state of Missouri.

ADRIANE CROUSE

---

**Administration, Office of**

- SB 122 - Creates the Energy Efficiency Implementation Act  
SB 133 - Requires Office of Administration to include certain products in the cafeteria plan for state employees  
SB 174 - Authorizes the state to convey land to the Regional West Fire Protection District  
SB 288 - Authorizes the Governor to convey land in Nodaway County to the Delta Nu Teke Association  
SB 450 - Authorizes the Governor to convey various pieces of state property  
HB 260 - Authorizes the Governor to convey state property located in Cole County to the Cole County Regional West Fire District  
HB 422 - Authorizes the Governor to convey state property in Mississippi County to the City of Charleston  
HB 453 - Authorizes the Governor to convey state property located in Phelps County to the City of St. James  
HB 531 - Authorizes the Governor to convey state property in Green County to the Greater Ozarks Association for Retarded Citizens  
HB 631 - Authorizes the Governor to convey land to Manchester United Methodist Church in exchange for another parcel of land
- 

**Administrative Law**

- SB 149 - Establishes hearing for restatement and back-pay award
- 

**Agriculture and Animals**

- SB 270 - Modifies the linked deposit program and other duties of the State Treasurer  
HB 33 - Designates the North American Bullfrog as the official state amphibian  
HB 116 - Establishes the rights of persons who utilize service dogs
- 

**Agriculture Dept.**

- SB 182 - Requires liquefied petroleum gas dealers to maintain liability insurance  
SB 259 - Prohibits the Cass County Commissioner and the County Highway Engineer on the county planning board from voting  
SB 355 - Creates the Missouri Wine and Grape Board
- 

**Aircraft and Airports**

- SB 396 - Extends sunset on transfer of jet fuel tax to the aviation trust fund and increases air control tower funding
- 

**Alcohol**

- SB 262 - Changes provisions for obtaining a license to sell intoxicating liquor by the drink  
SB 355 - Creates the Missouri Wine and Grape Board  
SB 402 - Modifies laws relating to underage drinking  
HB 972 - Modifies laws relating to crime
- 

**Annexation**

- SB 490 - Allows Warrensburg to annex areas along a road up to 2.5 miles from existing boundaries of the city  
HB 215 - Allows Warrensburg to annex areas along the road or highway up to 2.5 miles from the existing city boundary
- 

**Appropriations**

- SB 323 - Establishes the eligibility criteria for grants to umbilical cord blood banks  
HB 1 - Appropriations money for the Board of Fund Commissioners.

**Appropriations (cont'd)**

- HB 3 - To appropriate money for the expenses, grants, refunds, and distributions of the Department of Higher Education and the several divisions.
- HB 6 - To appropriate money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, Department of Conservation, and the several divisions.
- HB 7 - To appropriate money for the expenses, grants, refunds, and distributions of the Department of Economic Development, Department of Insurance, and Department of Labor and Industrial Relations.
- HB 8 - To appropriate money for the expenses, grants, refunds, and distributions of the Department of Public Safety.
- HB 9 - To appropriate money for the expenses, grants, refunds, and distributions of the Department of Corrections and the several divisions.
- HB 10 - To appropriate money for the expenses, grants, refunds, and distributions of the Department of Mental Health, the Board of Public Buildings, the Department of Health and Senior Services.
- HB 11 - To appropriate money for the expenses, grants, and distributions of the Department of Social Services and the several divisions.
- HB 12 - To appropriate money for the expenses, grants, refunds, and distributions of the Chief Executive's Office and Mansion.
- HB 13 - To appropriate money for planning, expenses, and for capital improvements.
- HB 14 - To appropriate money for supplemental purposes for the several departments and offices of state government.
- HB 15 - To appropriate money for capital improvements and other purposes for the several departments of state government and the divisions and programs thereof.
- HB 18 - To appropriate money for capital improvement projects involving the maintenance, repair, replacement, and improvement of state buildings and facilities.
- HB 19 - To appropriate money for planning, expenses, and for capital improvements including but not limited to major additions and renovations, new structures, and land improvements or acquisitions.
- HB 229 - Modifies the Homestead Exemption Tax Credit

**Attorneys**

- HB 393 - Changes the laws affecting claims for damages and their payment and establishes venue in all tort actions

**Banks and Financial Institutions**

- SB 270 - Modifies the linked deposit program and other duties of the State Treasurer
- SB 279 - Adds demand drafts to certain transfer and presentment warranties in the Uniform Commercial Code
- SB 318 - Modifies compensation for certain employees of the divisions of finance and credit unions
- SB 394 - Repeals law requiring the State Treasurer to maintain a list of financial institutions doing business in Northern Ireland
- HB 379 - Modifies compensation for certain employees of the divisions of finance and credit unions
- HB 707 - Modifies authority of Division of Finance over banks and other financial institutions

**Boards, Commissions, Committees, Councils**

- SB 98 - Changes the names of various higher education institutions

**Boards, Commissions, Committees, Councils (cont'd)**

- SB 100 - Revises licensing requirements for speech language pathologists and audiologists
- SB 178 - Modifies provisions regarding licensing of podiatrists
- SB 306 - Raises the amount school board members may accept for performing services for (or selling property to) their district
- SB 323 - Establishes the eligibility criteria for grants to umbilical cord blood banks
- SB 347 - Modifies education requirements for professional counselors
- SB 431 - Permits sales tax on food for the City of Independence
- SB 518 - Creates the Assistive Technology Trust Fund for assistive technology
- HB 127 - Limits the number of attendance fees that fire protection district board members can receive
- HB 229 - Modifies the Homestead Exemption Tax Credit
- HB 348 - Creates the Missouri Military Preparedness and Enhancement Commission
- HB 395 - Extends the power to sell and convey all or part of the district's property to cities owning waterworks systems to all public water supply
- HB 455 - Eliminates the current requirement that only landowners living within the watershed district can be elected to serve as trustees of the watershed district
- HB 479 - Authorizes the disincorporation of a regional recreational district in Clay County upon the request of the district
- HB 576 - Modifies the laws regarding the Small Business Regulatory Fairness Board and the procedures necessary for obtaining judicial review of administrative decisions
- HB 600 - Modifies education requirements for professional counselors
- HB 638 - Removes the requirement that the chief executive of the urban public library district be a qualified librarian
- HB 678 - Outlines various provisions regarding uncertificated shares of stock and shareholder remedies
- HB 738 - Modifies procedure for licensure as a real estate appraiser
- HB 824 - Changes various environmental regulations

**Boats and Watercraft**

- SB 346 - Limits paddlesport outfitters liability

**Bonds - General Obligation and Revenue**

- SB 24 - Limits expiration date to provision allowing for debt service on county bonds for renovation and enhancement
- SB 131 - Allows insurance companies to invest capital, reserves, and surplus in preferred or guaranteed stocks
- SB 246 - Allows state to issue bonds for grants and loans pursuant to several sections of Article III of the Missouri Constitution
- HB 69 - Allows insurance companies to invest capital, reserves, and surplus in preferred or guaranteed stocks

**Bonds - Surety**

- SB 95 - Modifies various provisions relating to lead abatement

**Business and Commerce**

- SB 170 - Extends the dry cleaning fee until 2012
- SB 196 - Modifies sales and use tax exemption eligibility for manufacturing and material recovery plants
- SB 274 - Regulates travel clubs

**Business and Commerce (cont'd)**

- HB 64 - Extends the sales tax holiday and amends provisions allowing political subdivisions to opt out of the sales tax holiday
- HB 209 - Authorizes the simplified municipal telecommunications business license tax
- HB 248 - Allows lenders of motor vehicle time sale loans to collect a fee in advance for permitting the debtor to defer monthly loan payments
- HB 461 - Requires all assessors to use a method of valuing business personal property according to State Tax Commission rule
- HB 576 - Modifies the laws regarding the Small Business Regulatory Fairness Board and the procedures necessary for obtaining judicial review of administrative decisions
- HB 630 - Allows a not-for-profit corporation to apply for reinstatement if forfeited after 1978 for failure to file an annual report
- HB 678 - Outlines various provisions regarding uncertificated shares of stock and shareholder remedies
- 

**Campaign Finance**

- SB 1 - Amends various provisions of workers' compensation law
- HB 524 - Repeals the requirement that lobbyists report on legislation they are supporting or opposing
- HB 525 - Modifies numerous provisions regarding lobbying and campaign finance disclosure
- 

**Capital Improvements**

- SB 272 - Limits amount of revenue collectable from gaming boat admission fees
- 

**Charities**

- SB 71 - Changes which state employees may receive paid leave for volunteering as a disaster service volunteer
- HB 630 - Allows a not-for-profit corporation to apply for reinstatement if forfeited after 1978 for failure to file an annual report
- 

**Children and Minors**

- SB 21 - Modifies laws of adoption and creates the "Putative Father Registry" fund
- SB 74 - Creates new provisions with respect to the Department of Health and Senior Services
- SB 103 - Allows school districts to convene a committee of their board in order to rule on pupil residency waiver requests
- SB 155 - Requires certain identifying information to be expunged by the Division of Family Services
- SB 238 - Requires all revenue derived from a certain sales tax to be deposited in the Community Children's Sales Tax Trust Fund
- SB 402 - Modifies laws relating to underage drinking
- SB 480 - Encourages effective involvement by parents and families in support of their children's education
- SB 500 - Provides for family cost participation in the Part C early intervention system
- SB 501 - Creates the "Office of Comprehensive Child Mental Health"
- HB 276 - Allows special education laws to comply with the recent reauthorization of the federal Individuals with Disabilities Education Act (IDEA)
- HB 568 - Changes the laws regarding the protection of children
- HCR 20 - Declares October fifteenth of each year to be "Pregnancy and Infant Loss Remembrance Day"
-

**Chiropractors**

HB 232 - Increases the fees health care providers can charge for copying a patient's health care record

---

**Cities, Towns and Villages**

SB 272 - Limits amount of revenue collectable from gaming boat admission fees  
SB 307 - Increases the amount that public officials or employees can accept for services to their political subdivision  
SB 431 - Permits sales tax on food for the City of Independence  
SB 453 - Modifies nuisance law  
SB 490 - Allows Warrensburg to annex areas along a road up to 2.5 miles from existing boundaries of the city  
HB 58 - Modifies provisions relating to political subdivisions  
HB 186 - Modifies provisions affecting county government  
HB 209 - Authorizes the simplified municipal telecommunications business license tax  
HB 215 - Allows Warrensburg to annex areas along the road or highway up to 2.5 miles from the existing city boundary  
HB 445 - Allows municipal ordinances to incorporate by reference, state statutes about vehicle equipment regulations  
HB 515 - Amends provisions relating to tourism community enhancement districts

---

**Civil Procedure**

SB 320 - Creates lien for nonpayment of rental equipment fees  
SB 346 - Limits paddlesport outfitters liability  
SB 420 - Modifies numerous provisions regarding judicial procedures and personnel  
HB 393 - Changes the laws affecting claims for damages and their payment and establishes venue in all tort actions  
HB 688 - Modifies provisions for the continuance of judicial proceedings for members of the General Assembly

---

**Commercial Code**

SB 279 - Adds demand drafts to certain transfer and presentment warranties in the Uniform Commercial Code

---

**Constitutional Amendments**

SJR 1 - Resubmits the parks and soils tax to a vote of the people starting in 2008

---

**Consumer Protection**

SB 274 - Regulates travel clubs

---

**Contracts and Contractors**

SB 168 - Creates a process to resolve disputes arising out of alleged construction defects in residential property  
SB 320 - Creates lien for nonpayment of rental equipment fees  
SB 518 - Creates the Assistive Technology Trust Fund for assistive technology

---

**Corporations**

SB 211 - Extends certain rights with regard to sales commissions  
SB 318 - Modifies compensation for certain employees of the divisions of finance and credit unions  
HB 379 - Modifies compensation for certain employees of the divisions of finance and credit unions

**Corporations (cont'd)**

- HB 630 - Allows a not-for-profit corporation to apply for reinstatement if forfeited after 1978 for failure to file an annual report
- HB 678 - Outlines various provisions regarding uncertificated shares of stock and shareholder remedies
- 

**Corrections Dept.**

- SB 69 - Authorizes the conveyance of land in Jackson County to Kansas City
- HB 353 - Modifies provisions relating to crime
- HB 486 - Removes prohibition on service providers being related to sexual offender probationers when only one is in the area
- HB 700 - Changes the law regarding correctional employees and Board of Probation and Parole
- 

**Cosmetology**

- SB 280 - Changes laws regarding cosmetologists and barbers
- 

**Counties**

- SB 210 - Modifies provisions affecting political subdivisions
- SB 267 - Amends provisions relating to property tax reassessment
- SB 288 - Authorizes the Governor to convey land in Nodaway County to the Delta Nu Teke Association
- HB 40 - Modifies the requirements for board of director members for an industrial development corporation in county of the second classification
- HB 47 - Requires trustees of consolidated public library district to reside within the library district
- HB 58 - Modifies provisions relating to political subdivisions
- HB 342 - Authorizes the Cass County Commission to seek a board of election commissioners
- HB 345 - Prohibits the Cass County Commissioner and County Highway Engineer on the county planning board from voting
- HB 479 - Authorizes the disincorporation of a regional recreational district in Clay County upon the request of the district
- 

**County Government**

- SB 210 - Modifies provisions affecting political subdivisions
- SB 258 - Allows the Cass County Commission to submit the question of establishing a health center after a majority vote
- SB 259 - Prohibits the Cass County Commissioner and the County Highway Engineer on the county planning board from voting
- HB 186 - Modifies provisions affecting county government
- HB 345 - Prohibits the Cass County Commissioner and County Highway Engineer on the county planning board from voting
- 

**County Officials**

- SB 24 - Limits expiration date to provision allowing for debt service on county bonds for renovation and enhancement
- SB 176 - Provides for elections in Cole County and the City of Poplar Bluff
- SB 210 - Modifies provisions affecting political subdivisions
- SB 258 - Allows the Cass County Commission to submit the question of establishing a health center after a majority vote

**County Officials (cont'd)**

- SB 259 - Prohibits the Cass County Commissioner and the County Highway Engineer on the county planning board from voting
- SB 307 - Increases the amount that public officials or employees can accept for services to their political subdivision
- SB 507 - Raises from \$250 to \$1,000 the value of property for which the auditor in certain counties is required to inventory
- HB 186 - Modifies provisions affecting county government
- HB 342 - Authorizes the Cass County Commission to seek a board of election commissioners
- HB 365 - Allows moneys from the county sheriff's revolving fund to be used for expenses with concealed carry endorsements
- 

**Courts**

- SB 216 - Requires depositions of crime laboratory employees to be in the county where employed
- SB 420 - Modifies numerous provisions regarding judicial procedures and personnel
- SB 422 - Requires expunged records to be confidential
- SB 423 - Creates new provisions and makes modifications to certain statutes relating to the DNA profiling system
- HB 353 - Modifies provisions relating to crime
- HB 393 - Changes the laws affecting claims for damages and their payment and establishes venue in all tort actions
- HB 688 - Modifies provisions for the continuance of judicial proceedings for members of the General Assembly
- 

**Credit and Bankruptcy**

- HB 248 - Allows lenders of motor vehicle time sale loans to collect a fee in advance for permitting the debtor to defer monthly loan payments
- 

**Credit Unions**

- SB 318 - Modifies compensation for certain employees of the divisions of finance and credit unions
- HB 379 - Modifies compensation for certain employees of the divisions of finance and credit unions
- HB 707 - Modifies authority of Division of Finance over banks and other financial institutions
- 

**Crimes and Punishment**

- SB 10 - Requires pseudoephedrine products to be sold by a pharmacist or technician
- SB 37 - Modifies various provisions concerning alcohol related offenses
- SB 73 - Allows county law enforcement agencies to have sexual offender registry websites
- SB 95 - Modifies various provisions relating to lead abatement
- SB 216 - Requires depositions of crime laboratory employees to be in the county where employed
- SB 254 - Criminalizes distribution and possession of certain prescription medications on school property
- SB 402 - Modifies laws relating to underage drinking
- SB 423 - Creates new provisions and makes modifications to certain statutes relating to the DNA profiling system

**Crimes and Punishment (cont'd)**

- HB 441 - Creates restrictions regarding the sale of products containing ephedrine and pseudoephedrine
- HB 700 - Changes the law regarding correctional employees and Board of Probation and Parole
- HB 866 - Increases the penalties for those who engage in fraudulent actions with respect to an insurance transaction
- HB 972 - Modifies laws relating to crime
- 

**Criminal Procedure**

- SB 216 - Requires depositions of crime laboratory employees to be in the county where employed
- SB 289 - Eliminates a grand jury's duty to examine public buildings and report on their conditions
- SB 422 - Requires expunged records to be confidential
- HB 353 - Modifies provisions relating to crime
- 

**Dentists**

- SB 177 - Modifies a number of provisions regarding professional registration
- HB 232 - Increases the fees health care providers can charge for copying a patient's health care record
- 

**Disabilities**

- SB 287 - Transitions the state away from a tax-rate driven education funding formula to a student-needs based education funding formula
- SB 500 - Provides for family cost participation in the Part C early intervention system
- SB 518 - Creates the Assistive Technology Trust Fund for assistive technology
- HB 116 - Establishes the rights of persons who utilize service dogs
- HB 258 - Repeals the requirement that school districts conduct an annual census of children with disabilities who reside in the school district
- HB 276 - Allows special education laws to comply with the recent reauthorization of the federal Individuals with Disabilities Education Act (IDEA)
- HB 280 - Requires election judges to take voting ballots and equipment to physically disabled voters unable to enter polling places
- HB 530 - Students may receive foreign language credit in public education institutions for sign language classes
- 

**Drainage and Levee Districts**

- HB 563 - Allows a court to reinstate and extend the life of drainage and levee districts up to five years after lapse of its corporate charter
- 

**Drugs and Controlled Substances**

- SB 1 - Amends various provisions of workers' compensation law
- SB 402 - Modifies laws relating to underage drinking
- HB 56 - Allows pharmaceutical companies to rebate portions of copayments to multiple sclerosis patients without violating anti-kickback and anti-rebate laws
- HB 441 - Creates restrictions regarding the sale of products containing ephedrine and pseudoephedrine
- 

**Drunk Driving/Boating**

- SB 37 - Modifies various provisions concerning alcohol related offenses
- SB 402 - Modifies laws relating to underage drinking

**Drunk Driving/Boating (cont'd)**

HB 972 - Modifies laws relating to crime

---

**Easements and Conveyances**

- SB 69 - Authorizes the conveyance of land in Jackson County to Kansas City  
SB 174 - Authorizes the state to convey land to the Regional West Fire Protection District  
SB 288 - Authorizes the Governor to convey land in Nodaway County to the Delta Nu Teke Association  
SB 450 - Authorizes the Governor to convey various pieces of state property  
HB 260 - Authorizes the Governor to convey state property located in Cole County to the Cole County Regional West Fire District  
HB 422 - Authorizes the Governor to convey state property in Mississippi County to the City of Charleston  
HB 453 - Authorizes the Governor to convey state property located in Phelps County to the City of St. James  
HB 531 - Authorizes the Governor to convey state property in Green County to the Greater Ozarks Association for Retarded Citizens  
HB 631 - Authorizes the Governor to convey land to Manchester United Methodist Church in exchange for another parcel of land  
HB 685 - Authorizes the Board of Governors of Southwest Missouri State University to convey land located in Howell County and Springfield  
HB 743 - Authorizes the Governor to convey state property located in Madison County to the United States government for forestry purposes
- 

**Economic Development**

- SB 156 - Modifies powers of port authorities with respect to property ownership and development  
SB 270 - Modifies the linked deposit program and other duties of the State Treasurer  
SB 343 - Changes the laws regarding job development programs administered by the Department of Economic Development  
HB 40 - Modifies the requirements for board of director members for an industrial development corporation in county of the second classification  
HB 431 - Allows certain buildings in Springfield eligible to receive the sales and income tax increment of MODRESA
- 

**Economic Development Dept.**

- SB 252 - Creates the Missouri Military Preparedness and Enhancement Commission  
HB 174 - Authorizes revocation of a real estate license for persons convicted of certain felonies and defines exclusive brokerage agreements  
HB 348 - Creates the Missouri Military Preparedness and Enhancement Commission  
HB 379 - Modifies compensation for certain employees of the divisions of finance and credit unions  
HB 431 - Allows certain buildings in Springfield eligible to receive the sales and income tax increment of MODRESA  
HB 707 - Modifies authority of Division of Finance over banks and other financial institutions  
HB 738 - Modifies procedure for licensure as a real estate appraiser
- 

**Education, Elementary and Secondary**

- SB 103 - Allows school districts to convene a committee of their board in order to rule on pupil residency waiver requests

**Education, Elementary and Secondary (cont'd)**

- SB 254 - Criminalizes distribution and possession of certain prescription medications on school property
- SB 266 - Alters the definition of "teacher" in the teacher tenure act
- SB 287 - Transitions the state away from a tax-rate driven education funding formula to a student-needs based education funding formula
- SB 298 - Alters provisions regarding the superintendent and teachers of the St. Louis public school system
- SB 299 - Removes school principals from certain sections of the Metropolitan school district's teacher tenure statute
- SB 302 - Changes the election date for certain St. Louis school board members
- SB 306 - Raises the amount school board members may accept for performing services for (or selling property to) their district
- SB 480 - Encourages effective involvement by parents and families in support of their children's education
- SB 500 - Provides for family cost participation in the Part C early intervention system
- HB 258 - Repeals the requirement that school districts conduct an annual census of children with disabilities who reside in the school district
- HB 276 - Allows special education laws to comply with the recent reauthorization of the federal Individuals with Disabilities Education Act (IDEA)
- HB 297 - Renders several alterations to the state's education policy
- HB 530 - Students may receive foreign language credit in public education institutions for sign language classes

**Education, Higher**

- SB 68 - Creates a sales tax exemption for certain college athletic events
- SB 98 - Changes the names of various higher education institutions
- SB 254 - Criminalizes distribution and possession of certain prescription medications on school property
- HB 530 - Students may receive foreign language credit in public education institutions for sign language classes

**Elderly**

- SB 539 - Modifies provisions in various health care and social services programs
- HB 229 - Modifies the Homestead Exemption Tax Credit
- HB 681 - Renames the Office of Advocacy and Assistance for the Elderly to the Office of Advocacy and Assistance for Senior Citizens

**Elections**

- SB 176 - Provides for elections in Cole County and the City of Poplar Bluff
- SB 302 - Changes the election date for certain St. Louis school board members
- HB 280 - Requires election judges to take voting ballots and equipment to physically disabled voters unable to enter polling places
- HB 342 - Authorizes the Cass County Commission to seek a board of election commissioners

**Elementary and Secondary Education Dept.**

- SB 287 - Transitions the state away from a tax-rate driven education funding formula to a student-needs based education funding formula
- SB 480 - Encourages effective involvement by parents and families in support of their children's education

**Elementary and Secondary Education Dept. (cont'd)**

- HB 258 - Repeals the requirement that school districts conduct an annual census of children with disabilities who reside in the school district
- HB 276 - Allows special education laws to comply with the recent reauthorization of the federal Individuals with Disabilities Education Act (IDEA)
- HB 297 - Renders several alterations to the state's education policy
- 

**Emblems**

- HB 33 - Designates the North American Bullfrog as the official state amphibian
- HB 219 - Designates a room in the Missouri State Archives as the "Alex M. Petrovic Reading Room"
- 

**Emergencies**

- SB 516 - Eliminates a provision in Section 99.847 allowing districts to receive reimbursement for emergency services
- HB 413 - Requires the Department of Health and Senior Services to offer a vaccination program for first responders deployed to disaster areas as a result of bioterrorism events
- HB 487 - Modifies numerous provisions relating to motor vehicles, including background checks on school bus drivers, issuance of motor vehicle titles, and driver licenses
- 

**Eminent Domain and Condemnation**

- HB 567 - Changes the deadline for filing exceptions to a condemnation commissioners' report
- 

**Employees - Employers**

- SB 1 - Amends various provisions of workers' compensation law
- SB 149 - Establishes hearing for restatement and back-pay award
- SB 367 - Changes requirement for payment of overtime hours for nonexempt state employees
- HB 500 - Changes the laws regarding the transfer of a business and its unemployment experience rate by an employer
- 

**Engineers**

- HB 345 - Prohibits the Cass County Commissioner and County Highway Engineer on the county planning board from voting
- 

**Entertainment, Sports and Amusements**

- HB 479 - Authorizes the disincorporation of a regional recreational district in Clay County upon the request of the district
- HB 515 - Amends provisions relating to tourism community enhancement districts
- 

**Environmental Protection**

- SB 225 - Modifies various sections pertaining to hazardous waste
- HB 824 - Changes various environmental regulations
- 

**Estates, Wills and Trusts**

- HB 229 - Modifies the Homestead Exemption Tax Credit
- 

**Ethics**

- HB 524 - Repeals the requirement that lobbyists report on legislation they are supporting or opposing

**Ethics (cont'd)**

- HB 525 - Modifies numerous provisions regarding lobbying and campaign finance disclosure  
HB 577 - Raises the amount of money political subdivision officers may accept for performing services for (or selling property to) their political subdivision
- 

**Evidence**

- SB 1 - Amends various provisions of workers' compensation law  
SB 320 - Creates lien for nonpayment of rental equipment fees  
HB 388 - Makes certain Department of Insurance records nonpublic  
HB 393 - Changes the laws affecting claims for damages and their payment and establishes venue in all tort actions
- 

**Family Law**

- SB 21 - Modifies laws of adoption and creates the "Putative Father Registry" fund  
HB 568 - Changes the laws regarding the protection of children
- 

**Family Services Division**

- SB 155 - Requires certain identifying information to be expunged by the Division of Family Services  
HB 568 - Changes the laws regarding the protection of children
- 

**Fees**

- SB 21 - Modifies laws of adoption and creates the "Putative Father Registry" fund  
SB 170 - Extends the dry cleaning fee until 2012  
SB 355 - Creates the Missouri Wine and Grape Board  
SB 423 - Creates new provisions and makes modifications to certain statutes relating to the DNA profiling system
- 

**Fire Protection**

- SB 174 - Authorizes the state to convey land to the Regional West Fire Protection District  
HB 127 - Limits the number of attendance fees that fire protection district board members can receive  
HB 260 - Authorizes the Governor to convey state property located in Cole County to the Cole County Regional West Fire District
- 

**Firearms and Fireworks**

- HB 365 - Allows moneys from the county sheriff's revolving fund to be used for expenses with concealed carry endorsements
- 

**Gambling**

- SB 272 - Limits amount of revenue collectable from gaming boat admission fees
- 

**General Assembly**

- HB 524 - Repeals the requirement that lobbyists report on legislation they are supporting or opposing  
HB 688 - Modifies provisions for the continuance of judicial proceedings for members of the General Assembly
- 

**Governor & Lt. Governor**

- SB 69 - Authorizes the conveyance of land in Jackson County to Kansas City  
SB 174 - Authorizes the state to convey land to the Regional West Fire Protection District

**Governor & Lt. Governor (cont'd)**

- SB 288 - Authorizes the Governor to convey land in Nodaway County to the Delta Nu Teke Association
- SB 450 - Authorizes the Governor to convey various pieces of state property
- SB 521 - Expands the membership of the Community Service Commission to include the Lieutenant Governor
- HB 229 - Modifies the Homestead Exemption Tax Credit
- HB 260 - Authorizes the Governor to convey state property located in Cole County to the Cole County Regional West Fire District
- HB 422 - Authorizes the Governor to convey state property in Mississippi County to the City of Charleston
- HB 453 - Authorizes the Governor to convey state property located in Phelps County to the City of St. James
- HB 531 - Authorizes the Governor to convey state property in Green County to the Greater Ozarks Association for Retarded Citizens
- HB 631 - Authorizes the Governor to convey land to Manchester United Methodist Church in exchange for another parcel of land
- HB 681 - Renames the Office of Advocacy and Assistance for the Elderly to the Office of Advocacy and Assistance for Senior Citizens
- HB 685 - Authorizes the Board of Governors of Southwest Missouri State University to convey land located in Howell County and Springfield
- HB 743 - Authorizes the Governor to convey state property located in Madison County to the United States government for forestry purposes
- 

**Health Care**

- SB 74 - Creates new provisions with respect to the Department of Health and Senior Services
- HB 56 - Allows pharmaceutical companies to rebate portions of copayments to multiple sclerosis patients without violating anti-kickback and anti-rebate laws
- HB 232 - Increases the fees health care providers can charge for copying a patient's health care record
- HB 393 - Changes the laws affecting claims for damages and their payment and establishes venue in all tort actions
- HB 462 - Changes the laws regarding suicide prevention
- HB 596 - Allows employers to provide or contract for health insurance at reduced rates for employees who do not use tobacco products
- 

**Health Care Professionals**

- SB 100 - Revises licensing requirements for speech language pathologists and audiologists
- SB 177 - Modifies a number of provisions regarding professional registration
- SB 178 - Modifies provisions regarding licensing of podiatrists
- SB 347 - Modifies education requirements for professional counselors
- HB 232 - Increases the fees health care providers can charge for copying a patient's health care record
- HB 393 - Changes the laws affecting claims for damages and their payment and establishes venue in all tort actions
- HB 402 - Modifies provisions regarding licensing of podiatrists
- HB 413 - Requires the Department of Health and Senior Services to offer a vaccination program for first responders deployed to disaster areas as a result of bioterrorism events
- HB 600 - Modifies education requirements for professional counselors

---

**Health Dept.**

- SB 74 - Creates new provisions with respect to the Department of Health and Senior Services
- SB 95 - Modifies various provisions relating to lead abatement
- HB 413 - Requires the Department of Health and Senior Services to offer a vaccination program for first responders deployed to disaster areas as a result of bioterrorism events
- 

**Health, Public**

- SB 74 - Creates new provisions with respect to the Department of Health and Senior Services
- SB 258 - Allows the Cass County Commission to submit the question of establishing a health center after a majority vote
- SB 323 - Establishes the eligibility criteria for grants to umbilical cord blood banks
- HB 402 - Modifies provisions regarding licensing of podiatrists
- HB 413 - Requires the Department of Health and Senior Services to offer a vaccination program for first responders deployed to disaster areas as a result of bioterrorism events
- 

**Highway Patrol**

- SB 488 - Exempts salvage vehicles with cosmetic damage from highway patrol examination inspections for purposes of titling
- HB 353 - Modifies provisions relating to crime
- HB 618 - Exempts members assigned to the Division of Drug and Crime Control from the cap on the total number of officers and adds Missouri Capitol Police vehicles to the definition of "emergency vehicle"
- 

**Historic Preservation**

- SB 431 - Permits sales tax on food for the City of Independence
- HB 219 - Designates a room in the Missouri State Archives as the "Alex M. Petrovic Reading Room"
- 

**Holidays**

- HCR 20 - Declares October fifteenth of each year to be "Pregnancy and Infant Loss Remembrance Day"
- 

**Hospitals**

- HB 232 - Increases the fees health care providers can charge for copying a patient's health care record
- 

**Housing**

- SB 95 - Modifies various provisions relating to lead abatement
- SB 168 - Creates a process to resolve disputes arising out of alleged construction defects in residential property
- SB 320 - Creates lien for nonpayment of rental equipment fees
- HB 174 - Authorizes revocation of a real estate license for persons convicted of certain felonies and defines exclusive brokerage agreements
- 

**Insurance - General**

- SB 131 - Allows insurance companies to invest capital, reserves, and surplus in preferred or guaranteed stocks

**Insurance - General (cont'd)**

- SB 182 - Requires liquefied petroleum gas dealers to maintain liability insurance  
SB 539 - Modifies provisions in various health care and social services programs  
HB 69 - Allows insurance companies to invest capital, reserves, and surplus in preferred or guaranteed stocks  
HB 388 - Makes certain Department of Insurance records nonpublic  
HB 866 - Increases the penalties for those who engage in fraudulent actions with respect to an insurance transaction
- 

**Insurance - Life**

- HB 119 - Requires continuation of life insurance benefits for state employees and retirees who are called to military service in times of active armed warfare
- 

**Insurance - Medical**

- SB 74 - Creates new provisions with respect to the Department of Health and Senior Services  
SB 261 - Creates certain requirements for the operation of the Missouri health insurance plan  
HB 56 - Allows pharmaceutical companies to rebate portions of copayments to multiple sclerosis patients without violating anti-kickback and anti-rebate laws  
HB 596 - Allows employers to provide or contract for health insurance at reduced rates for employees who do not use tobacco products
- 

**Insurance - Property**

- SB 95 - Modifies various provisions relating to lead abatement
- 

**Insurance Dept.**

- HB 56 - Allows pharmaceutical companies to rebate portions of copayments to multiple sclerosis patients without violating anti-kickback and anti-rebate laws  
HB 69 - Allows insurance companies to invest capital, reserves, and surplus in preferred or guaranteed stocks  
HB 388 - Makes certain Department of Insurance records nonpublic  
HB 866 - Increases the penalties for those who engage in fraudulent actions with respect to an insurance transaction
- 

**Judges**

- SB 1 - Amends various provisions of workers' compensation law  
SB 24 - Limits expiration date to provision allowing for debt service on county bonds for renovation and enhancement  
SB 202 - Merges the Administrative Law Judge retirement system into the state employees' retirement system  
HB 688 - Modifies provisions for the continuance of judicial proceedings for members of the General Assembly
- 

**Juries**

- SB 289 - Eliminates a grand jury's duty to examine public buildings and report on their conditions
- 

**Kansas City**

- HB 114 - Extends the Kansas City mass transportation sales tax until 2015
-

**Labor and Industrial Relations Dept.**

- SB 1 - Amends various provisions of workers' compensation law  
 SB 69 - Authorizes the conveyance of land in Jackson County to Kansas City
- 

**Labor and Management**

- HB 500 - Changes the laws regarding the transfer of a business and its unemployment experience rate by an employer
- 

**Law Enforcement Officers and Agencies**

- SB 10 - Requires pseudoephedrine products to be sold by a pharmacist or technician  
 SB 73 - Allows county law enforcement agencies to have sexual offender registry websites  
 SB 378 - Allows a person to replace two sets of two stolen license plate tabs per year and prohibits issuance of ticket for stolen tabs  
 SB 401 - Repeals the three-child limit in police pension systems  
 SB 423 - Creates new provisions and makes modifications to certain statutes relating to the DNA profiling system  
 HB 323 - Recodifies the laws regarding the Police Retirement System of Kansas City and the Civilian Employees' Retirement System of the Police Department of Kansas City  
 HB 365 - Allows moneys from the county sheriff's revolving fund to be used for expenses with concealed carry endorsements  
 HB 441 - Creates restrictions regarding the sale of products containing ephedrine and pseudoephedrine  
 HB 448 - Increases the maximum amount of compensation payable to St. Louis police officers  
 HB 486 - Removes prohibition on service providers being related to sexual offender probationers when only one is in the area  
 HB 487 - Modifies numerous provisions relating to motor vehicles, including background checks on school bus drivers, issuance of motor vehicle titles, and driver licenses  
 HB 618 - Exempts members assigned to the Division of Drug and Crime Control from the cap on the total number of officers and adds Missouri Capitol Police vehicles to the definition of "emergency vehicle"  
 HB 700 - Changes the law regarding correctional employees and Board of Probation and Parole  
 HB 972 - Modifies laws relating to crime
- 

**Liability**

- SB 168 - Creates a process to resolve disputes arising out of alleged construction defects in residential property  
 SB 177 - Modifies a number of provisions regarding professional registration  
 SB 346 - Limits paddlesport outfitters liability  
 HB 393 - Changes the laws affecting claims for damages and their payment and establishes venue in all tort actions  
 HB 462 - Changes the laws regarding suicide prevention
- 

**Libraries and Archives**

- SB 24 - Limits expiration date to provision allowing for debt service on county bonds for renovation and enhancement  
 HB 47 - Requires trustees of consolidated public library district to reside within the library district  
 HB 638 - Removes the requirement that the chief executive of the urban public library district be a qualified librarian
-

**Licenses - Liquor and Beer**

SB 262 - Changes provisions for obtaining a license to sell intoxicating liquor by the drink

---

**Licenses - Motor Vehicle**

SB 378 - Allows a person to replace two sets of two stolen license plate tabs per year and prohibits issuance of ticket for stolen tabs  
SB 488 - Exempts salvage vehicles with cosmetic damage from highway patrol examination inspections for purposes of titling

---

**Licenses - Professional**

SB 100 - Revises licensing requirements for speech language pathologists and audiologists  
SB 178 - Modifies provisions regarding licensing of podiatrists  
SB 182 - Requires liquefied petroleum gas dealers to maintain liability insurance  
SB 280 - Changes laws regarding cosmetologists and barbers  
SB 347 - Modifies education requirements for professional counselors  
HB 174 - Authorizes revocation of a real estate license for persons convicted of certain felonies and defines exclusive brokerage agreements  
HB 402 - Modifies provisions regarding licensing of podiatrists  
HB 600 - Modifies education requirements for professional counselors  
HB 738 - Modifies procedure for licensure as a real estate appraiser

---

**Liens**

SB 1 - Amends various provisions of workers' compensation law  
SB 320 - Creates lien for nonpayment of rental equipment fees

---

**Lobbying**

HB 524 - Repeals the requirement that lobbyists report on legislation they are supporting or opposing  
HB 525 - Modifies numerous provisions regarding lobbying and campaign finance disclosure

---

**Medicaid**

SB 500 - Provides for family cost participation in the Part C early intervention system  
SB 539 - Modifies provisions in various health care and social services programs

---

**Medical Procedures and Personnel**

SB 254 - Criminalizes distribution and possession of certain prescription medications on school property  
SB 323 - Establishes the eligibility criteria for grants to umbilical cord blood banks

---

**Mental Health**

SB 501 - Creates the "Office of Comprehensive Child Mental Health"  
HB 462 - Changes the laws regarding suicide prevention

---

**Mental Health Dept.**

SB 501 - Creates the "Office of Comprehensive Child Mental Health"  
HB 462 - Changes the laws regarding suicide prevention

---

**Merchandising Practices**

SB 211 - Extends certain rights with regard to sales commissions  
SB 346 - Limits paddlesport outfitters liability

---

**Military Affairs**

SB 252 - Creates the Missouri Military Preparedness and Enhancement Commission

**Military Affairs (cont'd)**

- HB 119 - Requires continuation of life insurance benefits for state employees and retirees who are called to military service in times of active armed warfare
- HB 348 - Creates the Missouri Military Preparedness and Enhancement Commission
- HB 437 - Authorizes a tax check-off for contributions to the Missouri Military Family Relief Fund
- 

**Mining and Oil and Gas Production**

- HB 824 - Changes various environmental regulations
- 

**Mortgages and Deeds**

- SB 407 - Modifies definition of "owner" in beneficiary deeds
- 

**Motor Vehicles**

- SB 37 - Modifies various provisions concerning alcohol related offenses
- SB 372 - Provides for various measures relating to bicycle safety and the duties owed to bicyclists by motorists
- SB 422 - Requires expunged records to be confidential
- SB 488 - Exempts salvage vehicles with cosmetic damage from highway patrol examination inspections for purposes of titling
- HB 248 - Allows lenders of motor vehicle time sale loans to collect a fee in advance for permitting the debtor to defer monthly loan payments
- HB 445 - Allows municipal ordinances to incorporate by reference, state statutes about vehicle equipment regulations
- HB 487 - Modifies numerous provisions relating to motor vehicles, including background checks on school bus drivers, issuance of motor vehicle titles, and driver licenses
- HB 618 - Exempts members assigned to the Division of Drug and Crime Control from the cap on the total number of officers and adds Missouri Capitol Police vehicles to the definition of "emergency vehicle"
- 

**Museums**

- SB 431 - Permits sales tax on food for the City of Independence
- 

**National Guard**

- HB 236 - Designates the National Guard armory located in Pierce City as the "Lawrence A. Witt National Guard Armory"
- HB 422 - Authorizes the Governor to convey state property in Mississippi County to the City of Charleston
- 

**Natural Resources Dept.**

- SB 225 - Modifies various sections pertaining to hazardous waste
- HB 824 - Changes various environmental regulations
- 

**Nursing and Boarding Homes**

- SB 189 - Extends certain federal reimbursement allowance and requires Medicaid managed care organizations to pay a reimbursement allowance
- SB 539 - Modifies provisions in various health care and social services programs
- 

**Parks and Recreation**

- SB 68 - Creates a sales tax exemption for certain college athletic events
- SJR 1 - Resubmits the parks and soils tax to a vote of the people starting in 2008

**Parks and Recreation (cont'd)**

HB 479 - Authorizes the disincorporation of a regional recreational district in Clay County upon the request of the district

---

**Pharmacy**

SB 10 - Requires pseudoephedrine products to be sold by a pharmacist or technician  
HB 441 - Creates restrictions regarding the sale of products containing ephedrine and pseudoephedrine

---

**Physicians**

HB 232 - Increases the fees health care providers can charge for copying a patient's health care record  
HB 393 - Changes the laws affecting claims for damages and their payment and establishes venue in all tort actions

---

**Political Subdivisions**

SB 156 - Modifies powers of port authorities with respect to property ownership and development  
SB 210 - Modifies provisions affecting political subdivisions  
SB 267 - Amends provisions relating to property tax reassessment  
SB 272 - Limits amount of revenue collectable from gaming boat admission fees  
SB 307 - Increases the amount that public officials or employees can accept for services to their political subdivision  
HB 58 - Modifies provisions relating to political subdivisions  
HB 64 - Extends the sales tax holiday and amends provisions allowing political subdivisions to opt out of the sales tax holiday  
HB 577 - Raises the amount of money political subdivision officers may accept for performing services for (or selling property to) their political subdivision  
HB 617 - Modifies the inclusion of certain counties within watershed improvement districts

---

**Prisons and Jails**

SB 423 - Creates new provisions and makes modifications to certain statutes relating to the DNA profiling system

---

**Probation and Parole**

HB 353 - Modifies provisions relating to crime  
HB 486 - Removes prohibition on service providers being related to sexual offender probationers when only one is in the area

---

**Property, Real and Personal**

SB 95 - Modifies various provisions relating to lead abatement  
SB 174 - Authorizes the state to convey land to the Regional West Fire Protection District  
SB 267 - Amends provisions relating to property tax reassessment  
SB 407 - Modifies definition of "owner" in beneficiary deeds  
SB 450 - Authorizes the Governor to convey various pieces of state property  
SB 453 - Modifies nuisance law  
HB 174 - Authorizes revocation of a real estate license for persons convicted of certain felonies and defines exclusive brokerage agreements  
HB 229 - Modifies the Homestead Exemption Tax Credit  
HB 260 - Authorizes the Governor to convey state property located in Cole County to the Cole County Regional West Fire District

**Property, Real and Personal (cont'd)**

- HB 422 - Authorizes the Governor to convey state property in Mississippi County to the City of Charleston
- HB 431 - Allows certain buildings in Springfield eligible to receive the sales and income tax increment of MODRESA
- HB 453 - Authorizes the Governor to convey state property located in Phelps County to the City of St. James
- HB 461 - Requires all assessors to use a method of valuing business personal property according to State Tax Commission rule
- HB 531 - Authorizes the Governor to convey state property in Green County to the Greater Ozarks Association for Retarded Citizens
- HB 567 - Changes the deadline for filing exceptions to a condemnation commissioners' report
- HB 631 - Authorizes the Governor to convey land to Manchester United Methodist Church in exchange for another parcel of land
- HB 685 - Authorizes the Board of Governors of Southwest Missouri State University to convey land located in Howell County and Springfield
- HB 743 - Authorizes the Governor to convey state property located in Madison County to the United States government for forestry purposes

**Public Buildings**

- SB 122 - Creates the Energy Efficiency Implementation Act

**Public Officers**

- SB 307 - Increases the amount that public officials or employees can accept for services to their political subdivision
- HB 577 - Raises the amount of money political subdivision officers may accept for performing services for (or selling property to) their political subdivision

**Public Service Commission**

- SB 179 - Allows for utility companies to recover costs through alternate rate plans
- SB 237 - Modifies various telecommunications regulations
- SB 462 - Modifies acquisition of sewer or water corporations by public utilities

**Retirement - Local Government**

- HB 261 - Creates two new retirement benefit options in the Local Government Employees' Retirement System (LAGERS)
- HB 323 - Recodifies the laws regarding the Police Retirement System of Kansas City and the Civilian Employees' Retirement System of the Police Department of Kansas City

**Retirement - Schools**

- HB 443 - Alters provisions regarding the Public School Retirement System

**Retirement - State**

- SB 202 - Merges the Administrative Law Judge retirement system into the state employees' retirement system

**Retirement Systems and Benefits - General**

- SB 202 - Merges the Administrative Law Judge retirement system into the state employees' retirement system
- SB 401 - Repeals the three-child limit in police pension systems

**Retirement Systems and Benefits - General (cont'd)**

- HB 261 - Creates two new retirement benefit options in the Local Government Employees' Retirement System (LAGERS)
- HB 323 - Recodifies the laws regarding the Police Retirement System of Kansas City and the Civilian Employees' Retirement System of the Police Department of Kansas City
- HB 443 - Alters provisions regarding the Public School Retirement System
- 

**Revenue Dept.**

- SB 378 - Allows a person to replace two sets of two stolen license plate tabs per year and prohibits issuance of ticket for stolen tabs
- SB 431 - Permits sales tax on food for the City of Independence
- SB 488 - Exempts salvage vehicles with cosmetic damage from highway patrol examination inspections for purposes of titling
- HB 64 - Extends the sales tax holiday and amends provisions allowing political subdivisions to opt out of the sales tax holiday
- HB 114 - Extends the Kansas City mass transportation sales tax until 2015
- HB 186 - Modifies provisions affecting county government
- HB 209 - Authorizes the simplified municipal telecommunications business license tax
- HB 229 - Modifies the Homestead Exemption Tax Credit
- HB 437 - Authorizes a tax check-off for contributions to the Missouri Military Family Relief Fund
- 

**Roads and Highways**

- SB 38 - Adds highway designations within Newton and Jasper County
- SB 233 - Designates certain bridges and highways and requires future highway designations to go through a new process
- SB 372 - Provides for various measures relating to bicycle safety and the duties owed to bicyclists by motorists
- HB 43 - Designates a portion of U. S. Highway 160 from State Route 76 to State Route 125 as the "Rick Harmon Memorial Highway"
- HB 155 - Designates a portion of State Highway E in McDonald County as the "Albert Brumley Memorial Highway"
- HB 215 - Allows Warrensburg to annex areas along the road or highway up to 2.5 miles from the existing city boundary
- HB 243 - Designates a portion of U. S. Highway 63 in Phelps County as the "Korean War Veterans Association Memorial Highway"
- HB 513 - Designates a portion of State Highway 370 in St. Louis and St. Charles counties as the "Officer Scott Armstrong Memorial Highway"
- 

**Saint Louis**

- SB 298 - Alters provisions regarding the superintendent and teachers of the St. Louis public school system
- SB 302 - Changes the election date for certain St. Louis school board members
- HB 297 - Renders several alterations to the state's education policy
- HB 448 - Increases the maximum amount of compensation payable to St. Louis police officers
- 

**Salaries**

- SB 71 - Changes which state employees may receive paid leave for volunteering as a disaster service volunteer

**Salaries (cont'd)**

HB 448 - Increases the maximum amount of compensation payable to St. Louis police officers

---

**Secretary of State**

HB 219 - Designates a room in the Missouri State Archives as the "Alex M. Petrovic Reading Room"

HB 630 - Allows a not-for-profit corporation to apply for reinstatement if forfeited after 1978 for failure to file an annual report

HB 678 - Outlines various provisions regarding uncertificated shares of stock and shareholder remedies

---

**Securities**

SB 131 - Allows insurance companies to invest capital, reserves, and surplus in preferred or guaranteed stocks

HB 69 - Allows insurance companies to invest capital, reserves, and surplus in preferred or guaranteed stocks

---

**Sewers and Sewer Districts**

SB 462 - Modifies acquisition of sewer or water corporations by public utilities

---

**Social Services Dept.**

SB 155 - Requires certain identifying information to be expunged by the Division of Family Services

SB 539 - Modifies provisions in various health care and social services programs

---

**State Departments**

SB 122 - Creates the Energy Efficiency Implementation Act

HB 576 - Modifies the laws regarding the Small Business Regulatory Fairness Board and the procedures necessary for obtaining judicial review of administrative decisions

---

**State Employees**

SB 71 - Changes which state employees may receive paid leave for volunteering as a disaster service volunteer

SB 133 - Requires Office of Administration to include certain products in the cafeteria plan for state employees

SB 149 - Establishes hearing for restatement and back-pay award

SB 307 - Increases the amount that public officials or employees can accept for services to their political subdivision

SB 367 - Changes requirement for payment of overtime hours for nonexempt state employees

HB 119 - Requires continuation of life insurance benefits for state employees and retirees who are called to military service in times of active armed warfare

---

**State Tax Commission**

HB 229 - Modifies the Homestead Exemption Tax Credit

HB 461 - Requires all assessors to use a method of valuing business personal property according to State Tax Commission rule

---

**Tax Credits**

SB 189 - Extends certain federal reimbursement allowance and requires Medicaid managed care organizations to pay a reimbursement allowance

**Tax Credits (cont'd)**

- SB 343 - Changes the laws regarding job development programs administered by the Department of Economic Development
- 

**Taxation and Revenue - General**

- SB 68 - Creates a sales tax exemption for certain college athletic events  
SB 189 - Extends certain federal reimbursement allowance and requires Medicaid managed care organizations to pay a reimbursement allowance  
SB 272 - Limits amount of revenue collectable from gaming boat admission fees  
SB 516 - Eliminates a provision in Section 99.847 allowing districts to receive reimbursement for emergency services  
SJR 1 - Resubmits the parks and soils tax to a vote of the people starting in 2008  
HB 64 - Extends the sales tax holiday and amends provisions allowing political subdivisions to opt out of the sales tax holiday  
HB 114 - Extends the Kansas City mass transportation sales tax until 2015  
HB 186 - Modifies provisions affecting county government  
HB 209 - Authorizes the simplified municipal telecommunications business license tax  
HB 431 - Allows certain buildings in Springfield eligible to receive the sales and income tax increment of MODRESA  
HB 461 - Requires all assessors to use a method of valuing business personal property according to State Tax Commission rule  
HB 515 - Amends provisions relating to tourism community enhancement districts
- 

**Taxation and Revenue - Income**

- SB 133 - Requires Office of Administration to include certain products in the cafeteria plan for state employees  
HB 437 - Authorizes a tax check-off for contributions to the Missouri Military Family Relief Fund
- 

**Taxation and Revenue - Property**

- SB 267 - Amends provisions relating to property tax reassessment  
SB 272 - Limits amount of revenue collectable from gaming boat admission fees  
SB 287 - Transitions the state away from a tax-rate driven education funding formula to a student-needs based education funding formula  
HB 229 - Modifies the Homestead Exemption Tax Credit  
HB 461 - Requires all assessors to use a method of valuing business personal property according to State Tax Commission rule
- 

**Taxation and Revenue - Sales and Use**

- SB 68 - Creates a sales tax exemption for certain college athletic events  
SB 196 - Modifies sales and use tax exemption eligibility for manufacturing and material recovery plants  
SB 238 - Requires all revenue derived from a certain sales tax to be deposited in the Community Children's Sales Tax Trust Fund  
SB 272 - Limits amount of revenue collectable from gaming boat admission fees  
SB 396 - Extends sunset on transfer of jet fuel tax to the aviation trust fund and increases air control tower funding  
SB 431 - Permits sales tax on food for the City of Independence  
SJR 1 - Resubmits the parks and soils tax to a vote of the people starting in 2008  
HB 64 - Extends the sales tax holiday and amends provisions allowing political subdivisions to opt out of the sales tax holiday

**Taxation and Revenue - Sales and Use (cont'd)**

- HB 114 - Extends the Kansas City mass transportation sales tax until 2015  
HB 186 - Modifies provisions affecting county government  
HB 209 - Authorizes the simplified municipal telecommunications business license tax  
HB 479 - Authorizes the disincorporation of a regional recreational district in Clay County upon the request of the district  
HB 515 - Amends provisions relating to tourism community enhancement districts
- 

**Teachers**

- SB 103 - Allows school districts to convene a committee of their board in order to rule on pupil residency waiver requests  
SB 266 - Alters the definition of "teacher" in the teacher tenure act  
SB 287 - Transitions the state away from a tax-rate driven education funding formula to a student-needs based education funding formula  
HB 297 - Renders several alterations to the state's education policy  
HB 443 - Alters provisions regarding the Public School Retirement System  
HB 530 - Students may receive foreign language credit in public education institutions for sign language classes
- 

**Telecommunications**

- SB 237 - Modifies various telecommunications regulations
- 

**Tobacco Products**

- HB 596 - Allows employers to provide or contract for health insurance at reduced rates for employees who do not use tobacco products
- 

**Tourism**

- SB 274 - Regulates travel clubs  
SB 431 - Permits sales tax on food for the City of Independence  
HB 219 - Designates a room in the Missouri State Archives as the "Alex M. Petrovic Reading Room"
- 

**Transportation**

- SB 396 - Extends sunset on transfer of jet fuel tax to the aviation trust fund and increases air control tower funding  
HB 155 - Designates a portion of State Highway E in McDonald County as the "Albert Brumley Memorial Highway"
- 

**Transportation Dept.**

- SB 233 - Designates certain bridges and highways and requires future highway designations to go through a new process  
SB 372 - Provides for various measures relating to bicycle safety and the duties owed to bicyclists by motorists  
SB 396 - Extends sunset on transfer of jet fuel tax to the aviation trust fund and increases air control tower funding  
HB 43 - Designates a portion of U. S. Highway 160 from State Route 76 to State Route 125 as the "Rick Harmon Memorial Highway"  
HB 243 - Designates a portion of U. S. Highway 63 in Phelps County as the "Korean War Veterans Association Memorial Highway"
-

**Treasurer, State**

- SB 238 - Requires all revenue derived from a certain sales tax to be deposited in the Community Children's Sales Tax Trust Fund
- SB 270 - Modifies the linked deposit program and other duties of the State Treasurer
- SB 394 - Repeals law requiring the State Treasurer to maintain a list of financial institutions doing business in Northern Ireland
- HB 229 - Modifies the Homestead Exemption Tax Credit
- HB 437 - Authorizes a tax check-off for contributions to the Missouri Military Family Relief Fund
- 

**Unemployment Compensation**

- SB 1 - Amends various provisions of workers' compensation law
- 

**Uniform Laws**

- SB 279 - Adds demand drafts to certain transfer and presentment warranties in the Uniform Commercial Code
- 

**Utilities**

- SB 179 - Allows for utility companies to recover costs through alternate rate plans
- HB 395 - Extends the power to sell and convey all or part of the district's property to cities owning waterworks systems to all public water supply
- 

**Veterans**

- HB 163 - Extends the application deadline for Korean Conflict and World War II medallions, medals, and certificates
- HB 236 - Designates the National Guard armory located in Pierce City as the "Lawrence A. Witt National Guard Armory"
- 

**Victims of Crime**

- HB 353 - Modifies provisions relating to crime
- 

**Waste - Hazardous**

- SB 95 - Modifies various provisions relating to lead abatement
- SB 170 - Extends the dry cleaning fee until 2012
- SB 225 - Modifies various sections pertaining to hazardous waste
- 

**Water Resources and Water Districts**

- SB 246 - Allows state to issue bonds for grants and loans pursuant to several sections of Article III of the Missouri Constitution
- SB 462 - Modifies acquisition of sewer or water corporations by public utilities
- HB 395 - Extends the power to sell and convey all or part of the district's property to cities owning waterworks systems to all public water supply
- HB 455 - Eliminates the current requirement that only landowners living within the watershed district can be elected to serve as trustees of the watershed district
- HB 617 - Modifies the inclusion of certain counties within watershed improvement districts
- 

**Workers Compensation**

- SB 1 - Amends various provisions of workers' compensation law
-