

93rd General Assembly

2nd Regular Session

MISSOURI SENATE



WEEKLY BILL STATUS REPORT

January 23 - 27, 2006

Prepared by
Divisions of Research and Computer Information Systems

*** SB 557 ***

3664S.031

SENATE SPONSOR: Gibbons

SB 557 - This act modifies laws against sexual offenders.

SECTION 105.003 - PROHIBITING STATE EMPLOYEES FROM BEING SEXUAL OFFENDERS - Under this section, before a state agency hires a person for a position with substantial direct contact with children under the age of sixteen, the agency must request a criminal background check.

If an applicant has not resided in this state for 5 consecutive years prior to the date of his or her application, the agency shall request a nationwide check for the purpose of determining if the applicant has a prior criminal history in other states. The patrol shall notify the submitting agency of any criminal history information or lack of criminal history information discovered on the individual. All records related to any criminal history information discovered shall be accessible and available to the agency making the record request. In the case of temporary employees hired through or contracted for an employment agency, the employment agency shall be subject to the provisions of this section prior to sending the employee to a state agency.

When a state agency requests a criminal background check, it may require the applicant to reimburse the state for the cost of such record check. When it requests a nationwide criminal background check, the total cost shall be paid by the state. However, the obligation of the state agency to obtain a nationwide criminal background check shall be subject to the availability of appropriations.

An applicant subject to this section shall sign a consent form so the state may request a criminal records review and disclose the applicant's criminal history.

Any state agency shall not hire any individual for a position with substantial direct contact with children less than sixteen years of age, who has pleaded guilty to or been found guilty of any offense for which a person must register as a sexual offender. Any state agency, board or commission shall be prohibited from hiring an applicant who fails to disclose his or her criminal history.

SECTION 285.028 - CIVIL LIABILITY OF PRIVATE EMPLOYERS WHO EMPLOY SEXUAL OFFENDERS - Under this section, before a private employer with more than 10 employees hires an individual for a position with substantial direct contact with children under the age of 16, the employer may request a criminal background check.

If an applicant has not resided in this state for 5 consecutive years prior to the date of his or her application, the employer may request a nationwide check for the purpose of determining if the applicant has a prior criminal history in other states. The patrol shall notify the submitting employer of any criminal history information or lack of criminal history information discovered on the individual. The records related to any criminal history discovered shall be accessible and available to the employer making the record request.

The employer may require the applicant to reimburse the employer for the cost of such record check.

An applicant for such a position must sign a consent form so the private employer may request a criminal records review and disclose the applicant's criminal history.

If an employer subject to this section hires any individual for a position with substantial direct contact with children less than sixteen years of age, the employer shall be held civilly liable for any damages resulting from a sexual offense committed by the employee that occurred because the employee had contact with the child through his or her employment and the employee is a person who has pleaded guilty to or been found guilty of any offense for which a person must register as a sexual offender.

SECTION 351.609 - EXPEDITING SEARCH WARRANTS OF FOREIGN CORPORATIONS - The provisions of this section shall apply to any search warrant issued to search for records that are in the actual or constructive possession of a foreign corporation that provides electronic communication services or remote computing services to the general public, where those records would reveal the information concerning the customers using the service. When properly served with a search warrant issued by a Missouri court, a foreign corporation shall provide to the peace officer to whom the search warrant was issued, all records sought pursuant to the warrant within 5 business days of receipt, including any records maintained or located outside the state.

For certain reasons, the time limit for production of the records may be shortened or extended.

A foreign corporation seeking to quash the warrant must seek relief from the court that issued the warrant within the time required for production of records under this section. The issuing court shall hear and decide that motion no later than five court days after the motion is filed.

A Missouri corporation that provides electronic communication services or remote computing services to the general public, when served with a warrant issued by another state to produce records that reveal the concerning customers using those services shall produce those records as if the warrant was issued by a court of this state.

No cause of action shall lie against any foreign corporation or Missouri corporation subject to this section, its officers, employees, agents, or other specified persons for providing records, information, facilities, or assistance in accordance with the terms of a warrant subject to this section.

SECTION 488.5362 - COURT SURCHARGE TO FUND SEXUAL OFFENDER ADDRESS REVIEW - This section imposes a \$5 surcharge on all circuit court proceedings filed in all criminal cases in which the defendant pleads guilty to or is convicted of a felony or misdemeanor. The money collected by the court clerks shall be payable to the county treasurer, who shall hold the money in a separate fund. The money in the fund shall be used only to provide funding for the chief law enforcement officer of the county to review and verify the addresses of registered sexual offenders residing in the county.

SECTION 566.032 - STATUTORY RAPE IN THE FIRST DEGREE - This section increases the penalty for statutory rape in the first degree to a Class A felony. The penalty for a Class A felony is 10 to 30 years or life imprisonment.

SECTION 566.062 - STATUTORY SODOMY IN THE FIRST DEGREE - This section increases the penalty for statutory sodomy in the first degree from a Class B felony to a Class A felony. The penalty for a Class A felony is 10 to 30 years or life imprisonment.

SECTION 566.067 - CHILD MOLESTATION IN THE FIRST DEGREE - This section increases the penalty for child molestation in the first degree to a Class A felony. The penalty for a Class A felony is 10 to 30 years or life imprisonment.

SECTION 589.414 - UPDATE OF SEXUAL OFFENDER PHOTOGRAPHS - This section requires sexual offenders to annually update their photographs on file when they report in person to verify their information.

SECTION 589.575 - SEMI-ANNUAL REVIEW OF ADDRESSES - The chief law enforcement officer of the county shall review semi-annually the address of each registered sexual offender who resides in said county and verify whether the offender is residing at the address provided by him or her. Upon verification of the addresses of the county's sexual offenders, the chief law enforcement officer shall forward a list of the names and addresses of offenders residing at his or her provided address and a list of offenders who are no longer residing at his or her provided address to the highway patrol.

SECTION 589.576 - SHARING SEXUAL REGISTRY INFORMATION - Upon semi-annually receiving the verified sexual offender addresses from the chief law enforcement officer of each county, the highway patrol shall compile and provide the names of such offenders who are no longer residing at the address provided to law enforcement to the attorney general or the head law enforcement agency of Tennessee, Kentucky, Illinois, Iowa, Nebraska, Kansas, Oklahoma, and Arkansas.

SUSAN HENDERSON MOORE

12/01/2005 Prefiled

01/04/2006 S First Read (S5)

01/09/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S57)

01/12/2006 Hearing Cancelled S Judiciary and Civil & Criminal Jurisprudence Committee

01/23/2006 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2006

Commission and gas corporations for schools. The tariffs in question provide for the aggregate purchase of natural gas for schools in the state. Such tariffs shall remain in effect unless they are terminated by the commission.

MEGAN WORD

12/01/2005 Prefiled

01/04/2006 S First Read (S5)

01/09/2006 Second Read and Referred S Commerce, Energy and the Environment Committee (S57)

01/31/2006 Hearing Scheduled S Commerce, Energy and the Environment Committee

EFFECTIVE: August 28, 2006

*** SB 559 ***

3545S.011

SENATE SPONSOR: Gibbons

SB 559 - The act makes one change to the definition of "person" as it applies to joint municipal utility commission. The changes makes consistent that any municipality, government unit or public corporation created under the laws of any state or the United States be considered a person under this definition.

MEGAN WORD

12/01/2005 Prefiled

01/04/2006 S First Read (S5)

01/09/2006 Second Read and Referred S Commerce, Energy and the Environment Committee (S57)

01/31/2006 Hearing Scheduled S Commerce, Energy and the Environment Committee

EFFECTIVE: August 28, 2006

*** SB 560 ***

3104S.041

SENATE SPONSOR: Gross

SB 560 - This act modifies the laws relating to eminent domain and "blighted areas".

SECTION 99.805 - This section modifies the definition of blight and specifically states that economic underutilization shall not be a valid factor in determining blight. In addition to the current definition of blight, this section requires that the property in question satisfy the following criteria:

1. The property is in an area of high unemployment; and
2. The property is one with low fiscal capacity; and
3. The area containing the redevelopment area is characterized by low income.

The section also makes the determinations of blight or conservation area a quasi-judicial function, attaching the rights of procedural due process to affected landowners and requiring the governing body to issue findings of fact and conclusions of law displaying clear and convincing evidence for the sufficiency of such finding of blight or conservation area. The findings of fact may be reviewed, de novo, at the request of any owner of property deemed blighted.

Economic development area has been removed from chapter 99 as an option for tax increment financing projects.

This section also removes reference to legal fees, demolition of buildings, and costs of rehabilitation, reconstruction, or repair or remodeling of existing buildings or fixtures as redevelopment project costs. Legal fees are specifically exempted from the definition of redevelopment project costs.

SECTION 99.825 - This section states that tax increment financing projects within a blighted area or a conservation area shall apply to and fund only the following infrastructure projects: highways, roads, streets, bridges, sewers, traffic control systems and devices, water distribution and supply systems, curbing, sidewalks and any other similar public improvements, but in no case shall it include buildings.

Under this section, an ordinance providing for a tax increment finance project for residential development or redevelopment shall not be approved unless unanimous consent for such project is granted by the members of the tax increment finance commission representing the interest of the school boards whose districts are included within the redevelopment plan or redevelopment area.

SECTION 523.015 - Under this section, any extension of a temporary easement, which is granted as a result of condemnation, shall not be granted automatically. Instead, the condemning entity shall only be granted an

extension upon completing formal condemnation proceedings and paying the ordered amount of compensation for the extension.

SECTION 523.025 - This section prohibits any political subdivision with an elected governing body from exercising the power of eminent domain or condemnation until the elected governing body approves of the proposed condemnation by a 2/3 majority vote.

SECTION 523.035 - Under this section, after the petition has been filed to begin condemnation proceedings, the court shall, prior to appointing commissioners, determine whether or not:

- (1) The condemning entity has the authority to exercise the power of eminent domain;
- (2) The property sought to be condemned is subject to eminent domain;
- (3) The property sought to be condemned is for a public use; and
- (4) The condemning entity is properly exercising the power of eminent domain in the proceeding.

The court may also determine other issues raised by the owner which attacks the validity of the condemning entity's right to exercise eminent domain.

If the court finds that all the requirements have been met, it shall enter an interlocutory order to such effect. An interlocutory appeal shall lie from such decision as a matter of right. However, if the court finds the requirements have not been met and the condemning entity does not have the authority to exercise the power of eminent domain, the court shall dismiss the petition with prejudice and direct the condemning entity to pay the owner's court costs and attorneys' fees.

SECTION 523.095

This section prohibits the state or any political subdivision thereof from exercising the power of eminent domain to acquire property for economic development, unless the acquisition of such property is expressly authorized by law or the following provisions are fulfilled. No private property that the state or a political subdivision thereof takes in the exercise of its eminent domain power shall be used for economic development unless: (1) 7 years have passed since the time of the original authorized taking; and (2) the original owner is offered the right of first refusal to buy the property at the original condemnation price.

The definition of "economic development" means any activity performed to increase tax revenue, tax base, employment rates, or general economic health, when the activity does not result in:

- (1) The transfer of land to public ownership;
- (2) The transfer of land to a private entity that is a common carrier;
- (3) The transfer of property to a private entity that will remove a blighted area; or
- (4) The lease of the property to private entities that occupy an incidental area within a public project.

SECTION 523.110 - This section states that when an entity with the power to condemn negotiates with an owner to acquire property, which may eventually be acquired through formal condemnation proceedings, the entity must provide the owner with a summary of his or her rights through certified mail.

SECTION 523.115 - This section requires a condemning entity to give notice of the intent to acquire property before beginning the process of condemnation. Such general notice must include a description of the property, notice of the property owners' rights to a hearing, notice that a decision may be appealed to be heard before a jury, and notice that the condemnor will pay reasonable appraisal costs.

Property owners may employ an appraiser of their choosing, who must be a Missouri certified general appraiser bound by the uniform standards of professional appraisal practice (USPAP). The value of the land shall be equal to the market value with applicable upward adjustments.

Within 90 days of notice, the owners may submit an appraisal to the condemnor, and in return the condemnor must submit its appraisal. All the appraisals may be used to negotiate, but only the condemnor is bound by such appraisals. The condemnor must pay for the costs of the owner's appraisal, unless several owners exist and they cannot agree on what appraisal to submit.

Under this section, a condemning entity shall not make an offer to purchase property that is less than the

market value established by its appraisal, but is not required to make a higher offer in order to be negotiating in "good faith". Any condemning party must make a written offer at least 10 days before the formal filing of a petition with the court to condemn the property. This section provides the form in which such offer must be made and be a verified affidavit.

If the parties fail to reach agreement and the amount of damages awarded the condemnee by the commissioners or by the court or jury, exclusive of interest and costs, is within 20% of the original offer, the condemnee shall pay the condemning entity's litigation expenses, including court costs and attorney's fees, in an amount that does not exceed \$2,500. If the amount of damages awarded to the condemnee, exclusive of interest and costs, exceeds the amount of the original offer by 20% or more, the condemning entity shall pay the condemnee's litigation expenses, including court costs and attorney's fees, in an amount not to exceed \$2,500. If the amount of damages awarded to the condemnee, exclusive of interest and costs, exceeds the amount of the original offer by 50% or more, the condemning entity shall pay the condemnee's litigation expenses, including court costs and attorney's fees, in an amount not to exceed \$2,500 and double damages on that portion of the damages that exceeds the amount of the original offer by 20%.

SECTION 523.205 - This section ensures that any political subdivision, not just those receiving federal funding for a project or those proposing a redevelopment plan, which proposes the displacement of persons through the use of eminent domain must establish by ordinance or rule with a relocation policy that is equal or greater to the requirements of the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. sections 4601 to 4655, as amended).

SUSAN HENDERSON MOORE

12/01/2005 Prefiled

01/04/2006 S First Read (S5)

01/09/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S57)

EFFECTIVE: August 28, 2006

*** SB 561 ***

3339S.04I

SENATE SPONSOR: Gross

SB 561 - This act limits the expenditure of funds derived from admission fees for St. Charles City and St. Charles County. The further limitation on the amount of expenditures other than capital, cultural, and special law enforcement purpose expenditures is phased-in over a period of years based upon a percentage of the revenue received from excursion gambling boat admission fees in fiscal year 2007 .

JASON ZAMKUS

12/01/2005 Prefiled

01/04/2006 S First Read (S5)

01/09/2006 Second Read and Referred S Ways & Means Committee (S57)

EFFECTIVE: August 28, 2006

*** SB 562 ***

3377S.02I

SENATE SPONSOR: Gross

SB 562 - This act establishes the Unborn Child Pain Prevention Act. This act requires treating physicians to inform women seeking abortions after 20 weeks gestation that she has the right to review specified information about the capacity of an unborn child to experience pain during an abortion. The treating physicians must also offer the women the option of administering an anesthetic or analgesic to the unborn child. There are exceptions to these requirements in the cases of medical emergencies.

This act also removes the definition of "medical emergency" from Section 188.039, and moves it, without any changes, to the definitions in Section 188.015.

ADRIANE CROUSE

12/01/2005 Prefiled

01/04/2006 S First Read (S5)

01/09/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S57)

01/30/2006 Hearing Scheduled S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2006

*** SB 563 ***

3091S.07I

SENATE SPONSOR: Loudon

SB 563 - This act strengthens the laws against sexual offenders.

SECTION 43.533 - Toll-Free Sexual Offender Hotline

This section requires the Highway Patrol, subject to appropriation, to operate a toll-free telephone number to disseminate information regarding individuals registered as sexual offenders.

SECTION 188.023 - Abortion Clinic Personnel

This section specifies that any abortion clinic personnel who has prima facie evidence that a client has been the victim of statutory rape is required to report such crime in the same manner as mandatory reporters.

SECTION 211.011 - Purpose of Juvenile Courts

This section modifies the purpose of the Juvenile Courts. Under this act, the purpose of the juvenile courts is not only to facilitate the care, protection, and discipline of children within the juvenile court system, but also to promote and support repairing the harm of crime, increasing the safety of the citizens of the state, emphasizing accountability, and providing alternatives to incarceration for non-violent offenders.

SECTION 211.071 - Rebuttable Presumption for Transfer

This section creates a rebuttable presumption that a child shall be transferred to a court of general jurisdiction for prosecution if the child has committed murder, first degree assault, forcible rape or sodomy, first degree robbery, or distribution of drugs, or has committed two or more prior unrelated offenses that would be felonies if committed by adults.

SECTION 217.735 & SECTION 559.106 - Lifetime Supervision & Electronic Monitoring

This section changes which offenders must be under lifetime supervision by the Board of Probation and Parole and electronically monitored. Currently, this section 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 under lifetime supervision and electronically monitored.

Under this act, any person convicted of forcible rape, forcible sodomy, statutory rape in the first degree, or statutory sodomy in the first degree, shall be under lifetime supervision and electronically monitored for a first offense. Prior sex offenders, who commit child molestation, sexual misconduct or abuse, enticement of a child, or sexual trafficking of a child, against a child under the age of 14, shall continue to be subject to lifetime supervision and electronic monitoring.

SECTION 489.042 - Computer Access for Probation/Parole Officers

This section authorizes the Board of Probation and Parole or the court to require a person who is required to register as a sexual offender to give his or her assigned probation or parole officer access to his or her personal home computer as a condition of probation or parole in order to prevent such offender from obtaining and keeping child pornography or committing an offender under Chapter 566, RSMo.

SECTION 556.061 - Definition of Dangerous Felony

This section redefines the term "dangerous felony" to include child kidnapping. It also includes any statutory rape in the first degree and statutory sodomy in the first degree, without restricting the crimes to those with a victim under the age of 12.

SECTION 566.010 - Criminal Code Definitions

This section modifies the definition of the term "deviate sexual intercourse".

SECTION 566.030 - Forcible Rape

Under this section, the authorized term of imprisonment for a person who commits forcible rape and the victim is less than 12 years of age, shall be life imprisonment with eligibility for parole after 25 years.

A person convicted of or pleading guilty to forcible rape or attempt to commit forcible rape shall not be granted a suspended imposition of sentence or suspended execution of sentence.

SECTION 566.032 - Statutory Rape in the First Degree

Under this section, the authorized term of imprisonment for a person who commits statutory rape in the first degree and the victim is less than 12 years of age, shall be life imprisonment with eligibility for parole after 25 years.

A person convicted of or pleading guilty to statutory rape in the first degree shall not be granted a

suspended imposition of sentence or suspended execution of sentence.

SECTION 566.060 - Forcible Sodomy

Under this section, the authorized term of imprisonment for a person who commits forcible sodomy and the victim is less than 12 years of age, shall be life imprisonment with eligibility for parole after 25 years.

A person convicted of or pleading guilty to forcible sodomy or attempt to commit forcible sodomy shall not be granted a suspended imposition of sentence or suspended execution of sentence.

SECTION 566.062 - Statutory Sodomy in the First Degree

Under this section, the authorized term of imprisonment for a person who commits statutory sodomy in the first degree and the victim is less than 12 years of age, shall be life imprisonment with eligibility for parole after 25 years.

A person convicted of or pleading guilty to statutory sodomy in the first degree shall not be granted a suspended imposition of sentence or suspended execution of sentence.

SECTION 566.066 - Luring of a Child

This section creates the crime of unlawful luring of a child. A person commits this crime when he or she intentionally lures or attempts to lure a child under the age of 14 into a car or building without the consent of the parent or guardian for an unlawful purpose. Luring of a child is a Class C felony.

SECTION 566.067 - Child Molestation in the First Degree

This section prohibits a person convicted of or pleading guilty to child molestation from being granted a suspended imposition of sentence or suspended execution of sentence.

SECTION 566.068 - Child Molestation in the Second Degree

This section redefines the crime of child molestation in the second degree. Under this act, a person over 21 years of age, rather than any person of any age, commits child molestation if he or she subjects another person who is less than seventeen years of age to sexual contact.

Under this act, the penalty for child molestation in the second degree is increased from a Class A misdemeanor to a Class D felony, unless the person has previously been convicted of a sexual offense, displays a weapon, inflicts serious injury, or commits the offense as part of a ritual, in which case, the crime is a Class C felony.

SECTION 566.069 - Child Molestation in the Third Degree

Under this act, a person commits the crime of child molestation in the third degree if, being under 21 years of age, he or she subjects another person who is less than 17 years of age to sexual contact. This crime is a Class A misdemeanor unless the actor has committed a prior sex offense or inflicts serious injury, displays a deadly weapon, or commits the offense as part of a ritual, in which case, the crime is a Class D felony.

SECTION 566.083 - Sexual Misconduct with a Child

This section makes any attempt to commit sexual misconduct with a child a Class D felony and specifies that the section may be violated by actions performed in person or via the Internet. It is not an affirmative defense that the other person whom the offense was committed against was a peace officer masquerading as a minor.

SECTION 566.090 - Sexual Misconduct in the First Degree

Under this section, a person can commit sexual misconduct in the first degree by knowingly exposing his or her genitals to another person without consent for the purpose of sexual gratification.

SECTION 566.151 - Enticement of a Child

This section removes the penalty for attempting to entice a child and increases the penalty for enticing a child from a Class C felony to a Class B felony, unless the person has committed certain other offenses, in which case, it is a Class A felony.

SECTION 566.212 - Sexual Trafficking of a Child

A person convicted of or pleading guilty to sexual trafficking a child shall not be granted a suspended imposition of sentence or suspended execution of sentence.

SECTION 568.080 - Use of a Child in a Sexual Performance

This section prohibits a person convicted of or pleading guilty to using a child in a sexual performance from being granted a suspended imposition of sentence or suspended execution of sentence.

SECTION 568.090 - Promoting the Sexual Performance of a Child

This section prohibits a person convicted of or pleading guilty to promoting a sexual performance by a child from being granted a suspended imposition of sentence or suspended execution of sentence.

SECTION 573.010 - Child Pornography

This section modifies the definition of "child pornography" to include material or performance that shows a minor in a state of nudity, unless:

(1) It is disseminated, displayed, possessed, or brought to this state for a bona fide artistic, scientific, educational, religious, governmental, judicial, or other proper purpose, by or to a physician, psychologist, sociologist, scientist, teacher, person pursuing studies or research, librarian, clergyman, prosecutor, judge, or other person with proper interest; AND

(2) The parents or guardians consent in writing to the use of such material.

SECTIONS 589.400 & 589.414

These sections specify that registration requirements apply to sexual offenders establishing or changing residency, regardless of whether it is permanent or temporary.

SECTIONS 589.407 & 589.414 - Vehicle Information Requirement

In addition to personal information, fingerprints, and a photograph, these sections requires a sexual offender to provide a physical description of his or her vehicle when originally registering and update such information when he or she changes vehicle.

SECTION 589.408 - Notification Regarding Sexual Offenders

This section authorizes the chief law enforcement officer of the county, within 10 days of a sexual offender's registration, to publish notice in the newspaper that such person intends to reside in the county.

Within 10 days of a sexual offender completing his or her registration, the chief law enforcement officer of the county shall have the authority to provide written notice to individuals living within one-mile of an offender's primary residence of such person's intent to reside there, if the offense for which the person must register was committed against a victim less than 17 years of age or the offender is considered a "persistent sexual offender" or a "predatory sexual offender".

In addition, any probation or parole officer supervising such offender shall have the authority to provide written or verbal notification to such surrounding persons.

Within ten days of an offender completing his or her sexual offender registration, the chief law enforcement officer of the county shall have the authority to provide written notice to any public or private school located within the county of the sexual offender's intention to reside within the county, if the victim was a child less than 17 years of age at the time of the offense. Upon receiving notice, the administrator or superintendent shall release the information to appropriate school personnel.

SECTION 589.418 - Assisting a Sexual Offender

Under this section, any person who assists a sexual offender in eluding a law enforcement agency that is seeking to find the sexual offender to question him or her about, or to arrest the offender for, his or her noncompliance with the registration requirements is guilty of a Class C felony.

SECTION 589.425 - Failure to Register

This act increases the penalty for failing to register as a sexual offender when required to do so by law.

Under this act, a person who is required to register and does not complete all the requirements of registration is guilty of a Class C felony unless the person failing to register was convicted of a sex crime which is an unclassified felony, a class A felony, a Class B felony, or any felony involving a child under the age of 14, in which case, it is a Class B felony.

A second or subsequent offense is a Class B felony unless the person failing to register was convicted of a sex crime which is an unclassified felony, a Class A felony, a Class B felony, or any felony involving a child

under the age of 14, in which case, it is a Class A felony.

SUSAN HENDERSON MOORE

12/01/2005 Prefiled

01/04/2006 S First Read (S5)

01/09/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S57)

01/12/2006 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2006

*** SB 564 ***

3646S.011

SENATE SPONSOR: Loudon

SB 564 - This act allows for use of remaining available credits, under the four million dollar cap, for non-resident adoptions if, as of April fifteenth of each fiscal year, less than two million dollars of available credits for resident adoptions have been issued. The credit allowable for nonrecurring adoption expenses will be reduced to the same degree the federal adoption tax credit is reduced by the income limit set forth in federal adoption tax credit law.

This act contains an emergency clause and is similar to SB 3(2005).

JASON ZAMKUS

12/01/2005 Prefiled

01/04/2006 S First Read (S5)

01/09/2006 Second Read and Referred S Ways & Means Committee (S57)

EFFECTIVE: August 28, 2006

*** SB 565 ***

3725S.011

SENATE SPONSOR: Loudon

SB 565 - The act allows for a ten thousand dollar state income tax deduction to be taken in the year in which a organ donation is made. Missouri drivers licenses will have a notice on the back of each license stating that Missouri allows a one-time ten thousand dollar state income tax deduction for organ donations.

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

The act has an effective date of January 1, 2007.

JASON ZAMKUS

12/01/2005 Prefiled

01/04/2006 S First Read (S5)

01/09/2006 Second Read and Referred S Ways & Means Committee (S57)

EFFECTIVE: August 28, 2006

*** SB 566 ***

3362S.011

SENATE SPONSOR: Dougherty

SB 566 - This act authorizes an advanced practice registered nurse to prescribe schedule II, III, IV, or V controlled substances under a collaborative practice agreement.

This act is similar to SB 1255 (2004), and identical to SCS/SB 90 (2005).

CHRIS HOGERTY

12/01/2005 Prefiled

01/04/2006 S First Read (S5-6)

01/09/2006 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S57)

EFFECTIVE: August 28, 2006

*** SB 567 ***

3385S.011

SENATE SPONSOR: Dougherty

SB 567 - This act requires health insurance companies to provide coverage for routine patient care costs incurred as the result of phase I or II clinical trials undertaken to treat cancer. Currently, Section 376.429, RSMo, requires coverage for phases III or IV only.

ADRIANE CROUSE

12/01/2005 Prefiled

01/04/2006 S First Read (S6)

01/09/2006 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S57)

EFFECTIVE: August 28, 2006

*** SB 568 ***

3360S.011

SENATE SPONSOR: Dougherty

SB 568 - This act creates the "Children's Environmental Health and Protection Advisory Council" within the Department of Health and Senior Services. The Council will consist of eighteen members, who will be appointed by February 1, 2007. Meetings must be held at least six times a year or at the call of the chairperson or nine members of the Council. The duties of the Council shall include:

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

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

This act is identical to SB 8 (2005).

ADRIANE CROUSE

12/01/2005 Prefiled

01/04/2006 S First Read (S6)

01/09/2006 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S57)

EFFECTIVE: August 28, 2006

*** SB 569 ***

3278S.021

SENATE SPONSOR: Cauthorn

SB 569 - The act directs that one hundred percent of gasoline sold on or before January 1, 2007, be blended with at least ten percent ethanol. This directive remains in place unless the EPA or the Governor promulgates rules which regulate the use of such fuels in ozone nonattainment areas or maintenance areas as both terms are defined by the amended Clean Air Act.

MEGAN WORD

12/01/2005 Prefiled

01/04/2006 S First Read (S6)

01/09/2006 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S57)

01/25/2006 Hearing Conducted S Agriculture, Conservation, Parks & Natural Resources Committee

EFFECTIVE: August 28, 2006

*** SB 570 ***

3210S.021

SENATE SPONSOR: Cauthorn

SB 570 - This act increases the minimum sentence for certain sexual offenses and strengthens the registration requirements for all sexual offenders.

SECTION 566.030 - Forcible Rape

This section increases the minimum sentence for forcible rape to 25 years when the victim is a child less than fourteen years of age. Also, a person who is convicted of or has pleaded guilty to forcible rape shall serve his or her term of imprisonment without the possibility of probation or parole.

SECTION 566.032 - Statutory Rape in the First Degree

This section increases the sentence for statutory rape in the first degree from 5 years to 25 years. Also, a person who is convicted of or has pleaded guilty to this crime shall serve his or her term of imprisonment without the possibility of probation or parole.

SECTION 566.034 - Statutory Rape in the Second Degree

Currently, statutory rape in the second degree is a class C felony, with a sentence of 1 to 7 years. This act makes the crime a class B felony, with a sentence of 5 to 15 years.

SECTION 566.060 - Forcible Sodomy

This section increases the minimum sentence for forcible sodomy to 25 years when the victim is a child less than 14 years of age. Also, a person who is convicted of or has pleaded guilty to this crime shall serve his or her term of imprisonment without the possibility of probation or parole.

SECTION 566.062 - Statutory Sodomy in the First Degree

This section increases the minimum sentence for statutory sodomy in the first degree from 5 years to 25 years. Also, a person who is convicted of or has pleaded guilty to this crime shall serve his or her term of imprisonment without the possibility of probation or parole.

SECTION 566.067 - Child Molestation in the First Degree

This section increases the minimum sentence for child molestation in the first degree from 5 years to 25 years. Also, a person who is convicted of or has pleaded guilty to this crime shall serve his or her term of imprisonment without the possibility of probation or parole.

SECTION 566.068 - Child Molestation in the Second Degree

Currently, child molestation in the second degree is a Class A misdemeanor in most circumstances, with a sentence of up to 1 year. Under certain severe circumstances, the crime is a Class D felony, with a sentence of 1 to 4 years.

Under this act, child molestation in the second degree is a Class D felony, with a sentence of 1 to 4 years, but under severe circumstances, it is a Class C felony, with a sentence of 1 to 7 years.

SECTION 566.209 - Trafficking for Sexual Exploitation

This section increases the penalty for trafficking for the purposes of sexual exploitation from a class B felony to a Class A felony.

SECTION 566.212 - Sexual Trafficking of a Child

This section creates a minimum sentence of 25 years for a person who commits sexual trafficking of a child if the victim was less than 14 years of age at the time of the offense.

SECTIONS 589.407 & 589.414 - Required Information for Sexual Offender Registration

In addition to personal information, fingerprints, and a photograph, these sections requires a sexual offender to provide a physical description of his or her vehicle when originally registering and update such information when he or she changes vehicle.

Section 589.407, RSMo, also requires sexual offenders to report to the county law enforcement agency bi-annually, instead of annually, to verify their information. A sexual offender must also annually update his or her photograph on file.

SECTION 589.409 - Authority of Law Enforcement to Notify Neighbors

Within 10 days of a sexual offender completing his or her registration, the chief law enforcement officer of the county may provide written notice to individuals living within one-mile of an offender's primary residence of such person's intent to reside there, if the offense for which the person must register was committed

against a victim of less than 17 years of age.

SECTION 589.418 - Assisting a Sex Offender in Eluding Law Enforcement

Under this section, any person who knowingly assists a sexual offender in eluding a law enforcement agency that is seeking to find the sexual offender to question him or her about, or to arrest the offender for, his or her noncompliance with the registration requirements is guilty of a class D felony.

SECTION 589.425 - Increasing the Penalty for Failing to Register

This section increases the penalty for failing to register as a sexual offender when required to do so by Sections 589.400 to 589.425, RSMo.

Under this act, a person who is required to register and does not meet all the requirements is guilty of a Class D felony unless the person failing to register was convicted of a sex crime which is an unclassified felony, a Class A felony, a class B felony, or any felony involving a child under the age of 14, in which case, it is a Class C felony.

A second or subsequent offense is a Class C felony unless the person failing to register was convicted of a sex crime which is an unclassified felony, a Class A felony, a Class B felony, or any felony involving a child under the age of 14, in which case, it is a Class B felony.

SUSAN HENDERSON MOORE

12/01/2005 Prefiled

01/04/2006 S First Read (S6)

01/09/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S57)

01/12/2006 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2006

*** SB 571 ***

3110S.021

SENATE SPONSOR: Cauthorn

SB 571 - This act relates to the protection of persons and property.

SECTION 563.011 - This section defines certain terms the defense of justification, including "dwelling", "residence", and "vehicle".

SECTION 563.016 - This section provides a person who is justified in using force immunity from criminal prosecution or civil action, unless the person against whom the force was being used was an on-duty law enforcement officer and the person should have reasonably known that the person was an officer.

A law enforcement agency may use standard procedures to investigate the use of force. The agency may arrest the person if it is determined that his or her use of force was unlawful.

The court shall award attorney's fees, court costs, and compensation for loss of income, and other expenses in defense of any civil action if the court finds the defendant is immune from prosecution.

SECTION 563.026 - The general justification defense is modified so that any crime, instead of excluding a class A felony or murder, can be "justifiable and not criminal" when necessary in an emergency to avoid injury and when the situation is not the fault of the person committing the crime.

SECTION 563.031 - The current provisions of this section concerning the use of force in defense of persons are repealed and replaced by new language.

Under this section, a person is justified in using force, except deadly force, against another when the person reasonably believes that such force is necessary to defend himself or herself or another person against the individual's imminent use of unlawful force. However, a person is justified in using deadly force and has no duty to retreat if:

(1) He or she reasonably believes that such force is necessary to prevent imminent death, great bodily harm or the commission of a forcible felony; or

(2) Certain circumstances of imminent peril are present.

SECTION 563.036 - The current provisions of this section concerning the use of force in defense of premises are repealed and replaced by new language.

A person is justified in the use of force, except deadly force, when he or she reasonably believes that such conduct is necessary to prevent or terminate the other person's trespass on, or interference with, either real property other than a dwelling or personal property, which is lawfully in his or her possession, in the possession of a family member, or of a person whose property he or she has a legal duty to protect. Use of deadly force is only justified if he or she reasonably believes that such force is necessary to prevent the imminent commission of a forcible felony. There is no duty to retreat if the person is lawfully at the location.

SECTION 563.037 - Under this section, a person is presumed to have a reasonable fear of death or great bodily harm when using defensive force that is intended or likely to cause death or great harm to another if:

(1) The person against whom the force was used was unlawfully entering a dwelling, residence, of vehicle or was attempting to remove another person against his or her will; and

(2) The person who used force knew or had reason to believe that an unlawful entry was occurring.

This presumption does not apply if:

(1) The person against whom the defensive force is used has a right to be in or is a resident of the dwelling, residence, of vehicle, unless there is an injunction for protection against domestic violence against that person;

(2) The person sought to be removed is a child, grandchild, or is otherwise in the custody of the person against whom defensive force is used;

(3) The person who uses force is engaged in unlawful activity; or

(4) The person against whom force is used is a law enforcement officer who is there to perform official duties and identifies himself or herself appropriately or the person should have known the person was a law enforcement officer.

A person who is not engaged in an unlawful activity and who is attacked in any place where he or she has a right to be has no duty to retreat and has the right to use force against force from another person, including deadly force, if there is a reasonable belief that it is necessary to do so in order to prevent death or great bodily harm or the commission of a dangerous felony.

A person who unlawfully and by force enters a dwelling, residence, or vehicle is presumed to be doing so with the intent to commit an unlawful act involving force or violence.

SECTION 563.065 - Under this section, the justification of the use of force in this chapter is not available to a person who is:

(1) Committing or escaping a dangerous felony; or

(2) Initially provokes the use of force against himself or herself, unless such force is so great that the person reasonably believes that he or she is in imminent danger of death or bodily harm and all other means to escape are exhausted or the person withdraws and makes it clear that he or she wants to end contact, but the assailant continues to use force.

SUSAN HENDERSON MOORE

12/01/2005 Prefiled

01/04/2006 S First Read (S6)

01/09/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S57)

EFFECTIVE: August 28, 2006

the line of duty and who was, at the time of enlistment and death, a citizen of Missouri. The grants will pay up to fifty percent of the survivors' tuition costs, the actual cost of books up to five hundred dollars per semester, and up to two thousand dollars per semester for room and board, and will continue to be awarded annually to those selected recipients who maintain certain standards of academic performance.

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

The Coordinating Board will administer the program.

This act is similar to SCS/SB 66 & 175 (combined) (2005).

ALEXA PEARSON

12/01/2005 Prefiled
01/04/2006 S First Read (S6)
01/09/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S57)
01/17/2006 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee
01/24/2006 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee

EFFECTIVE: August 28, 2006

*** SB 573 ***

3193S.011

SENATE SPONSOR: Coleman

SB 573 - This act modifies various provisions relating to delinquent child support payments. Financial institutions shall place a hold on the bank accounts of any non-custodial parent who is more than fifteen days in arrears in child support payments. The hold on their account shall also prevent the non-custodial parent from purchasing real or personal property and from starting a business (Section 454.507).

The Division of Child Support Enforcement shall report the name of any non-custodial parent who is more than fifteen days in arrears in child support payments to consumer reporting agencies (Section 454.512).

If a non-custodial parent is more than fifteen days in arrears in child support payments, a lien shall be automatically filed on their real estate (Section 454.515).

This act is identical to SB 331 (2005).

ADRIANE CROUSE

12/01/2005 Prefiled
01/04/2006 S First Read (S6)
01/09/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S57)
01/18/2006 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2006

*** SB 574 ***

3196S.011

SENATE SPONSOR: Coleman

SB 574 - This act requires health benefit plans to provide coverage for diagnostic testing and healthcare services for chronic kidney disease patients.

This act is identical to SB 525 (2005).

ADRIANE CROUSE

12/01/2005 Prefiled
01/04/2006 S First Read (S6)
01/09/2006 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S57)

EFFECTIVE: August 28, 2006

*** SB 575 ***

3583S.011

SENATE SPONSOR: Scott

SB 575 - This act creates a program through which unused prescription drugs may be transferred from long term care facilities to city or county health departments for the purpose of distributing the medication to

low-income residents of this state meeting certain eligibility criteria.

ADRIANE CROUSE

12/01/2005 Prefiled

01/04/2006 S First Read (S6)

01/09/2006 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S57)

01/25/2006 Hearing Scheduled S Aging, Families, Mental & Public Health Committee

EFFECTIVE: August 28, 2006

*** SB 576 ***

3255S.011

SENATE SPONSOR: Scott

SB 576 - This act authorizes an advanced practice registered nurse to prescribe schedule II, III, IV and V controlled substances if such nurse has been delegated the authority under a collaborative practice agreement.

This act is similar to SB 1255 (2004) and identical to SCS/SB 90 (2005).

CHRIS HOGERTY

12/01/2005 Prefiled

01/04/2006 S First Read (S6)

01/09/2006 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S57)

EFFECTIVE: August 28, 2006

*** SB 577 ***

3106S.011

SENATE SPONSOR: Scott

SB 577 - This act limits the number of excursion gambling boat operator licenses that may be issued by the Missouri Gaming Commission to a total of 13. After January 1, 2012, the number of licenses will be limited to the total number issued at that time. If any existing license expires, is forfeited, revoked, surrendered, or becomes invalid, the commission may only replace that license with a licensee located in the same city or county as the former licensee. Any new licenses issued prior to January 1, 2012, may only be issued in the counties of Jackson, Clay, Platte, St. Louis, Jefferson, or St. Charles or the City of St. Louis.

This act is identical to HCS/HB 560 (2005).

JASON ZAMKUS

12/01/2005 Prefiled

01/04/2006 S First Read (S6)

01/09/2006 Second Read and Referred S Ways & Means Committee (S57)

EFFECTIVE: August 28, 2006

*** SB 578 ***

SCS SB 578

3256S.03C

SENATE SPONSOR: Shields

SCS/SB 578 - This act makes it unlawful for any person to engage in protest activities within one hour prior to the commencement of any funeral service, and until one hour following the cessation of the service. First violations are punishable as a Class B misdemeanor and subsequent violations are punishable as a Class A misdemeanor. This act shall be known as "Spc. Edward Lee Myers' Law".

The act contains an emergency clause.

ALEXA PEARSON

12/01/2005 Prefiled

01/04/2006 S First Read (S6)

01/09/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S57)

01/18/2006 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

01/18/2006 SCS Voted Do Pass S Judiciary and Civil & Criminal Jurisprudence Committee (3256S.03C)

01/19/2006 Reported from S Judiciary and Civil & Criminal Jurisprudence Committee to Floor w/SCS (S107)

01/23/2006 SCS S adopted (S115)

01/23/2006 Perfected (S115)

01/23/2006 Reported Truly Perfected S Rules Committee (S116)

01/24/2006 S Third Read and Passed - EC adopted (S120-121 / H115)
 01/24/2006 H First Read (w/EC) (H115)
 01/25/2006 H Second Read
 01/26/2006 Referred H Crime Prevention & Public Safety Committee

EFFECTIVE: Emergency Clause

*** SB 579 ***

3598S.011

SENATE SPONSOR: Shields

SB 579 - This act expands the crime of sexual contact with a student.

Currently, only a teacher who has sexual contact with a student while on public school property is guilty of the crime of sexual contact with a student. Under this act, any teacher, school employee, or person employed by an entity that contracts with the public school district to provide services shall be guilty of such crime if he or she has sexual contact with a student on school property. The term "school property" includes the property of any public elementary or secondary school or any school bus used by the public school district.

The crime of sexual contact with a student is a Class D felony.

SUSAN HENDERSON MOORE

12/01/2005 Prefiled
 01/04/2006 S First Read (S6)
 01/09/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S57)
 01/12/2006 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2006

*** SB 580 ***

3126S.011

SENATE SPONSOR: Shields

SB 580 - This act requires the Commissioner of Higher Education, the chair of the Coordinating Board for Higher Education, the Commissioner of Education, the president of the state Board of Education, and the director of the Department of Economic Development to meet and discuss ways in which their respective departments may collaborate in order to achieve a more efficient and effective education system that more adequately prepares students for the challenges of entering the workforce. The act contains several policy objectives intended to accomplish this end.

The aforementioned persons shall jointly report to the General Assembly the actions taken by their agencies and their recommendations for policy initiatives and legislative alterations to achieve the policy goals of this act.

DONALD THALHUBER

12/01/2005 Prefiled
 01/04/2006 S First Read (S6)
 01/09/2006 Second Read and Referred S Education Committee (S57)
 01/17/2006 Hearing Conducted S Education Committee - Consent

EFFECTIVE: August 28, 2006

*** SB 581 ***

3163S.021

SENATE SPONSOR: Griesheimer

SB 581 - The act allows certain goods to be sold at farmers' markets without being subject to the otherwise applicable regulations pertaining to food inspections. The exempted items include baked goods and shelf-stable bakery products, as such items are defined in the act.

The act has an emergency clause.

MEGAN WORD

12/01/2005 Prefiled
 01/03/2006 Bill Withdrawn (S6)

EFFECTIVE: Emergency clause

*** SB 582 ***

3131S.011

SENATE SPONSOR: Griesheimer

SB 582 - Currently, the existing tax base for municipal taxation of telecommunication businesses is calculated based on the total amount of telecommunications business license taxes collected by a municipality for fiscal year 2005 increased by fifty percent of the difference between such amount and the business license tax receipts that would have been yielded by applying the gross percentage rate to the total gross receipts for all wireless telecommunications services provided by telecommunications companies attributable to the municipality.

This act modifies the calculation so that the existing tax base will be based on the total amount of telecommunications business license taxes collected by a municipality for fiscal year 2005 increased by fifty percent of the business license tax receipts that would have been yielded by applying the gross percentage rate to the total gross receipts for all wireless telecommunications services provided by telecommunications companies attributable to the municipality.

JASON ZAMKUS

12/01/2005 Prefiled

01/04/2006 S First Read (S6)

01/09/2006 Second Read and Referred S Commerce, Energy and the Environment Committee (S57)

01/24/2006 Hearing Conducted S Commerce, Energy and the Environment Committee

EFFECTIVE: August 28, 2006

*** SB 583 ***

3160S.061

SENATE SPONSOR: Griesheimer

SB 583 - This act proposes to revise the state emissions inspection program. The act creates a decentralized emissions inspection program whereby motor vehicle safety inspection stations and other entities will conduct emissions inspection if certified by the air conservation commission. The decentralized system will not go into effect until September 1, 2007. Prior to that date, the commission shall develop a decentralized emissions inspection program that allows official emissions inspection stations to conduct on-board diagnostic testing on 1996 and newer vehicles.

The act provides that motor vehicle safety inspection stations and other entities may apply to the commission to become official emissions inspection stations. Before issuing a certificate of authorization to a prospective station, the commission must determine if the applicant will be properly equipped, has qualified emission inspectors, and meets other requirements set forth by the commission. The act requires the commission to ascertain, prior to September 1, 2007, whether there will be a sufficient number of emission inspection stations to implement the decentralized emissions program.

If the commission determines that there will be an insufficient number of stations, the commission may extend the current contract, or enter into a new contract, with the state-contracted company currently implementing the centralized emissions program. The extension or new contract shall not exceed a one-year term. The act allows the commission to employ remote sensing devices for the purposes of collecting information regarding a vehicle fleet's emissions characteristics and registration compliance (Section 643.303).

The act applies the new decentralized emissions program consistently throughout the city of St. Louis, St. Louis County, St. Charles County, Jefferson County, and Franklin County. The act updates the county descriptions (section 643.305).

The act provides that the director of revenue may verify a successful safety and emissions inspection result electronically. This provision is similar to one contained in HB 241 (2005).

The act specifically exempts motor vehicles manufactured prior to 1996 from the emission inspection process. Motor vehicles manufactured prior to that date will be subject to a gas cap pressure test as part of the motor vehicle safety inspection test. This requirement will be implemented by rules. The act exempts diesel-powered vehicles (current law) except light-duty diesel-powered vehicle manufactured after 1996 with a gross vehicle weight rating of 8,500 pounds or less will be subject to inspection. The act exempts new motor vehicles which have not been previously titled and registered, for the four-year period (currently 2 years) following their model year of manufacture (section 643.315).

The act sets forth the procedures that one must follow in order to become an official emissions inspection station. The act also provides that the commission may suspend a station's certificate of authority to conduct emissions inspections provided the station is given due process as outlined in the act (Section 643.320).

The act provides that the commission shall establish a waiver amount which shall be no greater than \$200 for vehicles manufactured 8 years or more prior to the current model year and no greater than \$400 for vehicles manufactured within 7 years of the current model year (Section 643.335).

The act requires the commission to establish an emissions system repair technician program. Successful completion of the program shall require a passing score on a written test and on a hands-on test. An automotive repair technician may forego the program if he or she submits proof to the commission that he or she possesses current A6 and A8 certifications from the National Institute for Automotive Service Excellence.

The act allows the costs for repair work performed by an owner of a vehicle may be included toward reaching the waiver amount except that the owner shall only receive half of the labor cost for the repair performed on the vehicle toward the waiver amount. The cost of labor for work performed on a vehicle by its owner shall be computed by using the hourly rate and time allocations found in industry standard flat rate manuals that are generally recognized and commonly used in the motor vehicle repair industry within the metropolitan area. An owner who performs his or her emissions repairs, however, shall receive full credit toward the waiver amount for the cost of parts (Section 643.335).

The act abolishes the Missouri Air Pollution Control Fund established under Section 307.366 and transfers its funds to the Missouri Air Emission Reduction Fund (Section 307.367).

Many of the provisions of the act have an effective date of September 1, 2007.

STEPHEN WITTE

12/01/2005 Prefiled
01/04/2006 S First Read (S6)
01/09/2006 Second Read and Referred S Transportation Committee (S57)
01/24/2006 Hearing Conducted S Transportation Committee

EFFECTIVE: Varies

*** SB 584 ***

3388S.021

SENATE SPONSOR: Champion

SB 584 - Under this act, the Director of Revenue shall not issue or renew a school bus endorsement to any applicant whose driving record shows that the applicant has been convicted of an intoxication-related traffic offense while operating a school bus. A person currently possessing a school bus endorsement who is convicted of a intoxication-related traffic offense while operating a school bus shall result in the permanent loss of the individual's privilege to possess a school bus endorsement (Section 302.272).

The act requires school bus drivers to notify the school district or the driver's employing contractor whenever the driver receives a citation for an intoxicated-related traffic offense or moving violation. The notice of such citation shall be given prior to the driver resuming operation of a school bus. Failure to notify the school district or the employing contractor of the citation shall constitute a valid reason to discharge such person from the school district's or employing contractor's employ (Section 302.275). The act sets the fine for driving with a revoked license while operating a school at \$1,000. The current law does not distinguish the offense by type of vehicle driven and the fine is up to \$1,000 (Section 302.321).

STEPHEN WITTE

12/01/2005 Prefiled
01/04/2006 S First Read (S7)
01/09/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S57)
01/18/2006 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2006

*** SB 585 ***

3092S.021

SENATE SPONSOR: Champion

SB 585 - This act modifies conflicting language relating to adoption tax credits. The act removes the requirement that beginning on or after July 1, 2004, a minimum of fifty percent of the tax credits allowed must be allocated for the adoption of special needs children who are residents or wards of this state at the time of adoption. The act allows the removal of the cap on non-resident adoption tax credits if less than two million dollars in tax credits have been issued for adoptions of resident special needs children. Applications for the credit may be filed between July 1st and April 15th of each fiscal year.

JASON ZAMKUS

12/01/2005 Prefiled

01/04/2006 S First Read (S7)

01/09/2006 Second Read and Referred S Ways & Means Committee (S57)

EFFECTIVE: August 28, 2006

*** SB 586 ***

3354S.021

SENATE SPONSOR: Champion

SB 586 - This act raises the statewide surcharge on domestic relations petitions from two dollars to five dollars, to be deposited into the Missouri Court-Appointed Special Advocate (CASA) Fund. Three dollars of the surcharge shall be used to fund recognized CASA programs, and two dollars of the surcharge shall be used to fund new start-up CASA programs. In addition to the statewide surcharge, the act also provides that each county commission, by majority vote, may establish an additional surcharge on domestic relations petitions, not to exceed five dollars per petition filed. The county surcharge shall be payable to the county treasurer and disbursed to the county's CASA programs, or to start a new CASA program within the collecting county.

ALEXA PEARSON

12/01/2005 Prefiled

01/04/2006 S First Read (S7)

01/09/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S57)

01/18/2006 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2006

*** SB 587 ***

3347S.011

SENATE SPONSOR: Bartle

SCS/SB 587 - This act removes the August 28, 2006, expiration date for the \$30 surcharge on criminal cases in which the defendant pleads guilty to or is convicted of a felony and the \$15 surcharge for cases in which the defendant pleads guilty to or is convicted of a misdemeanor. This money is deposited into the "DNA Profiling Analysis Fund" and used only for the DNA profiling analysis of convicted offender samples.

SUSAN HENDERSON MOORE

12/01/2005 Prefiled

01/04/2006 S First Read (S7)

01/09/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S57)

01/18/2006 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

01/23/2006 SCS Voted Do Pass S Judiciary and Civil & Criminal Jurisprudence Committee (3347S.03C)

EFFECTIVE: August 28, 2006

*** SB 588 ***

3083S.031

SENATE SPONSOR: Bartle

SB 588 - This act increases the penalties and terms of imprisonment for certain sexual offenses.

SECTION 558.018 - Persistent Sexual Offenders

This section increases the minimum term of imprisonment for a "persistent sexual offender" from 30 years without probation or parole to life imprisonment without eligibility for probation or parole.

SECTION 559.100 - Offenders Who Cannot Receive Probation/Parole

This section specifies that the courts cannot place a person convicted of statutory rape in the first degree, statutory sodomy in the first degree, or sexual trafficking of a child on probation or parole.

SECTION 566.032 - Statutory Rape in the First Degree

This section redefines statutory rape in the first degree so that it can be committed against a child who is less than thirteen instead of fourteen years of age.

Under this section, the minimum term of imprisonment is increased from 5 years to 25 years without probation or parole under most circumstances. If the person committing the crime inflicts serious injury, displays a weapon or subjects the victim to sexual intercourse or deviate sexual intercourse with more than one person, the minimum term of imprisonment is increased from 10 years to 35 years without probation or parole.

SECTION 566.033 - Statutory Rape in the Second Degree

Under this section, a person commits statutory rape in the second degree if he or she has sexual intercourse with another person who is less than 15 years old.

SECTION 566.034 - Statutory Rape in the Third Degree

This section redefines the current crime of statutory rape in the second degree as statutory rape in the third degree. A person commits this crime, if being over 21 years of age, he or she has sexual intercourse with another person who is less than 17 years of age.

SECTION 566.062 - Statutory Sodomy in the First Degree

This section redefines statutory sodomy in the first degree so that it can be committed against a child who is less than thirteen instead of fourteen years of age.

Under this section, the minimum term of imprisonment is increased from 5 years to 25 years without probation or parole under most circumstances. If the person committing the crime inflicts serious injury, displays a weapon or subjects the victim to sexual intercourse or deviate sexual intercourse with more than one person, the minimum term of imprisonment is increased from 10 years to 35 years without probation or parole.

SECTION 566.063 - Statutory Sodomy in the Second Degree

Under this section, a person commits statutory sodomy in the second degree if he or she has deviate sexual intercourse with another person who is less than 15 years old.

SECTION 566.034 - Statutory Sodomy in the Third Degree

This section redefines the current crime of statutory sodomy in the second degree as statutory sodomy in the third degree. A person commits this crime, if being over 21 years of age, he or she has deviate sexual intercourse with another person who is less than 17 years of age.

SECTION 566.083 - Sexual Misconduct Involving a Child

This section makes technical changes to the terminology used in order to ensure that offenders who receive a suspended imposition of sentence or suspended execution of sentence are still in violation of this section.

SECTION 566.151 - Enticement of a Child

This section makes technical changes to the terminology used in order to ensure a person is guilty of such an offense if he or she entices or lures a child who is less than 15 years of age to engage in sexual conduct.

This section also removes the provision that makes attempting to entice a child a Class D felony.

SECTION 566.212 - Sexual Trafficking of a Child

This section changes the crime of sexual trafficking of a child from a Class A felony to a felony with a minimum term of imprisonment of 15 years without probation or parole.

SUSAN HENDERSON MOORE

12/01/2005 Prefiled

01/04/2006 S First Read (S7)

01/09/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S57)

01/12/2006 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2006

SENATE SPONSOR: Bartle

SB 589 - This act adds one new circuit judge position to the sixteenth judicial circuit, to sit at the city of Independence. This act also moves the division thirteen circuit judge position from Kansas City to Independence.

ALEXA PEARSON

12/01/2005 Prefiled

01/04/2006 S First Read (S7)

01/09/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S57)

01/23/2006 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2006

*** SB 590 ***

3716S.011

SENATE SPONSOR: Nodler

SB 590 - This act grants the Coordinating Board for Higher Education the authority to impose a fine on higher education institutions that egregiously violate board policies. Such a fine shall not exceed one percent of the institution's current fiscal year state appropriation. The board shall hold such funds until such time that the institution, as determined by the board, corrects the violation, at which time the board shall refund such amount to the institution. Should the board determine that the institution has not redressed the violation within one year, the fine amount shall be deposited into the general revenue fund.

Further, the act requires that every institution of higher education submit to binding dispute resolution with regard to disputes among institutions of higher education that involve jurisdictional boundaries or the use or expenditure of any state resources whatsoever, as determined by the Coordinating Board. In all cases, the arbitrator shall be the Commissioner of Higher Education or a designee, whose decision shall be final and binding on all parties and not subject to appeal. In other respects, such arbitration shall be governed by the provisions of Chapter 435, RSMo.

DONALD THALHUBER

12/01/2005 Prefiled

01/04/2006 S First Read (S7)

01/09/2006 Second Read and Referred S Education Committee (S57)

01/17/2006 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2006

*** SB 591 ***

3541S.031

SENATE SPONSOR: Nodler

SB 591 - The act directs the Department of Natural Resources to establish and publish a time line within which any application concerning a concentrated animal feeding operation (CAFO) must be decided upon if the initial decision is not made within ninety days of the receipt of the completed application. Publication requirements are laid out in the act.

The act defines persistent violator to mean any operation that has been found by the Air Conservation Commission or the department to have violated the regulations governing air and water pollution at least six times during any twelve month period. For any operation that is designated as such, any permit(s) they have obtained to do business in the state shall be forfeited until such time as the operation successfully reapplies for a new permit.

The act adds a surcharge to the civil penalties assessed to any operation that is found by the commission or the director to have violated the regulations governing air and water pollution more than once during any thirty six month period of time. The surcharge shall be equal to the sum of the penalty assessed and the cumulative number of fines assessed for each prior citation during that time frame. The funds from the surcharge shall be deposited into funds created and utilized for public education and the enforcement of air and water pollution laws of the state.

MEGAN WORD

12/01/2005 Prefiled

01/04/2006 S First Read (S7)

01/09/2006 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S57)

EFFECTIVE: August 28, 2006

*** SB 592 ***

3208S.021

SENATE SPONSOR: Nodler

SB 592 - This act requires the Director of the Department of Revenue to deposit \$350,000 into the State Forensic Laboratory Account to be used only by regional crime labs, in addition to the \$250,000 currently deposited into the account for use by any of the registered crime labs in the state to defray expenses.

This act also requires the Director of the Department of Revenue to deposit \$350,000 into the Services to Victims' Fund to provide financial assistance to domestic violence shelters, agencies, and services, in addition to the other money currently deposited into the fund.

SUSAN HENDERSON MOORE

12/01/2005 Prefiled

01/04/2006 S First Read (S7)

01/09/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S57)

01/30/2006 Hearing Scheduled S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2006

*** SB 593 ***

3653S.011

SENATE SPONSOR: Bray

SB 593 - This act allows small employers to join the Missouri Consolidated Health Care Plan. For purposes of the act, the term small employer means an employer who employed an average of at least one but not more than fifty persons during the preceding calendar year and who employs at least one person on the first day of the plan year. A small employer includes a sole proprietor and a partner of a partnership. The state health care plan shall maintain a separate benefit trust fund account for premium payments and other income received from small employers.

This act is identical to SB 277 (2005) and HB 1412 (1998).

STEPHEN WITTE

12/01/2005 Prefiled

01/04/2006 S First Read (S7)

01/09/2006 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S57)

EFFECTIVE: August 28, 2006

*** SB 594 ***

3661S.011

SENATE SPONSOR: Bray

SB 594 - This act enables senior citizens, sixty-two years or older, to delay paying property taxes on their residences. The taxes plus interest, must be paid when the owner dies or sells the property, moves, or the property changes ownership. The income limit to qualify for the deferral is thirty-two thousand dollars. Beyond that amount, the amount the owner can defer is phased out at a rate of fifty cents per dollar made over thirty-two thousand dollars, until their income reaches twice the limit.

A senior citizen who has qualified for and deferred his or her property tax in a prior year who for some reason fails to defer a property tax due in a subsequent year can apply for a refund, if done so in a timely manner.

If a senior citizen's income exceeds the limit of thirty-two thousand dollars, but not twice that limit, that portion of tax which they are not able to defer which resulted from an increase in their property tax beginning in the calendar year after their sixty second birthday will be eligible for deferral. However, this provision of the act is not retroactive and seniors currently over the age of sixty-two who qualify may defer the increased amount based on their property tax level beginning in the calendar year after the passage of this act.

The act establishes eligibility criteria for the taxpayer and the property for participating in the deferral.

All deferrals of tax will result in a lien to be held by the Department of Revenue against the property of the taxpayer. The lien will be for the amount of the property tax as estimated by the Department of Revenue plus interest to accrue at six percent per annum.

This act is similar to SB 436 (2005).

JASON ZAMKUS

12/01/2005 Prefiled

01/04/2006 S First Read (S7)

01/09/2006 Second Read and Referred S Ways & Means Committee (S57)

EFFECTIVE: August 28, 2006

*** SB 595 ***

3667S.011

SENATE SPONSOR: Bray

SB 595 - Currently, in certain cases, a nonresident may receive an itemized deduction on their federal return for property taxes paid to another state. Current Missouri law does not require that this amount be "added-back" on the Missouri return. Therefore, the deduction for property taxes paid to another state carries through to apply against the Missouri income tax of a nonresident. This act eliminates this deduction by requiring nonresidents to add-back the amount of the federal deduction on their Missouri tax return.

This act is similar to SB 540 (2005).

JASON ZAMKUS

12/01/2005 Prefiled

01/04/2006 S First Read (S7)

01/09/2006 Second Read and Referred S Ways & Means Committee (S57)

EFFECTIVE: August 28, 2006

*** SB 596 ***

3792S.011

SENATE SPONSOR: Days

SB 596 - This act authorizes a court to appoint a standby guardian to temporarily assume the duties of guardian over a minor child. The appointment of a standby guardian becomes effective upon the disability, incapacitation, or death of an appointing parent or legal guardian. In order to become effective, the standby guardian must file an acceptance of appointment within 30 days of the court's confirmation. Before the court confirms the appointee, the other parent or another person who has care and custody of the minor may file a written objection to the appointment of the standby guardian. In the event a parent or guardian should die, the standby guardian may petition the court within 60 days to make a formal guardianship request. An appointing parent or another interested party is allowed to petition the court to confirm the parent's selection of a standby guardian and terminate the right of other individuals to object to the appointment of that individual as guardian.

This act is similar to HB 826 (2005).

JIM ERTLE

12/01/2005 Prefiled

01/04/2006 S First Read (S7)

01/09/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S57)

01/18/2006 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2006

*** SB 597 ***

3601S.011

SENATE SPONSOR: Days

SB 597 - This act requires health insurance companies to provide coverage for the treatment of morbid obesity.

JIM ERTLE

12/01/2005 Prefiled

01/04/2006 S First Read (S7)

01/09/2006 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S58)

EFFECTIVE: August 28, 2006

*** SB 598 ***

3765S.011

SENATE SPONSOR: Days

SB 598 - This act makes several changes to the laws regarding the use of credit information by insurance companies.

This act modifies the definition of "adverse action" to have the same meaning as provided in federal law. Adverse actions include cancellation, denial, or non-renewal of personal insurance coverage or any unfavorable change in the terms of coverage, including charging a higher premium.

This act adds several specific types of insurance products to the definition of an insurance "contract". The current law on the use of credit information only applies automobile insurance policies and property insurance policies. This act repeals a provision that allows insurers to take adverse actions against persons based on an inability to compute their insurance credit scores.

The act prohibits insurance companies from using loss information in calculating its insurance credit scores if it also uses loss information separately to calculate its rates. This act prohibits insurers from considering an absence of credit information or the inability to calculate an insurance score in underwriting insurance.

This act requires insurers to use underwriting factors other than credit information to underwrite any policy that has been in force for more than 36 months. This act allows any insured to request a current credit report and a re-rating of their policy at each annual renewal. This act prohibits insurers and credit reporting agencies from using as a negative factor in underwriting any credit inquiry not initiated by the insured, collection accounts with a medical industry code, multiple credit inquiries within a 30-day period, the absence of credit history, the use of a particular type of credit or debit card, or a consumer's total available line of credit. This act also requires insurers to file their credit scoring models or processes with the department and makes any insurer's filing of a model or process related to credit information a trade secret and protected from public disclosure pursuant to Sections 417.450 through 417.467, RSMo.

This act is similar to SB 43 (2005), SB 1173 and HB 1131 (2004).

STEPHEN WITTE

12/01/2005 Prefiled

01/04/2006 S First Read (S7)

01/09/2006 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S58)

EFFECTIVE: August 28, 2006

*** SB 599 ***

3758S.011

SENATE SPONSOR: Wheeler

SB 599 - This act allows two or more physicians to jointly negotiate with a carrier to engage in certain activities involving non-fee-related matters. These activities shall include:

- defining medical necessity;
- utilization management procedures;
- clinical practice guidelines;
- preventive care policies;
- patient referrals;
- drug formularies;
- liability of physicians;
- method and timing of payments;
- procedures for selecting and terminating participating physicians; and
- terms of contracts.

If the Attorney General finds that a carrier has a substantial amount of market power in a particular area and that this is a threat to the quality of patient care, then two or more physicians may negotiate with the carrier regarding fees and fee-related matters.

Before entering into negotiations, a joint negotiation representative must submit certain information, including a fee, to the Attorney General for his approval. Physicians are permitted to communicate with each

other and the representative regarding contractual terms. The representative shall have the sole authority to negotiate with the carrier on behalf of the physicians as a group.

After an agreement has been reached between the representative and the carrier, a copy of the proposed contract must be submitted to the Attorney General for his written approval or disapproval. If negotiations end, then the representative must report such information to the Attorney General within 14 days. All information disclosed to the Attorney General shall be confidential.

The Attorney General shall report to the Governor and the General Assembly by August 28, 2008 on the implementation of this act. The Attorney General shall have rule-making authority.

This act is identical to SB 1245 (2004) and SB 235 (2005).

JIM ERTLE

12/01/2005 Prefiled

01/04/2006 S First Read (S7)

01/09/2006 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S58)

EFFECTIVE: August 28, 2006

*** SB 600 ***

3550S.011

SENATE SPONSOR: Wheeler

SB 600 - This act allows for a ten thousand dollar state income tax deduction to be taken in the taxable year in which an organ donation is made. A taxpayer may only take the deduction for organ donation once. Part-year residents and non-resident individuals are not eligible to receive the tax deduction provided in this act.

This act is similar to SB 44 (2005).

JASON ZAMKUS

12/01/2005 Prefiled

01/04/2006 S First Read (S7)

01/09/2006 Second Read and Referred S Ways & Means Committee (S58)

01/26/2006 Hearing Conducted S Ways & Means Committee

EFFECTIVE: January 1, 2007

*** SB 601 ***

3549S.011

SENATE SPONSOR: Wheeler

SB 601 - The act modifies the circumstances wherein a territory located in a public water supply district can detach. A territory may detach if the district has not made service available, provided no loans greater than twenty-five thousand dollars are outstanding. Consent to detach is not needed if the district cannot provide water lines to the territory in question within three years after a request for service has been made.

The act requires any political subdivision, municipal corporation or private entity to first petition the court for the territory in question to be detached before any infrastructure may be built.

The act is similar to SCS/SB 508 (2005).

MEGAN WORD

12/01/2005 Prefiled

01/04/2006 S First Read (S7)

01/09/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S58)

02/01/2006 Hearing Scheduled S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2006

*** SB 602 ***

3755S.011

SENATE SPONSOR: Callahan

SB 602 - This act sets up a procedure whereby voters who reside in the Kansas City school district and

also in the city of Independence may petition to annex the territory of the Kansas City school district that is located in the city of Independence to the Independence school district.

Ten percent of the number of voters who voted in the last annual school board election and who reside in the aforementioned territory may petition the Independence school district for annexation to that district and a change of school boundaries. A majority vote by the Independence school board shall be required to accept the petition for annexation and a change of school boundaries. Upon acceptance, an election shall be held in the territory petitioned for annexation and boundary change. The election shall be held within one year after the vote of acceptance by the Independence school district. The act contains ballot language. The Independence school district shall incur the cost of the election. The voters in the territory subject to annexation and school boundary change shall decide the question by a majority vote. If assent to the annexation and boundary change is given by the annexing territory, the annexation and boundary change shall go into effect the subsequent fifteenth day of June, at which time the school tax property levy in the annexed territory shall be set at the same rate as the school tax levy in the Independence school district.
DONALD THALHUBER

12/01/2005 Prefiled
01/04/2006 S First Read (S7)
01/09/2006 Second Read and Referred S Education Committee (S58)

EFFECTIVE: August 28, 2006

*** SB 603 ***

3757S.011

SENATE SPONSOR: Callahan

SB 603 - Under this act, a driver's license applicant born prior to January 1, 1941 is exempt from submitting a birth certificate or other documents indicating proof of lawful presence.

STEPHEN WITTE

12/01/2005 Prefiled
01/04/2006 S First Read (S8)
01/09/2006 Second Read and Referred S Transportation Committee (S58)

EFFECTIVE: August 28, 2006

*** SB 604 ***

3779S.011

SENATE SPONSOR: Callahan

SB 604 - This act increases the income tax exemptions for publically and privately funded pension and retirement income from the first six thousand dollars to the first nine thousand dollars.

JASON ZAMKUS

12/01/2005 Prefiled
01/04/2006 S First Read (S8)
01/09/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S58)

EFFECTIVE: August 28, 2006

*** SB 605 ***

3421S.011

SENATE SPONSOR: Ridgeway

SB 605 - This act allows a tax credit for contributions to support pregnancy resource centers. A pregnancy resource center is a non-residential facility that provides assistance designed to support women and encourage birth over abortion. The center must be tax exempt, must provide direct person-to-person counseling at no cost, and cannot provide abortion referrals. The credit is for 50% of the contribution, cannot exceed \$50,000 per year, and is not refundable, but can be carried forward. No more than a total of \$2 million may be claimed in credits in any one year. A taxpayer may only be permitted to redeem the tax credit provided in this act if the Director of Revenue has reallocated other state tax credits to the tax credit created in this act.

This act is similar to Senate Bill 251 (2005).

JASON ZAMKUS

12/01/2005 Prefiled
01/04/2006 S First Read (S8)

01/09/2006 Second Read and Referred S Ways & Means Committee (S58)

EFFECTIVE: August 28, 2006

*** SB 606 ***

3728S.011

SENATE SPONSOR: Ridgeway

SB 606 - This act creates an administrative procedure in which a towing company may seek to recoup reasonable towing and storage fees associated with towing an abandoned vehicle from public property. The towing company may submit an affidavit within 30 days, but no more than 45 days of the tow to recoup the towing company's towing and storage fees. In addition to the affidavit, the towing company must submit an application which shall include an itemized accounting of the towing and storage fees. The application shall also be accompanied by a copy of the crime and inquiry inspection report (the DOR 4569 Form) and the applicant shall attest that the towing company has complied with all the procedural requirements of Sections 304.155 to 304.158.

Within five days of receiving the application, the Department of Revenue shall send notice to the registered owner of the abandoned motor vehicle that a claim for reasonable towing and storage charges has been filed with the department. The notice shall further state that if the registered owner of the abandoned motor vehicle does not provide satisfactory proof to the department that such charges have been satisfied within thirty days of receiving the notice, the department shall suspend the owner's driver's license or driving privileges and any motor vehicle registrations registered in the owner's name. The notice of suspension shall be mailed to the registered owner at the last known address shown on the department's records. The notice of suspension is deemed received three days after mailing. The notice of suspension shall clearly specify the reason and statutory grounds for the suspension and the effective date of the suspension, the right of the person to request a hearing, the procedure for requesting a hearing, and the date by which that request for a hearing must be made. If the request for a hearing is received by the department prior to the effective date of the suspension, the effective date of the suspension will be stayed until a final order is issued following the hearing.

The suspension shall become effective thirty days after the registered owner of the abandoned motor vehicle is deemed to have received the notice. The period of the suspension shall continue until the registered owner submits proof that he or she has satisfied all reasonable towing and storage charges associated with the abandonment of such property.

Under this act, "reasonable storage charges" shall not exceed the charges for motor vehicles which have been towed with the consent of the owner on a negotiated basis. For any application submitted pursuant to this section, reasonable storage charges shall not exceed ninety days.

STEPHEN WITTE

12/01/2005 Prefiled

01/04/2006 S First Read (S8)

01/09/2006 Second Read and Referred S Transportation Committee (S58)

01/24/2006 Hearing Conducted S Transportation Committee

EFFECTIVE: August 28, 2006

*** SB 607 ***

3731S.011

SENATE SPONSOR: Ridgeway

SB 607 - This act modifies the definition of "health care professional", for purposes of determining who is subject to peer review, to include emergency medical technicians and emergency medical dispatchers. The act provides that a peer review committee may be comprised of members appointed by a board of trustees or chief executive officer of a licensed ambulance service, a licensed emergency medical response agency, or any not-for-profit organization that provides for ambulance services, as long as the governing body of such not-for-profit organization consists of elected officials or individuals appointed by a mayor, board of alderman, city council, county commission, county legislature, or ambulance district. A committee may also be comprised of members appointed by a mayor, city council, board of alderman, county commission, county legislature, or ambulance district. This act also provides immunity from civil liability for members of a peer review committee that performs certain acts at the recommendation of the committee.

ALEXA PEARSON

12/01/2005 Prefiled

12/20/2005 Bill Withdrawn (S8)

EFFECTIVE: August 28, 2006

*** SB 608 ***

3586S.011

SENATE SPONSOR: Crowell

SB 608 - This act requires emergency contraceptives to be dispensed only upon prescription by an authorized health care professional.

ADRIANE CROUSE

12/01/2005 Prefiled

01/04/2006 S First Read (S8)

01/09/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S58)

EFFECTIVE: August 28, 2006

*** SB 609 ***

3158S.021

SENATE SPONSOR: Crowell

SB 609 - This act protects the conscience rights of pharmaceutical professionals. Such pharmaceutical professionals shall not be required to perform, assist, recommend, refer for, or participate in any service involving a particular drug or device that they have a good faith belief is used for abortions. In these instances, the pharmaceutical professional shall be immune from civil or criminal liability and will not have their license suspended or revoked.

Employers cannot refuse to hire, discriminate against, segregate, or terminate a pharmaceutical professional because of their opposition to any service involving a particular drug or device that they have a good faith belief is used for abortions. Colleges and teaching hospitals are also prohibited from discriminating against any person who refuses to participate in any service or training which involves a particular drug that they have a good faith belief is used for abortions. In addition, they are prohibited from requiring a student or teacher to pay fees to fund these activities.

A party injured by any of the acts described in Sections 338.603 to 338.606 can institute a civil action to recover treble damages, court costs, and reasonable attorney's fees.

This act is similar to SB 1119 (2004).

ADRIANE CROUSE

12/01/2005 Prefiled

01/04/2006 S First Read (S8)

01/09/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S58)

EFFECTIVE: August 28, 2006

*** SB 610 ***

3282S.021

SENATE SPONSOR: Crowell

SB 610 - This act requires employee authorization before public employee labor unions can withhold fees from employees' paychecks or make political contributions.

This act changes current law by requiring public employees to authorize, in writing, payroll deductions to be paid to labor organizations. The employee must authorize the amount to be withheld and authorize that such an amount may be used for political contributions. The employee may also stipulate to which committee their fees will be paid. Authorizing or refraining from authorizing any amount shall in no way affect employment.

The public employee labor organization must keep records of all authorizations and submit them to the Labor and Industrial Relations Commission. The labor organization will be charged the greater of eight dollars or two percent of the authorized deduction for administration expenses.

This act is similar to SB 814 (1998).

CHRIS HOGERTY

12/01/2005 Prefiled

01/04/2006 S First Read (S8)

01/09/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S58)

EFFECTIVE: August 28, 2006

*** SB 611 ***

3651S.031

SENATE SPONSOR: Engler

SB 611 - This act relates to eminent domain.

SECTION 523.012 - General Plan of State or Political Subdivision

This section requires the state or any political subdivision to develop a written description of the project it intends to complete that requires the use of eminent domain before proceeding with the condemnation of property. The description must include the intended benefit to the public, an explanation of if or how the public will use the condemned property, the estimated costs, the anticipated sources of funds, and the anticipated date of the retirement of obligations incurred to finance the project, and the plan for providing relocation assistance.

SECTION 523.025 - Super Majority Vote

This section prohibits any political subdivision from exercising the power of eminent domain or condemnation until the governing body approves of the proposed condemnation by a 2/3 majority vote.

SECTION 523.035 - Interlocutory Appeals

Under this section, after the petition has been filed to begin condemnation proceedings, the court shall, prior to appointing commissioners, determine whether or not:

- (1) The condemning entity has the authority to exercise the power of eminent domain;
- (2) The property sought to be condemned is subject to eminent domain;
- (3) The property sought to be condemned is for a public use; and
- (4) The condemning entity is properly exercising the power of eminent domain in the proceeding.

The court may also determine other issues raised by the owner which attacks the validity of the condemning entity's right to exercise eminent domain.

If the court finds that all the requirements have been met, it shall enter an interlocutory order to such effect. An interlocutory appeal shall lie from such decision as a matter of right. However, if the court finds the requirements have not been met and the condemning entity does not have the authority to exercise the power of eminent domain, the court shall dismiss the petition with prejudice and direct the condemning entity to pay the owner's court costs and attorneys' fees.

SECTION 523.040 - Commissioner Qualifications & Instructions

Under this section, the Missouri Supreme Court shall promulgate rules to establish uniform instructions to be given to condemnation commissioners regarding their duties when determining the amount of compensation that an owner is to receive for his or her condemned property.

SECTION 523.094 - No Eminent Domain for Economic Development

This section prohibits the state or any political subdivision from exercising the power of eminent domain for the purpose of economic development.

The definition of "economic development" means any activity performed to increase tax revenue, tax base, employment rates, or general economic health, when the activity does not result in the transfer of property to public ownership, a private entity that is a common carrier, or a public utility, rural electric cooperative.

The effective date of this section is contingent upon the approval of amendments to the Missouri Constitution.

SECTION 523.110 - Notice to Property Owners

This section states that when an entity with the power to condemn negotiates with an owner to acquire property, which may eventually be acquired through formal condemnation proceedings, the entity must provide the owner with a summary of his or her rights through certified mail. If the condemning entity does not supply the owner with the summary of rights, a presumption shall exist that any sale or contract between the two parties was not voluntary and the condemning entity may be held responsible for any relief the court

may determine to be appropriate.

SECTION 523.120 - Landowner Rights

This section requires a condemning entity to give notice of the intent to acquire property before beginning the process. Such general notice must include a description of the property, notice of the property owners' rights to a hearing, notice that a decision may be appealed to be heard before a jury, and notice that the condemnor will pay reasonable appraisal costs. Property owners may employ an appraiser of their choosing, who must use fair practices that consider various factors such as: 1) comparable sales of property in the area, 2) appraised value of like property in the area, 3) term of ownership of property by current owner, 4) current use of property in comparison to future use of property, 5) availability of like property in the area, and 6) anticipated financial gain from proposed future use. The value of the land shall be equal to the fair market value with upward adjustments from the various factors considered.

Within 90 days of notice, the owners may submit an appraisal to the condemnor, and in return the condemnor must submit its appraisal. All the appraisals may be used to negotiate, but only the condemnor is bound by such appraisals. The condemnor must pay for the costs of the owner's appraisal, unless several owners exist and they cannot agree on what appraisal to submit.

Under this act, a condemning entity shall not make an offer to purchase property that is less than the fair market value established by its appraisal, but is not required to make a higher offer in order to be negotiating in "good faith". Any condemning party must make a written offer at least 10 days before the formal filing of a petition with the court to condemn the property. The offer must be filed with the County Recorder of Deeds.

If the parties fail to reach agreement and the action proceeds to trial and the amount of damages awarded the condemnee by the judgment is 25% greater than the amount specified in the offer, the court shall order the condemning entity to pay the condemnee's court costs and attorney's fees.

SECTION 523.125 - Initiation by Condemnor

This section requires a condemnor to initiate construction, improvement, or utilization of the condemned property for the stated public use within 48 months of its acquisition or the former owner shall have the right of first refusal to reacquire the property for the compensated amount or fair market value, whichever is less. This provision will not apply to the State Highways and Transportation Commission.

SECTION 523.205 - Relocation Assistance

This section ensures that any political subdivision, not just those receiving federal funding for a project or those proposing a redevelopment plan, which proposes the displacement of persons through the use of eminent domain must establish by ordinance or rule with a relocation policy that is equal or greater to the requirements of the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. Sections 4601 to 4655, as amended).

SUSAN HENDERSON MOORE

12/01/2005 Prefiled

01/04/2006 S First Read (S8)

01/09/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S58)

EFFECTIVE: August 28, 2006

*** SB 612 ***

3605S.031

SENATE SPONSOR: Engler

SB 612 - This act authorizes the Governor to convey state property in St. Francois County to the Farmington American Legion Post 416.

This act contains an emergency clause.

SUSAN HENDERSON MOORE

12/01/2005 Prefiled

01/04/2006 S First Read (S8)

01/09/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S58)

01/18/2006 Hearing Conducted S Economic Development, Tourism & Local Government Committee

EFFECTIVE: Emergency Clause

*** SB 613 ***

3468S.021

SENATE SPONSOR: Engler

SB 613 - The act allows both residential and business cell phone users and residential and business fax subscribers to voluntarily sign up with the no-call list kept and maintained by the Attorney General's office.

The act is similar to SB 411 (2005).

MEGAN WORD

12/01/2005 Prefiled

01/04/2006 S First Read (S8)

01/09/2006 Second Read and Referred S Commerce, Energy and the Environment Committee (S58)

EFFECTIVE: August 28, 2006

*** SB 614 ***

3603S.011

SENATE SPONSOR: Stouffer

SB 614 - This act creates an income tax credit in an amount equal to fifty percent of a donation made, on or after January 1, 2007, to a qualifying residential treatment agency. The tax credit may not be applied against withholding taxes. An agency may apply for tax credits in an aggregate amount that does not exceed forty percent of the payments made by the department of social services to the agency in the preceding twelve months. The tax credit is fully transferable and may be carried back three years or forward up to four years.

This act is similar to SS/SB 362 (2005).

JASON ZAMKUS

12/01/2005 Prefiled

01/04/2006 S First Read (S8)

01/09/2006 Second Read and Referred S Ways & Means Committee (S58)

01/19/2006 Hearing Conducted S Ways & Means Committee - Consent

EFFECTIVE: August 28, 2006

*** SB 615 ***

3305S.021

SENATE SPONSOR: Stouffer

SB 615 - The act extends the "Animal Research and Production Facilities Protection Act" so that its provisions apply to all agricultural research and production facilities. For example, the act covers agricultural production involving forestry products, horticulture products, and tobacco as well as products derived from livestock and other farm animals.

The act adds to the list of punishable offenses perpetrated against such facilities. The act states that arson in both the first and second degree resulting in damage to any such research and production facility, breaking and entering, and knowingly possessing and distributing illegally obtained materials pertaining to agricultural research and production facilities are crimes subject to the penalties prescribed in the statute. The act broadens the scope of punishable offenses; new language makes it illegal to commit these offenses, attempt to commit them, conspire or knowingly allow another individual to commit them. Anyone providing material support, which can be for example, financial support, housing or transportation, shall also be liable in the event that a crime is committed against a facility. MEGAN WORD

12/01/2005 Prefiled

01/04/2006 S First Read (S8)

01/09/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S58)

01/30/2006 Hearing Scheduled S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2006

*** SB 616 ***

3627S.011

SENATE SPONSOR: Stouffer

SB 616 - This act repeals the terms "residential care facility" I and II and replaces them with the newly created terms "assisted living facility" I and II. Assisted living facilities contain services consisting of social

models based on the premise that the resident's unit is his or her home. There are new definitions for "activities of daily living" which include eating, dressing, bathing, toileting, transferring, and walking and for "instrumental activities of daily living" which consist of preparing meals, shopping for personal items, medication management, managing money, using the telephone, housework, and transportation ability. There are also new definitions for "appropriately trained individuals", "community based assessment" and "social model of care."

This act prescribes requirements for assisted living facilities in order to accept or retain individuals. An individual in a facility must not require hospitalization or skilled nursing. The facility must employ a staff large enough and skilled enough to handle twenty-four hour care. The facility must also have a written plan for the protection of all residents in the event of a disaster. The signatures of an authorized representative of the facility and the resident shall be contained in the individualized service plan. The facility may offer an optional shared responsibility agreement to be signed by both the facility and a resident or legal representative. The facility must implement self-care and leisure activity programs.

The facility must complete pre move-in screening and resident assessments for community based services. This assessment will be completed by a trained individual using tools provided by the department and will be conducted upon admission, at least annually, and whenever a significant change has occurred in the resident's condition. This assessment will be used by the facility to implement an individualized service plan to be reviewed at least annually by the resident or legal representative.

The residence must ensure that it does not accept or retain a resident who has exhibited behaviors which indicate that he or she is a danger to self or others or requires physical or chemical restraint. The resident must not require skilled nursing services or more than one person to physically assist the resident with any activity of daily living, except bathing. The resident must not be bed-bound or similarly immobilized due to a debilitating or chronic condition.

The facility must also develop a plan to protect the rights, privacy, and safety of all residents.

The act repeals the requirement that residential care facilities can only admit persons who are capable mentally and physically of negotiating a normal path to safety under certain conditions. This act now allows for an assisted living facility to accept an individual with a physical, cognitive, or other impairment that prevents the resident from safely evacuating the residence with minimal assistance so long as the facility has sufficient staff present twenty-four hours a day to assist in evacuations and contains an individualized evacuation plan for such a resident. The facility shall also be equipped with an automatic sprinkler system, an automated fire door system and smoke alarms compliant with national fire codes.

The facility must take measures to allow residents the opportunity to explore the facility and grounds and use personal electronic monitoring device for any resident whose physician recommends the use of the device.

Licensed facilities must also disclose to a prospective resident information regarding the services the facility is able to provide and the conditions that will require discharge or transfer from the facility.

This act is similar to SCS/SB 393 (2005)

ADRIANE CROUSE

12/01/2005 Prefiled

01/04/2006 S First Read (S8)

01/09/2006 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S58)

EFFECTIVE: August 28, 2006

*** SB 617 ***

3417S.011

SENATE SPONSOR: Koster

SB 617 - This act requires a cost-benefit analysis study be completed prior to the closing or downsizing of a state-funded mental health facility.

This act is identical to SB 208 (2005).

ADRIANE CROUSE

12/01/2005 Prefiled

01/04/2006 S First Read (S8)

01/09/2006 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S58)

EFFECTIVE: August 28, 2006

*** SB 618 ***

3416S.011

SENATE SPONSOR: Koster

SB 618 -This act provides that the family support center may issue an electronic access card to custodial parents for the purpose of disbursing child support payments to custodial parents who do not have access to a bank account.

ADRIANE CROUSE

12/01/2005 Prefiled

01/04/2006 S First Read (S8)

01/09/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S58)

01/18/2006 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2006

*** SB 619 ***

3390S.011

SENATE SPONSOR: Koster

SB 619 - This act increases the penalty for failing to register as a sexual offender when required to do so by law.

Under this act, a person who is required to register and does not complete all the requirements of registration is guilty of a Class D felony unless the person failing to register was convicted of a sex crime which is an unclassified felony, a Class A felony, a Class B felony, or any felony involving a child under the age of 14, in which case, it is a Class C felony.

A second or subsequent offense is a Class C felony unless the person failing to register was convicted of a sex crime which is an unclassified felony, a Class A felony, a Class B felony, or any felony involving a child under the age of 14, in which case, it is a Class B felony.

SUSAN HENDERSON MOORE

12/01/2005 Prefiled

01/04/2006 S First Read (S8)

01/09/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S58)

01/23/2006 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2006

*** SB 620 ***

3379S.011

SENATE SPONSOR: Green

SB 620 - This act sets forth new definitions for the purpose of prevailing wage law. There is a notice provision for the wage rates and the act requires the wage rates to be delivered to the worker with their first paycheck on the project.

The penalties for a contractor for paying workers less than the prevailing wage rate are changed from ten to fifty dollars per worker employed for each calendar day. All contracts must contain penalty provisions to this effect. In addition, a contractor shall pay fifty dollars per calendar day to the Department of Labor and Industrial Relations. The department also has the authority to collect all unpaid penalties due to the department.

The funds collected by the department shall be transmitted to the department of revenue and deposited in the "Prevailing Wage Enforcement and Education Fund" which is created by this act.

The public body awarding a contract under prevailing wage law shall notify the Department of Labor and Industrial Relations when all work is completed and payments are made for the public works project.

In determining the prevailing hourly rate of wages, the department shall not consider rates paid to workers in bonafide apprenticeships.

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A certified copy of the initial determination shall be filed with the Secretary of State and the commission. Within ten days of the filing, the annual wage order shall be posted on the web page of the division of labor standards. Any person affected by the annual wage order may object in writing to the commission. The rates for the annual wage order for a locality are final after thirty days.

The collective bargaining agreement rate shall be adopted as the prevailing wage rate unless there is evidence of no less than eighty hours of actual work performed in the locality during the preceding calendar year, and to supersede such a rate, an individual or individuals shall submit evidence to the department. Should the department determine the information is fraudulent, the department may forward the information to the prosecuting attorney in the locality the information submitter resides.

A general wage order must be filed with the Labor and Industrial Relations Commission which shall post it on the division's website. Objections to the general wage order must be filed within thirty days of the filing with the secretary of state and the commission. If no objection is filed, the general wage order is final. The Labor and Industrial Relations Commission shall set the date for hearing and hear the objections. The commission shall rule on the written objection within twenty days of the hearing. The final decision of the commission is subject to review and the division shall be notified of all applications for review and may intervene as a party in such actions.

The department, may take depositions, subpoenas, and make document requests to any public works project or nonpublic works project if the information is needed in any investigation concerning a public works project or prevailing wage survey information.

There are new requirements for the public body to collect certified copies of current payroll records for each contractor performing public works construction. The required information is listed in the act as well as record keeping requirements. The records shall be available for inspection, for at least two years, by an authorized representative of the department.

The Secretary of State shall publish a notice of debarment when a contractor or subcontractor has plead guilty to or convicted of a violation of the prevailing wage law.

Additional provisions allow a court to issue a preliminary injunction when a violation occurs and removes the requirement for posting of a bond. When it appears to the department that a violation has occurred, the department may notify the Attorney General in writing. The Attorney General may bring suit in the name of the state in the circuit court of the county of the occurrence. The public body, if not the state, shall be joined in any such suit. Nothing precludes any person or a public body from bringing an action pursuant to contractual or statutory rights. All actions must commence within five years of the start of the cause of action.

Any person who knowingly provides false information with regards to prevailing wages shall be punished for each violation. Each prosecuting attorney and circuit attorney has the duty to commence criminal actions and the Attorney General has original jurisdiction to commence such actions where venue is appropriate. Employers may not discharge or refuse to further employ a worker for filing a complaint or assisting in the investigation of a complaint. The punishment for doing such shall be a fine not exceeding five hundred dollars or imprisonment. Each day such a violation or omission continues constitutes a separate offense. The worker shall be returned to employment and shall receive wages from the date of discharge or refusal to employ until the date of re-employment.

This act is identical to SB 349 (2005).

CHRIS HOGERTY

12/01/2005 Prefiled

01/04/2006 S First Read (S8)

01/09/2006 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S58)

01/25/2006 Hearing Conducted S Small Business, Insurance & Industrial Relations Committee

EFFECTIVE: August 28, 2006

*** SB 621 ***

3195S.011

SENATE SPONSOR: Green

SB 621 - This act requires that privately funded mental health facilities have the same reporting requirements for patient abuse as state mental health facilities. This act also requires the Department of Mental Health to terminate contracts with private vendors having a pattern or practice of abuse and neglect of

patients. There is also a new requirement for the director of the department of mental health to conduct a cost benefit analysis before closing or downsizing of any state mental health facility.

This act is similar to SB 167 (2005).

ADRIANE CROUSE

12/01/2005 Prefiled

01/04/2006 S First Read (S8-9)

01/09/2006 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S58)

EFFECTIVE: August 28, 2006

*** SB 622 ***

3373S.011

SENATE SPONSOR: Green

SB 622 - This act creates an income tax deduction for small businesses and farmers that provide health insurance coverage for employees. The deduction will be equal to one hundred percent of expenses related to providing employees with health insurance.

This act is similar to SB 459 (2005).

JASON ZAMKUS

12/01/2005 Prefiled

01/04/2006 S First Read (S9)

01/09/2006 Second Read and Referred S Ways & Means Committee (S58)

EFFECTIVE: August 28, 2006

*** SB 623 ***

3551S.011

SENATE SPONSOR: Graham

SB 623 - Currently, licensure requirements for an ambulatory surgical center require that a physician from the center must have surgical privileges with a licensed hospital in the community in which the center is located, or the center must have a current working agreement with such a hospital. The act provides that a hospital is considered in the community if it is within fifty miles of the ambulatory surgical center.

ADRIANE CROUSE

12/01/2005 Prefiled

01/04/2006 S First Read (S9)

01/09/2006 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S58)

EFFECTIVE: August 28, 2006

*** SB 624 ***

3469S.011

SENATE SPONSOR: Graham

SB 624 - This act modifies the law relating to ombudsman volunteers. This act prohibits any long-term care facility from relieving an ombudsman volunteer from their duties. Ombudsman volunteers may only be relieved by the regional ombudsman in consultation with the state ombudsman.

This act also requires all long-term care facilities to accept ombudsman volunteers when they are available. Any long-term care facility not willing to work with the ombudsman program will be subject to sanctions by the Department of Health and Senior Services.

This act is identical to SB 153 (2005).

ADRIANE CROUSE

12/01/2005 Prefiled

01/04/2006 S First Read (S9)

01/09/2006 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S58)

01/18/2006 Hearing Conducted S Aging, Families, Mental & Public Health Committee

EFFECTIVE: August 28, 2006

*** SB 625 ***

3478S.011

SENATE SPONSOR: Graham

SB 625 - This act requires every health club to have at least one automated external defibrillator on the premises. The act requires the defibrillator to at all times be deployed in a manner consistent with the requirements prescribed under Section 190.092 and to have at least one employee trained on the use of the defibrillator per shift and on duty during hours of operation.

This act is identical to SB 409 (2005).

ADRIANE CROUSE

12/01/2005 Prefiled

01/04/2006 S First Read (S9)

01/09/2006 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S58)

EFFECTIVE: August 28, 2006

*** SB 626 ***

3081S.021

SENATE SPONSOR: Wilson

SB 626 - This act creates the "Youth Smoking Prevention Trust Fund", which shall be funded by monies received under the Master Settlement Agreement. The Commission for Youth Smoking Prevention is established in the Department of Health and Senior Services and its membership and duties are outlined within the act.

This act is similar to SCS/SB 152(2005).

ADRIANE CROUSE

12/01/2005 Prefiled

01/04/2006 S First Read (S9)

01/09/2006 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S58)

01/25/2006 Hearing Conducted S Aging, Families, Mental & Public Health Committee

EFFECTIVE: August 28, 2006

*** SB 627 ***

3090S.021

SENATE SPONSOR: Wilson

SB 627 - This act changes the law on mandatory reporters of suspected child abuse. Current law mandates that certain professional workers, such as physicians, nurses, principals or school officials, or other persons with responsibility for the care of children shall immediately report or cause a report to be made to the children's division of the department of social services regarding suspected child abuse.

This act would provide that in addition to those persons, any other person who has reasonable cause to suspect child abuse shall be required to immediately report the suspected abuse to the division.

This act also adds an enhanced penalty for failing to report child abuse from a Class A misdemeanor to a Class D felony when the child at issue dies as a result of the abuse or neglect.

ADRIANE CROUSE

12/01/2005 Prefiled

01/04/2006 S First Read (S9)

01/09/2006 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S58)

02/01/2006 Hearing Scheduled S Aging, Families, Mental & Public Health Committee

EFFECTIVE: August 28, 2006

*** SB 628 ***

3414S.011

SENATE SPONSOR: Wilson

SB 628 - This act defines a "stun gun" or "taser" as any portable device or weapon from which an electric current, impulse, wave, or beam is produced that is capable of incapacitating temporarily, injuring, or killing a human being.

This act would make possession or discharge of a stun gun or taser gun an unlawful use of a weapon.

However, this prohibition does not apply to peace officers, prison employees, members of the armed forces, people vested with the judicial power of the state, any person with a duty to execute process, probation officers, corporate security advisors, or coroners or medical examiners.

Unlawful use of a weapon is a Class D felony.

SUSAN HENDERSON MOORE

12/01/2005 Prefiled

01/04/2006 S First Read (S9)

01/09/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S58)

EFFECTIVE: August 28, 2006

*** SB 629 ***

3127S.011

SENATE SPONSOR: Gross

SB 629 - This act exempts contractors from paying sales taxes on materials used in Department of Transportation projects. The sales tax exemption does not take effect until after June 30, 2007.

The act is similar to SB 142 (2005) and SB 731 (2004).

STEPHEN WITTE

12/01/2005 Prefiled

01/04/2006 S First Read (S9)

01/09/2006 Second Read and Referred S Transportation Committee (S58)

01/17/2006 Hearing Conducted S Transportation Committee

EFFECTIVE: August 28, 2006

*** SB 630 ***

3309S.021

SENATE SPONSOR: Gross

SCS/SB 630 - This act modifies the eligibility requirements for properties owned by unmarried people as joint tenants or as tenants in common. If the property is owned by two or more unmarried individuals, each person with an ownership interest must individually satisfy the age or disability requirements for an eligible individual owner, and the combined income of all individuals with an ownership interest must not exceed seventy five thousand dollars. If any one individual fails to satisfy these eligibility requirements, then all individuals with an ownership interest in the property will be deemed ineligible. The filing deadline is extended from September 30th to October 15th of each year.

JASON ZAMKUS

12/01/2005 Prefiled

01/04/2006 S First Read (S9)

01/09/2006 Second Read and Referred S Ways & Means Committee (S58)

01/19/2006 Hearing Conducted S Ways & Means Committee - Consent

01/26/2006 SCS Voted Do Pass S Ways & Means Committee - Consent (3309S.03C)

EFFECTIVE: August 28, 2006

*** SB 631 ***

3167S.021

SENATE SPONSOR: Gross

SB 631 - Under the provisions of this act, no elected or appointed official, state employee, teacher, administrator, or local school board in any public school district of this state shall be prohibited from reading or posting in any public building, school, classroom, or at a school event any excerpts from a specified list of documents and verses related to American and Missouri history, the civil rights movement, and patriotism. The act prohibits censorship of any of the specified items based on religious content or reference. The act prohibits the use of such documents, writings, and records to advance or inhibit a religion or particular religious belief.

This act is similar to SB 161 (2005).

DONALD THALHUBER

12/01/2005 Prefiled

01/03/2006 Bill Withdrawn (S9)

EFFECTIVE: August 28, 2006

*** SB 632 ***

3364S.011

SENATE SPONSOR: Dougherty

SB 632 - Credit card issuers shall not increase interest or impose a fee upon a balance by a card holder who has made timely payments in the minimum amount. This act also prevents an issuer from increasing interest or imposing fees based on the holder's failure to make timely payments to another creditor. A creditor in violation of this act will be guilty of a Class A misdemeanor for each violation.

This act is identical to SB 505 (2005).

CHRIS HOGERTY

12/01/2005 Prefiled

01/04/2006 S First Read (S9)

01/09/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S58)

EFFECTIVE: August 28, 2006

*** SB 633 ***

3363S.011

SENATE SPONSOR: Dougherty

SB 633 - This act prohibits a consumer reporting agency from determining the credit risk score of a resident of this state by the number of inquiries posted on a consumer's credit files. Any consumer who receives a credit risk score in violation of this act shall have the right to bring a civil action and seek injunctive relief. The Attorney General is also authorized to prosecute civil and criminal actions authorized by this act.

This act is identical to SB 991 (2004) and SB 145 (2005).

CHRIS HOGERTY

12/01/2005 Prefiled

01/04/2006 S First Read (S9)

01/09/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S58)

EFFECTIVE: August 28, 2006

*** SB 634 ***

3368S.011

SENATE SPONSOR: Dougherty

SB 634 - This act makes persons diagnosed with cancer eligible for medicaid benefits, including those persons diagnosed with breast or cervical cancer who are ineligible under current law.

This act is identical to SB 368 (2005).

ADRIANE CROUSE

12/01/2005 Prefiled

01/04/2006 S First Read (S9)

01/09/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S58)

EFFECTIVE: August 28, 2006

*** SB 635 ***

3461S.011

SENATE SPONSOR: Cauthorn

SB 635 - This act exempts motorcyclists age 21 and older from wearing a helmet when operating a motorcycle or motortricycle. Under current law, everyone operating a motorcycle or motortricycle must wear a helmet.

This act is substantially similar to SB 12 (2005), SB 744 (2004), SB 226 (2003), SB 646 (2002), SB 18 (2001), SB 610 (2000) and SB 294 (1999).

STEPHEN WITTE

12/01/2005 Prefiled
 01/04/2006 S First Read (S9)
 01/09/2006 Second Read and Referred S Transportation Committee (S58)
 01/24/2006 Hearing Conducted S Transportation Committee

EFFECTIVE: August 28, 2006

*** SB 636 ***

3538S.011

SENATE SPONSOR: Cauthorn

SB 636 - This act permits hand fishing for catfish and carp during the months of June and July, provided the person engaged in such activity submits a report to the department within ten days of the close of the season and adheres to season limits of no more than five catfish per person, per season. The act provides the department the discretion to increase the season limits based on studies conducted. Detailed prohibitions for hand fishing are laid out in the act.

The act contains a penalty provision for violations.

The act is similar to SS/SB 62 (2005).

MEGAN WORD

12/01/2005 Prefiled
 01/04/2006 S First Read (S9)
 01/09/2006 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S58)

EFFECTIVE: August 28, 2006

*** SB 637 ***

3351S.021

SENATE SPONSOR: Cauthorn

SB 637 - This act declares the practice of midwifery to be separate and distinct from the practice of medicine, nursing, nurse-midwifery, or any other medical or healing practice.

A midwife is defined as one who is certified by the North American Registry of Midwives (NARM) as a certified professional midwife providing for compensation those skills relevant to the care of women and infants before, during, and six weeks after birth.

A person who regularly practices midwifery for compensation is required to present a written disclosure statement to each client outlining the practice of midwifery, his or her training, experience, liability insurance coverage, and emergency medical plan. This requirement has some exceptions, including a religious practice exception.

This act also provides that only the midwife who provided care to the client shall be liable for any negligent, willful act or omission.

In addition, engaging in the practice of midwifery is removed from the list of acts constituting the unlawful practice of medicine. This act also repeals the provisions prohibiting persons licensed as midwives from practicing medicine.

ADRIANE CROUSE

12/01/2005 Prefiled
 01/04/2006 S First Read (S9)
 01/09/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S58)

EFFECTIVE: August 28, 2006

*** SB 638 ***

3192S.011

SENATE SPONSOR: Coleman

SB 638 - This act relates to consumer protection and radio frequency identification tags (RFID).

The act requires any package that carries with it a radio frequency identification tag to notify the

consumer of this with an appropriate label speaking to that effect.

The act is identical to SB 128 (2005).

MEGAN WORD

12/01/2005 Prefiled

01/04/2006 S First Read (S9)

01/09/2006 Second Read and Referred S Commerce, Energy and the Environment Committee (S58)

EFFECTIVE: August 28, 2006

*** SB 639 ***

3204S.011

SENATE SPONSOR: Coleman

SB 639 - This act imposes a \$25 surcharge on all felony court proceedings involving drugs, offenses against the person, sexual offenses, robbery, burglary, arson, stealing, and weapons offenses, except when charges are dismissed or when costs are to be paid by the state or political subdivision. Fifty percent of the surcharge will be deposited in the Gang Resistance Education and Training (GREAT) Fund, to be administered by the Department of Elementary and Secondary Education. The department, in conjunction with participating local law enforcement, will develop a program for gang resistance training in school districts in need of such services, as determined by the department. The program is intended to help children understand how gang violence affects communities and how to resolve conflicts without violence. The remaining fifty percent of the funds collected will be used to provide matching grants to school districts to fund the after-school reading retreat program.

The provisions of this act, with regards to sections 488.5020 and 589.313, terminate on December 31, 2010.

This act is similar to SB 184 (2005).

ALEXA PEARSON

12/01/2005 Prefiled

01/04/2006 S First Read (S9)

01/09/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S59)

EFFECTIVE: August 28, 2006

*** SB 640 ***

3335S.011

SENATE SPONSOR: Coleman

SB 640 - This act allows the court to order, in addition to other penalties, a convicted person to reimburse law enforcement for reasonable costs associated with arrests involving violations of county or municipal ordinances relating to prostitution, including the cost of blood testing.

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

This act contains provisions identical to those of SB 65 & SB 67 (2005).

SUSAN HENDERSON MOORE

12/01/2005 Prefiled

01/04/2006 S First Read (S9-10)

01/09/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S59)

EFFECTIVE: August 28, 2006

*** SB 641 ***

3216S.011

SENATE SPONSOR: Scott

SB 641 - This act requires that any contribution to the Missouri Higher Education Savings Program must be held in the program for at least twelve months in order to avoid penalties provided in current law.

This act is identical to SB 526 (2005).

CHRIS HOGERTY

12/01/2005 Prefiled
 01/04/2006 S First Read (S10)
 01/09/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S59)
 01/19/2006 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2006

*** SB 642 ***

3620S.011

SENATE SPONSOR: Scott

SB 642 - This act creates a graduated increase in payments to sheltered workshops. Currently, the workshops are reimbursed at a rate of thirteen dollars multiplied by the number of six-hour or longer days worked by handicapped workers. This act increases this payment so that, by July 1, 2009, and thereafter, the workshops are reimbursed at a rate of eighteen dollars multiplied by the number of six-hour or longer days worked by handicapped workers.

ADRIANE CROUSE

12/01/2005 Prefiled
 01/04/2006 S First Read (S10)
 01/09/2006 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S59)
 02/01/2006 Hearing Scheduled S Aging, Families, Mental & Public Health Committee

EFFECTIVE: August 28, 2006

*** SB 643 ***

3466S.011

SENATE SPONSOR: Scott

SB 643 - The act creates the State Fair Escrow Fund to be maintained by the State Fair Commission. Monies from fair ticket sales shall be deposited into the fund and any gifts, grants, contributions, or monies from sponsorships may be deposited in the fund as well. The money is to be used for paying all entertainment and contract costs associated with the fair.

The fund shall be retained outside the control of the state treasury and shall not be transferred to the general revenue. The unexpended balance in the fund at the end of each calendar year shall not exceed the preceding year's expenditures for entertainment and contract costs.

MEGAN WORD

12/01/2005 Prefiled
 01/04/2006 S First Read (S10)
 01/09/2006 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S59)
 02/01/2006 Hearing Scheduled S Agriculture, Conservation, Parks & Natural Resources Committee

EFFECTIVE: August 28, 2006

*** SB 644 ***

3315S.021

SENATE SPONSOR: Shields

SB 644 - Currently, the phase-in period of the SB 287 formula contains a provision that reduces current year funding for any district that decreases its summer school average daily attendance below 15% of the district's 2005-2006 summer school average daily attendance. The level of such funding reduction is pegged to the district's drop in summer school attendance from the 2005-2006 summer school attendance.

This act alters the aforementioned policy by phasing the threshold for allowable decreases in summer school attendance upward in intervals corresponding to the percent of state aid districts will receive based on their 2005-2006 payment amount derived from the SB 380 formula. Further, the act applies the reduction only to the percent reduction that is in excess of the threshold rather than the reduction from the base 2005-2006 summer school amount.

This act contains an emergency clause with an effective date of July 1, 2006.
 DONALD THALHUBER

12/01/2005 Prefiled
 01/04/2006 S First Read (S10)
 01/09/2006 Second Read and Referred S Education Committee (S59)
 01/17/2006 Hearing Conducted S Education Committee

EFFECTIVE: Emergency Clause

*** SB 645 ***

3713S.011

SENATE SPONSOR: Griesheimer

SB 645 - This act modifies language contained in the BUILD statutes (Sections 100.700 to 100.850) by expanding the definition of eligible industry to include an industry located in the city of Fenton. An eligible industry must retain the level of employment that existed at the site from three years from the date of issuance of certificates throughout the duration of the certificates.

JASON ZAMKUS

12/01/2005 Prefiled
 01/04/2006 S First Read (S10)
 01/09/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S59)
 01/18/2006 Hearing Conducted S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2006

*** SB 646 ***

3389S.011

SENATE SPONSOR: Griesheimer

SB 646 - The act allows landowners to form their own sewer districts. Currently, county commissions are primarily responsible for sewer districts, this act would enable landowners who form or convert their sewer district into a reorganized common sewer district to exert more control over the district. While the county commissions are still involved, the responsibility is shifted in order to give more active participation from the landowners within the district.

SECTION 204.600: This act allows any sewer district organized and existing under current law to convert to a reorganized common sewer district. Further, the act allows for the establishment of a reorganized common sewer district. Once such a district has been established, it shall enjoy all powers and authority provided for common sewer districts.

SECTION 204.602: This act details the procedural guidelines for the formation of a new reorganized common sewer district and directs that any such petition be accompanied by a deposit as well as at least fifty signatures from voters and/or property owners living within the proposed district. The petition shall be filed with both the county commission and the circuit court. If the county commission rejects the petition, no further action on the proposed district shall be taken before the commission or the court. Upon filing the petition with the court, a date for hearing of the petition will be set. Public notice of such a petition shall be given in a newspaper of general circulation in the county in which the proceedings and the date of those proceedings are being held. The notice shall then be signed by the clerk of the circuit court and published in three successive issues of a weekly newspaper once a week for three consecutive weeks.

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

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

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

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

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

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

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

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

SECTION 204.612: The board shall have no power to levy or collect taxes in order to pay general obligation bonds unless such is approved by the voters of the district at an election.

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

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

SECTION 204.618: This act authorizes the board to make the plans for any construction, acquisition of land, rights-of-ways, or otherwise for the district. The power of the board to contract and/or enter into agreements is detailed in the act, as are the powers available to the board once agreements are made.

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

SECTION 204.622: The board shall have the authority to enter into contracts for the districts, with regard to both construction projects and professional services.

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

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

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

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

SECTION 204.632: Net revenue for the reorganized common sewer district is detailed in this section.

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

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

SECTION 204.638: The board may apply for and accept grants, funds, materials or labor from the state and/or federal government for the construction of a sewerage system.

SECTION 204.640: The responsibility to render all services necessary to carry out the provisions of the act

lies with local government officials.

SECTION 204.650 - 204.672: These sections establish the Sanitary Sewer Improvement Area Act. These sections provide the opportunity to any sewer district to make improvements upon a property within a sanitary sewer improvement area and allows for the issuance of temporary notes and revenue bonds to pay for such a project. The details of how such an area is established, approved, and assessed are laid out in the act, as are the public notice and hearing requirements involved in that process. The act also allows for any sewer district to enter into a cooperative agreement with a city or county to construct improvements to the sanitary sewer system pursuant to the neighborhood improvement district act, section 67.453 to 67.475 RSMo.

SECTION 204.674: This section explicitly excludes section 204.472 RSMo, from the provisions in this act; sewer service provided by agreement for Poplar Bluff/Butler County.

This act is similar to the SCS/SB 468 (2005).

MEGAN WORD

12/01/2005 Prefiled
01/04/2006 S First Read (S10)
01/09/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S59)
01/18/2006 Hearing Conducted S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2006

*** SB 647 ***

3382S.011

SENATE SPONSOR: Griesheimer

SB 647 - This act requires insurance companies to provide coverage for computerized prosthetic devices (arms and legs). The mandate shall not apply to certain types of policies such as accident-only, specified disease, long-term care policies or other types of limited benefit health insurance policies. The mandate applies to health insurance policies issued or renewed on or after January 1, 2007. The mandated coverage shall not be subject to greater deductibles or copayments than other types of health care services.

This act is similar to SB 72 (2005) and SB 1362 (2004).

STEPHEN WITTE

12/01/2005 Prefiled
01/04/2006 S First Read (S10)
01/09/2006 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S59)

EFFECTIVE: August 28, 2006

*** SB 648 ***

3209S.021

SENATE SPONSOR: Champion

SB 648 - This act replaces the term "lunatic asylum" with "mental health facility" in Section 320.010, RSMo, which requires that such facilities have stairs or fire escapes.

SUSAN HENDERSON MOORE

12/01/2005 Prefiled
01/04/2006 S First Read (S10)
01/09/2006 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S59)
01/18/2006 Hearing Conducted S Aging, Families, Mental & Public Health Committee - Consent
01/25/2006 Voted Do Pass S Aging, Families, Mental & Public Health Committee - Consent

EFFECTIVE: August 28, 2006

*** SB 649 ***

3302S.021

SENATE SPONSOR: Champion

SB 649 - This act provides that parents will be obligated to continue paying child support for a child past his or her eighteenth birthday if such child provides proof, upon written request by the parent sent by certified mail, that they are attending an institution of vocational or higher education. If the child fails to provide the requested documentation within twenty days, the child support obligation will be abated until the child

provides the information, or until the child provides evidence that he or she has attempted to obtain the information from the institution.

An attempt by the parent obligated to pay support to send a written request for the child's educational information to the parent entitled to receive support shall be sufficient to meet the requirements of the statute, as long as the child receives the request. An attempt by the child to send the requested documents to the parent entitled to receive support shall be sufficient to meet the requirements of the statute, as long as the support-paying parent receives the documents.

This act also alters the minimum hours of attendance for continued obligation of support to nine hours a semester or academic term, rather than twelve hours, and eliminates the requirement that a child who is taking less than twelve hours must prove that they are employed for at least fifteen hours weekly.

ALEXA PEARSON

12/01/2005 Prefiled

01/04/2006 S First Read (S10)

01/09/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S59)

01/18/2006 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2006

*** SB 650 ***

3306S.021

SENATE SPONSOR: Champion

SB 650 - This act specifies the expiration dates for the terms of office for all members of the Board of Governors of Missouri State University. The terms of the voting members of the board shall be six years, the terms of three expiring every two years.

If a voting member of the Board of Governors of Missouri State University is found by unanimous vote of the other governors to have moved such governor's residence from the district from which such governor was appointed, then the office of such governor shall be vacant.

Should the total number of Missouri congressional districts be altered, all members of the board shall be allowed to serve the remainder of the term for which they were appointed. Should the boundaries of any congressional districts be altered in a manner that displaces a member of the board from the congressional district from which the member was appointed, the member shall be allowed to serve the remainder of the term for which the member was appointed.

The act renders other technical alterations by removing the "Southwest" from Missouri State University in certain sections omitted from the name change bill last session.

This act contains an emergency clause.

DONALD THALHUBER

12/01/2005 Prefiled

01/04/2006 S First Read (S10)

01/09/2006 Second Read and Referred S Education Committee (S59)

01/17/2006 Hearing Conducted S Education Committee - Consent

EFFECTIVE: Emergency Clause

*** SB 651 ***

3337S.011

SENATE SPONSOR: Bartle

SB 651 - This act requires that future tax increment financing (TIF) projects dedicate 10% of the tax increment that would otherwise be used to fund the redevelopment project to any school located at least partially within the boundary of the TIF area. Where more than one school is located within the TIF area, the 10% portion will be divided pro rata by the land area of the school districts contained within the TIF area.

Because this act amends a double-enacted section, the act also repeals one version of Section 99.845, RSMo.

This act is identical to SB 80 (2005).

JASON ZAMKUS

12/01/2005 Prefiled
01/04/2006 S First Read (S10)
01/09/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S59)
01/18/2006 Hearing Cancelled S Economic Development, Tourism & Local Government Committee
01/25/2006 Hearing Conducted S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2006

*** SB 652 ***

3356S.011

SENATE SPONSOR: Bartle

SB 652 - This act creates enabling legislation to construct toll roads provided a constitutional measure is passed by the Missouri voters.

TOLL ROADS AUTHORIZATION - This act authorizes the Transportation Commission to construct, maintain and operate toll facilities on the state highway system. The Commission is authorized to issue state toll facility revenue bonds to finance toll facility projects authorized by the General Assembly. Such bonds may be issued without the consent of the General Assembly. Bonds issued for toll facility projects shall not be deemed to constitute a debt or liability of the state and shall be payable solely from the state toll facility fund. Toll facility bonds shall be exempt from taxation. The Commission is required to obtain a study of the proposed toll facility project by one or more qualified independent consultants prior to commencing any project (Section 226.1200).

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

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

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

- (1) The costs of issuing state toll facility revenue bonds and refunding bonds, the costs of feasibility studies and the costs for constructing toll facilities;
- (2) The cost of collecting toll facility revenues;
- (3) The principal and interest on any outstanding state toll facility revenue bonds and refunding bonds.

If revenues in the state toll facility fund are insufficient to pay for authorized costs, the commission shall transfer amounts from the state road fund to keep the toll facility fund solvent. Transfers from the state road fund shall be repaid in the time and manner determined by the commission. The commission is authorized to continue to collect tolls and fees on all toll facilities until all costs have been repaid. Any amount in the state toll facility fund in excess of what is needed to pay authorized costs shall be transferred to the state road fund.

COLLECTION AND ENFORCEMENT OF TOLLS - The commission may use any method for imposing and collecting tolls, including toll tickets, barrier toll facilities, billing accounts, commuter passes and electronic recording or identification devices (Section 226.1215). The act further outlines the enforcement mechanisms the Department of Transportation may utilize to ensure that motorists pay for using state toll roads. The Commission may enforce the payment of tolls by using automated enforcement technology, including automatic vehicle license plate identification photography and video surveillance. The use of such automated enforcement technology may be used only for the purpose of recording the image of the nonpaying motorist's license plate. Photo monitoring system evidence which shows that a motorist has failed to pay a toll shall

raise a rebuttable presumption that the motor vehicle was used in violation of the law. A collection fee, not to exceed \$100, may be charged to recover the cost of collecting an unpaid toll (Section 226.1230). A motorist who fails to pay a toll shall be guilty of an infraction punishable by a fine not to exceed \$200 (Section 226.1230.6). The act allows a court to install a device on the nonpaying motor vehicle that prohibits its movement. The nonpaying motorist may also have his or her motor vehicle registration voided until the toll and all fines are paid. The act also outlines what procedures must be taken in order to collect tolls and issue traffic citations.

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

This act is similar to SB 31 (2005), SB 855 (2004) and SB 193 (2003).

STEPHEN WITTE

12/01/2005 Prefiled

01/04/2006 S First Read (S10)

01/09/2006 Second Read and Referred S Transportation Committee (S59)

EFFECTIVE: contingent

*** SB 653 ***

3359S.011

SENATE SPONSOR: Bartle

SB 653 - This act states that school districts located at least partially in Jackson County shall be reimbursed fully by the Department of Elementary and Secondary Education for the costs associated with offering special educational services to any children that are placed by the Department of Social Services. When the department places a child, the department shall inform the local school district that the child is in the department's custody.

The act cites Article X, Section 21 of the Missouri Constitution, which is the Hancock amendment's unfunded mandate provision.

This act is identical to SCS/SB 102 from 2005.

DONALD THALHUBER

12/01/2005 Prefiled

01/04/2006 S First Read (S10)

01/09/2006 Second Read and Referred S Education Committee (S59)

01/24/2006 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2006

*** SB 654 ***

3690S.011

SENATE SPONSOR: Nodler

SB 654 - This act establishes the "Associate Degree Transfer Incentive Scholarship Program" to be administered by the Coordinating Board for Higher Education. The program will distribute funds to participating public four-year Missouri colleges or universities in order to provide scholarships for Missouri residents who transfer from a public Missouri community college to a participating public four-year Missouri college or university. Funds for the scholarship program will be distributed to participating institutions on a pro-rata basis according to the number of eligible two-year transfer students at each institution. Eligibility criteria are delineated in the act. Participating institutions are required to submit an annual report to the general assembly.

The act establishes the "Associate Degree Transfer Incentive Scholarship Program" fund in the state treasury.

The program will sunset in six years.

DONALD THALHUBER

12/01/2005 Prefiled

01/04/2006 S First Read (S10)

01/09/2006 Second Read and Referred S Education Committee (S59)

01/17/2006 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2006

*** SB 655 ***

3404S.021

SENATE SPONSOR: Nodler

SB 655 - This act extends the authority of the Missouri Higher Education Loan Authority to provide primary and secondary school loans for remedial and test-preparation courses.

Under current law, the Missouri Higher Education Loan Authority has the authority to purchase and service secondary education loans. This act extends the authority of the Missouri Higher Education Loan Authority to issue bonds or other forms of indebtedness to obtain funds to purchase and invest in primary education loans, including loans for remedial, developmental, or test preparation courses.

Under this act, loans are no longer only available to the parents or guardians of students who take courses that award postsecondary credit. The act also allows the Missouri higher Education Loan Authority to create, acquire, contribute to, or invest in any type of research or financial aid program to improve students' access or completion of a higher education degree or certificate.

CHRIS HOGERTY

12/01/2005 Prefiled
01/04/2006 S First Read (S10)
01/09/2006 Second Read and Referred S Education Committee (S59)
01/17/2006 Hearing Conducted S Education Committee - Consent

EFFECTIVE: August 28, 2006

*** SB 656 ***

3691S.011

SENATE SPONSOR: Nodler

SB 656 - Currently under Section 173.604, RSMo, the coordinating board issues certificates of approval to operate within this state to certain out-of-state public higher education institutions that meet the minimal standards of that section.

This act seeks to exempt such institutions, as of July 01, 2007, from the requirements of section 173.604, RSMo. Further, the act would revoke, on July 01, 2007, all previously issued certificates granted to out-of-state public higher education institutions to operate within this state. Instead, the act directs the coordinating board to hold out-of-state public higher education institutions to criteria similar to those required of public in-state higher education institutions in order for such institutions to operate within this state.

The act directs the coordinating board to promulgate rules for the implementation of this act no later than December 31, 2006.

This act is identical to SB 286 (2005).

DONALD THALHUBER

12/01/2005 Prefiled
01/04/2006 S First Read (S10)
01/09/2006 Second Read and Referred S Education Committee (S59)
01/24/2006 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2006

*** SB 657 ***

3634S.011

SENATE SPONSOR: Bray

SB 657 - This act requires applicants for health care benefits under programs like Medicaid and CHIPs to identify the proposed beneficiary's employer. If the proposed beneficiary is not employed, the applicant shall identify the employer of the adult who is providing some or all of the proposed beneficiary's support.

By July 1st every year, the Department of Social Services must deliver a report to the General Assembly listing all of the employers identified in this application process. The report shall include the company's name, location and the total number of employees and their dependants who are enrolled in the state's health care programs. This report shall also be available to the public through the Department's website.

This act is identical to SB 82 (2005).

ADRIANE CROUSE

12/01/2005 Prefiled

01/04/2006 S First Read (S10)

01/09/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S59)

EFFECTIVE: August 28, 2006

*** SB 658 ***

3632S.011

SENATE SPONSOR: Bray

SB 658 - This act creates the "Birth Control Protection Act". This act prohibits any governmental entity from prohibiting, interfering with, or discriminating against the right of consenting adults to obtain or use safe and effective contraception.

This act is identical to SB 1313 (2004), and SB 40 (2005).

CHRIS HOGERTY

12/01/2005 Prefiled

01/04/2006 S First Read (S11)

01/09/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S59)

EFFECTIVE: August 28, 2006

*** SB 659 ***

3639S.011

SENATE SPONSOR: Bray

SB 659 - This act modifies the law about residential property insurance.

RESIDENTIAL INSURANCE - Under this act, an insurer may cancel a homeowner's policy if physical changes in the property insured have significantly increased the hazards originally insured. Under the current law, an insurer may cancel the policy if physical changes have increased the hazards originally insured (Section 375.002).

Under this act, the insurer must give the insured 60 days notice prior to cancelling the insured's policy (current law is 30 days). The insurer must also give the insured 60 days of its intention not to renew a policy (Sections 375.003 and 375.004).

Under this act, homeowner insurance companies shall not consider as a claim any inquiry made by the insured as to whether the policy covers a certain loss or whether the policy provides a certain type or level of coverage (Section 375.001). Homeowner insurance companies are prohibited from refusing to renew a policy on the basis of a weather-related claim (Section 375.004). Further, insurers are prohibited from using a rating plan or a rating system which surcharges the insured's dwelling fire or homeowners insurance premium based upon the insured's weather-related claims or upon inquiries into whether the policy covers certain losses.

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

The act increases the amount of property insurance coverage a person can obtain through the program on residential property from \$200,000 to \$300,000 and on commercial property from \$1,000,000 to \$3,000,000.

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

All property insurance plans and underwriting guidelines used in the FAIR plan must be submitted to the director for approval at least 60 days prior to their use. A FAIR plan insurance policy shall not be cancelled or nonrenewed unless the insured receives 60 days notice (up from 30 days)(Section 379.845).

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

This act is identical to SB 106 (2005).

STEPHEN WITTE

12/01/2005 Prefiled

01/04/2006 S First Read (S11)

01/09/2006 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S59)

EFFECTIVE: August 28, 2006

*** SB 660 ***

3766S.011

SENATE SPONSOR: Days

SB 660 - This act requires state employees to contribute a percentage of their annual income toward their health insurance coverage beginning in fiscal year 2007. The coverage will be Missouri Consolidated Health Care Plan's premium plan option and will be based on the employee's annual salary. If the employee's plan is not the lowest cost plan, the state will contribute the amount of the lowest cost premium or the full amount of the premium plan, whichever is less. If no plan option is available, the rates will be applicable to coverage under the co-pay plan.

Moneys shall be appropriated by the General Assembly in the fiscal year 2007 budget to cover the cost of reimbursing employees for the Missouri Consolidated Health Care Plan premiums paid by employees between January 1, 2006 and June 30, 2006, which exceed the premium amount that they would have paid had the act been in effect.

This act contains an emergency clause.

This act is identical to SB 1291 (2004), and SB 140 (2005).

CHRIS HOGERTY

12/01/2005 Prefiled

01/04/2006 S First Read (S11)

01/09/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S59)

EFFECTIVE: August 28, 2006

*** SB 661 ***

3727S.011

SENATE SPONSOR: Ridgeway

SB 661 - The act prohibits any ballot from allowing a person to cast a straight political party ticket in any partisan election.

This act is identical to SB 4 (2005).

CHRIS HOGERTY

12/01/2005 Prefiled

01/04/2006 S First Read (S11)

01/09/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S59)

EFFECTIVE: August 28, 2006

*** SB 662 ***

3544S.021

SENATE SPONSOR: Crowell

SB 662 - Currently, the higher education academic scholarship program (commonly refereed to as "Bright Flight") awards qualified recipients \$2,000 a year. This act increases the aforementioned amount to \$4,000 a

year.

DONALD THALHUBER

12/01/2005 Prefiled
01/04/2006 S First Read (S11)
01/09/2006 Second Read and Referred S Education Committee (S59)
01/24/2006 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2006

*** SB 663 ***

3516S.011

SENATE SPONSOR: Crowell

SB 663 - The act modifies Section 376.421, RSMo, by providing that a group health insurance policy may be delivered to an employer purchasing alliance. Current law provides that a group health insurance policy may not be issued to an association organized for the purposes of obtaining insurance. An employer purchasing alliance is defined as a nonprofit corporation run by a by a board of directors which is organized for the purposes of purchasing, coordinating, and administering health benefit plans on behalf of groups of employers and their employees.

STEPHEN WITTE

12/01/2005 Prefiled
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01/09/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S59)
01/24/2006 Hearing Scheduled But Not Heard S Pensions, Veterans' Affairs and General Laws Committee
01/31/2006 Hearing Scheduled S Pensions, Veterans' Affairs and General Laws Committee

EFFECTIVE: August 28, 2006

*** SB 664 ***

3274S.011

SENATE SPONSOR: Crowell

SB 664 - This act creates a multistate nursing licensure compact for registered nurses and licensed practical/vocational nurses. This compact allows licensed registered nurses and licensed practical/vocational nurses to practice nursing in states which participate in the nurse licensure compact. All states wishing to participate in the compact must adopt articles of authorization listed by the act:

ARTICLE I - Finding and Declaration of Purpose;

ARTICLE II - Definitions;

ARTICLE III - General Provisions and Jurisdiction;

ARTICLE IV - Applications for Licensure in a Party State;

ARTICLE V - Adverse Actions;

ARTICLE VI - Additional Authorities Invested in Party State Nurse Licensing Boards;

ARTICLE VII - Coordinated Licensure Information Systems;

ARTICLE VIII - Compact Administration and Interchange of Information;

ARTICLE IX - Immunity;

ARTICLE X - Entry into Force, Withdrawal and Amendment; and

ARTICLE XI - Construction and Severability.

This act is similar to HB 556 (2005).

CHRIS HOGERTY

12/01/2005 Prefiled
01/04/2006 S First Read (S11)

01/09/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S59)
01/23/2006 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2006

*** SB 665 ***

3284S.021

SENATE SPONSOR: Engler

SB 665 - The act increases the penalty for any individual who is illegally hunting while trespassing on private property. The penalty for such a violation is a fine of \$500 and restitution for any property damage resulting in a lower property value. If the violator does not pay the fines and restitution ordered by the court, the court shall submit the individual's name to the Conservation Commission whereby their permit to hunt may be suspended or revoked.

MEGAN WORD

12/01/2005 Prefiled
01/04/2006 S First Read (S11)
01/09/2006 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S59)

EFFECTIVE: August 28, 2006

*** SB 666 ***

3281S.041

SENATE SPONSOR: Engler

SB 666 - This act creates the "Volunteer Firefighter Job Protection Act".

The act bars public and private employers from firing an employee for joining any fire department, as a volunteer, or for missing work for responding to an emergency as a volunteer firefighter. Employers may, however, deduct hours missed by the employee from the employee's regular compensation. Employees must make a reasonable effort to notify their employers before they miss work and the employer may request the employee to provide the employer with a written statement from the supervisor of the volunteer fire department stating that the employee responded to an emergency and the time and date of such emergency.

Any employee who is fired in violation of this act has a cause of action for a civil suit against the employer in violation of the act. The employee may seek reinstatement to the employee's previous position, reinstatement of fringe benefits, back wages, and reinstatement of seniority rights. The employee must bring an action within one year of the violation.

CHRIS HOGERTY

12/01/2005 Prefiled
01/04/2006 S First Read (S11)
01/09/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S59)
01/17/2006 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee

EFFECTIVE: August 28, 2006

*** SB 667 ***

3694S.011

SENATE SPONSOR: Engler

SB 667 - This act designates a portion of state highway M within Washington County which is located within the city limits of Irondale as the "Trooper Robert Kolilis Memorial Highway".

The act also designates a portion of U.S. Highway 54 in Camden County as the "Trooper Ross S. Creach Memorial Highway".

This act is similar to SCS/HB 423 and SCS/SB 227 (2005).

STEPHEN WITTE

12/01/2005 Prefiled
01/04/2006 S First Read (S11)
01/09/2006 Second Read and Referred S Transportation Committee (S59)
01/17/2006 Hearing Conducted S Transportation Committee - Consent

EFFECTIVE: August 28, 2006

*** SB 668 ***

3392S.011

SENATE SPONSOR: Koster

SB 668 - This act allows for a ten thousand dollar state income tax deduction to be taken in the taxable year in which an organ donation is made. A taxpayer may only take the deduction for organ donation once. Part-year residents and non-resident individuals are not eligible to receive the tax deduction provided in this act.

This act is similar to SB 44 (2005).

JASON ZAMKUS

12/01/2005 Prefiled

01/04/2006 S First Read (S11)

01/09/2006 Second Read and Referred S Ways & Means Committee (S59)

01/26/2006 Hearing Conducted S Ways & Means Committee

EFFECTIVE: January 1, 2007

*** SB 669 ***

3391S.021

SENATE SPONSOR: Koster

SB 669 - This act imposes an additional fine and driver's license suspension on any person failing to yield the right-of-way when the violation results in physical injury, serious physical injury, or death to a person. The additional fines collected under this provision will be credited to the Head Injury Fund. This act is commonly known as "Clutch's Law".

This act is similar to HB 1080 (2004).

STEPHEN WITTE

12/01/2005 Prefiled

01/04/2006 S First Read (S11)

01/09/2006 Second Read and Referred S Transportation Committee (S59)

01/24/2006 Hearing Conducted S Transportation Committee

EFFECTIVE: August 28, 2006

*** SB 670 ***

3371S.011

SENATE SPONSOR: Green

SB 670 - This act creates a deduction against a taxpayers Missouri state income tax for qualified higher education expenses. In order to qualify, the taxpayer student or taxpayer claiming a student as a dependent, must have a federal adjusted gross income of less than two hundred thousand dollars regardless of whether the taxpayer files a joint or single return and the educational expenses must be incurred by a student registered at least half time.

JASON ZAMKUS

12/01/2005 Prefiled

01/04/2006 S First Read (S11)

01/09/2006 Second Read and Referred S Ways & Means Committee (S59)

EFFECTIVE: August 28, 2006

*** SB 671 ***

3099S.011

SENATE SPONSOR: Green

SB 671 - This act provides that an applicant for benefits under the state Medicaid system, or any person requesting uncompensated care in a hospital, must identify the employer or employers of the proposed beneficiary of the health care benefits provided under the program. The act also requires the department of social services to submit to the General Assembly an annual report, starting in calendar year 2006, identifying all such identified employers who employ 25 or more public assistance program beneficiaries. There shall also be public access to the report.

ADRIANE CROUSE

12/01/2005 Prefiled

01/04/2006 S First Read (S11)

01/09/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S59)

EFFECTIVE: August 28, 2006

*** SB 672 ***

3111S.031

SENATE SPONSOR: Green

SB 672 - This act adds the definitions of "central business district", "high unemployment", "low fiscal capacity", "moderate income", "new job", and "retail project" to Missouri's tax increment finance statutes and modifies the definition of economic activity taxes (EATS) to exclude from the definition any voter approved sales taxes imposed for specific purposes or projects.

The act prohibits the adoption, by municipal ordinance, of a redevelopment plan without findings documented by substantial and competent evidence on the record satisfying a reasonable person standard. Such finding must include an affidavit signed by the developer including a study stating that records were reviewed, inspections and comparisons were made, or tasks undertaken demonstrating that the property has not been developed through private enterprise over a period of time. The study must be signed by a responsible party and be of sufficient specificity to allow the tax increment finance commission or the municipality, or both, to conduct any necessary investigation.

An economic feasibility analysis and a pro forma financial statement indicating the return on investment that may be expected without public assistance will be required for all redevelopment projects involving "Super TIF" funds, or local TIF projects with more than two hundred fifty thousand dollars in tax increment financing. The financial statement must include any assumptions made, and analysis demonstrating the amount of assistance necessary to bring the return on investment into a range deemed attractive to private investors. The amount of such assistance will be equal to the estimated reimbursable project costs.

All documents relating to the study and other current requirements must be published 30 days prior to the adoption of the TIF plan. A resident may enjoin such adoption by initiating an action in circuit court or 5% of registered voters may petition to have the plan delayed until the voters of the municipality can vote on the issue.

This act extends the applicability of the increment pass through of fifty percent of new state revenues derived from a "Super TIF" exclusively to projects in blighted areas located in distressed communities.

After July 1, 2007, a redevelopment project, located entirely or partially within metropolitan statistical areas of the state, will qualify if: the host municipality or school district has low fiscal capacity; the census block group containing the proposed redevelopment area has high unemployment; the municipality and census block group containing the redevelopment area are characterized by moderate income. Tax increment financing may only be used if the municipality has made a finding that the area is blighted or a conservation area and it is located in the central business district; it includes only those parcels of real property directly and substantially benefitted by the proposed redevelopment plan; it can be renovated through one or more redevelopment plans; the establishments in the area have generally suffered from stagnant or declining taxable sales or corporate receipts during the previous three years; it is contiguous, although it may contain up to three noncontiguous areas provided each area meets all applicable requirements; and the area does not exceed ten percent of the entire area of the municipality.

Tax increment financing in specific areas will be limited to the greater of five percent of the total estimated redevelopment costs or thirty percent of the infrastructure costs for projects that are primarily retail. Use of tax increment financing is prohibited to develop sites in which twenty-five percent or more of the area is vacant and has not previously been developed, or qualifies as open space, or is being used for agricultural or horticultural purposes. These prohibitions are subject to limited exceptions.

The act provides for twenty-five percent of the property tax increment to be passed on to taxing entities entitled to receive revenue from property tax revenues throughout the entire repayment period of the project. Where a project includes residential uses, absent a recommendation to the contrary from commission members representing the affected school boards, the real property tax increment attributable to the residential portion of the project will pass through to the affected school districts. Taxing entities providing emergency services will be reimbursed for direct costs. Such reimbursement may not be less than

twenty-five percent nor more than one hundred percent of the district's increment.

The act adds reporting requirements for municipalities and developers engaged in tax increment financing projects. The department of economic development will be required to submit a report to the Governor and the General Assembly identifying the number of redevelopment areas, the amount of public investment in each, the benefit derived from each project, and the economic impact of the project on each taxing district.

This act is similar to SB 282 (2005).

JASON ZAMKUS

12/01/2005 Prefiled

01/04/2006 S First Read (S11)

01/09/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S59)

01/25/2006 Hearing Conducted S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2006

*** SB 673 ***

3547S.011

SENATE SPONSOR: Graham

SB 673 - This act grants voting rights to a student curator or governing board member for the University of Missouri, Missouri State University, and Truman State University. Currently, the boards have nonvoting student members. The act does not alter the status of the nonvoting member but requires that the next appointment of a voting member be a full-time student, who will serve for two years. The act will sunset after four years, so that with the first available appointment after August 28, 2010, the voting student curator will be replaced with a non-student curator unless the General Assembly takes further action to make the voting student curator position permanent.

This act is similar to the perfected HB 440 (2005).

DONALD THALHUBER

12/01/2005 Prefiled

01/04/2006 S First Read (S11)

01/10/2006 Second Read and Referred S Education Committee (S65)

EFFECTIVE: August 28, 2006

*** SB 674 ***

3113S.011

SENATE SPONSOR: Wilson

SB 674 - This act defines "bullying" and prohibits school employees, volunteers, or students from bullying a student while on school property, at school functions, or in a school bus. School employees or volunteers who witness a bullying incident must report it and are exempt from civil liability. By August 1, 2007, each school district must develop its policy on bullying, as specified in the act. The Department of Elementary and Secondary Education shall develop model policies by April 1, 2007. The act specifies how the policies will be published and incorporated into district training. Schools must advise anyone filing a bullying complaint that other options exist to remedy the situation, such as injunctions and restraining orders.

This act is identical to HB 843 (2005).

DONALD THALHUBER

12/01/2005 Prefiled

01/04/2006 S First Read (S11)

01/10/2006 Second Read and Referred S Education Committee (S65)

01/24/2006 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2006

*** SB 675 ***

3079S.011

SENATE SPONSOR: Wilson

SB 675 - The act amends the telemarketing no-call list by allowing persons who use wireless cell phones

to put their numbers on the state's no-call list, and adds unsolicited faxes to the list of objectionable telephone solicitations subject to the list and subsequent actions by the Attorney General's office.

The act is identical to SB 411 (2005).

MEGAN WORD

12/01/2005 Prefiled

01/04/2006 S First Read (S11)

01/10/2006 Second Read and Referred S Commerce, Energy and the Environment Committee (S65)

EFFECTIVE: August 28, 2006

*** SB 676 ***

3114S.011

SENATE SPONSOR: Wilson

SB 676 - Currently, school board members may accept \$5,000 per annum for performing services for (or selling property to) their district. This act applies this same limit to members of governing boards of charter schools.

The act requires the Department of Elementary & Secondary Education (DESE) to complete a core data audit on all charter schools within six months of granting a school's charter and annually thereafter.

Further, any charter school that ceases to function as an educational institution is required to submit to a financial audit and pay within forty-five days any fund balances accrued from state or local tax revenues to DESE, which shall refund such accumulated unutilized funds to the school district in the which the charter school is located. Such schools also are required to provide notice to the school district in which the charter school is located that the charter school is discontinuing educational instruction. Such notice shall be provided at least sixty days prior to the date that the charter school ceases to operate.

DONALD THALHUBER

12/01/2005 Prefiled

01/04/2006 S First Read (S12)

01/10/2006 Second Read and Referred S Education Committee (S65)

01/31/2006 Hearing Scheduled S Education Committee

EFFECTIVE: August 28, 2006

*** SB 677 ***

3157S.011

SENATE SPONSOR: Gross

SB 677 - This act removes references to the Committee on Radiation Control from sections 192.400, 192.410, and 192.420.

This act is identical to SB 162 (2005).

ADRIANE CROUSE

12/01/2005 Prefiled

01/04/2006 S First Read (S12)

01/10/2006 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S65)

01/18/2006 Hearing Conducted S Aging, Families, Mental & Public Health Committee - Consent

01/25/2006 Voted Do Pass S Aging, Families, Mental & Public Health Committee - Consent

EFFECTIVE: August 28, 2006

*** SB 678 ***

3088S.011

SENATE SPONSOR: Gross

SB 678 - This act repeals the statutory requirement that the director of the Department of Revenue make quarterly tax collections reports for temporary taxes that have sunset and are no longer collected.

JASON ZAMKUS

12/01/2005 Prefiled

01/04/2006 S First Read (S12)

01/10/2006 Second Read and Referred S Ways & Means Committee (S65)

01/19/2006 Hearing Conducted S Ways & Means Committee - Consent

01/26/2006 Voted Do Pass S Ways & Means Committee - Consent

EFFECTIVE: August 28, 2006

*** SB 679 ***

3729S.011

SENATE SPONSOR: Gross

SB 679 - Under Section 172.287, RSMo, the University of Missouri annually requests an appropriation under capital improvements for a program of grants established for the engineering colleges of the University system. Currently, the aforementioned section contains a terminate date of June 30, 2007.

This act extends this termination date to June 30, 2017.

DONALD THALHUBER

12/01/2005 Prefiled

01/04/2006 S First Read (S12)

01/10/2006 Second Read and Referred S Education Committee (S65)

01/24/2006 Hearing Conducted S Education Committee - Consent

EFFECTIVE: August 28, 2006

*** SB 680 ***

3685S.011

SENATE SPONSOR: Dougherty

SB 680 - The act prohibits the sharing of personal financial information with any unauthorized person unless the individual consents to such.

The act requires a business or person that conducts business in this state and owns or licenses computerized data to disclose any breach of security of that data to any Missouri resident whose information may, or potentially may have been, acquired by an unauthorized person. Notification requirements are laid out in the act.

The act contains a penalty provision for violations.

The act allows for an individual to place security alerts and security freezes on their credit report, notifying any recipients of the report that the individual may have been a victim of identity theft, and prohibiting the release of the individual's information without the express consent of the consumer. The act details the obligations of consumer reporting agencies in response to this option.

The act is similar to SB 506 (2005).

MEGAN WORD

12/01/2005 Prefiled

01/04/2006 S First Read (S12)

01/10/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S65)

EFFECTIVE: August 28, 2006

*** SB 681 ***

3688S.011

SENATE SPONSOR: Dougherty

SB 681 - This act allows young adults, between the ages of 18 and 25, to obtain medical coverage through the Missouri Consolidated Health Care Plan (MCHCP). The plan's board is authorized to administer the coverage provided but is required to maintain in a separate account all premiums and other income the plan receives from that coverage. Every health services corporation and health maintenance organization will pay a quarterly tax on the premiums received. The Director of the Department of Revenue will notify the State Treasurer of the amount of taxes received that is to be transferred from general revenue to the Young Adult Benefit Trust Fund. Payments to the trust fund will be used to offset premium costs for young adults in the plan. Any insurance agent licensed to sell accident and health insurance is authorized to sell the plan to young adults.

This act is similar to HB 934 (2005).

STEPHEN WITTE

12/01/2005 Prefiled
 01/04/2006 S First Read (S12)
 01/10/2006 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S65)

EFFECTIVE: August 28, 2006

*** SB 682 ***

3649S.011

SENATE SPONSOR: Cauthorn

SB 682 - This act creates an deduction from an individual taxpayer's Missouri adjusted gross income for the amount of annuity, pension and retirement allowances provided to the taxpayer during the tax year from a private or non-private source. The taxpayer must be age 65 or older. The act phases in the exemption over four years to an eventual \$6,000 deduction.

The act takes effect for tax years beginning on or after January 1, 2007.

JASON ZAMKUS

12/01/2005 Prefiled
 01/04/2006 S First Read (S12)
 01/10/2006 Second Read and Referred S Ways & Means Committee (S65)

EFFECTIVE: August 28, 2006

*** SB 683 ***

3168S.021

SENATE SPONSOR: Cauthorn

SB 683 - The act allows businesses and cell phone users to voluntarily sign up with the no-call list kept and maintained by the Attorney General's office.

The language is identical to the introduced version of SB 1116 (2004).

MEGAN WORD

12/01/2005 Prefiled
 01/04/2006 S First Read (S12)
 01/10/2006 Second Read and Referred S Commerce, Energy and the Environment Committee (S65)

EFFECTIVE: August 28, 2006

*** SB 684 ***

3387S.011

SENATE SPONSOR: Cauthorn

SB 684 - The act exempts military personnel on leave from paying any fees for fishing permits issued within the state. Such military personnel must carry proof of military and leave status while fishing.

MEGAN WORD

12/01/2005 Prefiled
 01/04/2006 S First Read (S12)
 01/10/2006 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S65)

EFFECTIVE: August 28, 2006

*** SB 685 ***

3214S.011

SENATE SPONSOR: Coleman

SB 685 - The act prohibits expiration dates or service fees for dormancy on gifts certificates issued by companies. The act also allows the consumer to receive the remaining balance of a gift certificate in cash, provided they have already used fifty percent of the original value of the certificate. Violations of the act shall be considered unfair marketing practices subject to the penalties outlined in Section 407.020, RSMo.

MEGAN WORD

12/01/2005 Prefiled
 01/04/2006 S First Read (S12)
 01/10/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S65)

01/19/2006 Hearing Cancelled S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2006

*** SB 686 ***

3202S.011

SENATE SPONSOR: Coleman

SB 686 - This act modifies a phrase from the lead abatement bill, HCS/SS/SB 95 (2005), as enacted by the first regular session of the 93rd General Assembly.

As it relates to risk assessment for the purposes of identifying the existence of a lead hazard, current law 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. This act provides that it is the fees and administrative penalties, not fines, which shall be deposited into the state treasury.

ADRIANE CROUSE

12/01/2005 Prefiled

01/04/2006 S First Read (S12)

01/10/2006 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S65)

EFFECTIVE: August 28, 2006

*** SB 687 ***

3217S.011

SENATE SPONSOR: Scott

SB 687 - Under the provisions of this act, beginning July 1, 2007, every child enrolling in kindergarten or first grade shall receive one comprehensive vision examination performed by a state licensed optometrist or ophthalmologist. The State Board of Education shall promulgate rules regarding the requirements of this act.

The act requires the Department of Elementary and Secondary Education and the Department of Health and Senior Services to compile and maintain a list of sources to which children who may need vision examinations or children who have been found to need further examination or vision correction may be referred for treatment on a free or reduced cost basis. A child may be excused from taking a vision examination based on religious beliefs by submitting a written request to the appropriate school administrator.

Further, the act alters the statutorily-allowed uses for the "Blindness Education, Screening and Treatment Program Fund." Under this act the fund shall cover additional costs for vision examinations under Section 167.195, that are not covered by existing public health insurance. Subject to appropriations, moneys from the fund shall be used to pay for those additional costs, provided that the costs from the fund not exceed ninety-nine thousand dollars a year.

This act is similar to SCS/SB 214 (2005).

ADRIANE CROUSE

12/01/2005 Prefiled

01/04/2006 S First Read (S12)

01/10/2006 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S65)

EFFECTIVE: August 28, 2006

*** SB 688 ***

3213S.011

SENATE SPONSOR: Scott

SB 688 - This act exempts Purple Heart license plate recipients from paying the \$15 specialty license plate fee.

STEPHEN WITTE

12/01/2005 Prefiled

01/04/2006 S First Read (S12)

01/10/2006 Second Read and Referred S Transportation Committee (S65)

EFFECTIVE: August 28, 2006

*** SB 689 ***

3219S.011

SENATE SPONSOR: Scott

SB 689 - 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.

Certain candidates for elective office are required to file financial interest statements no later than March 31st or within 10 days of filing for office, whichever is later for the preceding calendar year. Candidates for election in April shall file such statements by January 31st for the preceding calendar year. Candidates nominated by political caucus shall file such statements within 10 days of nomination. The Missouri Ethics Commission shall be the filing officer in any case where no filing officer is designated for the filing of a financial interest statement. Any document postmarked by midnight of the day designated for filing shall be deemed as timely filed.

The Commission is required to provide notice, not actual notice, of certain actions to the subject of a complaint filed with the Commission. Notice requirements are also modified regarding the assessment of late fees by the Commission. Appeals of actions of the Commission may be appealed to the circuit court of Cole County, rather than the administrative hearing commission.

Every committee which is required to file a statement of organization may exclude bank account numbers from the statement when the report is filed with an officer other than the Commission. All records of committee receipts and expenditures shall be available for inspection by the Commission, rather than the current campaign finance review board. Written reports are not required for any candidate whose officer for filing is the Commission if the report is filed electronically with the Commission.

The act reorganizes sections of law concerning reporting requirements for out-of-state committees and reporting requirements for candidates nominated by political party committees. Currently, continuing committees are required to file electronic reports if the committee makes contributions of more than \$15,000. This act changes the amount to \$5,000 and includes political party committees and campaign committees within this requirement.

The act provides that an individual who seeks nomination to a public office by nomination of a political party committee shall be subject to campaign finance disclosure requirements, with certain modifications relating to reporting dates. The act repeals a section of law that requires the Commission to print a summary of all laws over which the Commission has enforcement power.

This act is similar to SS#2/SCS/HS/HCS/HB 1150 (2004), HCS/HB 525 (2005), and SB 240 (2005).

CHRIS HOGERTY

12/01/2005 Prefiled

01/04/2006 S First Read (S12)

01/10/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S65)

01/19/2006 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2006

*** SB 690 ***

3597S.011

SENATE SPONSOR: Champion

SB 690 - This act prohibits the Missouri Children's Division from closing a child abuse or neglect investigation involving the death of a child until all criminal proceedings involving such death are finally adjudicated.

JIM ERTLE

12/01/2005 Prefiled

01/04/2006 S First Read (S12)

01/10/2006 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S65)

01/25/2006 Hearing Conducted S Aging, Families, Mental & Public Health Committee

EFFECTIVE: August 28, 2006

*** SB 691 ***

3094S.011

SENATE SPONSOR: Champion

SB 691 - This act requires mandatory withholding of retirement income which includes withholding for entities outside of Missouri. The term retirement income is defined as any annuity, pension, or retirement allowance as defined in Section 143.124.1, RSMo. A taxpayer is granted the option to have additional withholding or, upon written notification, the taxpayer may elect not to have an amount withheld from their payment. The administration, collection, and enforcement of the withholding tax will be done in the same manner as employer withholdings.

This act is identical to SCS/SB 310 (2005).

JASON ZAMKUS

12/01/2005 Prefiled
01/04/2006 S First Read (S12)
01/10/2006 Second Read and Referred S Ways & Means Committee (S65)
01/19/2006 Hearing Conducted S Ways & Means Committee - Consent
01/26/2006 Voted Do Pass S Ways & Means Committee - Consent

EFFECTIVE: August 28, 2006

*** SB 692 ***

3778S.011

SENATE SPONSOR: Champion

SB 692 - This act provides that specified Medicaid recipients who receive assistance based on disability shall be referred by the Department of Social Services to the Division of Vocational Rehabilitation if the department determines vocational rehabilitation services could restore the individual's ability to work. Compliance with the rehabilitation services will be reviewed by the Department of Social Services. Unless good cause exists, a recipient who fails to comply with the vocational rehabilitation services shall not be eligible to continue receiving Medicaid assistance based on disability.

ADRIANE CROUSE

12/01/2005 Prefiled
01/04/2006 S First Read (S12)
01/10/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S65)

EFFECTIVE: August 28, 2006

*** SB 693 ***

3334S.011

SENATE SPONSOR: Bartle

SB 693 - This act relates to appointments to the Missouri Employers Mutual Insurance Company Board. This act requires the Governor to appoint, with the advice and consent of the senate, a new director when there is a vacancy on the board of directors for the Missouri Employers Mutual Insurance Company.

This act is identical to SB 373 (2005).

CHRIS HOGERTY

12/01/2005 Prefiled
01/04/2006 S First Read (S12)
01/10/2006 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S65)
01/25/2006 Hearing Conducted S Small Business, Insurance & Industrial Relations Committee

EFFECTIVE: August 28, 2006

*** SB 694 ***

3336S.011

SENATE SPONSOR: Bartle

SB 694 - This act limits the certificate of need law to only long-term care facilities.

This act is similar to SB 341 (2005).

ADRIANE CROUSE

12/01/2005 Prefiled
01/04/2006 S First Read (S13)

01/10/2006 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S65)
01/18/2006 Hearing Conducted S Aging, Families, Mental & Public Health Committee

EFFECTIVE: August 28, 2006

*** SB 695 ***

3568S.011

SENATE SPONSOR: Nodler

SB 695 - This act authorizes the Governor, upon vacancy of the office of Lieutenant Governor, to appoint a new Lieutenant Governor.

CHRIS HOGERTY

12/01/2005 Prefiled
01/04/2006 S First Read (S13)
01/10/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S65)
01/24/2006 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee

EFFECTIVE: August 28, 2006

*** SB 696 ***

3397S.031

SENATE SPONSOR: Nodler

SB 696 - Under current law, an exemption from sales tax is permitted for motor vehicles licensed for a gross weight of twenty-four thousand pounds or more or trailers used by common carriers solely in the transportation of persons or property in interstate commerce. This act allows such sales tax exemption for motor vehicles licensed for a gross weight of twenty-four thousand pounds or more or trailers used by common carriers in the transportation of persons or property.

JASON ZAMKUS

12/01/2005 Prefiled
01/04/2006 S First Read (S13)
01/10/2006 Second Read and Referred S Ways & Means Committee (S65)
01/26/2006 Hearing Conducted S Ways & Means Committee

EFFECTIVE: August 28, 2006

*** SB 697 ***

3399S.011

SENATE SPONSOR: Nodler

SB 697 - This act exempts dealers who sell only emergency vehicles from maintaining a bona fide place of business (including the related law enforcement certification requirements) and from meeting the minimum yearly sales.

This act is similar to SB 141 (2005).

STEPHEN WITTE

12/01/2005 Prefiled
01/04/2006 S First Read (S13)
01/10/2006 Second Read and Referred S Transportation Committee (S65)
01/31/2006 Hearing Scheduled S Transportation Committee

EFFECTIVE: August 28, 2006

*** SB 698 ***

3635S.011

SENATE SPONSOR: Bray

SB 698 - This act makes numerous changes to the laws regarding medical malpractice liability.

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

FAILURE TO REPORT CLAIM INFORMATION - This act provides that insurers and self-insured health care

providers failing to timely report claim information pursuant to Sections 383.100 - 383.125 will be subject to Section 374.215 penalties and fines section 383.112).

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

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

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

The act provides that every insurer that has filed a rate increase not requiring approval by the director for 2 consecutive years and in the 3rd desires a rate increase in which the aggregate over the three-year period will exceed a total 40% rate increase will have to prove that the rate is justified.

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

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

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

(1) A comparison between the insurer's projected incurred losses and its ultimate incurred losses for the eight most recent policy years for which data is available and

(2) A memorandum explaining its methodology the insurer used to reflect the total investment income it reasonably expects to earn on all its assets during the period the proposed rate is to be in effect.

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

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

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

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

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

DATA DISCLOSURE - This act requires each malpractice insurer, on or before March 1st of every year to file

certain information with the department of insurance. The information shall consist of or relate to, but not be limited to: closed claims; judgments, payment, and severity of injury in connection with judgments; rate changes during the previous five-year period; premiums and losses by medical specialty; premiums and losses by experience of insured; and investment performance of the insurer (Section 383.215).

MEDICAL MALPRACTICE INSURANCE QUOTATION SERVICE - This act requires the department by July 1, 2007, to develop and establish an interactive Internet web site enabling health care providers to obtain medical malpractice insurance quotes. Insurers' rate changes must be integrated into the website within 10 days. The site must provide contact information for each of the insurers participating. By December 1, 2007, the director of the department must submit a report to the General Assembly on the development, implementation, and effectiveness of the website (Section 383.220).

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

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

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

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

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

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

EMERGENCY CLAUSE - This act contains an emergency clause.

This act is similar to SB 83 (2005).

STEPHEN WITTE

12/01/2005 Prefiled
01/04/2006 S First Read (S13)
01/05/2006 Bill Withdrawn

EFFECTIVE: Emergency Clause

*** SB 699 ***

3633S.011

SENATE SPONSOR: Bray

SB 699 - This act makes criminally negligent storage of a firearm a Class A misdemeanor.

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

A person does not commit this crime if: (1) the firearm is stored in a locked box; (2) the firearm has a locking mechanism; (3) the firearm is stored in a dismantled state and stores at least one part which is essential to the operation of the firearm in a locked box; or (4) the ammunition is stored away from an unloaded firearm in a locked box. A minor who uses a weapon in self-defense or is being supervised while

engaged in hunting or another lawful purpose does not fall under this law. A person does not commit this crime if the minor obtained possession of the firearm due to unlawful entry onto the premises.

This act requires firearm dealers to post a written warning about the provision of this section in a conspicuous place where firearms are sold.

This act is similar to SB 41 (2005).

SUSAN HENDERSON MOORE

12/01/2005 Prefiled

01/04/2006 S First Read (S13)

01/10/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S65)

EFFECTIVE: August 28, 2006

*** SB 700 ***

3640S.011

SENATE SPONSOR: Bray

SB 700 - This act removes references to male and female employees and prohibits employers from paying any employee lower wages than those paid to employees of the opposite gender for the same work. Under the act, employers may bring a civil cause of action against employers who engage in such a discriminatory practice. Wage payment differentials based on merit systems, regional economic factors, factors that measure pay due to output, or other bona fide factors other than gender, are not actionable. Varying local market rates are not bona fide factors under the act.

Employers cannot reduce wages to comply with this act or retaliate against employees that seek the legal protections from retaliation provided by this act. If employers retaliate, employees can recover actual and compensatory damages

Remedies for any unlawful gender-based pay practices include: actual and compensatory damages, injunction, and recovery of court costs and attorneys fees.

This act abolishes the six-month statute of limitations for filing an action for employer violations and requires that an action be brought within two years after the violation occurs or the date of reasonable discovery of such a violation.

This act is identical to SB 873 (2004), and SB 119 (2005).

CHRIS HOGERTY

12/01/2005 Prefiled

01/04/2006 S First Read (S13)

01/10/2006 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S65)

EFFECTIVE: August 28, 2006

*** SB 701 ***

3580S.011

SENATE SPONSOR: Crowell

SB 701 - Current law provides that if a recipient of educational assistance for Missouri national guard members ceases to maintain their military affiliation while enrolled in a course of study or within three years after the completion of a course of study, with certain exceptions, the recipient must repay any educational assistance received. This act provides that if a recipient of educational assistance is called to active duty other than active duty for training purposes, each semester in which the recipient is unable to enroll or complete due to active duty service will be deducted from the three-year obligation. The provisions of this act shall apply to any recipient who was called to active duty on or after September 11, 2001.

ALEXA PEARSON

12/01/2005 Prefiled

01/04/2006 S First Read (S13)

01/10/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S65)

01/31/2006 Hearing Scheduled S Pensions, Veterans' Affairs and General Laws Committee

EFFECTIVE: August 28, 2006

*** SB 702 ***

3100S.011

SENATE SPONSOR: Crowell

SB 702 - This act prohibits the expenditure of public funds to existing or proposed health and social services programs that directly or indirectly subsidize abortion services. An entity that is affiliated with another entity that provides abortion services may only receive public funds if the affiliated entity is an independent affiliate. Entities that provide counseling to pregnant women and receive public funds may only provide non-directive pregnancy counseling and may not display or distribute material promoting abortion services.

This act also requires entities that receive public funds to maintain records that demonstrate strict compliance. An independent audit of these entities must be conducted at least once every three years. If the recipient of public funds is affiliated with an entity that provides abortion services, an audit must be conducted each year to ensure compliance. The act includes exceptions for reimbursement to entities that provide services that are required under federal Medicaid regulations and certain services required under the federal family planning program.

This act is identical to SB 164 (2005).

ADRIANE CROUSE

12/01/2005 Prefiled

01/04/2006 S First Read (S13)

01/10/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S65)

01/30/2006 Hearing Scheduled S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2006

*** SB 703 ***

3107S.011

SENATE SPONSOR: Crowell

SB 703 - This act allows a tax credit for contributions to support pregnancy resource centers. The credit is for 50% of the contribution, cannot exceed \$50,000 per year, and is not refundable, but can be carried forward. No more than a total of \$2 million may be claimed in credits in any one year. A taxpayer may only be permitted to redeem the tax credit provided in this act if the Director of Revenue has reallocated other state tax credits to the tax credit created in this act. A pregnancy resource center is a non-residential facility that provides assistance designed to support women and encourage birth over abortion. The center must be tax exempt, must provide direct person-to-person counseling at no cost, and cannot provide abortion referrals.

This act is similar to SB 251 (2005).

JASON ZAMKUS

12/01/2005 Prefiled

01/04/2006 S First Read (S13)

01/10/2006 Second Read and Referred S Ways & Means Committee (S66)

EFFECTIVE: August 28, 2006

*** SB 704 ***

3292S.031

SENATE SPONSOR: Engler

SB 704 - This act designates the bridges on state highway 60 crossing the Current River that are located within the city limits of Van Buren collectively as the "Sgt. Dewayne Graham Jr. MO Highway Patrol Memorial Bridges". Under the act, the department of transportation shall erect and maintain appropriate signs designating such bridges, with the costs to be paid for by the Missouri State Troopers Association.

STEPHEN WITTE

12/01/2005 Prefiled

01/04/2006 S First Read (S13)

01/10/2006 Second Read and Referred S Transportation Committee (S66)

01/17/2006 Hearing Conducted S Transportation Committee - Consent

EFFECTIVE: August 28, 2006

*** SB 705 ***

3630S.011

SENATE SPONSOR: Engler

SB 705 - This act authorizes minimum amounts of compensation for certain corrections personnel.

The effective date of this act is July 1, 2007.

This act is identical to SB 305 (2005).

SUSAN HENDERSON MOORE

12/01/2005 Prefiled

01/04/2006 S First Read (S13)

01/10/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S66)

01/19/2006 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: July 1, 2007

*** SB 706 ***

3415S.011

SENATE SPONSOR: Wilson

SB 706 - This act permits both public and private entities to conduct research utilizing embryonic and adult stem cells. Such research may include somatic cell nuclear transfer and may be conducted by public employees using public funds and public facilities.

SUSAN HENDERSON MOORE

12/01/2005 Prefiled

01/04/2006 S First Read (S13)

01/10/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S66)

EFFECTIVE: August 28, 2006

*** SB 707 ***

3476S.021

SENATE SPONSOR: Wilson

SB 707 - Currently, seventeen charter schools operate within the Kansas City school district, and one of those seventeen will cease to operate in the near future. This act imposes a sixteen school limit on the number of charter schools that may be operated within the Kansas City school district.

Further, the act requires the state board of education to revoke the charter of any charter school that for two successive years falls below the "proficient" level for each grade level tested on the mathematics and communication arts sections of the MAP.

This act contains an emergency clause.

DONALD THALHUBER

12/01/2005 Prefiled

01/04/2006 S First Read (S13)

01/10/2006 Second Read and Referred S Education Committee (S66)

01/31/2006 Hearing Scheduled S Education Committee

EFFECTIVE: Emergency Clause

*** SB 708 ***

3115S.021

SENATE SPONSOR: Wilson

SB 708 - This act provides tuition grants to any member of the military of United States, whether active duty, reserve, or national guard, who served in Iraq during Operations Iraqi Freedom and Enduring Freedom, and who is a citizen of the state of Missouri. The act delineates specific eligibility criteria for both the recipients and the higher education institutions. Grant awards are limited to the actual tuition charged to the student or the highest amount of tuition charged a Missouri resident for attendance as a full-time student at any campus within the University of Missouri system, whichever is lower. The Coordinating Board for Higher Education will administer the program.

ALEXA PEARSON

12/01/2005 Prefiled
 01/04/2006 S First Read (S13)
 01/10/2006 Second Read and Referred S Education Committee (S66)
 01/24/2006 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2006

*** SB 709 ***

3650S.011

SENATE SPONSOR: Cauthorn

SB 709 - This act specifies that sales of tangible personal property at prison canteens are subject to the statewide sales tax on those items, with the exception of hygiene products and items used in the preparation of legal documents. The money collected by the canteens will be remitted quarterly to the Department of Revenue, for credit to the general revenue fund. The Department of Corrections shall be allocated a portion of the funds for administration of the tax and paying a full-time employee to manage the collection of the tax.

This act is identical to SB 61 (2005).

JASON ZAMKUS

12/01/2005 Prefiled
 01/04/2006 S First Read (S13)
 01/10/2006 Second Read and Referred S Ways & Means Committee (S66)

EFFECTIVE: August 28, 2006

*** SB 710 ***

3645S.021

SENATE SPONSOR: Cauthorn

SB 710 - Under this act, if the Administrative Hearing Commission finds merit to a complaint against a licensed nurse, documentation will only appear on file if disciplinary action is taken. If such action is taken, upon final case disposition, the documentation will appear on file as closed with merit and no other action shall be taken. Notification to other licensing boards in other states or national registries can be made only if public disciplinary action is taken due to the complaint.

If the board finds no merit to a complaint and no disciplinary action is taken, the case will be closed without merit and the documentation shall be destroyed within six months of final case disposition.

If no disciplinary action was taken on a complaint filed before August 28, 2006, a licensee may request in writing that all documentation regarding the complaint be destroyed. The board must destroy the documentation, notify any other state board or registry if they have been notified of the complaint, and notify the licensee that it has complied with the licensee's request. Licensees subject to unsubstantiated claims shall not be required to disclose the claim's existence.

This act also allows the board to assess a fine, of up to \$500, if a claim is substantiated. In assessing such a fine the board must weigh factors that establish the gravity of the misconduct.

CHRIS HOGERTY

12/01/2005 Prefiled
 01/04/2006 S First Read (S13)
 01/10/2006 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S66)

EFFECTIVE: August 28, 2006

*** SB 711 ***

3643S.011

SENATE SPONSOR: Cauthorn

SB 711 - The current law states it is illegal to sterilize a hunting dog before such dog is adopted from a pound or similar institution. This act provides that any animal pound that sterilizes such a dog shall be subject to a civil fine of no more than five hundred dollars per violation.

MEGAN WORD

12/01/2005 Prefiled
 01/04/2006 S First Read (S13)

01/10/2006 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S66)

EFFECTIVE: August 28, 2006

*** SB 712 ***

3602S.011

SENATE SPONSOR: Scott

SB 712 - This act authorizes the Governor to convey state property in Pettis County to the Heart of Missouri Girl Scout Council.

SUSAN HENDERSON MOORE

12/01/2005 Prefiled

01/04/2006 S First Read (S14)

01/10/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S66)

01/25/2006 Hearing Conducted S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2006

*** SB 713 ***

3108S.021

SENATE SPONSOR: Champion

SB 713 - Under current law, the Joint Committee on Legislative Research must file a report annually which lists the provisions of law which will be expiring within the next two years. This act changes the filing date from January third of each year to October fifteenth of each year.

CHRIS HOGERTY

12/01/2005 Prefiled

01/04/2006 S First Read (S14)

01/10/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S66)

01/19/2006 Hearing Cancelled S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2006

*** SB 714 ***

3717S.011

SENATE SPONSOR: Nodler

SB 714 - This act provides that drugs donated under the Prescription Drug Repository Program that are not used or accepted by any pharmacies, hospitals, or nonprofit clinics may be distributed to out-of-state charitable repositories for use outside of the state. Out-of-state charitable repositories include any bona fide charitable, religious, or nonprofit organization licensed as out-of-state wholesale drug distributors or any foreign medical aid mission groups that distribute pharmaceuticals and healthcare supplies to needy persons abroad.

ADRIANE CROUSE

12/01/2005 Prefiled

01/04/2006 S First Read (S14)

01/10/2006 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S66)

01/25/2006 Hearing Conducted S Aging, Families, Mental & Public Health Committee

EFFECTIVE: August 28, 2006

*** SB 715 ***

3648S.011

SENATE SPONSOR: Bray

SB 715 - This act repeals the death penalty and makes the crime of first degree murder punishable by life imprisonment without parole.

This act is identical to SB 292 (2005).

SUSAN HENDERSON MOORE

12/01/2005 Prefiled

01/04/2006 S First Read (S14)

01/10/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S66)

EFFECTIVE: August 28, 2006

*** SB 716 ***

3654S.011

SENATE SPONSOR: Bray

SB 716 - This act prohibits discrimination based upon a person's sexual orientation. Such discrimination includes unlawful housing practices, the denial of loans or other financial assistance, the denial of membership into an organization relating to the selling or renting of dwellings, unlawful employment practices, and the denial of the right to use public accommodations.

This act defines "sexual orientation" as male or female heterosexuality, homosexuality, or bisexuality by inclination, practice, identity or expression, or having a self-image or identity not traditionally associated with one's biological gender.

The act also specifies that discrimination includes cases where unfair treatment results from the guilty party's mere assumptions about the victim's characteristics of race, religion, etc., whether or not such assumptions are true or false.

SUSAN HENDERSON MOORE

12/01/2005 Prefiled

01/04/2006 S First Read (S14)

01/10/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S66)

EFFECTIVE: August 28, 2006

*** SB 717 ***

3656S.011

SENATE SPONSOR: Bray

SB 717 - This act makes various modifications to Missouri tax law. The act:

- (1) Decouples Missouri's income tax from the federal income tax code. The act adopts the IRC as it was written January 1, 2004 (Section 143.091);
- (2) Reinstates the decoupling from the federal accelerated depreciation and makes it permanent (Section 143.121);
- (3) Eliminates the timely filing discount for employers who withhold their employees' income tax (Sections 143.225 & 143.261);
- (4) Modifies the way losses and operating expenses are deducted among parties for various types of property, including intellectual property. Minimum standards are established regarding what connections among various corporate entities constitute related parties and affiliated groups for multi-state corporate income tax purposes. Under this provision, the entire profit of a unitary group will be aggregated and then divided among the members of the group. This allocation will be based upon the relative incomes of the members, without regard to intra-group transfers of these certain targeted operating expenses ("Geoffrey" scenario). The effect of this provision will be to eliminate income classified by the courts as "non-Missouri source income" (Sections 143.431 & 143.434);
- (5) Eliminates the filing of single factor apportionment for multi-state income tax calculations (Sections 143.431, 143.451, 143.461, & 143.471);
- (6) Restricts the current definition of "common carrier" for purposes of qualifying for a state and local sales and use tax exemption (Sections 144.010 & 144.030); and
- (7) Prohibits retailers from obtaining refunds of sales and use taxes without crediting the original purchasers. In the case of over-collections of less than \$1,000, such over-collections may be refunded without the higher burden of returning the funds to the purchaser. The \$1,000 threshold is an aggregate sum over a five-year period. In the alternative, a retailer, upon submission of an approved plan by the Director of the Department of Revenue, may offer fixed value coupons to customers to satisfy the distribution of the over-collections.

The act has an effective date of 9/1/2006.

JASON ZAMKUS

12/01/2005 Prefiled

01/04/2006 S First Read (S14)

01/10/2006 Second Read and Referred S Ways & Means Committee (S66)

EFFECTIVE: September 1, 2006

*** SB 718 ***

3198S.011

SENATE SPONSOR: Crowell

SB 718 - This act authorizes the Missouri Development Finance Board to grant a loan request only if the means of repayment is readily ascertainable. The board shall not grant such a request if the means of repayment is contingent upon state funding that has not been granted.

This act also includes the Jobs Now fund in the list of funds from which a loan may be requested.

CHRIS HOGERTY

12/01/2005 Prefiled

01/04/2006 S First Read (S14)

01/10/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S66)

01/19/2006 Hearing Cancelled S Financial & Governmental Organizations and Elections Committee

01/30/2006 Hearing Scheduled S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2006

*** SB 719 ***

3129S.011

SENATE SPONSOR: Crowell

SB 719 - This act prohibits political subdivisions from adopting ordinances or regulations that authorize the use of photo radar or automated traffic control systems to enforce traffic laws.

STEPHEN WITTE

12/01/2005 Prefiled

01/04/2006 S First Read (S14)

01/10/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S66)

EFFECTIVE: August 28, 2006

*** SB 720 ***

3159S.011

SENATE SPONSOR: Crowell

SB 720 - This act limits application of certificate of need requirements to long-term care facilities. Current certificate of need requirements apply to a wider range of health care facilities.

ADRIANE CROUSE

12/01/2005 Prefiled

01/04/2006 S First Read (S14)

01/10/2006 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S66)

EFFECTIVE: August 28, 2006

*** SB 721 ***

3285S.011

SENATE SPONSOR: Wilson

SB 721 - This act prohibits a person from unlawfully distributing or delivering a controlled substance to a person in, on, or within 2,000 feet of a public or private park, state park, county park, or municipal park.

Distribution of a controlled substance near a park is a class A felony.

SUSAN HENDERSON MOORE

12/01/2005 Prefiled

01/04/2006 S First Read (S14)

01/10/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S66)

EFFECTIVE: August 28, 2006

*** SB 722 ***

3552S.011

SENATE SPONSOR: Cauthorn

SB 722 - Currently, licensure requirements for an ambulatory surgical center require that a physician from the

center must have surgical privileges with a licensed hospital in the community in which the center is located, or the center must have a current working agreement with such a hospital. This act provides that a hospital is considered in the community if it is within sixty miles of the ambulatory surgical center.

ADRIANE CROUSE

12/01/2005 Prefiled

01/04/2006 S First Read (S14)

01/10/2006 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S66)

EFFECTIVE: August 28, 2006

*** SB 723 ***

3644S.011

SENATE SPONSOR: Cauthorn

SB 723 - The act directs the Department of Conservation to reimburse the Department of Transportation no more than \$200 for every deer carcass the Department of Transportation removes from the state highways. The Department of Transportation shall determine the costs associated with removal, processing and disposal of the animals, and all are to be included with the final reimbursement figure.

MEGAN WORD

12/01/2005 Prefiled

01/04/2006 S First Read (S14)

01/10/2006 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S66)

EFFECTIVE: August 28, 2006

*** SB 724 ***

3165S.011

SENATE SPONSOR: Cauthorn

SB 724 - This act requires clinical laboratories to calculate the glomerular filtration rate when testing a patient's creatinine level for kidney disease.

ADRIANE CROUSE

12/01/2005 Prefiled

01/04/2006 S First Read (S14)

01/10/2006 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S66)

EFFECTIVE: August 28, 2006

*** SB 725 ***

3638S.011

SENATE SPONSOR: Bray

SB 725 - This act would allow culinary students who are eighteen years of age or older to taste, but not consume or imbibe, any beer, ale, porter, wine, or other similar malt or fermented beverage as part of the required curriculum.

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

This act is identical to SB 105 (2005).

DONALD THALHUBER

12/01/2005 Prefiled

01/04/2006 S First Read (S14)

01/10/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S66)

EFFECTIVE: August 28, 2006

*** SB 726 ***

3637S.011

SENATE SPONSOR: Bray

SB 726 - This act modifies the information that must be provided to the Secretary of State when a group wishes to form a new political party. The act repeals the requirement that the petition to form the new party must contain, if presidential electors are to be nominated by petition, the name of at least one qualified resident in each congressional district to be a nominee for presidential elector. If the new party desires to nominate a candidate for president, the names of the presidential electors must accompany the petition when it is filed.

This act is identical to SCS/SB 84 (2005).

CHRIS HOGERTY

12/01/2005 Prefiled

01/04/2006 S First Read (S14)

01/10/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S66)

EFFECTIVE: August 28, 2006

*** SB 727 ***

3652S.011

SENATE SPONSOR: Bray

SB 727 - This act would allow the hiring of retired teachers to work between 550 and 800 hours as a teacher, librarian, counselor, or other position without losing their retirement benefit. Such a teacher may earn up to 75% of the regular earnings for that position. The act requires the district to contribute the regular contribution percentage.

This act is identical to SB 229 (2005).

DONALD THALHUBER

12/01/2005 Prefiled

01/04/2006 S First Read (S14)

01/10/2006 Second Read and Referred S Education Committee (S66)

EFFECTIVE: August 28, 2006

*** SB 728 ***

3303S.011

SENATE SPONSOR: Crowell

SB 728 - This act modifies the application fee for a certificate of need from \$1,000, or one-tenth of one percent of total cost of the proposed project, whichever is greater, to whichever is less.

ADRIANE CROUSE

12/01/2005 Prefiled

01/04/2006 S First Read (S14)

01/10/2006 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S66)

EFFECTIVE: August 28, 2006

*** SB 729 ***

3102S.011

SENATE SPONSOR: Crowell

SB 729 - This act requires a plaintiff in an action for damages in excess of \$3,000 against a licensed professional based on the rendering of or failure to render professional services to file an affidavit with the court. The affidavit must state that the plaintiff has obtained the written opinion of a legally qualified professional declaring the defendant failed to use the care that a reasonably prudent and careful individual would have used under similar circumstances, and that the failure to use reasonable care directly caused or contributed to the damages alleged in the petition. The affidavit must be filed no later than 90 days after the filing of the petition. If the plaintiff fails to file the affidavit, the case must be dismissed without prejudice. A "legally qualified professional" means an individual licensed in the same profession as the defendant and either actively practicing in substantially the same specialty, or within five years of retirement from the specialty, as the defendant.

This act is identical to SCS/HCS/HB 208 (2005) and similar to SB 385 (2005).

ALEXA PEARSON

12/01/2005 Prefiled
01/04/2006 S First Read (S15)
01/10/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S66)

EFFECTIVE: August 28, 2006

*** SB 730 ***

3199S.011

SENATE SPONSOR: Crowell

SB 730 - Under current law, registered voters must produce certain types of personal identification at the polls in order to receive a ballot. This act changes the law by requiring voters to produce photographic identification to receive a ballot. Election authorities will no longer be allowed to accept, as valid identification, a copy of a current utility bill, bank statement, government check, paycheck, or any other form of identification that does not include a photograph of the voter. This act also requires the election authorities of the state to issue an official photographic voter identification card to any registered voter, free of charge, if the voter cannot acquire alternative photographic identification.

CHRIS HOGERTY

12/01/2005 Prefiled
01/04/2006 S First Read (S15)
01/10/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S66)

EFFECTIVE: August 28, 2006

*** SB 731 ***

3540S.011

SENATE SPONSOR: Cauthorn

SB 731 - This act eliminates the requirement that a person must obtain a concealable firearm permit before acquiring a handgun. Currently, it is a class A misdemeanor to have such a gun without a permit.

SUSAN HENDERSON MOORE

12/01/2005 Prefiled
01/04/2006 S First Read (S15)
01/10/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S66)

EFFECTIVE: August 28, 2006

*** SB 732 ***

3542S.011

SENATE SPONSOR: Cauthorn

SB 732 - The act mandates that after January 1, 2007, all diesel fuel sold at the terminal or imported for sale in the state contain at least two percent biodiesel fuel by volume. Exemptions are provided in the act, namely fuel sold to locomotives, those consumed in generation of electricity at nuclear plants, or any others determined by the director of the Department of Agriculture.

MEGAN WORD

12/01/2005 Prefiled
01/04/2006 S First Read (S15)
01/10/2006 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S66)

EFFECTIVE: August 28, 2006

*** SB 733 ***

3475S.011

SENATE SPONSOR: Cauthorn

SB 733 - This act requires the salaries of all state employees, excluding elected officials and certain other statutory officials, be automatically adjusted at the beginning of each fiscal year to an amount equal to the percentage of such annual rate which corresponds to the most recent percentage change in the Consumer Price Index for the region of which Missouri is included. The Consumer Price Index is produced by the United States Department of Labor, Bureau of Labor Statistics.

This act is identical to SB 860 (2004), and SB 11 (2005).

CHRIS HOGERTY

12/01/2005 Prefiled

01/04/2006 S First Read (S15)

01/10/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S66)

01/19/2006 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2006

*** SB 734 ***

3641S.011

SENATE SPONSOR: Bray

SB 734 - This act revises provisions concerning public employees and appointed officials, and creates the Public Employee Due Process Act.

This act prohibits public employees from appealing a dismissal or demotion if an employee has a right to appeal under the State Personnel Law (Merit System) or if the employee is in a policymaking position without a right to appeal.

Public bodies must serve written notice upon employees they intend to terminate, discipline, or demote. The notice must contain the grounds for the intended action, and notification of the right to request a hearing. If the charges are based on inefficiency, incompetence, or insubordination, the public body must provide the employee with a four-month remediation plan before charging the employee.

If a hearing is requested, it shall take place at least sixty days after the charges are served, and the decision will be based on the doctrine of just cause. The act contains provisions concerning the hearing process by the state board of mediation, including the selection of a hearing officer, disclosure of witnesses, and representation.

Officials who are required to be appointed by the governor, cannot appeal their removal.

Under the act, permanent teachers must be notified of their right to a hearing by the board of education or the state board of mediation and their right to request such a hearing.

This act is identical to SB 829 (2004) and SB 120 (2005).

CHRIS HOGERTY

12/01/2005 Prefiled

01/04/2006 S First Read (S15)

01/10/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S66)

EFFECTIVE: August 28, 2006

*** SB 735 ***

3197S.011

SENATE SPONSOR: Crowell

SB 735 - This act allows private dispatching services to send applications for review or appeal to the labor and industrial relations commission regarding decisions on claims for workers' compensation, unemployment compensation, tort victims' compensation, and crime victims' compensation. The act also makes consistent the procedures for filing such applications by providing that if the last day for filing such papers falls on a Saturday, Sunday, or legal holiday, the filing is deemed timely if accomplished on the next day, which is not a Saturday, Sunday, or legal holiday. Applications for review or appeal may also be made by electronic facsimile, as long as original copies of any required papers are mailed the same day as the facsimile is received by the commission.

ALEXA PEARSON

12/01/2005 Prefiled

01/04/2006 S First Read (S15)

01/10/2006 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S66)

EFFECTIVE: August 28, 2006

*** SB 736 ***

3211S.011

SENATE SPONSOR: Crowell

SB 736 - The act states that any public school district may offer a class or classes in which the Bible is taught, provided that the local school board approves of the class itself and the context in which the Bible is presented. The Bible may be taught in multiple circumstances, including, but not limited to, history, literature, or comparative religion courses.

DONALD THALHUBER

12/01/2005 Prefiled

01/04/2006 S First Read (S15)

01/10/2006 Second Read and Referred S Education Committee (S66)

EFFECTIVE: August 28, 2006

*** SB 737 ***

3164S.011

SENATE SPONSOR: Crowell

SB 737 - This act creates a system by which a consumer may request a consumer credit reporting agency to place a freeze on the consumer's credit report. Upon such a request, the consumer credit reporting agency shall not furnish the report to anyone without the consumer's authorization. The report will be furnished, however, if it is subject to a court order, requested by an individual that the consumer has specified as eligible for receipt, or requested by a creditor of the consumer. The consumer credit reporting agency must honor the request, free of charge, within five days of receipt of the request and supply the consumer with written confirmation and information outlining the procedure to lift or suspend the freeze. Furthermore, the act provides a procedure by which a consumer may designate a particular requestor for receipt of the report despite the freeze.

If the consumer credit reporting agency fails to comply, it will be liable to the consumer for actual damages, court costs, and reasonable attorney's fees. The court will also award the consumer equitable relief to the extent necessary to restore the consumer's credit rating and discourage future violations.

CHRIS HOGERTY

12/01/2005 Prefiled

01/04/2006 S First Read (S15)

01/10/2006 Second Read and Referred S Commerce, Energy and the Environment Committee (S66)

EFFECTIVE: August 28, 2006

*** SB 738 ***

3604S.021

SENATE SPONSOR: Cauthorn

SB 738 - This act exempts all ambulance services that make an average of 350 runs per year, or less, over a 5-year licensure period, from all licensure fees.

CHRIS HOGERTY

12/01/2005 Prefiled

01/04/2006 S First Read (S15)

01/10/2006 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S66)

EFFECTIVE: August 28, 2006

*** SB 739 ***

3764S.011

SENATE SPONSOR: Cauthorn

SB 739 - Under current law, one half of the purchase price for diesel fuel used for exclusively agricultural and other farm purposes is exempted from sales tax. This act exempts the entire purchase price for diesel fuel used for exclusively agricultural and other farm purposes.

JASON ZAMKUS

12/01/2005 Prefiled

01/04/2006 S First Read (S15)

01/10/2006 Second Read and Referred S Ways & Means Committee (S66)

EFFECTIVE: August 28, 2006

*** SB 740 ***

3689S.011

SENATE SPONSOR: Cauthorn

SB 740 - This act provides that as to the permanent and totally disabled population, any income derived through certified extended employment at a sheltered workshop shall not be considered as income for determining Medicaid eligibility.

ADRIANE CROUSE

12/01/2005 Prefiled

01/04/2006 S First Read (S15)

01/10/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S67)

EFFECTIVE: August 28, 2006

*** SB 741 ***

3101S.011

SENATE SPONSOR: Crowell

SB 741 - This act permits a taxpayer to deduct the amount of pension or retirement income taxed by another state from the taxpayer's federal adjusted gross income. A statement of distribution showing the portion of income previously taxed shall be submitted to the department of revenue when the taxpayer's return is filed.

This act is identical to Senate Bill 449 (2005).

JASON ZAMKUS

12/01/2005 Prefiled

01/04/2006 S First Read (S15)

01/10/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee

EFFECTIVE: August 28, 2006

*** SB 742 ***

3746S.011

SENATE SPONSOR: Crowell

SB 742 - This act exempts motor fuel, sold to be used to operate buses that transport students to or from school or any other place for educational purposes, from the motor fuels tax.

JASON ZAMKUS

12/01/2005 Prefiled

01/04/2006 S First Read (S15)

01/10/2006 Second Read and Referred S Ways & Means Committee (S67)

EFFECTIVE: August 28, 2006

*** SB 743 ***

3747S.011

SENATE SPONSOR: Crowell

SB 743 - This act establishes the Tax-Me-More Fund in the state treasury. The act allows citizens to contribute to the fund if they believe they are currently under-taxed.

JASON ZAMKUS

12/01/2005 Prefiled

01/04/2006 S First Read (S15)

01/10/2006 Second Read and Referred S Ways & Means Committee (S67)

EFFECTIVE: August 28, 2006

*** SB 744 ***

3378S.011

SENATE SPONSOR: Klindt

SB 744 - Under current law, an exemption from local sales tax is permitted for half of the purchase amount of diesel fuel used for agricultural purposes. This act completely exempts purchases of diesel fuel for agricultural purposes from local sales tax.

JASON ZAMKUS

12/05/2005 Prefiled

01/04/2006 S First Read (S15)

01/10/2006 Second Read and Referred S Ways & Means Committee (S67)

01/26/2006 Hearing Conducted S Ways & Means Committee

EFFECTIVE: August 28, 2006

*** SB 745 ***

3761S.011

SENATE SPONSOR: Klindt

SB 745 - This act provides that if a local zoning authority requires a legally erected billboard to be removed or altered as a condition or prerequisite for obtaining a permit or license unrelated to billboards, then such requirement shall constitute a compelled removal. This type of removal is prohibited unless just compensation is paid.

This act is similar to SB 29 (2005) and SB 1182 (2004).

STEPHEN WITTE

12/05/2005 Prefiled

01/04/2006 S First Read (S15)

01/10/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S67)

02/01/2006 Hearing Scheduled S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2006

*** SB 746 ***

3386S.011

SENATE SPONSOR: Klindt

SB 746 - This act gives fourth-class cities an alternative to creating wards for the purpose of electing aldermen.

Under this act, the Board of Aldermen for a city with a population of 500 or less could establish by ordinance a citywide vote for the election of aldermen.

SUSAN HENDERSON MOORE

12/05/2005 Prefiled

01/04/2006 S First Read (S15)

01/10/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S67)

02/01/2006 Hearing Scheduled S Economic Development, Tourism & Local Government Committee - Consent

EFFECTIVE: August 28, 2005

*** SB 747 ***

3082S.021

SENATE SPONSOR: Klindt

SB 747 - This act requires applicants for a used motor vehicle dealer's license to complete an educational seminar course within 12 months of obtaining or renewing a license. If the applicant is seeking an initial license, he or she must submit proof that he or she has completed a 12 hour course approved by the department. If the applicant is renewing his or her license, the applicant must submit proof that he or she has completed a 6-hour course. The provisions of this act shall not apply to wholesale and retail auto auctions, new motor vehicle franchise dealers or motor vehicle leasing agencies.

STEPHEN WITTE

12/05/2005 Prefiled

01/04/2006 S First Read (S15)

01/10/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S67)

01/23/2006 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2005

*** SB 748 ***

3374S.021

SENATE SPONSOR: Vogel

SCS/SB 748 - This act provides temporary medical and retirement incentives for active employees currently eligible to retire under eighty-and-out provisions. The act provides that employees currently eligible to retire under such provisions will receive medical coverage at the active employee rate, which will then revert to the regular retiree rate after three years or upon becoming eligible for Medicare, whichever occurs first.

The medical benefits will be available to any employee currently active on the effective date of this act who is eligible to receive a normal annuity based on the attainment of at least forty-eight years of age with a total of years of age and years of credited service which is at least eight, and whose annuity commences on or after May 1, 2006, but no later than August 1, 2006.

Any person electing to continue coverage under this section will be prohibited from any employment with any department for a period of three years from the date of election.

All of the vacated positions are held to a twenty-five percent rehire limitation, with exceptions for critical, seasonal, or federally-funded positions. The exceptions are defined by rules promulgated by the Office of Administration.

This act has an emergency clause.

This act is similar to SCS/SB 466 (2005).

ALEXA PEARSON

12/07/2005 Prefiled
 01/04/2006 S First Read (S15)
 01/10/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S67)
 01/17/2006 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee
 01/24/2006 SCS Voted Do Pass S Pensions, Veterans' Affairs and General Laws Committee (3374S.05C)

EFFECTIVE: Emergency clause

*** SB 749 ***

3474S.011

SENATE SPONSOR: Engler

SB 749 - Currently, in order to register as an interior designer, an applicant must have his or her experience verified by five client references and five industry references. This act requires that such experience be verified by two client references and two industry references.

CHRIS HOGERTY

12/07/2005 Prefiled
 01/04/2006 S First Read (S16)
 01/10/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S67)
 01/23/2006 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2006

*** SB 750 ***

3803S.011

SENATE SPONSOR: Gross

SB 750 - The act extends the termination date for experimental tariffs put in place by the Public Service Commission and gas corporations for schools until 2010. The tariffs in question provide for the aggregate purchase of natural gas for schools in the state.

MEGAN WORD

12/08/2005 Prefiled
 01/04/2006 S First Read (S16)
 01/10/2006 Second Read and Referred S Commerce, Energy and the Environment Committee (S67)

EFFECTIVE: August 28, 2006

*** SB 751 ***

3715S.011

SENATE SPONSOR: Stouffer

SB 751 - This act allows any city, state agency, municipal corporation, or other governmental entity located within the boundaries of a school district to sell property purchased from the school district for any purpose it deems necessary after 25 years.

This act is identical to HB 795 (2005).

SUSAN HENDERSON MOORE

12/09/2005 Prefiled

01/04/2006 S First Read (S16)

01/10/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S67)

01/18/2006 Hearing Conducted S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2006

*** SB 752 ***

3854S.011

SENATE SPONSOR: Graham

SB 752 - This act provides that license plates may be encased in transparent covers so long as the plates are plainly visible and their reflective qualities are not impaired.

STEPHEN WITTE

12/12/2005 Prefiled

01/04/2006 S First Read (S16)

01/10/2006 Second Read and Referred S Transportation Committee (S67)

EFFECTIVE: August 28, 2006

*** SB 753 ***

3411S.021

SENATE SPONSOR: Alter

SB 753 - This act prohibits sexual offenders from entering elementary or secondary school property without the consent of the school's principal or head administrator if the victim of the crime for which the person must register was less than 17 years of age at the time of the offense. These requirements apply at both public and private schools. Such offenders are also prohibited from attending officially sanctioned school activities or events without consent of the school principal or head administrator.

Any sexual offender who violates these provisions shall be guilty of a Class A misdemeanor.

SUSAN HENDERSON MOORE

12/12/2005 Prefiled

01/04/2006 S First Read (S16)

01/10/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S67)

01/23/2006 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2006

*** SB 754 ***

3132S.021

SENATE SPONSOR: Scott

SB 754 - This act increases various penalties for offenses occurring within highway work zones or construction zones. Under this act, any person convicted of a second or subsequent moving violation within a work zone shall be assessed a fine of \$75. The act provides that a person who is convicted of speeding or passing a vehicle within a work zone when a highway worker is present a second or subsequent time shall be assessed a fine of \$300 in addition to any other fine authorized by law (Section 304.582). The act also creates the crime of "endangerment of a highway worker." The act provides that if a person commits the offense of endangerment of a highway worker in which no injury or death results the person shall be subject to a fine of not more than \$1,000 and shall have 8 points assessed to their driver's license. The person shall be guilty of aggravated endangerment of a highway worker if a death or injury results. If an a highway worker is injured or killed in a workzone, the offender shall be subject to a fine of not more than \$5,000 for an injury and not more than \$10,000 if death resulted.

Under the act, a person commits the offense of endangerment of a highway worker if the motorist:

- (1) Exceeds the posted speed limit by 15 mph or more;
- (2) Passes another vehicle in a work zone and such offense results in the death or injury of a highway worker;
- (3) Fails to stop for a work zone flagman or fails to obey traffic control signals erected in the work zone;
- (4) Physically assaults or attempts to assault a highway worker with a motor vehicle or other instrument;
- (5) Intentionally strikes or moves barrels, barriers, signs or other devices erected to control the flow of traffic for a reason other than avoidance of an obstacle, an emergency or to protect the health and safety of another person; or
- (6) Commits various offenses in which points may be assessed under section 302.302.

The act provides for the assessment of 8 points for an endangerment of a highway worker violation and 12 points for an aggravated endangerment of a highway worker violation (Section 302.302).

STEPHEN WITTE

12/14/2005 Prefiled

01/04/2006 S First Read (S16)

01/10/2006 Second Read and Referred S Transportation Committee (S67)

01/24/2006 Hearing Conducted S Transportation Committee

EFFECTIVE: August 28, 2006

*** SB 755 ***

3808S.011

SENATE SPONSOR: Clemens

SB 755 - This act clarifies employment security of owner/operators of motor vehicles that are leased or contracted to common or contract carriers. This act specifically defines "owners" of motor vehicles for the purposes of unemployment compensation. The act also stipulates that certain owners and operators, operating under certificates issued by the Missouri Department of Transportation or by the United States Department of Transportation, are not employees under the act. The act also updates references to the defunct Motor Carrier and Railroad Safety Division and the Interstate Commerce Commission by replacing them with the current departments that have subsumed their functions: the Missouri Department of Transportation and the United States Department of Transportation.

CHRIS HOGERTY

12/14/2005 Prefiled

01/04/2006 S First Read (S16)

01/10/2006 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S67)

EFFECTIVE: August 28, 2006

*** SB 756 ***

3816S.011

SENATE SPONSOR: Clemens

SB 756 - Under current law, the Missouri Board for the Healing Arts must prepare and conduct examinations for applicants for licensure as athletic trainers. This act relieves the board of this duty and requires prospective trainers to pass the National Trainers Association Board of Certification examination. This act also repeals a provision that requires the applicant to meet certain academic and experience requirements as a prerequisite to licensure.

CHRIS HOGERTY

12/14/2005 Prefiled

01/04/2006 S First Read (S16)

01/10/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S67)

EFFECTIVE: August 28, 2006

*** SB 757 ***

3987S.011

SENATE SPONSOR: Clemens

SB 757 - The act adds to the penalties imposed for illegal deer hunting. Under the act, anyone taking a deer with the intent to sell it in a manner contrary to the rules laid out by the conservation commission shall pay restitution to the state; calculations for such payment are detailed in the act. Moneys collected shall go to

the conservation commission, twenty-five percent of which may be directed toward grants aimed at promoting anti-poaching programs.

Landowners who take deer in a manner contrary to the rules laid out by the commission are exempt from the restitution requirement provided no part of the deer is removed from the resident's property.

The act is identical to HB 862 (2003).

MEGAN WORD

12/15/2005 Prefiled

01/04/2006 S First Read (S16)

01/10/2006 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S67)

EFFECTIVE: August 28, 2006

*** SB 758 ***

3462S.011

SENATE SPONSOR: Engler

SB 758 - This act prohibits trucks (equipped with more than 6 wheels) from being driven in the far left-hand lane on interstate highways, freeways or expressways in this state. This prohibition shall not apply in certain circumstances.

This provision is similar to one contained in SB 221 (2005) HB 327 et al (2003) and SB 384 (2003) (Section 304.015).

STEPHEN WITTE

12/15/2005 Prefiled

01/04/2006 S First Read (S16)

01/10/2006 Second Read and Referred S Transportation Committee (S67)

01/24/2006 Hearing Conducted S Transportation Committee

EFFECTIVE: August 28, 2006

*** SB 759 ***

3304S.011

SENATE SPONSOR: Engler

SB 759 - Under this act, prior to issuing a temporary permit or paper plate, a buyer of a motor vehicle shall submit proof of financial responsibility to the dealer. The dealer shall verify proof of financial responsibility by examining one of the following documents:

- (1) An insurance identification card as required by Section 303.024;
- (2) The declaration page of an insurance policy;
- (3) A certificate of financial responsibility;
- (4) A valid binder of insurance issued by an insurance company licensed to sell motor vehicle liability insurance in Missouri; or
- (5) A legible photocopy, facsimile, or printout of an electronic transmission of a document listed in the act, provided the dealer receives the photocopy, facsimile, or printout directly from a licensed insurance company or licensed insurance agency. The dealer shall not accept a photocopy, facsimile, or printout unless the licensed insurance company or licensed insurance agency provides it on the letterhead of the company or the agency.

The dealer shall affix a copy of the document demonstrating proof of financial responsibility to the application for a temporary permit or paper plate.

STEPHEN WITTE

12/15/2005 Prefiled

01/04/2006 S First Read (S16)

01/10/2006 Second Read and Referred S Transportation Committee (S67)

EFFECTIVE: August 28, 2006

*** SB 760 ***

3463S.011

SENATE SPONSOR: Engler

SB 760 - The act allows a law enforcement agency to dispose of hazardous materials that have been seized as evidence once they have documented the materials.

Current law that requires representative samples of hazardous material to accompany the supporting evidence before it can be admitted in court. The act allows photographs, videotapes, or laboratory analysis to be used for prosecution purposes in order to verify and document the quantity of hazardous materials.

The act is identical to HCS/SB 192 (2005).

MEGAN WORD

12/15/2005 Prefiled
01/04/2006 S First Read (S16)
01/10/2006 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S67)
02/01/2006 Hearing Scheduled S Agriculture, Conservation, Parks & Natural Resources Committee

EFFECTIVE: August 28, 2006

*** SB 761 ***

3982S.011

SENATE SPONSOR: Stouffer

SB 761 - This act allows the state Highway Commission to suspend, revoke or cancel the registration, license, permit or other credential issued to a motor carrier if a federal agency or the commission has issued an out-of-service order against the motor carrier. The law is applicable to out-of-service orders placing a motor carrier's entire operation out of service but does not apply to out-of-service orders placing an individual driver or vehicle out of service.

If the commission issues an order under this act, the motor carrier shall not operate any commercial motor vehicles and shall not allow any employees to operate any commercial motor vehicles in intrastate or interstate commerce. After the commission has issued an order, the motor carrier shall surrender all license plates, motor carrier licenses, registrations, permits, and other credentials. After the commission has issued an order, the out-of-state motor carrier shall not be eligible to apply for the issuance or reinstatement of any license, registration, permit, certificate or other credential until the out-of-service order has been rescinded or the orders have been set aside by a court of proper jurisdiction.

The act establishes provides that any federal or state order shall be admissible in administrative and court proceedings and that such orders shall constitute prima facie evidence that the motor carrier violated federal regulations or that the motor carrier's operation of commercial motor vehicles poses an imminent hazard.

The act allows persons aggrieved by a commission's order to appeal to a circuit court for a hearing and review of the order. Judicial review of the order will be waived unless the petition is filed within 30 days of the issuance of the order.

Under this act, the commission may receive and disclose any data relating to any out-of-service motor carrier to the Federal Motor Carrier Administration, the Department of Revenue, the highway patrol, other law enforcement agencies, and motor carrier liability insurance companies.

The Department of Revenue may immediately, without a hearing, update the records to reflect the suspension, revocation or cancellation of all motor vehicle license plates, registrations, and other credentials. The Department of Revenue shall notify the motor carrier, and the commission, of all actions taken pursuant to the commission's order.

This act is similar to SCS/SB 354 (2005).

STEPHEN WITTE

12/15/2005 Prefiled
01/04/2006 S First Read (S16)
01/10/2006 Second Read and Referred S Transportation Committee (S67)
01/24/2006 Hearing Scheduled But Not Heard S Transportation Committee

EFFECTIVE: August 28, 2006

*** SB 762 ***

3804S.011

SENATE SPONSOR: Graham

SB 762 - This act allows businesses to voluntarily sign up for the newly created no-mail list kept and maintained by the Secretary of State's office. The database tracking the names of all participating businesses shall be operational by July 1, 2007 and shall be open to any business in the state who prescribes to the procedure laid out by the Secretary of State for inclusion on the list. Any violations shall be referred to the Attorney General's office.

MEGAN WORD

12/15/2005 Prefiled

01/04/2006 S First Read (S16)

01/10/2006 Second Read and Referred S Commerce, Energy and the Environment Committee (S67)

EFFECTIVE: August 28, 2006

*** SB 763 ***

3910S.011

SENATE SPONSOR: Alter

SB 763 - This act prohibits any grocery store or convenience store from selling individually packaged beer or beer that is refrigerated below 60 degrees on the premises. The Supervisor of the Division of Alcohol and Tobacco Control may suspend or revoke a license for any violation of this provision.

SUSAN HENDERSON MOORE

12/15/2005 Prefiled

01/04/2006 S First Read (S16)

01/10/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S67)

EFFECTIVE: August 28, 2006

*** SB 764 ***

3286S.011

SENATE SPONSOR: Engler

SB 764 - This act allows the chief law enforcement officer of any county or St. Louis City to publish sex offender registration information about offenders residing in the county or St. Louis City in a newspaper during National Crime Victims' Week, as designated by the U.S. Department of Justice. The published information can only include the name and address of the offender, a photograph, and the crime for which the offender must register.

SUSAN HENDERSON MOORE

12/15/2005 Prefiled

01/04/2006 S First Read (S16)

01/10/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S67)

01/23/2006 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2006

*** SB 765 ***

3546S.011

SENATE SPONSOR: Dougherty

SB 765 - Under this act, informed consent for an experimental medical treatment is not required if the patient is subject to a life-threatening emergency and the research program or experimental medical procedure is conducted under certain federal regulations allowing for treatment to be started immediately and consent to be obtained later.

ADRIANE CROUSE

12/16/2005 Prefiled

01/04/2006 S First Read (S16)

01/10/2006 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S67)

02/01/2006 Hearing Scheduled S Aging, Families, Mental & Public Health Committee

EFFECTIVE: August 28, 2006

*** SB 766 ***

3941S.011

SENATE SPONSOR: Vogel

SB 766 - This act modifies the definition of "state agency", with regard to income tax set offs, to include housing authorities as defined under Missouri "Housing Authorities Law".

JASON ZAMKUS

12/16/2005 Prefiled

01/04/2006 S First Read (S16)

01/10/2006 Second Read and Referred S Ways & Means Committee (S67)

EFFECTIVE: August 28, 2006

*** SB 767 ***

3946S.011

SENATE SPONSOR: Graham

SB 767 - This act establishes the "Statewide Elected Official Aircraft Act." Under the act, the procurement, purchase, and maintaining of fiscal accounts of any aircraft to be used by state agencies shall come under the control and supervision of the commissioner of administration. This shall not apply to aircraft purchased by the state highway patrol. The operation, inspection, mechanical maintenance, and scheduled use of state controlled aircraft shall be under the control of the State Highway Patrol. Any aircraft procured or purchased for any state agency which is governed by an independent commission shall not be operated or maintained by the state highway patrol but by personnel of the respective agency, unless the governing commission of the agency contracts with the State Highway Patrol to engage in those duties.

The act requires the Governor, Lieutenant Governor, State Auditor, Secretary of State, State Treasurer, or Attorney General to use state controlled aircraft if they must fly within the state of Missouri to represent their respective offices for official state business. The act requires, if flying outside the state of Missouri, these state officials to consult with the office of administration to determine whether the use of a state controlled aircraft, a regularly scheduled commercial flight, or a private charter flight is the most economical and appropriate.

STEPHEN WITTE

12/19/2005 Prefiled

01/04/2006 S First Read (S16)

01/10/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S67)

EFFECTIVE: August 28, 2006

*** SB 768 ***

3963S.011

SENATE SPONSOR: Graham

SB 768 - This act makes changes to the criminal justice system.

SURCHARGE ON CRIMINAL CASES - The act creates a \$5 surcharge on all criminal court cases, with \$4 deposited into the "Missouri Laboratory Oversight Committee Revolving Fund" and \$1 deposited into the "Justice Improvement Fund" (Section 488.5022).

ELECTRONICALLY RECORDING POLICE INTERVIEWS - The act mandates that prior to any person being charged, any interview conducted by a peace officer in a police facility with a person who may have witnessed a first degree murder, second degree murder, or a voluntary or involuntary manslaughter crime shall be electronically recorded. This act also requires any interview of a suspect of these crimes to be electronically recorded.

This act outlines the requirements that must be met for any statement obtained at a police facility to be admissible in a criminal proceeding. The state may rebut the presumption of the inadmissibility of a statement not electronically recorded with good cause. Under this act, an electronic recording of a statement is admissible against the defendant if the statement was obtained in accordance of laws of this state, those of another state, or the United States. This act requires law enforcement officials to preserve electronic recordings until the defendant's conviction is final and no appeals remain available (Section 491.800).

ELECTRONICALLY RECORDING CERTAIN INDIVIDUALS AND INTERVIEWS - The act requires any interview or questioning relating to a felony, which is conducted by a peace officer with a person whom the officer reasonably believes is retarded or borderline retarded, or a person under the age of 12, shall be electronically recorded and consist of non-leading questions that do not unduly suggest the answer.

With limited exceptions, any interview or questioning in a policy facility that lasts longer than four hours during a single 48-hour period must be electronically recorded beginning at the fifth hour.

It is the public policy preference that when possible custodial interviews at a police facility relating to a violent felony shall be electronically recorded. (Section 491.803).

INFORMANTS - The act requires prosecutors using the testimony of a witness who was incarcerated at the same time as the defendant to obtain an affidavit from the witness containing: (1) a listing of specific consideration given by the state; (2) requests by law enforcement about cooperating; (3) a listing of previous criminal cases that the witness has testified in; (4) a listing of cases that the witness has been a state's witness and the consideration given; and (5) any media account of the charges that the witness may have observed.

For any state witness in a capital murder case, the prosecution must timely disclose its intent to introduce the testimony of an informant. The court must conduct a hearing to determine whether the person is reliable, unless the defendant waives the hearing. If the prosecution fails to establish the informant's reliability, the court shall not allow the testimony to be heard at trial. A hearing is not required for statements that are lawfully recorded. These provisions apply to all capital murder prosecutions started on or after August 28, 2006.

The Department of Public Safety shall establish a registry to track witnesses for the state on the MULES system. The prosecutor will supply the information, including a written copy of the witness statement. The registry is only an investigative database and is not a public record. (Section 491.806).

LAW ENFORCEMENT CERTIFICATION TO PROSECUTOR - The act requires that the law enforcement officer in charge of the principal investigating agency certify to the prosecutor a list of all evidence, including a list of witnesses. This shall be done within 10 days of presentment to the prosecutor and the certification is an ongoing obligation until the investigation is closed (Section 491.809).

EYEWITNESS EVIDENCE PROTOCOL TO FINDER OF FACT - The act allows a significant violation of the eyewitness evidence protocol to result in the finder of fact being instructed as to the risks of mistaken identification. However, no violation of the eyewitness evidence protocol shall provide the basis for a court to grant a motion to exclude any eyewitness identification. This section also allows the jury to be instructed as to the reliability of eyewitness evidence, if used in trial (Section 546.070).

EYEWITNESS EVIDENCE FORMS - The act gives the Director of Public Safety the authority to provide standardized eyewitness evidence forms to be used by law enforcement in all cases where a suspect was observed by the witness and the identity of the suspect is unknown to witness (Section 590.700).

EYEWITNESS EVIDENCE PROTOCOL - The act requires the Director of Public Safety to promulgate an eyewitness evidence protocol, in accordance with the requirements of this act (Section 590.702).

DNA EVIDENCE - The act requires that possible DNA evidence must be preserved by the Highway Patrol for all felonies. (Section 650.056).

LOCAL DNA SYSTEM - In addition to current requirements, this act prohibits any local law enforcement agency from establishing or operating a DNA profiling system unless the system is accredited by a national nonprofit association involved in forensic science and undergoes external audits periodically that show compliance with crime lab standards established by the FBI (Section 650.057).

LABORATORY OVERSIGHT COMMITTEE - This act creates a seven member "Laboratory Oversight Committee". This committee will provide independent review of state crime lab operations. The committee will have the power to do the following when allegations of misconduct have been made against any Missouri crime lab: (1) issue public reprimands to laboratories and individuals; (2) sanction a laboratory having multiple violations of good scientific procedure; (3) administer oaths, subpoena witnesses, issue subpoenas duces tecum and require production of documents and records; (4) submit material covertly to a Missouri crime lab for testing; (5) display a placard at crime labs providing contact information to the oversight committee; (6) seek equitable relief in a circuit court to ensure that every crime lab is in compliance with the federal DNA Identification Act and other protocols established by the FBI (Section 650.500).

LAB REPORTS - The act mandates that every lab report shall be signed by the individual conducting the test.

The report shall also contain a listing of outside agencies that have currently accredited the lab. The report shall also certify if the testing was performed in accordance with national or association standards.

This act makes it a Class B felony for any public employee or lab personnel to knowingly alter or falsify laboratory test results for the purpose of changing the results (Section 650.505).

MISSOURI LABORATORY OVERSIGHT COMMITTEE REVOLVING FUND - The act sets up the "Missouri Laboratory Oversight Committee Revolving Fund" that consists of a portion of the moneys collected from the \$5 criminal surcharge listed in Section 488.5022 of this act. One-half of the money shall be directed to conduct DNA testing of currently incarcerated individuals and to improve the DNA database. One-quarter of the money shall be used for accreditation testing and auditing of crime lab facilities. The remaining one-quarter shall be used by the Laboratory Oversight Committee to obtain new equipment and to provide training for Missouri crime lab personnel (Section 650.507).

JUSTICE IMPROVEMENT FUND - The act sets up the "Justice Improvement Fund" that consists of a portion of the moneys collected from the \$5 criminal surcharge listed in Section 488.5022 of this act. The fund is designed to reimburse law enforcement agencies for necessary expenses accrued to comply with the requirements of these sections. The Director of the Department of Public Safety administers the fund and is granted rulemaking power to do so. If the fund balance exceeds \$30,000, the excess money shall be used to grant scholarships for law enforcement training. Scholarships will be granted to those officers or candidates whose departments require them to personally accrue the cost of training. The officer or candidate must stay in the profession for four years following the completion of his or her training or he or she must reimburse the fund for the scholarship money awarded on a pro-rata basis for each month he or she is not employed in law enforcement that is less than the required forty-eight months (Section 650.509).

CRIME LAB RECORDS - The act requires state crime laboratories to keep records on testing methodology, quality assurance, internal auditing, technical reviews, instrument maintenance, technician lab notes and written external auditing procedures for a period of twelve years (Section 650.510).

This act is similar to SB 397 (2005).

SUSAN HENDERSON MOORE

12/19/2005 Prefiled

01/04/2006 S First Read (S17)

01/10/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S67)

EFFECTIVE: August 28, 2006

*** SB 769 ***

3313S.021

SENATE SPONSOR: Mayer

SB 769 - This act permits school districts meeting certain criteria to make a one-time additional transfer from the incidental fund to the capital projects fund in an amount not to exceed forty percent of that district's June 30, 2006, incidental fund.

This act contains an emergency clause.

The provisions of this act shall terminate on July 1, 2007.

DONALD THALHBUER

12/20/2005 Prefiled

01/04/2006 S First Read (S17)

01/10/2006 Second Read and Referred S Education Committee (S67)

01/31/2006 Hearing Scheduled S Education Committee

EFFECTIVE: emergency clause

*** SB 770 ***

3781S.011

SENATE SPONSOR: Mayer

SB 770 - Under this act, a person may be ordered by the court to pay into the county law enforcement restitution fund for a moving violation; however, the amount ordered cannot exceed \$100.

SUSAN HENDERSON MOORE

12/20/2005 Prefiled
 01/04/2006 S First Read (S17)
 01/10/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S67)

EFFECTIVE: August 28, 2006

*** SB 771 ***

3936S.011

SENATE SPONSOR: Mayer

SB 771 - This act provides that a judgment by any division of the circuit court shall be a lien upon the real estate of the person against whom it is entered. Judgments of the associate division shall be a lien upon judgment only if an application for trial de novo is not filed, or upon final judgment of the trial de novo, if requested.

This act is identical to SB 499 (2005).

ALEXA PEARSON

12/20/2005 Prefiled
 01/04/2006 S First Read (S17)
 01/10/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S67)

EFFECTIVE: August 28, 2006

*** SB 772 ***

4065S.011

SENATE SPONSOR: Green

SB 772 - This act repeals the timely file discount for sellers that filed quarterly remittance of sales taxes on or before the due date. The discount allowed sellers to retain two percent of sales tax revenues collected.
 JASON ZAMKUS

12/20/2005 Prefiled
 01/04/2006 S First Read (S17)
 01/10/2006 Second Read and Referred S Ways & Means Committee (S67)

EFFECTIVE: August 28, 2006

*** SB 773 ***

3330S.021

SENATE SPONSOR: Cauthorn

SB 773 - The act directs Missouri Agricultural Small Business Development Authority (MASBDA) to pay for the first year of charged interest payments on all applicable link deposit loans. For the purposes of this act, "applicable loans" mean only those loans made and used solely for the acquisition of dairy cows and other replacement dairy females.

MEGAN WORD

12/21/2005 Prefiled
 01/04/2006 S First Read (S17)
 01/11/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S73)
 01/19/2006 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2006

*** SB 774 ***

4060S.051

SENATE SPONSOR: Bartle

SB 774 - This act requires 25% of the funds received from subsequent participating manufacturers in the Tobacco Master Settlement Agreement that are deposited into the Life Sciences Research Trust Fund, be expended by the Life Sciences Research Board.

The board shall expend 25% of such money to fund the program that awards grants for the establishment of umbilical cord blood banks and for the expansion of existing umbilical cord blood banks. It shall expend 75% of such money to fund life science projects involving the study, use, or therapies involving human stem cells derived from non-embryonic and non-fetal sources.

SUSAN HENDERSON MOORE

12/21/2005 Prefiled

01/04/2006 S First Read (S17)

01/11/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S73)

EFFECTIVE: August 28, 2006

*** SB 775 ***

3994S.011

SENATE SPONSOR: Cauthorn

SB 775 - The act adds to the list of bylaw provisions for cooperatives. Under this act, the amount and period of time accounted for in the remuneration provided to officers is information that may be covered in an association's bylaws. Any such remuneration must first be voted on and agreed to by a majority of members in that cooperative.

The act asserts that no new tax credit shall be approved, redeemed, or issued for any new generation cooperative that is not in full compliance with the provisions of the Packers and Stockyards Act, 1921. The act exempts new generation cooperatives claiming the exemption established in 9 C.F.R. Section 201.200; an exemption that prohibits any packer whose average annual livestock purchases exceed \$500,000 from buying livestock on credit.

MEGAN WORD

12/22/2005 Prefiled

01/04/2006 S First Read (S17)

01/11/2006 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S73)

EFFECTIVE: August 28, 2006

*** SB 776 ***

4107S.011

SENATE SPONSOR: Nodler

SB 776 - This act revises current law requirements for the presentation of information in public schools relating to contraception and sexually transmitted diseases.

Current law asserts that students must be presented with the latest medically factual information regarding side effects, health benefits, and failure rates for methods of prevention of pregnancy and sexually transmitted diseases. This act alters this provision, requiring instead that students be informed that personally and medically relevant information concerning contraception, abortion, and pregnancy may be obtained from their family practitioner.

Currently, curriculum materials must be made available for inspection prior to use. The act clarifies that the materials should be available one week before use and also requires that schools must make known the instructor's name and any affiliation with an entity involved with human sexuality instruction at least one week in advance.

The act disallows any entity that provides "abortion services," as such term is defined within the act, to furnish any course materials or instruction relating to human sexuality or sexually transmitted diseases to students.

The act explicitly states that its provisions are applicable to charter schools.

This act is identical to HB 1075 (2006).

DONALD THALHUBER

12/22/2005 Prefiled

01/04/2006 S First Read (S17)

01/11/2006 Second Read and Referred S Education Committee (S73)

EFFECTIVE: August 28, 2006

*** SB 777 ***

4124S.011

SENATE SPONSOR: Bray

SB 777 - This act establishes the Missouri Universal Health Assurance Program. The program is a publicly financed, statewide program that will provide comprehensive health care services for Missouri residents. The Director of the Department of Health and Senior Services is required to divide the population of the state into six regional health planning and policy development districts. An advisory council of 11 members will be established for each district. The advisory councils will assist the board of governors of the program in creating an annual comprehensive state health care plan as well as developing a transportation plan for indigent, elderly, and disabled clients.

The program will be administered by a 25-member board of governors, of whom 16 members will be appointed by the Governor, with the advice and consent of the Senate. The directors of the departments of Social Services, Health and Senior Services, and Mental Health will be ex-officio members; and the board will include representation of minority and disabled individuals. The board will be responsible for monitoring expenditures, adopting rules, employing staff, and studying methods for incorporating institutional and long-term care benefits into the program. The board is also required to submit an annual report to the Speaker of the House of Representatives, the President Pro Tem of the Senate, and the Governor with recommendations for changes in health care laws. Prior to the implementation of the comprehensive plan, the board is required to appoint an advisory subcommittee of health care researchers and ethics experts and conduct public hearings. The comprehensive plan is required to seek and secure the delivery of the most cost-effective health care services.

The act also establishes the Missouri Health Care Trust Fund which will be used to finance the program. Certain health care services are excluded from coverage. The program is required to pay the expenses of institutional providers of health care, and each provider is required to negotiate an annual budget with the program which will cover anticipated expenses. The program will reimburse independent providers of health care on a fee-for-service basis. Other insurers and employers may offer benefits that do not duplicate those offered by the program.

No later than 30 days after the effective date of the act, the Department of Social Services is required to apply to the United States Secretary of Health and Human Services for all health care program waivers that would enable the state to deposit federal funds into the Missouri Health Care Trust Fund. The department is also required to identify other federal funding sources.

Specific sections of the act will become effective April 1 of the year following the award of a waiver by the United States Department of Health and Human Services. Notice of the receipt of the waiver must be given to the Revisor of Statutes.

This act is similar to SB 528 (2005).

ADRIANE CROUSE

12/22/2005 Prefiled

01/04/2006 S First Read (S17)

01/11/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S73)

EFFECTIVE: August 28, 2006

*** SB 778 ***

3726S.011

SENATE SPONSOR: Ridgeway

SB 778 - This act requires vessel owners to provide proof that they have paid personal property taxes when applying for or renewing a vessel's certificate of number. The act also requires vessel owners that are applying for or renewing a certificate of registration for a vessel documented with the U.S. Coast Guard to prove that personal property taxes have been paid on such vessel. The act increases the application fees that must accompany an application for a certificate of number. The application fee for a vessel under 16 feet in length is increased from \$10 to \$25. The application fee for vessels between 16 feet and less than 26 feet is increased from \$20 to \$55. The application fee for vessels between 26 feet but less than 40 feet is increased from \$30 to \$100. The application fee for vessels 40 feet and over is increased from \$40 to \$150. The act directs that the first \$2,000,000 collected from the fees be deposited in general revenue, while the fees collected in excess of \$2,000,000 be deposited in newly created Missouri State Water Patrol Fund. The money in the newly created fund is to be used for the expenses of the state water patrol. Moneys in the newly created fund shall not be used as a substitute for general revenue already appropriated for the water patrol. The act provides that within available appropriations under the fund, the commissioner of the water patrol shall establish an equitable pay plan for water patrol members and radio personnel.

STEPHEN WITTE

12/22/2005 Prefiled
 01/04/2006 S First Read (S17)
 01/11/2006 Second Read and Referred S Ways & Means Committee (S73)
 01/26/2006 Hearing Conducted S Ways & Means Committee

EFFECTIVE: August 28, 2006

*** SB 779 ***

3554S.011

SENATE SPONSOR: Engler

SB 779 - This act requires the Department of Labor and Industrial Relations and the Human Rights Commission, to include, on its posters, conspicuous language that describes the means by which an employer may request and obtain any posters, free of charge, that are required by law to be placed on the premises of all employers, labor organizations, employment agencies, businesses or establishments. The act further establishes that the posters developed by the department and commission are to be the official posters to be used on the premises.

CHRIS HOGERTY

12/22/2005 Prefiled
 01/04/2006 S First Read (S17)
 01/11/2006 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S73)

EFFECTIVE: August 28, 2006

*** SB 780 ***

4125S.011

SENATE SPONSOR: Klindt

SB 780 - The act creates an assessment-based funding mechanism for the Office of Public Counsel (OPC) similar to that currently utilized by the Public Service Commission (PSC). Prior to the beginning of each fiscal year, the OPC shall present to the PSC their estimated expenses attributable to the regulation of public utilities. The act provides for a three year phase-in that allows the OPC to utilize allocations from the PSC for their assessments; after that time, those allocations shall be based upon information maintained by the OPC. The calculation for the assessments is detailed in the act and is similar to the assessment currently utilized by the PSC. The total amount of assessments from both the OPC and the PSC shall not exceed one-fourth of one percent of the total gross intrastate operating revenues of all regulated utilities.

The assessments rendered by the OPC shall be made available to the utilities on or before July first with the payment due either on or before July fifteenth or in four equal installments throughout the fiscal year. The moneys from the assessments shall be deposited into the newly created Public Counsel Fund.

The act is similar to provisions in SB 1125 (2004).

MEGAN WORD

12/27/2005 Prefiled
 01/04/2006 S First Read (S17)
 01/11/2006 Second Read and Referred S Commerce, Energy and the Environment Committee (S73)
 01/31/2006 Hearing Scheduled S Commerce, Energy and the Environment Committee

EFFECTIVE: August 28, 2006

*** SB 781 ***

4114S.011

SENATE SPONSOR: Ridgeway

SB 781 - This act modifies the law that governs the process of obtaining a repossession title. In order to obtain a title to a motor vehicle, trailer, motorboat or vessel that has been legally repossessed, the debt holder must submit a notice of lien receipt or the original certificate of ownership reflecting the holder's lien. The act provides that a lienholder may give notice that it is seeking a repossession title to a motor vehicle owner and other lienholders by complying with Uniform Commercial Code notice provisions.

The act provides that a person seeking a repossession title to a motorboat, vessel or watercraft must present a notice of lien receipt or the original certificate of ownership reflecting the holder's lien. The act removes the requirement that the lienholder must present the original or photostatic copy of the security

agreement. Instead, the act requires presentation of an affidavit that the lienholder has the written consent of all owners or lienholders of record to repossess the vessel, motorboat or watercraft or has provided such parties with written notice of the repossession. The act also imposes specific notice requirements upon the lienholder that are similar to the requirements for persons repossessing motor vehicles. The lienholder must give 10 days written notice by 1st class U.S. mail to the owners and other lienholders.

The act provides that a person seeking a repossession title to a manufactured home must present a notice of lien receipt or the original certificate of ownership reflecting the holder's lien. The act removes the requirement that the lienholder must present the original or photostatic copy of the security agreement. Instead, the act requires presentation of an affidavit that the lienholder has the written consent of all owners or lienholders of record to repossess the manufactured home or has provided such parties with written notice of the repossession. The act also imposes specific notice requirements upon the lienholder that are similar to the requirements for persons repossessing motor vehicles. The lienholder must give 10 days written notice by 1st class U.S. mail to the owners and other lienholders. The lienholder may also comply with the notice provision by giving notice under the Uniform Commercial Code provisions.

STEPHEN WITTE

12/27/2005 Prefiled

01/04/2006 S First Read (S17)

01/11/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S73)

EFFECTIVE: August 28, 2006

*** SB 782 ***

4028S.011

SENATE SPONSOR: Engler

SB 782 - This act specifies that individuals institutionally committed under the "sexual psychopath" statutes in effect prior to 1980 can be guilty of escaping from commitment. Escape from commitment or detention is a Class D felony.

SUSAN HENDERSON MOORE

12/27/2005 Prefiled

01/04/2006 S First Read (S17)

01/11/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S73)

01/23/2006 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2006

*** SB 783 ***

4034S.011

SENATE SPONSOR: Engler

SB 783 - This act specifies that individuals being detained by the court for evaluation to determine whether they are sexually violent predators and individuals who have already been determined to be sexually violent predators may be housed together in the same location by the Department of Mental Health.

SUSAN HENDERSON MOORE

12/27/2005 Prefiled

01/04/2006 S First Read (S17)

01/11/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S73)

01/23/2006 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2006

*** SB 784 ***

4112S.011

SENATE SPONSOR: Alter

SB 784 - This act expands the actions that constitute a peace disturbance. Under this act, a person commits the crime of peace disturbance if he or she unreasonably or knowingly disturbs or alarms another person by permitting the continued barking of a dog under his ownership or control.

Peace disturbance is a Class B misdemeanor for the first offense and a Class A misdemeanor for the second or other subsequent offense.

This act is identical to SB 319 (2003).

SUSAN HENDERSON MOORE

12/27/2005 Prefiled
 01/04/2006 S First Read (S17)
 01/11/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S73)
 01/23/2006 Hearing Cancelled S Judiciary and Civil & Criminal Jurisprudence Committee
 01/30/2006 Hearing Scheduled S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2006

*** SB 785 ***

3978S.011

SENATE SPONSOR: Alter

SB 785 - This act allows any jailer to serve an arrest warrant on a person who is already an inmate in the custody of the facility at which such jailer is employed.

SUSAN HENDERSON MOORE

12/27/2005 Prefiled
 01/04/2006 S First Read (S17)
 01/11/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S73)

EFFECTIVE: August 28, 2006

*** SB 786 ***

4171S.011

SENATE SPONSOR: Graham

SB 786 - This act provides that certain individuals and entities that disseminate information to the public by print, broadcast, cable, satellite, mechanical, photographic, electronic, or other means shall not be required to disclose, in any state or federal proceeding, the source of any information. Such persons and entities also shall not be required to disclose any unpublished or non-broadcast information obtained or prepared in gathering, receiving, or processing of information for any medium of public communication as described in this act.

The person or entity seeking the information may move the circuit court in the county where the proceeding is located for an order to require a person claiming the privilege to disclose the information sought. The motion shall include the name of the person claiming the privilege, the entity with which he or she was connected at the time he or she obtained the information, the specific information sought and its relevancy to the proceeding, and the necessity of disclosure of the information. In cases involving allegations of libel or slander, the motion shall also contain a prima facie showing of falsity of the alleged defamation, and actual harm or injury that resulted therefrom.

The court, in granting or denying divestiture of the privilege, shall consider the nature of the proceedings, the merits of the claim or defense, the adequacy of any remedy otherwise available, if any, the possibility of establishing by other means that which it is alleged the source or information will tend to prove, and the relevancy of the source or information to the proceeding.

The court may only grant divestiture of the privilege if it finds that:

1. The information sought does not involve matters or details necessary in any proceeding that are required to be kept secret under federal or state law; and that all other available sources of information have been exhausted; and
2. Disclosure of the information is essential to the protection of the public interest involved in the proceedings; and
3. In libel or slander cases, the movant's need for disclosure of the information sought outweighs the public interest in protecting the confidentiality of sources and information used by a reporter as part of the news-gathering process under the particular facts and circumstances of each particular case.

If the court orders divestiture of the privilege, it shall order disclosure of the information, subject to any protective conditions it deems necessary or appropriate. The privilege shall remain in effect during the pendency of any appeal.

ALEXA PEARSON

12/29/2005 Prefiled
 01/04/2006 S First Read (S18)
 01/11/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S74)

EFFECTIVE: August 28, 2006

*** SB 787 ***

4082S.011

SENATE SPONSOR: Klindt

SB 787 - This act provides that the State Highways and Transportation Commission shall contract with sheltered workshops for the maintenance of state highway rest areas. The letting of contracts shall be limited to sheltered workshops that are within 50 miles of the rest area to be maintained. Any contract entered into by the commission and a sheltered workshop that is not located within 50 miles of the rest area shall be null and void and the commission shall relet the contract to a qualified entity.

STEPHEN WITTE

01/03/2006 Prefiled

01/04/2006 S First Read (S18)

01/11/2006 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S74)

02/01/2006 Hearing Scheduled S Aging, Families, Mental & Public Health Committee

EFFECTIVE: August 28, 2006

*** SB 788 ***

3932S.011

SENATE SPONSOR: Klindt

SB 788 - The act changes the fee amount paid by owners of liquid meters used for the measurement and sale of liquified petroleum gas to an amount to be determined by the newly created "Missouri Propane Gas Authority". The Authority shall be made up of a commission whose membership is detailed in the act, and staffed by an executive director to be chosen by the commissioners. The Authority shall work with the Department of Agriculture to ensure the compliance with the provisions of the act and those detailed throughout Chapter 323, RSMo, pertaining to liquified petroleum gas. The Authority shall be responsible for programs that aim to prevent and control propane related accidents and they have been granted rule making authority in the act to achieve that goal. All other regulations governing the use and sale of propane are preempted with the act, charging the Authority with that responsibility.

The act directs the Authority to assess a fee for propane inspections, the calculation for which is detailed in the act, and all monies from these fees shall be deposited into the newly created Propane Inspection Fund. The fund shall be used to support the Propane Gas Authority.

Any violations of the act and subsequent investigations shall be handled by the Director of the Department of Agriculture at the direction of the Authority.

MEGAN WORD

01/03/2006 Prefiled

01/04/2006 S First Read (S18)

01/11/2006 Second Read and Referred S Commerce, Energy and the Environment Committee (S74)

EFFECTIVE: August 28, 2006

*** SB 789 ***

3858S.011

SENATE SPONSOR: Dougherty

SB 789 - This act provides that the juvenile court shall incorporate a balanced and restorative approach in its care and treatment of juveniles that are within the jurisdiction of the juvenile court due to being charged with certain status offenses, or due to allegations that the child has violated certain state laws or municipal ordinances. The approach shall, to the extent possible, focus on repairing the harm to the victim, holding the offender accountable, assisting the juvenile in developing competencies to become a responsible and productive member of society, and promoting community safety.

ALEXA PEARSON

01/03/2006 Prefiled

01/04/2006 S First Read (S18)

01/11/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S74)

01/30/2006 Hearing Scheduled S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2006

*** SB 790 ***

3898S.011

SENATE SPONSOR: Clemens

SB 790 - Under the provisions of this act, beginning in the 2007-2008 school year, regular courses of instruction in the area of personal finance shall be required for all public high school students. The act specifies the topics to be covered in such courses. Prior to the completion of the twelfth grade, each pupil who receives a high school diploma or certificate of graduation on or after January 1, 2011, shall have satisfactorily completed, with a passing grade, four year-long courses in personal finance education.

The Department of Elementary and Secondary Education may promulgate rules regarding the implementation and enforcement of this act and shall provide assistance in developing personal finance courses if a district requests assistance.

DONALD THALHUBER

01/03/2006 Prefiled

01/04/2006 S First Read (S18)

01/11/2006 Second Read and Referred S Education Committee (S74)

EFFECTIVE: August 28, 2006

*** SB 791 ***

4066S.011

SENATE SPONSOR: Mayer

SB 791 - Current law allows uniformed members of the Highway Patrol to purchase, prior to retirement, up to four years of creditable service for any time such person served as a non-federal full-time public employee in this state prior to becoming a member of the system. This act extends the aforementioned provision to every member of the Missouri Department of Transportation and Highway Patrol Employees' Retirement System, which includes each employee of the Highways and Transportation Commission, each uniformed member of the Highway Patrol, and each civilian or non-uniformed employee of the State Highway Patrol. Further, the act removes a provision requiring the filing of an affidavit stating that the member is not receiving credits or benefits from any other public plan for the service to be purchased.

The act also states that all such creditable service payments must be completed prior to retirement or termination of employment. If a member who purchased creditable service dies prior to retirement, the surviving spouse may, upon written request, receive a refund of the amount contributed for such purchase of such creditable service, provided that the surviving spouse is not entitled to receive survivorship benefits as described in Section 104.110. Also, a member who is entitled to a deferred annuity under Section 104.035 shall be ineligible to purchase service under this act.

This act is similar to SB 317 (2005).

ALEXA PEARSON

01/03/2006 Prefiled

01/04/2006 S First Read (S18)

01/11/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S74)

01/17/2006 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee

01/24/2006 Voted Do Pass S Pensions, Veterans' Affairs and General Laws Committee - Consent

EFFECTIVE: August 28, 2006

*** SB 792 ***

4103S.011

SENATE SPONSOR: Mayer

SB 792 - This act requires health insurers to cover routine patient care costs incurred as a result of phase I and phase II clinical trials for cancer treatment. Current law requires coverage only for phase III and IV of these trials.

This act is identical to SCS/SB 365 (2005).

ADRIANE CROUSE

01/03/2006 Prefiled

01/04/2006 S First Read (S18)

01/11/2006 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S74)

EFFECTIVE: August 28, 2006

*** SB 793 ***

3947S.011

SENATE SPONSOR: Engler

SB 793 - This act provides that any term, provision, consideration, or covenant in any contract for treatment, goods, or services shall be unenforceable if such term, provision, consideration, or covenant requires a public administrator who is acting as a guardian or conservator to personally pay, assume or guarantee the debt or account of a ward or protectee.

ALEXA PEARSON

01/03/2006 Prefiled

01/04/2006 S First Read (S18)

01/11/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S74)

EFFECTIVE: August 28, 2006

*** SB 794 ***

3078S.031

SENATE SPONSOR: Kennedy

SB 794 - This act relates to eminent domain and tax increment financing (TIF) projects.

SECTION 99.820 - RIGHT OF FIRST REFUSAL

This section provides any owner of property, acquired by a municipality through use of eminent domain, the option to repurchase the property at the condemnation price if actual construction has not been undertaken within five years from the date of adoption of an ordinance approving a redevelopment project.

SECTION 99.827 - REFERENDUM/PETITION RELATING TO TIF FOR ALL FORMS OF MUNICIPALITIES

This section allows the use of referendum or petition with regard to ordinances relating to tax increment finance projects in any municipality within the state.

SECTION 523.012 - GENERAL PLAN

This section requires the state or any political subdivision to develop a written description of the project it intends to complete that requires the use of eminent domain before proceeding with the condemnation of property. The description must include the intended benefit to the public, an explanation of if or how the public will use the condemned property, the estimated costs, the anticipated sources of funds, and the anticipated date of the retirement of obligations incurred to finance the project, and the plan for providing relocation assistance.

SECTION 523.032 - MANDATORY MEDIATION

This section requires the condemning entity to engage in mandatory mediation with the property owner to resolve the amount of compensation the owner shall receive for his or her property. The mediation will occur after the petition for condemnation has been filed, but before the commissioners are appointed by the court. The mediation will be nonbinding and independently administered. The parties must mutually agree on a qualified and neutral mediator and the condemning entity must pay the cost. If the parties cannot agree on a mediator, the court shall appoint one and the condemning entity will pay the cost of the mediator.

The mediation shall take place within 30 days of the mediator being chosen. If the parties cannot reach an agreement, the court shall appoint the commissioners and continue the formal condemnation proceedings.

The condemning entity or property owner may include any person or entity in the mediation that is reasonably necessary to determine the appropriate amount of compensation for the property. No person who serves as a mediator shall be compelled to disclose any matter disclosed in the mediation process. The mediation shall be regarded as settlement negotiations and the confidentiality of such proceeding shall be as set forth in Supreme Court Rule No. 17.

SECTION 523.035 - INTERLOCUTORY APPEALS

Under this section, after the petition has been filed to begin condemnation proceedings, the court shall, prior to appointing commissioners, determine whether or not:

- (1) The condemning entity has the authority to exercise the power of eminent domain;
- (2) The property sought to be condemned is subject to eminent domain;
- (3) The property sought to be condemned is for a public use; and

(4) The condemning entity is properly exercising the power of eminent domain in the proceeding.

The court may also determine other issues raised by the owner which attacks the validity of the condemning entity's right to exercise eminent domain.

If the court finds that all the requirements have been met, it shall enter an interlocutory order to such effect. An interlocutory appeal shall lie from such decision as a matter of right. However, if the court finds the requirements have not been met and the condemning entity does not have the authority to exercise the power of eminent domain, the court shall dismiss the petition with prejudice and direct the condemning entity to pay the owner's court costs and attorneys' fees.

SECTION 523.040 - COMMISSIONER QUALIFICATIONS & INSTRUCTIONS

This section requires that one of the three disinterested condemnation commissioners be a licensed attorney, another one hold a real estate license, and another one be a member of the general public.

Under this section, the Missouri Supreme Court shall promulgate rules to establish uniform instructions to be given to condemnation commissioners regarding their duties when determining the amount of compensation that an owner is to receive for his or her condemned property.

SECTION 523.110 - NOTIFICATION OF PROPERTY OWNER RIGHTS

This section states that before an entity with the power to condemn conducts mandatory mediation with an owner to acquire property, which may eventually be acquired through formal condemnation proceedings, the entity must provide the owner with a summary of his or her rights through certified mail. If the condemning entity does not supply the owner of the real property with this summary of rights, a presumption shall exist that any sale or contract was entered into voluntarily by the property owner. The condemning entity may be held responsible for any relief as determined appropriate by the court. The summary does not have to be given to any person who cannot, with due diligence, be found by the condemning entity.

SECTION 523.205 - RELOCATION ASSISTANCE

This section ensures that any political subdivision, not just those receiving federal funding for a project or those proposing a redevelopment plan, which proposes the displacement of persons through the use of eminent domain must establish by ordinance or rule with a relocation policy that is equal or greater to the requirements of the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. sections 4601 to 4655, as amended).

SUSAN HENDERSON MOORE

01/04/2006 S First Read (S19)

01/11/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S74)

EFFECTIVE: August 28, 2006

*** SB 795 ***

4119S.011

SENATE SPONSOR: Kennedy

SB 795 - This act modifies the amount of time for which an owner is liable for an occupant's delinquent sewer or water bill in St. Louis City.

Currently, until January 1, 2007, a St. Louis City property owner is only liable for an occupant's delinquent water or sewer bill for up to 120 days of service. After January 1, 2007, the property owner is only liable for up to 90 days of service.

Under this act, a St. Louis City property owner remains liable for up to 120 days of service when the occupant's bill is delinquent, but the number of days for which the owner is liable does not decrease on January 1, 2007.

SUSAN HENDERSON MOORE

01/04/2006 S First Read (S19)

01/11/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S74)

01/18/2006 Hearing Conducted S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2006

*** SB 796 ***

4059S.011

SENATE SPONSOR: Dougherty

SB 796 - This act modifies the eligibility determinations for medical assistance for families recipients to provide that the Family Support Division shall disregard two-thirds of earned income when determining eligibility. There shall not be a time limit placed on the use of the disregard and it shall be applied on all income eligibility tests except gross income.

ADRIANE CROUSE

01/04/2006 S First Read (S19)

01/11/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S74)

EFFECTIVE: August 28, 2006

*** SB 797 ***

3857S.011

SENATE SPONSOR: Crowell

SB 797 - This act establishes a prescription monitoring program in the Department of Health and Senior Services. The program will monitor the prescribing and dispensing of all Schedule II through Schedule V controlled substances by all licensed professionals who prescribe or dispense these substances in Missouri. The dispenser must electronically submit to the department information for each prescription. The act specifies the frequency of the submissions. The department may issue a waiver to a dispenser who is unable to submit the required information electronically. If a waiver is obtained, a dispenser may submit the required information in paper format or by other approved means. With certain listed exceptions, all submitted prescription information shall be confidential.

The act authorizes the release of non-personal, general information for statistical, educational, and research purposes. The department may contract with other state agencies or private vendors to implement the provisions of this act. The act contains penalty provisions for dispensers and authorized persons who violate provisions of the act. The department is required to implement certain education courses regarding the prescription monitoring program. The department shall, when appropriate, work with associations for impaired professionals to ensure ongoing monitoring and treatment and encourage individual patients who are addicted to substances monitored by the program to receive addiction treatment.

The provisions of this act shall be effective on January 1, 2007 and sunset in six years.

This act is similar to SB 158 (2005) and HB 987 (2004).

JIM ERTL

01/04/2006 S First Read (S19)

01/11/2006 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S74)

01/25/2006 Hearing Conducted S Aging, Families, Mental & Public Health Committee

EFFECTIVE: January 1, 2007

*** SB 798 ***

4157S.011

SENATE SPONSOR: Nodler

SB 798 - This act authorizes the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects to impose civil penalties against licensed and unlicensed persons. Any person who practices architecture, engineering, land surveying, or landscape architecture without a valid license may be subject to an administrative action by the board to seek a civil penalty. The board can initiate investigations against the unlicensed person and can issue subpoenas to compel attendance and testimony of witnesses.

The complaint must be filed with the Administrative Hearing Commission, which shall conduct a hearing and issue its findings of fact and conclusions of law. The duties of the commission are amended to include the ability to hear such cases. If the commission finds the unlicensed person has violated this act, then the board may issue a civil penalty not to exceed \$5,000 for each day of violation, with a maximum penalty of \$25,000. The unlicensed person has the right to appeal the order imposing the fine to a circuit court. Once the case is final, the attorney general shall commence an action to recover the penalty, including reasonable attorney fees and costs and a surcharge of 15% of the penalty plus 10% per year on any amounts owed. The validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

In any action to impose a civil penalty, whether against a licensed or unlicensed person, the board may assess its reasonable costs and expenses incurred in conducting the investigation and administrative hearing. Finally, the board is authorized to impose a civil penalty against a licensee after a finding by the Administrative Hearing Commission of cause to discipline the license.

An unlicensed person may use a form of the word "engineer" without being subject to disciplinary action if the use is reflective of that person's profession and does not imply that the person is holding himself or herself out as being a professional engineer.

This act is nearly identical to SCS/SB 278 (2005).

CHRIS HOGERTY

01/04/2006 S First Read (S19)

01/11/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S74)

01/23/2006 Re-referred S Financial & Governmental Organizations and Elections Committee (S116)

EFFECTIVE: August 28, 2006

*** SB 799 ***

3581S.011

SENATE SPONSOR: Engler

SB 799 - This act reduces the permit fee and biennial inspection fee for billboards under 150 square feet. The current law provides that a one-time permit fee of \$200 shall be charged for a billboards that are erected within Missouri. This act states that the fee shall be \$50 for billboards under 150 square feet and \$200 for signs 150 square feet and greater. The current biennial inspection fee is \$100. This act states that the biennial inspection fee shall be \$25 for signs that are under 150 square feet and \$100 for signs at or above 150 square feet.

STEPHEN WITTE

01/04/2006 S First Read (S19)

01/11/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S74)

02/01/2006 Hearing Scheduled S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2006

*** SB 800 ***

4206S.011

SENATE SPONSOR: Shields

SB 800 - Current law provides that all persons who enter into a contract for private design or construction work shall make all scheduled payments pursuant to the contract terms. This act adds lump sum payments to the aforementioned provision.

ALEXA PEARSON

01/04/2006 S First Read (S19)

01/11/2006 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S74)

EFFECTIVE: August 28, 2006

*** SB 801 ***

4061S.011

SENATE SPONSOR: Shields

SB 801 - This act prohibits election authorities from certifying election results until proper payment of election costs and any penalties are made.

This act is identical to HB 879 (2005).

CHRIS HOGERTY

01/04/2006 S First Read (S19)

01/11/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S74)

EFFECTIVE: August 28, 2006

*** SB 802 ***

4006S.011

SENATE SPONSOR: Shields

SB 802 - This act defines the terms "owner", "registered voter" and "voter" when used in provisions about certain sewer districts.

This act has an emergency clause.

SUSAN HENDERSON MOORE

01/04/2006 S First Read (S19)

01/11/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S74)

01/18/2006 Hearing Conducted S Economic Development, Tourism & Local Government Committee

EFFECTIVE: Emergency clause

*** SB 803 ***

3943S.011

SENATE SPONSOR: Griesheimer

SB 803 - This act permits the Missouri Gaming Commission to request the Highway Patrol to investigate or participate in such matters as it deems necessary in order to oversee licensed excursion gambling activities and personnel. The Highway Patrol is granted authority to investigate and report suspected violations of state and federal law by the Missouri Gaming Commission with regard to licensed excursion gambling. The act also provides the Attorney General of Missouri the power to prosecute alleged violations of laws relating to licensed excursion gambling if such violations have been reported to the proper prosecuting authority and no prosecution is commenced within thirty days.

JASON ZAMKUS

01/04/2006 S First Read (S19)

01/11/2006 Second Read and Referred S Ways & Means Committee (S74)

EFFECTIVE: August 28, 2006

*** SB 804 ***

3636S.011

SENATE SPONSOR: Gross

SB 804 - This act provides that in any court proceeding arising from injury to person or property caused by a resident's use of any motor vehicle or trailer, if the plaintiff alleges that the defendant cannot be served personally in the manner prescribed by law, then the court shall order that the summons and petition be served upon any insurance company through which the defendant maintains an automobile insurance policy.

The plaintiff, either in a verified petition or in an affidavit, must describe at least one prior attempt to personally service the defendant, including the date, time, place and manner by which service was attempted. The plaintiff must also provide the defendant's last known address, and the address and name of the insurance company through which the defendant maintains an automobile insurance policy.

The summons and petition shall be served upon the insurance company in the same manner as on any domestic or foreign corporation, as provided by this section. The summons and petition shall also be mailed to the defendant at his or her last known address.

ALEXA PEARSON

01/04/2006 S First Read (S19)

01/11/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S74)

EFFECTIVE: August 28, 2006

*** SB 805 ***

3116S.021

SENATE SPONSOR: Gross

SB 805 - This act permits the acceptance of a purchase bid for less than cost when property is offered for sale for the third time in a tax sale. Costs of performing the title search and mailing required notifications are reimbursed to the purchaser upon redemption. The act further provides for the State Tax Commission to supply a standard format for notices and affidavits required in tax sale situations.

JASON ZAMKUS

01/04/2006 S First Read (S19)
01/11/2006 Second Read and Referred S Ways & Means Committee (S74)
01/19/2006 Hearing Conducted S Ways & Means Committee - Consent
01/26/2006 Voted Do Pass S Ways & Means Committee - Consent

EFFECTIVE: August 28, 2006

*** SB 806 ***

3984S.011

SENATE SPONSOR: Gross

SB 806 - Under the provisions of this act, no teacher, administrator, or school board in any public school district in this state shall be prohibited from reading or posting in a public school building, classroom, or at a school event any excerpts or portions from a specified list of documents and verses related to American and Missouri history, the civil rights movement, and patriotism.

This act is similar to SB 161 (2005).

DONALD THALHUBER

01/04/2006 S First Read (S20)
01/11/2006 Second Read and Referred S Education Committee (S74)

EFFECTIVE: August 28, 2006

*** SB 807 ***

3976S.021

SENATE SPONSOR: Gross

SB 807 - This act extends the sunsets for the Medicaid Managed Care Organization reimbursement allowance and the Pharmacy Tax from June 30, 2006, to June 30, 2007. The sunset of the Federal Reimbursement Allowance assessment is extended from September 30, 2006, to September 30, 2007.

This act contains an emergency clause.

JASON ZAMKUS

01/04/2006 S First Read (S20)
01/09/2006 Bill Withdrawn (S55)

EFFECTIVE: Emergency clause

*** SB 808 ***

4118S.011

SENATE SPONSOR: Ridgeway

SB 808 - This act modifies the provisions relating to the Missouri Women's Council. New missions for the council are added to initiate programs to assist and support women when making the transition from work to home, operating a home-based business, and working part-time from home and to provide information for women to access traditional as well as nontraditional skilled trades. Also, the council is to conduct an inventory of existing federal, state, community, and private programs relating to the economic and employment needs of women and the council is to determine which economic and employment problems exist in specific geographic areas of the state by developing a self-sufficiency standard.

This act repeals sections relating to the council preparing a state plan and report to identify and prioritize targeted populations in terms of employment accessibility and geographic regions. The act also repeals a version of a doubly-enacted section relating to the Friends of the Missouri Women's Council special license plate.

ADRIANE CROUSE

01/04/2006 S First Read (S20)
01/11/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S74)
01/19/2006 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2006

*** SB 809 ***

3553S.011

SENATE SPONSOR: Graham

SB 809 - This act provides cities, towns, and villages the option of adopting the zoning regulations of the county in lieu of adopting their own municipal regulations through the passage of an ordinance.

SUSAN HENDERSON MOORE

01/04/2006 S First Read (S20)

01/11/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S74)

02/01/2006 Hearing Scheduled S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2006

*** SB 810 ***

4226S.011

SENATE SPONSOR: Dougherty

SB 810 - This act removes the June 30, 2008, Medicaid sunset provision.

ADRIANE CROUSE

01/05/2006 S First Read (S47)

01/11/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S74)

EFFECTIVE: August 28, 2006

*** SB 811 ***

4242S.011

SENATE SPONSOR: Bray

SB 811 - This act makes numerous changes to the laws regarding medical malpractice insurance.

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

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

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

INSURANCE OVERSIGHT AND RATE REDUCTION PROGRAM - This act establishes new standards and procedures for making and using rates for medical malpractice insurance. First, the act exempts medical malpractice insurance from the rate regulations that apply to other forms of property and casualty insurance (Section 379.316). The act provides that such rates shall not be excessive, inadequate or unfairly discriminatory (Section 383.151). Any insurer that desires to increase a rate by less than 15% shall file the rate, along with supporting data, no later than 30 days after such rate becomes effective. These filings shall not be subject to approval or disapproval by the Director of the Department of Insurance (Section 383.200).

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

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

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

The director has authority to promulgate rules which will set forth standards that insurers will use to calculate their rates. The rules shall establish a range within which an expected rate or return shall be presumed reasonable, establish categories of expenses that shall be presumed reasonable, establish proper

weights to be given to different years of experience and any other standard deemed reasonable and appropriate by the director.

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

(1) A comparison between the insurer's projected incurred losses and its ultimate incurred losses for the eight most recent policy years for which data is available and

(2) A memorandum explaining its methodology the insurer used to reflect the total investment income it reasonably expects to earn on all its assets during the period the proposed rate is to be in effect.

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

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

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

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

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

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

MEDICAL MALPRACTICE INSURANCE QUOTATION SERVICE - This act requires the department by July 1, 2007, to develop and establish an interactive Internet web site enabling health care providers to obtain medical malpractice insurance quotes. Insurers' rate changes must be integrated into the website within 10 days. The site must provide contact information for each of the insurers participating. By December 1, 2007, the director of the department must submit a report to the General Assembly on the development, implementation, and effectiveness of the website (Section 383.220).

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

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

EMERGENCY CLAUSE - This act contains an emergency clause.

STEPHEN WITTE

01/05/2006 S First Read (S47)

01/11/2006 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S74)

EFFECTIVE: Emergency clause

that are to be under the supervision of the state highways and transportation commission when engaging in construction within the right-of-way of any state highway.

MEGAN WORD

01/05/2006 S First Read (S47)

01/11/2006 Second Read and Referred S Commerce, Energy and the Environment Committee (S74)

01/24/2006 Hearing Conducted S Commerce, Energy and the Environment Committee

EFFECTIVE: August 28, 2006

*** SB 813 ***

4115S.011

SENATE SPONSOR: Ridgeway

SB 813 - This act prohibits health carriers and other organizations from changing health services codes without the permission of the physician. If a dispute arises, the health carrier must establish a procedure to resolve the dispute. Every contract between the health carrier and the physician must set forth the health services code the physician must use to receive reimbursement for such services. The codes must refer to the most recent American Medical Association code book and other recognized codes used in Medicare and Medicaid programs.

This act is identical to SB 201 (2003) and SB 1125 (2002).

STEPHEN WITTE

01/05/2006 S First Read (S47)

01/11/2006 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S74)

EFFECTIVE: August 28, 2006

*** SB 814 ***

3206S.011

SENATE SPONSOR: Coleman

SB 814 - The act provides a taxpayer that meets the definition of a "qualified individual household" and has primary custody of one or more dependent children, a tax credit equal to the purchase price of a personal computer purchased by the taxpayer for educational use by such taxpayer's dependent children during tax years beginning on or after January 1, 2007. The tax credit is non-refundable, but may be carried forward for three years. The credit is available regardless of whether the taxpayer elects to take a standard deduction.

JASON ZAMKUS

01/05/2006 S First Read (S47)

01/11/2006 Second Read and Referred S Ways & Means Committee (S74)

01/26/2006 Hearing Conducted S Ways & Means Committee

EFFECTIVE: August 28, 2006

*** SB 815 ***

3203S.011

SENATE SPONSOR: Coleman

SB 815 - This act eliminates the mandatory minimum sentences for those convicted of a felony, except dangerous felons. The act states that a felon must serve a sentence imposed by a judge, but the Board of Probation and Parole will have discretion to review the sentence and release the offender before the completion of the sentence.

Those offenders sentenced under the mandatory minimum sentencing statutes before August 28, 2006, shall have his or her sentence reviewed by the Board. The Board shall have discretion to release such an offender before the end of his or her sentence.

This act is identical to SB 16 (2005).

SUSAN HENDERSON MOORE

01/05/2006 S First Read (S47)

01/11/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S74)

EFFECTIVE: August 28, 2006

*** SB 816 ***

3909S.011

SENATE SPONSOR: Griesheimer

SB 816 - This act requires certain entities to possess video service authorizations which will constitute franchises. The Department of Economic Development will govern the application process for video service authorizations. The state of Missouri will be the exclusive franchising authority for competitive video service providers in the state.

The act prohibits any franchising entity or other political subdivision of the state from requiring a competitive video service provider to obtain a separate franchise or otherwise impose any fees, license, or gross receipts tax in order to provide video service. A competitive video service provider must provide distribution capacity and make reasonable, technically feasible efforts to retransmit community programming.

Any entity that elects or seeks a video service authorization must describe the service area footprint in its application to the department of economic development. Any entity holding a video service authorization may amend its service area footprint upon notice to the department of economic development. An entity holding a video service authorization must provide at least ten days prior notice to each franchising entity with jurisdiction in a locality before providing video service in such entities jurisdiction.

The video service provider fee must be paid to the Department of Revenue on a quarterly basis and shall be calculated at a rate not to exceed five percent of gross revenue. In exchange for its collection, administration and distribution functions, the Department of Revenue will retain a collection fee of up to one percent, but not to exceed actual costs incurred, on all fees collected. The department may collect interest off such funds during the time between collection and distribution of the fees to the franchising entity. A competitive video service provider may identify and collect the amount of video service provider fee as a separate line item on the regular bill of each subscriber.

The Department of Revenue must be notified in writing within thirty days of any change in the franchise fee adopted by a political subdivision. Any such change in franchise fees may only take effect on the first day of a calendar quarter and only after a minimum of ninety days notice from the department of revenue to the video service provider. The Department of Revenue will have authority to audit any entity holding a video service authorization. The Department of Revenue must furnish a political subdivision with information requested to permit the political subdivision to review the payments of any competitive video service provider or incumbent cable operator.

The act prohibits a video service provider from denying access to service to any group of potential residential subscribers because of the income of residents in which such group resides.

JASON ZAMKUS

01/05/2006 S First Read (S47)

01/11/2006 Second Read and Referred S Commerce, Energy and the Environment Committee (S74)

01/18/2006 Hearing Conducted S Commerce, Energy and the Environment Committee

EFFECTIVE: August 28, 2006

*** SB 817 ***

4179S.011

SENATE SPONSOR: Scott

SB 817 - This act modifies the Missouri's workers' compensation residual market mechanism. Residual markets are traditionally the market of last resort (akin to the Missouri High Risk Pool) and Missouri's residual market was established in 1993. This act removes the language authorizing the establishment of a residual market mechanism and requires the Missouri Employers Mutual Insurance Company to operate as the insurer for any Missouri employer that is in good faith entitled to but who is unable to procure workers' compensation insurance through ordinary methods.

STEPHEN WITTE

01/05/2006 S First Read (S47)

01/11/2006 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S74)

01/25/2006 Hearing Conducted S Small Business, Insurance & Industrial Relations Committee

EFFECTIVE: August 28, 2006

*** SB 818 ***

4159S.011

SENATE SPONSOR: Scott

SB 818 - Current law requires elected officials, candidates for elective office, and certain other officials of a political subdivision with an operating budget of over \$1 million to file financial interest statements. This act changes the operating budget floor to those over \$2 million.

This act is identical to SB 479 (2005).

CHRIS HOGERTY

01/05/2006 S First Read (S47)

01/11/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S74)

01/19/2006 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2006

*** SB 819 ***

4152S.011

SENATE SPONSOR: Scott

SB 819 - Under current law, individuals who are at least fifty years of age, have twenty years experience, and pass a written exam or oral exam if they have a bachelor's degree or higher in engineering or science, shall be issued a professional land surveyor or engineer license. This act modifies the licensure requirements for engineers and land surveyors by removing the fifty years of age requirement and the oral examination option.

Under the act, a professional land surveyor license shall be issued to applicants who have twenty years experience and pass the fundamentals of land surveying examination, the principles and practice of land surveying examination, and the Missouri specific examination.

A professional engineer license shall be issued to applicants who hold a bachelor's degree or higher in engineering, have twenty years of engineering experience, and pass part two of the professional engineering exam. Professional engineer license shall also be issued to applicants who hold a degree from an accredited program, a doctorate in engineering from an institution that offers accredited programs, and passes part two of the professional engineering exam. The doctorate degree must be approved by the licensing board.

CHRIS HOGERTY

01/05/2006 S First Read (S47)

01/11/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S74)

01/23/2006 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2006

*** SB 820 ***

4222S.011

SENATE SPONSOR: Koster

SB 820 - This act increases the maximum amount of money that may be appropriated, transferred or credited to the Governmental Emergency Fund from \$150,000 per year to \$850,000 per year.

JIM ERTLE

01/05/2006 S First Read (S48)

01/11/2006 Second Read and Referred S Governmental Accountability & Fiscal Oversight Committee (S74)

01/30/2006 Hearing Scheduled S Governmental Accountability & Fiscal Oversight Committee

EFFECTIVE: August 28, 2006

*** SB 821 ***

3935S.011

SENATE SPONSOR: Griesheimer

SB 821 - Under the current law, the definition of salvage vehicle includes a motor vehicle that has been damaged to the extent that the cost of repairs to rebuild it exceeds 75% of the fair market value of the vehicle. This act changes the damage threshold from 75% to 80%. In addition, this act restricts the 80% damage threshold to vehicles which have a manufacturer's model year designation of or later than the year in which the vehicle was damaged or any of the three preceding years.

STEPHEN WITTE

01/09/2006 S First Read (S55)
01/17/2006 Second Read and Referred S Transportation Committee (S93)
01/31/2006 Hearing Scheduled S Transportation Committee

EFFECTIVE: August 28, 2006

*** SB 822 ***

4257S.011

SENATE SPONSOR: Gross

SB 822 - This act extends the sunsets for the Medicaid Managed Care Organization reimbursement allowance and the Pharmacy Tax from June 30, 2006, to June 30, 2007. The sunset of the Federal Reimbursement Allowance assessment and Nursing Facility Reimbursement Allowance are extended from September 30, 2006 to September 30, 2007.

This act contains an emergency clause.

JASON ZAMKUS

01/09/2006 S First Read (S55)
01/17/2006 Second Read and Referred S Ways & Means Committee (S93)
01/26/2006 Hearing Conducted S Ways & Means Committee - Consent

EFFECTIVE: Emergency clause

*** SB 823 ***

3659S.011

SENATE SPONSOR: Klindt

SB 823 - This act makes information collected in the course of an insurance compliance audit privileged information and not discoverable in civil, criminal, or administrative proceedings unless an exception applies.

Insurance compliance self-evaluative documents submitted to the Director of Department of Insurance in conjunction with other examinations are confidential. Audit documents submitted to the department of insurance remain property of the insurer and are not subject to disclosure under the Sunshine Law. Persons preparing the audit documents shall not be examined in civil, criminal or administrative hearings unless the documents are not privileged (Section 375.1064).

The privilege established in this act shall not apply to documents which are expressly waived. In a civil or administrative proceeding, a court may require disclosure of materials, after in-camera review, if it determines that the privilege was asserted for a fraudulent purpose or that the privilege does not apply.

A court may order disclosure of materials in a criminal proceeding, after in-camera review, if it determines that the privilege was asserted for a fraudulent purpose, that the privilege does not apply or that material contains relevant evidence of a crime and the prosecuting attorney or attorney general has made a good faith request or lawful subpoena for the information.

An administrative hearing officer or a court in any administrative hearing or civil proceeding initiated by the director may require public disclosure, after in-camera review, if the administrative hearing officer or court finds:

- (1) The privilege is asserted for a fraudulent purpose;
- (2) The material is not subject to the privilege; or
- (3) The material contains evidence relevant to a breach of a civil duty owed by the insurer to others, and the director is unable to obtain the substantial equivalent of the information by independent means without incurring unreasonable cost and delay (Section 375.1065).

The privilege is deemed to be waived by the insurer 45 days after receiving a request for disclosure of a self-evaluative audit, unless the insurer files a petition for an in camera examination. After conducting an in-camera review of the insurance compliance audit document, the court may require disclosure of any portion of the document it determines is not privileged. Any compelled disclosure of an audit will not make the audit a public document or be deemed a waiver of the privilege for any other civil, criminal or administrative proceeding (Section 375.1066).

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

The privilege shall not apply to:

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

The privilege created by this act shall apply to all litigation or administrative proceedings pending on or after the effective date of this act (Section 375.1069).

This act is similar to SCS/HB 417 (2005), HB 388 (2005), SB 55 (2005), SB 406 (2003), SB 1157 (2002) and HB 927 (2001).

STEPHEN WITTE

01/09/2006 S First Read (S55)

01/17/2006 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S93)

EFFECTIVE: August 28, 2006

*** SB 824 ***

3657S.011

SENATE SPONSOR: Klindt

SB 824 - Under this act, whenever a civil action is filed and an insurer may be obligated to provide a defense to such action or indemnity for any judgment rendered, the insurer shall have the right to intervene in such action and request the court to determine the extent of the it's coverage obligations, while reserving its rights with regard to providing coverage for the claims in the underlying civil action. If an insurer does intervene, the court shall finally determine the extent of coverage before proceeding with the merits of the underlying action. The judgment of the trial court as to coverage shall be immediately appealable, notwithstanding issues relating to the underlying action remaining unresolved. When a judgment on the issues of coverage becomes final, the insurer shall be dismissed from the underlying action. If the insurer previously has undertaken the defense of the person named as a defendant in the underlying action and the final judgment on the coverage issues determines that it has no obligation to provide such defense, it may withdraw such defense.

This act is similar to SCS/HB 417 (2005).

STEPHEN WITTE

01/09/2006 S First Read (S55)

01/17/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S93)

EFFECTIVE: August 28, 2006

*** SB 825 ***

4113S.011

SENATE SPONSOR: Koster

SB 825 - This act creates the Kansas and Missouri Regional Investment District Compact. Under the act, the compact between Missouri and Kansas allows the Kansas City metro area to pool funds raised across the region to pay for improvements that are regional in nature (and benefit residents throughout the metro area).

GEOGRAPHY OF REGIONAL INVESTMENT DICTRICT - The Residential Investment District created by the compact include the following counties in Missouri: Clay County, Platte County, Jackson County, Cass County, Ray County. The district would include the following Kansas counties: Wyandotte County, Johnson County, and Leavenworth County. Other cities and counties which become members of the Mid-America Regional Council (MARC) will become part of the district.

COMMISSION - The governing body of the district shall be a commission. The commission shall be composed of the board of directors of MARC. A commission member's term is tied with the member's tenure as an elected official of the jurisdiction that is a party to MARC. The compact allows the commission to appoint officers, agents and employees, and allows the commission to determine their qualifications and fix their salaries. All commission meeting shall be open to the public. A simple majority of the commissioners from each state is required to conduct official commission business. The compact provides that the commissioners shall follow the laws of the states they live in regarding conflicts of interest. Commissioners shall be held harmless in legal actions arising out the performance of their duties and will be defended at the expense of the commission. The members of the commission shall serve without compensation, but shall receive payment for their actual and necessary expenses.

POWERS AND DUTIES OF THE COMMISSION – The commission shall function as the planning and administrative arm for the district. The commission shall undertake community planning to identify regional programs and initiatives that will produce significant benefit to the Kansas City metropolitan area. The commission shall prepare program plans for certain regional programs and initiatives in consultation with local officials and the public; prepare ballot questions for programs and initiatives that the commission determines could appropriately be supported by a sales tax authorized by this Compact.

PROGRAM PLAN - The commission shall develop one program plan which describes the content of each regional program. These program plans could be for a public transit system, trails and greenways, and/or a traffic management system. The program plan will list which county or counties must pass a ballot issue before a sales tax can be imposed. The program plan will establish the duration of the sales tax either by amount of money raised, length of time, or another reasonable measure. The program plan shall designate the composition of the oversight committee for each regional program.

The commission shall set the election dates for the ballot measures and sales taxes. The commission must submit each ballot measure to the governing body of each county within the district. The commission may provide grants, contributions, donations or other support for program plans. The commission will execute contracts and agreements according to the directives it receives from the oversight committee for each regional program. The compact allows the commission to form partnerships or other business affiliations. The commission may work with MARC and other entities to carry out the purposes of the compact. The commission shall submit an annual report of its operations to the Missouri and Kansas general assemblies, the governors of each state, and the governing bodies of the cities and counties that are members of MARC.

BALLOT QUESTIONS – IMPOSITION OF SALES TAX – The commission shall prepare and make available to the public a program plan for each regional program to be voted upon no later than 120 days prior to the election date. The governing body of each county in the district will determine by resolution whether it is in the best interests of the residents of that county to provide financial support for the proposed regional program. If the governing body adopts the resolution, the governing body shall ensure that the ballot question appears in the next primary or general election.

The act outlines what the ballot language must conform to (description of the use and allocation of sales tax proceeds) and limits any proposed sales tax to one-half percent.

The first election held under the proposed compact will include the question of whether a sales tax should be imposed for supporting a public transit system. A sales tax to support trails and greenways or a traffic management system may also be submitted at the first election.

If a governing body does not initially decide to put the ballot question up for an election, the governing body may adopt a resolution at a later time to hold an election on the issue. A majority affirmative vote is required to approve the ballot question in each county. The defeat of the ballot question in one county shall not affect the approval of the ballot question in other counties. The defeat of a ballot question does not prohibit the governing body to put the question on the ballot again.

A county which approves the sales tax shall not levy the tax until all the counties listed in the program plan have also passed the sales tax. When all of the counties in the program plan have passed the sales tax, the governing body of each county shall implement the sales tax as soon as feasible.

TERMINATION OF SALES TAX - Under the act, a county that has approved a sales tax levy may terminate the tax by submitting the issue to the voters. The vote to terminate the levy of the sales tax shall not take place any earlier than five years from the date the sales was first approved. A county that terminates the levying of a sales tax must agree in writing with the commission to:

1. Pay its fair share of outstanding obligations incurred by the district;
2. Pay for ongoing operations and maintenance of facilities built within the county; and
3. Pay for any costs associating with terminating the services within the county.

ELIGIBLE USES OF FUNDS – Under the compact created by this act, the monies may be used for the

following purposes:

1. Actual and reasonably necessary expenses of the commission and the oversight committee (staff personnel, budget and financial consultation, legal assistance, administrative, operational, planning and engineering consultation, marketing and expenses of individual commissioners and committee members);
2. Support of voter approved regional programs within the district;
3. Public transit systems, provided the commission contracts with a public entity to provide the transit services and under the commission's discretion allow a competitive bidding process with third parties to provide the services; and
4. A minimum of 80% of the monies derived from the sales tax imposed for all regional programs must be used to support a public transit system in the district.

OVERSIGHT COMMITTEE – Under the act, the commission shall appoint an oversight committee. The committee shall consist of local elected officials from each of the counties where the voters approved the ballot measure. The program plan developed by the commission for the ballot measure will specify the composition of the oversight committee. If counties from both Missouri and Kansas pass a ballot proposition, the oversight committee shall include an equal number of representatives from each state. In order for the oversight committee to conduct business, a majority of the committee members from each state must be present at the meeting and must vote in favor of the proposed action. The oversight committee shall be appointed within 45 days after the ballot question has been certified by the county election boards. If one or more counties vote on and approve the program plan at a later date, the commission will add representatives from those counties to the oversight committee. The oversight committee shall fix the time and place of its meetings. Such meetings shall be open to the public. Oversight committee members will be subject to the conflict of interest laws of the state in which the members reside. If a committee member has a conflict of interest, that interest must be disclosed in writing, and the committee member shall abstain voting on the particular matter. The commission shall cover the legal expenses of any committee member which are related to the committee members' duties. The oversight committee for each program plan shall terminate when all the monies derived from the sales tax have been collected and spent.

POWERS AND DUTIES OF THE OVERSIGHT COMMITTEE – The oversight committee for each regional plan is charged with overseeing the appropriation and use of sales tax monies. The oversight committee is limited in the use of the funds to expenditures that are consistent with the program plan approved by the voters. If there is an uncertainty in whether the use of the funds would be inconsistent with the program plan, the oversight committee will seek a determination from the commission. Each oversight committee shall request that the commission execute contracts necessary to implement the program plans developed by the commission.

FINANCE – The commission will receive funds from each county whose voters have approved a sales tax. The commission or any oversight committee may not incur any debt. The budget of the district shall be prepared, adopted and published for other political subdivisions of Missouri and Kansas. The commission and each oversight committee must keep accurate records of all receipts and expenditures, and have an annual audit by a public accountant. The annual audit shall become part of the commission's annual report. The commission's accounts shall be open to inspection by authorized representatives of the two states and the various political subdivisions participating in the district.

ENTRY INTO FORCE - The compact will become effective when both Missouri and Kansas have passed legislation incorporating the compact.

TERMINATION - The compact shall remain in force until one of the states passes legislation repealing the enabling statute and sends written notice to the other state. If repealing legislation is passed, and once all the outstanding financial obligations are met, the compact will terminate, the district will be dissolved and the commission shall be abolished. Any remaining funds may be distributed by the commission to organizations for purposes consistent with the program plan.

CONSTRUCTION AND SEVERABILITY – The provisions of the compact shall be liberally construed. The provisions of the compact shall remain in force even if part of the compact is declared unconstitutional by either state. If the entire compact is found to be unconstitutional by either state, the compact shall be void and have no further force or effect.

SOVEREIGN IMMUNITY APPLICABLE – The provisions of the sovereign immunity law shall apply to the regional investment district and the Missouri members of the commission.

COUNTYWIDE SALES TAX FOR DISTRICT – RATE – ADMINISTRATION AND COLLECTION – FUND CREATED - The governing body of any county that has been authorized by a majority of the electors of the county to levy and collect a tax for the purpose of contributing to the financial support of the district shall adopt a resolution imposing a countywide sales tax. The rate of this tax shall be fixed at an amount of not more than one-half percent in the aggregate. Any county levying a countywide sales tax is prohibited from administering or collecting the tax locally, but shall utilize the services of the state Department of Revenue to administer, enforce and collect the tax. The sales tax shall be administered, enforced and collected in the same manner and by the same procedure as other countywide sales taxes are levied and collected and shall be in addition to any other sales tax authorized by law. The director of the Department of Revenue shall cause this tax to be collected at the same time and in the same manner provided for the collection of the state sales tax. All moneys derived from the countywide sales tax shall be credited to the "Regional Investment Fund." All revenue from a countywide sales tax shall be appropriated by the county to commission within 60 days of receipt of the funds by the county for expenditure by the commission.

STEPHEN WITTE

01/09/2006 S First Read (S55-56)

01/17/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S93)

02/01/2006 Hearing Scheduled S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2006

*** SB 826 ***

4181S.021

SENATE SPONSOR: Mayer

SB 826 - Under this act, the Missouri Department of Transportation shall have the same power and authority over private property along a road or highway that has been designated a scenic byway that the department had over the private property prior to the road or highway being designated as a scenic byway. Nothing in the scenic byway program shall be construed as granting the department power to acquire scenic easements within an area designated as a scenic byway. The department shall not require private property owners who own real estate along a scenic byway to restrict, limit, or restrain the use of their property unless such restriction, limitation, or restraint also would be applicable to a road or highway that is not a scenic byway.

STEPHEN WITTE

01/09/2006 S First Read (S56)

01/17/2006 Second Read and Referred S Transportation Committee (S93)

EFFECTIVE: August 28, 2006

*** SB 827 ***

4256S.011

SENATE SPONSOR: Dougherty

SB 827 - This act creates a ten-member commission to study the death penalty in Missouri. It requires the commission to hold public hearings and study all aspects of the death penalty as administered in Missouri, including all cases in which the death penalty was sought. Through the use of random sampling, the commission will review a statistical representation of those cases in which charges of first degree murder, second degree murder, or voluntary manslaughter were filed after January 1, 1977. The review and analysis shall examine data concerning the facts of the offenses, the county where charges were filed, the crime for which the person was convicted, the sentence, personal information about the convicted person, evidence of mental retardation, prior criminal history of the defendant, information about the legal defense team, results of appellate review and post-conviction review, and costs for implementing the sentence.

In considering the experience and training of attorneys, the commission shall consider the experience and training levels required by the Missouri Supreme Court, other courts and legislatures, and recommendations of national associations.

Findings and recommendations of the commission shall be reported to the Governor, the Missouri Supreme Court and the General Assembly by January 1, 2010. The commission shall recommend any proposed modifications to Missouri laws necessary to ensure adequacy of trial and appellate legal counsel,

accuracy of findings of guilt of the accused, elimination of race disparity in charging and sentencing, fair court procedures and fair and consistent charging and sentence recommendations made by local prosecutors around the state.

The act prohibits executions during the period of review, which period shall be from August 28, 2006 to January 1, 2010.

This act is identical to SB 303 (2005).
SUSAN HENDERSON MOORE

01/09/2006 S First Read (S56)

01/17/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S93)

EFFECTIVE: August 28, 2006

*** SB 828 ***

3870L.011

SENATE SPONSOR: Scott

SB 828 - This act repeals a provision that allows the licensing standards for dental hygienists to sunset on August 28, 2006.

CHRIS HOGERTY

01/09/2006 S First Read (S56)

01/17/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S93)

01/23/2006 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2006

*** SB 829 ***

4264S.011

SENATE SPONSOR: Dougherty

SB 829 - Current law provides certain utilities the opportunity to apply for alternate rate schedules under a variety of circumstances. This act removes the section that affords such an option to gas corporations seeking changes based on variations in weather and conservation.

MEGAN WORD

01/10/2006 S First Read (S63)

01/17/2006 Second Read and Referred S Commerce, Energy and the Environment Committee (S93)

EFFECTIVE: August 28, 2006

*** SB 830 ***

4123S.011

SENATE SPONSOR: Ridgeway

SB 830 - This act changes provisions regarding military leave for Kansas City police officers and civilian employees. Members of the Police Retirement System of Kansas City and the Civilian Employees' Retirement System of the Police Department of Kansas City who are on leave of absence due to military service in which the United States has declared war, a compulsory draft, or the combat mobilization of any units of the military reserves are entitled to service credit for the time spent in the military service. During their military service, members are not required to pay any member contributions into the retirement system.

Should it becomes necessary for the years of the service to be included in the calculation of the member's compensation, the member will be deemed to have received the same compensation throughout the period of service as the member's base annual salary immediately prior to the commencement of the leave of absence.

Eligible members who are absent because of the military leave are entitled to federal employment and re-employment rights.

ALEXA PEARSON

01/10/2006 S First Read (S64)

01/17/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S93)

EFFECTIVE: August 28, 2006

*** SB 831 ***

3720S.011

SENATE SPONSOR: Kennedy

SB 831 - Currently, the phase-in period of the SB 287 formula contains a provision that reduces current-year funding for any district that decreases its summer school average daily attendance below 15% of that district's 2005-2006 summer school average daily attendance. The level of such funding reduction is pegged to the district's drop in summer school attendance from the 2005-2006 summer school attendance.

This act adjusts the aforementioned policy by applying the 15% reduction threshold to an annually adjusted figure relative to the population variations school districts experience from year to year.

This act contains an emergency clause with an effective date of July 1, 2006.

DONALD THALHUBER

01/10/2006 S First Read (S64)

01/17/2006 Second Read and Referred S Education Committee (S93)

EFFECTIVE: Emergency clause

*** SB 832 ***

4307S.011

SENATE SPONSOR: Griesheimer

SB 832 - This act prohibits the use of tax increment financing for projects located in flood plains except for river front development projects. The act defines the term "Greenfield" and prohibits use of tax increment financing for greenfield development. Residential TIF projects are prohibited for the development of vacant land.

Two additional members are added to Tax Increment Finance Commissions. These additional members will represent affected taxing districts other than the municipality or the school boards. The act prohibits certain members of the Tax Increment Finance Commission from being employees of the municipality.

If a tax increment finance commission rejects a proposed tax increment finance project, the governing body must either:

- (1) Place the project before the registered voters of the municipality for approval; or
- (2) Approve the project by a super majority vote of the governing body and allocate one hundred percent of the economic activity taxes to the special allocation fund.

The act allows for referendum petitions relating to tax increment financing projects in any municipality within the state. Such a petition must be signed by a number of voters equal to at least fifteen percent of the votes cast for all registered voters for the last preceding election.

In order for a municipality to receive "Super TIF" funds, the municipality must allocate one hundred percent of economic activity taxes to the special allocation fund.

The act prohibits voter approved tax increases or levies which are approved subsequent to the adoption of an ordinance approving a redevelopment plan from being captured as economic activity taxes by such project. Municipalities are prohibited from conferring eminent domain power to other entities when a project utilizes both tax increment financing and chapter 353 incentives.

The act creates penalties for the failure of a municipality to report to the Department of Economic Development with regard to tax increment finance projects. A municipality will be subject to a fine of ten dollars a day for everyday of noncompliance. Such fines will be placed into the Missouri Supplemental Tax Increment Finance Fund.

JASON ZAMKUS

01/10/2006 S First Read (S64)

01/17/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S93)

01/25/2006 Hearing Conducted S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2006

*** SB 833 ***

4243S.011

SENATE SPONSOR: Nodler

SB 833 - Currently, Section 161.184, RSMo, prohibits the Department of Elementary and Secondary Education from establishing policies, creating projects, or in any way supplying resources to assist in the placement on high school diplomas any student's attendance records, grades, class rank or other information which was not previously placed on such diplomas made, printed or issued for students graduating in the 1988-89 school year.

This act repeals the aforementioned section.

DONALD THALHUBER

01/10/2006 S First Read (S64)

01/17/2006 Second Read and Referred S Education Committee (S93)

EFFECTIVE: August 28, 2006

*** SB 834 ***

4258S.011

SENATE SPONSOR: Nodler

SB 834 - This act alters various provisions of the state's special education policy.

Currently, Section 162.950, RSMo, allows for an optional resolution conference to occur as the first step of due process in special education disputes. This act removes the aforementioned section and therefore the resolution conference option. Further, the act removes other provisions relating to the optional resolution conferences as well as several intersectional references to such.

Current law imposes a forty-five day time line for the completion of the due process hearings. This act removes this forty-five day limit and instead incorporates by reference the requirements of the federal Individuals with Disabilities Education Act (IDEA) standards for such hearings.

The act provides that evaluations of private school students suspected of having a disability under the IDEA will be conducted by the school district in which the private school is located.

DONALD THALHUBER

01/10/2006 S First Read (S64)

01/17/2006 Second Read and Referred S Education Committee (S93)

EFFECTIVE: August 28, 2006

*** SB 835 ***

4244S.011

SENATE SPONSOR: Engler

SB 835 - This act requires licensed practitioners who are authorized to prescribe controlled substances to issue all written prescriptions. The prescriptions shall be legibly printed or typed, dated with the month written in textual letters, signed by the prescribing practitioner on the day issued. The prescriptions shall also contain the name of the prescribing practitioner, the name, strength, and quantity of the prescribed drug and directions for using the drug.

This act is identical to HB 963 (2004).

ADRIANE CROUSE

01/10/2006 S First Read (S64)

01/17/2006 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S93)

01/25/2006 Hearing Conducted S Aging, Families, Mental & Public Health Committee

EFFECTIVE: August 28, 2006

*** SB 836 ***

3537S.021

SENATE SPONSOR: Engler

SB 836 - This act provides that once a child for whom support is being paid reaches the age of twenty-two, if he or she has achieved and continues to maintain a cumulative grade point average of at least 3.0 or its equivalent at an institution of vocational or higher education, the parental support obligation shall continue until the child completes the program or reaches the age of twenty-four, whichever occurs first. The

provisions of this subsection exclude any post-baccalaureate studies.

ALEXA PEARSON

01/10/2006 S First Read (S64)

01/17/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S93)

EFFECTIVE: August 28, 2006

*** SB 837 ***

3660S.011

SENATE SPONSOR: Loudon

SB 837 - This act modifies the membership of the governing committee that administers the Missouri Basic Property Insurance Inspection and Placement Program and modifies the membership of board of directors that governs the Missouri Malpractice Joint Underwriting Association. The act provides that the governing committee that administers the Missouri Basic Property Insurance Inspection shall include, in addition to the committee's six other members, two members from the Property and Casualty Insurers Association of America, one member from the National Association of Mutual Insurance Companies, and one member from the Missouri Insurance Coalition. The act provides that the board of directors overseeing the Joint Underwriting Association shall include, in addition to four other directors, two directors that are members of the Property and Casualty Insurers Association of America and two directors who are members of the Missouri Insurance Coalition.

STEPHEN WITTE

01/10/2006 S First Read (S64)

01/17/2006 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S93)

01/25/2006 Hearing Conducted S Small Business, Insurance & Industrial Relations Committee

EFFECTIVE: August 28, 2006

*** SB 838 ***

3662S.011

SENATE SPONSOR: Loudon

SB 838 - This act allows life insurance companies to exclude coverage for suicide for 1 year after the issuance of the policy. If the life insurance policy excludes coverage for suicide during the first year, and the insured dies as a result of suicide within such period, the insurer must refund all premiums paid.

This act is similar to HB 1060 (1996).

STEPHEN WITTE

01/10/2006 S First Read (S64)

01/17/2006 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S93)

EFFECTIVE: August 28, 2006

*** SB 839 ***

3658S.011

SENATE SPONSOR: Loudon

SB 839 - This act establishes the Uninsured Motorist Stipulation of Benefits Act of 2006. An uninsured motorist involved in an accident with an insured motorist will waive his or her right to recover non-economic damages. The uninsured motorist's right to recovery would be limited to economic damages. This waiver will not apply if it can be proven that the insured motorist caused the accident and was under the influence of drugs or alcohol or is convicted of vehicular assault or homicide. The act will not apply to a motorist whose insurance policy was terminated for failure to pay the premium unless notice of termination for failure to pay was provided by the insurer at least 30 days prior to the time of the accident. Under this act, passengers in the uninsured motor vehicle are not subject to the waiver (Section 303.390).

This act is similar to SCS/HB 417 (2005).

STEPHEN WITTE

01/10/2006 S First Read (S64)

01/17/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S93)

EFFECTIVE: August 28, 2006

*** SB 840 ***

3085S.051

SENATE SPONSOR: Stouffer

SB 840 - This act modifies the provision of law relating to the highway and bridge designation process.

This act provides that a person wanting a highway or bridge designated must submit the proper documents and fees to the Joint Committee on Transportation Oversight no later than November 1 prior to the next regular session of the General Assembly. The act also clarifies that the Joint Committee on Transportation Oversight shall be responsible for approving or denying highway designations, not the House and Senate Committees on Transportation.

The act provides that the signs erected shall be maintained for a 20-year period and after such date, the signs shall be subject to removal unless the sponsoring organization or person files another application to retain the designation. The act provides that the fee for constructing and maintaining the signs shall not exceed the cost of constructing and maintaining each sign. The current law sets the fees at \$400 and \$600 respectively.

Under this act, no bridge or portion of highway may be named after more than person, event, place or organization. Each person, event, place or organization shall only be eligible for one bridge or highway designation. The act also directs the highway designation sign fees to be deposited in the Road Fund rather than the Department of Transportation Bridge and Highway Sign Fund.

STEPHEN WITTE

01/10/2006 S First Read (S64)

01/17/2006 Second Read and Referred S Transportation Committee (S93)

01/24/2006 Hearing Scheduled But Not Heard S Transportation Committee

EFFECTIVE: August 28, 2006

*** SB 841 ***

4111S.011

SENATE SPONSOR: Ridgeway

SB 841 - This act modifies the definition of "health care professional", for purposes of determining who is subject to peer review, to include emergency medical technicians and emergency medical dispatchers. The act provides that a peer review committee may be comprised of members appointed by a board of trustees or chief executive officer of a licensed ambulance service, a licensed emergency medical response agency, or any not-for-profit organization that provides for ambulance services, as long as the governing body of such not-for-profit organization consists of elected officials or individuals appointed by a mayor, board of alderman, city council, county commission, county legislature, or ambulance district. A committee may also be comprised of members appointed by a mayor, city council, board of alderman, county commission, county legislature, or ambulance district. This act also provides immunity from civil liability for members of a peer review committee that performs certain acts at the recommendation of the committee.

ALEXA PEARSON

01/10/2006 S First Read (S64)

01/17/2006 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S93)

02/01/2006 Hearing Scheduled S Aging, Families, Mental & Public Health Committee

EFFECTIVE: August 28, 2006

*** SB 842 ***

4246S.011

SENATE SPONSOR: Ridgeway

SB 842 - Under current law, in order for a manufacturer to receive an exemption from sales tax for electrical energy used in the primary manufacture of a product, the manufacturer must prove that the total cost of electricity used exceeds ten percent of the total cost of production or that the raw materials used in the primary manufacture of a product contain at least twenty-five percent recovered materials. This act creates a rebuttable presumption that the raw materials used in the primary manufacture of automobiles contain at least twenty-five percent recovered materials.

This act is identical to SB 440 (2005).

JASON ZAMKUS

01/10/2006 S First Read (S64)

01/17/2006 Second Read and Referred S Ways & Means Committee (S93)

EFFECTIVE: August 28, 2006

*** SB 843 ***

4245S.011

SENATE SPONSOR: Graham

01/11/2006 S First Read (S72)

01/17/2006 Second Read and Referred S Commerce, Energy and the Environment Committee (S93)

EFFECTIVE: August 28, 2006

*** SB 844 ***

3806S.011

SENATE SPONSOR: Graham

SB 844 - This act provides that any person may bring an action for Medicaid fraud on behalf of the person and the state. The person bringing the action must give a copy of the petition to the Attorney General, and must also disclose to the Attorney General substantially all material information in the person's possession.

The petition shall be filed in camera, and shall remain under seal for at least 120 days, or until the state elects to intervene, whichever occurs first. Service of the petition shall not be made on the defendant until ordered by the court.

On behalf of the state, the attorney general may elect to intervene and proceed with the action, not later than 120 days after the date the attorney general received the petition and information. This deadline may be extended for good cause shown. The court and the Attorney General may consent to a dismissal of an action at any time during which the petition remains under seal. If the state elects not to intervene, the person bringing the action may conduct the proceeding, but the state may request copies of any pleadings and depositions, and may intervene at a later date for good cause shown.

No person other than the state may intervene or bring a related action based on the same underlying facts as an action brought under this section. If the state intervenes, it shall have the primary responsibility for investigating and prosecuting the action, and is not bound by any act of the person bringing the action, except that if the state files a motion to dismiss, the person who initiated the action shall have the opportunity for a hearing.

The state may limit the participation of the person who initiated the action if it finds that the person's participation would cause harassment, or would unduly delay investigation or prosecution of the action, or would be repetitious or irrelevant. Limitations may include, but are not limited to, limiting the number of witnesses, limiting length of testimony, limiting cross-examination of witnesses, or staying discovery up to sixty days.

Even if an action has been brought under this act, the state is free to pursue the claim through any alternate remedy available, including administrative proceedings. The person bringing the initial action will have the same rights in an alternate proceeding as are provided by this act, and any final finding or conclusion in the alternate proceeding shall be conclusive on all parties to the initial action.

The person who initiated the action is entitled to at least ten percent, but no more than twenty-five percent, of the proceeds of any action brought under this section, unless the court finds that the person bringing the action planned and initiated the violation on which the action is based, in which case it may reduce the share of the proceeds to the extent it deems appropriate. If the person bringing the action is convicted of criminal conduct arising from the role in the violation, the court may dismiss the person from the action, and the person may not receive any share of the proceeds of the action. A dismissal under this section of the person who initiated the action shall not prejudice the right of the state to continue such action.

If the state does not elect to intervene in the action, and the person bringing the action conducts it, the court may award to the defendant reasonable attorneys' fees and expenses if the defendant prevails in the action, and the court finds that the claim of the person bringing the action was clearly frivolous, vexatious, or brought primarily for the purposes of harassment.

A person may not bring an action under this act that is based on allegations that are the subject of another civil suit or administrative penalty proceeding which has already commenced, and in which the state

is a party.

A person may not bring an action under this act that is based on the public disclosure of allegations or transactions in a criminal or civil hearing, in a legislative or administrative report, hearing, audit, or investigation, or from the news media, unless the person bringing the action is the original source of such information.

The act also contains "whistle-blower" protections, providing that a person who is discharged, demoted, suspended, threatened, harassed, or in any way discriminated against in terms of employment due to a lawful act taken by the person in furtherance of an action for Medicaid fraud shall be entitled to reinstatement with the same seniority status, not less than two times the amount of back pay, interest on the back pay, and compensation for any special damages sustained as the result of such discrimination.

ALEXA PEARSON

01/11/2006 S First Read (S72)

01/17/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S93)

EFFECTIVE: August 28, 2006

*** SB 845 ***

3760S.021

SENATE SPONSOR: Kennedy

SB 845 - This act allows the Secretary of State to waive reinstatement fees and procedures otherwise required for reinstatement, in the event that a corporation was administratively dissolved due to a failure to file an annual registration report, if the secretary of state concludes that the failure was due to military service. In such a circumstance, the secretary of state shall waive all late fees for all required filings, cancel the certificate of dissolution, and reinstate the corporation.

CHRIS HOGERTY

01/11/2006 S First Read (S72)

01/17/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2006

*** SB 846 ***

4208S.011

SENATE SPONSOR: Dougherty

SB 846 - The act sets the maximum penalty for violating any order by the Public Service Commission relating to federal natural gas safety standards at ten thousand dollars per violation. The act provides the commission with the discretion to set the penalty based on several variables, which are described in the act.

MEGAN WORD

01/11/2006 S First Read (S72)

01/17/2006 Second Read and Referred S Commerce, Energy and the Environment Committee (S93)

EFFECTIVE: August 28, 2006

*** SB 847 ***

4308S.011

SENATE SPONSOR: Bartle

SB 847 - This act provides that the small claims courts shall have jurisdiction over any case in which the amount in controversy does not exceed five thousand dollars, which is an increase from the current jurisdictional limit of three thousand dollars.

ALEXA PEARSON

01/11/2006 S First Read (S72)

01/17/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S93)

EFFECTIVE: August 28, 2006

*** SRB 848 ***

3911L.011

SENATE SPONSOR: Bartle

SRB 848 - This act repeals certain sections of law which have expired, sunset, terminated, or are ineffective.

JIM ERTLE

01/11/2006 S First Read (S72)

01/18/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S99)

EFFECTIVE: August 28, 2006

*** SB 849 ***

3477S.021

SENATE SPONSOR: Mayer

SB 849 - This act creates the "Fairness In Construction Act".

This act prohibits any state or political subdivision, agency, or instrumentality from requiring, or prohibiting, bidders from entering into agreements with labor organizations in order to enter into a contract with such state or political subdivision. Discrimination against bidders for such contracts based upon a bidder's affiliation with a labor organization is also prohibited. The act prohibits any state or political subdivision from requiring or prohibiting a bidder to require its employees to become members of, or affiliated with, a labor organization or to pay dues or fees to labor organizations as a condition of employment.

The act specifically grants standing to any interested party to challenge any bid, grant, project agreement, or controlling document which violates the provisions of this act. The act prohibits the issuance of a public contract until a signed affidavit is received stating that the contractor or subcontractor performing the work will not participate, either directly or indirectly, in any job targeting programs, bid supplement programs, market recovery programs, or any other programs or devices that would subsidize the labor costs on projects. The act contains penalty provisions for the submission of a false affidavit by a contractor or subcontractor. The act exempts public projects built under the general wage order determined by the highways and transportation commission, or heavy construction work under the annual wage order

Certain provisions of this act are similar to those found in SB 291 (2005).

CHRIS HOGERTY

01/11/2006 S First Read (S72)

01/18/2006 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S99)

01/25/2006 Hearing Conducted S Small Business, Insurance & Industrial Relations Committee

EFFECTIVE: August 28, 2006

*** SB 850 ***

4401S.011

SENATE SPONSOR: Alter

SB 850 - This act changes the definition of "employee," for purposes of the county employee's retirement fund, to include any juvenile court employee, employed as such on or after July 1, 1999, located in any judicial circuit comprised of a single county of the first classification without a charter form of government, if the person was employed as such on or after July 1, 1999.

This act also changes the definition of "county retirement plan," as it is defined in the section which governs compensation of juvenile court employees, to include the county employees' retirement system, and eliminates other provisions which exclude juvenile court employees from the fund.

ALEXA PEARSON

01/11/2006 S First Read (S72)

01/18/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S99)

EFFECTIVE: August 28, 2006

*** SB 851 ***

4353S.011

SENATE SPONSOR: Stouffer

SB 851 - This act provides that a tow company may sell an abandoned vehicle for parts, excluding major component parts or scrap metal, after the property remains unredeemed after a ten-day notification period to the vehicle's owner. The notification form must state that if the property remains unredeemed with no satisfactory arrangements made for continued storage, and the owner or security holder have not requested a hearing, the tow company may dispose of the property after the 10-day notice period by selling the property on a bill of sale. The current law provides for a 30-day notice period. The scrap metal operators or salvage

dealers shall not be issued junking certificates or certificates of ownership. The act requires registered owners to present a copy of their most recent validated registration form or a valid license in order to have property released.

STEPHEN WITTE

01/11/2006 S First Read (S72)

01/18/2006 Second Read and Referred S Transportation Committee (S99)

01/31/2006 Hearing Scheduled S Transportation Committee

EFFECTIVE: August 28, 2006

*** SB 852 ***

3934S.021

SENATE SPONSOR: Barnitz

SB 852 - This act provides for an income tax credit for shareholders of S corporation savings and loan associations and holding companies based on the pro rata share of corporate franchise tax paid by such association.

JASON ZAMKUS

01/11/2006 S First Read (S72-73)

01/18/2006 Second Read and Referred S Ways & Means Committee (S99)

EFFECTIVE: August 28, 2006

*** SB 853 ***

3851S.021

SENATE SPONSOR: Green

SB 853 - This act modifies provisions of the securities regulation law as it relates to the elderly and disabled.

Definitions for "elderly" and "disabled persons" are added. Also, mandatory minimum penalties are added for those who commit securities fraud against seniors and disabled persons. This act provides that when a defendant is convicted of such crimes against an elderly or disabled person, the defendant may be fined not less than fifty thousand dollars and imprisoned for not less than five years.

This act also provides for the Commissioner of Securities to impose enhanced penalties for securities fraud against the elderly or disabled.

ADRIANE CROUSE

01/11/2006 S First Read (S73)

01/18/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S99)

EFFECTIVE: August 28, 2006

*** SB 854 ***

3907S.011

SENATE SPONSOR: Green

SB 854 - This act creates the "Public Service Accountability Act", which requires most public bodies to analyze costs and benefits of privatizing their services for any service valued at \$25,000 or more. The public body must prepare a statement of services proposed to be the subject of the privatization contract that includes the specific quantity and standard of quality which will be used to solicit sealed bids.

The act contains requirements for the bidding procedure. A comprehensive written estimate of the cost of a privatization contract and the cost of regular public employees providing the services must be prepared. A contract can only be granted when the cost differential is more than a 10% savings. Minimum wages for the privatization contract are established. No contract may exceed two years in length. Privatization contractors must offer employment positions to qualified agency employees whose jobs are eliminated as a result of the contract.

The act outlines other considerations for the awarding of a privatization contract. Certain restrictions are placed on the hiring of a subcontractor and creates guidelines for the contractor to follow during the length of the privatization contract. Remedies for violation of this law are outlined in the act. Funds of a public body may not be used to support or oppose unionization. A privatization contract is defined as an agreement, or combination or series of agreements, by which a non-governmental person or entity agrees with a public

body to provide services which are substantially similar to and in lieu of services which have been provided, in whole or in part, by regular employees of a public body.

This act contains an emergency clause.

This act is identical to SB 150 (2005).

JIM ERTLE

01/11/2006 S First Read (S73)

01/18/2006 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S99)

EFFECTIVE: August 28, 2006

*** SB 855 ***

4342S.011

SENATE SPONSOR: Callahan

SB 855 - This act prohibits the inclusion of sales tax revenues, derived from a tax imposed by Jackson County for the purpose of sports stadium improvements, from economic activity tax revenue for tax increment financing projects.

JASON ZAMKUS

01/11/2006 S First Read (S73)

01/17/2006 Bill Withdrawn

EFFECTIVE: August 28, 2006

*** SB 856 ***

4240S.021

SENATE SPONSOR: Callahan

SB 856 - This act requires the governing body of Jackson County to complete a competitive bidding process when contracting for the services of a:

- (1) Financial advisor;
- (2) Licensed issuer/seller of bonds;
- (3) legal advisor;
- (4) Media relations/polling advisor; or
- (5) Fund-raiser.

All presentations, quotes, minutes, and proposals involved in awarding such contracts shall be made available to the public upon request. No contract shall be issued by any county official, executive, legislature, or commission in Jackson County to a person or company providing these services unless competitive bids have been received from more than one other person or company providing such services.

No more than one contract shall be awarded during any fiscal year to any person or company in order to perform any of these services. If the governing body of the county has an existing contract or advisory service agreement that was entered into prior to August 28, 2006, with a person to provide any of these services, such contract shall become void on such date. If any person has been awarded one or more contracts during any fiscal year for these services, such contracts shall become void on August 28, 2006, and such person shall not be eligible to bid on a county contract for such services for two years.

SUSAN HENDERSON MOORE

01/11/2006 S First Read (S73)

01/18/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S99)

EFFECTIVE: August 28, 2006

*** SB 857 ***

4126S.011

SENATE SPONSOR: Nodler

SB 857 - This act grants the Coordinating Board for Higher Education the authority to impose a fine on higher education institutions that willfully disregard board policies. Such a fine shall not exceed one percent of the institution's current fiscal year state appropriation. The board shall hold such funds until such time that the institution, as determined by the board, corrects the violation, at which time the board shall refund such amount to the institution. Should the board determine that the institution has not redressed the violation

within one year, the fine amount shall be deposited into the general revenue fund.

Further, the act requires that every institution of higher education submit to binding dispute resolution with regard to disputes among institutions of higher education that involve jurisdictional boundaries or the use or expenditure of any state resources whatsoever, as determined by the coordinating board. In all cases, the arbitrator shall be the commissioner of higher education or a designee, whose decision shall be final and binding on all parties and not subject to appeal. In other respects, such arbitration shall be governed by the provisions of Chapter 435, RSMo. Any institution aggrieved by a decision under this section may request that the coordinating board for higher education review the commissioner's or designee's decision.

This act is similar to SB 590 (2006).

DONALD THALHUBER

01/11/2006 S First Read (S75)

01/12/2006 Second Read and Referred S Education Committee (S86)

01/17/2006 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2006

*** SB 858 ***

4455S.011

SENATE SPONSOR: Shields

SB 858 - This act establishes the "Health Information Technology Fund", which shall be administered by the Office of Administration. The fund shall be created no later than August 28, 2006.

Upon appropriation, moneys in the fund shall be used to promote technological advances to improve patient care, decrease administrative burdens, and increase patient and health care provider satisfaction. Any programs or improvements on technology shall include encouragement and implementation of technologies intended to improve the safety, quality and costs of health care services in the state.

ADRIANE CROUSE

01/11/2006 S First Read (S75)

01/18/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S99)

01/24/2006 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee

EFFECTIVE: August 28, 2006

*** SB 859 ***

3986S.011

SENATE SPONSOR: Days

SB 859 - This act creates a system to allow voters to cast advance ballots at central voting locations and satellite sites. The advance voting period will begin the third Wednesday prior to an election and shall be conducted between 7:00 a.m. and 7:00 p.m. and until 12:00 p.m. on Saturdays. The election authority shall consider factors including geographic location and demographics of the registered voters from the previous election to ensure nondiscrimination and provide adequate notice of the central locations and the satellite sites that are chosen.

Election authorities shall create lists of names and addresses of each voter casting an advance ballot and such lists shall be confidential until 8:00 a.m. on the Friday before the election. Upon expiration of the confidential period, authorized individuals are entitled to view the lists and the election authority may make copies of the lists available to those individuals for a fee. A violation of confidentiality is a class four election offense.

This act also extends the distance restriction for exit polling, surveying, sampling, electioneering, distributing election literature and signage, from twenty-five to one hundred feet from the polling place.

CHRIS HOGERTY

01/11/2006 S First Read (S75)

01/18/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S99)

EFFECTIVE: August 28, 2006

*** SB 860 ***

4309S.021

SENATE SPONSOR: Callahan

SB 860 - This act provides for the Missouri taxable income, of resident taxpayers filing combined returns with less than \$100,000 in combined taxable income to be taxed at six percent of the amount over \$9,000.
JASON ZAMKUS

01/12/2006 S First Read (S83-84)

01/18/2006 Second Read and Referred S Ways & Means Committee (S100)

EFFECTIVE: August 28, 2006

***** SB 861 *****

4205S.011

SENATE SPONSOR: Ridgeway

SB 861 - Current law provides that any member of the Police Retirement System or Civilian Employees' Retirement System of the Kansas City police department that retires after August 28, 1991, and who is entitled to a pension under the system shall receive a supplemental retirement benefit of fifty dollars monthly. This act provides that members of either system who retire after August 28, 1991, and on or before August 28, 1996, shall receive the supplemental benefit, as will any member who retired after August 28, 2006, and who either has at least twenty-five years of creditable service, or is retired due to injury or illness occurring in the line of duty or course of employment.

The act eliminates the requirement that determinations of cost-of-living increases to the supplemental benefit shall be based on certain advice from the plan's actuary.

The act provides that the supplemental benefit shall also be available to certain eligible surviving spouses of a member of either system, but that no benefits shall be payable to a surviving spouse of a member who died while in active service after August 28, 2006, unless such death occurred in the line of duty or course of employment or as the result of an injury or illness incurred in the line of duty or course of employment. The surviving spouse of a member who died in such a manner after August 28, 2006, shall be entitled to the supplemental benefit provided for in this act without regard to such member's years of creditable service.

ALEXA PEARSON

01/12/2006 S First Read (S84)

01/18/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S100)

EFFECTIVE: August 28, 2006

***** SB 862 *****

4373S.011

SENATE SPONSOR: Engler

SB 862 - This act establishes the concept of environmental covenants, a standardized voluntary mechanism by which participants in risk based property clean ups can enter into a covenant to ensure that specific limitations on site usage required by the clean up are maintained in perpetuity or until amended. The act describes the requirements that must be satisfied before a covenant can be approved as such, the powers and restrictions of a covenant, and the process by which such covenants can be amended or terminated.

The act directs the Department of Natural Resources to establish a database to maintain a comprehensive list of all covenants in the state.

MEGAN WORD

01/12/2006 S First Read (S84)

01/18/2006 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S100)

EFFECTIVE: August 28, 2006

***** SB 863 *****

4414S.011

SENATE SPONSOR: Engler

SB 863 - This act modifies the definition of "volunteer fire protection association" to include municipal fire departments that are staffed by volunteers.

SUSAN HENDERSON MOORE

01/12/2006 S First Read (S84)

01/18/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S100)

EFFECTIVE: August 28, 2006

*** SB 864 ***

3536S.021

SENATE SPONSOR: Engler

SB 864 - This act denies unemployment benefits to teachers who voluntarily resign during the term of their employment. A teacher's resignation is treated as a refusal of acceptance of reasonable assurance of continued employment if the effective date of the resignation begins upon or after expiration of the contract terms. Teachers will not receive benefits upon such a resignation.

CHRIS HOGERTY

01/12/2006 S First Read (S84)

01/18/2006 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S100)

EFFECTIVE: August 28, 2006

*** SB 865 ***

4330S.011

SENATE SPONSOR: Cauthorn

SB 865 - This act exempts livestock from personal property taxation. The act also removes reference to livestock from Section 137.118, RSMo, which calls for a tax rate adjustment for livestock and farm equipment under certain circumstances.

JASON ZAMKUS

01/12/2006 S First Read (S84)

01/18/2006 Second Read and Referred S Ways & Means Committee (S100)

EFFECTIVE: August 28, 2006

*** SB 866 ***

4392S.011

SENATE SPONSOR: Graham

SB 866 - This act modifies provisions dealing with various health care and social services programs.

This act removes the provision that makes Missouri an income first state as to the division of assets procedure for the purposes of determining eligibility for Medicaid when one spouse enters a nursing home and the other spouse remains in the community. (Section 208.010).

This act reinstates the former medical assistance for the working disabled (MAWD) and general relief medical assistance programs as they were before they were repealed in SB 539 (2005). (Sections 208.146 and 208.162).

This act raises the Medicaid eligibility level for old age assistance and permanently disabled recipients from the Social Security Income (SSI) level to 100% of the federal poverty level. (Section 208.151).

This act restores various optional services that were repealed in SB 539 (2005), including podiatry and dental, optometric, orthopedic, comprehensive day, and hospice services. (Section 208.152).

This act removes the provision that the department must promulgate rules requiring recipients of medical assistance to participate in cost-sharing activities for most covered services. In addition, the act no longer allows a health care provider to refuse to provide a service if a recipient is unable to pay a required fee. (Section 208.152).

This act raises from 151% to 225% of the federal poverty level the income of parents of uninsured children in the MC+ for Kids Program who are required to pay a premium. (Section 208.640).

This act also removes the provision giving the department of social services 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).
ADRIANE CROUSE

01/12/2006 S First Read (S84)

01/18/2006 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S100)

EFFECTIVE: August 28, 2006

*** SB 867 ***

4388S.011

SENATE SPONSOR: Graham

SB 867 - Under this act, when a regional recreational district is organized in only one county on land solely owned by the county, the governing body of the county shall have the exclusive control of the expenditures of money in the regional recreational fund. It shall also have control of the public parks, trails, and recreational facilities owned, maintained or managed by the county within the district.

SUSAN HENDERSON MOORE

01/12/2006 S First Read (S84)

01/18/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S100)

EFFECTIVE: August 28, 2006

*** SB 868 ***

3977S.051

SENATE SPONSOR: Koster

SB 868 - This act creates "The Healthcare Technology Fund", which shall be administered by the Department of Social Services. The fund shall be created no later than July 1, 2006 or the effective date of this act, if the effective date is after July 1, 2006. Proceeds of the trust fund shall be distributed at the department's discretion within twenty-four months of the state's new public assistance healthcare delivery system or by twenty-four months following termination of the current healthcare delivery system, whichever is sooner.

Upon appropriation, moneys in the fund shall be used to implement and promote innovative technological advances to improve the delivery of care, reduce administrative burdens, and institute efficiencies to improve the health status of all Missourians.

This act contains an emergency clause.

JIM ERTLE

01/12/2006 S First Read (S84)

01/18/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S100)

01/24/2006 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee

EFFECTIVE: Emergency clause

*** SB 869 ***

4154S.021

SENATE SPONSOR: Koster

SB 869 - This act modifies laws against sexual offenders.

SECTION 217.735 & SECTION 559.106 - LIFETIME SUPERVISION & ELECTRONIC MONITORING

This section changes which offenders must be under lifetime supervision by the Board of Probation and Parole and electronically monitored. Currently, this section 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 under lifetime supervision and electronically monitored.

Under this act, any person convicted of forcible rape, forcible sodomy, statutory rape in the first degree, or statutory sodomy in the first degree, shall be under lifetime supervision and electronically monitored for a first offense. Prior sex offenders, who commit child molestation, sexual misconduct or abuse, enticement of a child, or sexual trafficking of a child, against a child under the age of 14, shall continue to be subject to lifetime supervision and electronic monitoring.

SECTION 566.030 - FORCIBLE RAPE

Under this section, the authorized term of imprisonment for a person who commits forcible rape and the victim is less than 12 years of age, shall be life imprisonment without eligibility for probation or parole until the person has served at least 25 years of his or her sentence or unless the person has reached the age of 75 years and has served at least 15 years of such sentence.

A person convicted of or pleading guilty to forcible rape or attempt to commit forcible rape shall not be granted a suspended imposition of sentence or suspended execution of sentence.

SECTION 566.032 - STATUTORY RAPE IN THE FIRST DEGREE

Under this section, the authorized term of imprisonment for a person who commits statutory rape in the first degree and the victim is less than 12 years of age, shall be life imprisonment with eligibility for parole after 25 years.

A person convicted of or pleading guilty to statutory rape in the first degree shall not be granted a suspended imposition of sentence or suspended execution of sentence.

SECTION 566.060 - FORCIBLE SODOMY

Under this section, the authorized term of imprisonment for a person who commits forcible sodomy and the victim is less than 12 years of age, shall be life imprisonment without eligibility for probation or parole until the person has served at least 25 years of his or her sentence or unless the person has reached the age of 75 years and has served at least 15 years of such sentence.

A person convicted of or pleading guilty to forcible rape or attempt to commit forcible sodomy shall not be granted a suspended imposition of sentence or suspended execution of sentence.

SECTION 566.062 - STATUTORY SODOMY IN THE FIRST DEGREE

Under this section, the authorized term of imprisonment for a person who commits statutory sodomy in the first degree and the victim is less than 12 years of age, shall be life imprisonment with eligibility for parole after 25 years.

A person convicted of or pleading guilty to statutory sodomy in the first degree shall not be granted a suspended imposition of sentence or suspended execution of sentence.

SECTION 566.067 - CHILD MOLESTATION IN THE FIRST DEGREE

This section prohibits a person convicted of or pleading guilty to child molestation from being granted a suspended imposition of sentence or suspended execution of sentence.

SECTION 566.083 - SEXUAL MISCONDUCT WITH A CHILD

This section makes any attempt to commit sexual misconduct with a child a Class D felony and specifies that the section may be violated by actions performed in person or via the Internet. It is not an affirmative defense that the other person whom the offense was committed against was a peace officer masquerading as a minor.

SECTION 566.090 - SEXUAL MISCONDUCT IN THE FIRST DEGREE

Under this section, a person can commit sexual misconduct in the first degree by knowingly exposing his or her genitals to another person without consent for the purpose of sexual gratification.

SECTION 566.212 - SEXUAL TRAFFICKING OF A CHILD

A person convicted of or pleading guilty to sexual trafficking a child shall not be granted a suspended imposition of sentence or suspended execution of sentence.

SECTION 568.080 - USE OF A CHILD IN A SEXUAL PERFORMANCE

This section prohibits a person convicted of or pleading guilty to using a child in a sexual performance from being granted a suspended imposition of sentence or suspended execution of sentence.

SECTION 568.090 - PROMOTING THE SEXUAL PERFORMANCE OF A CHILD

This section prohibits a person convicted of or pleading guilty to promoting a sexual performance by a child from being granted a suspended imposition of sentence or suspended execution of sentence.

SECTION 589.407 & 589.414 - VEHICLE INFORMATION REQUIREMENT

In addition to personal information, fingerprints, and a photograph, these sections requires a sexual

offender to provide a physical description of his or her vehicle when originally registering and update such information when he or she changes vehicle.

SUSAN HENDERSON MOORE

01/12/2006 S First Read (S84)

01/18/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S100)

01/23/2006 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2006

*** SB 870 ***

4158S.011

SENATE SPONSOR: Mayer

SB 870 - This act transfer responsibility for certain payments from the Office of Administration to other state agencies. Currently, the sheriff in certain counties is required to file a claim for services provided to certain offenders with the Office of Administration. This act provides that such filing shall be to the director of the Department of Revenue.

Single county circuit juvenile courts are required to file a copy of their budget with the office of state courts administrator, rather than the office of administration. Finally, the act provides that the Department of Corrections, rather than the Office of Administration, shall be responsible for reviewing and receiving certain documentation regarding payment for incarceration of prisoners as well as receiving certain documentation regarding criminal court costs and fees.

This act contains an emergency clause.

JIM ERTLE

01/12/2006 S First Read (S84)

01/18/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S100)

01/30/2006 Hearing Scheduled S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: Emergency clause

*** SB 871 ***

3798L.011

SENATE SPONSOR: Coleman

SB 871 - This act modifies provisions regarding the St. Louis City retirement system. For calendar years beginning on or after January 1, 2003, the act prescribes required minimum distributions to members of the system. The member's entire interest shall be distributed or begin to be distributed to the member no later than the member's required beginning date. If the member dies before distributions begin, the act prescribes to whom the distributions shall be made and the timing of the distributions. If the member's interest is distributed in the form of an annuity purchased from an insurance company, then the act requires distributions to be made in accordance with the Internal Revenue Code. Otherwise, if the member's interest is paid by annuity distributions under the provisions of St. Louis City retirement system, then the act establishes the intervals and duration of distributions. If the member's interest is distributed in the form of a joint and survivor annuity for the joint lives of the member and a non-spouse beneficiary, payments shall not exceed permissible amounts under United States Treasury regulations. If a member dies before the date that distribution of the interest begins and there is a designated beneficiary, then the act establishes the period of time over which the beneficiary shall receive distributions, depending on when the distributions begin.

A distribution for calendar years 2003, 2004 and 2005 shall not fail to satisfy certain provisions of the Internal Revenue Code merely because the payments do not satisfy certain U.S. Treasury regulations as long as the payments satisfy requirements of the Internal Revenue Code.

Currently, a member shall be repaid the total amount of the member's mandatory contributions to the retirement system, upon termination of employment as a police officer and actual service requirement. This act authorizes a member to request payment of such contributions and, upon such a request, the board shall make such payment.

The act prohibits the board of trustees from paying an eligible rollover distribution of \$5,000 or less to a member or retired member who has not attained age sixty-two unless such member consents in writing to receive the distribution in cash or to have the distribution directly rolled over in accordance with current law.

If a retroactive payment is made to a member, surviving spouse, dependent child or other beneficiary for any reason, a lump sum equal to the sum of the retroactive monthly payments, plus interest, shall be paid.

ALEXA PEARSON

01/12/2006 S First Read (S84)

01/18/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S100)

01/24/2006 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee

EFFECTIVE: August 28, 2006

*** SB 872 ***

3937S.021

SENATE SPONSOR: Gibbons

SB 872 - This act increases the penalty on motorists who fail to move over when approached by an oncoming emergency vehicle and motorists who fail to move over when approaching a stationary emergency vehicle from a Class B misdemeanor to a Class A misdemeanor.

STEPHEN WITTE

01/12/2006 S First Read (S84)

01/19/2006 Second Read and Referred S Transportation Committee (S108)

01/31/2006 Hearing Scheduled S Transportation Committee

EFFECTIVE: August 28, 2006

*** SB 873 ***

3944S.011

SENATE SPONSOR: Gibbons

SB 873 - This act relates to criminal background checks.

SECTION 26.142 - BACKGROUND CHECK FOR GUBERNATORIAL APPOINTEES

This section requires the Highway Patrol, at the direction of the Governor, to conduct background investigations of gubernatorial appointees. In order to do so, the appointee must submit a set of fingerprints. These fingerprints and the accompanying fees are forwarded to the Highway Patrol to search the state criminal history repository and the FBI for a national criminal background check. The background investigation may include criminal history record information and other source information obtained by the Highway Patrol. The information received by the Highway Patrol is confidential and shall not be disclosed except to the Governor or necessary members of the Governor's staff.

SECTION 43.530 - FEES FOR CRIMINAL BACKGROUND CHECKS

Currently, an entity making a request for criminal history record information that is not based on a fingerprint search must pay a fee of not more than \$5 per request. Under this section, an entity cannot be made to pay more than \$9 dollars for such a request. However, after January 1, 2007, the central repository of the Highway Patrol may increase the fee by not more than \$1 per year. Under no circumstances shall the fee exceed \$15 dollars per request.

Currently, an entity making a request for criminal history record information that is based on a fingerprint search must pay a fee of not more than \$20 per request. Under this section, an entity cannot be made to pay more than \$15 dollars for such a request.

SECTION 43.546 - BACKGROUND CHECKS BY STATE AGENCIES

This section allows any state agency to require an applicant to provide fingerprints in specified occupations for the purposes of positive identification and receiving criminal history record information when determining an his or her's ability to serve in such an occupation.

In order to do so, the applicant or employee must submit a set of fingerprints. These fingerprints and the accompanying fees are forwarded to the Highway Patrol to search the state criminal history repository and the FBI for a national criminal background check. All records related to any criminal history information discovered shall be accessible to the state agency making the request.

SUSAN HENDERSON MOORE

01/12/2006 S First Read (S84)

01/19/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S108)

EFFECTIVE: August 28, 2006

*** SB 874 ***

4254S.011

SENATE SPONSOR: Shields

SB 874 - This act repeals provisions of law which currently prohibit any Kansas City police officer from:

- (1) Belonging to a committee of a political party;
- (2) Soliciting any person to vote for or against any political candidate;
- (3) Making or soliciting contributions of any kind for political activity; or
- (4) Allowing any solicitation of contributions to take place on police department property.

This act also repeals the provision which prohibits any person from soliciting a police officer or a member of the police board for any political purpose.

This act is identical to HB 608 (2005).

SUSAN HENDERSON MOORE

01/12/2006 S First Read (S84)

01/19/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S108)

EFFECTIVE: August 28, 2006

*** SB 875 ***

3948S.011

SENATE SPONSOR: Barnitz

SB 875 - This act allows a corporation to change the filing month for its corporate registration report in return for an additional \$20 filing fee. Corporations may also opt to file the corporate registration report biennially rather than annually. The filing fee for choosing this option will be twice the fee currently required for filing annually. The Secretary of State may collect an additional \$10 fee, for deposit in the Secretary of State technology fund, for each biennial report. If the corporate registration report is not filed within 90 days, the Secretary of State may proceed with corporate dissolution.

This act includes a provision that grants the Secretary of State the authority to establish a premium and expedited services program. These services allow customers to purchase services that guarantee rapid processing on filings or other special handling.

A limited liability corporation may electronically file its original articles of incorporation for a fee of \$45 rather than the \$100 currently required for paper filings.

CHRIS HOGERTY

01/17/2006 S First Read (S91)

01/19/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S108)

EFFECTIVE: August 28, 2006

*** SB 876 ***

4484S.011

SENATE SPONSOR: Loudon

SB 876 - This act allows the children and the spouse of a military member who is killed while in active service after September 11, 2001, or who became at least 80 percent disabled as the result of injuries sustained in combat action after September 11, 2001, to receive an educational grant for tuition at any Missouri public or private institution of postsecondary education. The tuition grant shall not exceed the amount charged a Missouri resident for attendance at the University of Missouri-Columbia. In order for the child or spouse to qualify, the veteran must have been a Missouri resident at the time of the death or injury that resulted in disability in order for his or her survivors to receive the grant. In addition to the cost of tuition, the grant also includes \$2,000 per semester for room and board, and the actual cost of books up to \$500 per semester. Children are eligible to receive the scholarship until age 25, and spouses are eligible until age 45. No eligible student will receive a grant for more than 100 percent of the cost of tuition when combined with similar funds given to the student. The Coordinating Board for Higher Education shall promulgate all rules necessary for implementation of this section, including determining minimum standards of performance for a

student to remain eligible for a grant under this act.

The provisions of the act will expire six years from the effective date.

This act is identical to HB 1078 (2006), and similar to SB 572 (2006).

ALEXA PEARSON

01/17/2006 S First Read (S91)

01/19/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S108)

01/24/2006 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee

EFFECTIVE: August 28, 2006

*** SB 877 ***

4496S.011

SENATE SPONSOR: Kennedy

SB 877 - This act enables a taxpayer making less than \$30,000 per year who modifies their home to be accessible to a disabled person who resides with the taxpayer to claim a credit against their income tax for one hundred percent of the costs of modification, up to \$2,500. For taxpayers making between \$30,000 and \$60,000, a credit will be allowed in the amount equal to fifty percent of the costs of modification, up to \$2,500.

All tax credits will be refundable, up to \$2,500 per year. The credits are not transferrable. The credit has a statewide maximum of \$100,000 per year, subject to appropriation.

If any portion of the modification was claimed as a deduction on the taxpayer's federal income tax, then the amount of the tax credit shall be reduced by 1/3. The credit applies to tax years beginning January 1, 2007, and expires December 31, 2012.

This act is similar to SB 982 (2002), SB 46 (2003), SCS/SB 1282 (2004) and SB 15 (2005).

JASON ZAMKUS

01/17/2006 S First Read (S92)

01/19/2006 Second Read and Referred S Ways & Means Committee (S108)

EFFECTIVE: August 28, 2006

*** SB 878 ***

4470S.011

SENATE SPONSOR: Champion

SB 878 - This act modifies provisions relating to criminal background checks when there has been an emergency placement of a child in a private home. Under current law, the criminal background check must be made within fifteen business days and there is an exception for conducting background checks for family members who are within the second degree of consanguinity of the child.

This act provides that the criminal background check be made within fifteen days and removes the family member exception. These changes are consistent with Federal Bureau of Investigation regulations on emergency use of its system for background checks for the placement of children in out-of-home care.

ADRIANE CROUSE

01/17/2006 S First Read (S92)

01/19/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S108)

EFFECTIVE: August 28, 2006

*** SB 879 ***

4564S.011

SENATE SPONSOR: Bray

SB 879 - This act prohibits the State Highways and Transportation Commission and Transportation Department from closing a twelve-mile portion of U.S. Highway 40 in order to expedite reconstruction.

STEPHEN WITTE

01/17/2006 S First Read (S92)

01/19/2006 Second Read and Referred S Transportation Committee (S108)

EFFECTIVE: August 28, 2006

*** SB 880 ***

4362S.011

SENATE SPONSOR: Bray

SB 880 - Currently, Section 386.266, RSMo, provides certain utilities the opportunity to apply for alternate rate schedules under a variety of circumstances. This act removes two of these options. It removes the option for gas utilities to apply for alternate rate plans due to a variation in weather and/or conservation as well as the option for electric, gas or water utilities to apply for alternate rate plans due to costs related to environmental regulations.

MEGAN WORD

01/17/2006 S First Read (S92)

01/19/2006 Second Read and Referred S Commerce, Energy and the Environment Committee (S108)

EFFECTIVE: August 28, 2006

*** SB 881 ***

4385S.021

SENATE SPONSOR: Engler

SB 881 - This act authorizes the Governor to convey state property to St. Francois County.

SUSAN HENDERSON MOORE

01/17/2006 S First Read (S92)

01/19/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S108)

02/01/2006 Hearing Scheduled S Economic Development, Tourism & Local Government Committee - Consent

EFFECTIVE: August 28, 2006

*** SB 882 ***

4352S.011

SENATE SPONSOR: Engler

SB 882 - This act directs that any person who uses explosives shall first obtain a license except those who are exempted within the act. The Missouri Division of Fire Safety shall be responsible for issuing the licenses and all information required on the application is laid out in the act. There will be a fee submitted with the application, the amount of which shall be established by the division through rules promulgated to that effect, however such fee shall not exceed one hundred dollars.

The act lays out qualifications for any applicant.

Upon satisfying the requirements, the division shall issue a license, and any change of material fact relating to these requirements must be provided to the division by the individual holding the license.

The act states that such license shall expire three years from the date of issuance; any attempt to renew such a license shall require documentation that an additional eight hours of explosive-related training has been completed by the individual, of which half has been completed within the year prior to the renewal request. Any training above and beyond the eight hours required for renewal shall not carry over for more than one subsequent renewal of the license.

The act lays out the documentation provided when a license is issued, and directs any individual who holds such a license to provide the division with such documentation.

Circumstances under which a license can be suspended or revoked are laid out in the act. In such a case, the division shall provide written notice to the individual in question and that individual must then surrender all copies of the license to the division as well as ceasing all blasting activity. The decision to suspend or revoke a license may be appealed by the individual to the state blasting safety board, as it established in the act. Any decision by the board shall be made within thirty days of the date the appeal is received by the board.

The act directs any person whose license has been expired for a period of three years or less to complete the examination and attend eight hours of training. Those licenses that have been expired for more than three years require satisfying the qualifications for initial licensure, including completing twenty hours of training and passing the examination.

License reciprocity is available to anyone holding a valid license or certification from another source within the last three years provided all requirements meet or exceed the provisions laid out in this act. The burden of proof lays with the division with regard to investigating the requirements of other licenses or certifications as they relate to this particular license.

The act details the courses of instruction offered by the division and the process for a course of instruction to approved by the division.

The division is to approve a standard examination for license qualification, and a fee not to exceed fifty dollars shall accompany the exam. Anyone failing the test can retake it, provided that an additional course of instruction may be required.

Any person guilty of loading or firing explosives without a valid license to do so or being under the direct supervision of an individual who has a valid license to do so, shall be guilty of a Class B misdemeanor for the first offense, a Class A misdemeanor for the second offense. Anyone found convicted of a Class A misdemeanor for this violation shall permanently prohibited from obtaining a blaster's license in this state.

The act lays out those individuals who are exempt from the requirements provided for in the act.

The Division of Fire Safety shall promulgate rules no later than July 1, 2007 governing the provisions of the act. Any individual loading or firing explosives after the effective date of these rules shall obtain a license within one hundred eighty days after the effective date of the of the promulgated rules.

The act lays out prescriptive requirements for blasting activity in the state, including details with regard to seismograph recordings.

The act directs each person using explosives in the state to register with the state fire marshal within sixty days of the effective date of the legislation. Any person not required to register on the effective date and who subsequently uses explosives, shall register with the state fire marshal within thirty days after using the explosives. A registration fee of one hundred dollars shall accompany the registration, and an annual report to the state fire marshal shall be forthcoming from the individual stating any change or addition to the information laid out in the original report. Information required for the report is laid out in the act. A fee per ton shall be submitted annually with the report, the minimum being set at five hundred dollars. In addition to the minimum fee, any person using explosives during any year shall pay a fee of one dollar and fifty cents on each ton of explosives used.

The act describes penalties for various violations of the provisions in the act.

The act creates a state blasting safety board. Membership, terms in office, meeting times and responsibilities of the board are all laid out in the act.

Duties for the Division of Fire Safety are laid out in the act with regard to the training, testing, and licensing discussed in the act.

The "Missouri Explosives Safety Act Administration Fund" is created in the act. The State Fire Marshal shall submit a report to the state blasting safety board annually detailing the revenue in the fund generated by fees, and how that revenue was spent.

Notice of violations and how they shall be prescribed are detailed in the act. Any person receiving such a notice has the opportunity to request a hearing before the state blasting safety board. Decisions by the board are appealable to the Administrative Hearing Commission.

The act requires any person using explosives in the state to notify the Division of Fire Safety in writing or by telephone at least two business days in advance of first using the explosives at a site where blasting has not previously occurred.

The act directs any person using explosives to notify, at least two business days in advance, the responsible municipality whose jurisdiction the blasting is taking place in. The municipality's powers with regard to information are laid out in the act. Any person using explosives within a municipality shall notify the owner or occupant of any residence or business located within a scaled distance of fifty five from the blasting

site; the names of those residences or businesses shall be provided by the municipality.

The act preempts any local governments who wish to implement new regulations governing blasting activities and those that have existing regulations for blasting.

MEGAN WORD

01/17/2006 S First Read (S92)

01/19/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S108)

EFFECTIVE: August 28, 2006

*** SB 883 ***

4350S.011

SENATE SPONSOR: Engler

SB 883 - This act revises the fee schedules for health services corporations, health maintenance organizations and insurance companies. The act revises the filing fees for certain documents paid by those types of organizations.

The act also provides that the assessments made against insurance companies for examination purposes shall include:

(1) The costs of compensation, including benefits, for the examiners, analysts, actuaries, and attorneys contributing to the examination of the company;

(2) Reasonable travel, lodging and meal expenses related to an on-site examination; and

(3) Other expenses related to the examination.

The act requires the director to pay such expenses from the insurance examiners fund.

STEPHEN WITTE

01/17/2006 S First Read (S92)

01/19/2006 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S108)

EFFECTIVE: August 28, 2006

*** SB 884 ***

4535S.011

SENATE SPONSOR: Callahan

SB 884 - This act prohibits the inclusion of sales tax revenues, derived from a tax imposed by Jackson County for the purpose of sports stadium improvements, from economic activity tax revenue for tax increment financing projects.

JASON ZAMKUS

01/17/2006 S First Read (S92)

01/19/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S108)

EFFECTIVE: August 28, 2006

*** SB 885 ***

3283S.031

SENATE SPONSOR: Cauthorn

SB 885 - This act modifies laws relating to bail bond agents.

SECTION 374.707 - Under this act, the Department of Insurance is required to notify general bail bond agents who are listed as having a forfeited bond. Such attempt to notify general bail bond agents by the department must be made by fax or e-mail within 48 hours of the forfeiture being listed with the department.

SECTION 374.710 - The Department shall include the photograph provided by the person during the application process on agent license.

This section requires a person to provide the name, address, and telephone number of each employer for which he or she works upon receiving a bail bond agent or general bail bond agent license. The information must be updated with new employers before the person writes bond for them.

SECTION 374.715 - This section requires an applicant to provide a photo identification, a standardized fingerprint card with the person's fingerprints processed by a law enforcement agency, and the results of a criminal history background check processed by the Highway Patrol.

Any applicant who provides false information shall be guilty of a Class A misdemeanor.

SECTION 374.755 - In addition to the current reasons for which the Department may file a complaint with the Administrative Hearing Commission against the holder of a license, it may also do so for: 1) the final adjudication or plea of guilty to a dangerous felony regardless of when it occurred; or 2) having filed bankruptcy within the past seven years as an owner or officer of a company that was created for the purpose of engaging in the bail bond business.

Any bail bond agent or general bail bond agent who has his or her license revoked by the Director of the Department must return such license to the Department. Failing to do so when required is a Class A misdemeanor.

To the extent that Rule 33.17 of the Missouri Rules of Civil Procedure contradicts any provision of this section, the provisions of this section shall prevail.

SECTION 374.759 - If the court orders any bond for a defendant, the bail bond agent may issue said amount for the bond with his or her surety. Such surety shall be accepted in the same manner as cash for a cash bond if the amount exceeds \$1,000.

SECTION 374.761 - A bail bond agent shall be qualified to write bail in a circuit court if the general bail bond who employs the agent is licensed and qualified to write bail in the court and the bail bond agent is also licensed and is in good standing with the Department of Insurance.

Any general bail bond agent, or any bail bond agent employed by such person, who is licensed shall qualify to write bail in any circuit court. To the extent that Rule 33.18 (e) of the Missouri Rules of Civil Procedure contradicts any provision of this section, the provisions of this section shall prevail.

SECTION 374.773 - This section requires any licensed bail bond or general bail bond agent who is arrested for a felony to notify the Department of Insurance within 10 days of his or her arrest.

SECTION 544.640 - The court may forfeit a bond or order an execution hearing between 60 and 180 days after a person fails to appear for trial, judgment, or on another occasion when his or her presence is needed. Notice of the execution hearing shall be served within 10 days of such failure to appear. If the bail bond agent provides proof that the defendant is incarcerated or that it is physically impossible for the defendant, bail bond agent, or surety to satisfy conditions of the bond, the bail bond agent shall be released from liability and all money and property deposited with the court shall be returned within 10 days. The court must agree that there are physically impossible conditions so that the defendant cannot appear under such circumstances.

On application of the surety filed within 180 days of the payment of final judgment, the court shall order remission of 100% of the bond amount to the surety if: 1) the surety surrenders the principal to an authorized officer, 2) such surrender has been denied by an authorized officer, or 3) the surety locates the defendant in custody in another jurisdiction. If it is proven to the court that such surrender has been made, denied, or that the defendant is in custody in another jurisdiction, the court shall direct that the judgment be marked satisfied and that the writ of execution be canceled.

Under this act, a defendant shall be surrendered without the return of the premium for the bond if the indemnitor attests in writing the desire to be released or if the agent discovers the defendant is guilty of certain activities, including but not limited to, failing to appear, changing addresses without notification, or leaving the jurisdiction. Upon forfeiture of the bond, the court may order that the defendant's driver's license be suspended until the defendant has satisfied the forfeiture.

SUSAN HENDERSON MOORE

01/17/2006 S First Read (S92)

01/19/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S108)

EFFECTIVE: August 28, 2006

*** SB 886 ***

4472S.021

SENATE SPONSOR: Goodman

SB 886 - This act modifies provisions relating to alimony and maintenance payments. This act provides that the a former spouse shall be relieved from further payment of alimony and maintenance upon a finding that a former spouse is cohabitating or has cohabitated with another person in a relationship of a romantic nature. This act provides that the romantic nature of any cohabitation is evidenced by the voluntary mutual assumption of those marital rights, duties, and obligations which are usually ascribed to the institution of marriage. Continued and habitual cohabitation occurs when the former spouse receiving alimony or maintenance resides with another person in a romantic relationship for a period of ninety or more consecutive days. Also, the court may determine that a continued cohabitation exists if there is evidence that the supported spouse resides with another person in a romantic relationship for periods of less than ninety days and the two periodically separate in order to circumvent the ninety-day requirement.

ADRIANE CROUSE

01/17/2006 S First Read (S92)

01/19/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S108)

EFFECTIVE: August 28, 2006

*** SB 887 ***

3945S.011

SENATE SPONSOR: Green

SB 887 - This act removes limitations on the amount of contributions made by or accepted from any person other than candidate committees, exploratory committees, campaign committees, and continuing committees other than those continuing committees which are political party committees.

CHRIS HOGERTY

01/17/2006 S First Read (S92)

01/19/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S108)

EFFECTIVE: August 28, 2006

*** SB 888 ***

3296S.041

SENATE SPONSOR: Koster

SB 888 - The act makes numerous changes to and reorganizes the Missouri Title Insurance Act. The Missouri Title Insurance Act was substantially modified in 2000 by SB 894 but was later declared unconstitutional by the Missouri Supreme Court due to Hammerschmidt problems. This act is substantially similar to the provisions contained in SB 894 (2000) (the unconstitutional bill) and SB 1288 (2004).

LICENSING EXEMPTIONS - This act exempts certain employees of a title agency or title insurer from possessing a title insurance license. An employee will not be required to hold a license if:

- (1) He or she is an escrow processor whose primary responsibility is to obtain and prepare figures for closing real estate transactions.
- (2) The employee's primary duties are limited to clerical functions.
- (3) The employee's primary duties are limited to providing technical support or advice regarding business systems, software or other business equipment.

In order to qualify for the license exemptions, the employee cannot quote or negotiate title insurance rates or determine title insurance policy coverages (Section 381.008).

DEFINITIONS - This act sets forth the definitions to be used in Chapter 381 (Section 381.009).

LENDER POLICY NOTIFICATION - Under this act, a lender's title insurance policy issued in conjunction with a mortgage loan shall give notice to the purchaser that the lender's policy protects the lender and does not protect the purchaser and that the purchaser could be protected through the purchase of an owner's policy of title insurance (Section 381.015).

DUTIES OF INSURERS UTILIZING SERVICES OF TITLE AGENCIES - A title insurer shall not allow agents

to sell title insurance policies or issue commitments unless there is a written contract between the agent and the insurer. Each title insurer shall maintain a statement of an unaffiliated agent's financial condition of the previous calendar year on file. The title insurer must conduct a review of the agent's underwriting, claims and escrow practices. If an agent does not maintain a separate bank or trust account for each insurer that it represents, the title insurer shall verify that the funds held on its behalf are reasonably ascertainable from the books of account and records of the title agency or agent. A title insurer must conduct reviews of its agencies and agents at least every three years. If a title insurer terminates a contract with an unaffiliated title agency or agent, it must provide notice of the termination to the Director of the Department of Insurance within 30 days. The title insurer must maintain records that its title insurance agents are licensed in the state of Missouri (Section 381.018).

CONDITIONS FOR MAINTAINING ESCROW AND SECURITY DEPOSIT ACCOUNTS - In order for a title insurer or title agent to operate as an escrow, security, settlement, or closing agent, it must deposit such related funds into a separate fiduciary trust account no later than the next business day after receipt of the funds. The funds deposited in the accounts shall be the property of the persons as set forth under the escrow, settlement, security deposit or closing agreement. Funds held in a separate account shall be disbursed only pursuant to a written agreement. Interest received on escrow, settlement, security deposit, or closing funds may be retained by the title insurer or agent as compensation for the administration of the account unless the instructions for funds or governing statute provides otherwise. The act requires title agencies and agents to cooperate with underwriter reviews of such accounts. The act allows the director of insurance to promulgate rules with respect to how account reviews should be conducted and reported (Section 381.022).

PROHIBITION ON REFERRING TITLE INSURANCE BUSINESS - A title insurer or agent shall not receive any consideration for the referral of title insurance business. Any title insurer or title agent doing business in the same county as title insurer, agency or agent who is referring business for consideration shall have standing to seek injunctive relief against such insurer, agency or agent if the department fails to enforce this section within 45 days (Section 381.025).

FAVORED TITLE AGENCY OR TITLE INSURER - No title insurer or agent shall participate in any transaction in which it knows the other party requires that a party obtain a title insurance policy from a particular insurer or agent (Section 381.028).

PREMIUM RATE FINDINGS AND STANDARDS - Under this act, no title insurer may charge rates except in accordance with the premium rate schedule and manual filed with the Director of Insurance. The Director may establish rules for the reporting of revenue and loss experience in order to establish rates and fees. The Director may have an audit conducted, at the expense of the title insurer, to verify the information. Information relating to the experience of a particular title agent shall be kept confidential unless the Director finds it in the public interest to disclose the information (Section 381.032).

FALSE OR MISLEADING INFORMATION - No title insurer or agent shall knowingly withhold information from, or give false information to the Director regarding information which will affect the rates established by this act (Section 381.035).

DEADLINES FOR ISSUING TITLE INSURANCE POLICIES - After January 1, 2008, title insurers, agencies and agents must issue title insurance policies within 120 days of the date that all commitment requirements have been met or within 120 days of closing if such insurer, agency or agent performs the closing. After January 1, 2009, such policies must be issued within 90 days of the respective dates. After January 1, 2010, such policies must be issued within 60 days of the respective dates (Section 381.037).

RECORD RETENTION REQUIREMENTS - Evidence of the examination of title and the determination of insurability shall be preserved for a minimum of 15 years after the title insurance policy has been issued. Records relating to escrow and security deposits shall be preserved for a minimum of five years after the account has been closed (Section 381.038).

PENALTIES AND LIABILITIES - If the Director of Insurance determines that a title insurer or other person has violated this act, the Director may assess a monetary penalty (up to \$1,000 per violation for a Class A violation) and/or revoke or suspend the title insurer's license (Section 381.045).

VIOLATIONS OF RESPA - Under this act, the Director of Insurance or the Attorney General may bring an action to enjoin violations of the Real Estate Settlement Procedures Act (Section 381.048).

CORPORATE FORM REQUIRED - No person other than a domestic, foreign or non-U.S. title insurer licensed by the Director of Insurance shall transact title insurance business in Missouri (Section 381.052).

AUTHORIZED ACTIVITIES OF TITLE INSURERS - Title insurers shall only have the power to transact title insurance business, reinsure title insurance policies, and perform ancillary activities related to the issuance of a title insurance policy (Section 381.055).

LIMITATIONS ON POWERS - No insurer that transacts other types of businesses other title insurance shall be eligible for the issuance or renewal of a title insurance license. Title insurance shall not be transacted, underwritten, or issued by any insurer transacting other types of insurance business. A title insurer shall not engage in the business of guaranteeing payment of principal or the interest of bonds or mortgages. Under the terms of the act, a title insurer shall issue closing or settlement protection to a proposed insured. The closing protection coverage may indemnify a proposed insured against the loss of settlement funds due to the title insurer's agent theft of funds and the agent's failure to comply with written closing instructions (Section 381.058).

MINIMUM CAPITAL AND SURPLUS REQUIREMENTS - A title insurer must establish and maintain a minimum paid-in capital of not less than \$400,000 and a paid-in initial surplus of at least \$400,000 before becoming licensed in Missouri (Section 381.062).

RETAINED LIABILITY/REINSURANCE - The title insurer's net retained liability for a single risk shall not exceed the aggregate of 50% of the surplus as it regards policyholders plus the statutory premium reserve less the company's investment in title plants. A single risk is the insured amount of any title insurance policy. Where there are two or more policies which are issued simultaneously covering different estates in the same real property, a single risk shall be the sum of the insured amounts of all the policies. A title insurer may obtain reinsurance for all or any part of its liability provided the reinsurance company is licensed and has a combined capital and surplus of at least \$800,000 (Section 381.065).

INVESTMENT RESTRICTIONS - In determining the financial condition of a title insurer, the general provisions of Sections 376.300 to 376.305 shall apply except than an investment in title plants equal to an amount to the actual cost shall be allowed as an admitted asset for title insurers (Section 301.068).

FINANCIAL CONDITION OF TITLE INSURANCE COMPANIES/RESERVE REQUIREMENTS - This act provides that the general provisions of the insurance code requiring the establishment of reserves sufficient to cover all known and unknown liabilities shall apply when determining the financial condition of a title insurer. The act also outlines other reserve requirements that are uniquely applicable to title insurance companies. The act requires the establishment of a known claim reserve, an unearned premium reserve and a supplemental reserve (Section 381.072).

LIQUIDATION AND INSOLVENCY OF TITLE INSURERS - The Missouri Insurers, Supervision, Rehabilitation and Liquidation Act shall apply to all title insurers. Security and escrow funds held by title insurers shall not become general assets and shall be administered as secure claims. Title insurance policies shall not be canceled during a period of liquidation unless good cause is shown to the court. Premiums paid, due or to become due under a title insurance policy at the date of order of insolvency shall be fully earned and it is the duty of title insurer or its agents to pay the premiums to the liquidator or rehabilitator (Section 381.075).

DISTRIBUTION OF DIVIDENDS - A title insurer shall only declare or distribute dividends to its shareholders with the written approval of the Director of Insurance (Section 381.078).

FORM FILING - Title insurers shall not issue title insurance forms unless the forms are first filed with the director and either approved by the director or 30 days have elapsed and have not been disapproved by the director as misleading or violating public policy. The director may withdraw approval of a form after giving notice and opportunity to be heard to the insurer (Section 381.085).

FILING BY RATING ORGANIZATIONS - A title insurer may satisfy its obligation to file premium rates, rating manuals, and forms by becoming a member of a rate service organization. That organization may make the title insurer's required filings (Section 381.088).

APPROVAL OF RATES BY DIRECTOR - Title insurers shall propose premium rates that are not excessive

nor inadequate for the safety and soundness of the title insurer. If the Director finds that the premium rates filed by the title insurer are not unreasonably high or unfairly discriminatory, the Director shall approve the rates. Before issuing an order of disapproval of a proposed rate, the director shall hold a hearing to review the premium rates filed by the title insurer. The act also allows persons or organizations aggrieved by a filing to request a hearing with the director (Sections 381.092 and 381.095).

TITLE INSURANCE RATING ORGANIZATIONS - A corporation, an unincorporated association, partnership, or an individual may apply to the Director for a license as a rating organization for title insurance companies. The Director shall issue the applicant a license authorizing it to act as a rating organization if the director finds that the applicant is qualified. The licenses to act as a rating organization shall be valid for three years. The fee for such a license shall be \$1,500 (Section 381.098). Every subscriber to a title insurance rating organization shall adhere to the filings made on its behalf by such organization (Section 381.102). Any subscriber to a title insurance rating organization may appeal to the Director from decisions of the rating organization (Section 381.105).

EXPERIENCE REPORTING - The act requires the director to promulgate rules and statistical plans to be used by title insurers in the recording and reporting of the composition of its business, its loss, and countrywide experience. No title insurer shall be required to report its expense and loss experience on a classification basis that is inconsistent with the rating system field by it. The director may designate rating organizations to assist the director in gathering and compiling the experience data (Section 381.108).

PREMIUM TAX - This act provides that the premium income received by a title insurer shall mean the amount of premium actually remitted to the insurer and shall not include any amount of the premium retained by the title agent (Section 381.112).

TITLE INSURANCE AGENTS - Title insurance agents must be licensed. Employees of the title insurance agent shall either be licensed themselves or be named on the title insurance agent's license if they engage in the functions of a title insurance agent. Title insurance agencies must eliminate the word insurer or underwriter from their business name unless the word "agency" is part of the name. If the title insurance agent delegates a title search to a third party, the agent must obtain proof that the third party is qualified by the rules and regulations established by the Director of Insurance (Section 381.115).

CONTINUING EDUCATION OF TITLE AGENTS - Under this act, title insurance agents are required to take eight hours of continuing courses of education related to title insurance every two years. All qualifying education courses must be approved by the director. For good cause, an agent may be granted an extended period of time to complete the educational requirements. Those title agents who reside in a state with mandatory continuing education requirements do not have to comply with this portion of the act.

AUDITING - This act allows the director to examine and audit all books and records maintained by a title agency (Section 381.122).

DISCLOSURE OF AFFILIATED BUSINESS - This act requires title agents and title agencies to disclose certain affiliated business arrangements. Affiliated business arrangements are not prohibited so long as the title agent making a referral discloses the arrangement, the person being referred is not required to use a specified agent or insurer, and the only thing received in value by the agent is a return on an ownership interest (Section 381.125).

GOOD FUNDS - This act modifies the good fund provisions of the title insurance code (Sections 381.410 and 381.412). Under this act, no title insurer or agent shall close a transaction or make any payment from an escrow account unless a corresponding deposit of funds was made to the escrow account for the benefit of the payee or payees and those funds are finally settled and credited to the escrow account.

This act becomes effective January 1, 2007.

STEPHEN WITTE

01/17/2006 S First Read (S92-93)

01/19/2006 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S108)

EFFECTIVE: January 1, 2007

SB 889 - Under this act, volunteer licensed health care providers from adjoining states may be deployed to provide health care necessitated by an emergency. Deployed volunteers will not be liable for civil damages for acts or omissions other than damages occasioned by willful or wanton acts or omissions.

CHRIS HOGERTY

01/17/2006 S First Read (S93)

01/19/2006 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S108)

02/01/2006 Hearing Scheduled S Aging, Families, Mental & Public Health Committee

EFFECTIVE: August 28, 2006

*** SB 890 ***

4588S.011

SENATE SPONSOR: Bartle

SB 890 - This act requires any sexual offender to be electronically monitored for a period of ten years if he or she is found guilty or pleads guilty to the crime of failing to register for a third time. Any fourth or subsequent violation will result in an additional ten-year period of electronic monitoring.

SUSAN HENDERSON MOORE

01/18/2006 S First Read (S97)

01/19/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S108)

01/23/2006 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2006

*** SB 891 ***

4585S.011

SENATE SPONSOR: Scott

SB 891 - This act eliminates the position of Transportation Inspector General from the Joint Committee on Transportation Oversight.

STEPHEN WITTE

01/18/2006 S First Read (S97)

01/23/2006 Second Read and Referred S Transportation Committee (S115)

01/31/2006 Hearing Scheduled S Transportation Committee

EFFECTIVE: August 28, 2006

*** SB 892 ***

4317S.011

SENATE SPONSOR: Scott

SB 892 - This act allows a financial institution to charge for reversing an electronic funds transfer. This act also provides that a debtor is not entitled to receive notice of the right to cure, in the case of a second mortgage loan, after the third default before the lender can enforce the security interest. Upon the third default, the debtor may no longer cure.

This act also adds late charges and expenses of foreclosures incurred by the lender to the definition of "current obligation of the debtor", which must be paid to cure a default on a second mortgage loan.

CHRIS HOGERTY

01/18/2006 S First Read (S97)

01/23/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S115)

01/30/2006 Hearing Scheduled S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2006

*** SB 893 ***

4479S.011

SENATE SPONSOR: Scott

SB 893 - This act prohibits any ambulance or fire protection district from reducing the rate of such district's sale tax, rather than the collector.

SUSAN HENDERSON MOORE

01/18/2006 S First Read (S97-98)

01/23/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S115)

EFFECTIVE: August 28, 2006

*** SB 894 ***

3097S.021

SENATE SPONSOR: Nodler

SB 894 - This act requires any school district that levies an operating levy for school purposes that is less than the median operating levy for school purposes for the current school year of every performance district to provide written notice to the Department of Elementary & Secondary Education asserting whether or not such district is providing an adequate education to the students of the district. If a district asserts that it is not providing an adequate education, such inadequacy shall be deemed to be a result of insufficient local effort.
DONALD THALHUBER

01/18/2006 S First Read (S98)

01/23/2006 Second Read and Referred S Education Committee (S115)

EFFECTIVE: August 28, 2006

*** SB 895 ***

4180S.021

SENATE SPONSOR: Engler

SB 895 - This act substantially revises the law with respect to how the Department of Insurance enforces various violations of the state insurance code. The act attempts to synchronize the administrative remedies and penalties throughout the various insurance code chapters.

ADMINISTRATIVE ORDERS AND REMEDIES OF THE DEPARTMENT OF INSURANCE - If the director of the Department of Insurance determines that a person has violated or is attempting to violate a provision of the insurance code, the director may issue:

- (1) An order directing the person to cease and desist from engaging in the act, practice, omission or course of business;
- (2) A curative order or order directing the person to take other action necessary or appropriate to comply with the insurance laws of this state;
- (3) Order a civil penalty or forfeiture; and
- (4) Award reasonable costs of the investigation.

The act provides that the director shall provide the alleged violator notice of the director's intent to issue an order unless summary action is needed to protect consumers. The act provides for administrative hearings so that alleged violators can contest the issuance of the administrative orders. The act requires the director to issue findings of fact and conclusions of law before an order becomes final. Under the act, he director is authorized to issue subpoenas, compel attendance of witnesses, administer oaths, hear testimony of witnesses, receive evidence, and require the production of books, papers, records, correspondence and all other written instruments or documents relevant to the proceeding and authorized in contested cases under the provisions of chapter 536, RSMo. The act modifies the penalty for violating a cease and desist order issued by the Department of Insurance.

Currently, the law provides that a person who violates a cease and desist order may be punished by a maximum \$1,000 fine and up to one year in jail. The act provides for a fine up to \$100,000 and a term of imprisonment of 10 years (section 374.046).

REVOCAION OF CERTIFICATE OF AUTHORITY - The act allows the director to revoke a corporation's or insurer's certificate of authority for violating a provision of the insurance code or for felony or misdemeanor convictions. The director must provide the corporation or insurer with 30 days notice before revoking the certificate of authority and must provide such entity with a hearing if so requested (Section 374.047).

PETITION OF CIRCUIT COURT - The act allows the director to seek redress in county circuit courts and the court may issue injunctions, freeze assets or take other remedial measures outlined in the act. The act creates the consumer restitution fund for the purpose of preserving and distributing to aggrieved consumers, disgorgement or restitution funds obtained through enforcement proceedings brought by the director (Section 374.048).

CLASSIFICATION OF ADMINISTRATIVE PENALTIES – The act classifies various violations of the insurance code into five categories. The act establishes maximum fines for each category or level violation. All fines shall go to public schools as required by the Missouri Constitution (Section 374.049).

ADMINISTRATIVE HEARING COMMISSION HEARINGS - Under the act, any applicant refused a license by order of the director may file a petition with the administrative hearing commission alleging that the director has refused the license. The administrative hearing commission shall conduct hearings and make findings of fact and conclusions of law. The director shall have the burden of proving cause for refusal. The act provides for hearings by the administrative hearing commission for certain revocations and suspensions of licenses (Section 374.051).

ADMINISTRATIVE HEARINGS BEFORE THE DIRECTOR - The act provides for administrative hearings before the director for persons aggrieved by any order of the director (Section 374.055).

SHARING OF INFORMATION WITH OTHER REGULATORY BODIES - Under this act, the director is authorized to share information with and consult with members of the National Association of Insurance Commissioners, the Commissioner of Securities, State Securities Regulators, the Commissioner of Finance, the Attorney General, federal banking and securities regulators, the NASD, the United States Department of Justice, the Commodity Futures Trading Commission, and the Federal Trade Commission to effectuate greater uniformity in insurance and financial services regulation among state and federal governments, and self-regulatory organizations. The cooperation, coordination, consultation, and sharing of records and information authorized by this act includes:

- (1) Establishing or employing one or more designees as a central electronic depository for licensing and rate and form filings with the director and for records required or allowed to be maintained;
- (2) Encouraging insurance companies and producers to implement electronic filing through a central electronic depository;
- (3) Developing and maintaining uniform forms;
- (4) Conducting joint market conduct examinations and other investigations through collaboration and cooperation with other insurance regulators;
- (5) Holding joint administrative hearings;
- (6) Instituting and prosecuting joint civil or administrative enforcement proceedings; and
- (7) Sharing and exchanging personnel (section 374.185).

STEPHEN WITTE

01/18/2006 S First Read (S98)

01/23/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S115)

EFFECTIVE: August 28, 2006

*** SB 896 ***

4081S.021

SENATE SPONSOR: Griesheimer

SB 896 - This act modifies Missouri's graduated driver's license law.

HOURS OF BEHIND-THE-WHEEL INSTRUCTION - This act increases the number of hours of behind-the-wheel driving instruction that one must complete in order to obtain a temporary instruction permit. The current law requires 20 hours of instruction while the act proposes 40 hours of instruction, including a minimum of 10 hours of nighttime instruction. This requirement is effective January 1, 2007.

PASSENGER RESTRICTIONS - The act places passenger restrictions on individuals who possess an intermediate driver's license. For the first six months after issuance of the intermediate driver's license, the holder of the license shall not operate a motor vehicle with more than one passenger who is under the age of 19 who is not a member of the holder's immediate family. After the expiration of the first 6 months, the holder of an intermediate driver's license shall not operate a motor vehicle with more than three passengers who are under 19 years of age and who are not members of the holder's immediate family.

The act provides that any person who violates the provisions of the intermediate driver's license law or the temporary permit law shall be guilty of an infraction and no points shall be assessed to their driving record for any such violation.

STEPHEN WITTE

01/18/2006 S First Read (S98)

01/23/2006 Second Read and Referred S Transportation Committee (S115)

EFFECTIVE: January 1, 2007

*** SB 897 ***

4384S.011

SENATE SPONSOR: Kennedy

SB 897 - This act creates the "Medical Imaging and Radiation Therapy Quality Assurance Act". Any person administering medical imaging and radiation therapy procedures is required to be licensed by the newly created Medical Imaging and Radiation Therapy Board of Examiners. Such Board shall be located with the division of professional registration. The act exempts certain health care professionals, such as physicians, dentists, chiropractors, podiatrists, registered nurses and certain qualified persons currently practicing medical imaging and radiation therapy from the licensure requirements.

Certain education and experience requirements are enacted for applicants to be licensed as radiographers, radiation therapists, nuclear medicine technologists and dental radiographers. The act contains a grandfather provision that authorizes persons who have been practicing in three of the past five years to waive the required examination if such person demonstrates competency to the board and either passes a board-approved examination covering fundamental principles of radiographic imaging and safety or undergoes a review of medical facility training. If such persons cannot pass the board-approved examination within three attempts, then the person must submit to an on-site competency evaluation conducted by the board.

Medical facilities, dental facilities, educational institutions and other public and private institutions wishing to offer programs in medical imaging and radiation therapy must meet certain requirements of the Board. The Board is granted additional powers to adopt rules, give examinations, issue temporary licenses, require continuing education as part of the renewal of a license renewal, and to discipline licensees. The act both requires the board in some instances and gives the board discretion in other instances to waive the examination, depending on the certification an applicant may possess.

The Board shall investigate complaints, file charges, hold hearings, render judgements and hear appeals when warranted to seek discipline of a licensee. Further, the Board is granted subpoena power for the appearance of witnesses.

The act creates the "Medical Imaging and Radiation Therapy Board of Examiners Fund" which shall receive all fees collected by the board. The act provides that none of the licensing requirements will take effect until such time as the board receives a specific appropriation and initial rules have been promulgated.

Any violation of this act shall be a Class A misdemeanor.

This act is similar to SB 1236 (2004), and identical to SCS/SB 64 (2005).

CHRIS HOGERTY

01/18/2006 S First Read (S98)

01/23/2006 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S115)

EFFECTIVE: August 28, 2006

*** SB 898 ***

4511L.011

SENATE SPONSOR: Koster

SB 898 - This act modifies provisions regarding members of the military and their families. Current law authorizes Johnson County to plan and zone an area surrounding a military base located in the county, provided that the county has a zoning commission and a board of adjustment. This act removes the requirement that the county must have such a commission and board. Johnson County is authorized to adopt and enforce airport hazard area zoning regulations that are substantially similar to current airport zoning and regulation laws, with certain variances from the current laws.

The act adds the chairman of the Missouri veteran's commission as an ex officio member of the Missouri Military Preparedness and Enhancement Commission. The chair of the Missouri Military Preparedness and Enhancement Commission is added as an ex officio member of the Missouri veteran's commission.

The child of a military member who has successfully completed an accredited pre-kindergarten or kindergarten program in another state shall be eligible for admission into kindergarten in this state. The state board of education is required to promulgate a rule to permit the issuance of a provisional certificate of license permitting the holder to assume classroom duties pending the completion of the required background check when the applicant is the spouse of a military member stationed in Missouri who has relocated in the past year, provided the applicant otherwise qualifies and the other state required a background check for the issuance of a teaching certificate.

This act is identical to HB 1398 (2006).

JIM ERTLE

01/18/2006 S First Read (S98)

01/23/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S115)

EFFECTIVE: August 28, 2006

*** SB 899 ***

4573S.011

SENATE SPONSOR: Dougherty

SB 899 - This act adds telephone and cellular phone call logs to the forms of identification that can be used to commit identity theft.

This act also makes it unlawful for any person without legal authorization to purchase, sell, or otherwise obtain the telephone or cellular phone call logs of another individual without consent. A violation of this provision is a Class B misdemeanor.

SUSAN HENDERSON MOORE

01/18/2006 S First Read (S98)

01/23/2006 Second Read and Referred S Commerce, Energy and the Environment Committee (S115)

EFFECTIVE: August 28, 2006

*** SB 900 ***

4461S.011

SENATE SPONSOR: Shields

SB 900 - This act modifies the Missouri Commission for the Deaf and Hard of Hearing Fund by removing language that provides for moneys in the fund to revert to the credit of the general revenue fund.

ADRIANE CROUSE

01/18/2006 S First Read (S98)

01/23/2006 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S115)

02/01/2006 Hearing Scheduled S Aging, Families, Mental & Public Health Committee

EFFECTIVE: August 28, 2006

*** SB 901 ***

4451S.021

SENATE SPONSOR: Shields

SB 901 - This act establishes the Joint Committee on Health. The committee will consist of five members of the Senate and five members of the House. All state departments, commissions, and offices responsible for the administration of health care policies, mental health and social services shall cooperate with and assist the committee in the performance of its duties.

The committee's duties include analyzing and developing policy proposals to reach the goal of all citizens of the state having affordable healthcare available to them and to improve the delivery of healthcare services in Missouri. In addition, the committee shall monitor the design and implementation of any initiatives proposed by the Missouri Medicaid Reform Commission.

This act contains an emergency clause.

ADRIANE CROUSE

01/18/2006 S First Read (S98)
01/26/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S137)
01/31/2006 Hearing Scheduled S Pensions, Veterans' Affairs and General Laws Committee

EFFECTIVE: Emergency clause

*** SB 902 ***

4584S.011

SENATE SPONSOR: Callahan

SB 902 - This act relieves any person licensed or required to affix a tax stamp on cigarette packages or any retailer who in good faith sells cigarettes that do not comply with state law, from being subject to any administrative, civil or criminal penalties associated with such act. However it does not relieve a wholesaler or retailer from any penalty imposed by law if the tax stamp has not been lawfully applied.

Declarations of non-compliant cigarettes must be posted on the website of both the Attorney General and the Department of Revenue. The director of the department of revenue must notify all wholesalers in writing via U.S. Mail of the manufacturers and cigarette brands that are no longer lawful to sell in the state. Within five days of such notification, the wholesaler must provide the director with a count of said manufacturers cigarette brands that the wholesaler is holding in inventory for sale in this state.

The cigarette manufacturer shall have the right to remedy any reason the director or attorney general gives for making it unlawful to sell such cigarette brands in this state and in the event said manufacturer provides such remedy, the director and Attorney General shall cease any impending action to make such manufacturers brands unlawful for sale. Any tobacco product manufacturer aggrieved by a declaration of non-compliance has a right to seek relief in a court of competent jurisdiction.

This act is identical to SCS/SB 222 (2005).

JASON ZAMKUS

01/18/2006 S First Read (S99)
01/26/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S137)

EFFECTIVE: August 28, 2006

*** SB 903 ***

4485S.011

SENATE SPONSOR: Griesheimer

SB 903 - This act provides that any officer, employee, appointee, board member, or commissioner of a political subdivision or any agency of the state shall not be individually liable for conduct arising out of and performed in connection with his or her official duties, unless the cause of action arises from conduct that is grossly negligent, willful, wanton, or malicious, and except as otherwise provided in Section 537.600, RSMo, which provides for absolute waiver of immunity in certain instances.

ALEXA PEARSON

01/19/2006 S First Read (S104)
01/26/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S137)

EFFECTIVE: August 28, 2006

*** SB 904 ***

4252S.011

SENATE SPONSOR: Griesheimer

SB 904 - This act allows the Second Capitol Commission to develop written policies that establish guidelines for selection and placement of plaques, monuments, and statues on state grounds.

The Board of Public Buildings shall supervise all public property of the state except for that deeded to the Department of Education, the Conservation Commission, and the Highways and Transportation Commission. The board may also dispose of state property to complete time sensitive transactions when requested by the Commissioner of Administration without approval of the Committee on Legislative Research when the General Assembly is out of session.

Currently, there is a Division of Facilities Management. This act combines that division with the Division

of Design and Construction to form the "Division of Facilities Management, Design, and Construction" in the Office of Administration to be responsible for the design, construction, renovations, and repair of state facilities. Traffic and parking violations are increased under the act.

Previously, all bids over \$25,000 had to be granted to the lowest bidder. This act raises that floor to \$100,000 and amends the notice requirements for the acceptance of bids. The competitive bid requirement may be waived when there is a threat to life, property, public health or safety, or further damage or loss. The director may require pre-qualification of bidders.

This act creates the criteria for deciding on and implementing design-build, construction manager-at-risk, and job order contracting projects including guidelines for requests for proposals, qualifications of contractors, design criteria, and qualifications for technical proposals.

The Governor shall have the power to convey and transfer title of real property of the state other than property owned by the state Highways and Transportation Commission, Conservation Commission, Department of Natural Resources, and the University of Missouri.

Under current law, all public entities, in making contracts for public works over \$25,000, must require all contractors to furnish a bond for payment of materials and insurance. This act raises that floor to \$100,000.

This act repeals provisions allowing the state environmental improvement and energy resources authority and the Board of Public Buildings to authorize the sale of bonds to fund energy efficiency projects.

This act also repeals provisions requiring the Department of Natural Resources to analyze all state buildings for energy efficiency. The director of the Division of Design and Construction must no longer require a design professional to submit analysis meeting the programs space and use requirements when major energy systems are involved.

CHRIS HOGERTY

01/19/2006 S First Read (S104)

01/26/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S137)

EFFECTIVE: August 28, 2006

*** SB 905 ***

4389S.011

SENATE SPONSOR: Engler

SB 905 - This act makes various changes regarding medical malpractice insurance.

FILING OF INFORMATION BY MEDICAL MALPRACTICE INSURANCE COMPANIES - This act modifies the definition of "insurer" to include 383 medical malpractice associations and self-insured health care providers for the purposes of filing medical malpractice claim reports (Section 383.105). The act requires the director of the Department of Insurance to establish by rule reporting standards in which insurers shall report annually insurance premiums, losses, exposure, and other information the director may require. This data will assist the department to monitor marketplace rates, financial solvency, affordability and the availability of medical malpractice insurance. The data collected shall be compiled in such a manner to assist medical malpractice insurers in developing future base rates, schedule rating or individual rating factors. The act requires the director to establish risk-reporting categories for medical malpractice insurance and establish regulations for the reporting of all base rates and premiums charged by such categories. These risk-reporting categories shall be established prior to May 30, 2007. Beginning June 1, 2008, medical malpractice insurers and self-insured health care providers must provide an annual report describing the actual rates or assessments charged for insurance for each of the risk-reporting categories (Section 383.106).

PUBLISHING OF MARKET RATES - The act requires the director to establish and publish market rates using the data collected under the act. The market rate shall reflect the median of the actual rates charged by insurers (those who have at least a 3% market share) for the various risk-reporting categories for the preceding year (Section 383.107).

The act requires the director to establish reporting standards for insurers to report their base rates for the various risk-reporting categories. The director shall create a public database that compares the base rates charged by each insurer (Section 383.108).

PENALTIES FOR NOT FILING OR REPORTING INFORMATION - If an insurer violates any of the provisions relating to reporting medical malpractice information, the director may issue administrative orders and seek other remedies outlined in the act to assure compliance (Section 383.124).

COMPETITIVE BIDDING PROCESS - This act requires the director to determine whether medical malpractice insurance is reasonably available to health care providers, and if not, establish a competitive bidding process under which insurers may submit rates at which they agree to insure health care providers (Section 383.151).

APPROVAL OF MEDICAL MALPRACTICE RATES - This act requires medical malpractice insurers to obtain rate approval from the Director of the Department of Insurance and details the review procedure and factors which the director will consider in approving or rejecting rates. Rates shall not be excessive, inadequate or unfairly discriminatory. The act requires that rates shall be based upon Missouri loss experience and not the insurance company's or the insurance industry's loss experience in other states unless the failure to do so would jeopardize the financial stability of the insurer. When approving rates, the director may consider the investment income or investment losses of the insurer for the ten-year period prior to the rate request. The act allows the insurer may charge an additional premium surcharge or premium discount based on the health care provider's loss experience, training, and other factors. A rate application shall be deemed approved if not rejected within 60 days.

NOTICE FOR REFUSAL TO RENEW POLICIES OR CEASING A LINE OF BUSINESS - This act prohibits medical malpractice insurers from refusing to renew a policy without providing written notice 60 days before such action unless the refusal to renew is based upon failure to pay premiums, suspension of provider's license or other material factors. The act prohibits insurers from ceasing a line of business within the state of Missouri without first providing written notice at least 180 days before ceasing the issuance of such policies (Section 383.450).

STEPHEN WITTE

01/19/2006 S First Read (S104)

01/26/2006 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S137)

EFFECTIVE: August 28, 2006

*** SB 906 ***

3591S.011

SENATE SPONSOR: Engler

SB 906 - This act modifies provisions relating to lead abatement. Currently, the Department of Health and Senior Services requires as a condition of licensure that all lead abatement contractors, including, but not limited to, those engaged in project design, risk assessment or inspection to purchase and maintain liability and errors and omissions insurance. This act would provide that only persons or entities conducting abatement or deleading activities purchase such insurance.

ADRIANE CROUSE

01/19/2006 S First Read (S104)

01/26/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S137)

EFFECTIVE: August 28, 2006

*** SB 907 ***

4386S.011

SENATE SPONSOR: Engler

SB 907 - Under current law, the director of Insurance has the authority to regulate the issuance and sale of variable annuities. This act removes the director's authority to regulate the sale of such contracts and gives that authority to the Secretary of State.

This act is identical to HB 846 (2005).

CHRIS HOGERTY

01/19/2006 S First Read (S104)

01/26/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S137)

EFFECTIVE: August 28, 2006

*** SB 908 ***

4637S.011

SENATE SPONSOR: Stouffer

SB 908 - Under this act, the Highways and Transportation Commission is authorized to receive bids and bid bonds for any contract for construction, maintenance, repair, or improvement of any bridge or highway on the state highway system electronically via the Internet. At its discretion, the commission may elect to receive both electronic and paper bids, or the commission may specify electronic bidding exclusively for any proposed contract. The act establishes minimum criteria for the electronic bidding program.

STEPHEN WITTE

01/19/2006 S First Read (S104)

01/26/2006 Second Read and Referred S Transportation Committee (S137)

EFFECTIVE: August 28, 2006

*** SB 909 ***

4156S.011

SENATE SPONSOR: Stouffer

SB 909 - This act increases the maximum length for driveway saddlemount combinations from 75 feet to 97 feet. Combinations having a length greater than 97 feet may not be operated on the interstate system.

STEPHEN WITTE

01/19/2006 S First Read (S104-105)

01/26/2006 Second Read and Referred S Transportation Committee (S137)

EFFECTIVE: August 28, 2006

*** SB 910 ***

3367S.031

SENATE SPONSOR: Stouffer

SB 910 - This act subjects 383 malpractice associations to stricter insurance regulations.

383 ASSOCIATION PREMIUM TAXES - This act requires 383 malpractice associations to pay a quarterly premium tax of 1% for premiums or assessments in excess of \$1,000,000. Calendar year 2007 shall be the first year that 383 associations will be required to pay the tax (Section 148.376).

PLAN OF OPERATION/FEASIBILITY STUDY - This act requires 383 associations to file a plan of operation or feasibility study with the Department of Insurance. The plan of operation shall detail the coverages, deductibles, coverage limits, rates and rating classification systems for the insurance the association intends to offer. The plan shall also include historical and expected loss experience, pro forma financial statements and projections, actuarial opinions regarding the association's solvency, and underwriting claim procedures (Section 383.015).

ASSOCIATION SURPLUS AND SOLVENCY REQUIREMENTS - This act requires 383 associations to maintain a policyholders' surplus of at least \$100,000 and requires the association to deposit with the director of the department of insurance cash, bonds or treasury notes in the amount of \$100,000 (Section 383.020).

The act removes the prohibition on the Department of Insurance which precluded it from placing limitations on the amount of premium an association can write or on the amount of insurance or liability limit an association can provide. The act authorizes the director to require an association to submit a plan to restore its surplus to at least \$100,000. The plan must be submitted within 45 days. The association shall have two years to restore its surplus to \$100,000 (Section 383.035).

The act requires 383 associations to maintain a specified ratio of premiums written to surplus held. If an association fails to maintain the specified ratio, the director shall order the association to bring its ratio into compliance with the specified standards. If the association fails to comply with the ratio standards for two or more consecutive years, the director may take charge of the association in the same manner as a mutual casualty company (Section 383.036).

STEPHEN WITTE

01/19/2006 S First Read (S105)

01/26/2006 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S137)

EFFECTIVE: August 28, 2006

*** SB 911 ***

4589S.011

SENATE SPONSOR: Goodman

SB 911 - This act repeals the estate tax.

The provisions of this act shall become effective January 1, 2007.

JASON ZAMKUS

01/19/2006 S First Read (S105)

01/26/2006 Second Read and Referred S Ways & Means Committee (S137)

EFFECTIVE: January 1, 2007

*** SB 912 ***

4591S.011

SENATE SPONSOR: Goodman

SB 912 - This act requires the State Board of Education to establish a virtual school by July 1, 2007.

Any student in kindergarten through grade 12 may enroll, regardless of the physical location within the state in which the student resides. State school aid will treat the student as part of the enrollment of the district in which the student physically resides. The virtual school will report aid-related data to the district of residence. The school district will receive 15% and the virtual school will receive 85% of the state aid attributable to the student. A full-time equivalent student is one who completes six credits per regular term, and each virtual course counts as one class.

The virtual school must comply with all laws applicable to school districts including the state accreditation program, adequate yearly progress, annual performance report, teacher certification, and curriculum standards.

This act is identical to HB 1275 (2006).

DONALD THALHUBER

01/19/2006 S First Read (S105)

01/26/2006 Second Read and Referred S Education Committee (S137)

EFFECTIVE: August 28, 2006

*** SB 913 ***

4460S.011

SENATE SPONSOR: Vogel

SB 913 - This act states that the term "gambling" shall not include playing an amusement device that confers only an immediate right of replay or coupon credit that may be redeemed for something of a value less than five dollars. Such credits cannot be redeemed for cash, intoxicating liquor, or tobacco products. The act also states that the term "gambling device" shall not include an amusement device that confers only an immediate right of replay or coupon credit that may be redeemed for something of a value less than five dollars. Such credits cannot be redeemed for cash, intoxicating liquor, or tobacco products.

JASON ZAMKUS

01/19/2006 S First Read (S105)

01/26/2006 Second Read and Referred S Ways & Means Committee (S137)

EFFECTIVE: August 28, 2006

*** SB 914 ***

4306S.011

SENATE SPONSOR: Koster

SB 914 - This act provides the directors of the Medical Malpractice Joint Underwriting Association may provide medical malpractice insurance coverage as determined by the directors. The policies may provide coverage on a claims-made, an occurrence, or a prior-acts basis.

The act also modifies the law with respect to the surcharge paid by association members during their first

year of medical malpractice coverage. This act provides that the directors of the association may determine what methods of payment are acceptable for paying the surcharge and that the directors may refund surcharges where appropriate.

The act also provides that if the joint underwriting association is terminated, any surplus funds, after payment of claims, shall be credited to the general revenue fund. If claims arise after such action, then the general revenue fund will be liable for such claims.

This act is substantially similar to SB 552 (2005).

STEPHEN WITTE

01/19/2006 S First Read (S105)

01/26/2006 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S137)

EFFECTIVE: August 28, 2006

*** SB 915 ***

4541S.021

SENATE SPONSOR: Koster

SB 915 - This act directs electrical corporations to make a good faith effort to generate or procure energy originating from renewable sources. The act sets goals for the use of renewable energy, at least seven percent by the year 2015 and at least ten percent by the year 2020. The public service commission shall be responsible for promulgating rules by July 1, 2007, governing the process by which the renewable energy goals and the utilities integrated resource plans are made compatible. The criteria and mechanics of the rule making process are described in the act.

The act directs electric utilities to submit a biannual report to the commission detailing plans, activities and progress with regard to the renewable energy goals set in the act. The commission shall then take that information and compile a report to be submitted to the Governor, General Assembly, and appropriate committees.

MEGAN WORD

01/19/2006 S First Read (S105)

01/26/2006 Second Read and Referred S Commerce, Energy and the Environment Committee (S137)

EFFECTIVE: August 28, 2006

*** SB 916 ***

4376L.011

SENATE SPONSOR: Koster

SB 916 - This act modifies the law with respect to the use of child passenger safety restraint systems and booster seats. The act requires children of certain ages, weights and heights to be restrained by either a child passenger restraint system, booster seat or safety belt.

AGE/WEIGHT/HEIGHT CLASSIFICATION -

1. LESS THAN 4 YEARS OLD - This act requires children less than four years old, regardless of weight, to use an appropriate child passenger restraint system.
2. LESS THAN 40 POUNDS - The act requires children weighing less than 40 pounds, regardless of age, to be secured in a child passenger restraint system appropriate for the child.
3. LESS THAN 8 YEARS OLD/80 POUNDS OR UNDER 4'9" - Children (ages 4-7) or children weighing at least 40 pounds but less than 80 pounds, or children less than 4'9" tall must be secured in a child passenger restraint system or booster seat appropriate for that child.
4. GREATER THAN 80 POUNDS OR TALLER THAN 4'9" - Children who are at least 80 pounds or children taller than 4'9" shall be secured by a vehicle safety belt.

A violation of the child passenger restraint provisions is an infraction and the fine is \$25 plus court costs. The fine for violating the safety belt provision of the act is \$10. Charges for violating the child passenger restraint and booster seat provisions shall be dismissed or withdrawn if the driver provides evidence that he or she acquired a child passenger restraint system or booster seat prior to or at his or her hearing. The act requires

car rental agencies to inform its customers of the requirements of the act and provide for the rental of an appropriate child passenger restraint system. The act does not apply to public carriers for hire.

This act is substantially similar to HB 1165 (2006), SS/SCS/HCS/HB 518 (2005), SCS/SB 221 et al (2005), SB 710 (2004), SB 9 (2003), SB 647 (2002) and SB 549 (2001)(sections 307.179 and 476.385).
STEPHEN WITTE

01/19/2006 S First Read (S105)

01/26/2006 Second Read and Referred S Transportation Committee (S137)

01/31/2006 Hearing Scheduled S Transportation Committee

EFFECTIVE: August 28, 2006

*** SB 917 ***

3930S.011

SENATE SPONSOR: Gross

SB 917 - This act requires that the balance of all state funds, beginning July 1, 2006, shall be transferred and credited to the state general revenue fund. All future revenue from such funds shall thereafter be credited to the general revenue fund. This act provides that the original purpose established for the expenditure of such state funds shall not be altered by the transfer of moneys in the fund to the general revenue fund. Certain funds are exempted from the provisions of the required balance transfer.

Additionally, beginning July 1, 2006, this act requires that the balance of all funds administratively created by the Office of Administration shall be transferred and credited to the state general revenue fund. Thereafter, all such funds are to be abolished and the office of administration is prohibited from creating new funds. The provisions of this prohibition shall not apply to funds for the payment of bonded indebtedness and funds created in order to receive and disburse federal funds.

JIM ERTLE

01/19/2006 S First Read (S105)

01/26/2006 Second Read and Referred S Governmental Accountability & Fiscal Oversight Committee (S137)

EFFECTIVE: Emergency clause

*** SB 918 ***

4586S.011

SENATE SPONSOR: Scott

SB 918 - This act provides a tax deduction for 100% of the amount the taxpayer has paid for long-term care insurance premiums.

STEPHEN WITTE

01/19/2006 S First Read (S105)

01/26/2006 Second Read and Referred S Ways & Means Committee (S137)

EFFECTIVE: August 28, 2006

*** SB 919 ***

4592S.011

SENATE SPONSOR: Scott

SB 919 - This act repeals the statute permitting the city council of any third class city to prohibit and punish the carrying of a concealed deadly weapon.

SUSAN HENDERSON MOORE

01/19/2006 S First Read (S105)

01/26/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S137)

EFFECTIVE: August 28, 2006

*** SB 920 ***

4378S.011

SENATE SPONSOR: Coleman

SB 920 - This act establishes the Urban Flight Scholarship Program.

The Urban Flight Scholarship Program will be administered by the Department of Elementary and

Secondary Education. The program will provide scholarships for eligible students who enter and make a commitment to pursue a teacher education program and agree to teach in an urban or metropolitan Missouri public school, the population of which includes a higher than average "at-risk" student population, as a condition of receiving the scholarship. The student will teach for a period of two years for every one year they received a scholarship or the scholarship will be treated as a loan.

Eligibility criteria are delineated in the act. The four-year scholarship will encompass the total cost of an eligible student's tuition and fees at a four-year college or university located in Missouri, seventy-five percent of which will be paid by funds appropriated to DESE and twenty-five percent of which will be paid by the local school district in which the recipient agrees to teach.

This act is similar to SB 1072 (2004).

DONALD THALHUBER

01/19/2006 S First Read (S105)

01/26/2006 Second Read and Referred S Education Committee (S137)

EFFECTIVE: August 28, 2006

*** SB 921 ***

4354S.011

SENATE SPONSOR: Coleman

SB 921 - This act establishes the Missouri Senior Cadets Program.

The program will encourage high school seniors to mentor kindergarten through eighth grade students in their respective school districts for a minimum of ten hours per week during the school year. The act sets up eligibility criteria for mentors.

If a mentor successfully provides mentoring services for an average of at least ten hours per week during a school year, the mentor shall receive: one hour of class credit which may satisfy elective graduation requirements; and if the mentor attends college with the stated intention of becoming a teacher, the mentor shall be reimbursed by DESE for the costs of one credit hour per semester for a total of no more than eight semesters.

The act establishes the "Missouri Junior/Senior Cadets Fund" in the state treasury.

This act is similar to SB 1134 (2004).

DONALD THALHUBER

01/19/2006 S First Read (S105)

01/26/2006 Second Read and Referred S Education Committee (S137)

EFFECTIVE: August 28, 2006

*** SB 922 ***

9393S.031

SENATE SPONSOR: Wilson

SB 922 - This act expands the crime of unlawful use of weapons to include the discharge of a firearm in the air for celebratory purposes in an urban area.

SUSAN HENDERSON MOORE

01/19/2006 S First Read (S105)

01/26/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S137)

EFFECTIVE: August 28, 2006

*** SB 923 ***

4395S.011

SENATE SPONSOR: Barnitz

SB 923 - This act precludes any professional athletic team or sports authority from receiving funding from the Development Finance Board for any facility or project development.

CHRIS HOGERTY

01/23/2006 S First Read (S113-114)

01/26/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S137)

EFFECTIVE: August 28, 2006

*** SB 924 ***

4742S.011

SENATE SPONSOR: Klindt

SB 924 - This act establishes the "Uniform Real Property Electronic Recording Act" that allows for the recording of an electronic format document rather than a paper document. It also allows an electronic signature to qualify as a sufficient signature. Such electronic signature also satisfies the requirement that a document be notarized, verified, or taken under oath. The county recorder of deeds may convert paper documents into electronic form for the purpose of indexing, storing, and archiving and may accept fees and documents electronically. This act also establishes the Electronic Recording Commission to adopt standards for implementing this act.

This act shall become effective January 1, 2007.

This act is identical to HB 1324 (2006).

SUSAN HENDERSON MOORE

01/23/2006 S First Read (S114)

01/26/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S137)

EFFECTIVE: January 1, 2007

*** SB 925 ***

4110S.011

SENATE SPONSOR: Cauthorn

SB 925 - The act makes various technical changes to sections pertaining to hazardous waste.

The act allows the Department of Revenue to keep one percent of the lead acid battery fee, a change from the current four percent. The act removes the current requirement that in-state hazardous waste generators pay an annual registration fee of one hundred dollars. Resource recovery facilities have been added to the list of entities required to pay an annual fee for hazardous waste received from outside the state; all revenue from such fees shall be deposited to the hazardous waste fund.

MEGAN WORD

01/23/2006 S First Read (S114)

01/26/2006 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S137)

EFFECTIVE: August 28, 2006

*** SB 926 ***

4155S.011

SENATE SPONSOR: Cauthorn

SB 926 - This act requires land surveyors to make reasonable attempts to notify the owner of the land upon which the surveyor must enter. Under the act, the surveyor must hand-deliver written notice twenty-four hours prior to entrance, or mail notice postmarked five days prior to entrance.

CHRIS HOGERTY

01/23/2006 S First Read (S114)

01/26/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S137)

EFFECTIVE: August 28, 2006

*** SB 927 ***

4248S.021

SENATE SPONSOR: Gross

SB 927 - The issuance and redemption of certain economic development tax credits in any fiscal year, beginning in fiscal year 2008, is limited to two and five tenths percent of the net general revenue of the state

for the prior fiscal year. In any fiscal year, no tax credits shall be issued for a tax credit program listed under this act until all tax credits listed under this act that were denied in the preceding year, due to the limitation imposed by this act, have been issued. In any fiscal year, no tax credits shall be redeemed for a tax credit program listed under this act until all the tax credits listed under this act that were denied in the preceding year, due to the limitation imposed by this section, have been redeemed. Returns containing credits listed in this act will be processed on a first to file-first to be processed basis.

This act removes residential property from the definition of eligible property for the historic preservation tax credit and a taxpayer may only claim the credit once per eligible property. This act removes the carry back provisions for certain tax credits and limits certain carry forward provisions to five years. This act repeals the grape and wine production, film production and loan guarantee tax credit programs.

JASON ZAMKUS

01/23/2006 S First Read (S114)

01/26/2006 Second Read and Referred S Ways & Means Committee (S137)

EFFECTIVE: August 28, 2006

*** SB 928 ***

4168S.011

SENATE SPONSOR: Green

SB 928 - This act requires newly hired and rehired independent contractors to fill out a federal 1099 form to be distributed to the Department of Revenue and entered into the state directory of new hires.

Employers are banned from misclassifying employers as independent contractors in an attempt to avoid tax liability or reporting requirements and provides fines for doing so. Under the act, employers shall not retaliate against an employer who seeks reclassification as an employer or has communicated intent to file an action against an employer alleging a classification violation.

CHRIS HOGERTY

01/23/2006 S First Read (S114)

01/26/2006 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S137)

EFFECTIVE: August 28, 2006

*** SB 929 ***

3852S.031

SENATE SPONSOR: Green

SB 929 - This act bars the reduction in compensation or death benefit, in a workers' compensation claim, to be taken out of payments to health care providers for services relating to the injury. The reduction must be made from the total death and disability compensation. The health care provider may not pursue the employee to collect any unpaid fees or charges until a determination of a reduction is made.

CHRIS HOGERTY

01/23/2006 S First Read (S114)

01/26/2006 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S137)

EFFECTIVE: August 28, 2006

*** SB 930 ***

4458S.011

SENATE SPONSOR: Green

SB 930 - This act establishes the Office of Trade Enforcement within the Department of Economic Development and specifies the duties of the office which includes preparing an annual trade impact report. The Citizen's Commission on Globalization is created and consists of 12 members.

Under this act, the State of Missouri shall not be bound by any trade agreement without the consent of the General Assembly. The act places certain conditions which must be satisfied before the state will consent to the terms of a trade agreement. Subject to appropriation, two individuals will be appointed to serve as liaisons between the General Assembly, United States government and the Governor on trade-related matters in addition to other duties specified in the act. The provisions of the act will expire six years from the effective date unless re-authorized.

This act is similar to HB 1301 (2006).

JASON ZAMKUS

01/23/2006 S First Read (S114)

01/26/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S137)

EFFECTIVE: August 28, 2006

*** SB 931 ***

4678S.011

SENATE SPONSOR: Scott

SB 931 - This act gives property owners one vote per acre when electing directors for a transportation development district. Under current law, qualified votes only get one vote regardless of property ownership.

STEPHEN WITTE

01/23/2006 S First Read (S114)

01/26/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S137)

EFFECTIVE: August 28, 2006

*** SB 932 ***

4624L.011

SENATE SPONSOR: Scott

SB 932 - This act requires any candidate for county treasurer to be at least twenty-one years of age and a resident of the state and county for at least one year prior to the general election. The candidate must also be a registered voter and shall be current in the payment of personal and business taxes. Upon election, the person must continue to reside in the county during his or her tenure.

SUSAN HENDERSON MOORE

01/23/2006 S First Read (S114)

01/26/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S137)

EFFECTIVE: August 28, 2006

*** SB 933 ***

4640S.011

SENATE SPONSOR: Scott

SB 933 - This act transfers the duty of appointing railroad policemen from the Superintendent of the Missouri State Highway Patrol to the Director of the Department of Public Safety.

SUSAN HENDERSON MOORE

01/23/2006 S First Read (S114)

01/26/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S137)

EFFECTIVE: August 28, 2006

*** SB 934 ***

4590S.011

SENATE SPONSOR: Engler

SB 934 - Under current law, barber shop owners must obtain a license before commencing business. This act establishes a 45-day grace period for obtaining a license when a barber shop either changes ownership or location. During this period, the sanitary inspector shall conduct inspections without requiring the barber shop to close business or deviate from its regular hours of operation.

CHRIS HOGERTY

01/23/2006 S First Read (S114)

01/26/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S137)

EFFECTIVE: August 28, 2006

*** SB 935 ***

3991S.021

SENATE SPONSOR: Engler

SB 935 - Under current law, barber shop owners must obtain a license before commencing business. This act establishes a 45-day grace period for obtaining a license when a barber shop either changes ownership or location. During this period, the sanitary inspector shall conduct inspections without requiring the barber shop to close business or deviate from its regular hours of operation.

Under current law, barbers must be licensed to practice their profession. This act removes all licensing requirements for barbers but retains all of the present requirements for the licensure of barber shops. The new language regarding barber shops mirrors the present requirements and reenacts those requirements in a more appropriate chapter.

CHRIS HOGERTY

01/23/2006 S First Read (S114)

01/26/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S137)

EFFECTIVE: August 28, 2006

*** SB 936 ***

4643S.011

SENATE SPONSOR: Vogel

SB 936 - This act allows county library boards to issue bonds for up to 5% of the value of property within the district, rather than 1%.

SUSAN HENDERSON MOORE

01/23/2006 S First Read (S114)

01/26/2006 Second Read and Referred S Ways & Means Committee (S137)

EFFECTIVE: August 28, 2006

*** SB 937 ***

4249S.031

SENATE SPONSOR: Nodler

SB 937 - In 1985, Section 168.015, RSMo, established the Missouri Advisory Council of Certification for Educators. This act alters the aforementioned section by eliminating the Missouri Advisory Council of Certification for Educators and replacing it with a Commissioner's Advisory Council, the composition of which is delineated in the act.

Many of the duties of the Missouri Advisory Council of Certification for Educators are included in the duties of the new Commissioner's Advisory Council; however, the Commissioner's Advisory Council will have a broader mission, as provided in the act.

Members of the Commissioner's Advisory Council shall serve without remuneration, but will be reimbursed for travel and other expenses actually and necessarily incurred in the performance of their duties from funds currently appropriated annually to the commissioner of education in accordance with section 160.530, RSMo.

DONALD THALHUBER

01/23/2006 S First Read (S114)

01/26/2006 Second Read and Referred S Education Committee (S137)

EFFECTIVE: August 28, 2006

*** SB 938 ***

4349S.011

SENATE SPONSOR: Stouffer

SB 938 - This act creates the "Missouri Public-Private Partnerships Transportation Act." The act allows the Missouri Highways and Transportation Commission to contract with a private developer to finance, develop and operate a bridge located in the city of St. Louis which connect the state of Missouri and the state of Illinois.

PROCESS FOR SUBMITTING PROJECT PROPOSALS - Under the act, any potential private partner may

submit a request for approval to the commission to finance, develop and/or operate the project. The commission shall use a competitive procurement process to form a public private partnership. The act requires the commission to publish a public notice of its request for proposals. The commission shall include in such notice a deadline by which responses to such requests for proposals must be submitted.

APPROVAL OF PROJECT - The commission may approve the project if it determines the bridge will improve and is a needed addition to the state highway system. The commission may grant tentative approval of the potential private partner whose request for approval or response to a request for proposal provides the best value to the state for financing, developing and/or operating the project. The commission shall establish criteria for making its determination including: the potential private partner's preliminary estimate of project cost and its financing plan; the general reputation, qualifications, industry experience, and financial capacity of the potential private partner; the proposed plans for developing and/or operating the project; and, other criteria that the commission deems appropriate.

FINAL APPROVAL OF PRIVATE PARTNER/COMPREHENSIVE AGREEMENT - Prior to granting its final approval of the private partner to finance, develop and operate the project, the commission shall review and approve a comprehensive agreement that will provide for: the start date for construction of the project and any other dates the commission deems necessary to develop and/or operate the project; review and approval by the commission of the final plans and specifications for the development and operation of the project to ensure that such plans and specifications conform to the standards acceptable to the commission; a final financing plan; and any other provisions that the commission and the private partner deem appropriate.

TERMINATION OF NEGOTIATIONS WITH PRIVATE PARTNER - If the commission is not satisfied with the results of negotiations with a potential private partner for an agreement, the commission may terminate negotiations with the potential private partner. The commission may reject any and all requests for approval and responses to a request for proposals.

SUNSHINE LAW APPLICABILITY - All information of any kind submitted by a potential private partner to the commission pursuant to a request for approval as provided in section shall be a closed record. After the private partner and the commission execute the comprehensive agreement, information provided by the private partner, the interim agreement and the comprehensive agreement shall be an open record as provided for by Missouri's sunshine law.

PRIVATE PARTNER GENERAL POWERS - The act delineates the powers of the private partner. The powers include contracting with governmental bodies, leasing or acquiring the right to operate the project, collect user fees in connection with the use of the project by the traveling public, and borrow money for project purposes.

REQUIREMENTS OF PRIVATE PARTNER - The private partner shall, in connection with the financing, development and operation of the project, provide the following:

- (1) Security and warranties in the forms and amounts satisfactory to the commission;
- (2) An annual financial statement audited by an independent certified public accountant and such other financial reports and information as required by the commission;
- (3) A summary of any and all compensation from all sources for the project to the private partner;
- (4) Evidence that the private partner has obtained general commercial liability insurance and worker's compensation insurance, if applicable.

The commission may also require the private partner to provide bonds.

AUTHORITY TO IMPOSE AND COLLECT USER FEES AND TOLLS - The commission may impose user fees for the project. The comprehensive agreement shall provide the rate of such user fees as may be established by agreement of the commission and the private partner. Such user fees should be set in an amount that takes into account any lease payments, reasonable costs of financing, development and operation. A rate schedule of the current user fees imposed and collected for use of the project shall be made available by the private partner or the commission to any member of the public on request. The commission may authorize the private partner to collect and enforce user fees for the project.

GOVERNMENT AND PRIVATE SECTOR ASSISTANCE FOR THE PROJECT - The commission may take any action to obtain federal, state or local government or private sector assistance for the project and may enter into any contracts required for such assistance. In the comprehensive agreement, the commission may

agree to loan funds received from any federal, state or local government or the private sector to the private partner for the development and operation of the project from time to time.

INDEBTEDNESS, BONDS AND TAX EXEMPT STATUS - The commission and the private partner may use any and all revenues that may be available to them and may, to the fullest extent permitted by applicable law, issue debt, equity, or other securities or obligations. The private partner may issue corporate bonds, private activity bonds, refunding bonds, notes and other obligations, and may secure any of such obligations by mortgage, pledge, or deed of trust of any or all of the property and income of the private partner. The private partner shall not mortgage, pledge or give a deed of trust on any real property or interests obtained by eminent domain acquired from the state of Missouri or any agency or political subdivision thereof. Bonds, notes and other obligations shall exclusively be the responsibility of the private partner payable solely out of its funds and property and shall not constitute debt or liability of the commission or the state of Missouri or any other agency or political subdivision of the state. Neither the private partner nor the commission shall be obligated to pay such bonds, notes or other obligations with any funds other than those specifically pledged to repayment. Any private partner bonds issued, the interest thereon, or any proceeds from such bonds shall be exempt from taxation for all purposes except the state estate tax.

PROJECT DELIVERY AND PROCUREMENT - The commission may authorize or require a private partner to use any project delivery method for the efficient development and/or operation of the project, including design-build contracts.

DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION - The private partner shall provide the commission a detailed disadvantaged business enterprise participation plan that conforms to commission reporting requirements for the federal disadvantaged business enterprise program pursuant to federal law and regulations on federal-aid highway projects. The plan shall also provide information describing the experience of the private partner in meeting disadvantaged business enterprise participation goals, how the private partner will meet the departments disadvantaged business participation goal and such other qualifications that the commission considers to be in the best interest of the state.

LEASE - The commission may lease to or for the use of a private partner the project or such right-of-way or other easement in such real estate as the commission deems necessary for the development and/or operation of the project.

COMMISSION CONDEMNATION AUTHORITY - The commission may condemn lands for the project in the name of the state of Missouri.

COLLECTION AND ENFORCEMENT OF USER FEES AND TOLLS - The private partner may use any toll tickets, barrier toll facilities, billing accounts, commuter passes and electronic recording or identification devices. An owner of a motor vehicle who fails to pay the required toll is guilty of an infraction and upon conviction thereof, shall be required to pay both the amount of the toll as well as pay a fine in an amount to be determined by the court.

TORT LIABILITY LIMITATIONS FOR PRIVATE PARTNER - Under the act, tort liability caps are established for the private partner and its employees and agents. The tort liability caps shall be a per person cap and a per occurrence cap and shall be in amounts identical to the tort liability caps established in the sovereign immunity statutes (Section 537.610). Commercial general liability insurance policies purchased by the private partner shall not be used to expand the tort liability caps.

MATERIAL DEFAULT/REMEDIES - The act requires the commission to provide notice of material defaults to the private contractor and give the private partner the opportunity to cure such defaults. After such notice, the commission may exercise a variety of remedies delineated in the act.

ANNUAL REPORT TO JOINT COMMITTEE ON TRANSPORTATION OVERSIGHT - The act requires the commission to make an annual status report to the joint transportation oversight committee. The annual report shall assess the advantages and disadvantages of the public-private partnership method of financing, developing and/or operating the project.

STEPHEN WITTE

01/23/2006 S First Read (S114)

01/26/2006 Second Read and Referred S Transportation Committee (S137)

01/31/2006 Hearing Scheduled S Transportation Committee

EFFECTIVE: August 28, 2006

*** SB 939 ***

3859S.021

SENATE SPONSOR: Stouffer

SB 939 - This act modifies various provisions of law pertaining to medical malpractice insurance.

FILING OF INFORMATION BY MEDICAL MALPRACTICE INSURANCE COMPANIES - This act modifies the definition of "insurer" to include 383 medical malpractice associations and self-insured health care providers for the purposes of filing medical malpractice claim reports (Section 383.105). The act requires the director of the Department of Insurance to establish by rule reporting standards in which insurers shall report annually insurance premiums, losses, exposure, and other information the director may require. This data will assist the department to monitor marketplace rates, financial solvency, affordability and the availability of medical malpractice insurance. The data collected shall be compiled in such a manner to assist medical malpractice insurers in developing future base rates, schedule rating or individual rating factors. The act requires the director to establish risk-reporting categories for medical malpractice insurance and establish regulations for the reporting of all base rates and premiums charged by such categories. These risk-reporting categories shall be established prior to May 30, 2007. Beginning June 1, 2008, medical malpractice insurers and self-insured health care providers must provide an annual report describing the actual rates or assessments charged for insurance for each of the risk-reporting categories (Section 383.106).

PUBLISHING OF MARKET RATES - The act requires the director to establish and publish market rates using the data collected under the act. The market rate shall reflect the median of the actual rates charged by insurers (those who have at least a 3% market share) for the various risk-reporting categories for the preceding year (Section 383.107).

The act requires the director to establish reporting standards for insurers to report their base rates for the various risk-reporting categories. The director shall create a public database that compares the base rates charged by each insurer (Section 383.108).

PENALTIES FOR NOT FILING OR REPORTING INFORMATION - If an insurer violates any of the provisions relating to reporting medical malpractice information, the director may issue cease and desist orders and seek other remedies outlined in the act to assure compliance (Section 383.124).

NOTICE OF NONRENEWAL OR CANCELLATION - This act prohibits insurance companies and other entities providing medical malpractice insurance from: (1) increasing premiums and other surcharges more than 25% without providing 90 days' prior notice to the insured; (2) refusing to renew policies without 90 days' prior notice, unless the refusal to renew is based upon nonpayment of insurance premiums or license termination or suspension or a material change in the insured's health care practice; and (3) ceasing to issue insurance policies without 180 days' prior notice to the Department. Any insurer that fails to provide the required notice, at the option of the insured, shall be required to continue the coverage. This section is similar to the one contained in HB 394 (2005)(Section 383.400).

HEALTH CARE STABILIZATION FUND FEASIBILITY BOARD - This act creates the Health Care Stabilization Fund Feasibility Board within the Department of Insurance to analyze medical malpractice data to determine whether a health care stabilization fund should be established in Missouri. As part of its duties, the board shall develop a comprehensive study detailing whether a health care stabilization fund is feasible within Missouri, or specified geographic regions thereof, or whether a health care stabilization fund would be feasible for specific medical specialties. If a health care stabilization fund is feasible within Missouri, the report shall also recommend to the General Assembly how the fund should be structured, designed, and funded.

The board shall consist of ten members. Other than the director, the house members and the senate members, the remainder of the board's members shall be appointed by the director of the department of insurance. The board shall be composed of:

- (1) The director of the Department of Insurance, or his or her designee;
- (2) Two members of the Missouri Senate appointed by the president pro tem of the senate with no more than one from any political party;
- (3) Two members of the Missouri House of Representatives appointed by the speaker of the house with no more than one member from any political party;
- (4) One member who is licensed to practice medicine and surgery in Missouri who is on a list of nominees submitted to the director by an organization representing Missouri's medical society;
- (5) One member who is a doctor of osteopathy and who is on a list of nominees submitted to the director

by an organization representing Missouri doctors of osteopathy;

(6) One member who is a licensed nurse in Missouri and who is on a list submitted to the director by an organization representing Missouri nurses;

(7) One member who is a representative of Missouri hospitals and who is on a list of nominees submitted to the director by an organization representing Missouri hospitals; and

(8) One member who is a physician and who is on a list submitted to the director by an organization representing family physicians in the state of Missouri.

The director shall appoint the members of the board, other than the General Assembly members, no later than January 1, 2007. Once appointed, the board shall meet at least quarterly, and shall submit its final report and recommendations regarding the feasibility of a health care stabilization fund to the governor and the general assembly no later than December 31, 2010. The act also requires the board to submit annual reports on the board's progress. This portion of the act will expire December 31, 2010.

STEPHEN WITTE

01/23/2006 S First Read (S115)

01/26/2006 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S137)

EFFECTIVE: August 28, 2006

*** SB 940 ***

3796L.011

SENATE SPONSOR: Clemens

SB 940 - This act adds fitting, programming, and dispensing of assistive listening devices and other amplification systems to the definition of the practice of audiology.

The act requires the State Board of Registration for the Healing Arts to promulgate rules that establish ethical standards relating to hearing aid dispensing, that ensures consumer protection equal to the standards established for hearing aid dealers and fitters.

The board may charge audiology fees needed to supplement revenue fees available to support the cost and expense of administering the hearing aid specialists act, concerning hearing aid dealers and fitters, until January 1, 2009.

CHRIS HOGERTY

01/24/2006 S First Read (S119)

01/26/2006 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S137)

EFFECTIVE: August 28, 2006

*** SB 941 ***

4741S.011

SENATE SPONSOR: Clemens

SB 941 - This act designates a portion of I-44 in Greene County as the Corporal John A. "Jay" Sampietro Jr. MO State Highway Patrol Memorial Highway.

STEPHEN WITTE

01/24/2006 S First Read (S119)

01/26/2006 Second Read and Referred S Transportation Committee (S137)

01/31/2006 Hearing Scheduled S Transportation Committee

EFFECTIVE: August 28, 2006

*** SB 942 ***

4595S.011

SENATE SPONSOR: Ridgeway

SB 942 - This act authorizes the creation of a Disabled American Veterans special license plate.

This act is identical to HB 1396 (2006).

STEPHEN WITTE

01/24/2006 S First Read (S120)

01/26/2006 Second Read and Referred S Transportation Committee (S137)

EFFECTIVE: August 28, 2006

*** SB 943 ***

3855S.031

SENATE SPONSOR: Bray

SB 943 - This act relates to prevention and abortion.

SEXUAL EDUCATION

This section modifies the sexual education provisions to include that any individual may request the state auditor to investigate a local school district's curriculum on human sexuality. Should any deficiencies in the school district's curriculum be found and not corrected to the satisfaction of the State Auditor and Attorney General, the school district shall be considered as having a negative result for purposes of meeting the objectives of any school improvement plan of the district. (SECTION 170.015).

COMPASSIONATE ASSISTANCE FOR RAPE EMERGENCIES

This act provides that hospitals and health care facilities are required to do the following:

- provide each sexual assault victim with medically and factually accurate information about emergency contraception;
- orally inform each victim that emergency contraception may be provided at the hospital; and
- provide the complete regimen of emergency contraception immediately to the victim who requests it.

Hospitals and health care facilities must ensure that they provide their employees with medically and factually accurate information about emergency contraception. The department shall develop, prepare, and produce informational materials relating to emergency contraception to hospitals and health care facilities. The informational materials must be medically and factually accurate, clearly written, and explain the nature of emergency contraception.

The department shall respond to complaints and shall periodically determine whether hospitals and health care facilities are in compliance. If a hospital or a health care facility is not in compliance, then the department shall impose an administrative penalty of \$5,000/per woman who is denied information or emergency contraception and a fine of \$5,000 for failure to comply with the provisions of this act. For every 30 days that a hospital or health care facility is not in compliance, an additional administrative penalty of \$5,000 shall be imposed (SECTIONS 191.717 and 191.718).

BIRTH CONTROL PROTECTION

This act provides that consenting individuals have a protected interest from unreasonable governmental intrusions into their private lives in regards to obtaining and using safe and effective methods of contraception. This act also provides that the laws of this state will be interpreted to recognize these protected rights.

This act also prohibits governmental actors or entities from interfering in a consenting individual's right to the benefits, facilities, services, or information concerning safe methods of contraception. This act also prohibits any laws, rules, ordinances, taxes, or regulations that are implemented to promote public health and safety from unreasonably hindering the public's access to contraceptives (SECTION 191.720).

WOMEN'S HEALTH SERVICES PROGRAM

This act establishes the Women's Health Services Program. Subject to appropriation, the program shall be implemented by the Department of Health and Senior Services by July 1, 2007, and shall be initially funded with five million dollars. The goal of the program is to reduce the number of unintended pregnancies in Missouri by providing women's health services through qualified health providers, as determined by the department (SECTION 192.970).

PATIENT PROTECTION

This act provides that every licensed pharmacy owes a duty to properly fill the valid and lawful prescriptions of customers. Under this act, every licensed pharmacy shall require employees and prospective employees to notify in writing of categories or types of prescriptions that he or she would decline to fill due to sincerely held religious beliefs.

The licensed pharmacy may attempt to accommodate the employee's beliefs so long as such accommodation can be made without causing undue hardship to the pharmacy or its clients.

The licensed pharmacy has a duty to ensure that each customer is not subjected to humiliation, breaches of confidentiality or pressure to fill or not fill a prescription, regardless of whether an accommodation was implemented. Violation of these duties shall subject the licensed pharmacy to disciplinary action from the

Board of Pharmacy (SECTION 338.012).

This act is similar to SB 3 from the 2005 Special Session.

ADRIANE CROUSE

01/24/2006 S First Read (S120)

01/26/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S137)

EFFECTIVE: August 28, 2006

*** SB 944 ***

4655S.011

SENATE SPONSOR: Bray

SB 944 - This act requires employers in this state with 10,000 or more employees to provide certain information regarding the amount of money spent by the employer on health care costs to the department of labor and industrial relations. Failure to provide the required information may result in a civil penalty of \$250 for each day that the information is not timely reported.

Each not for profit employer that does not spend up to eight percent of the total wages paid to employees and each for profit employer that does not spend up to ten percent of the total wages paid to employees on health care costs shall pay the director an amount equal to the difference between either eight or ten percent and the amount actually spent on health care costs. The moneys shall be deposited into the Uncompensated Care Fund and shall be appropriated to licensed hospitals and federally qualified health centers to reimburse them for providing uncompensated care.

ADRIANE CROUSE

01/24/2006 S First Read (S120)

01/26/2006 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S138)

EFFECTIVE: August 28, 2006

*** SB 945 ***

4642S.011

SENATE SPONSOR: Bray

SB 945 - This act prohibits members of the General Assembly from accepting gifts from lobbyists. The prohibition may be satisfied by reimbursing the lobbyist for the gift within 30 days of obtaining actual knowledge that reimbursement is required.

This act is similar to SB 371 (2005).

JIM ERTLE

01/24/2006 S First Read (S120)

01/26/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S138)

EFFECTIVE: August 28, 2006

*** SB 946 ***

4489S.011

SENATE SPONSOR: Shields

SB 946 - In addition to the provisions currently in force, this act adds coverage for liability under the state legal expense fund to podiatrists, chiropractors, optometrists, pharmacists, certain mental health professionals, and certain other health care providers who provide health care services at certain health departments or health centers.

The moneys in the fund shall also be available to pay claims or judgments against certain physicians and dentists providing specialty care without compensation to an individual referred to him or her by certain health departments or health centers. The payment for claims arising under this specific provision shall not exceed one million dollars in the aggregate for all claims arising out of the same act or acts alleged in a single cause, and shall not exceed one million dollars for any one claimant, and insurance policies purchased for such persons with moneys appropriated to the legal expense fund shall not exceed one million dollars. Additionally, liability or malpractice insurance for any physician or dentist shall not be considered available to pay any portion of a judgment or claim for which the legal expense fund is liable under this provision.

This act is similar to HB 1389 (2006).

ALEXA PEARSON

01/24/2006 S First Read (S120)

01/26/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S138)

EFFECTIVE: August 28, 2006

*** SB 947 ***

4481S.021

SENATE SPONSOR: Shields

SB 947 - This act requires the Department of Elementary and Secondary Education to develop standards for high-quality early childhood education no later than June 30, 2007. The standards shall be applicable to all public school pre-kindergarten programs that receive Title I or Missouri preschool project funds. Such standards shall include, but not be limited to: access for all children whose parents or guardians choose to participate; focus on cognitive, language, physical, and social/emotional development; assessment of needs of children and their families; highly qualified and properly certified teachers; and delivery of comprehensive services supported by strong and accessible technical assistance and professional development.

In developing such standards, the department shall involve various early childhood stake-holders, as specified in the act.

DONALD THALHUBER

01/24/2006 S First Read (S120)

01/26/2006 Second Read and Referred S Education Committee

EFFECTIVE: August 28, 2006

*** SB 948 ***

4748S.011

SENATE SPONSOR: Shields

SB 948 - Currently, if a recipient of a National Guard educational assistance grant ceases to maintain their military affiliation while engaged in a course of study or within three years after completion of the course of study, the educational assistance is terminated and the recipient must repay the grant. This act removes the three year provision and requires a recipient to repay the grant if he or she fails to maintain active military affiliation while enrolled in a course of study.

JIM ERTLE

01/24/2006 S First Read (S120)

01/26/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee

01/31/2006 Hearing Scheduled S Pensions, Veterans' Affairs and General Laws Committee

EFFECTIVE: August 28, 2006

*** SB 949 ***

4641S.011

SENATE SPONSOR: Shields

SB 949 - This act requires the Division of Medical Services within the Department of Social Services to establish and implement a process for managing dental benefits for public assistance recipients. Various methodologies, programs, and practices can be used to determine the medical necessity and appropriateness of a recipient's treatment.

The division is allowed to place coverage limits on dental services, excluding state and federally mandated services. The limits must be determined by sound clinical practice guidelines.

The division shall establish a statewide uniform dental program and contract with a single entity to provide dental program management service coordination.

The division is prohibited from requiring a dentist to alter a patient's previous course of treatment unless the alteration is warranted by the patient's condition as initiated by the dentist. Any decision regarding limitations imposed on any dental benefit shall be based on sound clinical practice guidelines.

This act is similar to SB 321 (2005).

ADRIANE CROUSE

01/24/2006 S First Read (S120)

01/26/2006 Second Read and Referred S Aging, Families, Mental & Public Health Committee

EFFECTIVE: August 28, 2006

*** SB 950 ***

3853S.021

SENATE SPONSOR: Kennedy

SB 950 - FORMATION OF SMALL EMPLOYER PURCHASING ALLIANCES - This act allows groups of small employers to join together to form a small employer purchasing alliance for the purposes of delivering health insurance coverage and negotiating reduced premium rates for its members. The purchasing alliance shall be a nonprofit corporation formed under the provisions of Chapter 355, RSMo.

BOARD OF DIRECTORS - The alliance shall be governed by a board of directors, elected by the members of the purchasing alliance. No person may serve as an officer or director of an alliance who has a prior record of administrative, civil, or criminal violations within the financial services or insurance industry. No person may be a board director or employee of an alliance if that person has a material direct or indirect ownership interest in a carrier, health insurance company or health care provider. The directors shall serve for terms of three years, and shall serve until their successors are elected and qualified (Section 379.1006).

BOARD BYLAWS - The board shall adopt bylaws for the operation of the purchasing alliance. The bylaws shall include procedures for the organization and administration of the alliance; procedures for the qualifications and admission of the members of the alliance; procedures for the expulsion of members from the alliance; and procedures for the termination of the alliance.

LICENSURE OF ALLIANCES - All alliances shall be licensed with the Department of Insurance. An alliance established under sections 379.1000 to 379.1030 shall be organized as a nonprofit corporation under chapter 355, RSMo. The act requires the purchasing alliance board shall to file with the director of the Department of Insurance a certificate which shall list the members of the alliance, the names of the board of directors, and the chairman, treasurer, and secretary of the purchasing alliance; the address at which communications for the purchasing alliance are to be received; a copy of the certificate of incorporation of the purchasing alliance, if any; and a copy of the joint contract executed by all of the members. The board shall also file with the director within thirty days of its organization, and annually thereafter, the following:

- (1) A description of its plan of operation, including each of the products it intends to sell;
- (2) A description of its marketing methods and materials; and
- (3) A description of its membership and disclosure requirements or other information as required by the director through rules and regulations.

POWER OF THE ALLIANCE BOARD - A small employer purchasing alliance board may set reasonable fees for membership in the alliance for financing reasonable and necessary costs incurred in administering the alliance. The board may provide premium collection services for health benefit plans offered through the alliance if the carrier gives express written authorization to the alliance. The board may contract with qualified third-party administrators for any service necessary to carry out the powers and duties authorized by the act. The board may negotiate with participating carriers the premium rates charged for coverage offered through the alliance, consistent with rules adopted by the director. The board may negotiate and enter into agreements with one or more qualified carriers to offer and provide one or more health benefit plans to small employers for their employees and retirees, and the dependents and members of the families of such employees and retirees.

RESTRICTIONS ON ALLIANCES - A small employer purchasing alliance shall not:

- (1) Purchase health care services, assume risk for the cost or provision of health care services, or otherwise contract with health care providers for the provision of health care services to eligible employees or their dependents;
- (2) Exclude a small employer, eligible employee, or dependent from membership in the purchasing alliance who agrees to pay fees for membership and the premium for health benefits coverage and who abides by the bylaws and rules of the purchasing alliance;
- (3) Engage in any act or practice that results in the selection of member small employers or eligible employees based on any health status-related factor;
- (4) Vary conditions of eligibility, including premium rates and membership fees, for any employer meeting the membership requirements of the alliance, nor may it vary conditions of eligibility for any employee to

qualify for a health benefits plan offered to the eligible employer by the alliance; or

(5) Condition alliance membership on the purchase or subscription of a product or service unrelated to health insurance.

CARRIER PARTICIPATION WITH ALLIANCES - An alliance shall develop and make available a list of objective criteria, subject to rules adopted by the director, that participating carriers must meet in order to be eligible to participate in the alliance. An alliance shall ensure that enrollees have a choice among a reasonable number of competing carriers and types of health benefit plans. Any carrier selected by a small employer purchasing alliance shall be licensed to transact business within this state and shall be in good standing with the Department of Insurance.

An alliance shall establish eligibility standards for membership in accordance with rules adopted by the director. The alliance shall accept all applicants for membership that meet the alliance's eligibility standards. All alliances shall maintain a trust account or accounts for deposit of all money received and collected for the operation of the alliance. An alliance and its board members, employees, and agents have a fiduciary duty with respect to all money received or owed to it to ensure payments of its obligations and a full accounting to its members and the director.

HEALTH BENEFIT PLANS OFFERED BY ALLIANCES - A small employer purchasing alliance shall not offer a health benefits plan which unfairly discriminates against eligible employees. The small employer purchasing alliance shall offer at least two types of plans to its members, including one plan providing a choice of deductibles with state-mandated health benefits.

MISREPRESENTATION BY NON-LICENSED ENTITIES - A person or entity not licensed by the director as an alliance that engages in the purchase, sale, marketing, or distribution of health insurance or health care benefit plans may not represent itself as an alliance, health insurance purchasing alliance, purchasing alliance, health insurance purchasing cooperative, or purchasing cooperative, or otherwise use a confusingly similar name.

STEPHEN WITTE

01/25/2006 S First Read (S124)

EFFECTIVE: August 28, 2006

*** SB 951 ***

4670S.011

SENATE SPONSOR: Cauthorn

SB 951 - Under the current law, if a city, town, or village receives more than 45% of its total annual revenue from fines for traffic violations, all of the excess revenue from the traffic violations must be sent to the Department of Revenue. This act reduces the amount to 35% of the annual general operating revenue and includes court costs within the formula. Thus, if a city receives more than 35% of its annual general operating revenue from traffic fines and related court costs for traffic violations occurring on state highways, the revenues which exceed the 35% threshold must be sent to the Department of Revenue. Failure to send the excess revenue to the department in a timely manner results in the city, town, or village being subject to an annual audit by the State Auditor.

This act is identical to HB 1134 (2006).

STEPHEN WITTE

01/25/2006 S First Read (S124)

EFFECTIVE: August 28, 2006

*** SB 952 ***

4751S.021

SENATE SPONSOR: Goodman

SB 952 - This act designates the Table Rock Lake bridge on Highway 39 in Barry County near the census-designated place of Shell Knob as the "State Senator Larry Gene Taylor Memorial Bridge".

This act is similar to HB 1425 (2006).

STEPHEN WITTE

01/25/2006 S First Read (S124)

EFFECTIVE: August 28, 2006

*** SB 953 ***

4184S.031

SENATE SPONSOR: Engler

SB 953 - This act substantially revises the title insurance act and modifies the enforcement powers of the Department of Insurance. The act reenacts numerous provisions that were contained in SB 894 (2000) they were found unconstitutional due to clear title violations. The unconstitutional provisions remain in the statute books whereas the pre-SB 894 provisions are not contained in the statute books.

ENFORCEMENT OF INSURANCE LAWS – This act revises the law with respect to how the Department of Insurance enforces various violations of the state insurance code. If the director of the Department of Insurance determines that a person has violated or is attempting to violate a provision of the insurance code, the director may issue:

- (1) An order directing the person to cease and desist from engaging in the act, practice, omission or course of business;
- (2) A curative order or order directing the person to take other action necessary or appropriate to comply with the insurance laws of this state;
- (3) Order a civil penalty or forfeiture; and
- (4) Award reasonable costs of the investigation.

The act provides that the director shall provide the alleged violator notice of the director's intent to issue an order unless summary action is needed to protect consumers. The act provides that for administrative hearings to contest the issuance of the administrative orders and requires the director to issue findings of fact and conclusions of law before an order becomes final. Under the act, he director is authorized to issue subpoenas, compel attendance of witnesses, administer oaths, hear testimony of witnesses, receive evidence, and require the production of books, papers, records, correspondence and all other written instruments or documents relevant to the proceeding and authorized in contested cases under the provisions of chapter 536. The act modifies the penalty for violating a cease and desist order issued by the Department of Insurance. Currently, the law provides that a person who violates a cease and desist order may be punished by a maximum \$1,000 fine and up to one year in jail. The act provides for a fine up to \$100,000 and a term of imprisonment of 10 years (Section 374.046).

REVOCAION OF CERTIFICATE OF AUTHORITY - The act allows the director to revoke a corporation's or insurer's certificate of authority for violating a provision of the insurance code or for felony or misdemeanor convictions. The director must provide the corporation or insurer with 30 days notice before revoking the certificate of authority and must provide such entity with a hearing if so requested (Section 374.047).

PETITION OF CIRCUIT COURT - The act allows the director to seek redress in county circuit courts and the court may issue injunctions, freeze assets or take other remedial measures outlined in the act. The act creates the consumer restitution fund for the purpose of preserving and distributing to aggrieved consumers, disgorgement or restitution funds obtained through enforcement proceedings brought by the director (Section 374.048).

CLASSIFICATION OF ADMINISTRATIVE PENALTIES – The act classifies various violations of the insurance code into five categories. The act establishes maximum fines for each category or level violation. All fines shall go to public schools as required by the Missouri Constitution (Section 374.049).

ADMINISTRATIVE HEARING COMMISSION HEARINGS - Under the act, any applicant refused a license by order of the director may file a petition with the Administrative Hearing Commission alleging that the director has refused the license. The Administrative Hearing Commission shall conduct hearings and make findings of fact and conclusions of law. The director shall have the burden of proving cause for refusal. The act provides for hearings by the Administrative Hearing Commission for certain revocations and suspensions of licenses (Section 374.051).

DEFINITIONS THAT APPLY TO TITLE INSURANCE CODE - This act revises the definition section of the insurance code by adding new terms such as abstract of title, affiliated business, and other terms. The term "premium" is defined as the consideration paid on behalf or on behalf of the insured for the issuance of a title insurance policy, closing protection, or any endorsement or special coverage. It does not include any sales commission, underwriting charge, title examination fees, escrow service fees, other types of fees (Section 381.009).

TYPES OF TITLE INSURANCE POLICIES - This act requires a statement notifying the owner of exceptions

when a title insurance commitment includes an offer to issue an owner's policy covering the resale of owner-occupied residential property. A lender's title insurance policy issued in conjunction with a mortgage loan shall give notice to the purchaser that the lender's policy protects the lender and does not protect the purchaser and that the purchaser could be protected through the purchase of an owner's policy of title insurance (Section 381.015).

DUTIES OF INSURERS UTILIZING SERVICES OF TITLE AGENCIES: A title insurer shall not allow its agents to sell title insurance policies unless there is a written contract between the agent and the insurer. The title insurer shall maintain an inventory of all policy numbers allocated to each title agency or title agent not affiliated with a title agency. The title insurer shall have on file proof that the title agency or title agent is licensed by this state. The title insurer shall establish the underwriting guidelines and, where applicable, limitations on title claims settlement authority to be incorporated into contracts with its title agencies and title agents not affiliated with a title agency. If a title insurer terminates its agency with a title agency, the insurer shall, within seven days of the termination, notify the director of the reasons for termination (Section 381.018).

DISCLOSURE OF CHARGES – Under this act, a title insurer, title agency or title agent participating in residential closings using the Housing and Urban Development settlement statement shall provide clear and conspicuous disclosure of charges. The director may adopt rules not in conflict with provisions of RESPA to implement disclosure of premium, abstract or title search fee, settlement or closing fees, policy issuance fees, and any other associated fees along with a concise description (Section 381.019).

CONDITIONS FOR MAINTAINING ESCROW AND SECURITY DEPOSIT ACCOUNTS - In order for a title insurer or title agent to operate as an escrow, security, settlement, or closing agent, it must deposit such related funds into a separate fiduciary trust account. Interest received on escrow, settlement, security deposit, or closing funds may be retained by the title insurer or agent as compensation for the administration of the account. Under the act, it is unlawful for any person to commingle personal or any other moneys with escrow funds, use escrow funds to pay or indemnify against debts of the title insurance agent or of any other person, use escrow funds for any purpose other than to fulfill the terms of the individual escrow after the necessary conditions of the escrow have been met, disburse any funds held in an escrow account unless the disbursement is made pursuant to a written instruction or agreement specifying under what conditions and to whom such funds may be disbursed or pursuant to an order of a court of competent jurisdiction; or disburse any funds held in a security deposit account unless the disbursement is made pursuant to a written agreement (Section 381.022).

PERIODIC ONSITE REVIEWS OF TITLE AGENTS BY TITLE INSURERS - A title insurer shall, at least annually, conduct an onsite review of the underwriting, claims, and escrow practices of the title insurance agency or agent with which it has a contract. If the agency or agent does not maintain separate fiduciary trust accounts for each title insurer it represents, the title insurer shall verify that the funds held on its behalf are reasonably ascertainable from the books of account and records of the agency or agent. Each title insurer shall adopt and utilize standards and procedures for the on-site review of title insurance agents and agencies. On-site review documentation, work papers, summaries and reports shall be maintained by each title insurer for a period of at least four years and shall be made available to the director for examination upon request (Section 381.023).

ACCESS TO RECORDS OF UNAFFILIATED AGENT – Under this act, it is unlawful for any title agency or title agent not affiliated with an agency to deny reasonable access or in any manner fail to cooperate with its underwriters in the title insurers' reviews of the agency's or agent's escrow, settlement, closing and security deposit accounts (Section 381.024).

PROHIBITION ON REFERRAL FEES – Under the act, it is unlawful for any title insurer, title agency, title agent or other person to give or receive any consideration for the referral of title insurance business, escrow, closing or other service provided by a title insurer, title agency or title agent. Under the act, a title insurer or agent may seek injunctive relief if the department fails to take action within 45 days of receiving notice of the violation (Section 381.025).

RECORDING OF DEEDS - Under this act, a settlement agent shall record all deeds and security instruments for real estate closings handled by it within five business days after completion of all conditions precedents (Section 381.026).

LIABILITY FOR DEFALCATIONS – Under this act, a title insurer is liable for the defalcation, conversion, or misappropriation by a licensed title insurance agent or agency of funds held in trust by the agent or agency.

If the agent or agency is an agent or agency for two or more title insurers, any liability shall be borne by the title insurer upon which a title insurance commitment or policy was issued prior to the illegal act (Section 381.027).

FAVORED TITLE AGENCY OR TITLE INSURER - No title insurer or agent shall participate in any transaction in which it knows the other party requires that a party obtain a title insurance policy from a particular insurer or agent. The act makes it unlawful for any title insurer or title agent to offer payments, rebates or other types of inducements as part of a title insurance policy transaction (Section 381.028).

PREMIUM RATES – Under the act, premium rates shall not be excessive, inadequate or unfairly discriminatory. Premium rates are excessive if they are likely to produce a long-run profit that is unreasonably high for the insurance provided or if expenses are unreasonably high in relation to services rendered. Premium rates are inadequate when they are clearly insufficient to sustain projected losses and expenses and the use of such rates, if continued, will tend to create a monopoly in the market. Unfair discrimination exists if price differentials fail to reflect equitably the differences in expected losses and expenses. Due consideration shall be given to past and prospective loss and expense experience within and outside of this state, to catastrophe hazards and contingencies, to events or trends within and outside of this state, and to all other relevant factors. Premium rates may contain a provision for contingencies and an allowance permitting a reasonable profit. In determining the reasonableness of profit, consideration should be given to all investment income attributable to premiums and reserves (Section 381.032).

FILING OF PREMIUM RATES – Under this act, every title insurer shall file with the director all premium rates and supplementary rate information which is to be used in this state. Such rates and supplementary rate information and supporting information required by the director shall be filed before the effective date. All rates, supplementary rate information and any supporting information shall be open to public inspection at any reasonable time (Section 381.033).

DISAPPROVAL OF PREMIUM RATES - A rate may be disapproved at any time subsequent to the effective date. The director may disapprove a rate if the director finds that the rate is inadequate, excessive or unfairly discriminatory. The insurer whose rates have been disapproved shall be given a hearing upon a written request made within 30 days after the disapproval order. Whenever an insurer has no legally effective rates as a result of the director's disapproval of rates or other act, the director shall specify interim rates for the insurer that are high enough to protect the interests of all parties and may order that a specified portion of the premiums be placed in an escrow account approved by the director (Section 381.034).

ISSUANCE OF TITLE INSURANCE POLICIES (EVIDENCE OF TITLE, LIENS, RECORD KEEPING, TIME LIMITS FOR ISSUANCE) – Under the act, no title insurance policy shall be written unless and until the title insurer, title agent, or agency has caused a search of title to be made from the evidence prepared from a title plant or under other circumstance the policy shall be based upon the best title evidence available. No title insurance policy shall be written unless the insurer has made a determination of insurability of title in accordance with sound underwriting practices.

No title insurer, title agent, or agency shall knowingly issue any owner's title insurance policy or commitment to insure without showing all outstanding, enforceable recorded liens or other interests against the title which is to be insured.

Evidence of the examination of title and determination of insurability generated by a title insurer shall be maintained by such insurer for as long as appropriate to the circumstances but, in no event less than 15 years after the policy has been issued. Records relating to escrow and security deposits shall be retained for a minimum of seven years. All title insurance policies shall be issued promptly, but no more than 45 days, after closing, unless there are special circumstances that prevent the issuance of the policy (Section 381.038).

RULES AND REGULATIONS – The act authorizes the director of the Department of Insurance to promulgate rules to implement the provisions of the title insurance chapter (Section 381.042).

ENFORCEMENT OF TITLE INSURANCE LAWS - If the director determines that a person has engaged, is engaging, or is about to engage in a violation of the title insurance laws, the director may issue administrative orders (cease and desist, curative orders, etc.), suspend or revoke the license of a producer or the certificate of authority of any title insurer for any such willful violation. The director may bring an action in a court of competent jurisdiction to enjoin violations of the Real Estate Settlement Procedures Act (Sections 381.045

and 381.048).

TRANSACTION OF TITLE INSURANCE BUSINESS - No person other than a domestic, foreign or non-U.S. title insurer organized on the stock plan and duly licensed by the director shall transact title insurance business as an insurer in this state (Section 382.052). A title insurer shall have the power to do only title insurance business, reinsure title insurance policies, and perform ancillary activities such as examining titles to property and any interest in property and procuring and furnishing related information and information about relevant real and personal property, when not in contemplation of, or in conjunction with, the issuance of a title insurance policy (Section 381.055). Only title insurance companies can issue title insurance policies. A title insurer shall not engage in the business of guaranteeing payment of the principal or the interest of bonds or mortgages (Section 381.058).

CLOSING OR SETTLEMENT PROTECTION - Under the act, a title insurer is required to issue closing or settlement protection to protect the buyer, lender and seller's interest if the title insurer issues a commitment, binder or title insurance policy. The closing or settlement protection shall indemnify the proposed insured for theft of settlement or escrow funds by the title agent or for the title agent's failure to comply with the closing instructions. The charge for issuance of the closing or settlement protection letter shall be filed as a rate with the director as a component of premium. The entire charge for the closing or settlement protection letter shall be retained by the title insurer. A title insurer shall not provide any other coverage which purports to indemnify against improper acts or omissions of a person with regard to escrow, settlement, or closing services (Section 381.058).

CAPITAL AND SURPLUS REQUIREMENTS - Under this act, a title insurer shall establish and maintain a minimum paid-in capital of not less than \$800,000 and, in addition, surplus of at least \$800,000 (Section 381.062).

NET RETAINED LIABILITY OF TITLE INSURER - The title insurer's net retained liability for a single risk shall not exceed the aggregate of 50% of the surplus as it regards policyholders plus the statutory premium reserve less the company's investment in title plants. A single risk is the insured amount of any title insurance policy. Where there are two or more policies which are issued simultaneously covering different estates in the same real property, a single risk shall be the sum of the insured amounts of all the policies (Section 381.065).

FINANCIAL SOLVENCY - In determining the financial condition of a title insurer, the general provisions of Sections 379.080 to 379.082 shall apply except that an investment in title plants equal to an amount to the actual cost shall be allowed as an admitted asset for title insurers. The aggregate amount of the investment shall not exceed 20% of surplus to policyholders, as shown on the most recent annual statement of the title insurer on file with the director (Section 381.068).

LIQUIDATION AND INSOLVENCY OF TITLE INSURERS: The Missouri Uniform Insurers Liquidation Act shall apply to all title insurers. Security and escrow funds held by title insurers shall not become general assets and shall be administered as secure claims. Title insurance policies shall not be canceled during a period of liquidation unless good cause is shown to the court. Premiums paid, due or to become due under a title insurance policy at the date of order of insolvency shall be fully earned and it is the duty of the title insurer or its agents to pay the premiums to the liquidator (Section 381.075).

ASSESSMENTS TO PAY LIQUIDATED INSURANCE COMPANY CLAIMS - As a condition of doing business in this state, each title insurer shall be liable for an assessment to pay all unpaid title insurance claims on real property in this state for any title insurer which is liquidated with unpaid outstanding claims. The director, as receiver, shall assess all title insurers on a pro rata basis determined by their writings in this state for amounts necessary to pay the claims. A title insurer is not required to pay an amount in excess of one-tenth of its surplus as to policyholders (Section 381.076).

FORM FILING: Title insurance forms shall be approved by the Director of Insurance 30 days before they are used (Section 381.085).

POLICY ISSUANCE FEE - Under the act, a policy issuance fee not to exceed \$2 shall be imposed on each title insurance policy issued in the state. The fee shall be deposited in the Department of Insurance Dedicated Fund (Section 381.113).

LICENSING OF TITLE AGENTS/CONTINUING EDUCATION - All title insurance agencies and agents must

be licensed as insurance producers. Employees of the title insurance agent shall either be licensed themselves or be named on the title insurance agent's license if they engage in the functions of a title insurance agent. Title insurance agents must eliminate the word insurer or underwriter from their business name unless the word "agency" is part of the name. If the title insurance agent delegates a title search to a third party, the agent must obtain proof that the third party is qualified by the rules and regulations established by the Director of Insurance.

Title insurance agents shall take 16 hours of continuing courses of education related to insurance every two years. For good cause, an agent may be granted an extended period of time to complete the educational requirements. Those title agents who reside in a state with mandatory continuing education requirements do not have to comply with this portion of the act (Sections 381.115 and 381.118).

AUDITING OF BOOKS AND RECORDS – Under the act, the director may during normal business hours examine, audit and inspect any and all books and records maintained by a title agency or title agent (Section 381.122).

AFFILIATED BUSINESS ARRANGEMENTS - Whenever the business to be written constitutes affiliated business, prior to commencing the transaction, the title insurer, title agency or title agent shall ensure that its customer has been provided with disclosure of the existence of the affiliated business arrangement and a written estimate of the charge or range of charges generally made for the title services provided by the title insurer, agency or agent. The director may require each title insurer, agency and agent to file on forms prescribed by the director reports setting forth the names and addresses of those persons, if any, that have a financial interest in the insurer, agency or agent and who the insurer, agency or agent knows or has reason to believe are producers of title insurance business or associates of producers. Nothing shall be construed as prohibiting affiliated business arrangements in the provision of title insurance business so long as:

- (1) The title insurer, title agency, title agent or party making a referral constituting affiliated business, at or prior to the time of the referral, discloses the arrangement and, in connection with the referral, provides the person being referred with a written estimate of the charge or range of charges likely to be assessed and otherwise complies with the disclosure obligations of this section;
- (2) The person being referred is not required to use a specified title insurer, agency or agent; and
- (3) The only thing of value that is received by the title insurer, agency, agent or party making the referral, other than payments otherwise permitted, is a return on an ownership interest (Section 381.125).

GOOD FUNDS - This act modifies the definition of "financial institution" for purposes of closing real estate transactions and settlement agents. The act modifies the "good funds" provision by restricting title insurers or agents from making payments or withdrawals from a settlement escrow account unless a corresponding deposit of funds was made to the escrow account for the benefit of the payee or payees. This restriction applies regardless of the amount of the payment or withdrawal. The current restriction only applies to payments or withdrawals that exceed \$10,000 (Sections 381.410 and 381.412).

STEPHEN WITTE

01/25/2006 S First Read (S124)

EFFECTIVE: August 28, 2006

*** SB 954 ***

4759S.011

SENATE SPONSOR: Griesheimer

SB 954 - This act imposes a surcharge of two and a half percent of the total amount charged, less any sales and use tax, for machinery rented or leased within the state. The surcharge will be collected by the rental company and used to pay personal property tax on the machinery subject to the surcharge.

As of February 15, 2008, every rental company subject to the provisions of this act shall file an annual report detailing the aggregate amount of personal property tax actually paid by such rental company and the aggregate amount of rental surcharge actually collected. Such report shall be accompanied by a remittance of any surcharge amounts that exceed the rental companies personal property tax liability. The surcharge remittance will be deposited in the general revenue fund.

The provisions of this act shall become effective January 1, 2007.

JASON ZAMKUS

01/25/2006 S First Read (S130)

EFFECTIVE: January 1, 2007

*** SB 955 ***

4465S.021

SENATE SPONSOR: Coleman

SB 955 - The act creates and codifies a hot weather rule, similar to the cold weather rule currently in place. The act specifies that the hot weather rule shall mean the period of time between June 1 to September 30, wherein certain utility services may not be discontinued for a variety of reasons. The act asserts that such service may not be discontinued on any day where the forecast predicts that the temperature will rise above eighty-eight degrees Fahrenheit for the following twenty-four hours or any day where such service may not be reconnected on the immediate succeeding day and the temperature rises above the eighty-eight degree mark. Other circumstances where the rule may be applied are left to the commission's discretion and subsequent rules.

MEGAN WORD

01/26/2006 S First Read (S133)

EFFECTIVE: August 28, 2006

*** SB 956 ***

4464S.011

SENATE SPONSOR: Purgason

SB 956 - This act names a portion of U.S. Highway 60 in Texas County as the "Trooper D. Kevin Floyd Memorial Highway".

STEPHEN WITTE

01/26/2006 S First Read (S133)

EFFECTIVE: August 28, 2006

*** SB 957 ***

4835S.011

SENATE SPONSOR: Engler

SB 957 - This act provides that in the twenty-fourth judicial circuit, a majority of the court en banc may appoint a person to act as a drug court commissioner. Such person shall possess the same qualifications as an associate circuit judge, and shall receive the same compensation and retirement as associate circuit judges, payable from the same source as those benefits are paid to associate judges. Orders, judgments, or decrees of the commissioner shall be rejected or confirmed by order of record by a circuit judge, and if confirmed, such orders, judgments, or decrees shall have the same effect as if made by the judge on the date of confirmation. The drug court commissioner shall not engage in the private practice of law.

The circuit court may additionally appoint one person to act as drug court administrator, whose compensation and benefits shall be payable in the same manner and from the same source as other circuit court personnel, and shall serve for a term of four years.

The drug court commissioner or administrator may be removed from office during term by a majority of the circuit and associate circuit judges en banc upon proof that he or she has engaged in certain crimes or misconduct.

This act has an emergency clause.

This act is identical to HB 1484 (2006).

ALEXA PEARSON

01/26/2006 S First Read (S133)

EFFECTIVE: August 28, 2006

*** SB 958 ***

3933S.011

SENATE SPONSOR: Kennedy

SB 958 - This act establishes the "Public Service Accountability Act."

Each state agency must prepare a cost-benefit analysis if it desires to privatize a service offered by the

agency, if the service is valued at \$100,000 or more. The provisions of the act do not apply to legal or management consulting services, as well as contracts entered into by the Missouri highways and transportation commission for the construction and repair of highways, bridges, ports, public transportation facilities and waterways.

If the agency determines that it is more cost-effective to privatize a service, the agency is required to prepare a written statement about the services to be privatized, including an estimate of the costs of regular state employees providing such service. After such a statement is created, the agency may then solicit competitive sealed bids for the privatization contracts.

In order for the agency to seek a privatization contract, the act requires that the savings must exceed 10% of the cost of delivering the same services with state employees. A privatization contract cannot exceed five years. If an agency accepts such a contract, the contractor must offer available positions to qualified state employees who are terminated because of the contract. All private entities entering into a privatization contract must comply with obligations imposed by the federal Freedom of Information Act with regard to any public record. The state auditor is required to review the proposed contract and either approve or object to the contract within 30 days. An agency cannot enter into such contract if the auditor objects. Each proposed contract shall include information on any political contributions made by the contractor or any management employee of the contractor to any elected officer of the state or the general assembly in the past four years. No state funds can be used to support or oppose union activity of the employees of the contractor that executes a privatization contract.

This act is similar to HB 383 (2003).

JIM ERTLE

01/26/2006 S First Read (S133)

EFFECTIVE: August 28, 2006

*** SB 959 ***

4763S.011

SENATE SPONSOR: Alter

SB 959 - This act relates to eminent domain.

SECTION 523.012 - GENERAL PLAN OF STATE OR POLITICAL SUBDIVISION

This section requires the state or any political subdivision to develop a written description of the project it intends to complete that requires the use of eminent domain before proceeding with the condemnation of property. The description must include the intended benefit to the public, an explanation of if or how the public will use the condemned property, the estimated costs, the anticipated sources of funds, and the anticipated date of the retirement of obligations incurred to finance the project, and the plan for providing relocation assistance.

SECTION 523.025 - SUPER MAJORITY VOTE

This section prohibits any political subdivision from exercising the power of eminent domain or condemnation until the governing body approves of the proposed condemnation by a 2/3 majority vote.

SECTION 523.035 - INTERLOCUTORY APPEALS

Under this section, after the petition has been filed to begin condemnation proceedings, the court shall, prior to appointing commissioners, determine whether or not:

- (1) The condemning entity has the authority to exercise the power of eminent domain;
- (2) The property sought to be condemned is subject to eminent domain;
- (3) The property sought to be condemned is for a public use; and
- (4) The condemning entity is properly exercising the power of eminent domain in the proceeding.

The court may also determine other issues raised by the owner which attacks the validity of the condemning entity's right to exercise eminent domain.

If the court finds that all the requirements have been met, it shall enter an interlocutory order to such effect. An interlocutory appeal shall lie from such decision as a matter of right. However, if the court finds the requirements have not been met and the condemning entity does not have the authority to exercise the power of eminent domain, the court shall dismiss the petition with prejudice and direct the condemning entity to pay the owner's court costs and attorneys' fees.

SECTION 523.040 - COMMISSIONER QUALIFICATIONS & INSTRUCTIONS

Under this section, the Missouri Supreme Court shall promulgate rules to establish uniform instructions to be given to condemnation commissioners regarding their duties when determining the amount of compensation that an owner is to receive for his or her condemned property.

SECTION 523.094 - NO EMINENT DOMAIN FOR ECONOMIC DEVELOPMENT

This section prohibits the state or any political subdivision from exercising the power of eminent domain for the purpose of economic development.

The definition of "economic development" means any activity performed to increase tax revenue, tax base, employment rates, or general economic health, when the activity does not result in the transfer of property to public ownership, a private entity that is a common carrier, or a public utility, rural electric cooperative.

The effective date of this section is contingent upon the approval of amendments to the Missouri Constitution.

SECTION 523.110 - NOTICE TO PROPERTY OWNERS

This section states that when an entity with the power to condemn negotiates with an owner to acquire property, which may eventually be acquired through formal condemnation proceedings, the entity must provide the owner with a summary of his or her rights through certified mail. If the condemning entity does not supply the owner with the summary of rights, a presumption shall exist that any sale or contract between the two parties was not voluntary and the condemning entity may be held responsible for any relief the court may determine to be appropriate.

SECTION 523.120 - LANDOWNER RIGHTS

This section requires a condemning entity to give notice of the intent to acquire property before beginning the process. Such general notice must include a description of the property, notice of the property owners' rights to a hearing, notice that a decision may be appealed to be heard before a jury, and notice that the condemnor will pay reasonable appraisal costs. Property owners may employ an appraiser of their choosing, who must use fair practices that consider various factors such as: 1) comparable sales of property in the area, 2) appraised value of like property in the area, 3) term of ownership of property by current owner, 4) current use of property in comparison to future use of property, 5) availability of like property in the area, and 6) anticipated financial gain from proposed future use. The value of the land shall be equal to the fair market value with upward adjustments from the various factors considered.

Within 90 days of notice, the owners may submit an appraisal to the condemnor, and in return the condemnor must submit its appraisal. All the appraisals may be used to negotiate, but only the condemnor is bound by such appraisals. The condemnor must pay for the costs of the owner's appraisal, unless several owners exist and they cannot agree on what appraisal to submit.

Under this act, a condemning entity shall not make an offer to purchase property that is less than the fair market value established by its appraisal, but is not required to make a higher offer in order to be negotiating in "good faith". Any condemning party must make a written offer at least 10 days before the formal filing of a petition with the court to condemn the property. The offer must be filed with the County Recorder of Deeds.

If the parties fail to reach agreement and the action proceeds to trial and the amount of damages awarded the condemnee by the judgment is 25% greater than the amount specified in the offer, the court shall order the condemning entity to pay the condemnee's court costs and attorney's fees.

SECTION 523.125 - INITIATION BY CONDEMNOR

This section requires a condemnor to initiate construction, improvement, or utilization of the condemned property for the stated public use within 48 months of its acquisition or the former owner shall have the right of first refusal to reacquire the property for the compensated amount or fair market value, whichever is less. This provision will not apply to the State Highways and Transportation Commission.

SECTION 523.205 - RELOCATION ASSISTANCE

This section ensures that any political subdivision, not just those receiving federal funding for a project or those proposing a redevelopment plan, which proposes the displacement of persons through the use of eminent domain must establish by ordinance or rule with a relocation policy that is equal or greater to the requirements of the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of

1970 (42 U.S.C. Sections 4601 to 4655, as amended).

This act is identical to SB 611 (2006).
SUSAN HENDERSON MOORE
01/26/2006 S First Read (S133)

EFFECTIVE: August 28, 2006

*** SB 960 ***

4770S.011

SENATE SPONSOR: Alter

SB 960 - This act requires county law enforcement agencies to take a new photograph of each sexual offender when he or she reports annually to the agency, as required.

Under this act, the Highway Patrol is required to use the current photographs taken by the county law enforcement agency on its sexual offender registry website. County law enforcement agencies are also required to use the current photographs if they chose to maintain a county sexual offender registry Internet website.

SUSAN HENDERSON MOORE
01/26/2006 S First Read (S133)

EFFECTIVE: August 28, 2006

*** SB 961 ***

4753S.011

SENATE SPONSOR: Ridgeway

SB 961 - This act makes indemnity agreements in motor carrier transportation contracts which purport to indemnify a party against loss from negligence or intentional acts void and unenforceable.

STEPHEN WITTE
01/26/2006 S First Read (S133)

EFFECTIVE: August 28, 2006

*** SB 962 ***

4671S.011

SENATE SPONSOR: Ridgeway

SB 962 - This act provides a tax credit for individual and corporate contributions to organizations that provide educational scholarships to eligible students residing in St. Louis City, Kansas City, or the Wellston School District so they can attend qualified public and non-public schools of their parent's choice. The tax credit is equal to one hundred percent of the contribution. The credit is non-refundable but may be carried forward three years. No more than forty million dollars of tax credits may be allocated statewide for any one fiscal year.

If a student uses the scholarship to attend another public school such scholarship shall replace the state funding that would be owed for that student.

The Committee on Legislative Research will conduct a study on this program. The provisions of this act will sunset six years from the effective date if not reauthorized.

JASON ZAMKUS
01/26/2006 S First Read (S133)

EFFECTIVE: August 28, 2006

*** SB 963 ***

4397S.041

SENATE SPONSOR: Scott

SB 963 - Under this act, if a city, town, or village receives more than 45% of its total annual revenue from traffic fines for violations occurring on state highways, city roads, village roads, county roads or any highway as that term is defined in Section 302.010, RSMo, the additional revenues above the 45% threshold will be sent to the Department of Revenue to be distributed to the schools within the county. The current law only

applies to state highways.

STEPHEN WITTE

01/26/2006 S First Read (S133)

EFFECTIVE: August 28, 2006

*** SB 964 ***

4808S.011

SENATE SPONSOR: Crowell

SB 964 - This act provides that the Adjutant General may no longer assign a third assistant adjutant general in the grade of major general or below. However, general officers of the line federally recognized in the grade of major general may be reassigned as a State Assistant Adjutant General without change in grade or branch.

The act also provides that Assistant Adjutant Generals must have at least ten years of military service as a commissioned officer with any military force, with at least five years of the service being in field grade.

Assistant Adjutant Generals shall serve at the pleasure of the Adjutant General, and perform any such duties as assigned by the Adjutant General. If the Adjutant General is unable to perform his or her duties, the senior Assistant General may perform such duties, under the direction of the Governor.

The act also eliminates the provision which stated that the Assistant Adjutant General shall serve in the grade and receive such compensation as the Adjutant General determines.

ALEXA PEARSON

01/26/2006 S First Read (S133)

EFFECTIVE: August 28, 2006

*** SB 965 ***

4762S.011

SENATE SPONSOR: Bartle

SB 965 - This act repeals the statute creating the Advisory Committee on Poison Control and repeals some of its duties. This act provides that rather than the advisory committee, the state health agency shall provide for the establishment of a Missouri Regional Poison Information Center and Network and shall work in conjunction with local health agencies and health care providers on the region to be served by the Missouri regional poison information center.

ADRIANE CROUSE

01/26/2006 S First Read (S133)

EFFECTIVE: August 28, 2006

*** SCR 21 ***

SCS SCR 21

3730S.02C

SENATE SPONSOR: Ridgeway

SCS/SCR 21 - This Senate concurrent resolution expresses the General Assembly's support for Taiwan to have an observer status in the World Health Organization.

This resolution is similar to SCS/SCR 8 (2005).

ADRIANE CROUSE

01/04/2006 S offered (S38)

01/05/2006 Referred S Rules, Joint Rules, Resolutions & Ethics Committee (S48)

01/11/2006 Hearing Conducted S Rules, Joint Rules, Resolutions & Ethics Committee

01/11/2006 SCS Voted Do Pass S Rules, Joint Rules, Resolutions & Ethics Committee (3730S.02C)

01/19/2006 Reported from S Rules, Joint Rules, Resolutions & Ethics Committee to Floor w/SCS (S107)

01/24/2006 SCS S adopted (S121)

01/24/2006 S adopted (S121 / H115)

01/24/2006 H First Read (H115-116)

EFFECTIVE: upon approval

*** SCR 22 ***

3135S.031

SENATE SPONSOR: Champion

SCR 22 - This resolution encourages the Missouri Department of Transportation to create individual highway signs detailing the name and date of highway workers, emergency workers, and highway patrol officers injured or killed on Missouri highways and erect such signs at the location of the injury or death. The department shall not create or erect a memorial highway sign unless the immediate family members approve of the sign's creation.

STEPHEN WITTE

01/12/2006 Offered (S83)

01/17/2006 Referred S Rules, Joint Rules, Resolutions & Ethics Committee (S93)

01/25/2006 Hearing Conducted S Rules, Joint Rules, Resolutions & Ethics Committee

EFFECTIVE: upon approval

*** SCR 23 ***

4310S.011

SENATE SPONSOR: Coleman

SCR 23 - This resolution requests the establishment of a Board of Naturopathic Medical Examiners to determine the scope of practice of naturopathic physicians. Only a person who has received a doctor of naturopathy from a state accredited educational institution, primary care physicians, and those with doctor of naturopathy degrees demonstrating a quality level of care for at least twenty years may hold themselves out as naturopathic physicians.

CHRIS HOGERTY

01/18/2006 S Offered (S97)

01/19/2006 Referred S Rules, Joint Rules, Resolutions & Ethics Committee (S108)

01/25/2006 Hearing Conducted S Rules, Joint Rules, Resolutions & Ethics Committee

EFFECTIVE: upon approval

*** SCR 24 ***

4597S.011

SENATE SPONSOR: Scott

SCR 24 - The resolution reauthorizes the Poultry Industry Committee until December 31, 2007, whereby such committee will terminate.

MEGAN WORD

01/19/2006 S First Read (S102-103)

01/23/2006 Second Read and Referred S Rules, Joint Rules, Resolutions & Ethics Committee (S115)

01/25/2006 Hearing Conducted S Rules, Joint Rules, Resolutions & Ethics Committee

EFFECTIVE: upon approval

*** SCR 25 ***

4312S.011

SENATE SPONSOR: Cauthorn

SCR 25 - This resolution expresses the support and gratitude of the General Assembly for faith-based and community organizations and encourages the state and all local governments to work in partnership with such organizations to provide quality social services to the citizens of this state.

This resolution is identical to SCR 24 (2004), and SCR 2 (2005).

CHRIS HOGERTY

01/19/2006 S Offered (S103)

01/23/2006 Referred S Rules, Joint Rules, Resolutions & Ethics Committee (S115)

01/25/2006 Hearing Conducted S Rules, Joint Rules, Resolutions & Ethics Committee

EFFECTIVE: upon approval

*** SJR 21 ***

3383S.011

SENATE SPONSOR: Cauthorn

SJR 021 - This proposed constitutional amendment, if approved by the voters, directs the conservation sales tax to be resubmitted to the voters beginning in the election of 2008 and every ten years thereafter. If

the tax fails to get the reapproval from the voters, such tax shall terminate on December 31 following the election.

This SJR is similar to SJR 3 (2005).

MEGAN WORD

12/01/2005 Prefiled

01/04/2006 S First Read (S18)

01/11/2006 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S74)

EFFECTIVE: Referendum

*** SJR 22 ***

3380S.011

SENATE SPONSOR: Cauthorn

SJR 22 - This resolution places a proposed constitutional amendment before the voters to allow a school district to provide transportation for private school pupils, provided that any such pupil, or the pupil's parent or other guardian, reimburses the district for the proportionate share of the actual operating and capital expenses incurred in providing the transportation services.

This SJR is identical to SJR 004 (2005).

DONALD THALHUBER

12/01/2005 Prefiled

01/04/2006 S First Read (S18)

01/11/2006 Second Read and Referred S Education Committee (S74)

EFFECTIVE: Referendum

*** SJR 23 ***

3358S.011

SENATE SPONSOR: Bartle

SJR 23 - This proposed constitutional amendment states that the power to determine public school funding shall be exclusively the province of the people's elected representatives in the General Assembly and their Governor. The power to determine public school funding shall not fall within the province of the judiciary.

This resolution is identical to SJR 18 from 2005.

DONALD THALHUBER

12/01/2005 Prefiled

01/04/2006 S First Read (S18)

01/11/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S74)

EFFECTIVE: Referendum

*** SJR 24 ***

3357S.011

SENATE SPONSOR: Bartle

SJR 24 - This resolution authorizes the Highway & Transportation Commission to conduct feasibility studies, fund, design, acquire, construct, maintain, and operate toll facilities. The commission shall fix and collect tolls for the use of all toll facilities. The commission is authorized to issue state toll facility revenue bonds or refunding bonds authorized by the general assembly without the consent of any other state agency or board. The commission is authorized to enter into contracts with other federal, state, or local agencies to conduct its duties with respect to constructing toll facilities.

Moneys obtained from toll facility revenue bonds, tolls, and other fees shall be deposited in the state toll facility fund. Moneys in the fund shall stand appropriated without legislative action to be expended in the sole discretion of the commission.

The commission is authorized to transfer moneys from the state road fund to the state facility fund to pay toll facility costs. Any such transfers from the state road fund shall be repaid in a time and manner determined by the commission. The commission is authorized to relocate or incorporate any public road or

highway into a state toll facility project authorized by the General Assembly.

Revenue generated from the toll roads shall not be included as a part of total state revenue, nor shall revenue expenditures be considered an "expense of state government" for the purposes of the Hancock Amendment.

This resolution is similar to SJR 11 (2005).

STEPHEN WITTE

12/01/2005 Prefiled

01/04/2006 S First Read (S18)

01/11/2006 Second Read and Referred S Transportation Committee (S74)

EFFECTIVE: Referendum

*** SJR 25 ***

3782S.011

SENATE SPONSOR: Clemens

SJR 25 - This proposed constitutional amendment, if approved by the voters, requires the first legislative session of each general assembly to be used exclusively for the enactment of appropriations laws except for emergency legislation where health, welfare, and safety requires legislative action. The second legislative session shall be used exclusively for the enactment of general laws except for the enactment of supplemental appropriations laws if necessary.

This proposed constitutional amendment is identical to SJR 9 (2005).

JIM ERTLE

12/01/2005 Prefiled

01/04/2006 S First Read (S18)

01/11/2006 Second Read and Referred S Governmental Accountability & Fiscal Oversight Committee (S74)

EFFECTIVE: Referendum

*** SJR 26 ***

3420S.011

SENATE SPONSOR: Ridgeway

SJR 26 - This constitutional amendment, if approved by voters, will exempt property owned by veterans' organizations from taxation.

JASON ZAMKUS

12/01/2005 Prefiled

01/04/2006 S First Read (S18)

01/11/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S75)

01/17/2006 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee

01/24/2006 Voted Do Pass S Pensions, Veterans' Affairs and General Laws Committee

EFFECTIVE: Referendum

*** SJR 27 ***

3596S.011

SENATE SPONSOR: Crowell

SJR 27 - This proposed constitutional amendment, if approved by voters, will dismantle the Missouri Citizens Commission on the Compensation for Elected Officials.

ALEXA PEARSON

12/01/2005 Prefiled

01/04/2006 S First Read (S18)

01/11/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S75)

01/30/2006 Hearing Scheduled S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: Referendum

*** SJR 28 ***

3738S.011

SENATE SPONSOR: Engler

SJR 28 - This proposed constitutional amendment, if approved by the voters, provides that private property may only be taken when necessary for the possession, occupation, or enjoyment of land by the public, or by public agencies, public utilities, rural electric cooperatives, municipally owned utilities, or common carrier, as provided by law. Private property shall not be taken for use by private commercial enterprise, the purpose of economic development, or for any other private use, except with consent of the owner. Takings by public utilities, rural electric cooperatives, municipally owned utilities, or common carriers are not takings for private use. Property shall not be taken from one owner and transferred to another on the grounds that the public will benefit from a more profitable private use.

SUSAN HENDERSON MOORE

12/01/2005 Prefiled

01/04/2006 S First Read (S18)

01/11/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S75)

EFFECTIVE: Referendum

*** SJR 29 ***

3737S.011

SENATE SPONSOR: Engler

SJR 29 - This proposed constitutional amendment, if approved by the voters, would eliminate Article 6, Section 21, of the Missouri Constitution, which allows for cities and counties to use eminent domain to obtain and improve "blighted areas."

SUSAN HENDERSON MOORE

12/01/2005 Prefiled

01/04/2006 S First Read (S19)

01/11/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S75)

01/25/2006 Hearing Conducted S Economic Development, Tourism & Local Government Committee

EFFECTIVE: Referendum

*** SJR 30 ***

3759S.011

SENATE SPONSOR: Graham

SJR 30 - This proposed constitutional amendment, if approved by the voters, will ensure that Missouri patients have access to stem cell therapies and cures, researchers will be able to conduct stem cell research in this state, and all such research is conducted safely and ethically.

Upon passage of this amendment, no person will be able to clone or attempt to clone a human being, produce a human blastocyst by fertilization solely for stem cell research, or take stem cells from a human blastocyst more than 14 days after cell division begins. Also, no person may purchase or sell human blastocysts or eggs for stem cell research; instead, the blastocysts or eggs must be voluntarily donated.

This proposed amendment requires that human embryonic stem cell research be conducted by people who have given oversight responsibility and approval authority for such research to a committee, adopted ethical standards for such research, and obtained a determination from an Institutional Review Board that the research complies with all federal statutes and regulations.

Stem cell research must be conducted in accordance with state and local laws as long as they do not restrict the research or create disincentives for those who wish to engage in it.

Any person who knowingly and willfully violates these provisions shall be subject to imprisonment and criminal fines. A civil action may also be brought against any person who knowingly and willfully violates these provisions.

This proposed amendment requires institutions, entities, or other people conducting human embryonic stem cell research to prepare an annual report stating the nature and purpose of their research and certifying that it is conducted in compliance with the Missouri Constitution. The reports must be made available to the public. A civil action may be brought against an entity or person who fails to make such a report available.

To ensure that no governmental body restricts stem cell research, no state or local government shall eliminate, reduce, deny, or withhold public funds for non-stem cell related activities to a person who lawfully

conducts stem cell research and is otherwise eligible to receive such funding.

Under this proposed amendment, "stem cell research" includes any scientific or medical research involving stem cells. Stem cells are cells that can be divided multiple times and give rise to specialized cells in the body, and includes adult stem cells and embryonic stem cells.

SUSAN HENDERSON MOORE

12/01/2005 Prefiled

01/04/2006 S First Read (S19)

01/11/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S75)

EFFECTIVE: Referendum

*** SJR 31 ***

3993S.011

SENATE SPONSOR: Ridgeway

SJR 31 - This proposed constitutional amendment, if approved by the voters, elevates the allowable level of bonded indebtedness for school districts from 15% to 20%.

This resolution is identical to SJR 020 (2005).

DONALD THALHUBER

12/22/2005 Prefiled

01/04/2006 S First Read (S19)

01/11/2006 Second Read and Referred S Education Committee (S75)

EFFECTIVE: Referendum

*** SJR 32 ***

3938S.011

SENATE SPONSOR: Graham

SJR 32 - This Constitutional Amendment, if approved by the voters, will require the State Auditor to carry out performance audits on all state agencies. The auditor shall have free access to all offices and records as concern any of the auditor's duties, and shall be bound by the same confidentiality requirements as may apply to the offices and records reviewed.

CHRIS HOGERTY

12/28/2005 Prefiled

01/04/2006 S First Read (S19)

01/11/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S75)

01/30/2006 Hearing Scheduled S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: Referendum

*** SJR 33 ***

3940S.011

SENATE SPONSOR: Graham

SJR 33 - This constitutional amendment, if approved by the voters, requires the General Assembly, after each ten-year census, to complete the division of the state into U.S. Congressional districts by January 1st of the year in which the regularly scheduled elections for members of the U.S. House of Representatives are to be held. The division of the state into districts shall only occur once every ten years.

JIM ERTLE

01/04/2006 S First Read (S20)

01/11/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S75)

01/30/2006 Hearing Scheduled S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: Referendum

*** SJR 34 ***

4223S.011

SENATE SPONSOR: Crowell

SJR 34 - This proposed constitutional amendment increases the membership of the State Board of

Education from eight to nine and specifies that one member be an active classroom teacher, one member be an active school principal, and one member be an active school superintendent. The teacher, principal, and superintendent would be appointed pursuant to statute, and the six lay members would continue to be appointed by the Governor. The terms of members are reduced from eight years to four years. The teacher, principal, and superintendent members would serve one three-year term, while lay members could be reappointed for a second four-year term.

This resolution is identical to SJR 17 (2005).

DONALD THALHUBER

01/10/2006 S First Read (S64)

01/19/2006 Second Read and Referred S Education Committee (S108)

EFFECTIVE: Referendum

*** SJR 35 ***

4250S.011

SENATE SPONSOR: Crowell

SJR 35 - This proposed constitutional amendment, if approved by the voters, eliminates the provision stating that the question of whether a contemplated use of eminent domain is public shall be judicially determined without regard to any legislative declaration that such use is public.

SUSAN HENDERSON MOORE

01/11/2006 S First Read (S73)

01/19/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S108)

EFFECTIVE: August 28, 2006

*** SJR 36 ***

3990S.011

SENATE SPONSOR: Graham

SJR 36 - This proposed constitutional amendment, if approved by the voters, requires the state treasurer, by November 1st of each year, to complete and deliver to the governor and the General Assembly an estimate of available state revenues for the next fiscal year beginning on July 1st. The estimate shall be used by the Governor and the General Assembly as the primary source of estimated revenues in their deliberations on the disbursement of state funds for the next fiscal year. The State Treasurer can provide updates to the estimate until March 15th.

JIM ERTLE

01/12/2006 S First Read (S84-85)

01/19/2006 Second Read and Referred S Governmental Accountability & Fiscal Oversight Committee (S108)

EFFECTIVE: Referendum

*** SJR 37 ***

3989S.011

SENATE SPONSOR: Graham

SJR 37 - This proposed constitutional amendment, if approved by the voters, requires that all appropriations made by the General Assembly shall not exceed the official estimate of available state revenues.

JIM ERTLE

01/12/2006 S First Read (S85)

01/19/2006 Second Read and Referred S Governmental Accountability & Fiscal Oversight Committee (S108)

01/30/2006 Hearing Scheduled S Governmental Accountability & Fiscal Oversight Committee

EFFECTIVE: Referendum

*** SJR 38 ***

4400S.011

SENATE SPONSOR: Gross

SJR 38 - This constitutional amendment, if approved by the voters, will impose a sales tax equal to two cents per cigarette and a twenty percent tax on the manufacturer's invoice price of other tobacco products. The revenue derived from this tax will be placed into the Healthy Future Trust Fund created by this act.

The actual costs of collecting the tax imposed by this act will be paid from the moneys in the Healthy

Future Trust Fund, not to exceed four percent of the total moneys collected. Two accounts, the Chronic Disease Management Account and the Tobacco Use Prevention, Education, and Cessation Account, are created within the Healthy Future Trust Fund. Upon appropriation, the moneys deposited in the healthy future trust fund will be allocated to the Chronic Disease Management Account and the Tobacco Use Prevention, Education, and Cessation Account, which are created within the Healthy Future Trust Fund. The funds allocated to both accounts are specifically prohibited from being used to fund abortion services.

The Chronic Disease Management account will receive sixty-five percent of the net proceeds from the tax in the Healthy Future Trust Fund. The Tobacco Use Prevention, Education, and Cessation Account will receive thirty-five percent of the net proceeds from the tax in the Healthy Future Trust Fund.

An oversight committee is created to assist other state agencies in monitoring the use of funds and assessing the efficiency of programs funded through the Tobacco Use Prevention, Education, and Cessation Account. In addition, the state auditor will perform an annual audit of the funds and programs established under this act.

The moneys deposited in the Chronic Disease Management Account shall be appropriated to the Department of Social Services to provide funding for health care access cards for uninsured Missourians and the costs of administering such program.

The tax imposed under this act shall be resubmitted for voter approval every six years.

JASON ZAMKUS

01/12/2006 S First Read (S85)

01/19/2006 Second Read and Referred S Ways & Means Committee (S108)

EFFECTIVE: Referendum

*** SR 1695 ***

4311S.011

SENATE SPONSOR: Bartle

SR 1695 - This resolution changes the Senate Rules to allow the use of laptop computers in the Senate Chamber.

JIM ERTLE

01/09/2006 Offered (S56)

01/09/2006 Referred S Rules, Joint Rules, Resolutions & Ethics Committee (S59)

01/11/2006 Hearing Conducted S Rules, Joint Rules, Resolutions & Ethics Committee

01/11/2006 Voted Do Not Pass S Rules, Joint Rules, Resolutions & Ethics Committee

EFFECTIVE: upon approval

*** SR 1725 ***

SENATE SPONSOR: Vogel

SR 1725 - This resolution allows the Rotary Club to use the Senate Chamber for their Student Government Day to be held on Monday, March 20, 2006.

JIM ERTLE

01/12/2006 Offered (S83)

01/12/2006 Adopted (S83)

EFFECTIVE: upon approval

*** SR 1870 ***

0017SR.01

SENATE SPONSOR: Vogel

SR 1870 - This resolution authorizes the Missouri Catholic Conference to use the Senate Chamber on September 30, 2006.

JIM ERTLE

01/26/2006 S offered (S132-133)

01/26/2006 S adopted (S133)

EFFECTIVE: upon approval

*** HB 1015 ***

3015L.01T

SENATE SPONSOR: Gross

HOUSE HANDLER: Icet

HB 1015 - Supplemental Appropriations

	Governor	House
GR	\$6,079,746	\$6,079,746
FEDERAL	0	0
OTHER	0	0
TOTAL	<u>\$6,079,746</u>	<u>\$6,079,746</u>

	Senate	Final
GR	\$6,079,746	\$6,079,746
FEDERAL	0	0
OTHER	0	0
TOTAL	<u>\$6,079,746</u>	<u>\$6,079,746</u>

DAN HAUG

01/03/2006 Prefiled (H)
 01/04/2006 Read first time (H) (H12)
 01/05/2006 Read second time (H) (H33)
 01/05/2006 Referred: Budget (H) (H33)
 01/09/2006 Public hearing completed (H)
 01/09/2006 Executive Session completed (H)
 01/09/2006 Voted do pass (H)
 01/09/2006 Reported do pass (H) (H39)
 01/09/2006 Referred: Rules pursuant to Rule 25(26)(f) (H) (H39)
 01/10/2006 Rules - Voted do pass (H)
 01/10/2006 Rules - Reported do pass (H) (H45)
 01/12/2006 Perfected (H68)
 01/12/2006 Third read and passed (H) (H68-69 / S87)
 01/12/2006 S First Read (S87)
 01/17/2006 Second Read and Referred S Appropriations Committee (S89)
 01/18/2006 Hearing Conducted S Appropriations Committee
 01/18/2006 Voted Do Pass S Appropriations Committee
 01/18/2006 Reported from S Appropriations Committee to Floor (S99)
 01/19/2006 S Third Read and Passed (S105-106 / H92)
 01/19/2006 Truly Agreed To and Finally Passed (S105-106 / H92)
 01/19/2006 Signed by House Speaker (H92)
 01/19/2006 Signed by Senate President (S109)
 01/19/2006 Delivered to Governor (H92)

EFFECTIVE: upon approval by the Governor

*** HCR 1 ***

4176L.011

SENATE SPONSOR: Shields

HOUSE HANDLER: Dempsey

HCR001 Dempsey, Tom

***** NO BILL SUMMARY *****

01/04/2006 Offered (H) (H9)
 01/04/2006 Adopted (H) (H9)
 01/04/2006 Reported to the Senate (S39)
 01/05/2006 Adopted (S) (S47 / H35)
 01/09/2006 S Escort Committee Appointed (Gross, Klindt, Cauthorn, Engler, Goodman, Coleman, Days, Wilson, Dougherty, Callahan) (S59 / H41)
 01/11/2006 H Escort Committee Appointed (Jackson, Faith, Nance, Cooper 155, Emery, Fares, Paige, Bogetto, Hubbard and Meadows) (S73)

*** HCR 2 ***

4175L.011

SENATE SPONSOR: Shields

HOUSE HANDLER: Dempsey

HCR002 Dempsey, Tom

***** NO BILL SUMMARY *****

01/04/2006 Offered (H) (H9-10)
 01/04/2006 Adopted (H) (H10)
 01/04/2006 Reported to the Senate (S39)
 01/19/2006 S adopted (S107 / H92)
 01/24/2006 S Escort Committee Appointed (Bartle, Callahan, Coleman, Crowell, Green, Kennedy, Koster,
 Mayer, Ridgeway, Wheeler) (S121 / H116)
 01/25/2006 H Escort Committee Appointed (Davis, Flook, Pratt, Phillips, Ruestman, Oxford, Donnelly, Bland,
 Burnett, Stevenson) (S125)

*** HCR 3 ***

4177L.011

SENATE SPONSOR: Shields

HOUSE HANDLER: Dempsey

HCR003 Dempsey, Tom

***** NO BILL SUMMARY *****

01/04/2006 Offered (H) (H10)
 01/04/2006 Adopted (H) (H10)
 01/04/2006 Reported to the Senate (S39)
 01/19/2006 S adopted (S107-108 / H92)

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