

93rd General Assembly

2nd Regular Session

MISSOURI SENATE



WEEKLY BILL STATUS REPORT

**February 27 - March 3, 2006**

Prepared by  
Divisions of Research and Computer Information Systems

\*\*\* SB 557 \*\*\*

3664S.031

SENATE SPONSOR: Gibbons

This bill has been combined with SB 588

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  
 02/06/2006 Bill Combined w/(SCS/SBs 588, 557, 579, 563, 869, 619, 570, 753, 764, 782, 783 & 890)

EFFECTIVE: August 28, 2006

\*\*\* SB 558 \*\*\*

3087S.02P

SENATE SPONSOR: Gibbons

SB 558 - The act removes the termination date for experimental tariffs put in place by the Public Service 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 Conducted S Commerce, Energy and the Environment Committee  
 02/07/2006 Voted Do Pass S Commerce, Energy and the Environment Committee - Consent  
 02/09/2006 Reported from S Commerce, Energy and the Environment Committee to Floor - Consent (S208)  
 03/01/2006 S Third Read and Passed - Consent (S362 / H389)  
 03/02/2006 H First Read (H389)  
 03/06/2006 H Second Read

EFFECTIVE: August 28, 2006

\*\*\* SB 559 \*\*\*

3545S.01P

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 Conducted S Commerce, Energy and the Environment Committee  
 02/07/2006 Voted Do Pass S Commerce, Energy and the Environment Committee - Consent  
 02/09/2006 Reported from S Commerce, Energy and the Environment Committee to Floor - Consent (S208)  
 03/01/2006 S Third Read and Passed - Consent (S362 / H389)  
 03/02/2006 H First Read (H389)  
 03/06/2006 H Second Read

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

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\*\*\* SB 561 \*\*\*

3339S.04P

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)  
 02/02/2006 Hearing Conducted S Ways & Means Committee - Consent  
 02/09/2006 Voted Do Pass S Ways & Means Committee - Consent  
 02/16/2006 Reported from S Ways & Means Committee to Floor - Consent (S256)  
 03/06/2006 S Third Read and Passed - Consent (S393-394)  
 03/07/2006 H First Read

EFFECTIVE: August 28, 2006

\*\*\* SB 562 \*\*\*

3377S.021

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 Conducted S Judiciary and Civil & Criminal Jurisprudence Committee  
 02/20/2006 Voted Do Pass S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 563 \*\*\*

3091S.071

SENATE SPONSOR: Loudon

This bill has been combined with SB 588

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  
 02/06/2006 Bill Combined w/(SCS/SBs 588, 557, 579, 563, 869, 619, 570, 753, 764, 782, 783 & 890)

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)  
 02/09/2006 Hearing Cancelled S Ways & Means Committee  
 02/23/2006 Hearing Scheduled But Not Heard S Ways & Means Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 566 \*\*\*

SCS SB 566

3362S.03C

SENATE SPONSOR: Dougherty

SCS/SB 566 - This act authorizes an advanced practice registered nurse, as defined in Section 335.016 as a nurse who has had education beyond the basic nursing education and is certified by a nationally recognized professional organization as having a nurse specialty, or who meets criteria for advanced practice nurses established by the board of nursing, to prescribe schedule II, III, IV, or V controlled substances under a collaborative practice agreement, as defined in Section 334.104.

This act also provides that within thirty days of any change and on each renewal, the state board of registration of healing arts shall require physicians to identify whether a physician is engaged in any collaborative practice agreement or physician assistance agreement and also report to the board the name of each licensed professional with whom the physician has entered into such agreement. The board may make the information available to the public. The physician shall also provide the board with a copy of each such agreement for the board to review for compliance with state law.

This act is similar 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)  
 02/15/2006 Hearing Conducted S Aging, Families, Mental & Public Health Committee  
 02/22/2006 SCS Voted Do Pass S Aging, Families, Mental & Public Health Committee (3362S.03C)  
 02/23/2006 Reported from S Aging, Families, Mental & Public Health Committee to Floor w/SCS (S297)  
 03/07/2006 S Formal Calendar S Bills for Perfection w/SCS

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)  
 03/01/2006 Hearing Conducted S Aging, Families, Mental & Public Health Committee

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 &amp; Public Health Committee (S57)

03/08/2006 Hearing Scheduled S Aging, Families, Mental &amp; Public Health Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 569 \*\*\*

3278S.021

SENATE SPONSOR: Cauthorn

SCS/SB 569 - This act requires that one hundred percent of gasoline sold on or before January 1, 2008, be blended with at least ten percent ethanol. The Governor may waive the requirement in the case of extreme disruption in ethanol supply and in the event that the environmental protection agency promulgates rules limiting the use of ethanol blended gasoline in certain areas, the requirement may be waived until such time that the rules are changed. The act allows for the continued sale of high grade gasoline for automobiles over twenty-five years old, marine vehicles, and aircraft. All such high-grade gasoline shall be labeled as such in a manner that is easily read and prominently displayed.

MEGAN WORD

12/01/2005 Prefiled

01/04/2006 S First Read (S6)

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

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

02/15/2006 SCS Voted Do Pass S Agriculture, Conservation, Parks &amp; Natural Resources Committee (3278S.08C)

EFFECTIVE: August 28, 2006

\*\*\* SB 570 \*\*\*

3210S.021

SENATE SPONSOR: Cauthorn

This bill has been combined with SB 588

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  
02/06/2006 Bill Combined w/(SCS/SBs 588, 557, 579, 563, 869, 619, 570, 753, 764, 782, 783 & 890)

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)

02/06/2006 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 572 \*\*\*

3409S.011

SENATE SPONSOR: Coleman

SB 572 - Under the provisions of this act, the Coordinating Board for Higher Education will provide up to twenty-five tuition grants to the surviving spouses and children of any member of the military who was killed in the line of duty and who was, at the time of enlistment and death, a citizen of Missouri. The 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)

03/08/2006 Hearing Scheduled S Aging, Families, Mental & Public Health Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 575 \*\*\*

SCS SBs 575 & 714

3583S.02P

SENATE SPONSOR: Scott

SCS/SBs 575 & 714 - 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.

This act also 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 or regulated in this state 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 (S6)

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

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

02/01/2006 SCS Voted Do Pass (SCS/SBs 575 & 714)) S Aging, Families, Mental & Public Health Committee (3583.02C)

02/09/2006 Reported from S Aging, Families, Mental & Public Health Committee to Floor w/SCS (S209)

02/14/2006 SA 1 to SCS S offered & adopted (Scott)--(3583S02.01S) (S239)

02/14/2006 SA 2 to SCS S offered & adopted (Callahan)--(3583S02.03S) (S239-240)

02/14/2006 SCS, as amended, S adopted (S240)

02/14/2006 Perfected (S240)  
 02/14/2006 Reported Truly Perfected S Rules Committee (S241)  
 02/16/2006 S Third Read and Passed (S258-259)  
 02/16/2006 H First Read (H274)  
 02/20/2006 H Second Read

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)  
 03/09/2006 Hearing Scheduled S Ways & Means Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 578 \*\*\*

SCS SB 578

3256S.03T

SENATE SPONSOR: Shields

HOUSE HANDLER: Rucker

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)

**MISSOURI SENATE  
WEEKLY BILL STATUS REPORT**

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 (H120)  
 01/26/2006 Referred H Crime Prevention & Public Safety Committee (H142)  
 01/31/2006 Hearing Conducted H Crime Prevention & Public Safety Committee  
 02/07/2006 HCS Voted Do Pass H Crime Prevention & Public Safety Committee  
 02/08/2006 HCS Reported Do Pass H Crime Prevention & Public Safety Committee  
 02/08/2006 Referred to Rules Committee pursuant to Rule 25(26)(f)  
 02/15/2006 Hearing Conducted H Rules Committee  
 02/15/2006 Voted Do Pass H Rules Committee - w/no time limit for debate  
 02/15/2006 Reported Do Pass H Rules Committee w/ no time limit for debate (H258)  
 02/16/2006 HCS H adopted (H266)  
 02/16/2006 H Third Read and Passed - EC adopted (H266-268)  
 02/16/2006 S refuses to concur in HCS (S258)  
 02/16/2006 S requests H recede or grant conference (S258)  
 02/20/2006 H refuses to recede and grants conference (H283 / S270)  
 02/20/2006 H conferees appointed: Lipke, Bruns, Jackson, Rucker, Whitt (H283 / S270)  
 02/20/2006 S conferees appointed: Shields, Crowell, Bartle, Callahan, Kennedy (S270 / H290)  
 02/21/2006 Motion to dissolve Conference Committee S adopted (S275)  
 02/21/2006 S requests H recede and take up and pass bill (S275 / H290)  
 02/21/2006 H recedes (H290 / S277)  
 02/21/2006 H Third Read and Passed - EC adopted (H290-292 / S277)  
 02/21/2006 Truly Agreed To and Finally Passed (w/EC) (H292 / S277)  
 02/23/2006 Reported Duly Enrolled S Rules Committee (S295-296)  
 02/23/2006 Signed by Senate President (S296)  
 02/23/2006 Reported Duly Enrolled S Rules Committee - Corrected Report (S301)  
 02/23/2006 Signed by Senate President (S301)  
 02/23/2006 Signed by House Speaker (H317)  
 02/23/2006 Delivered to Governor (w/EC) (S304)  
 02/23/2006 Signed by Acting Governor, Senator Michael R. Gibbons (S316)

EFFECTIVE: Emergency Clause

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\*\*\* SB 579 \*\*\*

3598S.011

SENATE SPONSOR: Shields

This bill has been combined with SB 588

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  
 02/06/2006 Bill Combined w/(SCS/SBs 588, 557, 579, 563, 869, 619, 570, 753, 764, 782, 783, & 890)

EFFECTIVE: August 28, 2006

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\*\*\* SB 580 \*\*\*

3126S.02P

SENATE SPONSOR: Shields

SCS/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 and to the governor 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  
 02/07/2006 SCS Voted Do Pass S Education Committee-Consent (3126.02C)  
 02/09/2006 Reported from S Education Committee to Floor w/SCS - Consent (S209)  
 03/02/2006 SCS S adopted (S376)  
 03/02/2006 S Third Read and Passed - Consent (S376)  
 03/06/2006 H First Read  
 03/07/2006 H Second Read

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  
 02/28/2006 Voted Do Pass S Commerce, Energy and the Environment Committee - Consent  
 03/02/2006 Reported from S Commerce, Energy and the Environment Committee to Floor - Consent (S383)  
 03/07/2006 S Consent Calendar (3/2)

EFFECTIVE: August 28, 2006

\*\*\* SB 583 \*\*\*

SS#2 SCS SB 583

3160S.16P

SENATE SPONSOR: Griesheimer

SS#2/SCS/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 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 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 following their model year of manufacture provided the odometer reading for such motor vehicles are less than 50,000 miles at their first required biennial safety inspection; otherwise such motor vehicles shall be subject to the emissions inspection (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 \$450. The act provides that the waiver amount for repairs conducted by an owner shall be \$400 provided the owner expends at least \$400 on emissions parts. Labor costs do not count toward the waiver amount for owner repairs. The subsection requires the commission to create a waiver form and requires owners to submit all original receipts for parts. Under the act, the commission may establish, by rule, a waiver amount which may be lower for owners who provide reasonable and reliable proof to the commission that the owner is financially dependant solely on state and federal disability benefits and other public assistance programs. Such proof shall be submitted to the commission thirty calendar days prior to each subsequent emissions inspection before the lowered waiver amount is allowed (Section 643.335).

The act requires certified repair technicians to obtain and possess valid A6, A8, and L1 certifications from the National Institute for Automotive Service Excellence (Section 643.335).

Beginning September 1, 2007, the inspection fee shall not exceed \$24. Every year thereafter, the fee may be adjusted for inflation (Section 643.350).

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).

The act requires the Department of Natural Resources to promote participation in the decentralized emissions inspection program among qualified motor vehicle dealers, service stations, and other individuals. After the implementation of the decentralized emission inspection program, the department shall monitor participation in such program. In determining whether there are a sufficient number of individuals conducting motor vehicle emission inspections under the decentralized program, the department shall attempt to ensure, through promotional efforts, that no more than twenty percent of all persons residing in an affected nonattainment area reside farther than five miles from the nearest inspection station.

The act requires the commission to design and furnish each official emissions inspection station, at no cost, one official sign made of metal or other durable material to be displayed in a conspicuous location to designate the station as an official emissions inspection station. Additional signs may be obtained by an official inspection station for a fee equal to the cost to the state. Each official emissions inspection station shall also be supplied with one or more posters which must be displayed in a conspicuous location at the place of inspection and which informs the public that required repairs or corrections need not be made at the inspection station.

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

The act also repeals the state safety inspection program effective January 1, 2007, except for school bus inspections which shall be conducted by the Missouri Highway Patrol.

STEPHEN WITTE

12/01/2005 Prefiled  
01/04/2006 S First Read (S6)  
01/09/2006 Second Read and Referred S Transportation Committee (S57)  
01/31/2006 SCS Voted Do Pass S Transportation Committee (3160S.09C)  
02/02/2006 Reported from S Transportation Committee to Floor w/SCS (S160)  
02/14/2006 Bill Placed on Informal Calendar (S239)  
02/20/2006 SS for SCS S offered (Griesheimer)--(3160S.14F) (S269)  
02/20/2006 SA 1 to SS for SCS S offered (Bray)--(3160S09.05S) (S269)  
02/20/2006 Bill Placed on Informal Calendar (S269)  
02/21/2006 SA 1 to SA 1 to SS for SCS S offered & adopted (Griesheimer)--(3160S14.05S) (S275)  
02/21/2006 SA 1 to SS for SCS, as amended, S adopted (S275)  
02/21/2006 SA 2 to SS for SCS S offered & adopted (Days)--(3160S09.03S) (S275-276)  
02/21/2006 SA 3 to SS for SCS S offered & withdrawn (Gross)--(3160S14.03S) (S276)  
02/21/2006 SA 4 to SS for SCS S offered & withdrawn (Gross)--(3160S14.02S) (S276)  
02/21/2006 SA 5 to SS for SCS S offered & adopted (Gross)--(3160S14.09S) (S276)  
02/21/2006 SA 6 to SS for SCS S offered & adopted (Shields)--(3160S14.01F) (S276)  
02/21/2006 Bill Placed on Informal Calendar (S276-277)  
02/22/2006 SA 7 to SS for SCS S offered & adopted (Gross)--(3160S14.01S) (S284)  
02/22/2006 Bill Placed on Informal Calendar (S284)  
02/23/2006 SA 8 to SS for SCS S offered & adopted (Days)--(3160S14.10S) (S302-303)  
02/23/2006 SA 9 to SS for SCS S offered & adopted (Bray)--(3160S14.11S) (S303)  
02/23/2006 SA 10 to SS for SCS S offered & adopted(Days)--(3160S14.12S) (S303)  
02/23/2006 SA 11 to SS for SCS S offered & adopted (Bray)--(3160S14.08S) (S303-304)  
02/23/2006 SS for SCS, as amended, S adopted (S304)  
02/23/2006 Perfected (S304)  
02/27/2006 Reported Truly Perfected S Rules Committee (S315)  
02/28/2006 Motion to Reconsider Perfection Vote - Adopted (S327-328)  
02/28/2006 Motion to reconsider adoption of SS for SCS, as amended - Adopted (S328)  
02/28/2006 SS for SCS, as amended, S withdrawn (S328)  
02/28/2006 SS#2 for SCS S offered (Griesheimer)--(3160S.16F) (S328)  
02/28/2006 SA 1 to SS#2 for SCS S offered (Klindt)--(3160S16.01S) (S328-336)  
02/28/2006 SSA 1 for SA 1 to SS#2 for SCS S offered (Bartle)--(3160S16.02S) (S336-337)  
02/28/2006 SA 1 to SSA 1 for SA 1 to SS#2 for SCS S offered & defeated (Callahan)--(3160S16.01F) (S337-338)  
02/28/2006 SSA 1 for SA 1 to SS#2 for SCS S defeated (S338)  
02/28/2006 SA 1 to SS#2 for SCS S adopted (S338)  
02/28/2006 SS#2 for SCS, as amended, S adopted (S338)  
02/28/2006 Perfected (S338)  
03/01/2006 Reported Truly Perfected S Rules Committee (S354)  
03/01/2006 Referred S Governmental Accountability and Fiscal Oversight Committee (S369)  
03/02/2006 Voted Do Pass S Governmental Accountability and Fiscal Oversight Committee  
03/02/2006 Reported from S Governmental Accountability and Fiscal Oversight Committee to Floor (S380)  
03/02/2006 S Third Read and Passed (S382 / H389)  
03/02/2006 H First Read (H389)  
03/06/2006 H Second Read

EFFECTIVE: Varies

\*\*\* SB 584 \*\*\*

SS SB 584

3388S.04P

SENATE SPONSOR: Champion

SS/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. A person convicted of an intoxication-related offense will have his/her school bus endorsement permanently denied by the court, beginning on the date of the court's order of conviction (Section 302.272).

**MISSOURI SENATE  
WEEKLY BILL STATUS REPORT**

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 bus 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  
 02/06/2006 Voted Do Pass S Judiciary and Civil & Criminal Jurisprudence Committee  
 02/09/2006 Reported from S Judiciary and Civil & Criminal Jurisprudence Committee to Floor (S209)  
 02/14/2006 SS S offered (Champion)--(3388S.04F) (S240)  
 02/14/2006 SA 1 to SS S offered & adopted (Callahan)--(3388S04.01F) (S240)  
 02/14/2006 SS, as amended, S adopted (S240)  
 02/14/2006 Perfected (S240)  
 02/14/2006 Reported Truly Perfected S Rules Committee (S241)  
 02/16/2006 S Third Read and Passed (S258)  
 02/16/2006 H First Read (H274)  
 02/20/2006 H Second Read

EFFECTIVE: January 1, 2007

\*\*\* 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)  
 02/09/2006 Hearing Conducted S Ways & Means Committee  
 02/16/2006 Voted Do Pass S Ways & Means Committee - Consent  
 02/23/2006 Reported from S Ways & Means Committee to Floor - Consent (S297)  
 03/01/2006 Removed S Consent Calendar (S366)

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 \*\*\*      SCS SB 587

3347S.03P

SENATE SPONSOR: Bartle

SCS/SB 587 - This act extends the expiration date from August 28, 2006, to August 28, 2013, for certain surcharges on criminal cases in which the defendant pleads guilty to or is convicted of a felony or misdemeanor.

Under this act, the surcharge is \$30 when the defendant is found guilty of or pleads guilty to a felony, except when the person is convicted of a serious drug offense, in which case, the surcharge is \$60. The surcharge is \$15 when the defendant is found guilty of or pleads guilty to a misdemeanor. If in the prior fiscal year, the state's general revenue did not increase by 2% or more, the money from the surcharges will be deposited into the state's general revenue fund. Otherwise, this money is deposited into the "DNA Profiling Analysis 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)  
01/18/2006 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)  
01/30/2006 Reported from S Judiciary and Civil & Criminal Jurisprudence Committee to Floor w/SCS (S142)  
01/31/2006 SA 1 to SCS S offered (Callahan)--(3347S03.01S) (S145-146)  
01/31/2006 SSA 1 for SA 1 to SCS S offered & withdrawn (Crowell)--(3347S03.01F) (S146)  
01/31/2006 SA 1 to SCS S withdrawn -- (3347S03.01S) (S146)  
01/31/2006 SA 2 to SCS S offered & adopted (Callahan)--(3347S03.04S) (S146)  
01/31/2006 SA 3 to SCS S offered & adopted (Gross)--(3347S03.03S) (S146)  
01/31/2006 SCS, as amended, S adopted (S146)  
01/31/2006 Perfected (S146)  
02/01/2006 Reported Truly Perfected S Rules Committee (S150-151)  
02/01/2006 Referred S Governmental Accountability and Fiscal Oversight Committee (S151)  
02/02/2006 Hearing Conducted S Governmental Accountability & Fiscal Oversight Committee  
02/02/2006 Voted Do Pass S Governmental Accountability and Fiscal Oversight Committee  
02/02/2006 Reported from S Governmental Accountability and Fiscal Oversight Committee to Floor (S155)  
02/02/2006 S Third Read and Passed (S155-156 / H180)  
02/02/2006 H First Read (H180)  
02/06/2006 H Second Read (H193)

EFFECTIVE: August 28, 2006

\*\*\* SB 588 \*\*\*      SCS SBs 588, 557, 579, 563, 869, 619, 570,

3083S.06C

SENATE SPONSOR: Bartle

SCS/SBs 588, 557, 579, 563, 869, 619, 570, 753, 764, 782, 783 & 890 - This act modifies laws regarding 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 and receive information from people on the residency of such offenders.

#### SECTION 188.023 - Abortion Clinic Personnel

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

#### 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

**MISSOURI SENATE  
WEEKLY BILL STATUS REPORT**

Parole and electronically monitored with a GPS tracking device. 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 committed on or after August 28, 2006.

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 351.609 - Expediting Subpoenas of Foreign Corporations**

The provisions of this section shall apply to any subpoena 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 subpoena issued by a Missouri court, a foreign corporation shall provide all records sought pursuant to the warrant within five 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 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 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 certain sexual offenses.

**SECTION 566.061 - Definition of Dangerous Felony**

This section redefines the term "dangerous felony" to include child kidnapping.

**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 566.010 - Definition of "deviate sexual intercourse"**

This section modifies the definition of the term "deviate sexual intercourse" to include certain sexual acts performed to terrorize the victim.

**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.

Any sexual intercourse with a child under the age of twelve shall be deemed to have been committed by

use of forcible compulsion.

A person found guilty 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 566.060 - 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.

Any deviate sexual intercourse with a child under the age of twelve shall be deemed to have been committed by use of forcible compulsion.

A person found guilty 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 566.067 - Child Molestation in the First Degree

Under this section, a person who commits child molestation in the first degree against a child less than twelve years of age and with certain aggravating circumstances existing, shall be guilty of a Class A felony and shall serve his or her term of imprisonment without eligibility for probation or parole.

#### SECTION 566.083 - Sexual Misconduct with a Child

This section specifies that sexual misconduct with a child may be committed 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 566.086 - 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 or student teacher, school employee or volunteer, volunteer of an organization working with the school, or any 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.

#### 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 566.145 - Sexual Contact with a Prisoner or Offender

This section expands the current crime of "sexual contact with an inmate" to "sexual contact with a prisoner or offender".

Currently, an employee of a prison, jail or correctional facility is guilty of sexual contact with an inmate by having sex with an inmate. Under this act, a person is also guilty of such crime if he or she is a probation and parole officer and has sex with an offender. An "offender" is a person in prison or jail or a person under supervision of the Board of Probation and Parole.

#### SECTION 566.151 - Enticement of a Child

This section 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 instead of a Class B felony. The language providing for "attempting to entice" has been removed.

#### SECTION 573.010 - Definition of Child Pornography

This section modifies the definition of child pornography to include any visual depiction of sexually explicit conduct where: 1) the production involves the use of a minor engaging in sexually explicit conduct; 2) such depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable

from, that of a minor engaging in sexually explicit conduct; or 3) such depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.

**SECTION 575.195 - Escaping from Commitment**

This section 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.

**SECTION 589.400 - Sexual Offender Registry**

This section adds sexual contact with a resident of a nursing home, endangering the welfare of a child if committed in a sexual manner, and genital mutilation to the list of offenses that a person must register for as a sexual offender if he or she pleads guilty or is found guilty.

This section removes kidnaping, felonious restraint, and child abuse that is not committed in a sexual manner from the list of offenses that a person must register for as a sexual offender if he or she pleads guilty or is found guilty. Individuals who are current on the sexual offender registry for such offenses shall no longer be required to register as of August 28, 2006. Such person shall remain on the registry for any other offense for which he or she must register.

As of August 28, 2006, persons on the sexual offender registry for the following offenses may petition the court for removal from the registry after ten years:

- Promoting prostitution in the first, second, or third degree
- public display of explicit sexual material
- statutory rape in the second degree.

The court may order such person's name removed from the registry if the person has no pending charges for which he or she would have to register and has not been found guilty of any other offense for which he or she was required to register during the past ten-year period.

**SECTION 589.402 - Newspaper Publication of Registry Information**

This section allows the chief law enforcement officer of any county or St. Louis City to publish the registration information of sexual offenders living within the county or city in the newspaper.

**SECTION 589.414 - Updating Photos of Sexual Offenders**

This section requires registered sexual offenders to provide an updated photograph to law enforcement every five years when they go for their annual reporting.

**SECTION 589.425 - GPS Tracking for Failing to Register a Second Time**

This section 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 second time. Any third or subsequent violation will result in an additional ten-year period of electronic monitoring.

**SECTIONS 632.484, 632.489, and 632.495 - Housing Sexually Violent Predators**

These sections specify 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

12/01/2005 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  
 02/06/2006 SCS Voted Do Pass w/SBs 588, 557, 579, 563, 869, 619, 570, 753, 764, 782, 783 & 890 S  
 Judiciary and Civil & Criminal Jurisprudence Committee (3083S.06C)  
 02/09/2006 Reported from S Judiciary and Civil & Criminal Jurisprudence Committee to Floor w/SCS (S209)  
 02/14/2006 Bill Placed on Informal Calendar  
 03/07/2006 SS for SCS S offered (Bartle)--(3083S.09F)  
 03/07/2006 SA 1 to SS for SCS S offered (Loudon)-- (3083S09.04S)  
 03/07/2006 Bill Placed on Informal Calendar  
 03/07/2006 S Informal Calendar S Bills for Perfection

EFFECTIVE: August 28, 2006

\*\*\* SB 589 \*\*\*

3338S.011

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  
 02/06/2006 Voted Do Pass S Judiciary and Civil & Criminal Jurisprudence Committee  
 03/02/2006 Reported from S Judiciary and Civil & Criminal Jurisprudence Committee to Floor (S384)  
 03/07/2006 S Formal Calendar S Bills for Perfection

EFFECTIVE: August 28, 2006

\*\*\* SB 590 \*\*\*

SS SCS SB 590

3716S.05P

SENATE SPONSOR: Nodler

SS/SCS/SB 590 - This act renders several alterations to the state's higher education policy.

SECTION 160.545: This act asserts that no student shall receive an A+ reimbursement if the independent student or the dependent student's parents had a combined Missouri adjusted gross income in excess of two hundred fifty thousand dollars during the previous tax year.

SECTION 160.730: 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 report jointly to the general assembly and to the Governor the actions taken by their agencies and their recommendations for policy initiatives and legislative alterations to achieve the policy goals of this act.

This section is identical to the SCS/SB 580.

SECTION 172.287: 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 seeks to extend this termination date to June 30, 2017.

This section is identical to SB 679.

SECTION 173.005.2(10): This act grants the Commissioner of Higher Education the authority to impose a fine on public 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 commissioner of higher education, corrects the violation, at which time the board shall refund such amount to the institution. Should the commissioner determine that the institution has not redressed the violation within one year, the fine amount shall be deposited into the general revenue fund unless the institution appeals such decision to the full coordinating board, which shall have the authority to make a binding and final decision regarding the matter.

Further, the act specifies that the provisions of the entire subdivision shall apply to only to public institutions, not private institutions.

This section is similar to SCS/SB 857.

SECTION 173.005.2(11) & SECTION 173.616: 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.

These sections are identical to SB 656 (2006).

SECTION 173.125: The act requires that every public 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 binding on all parties. Any institution aggrieved by a decision of the commissioner may appeal the decision to the full coordinating board, which shall have the authority to make a binding and final decision regarding the matter.

This section is similar to SCS/SB 857.

SECTION 173.234: The Coordinating Board for Higher Education will provide tuition grants to any member of the United States military, 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 will administer the program.

This section is identical to SB 708.

SECTION 173.270 - This act allows eligible foster children to receive a waiver of tuition and fees at state-funded colleges or universities. Eligible students shall: be Missouri residents; have graduated from high school or received a GED within the last three years; have been accepted for admission at a state-funded college or university; have applied for other student financial assistance; have been in foster care under the Department of Social Services on or after one of the dates specified in the act; complete community service or public internship as required under the act; and apply to the Coordinating Board for Higher Education for the waiver.

The waiver shall be renewable annually for up to a total of four years if the student remains in good academic standing. The waiver shall be used only after other sources of aid are used. No student enrolled when the act becomes effective shall be eligible for a waiver under this act. The program shall begin with incoming freshmen in the 2006 fall semester.

This act is similar to SB 089 (2005).

SECTIONS 174.450, 174.453, & 174.500: This act specifies that the term of office of the governors of Missouri State University shall be six years. The voting members of the board of governors serving on August 28, 2005, shall serve until the expiration of the terms for which they were appointed. For those voting members appointed after August 28, 2005, the term of office will be established in a manner where no more than three terms shall expire in a given year.

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.

**MISSOURI SENATE  
WEEKLY BILL STATUS REPORT**

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.

These sections are identical to the SCS/SB 650.

SECTION 178.870. This act seeks to increase by two hundred fifty million dollars the assessed value thresholds for tax rates that may be imposed without voter approval by junior college districts.

SECTION 1. The Coordinating Board for Higher Education shall study the fiscal implications of providing a tax deduction for higher education tuition and fee expenses for those persons earning less than \$100,000 annually and report such findings to the general assembly no later than January 1, 2007.

SECTION 2. The Coordinating Board for Higher Education will provide up to twenty-five tuition grants to the surviving spouses and children of any member of the military who was killed in the line of duty and who was, at the time of enlistment and death, a citizen of Missouri. The grants will pay up to fifty percent of the survivors' tuition costs, the actual cost of books up to \$500 per semester, and up to \$2,000 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 section is identical to SB 572 (2006).

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  
01/31/2006 SCS Voted Do Pass S Education Committee (3716S.02C)  
02/02/2006 Reported from S Education Committee to Floor w/SCS (S160)  
02/06/2006 SS for SCS S offered (Nodler)--(3716S.05F) (S176)  
02/06/2006 SA 1 to SS for SCS S offered (Crowell)--(3716S05.01F) (S176)  
02/06/2006 Bill Placed on Informal Calendar (S176)  
02/07/2006 SA 1 to SS for SCS S adopted (3716S05.01F) (S186)  
02/07/2006 SA 2 to SS for SCS S offered & adopted (Nodler)--(3716S05.07S) (S186)  
02/07/2006 SA 3 to SS for SCS S offered & adopted (Gross)--(3716S05.02F) (S186-187)  
02/07/2006 SA 4 to SS for SCS S offered & adopted(Dougherty)--(8059S06.01S) (S187-188)  
02/07/2006 SA 5 to SS for SCS S offered & adopted (Nodler)--(3716S05.11S) (S188)  
02/07/2006 SA 6 to SS for SCS S offered (Green)--(3716S02.01S) (S188-190)  
02/07/2006 SA 1 to SA 6 to SS for SCS S offered & withdrawn (Scott)--(3716S05.03F) (S191)  
02/07/2006 SA 2 to SA 6 to SS for SCS S offered (Scott)--(3716S05.04F) (S191)  
02/07/2006 Bill Placed on Informal Calendar (S191)  
02/09/2006 SA 2 to SA 6 to SS for SCS S withdrawn (S214)  
02/09/2006 SSA 1 for SA 6 to SS for SCS S offered & adopted (Nodler)--(3716S05.13S) (S214-215)  
02/09/2006 SA 7 to SS for SCS S offered & adopted (Coleman)--(3716S05.06F) (S215-217)  
02/09/2006 SA 8 to SS for SCS S offered & adopted (Mayer)--(3716S05.08S) (S217)  
02/09/2006 SA9 to SS for SCS S offered (Ridgeway)--(3716S05.12S) (S217-220)  
02/09/2006 SA 1 to SA 9 to SS for SCS S offered & adopted (Champion)--(3716S05.16S) (S220)  
02/09/2006 SA 2 to SA 9 to SS for SCS S offered & adopted (Shields)--(3716S05.07F) (S220)  
02/09/2006 SA 9 to SS for SCS, as amended, S adopted--(3716S05.12S) (S220)  
02/09/2006 SS for SCS, as amended, S adopted (3716S.05F) (S220)  
02/09/2006 Perfected (S220)  
02/13/2006 Reported Truly Perfected S Rules Committee (S227)  
02/13/2006 Referred S Governmental Accountability and Fiscal Oversight Committee (S228)

02/15/2006 Hearing Conducted S Governmental Accountability & Fiscal Oversight Committee  
 02/15/2006 Voted Do Pass S Governmental Accountability and Fiscal Oversight Committee  
 02/15/2006 Reported from S Governmental Accountability and Fiscal Oversight Committee to Floor (S247)  
 02/16/2006 S Third Read and Passed (S257-258)  
 02/16/2006 H First Read (H274)  
 02/20/2006 H Second Read

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 Conducted S Judiciary and Civil & Criminal Jurisprudence Committee  
 03/06/2006 Voted Do Pass 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  
 02/06/2006 Voted Do Pass S Judiciary and Civil & Criminal Jurisprudence Committee  
 02/09/2006 Reported from S Judiciary and Civil & Criminal Jurisprudence Committee to Floor (S209)  
 02/15/2006 Bill Placed on Informal Calendar  
 03/07/2006 S Informal Calendar S Bills for Perfection

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

SCS/SBs 600 & 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 and transplantation occurs. A taxpayer may only take the deduction for organ transplantation once. Part-year residents and non-resident individuals are not eligible

to receive the tax deduction provided in this act. This act modifies Missouri's anatomical gift statutes to allow for the lawful application of this act.

This act is similar to Senate Bill 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  
 02/16/2006 SCS Voted Do Pass (SCS/SBs 600 & 668) S Ways & Means Committee (3550S.02C)

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 Conducted 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)

02/21/2006 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee

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)  
 02/13/2006 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee  
 02/20/2006 Voted Do Pass S Judiciary and Civil & Criminal Jurisprudence Committee

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)  
 02/07/2006 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee

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.03P

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

01/30/2006 Voted Do Pass S Economic Development, Tourism & Local Government Committee - Consent

02/02/2006 Reported from S Economic Development, Tourism & Local Government Committee to Floor - Consent (S159)

03/01/2006 S Third Read and Passed - Consent - EC adopted (S360 / H389)

03/02/2006 H First Read (w/EC) (H389)

03/06/2006 H Second Read

EFFECTIVE: Emergency Clause

\*\*\* SB 613 \*\*\*

SCS SBs 613, 1030 & 899

3468S.08C

SENATE SPONSOR: Engler

SCS/SBs 613, 1030 & 899 - The act allows residential and business cell phone users to voluntarily sign up with the no-call list kept and maintained by the attorney general's office and adds faxes to the list of unwanted solicitations included on that no call list.

The act adds telephone records to the forms of identification that can be used to commit identity theft. The act defines a telephone record as "any proprietary or personally identifiable information retained by a telecommunications carrier about its wireless or wireline service customers.

The act creates the crime of knowingly obtaining, receiving, or selling telephone records without a

customer's consent. However, the act shall not preclude official actions of law enforcement, lawful use of the records to provide service, use of records pursuant to the Victims of Child Abuse Act of 1990, or emergency use of records by the government to prevent death or serious injury to a person. The act lays out penalties for such a violation; the crime is a felony that is punishable by a fine or imprisonment. The penalty for such crime increases based on the number of telephone records obtained, received, or sold.

A telecommunications carrier or a customer is allowed to recover actual damages, illicit profits, and punitive damages from persons violating this act. There is a two-year statute of limitations on such civil actions.

Under the act, telecommunications carriers that maintain telephone records shall establish reasonable procedures to protect against fraudulent disclosure of such records; reasonable procedures shall mean complying with the Customer Proprietary Network Information in section 222 of the Communications Act of 1934, as amended. The act does not create any new cause of action against telecommunications companies.

The provisions pertaining to the selling of call logs and identity theft have an emergency clause.

Provisions from SB 1030 and SB 899 have been added to the act.

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)  
 02/14/2006 Hearing Conducted S Commerce, Energy and the Environment Committee  
 02/28/2006 SCS Voted Do Pass (SCS/SBs 613, 1030 & 899) S Commerce, Energy and the Environment Committee (3468S.08C)  
 03/02/2006 Reported from S Commerce, Energy and the Environment Committee to Floor w/SCS (S383)  
 03/07/2006 S Formal Calendar S Bills for Perfection w/SCS

EFFECTIVE: Emergency clause

\*\*\* SB 614 \*\*\*

SCS SB 614

3603S.02P

SENATE SPONSOR: Stouffer

SCS/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. The credit provided under the act may be applied against corporate franchise taxes, gross premium receipt taxes for insurance companies and taxes imposed upon financial institutions in addition to individual income 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. The provisions of this act will sunset six years from the effective date of the act.

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  
 02/02/2006 SCS Voted Do Pass S Ways & Means Committee (3603S.02C)  
 02/09/2006 Reported from S Ways & Means Committee to Floor w/SCS (S208)  
 02/14/2006 Bill Placed on Informal Calendar (S239)  
 02/15/2006 SA 1 to SCS S offered & adopted (Coleman)--(3603S02.02S) (S249)  
 02/15/2006 SCS, as amended, S adopted (S249)  
 02/15/2006 Perfected (S249)  
 02/15/2006 Reported Truly Perfected S Rules Committee (S250)  
 02/16/2006 S Third Read and Passed (S259)  
 02/16/2006 H First Read (H275)  
 02/20/2006 H Second Read

EFFECTIVE: August 28, 2006

\*\*\* SB 615 \*\*\*

3305S.021

SENATE SPONSOR: Stouffer

SCS/SB 615 - This 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 and breaking and entering 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 &amp; Criminal Jurisprudence Committee (S58)

01/30/2006 Hearing Conducted S Judiciary and Civil &amp; Criminal Jurisprudence Committee

02/20/2006 SCS Voted Do Pass S Judiciary and Civil &amp; Criminal Jurisprudence Committee (3305S.02C)

EFFECTIVE: August 28, 2006

\*\*\* SB 616 \*\*\*

SCS SB 616

3627S.07C

SENATE SPONSOR: Stouffer

SCS/SB 616 - This act repeals the terms "residential care facility I" and "residential care facility II" and replaces them with "residential care facility" and the newly created term "assisted living facility," respectively.

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, legal representative, or other responsible party shall be contained in the individualized service plan. 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. This act also provides a hospice exception to the pathway to safety provisions.

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, costs of such services to the resident, and the conditions that will require discharge or transfer from the facility.

This act provides that after January 1, 2007, no facility shall hold itself out as an assisted living facility or advertise itself as an assisted living facility without obtaining a license from the department of health and senior services to operate as an assisted living facility.

This act is similar to 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)  
 02/08/2006 Hearing Conducted S Aging, Families, Mental & Public Health Committee  
 03/01/2006 SCS Voted Do Pass S Aging, Families, Mental & Public Health Committee (3627S.07C)  
 03/02/2006 Reported from S Aging, Families, Mental & Public Health Committee to Floor w/SCS (S384)  
 03/07/2006 S Formal Calendar S Bills for Perfection w/SCS

EFFECTIVE: August 28, 2006

\*\*\* SB 617 \*\*\*

3417S.011

SENATE SPONSOR: Koster

SCS/SB 617 - This act requires the Department of Mental Health to notify the senate and house appropriations committees in writing of the reasons for downsizing a state-funded mental health facility. The department is also required to submit a cost-benefit analysis study prior to the closing of a state-funded mental health facility.

This act is similar 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)  
 02/22/2006 Hearing Conducted S Aging, Families, Mental & Public Health Committee  
 03/01/2006 SCS Voted Do Pass S Aging, Families, Mental & Public Health Committee (3417S.02C)

EFFECTIVE: August 28, 2006

\*\*\* SB 618 \*\*\*

3416S.01P

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  
 02/06/2006 Voted Do Pass S Judiciary and Civil & Criminal Jurisprudence Committee - Consent

02/09/2006 Reported from S Judiciary and Civil & Criminal Jurisprudence Committee to Floor - Consent (S209)  
 02/20/2006 Referred S Governmental Accountability and Fiscal Oversight Committee (S270)  
 02/23/2006 Hearing Conducted S Governmental Accountability & Fiscal Oversight Committee  
 02/23/2006 Voted Do Pass S Governmental Accountability and Fiscal Oversight Committee  
 03/01/2006 Reported from S Governmental Accountability and Fiscal Oversight Committee to Floor (S354)  
 03/01/2006 S Third Read and Passed - Consent (S365-366 / H390)  
 03/02/2006 H First Read (H390)  
 03/06/2006 H Second Read

EFFECTIVE: August 28, 2006

\*\*\* SB 619 \*\*\*

3390S.011

SENATE SPONSOR: Koster

This bill has been combined with SB 588

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  
 02/06/2006 Bill Combined w/(SCS/SBs 588, 557, 579, 563, 869, 619, 570, 753, 764, 782, 783 & 890)

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.

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)  
02/22/2006 Hearing Conducted S Aging, Families, Mental & Public Health Committee

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)

02/09/2006 Hearing Conducted S Ways & Means Committee

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

03/08/2006 Hearing Cancelled 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)

03/08/2006 Hearing Scheduled S Aging, Families, Mental & Public Health Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 626 \*\*\*

3081S.021

SENATE SPONSOR: Wilson

SCS/SB 626 - This act creates the "Youth Smoking Prevention Trust Fund", which shall be funded by moneys 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 &amp; Public Health Committee (S58)

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

02/01/2006 SCS Voted Do Pass S Aging, Families, Mental &amp; Public Health Committee (3081.03C)

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 &amp; Public Health Committee (S58)

02/01/2006 Hearing Conducted S Aging, Families, Mental &amp; 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 &amp; Criminal Jurisprudence Committee (S58)

02/06/2006 Hearing Conducted S Judiciary and Civil &amp; Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2006



\*\*\* SB 629 \*\*\*

3127S.01P

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  
 02/08/2006 Voted Do Pass S Transportation Committee  
 02/09/2006 Reported from S Transportation Committee to Floor (S210)  
 02/22/2006 Perfected (S284)  
 02/22/2006 Reported Truly Perfected S Rules Committee (S289)  
 02/22/2006 Referred S Governmental Accountability and Fiscal Oversight Committee (S290)  
 02/23/2006 Hearing Conducted S Governmental Accountability & Fiscal Oversight Committee  
 02/23/2006 Voted Do Pass S Governmental Accountability and Fiscal Oversight Committee  
 02/23/2006 Reported from S Governmental Accountability and Fiscal Oversight Committee to Floor (S297)  
 02/23/2006 S Third Read and Passed (S299-300 / H322)  
 02/23/2006 H First Read (H322)

EFFECTIVE: August 28, 2006

\*\*\* SB 630 \*\*\*

SCS SB 630

3309S.03C

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)  
 02/02/2006 Reported from S Ways & Means Committee to Floor - Consent w/SCS (S157-158)  
 03/01/2006 SCS S adopted (S359)  
 03/01/2006 S Third Read and Passed - Consent (S359 / H390)  
 03/02/2006 H First Read (H390)  
 03/06/2006 H Second Read

EFFECTIVE: August 28, 2006

\*\*\* SB 631 \*\*\*

3167S.02I

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

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\*\*\* 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

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\*\*\* 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

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\*\*\* 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

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\*\*\* 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)  
01/31/2006 Voted Do Pass S Transportation Committee  
03/02/2006 Reported from S Transportation Committee to Floor (S385)  
03/07/2006 S Formal Calendar S Bills for Perfection

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 \*\*\*

SCS SB 637

3515S.07C

SENATE SPONSOR: Cauthorn

SCS/SB 637 - This act creates a "Board of Direct-Entry Midwives" within the Division of Professional Registration. The board shall have the power to issue licenses and to suspend, revoke or deny the license of a direct-entry midwife.

A direct-entry 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 licensed direct-entry midwife is required to present a written disclosure statement to each client outlining the practice of midwifery, his or her training, experience, malpractice or liability insurance coverage, and emergency medical plan. This requirement has some exceptions, including a religious practice exception.

No licensed direct-entry midwife shall be permitted to accept payment for services under the state Medicaid program, prescribe drugs or medications, perform vacuum deliveries, medical inductions or cesarean sections, or use forceps during the delivery of an infant.

This act provides that no person other than the licensed direct-entry midwife who provided care to the patient shall be liable for the direct-entry midwife's negligent or willful and wanton acts or omissions. Also, no licensed physician, certified nurse midwife, hospital, licensed doctor of osteopathy, or emergency medical technician licensed under Chapter 190, RSMo, or agents thereof, shall be exempt from liability for their own subsequent and independent negligent acts or omissions or willful and wanton acts or omissions.

This act also provides that a licensed direct-entry midwife providing the service of direct-entry midwifery shall not be deemed to be engaged in the practice of medicine, nursing, nurse-midwifery, or any other medical or healing practice.

**MISSOURI SENATE  
WEEKLY BILL STATUS REPORT**

This act provides that it shall be unlawful for any person to engage in the practice of direct-entry midwifery unless such person is licensed as a direct-entry midwife under the provisions of this act. Also, any person who violates the provisions of this act is guilty of a Class A misdemeanor.

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)  
 02/14/2006 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee  
 02/21/2006 SCS Voted Do Pass S Pensions, Veterans' Affairs and General Laws Committee (3351S.07C)  
 03/02/2006 Reported from S Pensions, Veterans' Affairs and General Laws Committee to Floor w/SCS (S384)  
 03/07/2006 S Formal Calendar S Bills for Perfection w/SCS

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)  
 02/13/2006 Hearing Cancelled S Judiciary and Civil & Criminal Jurisprudence Committee  
 02/20/2006 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

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)  
02/13/2006 Hearing Cancelled S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 641 \*\*\*

3216S.01P

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  
01/30/2006 Voted Do Pass S Financial & Governmental Organizations and Elections Committee - Consent  
02/02/2006 Reported from S Financial & Governmental Organizations and Elections Committee to Floor - Consent (S157)  
03/01/2006 S Third Read and Passed - Consent (S357 / H390)  
03/02/2006 H First Read (H390)  
03/06/2006 H Second Read

EFFECTIVE: August 28, 2006

\*\*\* SB 642 \*\*\*

3620S.01I

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 Conducted S Aging, Families, Mental & Public Health Committee  
02/08/2006 Voted Do Pass S Aging, Families, Mental & Public Health Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 643 \*\*\*

3466S.01I

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 Conducted S Agriculture, Conservation, Parks & Natural Resources Committee  
 02/08/2006 Voted Do Pass S Agriculture, Conservation, Parks & Natural Resources Committee - Consent  
 02/16/2006 Reported from S Agriculture, Conservation, Parks & Natural Resources Committee to Floor - Consent (S257)  
 02/22/2006 Removed S Consent Calendar (S289-290)  
 02/23/2006 Reported from S Agriculture, Conservation, Parks & Natural Resources Committee to Floor (S298)  
 03/07/2006 S Formal Calendar S Bills for Perfection

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  
 02/07/2006 Voted Do Pass S Education Committee  
 02/09/2006 Reported from S Education Committee to Floor (S210)  
 02/15/2006 Bill Placed on Informal Calendar (S247)  
 03/07/2006 S Informal Calendar S Bills for Perfection

EFFECTIVE: Emergency Clause

\*\*\* SB 645 \*\*\*

3713S.01P

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  
 01/30/2006 Voted Do Pass S Economic Development, Tourism & Local Government Committee  
 02/02/2006 Reported from S Economic Development, Tourism & Local Government Committee to Floor (S159)  
 02/06/2006 Bill Placed on Informal Calendar (S176)  
 02/08/2006 Perfected (S197)  
 02/08/2006 Reported Truly Perfected S Rules Committee (S200)  
 02/09/2006 S Third Read and Passed (S210-211 / H232)  
 02/09/2006 H First Read (H232)  
 02/13/2006 H Second Read

EFFECTIVE: August 28, 2006

\*\*\* SB 646 \*\*\*

SCS SB 646

3389S.04C

SENATE SPONSOR: Griesheimer

SCS/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. The act directs any organized common sewer district that wants to reorganize to first petition the county commission in which it was organized for that right.

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.

SECTIONS 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 sewer service provided by agreement for Butler County, St. Louis city, St. Louis county, any sewer district created and organized under constitutional authority, sewer districts providing wholesale sewer services in Jackson county, or any sewer district in Boone county from the provisions in this act.

The act contains an emergency clause.

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  
 01/30/2006 SCS Voted Do Pass S Economic Development, Tourism & Local Government Committee - Consent (3389S.04C)  
 02/02/2006 Reported from S Economic Development, Tourism & Local Government Committee to Floor - Consent w/SCS (S159)  
 02/08/2006 Removed S Consent Calendar (S200)  
 02/23/2006 Reported from S Economic Development, Tourism & Local Government Committee to Floor w/SCS (S297)  
 03/07/2006 S Formal Calendar S Bills for Perfection w/SCS

EFFECTIVE: Emergency clause

\*\*\* 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.02P

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  
 02/02/2006 Reported from S Aging, Families, Mental & Public Health Committee to Floor - Consent (S160)  
 03/01/2006 S Third Read and Passed - Consent (S361 / H390)  
 03/02/2006 H First Read (H390)  
 03/06/2006 H Second Read

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 \*\*\*

SCS SB 650

3306S.04P

SENATE SPONSOR: Champion

SCS/SB 650 - This act specifies that the term of Office of the Governors of Missouri State University shall be six years. The voting members of the board of governors serving on August 28, 2005, shall serve until the expiration of the terms for which they were appointed. For those voting members appointed after August 28, 2005, the term of office will be established in a manner where no more than three terms shall expire in a given year.

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

02/07/2006 SCS Voted Do Pass S Education Committee-Consent (3306S.04C)

02/09/2006 Reported from S Education Committee to Floor w/SCS - Consent (S209)

03/02/2006 SCS S adopted (S376)

03/02/2006 S Third Read and Passed - Consent - EC adopted (S376-377)

03/06/2006 H First Read

03/07/2006 H Second Read

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 &amp; Local Government Committee (S59)

01/18/2006 Hearing Cancelled S Economic Development, Tourism &amp; Local Government Committee

01/25/2006 Hearing Conducted S Economic Development, Tourism &amp; 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.02I

SENATE SPONSOR: Nodler

SCS/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  
02/21/2006 SCS Voted Do Pass S Education Committee (3404S.05C)

EFFECTIVE: August 28, 2006

\*\*\* SB 656 \*\*\*

3691S.01I

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  
 02/07/2006 Voted Do Pass S Education Committee-Consent  
 02/09/2006 Reported from S Education Committee to Floor - Consent (S209)  
 02/15/2006 Removed S Consent Calendar (S249)

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)  
 02/20/2006 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

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

01/04/2006 S First Read (S11)

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 Conducted 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 \*\*\*

SCS SBs 665 & 757

3284S.05C

SENATE SPONSOR: Engler

SCS/SBs 665 & 757 - This 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 may pay restitution to the state; calculations for such payment are detailed in the act. Anyone who fails to pay such restitution may be subject to permit revocation, suspension or denial.

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 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)

02/08/2006 Hearing Conducted S Agriculture, Conservation, Parks & Natural Resources Committee

02/15/2006 SCS Voted Do Pass (SCS/SBs 665 & 757) S Agriculture, Conservation, Parks & Natural Resources Committee (3284S.05C)

02/23/2006 Reported from S Agriculture, Conservation, Parks & Natural Resources Committee to Floor w/SCS (S297-298)

03/07/2006 S Formal Calendar S Bills for Perfection w/SCS

EFFECTIVE: August 28, 2006

\*\*\* SB 666 \*\*\*

SCS SB 666

3281S.05P

SENATE SPONSOR: Engler

SCS/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. If the employee prevails in the action the employee shall be entitled to reasonable attorney's fees and costs of the action. The employee must bring an action within one year of the violation.

The act defines a "fire department" as an agency or organization that provides fire suppression activities. The term fire department shall include any municipal fire department, fire protection district, or voluntary fire protection association engaging in this type of activity. This amendment also requires "volunteer fire protection associations" to provide fire suppression and related activities.

All fire protection districts, volunteer fire protection associations, and fire department must complete and file a fire department registration form with the State Fire Marshal with 60 days after January 1, 2007, and annually thereafter. The state fire marshal may issue an identification number to each registered entity and conduct periodic reviews of the information provided on the registration forms.

This act requires volunteer fire protection associations to identify their boundaries and file them with the county, rather than allowing them to do so. Any volunteer fire protection association is prohibited from encroaching upon or including any portion of another fire department's legally established boundaries.

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  
 01/31/2006 SCS Voted Do Pass S Pensions, Veterans' Affairs and General Laws Committee (3281S.05C)  
 02/09/2006 Reported from S Pensions, Veterans' Affairs and General Laws Committee to Floor w/SCS (S210)  
 02/15/2006 SA 1 to SCS S offered & adopted (Green)--(3281S05.01S) (S247-248)  
 02/15/2006 SCS, as amended, S adopted (S248)  
 02/15/2006 Perfected (S248)  
 02/15/2006 Reported Truly Perfected S Rules Committee (S250)  
 02/16/2006 S Third Read and Passed (S259-260)  
 02/16/2006 H First Read (H275)  
 02/20/2006 H Second Read

EFFECTIVE: August 28, 2006

\*\*\* SB 667 \*\*\*

SCS SBs 667, 704, 941, 956 & 987

3694S.03C

SENATE SPONSOR: Engler

SCS/SBs 667, 704, 941, 956 & 987 - This act designates several portions of highway after Missouri Highway Patrolmen.

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" (Section 227.305). The act also designates a portion of U.S. Highway 54 in Camden County as the "Trooper Ross S. Creach Memorial Highway" (Section 227.375). This portion of the act is similar to SCS/HB 423 and SCS/SB 227 (2005).

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 (Section 227.359).

This act designates a portion of I-44 in Webster County as the "Cpl. Jay Sampietro MO State Hwy. Patrol Memorial Highway." Since the current law designates the whole stretch of I-44 in Webster County as the "Edwin P. Hubble Memorial Highway," the act carves out a portion of that designation for the Sampietro designation (Sections 227.345 and 227.379).

This act names a portion of U.S. Highway 60 in Texas County as the "Trooper D. Kevin Floyd Memorial Highway" (Section 227.377).

This act designates a portion of I-44 in Franklin County as the "Trooper Ralph Tatoian Memorial Highway" (Section 227.384).

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  
 02/21/2006 SCS Voted Do Pass (SCS/SBs 667, 704, 941, 956 & 987) S Transportation Committee - Consent (3694S.03C)  
 02/23/2006 Reported from S Transportation Committee to Floor w/SCS - Consent (S298)  
 03/07/2006 S Consent Calendar w/SCS (2/23)

EFFECTIVE: August 28, 2006

\*\*\* SB 668 \*\*\*

3392S.011

SENATE SPONSOR: Koster

This bill has been combined with SB 600

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  
 02/16/2006 Bill Combined w/SCS/SBs 600 & 668

EFFECTIVE: January 1, 2007

\*\*\* SB 669 \*\*\*

3391S.021

SENATE SPONSOR: Koster

This bill has been combined with SB 872

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  
 02/14/2006 Bill Combined w/ SCS/SBs 872, 754 & 669

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)  
 02/09/2006 Hearing Conducted S Ways & Means Committee

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

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\*\*\* 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 Conducted S Education Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 677 \*\*\*

3157S.01P

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 &amp; Public Health Committee (S65)

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

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

02/02/2006 Reported from S Aging, Families, Mental &amp; Public Health Committee to Floor - Consent (S160)

03/01/2006 S Third Read and Passed - Consent (S361 / H390)

03/02/2006 H First Read (H390)

03/06/2006 H Second Read

EFFECTIVE: August 28, 2006

\*\*\* SB 678 \*\*\*

3088S.01P

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  
 02/02/2006 Reported from S Ways & Means Committee to Floor - Consent (S157)  
 03/01/2006 S Third Read and Passed - Consent (S358-359 / H390)  
 03/02/2006 H First Read (H390)  
 03/06/2006 H Second Read

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 termination 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  
 02/07/2006 Voted Do Pass S Education Committee-Consent  
 02/09/2006 Reported from S Education Committee to Floor - Consent (S210)  
 02/15/2006 Removed S Consent Calendar (S250)

EFFECTIVE: August 28, 2006

\*\*\* SB 680 \*\*\*

3365S.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)  
 02/20/2006 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

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 &amp; 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 &amp; Means Committee (S65)

02/02/2006 Hearing Conducted S Ways &amp; Means Committee

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

SCS/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, ophthalmologist, physician or doctor of osteopathy. The state board of education shall promulgate rules regarding the requirements of this act including establishing criteria for meeting the requirements of this act which may include forms or other proof of examinations to include the result of the examination, the cost for the examination, the examiner's qualifications and credentials, and the method of payment.

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. Payment from the fund for vision examinations under this act shall not exceed the allowable state medicaid reimbursement amount for vision examinations.

There is a four-year sunset provision.

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)

02/08/2006 Hearing Conducted S Aging, Families, Mental & Public Health Committee

03/01/2006 SCS Voted Do Pass S Aging, Families, Mental & Public Health Committee (3217S.03C)

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  
01/30/2006 Voted Do Pass S Financial & Governmental Organizations and Elections Committee  
02/02/2006 Reported from S Financial & Governmental Organizations and Elections Committee to Floor (S157)  
02/06/2006 Bill Placed on Informal Calendar (S176)  
03/07/2006 S Informal Calendar S Bills for Perfection

EFFECTIVE: August 28, 2006

\*\*\* SB 690 \*\*\* SCS SB 690

3597S.02C

SENATE SPONSOR: Champion

SCS/SB 690 - This act prohibits the Missouri Children's Division from closing a child abuse or neglect investigation if a child subject to the investigation dies during the course of the investigation, until such time as any separate investigation by the Division regarding the death is completed.

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  
02/01/2006 SCS Voted Do Pass S Aging, Families, Mental & Public Health Committee (3597S.02C)  
02/02/2006 Reported from S Aging, Families, Mental & Public Health Committee to Floor w/SCS (S160)  
02/06/2006 Bill Placed on Informal Calendar (S176)  
03/07/2006 S Informal Calendar S Bills for Perfection

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  
02/02/2006 Reported from S Ways & Means Committee to Floor - Consent (S157)  
02/08/2006 Removed S Consent Calendar (S200)

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  
02/02/2006 Voted Do Pass 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 Conducted 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.

**MISSOURI SENATE  
WEEKLY BILL STATUS REPORT**

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 \*\*\*

SCS SBs 701 & 948

3580S.02P

SENATE SPONSOR: Crowell

SCS/SBs 701 & 948 - This act provides that if a recipient of educational assistance under the act ceases to maintain their active military affiliation while enrolled in an academic semester or term at an institution of higher education for any reason except death, disability, or medical disqualification, the educational assistance shall be terminated and the recipient shall be required to repay any amounts awarded under this section. The act also eliminates the provision which states that the recipient must repay assistance awarded if he or she ceases to maintain their military affiliation within three years after completion of a course of study.

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 Conducted S Pensions, Veterans' Affairs and General Laws Committee

02/07/2006 SCS Voted Do Pass (SCS/SBs 701 & 948) S Pensions, Veterans' Affairs and General Laws Committee (3580S.02C)

02/16/2006 Reported from S Pensions, Veterans' Affairs and General Laws Committee to Floor w/SCS (S257)

02/22/2006 SCS S adopted (S286)

02/22/2006 Perfected (S287)

02/22/2006 Reported Truly Perfected S Rules Committee (S290)

02/23/2006 S Third Read and Passed (S301 / H322)

02/23/2006 H First Read (H322)

EFFECTIVE: August 28, 2006

\*\*\* SB 702 \*\*\*

3100S.01P

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 But Not Heard 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

This bill has been combined with SB 667

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

02/21/2006 Bill Combined w/ SCS/SBs 667, 704, 941, 956 & 987

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 But Not Heard 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

02/07/2006 Voted Do Pass 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)  
 02/02/2006 Hearing Conducted S Ways & Means Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 710 \*\*\*

3465S.021

SENATE SPONSOR: Cauthorn

SCS/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 state Board of Nursing 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 after 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 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.

The State Board of Nursing may also request an expedited hearing from the Administrative Hearing Commission, if the board concludes the nurse has committed an act constituting clear and present danger to the public health and safety. After 15 days from the complaint, and after a preliminary hearing, the board may immediately restrict or suspend the license. Temporary authority to restrict or suspend the license becomes final if the nurse does not request a full hearing within thirty days. Dismissal of the action does not preclude subsequent action on the same grounds. If the licensee does not inform the board of the licensee's current place of employment and residence, upon a violation of a disciplinary action and, if the licensee does not answer the default notice, the board may impose additional disciplinary actions without a hearing.

The act adds officials of home health agencies and entities that employ or contract with licensed health care professionals to provide services to individuals or to any hospital, home health agency, ambulatory surgical center, or nursing facility to the list of officials that must report disciplinary actions to the proper licensing authority.

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)  
 02/15/2006 Hearing Conducted S Aging, Families, Mental & Public Health Committee  
 02/22/2006 SCS Voted Do Pass S Aging, Families, Mental & Public Health Committee (3465S.03C)

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)

03/02/2006 Hearing Conducted S Agriculture, Conservation, Parks & Natural Resources Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 712 \*\*\*

3602S.01P

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  
 01/30/2006 Voted Do Pass S Economic Development, Tourism & Local Government Committee - Consent  
 02/02/2006 Reported from S Economic Development, Tourism & Local Government Committee to Floor - Consent (S159)  
 03/01/2006 S Third Read and Passed - Consent (S360-361 / H391)  
 03/02/2006 H First Read (H391)  
 03/06/2006 H Second Read

EFFECTIVE: August 28, 2006

\*\*\* SB 713 \*\*\*

3108S.02I

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.01I

SENATE SPONSOR: Nodler

This bill has been combined with SB 575

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  
 02/01/2006 Bill Combined w/SCS/SBs 575 & 714

EFFECTIVE: August 28, 2006

\*\*\* SB 715 \*\*\*

3648S.01I

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 \*\*\*

SCS SB 718

3198S.02C

SENATE SPONSOR: Crowell

SCS/SB 718 - This act authorizes the Missouri Development Finance Board to grant a loan request only if the means of repayment is readily ascertainable. With the exception of annual appropriation debt for state-owned property, 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 Conducted S Financial & Governmental Organizations and Elections Committee  
 02/15/2006 SCS Voted Do Pass S Financial & Governmental Organizations and Elections Committee (3198S.02C)  
 03/02/2006 Reported from S Financial & Governmental Organizations and Elections Committee to Floor w/SCS (S383)  
 03/07/2006 S Formal Calendar S Bills for Perfection w/SCS

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)  
 02/27/2006 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

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)

02/13/2006 Hearing Scheduled But Not Heard S Judiciary and Civil & Criminal Jurisprudence Committee  
02/20/2006 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

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)  
 03/06/2006 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

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)  
 02/20/2006 Hearing Conducted S Financial & Governmental Organizations and Elections Committee  
 03/06/2006 Voted Do Pass S Financial & Governmental Organizations and Elections Committee - Consent

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)  
03/06/2006 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 730 \*\*\*

3199S.011

SENATE SPONSOR: Crowell

This bill has been combined with SB 1014

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)  
02/13/2006 Hearing Scheduled But Not Heard S Financial & Governmental Organizations and Elections Committee  
02/15/2006 Hearing Conducted S Financial & Governmental Organizations and Elections Committee  
02/15/2006 Bill Combined w/ SCS/SBs 1014 & 730

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)  
 02/15/2006 Hearing Conducted S Small Business, Insurance & Industrial Relations Committee  
 02/22/2006 Voted Do Pass S Small Business, Insurance & Industrial Relations Committee - Consent  
 02/23/2006 Reported from S Small Business, Insurance & Industrial Relations Committee to Floor - Consent (S299)  
 03/07/2006 S Consent Calendar (2/23)

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)  
 02/21/2006 Hearing Conducted S Education Committee

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)  
02/09/2006 Hearing Conducted S Ways & Means Committee

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)  
02/07/2006 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee  
02/28/2006 Voted Do Pass S Pensions, Veterans' Affairs and General Laws Committee

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 \*\*\*

SCS SB 744

3378S.02P

SENATE SPONSOR: Klindt

SCS/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 motor fuel for agricultural purposes from local sales tax. The act also exempts purchases of materials used in constructing, repairing or remodeling facilities for the Department of Transportation and the state highways and transportation commission from 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  
 02/02/2006 SCS Voted Do Pass S Ways & Means Committee (3378.02C)  
 02/16/2006 Reported from S Ways & Means Committee to Floor w/SCS (S256)  
 02/22/2006 SA 1 to SCS S offered & adopted (Gross)--(8004S06.01S) (S285-286)  
 02/22/2006 SCS, as amended, S adopted (S286)  
 02/22/2006 Perfected (S286)  
 02/22/2006 Reported Truly Perfected S Rules Committee (S290)  
 02/22/2006 Referred S Governmental Accountability and Fiscal Oversight Committee (S290)  
 02/23/2006 Hearing Conducted S Governmental Accountability & Fiscal Oversight Committee  
 02/23/2006 Voted Do Pass S Governmental Accountability and Fiscal Oversight Committee  
 02/23/2006 Reported from S Governmental Accountability and Fiscal Oversight Committee to Floor (S297)  
 02/23/2006 S Third Read and Passed (S301-302 / H323)  
 02/23/2006 H First Read (H323)

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 Conducted S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 746 \*\*\*

SCS SB 746

3386S.02P

SENATE SPONSOR: Klindt

SCS/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 Conducted S Economic Development, Tourism & Local Government Committee - Consent  
 02/08/2006 SCS Voted Do Pass S Economic Development, Tourism & Local Government Committee - Consent (3386S.02C)  
 02/09/2006 Reported from S Economic Development, Tourism & Local Government Committee to Floor w/SCS - Consent (S208)  
 03/01/2006 SCS S adopted (S362-363)  
 03/01/2006 S Third Read and Passed - Consent (S363 / H391)  
 03/02/2006 H First Read (H391)  
 03/06/2006 H Second Read

EFFECTIVE: August 28, 2006

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 \*\*\* SB 747 \*\*\* SCS SB 747

3082S.03P

SENATE SPONSOR: Klindt

SCS/SB 747 - This act requires applicants for a used motor vehicle dealer's license to complete an educational seminar course within the last 12 months of applying for a license. The educational seminar course shall be approved by the Department of Revenue. The provisions of this act shall not apply to wholesale and retail auto auctions, new motor vehicle franchise dealers or motor vehicle leasing agencies. Used motor vehicle dealers who were licensed prior to August 28, 2006, are not subject to the act.

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  
 01/30/2006 SCS Voted Do Pass S Financial & Governmental Organizations and Elections Committee - Consent (3082S.03C)  
 02/02/2006 Reported from S Financial & Governmental Organizations and Elections Committee to Floor - Consent w/SCS (S157)  
 03/01/2006 SCS S adopted (S356)  
 03/01/2006 S Third Read and Passed - Consent (S356-357 / H391)  
 03/02/2006 H First Read (H391)  
 03/06/2006 H Second Read

EFFECTIVE: August 28, 2005

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 \*\*\* SB 748 \*\*\* SCS SB 748

3374S.05P

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 eighty, 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)  
 01/30/2006 Reported from S Pensions, Veterans' Affairs and General Laws Committee to Floor w/SCS (S142)  
 01/31/2006 SCS S adopted (S146)  
 01/31/2006 Perfected (S146)  
 02/01/2006 Reported Truly Perfected S Rules Committee (S150-151)  
 02/01/2006 Referred S Governmental Accountability and Fiscal Oversight Committee (S151)  
 02/02/2006 Hearing Conducted S Governmental Accountability & Fiscal Oversight Committee  
 02/02/2006 Voted Do Pass S Governmental Accountability and Fiscal Oversight Committee  
 02/02/2006 Reported from S Governmental Accountability and Fiscal Oversight Committee to Floor (S155)  
 02/02/2006 S Third Read and Passed - EC adopted (S156)  
 02/02/2006 H First Read (w/EC) (H180)  
 02/06/2006 H Second Read (H193)

EFFECTIVE: Emergency clause

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\*\*\* SB 749 \*\*\*

SCS SB 749

3474S.02P

SENATE SPONSOR: Engler

SCS/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 three 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  
 01/30/2006 SCS Voted Do Pass S Financial & Governmental Organizations and Elections Committee - Consent (3474S.02C)  
 02/02/2006 Reported from S Financial & Governmental Organizations and Elections Committee to Floor - Consent w/SCS (S157)  
 03/01/2006 SCS S adopted (S356)  
 03/01/2006 S Third Read and Passed - Consent (S356-357 / H391)  
 03/02/2006 H First Read (H391)  
 03/06/2006 H Second Read

EFFECTIVE: August 28, 2006

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\*\*\* 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

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\*\*\* SB 751 \*\*\*      SCS SB 751

3715S.02P

SENATE SPONSOR: Stouffer

SCS/SB 751 - This act allows the City of Corder to sell property purchased from the school district for any purpose it deems necessary after 25 years.

This act is similar 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  
 02/15/2006    SCS Voted Do Pass S Economic Development, Tourism & Local Government Committee - Consent (3715S.02C)  
 02/16/2006    Reported from S Economic Development, Tourism & Local Government Committee to Floor w/SCS - Consent (S256)  
 03/06/2006    SCS S adopted (S396)  
 03/06/2006    S Third Read and Passed - Consent (S396-397)  
 03/07/2006    H First Read

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)  
 02/28/2006    Hearing Conducted S Transportation Committee - Consent

EFFECTIVE: August 28, 2006

\*\*\* SB 753 \*\*\*

3411S.02I

SENATE SPONSOR: Alter

This bill has been combined with SB 588

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  
 02/06/2006    Bill Combined w/(SCS/SBs 588, 557, 579, 563, 869, 619, 570, 753, 764, 782, 783, 890)

EFFECTIVE: August 28, 2006

\*\*\* SB 754 \*\*\*

3132S.02I

SENATE SPONSOR: Scott

This bill has been combined with SB 872

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  
 02/14/2006    Bill Combined w/ SCS/SBs 872, 754 & 669

EFFECTIVE: August 28, 2006

\*\*\* SB 755 \*\*\*

3808S.01I



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)  
 02/22/2006 Hearing Conducted S Small Business, Insurance & Industrial Relations Committee  
 03/01/2006 Voted Do Pass S Small Business, Insurance & Industrial Relations Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 756 \*\*\*

3816S.011

SENATE SPONSOR: Clemens

SCS/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)  
 02/13/2006 Hearing Scheduled But Not Heard S Financial & Governmental Organizations and Elections Committee  
 02/20/2006 Hearing Conducted S Financial & Governmental Organizations and Elections Committee  
 03/06/2006 SCS Voted Do Pass S Financial & Governmental Organizations and Elections Committee - Consent (3816S.02C)

EFFECTIVE: August 28, 2006

\*\*\* SB 757 \*\*\*

3987S.011

SENATE SPONSOR: Clemens

This bill has been combined with SB 665

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)  
 02/08/2006 Hearing Conducted S Agriculture, Conservation, Parks & Natural Resources Committee  
 02/15/2006 Bill Combined w/SCS/SBs 665 & 757

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)

02/14/2006 Hearing Cancelled S Transportation Committee

02/21/2006 Hearing Conducted S Transportation Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 760 \*\*\*

SCS SB 760

3463S.02P

SENATE SPONSOR: Engler

SCS/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 Conducted S Agriculture, Conservation, Parks & Natural Resources Committee

02/08/2006 SCS Voted Do Pass S Agriculture, Conservation, Parks & Natural Resources Committee - Consent (3463S.02C)

02/16/2006 Reported from S Agriculture, Conservation, Parks & Natural Resources Committee to Floor w/SCS - Consent (S257)

03/06/2006 Motion to adopt SCS withdrawn (S398)

03/07/2006 S Consent Calendar w/SCS (2/16)

EFFECTIVE: August 28, 2006

\*\*\* SB 761 \*\*\*

3982S.011

SENATE SPONSOR: Stouffer

This bill has been combined with SB 1001

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  
 02/07/2006 Hearing Conducted S Transportation Committee  
 02/14/2006 Bill Combined w/ SCS/SBs 1001, 896 & 761

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)  
 02/14/2006 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 764 \*\*\*

3286S.011

SENATE SPONSOR: Engler

This bill has been combined with SB 588

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  
 02/06/2006 Bill Combined w/(SCS/SBs 588, 557, 579, 563, 869, 619, 570, 753, 764, 782, 783 & 890)

EFFECTIVE: August 28, 2006

\*\*\* SB 765 \*\*\* SCS SB 765

3546S.02P

SENATE SPONSOR: Dougherty

SCS/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.

This act contains an emergency clause.

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 Conducted S Aging, Families, Mental & Public Health Committee  
 02/08/2006 SCS Voted Do Pass S Aging, Families, Mental & Public Health Committee-Consent (3546S.02C)  
 02/09/2006 Reported from S Aging, Families, Mental & Public Health Committee to Floor w/SCS - Consent (S209)  
 03/01/2006 SCS S adopted (S365)  
 03/01/2006 S Third Read and Passed - Consent - EC adopted (S365 / H391)  
 03/02/2006 H First Read (w/EC) (H391)  
 03/06/2006 H Second Read

EFFECTIVE: Emergency clause

\*\*\* SB 766 \*\*\*

3941S.01P

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)  
 02/02/2006 Hearing Conducted S Ways & Means Committee  
 02/09/2006 Voted Do Pass S Ways & Means Committee - Consent  
 02/16/2006 Reported from S Ways & Means Committee to Floor - Consent (S256)  
 03/06/2006 S Third Read and Passed - Consent (S394)  
 03/07/2006 H First Read

EFFECTIVE: August 28, 2006

\*\*\* SB 767 \*\*\*

3946S.01I

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 police 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).

**MISSOURI SENATE  
WEEKLY BILL STATUS REPORT**

**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

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\*\*\* 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 Conducted 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)  
02/06/2006 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee  
03/06/2006 Voted Do Pass S Judiciary and Civil & Criminal Jurisprudence Committee

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)  
02/06/2006 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee  
03/06/2006 Voted Do Pass S Judiciary and Civil & Criminal Jurisprudence Committee

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 \*\*\*

SCS SB 773

3330S.04P

SENATE SPONSOR: Cauthorn

SCS/SB 773 - The act asserts that for interim forming boards, any remuneration to the officers must be voted on and agreed to by a majority of the association's members.

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.

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

12/21/2005 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  
 01/30/2006 SCS Voted Do Pass S Financial & Governmental Organizations and Elections Committee (3330S.04C)  
 02/02/2006 Reported from S Financial & Governmental Organizations and Elections Committee to Floor w/SCS (S157)  
 02/06/2006 Bill Placed on Informal Calendar (S176)  
 02/22/2006 SCS S adopted (S287)  
 02/22/2006 Perfected (S287)  
 02/22/2006 Reported Truly Perfected S Rules Committee (S290)  
 02/23/2006 S Third Read and Passed (S302 / H323)  
 02/23/2006 H First Read (H323)

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)  
 03/06/2006 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

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.

The provisions of this act are contained in SCS/SB 773 (2006).

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 subcommittees of health care researchers and ethics experts and conduct public hearings. The comprehensive plan is required to seek and secure the delivery of the most cost-effective health care services.

The act also establishes the Missouri Health Care Trust Fund which will be used to finance the program. Certain health care services are excluded from coverage. The program is required to pay the expenses of institutional providers of health care, and each provider is required to negotiate an annual budget with the program which will cover anticipated expenses. The program will reimburse independent providers of health care on a fee-for-service basis. Other insurers and employers may offer benefits that do not duplicate those offered by the program.

No later than 30 days after the effective date of the act, the Department of Social Services is required to apply to the United States Secretary of Health and Human Services for all health care program waivers that would enable the state to deposit federal funds into the Missouri Health Care Trust Fund. The department is also required to identify other federal funding sources.

Specific sections of the act will become effective April 1 of the year following the award of a waiver by the United States Department of Health and Human Services. Notice of the receipt of the waiver must be given to the Revisor of Statutes.

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

02/02/2006 Voted Do Pass 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)  
 02/15/2006 Hearing Conducted S Small Business, Insurance & Industrial Relations Committee  
 02/22/2006 Voted Do Pass S Small Business, Insurance & Industrial Relations Committee - Consent  
 02/23/2006 Reported from S Small Business, Insurance & Industrial Relations Committee to Floor - Consent (S298-299)  
 03/07/2006 S Consent Calendar (2/23)

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 Conducted S Commerce, Energy and the Environment Committee  
 02/21/2006 Voted Do Pass S Commerce, Energy and the Environment Committee  
 02/23/2006 Reported from S Commerce, Energy and the Environment Committee to Floor (S297)  
 03/01/2006 Bill Placed on Informal Calendar (S352)  
 03/07/2006 S Informal Calendar S Bills for Perfection

EFFECTIVE: August 28, 2006

\*\*\* SB 781 \*\*\*

4114S.011

SENATE SPONSOR: Ridgeway

SCS/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)  
 02/27/2006 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee  
 03/06/2006 SCS Voted Do Pass S Judiciary and Civil & Criminal Jurisprudence Committee (4114S.02C)

EFFECTIVE: August 28, 2006

\*\*\* SB 782 \*\*\*

4028S.011

SENATE SPONSOR: Engler

This bill has been combined with SB 588

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  
 02/06/2006 Bill Combined w/(SCS/SBs 588, 557, 579, 563, 869, 619, 570, 753, 764, 782, 783 & 890)

EFFECTIVE: August 28, 2006

\*\*\* SB 783 \*\*\*

4034S.011

SENATE SPONSOR: Engler

This bill has been combined with SB 588

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  
 02/06/2006 Bill Combined w/(SCS/SBs 588, 557, 579, 563, 869, 619, 570, 753, 764, 782, 783 & 890)

EFFECTIVE: August 28, 2006

\*\*\* SB 784 \*\*\*

4112S.011

SENATE SPONSOR: Alter

SCS/SB 784 - Under this act, a person commits the crime of peace disturbance if he or she unreasonably or knowingly disturbs or alarms another person by harboring, keeping, or having under his or her control any dog upon his or her property that causes fear or annoyance to persons living in the immediate area or passing upon the streets or sidewalks near the property by frequently and habitually barking, yelping, or howling. This provision would not apply to a person who uses his or her property as a licensed kennel, veterinary clinic, or animal hospital.

Peace disturbance is a Class B misdemeanor for the first offense and a Class A misdemeanor for the second or other subsequent offense.

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 Conducted S Judiciary and Civil & Criminal Jurisprudence Committee  
02/20/2006 SCS Voted Do Pass S Judiciary and Civil & Criminal Jurisprudence Committee (4112S.05C)

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)  
02/27/2006 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee  
03/06/2006 Voted Do Pass S Judiciary and Civil & Criminal Jurisprudence Committee

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 reported 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)  
02/06/2006 Hearing Scheduled But Not Heard S Judiciary and Civil & Criminal Jurisprudence Committee  
02/13/2006 Hearing Scheduled But Not Heard S Judiciary and Civil & Criminal Jurisprudence Committee  
02/20/2006 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

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 Conducted S Aging, Families, Mental & Public Health Committee  
 02/08/2006 Voted Do Pass 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)  
 03/07/2006 Hearing Conducted S Commerce, Energy and the Environment Committee

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 Conducted 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

02/02/2006 Reported from S Pensions, Veterans' Affairs and General Laws Committee to Floor - Consent (S160)

02/08/2006 Removed S Consent Calendar (S200)

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 &amp; Public Health Committee (S74)

03/01/2006 Hearing Conducted S Aging, Families, Mental &amp; Public Health Committee

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 &amp; 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 &amp; 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 ERTLE

01/04/2006 S First Read (S19)

01/11/2006 Second Read and Referred S Aging, Families, Mental &amp; Public Health Committee (S74)

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

EFFECTIVE: January 1, 2007

\*\*\* SB 798 \*\*\*

4157S.011

SENATE SPONSOR: Nodler

SCS/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 may initiate investigations against the unlicensed person and may 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, and the penalty is not timely paid, the Attorney General may 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)  
 02/06/2006 Hearing Scheduled But Not Heard S Financial & Governmental Organizations and Elections Committee  
 02/13/2006 Hearing Conducted S Financial & Governmental Organizations and Elections Committee  
 03/06/2006 SCS Voted Do Pass S Financial & Governmental Organizations and Elections Committee (4157S.03C)

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 Conducted 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 \*\*\*

SCS SB 802

4006S.02P

SENATE SPONSOR: Shields

SCS/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

01/30/2006 SCS Voted Do Pass S Economic Development, Tourism & Local Government Committee - Consent (4006S.02C)

02/02/2006 Reported from S Economic Development, Tourism & Local Government Committee to Floor - Consent w/SCS (S160)

03/01/2006 SCS S adopted (S363-364)

03/01/2006 S Third Read and Passed - Consent - EC adopted (S364 / H391)

03/02/2006 H First Read (w/EC) (H391-392)

03/06/2006 H Second Read

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)

02/23/2006 Hearing Conducted S Ways & Means Committee

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 &amp; Criminal Jurisprudence Committee (S74)

03/06/2006 Hearing Conducted S Judiciary and Civil &amp; Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 805 \*\*\*

3116S.02P

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 &amp; Means Committee (S74)

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

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

02/02/2006 Reported from S Ways &amp; Means Committee to Floor (S158)

03/01/2006 S Third Read and Passed (S359-360 / H392)

03/02/2006 H First Read (H392)

03/06/2006 H Second Read

EFFECTIVE: August 28, 2006

\*\*\* SB 806 \*\*\*

SCS SB 806

3984S.011

SENATE SPONSOR: Gross

SCS/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)

02/07/2006 Hearing Conducted S Education Committee

02/21/2006 SCS Voted Do Pass S Education Committee-Consent (3984S.02C)

02/23/2006 Reported from S Education Committee to Floor w/SCS - Consent (S298)

03/07/2006 S Consent Calendar w/SCS (2/23)

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 &amp; Governmental Organizations and Elections Committee (S74)

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

01/30/2006 Voted Do Pass S Financial &amp; Governmental Organizations and Elections Committee - Consent

02/02/2006 Reported from S Financial &amp; Governmental Organizations and Elections Committee to Floor - Consent (S157)

02/08/2006 Removed S Consent Calendar (S200)

EFFECTIVE: August 28, 2006

\*\*\* SB 809 \*\*\*

3553S.01P

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 &amp; Local Government Committee (S74)

02/01/2006 Hearing Conducted S Economic Development, Tourism &amp; Local Government Committee

02/15/2006 Voted Do Pass S Economic Development, Tourism &amp; Local Government Committee - Consent

02/16/2006 Reported from S Economic Development, Tourism &amp; Local Government Committee to Floor - Consent (S257)

03/06/2006 S Third Read and Passed - Consent (S397)

03/07/2006 H First Read

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

\*\*\* SB 812 \*\*\*

3890L.011

SENATE SPONSOR: Cauthorn

SCS/SB 812 - The act grants authority to public water supply districts, sewer districts and municipalities to install and maintain sewer and water lines in public roads provided they adhere to the reasonable rules and regulations of the appropriate local governments.

The act adds municipalities, public water supply districts and sewer districts to the list of utilities 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

01/31/2006 SCS Voted Do Pass S Commerce, Energy and the Environment Committee (3890L.02C)

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 &amp; 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 &amp; Means Committee (S74)

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

02/02/2006 Voted Do Pass S Ways &amp; 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 &amp; Criminal Jurisprudence Committee (S74)

EFFECTIVE: August 28, 2006

\*\*\* SB 816 \*\*\*

SCS SB 816

3909S.11C

SENATE SPONSOR: Griesheimer

SCS/SB 816 - This act requires certain entities to possess video service authorizations which will constitute franchises. The Public Service Commission 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, gross receipts tax, or request anything of value in exchange for providing video service. A competitive video service provider must provide distribution capacity and make reasonable, technically feasible efforts to retransmit community programming and emergency interrupt service. If a competitive video service provider is unable to retransmit community programming or emergency interrupt service for technical reasons, the provider must notify the public service commission in writing and disclose to all potential consumers that its service will not include community programming or emergency interrupt service. The Public Service Commission may order the competitive video service provider to address the technical difficulties and retransmit community programming or emergency interrupt service after a reasonable period of time.

This act allows franchise entities to audit entities possessing video service authorizations which provide

video service within the franchise entity's jurisdiction. The entity holding a video service authorization must make available for inspection all records relating to services provided and taxes paid or owed upon request of the franchise entity. Any expenses incurred, by a franchise entity, in conducting an audit of an entity holding a video service authorization shall be paid by the franchise entity.

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 Public Service Commission shall issue a certificate of video service authorization within thirty days of receipt of an affidavit containing certain information from the applicant.

The video service provider fee must be paid to the political subdivision, in which service is provided, on a quarterly basis and shall be calculated at a rate not to exceed five percent of gross revenue. 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 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. The Public Service Commission is required to issue a report by August 28, 2010, detailing the status of competition in the provision of video services and to make any necessary recommendations for legislative reform.

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  
 02/21/2006 SCS Voted Do Pass S Commerce, Energy and the Environment Committee (3909S.11C)  
 02/23/2006 Reported from S Commerce, Energy and the Environment Committee to Floor w/SCS (S297)  
 03/07/2006 S Formal Calendar S Bills for Perfection w/SCS

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  
 02/15/2006 Voted Do Pass S Small Business, Insurance & Industrial Relations Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 818 \*\*\*

4159S.01P

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  
 01/30/2006 Voted Do Pass S Financial & Governmental Organizations and Elections Committee - Consent

02/02/2006 Reported from S Financial & Governmental Organizations and Elections Committee to Floor - Consent (S157)  
 03/01/2006 S Third Read and Passed - Consent (S357 / H392)  
 03/02/2006 H First Read (H392)  
 03/06/2006 H Second Read

EFFECTIVE: August 28, 2006

\*\*\* SB 819 \*\*\*

4152S.01P

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  
 01/30/2006 Voted Do Pass S Financial & Governmental Organizations and Elections Committee - Consent  
 02/02/2006 Reported from S Financial & Governmental Organizations and Elections Committee to Floor - Consent (S157)  
 03/01/2006 S Third Read and Passed - Consent (S358 / H392)  
 03/02/2006 H First Read (H392)  
 03/06/2006 H Second Read

EFFECTIVE: August 28, 2006

\*\*\* SB 820 \*\*\*

SCS SB 820

4222S.03C

SENATE SPONSOR: Koster

SCS/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. The maximum amount shall be adjusted annually based on the Consumer Price Index.

JIM ERTL

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 Conducted S Governmental Accountability & Fiscal Oversight Committee  
 02/02/2006 SCS Voted Do Pass S Governmental Accountability & Fiscal Oversight Committee (4222S.03C)  
 02/09/2006 Reported from S Governmental Accountability & Fiscal Oversight Committee to Floor w/SCS (S208)  
 02/14/2006 Bill Placed on Informal Calendar (S239)  
 03/07/2006 S Informal Calendar S Bills for Perfection

EFFECTIVE: August 28, 2006

\*\*\* SB 821 \*\*\*

3935S.01I

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 But Not Heard S Transportation Committee

02/07/2006 Hearing Conducted 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

02/02/2006 Voted Do Pass S Ways & Means Committee - Consent

03/02/2006 Reported from S Ways & Means Committee to Floor (S383)

03/07/2006 S Formal Calendar S Bills for Perfection

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)  
 02/01/2006 Hearing Conducted S Small Business, Insurance & Industrial Relations Committee  
 02/15/2006 Voted Do Pass S Small Business, Insurance & Industrial Relations Committee

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 \*\*\*

SCS SB 825

4113S.02C

SENATE SPONSOR: Koster

SCS/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 DISTRICT - 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. All of the members of the commission shall be elected officials from the jurisdiction that appointed them as voting members of MARC's Board of Directors. 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. 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 provided that the sales tax shall not extend beyond the 15 years following the date of the first receipt by the county treasurer of revenue. 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 on or before March 15th of each calendar year.

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, by 2/3 majority vote 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.

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; and

(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.

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 moneys 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. The act requires the information provided by the oversight committee to include an annual financial statement prepared in accordance with general accepted accounting principles. The oversight committee for a public transit service regional program shall also provide a report on the operational statistics.

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. The countywide sales tax shall not be levied for a period of more than 15 years from the date of first receipt by the county treasurer of revenue unless renewed by the qualified electors prior to its expiration.

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 Conducted S Economic Development, Tourism & Local Government Committee  
 02/08/2006 SCS Voted Do Pass S Economic Development, Tourism & Local Government Committee - Consent (4113S.02C)  
 02/09/2006 Reported from S Economic Development, Tourism & Local Government Committee to Floor w/SCS - Consent (S208)  
 02/15/2006 Removed S Consent Calendar (S249)  
 03/02/2006 Reported from S Economic Development, Tourism & Local Government Committee to Floor w/SCS (S384)  
 03/07/2006 S Formal Calendar S Bills for Perfection w/SCS

EFFECTIVE: August 28, 2006

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\*\*\* 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)



02/14/2006 Hearing Cancelled S Transportation Committee

02/21/2006 Hearing Conducted S Transportation Committee

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 &amp; Criminal Jurisprudence Committee (S93)

EFFECTIVE: August 28, 2006

\*\*\* SB 828 \*\*\*

3870L.01P

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 &amp; Governmental Organizations and Elections Committee (S93)

01/23/2006 Hearing Conducted S Financial &amp; Governmental Organizations and Elections Committee

01/30/2006 Voted Do Pass S Financial &amp; Governmental Organizations and Elections Committee - Consent

02/02/2006 Reported from S Financial &amp; Governmental Organizations and Elections Committee to Floor - Consent (S157)

03/01/2006 S Third Read and Passed - Consent (S358 / H392)

03/02/2006 H First Read (H392)

03/06/2006 H Second Read

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 \*\*\*

SCS SB 830

4123S.02C

SENATE SPONSOR: Ridgeway

SCS/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)

02/07/2006 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee

02/14/2006 SCS Voted Do Pass S Pensions, Veterans' Affairs and General Laws Committee - Consent (4123S.02C)

02/16/2006 Reported from S Pensions, Veterans' Affairs and General Laws Committee to Floor - Consent (S257)

02/20/2006 Request to correct committee report from S Pensions, Veterans' Affairs & General Laws Committee - bill should have been shown as reported SCS Do Pass by Consent (2/16) (S267)

03/07/2006 S Consent Calendar w/SCS (2/16)

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)

02/07/2006 Hearing Conducted S Education Committee

EFFECTIVE: Emergency clause

\*\*\* SB 832 \*\*\*

SCS SB 832

4307S.06C

SENATE SPONSOR: Griesheimer

SCS/SB 832 - This act prohibits the use of tax increment financing for projects located in one hundred year flood plains except for river front development projects and projects located within the incorporated limits of a municipality. The act defines the term "Greenfield" and prohibits use of tax increment financing for certain greenfield development. TIF projects resulting in the development of predominately residential development are prohibited for the development of previously undeveloped or vacant land. Revenue increases realized from the residential portion of the development shall not be deposited in the special allocation fund, but shall be allocated to the various taxing entities as though that area had not been subject to a TIF. The term "blighted area" is changed to "distressed area".

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, a governing body wanting to pursue such project 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 allocation of one hundred percent of the economic activity taxes shall be utilized to defease the obligations secured by the special allocation fund and shorten the term of repayment.

The act allows for referendum petitions in opposition to tax increment financing projects for municipalities that do not currently have the authority for such a process. Such a petition must be signed by a number of voters equal to at least fifteen percent of the registered voters for the last preceding municipal election for municipalities with populations greater than five thousand. Petitions must be signed by a number of voters equal to at least twenty percent of the registered voters for the last preceding municipal election for municipalities with populations less than five thousand. The petitions must be submitted no later than 30 days from the date of the adoption of the ordinance approving the redevelopment project or plan.

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 unless the tax is levied for the specific purpose of funding or retiring the debt of the redevelopment project or plan. Municipalities are prohibited from conferring eminent domain power to private entities when a project utilizes both tax increment financing and chapter 353 urban redevelopment 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 every day 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  
 02/08/2006 SCS Voted Do Pass S Economic Development, Tourism & Local Government Committee (4307S.06C)  
 02/09/2006 Reported from S Economic Development, Tourism & Local Government Committee to Floor w/SCS (S209)  
 02/14/2006 Bill Placed on Informal Calendar (S239)  
 03/07/2006 S Informal Calendar S Bills for Perfection

EFFECTIVE: August 28, 2006

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\*\*\* 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)  
02/07/2006 Hearing Conducted S Education Committee  
02/21/2006 Voted Do Pass S Education Committee

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)  
02/28/2006 Hearing Conducted S Education Committee - Consent  
02/28/2006 Voted Do Pass S Education Committee - Consent  
03/02/2006 Reported from S Education Committee to Floor - Consent (S384)  
03/07/2006 S Consent Calendar (3/2)

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 &amp; Criminal Jurisprudence Committee (S93)

EFFECTIVE: August 28, 2006

\*\*\* SB 837 \*\*\*

3660S.01P

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 &amp; Industrial Relations Committee (S93)

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

02/15/2006 Voted Do Pass S Small Business, Insurance &amp; Industrial Relations Committee - Consent

02/16/2006 Reported from S Small Business, Insurance &amp; Industrial Relations Committee to Floor - Consent (S255)

03/02/2006 S Third Read and Passed - Consent (S378)

03/06/2006 H First Read

03/07/2006 H Second Read

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 one 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 &amp; Industrial Relations Committee (S93)

02/01/2006 Hearing Conducted S Small Business, Insurance &amp; Industrial Relations Committee

02/15/2006 Voted Do Pass S Small Business, Insurance &amp; Industrial Relations Committee - Consent

02/16/2006 Reported from S Small Business, Insurance &amp; Industrial Relations Committee to Floor - Consent (S255)

02/22/2006 Removed S Consent Calendar (S289)

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 nonneconomic 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.05P

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

02/07/2006 Hearing Conducted S Transportation Committee - Consent

02/08/2006 Voted Do Pass S Transportation Committee - Consent

02/09/2006 Reported from S Transportation Committee to Floor - Consent (S210)

03/02/2006 S Third Read and Passed - Consent (S377)

03/06/2006 H First Read

03/07/2006 H Second Read

EFFECTIVE: August 28, 2006

\*\*\* SB 841 \*\*\*

4111S.011

SENATE SPONSOR: Ridgeway

SCS/SB 841 - This act modifies the definition of "health care professional", for purposes of determining who is subject to peer review, to include physical therapists, 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 Conducted S Aging, Families, Mental & Public Health Committee

02/08/2006 SCS Voted Do Pass S Aging, Families, Mental & Public Health Committee (411S.02C)

EFFECTIVE: August 28, 2006

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\*\*\* 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

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\*\*\* 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

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\*\*\* 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

03/06/2006 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 846 \*\*\*

4208S.011

SENATE SPONSOR: Dougherty

This bill has been combined with SB 1031

01/11/2006 S First Read (S72)

01/17/2006 Second Read and Referred S Commerce, Energy and the Environment Committee (S93)

02/28/2006 Hearing Conducted S Commerce, Energy and the Environment Committee

02/28/2006 Bill Combined w/ SCS/SBs 1031 & 846

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 &amp; Criminal Jurisprudence Committee (S93)

02/06/2006 Hearing Conducted S Judiciary and Civil &amp; Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2006

\*\*\* SRB 848 \*\*\*

SCS SRB 848

3911L.03C

SENATE SPONSOR: Bartle

SCS/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)

02/07/2006 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee

02/21/2006 SCS Voted Do Pass S Pensions, Veterans' Affairs and General Laws Committee (3911L.03C)

02/23/2006 Reported from S Pensions, Veterans' Affairs and General Laws Committee to Floor w/SCS (S298)

03/07/2006 S Formal Calendar S Bills for Perfection w/SCS

EFFECTIVE: August 28, 2006

\*\*\* SB 849 \*\*\*

3477S.02I

SENATE SPONSOR: Mayer

SS/SB 849 - This act creates the "Fairness In Public 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 state or political subdivision, agency, or instrumentality may not issue grants or enter into cooperative agreements for construction projects a condition of which requires any of the above elements

The act specifically grants standing to any bidder, offeror, contractor, or subcontractor to challenge any bid, grant, project agreement, or controlling document which violates the provisions of this act.

All contractors and subcontractors shall file with the contracting public body, an affidavit stating that the contractor or subcontractor paid all employees the prevailing wage without benefit of any wage subsidies, bid supplement, or rebate.

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.

Certain provisions of this act are similar to those found in SB 291 (2005).

CHRIS HOGERTY

SA 3 - EMPLOYERS WHO EMPLOY UNDOCUMENTED WORKERS ARE INELIGIBLE TO ENTER PUBLIC WORKS PROJECTS. CONTRACTORS MUST SIGN AN AFFIDAVIT STATING THAT THEY EMPLOY NO

UNDOCUMENTED WORKERS. ENTITIES WHO KNOWINGLY EMPLOY UNDOCUMENTED WORKERS ARE IN VIOLATION OF THE LAW AND THE ATTORNEY GENERAL MAY ENFORCE THE ABOVE PROVISIONS.

SA 5 - EMPLOYERS SHALL NOT MISCLASSIFY EMPLOYEES TO AVOID TAX LIABILITY OR REPORTING REQUIREMENTS. EMPLOYERS MAY NOT RETALIATE AGAINST EMPLOYEES WHO TAKE ACTION TO CORRECT CLASSIFICATION INCONSISTENCIES.

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  
 02/01/2006 Voted Do Pass S Small Business, Insurance & Industrial Relations Committee  
 02/02/2006 Reported from S Small Business, Insurance & Industrial Relations Committee to Floor (S156)  
 02/06/2006 Bill Placed on Informal Calendar (S176)  
 02/13/2006 SS S offered (Mayer)--(3477S.05F) (S229)  
 02/13/2006 SA 1 to SS S offered (Green)--(3477S05.01F) (S229)  
 02/13/2006 Bill Placed on Informal Calendar (S229-230)  
 02/13/2006 SA 1 to SS S withdrawn (3477S05.01F) (S230)  
 02/13/2006 SA 2 to SS S offered & defeated (Kennedy)--(3477S02.25S) (S230-231)  
 02/13/2006 SA 3 to SS S offered & adopted (Green)--(3477S05.03F) (S231-232)  
 02/13/2006 SA 4 to SS S offered & Ruled out of order (Bray)--(3477S02.24S) (S232-233)  
 02/13/2006 SA 5 to SS S offered (Green)--(3477S05.04F) (S233-234)  
 02/13/2006 SA 1 to SA 5 to SS S offered & adopted (Green)--(3477S05.05F) (S234)  
 02/13/2006 SA 5 to SS, as amended, S adopted (S234)  
 02/13/2006 SA 6 to SS S offered (Days)--(3477S05.06F) (S234-235)  
 02/13/2006 Bill Placed on Informal Calendar (S235)  
 02/14/2006 SA 1 to SA 6 to SS (Kennedy)--(3477S05.49S) (S241-242)  
 02/14/2006 Bill Placed on Informal Calendar (S242)  
 02/15/2006 Bill Placed on Informal Calendar (S250)  
 03/07/2006 S Informal Calendar S Bills for Perfection

EFFECTIVE: August 28, 2006

\*\*\* SB 850 \*\*\*

4401S.011

SENATE SPONSOR: Alter

SCS/SB 850 - This act changes the definition of "employee," for purposes of the CERF, to include any juvenile court employee who is hired and fired by the circuit court 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 alters 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)  
 02/07/2006 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee  
 02/21/2006 SCS Voted Do Pass S Pensions, Veterans' Affairs and General Laws Committee (4401S.02C)

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 But Not Heard S Transportation Committee  
02/07/2006 Hearing Conducted S Transportation Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 852 \*\*\*

3934S.021

SENATE SPONSOR: Barnitz

SCS/SB 852 - This act provides for an income tax credit for shareholders of S corporation savings and loan association holding companies and credit institutions based on the pro rata share of corporate franchise tax paid by such association or institution.

JASON ZAMKUS

01/11/2006 S First Read (S72-73)  
01/18/2006 Second Read and Referred S Ways & Means Committee (S99)  
02/02/2006 Hearing Conducted S Ways & Means Committee - Consent  
02/09/2006 SCS Voted Do Pass S Ways & Means Committee - Consent (3934S.04C)

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)

02/15/2006 Hearing Conducted S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 857 \*\*\*

4126S.011

SENATE SPONSOR: Nodler

SCS/SB 857 - This act grants the Commissioner of 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 commissioner of higher education, corrects the violation, at which time the board shall refund such amount to the institution. Should the commissioner determine that the institution has not redressed the violation within one year, the fine amount shall be deposited into the general revenue fund unless the institution appeals such decision to the full coordinating board, which shall have the authority to make a binding and final decision regarding the matter.

Further, the act requires that every public 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 binding on all parties. Any institution aggrieved by a decision of the commissioner may appeal the decision to the full coordinating board, which shall have the authority to make a binding and final decision regarding the matter.

This Senate Committee Substitute contains identical language to the amended SS/SCS/SB 590.  
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  
02/07/2006 SCS Voted Do Pass S Education Committee (4126S.06C)

EFFECTIVE: August 28, 2006

\*\*\* SB 858 \*\*\*

SCS SBs 858 & 868

4455S.02P

SENATE SPONSOR: Shields

SCS/SBs 858 & 868 - This act establishes 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.

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.

The department shall promulgate rules setting forth the procedures and methods for implementing the provisions the section.

This act also provides that no moneys in the fund shall be appropriated or expended for products or services provided by a business or corporation where a public official or state employee who has direct decision-making or administrative authority over disbursements from the fund has a certain interest in the business or corporation.

This act also provides that at least twenty-five percent of the funds annually disbursed shall be dedicated to technological upgrades and promotion of technological advances in medically under-served communities and populations.

This act contains an emergency clause.

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  
01/31/2006 SCS Voted Do Pass (SCS/SBs 858 & 868) S Pensions, Veterans' Affairs and General Laws Committee (4455S.02C)  
02/02/2006 Reported from S Pensions, Veterans' Affairs and General Laws Committee to Floor w/SCS (S160)  
02/08/2006 SA 1 to SCS S offered (Bray)--(4455S02.01F) (S197-198)  
02/08/2006 SA 1 to SA 1 to SCS S offered (Shields)--(4455S02.05S) (S198)  
02/08/2006 SSA 1 for SA 1 to SA 1 to SCS S offered & adopted (Shields)--(4455S02.07S) (S198-199)  
02/08/2006 SA 1 to SCS, as amended, S adopted (4455S02.05S) (S199)  
02/08/2006 SA 2 to SCS S offered & adopted (Shields)--(4455S02.03S) (S199)

02/08/2006 SA 3 to SCS S offered & adopted (Ridgeway)--(4455S02.02S)  
(S199)  
02/08/2006 SA 4 to SCS S offered & withdrawn (Barnitz)--(4455S02.08S) (S199)  
02/08/2006 SA 5 to SCS S offered & adopted (Barnitz)--(4455S02.09S) (S199-200)  
02/08/2006 SCS, as amended, S adopted (S200)  
02/08/2006 Perfected (S200)  
02/08/2006 Reported Truly Perfected S Rules Committee (S200)  
02/09/2006 S Third Read and Passed - EC adopted (S211 / H232)  
02/09/2006 H First Read (w/EC) (H232)  
02/13/2006 H Second Read

EFFECTIVE: Emergency clause

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\*\*\* 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)  
02/13/2006 Hearing Scheduled But Not Heard S Financial & Governmental Organizations and Elections Committee  
02/20/2006 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2006

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\*\*\* 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)  
02/16/2006 Hearing Conducted S Ways & Means Committee

EFFECTIVE: August 28, 2006

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\*\*\* 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)

02/07/2006 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 862 \*\*\*

4373S.011

SENATE SPONSOR: Engler

SCS/SB 862 - The 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.

The act exempts aboveground and underground storage tanks as they are defined in Section 319.100, RSMo, from the provisions in the act.

MEGAN WORD

01/12/2006 S First Read (S84)

01/18/2006 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S100)

02/15/2006 Hearing Conducted S Agriculture, Conservation, Parks & Natural Resources Committee

03/02/2006 SCS Voted Do Pass S Agriculture, Conservation, Parks & Natural Resources Committee (4373S.02C)

EFFECTIVE: August 28, 2006

\*\*\* SB 863 \*\*\*

4414S.01P

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)

02/08/2006 Hearing Conducted S Economic Development, Tourism & Local Government Committee

02/15/2006 Voted Do Pass S Economic Development, Tourism & Local Government Committee - Consent

02/16/2006 Reported from S Economic Development, Tourism & Local Government Committee to Floor - Consent (S256-257)

03/06/2006 S Third Read and Passed - Consent (S397)

03/07/2006 H First Read

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)

02/22/2006 Hearing Conducted S Small Business, Insurance & Industrial Relations Committee

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)

02/09/2006 Hearing Conducted S Ways & Means Committee

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)  
 02/08/2006 Hearing Conducted S Economic Development, Tourism & Local Government Committee  
 02/15/2006 Voted Do Pass S Economic Development, Tourism & Local Government Committee - Consent  
 02/16/2006 Reported from S Economic Development, Tourism & Local Government Committee to Floor - Consent (S256)  
 02/22/2006 Removed S Consent Calendar (S290)

EFFECTIVE: August 28, 2006

\*\*\* SB 868 \*\*\*

3977S.051

SENATE SPONSOR: Koster

This bill has been combined with SB 858

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  
 01/31/2006 Bill Combined w/ SCS/SBs 858 & 868

EFFECTIVE: Emergency clause

\*\*\* SB 869 \*\*\*

4154S.021

SENATE SPONSOR: Koster

This bill has been combined with SB 588

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  
 02/06/2006 Bill Combined w/(SCS/SBs 588, 557, 579, 563, 869, 619, 570, 753, 764, 782, 783 & 890)

EFFECTIVE: August 28, 2006

\*\*\* SB 870 \*\*\*

SCS SB 870

4158S.02C

SENATE SPONSOR: Mayer

SCS/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 Corrections. Additionally, the act requires the state council on the arts, rather than the Office of Administration, to be responsible for grants to public television stations.

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 Conducted S Financial & Governmental Organizations and Elections Committee  
 02/15/2006 SCS Voted Do Pass S Financial & Governmental Organizations and Elections Committee - Consent (4158S.02C)  
 02/16/2006 Reported from S Financial & Governmental Organizations and Elections Committee to Floor w/SCS - Consent (S255)  
 02/22/2006 Removed S Consent Calendar (S289)

EFFECTIVE: Emergency clause

\*\*\* SB 871 \*\*\*

3798L.011

SENATE SPONSOR: Coleman

SB 871 - This act modifies provisions regarding the St. Louis City Police 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  
 01/31/2006 Voted Do Pass S Pensions, Veterans' Affairs and General Laws Committee - Consent  
 02/02/2006 Reported from S Pensions, Veterans' Affairs and General Laws Committee to Floor - Consent (S160)  
 02/08/2006 Removed S Consent Calendar (S200)  
 02/16/2006 Reported from S Pensions, Veterans' Affairs and General Laws Committee to Floor - Consent (S260)  
 03/07/2006 S Consent Calendar (2/16)

EFFECTIVE: August 28, 2006

\*\*\* SB 872 \*\*\*

SS SCS SBs 872, 754 & 669

3937S.04P

SENATE SPONSOR: Gibbons

SS/SCS/SBs 872, 754 & 669 - This act enacts various provisions relating to the safe operation of motor

vehicles to ensure the safety of highway workers, emergency workers and other motorists.

**HIGHWAY WORK ZONE SAFETY** - 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 (Section 304.585).

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).

**CLUTCH'S LAW (FAILURE TO YIELD)** - This act imposes an additional penalty 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 (section 304.351). This act is commonly known as "Clutch's Law". This section has an effective date of January 1, 2007. This portion of the act is similar to HB 1080 (2004).

**MOVE-OVER LAW** - 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 (Section 304.022).

**SCHOOL BUS** - This act enhances the penalties for those who fail to stop for school buses that are loading or unloading children. Under the act, any person who fails to properly yield for a school bus and the failure to yield results in the injury of any child shall be guilty of a Class D felony. Any person who fails to properly yield for a school bus where such violation causes the death of any child shall be guilty of a Class C felony. This provision is contained in SB 1079 (2006)(Section 304.070).

**STREETCAR** - The act repeals the duty of streetcar motorman to stop or yield such streetcar to passing emergency vehicles.

**STEPHEN WITTE**

01/12/2006 S First Read (S84)  
 01/19/2006 Second Read and Referred S Transportation Committee (S108)  
 01/31/2006 Hearing Conducted S Transportation Committee  
 02/14/2006 SCS Voted Do Pass (SCS/SBs 872, 754 & 669) S Transportation Committee (3937S.03C)  
 02/16/2006 Reported from S Transportation Committee to Floor w/SCS (S257)  
 02/28/2006 SS for SCS S offered (Gibbons)--(3937S.04F) (S323)  
 02/28/2006 SA 1 to SS for SCS S offered & adopted (Days)--(3937S04.01F) (S324)  
 02/28/2006 SA 2 to SS for SCS S offered & adopted (Days)--(3937S04.02F) (S324)  
 02/28/2006 SA 3 to SS for SCS S offered & adopted (Days)--(3937S04.03F) (S324)  
 02/28/2006 SA 4 to SS for SCS S offered & adopted (Crowell)--(3937S04.04S) (S324-325)  
 02/28/2006 SA 5 to SS for SCS S offered & adopted (Coleman)--(3937S03.04S) (S325)  
 02/28/2006 SS for SCS, as amended, S adopted (S325)  
 02/28/2006 Perfected (S325)  
 02/28/2006 Reported Truly Perfected S Rules Committee (S340)

02/28/2006 Referred S Governmental Accountability and Fiscal Oversight Committee (S340)  
 03/02/2006 Voted Do Pass S Governmental Accountability and Fiscal Oversight Committee  
 03/02/2006 Reported from S Governmental Accountability and Fiscal Oversight Committee to Floor (S380)  
 03/02/2006 S Third Read and Passed (S380-381 / H392)  
 03/02/2006 H First Read (H392)  
 03/06/2006 H Second Read

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)  
 03/06/2006 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 874 \*\*\*

4254S.021

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)

02/15/2006 Hearing Conducted S Economic Development, Tourism & Local Government Committee

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

02/21/2006 SCS Voted Do Pass S Pensions, Veterans' Affairs and General Laws Committee (4484S.02C)

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 &amp; Means Committee (S108)

02/02/2006 Hearing Conducted S Ways &amp; Means Committee

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 &amp; Criminal Jurisprudence Committee (S108)

03/06/2006 Hearing Conducted S Judiciary and Civil &amp; Criminal Jurisprudence Committee

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.02P

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 &amp; Local Government Committee (S108)

02/01/2006 Hearing Conducted S Economic Development, Tourism &amp; Local Government Committee - Consent

02/08/2006 Voted Do Pass S Economic Development, Tourism &amp; Local Government Committee - Consent

02/09/2006 Reported from S Economic Development, Tourism &amp; Local Government Committee to Floor - Consent (S208)

03/01/2006 S Third Read and Passed - Consent (S363 / H393)

03/02/2006 H First Read (H393)

03/06/2006 H Second Read

EFFECTIVE: August 28, 2006

\*\*\* SB 882 \*\*\*

4352S.011

SENATE SPONSOR: Engler

SCS/SB 882 - The 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.

License reciprocity may also be granted to anyone employed as a blaster on or before December 31, 1995 and who has accumulated one thousand hours of experience; other requirements for such reciprocity are described in the 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, this fee may be changed by rule provided that it never exceed one dollar and fifty cents per ton.

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 as well as the appropriate fire protection official. 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 allows municipalities to enact ordinances that build upon the regulations laid out in the act

The act preempts any existing regulation except those authorized by this act.

MEGAN WORD

01/17/2006 S First Read (S92)

01/19/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S108)

02/08/2006 Hearing Conducted S Economic Development, Tourism & Local Government Committee

03/01/2006 SCS Voted Do Pass S Economic Development, Tourism & Local Government Committee (4352S.02C)

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)

02/01/2006 Hearing Conducted S Small Business, Insurance & Industrial Relations Committee

02/15/2006 Voted Do Pass S Small Business, Insurance & Industrial Relations Committee

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)

02/15/2006 Hearing Conducted S Economic Development, Tourism & Local Government Committee

03/01/2006 Voted Do Pass S Economic Development, Tourism & Local Government Committee

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)

02/13/2006 Hearing Cancelled S Judiciary and Civil & Criminal Jurisprudence Committee

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)

02/20/2006 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

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)

02/01/2006 Hearing Conducted S Small Business, Insurance & Industrial Relations Committee

EFFECTIVE: January 1, 2007

\*\*\* SB 889 \*\*\*

4251S.011

SENATE SPONSOR: Shields

SCS/SB 889 - Under this act, volunteer licensed health care providers from states outside of Missouri 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 Conducted S Aging, Families, Mental & Public Health Committee

02/08/2006 SCS Voted Do Pass S Aging, Families, Mental & Public Health Committee (4251S.02C)

EFFECTIVE: August 28, 2006

\*\*\* SB 890 \*\*\*

4588S.011

SENATE SPONSOR: Bartle

This bill has been combined with SB 588

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

02/06/2006 Bill Combined w/(SCS/SBs 588, 557, 579, 563, 869, 619, 570, 753, 764, 782, 783 & 890)

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 Conducted S Transportation Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 892 \*\*\*

SCS SB 892

4317S.02C

SENATE SPONSOR: Scott

SCS/SB 892 -This act allows a financial institution to charge for processing refused negotiable instruments and payment orders. 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 Conducted S Financial & Governmental Organizations and Elections Committee  
 02/15/2006 SCS Voted Do Pass S Financial & Governmental Organizations and Elections Committee - Consent (4317S.02C)  
 02/16/2006 Reported from S Financial & Governmental Organizations and Elections Committee to Floor w/SCS - Consent (S255)  
 02/22/2006 Removed S Consent Calendar (S289)

EFFECTIVE: August 28, 2006

\*\*\* SB 893 \*\*\*

4479S.01P

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)  
 02/08/2006 Hearing Conducted S Economic Development, Tourism & Local Government Committee  
 02/15/2006 Voted Do Pass S Economic Development, Tourism & Local Government Committee - Consent  
 02/16/2006 Reported from S Economic Development, Tourism & Local Government Committee to Floor - Consent (S256)  
 03/06/2006 S Third Read and Passed - Consent (S395-396)  
 03/07/2006 H First Read

EFFECTIVE: August 28, 2006

\*\*\* SB 894 \*\*\*

3097S.02I

SENATE SPONSOR: Nodler

SCS/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 DESE 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.

The provisions of this act shall not apply to any Special School District.  
 DONALD THALHUBER

01/18/2006 S First Read (S98)  
 01/23/2006 Second Read and Referred S Education Committee (S115)  
 02/28/2006 Hearing Conducted S Education Committee  
 02/28/2006 SCS Voted Do Pass S Education Committee (3097S.04C)

EFFECTIVE: August 28, 2006

\*\*\* SB 895 \*\*\*

4180S.02I

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, the 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)

02/06/2006 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 896 \*\*\*

4081S.021

SENATE SPONSOR: Griesheimer

This bill has been combined with SB 1001

01/18/2006 S First Read (S98)

01/23/2006 Second Read and Referred S Transportation Committee (S115)

02/07/2006 Hearing Conducted S Transportation Committee

02/14/2006 Bill Combined w/ SCS/SBs 1001, 896 & 761

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)

03/08/2006 Hearing Scheduled S Aging, Families, Mental & Public Health Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 898 \*\*\*

4511L.011

SENATE SPONSOR: Koster

SCS/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.

Any child 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).

ALEXA PEARSON

01/18/2006 S First Read (S98)

01/23/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S115)

02/14/2006 Hearing Cancelled S Pensions, Veterans' Affairs and General Laws Committee

02/21/2006 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee

02/28/2006 SCS Voted Do Pass S Pensions, Veterans' Affairs and General Laws Committee (4511S.02C)

EFFECTIVE: August 28, 2006

\*\*\* SB 899 \*\*\*

4573S.011

SENATE SPONSOR: Dougherty

This bill has been combined with SB 613

01/18/2006 S First Read (S98)

01/23/2006 Second Read and Referred S Commerce, Energy and the Environment Committee (S115)

02/28/2006 Hearing Conducted S Commerce, Energy and the Environment Committee

02/28/2006 Bill Combined w/ SCS/SBs 613, 1030 & 899

EFFECTIVE: August 28, 2006

\*\*\* SB 900 \*\*\*

4461S.01P

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 Conducted S Aging, Families, Mental & Public Health Committee

02/08/2006 Voted Do Pass S Aging, Families, Mental & Public Health Committee-Consent

02/09/2006 Reported from S Aging, Families, Mental & Public Health Committee to Floor - Consent (S209)  
 03/01/2006 S Third Read and Passed - Consent (S364 / H393)  
 03/02/2006 H First Read (H393)  
 03/06/2006 H Second Read

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 Conducted S Pensions, Veterans' Affairs and General Laws Committee  
 02/21/2006 Voted Do Pass S Pensions, Veterans' Affairs and General Laws Committee - Consent  
 02/23/2006 Reported from S Pensions, Veterans' Affairs and General Laws Committee to Floor - Consent (S298)  
 03/01/2006 Removed S Consent Calendar  
 03/02/2006 Reported from S Pensions, Veterans' Affairs and General Laws Committee to Floor (S384)  
 03/07/2006 S Formal Calendar S Bills for Perfection

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)  
 02/15/2006 Hearing Conducted S Economic Development, Tourism & Local Government Committee

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 &amp; Criminal Jurisprudence Committee (S137)

EFFECTIVE: August 28, 2006

\*\*\* SB 904 \*\*\*

4252S.011

SENATE SPONSOR: Griesheimer

SCS/SB 904 - This act allows the Capitol Review 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 Elementary and Secondary Education, the Conservation Commission, and the Highways and Transportation Commission.

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 director may debar a contractor for the commission of certain acts. The division may require prequalification of bidders under certain circumstances. A process for prequalification is established under the act. Competitive bid requirements may be waived when there is a threat to life, property, public health or safety, or further damage or loss.

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.

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 &amp; Governmental Organizations and Elections Committee (S137)

02/27/2006 Hearing Conducted S Financial &amp; Governmental Organizations and Elections Committee

03/06/2006 SCS Voted Do Pass S Financial &amp; Governmental Organizations and Elections Committee (4252S.03C)

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 &amp; Industrial Relations Committee (S137)

03/08/2006 Hearing Scheduled S Small Business, Insurance &amp; Industrial Relations Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 906 \*\*\*

3591S.01P

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)  
 02/06/2006 Hearing Conducted S Financial & Governmental Organizations and Elections Committee  
 02/15/2006 Voted Do Pass S Financial & Governmental Organizations and Elections Committee - Consent  
 02/16/2006 Reported from S Financial & Governmental Organizations and Elections Committee to Floor - Consent (S255)  
 03/02/2006 S Third Read and Passed - Consent (S378-379)  
 03/06/2006 H First Read  
 03/07/2006 H Second Read

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.01P

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)  
 02/07/2006 Hearing Conducted S Transportation Committee - Consent  
 02/08/2006 Voted Do Pass S Transportation Committee - Consent  
 02/09/2006 Reported from S Transportation Committee to Floor - Consent (S210)  
 02/15/2006 Removed S Consent Calendar (S250)  
 02/20/2006 Request to correct S Rules Committee report - Bill erroneously reported to be removed from S Consent Calendar (S267)  
 03/02/2006 S Third Read and Passed - Consent (S377-378)  
 03/06/2006 H First Read  
 03/07/2006 H Second Read

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)  
02/07/2006 Hearing Conducted S Transportation Committee - Consent  
02/08/2006 Voted Do Pass S Transportation Committee - Consent  
02/09/2006 Reported from S Transportation Committee to Floor - Consent (S210)  
02/20/2006 Removed S Consent Calendar - corrected committee report submitted (2/20) (S267)

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)  
03/08/2006 Hearing Scheduled S Small Business, Insurance & Industrial Relations Committee

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)  
 02/16/2006 Hearing Scheduled But Not Heard S Ways & Means Committee  
 02/23/2006 Hearing Scheduled But Not Heard S Ways & Means Committee

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)  
 02/21/2006 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 913 \*\*\*

4460S.011

SENATE SPONSOR: Vogel

SCS/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. However gambling does include the playing of slot machines at truck stops. 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. The term gambling device does include slot machines located at truck stops.

JASON ZAMKUS

01/19/2006 S First Read (S105)  
 01/26/2006 Second Read and Referred S Ways & Means Committee (S137)  
 02/02/2006 Hearing Conducted S Ways & Means Committee  
 02/09/2006 SCS Voted Do Pass S Ways & Means Committee (4460S.03C)

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)

03/08/2006 Hearing Scheduled S Small Business, Insurance & Industrial Relations Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 915 \*\*\*

SCS SB 915

4541S.04P

SENATE SPONSOR: Koster

SCS/SB 915 - The 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 three percent by the year 2012, 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. No electrical corporation shall make an application to the Commission for an increase in its rate schedule to reflect a decrease in residential and commercial customer usage of nonrenewable energy sources due to the increased usage of renewable energy sources.

The act directs electric utilities to submit a biennial 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 of no more than 50 pages to be submitted to the Governor, General Assembly, and appropriate committees.

The act creates the "Residential Alternative Energy Tax Credit Program". If a taxpayer with a federally adjusted gross income of \$30,000 or less incurs costs for installation of solar electric panels, energy-efficient appliances, heating and cooling systems, or windows, the taxpayer may claim a tax credit equal to the lesser of 100% of the costs or \$1,000. The aggregate amount of the tax credits allowed under this program cannot exceed \$50,000 per fiscal year. This program shall apply to all tax years beginning on or after January 1, 2007.

The effective date of the act is January 1, 2007.

MEGAN WORD

01/19/2006 S First Read (S105)

01/26/2006 Second Read and Referred S Commerce, Energy and the Environment Committee (S137)

02/07/2006 Hearing Conducted S Commerce, Energy and the Environment Committee

02/14/2006 SCS Voted Do Pass S Commerce, Energy and the Environment Committee (4541S.04C)

02/16/2006 Reported from S Commerce, Energy and the Environment Committee to Floor w/SCS (S255)

02/22/2006 Bill Placed on Informal Calendar (S284)

02/27/2006 SA 1 to SCS S offered & adopted (Koster)--(4541S04.03S) (S311)

02/27/2006 SA 2 to SCS S offered & defeated (Green)--(4541S04.09S) (S311)

02/27/2006 SA 3 to SCS S offered & adopted (Bray)--(4541S04.16S) (S311)

02/27/2006 SA 4 to SCS S offered & defeated (Dougherty)--(4541S04.06S) (S311-312)

02/27/2006 SA 5 to SCS S offered & defeated (Graham)--(4541S04.21S) (S312-313)

02/27/2006 SA 6 to SCS S offered & adopted (Dougherty)--(4541S04.04S) (S313-314)

02/27/2006 SA 7 to SCS S offered & defeated (Dougherty)--(4541S04.07S) (S314-315)

02/27/2006 SA 8 to SCS S offered & defeated (Bray)--(454S04.15S) (S315)

02/27/2006 SCS, as amended, S adopted (S315)

02/27/2006 Perfected (S315)

02/28/2006 Reported Truly Perfected S Rules Committee (S326)

03/01/2006 S Third Read and Passed (S355-356 / H393)

03/02/2006 H First Read (H393)

03/06/2006 H Second Read

EFFECTIVE: January 1, 2007

\*\*\* SB 916 \*\*\*

SCS SB 916

4376S.04C

SENATE SPONSOR: Koster

SCS/SB 916 - This act modifies the law with respect how motorist must restrain children in motor vehicles.

CHILD PASSENGER RESTRAINT LAW - 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) and who weigh at least 40 pounds but less than 80 pounds, or such children that are 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 or booster seat appropriate for that child.

The act allows a child to be transported in back seat without a booster seat if the child is secured with a lap belt if the vehicle is not equipped with combination lap and shoulder belt for booster seat installation.

A violation of the child passenger restraint/booster provisions is an infraction and the fine is \$50 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 does not apply to public carriers for hire or students 4 years of age or older who are passengers on a school bus (sections 307.178 and 307.182).

The act also deletes a provision of law which provided that if there were more passengers than seat belts in the enclosed area of the vehicle, then there is no violation of the seat belt law (Subsection 7 of Section 307.178). The act also modifies Subsection 6 of Section 307.178 to apply the \$10 fine to persons rather than just drivers.

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).

STEPHEN WITTE

01/19/2006 S First Read (S105)  
 01/26/2006 Second Read and Referred S Transportation Committee (S137)  
 01/31/2006 Hearing Conducted S Transportation Committee  
 02/21/2006 SCS Voted Do Pass S Transportation Committee (4376S.04C)  
 02/23/2006 Reported from S Transportation Committee to Floor w/SCS (S298)  
 03/07/2006 S Formal Calendar S Bills for Perfection w/SCS

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)

02/20/2006 Hearing Conducted S Governmental Accountability & Fiscal Oversight Committee

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)

02/09/2006 Hearing Conducted S Ways & Means Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 919 \*\*\*

4592S.01P

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)

02/08/2006 Hearing Conducted S Economic Development, Tourism & Local Government Committee

02/15/2006 Voted Do Pass S Economic Development, Tourism & Local Government Committee - Consent

02/16/2006 Reported from S Economic Development, Tourism & Local Government Committee to Floor - Consent (S256)

03/06/2006 S Third Read and Passed - Consent (S396)

03/07/2006 H First Read

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 \*\*\*

4393S.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 &amp; 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 &amp; 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)

02/22/2006 Hearing Conducted S Economic Development, Tourism & Local Government Committee

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)

03/02/2006 Hearing Conducted S Agriculture, Conservation, Parks & Natural Resources Committee-Consent

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 &amp; Means Committee (S137)

02/16/2006 Hearing Conducted S Ways &amp; Means Committee - Consent

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 &amp; Industrial Relations Committee (S137)

03/01/2006 Hearing Conducted S Small Business, Insurance &amp; Industrial Relations Committee

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 &amp; Industrial Relations Committee (S137)

03/01/2006 Hearing Conducted S Small Business, Insurance &amp; Industrial Relations Committee

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 &amp; Local Government Committee (S137)

02/22/2006 Hearing Conducted S Economic Development, Tourism &amp; Local Government Committee

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)  
02/06/2006 Hearing Conducted S Financial & Governmental Organizations and Elections Committee  
03/06/2006 Voted Do Pass S Financial & Governmental Organizations and Elections Committee - Consent

EFFECTIVE: August 28, 2006

\*\*\* SB 932 \*\*\*

SCS SB 932

4624S.02P

SENATE SPONSOR: Scott

SCS/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 real estate taxes. Upon election, the person must continue to reside in the county during his or her tenure.

This act allows the Cape Girardeau County Salary Commission to meet in 2007 to determine whether to equalize the base salaries of the treasurer and public administrator with the base salaries of the auditor and recorder of deeds.

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)  
02/06/2006 Hearing Conducted S Financial & Governmental Organizations and Elections Committee  
02/15/2006 SCS Voted Do Pass S Financial & Governmental Organizations and Elections Committee - Consent (4624S.02C)  
02/16/2006 Reported from S Financial & Governmental Organizations and Elections Committee to Floor w/SCS - Consent (S255-256)  
03/02/2006 SCS S adopted (S379)  
03/02/2006 S Third Read and Passed - Consent (S379)  
03/06/2006 H First Read  
03/07/2006 H Second Read

EFFECTIVE: August 28, 2006

\*\*\* SB 933 \*\*\*

4640S.01P

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)  
02/06/2006 Hearing Conducted S Financial & Governmental Organizations and Elections Committee  
02/15/2006 Voted Do Pass S Financial & Governmental Organizations and Elections Committee - Consent  
02/16/2006 Reported from S Financial & Governmental Organizations and Elections Committee to Floor - Consent (S256)  
03/02/2006 S Third Read and Passed - Consent (S379-380)  
03/06/2006 H First Read  
03/07/2006 H Second Read

EFFECTIVE: August 28, 2006

\*\*\* SB 934 \*\*\*

SCS SB 934

4590S.03P

SENATE SPONSOR: Engler



SCS/SB 934 - Under current law, barber shop and cosmetology establishment owners must obtain a license before commencing business. This act establishes a 45-day grace period for obtaining a license when a barber shop or a cosmetology establishment either changes ownership or location. During this period, the sanitary inspector shall conduct inspections without requiring the establishment 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)  
 02/06/2006 Hearing Conducted S Financial & Governmental Organizations and Elections Committee  
 02/15/2006 SCS Voted Do Pass S Financial & Governmental Organizations and Elections Committee - Consent (4590S.03C)  
 02/16/2006 Reported from S Financial & Governmental Organizations and Elections Committee to Floor w/SCS - Consent (S256)  
 03/02/2006 SCS S adopted (S380)  
 03/02/2006 S Third Read and Passed - Consent (S380)  
 03/06/2006 H First Read  
 03/07/2006 H Second Read

EFFECTIVE: August 28, 2006

\*\*\* SB 935 \*\*\*

3991S.02I

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.01P

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)  
 02/02/2006 Hearing Conducted S Ways & Means Committee  
 02/09/2006 Voted Do Pass S Ways & Means Committee - Consent  
 02/16/2006 Reported from S Ways & Means Committee to Floor - Consent (S256)  
 03/06/2006 S Third Read and Passed - Consent (S395)  
 03/07/2006 H First Read

EFFECTIVE: August 28, 2006

\*\*\* SB 937 \*\*\*

4249S.03I

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)

02/28/2006 Hearing Cancelled S Education Committee

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 Conducted S Transportation Committee  
 02/08/2006 Voted Do Pass S Transportation Committee  
 02/23/2006 Reported from S Transportation Committee to Floor (S298)  
 03/07/2006 S Formal Calendar S Bills for Perfection

EFFECTIVE: August 28, 2006

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\*\*\* 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)

03/01/2006 Hearing Conducted S Aging, Families, Mental & Public Health Committee

EFFECTIVE: August 28, 2006

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\*\*\* 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

This bill has been combined with SB 667

01/24/2006 S First Read (S119)

01/26/2006 Second Read and Referred S Transportation Committee (S137)

01/31/2006 Hearing Conducted S Transportation Committee - Consent

02/21/2006 Bill Combined w/ SCS/SBs 667, 704, 941, 956 & 987

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 programs to reduce abortions.

#### 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 &amp; 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 &amp; Criminal Jurisprudence Committee (S138)

02/06/2006 Hearing Conducted S Judiciary and Civil &amp; Criminal Jurisprudence Committee

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 (S138)

02/28/2006 Hearing Conducted S Education Committee - Consent

02/28/2006 Voted Do Pass S Education Committee - Consent

03/02/2006 Reported from S Education Committee to Floor - Consent (S384)

03/07/2006 S Consent Calendar (3/2)



EFFECTIVE: August 28, 2006

\*\*\* SB 948 \*\*\*

4748S.011

SENATE SPONSOR: Shields

This bill has been combined with SB 701

01/24/2006 S First Read (S120)

01/26/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S138)

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

02/07/2006 Bill Combined w/SCS/SBs 701 &amp; 948

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 &amp; Public Health Committee (S138)

02/08/2006 Hearing Conducted S Aging, Families, Mental &amp; Public Health Committee

02/22/2006 Voted Do Pass S Aging, Families, Mental &amp; 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)

01/30/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S142)

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)

01/30/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S142)

02/22/2006 Hearing Conducted S Economic Development, Tourism & Local Government Committee

03/01/2006 Voted Do Pass S Economic Development, Tourism & Local Government Committee-Consent

03/02/2006 Reported from S Economic Development, Tourism & Local Government Committee to Floor - Consent (S384)

03/07/2006 S Consent Calendar (3/2)

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)

01/30/2006 Second Read and Referred S Transportation Committee (S142)

02/07/2006 Hearing Scheduled But Not Heard S Transportation Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 953 \*\*\*

SCS SB 953

4184S.07C

SENATE SPONSOR: Engler

SCS/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, the 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 in determining whether an applicant is disqualified by statute. 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 381.029).

**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)

01/30/2006 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S142)

02/01/2006 Hearing Conducted S Small Business, Insurance & Industrial Relations Committee

02/22/2006 SCS Voted Do Pass S Small Business, Insurance & Industrial Relations Committee (4184S.07C)

02/23/2006 Reported from S Small Business, Insurance & Industrial Relations Committee to Floor w/SCS (S298)

03/07/2006 S Formal Calendar S Bills for Perfection w/SCS

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)

01/30/2006 Second Read and Referred S Ways & Means Committee (S142)

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)

01/30/2006 Second Read and Referred S Commerce, Energy and the Environment Committee (S142)

EFFECTIVE: August 28, 2006

\*\*\* SB 956 \*\*\*

4464S.011

SENATE SPONSOR: Purgason

This bill has been combined with SB 667

01/26/2006 S First Read (S133)

01/30/2006 Second Read and Referred S Transportation Committee (S142)

01/31/2006 Hearing Conducted S Transportation Committee - Consent

02/21/2006 Bill Combined w/ SCS/SBs 667, 704, 941, 956 & 987

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)

01/30/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S142)

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)

01/30/2006 Second Read and Referred S Commerce, Energy and the Environment Committee (S142)

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)

01/30/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S142)

EFFECTIVE: August 28, 2006

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\*\*\* 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)

01/30/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S142)

EFFECTIVE: August 28, 2006

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\*\*\* 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)

01/30/2006 Second Read and Referred S Transportation Committee (S142)

02/14/2006 Hearing Conducted S Transportation Committee

EFFECTIVE: August 28, 2006

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\*\*\* 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)

01/30/2006 Second Read and Referred S Education Committee (S142)

02/21/2006 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2006

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\*\*\* 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)

01/30/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S142)

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)

01/30/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S142)

02/07/2006 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee

02/21/2006 Voted Do Pass S Pensions, Veterans' Affairs and General Laws Committee - Consent

02/23/2006 Reported from S Pensions, Veterans' Affairs and General Laws Committee to Floor - Consent (S298)

03/07/2006 S Consent Calendar (2/23)

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)

01/30/2006 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S142)

02/15/2006 Hearing Conducted S Aging, Families, Mental & Public Health Committee

02/22/2006 Voted Do Pass S Aging, Families, Mental & Public Health Committee - Consent

02/23/2006 Reported from S Aging, Families, Mental & Public Health Committee to Floor - Consent (S297)

03/07/2006 S Consent Calendar (2/23)

EFFECTIVE: August 28, 2006

\*\*\* SB 966 \*\*\*

4888S.011

SENATE SPONSOR: Green

SB 966 - This act bars the Jackson County Sports Authority and the Greater St. Louis Sports Authority from hiring lobbyists.

CHRIS HOGERTY

01/30/2006 S First Read (S141)

02/01/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S151)

EFFECTIVE: August 28, 2006

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\*\*\* SB 967 \*\*\*

4198S.011

SENATE SPONSOR: Green

SB 967 - Under current federal and state law, executive, administrative, professional, and computer employees who earn at least \$455 per week on a salary or fee basis, are exempt from receiving overtime wages. Minimum wage earners are also exempt under current law. This act raises the minimum compensation requirements for executive, administrative, professional and computer employees to \$525 per week, and removes the exemption for minimum wage workers. This act also corrects a mistake in a reference to a federal statute.

CHRIS HOGERTY

01/30/2006 S First Read (S141)

02/01/2006 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S151)

EFFECTIVE: August 28, 2006

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\*\*\* SB 968 \*\*\*

4463S.011

SENATE SPONSOR: Green

SB 968 - This act defines a "fire department" as an agency or organization that provides fire suppression activities. The term fire department shall include any municipal fire department, fire protection district, or voluntary fire protection association engaging in this type of activity. This act also requires "volunteer fire protection associations" to provide fire suppression and related activities.

Under this act, all fire protection districts, volunteer fire protection associations, and fire department must complete and file a fire department registration form with the State Fire Marshal with 60 days after January 1, 2006 and annually thereafter. The state fire marshal may issue an identification number to each registered entity and conduct periodic reviews of the information provided on the registration forms.

This act requires volunteer fire protection associations to identify their boundaries and file them with the county, rather than allowing them to do so. Any volunteer fire protection association is prohibited from encroaching upon or including any portion of another fire department's legally established boundaries.

SUSAN HENDERSON MOORE

01/30/2006 S First Read (S141)

02/01/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S151)

03/01/2006 Hearing Conducted S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2006

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\*\*\* SB 969 \*\*\*

4853S.011

SENATE SPONSOR: Stouffer

SB 969 - This act amends several provisions relating to the regulation of motor vehicles.

UNIFORM REGISTRATION FEES - This act changes the registration fee for all passenger motor vehicles and eliminates the reference to horsepower when determining registration fees (Section 301.070). A uniform charge of \$26.25 shall be charged for all passenger motor vehicles (Section 301.055). The act also combines several commercial motor vehicle registration categories (Sections 301.057 and 301.058). The annual registration fee for property carrying commercial motor vehicles 12,000 pounds and under is \$26.25. The annual registration fee for property carrying commercial motor vehicles 18,001 pounds to 26,000 pounds is \$127. The fee for 26,001 pounds to 36,000 pounds is \$275.50. The fee for vehicles 66,001 to 80,000 pounds is \$1,719.50. The annual registration fees for local property-carrying commercial motor vehicles are combined as well. The annual registration fee for a vehicle 18,001 to 26,000 pounds is \$33.50. For vehicles 26,001 to 36,000 pounds, the fee is \$67.50. The fee for vehicles 60,011 to 80,000 pounds, the fee is \$350.00. These provisions have an effective date of July 1, 2007.

**DEALER LICENSE PLATE LETTERS AND NUMBERS** - This act makes several technical changes to provisions pertaining to manufacturer and dealer license plate letter and numbers. The current law contains erroneous references (Sections 301.130, 301.144, and 301.560).

**SPECIALTY LICENSE PLATES ISSUANCE** - The act allows the Department of Revenue to deny accepting applications and deny issuance of special license plates if no applications are received within 5 years from the effective date of the law authorizing the plate (Section 301.2998).

**EXPUNGEMENT OF RECORDS OF CDL HOLDERS FOR MINORS IN POSSESSION** - This act prohibits the expungement of a minor in possession charge for holders of commercial driver's licenses or persons operating commercial motor vehicles at the time of the violation (Section 311.326).

**LIENS ON MOTOR VEHICLES FOR STORAGE OR SERVICES** - This act modifies the law governing liens on motor vehicles for storage and repair fees. Under the act, a lienholder may apply for a title to a motor vehicle if the statutory notice is returned marked "not forwardable" or "addressee unknown." The application for the lien must be accompanied by a copy of the statutory notice given to the owner of the motor vehicle and other lienholders of interest. The act removes the requirement that the Department of Revenue must notify the motor vehicle owner or other lienholder of interest before issuing a lien title. The act adds a provision which allows the motor vehicle owner, trailer owner, vessel owner, etc. to file a petition to challenge whether such chattel was wrongfully taken (Section 430.082).

STEPHEN WITTE

01/30/2006 S First Read (S141)

02/01/2006 Second Read and Referred S Transportation Committee (S151)

02/21/2006 Hearing Conducted S Transportation Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 970 \*\*\*

4547S.011

SENATE SPONSOR: Gross

SB 970 - When calculating the local effort component of a district's state aid calculation, the formula utilizes information from fiscal year 2005. In subsequent years, this figure is adjusted to include any increase in the amount received for school purposes from fines.

This act adds a provision which would adjust the local effort figure to include any decrease in the amount received for school purposes from fines.

Further, the act grants hold harmless districts an additional payment equal to the decrease, if any, in the amount of revenue the district receives from fines in the current year from the revenue the district received from fines in fiscal year 2005.

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

DONALD THALHUBER

01/30/2006 S First Read (S141)

02/01/2006 Second Read and Referred S Education Committee (S151)

02/28/2006 Hearing Conducted S Education Committee

EFFECTIVE: Emergency clause

\*\*\* SB 971 \*\*\*

4793S.011

SENATE SPONSOR: Nodler

SB 971 - This act provides that personal care services shall be provided for persons residing in a residential care facility I or II who are eligible for Medicaid coverage. Such recipients shall be assessed by the department of health and senior services to determine the amount of personal care services the residential care facility is authorized to be reimbursed for under the federal Medicaid laws. There will be three categories of assistance established representing various amounts of minutes for which an eligible recipient needs assistance- minimal, moderate and maximum. This act calls for a reimbursement rate for the residential care facility to be established based on the assessments made of the recipient by the department.

ADRIANE CROUSE

01/30/2006 S First Read (S141)

02/01/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S151)  
02/28/2006 Hearing Cancelled S Pensions, Veterans' Affairs and General Laws Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 972 \*\*\*

4893S.011

SENATE SPONSOR: Kennedy

SB 972 - This act requires the Governor to annually proclaim May 10th as "Hepatitis C Awareness Day" and recommend that the day be observed through activities that increase awareness, education, tolerance, and understanding of hepatitis C.

This act is identical to HB 1358 (2006).

ADRIANE CROUSE

01/30/2006 S First Read (S141)  
02/01/2006 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S151)  
03/01/2006 Hearing Conducted S Aging, Families, Mental & Public Health Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 973 \*\*\*

4841S.011

SENATE SPONSOR: Shields

SB 973 - This act amends the definition of the practice of chiropractic. Currently chiropractors may use methods commonly taught in any chiropractic colleges recognized and approved by the board. This act allows chiropractors to use methods commonly taught in any chiropractic college or chiropractic program in a university that is accredited by the Council on Chiropractic Education or its successor entity.

Current law requires adjustment, manipulation, or treatment to be directed toward restoring and maintaining the normal neuromuscular and musculoskeletal function and health. This act removes that requirement.

CHRIS HOGERTY

01/30/2006 S First Read (S141)  
02/01/2006 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S151)

EFFECTIVE: August 28, 2006

\*\*\* SB 974 \*\*\*

4630L.011

SENATE SPONSOR: Shields

SB 974 - This act extends the date for the Department of Mental Health to complete a mental health service plan for persons on waitlists from November 1, 2003, to November 1 of each year beginning November 1, 2007.

ADRIANE CROUSE

01/30/2006 S First Read (S141)  
02/01/2006 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S151)  
02/22/2006 Hearing Conducted S Aging, Families, Mental & Public Health Committee  
03/01/2006 Voted Do Pass S Aging, Families, Mental & Public Health Committee - Consent  
03/02/2006 Reported from S Aging, Families, Mental & Public Health Committee to Floor - Consent (S384)  
03/07/2006 S Consent Calendar (3/2)

EFFECTIVE: August 28, 2006

\*\*\* SB 975 \*\*\*

4754S.031

SENATE SPONSOR: Days

SB 975 - This act amends the law relating to unsecured loans of \$500 or less. Under current law, lenders may renew such loans upon the borrower's request. This act prohibits lenders from renewing such loans.

Under current law, the director of the Division of Finance may issue a cease and desist order when lenders fail to make a good faith effort to comply with laws relating to consumer loans. This act allows the



attorney general to do the same. The Attorney General may also file an action in any circuit court to enjoin the practice; impose a civil penalty; or to obtain an order of rescission, restitution, or disgorgement.

Under the act, a lender may only charge interest and fees up to the amount of \$15 for the first \$100 of principal for the first 30 days of the loan, and not more than 3% per month thereafter, which is an annual percentage rate of approximately 36%.

Under current law, the Division of Finance must report to the general assembly, the number of licenses issued under this section every other year. This act requires the division to report every year.

The provisions in this section apply to all lenders, whether or not they are properly licensed.

This act is identical to HB 1171 (2006).

CHRIS HOGERTY

01/31/2006 S First Read (S145)

02/07/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S181)

EFFECTIVE: August 28, 2006

\*\*\* SB 976 \*\*\*

4204S.041

SENATE SPONSOR: Gibbons

SB 976 - The act directs all entities that ship or transport radioactive waste to be assessed a fee for any such waste transported through or within the state, the only exception being universities who ship nuclear waste which shall reimburse the Missouri Highway Patrol for costs associated with shipment escorts. The fee structure is described in the act and the Department of Natural Resources in coordination with the Departments of Health and Senior Services, Public Safety and Transportation, shall promulgate rules with regard to the collection and administration of such fees.

Any person who fails to pay a fee or to provide notice of a shipment to the Department of Natural Resources shall be liable for a civil penalty of an amount not to exceed ten times the amount of the original fee assessed and not paid.

The fees assessed and collected under the act shall be deposited into the environmental radiation monitoring fund, which has been expanded with the act to accommodate the new fees in order to enforce the provisions of the act.

The act directs the Department of Natural Resources to prepare a report for the General Assembly beginning 2007 and every two years thereafter on the environmental radiation monitoring fund.

The act contains an emergency clause.

MEGAN WORD

01/31/2006 S First Read (S145)

02/07/2006 Second Read and Referred S Transportation Committee (S181)

02/14/2006 Hearing Cancelled S Transportation Committee

02/21/2006 Hearing Cancelled S Transportation Committee

02/28/2006 Hearing Conducted S Transportation Committee

EFFECTIVE: Emergency clause

\*\*\* SB 977 \*\*\*

4836S.011

SENATE SPONSOR: Bartle

SB 977 - This act authorizes the Director of the POST Commission to promulgate rules and regulations.

SUSAN HENDERSON MOORE

01/31/2006 S First Read (S145)

02/07/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S181)

03/06/2006 Hearing Conducted S Financial & Governmental Organizations and Elections Committee - Consent

03/06/2006 Voted Do Pass S Financial &amp; Governmental Organizations and Elections Committee - Consent

EFFECTIVE: August 28, 2006

\*\*\* SB 978 \*\*\*

4537S.021

SENATE SPONSOR: Kennedy

SB 978 - A provision contained in the truly agreed to and finally passed SB 287 (2005) altered, beginning on July 1, 2006, the manner in which moneys in the school district trust fund (commonly referred to as "prop C") were distributed to the public schools of this state. Prior to SB 287, the funds were distributed based on the sum of a district's average daily attendance plus the product of two times the average daily attendance for summer school. Under SB 287, the funds are to be distributed based on the weighted average daily attendance of a school district.

This act establishes a transitional period whereby the weighted average daily attendance distribution method would be phased-in the same manner as the formula itself. For instance, for the 2006-07 school year, fifteen percent of the Prop C funds will be distributed based on a district's weighted average daily attendance, and eighty-five percent of the Prop C funds will be distributed based on eligible pupils (the old method of prop C distribution), which is the sum of a district's average daily attendance plus the product of two times the average daily attendance for summer school. Specifically, the eligible pupils distribution will be based on a district's proportion of the total eligible pupil count in the 2005-2006 school year. The percent distribution based on weighted average daily attendance will increase by 15% annually until 2012-13, when the Prop C funds will be distributed entirely on a weighted average daily attendance basis.

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

DONALD THALHUBER

01/31/2006 S First Read (S145)

02/07/2006 Second Read and Referred S Education Committee (S181)

EFFECTIVE: Emergency clause

\*\*\* SB 979 \*\*\*

4905S.011

SENATE SPONSOR: Griesheimer

SB 979 - This act exempts ski area operators from liability from operating such facilities. Under the act, it is presumed that a skier expressly assumes the risks and legal responsibility for injury, death or loss to person or property that results from the inherent risks of skiing. Under the act, the ski area operator shall not owe a skier the common law duty that a premise owner owes to a business invitee. The ski area operator shall have no legal liability provided that it follows the responsibilities delineated for it under the act. The act sets forth the responsibilities of a skier. Ski area operators and skiers who fail to fulfill their responsibilities listed under the act shall be liable for injuries and deaths.

STEPHEN WITTE

01/31/2006 S First Read (S145)

02/07/2006 Second Read and Referred S Judiciary and Civil &amp; Criminal Jurisprudence Committee (S181)

EFFECTIVE: August 28, 2006

\*\*\* SB 980 \*\*\*

4752S.011

SENATE SPONSOR: Clemens

SB 980 - Under current law, student loans are available to students who have applied to be a full-time nursing student. This act redefines eligible student so that only students who have been accepted as full-time nursing students are eligible for the loans. Under current law, 25% of the loan is forgiven for each year of full-time employment as a licensed nurse. This act allows for forgiveness of all of the financial assistance in the event of full-time employment.

This act is identical to HB 1234 (2006).

CHRIS HOGERTY

01/31/2006 S First Read (S145)

02/07/2006 Second Read and Referred S Education Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 981 \*\*\*

4780S.011

SENATE SPONSOR: Goodman

SB 981 - Currently, a member of the Highway Patrol cannot accept other employment without the written permission of the Superintendent. This act would also allow members to take secondary employment under a general order issued by the Superintendent setting forth the circumstances under which such employment would be allowed.

SUSAN HENDERSON MOORE

01/31/2006 S First Read (S145)  
 02/07/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S181)  
 02/14/2006 Hearing Scheduled But Not Heard S Pensions, Veterans' Affairs and General Laws Committee  
 02/21/2006 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee  
 02/28/2006 Voted Do Pass S Pensions, Veterans' Affairs and General Laws Committee - Consent  
 03/02/2006 Reported from S Pensions, Veterans' Affairs and General Laws Committee to Floor - Consent (S384)  
 03/07/2006 S Consent Calendar (3/2)

EFFECTIVE: August 28, 2006

\*\*\* SB 982 \*\*\*

3964S.021

SENATE SPONSOR: Koster

SB 982 - 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 website.

SUSAN HENDERSON MOORE

01/31/2006 S First Read (S145)  
 02/07/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S181)

EFFECTIVE: August 28, 2006

\*\*\* SB 983 \*\*\*

4791S.021

SENATE SPONSOR: Mayer

SB 983 - This act requires, beginning July 1, 2007, each school district to adopt as a goal the expenditure of at least two-thirds of its current operational expenditures on classroom instruction.

The act defines the term "classroom instruction" and links it's meaning to a U.S. Department of Education Institute of Education Sciences publication, provided that the term shall be construed to include both "library and media services" and "guidance services." Further, the act defines the term "current operational expenditures" as all expenditures made by a school district other than expenditures for capital construction or debt or bond payments, including payment of interest on debt or bonds.

The department shall ensure that each district's target percentage and actual classroom instruction expenditures are reported annually in both the district's annual accountability report card and in the department's "Report of the Public Schools" publication.

The act requires the State Board of Education to report to the General Assembly and to the Governor a list of those districts that have and have not met the 66% goal. The report shall offer analysis regarding the effectiveness of the goal, as well as statistical correlations regarding each district's educational outcomes and their percent of current operational expenditures used for classroom instruction. The Governor shall publicly recognize those districts meeting the 66% goal as a "Governor's 'Students First' District".

This act contains a referendum clause.

DONALD THALHUBER

01/31/2006 S First Read (S145)  
 02/07/2006 Second Read and Referred S Education Committee (S181)

03/07/2006 Hearing Scheduled S Education Committee

EFFECTIVE: Referendum

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\*\*\* SB 984 \*\*\*

4885S.021

SENATE SPONSOR: Purgason

SB 984 - This act provides that there shall be three circuit judges in the twenty-sixth judicial circuit, rather than two, as provided by current law. The judges shall sit in divisions one, two, and three.

The Governor shall appoint a judge for the new position, division three, and the judge in such position shall serve until January 1, 2009. A successor judge shall be elected in 2008.

This act is similar to HB 1325 (2006).

ALEXA PEARSON

02/01/2006 S First Read (S150)

02/07/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S181)

EFFECTIVE: August 28, 2006

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\*\*\* SB 985 \*\*\*

4787S.011

SENATE SPONSOR: Cauthorn

SB 985 - The act modifies the definition of "point source" to exclude any agricultural storm water discharges and return flows from agriculture.

The act is similar to provisions in SB 187 (2005).

MEGAN WORD

02/01/2006 S First Read (S150)

02/07/2006 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S181)

EFFECTIVE: August 28, 2006

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\*\*\* SB 986 \*\*\*

4348S.021

SENATE SPONSOR: Green

SB 986 - This act requires private mental health facilities and group homes for the mentally retarded and developmentally disabled to have the same requirements as state-operated facilities.

This act amends the Family Care Safety Registry and Sunshine Laws to include private mental health facilities and group homes. Private mental health facilities and group homes are included in the licensure and standards requirements for residential facilities and day programs. This act also requires dismissal of private contractor employees who violate state laws and rules. The facilities or homes are also required to report staff turnover to the Department of Mental Health and the General Assembly. This act also places a moratorium on patient transfers until the act is fully implemented.

The Department of Mental Health is also required to terminate contracts with private vendors having a pattern of abuse and neglect of patients.

ADRIANE CROUSE

02/01/2006 S First Read (S150)

02/07/2006 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S181)

EFFECTIVE: August 28, 2006

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\*\*\* SB 987 \*\*\*

4962S.011

SENATE SPONSOR: Green

This bill has been combined with SB 667

02/01/2006 S First Read (S150)

02/07/2006 Second Read and Referred S Transportation Committee (S181)

02/21/2006 Hearing Conducted S Transportation Committee - Consent  
02/21/2006 Bill Combined w/ SCS/SBs 667, 704, 941, 956 & 987

EFFECTIVE: August 28, 2006

\*\*\* SB 988 \*\*\*

4926S.011

SENATE SPONSOR: Green

SB 988 - This act bars employers from employing or subcontracting with any illegal alien on any publicly funded project. If an employer employs an illegal alien for a public project, the employer shall be fined ten dollars per individual per day during which the illegal alien was employed, and the employer shall not be permitted to bid on any publicly funded project for ten years from the violation.

Under current law, during a period of excessive unemployment in the state, only Missouri laborers or laborers from nonrestrictive states may be employed for public projects. This act provides a penalty of ten dollars per day for each nonqualifying laborer employed during such periods to be imposed on employers who engage in such a practice.

This act is substantially similar to SB 334 (2005).

CHRIS HOGERTY

02/01/2006 S First Read (S150)

02/07/2006 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S181)

EFFECTIVE: August 28, 2006

\*\*\* SB 989 \*\*\*

4895S.011

SENATE SPONSOR: Bray

SB 989 - If a candidate runs for a specific office and a committee receives contributions up to the limits prescribed for that office and the candidate subsequently runs for an office with lower limits, all committees must refund the contributions to the respective donors so as not to exceed the limits set forth for the office for which the candidate ultimately runs.

CHRIS HOGERTY

02/01/2006 S First Read (S150)

02/07/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S181)

EFFECTIVE: August 28, 2006

\*\*\* SB 990 \*\*\*

4957S.011

SENATE SPONSOR: Vogel

SB 990 - This act designates a portion of State Highway 179 in Cole County as the "Wyman S. Basinger Memorial Highway."

STEPHEN WITTE

02/01/2006 S First Read (S150)

02/07/2006 Second Read and Referred S Transportation Committee (S181)

02/14/2006 Hearing Conducted S Transportation Committee - Consent

02/21/2006 Voted Do Pass S Transportation Committee - Consent

02/23/2006 Reported from S Transportation Committee to Floor - Consent (S298)

03/07/2006 S Consent Calendar (2/23)

EFFECTIVE: August 28, 2006

\*\*\* SB 991 \*\*\*

4928S.011

SENATE SPONSOR: Mayer

SB 991 - This act modifies the current law pertaining to service contracts.

The first part of the act deals with motor vehicle extended service contracts and changes language that

has been moved from Chapter 407 to Chapter 379, RSMo. The act prohibits anyone who is not a licensed motor or boat dealer from selling a motor vehicle extended service contract to a consumer. To that end, no such dealer may act as a fronting company for a third party who offers service contracts. The act lays out penalties for anyone violating the provisions of the act.

The second half of the act prohibits any person from issuing or selling a product service agreement without first registering with the department of insurance and paying a fee for such registration. The act details the compliance responsibilities for any provider who has registered with the department. In order to ensure that a provider will fulfill a product service agreement, the provider must either establish a funded reserve or obtain a reimbursement insurance policy that satisfies the provider's obligation if it is unable to do so. Any provider fees shall not be subject to premium taxes and any person selling such agreements are exempt from other state licensing laws provided they meet all the requirements of the act.

Communication requirements for all service agreements sold in the state are described in the act, conveying information on the terms of the agreement, any restrictions attached to the agreement, and the obligations of the agreement holder. The act prohibits any misleading advertising pertaining to the sale of product service agreements.

The act directs any provider of a product service agreement to keep and maintain accurate records on all such transactions and to retain all such records for at least three years after the agreement coverage has expired. The records of any registered provider of product service agreements shall be made available to the department of insurance upon request from the director.

The act prohibits any insurer who has issued a reimbursement insurance policy from terminating a policy until notice of such termination has been communicated to the director. The act maintains the right of an insurer who issued such a policy to seek indemnification against a provider who was obligated to pay and did not.

The act lays out penalties for anyone violating the provisions of the act.

The act lays out circumstances whereby the provisions of the act shall not apply, including but not limited to warranties, maintenance agreements, and service agreements sold to nonresidents.

The provisions of the act become effective January 1, 2007.

MEGAN WORD

02/01/2006 S First Read (S150)

02/07/2006 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S181)

02/07/2006 Re-referred S Judiciary and Civil & Criminal Jurisprudence Committee (S191)

02/13/2006 Hearing Scheduled But Not Heard S Judiciary and Civil & Criminal Jurisprudence Committee

02/20/2006 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: January 1, 2007

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\*\*\* SB 992 \*\*\*

3460S.031

SENATE SPONSOR: Scott

SB 992 - Under this act, definitions for "department" and "medical emergency" were added in the chapter regulating abortions.

This act also modifies certain penalties relating to abortion. Currently, there are penalties for any person who knowingly performs or aids in the performance of any abortion. This act includes penalties for those persons who knowingly induce or aid in the inducing of an abortion.

This act also provides for a medical emergency defense for violations of any abortion provision. Medical emergency is defined as a condition which, on the basis of a physician's good-faith clinical judgment, so complicates the medical condition of a pregnant woman as to necessitate the immediate abortion of her pregnancy to avert the death of the pregnant woman or for which delay will create a serious risk of substantial and irreversible impairment of a major bodily function of the pregnant woman.

This act has an emergency clause.

ADRIANE CROUSE

02/01/2006 S First Read (S150)

02/07/2006 Second Read and Referred S Judiciary and Civil &amp; Criminal Jurisprudence Committee (S181)

EFFECTIVE: Emergency clause

\*\*\* SB 993 \*\*\*

4784S.011

SENATE SPONSOR: Scott

SCS/SB 993 - Under current law, applicants for licensure to issue or sell checks must post a twenty-five thousand dollar corporate surety bond. This act raises that amount to one hundred thousand dollars. The bond may be used to pay costs incurred by the Division of Finance to remedy breaches of obligations by the applicant or pay examination costs not paid by the applicant.

For all licensees selling payment instruments or stored value cards, the required amount of the bond for renewal of the license shall be five times the high outstanding balance from the previous year with a minimum of one hundred thousand dollars and a maximum of one million dollars.

For all licensees receiving money for transmission, the required amount of the bond for renewal of the license shall be five times the greatest amount transmitted in a single day during the previous year with a minimum of one hundred thousand dollars and a maximum of one million dollars.

The Director of Finance may, when necessary, examine any licensee and the cost shall be paid by the licensee.

The director shall investigate the character and fitness of each licensee before initial licensure and renewal. The director may charge up to \$100 for applications to amend and reissue licenses.

Under current law, financial institutions must submit a list showing all paper past due thirty days or more at their monthly meetings. This act allows the institutions, in the alternative, to submit a list of the total past due ratio for loans that are thirty days or more past due, nonaccrual loans divided by the total loans, and a list of past due loans in excess of a minimum amount set by the board not to exceed five percent of the bank's legal loan limit but the minimum amount may not be less than ten thousand dollars. Collateral to the indebtedness does not have to be described as of the date of the lists.

The act specifies that financial institutions shall be served process according to the Missouri Rules of Civil Procedure describing service of corporations. State or federally chartered banks, trust companies, and thrift institutions may appoint a service agent and register that person with the Director of Finance.

The act allows the Director of Finance to receive service of process for out-of-state banks or trust companies. Currently the Director of Revenue shall collect \$2 for each copy of process. This act raises the amount to be collected by the director to \$10.

This act also provides for an income tax credit for shareholders of S corporation savings and loan association holding companies and credit institutions based on the pro rata share of corporate franchise tax paid by such association or institution.

CHRIS HOGERTY

02/01/2006 S First Read (S150)

02/07/2006 Second Read and Referred S Financial &amp; Governmental Organizations and Elections Committee (S181)

02/20/2006 Hearing Conducted S Financial &amp; Governmental Organizations and Elections Committee

03/06/2006 SCS Voted Do Pass S Financial &amp; Governmental Organizations and Elections Committee (4784S.02C)

EFFECTIVE: August 28, 2006

\*\*\* SB 994 \*\*\*

4750S.011

SENATE SPONSOR: Dougherty

SB 994 - When calculating state aid payments, any school district that provides credible evidence to the Department and Elementary and Secondary Education that such district has a higher-than-average student population with elevated blood lead levels will have their "special education threshold" altered to zero. DESE shall consult with the Department of Health and Senior Services to determine the average student population

having elevated blood lead levels.

DONALD THALHUBER

02/02/2006 S First Read (S154)

02/07/2006 Second Read and Referred S Education Committee (S181)

EFFECTIVE: August 28, 2006

\*\*\* SB 995 \*\*\*

4462S.021

SENATE SPONSOR: Dougherty

SB 995 - This act establishes a "Business and After-School Partnership Program."

The program will encourage partnerships between businesses and the boards of education of school districts that are classified provisionally accredited or unaccredited. The result of such partnerships shall be the creation of after-school programs designed to improve student achievement and increase reading skills in such districts.

Participating businesses shall be allowed tax credits of up to \$20,000, and in no case shall the amount of credits claimed in any one tax year exceed \$5 million dollars in the aggregate.

DONALD THALHUBER

02/02/2006 S First Read (S154)

02/07/2006 Second Read and Referred S Ways & Means Committee (S181)

EFFECTIVE: August 28, 2006

\*\*\* SB 996 \*\*\*

4897S.021

SENATE SPONSOR: Dougherty

SB 996 - This act creates the St. Louis City school lead abatement and removal fund to be funded by ten percent of the payments in lieu of taxes (PILOTs) derived from tax increment finance projects in St. Louis City.

The act shall apply to redevelopment plans and projects approved after August 31, 2006.

JASON ZAMKUS

02/02/2006 S First Read (S154-155)

02/07/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S181)

EFFECTIVE: August 28, 2006

\*\*\* SB 997 \*\*\*

4954S.011

SENATE SPONSOR: Kennedy

SB 997 - This act relates to St. Louis police officer compensation.

Currently, St. Louis police officers of the rank of sergeant or above cannot receive additional compensation or comp time for overtime, court time, or standby court time. This act prohibits such compensation for officers of the rank of lieutenant or above, but sergeants are allowed to receive additional compensation for overtime if the accumulated time is over 40 hours.

This act allows the St. Louis Board of Police Commissioners to pay additional compensation for all hours of service rendered by sergeants in excess of the established regular working hours.

SUSAN HENDERSON MOORE

02/02/2006 S First Read (S155)

02/07/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S181)

02/22/2006 Hearing Conducted S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 998 \*\*\*

4553S.021



SENATE SPONSOR: Champion

SCS/SB 998 - Within thirty days of any change and on each renewal of a collaborative practice arrangement, the State Board of Registration for the Healing Arts shall require physicians to identify whether a physician is engaged in any collaborative practice agreement or physician assistance agreement and also report to the board the name of each licensed professional with whom the physician has entered into such agreement. The board may make the information available to the public. The physician shall also provide the board with a copy of each such agreement for the board to review for compliance with state law.

CHRIS HOGERTY

02/02/2006 S First Read (S155)

02/07/2006 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S181)

02/15/2006 Hearing Conducted S Aging, Families, Mental & Public Health Committee

02/22/2006 SCS Voted Do Pass S Aging, Families, Mental & Public Health Committee (4553S.03C)

EFFECTIVE: August 28, 2006

\*\*\* SB 999 \*\*\*

4757S.041

SENATE SPONSOR: Alter

SB 999 - This act allows the governing body of any county without a charter form of government to adopt noise ordinances or orders that:

(1) Prohibit a person from harboring, keeping, or having under his or her control any dog upon his or her property that causes fear or annoyance to persons living in the immediate area or passing upon the streets or sidewalks near the property by frequently and habitually barking, yelping, or howling, unless such property is being used as a licensed kennel, veterinary clinic, or animal hospital; or

(2) Prohibit a person from creating noise above a specified decibel level that is disturbing to other persons in the surrounding area during certain specified times of the day; or

(3) Prohibits any owner, occupant, or other person or entity with the legal right to use and enjoy property from allowing another person to create noise above a specified decibel level that is disturbing to others in the surrounding area during certain times of the day.

SUSAN HENDERSON MOORE

02/02/2006 S First Read (S155)

02/07/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S181)

03/01/2006 Hearing Scheduled But Not Heard S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1000 \*\*\*

4709S.011

SENATE SPONSOR: Loudon

SB 1000 - This act replaces most administrative hearings held by or within executive branch departments with a newly created Office of Administrative Hearings, located within the Office of Administration. Administrative hearings within the legislative and judicial branches are exempted.

Administrative Law Judges (ALJ) are appointed by the Governor. The Governor shall appoint a chief ALJ, with the advice and consent of the senate to serve a term of four years. The chief ALJ is responsible for setting hearing procedures and other rules.

Administrative Law Judges may not be employed to influence the office for two years after termination. However, they may practice law before another ALJ within those two years. All current department procedures regarding hearings (evidence, notice, limitations) still apply. All current references to the Administrative Hearing Commission shall be interpreted to mean this new office.

This act would become effective on January 1, 2007.

This act is identical to SB 548 (2005) and SB 970 (2000).

JIM ERTLE

02/02/2006 S First Read (S155)

02/07/2006 Second Read and Referred S Judiciary and Civil &amp; Criminal Jurisprudence Committee (S181)

EFFECTIVE: January 1, 2007

\*\*\* SB 1001 \*\*\*

SCS SBs 1001, 896 &amp; 761

4958S.02P

SENATE SPONSOR: Griesheimer

SCS/SBs 1001, 896, and 761 - This act relates to the licensure of certain motor vehicle drivers.

**LAWFUL PRESENCE** - Under this act, an applicant for a noncommercial driver's license 65 years of age or older may use a previously issued Missouri driver's license, instruction permit or nondriver's license as proof of lawful presence. This portion of the act contains an emergency clause.

**REVOCAION OF MOTOR CARRIER REGISTRATIONS** - 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 (Section 226.009). This section is contained in SB 761 (2006).

**GRADUATED DRIVER'S LICENSE LAW** - This act modifies Missouri's graduated driver's license law with respect to the number of hours of instruction and passenger restrictions.

**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 six 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 passenger restrictions do not apply to an intermediate driver's license holder who is operating a vehicle being used in agricultural work-related activities.

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 (Sections 302.130 and 302.178).

STEPHEN WITTE

02/02/2006 S First Read (S155)

02/07/2006 Second Read and Referred S Transportation Committee (S182)

02/14/2006 Hearing Conducted S Transportation Committee

02/14/2006 SCS Voted Do Pass (SCS/SBs 1001, 896 &amp; 761) S Transportation Committee (4958S.02C)

02/16/2006 Reported from S Transportation Committee to Floor w/SCS (S257)

02/28/2006 SA 1 to SCS S offered (Griesheimer)--(4958S02.04S) (S326)

02/28/2006 Bill Placed on Informal Calendar (S326)

02/28/2006 SA 1 to SCS S adopted (S338)

02/28/2006 SA 2 to SCS S offered &amp; Ruled out of order (Scott)--(4958S02.09S) (S338-339)

02/28/2006 SA 3 to SCS S offered &amp; adopted (Barnitz)--(4958S02.02S) (S339)

02/28/2006 SA 4 to SCS S offered & defeated(Barnitz)--(4958S02.06S) (S339)  
 02/28/2006 SCS, as amended, S adopted (S340)  
 02/28/2006 Perfected (S340)  
 03/01/2006 Reported Truly Perfected S Rules Committee (S352)  
 03/02/2006 S Third Read and Passed - EC adopted (S381-382 / H393)  
 03/02/2006 H First Read (w/EC) (H393)  
 03/06/2006 H Second Read

EFFECTIVE: Emergency clause

\*\*\* SB 1002 \*\*\*

4381S.011

SENATE SPONSOR: Mayer

SB 1002 - This act allows a fee to be annually imposed in addition to the maintenance tax if the board of supervisors of a drainage district determines that the costs of preparing and processing the district's maintenance tax statement exceed the amount of the tax imposed.

JASON ZAMKUS

02/02/2006 S First Read (S155)  
 02/07/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S182)  
 02/15/2006 Hearing Conducted S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1003 \*\*\*

SCS SB 1003

4994S.04C

SENATE SPONSOR: Mayer

SCS/SB 1003 - This act authorizes the Governor to convey state property located in St. Louis, Cole, Lincoln, Greene, St. Francois, Stoddard and Jackson counties and the City of St. Louis.

This act contains an emergency clause.

This act is similar to HB 1350 (2006).

SUSAN HENDERSON MOORE

02/02/2006 S First Read (S155)  
 02/07/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S182)  
 02/15/2006 Hearing Conducted S Economic Development, Tourism & Local Government Committee - Consent  
 02/22/2006 SCS Voted Do Pass S Economic Development, Tourism & Local Government Committee - Consent (4994S.04C)  
 02/23/2006 Reported from S Economic Development, Tourism & Local Government Committee to Floor w/SCS - Consent (S297)  
 03/01/2006 Removed S Consent Calendar (S366)

EFFECTIVE: Emergency clause

\*\*\* SB 1004 \*\*\*

4955S.011

SENATE SPONSOR: Days

SB 1004 - This act removes Section 162.700, the provision relating to special education services, from the sunset provision of the First Steps program.

ADRIANE CROUSE

02/02/2006 S First Read (S156)  
 02/07/2006 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S182)  
 03/01/2006 Hearing Conducted S Aging, Families, Mental & Public Health Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1005 \*\*\*

4849S.031

SENATE SPONSOR: Stouffer

SB 1005 - This act relates to health care facilities.

**HEALTH CARE CONSUMER WEBSITE** - This act provides that by January 1, 2007, the Department of Health and Senior Services shall implement a long-range plan for making available cost and quality outcome data on its Internet website that will allow consumers to compare health care services. The data shall include information on licensed physicians, hospitals and ambulatory surgical centers. The data shall be made available on the department's website no later than January 1, 2010.

**SPECIALTY HOSPITALS** - This act provides that a specialty hospital shall not accept a patient referral from a physician who has an ownership interest in the specialty hospital. An ownership interest includes a direct or indirect interest held by the physician or the physician's spouse or dependent children through equity, debt or other means. A patient referral includes a request or order by a physician for one or more inpatient or nonemergency outpatient hospital services for the patient.

**AMBULATORY SURGICAL CENTER LICENSURE** - 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 on transfer of patients with such a hospital.

Under this act, the provision on transfer agreements is repealed, however, ambulatory surgical centers operating under such agreement before August 28, 2006, could continue to do so.

This act requires hospitals to create an affiliated medical staff membership for physicians who invest in or perform surgery at an ambulatory surgical center in the community and who do not already have hospital medical staff privileges. Hospitals shall not use investment in or performing surgery at an ambulatory surgical center as a basis for denying affiliated medical staff membership if:

- the physician is otherwise qualified for medical staff membership under credentialing procedures and laws; and
- the physician makes himself or herself available to provide on-call services on the same basis as other credentialed practitioners in similar specialties who are required to be on call at the hospital.

In the case of a dispute over affiliated medical staff privileges, the physician may ask the department of Health and Senior Services to provide mediation.

An ambulatory surgical center shall be considered to be in the same community as a hospital if:

- in a metropolitan statistical area the two are in same emergency services catchment area defined by the department to monitor ambulance diversion; or
- outside a metropolitan statistical area, the two are in the same county, or under certain circumstances, in adjacent counties. However, in all cases, the ambulatory surgical center and the hospital must be within thirty miles driving distance.

**AMBULATORY SURGICAL CENTER PROVIDER TAX** - This act provides that each licensed ambulatory surgical center in this state must pay, in addition to all other fees or taxes required by law, an ambulatory surgical center reimbursement based on a formula set forth in rules promulgated by the Department of Social Services. No reimbursement allowance will be collected in the event the federal Centers for Medicare and Medicaid Services determines that such reimbursement allowance is not authorized under title XIX of the Social Security Act.

The act provides record retention and reporting requirements for ambulatory surgical centers. The director of the Department of Social Services will make a determination as to the amount of reimbursement allowance due from each ambulatory surgical center and notify each center of the amount due. Reimbursement allowance amounts due may be offset if requested by the center.

Reimbursement allowances will be paid to the Department of Social Services to be deposited into the Ambulatory Surgical Center Federal Reimbursement Allowance Fund created in this act.

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

COVENANT NOT TO COMPETE - This act provides for the utilization of non-compete clauses in certain situations. The act defines a "physician employment covenant not to compete" as an agreement or part of a contract of employment in which the physician agrees for a specific period of time, not to exceed five years, and within a particular area to refrain from competition with the employer. This act makes covenants not to compete enforceable with other health care facilities as long as they:

1. Are ancillary to or part of an otherwise enforceable agreement between physician and employer;
2. Do not deny the physician access to a list of patients the physician treated prior to the physician's buying out or otherwise lawfully terminating the physician employment covenant not to compete;
3. Provide access to patient medical records with the patient's consent and in an accessible format;
4. Provide for a buy-out of the covenant by the physician compensating the employer for the remaining amortized cost of recruitment, investments, remuneration and other expenses incurred pursuant to the contract; and
5. Provide that the physician will not be prohibited from providing continuing treatment to specific acutely ill patients after the contract has terminated.

CERTIFICATE OF NEED - 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.

DISCLOSURE BEFORE REFERRAL - This act requires a physician to provide certain information to an individual before referring the individual to a health care facility in which the physician has an ownership interest or to a hospital where the physician is employed. This act also provides certain exceptions to the disclosure requirement.

ADRIANE CROUSE

02/06/2006 S First Read (S175)

02/08/2006 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S200)

EFFECTIVE: August 28, 2006

\*\*\* SB 1006 \*\*\*

4850S.011

SENATE SPONSOR: Goodman

SB 1006 - This act allows a \$200 tax credit for volunteer firefighters who complete at least 12 hours of any firefighter training program approved by the State Fire Marshal in the tax year the credit is claimed. If the firefighter has completed at least 30 hours of training after the initial 12 hours of training, the firefighter may claim a \$400 credit in any tax year that 12 hours of training are completed. The tax credit is not refundable but can be carried over for up to four years.

The provisions of this act will terminate six years from the effective date unless reauthorized.

JASON ZAMKUS

02/06/2006 S First Read (S175)

02/08/2006 Second Read and Referred S Ways & Means Committee (S200)

02/16/2006 Hearing Scheduled But Not Heard S Ways & Means Committee

02/23/2006 Hearing Scheduled But Not Heard S Ways & Means Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1007 \*\*\*

4783S.011

SENATE SPONSOR: Goodman

SB 1007 - This act bars lending institutions from using unsolicited negotiable instruments as extensions of credit to consumers. If a lending institution engages in such a practice, the lending institution shall be liable for the amount of the instrument and any insufficient funds fees.

This act is identical to HB 991 (2006).

CHRIS HOGERTY

02/06/2006 S First Read (S175)

02/08/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S200)

03/06/2006 Hearing Scheduled But Not Heard S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1008 \*\*\*

SCS SB 1008

5008S.02C

SENATE SPONSOR: Klindt

SCS/SB 1008 - This act creates the Governor's Advisory Council on Agricultural Science and Technology. The council shall be responsible for identifying and appraising the Governor on new areas of agricultural science and technology as well as providing comment on regulatory matters, long-term needs for the agricultural science and technology sector, and future opportunities for the plant biotechnology industry within the state.

MEGAN WORD

02/06/2006 S First Read (S175)

02/08/2006 Second Read and Referred S Agriculture, Conservation, Parks &amp; Natural Resources Committee (S200)

02/15/2006 Hearing Conducted S Agriculture, Conservation, Parks &amp; Natural Resources Committee - Consent

02/22/2006 SCS Voted Do Pass S Agriculture, Conservation, Parks &amp; Natural Resources Committee - Consent (5008S.02C)

03/02/2006 Reported from S Agriculture, Conservation, Parks &amp; Natural Resources Committee to Floor w/SCS - Consent (S384)

03/07/2006 S Consent Calendar w/SCS (3/2)

EFFECTIVE: August 28, 2006

\*\*\* SB 1009 \*\*\*

5009S.011

SENATE SPONSOR: Klindt

SB 1009 - The act prohibits certain local regulations pertaining to the registration, sale, storage, and use of seeds and other propagules but does not preempt local zoning ordinances governing the physical location of seed facilities. The act asserts that no state regulation shall be more restrictive than federal regulations pertaining to research, development, and use of seed technologies.

MEGAN WORD

02/06/2006 S First Read (S175)

02/08/2006 Second Read and Referred S Agriculture, Conservation, Parks &amp; Natural Resources Committee (S201)

03/08/2006 Hearing Scheduled S Agriculture, Conservation, Parks &amp; Natural Resources Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1010 \*\*\*

4727S.021

SENATE SPONSOR: Wheeler

SB 1010 - This act defines responsible persons for limited liability companies for the purposes of withholding and paying taxes. Responsible persons of a limited liability company where the management of the company is vested in managers, shall be those managers. In a limited liability company where management is not vested in managers, a responsible person shall be a responsible member as indicated in the company's articles of organization or one who has direct control, supervision, or responsibility for filing returns or payments.

Under the act, members of a limited liability company shall not be liable for taxes solely based on such member's membership in the company unless that member is a responsible person.

The act repeals language requiring duplicate filings for corporations and partnerships for articles of acceptance, resignation of registered agents, articles of merger, and changes of address for agents and registered offices.

If all general partners withdraw from a limited partnership, and the partners agree to continue business, a certificate of amendment must be signed by the remaining partners designating themselves in the certificate as general partners. The certificate must also state the events of the withdrawal of the general partners.

CHRIS HOGERTY

02/06/2006 S First Read (S175)

02/08/2006 Second Read and Referred S Judiciary and Civil &amp; Criminal Jurisprudence Committee (S201)

EFFECTIVE: August 28, 2006

\*\*\* SB 1011 \*\*\*

4971S.011

SENATE SPONSOR: Wheeler

SB 1011 - This act allows the Recorder of Deeds in counties of the first classification to record all deeds, mortgages, and other instruments at either the county seat location or the other location in the county that is required by statute. Currently, the statute specifies at which office certain instruments must be recorded. Priority of record will be given strictly by the date and time that an instrument is recorded without regard to the location of the office.

Currently, the Recorder of Deeds for Jackson County must have a Kansas City office and must record all instruments affecting property within a certain area at such office. This act gives the recorder discretion about recording such instruments at the Kansas City office. Such deeds and instruments may also be recorded at the office located at the county seat office of Jackson County.

With limited exceptions, this act prohibits the preparer of a document from including "sensitive personal identifying information" in a document that is prepared for the recorder. Such information includes federal social security numbers, bank account numbers, and credit card account numbers. Currently, only the use of social security numbers is prohibited. If a person's sensitive personal identifying information appears on a document, the preparer, submitter, or anyone in an agency relationship with the person may redact, remove, or delete such information before submitting it to the recorder. The redaction of such information shall not affect the legal status of the transaction described in the document. The Recorder of Deeds shall not alter or modify any document except as otherwise provided by law.

If any sensitive personal identifying information in a record is viewable on an Internet website of a Recorder of Deeds, any person may apply in writing to the recorder for redaction or removal of the information. Upon receiving such application, the recorder of deeds may redact or remove the document from the records viewable on the Internet.

The two-dollar portion of the user fee for recording instruments that recorders retain for their "recorder's fund" may be used to cover the cost of redacting sensitive personal identifying information from documents.  
SUSAN HENDERSON MOORE

02/06/2006 S First Read (S175)

02/08/2006 Second Read and Referred S Judiciary and Civil &amp; Criminal Jurisprudence Committee (S201)

02/27/2006 Hearing Conducted S Judiciary and Civil &amp; Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1012 \*\*\*

4063S.031

SENATE SPONSOR: Wheeler

SB 1012 - This act provides that any person designated by the decedent during his or her lifetime shall act as next-of-kin, if the designation is made in writing, dated and signed by the decedent, and acknowledged by a person authorized to administer oaths. If no designation is made, then the act delineates the persons who shall be entitled to act as next-of-kin.

Persons to act as next-of-kin must be mentally competent and willing to assume responsibility for the costs of the disposition of the decedent's body only to the extent that assets available to the decedent's estate are insufficient to pay such costs. The person acting as next-of-kin also must agree to follow any lawful instructions as to disposition of the decedent's body, if any, but such person may alter such instructions of the costs of disposition exceed the assets available in the decedent's estate.

A funeral director or funeral establishment is entitled to rely upon and act in accordance with instructions of the decedent's next-of-kin, if such person provides to the director or establishment a written statement stating whether or not the decedent had executed a designation of next-of-kin during his or her lifetime, or a statement that sets forth the name and relationship to the decedent of any individual who has a superior or equal right to control final disposition of the decedent's body and that the person wishing to act as next-of-kin has notified or attempted to notify such individuals. If such a written statement is provided, then the relative fault, if any, of a director or establishment for actions taken regarding the final disposition of decedent's body may be reduced if actions are taken in reliance upon a written statement in accordance with this act.

However, the fault of the director or establishment may not be reduced if the director or establishment had actual knowledge, or had information that would cause a reasonable person to believe, that the person's claim to be next-of-kin was false.

If no designation was made as to the decedent's next of kin, any person who wishes to exercise the right shall provide a written statement to the funeral director or establishment, stating the name and relationship of each individual who has a superior or equal right to control the disposition of the decedent's body, and that the person has made reasonable attempts to notify each person listed. Any person with a superior right to be next-of-kin must object within forty-eight hours, or such person will be deemed to have waived the right. Persons with a superior right may also waive the right in a signed and dated writing.

If there are persons who have equal priority to act as next-of-kin, and there are no objections by other members of the class, the funeral director or establishment may act in accordance with the instructions of the first person in the class to make arrangements for disposition of the decedent's body.

This act is similar to SCS/SB 366 (2005).

ALEXA PEARSON

02/06/2006 S First Read (S175)

02/08/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S201)

02/27/2006 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1013 \*\*\*

4170S.041

SENATE SPONSOR: Crowell

SB 1013 - 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 such information. Such persons and entities also shall not be required to disclose any unpublished or non-broadcast information obtained or prepared in the 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.

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, in a written order or in recorded proceedings, 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.

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

02/06/2006 S First Read (S175)

02/08/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S201)

02/13/2006 Hearing Scheduled But Not Heard S Judiciary and Civil & Criminal Jurisprudence Committee

02/20/2006 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2006



\*\*\* SB 1014 \*\*\* SCS SBs 1014 &amp; 730

4947S.06C

SENATE SPONSOR: Scott

SCS/SB 1014 - Under current law, election authorities shall arrange registration cards in binders or authorize the creation of computer lists to document voter registration. This act requires election authorities to use the Missouri voter registration system to prepare a precinct register of legally registered voters for each precinct.

The act bars persons from compensating others for registering voters. Those who agree to or offer to submit a voter registration application for another person shall not knowingly destroy, deface, or conceal such an application and shall submit the application to the election authority within seven days of accepting the application. Those in violation of these provisions are guilty of a class four election offense.

Persons paid for soliciting more than ten voter registration applications, other than those paid by the government, must register with the secretary of state as a voter registration solicitor. A solicitor must be eighteen years old, registered to vote in Missouri, and register for every election cycle. Penalties for the failure to register are provided in the act.

The act allows anyone who believes a violation of the Help America Vote Act has occurred, is occurring, or is about to occur may file a complaint with the elections division of the secretary of state's office. Complaint requirements are established.

The act amends personal identification requirements to be shown to gain voter eligibility at polling places. The identification must be issued by the United States or the state of Missouri, include the individual's name and photograph, and must have not expired before the date of the most recent general election. Voters with physical or mental disabilities, handicaps or sincerely held religious beliefs who do not have sufficient identification are exempt from the requirement if they execute an affidavit stating such a sufficient reason. These individuals may cast a provisional ballot.

The act allows for issuing non-driver's licenses with photographic images to fulfill the identification requirement. The state of Missouri shall pay all the legally required fees for applicants for non-driver's licenses. Persons residing in convalescent, nursing, and boarding homes shall be issued a non-driver's license through a mobile processing system operated by the department of revenue at no cost.

Procedures to be followed to establish a voter's eligibility to vote at a polling place are established. Provisional ballots are allowed in some circumstances. Prior to counting provisional ballots, the election authority must determine if the voter is registered and eligible to vote, and the vote was properly cast. Procedures for this determination are included in the act.

Under the act, state courts shall not have jurisdiction to extend polling hours.

Procedures for inspecting ballot cards are established.

The act makes the engaging in any act of violence, destruction of property having a value of five hundred dollars or more, or threatened act of violence with the intent of denying a person's lawful right to participate in the election process, and knowingly providing false information about election procedures for the purpose of preventing someone from going to the polls, a class one election offense and a felony.

This act repeals provisions requiring election authorities to establish advance voting plans. This act also repeals current law allowing voters to appeal the removal of their name from voter registration records.

This act contains an emergency clause.

CHRIS HOGERTY

02/06/2006 S First Read (S175)  
02/08/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S201)  
02/13/2006 Hearing Conducted S Financial & Governmental Organizations and Elections Committee  
02/15/2006 SCS Voted Do Pass (SCS/SBs 1014 & 730) S Financial & Governmental Organizations and Elections Committee (4947S.06C)  
02/16/2006 Reported from S Financial & Governmental Organizations and Elections Committee to Floor w/SCS (S255)

02/22/2006 Bill Placed on Informal Calendar (S284)  
03/07/2006 S Informal Calendar S Bills for Perfection

EFFECTIVE: August 28, 2006

\*\*\* SB 1015 \*\*\*

4887S.011

SENATE SPONSOR: Kennedy

SB 1015 - This act provides that the department of health and senior services shall oversee Hepatitis C testing for health care providers and first responders. All health care providers and first responders offered employment after January 1, 2007, shall be tested for Hepatitis C before commencing their employment with the employer. The employer shall pay the cost of the testing.

Any test results obtained from such testing shall be confidential and shall not be disclosed except to the employee being tested and to the employer's human resources supervisor for inclusion in the employee's records.

ADRIANE CROUSE

02/06/2006 S First Read (S175)  
02/08/2006 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S201)  
03/01/2006 Hearing Conducted S Aging, Families, Mental & Public Health Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1016 \*\*\*

4975S.011

SENATE SPONSOR: Gross

SB 1016 - Under current law, county commissions must set the tax rates by August 10th. This act requires the tax rates to be set by county commissions by September 20th.

The act contains an emergency clause.

JASON ZAMKUS

02/06/2006 S First Read (S175-176)  
02/08/2006 Second Read and Referred S Ways & Means Committee (S201)  
02/16/2006 Hearing Conducted S Ways & Means Committee - Consent

EFFECTIVE: Emergency clause

\*\*\* SB 1017 \*\*\*

5039S.011

SENATE SPONSOR: Clemens

SB 1017 - The act changes the official rating agency for the enforcement of standards relating to milk production from the Department of Health to the State Milk Board. The act requires that the board make an official rating survey at least biannually, a change from the current law which requires such a survey be made annually.

MEGAN WORD

02/07/2006 S First Read (S180)  
02/08/2006 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S201)  
03/08/2006 Hearing Scheduled S Agriculture, Conservation, Parks & Natural Resources Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1018 \*\*\*

4729S.021

SENATE SPONSOR: Kennedy

SB 1018 - This act creates the "Board of Private Investigator Examiners" within the Division of Professional Registration in the Department of Economic Development.

The Board will consist of five members appointed by the Governor with the advice and consent of the Senate. Each member must be a U.S. citizen, Missouri resident, at least 30 years old, and actively engaged as a private investigator for at least five years. Board members will serve staggered terms of two years.

The Board of Private Investigator Examiners Fund is also created. The act makes it unlawful for persons to engage in the private investigator business unless licensed. Consumer reporting agencies, attorneys, collection agencies, and insurers are exempted from licensure. Application requirements are specified. Licensees must be at least 21, a U.S. citizen, and comply with qualifications set by the Board. Persons must also provide proof of liability insurance of at least \$250,000, and proof of workers' compensation insurance.

The Board shall ensure applicants complete a course of training conducted by a certified trainer; pass a written examination; and submit to an oral interview with the Board. Complete background checks will be conducted on all applicants. The act grandfathers current private investigators and a license will be issued to such persons who show registration and good standing as a business for two years and \$250,000 in business general liability insurance. The Board is given authority to review reciprocity applications. Grounds for denial of licensure are specified.

Persons hired by private investigators must apply for agency licenses separately. The act specifies standards for employees of agencies. The act sets continuing education requirements – 16 hours biennially for licensees and 8 hours for employees of agencies.

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

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

Restrictions on record keeping and advertising are specified. License disciplinary procedures are specified. The Board is given rulemaking authority.

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

Provisions for licensure of current law enforcement officers and limitations on their conduct are specified.

This act is similar to SB 750 (2004) and SCS/SB 493 (2005).

CHRIS HOGERTY

02/07/2006 S First Read (S180-181)

02/08/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S201)

03/06/2006 Hearing Cancelled S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1019 \*\*\*

5061S.011

SENATE SPONSOR: Alter

SB 1019 - This act specifies that the "Amber Alert System" aids in the identification and location of abducted children, rather than adults.

Under this act, an "abducted child" is a child whose whereabouts are unknown and who is:

(1) Seventeen years of age or younger and reasonably believed by law enforcement to be the victim of kidnapping;

(2) Under the age of fourteen and reasonably believed by law enforcement to be the victim of child kidnapping;

(3) Reasonably believed by law enforcement to be the victim of child kidnapping, but instead of being under the age of fourteen, is between the ages of fourteen and seventeen.

SUSAN HENDERSON MOORE

02/07/2006 S First Read (S181)

02/08/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S201)

EFFECTIVE: August 28, 2006

\*\*\* SB 1020 \*\*\*

5041S.021

SENATE SPONSOR: Vogel

SB 1020 - The act requires anyone who manufactures, installs, or repairs fuel storage tanks or piping for such tanks to maintain evidence of financial responsibility of one million dollars per occurrence and two million dollars in the aggregate to cover the costs of corrective action after a fuel release. The evidence shall be presented annually to the Department of Agriculture.

MEGAN WORD

02/07/2006 S First Read (S181)

02/08/2006 Second Read and Referred S Commerce, Energy and the Environment Committee (S201)

02/21/2006 Hearing Conducted S Commerce, Energy and the Environment Committee

02/28/2006 Voted Do Pass S Commerce, Energy and the Environment Committee - Consent

03/02/2006 Reported from S Commerce, Energy and the Environment Committee to Floor - Consent (S383)

03/07/2006 S Consent Calendar (3/2)

EFFECTIVE: August 28, 2006

\*\*\* SB 1021 \*\*\*

4949S.011

SENATE SPONSOR: Dougherty

SB 1021 - Under current law, the Missouri Health Insurance Pool shall not have pool rates exceeding two hundred percent of rates applicable to individual standard risks. Current law also provides for a twelve-month waiting period for pool coverage for persons with preexisting conditions.

This act provides that the pool rates for persons diagnosed with cancer shall not exceed eighty percent of rates applicable to individual standard risks and eliminates the twelve-month waiting period for persons diagnosed with cancer.

ADRIANE CROUSE

02/07/2006 S First Read (S181)

02/08/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S201)

EFFECTIVE: August 28, 2006

\*\*\* SB 1022 \*\*\*

4924S.011

SENATE SPONSOR: Dougherty

SB 1022 - This act increases the income limit for medical assistance for families recipients from the 1996 Aid to Families with Dependent Children (AFDC) income standards to 75 percent of the federal poverty level.

ADRIANE CROUSE

02/07/2006 S First Read (S181)

02/08/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S201)

EFFECTIVE: August 28, 2006

\*\*\* SB 1023 \*\*\*

3073S.051

SENATE SPONSOR: Gibbons

SB 1023 - This act allows individuals who were wrongfully found guilty of a felony and later exonerated through the use of DNA profiling analysis to receive restitution. The individual may receive \$50 for each day of post-conviction incarceration. The petition for payment of restitution may be filed with the sentencing court. This act allows only people found "actually innocent" to receive restitution. For the purposes of this act, "actually innocent" means:

- (1) The individual was convicted of a felony for which a final order of release was entered by the court;
- (2) All appeals of the order for release have been exhausted;
- (3) The individual was not serving a concurrent sentence for another crime, unless such individual was serving such a sentence because his or her parole was revoked by a court or the board of probation and parole in connection with the crime for which the person has been exonerated; and
- (4) Testing ordered under the statute allowing offenders to file a post-conviction motion for such testing or by the order of a court, if such person was exonerated on or before August 28, 2004, or testing ordered under the statute requiring mandatory DNA profiling analysis of all felony offenders, if the person was exonerated after August 28, 2004, demonstrates the person's innocence.

Any individual who receives such restitution shall be prohibited from seeking civil redress from the state or any political subdivision. The Department of Corrections will determine the aggregate amount of restitution owed during a fiscal year. If insufficient moneys are appropriated to pay restitution to such persons, the Department shall pay each individual a pro rata share of the available money. Provided funds are appropriated, the amounts owed such individual shall be paid June 30th of each year until the total amount of restitution has been paid. However, no individual shall receive more than \$36,500 during each fiscal year.

If a person undergoes DNA testing after filing a motion with the court for such testing, instead of as part of the mandatory DNA profiling analysis of all felony offenders, and the testing confirms the person's guilt, he or she can be sanctioned and held liable for the costs of the testing.

A petition for payment of restitution may only be filed by the individual determined to be actually innocent or the individual's legal guardian. No claim or petition for restitution may be filed by the individual's heirs or assigns. An individual's right to receive restitution is not assignable or otherwise transferrable. The state's obligation to pay restitution shall cease upon the individual's death. Any beneficiary designation that purports to bequeath, assign, or otherwise convey the right to receive such restitution shall be void and unenforceable.

SUSAN HENDERSON MOORE  
02/07/2006 S First Read (S191)

02/08/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S201)

02/27/2006 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2006

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\*\*\* SB 1024 \*\*\*

5011S.011

SENATE SPONSOR: Koster

SB 1024 - This act repeals the current civil procedures regarding criminal activity forfeiture actions and establishes new procedures under the "Criminal Forfeiture Reform Act." Any property used or intended to be used in the commission of a crime or the proceeds of any crime will be subject to criminal forfeiture. Property may be subject to forfeiture even though a criminal prosecution is not conducted.

This act establishes that the circuit court where the property seizure occurred has jurisdiction over any seized property. A proceeding for forfeiture may be brought in a circuit in which any part of the property is found or where a civil or criminal action could be maintained against an owner for the conduct alleged to give rise to the forfeiture. The defendant may obtain a change of venue if the prejudice against him or her is too great.

This act specifies what property may be subject to criminal forfeiture and creates certain exceptions to protect innocent parties. Real property will not be subject to forfeiture if the only conduct giving rise to forfeiture is possession of controlled substances solely for personal consumption.

Under this act, property may be seized for forfeiture under constructive or actual seizure. This act delineates the process, including notification, that must be followed in order to seize property constructively. Law enforcement may seize any property subject to forfeiture upon the issuance of a search warrant or when there is probable cause that the property is subject to forfeiture. The seizure of inhabited residential property requires an adversarial judicial determination of probable cause prior to seizure unless the prosecution can demonstrate exigent circumstances at an ex parte proceeding.

Property seized for forfeiture is not subject to alienation, conveyance, sequestration, attachment, or a

motion to the return of property seized as evidence with or without a search warrant. The owner of seized property may obtain release of the property upon posting a surety bond equal to the fair market value of the property.

Upon seizing property, the prosecuting attorney may decide where the property should physically be stored or moved. The seizing agency must conduct a written inventory and estimate the value of the property seized. The court may order the seized property to be sold, leased, rented or operated to preserve the interests of any party after notifying persons with interest in the property and giving an opportunity for a hearing.

This act specifies the requirements for the commencement of a forfeiture proceeding, including the proper filings that must be made. If the prosecuting attorney fails to make certain filings the property shall be released to the owner. The owner may file for recognition of exemption from forfeiture and further procedures exist to allow such innocent parties who have a legal claim to the property protect their interests.

The act provides the procedures, including notification, that must be followed once a prosecuting attorney may proceed with a forfeiture. The prosecuting attorney may file a lien for the forfeiture of the property upon initiation of proceedings relating to the conduct giving rise to forfeiture, upon seizure for forfeiture, or in connection with a proceeding or forfeiture in another state. The lienor must provide notice of such lien and will create a lien in favor of the lienor. Upon entry of judgment in its favor, the state may proceed to execute on the lien.

With limited exceptions, a trustee who has notice that a forfeiture lien, pending forfeiture, or civil forfeiture has been filed must provide certain information to the seizing agency or prosecuting attorney within 15 days. A trustee who fails to do so is subject to criminal and civil penalties. Any employee of the seizing agency or prosecuting attorney who releases information obtained from the trustee is guilty of a Class A misdemeanor. A judgement or order entered pursuant to these provisions becomes a judgement lien against the property alleged to be subject to forfeiture.

This act specifies what actions, including entering an injunction or appointing conservators, the court may take before or after the filing of a notice of pending forfeiture. The court may hold a hearing regarding whether there was probable cause for the property to be seized if a judicial determination has not yet been made and the property owner files a timely application. A person charged with a criminal offense may apply to the court where the forfeiture proceeding is pending for the release of property seized to pay criminal defense expenses.

If the property owner can prove that he or she has not been able to participate in previous determinations of probable cause, the court must hold a probable cause hearing. If no probable cause is found the property shall be released. There shall be a rebuttable presumption that any money found near contraband is presumed to have been the proceeds of the conduct giving rise to forfeiture.

A person who acquires any property subject to forfeiture is a constructive trustee. If property subject to forfeiture is lost, transferred to a third party, moved beyond the jurisdiction of the court, commingled with other property, or subject to a legal claim by an innocent party exempt from forfeiture proceedings, the court may order the forfeiture of other property in the owner's possession. Under certain circumstances, the prosecuting attorney may bring a civil action against a person with knowledge who destroys, conveys, or otherwise renders property unavailable.

Under this act, a judicial in rem forfeiture proceeding may be brought by the prosecuting attorney in addition to, or in lieu of, civil in personam forfeiture proceedings. The act states what procedures must be followed during these proceedings.

A judicial in personam forfeiture proceeding brought by the prosecuting attorney under a civil action alleging conduct giving rise to forfeiture is also subject to the provisions of this act. The court may enter an order to protect the state's interest in the property, including the issuance of a temporary restraining order.

If notice of pending forfeiture is properly served in an action in rem or in personam in which personal property is seized, and no claim opposing forfeiture is filed within 30 days of notice of service, the prosecuting attorney shall prepare a written declaration of forfeiture and allocate the property. The act provides for what action may be taken by the owner or interest holder of the property following the declaration to have it set aside for failure to notify. After final disposition of all claims in an action in rem, the court shall enter an order

that the state has clear title to the forfeited property interest. The state may transfer good and sufficient title to any subsequent purchaser or transferee.

The court may release or convey forfeited personal property to a regulated interest holder if certain conditions exist. If released, the property must be disposed of by a commercially reasonable public sale held by the interest holder.

When property is forfeited, the prosecuting attorney may destroy or use for investigative purposes any illegal or controlled substances or other contraband or authorize a public or other commercially reasonable sale for other property. The money from the sale shall be distributed in the following order: 1) satisfaction of exempt security interests or liens, 2) payment of proceeding expenses, and 3) payment to the schools.

A prosecuting attorney may conduct an investigation of any conduct that gives rise to forfeiture under this act. The examination of witnesses must be conducted by the prosecuting attorney, must be before an officer authorized to administer oaths, and shall be recorded and transcribed. When examined, a person must be informed of his or her right to refuse to answer any questions.

All materials, transcripts, or testimony that the prosecuting attorney possesses shall not be available for examination by any individual other than a law enforcement official without consent of the person who produced the material or transcripts prior to the filing of a forfeiture action.

Under this act, no one shall knowingly destroy material that is subject to a subpoena with the intent to avoid compliance with such a subpoena. A violation is a Class C felony.

Forfeiture proceedings must be commenced within seven years of the activity making the property subject to forfeiture. However, any time during which the property or defendant is out of the state or in confinement is excluded.

Any controlled substances included in Chapter 195, RSMo, which are contraband and those whose owners are unknown are summarily forfeited to the state.

SUSAN HENDERSON MOORE

02/07/2006 S First Read (S191)

02/08/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S201)

EFFECTIVE: August 28, 2006

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\*\*\* SB 1025 \*\*\*

3445S.051

SENATE SPONSOR: Koster

SB 1025 - This act requires deputy sheriffs to receive annual compensation of not less than \$26,000. Any amount received above \$26,000 shall be determined by the sheriff.

The sheriff shall receive \$20 for service of any summons, writ, or other order for the court, in addition to the \$20 charge for service that he or she currently receives. The sheriff shall receive the additional money regardless of whether a private entity performs the service on behalf of the sheriff. The money will be collected by the county treasurer and made payable to the state treasurer.

This act creates the "Public Safety Enhancement Fund" and the state treasurer will deposit the moneys into this fund. The fund will be administered by the Department of Public Safety. Ten percent of the money in the fund shall be annually deposited into the Sheriffs' Retirement Fund. The balance of the fund shall be appropriated annually to counties on a per capita basis to be used only to compensate commissioned deputy sheriffs and provide funding for related costs resulting from the minimum compensation established for deputy sheriffs. Such money shall only be used to supplement the current amount of funding that the county provides, as of August 28, 2006, or a higher amount if the county commission chooses to provide such amount, to compensate deputy sheriffs. The county shall provide an equal amount of funding from the general revenue fund to compensate each additional deputy sheriff hired after August 28, 2006, as is received for each current deputy sheriff. If the funding is not provided, the sheriff shall not be permitted to her or use moneys from the fund to compensate any additional deputy sheriff. Less any administrative costs, the moneys deposited into the fund shall be used only for the purposes outlined. If any moneys remain in the fund after paying such compensation and costs, the department shall deposit and credit annually the remaining balance to the MoSMART fund. The money remaining in the fund shall not revert to the credit of the state general revenue fund.

SUSAN HENDERSON MOORE

02/07/2006 S First Read (S191)

02/08/2006 Second Read and Referred S Economic Development, Tourism &amp; Local Government Committee (S201)

03/08/2006 Hearing Scheduled S Economic Development, Tourism &amp; Local Government Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1026 \*\*\*

4767S.011

SENATE SPONSOR: Cauthorn

SCS/SB 1026 - Current law provides that the General Assembly shall encourage the development of any veterans' programs related to outreach and education about the historical significance of veteran service. This act removes provisions related to outreach, and also provides that the Lieutenant Governor, rather than the Veterans' Commission, shall administer the provisions of the act.

This act also provides that the Lieutenant Governor, rather than the Veterans' Commission, shall administer the Veterans' Historical Education Fund, which shall be used solely to fund veterans' education programs, as provided by this act.

ALEXA PEARSON

02/08/2006 S First Read (S195)

02/13/2006 Second Read and Referred S Financial &amp; Governmental Organizations and Elections Committee (S229)

02/27/2006 Hearing Conducted S Financial &amp; Governmental Organizations and Elections Committee - Consent

03/06/2006 SCS Voted Do Pass S Financial &amp; Governmental Organizations and Elections Committee - Consent (4767S.02C)

EFFECTIVE: August 28, 2006

\*\*\* SB 1027 \*\*\*

4721S.011

SENATE SPONSOR: Mayer

SB 1027 - This act allows common household goods common carriers to file applications to the State Highways and Transportation Commission for approval of rates to reflect increases and decreases in the carrier's costs. The filing of the applications shall be governed by similar rules that govern rate adjustments requested by electrical gas or water companies. The applications shall be made in such form as the commission determines.

STEPHEN WITTE

02/08/2006 S First Read (S195)

02/13/2006 Second Read and Referred S Transportation Committee (S229)

02/28/2006 Hearing Conducted S Transportation Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1028 \*\*\*

4760S.011

SENATE SPONSOR: Bartle

SB 1028 - This act adds substances to the list of controlled substances in Schedule IV and Schedule V.

This act makes it a crime to commit a fraudulent act to falsify or defraud a drug or alcohol test. Such crime is a class C felony.

Under this act, it is a crime to manufacture, possess, sell, distribute, or market a biological sample or to transport such a sample with the intent of using the sample to defraud a drug or alcohol test. This act also makes it a crime to manufacture, sell, distribute, or market substances that are intended to be used to adulterate a biological sample in order to defraud a drug or alcohol test. Such crimes are Class A misdemeanors.

SUSAN HENDERSON MOORE

02/08/2006 S First Read (S195)

02/13/2006 Second Read and Referred S Judiciary and Civil &amp; Criminal Jurisprudence Committee (S229)

EFFECTIVE: August 28, 2006



\*\*\* SB 1029 \*\*\*

3410S.021

SENATE SPONSOR: Coleman

SB 1029 - This act provides that a "combat veteran" shall include any person who served in armed combat after September 11, 2001, who was a Missouri resident when first entering the military, and who was discharged from military service under honorable conditions. The act provides that all institutions of higher education that receive any state funds shall limit the tuition charged to combat veterans to fifty dollars per credit hour.

The Coordinating Board for Higher Education shall ensure that the institutions comply with the provision of this act, and the board may promulgate any rules for the efficient implementation of the act.

ALEXA PEARSON

02/08/2006 S First Read (S195)

02/13/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S229)

02/28/2006 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1030 \*\*\*

5078S.011

SENATE SPONSOR: Bartle

This bill has been combined with SB 613

02/08/2006 S First Read (S195)

02/13/2006 Second Read and Referred S Judiciary and Civil &amp; Criminal Jurisprudence Committee (S229)

02/15/2006 Re-referred S Commerce, Energy and the Environment Committee (S250)

02/21/2006 Hearing Conducted S Commerce, Energy and the Environment Committee

02/28/2006 Bill Combined w/ SCS/SBs 613, 1030 &amp; 899

EFFECTIVE: August 28, 2006

\*\*\* SB 1031 \*\*\*

SCS SBs 1031 &amp; 846

5109S.02C

SENATE SPONSOR: Klindt

SCS/SBs 1031 & 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.

The provisions of SB 846 have been combined with this act.

MEGAN WORD

02/09/2006 S First Read (S207)

02/13/2006 Second Read and Referred S Commerce, Energy and the Environment Committee (S229)

02/21/2006 Hearing Conducted S Commerce, Energy and the Environment Committee

02/28/2006 SCS Voted Do Pass (SCS/SBs 1031 &amp; 846) S Commerce, Energy and the Environment Committee (5109S.02C)

03/02/2006 Reported from S Commerce, Energy and the Environment Committee to Floor w/SCS (S383)

03/07/2006 S Formal Calendar S Bills for Perfection w/SCS

EFFECTIVE: August 28, 2006

\*\*\* SB 1032 \*\*\*

5044S.011

SENATE SPONSOR: Cauthorn

SB 1032 - Under current law, physicians must exercise control over a physician assistant working in the same office facility of the supervising physician. The assistant may make follow-up patient examinations in hospitals, nursing homes and correctional facilities.

This act requires physician assistants to provide services where the supervising physician regularly practices medicine. The physician must oversee the activities of and accept responsibility for the medical services rendered by the assistant and shall at all times be available immediately for consultation, assistance,

or intervention in person or via telecommunications. The supervising physician must be personally present for supervision for fifty percent of clinic hours in any clinic location that uses assistants.

The supervising physician must be no further than thirty miles by road using the most direct route unless such distance creates an impediment to effective intervention and supervision of patient care. Physician assistants practicing in federally designated health shortage areas may only practice at locations where supervising physicians are no further than fifty miles by road using the most direct route.

All applicants for physician assistant licensure who complete their training after January 1, 2007, shall have a master's degree from a physician assistant program.

Physicians may only oversee three full-time equivalent licensed physician assistants. Physician assistants must practice for one month under supervision with the supervising physician continuously present before practicing in a setting where a supervising physician is not continuously present. The supervising physician must document the completion of this one-month period.

This act is similar to HCS/HB 503 (2005).

CHRIS HOGERTY

02/09/2006 S First Read (S207)

02/13/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S229)

03/06/2006 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1033 \*\*\*

3800L.011

SENATE SPONSOR: Kennedy

SB 1033 - Currently, retired St. Louis City police officers may be appointed as special advisors for the police retirement board and receive compensation of \$10 per month multiplied by the number of years the retired member is past the age of sixty years. This act increases the dollar amount to \$15 per month.

JIM ERTLE

02/09/2006 S First Read (S207)

02/13/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S229)

02/28/2006 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1034 \*\*\*

5111S.011

SENATE SPONSOR: Green

SB 1034 - This act modifies the definition of the practice of professional counseling and creates new definitions for "assessment", "consulting", "counseling treatment interventions", "diagnosis", "referral", and "research". The practice of professional counseling shall include certain types of individual, family and marriage counseling and psychotherapy, assessment, crisis intervention, diagnosis of persons with mental, emotional and behavioral disorders, consulting, research and referral.

This act is similar to SB 535 (2003), and identical to SB 403 (2005).

CHRIS HOGERTY

02/09/2006 S First Read (S207)

02/13/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S229)

03/06/2006 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1035 \*\*\*

4890S.011

SENATE SPONSOR: Mayer

SB 1035 - Currently, investment firms, law firms offering bond counsel services, or persons having interest in such firms are barred from being involved in the issuance of bonds authorized by an election in

which the firm or person made any contribution in support of the bond election.

This act requires investment firms offering municipal bond underwriting of financial advisory services, law firms offering bond counsel services, and a person with an interest in such a firm to limit contributions in campaigns in support of general obligation bond election to an in kind nature consisting of activities that do not involve any direct financial contributions.

CHRIS HOGERTY

02/09/2006 S First Read (S207)

02/13/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S229)

EFFECTIVE: August 28, 2006

\*\*\* SB 1036 \*\*\*

4478S.021

SENATE SPONSOR: Mayer

SB 1036 - This act modifies the definition of the term "Waters of this state" to include waterways. The modification of the definition attempts to make the watercraft laws generally applicable to all types of bodies of water within this state.

The act prohibits vessels from continuously displaying spotlights, docking lights, or other non-prescribed lights that hinder the night vision of other vessel operators.

The act modifies the personal flotation requirements. Under current law, every vessel, except class A vessels, must have a wearable flotation device on board (type I, II, or III) and one throwable flotation device (type IV). The current law also requires all class A motorboats and watercraft traveling on the waters of this state shall have at least one type I, II, III, or IV personal flotation device. The proposed act eliminates these provisions and instead requires every watercraft to have on board at least one wearable personal flotation device (type I, II, III, or V). Every watercraft shall also have at least one throwable flotation device (type IV) on board (does not apply to class A watercraft, kayaks, sailboards, racing shells, racing canoes and rowing sculls).

The act prohibits vessels from being operated at a speed in excess of slow-no wake speed (idle speed) within 100 feet of any emergency vessel displaying its emergency lights.

The act prohibits persons from operating a vessel in such a manner as to impede the normal flow of traffic on the waters of this state. Currently, this prohibition only applies to vessel operators on lakes.

STEPHEN WITTE

02/09/2006 S First Read (S208)

02/13/2006 Second Read and Referred S Transportation Committee (S229)

02/28/2006 Hearing Conducted S Transportation Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1037 \*\*\*

4950S.011

SENATE SPONSOR: Mayer

SB 1037 - The act extends the expiration date for the public drinking water primacy fees until September 1, 2012. Such fees are in place for the purpose of complying with federal drinking water requirements. The act increases these fees to accommodate new guidelines; the fee amounts are described in the act.

MEGAN WORD

02/09/2006 S First Read (S208)

02/13/2006 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S229)

02/22/2006 Hearing Conducted S Agriculture, Conservation, Parks & Natural Resources Committee

03/02/2006 Voted Do Pass S Agriculture, Conservation, Parks & Natural Resources Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1038 \*\*\*

4952S.021

SENATE SPONSOR: Mayer

SB 1038 - The act expands the ability currently available to the Department of Natural Resources to enter into cooperative agreements with particular organizations. The act allows for cooperation in order to provide enhancements to the department's facilities provided that the organization reimburse the department for any space and staff support provided and that any such agreement includes documentation submitted to the department that demonstrates the benefits of cooperation.

MEGAN WORD

02/09/2006 S First Read (S208)

02/13/2006 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S229)

02/22/2006 Hearing Conducted S Agriculture, Conservation, Parks & Natural Resources Committee

03/02/2006 Voted Do Pass S Agriculture, Conservation, Parks & Natural Resources Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1039 \*\*\*

5087S.011

SENATE SPONSOR: Bray

SB 1039 - This act eliminates the annual state of the state transportation address given by the Director of the Department of Transportation to the General Assembly.

STEPHEN WITTE

02/09/2006 S First Read (S208)

02/13/2006 Second Read and Referred S Transportation Committee (S229)

02/21/2006 Hearing Conducted S Transportation Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1040 \*\*\*

3205S.021

SENATE SPONSOR: Barnitz

SB 1040 - SECTION 67.1401 - COMMUNITY IMPROVEMENT DISTRICT ACT - This section states that the fact that a different use of a specific piece of property or properties would provide a higher level of tax revenue or economic liability or that the land is economically underutilized shall not be a valid factor in determining blight. Property which has a primary use as agricultural land as defined under section 442.566, RSMo, or is subject to a wildlife restoration or conservation program shall not be subject to a finding of blight.

SECTION 99.320 - MUNICIPAL HOUSING - This section states that the fact that a different use of a specific piece of property or properties would provide a higher level of tax revenue or economic liability or that the land is economically underutilized shall not be a valid factor in determining blight or that the area is an insanitary area. Property which has a primary use as agricultural land as defined under section 442.566, RSMo, or is subject to a wildlife restoration or conservation program shall not be subject to a finding of blight or that the area is an insanitary area.

SECTION 99.805 - TAX INCREMENT FINANCING - This section states that the fact that a different use of a specific piece of property or properties would provide a higher level of tax revenue or economic liability or that the land is economically underutilized shall not be a valid factor in determining blight or that the area is a conservation or economic development area. Property which has a primary use as agricultural land as defined under section 442.566, RSMo, or is subject to a wildlife restoration or conservation program shall not be subject to a finding of blight or that the area is a conservation or economic development area.

SECTION 100.310 - PLANNED INDUSTRIAL EXPANSION - This section states that the fact that a different use of a specific piece of property or properties would provide a higher level of tax revenue or economic liability or that the land is economically underutilized shall not be a valid factor in determining blight or that the area is an insanitary or undeveloped industrial area. Property which has a primary use as agricultural land as defined under section 442.566, RSMo, or is subject to a wildlife restoration or conservation program shall not be subject to a finding of blight or that the area is an insanitary or undeveloped industrial area.

SECTION 353.020 - URBAN REDEVELOPMENT CORPORATIONS - This section states that the fact that a different use of a specific piece of property or properties would provide a higher level of tax revenue or economic liability or that the land is economically underutilized shall not be a valid factor in determining blight. Property which has a primary use as agricultural land as defined under section 442.566, RSMo, or is subject

to a wildlife restoration or conservation program shall not be subject to a finding of blight.

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 10 years have passed since the time of the original authorized taking and the government offers the original owner, or his or her heirs or assigns, the right of first refusal to buy the property at the original condemnation price before proceeding with the 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:

- (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 public utility, rural electric cooperative, or municipally-owned utility;
- (4) the transfer of land to a private entity that will remove a blighted area; or
- (5) 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. Without such notification, a presumption exists that any transaction entered into between the parties was not voluntary and the condemning entity may be held responsible for any relief determined by the court.

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 condemning entity will pay reasonable appraisal costs.

Property owners may employ an appraiser of their choosing, who must be a Missouri certified general appraiser. In addition to following the uniform standards of professional appraisal practice, the appraiser must also 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 for the various factors considered.

Within 90 days of notice, the owners may submit an appraisal to the condemning entity, and in return the condemning entity must submit its own appraisal, which must meet the same standards as that of the property owner's appraisal. All the appraisals may be used to negotiate, but only the condemning entity is bound by such appraisals. The condemning entity 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 fair market value established by its appraisal, but is not required to make a higher offer in order to be negotiating in "good faith", unless a reasonable person would find that the condemning entity wholly disregarded the factors justifying an increase in appraised value (listed above). 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 Recorder of Deeds. This section provides the form in which such offer must be made.

If the parties fail to reach agreement and the action proceeds to before the commissioners, court, or a jury and the amount of damages awarded the property owner is 20% greater than the amount specified in the offer, the court shall order the condemning entity to pay the property owner's litigation costs, including court costs and attorneys' fees. If the amount of damages awarded to the property owner is 50% greater than the offer, the condemning entity will pay the litigation costs and double damages on that portion of damages awarded that exceeds 20% more than such offer.

JASON ZAMKUS

02/13/2006 S First Read (S227)

02/21/2006 Second Read and Referred S Economic Development, Tourism &amp; Local Government Committee (S278)

EFFECTIVE: August 28, 2006

\*\*\* SB 1041 \*\*\*

5118S.011

SENATE SPONSOR: Gibbons

SB 1041 - This act creates the crime of knowingly receiving, selling, or obtaining personal health information without the person's consent. There are exemptions for law enforcement officers performing their official duties. There are also exemptions for health care providers obtaining, using, disclosing, or permitting access to any personal health information record as otherwise authorized or required by state or federal law. "Personal health information" is defined as any identifiable information, in electronic or physical form, regarding the individual's health, medical history, medical treatment or diagnosis by a health care provider.

ADRIANE CROUSE

02/13/2006 S First Read (S227)

02/21/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S278)

02/28/2006 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1042 \*\*\*

4899S.011

SENATE SPONSOR: Kennedy

SB 1042 - This act prohibits increases in assessed value of homestead property that are greater than twenty percent during reassessment.

JASON ZAMKUS

02/13/2006 S First Read (S227)

02/21/2006 Second Read and Referred S Ways &amp; Means Committee (S278)

EFFECTIVE: August 28, 2006

\*\*\* SB 1043 \*\*\*

4471S.021

SENATE SPONSOR: Coleman

SB 1043 - Under the act, lenders may not encourage nonpayment of existing debts in connection with the closing of a home loan that refinances portions of the existing debt. Lenders may not affect appraiser's independent judgement with respect to the value of real estate covered by a home loan or is being offered as security in an application for a home loan. In addition, lenders may not leave any blanks in any loan document, to be filled in after the borrower signs the documents and if the discussion between the borrower and the lender is in a language other than English, the lender must provide a copy, free of charge, of all disclosures in the language in which the discussion was primarily conducted.

This act bars the lender from allowing advance collection of premiums for life or health insurance, or other fees in connection with a home loan. The lender may not knowingly refinance an existing home loan when the new loan does not have tangible benefit to the borrower. This act provides restrictions on charging late payment fees.

High-cost home loans shall not contain provisions allowing lenders to accelerate the loan upon their sole discretion. Amounts of compensation paid to a mortgage broker must be disclosed to the borrower no later than three days prior to closing.

The act places restrictions on high-cost home loans pertaining to prepayment penalties, interest increases after default, payments of contractors under the loan, inability to make payments, and mandatory arbitration. The act also includes disclosure requirements of and procedures for curing high-cost home loans.

Lenders who violate the provisions of this act are eligible for actual, statutory, and punitive damages along with injunctive, declaratory and other equitable relief.

CHRIS HOGERTY

02/13/2006 S First Read (S227)

02/21/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S278)

EFFECTIVE: August 28, 2006

\*\*\* SB 1044 \*\*\*

5146S.011

SENATE SPONSOR: Alter

SB 1044 - Under this act, a person commits the crime of failure to lower tinted windows if such person fails to fully lower any tinted window upon the approach of a law enforcement officer who has stopped the vehicle. Such crime is a Class C misdemeanor.

This act shall not prevent a municipality from enacting an ordinance that creates the violation of failure to lower tinted windows.

This act is identical to HB 1202 (2006).

SUSAN HENDERSON MOORE

02/13/2006 S First Read (S227)

02/21/2006 Second Read and Referred S Transportation Committee (S278)

02/28/2006 Hearing Conducted S Transportation Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1045 \*\*\*

5033S.021

SENATE SPONSOR: Goodman

SB 1045 - This act provides that the general ten-year statute of limitations for actions involving recovery of land shall not extend to any interest in land described in a recorded deed held by a public utility.

ALEXA PEARSON

02/13/2006 S First Read (S227)

02/21/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S278)

03/06/2006 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1046 \*\*\*

5120S.011

SENATE SPONSOR: Days

SB 1046 - This act creates the Emancipation Day Commission. The Commission shall establish a statewide historical monument designating the 19th of June as "Emancipation Day". The Commission shall work to educate the citizens of Missouri on the legacy and contributions made by African Americans to Missouri and the United States. Finally, the Commission shall establish a statewide "Juneteenth Heritage and Jazz Festival" to recognize the economic and cultural values associated with African Americans.

JIM ERTLE

02/13/2006 S First Read (S227)

02/21/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S278)

02/28/2006 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1047 \*\*\*

4884S.021

SENATE SPONSOR: Loudon

SB 1047 - Subject to appropriation, the Department of Public Safety shall create a program to distribute grants to multijurisdictional Internet cyber crime law enforcement task forces and law enforcement agencies. The grants shall be awarded and used to pay the salaries of newly hired detectives and computer forensic personnel working whose focus is investigating internet sex crimes against children and to provide funding for the training of such personnel. Such funding for a training program may be used to cover the travel expenses of those persons participating in such program.

A panel is hereby established in the department to award grants under this program and shall be

comprised of the following members:

- (1) The director of the Department of Public Safety, or his or her designee;
  - (2) An employee of the Department of Public Safety who shall appointed by the director;
  - (3) Two members shall be appointed by the director of the Department of Public Safety from a list of six nominees submitted by the Missouri Police Chiefs' Association;
  - (4) Two members shall be appointed by the director of the Department of Public Safety from a list of six nominees submitted by the Missouri Sheriffs' Association;
  - (5) One member of the House of Representatives who shall be appointed by the Speaker of the House;
- and
- (6) One member of the Senate who shall appointed by the President pro tem.

Certain non-state employee panel members shall serve four-year terms.

Local matching amounts are required for such task forces and law enforcement agencies to receive grants awarded by the panel. Such amounts shall be determined by the state appropriations process or by the panel. The panel may make recommendations to the General Assembly regarding the need for additional resources or appropriations.

The provisions of this act shall sunset 6 years after the effective date.

SUSAN HENDERSON MOORE

02/13/2006 S First Read (S227)

02/21/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S278)

02/27/2006 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1048 \*\*\*

5059S.011

SENATE SPONSOR: Shields

SB 1048 - This act allows a motor vehicle owner to receive a refund for the unused portion of a registration fee when the owner sells the motor vehicle and does not replace it with another. Under the current law, persons can receive credit for an unused portion of a registration fee if they cannot transfer their license plates to a newly acquired vehicle due to a change of vehicle category.

STEPHEN WITTE

02/13/2006 S First Read (S227)

02/21/2006 Second Read and Referred S Transportation Committee (S278)

02/28/2006 Hearing Conducted S Transportation Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1049 \*\*\*

4941S.011

SENATE SPONSOR: Shields

SB 1049 - This act establishes the Disabled Employee's Health Assistance Program (DEHAP), which is authorized by the federal Ticket to Work and Work Incentives Improvement Act.

This act allows Medicaid eligibility for an employed person who meets the definition of disabled, satisfies asset limits, and who has an annual income of up to 250 percent of the federal poverty level.

The asset limit for the new program is the same as that for the Medical Assistance – Permanently and Totally Disabled (MA-PTD) program, currently \$999.99 for a single person and \$2,000 for a couple with the standard exemptions. The individual must have a gross income of 250 percent or less of the federal poverty level. Individuals with gross income in excess of one hundred percent of the federal poverty level shall pay a specified monthly premium for participation. For income to qualify as earned income for the purposes of this program, the individual must demonstrate that Social Security and Medicare taxes are paid on the earnings.

If an individual's employer offers health insurance that is more cost effective, the individual shall participate in the employer-sponsored insurance. The Department of Social Services, however, will be responsible for costs associated with the employer insurance.

Any person who applies for or receives medical assistance under this section who knowingly provides false documentation required for eligibility shall be subject to all remedies and sanctions permitted under



federal and state law and shall be permanently barred from participation in any state-funded medical assistance program.

This act provides for the program to automatically sunset in six years unless reauthorized by the General Assembly.

This act has an emergency clause to be in full force and effect on July 1, 2006.

ADRIANE CROUSE

02/13/2006 S First Read (S227)

02/21/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S278)

02/28/2006 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee

EFFECTIVE: July 1, 2006

\*\*\* SB 1050 \*\*\*

3349S.011

SENATE SPONSOR: Bartle

SB 1050 - Current law provides that in forcible entry and detainer actions, and actions involving rent and possession, applications for a trial de novo or appeal shall not stay execution for restitution unless the defendant gives a bond to secure the damages obtained in the judgment. This act provides that the bond must be a cash bond, which may be remitted to the court in the form of cash, a money order, or certified check.

This act is identical to SB 537 (2005).

ALEXA PEARSON

02/14/2006 S First Read (S239)

02/21/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S278)

EFFECTIVE: August 28, 2006

\*\*\* SB 1051 \*\*\*

3350S.011

SENATE SPONSOR: Bartle

SB 1051 - This act provides that, in forcible entry or detainer actions, or actions involving rent and possession, the court date shall be set for a date no more than ten business days after the issuance of the summons, whereas current law provides for twenty-one business days. This act provides that the summons in such actions shall be served two days before the court date, whereas current law provides for four days.

The act also provides that if the summons cannot be served, the plaintiff may request the judge to make an order directing that notices informing the defendant of the proceedings be set up for five business days on the premises in question and in one public place where the defendant was deemed to dwell, and that a copy of the summons will be delivered to the defendant's last known mailing address. Current law requires the posting of notice and mailing of summons at least ten days prior to the court date.

The act also provides that a party may request a writ of possession or writ of restitution at any time prior to the entry of judgment, but the writ cannot be executed until after the judgment becomes final.

This act is identical to SB 538 (2005).

ALEXA PEARSON

02/14/2006 S First Read (S239)

02/21/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S278)

EFFECTIVE: August 28, 2006

\*\*\* SB 1052 \*\*\*

5060S.021

SENATE SPONSOR: Nodler

SB 1052 - The act creates a time limit for claims made for damages to underground facilities in the event that such damage was incurred during excavation. The act asserts that such a claim shall be made within ninety days of the facility repairs being completed and no longer than one hundred twenty days after the excavator notifies the owner of the underground facility that damage has occurred. The act does not extend

the time limit to excavators who cause damage but do not provide notice of that damage, those who conceal damage, or those who make unauthorized repairs to the underground facility.

The act directs any excavator who has been presented with a claim to pay within one hundred twenty days after the claim has been received. If such claim is disputed, the excavator shall put in writing reasons for the dispute and deliver it to the underground facility owner within one hundred twenty days after the claim has been received.

MEGAN WORD

02/15/2006 S First Read (S246)

02/21/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S278)

EFFECTIVE: August 28, 2006

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\*\*\* SB 1053 \*\*\*

5157S.011

SENATE SPONSOR: Days

SB 1053 - This act provides that the Department of Social Services shall, in conjunction with the Department of Insurance, coordinate a long-term care insurance program whereby private insurance and Medicaid funds shall be used to finance long-term care.

Under such a program, an individual may purchase a precertified long-term care insurance policy that meets certain criteria in an amount commensurate with such individual's assets. The resources of such individual, to the extent such resources are equal to the amount of long-term care insurance benefit payments, shall not be considered by the Department of Social Services in a determination of:

- eligibility for Medicaid for those entering long-term care facilities;
- the amount of any Medicaid payment, or
- any subsequent recovery by the state of a payment for medical services.

The Department of Social Services shall count insurance benefit payments toward resource exclusion to the extent such payments are:

- for services Medicaid approves or covers for its recipients;
- for the lesser of the actual charge and the amount paid by the insurance company;
- for nursing facility care or formal services; and
- for services received prior to and following the first month of Medicaid eligibility for long-term care services as established by the Department of Social Services.

The director of the Department of Insurance, in conjunction with the director of the Department of Social Services, shall submit a report on the progress of the long-term care insurance program to the legislature on September 1, 2007, and on January 1 each year thereafter.

This act repeals Sections 660.546 to 660.557, RSMo, relating to a similar long-term care partnership program but that was never approved by federal law.

This act has a six-year sunset provision.

ADRIANE CROUSE

02/15/2006 S First Read (S246)

02/21/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S278)

EFFECTIVE: August 28, 2006

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\*\*\* SB 1054 \*\*\*

4433S.011

SENATE SPONSOR: Cauthorn

SB 1054 - This act requires every motor vehicle owner who replaces the license plates on his or her motor vehicle to deposit the old, outdated, or expired license plates with the Department of Revenue or its agents. This will begin January 1, 2007.

The act requires the Department of Revenue to create a program that promotes recycling used or outdated license plates for the metal content. The director shall enter into contractual agreements with nonprofit organizations for the collection, disposal, and recycling of used, expired, or outdated license plates. Such nonprofit organizations shall be those whose primary mission is to prevent head injuries by promoting bicycle safety. The act allows the director to promulgate rules to carry out the purposes of the act.

STEPHEN WITTE

02/15/2006 S First Read (S246)

02/21/2006 Second Read and Referred S Transportation Committee (S278)

EFFECTIVE: August 28, 2006

\*\*\* SB 1055 \*\*\*

4970S.011

SENATE SPONSOR: Cauthorn

SB 1055 - Under current law, the statutory section outlining overtime for state employees is applicable to overtime earned under the Fair Labor Standards Act. This act specifies that Missouri law regarding overtime for state workers is applicable to overtime, including holiday and compensatory leave time, earned under state and federal laws.

The act also provides that nonexempt employees of the Missouri highway patrol are subject to the overtime provisions for state employees.

CHRIS HOGERTY

02/15/2006 S First Read (S246)

02/21/2006 Second Read and Referred S Governmental Accountability &amp; Fiscal Oversight Committee (S278)

03/06/2006 Hearing Conducted S Governmental Accountability &amp; Fiscal Oversight Committee - Consent

EFFECTIVE: August 28, 2006

\*\*\* SB 1056 \*\*\*

5170S.011

SENATE SPONSOR: Griesheimer

SB 1056 - This act modifies the sales tax provision for community improvement districts. Under the current law, a community improvement district may, by resolution, impose a sales tax at a rate of 1/8, 1/4, 3/8, 1/2 of one percent. The act allows the sales tax to be imposed in increments of one-eighth of one percent, up to a maximum of one percent.

STEPHEN WITTE

02/15/2006 S First Read (S246)

02/21/2006 Second Read and Referred S Economic Development, Tourism &amp; Local Government Committee (S278)

03/01/2006 Hearing Conducted S Economic Development, Tourism &amp; Local Government Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1057 \*\*\*

4922L.011

SENATE SPONSOR: Loudon

SB 1057 - This act includes physical therapists in the definition of health practitioner for the purposes of liens due to patients whose sickness or injury has been caused by a tortfeasor.

CHRIS HOGERTY

02/15/2006 S First Read (S246)

02/21/2006 Second Read and Referred S Small Business, Insurance &amp; Industrial Relations Committee (S278)

03/08/2006 Hearing Scheduled S Small Business, Insurance &amp; Industrial Relations Committee - Consent

EFFECTIVE: August 28, 2006

\*\*\* SB 1058 \*\*\*

4844S.021

SENATE SPONSOR: Loudon

SB 1058 - This act would prohibit a person from selling or offering for sale a vehicle protection product in Missouri unless the seller, warrantor, and any administrator comply with the provisions of the proposed act. A vehicle protection product warrantor, a seller of a vehicle protection product, or a warranty administrator that complies with the act shall not be subject to any other provisions of the state insurance code.

The proposed act would apply to all warranted products sold or offered for sale on or after January 1, 2007. The failure of any person to comply with the Act before its effective date would not be admissible in

any court proceeding, administrative proceeding, arbitration, or alternative dispute resolution proceeding and may not be used to prove that the action of any person or the vehicle protection product was unlawful or otherwise improper.

**REGISTRATION AND FILING REQUIREMENTS OF WARRANTORS** - A person could not act as a warrantor or represent to the public that the person is a warrantor without registering with the Department of Insurance. A warrantor shall file warrantor registration records annually and update them within 30 days of any change. The act delineates what types of information that the registration records must contain. The department shall make information regarding the warrantor's name and the name and address of its designated agent for service of process available to the public.

The department may charge each registrant a reasonable fee to offset the cost of processing a registration and maintaining the records. The fee shall not exceed \$250 per year. If a registrant failed to register by the renewal deadline established by the department, the department shall give the registrant written notice of the failure and the registrant will have 30 days to complete the renewal before being suspended from acting as a warrantor in Missouri.

**FINANCIAL RESPONSIBILITY** - No vehicle protection product may be sold or offered for sale in Missouri unless the vehicle protection product warrantor acquires insurance under a warranty reimbursement insurance policy or maintains a net worth or stockholder's equity of \$50,000,000.

**WARRANTY REIMBURSEMENT POLICY REQUIREMENTS** - Under this act, the warranty reimbursement policy must provide that the insurer would reimburse or pay on behalf of the warrantor all covered sums that the warrantor was legally obligated to pay or would provide all services the warrantor was legally obligated to perform according to the warrantor's contractual obligations under its vehicle protection product warranty. The policy must provide that, if payment due under the warranty were not provided by the warrantor within 60 days after the warranty holder filed proof of loss according to the terms of the warranty, the warranty holder may file proof of loss directly with the warranty reimbursement insurance company for reimbursement. The policy must provide that the premium for the policy would be considered paid if the warranty holder paid for the warranted product and the insurer's liability under the policy shall not be reduced or relieved by a failure of the warrantor, for any reason, to report the issuance of a warranty to the insurer. The act also delineates certain requirements regarding cancellation of the policy.

**DISCLOSURE TO WARRANTY HOLDER** - A person could not sell or offer for sale in Missouri a warranted product unless the warranty on the warranty is written in clear, understandable language and was printed or typed in easy-to-read type, size, and style. The warranty shall state that the obligations of the warrantor to the warranty holder are guaranteed under a warranty reimbursement insurance policy or are backed by the warrantor's net assets. The warranty must state that, if a warranty holder must make a claim against a party other than the warranty reimbursement insurance policy issuer, the warranty holder is entitled to make a direct claim against the insurer upon the failure of the warrantor to pay any claim or meet any obligation under the terms of the warranty within 60 days after proof of loss was filed with the warrantor. The act delineates other provisions that the warranty must contain.

**WARRANTY CANCELLATION** - The act prohibits a person from selling or offering for sale a vehicle protection product warranty unless it clearly states the terms and conditions governing the cancellation of the sale and warranty. A warrantor may cancel a warranty only if the warranty holder did any of the following:

- (1) Fails to pay for the warranted product;
- (2) Makes a material misrepresentation to the seller or warrantor;
- (3) Commits fraud; or
- (4) Substantially breaches the warranty holder's duties under the warranty.

A warrantor canceling a warranty shall mail written notice of cancellation to the warranty holder at his or her last known address in the warrantor's records at least 30 days before the effective date of a cancellation. The notice shall state the effective date of the cancellation and the reason for it.

**PROHIBITED ACTS** - Unless licensed as an insurance company, a vehicle protection product warrantor could not use in its name, contracts, or literature the word "insurance", "casualty", "surety", or "mutual" or any other words descriptive of the insurance, casualty, or surety business. A warrantor also may not use any name or words in its name that were deceptively similar to the name or description of any insurer or surety or any other vehicle protection product warrantor. A vehicle protection product seller or warrantor may not

require as a condition of sale or financing that a retail purchaser of a motor vehicle purchase a vehicle protection product that was not installed on the vehicle at the time of sale.

RECORD KEEPING - A vehicle protection product warrantor must keep accurate accounts, books, and records concerning transactions regulated under the proposed Act. The act delineates what the records must include. A warrantor shall retain all required accounts, books, and records pertaining to each warranty holder for at least two years after the specified period of coverage had expired. A warrantor discontinuing business must maintain its records until it furnished the department satisfactory proof that it had discharged all obligations to warranty holders in Missouri.

A warrantor would have to make its accounts, books, and records available to department for the purpose of examination.

SANCTIONS/ADMINISTRATIVE PENALTIES - Under the act, the Department may conduct examinations of warrantors, administrators, or other people to enforce the proposed act and protect warranty holders in Missouri. The department may take any action that is necessary or appropriate to enforce the act and rules and orders to protect warranty holders in Missouri. If a warrantor engaged in a pattern or practice of conduct that violated the act and the department reasonably believes threatens to render the warrantor insolvent or cause irreparable loss or injury to the property or business of any person or company, the department may issue an order directed to the warrantor to cease and desist from engaging in further acts, practices, or transactions that were causing the conduct. The department may issue an order prohibiting the warrantor from selling or offering for sale warranted products in violation of the act. The department may issue an order imposing a civil fine on the warrantor.

Unless the department reasonably believes that the warrantor is, about to become insolvent, the department shall provide written notice of the order to the warrantor and the opportunity for a hearing before the order's effective date. The department shall hold the hearing within 10 business days after delivery of the notice. The department may bring an action in any court of competent jurisdiction for an injunction or other appropriate relief to enjoin threatened or existing violations of the proposed act. The Department also could seek restitution on behalf of people aggrieved by a violation of the act.

A person found to have violated the Act or DLEG orders or rules could be ordered to pay to the Department a civil fine in an amount determined by the Department. The fine could not be more than \$500 per violation and could not exceed \$10,000 in the aggregate for all violations of a similar nature.

RULEMAKING POWER - The act authorizes the department to promulgate rules that are necessary to implement and administer the proposed act. The rules must include disclosure requirements for the benefit of warranty holders, record-keeping requirements, and procedures for public complaints.

The act contains a severability clause and has an effective date of January 1, 2007.

STEPHEN WITTE

02/15/2006 S First Read (S246)

02/21/2006 Second Read and Referred S Transportation Committee (S278)

02/28/2006 Hearing Conducted S Transportation Committee - Consent

EFFECTIVE: January 1, 2007

\*\*\* SB 1059 \*\*\*

4925S.011

SENATE SPONSOR: Kennedy

SB 1059 - This act designates a portion of I-55 in St. Louis County as the "Officer Thomas G. Smith Jr. Memorial Highway."

The act is identical to HB 1488 (2006).

STEPHEN WITTE

02/15/2006 S First Read (S246)

02/21/2006 Second Read and Referred S Transportation Committee (S278)

02/28/2006 Hearing Conducted S Transportation Committee - Consent

EFFECTIVE: August 28, 2006

\*\*\* SB 1060 \*\*\*

5035S.011

SENATE SPONSOR: Kennedy

SB 1060 - This act provides that the tax contribution designation for the Missouri military family relief fund shall be clearly and unambiguously printed on each income tax return form provided by this state.

ALEXA PEARSON

02/15/2006 S First Read (S246)

02/21/2006 Second Read and Referred S Ways & Means Committee (S278)

03/09/2006 Hearing Scheduled S Ways & Means Committee - Consent

EFFECTIVE: August 28, 2006

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\*\*\* SB 1061 \*\*\*

4253S.011

SENATE SPONSOR: Mayer

SB 1061 - This act establishes the Faith-Based Organization Liaison Act. This act provides that the director of the Department of Social Services shall designate regional department employees to serve as liaisons to faith-based organizations in their regions. The liaison's primary function will be to communicate with and promote faith-based organizations as a means of providing private community services to benefit persons in need of assistance who would otherwise require financial or other assistance under public programs administered by the department.

ADRIANE CROUSE

02/15/2006 S First Read (S247)

02/21/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S278)

02/28/2006 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee

EFFECTIVE: August 28, 2006

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\*\*\* SB 1062 \*\*\*

4746S.011

SENATE SPONSOR: Scott

SB 1062 - This act provides that in any criminal proceeding involving an offense against the person, a sexual offense, or an offense against the family, upon the motion of the prosecuting attorney, the court may order that an in-camera videotaped deposition of the testimony of a mentally retarded person be admissible for use as substantive evidence at preliminary hearings and at trial.

The court may order that such videotaped testimony be admissible in lieu of the person's personal appearance and testimony at hearing or trial, if a mental health or social work professional certifies that the person is mentally retarded, if the person is an alleged victim or an essential witness to the proceeding, and if the court finds, at a hearing, that a likelihood exists that the mentally retarded person would suffer significant emotional or psychological trauma as the result of testifying in the presence of the defendant. The court may also make such an order if it finds that the person could not reasonably communicate to the trier of fact in the presence of the defendant due to emotional trauma.

The prosecuting attorney must inform the defendant and the defendant's attorney at least ten days prior to the taking of a videotaped deposition of the prosecuting attorney's intention to have the person provide testimony by videotape. The court shall preside over the deposition proceedings.

The court may also exclude the defendant from the videotaped deposition proceedings, upon a finding that the person may suffer trauma, as provided for in this act. If the court excludes the defendant from the deposition proceedings, and the excluded defendant does not have counsel and it appears that defendant will be unable to obtain counsel within a reasonable period of time, the court shall appoint the public defender or other counsel to represent the defendant in the deposition proceedings.

The attorney for the defendant shall have at least two opportunities to cross-examine a mentally retarded person who is to provide testimony by videotape, once prior to a preliminary hearing, and once prior to the trial.

ALEXA PEARSON

02/15/2006 S First Read (S247)

02/21/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S278)

EFFECTIVE: August 28, 2006

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\*\*\* SB 1063 \*\*\*

5062S.011

SENATE SPONSOR: Scott

SB 1063 - This act authorizes each area agency on aging to establish a program that provides for volunteers to provide transportation services for elderly persons to health care facilities for scheduled appointments or for other health care-related purposes. Volunteers shall utilize their own vehicles and shall be reimbursed by the agency for miles driven in providing such transportation services. The agency may encourage passengers to reimburse the agency for all or part of the cost of providing such services. Subject to appropriations, each area agency may request funding of up to \$1,000 annually from the department of health and senior services to assist with the costs of administering this program.

The provisions of this act shall sunset in six years.

JIM ERTLE

02/15/2006 S First Read (S247)

02/21/2006 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S278)

EFFECTIVE: August 28, 2006

\*\*\* SB 1064 \*\*\*

5187S.021

SENATE SPONSOR: Stouffer

SB 1064 - This act modifies various provisions relating to outdoor advertising.

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 provision is similar to SB 745 (2006), SB 29 (2005) and SB 1182 (2004).

Under this act, the Highways and Transportation Commission is authorized to void billboard permits without paying compensation under the following conditions:

- (1) When there has been any misrepresentation of a material fact by the applicant on a permit application and the sign is removed under law;
- (2) When the commission determines that a change has been made to a conforming sign by the sign owner and the sign has been removed under law; or
- (3) When the commission determines that a substantial change has been made to a nonconforming sign by the sign owner such that the sign's nonconforming status was terminated and the sign was removed under the commission's administrative rules for maintenance of nonconforming signs.

The commission may also void any permit when the commission determines that such permit has been erroneously issued by Department of Transportation staff in violation of any state law or administrative rule. The billboard shall be subject to removal and compensation shall be paid pursuant to law.

STEPHEN WITTE

02/16/2006 S First Read (S254)

02/21/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S278)

03/01/2006 Hearing Conducted S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1065 \*\*\*

5209S.011

SENATE SPONSOR: Vogel

SB 1065 - This act provides that if a member of MOSERS is within two years of attaining retirement eligibility based on the attainment of at least forty-eight years of age with a total of years of age and years of service which is at least eighty, the member shall be entitled to purchase creditable or credited service for the remaining two years. The cost of such purchase will be ten percent of the member's salary at the time of purchase per year purchased. The provisions of this act are applicable to MOSERS' old plan and the year 2000 plan.

ALEXA PEARSON

02/16/2006 S First Read (S254)

02/21/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S278)

EFFECTIVE: August 28, 2006

\*\*\* SB 1066 \*\*\*

4840S.031

SENATE SPONSOR: Klindt

SB 1066 - The act provides telecommunication companies subject to price cap regulation the opportunity to request a waiver from the Public Service Commission of the requirement that tariffs be filed to reduce rates for any service in which the current rate exceeds the maximum allowable price. The request may be made in the event that the CPI for the preceding twelve months is negative and all revenues attributable to such a waiver shall be used for the purposes approved by the commission to benefit local ratepayers. Any request for a waiver must first be approved by the commission, for good cause shown, before taking effect.

MEGAN WORD

02/16/2006 S First Read (S254)

02/21/2006 Second Read and Referred S Commerce, Energy and the Environment Committee (S278)

02/28/2006 Hearing Conducted S Commerce, Energy and the Environment Committee

03/07/2006 Voted Do Pass S Commerce, Energy and the Environment Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1067 \*\*\*

4852S.011

SENATE SPONSOR: Bartle

SB 1067 - This act creates the "Office of Enterprise Technology", which shall be within the Office of Administration. The Governor shall appoint a state chief information officer, with the advice and consent of the senate, who shall oversee the office.

The office is charged with furthering the development of information and communications technology. The office will work with state agencies to develop information technology and manage resources so that new information technology systems are used efficiently and cost-effectively. Further, the office shall ensure the security of the state's information and technology systems and services.

The chief information officer shall coordinate the state's information and telecommunications technology systems and services to serve the needs of state government. The officer shall design a master plan for such systems and services for the state and its political subdivisions and report on the plan to the general assembly and the governor each year. A state agency may not undertake an information and telecommunications technology project until it has been evaluated by the chief information officer. If a project is not approved, the Commissioner of the Office of Administration shall cancel its appropriation.

The chief information officer is required to establish, and update as necessary, methods for developing information and communications systems appropriate to the specific needs of individual state agencies. In consultation with the attorney general and appropriate agency heads, the officer shall develop cyber security policies and install security systems on the state's computer facilities consistent with these policies.

A state agency that implements electronic government services for fees must use a single entry site created by the chief information officer. Finally, the officer shall develop a system under which state business can be conducted through electronic communication with the appropriate state agencies.

JIM ERTLE

02/16/2006 S First Read (S254)

02/21/2006 Second Read and Referred S Financial &amp; Governmental Organizations and Elections Committee (S278)

02/27/2006 Hearing Cancelled S Financial &amp; Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1068 \*\*\*

4654S.011

SENATE SPONSOR: Purgason

SB 1068 - This act makes it lawful for retailers to offer to pay sales tax on behalf of customers, provided



such assumed or absorbed tax is stated separately on the invoice or receipt. Failure to separately state the assumed or absorbed sales tax is a misdemeanor.

JASON ZAMKUS

02/16/2006 S First Read (S254)

02/21/2006 Second Read and Referred S Ways & Means Committee (S278)

03/09/2006 Hearing Scheduled S Ways & Means Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1069 \*\*\*

4562L.011

SENATE SPONSOR: Engler

SB 1069 - This act authorizes certain state and local public entities and political corporations of the state to enter into agreements with other parties that provide for the fixing of the costs of certain commodities, such as the cost of purchasing fuel, electricity and natural gas. If such public entity or political corporation has bonds or other obligations that are outstanding or to be issued, the public entity or political corporation may enter into agreements providing for payments based on levels of, or changes in, interest rates. Such agreements may contain payment, security, default, remedy and other terms as determined by the public entity or political corporation after giving consideration to the creditworthiness of the other party.

JIM ERTLE

02/16/2006 S First Read (S254)

02/21/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S278)

02/27/2006 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1070 \*\*\*

5228S.011

SENATE SPONSOR: Bray

SB 1070 - The act prohibits any commissioner or commission employee of the Public Service Commission responsible for regulating or making recommendations on the regulation of public utilities, from working for a public utility for a period of no less than two years after completing their employment with the commission.

MEGAN WORD

02/16/2006 S First Read (S254)

02/21/2006 Second Read and Referred S Commerce, Energy and the Environment Committee (S278)

EFFECTIVE: August 28, 2006

\*\*\* SB 1071 \*\*\*

4904S.021

SENATE SPONSOR: Loudon

SB 1071 - This act creates the Interstate Insurance Product Regulation Compact. The act provides for the promotion and protection of the interests of consumers of individual and group annuity, life insurance, disability income, and long-term care insurance products. The act creates the Interstate Insurance Product Regulation Commission to develop uniform standards for insurance products covered under the Compact, to establish a central clearing house to receive and provide prompt review of insurance products covered under the Compact, to provide appropriate regulatory approval, and to improve coordination of regulatory resources and expertise between state insurance departments. The Interstate Product Regulation Compact establishes a mechanism for developing uniform national product standards for life insurance, annuities, disability income insurance, and long-term care insurance products. It also creates a single point to file products for regulatory review and, if necessary, approval. In the event of approval, an insurer would be able to sell its products in multiple states without separate filings in each state.

The act provides the statutory framework for states to enter into an interstate insurance product regulation compact. The Compact would establish a single point of filing for certain insurance products and rate filings which would be subject to uniform national standards. Those states that are members of the Compact would develop the uniform standards that apply to products filed with the Commission. Product standards would be developed through a rulemaking process which would require the approval of two-thirds of the commission management committee and two-thirds of the commission members. Unless a state

opts-out, approval of a product by the Compact would be the same as approval by a member state. The act would, however, allow companies the option to continue to file products in the individual states through the existing form filing processes. The act also provides that individual states will continue to regulate market activities and allow for coordination among states and the Commission to determine instances of violations of uniform standards subject to the final order of the Commission. If a state disagrees with a product standard developed by the Commission, it may opt-out of the uniform standard either by regulation or legislation. For long-term care insurance, states may opt-out at the time of joining the Compact. In order to opt-out by regulation, a state must show that the uniform standard does not provide reasonable protections to the citizens of the state and that the needs of the state outweigh the Legislature's intent to participate in and receive the benefits of the Compact. The Compact would become effective when two states enact compact legislation. The Commission becomes operational if twenty-six states or states representing forty percent of the premium for life, annuities, disability income insurance and long-term care join the Compact. Operations of the Commission would be financed initially through contributions and other sources of funding and over time through the filing fees paid by insurers. All states joining the Compact would be involved in setting up and overseeing the activities of the Compact, including developing product standards and the rules and operating procedures of the Commission. The Commission would make an annual report to the legislature and governor of each state joining the Compact. In addition to opting out of particular product standards, each state has the right to withdraw from the Compact, by enacting a statute repealing this act.

STEPHEN WITTE

02/16/2006 S First Read (S254)

02/21/2006 Second Read and Referred S Small Business, Insurance &amp; Industrial Relations Committee (S278)

EFFECTIVE: August 28, 2006

\*\*\* SB 1072 \*\*\*

4483S.011

SENATE SPONSOR: Loudon

SB 1072 - This act repeals the abandoned manufactured home statutes (Sections 700.525 to 700.541, RSMo).

STEPHEN WITTE

02/16/2006 S First Read (S254)

02/21/2006 Second Read and Referred S Economic Development, Tourism &amp; Local Government Committee (S278)

03/08/2006 Hearing Scheduled S Economic Development, Tourism &amp; Local Government Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1073 \*\*\*

5240S.011

SENATE SPONSOR: Gross

SB 1073 - This act extends the sunset clause on Motorist Insurance Identification Database Program from June 30, 2007, to June 30, 2012.

STEPHEN WITTE

02/20/2006 S First Read (S266)

02/21/2006 Second Read and Referred S Transportation Committee (S278)

02/28/2006 Hearing Scheduled But Not Heard S Transportation Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1074 \*\*\*

5264S.011

SENATE SPONSOR: Loudon

SB 1074 - Under current law, employers must post notice in their place of employment stating that employees must report occupational illnesses or disease within 30 days of the time he or she is reasonably aware of the injury or illness. This act changes the requirement to state that the report must occur within 30 days after the diagnosis of the condition.

The act also deletes references to "legal advisors" for the purposes of approval of entering settlements.

The act no longer requires offers of settlement to be made in writing and filed with the division by the

employer. Under current law, when an offer for settlement is not accepted and additional proceedings are necessary, the employee is entitled to 100% of the amount initially offered. This act removes this requirement.

The act removes the definition for "amount in dispute" and requires that an offer of payment of any benefits in addition to an offer of settlement shall not be construed as an admission of liability.

Associative administrative law judges and legal advisors are relieved of their authority to construe workers' compensation provisions and weighing evidence to resolve factual conflicts.

CHRIS HOGERTY

02/20/2006 S First Read (S266)

02/21/2006 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S278)

03/01/2006 Hearing Conducted S Small Business, Insurance & Industrial Relations Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1075 \*\*\*

4903S.011

SENATE SPONSOR: Loudon

SB 1075 - Under current law, the administrative surcharge for workers' compensation deductible plan policyholders is paid in four quarterly installments and a fifth reconciling installment.

This act requires insurers to pay surcharge amounts quarterly and no later than the thirtieth day of the month following the end of the quarter in which the amount is received from policyholders. The surcharge will be deemed paid if they are postmarked or received by the thirtieth day of the month following the end of the quarter in which the amount is owed.

If the director of the Division of Workers' Compensation fails to calculate the surcharge by the thirty-first day of October, any increase in the surcharge subsequently set by the director shall not be effective for any calendar quarter beginning less than sixty days from the date the director determines that an increase shall be made.

CHRIS HOGERTY

02/20/2006 S First Read (S266)

02/21/2006 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S278)

03/01/2006 Hearing Conducted S Small Business, Insurance & Industrial Relations Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1076 \*\*\*

5267S.011

SENATE SPONSOR: Goodman

SB 1076 - This act provides that no licensed health care professional shall charge, bill, or solicit payment for anatomic pathology services, unless the services are rendered personally by the health care professional or under the health care professional's direct supervision. No patient, insurer, third-party payor, hospital, public health clinic, or nonprofit health clinic shall be required to reimburse any licensed health care professional for charges or claims submitted in violation of this act. Nothing in this act will prohibit the billing of a referring laboratory for services when samples must be sent to another specialist. The licenses of health care professionals violating the provisions of this act may be subject to disciplinary action.

This act is similar to HB 1627 (2006).

ADRIANE CROUSE

02/20/2006 S First Read (S266)

02/21/2006 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S278)

03/08/2006 Hearing Scheduled S Aging, Families, Mental & Public Health Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1077 \*\*\*

5155S.011

SENATE SPONSOR: Bray

SB 1077 - Under current law, a person who is convicted of signing any name other than their own on an initiative or referendum petition is guilty of a Class A misdemeanor punishable by imprisonment not to exceed one year or up to a \$10,000 fine, or both.

Under this act, a person who commits such an act is guilty of a felony punishable by imprisonment up to five years or a \$2,500 fine, or both.

CHRIS HOGERTY

02/20/2006 S First Read (S266)

02/21/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S278)

03/06/2006 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1078 \*\*\*

5217S.011

SENATE SPONSOR: Bray

SB 1078 - This act removes the requirement that a complaint made to the Public Service Commission pertaining to excessive utility rates must be made with the signatures of local government officials or twenty-five customers. The act directs any utility that has a complaint filed against them to file a bond conditioned upon a refund for any rates or charges determined to be excessive by the commission. The calculation for such a refund is described in the act. The act directs the commission to decide any such complaint within eleven months of the complaint filing.

MEGAN WORD

02/20/2006 S First Read (S266)

02/21/2006 Second Read and Referred S Commerce, Energy and the Environment Committee (S278)

EFFECTIVE: August 28, 2006

\*\*\* SB 1079 \*\*\*

5210S.011

SENATE SPONSOR: Coleman

SB 1079 - This act enhances the penalties for those who fail to stop for school buses that are loading or unloading children. Under the act, any person who fails to properly yield or stop for a school bus and it results in the injury of any child shall be guilty of a Class D felony. Any person who fails to properly yield for a school bus where such violation causes the death of any child shall be guilty of a Class C felony.

STEPHEN WITTE

02/20/2006 S First Read (S266-267)

02/21/2006 Second Read and Referred S Transportation Committee (S279)

EFFECTIVE: August 28, 2006

\*\*\* SB 1080 \*\*\*

4550S.011

SENATE SPONSOR: Coleman

SB 1080 - This act authorizes the Governor to convey the Midtown State Office Building to St. Louis University.

This act contains an emergency clause.

SUSAN HENDERSON MOORE

02/20/2006 S First Read (S267)

02/21/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S279)

03/01/2006 Hearing Conducted S Economic Development, Tourism & Local Government Committee

EFFECTIVE: Emergency clause

\*\*\* SB 1081 \*\*\*

5171S.011

SENATE SPONSOR: Clemens

SB 1081 - This act authorizes the Department of Natural Resources to require a bond as a condition of issuing permits for facilities that utilize innovative technologies for wastewater treatment.

MEGAN WORD

02/20/2006 S First Read (S267)

02/21/2006 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S279)

03/09/2006 Hearing Scheduled S Agriculture, Conservation, Parks & Natural Resources Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1082 \*\*\*

5158S.011

SENATE SPONSOR: Shields

SB 1082 - Under the act the determination of customary fees charged for treatment for the purposes of workers' compensation shall be based on comparable volume based discount contracts of the health care provider delivering the treatment and care.

All medical fee disputes shall be filed with the division of workers' compensation or the labor and industrial relations commission, or the board of rehabilitation in rehabilitation cases, within two years from the date of the rendering of the most recent medical service for which payment or reimbursement is sought.

CHRIS HOGERTY

02/20/2006 S First Read (S267)

02/21/2006 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S279)

03/01/2006 Hearing Cancelled S Small Business, Insurance & Industrial Relations Committee

03/08/2006 Hearing Scheduled S Small Business, Insurance & Industrial Relations Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1083 \*\*\*

5188S.011

SENATE SPONSOR: Bray

SB 1083 - This act requires the Missouri Ethics Commission to post a listing organized by candidate, showing contributions made in support of and in opposition to each candidate, together with the date and amount of each contribution. The list shall be organized into two categories labeled "expenditures in support of the candidate" and "expenditures in opposition to the candidate".

CHRIS HOGERTY

02/20/2006 S First Read (S267)

02/21/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S279)

EFFECTIVE: August 28, 2006

\*\*\* SB 1084 \*\*\*

5196S.011

SENATE SPONSOR: Gibbons

SB 1084 - This act extends the sunset date for the Healthcare for Uninsured Children Program from July 1, 2007 to June 30, 2008. This date corresponds to the sunset date for the state Medicaid program.

ADRIANE CROUSE

02/20/2006 S First Read (S269)

02/21/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S279)

02/28/2006 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1085 \*\*\*

4122S.051

SENATE SPONSOR: Kennedy

SB 1085 - This act modifies the provisions relating to students self-administering medication. Under current law, any board of education may allow a student to self-administer medication to treat asthma. This

act provides that school boards, its employees or agents shall grant authorization to students to possess and self-administer prescribed medication to treat asthma or anaphylaxis provided that the parent or guardian follow certain procedures.

This act defines "medication" as any medicine prescribed or ordered by a physician for the treatment of asthma or anaphylaxis. "Self-administration" is defined as a student's discretionary use of medication, pursuant to a prescription or written treatment plan from a licensed physician.

This act allows the student to carry and use the self-administered medication during school-sponsored activities beyond the regular school day or outside the school. Students are also allowed to bring backup medication and have it stored in a location at school where the student, or appropriate school agent if necessary and in accordance with the physician's written treatment plan, have immediate access in the event of a medical emergency.

Nothing in this act shall be construed to prohibit school districts from providing backup medication authorized under this act or from implementing a policy to provide training for an employee or agent to administer the authorized medication to the pupil.

ADRIANE CROUSE

02/20/2006 S First Read (S269)

02/21/2006 Second Read and Referred S Education Committee (S279)

EFFECTIVE: August 28, 2006

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\*\*\* SB 1086 \*\*\*

4361S.031

SENATE SPONSOR: Kennedy

SB 1086 - This act increases the maximum amount of compensation that St. Louis police officers may receive. Currently, the maximum amount of compensation authorized by the St. Louis Board of Police Commissioners is based upon rank and length of service. Under this act, such amount will be based upon a new "step placement" system, and periodic salary reviews.

This act provides for the conversion process between the current salary table and the table included in this act to be effective June 26, 2006 with no credit given for educational incentive pay.

Under this act, the officers will be placed into the table using a numeric formula. With exceptions, future changes in salary will occur annually after approval by the Board of Police Commissioners. The salaries will be adjusted following a method outlined in statute to reflect new salary minimums and maximums.

The numbers in the table will be converted and show the percentage of salary spread attributable to each step within each rank. These percentage values will be multiplied by the revised salary spread value for the appropriate rank and added to the next lowest step value for that rank using the revised salary minimum for the rank as the starting point for constructing a revised table.

The salary table and its underlying data will be reviewed annually by a consulting firm chosen by the Board of Police Commissioners that specializes in compensation planning using industry standard market pricing practices to determine accurate and current minimum and maximum market salary rates for use in any future matrix. Any revisions resulting from the review process shall occur on the first day of the first biweekly payroll period with a pay date falling within the next fiscal year for commissioned officers who were the subject of the review. A schedule for review by the consulting firm for different ranks of officers is included in this act.

New compensation minimums and maximums based upon the review will be prepared annually, if necessary. If this scheduled yearly review results in any revisions in salaries, the board of police commissioners will report said changes to the City of St. Louis as part of the board of police commissioners' annual budget. Any increases resulting from the compensation review shall be effective the first day of the first biweekly payroll period with a pay date falling within the next fiscal year for all commissioned staff with the exception of police officers and probationary police officers.

Increases for police officers and probationary police officers will occur in two stages: 50% of the increase will be implemented the first day of the first biweekly payroll period with a pay date falling within the next fiscal year, and the remaining 50% of the increase will be implemented on the first day of the first biweekly payroll period with a pay date falling within the following fiscal year. In the event that the 50% increase for the first year of the implementation is less than any projected increase for the rank, the officer shall receive the

greater of the two amounts with whatever amount remains being implemented in the second of the two years.

There shall be no increase in the salary of any probationary police officer without express authority granted by the board of police commissioners.

A commissioned member who is promoted out of his or her current rank shall receive a salary increase by the calculated amount being compared to the steps in his or her new salary or wage range. The officer shall be placed in the step closest to this calculated amount that provides a raise of at least 10% over his or her current annual compensation.

If the City of St. Louis provides any across-the-board increase to its employees in the form of a percentage increase, that increase will be automatically applied to all commissioned staff. If the City of St. Louis provides any across-the-board flat dollar amount increase to its employees, the value of that increase will be converted into a percentage increase consistent with statute and applied to all commissioned staff. If a particular rank is scheduled for review in the same year as any city increase, the greater of the two shall be granted.

Nothing in these provisions shall be construed to establish and require the payment of minimum salaries for commissioned police officers.

This act contains an emergency clause and has an effective date of June 26, 2006.

SUSAN HENDERSON MOORE

02/21/2006 S First Read (S275)

02/28/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S327)

03/08/2006 Hearing Scheduled S Economic Development, Tourism & Local Government Committee

EFFECTIVE: Emergency clause

\*\*\* SB 1087 \*\*\*

4457S.011

SENATE SPONSOR: Ridgeway

SB 1087 - This act changes the Missouri Uniform Trust Code by redefining "power of withdrawal" as the power of a beneficiary to withdraw assets from a trust without the consent of the trustee or any other person, where consent is currently required. The act also redefines "revocable", for purposes of a trust, to provide that the settlor has the power to revoke the trust regardless of whether the settlor has the mental capacity to do so in fact.

The act also provides that the settlor of the trust is authorized to designate one or more persons to receive notification of the existence of the trust and of their right to request reports and other information related to the administration of the trust.

The provisions of Section 456.1-112, which provide that beneficial terms in favor of a settlor's spouse will be revoked on the date that the marriage is dissolved or annulled, will not be applicable to any trust for which a gift tax marital deduction has been claimed or allowed.

A beneficiary who is not a qualified beneficiary may be represented and bound by a qualified beneficiary, as long as there is no conflict of interest between such persons with regard to the question or dispute.

Noncharitable irrevocable trusts may be modified or terminated upon consent of the settlor and all beneficiaries without court approval, unless the trust has been established by a court under certain provisions of law.

The act also makes Section 456.4-411B, which provides that the court may terminate or modify the terms of a noncharitable trust in certain instances, applicable to trusts that become irrevocable on or after January 1, 2005, and makes Section 456.590, which allows the court to confer certain powers on trustees in certain instances, applicable to all trusts that become irrevocable prior to January 1, 2005.

A beneficiary's interest in a trust that is subject to the trustee's discretion shall not constitute an interest in property or enforceable right. A creditor or claimant may not attach distributions from such a right, if it exists, regardless of whether or not the interest is subject to a spendthrift provision.

Additionally, the act abolishes the doctrine of worthier title and the Rule in Bingham's case as a rule of law and as a rule of construction.

ALEXA PEARSON

02/22/2006 S First Read (S283-284)

02/28/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S327)

EFFECTIVE: August 28, 2006

\*\*\* SB 1088 \*\*\*

5229S.011

SENATE SPONSOR: Engler

SB 1088 - Current law permits local school boards to dismiss tenured teachers for certain causes after following certain administrative procedures. This act amends such procedures to allow teachers the right to request a preliminary hearing before an impartial hearing officer concerning the dismissal; however, the board would retain the authority to make the final decision as to whether or not the teacher is dismissed.

The act requires school boards or superintendents to notify teachers at least sixty days before formal notice is served, instead of the current thirty day notice requirement. Should the teacher request a preliminary hearing, the superintendent is required to contact the Labor and Industrial Relations Commission, and the act delineates a procedure for the selection of a hearing officer and for the hearing itself. Further, the act directs the Labor and Industrial Relations Commission to promulgate rules for the hearings. The act specifies that the school district must pay the costs pertaining to the preliminary hearing, except for the teacher's council. The act specifies that the hearing will be open to the public unless the teacher requests that the hearing be closed.

Should a school board suspend a teacher until a decision is rendered, that teacher is entitled to receive salary and benefits during the suspension. Currently, teachers are only guaranteed salary.

Within 30 days after the hearing, the hearing officer must present an advisory opinion. Within thirty days of the receipt of this opinion, the school board shall provide notice to the teacher as to the board's intention. If the officer's opinion is in favor of dismissal, the teacher's benefits and salary may be suspended, however, such benefits will be repaid if the board reverses the decision of the hearing officer.

After the preliminary hearing, the teacher is entitled to a hearing before the board, which will be open to the public unless the teacher requests that the hearing be closed. The record of the preliminary hearing shall be part of the record of the board meeting. The board's decision is final, provided that current law allows such decisions to be appealed to Circuit court.

This act is similar to SB 118 (2005).

DONALD THALHUBER

02/22/2006 S First Read (S284)

02/28/2006 Second Read and Referred S Education Committee (S327)

EFFECTIVE: August 28, 2006

\*\*\* SB 1089 \*\*\*

4898S.011

SENATE SPONSOR: Loudon

SB 1089 - This act exempts annuities, pensions and retirement income provided as a result of service in the armed forces of the United States from income taxation.

This act shall become effective January 1, 2007.

JASON ZAMKUS

02/22/2006 S First Read (S284)

02/28/2006 Second Read and Referred S Ways & Means Committee (S327)

EFFECTIVE: January 1, 2007

\*\*\* SB 1090 \*\*\*

4086S.011

SENATE SPONSOR: Koster



SB 1090 - This act exempts machinery, equipment, parts, and the materials, supplies, and utilities required for the installation, construction, or operation of such machinery, or equipment purchased and used directly in television or radio broadcasting from sales and use tax.

JASON ZAMKUS

02/22/2006 S First Read (S284)

02/28/2006 Second Read and Referred S Ways & Means Committee (S327)

EFFECTIVE: August 28, 2006

\*\*\* SB 1091 \*\*\*

4972S.021

SENATE SPONSOR: Ridgeway

SB 1091 - This act establishes the Missouri Prescription Drug Price Website. The Missouri Rx plan within the Department of Social Services, shall maintain a website that assists consumers in searching for the lowest prices of prescription drugs in their area. The website shall be accessed by link on the Missouri Rx plan's current webpage and the Department of Social Services' current website.

The website shall provide pricing information on the fifty most commonly used prescription drugs in Missouri, as determined by the Missouri Rx plan. The website shall provide retail prices for brand name prescription drugs and generic prescription drugs. The website shall be made available no later than January 1, 2007.

ADRIANE CROUSE

02/23/2006 S First Read (S296)

02/28/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S327)

EFFECTIVE: August 28, 2006

\*\*\* SB 1092 \*\*\*

5311S.011

SENATE SPONSOR: Klindt

SB 1092 - The act prohibits any political subdivision from regulating the content, cost, or distribution of data, audio, video or other information over a broadband internet connection. Further, the act prohibits any political subdivision from imposing any fee, license, gross receipts tax or franchise requirement on any broadband internet provider as a condition of doing business.

MEGAN WORD

02/23/2006 S First Read (S296)

02/28/2006 Second Read and Referred S Commerce, Energy and the Environment Committee (S327)

EFFECTIVE: August 28, 2006

\*\*\* SB 1093 \*\*\*

5168S.011

SENATE SPONSOR: Gross

SB 1093 - Currently, the State Board of Public Buildings shall not issue revenue bonds for the acquisition of office buildings in cities for one or more projects in excess of a total par value of \$655 million. This act increases the limit to \$775 million.

JIM ERTLE

02/23/2006 S First Read (S296)

02/28/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S327)

03/06/2006 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1094 \*\*\*

5148L.011

SENATE SPONSOR: Champion

SB 1094 - This act allows Springfield and other cities to dissolve special business districts. Any proceeds from the disposal of the assets of the district shall be used by the city in a manner consistent with the purposes of such a district within the former district's boundaries.

SUSAN HENDERSON MOORE

02/23/2006 S First Read (S296)

02/28/2006 Second Read and Referred S Economic Development, Tourism &amp; Local Government Committee (S327)

03/08/2006 Hearing Scheduled S Economic Development, Tourism &amp; Local Government Committee - Consent

EFFECTIVE: August 28, 2006

\*\*\* SB 1095 \*\*\*

5332S.011

SENATE SPONSOR: Engler

SB 1095 - This act requires the POST Commission to make training available to peace officers that provides instruction on the investigation of crimes involving the use of computers and the Internet, including the making or possession of child pornography or the enticement of a child.

SUSAN HENDERSON MOORE

02/23/2006 S First Read (S296)

02/28/2006 Second Read and Referred S Financial &amp; Governmental Organizations and Elections Committee (S327)

EFFECTIVE: August 28, 2006

\*\*\* SB 1096 \*\*\*

5313S.011

SENATE SPONSOR: Bray

SB 1096 - This act creates the "Local Community Rail Security Act of 2006" and requires every operator of rail facilities in Missouri to provide a risk assessment of all rail facilities to state and local law enforcement personnel, emergency personnel, transportation officials, and other first responders by July 1, 2007. By September 1, 2007, all rail operators must have an infrastructure protection program in place to protect all rail infrastructure in Missouri from acts of sabotage, terrorism, and other crimes. The program must provide security for critical infrastructure including bridges, tunnels, and signal systems. The bill specifies what the rail operator must provide regarding critical infrastructure and what the program must include. The program must be updated annually.

The Department of Transportation must review the program and may order a rail operator to improve or change it. Any rail operator that fails to comply with an order will be subject to a fine of \$50,000 for each day the operator is in violation.

Rail operators shall comply with several specified requirements for facilities that handle cargo passing within 15 miles of a community facility. Any operator who fails to comply with these requirements will be subject to a fine of \$50,000 for each day the operator is in violation. Rail operators must provide communications capabilities as set forth in the bill.

All contractors, subcontractors, or any other person working on rail facilities will receive training similar to the type received by rail operators and will undergo the same background, skills, and fitness-for-duty checks as the rail operators.

Punitive actions cannot be taken against any employee who reports a violation of these provisions. An employee subject to punitive actions may seek damages of \$1 million from the employer, in addition to any other remedies available such as back pay or reinstatement.

This act is identical to HB 1789 (2006).

STEPHEN WITTE

02/23/2006 S First Read (S296)

02/28/2006 Second Read and Referred S Transportation Committee (S327)

EFFECTIVE: August 28, 2006

\*\*\* SB 1097 \*\*\*

5169S.011

SENATE SPONSOR: Coleman

SB 1097 - This act allows the St. Louis Board of Police Commissioners to delegate portions of its jurisdiction to other persons, including hearing officers. At the discretion of the board, a hearing officer may preside over disciplinary matters, prepare reports to the board or the police chief, and make recommendations to the board or police chief as to the allegations made during a disciplinary matter and the appropriateness of the recommended discipline.

The St. Louis Board of Police Commissioners shall retain authority to render a final decision after a review of the evidence and reports of the hearing officer.

SUSAN HENDERSON MOORE

02/23/2006 S First Read (S296)

02/28/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S327)

EFFECTIVE: August 28, 2006

\*\*\* SB 1098 \*\*\*

5225S.011

SENATE SPONSOR: Wilson

SB 1098 - This act provides a tax credit for a taxpayer who serves as a poll worker for an election. The tax credit is fifty dollars per election in which the taxpayer serves as a poll worker, not to exceed one hundred dollars per taxpayer per year. The tax credit is non-refundable, but may be carried back three years or forward five years until used. The provisions of this act shall automatically sunset six years from the effective date of the act if not re-authorized.

JASON ZAMKUS

02/23/2006 S First Read (S296)

02/28/2006 Second Read and Referred S Ways & Means Committee (S327)

EFFECTIVE: August 28, 2006

\*\*\* SB 1099 \*\*\*

4942S.021

SENATE SPONSOR: Clemens

SB 1099 - This act creates the "Clinical Laboratory Science Practice Act" that establishes requirements for licensing clinical laboratory science practitioners.

Under the act, no person shall collect, process, perform, interpret, report, or consult regarding clinical laboratory tests unless licensed under the act. The act allows current practitioners to continue practicing if they apply for licensure by December 31, 2006. They may practice up to one year from applying, until the denial of the application, or the withdrawal of the application. The act includes a grandfather clause which exempts those persons who have worked in the clinical laboratory science profession for a minimum of three years within five years immediately prior to August 28, 2006, from having to meet the educational and certification requirements. Such persons must provide the documentation required by rule of the board regarding experience and will be subject to the board rule regarding continuing education requirements for license renewal.

The act establishes requirements concerning licensees who perform point of care/bedside testing.

The Clinical Laboratory Science Board is established for the administration of licensing practitioners. The board shall be appointed by the governor and shall approve the types of certifications required for each level of licensure. The board shall consist of seven members including a public member, a practicing clinical laboratory science director, a practicing medical laboratory director, two practicing clinical laboratory scientists, one practicing clinical laboratory technician, and one clinical laboratory assistant or a phlebotomy technician.

The board shall have rulemaking authority including prescribing standards for continuing education, requirements for license renewal, and the establishment of appropriate fees. The Governor has the power to remove a member of the board for misconduct.

Levels of licenses are established along with their corresponding minimum education requirements. Temporary and reciprocal licenses may be issued in some circumstances. Licensees may request to be placed on inactive status if they cease practicing.

The act creates the Clinical Laboratory Science Fund for the administration of the licensing of the profession.

Reasons for the refusal to issue or renew licenses are provided, and complaints may be filed with the Administrative Hearing Commission. Upon a finding of the Administrative Hearing Commission that grounds for disciplinary action are met, the board may censure or place the licensee on probation for up to five years, suspend the license for three years, or may revoke the license entirely. Those who have had their licenses revoked must wait one year from the date of revocation to reapply for licensure. The board may notify licensing authorities in other states concerning final disciplinary action against a licensee of another state.

A violation of this act is a Class A misdemeanor.

CHRIS HOGERTY

02/23/2006 S First Read (S296)

02/28/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S327)

EFFECTIVE: August 28, 2006

\*\*\* SB 1100 \*\*\*

5288S.011

SENATE SPONSOR: Clemens

SB 1100 - The act makes stealing any animal considered livestock punishable as a Class C felony. The term livestock includes but shall not be limited to cattle, sheep, swine, and horses.

MEGAN WORD

02/23/2006 S First Read (S296)

02/28/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S327)

EFFECTIVE: August 28, 2006

\*\*\* SB 1101 \*\*\*

5286S.011

SENATE SPONSOR: Griesheimer

SB 1101 - This act allows the City of Sullivan and the portion of the Sullivan C-2 School District located in Franklin County to levy a transient guest tax on charges for sleeping rooms paid by guests of hotels, motels, bed and breakfast inns and campgrounds or docking facilities. The proposed tax must be submitted to the voters and shall not be less than two percent or greater than five percent per occupied room per night.

JASON ZAMKUS

02/23/2006 S First Read (S296)

02/28/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee

03/08/2006 Hearing Scheduled S Economic Development, Tourism & Local Government Committee - Consent

EFFECTIVE: August 28, 2006

\*\*\* SB 1102 \*\*\*

5300S.011

SENATE SPONSOR: Alter

SB 1102 - This act allows Jefferson County to adopt ordinances regarding the relocation of utility facilities within the right-of-ways of streets, highways, or roads under its jurisdiction.

Currently, Jefferson County may adopt orders with penal provisions consistent with state law in the areas of traffic violations, solid waste management, and animal control. Under this act, the county would be able to adopt such orders in any area covered by the county's ordinances.

SUSAN HENDERSON MOORE

02/23/2006 S First Read (S296)

02/28/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S327)

EFFECTIVE: August 28, 2006

\*\*\* SB 1103 \*\*\*

5320S.011

SENATE SPONSOR: Goodman

SB 1103 - This act modifies what a health insurer must provide when it issues evidence of insurance coverage. The act provides that the evidence of coverage must contain a summary of coinsurance or other cost sharing features the policy may entail.

STEPHEN WITTE

02/23/2006 S First Read (S296)

02/28/2006 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S327)

EFFECTIVE: August 28, 2006

\*\*\* SB 1104 \*\*\*

5357S.011

SENATE SPONSOR: Cauthorn

SB 1104 - This act modifies the Missouri Qualified Producer Incentive Fund by making it clear that a qualified Missouri biodiesel producer is defined, in part, as a facility that is owned by at least fifty-one percent of Missouri agricultural producers.

MEGAN WORD

02/27/2006 S First Read (S309)

03/01/2006 Second Read and Referred S Commerce, Energy and the Environment Committee (S354)

03/07/2006 Hearing Conducted S Commerce, Energy and the Environment Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1105 \*\*\*

5377S.011

SENATE SPONSOR: Cauthorn

SB 1105 - This act directs all releasing agencies to hold hunting dogs for a period of ten consecutive days without sterilizing them. Any agency that sterilizes such a dog before the ten day period expires knowing that the dog is one used for hunting, and being presented with the owner of the dog, shall be subject to a civil fine of no more than five hundred dollars per violation.

The act is similar to SB 711 (2006).

MEGAN WORD

02/27/2006 S First Read (S309)

03/01/2006 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S354)

EFFECTIVE: August 28, 2006

\*\*\* SB 1106 \*\*\*

5378S.011

SENATE SPONSOR: Cauthorn

SB 1106 - 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 such animals, and all are to be included with the final reimbursement figure.

The act is identical to SB 723 (2006).

MEGAN WORD

02/27/2006 S First Read (S309)

03/01/2006 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S354)

EFFECTIVE: August 28, 2006

\*\*\* SB 1107 \*\*\*

5376S.011

SENATE SPONSOR: Cauthorn

SB 1107 - 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 identical to SB 636 (2006).

MEGAN WORD

02/27/2006 S First Read (S309)

03/01/2006 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S354)

03/09/2006 Hearing Scheduled S Agriculture, Conservation, Parks & Natural Resources Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1108 \*\*\*

5321S.011

SENATE SPONSOR: Engler

SB 1108 - This act modifies the provisions relating to personal care assistance services for those consumers who are participating as non-Medicaid eligible clients. Under current law, in order to be eligible for financial assistance for consumer-directed personal care assistance services, a consumer shall demonstrate financial need, which shall be based on the adjusted gross income and the assets of the consumer and such consumer's spouse. This act would remove the income and assets of the consumer's spouse from the calculation. This act also includes reasonable living expenses in the calculation of adjusted gross income.

This act also provides for a sliding scale for monthly premiums equal to the following:

- (1) For adjusted gross incomes below one hundred fifty percent of the federal poverty level, no monthly premium;
- (2) For adjusted gross incomes between one hundred fifty and one hundred eighty-five percent of the federal poverty level, one percent of adjusted gross income;
- (3) For adjusted gross incomes between one hundred eighty-five and two hundred twenty-five percent of the federal poverty level, three percent of adjusted gross income;
- (4) For adjusted gross incomes between two hundred twenty-five and three hundred percent of the federal poverty level, five percent of adjusted gross income.

This act also extend the response time for consumers receiving re-verification letters from ten days to thirty days.

This act also removes the expiration date for the personal care assistance programs, which is set to sunset on June 30, 2006.

This act contains an emergency clause.

ADRIANE CROUSE

02/27/2006 S First Read (S309)

03/01/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S354)

03/07/2006 Hearing Scheduled S Pensions, Veterans' Affairs and General Laws Committee

EFFECTIVE: Emergency clause

\*\*\* SB 1109 \*\*\*

5351S.011

SENATE SPONSOR: Griesheimer

SB 1109 - This act exempts persons 65 years of age older who have been previously been issued a noncommercial driver's license, permit or nondriver's license from providing proof of lawful presence when they renew such license.

The act contains an emergency clause.

This act is identical to SB 1001 (2006).

STEPHEN WITTE

02/27/2006 S First Read (S309)  
 03/01/2006 Second Read and Referred S Transportation Committee (S355)  
 03/07/2006 Hearing Scheduled S Transportation Committee

EFFECTIVE: Emergency clause

\*\*\* SB 1110 \*\*\*

4766S.011

SENATE SPONSOR: Barnitz

SB 1110 - Before entering into any nonprepayment vehicle repossession contract, the party contracting to receive delivery of the vehicle shall file a bond with the attorney general in the amount of \$25,000 to secure faithful performance of the contract. The Attorney General has the authority to demand additional bond if the original appears inadequate, insecure, exhausted, or otherwise doubtful.

CHRIS HOGERTY

02/27/2006 S First Read (S309)  
 03/01/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S355)

EFFECTIVE: August 28, 2006

\*\*\* SB 1111 \*\*\*

4607S.061

SENATE SPONSOR: Goodman

SB 1111 - This act relates to the use of force.

SECTION 563.011 - This section defines certain terms relating to the defense of justification, including "dwelling", "forcible felony", "remain after unlawfully entering", "residence", and "unlawfully enter."

SECTION 563.031 - In addition to current restrictions on the use of force, a person is not justified in using force against another if such person was attempting to commit, committing, or escaping after committing a forcible felony.

In addition to other circumstances when deadly force may be used, a person may use deadly force against an individual who unlawfully enters, remains, or attempts to enter a dwelling, residence, or vehicle lawfully occupied by the person or to protect himself or herself against death, serious injury, or any forcible felony.

This section states that a person does not have a duty to retreat from a dwelling, residence, or vehicle where the person is not entering or remaining unlawfully.

SECTION 563.036 - This section regarding the use of physical force in defense of premises is repealed.

SECTION 563.041 - This section contains technical modifications.

SECTION 563.074 - A person who uses justified force is immune from criminal prosecution and civil action for the use of such force. The court shall award attorney's fees, court costs, and all reasonable expenses incurred by the defendant in defense of any civil action brought by the plaintiff if the court finds that the defendant is immune from prosecution.

SUSAN HENDERSON MOORE

02/27/2006 S First Read (S310)  
 03/01/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S355)

EFFECTIVE: August 28, 2006

\*\*\* SB 1112 \*\*\*

5381S.011

SENATE SPONSOR: Goodman

SB 1112 - This act provides that no claim of liability may be commenced or maintained against a product seller under any legal theory, unless the seller manufactured, produced, or designed the product, or unless the seller altered, modified, assembled, installed, or failed to maintain the product, in a manner that cause the claimant's harm.

The act also provides that a product seller otherwise immune from liability due to the aforementioned provision may still be sued for harm caused by a product if the manufacturer is not subject to personal jurisdiction in Missouri.

This act has an emergency clause.

ALEXA PEARSON

02/27/2006 S First Read (S310)

03/01/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S355)

EFFECTIVE: August 28, 2006

\*\*\* SB 1113 \*\*\*

5347S.011

SENATE SPONSOR: Goodman

SB 1113 - This act directs the courts to be guided by the Federal Trade Commission's (FTC) guidelines on merchandising practices in pertinent cases and exempts any transactions that have been approved by the FTC from the provisions in the act.

MEGAN WORD

02/27/2006 S First Read (S310)

03/01/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S355)

EFFECTIVE: Emergency clause

\*\*\* SB 1114 \*\*\*

4761S.041

SENATE SPONSOR: Goodman

SB 1114 - This act asserts that the opening date for all public schools shall not be earlier than the Friday prior to the last Monday in August. However, the act allows school districts to establish an opening date that is prior to the aforementioned date by a majority vote of the voters of the district, the procedure for which is delineated in the act.

Any school district which operates year-round schools is explicitly exempted from the provisions of the act.

DONALD THALHUBER

02/27/2006 S First Read (S310)

03/01/2006 Second Read and Referred S Education Committee (S355)

EFFECTIVE: August 28, 2006

\*\*\* SB 1115 \*\*\*

5394S.011

SENATE SPONSOR: Nodler

SB 1115 - The act requires every public governmental body to begin utilizing the fiber optic network currently owned by the department of transportation for all telecommunications, video and data services by January 1, 2009. The act directs the office of administration to promulgate rules governing the process by which all public governmental bodies make this migration.

The act directs the Office of Administration, after January 1, 2010, to promulgate rules governing the process by which all public governmental bodies begin integrating their data, voice and video services into a single, core convergence network. The rules will be made in three phases, a summary of each phase is laid out in the act. The act directs every public governmental body to submit a proposal to the office of administration no later than June 1, 2009, detailing their plans to meet the convergence implementation.

The act directs the office of administration to submit a report to the governor and general assembly every two years beginning January 1, 2010, detailing the integration of all information systems and the progress towards the convergence implementation.

MEGAN WORD

02/27/2006 S First Read (S310)

03/01/2006 Second Read and Referred S Commerce, Energy and the Environment Committee (S355)



EFFECTIVE: August 28, 2006

\*\*\* SB 1116 \*\*\*

4544S.031

SENATE SPONSOR: Stouffer

SB 1116 - This act provides that the Office of Administration shall create and maintain a list of mediators approved by its office, to whom certain disputes shall be referred. Approved mediators shall complete a minimum of forty hours of approved training, observe at least two mediations, and conduct at least two mediations under the supervision of an approved mediator. Approved mediators will also be required to meet minimum guidelines for continuing education as provided by this act. However, nothing within this act shall be deemed to alter training guidelines or qualifications for mediators approved by other entities or courts.

Beginning January 1, 2007, the Office of Administration shall refer any dispute, prior to the commencement of any administrative hearing, involving the following agencies:

- The Department of Social Services;
- The Department of Natural Resources;
- The Department of Insurance;
- The Office of Administration, in cases involving purchases and contracts;
- The Missouri Ethics Commission; and
- The Department of Transportation.

The mediation shall be completed or terminated within sixty days of the referral unless all parties to the dispute consent to continue mediation proceedings.

Each mediator shall assist the parties to the dispute in reaching a mutually acceptable resolution through mediation. All communications made during the mediation process shall be regarded as confidential settlement negotiations, and no statements made during the mediation process shall be admissible or discoverable.

ALEXA PEARSON

02/27/2006 S First Read (S310)

03/01/2006 Second Read and Referred S Judiciary &amp; Civil and Criminal Jurisprudence Committee (S355)

EFFECTIVE: August 28, 2006

\*\*\* SB 1117 \*\*\*

5379S.011

SENATE SPONSOR: Stouffer

SB 1117 - This act modifies the provisions relating to the Missouri RX Plan Advisory Commission to reflect that the Missouri RX Plan is no longer housed in the Department of Health and Senior Services but in the Department of Social Services.

ADRIANE CROUSE

02/27/2006 S First Read (S310)

03/01/2006 Second Read and Referred S Aging, Families, Mental &amp; Public Health Committee (S355)

03/08/2006 Hearing Scheduled S Aging, Families, Mental &amp; Public Health Committee - Consent

EFFECTIVE: August 28, 2006

\*\*\* SB 1118 \*\*\*

4973S.021

SENATE SPONSOR: Stouffer

SB 1118 - This act requires the state patrol to establish a program to certify local law enforcement officers with respect to enforcing commercial motor vehicle laws. The certification procedures established by the highway patrol shall include training, testing, on-the-job experience, data collection and other prescribed components. The certification procedures shall meet the requirements established by the Commercial Vehicle Safety Alliance (CVSA). The Highway Patrol is authorized to establish reasonable fees to cover the costs of training and certification.

Beginning July 1, 2007, no law enforcement officer may make an arrest, issue a citation or conduct a commercial motor vehicle roadside inspection to determine compliance with the applicable commercial motor vehicle laws unless the law enforcement officer has satisfactorily completed a basic training course developed by CVSA and has been certified by the Highway Patrol.

STEPHEN WITTE

02/27/2006 S First Read (S310)

03/01/2006 Second Read and Referred S Transportation Committee (S355)

EFFECTIVE: August 28, 2006

\*\*\* SB 1119 \*\*\*

5369S.011

SENATE SPONSOR: Bray

SB 1119 - This act repeals the section of law allowing insurance companies or associations a tax deduction for registration and examination fees paid by such company or association.

JASON ZAMKUS

02/27/2006 S First Read (S310)

03/01/2006 Bill Withdrawn

EFFECTIVE: August 28, 2006

\*\*\* SB 1120 \*\*\*

5391S.011

SENATE SPONSOR: Bray

SB 1120 - Under this act, when a victim of a sexual offense initially makes a report of such offense to a law enforcement officer or a prosecuting attorney, it shall be the duty of such officer or attorney to inform the victim that he or she has the right to request a no contact order be issued against the alleged perpetrator. If the victim requests such an order, the law enforcement officer or the prosecuting attorney shall notify the judge or the officer or prosecuting attorney who will be seeking a warrant from the judge in the sexual assault case that the victim is requesting that a no contact order be issued.

When a judge issues an arrest warrant for a person alleged to have committed a sexual offense, if a victim has requested a no contact order, the judge shall issue one at the same time. The order shall remain in effect until the criminal case is concluded. Any defendant who knowingly violates a no contact order shall be guilty of a Class C felony. It is prima facie evidence that the defendant knowingly violated the order if the defendant was served with the order prior to the violation.

In any criminal case where a sexual offense is alleged, no police reports, court documents, witness statements, or other documents shall knowingly be released to the defendant or his or her counsel unless the victim's contact information has been redacted. The prosecuting attorney's address and phone number shall be given in place of the victim's information. Any violation of these release requirements shall be a Class C felony.

Any contact requested with the alleged victim as part of preparation for trial by the defendant, if he or she is pro se, or by the defendant's attorney shall be made through the prosecuting or circuit attorney's office. Upon receiving the request, the prosecuting attorney shall set up a time for the parties to meet in a mutual setting. At no time shall the victim be required to answer questions regarding his or her contact information.

SUSAN HENDERSON MOORE

02/27/2006 S First Read (S310)

03/01/2006 Second Read and Referred S Judiciary and Civil &amp; Criminal Jurisprudence Committee (S355)

EFFECTIVE: August 28, 2006

\*\*\* SB 1121 \*\*\*

5312S.011

SENATE SPONSOR: Gross

SB 1121 - This act allows any owner, general contractor, or subcontractor who pays nonresident subcontractors to deduct two percent of the total compensation paid to the nonresident as a prepayment of tax.

The Department of Revenue may disclose certain tax information to the director of the Department of Labor and Industrial Relations in order for the department to determine taxpayers' compliance with withholding tax requirements.

The act bars employers from employing illegal aliens when they receive a loan from any governing body

in the state.

The act bars employers from misclassifying employers to avoid tax liability or reporting requirements. Employers who fail to classify an employee or misclassify an employee shall be fined two hundred dollars per occurrence. Employers shall not terminate or discriminate against an employee who seeks reclassification or intends to file an action alleging a misclassification violation. The act requires employers to reclassify independent contractors as employees after two thousand eighty hours of service for the same employer.

This act is similar to SB 928 (2006).

CHRIS HOGERTY

02/27/2006 S First Read (S310)

03/01/2006 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S355)

EFFECTIVE: August 28, 2006

\*\*\* SB 1122 \*\*\*

5319S.021

SENATE SPONSOR: Shields

SB 1122 - This act allows the Board of Governors of Missouri Western State University to convey or transfer, except in fee simple, the title or any other interest in such property without authorization from the General Assembly. Currently, the Board of Governors must receive authorization by an act of the General Assembly before conveying or transferring any interest in real property.

SUSAN HENDERSON MOORE

02/27/2006 S First Read (S310)

03/01/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S355)

03/08/2006 Hearing Scheduled S Economic Development, Tourism & Local Government Committee - Consent

EFFECTIVE: August 28, 2006

\*\*\* SB 1123 \*\*\*

5375S.011

SENATE SPONSOR: Shields

SB 1123 - This act directs the Department of Social Services to request the appropriate federal waivers to permit the establishment of both a Coordinated Care pilot program and an Administrative Services Organization (ASO) pilot program for recipients of Medicaid who receive such assistance on the basis of being aged, blind, or disabled. Enrollments for such programs shall be completed by July 1, 2007. Eligibility for the pilot programs shall not include individuals who are under twenty-one years of age, are institutionalized, or who are dually eligible for both state Medicaid and federal Medicare programs.

The department shall implement the Coordinated Care pilot program in at least one of the following areas: Greater St. Louis Area; Greater Kansas City area; or Greater Springfield area. The department shall implement the ASO pilot program in at least one of the same areas mentioned previously. However, the Coordinated Care pilot program and the ASO pilot programs shall not be implemented in the same areas. The department shall establish criteria for award selection to include preference for Missouri-based vendors and prior experience.

Participation in the pilot programs shall be mandatory, except that there shall be a formalized exemption process for recipients whose current treating physicians are not participating in the coordinated care network in an effort to prevent interruption in the continuity of care.

The Coordinated Care program shall operate generally under a traditional managed care model, including offering a consolidation of pharmacy management, claims adjudication, utilization review, and care coordination. The program shall be a risk-based program with a guaranteed savings level that is actuarially sound while limiting the profit that is generated to the coordinated care vendor.

The ASO pilot program shall have financial terms requiring the vendor fees to be reduced if savings and quality targets specified by the Department are not met. The ASO program shall provide care coordination, utilization management, and participant education. However, the state shall continue to retain provider reimbursement, pharmacy management, eligibility determination, and provider network management.

Both the coordinated care and ASO pilot programs shall incorporate the following elements:

- (1) Three-year contract terms subject to annual savings and quality targets determined by the Department and which shall include consumer and provider satisfactions levels;
- (2) Mechanisms in place to promote and determine the appropriate use of in-home care for participants prior to admissions in custodial skilled nursing facilities;
- (3) Prompt payment to the providers within thirty days of receipt of a claim of reimbursement;
- (4) Consumer call centers established based in Missouri;
- (5) Consumer ombudsman programs;
- (6) Partnerships with federally qualified health centers or rural health clinics, if such clinics are in the same geographic area.

This act also establishes an "Oversight Committee on Coordinated Care and Administrative Service Organizations" in the Department of Social Services. The Committee shall consist of eleven members: two members of the House of Representatives and two members of the Senate from the Joint Committee on Health; two consumer representatives; two healthcare providers; two healthcare advocates; and the Director of the Department of Social Services or the director's designee.

The Committee shall review the monthly consumer and provider satisfaction reports required of the pilot program vendors, the call center statistics, and the reports from the pilot ombudsman programs. The Committee shall determine how the data collected shall be analyzed to determine the health outcomes and cost savings from the pilot programs and how such findings may be communicated to consumers, health care providers and public officials. The Committee shall report significant findings indicating satisfaction or dissatisfaction with the programs to the Joint Committee on Health, as necessary.

There is a six-year sunset provision on the programs.

ADRIANE CROUSE

02/27/2006 S First Read (S310)

03/01/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S355)

03/07/2006 Hearing Scheduled S Pensions, Veterans' Affairs and General Laws Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1124 \*\*\*

5159S.011

SENATE SPONSOR: Shields

SB 1124 - Under the act, if an applicant for licensure as a physical therapist assistant is licensed and has maintained an active clinical practice for the previous three years, passed a licensing exam, and has not been disciplined in another state, the District of Columbia or Canada, the State Board of Registration for the Healing Arts may issue a license even if the applicant has failed a licensing exam three or more times.

The act transfers certain duties from the Division of Professional Registration to the Committee for Professional Counselors for the purposes of licensing professional counselors. The act changes the criteria for allowing reciprocity for out of state license holders. Out of state licensees holding a valid license may be granted a license in Missouri without examination upon certification by the applicant's current licensing entity that the applicant holds a current license and has had no disciplinary action taken for five years, or that the applicant is registered with the American Association of State Counseling Boards.

Currently, out of state licensed clinical social workers who have had no violations, suspensions or revocations may be licensed in Missouri if they have passed a written exam and either are licensed in another state, received a masters or doctoral degree from a program accredited by the council of social work education, have been licensed for five years, have not been the subject of disciplinary action, or are currently licensed in a state that has similar reciprocity laws. This act changes those requirements to allow out of state license holders who have not been the subject of disciplinary action for five years to be licensed if the applicant received a masters or doctoral degree from a program accredited by the council of social work education and has been licensed for five years, or is currently licensed in a state with substantially similar requirements.

CHRIS HOGERTY

02/27/2006 S First Read (S310)

03/01/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S355)

EFFECTIVE: August 28, 2006

\*\*\* SB 1125 \*\*\*

5344S.011

SENATE SPONSOR: Coleman

SB 1125 - Under the act, individuals who request fifty or more voter registration applications who are not deputy registration officials must be 18 and file with the Secretary of State the persons name, address, telephone number, whether the person is making the request on behalf of a group or organization and a description of each group or organization for which the request is made. A signed affirmation that the information submitted is true must accompany the filing.

Any person who knowingly signs a name other than his or her own to a voter registration application is guilty of a class one election offense. Such persons will be guilty of a Class B felony. Persons who provide identification to an election official to cast a ballot with the knowledge that the identification is false shall be guilty of a Class B felony. Individuals who willfully and falsely complete any certificate, affidavit or ballot of another individual in relation to absentee ballots are guilty of a Class B felony.

The Secretary of State shall provide computer-based registration training to persons making requests for voter registration applications.

CHRIS HOGERTY

02/27/2006 S First Read (S310)

03/01/2006 Second Read and Referred S Financial &amp; Governmental Organizations and Elections Committee (S355)

03/06/2006 Hearing Conducted S Financial &amp; Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1126 \*\*\*

4883S.021

SENATE SPONSOR: Clemens

SB 1126 - This act requires the Highways and Transportation Commission to close all rest areas to all vehicular traffic except commercial motor vehicles and truck-tractors or truck-tractor combinations. Under the at, the commission is also prohibited from building or constructing new rest areas. Both of these requirements will take effect on January 1, 2007.

STEPHEN WITTE

02/28/2006 S First Read (S321-322)

03/01/2006 Second Read and Referred S Transportation Committee (S355)

EFFECTIVE: August 28, 2006

\*\*\* SB 1127 \*\*\*

5242S.011

SENATE SPONSOR: Purgason

SB 1127 - This act requires commercial motor vehicles having a licensed gross weight in excess of 36,000 pounds designed and regularly used to haul gravel, sand, dirt, rock or other similar materials to display the owner's name, address and registration number on the rear of the vehicle.

STEPHEN WITTE

02/28/2006 S First Read (S322)

03/01/2006 Second Read and Referred S Transportation Committee (S355)

EFFECTIVE: August 28, 2006

\*\*\* SB 1128 \*\*\*

5349S.011

SENATE SPONSOR: Purgason

SB 1128 - This act creates licensing standards for prescribing psychologists. Individuals who are licensed psychologists and certified health service providers are eligible to be licensed as prescribing psychologists. Licensed prescribing psychologists shall be authorized to prescribe drugs and psychotropic medicines that are rationally related to the practice of psychology, or any psychological treatment or laboratory testing.

Licensed prescribing psychologists must complete one year of supervision and 300 hours of didactical instruction as recommended by the American Psychological Association and pass a national exam similar to the exam given by the American Psychological Association Practice Organization's College of Professional Psychology or the International College of Prescribing Psychologists Examination with passage rates based on recommendations from the committee.

The Division of Professional Registration may impose additional requirements by rule based on current educational guidelines stated in the American Psychological Association's publication of Recommended Postdoctoral Training in Psychopharmacology for Prescription Privileges.

First-year licensees must practice under a collaborative practice agreement with a physician.

CHRIS HOGERTY

02/28/2006 S First Read (S322)

03/01/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S355)

EFFECTIVE: August 28, 2006

\*\*\* SB 1129 \*\*\*

5350S.011

SENATE SPONSOR: Green

SB 1129 - This act allows third class cities to regulate real estate agents, in addition to levying and collecting a license tax on such profession.

SUSAN HENDERSON MOORE

02/28/2006 S First Read (S322)

03/01/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S355)

EFFECTIVE: August 28, 2006

\*\*\* SB 1130 \*\*\*

5348S.011

SENATE SPONSOR: Green

SB 1130 - This act repeals the statute that allows fourth class cities, by ordinance, to pay members of the planning and zoning commission, board of adjustment, park board and board of police commissioners of the city up to \$200 per month.

SUSAN HENDERSON MOORE

02/28/2006 S First Read (S322)

03/01/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S355)

03/08/2006 Hearing Scheduled S Economic Development, Tourism & Local Government Committee - Consent

EFFECTIVE: August 28, 2006

\*\*\* SB 1131 \*\*\*

5407S.011

SENATE SPONSOR: Goodman

SB 1131 - Under current law, all medical testing results and personal information obtained from any individual shall be held confidential with certain exceptions. This act provides that no consent shall be required for the Department of Health and Senior Services to disclose such testing results and information to a health care provider providing treatment to the individual, notwithstanding any provision to the contrary.

ADRIANE CROUSE

02/28/2006 S First Read (S322)

03/01/2006 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S355)

03/08/2006 Hearing Scheduled S Aging, Families, Mental & Public Health Committee - Consent

EFFECTIVE: August 28, 2006

\*\*\* SB 1132 \*\*\*

5322S.011

SENATE SPONSOR: Wheeler

SB 1132 - This act provides that a "public entity", for purposes of determining immunity from tort liability, shall include any not-for-profit organization that provides or contracts for ambulance services under authority granted to it by a city, county, town, or village, as long as the governing body of such consists of elected officials or individuals appointed by the mayor, board of alderman, city council, county commission, or county legislature.

This act is identical to HB 1353 (2006).

ALEXA PEARSON

02/28/2006 S First Read (S322)

03/01/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S355)

EFFECTIVE: August 28, 2006

\*\*\* SB 1133 \*\*\*

5316S.011

SENATE SPONSOR: Scott

SB 1133 - The act requires the state of Missouri to pay all the legally required fees for applicants for non-driver's licenses for the purposes of voter identification. Persons residing in convalescent, nursing, and boarding homes shall be issued a non-driver's license through a mobile processing system operated by the department of revenue at no cost.

The act contains an emergency clause.

The provision is similar to a provision contained in SB 1014 and 730 (2006).

STEPHEN WITTE

02/28/2006 S First Read (S322)

03/01/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S355)

03/06/2006 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: Emergency clause

\*\*\* SB 1134 \*\*\*

5318S.011

SENATE SPONSOR: Scott

SB 1134 - This act establishes the small business advocacy program in the office of the Lieutenant Governor. The program shall serve as a hub for providing assistance to citizens and the government for collecting, coordinating, and sharing information relating to small business issues. The duties to be carried out by the program include: attending committee meetings and hearings, fielding questions via telephone regarding business issues, serving as an information resource for citizens and state entities.

CHRIS HOGERTY

02/28/2006 S First Read (S322)

03/01/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S355)

EFFECTIVE: August 28, 2006

\*\*\* SB 1135 \*\*\*

5302L.011

SENATE SPONSOR: Scott

SB 1135 - This act modifies various provisions of law relating to insurance company investments.

POLICE AND FIREMEN'S PENSION SYSTEM - This act modifies the law with respect to how boards of trustees of police and firemen's pension systems may invest moneys. Under the act, the provision of law which stated that a certain life insurance investment restriction did not apply to these types of pensions systems is repealed.

EXEMPTING HEALTH INSURANCE COMPANIES FROM CERTAIN INVESTMENT RESTRICTION

STATUTORY PROVISIONS - The act provides that a health insurer does not have to annually notify a policyholder of any interest due on a loan taken against an insurance policy. The act also provides that the provision of law that forbids insurance companies from trading in goods and other merchandise does not apply to health insurance companies. The act provides that certain real estate ownership and restrictions shall not apply to health insurance companies. The act explicitly provides that health insurance companies engage in derivative transactions under certain conditions. This act exempts health insurance companies from a provision of law that forbids insurance company officers from using funds for private gain. Under current law, capital, reserve and surplus of a domestic insurer may be invested in bonds, notes or other evidences of indebtedness, or preferred or guaranteed stocks if such bonds, notes or other evidences of indebtedness, or preferred or guaranteed stocks or shares, carry at least the second highest designation or quality rating conferred by the Securities Valuation Office of the National Association of Insurance Commissioners. Under this act, this provision shall not apply to health insurance companies. Under this act, certain foreign government and foreign company investment restrictions shall not apply to health insurance companies. This act provides that the "Investments I Medium and Lower Quality Obligations Law" shall not apply to health insurance companies.

INVESTMENTS BY HEALTH AND ACCIDENT INSURERS UNDER CHAPTER 376 - After making the above-mentioned statutory exemptions for health insurers, the act institutes a new investment statutory scheme (Sections 376.291 to 376.307). The act sets forth what insurers may acquire, hold, or invest in investments or engage in investment practices. Investments not conforming to the provisions of the act may not be admitted assets.

The act provides that an insurer's board of directors shall adopt a written plan for acquiring and holding investments and for engaging in investment practices that specifies guidelines as to the quality, maturity, and diversification of investments and that contains other specifications including investment strategies intended to ensure that the investments and investment practices are appropriate for the business conducted by the insurer, its liquidity needs, and its capital and surplus. The act sets forth what types of investments are prohibited.

LOANS TO OFFICERS AND DIRECTORS - Under the act, an insurer may not, except under specified circumstances, directly or indirectly, without the prior written approval of the director: 1) make a loan to an officer or director of the insurer or make another investment in a person in which the officer or director has any direct or indirect financial interest; 2) make a guarantee for the benefit of or in favor of an officer or director of the insurer or a person in which the officer or director has any direct or indirect financial interest; or 3) enter into an agreement for the purchase or sale of property from or to an officer or director of the insurer or a person in which the officer or director has any direct or indirect financial interest. An insurer may, without the prior written approval of the commissioner, make any of the following:

- (1) Policy loans in accordance with the terms of the policy or contract;
- (2) Advances to officers or directors for expenses reasonably expected to be incurred in the ordinary course of the insurer's business or guarantees associated with credit or charge cards issued or credit extended for the purpose of financing these expenses;
- (3) Loans secured by the principal residence of an existing or new officer of the insurer made in connection with the officer's relocation at the insurer's request if the loans comply with the requirements of law and the terms and conditions are the same as those generally available from unaffiliated third parties;
- (4) Loans and advances to officers or directors made in compliance with state or federal law specifically related to the loans and advances by a regulated noninsurance subsidiary or affiliate of the insurer in the ordinary course of business and on terms no more favorable than available to other customers of the entity; and
- (5) Secured loans to an existing or new officer of the insurer made in connection with the officer's relocation at the insurer's request, if the loans meet certain criteria.

VALUATION OF INVESTMENTS - For the purposes of the act, the value or amount of an investment acquired or held under Chapter 376, RSMo, or an investment practice engaged in under this chapter, unless otherwise specified in statute, shall be the value at which assets of an insurer are required to be reported for statutory accounting purposes as determined in accordance with procedures prescribed in published accounting and valuation standards of the NAIC, including the Purposes and Procedures Manual of the Securities Valuation Office, the Valuation of Securities Manual, the Accounting Practices and Procedures Manual, the annual statement instructions, or any successor valuation procedures officially adopted by the NAIC.

GENERAL THREE PERCENT DIVERSIFICATION -- MEDIUM-GRADE AND LOWER-GRADE



**INVESTMENTS -- CANADIAN INVESTMENTS** - Under this act, an insurer may not acquire, directly or indirectly through an investment subsidiary, an investment under this chapter if, as a result of and after giving effect to the investment, the insurer would hold more than 3% of its admitted assets in investments of all kinds issued, assumed, accepted, insured, or guaranteed by a single person. The 3% limitation does not apply to the aggregate amounts insured by a single financial guaranty insurer with the highest generic rating issued by a nationally recognized statistical rating organization. Asset-backed securities are not subject to the limitations. However, an insurer may not acquire an asset-backed security if, as a result of and after giving effect to the investment, the aggregate amount of asset-backed securities that are secured by or evidencing an interest in a single asset or single pool of assets held by a trust or other business entity and that are then held by the insurer would exceed 3% of its admitted assets. The act sets forth the conditions for medium and lower grade investments. The act also establishes the conditions for Canadian investments.

**RATED CREDIT INSTRUMENTS** - Subject to certain provisions of law, an insurer may acquire rated credit instruments issued, assumed, insured, or guaranteed by:

- (1) The United States; or
- (2) A government-sponsored enterprise of the United States, if the instruments of the government-sponsored enterprise are assumed, guaranteed, or insured by the United States or are otherwise backed or supported by the full faith and credit of the United States;
- (3) Canada; or
- (4) A government-sponsored enterprise of Canada, if the instruments of the government-sponsored enterprise are assumed, guaranteed, or insured by Canada or are otherwise backed or supported by the full faith and credit of Canada.

However, an insurer may not acquire a Canadian instrument if, as a result of and after giving effect to the investment, the aggregate amount of investments then held by the insurer would exceed 40% of its admitted assets.

Subject to the certain limitations, an insurer may acquire rated credit instruments, excluding asset-backed securities:

- (1) Issued by a government money market mutual fund, a class one money market mutual fund, or a class one bond mutual fund;
- (2) Issued, assumed, insured, or guaranteed by a government-sponsored enterprise of the United States;
- (3) Issued, assumed, insured, or guaranteed by a state if the instruments are general obligations of the state; or
- (4) Issued by a multilateral development bank.

An insurer may not acquire special rated credit instruments under this section if, as a result of and after giving effect to the investment, the aggregate amount of special rated credit instruments then held by the insurer would exceed 5% of its admitted assets.

**TANGIBLE PERSONAL PROPERTY** - An insurer may acquire tangible personal property or equity interests in tangible personal property located or used wholly or in part within a domestic jurisdiction, either directly or indirectly through limited partnership interests and general partnership interests not otherwise prohibited by law, joint ventures, stock of an investment subsidiary, membership interests in a limited liability company, trust certificates, or other similar instruments. Such investments acquired are eligible only if:

- (1) The property is subject to a lease or other agreement with a person whose rated credit instruments in the amount of the purchase price of the personal property the insurer could then acquire under law; and
- (2) The lease or other agreement provides the insurer the right to receive rental, purchase, or other fixed payments for the use or purchase of the property and the aggregate value of the payments, together with the estimated residual value of the property at the end of its useful life and the estimated tax benefits to the insurer resulting from ownership of the property, are adequate to return the cost of the insurer's investment in the property, plus a return considered adequate by the insurer.

The insurer shall compute the amount of each investment under this section on the basis of the out-of-pocket purchase price and applicable related expenses paid by the insurer for the investment, net of each borrowing made to finance the purchase price and expenses, to the extent the borrowing is without recourse to the insurer. An insurer may not acquire an investment under this section if, as a result of and after giving effect to the investment, the aggregate amount of all investments then held by the insurer under this section would exceed:

- (a) 2% of its admitted assets; or

(b) 0.5% of its admitted assets as to any single item of tangible personal property.

An insurer may acquire obligations secured by mortgages on real estate situated within a domestic jurisdiction, either directly or indirectly through limited partnership interests and general partnership interests not otherwise prohibited by law, joint ventures, stock of an investment subsidiary, membership interests in a limited liability company, trust certificates, or other similar instruments or obligations secured by mortgages on real estate. However, a mortgage loan that is secured by other than a first lien may not be acquired unless the insurer is the holder of the first lien. The obligations held by the insurer and any obligations with an equal lien priority may not, at the time of acquisition of the obligation, exceed certain limitations imposed by the act.

An insurer may acquire, manage, and dispose of real estate situated in a domestic jurisdiction, either directly or indirectly through limited partnership interests and general partnership interests not otherwise prohibited by law, joint ventures, stock of an investment subsidiary, membership interests in a limited liability company, trust certificates, or other similar instruments. The real estate must be income-producing or intended for improvement or development for investment purposes under an existing program, in which case the real estate shall be considered to be income-producing. An insurer may acquire, manage, and dispose of real estate for the convenient accommodation of the insurer's or the insurer's affiliates' business operations, including home office, branch office, and field office operations.

SECURITIES LENDING - An insurer may enter into securities lending, repurchase, reverse repurchase, and dollar roll transactions with business entities, subject to the following requirements:

- (1) The insurer's board of directors shall adopt a written plan that is consistent with the requirements of the written plan that specifies guidelines and objectives to be followed;
- (2) Operational procedures to manage interest rate risk, counterparty default risk, the conditions under which proceeds from reverse repurchase transactions may be used in the ordinary course of business, and the use of acceptable collateral in a manner that reflects the liquidity needs of the transaction; and
- (3) The extent to which the insurer may engage in these transactions.

FOREIGN INVESTMENTS AND FOREIGN CURRENCY TRANSACTIONS- The act sets forth the conditions in which an insurer may invest in foreign investments or engage in investment practices with persons in foreign jurisdictions. The act also authorizes insurers to acquire investments in foreign currencies if certain conditions are met.

STEPHEN WITTE

02/28/2006 S First Read (S322)

03/02/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S385)

EFFECTIVE: August 28, 2006

\*\*\* SB 1136 \*\*\*

5150S.011

SENATE SPONSOR: Vogel

SB 1136 - This act requires licensees to renew licenses every two years. Those licensees who are in compliance will automatically receive a renewal while those with outstanding delinquencies will receive a letter outlining the necessary steps to achieve compliance.

JASON ZAMKUS

02/28/2006 S First Read (S322)

03/02/2006 Second Read and Referred S Ways & Means Committee (S385)

03/09/2006 Hearing Scheduled S Ways & Means Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1137 \*\*\*

5149S.011

SENATE SPONSOR: Vogel

SB 1137 - Under the current property tax credit program, there is a qualification requirement which states that all applicants who chose the "over 65" status must have been a resident for the entire year in which they are applying for the credit. This act removes the full year residency requirement from the property tax credit program.

JASON ZAMKUS

02/28/2006 S First Read (S322)

03/02/2006 Second Read and Referred S Ways &amp; Means Committee (S386)

EFFECTIVE: August 28, 2006

\*\*\* SB 1138 \*\*\*

5151S.011

SENATE SPONSOR: Vogel

SB 1138 - This act allows the Director of the Department of Revenue to require that motor fuel tax returns be submitted electronically in an approved format after notifying effected entities in writing at least six months prior to the effective date. The Director of the Department of Revenue may require employer withholding returns and payments be submitted in electronic format provided employers are notified a minimum of six months prior to the effective date of such requirements.

From January 1, 2006, to January 1, 2007, any person acting as a practitioner or preparer and who completed and filed more than two hundred individual income tax returns in the previous calendar year is required to transmit such returns electronically in a format approved by the director. From January 1, 2007, to January 1, 2008, any such person who completed and filed more than one hundred individual income tax returns in the previous calendar year is required to transmit such returns electronically in a format approved by the director. On or after January 1, 2008, any such person acting who completed and filed more than fifty individual income tax returns in the previous calendar year is required to transmit such returns electronically in a format approved by the director.

If a taxpayer has been granted an extension of time for filing his or her federal income tax return electronically, the Missouri individual income tax return shall have the same due date, as long as such return is also filed electronically.

The director may require sales tax returns and payments be submitted in electronic format provided sellers are notified a minimum of six months prior to the effective date of such requirements and that the sellers are required to file returns at least monthly.

JASON ZAMKUS

02/28/2006 S First Read (S322)

03/02/2006 Second Read and Referred S Ways &amp; Means Committee (S386)

03/09/2006 Hearing Scheduled S Ways &amp; Means Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1139 \*\*\*

5383S.011

SENATE SPONSOR: Gibbons

SB 1139 - This act designates the portion of Highway 21 from the intersection of Lindbergh Avenue to the intersection of Gravois Road in St. Louis County as the "Sergeant William McEntee Memorial Highway". The Department of Transportation shall erect and maintain appropriate signs commemorating this portion of highway. Costs for such designation shall be paid for by the Kirkwood Police officers.

STEPHEN WITTE

02/28/2006 S First Read (S322)

03/02/2006 Second Read and Referred S Transportation Committee (S386)

03/07/2006 Hearing Scheduled S Transportation Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1140 \*\*\*

4247S.091

SENATE SPONSOR: Gibbons

SB 1140 - This act requires political subdivisions to provide additional information to taxpayers prior to the public hearing held prior to the setting of tax rates. This act requires certain assessors to uniformly assess residential property under the uniform statewide cost system created by the State Tax Commission by January 1, 2010.

The State Tax Commission must create or select an existing uniform statewide cost system or manual for property tax reassessment no later than January 1, 2008. The State Tax Commission will oversee the education and certification of all assessors and certain assessor staff. The State Tax Commission must create a form, to be supplied to title insurance agents and real estate agents, requesting the voluntary

disclosure of residential sales information from certain purchasers of residential property to be completed upon closing. Such form may be completed by voluntarily disclosing sales information or checking a box declining to provide such information. Such form shall specifically state that the information provided will be held confidential, shall not be considered a public document under Missouri's Sunshine Law, and will only be used by the county assessor, the State Tax Commission and the County Board of Equalization to ensure accurate reassessments of property in the county.

This act also transfers the duty of examining and certifying sales ratio studies from the Department of Elementary and Secondary Education to the Joint Committee on Tax Policy.

JASON ZAMKUS

02/28/2006 S First Read (S322)

03/02/2006 Second Read and Referred S Ways & Means Committee (S386)

EFFECTIVE: August 28, 2006

\*\*\* SB 1141 \*\*\*

5406S.011

SENATE SPONSOR: Barnitz

SB 1141 - This act requires the state Highways and Transportation Commission to erect signs commemorating the Korean War at every state road or state highway that crosses or intersects the thirty-eighth parallel.

STEPHEN WITTE

02/28/2006 S First Read (S322)

03/02/2006 Second Read and Referred S Transportation Committee (S386)

EFFECTIVE: August 28, 2006

\*\*\* SB 1142 \*\*\*

5334L.011

SENATE SPONSOR: Graham

SB 1142 - This act explicitly grants the Missouri Higher Education Loan Authority (MOHELA) the ability to sell or liquidate any asset of the authority. The term "asset" is defined in the act. The act specifies that proceeds from such assets shall be either utilized to carry out the purposes of the authority or be deposited into a fund, newly created by the act. Moneys in the fund shall be only utilized for purposes specified in the act, including the funding of student loans, scholarships, endowed professorships, and capital projects. The act stipulates that proceeds of the authority shall not be utilized for the payment of debts.

DONALD THALHUBER

02/28/2006 S First Read (S323)

03/02/2006 Second Read and Referred S Education Committee (S386)

EFFECTIVE: August 28, 2006

\*\*\* SB 1143 \*\*\*

5359S.011

SENATE SPONSOR: Mayer

SB 1143 - This act modifies numerous penalties for violations of motor vehicle licensing, registration, and equipment statutes. The modifications to the numerous penalties include:

- Making certain violations punishable by a fine of not less than \$5 or more than \$500 or by imprisonment in the county jail for a term not exceeding one year, or by both rather than as Class C misdemeanor.
- Making certain violations that are currently without a specified penalty either a Class C misdemeanor or an infraction
- Making numerous violations punishable as an infraction rather than as a misdemeanor

This act provides that for an infraction, all court costs, fees, surcharges, and other charges shall be assessed in the same manner and amount as for a misdemeanor.

Under this act, an offense is an infraction if it is designated as one or if a violation can result only in a fine, forfeiture, or other civil penalty. A determination of whether an infraction has occurred shall be made by the

filing of a civil action. The action shall be filed by a person who is authorized to bring a criminal action or an action to enforce an ordinance. The action will be brought in the name of the state or the appropriate political subdivision. An infraction violation shall be proved by a preponderance of the evidence but shall not be tried by a jury. If an infraction violation is proven, judgment shall be entered for the plaintiff.

This act requires any driver to stop on signal of any law enforcement officer and to obey any reasonable signals of such officer given in the course of enforcing any infraction. Any person who fails or refuses to obey any such signal or who resists an officer while enforcing any infraction, shall be guilty of a Class A misdemeanor.

SUSAN HENDERSON MOORE

02/28/2006 S First Read (S323)

03/02/2006 Second Read and Referred S Transportation Committee (S386)

EFFECTIVE: August 28, 2006

\*\*\* SB 1144 \*\*\*

5335S.011

SENATE SPONSOR: Mayer

SB 1144 - This act authorizes a juvenile court to issue temporary custody, visitation, and child support orders. Such temporary orders may then be transferred to a circuit court or probate court, which shall then enter a final order or judgement of custody, visitation, and child support or an order of legal guardianship. A temporary order by a juvenile court shall place the child in the temporary custody of a parents or parents, a relative or legal guardian or another appropriate person to serve as guardian of the child. Upon receipt of the matter by the circuit or probate court, the jurisdiction of the juvenile court shall cease. The temporary order shall become a final judgment of the recipient court 60 days after receipt of the matter unless a party objects or the court, on its own motion, sets the matter for hearing.

JIM ERTL

02/28/2006 S First Read (S323)

03/02/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S386)

EFFECTIVE: August 28, 2006

\*\*\* SB 1145 \*\*\*

5241S.021

SENATE SPONSOR: Mayer

SB 1145 - This act creates the "Guard at Home" program to assist families of members who have been deployed for active duty with financial and employment needs, and to assist returned guard members with employment and training needs so that they may reenter the workforce. The Department of Economic Development will enter into a contract with a qualified provider, as provided in this act, to implement the program. The provider shall be an accredited community-based not for profit agency with experience in job training and social services to veterans and veterans organizations, that is able to provide certain matching funds to the program, and that has a substantial presence and experience in certain areas of the state.

Eligible families will be those in which the primary income-earner was called to active duty for more than four months, and who suffer financial hardships due to a lack of outside resources.

Services under the program may include various forms of financial assistance, vocational evaluations, counseling and training, paid internships or subsidized employment, and other job placement assistance.

The department shall make efforts to ensure the program is servicing at least 100 families in the specified areas by August 1, 2006, and shall prepare a report on the progress of the program by January 1, 2007. General sunset provisions shall apply to this new program.

This act has an emergency clause which states it will go into effect on July 1, 2006.

ALEXA PEARSON

02/28/2006 S First Read (S323)

03/02/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S386)

EFFECTIVE: August 28, 2006

\*\*\* SB 1146 \*\*\*

5373S.011

SENATE SPONSOR: Ridgeway

SB 1146 - Under the act, in all cases where the law provides for an independent review of an agency's decision by a board other than the administrative hearing commission, and provides for de novo review by the circuit court, an aggrieved party may waive review by the board and file in the circuit court. Such a waiver shall constitute exhaustion of all administrative remedies.

CHRIS HOGERTY

02/28/2006 S First Read (S323)

03/02/2006 Second Read and Referred S Judiciary and Civil &amp; Criminal Jurisprudence Committee

03/06/2006 Hearing Conducted S Judiciary and Civil &amp; Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1147 \*\*\*

5361S.031

SENATE SPONSOR: Ridgeway

SB 1147 - Under this act, an individual taxpayer shall be allowed a deduction from Missouri adjusted gross income for the contributions he or she makes to a health savings account to the extent that the taxpayer was not deducted on the taxpayer's federal income tax return.

This act provides that a health insurance policy that otherwise qualifies as a high deductible plan under federal law, when offered in conjunction with a health savings account, shall not be subject to any provision of law that restricts or limits deductibles for mandated minimum health insurance benefits or reimbursements except to the extent such provision mandates benefits for preventive care, as determined by the standards set forth by the Internal Revenue Service. The act also provides that any health carrier may offer a high deductible health plan that would qualify for and may be offered in conjunction with a health savings account under federal law. The act requires health carriers that offer high deductible health plans to provide annual surveys to the department of insurance. The surveys shall contain information regarding the policyholders who utilize high deductible health plan.

STEPHEN WITTE

02/28/2006 S First Read (S323)

03/02/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S386)

EFFECTIVE: August 28, 2006

\*\*\* SB 1148 \*\*\*

5374S.011

SENATE SPONSOR: Ridgeway

SB 1148 - This act modifies provisions regarding the transition period for a newly elected statewide officials. Currently, the transition period begins on November 15th. This act changes that date to the first day following the election. Any expenses incurred during the transition period may be paid after the actual end of the transition period. The Commissioner of Administration must request separate funding to cover the estimated costs of setting up the transition facilities so they are operational the day after the election.

JIM ERTLE

02/28/2006 S First Read (S323)

03/02/2006 Second Read and Referred S Financial &amp; Governmental Organizations and Elections Committee (S386)

EFFECTIVE: August 28, 2006

\*\*\* SB 1149 \*\*\*

4554S.031

SENATE SPONSOR: Kennedy

SB 1149 - This act requires an employee of a construction company to submit to a drug test before working on the property of a school. If a test result is found positive for illegal drugs, as determined by a medical review officer, the employee may not work on any school project. Upon such a determination, the employer may take action against the employee up to and including termination. The employer may also require the employee to participate in a drug abuse assistance or drug rehabilitation program. If the employee yields a negative result that result shall stand for one year and the employee shall be able to work on any school project without further testing. The Department of Health and Senior Services shall administer the program.

This act is similar to SB 492 (2005).

CHRIS HOGERTY

02/28/2006 S First Read (S323)

03/02/2006 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S386)

EFFECTIVE: August 28, 2006

\*\*\* SB 1150 \*\*\*

5358S.011

SENATE SPONSOR: Bartle

SB 1150 - This act modifies the types of orders or judgments that may be appealed through the prosecuting or circuit attorney. In addition to the current appeals permitted, an appeal may be taken through the prosecuting or circuit attorney from any order or judgment that will not impose double jeopardy and which results in:

- (1) Setting aside the indictment, information, or complaint;
- (2) Granting a new trial;
- (3) Arresting judgment;
- (4) Modifying the verdict in certain ways;
- (5) A judgment dismissing all or any portion of the action;
- (6) Denying the motion of the state to reinstate the complaint;
- (7) Imposing an unlawful sentence; or
- (8) Recusing the prosecuting attorney's office.

SUSAN HENDERSON MOORE

02/28/2006 S First Read (S326)

03/07/2006 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S394)

EFFECTIVE: August 28, 2006

\*\*\* SB 1151 \*\*\*

5268S.011

SENATE SPONSOR: Bartle

SB 1151 - This act excludes gambling establishments, defined as an excursion gambling boat and any related business facility including any real property improvements which are directly and solely related to such business facility, whose sole purpose is to provide goods or services to an excursion gambling boat and whose majority ownership interest is held by a person licensed to conduct gambling games on an excursion gambling boat or licensed to operate an excursion gambling boat, and entities which fall under NAICS Industry group 7132 from the definition of a qualified company under the Quality Jobs Act.

JASON ZAMKUS

02/28/2006 S First Read (S326)

03/06/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S394)

EFFECTIVE: August 28, 2006

\*\*\* SB 1152 \*\*\*

5448S.011

SENATE SPONSOR: Bartle

SB 1152 - This act prohibits human cloning. "Cloning a human being" is defined as the creation of a human being by any means other than by the fertilization of an oocyte of a human female by a sperm of a human male.

This act prohibits any individual from knowingly cloning, attempting to clone a human being, or participating in cloning a human being. This act also prohibits any person from knowingly using public funds or public facilities to clone a human being.

Under this act, no public employee shall knowingly allow any person to clone a human being while making use of public funds or facilities.

In the event that this act is violated or is in imminent danger of being violated, the Attorney General or prosecuting attorney shall institute an action for injunctive relief or other relief to prevent such a violation. For each violation or attempt, the civil penalty would not to exceed \$50,000 if imposed on a corporation or other entity, and would not exceed \$10,000 if imposed on a person. In determining the amount of the penalty, the court shall consider the value of the offender's gain. A suit may be brought in any county where the alleged violation occurred.

This act requires that 25% of the funds received from participating manufacturers who joined or will join the master settlement agreement after January 1, 2004 shall be expended by the Life Sciences Research Board. The money, which is deposited into the Life Sciences Research Trust Fund, will be expended for research projects involving human stem cells derived from non-embryonic and non-fetal sources.

This act is identical to SS/SB 160 (2005).  
SUSAN HENDERSON MOORE

02/28/2006 S First Read (S326)

03/06/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S394)

EFFECTIVE: August 28, 2006

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\*\*\* SB 1153 \*\*\*

5100S.011

SENATE SPONSOR: Bartle

SB 1153 - Under this act, the necessary statutory changes are made due to the transfer of the Division of Aging from the Department of Social Services to the Department of Health and Senior Services.

This act also modifies provisions relating to protections for senior citizens and the disabled receiving care for in-home services, adult day care, or personal care assistance.

This act modifies the mandatory reporting provision affecting the senior citizens and the disabled receiving in-home care and adult-day care services to include personal care services. Mandatory reporters must also now immediately report to the Department of Health and Senior Services if there is reasonable cause to believe that a patient has been a victim of misappropriation of property or money belonging to the patient, or that the falsification of any documents verifying service delivery has occurred. SECTION 192.2130.2.

Upon receipt of a report that indicates an imminent danger to the health, safety, or welfare of a patient or substantial probability that death or serious physical injury will result, the department shall initiate an investigation within twenty-four hours. SECTION 192.2130.6

This act requires the department to keep the names of individuals submitting abuse, misappropriation, and falsification of document reports confidential unless the complainant agrees to the disclosure of his or her name, the name of the complainant is lawfully subpoenaed, the release of a name is required by the Administrative Hearing Commission, or the release of a name is requested by the Department of Social Services for the purpose of licensure under Chapter 210, RSMo. SECTION 192.2130.9

This act protects patients and patients' family members from eviction, harassment, or retaliation due to the filing of a report of a violation or suspected violation of the laws or regulations of this act. SECTION 192.2130.13

Any person who fails to make the required abuse, neglect or misappropriation of property report shall be guilty of a class A misdemeanor. Any provider who knowingly conceals abuse or neglect that results in the death or serious injury of the patient shall be guilty of a Class D felony. In addition, any provider who willfully and knowingly fails to report known abuse by an employee may be subject to a one thousand dollars per abuse violation administrative penalty by the Department of Health and Senior Services. SECTION 192.2153



This act extends the time a person can be listed on the employee disqualification list by one year if he or she is employed in a prohibited position while on the list. SECTION 192.2175.14

This act modifies the provision on providers being guilty of a Class A misdemeanor for knowingly hiring or retaining employees who have been convicted of, found guilty of, or pled guilty to specified crimes to include Class D felony violations of forgery and repeated instances of stealing. SECTIONS 192.2178.6

This act is similar to HB 1767 (2006).

ADRIANE CROUSE

02/28/2006 S First Read (S326)

03/06/2006 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S394)

EFFECTIVE: August 28, 2006

\*\*\* SB 1154 \*\*\*

4929S.011

SENATE SPONSOR: Mayer

SB 1154 - This act prohibits a person from becoming a member of the Missouri Ethics Commission if such person has previously been a candidate for an elected office where the person was required to declare a political party affiliation or his or her status as an independent candidate.

JIM ERTLE

02/28/2006 S First Read (S326)

03/06/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S394)

EFFECTIVE: August 28, 2006

\*\*\* SB 1155 \*\*\*

5434L.011

SENATE SPONSOR: Stouffer

SB 1155 - This act modifies provisions relating to the technical advisory committee on the quality of patient care and nursing practices. This act extends the sunset provision from December 31, 2006 to December 31, 2011.

ADRIANE CROUSE

02/28/2006 S First Read (S326)

03/06/2006 Second Read and Referred S Aging, Families, Mental & Public Health Committee (S394)

EFFECTIVE: August 28, 2006

\*\*\* SB 1156 \*\*\*

5436S.011

SENATE SPONSOR: Nodler

SB 1156 - This act renders technical and grammatical alterations to the statute that creates the Missouri Higher Education Loan Authority.

DONALD THALHUBER

02/28/2006 S First Read (S326-327)

03/06/2006 Second Read and Referred S Education Committee (S394)

EFFECTIVE: August 28, 2006

\*\*\* SB 1157 \*\*\*

3161S.021

SENATE SPONSOR: Loudon

SB 1157 - This act modifies the definition of commercial real estate by including real estate on which no buildings or structures are located and explicitly provides that commercial real estate shall include an unimproved real estate of any zoning classification, other than agricultural or horticultural real estate, being purchased for development or subdivision.

STEPHEN WITTE

02/28/2006 S First Read (S327)

03/06/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S394)

EFFECTIVE: August 28, 2006

\*\*\* SB 1158 \*\*\*

5410S.011

SENATE SPONSOR: Clemens

SB 1158 - This act provides that an owner of anhydrous ammonia shall not be responsible for the cleanup costs associated with an anhydrous ammonia release caused by a person who illegally tampered with the owner's anhydrous ammonia.

JIM ERTLE

02/28/2006 S First Read (S327)

03/06/2006 Second Read and Referred S Agriculture, Conservation, Parks &amp; Natural Resources Committee (S394)

EFFECTIVE: August 28, 2006

\*\*\* SB 1159 \*\*\*

5411S.011

SENATE SPONSOR: Clemens

SB 1159 - This act provides that any person who negligently damages or destroys any field crop product shall be liable only for actual damages involving production, research, testing, replacement, and crop development costs directly related to the crop that has been damaged or destroyed.

JIM ERTLE

02/28/2006 S First Read (S327)

03/06/2006 Second Read and Referred S Agriculture, Conservation, Parks &amp; Natural Resources Committee (S394)

EFFECTIVE: August 28, 2006

\*\*\* SB 1160 \*\*\*

4995S.031

SENATE SPONSOR: Mayer

SB 1160 - This act creates the Missouri County Planning Act. Nothing in this act shall affect the existence or validity of a county ordinance or order adopted prior to August 28, 2006.

#### ESTABLISHMENT, POWERS, AND OPERATION OF PLANNING COMMISSIONS

This act allows any county to create, adopt, amend, and carry out a county plan. Any county commission may establish and appoint a planning commission.

If s specified percentage of voters sign a petition to form a planning commission, the election authority shall place the question before the voters on the ballot. This act contains petition and ballot language. If the voters approve the formation of a commission, one shall be formed and have the same rights as other planning commissions.

The county commission shall appoint members to the planning commission, and shall, by resolution, ordinance, or order, establish the procedures for membership, compensation, terms, vacancies, and removal. Once formed, the commission shall elect officers and adopt rules.

The planning commission shall have various powers, including preparing and reviewing comprehensive plans, preparing subdivision, zoning, and other regulations, reviewing plat applications, public improvements for accordance with the comprehensive plan, and zoning regulations, appointing employees, other powers delegated to it by the county commission, and other powers necessary to perform the required duties.

#### COMPREHENSIVE PLAN

The purpose of a comprehensive plan is to guide and accomplish the coordinated, efficient, and orderly physical development of the county. The planning commission may determine the applicability to the county of certain elements, such as land use, transportation, housing, community facilities, economic development, natural, cultural, or historical resources, human services, community design, and sustainability. The comprehensive plan developed by the commission may contain policies regarding any of these elements.

During the process of developing a plan, the commission shall accept and consider public comments. The commission must provide public notice and hold at least one public hearing prior to adopting a plan. The

planning commission by a majority vote may adopt a comprehensive plan as a whole by a single resolution. The commission may also adopt portions of the plan at different times.

Upon adoption, the plan must be properly filed. A record of the public involvement must be attached to the resolution approving the plan. The plan may be adopted by the county commission by resolution. The planning commission may periodically review and amend the comprehensive plan. Amendments to the plan may be prepared at any time.

#### SUBDIVISION REGULATIONS

Under this act, the planning commission may recommend, and the county commission may adopt, regulations governing the subdivision of land. In lieu of immediate installation of work required by the regulations, the commission may accept bond for the county commission, which provides for the construction of such improvements within a certain period of time.

Before adopting or amending subdivision regulations, the planning commission must provide notice and hold a public hearing. A county commission may hold a public hearing, but no separate hearing is required for the adoption of subdivision regulations by the county commission after receiving the planning commission's recommendation.

After subdivision regulations are adopted, no subdivision plat shall be recorded until it is approved by the planning commission, unless the commission does not act within 30 days. The county commission may overrule the rejection of a plat by the planning commission after a public hearing. Any municipality may protest the action of the planning commission and further action must be taken by the county commission. At the request of a municipality, a planning commission may subject subdivision plats to its regulations.

The planning commission, after a hearing, may vacate any plat of a subdivision of land.

#### REVIEW OF PUBLIC IMPROVEMENTS

After a planning commission adopts a comprehensive plan, no street, public improvement, or public utility may be constructed in a location within the plan, without approval by the commission. The act outlines a procedure for the aggrieved party to follow if the commission does not approve the construction.

#### MAJOR STREET PLAN

A planning commission may adopt a major street plan for all areas of the county in accordance with the transportation element of a comprehensive plan. The county may by ordinance establish building lines on any public street identified in the street plan.

#### ZONING REGULATIONS

A planning commission may recommend, and the county commission may adopt, zoning regulations. The act describes what the zoning regulations may include and what they may regulate. The regulations must define the boundaries of zoning districts or other areas where the regulations differ from one another. One appointed person shall be responsible for interpreting the zoning ordinances.

Under this act, farm buildings and farm structures that are not designated as flood plains are exempt from zoning regulations.

#### ZONING PROCEDURES

After recommendations from the planning commission, the county commission may adopt the regulations. The county may submit the question of adopting zoning regulations to the voters prior to adoption.

The planning commission must provide notice and shall hold a public hearing on proposed zoning regulations. The act provides how the commission shall approve recommendations and the procedure of the county commission when either approving or overruling the commission's recommendations.

The county commission or planning commission may make changes to the regulations or boundaries of zoning districts in accordance with the comprehensive plan. A procedure is established for amending such regulations.

#### BOARD OF ZONING ADJUSTMENT

Any county commission, which has adopted a zoning map and regulations, shall appoint a county board of zoning adjustment. The board shall consist of 5 residents with not more than two being residents of

incorporated areas. After the initial members having staggered terms, the members shall serve four-year terms.

The board shall have the following powers and it shall be its duty to:

(1) Hear and decide appeals about errors of law or any determination made by officials regarding zoning regulations;

(2) Hear and decide matters referred to it or matters it is required to determine under the zoning regulations; and

(3) Authorize a variance from the strict application of a regulation when it causes a property owner to endure an unreasonable hardship.

The board shall elect a chair and adopt rules of procedure. Meetings of the board shall be open to the public. This act outlines who may bring appeals and when such appeals may be brought before the board. With limited exceptions, an appeal shall stay all proceedings in furtherance of the action appealed. Any person aggrieved by a decision of the board may petition the circuit court for relief.

#### VIOLATIONS AND PENALTIES

Any violation of any regulation adopted under the authority of this act shall be a misdemeanor with each day of the offense considered a separate offense. Any county commission that has appointed a county counselor may impose a civil fine for each violation under this act. The fines will be payable to the county general revenue fund and go towards paying the costs of enforcing this act. The county, county commission, planning commission, or any property owner whose property is affected, may bring an action to enforce the regulations.

No land owner within a platting jurisdiction of a county that has adopted subdivision regulations may transfer such land before the plat has been approved by the county commission or planning commission and properly recorded. Each improper transfer is a violation and may be enjoined by the county.

The county may designate a zoning inspector to examine and serve violation orders. The act sets out the penalties for persons who refuse to comply with such orders.

#### MISCELLANEOUS PROVISIONS

Counties may enter into agreements with other public or private organizations, agencies, or bodies to perform planning duties and functions and adopt plans prepared pursuant to cooperative agreements. The county commission may adopt regulations created pursuant to such agreements.

SUSAN HENDERSON MOORE

02/28/2006 S First Read (S327)

03/06/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S394)

EFFECTIVE: August 28, 2006

\*\*\* SB 1161 \*\*\*

5437S.011

SENATE SPONSOR: Shields

SB 1161 - This act allows the governing body of any municipality or county to authorize an organization to stand in a road to solicit charitable contributions. Any organization must file a written application no later than 11 days before the solicitation. The act specifies what information must be provided in the application.

The governing body may require the applicant to obtain a permit or pay a reasonable fee. It may also require proof of liability insurance or set a minimum age requirement for persons soliciting.

Solicitation collections shall only be conducted at intersections controlled by electronic signal lights or by four-way stop signs.

This act is identical to HCS/HB 1119 (2006).

SUSAN HENDERSON MOORE

02/28/2006 S First Read (S327)

03/06/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S394)

EFFECTIVE: August 28, 2006

\*\*\* SB 1162 \*\*\*

5416S.011

SENATE SPONSOR: Nodler

SB 1162 - Under the act, the Small Business Regulatory Fairness Board shall act as a liaison between state agencies and federal small business administration programs to provide a coordinated delivery system to serve the informational needs of Missouri small business owners.

CHRIS HOGERTY

03/01/2006 S First Read (S348)

03/06/2006 Second Read and Referred S Governmental Accountability & Fiscal Oversight Committee (S395)

EFFECTIVE: August 28, 2006

\*\*\* SB 1163 \*\*\*

5400S.011

SENATE SPONSOR: Nodler

SB 1163 - This act transfers the duty to administer the Crime Victims' Compensation Fund from the Director of the Department of Revenue to the Director of the Department of Public Safety.

SUSAN HENDERSON MOORE

03/01/2006 S First Read (S348)

03/06/2006 Second Read and Referred S Governmental Accountability & Fiscal Oversight Committee (S395)

EFFECTIVE: August 28, 2006

\*\*\* SB 1164 \*\*\*

5415S.011

SENATE SPONSOR: Graham

SB 1164 - This act requires the State Board of Education to ensure that each teacher training program approved by the board includes instruction in main streaming children with special needs as well as instruction regarding the Individualized Education Program (IEP) processes concerning such students.

DONALD THALHUBER

03/01/2006 S First Read (S348)

03/06/2006 Second Read and Referred S Education Committee (S394)

EFFECTIVE: August 28, 2006

\*\*\* SB 1165 \*\*\*

5456S.011

SENATE SPONSOR: Klindt

SB 1165 - The act extends the fees imposed under the water pollution statutes until December 31, 2009.

The act directs the creation of a joint committee that shall consider proposals for restructuring the fees imposed under Sections 644.052 and 644.053 RSMo, as well as the state's implementation of the federal clean water program. The committee's report shall be due no later than December 31, 2008.

MEGAN WORD

03/01/2006 S First Read (S348)

03/06/2006 Second Read and Referred S Commerce, Energy and the Environment Committee (S395)

EFFECTIVE: August 28, 2006

\*\*\* SB 1166 \*\*\*

5479S.011

SENATE SPONSOR: Klindt

SB 1166 - This act repeals the motor vehicle safety inspection program effective January 1, 2007. The safety inspection remains in place for school buses and such inspections will be conducted by the highway patrol.

Similar provision are contained in SS/SCS/SB 583 (2006).

STEPHEN WITTE

03/01/2006 S First Read (S348)

03/06/2006 Second Read and Referred S Transportation Committee (S395)

EFFECTIVE: January 1, 2007

\*\*\* SB 1167 \*\*\*

5470S.011

SENATE SPONSOR: Days

SB 1167 - Under the act, state senators and state representatives currently holding office shall not contract with or solicit other sitting senators or representatives for the purposes of political campaigning, fundraising or consulting in relation to the election of any state or federal office.

CHRIS HOGERTY

03/01/2006 S First Read (S348)

03/06/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S395)

EFFECTIVE: August 28, 2006

\*\*\* SB 1168 \*\*\*

5450S.011

SENATE SPONSOR: Bray

SB 1168 - This act relates prohibits certain activities relating to human trafficking and prostitution.

**SECTION 566.265**

Under this act, if a business pleads guilty to or is found guilty of violating the laws against human trafficking or abuse through forced labor, the court may:

- Order its dissolution or reorganization;
- Order the suspension or revocation of any license or permit granted to the business;
- Order the surrender of its charter or the revocation of its certificate to conduct business.

**SECTION 567.085**

This act creates the crime of promoting travel for prostitution. A person commits such crime if he or she knowingly sells or offers to sell travel services that include or facilitate travel for the purpose of engaging in prostitution. The crime is a Class C felony.

**SECTION 567.087**

No travel agency or charter tour operator shall:

- Promote travel for prostitution; or
- Sell, advertise, or otherwise offer to sell travel services for purpose of engaging in a commercial sex act or which offer sexual contact as an enticement for tourism or which provide access to sex escorts or sexual services.

There shall be a rebuttable presumption that any agency or tour operator using advertisements that include certain terms or include depictions of human genitalia is in violation of this section.

**SECTION 567.089**

No travel agency or charter tour operator shall engage in selling, advertising, or otherwise offering to sell travel services, tourism packages, or activities that solicit, encourage, or facilitate travel for the purposes of engaging in prostitution.

Upon violation of this section, the secretary of state shall revoke the articles of incorporation of such business. The secretary of state, as part of a proceeding brought under this section, may order a freeze on the bank or deposit accounts of the travel agency or charter tour operator.

SUSAN HENDERSON MOORE

03/01/2006 S First Read (S348)

03/07/2006 Second Read and Referred S Judiciary and Civil and Criminal Jurisprudence Committee (S395)

EFFECTIVE: August 28, 2006

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\*\*\* SB 1169 \*\*\*

5443S.011

SENATE SPONSOR: Bray

SB 1169 - Currently, under Department of Elementary and Secondary Education rules, school districts may be financially penalized for transporting students who live less than a mile from school.

This act exempts from administrative penalties districts that demonstrate their students have to cross highways and arterials under specified conditions.

DONALD THALHUBER

03/01/2006 S First Read (S348)

03/06/2006 Second Read and Referred S Education Committee (S395)

EFFECTIVE: August 28, 2006

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\*\*\* SB 1170 \*\*\*

5466S.011

SENATE SPONSOR: Bray

SB 1170 - This act creates statutory warranties for home buyers and homeowners and also prevents home solicitors from engaging in certain deceptive practices.

This act prohibits home solicitors from selling products financed by the consumer's home which would put the consumer in those types of situations. This act outlaws certain unfair or deceptive practices relating to home improvement loans to the consumer. It would prohibit home solicitations where a home improvement loan is made encumbering the person's home to pay the loan and where the practice violates federal law. Violation of this act's provisions would constitute a Class A misdemeanor.

This act mandates warranties to protect new home purchasers from losses caused by faulty installation, major construction defects, and noncompliance with building standards. The act also mandates similar warranties to protect homeowners from losses caused by defects caused by home improvement contractors.

There are three distinct new home warranties created by this act. The first covers the home against faulty workmanship and defective materials due to noncompliance with building standards for a three year period. The second warranty covers new homes against faulty installation of plumbing, electrical, heating and cooling systems for a five-year period. The third warranty covers the home against major construction defects (foundation) for a ten-year period. These warranties are extended to subsequent purchasers of the home.

The second statutory warranty protects consumers against home improvement contractors. Under this warranty, the home improvement contract warrants that the home improvements made will be free from defects caused by faulty workmanship and defective materials for a two-year period. The home improvement warranty also guarantees that the home improvement will be free from major construction defects for a ten-year period.

Improvements involving plumbing, electrical, heating and cooling systems are guaranteed to be free from defects for a period of two-years.

If the house vendor or the home improvement contractor violates these implied warranties then the homeowner may bring a cause of action against the person for actual damages. The court shall also award the homeowner court costs and reasonable attorney fees. If the breach of the warranties were willful or deceitful, then the court may assess punitive damages.

The act is identical to SB 635 (2002).

MEGAN WORD

03/01/2006 S First Read (S348)

03/06/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S395)

EFFECTIVE: August 28, 2006

\*\*\* SB 1171 \*\*\*

5472S.011

SENATE SPONSOR: Bray

SB 1171 - This act modifies the laws relating to eminent domain and condemnation proceedings.

## SECTION 523.055

Currently, an owner must deliver condemned property within 10 days unless the court grants an extension of up to 90 days. This act allows the extension to be longer than 90 days if there are exigent circumstances.

## SECTION 523.085

Any condemning entity shall be prohibited from using the power of eminent domain to take private property when the end use is private for-profit use or when condemnation shall result in the immediate or prompt transfer of such property to a private entity to be used for profit.

## SECTION 523.085

When determining the assessment of damages, the condemnation commissioners may consider market alternatives or replacement costs, including but not limited to:

- (1) Actual reasonable relocation expenses;
- (2) The expense of replicating the use or function of the owner's personal property that cannot be relocated;
- (3) The amount of direct losses of tangible property incurred by the owner as a result of relocating or discontinuing a business or farm;
- (4) Actual reasonable expenses incurred by the owner in searching for a replacement business or farm;
- (5) Actual reasonable expenses of the owner that were necessary for the owner to reestablish his or her displaced business or farm;
- (6) Reasonable attorney's fees, expert fees, and appraisal fees.

Under this act, the condemnation commissioners, the court, or a jury may utilize the income approach when determining the assessed damages to a property owner for a partial taking. They may also consider the overall potential financial gain that a condemning entity may receive as a result of condemning multiple pieces of property to be used for one purpose or project when assessing the damages to each property owner whose property is intended to be used as part of such purpose or project.

SUSAN HENDERSON MOORE

03/01/2006 S First Read (S348)

03/06/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S395)

EFFECTIVE: August 28, 2006

\*\*\* SB 1172 \*\*\*

5461S.011

SENATE SPONSOR: Bray

SB 1172 - Under the act, no owner, employee, shareholder, or independent contractor over whom the Regional Taxicab Commission has oversight, or any person who stands to benefit economically or politically, directly or indirectly, shall be appointed to the Regional Taxicab Commission. Under the current law, four of the eight members of the Regional Taxicab Commission must be representatives of the taxicab industry, and the chairperson may be a taxicab industry representative. Under the act, the eight commission members shall be designated at large and none shall be a representative of the taxicab industry or be the spouse of any such person nor be an individual who has a direct material or financial interest in such industry. The act also establishes an advisory committee composed of 10 representatives of the transportation industry shall be established to advise the commission from time to time.

This act is substantially similar to HB 1342 (2006).



STEPHEN WITTE

03/01/2006 S First Read (S348)

03/06/2006 Second Read and Referred S Financial &amp; Governmental Organizations and Elections Committee (S395)

EFFECTIVE: August 28, 2006

\*\*\* SB 1173 \*\*\*

5442S.011

SENATE SPONSOR: Bray

SB 1173 - This act brings Missouri sales and use tax laws into compliance with the streamlined sales and use tax agreement.

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

- (1) The sourcing of sales must be changed to be based on receipt. This means that current law is modified, where necessary, to consider the point of sale, and thus the applicable tax rate, to be the point of receipt of the product;
- (2) When a city annexes property, the change to the tax rate will take place on the first day of the second calendar quarter after the Director of Revenue receives notice of the boundary change;
- (3) The same provisions as in (2) shall apply to rate changes;
- (4) All sales taxes must be administered at the state level if they are not already;
- (5) All state and local sales taxes must have the same base. This means that exemptions at the state and local level must be identical;
- (6) Certain definitions, including a definitions for "delivery charges", "food" "lease or rental", "purchase price", "sales price", "tangible personal property" and other modified definitions, must be adopted from the streamlined sales and use tax agreement;
- (7) The Department of Revenue can require electronic filing and payment of the sales and use tax;
- (8) Registration for out of state sellers is simplified and no bond is required;
- (9) No caps or thresholds may exist on the collection of sales or use taxes; and
- (10) Out of state sellers must be offered uniform, simplified, electronic filing.

The act is similar to SB 399 (2005).

JASON ZAMKUS

03/01/2006 S First Read (S348)

03/06/2006 Second Read and Referred S Ways &amp; Means Committee (S395)

EFFECTIVE: August 28, 2006

\*\*\* SB 1174 \*\*\*

5395S.011

SENATE SPONSOR: Stouffer

SB 1174 - This act transfers the authority to approve blood alcohol and other chemical testing methods and devices from the Department of Health and Senior Services to the Department of Transportation.

STEPHEN WITTE

03/01/2006 S First Read (S348)

03/06/2006 Second Read and Referred S Governmental Accountability &amp; Fiscal Oversight Committee (S395)

EFFECTIVE: August 28, 2006

\*\*\* SB 1175 \*\*\*

5439S.011

SENATE SPONSOR: Stouffer

SB 1175 - This act allows the city of Excelsior Springs to issue bonds and levy a sales tax of up to one-half of one percent on all retail sales made within the city for the purpose of constructing, equipping, operating and maintaining a community center for the city. The sales tax revenue shall be collected by the department of revenue which may retain one percent of such revenue to offset the costs of collection. The remaining revenue shall be transferred to the city to be placed into the "City Community Center Trust Fund" created by this act.

JASON ZAMKUS

03/01/2006 S First Read (S348)

03/06/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S395)

EFFECTIVE: August 28, 2006

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\*\*\* SB 1176 \*\*\*

5471S.011

SENATE SPONSOR: Stouffer

SB 1176 - This act requires the Department of Revenue to issue motor vehicle owners a pamphlet summarizing any new motor vehicle laws passed by the Missouri General Assembly within the last two years whenever the motor vehicle owner applies for or renews his or her registration. The pamphlets distributed by the Department of Revenue or fee offices shall be written and prepared by the Division of Highway Safety within the Department of Transportation. The Department of Revenue shall also summarize any new motor vehicle laws passed by the General Assembly on the department's web site.

STEPHEN WITTE

03/01/2006 S First Read (S349)

03/06/2006 Second Read and Referred S Transportation Committee (S395)

EFFECTIVE: August 28, 2006

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\*\*\* SB 1177 \*\*\*

5474S.011

SENATE SPONSOR: Callahan

SB 1177 - Currently, the State Registrar of Vital Statistics may appoint local registrars, each of whom must be person employed by a county health agency. This act allows local registrars to be an employee of either a county or city health agency.

This act is identical to HB 1707 (2006).

SUSAN HENDERSON MOORE

03/01/2006 S First Read (S349)

03/06/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S395)

EFFECTIVE: August 28, 2006

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\*\*\* SB 1178 \*\*\*

5473S.011

SENATE SPONSOR: Callahan

SB 1178 - This act exempts the sale of super bowl tickets from sales tax.  
JASON ZAMKUS

03/01/2006 S First Read (S349)

03/06/2006 Second Read and Referred S Ways & Means Committee (S395)

EFFECTIVE: August 28, 2006

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\*\*\* SB 1179 \*\*\*

5206S.011

SENATE SPONSOR: Callahan

SB 1179 - This act creates three tax credit programs and a sales tax exemption. The secondary mining use tax credit program provides a tax credit for taxpayers that incur expenses for the utilization of an existing mine for secondary uses equal to the lesser of hundred percent of such costs or fifty thousand dollars. The tax credit is non-refundable, but may be carried forward five years. The tax credit has an annual aggregate state-wide cap of five hundred thousand dollars. The provisions of this act will sunset six years from the effective date if not reauthorized.

The Business Relocation for Secondary Mining Use Tax Credit program provides a tax credit to taxpayers that incur expenses in relocating to an existing mine for use of the mine other than mining equal to the lesser of fifty percent of such costs or ten thousand dollars. The tax credit is non-refundable, but may be carried forward five years. The tax credit has an annual aggregate state-wide cap of one hundred thousand dollars. The provisions of this act will sunset six years from the effective date if not reauthorized.

The abandoned Mine Safety Tax Credit Program provides a tax credit, to taxpayers that incur expenses in implementing safety measures or devices in abandoned mines, equal to the lesser of fifty percent of such expenses or fifty thousand dollars. The tax credit is non-refundable, but may be carried forward five years. The tax credit has an annual aggregate state-wide cap of five hundred thousand dollars. The provisions of this act will sunset six years from the effective date if not reauthorized.

This act grants a sales tax exemption for sales of equipment to businesses relocating to an existing mine for purposes other than mining, if such equipment will actually be permanently placed in the mine.

JASON ZAMKUS

03/01/2006 S First Read (S349)

03/06/2006 Second Read and Referred S Ways & Means Committee (S395)

EFFECTIVE: August 28, 2006

\*\*\* SB 1180 \*\*\*

5401S.011

SENATE SPONSOR: Callahan

SB 1180 - This act requires all new signs erected after August 28, 2006, relating to disabled parking to contain the words "Accessible Parking" instead of "Handicap Parking."

The act is identical to HB 1035 (2006).

STEPHEN WITTE

03/01/2006 S First Read (S349)

03/06/2006 Second Read and Referred S Transportation Committee (S395)

EFFECTIVE: August 28, 2006

\*\*\* SB 1181 \*\*\*

5412S.011

SENATE SPONSOR: Griesheimer

SB 1181 - This act modifies several provisions of law relating to motor vehicle dealers and the licensing and registration process.

TEMPORARY PERMIT FEE - Under the act, an additional fee of \$2.50 shall accompany the sale of temporary permits or tags (\$7.50 tag fee and \$2.50 technology enhancement fee). The \$2.50 fee shall be deposited in the Enhanced Technology Fund. Such funds shall be used by the Department of Revenue for the purpose of issuance of temporary permits, electronic storage and transfer of data relating to the issuance of such permits, and any other purposes relating to registration and titling. No dealer shall charge more than \$15.00 for each permit issued (Section 301.140).

The act allows a dealer to provide proof that an application has been made for a duplicate certificate of ownership for each vehicle in the dealer's possession (Section 301.200).

LICENSE PLATE MANUFACTURE BY DEPARTMENT OF CORRECTIONS - The act deletes from law the requirement that the department of corrections purchase, erect and maintain all the machinery to manufacture license plates. The act also removes the requirement that the Director of Revenue procure all plates from the Department of Corrections and the requirement that the Transportation Department procure all signs from it (Section 301.290).

MOTOR VEHICLE DEALERS - The act modifies the definition of motor vehicle dealer by repealing the evidentiary standard that 6 or more vehicles must be sold in an calendar year in order to be engaged in the motor vehicle business (Section 301.550).

The act provides that a bona fide established place of business for a motor vehicle dealer must include a commercial, non-residential permanent enclosed building. The act also requires that the established place of business an area or lot on which five or more vehicles may be displayed.

The act raises the amount of the corporate surety bond that motor vehicle and boat dealers must file with the Department of Revenue. The act raises the amount from \$25,000 to \$125,000.

The act raises the fee for distinctive dealer license number plates from \$50 to \$100. The act also raises the fee for boat dealer certificates from \$50 to \$100. After the issuance of the initial plate or certificate,

manufacturers may not obtain more than 50 additional plates or certificates of number. After the issuance of the initial plate or certificate, motor vehicle dealers may only obtain 1 additional number plate and certificate for every 10 vehicle sold annually on the previous years sales.

The act specifically provides that dealer plates may be used by persons in a parade (Section 301.560).

**LICENSE SUSPENSION/REFUSAL TO RENEW LICENSE** - The act provides that the department of revenue may investigate dealer misconduct. The department may hold investigatory hearings and shall have the power to issue subpoena to compel the production of records and papers. The department may refuse to issue licenses or revoke the license of a dealer if the dealer engages in certain misconduct. The act provides that the department, in addition to other penalties, may assess a monetary penalty not to exceed \$1,000 (Section 301.562).

**SALE OF ANY VEHICLES UNLAWFUL** -Under the act, it is unlawful for any person who is not a motor vehicle dealer to sell or display with an intent to sell any motor vehicles and trailers in a calendar year, except when such motor vehicles are registered or were previously registered in the name of the seller. Under the current law, a person can sell up to 6 motor vehicles a year without be licensed (Section 301.570).

STEPHEN WITTE

03/01/2006 S First Read (S349)

03/06/2006 Second Read and Referred S Transportation Committee (S395)

EFFECTIVE: August 28, 2006

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\*\*\* SB 1182 \*\*\*

5386S.011

SENATE SPONSOR: Griesheimer

SB 1182 - This act creates the Missouri Discovery Alliance within the Department of Economic Development as a replacement for the Missouri Technology Corporation and the Missouri Discovery Fund. The Missouri Discovery Alliance shall have the same authorizations and authorities as the Missouri Technology Corporation had.

This act defines the term "technology business recruitment" as the process of moving investment-grade technology from a business, university, or laboratory into the marketplace for application. The Missouri Discovery Alliance may contract with not-for-profit organizations to achieve: 1) the enhancement of technology application; 2) technology commercialization; 3) the enhancement of technology development; and 4) the enhancement of technology business recruitment. Any contract entered into by the Missouri Discovery Alliance and a not-for-profit organization shall require the not-for-profit organization to provide at least a one hundred percent match for any funding received from the Alliance through the Missouri Discovery Fund.

This act sets out the necessary items to be included in the articles of incorporation for the Missouri Discovery Alliance. The Alliance may: 1) establish a statewide business modernization network to assist Missouri businesses in identifying ways to enhance productivity and market competitiveness; 2) identify scientific and technological problems and opportunities related to Missouri's economy and formulate proposals to overcome such problems and realize opportunities; 3) Determine specific areas in which financial investment in scientific and technological research and development will contribute to improvement or could be enhanced; 4) assist in establishing cooperative associations for the purpose of coordinating research and development programs that will aid in the creation of jobs; 5) make and direct seed capital or venture capital investments in Missouri business investment funds or businesses which would result in growth and job creation.

The Missouri Discovery Alliance is allowed to authorize up to ten million dollars in tax credits per fiscal year to investors in qualifying companies. Investors contributing the first five hundred thousand dollars may be issued either a thirty or forty percent tax credit depending on whether the qualified company is located in a rural or distressed area or not. A reserve of tax credits is permitted for investors who contribute the first five million dollars to the qualified company. Investors may be issued either a thirty or forty percent tax credit depending on whether the qualified company is located in a rural or distressed area or not. The Discovery Alliance may issue tax credits for fifty percent of the cost of a technology commercialization infrastructure project. A fifty percent tax credit may be issued to business firms for expenditures related to industrial research conducted at a public research institution or private not-for-profit research institution, as long as the collaborative research project is approved by the Alliance.

The tax credits provided under this act may be used against the taxpayers income tax liability, are non-refundable, but may be carried forward for three years until used. The tax credits are fully transferrable.

JASON ZAMKUS

03/01/2006 S First Read (S349)

03/06/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S395)

EFFECTIVE: August 28, 2006

\*\*\* SB 1183 \*\*\*

5440S.011

SENATE SPONSOR: Vogel

SB 1183 - This act exempts sales of motor fuel to be used by interstate transportation authorities, city transit authorities, and city utility boards from the motor fuel tax.

This act is identical to HB 1540 (2006).

JASON ZAMKUS

03/01/2006 S First Read (S349)

03/06/2006 Second Read and Referred S Ways & Means Committee (S395)

EFFECTIVE: August 28, 2006

\*\*\* SB 1184 \*\*\*

5478S.011

SENATE SPONSOR: Vogel

SB 1184 - This act establishes a process in which the City of Lake Ozark can withdraw from certain special road districts established in Camden County and Miller County and form a wholly new road district within its municipal city limits.

STEPHEN WITTE

03/01/2006 S First Read (S349)

03/06/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S395)

EFFECTIVE: August 28, 2006

\*\*\* SB 1185 \*\*\*

5418S.011

SENATE SPONSOR: Engler

SB 1185 - Under current law the State Emergency Management Agency is organized under the Office of the Adjutant General. This act re-organizes the State Emergency Management Agency under the Department of Public Safety and establishes the director of the department as the executive head of the agency.

CHRIS HOGERTY

03/01/2006 S First Read (S349)

03/06/2006 Second Read and Referred S Governmental Accountability & Fiscal Oversight Committee (S395)

EFFECTIVE: August 28, 2006

\*\*\* SB 1186 \*\*\*

5453S.011

SENATE SPONSOR: Engler

SB 1186 - This act creates a tax credit equal to five percent of the adjusted purchase price paid to the issuer of a qualified equity investment. Tax credits issued under this act are non-refundable, but may be carried forward until used. The act allows for state recapture of credits where permissible under federal law. The provisions of this act shall automatically sunset six years from the effective date of the act if not re-authorized.

JASON ZAMKUS

03/01/2006 S First Read (S349)

03/07/2006 Second Read and Referred S Ways & Means Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1187 \*\*\*

5396S.011

SENATE SPONSOR: Gibbons

SB 1187 - This act repeals the following commissions and committees: the Joint Committee on Wetlands, the Joint Committee on County Salaries, the Joint Committee on Transportation Oversight, as well as the Committee's duties with regard to the approval of specialty license plates, the Multistate Tax Compact Advisory Committee, the Seismic Safety Commission, the Commission on the Special Health, Psychological and Social Needs of Minority Older Individuals, the Mississippi River Parkway Commission, the Thomas Hart Benton Homestead Memorial Commission, the Low-Level Radioactive Waste Compact Advisory Committee, the Transportation Development Commission, the Suicide Prevention Advisory Committee, the Workers Memorial Committee, the Joint Committee on Urban Voluntary School Transfer Programs, and the Video Instructional Development and Education Opportunity Commission.

The act eliminates legislative members from the Missouri Head Injury Advisory Council.

JIM ERTLE

03/01/2006 S First Read (S349)

03/07/2006 Second Read and Referred S Financial &amp; Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1188 \*\*\*

5333S.011

SENATE SPONSOR: Gibbons

SB 1188 - The act maintains the prohibition on selling motor fuel below cost but removes language that speaks to the intent of such marketing.

MEGAN WORD

03/01/2006 S First Read (S349)

03/07/2006 Second Read and Referred S Commerce, Energy and the Environment Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1189 \*\*\*

5468S.011

SENATE SPONSOR: Gibbons

SB 1189 - This act creates the Holocaust Education and Awareness Commission. The commission shall be housed in the Department of Elementary and Secondary Education and shall promote implementation of holocaust education and awareness programs. The commission shall be composed of twelve members to be appointed by the governor with advice and consent of the senate. The makeup of the commission is delineated in the act. The term "holocaust" is defined in the act.

DONALD THALHUBER

03/01/2006 S First Read (S349)

03/07/2006 Second Read and Referred S Financial &amp; Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1190 \*\*\*

5432S.011

SENATE SPONSOR: Loudon

SB 1190 - Current law allows certain colleges and universities located in St. Louis to sponsor charter schools located in both St. Louis and Kansas City. This act would allow certain colleges and universities located in St. Louis to sponsor charter schools that are located in St. Louis, not in Kansas City.

DONALD THALHUBER

03/01/2006 S First Read (S349-350)

03/07/2006 Second Read and Referred S Education Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1191 \*\*\*

5238S.011

SENATE SPONSOR: Loudon

SB 1191 - This act prohibits railroad carriers from operating remote control locomotives on the rails of this state.

STEPHEN WITTE

03/01/2006 S First Read (S350)

03/07/2006 Second Read and Referred S Commerce, Energy and the Environment Committee

EFFECTIVE: August 28, 2006

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\*\*\* SB 1192 \*\*\*

5154S.011

SENATE SPONSOR: Wheeler

SB 1192 - This act provides that upon receiving a valid, lawful prescription for a contraceptive, a pharmacy has a duty to dispense the contraceptive or a suitable alternative permitted by the health care provider who issued the prescription. The pharmacy must fill the prescription without delay and consistent with the normal time frame for filling any other prescription. If the contraceptive or suitable alternative is not in stock, the pharmacy must obtain the contraceptive under the pharmacy's standard procedures for ordering contraceptives not in stock.

If the patient prefers, the prescription must either be transferred to a local pharmacy of the patient's choice or returned to the patient.

This act also provides that nothing in the provisions of this act shall interfere with a pharmacist's screening for potential drug therapy problems, contraindications, or other potential interaction problems.

This act also provides that a pharmacy has a duty to treat each customer in a non-judgmental manner and ensure that each customer is not subjected to indignity, humiliation, breaches of confidentiality, or pressure to fill or not fill the prescription.

Violation of the provisions of this act shall subject the licensed pharmacy to disciplinary action.

ADRIANE CROUSE

03/01/2006 S First Read (S350)

03/07/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2006

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\*\*\* SB 1193 \*\*\*

4839S.011

SENATE SPONSOR: Wheeler

SB 1193 - This act allows the General Assembly to appropriate state funds to the Missouri Housing Development Commission for the purpose of providing grants to qualified neighborhood housing agencies. The qualified neighborhood housing agencies may use such funds to pay basic operating expenses. The act delineates the criteria the neighborhood housing agencies must meet in order to obtain a grant.

The act also provides that the General Assembly may appropriate state funds to the Missouri Housing Development Commission for the purpose of assisting local community housing development organizations in obtaining certain federal grants.

STEPHEN WITTE

03/01/2006 S First Read (S350)

03/07/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2006

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\*\*\* SB 1194 \*\*\*

4845S.011

SENATE SPONSOR: Wheeler

SB 1194 - This act requires the county collector of Jackson county to stay the sale of any property for delinquent ad valorem taxes, provided that the principal amount of all ad valorem taxes is paid prior to the date of the proposed sale. If the owner of the property moves the court for restoration of the property, the owner must pay all ad valorem taxes due including penalties, interest, attorney fees, and court costs.

JASON ZAMKUS

03/01/2006 S First Read (S350)

03/07/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2006

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\*\*\* SB 1195 \*\*\*

4838S.011

SENATE SPONSOR: Wheeler

SB 1195 - This act allows land trusts to convey real estate to a nonprofit organization, urban homestead agency, or government agency for housing purposes at less than two thirds of the appraised value without the consent of the appointing authorities.

JASON ZAMKUS

03/01/2006 S First Read (S350)

03/07/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2006

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\*\*\* SB 1196 \*\*\*

4837S.011

SENATE SPONSOR: Wheeler

SB 1196 - This act increases the fee collected by each recorder of deeds to be deposited into the Missouri Housing Trust Fund from \$3 to \$5.

SUSAN HENDERSON MOORE

03/01/2006 S First Read (S350)

03/07/2006 Second Read and Referred S Ways & Means Committee

EFFECTIVE: August 28, 2006

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\*\*\* SB 1197 \*\*\*

5426S.011

SENATE SPONSOR: Wheeler

SB 1197 - This act modifies the provisions relating to persons donating blood. This act provides that persons sixteen years of age may donate blood if that person obtains written permission or authorization from his or her parent or guardian.

ADRIANE CROUSE

03/01/2006 S First Read (S350)

03/07/2006 Second Read and Referred S Aging, Families, Mental & Public Health Committee

EFFECTIVE: August 28, 2006

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\*\*\* SB 1198 \*\*\*

5454S.011

SENATE SPONSOR: Scott

SB 1198 - This act makes it illegal to set any fire in an area that has been proclaimed, by executive order, to be in extraordinary danger from fire. Anyone violating the provisions of the act shall be guilty of a Class A misdemeanor. The act also allows in a separate cause of action, political subdivisions to seek recovery of reasonable costs incurred when fighting any fire set by an individual violating the provisions of the act.

MEGAN WORD

03/01/2006 S First Read (S350)

03/07/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2006

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\*\*\* SB 1199 \*\*\*

5266S.011

SENATE SPONSOR: Scott

SB 1199 - This act modifies the definition of "ambulatory surgical center" in Section 197.200, RSMo, to include "any establishment operated for the purpose of performing or inducing any second or third trimester abortions or at least five or more first trimester abortions per month."

ADRIANE CROUSE



03/01/2006 S First Read (S350)  
03/07/2006 Second Read and Referred S Aging, Families, Mental & Public Health Committee  
EFFECTIVE: August 28, 2006

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**\*\*\* SB 1200 \*\*\***

5413S.011

SENATE SPONSOR: Scott

SB 1200 - This act transfers the collection of surplus lines tax from the Department of Insurance to the Department of Revenue. The Department of Revenue is required to notify the Department of Insurance of the sums collected from each surplus lines insurer for the Department of Insurance's certification.  
JASON ZAMKUS

03/01/2006 S First Read (S350)  
03/07/2006 Second Read and Referred S Governmental Accountability & Fiscal Oversight Committee  
EFFECTIVE: August 28, 2006

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**\*\*\* SB 1201 \*\*\***

4552S.011

SENATE SPONSOR: Dougherty

SB 1201 - 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.  
ADRIANE CROUSE

03/01/2006 S First Read (S350)  
03/07/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee  
EFFECTIVE: August 28, 2006

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**\*\*\* SB 1202 \*\*\***

5392S.011

SENATE SPONSOR: Dougherty

SB 1202 - Under current law, St. Louis City and any county may impose a sales tax for the purpose of providing protective services to children age nineteen or less. This act allows the city of St. Louis to impose a sales tax to provide protective services for the benefit of persons age twenty-one or less.  
JASON ZAMKUS

03/01/2006 S First Read (S350)  
03/07/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee  
EFFECTIVE: August 28, 2006

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**\*\*\* SB 1203 \*\*\***

4551S.031

SENATE SPONSOR: Dougherty

SB 1203 - The act promotes energy efficiency and the development and use of renewable energy.

SECTION 135.563 - The act creates the Residential Alternative Energy tax credit; a tax credit for taxpayers who install or purchase various energy efficient equipment including solar panels, Energy Star appliances and heating and cooling systems, and energy efficient windows. The credits are not refundable and are available on a first come first serve basis. The act sets a limit of one thousand dollars for each individual applying for such credits and in each fiscal year, the aggregate amount of all such credits shall not exceed fifty thousand dollars.

SECTION 135.564 - The act creates a hybrid vehicle tax credit; a tax credit for taxpayers who purchase a hybrid vehicle. The credits are not refundable and are available on a first come first serve basis and must be filed by the individual within six months of purchasing the vehicle. The act sets a limit of five hundred dollars for each individual applying for such credits and in each fiscal year, the aggregate amount of all such credits shall not exceed fifty thousand dollars.

SECTION 135.565 - The act creates the Green Building tax credit; a program encouraging and providing incentives for the development of cleaner buildings and useable renewable energies within them. The process by which such credits are accessed is laid out in the act, first an individual shall apply to the

department of revenue for a green building certificate and if approved, shall then apply for a green building tax credit. The act sets a limit of four million five hundred dollars for the aggregate amount of available tax credits per fiscal year. Eligible properties, technologies and the various credits available are all described in the act. Any individual receiving such a credit shall maintain records for the department on overall energy consumption for the project, and in turn, the department shall submit a report to the Governor and General Assembly by July 1, 2010 on the number of credits redeemed under the act and the value of those credits. Based on this report, the department shall make recommendations on the establishment of a permanent green building tax credit program. The provisions of this section shall expire July 1, 2010.

SECTION 144.030 - The act exempts certain products equipped with the Energy Star Label from state sales tax; eligible products are to be determined by the Department of Revenue in consultation with the Department of Natural Resources' energy center. The act exempts tangible property used in energy conversion, thermal-efficiency improvements and the conversion of solid waste into energy, from state sales tax; eligible property shall be certified by the department prior to any exemptions being made.

SECTION 386.269 - The act directs any fossil fuel electric power generating facility constructed or significantly expanded after August 28, 2006, to utilize cogeneration facilities to recover energy otherwise lost. The Public Service Commission shall promulgate uniform standards for the interconnection of cogeneration systems to the utility grid.

SECTION 393.318 - The act directs the Public Service Commission to promulgate rules for a rebate program available to customers who switch from electric hot water heaters to solar hot water heaters. The rebate program is a voluntary one for regulated suppliers of electric energy and once begun, can be suspended provided the company does so in a manner prescribed by commission rule.

SECTION 393.320 - The act directs the Public Service Commission to establish rules for the implementation of a renewable sources of energy requirement. The mandate would require all regulated suppliers of electric energy to produce or use a percentage of that energy from renewable sources. The act asserts that by the year 2010, at least three percent of all energy from these suppliers originate from renewable sources, increasing by the year 2015 to at least five percent of the energy, and by the year 2020, at least ten percent of the energy produced or utilized by all regulated suppliers of electric energy shall originate from renewable sources. This language is similar to SB 843 (2006).

SECTION 640.150 - The act directs the Department of Natural Resources to provide free energy management and conservation training to recipients of utility assistance and to promulgate rules governing such training.

SECTION 640.151 - The act establishes the Missouri Center for Advanced Renewable Energy within the department of natural resources' energy center. The newly created center shall be responsible for improving the economic, environmental performance and feasibility of renewable energy production in the state. The act describes what areas of research the center shall be responsible for and authorizes the employment of necessary staff to accomplish the goals set for the center.

SECTIONS 640.690 to 640.692 - The act creates a subaccount within the energy set-aside program, to be called the "clean energy assistance program". The program shall encourage the development and deployment of renewable energy technologies as well as the modernization and expansion of facilities producing renewable energy. The Public Service Commission shall assess a charge to end use customers of electric services to be deposited into the subaccount, along with any moneys appropriated by the General Assembly. Eligibility requirements for assistance are described in the act as well as projects that shall not be considered for assistance.

SECTION 640.693 - The act directs the Department of Natural Resources' energy center to establish a program to provide technical and financial assistance to communities that prepare and submit a conservation plan to reduce consumption of natural gas and electricity within their communities. Requirements for plans are described in the act and the department is authorized to promulgate rules governing the process.

SECTION 640.694 - The act creates the Climate Change Advisory Commission, a commission made up of twenty-two members. Responsibilities of the commission are laid out in the act and include making recommendations to the General Assembly on programs to reduce the greenhouse gas emissions throughout the state. The commission shall submit their report to the General Assembly by December 31, 2010 and expire immediately thereafter.

SECTIONS 640.760 to 640.784 - The act creates a carbon sequestration registry, a voluntary registry to be maintained by the Department of Natural Resources with the purpose of monitoring the greenhouse gas emissions throughout the state. Specific activities that are to be reported are described in the act as well as the expectation that the department will adopt procedures and protocols for monitoring, estimating, calculating and reporting such emissions to the registry. The department shall, no later than January 1, 2008, and biennially thereafter, report to the governor and the General Assembly on the number of registry participants, quantifiable results from the participants' sequestration efforts, and recommendations for making the registry more easily workable for participants.

MEGAN WORD

03/01/2006 S First Read (S350)

03/07/2006 Second Read and Referred S Commerce, Energy and the Environment Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1204 \*\*\*

5385S.011

SENATE SPONSOR: Dougherty

SB 1204 - This act amends various provisions relating to parentage of a child. This act defines which fathers must be searched for and provided notice to when identity is unknown: presumed father; acknowledged father; the putative father who has filed with the putative father registry and commenced a paternity action; and the putative father who has filed a paternity action and served the mother with notice of paternity action.

If the identity of the father is unknown and a search of the putative father registry reveals no names, no further search or notice of legal proceedings is required.

This act also modifies the provision on how the parent child relationship is established.

This act modifies the provisions relating to the termination of parental rights to allow a guardian ad litem to petition the court for termination of parental rights or for acceptance of parental consent to adoption.

This act provides that a man who fails to timely register and is not a legal father waives his right to consent to termination of parental rights or adoption, and loses his right to intervene in the termination of parental rights or adoption action. This act identifies circumstances under which the mother's fraud will excuse failure to timely register.

This act modifies provisions relating to service of summons in termination proceedings. This act limits fathers who are entitled to service of summons to presumed fathers, certain putative fathers, and acknowledged fathers. Also, if the putative father's identity is unknown, and no putative fathers are registered with the putative father registry, no search or service of summons is necessary.

ADRIANE CROUSE

03/01/2006 S First Read (S350)

03/07/2006 Second Read and Referred S Judiciary and Civil &amp; Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1205 \*\*\*

3618S.011

SENATE SPONSOR: Dougherty

SB 1205 - This act repeals the timely filed discounts for sales tax remittance and income tax withholdings. The increase in state revenue realized by the repeal of the timely filed discounts shall be estimated and transferred to the Utilicare Stabilization Fund.

JASON ZAMKUS

03/01/2006 S First Read (S350)

03/07/2006 Second Read and Referred S Ways &amp; Means Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1206 \*\*\*

5331S.011

SENATE SPONSOR: Mayer

SB 1206 - This act revises the Interstate Compact for Juveniles. The compact is an existing agreement between the states regarding the supervision and transfer of juvenile delinquents who have escaped from supervision to another state. Adoption of the revised compact makes Missouri a member of the Interstate Commission for Juveniles and requires the state to select a compact administrator to manage the state's transfer of those juveniles subject to the compact. The compact establishes the powers and duties of the interstate commission and specifies provisions regarding bylaws, corporate structure, rule-making authority, financing mechanism, a process for dispute resolution, and enforcement. The compact becomes effective August 28, 2006, or upon legislative enactment of the compact into law by no less than 35 states, whichever occurs later.

This act is identical to HB 1512 (2006).

JIM ERTLE

03/01/2006 S First Read (S350-351)

03/07/2006 Second Read and Referred S Aging, Families, Mental & Public Health Committee

EFFECTIVE: Contingent

\*\*\* SB 1207 \*\*\*

5449S.021

SENATE SPONSOR: Mayer

SB 1207 - This act modifies New Madrid County's distribution of revenues from an additional sales tax. Three-fourths of the revenue from the tax shall be distributed to the county with the remaining one-fourth to be distributed equally among the incorporated cities, towns, villages within the county. Upon request from any city town or village within the county, the county shall make available for inspection, the distribution report provided to the county by the Department of Revenue. Any expenses incurred by the county in supplying such report to a city, town, or village shall be paid by such city, town, or village.

JASON ZAMKUS

03/01/2006 S First Read (S351)

03/07/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1208 \*\*\*

5477S.011

SENATE SPONSOR: Koster

SB 1208 - This act allows the board of directors of a corporation to directly submit to its shareholders, a proposed amendment to the corporation's articles of incorporation.

CHRIS HOGERTY

03/01/2006 S First Read (S351)

03/07/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1209 \*\*\*

3112S.011

SENATE SPONSOR: Koster

SB 1209 - This act splits the seventeenth judicial circuit, currently consisting of the counties of Cass and Johnson, into two judicial circuits. The seventeenth judicial circuit will consist of the county of Cass, and the newly-created forty-sixth judicial circuit will consist of the county of Johnson.

This act requires that juvenile court personnel within the seventeenth judicial circuit will be paid at the same rate as juvenile court personnel located in any multi-county judicial circuit. The act also provides that the judge currently in the seventeenth circuit's division one position will become the sole circuit judge for the seventeenth circuit following the split, and the judge currently in the seventeenth circuit's division two position will become the sole circuit judge for the forty-sixth circuit.

ALEXA PEARSON

03/01/2006 S First Read (S351)

03/07/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1210 \*\*\*

5340S.021

SENATE SPONSOR: Koster

SB 1210 - This act provides that a person commits a "knowing" violation of sections prohibiting Medicaid fraud if he or she has actual knowledge of the information, acts in deliberate ignorance of the truth or falsity of the information, or acts in reckless disregard of the truth or falsity of the information. Current law provides that any person committing such a violation shall be guilty of a Class D felony upon a first conviction, and shall be guilty of a Class C felony upon subsequent convictions; this act provides that such person shall be guilty of a Class C felony upon a first conviction, and shall be guilty of a Class B felony upon subsequent convictions. Any person who has committed such violations shall be forever excluded from participation as a Medicaid provider. Also, no person convicted of such a violation shall be eligible for parole, probation, conditional release, or suspended imposition or execution of sentence until he or she has served at least 85 percent of any term of imprisonment ordered as punishment.

Any person who willfully prevents, obstructs, misleads, delays, or attempts to do any of the aforementioned with regard to communication of information relating to a violation of Medicaid fraud shall be guilty of a Class D felony, and shall forever be excluded from participation as a Medicaid provider.

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 all material information in the person's possession. The petition shall be filed in camera, and shall remain under seal for at least 60 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 60 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 action shall be dismissed, notwithstanding any objection by the person initiating the action.

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. Such person shall have the right to continue as a party to the action, subject to limitations.

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, and limiting cross-examination of witnesses.

Even if an action has been brought under this act, the state is free to pursue the claim through any alternate proceeding. 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 twenty to thirty-five percent of the proceeds of any action brought under this section, unless the court finds that the action is based primarily on information not provided by the person initiating the action, in which case the court shall award the person no more than fifteen percent of the proceeds. If the court finds that the person bringing the action planned and initiated the violation on which the action is based, it may reduce the share of the proceeds to the extent it deems appropriate. However, any person convicted of a violation shall not be entitled to any share of the proceeds, and shall be dismissed from the action.

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. However, such protections shall not apply if the court finds that the employee brought a frivolous or clearly vexatious claim, planned, initiated, or participated in the conduct upon which the action is brought, or is convicted of criminal conduct arising from Medicaid fraud violations.

The act provides that the Attorney General's office and the Department of Social Services shall make a detailed report to the General Assembly and the Governor regarding implementation and administration of the provisions of this act, as provided therein. Additionally, a financial audit of the Medicaid fraud unit within the Attorney General's office and of the program integrity unit of the Department of Social Services shall be annually conducted by the State Auditor, to quantitatively determine the amount of money invested in such units and the amount of money actually recovered by them.

The act also authorizes the Attorney General to commence state prosecution for alleged violations of Medicaid fraud, and gives the attorney general authority to apply for and obtain warrants to search, seize, or copy information relevant to investigations for fraud.

The act also provides that all Medicaid health care providers shall maintain adequate records regarding services provided, claims submitted, and payments requested, and shall maintain such records for at least five years after the date payment was received or for at least five years after the date on which the claim was submitted, if payment was not received. No person shall conceal or destroy such records before five years time, or he or she shall be guilty of a Class A misdemeanor.

ALEXA PEARSON

03/01/2006 Prefiled (S351)

03/07/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1211 \*\*\*

5462S.011

SENATE SPONSOR: Coleman

SB 1211 - This act allows any private not-for-profit college or university authorized to do business in this state to appoint and employ as many college or university police officers as it may deem necessary.

The officers are empowered with the same authority to maintain order, preserve peace, and make arrests as is given to peace officers. Such college police officers shall, before appointment, or within six months after appointment, be certified peace officers under Chapter 590, RSMo.

DONALD THALHUBER

03/01/2006 S First Read (S351)

03/07/2006 Second Read and Referred S Education Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1212 \*\*\*

5425S.011

SENATE SPONSOR: Coleman

SB 1212 - This act allows the City of St. Louis to impose a sales tax of up to one-half of one percent on all retail sales for the purpose of providing revenues for the operation of public safety departments. The Department of Revenue shall collect the tax revenue derived from the tax and may retain one percent of the revenue collected to offset the cost of collection.

JASON ZAMKUS

03/01/2006 S First Read (S351)

03/07/2006 Second Read and Referred S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1213 \*\*\*

5205S.021

SENATE SPONSOR: Coleman

SB 1213 - This act regulates the licensing of naturopathic practitioners.

Definitions are created relating to naturopathic medicine and required education. The act establishes requirements and procedures for the initial licensure of naturopaths.

The Advisory Commission for Naturopathic Medicine is established for the purpose of advising the State Board of Healing Arts on the licensure and supervision of all naturopathic practitioners. The Commission shall consist of six members, one of which must be a public member, who will be appointed by the Governor. Each member shall serve a four year term, except for the members first appointed.

The State Board of Registration for the Healing Arts has the authority to adopt rules for licensing, enforce the provisions of this act, set the amount of fees, and deposit moneys in the Board's fund. The Board may prescribe continuing education requirements.

Naturopaths must display a license or certificate in a conspicuous location that is accessible to the public. Any person seeking to practice as a naturopathic doctor must take and pass required examinations. Persons licensed in other states that authorize the practice of naturopathy to the same extent and the same manner as Missouri shall be licensed without examination. The board is authorized to enter into reciprocal agreements with other states.

This act creates a list of persons who are exempt from the licensure requirements. The act creates a "grandfathering" provision to allow for the licensure of naturopathic practitioners who do not satisfy certain education requirements, provided such practitioners meet other requirements relating to the active practice of naturopathic medicine. Such persons must apply for licensure by July 1, 2008.

Any person violating the provisions of this act shall be guilty of a Class A misdemeanor.

A naturopathic doctor must meet the Board's minimum requirements for continuing education in order to renew a certificate of registration. Every licensed naturopathic doctor must renew their certificate of registration on or before the renewal date. A blank application form for registration will be mailed to the last known office or residence address. The failure to receive the application form does not mitigate the duty to register or exempt from penalties. Registration fees must be paid to the Director of the Department and must accompany the application for registration.

The board is required to adopt a naturopathic formulary which details the drugs and substances that may administered by naturopathic practitioners under the order of a physician. In no event shall the formulary include any controlled substance.

This act is similar to SB 1039 (2004).

JIM ERTLE

03/01/2006 S First Read (S351)

03/07/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1214 \*\*\*

5457S.011

SENATE SPONSOR: Goodman

SB 1214 - This act authorizes a political party committee to close a vote under the Sunshine Law when such vote relates to the selection by the committee of a candidate for a special election.

JIM ERTLE

03/01/2006 S First Read (S351)

03/07/2006 Second Read and Referred S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1215 \*\*\*

5492S.011

SENATE SPONSOR: Goodman

SB 1215 - Under current law, Section 227.290, RSMo, authorizes the Highways and Transportation Commission to convey land for the best available cash price. This act provides that the commission is authorized to convey the land for fair market value to adjoining land owners or other entities.

STEPHEN WITTE

03/01/2006 S First Read (S351)

03/07/2006 Second Read and Referred S Transportation Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1216 \*\*\*

5301S.011

SENATE SPONSOR: Goodman

SB 1216 - This act modifies certain definitions used in the provisions regarding travel clubs and the required language used in rescission statements on travel club contracts. It changes how a travel club membership purchaser can rescind a transaction.

Currently, a travel club membership purchaser may receive a full refund after canceling their purchase, minus the cost of any services actually consumed. Under this act, the purchaser is entitled to a full refund, minus the actual and reasonable cost of processing the refund, including credit card fees.

SUSAN HENDERSON MOORE

03/01/2006 S First Read (S351)

03/07/2006 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1217 \*\*\*

5417S.011

SENATE SPONSOR: Goodman

SB 1217 - Under current law, contracts for public projects exceeding \$25,000 must be let to the lowest responsive bidder and are subject to certain advertisement requirements. This act raises the ceiling to \$100,000. The act repeals a provision requiring advertisement in two daily newspapers with at least a circulation of 50,000.

CHRIS HOGERTY

03/01/2006 S First Read (S351)

03/07/2006 Second Read and Referred S Governmental Accountability & Fiscal Oversight Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1218 \*\*\*

5371S.011

SENATE SPONSOR: Goodman

SB 1218 - This act places an annual one dollar disaster mitigation fee on most residential and business insurance policies within the state. The fee shall be deposited into the Emergency Management, Preparedness, and Assistance Trust Fund established by this act. Funds appropriated from the trust fund shall be allocated to SEMA to be utilized for the implementation and administration of state and local emergency management programs, state relief assistance for non-federally declared emergencies, and programs for disaster education.

The act allows for funds to be taken from the trust fund when federal funds are available to the state that require matching state funds.

This act is similar to SB 1385 (2004).

CHRIS HOGERTY

03/01/2006 S First Read (S351)

03/07/2006 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1219 \*\*\*

5419S.011

SENATE SPONSOR: Goodman



SB 1219 - Under the act, if an applicant fails the required examination three times, the applicant must complete the board-prescribed course of instruction, reapply for the examination and pass the examination before he or she will be licensed. Examination scores from other states shall not be recognized after the applicant fails the examination for a third time.

The Missouri Board of Nursing Home Administrators may renew a temporary emergency license if the applicant shows that the applicant is qualified for licensure, has filed for licensure and the examination results have not been received by the board.

As an alternative to the refusal to issue or renew the license, the board may issue a probationary license. The order shall contain a statement of the terms and conditions of the probation and that the person subject to the probation has thirty days to request a hearing before the Administrative Hearing Commission.

The board may cause a complaint to be filed with the Administrative Hearing Commission for a violation of any laws or regulations relating to convalescent, nursing or boarding homes, or a violation of professional trust or confidence. A complaint may also be filed if the individual has served as the operator or principal involved in the operation of a facility during which time the facility has had its license revoked, has entered into a consent agreement to contain a probationary license, or has had a license denied or surrendered while under investigation.

The board may reject any application for five years for a licensee whose license has been revoked or surrendered.

The act imposes certain qualifications for board members.

Current licensees may request inactive status for their license if the licensee submits evidence of completion of ten hours of continuing education in the area of patient care. Inactive status shall expire on June 30th of the year following the year of issuance subject to renewal. Inactive status may be carried for six years before ultimate expiration. Procedures for reactivation are included in the act.

CHRIS HOGERTY

03/01/2006 S First Read (S351)

03/07/2006 Second Read and Referred S Aging, Families, Mental & Public Health Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1220 \*\*\*

5408S.011

SENATE SPONSOR: Goodman

SB 1220 - This act provides that the Department of Health and Senior Services shall promulgate rules to establish a schedule of fees to be paid by the applicant for the architectural plan review of new construction and alterations to health facilities under Chapters 197 and 198, RSMo. The Department shall have the authority to waive or reduce the plan review fees. All fees provided for in this act shall be collected by the Department and deposited in the Missouri Public Health Services Fund.

ADRIANE CROUSE

03/01/2006 S First Read (S351)

03/07/2006 Second Read and Referred S Aging, Families, Mental & Public Health Committee

EFFECTIVE: August 28, 2006

\*\*\* SB 1221 \*\*\*

4982S.011

SENATE SPONSOR: Goodman

SB 1221 - This act provides that a person, who has pled guilty to or been found guilty of two stealing-related offenses committed at different times within the past 10 years and is also found guilty of or pleads guilty to a third stealing-related offense, is guilty of a Class D felony.

Currently, the law states that a person who has previously pled guilty to or been found guilty on two separate occasions in the last ten years is guilty of a Class D felony if he or she is found guilty of or pleads guilty to a third stealing-related offense.

SUSAN HENDERSON MOORE

03/01/2006 S First Read (S351)

03/07/2006 Second Read and Referred S Judiciary and Civil &amp; Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2006

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**\*\*\* SB 1222 \*\*\***

5147S.031

SENATE SPONSOR: Goodman

SB 1222 - This act creates the "Farm Mentoring and Education Fund" to be administered by an authority within the University of Missouri Extension Center. The act authorizes the general assembly to appropriate up to ninety-nine thousand dollars to the fund per fiscal year. The fund shall be utilized to provide educational training aimed at helping individuals plan and begin sustainable farm enterprises and to provide salaries for a program director and staff. The authority created shall fulfill the goal of facilitating new farms guided by principles described in the act.

The act directs the authority to administer the program from a different extension center located in a different region of the state from the preceding year's extension center. The rotation shall be made on an annual basis.

MEGAN WORD

03/01/2006 S First Read (S351)

03/07/2006 Second Read and Referred S Agriculture, Conservation, Parks &amp; Natural Resources Committee

EFFECTIVE: August 28, 2006

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**\*\*\* SB 1223 \*\*\***

5455S.011

SENATE SPONSOR: Scott

SB 1223 - This act provides an income or premium tax credit equal to forty percent of a qualified investment in a Missouri technology company or fifty percent of an investment in a Missouri technology company if such company is also a qualified rural Missouri technology company. The tax credit has an aggregate cap of ten million dollars per fiscal year and not more than two million dollars of tax credits may be issued for any one qualified rural Missouri technology company per fiscal year.

This act creates the Missouri investment tax credit reserve fund which is a special continuing, non-lapsing fund. Moneys in the fund will be transferred to the general revenue fund in an amount equal to the tax credits issued. The act contains recapture provisions allowing the recapture of tax credits issued if an interest in a qualifying investment is sold within two years of the issuance of the tax credit. The Department of Economic Development is required to make an annual report to the Governor and the Missouri General Assembly regarding the number of tax credits applied for, issued and redeemed.

JASON ZAMKUS

03/01/2006 S First Read (S352)

03/07/2006 Second Read and Referred S Ways &amp; Means Committee

EFFECTIVE: August 28, 2006

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**\*\*\* SB 1224 \*\*\***

5469S.011

SENATE SPONSOR: Ridgeway

SB 1224 - This act creates a statewide consortium to be known as the "Umbilical Cord Blood Tissue Bank." The blood bank is established as a nonprofit legal entity to collect, preserve and supply umbilical cord blood and tissue to research facilities for the purpose of conducting adult stem cell research. The consortium shall consist of the University of Missouri system and any other public or private health care or research facility that complies with the rules of this act.

ADRIANE CROUSE

03/01/2006 S First Read (S352)

03/07/2006 Second Read and Referred S Aging, Families, Mental &amp; Public Health Committee

EFFECTIVE: August 28, 2006

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**\*\*\* SB 1225 \*\*\***

5424S.011

SENATE SPONSOR: Ridgeway

SB 1225 - Currently, the Director of the Department of Public Safety is responsible for the administration of the domestic violence shelter tax credit. This act transfers responsibility for administration of the tax credit to the Director of the Department of Social Services.

JIM ERTLE

03/01/2006 S First Read (S352)

03/07/2006 Second Read and Referred S Governmental Accountability & Fiscal Oversight Committee

EFFECTIVE: August 28, 2006

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\*\*\* SB 1226 \*\*\*

5482S.011

SENATE SPONSOR: Ridgeway

SB 1226 - This act permits teachers who have attained certification through the American Board for Certification of Teacher Excellence to acquire Missouri certification based on State Board of Education rules. The State Board of Education is permitted to recognize certification through other federally approved teacher certification organizations at its discretion.

This act is identical to HB 1057 (2006).

DONALD THALHUBER

03/01/2006 S First Read (S352)

03/07/2006 Second Read and Referred S Education Committee

EFFECTIVE: August 28, 2006

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\*\*\* SB 1227 \*\*\*

5451S.011

SENATE SPONSOR: Bray

SB 1227 - This act modifies the law relating to the establishment of paternity.

New language requires the Division of Family Support to provide a presumptive father identification form when a child is born to an unmarried woman or a woman who is married but whose husband is not the father. The form shall contain any information on the identity and location of the possible father. This form will not be deemed an affidavit and its use will not subject the mother to any civil or criminal penalties if the information is provided in good faith.

The Division shall furnish the form to county clerks, state and local registrar's offices, and the mother for her review. The Division shall maintain a file on each child listed on a presumptive father identification form and shall take the necessary steps to locate the suspected father.

If the suspected father is located, the Division shall attempt to legally obtain a DNA sample to establish paternity for the child. If the DNA test confirms paternity, the Division is responsible for notifying the biological father of his rights and responsibilities regarding the child. Once paternity is established, the Attorney General may recover any administrative costs associated with the paternity test.

This act is identical to SB 154 (2005).

ADRIANE CROUSE

03/01/2006 S First Read (S352)

03/07/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2006

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\*\*\* SB 1228 \*\*\*

5382S.011

SENATE SPONSOR: Purgason

SB 1228 - Current law provides that a member of the Missouri local government employees' retirement system (LAGERS) with credited service covered by benefit program L-1 shall receive an allowance for life equal to one percent of the member's final salary multiplied by the years of credited service, if the member's employer elects to provide such benefits. This act provides that within the city of Lebanon, a member of LAGERS who has credited service of at least twenty years covered by benefit program L-1 shall receive an allowance for life equal to two percent of the member's final salary multiplied by the number of years of

credited service accrued on or after the effective date of this act, if the member's employer elects to provide such benefits.

The provisions of this act shall not be applied retroactively.

ALEXA PEARSON

03/01/2006 S First Read (S352)

03/07/2006 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee

EFFECTIVE: August 28, 2006

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\*\*\* SB 1229 \*\*\*

5458S.011

SENATE SPONSOR: Champion

SB 1229 - This act requires applications for the adoption tax credit be filed between July 1st and April 15th of each year. The act repeals the requirement that the director of the department of revenue submit an annual report to the general assembly on the income levels of taxpayers claiming the adoption tax credit. The act creates the "Children in Crisis" tax credit equal to fifty percent of an approved contribution to CASA, child advocacy centers, or crisis care nurseries.

The children in crisis tax credit is non-refundable, but may be carried forward for up to five consecutive years. The children in crisis tax credit has a cumulative cap equal to the unclaimed portion of the resident adoption tax credit. The amount of remaining credits under the resident adoption tax credit program shall be divided equally among contributions to the three agencies eligible under the children in crisis tax credit. In the event the children in crisis tax credits do not use all of the remaining tax credits under the resident adoption tax credit program, the remaining amount shall be used for non-resident adoption tax credits.

JASON ZAMKUS

03/01/2006 S First Read (S352)

03/07/2006 Second Read and Referred S Ways & Means Committee

03/09/2006 Hearing Scheduled S Ways & Means Committee

EFFECTIVE: August 28, 2006

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\*\*\* SB 1230 \*\*\*

5441S.011

SENATE SPONSOR: Dougherty

SB 1230 - The Children's Division within the Department of Social Services shall develop rules to become effective by July 1, 2007, modifying the income eligibility criteria for receipt of child care subsidy benefits for a child care provider. A child care provider will receive the following benefits:

- full child care subsidy benefits for children whose family income based on the number of dependents is one hundred and thirty percent of the federal poverty level;

-for family incomes between 130 percent and 185 percent of the federal poverty level, child care provider shall receive subsidy benefits reduced proportionately based on income in excess of 130 percent of the federal poverty level for the applicable family size;

-No subsidy benefit for incomes in excess of 185 percent of the federal poverty level.

ADRIANE CROUSE

03/01/2006 S First Read (S352)

EFFECTIVE: August 28, 2006

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\*\*\* SB 1231 \*\*\*

5467S.011

SENATE SPONSOR: Dougherty

SB 1231 - This act establishes the "Affordable Prescription Drugs for all Missourians Act." Under this act, the Missouri RX plan, within the Department of Social Services shall conduct research and collect on a quarterly basis a statistically valid sample of data on the retail prices charged by pharmacies for the fifty most frequently prescribed medicines from any pharmacy licensed by this state.

The Missouri Rx plan shall make available on an Internet website drug prices from each pharmacy for a thirty-day supply at a standard dose. The data collected shall be reported for each drug by pharmacy and by metropolitan statistical area or region and updated quarterly. The website shall be made available no later than January 1, 2007.

ADRIANE CROUSE

03/01/2006 S First Read (S352)

EFFECTIVE: August 28, 2006

\*\*\* SB 1232 \*\*\*

5509S.011

SENATE SPONSOR: Bartle

SB 1232 - This act regulates sexually oriented businesses.

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

SECTION 67.2546 - This section repeals the current provisions and enacts new provisions. This section prohibits the exhibition of films, videos, DVDs, or other video reproductions depicting specified sexual activities in viewing rooms at sexually oriented businesses regardless of whether the room is visible from the main aisle. A person who violates this provision is guilty of a Class A misdemeanor.

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

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

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

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

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

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

SECTION 67.2554 - This section allows any county, city, town or village to create an ordinance requiring sexually oriented businesses to be licensed. Any applicant for such a license must provide certain information on the application including personal description information, present contact information, and proof of age. A license shall not be issued to any person who has had a sexual offense or obscenity offense conviction during the past 10 years.

SECTION 67.2556 - This section allows any county, city, town or village to have zoning power to regulate the location of sexually oriented businesses.

This section also explains that the purpose of this legislation is to protect public policy interests such as mitigating the adverse secondary effects of sexually oriented businesses, limiting harm to minors, and reduction of crime.

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

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

Under this section, any person who establishes, maintains, uses, owns, or leases a place for lewdness, assignation, or prostitution is guilty of maintaining a nuisance. If convicted, a person will be fined not more than \$1,000 and/or receive a jail sentence of not more than one year.

An action to enjoin such a nuisance may be brought if a lessee, sublessee, employee or agent of the owner, assignee, or partner of the owner, knew the nuisance was being maintained. Currently, the law provides for such an injunction only if the owner knows of such activity.

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

This act is identical to the perfected version of SS/SCS/SB 32 (2005).

SUSAN HENDERSON MOORE

03/01/2006 S First Read (S353)

EFFECTIVE: August 28, 2006

\*\*\* SB 1233 \*\*\*

5094S.011

SENATE SPONSOR: Bartle

SB 1233 - This act makes campaign finance limits the same for all types of individuals and committees.

CHRIS HOGERTY

03/01/2006 S First Read (S353)

EFFECTIVE: August 28, 2006

\*\*\* SB 1234 \*\*\*

5481S.011

SENATE SPONSOR: Bartle

SB 1234 - This act asserts that, beginning July 1, 2007, the Missouri school improvement program or successor accreditation program shall neither require nor use a scoring rubric that requires a score for meeting standards regarding librarian staff, counselor staff, or any requirement regarding the offering of vocational education or the certification of vocational education staff.

DONALD THALHUBER

03/01/2006 S First Read (S353)

EFFECTIVE: August 28, 2006

\*\*\* SB 1235 \*\*\*

5393S.011

SENATE SPONSOR: Engler

SB 1235 - This act repeals the provision prohibiting a Jefferson County fire protection district from implementing a residential construction regulatory system if a city, town, or village, or the county adopts a system.

SUSAN HENDERSON MOORE

03/01/2006 S First Read (S353)

EFFECTIVE: August 28, 2006

\*\*\* SB 1236 \*\*\*

5486S.011

SENATE SPONSOR: Engler

SB 1236 - The act modifies several definitions, including changing the definition of dam to include appurtenant works and dams six feet or more in height with a storage volume of at least fifty acre-feet of water, and dams twenty-five feet or more in height with a storage volume of at least fifteen acre-feet of water. The act defines "high hazard" to mean that if the dam were to fail, a loss of human life is probable, and "significant hazard" to mean that if the dam were to fail, no loss of human life is expected but significant

economic loss is probable. The act defines "operating permit" to mean a permit issued to an owner of a high or significant hazard dam for a period of up to five years.

The act modifies the membership of the dam and reservoir safety council to include one member who is an owner of a high or significant hazard dam or reservoir. The act requires the council to establish fees for permits required for renewal, design review, and inspection of high and significant hazard dams and review these fees once every three years.

The act directs that all high and significant hazard dams be inspected periodically to determine if they constitute a threat to public safety. The act directs the chief engineer, the head of the dam and reservoir safety program at the Department of Natural Resources, to make recommendations concerning construction permits for high and significant hazard dams and operating permits for these structures.

All owners of high or significant hazard dams shall first apply for a construction permit prior to beginning work on any such structure. Any such application shall include the signature of an experienced engineer registered in Missouri.

The act removes the language exempting agricultural dams and those constructed for soil and water conservation, irrigation, or wildlife conservation, from the provisions of the act.

All owners of high or significant hazard dams shall notify the council upon completion of any construction related to high or significant hazard dams and shall subsequently, apply for an operating permit.

The act requires that every dam constructed after the effective date of this act that is not registered, shall do so within six months of the effective date and those owners of high and significant hazard dams shall apply for an operating permit no later than one year after the effective date of the act. Those owners licensed under the Federal Power Act shall apply for an operating permit no later than three months after the effective date of the act.

The act asserts that if downstream conditions change the hazard classification of any dam or reservoir, the owner shall notify the council of the change within three months of the event.

The act directs that if a high or significant hazard dam is found to present a threat to public safety, the permits shall be suspended until such time the owner has completed all necessary alterations to ensure the protection of public safety.

The act allows the transfer of any operating permit to a successive owner of a dam or reservoir along with the notification of the current hazard classification of the dam. Failure to notify the council of the transfer shall result in the prior owner retaining responsibility for the dam and being subject to the provisions of the act.

Violations of the provisions of the act are punishable as a misdemeanor and subject to fines up to ten thousand dollars or jail time of no more than one year.

MEGAN WORD

03/01/2006 S First Read (S353)

EFFECTIVE: August 28, 2006

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\*\*\* SB 1237 \*\*\*

4315S.011

SENATE SPONSOR: Callahan

SB 1237 - This act authorizes the Kansas City municipal government to authorize an additional surcharge on cases involving municipal ordinance violations, not to exceed two dollars, when the defendant pleads guilty or is found guilty.

The surcharge shall be collected by the clerk and disbursed to the municipality to pay for professional development of animal control staff, tactical equipment for animal control staff, capital improvements for animal control facilities, improving emergency response capability and establishing surge capacity (the ability to rapidly mobilize to meet an increased demand) for threats to public safety and health.

ALEXA PEARSON

03/01/2006 S First Read (S353)

EFFECTIVE: August 28, 2006

\*\*\* SB 1238 \*\*\*

5480S.011

SENATE SPONSOR: Callahan

SB 1238 - The act establishes the Small Business Health Fairness Act of 2006 and requires the Department of Insurance to establish a procedure for the certification of various industry trade associations seeking to offer group health plans to their members. Entities seeking certification must apply to the department and pay a \$5,000 filing fee. Any entity certified by the department as an association health plan must file an annual report with the department but will be subject to the federal Employee Retirement Income Security Act rather than the insurance laws of this state.

This act identical to HB 895 (2006).

STEPHEN WITTE

03/01/2006 S First Read (S353)

EFFECTIVE: August 28, 2006

\*\*\* SB 1239 \*\*\*

5476S.011

SENATE SPONSOR: Gibbons

SB 1239 - This act establishes the Affordable Prescription Drugs for all Missourians Act. Under this act, the Missouri RX plan, within the Department of Social Services shall conduct research and collect on a quarterly basis a statistically valid sample of data on the retail prices charged by pharmacies for the fifty most frequently prescribed medicines from any pharmacy licensed by this state.

The Missouri Rx plan shall make available on an Internet website drug prices from each pharmacy for a thirty-day supply at a standard dose. The data collected shall be reported for each drug by pharmacy and by metropolitan statistical area or region and updated quarterly. The website shall be made available no later than January 1, 2007.

ADRIANE CROUSE

03/01/2006 S First Read (S353)

EFFECTIVE: August 28, 2006

\*\*\* SB 1240 \*\*\*

5475S.011

SENATE SPONSOR: Koster

SB 1240 - This act establishes the Missouri Alternatives to Abortion Services Program and the Missouri Alternatives to Abortion Public Awareness Program. The programs shall provide services or counseling to pregnant women and assistance to women in caring for their children or placing them up for adoption. Counseling and services are available to women during pregnancy and for one year after the birth of a child.

The departments charged with running the programs shall develop an advertising campaign publicizing alternatives to abortion and prioritize federal, public, and private moneys so that they are used first to fund the programs. The programs and their funds shall not be used to perform, induce, or assist in abortions.

This act is similar to HB 1112 (2006).

ADRIANE CROUSE

03/01/2006 S First Read (S353)

EFFECTIVE: August 28, 2006

\*\*\* SB 1241 \*\*\*

5459S.011

SENATE SPONSOR: Koster

SB 1241 - This act requires private mental health facilities and group homes for the mentally retarded and developmentally disabled to have the same requirements as state-operated facilities.

This act amends the Family Care Safety Registry and Sunshine Laws to include private mental health facilities and group homes. Private mental health facilities and group homes are included in the licensure and



standards requirements for residential facilities and day programs. This act also requires dismissal of private contractor employees who violate state laws and rules. The facilities or homes are also required to report staff turnover to the Department of Mental Health and the General Assembly. This act also places a moratorium on patient transfers until the act is fully implemented.

The Department of Mental Health is also required to terminate contracts with private vendors having a pattern of abuse and neglect of patients.

ADRIANE CROUSE

03/01/2006 S First Read (S353)

EFFECTIVE: August 28, 2006

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\*\*\* SB 1242 \*\*\*

5513S.021

SENATE SPONSOR: Cauthorn

SB 1242 - The act directs that any listing of impaired waters that is to be sent to the Environmental Protection Agency shall first be adopted by the Clean Water Commission after a public hearing. Notification requirements for such hearing are described in the act, including the information that shall be published on the Department of Natural Resource's Internet website. The department shall publish a revised list based on public comment, after which, the commission may adopt a list based upon the department's comments.

The provisions of the act expire on August 28, 2009.

MEGAN WORD

03/01/2006 S First Read (S353)

EFFECTIVE: August 28, 2006

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\*\*\* SB 1243 \*\*\*

5512S.011

SENATE SPONSOR: Loudon

SB 1243 - This act establishes the Missouri Electrical Industry Licensing Board. The board will have seven members, six will represent professional associations and one shall represent the public. The board shall be appointed by the Governor and confirmed by the Senate. The board in collaboration with the Division of Professional Registration shall adopt, implement, rescind and amend rules and regulations pursuant to this act. Further the board shall have the power to grant, rescind or otherwise punish licensees under their jurisdiction.

The act establishes licensure requirements for an electrical contractors, low voltage electrical contractors, and limited electrical contractors. The act allows the board to waive the certification requirements of the act for those electrical contractors who are operating as such before the enactment of this act.

Any violation of this act may subject the individual to criminal and civil penalties.

CHRIS HOGERTY

03/01/2006 S First Read (S353)

EFFECTIVE: August 28, 2006

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\*\*\* SB 1244 \*\*\*

5536S.031

SENATE SPONSOR: Loudon

SB 1244 - 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 all material information in the person's possession.

The petition shall be filed in camera, and shall remain under seal for at least 60 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 60 days after the date the Attorney General received the petition and information. This deadline may be extended for good cause shown. During the period in which the complaint is under seal, the attorney general

may elect to initiate discussions with the accused provider in an attempt to facilitate a resolution of the claim prior to the commencement of judicial proceedings.

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 action shall be dismissed.

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. Such person shall have the right to continue as a party to the action, subject to limitations.

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.

Even if an action has been brought under this act, the state is free to pursue the claim through any alternate proceeding. 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 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.

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. However, such protections shall not apply if the court finds that the employee brought a frivolous or clearly vexatious claim, planned initiated or participated in the conduct upon which the action is brought, or is convicted of criminal conduct arising from Medicaid fraud violations.

The act provides that an action brought under this section shall not be brought more than five years after the date on which the violation was committed. Also, this version provides that nothing within this section shall be deemed to alter the statutes of limitations in Sections 516.105 (medical malpractice actions), or 537.100 (wrongful death actions).

This act also provides that any person who intentionally files a false report or claim alleging a Medicaid fraud violation shall be guilty of a Class A misdemeanor upon a first conviction, and shall be guilty of a Class D felony upon subsequent convictions.

ALEXA PEARSON

03/01/2006 S First Read (S353-354)

EFFECTIVE: August 28, 2006

SB 1245 - This act relates to health care facilities.

**HEALTH CARE CONSUMER WEBSITE** - This act provides that by January 1, 2007, the Department of Health and Senior Services shall implement a long-range plan for making available cost and quality outcome data on its Internet website that will allow consumers to compare health care services. The data shall include information on licensed physicians, hospitals and ambulatory surgical centers. The data shall be made available on the department's website no later than January 1, 2010.

**PHYSICIAN SELF-REFERRAL** - This act provides that no physician shall refer a patient to any health care facility in which the physician has an ownership interest or with which the physician has an employment or contractual relationship unless:

(1) The referring physician will continue to provide treatment to the patient at the hospital to which the patient is referred; or

(2) The physician provides written disclosure to the patient of the physician's ownership interest, employment relationship or contractual relationship with the hospital to which the patient is referred.

Violations of this provision shall constitute grounds for licensure denial, suspension or revocation.

An ownership interest includes a direct or indirect interest held by the physician or the physician's spouse or dependent children through equity, debt or other means. To refer a patient under this provision means any act by a physician of providing a request or order for one or more inpatient or nonemergency outpatient hospital services for or establishment of a plan of care that includes one or more inpatient or nonemergency outpatient hospital services for the patient.

**AMBULATORY SURGICAL CENTER PROVIDER TAX** - This act provides that each licensed ambulatory surgical center in this state must pay, in addition to all other fees or taxes required by law, an ambulatory surgical center reimbursement based on a formula set forth in rules promulgated by the Department of Social Services. No reimbursement allowance will be collected in the event the federal Centers for Medicare and Medicaid Services determines that such reimbursement allowance is not authorized under title XIX of the Social Security Act.

The act provides record retention and reporting requirements for ambulatory surgical centers. The director of the Department of Social Services will make a determination as to the amount of reimbursement allowance due from each ambulatory surgical center and notify each center of the amount due. Reimbursement allowance amounts due may be offset if requested by the center.

Reimbursement allowances will be paid to the Department of Social Services to be deposited into the Ambulatory Surgical Center Federal Reimbursement Allowance Fund created in this act.

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

**STAFF PRIVILEGES** - This act provides that no hospital shall refuse or fail to grant or renew staff privileges or condition staff privileges, based in whole or in part on the fact that the physician or a partner, associate, or employee of the physician is providing medical or health care services at a different hospital system or any other health care facility.

**COVENANT NOT TO COMPETE** - This act provides for the utilization of non-compete clauses in certain situations. The act defines a "physician employment covenant not to compete" as an agreement or part of a contract of employment in which the physician agrees for a specific period of time, not to exceed five years, and within a particular area to refrain from competition with the employer. This act makes covenants not to compete enforceable with other health care facilities as long as they:

- (1) Are ancillary to or part of an otherwise enforceable agreement between physician and employer;
- (2) Do not deny the physician access to a list of patients the physician treated prior to the physician's buying out or otherwise lawfully terminating the physician employment covenant not to compete;
- (3) Provide access to patient medical records with the patient's consent and in an accessible format;
- (4) Provide for a buy-out of the covenant by the physician compensating the employer for the remaining amortized cost of recruitment, investments, remuneration and other expenses incurred pursuant to the contract; and

(5) Provide that the physician will not be prohibited from providing continuing treatment to specific acutely ill patients after the contract has terminated.

CERTIFICATE OF NEED - This act limits application of certificate of need requirements to long-term care facilities and long-term acute care hospitals. Current certificate of need requirements apply to a wider range of health care facilities.

DISCLOSURE BEFORE REFERRAL - This act requires a physician to provide certain information to an individual before referring the individual to a health care facility in which the physician has an ownership interest or to a hospital where the physician is employed. This act also provides certain exceptions to the disclosure requirement.

This act is similar to SB 1005 (2006)

ADRIANE CROUSE

03/01/2006 S First Read (S354)

EFFECTIVE: August 28, 2006

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\*\*\* SB 1246 \*\*\*

5511S.011

SENATE SPONSOR: Bray

SB 1246 - This act eliminates the premium tax deduction for examination fees paid by insurance companies.

JASON ZAMKUS

03/01/2006 S First Read (S354)

EFFECTIVE: August 28, 2006

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\*\*\* SB 1247 \*\*\*

5507S.011

SENATE SPONSOR: Vogel

SB 1247 - This act extends the sunset clause on Motorist Insurance Identification Database Program from June 30, 2007, to June 30, 2012.

STEPHEN WITTE

03/01/2006 S First Read (S354)

EFFECTIVE: August 28, 2006

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\*\*\* SB 1248 \*\*\*

5484S.021

SENATE SPONSOR: Crowell

SB 1248 - This act provides that no person shall knowingly administer to, prescribe to, prescribe for, procure for, or sell to any pregnant women any medicine, drug, or other substance with the specific intent of causing or abetting the termination of the life of an unborn child. No person shall knowingly use or employ any instrument or procedure upon a pregnant woman with the specific intent of causing or abetting the termination of the life of an unborn child.

This act also provides that nothing shall be construed to prohibit the sale, use, prescription, or administration of a contraceptive measure, drug or chemical, if it is administered prior to the time when a pregnancy could be determined through conventional medical testing and if the contraceptive measure is sold, used, prescribed, or administered in accordance with manufacturer instructions.

Also, no licensed physician who performs a medical procedure designed or intended to prevent the death of a pregnant mother is guilty of violating this act. However, the physician shall make reasonable medical efforts under the circumstances to preserve both the life of the mother and the life of her unborn child in a manner consistent with conventional medical practice.

Nothing in this act shall be construed to subject the pregnant mother upon whom any abortion is performed or attempted to any criminal conviction and penalty.

This act also repeals numerous provisions in Chapter 188, RSMo, that regulate abortion.

This act contains a referendum clause.

ADRIANE CROUSE

03/01/2006 S First Read (S354)

EFFECTIVE: contingent

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\*\*\* SB 1249 \*\*\*

5317S.011

SENATE SPONSOR: Alter

SB 1249 - This act establishes the Missouri Science Education Act. The act requires instruction for science courses in sixth through twelfth grades to comply with its best practices within five years after its passage. The act defines "verified empirical data" and "substantive amount" and specifies that information appearing to be verified empirical data but is not verified must be separately identified. Information that represents scientific thought, such as theory, hypothesis, extrapolation, and estimation, among others, must also be distinguished from verified empirical data and may be presented in the light of critical analysis. Critical analysis may discuss problems such as faulty logic, alternate explanations, or conflicting experiments. A substantive amount of critical analysis is required when teaching a theory of biological origins or current scientific theory that deals with prehistory or the future. State assessments must comply with this act.

This act is identical to HB 1266 (2006).

DONALD THALHUBER

03/01/2006 S First Read (S354)

EFFECTIVE: August 28, 2006

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\*\*\* SB 1250 \*\*\*

5422S.021

SENATE SPONSOR: Alter

SB 1250 - This act alters multiple provisions regarding illegal aliens.

SECTION 43.032: Subject to appropriation, the superintendent of the Highway Patrol may designate that some or all employees of the Highway Patrol be trained in accordance with a memorandum of understanding between Missouri and the U.S. Department of Justice or the federal Department of Homeland Security concerning the enforcement of federal immigration laws on federal highways and interstates in Missouri.

SECTION 115.427: The act amends personal identification requirements to be shown to gain voter eligibility at polling places. The identification must be issued by the United States or the state of Missouri, include the individual's name and photograph, and must have not expired before the date of the most recent general election unless it is a non-expiring or non-expired Missouri nondriver's license or a non-expired Missouri driver's license .

SECTION 161.092: This act requires the State Board of Education to ensure that an adult individual who is not a citizen or a permanent resident of the United States or does not possess lawful immigration status shall be prohibited from participating in any family literacy program, parents-as-teachers program, vocational education program, vocational rehabilitation program, or after-school tutoring program.

SECTION 173.005: This act requires the Coordinating Board for Higher Education to ensure that an individual who is not a citizen or a permanent resident of the United States or does not possess lawful immigration status shall not receive in-state tuition status, tuition waivers, fee waivers, grants, scholarship assistance, financial aid, tuition assistance, or any other type of financial assistance at any public higher education institution.

SECTION 208.009: This act provides that an individual who is not a citizen or a permanent resident of the United States or who does not possess lawful immigration status shall be prohibited from receiving state or local public assistance under Chapter 208, RSMo, except for state or local public assistance that is mandated by federal law.

An applicant who is nineteen years of age or older shall provide affirmative proof that the applicant is a citizen or permanent resident of the United States or possesses lawful immigration status. An applicant who is under the age of nineteen years shall not be required to provide such affirmative proof.

An applicant who cannot provide the proof required under this act at the time of application for public assistance may alternatively sign an affidavit under oath, attesting to either United States citizenship or to classification by the United States as an alien lawfully admitted for permanent residence, in order to receive temporary benefits. An applicant providing the sworn affidavit is eligible to receive temporary public assistance program benefits as delineated in the act.

All state agencies administering public assistance programs in this state shall cooperate with local governments and the United States Department of Homeland Security to develop a system to facilitate verification of an individual's lawful presence.

SECTION 590.700: Under this act, peace officers are authorized to investigate, apprehend, detain, or remove any individual who is not a citizen or permanent resident of the United States and who is located in this state. Peace officers are authorized to transport such individuals across state lines to a detention center.  
DONALD THALHUBER

03/01/2006 S First Read (S354)

EFFECTIVE: August 28, 2006

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\*\*\* SB 1251 \*\*\*

5384S.011

SENATE SPONSOR: Shields

SB 1251 - This act modifies the provisions relating to the Metabolic Formula Distribution Program. Under current law, formula for the treatment of inherited diseases of amino acids and organic acids are provided to persons meeting certain criteria and an income-based means test determined by the Department of Health and Senior Services. This act modifies those provisions to provide that the formula shall be available to an applicant until the age of eighteen and only after the applicant has shown that he or she has exhausted all benefits from third party payers, including Medicare and Medicaid. Such assistance shall be provided to applicants whose income is below five hundred percent of the federal poverty level. For applicants whose income falls between five hundred percent and seven hundred and fifty percent of the federal poverty level, the Department shall establish a sliding scale of fees and monthly premiums to be paid in order to receive assistance.

ADRIANE CROUSE

03/01/2006 S First Read (S354)

EFFECTIVE: August 28, 2006

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\*\*\* SB 1252 \*\*\*

5519S.011

SENATE SPONSOR: Scott

SB 1252 - This act provides that the state shall not collect child support from any person or persons who adopt a child with special needs who then later has to be institutionalized by the state.

ADRIANE CROUSE

03/01/2006 S First Read (S369)

EFFECTIVE: August 28, 2006

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\*\*\* SB 1253 \*\*\*

5517S.011

SENATE SPONSOR: Mayer

SB 1253 - This act establishes a maximum speed limit of 45 mph on county gravel, dirt and other unsurfaced roads regardless if such roads are posted with signs or not.

STEPHEN WITTE

03/01/2006 S First Read (S369)

EFFECTIVE: August 28, 2006

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\*\*\* SB 1254 \*\*\*

5465S.021

SENATE SPONSOR: Shields

SB 1254 - Under current law, lobbyists must disclose expenditures made for occasions where members of a caucus of the general assembly are invited in writing. This act changes the law to require disclosure when members of a caucus of the majority or minority parties of the house or senate are invited in writing.

Under the act, lobbyists shall not make expenditures on behalf of public officials for entertainment, travel, or lodging unless approved prior to the date of expenditure by the administration committee of the house or senate.

The act bars contributions from legislative political party committees to candidates for the House of Representatives, the Senate, or a statewide office.

Candidates for the House of Representatives, Senate, or statewide office shall not accept any contributions during legislative session. Candidates for special election to the House, Senate, or statewide office may accept contributions from the date of their nomination by his or her respective political party until the date of the election.

Under the act, candidates for the Senate, House of Representatives or statewide office shall file disclosure reports on the last day of each month for a period closing on the 25th day of each month until 21 days prior to the election. The report shall then be filed every 24 hours. All of the reports shall be filed electronically with the Missouri Ethics Commission.

CHRIS HOGERTY

03/01/2006 S First Read (S369)

EFFECTIVE: August 28, 2006

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\*\*\* SB 1255 \*\*\*

5508S.021

SENATE SPONSOR: Dougherty

SB 1255 - This act creates a new division in the Office of Administration called the Division of Community Health. The goal of the Division of Community Health will be to focus the purchasing power and streamline the administration of the state's health care purchasing. The Division will have a Board and a Commissioner. The Board will consist of eleven members. Two members will come from the General Assembly, one is director of the Department of Insurance, one is the director of the Office of Administration, and the others are representatives or directors from the various groups that are assimilated under the Division of Community Health.

The act requires the Board to submit a report to the General Assembly by December 31, 2006, providing an analysis of its duties and recommendations concerning personnel or any other topic. Next, on July 1, 2007, the act assimilates the health care programs of all state and state university workers as well as the Missouri Rx plan and the division of medical services into the Division of Community Health.

On December 1, 2007, seven new members will be added to the Board. The new members will be appointed by the Governor. One will be from the Missouri School Boards Association, one from the Missouri Community Colleges Association, one will be a representative of the public four year institutions of higher education, and two will be representatives of small business. A subsequent report will be due from the board on December 31, 2008, to update the prior report and provide any recommendations for implementation of the next phase of the program.

By July 1, 2008, the division shall be the lead agency to coordinate and implement the state Medicaid health care delivery system, until July 1, 2009, when the Medicaid program shall be assimilated with health care benefit plans for employees and their dependents of the public schools, community colleges, and political subdivisions of the state and health plans of small businesses as provided for in the act.

The next phase will be for the Division to make the purchasing power of the division available to the public schools, the community colleges, the public four year institutions of higher education, and the political subdivisions of the state as well as small businesses with less than 50 employees and uninsured citizens. Participation by these groups will be at their option.

Employees of any state entity which is absorbed by the Division will transfer directly to the Division, under the Office of Administration. Any appropriation to such entity for the purpose of health care as outlined in the act will be transferred to the Office of Administration for use by the Division.

This act provides that by June 30, 2007, the Division of Community Health shall submit a plan to the general assembly and to the Governor's office that would effectuate the goal of reducing the number of uninsured by fifty percent over five years. Such plan to meet the goal shall be put in place by June 30, 2009.

The rules and regulations and the rights under any contract of a prior entity will be assumed by the Division. The Office of Administration is authorized to promulgate rules to modify such prior rules and regulations.

This act also removes the June 30, 2008 Medicaid sunset provision.

This act contains an emergency clause.

This act is similar to SB 450 (2003).

ADRIANE CROUSE

03/01/2006 S First Read (S369)

EFFECTIVE: Emergency clause

\*\*\* SRM 1 \*\*\*

5207S.021

SENATE SPONSOR: Gross

SRM 1 - This remonstrance is addressed to the Attorney General of Missouri for his disregard of the proper role of his office, for his intrusion in the proper functions of the legislative branch, and for the improper insertion of his office into a policy decision by a public governmental entity as it relates to hearings he has conducted about potential proceeds the state would receive for the sale of loans held by MOHELA.

JIM ERTLE

02/23/2006 S offered (S295)

EFFECTIVE: upon approval

\*\*\* 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 Reported to the House (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  
 02/01/2006 Voted Do Pass S Rules, Joint Rules, Resolutions & Ethics Committee  
 02/02/2006 Reported from S Rules, Joint Rules, Resolutions & Ethics Committee to Floor (S159)  
 02/08/2006 S adopted (S196-197)  
 02/08/2006 Reported to the House (H217-218)

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  
 02/01/2006 Voted Do Pass S Rules, Joint Rules, Resolutions & Ethics Committee

EFFECTIVE: upon approval

\*\*\* SCR 24 \*\*\*

SCS SCR 24

4597S.02C

SENATE SPONSOR: Scott

SCS/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  
 02/01/2006 SCS Voted Do Pass S Rules, Joint Rules, Resolutions & Ethics Committee (4597S.02C)  
 02/02/2006 Reported from S Rules, Joint Rules, Resolutions & Ethics Committee to Floor w/SCS (S158-159)  
 03/07/2006 Resolutions Calendar w/SCS

EFFECTIVE: upon approval

\*\*\* SCR 25 \*\*\*

SCS SCR 25

4312S.02C

SENATE SPONSOR: Cauthorn

SCS/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 similar 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  
 02/01/2006 SCS Voted Do Pass S Rules, Joint Rules, Resolutions & Ethics Committee (4312S.02C)  
 02/02/2006 Reported from S Rules, Joint Rules, Resolutions & Ethics Committee to Floor w/SCS (S158)  
 02/15/2006 SCS S adopted (S249)  
 02/15/2006 S adopted (S249)  
 02/16/2006 Reported to the House (H273-274)

EFFECTIVE: upon approval

\*\*\* SCR 26 \*\*\*

4201S.011

SENATE SPONSOR: Crowell

SCR 26 - This resolution creates the Joint Interim Committee on Low Income Housing Tax Credits.  
JASON ZAMKUS

02/08/2006 S offered (S195-196)

02/09/2006 Referred S Rules, Joint Rules, Resolutions & Ethics Committee (S214)

02/15/2006 Hearing Conducted S Rules, Joint Rules, Resolutions & Ethics Committee

EFFECTIVE: upon approval

\*\*\* SCR 27 \*\*\*

4923S.011

SENATE SPONSOR: Crowell

SCR 27 - This resolution calls for the federal approval of the extension of the Lewis and Clark National Historic Trail.

MEGAN WORD

02/08/2006 S offered (S196)

02/09/2006 Referred S Rules, Joint Rules, Resolutions & Ethics Committee (S214)

02/15/2006 Hearing Conducted S Rules, Joint Rules, Resolutions & Ethics Committee

EFFECTIVE: upon approval

\*\*\* SCR 28 \*\*\*

5119S.011

SENATE SPONSOR: Days

SCR 28 - This concurrent resolution names a Department of Agriculture office building after George Washington Carver.

JIM ERTLE

02/13/2006 S First Read (S226-227)

02/14/2006 Second Read and Referred S Rules, Joint Rules, Resolutions & Ethics Committee (S240)

02/15/2006 Hearing Conducted S Rules, Joint Rules, Resolutions & Ethics Committee

02/22/2006 Voted Do Pass S Rules, Joint Rules, Resolutions & Ethics Committee

02/23/2006 Reported from S Rules, Joint Rules, Resolutions & Ethics Committee to Floor (S297)

03/07/2006 Resolutions Calendar

EFFECTIVE: upon approval

\*\*\* SCR 29 \*\*\*

5280L.011

SENATE SPONSOR: Graham

SCR 29 - This resolution expresses the Missouri General Assembly's opposition to the proposed sale of a portion of the Mark Twain National Forest in Missouri.

MEGAN WORD

02/20/2006 S offered (S265-266)

02/21/2006 Referred S Rules, Joint Rules, Resolutions & Ethics Committee (S277)

03/01/2006 Hearing Conducted S Rules, Joint Rules, Resolutions & Ethics Committee

EFFECTIVE: upon approval

\*\*\* SCR 30 \*\*\*

5290S.021

SENATE SPONSOR: Scott

SCR 30 - This resolution asserts support for the formation of a task force to study the impact minimization zones (IMZs) filed with the Federal Energy Regulatory Commission and to work towards new plans that incorporate the recreational, environmental, and aesthetic values offered by the Lake of the Ozarks and to review any dock policies as they pertain to the IMZs. The act urges the Federal Energy Regulatory Commission to delay authorizing any plan until the task force issues a revised plan.

MEGAN WORD

03/01/2006 S offered (S347)

03/02/2006 Referred S Rules, Joint Rules, Resolutions & Ethics Committee (S385)

03/08/2006 Hearing Scheduled 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 &amp; Natural Resources Committee (S74)

EFFECTIVE: Upon voter approval

\*\*\* 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: Upon voter approval

\*\*\* 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 &amp; Criminal Jurisprudence Committee (S74)

EFFECTIVE: Upon voter approval

\*\*\* 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: Upon voter approval

\*\*\* 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: Upon voter approval

\*\*\* 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.

This SJR is identical to SJR 19 (2005).

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

02/02/2006 Reported from S Pensions, Veterans' Affairs and General Laws Committee to Floor (S160)

02/08/2006 Bill Placed on Informal Calendar (S197)

03/07/2006 S Informal Calendar S Bills for Perfection

EFFECTIVE: Upon voter approval

\*\*\* 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 Conducted S Financial & Governmental Organizations and Elections Committee  
 02/15/2006 Voted Do Pass S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: Upon voter approval

\*\*\* 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: Upon voter approval

\*\*\* 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: Upon voter approval

\*\*\* 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: Upon voter approval

\*\*\* 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)

02/07/2006 Hearing Conducted S Education Committee

EFFECTIVE: Upon voter approval

\*\*\* 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 Conducted S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: Upon voter approval

\*\*\* 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 Conducted S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: Upon voter approval

\*\*\* 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: Upon voter approval

\*\*\* 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: Upon voter approval

\*\*\* 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: Upon voter approval

\*\*\* 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 Conducted S Governmental Accountability & Fiscal Oversight Committee

EFFECTIVE: Upon voter approval

\*\*\* 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: Upon voter approval

\*\*\* SJR 39 \*\*\*

4116S.011

SENATE SPONSOR: Ridgeway

SJR 39 - This proposed constitutional amendment, if approved by the voters, modifies procedures for the impeachment of certain state officials. Currently, impeachments are tried before the supreme court or a commission appointed by the court. This act requires impeachments to be tried before the senate. When the governor is tried, the chief justice of the supreme court shall preside. Currently, no person can be impeached without the concurrence of five-sevenths of the court. This act provides that two-thirds of the senators present must vote for impeachment.

JIM ERTLE

01/30/2006 S First Read (S141)

02/01/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S151)

EFFECTIVE: Upon voter approval

\*\*\* SJR 40 \*\*\*

4996S.011



SENATE SPONSOR: Bartle

SJR 40 - The act preserves the right of Missouri citizens to harvest wild fish, bird and game without allowing for trespass on private property, the diminution of private rights, or compromising the authority of the Conservation Commission.

The act is identical to SJR 8 (2005).

MEGAN WORD

02/28/2006 S First Read

03/07/2006 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee

EFFECTIVE: Upon voter approval

\*\*\* SJR 41 \*\*\*

5421S.011

SENATE SPONSOR: Mayer

SJR 41 - This constitutional amendment, if approved by the voters, allows all persons to be bailable, except for capital offenses and manufacturing or attempting to manufacture methamphetamine, when the proof is evident or the presumption is great. Currently, all persons, except for capital offenses, are bailable.

SUSAN HENDERSON MOORE

02/28/2006 S First Read (S327)

03/07/2006 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2006

\*\*\* SJR 42 \*\*\*

5464S.021

SENATE SPONSOR: Nodler

SJR 42 - This proposed constitutional amendment, if approved by the voters, would authorize the General Assembly to appropriate moneys for administrative purposes for the Highways and Transportation Commission, the Missouri Department of Transportation, the Conservation Commission and the Conservation Department.

JIM ERTLE

03/01/2006 S First Read (S352)

03/07/2006 Second Read and Referred S Governmental Accountability & Fiscal Oversight Committee

EFFECTIVE: Upon voter approval

\*\*\* SJR 43 \*\*\*

5515S.021

SENATE SPONSOR: Crowell

SJR 43 - This proposed constitutional amendment, if approved by the voters, provides that no person shall knowingly administer to, prescribe to, prescribe for, procure for, or sell to any pregnant women any medicine, drug, or other substance with the specific intent of causing or abetting the termination of the life of an unborn child. No person shall knowingly use or employ any instrument or procedure upon a pregnant woman with the specific intent of causing or abetting the termination of the life of an unborn child.

ADRIANE CROUSE

03/01/2006 S First Read (S354)

EFFECTIVE: August 28, 2006

\*\*\* 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

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\*\*\* 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

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\*\*\* 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

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\*\*\* SR 2007 \*\*\*

SENATE SPONSOR: Shields

SR 2007 - This resolution authorizes Senate Employee classification and rates of pay.

JIM ERTLE

02/09/2006 S offered (S220-221)

02/13/2006 S adopted (S226)

EFFECTIVE: upon approval

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\*\*\* SR 2112 \*\*\*

0019SR1

SENATE SPONSOR: Vogel

SR 2112 - This resolution allows the Missouri Youth Leadership Forum for Students with Disabilities to use the Senate Chamber on July 25, 2006.

JIM ERTLE

02/21/2006 S offered (S274-275)

02/21/2006 S adopted (S275)

EFFECTIVE: upon approval

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\*\*\* SR 2134 \*\*\*

0020SR1

SENATE SPONSOR: Coleman

SR 2134 - This resolution allows Missouri Girls State to use the Senate Chamber on June 27, 2006.

JIM ERTLE

02/23/2006 S offered (S299)

02/23/2006 S adopted (S299)

EFFECTIVE: upon approval

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\*\*\* HB 1014 \*\*\*

SCS HCS HB 1014

3014S.03C

HOUSE HANDLER: Icet

## SCS/HCS/HB 1014 - Supplemental Appropriations

	Governor	House
GR	\$ 75,899,988	\$ 48,473,328
FEDERAL	90,287,480	89,277,717
OTHER	47,602,693	47,063,693
TOTAL	\$213,790,161	\$184,814,738

	Senate	Final
GR	\$ 58,288,776	
FEDERAL	86,437,911	
OTHER	47,602,693	
TOTAL	\$192,329,380	

DAN HAUG

01/26/2006 Introduced and read first time (H) (H142)  
01/30/2006 Read second time (H) (H150)  
01/30/2006 Referred: Budget (H) (H150)  
02/01/2006 Public Hearing continued (H)  
02/02/2006 Public Hearing continued (H)  
02/16/2006 Executive Session completed (H)  
02/16/2006 HCS voted do pass (H)  
02/16/2006 HCS Reported do pass (H) (H270)  
02/16/2006 Referred: Rules pursuant to Rule 25(26)(f) (H) (H270)  
02/22/2006 Rules - Executive session completed (H)  
02/22/2006 Rules - Voted do pass (H)  
02/22/2006 Rules - Reported do pass (H) (H305)  
02/23/2006 HCS adopted in House (H) (H313)  
02/23/2006 Perfected with amendments (H) (H313)  
02/23/2006 Third Read and passed (H) (H317 / S315)  
02/27/2006 S First Read (S315)  
02/28/2006 Second Read and Referred S Appropriations Committee (S323)  
03/01/2006 Hearing Conducted S Appropriations Committee  
03/01/2006 SCS Voted Do Pass S Appropriations Committee  
03/02/2006 Reported from S Appropriations Committee to Floor w/SCS (S383)  
03/06/2006 SCS S adopted (S393)  
03/06/2006 S Third Read and Passed (S393)  
03/07/2006 H Calendar H Bills with S Amendments (SCS)

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	\$6,079,746	\$6,079,746

	Senate	Final

**MISSOURI SENATE  
WEEKLY BILL STATUS REPORT**

GR	\$6,079,746	\$6,079,746	
FEDERAL	0	0	
OTHER	0	0	
.			
TOTAL	\$6,079,746	\$6,079,746	

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)  
 01/19/2006 Signed by Governor

EFFECTIVE: upon approval by the Governor

\*\*\* HB 1105 \*\*\*

3447L.01P

HOUSE HANDLER: Wilson

HB 1105 - This act exempts active duty soldiers and their spouses from maintaining a valid Missouri driver's license while stationed outside the United States. The exemption will not extend beyond the 90-day period immediately following the soldier's discharge or the date on which he or she returns to Missouri, whichever occurs first.

STEPHEN WITTE

12/13/2005 Prefiled (H)  
 01/04/2006 Read first time (H) (H19)  
 01/05/2006 Read second time (H) (H33)  
 01/19/2006 Referred: Transportation (H) (H95)  
 01/25/2006 Public hearing completed (H)  
 02/15/2006 Executive Session completed (H)  
 02/15/2006 Voted do pass - Consent (H)  
 02/15/2006 Reported do pass by Consent (H) (H259)  
 02/15/2006 Referred: Rules pursuant to Rule 25(26)(f) (H) (H259)  
 02/20/2006 Rules - Executive session completed (H)  
 02/20/2006 Rules - Voted do pass - Consent (H)  
 02/21/2006 Rules - Reported do pass consent (H) (H293)  
 02/28/2006 Perfected by Consent (H) (H355)  
 03/02/2006 Third Read and passed (H) (H381-382 / S385)  
 03/02/2006 S First Read (S385)

EFFECTIVE: August 28, 2006

\*\*\* HB 1157 \*\*\*

3594L.01P

HOUSE HANDLER: Cooper

HB 1157 - This act designates the bobwhite quail as the official state game bird.

MEGAN WORD

12/20/2005 Prefiled (H)  
 01/04/2006 Read first time (H) (H22)  
 01/05/2006 Read second time (H) (H33)  
 01/19/2006 Referred: Tourism (H) (H96)  
 01/31/2006 Public hearing completed (H)  
 01/31/2006 Executive Session completed (H)  
 01/31/2006 Voted do pass - Consent (H)  
 02/01/2006 Reported do pass by Consent (H) (H166)  
 02/01/2006 Referred: Rules pursuant to Rule 25(26)(f) (H) (H166)  
 02/09/2006 Rules - Executive session completed (H)  
 02/09/2006 Rules - Voted do pass - Consent (H)  
 02/09/2006 Rules - Reported do pass consent (H) (H229)  
 02/24/2006 Perfected by Consent (H) (H330)  
 02/28/2006 Third Read and passed (H)  
 02/28/2006 S First Read (S340)

EFFECTIVE: August 28, 2006

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\*\*\* HB 1169 \*\*\*

4014L.01P

HOUSE HANDLER: Cooper

HB 1169 - Currently, the Secretary of State reserves a corporate name for an applicant's exclusive use for a 60-day period. This act extends that holding period to a maximum of 180 days from the date of the first application and prohibits the name from being placed back in a reserve status.

CHRIS HOGERTY

12/21/2005 Prefiled (H)  
 01/04/2006 Read first time (H) (H23)  
 01/05/2006 Read second time (H) (H33)  
 01/19/2006 Referred: Judiciary (H) (H96)  
 01/24/2006 Public hearing completed (H)  
 01/31/2006 Executive Session completed (H)  
 01/31/2006 Voted do pass - Consent (H)  
 02/08/2006 Reported do pass by Consent (H) (H216)  
 02/08/2006 Referred: Rules pursuant to Rule 25(26)(f) (H) (H216)  
 02/15/2006 Rules - Voted do pass - Consent (H)  
 02/15/2006 Rules - Reported do pass consent (H) (H258)  
 02/24/2006 Perfected by Consent (H) (H330)  
 02/28/2006 Third Read and passed (H)  
 02/28/2006 S First Read (S340)

EFFECTIVE: August 28, 2006

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\*\*\* HB 1228 \*\*\*

4022L.01P

HOUSE HANDLER: Ruestman

HB 1228 - Currently, the Missouri Women's Council is required to prepare a state plan and gather annual reports from numerous state departments. This act eliminates these requirements as well as one of two duplicate provisions which authorize a special license plate bearing the council's emblem and the phrase "breast cancer awareness."

The act modifies the council's mission by adding the following requirements: (1) initiate programs to support women making the transition from work to home, operating a home-based business, and working part-time from home; (2) conduct an inventory of existing federal, state, community, and private programs and facilities relating to the economic and employment needs of women and make this information available to Missouri women; and (3) determine which economic and employment problems exist in specific geographic areas of the state by developing a self-sufficiency standard.

JASON ZAMKUS

01/03/2006 Prefiled (H)

01/04/2006 Read first time (H) (H26)  
 01/05/2006 Read second time (H) (H33)  
 01/26/2006 Referred: Job Creation and Economic Development (H) (H141)  
 02/01/2006 Public hearing completed (H)  
 02/01/2006 Executive Session completed (H)  
 02/01/2006 Voted do pass - Consent (H)  
 02/02/2006 Reported do pass by Consent (H) (H177)  
 02/02/2006 Referred: Rules pursuant to Rule 25(26)(f) (H) (H177)  
 02/09/2006 Rules - Executive session completed (H)  
 02/09/2006 Rules - Voted do pass - Consent (H)  
 02/09/2006 Rules - Reported do pass consent (H) (H229)  
 02/24/2006 Perfected by Consent (H) (H330)  
 02/28/2006 Taken up for Third Reading (H) (H351)  
 02/28/2006 Laid over - Third Reading (H) (H352)  
 03/06/2006 Third read and passed (H) (S398)  
 03/06/2006 S First Read (S398)

EFFECTIVE: August 28, 2006

\*\*\* HB 1234 \*\*\*

3512L.02P

HOUSE HANDLER: Loehner

HB 1234 - This act changes two provisions of the Nursing Student Loan Repayment Program. "Eligible student" is redefined as a person who has been accepted as a full-time nursing student, rather than a person who has applied for admission. Currently, 25% of the loan is forgiven for each year of employment, the act revises the repayment provision to permit forgiveness through employment without mention of a specific schedule.

CHRIS HOGERTY

01/04/2006 Introduced and read first time (H) (H27)  
 01/05/2006 Read second time (H) (H33)  
 01/26/2006 Referred: Special Comm on Student Achievement & Finance (H) (H141)  
 02/06/2006 Public hearing completed (H)  
 02/06/2006 Executive Session completed (H)  
 02/06/2006 Voted do pass - Consent (H)  
 02/15/2006 Reported do pass by Consent (H) (H258)  
 02/15/2006 Referred: Rules pursuant to Rule 25(26)(f) (H) (H258)  
 02/20/2006 Rules - Executive session completed (H)  
 02/20/2006 Rules - Voted do pass - Consent (H)  
 02/21/2006 Rules - Reported do pass consent (H) (H293)  
 02/28/2006 Perfected by Consent (H) (H355)  
 03/02/2006 Third Read and passed (H) (H380-381 / S385)  
 03/02/2006 S First Read (S385)

EFFECTIVE: August 28, 2006

\*\*\* HB 1249 \*\*\*

3762L.01P

HOUSE HANDLER: Spreng

HB 1249 - This act exempts all motor vehicles assembled and sold in Missouri from the state sales and use tax. Local sales and use taxes will continue to be collected.

JASON ZAMKUS

01/05/2006 Introduced and read first time (H) (H34)  
 01/09/2006 Read second time (H) (H39)  
 01/26/2006 Referred: Job Creation and Economic Development (H) (H141)  
 02/01/2006 Public hearing completed (H)  
 02/01/2006 Executive Session completed (H)  
 02/01/2006 Voted do pass (H)  
 02/13/2006 Reported do pass (H) (H238)  
 02/13/2006 Referred: Rules pursuant to Rule 25(26)(f) (H) (H238)  
 02/15/2006 Rules - Voted do pass (H)  
 02/15/2006 Rules - Reported do pass (H) (H258)  
 02/27/2006 Perfected (H) (H338)

02/28/2006 Referred: Fiscal Review (H) (H352)  
 03/01/2006 Executive Session completed (H)  
 03/01/2006 Voted do pass (H)  
 03/02/2006 Reported do pass (H) (H377)  
 03/02/2006 Third Read and passed (H) (H377-378 / S385)  
 03/02/2006 S First Read (S385)

EFFECTIVE: August 28, 2006

\*\*\* HB 1393 \*\*\*

4270L.01P

HOUSE HANDLER: Behnen

HB 1393 - This act allows the Superintendent of the Highway Patrol, by general order, to set forth the circumstances under which members of the patrol may be engaged in secondary employment.

This act is similar to SB 981 (2006).

SUSAN HENDERSON MOORE

01/12/2006 Introduced and read first time (H) (H73)  
 01/17/2006 Read second time (H) (H78)  
 02/02/2006 Referred: Crime Prevention and Public Safety (H) (H176)  
 02/14/2006 Public hearing completed (H)  
 02/14/2006 Executive Session completed (H)  
 02/14/2006 Voted do pass - Consent (H)  
 02/15/2006 Reported do pass by Consent (H) (H258)  
 02/15/2006 Referred: Rules pursuant to Rule 25(26)(f) (H) (H258)  
 02/20/2006 Rules - Executive session completed (H)  
 02/20/2006 Rules - Voted do pass - Consent (H)  
 02/21/2006 Rules - Reported do pass consent (H) (H293)  
 02/28/2006 Perfected by Consent (H) (H355)  
 03/02/2006 Third Read and passed (H) (H379-380 / S385)  
 03/02/2006 S First Read (S385)

EFFECTIVE: August 28, 2006

\*\*\* HB 1688 \*\*\*

4934L.01P

HOUSE HANDLER: Johnson

HB 1688 - 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

02/07/2006 Introduced and read first time (H) (H208)  
 02/08/2006 Read second time (H) (H215)  
 02/09/2006 Referred: Local Government (H) (H226)  
 02/16/2006 Public hearing completed (H)  
 02/16/2006 Executive Session completed (H)  
 02/16/2006 Voted do pass - Consent (H)  
 02/16/2006 Reported do pass by Consent (H) (H271)  
 02/16/2006 Referred: Rules pursuant to Rule 25(26)(f) (H) (H271)  
 02/20/2006 Rules - Executive session completed (H)  
 02/20/2006 Rules - Voted do pass - Consent (H)  
 02/21/2006 Rules - Reported do pass consent (H) (H293)  
 02/28/2006 Perfected by Consent (H) (H355)  
 03/02/2006 Third Read and passed (H) (H378-379 / S385)  
 03/02/2006 S First Read (S385)

EFFECTIVE: August 28, 2006

\*\*\* 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)

## \*\*\* HCR 5 \*\*\*

3232L.011

HOUSE HANDLER: Bearden

HCR 5 - This resolutions declares February 6th of each year to be "Ronald Reagan Day" in Missouri.

JIM ERTLE

01/04/2006 Introduced and read first time (H) (H11)  
 01/05/2006 Read second time (H) (H33)  
 01/19/2006 Referred: Rules (H) (H94)  
 01/25/2006 Public hearing completed (H)  
 01/25/2006 Executive Session completed (H)  
 01/25/2006 Voted do pass (H)  
 01/25/2006 Reported do pass (H) (H129)  
 02/06/2006 Third read and passed (H) (H193-194 / S177-178)  
 02/06/2006 S First Read (S177-178)  
 02/07/2006 Second Read and Referred S Rules, Joint Rules, Resolutions & Ethics Committee (S181)

EFFECTIVE: upon approval

## \*\*\* HCR 9 \*\*\*

4194L.011

HOUSE HANDLER: Ruestman

HCR 9 - This resolution directs the Comprehensive Cancer Action Plan for Missouri, which is a nationwide model of effective cancer control strategies, be posted annually on the Missouri state Internet website.

JIM ERTLE



01/10/2006 Offered (H) (H45)  
 01/19/2006 Referred: Rules (H) (H94)  
 01/25/2006 Public hearing completed (H)  
 01/25/2006 Executive Session completed (H)  
 01/25/2006 Voted do pass (H)  
 01/25/2006 Reported do pass (H) (H130)  
 02/13/2006 Adopted (H) (S228)  
 02/13/2006 Reported to the Senate (S228)  
 02/14/2006 Referred S Rules, Joint Rules, Resolutions & Ethics Committee (S240)

EFFECTIVE: upon approval

\*\*\* HCR 12 \*\*\*

4357L.011

HOUSE HANDLER: Portwood

HCR012 Portwood, Dr. Charles R.

I N T R O D U C E D

01/23/2006 Introduced and read first time (H) (H105)  
 01/24/2006 Read second time (H) (H113)  
 01/26/2006 Referred: Rules (H) (H140)  
 02/09/2006 Public hearing completed (H)  
 02/09/2006 Executive Session completed (H)  
 02/09/2006 Voted do pass (H)  
 02/09/2006 Rules - Reported do pass (H) (H227)  
 02/22/2006 Third Read and passed (H) (H303 / S287)  
 02/22/2006 S First Read (S287-288)  
 02/23/2006 Referred S Rules, Joint Rules, Resolutions & Ethics Committee (S304)

\*\*\* HCR 14 \*\*\*

4828L.011

HOUSE HANDLER: Schlottach

HCR 14 - This resolution recognizes February 2006 as American Heart Month in Missouri as the importance of the ongoing fight against heart disease.

JIM ERTLE

01/31/2006 Offered (H) (H157)  
 02/02/2006 Referred: Rules (H) (H173)  
 02/09/2006 Public hearing completed (H)  
 02/09/2006 Executive Session completed (H)  
 02/09/2006 Voted do pass (H)  
 02/09/2006 Rules - Reported do pass (H) (H227)  
 02/22/2006 Adopted (H) (H304 / S288)  
 02/22/2006 Reported to the Senate (S288)  
 02/23/2006 Referred S Rules, Joint Rules, Resolutions & Ethics Committee (S304)

EFFECTIVE: upon approval

\*\*\* HCR 15 \*\*\*

4029L.011

HOUSE HANDLER: Jetton

HCR 15 - This resolution urges the United States Congress and the United States Department of Agriculture to waive or amend the federal Food Stamp Program to increase the availability of food assistance for low-income elderly persons.

JIM ERTLE

02/02/2006 Offered (H) (H173)  
 02/09/2006 Referred: Rules (H) (H225)  
 02/15/2006 Public hearing completed (H)  
 02/15/2006 Executive Session completed (H)  
 02/15/2006 Voted do pass (H)  
 02/15/2006 Reported do pass (H)  
 02/15/2006 Referred: Rules pursuant to Rule 25(26)(f) (H)  
 02/15/2006 Rules - Voted do pass (H)

02/15/2006 Rules - Reported do pass (H) (H256)  
 02/22/2006 Adopted (H) (H304 / S288-289)  
 02/22/2006 Reported to The Senate (S288-289)  
 02/23/2006 Referred S Rules, Joint Rules, Resolutions & Ethics Committee (S304)

EFFECTIVE: upon approval

\*\*\* HCR 17 \*\*\*

5057L.011

HOUSE HANDLER: Quinn

HCR 17 - This resolution concurs with the Governor that all reasonable and necessary action should be taken to prevent the planned man-made "spring rise" of the Missouri River.

The resolution encourages the United States Army Corps of Engineers not to implement an artificial "spring rise," which would increase the risk of flooding for Missourians, thereby being in violation of the 8th U.S. Circuit Court of Appeals' recent ruling, which held that flood control and navigation are the dominant uses of the Missouri River.

MEGAN WORD

02/07/2006 Offered (H) (H200)  
 02/09/2006 Referred: Rules (H) (H225)  
 02/15/2006 Public hearing completed (H)  
 02/15/2006 Executive Session completed (H)  
 02/15/2006 Voted do pass (H)  
 02/15/2006 Reported do pass (H)  
 02/15/2006 Referred: Rules pursuant to Rule 25(26)(f) (H)  
 02/15/2006 Rules - Voted do pass (H)  
 02/15/2006 Rules - Reported do pass (H) (H257)  
 02/21/2006 H adopted (H292 / S277)  
 02/21/2006 Reported to Senate (S277)  
 02/22/2006 Referred S Rules, Joint Rules, Resolutions & Ethics Committee (S289)

EFFECTIVE: upon approval

\*\*\* HJR 28 \*\*\*

3155L.01P

HOUSE HANDLER: Jackson

HJR 28 - This proposed constitutional amendment exempts, upon voter approval, the property of veteran organizations from taxation.

This resolution is identical to SJR 26 (2005).

JASON ZAMKUS

12/01/2005 Prefiled (H)  
 01/04/2006 Read first time (H) (H11)  
 01/05/2006 Read second time (H) (H33)  
 01/12/2006 Referred: Veterans (H) (H69)  
 01/25/2006 Public hearing completed (H)  
 02/01/2006 Executive Session completed (H)  
 02/01/2006 Voted do pass (H)  
 02/02/2006 Reported do pass (H) (H177)  
 02/02/2006 Referred: Rules pursuant to Rule 25(26)(f) (H) (H177)  
 02/09/2006 Rules - Executive session completed (H)  
 02/09/2006 Rules - Voted do pass (H)  
 02/09/2006 Rules - Reported do pass (H) (H227)  
 02/21/2006 Perfected (H) (H292)  
 02/22/2006 Third Read and passed (H) (H302 / S287)  
 02/22/2006 S First Read (S287)

EFFECTIVE: August 28, 2006

\*\*\* HJR 36 \*\*\*

HCS HJR 36

3473L.03P

HOUSE HANDLER: Bruns

HJR 36 - This proposed constitutional amendment exempts from taxation, upon voter approval, the personal property of residents who are on active military duty.

JASON ZAMKUS

12/21/2005 Prefiled (H)  
 01/04/2006 Read first time (H) (H11)  
 01/05/2006 Read second time (H) (H33)  
 01/12/2006 Referred: Veterans (H) (H69)  
 01/25/2006 Public hearing completed (H)  
 02/01/2006 Executive Session completed (H)  
 02/01/2006 HCS voted do pass (H)  
 02/06/2006 HCS Reported do pass (H) (H194)  
 02/06/2006 Referred: Rules pursuant to Rule 25(26)(f) (H) (H194)  
 02/09/2006 Rules - Executive session completed (H)  
 02/09/2006 Rules - Voted do pass (H)  
 02/09/2006 Rules - Reported do pass (H) (H227)  
 02/21/2006 HCS adopted in House (H) (H292)  
 02/21/2006 Perfected (H) (H292)  
 02/22/2006 Third Read and passed (H) (H301 / S287)  
 02/22/2006 S First Read (S287)

EFFECTIVE: August 28, 2006

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<u>Bill Number</u>	<u>Page Number</u>
SB 557	1
SB 558	1
SB 559	1
SB 560	1
SB 561	3
SB 562	4
SB 563	4
SB 564	4
SB 565	4
SB 566	5
SB 567	5
SB 568	6
SB 569	6
SB 570	6
SB 571	7
SB 572	8
SB 573	8
SB 574	9
SB 575	9
SB 576	10
SB 577	10
SB 578	10
SB 579	11
SB 580	11
SB 581	12
SB 582	12
SB 583	12
SB 584	14
SB 585	15
SB 586	15
SB 587	16
SB 588	16
SB 589	20
SB 590	20
SB 591	23
SB 592	23
SB 593	23

SB 594	24
SB 595	24
SB 596	24
SB 597	25
SB 598	25
SB 599	26
SB 600	26
SB 601	27
SB 602	27
SB 603	27
SB 604	28
SB 605	28
SB 606	28
SB 607	29
SB 608	29
SB 609	29
SB 610	30
SB 611	30
SB 612	32
SB 613	32
SB 614	33
SB 615	34
SB 616	34
SB 617	35
SB 618	35
SB 619	36
SB 620	36
SB 621	37
SB 622	37
SB 623	38
SB 624	38
SB 625	38
SB 626	39
SB 627	39
SB 628	39
SB 629	40
SB 630	40
SB 631	40
SB 632	41
SB 633	41
SB 634	41
SB 635	41
SB 636	42
SB 637	42
SB 638	43
SB 639	43
SB 640	43
SB 641	44
SB 642	44
SB 643	44
SB 644	45
SB 645	45
SB 646	46
SB 647	48
SB 648	48
SB 649	48
SB 650	49
SB 651	50
SB 652	50
SB 653	51

SB 654	51
SB 655	52
SB 656	52
SB 657	53
SB 658	53
SB 659	53
SB 660	54
SB 661	54
SB 662	55
SB 663	55
SB 664	55
SB 665	56
SB 666	56
SB 667	57
SB 668	58
SB 669	58
SB 670	58
SB 671	58
SB 672	59
SB 673	60
SB 674	60
SB 675	60
SB 676	61
SB 677	61
SB 678	61
SB 679	62
SB 680	62
SB 681	62
SB 682	63
SB 683	63
SB 684	63
SB 685	64
SB 686	64
SB 687	64
SB 688	65
SB 689	65
SB 690	66
SB 691	66
SB 692	66
SB 693	67
SB 694	67
SB 695	67
SB 696	67
SB 697	68
SB 698	68
SB 699	70
SB 700	70
SB 701	71
SB 702	71
SB 703	72
SB 704	72
SB 705	72
SB 706	72
SB 707	73
SB 708	73
SB 709	73
SB 710	74
SB 711	74
SB 712	75
SB 713	75

SB 714	75
SB 715	75
SB 716	76
SB 717	76
SB 718	77
SB 719	77
SB 720	77
SB 721	77
SB 722	78
SB 723	78
SB 724	78
SB 725	78
SB 726	79
SB 727	79
SB 728	79
SB 729	79
SB 730	80
SB 731	80
SB 732	80
SB 733	80
SB 734	81
SB 735	81
SB 736	82
SB 737	82
SB 738	82
SB 739	83
SB 740	83
SB 741	83
SB 742	83
SB 743	83
SB 744	84
SB 745	84
SB 746	84
SB 747	85
SB 748	85
SB 749	86
SB 750	86
SB 751	86
SB 752	87
SB 753	87
SB 754	87
SB 755	87
SB 756	88
SB 757	88
SB 758	88
SB 759	89
SB 760	89
SB 761	90
SB 762	90
SB 763	90
SB 764	90
SB 765	90
SB 766	91
SB 767	91
SB 768	92
SB 769	93
SB 770	94
SB 771	94
SB 772	94
SB 773	95

SB 774	95
SB 775	95
SB 776	96
SB 777	96
SB 778	97
SB 779	97
SB 780	98
SB 781	98
SB 782	99
SB 783	99
SB 784	99
SB 785	100
SB 786	100
SB 787	101
SB 788	101
SB 789	101
SB 790	102
SB 791	102
SB 792	102
SB 793	103
SB 794	103
SB 795	104
SB 796	105
SB 797	105
SB 798	105
SB 799	106
SB 800	106
SB 801	106
SB 802	107
SB 803	107
SB 804	107
SB 805	108
SB 806	108
SB 807	108
SB 808	109
SB 809	109
SB 810	109
SB 811	109
SB 812	111
SB 813	111
SB 814	112
SB 815	112
SB 816	112
SB 817	113
SB 818	113
SB 819	114
SB 820	114
SB 821	114
SB 822	115
SB 823	115
SB 824	116
SB 825	116
SB 826	119
SB 827	120
SB 828	120
SB 829	120
SB 830	121
SB 831	121
SB 832	121
SB 833	122

SB 834	123
SB 835	123
SB 836	123
SB 837	124
SB 838	124
SB 839	124
SB 840	125
SB 841	125
SB 842	126
SB 843	126
SB 844	126
SB 845	127
SB 846	127
SB 847	127
SRB 848	128
SB 849	128
SB 850	129
SB 851	129
SB 852	130
SB 853	130
SB 854	130
SB 855	131
SB 856	131
SB 857	131
SB 858	132
SB 859	133
SB 860	133
SB 861	133
SB 862	134
SB 863	134
SB 864	134
SB 865	135
SB 866	135
SB 867	136
SB 868	136
SB 869	136
SB 870	136
SB 871	137
SB 872	137
SB 873	139
SB 874	139
SB 875	140
SB 876	140
SB 877	141
SB 878	141
SB 879	141
SB 880	141
SB 881	142
SB 882	142
SB 883	144
SB 884	144
SB 885	144
SB 886	146
SB 887	146
SB 888	146
SB 889	150
SB 890	150
SB 891	150
SB 892	150
SB 893	151



SB 894	151
SB 895	151
SB 896	153
SB 897	153
SB 898	154
SB 899	154
SB 900	154
SB 901	155
SB 902	155
SB 903	156
SB 904	156
SB 905	156
SB 906	157
SB 907	158
SB 908	158
SB 909	158
SB 910	159
SB 911	159
SB 912	160
SB 913	160
SB 914	160
SB 915	161
SB 916	161
SB 917	162
SB 918	163
SB 919	163
SB 920	163
SB 921	164
SB 922	164
SB 923	164
SB 924	164
SB 925	165
SB 926	165
SB 927	165
SB 928	166
SB 929	166
SB 930	166
SB 931	166
SB 932	167
SB 933	167
SB 934	167
SB 935	168
SB 936	168
SB 937	168
SB 938	169
SB 939	171
SB 940	172
SB 941	173
SB 942	173
SB 943	173
SB 944	174
SB 945	175
SB 946	175
SB 947	175
SB 948	176
SB 949	176
SB 950	176
SB 951	178
SB 952	178
SB 953	178

SB 954	183
SB 955	183
SB 956	184
SB 957	184
SB 958	184
SB 959	185
SB 960	187
SB 961	187
SB 962	187
SB 963	187
SB 964	188
SB 965	188
SB 966	188
SB 967	189
SB 968	189
SB 969	189
SB 970	190
SB 971	190
SB 972	191
SB 973	191
SB 974	191
SB 975	191
SB 976	192
SB 977	192
SB 978	193
SB 979	193
SB 980	193
SB 981	194
SB 982	194
SB 983	194
SB 984	195
SB 985	195
SB 986	195
SB 987	195
SB 988	196
SB 989	196
SB 990	196
SB 991	196
SB 992	197
SB 993	198
SB 994	198
SB 995	199
SB 996	199
SB 997	199
SB 998	199
SB 999	200
SB 1000	200
SB 1001	201
SB 1002	202
SB 1003	202
SB 1004	202
SB 1005	202
SB 1006	204
SB 1007	204
SB 1008	205
SB 1009	205
SB 1010	205
SB 1011	206
SB 1012	206
SB 1013	207

SB 1014	208
SB 1015	209
SB 1016	209
SB 1017	209
SB 1018	209
SB 1019	210
SB 1020	211
SB 1021	211
SB 1022	211
SB 1023	211
SB 1024	212
SB 1025	214
SB 1026	215
SB 1027	215
SB 1028	215
SB 1029	216
SB 1030	216
SB 1031	216
SB 1032	216
SB 1033	217
SB 1034	217
SB 1035	217
SB 1036	218
SB 1037	218
SB 1038	218
SB 1039	219
SB 1040	219
SB 1041	221
SB 1042	221
SB 1043	221
SB 1044	222
SB 1045	222
SB 1046	222
SB 1047	222
SB 1048	223
SB 1049	223
SB 1050	224
SB 1051	224
SB 1052	224
SB 1053	225
SB 1054	225
SB 1055	226
SB 1056	226
SB 1057	226
SB 1058	226
SB 1059	228
SB 1060	228
SB 1061	229
SB 1062	229
SB 1063	229
SB 1064	230
SB 1065	230
SB 1066	231
SB 1067	231
SB 1068	231
SB 1069	232
SB 1070	232
SB 1071	232
SB 1072	233
SB 1073	233

SB 1074	233
SB 1075	234
SB 1076	234
SB 1077	234
SB 1078	235
SB 1079	235
SB 1080	235
SB 1081	235
SB 1082	236
SB 1083	236
SB 1084	236
SB 1085	236
SB 1086	237
SB 1087	238
SB 1088	239
SB 1089	239
SB 1090	239
SB 1091	240
SB 1092	240
SB 1093	240
SB 1094	240
SB 1095	241
SB 1096	241
SB 1097	241
SB 1098	242
SB 1099	242
SB 1100	243
SB 1101	243
SB 1102	243
SB 1103	243
SB 1104	244
SB 1105	244
SB 1106	244
SB 1107	244
SB 1108	245
SB 1109	245
SB 1110	246
SB 1111	246
SB 1112	246
SB 1113	247
SB 1114	247
SB 1115	247
SB 1116	248
SB 1117	248
SB 1118	248
SB 1119	249
SB 1120	249
SB 1121	249
SB 1122	250
SB 1123	250
SB 1124	251
SB 1125	252
SB 1126	252
SB 1127	252
SB 1128	252
SB 1129	253
SB 1130	253
SB 1131	253
SB 1132	253
SB 1133	254

SB 1134	254
SB 1135	254
SB 1136	257
SB 1137	257
SB 1138	258
SB 1139	258
SB 1140	258
SB 1141	259
SB 1142	259
SB 1143	259
SB 1144	260
SB 1145	260
SB 1146	260
SB 1147	261
SB 1148	261
SB 1149	261
SB 1150	262
SB 1151	262
SB 1152	262
SB 1153	263
SB 1154	264
SB 1155	264
SB 1156	264
SB 1157	264
SB 1158	265
SB 1159	265
SB 1160	265
SB 1161	267
SB 1162	268
SB 1163	268
SB 1164	268
SB 1165	268
SB 1166	268
SB 1167	269
SB 1168	269
SB 1169	270
SB 1170	270
SB 1171	271
SB 1172	271
SB 1173	272
SB 1174	272
SB 1175	272
SB 1176	273
SB 1177	273
SB 1178	273
SB 1179	273
SB 1180	274
SB 1181	274
SB 1182	275
SB 1183	276
SB 1184	276
SB 1185	276
SB 1186	276
SB 1187	277
SB 1188	277
SB 1189	277
SB 1190	277
SB 1191	277
SB 1192	278
SB 1193	278

SB 1194	278
SB 1195	279
SB 1196	279
SB 1197	279
SB 1198	279
SB 1199	279
SB 1200	280
SB 1201	280
SB 1202	280
SB 1203	280
SB 1204	282
SB 1205	282
SB 1206	282
SB 1207	283
SB 1208	283
SB 1209	283
SB 1210	283
SB 1211	285
SB 1212	285
SB 1213	285
SB 1214	286
SB 1215	286
SB 1216	287
SB 1217	287
SB 1218	287
SB 1219	287
SB 1220	288
SB 1221	288
SB 1222	289
SB 1223	289
SB 1224	289
SB 1225	289
SB 1226	290
SB 1227	290
SB 1228	290
SB 1229	291
SB 1230	291
SB 1231	291
SB 1232	292
SB 1233	293
SB 1234	293
SB 1235	293
SB 1236	293
SB 1237	294
SB 1238	295
SB 1239	295
SB 1240	295
SB 1241	295
SB 1242	296
SB 1243	296
SB 1244	296
SB 1245	297
SB 1246	299
SB 1247	299
SB 1248	299
SB 1249	300
SB 1250	300
SB 1251	301
SB 1252	301
SB 1253	301

SB 1254	301
SB 1255	302
SRM 1	303
SCR 21	303
SCR 22	303
SCR 23	304
SCR 24	304
SCR 25	304
SCR 26	304
SCR 27	305
SCR 28	305
SCR 29	305
SCR 30	305
SJR 21	306
SJR 22	306
SJR 23	306
SJR 24	306
SJR 25	307
SJR 26	307
SJR 27	307
SJR 28	308
SJR 29	308
SJR 30	308
SJR 31	309
SJR 32	309
SJR 33	309
SJR 34	310
SJR 35	310
SJR 36	310
SJR 37	310
SJR 38	311
SJR 39	311
SJR 40	311
SJR 41	312
SJR 42	312
SJR 43	312
SR 1695	312
SR 1725	313
SR 1870	313
SR 2007	313
SR 2112	313
SR 2134	313
HB 1014	313
HB 1015	314
HB 1105	315
HB 1157	315
HB 1169	316
HB 1228	316
HB 1234	317
HB 1249	317
HB 1393	318
HB 1688	318
HCR 1	318
HCR 2	319
HCR 3	319
HCR 5	319
HCR 9	319
HCR 12	320
HCR 14	320
HCR 15	320

3/7/06

MISSOURI SENATE  
WEEKLY BILL STATUS REPORT

Page: 335

HCR 17	321
HJR 28	321
HJR 36	321