

94th General Assembly

1st Regular Session

MISSOURI SENATE



WEEKLY BILL STATUS REPORT

**January 22 - 26, 2007**

Prepared by  
Divisions of Research and Computer Information Systems

\*\*\* SB 1 \*\*\*

0489S.011

SENATE SPONSOR: Gibbons

SB 1 - This act requires criminal background checks for certain employees in positions with substantial direct contact with children.

**SECTION 105.003 - Criminal Background Checks for State Employees**

Under this section, before a state agency hires a person for a position with substantial direct contact with children under the age of sixteen, the agency must request a criminal background check. A "position with substantial direct contact with children" is defined as any position where the employee is in the physical presence of or within close proximity to a child or children at least 50% of the time he or she is working.

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

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

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

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

**SECTION 285.028 - Criminal Background Checks for Private Employees**

Under this section, before a private employer with more than 10 employees hires an individual for a position with substantial direct contact with children under the age of 16, the employer shall request a criminal background check.

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

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

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

SUSAN HENDERSON MOORE

12/01/2006 Prefiled

01/03/2007 S First Read (S6)

01/16/2007 Second Read and Referred S Judiciary and Civil &amp; Criminal Jurisprudence Committee (S104)

EFFECTIVE: August 28, 2007

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

0509S.011

SENATE SPONSOR: Gibbons

SB 2 - This act creates the crime of knowingly receiving, selling, or obtaining personal health information without the person's consent. It shall be Class D felony if such crime is committed against at least one but

not more than five persons. It shall be a Class C felony if such crime is committed against more than five persons. There are exemptions for law enforcement officers or other governmental agencies performing their official duties. There are 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.

Nothing in this act shall be construed to prevent an insurance company or insurance producer, a workers' compensation carrier, a third-party administrator, or employer administering or investigating a workers' compensation injury from obtaining, using, disclosing, or permitting access to any personal health information or personal health information record, either directly or indirectly through its agents, as permitted by state laws and regulations governing the conduct of insurance companies with respect to personal information, including personal health information.

In addition, no provision of this section shall be construed so as to limit conducting any medical research as defined in federal regulations or to prohibit reporting personal health information where authorized or required by 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 that is: (a) created or stored by the health care provider or health carrier in the normal course of its business operations; and (b) not otherwise available publicly or in the public domain.

The effective date for this act is January 1, 2008.

This act is identical to HCS/SS/SCS/SB 1041 (2006).

ADRIANE CROUSE

12/01/2006 Prefiled

01/03/2007 S First Read (S6)

01/16/2007 Second Read and Referred S Health and Mental Health Committee (S104)

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

0580S.011

SENATE SPONSOR: Gibbons

SB 3 - This act modifies various provisions relating to the department of mental health.

Under current law the findings of abuse and neglect investigations conducted by the Department of Mental Health are confidential and reports of the investigations can only be issued to the parent or guardian of the Department of Mental Health client who is the subject of the investigation. This act makes the final reports of substantiated department of mental health abuse and neglect investigations at state facilities and contract providers available as public documents, with restrictions on the release of any identifying information about clients and staff.

This act also increases the penalty for a mandated reporter not reporting abuse and neglect from an infraction to a Class A misdemeanor. This act also imposes sanctions and penalties on providers that prevent or discourage the reporting of abuse and neglect.

This act also establishes a mental health fatality review panel to review all deaths of clients of the Department of Mental Health.

The director of the Department of Mental Health shall promulgate rules, guidelines and protocols for hospitals and physicians to use to help them identify suspicious deaths of clients in the care and custody of the department. The director shall also promulgate rules for the certification of mental health death pathologists.

This act gives civil immunity to employees of the Department of Mental Health and contract providers who engage in discussion with the intent to help ensure that facilities and providers are aware of past history of potential employees that might create a danger to clients.

This act increases the penalty for community providers who do not correct problems cited by the Department of Mental Health in licensing inspections. The current fine is \$100 per day. This act increases the penalty for up to \$10,000 per day.

This act defines "vulnerable person" as any person who because of developmental disability or mental

illness is unable to protect his or her own interests or adequately perform or obtain services that are necessary to meet his or her own essential human needs. This act also creates the crime of "vulnerable person abuse" and provides for mandatory reporting of suspected vulnerable person abuse.

ADRIANE CROUSE

12/01/2006 Prefiled

01/03/2007 S First Read (S6)

01/16/2007 Second Read and Referred S Health and Mental Health Committee (S104)

EFFECTIVE: August 28, 2007

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

0545S.011

SENATE SPONSOR: Gross

SB 4 - This act extends the sunsets for the Medicaid Managed Care Organization reimbursement allowance and the Pharmacy Tax from June 30, 2007 to June 30, 2008. The sunset of the Federal Reimbursement Allowance assessment and Nursing Facility Reimbursement Allowance are extended from September 30, 2007 to September 30, 2008.

This act contains an emergency clause.

JASON ZAMKUS

12/01/2006 Prefiled

01/03/2007 S First Read (S6)

01/16/2007 Second Read and Referred S Health and Mental Health Committee (S104)

01/23/2007 Hearing Conducted S Health and Mental Health Committee

EFFECTIVE: Emergency Clause

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

0310S.021

SENATE SPONSOR: Loudon

SB 5 - This act modifies the laws on child pornography, and establishes a civil cause of action for victims of certain child pornography-related offenses.

#### SECTION 537.047

This section provides that any person who, while a child or minor, was a victim of certain offenses related to child exploitation or child pornography, and who suffers physical or psychological injury or illness as a result of the violation, shall be entitled to bring a civil cause of action to recover damages sustained by the violation. Any person deemed to have sustained injury or illness under this act shall be deemed to have sustained damages of no less than \$150,000 in value. Any action described under this section shall be commenced within ten years of the plaintiff attaining the age of twenty-one, or within three years of the date the plaintiff discovers that the injury or illness was caused by the violation of an offense enumerated in this act.

#### SECTION 573.025

This section prohibits any person convicted of promoting child pornography in the first degree from being eligible for probation or parole for at least three years.

#### SECTION 573.035

This section prohibits any person convicted of promoting child pornography in the second degree from being eligible for probation.

#### SECTION 573.037

This section makes possession of child pornography an unclassified felony with a term of imprisonment of 1 to 10 years, rather than a Class D felony with a term of imprisonment of one to four years.

SUSAN HENDERSON MOORE

12/01/2006 Prefiled

01/03/2007 S First Read (S6)

01/16/2007 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S104)

01/22/2007 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2007

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\*\*\* SB 6 \*\*\*

0445S.021

SENATE SPONSOR: Loudon

SB 6 - Beginning with the 2009 fiscal year and in each subsequent fiscal year, the general assembly shall appropriate 9 million dollars to the safe schools fund, as established in this act. The Department of Elementary and Secondary Education shall annually distribute the monies in the fund to each school district in proportion to their average daily attendance.

Districts may employ the safe schools moneys for a variety of safety-related expenses, as delineated in the act. Each district shall annually notify DESE of the manner in which the safe schools funds were utilized. Should the department determine that the district utilized such funds in a manner inconsistent with the act, the department may withhold all or any future payments to such district.

Each school district shall institute a lock-down procedure to be implemented in case a potentially dangerous or armed intruder enters the school and shall conduct a drill at least once a school year in order to prepare for such a scenario. The department shall establish guidelines to assist districts in implementing such procedures.

JIM ERTLE

12/01/2006 Prefiled  
01/03/2007 S First Read (S6)  
01/16/2007 Second Read and Referred S Education Committee (S104)  
01/24/2007 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2007

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

0369S.021

SENATE SPONSOR: Loudon

SB 7 - This act allows an income tax deduction equal to one hundred percent of the amount paid for insurance premiums and out-of-pocket medical expenses to the extent such amount is included in federal adjusted gross income and not otherwise excluded from Missouri adjusted gross income. The term "out-of-pocket medical costs" is defined as those medical expenses allowable pursuant to section 213 of the Internal Revenue Code and federal rulings interpreting section 213 of the Internal Revenue Code.

JASON ZAMKUS

12/01/2006 Prefiled  
01/03/2007 S First Read (S6)  
01/16/2007 Second Read and Referred S Ways & Means Committee (S104)

EFFECTIVE: August 28, 2007

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

0161S.011

SENATE SPONSOR: Kennedy

SB 8 - 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. If ten million dollars in tax credits are not approved, for programs authorized under the rebuilding communities tax credit program, then up to the first one hundred thousand dollars in tax credits shall be used for the home modification tax Credit created by this act.

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 one third.

The credit applies to tax years beginning January 1, 2008, and expires December 31, 2013.

This act is identical to SB 877 (2006).

JASON ZAMKUS

12/01/2006 Prefiled  
01/03/2007 S First Read (S6)

01/16/2007 Second Read and Referred S Ways & Means Committee (S104)

01/29/2007 Hearing Scheduled S Ways & Means Committee

EFFECTIVE: August 28, 2007

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

0155S.011

SENATE SPONSOR: Kennedy

SB 9 - 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.

This act is identical to SB 795 (2006).

SUSAN HENDERSON MOORE

12/01/2006 Prefiled

01/03/2007 S First Read (S6)

01/16/2007 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S104)

01/24/2007 Hearing Conducted S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2007

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\*\*\* SB 10 \*\*\*

0157S.011

SENATE SPONSOR: Kennedy

SB 10 - This act creates the "Board of Private Investigator Examiners" within the Division of Professional Registration in the Department of Insurance, Financial Institutions and Professional Registration.

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), SCS/SB 493 (2005), and SCS/SB 1018 (2006).

CHRIS HOGERTY

12/01/2006 Prefiled

01/03/2007 S First Read (S6-7)

01/16/2007 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S104)

EFFECTIVE: August 28, 2007

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

0323S.011

SENATE SPONSOR: Coleman

SB 11 - This act establishes a hot weather rule during the period from June 1 to September 30. During this time, natural gas or electricity providers are prohibited from disconnecting service to households eligible for assistance under the cold weather rule on days when the temperature is expected to rise above 88 degrees for the following twenty-four hour period, or on days when service personnel will not be available to reconnect service and the temperature is expected to rise above 88 degrees.

This act is identical to SB 955 (2006).

ERIKA JAQUES

12/01/2006 Prefiled

01/03/2007 S First Read (S7)

01/16/2007 Second Read and Referred S Commerce, Energy and the Environment Committee (S104)

EFFECTIVE: August 28, 2007

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

0320S.011

SENATE SPONSOR: Coleman

SB 12 - 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 served in armed combat and 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) and SB 572 (2006).

ALEXA PEARSON

12/01/2006 Prefiled

01/03/2007 S First Read (S7)

01/16/2007 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S104)

01/24/2007 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee

EFFECTIVE: August 28, 2007

\*\*\* SB 13 \*\*\*

0321S.011

SENATE SPONSOR: Coleman

SB 13 - This act creates the RFID Right to Know Act of 2007. The act requires any consumer commodity or package bearing a radio frequency identification tag or bar code to be conspicuously labeled as such.

This act is similar to SB 638 (2006).

ERIKA JAQUES

12/01/2006 Prefiled

01/03/2007 S First Read (S7)

01/16/2007 Second Read and Referred S Commerce, Energy and the Environment Committee (S104)

EFFECTIVE: August 28, 2007

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\*\*\* SB 14 \*\*\*

0237S.011

SENATE SPONSOR: Scott

SB 14 - 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 per county for each county within the agency's jurisdiction 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.

This act is identical to SCS/SB 1063 (2006).

ADRIANE CROUSE

12/01/2006 Prefiled

01/03/2007 S First Read (S7)

01/16/2007 Second Read and Referred S Seniors, Families and Public Health Committee (S104)

EFFECTIVE: August 28, 2007

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

0240S.011

SENATE SPONSOR: Scott

SB 15 - This act establishes the Missouri Long-Term Care Partnership Program and provides that the Department of Social Services shall, in conjunction with the Department of Insurance, Financial Institutions and Professional Registration, coordinate the program so that private insurance and Medicaid funds shall be used to finance long-term care.

Under such a program, an individual may purchase a qualified long-term care partnership approved policy in accordance with the requirements of the Federal Deficit Reduction Act of 2005 to provide a mechanism for individuals to qualify for coverage of the cost of the individual's long-term care needs under the state Medicaid program without first being required to substantially exhaust his or her resources. Individuals seeking to qualify for Medicaid are permitted to retain assets equal to the dollar amount of qualified long-term care partnership insurance benefits received beyond the level of assets otherwise permitted to be retained under the state's Medicaid plan.

The Department of Insurance, Financial Institutions and Professional Registration may certify qualified state long-term care insurance partnership policies that meet the applicable provisions of the National Association of Insurance Commissioners (NAIC) Long-Term Care Insurance Model Act and Regulation as specified in the Federal Deficit Reduction Act of 2005. In addition, the department shall develop requirements regarding training for those who sell qualified long-term care partnership policies.

The issuers of qualified long-term care partnership policies in this state shall provide regular reports to both the Secretary of the federal Department of Health and Human Services and to the Departments of Social Services and Insurance, Financial Institutions and Professional Registration.



The Departments of Social Services and Insurance, Financial Institutions and Professional Registration shall promulgate rules to implement the provisions of this act.

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.

This act is similar to SCS/SB 918 (2006).

ADRIANE CROUSE

12/01/2006 Prefiled

01/03/2007 S First Read (S7)

01/16/2007 Second Read and Referred S Health and Mental Health Committee (S104)

01/30/2007 Hearing Scheduled S Health and Mental Health Committee

EFFECTIVE: August 28, 2007

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

0236S.011

SENATE SPONSOR: Scott

SB 16 - Beginning July 1, 2008, 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 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." The fund shall cover additional costs for vision examinations under this act 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.

This act shall sunset in four years.

This act is similar to SCS/SB 687 (2006).

ADRIANE CROUSE

12/01/2006 Prefiled

01/03/2007 S First Read (S7)

01/16/2007 Second Read and Referred S Seniors, Families and Public Health Committee (S104)

EFFECTIVE: August 28, 2007

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

0043S.031

SENATE SPONSOR: Shields

SB 17 - This act repeals the motor vehicle safety inspection program except for motor vehicles domiciled, primarily operated or registered in an emissions nonattainment area (St. Louis metropolitan area). The safety inspection remains in place for school buses on a state-wide basis and such inspections will be conducted by the highway patrol. The repeal of the state safety inspection becomes effective January 1, 2008.

The act also allows law enforcement officers to stop a vehicle for a seat belt violation if the violation is clearly visible (primary enforcement).

STEPHEN WITTE

12/01/2006 Prefiled

01/03/2007 S First Read (S7)

01/16/2007 Second Read and Referred S Transportation Committee (S104)

EFFECTIVE: Varies

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

0358S.011

SENATE SPONSOR: Shields

SB 18 - This act repeals provisions of law which currently prohibit any Kansas City police officer from:

- (1) Belonging to a political party committee;
- (2) Soliciting any person to vote for or against any political candidate, party, or organization;
- (3) Making 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 SB 874 (2006).

SUSAN HENDERSON MOORE

12/01/2006 Prefiled

01/03/2007 S First Read (S7)

01/16/2007 Second Read and Referred S Economic Development, Tourism &amp; Local Government Committee (S104)

01/31/2007 Hearing Scheduled S Economic Development, Tourism &amp; Local Government Committee

EFFECTIVE: August 28, 2007

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

0444S.011

SENATE SPONSOR: Shields

SB 19 - This act allows a motor vehicle owner to receive a refund for the unused portion of a registration fee, provided such unused portion is in an amount of five dollars or greater, when the owner sells the motor vehicle and does not replace it with another. Under the current law, persons can receive credit for 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.

This act is similar to SB 1048 (2006).

STEPHEN WITTE

12/01/2006 Prefiled

01/03/2007 S First Read (S7)

01/16/2007 Second Read and Referred S Transportation Committee (S104)

01/24/2007 Hearing Conducted S Transportation Committee

EFFECTIVE: August 28, 2007

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

0268S.041

SENATE SPONSOR: Griesheimer

SB 20 - This act requires a blight study to be conducted as part of the redevelopment plan. Within forty-five days after the adoption of an ordinance approving a redevelopment plan, an affected landowner may petition a court of competent jurisdiction for an expedited de novo review of a governing body's blight determination.

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 area" and prohibits use of tax increment financing for certain greenfield area development. TIF projects resulting in the development of solely 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, unless the ordinance approving the redevelopment plan is passed by a two-thirds majority vote by the governing body of the municipality.

The act prohibits certain members of the Tax Increment Finance Commission from being employees of the municipality. In the event that the named developer on a project is a jurisdiction responsible for appointing Tax Increment Finance Commission members, then those members shall be excluded from voting on any such proposed tax increment finance project or amendment. 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 imposed by the municipality to the special allocation fund. The allocation of one hundred percent of the economic activity taxes shall be utilized to pay redevelopment costs, 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 of the municipality for municipalities with populations greater than five thousand residents. Petitions must be signed by a number of voters equal to at least twenty percent of the registered voters of the municipalities for municipalities with populations of less than five thousand residents. The petitions must be submitted no later than 30 days after 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 and are not the renewal or extension of a tax first approved prior to the adoption of the ordinance approving the redevelopment project, 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. However, existing taxes that are set to expire and are reauthorized or extended are still considered economic activity taxes subject to allocation to the special allocation fund. 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.

This act is similar to SS/SCS/SB 832 (2006).

JASON ZAMKUS

12/01/2006 Prefiled

01/03/2007 S First Read (S7)

01/16/2007 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S104)

01/31/2007 Hearing Scheduled S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2007

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

0256S.011

SENATE SPONSOR: Griesheimer

SB 21 - 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 having jurisdiction within the geographic area of the proposed district and the circuit court. If any county commission having jurisdiction rejects the petition, no further action on the proposed district shall be taken before the commission which rejected the petition or the court in the county where the petition was rejected. 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 or commissions if the district exists in more than one county, 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, or sewer districts providing wholesale sewer services in Jackson county from the provisions in this act.

The act contains an emergency clause.

This act is identical to the perfected version of SCS/SB 646 (2006) and SCS/SB 468 (2005).

JIM ERTLE

12/01/2006 Prefiled

01/03/2007 S First Read (S7)

01/16/2007 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S104)

01/24/2007 Hearing Conducted S Economic Development, Tourism & Local Government Committee

EFFECTIVE: Emergency Clause

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

0382S.011

SENATE SPONSOR: Griesheimer

SB 22 - This act modifies the laws regarding political subdivisions.

Section 41.655

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.

This section similar to certain provisions of SCS/SB 898 (2006) & HB 1398 (2006).

#### Section 50.032

This section prohibits a county from receiving state funds unless the county has agreed by ordinance or order to engage in mandatory mediation if a jailer determines that a prisoner needs medical care or attention after being relocated from another county jail and a dispute arises between the counties regarding which county is responsible for the costs of such care.

Costs of the mediation will be shared between the counties involved. If the counties cannot agree on a mediator, the matter will be resolved by a three-person mediation panel. Such mediation shall be nonbinding and independently administered. Any decision issued by a mediator or panel may be appealed to the circuit court.

#### Section 50.565

This section provides that current or former county elected officials and current or former employees of the county commission shall not be appointed to the board of trustees that supervises the county law enforcement restitution fund. Currently, any current or former employees of the sheriff, prosecuting attorney, and treasurer are excluded.

It also states that money from such fund may be used only for county law enforcement-related expenses, rather than law enforcement-related expenses in general.

This section is similar to HCS/SB 770 (2006).

#### Section 50.660

This section eliminates the requirement of advertising for county contracts or purchases involving an expenditure of less than \$6,000.

#### Sections 64.090, 64.235, 64.620

Currently, the zoning and planning powers of the county commission cannot interfere with public utility services that are authorized, both in the past and in the future, by the public service commission or permitted by the county commission. These sections only prohibit such interference with public utility services allowed by the county commission and not those authorized by the public service commission.

#### Section 67.048

This section requires county boards that receive funding from the county treasury and whose members are appointed by the county commission to submit an annual report each fiscal year itemizing expenditures.

#### Sections 67.110 & 137.055

These sections require political subdivisions to provide additional information to taxpayers before the public hearing held prior to the setting of tax rates.

These sections are identical to portions of SCS/SB 1140 (2006).

#### Section 67.145

This section requires the cities of Rogersville and Springfield to abide by the terms of the November 15, 2005, settlement agreement between the cities relating to involuntary annexation of certain real property located between the two cities.

#### Section 67.304

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 similar to SB 1161 (2006) and HCS/HB 1119 (2006).

#### Section 67.410

Currently, when a building commissioner or other designated officer issues an order to demolish, clean up, or repair property, the property owner must pay a special tax for the costs bill unless the demolition or repair is completed by a contractor and the contractor files a lien against the property. The property owner may pay the tax bill over the course of ten years.

Under this section, when an order to demolish, clean up, or repair property is issued, the costs shall be included in a special tax bill or added to the annual real estate tax bill. Such bill shall be collected in the same manner as other real estate taxes, rather than over a ten-year period. If the costs are not paid, the tax bill is considered delinquent. The option for a contractor to file a lien is repealed.

#### Section 67.463

This section requires the Boone County collector to collect a fee for collection of certain property assessments.

#### Section 67.797

This section authorizes the governing body of Boone County to have exclusive control over the expenditures and operation of a regional recreational district located only in Boone county on land owned solely by the county.

This act is similar to SB 867 (2006).

#### Section 67.997

This section authorizes Perry County to impose, upon voter approval, a sales tax of up to one-fourth of 1% to equally fund senior services and youth programs. A senior services tax commission must be established to administer the revenue received for senior services. This section contains ballot language and a procedure to repeal the tax. It also provides the county options regarding how the tax shall be collected if approved.

#### Section 67.1003

This section authorizes the City of Gladstone to impose, upon voter approval, a transient guest tax of up to 5% on hotel and motel rooms to be used for the promotion of tourism.

#### Section 67.1181

This section requires political subdivisions that collect and expend tax revenues for advertising and tourism promotion to perform an audit at least every five years if no other statutory auditing requirement exists for such political subdivision. The political subdivision shall pay the actual cost of the audit from the revenues for operating costs. The first audit shall be completed by January 1, 2009.

#### Section 67.1360

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 2% or greater than 5% per occupied room per night.

This section is identical to SB 1101 (2006).

#### Section 67.1451

This section allows each director of a Community Improvement District Board to be: 1) an owner of real property within the district; 2) a legally authorized representative of a property owner if there are less than five real property owners within the district; or 3) a registered voter within the district. Currently, only Springfield allows a legally authorized representative of a property owner to be a director.

#### Section 67.2040

This section authorizes Pulaski County to impose, upon voter approval, a sales tax of one-eighth of 1% to

fund construction of a women's and children's shelter. The sales tax will expire three years after its effective date unless repealed sooner. This section contains ballot language.

#### Sections 67.2500 & 67.2510

These sections allow cities, towns, and villages within Clay County, Franklin County, or Jackson County, to form a Theater, Cultural Arts, and Entertainment District. Such counties and St. Charles County may also form such a district. Currently, only municipalities in St. Charles are allowed to form such a district.

#### Section 72.080

This section requires the governing body of a city to notify property owners within an area proposed for incorporation within the city of the proposed incorporation and the date of the public hearing about such incorporation at least 30 days prior to the hearing. The names and mailing addresses of all property owners within the proposed area are required in the petition for incorporation, and must be accompanied by sufficient funds to cover the cost of mailing the notice. After the hearing is held, if the governing body determines that the incorporation is in the best interest of the unincorporated area, it may submit the question to the voters.

#### Sections 89.010 & 89.400

These sections state that if there is a conflict between the zoning or subdivision ordinances of a municipality that are based upon transect-based zoning and the provisions of any ordinance of another political subdivision with respect to street configuration, the municipality's ordinances shall prevail.

#### Section 92.500

This section authorizes the City of St. Louis to impose, upon voter approval, a sales tax of up to 0.5% for the operation of public safety departments as well as for compensation, pension programs, and health care for public safety employees and pensioners. This section contains ballot language and provisions for collecting such tax. It also allows for the repeal of such tax upon voter approval.

This section is similar to SB 1212 (2006).

#### Section 94.950

This section authorizes the City of Joplin to impose, upon voter approval, a retail sales tax of up to 0.5% to be used for nonprofit museums and nonprofit organizations that develop, promote, or operate historical locations. This section contains ballot language and a procedure to repeal the tax.

#### Section 100.050

This section specifies that for industrial development project plans approved after May 15, 2005, in Boone County, reimbursements in excess of the actual costs must be disbursed to each affected taxing entity in proportion to the current ad valorem tax levy of each affected taxing entity, not just the entities in current law.

This section is similar to HCS/HB 1711 (2006).

#### Section 110.150

Currently, the county commission must publicly open bids to select depositories for all public funds at noon on the first day of the April term. This section does not require such process to begin at noon, rather at any time on the first day of the April term.

#### Section 135.084

This section allows Jackson County, through adoption of an ordinance, to allow citizens age 65 or older to defer increases in property tax liability in excess of their tax liability for 2005 for homestead property. The county must, through appropriation, compensate political subdivisions and the state for revenue lost due to such a deferral. The county is allowed to accrue interest upon taxes deferred and may place requirements upon tax deferral as it deems fit through the adoption of an ordinance. Any taxpayer who defers increases in property tax liability shall be ineligible to receive the senior citizen property tax credit or the homestead preservation tax credit in any year in which taxes are deferred or remain unpaid.

#### Section 137.115

This section allows the City of Gladstone to levy separate and differing tax rates for real and personal property as long as the city bills and collects its own assessment. The separate and differing rates cannot exceed the city's tax rate ceiling.

#### Section 190.053



This section requires members of ambulance district boards first elected after January 1, 2008, to complete educational training. The training shall be offered by a statewide association organized for the benefit of ambulance districts or approved by the State Advisory Council on Emergency Medical Services. The content of the training must include the duties of the ambulance district director, all ambulance district statutes and regulations, ethics and sunshine laws, financial and fiduciary responsibilities, and laws relating to the setting of tax rates and revenue limitations. If a board member does not receive the required training within one year of taking office, the board member shall not receive an attendance fee until the training is completed.

#### Section 206.090

Currently, each voter votes for six directors of the hospital district, divided among six election districts, with one from each election district. Under this section, in Iron County each voter would vote for one director from the hospital election district in which the voter resides.

#### Section 247.040

This section requires the five subdistricts of public water supply districts in Jackson County to be compact and contiguous, to contain as nearly as possible an equal number of inhabitants, and to be reapportioned following the decennial census. Currently, these subdistricts only must contain approximately the same area.

This section is similar to HB 1029 (2006).

#### Section 250.140

Currently, until January 1, 2007, a St. Louis City or Kansas 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 section, a St. Louis City or Kansas 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 be decrease on January 1, 2007.

This act is similar to SB 795 (2006).

#### Sections 260.830 & 260.831

These sections authorize Jasper County, upon voter approval, to impose a landfill fee. For any landfill in any county where a landfill fee has been approved, any contract providing for collections, transportation, and disposal of waste at a fixed fee which is in force on August 28, 2007 shall be renegotiated. Currently, this provision applied to any contracts in existence as of August 28, 2003.

#### Section 321.162

This section requires members of fire protection district (FPD) boards first elected after January 1, 2008, to complete educational training. The content of the training will be determined by the State Fire Marshal but must include the duties of the FPD director, all FPD statutes and regulations, ethics and sunshine laws, financial and fiduciary responsibilities, and laws relating to the setting of tax rates and revenue limitations. If a board member does not receive the required training within one year of taking office, the board member shall not receive an attendance fee until the training is completed.

#### Section 321.688

This section establishes a consolidation process for fire protection districts located wholly in Jefferson County upon approval by the voters of a joint resolution within the fire protection districts. The board of directors of a consolidated fire protection district shall have six members and consist of the existing board members until a vacancy occurs and the number of members may be reduced to five. The consolidated district shall levy the same taxes as levied in the district with the lowest tax levy before consolidation.

SUSAN HENDERSON MOORE

12/01/2006 Prefiled

01/03/2007 S First Read (S7)

01/16/2007 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S104)

EFFECTIVE: August 28, 2007

SB 23 - This act adds a circuit judge position within the thirty-first judicial circuit, starting January 1, 2008, to be known as division six. The governor shall appoint a judge to this position, and such judge shall serve until January 1, 2009. A judge for division six shall be elected in 2008.

ALEXA PEARSON

12/01/2006 Prefiled

01/03/2007 S First Read (S7)

01/16/2007 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S104)

EFFECTIVE: August 28, 2007

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

0247S.021

SENATE SPONSOR: Champion

SB 24 - Under this act, the director of revenue shall not issue or renew a school bus endorsement to any applicant whose driving record shows that the applicant has been convicted of an intoxication-related traffic offense while operating a school bus. A person convicted of an intoxication-related offense while operating a school bus will have his or her school bus endorsement permanently denied by the court, beginning on the date of the court's order of conviction (Section 302.272).

The act requires school bus drivers to notify the school district or the driver's employing contractor whenever the driver receives a citation for an intoxicated-related traffic offense or moving violation. The notice of such citation shall be given prior to the driver resuming operation of a school bus. Failure to notify the school district or the employing contractor of the citation shall constitute a valid reason to discharge such person from the school district's or employing contractor's employ (Section 302.275).

The act sets the fine for driving with a revoked license while operating a school 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).

The act has an effective date of January 1, 2008.

The act is similar to SB 584 (2006).

STEPHEN WITTE

12/01/2006 Prefiled

01/03/2007 S First Read (S7)

01/16/2007 Second Read and Referred S Transportation Committee (S105)

01/31/2007 Hearing Scheduled S Transportation Committee

EFFECTIVE: July 1, 2008

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

0266S.011

SENATE SPONSOR: Champion

SB 25 - 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.

This act is similar to your SCS/SB 690 (2006).

ADRIANE CROUSE

12/01/2006 Prefiled

01/03/2007 S First Read (S7)

01/16/2007 Second Read and Referred S Seniors, Families and Public Health Committee (S105)

01/23/2007 Hearing Conducted S Seniors, Families and Public Health Committee

EFFECTIVE: August 28, 2007

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

0139S.011

SENATE SPONSOR: Bartle

SB 26 - 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 652 (2006), SB 31 (2005), SB 855 (2004) and SB 193 (2003).  
STEPHEN WITTE

12/01/2006 Prefiled  
01/03/2007 S First Read (S7-8)  
01/16/2007 Second Read and Referred S Transportation Committee (S105)

EFFECTIVE: Contingent

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\*\*\* SB 27 \*\*\*

0440S.021

SENATE SPONSOR: Bartle

SB 27 - This act modifies the law regarding sexually oriented billboards. Under the act, the ten percent threshold for being considered a sexually oriented business is repealed. Under the act, a sexually oriented business is any business that offers its patrons goods of which a substantial or significant portion are sexually oriented materials.

The act provides that no billboards for an adult cabaret or sexually oriented business shall be located within one mile of a state highway if the billboard displays any picture, photograph, image, or words describing, advertising, or discussing any material, product, performance, or other aspect that causes the business to be classified as an adult cabaret or sexually oriented business. If the business is located within one mile of a state highway, the business may have display two exterior signs (an identification sign and a notice to minors sign). The identification sign shall not include any picture, photograph, image, or words describing, advertising, or discussing any material, product, performance, or other aspect that causes the business to be classified as an adult cabaret or sexually oriented business. The current statute provides that the exterior sign can only include identifying information such as name, address and telephone number. Signs existing on August 28, 2007, which do not conform to the requirements of the act shall have until August 28, 2009 to comply with the act's requirements.

STEPHEN WITTE

12/01/2006 Prefiled  
01/03/2007 S First Read (S8)  
01/16/2007 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S105)  
01/22/2007 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2007

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

0521S.011

SENATE SPONSOR: Bartle

SB 28 - This act adds one circuit judge position to the sixteenth judicial circuit, beginning August 28, 2007, to sit at the city of Independence. The act also provides that, beginning August 28, 2007, one of the associate circuit judge divisions currently sitting in Kansas City shall be transferred to Independence. A majority of the circuit and associate circuit judges of the Kansas City circuit court shall decide which division shall be transferred.

This act is similar to SB 589 (2006).

ALEXA PEARSON

12/01/2006 Prefiled  
01/03/2007 S First Read (S8)  
01/16/2007 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S105)

EFFECTIVE: August 28, 2007

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\*\*\* SB 29 \*\*\*

0443S.011

SENATE SPONSOR: Nodler

SB 29 - This act alters various provisions of the state's higher education policy.

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 only to public institutions, not private institutions.

SECTIONS 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, 2008, from the requirements of section 173.604, RSMo. Further, the act would revoke, on July 01, 2008, 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, 2007.

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 act is identical to certain provisions contained in the perfected SB 590 (2006).

JIM ERTLE

12/01/2006 Prefiled  
01/03/2007 S First Read (S8)  
01/16/2007 Second Read and Referred S Education Committee (S105)  
01/24/2007 Hearing Scheduled S Education Committee  
01/24/2007 Hearing Cancelled S Education Committee

EFFECTIVE: August 28, 2007

\*\*\* SB 30 \*\*\*

0246S.011

SENATE SPONSOR: Nodler

SB 30 - 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.

This act is identical to SB 696 (2006).

JASON ZAMKUS

12/01/2006 Prefiled  
01/03/2007 S First Read (S8)  
01/16/2007 Second Read and Referred S Ways & Means Committee (S105)  
01/29/2007 Hearing Scheduled S Ways & Means Committee

EFFECTIVE: August 28, 2007

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

0313S.011

SENATE SPONSOR: Nodler

SB 31 - 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.

**MISSOURI SENATE  
WEEKLY BILL STATUS REPORT**

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 similar to SCS/SB 278 (2005), SCS/SB 1411 (2006), and identical to HCS/SCS/SB 798 (2006).

CHRIS HOGERTY

12/01/2006 Prefiled

01/03/2007 S First Read (S8)

01/16/2007 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S105)

01/22/2007 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2007

\*\*\* SB 32 \*\*\*

0430S.011

SENATE SPONSOR: Bray

SB 32 - 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 identical to Senate Bill 594 (2006).  
JASON ZAMKUS

12/01/2006 Prefiled  
01/03/2007 S First Read (S8)  
01/16/2007 Second Read and Referred S Ways & Means Committee (S105)

EFFECTIVE: August 28, 2007

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\*\*\* SB 33 \*\*\*

0538S.011

SENATE SPONSOR: Bray

SB 33 - 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.

This act is identical to SB 944 (2006).

ADRIANE CROUSE

12/01/2006 Prefiled  
01/03/2007 S First Read (S8)  
01/16/2007 Second Read and Referred S Health and Mental Health Committee (S105)  
01/23/2007 Hearing Conducted S Health and Mental Health Committee

EFFECTIVE: August 28, 2007

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

0432S.011

SENATE SPONSOR: Bray

SB 34 - 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 identical to Senate Bill 595 (2006).

JASON ZAMKUS

12/01/2006 Prefiled  
01/03/2007 S First Read (S8)  
01/16/2007 Second Read and Referred S Ways & Means Committee (S105)

EFFECTIVE: August 28, 2007

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

0095S.011

SENATE SPONSOR: Days

SB 35 - 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. A court is prohibited from acting on the petition if the minor has a living parent who has not consented to the appointment. 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 SS/SB 596 (2006).

ALEXA PEARSON

12/01/2006 Prefiled  
01/03/2007 S First Read (S8)  
01/16/2007 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S105)  
01/29/2007 Hearing Scheduled S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2007

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

0100S.011

SENATE SPONSOR: Days

SB 36 - This act removes Section 162.700, the provision relating to special education services, from the sunset provision of the First Steps program.

This act is identical to SB 1004 (2006).

ADRIANE CROUSE

12/01/2006 Prefiled  
01/03/2007 S First Read (S8)  
01/16/2007 Second Read and Referred S Governmental Accountability & Fiscal Oversight Committee (S105)

EFFECTIVE: August 28, 2007

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

0099S.011

SENATE SPONSOR: Days

SB 37 - 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.

This act is identical to SB 859 (2006).

CHRIS HOGERTY

12/01/2006 Prefiled  
01/03/2007 S First Read (S8)  
01/16/2007 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S105)

EFFECTIVE: August 28, 2007

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

0212S.011

SENATE SPONSOR: Ridgeway

SB 38 - This act prohibits any person from possessing or using an alcoholic beverage vaporizer. Such a vaporizer is defined as "any device which, by means of heat, a vibrating element, or any other method, is capable of producing a breathable mixture containing one or more alcoholic beverages to be dispensed for inhalation into the lungs via the nose or mouth or both." Also, no person shall intentionally induce or abuse solvents or ethyl alcohol. This act does not apply to substances that are FDA- approved or administered by a medical practitioner.

This act is identical to HB 1176 (2006).



SUSAN HENDERSON MOORE

12/01/2006 Prefiled  
01/03/2007 S First Read (S8)  
01/16/2007 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S105)  
01/22/2007 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2007

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

0233S.011

SENATE SPONSOR: Ridgeway

SB 39 - 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. Motor carrier transportation contracts shall not include Uniform Intermodal Interchange and Facilities Access Agreements.

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.

The act also repeals the exemption that currently allows intrastate household goods movers to operate wholly in municipalities, between contiguous municipalities, or commercial zones without having to obtain MoDOT operating authority. Currently, household movers are exempt from the rules and regulations of Chapter 390, RSMo, if their operations are restricted to those described areas. The repeal of this exemption will start January 1, 2008.

STEPHEN WITTE

12/01/2006 Prefiled  
01/03/2007 S First Read (S8)  
01/16/2007 Second Read and Referred S Transportation Committee (S105)

EFFECTIVE: August 28, 2007

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

0214S.011

SENATE SPONSOR: Ridgeway

SB 40 - This act creates an income tax credit for the costs of constructing a qualified alternative fuel vehicle refueling property. The tax credit shall not exceed the lesser of twenty thousand dollars or twenty percent of the costs directly associated with the purchase and installation of any alternative fuel storage and dispensing equipment. The cumulative amount of credits which may be claimed shall not exceed three million dollars for taxable year 2008. For taxable year 2009, the cumulative amount of tax credits which may be claimed is reduced to two million dollars, and for taxable year 2010, the amount is further reduced to one million dollars. The tax credit is non-refundable, but may be carried forward for two subsequent tax years. The tax credit is fully transferable. The provisions of the act creating the tax credit program will automatically expire six years from the effective date of the act if not reauthorized.

The act creates an income tax deduction for a taxpayer's purchase of qualified hybrid vehicles. The deduction will equal the lesser of one thousand five hundred dollars or ten percent of the purchase price of the vehicle. The tax deduction must be taken in the year in which the purchase is made.

The act creates a tax credit for the purchase of E-85 gasoline. The tax credit will be equal to: twenty five cents per gallon for 2008; twenty cents per gallon for 2009 and 2010; and fifteen cents per gallon for 2011 and each subsequent year. The tax credit must be for at least fifty dollars, but may not exceed five hundred dollars per taxpayer per year. The aggregate amount of tax credits which may be redeemed by all taxpayers in any given year shall not exceed five hundred thousand dollars. The tax credit is refundable. The provisions allowing for the tax credit for purchases E-85 gasoline will sunset six years from the effective date of the act unless reauthorized.

The act also creates a sales tax exemption for the purchase of automobiles designed to operate on eighty-five percent ethanol fuel.

This act is similar to SS/SCS/HCS/HB 1092 (2006).

JASON ZAMKUS

12/01/2006 Prefiled  
01/03/2007 S First Read (S8)  
01/16/2007 Second Read and Referred S Ways & Means Committee (S105)  
01/29/2007 Hearing Scheduled S Ways & Means Committee

EFFECTIVE: August 28, 2007

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

0276S.011

SENATE SPONSOR: Purgason

SB 41 - 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.

This act is identical to HCS/HB 1461 (2006) and SB 1111 (2006).

SUSAN HENDERSON MOORE

12/01/2006 Prefiled  
01/03/2007 S First Read (S8)  
01/16/2007 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S105)

EFFECTIVE: August 28, 2007

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

0277S.011

SENATE SPONSOR: Purgason

SB 42 - 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 Class C misdemeanor.

This act is identical to SCS/SB 1068 (2006).

JASON ZAMKUS

12/01/2006 Prefiled  
01/03/2007 S First Read (S8)  
01/16/2007 Second Read and Referred S Ways & Means Committee (S105)

EFFECTIVE: August 28, 2007

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

0279S.011

SENATE SPONSOR: Purgason

SB 43 - Current law provides that if a political subdivision elects to change retirement coverage to members of the Missouri Local Government Employees' Retirement System (LAGERS) under one of the current benefit programs, that a larger allowance under a changed benefit program shall apply to past and future employment. This act provides that if a political subdivision changes coverage of members of LAGERS under one of the benefit programs, and the program chosen will provide a larger allowance than the previously elected program, that such larger benefit may apply to the past and future service of the members, upon election of the majority of the governing body.

This act is similar to SB 1228 (2006).

ALEXA PEARSON

12/01/2006 Prefiled

01/03/2007 S First Read (S8-9)

01/16/2007 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S105)

EFFECTIVE: August 28, 2007

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

0329S.011

SENATE SPONSOR: Mayer

SB 44 - This act provides that current or former county elected officials and current or former employees of the county commission shall not be appointed to the board of trustees that supervises the county law enforcement restitution fund. Currently, any current or former employees of the sheriff, prosecuting attorney, and treasurer are excluded.

It also states that money from such fund may be used only for county law enforcement-related expenses, rather than law enforcement-related expenses in general.

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.

This act is similar to SB 770 (2006).

SUSAN HENDERSON MOORE

12/01/2006 Prefiled

01/03/2007 S First Read (S9)

01/16/2007 Second Read and Referred S Judiciary and Civil &amp; Criminal Jurisprudence Committee (S105)

EFFECTIVE: August 28, 2007

\*\*\* SB 45 \*\*\*

0346S.011

SENATE SPONSOR: Mayer

SB 45 - 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.

The act also repeals the exemption that currently allows intrastate household goods movers to operate wholly in municipalities, between contiguous municipalities, or commercial zones without having to obtain MoDOT operating authority. Currently, household movers are exempt from the rules and regulations of Chapter 390, RSMo, if their operations are restricted to those described areas. The repeal of this exemption will start January 1, 2008.

This act is substantially similar to SB 1027 (2006).

STEPHEN WITTE

12/01/2006 Prefiled  
 01/03/2007 S First Read (S9)  
 01/16/2007 Second Read and Referred S Transportation Committee (S105)

EFFECTIVE: August 28, 2007

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

0353S.011

SENATE SPONSOR: Mayer

SB 46 - 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. This act also provides that no liaison shall discriminate against any faith-based organizations in carrying out in the provisions of this act.

ADRIANE CROUSE

12/01/2006 Prefiled  
 01/03/2007 S First Read (S9)  
 01/16/2007 Second Read and Referred S Seniors, Families and Public Health Committee (S105)  
 01/23/2007 Hearing Conducted S Seniors, Families and Public Health Committee

EFFECTIVE: August 28, 2007

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

0104S.011

SENATE SPONSOR: Engler

SB 47 – 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, voluntary fire protection association, or fire protection district including Missouri-1 disaster Medical assistance Team, Missouri Task Force One or Urban Search and Rescue Team engaging in this type of activity. This act 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, 2008, 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.

This act is identical to CCS/HCS/SCS/SB 666 (2006).

CHRIS HOGERTY

12/01/2006 Prefiled  
 01/03/2007 S First Read (S9)

01/16/2007 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S105)

01/24/2007 Hearing Conducted S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2007

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

0494S.011

SENATE SPONSOR: Engler

SB 48 - This act lowers the tax on E-85 fuel from seventeen cents per gallon to twelve cents per gallon.  
ERIKA JAQUES

12/01/2006 Prefiled

01/03/2007 S First Read (S9)

01/16/2007 Second Read and Referred S Ways & Means Committee (S105)

EFFECTIVE: August 28, 2007

\*\*\* SB 49 \*\*\*

0428S.011

SENATE SPONSOR: Engler

SB 49 - This act prohibits the making of automated phone calls for political campaign purposes to the home phone lines of Missouri residents except when the resident authorizes such calls or when the call is preceded by a live person who obtains the resident's consent.

Violators of this act may be subject to a civil penalty up to \$5,000 per violation. Individuals who receive more than one automated political phone call from the same entity in any twelve-month period in violation of this act may bring action to cease the calls and recover actual monetary loss or damages. A two-year statute of limitations exists on bringing suit for violations of this act.

ERIKA JAQUES

12/01/2006 Prefiled

01/03/2007 S First Read (S9)

01/16/2007 Second Read and Referred S Commerce, Energy and the Environment Committee (S105)

EFFECTIVE: August 28, 2007

\*\*\* SB 50 \*\*\*

0173S.021

SENATE SPONSOR: Stouffer

SB 50 - This act modifies various provisions relating to commercial driver licenses and the operation of commercial motor vehicles.

**EXPUNGEMENT OF RECORDS OF CDL HOLDERS** - 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). The act also provides that no records shall be expunged for CDL holders who have been convicted of or pled guilty to an offense where the person's BAC is .04 or above (Section 302.545).

**FAILURE TO APPEAR** - This act includes failure to appear by a commercial license holder or operator of a commercial motor vehicle as an commercial driver offense requiring indefinite suspension until compliance (Sections 302.700 and 302.755).

**CDL MILITARY EXEMPTION** - This act provides that a military member while driving a vehicle for military purposes is exempt from possessing a CDL. Current law provides that the military member must be driving a military vehicle to qualify for the exemption (Section 302.775).

**DRIVING WHILE OUT OF SERVICE** - The act provides that any person convicted for the first time of driving while out of service shall be disqualified from driving a commercial motor vehicle for a period of 180 days (current law 90 days). The act also provides that any person convicted of driving while out of service on a second occasion during any ten-year period, involving separate incidents, shall be disqualified for a period of two years (up from 1 year)(Section 302.755).

STEPHEN WITTE

12/01/2006 Prefiled  
01/03/2007 S First Read (S9)  
01/16/2007 Second Read and Referred S Transportation Committee (S105)

EFFECTIVE: August 28, 2007

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\*\*\* SB 51 \*\*\*

0164S.011

SENATE SPONSOR: Stouffer

SB 51 - This act increases the maximum length for driveway saddlemount combinations from 75 feet to 97 feet.

This act is identical to SB 909 (2006).

STEPHEN WITTE

12/01/2006 Prefiled  
01/03/2007 S First Read (S9)  
01/16/2007 Second Read and Referred S Transportation Committee (S105)  
01/24/2007 Hearing Conducted S Transportation Committee

EFFECTIVE: August 28, 2007

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

0163S.021

SENATE SPONSOR: Stouffer

SB 52 - Under this act, the 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.

The act authorizes the commission to accept an annual bid bond for state highways and transportation commission construction and maintenance projects. The commission shall prescribe the form and content of an annual bid bond pursuant to the procedures set forth in the Missouri standard specifications for highway construction.

This act is similar to SB 908 (2006).

STEPHEN WITTE

12/01/2006 Prefiled  
01/03/2007 S First Read (S9)  
01/16/2007 Second Read and Referred S Transportation Committee (S105)  
01/24/2007 Hearing Conducted S Transportation Committee

EFFECTIVE: August 28, 2007

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

0527S.021

SENATE SPONSOR: Koster

SB 53 - This act creates the "Public Safety Enhancement Fund", which contains money transferred from the state general revenue fund. This fund will be administered by the Department of Public Safety and the money shall be used to fund a grant program designed to supplement county deputy sheriff salaries. The fund shall terminate on June 30, 2011, and all money remaining in the fund shall revert to general revenue.

The department shall create a grant program to supplement the starting salaries of deputy sheriffs who earn less than \$28,000 annually as of January 1, 2007. Any county that has deputy sheriffs who earn less than \$28,000 are eligible to receive grant money. Each county must sign an agreement with the state to maintain a starting annual salary of at least \$28,000 for five years after the grant program ends in 2011. Counties may enroll in the grant program from August 29, 2007 to December 1, 2007. Counties that reduce starting annual salaries of deputy sheriffs during the thirteen-month period prior to January 1, 2008, shall not be eligible to receive a grant.

The amount of money a county receives to supplement starting salaries of deputy sheriffs is on a sliding

scale over the course of four years. A county shall receive not more than \$8,000 or the difference between \$28,000 and the starting annual salary of deputy sheriffs in the county, whichever amount is less, per deputy sheriff during the first year. Each subsequent year, the county shall receive an increasingly smaller percentage of the first year's distribution amount. The grant money shall only be used to make deputy sheriffs' salaries \$28,000 and not to exceed such amount.

A county that fails to maintain a starting annual salary of at least \$28,000 after the grant program terminates shall reimburse the state for all moneys received through the program plus interest.

SUSAN HENDERSON MOORE

12/01/2006 Prefiled  
01/03/2007 S First Read (S9)  
01/16/2007 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S105)  
01/24/2007 Hearing Conducted S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2007

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

0467S.011

SENATE SPONSOR: Koster

SB 54 - This act creates the Green Power Initiative. Electric companies shall make good-faith efforts toward meeting the following renewable energy targets:

- 3% of total retail electric sales come from certain renewable energy technologies by 2012;
- 7% of total retail electric sales come from certain renewable energy technologies by 2015; and
- 10% of total retail electric sales come from certain renewable energy technologies by 2020.

Electricity generation from renewable sources prior to August 28, 2007 may be counted toward the targets, provided they continue to be used.

The act directs the Public Service Commission (PSC) to develop standards for measuring electric companies' progress in meeting the targets. The standards must protect against adverse economic impacts on the companies and reliability of service, as well as consider environmental compliance costs and technical feasibility. The PSC shall also develop a weighted scale that gives more credit to renewable energy technologies the PSC determines to be in the public's best interest.

The act establishes reporting requirements until 2022. Electric companies are required to report every two years on their progress toward meeting the targets. The PSC is required to report every two years on the progress made by electric companies and give recommendations for legislative action. The director of the Department of Economic Development shall report every two years on the impact of this progress on the state economy and the director of the Department of Natural Resources shall report every two years on the environmental impact of this progress.

This act is similar to SCS/SB 915 (2006).

ERIKA JAQUES

12/01/2006 Prefiled  
01/03/2007 S First Read (S9)  
01/16/2007 Second Read and Referred S Commerce, Energy and the Environment Committee (S105)  
01/18/2007 Hearing Conducted S Commerce, Energy and the Environment Committee

EFFECTIVE: August 28, 2007

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

0491S.021

SENATE SPONSOR: Koster

SB 55 - This act provides that a petitioner may, at any time, file a petition to challenge the determination of paternity of a man who is under order to pay child support, upon filing an affidavit stating that newly discovered evidence has come to the petitioner's knowledge since the entry of judgment. The petition must also include the results of reliable genetic tests, conducted within the past 90 days, indicating that the petitioner cannot be the biological parent of the child for whom support is required. The court shall grant relief on a petition filed in accordance with the requirements upon a finding that the genetic testing was properly conducted and factually accurate.

This act also provides that the provisions of this act shall not allow a parent who has formally adopted a child with the knowledge that he was not the biological parent of the child and who was subsequently ordered to pay child support to avoid any child support payments.

ADRIANE CROUSE

12/01/2006 Prefiled

01/03/2007 S First Read (S9)

01/16/2007 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S105)

01/29/2007 Hearing Scheduled S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2007

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

0385S.021

SENATE SPONSOR: Graham

SB 56 - Beginning in fiscal year 2009, the General Assembly shall separately appropriate funds for the Highway Patrol uniform allowance and designate the amount for such allowance. The amount for the uniform allowance shall be no less than \$600 and shall be adjusted each succeeding fiscal year by no less than the rate of the Consumer Price Index.

SUSAN HENDERSON MOORE

12/01/2006 Prefiled

01/03/2007 S First Read (S9)

01/16/2007 Second Read and Referred S Governmental Accountability & Fiscal Oversight Committee (S105)

EFFECTIVE: August 28, 2007

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\*\*\* SB 57 \*\*\*

0300S.011

SENATE SPONSOR: Graham

SB 57 - 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 current law and to have at least one employee per shift trained on the use of the defibrillator.

This act is identical to SB 625(2006).

ADRIANE CROUSE

12/01/2006 Prefiled

01/03/2007 S First Read (S9)

01/16/2007 Second Read and Referred S Seniors, Families and Public Health Committee (S105)

EFFECTIVE: August 28, 2007

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

0303S.011

SENATE SPONSOR: Graham

SB 58 - This act provides that certain individuals and entities that disseminate information to the public by print, broadcast, cable, satellite, mechanical, photographic, electronic, or other means shall not be required to disclose, in any state or federal proceeding, the source of any information. Such persons and entities also shall not be required to disclose any unpublished or non-broadcast information obtained or prepared in gathering, receiving, or processing of information for any medium of public communication as described in this act.

The person or entity seeking the information may move the circuit court in the county where the proceeding is located for an order to require a person claiming the privilege to disclose the information sought. The motion shall include the name of the person claiming the privilege, the entity with which he or she was connected at the time he or she obtained the information, the specific information sought and its relevancy to the proceeding, and the necessity of disclosure of the information. In cases involving allegations of libel or slander, the motion shall also contain a prima facie showing of falsity of the alleged defamation, and actual harm or injury that resulted therefrom.

The court, in granting or denying divestiture of the privilege, shall consider the nature of the proceedings, the merits of the claim or defense, the adequacy of any remedy otherwise available, if any, the possibility of



establishing by other means that which it is alleged the source or information will tend to prove, and the relevancy of the source or information to the proceeding.

The court may only grant divestiture of the privilege if it finds that:

1. The information sought does not involve matters or details necessary in any proceeding that are required to be kept secret under federal or state law; and that all other available sources of information have been exhausted; and
2. Disclosure of the information is essential to the protection of the public interest involved in the proceedings; and
3. In libel or slander cases, the movant's need for disclosure of the information sought outweighs the public interest in protecting the confidentiality of sources and information used by a reporter as part of the news-gathering process under the particular facts and circumstances of each particular case.

If the court orders divestiture of the privilege, it shall order disclosure of the information, subject to any protective conditions it deems necessary or appropriate. The privilege shall remain in effect during the pendency of any appeal.

This act is similar to SB 786 (2006).

ALEXA PEARSON

12/01/2006 Prefiled

01/03/2007 S First Read (S9)

01/16/2007 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S105)

EFFECTIVE: August 28, 2007

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

0198S.011

SENATE SPONSOR: Wilson

SB 59 - This act exempts twenty-five percent of the amount of social security benefits included in a taxpayer's, age sixty-five or older, federal adjusted gross income.

JASON ZAMKUS

12/01/2006 Prefiled

01/03/2007 S First Read (S9)

01/16/2007 Second Read and Referred S Ways & Means Committee (S105)

EFFECTIVE: August 28, 2007

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

0129S.011

SENATE SPONSOR: Wilson

SB 60 - 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.

This act is identical to SB 922 (2006).

SUSAN HENDERSON MOORE

12/01/2006 Prefiled

01/03/2007 S First Read (S9)

01/16/2007 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S105)

01/22/2007 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2007

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

0131S.011

SENATE SPONSOR: Wilson

SB 61 - 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.

This act is identical to SB 628 (2006).

SUSAN HENDERSON MOORE

12/01/2006 Prefiled

01/03/2007 S First Read (S10)

01/16/2007 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S105)

EFFECTIVE: August 28, 2007

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

0149S.011

SENATE SPONSOR: Goodman

SB 62 - This act modifies the law relating 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.

This act is identical to SB 1111 (2006).

SUSAN HENDERSON MOORE

12/01/2006 Prefiled

01/03/2007 S First Read (S10)

01/16/2007 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S105)

EFFECTIVE: August 28, 2007

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

0148S.011

SENATE SPONSOR: Goodman

SB 63 - 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. The purported effect of this change is to allow HMOs to issue high-deductible health insurance policies.

This act is identical to the introduced version of SB 1103 (2006).

STEPHEN WITTE

12/01/2006 Prefiled  
 01/03/2007 S First Read (S10)  
 01/16/2007 Second Read and Referred S Health and Mental Health Committee (S105)  
 01/30/2007 Hearing Scheduled S Health and Mental Health Committee

EFFECTIVE: August 28, 2007

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

0543S.011

SENATE SPONSOR: Goodman

SB 64 - Under the provisions of this act, the State Board of Education shall annually establish a range of dates during which local school districts may set their school opening date, provided that the date range shall not include any dates ten days prior to Labor Day. Each public school district shall select a start date within this range unless the local district follows the following procedure.

A district may set an opening date that is up to seven calendar days prior to the earliest date in the range established by the state board provided that: the local board gives public notice of a public meeting to discuss the proposal of starting school on an earlier date; and a majority of the board votes to allow an earlier opening date at the public meeting. If the previous two conditions are met, the district may set their opening date up to seven calendar days prior to the earliest date in the range established by the state board. However, in no event shall a public school start more than 17 calendar days prior to the first Monday in September.

Any local district that violates the provisions of this act shall be fined by the Department of Elementary and Secondary Education an amount equal to one quarter of the state funding the district generated for each date the district was in violation of this act.

The act does not apply to school districts in which school is in session for twelve months of each calendar year or for districts that the commissioner of education determines demonstrate highly extenuating circumstances which justify violating the provisions of this act.

This act is similar to SB 1114 (2006).

JIM ERTLE

12/01/2006 Prefiled  
 01/03/2007 S First Read (S10)  
 01/16/2007 Second Read and Referred S Education Committee (S105)  
 01/24/2007 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2007

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

0429S.011

SENATE SPONSOR: Rupp

SB 65 - This act adds automated phone calls to the types of calls prohibited to individuals who sign up on the state no-call list. Certain automated calls are exempt, which are:

- Calls a person has given permission to receive;
- Calls relating to a recent or current business or personal relationship; and
- Calls preceded by a live person who obtains consent to play the automated message.

Entities that make automated calls shall not block their number from appearing on any caller identification service. In addition to other penalties as described, violators of this act may be subject to certain unlawful merchandising practices.

Violators of this act may be subject to a civil penalty up to \$5,000 per violation. Individuals who receive more than one automated call from the same entity in any twelve-month period in violation of this act may bring action to cease the calls and recover actual monetary loss or damages. A two-year statute of limitations exists on bringing suit for violations of this act.

The act requires that anyone making a political phone call to the home phone line of a Missouri resident must include a "paid for by" statement.

ERIKA JAQUES

12/01/2006 Prefiled  
01/03/2007 S First Read (S10)  
01/16/2007 Second Read and Referred S Commerce, Energy and the Environment Committee (S105)

EFFECTIVE: August 28, 2007

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

0286S.021

SENATE SPONSOR: Rupp

SB 66 - 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. Currently, the board of trustees of police and firemen's pension systems are not subject to investment limitations established in Section 376.305, RSMo. The act makes these systems subject to the limitations.

EXEMPTING INSURANCE COMPANIES FORMED UNDER CHAPTER 376 FROM CERTAIN INVESTMENT RESTRICTION STATUTORY PROVISIONS - The act provides that the provision of law that forbids insurance companies from trading in goods and other merchandise does not apply to insurance companies formed under chapter 376 (section 375.320).

The act provides that certain real estate ownership and restrictions shall not apply to insurance companies formed under chapter 376 (Section 375.330 and Section 375.340)). The act explicitly provides that insurance companies formed under chapter 376 may engage in derivative transactions under certain conditions (Section 375.345).

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 insurance companies organized under Chapter 376, RSMo (Section 375.532).

Under this act, certain foreign government and foreign company investment restrictions shall not apply to insurance companies organized under Chapter 376, RSMo (Section 375.534).

This act provides that the "Investments I Medium and Lower Quality Obligations Law" shall not apply to insurance companies organized under Chapter 376, RSMo.

INVESTMENTS BY HEALTH AND ACCIDENT INSURERS UNDER CHAPTER 376 - After making the above-mentioned statutory exemptions for insurers organized under Chapter 376, RSMo, the act institutes a new investment statutory scheme (Sections 376.291 to 376.307). The act defines the terms applicable to the new investment provisions.

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 (Section 376.293). The act provides that an insurer shall not directly or indirectly invest in obligations or securities or make guarantees for the benefit of officers or directors except as provided by law (Section 376.294).

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 director, 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

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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 (Section 376.295).

**VALUATION OF INVESTMENTS** - The act requires investments to be valued based on published accounting and valuation standards of the National Association of Insurance Commissioners (NAIC)(Section 376.296).

**GENERAL THREE PERCENT DIVERSIFICATION -- MEDIUM-GRADE AND LOWER-GRADE INVESTMENTS -- CANADIAN INVESTMENTS** - Under this act, an insurer is prohibited from investing more than 3% of its admitted assets in investments issued 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. The act sets forth the conditions for medium and lower grade investments. The act also establishes the conditions for Canadian investments (Section 376.297).

**RATED CREDIT INSTRUMENTS** - Under the act, an insurer, subject to certain limitations, is allowed to acquire rated credit instruments issued, assumed, insured, or guaranteed by certain governments, government agencies, or government-sponsored enterprises (if their instruments 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) (Section 376.298).

**TANGIBLE PERSONAL PROPERTY** - An insurer may acquire and invest in tangible personal property if the resulting ownership of the property returns to the insurer the cost of the investment plus a return deemed adequate by the insurer. Investments under this portion of the act cannot exceed 2% of its admitted assets or 0.5% of its admitted assets as to any single item of tangible personal property (Section 376.301).

**OBLIGATIONS SECURED BY MORTGAGES** - 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. 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 (Section 376.302).

**SECURITIES LENDING** - An insurer may enter into securities lending, repurchase, reverse repurchase, and dollar roll transactions with business entities, subject to the insurer's board of directors adopting a written plan that specifies how cash received will be invested or used, operational procedures to manage certain investment risks, and the extent to which an insurer may engage in these transactions. The act sets forth the various conditions the insurer must meet in order to engage in these types of investment transactions (Section 376.303).

**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 (Section 376.304).

This act is substantially similar to HB 1926 and SB 1135 (2006).  
STEPHEN WITTE

12/01/2006 Prefiled  
 01/03/2007 S First Read (S10)  
 01/16/2007 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S105)

EFFECTIVE: August 28, 2007

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

0287S.011

SENATE SPONSOR: Rupp

SB 67 - The Department of Public Safety has the authority to promulgate rules establishing recommended procedures for issuing missing endangered person advisories.

Under this act, a "missing endangered person" is someone whose whereabouts are unknown and who is:

- (1) Physically or mentally disabled to the degree that the person is dependent upon an agency or another individual;
- (2) Missing under circumstances indicating that the missing person's safety may be in danger; or
- (3) Missing under involuntary or unknown circumstances.

SUSAN HENDERSON MOORE

12/01/2006 Prefiled  
 01/03/2007 S First Read (S10)  
 01/16/2007 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S105)  
 01/22/2007 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2007

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

0394L.011

SENATE SPONSOR: Shoemyer

SB 68 - This act creates the Missouri Seed Availability and Competition Act. Farmers who want to retain patented seed from a current harvest for planting the following season must register with the Department of Agriculture and pay a fee of seven dollars per bushel of saved seed. The fees are to be deposited into the Genetically Engineered Seed Fund, which is created by the act. Six dollars per bushel collected are to be remitted to the patent holder of the seed on a quarterly basis. One dollar is to be retained by the Department for actual administrative costs of the fund. Any unused administrative funds are to be directed to a subaccount of the fund for use by the University of Missouri for agricultural research and development.

A farmer will only be liable for health, safety, or environmental impacts if he or she intentionally or negligently fails to significantly follow the patent holder's or manufacturer's instructions and guidelines for planting the seed.

A violation of this act is considered a crime of misappropriation of patented seed and is a Class D felony. All other legal remedies are available to the owner of the misappropriated seed.

This act is similar to HB 1300 (2006).

ERIKA JAQUES

12/01/2006 Prefiled  
 01/03/2007 S First Read (S10)  
 01/16/2007 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S105)

EFFECTIVE: August 28, 2007

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

0393L.011

SENATE SPONSOR: Shoemyer

SB 69 - This act prohibits entities from conducting private investigations on farms to evaluate the origins of agricultural commodities or to enforce trade agreements or contracts associated with genetically-modified products without notifying the landowner and local law enforcement in advance. Anyone who violates this act shall be found guilty of trespassing and fined no less than \$10,000 per violation.

This act is similar to HB 1299 (2006).

ERIKA JAQUES

12/01/2006 Prefiled

01/03/2007 S First Read (S10)

01/16/2007 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S105)

EFFECTIVE: August 28, 2007

\*\*\* SB 70 \*\*\*

0397L.011

SENATE SPONSOR: Shoemyer

SB 70 - This act bars an employer from receiving favorable tax treatment or loans from the state for 5 years when 25% or more of the employer's workforce is paid under the federal poverty level as published yearly by the United States Department of Health and Human Services. Agencies authorizing tax treatment or the issuance of loans may waive this restriction for a first-time occurrence. Findings of ineligibility may be appealed to the administrative hearing commission.

CHRIS HOGERTY

12/01/2006 Prefiled

01/03/2007 S First Read (S10)

01/16/2007 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S106)

EFFECTIVE: August 28, 2007

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

0501S.011

SENATE SPONSOR: Justus

SB 71 - The Children's Division within the Department of Social Services shall develop rules to become effective by July 1, 2008, modifying the income eligibility criteria for any person receiving state-funded child care assistance, either through vouchers or direct reimbursement to child care providers.

Persons receiving state-funded child care assistance with family incomes of less than 130 percent of the federal poverty level shall receive full child care subsidy benefits.

Persons receiving state-funded child care assistance with family incomes of 130 percent to 185 percent of the federal poverty level shall receive child care subsidy benefits reduced proportionately based on family income in excess of 130 percent of the federal poverty level.

For family incomes in excess of 185 percent of the federal poverty level, such persons shall be ineligible for child care subsidy benefits.

Nothing in this act shall be construed as to prohibit the imposition of fee by the division to child care subsidy recipients based on gross income and family unit size and based on a child care sliding fee scale established by the division. The sliding fee scale may be waived for children with special needs.

This act is similar to HB 1052 (2006).

ADRIANE CROUSE

12/01/2006 Prefiled

01/03/2007 S First Read (S10)

01/16/2007 Second Read and Referred S Seniors, Families and Public Health Committee (S106)

01/30/2007 Hearing Scheduled S Seniors, Families and Public Health Committee

EFFECTIVE: August 28, 2007

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

0502S.011

SENATE SPONSOR: Justus

SB 72 - 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.

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 by the Board of Pharmacy.

This act is identical to SB 1192 (2006).

ADRIANE CROUSE

12/01/2006 Prefiled

01/03/2007 S First Read (S10)

01/16/2007 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S106)

EFFECTIVE: August 28, 2007

\*\*\* SB 73 \*\*\*

0583S.011

SENATE SPONSOR: Justus

SB 73 - Under current law, a person is guilty of the crime of animal neglect when failing to provide adequate care or control of an animal in his or her ownership or custody. This act requires that such failure to provide adequate care or control be done negligently and removes the requirement that an animal be substantially harmed during the commission of the crime. The act also modifies the penalty that may be imposed for violating this act.

This act is identical to HB 1497 (2006).

ERIKA JAQUES

12/01/2006 Prefiled

01/03/2007 S First Read (S10)

01/16/2007 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S106)

EFFECTIVE: August 28, 2007

\*\*\* SB 74 \*\*\*

0325S.011

SENATE SPONSOR: Coleman

SB 74 - 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 an appraiser's independent judgement with respect to the value of real estate covered by a home loan or 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. 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 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.

This act is similar to SB 1043 (2006).

CHRIS HOGERTY

12/01/2006 Prefiled

01/03/2007 S First Read (S10)

01/16/2007 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S106)

EFFECTIVE: August 28, 2007

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

0324S.011

SENATE SPONSOR: Coleman

SB 75 - This act provides that all institutions of higher education that receive any state funds shall limit the tuition charged to combat veterans, as defined by this act, to fifty dollars per credit hour. 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 Coordinating Board for Higher Education shall ensure that the institutions comply with the provisions of this act, and the board may promulgate any rules for the efficient implementation of the act.

This act is identical to SB 1029 (2006).

ALEXA PEARSON

12/01/2006 Prefiled

01/03/2007 S First Read (S10)

01/16/2007 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S106)

01/24/2007 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee

EFFECTIVE: August 28, 2007

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

0322S.011

SENATE SPONSOR: Coleman

SB 76 - This act prohibits the use of expiration dates or service fees on gift certificates. Consumers are entitled to receive the remaining balance of a gift certificate in cash, provided they have used at least fifty percent of the original value of the certificate. Violations of the act shall be considered unfair marketing practices subject to certain unlawful merchandising practice penalties.

This act is identical to SB 685 (2006).

ERIKA JAQUES

12/01/2006 Prefiled

01/03/2007 S First Read (S10)

01/16/2007 Second Read and Referred S Commerce, Energy and the Environment Committee (S106)

EFFECTIVE: August 28, 2007

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

0328S.011

SENATE SPONSOR: Scott

SB 77 - Under current law, the Department of Elementary and Secondary Education must pay sheltered workshops \$13 multiplied by the number of 6-hour or longer days worked by handicapped workers. This act creates a graduated increase in payments to sheltered workshops. This act increases this payment so that, by July 1, 2010, and thereafter, the department shall pay \$90 for each standard workweek of up to and including 30 hours worked during a month and \$18 for each 6 hour or longer day worked on Saturdays or Sundays. Also, the workshop will receive a percentage of the amount normally paid based on the percentage of time worked for each handicapped worker employed for less than a 30-hour week or a 6-hour day on Saturdays or Sundays.

ADRIANE CROUSE

12/01/2006 Prefiled  
 01/03/2007 S First Read (S10)  
 01/16/2007 Second Read and Referred S Seniors, Families and Public Health Committee (S106)  
 01/30/2007 Hearing Scheduled S Seniors, Families and Public Health Committee

EFFECTIVE: August 28, 2007

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

0047S.021

SENATE SPONSOR: Scott

SB 78 - This act provides that the liability of the state or its public entities and any agent, officer, or employee thereof that arises from the operation of a motor vehicle, or from causing or contributing to cause a dangerous condition of property, shall be limited to two million dollars for a single occurrence, and limited to no more than three hundred thousand dollars for any one person for a single occurrence. The maximum allowable recovery for these types of claims shall also be reduced by any amount paid towards the claim by the state, its entities, or anyone acting on their behalf.

The act also provides that the state or its public entities are vicariously liable to the operator of the motor vehicle, and if the operator is found to be immune from liability, the state or its public entities shall also have no liability.

ALEXA PEARSON

12/01/2006 Prefiled  
 01/03/2007 S First Read (S11)  
 01/16/2007 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S106)

EFFECTIVE: August 28, 2007

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

0239S.011

SENATE SPONSOR: Scott

SB 79 - This act creates the State Fair Escrow Fund to be maintained by the State Fair Commission. Ticket proceeds from state fair grandstand shows, arena events, and carnival rides shall be deposited into the fund. The fund may accept monies from gifts, contributions, and other sources. Moneys in the fund are to be expended on entertainers, carnival contractors, workers, and other event promoters.

The fund shall be retained outside the control of the State Treasurer and shall not be subject to transfer to general revenue. The unexpended balance in the fund shall not exceed the preceding year's expenditures.

This act is identical to the perfected SB 643 (2006).

ERIKA JAQUES

12/01/2006 Prefiled  
 01/03/2007 S First Read (S11)  
 01/16/2007 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S106)  
 01/23/2007 Hearing Conducted S Agriculture, Conservation, Parks & Natural Resources Committee

EFFECTIVE: August 28, 2007

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

0468S.021

SENATE SPONSOR: Shields

SB 80 - This act modifies 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 in addition to the current program for applicants above the age of nineteen, the formula shall be available to an applicant between the ages of six to eighteen whose family income is below three hundred percent of the federal poverty level.

This act is similar to SCS/SB 1251 (2006) and SCS/HB 1477 (2006).

ADRIANE CROUSE

12/01/2006 Prefiled  
 01/03/2007 S First Read (S11)  
 01/16/2007 Second Read and Referred S Seniors, Families and Public Health Committee (S106)  
 01/23/2007 Hearing Conducted S Seniors, Families and Public Health Committee

EFFECTIVE: August 28, 2007

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

0259S.021

SENATE SPONSOR: Griesheimer

SB 81 - 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.

This act is similar to SB 1101 (2006).

JASON ZAMKUS

12/01/2006 Prefiled  
 01/03/2007 S First Read (S11)  
 01/16/2007 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S106)  
 01/24/2007 Hearing Conducted S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2007

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

0319S.011

SENATE SPONSOR: Griesheimer

SB 82 - This act modifies the definition of "salvage vehicle." Under the act, the definition is modified to include later model year vehicles (damaged during a year that is no more than three years after the manufacturer's model year designation) that are damaged to the extent the total cost of repairs to rebuild it exceeds 80% (up from 75%) of the fair market value of the vehicle prior to the time the vehicle was damaged. The definition is further modified by including vehicles that have been declared salvaged by an insurance company as a result of settlement of a claim. Current law requires the settlement be for a claim for loss due to damage or theft. In addition, when determining whether a vehicle is salvage or not, the total cost of repairs shall not include the cost of repairing hail damage.

The act exempts persons transferring ownership of a motor vehicle or trailer to an insurance company due to theft or casualty loss from providing the transfer notice required by Section 301.196.

The act repeals a provision of law that requires purchasers apply for a salvage title on vehicles seven years old or less and optional for vehicles older than seven years of age. The act also provides that an insurer may obtain an original title without a prior salvage designation on a stolen vehicle that has not been declared a salvage vehicle. The current law only allows the issuance of an original title without a salvage designation (Section 301.227).

STEPHEN WITTE

12/01/2006 Prefiled  
 01/03/2007 S First Read (S11)  
 01/16/2007 Second Read and Referred S Transportation Committee (S106)  
 01/31/2007 Hearing Scheduled S Transportation Committee

EFFECTIVE: August 28, 2007

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

0497S.011

SENATE SPONSOR: Griesheimer

SB 83 - This act establishes a county municipal court in Franklin County.

SECTION 163.011(10)(b): 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 that would adjust the local effort figure to include any decrease in the amount received for school purposes from fines in any school district located entirely in Franklin county, provided that the county creates a county municipal court after January 1, 2006.

SECTION 163.031.2.(1)(e): Further, the act grants hold harmless districts that are located at least partially in any county that has created or creates a county municipal court after June 30, 2004 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.

These section are similar to SB 970 (2006) and to a provision contained in the truly-agreed-to-and-finally-passed SB 894 (2006).

SECTION 479.275: This section allows Franklin County to establish a county municipal court to prosecute and punish violations of county ordinances. The county may also prosecute and punish municipal ordinance violations pursuant to a contract with any municipality within the county. The judges for such court shall be appointed by the county commission with the number of judges established by county ordinance. The organization and session schedule of the court shall also be established by ordinance.

SUSAN HENDERSON MOORE  
DONALD THALHUBER

12/01/2006 Prefiled  
01/03/2007 S First Read (S11)  
01/16/2007 Second Read and Referred S Education Committee (S106)

EFFECTIVE: August 28, 2007

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

0267S.011

SENATE SPONSOR: Champion

SB 84 - 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 calendar 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.

This act is identical to SCS/SB 878 (2006).

ADRIANE CROUSE

12/01/2006 Prefiled  
01/03/2007 S First Read (S11)  
01/16/2007 Second Read and Referred S Seniors, Families and Public Health Committee (S106)  
01/23/2007 Hearing Conducted S Seniors, Families and Public Health Committee

EFFECTIVE: August 28, 2007

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

0496S.011

SENATE SPONSOR: Champion

SB 85 - 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, 2008 and sunset in six years.

This act is similar to SB 797 (2006), SB 158 (2005) and HB 987 (2004).

JIM ERTLE

12/01/2006 Prefiled

01/03/2007 S First Read (S11)

01/16/2007 Second Read and Referred S Seniors, Families and Public Health Committee (S106)

EFFECTIVE: January 1, 2008

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

0519S.011

SENATE SPONSOR: Champion

SB 86 - This act provides that the cumulative amount of tax credits that may be claimed by taxpayers claiming the credit for nonrecurring adoption expenses shall not be more than four million dollars, but may be increased by appropriation in any fiscal year beginning on or after July 1, 2004. The amount of remaining tax credits available for the children in crisis tax credit program will be divided equally among the three qualified agencies: CASA, child advocacy centers, and crisis care centers. In the event tax credits claimed under one agency do not total the allocated amount for that agency, the remaining tax credits will be allocated equally among the remaining agencies. In the event the total amount of tax credits claimed for any one agency exceeds the amount available for that agency, the amount redeemed shall and will be apportioned equally to all eligible taxpayers claiming the credit under that agency.

JASON ZAMKUS

12/01/2006 Prefiled

01/03/2007 S First Read (S11)

01/16/2007 Second Read and Referred S Ways & Means Committee (S106)

EFFECTIVE: August 28, 2007

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

0140S.011

SENATE SPONSOR: Bartle

SB 87 - Under current law, Missouri Employers Mutual Insurance Company policyholders elect new directors to fill board vacancies. This act requires the Governor to appoint, with the advice and consent of the Senate, new directors when a vacancy arises.

This act is similar to SB 373 (2005), and SB 693 (2006).

CHRIS HOGERTY

12/01/2006 Prefiled

01/03/2007 S First Read (S11)

01/16/2007 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S106)

EFFECTIVE: August 28, 2007

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

0141S.011

SENATE SPONSOR: Bartle

SB 88 - 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.

This act is identical to SB 1067 (2006).

JIM ERTLE

12/01/2006 Prefiled  
01/03/2007 S First Read (S11)  
01/16/2007 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S106)  
01/29/2007 Hearing Scheduled S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2007

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

0135S.011

SENATE SPONSOR: Bartle

SB 89 - 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

12/01/2006 Prefiled  
01/03/2007 S First Read (S11)  
01/16/2007 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S106)  
01/31/2007 Hearing Scheduled S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2007

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

0523S.011

SENATE SPONSOR: Nodler

SB 90 - This act makes English the official language in all official proceedings in this state.

This act contains a referendum clause.

JIM ERTLE

12/01/2006 Prefiled  
01/03/2007 S First Read (S11)  
01/17/2007 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S113)

EFFECTIVE: Contingent

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

0326S.011

SENATE SPONSOR: Nodler

SB 91 - 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 697 (2006) and SB 141 (2005).

STEPHEN WITTE

12/01/2006 Prefiled

01/03/2007 S First Read (S11)

01/17/2007 Second Read and Referred S Transportation Committee (S113)

01/31/2007 Hearing Scheduled S Transportation Committee

EFFECTIVE: August 28, 2007

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

0311S.011

SENATE SPONSOR: Nodler

SB 92 - This act creates a time limit for claims made for damages to underground facilities in the event that such damage was incurred during excavation. Such a claim shall be made within ninety days of the facility repairs being completed and no longer than one hundred eighty 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 allows underground facility owners to make temporary repairs to any facilities damaged, if the owner chooses to do so, then the one hundred eighty day limit may be extended for any claim pertaining to permanent repairs.

Any excavator who has been presented with a claim shall pay within ninety 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 ninety days after the claim has been received. If the written dispute has not been delivered within the ninety day period, there shall be a rebuttable presumption in any attempt to collect the claim that the excavator owes the amount claimed.

This act is similar to SB 1052 (2006).

JIM ERTLE

12/01/2006 Prefiled

01/03/2007 S First Read (S11)

01/17/2007 Second Read and Referred S Commerce, Energy and the Environment Committee (S113)

EFFECTIVE: August 28, 2007

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

0435S.011

SENATE SPONSOR: Bray

SB 93 - This act prohibits commissioners or certain employees of the Public Service Commission (PSC) from being employed by a public utility for two years after leaving the PSC.

This act is identical to SB 1070 (2006).

ERIKA JAQUES

12/01/2006 Prefiled

01/03/2007 S First Read (S11-12)

01/17/2007 Second Read and Referred S Commerce, Energy and the Environment Committee (S113)

EFFECTIVE: August 28, 2007

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

0433S.011

SENATE SPONSOR: Bray

SB 94 - 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.

ERIKA JAQUES

12/01/2006 Prefiled

01/03/2007 S First Read (S12)

01/17/2007 Second Read and Referred S Commerce, Energy and the Environment Committee (S113)

EFFECTIVE: August 28, 2007

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

0537S.011

SENATE SPONSOR: Bray

SB 95 - This act requires applicants for health care benefits under programs such as Medicaid and CHIP 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 657 (2006).

ADRIANE CROUSE

12/01/2006 Prefiled

01/03/2007 S First Read (S12)

01/17/2007 Second Read and Referred S Health and Mental Health Committee (S113)

01/23/2007 Hearing Conducted S Health and Mental Health Committee

EFFECTIVE: August 28, 2007

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

0094S.011

SENATE SPONSOR: Days

SB 96 - 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, and SB 975 (2006).

CHRIS HOGERTY

12/01/2006 Prefiled

01/03/2007 S First Read (S12)

01/17/2007 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S113)

EFFECTIVE: August 28, 2007

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

0096S.011



SENATE SPONSOR: Days

SB 97 - This act requires health insurance companies to provide coverage for the treatment of morbid obesity.

STEPHEN WITTE

12/01/2006 Prefiled

01/03/2007 S First Read (S12)

01/17/2007 Second Read and Referred S Small Business, Insurance &amp; Industrial Relations Committee (S113)

EFFECTIVE: August 28, 2007

\*\*\* SB 98 \*\*\*

0097S.011

SENATE SPONSOR: Days

SB 98 - 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 to automobile insurance policies and certain property insurance policies. This act would apply the consumer credit protection to a variety of homeowner policies, automobile policies, motorcycle policies, and various watercraft 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. Insurers are prohibited from using insurance credit scores to underwrite or rate risks that use income, gender, address, zip code, ethnic group, religion, marital status, education level, or nationality of the consumer as a factor. 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 unless there is a substantial change in the risk based upon non-credit underwriting factors.

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 an insurance policy the following:

- (1) Any credit inquiry not initiated by the insured;
- (2) Collection accounts with a medical industry code;
- (3) Multiple credit inquiries from the home mortgage industry or automobile lending industry within a 30-day period;
- (4) The absence of credit history;
- (5) The use of a particular type of credit or debit card' or
- (6) 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 598 (2006), SB 43 (2005), SB 1173 (2004) and HB 1131 (2004).

STEPHEN WITTE

12/01/2006 Prefiled

01/03/2007 S First Read (S12)

01/17/2007 Second Read and Referred S Small Business, Insurance &amp; Industrial Relations Committee (S113)

EFFECTIVE: August 28, 2007

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

0352S.011

SENATE SPONSOR: Mayer

SB 99 - 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.

This act is identical to a provision contained in SB 590 (2006).

JIM ERTLE

12/01/2006 Prefiled

01/03/2007 S First Read (S12)

01/17/2007 Second Read and Referred S Education Committee (S113)

EFFECTIVE: August 28, 2007

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

0493S.011

SENATE SPONSOR: Mayer

SB 100 - This act requires health carriers to provide a report of the total of number of claims paid for previous three years and the total dollar amount of those claims when requested by an employer. In the case of an employer with multiple plans, the total dollar amounts shall be aggregated into one report. The report shall be provided within thirty days of the request. The information provided to the employer or the employer's producer of record shall be furnished in a manner that does not individually identify any employee or other person covered by the health benefit plan and shall comply with all applicable federal and state privacy laws regarding the disclosure of health records (Section 375.435).

A similar provision was contained in the perfected version of SB 895 and SCS/HCS/HB 1101 (2006).

STEPHEN WITTE

12/01/2006 Prefiled

01/03/2007 S First Read (S12)

01/17/2007 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S113)

EFFECTIVE: August 28, 2007

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

0354S.021

SENATE SPONSOR: Mayer

SB 101 - This act modifies numerous penalties for violations of motor vehicle licensing, registration, and equipment statutes.

The act makes certain motor vehicle registration violations punishable as infractions. The fine for the enumerated motor vehicle registration violations shall not be less than \$5 nor more than \$500. The current law provides that certain motor vehicle registration violations are punishable by imprisonment in the county jail for a term not exceeding one year or by a fine of not less than \$5 or more than \$500, or by both (Section 301.440).

Under the act, violations of Missouri's ATV titling and registration laws are punishable as infractions (Section 301.716).

Under the act, failure to secure truck load violations are punished as infractions rather than class C misdemeanors (Section 307.010).

Under the act, the punishment for a mud flap violation is changed from a Class B misdemeanor to an infraction (Section 307.015).

Under the act, the punishment for a spotlight violation is changed from a Class C misdemeanor to an infraction (Section 307.090). The act further provides that violations of certain motor vehicle lighting regulations shall be punishable as infractions rather than misdemeanors (Section 307.120).

Under the act, the punishment for improperly lighting or marking an animal-driven vehicle is changed from a Class C misdemeanor to an infraction (Section 307.125).

Under the act, the punishment for certain motor vehicle safety glass violations is changed from a Class C misdemeanor to an infraction (Section 307.155).

Under the act, the punishment for altering the front or rear of a motor vehicle or operating a motor vehicle without proper bumpers is changed from a Class C misdemeanor to an infraction (Section 307.172).

Under the act, the punishment for a window tinting violation is changed from a Class C misdemeanor to an infraction (Section 307.173).

Under the act, the punishment for operating a motorized bicycle without a license or operating a motorized bicycle upon an interstate highway is changed from a Class C misdemeanor to an infraction (Section 307.915).

Under the act, the punishment for an ATV equipment violation is changed from a Class C misdemeanor to an infraction (Section 307.198).

Under the act, the punishment for violating certain motor vehicle inspection station regulations is changed from a misdemeanor to a Class C misdemeanor (Section 307.365).

Under the act, the punishment for school bus inspection violations is changed from a misdemeanor to a Class C misdemeanor (Section 307.375).

Under the act, the punishment for violating Missouri's motor vehicle safety inspection regulations is changed from a misdemeanor to an infraction (Section 307.390).

Under the act, the punishment for violating certain commercial motor vehicle regulations is changed from a Class B misdemeanor to an infraction (Section 307.400).

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 (Section 488.006).

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 (Section 556.021).

This act is similar to SB 1143 (2006).

STEPHEN WITTE

12/01/2006 Prefiled

01/03/2007 S First Read (S12)

01/17/2007 Second Read and Referred S Transportation Committee (S113)

01/24/2007 Hearing Conducted S Transportation Committee

EFFECTIVE: August 28, 2007

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\*\*\* SB 102 \*\*\*

0172S.011

SENATE SPONSOR: Stouffer

SB 102 - This act provides that the maximum gross vehicle weight limit and axle weight limit for heavy-duty vehicles equipped with idle reduction technology may be increased (up to an additional 400 pounds) to account for the technology.

This provision was contained in SB 969 (2006).  
STEPHEN WITTE

12/01/2006 Prefiled  
 01/03/2007 S First Read (S12)  
 01/17/2007 Second Read and Referred S Transportation Committee (S113)  
 01/31/2007 Hearing Scheduled S Transportation Committee

EFFECTIVE: August 28, 2007

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

0171S.011

SENATE SPONSOR: Stouffer

SB 103 - The act allows the Department of Revenue to deny accepting applications and deny issuance of special license plates if no applications are received within five years from the effective date of the law authorizing the plate (Section 301.2998).

This provision was contained in SB 969 (2006).

STEPHEN WITTE

12/01/2006 Prefiled  
 01/03/2007 S First Read (S12)  
 01/17/2007 Second Read and Referred S Transportation Committee (S113)  
 01/31/2007 Hearing Scheduled S Transportation Committee

EFFECTIVE: August 28, 2007

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

0317S.011

SENATE SPONSOR: Stouffer

SB 104 - This act changes several references to the Division of Highway Safety to the state highways and transportation commission. In 2003, Governor Holder transferred the powers and duties of the Division of Highway Safety under the Department of Public Safety to MoDOT. References to the Division of Highway Safety or the Department of Public Safety as it pertains to highway safety functions need to be changed to accurately reference the state Highways and Transportation Commission. The act specifically provides that the commission shall have the responsibility and authority for the administration of:

- (1) All state highway safety programs;
- (2) The annual preparation of the Missouri Highway Safety Plan and the receipt of federal highway safety funds;
- (3) Regulations relating to approval of driver-improvement, motorcycle safety and ignition interlock programs;
- (4) Compliance with any federal laws or rules required as a condition precedent to secure federal highway safety funds; and
- (5) Contracts, licenses and authorizations issued by the Division of Highway Safety prior to August 28, 2003.

The act expands membership of the Motorcycle Safety Program Advisory Committee from seven to eight members to create a place for a MoDOT representative.

STEPHEN WITTE

12/01/2006 Prefiled  
 01/03/2007 S First Read (S12)  
 01/17/2007 Second Read and Referred S Transportation Committee (S113)  
 01/31/2007 Hearing Scheduled S Transportation Committee

EFFECTIVE: August 28, 2007

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

0302S.011

SENATE SPONSOR: Graham

SB 105 - 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.

This act is identical to SB 752 (2006).

STEPHEN WITTE

12/01/2006 Prefiled

01/03/2007 S First Read (S12)

01/17/2007 Second Read and Referred S Transportation Committee (S113)

EFFECTIVE: August 28, 2007

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

0301S.021

SENATE SPONSOR: Graham

SB 106 - Currently, the governing boards of the University of Missouri, Missouri State University, and Truman State University possess nonvoting student members. This act removes the nonvoting students members and replaces them with voting student members.

This act is similar to SB 673 (2006).

JIM ERTLE

12/01/2006 Prefiled

01/03/2007 S First Read (S12)

01/17/2007 Second Read and Referred S Education Committee (S113)

01/24/2007 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2007

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

0127S.011

SENATE SPONSOR: Wilson

SB 107 - This act prohibits a person from unlawfully distributing or delivering a controlled substance to a person in or 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.

This act is identical to SB 721 (2006).

SUSAN HENDERSON MOORE

12/01/2006 Prefiled

01/03/2007 S First Read (S12)

01/17/2007 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S113)

01/22/2007 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2007

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

0399S.011

SENATE SPONSOR: Wilson

SB 108 - This act allows medical assistance to be provided to foster children beyond their eighteenth birthday under certain conditions. A foster child who reaches the age of 18 and is enrolled in and attending high school or pursuing a graduation equivalence degree (GED) may continue to receive medical assistance until the child completes high school or an equivalency degree or reaches the age of 19, whichever comes first. A foster child who is enrolled in a vocational or higher education institution by October 1 following graduation from high school or the completion of an equivalency degree may continue to receive medical assistance until the child completes his or her education or reaches the age of 22, whichever comes first. The child must enroll in at least 12 hours of credit per semester and maintain grades sufficient to re-enroll at the institution.

ADRIANE CROUSE

12/01/2006 Prefiled

01/03/2007 S First Read (S12)

01/17/2007 Second Read and Referred S Seniors, Families and Public Health Committee (S113)

EFFECTIVE: August 28, 2007

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

0328S.021

SENATE SPONSOR: Wilson

SB 109 - This act creates the "Youth Smoking Prevention Trust Fund," which shall be funded by monies received under the Tobacco Master Settlement Agreement. The Commission for Youth Smoking Prevention is established in the Department of Health and Senior Services. The Commission shall fund youth smoking prevention programs modeled after evidence-based programs proven to reduce youth smoking.

This act is similar to SB 626 (2006).

ADRIANE CROUSE

12/01/2006 Prefiled

01/03/2007 S First Read (S13)

01/17/2007 Second Read and Referred S Seniors, Families and Public Health Committee (S113)

EFFECTIVE: August 28, 2007

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

0585S.011

SENATE SPONSOR: Rupp

SB 110 - This act establishes the "Community College 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 and participating private four-year Missouri non-profit, non-religious, colleges or universities in order to provide scholarships for Missouri residents who graduate from a Missouri public community college and transfer to such four-year Missouri institutions. 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 "Community College Associate Degree Transfer Incentive Scholarship Program" fund in the state treasury.

The program will sunset in six years.

This act is identical to the SCS/SB 654 from 2006.

JIM ERTLE

12/01/2006 Prefiled

12/05/2006 Bill Withdrawn (S13)

EFFECTIVE: August 28, 2013

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

0586S.011

SENATE SPONSOR: Rupp

SB 111 - 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 on Teacher Quality, 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 on Teacher Quality; however, the new 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.

This act is identical to SCS/SB 937 (2006).

JIM ERTLE

12/01/2006 Prefiled

01/03/2007 S First Read (S13)

01/17/2007 Second Read and Referred S Education Committee (S113)

EFFECTIVE: August 28, 2007

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

0591S.011

SENATE SPONSOR: Rupp

SB 112 - This act removes the reference to sunset of Section 162.700, RSMo, that appears in the existing Section 160.930, RSMo. Section 162.700 is the statute that provides authority for special education of the age 3 to age 21 population. It was not a new program when Section 160.930 was enacted and, therefore, would not have needed a sunset provision applicable to it under Section 23.253, RSMo (the Sunset Act).

This act is identical to SB 1004 (2006).

JIM ERTLE

12/01/2006 Prefiled

01/03/2007 S First Read (S13)

01/17/2007 Second Read and Referred S Governmental Accountability &amp; Fiscal Oversight Committee (S113)

EFFECTIVE: August 28, 2007

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

0392L.011

SENATE SPONSOR: Shoemyer

SB 113 - This act requires health insurance carriers and health benefit plans to include in their service provider networks any durable medical equipment provider who has a main office located in a Missouri community with a population of 25,000 or less, is certified by the Missouri State Board of Pharmacy and is a Medicare and/or Medicaid provider, and registers with the Department of Insurance as an eligible durable medical equipment provider. The department must verify the eligibility of the provider's registration and make the durable medical equipment provider registry available to all health carriers and health benefit plans licensed to do business in Missouri. All health carriers and health benefit plans shall include all registered durable medical equipment providers within their networks.

This act is substantially similar to HB 1174 (2006).

STEPHEN WITTE

12/01/2006 Prefiled

01/03/2007 S First Read (S13)

01/17/2007 Second Read and Referred S Small Business, Insurance &amp; Industrial Relations Committee (S113)

EFFECTIVE: August 28, 2007

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

0241S.011

SENATE SPONSOR: Scott

SB 114 - This act prohibits individuals from setting a fire in an area proclaimed by the governor to be in extraordinary danger from fire as a result of emergency drought conditions. Individuals who violate this act are guilty of a Class A misdemeanor.

Certain fire suppression activities by government fire agencies and prescribed burns on state and federal lands are exempt from the provisions of the act.

In a separate cause of action, political subdivisions and volunteer fire protection associations may seek to recover reasonable costs associated with responding to a fire caused by a person in violation of this act.

This act is similar to SCS/SB 1198 (2006).

ERIKA JAQUES

12/01/2006 Prefiled

01/03/2007 S First Read (S13)

01/17/2007 Second Read and Referred S Judiciary and Civil &amp; Criminal Jurisprudence Committee (S113)

EFFECTIVE: August 28, 2007

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\*\*\* SB 115 \*\*\*

0367S.011

SENATE SPONSOR: Scott

SB 115 - This act authorizes the Governor to convey state property in Pettis County to the Girls Scouts-Heart of Missouri Council, Inc.

This act contains an emergency clause.

This act is similar to SB 712 (2006).

SUSAN HENDERSON MOORE

12/01/2006 Prefiled

01/03/2007 S First Read (S13)

01/17/2007 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S113)

01/24/2007 Hearing Conducted S Economic Development, Tourism & Local Government Committee

EFFECTIVE: Emergency Clause

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

0528S.011

SENATE SPONSOR: Griesheimer

SB 116 - This act alters the benefits afforded retired teachers who are 70 years old and older by: increasing their retirement allowance calculation by \$10 per year of creditable service; and increasing from 80% to 90% their Cost of Living Adjustment (COLA) cap.

JIM ERTLE

12/01/2006 Prefiled

01/03/2007 S First Read (S13)

01/17/2007 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S113)

EFFECTIVE: August 28, 2007

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

0264S.011

SENATE SPONSOR: Griesheimer

SB 117 - This act presumes that a skier expressly assumes the risks and responsibilities for injury, death, or loss to person or property that results from the inherent risks of skiing, and exempts ski area operators from liability for operating such facilities, provided that the ski area operator follows certain responsibilities delineated under this act. This act also provides that the ski area operator shall not owe a skier the common law duty that a premises owner owes to business invitees, but shall only owe the duty to use ordinary care. This act also sets forth certain responsibilities of skiers. Ski area operators and skiers who fail to fulfill the responsibilities listed under the act shall be liable for injury, death, or loss to person or property caused by his or her failure to fulfill responsibilities under this act.

This act is similar to SB 979 (2006).

ALEXA PEARSON

12/01/2006 Prefiled

01/03/2007 S First Read (S13)

01/17/2007 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S113)

EFFECTIVE: August 28, 2007

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

0257S.011

SENATE SPONSOR: Griesheimer

SB 118 - 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, 2008. 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 647 (2006), SB 72 (2005) and SB 1362 (2004).

STEPHEN WITTE

12/01/2006 Prefiled

01/03/2007 S First Read (S13)

01/17/2007 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S113)

EFFECTIVE: August 28, 2007

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

0524S.011

SENATE SPONSOR: Nodler

SB 119 - This act makes English the official language in all official proceedings in this state.

JIM ERTLE

12/01/2006 Prefiled

01/03/2007 S First Read (S13)

01/17/2007 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S113)

EFFECTIVE: August 28, 2007

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

0269S.011

SENATE SPONSOR: Nodler

SB 120 - This act increases the cap on the amount that can be deposited in the state aviation trust fund from \$6 million to \$8.5 million. The act also provides that aviation trust funds may be used for air traffic control towers partially funded by the federal government under a cost-sharing program. Up to \$500,000 per year may be used on a ratio of 50% state and 50% local to fulfill the non-federal match requirement.

STEPHEN WITTE

12/01/2006 Prefiled

01/03/2007 S First Read (S13)

01/17/2007 Second Read and Referred S Governmental Accountability & Fiscal Oversight Committee (S113)

EFFECTIVE: August 28, 2007

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

0312S.021

SENATE SPONSOR: Nodler

SB 121 - The act requires every state public governmental body to begin a migration strategy to the fiber optic network currently owned by the department of transportation for all telecommunications, video and data services by January 1, 2010. A governmental body may use a fiber optic network owned or operated by private companies so long as that exchange has been approved by the office of administration prior to access. The act requires the office of administration to promulgate rules governing the process by which all public governmental bodies make this migration.

After January 1, 2011, the Office of Administration shall 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 process shall occur in three phases, beginning with a pilot program and concluding with the core convergence network in all public governmental bodies. Every public governmental body shall submit a proposal to the office of administration no later than June 1, 2010, detailing their plans to meet the convergence implementation. If such body does not submit a plan, then the office of administration shall institute a plan for such body.

The Office of Administration shall submit a report to the governor and general assembly every two years beginning January 1, 2011, detailing the integration of all information systems and the progress towards the convergence implementation.

This act is similar to SB 1115 (2006).

JIM ERTLE

12/01/2006 Prefiled

01/03/2007 S First Read (S13)

01/17/2007 Second Read and Referred S Financial &amp; Governmental Organizations and Elections Committee (S113)

EFFECTIVE: August 28, 2007

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

0436S.011

SENATE SPONSOR: Bray

SB 122 - 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 has a six-year sunset provision.

This act is similar to SB 777 (2006).

ADRIANE CROUSE

12/01/2006 Prefiled

01/03/2007 S First Read (S13)

01/17/2007 Second Read and Referred S Health and Mental Health Committee (S113)

01/30/2007 Hearing Scheduled S Health and Mental Health Committee

EFFECTIVE: Varies

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

0441S.011

SENATE SPONSOR: Bray

SB 123 - This act creates statutory warranties for home buyers and homeowners and also prevents home solicitors from engaging in certain deceptive practices.

This act prohibits certain unfair or deceptive practices relating to home improvement loans to the consumer. It prohibits 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 provision constitutes a Class A misdemeanor.

Three new-home warranties are created by this act. The first covers new homes 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 act also creates three warranties for home improvement work. Home improvement contractors must warrant that the improvements made will be free from defects caused by faulty workmanship and defective materials due to noncompliance with building standards for a two-year period. Contractors must guarantee that the home improvement will be free from major construction defects for a ten-year period. Improvements involving plumbing, electrical, heating and cooling systems must be guaranteed to be free from defects for a period of two years.

If a home vendor or a home improvement contractor violates these implied warranties then the homeowner may bring a cause of action against the violator for actual damages. The court shall also award the homeowner court costs and reasonable attorney fees. If the breach of the warranties was willful or deceitful, the court may also assess punitive damages.

This act is identical to SB 1170 (2006).

ERIKA JAQUES

12/01/2006 Prefiled

01/03/2007 S First Read (S13)

01/17/2007 Second Read and Referred S Commerce, Energy and the Environment Committee (S113)

EFFECTIVE: August 28, 2007

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

0604S.011

SENATE SPONSOR: Bray

SB 124 - 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 SEMA, the Missouri Office of Homeland Security and the Missouri Department of Transportation Multimodal Operations by February 1, 2008. The act delineates what the risk assessment must describe.

By September 1, 2010, all railroads must have a community protection plan in place to protect all rail infrastructure in Missouri from acts of sabotage, terrorism, and other crimes. The plan must provide security for critical infrastructure including bridges, tunnels, and signal systems. The act details what the community protection plan must include (i.e. emergency procedures, training programs, infrastructure protection methods, etc.). Rail operators must comply with several specified requirements for facilities that handle hazardous cargo passing within 15 miles of a certain community facilities (schools, nursing homes, etc.). A copy of the community protection plan must be provided to SEMA, the Missouri Office of Homeland Security and the Missouri Department of Transportation Multimodal Operations. 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. The community protection plan must be updated by the rail operator at least once every year and resubmitted to the respective state agencies.

The act provides that a railroad company may not discharge any employee who reports a violation of the act. An employee who alleges that he or she was fired for reporting a violation of the act may seek punitive damages of up to \$1,000,000.

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 railroad employees.

This act is similar to SB 1096 and HB 1789 (2006).

STEPHEN WITTE

12/01/2006 Prefiled  
01/03/2007 S First Read (S13)  
01/17/2007 Second Read and Referred S Transportation Committee (S113)

EFFECTIVE: August 28, 2007

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

0098S.011

SENATE SPONSOR: Days

SB 125 - This act requires state employees to contribute a percentage of their annual income toward their health insurance coverage beginning in fiscal year 2008. 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 2008 budget to cover the cost of reimbursing employees for the Missouri Consolidated Health Care Plan premiums paid by employees between January 1, 2007 and June 30, 2007, 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), SB 140 (2005), and SB 660 (2006).

CHRIS HOGERTY

12/01/2006 Prefiled  
01/03/2007 S First Read (S13)  
01/17/2007 Second Read and Referred S Health and Mental Health Committee (S113)

EFFECTIVE: August 28, 2007

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

0103S.011

SENATE SPONSOR: Days

SB 126 - 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.

This act is identical to SB 1167 (2006).

CHRIS HOGERTY

12/01/2006 Prefiled  
01/03/2007 S First Read (S13)  
01/17/2007 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S113)

EFFECTIVE: August 28, 2007

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

0330S.021

SENATE SPONSOR: Mayer

SB 127 - Current law allows uniformed members of the highway patrol to purchase, prior to retirement, up to four years of creditable prior service for any time the member 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 creditable prior service to be purchased.

The act also states that all such creditable service purchase payments must be completed prior to the member's 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 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 791 (2006), and SB 317 (2005).

ALEXA PEARSON

12/01/2006 Prefiled

01/03/2007 S First Read (S13-14)

01/17/2007 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S113)

EFFECTIVE: August 28, 2007

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

0167S.011

SENATE SPONSOR: Stouffer

SB 128 - 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.

The act provides that all the powers, duties and functions relating to the approval and licensing of personnel, methods, techniques, and equipment for the testing of blood alcohol content is transferred from the Department of Health and Senior Services to the Department of Transportation by a Type I transfer. The act provides that all budget authority to fund such duties shall also be transferred to the Department of Transportation. All appropriations to fund these duties shall be paid from general revenue.

The Highways and Transportation Commission shall have the authority to suspend, cancel, or revoke credentials, permits and licenses related to the blood alcohol program. The act provides that all bonds, certificates of deposit, letters of credit, drafts, checks, and other financial instruments formerly payable to the Department of Health and Senior Services on behalf of the blood alcohol program shall be payable to the Highways and Transportation Commission to the credit of general revenue.

The act contains an emergency clause and will go into effect upon the Governor's signature or July 1, 2007, whichever occurs later.

STEPHEN WITTE

12/01/2006 Prefiled

01/03/2007 S First Read (S14)

01/17/2007 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S113)

01/22/2007 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: Emergency Clause

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

0039S.021

SENATE SPONSOR: Stouffer

SB 129 - This act provides that a local zoning authority shall not adopt or enforce any ordinance, order, rule, regulation or practice that eliminates the ability of a property owner to build or develop property because a legally erected billboard exists on the property. The act also provides that a local zoning authority shall not adopt or enforce any ordinance that treats on-premise outdoor advertising structures in a different manner than off-premise outdoor advertising structures. Any ordinance, order, rule or regulation pertaining to an on-premise outdoor advertising structure shall apply in the same manner to an off-premise outdoor advertising structure, and vice versa.

STEPHEN WITTE

12/01/2006 Prefiled

01/03/2007 S First Read (S14)

01/17/2007 Second Read and Referred S Transportation Committee (S114)

01/31/2007 Hearing Scheduled S Transportation Committee

EFFECTIVE: August 28, 2007

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

0165S.011

SENATE SPONSOR: Stouffer

SB 130 - 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.

This act is similar to SB 1064 (2006).

STEPHEN WITTE

12/01/2006 Prefiled  
01/03/2007 S First Read (S14)  
01/17/2007 Second Read and Referred S Transportation Committee (S114)  
01/31/2007 Hearing Scheduled S Transportation Committee

EFFECTIVE: August 28, 2007

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

0589S.011

SENATE SPONSOR: Rupp

SB 131 - Under the provisions of this act, the Missouri Sunset Act shall not apply to the early intervention program for infants and toddlers with disabilities (the First Steps program).

JIM ERTLE

12/01/2006 Prefiled  
01/03/2007 S First Read (S14)  
01/17/2007 Second Read and Referred S Governmental Accountability & Fiscal Oversight Committee (S114)

EFFECTIVE: August 28, 2007

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

0590S.011

SENATE SPONSOR: Rupp

SB 132 - This act would allow the State Board of Education to invest in government securities offered at a discount or at less than par value.

JIM ERTLE

12/01/2006 Prefiled  
01/03/2007 S First Read (S14)  
01/17/2007 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S114)  
01/22/2007 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2007

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

0588S.011

SENATE SPONSOR: Rupp

SB 133 - Under this act, the current law five business day disclosure requirement applicable to special education due process hearings will now be also applicable to expedited due process hearings (in which discipline of a special education student is at issue).

This act will bring Missouri into compliance with the newly issued federal regulations implementing the Individuals with Disabilities Education Act (IDEA).

JIM ERTLE

12/01/2006 Prefiled  
01/03/2007 S First Read (S14)  
01/17/2007 Second Read and Referred S Education Committee (S114)

EFFECTIVE: August 28, 2007

\*\*\* SB 134 \*\*\*

0242S.011

SENATE SPONSOR: Nodler

SB 134 - This act establishes the "Community College 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 and participating private four-year Missouri non-profit, non-religious, colleges or universities in order to provide scholarships for Missouri residents who graduate from a Missouri public community college and transfer to such four-year Missouri institutions. 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 "Community College Associate Degree Transfer Incentive Scholarship Program" fund in the state treasury.

The program will sunset in six years.

This act is identical to the SCS/SB 654 from 2006.

DONALD THALHUBER

12/01/2006 Prefiled  
12/04/2006 Bill Withdrawn (S14)

\*\*\* SB 135 \*\*\*

0243S.011

SENATE SPONSOR: Nodler

SB 135 - Under current law, the Missouri Higher Education Loan Authority (MOHELA) possesses the authority to purchase and service secondary education loans. This act extends the authority of MOHELA 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 MOHELA 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.

This act is identical to the SCS/SB 655 (2006).

JIM ERTLE

12/01/2006 Prefiled  
01/03/2007 S First Read (S14)  
01/17/2007 Second Read and Referred S Education Committee (S114)

EFFECTIVE: August 28, 2007

\*\*\* SB 136 \*\*\*

0498S.011

SENATE SPONSOR: Nodler

SB 136 - 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 on Teacher Quality, 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 on Teacher Quality; however, the new 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.

This act is identical to SCS/SB 937 (2006).

JIM ERTLE

12/01/2006 Prefiled  
01/03/2007 S First Read (S14)  
01/17/2007 Second Read and Referred S Education Committee (S114)

EFFECTIVE: August 28, 2007

\*\*\* SB 137 \*\*\*

0437S.011

SENATE SPONSOR: Bray

SB 137 - This act would allow the hiring of a retired teacher to work between 550 and 800 hours as a teacher, librarian, counselor or other position without losing their retirement benefit. Such a teacher may earn up to 75% of the regular earnings for that position. The act requires the district to contribute the regular contribution percentage.

This act is identical to SB 727 (2006).

JIM ERTLE

12/01/2006 Prefiled  
01/03/2007 S First Read (S14)  
01/17/2007 Second Read and Referred S Education Committee (S114)

EFFECTIVE: August 28, 2007

\*\*\* SB 138 \*\*\*

0434S.011

SENATE SPONSOR: Bray

SB 138 - 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) and SB 726 (2006).

CHRIS HOGERTY

12/01/2006 Prefiled  
01/03/2007 S First Read (S14)  
01/17/2007 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S114)

EFFECTIVE: August 28, 2007

\*\*\* SB 139 \*\*\*

0442S.011

SENATE SPONSOR: Bray

SB 139 - This act repeals the annual state of the state of transportation address. The current law is set to expire August 28, 2008.

This act is identical to SB 1039 (2006).

STEPHEN WITTE

12/01/2006 Prefiled  
01/03/2007 S First Read (S14)  
01/17/2007 Second Read and Referred S Transportation Committee (S114)



EFFECTIVE: August 28, 2007

\*\*\* SB 140 \*\*\*

0587S.011

SENATE SPONSOR: Rupp

SB 140 - This act provides local boards of education the authority to identify a designee to bind the school district in a settlement agreement reached during the resolution session of a special education due process hearing.

JIM ERTLE

12/01/2006 Prefiled

01/03/2007 S First Read (S14)

01/17/2007 Second Read and Referred S Education Committee (S114)

EFFECTIVE: August 28, 2007

\*\*\* SB 141 \*\*\*

0533S.011

SENATE SPONSOR: Nodler

SB 141 - This act removes the reference to sunset of Section 162.700, RSMo, that appears in the existing Section 160.930, RSMo. Section 162.700 is the statute that provides authority for special education of the age 3 to age 21 population. It was not a new program when Section 160.930 was enacted and, therefore, would not have needed a sunset provision applicable to it under Section 23.253, RSMo (the Sunset Act).

This act is identical to SB 1004 (2006).

JIM ERTLE

12/01/2006 Prefiled

01/03/2007 S First Read (S14)

01/17/2007 Second Read and Referred S Governmental Accountability &amp; Fiscal Oversight Committee (S114)

EFFECTIVE: August 28, 2007

\*\*\* SB 142 \*\*\*

0531S.011

SENATE SPONSOR: Nodler

SB 142 - Under the provisions of this act, the Missouri Sunset Act shall not apply to the early intervention program for infants and toddlers with disabilities (the First Steps program).

JIM ERTLE

12/01/2006 Prefiled

01/03/2007 S First Read (S14)

01/17/2007 Second Read and Referred S Governmental Accountability &amp; Fiscal Oversight Committee (S114)

EFFECTIVE: August 28, 2007

\*\*\* SB 143 \*\*\*

0532S.011

SENATE SPONSOR: Nodler

SB 143 - This act would allow the State Board of Education to invest in government securities offered at a discount or at less than par value.

JIM ERTLE

12/01/2006 Prefiled

01/03/2007 S First Read (S14)

01/17/2007 Second Read and Referred S Financial &amp; Governmental Organizations and Elections Committee (S114)

EFFECTIVE: August 28, 2007

\*\*\* SB 144 \*\*\*

0439S.011

SENATE SPONSOR: Bray

SB 144 - 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 at least one part which is essential to the operation of the firearm is stored 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 699 (2006).

SUSAN HENDERSON MOORE

12/01/2006 Prefiled

01/03/2007 S First Read (S15)

01/17/2007 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S114)

EFFECTIVE: August 28, 2007

\*\*\* SB 145 \*\*\*

0431S.011

SENATE SPONSOR: Bray

SB 145 - 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 registrars' 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 1227 (2006).

ADRIANE CROUSE

12/01/2006 Prefiled

01/03/2007 S First Read (S15)

01/17/2007 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S114)

01/29/2007 Hearing Scheduled S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2007

\*\*\* SB 146 \*\*\*

0438S.011

SENATE SPONSOR: Bray

SB 146 - 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 Labor and Industrial Relations Commission, 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 Labor and Industrial Relations Commission, and their right to request such a hearing.

This act is similar to SB 829 (2004), SB 120 (2005), and SCS/SB 734 (2006).

CHRIS HOGERTY

12/01/2006 Prefiled  
01/03/2007 S First Read (S15)  
01/17/2007 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S114)

EFFECTIVE: August 28, 2007

\*\*\* SB 147 \*\*\*

0530S.011

SENATE SPONSOR: Nodler

SB 147 - Under this act, the current law five business day disclosure requirement applicable to special education due process hearings will now be also applicable to expedited due process hearings (in which discipline of a special education student is at issue).

This act will bring Missouri into compliance with the newly issued federal regulations implementing the Individuals with Disabilities Education Act (IDEA).

JIM ERTLE

12/01/2006 Prefiled  
01/03/2007 S First Read (S15)  
01/17/2007 Second Read and Referred S Education Committee (S114)

EFFECTIVE: August 28, 2007

\*\*\* SB 148 \*\*\*

0529S.011

SENATE SPONSOR: Nodler

SB 148 - This act provides local boards of education the authority to identify a designee to bind the school district in a settlement agreement reached during the resolution session of a special education due process hearing.

JIM ERTLE

12/01/2006 Prefiled  
01/03/2007 S First Read (S15)  
01/17/2007 Second Read and Referred S Education Committee (S114)

EFFECTIVE: August 28, 2007

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

0617S.011

SENATE SPONSOR: Nodler

SB 149 - This act alters provisions regarding higher education scholarships.

**MISSOURI SENATE  
WEEKLY BILL STATUS REPORT**

SECTION 160.545: Currently, only public community colleges and public vocational or technical schools are statutorily authorized to receive A+ reimbursements. This act seeks to additionally allow any private vocational or private technical school to receive A+ reimbursements, provided that the institution: is a member of the north central association and accredited by the higher learning commission; is designated as a 501(c)(3) nonprofit organization; and does not receive tuition reimbursements in excess of the tuition rate charged by a public community college for course work offered by the private vocational or technical school within the service area of that community college. Further, the reimbursements provided to any two-year private vocational or technical school shall not violate the provisions of article IX, section 8, or article I, section 7, of the Missouri Constitution or the first amendment of the United States Constitution.

SECTION 173.272: This act establishes the "Community College 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 and participating private four-year Missouri non-profit, non-religious, colleges or universities in order to provide scholarships for Missouri residents who graduate from a Missouri public community college and transfer to such four-year Missouri institutions. 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 "Community College Associate Degree Transfer Incentive Scholarship Program" fund in the state treasury.

The program will sunset in six years.

This act contains provisions similar to the SB 654 (2006) and SB 091 (2005).

JIM ERTLE

12/04/2006 Prefiled

01/03/2007 S First Read (S15)

01/17/2007 Second Read and Referred S Education Committee (S114)

EFFECTIVE: August 28, 2007

\*\*\* SB 150 \*\*\*

0539S.011

SENATE SPONSOR: Mayer

SB 150 - 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 those with an interest in such firms to limit participation in campaigns in support of a general obligation bond election to activities that do not involve any direct or indirect financial contributions.

This act is similar to SB 1035 (2006).

CHRIS HOGERTY

12/04/2006 Prefiled

01/03/2007 S First Read (S15)

01/17/2007 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S114)

EFFECTIVE: August 28, 2007

\*\*\* SB 151 \*\*\*

0168S.011

SENATE SPONSOR: Engler

SB 151 - This act creates penalties for persons found guilty of poaching while trespassing. Individuals who commit this crime shall be subject to a fine of \$500 in addition to paying restitution to the property owner for property damage resulting in a lower property value. Individuals who do not pay the fine or restitution as ordered may be subject to the revocation or denial of a permit to hunt or fish by the Conservation Commission.

This act is similar to SCS/SB 665 (2006).

ERIKA JAQUES

12/04/2006 Prefiled

01/03/2007 S First Read (S15)

01/17/2007 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S114)

EFFECTIVE: August 28, 2007

\*\*\* SB 152 \*\*\*

0031S.021

SENATE SPONSOR: Engler

SB 152 - This act authorizes the Governor to convey state property located in St. Francois County to the City of Park Hills.

SUSAN HENDERSON MOORE

12/04/2006 Prefiled

01/03/2007 S First Read (S15)

01/17/2007 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S114)

01/24/2007 Hearing Conducted S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2007

\*\*\* SB 153 \*\*\*

0355S.011

SENATE SPONSOR: Engler

SB 153 - This act provides a consistent set of administrative, civil and criminal enforcement tools for all of Missouri's insurance laws. For each violation in chapters 354, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, and 385, RSMo, this act authorizes cease and desist orders, curative orders, injunctions, consumer relief, recovery of investigative costs for violations, and a range of civil penalties commensurate with the seriousness of the offense, scienter of the offender, and losses suffered by consumers. For example, the act revises the administrative and enforcement powers of the department with respect to health service corporations and HMOs by making violations of key provisions subject to the administrative orders and civil actions provisions of Sections 374.046 and 374.048. The act revises other provisions in the insurance chapters to synchronize the administrative powers of the department.

The act removes the director's authority to suspend a prepaid dental corporation's certificate of authority if it issues a contract without filing and receiving prior approval from the director (Section 354.722).

**ADMINISTRATIVE HEARINGS** - The act provides applicants who are refused licenses with the opportunity to file petitions with the Administrative Hearing Commission. The Administrative Hearing Commission is required to conduct hearings, but the director retains his or her discretion in refusing to issue licenses. The act also requires the director to refer certain matters involving revocation or suspension of a license to the Administrative Hearing Commission. The act requires the director to hold administrative hearings for persons aggrieved by orders of the director for violations of Missouri's insurance laws. Final orders issued by the director are subject to judicial review.

**COOPERATION WITH OTHER AGENCIES AND BODIES** - The act authorizes the director to cooperate with other administrative agencies and national associations (e.g. NAIC) to effectuate greater uniformity in insurance and financial services regulation among state and federal governments, and self-regulatory organizations. The act further provides that the director may share records with such entities subject to privacy and disclosure laws.

**FALSE TESTIMONY** - The act modifies the law on the issue of testifying falsely in insurance investigations. No person shall knowingly make a false statement under oath or affirmation in any record submitted to the director. Under the act, knowingly making false statements or making false entries upon documents is a Class D felony (current law provides a \$1,000 fine and five years in prison).

**PRODUCTION OF RECORDS** - The act provides that the director may seek an order to enforce compliance if a person refuses to testify, file statements or produce records. Persons are not excused from testifying or producing records based on the grounds that the testimony or records may tend to incriminate them. In such

a case, the director may seek a court order to compel the testimony or production of records and the testimony or records may not be used as evidence in a criminal case.

REGULATION OF BAIL BOND AGENTS - Under the act, the director is required to notify general bail bond agents when a bond has been forfeited. The notice to the general bail bond agent shall be by fax or e-mail within 48 hours of the forfeiture be listed with the department (Section 374.707). The act requires the department to include a photograph of the bail bond agent or general bail bond agent on the license (Section 374.710). The act also requires licensees to provide the names, addresses, and telephone numbers for all employers for which they work or operate as an independent contractor. It is unlawful to write bonds under a new appointment without providing this information. Under the act, for any new appointment of a bail bond agent, the bail bond agent shall file an affidavit stating that there are no outstanding premiums owed. If outstanding premiums are owed and the bail bond agent does not satisfy the premium obligations, the former general bail bond agent shall file notice, along with supporting documents with the department, stating under oath the fact that the bail bond agent has failed to satisfy their obligations. Upon receipt of the notification, the appointing general bail bond agent shall cancel the newly appointed bail bond authority. Such authority shall remain cancelled until all premiums are paid.

Under the act, applications for bail bond agents shall be accompanied by fingerprints and a criminal history record information check processed by the Highway Patrol (Section 374.715). The act also requires applicants to demonstrate that they possess \$20,000 in liquid assets (up from \$10,000) along with a duly executed assignment of \$20,000 (up from \$10,000) to the state of Missouri.

Under the act, each general bail bond agent shall file with the director and the state courts administrator no later than December first of each year a sworn affidavit attesting that the general agent has net assets with a value in excess of any personal exemptions from execution, at least equal to the aggregate amount of bonds that are subject to execution in Missouri.

A duly licensed bail bond agent in good standing with the department shall be qualified to write bail on behalf of an general bail bond agent in every municipal or circuit court in this state in which the general bail bond agent who employs the agent or directs the agent as an independent contractor is duly licensed and qualified to write bail as provided by supreme court rule.

Under the act, it is unlawful for a bail bond agent writing on behalf of an individual general bail bond agent to fail to clearly disclose to the court, to the defendant and in the bond, the actual legal name of the individual general bail bond agent on behalf of whom the agent is acting.

Any licensed general bail bond agent or bail bond agent who is arrested for a felony shall notify the director within 10 days of his or her arrest.

Under the act, a person is guilty of a Class D felony for an unlicensed bail bond agent to hold himself or herself out to be licensed, render surety recovery services, or engage in fugitive recovery (Section 374.789).

INSURANCE PRODUCERS - The act requires insurance producers to complete 24 hours of continuing instruction (up from 10 hours)(Section 375.020).

The act provides that a violation of a provision of Chapter 375, RSMo, if not specifically provided for, shall be a Class B misdemeanor (Section 375.780).

This act is substantially similar to SB 89 5(2006).

STEPHEN WITTE

12/04/2006 Prefiled

01/03/2007 S First Read (S15)

01/17/2007 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S114)

EFFECTIVE: August 28, 2007

\*\*\* SB 154 \*\*\*

0304S.021

SENATE SPONSOR: Graham

SB 154 - The act creates requirements for retail suppliers of electrical energy to generate or purchase electricity generated from renewable energy resources. Electricity from renewable sources must constitute

certain percentages of retail sales for each supplier beginning with 1% of sales after December 31, 2009 and gradually climbing to no less than 10% of sales in each year after December 31, 2021.

Renewable energy credits may be used to satisfy the renewable requirement provided that any utility taking advantage of such an option submits documentation to both the Department of Natural Resources and the public service commission demonstrating the acquisition of these credits. The act allows any utility who meets the renewable targets to receive additional credit if they purchase the renewable resources from within the state.

The act provides the option of selling excess credits to any utility that exceeds the act's renewable energy requirements. The department shall create a certification process for power generated from and used for the renewable energy requirement. Criteria for such a process is described in the act as are environmental restrictions for any power generated from renewable sources. Penalties for any utility that does not meet the targeted renewable objectives are described in the act.

Any electricity supplier who meets the renewable targets may receive additional credit if: the supplier purchases the renewable resources from within the state, the renewable resource project commenced construction after December 31, 2006, and the renewable energy developer used certain apprentice programs.

The act requires utility companies to disclose information on the generation attributes of electricity sold by the supplier upon customer request.

This act is similar to SB 843 (2006).

JIM ERTLE

12/04/2006 Prefiled

01/03/2007 S First Read (S15)

01/17/2007 Second Read and Referred S Commerce, Energy and the Environment Committee (S114)

EFFECTIVE: August 28, 2007

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

0170S.021

SENATE SPONSOR: Engler

SB 155 - This act creates the Missouri Blasting Safety Act.

The act requires individuals who use explosives to have a blaster's license or be supervised by a person with a blaster's license, with exceptions as listed. The act directs the Division of Fire Safety to create a blaster's licensing program. The act lays out qualifications for license applicants, which include completing an approved blaster's training course and passing a licensing examination. Licenses are valid for three years and may be renewed upon the applicant meeting renewal requirements as specified in the act. Blaster's licenses shall be required within 180 days of the division promulgating licensing rules.

The division may suspend or revoke a license in circumstances as described in the act. In such a case, the division shall provide written notice to the individual in question and that individual must surrender all copies of the license to the division as well as cease all blasting activity. The decision to suspend or revoke a license may be appealed by the individual to the state blasting safety board. Any decision by the board shall be made within thirty days of the date the appeal is received by the board.

License reciprocity is available to individuals 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. A license may also be granted to anyone employed as a blaster on or before December 31, 2000 and who has accumulated one thousand hours of training or education and experience.

The act specifies additional requirements for blasting activities within a scaled value of 55 (a measurement taking into account distance and the weight of the explosives being used) of an "uncontrolled structure," defined as any dwelling, public building, school, church, commercial building, or institutional building not owned or leased by the blaster. Blasting within this range requires the use of a seismograph, and must comply with federal ground vibration limits (or approved alternate method) and acoustic limits as described in the act.

People or companies intending to use explosives must register with the division of fire safety prior to first

use. Those required to register must file an annual report and pay a fee based on the number of pounds of explosives used during the year. There is a minimum fee of \$500 in addition to a fee per ton of explosives used during the year not to exceed \$1.50 per ton.

The act creates the State Blasting Safety Board. Composed of seven members appointed by the Governor, members shall represent the following areas of interest: municipal director of public works; surface mining operations; construction operations; contract blast monitoring service provider; explosives manufacturer or distributor; and the state fire marshal. The board will advise the division of fire safety on administering and enforcing the act's provisions and hold hearings on appeals and notices of violations.

The act creates the Missouri Explosives Safety Act Administration Fund. 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.

Notices 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 may be appealed to the Administrative Hearing Commission.

The act creates several notification requirements for blasting. Blasters must notify the division of fire safety at least two business days prior to blasting at a new site. Blasters must notify a local fire protection official. Blasting within the jurisdiction of a municipality requires notification of the municipality at least two business days in advance. Owners or occupants of residences or businesses in a municipality located within a scaled value of 55 of the blasting must be notified.

The provisions of this act preempt existing local laws regarding blasting activities although it allows local governments to regulate blasting within their jurisdictions provided they do not duplicate, exceed or conflict with any of the provisions of this act. St. Charles County is granted an exception and may impose additional regulations on blasting at quarries as defined in the act.

Individuals in violation of any of the act's provisions shall be guilty of a class B misdemeanor for a first offense and a Class A misdemeanor for a second offense. Anyone convicted of a class A misdemeanor related to this act shall be permanently banned from obtaining a blaster's license.

This act is similar to HCS/SCS/SB 882 (2006) and SB 470 (2005).

ERIKA JAQUES

12/04/2006 Prefiled  
01/03/2007 S First Read (S15)  
01/17/2007 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S114)  
01/29/2007 Hearing Scheduled S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2007

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

0534S.011

SENATE SPONSOR: Engler

SB 156 - This act renames the Missouri Ethanol and Other Renewable Fuel Sources Commission to the Missouri Alternative Fuels Commission and expands its membership from seven to nine members. The two additional members shall be appointed by the Governor, which brings the total number of Governor-appointed members to five. The Governor-appointed members shall be engaged in the production of alternative fuels.

The act directs the Commission to:

- (1) Make recommendations on legislation to facilitate the sale and distribution of alternative fuels and alternative fuel vehicles;
- (2) Promote the production and use of alternative fuels;
- (3) Promote the development and use of alternative fuel vehicles and other related technology;
- (4) Educate consumers about alternative fuels;
- (5) Develop a long-range plan to reduce petroleum fuel use; and
- (6) Report annually to the Governor and General Assembly.

ERIKA JAQUES

12/04/2006 Prefiled  
01/03/2007 S First Read (S15)



01/17/2007 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S114)

01/29/2007 Hearing Scheduled S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2007

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\*\*\* SB 157 \*\*\*

0169S.021

SENATE SPONSOR: Engler

SB 157 - This act modifies provisions regarding dam and reservoir safety.

This act creates and defines three hazard classifications for dams and reservoirs: high hazard, significant hazard, and low hazard. The act limits the permitting and inspection requirements to only dams of high and significant hazards.

The act modifies the definition of a dam to include only those dams that are at least fifty feet in height that can impound at least one hundred acre-feet of water.

The act removes any reference to a registration or safety permit as required by the Dam and Reservoir Safety Council and instead requires the council to issue operating permits. An operating permit is issued to the owner of a high or significant hazard dam for a period up to five years indicating the dam meets all the statutory and regulatory requirements of this act and is adequately operated and maintained so as to protect public safety.

Dams and reservoirs with lake surface areas of ten acres or less at the water storage elevation that will be used primarily for fireclay quarry reclamation are exempted from the provisions of this act.

Currently one of the seven members of the dam and reservoir safety council must be an owner of a dam or reservoir. This act more specifically requires one of the members to be an owner of a high or significant hazard dam or reservoir.

The council is required to establish fees for the cost of renewal permits, design review, and inspection of high and significant hazard dams. The fees for design review may not exceed one percent of the total estimated cost of the dam or reservoir. The fees must be reviewed at least once every three years. A joint committee, appointed by the president pro tem of the senate and the speaker of the house of representatives, will be convened beginning June 1, 2008 to study the fees as established by the council and will submit a report by January 1, 2009.

The act removes language currently restricting the Department of Natural Resources from promulgating detailed technical specifications regarding design, construction, operation, maintenance, use, alteration, repair, or removal of a dam or reservoir.

Currently, applications for a construction permit require the seal and signature of either a professional engineer registered in Missouri or employed by certain state or federal agencies. This act requires that the application can only be signed by a professional engineer registered in Missouri. The act also removes language exempting dams from certain construction permit requirements if they were constructed and monitored by a qualified engineer working in dam construction for soil and water conservation, irrigation, or wildlife conservation.

Under current law, dams and reservoirs primarily used for agricultural purposes are exempt from the provisions of this act, however, the act adds a provision that allows owners of agricultural dams or reservoirs to choose to be regulated on a voluntary basis. Any request to remove a voluntarily-regulated agricultural dam from regulation must be approved by the director of the Department of Natural Resources.

If any non-regulated agricultural dam or reservoir is believed to pose a high hazard, the act authorizes the Department of Natural Resources to conduct an engineering study to determine the dam's hazard classification. If the department determines the dam to be a high hazard, it shall submit its findings to the soil and water conservation district encompassing the dam in question. If the district board rejects the high hazard classification, the dam shall remain exempt. The department may not conduct another engineering study on the same dam until one year has passed from the board's last rejection date. The board has a sixty-day timeframe in which to render its decision, otherwise the department will consider the dam a high hazard and regulate it accordingly.

The act includes timeframes for compliance with its provisions. Owners of all existing dams at the time of the act's effective date without a registration or safety permit must register with the Department of Natural Resources within six months. Owners of high or significant hazard dams shall apply for an operating permit within one year of the act's effective date and owners of dams or reservoirs licensed and operated under the Federal Power Act shall apply for an operating permit within three months of the act's effective date.

The acts add a requirement that an owner of a barrier or water impoundment that becomes a dam or reservoir shall register the new dam or reservoir with the council immediately. Additionally, if downstream conditions change the hazard classification of any existing dam or reservoir, the dam shall immediately be subject to the regulations for the new classification and the owner must notify the council of the change within three months.

Upon change of ownership, notification of the dam's current hazard classification transfers to the new owner along with the construction and operating permits. Failure to notify the Department of Natural Resources of a change in ownership will result in the previous owner being held responsible for meeting the statutory and regulatory requirements for the dam. If the previous owner is a dissolved or bankrupted corporation, its former officers, directors, and stockholders shall be responsible.

This act is similar to the perfected SB 1236 (2006).

ERIKA JAQUES

12/04/2006 Prefiled

01/03/2007 S First Read (S15)

01/17/2007 Second Read and Referred S Commerce, Energy and the Environment Committee (S114)

EFFECTIVE: August 28, 2007

\*\*\* SB 158 \*\*\*

0615S.011

SENATE SPONSOR: Engler

SB 158 - This act bars state and local agencies, including school districts, from discriminating between licensed professional counselors when promulgating rules or when requiring or recommending services that may legally be performed by licensed professional counselors.

CHRIS HOGERTY

12/05/2006 Prefiled

01/03/2007 S First Read (S15-16)

01/17/2007 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S114)

01/29/2007 Hearing Scheduled S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2007

\*\*\* SB 159 \*\*\*

0614S.011

SENATE SPONSOR: Engler

SB 159 - This act modifies complaint procedures and document retention requirements when prisoners file complaints against professional licensed counselors.

If complaints by prisoners are found to have merit, no further disciplinary action may take place, documentation may not appear on file, and other state licensing boards or national registries may not be notified unless grounds exist for revocation or suspension of the counselor's license. Case file documentation shall be destroyed when the committee chooses not to pursue further action.

Licensees subject to meritless claims prior to the effective date of the act may request the committee to destroy documents pertaining to the claim, notify other state licensing boards that the claim was unsubstantiated, and supply the licensee with a letter stating that the claim was unsubstantiated.

Licensees shall not be required to disclose the existence of unsubstantiated claims in relation to the licensing of their profession.

CHRIS HOGERTY

12/05/2006 Prefiled

01/03/2007 S First Read (S16)  
 01/17/2007 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S114)  
 01/29/2007 Hearing Scheduled S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2007

\*\*\* SB 160 \*\*\*

0654S.011

SENATE SPONSOR: Rupp

SB 160 - This act alters provisions regarding higher education scholarships.

SECTION 160.545: Currently, only public community colleges and public vocational or technical schools are statutorily authorized to receive A+ reimbursements. This act seeks to additionally allow any private vocational or private technical school to receive A+ reimbursements, provided that the institution: is a member of the north central association and accredited by the higher learning commission; is designated as a 501(c)(3) nonprofit organization; and does not receive tuition reimbursements in excess of the tuition rate charged by a public community college for course work offered by the private vocational or technical school within the service area of that community college. Further, the reimbursements provided to any two-year private vocational or technical school shall not violate the provisions of Article IX, Section 8, or Article I, Section 7, of the Missouri Constitution or the first amendment of the United States Constitution.

SECTION 173.272: This act establishes the "Community College 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 and participating private four-year Missouri non-profit, non-religious, colleges or universities in order to provide scholarships for Missouri residents who graduate from a Missouri public community college and transfer to such four-year Missouri institutions. 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 "Community College Associate Degree Transfer Incentive Scholarship Program" fund in the state treasury.

The program will sunset in six years.

This act contains provisions similar to the SB 654 (2006) and SB 091 (2005).

JIM ERTLE

12/05/2006 Prefiled  
 01/03/2007 S First Read (S16)  
 01/17/2007 Second Read and Referred S Education Committee (S114)

EFFECTIVE: August 28, 2007

\*\*\* SB 161 \*\*\*

0508S.011

SENATE SPONSOR: Shields

SB 161 - This act requires the Departments of Social Services and Health and Senior Services, in collaboration with the Department of Elementary and Secondary Education, to develop by July 1, 2008, a quality rating system for child care facilities and early childhood programs operating in this state. The licensing of such facilities shall be the baseline, while the highest rating is accreditation. The departments shall utilize the model from the existing Missouri quality rating system pilots developed by the University of Missouri Center for Family Policy and Research to establish the system. The system will allow consumers and parents to evaluate and select high quality early childhood programs and creates a system of accountability for policymakers and those who fund early childhood programs.

By July 1, 2011, one hundred percent of all the child care facilities and early childhood programs shall be rated using the quality rating system established under this act. When fifty percent of all such facilities have been so rated, the Coordinating Board of Early Childhood shall have developed a plan for a tiered system of reimbursement for child care subsidies based on the quality rating system established under this act. The plan shall be submitted to the General Assembly with recommendations for implementation of the

reimbursement system.

The Early Childhood Program Quality Improvement Grant Fund is established and shall consist of all gifts, donations, transfers, moneys appropriated by the general assembly, and bequests to the fund. Money in the fund shall be used to provide grants directly to child care or early childhood providers seeking assistance for quality improvements to undergo evaluation under the quality rating system established under this act or to community-based organizations assisting providers with such improvements.

The Departments of Social Services and Health and Senior Services shall be responsible for promoting and distributing materials to educate the public and providers about the quality rating system established under this act. By January 1, 2009, the ratings of the quality rating system shall be posted on the Internet in a format easily understood and accessible by the public.

This act shall sunset in six years.

ADRIANE CROUSE

12/06/2006 Prefiled

01/03/2007 S First Read (S16)

01/17/2007 Second Read and Referred S Seniors, Families and Public Health Committee (S114)

01/30/2007 Hearing Scheduled S Seniors, Families and Public Health Committee

EFFECTIVE: August 28, 2007

\*\*\* SB 162 \*\*\*

0055L.011

SENATE SPONSOR: Vogel

SB 162 - 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".

This act is identical to Senate Bill 766 (2006).

JASON ZAMKUS

12/07/2006 Prefiled

01/03/2007 S First Read (S16)

01/17/2007 Second Read and Referred S Ways & Means Committee (S114)

EFFECTIVE: August 28, 2007

\*\*\* SB 163 \*\*\*

0605S.011

SENATE SPONSOR: Mayer

SB 163 - Currently, the Basic Civil Legal Services Fund is set to expire on December 31, 2007. The effect of this act is to remove the expiration date.

ALEXA PEARSON

12/11/2006 Prefiled

01/03/2007 S First Read (S16)

01/17/2007 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S114)

01/22/2007 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2007

\*\*\* SB 164 \*\*\*

0288S.031

SENATE SPONSOR: Scott

SB 164 - This act modifies various statutes to implement the Governor's executive order creating the Department of Insurance, Financial and Professional Regulation.

IMPLEMENTATION OF EXECUTIVE ORDER - The act addresses numerous statutory provisions which place duties and responsibilities on the Department of Insurance or upon the three divisions that have been transferred to the Department of Insurance, Financial and Professional Regulation by executive order. The act establishes that the department of insurance created by Missouri Constitution will operate under the name "Department of Insurance, Financial and Professional Regulation." The proposed act changes the department name to implement the executive order and makes several important structural changes within

the Missouri statutes.

**DIVISION OF PROFESSIONAL REGISTRATION TRANSFER AND REORGANIZATION UNDER DEPARTMENT OF INSURANCE, FINANCIAL AND PROFESSIONAL REGULATION-** Under the act, the Division of Professional Registration is transferred from the Department of Economic Development in Section 620.010, RSMo, to new provisions contained in Chapter 324, RSMo. The act repeals all of the powers exercised by the division of professional registration that are found in Sections 620.105 to 620.154, RSMo, and transplants them to sections in Chapter 324 to denote that the division is no longer contained in the Department of Economic Development. Under the act, authority for either the Attorney General or the new department to provide legal services is clarified. Under the act, boards and commissions may retain legal services as authorized by law or by agreement with the Attorney General or with the director of the department, who may employ such personnel or make agreement with private counsel. The act authorizes the director of the Division of Professional Registration to establish by regulation the per diem compensation amount for all board and commission members (Section 324.005).

**COMMUNITY-BASED HMO ANNUAL REPORT** - Under the act, the current duty of department director to prepare an annual report on community-based HMO's in Section 374.456 is moved into the appropriate Chapter 354, RSMo, with community-based HMO provisions (Section 354.637).

**DIVISION OF FINANCE AND STATE BANKING BOARD** - Under the act, the Division of Finance and the State Banking Board are assigned by type III transfer to the Department of Insurance, Financial and Professional Organization. The statutes denote this change by moving references from Department of Economic Development chapter (Section 620.010) to sections in Chapter 361, RSMo.

**DIVISION OF CREDIT UNIONS** - Under the act, the Division of Credit Unions is assigned by type III transfer to the Department of Insurance, Financial and Professional Regulation. The statutory references are moved from the Department of Economic Development chapter (Chapter 620) to sections contained in Chapter 370, RSMo.

**ADMINISTRATIVE FUND** - The act establishes the creation of an administrative fund known as the "Department of Insurance, Financial, and Professional Regulation Administrative Fund" to handle expenses allocated to various divisions with separate funding sources (Section 374.155).

STEPHEN WITTE

12/12/2006 Prefiled

01/03/2007 S First Read (S16-17)

01/17/2007 Second Read and Referred S Governmental Accountability & Fiscal Oversight Committee (S114)

EFFECTIVE: August 28, 2007

\*\*\* SB 165 \*\*\*

0490S.011

SENATE SPONSOR: Scott

SB 165 - This act adds automated phone calls to the types of calls prohibited to individuals who sign up on the state no-call list. Certain automated calls are exempt, which are:

- calls a person has given permission to receive;
- calls relating to a recent or current business or personal relationship; and
- calls preceded by a live person who obtains consent to play the automated message.

Entities that make automated calls shall not block their number from appearing on any caller identification service or they may be subject to certain unlawful merchandising practices.

Violators of this act are subject to the same penalties as for those who currently violate a provision regarding the no-call list.

ERIKA JAQUES

12/12/2006 Prefiled

01/03/2007 S First Read (S17)

01/17/2007 Second Read and Referred S Commerce, Energy and the Environment Committee (S114)

EFFECTIVE: August 28, 2007

\*\*\* SB 166 \*\*\*

0192S.021

SENATE SPONSOR: Griesheimer

SB 166 - When using any promotional device or program to advertise or sell any time-share period, plan, or property, the required information, and the notice thereof, must be provided to the prospective purchaser in writing or electronically at least once within a reasonable time period before a scheduled sales presentation to ensure the purchaser receives the information prior to attending such presentation. The required information do not have to be in every advertisement or communication with the prospective purchaser prior to a scheduled sales presentation.

SUSAN HENDERSON MOORE

12/12/2006 Prefiled

01/03/2007 S First Read (S17)

01/17/2007 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S114)

EFFECTIVE: August 28, 2007

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\*\*\* SB 167 \*\*\*

0032S.011

SENATE SPONSOR: Bartle

SB 167 - This act creates a "Methamphetamine Offense Registry" within the Missouri State Highway Patrol. Subject to appropriation, the Highway Patrol shall maintain a web page with an offender search capability.

Any person who is convicted of, pleads guilty or nolo contendere to, or is found guilty of distributing, delivering, manufacturing, producing or attempting to distribute, deliver, manufacture or produce methamphetamine or possessing with intent to distribute, deliver, manufacture, or produce methamphetamine shall be included on the methamphetamine offense registry. This requirements shall apply only to persons who plead guilty to, are convicted of, or are found guilty of such crimes after August 28, 2007.

The registry information shall include the person's name, date of birth, nature and date of offenses, and other identifying information deemed necessary by the Highway Patrol. The court clerks shall forward a copy of the judgement and date of birth of any person to be included on the registry within 45 days of the date of judgement.

The Highway Patrol shall remove the name and other information of an offender from the registry after seven years from the date of the most recent judgement.

SUSAN HENDERSON MOORE

12/12/2006 Prefiled

01/03/2007 S First Read (S17)

01/17/2007 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S114)

EFFECTIVE: August 28, 2007

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\*\*\* SB 168 \*\*\*

0191S.021

SENATE SPONSOR: Mayer

SB 168 - Under this act, employees shall not be discharged when elements of a whistle-blower cause of action for wrongful discharge are established. This cause of action is established if an employee proves by a preponderance of the evidence that the employee reported to the proper authorities conduct that constitutes an actual violation of a statute, constitutional provision, or regulation; the employee was discharged; and the discharge was caused by the report.

Similarly, employees shall not be discharged when elements of a refusal to commit an illegal act cause of action for wrongful discharge are established. This cause of action is established if an employee proves by a preponderance of the evidence that the employer directed the employee to perform conduct that actually violated a statute, constitutional provision, or regulation; the employee specifically refused to perform the act; the employee was discharged and the discharge was caused by the refusal to perform the act.

This act is similar to HB 1456 (2006).

CHRIS HOGERTY

12/14/2006 Prefiled

01/03/2007 S First Read (S17)

01/17/2007 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S114)

EFFECTIVE: August 28, 2007

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\*\*\* SB 169 \*\*\*

0824S.011

SENATE SPONSOR: Rupp

SB 169 - This act provides an income tax credit in an amount equal to the applicable percentage of the adjusted purchase price paid to the issuer of a qualified equity investment. The applicable percentage is five percent for each of the first three credit allowance dates and six percent for the next four credit allowance dates. The tax credit is non-refundable and non-transferrable, but tax credits earned by "pass-through entities" may be allocated to the partners, members, or shareholders of the entity for their direct use. To the extent that the tax credits issued exceed a taxpayer's liability, the remaining tax credits may be carried forward until fully claimed. The tax credit has an annual aggregate cap of fifteen million dollars. The act contains provisions allowing the Department of Economic Development to recapture tax credits issued under the act in certain situations.

This act contains a sunset provision. The provisions of the act will automatically sunset six years from the effective date of the act unless reauthorized, however the sunset date shall not preclude a taxpayer who makes a qualified equity investment prior to the sunset date from claiming credits issued under the act.

JASON ZAMKUS

12/14/2006 Prefiled

01/03/2007 S First Read (S17)

01/17/2007 Second Read and Referred S Ways & Means Committee (S114)

EFFECTIVE: August 28, 2007

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

0826S.021

SENATE SPONSOR: Engler

SB 170 - This act revises the fee schedules for health services corporations, health maintenance organizations and insurance companies. The act modifies 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.

The act provides that the Insurance Dedicated Fund may be used for the regulation of the business of insurance and the operation of the division of consumer affairs. The act removes subsection 3 of Section 374.150 which is no longer operative.

The act provides that domestic insurance companies subject to orders of conservation, rehabilitation or liquidation shall reimburse the Insurance Dedicated Fund for administrative services rendered by state employees to the company.

The act also repeals provisions relating to the Insurance Examiner's Sick Leave Fund (Sections 374.261 to 374.267).

This act is substantially similar to SB 883 (2006).

STEPHEN WITTE

12/15/2006 Prefiled

01/03/2007 S First Read (S17)

01/17/2007 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S114)

EFFECTIVE: August 28, 2007

\*\*\* SB 171 \*\*\*

0869S.011

SENATE SPONSOR: Nodler

SB 171 - This act changes the name of the Missouri Board of Registration for Architects, Professional Engineers and Land Surveyors to the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects in a section dealing with hearings administered by the Administrative Hearing Commission.

CHRIS HOGERTY

12/18/2006 Prefiled  
01/03/2007 S First Read (S17)  
01/17/2007 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S114)  
01/22/2007 Hearing Conducted S Financial & Governmental Organizations and Elections Committee - Consent

EFFECTIVE: August 28, 2007

\*\*\* SB 172 \*\*\*

0544S.011

SENATE SPONSOR: Ridgeway

SB 172 - Current law provides that any member of the Police Retirement System of Kansas City that retires after August 28, 1991 and who is entitled to a pension under the system shall receive a supplemental benefit of fifty dollars monthly, and that any member who retired on or before such date shall receive the same supplemental benefit, upon application to the retirement board for providing service as a special consultant. This act provides that any member of the Police Retirement System of Kansas City who retires due to completing at least twenty-five years of service, due to reaching mandatory retirement age, or who retired before August 28, 2001, due to sustaining a permanent disability, shall receive an equalizing supplemental compensation of ten dollars monthly, upon application to the retirement board for providing service as a special consultant. The supplemental compensation may be adjusted by cost-of-living adjustments as determined by the retirement board no more frequently than annually, but the aggregate of the supplemental compensation and any adjustments thereto shall not exceed twenty-five percent of the base pension of the member. This provision extends to certain surviving spouses of members, or to the estate of a surviving spouse if he or she dies while still entitled to payments under this act.

Additionally, a surviving spouse who is entitled to benefits due to the death of a member of the Police Retirement System of Kansas City before August 28, 2007, shall receive the same equalizing supplemental compensation, upon application to the retirement board for providing service as a special consultant. A surviving spouse entitled to benefits due to the death of a member on or after August 28, 2007, shall receive the equalizing supplemental compensation without application. The surviving spouses' compensation may be adjusted by the retirement board not more frequently than annually, but the aggregate of the supplemental compensation and any adjustments thereto shall not exceed twenty-five percent of the base pension of the surviving spouse.

Current law provides that any member of the Civilian Employees' Retirement System of the Police Department of Kansas City who retires after August 28, 1997, and who is entitled to a pension under the system shall receive a supplemental retirement benefit of fifty dollars monthly. This act extends this benefit to any member of the system who retires after August 28, 2007, with entitlement to a pension under the system, and who either has at least fifteen years of creditable service or retired due to sustaining permanent disability. This provision extends to certain surviving spouses of members, provided that no benefits shall be payable to any surviving spouse unless the death of the member occurred in the line of duty or course of employment, as the result of injury or illness incurred in the line of duty or course of employment, or unless the member had at least fifteen years of service. Surviving spouses of members who died after August 28, 2007, in the line of duty or course of employment shall be entitled to the supplemental retirement benefit regardless of how many years of creditable service the member completed.

Provisions within this act are similar to SB 861 (2006).

ALEXA PEARSON

12/18/2006 Prefiled  
01/03/2007 S First Read (S17)



01/17/2007 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S114)

01/31/2007 Hearing Scheduled S Pensions, Veterans' Affairs and General Laws Committee

EFFECTIVE: August 28, 2007

\*\*\* SB 173 \*\*\*

0817S.011

SENATE SPONSOR: Ridgeway

SB 173 - 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.

This act is identical to SCS/SB 841 (2006).

ALEXA PEARSON

12/18/2006 Prefiled

01/03/2007 S First Read (S17)

01/17/2007 Second Read and Referred S Seniors, Families and Public Health Committee (S115)

EFFECTIVE: August 28, 2007

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

0602S.011

SENATE SPONSOR: Green

SB 174 - 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.

This act is identical to SB 986 (2006).

ADRIANE CROUSE

12/18/2006 Prefiled

01/03/2007 S First Read (S17)

01/17/2007 Second Read and Referred S Health and Mental Health Committee (S115)

01/30/2007 Hearing Scheduled S Health and Mental Health Committee

EFFECTIVE: August 28, 2007

\*\*\* SB 175 \*\*\*

0592S.011

SENATE SPONSOR: Green

SB 175 - This act modifies the prevailing wage law.

The act sets forth new definitions for the purpose of prevailing wage. 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 Labor and Industrial Relations Commission. Within ten days of the filing, the annual wage order shall be posted 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 similar to SB 349 (2005) and SCS/SB 620 (2006).

CHRIS HOGERTY

12/18/2006 Prefiled

01/03/2007 S First Read (S17-18)

01/17/2007 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S115)

EFFECTIVE: August 28, 2007

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\*\*\* SB 176 \*\*\*

0596S.011

SENATE SPONSOR: Green

SB 176 - 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, 2008, 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 Senate Bill 672 (2006).

JASON ZAMKUS

12/18/2006 Prefiled

01/03/2007 S First Read (S18)

01/17/2007 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S115)

EFFECTIVE: August 28, 2007

\*\*\* SB 177 \*\*\*

0736S.011

SENATE SPONSOR: Green

SB 177 - This act modifies provisions of the Missouri Securities Act of 2003 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 criminal securities fraud against the elderly 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.

This act is similar to SB 853 (2006).

ADRIANE CROUSE

12/18/2006 Prefiled

01/03/2007 S First Read (S18)

01/17/2007 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S115)

EFFECTIVE: August 28, 2007

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

0600S.011

SENATE SPONSOR: Green

SB 178 - This act requires newly hired and rehired independent contractors to fill out a federal W-9 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.

This act is similar to SB 928 (2006).

CHRIS HOGERTY

12/18/2006 Prefiled

01/03/2007 S First Read (S18)

01/17/2007 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S115)

EFFECTIVE: August 28, 2007

\*\*\* SB 179 \*\*\*

0595S.011

SENATE SPONSOR: Green

SB 179 - This act requires an applicant for benefits under the state Medicaid system, or any person requesting uncompensated care in a hospital, to identify his or her employer. The act also requires the Department of Social Services to submit to the General Assembly an annual report, starting in calendar year 2008, identifying all such identified employers who employ 25 or more public assistance program beneficiaries. There shall also be public access to the report through the department's Internet website.

This act is identical to SB 671 (2006).

ADRIANE CROUSE

12/18/2006 Prefiled

01/03/2007 S First Read (S18)

01/17/2007 Second Read and Referred S Health and Mental Health Committee (S115)

EFFECTIVE: August 28, 2007

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\*\*\* SB 180 \*\*\*

0603S.011

SENATE SPONSOR: Green

SB 180 - 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) and SB 988 (2006).

CHRIS HOGERTY

12/18/2006 Prefiled

01/03/2007 S First Read (S18)

01/17/2007 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S115)

EFFECTIVE: August 28, 2007

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\*\*\* SB 181 \*\*\*

0598S.011

SENATE SPONSOR: Green

SB 181 - 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) and SB 854 (2006).

CHRIS HOGERTY

12/18/2006 Prefiled

01/03/2007 S First Read (S18)

01/17/2007 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S115)

EFFECTIVE: August 28, 2007

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

0601S.011

SENATE SPONSOR: Green

SB 182 - This act requires that the reduction in compensation or death benefit, in a workers' compensation claim, be made first from the total death and disability compensation. If any reduction is made in the form of a reduction of payments to any health care provider, the health care provider may pursue the employee to collect any unpaid fees or charges when a determination of a reduction is made. Upon a determination that a reduction in compensation shall be made, the division shall notify the health care provider who rendered services of the reduction, within ten days of the determination.

This act is similar to SCS/SB 929 (2006).

CHRIS HOGERTY

12/18/2006 Prefiled

01/03/2007 S First Read (S18)

01/17/2007 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S115)

EFFECTIVE: August 28, 2007

\*\*\* SB 183 \*\*\*

0113S.031

SENATE SPONSOR: Green

SB 183 - Under the act, staff members of the leadership offices in the House and Senate must file financial interest statements.

The treasurer and deputy treasurer of all committees shall reside in the district or county in which the committee sits.

Legislative and senatorial district committees shall retain only one address in the district in which it sits for the purpose of receiving contributions.

Current law imposes a penalty of twice the amount of the contribution or expenditure that is incorrectly reported up to \$5,000. This act removes the \$5,000 cap and imposes a penalty equal to the amount of the contribution for failing to file or filing incomplete reports.

CHRIS HOGERTY

12/18/2006 Prefiled

01/03/2007 S First Read (S18)

01/17/2007 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S115)

EFFECTIVE: August 28, 2007

\*\*\* SB 184 \*\*\*

0734S.011

SENATE SPONSOR: Green

SB 184 - 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

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complete and file a fire department registration form with the State Fire Marshal with 60 days after January 1, 2008 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.

After January 1, 2008, the creation of a fire protection district in St. Louis County shall require the authorization of all adjacent fire protection districts then existing. The authorization requires a resolution adopted by the boards of the adjacent fire protection districts.

This act is similar to HCS/SCS/SB 968 and similar to certain provisions of CCS/HCS/SCS/SB 666 (2006).  
SUSAN HENDERSON MOORE

12/18/2006 Prefiled

01/03/2007 S First Read (S18)

01/17/2007 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S115)

EFFECTIVE: August 28, 2007

\*\*\* SB 185 \*\*\*

0041S.021

SENATE SPONSOR: Green

SB 185 - Under this act, the Department of Transportation shall establish and administer a drunk driving victim memorial sign program. The signs shall be placed at or near the scene of the accident. The signs shall be attached to an existing highway sign, street light, or guard rail. The signs shall be placed upon the state highways in accordance with placement guidelines adopted by the department, and any applicable federal limitations or conditions on highway signage, including location and spacing. The department shall adopt, by rules and regulations, program guidelines for the application for and placement of signs authorized by this section, including, but not limited to, the sign application and qualification process, the procedure for the dedication of signs, and procedures for the replacement or restoration of any signs that are damaged or stolen.

Any person may apply to the Department of Transportation to sponsor a drunk driving victim memorial sign in memory of an immediate family member who died as a result of a motor vehicle accident caused by a person who was shown to have been operating a motor vehicle in violation of an alcohol-related traffic law at the time of the accident. Upon the request of an immediate family member of the deceased victim involved in a drunk driving accident, the department shall place a sign in accordance with the provisions of the act. A person who is not a member of the victim's immediate family may also submit a request to have a sign placed under this section if that person also submits the written consent of a victim's immediate family member. The department shall charge the sponsoring party a fee to cover the department's cost in designing, constructing, placing, and maintaining the sign. Signs erected under the act shall remain in place for a period of ten years. After such date, the signs may be renewed for another 10 years after payment of appropriate maintenance fees.

The signs developed by the department shall resemble a Missouri license plate and shall feature the words "Drunk Driving Victim!", the initials of the deceased victim, the month and year in which the victim of the drunk driving accident was killed, and the phrase "Who's Next?".

Under the act, all private roadside memorials or markers commemorating the death of a drunk driving victim are prohibited. No person, other than a Department of Transportation employee or the department's designee, may erect a drunk driving victim memorial sign.

STEPHEN WITTE

12/18/2006 Prefiled

01/03/2007 S First Read (S18)

01/17/2007 Second Read and Referred S Transportation Committee (S115)

EFFECTIVE: August 28, 2007

\*\*\* SB 186 \*\*\*

0593S.011

SENATE SPONSOR: Green

SB 186 - 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 Senate Bill 622 (2006) and Senate Bill 459 (2005).

JASON ZAMKUS

12/18/2006 Prefiled

01/03/2007 S First Read (S18)

01/17/2007 Second Read and Referred S Ways & Means Committee (S115)

EFFECTIVE: August 28, 2007

\*\*\* SB 187 \*\*\*

0594S.011

SENATE SPONSOR: Green

SB 187 - This act creates a deduction against a taxpayer's 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.

This act is similar to Senate Bill 670 (2006).

JASON ZAMKUS

12/18/2006 Prefiled

01/03/2007 S First Read (S18)

01/17/2007 Second Read and Referred S Ways & Means Committee (S115)

EFFECTIVE: August 28, 2007

\*\*\* SB 188 \*\*\*

0597S.011

SENATE SPONSOR: Green

SB 188 - 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.

This act is identical to SB 772 (2006).

JASON ZAMKUS

12/18/2006 Prefiled

01/03/2007 S First Read (S18)

01/17/2007 Second Read and Referred S Ways & Means Committee (S115)

EFFECTIVE: August 28, 2007

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

0270S.011

SENATE SPONSOR: Green

SB 189 - This act requires the superintendent of each public school district to ensure that all students, prior to promotion from grade nine to grade ten, attend a tour of a proximate state correctional center. The Department of Elementary and Secondary Education shall enforce this act. The willful neglect of any superintendent, principal, or teacher to observe and carry out the requirements of this act is sufficient cause for termination of his or her contract.

This requirement first takes effect during the 2009-2010 school year.

JIM ERTLE

12/18/2006 Prefiled

01/03/2007 S First Read (S18)

01/17/2007 Second Read and Referred S Education Committee (S115)

EFFECTIVE: August 28, 2007

\*\*\* SB 190 \*\*\*

0045S.011



SENATE SPONSOR: Green

SB 190 - This act prohibits commercial inserts or other forms of advertising from accompanying motor vehicle registration notices.

STEPHEN WITTE

12/18/2006 Prefiled

01/03/2007 S First Read (S18)

01/17/2007 Second Read and Referred S Transportation Committee (S115)

EFFECTIVE: August 28, 2007

\*\*\* SB 191 \*\*\*

0584S.021

SENATE SPONSOR: Days

SB 191 - This act requires every school district, in collaboration with the Office of Child Mental Health, to develop a policy of incorporating social and emotional development into the district's educational program. Each district must submit this policy to the Missouri State Board of Education by January 1, 2008.

This act also requires the Missouri State Board of Education to develop and implement a plan to incorporate social and emotional development standards for the purpose of enhancing and measuring children's school readiness and ability to achieve academic success in time for the 2008-2009 school year. The plan shall be submitted to the Governor, General Assembly, and the Children's Services Commission by July 1, 2008. Thereafter, the Children's Services Commission shall receive annual reports from the State Board of Education on the implementation and effects of the plan so that the commission may issue recommendations for improvements to the plan created under this act to the General Assembly as needed.

This act also provides that the Department of Social Services shall require the screening and assessment of a child prior to any Medicaid-funded admission to an inpatient licensed hospital for psychiatric services. The screening and assessment shall include a determination of the appropriateness and availability of out-patient support services for necessary treatment. The department shall establish methods and standards of payment for the screening, assessment, and necessary alternative support services. The Department of Social Services shall attempt to secure federal financial participation to fund such screening and assessments to the extent allowable under federal law.

ADRIANE CROUSE

12/19/2006 Prefiled

01/03/2007 S First Read (S18-19)

01/17/2007 Second Read and Referred S Health and Mental Health Committee (S115)

EFFECTIVE: August 28, 2007

\*\*\* SB 192 \*\*\*

0208S.011

SENATE SPONSOR: Crowell

SB 192 - This act allows various political subdivisions to establish and utilize automated photo red light enforcement systems to detect red light signal violations. In order to utilize such systems, the political subdivision must comply with certain conditions.

REQUIREMENTS OF AUTOMATED RED LIGHT ENFORCEMENT SYSTEM - No agency shall use an automated photo red light enforcement system unless the system is capable of producing at least two high-resolution color digital recorded images that show:

- (1) The traffic control signal while it is emitting a steady red signal;
- (2) The offending vehicle; and
- (3) The rear license plate of the offending vehicle.

One of the images must be of sufficient resolution to show clearly all the aforementioned elements.

The automated photo red light enforcement system shall not capture images of the front license plate of the motor vehicle.

The automated photo red light enforcement system shall utilize a video recording component which shall record the period during which the two violation images were captured, as well as at least five seconds before

and at least five seconds after the violation event.

No system may photograph or otherwise capture an image of the driver's face.

**ADVANCE WARNING OF USE OF AUTOMATED SYSTEM** - Prior to activation of the system at an intersection, the roadway first must be clearly marked with a white stripe indicating the stop line and the perimeter of the intersection. The political subdivision must also install warning signs within 500 feet of the white stripe indicating the stop line. Prior to installing the automated photo red light enforcement system, the agency shall give notice of the intersection where the system will be located and of the date on which the system will begin to monitor the intersection. The agency shall give the notice at least 14 days prior to the installation of the system in a newspaper of general circulation throughout the political subdivision served by the agency (Subsections 8 and 9 of Section 304.286).

**REPORT** - The act requires political subdivisions using such a system to submit an annual report to the Department of Transportation regarding:

- (1) The number of intersections enforced by active systems;
- (2) The number of notices of violation mailed;
- (3) The number of notices of violation paid;
- (4) The number of hearings; and
- (5) The total revenue collected as a result of the program (Subsections 9 and 10 of Section 304.286).

Within three years of establishing the program, the implementing jurisdiction shall perform an evaluation of the program's impact on traffic safety.

**AGREEMENTS WITH THIRD-PARTY VENDORS** - Under the act, a political subdivision that establishes an automated photo red light enforcement system may enter into an agreement or agreements for the purpose of compensating a private vendor to perform operational and administrative tasks associated with the use of such system. Any compensation paid to a private vendor shall not be based upon the number of violations mailed, the number of citations issued, the number of violations paid, or the amount of revenue collected by the agency (Subsection 12 of Section 304.286).

**DUE PROCESS/ISSUANCE OF CITATION** - Before a notice may be issued, all violation images produced by a system shall be reviewed and approved by a law or code enforcement officer employed by the agency in which the alleged violation occurred. Based on inspection of recorded images produced by a system, a notice of violation or copy of such notice alleging that the violation occurred and signed manually or digitally by a duly authorized agent of the agency shall be evidence of the facts contained therein and shall be admissible in any proceeding.

The act delineates what the notice of violation must contain. The act requires the notice of violation to contain a copy of two recorded images and a zoomed and cropped image of the vehicle license plate. The notice shall provide information advising the registered owner of how he or she can review the video and other photographic evidence of the alleged violation. Such evidence may be provided through the Internet via a password-protected system. A notice of violation issued must be mailed no later than three business days after the violation was recorded by the system.

**FINES** - The civil penalties and court costs imposed for a violation detected and enforced pursuant to a system shall not exceed an amount that would have been imposed if the violation had been detected by a law enforcement officer present when the violation occurred. In no event shall the combined fine and court costs exceed \$100. A person who commits a steady red light violation that is detected and enforced through an automated photo red light enforcement system is guilty of an infraction. A violation detected pursuant to a system shall not be deemed a moving violation. No points be assessed against any person for a violation detected by an automated photo red light enforcement system.

**REBUTTING PRESUMPTION THAT OWNER OF VEHICLE COMMITTED RED LIGHT VIOLATION** - A person charged with committing a red light violation under the act may rebut the presumption that he or she committed the violation by filing an affidavit with the court that he or she was not the operator of the vehicle at the time of the alleged violation or by testifying in open court that he or she was not the operator of the vehicle at the time of the alleged violation. The presumption may also be rebutted if a certified copy of a police report, showing that the vehicle had been reported to the police as stolen prior to the time of the alleged violation of this section, is presented to the court adjudicating the alleged violation.

**THIRTY-DAY GRACE PERIOD** - For the first 30 days after a system is installed at a particular intersection,

the political subdivision shall issue only warning notices and shall not issue any ticket or citation for any violation detected by the system.

BAN ON PHOTO RADAR - Under the act, no political subdivision may employ the use of a photo radar system to enforce speeding violations.

RECORD REQUIREMENTS - The act requires political subdivisions to maintain photographic and other recorded evidence for a period of at least three years. The photographic and recorded evidence shall not be subject to disclosure under the Sunshine Law.

STEPHEN WITTE

12/19/2006 Prefiled

01/03/2007 S First Read (S19)

01/17/2007 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S115)

EFFECTIVE: August 28, 2007

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\*\*\* SB 193 \*\*\*

0871S.011

SENATE SPONSOR: Griesheimer

SB 193 - 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, 2007.

#### 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 a 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, recommending 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.

#### 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. Prior to adopting zoning regulations, the county commission shall submit the question of whether it should adopt such regulations to the voters. 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 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 five 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.

This act is similar to SB 1160 (2006).

SUSAN HENDERSON MOORE

12/20/2006 Prefiled

01/03/2007 S First Read (S19)

01/17/2007 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S115)

EFFECTIVE: August 28, 2007

\*\*\* SB 194 \*\*\*

0219S.011

SENATE SPONSOR: Crowell

SB 194 - This act requires that English be the language of all official proceedings in Missouri, except those occasions where American Sign Language is used for the purpose of communication or education.

This act is identical to HB 1814 (2006).

JIM ERTLE

12/20/2006 Prefiled

01/03/2007 S First Read (S19)

01/17/2007 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S115)

EFFECTIVE: August 28, 2007

\*\*\* SB 195 \*\*\*

0110S.011

SENATE SPONSOR: Crowell

SB 195 - This act allows the State Board of Pharmacy to grant a certificate of medication therapeutic plan authority to pharmacists. This authority will allow pharmacists to accept a prescription order for a medication therapeutic plan and administer the plan if the prescription order is specific to each patient for care by a specific pharmacist. Written protocol from the physician who refers the patient for medication therapy services is required and must only come from a physician and not under any person under a collaborative practice arrangement or supervision agreement.

To earn a certificate the applicant must complete a board approved course of academic clinical study beyond a bachelors of science in pharmacy including clinical assessment skills.

The State Board of Registration for the Healing Arts and the State Board of Pharmacy shall promulgate rules regulating prescription orders for medication therapy services.

The act amends the definition of "practice of pharmacy" to include the administration of vaccines by written protocol authorized by a physician and administering medication therapeutic plans. Veterinary prescription orders are also included in the definition.

This act authorizes the Board of Pharmacy to create a "Well-being Committee" to promote early identification, intervention, treatment and rehabilitation of licensed pharmacists who are impaired by illness, substance abuse, or any physical or mental condition. The board may enter into a contractual agreement with a nonprofit corporation or an association for the purposes of administering the committee. Information produced by or furnished to the committee shall be confidential unless subject to discovery or introduced as evidence in civil, criminal, or administrative proceedings; it is essential to disclose the information to further treatment; the licensee authorizes the release of the information; the committee is required to report to the board; or the information is subject to a court order.

The board may require a pharmacist to submit himself or herself for identification, treatment, or rehabilitation by the well being committee as a condition to issuing or renewing the pharmacist's license. The board may also enter into a diversion agreement and refer the licensee to the committee in lieu of pursuing disciplinary actions.

The committee must report to the board the name of any licensee who refuses to enter treatment within forty-eight hours following the provider's determination that the pharmacist needs treatment, fails to comply with the terms of the licensee's treatment contract, or resumes the practice of pharmacy before the provider has clearly determined that the pharmacist is capable of practicing according to acceptable and prevailing standards.

This act is similar to HCS/HB 1700 and identical to SCS/HCS/HB 1168(2006).

CHRIS HOGERTY

12/20/2006 Prefiled

01/03/2007 S First Read (S19)

01/17/2007 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S115)

EFFECTIVE: August 28, 2007

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

0123S.011

SENATE SPONSOR: Gross

SB 196 - 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 Section in 188.015.

This act is identical to SB 562 (2006).

ADRIANE CROUSE

12/21/2006 Prefiled

01/03/2007 S First Read (S19)

01/17/2007 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S115)

EFFECTIVE: August 28, 2007

\*\*\* SB 197 \*\*\*

0507S.011

SENATE SPONSOR: Loudon

SB 197 - The act modifies the laws regarding motor vehicle service contracts and product service agreements.

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The act repeals the existing provisions relating to motor vehicle extended service contracts found in Chapter 407 and transplants the provisions into Chapter 385. With respect to motor vehicle extended service contracts, the act defines the term "fronting company" as a dealer that authorizes a third-party administrator or provider to use its name or business to evade or circumvent a sale, an offer for sale, or a solicitation of a sale of a service contract to a consumer. The act further prohibits an unlicensed motor vehicle or boat dealer from selling a motor vehicle service contract to a consumer and prohibits a dealer from acting as a fronting company. The act further creates similar provisions for service contracts, to wit, the act prohibits persons from issuing or selling service contracts without registering and paying applicable fees to the Department of Insurance; sets forth financial reserve requirements for service contract providers; and requires providers to furnish written statements to consumers outlining their obligations, conveying terms and restrictions.

The act requires service contract providers to maintain accurate records of every transaction for a period of at least three years after the specified period of coverage has expired. Records must be made available to the department upon request.

These provisions are similar to those contained in SS/SCS/SB 895, SB 991 and HB 1626 (2006).

STEPHEN WITTE

12/21/2006 Prefiled

01/03/2007 S First Read (S19)

01/17/2007 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S115)

EFFECTIVE: January 1, 2008

\*\*\* SB 198 \*\*\*

0868S.011

SENATE SPONSOR: Mayer

SB 198 - Current law permits the Department of Natural Resources to enter into cooperative agreements with non-profit organizations that provide cooperative, interpretive, or educational services to a state park. This act adds facility enhancement to the list of permissible activities for a cooperative agreement.

The act allows the Department to provide incidental staff support to an organization with which the Department has a cooperative agreement.

Cooperative agreements created under this act must require the non-profit organizations to submit documentation demonstrating the fiscal, interpretive, educational, and facility enhancement benefits to the state. Additionally, cooperative organizations must reimburse the Department for actual costs of park facility space and staff support provided to the organization.

Proceeds from the sale of any services provided under a cooperative agreement must be used by the cooperative organization for interpretive or educational services in state parks.

This act is identical to SB 1038 (2006).

ERIKA JAQUES

12/21/2006 Prefiled

01/03/2007 S First Read (S19)

01/17/2007 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S115)

01/30/2007 Hearing Scheduled S Agriculture, Conservation, Parks & Natural Resources Committee

EFFECTIVE: August 28, 2007

\*\*\* SB 199 \*\*\*

0968S.011

SENATE SPONSOR: Stouffer

SB 199 - This act exempts contractors from paying sales taxes on materials used in Department of Transportation projects. The sales tax exemption does not go into effect until July 1, 2008.

This act is similar to SB 629 (2006), SB 142 (2005) and SB 731 (2004).

STEPHEN WITTE

12/21/2006 Prefiled

01/03/2007 S First Read (S19)  
01/17/2007 Second Read and Referred S Ways & Means Committee (S115)  
01/29/2007 Hearing Scheduled S Ways & Means Committee

EFFECTIVE: August 28, 2007

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\*\*\* SB 200 \*\*\*

0975S.011

SENATE SPONSOR: Stouffer

SB 200 - This act authorizes the State Highways and Transportation Commission to take the necessary steps to implement and administer a state plan to conform with the Unified Carrier Registration Act (UCR Act) of 2005. The UCR Act includes provisions to eliminate the Single State Registration System (SSRS) by January 2007 and replace it with the Unified Carrier Registration (UCR) Agreement.

Under the act, the Commission may submit to the proper federal authorities, amend and carry out a state plan to qualify as a base-state and to participate in the UCR plan and administer the UCR Agreement. The Commission is authorized to administer the UCR registration of Missouri domiciled motor carriers, motor private carriers, brokers, freight forwarders, and leasing companies, and persons domiciled in non-participating states who have designated Missouri as their base-state under the UCR Act. The Commission is further authorized to receive, collect, process, deposit, transfer, distribute, and refund UCR registration fees. The Commission is also authorized to enter into agreements with any U.S. agencies.

Under the act, every motor carrier, motor private carrier, broker, freight forwarder, and leasing company that has its principal place of business within Missouri, and every such person who has designated this state as the person's base-state under the provisions of the UCR Act, shall timely complete and file with the Commission all the forms required by the UCR agreement and the UCR implementing regulations, and shall pay the required UCR registration fees to the Commission.

The act specifically provides that implementing the UCR Act shall not be construed as exempting any motor carrier or any person controlled by a motor carrier, from any of the requirements of Chapter 622 or Chapter 390.

The act also repeals Section 390.071 (pertaining to the issuance of interstate motor carrier permits) and Section 622.095 (relating to the single state registration system).

STEPHEN WITTE

12/21/2006 Prefiled  
01/03/2007 S First Read (S19)  
01/17/2007 Second Read and Referred S Transportation Committee (S115)

EFFECTIVE: August 28, 2007

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\*\*\* SB 201 \*\*\*

0271S.011

SENATE SPONSOR: Stouffer

SB 201 - This act provides that the maximum gross vehicle weight limit and axle weight limit for heavy-duty vehicles equipped with idle reduction technology may be increased (up to an additional 400 pounds) to account for the technology (Section 304.180).

A similar provision was contained in SB 969 and HB 1430 (2006).

STEPHEN WITTE

12/21/2006 Prefiled  
01/03/2007 Bill Withdrawn (S19)

EFFECTIVE: August 28, 2007

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\*\*\* SB 202 \*\*\*

0511S.011

SENATE SPONSOR: Stouffer

SB 202 - This act creates an income tax credit equal to fifty percent of the amount a taxpayer paid to purchase and install idle reduction technology on a class 8 truck. The maximum amount of the tax credit is \$3,500 per truck. The tax credit is nontransferable and nonrefundable, but may be carried forward up to three years until completely claimed.



The provisions of the act automatically sunset two years after August 28, 2007, unless reauthorized.

JASON ZAMKUS

12/21/2006 Prefiled

01/03/2007 S First Read (S19)

01/17/2007 Second Read and Referred S Ways & Means Committee (S115)

EFFECTIVE: August 28, 2007

\*\*\* SB 203 \*\*\*

0506S.011

SENATE SPONSOR: Lager

SB 203 - This act adds an additional five hundred dollar annual payment to teachers under the Career Ladder Program to be funded entirely by state appropriations and not subject to current law local district matching requirements.

JIM ERTLE

12/22/2006 Prefiled

01/03/2007 S First Read (S19)

01/17/2007 Second Read and Referred S Education Committee (S115)

EFFECTIVE: August 28, 2007

\*\*\* SB 204 \*\*\*

0926S.011

SENATE SPONSOR: Stouffer

SB 204 - This act requires that all diesel fuel sold in Missouri after January 1, 2009, shall contain at least two percent biodiesel by volume. The biodiesel used to meet this requirement shall be produced and distributed by accredited producers and certified marketers under the National Biodiesel Accreditation Commission.

If acquisition of the biodiesel-blended fuel is more expensive for a distributor than acquisition of conventional diesel fuel, the distributor is not required to acquire the biodiesel-blended fuel and neither this nor the sale of conventional diesel fuel at retail will be considered a violation of the act.

Fuel terminals in Missouri shall sell both biodiesel-blended fuel and conventional diesel fuel except those that only sell federal reformulated gasolines, which are not required to sell conventional diesel fuel.

ERIKA JAQUES

12/27/2006 Prefiled

01/03/2007 S First Read (S19)

01/17/2007 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S115)

01/23/2007 Hearing Conducted S Agriculture, Conservation, Parks & Natural Resources Committee

EFFECTIVE: August 28, 2007

\*\*\* SB 205 \*\*\*

0504S.021

SENATE SPONSOR: Stouffer

SB 205 - This act provides that entities shipping 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 Department of Transportation 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, and Public Safety may promulgate rules with regard to the collection and administration of such fees.

Any shipper 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 exempts radioactive waste being shipped by or for the federal government for military or national defense purposes from the provisions from the fees and notification requirements.

The act directs the Department of Natural Resources to prepare a report for the General Assembly beginning 2008 and every two years thereafter on the environmental radiation monitoring fund.

The act shall sunset six years after the effective date of the section unless reauthorized by the General Assembly.

The act contains an emergency clause.

The act is similar to HCS/SS/SCS/SB 976 (2006).

STEPHEN WITTE

12/27/2006 Prefiled

01/03/2007 S First Read (S19)

01/17/2007 Second Read and Referred S Transportation Committee (S115)

EFFECTIVE: Emergency Clause

\*\*\* SB 206 \*\*\*

0879S.011

SENATE SPONSOR: Justus

SB 206 - This act creates the Large Carnivore Act. Except as permitted in the act, the act prohibits the owning, breeding, possession, transferring of ownership, or transporting of "large carnivores," defined as certain non-native cats of the Felidae family or any species of non-native bear held in captivity.

Persons possessing, breeding, or transporting a large carnivore on or after January 1, 2008, must apply for a permit from the Department of Agriculture. Owners of large carnivores must have an identification number inserted in the animal via subcutaneous microchip. Certain entities are exempt from the permit and microchip requirements.

Any person who owns or possesses a large carnivore is liable in a civil action for the death or injury of a human or another animal and for any property damage caused by the large carnivore. If a large carnivore escapes or is released intentionally or unintentionally, the owner is required to immediately notify law enforcement and is liable for all expenses associated with the efforts to recapture the large carnivore. As a condition of being permitted to own a large carnivore, the owner is required to show proof of having liability insurance in an amount of not less than \$250,000.

Requirements for the confinement, handling, sanitation, feeding, transporting, veterinary care, and seizure of large carnivores are specified. The requirements are in addition to any applicable state or federal law and do not preclude any local political subdivision from adopting more restrictive laws. Certain entities, law enforcement officials, animal control officers, and veterinarians are exempt from provisions of the act.

Individuals who intentionally release a large carnivore shall be guilty of a Class D felony. Other violations of this act shall be a Class A misdemeanor, subject to possible community service, loss of privilege to own or possess an animal, and civil forfeiture of any large carnivore.

This act is similar to the perfected HB 1441 (2006).

ERIKA JAQUES

12/27/2006 Prefiled

01/03/2007 S First Read (S19)

01/17/2007 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S115)

EFFECTIVE: August 28, 2007

\*\*\* SB 207 \*\*\*

0124S.021

SENATE SPONSOR: Gross

SB 207 - This act exempts contractors from paying sales taxes on materials used in Department of

Transportation projects.

The act is similar to SB 629 (2006) and SB 142 (2005).

JASON ZAMKUS

12/28/2006 Prefiled

01/03/2007 S First Read (S19)

01/17/2007 Second Read and Referred S Ways & Means Committee (S115)

01/29/2007 Hearing Scheduled S Ways & Means Committee

EFFECTIVE: August 28, 2007

\*\*\* SB 208 \*\*\*

0125S.011

SENATE SPONSOR: Gross

SB 208 - This act requires the State Treasurer to deposit all moneys received under any state fund or administratively created fund into the state general revenue fund if the state's general revenue did not increase by two percent or more over the past fiscal year. If state revenues do increase by more than two percent, the state treasurer shall deposit such moneys into the statutorily or administratively created fund. The provisions of this act shall not apply to any fund created by the constitution, funds for the payment of interest and principal for any bonded indebtedness, funds that receive constitutionally created taxes and fees, and funds created in order to receive and disburse federal funds.

This act contains an emergency clause.

This act is similar to SB 917 (2006).

JIM ERTLE

12/28/2006 Prefiled

01/03/2007 S First Read (S19-20)

01/08/2007 Bill Withdrawn (S60)

EFFECTIVE: Emergency Clause

\*\*\* SB 209 \*\*\*

0917S.011

SENATE SPONSOR: Griesheimer

SB 209 - This act modifies current law to prohibit certain municipalities from maintaining class action law suits to enforce or collect business license taxes imposed upon telecommunications companies. The act provides uniform definitions to be utilized by municipalities for business license taxes on telecommunications companies.

On or after July 1, 2008, all business license taxes imposed by municipalities shall be construed to have the uniform definition provided in this act. On or before January 1, 2008, the Director of the Department of Revenue must publish a list of the municipalities which have enacted ordinances imposing a business license tax on a telecommunications company. All telecommunications companies in Missouri must provide the director of the department of revenue and the State Auditor with the amount of municipal business license taxes paid to each municipality in the previous calendar year including an itemized list by category of gross receipts for each municipality by March 1, 2008.

Within thirty days of receipt of a written request, the director of revenue must provide a telecommunication company with the aggregate gross receipts and taxes revenue by municipality as reported by all telecommunications companies to allow the telecommunication company to verify new rates determined by municipalities. Beginning on July 1, 2008, the Director of Revenue will collect, administer, and distribute telecommunications business license tax revenues.

Effective July 1, 2008, all business license taxes will be based solely upon gross receipts of telecommunications companies for the retail sale of telecommunications services and in order to impose such a tax, a municipality must incorporate the uniform definitions provided in the act and adopt the tax rate promulgated by the Director of Revenue.

No later than April 1, 2008, municipalities must provide the director of revenue with a revenue-neutral rate for telecommunications business license taxes. The director must verify the revenue neutral rates and notify municipalities and telecommunications companies of the new rate including any necessary modifications.

The maximum rate of the gross receipts tax shall not exceed five percent for any bill rendered on or after July 1, 2008, except for certain municipalities which shall be subject to the five percent limit after July 1, 2010.

The Director of the Department of Revenue and any municipality will have authority to audit telecommunications companies. The act provides a three year statute of limitations for claims of non-payment or underpayment of business license taxes. Telecommunications companies are allowed to pass the tax onto retail customers, provided the company separately lists the tax on the customer's bill.

In exchange for payment of deemed past liability by a telecommunications company which failed to pay a municipality some or all of the business license tax due prior to July 1, 2008, such telecommunication company shall be entitled to full immunity from claims for payment of any disputed business license tax payments for any period up to and including June 30, 2008. In addition to the immunity provided by the act, in exchange for payment of the deemed past liability, the municipality must surrender any protested tax payments made by the telecommunication company to such company to be disbursed to its retail customers if possible. If a court of competent jurisdiction determines that a telecommunications company is not entitled to full immunity from a municipality, such municipality must return any payment of deemed past liability to the telecommunications company.

JASON ZAMKUS

12/28/2006 Prefiled  
01/03/2007 S First Read (S20)  
01/17/2007 Second Read and Referred S Ways & Means Committee (S115)  
01/29/2007 Hearing Scheduled S Ways & Means Committee

EFFECTIVE: August 28, 2007

\*\*\* SB 210 \*\*\*

0111S.011

SENATE SPONSOR: Crowell

SB 210 - This act modifies provisions relating to telecommunications and consumer protection.

The act expands eligibility on the state's no-call list to include fax numbers and cell phone numbers. Cell phone service may include residential or business use. The definition of telephone solicitation is broadened to include faxing, graphic imaging, and data communication, which includes text messaging.

The act forbids cell phone service providers from issuing cell phone records via electronic means upon written request of a residential subscriber. Cell phone records may only be transmitted through the U.S. Postal Service to the registered address of the subscriber.

The act creates the RFID Right to Know Act of 2007. The act requires any consumer commodity or package bearing a radio frequency identification tag or bar code to be conspicuously labeled as such. Radio frequency identification is any technology that uses radio waves to automatically identify individual items.

This act creates a crime of knowingly obtaining, receiving or selling telephone records without customer consent with exceptions for law enforcement and public welfare. Telephone records are defined as telephone numbers dialed by the customer, telephone numbers of incoming calls to the customer, and other data typically contained in telephone bills such as call times, duration, and charges applied. The crime is a felony subject to punishment by fine or imprisonment, with increasing fine amounts and/or length of sentences based on number of records illegally handled. A telecommunications carrier or customer violated by these provisions may institute a civil action to recover actual damages, illicit profits, and punitive damages. A two-year statute of limitations exists on such civil actions. This act also expands the definition of identity theft to include telephone records as a means of identification. An emergency clause makes these changes effective upon passage and approval.

This act is identical to the perfected SB 613 (2006), and contains provisions similar to SB 638 (2006) and HB 1632 (2006).

ERIKA JAQUES

12/28/2006 Prefiled  
01/03/2007 S First Read (S20)  
01/17/2007 Second Read and Referred S Commerce, Energy and the Environment Committee (S115)

EFFECTIVE: Varies

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

1087S.011

SENATE SPONSOR: Goodman

SB 211 - This act requires a two-thirds vote or more by the county salary commission to decrease the salary of any county official. All county officials shall receive the same percentage decrease.

In no event shall the base salary or compensation of a county collector in any county of the first classification be reduced below the salary or compensation being paid on August 28, 2005. All actions taken by the salary commission between August 28, 2005, and December 31, 2005, shall be subject to this provision and any such action not in compliance with this subsection shall be void.

This act is similar to a provision of SCS/HB 1030 (2006).

SUSAN HENDERSON MOORE

12/28/2006 Prefiled

01/03/2007 S First Read (S20)

01/17/2007 Second Read and Referred S Economic Development, Tourism &amp; Local Government Committee (S115)

01/31/2007 Hearing Scheduled S Economic Development, Tourism &amp; Local Government Committee

EFFECTIVE: August 28, 2007

\*\*\* SB 212 \*\*\*

1039S.011

SENATE SPONSOR: Goodman

SB 212 - 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 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, 2008.

This act is similar to SCS/SB 924 (2006).

SUSAN HENDERSON MOORE

12/28/2006 Prefiled

01/03/2007 S First Read (S20)

01/17/2007 Second Read and Referred S Economic Development, Tourism &amp; Local Government Committee (S115)

EFFECTIVE: January 1, 2008

\*\*\* SB 213 \*\*\*

1078S.011

SENATE SPONSOR: McKenna

SB 213 - 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.

This act is similar to SB 1102 (2006).

SUSAN HENDERSON MOORE

12/28/2006 Prefiled

01/03/2007 S First Read (S20)

01/17/2007 Second Read and Referred S Economic Development, Tourism &amp; Local Government Committee (S115)

EFFECTIVE: August 28, 2007

\*\*\* SB 214 \*\*\*

0874S.011

SENATE SPONSOR: McKenna

SB 214 - The act defines responsible persons for the purposes of tax liability for limited liability companies. The act eliminates certain duplicate filing requirements for articles of acceptance, articles of merger, and resignation of agents for nonprofit corporations.

If the general partners of a limited partnership withdraw and the remaining partners decide to continue the partnership, the act allows a new general partner to sign the certificate of amendment and attest to the specific event of withdrawal.

CHRIS HOGERTY

12/28/2006 Prefiled

01/03/2007 S First Read (S20)

01/17/2007 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S115)

EFFECTIVE: August 28, 2007

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\*\*\* SB 215 \*\*\*

0058L.011

SENATE SPONSOR: Loudon

SB 215 - This act regulates captive insurance companies. Under the act, captive insurance companies are allowed to apply for a license to provide insurance and annuity contracts to its parent, affiliated, or controlled unaffiliated companies. Captive insurance companies are not permitted to provide personal motor vehicle or homeowner's insurance. Captive insurance companies may accept or cede reinsurance. Captive insurance companies that insure life and health risks must comply with all state and federal laws.

LICENSING - The act delineates the process by which a captive insurance company may obtain a license to do business within Missouri (filing of organizational documents, submission of insurance coverages, deductibles, etc., filing of asset information, the overall soundness of its plan of operation, and the filing of other information to determine whether the company will be able to meet its policy obligations).

FEES - The act requires each captive insurance company to pay the director a \$200 fee for examining, investigating and processing the company's application for a license. The act also requires captive insurance companies to pay an annual license fee of \$300.

NAMES OF COMPANIES - Under the act, captive insurance companies are prohibited from adopting a name that is likely to be confused or mistaken with an existing company.

MINIMUM CAPITAL AND SURPLUS REQUIREMENTS - The act delineates capital and surplus requirements for captive insurance companies based upon its type of licensure. For example, a pure captive insurance company must maintain a paid-in capital and surplus of at least \$250,000, while an industrial insured captive insurance company must maintain at least \$500,000

Under the act, no dividend can be paid without prior approval from the Director of the Department of Insurance.

FORMATION OF CAPTIVE INSURANCE COMPANIES IN MISSOURI - Under the act, a pure captive insurance company may be incorporated as a stock insurer, as a nonprofit corporation, or as a manager-managed limited liability company. The act delineates what types of corporation forms association and industrial insured captive companies may organize as.

FINANCIAL STATEMENTS/EXAMINATIONS - Under the act, captive insurance companies must annually report their financial condition to the director using generally accepted accounting principles. A captive insurance company will be examined at least once every three years by the director or his or her agent to determine its financial condition, its ability to fulfill its obligations and to whether it has complied with this act and other statutory provisions. The expenses and charges of the examination shall be paid by the captive insurance company. Examination reports and other associated documents are confidential and are not subject to subpoena and may not be made public without the written consent of the captive insurance company.

FOUNDATIONS AND PROCEDURES FOR SUSPENSION - The act delineates various reasons that the director may suspend or revoke the captive insurance company's license (insolvency, failure to submit an annual report, failure to comply with other laws). The director may suspend or revoke a license if the director deems it in the best interest of the public and the policyholders of such captive insurance company.

LEGAL INVESTMENTS - Under the act, association captive insurance companies must comply with investment requirements contained in Chapter 375 and Sections 379.080 and 379.082 as applicable. No pure captive insurance company shall be subject to investment restrictions. The director may limit investments that threaten the solvency of a pure captive insurance company. In addition to other investment standards and restrictions, pure captive insurance companies may not make a loan to or an investment in its parent company or affiliates without prior written approval of the director.

REINSURANCE - Under the act, captive insurance companies may provide reinsurance and may reinsure risks or portions of risks ceded to reinsurers with prior approval of the director.

RATING ORGANIZATIONS - Under the act, a captive insurance company cannot be required to join a rating organization.

EXEMPTION FROM COMPULSORY ASSOCIATIONS - The act provides that no captive insurance company shall be permitted to join or contribute financially to a plan, pool, association, guaranty, or insolvency fund nor shall a captive insurance company receive any benefits from a guaranty fund.

PREMIUM TAXES - The act sets forth the premium insurance tax rates and time periods in which captive insurance companies must pay. A percentage of the premium taxes, along with other fees and assessments, shall be paid into the Insurance Dedicated Fund to defray costs associated with regulating captive insurance companies.

BRANCH CAPTIVES - The act allows branch captives to be established within Missouri to write insurance or reinsurance. In order to do insurance business within Missouri, the branch captive insurance company must maintain its principal place of business for its branch operations within Missouri. The act also sets forth various reporting and filing requirements for branch captive insurance companies.

STEPHEN WITTE

12/29/2006 Prefiled

01/03/2007 S First Read (S20)

01/17/2007 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S115)

EFFECTIVE: August 28, 2007

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

0873S.011

SENATE SPONSOR: Crowell

SB 216 - This act creates the crime of driving with any controlled substance in the body. A person commits such crime when he or she operates a motor vehicle with any amount of a controlled substance or its metabolite present in his or her body. It is an affirmative defense if the accused person consumed the controlled substance under the valid prescription of a doctor, dentist, or other health care provider. This crime is a Class B misdemeanor for a first offense.

Certain statutes regarding revocation and suspension of driver's licenses are modified in order to treat the crime of driving with any controlled substance in the body in the same manner as driving in an intoxicated condition.

Currently, a person who has committed the offense of driving in an intoxicated condition or with an excessive blood alcohol content may be required by the court to reimburse law enforcement agencies for costs associated with the arrest. This act allows the court to require the same of persons who commit driving with any controlled substance in the body.

Currently, a person commits the crime of endangering the welfare of a child in the second degree if he or she drives with an excessive blood alcohol content when a child less than seventeen years of age is in the vehicle. Under this act, a person commits the same crime when driving with a controlled substance in the body when a child less than seventeen years of age is in the vehicle.

This act includes the crime of driving with any controlled substance in the body in statutes regarding chemical testing upon arrest by law enforcement and the use of such testing in court and treats the crime in the same manner as driving with an excessive blood alcohol content and driving in an intoxicated condition.

The term "intoxication-related traffic offense" is modified to include driving with any controlled substance in the body. This term is used to determine whether a person is a prior, persistent, aggravated, or chronic offender. Such offenders receive respectively increasing penalties.

Under this act, a person who commits driving with any controlled substance in the body is required to participate in and complete a substance abuse traffic offender program in the same manner as persons who commit driving while in an intoxicated condition.

SUSAN HENDERSON MOORE

01/02/2007 Prefiled

01/03/2007 S First Read (S20)

01/17/2007 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S115)

EFFECTIVE: August 28, 2007

\*\*\* SB 217 \*\*\*

0976S.011

SENATE SPONSOR: Crowell

SB 217 - This act repeals the provision of law allowing political subdivisions to have ordinances that regulate the open carrying of firearms or discharge of firearms within a jurisdiction unless in conformity with state law.

SUSAN HENDERSON MOORE

01/02/2007 Prefiled

01/03/2007 S First Read (S20)

01/17/2007 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S115)

EFFECTIVE: August 28, 2007

\*\*\* SB 218 \*\*\*

1108S.011

SENATE SPONSOR: Graham

SB 218 - 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.

This act is similar to SB 867 (2007).

SUSAN HENDERSON MOORE

01/02/2007 Prefiled

01/03/2007 S First Read (S20)

01/17/2007 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S115)

EFFECTIVE: August 28, 2007

\*\*\* SB 219 \*\*\*

1081S.011

SENATE SPONSOR: Graham

SB 219 - The Governor, Lieutenant Governor, Attorney General, Secretary of State, Treasurer, Auditor, and members of the General Assembly shall be barred from being employed as lobbyists or working for lobbying firms.

CHRIS HOGERTY

01/02/2007 Prefiled

01/03/2007 S First Read (S20)

01/17/2007 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S115-116)

EFFECTIVE: August 28, 2007

\*\*\* SB 220 \*\*\*

1117S.021

SENATE SPONSOR: McKenna



SB 220 - This act directs the Department of Natural Resources to establish and administer a state-funded grant program for construction and demolition waste reduction.

ERIKA JAQUES

01/02/2007 Prefiled

01/03/2007 S First Read (S20)

01/17/2007 Second Read and Referred S Commerce, Energy and the Environment Committee (S116)

EFFECTIVE: August 28, 2007

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\*\*\* SB 221 \*\*\*

1098S.011

SENATE SPONSOR: Callahan

SB 221 - This act sets up a procedure whereby voters who reside in the portion of the Kansas City school district that falls within the city of Independence and the city of Sugar Creek may petition to annex the territory of the Kansas City school district that is located in the city of Independence and the city of Sugar Creek 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 such voters shall decide the question. If the voters approve, the question shall be presented to the Independence school board, which may accept or reject. Upon acceptance, an election shall be held in the Independence school district for annexation and boundary change. The act contains ballot language. DESE shall incur the cost of the election. The voters in the Independence school district shall decide the question by a majority vote. If assent to the annexation and boundary change is given, 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.

Upon annexation, the Kansas City school district shall transfer all buildings of the school district located in the territory annexed to the Independence school district. Should the Kansas City school district refuse to transfer the buildings to the Independence school district, the Kansas City school district shall pay the tuition of and provide transportation for each resident pupil to attend an accredited school in another district of the same or an adjoining county. Regarding all other property in question, if the school boards cannot agree upon an adjustment and apportionment of property and indebtedness, the act directs that the school boards shall follow the provisions of two current statutes that allow the board of either district to appeal to the state board of education, which shall appoint three persons as a board of arbitration to make an adjustment and apportionment of property and indebtedness.

JIM ERTLE

01/03/2007 S First Read (S43)

01/17/2007 Second Read and Referred S Education Committee (S116)

EFFECTIVE: August 28, 2007

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\*\*\* SB 222 \*\*\*

1197S.011

SENATE SPONSOR: Gross

SB 222 - This act requires the State Treasurer to deposit all moneys received under any state fund or administratively created fund into the state general revenue fund from January 1st to June 30th of the current fiscal year if the state's net general revenue collections did not increase by two percent or more over the past fiscal year. If state's net general revenues do increase by more than two percent, the State Treasurer shall deposit such moneys into the statutorily or administratively created fund. The provisions of this act shall not apply to any fund created by the constitution, funds for the payment of interest and principal for any bonded indebtedness, funds that receive constitutionally created taxes and fees, and funds created in order to receive and disburse federal funds.

This act contains an emergency clause.

This act is similar to SCS/SB 917 (2006) and SB 208 (2007).

JIM ERTLE

01/08/2007 S First Read (S60)

01/18/2007 Second Read and Referred S Ways &amp; Means Committee (S121)

EFFECTIVE: Emergency Clause

\*\*\* SB 223 \*\*\*

1055S.011

SENATE SPONSOR: Rupp

SB 223 - Under current law, the Air Conservation Commission must establish the air pollution emission fees each year that are required to be paid by permitted air pollution sources. This act requires the Commission to set such fees every three years rather than annually but allows for annual adjustments to be made if needed.

ERIKA JAQUES

01/08/2007 S First Read (S61)

01/18/2007 Second Read and Referred S Commerce, Energy and the Environment Committee (S121)

EFFECTIVE: August 28, 2007

\*\*\* SB 224 \*\*\*

1247S.011

SENATE SPONSOR: Rupp

SB 224 - Currently, a participant tax payer may deduct up to eight thousand dollars of annual contributions to the Missouri Higher Education Savings Program from income to determine Missouri adjusted gross income. This act modifies the deduction provision to allow married taxpayers filing a joint tax return to deduct up to sixteen thousand dollars of annual contributions from income.

JASON ZAMKUS

01/08/2007 S First Read (S61)

01/18/2007 Second Read and Referred S Ways &amp; Means Committee (S121)

01/29/2007 Hearing Scheduled S Ways &amp; Means Committee

EFFECTIVE: August 28, 2007

\*\*\* SB 225 \*\*\*

0882S.011

SENATE SPONSOR: Stouffer

SB 225 - This act creates the Hunting Heritage Protection Areas Act. Subject to all applicable state and federal laws, the discharge of firearms for hunting, sport, and other lawful purposes shall not be prohibited in hunting heritage protection areas, which are defined as federally-designated one hundred-year floodplains. No new tax increment financing project may be authorized in a hunting heritage protection area after August 28, 2007.

ERIKA JAQUES

01/08/2007 S First Read (S61)

01/18/2007 Second Read and Referred S Economic Development, Tourism &amp; Local Government Committee (S121)

01/22/2007 Re-referred S Agriculture, Conservation, Parks &amp; Natural Resources Committee (S131)

EFFECTIVE: August 28, 2007

\*\*\* SB 226 \*\*\*

1107S.011

SENATE SPONSOR: Stouffer

SB 226 - This act requires courts to forward alcohol- or drug-related driving offense dispositions to the Department of Revenue within seven days and requires the Department of Revenue to then forward the information to the Missouri State Highway Patrol within fifteen days. The proposal removes a conflict between Sections 302.225 and 577.051, RSMo, and reflects current practices.

STEPHEN WITTE

01/08/2007 S First Read (S61)

01/18/2007 Second Read and Referred S Transportation Committee (S121)

01/31/2007 Hearing Scheduled S Transportation Committee

EFFECTIVE: August 28, 2007

\*\*\* SB 227 \*\*\*

0867S.011

SENATE SPONSOR: Graham

SB 227 - 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 only be utilized for purposes specified in the act, including the funding of student loans and scholarships. The act stipulates that proceeds of the authority shall not be utilized for the payment of debts.

This act is similar to SB 1142 (2006).

JIM ERTLE

01/08/2007 S First Read (S61)

01/18/2007 Second Read and Referred S Education Committee (S121)

EFFECTIVE: August 28, 2007

\*\*\* SB 228 \*\*\*

1122S.011

SENATE SPONSOR: Graham

SB 228 - 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.

This act is identical to SB 1142 from 2006.

JIM ERTLE

01/08/2007 S First Read (S61)

01/18/2007 Second Read and Referred S Education Committee (S121)

EFFECTIVE: August 28, 2007

\*\*\* SB 229 \*\*\*

1162S.011

SENATE SPONSOR: Coleman

SB 229 - 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 person's 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.

This act is identical to SB 1125 (2006).

CHRIS HOGERTY

01/09/2007 S First Read (S70)

01/18/2007 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S121)

EFFECTIVE: August 28, 2007

\*\*\* SB 230 \*\*\*

1003S.011

SENATE SPONSOR: Crowell

SB 230 - This act exempts one hundred percent of the amount of social security benefits included in a taxpayer's federal adjusted gross income.

JASON ZAMKUS

01/09/2007 S First Read (S70)

01/18/2007 Second Read and Referred S Ways & Means Committee (S121)

EFFECTIVE: August 28, 2007

\*\*\* SB 231 \*\*\*

1174S.011

SENATE SPONSOR: Crowell

SB 231 - 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 one contained in SB 129 (2007), SB 1064 (2006), 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. Signs for which a permit was obtained based on a misrepresentation of material fact are subject to removal.

These provisions are similar to ones contained in SB 130 (2007) and SB 1064 (2006).

STEPHEN WITTE

01/09/2007 S First Read (S70)

01/18/2007 Second Read and Referred S Transportation Committee (S121)

EFFECTIVE: August 28, 2007

\*\*\* SB 232 \*\*\*

1159S.011

SENATE SPONSOR: Crowell

SB 232 - This act designates a portion of Missouri Route 74/34 within Cape Girardeau County as the "John Oliver Jr. Parkway."

STEPHEN WITTE

01/09/2007 S First Read (S70)

01/18/2007 Second Read and Referred S Transportation Committee (S121)

01/24/2007 Hearing Conducted S Transportation Committee

EFFECTIVE: August 28, 2007

\*\*\* SB 233 \*\*\*

0929S.011

SENATE SPONSOR: Crowell

SB 233 - This act authorizes Perry County, pending voter approval, to levy a sales tax of up to one-fourth of one percent to equally fund senior services and youth programs. A senior services tax commission must be established to administer the revenue received for senior services.

The act contains ballot language and a procedure for repeal of the tax.

JASON ZAMKUS

01/09/2007 S First Read (S70)

01/18/2007 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S121)

EFFECTIVE: August 28, 2007

\*\*\* SB 234 \*\*\*

1195S.011

SENATE SPONSOR: Crowell

SB 234 - This act modifies provisions relating to juvenile courts and officers.

Under current law, a court hearing must be held within three days in certain cases where the juvenile court intervenes. This act provides an exception to the mandatory court hearing requirement in cases where the child has not been removed from a parent or guardian.

This act modifies the crime of tampering with a judicial officer to include juvenile and deputy juvenile officers.

ADRIANE CROUSE

01/09/2007 S First Read (S70)

01/18/2007 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S121)

01/29/2007 Hearing Scheduled S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2007

\*\*\* SB 235 \*\*\*

0876S.041

SENATE SPONSOR: Shields

SB 235 - This act modifies certain provisions relating to the Missouri State Water Patrol.

SECTIONS 36.030, 36.031, 306.161, 306.228, & 650.005

This act requires the commissioner of the Missouri State Water Patrol to establish a pay plan that is equitable to the Highway Patrol's pay plan. The commissioner shall establish the plan with the advice of the director of the division of personnel and it shall consider rank and length of service. The Missouri State Water patrol is exempted from the merit system under Chapter 36, RSMo.

SECTION 306.163

Under this section, the lieutenant colonel of the water patrol shall assume the duties of the commissioner in his or her absence or when designated by the commissioner. If the commissioner and lieutenant colonel are disabled, the Governor may designate a major as acting commissioner.

SECTION 306.226

This section establishes certain requirements for patrolmen and radio personnel of the water patrol including a minimum age requirement, U.S. and Missouri citizenship, no criminal record with felonies, and certain educational and physical strength requirements

SECTIONS 306.161 & 306.228 - See above

SECTION 306.230

The commissioner shall prescribe rules for instruction and discipline and make administrative rules to fix the hours of duty for patrol members. The commissioner shall divide the state into district and assign members to such districts.

By general order, the commissioner may establish the circumstances under which members are promoted. The commissioner shall classify, and by promotion, increase the rank of members after not less than one year of service. If the commissioner finds the candidate pool for a promotion too small, he or she

may promote from the next lower rank.

After a probationary period of one year, members of the patrol shall be subject to disciplinary action only for cause after a petition with a formal charge has been filed in writing before or by the commissioner and upon a vote by a majority of a board consisting of six unbiased members of the patrol taken after a hearing. A hearing shall be held within 30 days after the petition is filed and the board shall report to the commissioner their finding and vote of the board, whether the charges are true, and what discipline, if any, should be imposed. The commissioner shall decide the disciplinary action for the patrol member.

If a complaint is filed against a member, he or she shall be provided a copy of such complaint unless the commissioner postpones notification because such disclosure will seriously interfere with an investigation of the complaint.

Unless the patrol member consents in writing to an earlier time, the member shall not be interrogated or ordered to respond in writing until 48 hours after receiving the complaint. The member shall have a reasonable opportunity to have counsel present during any questioning. The member shall be entitled to a copy of the investigation reports and other information and present a written response prior to an initial recommendation of discipline. The commissioner may also withhold investigation reports and other information if disclosure would interfere with the investigation or may jeopardize the health or safety of any person.

SUSAN HENDERSON MOORE

01/10/2007 S First Read (S76)

01/18/2007 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S121)

01/29/2007 Hearing Scheduled S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2007

\*\*\* SB 236 \*\*\*

1105S.021

SENATE SPONSOR: Shields

SB 236 - This act requires the Department of Elementary and Secondary Education to develop standards for high-quality mentoring for beginning teachers and beginning principals no later than June 30, 2008. The standards shall be applicable to all public schools and shall include, but not be limited to, the criteria delineated in the act.

In developing such standards, the department shall involve various education stake-holders, as specified in the act.

JIM ERTLE

01/10/2007 S First Read (S76)

01/18/2007 Second Read and Referred S Education Committee (S121)

EFFECTIVE: August 28, 2007

\*\*\* SB 237 \*\*\*

1149S.011

SENATE SPONSOR: Shields

SB 237 - This act allows Kansas City to establish, by order or ordinance, an administrative adjudication system for adjudicating parking and other nonmoving municipal code violations. Currently, the City of St. Louis may establish such a system.

SUSAN HENDERSON MOORE

01/10/2007 S First Read (S76)

01/18/2007 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S121)

EFFECTIVE: August 28, 2007

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

1296S.011

SENATE SPONSOR: Stouffer

SB 238 - This act requires removable windshield placards to be renewed every four years rather than two

years. Currently, disabled individuals must provide a new physician's statement every four years, but must renew their placards every two years. The act also allows the director to stagger the requirement of a physician's statement on all renewals for the initial implementation of four-year placard.

The act has an effective date of January 1, 2008.

STEPHEN WITTE

01/10/2007 S First Read (S76)

01/18/2007 Second Read and Referred S Transportation Committee (S121)

01/31/2007 Hearing Scheduled S Transportation Committee

EFFECTIVE: January 1, 2008

\*\*\* SB 239 \*\*\*

1295S.011

SENATE SPONSOR: Stouffer

SB 239 - This act authorizes the Director of Revenue to prescribe affidavits required throughout Chapters 301 and 306, RSMo.

The act also 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).

The 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 697 (2006) and SB 141 (2005)(Section 301.550 and 301.560).

The act increases the penalties for delinquent boat titling. Under the current law, a person pays a \$10 penalty fee for each 30 days of delinquency for failing to title a boat within 60 days of acquiring it or bringing it into the state. This act increases the penalty fee to \$25. The total penalty fee cannot exceed \$200 (currently \$30) (Section 306.535).

STEPHEN WITTE

01/10/2007 S First Read (S76)

01/18/2007 Second Read and Referred S Transportation Committee (S121)

EFFECTIVE: Varies

\*\*\* SB 240 \*\*\*

1299S.011

SENATE SPONSOR: Stouffer

SB 240 - This act authorizes the Director of Revenue to waive the driving skills test for any qualified military applicant for a commercial driver license who is currently licensed at the time of application for a commercial driver license. Under the act, the director must impose conditions and limitations to restrict the applicants from whom the department may accept alternative requirements for the skills test. The act requires the applicant to certify that, during the two-year period immediately preceding application for a commercial driver license, that certain conditions apply. For example, the applicant must demonstrate that he has not had any license suspended, revoked or canceled. The applicant will still have to complete all applicable written tests.

STEPHEN WITTE

01/10/2007 S First Read (S76)

01/18/2007 Second Read and Referred S Transportation Committee (S121)

01/31/2007 Hearing Scheduled S Transportation Committee

EFFECTIVE: August 28, 2007

\*\*\* SB 241 \*\*\*

1294S.011

SENATE SPONSOR: Stouffer

SB 241 - This act allows the Department of Revenue to implement the requirements of the Federal Real ID Act. Currently, the Department of Homeland Security is promulgating regulations that all states must comply with when implementing the Real ID Act.

STEPHEN WITTE

01/10/2007 S First Read (S76)

01/18/2007 Second Read and Referred S Transportation Committee (S121)

EFFECTIVE: August 28, 2007

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**\*\*\* SB 242 \*\*\***

0846S.021

SENATE SPONSOR: Nodler

SB 242 - This act modifies the release of certain funds placed in escrow by tobacco product manufacturers in compliance with the 1998 Master Settlement Agreement.

The number of units sold in Missouri is allowed to be taken into consideration for the release of the funds. Certain requirements are established for participating tobacco manufacturers and for nonparticipating tobacco manufacturers relating to the agreement between various tobacco companies and the State of Missouri, 45 other states, the District of Columbia, and five U. S. territories.

All tobacco manufacturers whose cigarettes are sold in Missouri are required to report and certify to the Department of Revenue and the Attorney General's office by April 30th of each year that they are in compliance with the Tobacco Settlement Model Statute currently in Missouri law. In addition to the certification, participating manufacturers must also provide a list of "brand families" of cigarette types. Nonparticipating manufacturers must submit their brand families, the number of units sold for each family at any time during the year, the name and address of any other manufacturer of their brand families in the preceding or current calendar year, and other information to verify compliance with the model statute.

Each nonresident or foreign nonparticipating manufacturer must be registered to do business in the state or maintain an agent within the state for the purpose of service of process relating to the enforcement of the act. By July 31, 2007, the Director of the Department of Revenue must make available for public inspection or publish on the department's website a list of all tobacco product manufacturers that have satisfied the certification requirements established in the act.

Stamping agents (persons authorized to affix cigarette tax stamps to cigarette packages) are required to submit to the director an e-mail address for the receipt of notifications as required by the bill and to submit various reports and documents as required by the department.

Various penalties and actions for failure to comply with the requirements of the act are included. The act contains an emergency clause.

JASON ZAMKUS

01/10/2007 S First Read (S76)

01/18/2007 Second Read and Referred S Judiciary and Civil &amp; Criminal Jurisprudence Committee (S121)

EFFECTIVE: Emergency Clause

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**\*\*\* SB 243 \*\*\***

0738S.011

SENATE SPONSOR: Mayer

SB 243 - Current law requires children between the ages of seven and sixteen years to regularly attend public, private, parochial, or home school. Further, current law allows the St. Louis school district to raise their compulsory attendance age to seventeen under certain circumstances.

This act removes the aforementioned provision for the St. Louis school district and elevates the compulsory school attendance age for all children in Missouri to seventeen years of age.

JIM ERTLE

01/10/2007 S First Read (S76)

01/18/2007 Second Read and Referred S Education Committee (S121)

EFFECTIVE: August 28, 2007

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**\*\*\* SB 244 \*\*\***

0505S.021

SENATE SPONSOR: Mayer

SB 244 - Currently, certain alternative retirement allowance provisions (commonly referred to as "25 and



out" and the "31st year factor") of the Teacher and School Employee Retirement Systems terminate on July 1, 2008.

This act extends the termination dates to July 1, 2013.

JIM ERTLE

01/10/2007 S First Read (S76-77)

01/18/2007 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S121)

01/31/2007 Hearing Scheduled S Pensions, Veterans' Affairs and General Laws Committee

EFFECTIVE: August 28, 2007

\*\*\* SB 245 \*\*\*

1096S.011

SENATE SPONSOR: Goodman

SB 245 - This act authorizes a non-profit sewer company to provide the same services as provided by a non-profit water company in areas not within the boundaries of a public water supply district.

ERIKA JAQUES

01/10/2007 S First Read (S77)

01/18/2007 Second Read and Referred S Commerce, Energy and the Environment Committee (S121)

EFFECTIVE: August 28, 2007

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

0542S.021

SENATE SPONSOR: Goodman

SB 246 - This act modifies provisions relating to alimony and maintenance payments. This act provides that a former spouse shall be relieved from further payment of alimony and maintenance upon a finding that a former spouse is cohabiting or has cohabited 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.

This act is similar to SB 886 (2006).

ADRIANE CROUSE

01/10/2007 S First Read (S77)

01/18/2007 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S121-122)

01/29/2007 Hearing Scheduled S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2007

\*\*\* SB 247 \*\*\*

1151S.011

SENATE SPONSOR: Bray

SB 247 - Under this 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. No member of the commission shall be related to a representative of the transportation industry within the third degree of consanguinity or affinity. 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 SB 1172 (2006) and HB 1342 (2006).

STEPHEN WITTE

01/10/2007 S First Read (S77)

01/18/2007 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S122)

EFFECTIVE: August 28, 2007

\*\*\* SB 248 \*\*\*

0102S.011

SENATE SPONSOR: Days

SB 248 - This act establishes the Missouri Long-Term Care Partnership Program and provides that the Department of Social Services shall, in conjunction with the Department of Insurance, Financial Institutions and Professional Registration, coordinate the program so that private insurance and Medicaid funds shall be used to finance long-term care.

Under such a program, an individual may purchase a qualified long-term care partnership approved policy in accordance with the requirements of the Federal Deficit Reduction Act of 2005 to provide a mechanism for individuals to qualify for coverage of the cost of the individual's long-term care needs under the state Medicaid program without first being required to substantially exhaust his or her resources. Individuals seeking to qualify for Medicaid are permitted to retain assets equal to the dollar amount of qualified long-term care partnership insurance benefits received beyond the level of assets otherwise permitted to be retained under the state's Medicaid plan.

The Department of Insurance, Financial Institutions and Professional Registration may certify qualified state long-term care insurance partnership policies that meet the applicable provisions of the National Association of Insurance Commissioners (NAIC) Long-Term Care Insurance Model Act and Regulation as specified in the Federal Deficit Reduction Act of 2005. In addition, the department shall develop requirements regarding training for those who sell qualified long-term care partnership policies.

The issuers of qualified long-term care partnership policies in this state shall provide regular reports to both the Secretary of the federal Department of Health and Human Services and to the Departments of Social Services and Insurance, Financial Institutions and Professional Registration.

The Departments of Social Services and Insurance, Financial Institutions and Professional Registration shall promulgate rules to implement the provisions of this act.

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.

This act is similar to SB 1053 (2006).

ADRIANE CROUSE

01/10/2007 S First Read (S77)

01/18/2007 Second Read and Referred S Health and Mental Health Committee (S122)

EFFECTIVE: August 28, 2007

\*\*\* SB 249 \*\*\*

1251S.011

SENATE SPONSOR: Gross

SB 249 - This act reinstates the Federal overtime standards for public employees that were in place before the passage of Proposition B (2006) including exemptions for comp-time and flex-time rates.

This act contains an emergency clause.

CHRIS HOGERTY

01/10/2007 S First Read (S77)

01/18/2007 Second Read and Referred S Small Business, Insurance &amp; Industrial Relations Committee (S122)

01/30/2007 Hearing Scheduled S Small Business, Insurance &amp; Industrial Relations Committee

EFFECTIVE: August 28, 2007

\*\*\* SB 250 \*\*\*

0974S.011

SENATE SPONSOR: Ridgeway

SB 250 - This act modifies certain provisions relating to the Missouri State Water Patrol.

## SECTIONS 36.030, 36.031, 306.161, 306.166, &amp; 650.005

This act requires the commissioner of the Missouri State Water Patrol to establish a pay plan that is equitable to the Highway Patrol's pay plan. The commissioner shall establish the plan with the advice of the director of the division of personnel and it shall consider rank and length of service. The Missouri State Water patrol is exempted from the merit system under Chapter 36, RSMo.

## SECTION 306.111

Under this section, it is possible for a person to commit the crimes of negligent operation of a vessel, operating a vessel while intoxicated, involuntary manslaughter with a vessel, and assault with a vessel in the second degree on any water of the state, rather than only the Mississippi River, Missouri River, or the lakes of this state.

## SECTIONS 306.112, 306.116, &amp; 306.117

Under this section, a person commits the crime of operating a vessel with excessive blood alcohol content (BAC) if such person operates a vessel with a BAC of .08 rather than .10.

A person found guilty of or pleading guilty to operating a vessel with excessive BAC for a second time within ten years of a first offense shall be guilty of a Class A misdemeanor and shall be given a minimum probation period of two years with a loss of boat operating privilege for one year from the date of judgement.

A person found guilty of or pleading guilty to operating a vessel with excessive BAC for a third time within twenty years of a first offense shall be guilty of a Class D felony and shall be given a minimum probation period of three years with a loss of boat operating privilege for five years from the date of judgement.

Any person operating a vessel on the waters of this state, rather than only the Mississippi River, Missouri River, or the lakes of the state, shall be deemed to have given consent to BAC testing if arrested for boating while intoxicated or boating with an excessive BAC.

In court, it shall be presumed that a person was not intoxicated if such person's BAC was .05 or less. If the person's BAC was more than .05 but less than .08, the fact shall not give rise to any presumption regarding the person's intoxication, but may be considered as evidence of intoxication. If the person's BAC was more than .08, it shall be prima facie evidence that the person was intoxicated while boating.

## SECTION 306.118

This section creates the classifications of "prior", "persistent", "aggravated", and "chronic" for repeat intoxication-related boating offenders. The penalties for each classification of offenders increase respectively based on the number and severity of the offenses committed. The penalties in this section treat persons found guilty of or pleading guilty to intoxication-related boating offenses in a similar manner as persons pleading guilty to or found guilty to intoxication-related traffic offenses.

No court shall suspend the imposition of sentence for prior, persistent, aggravated, or chronic offenders or allow a person to pay a fine instead of serving a prison term. This section also sets a minimum amount of time that such offenders must serve before being eligible for probation or parole.

This section also outlines the requirements that must be met to prove a person is a prior, persistent, aggravated, or chronic offender and provides the same court procedure for intoxication-related boating cases as for intoxication-related traffic offender cases.

## SECTION 565.082

This section expands the crime of assault of a law enforcement officer in the second degree to include operating a motorboat while in an intoxicated condition and when doing so, acting with criminal negligence to cause physical injury to an officer.

This act contains an emergency clause.

SUSAN HENDERSON MOORE

01/10/2007 S First Read (S83)

01/18/2007 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S122)

01/29/2007 Hearing Scheduled S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: Emergency Clause

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\*\*\* SB 251 \*\*\*

1095S.011

SENATE SPONSOR: Ridgeway

SB 251 - This act prohibits the making of automated phone calls for political campaign purposes to the home phone lines of Missouri residents except when the resident authorizes such calls.

The act also prohibits political phone calls from a live operator to home phone lines after 9 p.m. and prior to 7 a.m.

Violators of this act may be subject to a civil penalty up to \$5,000 per violation. Individuals who receive more than one telephone call from the same entity in any twelve-month period in violation of this act may bring action to cease the calls and recover actual monetary loss or damages. A two-year statute of limitations exists on bringing suit for violations of this act.

ERIKA JAQUES

01/10/2007 S First Read (S83)

01/18/2007 Second Read and Referred S Commerce, Energy and the Environment Committee (S122)

EFFECTIVE: August 28, 2007

\*\*\* SB 252 \*\*\*

0818S.011

SENATE SPONSOR: Ridgeway

SB 252 - 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 635 (2006), SB 12 (2005), SB 744 (2004), SB 226 (2003), SB 646 (2002), SB 18 (2001), SB 610 (2000) and SB 294 (1999).

STEPHEN WITTE

01/10/2007 S First Read (S83)

01/18/2007 Second Read and Referred S Transportation Committee (S122)

EFFECTIVE: August 28, 2007

\*\*\* SB 253 \*\*\*

1164S.011

SENATE SPONSOR: Ridgeway

SB 253 - This act exempts real and personal property of veterans' organizations from taxation.

JASON ZAMKUS

01/10/2007 S First Read (S83)

01/18/2007 Second Read and Referred S Ways &amp; Means Committee (S122)

EFFECTIVE: August 28, 2007

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

0499S.011

SENATE SPONSOR: Nodler

SB 254 - Beginning August 28, 2007, and each fiscal year thereafter, the first twenty-two million five hundred thousand dollars of net transfers from the abandoned fund account shall be transferred to the general revenue fund, and any amount in excess of twenty-two million five hundred thousand dollars shall be transferred from the abandoned fund account to the Missouri legacy fund.

This act creates the "Missouri Legacy Fund" in the state treasury. The Missouri higher education savings program board shall administer the fund. Any interest and moneys earned on such investments shall be credited to the fund, and such interest shall be used solely to provide college financial assistance to participants in Missouri's qualified state tuition program under Section 529 of the Internal Revenue Code and for the administration of this section.

The state treasurer shall invest moneys in the fund in accordance with rules to be promulgated.

This act is identical to a provision contained in the CCS/HCS/SS/SCS/SB 590 (2006).

JIM ERTLE

01/11/2007 S First Read (S92)

01/18/2007 Second Read and Referred S Education Committee (S122)

EFFECTIVE: August 28, 2007

\*\*\* SB 255 \*\*\*

1250S.011

SENATE SPONSOR: Loudon

SB 255 - This act reinstates the Federal overtime standards in place before the passage of Proposition B (2006) including exemptions for firefighters, commissioned employees, and flex-time rates.

This act contains an emergency clause.

CHRIS HOGERTY

01/11/2007 S First Read (S92)

01/18/2007 Second Read and Referred S Small Business, Insurance &amp; Industrial Relations Committee (S122)

01/30/2007 Hearing Scheduled S Small Business, Insurance &amp; Industrial Relations Committee

EFFECTIVE: August 28, 2007

\*\*\* SB 256 \*\*\*

0535S.021

SENATE SPONSOR: Loudon

SB 256 - This act allows grant money received by multijurisdictional Internet cyber crime law enforcement task forces to be used to purchase necessary equipment. Currently, the grant money received by such task forces may only be used to pay law enforcement salaries and to provide training.

Currently, multijurisdictional enforcement groups under Chapter 195, RSMo, are allowed to investigate computer, Internet-based, narcotics, and drug violations. This act changes the definition of such groups in Section 195.503, RSMo, to reflect this power. Under this act, multijurisdictional enforcement groups are allowed to received grant money to investigate internet sex crimes against children. The money cannot be used to pay any cost associated with investigating drug violations.

This act allows up to 3% of the money appropriated to the Department of Public Safety for the grant program to be used for administrative costs.

The arrest power of peace officers authorized as a member of a multijurisdictional Internet cyber crime law enforcement task force shall only be used when the officer is an active member of such task force and within the scope of the investigation. The officers shall have the power of arrest anywhere in the state and shall provide prior notification to the local police chief or sheriff of an arrest in his or her jurisdiction. However, if exigent circumstances exist, such arrest may be made and notification shall be made to the police chief or sheriff as soon as possible. The police chief or sheriff may elect to work with task forces within his or her jurisdiction.

This act has an emergency clause.

SUSAN HENDERSON MOORE

01/11/2007 S First Read (S92)

01/18/2007 Second Read and Referred S Judiciary and Civil &amp; Criminal Jurisprudence Committee (S122)

01/22/2007 Hearing Conducted S Judiciary and Civil &amp; Criminal Jurisprudence Committee

EFFECTIVE: Emergency Clause

\*\*\* SB 257 \*\*\*

1357S.011

SENATE SPONSOR: Engler

SB 257 - The state, any political subdivision, or any person shall not prohibit or restrict the lawful possession, transfer, sale, transportation, storage, display, or use of firearms or ammunition during an emergency.

SUSAN HENDERSON MOORE

01/11/2007 S First Read (S92)

01/18/2007 Second Read and Referred S Judiciary and Civil &amp; Criminal Jurisprudence Committee (S122)

EFFECTIVE: August 28, 2007

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

0943S.021

SENATE SPONSOR: Engler

SB 258 - This act requires the Director of the Department of Corrections to select an execution team. The team shall consist of the persons who administer lethal gas or lethal chemicals to individuals being executed and persons who provide direct support for the administration of such gas or chemicals. The identities of execution team members shall be confidential. A record that could identify a person as being a current or former execution team member shall be privileged and a closed record and shall not be subject to discovery, subpoena, or other means of legal compulsion for disclosure to any person or entity.

Any execution protocol of the Department of Corrections is a closed record, except for the provision that directly relates to the administration of lethal gas or chemicals.

Any person who knowingly discloses the identity of a former or current member of an execution team without the express approval of the Director of the Department of Corrections commits a class A misdemeanor.

A licensing board or department shall not censure, reprimand, suspend, revoke, or take other disciplinary action against a person's license because of participation in a lawful execution. All members of the execution team are considered employees of the state for the purpose of the state legal expense fund.

SUSAN HENDERSON MOORE

01/11/2007 S First Read (S92)

01/18/2007 Second Read and Referred S Judiciary and Civil &amp; Criminal Jurisprudence Committee (S122)

EFFECTIVE: August 28, 2007

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

1287S.011

SENATE SPONSOR: Engler

SB 259 - This act allows real estate brokers to contribute to a buyer or seller's account when the contribution is made to fund educational expenses.

CHRIS HOGERTY

01/11/2007 S First Read (S92)

01/18/2007 Second Read and Referred S Financial &amp; Governmental Organizations and Elections Committee (S122)

01/29/2007 Hearing Scheduled S Financial &amp; Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2007

\*\*\* SB 260 \*\*\*

1376S.011

SENATE SPONSOR: Koster

SB 260 - The Children's Division within the Department of Social Services shall develop rules to become effective by July 1, 2008, modifying the income eligibility criteria for any person receiving state-funded child care assistance, either through vouchers or direct reimbursement to child care providers.

Persons receiving state-funded child care assistance with family incomes of less than 130 percent of the federal poverty level shall receive full child care subsidy benefits.

Persons receiving state-funded child care assistance with family incomes of 130 percent to 185 percent of the federal poverty level shall receive child care subsidy benefits reduced proportionately based on family income in excess of 130 percent of the federal poverty level.

For family incomes in excess of 185 percent of the federal poverty level, such persons shall be ineligible for child care subsidy benefits.

Nothing in this act shall be construed as to prohibit the imposition of fee by the division to child care subsidy recipients based on gross income and family unit size and based on a child care sliding fee scale

established by the division. The sliding fee scale may be waived for children with special needs.

This act is identical to SB 71 (2007).

ADRIANE CROUSE

01/11/2007 S First Read (S92)

01/18/2007 Second Read and Referred S Seniors, Families and Public Health Committee (S122)

01/30/2007 Hearing Scheduled S Seniors, Families and Public Health Committee

EFFECTIVE: August 28, 2007

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

1065S.011

SENATE SPONSOR: Koster

SB 261 - This act repeals certain provisions providing that an offender's first incarceration prior to release on probation in a Department of Corrections' long-term treatment program for chronic nonviolent substance abusers or a one hundred twenty days program shall not be considered a "previous prison commitment" for sentencing purposes.

SUSAN HENDERSON MOORE

01/11/2007 S First Read (S92)

01/18/2007 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S122)

EFFECTIVE: August 28, 2007

\*\*\* SB 262 \*\*\*

0980S.011

SENATE SPONSOR: Green

SB 262 - This act requires cable television companies to issue credits to the accounts of subscribers for service disruptions that are not the fault of the subscriber. Subscribers are not required to notify the cable company of the service disruption in order to receive the credit. The amount of the credit shall be prorated based on the amount of time the service was disrupted.

ERIKA JAQUES

01/11/2007 S First Read (S92)

01/18/2007 Second Read and Referred S Commerce, Energy and the Environment Committee (S125)

EFFECTIVE: August 28, 2007

\*\*\* SB 263 \*\*\*

1037S.011

SENATE SPONSOR: Green

SB 263 - The act requires out-of-state committees that make contributions in support of or against candidates or issues in elections to report the names of its contributors even when the contributions originally made to the out-of-state committee were not made specifically to influence any particular election.

CHRIS HOGERTY

01/11/2007 S First Read (S92)

01/18/2007 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S122)

EFFECTIVE: August 28, 2007

\*\*\* SB 264 \*\*\*

0033S.011

SENATE SPONSOR: Green

SB 264 - Currently, two-thirds of the property owners within a proposed area must submit a petition to a street light maintenance district board asking to be annexed to the district. The secretary of the board shall publish notice of the proposed annexation and the board shall hold a hearing in order to hear the petition and any written objections. If the petition is granted, the board shall make an order to such effect.

Under this act, a petition for annexation shall be signed by property owners who own not less than 10% of the parcels of property within the area proposed for annexation. The petition shall be filed with the county clerk in which the district is situated and shall be addressed to the county commission. A hearing shall be held regarding the proposed annexation petition as soon as reasonably possible. If the county commission

finds at the hearing that the petition is in compliance with the provisions of this section, they shall order the question to be submitted to the voters within the proposed area of annexation and within the district.

If a majority of the votes cast on the question in the district and in the area described in the petition, respectively, are in favor of the annexation, the county commission shall by order declare the area annexed and shall describe the altered boundaries of the district. A copy of the order of the commission shall be filed within the county recorder. If a majority of the votes cast on the question in the district and in the area described in the petition, respectively, are not in favor of the annexation, such area shall not be declared annexed. No such question shall be resubmitted to the voters sooner than 12 months from the date of submission of the last question.

SUSAN HENDERSON MOORE

01/11/2007 S First Read (S92)

01/18/2007 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S122)

01/31/2007 Hearing Scheduled S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2007

\*\*\* SB 265 \*\*\*

1350S.011

SENATE SPONSOR: Green

SB 265 - This act prohibits the imposition of penalties and interest on real or personal property tax where the collector finds there is clear and convincing evidence that an error or omission of a county official made it impossible for the tax to be paid in a timely fashion, provided the corrected payment is made within thirty days of mailing the corrected statement.

JASON ZAMKUS

01/11/2007 S First Read (S92-93)

01/18/2007 Second Read and Referred S Ways & Means Committee (S122)

EFFECTIVE: August 28, 2007

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

0927S.011

SENATE SPONSOR: Bray

SB 266 - This act prohibits discrimination based upon a person's sexual orientation. Such discrimination includes unlawful housing practices, denial of loans or other financial assistance, denial of membership into an organization relating to the selling or renting of dwellings, unlawful employment practices, and 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.

This act is identical to SB 716 (2006).

SUSAN HENDERSON MOORE

01/11/2007 S First Read (S93)

01/18/2007 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S122)

EFFECTIVE: August 28, 2007

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

1191S.011

SENATE SPONSOR: Bray

SB 267 - 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 593 (2006), SB 277 (2005) and HB 1412 (1998).

STEPHEN WITTE

01/11/2007 S First Read (S93)

01/18/2007 Second Read and Referred S Health and Mental Health Committee (S122)

EFFECTIVE: August 28, 2007

\*\*\* SB 268 \*\*\*

0619L.011

SENATE SPONSOR: Coleman

SB 268 - This act increases the special advisors benefit within the St. Louis City Police Retirement System from ten dollars to fifteen dollars monthly multiplied by the number of years the member is past the age of sixty.

The act also provides that for the required annual valuation of the assets and liabilities of the system, for plan years beginning on or after October 1, 2007, the actuary required to make the valuation shall determine the normal cost for such year using the entry age normal actuarial cost method. Under such method, the actuarial present value of the projected benefits for each individual included in the valuation shall be allocated on a level basis over the service of the individual, between entry age and assumed exit age, and the portion of such value allocated to a valuation year shall be the normal cost. For plans years before October 1, 2007, the actuary shall continue to make the valuation by determining the normal contribution rate, as described within.

The act also provides that the actuary is no longer required to compute the accrued liability contribution rate, as defined within, at the time of the required valuation, but instead, for plan years beginning on or after October 1, 2007, shall determine the actuarial accrued liability under the entry age normal actuarial cost method, as previously described. Also, for such plan years, the actuary shall determine the initial unfunded accrued liability as the amount by which such liability exceeds the actuarial value of the assets of the retirement system, and the amortization payment for such liability shall be determined using a thirty-year period starting on October 1, 2007.

The act also provides that, for plan years beginning on or after October 1, 2007, the total amount payable to the system for each year shall be no less than the greater of the sum of the normal cost and the accrued liability contribution, as previously described, or the amount required to provide the benefits payable during the plan year.

ALEXA PEARSON

01/11/2007 S First Read (S93)

01/18/2007 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S122)

01/31/2007 Hearing Scheduled S Pensions, Veterans' Affairs and General Laws Committee

EFFECTIVE: August 28, 2007

\*\*\* SB 269 \*\*\*

1178S.011

SENATE SPONSOR: Scott

SB 269 - Currently, the State Emergency Management Agency operates under the Office of the Adjutant General. This act reorganizes the agency under the Department of Public Safety.

This act is similar to SB 1185 (2006).

CHRIS HOGERTY

01/11/2007 S First Read (S93)

01/18/2007 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S122)

01/22/2007 Hearing Conducted S Financial & Governmental Organizations and Elections Committee - Consent

EFFECTIVE: August 28, 2007

\*\*\* SB 270 \*\*\*

1182S.011

SENATE SPONSOR: Scott

SB 270 - This act authorizes the Director of the POST Commission to promulgate rules and regulations.

This act is similar to SB 977 (2006).

SUSAN HENDERSON MOORE

01/11/2007 S First Read (S93)

01/18/2007 Second Read and Referred S Financial &amp; Governmental Organizations and Elections Committee (S122)

01/22/2007 Hearing Conducted S Financial &amp; Governmental Organizations and Elections Committee - Consent

EFFECTIVE: August 28, 2007

\*\*\* SB 271 \*\*\*

1170S.011

SENATE SPONSOR: Scott

SB 271 - 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) and SB 818 (2006).

CHRIS HOGERTY

01/11/2007 S First Read (S93)

01/18/2007 Second Read and Referred S Financial &amp; Governmental Organizations and Elections Committee (S122)

01/22/2007 Hearing Conducted S Financial &amp; Governmental Organizations and Elections Committee - Consent

EFFECTIVE: August 28, 2007

\*\*\* SB 272 \*\*\*

0666L.011

SENATE SPONSOR: Scott

SB 272 - Currently, all five members of the Advisory Commission for Physical Therapists must be licensed physical therapists. The act changes the membership to include four physical therapists and one physical therapist assistant.

CHRIS HOGERTY

01/11/2007 S First Read (S93)

01/18/2007 Second Read and Referred S Financial &amp; Governmental Organizations and Elections Committee (S122)

01/22/2007 Hearing Conducted S Financial &amp; Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2007

\*\*\* SB 273 \*\*\*

1423S.011

SENATE SPONSOR: Shields

SB 273 - This act adds coverage for liability under the state legal expense fund to podiatrists, chiropractors, optometrists, pharmacists, certain mental health professionals, certain other health care providers who provide health care services at certain health departments or health centers, any social welfare board, the officers and members of such a board, and certain health care providers who are referred to provide specialty care without compensation for such a board.

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) and SB 946 (2006).

ALEXA PEARSON

01/16/2007 S First Read (S101)

01/18/2007 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S122)

EFFECTIVE: August 28, 2007

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\*\*\* SB 274 \*\*\*

1477S.011

SENATE SPONSOR: Shields

SB 274 - This act establishes the Healthcare Technology Fund, which shall be administered by the Department of Social Services.

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 contains an emergency clause.

This act is similar to SCS/SBs 858 and 968 (2006).

ADRIANE CROUSE

01/16/2007 S First Read (S101)

01/18/2007 Second Read and Referred S Health and Mental Health Committee (S122)

EFFECTIVE: Emergency Clause

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\*\*\* SB 275 \*\*\*

0973S.011

SENATE SPONSOR: Ridgeway

SB 275 - 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 in all business enterprises, including operating a home-based business and working part-time from home. The council shall also provide information for women to access traditional as well as nontraditional skilled trades. In addition, the council shall add to the list of areas covered in programs, studies, seminars and conferences conducted by the council to include occupational and economic needs, balancing work and family, financial planning, and federal and state procurement opportunities for women.

This act also 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.

This act is similar to SB 808 (2006).

ADRIANE CROUSE

01/16/2007 S First Read (S101)

01/18/2007 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S122)

01/22/2007 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2007

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\*\*\* SB 276 \*\*\*

1517S.011

SENATE SPONSOR: Koster

SB 276 - Under current law, no more than three members on the Clean Water Commission may belong to the same political party. This act increases the maximum number of members who may belong to the same political party to four.

ERIKA JAQUES

01/16/2007 S First Read (S101)

01/18/2007 Second Read and Referred S Financial &amp; Governmental Organizations and Elections Committee (S122)

EFFECTIVE: August 28, 2007

**\*\*\* SB 277 \*\*\***

1513S.011

SENATE SPONSOR: Koster

SB 277 - This act discontinues compensation for permanent total disability paid to an employee's dependents upon the death of the employee.

CHRIS HOGERTY

01/16/2007 S First Read (S102)

01/18/2007 Second Read and Referred S Judiciary and Civil &amp; Criminal Jurisprudence Committee (S122)

EFFECTIVE: August 28, 2007

**\*\*\* SB 278 \*\*\***

1512S.011

SENATE SPONSOR: Koster

SB 278 - This act requires any person who pleads guilty to or is found guilty of a felony to serve a term of imprisonment of not less than three years if he or she was required to register as a sex offender at the time of the offense and failed to do so in violation of Section 589.425, RSMo.

SUSAN HENDERSON MOORE

01/16/2007 S First Read (S102)

01/18/2007 Second Read and Referred S Judiciary and Civil &amp; Criminal Jurisprudence Committee (S122)

01/29/2007 Hearing Scheduled S Judiciary and Civil &amp; Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2007

**\*\*\* SB 279 \*\*\***

1381S.011

SENATE SPONSOR: Griesheimer

SB 279 - This act reinstates the Federal overtime standards for public employees employed as firefighters, law enforcement officers, and EMTs that were in place before the passage of Proposition B (2006) including exemptions for flex-time rates.

This act contains an emergency clause.

CHRIS HOGERTY

01/16/2007 S First Read (S102)

01/18/2007 Second Read and Referred S Small Business, Insurance &amp; Industrial Relations Committee (S122)

01/30/2007 Hearing Scheduled S Small Business, Insurance &amp; Industrial Relations Committee

EFFECTIVE: August 28, 2007

**\*\*\* SB 280 \*\*\***

1061S.011

SENATE SPONSOR: Griesheimer

SB 280 - This act provides that any person who commits a steady red light violation that is detected and enforced through an automated photo red light enforcement system is guilty of an infraction. The act further provides that a red light violation detected by an automated photo red light enforcement system shall not be deemed a moving violation. Violations detected by an automated photo red light enforcement system shall not be made part of the violator's operating record nor points shall be assessed against the violator's record. Under the act, insurance companies are prohibited from imposing surcharge points if a person commits a red light violation detected by an automated photo red light enforcement system.

STEPHEN WITTE

01/16/2007 S First Read (S102)

01/18/2007 Second Read and Referred S Judiciary and Civil &amp; Criminal Jurisprudence Committee (S122)

EFFECTIVE: August 28, 2007

\*\*\* SB 281 \*\*\*

1317S.011

SENATE SPONSOR: Griesheimer

SB 281 - The act allows the board overseeing landscape architects to establish continuing education requirements and authorizes inactive licenses in certain circumstances. License renewal fees are waived for landscape architects over the age of 75.

CHRIS HOGERTY

01/16/2007 S First Read (S102)

01/18/2007 Second Read and Referred S Financial &amp; Governmental Organizations and Elections Committee (S122)

EFFECTIVE: August 28, 2007

\*\*\* SB 282 \*\*\*

1361S.011

SENATE SPONSOR: Griesheimer

SB 282 - This act modifies the determination of county average wage where a qualified company relocates employees from one Missouri county to another. The act requires that businesses offer health insurance to all full-time employees in the state and pay at least fifty percent of such premiums in order to be a qualified company. The act excludes educational services, religious organizations, and public administration from the term "qualified company". The act allows for the use of tax credits issued under the Missouri Quality Jobs Act to be used to offset both Missouri income tax and the financial institutions tax liabilities.

The act allows for the increase of the calendar year annual maximum number of quality jobs training tax credits issued to a qualified company which also participates in the new job training program by an amount equal to the withholding tax retained by such company under the new job training program provided it does not exceed the projected state benefit of the project. The act allows for an increase in the calendar year annual maximum amount of tax credits issued for high impact projects if the number of new jobs will exceed five hundred and such action is proposed by the department and approved by the quality jobs advisory task force.

The act allows a qualified company to begin retaining withholding taxes upon reaching the minimum number of new jobs where the average wage exceeds the county average wage. A qualified company will not receive tax credits if in its annual report, the average wage is below the county average wage, the company has not maintained the required employee insurance, or if the number of new jobs is below the minimum.

The maximum calendar year annual tax credits issued under the Missouri Quality Jobs Act is increased from twelve million dollars to twenty-four million dollars. Prior to the issuance of tax credits under the Missouri Quality Jobs Act, the Department of Economic Development must verify through the Department of Revenue that the qualified company does not owe any delinquent income, sales, or use taxes, or interest or penalties on such taxes and through the department of insurance that the applicant does not owe any delinquent insurance taxes. If the qualified company has a tax delinquency, the tax credits issued under the Missouri Quality Jobs Act shall first be applied to such delinquency with the remainder, if any, to then be issued to the company.

JASON ZAMKUS

01/16/2007 S First Read (S102)

01/22/2007 Second Read and Referred S Economic Development, Tourism &amp; Local Government Committee (S131)

EFFECTIVE: August 28, 2007

\*\*\* SB 283 \*\*\*

1360S.011

SENATE SPONSOR: Griesheimer

SB 283 - This act modifies the definition of the term "employee". The act places new requirements on eligibility regarding the number of new employees and average employee wage. The amount of money which may be issued for enhanced business enterprises by the department of economic development after

December 31, 2006, is increased from seven million to twenty-five million dollars.

Prior to the issuance of tax credits for enhanced business enterprises, the Department of Economic Development must verify through the Department of Revenue that the enhanced business enterprise does not owe any delinquent income, sales, or use taxes, or interest or penalties on such taxes and through the Department of Insurance that the applicant does not owe any delinquent insurance taxes. If the enhanced business enterprise has a tax delinquency, the tax credits issued for enhanced business enterprises shall first be applied to such delinquency with the remainder, if any, to then be issued to the enhanced business enterprise.

JASON ZAMKUS

01/16/2007 S First Read (S102)

01/22/2007 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S132)

EFFECTIVE: August 28, 2007

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\*\*\* SB 284 \*\*\*

0368S.031

SENATE SPONSOR: Griesheimer

SB 284 - This act authorizes state-issued video service franchising. A video service authorization will be required for a person to provide video services within political subdivisions of the state. In order to receive a video service authorization, a video service provider or incumbent cable operator must file an application with the Public Service Commission and provide notice to the political subdivision to receive the service. Within thirty days of receipt of an application, the Public Service Commission must issue a video service authorization to the applicant. The video service authorization will include a grant of authority to provide service in the political subdivisions set forth in the application and a grant of authority to construct video service networks across or along public rights-of-way.

A person providing video service under a franchise agreement in effect prior to the effective date of the act may: continue to provide services under the provisions of the existing franchise agreement until its expiration; apply for a video service authorization as provided under the act; or if competition exists in the franchise entity served, automatically convert the existing franchise into a state-issued video service authorization upon notice to the Public Service Commission and the affected political subdivision.

Political subdivisions are prohibited from placing any additional requirements upon a person holding a video service authorization other than provided in the act. A person holding a video service authorization must comply with all Federal Communications Commission requirements regarding distribution and notification of emergency messages over the emergency alert system applicable to cable operators.

A video service authorization will terminate upon notice to the Public Service Commission and affected political subdivisions, by the holder of the authorization, that such person will no longer provide service under the authorization.

Political subdivisions are allowed to collect a video service provider fee equal to not more than five percent of the gross revenue from each video service provider providing service in the political subdivision. The video service provider fee shall be the same for all video service providers providing service within the same franchise entity. Video service providers will pay the video service provider fee at the same rate assessed on incumbent cable providers immediately prior to the effective date of the act. Political subdivisions will be allowed to make necessary adjustments to the video service provider fee's rate once a year upon ninety days notice to the video service provider.

The video service provider fee must be paid to each political subdivision served on or before the last day of the month following the end of each calendar quarter. Video service providers may pass the tax and any support required for PEG programming on to customers, provided they are listed as a separate line items on subscriber bills.

Political subdivisions are provided audit authority over video service providers. Political subdivisions may audit video service providers providing service within their respective political subdivisions once per year with the cost of any such audit to be paid by such political subdivision. Law suits arising out of disputes relating to the amount of video service provider fees alleged to be due must be commenced within two years following the end of the quarter to which the disputed amount relates. Failure to file within the two year statute of limitations will result in the payments being deemed to have been made in full.

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Political subdivisions are prohibited from employing anyone that is dependent upon the outcome of an audit conducted upon a person holding a video service authorization. Video service providers are not required to retain financial records associated with the payment of video service provider fees longer than three years unless an action has commenced regarding such payment.

Upon ninety days notice, a political subdivision may require certain video service providers to adopt customer service requirements consistent with federal regulations. Video service providers must adopt informal processes for handling customer concerns. In the event an issue is not resolved, the act allows for confidential non-binding mediation with costs to be shared equally among the political subdivision and video service provider.

The Public Service Commission is required to make annual reports on developments resulting from this act for the next three years. Video service providers are required to indemnify political subdivisions from causes of action resulting from certain acts or omissions of the video service provider.

Video service authorizations are fully transferrable upon notice to the Public Service Commission and affected political subdivisions. Political subdivisions may require up to three channels be designated by a video service provider for public, educational, or governmental (PEG) use dependent upon the population of the franchise entity. Incumbent cable operators will be subject to the provisions of the act regarding designation of channels for PEG use.

Designated PEG channels that are not substantially utilized may be terminated at the video service provider's discretion. Terminated PEG channels will be made available to political subdivisions within one hundred and twenty days of a determination being made by the governing body of such political subdivision that the channel will be substantially utilized. The expense of providing PEG channels shall be the sole responsibility of the political subdivision receiving the benefit of such channels. Political subdivisions must provide transmissions for PEG use in a compatible format for transmission by the video service provider without further alteration.

Video service providers will have the same obligations to support PEG access facilities as the incumbent cable operator with the most subscribers for each political subdivision. Video service providers are prohibited from discriminating with regard to provision of services based upon race or income. Within three years of providing video service, video service providers must provide at least twenty-five percent of its services to low income households, or within five years, thirty percent of its services must be provided to low income households.

Certain video service providers using telecommunication facilities to provide video service are required to provide service to at least twenty five percent of the households within their service area within three years of providing service under the video service authorization and not less than thirty percent within six years. A video service provider may satisfy the build-out requirements contained in the act through alternative technology if the service, functionality, and content is demonstrably similar to that provided through the provider's video service network. The Public Service Commission may grant waivers or time extensions upon application by a video service provider.

A Political subdivision aggrieved by a video service providers failure to comply with the build-out requirements provided in the act may file suit in a court of competent jurisdiction. If such a court determines that the video service provider has failed to meet build-out requirements, the court may order the video service provider to comply within a reasonable period of time.

The act allows for the imposition of a state sales tax on direct broadcast satellite service equal to five percent of the basic rate. Revenues derived from the imposition of the sales tax on satellite services will be distributed to the political subdivisions of the state based upon population.

The act prohibits the Public Service Commission from regulating or otherwise exercising jurisdiction over the provision of voice over internet protocol service. The act prohibits the imposition of 911 related taxes on the provision of voice over internet protocol service. Providers of voice over Internet protocol service are provided immunity from certain actions.

The provisions of the 2007 Video Services Providers Act are non-severable.

This act is similar to SB 816 (2006).

This act contains an emergency clause.

JASON ZAMKUS

01/16/2007 S First Read (S102)

01/22/2007 Second Read and Referred S Commerce, Energy and the Environment Committee (S132)

01/25/2007 Hearing Conducted S Commerce, Energy and the Environment Committee

EFFECTIVE: Emergency Clause

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\*\*\* SB 285 \*\*\*

1507S.011

SENATE SPONSOR: Crowell

SB 285 - 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 identical to SB 609 (2006).

ADRIANE CROUSE

01/16/2007 S First Read (S102)

01/22/2007 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S132)

EFFECTIVE: August 28, 2007

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\*\*\* SB 286 \*\*\*

1519S.011

SENATE SPONSOR: Crowell

SB 286 - 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, 2008.

This act is similar to SB 1089 (2006).

JASON ZAMKUS

01/16/2007 S First Read (S102)

01/22/2007 Second Read and Referred S Ways & Means Committee (S132)

EFFECTIVE: January 1, 2008

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\*\*\* SB 287 \*\*\*

1424S.011

SENATE SPONSOR: Crowell

SB 287 - This act raises the amount of annual matching grants to be made for veterans' service officer programs by the Missouri Veterans' Commission from seven hundred fifty thousand to one million dollars.

This act is identical to HB 1845 (2006).

ALEXA PEARSON

01/16/2007 S First Read (S102)

01/22/2007 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S132)

01/31/2007 Hearing Scheduled S Pensions, Veterans' Affairs and General Laws Committee



EFFECTIVE: August 28, 2007

\*\*\* SB 288 \*\*\*

1319S.011

SENATE SPONSOR: Engler

SB 288 - This act authorizes the Governor to convey certain state properties in the City of St. Louis and the counties of St. Francois, Texas, Newton, Greene, and Livingston.

This act contains an emergency clause.

SUSAN HENDERSON MOORE

01/16/2007 S First Read (S102)

01/22/2007 Second Read and Referred S Economic Development, Tourism &amp; Local Government Committee (S132)

01/31/2007 Hearing Scheduled S Economic Development, Tourism &amp; Local Government Committee

EFFECTIVE: Emergency Clause

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

1351S.011

SENATE SPONSOR: Engler

SB 289 - 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) and SB 1034 (2006).

CHRIS HOGERTY

01/16/2007 S First Read (S102)

01/22/2007 Second Read and Referred S Financial &amp; Governmental Organizations and Elections Committee (S132)

EFFECTIVE: August 28, 2007

\*\*\* SB 290 \*\*\*

1358S.011

SENATE SPONSOR: Engler

SB 290 - This act authorizes minimum amounts of compensation for certain corrections personnel.

The effective date of this act is July 1, 2008.

This act is similar to SB 705 (2006).

SUSAN HENDERSON MOORE

01/16/2007 S First Read (S102)

01/22/2007 Second Read and Referred S Financial &amp; Governmental Organizations and Elections Committee (S132)

EFFECTIVE: July 1, 2008

\*\*\* SB 291 \*\*\*

1379L.011

SENATE SPONSOR: Mayer

SB 291 - This act charges the Board of Pharmacy with the duty of issuing wholesale drug distributor licenses to those who distribute prescription drugs to persons other than consumers or patients. Certain information must be delivered to the board with a license request including names, addresses, descriptions of the operation, and descriptions of any offenses. Physical inspections must be made of in-state facilities prior to licensing and designated representatives must meet certain criteria.

Potential licensees must post a bond of at least \$100,000 or equivalent means of security acceptable to the board. The act provides for the renewal of licenses and continuing education requirements.

Once in operation, a manufacturer or wholesale distributor shall furnish prescription drugs only to persons licensed by the Board of Pharmacy. The drugs shall be delivered only to the premises on the license to a licensed individual, or to an authorized person if the identity and authorization is established and the use of such a method is immediately necessary.

Licensees must establish and maintain inventories and records of all transactions including records of pedigrees for all prescription drugs that leave the normal distribution channel. The Board of Pharmacy shall study and decide the viability of instituting an electronic pedigree system. Requirements for maintaining and identifying information in pedigrees is established.

The act authorizes the board to issue orders ceasing the distribution of prescription drugs by licensees in light of certain violations. Upon such a determination, such licensees shall be afforded a hearing. The board may refuse to issue any license in certain instances and upon such refusal the applicant may file a complaint with the Administrative Hearing Commission.

Conviction of any violation under the act shall result in a Class C felony.

CHRIS HOGERTY

01/16/2007 S First Read (S102)

01/22/2007 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S132)

EFFECTIVE: August 28, 2007

\*\*\* SB 292 \*\*\*

1194S.011

SENATE SPONSOR: Mayer

SB 292 - 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 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 the bylaws, corporate structure, rule-making authority, financing mechanism, process for dispute resolution, and enforcement provisions. The compact becomes effective August 28, 2007, or upon legislative enactment of the compact into law by no less than 35 states, whichever occurs later.

This act is identical to SB 1206 (2006).

ADRIANE CROUSE

01/16/2007 S First Read (S102)

01/22/2007 Second Read and Referred S Seniors, Families and Public Health Committee (S132)

EFFECTIVE: Contingent

\*\*\* SB 293 \*\*\*

1515S.011

SENATE SPONSOR: Vogel

SB 293 - Currently, the Missouri State Public Employees Deferred Compensation Fund is administered by the Missouri State Public Employees Deferred Compensation Commission. This act provides that beginning August 28, 2007, the Deferred Compensation Fund shall be administered by the Board of Trustees for the Missouri State Employees Retirement System (MOSERS).

The act also provides that two of the commissioners serving on the Deferred Compensation Commission prior to the effective date of this act, including one of the members of the General Assembly, shall remain as ex officio members of the MOSERS Board of Trustees solely for the purpose of sharing duties of administering the Deferred Compensation Fund. One such ex officio board member shall cease service with the board as of August 28, 2008, and the other ex officio board member shall cease service as of August 28, 2009.

ALEXA PEARSON

01/16/2007 S First Read (S103)

01/22/2007 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S132)

EFFECTIVE: August 28, 2007

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\*\*\* SB 294 \*\*\*

1332S.011

SENATE SPONSOR: Vogel

SB 294 - 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 affected 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. Employers required to submit returns and payments electronically may appeal to the director of revenue for an exemption from this requirement.

From January 1, 2007, to January 1, 2008, any person acting as a tax 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 either electronically or containing a two dimensional bar code in a format approved by the director. From January 1, 2008, to January 1, 2009, 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 or containing a two dimensional bar code in a format approved by the director. On or after January 1, 2009, any such person who completed and filed more than fifty individual income tax returns in the previous calendar year is required to transmit such returns electronically or containing a two dimensional bar code 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 or containing a two dimensional bar code.

The director may require sales tax returns and payments be submitted in electronic format if the aggregate amount required to be collected exceeds four thousand dollars and 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.

The act provides people required to submit employer withholding and sales tax returns and payments electronically the ability to appeal for an exemption from such requirements.

This act is similar to SB 1138 (2006).

JASON ZAMKUS

01/16/2007 S First Read (S103)

01/22/2007 Second Read and Referred S Ways & Means Committee (S132)

EFFECTIVE: August 28, 2006

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\*\*\* SB 295 \*\*\*

1503S.011

SENATE SPONSOR: Vogel

SB 295 - This act extends the sunset clause on the mandatory insurance database program from June 30, 2007, to June 30, 2012.

The act contains an emergency clause.

STEPHEN WITTE

01/16/2007 S First Read (S103)

01/22/2007 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S132)

EFFECTIVE: Emergency Clause

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\*\*\* SB 296 \*\*\*

0843S.021

SENATE SPONSOR: Loudon

SB 296 - This act provides for the Joint Committee on Wagering and Gaming to solicit competitive bids

from state universities for a comprehensive study of pathological or serious problem gambling and problem gambling in this state. After bidding is closed, the committee shall choose the best and lowest bid based on the academic and professional qualifications of the research team and the ability of the team to deliver the best data.

The study must focus on a review of existing policies regarding the prevention and treatment of pathological and problem gambling and formulate changes to these policies. The study must include information on the economic impact of pathological or serious problem gambling on the state and political subdivisions; how much money an individual pathological gambler costs society each year; the relationship between crime and gambling; the economic impact of gambling on other businesses; the demographics of pathological gamblers; and the costs and effectiveness of state and federal gambling regulatory policy.

The study director shall hold hearings, administer oaths, take testimony, receive evidence and subpoena witnesses and production of documents. The act directs the university to complete the study and file a report by January 31, 2010, and requires the General Assembly to appropriate up to \$200,000 for the study.

The act limits the number of gambling boat licenses which may be issued to twelve until such time as the university submits its report to the Governor and the General Assembly.

This act is similar to SB 386 (2005) and SB 926 (2004).

JASON ZAMKUS

01/16/2007 S First Read (S103)

01/22/2007 Second Read and Referred S Ways & Means Committee (S132)

EFFECTIVE: August 28, 2007

\*\*\* SB 297 \*\*\*

1320S.011

SENATE SPONSOR: Loudon

SB 297 - This act prohibits 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, 2008. 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 \$500 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 warrantor, the warranty holder is entitled to make a direct claim against the warranty reimbursement 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 financing that a retail purchaser of a motor vehicle purchase a vehicle protection product.

**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 three 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.

**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 has an effective date of January 1, 2008. This act is substantially similar to SB 1058 (2006).  
STEPHEN WITTE

01/16/2007 S First Read (S103)

01/22/2007 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S132)

EFFECTIVE: January 1, 2008

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

1405S.011

SENATE SPONSOR: Engler

SB 298 - Currently, each voter in a hospital district votes for six directors, divided among six election districts, with one from each election district. Under this act, in Iron County each voter would vote for one director from the hospital election district in which the voter resides.

SUSAN HENDERSON MOORE

01/17/2007 S First Read (S112)

01/22/2007 Second Read and Referred S Economic Development, Tourism &amp; Local Government Committee (S132)

01/31/2007 Hearing Scheduled S Economic Development, Tourism &amp; Local Government Committee

EFFECTIVE: August 28, 2007

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

1526S.011

SENATE SPONSOR: Purgason

SB 299 - This act repeals the expiration date of January 1, 2007, for certain provisions allowing for the issuance of special permits by the Supervisor of Alcohol and Tobacco Control for extended operating hours to resorts serving liquor to overnight guests.

SUSAN HENDERSON MOORE

01/17/2007 S First Read (S112)

01/22/2007 Second Read and Referred S Economic Development, Tourism &amp; Local Government Committee (S132)

EFFECTIVE: August 28, 2007

\*\*\* SB 300 \*\*\*

0500S.021

SENATE SPONSOR: Bartle

SB 300 - This act modifies laws relating to the regulation of sexually oriented businesses.

SECTION 64.2540 - This section defines the term "licensee" in relation to sexually oriented businesses.

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

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

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

SECTION 67.2552 - Under this section, it is a Class A misdemeanor for an employee, while semi-nude in a sexually oriented business, to solicit any pay or gratuity from a customer or for a customer to pay gratuity to an employee while he or she is semi-nude.

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 types of 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 identifying information, present contact information, and proof of age.

The county or municipality may collect a non-refundable deposit fee to be paid prior to processing a licensing application. A license shall not be issued to any person who has had a conviction for a sexual offense, obscenity offense, or alcohol-related offense 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.

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.

SUSAN HENDERSON MOORE

01/17/2007 S First Read (S112)

01/22/2007 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S132)

EFFECTIVE: August 28, 2007

\*\*\* SB 301 \*\*\*

0878S.011

SENATE SPONSOR: Bartle

SB 301 - This act creates a tax credit in an amount equal to fifty percent of the expenses incurred by an employer for the implementation of a family friendly work program. A family friendly work program requires an employer to allow full-time employees to utilize at least two of the following: compressed work schedules; flextime; on-site day care; part-time positions; and telecommuting. The tax credit is a fully transferrable, non-refundable tax credit that may be carried forward three years until fully claimed. The tax credit has an annual aggregate cap of four million dollars.

The provision of this act will automatically sunset six years after the effective date of the act.

JASON ZAMKUS

01/17/2007 S First Read (S112)

01/22/2007 Second Read and Referred S Ways & Means Committee (S132)

EFFECTIVE: August 28, 2007

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

0848S.011

SENATE SPONSOR: Loudon

SB 302 - 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.

This act is identical to SB 1157 (2006).

STEPHEN WITTE

01/17/2007 S First Read (S112)

01/22/2007 Second Read and Referred S Judiciary and Civil &amp; Criminal Jurisprudence Committee (S132)

EFFECTIVE: August 28, 2007

\*\*\* SB 303 \*\*\*

1258S.021

SENATE SPONSOR: Loudon

SB 303 - 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 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 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.

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.

This act is similar to SCS/SB 637 (2006).

ADRIANE CROUSE

01/17/2007 S First Read (S112)

01/22/2007 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S132)

EFFECTIVE: August 28, 2007

\*\*\* SB 304 \*\*\*

0922S.011

SENATE SPONSOR: Loudon

SB 304 - 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.

This act is substantially similar to SB 1071 (2006).

STEPHEN WITTE

01/17/2007 S First Read (S112-113)

01/22/2007 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S132)

EFFECTIVE: August 28, 2007

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\*\*\* SB 305 \*\*\*

0158S.011

SENATE SPONSOR: Kennedy

SB 305 - 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) SCS/SB 64 (2005), and SCS/SB 897 (2006).

CHRIS HOGERTY

01/18/2007 S First Read (S119)

01/22/2007 Second Read and Referred S Seniors, Families and Public Health Committee (S132)

EFFECTIVE: August 28, 2007

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

1418S.011

SENATE SPONSOR: Crowell

SB 306 - This act provides that the Commissioner of the Office of Administration shall provide each Senator with a key that accesses the dome of the state capitol.

JIM ERTLE

01/18/2007 S First Read (S119)

01/22/2007 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S132)

EFFECTIVE: August 28, 2007

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

1529S.011

SENATE SPONSOR: Crowell

SB 307 - 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, the public interest in protecting the confidentiality of the source balanced against the public interest in requiring disclosure, 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.

This act is similar to SB 1013 (2006) and SB 786 (2006).

ALEXA PEARSON

01/18/2007 S First Read (S120)

01/22/2007 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S132)

EFFECTIVE: August 28, 2007

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\*\*\* SB 308 \*\*\*

1150L.011

SENATE SPONSOR: Crowell

SB 308 - This act adds fitting, programming, and dispensing of assistive listening devices and other amplification systems to the definition of the practice of audiology.

Licensees who sell devices shall deliver a purchase agreement to the purchaser containing information including the terms of the sale, name of the manufacturer, make, model, whether the item is used and other details.

The act also phases in education requirements for applicants for instrument specialist licenses or hearing instrument specialist-in-training permits.

CHRIS HOGERTY

01/18/2007 S First Read (S120)

01/22/2007 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S132)

EFFECTIVE: August 28, 2007

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\*\*\* SB 309 \*\*\*

1539S.011

SENATE SPONSOR: Stouffer

SB 309 - This act transfers the responsibility for collecting the surplus lines tax from the Department of Insurance to the Department of Revenue.

STEPHEN WITTE

01/18/2007 S First Read (S120)

01/22/2007 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S132)

EFFECTIVE: August 28, 2007

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\*\*\* SB 310 \*\*\*

1193S.031

SENATE SPONSOR: Stouffer

SB 310 - Under this act, the sales and use tax is increased by an additional one percent. The provision of law authorizing the sales and use tax increase expires on December 31, 2018. The revenue derived from the one percent increase shall be used for the purposes of assisting in the reconstruction, rebuilding, construction, and conversion of Interstate 70 and Interstate 44 into an eight-lane interstate system.

The act provides that the one percent sales tax shall be reduced in political subdivisions where a TDD sales tax has been imposed to finance highway projects that are intended to be merged into the state highway system. The sales tax in those areas shall be the difference between the one percent sales tax and the amount of the TDD sales tax.

The act establishes a fund known as the "State Transportation Interstate Fund" into which the proceeds of the sales and use tax will be deposited. The state transportation interstate fund shall, upon appropriation, be used for the construction, reconstruction, rehabilitation, and conversion of Interstate 44 and Interstate 70 into an eight-lane interstate system. Each interstate system shall be comprised of eight lanes, with four lanes designated for motor vehicle traffic proceeding in the same direction. Four lanes of each interstate system shall be utilized as dedicated commercial motor vehicle lanes in which commercial truck traffic is separated from non-commercial motor vehicle traffic. Commercial motor vehicles shall be confined to the two inside lanes in each direction. Under the act, the State Highways and Transportation Commission is authorized to enter into design-build contracts in order to complete the interstate highway projects. Any moneys remaining in the state transportation interstate fund after June 30, 2019, shall be transferred to the state road fund.

This act contains a referendum clause.

STEPHEN WITTE

01/18/2007 S First Read (S120)

01/22/2007 Second Read and Referred S Transportation Committee (S132)

EFFECTIVE: Referendum

\*\*\* SB 311 \*\*\*

1525S.011

SENATE SPONSOR: Scott

SB 311 - This act modifies several provisions of law relating to transportation development districts. The act modifies the definition of "qualified electors" to mean residents within a proposed district registered to vote and property owners who shall receive one vote per acre. The definition provides that any registered voter who is also a property owner must choose to vote as an owner or a registered voter. The act makes a technical change to what a transportation development petition must contain. The law currently provides that the petition must contain a proposal for funding a district, with a request that the funding proposal be submitted to the qualified voters residing in the proposed district. This act removes the word "residing" since that term is inconsistent with the portion of the TDD law that allows districts to be formed where there are no residents in the proposed district. The act provides for the deannexation of property from a transportation development district but only with the unanimous consent of the property owners and the removal of such property will not materially affect the obligations of the district. The act modifies the process for submitting TDD plans to the State Highways and Transportation Commission. The act provides for preliminary approval of a project by the commission. After such preliminary approval, the district may impose taxes and assessments. The act provides for the speedier transfer of a TDD project to the commission or local transportation authority provided the recipient consents.

STEPHEN WITTE

01/18/2007 S First Read (S120)

01/22/2007 Second Read and Referred S Economic Development, Tourism &amp; Local Government Committee (S132)

EFFECTIVE: August 28, 2007

\*\*\* SB 312 \*\*\*

1249S.011

SENATE SPONSOR: Scott

SB 312 - This act creates the Fleet Management Fund in the Office of Administration. Currently, proceeds generated from the sale of surplus vehicles are deposited in the Office of Administration Revolving Trust Fund to be used to purchase new vehicles. This act diverts those proceeds to the Fleet Management Fund and allows the fleet manager to use the proceeds to purchase and repair vehicles.

Currently, moneys in the State Facility Maintenance and Operation Fund and the Administrative Trust Fund do not lapse unless the year-end balance exceeds one-twelfth of the total amount appropriated, paid, or transferred to the fund during the year. This act raises that amount to one-fourth.

The act repeals a provision allowing the Commissioner of Administration to select a personnel director.

CHRIS HOGERTY

01/18/2007 S First Read (S120)

01/22/2007 Second Read and Referred S Financial &amp; Governmental Organizations and Elections Committee (S132)

EFFECTIVE: August 28, 2007

\*\*\* SB 313 \*\*\*

1161S.011

SENATE SPONSOR: Scott

SB 313 - Under current law, every manufactured housing manufacturer or dealer who offers for sale four or more new or used homes must register with the Public Service Commission. This act would expand that requirement so that those who offers to sell four or more used homes, or one or more new homes with any consecutive 12 month period must also register. The act allows the commission to establish a "Manufactured Housing Recovery Account" within the Manufactured Housing Fund. Moneys in the fund shall be used to pay claims filed by aggrieved consumers who have exhausted all other legal remedies. The act also requires manufactured home dealers to provide purchasers a bill of sale containing the names of the persons

responsible for installation and setup. The act also requires dealers to disclose installation and set-up costs to purchasers. The act specifically provides that commission suspension, revocation or probation orders shall apply to all registrations held by the dealer if there is consistent pattern of abuse. The act provides that the commission, through its general counsel, may seek remedies in circuit court for violations of Chapter 700, RSMo. The act also assigns new statutory numbers to several provisions of law contained in Chapter 700, RSMo.

STEPHEN WITTE

01/18/2007 S First Read (S120)

01/22/2007 Second Read and Referred S Commerce, Energy and the Environment Committee (S132)

EFFECTIVE: August 28, 2007

\*\*\* SB 314 \*\*\*

1082S.011

SENATE SPONSOR: Clemens

SB 314 - This act establishes licensing standards for different types of clinical laboratory science personnel. The act licenses clinical laboratory scientists, categorical laboratory scientists, clinical laboratory technicians and clinical laboratory assistants/phlebotomists.

The act establishes the Clinical Laboratory Science Board consisting of seven members appointed by the Governor with the advice and consent of the Senate. The board shall establish educational standards and approve credentialing bodies that administer the professional exams.

Temporary licenses are allowed under certain circumstances. Procedures are established for denial and revocation of licenses and for the review of those administrative decisions.

CHRIS HOGERTY

01/18/2007 S First Read (S120)

01/22/2007 Second Read and Referred S Financial &amp; Governmental Organizations and Elections Committee (S132)

EFFECTIVE: August 28, 2007

\*\*\* SB 315 \*\*\*

1293S.011

SENATE SPONSOR: Clemens

SB 315 - This act provides that any person who negligently damages or destroys any field crop product shall be liable only for compensatory damages. The act directs the court to consider both the market value of the crop and the actual damages incurred when awarding damages.

This act is identical to SCS/SB 1159 (2006).

ERIKA JAQUES

01/18/2007 S First Read (S120)

01/22/2007 Second Read and Referred S Agriculture, Conservation, Parks &amp; Natural Resources Committee (S132)

01/30/2007 Hearing Scheduled S Agriculture, Conservation, Parks &amp; Natural Resources Committee

EFFECTIVE: August 28, 2007

\*\*\* SB 316 \*\*\*

1291S.011

SENATE SPONSOR: Clemens

SB 316 - 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.

This act is identical to SB 1158 (2006).

ERIKA JAQUES

01/18/2007 S First Read (S120)

01/22/2007 Second Read and Referred S Agriculture, Conservation, Parks &amp; Natural Resources Committee (S132)

01/30/2007 Hearing Scheduled S Agriculture, Conservation, Parks &amp; Natural Resources Committee

EFFECTIVE: August 28, 2007

\*\*\* SB 317 \*\*\*

0316S.021

SENATE SPONSOR: Clemens

SB 317 - This act requires individuals to pay restitution to the state for illegally obtained antlered deer intended to be sold. The amount of restitution is dependent upon the certified Boone & Crockett gross score of the antlered deer. Funds collected from this restitution shall be transferred to the state school moneys fund. Landowners are exempt from the act's provisions provided no part of the deer is removed from the property.

This act is similar to SB 757 (2006).

ERIKA JAQUES

01/18/2007 S First Read (S120)

01/22/2007 Second Read and Referred S Agriculture, Conservation, Parks &amp; Natural Resources Committee (S132)

EFFECTIVE: August 28, 2007

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

1036S.011

SENATE SPONSOR: Clemens

SB 318 - This act modifies provisions of the Missouri Quality Jobs Act allowing qualified companies to receive tax credits for providing tuition reimbursement programs to certain employees. The tax credit provided in this act is a non-refundable, fully transferrable income tax credit. To the extent that a taxpayer's Missouri income tax liability is exceeded by the amount of tax credits issued in a tax year for tuition reimbursement, the remaining tax credits may be carried forward five years until completely claimed.

The tuition reimbursement tax credit is an income tax credit equal to fifty percent of expenses incurred by a qualified company in providing tuition reimbursement to eligible employees, not to exceed five thousand dollars per eligible employee per year. The act prohibits a qualified company from receiving more than twenty-five thousand dollars in tuition reimbursement tax credits in any one tax year. The total number of tuition reimbursement tax credits issued annually shall not exceed two hundred and fifty thousand dollars. The act increases the maximum number of tax credits which may be issued under the Quality Jobs Act from twelve million to twelve million two hundred and fifty thousand dollars to allow for the issuance of tuition reimbursement tax credits.

JASON ZAMKUS

01/18/2007 S First Read (S120)

01/22/2007 Second Read and Referred S Ways &amp; Means Committee (S132)

EFFECTIVE: August 28, 2007

\*\*\* SB 319 \*\*\*

1038S.011

SENATE SPONSOR: Clemens

SB 319 - Currently, public or private retirees may deduct up to \$6,000 of pension allowances received each year if the taxpayer's income does not exceed \$32,000 for married taxpayers or \$25,000 for single taxpayers. This act removes the income limitation for taxpayers age sixty-five and older, allowing the full \$6,000 of retirement benefits to be deducted from state income tax regardless of income. Taxpayers younger than 65 years of age will still be allowed the \$6,000 benefit deduction subject to the income limitations.

This act is identical to HB 133 (2007).

JASON ZAMKUS

01/18/2007 S First Read (S120)

01/22/2007 Second Read and Referred S Ways &amp; Means Committee (S132)

EFFECTIVE: August 28, 2007

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

0540S.021

SENATE SPONSOR: Clemens

SB 320 - This act transfers administration of the Large Animal Veterinary Medicine Loan Repayment Program from the Missouri Veterinary Medical Board to the Department of Agriculture. The number of veterinarians to whom repayment can be granted each year is increased from five to six and the number of years an individual must agree to work in an area of defined need is decreased from five to four. The maximum amount of loan repayment that may be paid on behalf an individual per year of service is increased from ten thousand to twenty thousand dollars.

The act creates the Large Animal Veterinary Student Loan Program, which makes loans available to a maximum of six eligible students per year at the College of Veterinary Medicine at the University of Missouri-Columbia. Loan principal and interest shall be forgiven provided the loan recipient practices large animal veterinary medicine in underserved areas of the state as determined by the Department.

The director of the Department shall appoint an advisory panel to make recommendations regarding the administration of both the Large Animal Veterinary Medicine Loan Repayment Program and the Large Animal Veterinary Student Loan Program. The advisory panel shall consist of three licensed veterinarians, the dean of the College of Veterinary Medicine, and a public member representing the agricultural sector.

The act creates the Large Animal Veterinary Student Loan Payment Fund into which all funds appropriated and donated for the Large Animal Veterinary Student Loan Program shall be placed. Moneys in the fund may be used for the student loans as well as for any necessary cost incurred by the Department to administer the loan program. The Department is limited to \$480,000 in outstanding loans at any time, not including loans that have been forgiven, deferred, or are in repayment status.

ERIKA JAQUES

01/18/2007 S First Read (S120)

01/22/2007 Second Read and Referred S Education Committee (S133)

EFFECTIVE: August 28, 2007

\*\*\* SB 321 \*\*\*

0921S.021

SENATE SPONSOR: Engler

SB 321 - This act provides that any employee assigned to work at a state correctional facility or county jail shall, upon timely application to the court, be excused from service as a petit or grand juror.

ALEXA PEARSON

01/18/2007 S First Read (S120-121)

01/22/2007 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S133)

EFFECTIVE: August 28, 2007

\*\*\* SB 322 \*\*\*

1536S.011

SENATE SPONSOR: Engler

SB 322 - This act extends the commercial zone surrounding the City of St. Louis 25 miles beyond its city limits. The current law extends the commercial zone 18 miles beyond the St. Louis city limits. The act further extends the commercial zone throughout St. Charles County. The act also establishes a commercial zone east of the city limits of Missouri City along state route 210 and northwest from the intersection of state route 210 and state route 10 to include the boundaries of Excelsior Springs.

STEPHEN WITTE

01/18/2007 S First Read (S121)

01/22/2007 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S133)

01/31/2007 Hearing Scheduled S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2007

\*\*\* SB 323 \*\*\*

1245S.011

SENATE SPONSOR: Graham

SB 323 - This act allows for the appointment of a board of directors prior to the establishment of a tax for a Community Children's Services Fund and allows for the board to engage in and contract for services or

actions necessary to conduct the duties of the board once it is established. Current law requires the appointment of the board after the tax has been established.

ADRIANE CROUSE

01/18/2007 S First Read (S121)

01/22/2007 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S133)

EFFECTIVE: August 28, 2007

\*\*\* SB 324 \*\*\*

1523S.011

SENATE SPONSOR: Loudon

SB 324 - This act increases the annual cumulative tax credit cap for all special needs adoption tax credits from four million to five million and specifies that beginning on or after January 1, 2008, three million dollars in tax credits shall be allocated for non-resident special needs adoptions.

This act provides that the cumulative amount of tax credits that may be claimed by taxpayers claiming the credit for nonrecurring adoption expenses shall not be more than five million dollars, but may be increased by appropriation in any fiscal year beginning on or after July 1, 2004. The amount of remaining tax credits available for the children in crisis tax credit program will be divided equally among the three qualified agencies: CASA, child advocacy centers, and crisis care centers. In the event tax credits claimed under one agency do not total the allocated amount for that agency, the remaining tax credits will be allocated equally among the remaining agencies. In the event the total amount of tax credits claimed for any one agency exceeds the amount available for that agency, the amount redeemed shall and will be apportioned equally to all eligible taxpayers claiming the credit under that agency.

JASON ZAMKUS

01/18/2007 S First Read (S121)

01/22/2007 Second Read and Referred S Ways & Means Committee (S133)

EFFECTIVE: August 28, 2007

\*\*\* SB 325 \*\*\*

1125S.011

SENATE SPONSOR: Loudon

SB 325 - This act allows life insurance companies to exclude coverage for suicide for one year after the issuance of the policy. If the insured dies as a result of suicide within the one year period, the insurer must refund all premiums paid.

This act is similar to SB 838 (2006) and HB 1060 (1996).

STEPHEN WITTE

01/18/2007 S First Read (S121)

01/22/2007 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S133)

EFFECTIVE: August 28, 2007

\*\*\* SB 326 \*\*\*

1127S.011

SENATE SPONSOR: Loudon

SB 326 - This act establishes the Uninsured Motorist Stipulation of Benefits Act of 2007. An uninsured motorist involved in an accident with an insured motorist will waive his or her right to recover non-economic damages. The uninsured motorist's right to recovery would be limited to economic damages. This waiver will not apply if it can be proven that the insured motorist caused the accident and was under the influence of drugs or alcohol or is convicted of vehicular assault or homicide. The act will not apply to a motorist whose insurance policy was terminated for failure to pay the premium unless notice of termination for failure to pay was provided by the insurer at least 30 days prior to the time of the accident. Under this act, passengers in the uninsured motor vehicle are not subject to the waiver (Section 303.390).

This act is similar to SB 839 (2006) and SCS/HB 417 (2005).

STEPHEN WITTE

01/18/2007 S First Read (S121)



01/22/2007 Second Read and Referred S Judiciary and Civil &amp; Criminal Jurisprudence Committee (S133)

EFFECTIVE: August 28, 2007

\*\*\* SB 327 \*\*\*

1128S.011

SENATE SPONSOR: Loudon

SB 327 - 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 SB 824 (2006) and SCS/HB 417 (2005).

STEPHEN WITTE

01/18/2007 S First Read (S121)

01/22/2007 Second Read and Referred S Judiciary and Civil &amp; Criminal Jurisprudence Committee (S133)

EFFECTIVE: August 28, 2007

\*\*\* SB 328 \*\*\*

1407S.011

SENATE SPONSOR: Engler

SB 328 - This act directs the Department of Natural Resources to expeditiously approve a bio reactor landfill on a pilot basis in the City of Columbia. The bio reactor landfill must be designed by an engineering firm that has previously had its landfill designs approved by the Department.

Yard waste that is otherwise prohibited from being deposited in solid waste disposal areas, shall be permitted for deposit in the bio reactor landfill provided the addition of the yard waste is projected to increase gas production for electricity generation. Recyclable organic materials may be deposited in the bio reactor landfill and be considered "recycled" provided the addition of the material is projected to increase gas production for electricity generation and electricity is being generated on the day of deposit.

As part of the pilot project, the City of Columbia shall provide funding for university research to demonstrate the project's successful production of alternative energy.

ERIKA JAQUES

01/22/2007 S First Read (S129)

01/25/2007 Second Read and Referred S Commerce, Energy and the Environment Committee (S158)

EFFECTIVE: August 28, 2007

\*\*\* SB 329 \*\*\*

1056S.011

SENATE SPONSOR: Engler

SB 329 - This act modifies fees for surface mining permits. The act raises the maximum allowable fees that may be set by the Land Reclamation Commission, where permit fees may not exceed \$1000, site fees may not exceed \$400 per site, bonded acre fees may not exceed \$20 per acre, and the cumulative total of permit fees or renewal permit fees may not exceed \$3000.

Under current law, the per-acre fee is reduced by half for any acres assessed over one hundred. This act raises the acre threshold to two hundred to qualify for the reduced fee.

As of August 28, 2007, the fees shall be set at \$800 for a permit, \$400 per site, and \$10 per bonded acre. The Land Reclamation Commission may raise the fees by rule, provided a change in regulation necessitates the increased fees.

The expiration date for the fees is extended until December 31, 2013.

ERIKA JAQUES

01/22/2007 S First Read (S129)

01/25/2007 Second Read and Referred S Commerce, Energy and the Environment Committee (S158)

EFFECTIVE: August 28, 2007

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\*\*\* SB 330 \*\*\*

1404S.011

SENATE SPONSOR: Engler

SB 330 - This act requires each county to have at least one full-time deputy circuit clerk.

SUSAN HENDERSON MOORE

01/22/2007 S First Read (S129-130)

01/25/2007 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S158)

EFFECTIVE: August 28, 2007

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\*\*\* SB 331 \*\*\*

1528S.011

SENATE SPONSOR: Stouffer

SB 331 - This act eliminates the annual state of the state transportation address given by the Director of the Department of Transportation to the General Assembly. The current law is set to expire August 28, 2008.

This act is identical to SB 139 (2007) and SB 1039 (2006).

STEPHEN WITTE

01/22/2007 S First Read (S130)

01/25/2007 Second Read and Referred S Transportation Committee (S158)

EFFECTIVE: August 28, 2007

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\*\*\* SB 332 \*\*\*

1540S.011

SENATE SPONSOR: Stouffer

SB 332 - This act transfers the administration of the Crime Victims' Compensation Fund from the Department of Labor and Industrial Relations to the Department of Public Safety. Any party to a decision of the department on a claim heard may file a petition for review with the Administrative Hearing Commission, rather than the Labor and Industrial Relations Commission.

The Department of Public Safety may receive gifts for the benefit of crime victims, which shall be credited to the Crime Victims' Compensation Fund.

SUSAN HENDERSON MOORE

01/22/2007 S First Read (S130)

01/25/2007 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S158)

EFFECTIVE: August 28, 2007

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\*\*\* SB 333 \*\*\*

1511S.011

SENATE SPONSOR: Stouffer

SB 333 - This act changes the name of the Missouri Head Injury Advisory Council to the Missouri Brain Injury Advisory Council and codifies the executive order transferring the Missouri Brain Injury Advisory Council to the Department of Health and Senior Services. The act provides for the decrease of members of the council from the present twenty-five to eighteen. Meetings of the full council shall be held twice a year or at the call of the council chairperson.

This act modifies the definition of "brain injury" or "traumatic brain injury" to include a sudden insult or damage to the brain or its coverings, not of a degenerative nature. Cerebral vascular accidents, aneurisms and congenital deficits are specifically excluded from the definition of brain injury.

This act prescribes some additional duties for the department, including promulgating rules to prescribe polices or standards which affect charging and funding of adult brain injury rehabilitation services and reasonable rules relative to the implementation of participant rights undergoing rehabilitation services. The department shall also promulgate rules for those creating reasonable standard means test to be applied to all programs and services funded by the department. The department may also receive federal grants and aids for brain injury prevention, brain injury and brain injury rehabilitation. The administration of the Brain Injury Fund is also transferred to the department.

This act also provides that services provided by the department shall be directed toward preparation for education or vocational achievement, independent living, and community participation.

ADRIANE CROUSE

01/22/2007 S First Read (S130)

01/25/2007 Second Read and Referred S Seniors, Families and Public Health Committee (S158)

EFFECTIVE: August 28, 2007

\*\*\* SB 334 \*\*\*

1576S.011

SENATE SPONSOR: Griesheimer

SB 334 - This act defines the terms "appointed wholesalers", "brand", and "brand extensions".

A brewer or importer, who assigns a brand extension to a wholesaler, shall offer to assign such brand extension to the appointed wholesaler. This requirement shall not apply to brand extensions assigned to wholesalers by a brewer or importer prior to August 28, 2007. If, prior to August 28, 2007, a brewer or importer assigned a brand extension to a wholesaler, who was not an appointed wholesaler, any additional brand extension shall be assigned to the wholesaler who first had the brand.

SUSAN HENDERSON MOORE

01/22/2007 S First Read (S130)

01/25/2007 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S158)

EFFECTIVE: August 28, 2007

\*\*\* SB 335 \*\*\*

1572S.011

SENATE SPONSOR: Griesheimer

SB 335 - This act makes various revisions to laws regarding the registration, licensure, and sale of motor vehicles.

DEALER PLATES - This act makes a sectional correction reference with respect to manufacturer and dealer plates (Section 301.130).

TEMPORARY PERMITS - This act modifies various provisions relating to temporary permits. The act removes references to the terms "plate" and "paper plate" from the temporary permit provision. The act further increases the fee that a dealer may charge for a temporary permit from \$7.50 to \$10.50 (Section 301.140).

IN TRANSIT TAGS - The act repeals the provision of law which required dealers to use "In Transit" tags when moving motor vehicles from one dealer to another or from the manufacturer (Section 301.170).

TEMPORARY PERMITS FOR RESIDENTS - The act repeals the provision of law that required the issuance of temporary permits to nonresidents (Section 301.177).

OUT OF STATE CERTIFICATE OF OWNERSHIP - The act provides that the absence of a prior designation on a an out-of-state title that the vehicle is a reconstructed motor vehicle, motor change vehicle, specially constructed motor vehicle or prior salvage vehicle shall not relieve the transferor of the duty to exercise due diligence with respect to the title prior to its transfer. If the transferor exercises due diligence with respect to the out-of-state title, then the transferor shall not be liable despite the fact that the title was not properly designated (Section 301.190)(also repeals a doubly-enacted Section 301.190).

SALES BY DEALERS - The act require dealers to have a certificate of ownership or proof that the dealer has applied for a certificate of ownership or that a prior lien has been satisfied by the dealer for every motor

vehicle in the dealer's possession (Section 301.200).

**SALVAGE POOL OR SALVAGE DISPOSAL SALES** - The act increases the fee from \$25 to \$100 imposed on out-of-state prospective purchasers at salvage disposal sales (Section 301.218).

**UNCLAIMED VEHICLES REPORTS AND CLAIMS FOR STORAGE** - Under this act, dealers and persons operating garages in which a motor vehicle remains unclaimed for a period of 15 days, may report the unclaimed vehicle to the department of revenue. Under the current law, dealers are required to report such unclaimed vehicles to the Department of Revenue. The act also repeals the provision which provided that dealers who failed to report unclaimed vehicles to the department of revenue forfeited all claims and liens for storing the vehicle (Section 301.280).

**MOTOR VEHICLE DEALER DEFINITION** - The act modifies the term "motor vehicle dealer." Under the act, the sale of 12 (current law is 6 or more) or more motor vehicles in a calendar year shall be required as evidence that the person is engaged in the motor vehicle business and is eligible for licensure as a motor vehicle dealer. The act also sets forth a minimum sales requirement of 12 sales a year. If a dealer fails to meet the minimum sales requirement, the dealer is prohibited from renewing his or her license for one year. The act sets forth similar requirements for trailer dealers (Section 301.550).

**BONA FIDE ESTABLISHED PLACE OF BUSINESS** - This act requires a motor vehicle dealer application to include an annual certification that the applicant has a bona fide established place of business for the first three years and only for every other year thereafter. A bona fide established place of business for any motor vehicle dealer, boat dealer, wholesale motor vehicle dealer, trailer dealer, or wholesale or public auction, in addition to other current legal requirements, must be a permanent enclosed commercial, non-residential building. All bona fide places of business must display an exterior sign that is 12" in height (current law requires the sign to 6" in height).

The act provides that the photograph that accompanies a dealer application shall not be any smaller than 5" by 7".

**DEALER SURETY BOND** - The act requires dealers to file a corporate surety bond in the amount of \$100,000 (currently \$25,000).

**DISTINCTIVE DEALER LICENSE NUMBERS** - The act modifies the provision which sets forth the dealer license number designations (Section 301.560.4).

**USED MOTOR VEHICLE DEALER EDUCATIONAL SEMINAR** - The act exempts public auto auctions and applicants currently holding a new or used license for a separate dealership from showing proof of completing an educational seminar when applying for a used motor vehicle dealer's license. The act also specifically provides that current new motor vehicle franchise dealers and motor vehicle leasing agencies are not subject to the educational seminar requirements.

The act limits the number of additional plates a new motor vehicle manufacturer may hold to no more than 299 plates. New and used dealers are limited to 1 additional plate or certificate of number per ten-unit transactions annually (Section 301.560).

Section 301.560 has an effective of January 1, 2008.

**MOTOR VEHICLE SHOWS** - Under the act, motor vehicle dealers may participate in no more than two motor vehicle shows and conduct sales away from the dealer's licensed place of business if the event is conducted for not more than five consecutive days. If any show or sale includes a class of dealer or franchised new vehicle line-make, that is also represented by a same class dealer or dealer representing the same line-make outside of the boundary lines of the city or town and is within 10 miles of where the show or sale is to take place, the dealer outside of the boundary lines of the city or town shall be invited to participate in the show or sale. The act limits off-site sales to five days in duration (down from 10 days) and increases the permit fee for off-site sales to \$500 (up from \$200)(Section 301.566).

**ADVERTISING STANDARDS** - Under this act, the terms "invoice price" and "\$....below/over invoice" shall not be used in advertisements. The current law currently allows these terms. The act also removes the prohibition on advertisements that offer to match or better a competitor's price (Section 301.567).

**SALE OF 5 OR MOTOR VEHICLES IN A YEAR WITHOUT A LICENSE** - This act makes it unlawful for a

person to sell 5 (down from 7) or more motor vehicles in a calendar year unless the person is licensed or meets other exceptions listed in the statute. The sale of five or more vehicles within a calendar year shall be deemed to be acting as a motor vehicle dealer without a license (Section 301.570).

**FINANCE CHARGE-BUY RATE CONTRACT RATE** - Under this act, no motor vehicle dealer shall participate in a finance charge for the financing of a motor vehicle by a consumer that would result in the difference between the buy rate and the contract rate of more than 3% (Section 301.554).

**USED MOTOR VEHICLE RETAIL CONTRACT CANCELLATION OPTION** - Under this act, a motor vehicle dealer shall not sell a used vehicle at retail to an individual for personal, family, or household use without offering the buyer the opportunity to cancel the contract and allowing the buyer to return the vehicle without cause. This act does not apply to a used vehicle having a purchase price of \$40,000 or more or to any lease of a used motor vehicle. The buyer will have a two-day contract cancellation option and may cancel the contract provided the buyer pays a restocking fee not to exceed \$500. The act provides what the contract cancellation option agreement must contain. For instance, the agreement shall contain a statement specifying the maximum number of miles the vehicle can be driven in order to be eligible for cancellation (the act specifies that the maximum number shall not be any fewer than 200 miles).

STEPHEN WITTE

01/22/2007 S First Read (S130)

01/25/2007 Second Read and Referred S Transportation Committee (S158)

EFFECTIVE: Varies

\*\*\* SB 336 \*\*\*

1279S.011

SENATE SPONSOR: Bray

SB 336 - This act prohibits employers from paying any employee lower wages than those paid to employees of the opposite gender for the same work. Under the act, employees may bring a civil cause of action against employers who engage in such a discriminatory practice. Wage payment differentials based on merit systems, regional economic factors, factors that measure pay due to output, or other bona fide factors other than gender, are not actionable. Varying local market rates are not bona fide factors under the act.

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

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

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

The Equal Pay Commission is established to study the causes and consequences of wage disparities.

The act imposes certain record-keeping and reporting requirements upon employers to document wage rates.

This act is similar to SB 873 (2004), SB 119 (2005), and SB 700 (2006).

CHRIS HOGERTY

01/22/2007 S First Read (S130)

01/25/2007 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S158)

EFFECTIVE: August 28, 2007

\*\*\* SB 337 \*\*\*

1420S.011

SENATE SPONSOR: Bray

SB 337 - This act requires any business that sells firearms or ammunition to use video surveillance cameras to continuously record the area where such products are displayed or sold. The video tape shall be

properly stored by the business for at least 30 days and shall be made available to law enforcement when requested.

Any business violating these provisions shall be fined \$500 for each day of the violation.

SUSAN HENDERSON MOORE

01/22/2007 S First Read (S130)

01/25/2007 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S158)

EFFECTIVE: August 28, 2007

\*\*\* SB 338 \*\*\*

1578S.011

SENATE SPONSOR: Mayer

SB 338 - This act provides that any provision of law, rule, regulation, or policy that requires a public official or employee to devote his or her full time to their office, or that prohibits such person from engaging in the practice of law outside of his or her official duties, shall not prohibit an official or employee who is licensed to practice law in this state from providing legal services to needy persons if such services are provided without compensation.

This act is identical to HB 315 (2007).

ALEXA PEARSON

01/22/2007 S First Read (S130)

01/25/2007 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S158)

EFFECTIVE: August 28, 2007

\*\*\* SB 339 \*\*\*

1248S.011

SENATE SPONSOR: Mayer

SB 339 - This act prohibits the state, or any agency or instrumentality of the state from requiring, or prohibiting, bidders from entering into agreements with labor organizations when entering into contracts for the construction of public projects funded by more than fifty percent by the state. Discrimination against bidders for such contracts based upon a bidder's affiliation with a labor organization is also prohibited. The state or any agency or instrumentality of the state may not issue grants or enter into cooperative agreements for construction projects, a condition of which requires any of the above elements.

The act provides conditions upon which the state or a political subdivision may enter into a union-only project labor agreement. The intent to enter into a union-only project labor agreement shall be published in a document titled "Intent to Enter Into a Project Labor Agreement". A public hearing must be conducted on whether to require a union-only project labor agreement. The finding is appealable to the labor and industrial relations commission.

The act bars contractors and subcontractors from receiving subsidies, supplements, or rebates if the practice reduces the wage rates paid by the employer on a given occupational title below the prevailing wage rate. Violators are liable to the public body double the dollar amount per hour that the rebate reduced the wage rate below the prevailing wage. If a subsidy, supplement, or rebate is legally provided the entity providing and receiving the subsidy, supplement, or rebate shall report the date and amount of each. The disclosure report is a matter of public record.

The act repeals language requiring contractor's bonds to include provisions guaranteeing faithful performance of the prevailing wage clause provided by contract.

Currently, contractors in violation of the prevailing wage law are penalized \$10 per each workman employed during the violation. This act raises that penalty to \$100. The act provides a dispute process for prevailing wage violations.

This act is similar to SB 291 (2005) and SB 849 (2006).

CHRIS HOGERTY

01/22/2007 S First Read (S130)

01/25/2007 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S158)

EFFECTIVE: August 28, 2007

\*\*\* SB 340 \*\*\*

1198S.021

SENATE SPONSOR: Goodman

SB 340 - This act prohibits insurers from taking adverse action based upon a person's credit report. The current law allow insurers to use credit reports under certain conditions. The notification and procedural aspects of the current law are eliminated as insurers are totally prohibited from taking adverse actions in toto. The act also 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 to automobile insurance policies and certain property insurance policies. This act applies to a variety of homeowner policies, automobile policies, motorcycle policies, and various watercraft policies. The act also applies to professional liability and malpractice liability policies.

STEPHEN WITTE

01/22/2007 S First Read (S130)

01/25/2007 Second Read and Referred S Small Business, Insurance &amp; Industrial Relations Committee (S158)

EFFECTIVE: August 28, 2007

\*\*\* SB 341 \*\*\*

1533S.011

SENATE SPONSOR: Goodman

SB 341 - 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 provides a definition for the term "skiing."

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.

This act is substantially similar to SB 1036 (2006).

STEPHEN WITTE

01/22/2007 S First Read (S130)

01/25/2007 Second Read and Referred S Transportation Committee (S158)

EFFECTIVE: August 28, 2007

\*\*\* SB 342 \*\*\*

1560S.021

SENATE SPONSOR: Kennedy

SB 342 - 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.

This act is identical to SB 997 (2006).

SUSAN HENDERSON MOORE

01/22/2007 S First Read (S130)

01/25/2007 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S158)

EFFECTIVE: August 28, 2007

\*\*\* SB 343 \*\*\*

1019S.011

SENATE SPONSOR: Justus

SB 343 - This act adds a definition for an "unknown father" as is it relates to the consent or notice required in adoption, guardianship, and termination of parental rights proceedings.

ADRIANE CROUSE

01/22/2007 S First Read (S131)

01/25/2007 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S158)

01/29/2007 Hearing Scheduled S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2007

\*\*\* SB 344 \*\*\*

1659S.011

SENATE SPONSOR: Justus

SB 344 - This act increases the fee collected by each recorder of deeds to be deposited into the Missouri Housing Trust Fund from \$3 to \$10.

This act is similar to SB 1196 (2006).

SUSAN HENDERSON MOORE

01/22/2007 S First Read (S131)

01/25/2007 Second Read and Referred S Ways & Means Committee (S158)

EFFECTIVE: August 28, 2006

\*\*\* SB 345 \*\*\*

1657S.011

SENATE SPONSOR: Shoemyer

SB 345 - This act allows the governing body of a county to submit a proposal to the voters of the county allowing the county to impose a property tax to fund cemetery maintenance. The tax authorized under this act shall not exceed one fourth of one cent per one hundred dollars assessed valuation and shall not become effective until approved by the voters of the county.

JASON ZAMKUS

01/22/2007 S First Read (S131)

01/25/2007 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S158)

EFFECTIVE: August 28, 2007

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

1604L.011

SENATE SPONSOR: Shoemyer

SB 346 - 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 eighty percent of clinic hours in any clinic location that uses assistants.

The physician assistant is limited to practice at the supervising physician's primary location of practice and the supervising physician must be no further than thirty minutes from the practice location when not personally present. The supervising physician must be a full-time practitioner.

This act is similar to HCS/HB 503 (2005), and SCS/SB 1032 (2006).

CHRIS HOGERTY

01/22/2007 S First Read (S131)

01/25/2007 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S158)

EFFECTIVE: August 28, 2007

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

1594L.011

SENATE SPONSOR: Shoemyer

SB 347 - This act defines the term "utility vehicle" for the purposes of the motor vehicle chapters as any motorized vehicle manufactured and used exclusively for off-highway purposes which is 63 inches or less in width, has an unladen dry weight of 1,850 pounds or less, travels on four or six wheels, and is used primarily for landscaping, lawn care, or maintenance purposes.

Under the act, a utility vehicle shall not be operated upon the highways of this state except:

- (1) Governmental owned and operated utility vehicles for official use;
- (2) Utility vehicles operated for agricultural purposes or industrial on-premise purposes between the official sunrise and sunset;
- (3) Utility vehicles operated occasionally by handicapped persons for short distances only on the state secondary roads between the hours of sunrise and sunset;
- (4) Utility vehicles which have been issued special permits by a city to be used on highways within the city limits by licensed drivers. The city may impose a \$15 fee for such permit; and
- (5) Utility vehicles which have been issued special permits by a county to be used on highways within the county limits by licensed drivers. The county may impose a \$15 fee for the permit.

No person shall operate a utility vehicle:

- (1) In a careless way so as to endanger the person or property of another;
- (2) While under the influence of alcohol or a controlled substance; or
- (3) Without a securely fastened safety helmet if the operator or rider is under the age of 18.

No person shall operate a utility vehicle within any stream or river except by an operator who owns the property or has permission to be on the property on which the waterway flows through or when fording a low-water crossing.

A person operating a utility vehicle on a highway shall have a valid operator's or chauffeur's license. The vehicle shall not be operated at a speed of more than 30 miles per hour on a highway.

No operator of a utility vehicle shall carry a passenger, except for agricultural purposes, unless the seat of the utility vehicle is designed to carry more than one passenger.

This act is substantially similar to HB 397 (2007).

STEPHEN WITTE

01/22/2007 S First Read (S131)

01/25/2007 Second Read and Referred S Transportation Committee (S158)

EFFECTIVE: August 28, 2007

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\*\*\* SB 348 \*\*\*

1660S.021

SENATE SPONSOR: Koster

SB 348 - This act creates the Missouri Omnibus Immigration Act.

The Division of Immigration Enforcement is created inside the office of the Secretary of State to implement new provisions in the law that deny housing and employment to illegal aliens.

It is illegal to employ unauthorized aliens and the act mandates that every employer in the state participate in the federal Basic Pilot Program in order to verify an employee's work authorization status as a condition of employment. Certificates of incorporation and other business licenses and registrations will be suspended when an employer employ's unauthorized aliens. Steps for curing violations are enumerated.

It is also illegal, under the act, to rent any dwelling to an illegal alien. Rental licenses and occupancy permits will be denied or suspended for those who knowingly or recklessly rent to illegal aliens and steps for curing violations are enumerated. A process is created whereby the landlord may, through the Division of Immigration Enforcement, verify the immigration status of any individual.

Law enforcement officers must inquire into the immigration status of any individual detained for any violation unless the inquiry would significantly extend the duration of the detention. If the individual is found to be illegal, the officer shall cooperate with any request from federal authorities regarding detention and custody transfer.

The state shall enter into cooperative agreements with the federal government to designate state law enforcement officers to help enforce federal immigration law.

Illegal aliens are barred from attending all public universities in the state and shall not receive any type of public assistance or benefit.

The act also authorizes cities, villages, and towns to enact ordinances prohibiting the employment of unauthorized aliens or unlawful workers and may deny business licenses to employers who employ unlawful workers.

This act is similar to SB 334 (2005), SB 988 (2006), SB 178 (2007), and SB 180 (2007).

CHRIS HOGERTY

01/23/2007 S First Read (S136)

01/25/2007 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S158)

EFFECTIVE: August 28, 2007

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\*\*\* SB 349 \*\*\*

1541S.011

SENATE SPONSOR: Clemens

SB 349 - This act modifies the definitions of the terms "local log truck" and "local log truck tractor" by expanding the area in which such vehicles can operate. Under current law, such vehicles are to operated at a forested site and in area extending not more than a 50 mile radius from such site. The act increases the radius to 100 miles.

STEPHEN WITTE

01/23/2007 S First Read (S136)

01/25/2007 Second Read and Referred S Transportation Committee (S158)

EFFECTIVE: August 28, 2007

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\*\*\* SB 350 \*\*\*

1619S.011

SENATE SPONSOR: Clemens

SB 350 - This act modifies the definition of the term "motor vehicle" contained in the Motor Vehicle Franchise Practices Act to include any engine, transmission, or rear axle, regardless of whether attached to a vehicle chassis, that is manufactured for the installation in any motor-driven vehicle with a gross vehicle weight rating of more than 16,000 pounds.

STEPHEN WITTE

01/23/2007 S First Read (S136)

01/25/2007 Second Read and Referred S Transportation Committee (S158)

EFFECTIVE: August 28, 2007

\*\*\* SB 351 \*\*\*

0663S.011

SENATE SPONSOR: Clemens

SB 351 - Current law requires deer hunters to wear certain orange safety clothing during a firearms deer season. This act requires small game hunters to also wear the orange safety clothing while hunting during a firearms deer season as designated by the Conservation Commission.

ERIKA JAQUES

01/23/2007 S First Read (S136)

01/25/2007 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S158)

EFFECTIVE: August 28, 2007

\*\*\* SB 352 \*\*\*

0650S.011

SENATE SPONSOR: Clemens

SB 352 - This act adds vehicles driven by law enforcement agents of the Department of Conservation to the list of vehicles considered "emergency vehicles."

ERIKA JAQUES

01/23/2007 S First Read (S136)

01/25/2007 Second Read and Referred S Transportation Committee (S158)

EFFECTIVE: August 28, 2007

\*\*\* SB 353 \*\*\*

1509S.011

SENATE SPONSOR: Engler

SB 353 - Under current law, hogged wood and chipped wood do not qualify as processed wood energy resources and are therefore not eligible for the wood energy tax credit. This act removes the disqualification of these woods as processed wood energy resources, thereby allowing them to qualify for the tax credit.

ERIKA JAQUES

01/23/2007 S First Read (S136)

01/25/2007 Second Read and Referred S Ways & Means Committee (S158)

EFFECTIVE: August 28, 2007

\*\*\* SB 354 \*\*\*

1649S.011

SENATE SPONSOR: Bray

SB 354 - This act repeals the death penalty and makes the crime of first degree murder punishable by life imprisonment without probation or parole.

This act is identical to SB 715 (2006).

SUSAN HENDERSON MOORE

01/23/2007 S First Read (S136)

01/25/2007 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S158)

EFFECTIVE: August 28, 2007

\*\*\* SB 355 \*\*\*

1565S.011

SENATE SPONSOR: Vogel

SB 355 - This act requires possession of a retail sales license and a statement from the department of revenue that no income tax withholding or sales tax is due for the issuance or renewal of any city or county occupation license or any state license which is required for conducting business where goods are sold at retail. The no tax due statement cannot be dated more than ninety days prior to the date of submission of application or renewal for local licenses.

JASON ZAMKUS

01/23/2007 S First Read (S136)

01/25/2007 Second Read and Referred S Ways &amp; Means Committee (S158)

EFFECTIVE: August 28, 2007

\*\*\* SB 356 \*\*\*

0744S.021

SENATE SPONSOR: Gross

SB 356 - Currently, the St. Charles County Convention and Sports Facilities Authority has the authority to impose a tax on the charges for all sleeping rooms paid by transient guests within the county. This act provides a formula to calculate the amount of charges for sleeping rooms paid by transient guests to determine the room tax.

JASON ZAMKUS

01/23/2007 S First Read (S136)

01/25/2007 Second Read and Referred S Economic Development, Tourism &amp; Local Government Committee (S158)

EFFECTIVE: August 28, 2007

\*\*\* SB 357 \*\*\*

1635S.011

SENATE SPONSOR: Green

SB 357 - Under this act, the Department of Health and Senior Services shall require each hospital providing emergency services to have in place a policy for emergency treating physicians to contact the patient's primary care physician upon the patient's request and as soon as practically possible within a twelve hour period. The purpose of the consultation shall be to seek advice regarding the patient's medical history and needs that may be relevant to the patient's medical treatment. The consultation shall not inappropriately delay services and it shall occur once the emergency treating physician has stabilized the patient. The Department shall promulgate rules to enforce the provisions of this section.

ADRIANE CROUSE

01/23/2007 S First Read (S136)

01/25/2007 Second Read and Referred S Seniors, Families and Public Health Committee (S158)

EFFECTIVE: August 28, 2007

\*\*\* SB 358 \*\*\*

1534S.011

SENATE SPONSOR: Engler

SB 358 - This act requires a lienholder to release a lien within one business day after satisfaction. The current law gives the lienholder 10 business days to release the lien. The act also requires the lienholder to notify the Department of Revenue within one business day if the certificate of ownership is in its possession. The act also increases the fines for noncompliance with the time deadlines. Failure to release the lien within the business shall lead to a \$250 per day fine, and is doubled every business day for noncompliance. The maximum fine is \$5,000 for each lien.

STEPHEN WITTE

01/24/2007 S First Read (S140-141)

01/25/2007 Second Read and Referred S Financial &amp; Governmental Organizations and Elections Committee (S158)

EFFECTIVE: August 28, 2007

\*\*\* SB 359 \*\*\*

1683S.011

SENATE SPONSOR: Goodman

SB 359 - Under current law, a hearing must be held within fifteen days after the filing of an ex parte order of protection. If the petitioner has proven the allegation of abuse or stalking, the court issues a full order of protection for at least 180 days and not more than one year. This act provides that if at the fifteen-day hearing the respondent demonstrates by sufficient facts to the court that the petitioner made false allegations either at the hearing or in the petition, the court shall vacate the ex parte order, make a finding of fraud upon the court and sanction the petitioner an amount deemed just and fair by the court. Within fifteen days, the court shall hold a hearing on the damages, if any, caused to the respondent and may award attorney's fees and costs.

ADRIANE CROUSE

01/24/2007 S First Read (S141)

01/25/2007 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S158)

EFFECTIVE: August 28, 2007

\*\*\* SB 360 \*\*\*

1476S.021

SENATE SPONSOR: Goodman

SB 360 - This act removes the requirement that city managers of third class cities must be a city resident. Under this act, the city council shall have the discretion to require the city manager to reside within the city as a condition of employment.

SUSAN HENDERSON MOORE

01/24/2007 S First Read (S141)

01/25/2007 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S158-160)

EFFECTIVE: August 28, 2007

\*\*\* SB 361 \*\*\*

0146S.011

SENATE SPONSOR: Goodman

SB 361 - 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 four years.

The provisions of this act will terminate six years from the effective date unless re-authorized.

This act is similar to SB 1006 (2006).

JASON ZAMKUS

01/24/2007 S First Read (S141)

01/25/2007 Second Read and Referred S Ways & Means Committee (S159)

EFFECTIVE: August 28, 2007

\*\*\* SB 362 \*\*\*

1684S.021

SENATE SPONSOR: Shoemyer

SB 362 - This act requires the Missouri Higher Education Loan Authority to annually transfer one and half percent of the Authority's assets to certain funds in the following percentages:

- (1) 18% to the academic scholarship fund;
- (2) 12% to the Department of Health donated fund for the purpose of funding the primary care resource initiative program; and
- (3) 70% to the newly created Gallagher teach and heal fund.

Moneys from the general revenue fund are required to annually be used to pay debt service on bonds

issued by the state after July 1, 2007, for capital projects at institutions of higher education in an amount not to exceed the amount of general revenue transferred to the academic scholarship fund, the Missouri college guarantee fund and the student grant fund for fiscal year 2007.

As a result of the increase moneys available to the "Bright Flight" scholarship based on this act, the award to qualified recipients is increased from the current \$2,000 per year to an amount of at least \$4,000 per year. This provision is similar to SB 662 (2006).

This act provides the Missouri Higher Education Loan Authority (MOHELA) shall make access to low cost student loans and access to grants, scholarships and loan forgiveness programs a priority of MOHELA. The board of MOHELA owe a fiduciary duty to post-secondary students to ensure that all eligible students have access to low cost student loans, as well as access to grants, scholarships, and loan forgiveness programs to the extent practicable. Currently, any sale by MOHELA of student loan notes is limited by the terms of the bond resolution authorizing the issue of the bonds. This act provides that such sale shall also be limited to solely furthering the fiduciary duty of the board as described in the act.

The act provides that all bond proceeds, fees, and other revenues of the Missouri Higher Education Loan Authority (MoHELA) can only be used for lowering student loan rates, forgiving loans, and administering loans and the loan program. This provision is similar to HB 387 (2007).

The act creates the Gallagher Teach and Heal Grant Program. The coordinating board for higher education shall be responsible for the implementation of the program, including determining the criteria for eligibility of applicants, evaluating each applicant's expected family contribution, and selecting qualified applicants to receive financial assistance. Financial assistance is allotted for one academic, but a recipient is eligible for renewal, provided the person maintains a grade point average of 2.5 on a 4.0 scale, or an equivalent scale.

Beginning with the 2007-2008 academic year, a qualified applicant is entitled to financial assistance under the program for certain maximum and minimum dollar amounts, depending on whether the institution is a two- or four-year institution, and whether the institution is public or private. Students with certain levels of expected family contributions, as well as "Bright Flight" recipients, may have their assistance reduced. The award amounts specified in the act may be adjusted based on changes in the consumer price index.

The provisions of the sunset act shall not apply to the Gallagher Teach and Heal Grant Program.

This act repeals the current Gallagher Grant Program and the College Guarantee Program.

This act contains an emergency clause.

JIM ERTLE

01/24/2007 S First Read (S141)

01/25/2007 Second Read and Referred S Education Committee (S159)

EFFECTIVE: Emergency Clause

\*\*\* SB 363 \*\*\*

0044S.031

SENATE SPONSOR: Bartle

SB 363 - This act prohibits vessels that are 30 feet in length or greater from being operated within 300 feet of any dock, pier, occupied anchored boat, or buoyed restricted area on any lake at a speed in excess of slow-no wake speed. Vessels less than 30 feet in length are prohibited from being operated within 100 feet of any dock, pier, occupied anchored boat, or buoyed restricted area on any lake at a speed in excess of slow-no wake speed. The act also provides that the commissioner of the water patrol shall establish, with the advice of the director of personnel, an equitable pay plan for the members of the water patrol and radio personnel taking into consideration ranks and length of service.

STEPHEN WITTE

01/24/2007 S First Read (S141)

01/25/2007 Second Read and Referred S Transportation Committee (S159)

EFFECTIVE: Emergency Clause

\*\*\* SB 364 \*\*\*

1276S.041

SENATE SPONSOR: Koster

SB 364 - This act provides that state laws and regulations shall preempt local laws regarding agricultural operations and provides that any farm or farming-related activity that is in compliance with all applicable state and federal laws shall also therefore be in compliance with any local law or ordinance. Local laws regarding the licensing or operation of a farm or farming-related activity that are not identical to state law and regulations, as promulgated by the Department of Natural Resources, are rendered null and void by the act. This act does not limit the planning and zoning authority of first class counties.

Under current law, farms and farming-related activities are protected against nuisance suits resulting from changed conditions in land around the farm, provided the farm or activity has been in existence at least one year and has not previously been found a nuisance. This act adds protection from suits of trespass and violation of local ordinances for farms and farming activities under the same conditions. Additionally, current law allows farms and farming-related activities to reasonably expand and still retain their protected status against nuisance suits, provided the farm or farming activity meets certain criteria as specified. This act allows farms and farming-related activities to also reasonably diversify or modernize under similar criteria and remain protected against suits of nuisance, trespass, or ordinance violation.

The act protects farms and farming-related activities from suits of nuisance or trespass for any condition resulting from, but not limited to, the acts of planting, cultivating, harvesting, mowing, applying pesticides or herbicides, land clearing, livestock management, or construction of farm roads, lakes, and ponds.

Farms or farming-related activities are not protected from suits of nuisance or trespass resulting from negligent conduct.

ERIKA JAQUES

01/24/2007 S First Read (S141)

01/25/2007 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S159)

EFFECTIVE: August 28, 2007

\*\*\* SB 365 \*\*\*

1653S.011

SENATE SPONSOR: Koster

SB 365 - This act authorizes the board of directors of any township to impose an annual real property tax to fund the establishment of a community health district. The tax authorized by this act shall not exceed thirty-five cents per year on each one hundred dollars assessed valuation and shall not become effective until approved by the voters of the township.

This act is identical to HB 496 (2007).

JASON ZAMKUS

01/24/2007 S First Read (S141)

01/25/2007 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S159)

EFFECTIVE: August 28, 2007

\*\*\* SB 366 \*\*\*

1656S.011

SENATE SPONSOR: Koster

SB 366 - This act creates in the Secretary of State's Office the "Address Confidentiality Program" for victims of domestic violence, rape, sexual assault, and stalking. The program authorizes the use of designated addresses for such victims and their minor children. The Secretary of State shall promulgate rules to implement and administer this program.

An adult, parent of a minor, or guardian of an incapacitated person may apply to the Secretary of State to have a designated address assigned. The Secretary may only approve applications filed properly with the office as established by rule. The application shall contain certain information, including the person's mailing address, the applicant's signature, and a designation of the Secretary as agent for the purpose of service of process and receipt of first-class mail, legal documents, and certified mail. The applicant must supply a sworn statement that he or she is a victim of violence and fears further violent acts from his or her assailant. The applicant must also supply addresses that he or she does not want disclosed because it will jeopardize the applicant's safety.

Upon receiving a properly completed application, the Secretary may certify the applicant as a program participant for one year and forward his or her first-class mail, legal documents, and certified mail. Notification of lapsing certification and a reapplication form shall be sent to the program participant at least four weeks prior to expiration.

The Secretary of State may cancel, with limited exceptions, the certification of a program participant if:

- 1) The participant obtains a name change;
- 2) There is a change in the mailing address from the person listed on the application and another address is not provided; or
- 3) The applicant or participant provides false information or makes false claims in the application or assists another person in doing so.

State and local agencies and the courts shall accept the designated address as a program participant's address when creating new public records unless statute requires otherwise.

The Secretary may make a program participant's address or mailing address available if requested by law enforcement or the director of a state agency if he or she shows a statutory or administrative requirement for the use of such addresses. If deemed appropriate, the Secretary shall make a program participant's addresses available:

- 1) To a person identified in a court order when the order specifically requires the disclosure of a participant's address and the reasons for the disclosure; or
- 2) If the certification has been cancelled because the applicant or participant used false information in an application or made a false claim.

A program participant's application and supporting materials are not a public record and shall be kept confidential.

This act contains a sunset clause.

SUSAN HENDERSON MOORE

01/24/2007 S First Read (S141)

01/25/2007 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S159)

EFFECTIVE: August 28, 2007

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

0925S.011

SENATE SPONSOR: Bray

SB 367 - 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.

This act is identical to SB 1077 (2006).

CHRIS HOGERTY

01/24/2007 S First Read (S141)

01/25/2007 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S158)

EFFECTIVE: August 28, 2007

\*\*\* SB 368 \*\*\*

1099S.011

SENATE SPONSOR: Barnitz

SB 368 - 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.

This act is identical to SB 875 (2006).

CHRIS HOGERTY

01/24/2007 S First Read (S141)

01/25/2007 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S159)

EFFECTIVE: August 28, 2007

\*\*\* SB 369 \*\*\*

1175S.031

SENATE SPONSOR: Scott

SB 369 - This act modifies the educational requirements for Highway Patrol members and radio personnel. It also requires the POST Commission to establish these same educational requirements as part of the minimum standards for the basic training of peace officers.

SUSAN HENDERSON MOORE

01/24/2007 S First Read (S141)

01/25/2007 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S159)

EFFECTIVE: August 28, 2007

\*\*\* SB 370 \*\*\*

1567S.011

SENATE SPONSOR: Scott

SB 370 - 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."

This act is similar to SB 1199 (2006).

ADRIANE CROUSE

01/24/2007 S First Read (S141)

01/25/2007 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S159)

EFFECTIVE: August 28, 2007

\*\*\* SB 371 \*\*\*

1359S.031

SENATE SPONSOR: Scott

SB 371 - This act exempts self-propelled sprayers, floaters, and other forms of implements of husbandry that are used for spraying chemicals or spreading fertilizer from complying with titling, registration and license plate display laws. The exemption from titling, registration, and the display of license plates applies whether the described vehicles are laden or unladen.

STEPHEN WITTE

01/24/2007 S First Read (S141)

01/25/2007 Second Read and Referred S Transportation Committee (S159)

EFFECTIVE: August 28, 2007

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

0880S.041

SENATE SPONSOR: Justus

SB 372 - This act creates in the Secretary of State's Office the "Address Confidentiality Program" for victims of domestic violence, rape, sexual assault, and stalking. The program authorizes the use of designated addresses for such victims and their minor children. The Secretary of State shall promulgate rules to implement and administer this program.

An adult, parent of a minor, or guardian of an incapacitated person may apply to the Secretary of State to have a designated address assigned. The Secretary may only approve applications filed properly with the office as established by rule. The application shall contain certain information, including the person's mailing address, the applicant's signature, and a designation of the Secretary as agent for the purpose of service of process and receipt of first-class mail, legal documents, and certified mail. The applicant must supply a sworn statement that he or she is a victim of violence and fears further violent acts from his or her assailant. The applicant must also supply addresses that he or she does not want disclosed because it will jeopardize the applicant's safety.

Upon receiving a properly completed application, the Secretary may certify the applicant as a program participant for four years and forward his or her first-class mail, legal documents, and certified mail. Notification of lapsing certification and a reapplication form shall be sent to the program participant at least four weeks prior to expiration.

The Secretary of State may cancel, with limited exceptions, the certification of a program participant if:

- 1) The participant obtains a name change;
- 2) There is a change in the mailing address from the person listed on the application and another address is not provided; or
- 3) The applicant or participant provides false information or makes false claims in the application or assists another person in doing so.

State and local agencies and the courts shall accept the designated address as a program participant's address when creating new public records unless statute requires otherwise.

The Secretary may make a program participant's address or mailing address available if requested by law enforcement or the director of a state agency if he or she shows a statutory or administrative requirement for the use of such addresses. If deemed appropriate, the Secretary shall make a program participant's addresses available:

- 1) To a person identified in a court order when the order specifically requires the disclosure of a participant's address and the reasons for the disclosure; or
- 2) If the certification has been cancelled because the applicant or participant used false information in an application or made a false claim.

A program participant's application and supporting materials are not a public record and shall be kept confidential.

This act contains a sunset clause.

SUSAN HENDERSON MOORE

01/24/2007 S First Read (S141-142)

01/25/2007 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S159)

EFFECTIVE: August 28, 2007

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\*\*\* SB 373 \*\*\*

1620S.011

SENATE SPONSOR: Rupp

SB 373 - This act establishes the "Law Enforcement Safety Fund". A surcharge of seven dollars shall be assessed in all criminal cases filed in this state, and such surcharge shall be deposited into the fund.

The fund shall be administered by a board of directors comprised of two chiefs of police who are

members of the Police Chiefs' Association, two full-time police officers or deputy sheriffs who are members of a state fraternal order of police, a sheriff, a member of the general assembly from the joint committee on public employee retirement, and a member of the system. The directors of the first board shall be appointed by the Governor, and future directors shall be elected or appointed, in staggered terms, as described in this act.

Any person employed on a full-time basis as a marshal, chief of police, police officer of a municipality, or sheriff or deputy sheriff of a county, including sheriffs from Kansas City and St. Louis county but excluding sheriffs from St. Louis City, may choose to become a member of this defined contribution system. A member shall contribute twenty dollars monthly to the system. Membership in the system shall continue as long as such member remains employed in a benefit-eligible position and continues to make the monthly contribution, or as long as the member is eligible to receive grants from the fund, as provided by this act.

A member shall, at any time, be eligible receive the funds he or she contributes to the system, plus any interest or dividends, minus maintenance fees. Additionally, any member who has ten or more years of creditable membership service with the system and a minimum of ten years prior service in a position that would have been covered by the system if it had been established, or who has five years or more of creditable membership service and a minimum of fifteen years of prior service in a position that would have been covered by the system if it had been established, may, upon application, also receive a portion of the surcharges deposited into the fund, if the eligible member has met retirement requirements.

Any person who is a member of the system on its date of establishment shall receive credit for up to fifteen years of prior service before the system was established in a benefit-eligible position. However, no member shall receive benefits from the program prior to attaining the age of 55. Benefits under this system shall in no way affect eligibility for any other retirement plan.

This act is similar to HB 1729 (2006).

ALEXA PEARSON

01/24/2007 S First Read (S142)

01/25/2007 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S159)

EFFECTIVE: August 28, 2007

\*\*\* SB 374 \*\*\*

1571S.011

SENATE SPONSOR: Rupp

SB 374 - This act allows health maintenance organizations to offer high deductible health plans provided such high deductible health plans are combined with health savings accounts. Any health maintenance organization that issues a high deductible health plan that is combined with a health savings account shall be taxed at a rate of two percent on premiums received from high deductible health plans in the same manner as life and health insurance companies are taxed under Chapter 148, RSMo. The proceeds from the tax, however, shall be deposited in the part C early intervention system fund (First Steps Fund).

STEPHEN WITTE

01/24/2007 S First Read (S142)

01/25/2007 Second Read and Referred S Health and Mental Health Committee (S159)

EFFECTIVE: August 28, 2007

\*\*\* SB 375 \*\*\*

1796S.011

SENATE SPONSOR: Koster

SB 375 - This act establishes the Missouri Alternatives to Abortion Services Program and the Missouri Alternatives to Abortion Public Awareness Program. Such programs will provide services or counseling to pregnant women as well as assistance to women in caring for their children or placing them up for adoption. Counseling and services are available to a woman during her pregnancy and for one year after the birth of her child. The department or departments to which the programs are to be assigned by appropriations are required to develop an advertising campaign publicizing alternatives to abortion and to prioritize federal, public, and private moneys so that they are used first to fund these programs. The programs and their funds shall not be used to perform, induce, or assist in abortions.

This act is identical to HCS/HB 1112 (2006).

ADRIANE CROUSE

01/24/2007 S First Read (S149)

EFFECTIVE: August 28, 2007

\*\*\* SB 376 \*\*\*

1756S.011

SENATE SPONSOR: Griesheimer

SB 376 - This act extends the expiration date from June 30, 2010 to June 30, 2015 for the Division of Tourism Supplemental Revenue Fund.

This act is identical to HB 205 (2007).  
SUSAN HENDERSON MOORE

01/25/2007 S First Read (S154)

EFFECTIVE: August 28, 2007

\*\*\* SB 377 \*\*\*

1777S.011

SENATE SPONSOR: McKenna

SB 377 - This act increases driver's license suspension periods for motorists who fail to stop for school buses that are loading or unloading children. Under the act, the suspension period for a first violation for failing to yield for a school bus is increased from 90 days to 120 days. A second or subsequent violation of the school bus stop provision will result in a 180 day suspension (increased from 120 days).

STEPHEN WITTE

01/25/2007 S First Read (S154)

EFFECTIVE: August 28, 2007

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

1538S.011

SENATE SPONSOR: Goodman

SB 378 - Currently, it is a crime for certain persons, including dangerous felons, to possess a concealable firearm. The crime of unlawful possession of a concealable firearm is a Class C felony.

Under this act, the crime is expanded to prohibit such persons from possessing an explosive weapon. The term "explosive weapon" is redefined.

SUSAN HENDERSON MOORE

01/25/2007 S First Read (S154)

EFFECTIVE: August 28, 2007

\*\*\* SB 379 \*\*\*

1498S.021

SENATE SPONSOR: Loudon

SB 379 - This act requires the Missouri Consolidated Health Care Board to offer to all qualified employees the option of receiving health care coverage through a high deductible health plan and the establishment of a health savings accounts. This offer must be made beginning with the open enrollment period for the 2009 plan year. The act further requires all health carriers participating in the Missouri Consolidated Health Care Plan to offer a high deductible plan to qualified individuals in connection with a health savings account. In order for a qualified individual to obtain a high deductible health plan through the Missouri consolidated health care plan, the individual must present evidence to the board that he or she has established a health savings account in compliance with federal law.

STEPHEN WITTE

01/25/2007 S First Read (S154)

EFFECTIVE: August 28, 2007

\*\*\* SB 380 \*\*\*

1652S.011

SENATE SPONSOR: Koster

SB 380 - Current law states that any health care professional licensed, registered, or certified in this state may be deployed to provide care in the event of a declared emergency, subject to approval by the state emergency management agency. This act provides that any health care professional licensed, registered, or certified in any state who volunteers may be deployed to provide emergency care. This act also provides that health care professionals deployed by the governor shall be immune from civil liability in the delivery of health care necessitated by the emergency, except for willful or wanton acts or omissions.

This act is similar to SCS/SB 889 (2006) and SCS/HB 1118 (2006).  
CHRIS HOGERTY

01/25/2007 S First Read (S154)

EFFECTIVE: August 28, 2007

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\*\*\* SB 381 \*\*\*

0847S.011

SENATE SPONSOR: Koster

SB 381 - This act requires discount medical plan organizations to register with the Director of the Department of Insurance, Financial and Professional Regulation. The act sets forth the director's regulatory powers over such organizations.

REGISTRATION OF DISCOUNT MEDICAL PLAN ORGANIZATIONS - Under the act, it is unlawful to transact business in this state as a discount medical plan organization, unless the organization is a legal entity organized under the laws of this state, authorized to transact business in this state; and is registered as a discount medical plan organization with the director or duly authorized by the director as an insurance company, licensed health maintenance organization, licensed group health service organization or third party administrator.

The act delineates the requirements for registering as a discount medical plan organization. The applicant must pay the director an application fee of \$250. The registration is valid for one year. The fee for renewing a discount plan organization registration is also \$250. Providers who provide discounts to their own patients are not required to register as discount medical plan organizations under the act.

EXAMINATION AND INVESTIGATORY POWERS OF DIRECTOR WITH RESPECT TO DISCOUNT MEDICAL PLANS - Under the act, the director may examine or investigate the business and affairs of any discount medical plan organization. The director may require discount medical plan organizations to produce any records, books, files, advertising and solicitation materials, or other information. The expenses incurred in conducting any examination shall be paid by the discount medical plan organization.

FEEES ASSESSED AND REIMBURSEMENT OF FEES BY DISCOUNT MEDICAL PLAN ORGANIZATIONS - Under the act, a discount medical plan organization may charge a reasonable one-time processing fee and a periodic charge as long as the fee is disclosed to the applicant. If a member cancels his or her membership within the first 30 days after receipt of the discount card and other membership materials, the member shall receive a reimbursement of all periodic charges paid. The return of all periodic charges shall be made within 30 days of the date of the cancellation. If all of the periodic charges have not been paid within 30 days, interest shall be assessed and paid on the proceeds at a rate of the treasury bill rate of the preceding calendar year, plus two percentage points.

UNLAWFUL ACTIVITIES BY DISCOUNT MEDICAL PLAN ORGANIZATIONS - Under the act, a discount medical plan organization shall not use in its advertisements, marketing material, brochures, and discount cards the terms that could reasonably mislead a person to believe that the discount medical plan is health insurance. A discount medical plan organization shall not have restrictions on free access to plan providers including waiting periods and notification periods. A discount medical plan organization shall not pay providers any fees for medical services or collect money from a member for payment to a provider for specific medical services furnished or to be furnished to the member, unless the organization is licensed by the director to act as an administrator.

DISCLOSURES - The act sets forth disclosure requirements that must appear in advertisements, marketing materials or brochures which relate to a discount medical plan.

NET WORTH REQUIREMENTS - Each discount medical plan organization registered under the act shall maintain a net worth of at least \$150,000.

NOTICE REQUIREMENTS - Each discount medical plan organization shall provide the director at least 30 days' advance notice of any change in the discount medical plan organization's name, address, principal business address, or mailing address.

PROVIDER INFORMATION - Under the act, each discount medical plan organization shall maintain a current list of the names and addresses of the providers with which it has contracted on a web site page, the address of which shall be prominently displayed on all its advertisements, marketing materials, brochures, and discount cards.

SURETY BOND REQUIREMENT - Under the act, a discount medical plan organization must maintain a surety bond with the director, having at all times a value of not less than \$35,000, for use by the director in protecting plan members.

DENIAL, SUSPENSION AND REVOCATION OF REGISTRATIONS - Under the act, the director may deny a registration to an applicant or refuse to renew, suspend, or revoke the registration of a registrant if the applicant or registrant makes a material misstatement or misrepresentation in an application for registration; fraudulently obtains or attempts to obtain a registration for the applicant or registrant or for another; fails to fulfill its obligations as a discount medical plan organization; or violates other provisions of the act. If the director has cause to believe that grounds for the suspension or revocation of a registration exist, the director shall notify the discount medical plan organization in writing and shall provide opportunity for a hearing.

ADMINISTRATIVE ORDERS AND CIVIL ACTIONS - The act authorizes the director to issue administrative orders and maintain civil actions against discount medical plan organizations that are in violation of the act.

STEPHEN WITTE

01/25/2007 S First Read (S154)

EFFECTIVE: August 28, 2007

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\*\*\* SB 382 \*\*\*

1246S.011

SENATE SPONSOR: Koster

SB 382 - 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 \$855,000 per year. The maximum amount shall be adjusted annually based on the Consumer Price Index.

This act is similar to SCS/SB 820 (2006).

JIM ERTLE

01/25/2007 S First Read (S154)

EFFECTIVE: August 28, 2007

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\*\*\* SB 383 \*\*\*

1516S.011

SENATE SPONSOR: Koster

SB 383 - Current law provides that any prosecuting or circuit attorney who becomes a member of the prosecuting attorneys and circuit attorneys' retirement system on the date the system was established, or who was serving as a prosecuting or circuit attorney on August 28, 1993, shall receive full credit for service as a prosecuting or circuit attorney prior to the establishment of the system. This act provides that any member of the system, regardless of when such person became a member, shall receive such credit.

Current law provides that any prosecuting or circuit attorney who becomes a member of the system on the date the system was established, or who was serving as a prosecuting or circuit attorney on August 28, 1996, shall receive seventy-five percent credit for service as an assistant prosecuting attorney or assistant circuit attorney prior to the establishment of the system, but only for such time the person expended at least sixty percent of his or her time fulfilling prosecutorial duties. This act provides that any member of the system, regardless of when such person became a member, shall receive such credit.

ALEXA PEARSON

01/25/2007 S First Read (S154)

EFFECTIVE: August 28, 2007

\*\*\* SB 384 \*\*\*

1752S.021

SENATE SPONSOR: Coleman

SB 384 - This act modifies the stolen license plate tabs procedure for obtaining free tabs from the Department of Revenue. Under current law, a person replacing stolen license plate tabs may receive two sets of two license plate tabs for free if the person submits a police report with the application. This act would modify the procedure by requiring any person replacing stolen license plate tabs issued prior to January 1, 2009, to submit a notarized affidavit to that effect. For persons replacing stolen license plate tabs issued on or after January 1, 2009, the person will have to submit a police report with his or her application.

STEPHEN WITTE

01/25/2007 S First Read (S154)

EFFECTIVE: August 28, 2007

\*\*\* SB 385 \*\*\*

1803S.011

SENATE SPONSOR: Gibbons

SB 385 - This act repeals the following boards, commissions and committees: the Joint Committee on Wetlands, the Joint Committee on County Salaries, the Multistate Tax Compact Advisory Committee, the Commission on the Special Health, Psychological and Social Needs of Minority Older Individuals, the Thomas Hart Benton Homestead Memorial Commission, the Low-Level Radioactive Waste Compact Advisory Committee, the Transportation Development Commission, the Workers Memorial Committee, the Joint Committee on Urban Voluntary School Transfer Programs, and the joint committee to study fee restructuring for hazardous waste generators.

The act eliminates legislative members from the Missouri Head Injury Advisory Council, the Video Instructional Development and Education Opportunity Commission, the board of directors for the "Missouri Access to Higher Education Trust", the Coordinating Council on Special Transportation, and the board of trustees to oversee the Missouri Fire Education Trust Fund.

The act removes the \$50 per diem for members of the Seismic Safety Commission.

The act provides that the following committees and commissions shall expire on December 31, 2010: the Seismic Safety Commission, the Video Instructional Development and Education Opportunity Commission, and the Missouri Head Injury Advisory Council, the Coordinating Council on Special Transportation.

This act is identical to SCS/SB 1187 (2006).

JIM ERTLE

01/25/2007 S First Read (S154-155)

EFFECTIVE: August 28, 2007

\*\*\* SB 386 \*\*\*

1145S.021

SENATE SPONSOR: Mayer

SB 386 - This act creates the Missouri Blasting Safety Act.

The act requires individuals who own, use, possess, or store explosives to have a blaster's license or be supervised by a person with a blaster's license, with exceptions as listed. All blasting, defined as the use of explosives for mining, construction, seismology, demolition, or industrial cleaning, shall be conducted only by licensed blasters or persons supervised by a licensed blaster.

The act directs the division of fire safety to create a blaster's licensing program. The act lays out qualifications for license applicants, which include completing an approved blaster's training course and passing a licensing examination. Licenses are valid for three years and may be renewed upon the applicant meeting renewal requirements as specified in the act. Blaster's licenses shall be required within 180 days of the division promulgating licensing rules.

The division may suspend or revoke a license in circumstances as described in the act. In such a case, the division shall provide written notice to the individual in question and that individual must surrender all

copies of the license to the division as well as cease all blasting activity. The decision to suspend or revoke a license may be appealed by the individual to the state blasting safety board. Any decision by the board shall be made within thirty days of the date the appeal is received by the board.

License reciprocity is available to individuals 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. A license may also be granted to anyone employed as a blaster on or before December 31, 2000, and who has accumulated one thousand hours of training or education and experience.

The act specifies additional requirements for blasting activities within a scaled value of 55 (a measurement taking into account distance and the weight of the explosives being used) of an "uncontrolled structure," defined as any dwelling, public building, school, church, commercial building, or institutional building not owned or leased by the blaster. Blasting within this range requires the use of a seismograph, and must comply with federal ground vibration limits (or approved alternate method) and acoustic limits as described in the act.

People or companies intending to use explosives must register with the division of fire safety prior to first use as well as make a \$500 pre-payment toward the fees due at the end of the calendar year. Those required to register must file an annual report and pay a fee based on the number of pounds of explosives used during the year. There is a minimum fee of \$500 in addition to a fee per ton of explosives used during the year not to exceed \$1.50 per ton. Any pre-payments made shall be credited toward the total amount of fees owed.

The act creates the State Blasting Safety Board. Composed of seven members appointed by the Governor, members shall represent the following areas of interest: municipal director of public works; surface mining operations; construction operations; contract blast monitoring service provider; explosives manufacturer or distributor; and the state fire marshal. The board will advise the division of fire safety on administering and enforcing the act's provisions and hold hearings on appeals and notices of violations.

The act creates the Missouri Explosives Safety Act Administration Fund. 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.

Notices 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 may be appealed to the Administrative Hearing Commission.

The act creates several notification requirements for blasting. Blasters must notify the division of fire safety at least two business days prior to blasting at a new site. Blasters must notify a local fire protection official. Blasting within the jurisdiction of a municipality requires notification of the municipality at least two business days in advance. Owners or occupants of residences or businesses in a municipality located within a scaled value of 55 of the blasting must be notified.

The provisions of this act preempt existing local laws regarding blasting activities although it allows local governments to regulate blasting within their jurisdictions provided they do not duplicate, exceed or conflict with any of the provisions of this act. St. Charles County is granted an exception and may impose additional regulations on blasting at quarries as defined in the act.

Individuals in violation of any of the act's provisions shall be guilty of a Class B misdemeanor for a first offense and a Class A misdemeanor for a second offense. Anyone convicted of a Class A misdemeanor related to this act shall be permanently banned from obtaining a blaster's license.

This act is similar to HCS/SCS/SB 882 (2006) and SB 470 (2005).

ERIKA JAQUES

01/25/2007 S First Read (S155)

EFFECTIVE: August 28, 2007

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\*\*\* SB 387 \*\*\*

0881S.031

SENATE SPONSOR: Mayer

SB 387 - This act establishes the Missouri Rice Certification Act, which prohibits the production,



transporting, or handling of certain rice varieties except as provided by state regulations.

The Rice Certification Committee is created by the act. The Committee is made up of nine members: the director of the Department of Agriculture; two members appointed by the director to represent rice handlers and rice end users; and six members recommended by the Missouri Rice Research and Merchandising Council to include rice producers, university scientists, and representatives of rice mills and rice seed dealers.

The Committee shall: 1) Identify rice varieties with characteristics of commercial impact; 2) Develop rules to be promulgated by the Department of Agriculture regarding the production and handling of rice varieties with characteristics of commercial impact; 3) Review rice identity preservation programs; 4) Review, approve, and make recommendations to any rules and policies developed by the Department of Agriculture in relation to this act; and 5) Hold hearings for appeals by alleged violators of this act.

The Department shall promulgate rules to implement this act. The act requires the Department to: 1) Prevent the contamination of rice that has not been identified as having characteristics of commercial impact; 2) Require certain notifications for producers, transporters, and receivers of rice with characteristics of commercial impact; 3) Enforce restrictions on rice with characteristics of commercial impact; 4) Investigate alleged violations, issue written notices of violation and impose penalties for violation; and 5) Encourage research and development of new types of rice.

The penalty for violating this act shall be at least ten thousand dollars but not more than one hundred thousand dollars per day per violation.

The provisions of the act become effective one hundred eighty days from the act's effective date.

ERIKA JAQUES

01/25/2007 S First Read (S155)

EFFECTIVE: August 28, 2007

\*\*\* SB 388 \*\*\*

0979S.011

SENATE SPONSOR: Mayer

SB 388 - This act creates the Missouri Environmental Covenants Law, which allows environmental covenants to be created for real property that is or has been the subject of environmental remediation. The covenants are standardized voluntary agreements in which parties with an interest in the real property ensure that restrictions on site usage required by the remediation are maintained.

The act describes the information required in an environmental covenant, the powers and restrictions of an environmental covenant, and the process by which environmental covenants may be amended or terminated.

Environmental covenants must be recorded in the county in which the real property is located. The Department of Natural Resources is required to maintain a database of all environmental covenants in the state.

Certain aboveground and underground storage tanks are exempt from the provisions in the act.

This act is similar to SB 862 (2006).

ERIKA JAQUES

01/25/2007 S First Read (S155)

EFFECTIVE: August 28, 2007

\*\*\* SCR 1 \*\*\*

1147S.011

SENATE SPONSOR: Bray

SCR 1 - This resolution encourages support and education regarding FDA-approved contraceptives.

ADRIANE CROUSE

01/03/2007 S offered (S43)

01/04/2007 Referred S Rules, Joint Rules, Resolutions & Ethics Committee (S53)

01/24/2007 Hearing Conducted S Rules, Joint Rules, Resolutions & Ethics Committee

EFFECTIVE: Upon Approval

**\*\*\* SCR 2 \*\*\***

0896S.021

SENATE SPONSOR: Callahan

SCR 2 - This concurrent resolution rejects the salary increases for judges, legislators and statewide elected officials recommended by the Citizen's Commission on Compensation for Elected Officials.

JIM ERTLE

01/03/2007 S First Read (S43-44)

01/04/2007 Second Read and Referred S Rules, Joint Rules, Resolutions &amp; Ethics Committee (S53)

01/17/2007 Hearing Conducted S Rules, Joint Rules, Resolutions &amp; Ethics Committee

EFFECTIVE: Upon Approval

**\*\*\* SCR 3 \*\*\***

0918S.021

SENATE SPONSOR: Engler

SCR 3 - This concurrent resolution rejects the salary increases for judges, legislators and statewide elected officials recommended by the Citizen's Commission on Compensation for Elected Officials.

JIM ERTLE

01/04/2007 S First Read (S52-53)

01/08/2007 Referred S Rules, Joint Rules, Resolutions &amp; Ethics Committee (S64)

01/17/2007 Hearing Conducted S Rules, Joint Rules, Resolutions &amp; Ethics Committee

EFFECTIVE: Upon Approval

**\*\*\* SCR 4 \*\*\***

0920S.021

SENATE SPONSOR: Lager

SCR 4 - This concurrent resolution rejects the salary increases for judges, legislators and statewide elected officials recommended by the Citizen's Commission on Compensation for Elected Officials.

JIM ERTLE

01/11/2007 S First Read (S91-92)

01/16/2007 Referred S Rules, Joint Rules, Resolutions &amp; Ethics Committee (S104)

01/24/2007 Hearing Conducted S Rules, Joint Rules, Resolutions &amp; Ethics Committee

EFFECTIVE: Upon Approval

**\*\*\* SCR 5 \*\*\***

1126S.011

SENATE SPONSOR: Shields

SCR 5 - This resolution encourages the Missouri Rx Plan Advisory Commission to consider disease management of chronic obstructive pulmonary disease.

ADRIANE CROUSE

01/16/2007 S offered (S104)

01/17/2007 Referred S Rules, Joint Rules, Resolutions &amp; Ethics Committee (S113)

01/24/2007 Hearing Conducted S Rules, Joint Rules, Resolutions &amp; Ethics Committee

EFFECTIVE: Upon Approval

**\*\*\* SCR 6 \*\*\***

1388S.011

SENATE SPONSOR: Bray

SCR 6 - This resolution calls for a unified voice against anti-immigration groups while protecting the civil and human rights of immigrant families in Missouri and urges the Congress to comprehensively address problems in the federal immigration system.

CHRIS HOGERTY

01/22/2007 S offered (S128-129)

01/23/2007 Referred S Rules, Joint Rules, Resolutions &amp; Ethics Committee (S136)

EFFECTIVE: Upon Approval

\*\*\* SCR 7 \*\*\*

1480S.011

SENATE SPONSOR: Bray

SCR 7 - This resolution ratifies the Equal Rights Amendment to the United States Constitution.

This SCR is similar to SCR 33 (2006).

ADRIANE CROUSE

01/22/2007 S First Read (S129)

01/23/2007 Referred S Rules, Joint Rules, Resolutions &amp; Ethics Committee (S136)

EFFECTIVE: Upon Approval

\*\*\* SCR 8 \*\*\*

1518S.011

SENATE SPONSOR: Wilson

SCR 8 - This resolution urges the departments of Health and Senior Services and Mental Health to implement its recommendations to the Governor regarding fire safety regulations for residential care facilities.

ADRIANE CROUSE

01/22/2007 S offered (S131)

01/23/2007 Referred S Rules, Joint Rules, Resolutions &amp; Ethics Committee (S136)

EFFECTIVE: Upon Approval

\*\*\* SJR 1 \*\*\*

0137S.011

SENATE SPONSOR: Bartle

SJR 1 - This proposed constitutional amendment 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 24 (2006) and SJR 11 (2005).

STEPHEN WITTE

12/01/2006 Prefiled

01/03/2007 S First Read (S20)

01/22/2007 Second Read and Referred S Transportation Committee (S133)

EFFECTIVE: Upon voter approval

\*\*\* SJR 2 \*\*\*

0142S.011

SENATE SPONSOR: Bartle

SJR 2 - This proposed constitutional amendment, if approved by the voters, preserves the right of

Missouri citizens to harvest wild bird, fish, and game without creating a right to trespass on private property, diminishing other private rights, or diminishing the authority granted to the Conservation Commission.

This SJR is similar to SJR 8 (2005) and SJR 40 (2006).

ERIKA JAQUES

12/01/2006 Prefiled

01/03/2007 S First Read (S20)

01/22/2007 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S133)

EFFECTIVE: Upon voter approval

\*\*\* SJR 3 \*\*\*

0194S.011

SENATE SPONSOR: Bartle

SJR 3 - This joint resolution amends the Constitution by creating a Missouri Savings Account. The account shall be comprised of funds deposited annually at a rate of 2% of the general revenue appropriations for that year. If general revenue collections do not increase by 3% or more by the end of a fiscal year, the monies deposited in the fund that year shall lapse and be used for the next year's expenditures.

In any year in which there is a budget shortfall or when the consensus revenue estimate forecasts a decrease in revenue for the upcoming year, the general assembly may utilize 1/3 of the monies in the fund for budgetary purposes. If the balance in the account reaches 1/3 of general revenue collections for any fiscal year, the excess shall lapse to general revenue.

This resolution is similar to SJR 6 (2005).

JASON ZAMKUS

12/02/2006 Prefiled

01/03/2007 S First Read (S20)

01/22/2007 Second Read and Referred S Governmental Accountability & Fiscal Oversight Committee (S133)

EFFECTIVE: Upon voter approval

\*\*\* SJR 4 \*\*\*

0525S.011

SENATE SPONSOR: Nodler

SJR 4 - This proposed constitutional amendment, if approved by the voters, makes English the official language in all official proceedings in this state.

JIM ERTLE

12/01/2006 Prefiled

01/03/2007 S First Read (S21)

01/22/2007 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S133)

EFFECTIVE: Upon voter approval

\*\*\* SJR 5 \*\*\*

0308S.011

SENATE SPONSOR: Graham

SJR 5 - 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.

This SJR is identical to SJR 37 (2006).

JIM ERTLE

12/01/2006 Prefiled

01/03/2007 S First Read (S21)

01/22/2007 Second Read and Referred S Governmental Accountability & Fiscal Oversight Committee (S133)

EFFECTIVE: Upon voter approval

\*\*\* SJR 6 \*\*\*

0306S.011

SENATE SPONSOR: Graham

SJR 6 - 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.

This SJR is identical to SJR 33 (2006).

JIM ERTLE

12/01/2006 Prefiled  
01/03/2007 S First Read (S21)  
01/22/2007 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S133)

EFFECTIVE: Upon voter approval

\*\*\* SJR 7 \*\*\*

0307S.011

SENATE SPONSOR: Graham

SJR 7 - 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.

This SJR is identical to SJR 36 (2006).

JIM ERTLE

12/01/2006 Prefiled  
01/03/2007 S First Read (S21)  
01/22/2007 Second Read and Referred S Governmental Accountability & Fiscal Oversight Committee (S133)

EFFECTIVE: Upon voter approval

\*\*\* SJR 8 \*\*\*

0819S.011

SENATE SPONSOR: Ridgeway

SJR 8 - This resolution proposes a constitutional amendment to elevate the allowable level of bonded indebtedness for school districts from 15% to 20%.

This resolution is identical to SJR 031 (2006).

JIM ERTLE

12/18/2006 Prefiled  
01/03/2007 S First Read (S21)  
01/22/2007 Second Read and Referred S Education Committee (S133)

EFFECTIVE: Upon voter approval

\*\*\* SJR 9 \*\*\*

0928S.011

SENATE SPONSOR: Crowell

SJR 9 - Upon voter approval, this constitutional amendment would repeal the provision which prohibits laws that are retrospective in operation.

SUSAN HENDERSON MOORE

12/19/2006 Prefiled  
01/03/2007 S First Read (S21)  
01/22/2007 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S133)  
01/29/2007 Hearing Scheduled S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2007

\*\*\* SJR 10 \*\*\*

0637S.011

SENATE SPONSOR: Bartle

SJR 10 - Upon voter approval, this proposed constitutional amendment repeals the "Missouri Stem Cell Research and Cures Initiative". The amendment also enacts a constitutional provision that prohibits human cloning in the state of Missouri. The phrase "clone a human being" means to produce a human zygote, human blastocyst, or human embryo by means other than the fertilization of an egg of a human female by the sperm of a human male.

SUSAN HENDERSON MOORE

01/03/2007 S First Read (S43)

01/22/2007 Second Read and Referred S Judiciary and Civil &amp; Criminal Jurisprudence Committee (S133)

EFFECTIVE: August 28, 2007

\*\*\* SJR 11 \*\*\*

1185S.011

SENATE SPONSOR: Gross

SJR 11 - This proposed constitutional amendment, if approved by the voters, would require a two-thirds majority vote of the people in order for a constitutional amendment to pass. Currently, a simply majority must approve a constitutional amendment.

JIM ERTLE

01/11/2007 S First Read (S93)

01/22/2007 Second Read and Referred S Financial &amp; Governmental Organizations and Elections Committee (S133)

EFFECTIVE: Upon voter approval

\*\*\* SJR 12 \*\*\*

1417S.011

SENATE SPONSOR: Crowell

SJR 12 - This proposed constitutional amendment, if approved by the voters, would increase the membership of the State Board of Education from eight to nine and specify 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) and SJR 34 (2006).

JIM ERTLE

01/16/2007 S First Read (S103)

01/22/2007 Second Read and Referred S Education Committee (S133)

EFFECTIVE: Upon voter approval

\*\*\* SJR 13 \*\*\*

1333S.011

SENATE SPONSOR: Vogel

SJR 13 - This proposed constitutional amendment, if approved by voters, exempts from property taxation all personal property held for the entire tax years by any resident of this state engaged in the performance of active duty in the military service of the United States.

This resolution is identical to HJR 6 (2007).

JASON ZAMKUS

01/16/2007 S First Read (S103)

01/22/2007 Second Read and Referred S Ways &amp; Means Committee (S133)

EFFECTIVE: upon voter approval

\*\*\* SJR 14 \*\*\*

0327S.011

SENATE SPONSOR: Clemens

SJR 14 - 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) and SJR 25 (2006).

JIM ERTLE

01/18/2007 S First Read (S121)

01/22/2007 Second Read and Referred S Governmental Accountability & Fiscal Oversight Committee (S133)

EFFECTIVE: upon voter approval

\*\*\* SJR 15 \*\*\*

1318S.031

SENATE SPONSOR: Green

SJR 15 - This proposed constitutional amendment, if approved by voters, would increase term limits from eight years to twelve years total in any one house of the General Assembly. Further, the amendment would increase the total number of years that a person may serve in both houses of the General Assembly from sixteen to twenty-four. The provisions of this amendment would begin on January 1, 2012 and would count any service prior to that date in calculating the limits.

JIM ERTLE

01/22/2007 S First Read (S131)

01/25/2007 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S159)

EFFECTIVE: Upon voter approval

\*\*\* SJR 16 \*\*\*

0581L.011

SENATE SPONSOR: Shoemyer

SJR 16 - Upon voter approval, this proposed constitutional amendment would authorize political subdivisions to submit to the qualified voters any ballot measure increasing or decreasing revenue without further statutory authorization, provided that laws in effect on the effective date of this amendment shall remain in effect unless later amended or repealed.

SUSAN HENDERSON MOORE

01/22/2007 S First Read (S131)

01/25/2007 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S159)

EFFECTIVE: referendum

\*\*\* SR 3 \*\*\*

SENATE SPONSOR: Gibbons

01/03/2007 S offered (S44-46)

01/03/2007 Referred S Rules, Joint Rules, Resolutions & Ethics Committee (S46)

01/04/2007 Hearing Conducted S Rules, Joint Rules, Resolutions & Ethics Committee

01/04/2007 Voted Do Pass S Rules, Joint Rules, Resolutions & Ethics Committee

01/04/2007 Reported from S Rules, Joint Rules, Resolutions & Ethics Committee to Floor (S53)

01/08/2007 SA 1 S offered & adopted (Gibbons)--(1059S06.01F) (S61)

01/08/2007 SA 2 S offered & adopted (Champion)--(1059S06.01S) (SS61)

01/08/2007 SA 3 S offered & defeated (Bartle)--(1059S06.02S) (S62)

01/08/2007 SA 4 S offered & Ruled out of order (Purgason)--(1059S06.05S) (S62-63)

01/08/2007 S adopted, as amended (S63)

\*\*\* SR 51 \*\*\*

1290S.011

SENATE SPONSOR: Purgason

SR 51 - This resolution amends senate rule 96 by prohibiting electronic communication devices in the Senate Chamber, including cell phones and e-mail and web accessible devices, such as a Blackberry or Palm Pilot.

JIM ERTLE

01/09/2007 S offered (S69-70)

01/10/2007 Referred S Rules, Joint Rules, Resolutions & Ethics Committee (S77)

01/24/2007 Hearing Conducted S Rules, Joint Rules, Resolutions & Ethics Committee

EFFECTIVE: Upon Approval

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\*\*\* SR 57 \*\*\*

SENATE SPONSOR: Shields

01/10/2007 S offered (S82)

01/11/2007 S adopted (S91)

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\*\*\* SR 70 \*\*\*

SENATE SPONSOR: Scott

SR 70 - This resolution amends senate rule 96 by prohibiting smoking in the Kirchoff Gallery, the Pershing Gallery and the Bingham Gallery.

JIM ERTLE

01/11/2007 S offered (S91)

01/16/2007 Referred S Rules, Joint Rules, Resolutions & Ethics Committee (S104)

01/24/2007 Hearing Conducted S Rules, Joint Rules, Resolutions & Ethics Committee

EFFECTIVE: Upon Approval

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\*\*\* SR 85 \*\*\*

SENATE SPONSOR: Vogel

01/16/2007 S offered (S101)

01/16/2007 S adopted (S101)

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\*\*\* SR 86 \*\*\*

SENATE SPONSOR: Vogel

01/16/2007 S offered (S101)

01/16/2007 S adopted (S101)

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\*\*\* HCR 1 \*\*\*

1132L.011

HOUSE HANDLER: Dempsey

HCR001 Dempsey, Tom

\*\*\*\*\* NO BILL SUMMARY \*\*\*\*\*

01/03/2007 Offered (H) (H19-20)  
 01/03/2007 Adopted (H) (H20)  
 01/03/2007 S offered (S22)  
 01/08/2007 S adopted (S60)  
 01/08/2007 S Escort Committee Appointed: Bartle, Crowell, Goodman, Koster, Mayer, Ridgeway, Callahan, Coleman, Days, Justus (S63 / H103)  
 01/10/2007 H Escort Committee Appointed: Lipke, Smith-150, Pratt, Flook, Faith, Sater, McClanahan, Shively, Quinn-9, Schieffer (S76)

\*\*\* HCR 2 \*\*\*

1133L.011

HOUSE HANDLER: Dempsey

HCR002 Dempsey, Tom

\*\*\*\*\* NO BILL SUMMARY \*\*\*\*\*

01/03/2007 Offered (H) (H20)  
 01/03/2007 Adopted (H) (H20 / S22)  
 01/03/2007 S offered (S22)  
 01/08/2007 S adopted (S60 / H103)  
 01/22/2007 S Escort Committee Appointed: Gibbons, Shields, Coleman, Rupp, Lager, Goodman, Days, McKenna, Shoemyer, Justus (S131 / H165)  
 01/24/2007 S Escort Committee Change: Gross to replace Rupp (S142 / H190)  
 01/24/2007 House Escort Committee Appointed: Grisamore, Silvey, Wasson, Fares, Wright, Schlottach, Johnson, Baker-25, Salva, Skaggs (H190 / S142)

\*\*\* HCR 13 \*\*\*

1570L.011

HOUSE HANDLER: McGhee

HCR013 McGhee, Michael Jetton, Rod et al

I N T R O D U C E D

01/18/2007 Introduced and read first time (H) (H142)  
 01/22/2007 Read second time (H) (H154)  
 01/22/2007 Referred: Rules (H) (H155)  
 01/23/2007 Public hearing completed (H)  
 01/23/2007 Executive Session completed (H)  
 01/23/2007 Voted do pass (H)  
 01/23/2007 Reported do pass (H) (H161)  
 01/24/2007 Third read and passed (H) (H185-186 / S149)  
 01/24/2007 S First Read (S149-150)  
 01/25/2007 Second Read and Referred S Rules, Joint Rules, Resolutions & Ethics Committee (S155)  
 01/29/2007 Hearing Scheduled S Rules, Joint Rules, Resolutions & Ethics Committee

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