

94th General Assembly

2nd Regular Session

MISSOURI SENATE



WEEKLY BILL STATUS REPORT

February 25 - 29, 2008

Prepared by
Divisions of Research and Computer Information Systems

*** SB 711 ***

SS SCS SB 711

3297S.14P

SENATE SPONSOR: Gibbons

SS/SCS/SB 711 - This act mandates tax rate roll-backs by all political subdivisions in reassessment years. The manner in which voter approved tax increases are applied to assessed values is modified. The act modifies eligibility and award provisions of the property tax credit and the time-line for assessment and appeal of property taxes.

The act prohibits the imposition of penalties and interest where there is clear and convincing evidence that a county made an error in the determination of taxes owed by a taxpayer. Under current law, counties may opt to accept property tax payments in installments. This act requires Jackson County to accept payments for property taxes in installments.

The income exemption for married claimants, under the property tax credit program, is increased from two thousand dollars to ten thousand dollars for claimants that own and occupy their homestead for the entire year. The maximum award under the property tax credit program is increased from seven hundred fifty dollars to eleven hundred dollars. The maximum upper limit and minimum base amounts, for the property tax credit for calendar year 2008, are extended to all subsequent calendar years. For homeowners claiming the property tax credit, the maximum upper limit is increased to thirty thousand dollars and the minimum base amount is increased to fifteen thousand dollars.

Voter approved property tax rate increases must be adjusted to derive the same amount of revenue as would be realized if the tax rate increase were applied to a political subdivision's most recent total assessed valuation, as certified by the city or county clerk on or before the date of the election in which the increase was approved. Under current law, the Hancock Amendment of the Missouri Constitution requires political subdivisions to roll-back their tax rate ceiling due to increases in assessed value. This act requires every political subdivision, in a reassessment year, to roll-back its prior year's tax rate regardless of whether the political subdivision was levying the tax at its tax rate ceiling. A governing body of a political subdivision may, in a non-reassessment year, modify its tax rate, not to exceed its maximum authorized voter approved levy, through the adoption of an ordinance, resolution, or policy statement explaining its actions. A school district which levies a tax rate below the performance levy due to mandatory roll-backs provided for under this act will remain eligible to receive grants currently provided to small school districts. Political subdivisions, which have received voter approval for an increase to their tax rate ceiling subsequent to setting their most recent tax rate, are exempt from the mandatory roll-back in reassessment years provision.

Effective January 1, 2009, for all charter counties and the City of St. Louis, assessors are required to provide the city or county clerks with assessment books on or before March first of each year. The city or county clerks must make abstracts of the assessment books showing the aggregate amounts of different types of property and the valuations of each type for each political subdivision levying taxes on property. The governing bodies of political subdivisions must use the information provided in the abstracts to informally project non-binding tax rate levies and provide such projected levies to the clerk no later than April 15th of each year. Utilizing the projected tax levies, the county collector must then calculate the projected tax liability for each property for which the assessor intends to provide a notice of increased assessed value by April thirtieth. Failure by a political subdivision to provide projected tax levies by April 15th will result in a twenty percent reduction in such political subdivision tax levy for the tax year. However, if a political subdivision's failure to provide projected tax levies in the time prescribed is due to a delinquency in the provision of, or a failure to provide, the required information by either the clerk or the assessor, no such reduction will be triggered.

Beginning January 1, 2011, all counties will be subject to the same projected tax liability and notice requirements applicable to the City of St. Louis and charter counties. The state tax commission must develop, or enter into contracts for the development of, computer software programs which will produce the notice of projected tax liability. Upon receiving a request from a collector, the commission must provide the computer software programs to such collector.

Under current law, certain counties and the City of St. Louis must deduct either one eighth of one percent or one quarter of one percent of all ad valorem property tax collections and deposit such amount into the county's assessment fund until December 31, 2009. This act extends this requirement until December 31, 2015. For all years beginning on or after January 1, 2010, if the state tax commission withholds state assessment reimbursement funds from a county for three consecutive quarters, the extra one-eighth of one percent or one quarter of one percent collection revenues in the county assessment fund will be forfeited and returned by the county to the political subdivisions within such county.

The clerk of a circuit court is required to send the county collector a notice that an appeal seeking exemption has been filed upon a taxpayer's timely filing of an appeal of a final decision of the board of equalization. Such notice must contain the name of the taxpayer, the case number assigned by the court, and the parcel or locator number of the property being appealed. The notice to the collector must state that the taxes in dispute are to be impounded. The act also requires the state tax commission to send the county collector a notice of appeal upon timely filing of a taxpayer's appeal. Such notice must contain the taxpayer's name, the appeal number assigned by the commission, the assessed value by the board of equalization and the assessed value proposed by the taxpayer, if such values are available to the commission when the appeal is filed. Such notice must specifically state that the taxes in dispute are to be impounded and if such notice is filed in an odd numbered year, it shall serve as notice to the collector to impound taxes for the following even numbered year if no decision has been rendered in the appeal.

A taxpayer is relieved from the requirement of filing a statement of protest if such taxpayer filed an appeal from a local board of equalization to the state tax commission or circuit court. The act modifies several other provisions of law regarding notification of appeal of assessment and the impounding, investment and refund of protested tax payments.

The act repeals the requirement that the state tax commission notify each school district of the equivalent sales ratio for the previous year, which was adopted to determine the equalized assessed valuation of the property and the equalized operating levy of the school district for distributions under the old school funding formula.

JASON ZAMKUS

12/01/2007 Prefiled
 01/09/2008 S First Read--SB 711-Gibbons, et al (S6)
 01/10/2008 Second Read and Referred S Ways & Means Committee (S72)
 01/28/2008 Hearing Conducted S Ways & Means Committee
 02/04/2008 SCS Voted Do Pass S Ways & Means Committee (3297S.12C)
 02/07/2008 Reported from S Ways & Means Committee to Floor w/SCS (S199)
 02/12/2008 Bill Placed on Informal Calendar (S216)
 02/19/2008 SS for SCS S offered (Gibbons)--(3297S.14F) (S269-270)
 02/19/2008 SA 1 to SS for SCS S offered & adopted (Gibbons)--(3297S14.01S) (S270)
 02/19/2008 SA 2 to SS for SCS S offered (Griesheimer)--(3297S14.13S) (S270)
 02/19/2008 Bill Placed on Informal Calendar (S270)
 02/21/2008 SSA 1 for SA 2 to SS for SCS S offered & adopted (Ridgeway)--(3297S14.18S) (S327)
 02/21/2008 SA 3 to SS for SCS S offered & adopted (Callahan)--(3297S14.26S) (S327-328)
 02/21/2008 SA 4 to SS for SCS S offered & adopted (Ridgeway)--(3297S14.14S) (S328)
 02/21/2008 SA 5 to SS for SCS S offered & adopted (Rupp)--(3297S14.25S) (S328-330)
 02/21/2008 SA 6 to SS for SCS S offered (Shoemyer)--(3297S14.09S) (S330-332)
 02/21/2008 SSA 1 for SA 6 to SS for SCS S offered & adopted (Gibbons)--(3297S14.24S) (S332-334)
 02/21/2008 SA 7 to SS for SCS S offered & adopted (Gibbons)--(3297S14.23S) (S334-335)
 02/21/2008 SA 8 to SS for SCS S offered & adopted (Gibbons)--(3297S14.22S) (S335)
 02/21/2008 SS for SCS, as amended, S adopted (S335)
 02/21/2008 Perfected (S335)
 02/25/2008 Reported Truly Perfected S Rules Committee (S351)
 02/25/2008 Referred S Governmental Accountability and Fiscal Oversight Committee (S352)
 02/26/2008 Hearing Conducted S Governmental Accountability & Fiscal Oversight Committee
 02/26/2008 Voted Do Pass S Governmental Accountability and Fiscal Oversight Committee
 02/26/2008 Reported from S Governmental Accountability and Fiscal Oversight Committee to Floor (S361)
 02/27/2008 S Third Read and Passed (S376)
 02/28/2008 H First Read (H367)

EFFECTIVE: August 28, 2008

*** SB 712 ***

SCS SBs 712 & 882

3257S.06C

SENATE SPONSOR: Gibbons

SCS/SBs 712 & 882 - This act allows a consumer to request that a "security freeze" be placed on his or her credit report, which prohibits credit reporting agencies from releasing the consumer's credit report or credit score without specific authorization from the consumer.

Credit reporting agencies are directed to place a freeze on any consumer's credit report within five days

of the receipt of such a request. The reporting agency must notify the consumer in writing within ten days of enacting the security freeze and must provide instructions for removing or temporarily lifting the freeze. No fee may be charged by a credit reporting agency for a consumer's first security freeze request, but a fee up to \$10 may be charged for any subsequent freeze request made by the same consumer.

Credit reporting agencies may issue credit reports subject to a freeze in certain circumstances that include: when requested or authorized by the consumer, pursuant to a court order, during times when the freeze has been temporarily lifted by the consumer, when used for prescreening purposes, when requested by a child support enforcement agency, for certain insurance purposes, to anyone with whom the consumer has an existing debtor-creditor relationship, when requested by the State of Missouri to investigate fraud or collect delinquent taxes, when used by a credit monitoring service to which the consumer subscribes, or when otherwise allowable under federal law.

Credit reporting agencies must supply any consumer who believes he or she has been a victim of identity theft with a summary of rights as specified.

Credit reporting agencies that knowingly violate this act shall be liable for actual damages sustained by any affected consumer, the affected consumer's court costs and reasonable attorney fees, and may be subject to other equitable relief assessed by a court.

The act prohibits retailers from advertising the after-rebate price of a good or service unless the retailer will honor the rebate at the time of purchase or unless the advertisement contains certain items as required in the act. Violations shall be considered unlawful merchandising practices, which the Attorney General currently has authority to prosecute. Retailers who sell items for which a rebate is offered, but who do not bear any responsibility for a rebate advertisement that is in violation of the act, shall not be liable for violating the act.

The act limits the type of information that businesses may require consumers to provide in order to receive a rebate. Businesses may request additional information only when there is reason to believe a rebate claim is fraudulent or illegitimate.

A claim form for a mail-in rebate shall be provided to the consumer at the time of merchandise purchase. Claim forms shall include a method of contact that a consumer may use to check on the status of his or her rebate claim.

Consumers shall be given at least 30 days in which to submit a mail-in rebate claim. Businesses shall remit payment for any mail-in rebate claims within 30 days of receiving a rebate claim request submitted in accordance with the rebate offer. When the method of rebate payment is not disclosed on a mail-in rebate advertisement, such payments shall be made in cash, check, or an equivalent method of payment, which does not include a reward card that does not function as a cash equivalent.

The act contains provisions similar to provisions in SB 507 (2007) and SB 737 (2006).
ERIKA JAQUES

12/01/2007 Prefiled
01/09/2008 S First Read--SB 712-Gibbons and Rupp (S6)
01/10/2008 Second Read and Referred S Commerce, Energy and the Environment Committee (S72)
01/24/2008 Hearing Conducted S Commerce, Energy and the Environment Committee
02/14/2008 SCS Voted Do Pass (w/SCS/SBs 712 & 882) S Commerce, Energy and the Environment Committee (3257S.06C)
02/21/2008 Reported from S Commerce, Energy and the Environment Committee to Floor w/SCS (S342)
03/03/2008 S Formal Calendar S Bills for Perfection--SBs 712 & 882-Gibbons and Rupp, with SCS

EFFECTIVE: August 28, 2008

*** SB 713 *** SCS SB 713

3511S.07C

SENATE SPONSOR: Gibbons

SCS/SB 713 - This act grants civil immunity to school districts and employees of school districts who report on or discuss employee job performance for the purpose of making employment decisions affecting the safety of students, and to certain employees of the Department of Elementary and Secondary Education. Specifically, civil immunity will be granted to DESE employees in the Educator Certification section and those whose job functions include handling personnel information, including but not limited to information relating to

revocation or attempted revocation of teacher certification. In addition, civil immunity will be granted to DESE employees involved in the hiring of personnel for the State Schools for Severely Handicapped Children, Missouri School for the Blind, and Missouri School for the Deaf. The legal expense fund shall pay for the defense of any school district or school district employee.

MICHAEL RUFF

12/01/2007 Prefiled

01/09/2008 S First Read--SB 713-Gibbons (S6)

01/10/2008 Second Read and Referred S Education Committee (S72)

01/11/2008 Hearing Cancelled S Education Committee

01/23/2008 Hearing Conducted S Education Committee

02/14/2008 SCS Voted Do Pass S Education Committee (3511S.07C)

02/28/2008 Reported from S Education Committee to Floor w/SCS (S394)

03/03/2008 S Formal Calendar S Bills for Perfection--SB 713-Gibbons, with SCS

EFFECTIVE: August 28, 2008

*** SB 714 *** SCS SBs 714, 933, 899 & 758

3292S.07C

SENATE SPONSOR: Loudon

SCS/SBs 714, 933, 899, & 758 - This act modifies various provisions relating to sexual offenses.

SECTIONS 43.650, 43.651, 589.402, & 589.407 (also see Sections 589.402 & 589.407 below)

Any person required to register as a sexual offender must provide county law enforcement with any online identifying information he or she uses. Such information shall be made available to the public on the sex offender registry website, but only through specific searches using the online identifier. The information shall not be included in a general profile of the offender.

Subject to appropriations, the Highway Patrol shall make online identifying information of registered sex offenders available to certain electronic and computer businesses to prescreen users and to compare information held by the business.

The patrol shall promulgate rules regarding the release and use of online identifying information and establish a fee for such service. Information obtained by the business shall not be used for any purpose other than for prescreening users or comparing the database of registered users against the list of online identifiers of persons on the sex offender registry in order to protect children from online sexual predators.

Any business complying with these provisions in good faith shall be immune from any civil or criminal liability resulting from: 1) refusing to provide services to a person because the entity believed the person was required to register as a sex offender; 2) a person's criminal or tortious acts, when the person is a register sex offender who has complied with the registration requirements, and committed the acts against a minor using the business's services or system; or 3) any activity for which the entity would be immune from liability under federal law for blocking or screening of offensive material.

SECTIONS 211.425 and 589.400 (also see Section 589.400 below)

Currently, juvenile sex offenders are required to register on a separate juvenile sex offender registry that is kept confidential by the juvenile offices. Under this act, juveniles certified as adults, who have committed an offense comparable to or more severe than aggravated sexual abuse, and those juveniles fourteen years of age or older who are adjudicated of an offense that is comparable to or more severe than aggravated sexual abuse, shall be required to register as an adult sex offender on the public registry.

SECTION 491.075

Under this act, a statement made by a child under the age of fourteen relating to a pornography offense performed with or on a child by another person, that is otherwise inadmissible in court, shall be admissible as evidence if certain requirements are met, including the court finding that the statement provides sufficient indications of reliability and the child testifies at the proceedings or the court finds that the trauma that would result from testifying renders the child "unavailable" as a trial witness. Any statement of such a child is sufficient corroboration of a statement, admission, or confession regardless of whether or not the child is available to testify.

SECTION 566.083

This act makes attempted sexual misconduct involving a child a class D felony in the same manner as committing sexual misconduct involving a child.

SECTIONS 566.147 & 566.149

Currently, persons who have committed certain sexual offenses against a child are prohibited from being present in or loitering within five hundred feet of school without being a parent with school permission or from residing within one thousand feet of a school or licensed child-care facility. Under this act, persons who commit comparable offenses in any other state or foreign country or under tribal, federal, or military jurisdiction shall be subject to the same restrictions.

SECTION 566.152

This act prohibits certain sexual offenders who have committed an offense against a child from being present in or loitering within 500 feet of any playground or designated camping area of a state park. Violation of this provision shall be a Class A misdemeanor.

SECTION 573.025

A person is guilty of promoting child pornography in the first degree if, knowing of its contents and character, such person possesses with the intent to promote or promotes child pornography of a child less than 14 years of age or obscene material portraying what appears to be a child less than fourteen years of age. This act prohibits any person who pleads guilty to or is found guilty of promoting child pornography in the first degree from being eligible for probation or parole for at least three years.

SECTION 573.035

A person is guilty of promoting child pornography in the second degree if, knowing of its contents and character, such person possesses with the intent to promote or promotes child pornography of a minor under the age of eighteen or obscene material portraying what appears to be a minor under the age of eighteen. This act prohibits any person convicted of promoting child pornography in the second degree from being eligible for probation.

SECTION 573.037

A person commits possession of child pornography if, knowing of its content and character, such person possesses any child pornography of a minor under the age of eighteen or obscene material portraying a minor under the age of eighteen.

This act makes possession of child pornography a Class C felony unless the person possesses more than twenty still images or one film or videotape of child pornography or has previously committed this offense, in which case, the crime is a Class B felony. Currently, possession of child pornography is a Class D felony unless the offender has previously committed this offense, in which case, the crime is a Class C felony.

SECTION 573.038

This act requires that in any criminal proceeding, any property or material that constitutes child pornography shall remain in the custody of the state or the court. The court shall deny requests to copy or reproduce the child pornography if it is made reasonably available to the defendant by providing ample opportunity for inspection, viewing, and examination at a state or other governmental facility.

SECTION 573.040

Under this act, attempting to furnish pornographic materials to a minor is a Class A misdemeanor in the same manner as actually furnishing the materials to a minor. It is not an affirmative defense to prosecution that the person being furnished the pornographic material is a peace officer masquerading as a minor.

SECTION 573.512

This act makes it a Class A misdemeanor for a person in a sexually oriented business to knowingly and intentionally appear nude or to depict, simulate, or perform specified sexual activities.

SECTIONS 589.400, 589.402, 589.403, 589.405, 589.407, & 589.414

Persons who conspire to commit an offense listed on the sex offender registry shall be required to register as well as the persons who actually commit the crimes. Persons who are on the register for conspiring to commit an offense will have his or her information posted on the Highway Patrol sexual offender registry website. Also, persons who have committed comparable offenses under a tribal jurisdiction must register.

Currently, a person required to register in another state must register in Missouri if he or she is attending school or training here for more than fourteen days per year. This act specifies instead that persons

attending any educational institution, whether public or private, including any secondary school, trade school, professional school, or institution of higher education for more than seven days in a twelve-month period must register.

Under this act, a register sex offender shall have three days, rather than ten days, upon conviction, release from incarceration, or placement on probation, to register with law enforcement.

Effective August 28, 2008, a person convicted of attempting or conspiring to commit felonious restraint when the victim is the person's child, nonsexual child abuse, or parental kidnapping, shall be removed from the registry.

Also, as of August 28, 2008, a person currently on the sex offender registry for committing, attempting to commit, or conspiring to commit sexual misconduct, possession of child pornography, or sexual abuse against an adult that involves sexual contact but not a completed or attempted sexual act may file a petition in court for removal from the registry after ten years have passed from the date he or she was required to register. Other persons, who have committed promoting prostitution in the second or third degree, public display of explicit sexual material, statutory rape in the second degree, when no physical force was used in the commission of the crime, may no longer make such a petition to the court.

Currently, a person convicted of a sex offense may petition for removal from the registry after two years have passed from the date of conviction if the person was nineteen years of age or younger and the victim was thirteen years of age or older at the time of the offense and no force was used in the commission of the crime. Under this act, such persons may only petition the court for removal if the offender was not more than four years older than the victim.

Currently, correctional facilities must obtain and forward the address of a sex offender being released to county law enforcement. This act requires the facility to complete the initial registration prior to release and forward it to the county law enforcement within three business days. When the person being released lists an out-of-state address, the registration shall be forwarded to the Highway Patrol. The court must forward to county law enforcement the address of a sex offender who is released from county jail within three days.

Along with other registration information provided by a sex offender, he or she must also provide county law enforcement with palm prints and a DNA sample if one has not already been taken. When reporting semiannually with law enforcement, a sex offender must allow the chief law enforcement officer to take a current photograph of the offender rather than providing a photograph himself or herself.

This act changes the length of time that a sex offender has to contact law enforcement with any changes in registry information from ten days to three days. Also, the offender must appear in person to county law enforcement regarding all changes in information rather than only those regarding moving outside of the county.

SECTION 589.425

This act makes the crime of failing to register as a sex offender a class D felony for the first offense, unless the crime for which the person must register is an unclassified felony, a Class A or B felony, or a felony involving a child under the age of fourteen, in which case, it is a Class C felony. Currently, the crime is a Class A misdemeanor, unless the aggravating circumstances exist, and it is a Class D felony.

SECTION 650.120

This act allows grant money distributed by the Department of Public Safety to investigate internet sex crimes against children to be used to fund training for prosecuting and circuit attorneys. Currently, the grant money can only be used for other purposes, including training law enforcement personnel.

This act contains an emergency clause for certain provisions.

This act is similar to SB 5 (2007), SB 933 (2008), & SB 737 (2008).

SUSAN HENDERSON MOORE

12/01/2007	Prefiled
01/09/2008	S First Read--SB 714-Loudon and Gibbons (S6)
01/10/2008	Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S72)
02/04/2008	Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee
02/18/2008	SCS Voted Do Pass (w/ SCS/SBs 714, 933, 899, & 758) S Judiciary and Civil & Criminal Jurisprudence Committee (3292S.07C)

02/21/2008 Reported from S Judiciary and Civil & Criminal Jurisprudence Committee to Floor w/SCS (S341)
03/03/2008 S Formal Calendar S Bills for Perfection--SBs 714, 933, 899 & 758-Loudon and Gibbons, with SCS

EFFECTIVE: Emergency Clause

*** SB 715 ***

3686S.021

SENATE SPONSOR: Loudon

SB 715 – This act establishes the Safe Schools Fund. Beginning in fiscal year 2010, and in each subsequent year, the General Assembly shall appropriate \$9 million to the fund. The Department of Elementary and Secondary Education shall annually distribute the moneys to each school district in proportion to their average daily attendance.

School districts may use the money from the fund for various safety related purposes as described in the act. Each district must notify DESE how it uses the funds. DESE may withhold future payments from the fund if it determines that a district has misused any of the moneys.

Each school district must institute lock-down procedures for each school building in the event a potentially dangerous or armed intruder enters the school. Each school building must also conduct a drill at least once a year. DESE shall establish guidelines by January 1, 2009 to assist school district in implementing such procedures. Each school district must adopt and implement an anti-bullying policy to receive funding.

This act is similar to SB 6 (2007).

MICHAEL RUFF

12/01/2007 Prefiled
01/09/2008 S First Read--SB 715-Loudon (S6)
01/10/2008 Second Read and Referred S Education Committee (S72)
01/16/2008 Hearing Conducted S Education Committee
02/27/2008 Voted Do Pass S Education Committee

EFFECTIVE: August 28, 2008

*** SB 716 ***

3465S.011

SENATE SPONSOR: Loudon

SB 716 - This act provides that the official dating standard used by the state of Missouri shall be A.D., or Anno Domini, and B.C., or Before Christ. Neither the state, nor any political subdivision, shall use any other designation.

This act is identical to SB 669 (2007).

JIM ERTLE

12/01/2007 Prefiled
01/09/2008 S First Read--SB 716-Loudon, et al (S6)
01/10/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S72)
01/23/2008 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee
01/30/2008 Voted Do Pass S Pensions, Veterans' Affairs and General Laws Committee

EFFECTIVE: August 28, 2008

*** SB 717 ***

3449S.011

SENATE SPONSOR: Kennedy

SB 717 - This act increases the amount of tax credits available for taxpayers who modify their home to be accessible for disabled people who reside with such taxpayer. Under current law, up to one hundred thousand dollars in tax credits remaining unused under the rebuilding communities tax credit program are allocated for use by taxpayers who modify their homes for disabled persons residing with such taxpayers. This act increases the amount of available tax credits by allocating all unused tax credits under the rebuilding communities tax credit program for use by taxpayers who modify their homes for disabled persons residing with such taxpayers. The rebuilding communities tax credit program is capped at ten million dollars annually.
JASON ZAMKUS

12/01/2007 Prefiled
 01/09/2008 S First Read--SB 717-Kennedy and Shields (S6)
 01/10/2008 Second Read and Referred S Ways & Means Committee (S72)
 02/04/2008 Hearing Cancelled S Ways & Means Committee
 02/11/2008 Hearing Conducted S Ways & Means Committee
 02/18/2008 Voted Do Pass S Ways & Means Committee
 02/28/2008 Reported from S Ways & Means Committee to Floor (S392)
 03/03/2008 S Formal Calendar S Bills for Perfection--SB 717-Kennedy and Shields

EFFECTIVE: August 28, 2008

*** SB 718 *** SS SCS SB 718

3497S.04P

SENATE SPONSOR: Kennedy

SS/SCS/SB 718 - This act increases the amount of tax credits which may be issued in a fiscal year, under the Neighborhood Assistance Act for economic development projects, from four million dollars to six million dollars. The director of the department of economic development is authorized to issue binding letter rulings regarding an applicant's eligibility for issuance of tax credits under the new markets tax credit program. Any applicant for state tax credits who purposely and directly employs unauthorized aliens must forfeit any tax credits issued to such applicant which have not been redeemed, and any tax credits redeemed by such applicant will be recaptured for the period of time in which the applicant employed unauthorized aliens. The cap on annual issuance of tax credits for the enhanced enterprise zone tax credit program is increased from fourteen million to twenty four million dollars.

The aggregate cap on tax credits which may be issued annually under the Small Business Incubators Act is increased from five hundred thousand dollars to two million dollars. A local sponsor or organization receiving assistance through a local sponsor under the small business incubators act must provide annual reports, to the department of economic development, containing the identity of tenants within each incubator, a brief description of the nature of the business of each such tenant, and the date in which each such tenant established tenancy within the incubator. The department of economic development must annually provide the general assembly and the governor with a report containing the information provided by local sponsors and organizations receiving assistance from local sponsors.

The Quality Jobs Act definition of the term "project facility", is modified to include separate buildings located within one mile of each other or within the same county. The Quality Jobs Act definition of the term "technology business project" is expanded to include any qualified company which owns or leases a facility which produces electricity, or fuel for the generation of electricity, derived from qualified renewable energy sources. Under current law, no new tax credits may be approved by the department of economic development for job retention projects, authorized under the Missouri Quality Jobs Act, after August 30, 2007. This act extends the sunset to August 30, 2013. The maximum amount of tax credits which may be issued annually under the Missouri quality jobs act is increased from forty million dollars to sixty million dollars.

JASON ZAMKUS

12/01/2007 Prefiled
 01/09/2008 S First Read--SB 718-Kennedy (S6)
 01/10/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S72)
 01/16/2008 Hearing Conducted S Economic Development, Tourism & Local Government Committee
 01/23/2008 SCS Voted Do Pass S Economic Development, Tourism & Local Government Committee (3497S.02C)
 02/07/2008 Reported from S Economic Development, Tourism & Local Government Committee to Floor w/SCS (S199)
 02/12/2008 SS for SCS S offered (Kennedy)--(3497S.04F) (S217)
 02/12/2008 SA 1 to SS for SCS S offered (Rupp)--(3497S04.01S) (S217-218)
 02/12/2008 Bill Placed on Informal Calendar (S218)
 02/13/2008 SA 1 to SS for SCS S withdrawn (S234)
 02/13/2008 SA 2 to SS for SCS S offered (Rupp)--(3497S04.07S) (S234-235)
 02/13/2008 SA 1 to SA 2 to SS for SCS S offered & defeated (Callahan)--(3497S04.01F) (S235-236)
 02/13/2008 SA 2 to SS for SCS S adopted (S236)
 02/13/2008 SA 3 to SS for SCS S offered & withdrawn (Griesheimer)--(3497S04.09S) (S236)
 02/13/2008 SA 4 to SS for SCS S offered (Engler)--(3497S04.06S) (S236)
 02/13/2008 Bill Placed on Informal Calendar (S236)
 02/18/2008 SA 4 to SS for SCS S withdrawn (S260)

02/18/2008 SA 5 to SS for SCS S offered & adopted (Dempsey)--(3497S04.10S) (S260-261)
 02/18/2008 SA 6 to SS for SCS S offered (Green)--(3497S04.05S) (S261)
 02/18/2008 SSA 1 for SA 6 to SS for SCS S offered & adopted (Shields)--(3497S04.13S) (S261-262)
 02/18/2008 SA 7 to SS for SCS S offered & adopted (Lager)--(3497S04.11S) (S262)
 02/18/2008 SS for SCS, as amended, S adopted (S262)
 02/18/2008 Perfected (S263)
 02/19/2008 Reported Truly Perfected S Rules Committee (S270-271)
 02/19/2008 Referred S Governmental Accountability and Fiscal Oversight Committee (S277)
 02/20/2008 Hearing Conducted S Governmental Accountability & Fiscal Oversight Committee
 02/20/2008 Voted Do Pass S Governmental Accountability and Fiscal Oversight Committee
 02/20/2008 Reported from S Governmental Accountability and Fiscal Oversight Committee to Floor (S283)
 02/21/2008 S Third Read and Passed (S324-325 / H311)
 02/21/2008 H First Read (H311)
 02/25/2008 H Second Read (H316)

EFFECTIVE: August 28, 2008

*** SB 719 ***

3598S.02I

SENATE SPONSOR: Kennedy

SB 719 - Beginning January 1, 2009, this act provides that each publisher or vendor of print instructional materials must make electronic files of the materials available at no cost to schools purchasing the print materials, along with the right to reproduce and distribute such materials in specialized formats, such as Braille, large print, digital audio and electronic text. The publisher or vendor must deliver the electronic files within 30 days of the request by the school.

If a publisher or vendor fails to comply with the provisions of this act, the publisher or vendor shall be liable to the school that purchased the materials in an amount of three times the cost to the purchasing school to obtain materials in the needed specialized formats.

The Missouri Assistive Technology Advisory Council is required to establish a system to track and catalog access and production of accessible format instructional materials in order to increase reutilization of such material.

This act is substantially similar to SB 566 (2007).

JIM ERTLE

12/01/2007 Prefiled
 01/09/2008 S First Read--SB 719-Kennedy (S6)
 01/10/2008 Second Read and Referred S Education Committee (S72)

EFFECTIVE: August 28, 2008

*** SB 720 ***

SCS SB 720

3054S.02P

SENATE SPONSOR: Coleman

SCS/SB 720 - The act establishes a hot weather rule during the time period from June 1st to September 30th. During this time, natural gas or electricity providers are prohibited from disconnecting service to residential customers on days when either the temperature is expected to rise above 95 degrees or the heat index is expected to rise above 105 degrees for the following twenty-four hour period or on days when service personnel will not be available to reconnect service and the temperature or heat index is expected to rise above these marks.

This act is similar to SB 11 (2007) and SB 955 (2006).

ERIKA JAQUES

12/01/2007 Prefiled
 01/09/2008 S First Read--SB 720-Coleman (S6)
 01/10/2008 Second Read and Referred S Commerce, Energy and the Environment Committee (S72)
 01/17/2008 Hearing Conducted S Commerce, Energy and the Environment Committee
 01/24/2008 SCS Voted Do Pass S Commerce, Energy and the Environment Committee (3054S.02C)
 02/07/2008 Reported from S Commerce, Energy and the Environment Committee to Floor w/SCS (S201)
 02/19/2008 Bill Placed on Informal Calendar (S271)
 02/25/2008 SA 1 to SCS S offered & adopted (Graham)--(3054S02.01S) (S351-352)

02/25/2008 SCS, as amended, S adopted (S352)
 02/25/2008 Perfected (S352)
 02/25/2008 Reported Truly Perfected S Rules Committee (S353)
 02/28/2008 Motion to Reconsider Perfection Vote S adopted (S410-411)
 02/28/2008 Motion to reconsider SCS, as amended S adopted (S411)
 02/28/2008 Motion to reconsider SA 1 to SCS S adopted (S411)
 02/28/2008 SA 1 to SCS S withdrawn (S411)
 02/28/2008 SCS S adopted (S412)
 02/28/2008 Perfected (S412)

EFFECTIVE: August 28, 2008

*** SB 721 ***

3058S.011

SENATE SPONSOR: Coleman

SB 721 - Under current regulations promulgated by the Public Service Commission that establish the Cold Weather Rule, gas and electric service may not be discontinued to residential customers on any day when the National Weather local forecast between certain hours predicts that the temperature will drop below 32 degrees Fahrenheit during the following 24 hours.

This act extends the forecast prediction period of time from 24 hours to 72 hours.

This act is similar to SB 567 (2007).

ERIKA JAQUES

12/01/2007 Prefiled
 01/09/2008 S First Read--SB 721-Coleman (S6)
 01/10/2008 Second Read and Referred S Commerce, Energy and the Environment Committee (S72)

EFFECTIVE: August 28, 2008

*** SB 722 ***

3064S.011

SENATE SPONSOR: Coleman

SB 722 - This act exempts motor fuel used for school buses, by school districts or persons contracted with school districts to provide school bus services. The exemption provided by this act will be granted to the school district for which the fuel is consumed in the form of a refund, regardless of whether the school district paid the tax or the tax was paid by persons contracted with the district to provide school bus services.

This act is identical to SB 421 (2007).

JASON ZAMKUS

12/01/2007 Prefiled
 01/09/2008 S First Read--SB 722-Coleman (S7)
 01/10/2008 Second Read and Referred S Ways & Means Committee (S72)
 02/04/2008 Hearing Cancelled S Ways & Means Committee
 02/11/2008 Hearing Conducted S Ways & Means Committee

EFFECTIVE: August 28, 2008

*** SB 723 ***

3347S.01P

SENATE SPONSOR: Scott

SB 723 - 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.

This act is similar to SCS/SB 369 (2007).

SUSAN HENDERSON MOORE

12/01/2007 Prefiled
 01/09/2008 S First Read--SB 723-Scott (S7)
 01/10/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S72)

01/22/2008 Hearing Conducted S Financial & Governmental Organizations and Elections Committee
 02/11/2008 Voted Do Pass S Financial & Governmental Organizations and Elections Committee - Consent
 02/14/2008 Reported from S Financial & Governmental Organizations and Elections Committee to Floor -
 Consent (S244)
 02/28/2008 S Third Read and Passed - Consent (S398-399)

EFFECTIVE: August 28, 2008

*** SB 724 *** SCS SB 724

3351S.03P

SENATE SPONSOR: Scott

SCS/SB 724 - Currently, advanced practice registered nurses have the authority to administer, dispense and prescribe certain drugs while operating under a collaborative practice agreement. This act authorizes advanced practice registered nurses who hold a certificate of controlled substance prescriptive authority from the board of nursing to prescribe controlled substances in schedules III, IV, and V while operating under a collaborative practice agreement.

The act contains requirements that must be contained in all collaborative practice agreements including:

- Names, addresses, and phone numbers of the collaborating individuals.
- A list of offices where the collaborating physician has authorized the APRN to prescribe.
- A requirement that notice shall be displayed at all offices where an APRN is prescribing, that informs patients that they may be seen by an APRN.
- All specialty or board certifications.
- The details of the collaboration including geographic proximity, and how absences are handled.
- A description of the prescriptive authority including a list of controlled substances the physician authorizes.
- A list of all other practice agreements involving the collaborating individuals.
- The duration of the agreement.
- A description of the time and manner of the collaborating physician's review of the APRN's prescribing practices

The act modifies requirements for all collaborative arrangements including the following:

- Physicians shall not collaborate with more than three full time APRNs
- APRNs shall practice for one month in a setting where the collaborating physician is continuously present.
- Neither physicians nor APRNs shall be required to enter collaborative practice agreements.

The act defines advanced practice registered nurse, certified advanced registered nurse practitioner, certified clinical nurse specialist, certified nurse midwife, and certified registered nurse anesthetist.

The act includes experience and practice requirements that are prerequisites for the board of nursing to grant a certificate of controlled substance prescriptive authority.

This act is similar to SB 1255 (2004), SCS/SB 90 (2005), SS/SCS/SB 566 (2006), and SB 511 (2007).
 CHRIS HOGERTY

12/01/2007 Prefiled
 01/09/2008 S First Read--SB 724-Scott, et al (S7)
 01/10/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S72)
 01/28/2008 Hearing Conducted S Financial & Governmental Organizations and Elections Committee
 02/04/2008 SCS Voted Do Pass S Financial & Governmental Organizations and Elections Committee (3351S.03C)
 02/07/2008 Reported from S Financial & Governmental Organizations and Elections Committee to Floor w/SCS (S199)
 02/11/2008 Bill Placed on Informal Calendar (S212)
 02/12/2008 SA 1 to SCS S offered & defeated (Koster)--(3351S03.03S) (S218-224)
 02/12/2008 SCS S adopted (S224)
 02/12/2008 Perfected (S224)
 02/13/2008 Reported Truly Perfected S Rules Committee (S233)
 02/14/2008 Referred S Governmental Accountability and Fiscal Oversight Committee (S247)
 02/19/2008 Hearing Conducted S Governmental Accountability & Fiscal Oversight Committee
 02/19/2008 Voted Do Pass S Governmental Accountability and Fiscal Oversight Committee

02/19/2008 Reported from S Governmental Accountability and Fiscal Oversight Committee to Floor (S269)
 02/19/2008 S Third Read and Passed (S271-272 / H295)
 02/20/2008 H First Read (H295)
 02/21/2008 H Second Read (H302)

EFFECTIVE: August 28, 2008

*** SB 725 ***

3372S.021

SENATE SPONSOR: Scott

SB 725 - Under current law, a taxpayer who trades-in or exchanges a motor vehicle, trailer, boat or outboard motor may apply subtract the value of such transaction from the purchase price of another motor vehicle, trailer, boat or outboard motor if such sale is consummated within one hundred and eighty days of the sale of the original article. If the value of the original transaction equals or exceeds the sale price, no tax is owed. This act allows taxpayers who trade-in or sell a motor vehicle, trailer, boat, or outboard motor for more than the purchase price of another motor vehicle, trailer, boat or outboard motor to apply any excess to any subsequent purchase of such an article within one hundred and eighty days of the original sale of such article. The act extends the same treatment to items replaced due to theft, casualty, or loss.

JASON ZAMKUS

12/01/2007 Prefiled
 01/09/2008 S First Read--SB 725-Scott (S7)
 01/10/2008 Second Read and Referred S Ways & Means Committee (S72)
 02/11/2008 Hearing Conducted S Ways & Means Committee
 02/18/2008 Voted Do Pass S Ways & Means Committee

EFFECTIVE: August 28, 2008

*** SB 726 ***

SCS SB 726

3388S.04C

SENATE SPONSOR: Shields

SCS/SB 726 - This act modifies provisions relating to child care facilities.

QUALITY RATING SYSTEM

This act requires the Department of Social Services in collaboration with the Departments of Health and Senior Services, Elementary and Secondary Education, and Mental Health to develop by September 1, 2008, a quality rating system for early childhood and before-and after-school programs licensed by the Department of Health and Senior Services that operate in this state. The licensing of such facilities shall be the baseline, while the highest rating includes 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 programs and creates a system of accountability for policymakers and those who fund such programs.

By July 1, 2011, all licensed child care facilities voluntarily receiving quality improvement funds and services shall, upon the facilities' request, be rated using the quality rating system established under this act. The Coordinating Board of Early Childhood shall develop a plan for a tiered system of reimbursement for child care subsidies based on the quality rating system established under this act. The proposed plan shall be submitted to the General Assembly with recommendations for implementation of the reimbursement system by December 31, 2009. The plan shall only become effective upon passage of a concurrent resolution by the General Assembly authorizing the implementation of the plan.

The Quality Rating System Program 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 licensed 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 Department of Social Services in collaboration with the Departments of Health and Senior Services, and Elementary and Secondary Education 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, 2010, the ratings of the quality rating system shall be posted on the Internet in a format easily understood and accessible by the public.

The provisions relating to the quality rating system shall sunset in six years. These provisions are similar to SB 161 (2007).

CHILD CARE SUBSIDIES

This act provides that the Children's Division within the Department of Social Services, shall develop rules to become effective by July 1, 2009, 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 140 percent of the federal poverty level shall receive child care subsidy benefits, less a sliding scale fee established by the division based on family size and income.

A person receiving state-funded child care assistance and whose income surpasses 140 percent of the federal poverty level may continue to receive reduced subsidy benefits on a scale established by the division until such person's income reaches 185 percent of the federal poverty level. At such time, the person will have assumed the full cost of the maximum base child care subsidy rate established by the children's division and shall no longer be eligible for child care subsidy benefits.

If appropriations in a given fiscal year are insufficient to provide the subsidy established under this act for all eligible recipients, the division shall establish a waiting list and promulgate rules for the prioritization of eligible recipients on the waiting list. The sliding fee scale may be waived for children with special needs.

By July 1, 2009, the Children's Division shall be required to reimburse all licensed child care providers serving families receiving state-funded child care assistance at the current market rate for child care as established by the division's biennial state market rate survey.

The provisions relating to child care subsidies are similar to SB 776 (2008).

ADRIANE CROUSE

12/01/2007 Prefiled
 01/09/2008 S First Read--SB 726-Shields (S7)
 01/10/2008 Second Read and Referred S Education Committee (S72)
 01/16/2008 Hearing Conducted S Education Committee
 01/30/2008 SCS Voted Do Pass S Education Committee (3388S.04C)
 02/07/2008 Reported from S Education Committee to Floor w/SCS (S200)
 02/13/2008 Bill Placed on Informal Calendar
 03/03/2008 S Informal Calendar S Bills for Perfection--SB 726-Shields, with SCS

EFFECTIVE: August 28, 2008

*** SB 727 ***

3079S.011

SENATE SPONSOR: Shields

SB 727 - This act criminalizes the act of committing residential mortgage fraud with the intent to defraud.

An individual commits the crime by engaging in the following practices:

- Knowingly making a misrepresentation or omission during the mortgage lending process.
- Knowingly using or facilitating the use of a misrepresentation or omission during the mortgage lending process.
- Reaping any benefit from the making, using, or facilitating the use of such misrepresentation or omission.
- Filing or causing to be filed any document in connection with a mortgage containing a deliberate misstatement, misrepresentation, or omission.

Those in violation are guilty of a class D felony. Those who engage in a pattern of this type of fraud are guilty of a class B felony.

This act is similar to SB 560 (2007).

CHRIS HOGERTY

12/01/2007 Prefiled
 01/09/2008 S First Read--SB 727-Shields and Gibbons (S7)
 01/10/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S72)

EFFECTIVE: August 28, 2008

*** SB 728 ***

3368S.02I

SENATE SPONSOR: Shields

This bill has been combined with SB 753

12/01/2007 Prefiled
 01/09/2008 S First Read--SB 728-Shields (S7)
 01/10/2008 Second Read and Referred S Transportation Committee (S72)
 01/23/2008 Hearing Conducted S Transportation Committee
 02/20/2008 Bill Combined w/SCS/SBs 753, 728, 906 & 1026

EFFECTIVE: August 28, 2008

*** SB 729 ***

SCS SB 729

3235S.03C

SENATE SPONSOR: Griesheimer

SCS/SB 729 - 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, 2008.

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, and 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, at the option of the developer, accept an escrow secured with cash or an irrevocable letter of credit or a surety bond, which provides for the construction of such improvements within a certain period of time.

If a developer transfers title of the subdivision property prior to full release of the escrow or bond, the

county shall accept a replacement escrow or bond from the successor developer and release the original developer from further obligations. The county shall release any escrow or bond held to secure actual construction on a category of improvements or utilities within 30 days of completion. The county must inspect each category for completion within 20 business days after a request to do so. If the county does not release the escrow or bond in the time permitted, the county shall pay the owner or developer the funds due plus interest. Any developer aggrieved by the county's failure to meet these requirements may bring a civil action to enforce these requirements.

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. At the request of a municipality, a planning commission may subject subdivision plats to its regulations.

The planning commission, after a public hearing, may vacate any plat of a subdivision of land located in the unincorporated areas of the county.

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 review and 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

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 may amend zoning regulations, maps, or districts. Amendments may be initiated by the planning commission, county commission, or a property owner. A procedure is established for making such amendments.

BOARD OF ZONING ADJUSTMENT

Any county commission, which has adopted a zoning map and regulations, shall appoint a county board of zoning adjustment. The board shall consist of 5 residents with not more than 2 being residents of incorporated areas. After the initial members have 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 being 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 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, unless such owner discloses in writing that such plat has not been approved and the sale is contingent upon approval by the planning or county commission. 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

The authority granted under this act shall not be used to deprive the owner of any existing property of its use or maintenance for the purpose to which it is lawfully devoted. The authority granted shall also not interfere with public utility services that are or may be authorized.

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 193 (2007).

SUSAN HENDERSON MOORE

12/01/2007 Prefiled
 01/09/2008 S First Read--SB 729-Griesheimer (S7)
 01/10/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S72)
 02/13/2008 Hearing Conducted S Economic Development, Tourism & Local Government Committee
 02/20/2008 SCS Voted Do Pass S Economic Development, Tourism & Local Government Committee (3235S.03C)
 02/21/2008 Reported from S Economic Development, Tourism & Local Government Committee to Floor w/SCS (S341)
 03/03/2008 S Formal Calendar S Bills for Perfection--SB 729-Griesheimer, with SCS

EFFECTIVE: August 28, 2008

*** SB 730 ***

3233S.011

SENATE SPONSOR: Griesheimer

SB 730 – This act allows any first class 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.

This act modifies the foundation formula by granting 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.

This act is similar to provisions contained in SB 970 (2006), SB 894 (2006), SB 83 (2007) and HB 193 (2007).

MICHAEL RUFF

12/01/2007 Prefiled

01/09/2008 S First Read--SB 730-Griesheimer (S7)

01/10/2008 Second Read and Referred S Education Committee (S72)

EFFECTIVE: August 28, 2008

*** SB 731 ***

3625S.02I

SENATE SPONSOR: Griesheimer

SB 731 - This act exempts certain motorists from submitting their motor vehicles to safety and/or emissions inspections when renewing their certificate of registrations on vehicles which were initially issued one year license plate tabs in that the vehicles were not qualified to be licensed on a biennial basis. The used motor vehicles are not eligible for biennial registrations because the vehicles are even-numbered model year vehicles being registered during an odd-numbered calendar year or the vehicles are odd-numbered model year vehicles being registered during an even-numbered calendar year. Therefore, when an owner renews his or her registration the year following the purchase of the used vehicle, he or she will not have to submit the vehicle to a safety or emissions inspection. The act provides that the Director of Revenue shall renew the person's certificate of registration without proof of such inspections provided the owner presents all other documents required by law and pays all applicable registration fees.

STEPHEN WITTE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 731-Griesheimer (S7)

01/10/2008 Second Read and Referred S Transportation Committee (S72)

EFFECTIVE: August 28, 2008

*** SB 732 ***

SCS SB 732

3442S.03C

SENATE SPONSOR: Champion

SCS/SB 732 - This act modifies a number of provisions relating to monitoring of drugs.

Current law requires certain documentation relating to the sale of products containing pseudoephedrine. For non-prescription pseudoephedrine products, this act requires that the photo identification that must currently be provided to the pharmacist must be issued by a state or the federal government, or another acceptable document and that such identification must be furnished prior to purchase. The log currently maintained by pharmacists is modified to now include the signature of the purchaser, the name of the product and the time of the purchase. The act also requires that the log be electronic, rather than written. The seller is required to deliver the product directly into the custody of the purchaser.

The act modifies the current gram limits for the sale of pseudoephedrine products. The act provides that the limits do not apply to quantities that must be sold, dispensed or distributed in a pharmacy under a valid prescription or to any purchase by an individual of a single package containing not more than 60 mg of pseudoephedrine. The current 30 day period limit of 9 grams to a person applies without regard to the number of transactions. For mail order or mobile retail sales within a 30 day period, the limit on pseudoephedrine products shall be 7.5 grams without regard to the number of transactions. Within a twenty-four hour period, no person may obtain 3.6 grams without regard to the number of transactions.

The act provides that liquid or liquid-filled gel capsule forms of pseudoephedrine must be in a place where customers do not have direct access to them. The act repeals provisions that exempted the liquid and liquid-filled gel capsule forms of pseudoephedrine from recordkeeping and log maintenance requirements.

The person selling the pseudoephedrine products shall maintain an electronic log of each transaction, including the name and signature of the purchaser, the name of the drug, the date and time of purchase and the name or initials of the person selling the drugs. Pharmacies must submit information regarding sales of certain pseudoephedrine products in accordance with transmission methods and frequencies established by

the department of health and senior services. All logs, records and other documents maintained for the dispensing of pseudoephedrine products shall be open for inspection and copying by law enforcement officers whose duty it is to enforce state or federal controlled substance laws.

The act establishes a drug 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 or dispensing. 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.

Nothing in the drug monitoring program shall be construed to require a dispenser or prescriber to access or check information from the program prior to dispensing, prescribing or administering medications. Dispensers and prescribers are immune from liability based on any claim of damages as a result of accessing or failing to access the information in the drug monitoring program.

The provisions of this act shall be effective on January 1, 2009 and the drug monitoring program shall sunset in six years.

In addition, this act modifies and adds to the current names of scheduled controlled substances.

This act is similar to HCS/SS/SCS/SB 85 (2007), SB 797 (2006), SB 158 (2005) and HB 987 (2004).

JIM ERTL

12/01/2007 Prefiled
 01/09/2008 S First Read--SB 732-Champion, et al (S7)
 01/10/2008 Second Read and Referred S Seniors, Families and Public Health Committee (S72)
 01/29/2008 Hearing Conducted S Seniors, Families and Public Health Committee
 02/14/2008 SCS Voted Do Pass S Seniors, Families and Public Health Committee (3442S.03C)
 02/14/2008 Reported from S Seniors, Families and Public Health Committee to Floor w/SCS (S245)
 02/19/2008 Bill Placed on Informal Calendar (S271)
 03/03/2008 S Informal Calendar S Bills for Perfection--SB 732-Champion, et al, with SCS

EFFECTIVE: January 1, 2009

*** SB 733 ***

3291S.011

SENATE SPONSOR: Champion

SB 733 - This act requires crime laboratories providing reports or testimony to a state court pertaining to a result of the forensic analysis of evidence to be accredited by a laboratory accrediting organization approved by the department of public safety. Crime laboratories shall comply with these requirements on or after December 31, 2010. Under this act, the term "crime laboratory" means a laboratory operated or supported financially by the state or any unit of local government that employs at least one scientist, who examines physical evidence in criminal matters and provides expert or opinion testimony about such evidence in state court.

The department shall promulgate rules identifying approved accrediting bodies and shall establish a procedure for monitoring crime laboratory compliance.

SUSAN HENDERSON MOORE

12/01/2007 Prefiled
 01/09/2008 S First Read--SB 733-Champion and Gibbons (S7)
 01/10/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S72)
 01/22/2008 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2008

*** SB 734 ***

3367S.011

SENATE SPONSOR: Champion

SB 734 - This act adds a circuit judge position within the thirty-first judicial circuit, starting January 1, 2009, to be known as division six. The Governor shall appoint a judge to the position, and the election for the position shall take place at the 2009 general election.

This act is similar to SB 23 (2007).

ALEXA PEARSON

12/01/2007 Prefiled

01/09/2008 S First Read--SB 734-Champion (S7)

01/10/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S72)

EFFECTIVE: August 28, 2008

*** SB 735 ***

3446S.021

SENATE SPONSOR: Bartle

SB 735 - This act requires the Joint Committee on Tax Policy to review all state tax credit programs which are not currently subject to a sunset. The joint committee is required to report its findings to the general assembly. Effective December 31, 2013, no tax credits, authorized under programs which are not subject to a sunset, may be issued unless the general assembly adopts a concurrent resolution approving and re-authorizing such tax credit program after it has been reviewed by the joint committee, or a general law is enacted modifying provisions of such tax credit program. Any tax credit program re-authorized in accordance with this act will be deemed a new program and thus subject to a six year sunset provision.

JASON ZAMKUS

12/01/2007 Prefiled

01/09/2008 S First Read--SB 735-Bartle (S8)

01/10/2008 Second Read and Referred S Ways & Means Committee (S72)

EFFECTIVE: August 28, 2008

*** SB 736 ***

3522S.021

SENATE SPONSOR: Bartle

This bill has been combined with SB 747

12/01/2007 Prefiled

01/09/2008 S First Read--SB 736-Bartle (S8)

01/10/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S72)

01/15/2008 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

01/22/2008 Bill Combined (w/SCS/SBs 747 & 736)

EFFECTIVE: August 28, 2008

*** SB 737 ***

3687S.011

SENATE SPONSOR: Bartle

SB 737 - This act regulates sexually oriented businesses.

This act makes it a Class A misdemeanor for a person in a sexually oriented business to knowingly and intentionally appear nude or to depict, simulate, or perform specified sexual activities

This act makes it a Class A misdemeanor for a person to appear knowingly or intentionally in a sexually oriented business in a seminude condition unless the person is an employee at least 10 feet from a customer and on a stage at least two feet from the floor and behind a railing no less than 24 inches in height

This act makes it a Class A misdemeanor for an employee, while semi-nude, to solicit any pay/gratuity from any customer or for any customer to pay an employee while the employee is semi-nude

This act makes it a Class A misdemeanor for an employee of a sexually oriented business while seminude to touch a customer or the clothing of a customer

Under this act, no sexually oriented business may remain open between 10:00 p.m. and 10:00 a.m. on weekdays and Saturdays. They must be closed on Sundays and federal holidays.

SUSAN HENDERSON MOORE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 737-Bartle (S8)

01/10/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S73)

EFFECTIVE: August 28, 2008

*** SB 738 ***

3345S.011

SENATE SPONSOR: Nodler

SB 738 - The act directs the Department of Natural Resources to establish and publish a time line for the complete processing of any permit application for a concentrated animal feeding operation (CAFO), if the processing cannot be completed within ninety days of the Department's receipt of the completed application. Publication requirements are described.

Any CAFO, or recycling company that converts animal parts into petroleum, who violates any state air, water, or odor pollution standard at least six times in a 12-month period or 12 times in a 36-month period shall forfeit any CAFO-related permits issued by the Department. CAFOs or recycling companies that violate any air, water, or odor pollution standard more than one time in a 36-month period shall be subject to a surcharge in addition to a civil penalty. The surcharge will be the sum of the civil penalty assessed for the violation plus the sum of any fines assessed during the 36-month period. The funds from the surcharge shall be deposited into funds created and utilized for public education and the enforcement of air and water pollution laws of the state.

The act is similar to SB 534 (2007) and SB 591 (2006).

ERIKA JAQUES

12/01/2007 Prefiled

01/09/2008 S First Read--SB 738-Nodler (S8)

01/10/2008 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S73)

02/05/2008 Hearing Conducted S Agriculture, Conservation, Parks & Natural Resources Committee

EFFECTIVE: August 28, 2008

*** SB 739 ***

3134L.011

SENATE SPONSOR: Nodler

SB 739 - This act establishes the Legislative Budget Office within the Committee on Legislative Research. The Office shall be responsible for the preparation of fiscal notes as well as preparing and presenting budgetary projections and budget alternatives to members of the General Assembly. A subcommittee of not less than six members may be formed to oversee the Legislative Budget Office. The Office shall be headed by a director who may employ staff as necessary. The term of office for the director shall be four years.

At least annually, beginning January 1, 2009, the Office shall provide a cash basis financial projection to every member of the General Assembly. Such projection may be similar to the general revenue summary of the executive branch. Any member of the General Assembly may request budgetary projections, including estimating the fiscal effects of the Governor's budget proposals.

The Office assumes the duty of preparing fiscal notes. Currently, the Oversight Division of the Committee on Legislative Research is responsible for preparing fiscal notes. Modifications to the content of the fiscal note are made, as detailed in the act. The fiscal note for a bill is required to be completed upon being reported by a committee with jurisdiction over matters contained in the bill. The act repeals provisions of current law that prohibit members of the General Assembly, lobbyists and other persons of interest from participating in the preparation of fiscal notes as well as provisions that authorized appeals to revise or substitute a fiscal note.

Current law requires the Oversight Division to management audits and program audits. The act repeals provisions regarding management audits and renames program audits as "program evaluations" and modifies the requirements for program evaluations.

The provisions of this act regarding preparation of fiscal notes shall become effective on July 1, 2009.
JIM ERTLE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 739-Nodler (S8)

01/10/2008 Second Read and Referred S Governmental Accountability & Fiscal Oversight Committee (S73)

EFFECTIVE: Varies

*** SB 740 ***

3538S.011

SENATE SPONSOR: Nodler

SB 740 - Under current law, counties that are subject to certain Environmental Protection Agency storm water regulations have authority to: 1) adopt local regulations deemed reasonably necessary to comply with the federal regulations; 2) allow a storm water control utility to administer its local storm water regulations, including the imposition of a user fee; and 3) establish a storm water control utility tax, if approved by voters. This act changes the local entity to which this section applies from "county" to "political subdivision."

ERIKA JAQUES

12/01/2007 Prefiled

01/09/2008 S First Read--SB 740-Nodler (S8)

01/10/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S73)

01/16/2008 Hearing Scheduled But Not Heard S Economic Development, Tourism & Local Government Committee

01/23/2008 Hearing Conducted S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2008

*** SB 741 ***

3354S.011

SENATE SPONSOR: Bray

SB 741 - 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 267 (2007), SB 593 (2006), SB 277 (2005) and HB 1412 (1998).

STEPHEN WITTE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 741-Bray and Days (S8)

01/10/2008 Second Read and Referred S Health and Mental Health Committee (S73)

02/05/2008 Hearing Conducted S Health and Mental Health Committee

EFFECTIVE: August 28, 2008

*** SB 742 ***

3179S.011

SENATE SPONSOR: Bray

SB 742 - 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), SB 700 (2006), and SB 336 (2007).

CHRIS HOGERTY

12/01/2007 Prefiled

01/09/2008 S First Read--SB 742-Bray and Days (S8)

01/10/2008 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S73)

EFFECTIVE: August 28, 2008

*** SB 743 ***

3357S.011

SENATE SPONSOR: Bray

SB 743 - This act makes various modifications to Missouri tax law. The act:

(1) Decouples Missouri's income tax from the federal income tax code. The act adopts the IRC as it was written January 1, 2004 (section 143.091);

(2) Reinstates the decoupling from the federal accelerated depreciation and makes it permanent (section 143.121);

(3) Eliminates the timely filing discount for employers who withhold their employees' income tax (sections 143.225 & 143.261);

(4) Modifies the way losses and operating expenses are deducted among parties for various types of property, including intellectual property. Minimum standards are established regarding what connections among various corporate entities constitute related parties and affiliated groups for multi-state corporate income tax purposes. Under this provision, the entire profit of a unitary group will be aggregated and then divided among the members of the group. This allocation will be based upon the relative incomes of the members, without regard to intra-group transfers of these certain targeted operating expenses ("Geoffrey" scenario). The effect of this provision will be to eliminate income classified by the courts as "non-Missouri source income" (Sections 143.431 & 143.434);

(5) Eliminates the filing of single factor apportionment for multi-state income tax calculations (sections 143.431, 143.451, 143.461, & 143.471);

(6) Restricts the current definition of "common carrier" for purposes of qualifying for a state and local sales and use tax exemption (sections 144.010 & 144.030); and

(7) Prohibits retailers from obtaining refunds of sales and use taxes without crediting the original purchasers. In the case of over-collections of less than \$1,000, such over-collections may be refunded without the higher burden of returning the funds to the purchaser. The \$1,000 threshold is an aggregate sum over a five-year period. In the alternative, a retailer, upon submission of an approved plan by the Director of the Department of Revenue, may offer fixed value coupons to customers to satisfy the distribution of the over-collections.

The act has an effective date of 9/1/2008.

This act is similar to Senate Bill 642 (2007), Senate Bill 717 (2006) & Senate Bill 360 (2005).

JASON ZAMKUS

12/01/2007 Prefiled

01/09/2008 S First Read--SB 743-Bray (S8)

01/10/2008 Second Read and Referred S Ways & Means Committee (S73)

EFFECTIVE: September 1, 2008

*** SB 744 ***

3075S.011

SENATE SPONSOR: Days

SB 744 - 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 per \$100 of principal for the first 30 days of the loan, and not more than 3% per month thereafter, which is an annual percentage rate of approximately 36%.

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

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

This act is identical to HB 1171 (2006), SB 975 (2006), and SB 96 (2007).

CHRIS HOGERTY

12/01/2007 Prefiled

01/09/2008 S First Read--SB 744-Days (S8)

01/10/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S73)

EFFECTIVE: August 28, 2008

*** SB 745 ***

3069S.011

SENATE SPONSOR: Days

Sb 745 - This act provides that a custodial parent may designate a person to act as a standby guardian of their minor child or incapacitated adult child by a will or by a separate written instrument. If a parent who has designated a standby guardian is or becomes seriously ill, the parent or designated standby guardian may file a petition in probate court seeking appointment of the person as the standby guardian of the minor child or incapacitated adult child. The petition must be filed with a copy of the will or instrument designating the standby guardian, with consent to act as standby guardian by the person so designated. The petition also must contain certain identifying and contact information for the minor or incapacitated adult child, the custodial parent and designated standby guardian, each parent of the minor or incapacitated adult child, the spouse and all living children of the minor or incapacitated adult child, information about any adjudication of incapacity for such child, and the reasons why a standby guardian is sought.

The court shall determine appointment of a standby guardian after considering whether there is a parent other than the custodial parent willing, able and fit to care for the child, the suitability of any person nominated by the child to be his or her standby guardian if the child can communicate such, and the desirability of minimizing stress and disruption for the child and avoiding placement of the child in foster or similar care if the parent is incapacitated or dies.

The act also states that the authority of the person to act as standby guardian shall take effect if the person has previously been appointed by the court as a standby guardian, or, if the person has not yet been appointed, when the consent of the parent is given in a written instrument, an entry of an order adjudicating the parent as incapacitated has been entered, or the custodial parent dies, whichever first occurs. The standby guardian must notify the court within ten days after he or she begins acting as standby guardian, and within sixty days, must petition the court for appointment as a standby guardian or for another qualified person to be guardian for the minor child or incapacitated adult.

Nothing within this act shall be construed to deprive a parent of his or her legal rights or obligations towards a minor or incapacitated adult child, or to supersede such rights.

This act is similar to SB 596 (2006) and identical to SCS/SB 35 (2007).

ALEXA PEARSON

12/01/2007 Prefiled

01/09/2008 S First Read--SB 745-Days (S9)

01/10/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S73)

EFFECTIVE: August 28, 2008

*** SB 746 ***

3077S.011

SENATE SPONSOR: Days

SB 746 - This act requires health insurance companies to provide coverage for the treatment of morbid obesity.

This act is similar to SB 97 (2007) and SB 597 (2006).

STEPHEN WITTE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 746-Days (S9)

01/10/2008 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S73)

EFFECTIVE: August 28, 2008

*** SB 747 ***

SCS SBs 747 & 736

3364S.03C

SENATE SPONSOR: Ridgeway

SCS/SBs 747 & 736 - This act relates to substance abuse.

Section 160.545

This act prohibits any person who receives three minor in possession violations from receiving educational cost reimbursement under the "A+ Schools Program".

Section 167.628

This act allows school boards to adopt policies for the random testing of students participating in interscholastic athletics for the unlawful use of a controlled substance, including but not limited to anabolic steroids.

This act requires the Missouri State High School Activities Association (MSHSAA) to conduct random testing of ninth through twelfth graders participating in post-season athletic play or athletic tournaments. MSHSAA must test a statistically significant sampling of the students. MSHSAA will develop a list of substances subject to testing. Testing will be conducted through a urine sample, which will be divided into an A and a B sample as described in the act. If a student tests positive, a licensed physician will ensure that there is no proper medical reason for a positive result. A student may appeal to a panel consisting of two members of the MSHSAA executive staff and a physician.

Any student who tests positive for a controlled substance or anabolic steroid will not be allowed to participate in interscholastic athletics or intramurals. MSHSAA will report a positive test to the local prosecutor.

Section 311.310

Under this act, any person, who is found guilty of or pleads guilty to providing alcohol to a minor or who knowingly allows a minor to drink on his or her property or knowingly fails to stop a minor from drinking, may be subject to a claim by the parent or legal guardian of such minor for resulting damages suffered by the minor.

Sections 311.325 & 577.021

Any peace officer, who believes that a person less than twenty-one years of age is intoxicated, may request that such person submit to a chemical test. Any person less than twenty-one years of age who refuses, upon the request of the peace officer, to submit to such test to determine his or her blood alcohol content shall be deemed "visibly intoxicated". A minor who is "visibly intoxicated" can be charged with a minor in possession offense.

As of August 28, 2008, the clerks of the courts shall forward a copy of the judgement and date of birth of any person who pleads guilty to or is found guilty of a minor in possession offense. The information shall be

forwarded to the Highway Patrol within 20 days of the date of judgement. The Highway Patrol shall enter the information in the Missouri Uniform Laws Enforcement System where it is available to members of the criminal justice system. No record or information shall be made public in violation of the sunshine law.

Section 577.500

This act prohibits the suspension of driving privileges for the first minor in possession from being included on the person's driving record. However, internal use of such information by the Department of Revenue for administrative purposes shall be allowed.

Section 578.255

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. A violation of these provisions is a class B misdemeanor.

This act does not apply to substances that are FDA-approved or administered by a medical practitioner.

These provisions shall not be construed to prohibit the legal consumption of intoxicating liquor, including wine and beer, and nonintoxicating beer.

This act is similar to SCS/SBs 555 & 38 (2007).

SUSAN HENDERSON MOORE

12/01/2007 Prefiled
 01/09/2008 S First Read--SB 747-Ridgeway and Gibbons (S9)
 01/10/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S73)
 01/15/2008 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee
 01/22/2008 SCS Voted Do Pass (w/ SCS/SBs 747 & 736) S Judiciary and Civil & Criminal Jurisprudence Committee (3364S.03C)
 02/07/2008 Reported from S Judiciary and Civil & Criminal Jurisprudence Committee to Floor w/SCS (S200)
 02/13/2008 Bill Placed on Informal Calendar (S233)
 03/03/2008 S Informal Calendar S Bills for Perfection--SBs 747 & 736-Ridgeway and Gibbons, with SCS

EFFECTIVE: August 28, 2008

*** SB 748 ***

3499S.011

SENATE SPONSOR: Ridgeway

SB 748 - Under current law, a non-resident income taxpayer must add any amount of property taxes paid to another state back into adjusted gross income. This act would only require non-resident taxpayers to add-back property taxes paid to adjusted gross income, if the property is located in another state, political subdivision of a state or the District of Columbia, which does not allow a similar subtraction from income for property taxes paid to this state.

JASON ZAMKUS

12/01/2007 Prefiled
 01/09/2008 S First Read--SB 748-Ridgeway (S9)
 01/10/2008 Second Read and Referred S Ways & Means Committee (S73)
 02/04/2008 Hearing Conducted S Ways & Means Committee
 02/18/2008 Voted Do Pass S Ways & Means Committee

EFFECTIVE: August 28, 2008

*** SB 749 ***

SCS SB 749

3365S.04C

SENATE SPONSOR: Ridgeway

SCS/SB 749 - 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 2009. For taxable year 2010, the cumulative amount of tax credits which may be claimed is reduced to two million dollars, and for taxable year 2011, 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 act contains a recapture provision for refueling properties which cease sales of alternative fuel. The provisions of the act creating the tax credit program will automatically expire six years from the effective date of the act if not re-authorized.

The act creates an income tax deduction for tax year 2009, 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 and biodiesel. The tax credit will be equal to: twenty five cents per gallon of ethanol or five cents per gallon of biodiesel for 2009; twenty cents per gallon of ethanol or three cents per gallon of biodiesel for 2010 and 2011; and fifteen cents per gallon of ethanol or five cents per gallon of biodiesel for 2012 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 non-refundable, but may be carried forward three years. The provisions allowing for the tax credit for purchases E-85 gasoline and biodiesel will sunset six years from the effective date of the act unless re-authorized.

This act is similar to SS/SCS/HCS/HB 1092 (2006), Senate Bill 842 (2006), and Senate Bill 40 (2007).

JASON ZAMKUS

12/01/2007 Prefiled
 01/09/2008 S First Read--SB 749-Ridgeway (S9)
 01/10/2008 Second Read and Referred S Ways & Means Committee (S73)
 02/04/2008 Hearing Conducted S Ways & Means Committee
 02/18/2008 SCS Voted Do Pass S Ways & Means Committee (3365S.04C)
 02/21/2008 Reported from S Ways & Means Committee to Floor w/SCS (S340)
 03/03/2008 S Formal Calendar S Bills for Perfection--SB 749-Ridgeway, with SCS

EFFECTIVE: August 28, 2008

*** SB 750 ***

3296S.011

SENATE SPONSOR: Crowell

SB 750 - Under this act, the Department of Revenue shall not issue any driver's license to illegal aliens nor to persons who cannot prove lawful presence. A driver's license issued to an illegal alien in another state shall not be honored by the state of Missouri and the department of revenue for any purpose. The state of Missouri hereby declares that granting drivers licenses to illegal aliens is repugnant to the public policy of Missouri and therefore Missouri shall not extend full faith and credit to out-of-state drivers licenses issued to illegal aliens.

STEPHEN WITTE

12/01/2007 Prefiled
 01/09/2008 S First Read--SB 750-Crowell, et al (S9)
 01/10/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S73)
 03/05/2008 Hearing Scheduled S Pensions, Veterans' Affairs and General Laws Committee

EFFECTIVE: August 28, 2008

*** SB 751 ***

3377S.011

SENATE SPONSOR: Crowell

SB 751 - Under federal law, unlawfully present aliens are not eligible for state or local public benefits with certain exceptions. This act reiterates federal law stating that such aliens are ineligible and the exceptions.

Applicants for benefits shall provide proof of citizenship, residency, or lawful presence in order to receive benefits. If applicants cannot provide such proof they can sign an affidavit attesting to their status and shall be eligible to receive temporary benefits until their status can be determined.

If an applicant is an alien, the applicant shall not receive benefits until lawful presence is verified by the federal government.

The language of this act is similar to SB 1250 (2006), and SB 348(2007).

CHRIS HOGERTY

12/01/2007 Prefiled
 01/09/2008 S First Read--SB 751-Crowell (S9)
 01/10/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S73)
 03/05/2008 Hearing Scheduled S Pensions, Veterans' Affairs and General Laws Committee

EFFECTIVE: August 28, 2008

*** SB 752 ***

3451S.011

SENATE SPONSOR: Crowell

SB 752 - This act defines the term "job order contract" for the purposes of the construction of public buildings as a firm, fixed price, competitively bid, indefinite quantity type contract designed to accomplish small to medium, multi-traded maintenance or repair projects and minor new construction projects.

CHRIS HOGERTY

12/01/2007 Prefiled
 01/09/2008 S First Read--SB 752-Crowell (S9)
 01/10/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S73)
 01/22/2008 Hearing Scheduled But Not Heard S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2008

*** SB 753 *** SCS SBs 753, 728, 906 & 1026

3323S.06P

SENATE SPONSOR: Mayer

SCS/SBs 753, 728, 906 & 1026 - This act designates a portion of state highway 84 from the interstate highway 55 exit to the Caruthersville city limits as the "Corporal Rickey L. Bell Memorial Highway." This act designates a portion of U.S. Highway 169 from its intersection with Missouri Route 6, north to its intersection with Gene Field Road, as the "Deputy Charles M. Cook Memorial Highway". The Department of Transportation shall erect and maintain appropriate signs commemorating this portion of U. S. Highway 169, with the cost of such signs to be paid by the St. Joseph Fraternal Order of Police. This act designates a portion of State Highway 87 in Moniteau County as the "Lance Corporal Leon B. Deraps Memorial Highway". This act designates a portion of State Highway 13 as the "Rick Seiner Memorial Highway".

STEPHEN WITTE

12/01/2007 Prefiled
 01/09/2008 S First Read--SB 753-Mayer (S9)
 01/10/2008 Second Read and Referred S Transportation Committee (S73)
 01/16/2008 Hearing Conducted S Transportation Committee
 02/20/2008 SCS Voted Do Pass w/SCS/SBs 753, 728, 906, & 1026 S Transportation Committee-Consent (3323S.06C)
 02/21/2008 Reported from S Transportation Committee to Floor w/SCS - Consent (S342)
 02/28/2008 SCS S adopted (S407)
 02/28/2008 S Third Read and Passed - Consent (S407-408)

EFFECTIVE: August 28, 2008

*** SB 754 *** SCS SBs 754 & 794

3690S.04C

SENATE SPONSOR: Mayer

SCS/SBs 754 & 794 - This act modifies provisions relating to DNA profiling analysis.

This act requires juveniles adjudicated of offenses which would constitute a felony under Chapter 565, RSMO, or any sexual offense under Chapter 566, RSMo, if committed by an adult, to have a biological sample collected for the purposes of DNA profiling analysis.

Any person required to provide a DNA sample shall be required to provide such sample at a collection site. Currently such site shall be designated by the highway patrol or the department of corrections. This act allows such site to also be designated by the law enforcement agency of the county or the City of St. Louis, where the finding or plea of guilt occurred.

Any knowing refusal or failure to provide a DNA sample is a Class A misdemeanor. Knowingly unauthorized tampering, knowing attempt to tamper with, or other knowingly unauthorized use, knowing attempt to use, or knowing dissemination of DNA samples is a Class A misdemeanor.

This act is similar to SB 553 (2007).

SUSAN HENDERSON MOORE

12/01/2007 Prefiled
 01/09/2008 S First Read--SB 754-Mayer and Loudon (S9)
 01/10/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S73)
 01/22/2008 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee
 01/22/2008 SCS Voted Do Pass (w/SCS/SBs 754 & 794) S Judiciary and Civil & Criminal Jurisprudence Committee (3690S.04C)
 02/14/2008 Reported from S Judiciary and Civil & Criminal Jurisprudence Committee to Floor w/SCS (S245)
 02/19/2008 Bill Placed on Informal Calendar (S271)
 03/03/2008 S Informal Calendar S Bills for Perfection--SBs 754 & 794-Mayer and Loudon, with SCS

EFFECTIVE: August 28, 2008

*** SB 755 ***

3607S.011

SENATE SPONSOR: Mayer

SB 755 - This act provides that in the absence of prior experience working in a long-term care facility, newly hired inspectors or surveyors shall be assigned by the Department of Health and Senior Services to a long-term care facility for at least two days within a seven-day period to observe the facility operation outside of the survey process before the inspector or surveyor begins survey responsibilities. Also, the department shall not assign an individual to survey a long-term care facility in which the surveyor was an employee within the preceding five years.

This act also repeals Section 198.057, RSMo, a doubly enacted statute relating to training and regulations of inspectors and surveyors of long-term care facilities.

ADRIANE CROUSE

12/01/2007 Prefiled
 01/09/2008 S First Read--SB 755-Mayer (S9)
 01/10/2008 Second Read and Referred S Seniors, Families and Public Health Committee (S73)
 02/26/2008 Hearing Scheduled But Not Heard S Seniors, Families and Public Health Committee

EFFECTIVE: August 28, 2008

*** SB 756 ***

SCS SB 756

3342S.02C

SENATE SPONSOR: Engler

SCS/SB 756 - This act changes the name of the Division of Mental Retardation and Developmental Disabilities to the Division of Developmental Disabilities.

This act is similar to SB 621 (2007).

ADRIANE CROUSE

12/01/2007 Prefiled
 01/09/2008 S First Read--SB 756-Engler and Rupp (S9)
 01/10/2008 Second Read and Referred S Seniors, Families and Public Health Committee (S73)
 02/05/2008 Hearing Conducted S Seniors, Families and Public Health Committee
 02/14/2008 SCS Voted Do Pass S Seniors, Families and Public Health Committee (3342S.02C)
 02/28/2008 Reported from S Seniors, Families and Public Health Committee to Floor w/SCS (S392)
 03/03/2008 S Formal Calendar S Bills for Perfection--SB 756-Engler and Rupp, with SCS

EFFECTIVE: August 28, 2008

*** SB 757 ***

3316S.021

SENATE SPONSOR: Engler

SB 757 - This act provides that beginning January 1, 2010, all circuit, associate circuit, and appellate judgeships in this state shall be nonpartisan offices, and no such judge shall be identified by political party.

Currently, except in jurisdictions that have adopted the provisions of Sections 25(a) to (g) Article V of the Constitution of Missouri, elections for circuit and associate circuit judges are held on the general election date. This act provides that beginning January 1, 2010, elections for such judges shall be held on the primary election date. The names of each judicial candidate shall be included on all ballots in said election, including each political party's primary ballots, but shall be designated as "nonpartisan."

In any primary election at which no judicial candidate receives a majority vote, the two candidates receiving the highest and next highest number of votes shall be certified to a runoff election, which shall be held at the next general election. Such candidates will also be designated as "nonpartisan" on general election ballots.

The filing period for judicial candidates shall begin at 8:00 a.m. on the last Tuesday in February and shall end at 5:00 p.m. on the last Tuesday in March.

Judicial candidates subject to the provisions of this act shall be nonpartisan and shall not be affiliated, either directly or indirectly, with any political party. Judicial candidates shall not participate in any of the political activities enumerated in this act, or shall be subject to sanction as determined by the Missouri Ethics Commission.

The Missouri Ethics Commission shall have the same powers to receive complaints and investigate alleged violations of the provisions of this act as it does under current law for other allegations of misconduct, and shall have the duty to promulgate rules regarding such violations.

ALEXA PEARSON

12/01/2007 Prefiled
01/09/2008 S First Read--SB 757-Engler (S10)
01/10/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S73)
02/18/2008 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2008

*** SB 758 ***

3284S.011

SENATE SPONSOR: Engler

This bill has been combined with SB 714

12/01/2007 Prefiled
01/09/2008 S First Read--SB 758-Engler (S10)
01/10/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S73)
02/04/2008 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee
02/18/2008 Bill Combined w/ SCS/SBs 714, 933, 899 & 758

EFFECTIVE: August 28, 2008

*** SB 759 *** SCS SB 759

3573S.03C

SENATE SPONSOR: Stouffer

SCS/SB 759 - The act requires that all diesel fuel sold at retail in Missouri on and after April 1, 2010, shall be a biodiesel-blended fuel.

The act allows distributors to purchase unblended gasoline at the terminal for the purpose of making fuel ethanol-blended gasoline in order to comply with the fuel ethanol content requirements in current law, if the distributor can make the fuel ethanol blended gasoline at the same or lower cost of purchasing the blended fuel directly from the terminal.

If the acquisition of biodiesel-blended fuel is more expensive for a distributor than acquisition of conventional diesel fuel, the distributor is not required to acquire biodiesel-blended fuel and neither this nor the sale of conventional diesel fuel at retail will be considered a violation of the act. The purchase of conventional diesel fuel by a distributor for the purpose of making five-percent biodiesel-blended fuel is allowable under the act. Position holders, suppliers, distributors, and retailers shall provide certain sales transaction and price information to the Departments of Agriculture and Revenue upon request. Such sales and price information shall be kept confidential by the departments.

Diesel fuel used by railroads and nuclear power generation facilities are exempt from the act's provisions. The Director of the Department of Agriculture may exempt additional fuel uses from the requirements of the act. Under current law, the Governor may issue an Executive Order to waive any of the current fuel-ethanol requirements for reasons related to air quality. The act removes the air quality criteria, thereby allowing the Governor to issue an Executive Order to waive the current fuel ethanol or the act's biodiesel requirements for any reason.

In promulgating rules for the act, the Department of Agriculture shall, as much as practicable, apply to biodiesel producers the requirements of an "accredited producer" in the BQ-9000 program of the National Biodiesel Accreditation Commission.

Beginning January 1, 2010, fuel terminals in Missouri that sell diesel fuel shall sell biodiesel, conventional diesel fuel, and biodiesel-blended fuel that contains 5% biodiesel by volume, but it shall not be considered a violation for a terminal to sell biodiesel-blended fuel that contains more than 5% biodiesel by volume provided any such sale adheres to notification requirements promulgated by the Department of Agriculture.

Current law allows fuel retailers, wholesalers, distributors, and marketers to purchase fuel ethanol from any terminal, position holder, fuel ethanol producer, wholesaler, or supplier. The act allows these entities to purchase biodiesel in the same manner.

The Department of Agriculture shall develop cold temperature operability standards for biodiesel and shall enforce the standards beginning January 1, 2010.

Anyone who manufactures biodiesel that does not meet the quality standard as promulgated by the Department of Agriculture may be subject to a penalty of up to \$10,000 per violation as well as be subject to a cease and desist order.

This act is similar to HCS/SS#2/SCS/SB 204 (2007).

ERIKA JAQUES

12/01/2007 Prefiled
 01/09/2008 S First Read--SB 759-Stouffer (S10)
 01/10/2008 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S73)
 01/15/2008 Hearing Conducted S Agriculture, Conservation, Parks & Natural Resources Committee
 01/29/2008 SCS Voted Do Pass S Agriculture, Conservation, Parks & Natural Resources Committee (35735.03C)
 02/07/2008 Reported from S Agriculture, Conservation, Parks & Natural Resources Committee to Floor w/SCS (S200)
 02/13/2008 Bill Placed on Informal Calendar (S233)
 02/26/2008 SA 1 to SCS S offered (Bartle)--(3573S03.19S) (S361)
 02/26/2008 Bill Placed on Informal Calendar (S361)
 03/03/2008 S Informal Calendar S Bills for Perfection--SB 759-Stouffer, with SCS & SA 1 (pending)

EFFECTIVE: August 28, 2008

*** SB 760 *** SCS SB 760

3493S.03P

SENATE SPONSOR: Stouffer

SCS/SB 760 - 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 federal 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 (sections 390.021 and 390.136). 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). The act provides that Missouri will elect not to apply the UCR Act and its accompanying regulations to motor carriers transporting farm products that operate solely in intrastate commerce.

The provisions of this act are similar to those contained in SB 200 (2007).

STEPHEN WITTE

12/01/2007 Prefiled
 01/09/2008 S First Read--SB 760-Stouffer (S10)

01/10/2008 Second Read and Referred S Transportation Committee (S73)
 01/16/2008 Hearing Conducted S Transportation Committee
 01/30/2008 SCS Voted Do Pass S Transportation Committee (3493S.03C)
 02/06/2008 Committee Vote Reconsidered
 02/06/2008 SCS Voted Do Pass S Transportation Committee - Consent (3493S.03C)
 02/07/2008 Reported from S Transportation Committee to Floor w/SCS - Consent (S201)
 02/28/2008 SCS S adopted (S395)
 02/28/2008 S Third Read and Passed - Consent (S395-396)
 02/28/2008 H First Read

EFFECTIVE: August 28, 2008

*** SB 761 *** SCS SBs 761 & 774

3509S.03C

SENATE SPONSOR: Stouffer

SCS/SBs 761 & 774 - This act modifies various provisions relating to transportation.

ANNUAL BID BOND - This act provides that the commission is authorized to accept an annual bid bond for its construction and maintenance projects. The commission shall prescribe the form and content of an annual bid bond. This portion of the act is similar to HB 596 and SCS/SB 52 (2007)(Section 227.103).

SCHOOL BUS DRIVERS - 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 (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. 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). These provisions have an effective date of January 1, 2009. This portion of the act is similar to SB 24 (2007) and SB 584 (2006). These provisions were also contained in SS/SCS/SB 239 et al (2007).

RESTRICTED LICENSE PLATES - Under this act, any person whose driver's license has been suspended, revoked, or disqualified for a period for a period greater than 60 days shall immediately surrender his or her current license plates to the director of the Department of Revenue for destruction. The person shall be issued a set of restricted license plates that which shall bear a special series of numbers or letters so as to be readily identified by the highway patrol and other law enforcement officers. The restricted license plates shall be displayed on the motor vehicle or motor vehicles registered solely or jointly in the person's name for the period of the suspension, revocation, denial, or disqualification. Under the act, law enforcement officers may stop vehicles bearing the restricted license plates to determine whether the driver of such vehicle has a valid driver's license. Under the act, a registered owner of a motor vehicle who has been issued restricted license plates may not sell the motor vehicle during the period the vehicle is required to display the plates unless the registered owner applies to the Department of Revenue for permission to transfer title to the motor vehicle. If the director is satisfied that the proposed sale is in good faith and for a valid consideration, and that the sale or transfer is not for the purpose of circumventing the provisions of the act, the director may certify its consent to the owner of motor vehicle. Any vehicle acquired by the applicant during the period of restriction shall display the restricted license plates (Section 302.305). The provisions of this section become effective January 1, 2009. This portion of the act is similar to SB 580 (2007). This provision is also contained in SS/SCS/SB 239 et al (2007).

EXPUNGEMENT OF RECORDS OF CDL HOLDERS - This act prohibits the expungement of a minor in possession (MIP) 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 if a person is found guilty with a BAC of .04 and is holding a commercial driver's license at the time of the offense (Section 302.545). This provision is also contained in SS/SCS/SB 239 et al (2007).

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

(Section 302.700 and 302.755). This provision is also contained in SS/SCS/SB 239 et al (2007).

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). This provision was contained in SS/SCS/SB 239 et al (2007).

FAILURE TO STOP FOR SCHOOL BUSES - 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). This portion of the act is identical to SB 377 (2007)(Section 304.070). This provision was also contained in SS/SCS/SB 239 et al (2007).

COMMERCIAL MOTOR VEHICLE INSPECTIONS - This act requires the state patrol to establish a program to certify local law enforcement officers with respect to enforcing commercial motor vehicle laws. The certification procedures established by the Highway Patrol shall include training, testing, on-the-job experience, data collection and other prescribed components. The certification procedures shall meet the requirements established by the Commercial Vehicle Safety Alliance (CVSA). The Highway Patrol is authorized to establish reasonable fees to recover the costs of training and certification. Beginning January 1, 2009, no law enforcement officer may make an arrest, issue a citation or conduct a commercial motor vehicle roadside inspection to determine compliance with the applicable commercial motor vehicle laws unless the law enforcement officer has satisfactorily completed a basic training course developed by CVSA and has been certified by the Highway Patrol (Section 304.232).

Beginning January 1, 2009, only law enforcement officers that have been certified by the Missouri State Highway Patrol under the act, members of the Missouri State Highway Patrol, or commercial vehicle enforcement officers shall have the authority to conduct random roadside examinations or inspections to determine compliance with the commercial motor vehicle weight and size limit laws (Sections 304.170 to 304.230), and only such officers shall have the authority, with or without probable cause to believe that the size or weight is in excess of that permitted by the law, to require the driver, operator, owner, lessee, or bailee, to stop, drive, or otherwise move to a location to determine compliance with the law. A law enforcement officer not certified under the act, however, may stop a vehicle that has a visible external safety defect that could cause immediate harm to the traveling public. In the course of a stop, the law enforcement officer shall identify to the driver the defect that caused the stop.

If the vehicle passes the roadside inspection, the law enforcement officer, state highway patrolman, or other authorized person may issue the operator, driver, owner, lessee, or bailee of such vehicle a Commercial Vehicle Safety Alliance inspection decal to be affixed to the vehicle in a manner prescribed by the superintendent. Once issued, the decal shall be valid for a period not to exceed three consecutive months and shall exempt the vehicle from further inspection during such period. However, nothing shall exempt the operator from subjecting such vehicle to an examination or inspection if the vehicle has a visible external safety defect or the law enforcement officer at hand has probable cause to believe that the size or weight of the vehicle is in excess of that permitted by the law. The act authorizes the superintendent of the Missouri State Highway Patrol to promulgate rules and regulations regarding the size and placement of the sticker and any ancillary issues related to the issuance, display, or use of the decal (Sections 304.230 and 304.232). These provisions can be found in SCS/SB 484 (2007).

AFFIRMATIVE DEFENSE FOR PROCEEDING THROUGH REDLIGHT WITH A MOTORCYCLE ("DEAD RED")- This act provides that a person operating a motorcycle who enters or crosses an intersection controlled by a traffic-control signal against a red light shall have an affirmative defense to that charge if the person establishes all of the following conditions:

- (1) The motorcycle has been brought to a complete stop;
- (2) The traffic signal continues to show a red light for an unreasonable time;
- (3) The traffic signal is apparently malfunctioning or, if programmed or engineered to change to a green light only after detecting the approach of a motor vehicle, the signal has apparently failed to detect the arrival of the motorcycle; and

(4) No motor vehicle or person is approaching on the street or highway to be crossed or entered or is so far away from the intersection that it does not constitute an immediate hazard.

The affirmative defense applies only to a violation for entering or crossing an intersection controlled by a traffic-control signal against a red light and does not provide a defense to any other civil or criminal action (Section 304.281). A similar provision was contained in SB 614 (2007) and SCS/SB 969 (2006). This provision is also contained in SS/SCS/SB 239 et al (2007).

MOTORCYCLE HEADLAMP MODULATORS - This act allows a motorcycle headlamp to be wired or equipped to allow either its upper beam or its lower beam, but not both, to modulate from a higher intensity to a lower intensity at a rate of modulation of 200 to 280 cycles per minute. A headlamp modulator installed on a motorcycle with two headlamps shall be wired in a manner to prevent the headlamps from modulating at different rates or not in synchronization with each other. A headlamp modulator installed on a motorcycle shall meet the standards prescribed by federal law (Section 307.100). This provision is also contained in SB 614 (2007). This provision is also contained in SS/SCS/SB 239 et al (2007).

SCHOOL BUS EXEMPTION FROM CHILD PASSENGER RESTRAINT LAW - This act provides that the child passenger restraint law shall not apply to school buses transporting children four years of age or older regardless whether such buses are being used for educational, religious or other purposes. The current exemption only applies to school buses used for educational purposes. This portion of the act contains an emergency clause (Section 307.179). This provision may also be found in SB 445 (2007). This provision was also contained in SS/SCS/SB 239 et al (2007).

IMPLEMENTATION OF UNIFIED CARRIER REGISTRATION ACT - 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 federal 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 (Sections 390.021 and 390.136). 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). These provisions were contained in SB 200 (2007).

CROSSING SOLID YELLOW CENTER STRIPE - Under this act, a vehicle shall not be driven to the left of a solid yellow center stripe except when executing a lawful turn or when overtaking a vehicle that is traveling at a speed less than 25 miles per hour, or when avoiding debris in the roadway, and so long as the action does not create a hazard (Section 304.016).

FALSE STATEMENTS - This act increases the penalty for making a false unsworn statement or affidavit in the driver's license process from a Class A misdemeanor to a Class D felony (Section 302.230).

HAZARDOUS MATERIAL INDORSEMENT REVOCATION - This act requires the state to immediately revoke a hazardous material indorsement upon receipt of an Initial Determination of Threat Assessment and Immediate Revocation from the Transportation Security Administration. The state must revoke or deny a hazardous material indorsement within 15 days of receipt of a final determination (Section 302.735).

FARMER CDL EXEMPTION - This act clarifies the CDL exemption for persons driving farm vehicles. In order to qualify for the exemption, the farm vehicle must be controlled by a farmer or family member, be used to transport agricultural products, machinery, or supplies to or from a farm, not be used in the operations of a common or contract carrier, and be used within 150 miles of the farmer's farm (Section 302.775).

DELINQUENCY FEES - This act increases the penalties on delinquent outboard motor certificate of title applications from \$10 to \$25 for each 30 days of delinquency (not to exceed \$200)(Section 306.535).

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

SALVAGE VEHICLES - This act modifies the definition of salvage vehicle by removing the requirement that the damage must have occurred within a six-year window of the vehicle's manufacturer model year (Section 301.010).

TEMPORARY VESSEL CERTIFICATES ISSUANCE - This act allows Department of Revenue designees to issue temporary vessel certificates of registration (Section 306.016).

ISSUANCE OF LICENSE PLATES - This act requires property-carrying commercial motor vehicles to be issued two license plates (Section 301.130).

MISSOURI VEHICLE PROTECTION PRODUCT ACT - This act establishes the Missouri Vehicle Protection Product Act. Under the act, a person would be prohibited from selling or offering for sale a vehicle protection product in Missouri unless the seller, warrantor, and any administrator complies 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, 2009. 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. The vehicle product protection provisions have an effective date of January 1, 2009. This act is substantially similar to SB 902 (2008) and SCS/SB 297 (2007) and SB 1058 (2006).

UTILITY VEHICLES - This act defines the term "utility vehicle" 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 1,900 pounds or less, travels on four or six wheels, and is used primarily for agricultural, landscaping, lawn care, or maintenance purposes. Under the act, a utility vehicle shall not be operated upon the highways of this state except under certain circumstances delineated in the act. 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 person. Utility vehicles are exempt from titling and registration. This portion of the act is substantially similar to SB 774 (2008)(Section 304.032).

STEPHEN WITTE

12/01/2007 Prefiled
 01/09/2008 S First Read--SB 761-Stouffer (S10)
 01/10/2008 Second Read and Referred S Transportation Committee (S73)
 01/16/2008 Hearing Conducted S Transportation Committee
 01/23/2008 SCS Voted Do Pass (w/SCS/SBs 761 & 774) S Transportation Committee (3509S.03C)
 02/07/2008 Reported from S Transportation Committee to Floor w/SCS (S201)
 02/19/2008 Bill Placed on Informal Calendar (S271)
 03/03/2008 S Informal Calendar S Bills for Perfection--SBs 761 & 774-Stouffer, with SCS

EFFECTIVE: Varies

*** SB 762 ***

3104S.01P

SENATE SPONSOR: Wilson

SB 762 – This act modifies the definition of "bullying" as used in antibullying policies that must be enacted by school districts. The definition of "bullying" shall include cyberbullying and electronic communications.

This act is similar to SB 646 (2007).

MICHAEL RUFF

12/01/2007 Prefiled
 01/09/2008 S First Read--SB 762-Wilson, et al (S10)
 01/10/2008 Second Read and Referred S Education Committee (S73)
 01/30/2008 Hearing Conducted S Education Committee
 02/14/2008 Voted Do Pass S Education Committee
 02/14/2008 Reported from S Education Committee to Floor (S246)
 02/19/2008 Perfected (S271)
 02/20/2008 Reported Truly Perfected S Rules Committee (S284)

02/21/2008 S Third Read and Passed (S325 / H311)
 02/21/2008 H First Read (H311)
 02/25/2008 H Second Read (H316)

EFFECTIVE: August 28, 2008

*** SB 763 ***

3286S.011

SENATE SPONSOR: Wilson

SB 763 - This act criminalizes the displaying of a noose for the purpose of intimidating a person or a group of persons. A violation of this provision is a Class A misdemeanor for the first offense and a Class D felony for a second offense.

SUSAN HENDERSON MOORE

12/01/2007 Prefiled
 01/09/2008 S First Read--SB 763-Wilson, et al (S10)
 01/10/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S73)

EFFECTIVE: August 28, 2008

*** SB 764 ***

3495S.011

SENATE SPONSOR: Wilson

SB 764 - This act provides that pursuant to the option granted under the federal Personal Responsibility and Work Opportunity Act of 1996, an individual who has a felony conviction under federal or state law involving possession, use, or distribution of a controlled substance shall be eligible for food stamp benefits if such person, as determined by the department of social services, successfully participates in or has satisfactorily completed a substance abuse treatment program approved by the division of alcohol and drug abuse or complies with all obligations imposed by the court, divisions of alcohol and drug abuse and the division of probation and parole. The individual must all meet all other factors for foods stamps eligibility.

This act is identical to SB 696 (2007).

ADRIANE CROUSE

12/01/2007 Prefiled
 01/09/2008 S First Read--SB 764-Wilson, et al (S10)
 01/10/2008 Second Read and Referred S Seniors, Families and Public Health Committee (S73)
 02/05/2008 Hearing Conducted S Seniors, Families and Public Health Committee
 02/14/2008 Voted Do Pass S Seniors, Families and Public Health Committee
 02/28/2008 Reported from S Seniors, Families and Public Health Committee to Floor (S392)
 03/03/2008 S Formal Calendar S Bills for Perfection--SB 764-Wilson, et al

EFFECTIVE: August 28, 2008

*** SB 765 ***

SCS SB 765

3074S.03P

SENATE SPONSOR: Goodman

SCS/SB 765 - This act repeals the provisions in Section 72.080, RSMo, which allow villages to incorporate in an alternative way rather than requiring a petition by two-thirds of the taxable inhabitants that is approved by the county commission, as is required by Section 80.020, RSMo.

Under the language being repealed, a city, town, or village may incorporate after a number equal to 15% of the registered voters petitions the county commission. The commission must submit the question to the voters for their approval. In order to qualify for incorporation a village need only have the ability to furnish normal municipal services if it has at least 100 inhabitants. The language creating a definition of "village" in Section 72.080, RSMo, is also repealed.

This act contains an emergency clause and a severability clause.

SUSAN HENDERSON MOORE

12/01/2007 Prefiled
 01/09/2008 S First Read--SB 765-Goodman, et al (S10)
 01/10/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S73)

01/16/2008 Hearing Conducted S Economic Development, Tourism & Local Government Committee
 01/23/2008 SCS Voted Do Pass S Economic Development, Tourism & Local Government Committee (3074S.03C)
 02/14/2008 Reported from S Economic Development, Tourism & Local Government Committee to Floor w/SCS (S244)
 02/19/2008 Bill Placed on Informal Calendar (S271)
 02/25/2008 SA 1 to SCS S offered & adopted (Callahan)--(3074S03.02S) (S351)
 02/25/2008 SCS, as amended, S adopted (S351)
 02/25/2008 Perfected (S351)
 02/25/2008 Reported Truly Perfected S Rules Committee (S353)
 02/28/2008 S Third Read and Passed - EC adopted (S412-413)

EFFECTIVE: Emergency Clause

*** SB 766 ***

3256S.02I

SENATE SPONSOR: Goodman

SB 766 - A person commits child abuse when knowing that she is pregnant, chronically and severely exposes an unborn child to alcohol or a controlled substance during pregnancy and such child, at birth, is demonstrably adversely affected by such exposure. Child abuse is a Class C felony.

A person commits child endangerment in the second degree when knowing that she is pregnant, chronically and severely exposes an unborn child to a controlled substance during pregnancy. Child endangerment is a Class A misdemeanor.

If a person pleads guilty to or is found guilty of such offenses, the court shall order a juvenile officer to take the child into protective custody immediately or as soon as reasonably possible after the birth of the child if such child is unborn at the time of the plea or finding of guilt.

This act is similar to SB 676 (2007).

SUSAN HENDERSON MOORE

12/01/2007 Prefiled
 01/09/2008 S First Read--SB 766-Goodman and Loudon (S10)
 01/10/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S73)
 01/15/2008 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2008

*** SB 767 ***

3680S.01I

SENATE SPONSOR: Goodman

SB 767 - This act modifies provisions relating to the Public Defender System.

INDIGENT DEFENSE CONTRACT COUNSEL

Under this act, money from the general revenue fund may be appropriated to pay contract counsel. Contract counsel may represent eligible indigent persons who are charged with a misdemeanor, a violation for passing a bad check, or a misdemeanor probation violation that will likely result in confinement in county jail and for which the constitution or law requires the appointment of counsel. Such probation violation must also possibly result in the charging of a separate offense. The money may also be used to represent persons involved in criminal child support enforcement actions and persons who would normally be represented by a public defender, except that the public defender has a conflict of interest in such case.

The general revenue funds appropriate for such purpose shall be administered by the Office of the Missouri State Public Defender, which shall have the authority to: 1) enter into contracts with qualified private counsel, 2) process contract counsel payments and litigation expense reimbursements; and 3) make rules necessary to administer the moneys. Employees of the public defender system may not serve as contract counsel.

NO REPRESENTATION REQUIRED FOR PROBATION VIOLATIONS

No public defender or contract counsel shall be required to provide legal services to an eligible person for a probation violation unless such violation could result in the charging of a separate offense.

This act is similar to SCS/SB 611 (2007).
SUSAN HENDERSON MOORE

12/01/2007 Prefiled
01/09/2008 S First Read--SB 767-Goodman and Gibbons (S10)
01/10/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S73)
02/11/2008 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2008

*** SB 768 *** SCS SB 768

3524S.07C

SENATE SPONSOR: Rupp

SCS/SB 768 - This act creates the Missouri Commission on Autism Spectrum Disorders to advise and make recommendations to the Governor, General Assembly, and state agencies on matters relating to autism spectrum disorder. The Commission must develop a comprehensive statewide plan for an integrated system of training, treatment, and services for individuals of all ages with ASD. The Commission must issue preliminary recommendations by July 1, 2009. The Commission's membership shall include representatives from the General Assembly, various state agencies, other organizations involved with autism, as well as parents and individuals with ASD.

The Commission's duties include: studying the formation of a comprehensive, coordinated service delivery system; conducting an assessment of the need for certain education and treatment programs; providing recommendations for training programs; and creating a panel to review existing models of evidence-based educational practices. Other responsibilities of the Commission may include studying or exploring other developmental delay disorders and genetic conditions known to be associated with autism as described in the act.

The Department of Mental Health will provide administrative support to the Commission.
MICHAEL RUFF

12/01/2007 Prefiled
01/09/2008 S First Read--SB 768-Rupp and Gibbons (S11)
01/10/2008 Second Read and Referred S Seniors, Families and Public Health Committee (S73)
01/29/2008 Hearing Conducted S Seniors, Families and Public Health Committee
02/14/2008 SCS Voted Do Pass S Seniors, Families and Public Health Committee (3524S.07C)
02/21/2008 Reported from S Seniors, Families and Public Health Committee to Floor w/SCS (S341)
03/03/2008 S Formal Calendar S Bills for Perfection--SB 768-Rupp and Gibbons, with SCS

EFFECTIVE: August 28, 2008

*** SB 769 ***

3506S.011

SENATE SPONSOR: Rupp

SB 769 - This act provides that beginning August 28, 2008, there shall be an additional circuit judge position in the 45th circuit. The two judges in this circuit will sit in divisions numbered one and two. The judge who sits in this circuit on August 27, 2008, shall sit in division one until a successor is elected in 2012. The circuit judge in division two shall be elected in 2010.

ALEXA PEARSON

12/01/2007 Prefiled
01/09/2008 S First Read--SB 769-Rupp (S11)
01/10/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S74)

EFFECTIVE: August 28, 2008

*** SB 770 ***

3693S.011

SENATE SPONSOR: Rupp

This bill has been combined with SB 993

12/01/2007 Prefiled
01/09/2008 S First Read--SB 770-Rupp (S11)
01/10/2008 Second Read and Referred S Education Committee (S74)
01/22/2008 Re-referred S Pensions, Veterans' Affairs and General Laws Committee (S122)

02/13/2008 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee
02/20/2008 Bill Combined w/(SCS/SBs 993 & 770)

EFFECTIVE: August 28, 2008

*** SB 771 ***

3128S.011

SENATE SPONSOR: McKenna

SB 771 - This act creates an income tax credit for taxpayer contributions of cash, stock, bonds, or other marketable securities for the purpose of providing body or vehicle armor to members of the armed forces of the United States, as well as contributions of body armor for members of the armed forces, armor plating for military vehicles, or materials consumed in the process of manufacturing body armor or armor plating for military vehicles.

The tax credit is a dollar for dollar tax credit which is limited to one thousand dollars per taxpayer per year. The total amount of tax credits which may be claimed annually is capped at two million dollars. The tax credit is nontransferable and nonrefundable, but may be carried forward five years until fully claimed.

This act is identical to the introduced version of Senate Bill 583 (2007).

JASON ZAMKUS

12/01/2007 Prefiled

01/09/2008 S First Read--SB 771-McKenna (S11)

01/10/2008 Second Read and Referred S Ways & Means Committee (S74)

EFFECTIVE: August 28, 2008

*** SB 772 ***

3127S.011

SENATE SPONSOR: McKenna

SB 772 - This act creates a tax credit for expenses incurred in recycling construction waste. The credit shall be equal to 75% of the expenses incurred for recycling the construction waste. The tax credit is non-refundable and non-transferrable but may be carried forward up to three subsequent tax years. The Department of Natural Resources shall administer the tax credit program and shall maintain a list of all taxpayers eligible for the tax credit. The total amount of tax credits issued in any year shall not exceed \$1,000,000 and the tax credit program shall sunset after 6 years.

This act also directs the Department of Natural Resources to establish and administer a state-funded grant program for construction and demolition waste reduction.

This act is identical to SCS/SB 220 (2007) and similar to HB 707 (2007).

ERIKA JAQUES

12/01/2007 Prefiled

01/09/2008 S First Read--SB 772-McKenna (S11)

01/10/2008 Second Read and Referred S Commerce, Energy and the Environment Committee (S74)

EFFECTIVE: August 28, 2008

*** SB 773 ***

3378S.011

SENATE SPONSOR: Shoemyer

SB 773 - This act provides that no applicant shall be enrolled in a Medicare Advantage plan until two business days have passed since the initial personal solicitation and the applicant has signed a disclosure form. Personal solicitation includes either an on-site presentation at a facility or a home meeting with an insurance agent. The disclosure shall be signed and dated by both the applicant and the agent on the day of the initial personal solicitation and shall include:

- A statement that Medicare Advantage plans are not Medigap supplement plans;
- A statement advising the applicant to confirm with his or her health care providers whether or not the provider has contracted with the Medicare Advantage plan to provide medical services; and
- A statement advising the applicant to contact either a trusted family member, friend or the state health insurance assistance program, known as CLAIM.

The director of the Department of Insurance, Financial Institutions and Professional Registration shall prescribe the format and content of the disclosure including size, color and prominence of type. Anyone who violates the provisions of this act shall be subject to civil penalties and fines.

ADRIANE CROUSE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 773-Shoemyer and Engler (S11)

01/10/2008 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S74)

02/12/2008 Hearing Conducted S Small Business, Insurance & Industrial Relations Committee

EFFECTIVE: August 28, 2008

*** SB 774 ***

3578S.011

SENATE SPONSOR: Shoemyer

This bill has been combined with SB 761

12/01/2007 Prefiled

01/09/2008 S First Read--SB 774-Shoemyer (S11)

01/10/2008 Second Read and Referred S Transportation Committee (S74)

01/16/2008 Hearing Conducted S Transportation Committee

01/23/2008 Bill Combined w/SCS/SBs 761 & 774

EFFECTIVE: August 28, 2008

*** SB 775 ***

3504S.041

SENATE SPONSOR: Shoemyer

SB 775 - Under this act, an insurer shall inform a vehicle owner immediately on first contact that they have the right to choose the repair facility of their choice to repair their vehicle. The insurer shall halt any efforts to re-direct, refer or otherwise influence the vehicle owner in the choice of repair facility or program other than the repair facility chosen by the vehicle owner once the vehicle owner has stated they have chosen a repair facility.

The act provides that all claims paid by an insurer for motor vehicle damages shall be paid to the claimant by check, electronic transfer of funds or other means that provides the claimant or repair facility immediate access to the funds. Labor rates for motor vehicle damage repairs that are paid by insurers to claimants shall be based on the usual and customary repair rates.

A violation of this act by an insurer shall constitute an unfair trade practice.

Under the act, insurers or appraisers shall not require that repairs be made or not be made at a specific repair shop. Appraisal forms shall inform the claimant that he or she has the right to choose a repair facility to have his or her vehicle repaired.

The act requires damage appraisers to comply with certain conditions when preparing damage estimates on motor vehicles. For example, a damage appraiser must conduct a thorough inspection of the damage vehicle when preparing an estimate. Any person altering or changing a physical damage appraisal must be licensed to conduct business within Missouri.

This act is substantially similar to SB 709 (2007).

STEPHEN J. WITTE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 775-Shoemyer and Griesheimer (S11)

01/10/2008 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S74)

EFFECTIVE: August 28, 2008

*** SB 776 ***

SCS SB 776

3120S.02C

SENATE SPONSOR: Justus

SCS/SB 776 - This act provides that the Children's Division within the Department of Social Services, shall develop rules to become effective by July 1, 2009, 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 140 percent of the federal poverty level shall receive child care subsidy benefits, less a sliding scale fee established by the division based on family size and income.

A person receiving state-funded child care assistance and whose income surpasses 140 percent of the federal poverty level may continue to receive reduced subsidy benefits on a scale established by the division until such person's income reaches 185 percent of the federal poverty level. At such time, the person will have assumed the full cost of the maximum base child care subsidy rate established by the children's division and shall no longer be eligible for child care subsidy benefits.

If appropriations in a given fiscal year are insufficient to provide the subsidy established under this act for all eligible recipients, the division shall establish a waiting list and promulgate rules for the prioritization of eligible recipients on the waiting list. The sliding fee scale may be waived for children with special needs.

By July 1, 2009, the Children's Division shall be required to reimburse all licensed child care providers serving families receiving state-funded child care assistance at the current market rate for child care as established by the division's biennial state market rate survey.

This act is similar to SCS/SB 260 and 71 (2007).

ADRIANE CROUSE

12/01/2007 Prefiled
 01/09/2008 S First Read--SB 776-Justus and Koster (S11)
 01/10/2008 Second Read and Referred S Seniors, Families and Public Health Committee (S74)
 02/05/2008 Hearing Conducted S Seniors, Families and Public Health Committee
 02/19/2008 SCS Voted Do Pass S Seniors, Families and Public Health Committee (3120S.02C)
 02/21/2008 Reported from S Seniors, Families and Public Health Committee to Floor w/SCS (S341)
 03/03/2008 S Formal Calendar S Bills for Perfection--SB 776-Justus and Koster, with SCS

EFFECTIVE: August 28, 2008

*** SB 777 ***

3241S.011

SENATE SPONSOR: Justus

SB 777 - This act creates an income tax credit equal to twenty percent of the earned income credit allowed for federal income taxes under the Internal Revenue Code. The tax credit is refundable. The Director of the Department of Revenue must make efforts to inform taxpayers who may be eligible for the credit every year.

This act is identical to the introduced version of Senate Bill 548 (2007).

JASON ZAMKUS

12/01/2007 Prefiled
 01/09/2008 S First Read--SB 777-Justus (S11)
 01/10/2008 Second Read and Referred S Ways & Means Committee (S74)
 03/03/2008 Hearing Scheduled S Ways & Means Committee

EFFECTIVE: August 28, 2008

*** SB 778 *** SS SCS SB 778

3119S.04P

SENATE SPONSOR: Justus

SS/SCS/SB 778 - This act provides that female students enrolling in sixth grade may receive, at the option of a parent or guardian, an immunization for the human papillomavirus (HPV). The Department of Health and Senior Services shall directly mail age appropriate information to parents or guardians of female students entering grade 6 regarding the connection between HPV and cervical cancer and the availability of the HPV immunization. Such information shall include the risk factors for developing cervical cancer, the connection between HPV and cervical cancer, how it is transmitted and how transmission can be prevented, the latest scientific information about the immunization's effectiveness, information about the importance of pap smears, and a statement explaining that questions from parents or guardians may be answered by a health care provider.

Each mailing shall request that the parents of female students entering grade 6 voluntarily furnish a written statement to the department, not later than 20 days after the first day of school, stating that they have received the information and that the student has received the immunization or the parents have decided not to have the student immunized. The informational mailing sent to parents shall have displayed in bold type that the request from the parent or guardian for the written statement is voluntary. The form to be returned by the parents shall not request identifying information about the student, parent or guardian. Nothing in the act shall be construed to prevent school attendance if a parent has opted not to have the student receive the HPV immunization or has not furnished the written statement.

Subject to appropriations, if a parent or guardian chooses to have the female student immunized for the HPV infection but is unable to pay, the student shall be immunized at public expense at or from the county, district, city public health center or a school nurse or with the costs of immunization paid through the Mo HealthNet program, private insurance or in a manner to be determined by the department of health and senior services subject to state and federal appropriations.

Beginning July 1, 2009, the department shall submit to the general assembly a report detailing the number of sixth grade female students who have and have not been immunized against the HPV infection and the number of non-responses to the request for the written statement. The information derived from the written statement shall be used for statistical purposes only and shall not be used to personally identify any parent or guardian, or any student.

This act is substantially similar to SCS/SB 514(2007).

ADRIANE CROUSE

12/01/2007 Prefiled
 01/09/2008 S First Read--SB 778-Justus (S11)
 01/10/2008 Second Read and Referred S Seniors, Families and Public Health Committee (S74)
 01/29/2008 Hearing Conducted S Seniors, Families and Public Health Committee
 02/14/2008 SCS Voted Do Pass S Seniors, Families and Public Health Committee (3119S.02C)
 02/14/2008 Reported from S Seniors, Families and Public Health Committee to Floor w/SCS (S245)
 02/19/2008 Bill Placed on Informal Calendar (S271)
 02/26/2008 SS for SCS S offered & adopted (Justus)--(3119S.04F) (S363)
 02/26/2008 Perfected (S363)
 02/26/2008 Reported Truly Perfected S Rules Committee (S365)
 02/27/2008 Referred S Governmental Accountability and Fiscal Oversight Committee (S378)
 02/28/2008 Hearing Conducted S Governmental Accountability & Fiscal Oversight
 02/28/2008 Voted Do Pass S Governmental Accountability and Fiscal Oversight Committee
 02/28/2008 Reported from S Governmental Accountability and Fiscal Oversight Committee to Floor (S394)
 03/03/2008 S Formal Calendar S Bills for Third Reading--SS for SCS for SB 778-Justus

EFFECTIVE: August 28, 2008

*** SB 779 ***

3624S.011

SENATE SPONSOR: Smith

SB 779 – This act requires the state to provide fully subsidized preschool at licensed child facilities that employ highly qualified teachers for children residing in a school district classified as unaccredited or provisionally accredited by the state board of education. Children are eligible if they are one or two years from entering kindergarten and if they are eligible for a reduced lunch price under federal law. Fifty percent of the funding shall be distributed to community-based programs.

This act is similar to a provision in SB 690 (2007).

MICHAEL RUFF

12/01/2007 Prefiled
 01/09/2008 S First Read--SB 779-Smith (S11)
 01/10/2008 Second Read and Referred S Education Committee (S74)
 02/13/2008 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2008

*** SB 780 ***

3217S.011

SENATE SPONSOR: Smith

SB 780 - This act removes references in the sexual education statute allowing information to be provided on the federal abstinence education law. This act also repeals the provisions regarding prohibiting abortion providers from providing sexual education in school and from schools providing abortion services.

ADRIANE CROUSE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 780-Smith and Bray (S12)

01/10/2008 Second Read and Referred S Education Committee (S74)

EFFECTIVE: August 28, 2008

*** SB 781 *** SCS SB 781

3109S.03P

SENATE SPONSOR: Smith

SCS/SB 781 - This act provides that except for willful, wanton, or malicious acts or omissions, no landlord, nor his or her successors, assigns, agents or representatives shall be liable to any tenant or subtenant for any loss or damage to household goods, furnishings, fixtures, or any other personal property left at or in the dwelling by the tenant or subtenant, by reason of the landlord's removal or disposal of the property under a court-ordered execution for possession of premises.

The act also provides that if, after the sheriff has completed the court-ordered execution, property is left by the tenant in or at the dwelling that is identified as the property of a third party, the landlord shall make a reasonable effort to notify such third party, who shall be given the opportunity to recover such property within five business days of the date such notice is received. If the landlord is unable to notify the third party, he or she may dispose of the property and shall incur no liability for loss or damage thereto.

This act is similar to SCS/SB 629 (2007).

ALEXA PEARSON

12/01/2007 Prefiled

01/09/2008 S First Read--SB 781-Smith (S12)

01/10/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S74)

01/15/2008 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

02/11/2008 SCS Voted Do Pass S Judiciary and Civil & Criminal Jurisprudence Committee (3109S.03C)

02/14/2008 Reported from S Judiciary and Civil & Criminal Jurisprudence Committee to Floor w/SCS (S245)

02/19/2008 Bill Placed on Informal Calendar (S271)

02/25/2008 SA 1 to SCS S offered & adopted (Smith)--(3109S03.02S) (S352)

02/25/2008 SCS, as amended, S adopted (S352)

02/25/2008 Perfected (S352)

02/26/2008 Reported Truly Perfected S Rules Committee (S361)

03/03/2008 S Formal Calendar S Bills for Third Reading--SCS for SB 781-Smith

EFFECTIVE: August 28, 2008

*** SB 782 ***

3126S.011

SENATE SPONSOR: Loudon

SB 782 - 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.

This act is identical to SS/SCS/SBs 255, 249 & 279 (2007).

CHRIS HOGERTY

12/01/2007 Prefiled

01/09/2008 S First Read--SB 782-Loudon, et al (S12)

01/10/2008 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S74)

EFFECTIVE: August 28, 2008

*** SB 783 ***

3684S.011

SENATE SPONSOR: Loudon

SCS/SB 783 - 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 identical to SB 304 (2007) and substantially similar to SB 1071 (2006).

STEPHEN WITTE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 783-Loudon (S12)

01/10/2008 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S74)

02/05/2008 Hearing Conducted S Small Business, Insurance & Industrial Relations Committee

02/19/2008 SCS Voted Do Pass S Small Business, Insurance & Industrial Relations Committee (3684S.02C)

EFFECTIVE: August 28, 2008

*** SB 784 ***

3065S.011

SENATE SPONSOR: Coleman

SB 784 - This act eliminates mandatory minimum sentences for those convicted of a felony, except dangerous felons. The act states that a felon must serve a sentence imposed by a judge, but the Board of Probation and Parole shall have discretion to review the sentence and release the offender before the completion of the sentence.

Those offenders sentenced under the mandatory minimum sentencing statutes before August 28, 2008, shall have his or her sentence reviewed by the Board. The Board shall have discretion to release such an offender before the end of his or her sentence.

This act is identical to SB 468(2007).
SUSAN HENDERSON MOORE

12/01/2007 Prefiled
01/09/2008 S First Read--SB 784-Coleman (S12)
01/10/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S74)

EFFECTIVE: August 28, 2008

*** SB 785 ***

3057S.011

SENATE SPONSOR: Coleman

SB 785 - As of August 28, 2008, the City of St. Louis may establish, by ordinance, a municipal police force. Any such ordinance shall provide for the employment of all current officers and employees at their current salaries in the newly established police force. Such persons shall also be entitled to all accrued benefits, including vacation time, sick leave, and health insurance. The ordinance shall be consistent with any regulation concerning police residency adopted by the Board of Police Commissioners prior to adoption of the ordinance.

After the establishment of a municipal police force, the city may provide by ordinance for the number and ranks of police officers, compensation and benefits of such officers, and appointment, promotion, suspension, demotion, or discharge of police officers, including the police chief.

Immediately upon adopting an ordinance, the city shall file a certified copy with the Secretary of State. The current state statutes concerning the St. Louis police department shall expire upon the effective date of the establishment of a municipal police force by ordinance. The city shall provide notice of the establishment of the ordinance and expiration of such statutes to the Revisor of Statutes.

Any current police pension system for members of the St. Louis police department shall continued to be governed by state statute.

This act is identical to SB 486 (2007).
SUSAN HENDERSON MOORE

12/01/2007 Prefiled
01/09/2008 S First Read--SB 785-Coleman (S12)
01/10/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S74)
01/16/2008 Hearing Cancelled S Economic Development, Tourism & Local Government Committee
01/30/2008 Hearing Conducted S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2008

*** SB 786 ***

3356S.011

SENATE SPONSOR: Coleman

SB 786 - This act creates the RFID Right to Know Act of 2008. The act requires any consumer commodity or package bearing a radio frequency identification (RFID) tag or bar code to be conspicuously labeled as such.

This act is identical to SB 13 (2007) and similar to SB 638 (2006).
ERIKA JAKUES

12/01/2007 Prefiled
01/09/2008 S First Read--SB 786-Coleman (S12)
01/10/2008 Second Read and Referred S Commerce, Energy and the Environment Committee (S74)
01/31/2008 Hearing Conducted S Commerce, Energy and the Environment Committee

EFFECTIVE: August 28, 2008

*** SB 787 ***

3346S.011

SENATE SPONSOR: Scott

SB 787 - 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.

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 SB 114 (2007) and SCS/SB 1198 (2006).

ERIKA JAQUES

12/01/2007 Prefiled

01/09/2008 S First Read--SB 787-Scott (S12)

01/10/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S74)

EFFECTIVE: August 28, 2008

*** SB 788 *** SCS SB 788

3494S.04C

SENATE SPONSOR: Scott

SCS/SB 788 - This act moves the divisions of finance, credit unions and professional registration, and the State Banking Board, to the Department of Insurance, Financial Institutions and Professional Registration (DIFP) by type III transfer in keeping with Executive Order 06-04. The act further renames the Department of Insurance to the DIFP, and directs the Revisor of Statutes to change all statutory references to the department to DIFP. The act also removes all references of the divisions of finance, credit unions and professional registration as being "within the Department of Economic Development" and instead states that such divisions are within the DIFP. The act moves sections regarding the division of professional registration from Chapter 620 (Department of Economic Development) to Chapter 324 (Occupations and Professions General Provisions), and changes references in those sections to accurately reflect the statutory modifications. The act further defines "department" and "director" at the beginning of each insurance-related chapter.

This is similar in nature as SB 164 (2007).

STEPHEN WITTE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 788-Scott (S12)

01/10/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S74)

01/22/2008 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

02/11/2008 SCS Voted Do Pass S Financial & Governmental Organizations and Elections Committee (3494S.04C)

02/14/2008 Reported from S Financial & Governmental Organizations and Elections Committee to Floor w/SCS (S244)

02/19/2008 Bill Placed on Informal Calendar (S271)

03/03/2008 S Informal Calendar S Bills for Perfection--SB 788-Scott, with SCS

EFFECTIVE: August 28, 2008

*** SB 789 ***

3234S.011

SENATE SPONSOR: Griesheimer

SB 789 - 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, 2009. 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 118 (2007), SB 647 (2006), SB 72 (2005) and SB 1362 (2004).

STEPHEN WITTE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 789-Griesheimer (S13)

01/10/2008 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S74)

EFFECTIVE: August 28, 2008

*** SB 790 ***

3290S.021

SENATE SPONSOR: Champion

SB 790 - This act creates a "Crime Laboratory Review Commission" to independently review the operations of crime laboratories in the state of Missouri that receive state-administered funding.

The commission shall consist of nine members, including a senior manager of an accredited crime lab, an active or retired judge, a prosecuting attorney, a criminal defense attorney, a licensed law enforcement officer in a management position, a crime victims' advocate, the director of the Department of Public Safety or a designee, a higher education faculty member teaching science, and a public member with some expertise in forensic science. The commission members shall be appointed by the Governor with the advice and consent of the Senate. The members shall serve terms of six years and the chairman shall be the director of the department or his or her designee.

The commission shall have the power to assess the capabilities and needs of the crime labs and make recommendations for improvements, authorize independent external investigations into allegations of misconduct or negligence, issue reprimands to crime labs and their employees or contractors found to be negligent or engaging in misconduct, make recommendations for crime lab procedure when labs are found to be negligent, and issue reports summarizing findings of negligence or misconduct and making recommendations regarding revocation or suspension of grant funding.

The commission shall submit an annual report to the department of public safety and to the governor making recommendations to improve the operation of crime labs in the state of Missouri.

The Department of Public Safety shall have the authority to revoke grant money from a crime lab if it does not cooperate with the commission or if allegations of serious negligence or misconduct are substantiated by the commission.

SUSAN HENDERSON MOORE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 790-Champion (S13)

01/10/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S74)

01/22/2008 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2008

*** SB 791 ***

3295S.011

SENATE SPONSOR: Champion

SB 791 - Under this act, a certified crime laboratory report shall be received into evidence at any trial for criminal prosecution. The accused or his or her attorney shall be provided a copy of the report as required by Supreme Court Rule and shall have seven days to request a deposition of the person conducting the testing or analysis. The deposition shall be conducted prior to trial, with notice being given to the state, and it may be recorded. If the accused or his or her attorney does not request a deposition with the seven-day period, the accused shall be deemed to have waived the right to conduct such a deposition and the right to confront such person at trial if he or she is otherwise unavailable. This act shall not affect the right of the accused to subpoena the analyst.

SUSAN HENDERSON MOORE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 791-Champion (S13)

01/10/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S74)

01/22/2008 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2008

*** SB 792 ***

3380S.011

SENATE SPONSOR: Champion

SB 792 - This act provides that any physician, surgeon, nurse, or emergency medical technician shall be immune from tort liability, other than for gross negligence or willful or wanton behavior, when providing

uncompensated care while assisting law enforcement teams or governmental agencies that are engaging in certain planned emergency response, search and rescue, arrest, search and seizure, or training activities.

ALEXA PEARSON

12/01/2007 Prefiled

01/09/2008 S First Read--SB 792-Champion (S13)

01/10/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S74)

EFFECTIVE: August 28, 2008

*** SB 793 ***

3129S.011

SENATE SPONSOR: Bartle

SB 793 - 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 26 (2007), SB 652 (2006), SB 31 (2005), SB 855 (2004) and SB 193 (2003).

STEPHEN WITTE

12/01/2007 Prefiled
01/09/2008 S First Read--SB 793-Bartle (S13)
01/10/2008 Second Read and Referred S Transportation Committee (S74)
01/23/2008 Hearing Conducted S Transportation Committee

EFFECTIVE: Contingent

*** SB 794 ***

3130S.011

SENATE SPONSOR: Bartle

This bill has been combined with SB 754

12/01/2007 Prefiled
01/09/2008 S First Read--SB 794-Bartle, et al (S13)
01/10/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S74)
01/22/2008 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee
01/22/2008 Bill Combined (w/SCS/SBs 754 & 794)

EFFECTIVE: August 28, 2008

*** SB 795 ***

3447S.011

SENATE SPONSOR: Bartle

This bill has been combined with SB 818

12/01/2007 Prefiled
01/09/2008 S First Read--SB 795-Bartle (S13)
01/10/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S74)
01/28/2008 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee
02/04/2008 Bill Combined w/ SCS/SBs 818 & 795

EFFECTIVE: August 28, 2008

*** SB 796 ***

3183S.011

SENATE SPONSOR: Bray

SB 796 - This act entitles employees to take unpaid leave from work on the day of an election to serve as an election officer or poll watcher, or to campaign for any candidate or ballot measure.

This act is identical to SB 587 (2007).

CHRIS HOGERTY

12/01/2007 Prefiled
01/09/2008 S First Read--SB 796-Bray and Days (S13)
01/10/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S74)

EFFECTIVE: August 28, 2008

*** SB 797 ***

3178S.011

SENATE SPONSOR: Bray

SB 797 - This act modifies the paperwork requirements for the formation of a new political party and the nomination of independent candidates.

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. Alternatively, this information will be provided when filing the respective declarations of candidacy.

This act is identical to SCS/SB 84 (2005), SB 726 (2006), and SB 138 (2007).

CHRIS HOGERTY

12/01/2007 Prefiled
01/09/2008 S First Read--SB 797-Bray (S13)
01/10/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S74)
02/25/2008 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2008

*** SB 798 ***

3182S.011

SENATE SPONSOR: Bray

SB 798 - 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), and SB 367 (2007).

CHRIS HOGERTY

12/01/2007 Prefiled
01/09/2008 S First Read--SB 798-Bray and Days (S13)
01/10/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S74)
01/28/2008 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2008

*** SB 799 ***

3072S.011

SENATE SPONSOR: Days

SB 799 - 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, 2009.

The Missouri State Board of Education shall 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 2009-2010 school year. The plan shall be submitted to the Governor, General Assembly, and the Children's Services Commission by July 1, 2009. 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 to the General Assembly.

The Department of Social Services shall require the screening and assessment of a child prior to any MO HealthNet-funded admission to an in-patient 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.

This act is similar to SB 191 (2007).

ADRIANE CROUSE

12/01/2007 Prefiled
 01/09/2008 S First Read--SB 799-Days (S13)
 01/10/2008 Second Read and Referred S Health and Mental Health Committee (S74)
 02/05/2008 Hearing Conducted S Health and Mental Health Committee

EFFECTIVE: August 28, 2008

*** SB 800 ***

3076S.011

SENATE SPONSOR: Days

SB 800 - This act creates a ten-member commission to study the death penalty in Missouri. It requires the commission to hold public hearings and study all aspects of the death penalty as administered in Missouri, including all cases in which the death penalty was sought. Through the use of random sampling, the commission will review a statistical representation of those cases in which charges of first degree murder, second degree murder, or voluntary manslaughter were filed after January 1, 1977. The review and analysis shall examine data concerning the facts of the offenses, the county where charges were filed, the charges originally filed, the crime for which the person was convicted, the sentence, personal information about the convicted person, evidence of mental retardation, prior criminal history of the defendant, information about the legal defense team, the body of evidence used to obtain a conviction, results of appellate review and post-conviction review, and costs for implementing the sentence.

In considering the experience and training of attorneys, the commission shall consider the experience and training levels required by the Missouri Supreme Court, other courts and legislatures, and recommendations of national associations.

Findings and recommendations of the commission shall be reported to the Governor, the Missouri Supreme Court and the General Assembly by January 1, 2012. The commission shall recommend any proposed modifications to Missouri law necessary to ensure adequacy of trial and appellate legal counsel, accuracy of findings of guilt of the accused, elimination of race disparity in charging and sentencing, fair court procedures and fair and consistent charging and sentence recommendations made by local prosecutors around the state.

The act prohibits executions during the period of review, which shall be from August 28, 2008 to January 1, 2012.

This act is identical to SB 439 (2007) & HB 445 (2007).

SUSAN HENDERSON MOORE

12/01/2007 Prefiled
 01/09/2008 S First Read--SB 800-Days (S13)
 01/10/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S74)

EFFECTIVE: August 28, 2008

*** SB 801 ***

3318S.01P

SENATE SPONSOR: Ridgeway

SB 801 - Currently, the Kansas City board of police commissioners sets the compensation of the force's police officers. This act increases the maximum amount of compensation which the board may pay officers. The maximum amount varies for officers of different ranks.

SUSAN HENDERSON MOORE

12/01/2007 Prefiled
 01/09/2008 S First Read--SB 801-Ridgeway (S14)
 01/10/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S75)
 01/16/2008 Hearing Conducted S Economic Development, Tourism & Local Government Committee
 01/23/2008 Voted Do Pass S Economic Development, Tourism & Local Government Committee-Consent
 02/07/2008 Reported from S Economic Development, Tourism & Local Government Committee to Floor - Consent (S199)
 02/19/2008 S Third Read and Passed - Consent (S273-274 / H296)

02/20/2008 H First Read (H296)
02/21/2008 H Second Read (H302)

EFFECTIVE: August 28, 2008

*** SB 802 ***

3609S.011

SENATE SPONSOR: Ridgeway

This bill has been combined with SB 1034

12/01/2007 Prefiled
01/09/2008 S First Read--SB 802-Ridgeway and Gibbons (S14)
01/10/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S75)
01/15/2008 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee
02/11/2008 Bill Combined w/(SCS/SBs 1034 & 802)

EFFECTIVE: August 28, 2008

*** SB 803 ***

3517S.011

SENATE SPONSOR: Crowell

SB 803 - This act provides that if a person has been injured by an event which later causes death and during his or her lifetime the person brought an action based on the event that resulted in a judgment, or if such person had settled or released any claims related to the event prior to death, then any wrongful death action shall be precluded against any defendant involved in the prior litigation, release, or settlement.

ALEXA PEARSON

12/01/2007 Prefiled
01/09/2008 S First Read--SB 803-Crowell (S14)
01/10/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S75)

EFFECTIVE: August 28, 2008

*** SB 804 ***

3376S.011

SENATE SPONSOR: Crowell

SB 804 – This act allows the State Auditor to audit any school district in the state in the same manner as it may audit any agency of the state.

MICHAEL RUFF

12/01/2007 Prefiled
01/09/2008 S First Read--SB 804-Crowell (S14)
01/10/2008 Second Read and Referred S Education Committee (S75)
01/16/2008 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2008

*** SB 805 ***

3626S.011

SENATE SPONSOR: Mayer

SB 805 - This act modifies the definition of the term "agricultural and horticultural property", for property tax purposes, to include all real property devoted primarily to showing and boarding horses.

JASON ZAMKUS

12/01/2007 Prefiled
01/09/2008 S First Read--SB 805-Mayer (S14)
01/10/2008 Second Read and Referred S Ways & Means Committee (S75)
02/11/2008 Hearing Conducted S Ways & Means Committee

EFFECTIVE: August 28, 2008

*** SB 806 ***

SCS SB 806

3487S.05P

SENATE SPONSOR: Engler

SCS/SB 806 - This act provides that the U.S. and Missouri state flags shall be flown at half-staff for one

full day whenever a Missouri resident is killed in the line of duty during military service. The Missouri veterans' commission shall make ongoing reasonable efforts to determine if any residents have been killed in the line of duty, and shall notify the governor of any such death. The governor, who shall determine the day on which the resident shall be honored, shall then notify the office of administration.

This act is similar to HB 557 (2007).

ALEXA PEARSON

12/01/2007 Prefiled
 01/09/2008 S First Read--SB 806-Engler (S14)
 01/10/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S75)
 01/23/2008 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee
 01/30/2008 SCS Voted Do Pass S Pensions, Veterans' Affairs and General Laws Committee (3487S.05C)
 02/14/2008 Reported from S Pensions, Veterans' Affairs and General Laws Committee to Floor w/SCS (S246)
 02/19/2008 Bill Placed on Informal Calendar (S271)
 02/26/2008 SA 1 to SCS S offered & adopted (Engler)--(3487S05.01S) (S363)
 02/26/2008 SCS, as amended, S adopted (S363)
 02/26/2008 Perfected (S363)
 02/27/2008 Reported Truly Perfected S Rules Committee (S376)
 03/03/2008 S Formal Calendar S Bills for Third Reading--SCS for SB 806-Engler

EFFECTIVE: August 28, 2008

*** SB 807 ***

3450S.011

SENATE SPONSOR: Engler

SB 807 - Under the act, members of the general assembly, judges, state-wide elected officials, agency heads, department and division directors of state government, members of state boards and commissions, and decision-making public servants shall not accept expenditures from any lobbyist or lobbyist principal. Public officials shall avoid an ethics violation if they reimburse the lobbyist or lobbyist principal within 45 days after the expenditure is reported to the Ethics Commission.

This act is similar to SB 703 (2007).

CHRIS HOGERTY

12/01/2007 Prefiled
 01/09/2008 S First Read--SB 807-Engler and Bray (S14)
 01/10/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S75)

EFFECTIVE: August 28, 2008

*** SB 808 ***

3379S.011

SENATE SPONSOR: Engler

SB 808 - Under this act, the Department of Revenue is required to develop a procedure with respect to awarding fee office contracts. The Department of Revenue may only award fee office contracts to:

- (1) Municipalities, counties, fire districts, or school districts or coalitions of school districts;
- (2) Charitable organizations and other entities that are exempt from taxation under Section 501(c)(3) or 501(c)(6) of the Internal Revenue Code of 1986, as amended. Such organizations and entities include, but are not limited to, chambers of commerce, veterans' organizations, and local school foundations; or
- (3) Individuals or for-profit entities, provided that such fee office contracts are awarded through a competitive bidding process.

The fee office contract requirements apply to all contracts awarded on or after August 28, 2008.

STEPHEN WITTE

12/01/2007 Prefiled
 01/09/2008 S First Read--SB 808-Engler and Bray (S14)
 01/10/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S75)
 02/25/2008 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2008

*** SB 809 *** SCS SB 809

3492S.02C

SENATE SPONSOR: Stouffer

SCS/SB 809 - Under this act, on the date the commission approves funding for any phase or portion of construction or reconstruction of Interstate 70 or Interstate 44, the rules in effect for outdoor advertising on August 27, 1999, shall be reinstated for that section of highway scheduled for construction and there shall immediately be a moratorium imposed on the issuance of state sign permits for new sign structures.

Owners of existing signs which meet the requirements for outdoor advertising in effect on August 27, 1999, and the requirements of the federal/state agreement and who voluntarily execute a partial waiver and reset agreement may reset such signs on the same or adjoining property. Such reset agreements shall be contingent upon obtaining any required local approval to reset the sign structure. Any sign which has been reset must still comply with the August 27, 1999 outdoor advertising regulations after it has been reset.

Owners of existing signs who elect to reset qualifying signs shall receive compensation representing the actual cost to reset the existing sign. Signs which have been reset under the act must be reconstructed of the same type materials and may not exceed the square footage of the original sign structure.

Sign owners may elect to reset existing qualifying signs by executing a partial waiver and reset agreement with the commission.

Upon the completion of construction on any section of Interstate 70 or Interstate 44, the moratorium on new permits shall be lifted and the rules for outdoor advertising in effect on the date the construction is completed shall apply to such section of highway.

Local zoning authorities may prohibit the resetting of qualifying signs which fail to comply with local regulations, but local authorities which choose to prohibit such resetting shall reimburse the commission the cost to condemn such signs less the cost to reset the sign under the act.

STEPHEN WITTE

12/01/2007 Prefiled
 01/09/2008 S First Read--SB 809-Stouffer (S14)
 01/10/2008 Second Read and Referred S Transportation Committee (S75)
 01/30/2008 Hearing Cancelled S Transportation Committee
 02/13/2008 Hearing Conducted S Transportation Committee
 02/20/2008 SCS Voted Do Pass S Transportation Committee (3492S.02C)
 02/21/2008 Reported from S Transportation Committee to Floor w/SCS (S342)
 03/03/2008 S Formal Calendar S Bills for Perfection--SB 809-Stouffer, with SCS

EFFECTIVE: August 28, 2008

*** SB 810 ***

3574S.011

SENATE SPONSOR: Stouffer

SB 810 - The act requires that all diesel fuel sold at retail in Missouri on and after April 1, 2010 shall be a biodiesel-blended fuel.

Under current law, if a distributor is not able to obtain fuel ethanol or fuel ethanol-blended gasoline at the terminal at the same or lower price as unblended gasoline, it is not considered a violation for the distributor and retailer to purchase or sell unblended gasoline. The act removes this exception, which means the retailers must sell fuel ethanol-blended gasoline regardless of its cost in comparison to unblended gasoline.

Diesel fuel used by railroads and nuclear power generation facilities are exempt from the act's provisions. The Director of the Department of Agriculture may exempt additional fuel uses from the requirements of the act. Under current law, the Governor may issue an Executive Order to waive any of the current fuel-ethanol requirements for reasons related to air quality. The act removes the air quality criteria, thereby allowing the Governor to issue an Executive Order to waive the current fuel ethanol or the act's biodiesel requirements for any reason.

In promulgating rules for the act, the Department of Agriculture shall, as much as practicable, apply to

biodiesel producers the requirements of an "accredited producer" in the BQ-9000 program of the National Biodiesel Accreditation Commission.

Beginning January 1, 2010, fuel terminals in Missouri that sell diesel fuel shall sell biodiesel, conventional diesel fuel, and biodiesel-blended fuel that contains 5% biodiesel by volume, but it shall not be considered a violation for a terminal to sell biodiesel-blended fuel that contains more than 5% biodiesel by volume provided any such sale adheres to notification requirements promulgated by the Department of Agriculture.

Current law allows fuel retailers, wholesalers, distributors, and marketers to purchase fuel ethanol from any terminal, position holder, fuel ethanol producer, wholesaler, or supplier. The act allows these entities to purchase biodiesel in the same manner.

The Department of Agriculture shall develop cold temperature operability standards for biodiesel and shall enforce the standards beginning January 1, 2010.

Anyone who manufactures biodiesel that does not meet the quality standard as promulgated by the Department of Agriculture may be subject to a penalty of up to \$10,000 per violation as well as be subject to a cease and desist order.

This act is similar to HCS/SS#2/SCS/SB 204 (2007).

ERIKA JAQUES

12/01/2007 Prefiled
01/09/2008 S First Read--SB 810-Stouffer (S14)
01/10/2008 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S75)

EFFECTIVE: August 28, 2008

*** SB 811 ***

3508S.011

SENATE SPONSOR: Stouffer

SB 811 - 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, 2008, unless reauthorized.

STEPHEN WITTE

12/01/2007 Prefiled
01/09/2008 S First Read--SB 811-Stouffer (S14)
01/14/2008 Second Read and Referred S Ways & Means Committee (S81)
02/25/2008 Hearing Conducted S Ways & Means Committee

EFFECTIVE: August 28, 2008

*** SB 812 ***

3066S.011

SENATE SPONSOR: Wilson

SB 812 - 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 60 (2007).

SUSAN HENDERSON MOORE

12/01/2007 Prefiled
01/09/2008 S First Read--SB 812-Wilson and Smith (S14)
01/14/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S81)

EFFECTIVE: August 28, 2008

*** SB 813 ***

3519S.011

SENATE SPONSOR: Wilson

SB 813 - This act makes ownership, possession or discharge of a stun gun or taser gun an unlawful use of a weapon, which is a Class D felony. However, this prohibition does not apply to peace officers, prison employees, members of the armed forces while on duty, 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.

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 is identical to SB 309 (2005).

SUSAN HENDERSON MOORE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 813-Wilson (S14)

01/14/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S81)

EFFECTIVE: August 28, 2008

*** SB 814 ***

3597S.011

SENATE SPONSOR: Wilson

SB 814 - This act modifies the distressed areas land assemblage tax credit program definition of the term "eligible project area", by decreasing the size requirement for the area from seventy-five acres to forty acres. The requirement that eligible parcels acquired by the applicant within the eligible project area total at least fifty acres has been reduced to at least thirty acres.

JASON ZAMKUS

12/01/2007 Prefiled

01/09/2008 S First Read--SB 814-Wilson (S15)

01/14/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S81)

01/30/2008 Hearing Conducted S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2008

*** SB 815 ***

3375S.011

SENATE SPONSOR: Goodman

SB 815 - The act creates the Farm Mentoring and Education Authority, which shall be housed within the University of Missouri Extension Service. The Authority shall administer the Farm Mentoring and Education program, which consists of educational programming aimed at helping individuals plan and begin sustainable farm enterprises. The act provides guiding principles for the provision of the educational programming.

The act creates the Farm Mentoring and Education Fund to be administered by the Authority. The act authorizes the General Assembly to appropriate up to \$99,000 to the fund per fiscal year. The fund shall be utilized for the educational programming and for salaries for a program director and staff. Any balance in the fund at the end of each biennium in excess of 200% of the previous year's expenditures shall be transferred to the general revenue fund.

The Authority shall rotate the administration of the educational programming to a different extension service region each year.

The provisions of the act sunset after 6 years.

This act is similar to SS/SB 417 (2007) and SB 1222 (2006).

ERIKA JAQUES

12/01/2007 Prefiled

01/09/2008 S First Read--SB 815-Goodman (S15)

01/14/2008 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S81)

02/12/2008 Hearing Conducted S Agriculture, Conservation, Parks & Natural Resources Committee

02/19/2008 Voted Do Pass S Agriculture, Conservation, Parks & Natural Resources Committee

EFFECTIVE: August 28, 2008

*** SB 816 ***

3175S.02I

SENATE SPONSOR: Goodman

SB 816 - This act allows Taney County and any city, town, or village within such county to form a Theater, Cultural Arts, and Entertainment District.

SUSAN HENDERSON MOORE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 816-Goodman (S15)

01/14/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S81)

EFFECTIVE: August 28, 2008

*** SB 817 ***

3320S.01I

SENATE SPONSOR: Goodman

SB 817 - This act provides that no licensed health care professional shall charge, bill, or solicit payment for anatomic pathology services, unless the services are rendered personally by the health care professional or under the health care professional's direct supervision. No patient, insurer, third-party payor, hospital, public health clinic, or nonprofit health clinic shall be required to reimburse any licensed health care professional for charges or claims submitted in violation of this act. The provisions of this act shall not be construed to mandate the assignment of benefits for anatomic pathology services. Nothing will prohibit the billing of a referring laboratory for services when samples must be sent to another specialist nor will a referring physician be prohibited from sending a patient's specimen to any laboratory providing anatomic pathology services.

A clinical laboratory or physician, located in Missouri or in another state, providing anatomic pathology services for patients in this state shall present a bill for services only to the patient directly and other certain prescribed entities. The licenses of health care professionals violating the provisions of this act may be subject to disciplinary action.

This act is identical to SB 467 (2007).

ADRIANE CROUSE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 817-Goodman (S15)

01/14/2008 Second Read and Referred S Health and Mental Health Committee (S81)

02/05/2008 Hearing Conducted S Health and Mental Health Committee

02/19/2008 Voted Do Pass S Health and Mental Health Committee

02/28/2008 Reported from S Health and Mental Health Committee to Floor (S393)

03/03/2008 S Formal Calendar S Bills for Perfection--SB 817-Goodman

EFFECTIVE: August 28, 2008

*** SB 818 ***

SCS SBs 818 & 795

3614S.03C

SENATE SPONSOR: Rupp

SCS/SBs 818 & 795 - This act modifies provisions relating to crimes of harassment and search warrants.

Section 160.261

This section requires school boards to have a written policy requiring school administrators to report crimes of harassment and stalking committed on school property to law enforcement committed.

Section 542.276

Currently, a search warrant shall be executed as soon as practicable and shall expire if not executed and the return made within ten days after the date of making the application. Under this act, a search and any subsequent searches of the contents of any property, article, material, or substance seized and removed from the location of the execution of any search warrant during its execution may be conducted at any time during or after the execution of the warrant, subject to the continued existence of probable cause to search. A

search and any subsequent searches may be conducted after the time for delivering the warrant, return, and receipt to the issuing judge has expired. A supplemental return and receipt shall be delivered to the judge upon final completion of any search which ends after the expiration of time for delivering the original return and receipt.

SECTION 565.090

Currently, the crime of harassment includes communications meant to frighten or disturb another person. Under this section, communications conducted to knowingly frighten, intimidate, or cause emotional distress to another person are included. Harassment includes communications by any means. The crime also includes using unwanted expressions that put the person in reasonable apprehension of offensive physical contact or harm and knowingly making unwanted communications with a person. A person also commits such crime by knowingly and without good cause engaging in any other act that frightens, intimidates, disturbs or causes emotional distress to another person.

A person also commits harassment by knowingly communicating with another person who is, or who purports to be, seventeen years of age or younger and in so doing and without good cause knowingly makes a misrepresentation or conceals a material fact relating to the identity, age, residence, or location of himself or herself.

Currently, harassment is a class A misdemeanor. Under this section, it is a Class A misdemeanor unless 1) committed by a person twenty-one years of age or older against a person seventeen years of age or younger, 2) the person commits certain acts with the purpose of frightening, intimidating, or causing emotional disturbance or distress to the other person, or 3) the person has previously committed the crime of harassment. In such cases, harassment is a class D felony.

This section shall not apply to activities of law enforcement officers conducting investigations.

SECTION 565.225

This section expands the crime of stalking to include any course of conduct with two or more acts over a period of time that is communicated by any means. A "credible threat" includes those made with the intent to cause the person who is the target to reasonably fear for his or her family's safety or family pet's safety, and not only his or her own safety. Under this section, the definition of "harasses" is modified to include conduct directed at a specific person that serves no legitimate purpose, that would cause a reasonable person to be frightened or intimidated, as well as emotionally disturbed or distressed.

A person must only purposely harass a person, rather than purposely and repeatedly harass, to commit the crime of stalking or aggravated stalking.

Currently, a person commits the crime of aggravated stalking by purposely and repeatedly harassing another person and making a credible threat with the intent to place that person in reasonable fear of death or serious physical injury. Under this section, a person commits such crime by purposely harassing another person and 1) making a credible threat; 2) at least one of the actions constituting the offense is a violation of an order of protection about which the person received notice; 3) at least one action constituting the offense is a probation, parole, or release of bond violation; 4) the other person is seventeen years of age or younger and the person harassing such person is twenty-one years or older; or 5) he or she has previously pleaded guilty to or been found guilty of domestic assault, violation of a protection order, or any other crime where the other person was the victim.

Currently, stalking is a class A misdemeanor for a first offense and a Class D felony for a second offense committed within five years of the first offense. Under this section, stalking is a Class A misdemeanor unless the person has previously committed a stalking offense, in which case, it is a Class D felony.

Currently, aggravated stalking is a Class D felony for a first offense and a Class C felony for a second offense committed within five years of the first offense. Under this section, aggravated stalking is Class C felony unless the person has previously committed a stalking offense, in which case, it is a Class B felony.

This section shall not apply to activities of law enforcement officers conducting investigations.

SUSAN HENDERSON MOORE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 818-Rupp, et al (S15)

01/14/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S81)

01/28/2008 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

02/04/2008 SCS Voted Do Pass w/ SB 795 S Judiciary and Civil & Criminal Jurisprudence Committee (3614S.03C)
 02/14/2008 Reported from S Judiciary and Civil & Criminal Jurisprudence Committee to Floor w/SCS (S245)
 02/19/2008 Bill Placed on Informal Calendar (S271)
 03/03/2008 S Informal Calendar S Bills for Perfection--SBs 818 & 795-Rupp, et al, with SCS

EFFECTIVE: August 28, 2008

*** SB 819 ***

3103S.05I

SENATE SPONSOR: Rupp

SB 819 - This act modifies various provisions relating to dog fighting.

SECTION 513.605

This act adds dog fighting to the list of offenses which are subject to the Criminal Activity Forfeiture Act.

SECTION 578.025

This act increases the penalty for being a spectator at a dog fighting event from a Class A misdemeanor to a Class D felony for a second or subsequent offense.

SECTION 578.026

Any authorized public health official or law enforcement officer may seek a warrant to allow him or her to enter private property to inspect, care for, or impound dogs that are the subject of a dogfighting violation.

Any law enforcement officer, who has probable cause to believe a violation of the dog fighting provisions has occurred and who has the authority to make a lawful seizure, shall take possession of the dogs and other property used in the violation.

The officer or official taking possession of the dog or property shall file with the court an affidavit verifying certain information relating to the violation and stating that he or she has reason to believe a violation has or was about to occur.

A person performing a lawful seizure because of a dog fighting violation, whether acting under the authority of a warrant or not, shall be given a disposition hearing within 30 days of the filing of the request in order to grant immediate disposition of the impounded dog. The person seizing the dog shall place it in the care of a veterinarian, animal shelter, or animal control authority. If such people are not available, the dog shall not be impounded unless diseased or disabled. The dog shall be humanely killed if a veterinarian determines the dog is diseased or disabled beyond recovery. No person who lawfully seizes a dog shall be liable for necessary property damage.

Owners of an impounded dog may prevent disposition of the dog by posting bond in an amount sufficient to cover the dog's care for 30 days. The authority with custody may dispose of the dog at the end of such time unless there is a court order prohibiting it. The court order shall provide for a bond or other security in an amount to cover the cost of care, keeping, or disposal of the dog.

The owner of a dog humanely killed under this act shall not be entitled to recover damages for the value of the dog if it was found by a veterinarian to be diseased or disabled or if the owner failed to post bond for its care and disposition after being notified of the impoundment.

SECTION 578.030

This act repeals provisions requiring dogs that are subject to a dog fighting violation be kept until a conviction or final discharge occurs with the case.

SUSAN HENDERSON MOORE

12/01/2007 Prefiled
 01/09/2008 S First Read--SB 819-Rupp and Graham (S15)
 01/14/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S81)
 02/25/2008 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2008

*** SB 820 ***

3496S.02P

SENATE SPONSOR: Rupp

SB 820 - This act allows a county, after meeting the required assessed valuation, to become a second class county upon a vote of the governing body to change classifications. Currently, a county can only change classifications by a vote of the governing body if it is becoming a first class county; otherwise, the county must be at the required assessed valuation for five years before changing classifications. The effective date of the change in classification shall be at the beginning of the county fiscal year following the election by the governing body.

SUSAN HENDERSON MOORE

12/01/2007 Prefiled
 01/09/2008 S First Read--SB 820-Rupp (S15)
 01/14/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S81)
 01/23/2008 Hearing Conducted S Economic Development, Tourism & Local Government Committee
 01/30/2008 Voted Do Pass S Economic Development, Tourism & Local Government Committee
 02/06/2008 Committee Vote Reconsidered
 02/06/2008 Voted Do Pass S Economic Development, Tourism & Local Government Committee - Consent
 02/07/2008 Reported from S Economic Development, Tourism & Local Government Committee to Floor - Consent (S199)
 02/19/2008 S Third Read and Passed - Consent (S275 / H296)
 02/20/2008 H First Read (H296)
 02/21/2008 H Second Read (H302)

EFFECTIVE: August 28, 2008

*** SB 821 *** SCS SB 821

3440S.05C

SENATE SPONSOR: Shoemyer

SCS/SB 821 - This act modifies the membership of the MO HealthNet Oversight Committee by adding an optometrist, a nurse, a mental health professional, and a representative from a rural health clinic.

This act also specifies that the committee shall have three patient advocates rather than two. Of the three advocates, one advocate shall represent children, one the disabled, and one the elderly community.

This act is similar to SB 923 (2008) and SB 987 (2008).

ADRIANE CROUSE

12/01/2007 Prefiled
 01/09/2008 S First Read--SB 821-Shoemyer (S15)
 01/14/2008 Second Read and Referred S Health and Mental Health Committee (S81)
 01/29/2008 Hearing Conducted S Health and Mental Health Committee
 02/12/2008 SCS Voted Do Pass S Health and Mental Health Committee (3440S.05C)
 02/14/2008 Reported from S Health and Mental Health Committee to Floor w/SCS (S245)
 02/19/2008 Bill Placed on Informal Calendar (S271)
 02/25/2008 SS for SCS S offered & Ruled out of order (Shoemyer)--(3440S.06F) (S353)
 02/25/2008 Bill Placed on Informal Calendar (S353)
 03/03/2008 S Informal Calendar S Bills for Perfection--SB 821-Shoemyer, with SCS (pending)

EFFECTIVE: August 28, 2008

*** SB 822 ***

3239S.02I

SENATE SPONSOR: Shoemyer

SB 822 - This act allows the governing body of a city, town, village or county to submit a proposal to the voters of such city, town village or county allowing the municipality 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 city, town village or county.

JASON ZAMKUS

12/01/2007 Prefiled
 01/09/2008 S First Read--SB 822-Shoemyer (S15)
 01/14/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S81)

01/30/2008 Hearing Conducted S Economic Development, Tourism & Local Government Committee
 02/06/2008 Voted Do Pass S Economic Development, Tourism & Local Government Committee
 02/28/2008 Reported from S Economic Development, Tourism & Local Government Committee to Floor -
 Consent (S392)
 02/28/2008 Corrected committee report submitted (S394)
 02/28/2008 Reported from S Economic Development, Tourism & Local Government Committee to Floor
 (S394)
 03/03/2008 S Formal Calendar S Bills for Perfection--SB 822-Shoemyer

EFFECTIVE: August 28, 2008

*** SB 823 ***

3242S.011

SENATE SPONSOR: Shoemyer

SB 823 - This act exempts sales of radios, designed for the primary purpose of receiving transmissions of weather forecasts and warnings provided by the National Oceanic and Atmospheric Administration, from state and local sales and use tax.

JASON ZAMKUS

12/01/2007 Prefiled
 01/09/2008 S First Read--SB 823-Shoemyer (S15)
 01/14/2008 Second Read and Referred S Ways & Means Committee (S81)
 02/18/2008 Hearing Conducted S Ways & Means Committee
 02/25/2008 Voted Do Pass S Ways & Means Committee

EFFECTIVE: August 28, 2008

*** SB 824 ***

3668S.011

SENATE SPONSOR: Justus

SB 824 - 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 266 (2007).

SUSAN HENDERSON MOORE

12/01/2007 Prefiled
 01/09/2008 S First Read--SB 824-Justus (S15)
 01/14/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S81)

EFFECTIVE: August 28, 2008

*** SB 825 ***

3118S.011

SENATE SPONSOR: Justus

SB 825 - The act increases the fee collected by each recorder of deeds to be deposited from \$3 to \$10. Nine dollars of the ten dollar fee shall be deposited into the Missouri Housing Trust Fund. The remaining one dollar of the ten dollar fee shall be forwarded by the recorder to the county treasurer to be deposited into the county treasury for use by the recorder's office.

This act is similar to SB 344 (2007).

SUSAN HENDERSON MOORE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 825-Justus (S15)

01/14/2008 Second Read and Referred S Ways & Means Committee (S81)

EFFECTIVE: August 28, 2008

*** SB 826 ***

3381S.011

SENATE SPONSOR: Justus

SB 826 - Currently, a liquor license cannot be denied, suspended, or revoked solely based on the fact that an employee of a licensee has been convicted of a felony unrelated to the manufacture or sale of liquor as long as the employee is not directly participating in retail sales of such liquor. This act would prohibit a liquor license from being denied, suspended, or revoked because of such employee's conviction regardless of whether he or she were involved in retail sales. The act specifies that the rules promulgated by the Division of Alcohol and Tobacco Control may include provisions regarding offenders and the type of employment in licensed establishments in which different offenders may engage.

SUSAN HENDERSON MOORE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 826-Justus (S16)

01/14/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S81)

01/23/2008 Hearing Conducted S Economic Development, Tourism & Local Government Committee

02/27/2008 Voted Do Pass S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2008

*** SB 827 ***

3389S.021

SENATE SPONSOR: Smith

SB 827 – This act allows a metropolitan school district to offer an increased starting salary for teachers of math, science, special education, and English as a second language in order to attract and retain qualified teachers. The amount of the salary increase shall be between \$3,000 and \$5,000, as determined by the school district. This act creates the Metropolitan School District Improvement Fund in the state treasury.

This act is similar to a provision contained in SB 690 (2007).

MICHAEL RUFF

12/01/2007 Prefiled

01/09/2008 S First Read--SB 827-Smith (S16)

01/14/2008 Second Read and Referred S Education Committee (S81)

EFFECTIVE: August 28, 2008

*** SB 828 ***

3622S.011

SENATE SPONSOR: Smith

SB 828 – Current law provides that a public school district in any city not within a county shall determine whether a school uniform is appropriate at any school in the district. This act requires any school district classified as "unaccredited" or "provisionally accredited" by the state board of education to adopt a dress code policy requiring students to wear uniforms. Schools that meet certain criteria are not required to adopt a dress code policy but may do so if they choose.

This act is similar to a provision contained in SB 690 (2007).

MICHAEL RUFF

12/01/2007 Prefiled

01/09/2008 S First Read--SB 828-Smith (S16)

01/14/2008 Second Read and Referred S Education Committee (S81)

EFFECTIVE: August 28, 2008

*** SB 829 ***

3623S.011

SENATE SPONSOR: Smith

SB 829 – This act requires a metropolitan school district to maintain a ratio of eighteen students per one teacher for grades kindergarten through three, subject to appropriations.

MICHAEL RUFF

12/01/2007 Prefiled

01/09/2008 S First Read--SB 829-Smith (S16)

01/14/2008 Second Read and Referred S Education Committee (S81)

EFFECTIVE: August 28, 2008

*** SB 830 ***

SCS SB 830

3061S.02P

SENATE SPONSOR: Coleman

SCS/SB 830 - This act shall be known as the "Missouri Returning Heroes' Education Act." The act provides that all institutions of higher education that receive any state funds shall limit the tuition charged to combat veterans to fifty dollars per credit hour, for any program leading to a certificate, or an associate or baccalaureate degree. A "combat veteran" is 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.

An eligible combat veteran shall receive the tuition limitation as long as the veteran achieves and maintains a cumulative grade point average of at least two and one-half points on a four point scale, or its equivalent. The eligibility period for the tuition limitation shall expire ten years from the date of the veteran's last discharge from service.

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. Any other financial assistance for which the veteran is eligible must be reported to the board, and no combat veteran shall receive more than the actual cost of attendance when the limitation is combined with any other financial assistance made available to such veteran.

This act is similar to SB 1029 (2006) and SCS/SB 75 (2007).

ALEXA PEARSON

12/01/2007 Prefiled

01/09/2008 S First Read--SB 830-Coleman (S16)

01/14/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S81)

01/23/2008 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee

01/30/2008 SCS Voted Do Pass S Pensions, Veterans' Affairs and General Laws Committee (3061S.02C)

02/07/2008 Reported from S Pensions, Veterans' Affairs and General Laws Committee to Floor w/SCS (S200)

02/13/2008 SA 1 to SCS S offered & withdrawn (Shields)--(3061S02.01S) (S234)

02/13/2008 SCS S adopted (S234)

02/13/2008 Perfected (S234)

02/14/2008 Reported Truly Perfected S Rules Committee (S243)

02/18/2008 S Third Read and Passed (S257)

02/18/2008 H First Read (H264)

02/19/2008 H Second Read (H297)

EFFECTIVE: August 28, 2008

*** SB 831 ***

3445S.011

SENATE SPONSOR: Coleman

SB 831 – This act modifies certain calculations used in determining aid to school districts under the elementary and secondary school funding formula. Current law provides that current operating expenditures shall include, in part, any increases in state funding subsequent to fiscal year 2005, not to exceed 5%, per recalculation, of state revenue, received by a district in the 2004-2005 school year. This act removes the 5% limit on increases in state funding per recalculation.

This act defines "Gifted Education Pupil Count," as the number of students who qualify as "gifted" under Section 162.675 and who are enrolled in a school district's gifted education program on the last Wednesday in January for the preceding school year.

This act modifies the definition of "weighted average daily attendance." Currently, the definition is computed, in part, by adding the average daily attendance plus the product of .25 multiplied by the free and reduced lunch pupil count that exceeds the free and reduced lunch threshold. This act changes the multiplier from .25 to 1.5 and also adds the product of .20 multiplied by the number of the district's gifted education pupil count to the previous calculation.

This act contains provisions similar to SB 625 (2007).

MICHAEL RUFF

12/01/2007 Prefiled

01/09/2008 S First Read--SB 831-Coleman (S16)

01/14/2008 Second Read and Referred S Education Committee (S81)

EFFECTIVE: August 28, 2008

*** SB 832 ***

3516S.011

SENATE SPONSOR: Coleman

SB 832 – This act establishes procedures by which school districts, boards of education, or consortiums of school districts can create teacher resource centers to provide professional support services to teachers. The Commissioner of Education shall provide funds for the establishment of teacher resource centers within available appropriations and as described below. This act describes procedures for applications to create a teacher resource center, review by DESE for approval/disapproval, and procedures for operation.

Currently, in order to be eligible for state aid, a school district must allocate one percent of the moneys it receives from the state for a professional development committee in the district. Currently, \$18 million is distributed by the commissioner of education to address statewide areas of critical need for learning and development. This act provides that such money can be distributed to teacher resource centers. Beginning in fiscal year 2009, no less than \$2 million shall be distributed by the state board of education and the Commissioner of Education to the various teacher resource centers. Currently, such money is distributed to the "Success Leads to Success" grant program.

This act creates the Teacher Resource Center Fund. Money in the act shall be used only for teacher resource centers.

MICHAEL RUFF

12/01/2007 Prefiled

01/09/2008 S First Read--SB 832-Coleman (S16)

01/14/2008 Second Read and Referred S Education Committee (S81)

EFFECTIVE: August 28, 2008

*** SB 833 ***

3521S.011

SENATE SPONSOR: Bartle

SB 833 – This act allows school boards to adopt policies that would provide additional stipends to math and science teachers. School boards may determine the amount of a stipend. This act also changes teacher licensing requirements and would allow teacher certification for individuals who have earned a bachelor's degree in math or science.

MICHAEL RUFF

12/01/2007 Prefiled

01/09/2008 S First Read--SB 833-Bartle (S16)

01/14/2008 Second Read and Referred S Education Committee (S81)

01/30/2008 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2008

*** SB 834 ***

3382S.011

SENATE SPONSOR: Bartle

SB 834 - Under this act, a person has an absolute defense against civil liability or criminal prosecution for killing or injuring a dog, if such person's actions were based on the reasonable belief that he or she, or

another person, was in imminent danger of being harmed by the dog. It is prima facie evidence that a person considered himself to be in "imminent danger" from a dog if such dog had at least twice previously trespassed onto the person's property, and if the person had notified the county sheriff or local animal control authority on the occasion of each prior trespass. A court shall award all reasonable costs to the defendant in any such suit if evidence shows the defendant is entitled to the absolute defense as described.

The owner of a dog who bites a person while in a public or lawful private place shall be strictly liable for damages to the bitten individual. Owners of such dogs shall also be strictly liable for any damage incurred to property or livestock by their dogs. If a dog owner is found liable by a court for such damages, the owner shall also be assessed a civil fine up to \$1,000.

When a dog that has previously bitten a person or domestic animal without provocation, subsequently bites a person or domestic animal again, the owner shall be guilty of a Class B misdemeanor. However, if the offense results in severe injury it shall be a Class A misdemeanor or if it results in death it shall be a class C felony. Any such dog, or a dog that inflicts severe injury or death on the first biting occasion, shall be seized by the animal control authority or county sheriff who shall notify the dog's owner in writing. The dog shall be impounded for ten business days after notice has been provided to the owner, after which time the dog shall be destroyed. Appeal procedures are provided in the act.

The act's provisions do not apply to dogs who bite a person while such person is engaged in criminal activity at the time of attack. Certain instances of trespassing are not considered "criminal activity" under the act. Dogs owned or utilized by a law enforcement agency who bite in the course of their employ are exempt from the provisions of the act.

ERIKA JAQUES

12/01/2007 Prefiled

01/09/2008 S First Read--SB 834-Bartle (S16)

01/14/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S81)

02/25/2008 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2008

*** SB 835 ***

3181S.011

SENATE SPONSOR: Bray

SB 835 - 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 354 (2007).

SUSAN HENDERSON MOORE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 835-Bray and Days (S16)

01/14/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S82)

EFFECTIVE: August 28, 2008

*** SB 836 ***

3180S.011

SENATE SPONSOR: Bray

SB 836 - 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 or injury to 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 identical to SB 144 (2007).
SUSAN HENDERSON MOORE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 836-Bray (S16)

01/14/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S82)

EFFECTIVE: August 28, 2008

*** SB 837 ***

3176S.011

SENATE SPONSOR: Bray

SB 837 - This act revises provisions concerning the employment of 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 policy making 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), SCS/SB 734 (2006), and SB 146 (2007).

CHRIS HOGERTY

12/01/2007 Prefiled

01/09/2008 S First Read--SB 837-Bray (S16)

01/14/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S82)

EFFECTIVE: August 28, 2008

*** SB 838 ***

3289S.011

SENATE SPONSOR: Engler

SB 838 - Under current law, a qualified fuel ethanol producer is eligible for a monthly grant for fuel ethanol produced from Missouri agricultural products. This act allows such fuel ethanol to also be produced from biomass that is qualified by the Agricultural and Small Business Development Authority in consultation with the Conservation Commission.

Fuel ethanol grant incentives paid for fuel ethanol produced from biomass are authorized between January 1, 2009 and December 31, 2019, not to exceed \$10 million per year.

This act is similar to SCS/SB 499 (2007) and similar to HCS/HB 709 (2007).

ERIKA JAQUES

12/01/2007 Prefiled

01/09/2008 S First Read--SB 838-Engler (S17)

01/14/2008 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S82)

EFFECTIVE: August 28, 2008

*** SB 839 ***

3373S.011

SENATE SPONSOR: Engler

SB 839 – Current law provides that certain payments made from any source by a school district that result in the transfer of the title of real property to the school district shall be deducted as an adjustment to the funds payable to the district under the school funding formula. This act provides that any school district that leased modular buildings in fiscal year 2004, with lease payments made from the incidental fund and that initiates the transfer of title to the district after fiscal year 2007 shall not have an adjustment of funds take place.

MICHAEL RUFF

12/01/2007 Prefiled

01/09/2008 S First Read--SB 839-Engler (S17)

01/14/2008 Second Read and Referred S Education Committee (S82)

EFFECTIVE: August 28, 2008

*** SB 840 ***

SCS SBs 840 & 857

3393S.02C

SENATE SPONSOR: Engler

SCS/SBs 840 & 857 - The act expands eligibility on the state's no-call list to include personal cell phone numbers. Current law prohibits certain types of telephone solicitations to persons on the no-call list. This act additionally prohibits these same types of solicitations via faxing, graphic imaging, or data communication (which includes text messaging).

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

- that a person has given permission to receive;
- relating to a recent or current business or personal relationship;
- that are preceded by a live operator who announces the automated message;
- from a public safety agency or other entity notifying a person of an emergency;
- from a telecommunications company or its directory publisher affiliates made solely to verify the delivery of products or services provided at no charge to the individual called; and
- for the purpose of taking polls on public policy matters, political candidates, or issues to be put before the voters.

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 provision may be subject to penalties associated with certain unlawful merchandising practices.

Violators of this act may be subject to a civil penalty up to \$5,000 per knowing violation. Individuals who receive more than one automated call or political solicitation 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. It shall not be considered a violation of the act for an automated call message to be left on the answering machine or voice mail of a person whose number is registered on the no-call list, provided that the automated message is announced by a live operator.

The act also requires that anyone making a political phone call to a Missouri resident must include a "paid for by" statement. A committee making political phone calls must be registered with the Missouri Ethics Commission. Businesses and other non-committee organizations making political phone calls must register with the Secretary of State and the Missouri Ethics Commission and must disclose on whose behalf the organization is making the calls. Records must be kept for two years after the date an organization receives payment for political solicitation services rendered.

Entities that give out the phone number of an elected official in a political radio advertisement must register with the Missouri Ethics Commission and disclose who is paying for the advertisement.

The Secretary of State shall provide a summary of the political phone call requirements to any candidate who files for an elective office.

Violations of the political-related solicitations may be referred to the Missouri Ethics Commission.

This act contains an emergency clause.

This act is similar to SS/SCS/SBs 49, 65, 210, 251 (2007) and SCS/HB 801 (2007).

ERIKA JAQUES

12/01/2007 Prefiled
 01/09/2008 S First Read--SB 840-Engler and Kennedy (S17)
 01/14/2008 Second Read and Referred S Commerce, Energy and the Environment Committee (S82)
 01/17/2008 Hearing Conducted S Commerce, Energy and the Environment Committee
 01/24/2008 SCS Voted Do Pass (w/SCS/SBs 840 & 857) S Commerce, Energy and the Environment Committee (3393S.02C)
 02/07/2008 Reported from S Commerce, Energy and the Environment Committee to Floor w/SCS (S200)
 02/19/2008 Bill Placed on Informal Calendar (S271)
 03/03/2008 S Informal Calendar S Bills for Perfection--SBs 840 & 857-Engler, with SCS

EFFECTIVE: August 28, 2008

*** SB 841 ***

3510S.01P

SENATE SPONSOR: Stouffer

SB 841 - 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 102 (2007) and SB 969 (2006).

STEPHEN WITTE

12/01/2007 Prefiled
 01/09/2008 S First Read--SB 841-Stouffer (S17)
 01/14/2008 Second Read and Referred S Transportation Committee (S82)
 01/23/2008 Hearing Conducted S Transportation Committee
 01/30/2008 Voted Do Pass S Transportation Committee
 02/20/2008 Voted Do Pass S Transportation Committee-Consent
 02/21/2008 Reported from S Transportation Committee to Floor - Consent (S342)
 02/28/2008 S Third Read and Passed - Consent (S409)

EFFECTIVE: August 28, 2008

*** SB 842 ***

3491S.01I

SENATE SPONSOR: Stouffer

SB 842 - 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. The billboard voidance provisions are contained in SB 130(2007), HB 744 (2007) and SB 1064 (2006)(sections 226.530 and 226.580).

The act also provides that signs which were legally erected according to legal standards in effect prior to August 28, 2002, but which fail to comply with new legal standards on that date shall be considered as legal conforming out of standard signs under Missouri law. Such signs shall not be considered nonconforming for failure to comply with subsequently adopted sign standards.

STEPHEN WITTE

12/01/2007 Prefiled

01/09/2008 Bill Withdrawn (S17)

EFFECTIVE: August 28, 2008

*** SB 843 ***

3596S.011

SENATE SPONSOR: Wilson

SB 843 - This act creates the "Youth Smoking Prevention Trust Fund," which shall be funded by moneys 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 SCS/SB 109 (2007).

ADRIANE CROUSE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 843-Wilson (S16)

01/14/2008 Second Read and Referred S Seniors, Families and Public Health Committee (S82)

02/14/2008 Hearing Conducted S Seniors, Families and Public Health Committee

EFFECTIVE: August 28, 2008

*** SB 844 ***

3523S.021

SENATE SPONSOR: Rupp

SB 844 – This act requires school districts to request a prospective teacher's personnel file from any previous school of employment prior to extending an offer of employment. A school district that receives a request for a personnel file must send it within three days.

MICHAEL RUFF

12/01/2007 Prefiled

01/09/2008 S First Read--SB 844-Rupp (S17)

01/14/2008 Second Read and Referred S Education Committee (S82)

01/29/2008 Hearing Cancelled S Education Committee

EFFECTIVE: August 28, 2008

*** SB 845 ***

3502S.01P

SENATE SPONSOR: Rupp

SB 845 - This act prohibits a city, town or village from annexing land owned by the state that is primarily used for recreation, resource conservation, or natural or cultural resource preservation, if the sole purpose of annexing such land is to allow the city to annex land that is not otherwise contiguous to the city, town or village except through the state-owned land.

ERIKA JAQUES

12/01/2007 Prefiled

01/09/2008 S First Read--SB 845-Rupp and Dempsey (S17)

01/14/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S82)

01/23/2008 Hearing Conducted S Economic Development, Tourism & Local Government Committee

01/30/2008 Voted Do Pass S Economic Development, Tourism & Local Government Committee

02/06/2008 Committee Vote Reconsidered

02/06/2008 Voted Do Pass S Economic Development, Tourism & Local Government Committee - Consent

02/07/2008 Reported from S Economic Development, Tourism & Local Government Committee to Floor - Consent (S199)

02/19/2008 S Third Read and Passed - Consent (S274 / H296)

02/20/2008 H First Read (H296)

02/21/2008 H Second Read (H302)

EFFECTIVE: August 28, 2008

*** SB 846 *** SCS SB 846

3520S.02C

SENATE SPONSOR: Rupp

SCS/SB 846 – This act modifies the laws relating to higher education scholarships.

Current law provides that only public community colleges and public vocational or technical schools may receive A+ Schools Program reimbursements. This act would allow any two-year public or private vocational or technical school to obtain A+ Schools Program reimbursements that meets the following requirements: the school must be a member of the North Central Association and be accredited by the Higher Learning Commission; be designated as a 501(c)(3) non-profit organization; cannot receive tuition reimbursements in excess of the tuition rate charged by public community colleges for coursework offered by private vocational or technical colleges within the service area of the school; and reimbursements provided must not violate provisions of Article IX, section 8, or Article I, section 7 of the Missouri Constitution, or the First Amendment of the United States Constitution. These new requirements shall not apply to public institutions currently receiving A+ reimbursement.

This act creates the "Community College Associate Degree Transfer Incentive Program" to be administered by the Coordinating Board for Higher Education. This program will distribute scholarship money to students at public or private four-year Missouri colleges or universities who graduated from a public Missouri community college or two-year institution and who has transferred to a public or private four-year Missouri college or university. Further eligibility criteria are described therein. The coordinating board must develop performance standards for the program and must submit an annual report to the General Assembly. The program will become effective January 1, 2012 if the General Assembly approves and the Governor signs a specific appropriation.

This act also creates the "Community College Associate Degree Transfer Incentive Program Fund" in the state treasury.

The program will sunset in six years.

This act contains provisions similar to SCS/SB 160 (2007), SB 654 (2006), and SB 91 (2005).

MICHAEL RUFF

12/01/2007 Prefiled

01/09/2008 S First Read--SB 846-Rupp (S17)

01/14/2008 Second Read and Referred S Education Committee (S82)

02/06/2008 Hearing Conducted S Education Committee

02/20/2008 SCS Voted Do Pass S Education Committee (3520S.02C)

02/21/2008 Reported from S Education Committee to Floor w/SCS (S342)

03/03/2008 S Formal Calendar S Bills for Perfection--SB 846-Rupp, with SCS

EFFECTIVE: August 28, 2008

*** SB 847 ***

3628S.011

SENATE SPONSOR: Shoemyer

SB 847 - 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 \$7 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 SB 68 (2007) and HB 1300 (2006).

ERIKA JAQUES

12/01/2007 Prefiled

01/09/2008 S First Read--SB 847-Shoemyer (S17)

01/14/2008 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S82)

EFFECTIVE: August 28, 2008

*** SB 848 ***

3648S.011

SENATE SPONSOR: Shoemyer

SB 848 - The act requires all offices in the state capitol building to be readily accessible to and usable by individuals with disabilities.

ADRIANE CROUSE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 848-Shoemyer (S17)

01/14/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S82)

01/22/2008 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2008

*** SB 849 ***

3503S.011

SENATE SPONSOR: Shoemyer

SB 849 - This act provides that the Office of the Child Advocate shall have the authority to file any findings or reports of the child advocate regarding the parent or child with the juvenile court.

ADRIANE CROUSE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 849-Shoemyer (S17)

01/14/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S82)

EFFECTIVE: August 28, 2008

*** SB 850 ***

SCS SB 850

3117S.02P

SENATE SPONSOR: Justus

SCS/SB 850 - This act requires the Board of Optometry to give ten days' public notice of the time and place of its semiannual meetings. Additional meetings may be held without ten days notice when necessary, provided notice is given to the other board members and to the public in the same manner as required for public meetings of governmental bodies.

CHRIS HOGERTY

12/01/2007 Prefiled

01/09/2008 S First Read--SB 850-Justus (S17)

01/14/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S82)

02/11/2008 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

02/18/2008 SCS Voted Do Pass S Financial & Governmental Organizations and Elections Committee - Consent (3117S.02C)

02/21/2008 Reported from S Financial & Governmental Organizations and Elections Committee to Floor w/SCS - Consent (S340)

02/28/2008 SCS S adopted (S403)

02/28/2008 S Third Read and Passed - Consent (S403)

EFFECTIVE: August 28, 2008

*** SB 851 ***

3374S.021

SENATE SPONSOR: Justus

SB 851 - Currently, a person who has been convicted of a dangerous felony or an equivalent crime in another state or who has been confined for such a crime during the preceding five-year period is prohibited from possessing a concealable firearm. Violation of this section is a Class C felony. Under this act, a person convicted of such a felony shall be prohibited from possessing a concealable firearm regardless of when the person was confined.

SUSAN HENDERSON MOORE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 851-Justus (S18)

01/14/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S82)

EFFECTIVE: August 28, 2008

*** SB 852 ***

3108S.011

SENATE SPONSOR: Smith

SB 852 - This act creates an earned income tax credit to be taken against Missouri income tax liability. The tax credit is non-refundable. For taxable years beginning on or after January 1, 2009, the amount of the tax credit will be equal to five percent of the allowable federal earned income credit. Every two tax years, the amount of the credit is doubled such that for tax years beginning on or after January 1, 2013, the amount of the tax credit will equal twenty percent of the allowable federal earned income credit. The department of revenue is required to notify taxpayers which would qualify for the credit.

This act will automatically sunset six years after the effective date of the act unless reauthorized.

This act is similar to Senate Bill 608 (2007).

JASON ZAMKUS

12/01/2007 Prefiled

01/09/2008 S First Read--SB 852-Smith (S18)

01/14/2008 Second Read and Referred S Ways & Means Committee (S82)

03/03/2008 Hearing Scheduled S Ways & Means Committee

EFFECTIVE: August 28, 2008

*** SB 853 ***

3107S.011

SENATE SPONSOR: Smith

SB 853 - This act adopts an agreement to elect the president by popular vote.

Under the act, each participating state will award its electoral votes to the presidential candidate who receives the majority of the popular vote in all of the states and the District of Columbia. The compact only becomes effective when it is enacted by states that collectively hold a majority of the electoral votes. The agreement terminates when the electoral college is abolished.

This act is identical to HB 289 (2007), and SB 565 (2007).

CHRIS HOGERTY

12/01/2007 Prefiled

01/09/2008 S First Read--SB 853-Smith (S18)

01/14/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S82)

EFFECTIVE: August 28, 2008

*** SB 854 ***

3444S.011

SENATE SPONSOR: Coleman

SB 854 – Current law provides that students are required to earn one unit of credit in Physical Education to graduate from high school. This act would allow a school board to adopt a policy allowing any student who has earned fine arts credit for participation in high school marching band for three or more years to be granted a waiver for one half unit of the physical education graduation requirement. A school board must

hold a public hearing on the question and a majority of the board must vote in favor of the question in order for the policy to be adopted. Any board that votes to adopt such a policy must contact appropriate officials at the Department of Elementary and Secondary Education within thirty days of an affirmative vote. The State Board of Education must make any necessary alterations to bring the state's minimum graduation requirements into compliance with this section.

MICHAEL RUFF

12/01/2007 Prefiled
01/09/2008 S First Read--SB 854-Coleman (S18)
01/14/2008 Second Read and Referred S Education Committee (S82)

EFFECTIVE: August 28, 2008

*** SB 855 ***

3527S.011

SENATE SPONSOR: Coleman

SB 855 - This act adds as a covered service under the MO HealthNet program counseling services for emotional disorders or conditions provided by licensed psychologists, licensed professional counselors, licensed clinical social workers, and licensed marital and family therapists. The services of a licensed marital and family therapist shall be a covered service regardless of whether such therapist is also licensed as a professional counselor.

ADRIANE CROUSE

12/01/2007 Prefiled
01/09/2008 S First Read--SB 855-Coleman (S18)
01/14/2008 Second Read and Referred S Health and Mental Health Committee (S82)
01/29/2008 Hearing Conducted S Health and Mental Health Committee

EFFECTIVE: August 28, 2008

*** SB 856 ***

3293S.01P

SENATE SPONSOR: Engler

SB 856 - This act allows persons who have been awarded the Armed Forces Expeditionary Medal to receive a special license plate inscribed with the words "expeditionary service" and bearing a reproduction of the Armed Forces Expeditionary Medal.

STEPHEN WITTE

12/01/2007 Prefiled
01/09/2008 S First Read--SB 856-Engler (S18)
01/14/2008 Second Read and Referred S Transportation Committee (S82)
01/23/2008 Hearing Conducted S Transportation Committee
01/30/2008 Voted Do Pass S Transportation Committee
02/20/2008 Voted Do Pass S Transportation Committee-Consent
02/21/2008 Reported from S Transportation Committee to Floor - Consent (S343)
02/28/2008 S Third Read and Passed - Consent (S410)

EFFECTIVE: August 28, 2008

*** SB 857 ***

3501S.011

SENATE SPONSOR: Rupp

This bill has been combined with SB 840

12/01/2007 Prefiled
01/09/2008 S First Read--SB 857-Rupp (S18)
01/14/2008 Second Read and Referred S Commerce, Energy and the Environment Committee (S82)
01/17/2008 Hearing Conducted S Commerce, Energy and the Environment Committee
01/24/2008 Bill Combined w/SCS/SBs 840 & 857

EFFECTIVE: August 28, 2008

*** SB 858 ***

3595S.021

SENATE SPONSOR: Rupp

SB 858 - This act modifies the law relating to illegal immigrants.

Under current law, employers who negligently hire unauthorized aliens are ineligible to receive state-administered or subsidized tax credits, tax abatements or loans from the state. Those in violation who knowingly accept such credits, abatements or loans shall, upon conviction, be guilty of a Class A misdemeanor.

This act holds employers accountable for their contractors and subcontractors who hire unauthorized aliens.

Under this act, employers who know or should know that they employ unauthorized aliens on projects involving state-administered or subsidized tax credits, tax abatements or loans from the state shall be fined up to \$25,000 per unauthorized alien for a first offense and up to \$50,000 per unauthorized alien for a subsequent offense. Those who intentionally engage in such activity shall be banned from further projects administered by the agency administering the program.

This act exempts employers from such adverse treatment when the employer's contractors and subcontractors hire unauthorized aliens when the employer requires its general and subcontractors, by contract, to actively participate in a Status Verification System administered by the federal government designed to verify the work authorization of any individual.

Employers shall withhold state income tax at the rate of 6% of the wages paid to the employee subject to withholding or the amount of compensation paid to an individual required to be reported on federal Form 1099 if the individual fails to provide a valid Social Security number. Employers shall be liable for amounts they fail to withhold.

The act creates a private cause of action for those discharged by employers who employ unauthorized aliens at the time of their discharge. Employers enrolled in a status verification system are exempt from liability.

Illegal aliens are barred from attending all public universities in the state.

Under federal law, unlawfully present aliens are not eligible for state or local public benefits with certain exceptions. This act reiterates federal law stating that such aliens are ineligible and the exceptions.

Applicants for benefits shall provide proof of citizenship, residency, or lawful presence in order to receive benefits. If applicants cannot provide such proof they can sign an affidavit attesting to their status and shall be eligible to receive temporary benefits until their status can be determined.

If an applicant is an alien, the applicant shall not receive benefits until lawful presence is verified by the federal government.

This act is similar to SB 1250 (2006), SB 348 (2007), and SB 626 (2007).

CHRIS HOGERTY

12/01/2007 Prefiled

01/09/2008 S First Read--SB 858-Rupp (S18)

01/14/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S82)

03/05/2008 Hearing Scheduled S Pensions, Veterans' Affairs and General Laws Committee

EFFECTIVE: August 28, 2008

*** SB 859 ***

3498S.011

SENATE SPONSOR: Rupp

SB 859 - This act allows health maintenance organizations to offer high deductible health plans provided such high deductible health plans are combined with health savings accounts. The health savings accounts affiliated with high-deductible HMO plans must be funded to cover the deductible for the plan. 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. The proceeds from the tax, however, shall be deposited in the part C early intervention system fund (First Steps Fund). The act

authorizes the department of insurance to assess whether the high-deductible health plans are meeting the act's requirements. If a HMO fails to comply with the act's requirements, the department may revoke or suspend the HMO's authority to issue such health plans. The act requires that the contractual payments rates for covering enrollees in the new high-deductible plans must be negotiated separately from current HMO contracts.

This act is substantially similar to SB 374 (2007).

STEPHEN WITTE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 859-Rupp (S18)

01/14/2008 Second Read and Referred S Health and Mental Health Committee (S82)

EFFECTIVE: August 28, 2008

*** SB 860 ***

3422S.011

SENATE SPONSOR: Shoemyer

SB 860 - This act prohibits the condemnation of property owned by a gun club or sportsmen's club.

SUSAN HENDERSON MOORE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 860-Shoemyer (S18)

01/14/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S82)

EFFECTIVE: August 28, 2008

*** SB 861 ***

3550S.011

SENATE SPONSOR: Shoemyer

SB 861 - This act redefines the term "intoxication-related traffic offense" to include certain traffic offenses involving alcohol regardless of whether the defendant was represented by or waived the right to an attorney in writing. This term is used in the provisions providing enhanced penalties for persons who commit multiple intoxication-related traffic offenses.

SUSAN HENDERSON MOORE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 861-Shoemyer (S18)

01/14/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S82)

01/22/2008 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2008

*** SB 862 ***

3236S.011

SENATE SPONSOR: Shoemyer

SB 862 - This act establishes notification requirements for entities who conduct private investigations on farms to evaluate the origins of agricultural commodities or to enforce trade agreements or contracts associated with genetically-modified agricultural products. The landowner and appropriate local law enforcement shall be notified in writing at least 48 hours prior to the visit, and the landowner shall also be notified on the day of the visit. Violators of the act shall be guilty of trespass and fined no less than \$10,000 per violation.

This act is similar to SB 69 (2007) and HB 1299 (2006).

ERIKA JAQUES

12/01/2007 Prefiled

01/09/2008 S First Read--SB 862-Shoemyer (S18)

01/14/2008 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S82)

EFFECTIVE: August 28, 2008

*** SB 863 ***

3514S.011

SENATE SPONSOR: Rupp

SB 863 - Currently, a participant taxpayer 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.

This act is identical to Senate Bill 224 (2007).

JASON ZAMKUS

12/01/2007 Prefiled

01/09/2008 S First Read--SB 863-Rupp (S19)

01/15/2008 Second Read and Referred S Ways & Means Committee (S89)

02/04/2008 Hearing Conducted S Ways & Means Committee

EFFECTIVE: August 28, 2008

*** SB 864 ***

3515S.011

SENATE SPONSOR: Rupp

SB 864 - 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 shall be deposited into the fund, the purpose of which is to provide a defined contribution system for eligible law enforcement members.

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 defined contribution system established by this act. 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) and SB 373 (2007).

ALEXA PEARSON

12/01/2007 Prefiled

01/09/2008 S First Read--SB 864-Rupp (S19)

01/15/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S89)

EFFECTIVE: August 28, 2008

*** SB 865 ***

SCS SB 865

3277S.04C

SENATE SPONSOR: Rupp

SCS/SB 865 - Under this act, no life insurance company shall deny or refuse to accept an application for

life insurance, refuse to renew, cancel, restrict, or otherwise terminate a policy of life insurance, or charge a different rate for the same life insurance coverage, based upon the applicant's or insured's past or future lawful travel destinations. Nothing in this section shall prohibit a life insurance company from denying an application for life insurance, or charging a different premium or rate for such coverage under such policy based on a specific travel destination where the denial or rate differential is based upon sound actuarial principles or is related to actual or reasonably anticipated experience. Under the act, a violation constitutes an unfair trade practice. The act provides that it shall apply to life insurance policies issued or renewed on or after August 28, 2008.

STEPHEN WITTE

12/01/2007 Prefiled
 01/09/2008 S First Read--SB 865-Rupp and Gibbons (S19)
 01/15/2008 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S89)
 02/12/2008 Hearing Conducted S Small Business, Insurance & Industrial Relations Committee
 02/19/2008 SCS Voted Do Pass S Small Business, Insurance & Industrial Relations Committee (3277S.04C)
 02/28/2008 Reported from S Small Business, Insurance & Industrial Relations Committee to Floor w/SCS (S392)
 03/03/2008 S Formal Calendar S Bills for Perfection--SB 865-Rupp and Gibbons, with SCS

EFFECTIVE: August 28, 2008

*** SB 866 ***

3237S.011

SENATE SPONSOR: Shoemyer

SB 866 - 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.

This act is similar to SB 70 (2007).

CHRIS HOGERTY

12/01/2007 Prefiled
 01/09/2008 S First Read--SB 866-Shoemyer (S19)
 01/15/2008 Second Read and Referred S Ways & Means Committee (S89)

EFFECTIVE: August 28, 2008

*** SB 867 ***

3240S.011

SENATE SPONSOR: Shoemyer

SB 867 - This act requires salaries for state employees, excluding elected officials and certain other public officials, to be annually adjusted according to the most recent percentage change in the Consumer Price Index for Missouri's region as reported by the United States Department of Labor, Bureau of Labor Statistics.

This act is similar to SB 860 (2004), SB 11 (2005), SB 733 (2006), and SB 392 (2007).

CHRIS HOGERTY

12/01/2007 Prefiled
 01/09/2008 S First Read--SB 867-Shoemyer (S19)
 01/15/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S89)

EFFECTIVE: August 28, 2008

*** SB 868 ***

3505S.031

SENATE SPONSOR: Shoemyer

SB 868 - This act makes it an unfair practice for an insurance company not to follow all components of a repair manual when appraising a damaged vehicle. Specifically, it is an unfair trade practice for an automobile insurance company to:

- 1) Modify any published manual or any automated appraisal system relating to auto body repair without prior agreement between the parties;
- 2) Fail to use a manual or automatic appraisal system in its entirety in the appraisal of a motor vehicle; or
- (3) Refuse to compensate an auto body shop for documented charges as identified through industry recognized software programs or systems for paint and refinishing materials in auto body repair claims.

The provisions of this act shall not apply if the insurer and auto body repair facility have contracted under a direct repair program. If an insured or claimant elects to have his or her vehicle repaired at an auto body repair shop or his or her choice, the insurer shall not limit or discount the repair costs based upon the charges that would have been incurred had the vehicle been repaired by the insurer's chosen shop.

STEPHEN WITTE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 868-Shoemyer and Griesheimer (S19)

01/15/2008 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S89)

EFFECTIVE: August 28, 2008

*** SB 869 ***

3232S.02I

SENATE SPONSOR: Shoemyer

SB 869 - In addition to other reasons, the Department of Insurance may file a complaint with the administrative hearing commission against a bail bond agent or general bail bond agent license holder for final adjudication or a plea of guilty to a felony involving moral turpitude regardless of when such adjudication or plea occurred, rather than only for felonies occurring within the past fifteen years.

SUSAN HENDERSON MOORE

12/01/2007 Prefiled

01/09/2008 S First Read--SB 869-Shoemyer and Barnitz (S19)

01/15/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S89)

01/22/2008 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

02/11/2008 Voted Do Pass S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2008

*** SB 870 ***

3742S.01I

SENATE SPONSOR: Loudon

This bill has been combined with SB 1021

12/04/2007 Prefiled

01/09/2008 S First Read--SB 870-Loudon (S19)

01/15/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S89)

02/06/2008 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee

02/20/2008 Bill Combined w/(SCS/SBs 1021 & 870)

EFFECTIVE: August 28, 2008

*** SB 871 ***

3740S.01I

SENATE SPONSOR: Bray

SB 871 – This act removes language that prevented the General Assembly from appropriating moneys to support funding of capital projects at public colleges and universities that knowingly employed a professor or instructor who is a registered sex offender.

MICHAEL RUFF

12/05/2007 Prefiled

01/09/2008 S First Read--SB 871-Bray (S19)

01/15/2008 Second Read and Referred S Education Committee (S89)

EFFECTIVE: August 28, 2008

*** SB 872 ***

3855S.01I

SENATE SPONSOR: Stouffer

SB 872 - This act provides that signs which were legally erected according to legal standards in effect prior to August 28, 2002, but which fail to comply with new legal standards on that date shall be considered as legal conforming out of standard signs under Missouri law. Such signs shall not be considered nonconforming for failure to comply with subsequently adopted sign standards.

STEPHEN J. WITTE

12/12/2007 Prefiled
01/09/2008 S First Read--SB 872-Stouffer (S19)
01/15/2008 Second Read and Referred S Transportation Committee (S89)
01/30/2008 Hearing Cancelled S Transportation Committee

EFFECTIVE: August 28, 2008

*** SB 873 *** SCS SB 873

3851S.04C

SENATE SPONSOR: Graham

SCS/SB 873 – Current law provides for nine members on the board of curators for the University of Missouri, with one member from each congressional district. This act provides that if Missouri loses a congressional district from redistricting based on the 2010 census, the ninth member of the board will be a student curator who serves a two-year term. The student curator could be from any congressional district and could vote on any matter before the board except for the hiring or firing of faculty or staff. The first student curator would be appointed in January 2011 and would replace the existing nonvoting student representative.

This act is similar to HB 613 (2007), SB 106 (2007), SB 673 (2006).

MICHAEL RUFF

12/12/2007 Prefiled
01/09/2008 S First Read--SB 873-Graham (S19)
01/15/2008 Second Read and Referred S Education Committee (S89)
02/13/2008 Hearing Conducted S Education Committee
02/20/2008 SCS Voted Do Pass S Education Committee (3851S.04C)
02/21/2008 Reported from S Education Committee to Floor w/SCS (S342)
03/03/2008 S Formal Calendar S Bills for Perfection--SB 873-Graham, with SCS

EFFECTIVE: August 28, 2008

*** SB 874 *** SCS SB 874

3853S.02C

SENATE SPONSOR: Graham

SCS/SB 874 - Beginning in fiscal year 2010, 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 \$800 and shall be adjusted each succeeding fiscal year by no less than the rate of the Consumer Price Index.

This act is similar to SB 56 (2007).

SUSAN HENDERSON MOORE

12/12/2007 Prefiled
01/09/2008 S First Read--SB 874-Graham (S19)
01/15/2008 Second Read and Referred S Governmental Accountability & Fiscal Oversight Committee (S89)
02/21/2008 Hearing Conducted S Governmental Accountability & Fiscal Oversight Committee
02/28/2008 SCS Voted Do Pass S Governmental Accountability & Fiscal Oversight Committee (3853S.02C)
02/28/2008 Reported from S Governmental Accountability & Fiscal Oversight Committee to Floor w/SCS (S394)
03/03/2008 S Formal Calendar S Bills for Perfection--SB 874-Graham, with SCS

EFFECTIVE: August 28, 2008

*** SB 875 ***

3854S.011

SENATE SPONSOR: Graham

SB 875 - This act creates the "Missouri's Civil War Trail Fund". The money in the fund shall be administered by the director of the Division of Tourism at the direction of the tourism commission. The fund shall be used only to reimburse the cost of highway information signage designating the route of driving trails featuring sites associated with the Civil War in Missouri.

This act is identical to SB 541 (2007).

SUSAN HENDERSON MOORE

12/12/2007 Prefiled
 01/09/2008 S First Read--SB 875-Graham (S20)
 01/15/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S89)
 02/06/2008 Hearing Scheduled But Not Heard S Economic Development, Tourism & Local Government Committee
 02/27/2008 Hearing Conducted S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2008

*** SB 876 ***

3852S.011

SENATE SPONSOR: Graham

SB 876 - This act creates an income tax credit in an amount equal to fifty percent of a contribution made by a taxpayer to an eligible organization for the preservation of Missouri's civil war sites. The tax credit is nonrefundable, but may be carried forward five years until fully claimed. The tax credit is fully transferrable. The tax credit has an aggregate annual cap of one hundred thousand dollars and a per taxpayer annual cap of twenty five thousand dollars.

To the extent that tax credits remain unissued for the Neighborhood Assistance program, the first one hundred thousand dollars of such remaining tax credits shall be made available for issuance based upon contributions made to eligible organizations for the preservation of Missouri's civil war sites. The Department of Economic Development shall certify organizations which qualify under the program. Upon certification, the Department of Economic Development must notify the department of revenue as to an organization's certification status.

This act is similar to Senate Bill 470 (2007).

JASON ZAMKUS

12/12/2007 Prefiled
 01/09/2008 S First Read--SB 876-Graham (S20)
 01/15/2008 Second Read and Referred S Ways & Means Committee (S89)

EFFECTIVE: August 28, 2008

*** SB 877 ***

3833S.011

SENATE SPONSOR: Mayer

SB 877 - This act establishes the Missouri Catastrophe Fund to help pay covered residential property damage insurance claims in the aftermath of an earthquake which affects Missouri homeowners and their property/casualty insurers. The fund, which will consist of premiums paid by insurers, bond revenues, and appropriated state funds, will provide a backstop for insurance companies to insure against covered catastrophic losses to avoid the collapse of the property insurance market in the wake of a major earthquake.

REIMBURSEMENT PREMIUMS - Reimbursement premiums for the backstop coverage shall be set by the Director of the Department of Insurance, Financial Institutions and Professional Regulation, who shall select an independent consultant to develop a formula for determining the actuarially indicated premium. The director will calculate premiums based upon the insured values under the insurer's covered policies, as reported annually to the director. In order to provide startup moneys for the administration of the fund, insurers are required to pay to the fund an advance premium of \$1,000.

COVERAGE OF LOSSES - In exchange for the reimbursement premium paid to the fund by insurers, the director will enter into a contract with each insurer, promising to reimburse the insurer for a percentage of its losses in excess of the insurer's retention, plus 10% of that amount to cover loss adjustment expenses. The insurer will select the reimbursement percentage, at 45%,75% or 90%, which may be adjusted under certain

circumstances. Reimbursement amounts from the fund shall not be reduced by reinsurance paid or payable to the insurer, but the insurer's total recovery shall not exceed 100% of the insurer's losses from covered events, and any excess shall be returned to the fund, unless there is an agreement to the contrary.

INSUFFICIENT FUNDS - The act further authorizes the director to issue bonds if moneys in the fund are insufficient to pay reimbursement at the levels agreed to in the reimbursement contracts, upon the occurrence of a covered event. The act provides that if the director determines that the amount of the actuarially indicated premiums are insufficient to fund revenue bonds to pay the reimbursement contracts, the director shall levy emergency assessments on each property and casualty insurer in the state.

APPROPRIATIONS TO OTHER AGENCIES FOR EMERGENCY PREPAREDNESS - The act also allows, in fiscal years in which there are no outstanding obligations of the fund, the General Assembly to make an appropriation (10% to 35% of the fund's investment income) from the catastrophe fund for the purpose of providing funding for local governments, state agencies, public and private educational institutions, and nonprofit organizations to support programs intended to improve catastrophe preparedness, prevent and reduce potential losses from a covered event, provide research into means to prevent and reduce such losses, educate or inform the public as to means to reduce losses from covered events, assist the public in determining the appropriateness of particular upgrades to structures or in the financing of those upgrades, or protect local infrastructure from potential damage from a covered loss. Moneys from the fund shall not be appropriated if the director finds that an appropriation would jeopardize the actuarial soundness of the fund.

MISSOURI CATASTROPHE FUND ADVISORY COUNCIL - The act establishes the "Missouri Catastrophe Fund Advisory Council" within the Department of Insurance, Financial and Professional Regulation to provide the director with information and advice in connection with the fund. The advisory council shall be comprised of 13 members who shall be appointed by the governor with the advice and consent of the senate.

MULTISTATE OR FEDERAL REINSURANCE OR CATASTROPHIC PROGRAMS - In anticipation of the creation of a federal or multistate catastrophic insurance fund or reinsurance program, the act requires the director, following the creation of such a federal or multistate fund or program, to make recommendations to the General Assembly as to how the catastrophe fund can coordinate with the federal or multistate program and for such other actions as the director determines are appropriate under the circumstances.

This act is similar to SB 518 (2007).

STEPHEN J. WITTE

12/13/2007 Prefiled

01/09/2008 S First Read--SB 877-Mayer (S20)

01/15/2008 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S89)

02/19/2008 Hearing Conducted S Small Business, Insurance & Industrial Relations Committee

EFFECTIVE: August 28, 2008

*** SB 878 ***

3844S.011

SENATE SPONSOR: Graham

SB 878 - 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 the source of 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, 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 proceeding; 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 used 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 appropriate. The privilege shall remain in effect during the pendency of any appeal.

This act is similar to SB 786 (2006) and identical to SB 58 (2007).

ALEXA PEARSON

12/14/2007 Prefiled

01/09/2008 S First Read--SB 878-Graham (S20)

01/15/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S89)

EFFECTIVE: August 28, 2008

*** SB 879 ***

3370S.021

SENATE SPONSOR: Clemens

SB 879 - This act increases from \$6 million to \$12 million the aggregate amount of tax credits that may be issued per fiscal year for the Agricultural Product Utilization Contributor tax credit and the New Generation Cooperative Incentive tax credit.

The Missouri Agricultural and Small Business Development Authority is allowed to issue up to \$1 million in Agricultural Product Utilization tax credits in any fiscal year to individuals contributing cash funds to the Authority. The Authority may issue additional Agricultural Product Utilization tax credits in circumstances as described in the act.

Currently, both tax credit programs are scheduled to expire on December 31, 2010. The act extends the expiration date until December 31, 2016.

This act is similar to SB 489 (2007) and HB 346 (2007).

ERIKA JAQUES

12/17/2007 Prefiled

01/09/2008 S First Read--SB 879-Clemens (S20)

01/15/2008 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S89)

EFFECTIVE: August 28, 2008

*** SB 880 ***

3986S.011

SENATE SPONSOR: Green

SB 880 - 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 substantially similar to SB 174 (2007).

ADRIANE CROUSE

12/18/2007 Prefiled

01/09/2008 S First Read--SB 880-Green (S20)

01/15/2008 Second Read and Referred S Health and Mental Health Committee (S89)

EFFECTIVE: August 28, 2008

*** SB 881 ***

3731S.011

SENATE SPONSOR: Green

SB 881 - Under this act, the Department of Transportation shall establish and administer a drunk driving victim memorial sign program. This act shall be known as "David's Law." 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.

This act is similar to SB 185 (2007).

STEPHEN J. WITTE

12/18/2007 Prefiled

01/09/2008 S First Read--SB 881-Green (S20)

01/15/2008 Second Read and Referred S Transportation Committee (S89)

01/23/2008 Hearing Scheduled But Not Heard S Transportation Committee

01/30/2008 Hearing Conducted S Transportation Committee

02/20/2008 Voted Do Pass S Transportation Committee

02/28/2008 Reported from S Transportation Committee to Floor (S394)

03/03/2008 S Formal Calendar S Bills for Perfection--SB 881-Green

EFFECTIVE: August 28, 2008

*** SB 882 ***

3728S.011

SENATE SPONSOR: Green

This bill has been combined with SB 712

12/18/2007 Prefiled
 01/09/2008 S First Read--SB 882-Green and Justus (S20)
 01/15/2008 Second Read and Referred S Commerce, Energy and the Environment Committee (S89)
 01/24/2008 Hearing Conducted S Commerce, Energy and the Environment Committee
 02/14/2008 Bill Combined w/SCS/SBs 712 & 882 (3257S.06C)

EFFECTIVE: August 28, 2008

*** SB 883 ***

3845S.011

SENATE SPONSOR: Graham

SB 883 - 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.

This act is identical to SB 219 (2007).

CHRIS HOGERTY

12/18/2007 Prefiled
 01/09/2008 S First Read--SB 883-Graham (S20)
 01/15/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S89)

EFFECTIVE: August 28, 2008

*** SB 884 ***

3975S.011

SENATE SPONSOR: Graham

SB 884 - This act requires all drivers and passengers in cars or trucks to wear a seat belt. Under current law, only the driver and front seat passenger are required to use seat belts. Exemptions are allowed for United States Postal Service employees while performing their duties (a continuation of current law), persons operating or riding a motor vehicle being used in agricultural work-related activities (a continuation of current law), and persons with a medical reason with documentation from a physician (documentation requirement is new in statute).

The act allows for primary enforcement of Missouri's seat belt law by repealing the provision that prohibited law enforcement from stopping or detaining anyone solely to determine compliance with the seat belt law.

The act also clarifies existing language which allows a person to ride without a seat belt when there are more persons than there are seat belts. If there are more persons than there are seat belts, the passengers who are unable to wear seat belts because all existing seat belts are in use shall sit on the rear seat of the motor vehicle.

The act also makes the seat belt law applicable to trucks with a licensed gross weight under 12,000 pounds or more.

STEPHEN J. WITTE

12/18/2007 Prefiled
 01/09/2008 S First Read--SB 884-Graham (S20)
 01/15/2008 Second Read and Referred S Transportation Committee (S89)
 02/20/2008 Hearing Conducted S Transportation Committee

EFFECTIVE: August 28, 2008

*** SB 885 ***

3850S.011

SENATE SPONSOR: Graham

SB 885 - 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.

This act is identical to SB 323 (2007).

ADRIANE CROUSE

12/18/2007 Prefiled
 01/09/2008 S First Read--SB 885-Graham (S20)
 01/15/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S89)
 02/20/2008 Hearing Conducted S Economic Development, Tourism & Local Government Committee
 02/27/2008 Voted Do Pass S Economic Development, Tourism & Local Government Committee - Consent
 02/28/2008 Reported from S Economic Development, Tourism & Local Government Committee to Floor - Consent (S392)
 03/03/2008 S Consent Calendar--SB 885-Graham

EFFECTIVE: August 28, 2008

*** SB 886 ***

3923S.021

SENATE SPONSOR: Justus

SB 886 - This act allows any city, town, or village to adopt ordinances, orders, or regulations to control dangerous dogs, provided that no such ordinances, orders, or regulations are specific to breed. Ordinances, orders, or regulations addressing specific breeds of dogs adopted prior to August 28, 2008, shall be deemed invalid.

SUSAN HENDERSON MOORE

12/18/2007 Prefiled
 01/09/2008 S First Read--SB 886-Justus (S20)
 01/15/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S89)
 02/20/2008 Hearing Conducted S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2008

*** SB 887 ***

3604S.011

SENATE SPONSOR: Dempsey

SB 887 - This act prohibits the operation of a motor vehicle while using a wireless telephone unless it is specifically designed and configured to allow hands-free listening and talking and is being used in that manner or the motor vehicle is stationary. Any person using a wireless telephone for emergency purposes; an emergency services professional using a wireless telephone in the scope of his or her duties; or a person using a digital two-way radio and is driving a commercial vehicle, excluding pick-up trucks, wreckers, or tow trucks are exempt from the provisions of the act. The provisions of the act do not apply to any person operating a motor vehicle on private property. Any violation will be an infraction punishable by a \$20 fine for a first offense and a \$50 fine for a second or subsequent offense.

This act is substantially similar to SB 664 (2007).

STEPHEN WITTE

12/18/2007 Prefiled
 01/09/2008 S First Read--SB 887-Dempsey and Bray (S21)
 01/15/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S89)

EFFECTIVE: August 28, 2008

*** SB 888 ***

3737S.011

SENATE SPONSOR: Green

SB 888 - This act requires the Department of Elementary and Secondary Education to recalculate the state school aid for the Riverview Gardens School District to correct an error by the district in placing funds received by the state for school aid for fiscal year 2006 in the incidental fund, rather than the capital projects fund.

This act is similar to SB 522 (2007) and HB 698 (2007).

MICHAEL RUFF

12/18/2007 Prefiled

01/09/2008 S First Read--SB 888-Green (S21)
01/15/2008 Second Read and Referred S Education Committee (S89)

EFFECTIVE: August 28, 2008

*** SB 889 ***

4023S.011

SENATE SPONSOR: Green

SB 889 - 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 identical to SB 177 (2007).

ADRIANE CROUSE

12/18/2007 Prefiled
01/09/2008 S First Read--SB 889-Green (S21)
01/15/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S89)

EFFECTIVE: August 28, 2008

*** SB 890 ***

3733S.011

SENATE SPONSOR: Green

SB 890 - This act prohibits commercial inserts or other forms of advertising from accompanying motor vehicle registration notices.

This act is identical to SB 190 (2007).

STEPHEN WITTE

12/18/2007 Prefiled
01/09/2008 S First Read--SB 890-Green (S21)
01/15/2008 Second Read and Referred S Transportation Committee (S89)
01/23/2008 Hearing Scheduled But Not Heard S Transportation Committee
01/30/2008 Hearing Conducted S Transportation Committee
02/06/2008 Voted Do Not Pass S Transportation Committee

EFFECTIVE: August 28, 2008

*** SB 891 ***

3732S.011

SENATE SPONSOR: Green

SB 891 - 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.

This act is identical to Senate Bill 265 (2007).

JASON ZAMKUS

12/18/2007 Prefiled
01/09/2008 S First Read--SB 891-Green (S21)
01/15/2008 Second Read and Referred S Ways & Means Committee (S89)
02/04/2008 Hearing Cancelled S Ways & Means Committee
02/11/2008 Hearing Conducted S Ways & Means Committee

EFFECTIVE: August 28, 2008

*** SB 892 ***

3735S.011

SENATE SPONSOR: Green

SB 892 - This act prohibits a local government from using an automated photo red light enforcement system at intersections unless the traffic control signal is also equipped with a device that displays the numerical time remaining before the traffic control signal will display a red signal.

STEPHEN J. WITTE

12/18/2007 Prefiled

01/09/2008 S First Read--SB 892-Green (S21)

01/15/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S90)

EFFECTIVE: August 28, 2008

*** SB 893 ***

3729S.011

SENATE SPONSOR: Green

SB 893 - 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 186 (2007), Senate Bill 622 (2006), and Senate Bill 459 (2005).

JASON ZAMKUS

12/18/2007 Prefiled

01/09/2008 S First Read--SB 893-Green (S21)

01/15/2008 Second Read and Referred S Ways & Means Committee (S90)

03/03/2008 Hearing Scheduled S Ways & Means Committee

EFFECTIVE: August 28, 2008

*** SB 894 ***

3730S.011

SENATE SPONSOR: Green

SB 894 - 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 187 (2007) and Senate Bill 670 (2006).

JASON ZAMKUS

12/18/2007 Prefiled

01/09/2008 S First Read--SB 894-Green (S21)

01/15/2008 Second Read and Referred S Ways & Means Committee (S90)

02/25/2008 Hearing Conducted S Ways & Means Committee

EFFECTIVE: August 28, 2008

*** SB 895 ***

3369S.011

SENATE SPONSOR: Clemens

SCS/SB 895 - This act creates the Manufacturer Responsibility and Consumer Convenience Equipment Collection and Recovery Act.

The act requires manufacturers of computers or televisions to implement "recovery plans" for the collection of and the recycling or reuse of their obsolete equipment. The recovery plan must be implemented and a copy of the plan submitted to the Department of Natural Resources before the manufacturer can sell its computers or televisions in Missouri. Such manufacturers must also label their equipment to identify themselves as the manufacturer.

Consumers shall not be charged a fee for returning the obsolete equipment to the manufacturer under the recovery plan. Any collection methods offered by a manufacturer must be reasonably convenient and

available to consumers in the state. Manufacturers' collection methods may include any or all of the following: a mail-back option for consumers at no charge, a physical collection site, or a collection event. Manufacturers may use existing equipment collection services, or may partner with other manufacturers, businesses or organizations to meet the collection requirements of the act.

Manufacturers shall inform consumers of the recovery plan information by, at minimum, posting the information on a publicly-available website, but manufacturers may also include such information in the equipments' packaging at the time of sale.

Manufacturers are required to submit a report by January 31st of each year to the Department that documents the weight of all computers or televisions collected and recycled or reused during the preceding calendar year. The report shall also document that all equipment was handled in accordance with federal, state, and local laws.

In the case of multiple manufacturers of computers or televisions of the same brand, any one manufacturer may meet the recovery plan requirements of the act for all the others, but in the event that none meet the requirements, all may be liable for violating the act. Manufacturers of a certain brand are responsible for equipment of that brand, regardless of when the equipment was manufactured or if they were the manufacturer at that time.

Retailers are prohibited from selling new computers or televisions in Missouri unless the equipment contains a manufacturer's label and the manufacturer is listed by the Department as having a recovery plan. The act does not require retailers to offer a collection, recycling, or reuse program to consumers for obsolete computers or televisions.

Manufacturers and retailers are not liable for any information on any computers collected under this act. Consumers are responsible for any information left on their equipment.

The Department shall educate consumers about the recycling and reuse of computers and televisions and shall provide a website for this purpose. The website shall include a list of manufacturers' recovery plans as well as dates and locations for collection opportunities.

The Department may conduct audits and inspections as it deems necessary to determine compliance with this act. The Department and the Attorney General shall enforce the provisions of the act. The Attorney General may take action to enjoin any activity in violation of the act. The Department shall issue a written warning to anyone who violates the act's provisions for the first time and such person has 60 days with which to come into compliance. The Department may assess a penalty on manufacturers for certain violations not to exceed \$10,000 for second violations, and not to exceed \$25,000 for subsequent violations.

Certain proprietary information submitted to the Department in compliance with the act shall not be considered a public record under the Sunshine Law. The Department shall issue an annual report by March 1st to the Senate and House of Representatives using information compiled from manufacturers. The Department shall not impose fees on anyone who recycles or reuses computers or televisions under this act.

The Department shall promulgate rules by July 1, 2009 to implement this act. Any rules shall include standards for recycling and reuse of computers and televisions as described in the act. If federal law is passed that creates a national collection and recycling/reuse plan for computers or televisions, the Department can decide to allow the federal law to pre-empt the provisions of this act. This act shall not be enforced until the Department's rules are promulgated.

Retailers shall not be considered in violation of the act for selling computers or televisions acquired prior to August 28, 2008.

ERIKA JAQUES

12/19/2007 Prefiled

01/09/2008 S First Read--SB 895-Clemens (S21)

01/15/2008 Second Read and Referred S Commerce, Energy and the Environment Committee (S90)

02/14/2008 Hearing Conducted S Commerce, Energy and the Environment Committee

02/21/2008 SCS Voted Do Pass S Commerce, Energy and the Environment Committee (3369S.02C)

EFFECTIVE: August 28, 2008

SENATE SPONSOR: Stouffer

SB 896 - This act modifies the methods in which certain special road districts may form, expand or dissolve within counties of the fourth classification.

Under current law, a special road district may be organized within cities and towns containing less than 100,000 inhabitants under sections 233.010 to 233.165, provided the territory of the special road district does not exceed 8 square miles. Under the proposed act, the 8 mile square territorial restriction on certain city or town special road districts will not apply to special road districts organized with counties of the fourth classification.

Under current law, the boundaries of special road districts may be extended under sections 233.010 to 233.165 if a petition is signed by not less than 35 voters in the old district and not less than 50% of the voters in the territory proposed to be taken into the special road district. This act modifies the amount of signatures required from the voters in the proposed new territory. In the territory proposed to be taken into the special road district, the act requires the petition to be signed by not less than the lesser of 35 voters or 50% of the voters. This proposed modification is not limited by county classification.

Under current law, special road districts that are extended under sections 233.010 to 233.165 may only be extended if the territory does not exceed 17 square miles after its extension. This act removes this restriction with respect to fourth class counties.

This act allows proposed special road districts organized under sections 233.170 to 233.315 to be formed by an election within fourth class counties. Under current law, such special road districts are formed by a petition process in which landowners in the proposed special road district petition the county commission for its creation. This act allows 50 voters in a proposed special road district to file a petition with the county commission to submit the district's creation to a vote of the people.

This act provides an alternative method for dissolving a special road district organized under sections 233.170 to 233.315 within fourth class counties. Under current law, a landowner within such a road district may file a petition with the county commission requesting that the road district be dissolved. Under this act, if a petition requesting the dissolution of the district is signed by 50 voters is presented to the county commission, the county commission shall submit the issue to the voters of the special road district. A petition to dissolve a district may not be presented until the expiration of four years from the date of road district's establishment or from the date of the last election seeking to expand or dissolve the special road district. A dissolution of a road district shall not effect the validity of any bonds issued by the district nor effect the validity of special assessments or taxes levied against parcels of land within the district.

The act allows a special road district organized under sections 2133.170 to 233.315 to be expanded or extended by election within fourth class counties. Under the act, not less than 35 voters in the old district and the lesser of 35 voters or 50% of the voters in the proposed area to be added to the special road district may petition the county commission to have the expansion issue submitted to the voters.

STEPHEN J. WITTE

12/19/2007 Prefiled
 01/09/2008 S First Read--SB 896-Stouffer (S21)
 01/15/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S90)
 02/06/2008 Hearing Conducted S Economic Development, Tourism & Local Government Committee
 02/20/2008 Voted Do Pass S Economic Development, Tourism & Local Government Committee - Consent
 02/21/2008 Reported from S Economic Development, Tourism & Local Government Committee to Floor - Consent (S341)
 02/28/2008 S Third Read and Passed - Consent (S403-404)

EFFECTIVE: August 28, 2008

*** SB 897 ***

3856S.011

SENATE SPONSOR: Wilson

SB 897 - This act, upon voter approval, increases the fee collected by each recorder of deeds to fund the county homeless person assistance program from \$3 to \$10 if such a program has been created by the governing body.

SUSAN HENDERSON MOORE

12/19/2007 Prefiled
01/09/2008 S First Read--SB 897-Wilson (S21)
01/16/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S104)
02/06/2008 Hearing Conducted S Economic Development, Tourism & Local Government Committee
EFFECTIVE: August 28, 2008

*** SB 898 *** SCS SB 898

3929S.04C

SENATE SPONSOR: Clemens

SCS/SB 898 - This act modifies provisions pertaining to the administration of agriculture incentives and programs.

SECTION 135.633 - Tax Credit for MELO Accreditation

This act creates a tax credit for odor abatement activities by concentrated animal feeding operations. The tax credit shall be equal to either: 1) the lesser of fifty percent of the eligible expense incurred by a producer to achieve Managed Environment Livestock Operation (MELO) accreditation or fifty thousand dollars; or 2) the lesser of seventy-five percent of the eligible expense incurred by a producer to meet preferred environmental practices or seventy-five thousand dollars. The tax credit is fully transferable, non-refundable, and may be carried back three years or forward five years until fully claimed. The cumulative amount of tax credits issued by the Missouri Agricultural and Small Business Development Authority to all taxpayers in any fiscal year shall not exceed \$300,000. The Department of Agriculture shall promulgate rules to create the MELO accreditation program. The provisions of this section shall expire three years from the effective date of the Department's MELO rules.

This section is similar to HB 881 (2007) and SB 643 (2007).

SECTIONS 135.800-135.805 - Tax Reporting Requirements

This act makes the Family Farm Breeding Livestock Loan tax credit and the Qualified Beef tax credit subject to the same reporting requirements as what is required for agricultural tax credits under the Tax Credit Accountability Act. The act also requires new generation cooperatives to report under the Tax Credit Accountability Act, when an agricultural tax credit is issued as a result of a producer member investing in the cooperative.

These sections are similar to SB 503 (2007) and HB 840 (2007).

SECTION 142.028 - Qualified Biomass for Fuel Ethanol

Under current law, a qualified fuel ethanol producer is eligible for a monthly grant for fuel ethanol produced from Missouri agricultural products. This act allows such fuel ethanol to also be produced from biomass that is qualified by the Missouri Agricultural and Small Business Development Authority (MASBDA) in consultation with the Conservation Commission. Fuel ethanol grant incentives paid for fuel ethanol produced from biomass are authorized between January 1, 2009 and December 31, 2019 and shall only be available to two producers, with each producer limited to total payments of \$7.5 million.

This section is similar to HCS/HB 709 (2007) and SCS/SB 499 (2007).

SECTION 144.053 - Sales Tax Exemption for Forestry Equipment

Any new or used farm tractors, machinery, or equipment, including parts, supplies, and fuel, used to plant, harvest, process, or transport forestry products shall be exempt from state and local sales tax, similar to other farm machinery in section 144.030.

This section is similar to HCS/SCS/SB 156 (2007).

SECTION 144.063 - Sales Tax Exemption for Fencing

This act creates a sales tax exemption for the purchase of fencing materials for agricultural purposes, which shall sunset after 6 years.

This section is similar to HB 711 (2007) and HB 477 (2007).

SECTION 144.065 - Sales Tax Exemption for Agricultural Motor Fuel

This section creates a sales tax exemption for the purchase of motor fuel for agricultural purposes, which

shall sunset after 6 years.

This section is similar to HB 323 (2007).

SECTION 260.546 - Hazardous Substance Spill Cleanup

Current law makes an owner of a released hazardous substance liable for reasonable cleanup costs. This act adds the requirement that the costs for which the owner is liable also be "necessary." The act adds costs incurred for cleaning up any hazardous substances to the costs for which an owner is liable.

The act specifies a 60-day timeframe in which the political subdivision or volunteer fire protection association involved in the cleanup must submit the itemized statement of costs to the owner of the released substance. The statement of costs must include certain explanations for why the costs were incurred.

In the event of an appeal by the owner of the released hazardous substance, the burden of proof is on the political subdivision or volunteer fire protection association to justify the cleanup costs.

The act increases the timeframe from 30 days to 60 days in which the Director of the Department of Natural Resources must notify the involved parties of his or her decision regarding an appeal.

This section is similar to SB 316 (2007), HB 343 (2007) and SB 1158 (2006).

SECTIONS 261.035-261.239 and 265.200 - Dept. of Ag. Name Changes

The act makes the following name changes in the Department of Agriculture: the Marketing Division to the "Agriculture Business Development Division;" the Marketing Development Fund to the "Agriculture Business Development Fund;" the Missouri Agricultural Products Marketing Development Fund to the "AgriMissouri Fund;" and the Citizen's Advisory Commission for Marketing Missouri Agricultural Products to the "AgriMissouri Advisory Commission."

These sections are similar to HB 841 (2007) and SB 488 (2007).

SECTION 263.232 - Noxious Weed Control

This act makes the plants spotted knapweed and sericea lespedeza subject to existing noxious weed control laws.

This section is similar to HCS/HB 244 (2007).

SECTIONS 348.230-348.235 - Dairies

Subject to appropriation not to exceed \$250,000, the Missouri Agricultural and Small Business Development Authority (MASBDA) shall pay for the first full year of interest on any applicable Missouri linked deposit program loan, provided the loan pertains to the acquisition of dairy cows. MASBDA may charge a fee up to \$50 for this service.

Subject to appropriation not to exceed \$50,000, MASBDA shall award dairy business planning grants for up to \$5,000 per grant or no greater than 90% of the cost of the plan, whichever is less. MASBDA may charge a fee up to \$50 to apply for a grant. Eligible applicants for the grants shall be existing or start-up dairy operations in Missouri that are at least 51% owned by Missouri residents. MASBDA may promulgate rules for the grant program to establish eligibility and award criteria.

These sections are similar to SB 444 (2007), SB 471 (2007), and HCS/HB 346 (2007).

SECTIONS 348.430-348.432 - "In State" Requirement

A new generation cooperative must operate within the state in order to be eligible for either the Agricultural Product Utilization Contributor tax credit or the New Generation Cooperative Incentive tax credit.

These sections are similar to SB 503 (2007) and HB 840 (2007).

SECTION 348.505 - Tax Credit Maximum Increase

The total cumulative amount of tax credits issued by MASBDA per fiscal year for interest waived for family farm livestock loans is increased from \$150,000 to \$300,000.

This section is similar to HB 748 (2007).

ERIKA JAQUES

12/21/2007 Prefiled
 01/09/2008 S First Read--SB 898-Clemens (S21)
 01/16/2008 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S104)
 01/29/2008 Hearing Conducted S Agriculture, Conservation, Parks & Natural Resources Committee
 02/05/2008 SCS Voted Do Pass S Agriculture, Conservation, Parks & Natural Resources Committee (3929S.04C)
 02/21/2008 Reported from S Agriculture, Conservation, Parks & Natural Resources Committee to Floor w/SCS (S341)
 03/03/2008 S Formal Calendar S Bills for Perfection--SB 898-Clemens, with SCS

EFFECTIVE: August 28, 2008

*** SB 899 ***

3860S.02I

SENATE SPONSOR: Dempsey

This bill has been combined with SB 714

12/21/2007 Prefiled
 01/09/2008 S First Read--SB 899-Dempsey (S22)
 01/16/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S104)
 02/04/2008 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee
 02/18/2008 Bill Combined w/ SCS/SBs 714, 933, 899 & 758

EFFECTIVE: August 28, 2008

*** SB 900 ***

3443S.01I

SENATE SPONSOR: Vogel

SB 900 - Current law allows any county, city which is the county seat of any county, and various other cities to impose a tax, not to exceed five percent per room per night, on charges for sleeping rooms paid by guest of hotels and motels. This act increases the maximum levy from five percent to eight percent. Such increase will become effective only upon voter approval.

JASON ZAMKUS

12/26/2007 Prefiled
 01/09/2008 S First Read--SB 900-Vogel (S22)
 01/16/2008 Second Read and Referred S Ways & Means Committee (S104)
 01/28/2008 Hearing Scheduled But Not Heard S Ways & Means Committee

EFFECTIVE: August 28, 2008

*** SB 901 ***

SCS SB 901

3608S.02P

SENATE SPONSOR: Loudon

SCS/SB 901 - Under the act, all rights to unaccrued compensation for permanent total disability shall cease upon the death of the injured employee. Unpaid unaccrued compensation for permanent partial disability will continue to be paid to dependents.

This act contains an emergency clause.

This act is similar to SB 606 (2007).

CHRIS HOGERTY

12/27/2007 Prefiled
 01/09/2008 S First Read--SB 901-Loudon, et al (S22)
 01/16/2008 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S104)
 02/05/2008 Hearing Conducted S Small Business, Insurance & Industrial Relations Committee
 02/12/2008 SCS Voted Do Pass S Small Business, Insurance & Industrial Relations Committee - Consent (3608S.02C)
 02/14/2008 Reported from S Small Business, Insurance & Industrial Relations Committee to Floor w/SCS - Consent (S244)
 02/21/2008 Referred S Governmental Accountability and Fiscal Oversight Committee (S343)

02/28/2008 Hearing Conducted S Governmental Accountability & Fiscal Oversight
02/28/2008 Voted Do Pass S Governmental Accountability and Fiscal Oversight Committee
02/28/2008 Reported from S Governmental Accountability and Fiscal Oversight Committee to Floor (S394)
02/28/2008 S Third Read and Passed - Consent - EC adopted (S396-397)
02/28/2008 H First Read

EFFECTIVE: Emergency Clause

*** SB 902 ***

3930S.011

SENATE SPONSOR: Loudon

SCS/SB 902 - This act establishes the Missouri Vehicle Protection Product Act. Under the act, a person would be prohibited from selling or offering for sale a vehicle protection product in Missouri unless the seller, warrantor, and any administrator complies 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 act allows small loan companies and title loan companies to sell service contracts that are regulated under chapter 385.

The proposed act would apply to all warranted products sold or offered for sale on or after January 1, 2009. 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, 2009. This act is substantially similar to SCS/SB 297 (2007) and SB 1058 (2006).

STEPHEN J. WITTE

12/27/2007 Prefiled

01/09/2008 S First Read--SB 902-Loudon (S22)

01/16/2008 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S104)

02/12/2008 Hearing Conducted S Small Business, Insurance & Industrial Relations Committee

02/19/2008 SCS Voted Do Pass S Small Business, Insurance & Industrial Relations Committee (3930S.02C)

EFFECTIVE: January 1, 2009

*** SB 903 ***

4062S.011

SENATE SPONSOR: Griesheimer

SB 903 - This act modifies the law with respect to the regulation of household good movers. This act restores an exemption to intrastate motor carriers that transport household goods within municipalities and certain commercial zones. If the exemption is restored, these types of household good movers may operate in such areas without obtaining operating authority from the Department of Transportation. This act also repeals Section 387.075 which currently allows common carriers authorized to transport household goods to file rate approval applications with the Highways and Transportation Commission to reflect increases and

decreases in the carrier's costs.

STEPHEN J. WITTE

01/02/2008 Prefiled

01/09/2008 S First Read--SB 903-Griesheimer (S22)

01/16/2008 Second Read and Referred S Transportation Committee (S104)

EFFECTIVE: August 28, 2008

*** SB 904 ***

4109S.011

SENATE SPONSOR: Griesheimer

SB 904 - This act modifies provisions pertaining to the Underground Facility Safety and Damage Prevention Act.

Under current law, gas distribution lines, electric lines, telecommunications facilities, cable t.v. facilities, water lines, storm drainage, and sewer lines located on private property and owned by the landowner are not considered "underground facilities" for purposes of the Underground Facility Safety and Damage Prevention Act. This act modifies this definition by requiring that if any of the above-mentioned lines are used for vehicular traffic control, the lighting of streets and highways, or communications for emergency response, they shall be considered an "underground facility." The lines shall also be considered an "underground facility" if they cross or lie within a public easement, public right-of-way, or another person's property.

Current law provides an exemption for railroads regulated by the Federal Railroad Administration, where the definition of "underground facility" does not include any excavating conducted by a railroad on land owned or operated by the railroad or on adjacent land in an emergency. This act removes this exemption.

An owner or operator of an "underground facility" shall have no cause of action against an excavator for damage to his or her facility if the owner or operator has not complied with the damage claim notification requirements of the act. Excavators who fail to give required notice of proposed excavations and owners or operators of underground facilities who fail to provide required information to excavators shall be presumed negligent under the act. A court shall award reasonable attorney's fees to the prevailing party in a cause of action regarding damage to an underground facility.

Claims for damages to an underground facility shall be provided to the excavator by the owner or operator of the damaged facility within the earlier of 90 days after completion of repairs or 120 days after the excavator notified the facility owner of the damage. The claim shall be made in writing, itemizing the amounts requested, and given to the excavator via personal delivery or certified mail. The time frame may be extended if a lawful authority delays the repair of the damage to the underground facility or in cases involving temporary and final repairs.

Claims for damages shall not be enforceable if they are not provided in accordance with the requirements of the act.

Actions by the owner or operator of a damaged underground facility against an excavator shall be brought within one year of the date of damage, provided the excavator complied with the damage notification requirements.

ERIKA JAQUES

01/03/2008 Prefiled

01/09/2008 S First Read--SB 904-Griesheimer (S22)

01/16/2008 Second Read and Referred S Commerce, Energy and the Environment Committee (S104)

01/24/2008 Hearing Conducted S Commerce, Energy and the Environment Committee

EFFECTIVE: August 28, 2008

*** SB 905 ***

4178S.011

SENATE SPONSOR: Loudon

SB 905 - This act establishes the "Regional Railroad Authorities Act." The purpose of an authority established and operated under the act is to provide for the preservation, improvement, and the continuation of rail service for agriculture, industry, or passenger traffic and to provide for the preservation of railroad right-of-way for transportation uses, when determined to be practicable and necessary for the public welfare (Section 388.703).

Under the act, every municipality or county within this state is authorized to form a regional railroad authority. A regional railroad authority may be organized by resolution or joint resolution adopted by the governing body or bodies of one or more counties. The governing body or bodies of a municipality or municipalities within a county or counties may request by resolution that the county or counties organize a railroad authority. If the county or counties do not organize an authority within ninety days of receipt of the request, the municipality or municipalities may organize an authority by resolution or joint resolution (Section 388.706).

Before final adoption of an organization resolution, the governing body shall provide for a public hearing upon notice published in a newspaper of general circulation in the county or municipality. Upon the appointment and qualification of the commissioners first appointed to a regional railroad authority, the commissioners shall submit to the secretary of state a certified copy of each resolution adopted. The Secretary of State shall issue a certificate of incorporation if the resolution conforms to the requirements of this act (Sections 388.709 and 388.712).

All powers granted to an authority shall be exercised by its board of commissioners. Commissioners shall be appointed and vacancies in their office shall be filled by the governing body of each county or municipality named in the organization resolution, in accordance with the provisions of that resolution. The term of each commissioner shall be one year, or the remainder of the one year term for which a vacancy is filled, and until a successor is appointed. Commissioners shall receive no compensation for services but shall be reimbursed for necessary expenses incurred in the performance of their duties (Section 388.715).

The authority may plan, establish, acquire, develop, construct, purchase, enlarge, extend, improve, maintain, equip, operate, regulate, and protect railroads, railroad properties and railroad facilities within its boundaries, including but not limited to terminal buildings, roadways, crossings, bridges, causeways, tunnels, equipment, and rolling stock (Section 388.721).

The authority may exercise the power of eminent domain under Chapter 523, RSMo. The authority, however, shall have no power of eminent domain with respect to property owned by another authority or political subdivision of Missouri or any other state, or with respect to property owned or used by a railroad corporation unless the federal Surface Transportation Board has found that the public convenience and necessity permit discontinuance of rail service on the property (Section 388.724).

The state of Missouri and any political subdivision may transfer to any regional railroad authority or may place in its possession or control, by lease or other contract or agreement, either for a limited period or in fee, any property wherever situated (Section 388.727).

The authority may establish charges and rentals for the use, sale, and availability of its property and service and may hold, use, dispose of, invest, and reinvest the income, revenues, and funds derived therefrom (Section 388.730).

Every regional railroad authority may issue its negotiable revenue bonds or notes in such principal amounts as shall be necessary to provide sufficient funds for achieving its purposes, including the construction, establishment, acquisition, improvement, maintenance, protection and regulation of railroads and railroad facilities. The state shall not be liable on any notes or bonds of any regional railroad authority. No authority shall be required to pay any taxes or any assessments whatsoever to this state or to any political subdivisions, municipality or other governmental agency of this state. The notes and bonds of every authority and the income shall be exempt from any taxes and any assessments, except for death and gift taxes and taxes on transfers (Section 388.739).

The authority may enter into contracts including leases with any person, firm, or corporation, for terms the authority may determine:

- (1) Providing for the operation of any facilities on behalf of the authority, at the rate of compensation as may be determined;
- (2) Leasing a rail line for operation by the lessee or any facility or space therein for other commercial purposes, at rentals as may be determined, but no person may be authorized to operate a rail line other than as a common carrier;
- (3) Granting the privilege, for compensation as the authority shall determine, of supplying goods, commodities, services, or facilities along rail lines or in or upon other property; and
- (4) Making available services furnished by the authority or its agents, at charges, rentals, or fees which

shall be reasonable and uniform for the same class of privilege or service (Section 388.742).

The act provides a method for dissolving the authority. If the governing body of any city or county that organized a regional railroad authority, votes to dissolve a regional railroad authority, it shall be dissolved effective the date of the approval of dissolution by the highways and transportation commission. In the event of dissolution of a regional railroad authority, all funds and other assets shall be distributed among the cities and counties, who were members, on a pro rata basis (Section 388.745).

STEPHEN WITTE

01/04/2008 Prefiled

01/09/2008 S First Read--SB 905-Loudon (S22)

01/16/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S104)

01/22/2008 Re-referred S Transportation Committee (S122)

02/06/2008 Hearing Conducted S Transportation Committee

EFFECTIVE: August 28, 2008

*** SB 906 ***

4174S.011

SENATE SPONSOR: Vogel

This bill has been combined with SB 753

01/07/2008 Prefiled

01/09/2008 S First Read--SB 906-Vogel (S22)

01/16/2008 Second Read and Referred S Transportation Committee (S104)

01/23/2008 Hearing Conducted S Transportation Committee

02/20/2008 Bill Combined w/SCS/SBs 753, 728, 906, & 1026

EFFECTIVE: August 28, 2008

*** SB 907 ***

SCS SB 907

3580S.04C

SENATE SPONSOR: Engler

SCS/SB 907 - This act modifies provisions relating to the regulation of motor fuel storage tanks.

The act modifies the definition of "environmental response project" for purposes of the Missouri Environmental Covenants Act, by specifying that an environmental response project shall not include plans or work performed for environmental remediation of releases from aboveground or underground storage tanks.

Under current law, the Petroleum Storage Tank Insurance Fund expires on December 31, 2010 or upon revocation of 40 CFR Parts 280 and 285, which are federal standards and corrective action requirements for owners of underground storage tanks. This act extends the expiration date until December 31, 2020 and removes the clause concerning revocation of federal law.

Under current law, an owner or operator of petroleum storage tanks may participate in the Petroleum Storage Tank Insurance Fund to "partially" meet the applicable financial obligations required by state law. This act removes the word "partially" to allow this participation to fully meet the financial obligation. The act additionally changes the statute reference for the financial obligations to a single section in chapter 319 and an additional section in Chapter 414, which concerns aboveground storage tanks.

Under current law, the Petroleum Storage Tank Insurance Fund Board of Trustees' advisory committee is composed of insurers and owners and operators of petroleum storage tanks. This act allows other interested parties to also serve on the committee. The requirement that the committee report to the General Assembly on the status of private insurance for fuel storage tanks is changed from annually to every two years.

The act provides that after December 31, 2017, the current legal owner of the site of an aboveground or underground storage tank leak shall be considered the responsible party for cleanup.

Under current law, each participant in the Petroleum Storage Tank Insurance Fund shall pay a per-tank fee each year in an amount of at least \$100 but not greater than \$300. This act raises the maximum from \$300 to \$500. The Board of Trustees for the Fund may require new applicants to conduct site assessments prior to participating in the Fund. The Board may also require new applicants to pay a surcharge up to \$500 per tank per year for each year after which the tank was eligible for coverage by the Fund.

An underground storage tank is ineligible to receive petroleum if certain spill prevention, overfill protection, leak detection, or corrosion prevention equipment have not been installed.

The act requires the Department of Natural Resources to affix a red violation tag to any underground storage tank that it determines to be ineligible to receive petroleum and the Department must notify the owner or operator of the tank of its action within 14 days. No person shall deposit petroleum in any tank with a red violation tag and removal of the tag is prohibited except in certain circumstances.

Upon the receipt of documentation from the tank owner or operator that satisfactorily indicates resolution of the problem, the Department must immediately authorize the removal of the violation tag. If the Department determines that an inspection is needed before issuing approval to remove the tag, the inspection must be conducted within 24 hours of receiving notification from the tank owner or operator. If the Department does not conduct its inspection in that time period, the owner or operator may remove the violation tag and return the tag to the Department in a pre-paid envelope provided by the Department.

Tank owners or operators may appeal any decision by the Department to the Administrative Hearing Commission or to the circuit court.

The act requires that after December 31, 2010, owners or operators of aboveground storage tanks shall maintain evidence of financial responsibility in an amount sufficient to cover at least \$1 million per occurrence of a spill, up to \$2 million annually in aggregate, to pay for corrective action, third-party bodily injury compensation, and property damage. Participation in the Petroleum Storage Tank Insurance Fund is sufficient to meet this requirement. The Department of Natural Resources shall promulgate rules for this requirement.

Provisions of this act are similar to provisions in SB 601 (2007).

ERIKA JAQUES

01/07/2008 Prefiled
 01/09/2008 S First Read--SB 907-Engler and Gibbons (S22)
 01/16/2008 Second Read and Referred S Commerce, Energy and the Environment Committee (S105)
 02/07/2008 Hearing Conducted S Commerce, Energy and the Environment Committee
 02/14/2008 SCS Voted Do Pass S Commerce, Energy and the Environment Committee (3580S.04C)
 02/14/2008 Reported from S Commerce, Energy and the Environment Committee to Floor w/SCS (S246)
 02/20/2008 Bill Placed on Informal Calendar (S284)
 03/03/2008 S Informal Calendar S Bills for Perfection--SB 907-Engler and Gibbons, with SCS

EFFECTIVE: August 28, 2008

*** SB 908 ***

4160S.011

SENATE SPONSOR: Engler

SB 908 - Under current law, the Secretary of State is required to prepare and publish 40,000 copies of the Missouri manual, commonly known as the "Blue Book". This act removes this requirement and instead requires the Secretary of State to electronically publish the manual on the Secretary of State's official website.

CHRIS HOGERTY

01/07/2008 Prefiled
 01/09/2008 S First Read--SB 908-Engler (S22)
 01/16/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S105)
 01/28/2008 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2008

*** SB 909 ***

SCS SBs 909, 954, 934 & 1003

4169S.05C

SENATE SPONSOR: Engler

SCS/SBs 909, 954, 934 & 1003 - This act imposes certain requirements upon petition circulators.

Under this act, circulators must be U.S. citizens and Missouri residents.

Circulators shall not be paid on a per signature basis, receive signatures by mail or via the internet, or

circulate more than one petition at a time. Circulators shall submit to the Secretary of State, information affirming the fulfillment of all requirements before collecting signatures. Those who have committed forgery are prohibited from circulating petitions.

This act is similar to SB 598 (2007), SB 934 (2008), SB 1003 (2008), and SB 954 (2008).

CHRIS HOGERTY

01/07/2008 Prefiled
 01/09/2008 S First Read--SB 909-Engler (S22)
 01/16/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S105)
 01/28/2008 Hearing Conducted S Financial & Governmental Organizations and Elections Committee
 02/04/2008 SCS Voted Do Pass (SCS/SBs 909, 954, 934 & 1003) S Financial & Governmental Organizations and Elections Committee (4169S.05C)
 02/21/2008 Reported from S Financial & Governmental Organizations and Elections Committee to Floor w/SCS (S340)
 03/03/2008 S Formal Calendar S Bills for Perfection--SBs 909, 954, 934 & 1003-Engler, with SCS

EFFECTIVE: August 28, 2008

*** SB 910 ***

3849S.011

SENATE SPONSOR: Graham

SB 910 - This act requires every health spa registered with the office of the Attorney General 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 provides an exception for those health spas where there are no employees staffing the spas.

This act is similar to SB 57 (2007).

ADRIANE CROUSE

01/07/2008 Prefiled
 01/09/2008 S First Read--SB 910-Graham (S22)
 01/16/2008 Second Read and Referred S Seniors, Families and Public Health Committee (S105)
 02/05/2008 Hearing Conducted S Seniors, Families and Public Health Committee
 02/19/2008 Voted Do Pass S Seniors, Families and Public Health Committee

EFFECTIVE: August 28, 2008

*** SB 911 ***

3525S.011

SENATE SPONSOR: Engler

SB 911 – This act modifies the number of school days that a school district must make up as a result of inclement weather. When a school district has cancelled or lost five consecutive school days due to inclement weather and is located in an area declared a disaster area by the Governor, the school district's board of education will have discretion to reduce the number of those days to be made up.

MICHAEL RUFF

01/07/2008 Prefiled
 01/09/2008 S First Read--SB 911-Engler (S23)
 01/16/2008 Second Read and Referred S Education Committee (S105)
 01/30/2008 Hearing Scheduled But Not Heard S Education Committee

EFFECTIVE: August 28, 2008

*** SB 912 ***

4121S.011

SENATE SPONSOR: Engler

SB 912 - This act creates the crime of murder of a criminal justice official in the first degree. A person commits such crime if, after deliberation upon the matter, he or she knowingly causes the death of a criminal justice official and:

- 1) The official was engaged in his or her lawful duties; or

2) The person knowingly caused the death of such official because of his or her status.

Murder of a criminal justice official in the first degree is a felony punishable by death unless the jury finds mitigating circumstances sufficient to justify a sentence of life imprisonment without eligibility for probation, parole, or conditional release. A "criminal justice official" includes a peace officer, prosecuting attorney, judge, jailer, or corrections personnel.

A trial for murder of a criminal justice official in the first degree shall be conducted according to the laws applicable to murder in the first degree.

The crimes of assault of a law enforcement officer, emergency personnel, or probation or parole officer in the first degree, second degree, and third degree respectively, are expanded to include corrections personnel.

No person who pleads guilty to or is found guilty of assault of a law enforcement officer, emergency personnel, or corrections personnel in the first degree may be granted a suspended imposition of sentence or suspended execution of sentence or may be sentenced to pay a fine.

"Corrections personnel" is defined as any employee of a correctional center or any person assigned to work in a correctional center, probation and parole officer, or any jailer.

This act is similar to SB 685 (2007).

SUSAN HENDERSON MOORE

01/07/2008 Prefiled

01/09/2008 S First Read--SB 912-Engler (S23)

01/16/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S105)

EFFECTIVE: August 28, 2008

*** SB 913 ***

3924S.011

SENATE SPONSOR: Bray

SB 913 - 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 similar to SB 123 (2007) and SB 1170 (2006).
ERIKA JAQUES

01/08/2008 Prefiled
01/09/2008 S First Read--SB 913-Bray (S23)
01/16/2008 Second Read and Referred S Commerce, Energy and the Environment Committee (S105)

EFFECTIVE: August 28, 2008

*** SB 914 ***

3927S.011

SENATE SPONSOR: Bray

SB 914 - This act creates the Healthy Pet Act.

Pet dealers are required to have their dogs and cats examined by a licensed veterinarian no greater than 30 days prior to sale. The act requires that pet dealers provide a written statement to the purchaser of any dog or cat containing certain facts about the animal's birth, breeding, physical traits, and medical history. The written statement shall also include a statement signed by both the pet dealer and the purchaser that the animal has no known disease, illness, or adverse health condition or the statement shall alternatively disclose any known disease, illness or adverse health condition.

The act requires pet dealers to maintain certain records for up to 12 months following the date of sale of any dog or cat.

Pet dealers are prohibited from selling any dog or cat with any obvious clinical sign of an infectious, contagious, parasitic, or communicable disease or with any condition for which hospitalization or nonelective surgery is required.

Individuals who unknowingly purchase a sick dog or cat are entitled to a remedy from the pet dealer when: within 20 days of the purchase, a licensed veterinarian states in writing that the animal suffers from or has died from a condition that existed on or before the date of purchase; or within 2 years of the purchase, a licensed veterinarian states in writing that the animal possesses or has died from a congenital or hereditary condition for which hospitalization or nonelective surgery was required. Available remedies to the purchaser of such a sick dog or cat are provided in the act.

In order to receive a remedy, a purchaser of a sick dog or cat must, within 10 days of receiving the veterinarian's diagnosis, notify the pet dealer and provide a written statement from the veterinarian to the pet dealer. The act lists certain information that must be included in the veterinarian's statement.

Remedies are not required to be provided by a pet dealer to a purchaser of a sick dog or cat if: the illness or death of the pet resulted from maltreatment by the purchaser or from an event that occurred after the pet's purchase from the dealer; the purchaser did not administer veterinarian-recommended treatment for the illness (except when the cost of treatment plus the exam fee exceeds the pet's purchase price); the pet's illness or condition was disclosed at time of purchase; or if the purchaser does not return all registration documents to the pet dealer if the pet is returned for refund or exchange.

If a pet dealer disputes a purchaser's request for a remedy under this act, the pet dealer can have the animal examined by a licensed veterinarian of his or her choosing.

The act requires pet dealers to post a statement about consumers rights under this act and specifies requirements for the size and wording of the notification. Pet dealers and purchasers of dogs and cats are also required to sign a statement at the time of purchase that the purchaser was provided notification of his or her rights under this act. The act requires certain additional notification provided to purchasers of pets sold as being "registered" or able to be registered.

The act does not limit any authority under other laws.

Pet dealers who advertise any animal as being registered or able to be registered with an animal registering organization shall provide the purchaser of any such animal the appropriate registration documents within 120 days of the date of purchase.

ERIKA JAQUES

01/08/2008 Prefiled
01/09/2008 S First Read--SB 914-Bray (S23)
01/16/2008 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S105)

EFFECTIVE: August 28, 2008

*** SB 915 ***

3980S.011

SENATE SPONSOR: Ridgeway

SB 915 - 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) and SB 173 (2007).

ALEXA PEARSON

01/08/2008 Prefiled

01/09/2008 S First Read--SB 915-Ridgeway (S23)

01/16/2008 Second Read and Referred S Seniors, Families and Public Health Committee (S105)

02/14/2008 Hearing Conducted S Seniors, Families and Public Health Committee

02/19/2008 Voted Do Pass S Seniors, Families and Public Health Committee

EFFECTIVE: August 28, 2008

*** SB 916 ***

4188S.011

SENATE SPONSOR: Goodman

SB 916 - This act requires hospitals to report whenever they have a "serious reportable event in health care," as identified by the National Quality Forum. Such events include wrong-site surgery, retention of a foreign object in a patient after surgery, and death or serious disability associated with medication error.

The procedure for hospitals reporting such events to the Department of Health and Senior Services and to a patient safety organization are prescribed in the act. The requirements for a patient safety organization are also prescribed in the act. The patient-identifying data shall be redacted from information provided to the department or patient safety organization. The initial report of the event shall be reported to the patient safety organization and include a description of immediate actions taken by the hospital to minimize the risk of harm to patients and prevent reoccurrence. Within 45 days after the event occurred, the hospital shall submit to the patient safety organization a root cause analysis and a prevention plan, which shall be forwarded to the department.

The department shall investigate the reportable incident and based on its findings, determine whether the hospital's response and proposed prevention plan is sufficient to reduce the risk of future occurrences of that type. The department shall also periodically evaluate the performance of the patient safety organization regarding report submission processes and its reviews of prevention plans. The act also prescribes the procedure for the department when taking action on insufficient prevention plans.

If a reportable incident is disclosed to the department and patient safety organization and the prevention plan and root cause analysis is submitted and approved by the department, the incident shall not be deemed grounds for a finding of a licensure deficiency. The department shall promulgate rules establishing criteria for defining cases in which reportable incidents have occurred in a hospital with a frequency or possible pattern of adverse outcomes as to necessitate departmental intervention.

The patient safety organization shall in collaboration with the department publish an annual report to the public on reportable incidents. The report shall show the number and rate per patient encounter by region and by category of reportable incident and may identify reportable incidents by type of facility.

This act provides for certain legal protections of patient safety organization documents. The proceedings and records of the organization shall not be subject to discovery or introduction into evidence in any civil action against a provider. However, information otherwise available from original sources shall not be

immune from discovery or use in any civil action if they were presented during a patient safety organization meeting. Patient safety work product shall be privileged and confidential and shall not be disclosed for any purpose.

Any hospital that reports a reportable incident shall not charge for or bill any entity for all services related to the reportable incident.

This act is similar to SB 578 (2007).

ADRIANE CROUSE

01/08/2008 Prefiled

01/09/2008 S First Read--SB 916-Goodman (S23)

01/16/2008 Second Read and Referred S Health and Mental Health Committee (S105)

03/04/2008 Hearing Scheduled S Health and Mental Health Committee

EFFECTIVE: August 28, 2008

*** SB 917 ***

3629S.03I

SENATE SPONSOR: Goodman

SB 917 - This act licenses prescribing psychologists and confers the authority to prescribe certain medications and test blood and urine to monitor treatment. Licensees shall not be allowed to order electro-convulsive therapy.

As a prerequisite to licensure a licensee must:

- Complete 400 hours of didactic educational instruction.
- Complete a 1 year supervised fellowship with a full-time caseload of patients and provide medication management, psychological evaluations, and therapeutic services.
- Pass a national exam.
- Maintain medical liability insurance.

Licensees shall prescribe under a collaborative practice agreement for the first year of licensure. After the first year of licensure the licensee shall maintain a referral agreement with a physician to provide for the diagnosis and treatment of medical conditions.

This act is similar to HB 350 (2007), and SB 701 (2007).

CHRIS HOGERTY

01/08/2008 Prefiled

01/09/2008 S First Read--SB 917-Goodman, et al (S23)

01/16/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S105)

02/04/2008 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

02/25/2008 Voted Do Pass S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2008

*** SB 918 ***

4181S.02I

SENATE SPONSOR: Goodman

SB 918 - Under this act, the MO HealthNet program shall not require prior authorization, step therapy, generic substitution, or quantity limits for immunosuppressive drugs without express written or oral notification and the documented consent of the health care professional and the patient.

ADRIANE CROUSE

01/08/2008 Prefiled

01/09/2008 S First Read--SB 918-Goodman (S23)

01/16/2008 Second Read and Referred S Seniors, Families and Public Health Committee (S105)

EFFECTIVE: August 28, 2008

*** SB 919 ***

3970S.03I

SENATE SPONSOR: Rupp

SB 920 - Under this act, shippers shipping radioactive waste in Missouri shall be subject to statutory fees established by the act. State-funded institutions of higher education who ship nuclear waste shall be exempt from the statutory fees but such institutions shall reimburse the Missouri Highway Patrol for costs associated with shipment escorts. The fee structure is described in the act and the Department of Natural Resources in coordination with the Departments of Health and Senior Services, and Public Safety may promulgate rules necessary to carry out the provisions of the act.

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. The department of natural resources may use moneys in the fund for the purposes delineated in the act.

The act requires the Department of Natural Resources to prepare a report for the General Assembly beginning December 31, 2008, and every two years thereafter on all activities relating to the environmental radiation monitoring fund.

The provisions of this act do not apply to radioactive waste being shipped by or for the federal government for military or national defense purposes.

The act shall sunset six years after the effective date of the section unless reauthorized by the General Assembly.

This act is similar to SB 205 (2007) and SB 976 (2006).
STEPHEN J. WITTE

01/08/2008 Prefiled
01/09/2008 S First Read--SB 919-Rupp (S23)
01/16/2008 Second Read and Referred S Transportation Committee (S105)
02/13/2008 Hearing Conducted S Transportation Committee
02/20/2008 Voted Do Pass S Transportation Committee

EFFECTIVE: August 28, 2008

*** SB 920 ***

4223S.011

SENATE SPONSOR: Rupp

SB 920 - This act requires all television stations located in the state with gross revenues in excess of three million dollars a year to provide real-time captioning of all local news, weather, and sports programming by January 1, 2009. Such stations may limit their expenditures for the captioning to two percent of their annual gross revenues.

ADRIANE CROUSE

01/08/2008 Prefiled
01/09/2008 S First Read--SB 920-Rupp (S23)
01/16/2008 Second Read and Referred S Commerce, Energy and the Environment Committee (S105)

EFFECTIVE: August 28, 2008

*** SB 921 ***

4187S.011

SENATE SPONSOR: Goodman

SB 921 - This act adds coverage under the state legal expense fund for any physician, nurse, physician assistant, dental hygienist or dentist who provides uncompensated primary care or preventive medical, nursing or dental services within the scope of his or her license or registration at a summer camp.

ALEXA PEARSON

01/08/2008 Prefiled
01/09/2008 S First Read--SB 921-Goodman (S23)
01/16/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S105)

EFFECTIVE: August 28, 2008

*** SB 922 ***

3990S.011

SENATE SPONSOR: Goodman

SB 922 - Under this act, a person commits the crime of making a false declaration by providing a verbal false statement regarding his or her identity that he or she believes or knows not to be true with the purpose of misleading a public servant. Making a false declaration is a Class B misdemeanor.

SUSAN HENDERSON MOORE

01/08/2008 Prefiled

01/09/2008 S First Read--SB 922-Goodman (S23)

01/16/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S105)

01/28/2008 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2008

*** SB 923 ***

4257S.011

SENATE SPONSOR: Shoemyer

SB 923 - This act modifies the membership of the MO HealthNet Oversight Committee by adding a licensed optometrist.

ADRIANE CROUSE

01/09/2008 S First Read--SB 923-Shoemyer (S25)

01/16/2008 Second Read and Referred S Health and Mental Health Committee (S105)

01/29/2008 Hearing Scheduled But Not Heard S Health and Mental Health Committee

EFFECTIVE: August 28, 2008

*** SB 924 ***

4254S.011

SENATE SPONSOR: Koster

SB 924 - This act creates a state and local sales tax exemption for sales of new motor vehicles assembled and sold in this state.

JASON ZAMKUS

01/09/2008 S First Read--SB 924-Koster (S25)

01/16/2008 Second Read and Referred S Ways & Means Committee (S105)

EFFECTIVE: August 28, 2008

*** SB 925 ***

3978S.011

SENATE SPONSOR: Days

SB 925 - This act allows school districts to maintain permanent records in a digital or electronic format. School districts must follow the manufacturer's guidelines, suggestions, and recommendations when using digital or electronic storage media and must not use them beyond the manufacturer suggested or recommended period of time.

MICHAEL RUFF

01/10/2008 S First Read--SB 925-Days (S68)

01/16/2008 Second Read and Referred S Education Committee (S105)

02/06/2008 Hearing Conducted S Education Committee

02/27/2008 Voted Do Pass S Education Committee - Consent

02/28/2008 Reported from S Education Committee to Floor - Consent (S394)

03/03/2008 S Consent Calendar--SB 925-Days

EFFECTIVE: August 28, 2008

*** SB 926 ***

3736S.011

SENATE SPONSOR: Green

SB 926 - Monetary contributions shall not be made from any political party committees to any candidate committees, continuing committees, or political party committees. Candidate committees are not limited from making contributions to other committees.

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.

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.

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.

This act is similar to SB 183 (2007), SB 263 (2007), and HB 1900 (2006).

CHRIS HOGERTY

01/10/2008 S First Read--SB 926-Green (S69)

01/16/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S105)

EFFECTIVE: August 28, 2008

*** SB 927 ***

3366S.011

SENATE SPONSOR: Green

SB 927 - 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 fifty 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), SB 988 (2006), and SB 180 (2007).

CHRIS HOGERTY

01/10/2008 S First Read--SB 927-Green and Callahan (S69)

01/16/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S105)

03/05/2008 Hearing Scheduled S Pensions, Veterans' Affairs and General Laws Committee

EFFECTIVE: August 28, 2008

*** SB 928 ***

3987S.011

SENATE SPONSOR: Green

SB 928 - This act removes the provision that requires the Public Service Commission to annually study the economic impact of section 392.410, RSMo, and submit a report to the General Assembly by the end of each calendar year. Section 392.410, RSMo, concerns the issuing of certificates of service authority for telecommunications service and limitations on the provision of telecommunications service by political subdivisions.

This act is similar to HB 1426 (2007).

ERIKA JAQUES

01/10/2008 S First Read--SB 928-Green (S69)

01/16/2008 Second Read and Referred S Commerce, Energy and the Environment Committee (S105)

EFFECTIVE: August 28, 2008

*** SB 929 *** SCS SB 929

3452S.05C

SENATE SPONSOR: Green

SCS/SB 929 - This act bars employers with 5 or more employees from knowingly misclassifying employees. Employers must submit federal IRS 1099-MISC forms to the Department of Revenue and penalties for failing to do so are provided. The Attorney General has the power to investigate alleged misclassifications and enforce the section. A process is established by which the Department of Labor may receive complaints and forward them to the Attorney General if they decide the complaint has merit.

The state carries the burden of proving that the employer misclassified the worker and there is a rebuttable presumption that an unauthorized alien is an employee under the act and shall be treated so if the employer cannot produce an I-9 form verifying the legal status of the worker or other forms verifying the individual is an independent contractor. Injunctions may be sought and employers shall be charged \$50 per day per misclassified worker up to a maximum of \$50,000 for violations. Penalties are increased for repeat offenders in an amount of \$100 per day per misclassified worker up to \$100,000.

The act provides penalties for employers who fail to provide workers' compensation insurers access to records.

Employers shall be liable for a total premium for the policy equal to 3 times the insurer's then-current estimate of the annual premium on the expiration of the policy and costs for the audit when the employer denies access.

Insurers shall notify employers of the audit, duty to provide access, and subsequent increases in premiums due to their denial of access.

This act contains an emergency clause.

This act is similar to SB 928 (2006), SB 424 (2007), and SB 178 (2007).

CHRIS HOGERTY

01/10/2008 S First Read--SB 929-et al (S69)
 01/16/2008 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S105)
 02/05/2008 Hearing Conducted S Small Business, Insurance & Industrial Relations Committee
 02/12/2008 SCS Voted Do Pass S Small Business, Insurance & Industrial Relations Committee (3452S.05C)
 02/14/2008 Reported from S Small Business, Insurance & Industrial Relations Committee to Floor w/SCS (S244)
 02/19/2008 Bill Placed on Informal Calendar (S271)
 03/03/2008 S Informal Calendar S Bills for Perfection--SB 929-Green and Callahan, with SCS

EFFECTIVE: Emergency Clause

*** SB 930 *** SCS SBs 930 & 947

4251S.02C

SENATE SPONSOR: Stouffer

SCS/SBs 930 & 947 - This act removes the cap on the amount of jet fuels sales taxes that can be deposited into the State Aviation Trust Fund. Under current law, only \$6 million generated from jet fuel sales taxes may be deposited to the credit of the Aviation Trust Fund (Section 144.805).

This act allows \$2 million from the Aviation Trust Fund to be used for the study or promotion of expanded domestic or international scheduled commercial service, for the study or promotion of intrastate scheduled commercial service, or to assist airport sponsors participating in a federally funded air service program supporting intrastate scheduled commercial service. The act further requires that there must have been at least \$6 million deposited in the fund in the previous calendar year before aviation trust funds can be utilized for these purposes (Section 305.230).

This act allows moneys in the Aviation Trust Fund to be used to assist communities to match federal air traffic control tower cost-share program grants. Under the act, up to \$500,000 per year may be used on a ratio of 50% state/50% local to meet the non-federal match requirement. No more than \$100,000 per year may be used for any individual air traffic control tower (Section 305.230).

STEPHEN WITTE

01/10/2008 S First Read--SB 930-Stouffer (S69)
 01/16/2008 Second Read and Referred S Governmental Accountability & Fiscal Oversight Committee (S105)
 02/14/2008 Hearing Conducted S Governmental Accountability & Fiscal Oversight Committee
 02/21/2008 SCS Voted Do Pass (w/SCS/SBs 930 & 947) S Governmental Accountability & Fiscal Oversight Committee (4251S.02C)
 02/21/2008 Reported from S Governmental Accountability & Fiscal Oversight Committee to Floor w/SCS (S343)
 03/03/2008 S Formal Calendar S Bills for Perfection--SBs 930 & 947-Stouffer, with SCS

EFFECTIVE: August 28, 2008

*** SB 931 *** SS SCS SB 931

4116S.06P

SENATE SPONSOR: Purgason

SS/SCS/SB 931 - The State of Missouri may support a voluntary animal identification program. The act prohibits the Missouri Department of Agriculture from mandating premises registration under the U.S. Department of Agriculture's National Animal Identification System (NAIS) program unless the Department is specifically statutorily authorized to do so.

Participants in the NAIS may withdraw from the program at any time and all of their personal information shall be deleted at the time of withdrawal unless a participant is part of an ongoing disease investigation.

This act is similar to SB 428 (2007) and HB 478 (2007).

ERIKA JAQUES

01/10/2008 S First Read--SB 931-Purgason (S69)
 01/16/2008 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S105)
 01/22/2008 Hearing Conducted S Agriculture, Conservation, Parks & Natural Resources Committee
 02/05/2008 SCS Voted Do Pass S Agriculture, Conservation, Parks & Natural Resources Committee (4116S.05C)
 02/07/2008 Reported from S Agriculture, Conservation, Parks & Natural Resources Committee to Floor w/SCS (S200)
 02/13/2008 SS for SCS S offered & adopted (Purgason)--(4116S.06F) (S233)
 02/13/2008 Perfected (S233)
 02/14/2008 Reported Truly Perfected S Rules Committee (S243)
 02/14/2008 Referred S Governmental Accountability and Fiscal Oversight Committee (S247)
 02/19/2008 Hearing Conducted S Governmental Accountability & Fiscal Oversight Committee
 02/19/2008 Voted Do Pass S Governmental Accountability and Fiscal Oversight Committee
 02/19/2008 Reported from S Governmental Accountability and Fiscal Oversight Committee to Floor (S269)
 02/19/2008 S Third Read and Passed (S272-273 / H296)
 02/20/2008 H First Read (H296)
 02/21/2008 H Second Read (H302)

EFFECTIVE: August 28, 2008

*** SB 932 ***

3601S.011

SENATE SPONSOR: Loudon

SB 932 - This act allows grant money distributed by the Department of Public Safety to investigate Internet sex crimes against children to be used to fund training for prosecuting and circuit attorneys. Currently, the grant money can only be used for other purposes, including training law enforcement personnel.

SUSAN HENDERSON MOORE

01/10/2008 S First Read--SB 932-Loudon (S69)
 01/16/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S105)

EFFECTIVE: August 28, 2008

*** SB 933 ***

4186S.011

SENATE SPONSOR: Loudon

This bill has been combined with SB 714

01/10/2008 S First Read--SB 933-Loudon (S69)
 01/16/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S105)
 02/04/2008 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee
 02/18/2008 Bill Combined w/ SCS/SBs 714, 933, 899 & 758

EFFECTIVE: August 28, 2008

*** SB 934 ***

4205S.011

SENATE SPONSOR: Dempsey

This bill has been combined with SB 909

01/10/2008 S First Read--SB 934-Dempsey (S69)
 01/16/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S105)
 01/28/2008 Hearing Conducted S Financial & Governmental Organizations and Elections Committee
 02/04/2008 Bill Combined (SCS/SBs 909, 954, 934 & 1003)

EFFECTIVE: August 28, 2008

*** SB 935 ***

SCS SB 935

4385S.05P

SENATE SPONSOR: Griesheimer

SCS/SB 935 - Under this act, the sheriff shall receive an additional \$10 fee for service of any civil summons, writ, subpoena or other court order. The money received by the sheriff shall be collected by the county treasurer and made payable to the state treasurer.

The money paid to the state treasurer shall be deposited into the newly created "Deputy Sheriff Salary Supplementation Fund". The money shall be used only to supplement the salaries, and employee benefits resulting from such salary increases, of county deputy sheriffs. The Missouri Sheriff Methamphetamine Relief Taskforce (MoSMART), housed with the Department of Public Safety shall administer the fund.

SUSAN HENDERSON MOORE

01/14/2008 S First Read--SB 935-Griesheimer, et al (S80)
 01/16/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S105)
 01/23/2008 Hearing Conducted S Economic Development, Tourism & Local Government Committee
 01/30/2008 SCS Voted Do Pass S Economic Development, Tourism & Local Government Committee (4385S.05C)
 02/07/2008 Reported from S Economic Development, Tourism & Local Government Committee to Floor w/SCS (S199)
 02/13/2008 Bill Placed on Informal Calendar (S233)
 02/14/2008 SA 1 to SCS S offered & adopted (Griesheimer)--(4385S05.04S) (S246-247)
 02/14/2008 SCS, as amended, S adopted (S247)
 02/14/2008 Perfected (S247)
 02/18/2008 Reported Truly Perfected S Rules Committee (S263)
 02/19/2008 S Third Read and Passed (S273 / H296)
 02/20/2008 H First Read (H296)
 02/21/2008 H Second Read (H302)

EFFECTIVE: August 28, 2008

*** SB 936 ***

4362S.01P

SENATE SPONSOR: Griesheimer

SB 936 - This act modifies the state emissions law to allow motorists to operate their vehicle for 30 days beyond the vehicle's registration expiration without a current state registration license for the purposes of resetting their vehicle's readiness monitors and passing the on-board diagnostic (OBD) retest. Motorists must keep a copy of the most recent failing OBD test results in their vehicle to present to law enforcement. Motorists would still be liable for late registration penalties.

STEPHEN WITTE

01/14/2008 S First Read--SB 936-Griesheimer (S80)
 01/16/2008 Second Read and Referred S Transportation Committee (S105)
 01/23/2008 Hearing Conducted S Transportation Committee
 01/30/2008 Voted Do Pass S Transportation Committee
 02/20/2008 Committee Vote Reconsidered
 02/20/2008 Voted Do Pass S Transportation Committee-Consent
 02/21/2008 Reported from S Transportation Committee to Floor - Consent (S342)
 02/28/2008 S Third Read and Passed - Consent (S408)

EFFECTIVE: August 28, 2008

*** SB 937 ***

4094S.041

SENATE SPONSOR: Shoemyer

SB 937 - This act allows utility vehicles to be operated upon highways within the state beginning January 1, 2009. Utility vehicles may not be operated upon interstate highways. A person who operates a utility vehicle upon an interstate highway shall be guilty of a Class C misdemeanor. Operators of utility vehicles must possess a driver's license in order to operate the vehicle upon a highway. In order to operate a utility vehicle upon a highway in Missouri, the utility vehicle must be registered with the Department of Revenue. The annual registration fee for a utility vehicle is \$15. Utility vehicles shall be exempt from motor vehicle safety inspections and emissions inspections. Utility vehicle operators shall maintain financial responsibility on such vehicles.

STEPHEN WITTE

01/14/2008 S First Read--SB 937-Shoemyer (S80)
 01/16/2008 Second Read and Referred S Transportation Committee (S105)

EFFECTIVE: August 28, 2008

*** SB 938 ***

3606S.031

SENATE SPONSOR: Shoemyer

SB 938 - Department of Corrections custody personnel, including corrections officers I, II, or III and corrections supervisors I or II, shall be eligible for a specific pay parameter based on the hazards of such jobs, years of service, and a twenty-four-hour seven-day-a-week staffing requirement. The personnel advisory board shall be authorized to establish such a pay parameter, and any other pay adjustments, necessary to maintain a stable work force. Such pay parameters and adjustments shall be in addition to salary adjustments as appropriated by the General Assembly.

SUSAN HENDERSON MOORE

01/14/2008 S First Read--SB 938-Shoemyer (S80)
 01/16/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S105)

EFFECTIVE: August 28, 2008

*** SB 939 ***

SCS SB 939

4250S.02C

SENATE SPONSOR: Stouffer

SCS/SB 939 - Currently, the board of supervisors of a levee district must levy a uniform tax of not more than one dollar per acre upon each acre of land and each mile of right-of-way of all public service corporations within such district. The tax is used to pay expenses incurred before the board is empowered to levy a property tax under Section 245.180, RSMo. This act would require a levee district to levy such a tax for not more than eight dollars.

Currently, the board of supervisors of a drainage district must levy a uniform tax of not more than one dollar per acre upon each acre of land. The tax is used to pay expenses incurred before the board is empowered to levy a property tax under Section 242.450, RSMo. This act would require a drainage district to levy such a tax for not more than eight dollars.

SUSAN HENDERSON MOORE

01/14/2008 S First Read--SB 939-Stouffer (S80)
 01/16/2008 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S105)

02/12/2008 Hearing Conducted S Agriculture, Conservation, Parks & Natural Resources Committee
 02/19/2008 SCS Voted Do Pass S Agriculture, Conservation, Parks & Natural Resources Committee
 (4250S.02C)
 02/28/2008 Reported from S Agriculture, Conservation, Parks & Natural Resources Committee to Floor
 w/SCS (S393)
 03/03/2008 S Formal Calendar S Bills for Perfection--SB 939-Stouffer, with SCS

EFFECTIVE: August 28, 2008

*** SB 940 ***

4338S.011

SENATE SPONSOR: McKenna

SB 940 - 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.

This act is identical to SB 214 (2007).

CHRIS HOGERTY

01/14/2008 S First Read--SB 940-McKenna (S81)
 01/16/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S106)
 02/18/2008 Hearing Cancelled S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2008

*** SB 941 ***

4061S.011

SENATE SPONSOR: Clemens

SB 941 - This act modifies the definition of livestock in terms of what is considered a punishable offense for stealing. Under current law, it is a Class C felony to steal a horse, mule, ass, cattle, swine, sheep, or goat. This act adds calves, ratite birds (which include ostrich and emu), farm-raised fish, llamas, alpaca, buffalo, elk, and rabbits to the list of livestock for which it is a Class C felony to steal.

The act makes it a Class C felony to steal farm-raised quail or pheasant.

Any person who pleads guilty to or is found guilty of stealing livestock, quail, or pheasants valued at over \$3,000 and who has a prior conviction for stealing livestock, quail, or pheasants shall serve at least 80% of his or her prison sentence before being eligible for probation, parole, or release.

This act is identical to SCS/SB 473 (2007) and similar to SCS/SB 1100 (2006).

ERIKA JAQUES

01/15/2008 S First Read--SB 941-Clemens (S86)
 01/16/2008 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee
 (S106)
 02/19/2008 Hearing Conducted S Agriculture, Conservation, Parks & Natural Resources Committee
 02/26/2008 Voted Do Pass S Agriculture, Conservation, Parks & Natural Resources Committee

EFFECTIVE: August 28, 2008

*** SB 942 ***

SCS SB 942

3956S.04P

SENATE SPONSOR: Clemens

SCS/SB 942 - This act modifies provisions pertaining to the Large Animal Veterinary Medicine Loan Repayment Program and the Large Animal Veterinary Student Loan Program.

The act adds the requirement that permanent residency be "lawful" as a criteria for the eligibility standards applicable to participants in the Large Animal Veterinary Medicine Loan Repayment Program.

Currently, eligible veterinary students at the University of Missouri may be awarded up to \$80,000 worth

of Large Animal Veterinary Student loans for veterinary school. This act specifies that no more than \$20,000 may be awarded per academic year and does not allow the loans to be awarded retroactively.

Under current law, the Department of Agriculture can forgive loans made through the Large Animal Veterinary Student Loan Program in exchange for large animal veterinary service in under-served parts of the state. This act places a dollar limit of \$20,000 as the maximum amount that may be forgiven by the Department per year of qualified service. The act also directs the Department of Agriculture to specify terms and conditions of loan forgiveness and repayment in the loan contract.

Under current law, a loan recipient is required to begin repayment within one year of completing the veterinary degree program unless the individual fulfills the qualified service requirement. The act requires a loan recipient who fails to meet the qualified service requirement to begin repayment within 6 months of the first day on which he or she did not meet the service requirement.

The act allows the Department to grant a loan deferment to anyone who is on active duty in any branch of the U.S. armed forces.

The Large Animal Veterinary Student Loan Program shall expire on June 30, 2013.

The act reorganizes the sections pertaining to the Large Animal Veterinary Student Loan Program.
ERIKA JAQUES

01/15/2008 S First Read--SB 942-Clemens (S86)
01/16/2008 Second Read and Referred S Education Committee (S106)
02/13/2008 Hearing Conducted S Education Committee
02/20/2008 SCS Voted Do Pass S Education Committee - Consent (3956S.04C)
02/21/2008 Reported from S Education Committee to Floor w/SCS - Consent (S342)
02/28/2008 SCS S adopted (S406)
02/28/2008 S Third Read and Passed - Consent (S406-407)

EFFECTIVE: August 28, 2008

*** SB 943 ***

4179S.011

SENATE SPONSOR: Clemens

SB 943 - Under Sections 305.400 to 305.410 (Airport Zoning Law), cities, towns and villages are prohibited from annexing land located within an airport zone in Greene County. This prohibition does not apply to the city of Springfield which owns the airport. Under this act, a city, town or village may annex land within an airport zone if it enters into an agreement with the City of Springfield to adopt Springfield's airport zoning ordinance and agrees to enforce and administer such ordinance. If the city, town or village fails to enforce Springfield's airport zoning ordinance, then such political subdivisions shall be subject to various legal remedies (injunction, quo warranto, mandamus, etc.).

Under the act, the powers of the board of adjustment may be vested in a board consisting of members from Springfield and members from the city, town or village annexing land located within the airport zone. The concurring vote of eight members of the board is necessary to reverse administrative official decisions or to approve ordinance variations.

STEPHEN WITTE

01/15/2008 S First Read--SB 943-Clemens (S86)
01/16/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S106)
01/30/2008 Hearing Conducted S Economic Development, Tourism & Local Government Committee
02/06/2008 Voted Do Pass S Economic Development, Tourism & Local Government Committee - Consent
02/07/2008 Reported from S Economic Development, Tourism & Local Government Committee to Floor - Consent (S199)
02/19/2008 S Third Read and Passed - Consent (S275-276 / H296)
02/20/2008 H First Read (H296)
02/21/2008 H Second Read (H302)

EFFECTIVE: August 28, 2008

*** SB 944 ***

SCS SB 944

4301S.02C

SENATE SPONSOR: Engler

SCS/SB 944 - Under current law, the State Auditor is paid ten cents for each \$100 of the face value of bonds registered. This act requires that the Auditor be paid \$500 for bond issuances up to \$10 million, \$1,000 for bond issuances over \$10 million up to \$35 million, and \$1,500 for bond issuances greater than \$35 million. These fees shall be adjusted annually to reflect the percentage increase in the previous years general price level as measured in the Consumer Price Index.

This act contains an emergency clause.

CHRIS HOGERTY

01/15/2008 S First Read--SB 944-Engler, et al (S86)
 01/16/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S106)
 01/28/2008 Hearing Conducted S Financial & Governmental Organizations and Elections Committee
 02/04/2008 SCS Voted Do Pass S Financial & Governmental Organizations and Elections Committee (4301S.02C)
 02/28/2008 Reported from S Financial & Governmental Organizations and Elections Committee to Floor w/SCS (S393)
 03/03/2008 S Formal Calendar S Bills for Perfection--SB 944-Engler, et al, with SCS

EFFECTIVE: Emergency Clause

*** SB 945 ***

4305S.011

SENATE SPONSOR: Green

SB 945 - Current law requires water corporations regulated by the Public Service Commission to submit an annual report to the Commission. This act requires water corporations that regularly provide service to 20,000 or more customers to additionally disclose in its annual report the salary and total compensation provided to each of its officers whose salary exceeds \$50,000 per year. This information shall not be considered a closed record and shall be available upon request through the Commission.

ERIKA JAQUES

01/15/2008 S First Read--SB 945-Green (S86)
 01/16/2008 Second Read and Referred S Commerce, Energy and the Environment Committee (S106)

EFFECTIVE: August 28, 2008

*** SB 946 ***

4386S.011

SENATE SPONSOR: Dempsey

SB 946 - This act creates the tobacco use prevention, cessation and enforcement fund. Beginning fiscal year 2009, payments received from the strategic contribution fund will be deposited into the newly created fund to be used for a comprehensive tobacco control program.

JASON ZAMKUS

01/15/2008 S First Read--SB 946-Dempsey and McKenna (S86)
 01/16/2008 Second Read and Referred S Seniors, Families and Public Health Committee (S106)
 02/14/2008 Hearing Conducted S Seniors, Families and Public Health Committee

EFFECTIVE: August 28, 2008

*** SB 947 ***

4304S.011

SENATE SPONSOR: Kennedy

This bill has been combined with SB 930

01/15/2008 S First Read--SB 947-Kennedy (S86)
 01/16/2008 Second Read and Referred S Governmental Accountability & Fiscal Oversight Committee (S106)
 02/14/2008 Hearing Conducted S Governmental Accountability & Fiscal Oversight Committee
 02/21/2008 Bill Combined w/SCS/SBs 930 & 347 (4251S.02C)

EFFECTIVE: August 28, 2008

*** SB 948 ***

4300S.011

SENATE SPONSOR: Justus

SB 948 - 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. In addition, the duties to fill the prescription under this act shall also apply to emergency contraception sold over the counter to persons of legal age.

Violation of the provisions of this act shall subject the licensed pharmacy to disciplinary action by the Board of Pharmacy.

This act is substantially similar to SCS/SB 72 (2007).
ADRIANE CROUSE

01/15/2008 S First Read--SB 948-Justus, et al (S86-87)

01/16/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S106)

EFFECTIVE: August 28, 2008

*** SB 949 ***

4302S.011

SENATE SPONSOR: Scott

SB 949 - Under current law, no more than two rural empowerment zones may exist at any time and they may only be located in Hickory County. This act allows such zones to exist in any county with sixteen thousand residents or less, and prohibits the existence of more than two rural empowerment zones in any such county.

This act is identical to House Bill 1371 (2008).
Jason Zamkus

01/15/2008 S First Read--SB 949-Scott (S87)

01/16/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S106)

01/30/2008 Hearing Conducted S Economic Development, Tourism & Local Government Committee

02/06/2008 Voted Do Pass S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2008

*** SB 950 ***

4294S.011

SENATE SPONSOR: Scott

SB 950 - This act modifies various provisions relating to manufactured housing.

This act modifies the term "dealer" as it is used in the manufactured housing code. Under current law, every manufactured housing manufacturer or dealer who offers for sale four or more manufactured homes must register with the Public Service Commission. This act would modify the definition 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 with the commission.

The act establishes the "Manufactured Housing Customer Recovery Fund" for the purposes of paying consumer claims pursuant to the procedures the commission promulgates by rule. No claims shall be considered by the commission before all other legal remedies have been exhausted. Moneys in the newly created fund may be transferred back to the Manufactured Housing Fund by appropriation.

Under current law, it is a misdemeanor to fail to correct a code violation in a new manufactured home

within 90 days. This act specifically provides that the commission may grant reasonable and necessary extensions.

When providing a bill of sale or purchase agreement, the dealer of a new manufactured home shall include the serial number of the unit (or manufacturer name and model number if unavailable) within the bill of sale or purchase agreement.

The act requires every manufacturer of a manufactured home or modular unit to register with the commission each place of business at which the dealer sells such units. The act modifies the dealer registration process by requiring dealers to, when registering, maintain a bona fide established place of business and maintain a permanent enclosed building or structure for the sale of manufactured homes or modular units. The act specifies that the registration application shall contain a business address and not a post office box address. The registration of renewal fee is \$200 (currently \$50).

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. The act also assigns new statutory numbers to several provisions of law contained in the manufactured housing code (Chapter 700).

This act is substantially similar to SB 313 (2007).

STEPHEN WITTE

01/15/2008 S First Read--SB 950-Scott (S87)

01/16/2008 Second Read and Referred S Commerce, Energy and the Environment Committee (S106)

01/31/2008 Hearing Scheduled But Not Heard S Commerce, Energy and the Environment Committee

EFFECTIVE: August 28, 2008

*** SB 951 *** SCS SB 951

4030S.03C

SENATE SPONSOR: Scott

SCS/SB 951 - Under the act, in a state of emergency, the Governor shall authorized the Director of Finance and the Director of Credit Unions to suspend laws and rules applicable to the division that are reasonable and necessary to safeguard the soundness of financial institutions and coordinate emergency response with financial institutions and emergency responders. The respective directors shall file written waivers, suspensions, actions, and directives in the office of the Director of Finance.

Under current law, banks and trust companies may operate under emergency bylaws in certain circumstances . This act allows banks and trust companies to do the same when the legislature or governor declares a state of emergency. On such occasion, the board of directors or president of the financial institution shall notify the director of finance of the implementation of emergency bylaws and the status of its emergency response operations.

CHRIS HOGERTY

01/15/2008 S First Read--SB 951-Scott (S87)

01/16/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S106)

02/04/2008 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

02/11/2008 SCS Voted Do Pass S Financial & Governmental Organizations and Elections Committee - Consent (4030S.03C)

02/14/2008 Reported from S Financial & Governmental Organizations and Elections Committee to Floor w/SCS - Consent (S244)

02/28/2008 SCS S adopted (S399)

02/28/2008 S Third Read and Passed - Consent (S399)

EFFECTIVE: August 28, 2008

*** SB 952 *** SCS SB 952

3979S.03C

SENATE SPONSOR: Scott

SCS/SB 952 - This act modifies the licensing requirements and practice of certified public accountants and accounting firms.

Engagements to be performed in accordance with the auditing standards and rules of the Public Company Accounting Oversight Board are included in the definition of attest or attest services.

The act also modifies the out-of-state equivalency requirements for certified public accountants. Currently, an individual having a valid designation to practice whose principal place of business is in a state with equivalent qualifications for licensure shall have all of the privileges of licensure in this state. The act allows those having an out-of-state domicile or residency to also qualify. All out-of-state practitioners shall have an unrestricted license in their state to qualify and shall only practice in connection with a firm holding a valid permit to practice as a certified public accounting firm in this state. Out-of-state practitioners shall cease offering professional services if their out-of-state license ceases to be valid or becomes restricted.

The act also modifies the permit requirements for certified public accounting firms. The following firms must hold a permit:

- Those with Missouri offices that perform attest services.
- Those using the title CPA or CPA firm.
- Those that do not have an office in Missouri that perform attest services for clients with offices in Missouri.

Certain firms may use professional designations and perform compilation and review services and other professional services in certain circumstances.

CHRIS HOGERTY

01/15/2008 S First Read--SB 952-Scott (S87)
 01/16/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S106)
 02/01/2008 Hearing Cancelled S Financial & Governmental Organizations and Elections Committee
 02/11/2008 Hearing Conducted S Financial & Governmental Organizations and Elections Committee
 02/18/2008 SCS Voted Do Pass S Financial & Governmental Organizations and Elections Committee - Consent (3979S.03C)
 02/21/2008 Reported from S Financial & Governmental Organizations and Elections Committee to Floor w/SCS - Consent (S340)
 02/27/2008 Removed S Consent Calendar (S379)

EFFECTIVE: August 28, 2008

*** SB 953 ***

4303S.01P

SENATE SPONSOR: Scott

SB 953 - Currently, a public governmental body is authorized to close certain operational guidelines and policies used to respond to terrorist incidents as well as security systems and structural plans of real property. These exceptions expire on December 31, 2008. This act extends the deadline to December 31, 2012.

JIM ERTL

01/15/2008 S First Read--SB 953-Scott (S87)
 01/16/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S106)
 01/22/2008 Hearing Conducted S Financial & Governmental Organizations and Elections Committee
 02/11/2008 Voted Do Pass S Financial & Governmental Organizations and Elections Committee - Consent
 02/14/2008 Reported from S Financial & Governmental Organizations and Elections Committee to Floor - Consent (S244)
 02/28/2008 S Third Read and Passed - Consent (S397-398)

EFFECTIVE: August 28, 2008

*** SB 954 ***

4410S.01I

SENATE SPONSOR: Scott

This bill has been combined with SB 909

01/15/2008 S First Read--SB 954-Scott (S87)
 01/16/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S106)
 01/28/2008 Hearing Conducted S Financial & Governmental Organizations and Elections Committee
 02/04/2008 Bill Combined (SCS/SBs 909, 954, 934 & 1003)

EFFECTIVE: August 28, 2008

*** SB 955 ***

4123S.01P

SENATE SPONSOR: Shields

SB 955 - 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 19 (2007) and SB 1048 (2006).

STEPHEN WITTE

01/15/2008 S First Read--SB 955-Shields (S87)
 01/16/2008 Second Read and Referred S Transportation Committee (S106)
 01/23/2008 Hearing Conducted S Transportation Committee
 01/30/2008 Voted Do Pass S Transportation Committee
 02/20/2008 Voted Do Pass S Transportation Committee-Consent
 02/21/2008 Reported from S Transportation Committee to Floor - Consent (S343)
 02/28/2008 S Third Read and Passed - Consent (S409-410)

EFFECTIVE: August 28, 2008

*** SB 956 ***

3441S.02I

SENATE SPONSOR: Kennedy

SB 956 - The act changes the expiration dates of the staggered terms for the first appointed members of a public water supply district board by changing the ending month from June to April.

Under current law, a circuit court must follow certain public notice requirements when holding a hearing regarding the detachment of property that is part of a public water supply district. This act increases the timeframe from 5 to 7 for the maximum number of days before the hearing date in which the last public hearing notice must be published in the county newspaper.

In the event the court approves a detachment of property from a public water supply district, the court shall include in its decree a description of the district after the detachment as well as make any appropriate changes to the subdistrict boundary lines. Any changes in subdistrict boundaries shall not become effective until the next annual board of directors election. Certified copies of any court order regarding a detachment of district property shall be provided to the county recorder of deeds, the county clerk of any affected county, and to the Secretary of State. The court costs for district property detachment shall be borne by the petitioners of such action.

This act contains provisions similar to provisions in HB 766 (2007) and SB 419 (2007).

ERIKA JAQUES

01/16/2008 S First Read--SB 956-Kennedy (S103)
 01/22/2008 Second Read and Referred S Commerce, Energy and the Environment Committee (S122)
 02/28/2008 Hearing Conducted S Commerce, Energy and the Environment Committee

EFFECTIVE: August 28, 2008

*** SB 957 ***

4437S.01I

SENATE SPONSOR: Goodman

SB 957 - This act repeals the requirement that operators of rental and leasing facilities provide documentation including the owner's name, address, county of residence, and a description of the personal property located within the rental or leasing facility to the county assessor where such rental or leasing facility is located for property tax purposes.

JASON ZAMKUS

01/16/2008 S First Read--SB 957-Goodman (S103)
 01/22/2008 Second Read and Referred S Ways & Means Committee (S122)

02/04/2008 Hearing Conducted S Ways & Means Committee

02/18/2008 Voted Do Pass S Ways & Means Committee

EFFECTIVE: August 28, 2008

*** SB 958 ***

3859S.02P

SENATE SPONSOR: Goodman

SB 958 - This act authorizes any rural electric cooperative and certain electrical corporations that operate on the not-for-profit cooperative business plan to trim trees and control vegetation within the legal description in a recorded easement, or when no easement exists, within the following areas: 1) within 10 feet of electric lines located in a city and potentially energized at or below 34.5 kilovolts; 2) within 30 feet of electric lines located outside of a city and potentially energized at or below 34.5 kilovolts; 3) within 50 feet of electric lines potentially energized between 34.5 and 100 kilovolts; and 4) within 75 feet or within a federally required clearance for electric lines potentially energized at 100 kilovolts or more.

Electric cooperatives may control vegetation in excess of these areas if needed to maintain safe and reliable electric service. If an electric cooperative must remove certain trees outside of the authorized areas, it must notify the owner of the trees at least fourteen days prior to their removal, except in emergency situations.

Owners of trees that die within three months of being trimmed by an electric cooperative may request the cooperative to remove any such tree, and the cooperative must respond to any such request within 90 days.

Nothing in the act requires electric cooperatives to fully exercise the authorities granted to it by the act.

This act is similar to SS/SCS/SB 563 (2007) and HCS/HB 811 (2007).

ERIKA JAQUES

01/16/2008 S First Read--SB 958-Goodman (S103)

01/22/2008 Second Read and Referred S Commerce, Energy and the Environment Committee (S122)

02/07/2008 Hearing Conducted S Commerce, Energy and the Environment Committee

02/14/2008 Voted Do Pass S Commerce, Energy and the Environment Committee

02/14/2008 Reported from S Commerce, Energy and the Environment Committee to Floor (S246)

02/20/2008 Bill Placed on Informal Calendar (S284)

02/26/2008 Perfected (S363-364)

02/27/2008 Reported Truly Perfected S Rules Committee (S376)

03/03/2008 S Formal Calendar S Bills for Third Reading--SB 958-Goodman

EFFECTIVE: August 28, 2008

*** SB 959 ***

3605S.02I

SENATE SPONSOR: Goodman

SB 959 - This act provides that court personnel shall be required to redact Social Security numbers from case records involving certain domestic relations claims prior to disclosure to the public. The court may allow access to unredacted records if it determines that the person or entity requesting the information has a legitimate interest in obtaining the information, and that no harm will be caused to the person whose Social Security number is disclosed.

ALEXA PEARSON

01/16/2008 S First Read--SB 959-Goodman (S103)

01/22/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S122)

EFFECTIVE: August 28, 2008

*** SB 960 ***

4326S.01I

SENATE SPONSOR: Goodman

SB 960 - This act provides that beginning January 1, 2009, there shall be one additional circuit judge position within the thirty-ninth judicial circuit. The circuit judges in this circuit shall sit in divisions numbered one and two. The circuit judge in this circuit on December 31, 2008 shall sit in division one, and the governor shall appoint a judge for division two, who shall serve until his or her successor is elected in 2010.

ALEXA PEARSON

01/16/2008 S First Read--SB 960-Goodman (S103)
 01/22/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S122)
 EFFECTIVE: August 28, 2008

*** SRB 961 ***

3967L.011

SENATE SPONSOR: Goodman

SRB 961 - This act repeals certain provisions of law which have expired, sunset, terminated, or are ineffective as identified by the Joint Committee on Legislative Research.

JIM ERTLE

01/16/2008 S First Read--SRB 961-Goodman (S103)
 01/22/2008 Second Read and Referred S Governmental Accountability & Fiscal Oversight Committee (S122)
 EFFECTIVE: August 28, 2008

*** SB 962 ***

4395S.011

SENATE SPONSOR: Champion

SB 962 - This act repeals the current State Board of Health and the State Board of Senior Services and creates a State Board of Health and Senior Services. The board shall consist of nine members, appointed by the Governor, with the advice and consent of the Senate. No more than five of the members of the board shall be from the same political party. The term of years and make-up of the board are specified.

The board shall advise the Department of Health and Senior Services in the promulgation of rules, formulation of the budget and planning for and operation of the department. The board shall also annually evaluate all boards, councils, committees, authorities, and bodies related to the department.

ADRIANE CROUSE

01/16/2008 S First Read--SB 962-Champion (S103)
 01/22/2008 Second Read and Referred S Seniors, Families and Public Health Committee (S122)
 02/05/2008 Hearing Scheduled But Not Heard S Seniors, Families and Public Health Committee
 EFFECTIVE: August 28, 2008

*** SB 963 ***

4446S.011

SENATE SPONSOR: Stouffer

SB 963 - This act requires law enforcement agencies to establish rotation lists of towing truck companies to be called for removing disabled vehicles within a law enforcement agency's jurisdiction. Law enforcement agencies must establish guidelines for towing companies to follow in order to be included within the agency's rotation list. For example, towing companies must have the necessary equipment and qualified personnel to respond to law enforcement calls and such companies must also be able to respond to a call within a reasonable time. Under the act, towing companies that violate the criteria established for inclusion on a rotation list shall be removed from the list for specified periods of time. The act requires each law enforcement agency to establish an appellate procedure by which a towing company can challenge its removal from a rotation list. The act also prohibits law enforcement agencies from calling a tow truck company from a rotation list if the owner of the disabled vehicle requests a specific towing truck company.

This act is identical to HB 1525 (2008).

STEPHEN WITTE

01/16/2008 S First Read--SB 963-Stouffer (S103-104)
 01/22/2008 Second Read and Referred S Transportation Committee (S122)
 EFFECTIVE: August 28, 2008

*** SB 964 ***

4510S.011

SENATE SPONSOR: Smith

SB 964 - This act creates the "Show Me Green Sales Tax Holiday." For 2009 and every year thereafter, during the seven day period beginning on April 19th and ending April 25th, all sales of Energy Star certified appliances will be exempt from state and local sales tax.

The Department of Natural Resources shall provide financial assistance, not to exceed \$100,000 in total, to small businesses for the purpose of conducting voluntary energy audits. The department shall provide financial assistance, not to exceed \$300,000 in total, to municipalities for the purpose of conducting energy audits of municipal water systems.

ERIKA JAQUES

01/16/2008 S First Read--SB 964-Smith (S104)

01/22/2008 Second Read and Referred S Ways & Means Committee (S122)

EFFECTIVE: August 28, 2008

*** SB 965 ***

4337S.011

SENATE SPONSOR: Crowell

SB 965 - This act requires students entering public higher education institutions after January 1, 2009 to complete a three-credit-hour course in American history and a three-credit-hour course in American literature in order to graduate.

This act is similar to HB 532 (2007).

JIM ERTLE

01/16/2008 S First Read--SB 965-Crowell (S104)

01/22/2008 Second Read and Referred S Education Committee (S122)

EFFECTIVE: August 28, 2008

*** SB 966 ***

4252S.021

SENATE SPONSOR: Dempsey

SB 966 - This act creates the Line of Duty Compensation Act which provides additional workers' compensation benefits in the amount of \$100,000 for firefighters, law enforcement, emergency medical technicians, paramedics, aviation medical crew members, department of corrections employees, and juvenile justice employees who are killed in the line of duty.

For coverage to apply, the death must occur within 300 weeks of an injury received in the course of duty of the respective profession, and must be caused by violence or accident. Those subject to death arising out of willful misconduct or intoxication are excluded from coverage.

Specific instances of coverage for law enforcement, firefighters, emergency medical technicians, aviation medical crew members, and paramedics are enumerated including death sustained when traveling to and from employment, and certain off-duty activities.

Burial benefits of up to \$10,000 shall be awarded to the surviving spouse, dependent, or estates of those killed in the line of duty.

Under the act, neither employers nor workers' compensation insurers shall have subrogation rights against compensation awarded for claims under the proposed program.

This act is similar to SB 500 (2007) and HB 551 (2007).

CHRIS HOGERTY

01/16/2008 S First Read--SB 966-Dempsey and Koster (S104)

01/22/2008 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S122)

03/04/2008 Hearing Scheduled S Small Business, Insurance & Industrial Relations Committee

EFFECTIVE: August 28, 2008

*** SB 967 ***

SCS SB 967

4258S.02C

SENATE SPONSOR: Mayer

SCS/SB 967 – This act allows the Missouri Higher Education Loan Authority to be the originator of any federally guaranteed student loan. For borrowers attending higher education institutions in Missouri, the

authority's origination of Stafford loans under the Federal Family Education Loan Program must not exceed 10% of the previous year's total Missouri Federal Family Education Loan Program volume as described in the act.

This act contains an emergency clause.

MICHAEL RUFF

01/16/2008 S First Read--SB 967-Mayer (S104)
 01/22/2008 Second Read and Referred S Education Committee (S122)
 02/20/2008 Hearing Conducted S Education Committee
 02/27/2008 SCS Voted Do Pass S Education Committee (4258S.02C)
 02/28/2008 Reported from S Education Committee to Floor w/SCS (S394)
 03/03/2008 S Formal Calendar S Bills for Perfection--SB 967-Mayer, with SCS

EFFECTIVE: Emergency Clause

*** SB 968 ***

3694S.011

SENATE SPONSOR: Shields

SB 968 - This act provides that nonpartisan judicial commissions shall be included in the definition of "public governmental body" and therefore subject to the provisions of the Missouri Sunshine Act. Current law provides that public governmental bodies may authorize closed meetings, records, and votes when relating to personnel matters such as hiring or firing employees. This act provides that nonpartisan judicial commissions shall not be authorized to close meetings, records or votes related to personnel matters.

ALEXA PEARSON

01/16/2008 S First Read--SB 968-Shields (S104)
 01/22/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S122)
 02/11/2008 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2008

*** SB 969 ***

3352S.011

SENATE SPONSOR: Scott

SB 969 - This act removes the six year term limit of the executive director of the Ethics Commission.

CHRIS HOGERTY

01/16/2008 S First Read--SB 969-Scott (S104)
 01/22/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S122)
 01/28/2008 Hearing Conducted S Financial & Governmental Organizations and Elections Committee
 02/04/2008 Voted Do Pass S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2008

*** SB 970 ***

4443S.01P

SENATE SPONSOR: Scott

SB 970 - 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), SB 818 (2006), and SB 271 (2007).

CHRIS HOGERTY

01/16/2008 S First Read--SB 970-Scott (S104)
 01/22/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S122)
 02/04/2008 Hearing Conducted S Financial & Governmental Organizations and Elections Committee
 02/11/2008 Voted Do Pass S Financial & Governmental Organizations and Elections Committee - Consent
 02/14/2008 Reported from S Financial & Governmental Organizations and Elections Committee to Floor - Consent (S244)
 02/28/2008 S Third Read and Passed - Consent (S397)

EFFECTIVE: August 28, 2008

***** SB 971 *****

4284S.011

SENATE SPONSOR: Clemens

SB 971 - Currently, the bobwhite quail is selected as the official state game bird. This act changes the official state game bird to the Kansas Jayhawk.

JIM ERTLE

01/17/2008 S First Read--SB 971-Clemens (S110)

01/22/2008 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S122)

EFFECTIVE: August 28, 2008

***** SB 972 *****

4527S.021

SENATE SPONSOR: Stouffer

SB 972 - This act adds as a covered service under the MO HealthNet program comprehensive day rehabilitation services.

ADRIANE CROUSE

01/17/2008 S First Read--SB 972-Stouffer (S110)

01/22/2008 Second Read and Referred S Health and Mental Health Committee (S122)

02/26/2008 Hearing Conducted S Health and Mental Health Committee

EFFECTIVE: August 28, 2008

***** SB 973 *****

4516S.011

SENATE SPONSOR: Engler

SB 973 - This act provides that no applicant shall be enrolled in a Medicare Advantage plan until two business days have passed since the initial personal solicitation and the applicant has signed a disclosure form. Personal solicitation includes either an on-site presentation at a facility or a home meeting with an insurance agent. The disclosure shall be signed and dated by both the applicant and the agent on the day of the initial personal solicitation and shall include:

- A statement that Medicare Advantage plans are not Medigap supplement plans;
- A statement advising the applicant to confirm with his or her health care providers whether or not the provider has contracted with the Medicare Advantage plan to provide medical services; and
- A statement advising the applicant to contact either a trusted family member, friend or the state health insurance assistance program, known as CLAIM.

The director of the Department of Insurance, Financial Institutions and Professional Registration shall prescribe the format and content of the disclosure including size, color and prominence of type. Anyone who violates the provisions of this act shall be subject to civil penalties and fines.

This act is identical to SB 773 (2008).

ADRIANE CROUSE

01/17/2008 S First Read--SB 973-Engler and Shoemyer (S110)

01/22/2008 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S122)

02/12/2008 Hearing Conducted S Small Business, Insurance & Industrial Relations Committee

EFFECTIVE: August 28, 2008

***** SB 974 *****

4413S.011

SENATE SPONSOR: Engler

SB 974 - This act modifies various provisions relating to mental health services.

This act modifies the good Samaritan statute to allow any other person, regardless of training, to intervene in an attempted suicide with immunity from liability. SECTION 537.037

Under current law, physical and chemical restraints cannot be used on patients, residents or clients of a mental health facility or mental health program except under certain circumstances. This act allows security escort devices to be used on individuals who have been civilly committed when they are transported outside a mental health facility if the head of the facility or the attending physician finds it necessary to protect the health and safety of the individual or others or to prevent escape. Security escort devices shall be used on individuals who have been civilly committed under the sexually violent predator statutes or who have been criminally committed when they are transported outside a mental health facility, unless it is determined by the head of the facility or the attending physician that it is not necessary to protect the health and safety of the individual or others or to prevent escape. The head of a mental health facility may also use extraordinary measures to ensure the safety and security of patients, residents, clients, or others during times of natural or man-made disasters. Use of the security escort devices or the extraordinary measures during the circumstances described in this act shall not be considered restraint, seclusion or isolation as generally prohibited by statute. SECTION 630.175

This act also specifies that the release of client information must be consistent with requirements of the Federal Health Insurance Portability and Accountability Act of 1996 (HIPAA). SECTION 630.140

Under current law, mental health coordinators must be employed by the State of Missouri. This act provides that such coordinators may be contract employees or work for community health providers. SECTIONS 630.045 AND 632.005

Also under current law, certain mental health care professionals are immune from liability for detaining, transporting, conditionally releasing or discharging a person under the mental health or guardianship statutes at or before the end of the period for which the person was admitted or detained for evaluation or treatment so long as such duties were performed in good faith and without gross negligence. This act add investigating to the list of actions immune from liability. SECTION 632.440
ADRIANE CROUSE

01/17/2008 S First Read--SB 974-Engler (S110)

01/22/2008 Second Read and Referred S Health and Mental Health Committee (S122)

02/05/2008 Hearing Conducted S Health and Mental Health Committee

02/26/2008 Voted Do Pass S Health and Mental Health Committee

EFFECTIVE: August 28, 2008

*** SB 975 ***

4401S.021

SENATE SPONSOR: Ridgeway

SB 975 - This act requires alcohol monitoring for persons with repeat alcohol-related offenses in certain circumstances instead of serving a more lengthy mandatory minimum sentence.

The term "continuous alcohol monitoring" means automatically testing alcohol concentration levels and tampering attempts, regardless of the location of the person wearing the device, at least once each hour and regularly transmitting the data through a remote device worn by such person.

Currently, no prior offender is eligible for probation or parole until he or she serves a minimum of five days imprisonment, unless the person performs at least thirty days of community service. Under this act, a prior offender would also be required to abstain from consuming alcohol. This requirement shall be verifiable by continuous alcohol monitoring or breath alcohol testing performed a minimum of four times per day as scheduled by the court, for not less than thirty days but not more than ninety days.

Currently, no persistent offender is eligible for probation or parole until he or she serves a minimum of ten days imprisonment, unless the person performs at least sixty days of community service. Under this act, a prior offender would also be required to abstain from consuming alcohol. This requirement shall be verifiable by continuous alcohol monitoring or breath alcohol testing performed a minimum of four times per day as scheduled by the court, for not less than sixty days but not more than one hundred eighty days.

Currently, no aggravated offender is eligible for probation or parole until he or she serves a minimum of sixty days imprisonment. Under this act, the court may suspend execution of not more than thirty days of such term if, as a condition of probation and parole, such person abstains from consuming alcohol and submits to alcohol monitoring as scheduled by the court, for not less than one hundred twenty days but not more than two hundred seventy days.

Currently, no chronic offender is eligible for probation or parole until he or she serves a minimum of two years imprisonment. Under this act, the court may suspend execution of not more than one year of such term if, as a condition of probation and parole, such person abstains from consuming alcohol and submits to alcohol monitoring as scheduled by the court, for not less than one year but not more than two years.

SUSAN HENDERSON MOORE

01/17/2008 S First Read--SB 975-Ridgeway (S110)

01/22/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S122)

EFFECTIVE: August 28, 2008

*** SB 976 ***

4255S.011

SENATE SPONSOR: Ridgeway

SB 976 - Currently, the authority for certain administrative commissions to hear appeals shall be transferred to the Administrative Hearing Commission (AHC), however, the authority to make final decisions after a hearing on appeals by the AHC shall remain with the enumerated commissions. This act provides that the administrative commissions enumerated within may render final decisions after hearing or through stipulation, consent order, agreed settlement, or by disposition similar to a default judgment, judgement on the pleadings, or summary determination.

The act also provides that if a person aggrieved by any decision for which authority to hear appeals was transferred to the AHC files a petition for appeal, the AHC may hold hearings or may make recommended decisions by stipulation of the parties, consent order, agreed settlement, or by disposition similar to a default judgment, judgement on the pleadings, or summary determination.

This act is identical to SB 481 (2007) and HB 526 (2007).

ALEXA PEARSON

01/17/2008 S First Read--SB 976-Ridgeway (S110)

01/22/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S122)

EFFECTIVE: August 28, 2008

*** SB 977 ***

4409S.021

SENATE SPONSOR: Ridgeway

SB 977 – This act creates the Betty L. Thompson Scholarship Program. Beginning in tax year 2008, a taxpayer may make a contribution to an educational assistance organization and claim a tax credit if the taxpayer does not claim the donations on the taxpayer's federal income tax return. The tax credit is for 65% of the amount of the contribution and is nonrefundable but may be carried forward for three years. The tax credit is transferable. The annual cumulative amount of tax credits is limited at \$40 million. Scholarships may not exceed \$5,000. Both amounts will be increased or decreased based on the consumer price index for the Midwest. \$32 million will be allotted for tax credit scholarships and \$8 million for public school foundations.

Eligibility standards for students receiving scholarships include: a grade point average of 2.5 or less on a 4.0 scale, or an equivalent; residence within the boundaries of a school district classified as unaccredited or provisionally accredited by the state board of education; attendance at a public school for the semester before a scholarship is granted or starting school in the state for the first time; a family income not greater than 135% of the level for the reduced school lunch program. Educational assistance organizations must meet requirements for fiscal soundness, percentage of revenues devoted to educational scholarships, and public reporting. Private schools qualify to accept students with scholarships by meeting requirements as described in the act, including employee background checks and administering state student assessments. The act describes the method of distributing scholarship checks.

Scholarships may be used at public schools outside the eligible school districts. If a scholarship student attends another public school, the accepting school must take the educational scholarship funds instead of state funds owed to the accepting district. The weighted average daily attendance count under the foundation formula of a school district whose resident students receive scholarships under this act will be adjusted so that the district does not receive aid for a student no longer enrolled as a result of receiving a scholarship under this act.

The Joint Committee on Legislative Research will enter into a contract with one or more researchers to study the program, including measurements of student achievement, satisfaction with the program, and its

impact on public and private schools.

The provisions of this act shall expire within six years unless renewed.

This act is similar to SB 698 (2007) and HB 808 (2007).

MICHAEL RUFF

01/17/2008 S First Read--SB 977-Ridgeway and Loudon (S110)

01/22/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S122)

EFFECTIVE: August 28, 2008

*** SB 978 ***

4474S.01P

SENATE SPONSOR: Griesheimer

SB 978 - Under this act, each member of an ambulance district board of directors shall be subject to recall from office by the registered voters of the election district from which he or she was elected. Proceedings for the recall are commenced by the filing of a notice of intention to circulate a recall petition.

The notice must be served personally, or by certified mail, on the board member and filed with the election authority. A separate notice is needed for each member sought to be recalled and must contain information explaining the reason for the recall. It must list at least one but not more than five proponents of the recall.

Within seven days, the board member may file a statement answering the statement of the proponents. The answer must be served on at least one proponent. The statement and answer are for the voters' informational purposes only.

A member cannot be recalled if he or she: 1) has not held office during the current term for more than 180 days; 2) has 180 days or less remaining on his or her current term; or 3) has had a recall election determined in his or her favor within the current term.

The person circulating the petition must sign an affidavit verifying certain information. A recall petition must be filed with the election authority not more than 180 days after the filing of the notice of intention. The number of signatures needed shall equal at least 25% of the number of voters who voted in the most recent gubernatorial election in the election district.

The election authority has twenty days from the date of filing the petition to determine if enough voters signed the petition. It must file a certificate showing whether there are enough signatures. If the election authority certifies the petition does not have enough signatures, it may be supplemented within ten days of the date of certificate. The election authority must then certify the supplemented petition. If it is insufficient, no further action shall be taken.

If the petition is sufficient, the election authority shall submit its certificate to the board of directors and order an election within a certain amount of time. Nominations for board membership openings shall be made by filing a statement of candidacy with the election authority.

Any time prior to forty-two days before the election, the member sought to be recalled may offer his or her resignation and the recall question shall be removed from the ballot and the office declared vacant.

SUSAN HENDERSON MOORE

01/17/2008 S First Read--SB 978-Griesheimer (S111)

01/22/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S122)

01/30/2008 Hearing Conducted S Economic Development, Tourism & Local Government Committee

02/06/2008 Voted Do Pass S Economic Development, Tourism & Local Government Committee - Consent

02/07/2008 Reported from S Economic Development, Tourism & Local Government Committee to Floor - Consent (S200)

02/28/2008 S Third Read and Passed - Consent (S394-395)

02/28/2008 H First Read

EFFECTIVE: August 28, 2008

*** SB 979 ***

4348S.01I

SENATE SPONSOR: Vogel

SB 979 - This act terminates eligibility for the surviving spouse of a public safety official income tax credit for property taxes paid, on a homestead, upon a surviving spouse's remarriage.

JASON ZAMKUS

01/17/2008 S First Read--SB 979-Vogel (S111)

01/22/2008 Second Read and Referred S Ways & Means Committee (S122)

02/25/2008 Hearing Conducted S Ways & Means Committee

EFFECTIVE: August 28, 2008

*** SB 980 ***

4515S.011

SENATE SPONSOR: Ridgeway

SB 980 - In 2007, two versions of Section 86.1230, RSMo, were enacted, relating to supplemental benefits for the Police Retirement System of Kansas City. Due to a possible conflict, both versions are currently printed in state law. This act repeals one version of Section 86.1230, RSMo, in order to remove any ambiguity regarding this section of law.

The act also provides that members of the Police Retirement System of Kansas City and the Civilian Employees' Retirement System of the Police Department of Kansas City must be in active service in order to be eligible for certain duty-related or nonduty-related disability retirement benefits.

ALEXA PEARSON

01/22/2008 S First Read--SB 980-Ridgeway (S115)

01/24/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S132)

01/30/2008 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee

02/06/2008 Voted Do Pass S Pensions, Veterans' Affairs and General Laws Committee

EFFECTIVE: August 28, 2008

*** SB 981 ***

4612S.011

SENATE SPONSOR: Purgason

SB 981 - This act makes the plant commonly called spotted knapweed subject to existing noxious weed control laws.

This act is similar to a provision in SB 898 (2008) and similar to HCS/HB 244 (2007).

ERIKA JAQUES

01/22/2008 S First Read--SB 981-Purgason (S115-116)

01/24/2008 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S132)

EFFECTIVE: August 28, 2008

*** SB 982 ***

4611S.011

SENATE SPONSOR: Purgason

SB 982 - This act makes it a Class A misdemeanor to remove an electronic or radio-transmitting collar from a dog without permission for the purpose of hindering the dog's owner from finding the animal. Any person found guilty of this crime shall pay restitution in an amount equal to the actual value of any dog lost or killed as a result of the crime and such person may additionally be subject to restitution for lost breeding revenues.

ERIKA JAQUES

01/22/2008 S First Read--SB 982-Purgason (S116)

01/24/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S132)

02/25/2008 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2008

*** SB 983 ***

4593S.011

SENATE SPONSOR: Purgason

SB 983 – This act establishes the Emily Brooker Higher Education Sunshine Act, which defines "intellectual diversity" and "free exchange of ideas" for purposes of reporting requirements for public institutions of higher education. The Coordinating Board for Higher Education will require each public institution of higher education to annually report to the General Assembly on steps taken to ensure intellectual diversity and the free exchange of ideas as described in the act. The report must be distributed to the General Assembly by December 31, 2009. Each public institution of higher education must post its report on its website and ensure that students are notified of measures to promote intellectual diversity and how to report alleged violations.

This act is identical to HB 1315 (2008) and similar to HB 213 (2007).
MICHAEL RUFF

01/22/2008 S First Read--SB 983-Purgason (S116)

01/24/2008 Second Read and Referred S Education Committee (S132)

EFFECTIVE: August 28, 2008

*** SB 984 ***

3928S.011

SENATE SPONSOR: Shoemyer

SB 984 – This act modifies the Bright Flight Scholarship program in the following ways:

- (1) It specifies that only Missouri residents will be offered initial academic scholarships;
- (2) It allows recipients of a General Education Development certificate (GED) to be eligible for a scholarship;
- (3) To have a scholarship renewed, a student must maintain a minimum grade point average of 2.5 on a 4.0 scale, or an equivalent;
- (4) It describes the process by which a student receives a qualifying score for a scholarship. A student must receive a score on the ACT or SAT by the June national test date of the year in which the student finishes high school. That student will be offered a scholarship if the student's score places the student within the percentages described in the act of Missouri high school seniors who took the ACT or SAT during the year prior to the student's final year of high school;
- (5) Current law allows a student to receive a renewal scholarship for the second, third, and fourth academic years. This act allows a renewal for a fifth academic year or as long as the recipient remains in compliance with the eligibility requirements.

MICHAEL RUFF

01/22/2008 S First Read--SB 984-Shoemyer (S116)

01/24/2008 Second Read and Referred S Education Committee (S132)

02/20/2008 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2008

*** SB 985 ***

4439S.011

SENATE SPONSOR: Shoemyer

SB 985 - Under this act, a person commits the crime of making a false declaration by providing a verbal false statement that he or she believes or knows not to be true with the purpose of misleading a public servant during a criminal investigation. Making a false declaration is a Class B misdemeanor.

This act is similar to SB 922 (2008).
SUSAN HENDERSON MOORE

01/22/2008 S First Read--SB 985-Shoemyer (S116)

01/24/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S132)

01/28/2008 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2008

*** SB 986 ***

3507S.041

SENATE SPONSOR: Shoemyer

SB 986 - Under this act, every motor vehicle physical damage appraiser is required to give each

consumer a written estimated price for labor and parts for specific motor vehicle repairs. The physical damage appraiser is required to describe in the estimate the major parts needed for the repair and shall designate whether parts will be new parts, used parts, rebuilt parts, repaired or aftermarket parts. The estimate shall indicate that the physical damage appraiser used a published flat rate manual or an automated system to determine the cost of the repairs. The flat rate manual shall be used in its entirety and without modification to establish the cost of repairing a vehicle.

The act provides that if it is necessary to disassemble a vehicle in order to provide a written estimate, the estimate shall show the cost of any disassembly, diagnostics, storage and administrative fees if the consumer elects not to proceed with the repair of the vehicle.

The estimate shall include the date it was prepared, the vehicle's odometer reading, and its VIN number.

The estimated price quotation shall include the following statement: "You are entitled to a price estimate for the repairs needed to restore your vehicle to a condition similar to the motor vehicle condition prior to the damage or deterioration. You are also entitled by law to select the repair facility of your choice to do the repairs."

Under the act, if it is determined that the estimated price is insufficient due to unforeseen circumstances, the consumer is entitled to full disclosure of the cost of the additional parts or labor subsequent to a complete diagnosis.

The act also provides that a motor vehicle physical damage appraiser shall not exhibit or engage in a pattern or practice of preparing written estimates underestimating the final costs of repairs by more than 10%.

Violations of the act are deemed to be an unlawful practice under the Merchandising Practices Act. Under the act, the attorney general shall have the power to enforce the provisions of the act.

STEPHEN WITTE

01/22/2008 S First Read--SB 986-Shoemyer and Griesheimer (S116)

01/24/2008 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S132)

EFFECTIVE: August 28, 2008

*** SB 987 ***

4650S.021

SENATE SPONSOR: Shoemyer

SB 987 - This act modifies the membership of the MO HealthNet Oversight Committee by adding a licensed podiatrist and a licensed nurse.

ADRIANE CROUSE

01/22/2008 S First Read--SB 987-Shoemyer (S116)

01/24/2008 Second Read and Referred S Health and Mental Health Committee (S132)

01/29/2008 Hearing Conducted S Health and Mental Health Committee

EFFECTIVE: August 28, 2008

*** SB 988 ***

4448S.011

SENATE SPONSOR: Shoemyer

SB 988 - Currently, all bingo pull-tab card suppliers are required to pay a tax equal to two percent of the gross receipts of the retail sales value charged for each pull-tab card sold in Missouri. Missouri law also requires any organization, which awards winners of bingo games prizes or merchandise having an aggregate retail value in excess of five thousand dollars per year or five hundred dollars per day, to pay a tax equal to two-tenths of one cent per bingo card sold. This act exempts veterans, service, and fraternal organizations from these tax.

JASON ZAMKUS

01/22/2008 S First Read--SB 988-Shoemyer (S116)

01/24/2008 Second Read and Referred S Ways & Means Committee (S132)

02/25/2008 Hearing Conducted S Ways & Means Committee

EFFECTIVE: August 28, 2008

*** SB 989 ***

4441S.021

SENATE SPONSOR: Wilson

SB 989 - This act provides a tax credit for a taxpayer who serves as a poll worker for an election. The tax credit is equal to fifty dollars per election in which the taxpayer serves as a poll worker, not to exceed one hundred dollars per taxpayer per year. The tax credit is non-refundable, but may be carried forward five years until used. The provisions of this act shall automatically sunset six years from the effective date of the act if not re-authorized.

JASON ZAMKUS

01/22/2008 S First Read--SB 989-Wilson (S116)
 01/24/2008 Second Read and Referred S Ways & Means Committee (S132)
 02/18/2008 Hearing Conducted S Ways & Means Committee
 02/25/2008 Voted Do Pass S Ways & Means Committee

EFFECTIVE: August 28, 2008

*** SB 990 ***

4642S.011

SENATE SPONSOR: Champion

SB 990 – This act allows any resident of a nursing home who receives MO HealthNet Program benefits to retain not less than fifty dollars per month for discretionary spending.

This act is identical to HB 1303 (2008).

ADRIANE CROUSE

01/22/2008 S First Read--SB 990-Champion (S116)
 01/24/2008 Second Read and Referred S Seniors, Families and Public Health Committee (S132)
 02/19/2008 Hearing Conducted S Seniors, Families and Public Health Committee

EFFECTIVE: August 28, 2008

*** SB 991 ***

4118S.01P

SENATE SPONSOR: Loudon

SB 991 - This act designates the ice cream cone as the official state dessert for the state of Missouri.

JIM ERTL

01/22/2008 S First Read--SB 991-Loudon and Kennedy (S116)
 01/24/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S132)
 02/06/2008 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee
 02/20/2008 Voted Do Pass S Pensions, Veterans' Affairs and General Laws Committee - Consent
 02/21/2008 Reported from S Pensions, Veterans' Affairs and General Laws Committee to Floor - Consent (S342)
 02/28/2008 S Third Read and Passed - Consent (S406)

EFFECTIVE: August 28, 2008

*** SB 992 ***

4185S.021

SENATE SPONSOR: Loudon

SB 992 - This act limits increases in assessed value due to reassessment of residential real property to a maximum of the inflationary rate over a prior year assessment. The reassessment cap only applies to a substantially identical piece of real property which has not changed hands.

The act will only become effective upon passage of a constitutional amendment limiting increases in assessed value of residential real property until a transfer of ownership occurs.

The act is similar to Senate Bill 79 (2003).

JASON ZAMKUS

01/22/2008 S First Read--SB 992-Loudon (S116)
 01/24/2008 Second Read and Referred S Ways & Means Committee (S133)
 02/25/2008 Hearing Conducted S Ways & Means Committee

EFFECTIVE: Contingent

*** SB 993 *** SCS SBs 993 & 770

4227S.03C

SENATE SPONSOR: Crowell

SCS/SBs 993 & 770 – This act creates the Missouri Special Needs Scholarship Tax Credit Program, to be administered by the Department of Economic Development. The program provides grants to elementary and secondary education students through scholarship granting organizations to cover all or part of tuition and fees at a qualified public or non-public school, including transportation to certain public schools. Scholarships are to be portable during the school year and may be prorated if a student changes schools. Students who may receive scholarships through the program include, but are not limited to, students with an individualized education program who are mentally handicapped, speech and language impaired, deaf or hard of hearing, visually impaired, dual sensory impaired, physically impaired, emotionally handicapped, specific learning disabled, diagnosed with an autism spectrum disorder, or hospitalized or homebound due to illness or disability.

Beginning with tax year 2008, a taxpayer as described in the act may claim a tax credit against the taxpayer's state tax liability in an amount equal to eighty percent of the taxpayer's contribution to a scholarship granting organization. The amount of tax credits per taxpayer is limited to \$800,000 per year. The amount of tax credits claimed cannot exceed fifty percent of a taxpayer's state tax liability for the tax year in which it is claimed. An unclaimed tax credit may be carried over to the next four succeeding tax years until the full credit is claimed. Tax credits granted under the program are transferable as described in the act.

The director of the Department of Economic Development will determine which organizations may be classified as scholarship granting organizations. A scholarship granting organization that participates in the program must meet certain requirements and follow certain procedures as described in the act. An organization must spend at least 90% of its revenue from donations on educational scholarships and spend all revenue from interest or investments on educational scholarships. In addition, an organization must distribute scholarship payments as checks to parents and provide a Department of Economic Development-approved receipt to taxpayers who contribute. An organization must demonstrate financial accountability and viability as described in the act. An organization must also cooperate with the Department to conduct criminal background checks on its employees and board members and not employ individuals who could pose a risk to the use of contributed funds. The Department may hold a hearing before the director to bar a scholarship granting organization from participating in the program if it believes the organization has intentionally and substantially failed to comply with the requirements of the program. A scholarship granting organization may appeal to the Administrative Hearing Commission.

Participating schools must comply with health and safety laws that apply to non-public schools, hold a valid occupancy permit if required, certify they will not discriminate as described in the act, and regularly report on the students' progress to parents. Schools must also operate in Missouri and comply with state laws regarding criminal background checks for employees; they must not employ individuals prohibited by state law from working in a non-public school.

The Department of Economic Development must conduct a study of the program using non-state funds. The Department may contract with qualified researchers to conduct the study.

The provisions of this act expire in six years unless reauthorized.

MICHAEL RUFF

01/22/2008 S First Read--SB 993-Crowell (S116-117)
 01/24/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S133)
 02/13/2008 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee
 02/20/2008 SCS Voted Do Pass (w/SCS/SBs 993 & 770) S Pensions, Veterans' Affairs and General Laws Committee (4227S.03C)
 02/21/2008 Reported from S Pensions, Veterans' Affairs and General Laws Committee to Floor w/SCS (S342)
 03/03/2008 S Formal Calendar S Bills for Perfection--SBs 993 & 770-Crowell, with SCS

EFFECTIVE: August 28, 2008

*** SB 994 *** SCS SB 994

4440S.03P

SENATE SPONSOR: Crowell

SCS/SB 994 – This act changes from ten percent to twenty percent the maximum percentage of increase in annual compensation from one year to the next in the final average salary period for members of the Public School Retirement System of Missouri other than a superintendent of schools or other certified central office personnel of a school district.

This act contains an emergency clause.

This act is similar to HCS/HB 1774 (2008).

MICHAEL RUFF

01/22/2008 S First Read--SB 994-Crowell (S117)
 01/24/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S133)
 01/30/2008 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee
 02/06/2008 SCS Voted Do Pass S Pensions, Veterans' Affairs and General Laws Committee (4440S.03C)
 02/07/2008 Reported from S Pensions, Veterans' Affairs and General Laws Committee to Floor w/SCS (S200)
 02/13/2008 Bill Placed on Informal Calendar (S234)
 02/13/2008 SCS S adopted (S234)
 02/13/2008 Perfected (S234)
 02/14/2008 Reported Truly Perfected S Rules Committee (S243)
 02/18/2008 S Third Read and Passed - EC adopted (S257-258)
 02/18/2008 H First Read (w/EC) (H264)
 02/19/2008 H Second Read (H297)

EFFECTIVE: Emergency Clause

*** SB 995 ***

4407S.011

SENATE SPONSOR: Crowell

SB 995 – Current law provides that teachers and other authorized school district personnel are not liable when acting in conformity with established discipline policies. Under this act, teachers and other authorized school district personnel are not liable when acting in conformity with established policies, including but not limited to discipline issues. Unqualified employees who refuse to administer medication or medical services will not be subject to disciplinary action for their refusal. A school district may require an employee to obtain the necessary training to perform such services. A qualified employee will not be held civilly liable for performing such services when acting in good faith and in accordance with standard medical practices. A school board may develop and implement a program for training employees in CPR and other lifesaving methods. In addition, trained employees will not be held civilly liable for administering CPR or other lifesaving methods in good faith. A person will not be held civilly liable when using an automated external defibrillator under certain circumstances.

This act is identical to SB 399 (2007) and is similar to provisions contained in SCS/HCS/HB 469 (2007).

MICHAEL RUFF

01/22/2008 S First Read--SB 995-Crowell (S117)
 01/24/2008 Second Read and Referred S Education Committee (S133)
 02/20/2008 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2008

*** SB 996 ***

SCS SB 996

4630S.02C

SENATE SPONSOR: Crowell

SCS/SB 996 - This act allows health insurance pool members (those not subject to the premium tax assessed under Chapter 148) to transfer any current or unused accumulated credits or offsets to their affiliates. The act limits the use of the offset by an affiliate in that the transferred offset may only be carried forward against sales or use taxes for a period of 5 years.

STEPHEN WITTE

01/22/2008 S First Read--SB 996-Crowell (S117)
 01/24/2008 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S133)
 02/12/2008 Hearing Cancelled S Small Business, Insurance & Industrial Relations Committee

02/19/2008 Hearing Conducted S Small Business, Insurance & Industrial Relations Committee
 02/26/2008 SCS Voted Do Pass S Small Business, Insurance & Industrial Relations Committee (4630S.02C)
 02/28/2008 Reported from S Small Business, Insurance & Industrial Relations Committee to Floor w/SCS (S392)
 03/03/2008 S Formal Calendar S Bills for Perfection--SB 996-Crowell, with SCS

EFFECTIVE: August 28, 2008

*** SB 997 ***

4101S.011

SENATE SPONSOR: Crowell

SB 997 - This act removes language stating that the investment and reinvestment of system moneys by the board of trustees of police and firemen's pension systems shall be subject to any terms, conditions, limitations or restrictions as are imposed by law on life insurance or casualty companies in the state. The act also provides that such boards shall invest the funds of the system as permitted by Sections 105.687 to 105.690, RSMo.

This act is similar to provisions in SB 66 (2007) and HB 1306 (2006).

ALEXA PEARSON

01/22/2008 S First Read--SB 997-Crowell (S117)
 01/24/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S133)
 01/30/2008 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee
 02/06/2008 Voted Do Pass S Pensions, Veterans' Affairs and General Laws Committee
 02/14/2008 Reported from S Pensions, Veterans' Affairs and General Laws Committee to Floor (S246)
 02/19/2008 Bill Placed on Informal Calendar (S271)
 03/03/2008 S Informal Calendar S Bills for Perfection--SB 997-Crowell

EFFECTIVE: August 28, 2008

*** SB 998 ***

4347S.011

SENATE SPONSOR: Crowell

SB 998 - Section 494.425, RSMo, provides that a convicted felon is disqualified from serving as a juror, "unless his civil rights have been restored." Elsewhere in state law, all convicted felons are disqualified from jury service, without exception. This act deletes the quoted provision from Section 494.425, thus specifying that no convicted felon shall ever be qualified to serve as a juror.

ALEXA PEARSON

01/22/2008 S First Read--SB 998-Crowell (S117)
 01/24/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S133)

EFFECTIVE: August 28, 2008

*** SB 999 ***

4444S.01P

SENATE SPONSOR: Scott

SB 999 - Under current law, only the financial institution whose name is deceptively used may bring a civil action. This act allows the Attorney General to bring an action for unlawful merchandising practices when such a deceptive use occurs.

This act is identical to HB 500 (2007).

CHRIS HOGERTY

01/22/2008 S First Read--SB 999-Scott (S117)
 01/24/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S133)
 02/11/2008 Hearing Conducted S Financial & Governmental Organizations and Elections Committee
 02/18/2008 Voted Do Pass S Financial & Governmental Organizations and Elections Committee - Consent
 02/21/2008 Reported from S Financial & Governmental Organizations and Elections Committee to Floor - Consent (S340)
 02/28/2008 S Third Read and Passed - Consent (S402-403)

EFFECTIVE: August 28, 2008

*** SB 1000 ***

3989S.051

SENATE SPONSOR: Justus

SB 1000 – This act establishes the "Foster Care Education Bill of Rights." Each school district must designate a staff person to be an educational liaison for foster care children. This liaison would assist with proper educational placements, transferring between schools, ensuring transfer of grades and credits, requesting school records, and submitting school records that have been requested.

A child placing agency will promote educational stability for foster care children when making placements. A foster care child may continue to attend his or her school of origin pending resolution of a dispute. The Department of Elementary and Secondary Education will promulgate rules and regulations for assigning transportation costs for pupil placement resulting from a dispute resolution. Each school district must accept for credit any full or partial course work satisfactorily completed by a pupil while attending certain schools. A pupil who completes the graduation requirements of his or her school district of residence while under the jurisdiction of the juvenile court will receive a diploma from the school he or she last attended before detention. The school district superintendent may also issue the diploma.

If a foster care pupil is absent from school because of a change in placement by the court or child placing agency, or because of a verified court appearance or related court-ordered activity, the pupil's grades and credits will be calculated as of the date the pupil left school. Such absence will not result in a lowering of the pupil's grades.

School districts are authorized to permit access of pupil school records to a child placing agency for the purpose of fulfilling educational case management responsibilities required by the juvenile officer or by law and to assist with the school transfer or placement of a pupil.

Each child who is in foster care or who is placed in a licensed residential care facility is entitled to a full school day of education unless the school district determines that fewer hours are warranted. A full school day is defined as six hours under the guidance and direction of teachers in the education process for children in foster care or for children placed for treatment in a licensed residential care facility by the department of social services. The child's family support team may seek mediation with the school district if it disagrees with the school district's determination.

The Department of Elementary and Secondary Education must implement procedures and policies to allow parties to resolve disputes through mediation. The Department must pay for the mediation costs and maintain a list of qualified mediators. Discussions that occur during the mediation process are confidential and may not be used in court or administrative proceedings as described in the act. For children placed for treatment in a licensed residential care facility by the Department of Social Services, the Commissioner of Education will appoint an ombudsman to assist the family support team and school district. The ombudsman will have the final decision over discrepancies regarding school day length. A full school day of education will be provided pending the ombudsman's final decision.

Provisions contained in this act are similar to SB 630 (2007).

MICHAEL RUFF

01/22/2008 S First Read--SB 1000-Justus (S117)

01/24/2008 Second Read and Referred S Seniors, Families and Public Health Committee (S133)

02/19/2008 Hearing Conducted S Seniors, Families and Public Health Committee

EFFECTIVE: August 28, 2008

*** SB 1001 ***

4528S.011

SENATE SPONSOR: Justus

SB 1001 - This section allows a Kansas City festival district's promotional association to obtain a license to sell intoxicating liquor and nonintoxicating beer for consumption at the businesses and common areas within the festival district. The promotional association may apply for a festival district special license by submitting a plan to the governing body of the city and getting approval by a majority vote. If approved, the association may apply to the Supervisor of Alcohol and Tobacco Control for such license.

Such promotional association may permit customers to leave an establishment within the district after purchasing alcohol and consume the beverage in the district common areas or another establishment, but no person shall be allowed to take a alcoholic beverage outside the festival district boundaries.

If minors are allowed to enter the district, the applicant must ensure they are easily distinguishable from persons of legal age. The permit holder is solely responsible for any alcohol violations occurring within the common areas. The promotional association may be assessed a civil fine of not more than \$5,000 for a violation. If the association is found to be responsible for violations at three separate events, its license shall be revoked and not reissued.

This act is similar to certain provisions of HCS/HB 913 (2007) and SS/SCS/SB 616 (2007).
SUSAN HENDERSON MOORE

01/22/2008 S First Read--SB 1001-Justus, et al (S117)
01/24/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S133)
02/06/2008 Hearing Conducted S Economic Development, Tourism & Local Government Committee
EFFECTIVE: August 28, 2008

*** SB 1002 ***

4531S.01P

SENATE SPONSOR: Justus

SB 1002 - Currently, property owners violating certain zoning regulations in municipalities located in Jackson County shall be fined at least \$10 but not more \$500, or imprisoned for ten days, for each day of such violation. For second or subsequent offenses involving the same violation at the same place, the punishment shall be a fine of not less than \$250 but not more than \$1,000, or imprisonment for ten days, for each day of the violation. In all other municipalities, property owners shall be fined at least \$10 but not more than \$100 for each day of the violation, unless the offense was committed wilfully, in which case, the penalty shall be a fine of not less than \$100 but not more than \$250, or imprisonment for ten days, for each day of such violation.

Under this act, a property owner in any city with more than 300,000 inhabitants may be fined at least \$10 but not more \$500, or imprisoned for ten days, for each day of such violation. For second or subsequent offenses involving the same violation at the same place, the punishment shall be a fine of not less than \$250 but not more than \$1,000, or imprisonment for ten days, for each day of the violation.

In all other municipalities, property owners shall be fined not less than \$10 but not more than \$250, or imprisoned for ten days, for each day of the violation. For second or subsequent offenses involving the same violation at the same place, the punishment shall be a fine of not less than \$100 but not more than \$500, or imprisonment for ten days, for each day of the violation.

This act repeals the other version of Section 89.120, RSMo, which was doubly-enacted.
SUSAN HENDERSON MOORE

01/22/2008 S First Read--SB 1002-Justus, et al (S117)
01/24/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S133)
01/28/2008 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee
02/18/2008 Voted Do Pass S Judiciary and Civil & Criminal Jurisprudence Committee - Consent
02/21/2008 Reported from S Judiciary and Civil & Criminal Jurisprudence Committee to Floor - Consent (S341)
02/28/2008 S Third Read and Passed - Consent (S405)
EFFECTIVE: August 28, 2008

*** SB 1003 ***

4403S.01I

SENATE SPONSOR: Bray

This bill has been combined with SB 909

01/22/2008 S First Read--SB 1003-Bray (S117)
01/24/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S133)
02/04/2008 Hearing Conducted S Financial & Governmental Organizations and Elections Committee
02/04/2008 Bill Combined (SCS/SBs 909, 954, 934 & 1003)
EFFECTIVE: August 28, 2008

*** SB 1004 ***

4564S.011

SENATE SPONSOR: Bray

SB 1004 – This act requires the state board of education to classify as unaccredited any charter school that attains an annual performance review score consistent with the classification of "unaccredited" within sixty days of the publication of the annual performance review data. A charter school that is classified as unaccredited for two successive school years will have its charter revoked on June 30th of the second full school year of classification as unaccredited after the school year during which the unaccredited classification is initially assigned.

MICHAEL RUFF

01/22/2008 S First Read--SB 1004-Bray (S117)

01/24/2008 Second Read and Referred S Education Committee (S133)

EFFECTIVE: August 28, 2008

*** SB 1005 ***

4591S.011

SENATE SPONSOR: Bray

SB 1005 - This act adopts the Uniform Planned Community Act substantially in conformance to the act drafted and approved by the National Conference of Commissioners on Uniform State Laws in 1980. The act is similar to the Uniform Condominium Act, Chapter 448, RSMo, differing mainly on the nature of planned communities and condominiums. The act contains comprehensive provisions for creating, governing, managing, and terminating planned community developments.

This act is identical to SB 589 (2007).

STEPHEN WITTE

01/22/2008 S First Read--SB 1005-Bray and Griesheimer (S118)

01/24/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S133)

02/13/2008 Hearing Conducted S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2008

*** SB 1006 ***

4565S.011

SENATE SPONSOR: Koster

SB 1006 - This act provides that the Children's Division within the Department of Social Services, shall develop rules to become effective by July 1, 2009, 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 child care subsidy benefits, less a sliding scale fee established by the division based on family size and income.

A person receiving state-funded child care assistance and whose income surpasses 130 percent of the federal poverty level may continue to receive reduced subsidy benefits on a scale established by the division until such person's income reaches 160 percent of the federal poverty level. At such time, the person will have assumed the full cost of the maximum base child care subsidy rate established by the children's division and shall no longer be eligible for child care subsidy benefits.

If appropriations in a given fiscal year are insufficient to provide the subsidy established under this act for all eligible recipients, the division shall establish a waiting list and promulgate rules for the prioritization of eligible recipients on the waiting list. The sliding fee scale may be waived for children with special needs.

This act is similar to SB 776 (2008) and SCS/SB 260 and 71 (2007).

ADRIANE CROUSE

01/23/2008 S First Read--SB 1006-Koster (S126)

01/24/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S133)

EFFECTIVE: August 28, 2008

*** SB 1007 ***

4119S.01I

SENATE SPONSOR: Loudon

SB 1007 - This act reinstates the Federal overtime standards in place before the passage of Proposition B (2006).

Currently, the minimum wage is increased or decreased according to fluctuations in the Consumer Price Index.

This act prevents such indexing to exceed the federal rate beginning January 1, 2010.

Currently, employers may pay tipped employees half of the Missouri minimum wage if their total compensation, including tips, equals the Missouri minimum wage. This act allows employers to pay such employees \$2.13 per hour if their total compensation, including tips, equals the Missouri minimum wage.

This act is similar to SB 255, 249 & 279 (2007).

CHRIS HOGERTY

01/23/2008 S First Read--SB 1007-Loudon (S126)

01/24/2008 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S133)

02/05/2008 Hearing Conducted S Small Business, Insurance & Industrial Relations Committee

02/19/2008 Voted Do Pass S Small Business, Insurance & Industrial Relations Committee

02/21/2008 Reported from S Small Business, Insurance & Industrial Relations Committee to Floor (S340)

03/03/2008 S Formal Calendar S Bills for Perfection--SB 1007-Loudon

EFFECTIVE: Emergency

*** SB 1008 ***

SCS SB 1008

4529S.03P

SENATE SPONSOR: Loudon

SCS/SB 1008 - This act allows the director of the Department of Insurance, Financial Institutions, and Professional Registration to promulgate rules establishing the specific delivery method for submissions of rate filings, rules, license applications, and other insurance-related filings. The types of delivery methods shall be web-based interface systems such as the System for Electronic Rate Form Filing (SERFF), the National Insurance Producer Registry (NIPR), and the National Association of Insurance Commissioners' Internet-State Interface Technology Enhancement (I-SITE). The act also provides that the filings of records and signatures is authorized when carried out in a manner consistent with the Federal Electronic Signatures in Global and National Commerce Act. The act also allows automobile insurers to send automobile policy renewal notices electronically, if requested by the policyholder, as an alternative to sending such notices by first class mail. The act allows the policyholder to revert back to receiving the notice by first class mail.

STEPHEN WITTE

01/23/2008 S First Read--SB 1008-Loudon (S126)

01/24/2008 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S133)

02/05/2008 Hearing Conducted S Small Business, Insurance & Industrial Relations Committee

02/19/2008 SCS Voted Do Pass S Small Business, Insurance & Industrial Relations Committee - Consent (4529S.03C)

02/21/2008 Reported from S Small Business, Insurance & Industrial Relations Committee to Floor w/SCS - Consent (S340)

02/28/2008 SCS S adopted (S401)

02/28/2008 S Third Read and Passed - Consent (S401)

EFFECTIVE: August 28, 2008

*** SB 1009 ***

SCS SB 1009

4647S.04C

SENATE SPONSOR: Loudon

SCS/SB 1009 - This act modifies the law with respect to the requirement that funds accepted by a settlement agent be certified funds. Under this act, the certified funds requirement shall only apply when a settlement agent accepts funds greater than \$2,500 in a real estate transaction.

This act has an emergency clause.

STEPHEN WITTE

01/23/2008 S First Read--SB 1009-Loudon (S126)
 01/24/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S133)
 02/18/2008 Hearing Conducted S Financial & Governmental Organizations and Elections Committee
 02/25/2008 SCS Voted Do Pass S Financial & Governmental Organizations and Elections Committee - Consent (4647S.04C)
 02/28/2008 Reported from S Financial & Governmental Organizations and Elections Committee to Floor w/SCS - Consent (S393)
 03/03/2008 S Consent Calendar--SB 1009-Loudon, with SCS

EFFECTIVE: Emergency Clause

*** SB 1010 ***

4625S.01P

SENATE SPONSOR: Nodler

SB 1010 - This act authorizes the Governor to convey state property in Jasper County to Missouri Southern State University. The property shall not be conveyed until the Joplin Regional Center has been relocated to different property.

SUSAN HENDERSON MOORE

01/24/2008 S First Read--SB 1010-Nodler (S130)
 01/28/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S141)
 02/06/2008 Hearing Conducted S Economic Development, Tourism & Local Government Committee
 02/13/2008 Voted Do Pass S Economic Development, Tourism & Local Government Committee - Consent
 02/14/2008 Reported from S Economic Development, Tourism & Local Government Committee to Floor - Consent (S244)
 02/28/2008 S Third Read and Passed - Consent (S399-400)

EFFECTIVE: August 28, 2008

*** SB 1011 ***

4476S.011

SENATE SPONSOR: Griesheimer

SB 1011 - This act modifies provisions of the liquor control.

SECTION 311.265

No new license shall be issued to a retail premises that was previously occupied by a retailer that is currently delinquent beyond the permissible ordinary commercial credit period. Applicants at a previously licensed retail premises shall provide verification that the previous retailer is not indebted to the wholesaler.

SECTIONS 311.332-311.338

These section repeal provisions regarding wholesaler price regulations.

Any charitable or religious organization or educational institution that holds an event with donated alcohol shall report the location of the event to the Supervisor of Alcohol and Tobacco Control three business days in advance. The report of each event shall include permission from the property owner and city, a description of the premises, and the date of the event.

SECTION 311.630

Currently, employees selected by the division as peace officers have the power to make arrests, searches, and seizures for alcohol control violations and may serve any process connected with the enforcement of such violations. Under this section, such employees designated as peace officers shall also have the power to make arrests, searches, or seizures for any criminal offense, except criminal gambling, witnessed during an investigation of an alcohol control violation. When using such powers, the peace officer shall notify the local law enforcement prior to making an arrest, except when there are life threatening circumstances. In such cases, the peace officer shall immediately notify the sheriff or police department of the respective county or city after making the arrest. Such peace officers shall also have the authority to arrest, search, or seize, in connection with any offense, when acting at the request of local law enforcement.

SUSAN HENDERSON MOORE

01/24/2008 S First Read--SB 1011-Griesheimer (S130)
01/28/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S141)

EFFECTIVE: August 28, 2008

*** SB 1012 ***

3123S.06I

SENATE SPONSOR: Wilson

SB 1012 - This act allows the governing bodies of any city in this state to designate duty free zones within such city and grant such areas tax favored status for a term not to exceed twenty-three years. Tax favored status is defined as a reduction to or elimination of the rate of tax on transactions imposed under Missouri's sales and use tax laws. Duty free zones may only be established in blighted areas located within qualified census tracts. The act requires the governing body of a municipality to hold public hearings prior to the adoption of an ordinance designating an area of such municipality as a duty free zone. The act requires the governing body to provide notice of such hearings to affected taxing districts and the public. Upon receiving municipal approval, the designation must be approved, at the same rate of tax and term, by the county in which the city is located and by the Missouri Development Finance Board.

Upon the issuance of a certificate of approval from the Missouri Development Finance Board, any business located within a duty free zone may receive tax favored status for a term not to exceed fifteen years. In order to receive tax favored status, a business owner must report the amount of taxes deferred, on an availability basis, for the duration of the time in which it receives tax favored status. Municipalities are prohibited from having more than one duty free zone in existence, within such municipality, at any given time.

The act contains a contingent effective date. The provisions of the act will become effective upon voter approval of a constitutional amendment authorizing tax free or reduced tax zones for the purpose of promoting economic development.

JASON ZAMKUS

01/24/2008 S First Read--SB 1012-Wilson and Coleman (S130)
01/28/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S141)
02/20/2008 Hearing Conducted S Economic Development, Tourism & Local Government Committee

EFFECTIVE: Contingent

*** SB 1013 ***

4645S.02I

SENATE SPONSOR: Wilson

SB 1013 – This act creates the Missouri Senior Cadet Program, which will provide opportunities for twelfth graders in public school to mentor kindergarten through eighth grade students as described in the act. Participating students must be Missouri residents attending a Missouri high school, maintain a 3.0 GPA and plan to attend college. Twelfth graders who donate ten hours per week during the academic year will receive one elective credit that may be used to fulfill graduation requirements. If a student attends a public college or university located in Missouri after participating in the program, the state will provide a reimbursement in the amount of three credit hours per semester for up to four years. The provisions of this act will expire in six years unless reauthorized.

This act is similar to SB 921 (2006).

MICHAEL RUFF

01/24/2008 S First Read--SB 1013-Wilson and Smith (S130)
01/28/2008 Second Read and Referred S Education Committee (S141)

EFFECTIVE: August 28, 2008

*** SB 1014 ***

4638S.02I

SENATE SPONSOR: Wilson

SB 1014 – This act creates the Volunteer and Parents Incentive Program, to be implemented and administered by the Department of Elementary and Secondary Education. Under the program, the Department will provide a reimbursement to parents or volunteers who donate time at certain schools. To be

eligible, individuals must donate time at a school in a district that is unaccredited or provisionally accredited, or has a population of at least 50% at risk students as described in the act. For every one hundred hours donated by a volunteer or parent, the department will provide him or her with a reimbursement for the cost of three credit hours at a public institution of higher learning located in Missouri. The reimbursement cannot exceed \$500 every two years. The provisions of this act will expire in six years unless reauthorized.

MICHAEL RUFF

01/24/2008 S First Read--SB 1014-Wilson (S130)

01/28/2008 Second Read and Referred S Education Committee (S141)

EFFECTIVE: August 28, 2008

*** SB 1015 ***

4021S.021

SENATE SPONSOR: Mayer

SB 1015 - This act allows the Commissioner of Administration to deduct cafeteria plan administrative fees and any amount necessary for the participation in the cafeteria plan from the employee's compensation warrant, unless the employee affirmatively elects not to participate in the plan.

This act is identical to HB 1535 (2008).

CHRIS HOGERTY

01/24/2008 S First Read--SB 1015-Mayer (S130)

01/28/2008 Second Read and Referred S Health and Mental Health Committee (S142)

02/19/2008 Hearing Conducted S Health and Mental Health Committee

EFFECTIVE: August 28, 2008

*** SB 1016 ***

4388S.011

SENATE SPONSOR: Mayer

SB 1016 - This act dissolves the Legal Services for Low-Income Person Fund and provides that the portion of money that was being transferred into such fund from the Tort Victims' Compensation Fund, in addition to any money remaining in the Legal Services for Low-Income Person Fund, shall now be transferred to the Basic Civil Legal Services Fund. Such funds shall continue to be distributed to qualifying state legal service organizations that provide legal services to eligible low-income persons.

This act is identical to HB 1621 (2008).

ALEXA PEARSON

01/24/2008 S First Read--SB 1016-Mayer (S130)

01/28/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S142)

02/25/2008 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2008

*** SB 1017 ***

4153S.011

SENATE SPONSOR: Mayer

SB 1017 - This act requires railroad, bridge, and public utility companies to provide school districts a written report, setting out all real and personal property owned by such companies which is located within school district boundaries, within thirty days of receipt of a written request from school districts.

JASON ZAMKUS

01/24/2008 S First Read--SB 1017-Mayer (S130)

01/28/2008 Second Read and Referred S Education Committee (S142)

EFFECTIVE: August 28, 2008

*** SB 1018 ***

4649S.011

SENATE SPONSOR: Rupp

SB 1018 - This act allows municipalities in St. Charles County to adopt necessary ordinances for the well-being of the community and enforce such ordinances with a fine not to exceed \$1000 or three months of imprisonment. Currently, municipalities in St. Louis County may adopt and enforce such ordinances.

SUSAN HENDERSON MOORE

01/24/2008 S First Read--SB 1018-Rupp (S130)

01/28/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S142)

02/27/2008 Hearing Conducted S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2008

*** SB 1019 ***

3360S.011

SENATE SPONSOR: Bray

SB 1019 - 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 266 (2007).

SUSAN HENDERSON MOORE

01/24/2008 S First Read--SB 1019-Bray, et al (S130)

01/28/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S142)

EFFECTIVE: August 28, 2008

*** SB 1020 ***

4691S.011

SENATE SPONSOR: Bray

SB 1020 - This act brings Missouri sales and use tax laws into compliance with the streamlined sales and use tax agreement.

Compliance involves modifying many sections throughout Missouri law, based upon meeting the following criteria:

- (1) The sourcing of sales must be changed to be based on receipt. This means that current law is modified, where necessary, to consider the point of sale, and thus the applicable tax rate, to be the point of receipt of the product;
- (2) When a city annexes property, the change to the tax rate will take place on the first day of the second calendar quarter after the Director of Revenue receives notice of the boundary change;
- (3) The same provisions as in (2) shall apply to rate changes;
- (4) All sales taxes must be administered at the state level if they are not already;
- (5) All state and local sales taxes must have the same base. This means that exemptions at the state and local level must be identical;
- (6) Certain definitions, including a definitions for "delivery charges", "food" "lease or rental", "purchase price", "sales price", "tangible personal property" and other modified definitions, must be adopted from the streamlined sales and use tax agreement;
- (7) The Department of Revenue can require electronic filing and payment of the sales and use tax;
- (8) Registration for out of state sellers is simplified and no bond is required;
- (9) No caps or thresholds may exist on the collection of sales or use taxes; and
- (10) Out of state sellers must be offered uniform, simplified, electronic filing.

The act is similar to Senate Bill 576 (2007), Senate Bill 1173 (2006), and Senate Bill 399 (2005).

JASON ZAMKUS

01/24/2008 S First Read--SB 1020-Bray, et al (S130-131)

01/28/2008 Second Read and Referred S Ways & Means Committee (S142)

EFFECTIVE: August 28, 2008

*** SB 1021 ***

4656S.011

SENATE SPONSOR: Loudon

SCS/SBs 1021 & 870 - 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. The board shall develop practice guidelines regarding the practice of midwifery established by the National Association of Certified Professional Midwives, including the development of collaborative relationships with other healthcare practitioners who can provide care outside the scope of midwifery when necessary.

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. The practice of direct-entry midwifery is defined as the science and art of examination, evaluation, assessment, counseling and treatment of women and infants by those methods commonly taught in any midwifery school, college or midwifery program in a university which has been accredited by the Midwifery Education Accreditation Council. The practice does not include use of operative surgery, nor the prescribing of drugs. The practice is not the practice of medicine, osteopathy, nursing or nurse-midwifery.

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, perform vacuum deliveries, medical inductions or cesarean sections, or use forceps during the delivery of an infant. A licensed direct-entry midwife shall not administer prescription drugs, except for neonatal use of prophylactic ophthalmic medications, vitamin K and oxygen, maternal use of Rho (D) immune globin, oxygen, postpartum antihemorrhages, and local anesthetic, and any other prescription drug the Board of Direct-Entry Midwives has deemed to be integral to pregnancy, birth, postpartum, resuscitation or newborn care.

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, 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. A licensed health care provider or facility shall not be disciplined for assisting, enabling, aiding, procuring, advising or encouraging any person licensed to practice direct-entry midwifery who practicing within the confines of this act.

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.

The act also repeals a provision which currently allows person holding tocological certifications from organizations accredited by the National Organization for Assurance to provide midwifery services.

Provisions of this act are similar to SB 303 (2007).

ADRIANE CROUSE

01/24/2008 S First Read--SB 1021-Loudon, et al (S131)

01/28/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S142)

02/06/2008 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee

02/20/2008 SCS Voted Do Pass (w/SCS/SBs 1021 & 870) S Pensions, Veterans' Affairs and General Laws Committee (4656S.05C)

EFFECTIVE: August 28, 2008

*** SB 1022 ***

4120S.011

SENATE SPONSOR: Coleman

SB 1022 - Under the proposed act, the statutory penalties and attorney fees associated with a vexatious refusal to pay claim are made mandatory. Under current law, the statutory penalties and attorney fees

associated with a vexatious refusal to pay claim are discretionary in that the court or jury may award such damages or attorney fees. In addition to the mandatory penalties, the proposed act provides that a claimant shall be entitled to a reasonable attorney's fee if a vexatious refusal to pay dispute is resolved through compromised settlement.

STEPHEN WITTE

01/24/2008 S First Read--SB 1022-Coleman (S131)

01/28/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S142)

EFFECTIVE: August 28, 2008

*** SB 1023 ***

3062S.021

SENATE SPONSOR: Coleman

SB 1023 – This act creates a procedure for recalling school board members. A recall election shall be held upon the submission of a petition signed by at least 25% of the number of voters who voted in the last school board election.

If a majority of voters vote to retain the school board member at issue, the member shall remain in office and cannot be subject to another recall election during his or her term. If a majority of voters vote to remove the member, the successor member will be chosen in the same manner as vacancies are filled for any seven member district.

This act is similar to SB 922 (2004), SB 112 (2005), SB 448 (2007).

MICHAEL RUFF

01/24/2008 S First Read--SB 1023-Coleman (S131)

01/28/2008 Second Read and Referred S Education Committee (S142)

EFFECTIVE: August 28, 2008

*** SB 1024 ***

3344S.041

SENATE SPONSOR: Scott

SB 1024 - Currently, the state legal expense fund is liable, excluding punitive damages, for all economic damages to any one claimant and up to \$350,000 for noneconomic damages for any judgment against a state officer or employee for claims arising from the operation of a motor vehicle or from causing a dangerous condition of property. This act limits the amount of liability for such claims to 2 million dollars for all claims arising from a single occurrence, and \$300,000 for any one person in a single accident or occurrence.

If these two types of claims are brought against the state or state entities and are also brought against an officer or employee thereof, the maximum allowable recovery shall be reduced by any amount paid towards the claim by the state, its entities, its officers or employees, or anyone acting on their behalf.

Current law provides that state entities waive their immunity for liability for claims arising from the operation of a motor vehicle, up to the dollar amount provided in current law. This act provides that if an operator of a motor vehicle owned or operated on behalf of the state or its entities is found to be immune from liability for any reason, the state or its public entities shall have no liability.

The act also repeals provisions of current law that allow a plaintiff in a negligence action against the Department of Transportation to request that the case be arbitrated.

This act is similar to SB 78 (2007).

ALEXA PEARSON

01/28/2008 S First Read--SB 1024-Scott (S138)

01/30/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S153)

EFFECTIVE: August 28, 2008

*** SB 1025 ***

4701S.011

SENATE SPONSOR: Scott

SB 1025 - Under current law, a person may grant the right of sepulcher to any person as long as the

designation is made in a written instrument meeting certain qualifications under current law, however, such a designation will not supersede the rights of the deceased's spouse or certain family members. This act deletes the provisions of law allowing for such a designation, and instead provides that an attorney in fact designated in a durable power of attorney that specifically grants the right of sepulcher shall have first priority for the purposes of determining who has the right to choose and control the burial, cremation, or other final disposition of the deceased designee's body.

This act is identical to provisions within SB 659 (2007).

ALEXA PEARSON

01/28/2008 S First Read--SB 1025-Scott (S138)

01/30/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S153)

EFFECTIVE: August 28, 2008

*** SB 1026 ***

4692S.011

SENATE SPONSOR: Scott

This bill has been combined with SB 753

01/28/2008 S First Read--SB 1026-Scott (S138)

01/30/2008 Second Read and Referred S Transportation Committee (S153)

02/06/2008 Hearing Conducted S Transportation Committee

02/20/2008 Bill Combined w/SCS/SBs 753, 728, 906 & 1026

EFFECTIVE: August 28, 2008

*** SB 1027 ***

4746S.011

SENATE SPONSOR: Smith

SB 1027 – This act requires charter schools whose mission includes student drop-out prevention or recovery to enroll nonresident pupils from an adjacent county who submit a timely application. Preference will be given to resident pupils over non-resident pupils if there is insufficient capacity.

MICHAEL RUFF

01/28/2008 S First Read--SB 1027-Smith (S138)

01/30/2008 Second Read and Referred S Education Committee (S153)

EFFECTIVE: August 28, 2008

*** SB 1028 ***

4699S.011

SENATE SPONSOR: Justus

SB 1028 - This act requires the administering agency of any tax credit program now, or hereafter, authorized under Missouri law to report to the State Auditor: the name and address of the applicant; the amount of tax credits issued to such applicant; and the program under which the tax credit is authorized. The Department of Revenue is required to provide similar information to the State Auditor regarding taxpayers upon the redemption of state tax credits. The information provided to the State Auditor will be made available for public inspection on the Auditor's website.

JASON ZAMKUS

01/28/2008 S First Read--SB 1028-Justus (S138)

01/30/2008 Second Read and Referred S Ways & Means Committee (S153)

03/03/2008 Hearing Scheduled S Ways & Means Committee

EFFECTIVE: August 28, 2008

*** SB 1029 ***

4685S.011

SENATE SPONSOR: Rupp

SB 1029 - This act establishes the Market Conduct Surveillance Act. The act is based upon a model act adopted by the National Conference of Insurance Legislators (NCOIL). If adopted, the act would, among other things:

- (1) Establish methods for collecting marketplace data;

- (2) Allow domiciliary states to have responsibility to perform market conduct surveillance;
- (3) Enhance state collaboration;
- (4) Sets forth a continuum of market conduct actions to be considered prior to undertaking targeted market conduct exams;
- (5) Require Missouri participate in an enhanced NAIC National Consumer Complaint Database;
- (6) Incorporate and encourage use of other NAIC work products, such as the NAIC Market Analysis Handbook, Examination Tracking System, and Market Conduct Uniform Examination Procedures; and
- (7) Set forth a structure for performing targeted market conduct examinations, including examination announcement requirements, authorization to accept an examination conducted by other states, work plan and budget requirements, timelines for delivering market conduct examination reports, and examination cost assessment provisions.

The act requires the director to share information and coordinate market analysis and examination efforts with other states through NAIC. This includes reporting data to NAIC systems, such as the Complaint Database System, the Examination Tracking System, and the Regulatory Informational Retrieval system, so that other states can review the data and avoid duplicative examinations.

The act also includes provisions regarding the director's authority to access insurer books and records, confidentiality requirements regarding insurer documents, conflict-of-interest prohibitions, and immunity for market conduct surveillance personnel.

This act is virtually identical to SB 483 (2007).
STEPHEN WITTE

01/28/2008 S First Read--SB 1029-Rupp (S138)

01/30/2008 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S153)

EFFECTIVE: August 28, 2008

*** SB 1030 ***

4761S.011

SENATE SPONSOR: Rupp

SB 1030 - This act repeals Section 205.920 that allows the Department of Labor to deputize the county superintendent of public welfare for the purposes of industrial inspection.

Chapters 291 and 292 are also repealed in their entirety. These chapters deal with occupational health and safety and mining regulations.

CHRIS HOGERTY

01/28/2008 S First Read--SB 1030-Rupp (S138)

01/30/2008 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S153)

EFFECTIVE: August 28, 2008

*** SB 1031 ***

4150S.021

SENATE SPONSOR: Koster

SB 1031 - This act increases the penalty for parental kidnapping from a Class D felony to a Class C felony when the parent commits the offense by detaining or concealing the whereabouts of the child for not less than 60 days but not longer than 119 days. The crime shall be a Class B felony if the parent detains or conceals the child for not less than 120 days.

SUSAN HENDERSON MOORE

01/28/2008 S First Read--SB 1031-Koster, et al (S138)

01/30/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S153)

EFFECTIVE: August 28, 2008

*** SB 1032 ***

3727S.04I

SENATE SPONSOR: Dempsey

SB 1032 - Under current law, certain dangerous wild animals may not be kept unless they are registered with local law enforcement except if the animals are kept in a zoo, circus, scientific or educational institution, research laboratory, veterinary hospital or animal refuge. This act removes the exception for animal refuges. The act also adds the criteria that research laboratories and scientific and educational institutions must be accredited, veterinary hospitals must be permitted by the Missouri Veterinary Medical Board, and zoos must be accredited by the Association of Zoos and Aquariums in order for the exception to apply.

The act specifies that the law enforcement agency responsible for receiving the registrations is the chief law enforcement official in each county or in the City of St. Louis, or his or her designee.

Any such dangerous wild animal shall be registered within five days of being acquired or moved into any county or the city of St. Louis. The act adds the requirement that registration of such animals must be renewed annually.

The chief law enforcement official in each county or in St. Louis is required to maintain the registry of dangerous wild animals and make the registry available for disaster preparedness, emergencies, and to the general public via a website. The official can charge a registration fee to cover the administrative expenses associated with maintaining the registry not to exceed \$50 for a first registration or \$25 for a renewal registration.

The act specifies the information that must be recorded as part of the animal's registration.

Any animal required to be registered under this act shall be identifiable by a microchip or other reliable identification device.

The act prohibits the bringing of any such dangerous wild animal to a public, commercial, or retail establishment unless it is a veterinarian or veterinary clinic. The animals shall not come into contact with anyone other than the owner, possessor, handler, or veterinarian.

A violation of the act is a Class A misdemeanor.

ERIKA JAQUES

01/28/2008 S First Read--SB 1032-Dempsey (S139)

01/30/2008 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S153)

02/05/2008 Re-referred S Judiciary and Civil & Criminal Jurisprudence Committee (S181)

02/25/2008 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2008

*** SB 1033 ***

4734S.01I

SENATE SPONSOR: Griesheimer

SB 1033 - Currently, no transfer of title of real property to a county or other political subdivision by donation or dedication shall be valid for recording unless it has been proved or acknowledged. This act specifies that water and sewer line easements shall not be considered transfers of title under this provision and therefore are not subject to such requirements.

This act is identical to HB 1603 (2008).

SUSAN HENDERSON MOORE

01/28/2008 S First Read--SB 1033-Griesheimer (S139)

01/30/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S153)

02/27/2008 Hearing Conducted S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2008

*** SB 1034 ***

SCS SBs 1034 & 802

4360S.08C

SENATE SPONSOR: Mayer

SCS/SBs 1034 and 802 - This act modifies the current record-keeping requirements for purchases of copper scrap metal and also applies such record-keeping requirements to purchases of aluminum scrap metal. The act requires that a separate record be maintained in either written or electronic form for each applicable transaction of copper or aluminum scrap metal. The act adds pipe, tubing, bars, ingots, rods, fittings, fasteners, and farming materials to the kinds of copper or aluminum items for which a transaction record must be kept.

A copy of the scrap metal seller's driver's license or other state or federally-issued photo identification containing the seller's current address must be kept in the transaction record, as well as the date, time, and place of each such transaction. The act removes the existing provision that allows a scrap metal seller's business address to serve in place of a residential address in the record.

Records must be kept for 2 years after the date the scrap metal was purchased and shall be available for inspection by any law enforcement officer.

The act modifies the penalty for violating the record-keeping requirements by removing the specified fine and jail term ranges, and instead making a violation a class A misdemeanor.

The act exempts certain scrap metal transactions from the record-keeping requirements: when the total sale amount is not more than \$50; when the seller has an existing business relationship with the purchaser and is reasonably expected to generate scrap metal; and when the copper or aluminum is a minor part of a larger item being sold, except for electrical power generation or telecommunications equipment.

Scrap metal dealers are prohibited from knowingly purchasing or possessing a whole or partial metal beer keg on premises used by the dealer to alter scrap metal, unless the keg is purchased from a brewer or brewer's representative. A violation of this provision is a class A misdemeanor with a penalty of only a fine.

Scrap yards are prohibited from purchasing cast iron manhole covers from anyone other than a person who is authorized by the manholes' owner to sell such manhole covers. A violator of this provision shall be subject to a fine of at least \$25 but not more than \$500, or to a jail term of at least 30 days but not more than 6 months, or both such penalties.

Payments by scrap metal dealers larger than \$50 shall be made only by check, except in transactions where the seller has an existing business relationship with the dealer and the seller is an established business that generates scrap metal.

The act makes it a Class D felony to steal or appropriate, without the owner's consent, any wire or plumbing material containing ferrous or non-ferrous metal.

This act is similar to HB 1512 (2008), SB 683 (2007) and HB 547 (2007).

ERIKA JAQUES

01/28/2008 S First Read--SB 1034-Mayer (S139)
 01/30/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S153)
 02/04/2008 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee
 02/11/2008 SCS Voted Do Pass (w/SCS/SBs 1034 & 802) S Judiciary and Civil & Criminal Jurisprudence Committee (4360S.08C)
 02/28/2008 Reported from S Judiciary and Civil & Criminal Jurisprudence Committee to Floor w/SCS (S392)
 03/03/2008 S Formal Calendar S Bills for Perfection--SBs 1034 & 802-Mayer, with SCS

EFFECTIVE: August 28, 2008

*** SB 1035 *** SCS SB 1035

4256S.03C

SENATE SPONSOR: Scott

SCS/SB 1035 - This act prohibits a person from bringing civil action for an unlawful merchandising practice against any motor vehicle dealer other than the motor vehicle dealer directly involved in the retail transaction. This act does not prohibit a person from pursuing a claim against any motor vehicle manufacturer or dealer that does not arise under Chapter 407, RSMo.

ERIKA JAQUES

01/28/2008 S First Read--SB 1035-Scott (S139)

01/30/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S153)
 02/05/2008 Re-referred S Commerce, Energy and the Environment Committee (S181)
 02/14/2008 Hearing Conducted S Commerce, Energy and the Environment Committee
 02/21/2008 SCS Voted Do Pass S Commerce, Energy and the Environment Committee (4256S.03C)
 02/28/2008 Reported from S Commerce, Energy and the Environment Committee to Floor w/SCS (S393)
 03/03/2008 S Formal Calendar S Bills for Perfection--SB 1035-Scott, with SCS

EFFECTIVE: August 28, 2008

*** SB 1036 ***

3055S.011

SENATE SPONSOR: Coleman

SB 1036 - 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 who was killed in the line of duty and who was, at the time of enlistment and death, a citizen of Missouri. The grants will pay up to fifty percent of the survivors' tuition costs, the actual cost of books up to five hundred dollars per semester, and up to two thousand dollars per semester for room and board. Such grants will continue to be awarded annually to eligible recipients as long as the recipient achieves and maintains a cumulative grade point average of at least two and one-half on a four point scale, or its equivalent. If the waiting list of eligible survivors exceeds fifty, the coordinating board may petition the general assembly to expand the quota, or shall extend the eligibility of those on the waiting list.

The act delineates specific eligibility criteria for both the recipients and the higher education institutions. The Coordinating Board will administer the program.

The provisions of this act shall automatically sunset in six years, unless reauthorized.

This act is similar to SB 572 (2006) and SCS/SB 12 (2007).

ALEXA PEARSON

01/28/2008 S First Read--SB 1036-Coleman and Engler (S139)
 01/30/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S153)

EFFECTIVE: August 28, 2008

*** SB 1037 ***

4651S.011

SENATE SPONSOR: Shields

SB 1037 – This act modifies the calculation of the state adequacy target under the elementary and secondary education school funding formula. Current law provides that a recalculation will never result in a decrease from the previous state adequacy target. This act provides that a recalculation will never result in a decrease of 102% of the previous state adequacy target amount.

MICHAEL RUFF

01/28/2008 S First Read--SB 1037-Shields (S139)
 01/30/2008 Second Read and Referred S Education Committee (S153)

EFFECTIVE: August 28, 2008

*** SB 1038 ***

4464S.01P

SENATE SPONSOR: Shields

SB 1038 - This act repeals the campaign contribution limits for certain candidates running for office.

Individuals and committees required to file campaign disclosure reports shall electronically file contributions exceeding \$5,000 within 48 hours of receiving the contribution.

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.

Out-of-state committees that make contributions in support of or against candidates or issues in elections

shall 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.

Current law imposes a penalty of twice the amount of the contribution or expenditure that is incorrectly reported up to \$5,000. This amendment 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

01/28/2008 S First Read--SB 1038-Shields (S139)
 01/30/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S153)
 02/11/2008 Hearing Conducted S Financial & Governmental Organizations and Elections Committee
 02/18/2008 Voted Do Pass S Financial & Governmental Organizations and Elections Committee
 02/18/2008 Reported from S Financial & Governmental Organizations and Elections Committee to Floor (S263)
 02/20/2008 SA 1 S offered & defeated (Smith)--(4464S01.07S) (S284-295)
 02/20/2008 SA 2 S offered & defeated (Days)--(4464S01.01F) (S295-299)
 02/20/2008 SA 3 S offered & defeated (Graham)--(4464S01.10S) (S300)
 02/20/2008 SA 4 S offered (Barnitz)--(4464S01.02F) (S300)
 02/20/2008 Bill Placed on Informal Calendar (S300)
 02/20/2008 SA 1 to SA 4 S offered & defeated (Barnitz)--(4464S01.03F) (S304)
 02/20/2008 SA 4 S defeated (S305)
 02/20/2008 SA 5 S offered (Graham)--(4464S01.17S) (S305-306)
 02/20/2008 SA 1 to SA 5 S offered & defeated (Smith)--(4464S01.23S) (S306)
 02/20/2008 SA 5 S defeated (S306-307)
 02/20/2008 SA 6 S offered & defeated (Shoemyer)--(4464S01.22S) (S307)
 02/20/2008 SA 7 S offered & defeated (Smith)--(4464S01.24S) (S307-313)
 02/20/2008 SA 8 S offered & adopted (Green)--(4464S01.26S) (S313-315)
 02/20/2008 SA 9 S offered & defeated (Green)--(4464S01.27S) (S315-316)
 02/20/2008 SA 10 S offered & adopted (Graham)--(4464S01.20S) (S316-317)
 02/20/2008 SA 11 S offered & defeated (Coleman)--(4464S01.25S) (S317)
 02/20/2008 Perfected, as amended (S317)
 02/20/2008 Reported Truly Perfected S Rules Committee (S318)
 02/21/2008 S Third Read and Passed - EC defeated (S325-326 / H311)
 02/21/2008 H First Read (H311)
 02/25/2008 H Second Read (H316)

EFFECTIVE: August 28, 2008

*** SB 1039 *** SCS SB 1039

4804S.02P

SENATE SPONSOR: Clemens

SCS/SB 1039 - This act requires the county commission of Christian County, upon voter approval of a county sales tax for central dispatching of emergency services, to appoint a seven-member board to administer the funds and oversee the provision of emergency services. The board shall include the head of any of the county's fire protection or ambulance districts, the county sheriff, the head of any police departments in the county, and the head of the county's emergency management organizations.

This act is identical to HB 1711 (2008).

SUSAN HENDERSON MOORE

01/29/2008 S First Read--SB 1039-Clemens (S146)
 01/31/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S159)
 02/13/2008 Hearing Conducted S Economic Development, Tourism & Local Government Committee
 02/20/2008 SCS Voted Do Pass S Economic Development, Tourism & Local Government Committee - Consent (4804S.02C)
 02/21/2008 Reported from S Economic Development, Tourism & Local Government Committee to Floor w/SCS - Consent (S341)
 02/28/2008 SCS S adopted (S404)
 02/28/2008 S Third Read and Passed - Consent (S404-405)

EFFECTIVE: August 28, 2008

*** SB 1040 ***

4435S.021

SENATE SPONSOR: Clemens

SB 1040 - Current law allows sewer districts and water districts in counties of the first classification and the city of St. Louis to receive grants and loans for storm water control projects. This act limits eligibility for sewer and water districts to only those considered "public."

Current law requires the Department of Natural Resources to provide both grants and loans using the funds resulting from the issuance of storm water control bonds. This act modifies this requirement so that both are no longer simultaneously required, but either one is still permissible.

The act removes the requirement that 50% of the proceeds from the bonds be allocated to grants and 50% to loans.

Once the initial offer of grants or loans has been made to all eligible recipients, the act allows any remaining funds to be given to grant or loan recipients who need additional funding in proportions as described in the act.

The act allows repayments of storm water loans and applicable interest to be deposited in the Storm Water Loan Revolving Fund, which is created by the act, and authorizes the monies in the Fund to be used to finance and construct storm water control plans, studies, and projects. Unexpended balances shall not be subject to biennial transfer to the General Revenue Fund and the Fund shall retain its interest.

The act repeals a doubly enacted section.

The effective date of the act is contingent upon the passage of a constitutional amendment regarding the financing and constructing of storm water control plans, studies, and projects.

ERIKA JAQUES

01/29/2008 S First Read--SB 1040-Clemens (S146)

01/31/2008 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S159)

02/26/2008 Hearing Conducted S Agriculture, Conservation, Parks & Natural Resources Committee

EFFECTIVE: Contingent

*** SB 1041 ***

4563S.011

SENATE SPONSOR: Green

SB 1041 - This act prohibits a utility or its HVAC affiliate from selling and installing home generators unless there are no existing HVAC service providers in the service area.

This act is similar to HB 1164 (2007).

ERIKA JAQUES

01/29/2008 S First Read--SB 1041-Green (S146)

01/31/2008 Second Read and Referred S Commerce, Energy and the Environment Committee (S160)

EFFECTIVE: Contingent

*** SB 1042 ***

4749S.011

SENATE SPONSOR: McKenna

SB 1042 – This act modifies teacher and school employee retirement plans. Members of the Public School Retirement System (PSRS) who have retired, are age 75 or older, and have received certain cost-of-living increases totaling 80% of the retirement allowance established at retirement prior to January 1, 2009, will be made special consultants as described in the act. From January 1, 2009 through January 1, 2014, they will receive an amount equal to \$5 per month multiplied by their years of service. This amount will be added to their monthly annuity.

Members of the Public Education Employee Retirement System (PEERS) who have retired, are age 75 or older, and have received certain cost-of-living increases totaling 80% of the retirement allowance established at retirement prior to January 1, 2009, will be made special consultants as described in the act. From

January 1, 2009, through January 1, 2014, they will receive an amount equal to \$3 per month multiplied by their years of service. This amount will be added to their monthly annuity.

This act is similar to HCS/HB 661 (2007).

MICHAEL RUFF

01/29/2008 S First Read--SB 1042-McKenna, et al (S146)

01/31/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S160)

02/20/2008 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee

EFFECTIVE: August 28, 2008

*** SB 1043 ***

3982S.011

SENATE SPONSOR: Ridgeway

SB 1043 - This act requires health carriers that provide in-network chiropractic benefits to provide coverage for services rendered by an out-of-network chiropractic physician if the health carrier provide out-of-network benefits for other health care services.

STEPHEN J. WITTE

01/29/2008 S First Read--SB 1043-Ridgeway (S146)

01/31/2008 Second Read and Referred S Health and Mental Health Committee (S160)

EFFECTIVE: August 28, 2008

*** SB 1044 ***

4796S.011

SENATE SPONSOR: Stouffer

SB 1044 - Under current law each ground ambulance is required to be staffed with at least two licensed individuals when transporting a patient, except for certain counties which are allowed to have only one licensed emergency medical technician, registered nurse or physician in attendance. This act adds Saline and Lafayette counties to the list of counties that are allowed to have only one licensed individual in attendance.

ADRIANE CROUSE

01/29/2008 S First Read--SB 1044-Stouffer (S146)

01/31/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S160)

02/20/2008 Hearing Cancelled S Economic Development, Tourism & Local Government Committee

02/27/2008 Hearing Conducted S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2008

*** SB 1045 ***

4613S.011

SENATE SPONSOR: Dempsey

SB 1045 - This act allows criminal charges to be filed against a mother for any harm to an unborn child resulting from the mother's intentional and unlawful ingestion or use of controlled substances.

This act is substantially similar to HB 1530 (2008).

ADRIANE CROUSE

01/29/2008 S First Read--SB 1045-Dempsey (S146)

01/30/2008 Bill Withdrawn (S153)

EFFECTIVE: August 28, 2008

*** SB 1046 ***

4744S.011

SENATE SPONSOR: Mayer

SB 1046 - Under this act, the employment-at-will doctrine shall not control 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 the employee had a good faith and reasonable belief violated a statute, constitutional provision, or regulation and a clearly mandated public policy; the employee was discharged; and the act of reporting

was the exclusive factor in the discharge.

Similarly, the employment-at-will doctrine shall not control when elements of a refusal to commit an illegal act cause of action for wrongful discharge in violation of public policy 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 would, if completed, violate a statute, constitutional provision, or regulation and a clearly mandated public policy; the employee specifically refused to perform the act; the employee was discharged; and the refusal to perform the act was the exclusive factor in the discharge.

This act is similar to HB 1456 (2006) and SB 168 (2007).

CHRIS HOGERTY

01/29/2008 S First Read--SB 1046-Mayer (S146)
 01/31/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S160)
 02/20/2008 Hearing Scheduled But Not Heard S Pensions, Veterans' Affairs and General Laws Committee
 02/27/2008 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee
 02/27/2008 Voted Do Pass S Pensions, Veterans' Affairs and General Laws Committee
 02/28/2008 Reported from S Pensions, Veterans' Affairs and General Laws Committee to Floor (S393)
 03/03/2008 S Formal Calendar S Bills for Perfection--SB 1046-Mayer

EFFECTIVE: August 28, 2008

*** SB 1047 ***

4811S.011

SENATE SPONSOR: Vogel

SB 1047 – This act modifies the definition of "special education pupil count" in the elementary and secondary foundation formula by including nonpublic students served through the federal Individual with Disabilities Education Act by the school district in which the nonpublic school is located.

MICHAEL RUFF

01/29/2008 S First Read--SB 1047-Vogel, et al (S146)
 01/31/2008 Second Read and Referred S Education Committee (S160)
 02/06/2008 Hearing Conducted S Education Committee
 02/14/2008 Voted Do Pass S Education Committee

EFFECTIVE: August 28, 2008

*** SB 1048 ***

4614S.021

SENATE SPONSOR: Kennedy

SB 1048 - This act modifies the law regarding trademark registration.

The act provides that when determining if a trademark meets the qualifications to be registered, the Secretary of State's duty shall be limited to examination of the registration records.

Current law provides that an application for a trademark shall include, among other items, the date when the mark was first used. This act provides that an application for a trademark may be filed if the applicant provides a signed statement indicating an intent to use the mark on or in connection with the goods or services listed in the application. The application shall include a specimen or facsimile of the mark for each class of goods or services for which the applicant would like to register such mark.

The act raises the fee for filing an application for trademark registration from fifty to seventy-five dollars, and specifies that the additional five dollar fee assessed on all fees in this act may also be assessed against each separate class for which an application is filed. The act also raises the fee for recording of an assignment of a trademark registration from fifty to seventy-five dollars, and raises the trademark renewal fee from ten to twenty dollars.

The act also specifies several classes of goods and services for which trademark applications may be filed.

The Secretary of State is authorized to promulgate rules to implement the provisions of this act.

This act is identical to HB 585 (2007).

ALEXA PEARSON

01/30/2008 S First Read--SB 1048-Kennedy (S152)
01/31/2008 Second Read and Referred S Commerce, Energy and the Environment Committee (S160)
02/21/2008 Hearing Conducted S Commerce, Energy and the Environment Committee
02/28/2008 Voted Do Pass S Commerce, Energy and the Environment Committee

EFFECTIVE: August 28, 2008

*** SB 1049 ***

4812S.011

SENATE SPONSOR: Kennedy

SB 1049 - Under current law, purchases of materials, replacement parts and equipment purchased for use directly upon, and for the repair and maintenance or manufacture of aircraft engaged as common carriers of people and property are exempt from state and local sales tax. This act would expand the exemption to apply to all aircraft from January 1, 2009 to January 1, 2015.

JASON ZAMKUS

01/30/2008 S First Read--SB 1049-Kennedy (S152)
01/31/2008 Second Read and Referred S Ways & Means Committee (S160)
03/03/2008 Hearing Scheduled S Ways & Means Committee

EFFECTIVE: August 28, 2008

*** SB 1050 ***

4810S.011

SENATE SPONSOR: Crowell

SB 1050 - This act shall be known as the "Asbestos and Silica Claims Priorities Act".

The act requires that any claimant in an action alleging an asbestos or silica claim must file together with the complaint or other initial pleading a narrative medical report and diagnosis signed by a qualifying physician, accompanied by supporting test results, constituting prima facie evidence of the claimant's asbestos-related or silica-related injury. If the court finds that the claimant has failed to make the required prima facie showing, the claim shall be dismissed without prejudice. Claimants are also required to file a sworn information form containing all of the information listed in this act.

No asbestos or silica claims shall be filed on behalf of a class or group, other than claims relating to the exposed person and members of his or her family. However, the court may consolidate asbestos or silica claims with the consent of all parties, or may consolidate cases for pretrial or discovery purposes.

No person shall bring or maintain a claim alleging a nonmalignant asbestos-related condition, unless such person makes a prima facie showing as to each defendant that the exposed person has a physical impairment for which asbestos exposure was a substantial factor.

No person shall bring or maintain a claim related to an alleged asbestos-related cancer, other than mesothelioma, unless such person makes a prima facie showing as to each defendant that the exposed person has a primary cancer for which exposure to asbestos was a substantial factor.

No person shall bring or maintain a claim of alleged silicosis, or an alleged silica-related condition other than silicosis or silica-related cancer, unless such person makes a prima facie showing as to each defendant that the exposed person has a physical impairment for which silica exposure was a substantial factor.

No person shall bring or maintain a claim related to alleged silica-related cancer unless such person makes a prima facie showing as to each defendant that the exposed person has a primary cancer for which exposure to silica was a substantial factor.

In all of the above claims, the prima facie showing must include a detailed narrative medical report and diagnosis signed by a qualifying physician, containing all of the information listed in this act. Evidence relating to the prima facie showings required by this act shall not be conclusive as to liability of any defendant, nor shall evidence be offered at trial with respect to what constitutes a prima facie showing or an asbestos or silica-related impairment.

No asbestos or silica claim is subject to discovery until the court enters an order determining that the claimant has established prima facie evidence of impairment, other than discovery related to the establishment of or any challenge to the prima facie evidence.

A claimant's cause of action shall not accrue, nor the limitations period begin, before the exposed person received a diagnosis of impairment related to asbestos or silica, or before the exposed person discovered facts that would have led a reasonable person to obtain a diagnosis of such an impairment, or before the date of death of the exposed person, whichever is earliest.

No damages shall be awarded for fear or increased risk of future disease in any civil action related to an asbestos or silica claim.

This act is identical to HB 512 (2007) and HB 1850 (2008).

ALEXA PEARSON

01/30/2008 S First Read--SB 1050-Crowell (S152)

01/31/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S160)

EFFECTIVE: August 28, 2008

*** SB 1051 ***

4700S.011

SENATE SPONSOR: Crowell

SB 1051 - This act modifies provisions relating to the relocation or replacement of certain long-term care facilities under the certificate of need program.

Current law provides that any residential care facility or assisted living facility may relocate any portion of such facility's current licensed beds to any other facility to be licensed within the same licensure category under certain specified conditions. Also, certain health care facilities may be replaced in their entirety under specified conditions. This act provides that such relocation or replacement shall not require review under the state certificate of need laws or approval by the Missouri Health Facilities Review Committee.

The owner of any facility or beds exempt from certificate of need review may submit a request to the Department of Health and Senior Services to verify exemption prior to beginning the project. If the department determines such project is exempt from certificate of need review, the department shall issue a certification letter to such owner. Such decision shall be considered final and subject to appeal.

ADRIANE CROUSE

01/30/2008 S First Read--SB 1051-Crowell (S152)

01/31/2008 Second Read and Referred S Seniors, Families and Public Health Committee (S160)

02/19/2008 Hearing Conducted S Seniors, Families and Public Health Committee

EFFECTIVE: August 28, 2008

*** SB 1052 ***

4750S.021

SENATE SPONSOR: Rupp

SB 1052 - This act directs revenue derived from the loss limit repeal and the imposition of an education allowance to the newly created Educational Opportunities for Missouri's Children Fund. Upon appropriation, the first twenty-five million dollars in the fund will be allocated to the Department of Elementary and Secondary Education for the A+ Schools program, provided that such program is expanded to all Missouri high schools. The remaining moneys in the fund will be allocated equally among the Early Childhood Development, Education and Care Fund, and the First Steps program.

The act renders the following alterations to the state's gaming policy:

- Repeals the maximum loss limit of five hundred dollars per individual player per gambling excursion;
- Institutes a cap of thirteen licenses to operate excursion gambling boats in the state;
- Imposes an education allowance of one percent on adjusted gross receipts in excess of forty million dollars for gaming licensees;
- States that no documentation or other form of identification, other than that which may be required by a home dock city or county, will be required to enter an area where gambling is being conducted; and
- Increases the annual allocation of revenues, from the gaming commission fund, to the Veteran's Commission Capital Improvement Trust Fund by four million dollars.

JASON ZAMKUS

01/30/2008 S First Read--SB 1052-Rupp (S152)

01/31/2008 Second Read and Referred S Ways & Means Committee (S160)
 02/18/2008 Hearing Conducted S Ways & Means Committee
 02/25/2008 Voted Do Pass S Ways & Means Committee

EFFECTIVE: August 28, 2008

*** SB 1053 ***

4594S.021

SENATE SPONSOR: Dempsey

SB 1053 - This act imposes a \$1,000 surcharge on a first time intoxication-related traffic offense and a \$2,500 surcharge on all second and subsequent intoxication-related traffic offenses. The proceeds of the surcharges are credited to the public school fund.

STEPHEN WITTE

01/30/2008 S First Read--SB 1053-Dempsey (S152)
 01/31/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S160)

EFFECTIVE: August 28, 2008

*** SB 1054 ***

4702S.021

SENATE SPONSOR: Dempsey

SB 1054 - This act expands the jurisdiction of juvenile courts to include individuals who are over seventeen years of age but not yet eighteen years of age, for the sole purpose of status offenses, by modifying the definitions of "child," "adult," and "status offense."

All law enforcement officers, juvenile officers, school personnel, or court personnel shall have civil and criminal immunity from liability for any action taken or failure to take action involving a minor child who remains under the jurisdiction of the juvenile court if such action is based on a good faith belief by such officer or personnel that the minor child is not under the jurisdiction of the juvenile court.

The provisions relating to extension of the juvenile court's jurisdiction shall not take effect until such time as spending by the state for juvenile officers and offices exceeds by three million eight hundred dollars the amount spent by the state for such officers and offices in fiscal year 2007.

This act also modifies the crime of tampering with a judicial officer to include juvenile and deputy juvenile officers.

This act is substantially similar to SCS/HB 215 (2007) and HB 1550 (2008).

ADRIANE CROUSE

01/30/2008 S First Read--SB 1054-Dempsey (S152)
 01/31/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S160)
 02/11/2008 Hearing Scheduled But Not Heard S Judiciary and Civil & Criminal Jurisprudence Committee
 02/18/2008 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: Contingent

*** SB 1055 ***

4646S.011

SENATE SPONSOR: Goodman

SB 1055 - This act reinstates the Motorist Insurance Identification Database program. The program expired on June 30, 2007.

STEPHEN WITTE

01/30/2008 S First Read--SB 1055-Goodman (S152)
 01/31/2008 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S160)

EFFECTIVE: August 28, 2008

*** SB 1056 ***

4813S.011

SENATE SPONSOR: Justus

SB 1056 - This act modifies the membership on the Missouri Housing Development Commission. The membership of the commission is reduced from 10 members to 7 members. The act eliminates the commission membership positions currently held by the Governor, Lieutenant Governor, State Treasurer, and the state Attorney General. The act adds one additional lay member who will be appointed by the governor with the advice and consent of the senate. The seventh member of the commission will serve a four year term. Under the terms of the act, four members of the commission shall constitute a quorum.

STEPHEN WITTE

01/30/2008 S First Read--SB 1056-Justus and Bray (S152)

01/31/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S160)

02/11/2008 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2008

*** SB 1057 ***

4696S.011

SENATE SPONSOR: Scott

SB 1057 - The act modifies the procedure for forming a transportation development district for a district to be established within two or more counties. Under the act, 50 or more registered voters from each of the counties may sign a petition calling for the creation of joint establishment of a district for a project to be located in multiple counties. The petition may be filed in the circuit court of any of the petitioner counties. The district and proposed funding shall be subject to voter approval under one election, rather than a bifurcated process (Sections 238.207 and 238.210).

STEPHEN WITTE

01/30/2008 S First Read--SB 1057-Scott (S152)

01/31/2008 Second Read and Referred S Transportation Committee (S160)

02/13/2008 Hearing Conducted S Transportation Committee

EFFECTIVE: August 28, 2008

*** SB 1058 ***

4412S.021

SENATE SPONSOR: Mayer

SB 1058 - This act modifies the informed consent requirements for an abortion by adding new requirements to be obtained at least twenty-four hours prior to an abortion. Some of the new requirements include presenting to the pregnant woman various new printed materials and videos, to be developed by the Department of Health and Senior Services by November 26, 2008, detailing the risks of an abortion and the physiological characteristics of an unborn child at two-week gestational increments. The woman must also be provided with the gestational age of the unborn child at the time the abortion is to be performed and must be given an opportunity to view an active ultrasound of the unborn child and hear the heartbeat of the unborn child, if the heartbeat is audible. Prior to an abortion being performed past twenty-two weeks gestational age, the woman must be provided information regarding the possibility of the abortion causing pain to the unborn child. In addition to the written informed consent, the act requires the physician to discuss the medical assistance and counseling resources available, advise the woman of the father's liability for child support, and provide information about the Alternatives to Abortion Program.

This act also creates the crime of knowingly coercing a woman to seek or obtain an abortion. Such coercion includes committing or threatening to do the following: abusing or stalking of the woman, committing an offense against the woman or her family; filing for dissolution of marriage, refusing to pay child support or provide financial support; taking the unborn child once born or her other children; changing the woman's house or existing residence; discharging the woman from her employment; or revoking a scholarship awarded to the woman. A violation of coercing an abortion may range from a Class A felony to a Class A misdemeanor, depending on the prescribed circumstances. This act also creates the crime of knowingly performing, inducing or assisting in an abortion on a woman who is a victim of coerced abortion. The elements of the crime are specified in the act and a violation of such crime constitutes a Class C felony.

ADRIANE CROUSE

01/30/2008 S First Read--SB 1058-Mayer (S153)

01/31/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S160)

02/18/2008 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

02/25/2008 Voted Do Pass S Judiciary and Civil & Criminal Jurisprudence Committee

02/28/2008 Reported from S Judiciary and Civil & Criminal Jurisprudence Committee to Floor (S393)

03/03/2008 S Formal Calendar S Bills for Perfection--SB 1058-Mayer

EFFECTIVE: August 28, 2008

*** SB 1059 ***

4655S.011

SENATE SPONSOR: Engler

SCS/SB 1059 - This act creates civil and criminal penalties for mortgage fraud and imposes sanctions upon certain licensed professionals and unlicensed individuals who commit the crime.

CRIMINAL PROVISION, Section 570.310 -

Under the act, it is unlawful for a person, in connection with the application for or procurement of a loan secured by real estate to willfully:

- Employ a device, scheme, or artifice to defraud;
- Make an untrue statement of a material fact or to omit to state a material fact necessary in order to make the statement made, in the light of the circumstances under which it is made, not misleading; or
- Receive any portion of the purchase, sale, or loan proceeds, or any other consideration paid or generated in connection with a real estate closing that such person knew involved a violation of this section.

Such acts constitute a Class C felony.

REAL ESTATE BROKERS AND SALESPERSONS, Sections 339.100, 339.175 -

Licensed real estate brokers and salespersons may be brought before the Administrative Hearing Commission and lose their license for committing mortgage fraud. Licensees who are criminally convicted of mortgage fraud will automatically have their license revoked. The Missouri Real Estate Commission may maintain an action in circuit court for anyone engaging in mortgage fraud and violators shall be subject to a civil penalty of \$2,500 per violation.

REAL ESTATE APPRAISERS, Sections 339.532, 339.543, 339.549 -

Licensed real estate appraisers may also be brought before the Administrative Hearing Commission and lose their license for committing mortgage fraud. Licensees who are criminally convicted of mortgage fraud will automatically have their license revoked. These licensees may appeal the decision to the Administrative Hearing Commission.

The Missouri Real Estate Appraisers Commission may maintain an action in circuit court for anyone engaging in mortgage fraud and violators shall be subject to a civil penalty of \$2,500 per violation.

RESIDENTIAL MORTGAGE BROKERS, Section 443.809, 443.810, 443.891 -

The director of the Division of Finance shall have the authority to investigate the records of any licensed residential mortgage broker.

The director or the Residential Mortgage Board may also assess a civil penalty of up to \$5,000 for any violation of the law under the jurisdiction of the commission in a contested case.

The director is allowed to issue a notice of charges in support of an order to remove persons from participating in loan brokering, mortgage brokering, or mortgage brokerage service for any loan secured by real estate under the laws pertaining to residential mortgage brokers or otherwise under the jurisdiction of the director of the Division of Finance. The director may require restitution and impose a civil penalty not to exceed \$5,000 per occurrence.

This act is similar to SB 560 (2006), and SB 727 (2008).

CHRIS HOGERTY

01/31/2008 S First Read--SB 1059-Engler (S156)

02/04/2008 Second Read and Referred S Commerce, Energy and the Environment Committee (S171)

02/14/2008 Hearing Conducted S Commerce, Energy and the Environment Committee

02/21/2008 SCS Voted Do Pass S Commerce, Energy and the Environment Committee (4655S.03C)

EFFECTIVE: August 28, 2008

*** SB 1060 ***

4162S.011

SENATE SPONSOR: Engler

SB 1060 – Current law allows local school districts to dismiss tenured teachers for certain causes after following certain administrative procedures. This act amends such procedures to allow teachers the right to request a preliminary hearing about the dismissal before an impartial hearing officer; however, the board would retain the authority to make the final decision as to whether the teacher is dismissed.

School boards or superintendents must notify teachers at least sixty days before formal notice is served, rather than the current thirty day notice requirement. If the teacher requests a preliminary hearing, the superintendent must contact the Labor and Industrial Relations Commission, which must follow procedures described in the act for the selection of a hearing officer and for the hearing itself. The act directs the Labor and Industrial Relations Commission to promulgate rules for the hearings. The school district must pay the costs of the preliminary hearing, except for the teacher's counsel. The hearing will be open to the public unless the teacher requests that the hearing be closed.

The hearing officer must provide an advisory opinion within thirty days after the hearing. Within thirty days of the receipt of this opinion, the school board must provide notice to the teacher as to the board's intention.

If a school district suspends a teacher until a final decision is rendered, the teacher is entitled to receive salary and benefits during the suspension. Currently, teachers are only guaranteed salary. If the hearing officer's opinion is in favor of dismissal, the teacher's benefits and salary may be suspended; however, such benefits will be repaid if the board reverses the decision of the hearing officer.

After the preliminary hearing, the teacher is entitled to a hearing before the board, which will be open to the public unless the teacher requests that it be closed. The record of the preliminary hearing shall be part of the records of the board meeting. The teacher may appeal the final decision of the school board to the circuit court of the county where the employing school district is located as described in the act.

This act repeals the current tenure law for the St. Louis school district and brings the district within the tenure system for the rest of the state.

This act is similar to SB 118 (2005), SB 1088 (2006), SB 561 (2007).
MICHAEL RUFF

01/31/2008 S First Read--SB 1060-Engler (S156)

02/04/2008 Second Read and Referred S Education Committee (S171)

EFFECTIVE: August 28, 2008

*** SB 1061 ***

4689S.02P

SENATE SPONSOR: Barnitz

SB 1061 - This act requires county coroners and their assistants to register with the Missouri Coroners' and Medical Examiners' Association immediately after election or appointment but prior to beginning their duties. All coroners and assistants of the coroner shall, within six months, complete the required annual training.

SUSAN HENDERSON MOORE

01/31/2008 S First Read--SB 1061-Barnitz (S156)

02/04/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S171)

02/11/2008 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

02/18/2008 Voted Do Pass S Financial & Governmental Organizations and Elections Committee - Consent

02/21/2008 Reported from S Financial & Governmental Organizations and Elections Committee to Floor - Consent (S340)

02/28/2008 S Third Read and Passed - Consent (S402)

EFFECTIVE: August 28, 2008

*** SB 1062 ***

4366S.011

SENATE SPONSOR: Barnitz

SB 1062 - This act modifies the manner in which certain business organizations may file with the Secretary of State.

The Secretary of State has the authority to establish a special handling 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 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 is similar to SB 875 (2006), and SB 368 (2007).
CHRIS HOGERTY

01/31/2008 S First Read--SB 1062-Barnitz, et al (S156-157)

02/04/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S171)

EFFECTIVE: August 28, 2008

*** SB 1063 ***

4122S.051

SENATE SPONSOR: Koster

SB 1063 - This act modifies various provisions relating to methamphetamine education, treatment, prevention, and enforcement, as well as funding of deputy sheriff salaries.

Sections 57.265, 57.280 & 488.435

Under this act, the sheriff shall receive an additional \$15 charge for service for any summons, writ, or other court order with a civil case. The sheriff shall receive such money regardless of whether a private entity performs the service on behalf of the sheriff. The money received by the sheriff will be collected by the county treasurer and made payable to the state treasurer.

This act creates the "Public Safety Enhancement Fund". Twelve dollars from the additional \$15 charge shall be deposited into the fund. The other three dollars shall be deposited into the Sheriffs' Retirement Fund.

The "Public Safety Enhancement Fund" shall be administered by the Department of Public Safety and the money shall be used to fund a grant program designed to supplement the starting annual salaries of deputy sheriffs. Counties with starting annual salaries of less than \$29,500 shall be eligible to receive a grant. The grant money used shall not result in a starting annual salary exceeding \$29,500 for any deputy sheriff. The enrollment period for the first year of the grant program shall be from August 29, 2008, to December 31, 2008.

The Department of Public Safety shall have the authority to promulgate rules to implement and administer this grant program. The Department shall also coordinate and consult the Missouri Sheriffs' Association for review of the applications and disbursement of the grant money.

Under this act, the sheriff's fund, separate from the county general revenue, can contain up to \$75,000 rather than \$50,000.

These provisions of this act are similar SCS/SB 53 (2007) & SCS/SB 935 (2008).

Section 195.202

In cases where probation is granted for possession of methamphetamine, the conditions of probation shall include, but not be limited to, referral to a drug court for participation in a substance abuse program or participation and completion of not less than twenty-eight days in an inpatient substance abuse program. Such persons shall receive a term of supervised probation of less than four years and shall be subject to mandatory urine analysis to determine use of controlled substances throughout the term of probation as determined by the court or board of probation and parole.

Section 195.211

Any person who commits the crime, or attempts to commit the crime of distributing, delivering, manufacturing or producing methamphetamine shall not be granted a suspended imposition of sentence for a first offense or a suspended imposition of sentence or suspended execution of sentence for any second or subsequent offense.

Sections 195.378, 195.381, 195.384, 195.387, 195.390, 195.393, 195.396, & 195.399

The act establishes a drug 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 or dispensing. 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.

Nothing in the drug monitoring program shall be construed to require a dispenser or prescriber to access or check information from the program prior to dispensing, prescribing or administering medications. Dispensers and prescribers are immune from liability based on any claim of damages as a result of accessing or failing to access the information in the drug monitoring program.

The provisions of this act shall be effective on January 1, 2009 and the drug monitoring program shall sunset in six years.

These provisions of the act are identical to certain provisions of SB 732 (2008) and similar to HCS/SS/SCS/SB 85 (2007), SB 797 (2006), SB 158 (2005) and HB 987 (2004).

Section 195.417

This act modifies a number of provisions relating to monitoring of drugs containing pseudoephedrine.

Current law requires certain documentation relating to the sale of products containing pseudoephedrine. For non-prescription pseudoephedrine products, this act requires that the photo identification that must currently be provided to the pharmacist must be issued by a state or the federal government, or another acceptable document and that such identification must be furnished prior to purchase. The log currently maintained by pharmacists is modified to now include the signature of the purchaser, the name of the product and the time of the purchase. The act also requires that the log be electronic, rather than written. The seller is required to deliver the product directly into the custody of the purchaser.

The act modifies the current gram limits for the sale of pseudoephedrine products. The act provides that the limits do not apply to quantities that must be sold, dispensed or distributed in a pharmacy under a valid prescription or to any purchase by an individual of a single package containing not more than 60 mg of pseudoephedrine. The current 30 day period limit of 9 grams to a person applies without regard to the number of transactions. For mail order or mobile retail sales within a 30 day period, the limit on pseudoephedrine products shall be 7.5 grams without regard to the number of transactions. Within a twenty-four hour period, no person may obtain 3.6 grams without regard to the number of transactions.

The act provides that liquid or liquid-filled gel capsule forms of pseudoephedrine must be in a place where customers do not have direct access to them. The act repeals provisions that exempted the liquid and liquid-filled gel capsule forms of pseudoephedrine from recordkeeping and log maintenance requirements.

The person selling the pseudoephedrine products shall maintain an electronic log of each transaction, including the name and signature of the purchaser, the name of the drug, the date and time of purchase and

the name or initials of the person selling the drugs. The department is required to develop a system of transmitting the information contained in the log on a real-time basis from the pharmacy to the department. The department shall create a database from the submitted information, which shall be made available to law enforcement agencies. The department is also required to monitor the database for persons who may be violating the provisions of this section. The act authorizes law enforcement agencies to access the electronic logs of a pharmacy, upon request.

Any person who violates the provisions of this section shall be subject to a civil fine of up to \$10,000, in addition to current criminal penalties.

Section 568.045

Currently, a person commits the crime of endangering the welfare of a child in the first degree if he or she manufactures, produces, prepares, sells, transports, tests, or analyzes methamphetamine in a residence where a person less than seventeen years of age resides. Under this act, a person also commits such crime when he or she possesses methamphetamine in a residence with a child. Child endangerment in the first degree is a Class C felony.

This provision of the act is similar to HB 1468 (2008).

Section 650.650

The Department of Public Safety shall develop and conduct a large-scale statewide advertising campaign to combat the first-time use of methamphetamine among young people. The campaign shall consist of television, print, and outdoor advertising focusing on the impact meth has on the individual and his or her family and friends. The ads shall use stark and high-impact imagery designed to realistically and graphically communicate the risks of meth to young people.

SUSAN HENDERSON MOORE

01/31/2008 S First Read--SB 1063-Koster (S157)

02/04/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S171)

EFFECTIVE: August 28, 2008

*** SB 1064 ***

4869S.011

SENATE SPONSOR: Dempsey

SB 1064 - This act authorizes a dependency exemption, effective January 1, 2009, for the taxable year in which a stillborn child was born if the child would otherwise have been a member of the taxpayer's household.

This act is identical to House Bill 1773 (2008).

JASON ZAMKUS

01/31/2008 S First Read--SB 1064-Dempsey (S157)

02/04/2008 Second Read and Referred S Ways & Means Committee (S171)

02/11/2008 Hearing Scheduled But Not Heard S Ways & Means Committee

02/18/2008 Hearing Conducted S Ways & Means Committee

02/25/2008 Voted Do Pass S Ways & Means Committee

EFFECTIVE: August 28, 2008

*** SB 1065 ***

4697S.011

SENATE SPONSOR: Bartle

SB 1065 - This act rewrites Section 306.125 (careless and imprudent operation of a vessel or watercraft). 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 occupied anchored vessel or watercraft 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 vessel or watercraft at a speed in excess of slow-no wake speed.

This act modifies the abandonment of a boat dock law (Section 306.903) so that the infraction will apply to the waters of this state. Under current law, the abandonment of a boat dock infraction only applies to lakes having at least 950 miles of aggregate shoreline.

The act also requires persons owning boat docks on specified lakes (lakes having at least 950 miles of shoreline and lakes constructed or maintained by the U.S. Army Corps of Engineers) to display certain

identifying information on the dock. The identifying information shall include a permit number and the applicable 911 address nearest to the dock by land. This requirement does not become effective until January 1, 2010. A person commits the infraction of failure to display identifying information on a boat dock if he or she knowingly violates the display provisions.

STEPHEN WITTE

01/31/2008 S First Read--SB 1065-Bartle (S157)

02/04/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S171)

EFFECTIVE: August 28, 2008

*** SB 1066 ***

4814S.02P

SENATE SPONSOR: Ridgeway

SB 1066 – This act creates an alternative method of obtaining teacher certification from the State Board of Education. An individual may obtain teacher certification by obtaining certification from the American Board for Certification of Teacher Excellence (ABCTE) and verification of ability to work with children by completing sixty contact hours in the classroom as described in the act. Such certification may not be granted in the areas of early childhood education, elementary education, or special education. An applicant may apply for a career continuous professional certificate after completing thirty contact hours of professional development within four years, validated completion of a mentoring program as described in the act, attainment of a successful performance-based teacher evaluation, and participation in a beginning teacher assistance program. Applicants for an initial ABCTE certificate are responsible for any associated fees. A school district may develop its own policy for fee reimbursement. This method of obtaining teacher certification terminates on August 28, 2014.

This act grants the State Auditor the power to audit any school district in the state in the same manner as any agency of the state.

This act modifies the duties of the Joint Committee on Education and the Commissioner of Education. Currently, the Commissioner of Education is required to distribute \$18 million per fiscal year to address statewide areas of critical needs. This amendment requires that any disbursement of the \$18 million must be first approved by the Joint Committee on Education. Prior to distributing any of the \$18 million, the Commissioner of Education must appear before the Joint Committee on Education and present how and what programs are to be funded with the \$18 million. The Joint Committee on Education shall review the Commissioner's proposal and affirm by a majority vote prior to disbursement.

This act is similar to provisions contained in SB 804 (2008), SB 480 (2007) and HB 620 (2007).

MICHAEL RUFF

01/31/2008 S First Read--SB 1066-Ridgeway, et al (S157)

02/04/2008 Second Read and Referred S Education Committee (S171)

02/13/2008 Hearing Conducted S Education Committee

02/14/2008 Voted Do Pass S Education Committee

02/14/2008 Reported from S Education Committee to Floor (S246)

02/19/2008 Bill Placed on Informal Calendar (S271)

02/21/2008 SA 1 S offered & adopted (Ridgeway)--(4814S02.01S) (S335-336)

02/21/2008 SA 2 S offered & defeated (Bartle)--(4814S02.07S) (S336)

02/21/2008 SA 3 S offered & adopted (Green)--(8063S08.01S) (S336)

02/21/2008 SA 4 S offered & adopted (Coleman)--(8006S08.01S) (S336-339)

02/21/2008 Perfected (S339)

02/25/2008 Reported Truly Perfected S Rules Committee (S351)

02/27/2008 Taken up for Third Reading (S375)

02/27/2008 Bill Placed on Informal Calendar (S375)

02/27/2008 Taken up for Third Reading (S378)

02/27/2008 Bill Placed on Informal Calendar (S378)

02/27/2008 S Third Read and Passed (S380-381)

02/28/2008 H First Read (H367)

EFFECTIVE: August 28, 2008

*** SB 1067 ***

4818S.01I

SENATE SPONSOR: Ridgeway

SB 1067 - This act exempts persons 21 years of age or older from wearing protective headgear except when operating or riding motorcycles or motortricycles upon interstate highways. The motorcycle helmet exemption expires on August 28, 2013.

This act is substantially similar to SB 252 (2007), 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

01/31/2008 S First Read--SB 1067-Ridgeway, et al (S157)
02/04/2008 Second Read and Referred S Transportation Committee (S171)
02/13/2008 Hearing Conducted S Transportation Committee
02/20/2008 Voted Do Pass S Transportation Committee

EFFECTIVE: August 28, 2008

*** SB 1068 ***

4717L.01P

SENATE SPONSOR: Mayer

SB 1068 - This act establishes the Pharmacy Rebates Fund for the purposes of depositing any revenues received by the state from pharmaceutical manufacturer rebates as required by state or federal law for use in the MO HealthNet pharmacy program.

ADRIANE CROUSE

01/31/2008 S First Read--SB 1068-Mayer (S157)
02/04/2008 Second Read and Referred S Health and Mental Health Committee (S171)
02/12/2008 Hearing Conducted S Health and Mental Health Committee
02/12/2008 Voted Do Pass S Health and Mental Health Committee - Consent
02/14/2008 Reported from S Health and Mental Health Committee to Floor - Consent (S245)
02/28/2008 S Third Read and Passed - Consent (S400-401)

EFFECTIVE: August 28, 2008

*** SB 1069 ***

4819S.01I

SENATE SPONSOR: Coleman

SB 1069 - This act authorizes a one-time income tax deduction, for tax year 2009, equal to the amount of tax rebate received by a taxpayer from the federal government as part of an economic stimulus package.

The act contains an emergency clause.

JASON ZAMKUS

01/31/2008 S First Read--SB 1069-Coleman (S157)
02/04/2008 Second Read and Referred S Ways & Means Committee (S171)
03/03/2008 Hearing Scheduled S Ways & Means Committee

EFFECTIVE: Emergency

*** SB 1070 ***

4839S.02I

SENATE SPONSOR: Kennedy

SB 1070 - This act allows the St. Louis Board of Police Commissioners to develop a physical strength test for police officers. However, the test shall not be used as the sole factor in determining the officer's continuing employment.

SUSAN HENDERSON MOORE

01/31/2008 S First Read--SB 1070-Kennedy and Graham (S157)
02/04/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S171)
02/13/2008 Hearing Scheduled But Not Heard S Economic Development, Tourism & Local Government Committee
02/20/2008 Hearing Conducted S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2008

*** SB 1071 ***

3166S.03I

SENATE SPONSOR: Smith

SB 1071 -This act creates a method for publicly financing election campaigns for legislative and gubernatorial candidates.

Candidates certified as clean election candidates are eligible to receive public funding for their respective campaigns by raising qualifying contributions, in the sum of \$5 per voter, from a specified number of individuals, during a specified qualifying period. The candidates may, before certification, raise and spend seed money contributions of no more than \$100 per contribution, up to \$50,000 for candidates for Governor, \$1,500 for candidates for the Senate, and \$500 for candidates for the House of Representatives. Any individual may contribute to the fund at any time without limitation.

The Ethics Commission shall disburse funds from the Clean Election Fund to certified candidates to match the funds raised and spent by any non-certified opponent. The fund is comprised of \$2,000,0000 of income and sales and use taxes that shall be deposited into the fund yearly, all qualifying contributions, unspent funds, reallocations, certain fines, and other donations.

The amounts of funds to be distributed to certified candidates are based on average expenditures of previous campaigns and whether or not the race is contested. Once certified, participating candidates may only receive and spend moneys allocated to the candidate from the fund. All unspent revenues originating from the fund must be returned by participating candidates defeated in primaries and all participating candidates after applicable general elections.

A process for challenging the certification of a candidate is included in the act. Fines may be imposed upon candidates in violation of the act and certain acts constitute a Class A misdemeanor.

A Joint Committee on Clean Elections is also established to study and recommend legislation relating to the administration, implementation, and enforcement of the act.

CHRIS HOGERTY

01/31/2008 S First Read--SB 1071-Smith (S157)

02/04/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S171)

02/11/2008 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2008

*** SB 1072 ***

4636S.021

SENATE SPONSOR: Rupp

SB 1072 – Current law provides that charter schools may be operated only in the St. Louis City or Kansas City school districts. This act allows a charter school to be operated in any school district when a school's proposed charter specifies a student enrollment of at least 30% students requiring special education services as part of an individualized education program. In addition, such a charter school may enroll nonresident pupils who submit timely applications. This act allows a community college whose service area includes any portion of a school district in which a charter school may be operated to be a sponsor. Any public or private four-year college or university with its primary campus in Missouri and with an approved teacher preparation program may sponsor a charter school.

MICHAEL RUFF

02/04/2008 S First Read--SB 1072-Rupp (S166)

02/06/2008 Second Read and Referred S Education Committee (S193)

02/27/2008 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2008

*** SB 1073 ***

4898S.011

SENATE SPONSOR: Dempsey

SB 1073 - This act creates a state and local sales and use tax exemption for sales of tangible personal property, on the United States Munitions List, to foreign governments.

JASON ZAMKUS

02/04/2008 S First Read--SB 1073-Dempsey (S166)

02/06/2008 Second Read and Referred S Ways & Means Committee (S193)

02/25/2008 Hearing Conducted S Ways & Means Committee

EFFECTIVE: August 28, 2008

*** SB 1074 ***

4870S.011

SENATE SPONSOR: Dempsey

SB 1074 - Currently, architects, engineers, landscape architects, land surveyors, and corporations registered to do the work of these professions who perform work on buildings or land have a lien on the building or land to the extent of one acre. This act increases the lien to encompass three acres.

CHRIS HOGERTY

02/04/2008 S First Read--SB 1074-Dempsey (S166-167)

02/06/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S193)

EFFECTIVE: August 28, 2008

*** SB 1075 ***

4935S.011

SENATE SPONSOR: Engler

SB 1075 - Current law provides immunity from liability for outfitters of certain nonmotorized watercraft for any injury or death to a participant of watercraft activities that results from the inherent risks of such activities. This act provides that watercraft outfitters, including those who sell, lease, or otherwise provide watercraft, shall also have the same immunity from liability for injury or death to a participant that results from the use of certain small motorized watercraft. Additionally, such outfitters shall be immune from liability for any injury or death to a watercraft participant that results from any nondefective component part or accessory which is installed or integrated into the watercraft by the participant.

ALEXA PEARSON

02/04/2008 S First Read--SB 1075-Engler (S167)

02/06/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S193)

EFFECTIVE: August 28, 2008

*** SB 1076 ***

4895S.021

SENATE SPONSOR: Engler

SB 1076 - This act provides that all owners or users of any hunting preserve or firearm range shall be immune from criminal and civil liability arising out of noise or sound emission resulting from the normal use of such preserve or range. No court shall enjoin the use or operation of any hunting preserve on such a basis, nor shall any court enjoin the use of any firearm range on such a basis as long as the range conforms with the qualifications in this act.

ALEXA PEARSON

02/04/2008 S First Read--SB 1076-Engler (S167)

02/06/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S193)

EFFECTIVE: August 28, 2008

*** SB 1077 ***

4807S.041

SENATE SPONSOR: Goodman

SB 1077 - Under current law, Section 434.100, RSMo, most indemnities for construction work are considered void and against public policy. Unless one of the statute's exceptions applies, a party to a contract for construction work cannot transfer a significant portion of its project risks to others via a broad indemnity agreement. The current statute contains nine exceptions to the general rule that these types of indemnity agreements are void.

Under this act, the general prohibition against indemnity agreements is expanded to specifically prohibit agreements to hold harmless the negligence of the other person's officers, employees, or agents. The current law only specifically prohibits agreements that hold harmless another person from that person's own negligence.

Under current law, the anti-indemnity provision does not apply to a party's own promise to hold another party harmless from the party's own negligence. This act expands the exception to include the party's officers, employees, and agents.

The act modifies the additional insured exception by providing that the anti-indemnity prohibition does not apply to a party's promise to purchase project-specific insurance policies, other types of protective liability insurance policies, or builder's risk insurance.

The act expands the definition of "construction work" and defines the terms "indemnify" or "hold harmless" as including any requirement to name the indemnified party as an additional insured in the indemnitor's insurance coverage for the purpose of providing an indemnification for any liability not otherwise allowed.

STEPHEN WITTE

02/04/2008 S First Read--SB 1077-Goodman (S167)

02/06/2008 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S193)

02/26/2008 Hearing Conducted S Small Business, Insurance & Industrial Relations Committee

EFFECTIVE: August 28, 2008

*** SB 1078 ***

4434S.031

SENATE SPONSOR: Rupp

SB 1078 – Current law provides that charter schools may only be operated in the Kansas City and St. Louis City school districts. This act allows charter schools to be operated in any district that is not a K-8 district, has an enrollment of at least two thousand students, and has been provisionally accredited for any period of three consecutive years since July 1, 1999. A community college whose service area includes any portion of a school district in which a charter school may be operated may sponsor a charter school. In addition, any private or public four-year college or university with an approved teacher preparation program with its primary campus located in Missouri may sponsor a charter school. This act removes a provision preventing the Department of Elementary and Secondary Education from withholding 1.5% of certain state and local funding when the sponsor is a school district or the state board of education. Charter school sponsors may spend up to 10% of their sponsorship funding for undesignated costs but must designate the remaining funds for sponsorship activities or for direct investment in the sponsored schools. This act removes the condition that charter schools become local educational agencies for the sole purpose of seeking direct access to federal grants when a sponsor and governing board enter into a written agreement reflecting the charter school's decision to become a local educational agency. This act requires charter schools whose mission includes student drop-out prevention or recovery to enroll nonresident pupils from the same or an adjacent county who submit a timely application. Preference will be given to resident pupils over non-resident pupils if there is insufficient capacity.

This act contains provisions similar to SB 1027 (2008).

MICHAEL RUFF

02/05/2008 S First Read--SB 1078-Rupp (S179)

02/06/2008 Second Read and Referred S Education Committee (S193)

02/27/2008 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2008

*** SB 1079 ***

4640S.031

SENATE SPONSOR: Bray

SB 1079 - This act modifies the provisions of the Missouri Indoor Clean Air Act to prohibit smoking in a public place or a public meeting or within fifteen feet of any entrance to a public place or public meeting. The definition of public place has been amended to include any building or vehicle owned, leased or operated by a governmental entity as well as bars and restaurants. The provision allowing for a designated smoking area in public places has been repealed.

This act also specifies that a person commits the crime of littering if he or she throws any cigarettes, cigarette packages, or other smoking-related items. The crime of littering is a Class A misdemeanor.

ADRIANE CROUSE

02/05/2008 S First Read--SB 1079-Bray (S179)

02/06/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S193)

EFFECTIVE: August 28, 2008

*** SB 1080 ***

4878S.011

SENATE SPONSOR: Bray

SB 1080 - Currently, Section 386.266, RSMo, provides certain utilities the opportunity to apply for alternate rate schedules in several circumstances. This act removes two of these options. It removes the option for gas utilities to apply for alternate rate schedules due to a variation in weather and/or conservation and removes the option for electric, gas or water utilities to apply for alternate rate schedules due to costs related to environmental regulations.

This act is identical to SB 94 (2007) and SB 880 (2006).

ERIKA JAQUES

02/05/2008 S First Read--SB 1080-Bray (S179)

02/06/2008 Second Read and Referred S Commerce, Energy and the Environment Committee (S193)

EFFECTIVE: August 28, 2008

*** SB 1081 ***

4634S.021

SENATE SPONSOR: Nodler

SB 1081 - This act amends the Family Care Safety Registry to include protections for the developmentally disabled and requires the registry to contain information on mental health workers. This act also adds direct care staff from the Division of Mental Retardation and Developmental Disabilities (MRDD) community programs to the list of health care and mental health providers who are required to report suspected cases abuse of a patient, resident, or client of a mental health facility. The Department of Mental Health shall conduct such abuse and neglect investigations.

All group homes and mental retardation facilities shall be subject to all applicable federal and state laws, regulations and monitoring. All MRDD community providers shall be subject to the same training requirements established for state mental health workers with comparable positions in public group homes and mental health facilities. In addition, any employee, including supervisory personnel, of a group home or mental retardation facility who has been placed on the department's disqualification registry due to a substantiated finding of abuse or neglect shall be terminated. The facilities or homes are also required to report staff turnover to the Department of Mental Health and the General Assembly. The Department of Mental Health shall not transfer any person to any group home or mental retardation facility that has received a notice of noncompliance, until there is an approved plan of correction.

This act also provides that beginning July 1, 2008, each Intermediate Care Facilities-Mentally Retarded Facilities (ICF-MR) in this state must pay, in addition to all other fees or taxes required by law, a ICF-MR provider reimbursement based on a formula set forth in rules promulgated by the Department of Social Services. The provisions relating to the provider reimbursement allowance shall expire on June, 30, 2009.

There is an emergency clause for the ICF-MR provider reimbursement provision.

ADRIANE CROUSE

02/05/2008 S First Read--SB 1081-Nodler and Green (S180)

02/06/2008 Second Read and Referred S Health and Mental Health Committee (S193)

02/19/2008 Hearing Conducted S Health and Mental Health Committee

EFFECTIVE: August 28, 2008

*** SB 1082 ***

4940S.011

SENATE SPONSOR: Days

SB 1082 - Under current law, the election authority in St. Charles County may provide 55 ballots for each 50 and fraction of 50 voters registered at the time of the election to each polling place. In all other jurisdictions, the election authority shall provide at least 1 1/3 times the number of ballots cast in the previous election of the same type.

This act requires all election authority to provide ballot cards for every general and primary election in the number of 1 1/3 times the number of voters who cast ballots in the previous election of the same type. Ballot cards do not include a paper cast vote record produced by a direct recording electronic unit.

All voters shall have the opportunity to vote a paper ballot and those ballots shall be counted. Notice shall be provided at polling places stating that paper ballots are available.

CHRIS HOGERTY

02/05/2008 S First Read--SB 1082-Days (S180)

02/06/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S193)

02/18/2008 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2008

*** SB 1083 ***

4745S.011

SENATE SPONSOR: Coleman

SB 1083 - 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 similar to SB 1125 (2006), and SB 229 (2007).

CHRIS HOGERTY

02/05/2008 S First Read--SB 1083-Coleman (S180)

02/06/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S193)

02/18/2008 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2008

*** SB 1084 ***

4947S.011

SENATE SPONSOR: Coleman

SB 1084 – This act provides that any school district operating magnet schools as part of a master desegregation settlement agreement will not be considered inefficient for state transportation aid and will not be penalized as a result.

MICHAEL RUFF

02/05/2008 S First Read--SB 1084-Coleman and Bray (S180)

02/06/2008 Second Read and Referred S Education Committee (S193)

02/27/2008 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2008

*** SB 1085 ***

4946S.011

SENATE SPONSOR: Coleman

SB 1085 – This act allows a school district to participate in the A+ Schools Program regardless of its accreditation classification by the State Board of Education provided it meets all other requirements.

MICHAEL RUFF

02/05/2008 S First Read--SB 1085-Coleman and Bray (S180)
02/06/2008 Second Read and Referred S Education Committee (S194)
02/27/2008 Hearing Conducted S Education Committee

EFFECTIVE: August 28, 2008

*** SB 1086 ***

3386S.021

SENATE SPONSOR: Smith

SB 1086 – This act creates a tax credit against a taxpayer's state tax liability for contributions to an after school program operating in an unaccredited or provisionally accredited school district that satisfies certain conditions. A taxpayer could claim a tax credit for half the amount of his or her contribution. The tax credit would be available starting on January 1, 2009. The tax credit amount cannot exceed the taxpayer's state tax liability and shall not exceed \$50,000 per tax year. If a taxpayer cannot claim the full amount of the tax credit in one year, the tax credit may be carried over to the next four taxable years until the full amount is claimed. In addition, no more than \$2,000,000 in tax credits can be issued in a tax year. The cumulative amount of tax credits that may be redeemed by all taxpayers in one tax year cannot exceed \$2,000,000. Tax credits will be redeemed in a first to file first served based.

This act is similar to a provision contained in SB 690 (2007).

MICHAEL RUFF

02/05/2008 S First Read--SB 1086-Smith (S180)
02/06/2008 Second Read and Referred S Education Committee (S194)

EFFECTIVE: August 28, 2008

*** SB 1087 ***

4203S.021

SENATE SPONSOR: Clemens

SB 1087 – This act creates the Non-Traditional Student Educational Expense Repayment Program to be implemented and administered by the Department of Higher Education. The Department may award up to \$500,000 per year in educational expense repayments to eligible individuals. An individual may qualify for up to \$10,000 in repayments per year. Repayments may be used to cover an eligible student's tuition, fees, books, and laboratory expenses. The Department will only provide repayment for courses completed with an A or B grade, or an equivalent.

Eligibility requirements include United States citizenship or permanent residence, Missouri residence, at least twenty-five years of age, being enrolled in and attending a public or private non-sectarian postsecondary vocational or technical school, a community college, or a college or university located in Missouri, employment of at least thirty-five hours per week in Missouri while attending school, and completion of an application annually. In addition, the individual must have an annual income of less than the average wage in the individual's county of residence prior to completing coursework. An individual may not qualify for repayments if he or she is a long-term student as defined in the act. An individual may not receive repayments if he or she is participating in a similar program or a loan forgiveness program through another government agency or through his or her employer. The Department will promulgate rules, regulations, and standards to implement this act and may add additional eligibility standards or requirements. The Department of Higher Education must enter into a contract with the individual specifying the terms of the repayments. The Department must provide repayments semi-annually by July 15 and January 15. Individuals who receive repayments must verify semi-annually that they have qualified employment in Missouri.

MICHAEL RUFF

02/05/2008 S First Read--SB 1087-Clemens (S180)
02/06/2008 Second Read and Referred S Education Committee (S194)

EFFECTIVE: August 28, 2008

*** SB 1088 ***

4803S.021

SENATE SPONSOR: Clemens

SB 1088 - This act creates the crime of possessing or having control of a restricted natural substance, also known as jimson weed. The first offense shall be a Class A misdemeanor and each subsequent offense

shall be a Class D felony.

No person shall be guilty of such crime if he or she owns, possesses, manages, or otherwise controls land on which a restricted natural substance naturally grows unless the person knowingly plants or cultivates the restricted natural substance, harvests the substance for any person to drink, inhale, or otherwise ingest, or knowingly allows or authorizes another person to plant, cultivate or harvest such substances on his or her land.

It shall be unlawful for any person to distribute, deliver, manufacture, produce, or cultivate a restricted natural substance or to attempt to or possess with intent to distribute, deliver, manufacture, produce, or cultivate a restricted natural substance. A person who commits any of these crimes shall be guilty of a Class C felony for the first offense and a Class B felony for any second or subsequent offense.

This act is similar to HB 1405 (2008).

SUSAN HENDERSON MOORE

02/05/2008 S First Read--SB 1088-Clemens (S180)

02/06/2008 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S194)

02/19/2008 Hearing Conducted S Agriculture, Conservation, Parks & Natural Resources Committee

EFFECTIVE: August 28, 2008

*** SB 1089 ***

4970S.011

SENATE SPONSOR: Justus

SB 1089 - This act authorizes the City of Grandview to levy a transient guest tax on charges for sleeping rooms paid by guests of hotels and motels for the purpose of promoting tourism and funding capital improvements. The proposed tax must be submitted to the voters and shall not be greater than five percent per occupied room per night.

JASON ZAMKUS

02/06/2008 S First Read--SB 1089-Justus (S186)

02/14/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S247)

02/27/2008 Hearing Conducted S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2008

*** SB 1090 ***

4971S.011

SENATE SPONSOR: Bray

SB 1090 - This act modifies the law relating to residential property insurance.

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

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

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

FAIR PLAN - Under this act, the name of the Missouri Basic Property Insurance Inspection and Placement Program is changed to the Fair Access to Insurance Requirements (FAIR) plan. FAIR plans were created in the late 1960s to make property insurance more readily available to people who can't obtain it from private

insurers because their property is considered "high risk." The plans are operated by the insurance industry and make insurance available to property owners meeting certain requirements. Under the act, the FAIR plan is to offer dwelling fire, commercial fire and homeowners coverage for property owners, renters, and condominium owners. These coverages shall be similar to what is available in the standard market and provide protection against loss from various hazards.

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

Under this act, the length of time in which the facility must approve or decline whether the FAIR plan will insure a potential insured is decreased from 5 days to 3 days after the inspection report and application are received.

All property insurance plans and underwriting guidelines used in the FAIR plan must be submitted to the director for approval at least 60 days prior to their use.

A FAIR plan insurance policy shall not be cancelled or nonrenewed unless the insured receives 60 days notice (up from 30 days)(section 379.845).

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

The act is substantially similar to SB 639 (2007) and SB 659 (2006).

STEPHEN WITTE

02/06/2008 S First Read--SB 1090-Bray (S186)

02/14/2008 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S247)

EFFECTIVE: August 28, 2008

*** SB 1091 ***

3983S.031

SENATE SPONSOR: Bray

SB 1091 - Under this act, every railroad corporation is required to provide to railroad operating crew members involved in an accident, which results in loss of life or serious bodily injury, counseling services or other critical incident stress debriefing services within 48 hours of the accident. The engineer or other operating crew member involved in the accident shall be relieved from duty at the site of the accident with full compensation for all wages he or she would have earned had he or she continued on their scheduled tour of duty. The engineer or other operating crew member involved in the accident shall be allowed the option to remain off duty for up to 72 hours after they are relieved from duty. The act requires the railroad corporation to immediately notify all crew members involved in such incidents of their rights conferred by the act to exercise the option to remain off duty. The railroad corporation shall not harass, coerce, intimidate, or in any other manner try to convince or force any crew member to not exercise the option to remain off duty. Any railroad corporation that punishes or disciplines any employee for exercising the option to remain off duty under this act shall be subject to a penalty or forfeiture of not less that \$500 nor more than \$2,000 for each offense. A railroad corporation shall be exempt from the provisions of this act if it has an arrangement or a collective bargaining agreement in place which provides for equivalent critical incident stress debriefing services.

STEPHEN WITTE

02/06/2008 S First Read--SB 1091-Bray, et al (S186-187)

02/14/2008 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S247)

EFFECTIVE: August 28, 2008

*** SB 1092 ***

4953S.011

SENATE SPONSOR: Engler

SB 1092 – This act creates the Minimum Salary for Teachers Program and establishes procedures for qualifying school districts to receive funds to pay minimum salary supplements to teachers. A minimum

salary supplement is the difference between a school district's salary schedule and the minimum salary identified in the act. Beginning with the 2008-2009 school year, the General Assembly will make an annual appropriation to the fund to pay public school teacher minimum salary supplements to qualifying school districts. A participating school district is only responsible for the contracted amount of a teacher's salary. If the appropriation is insufficient to pay the total cost of all minimum salary supplements, the minimum salary amounts will be prorated.

To qualify for funds, school districts must recognize all years of a teacher's teaching experience in accordance with the salary amounts and education levels identified in the act. A participating school district is also subject to a local effort requirement, which is based on the percentage of expenditures from the district's teachers and incidental funds attributable to base salary, retirement, and health care costs as described in the act. A district may vary from its local effort percentage based on its teacher and incidental fund balance. A district that varies more than the allowable percentage will have a deduction made from the minimum salary supplement in the next fiscal year.

Any future increases in minimum salaries are contingent on decreases in total state payments to all districts as described in the act. The value of each level of minimum salary will be increased by \$500 in the second fiscal year following the fiscal year in which the state cost of funding the minimum salaries is 85% or less of the full funding cost for the first school year of the state funding of minimum teacher salaries under the act.

The provisions on this act will expire in six years unless reauthorized.

MICHAEL RUFF

02/06/2008 S First Read--SB 1092-Engler (S187)

02/14/2008 Second Read and Referred S Education Committee (S247)

03/05/2008 Hearing Scheduled S Education Committee

EFFECTIVE: August 28, 2008

*** SB 1093 ***

4063S.011

SENATE SPONSOR: Loudon

SB 1093 - This act establishes licensure requirements for electrical contractors.

The act establishes the Missouri Electrical Industry Licensing Board vested with the power to grant, rescind or otherwise punish licensees under their jurisdiction. The board may waive the certification requirements for certain electrical contractors who were licensed locally before the enactment of this act. The act requires all electrical contracting firms to employ at least one licensed electrical contractor.

A political subdivision may opt-out of requiring contractors in that subdivision to obtain any license, and may retain their own licensing standards. However, persons holding a statewide license shall be allowed to practice anywhere regardless of any local licensing standards

Any violation of this act may subject the individual to criminal and civil penalties.

This act is similar to SB 1243 (2006), and SB 568 (2007).

CHRIS HOGERTY

02/06/2008 S First Read--SB 1093-Loudon, et al (S187)

02/14/2008 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S248)

02/26/2008 Hearing Conducted S Small Business, Insurance & Industrial Relations Committee

EFFECTIVE: August 28, 2008

*** SB 1094 ***

4643S.011

SENATE SPONSOR: Loudon

SB 1094 - This act provides that a pharmacist shall not substitute one version of an anti-epileptic drug for the anti-epileptic drug originally prescribed without prior notification and the signed, informed consent of the prescribing practitioner and the patient or the patient's parent, legal guardian, or spouse.

This act is identical to SB 634 (2007).

ADRIANE CROUSE

02/06/2008 S First Read--SB 1094-Loudon (S187)

02/14/2008 Second Read and Referred S Seniors, Families and Public Health Committee (S248)

02/26/2008 Hearing Conducted S Seniors, Families and Public Health Committee

EFFECTIVE: August 28, 2008

*** SB 1095 ***

4682S.021

SENATE SPONSOR: Loudon

SB 1095 - This act creates the crime of aggravated child kidnapping. A person, who is not a relative of the victim, commits such crime when he or she, after deliberation on the matter, kidnaps a child under the age of eighteen by forcible compulsion or kidnaps a child under the age of twelve without the consent of the child's parent or guardian, and also forcibly rapes or sodomizes such child. This crime is a felony punishable by either death or life imprisonment without probation, parole, or release, unless the offender has not yet reached the age of sixteen, in which case, the punishment shall only be life imprisonment without probation, parole, or release.

The crime of aggravated child kidnapping is treated in the same manner as first degree murder. With limited exceptions, no aggravated child kidnapping offense may be tried together with any offense other than aggravated child kidnapping. At any such trial, when the death penalty has not been waived, opposing counsel shall provide each other with certain information, such as a list of witnesses and a list of mitigating or aggravating circumstances that the counsel intends to prove at the second stage of the bifurcated trial.

For aggravated child kidnapping, the trial shall be bifurcated into two stages unless there has been a waiver of the death penalty. The first stage shall determine only whether a defendant is guilty or not guilty. The issue of punishment shall only be submitted to the trier of fact at the second stage of the trial after a finding of guilt. If the trier of fact finds the defendant guilty of such offense, evidence of mitigating and aggravating circumstances may be presented during the second stage of the trial. This act lists what types of circumstances which may be presented as evidence.

This act provides the procedural requirements for such trials and the necessary conclusions that must be made by the trier of fact to impose the death penalty. It also requires the judge to include certain considerations and information in the jury instructions when the jury is deciding whether to impose the death penalty.

Before trial, any defendant in an aggravated child kidnapping case may waive the right to trial by jury. However, such waiver must be made for both stages of the trial unless there is an agreement with the state. Upon written agreement of the parties and with leave of the court, the issue of the defendant's mental retardation may be taken up by the court and decided prior to trial without prejudicing the defendant's right to have the issue submitted to the trier of fact.

As with persons who are found guilty of or plead guilty to murder in the first degree, if the death penalty is found to be unconstitutional in the future, those persons who are found guilty of or plead guilty to aggravated child kidnapping shall be sentenced to life imprisonment with probation, parole, or release.

This act is similar to SB 636 (2007).

SUSAN HENDERSON MOORE

02/06/2008 S First Read--SB 1095-Loudon (S187)

02/14/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S248)

EFFECTIVE: August 28, 2008

*** SB 1096 ***

4791S.011

SENATE SPONSOR: Graham

SB 1096 - Under this act state employees who are spouses may donate overtime, compensatory leave and annual leave when the receiving spouse has exhausted his or her own annual leave and compensatory leave. Maximum benefits that may be authorized for a single instance shall not exceed thirty days.

CHRIS HOGERTY

02/07/2008 S First Read--SB 1096-Graham (S197)

02/14/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S248)

EFFECTIVE: August 28, 2008

*** SB 1097 ***

4909S.011

SENATE SPONSOR: Graham

SB 1097 - This act gives jailers the power to serve civil process and arrest warrants on persons who surrender themselves to a jail facility as well as those who are already in the custody of the facility at which the jailer is employed.

Under the rules and regulations of the sheriff, employees designated as jailers may carry firearms when necessary for the proper discharge of their duties as jailers. Such authorized persons shall have the same power granted to other law enforcement officers to arrest escaped prisoners and apprehend persons aiding and abetting such escape while in the custody of the sheriff.

SUSAN HENDERSON MOORE

02/07/2008 S First Read--SB 1097-Graham (S197)

02/14/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S248)

EFFECTIVE: August 28, 2008

*** SB 1098 ***

5010S.011

SENATE SPONSOR: Bray

SB 1098 - This act modifies the law regarding medical malpractice, to wit, 383 malpractice associations.

PLAN OF OPERATION/FEASIBILITY STUDY - Under the act, any group desiring to provide malpractice insurance for its members shall file a plan of operation or feasibility study with the director (Section 383.015). The plan of operation or feasibility study shall detail the coverages, deductibles, coverage limits, rates and rating classification systems for the insurance the association intends to offer. The plan shall also include historical and expected loss experience, pro forma financial statements and projections, actuarial opinions regarding the association's solvency, and underwriting claim procedures (Section 383.015).

ASSOCIATION SURPLUS AND SOLVENCY REQUIREMENTS - This act requires 383 associations to maintain a policyholders' surplus of at least \$100,000 and requires the association to deposit with the director of the department of insurance cash, bonds or treasury notes in the amount of \$100,000 (Section 383.020).

The act removes the prohibition on the Department of Insurance which precluded it from placing limitations on the amount of premium an association can write or on the amount of insurance or liability limit an association can provide. The act authorizes the director to require an association to submit a plan to restore its surplus to at least \$100,000 (Section 383.035).

The act requires 383 associations to maintain a specified ratio of premiums written to surplus held. If an association fails to maintain the specified ratio, the director shall order the association to bring its ratio into compliance with the specified standards. If the association fails to comply with the ratio standards for two or more consecutive years, the director may take charge of the association in the same manner as a mutual casualty company (Section 383.036).

The act provides that medical malpractice insurers shall not issue policies in which the director finds, after notice and opportunity for a hearing and based upon competent and substantial evidence that the rates are excessive, inadequate or unfairly discriminatory.

This act is substantially similar to SB 512 (2007).

STEPHEN WITTE

02/07/2008 S First Read--SB 1098-Bray and Engler (S197)

02/14/2008 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S248)

EFFECTIVE: August 28, 2008

*** SB 1099 ***

4286S.021

SENATE SPONSOR: Graham

SB 1099 - This act designates a portion of Missouri Route WW in Boone County as "Carl Edwards Drive".
STEPHEN J. WITTE

02/07/2008 S First Read--SB 1099-Graham (S197-198)
02/14/2008 Second Read and Referred S Transportation Committee (S248)
02/20/2008 Hearing Conducted S Transportation Committee

EFFECTIVE: August 28, 2008

*** SB 1100 ***

4592S.011

SENATE SPONSOR: Bray

SB 1100 - This act requires that after August 28, 2008, any state or local government building over 10,000 gross square feet that is constructed or substantially renovated shall obtain certification under the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Green Building Rating System.

The Commissioner of the Office of Administration may exempt any building from the requirements of the act when it is estimated that the cost of compliance sufficiently exceeds the building's life cycle cost savings. Any such exempted building shall comply with the LEED certification requirements as much as possible, but not to exceed the life cycle cost savings.

The Department of Natural Resources shall promulgate rules to implement the provisions of the act and shall develop procedures to verify compliance with the act.

This act is similar to SB 702 (2007).
ERIKA JAQUES

02/07/2008 S First Read--SB 1100-Bray, et al (S198)
02/14/2008 Second Read and Referred S Commerce, Energy and the Environment Committee (S248)

EFFECTIVE: August 28, 2008

*** SB 1101 ***

5009S.011

SENATE SPONSOR: Bray

SB 1101 - 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 9 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 23-member board of governors, of whom 14 members will be appointed by the Governor, with the advice and consent of the Senate. The directors of the departments of Social Services, Health and Senior Services, and Mental Health will be ex-officio members; and the board will include representation of minority and disabled individuals. The board will be responsible for monitoring expenditures, adopting rules, employing staff, and studying methods for incorporating institutional and long-term care benefits into the program. The board is also required to submit an annual report to the Speaker of the House of Representatives, the President Pro Tem of the Senate, and the Governor with recommendations for changes in health care laws. Prior to the implementation of the comprehensive plan, the board is required to appoint an advisory subcommittees of health care researchers and ethics experts and conduct public hearings. The comprehensive plan is required to seek and secure the delivery of the most cost-effective health care services.

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

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

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

This act is substantially similar to SB 528 (2005), SB 777 (2006), and SB 122 (2007).

ADRIANE CROUSE

02/07/2008 S First Read--SB 1101-Bray, et al (S198)

02/14/2008 Second Read and Referred S Health and Mental Health Committee (S248)

EFFECTIVE: Varies

*** SB 1102 ***

4915S.011

SENATE SPONSOR: Bray

SB 1102 - This act modifies provisions regarding public officials, lobbyists and campaign finance.

Under this act, the per diem for Senators and Representatives is raised from 80% to 100%.

The act imposes certain disclosure and reporting requirements for certain public servants who are offered bribes.

Public officials and state employees are barred from lobbying while in an elected position or employed in the state and are further barred from lobbying for two years after leaving their respective office or employment.

Members of the General Assembly are barred from accepting meals, food, beverages, and other gifts from lobbyists but they may reimburse the lobbyist within 30 days of receiving knowledge of the indiscretion.

Lobbyists shall file supplemental reports documenting the name and address of each of their clients and the monetary value of all payments paid to the lobbyist. Lobbyists shall supply copies of all reports required by the ethics commission to each new client. Lobbyists shall notify clients when they enter a contract to represent a client with materially adverse interests.

Appeals for ethics complaints are directed to the circuit court instead of the Administrative Hearing Commission.

Treasurers of committees may only act as such for one committee at a time.

Currently, candidate committees, exploratory committees, campaign committees, and continuing committees which are not political party committees are subject to the same contribution limits while political party committees are allowed to contribute a greater amount. This act holds political party committees to the same limits as the other committees.

Continuing committees may not make contributions to any other committee.

Currently, reports for noncommittee expenditures and expenditures for internal dissemination of certain information relating to candidates and ballot issues when made 14 days prior to the election must be filed within 48 hours of the expenditure. Under this act, such expenditures must be made within 24 hours of the expenditure when made 12 days prior to the election.

CHRIS HOGERTY

02/07/2008 S First Read--SB 1102-Bray (S198)

02/14/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S248)

EFFECTIVE: August 28, 2008

*** SB 1103 ***

4025S.021

SENATE SPONSOR: Gibbons

SB 1103 - This act modifies provisions of the Family Care Safety Registry. This act removes the 2001 and 2002 employment dates for when all child-care, elder-care and personal care workers are required to register with the Family Care Safety Registry and requires all such workers, regardless of when they began employment, to register. Also, all employers regulated by, contracting with or who receive state or federal reimbursement services shall be required to ensure employees are registered.

Under this act, providers certified, contracted or regulated by state agencies will be allowed to obtain specific detailed background screening information immediately. The registry will also provide background screening information to voluntary or recreational associations performing background screenings on unpaid volunteers who are placed in a child-care, elder-care, or personal-care setting. In addition, the registry will be allowed to report national criminal history information as authorized under the federal Volunteers for Children Act or other relevant federal or state laws. This act also requires the registry to integrate professional licensure and certification information maintained by various state agencies to determine if a child-care, elder-care or personal-care applicant has had a professional license or certification revoked or suspended.
ADRIANE CROUSE

02/07/2008 S First Read--SB 1103-Gibbons (S198)

02/14/2008 Second Read and Referred S Seniors, Families and Public Health Committee (S248)

02/26/2008 Hearing Conducted S Seniors, Families and Public Health Committee

EFFECTIVE: August 28, 2008

*** SB 1104 ***

4683S.011

SENATE SPONSOR: Kennedy

SB 1104 - Under this act, a law enforcement agency employing peace officers which adopts a written policy on vehicular pursuits complying with the provisions of the act is immune from liability for civil damages for personal injury to or death of any person or damage to property resulting from the collision of a vehicle being operated by an actual or suspected violator of the law who is being pursued by a peace officer. The adoption of a vehicle pursuit policy by a law enforcement agency is discretionary. The failure of any law enforcement agency shall not be introduced in any action or proceeding against the law enforcement agency, political subdivision, or law enforcement officer, that seeks recovery for injury, death, or damage arising out of the operation of a vehicle during the pursuit of a person.

All peace officers of the political subdivision or law enforcement agency shall certify in writing that they have received, read, and understand the policy. The failure of an individual peace officer to sign a certification shall not be used to impose liability on an individual peace officer or the peace officer's employing law enforcement agency.

The act sets forth the minimum standards of what a vehicle pursuit policy must contain. The written policy requirements set forth in the act represent minimum policy standards and do not limit a political subdivision or law enforcement agency from adopting additional policy requirements.

The immunity afforded by the provisions of this section shall only apply to causes of action arising on or after August 28, 2008.

STEPHEN WITTE

02/07/2008 S First Read--SB 1104-Kennedy and Smith (S198)

02/14/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S248)

EFFECTIVE: August 28, 2008

*** SB 1105 ***

4958S.011

SENATE SPONSOR: Coleman

SB 1105 - This act creates a check-off on the Missouri individual and corporate income tax forms for contributions to the breast cancer awareness trust fund. Moneys collected will be used by the Friends of the Missouri Women's Council for breast cancer services.

The provisions of this act will automatically sunset six years from the effective date of the act.
JASON ZAMKUS

02/07/2008 S First Read--SB 1105-Coleman (S198)
02/14/2008 Second Read and Referred S Ways & Means Committee (S248)
02/25/2008 Hearing Conducted S Ways & Means Committee

EFFECTIVE: August 28, 2008

*** SB 1106 ***

4641S.011

SENATE SPONSOR: Scott

SB 1106 - This act modifies the laws regarding the child abuse and neglect registry.

The Child Abuse and Neglect (CAN) Review Board is authorized to place individuals on the registry. This act also requires the Children's Division of the Department of Social Services to maintain a criminal charges pending list and to display the fact that such list exists on the child abuse and neglect registry. The list shall prominently display a statement noting that all charged persons are presumed innocent until found guilty and that the persons on the criminal charges pending list have not been found guilty in a court of law. When the division learns that any person whose name is on the list has been acquitted, the person's name shall be removed immediately from the list. The criminal charges pending list is defined as a list of persons who have pending, unresolved charges of criminal abuse, neglect, sexual assault, rape, assault or murder. The Children's Division shall develop a process by which the division obtains the name of such persons from the prosecuting attorney's office.

This act also allows a court to presume that a false report of child abuse causes damage or injury to the reputation of the individual or institution accused in the report and that the falsely accused party may recover the costs of litigation. Also, this act repeals the immunity for those who in bad faith intentionally provide false information in a report.

The Children's Division is also required to complete a child abuse investigation within thirty days. Extensions may be requested and any party has the right to object to an extension. The CAN review board shall rule on such an objection within seven days. If the investigation concludes that abuse has likely occurred, the division cannot add a perpetrator to the registry or release information about the investigation to anyone other than law enforcement agencies unless the perpetrator does not request a review by the review board or it has determined that abuse or neglect has occurred. Within ten days of the investigation determination or within ninety days of receiving an investigation report, whichever occurs first, the alleged perpetrator and the child named in the report must be notified in writing about the preliminary determinations of the investigation.

This act also prohibits investigation information that identifies a child, reporter, alleged perpetrator, or witness to be made available to a researcher acting in good faith unless written permission is obtained from the child through his or her guardian. The division is also required to remove identifying information in a child abuse investigation report from the division's records within forty-five days of the determination that abuse or neglect occurred.

In addition, the division director is required within thirty days of receiving written evidence of a reversal to remove from the registry the name of an individual whose investigation determination has been reversed by the review board.

This act also allows the alleged perpetrator to seek a reversal determination or a trial if requested within thirty days after receiving notice of the investigation results; otherwise, the preliminary investigation determination will be considered the final determination. If a trial is requested, the review board must schedule a hearing within ninety days of the request. The court is also allowed to order litigation costs to an alleged perpetrator who is granted a prevailing verdict determining his or her innocence of any child abuse or neglect verdict.

The membership of the CAN review board is also modified to require that of the nine members of the board, one shall be a physician, three shall be attorneys and the remaining shall be public members.

This act is substantially similar to HB 1229 (2007).
ADRIANE CROUSE

02/07/2008 S First Read--SB 1106-Scott (S198)
02/14/2008 Second Read and Referred S Seniors, Families and Public Health Committee (S248)

EFFECTIVE: August 28, 2008

*** SB 1107 ***

4840S.011

SENATE SPONSOR: Scott

SB 1107 - This act modifies various provisions relating to the Water Patrol and watercraft regulations.

SECTION 304.157

This section allows local governments to tow vessels that are derelict and harmful to the public health under the authority of a local ordinance in the same manner as towing motor vehicles in the same condition.

SECTION 306.010

This section defines the term "skiing" as any activity that involves a person or persons being towed by a vessel, including but not limited to, water skiing, wake boarding, wake surfing, knee boarding, and tubing.

SECTION 306.015

In the event of a sale or transfer of ownership of a vessel or outboard motor for which a certificate of ownership or manufacturer's statement of origin has been issued, the holder of such certificate shall endorse on the same an assignment thereof, with warranty of title in form prescribed thereon, and prescribed by the director of the department of revenue, with a statement of all liens or encumbrances on the vessel or outboard motor, and deliver the same to the buyer at the time of delivery. However, when the transfer occurs within a corporation holding a license to operate as a dealer, it shall not be treated as a retail sale.

SECTION 306.100

This section prohibits vessels from displaying continuous spotlights, docking lights, and other non-prescribed lights from sunset to sunrise.

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 waters of the state, rather than only the Mississippi River, Missouri River, or the lakes of this state.

SECTIONS 306.112, 306.114 & 306.117

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.

The requirement for a nonalcoholic antiseptic to be used for cleansing the skin before drawing blood for a BAC test is removed from statute.

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 306.124

This section allows the Water Patrol, due to a man-made or natural disaster, to close waters of the state without the use of official regulatory markers.

SECTIONS 306.125, 306.126, & 306.127

Currently, certain watercraft regulations only apply to certain lakes and rivers in the state. Under this act, such requirements are applicable to all waters of the state. In addition, a person must display a flag at all times when operating a water craft rather than from only 11 a.m. to sunset. The provision allowing such flags to not be displayed during towing is repealed.

SECTION 306.132

Vessels shall not be operated at a speed in excess of slow no-wake speed within 100 feet of any emergency vessel that has red or blue lighting displayed.

SECTION 306.147

This section has certain motorboat muffler and noise regulations applicable on all waters of the state instead of only specific lakes and rivers.

SECTION 306.163

Currently, the Governor appoints a commissioner of the Water Patrol. This section requires such commissioner to be from the uniformed membership of the patrol.

SECTION 306.221

This section prohibits a person from operating a vessel as to obstruct or impede the normal flow of traffic on the waters of this state rather than only the lakes of the state.

SECTION 565.024

Under this act, a person commits involuntary manslaughter in the first degree if he or she:

- 1) operates a vessel while intoxicated and acts with criminal negligence to cause the death of a person;
- 2) causes the death of a person not a passenger in the vessel operated by the defendant; or

3) operates a vessel by not stopping when required for an emergency vehicle or upon request of the water patrol directing traffic and when doing so, acts with criminal negligence to cause the death of a person operating an emergency watercraft. A person who commits involuntary manslaughter by causing the death of an emergency watercraft operator in this way is guilty of a Class B felony.

SECTION 565.082

This section expands the crime of assault of a law enforcement officer in the second degree to include operating a vessel while in an intoxicated condition and when doing so, acting with criminal negligence to cause physical injury to an officer.

SECTION 577.080

This section makes it a crime to abandon a vessel in the same manner as it is criminal to abandon a motor vehicle or trailer. Such crime is a Class A misdemeanor.

SUSAN HENDERSON MOORE

02/07/2008 S First Read--SB 1107-Scott, et al (S198)

02/14/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S248)

02/25/2008 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2008

*** SB 1108 ***

4511S.02I

SENATE SPONSOR: Scott

SB 1108 - This act requires debt settlement providers only to provide debt settlement services under a debt settlement plan when performing the services for a fee.

Debt settlement services are defined as the negotiation, settlement, or alteration of the terms of payment of a consumer's debt with the consumer's creditor without receiving or holding money from a consumer for the purpose of distributing that money to the creditor.

Under the plan, the provider may only charge reasonable consideration not to exceed 4% of the principal amount of the debt in enrollment fees and 20% of the principal amount of the debt in aggregate fees. The balance shall be collected in equal payments over a period determined by the provider as long as the last payment is due no sooner than the median month in the plan. The debtor may voluntarily prepay fees, and the provider may accelerate collection of fees once the provider has obtained offers of settlement from creditors for at least one-half of the debt in the plan.

Debt settlement providers are required to carry insurance in the amount of at least \$1 million dollars.

The Attorney General is charged with the enforcement of these provisions and injunctions, orders for restitution, and civil penalties up to \$1,000 may be issued for violations.

CHRIS HOGERTY

02/07/2008 S First Read--SB 1108-Scott (S198)

02/14/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S248)

02/25/2008 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2008

*** SB 1109 ***

4383S.021

SENATE SPONSOR: Scott

SB 1109 - This act modifies the scope of practice for licensed professional counselors.

The practice of professional counseling is redefined to include:

- Individual, group, and marriage and family counseling and psychotherapy.
- Assessment for the purpose of establishing diagnosis or treatment goals and objectives;
- Crisis intervention.
- Diagnosis of persons with mental, emotional and behavioral disorders.
- Planning, implementing, and evaluating treatment plans using counseling treatment interventions.
- Facilitating the achievement of more effective intrapersonal, marital, decisional, social, education, vocational, developmental, or rehabilitative adjustments throughout the life span.
- Utilization of functional assessment and counseling for persons requesting assistance in adjustment to a disability or handicapping condition.
- Consulting, Research and Referral.
- The use of specific methods, techniques, or modalities within the practice of professional counseling is restricted to professional counselors appropriately trained in the use of such methods, techniques, or modalities, and licensed as a professional counselor or under supervision for licensure as a professional counselor.

The act requires additional education or training in the assessment and diagnosis of persons with mental or emotional disorders as deemed necessary by the committee for professional counselors.

CHRIS HOGERTY

02/07/2008 S First Read--SB 1109-Scott (S198-199)

02/14/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S248)

02/25/2008 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2008

*** SB 1110 ***

4942S.011

SENATE SPONSOR: Clemens

SB 1110 - This act prevents the disclosure of certain unemployment information except for disclosure required by federal or state law. Persons who intentionally disclose or fail to protect the confidentiality of the information is guilty of a Class D felony. The Division of Employment Security may promulgate rules governing the confidentiality and disclosure of the records.

CHRIS HOGERTY

02/11/2008 S First Read--SB 1110-Clemens (S211)

02/14/2008 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S248)

02/26/2008 Hearing Conducted S Small Business, Insurance & Industrial Relations Committee

EFFECTIVE: August 28, 2008

*** SB 1111 ***

4797S.011

SENATE SPONSOR: Clemens

SB 1111 - Under current law, the financial statements required to accompany an application for a grain dealer license must be audited or reviewed by a certified public accountant. This act retains this requirement for Class I grain dealer licenses but modifies the requirement for all other license classes so that, instead, the financial statement must be prepared by a qualified accountant.

Currently, the surety bond amount required of a licensed grain dealer shall be established by the director of the Department of Agriculture and shall not be less than \$20,000 nor more than \$300,000. The act removes the provision requiring the director to establish the bond amount and raises the minimum to \$50,000 and the maximum to \$500,000.

The formula for determining the surety bond amount currently requires the amount not to be less than 1%, nor greater than 5%, of the aggregate dollar amount paid for certain grain the previous fiscal year. The act increases the minimum to 2% and removes the cap on the maximum.

The act modifies the single bond amount requirements for holders of multiple grain dealer licenses by raising the minimum amount from \$20,000 to \$50,000 and raising the maximum amount from \$300,000 to \$500,000.

Under current law, a grain dealer who requests to be exempt from the minimum bonding requirements must submit a financial statement. The act adds a requirement that the financial statement be audited by a certified public accountant.

The fee for filing an application for a grain dealer license is increased from \$25 to \$50, and the fee for issuing a license is increased from \$40 to \$100. The allowable charge per hour of Department of Agriculture staff time to complete a special or requested inspection of a grain dealer is increased from \$20 to \$40.

The act allows the director of the Department of Agriculture to establish guidelines for the issuance of electronic warehouse receipts and approve such service providers.

The financial statement required to accompany an application for a public grain warehouse license currently must be audited or reviewed by a certified public accountant. This act modifies this provision to instead require that the financial statement be prepared by a qualified accountant.

The application fee for a public grain warehouse license is increased from \$50 to \$100.

The act increases from one to two, the number of complete examinations the Department of Agriculture is required to make at each licensed public grain warehouse per year. The fee for an examination is increased from \$50 to \$100. The act provides for an exception to one of the required examinations per year for licensees whose financial statement for the license application was reviewed or audited by a certified public accountant. The allowable charge per hour of Department of Agriculture staff time to complete a special or requested inspection of a public grain warehouse is increased from \$20 to \$40.

The act removes the automatic public warehouse license suspension and revocation provisions for failure to show evidence of new insurance coverage within certain timeframes of receipt by the director of the Department of Agriculture of notification of insurance cancellation.

The act repeals section 276.446, RSMo, regarding bond requirements for grain dealers whose total grain purchases within Missouri and certain other states do not exceed \$400,000 per fiscal year.

ERIKA JAQUES

02/11/2008 S First Read--SB 1111-Clemens (S211)

02/14/2008 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S248)

EFFECTIVE: August 28, 2008

*** SB 1112 ***

4943S.011

SENATE SPONSOR: Clemens

SB 1112 - This act modifies provisions relating to unemployment compensation.

This act requires individuals to make a claim within 14 days from the last day of the week being claimed and report to an employment office to participate in a reemployment assessment and reemployment services in order to qualify for unemployment benefits unless these requirements are waived for good cause.

A Missouri resident who is a member of a reserve unit outside of Missouri may qualify as a war on terror veteran for the purposes of receiving veterans' unemployment compensation benefits.

Overpayment for veterans' unemployment compensation benefits shall be recovered through billing, setoffs against tax refunds, intercepts of lottery winnings, and other collection efforts authorized under Missouri law for the recovery of overpayment of regular unemployment compensation benefits.

The Department of Employment Security is exempted from notifying contributing base period employers of an initial claim if the employer paid the individual \$400 or less in the individual's base period.

An employer is considered an interested party for the purposes of a separation issue when the claimant was separated from the employer during a week claimed.

The act stipulates when an employer is an interested party to a refusal of work when the refusal occurs other than at a time when the initial claim is filed or a claim is renewed. An employer is an interested party in an ability to work or an availability to work issue that arises during any week the claimant claims benefits.

The act allows the Department of Employment Security to deliver notices electronically upon a claimant's or employer's request.

CHRIS HOGERTY

02/11/2008 S First Read--SB 1112-Clemens (S211)

02/14/2008 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S248)

02/26/2008 Hearing Conducted S Small Business, Insurance & Industrial Relations Committee

EFFECTIVE: August 28, 2008

*** SB 1113 ***

4336S.021

SENATE SPONSOR: Bray

SB 1113 - This act requires hospitals, beginning January 1, 2009, to compile, post and make available upon request, daily staffing information in the patient care area of each unit of the hospital. The staffing information shall contain the number of registered professional nurses, licensed practical nurses, and certified nurse aides providing direct patient care in the hospital. Each hospital is also required to compile the daily information and submit a monthly staffing report to the Department of Health and Senior Services.

This act is substantially similar to HB 799 (2007).

ADRIANE CROUSE

02/11/2008 S First Read--SB 1113-Bray, et al (S211)

02/14/2008 Second Read and Referred S Health and Mental Health Committee (S248)

EFFECTIVE: August 28, 2008

*** SB 1114 ***

4966S.011

SENATE SPONSOR: Bray

SB 1114 - This act prohibits a business from listing a fictitious or assumed name in a local telephone directory or directory assistance database when: the name misrepresents the geographic location of the business; calls to the listed number are forwarded to a number outside the local calling area; when the business is located in a county that is not contiguous to any county in the local calling area; and additionally for telephone directories, when the phone listing does not identify the business' physical address.

Telephone companies or providers of telephone directories or directory assistance services are not liable for any such deceptive listing, provided the deceptive listing does not relate to their own businesses.

Violations of the act are considered an unlawful merchandising practice, which the Attorney General currently has authority to prosecute.

This act is similar to HB 1796 (2008).

ERIKA JAQUES

02/11/2008 S First Read--SB 1114-Bray (S211)

02/14/2008 Second Read and Referred S Commerce, Energy and the Environment Committee (S248)

EFFECTIVE: August 28, 2008

*** SB 1115 ***

4944S.021

SENATE SPONSOR: Bray

SB 1115 - This act creates a collective bargaining process for public employees.

Under the act, the Commissioner of Administration shall appoint a chief negotiator to represent the state in negotiating and administering all labor contracts entered into by the state. Employees may refuse to join employee organizations. Those who join the organizations and object to the fees are afforded certain protections.

Certain individuals are not allowed to join the employee organizations including elected officials, representatives of a public body, confidential employees, students working part-time, temporary employees, judges, employees of a legislative body, and patients and inmates.

Bargaining units recognized prior to May 29, 2007, and certain units established before the board promulgates rules shall continue to be recognized and all agreements in place upon the effective date will continue to be binding. The State Board of Mediation is charged with recognizing appropriate bargaining units for certain occupational groups.

Guidelines for bargaining are provided and impasses shall be solved through mediation and arbitration.

Strikes are prohibited. Individuals may seek an injunction against individuals who strike or engage in other prohibited practices by filing a complaint with the Board of Mediation.

This act is similar to HB 601 (2007), SB 641 (2007), and SB 607 (2007).

CHRIS HOGERTY

02/11/2008 S First Read--SB 1115-Bray, et al (S211)

02/14/2008 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S248)

EFFECTIVE: August 28, 2008

*** SB 1116 ***

5025S.011

SENATE SPONSOR: Days

SB 1116 - This act authorizes the Board of Fund Commissioners, in addition to the amounts authorized prior to August 28, 2008, to issue an additional \$10 million in bonds for water pollution control, improvement of drinking water systems, and storm water control projects; an additional \$10 million in bonds for rural water and sewer grants and loans; and an additional \$20 million in bonds for grants and loans for storm water control in counties of the first classification and St. Louis City.

This act is similar to SCS/SB 391 (2007) and HB 161 (2007).

ERIKA JAQUES

02/11/2008 S First Read--SB 1116-Days (S211)

02/14/2008 Second Read and Referred S Commerce, Energy and the Environment Committee (S248)

02/21/2008 Hearing Conducted S Commerce, Energy and the Environment Committee

02/28/2008 Voted Do Pass S Commerce, Energy and the Environment Committee

02/28/2008 Reported from S Commerce, Energy and the Environment Committee to Floor (S393)

03/03/2008 S Formal Calendar S Bills for Perfection--SB 1116-Days

EFFECTIVE: August 28, 2008

*** SB 1117 ***

3110S.061

SENATE SPONSOR: Smith

SB 1117 - Up to 10% of the funds appropriated each year for the Facilities Maintenance Reserve Fund shall be used for otherwise eligible projects that are also energy projects with a 2-year payback or less.

Any appliance purchased with any portion of state funding shall be an Energy Star appliance under the Energy Star program by the U.S. Department of Energy and the Environmental Protection Agency.

The Division of Facilities Management, Design, and Construction shall ensure that regular maintenance is conducted on lighting, heating, ventilation, and air conditioning systems in all state buildings.

Design documents submitted to the Office of Administration for new construction or substantial renovation of certain state buildings shall include a projection of the energy savings of the building as a result of meeting the state minimum energy efficiency standard.

The act requires that by January 1, 2009, the Department shall modify the minimum energy efficiency standard so that it is at least as stringent as the International Energy Conservation Code, 2006 version (2006 IECC) rather than the current standard of American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE) Standard 90. The act modifies the date to July 1, 2009, by which all design for state buildings involving new construction or substantial renovation and any building considered for purchase or lease by a state agency shall comply with the minimum energy efficiency standard. The Commissioner of the Office of Administration may exempt any state building from meeting the minimum energy efficiency standard requirement for safety reasons or when the cost of compliance is expected to exceed the energy cost savings.

The act allows persons affiliated with a gas or electric utility to serve on the voluntary working group of persons with expertise in energy efficiency who advise the Department of Natural Resources.

Beginning July 1, 2016, at least 10% of the electricity used by state buildings must come from renewable energy sources and beginning July 1, 2026, at least 20% of the electricity used by state buildings must come from renewable energy sources.

The act gives counties of the third classification the same authority to adopt a building code as current law provides to counties of the first and second classifications.

The act adds "energy efficiency" code to the definition of a "technical code" for which certain counties, fire protection districts, and municipalities have the authority to adopt by reference. Any energy efficiency code adopted shall be at least as stringent as the 2006 IECC.

This act allows a tax credit for taxpayers who construct a green building or modify an existing structure into a green building. A green building is defined as a building that is designed to achieve integrated systems design and construction so as to significantly reduce or eliminate the negative impact of the built environment in a number of different ways including water conservation, energy efficiency, renewable energy, and indoor environmental quality and human health.

The tax credit consists of three components: the green whole building component; the green base building component; and the green tenant space component. An applicant may receive a tax credit for each eligible component satisfied by the applicant's project.

Prior to construction, a taxpayer may apply for a preliminary certification for a green building tax credit from the Department of Natural Resources. If the director of the Department of Natural Resources determines that the construction or renovation meets requirements of the tax credit program, the director may issue a final certification upon completion of construction.

The green building tax credit has a per taxpayer cap of \$50,000 per year and an aggregate cap of \$1 million per year. Green building tax credits are refundable and fully transferable. The Department of Natural

Resources must promulgate rules one hundred and twenty days after the effective date of this act to determine the amount of green building tax credits available to any one taxpayer based upon the size of the building, the level of green rating achieved by the building (either through the Leadership in Energy and Environmental Design (LEED) or the Green Globes rating systems) and whether the project is located in an economic development area.

The act creates two income tax deductions. The first deduction is fifty percent of the cost of a home energy audit, conducted by an energy auditor certified by the Department of Natural Resources. The second deduction is one hundred percent of the purchase price paid for Energy Star labeled products, up to \$1,000 per taxpayer per year.

The act creates the "Show Me Green Sales Tax Holiday." For 2009 and every year thereafter, during the seven day period beginning on April 19th and ending April 25th, all sales of Energy Star certified appliances will be exempt from state and local sales tax.

The Department of Elementary and Secondary Education shall provide grants to public school districts after July 1, 2009 to assist schools obtain LEED certification for new building construction or substantial renovation projects. Preference for the grants shall be given to schools that are designed to function as community centers of learning. The total amount of grants that may be awarded per year shall not exceed \$500,000.

The Missouri Energy Task Force created by Executive Order 05-46 shall reconvene at least annually to review progress made toward meeting the recommendations made in its final report as issued under the Executive Order. The Task Force shall issue its findings in an annual status report to the Governor and General Assembly.

The Department of Natural Resources shall certify entities who may conduct qualified home energy audits in compliance with the income tax deduction for home energy audits created by this act.

The Department of Natural Resources' Energy Center shall serve as a central coordinator for energy sustainability activities in the state and shall carry out the duties described in the act.

This act is similar to SCS/SB 649 (2007).

ERIKA JAQUES

02/11/2008 S First Read--SB 1117-Smith (S211)

02/14/2008 Second Read and Referred S Ways & Means Committee (S248)

02/21/2008 Re-referred S Commerce, Energy and the Environment Committee (S344)

EFFECTIVE: August 28, 2008

*** SB 1118 ***

5021S.011

SENATE SPONSOR: Griesheimer

SB 1118 - This act authorizes the Office of Administration, upon voter approval, to establish a fee of up to twenty-five cents per month on every wireless telephone number to fund wireless enhanced 911 services.

JASON ZAMKUS

02/11/2008 S First Read--SB 1118-Griesheimer (S211)

02/14/2008 Second Read and Referred S Governmental Accountability & Fiscal Oversight Committee (S248)

EFFECTIVE: August 28, 2008

*** SB 1119 ***

5026S.011

SENATE SPONSOR: Griesheimer

SB 1119 - This act creates a \$10 court cost to be assessed in all civil and criminal cases. The money shall be deposited into the newly created "Prisoner Incarceration Reimbursement Fund". The Department of Corrections shall administer the fund, which shall be used only to reimburse counties for the cost of incarcerating state prisoners. The money in the fund shall be in addition to the amount appropriated by the General Assembly for such purpose.

SUSAN HENDERSON MOORE

02/11/2008 S First Read--SB 1119-Griesheimer (S211)

02/14/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S248)
 02/25/2008 Hearing Cancelled S Financial & Governmental Organizations and Elections Committee
 03/03/2008 Hearing Scheduled S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2008

*** SB 1120 ***

4394S.021

SENATE SPONSOR: Loudon

SB 1120 - This act provides that the rules promulgated by the Department of Health and Senior Services for the list of vaccinations that are required for entry to school and certain child care centers shall not require any vaccinations that are not specified under current law and may only modify the manner and frequency of vaccinations.

This act is substantially similar to SB 670 (2007).

ADRIANE CROUSE

02/11/2008 S First Read--SB 1120-Loudon (S212)
 02/14/2008 Second Read and Referred S Seniors, Families and Public Health Committee (S248)

EFFECTIVE: August 28, 2008

*** SB 1121 ***

3591S.011

SENATE SPONSOR: Loudon

SB 1121 - Under this act, the requirement that product liability insurance companies report claims that do not result in payment on the insured's behalf is eliminated.

STEPHEN WITTE

02/11/2008 S First Read--SB 1121-Loudon (S212)
 02/14/2008 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S248)
 02/19/2008 Hearing Conducted S Small Business, Insurance & Industrial Relations Committee
 02/26/2008 Voted Do Pass S Small Business, Insurance & Industrial Relations Committee - Consent
 02/28/2008 Reported from S Small Business, Insurance & Industrial Relations Committee to Floor - Consent (S392)
 03/03/2008 S Consent Calendar--SB 1121-Loudon

EFFECTIVE: August 28, 2008

*** SB 1122 ***

5022S.011

SENATE SPONSOR: Ridgeway

SB 1122 - This act requires each health carrier to provide coverage for the treatment of autism spectrum disorder. Coverage under the act is limited to treatment that is prescribed by the insured's treating physician in accordance with a treatment plan. Under the act, an insurer shall not deny or refuse to issue coverage on an individual solely because the individual is diagnosed with autism spectrum disorder.

The treatment plan shall include all elements necessary for the health benefit plan to appropriately pay claims. The health benefit plan may only request an updated treatment plan once every 6 months from the treating physician to review medical necessity, unless the health benefit plan and the treating physician agree that a more frequent review is necessary due to emerging clinical circumstances.

To be eligible for autism coverage, an individual shall be diagnosed with autism spectrum disorder at age 8 or younger. The coverage provided under this act shall only be provided to any eligible person less than 16 years of age. Coverage for behavioral therapy is subject to a \$50,000 maximum benefit per year. The maximum benefit is adjusted annually for inflation.

STEPHEN WITTE

02/12/2008 S First Read--SB 1122-Ridgeway (S216)
 02/14/2008 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S248)

EFFECTIVE: August 28, 2008

*** SB 1123 ***

3593S.011

SENATE SPONSOR: Loudon

SB 1123 - This act establishes the Uninsured Motorist Stipulation of Benefits Act of 2008. An uninsured motorist involved in an accident with an insured motorist will waive his or her right to recover noneconomic 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 326 (2007), SB 839 (2006) and SCS/HB 417 (2005).

STEPHEN J. WITTE

02/12/2008 S First Read--SB 1123-Loudon (S216)

02/14/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S248)

EFFECTIVE: August 28, 2008

*** SB 1124 ***

3592S.011

SENATE SPONSOR: Loudon

SB 1124 - 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 327 (2007), SB 824 (2006) and SCS/HB 417 (2005).

STEPHEN J. WITTE

02/12/2008 S First Read--SB 1124-Loudon (S216)

02/14/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S248)

EFFECTIVE: August 28, 2008

*** SB 1125 ***

4654S.021

SENATE SPONSOR: Crowell

SB 1125 - This act exempts one hundred percent of military retirement benefits received by a taxpayer and removes the age requirement for the income tax exemption for publicly funded retirement benefits.

JASON ZAMKUS

02/12/2008 S First Read--SB 1125-Crowell (S216)

02/14/2008 Second Read and Referred S Ways & Means Committee (S248)

EFFECTIVE: August 28, 2008

*** SB 1126 ***

5011S.011

SENATE SPONSOR: Scott

SB 1126 - Independent contractors retained by attorneys are not subject to the licensure requirements governing private investigators.

CHRIS HOGERTY

02/12/2008 S First Read--SB 1126-Scott (S216)

02/14/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S248)

02/25/2008 Hearing Conducted S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2008

*** SB 1127 ***

5070S.011

SENATE SPONSOR: Rupp

SB 1127 - This act establishes the Office of Autism Services in the Department of Mental Health within the Division of Mental Retardation and Developmental Disabilities. The Office of Autism Services, under the supervision of the division director, shall provide leadership in program development for children and adults with Autism spectrum disorders. Such leadership shall include establishment of program standards and coordination of program capacity.

ADRIANE CROUSE

02/12/2008 S First Read--SB 1127-Rupp and Crowell (S226)

02/14/2008 Second Read and Referred S Seniors, Families and Public Health Committee (S248)

03/04/2008 Hearing Scheduled S Seniors, Families and Public Health Committee

EFFECTIVE: August 28, 2008

*** SB 1128 ***

3133S.021

SENATE SPONSOR: Bray

SB 1128 – This act creates the Persistence to Graduation Fund. The Department of Elementary and Secondary Education will establish a procedure for school districts to apply for grants to implement drop-out prevention strategies. School districts must meet certain criteria described in the act to qualify for a grant, including not meeting the graduation rate indicated on its latest annual performance review, not having full accreditation, or having its latest annual performance review score consistent with an unaccredited or provisionally accredited classification. Grants will be awarded for one to five consecutive years. Upon expiration, a school district may apply for an extension. The Department of Elementary and Secondary Education must give preferences to school districts that propose a holistic approach to drop-out prevention as described in the act. The Department may stop payments to a district if it determines that the district is misusing funds or if the district's program is deemed ineffectual. The Department must provide written notice thirty days prior to cessation of funds. The Department must report annually to the General Assembly the recipients and amount of grants and data for the preceding five year for each recipient district. The General Assembly must annually appropriate an amount sufficient to properly fund this act, a minimum of five million dollars in any fiscal year.

MICHAEL RUFF

02/12/2008 S First Read--SB 1128-Bray, et al (S226)

02/14/2008 Second Read and Referred S Education Committee (S249)

EFFECTIVE: August 28, 2008

*** SB 1129 ***

5076S.011

SENATE SPONSOR: Coleman

SB 1129 – This act repeals the statute authorizing the creation of the transitional school district in the St. Louis City School District.

This act is identical to SB 551 (2007).

MICHAEL RUFF

02/12/2008 S First Read--SB 1129-Coleman (S226)

02/14/2008 Second Read and Referred S Education Committee (S249)

EFFECTIVE: August 28, 2008

*** SB 1130 ***

5072S.011

SENATE SPONSOR: Stouffer

SB 1130 - Under this act, taxpayers are allowed tax credits for revenues received from public-private

transportation projects. The tax credit shall be equal to the amount of revenues received in the taxable year for which the tax credit is claimed. The tax credit is not transferable or assignable. The tax credit provision is subject to the provisions of the Missouri Sunset Act and the tax credit shall sunset on August 28, 2014, unless reauthorized by the General Assembly.

This act creates a sales tax exemption on items and services bought for use in public-private transportation projects.

This act modifies the public-private transportation act by expanding the types of projects that may be completed under it. Under current law, the public-private transportation act is limited to the Mississippi River bridge project. Under this act, a public-private transportation project may include any bridge, street, road, highway, access road, interchange, intersection, traffic sign, traffic device, traffic or pedestrian control signal, parking lot, bus stop, station, garage, terminal, hanger, shelter, rest area, dock, wharf, lake or river port, airport, railroad, light rail or other mass transit, pipelines, and any similar or related improvement or infrastructure.

Under this act, a private partner in a public-private transportation project may invest in a project with private funds raised for such purposes. In the event that a private partner invests private funds in a project, and such partner has a Missouri income tax liability for a tax year before the investment in a project, the income tax liability shall be decreased in an amount equal to the partner's investment in such project.

STEPHEN WITTE

02/12/2008 S First Read--SB 1130-Stouffer (S226)

02/14/2008 Second Read and Referred S Ways & Means Committee (S249)

EFFECTIVE: August 28, 2008

*** SB 1131 ***

5023S.011

SENATE SPONSOR: Wilson

SB 1131 - This act excludes tax revenues, derived from certain transportation sales taxes imposed by the City of Kansas City, from tax increment finance economic activity taxes used to pay redevelopment costs.

JASON ZAMKUS

02/13/2008 S First Read--SB 1131-Wilson (S232)

02/14/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S249)

03/05/2008 Hearing Scheduled S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2008

*** SB 1132 ***

5013S.011

SENATE SPONSOR: Days

SB 1132 - This act modifies provisions regarding adoption records. The State Registrar shall develop and, upon a birth parent's request, distribute a contact preference or a medical history form to the birth parent. The contact preference form allows a birth parent to list his or her preference for contact by the adoptee. If a contact preference form is filed with the registrar, a medical history form shall also be so filed. Upon receipt of the form or forms, the State Registrar shall attach such form to the original birth certificate of the adopted person.

This act allows for an adopted person, the adopted person's attorney, or the adopted person's descendants, if the adopted person is deceased, to obtain a copy of the adopted person's original birth certificate from the State Registrar upon written application and proof of identification. The adopted person shall be 18 years of age or older and a resident of Missouri. The adopted person shall also agree in writing to abide by the birth parent's contact preference, if such preference is included with the adopted person's original birth certificate. The State Registrar shall also provide a medical history form, if such form was completed by the birth parent.

This act is similar to SB 322 (2003).

ADRIANE CROUSE

02/13/2008 S First Read--SB 1132-Days and Bray (S233)

02/14/2008 Second Read and Referred S Seniors, Families and Public Health Committee (S249)

02/26/2008 Hearing Conducted S Seniors, Families and Public Health Committee

EFFECTIVE: August 28, 2008

*** SB 1133 ***

4911S.011

SENATE SPONSOR: Ridgeway

SB 1133 - Under current law, a county commission in a 1st Class County must hold three public hearings and publish notice in two local newspapers prior to adopting a traffic regulation. This act repeals this requirement.

STEPHEN WITTE

02/13/2008 S First Read--SB 1133-Ridgeway (S233)

02/14/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S249)

03/05/2008 Hearing Scheduled S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2008

*** SB 1134 ***

4872S.011

SENATE SPONSOR: Callahan

SB 1134 - This act provides for the Missouri taxable income of resident taxpayers filing combined returns with less than \$100,000 in combined taxable income to be taxed at six percent of the amount over \$9,000.

This act is identical to Senate Bill 450 (2007) and Senate Bill 860 (2006).

JASON ZAMKUS

02/14/2008 S First Read--SB 1134-Callahan (S242)

02/19/2008 Second Read and Referred S Ways & Means Committee (S277)

EFFECTIVE: August 28, 2008

*** SB 1135 ***

5140S.011

SENATE SPONSOR: Callahan

SB 1135 - Currently, in a city with a population of 300,000 inhabitants any change in the grade of a street shall be declared necessary through a resolution passed by the city's two houses of legislation. Under this act, such change shall be declared necessary through a city ordinance.

SUSAN HENDERSON MOORE

02/14/2008 S First Read--SB 1135-Callahan (S242)

02/19/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S277)

03/05/2008 Hearing Scheduled S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2008

*** SB 1136 ***

4790S.011

SENATE SPONSOR: Callahan

SB 1136 - This act creates three tax credit programs and two sales tax exemptions. The secondary mining use tax credit program provides a tax credit for taxpayers, including not-for-profit insurance companies, that incur expenses for the utilization of an existing mine for secondary uses equal to the lesser of hundred percent of such costs or one hundred thousand dollars. The tax credit is fully transferrable, and non-refundable, but may be carried forward five years. The tax credit has an annual aggregate state-wide cap of one million dollars. The provisions of this act will sunset six years from the effective date if not reauthorized.

The Business Relocation for Secondary Mining Use Tax Credit program provides a tax credit to taxpayers, including not-for-profit insurance companies, that incur expenses in relocating to an existing mine for use of the mine other than mining equal to the lesser of fifty percent of such costs or ten thousand dollars. The tax credit is fully transferrable, and non-refundable, but may be carried forward five years. The tax credit has an annual aggregate state-wide cap of one hundred thousand dollars. The provisions of this act will

sunset six years from the effective date if not reauthorized.

The abandoned Mine Safety Tax Credit Program provides a tax credit, to taxpayers, including not-for-profit insurance companies, that incur expenses in implementing safety measures or devices in abandoned mines, equal to the lesser of fifty percent of such expenses or fifty thousand dollars. The tax credit is fully transferrable, and non-refundable, but may be carried forward five years. The tax credit has an annual aggregate state-wide cap of five hundred thousand dollars. The provisions of this act will sunset six years from the effective date if not reauthorized.

This act grants a sales tax exemption for sales of equipment to businesses relocating to an existing mine for purposes other than mining, if such equipment will actually be permanently placed in the mine. A sales tax exemption is created for certain utilities, including telecommunications services, consumed in connection with a business relocating to an existing mine for purposes other than mining.

This act is similar to Senate Bill 661 (2007).

JASON ZAMKUS

02/14/2008 S First Read--SB 1136-Callahan (S242)

02/19/2008 Second Read and Referred S Ways & Means Committee (S277)

03/03/2008 Hearing Scheduled S Ways & Means Committee

EFFECTIVE: August 28, 2008

*** SB 1137 ***

5071S.011

SENATE SPONSOR: Green

SB 1137 - The act corrects punctuation, restructures some sectional divisions and makes various structural changes to the Missouri Securities Act.

The act allows the Commissioner to issue orders that include civil penalties when individuals violate Missouri securities law.

Currently, residential telephone numbers are not available for public examination for the purposes of Missouri securities law. The act provides that residential telephone numbers used as business numbers are public.

Currently, the Commissioner may censure individuals for a variety of reasons if the individual has also engaged in dishonest or unethical practices. This act allows censure for any of the enumerated reasons regardless of whether the act was dishonest or unethical.

This act is identical to SB 506 (2007).

CHRIS HOGERTY

02/14/2008 S First Read--SB 1137-Green (S242)

02/19/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S277)

EFFECTIVE: August 28, 2008

*** SB 1138 ***

4802S.021

SENATE SPONSOR: McKenna

SB 1138 - This act requires contractors and subcontractors who contract to work on public works projects to provide a 10 hour Occupational Safety and Health instruction and safety program for their employees. All employees working on projects must have completed the course before beginning work and shall keep evidence of completion on the worksite.

Contractors and subcontractors in violation will forfeit \$2,500 plus \$100 for each worker employed for each day the worker is employed without training to the public body awarding the contract.

Public bodies and contractors may withhold assessed penalties from contractors and subcontractors respectively.

This act shall become effective on August 28, 2009.

CHRIS HOGERTY

02/14/2008 S First Read--SB 1138-McKenna (S242)

02/19/2008 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee
(S277)

03/04/2008 Hearing Scheduled S Small Business, Insurance & Industrial Relations Committee

EFFECTIVE: August 28, 2008

*** SB 1139 ***

5024S.011

SENATE SPONSOR: Dempsey

SB 1139 - This act revises the Uniform Anatomical Gift Act.

The Department of Health and Senior Services shall establish a first person consent organ and tissue donor registry. Any individual who agrees to have his or her name in the registry has given full legal consent to the donation of any of his or her organs or tissues upon death and as recorded in the registry. An individual may withdraw consent to be listed in the registry. The department and the Department of Revenue shall advise the individual that he or she is under no obligation to have his or her name in the registry. This act also encourages and establishes standards for donor registries.

This act facilitates donations by expanding the list of those who may make an anatomical gift for another individual during that individual's lifetime to include healthcare agents and under some circumstances, parents or guardians. Minors who are of age to apply for a driver's permit or license are allowed to agree to donate an organ with parental consent noted on a donor card, application, driver's license or other gift document.

This act also facilitates donations from a deceased individual who made no lifetime choice by adding to the list of persons who can make a gift of the deceased individual's body or parts. Such persons added to the list include: the person who was acting as the decedent's agent under a power of attorney for healthcare at the time of the decedent's death, the decedent's adult grandchildren.

This act also permits an anatomical gift by any member of a class where there is more than one person in the class so long as no objections by other class members are known and, if an objection is known, permits a majority of the members of the class who are reasonably available to make the gift without having to take account of a known objection by any class member who is not reasonably available.

Numerous default rules for the interpretation of a gift document are added for those documents lacking specificity regarding either the persons to receive the gift or the purpose of the gift or both. This act provides that anatomical gifts made under the laws of other jurisdictions shall be recognized. Allowances are made for electronic records and signatures with respect to gift donations and consent.

This act provides for the donation of specific anatomical parts to named persons and more generally to eye banks, tissue banks, and organ or cadaver procurement organizations. This act also outlines a priority for transplantation or therapy over research or education when an anatomical gift is made for all four purposes in a gift document that fails to establish a priority. Criminal sanctions are added for falsifying the making, amending, or revoking of an anatomical gift.

In addition, this act provides that a coroner or medical examiner shall cooperate with a procurement organization to maximize the opportunity to recover anatomical gifts for the purpose of transplantation, therapy, research, or education. A procurement organization includes eye banks and tissue banks. The procedure for delivering the body or for removing a part from the body for purposes for transplantation, therapy, research, or education are prescribed under the act.

A person who acts in accordance with the provisions of the Uniform Anatomical Gift Act or with the applicable anatomical gift law of another state or attempts in good faith to do so is not liable for act in any civil action, criminal or administrative proceeding.

This act is similar to SCS/SB 496 (2007).

ADRIANE CROUSE

02/14/2008 S First Read--SB 1139-Dempsey, et al (S242)

02/19/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee
(S277)

03/03/2008 Hearing Scheduled S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2008

*** SB 1140 ***

5114S.011

SENATE SPONSOR: Vogel

SB 1140 - Under current law, the balance of the administrative trust fund lapses when the unencumbered balance at the close of the fiscal year exceeds 1/12 of the total amount appropriated, paid, or transferred to the fund during that year. This act raises that threshold to 1/4.

CHRIS HOGERTY

02/14/2008 S First Read--SB 1140-Vogel (S242)

02/19/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S277)

03/03/2008 Hearing Scheduled S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2008

*** SB 1141 ***

5113S.011

SENATE SPONSOR: Vogel

SB 1141 - The act modifies the transition periods for the Governor, Lieutenant Governor, Attorney General, Secretary of State, Auditor, and Treasurer. Currently, all of the periods begin on the 15th day of November following the election. This date is changed to the 1st day following the election. Expenses incurred during the period may be paid after the actual end of the period. The Commissioner of Administration will request separate funding to cover the costs for setting up transition facilities in each of the offices so that they are operational the day following the election. The act also repeals references to typewriters, adding machines, duplicating machines, and payments for rentals and equipment purchases.

This act is similar to HB 255 (2007).

CHRIS HOGERTY

02/14/2008 S First Read--SB 1141-Vogel (S242)

02/19/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S277)

03/03/2008 Hearing Scheduled S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2008

*** SB 1142 ***

5012S.011

SENATE SPONSOR: Purgason

SB 1142 - This act provides that beginning July 1, 2009, there shall be an additional circuit judge position in the twenty-sixth judicial circuit. The judges in this circuit shall sit in divisions numbered one, two, and three. The new circuit judge for division three shall be appointed by the Governor, and such judge shall serve until his or her successor is duly elected in 2010.

ALEXA PEARSON

02/14/2008 S First Read--SB 1142-Purgason (S242-243)

02/19/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S277)

EFFECTIVE: August 28, 2008

*** SB 1143 ***

5069S.011

SENATE SPONSOR: Mayer

SB 1143 - This act provides that no television advertisement for legal services shall contain a false or misleading statement about the lawyer, law firm, or the legal services. False or misleading advertisements shall include, but are not limited to, the conditions listed in this act.

Television advertisements for legal services shall contain a disclaimer stating, in writing and orally, that the Missouri Supreme Court cautions that the choice of a lawyer is an important decision and should not be based solely upon advertisements.

If any advertiser of legal services routinely refers cases acquired by television advertising to lawyer not employed by the lawyer, law firm, or entity whose name appears on the advertisement, then it shall contain a warning stating, in writing and orally, that the case may be referred to lawyers or law firms that are not employed by the advertising law firm.

Television advertisements that include amounts of past verdicts or settlements shall include the case name, the name of the lawyer who completed the majority of the legal work on the case, and a fair and accurate description of the case. Such advertisements shall also contain a disclaimer, in writing and stated orally, providing that past verdicts or settlements are not an indication that the advertiser can achieve similar results. It shall be false or misleading advertising to state a combined dollar amount that an advertiser of legal services claims to have achieved.

Any lawyer, law firm, or other entity conducting television advertising for legal services shall state the location of the principal office of the party sponsoring the advertisement. If the principal office is outside of Missouri, the advertisement shall clearly indicate that the advertising party does not have a license to practice law in Missouri, and shall state the name of the lawyer or lawyers who will participate in cases obtained by the advertisement.

A lawyer, law firm, or entity shall not pay any part of the cost of television advertising for legal services unless the advertisement discloses the name and address of the financing party, the relationship between the advertising and financing party, and whether the advertising party is likely to refer cases to the financing party.

An entity or organization shall not advertise on television as a lawyer referral and information service and refer clients or cases unless it is a qualified lawyer referral service, as defined by Rule 4-9.1 of the Missouri Supreme Court Rules of Professional Conduct.

Any person who views television advertising in violation of this act may bring an action against the advertiser for injunctive relief and damages of \$1,000 for each violation contained in the advertisement and for each time the advertisement is played, and may recover costs of litigation.

This act shall not apply to advertising done by a qualified lawyer referral service, as defined by Rule 4-9.1, or when the name of a lawyer or law firm appears in a television advertisement solely as a donor or sponsor for a charitable or community cause.

ALEXA PEARSON

02/14/2008 S First Read--SB 1143-Mayer (S243)

02/19/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S277)

02/25/2008 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2008

*** SB 1144 ***

4698S.011

SENATE SPONSOR: Mayer

SB 1144 – This act changes the name of the State Schools for Severely Handicapped Children to "Missouri Schools for the Severely Disabled." It also updates the name of the Division of Special Services within the Department of Elementary and Secondary Education to the Division of Special Education.

MICHAEL RUFF

02/14/2008 S First Read--SB 1144-Mayer (S243)

02/19/2008 Second Read and Referred S Education Committee (S277)

EFFECTIVE: August 28, 2008

*** SB 1145 ***

5162S.011

SENATE SPONSOR: Scott

SB 1145 - This act allows counties without a charter form of government to adopt noise ordinances that prohibit people from creating amplified noise above a specified decibel level, or allowing others to create such noise on their property, without written permission of the county commission.

No noise ordinance shall supersede the immunities granted to firearm ranges or hunting preserves. This

act shall not prohibit the lawful discharge of firearms. No governing body of a county of the fourth, third, second, or first classification shall have the authority to enact noise ordinances that govern noise created by a railroad company, telecommunications or wireless company, public utility, rural electric cooperative, municipal utility, or agricultural operation.

This act is identical to HB 2146 (2008).

SUSAN HENDERSON MOORE

02/18/2008 S First Read--SB 1145-Scott (S255)

02/20/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S317)

EFFECTIVE: August 28, 2008

*** SB 1146 ***

5075S.011

SENATE SPONSOR: Clemens

SB 1146 - This act authorizes a property tax credit for expenses incurred to manufacture, maintain, or improve a freight line company's qualified rolling stock up to the amount of their tax liability. Any loss in revenue from a political subdivision will be reimbursed by the state.

JASON ZAMKUS

02/18/2008 S First Read--SB 1146-Clemens (S256)

02/20/2008 Second Read and Referred S Ways & Means Committee (S317)

EFFECTIVE: August 28, 2008

*** SB 1147 ***

4816S.011

SENATE SPONSOR: Koster

SB 1147 - This act provides that a petitioner may at any time file a petition to challenge entry of a judgment of paternity and child support upon filing an affidavit stating that evidence exists which was not considered before entry of judgment. Such petition shall also include either an allegation that genetic testing was conducted within the past 90 days using DNA methodology, was performed by an expert, and that the test results indicate a 99% or greater probability that the petitioner is not the child's father or a request to the court for an order of genetic paternity testing using DNA methodology.

The court, after a hearing where all interested parties have been given an opportunity to present evidence and be heard and upon a finding of probable cause to believe the testing may result in a determination of non-paternity, may order the relevant parties to submit to genetic paternity testing. The petitioner shall pay for the costs of testing.

The court shall grant relief and enter judgment setting aside the previous judgment of paternity and child support, including a previous acknowledgment of paternity, extinguish any existing child support arrearage, and order the department of health and senior services to modify the child's birth certificate accordingly upon a finding that the genetic test was properly conducted, accurate, and indicates a 99% or greater probability that the petitioner is not the child's father. The provisions of this act shall not apply to grant relief to the parent of any adopted child nor shall such provisions be construed to create a cause of action to recover child support or state debt previously paid under court order. The petitioner shall not have a right for reimbursement of any monies paid previously under said order.

This act is similar to SCS/SB 55 (2007).

ADRIANE CROUSE

02/18/2008 S First Read--SB 1147-Koster (S256)

02/20/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S317)

EFFECTIVE: August 28, 2008

*** SB 1148 ***

5080S.011

SENATE SPONSOR: Koster

SB 1148 - Under this act, all insurance companies authorized to write private automobile insurance within this state shall provide premium discounts for motor vehicles equipped with anti-theft mechanisms. The

discounts shall apply to the comprehensive coverage and shall not be less than 10%. Some or all of the premium discounts required by the act may be omitted upon demonstration to the director that the discounts are duplicative of other discounts provided by the insurer. In no event shall the non-use of an anti-theft mechanism constitute grounds for an increase in policy premiums or cancellations or non-renewal of a private automobile insurance policy.

Under the act, insurers may require reasonable evidence of installation of any anti-theft mechanism but the insurer may not make requests so onerous as to effectually discourage the owner of the automobile from seeking the applicable discount.

STEPHEN WITTE

02/18/2008 S First Read--SB 1148-Koster (S256)

02/20/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S317)

EFFECTIVE: August 28, 2008

*** SB 1149 ***

5168S.011

SENATE SPONSOR: Engler

SB 1149 - Under this act, if no one files as a candidate for a fire protection district board of directors election, then no election shall be held and the position shall be filled as a vacancy. The board of directors shall appoint the person, unless there is currently only one director, in which case, the circuit court shall appoint the new director. If there is only one candidate for the position, there shall be no election and the person shall assume the responsibilities in the same manner as if he or she was elected.

SUSAN HENDERSON MOORE

02/19/2008 S First Read--SB 1149-Engler (S268)

02/20/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S317)

03/05/2008 Hearing Scheduled S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2008

*** SB 1150 ***

5105S.011

SENATE SPONSOR: Barnitz

SB 1150 - Several provisions in current law allow the Secretary of State to collect an additional \$5 fee on fees for filings relating to business organizations, commercial transactions, and trademarks, names and private emblems to be credited to the state's technology trust fund. These provisions are set to sunset on December 31, 2009.

This act removes the sunset for each of these provision.

CHRIS HOGERTY

02/19/2008 S First Read--SB 1150-Barnitz (S268)

02/20/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S317)

03/03/2008 Hearing Scheduled S Financial & Governmental Organizations and Elections Committee

EFFECTIVE: August 28, 2008

*** SB 1151 ***

5104S.011

SENATE SPONSOR: Barnitz

SB 1151 - Under the act, corporate names shall only be reserved for 180 days.

This act is similar to HB 1951 (2008).

CHRIS HOGERTY

02/19/2008 S First Read--SB 1151-Barnitz (S268)

02/20/2008 Second Read and Referred S Commerce, Energy and the Environment Committee (S317)

02/28/2008 Hearing Conducted S Commerce, Energy and the Environment Committee

EFFECTIVE: August 28, 2008

*** SB 1152 ***

5102S.021

SENATE SPONSOR: Crowell

SB 1152 – This act creates the Minimum Salary Fund for Teachers and establishes procedures for qualifying school districts to receive funds to pay minimum salary supplements to teachers. A minimum salary supplement is the difference between a school district's schedule and the minimum salary identified in the act. Beginning with the 2008-2009 school year, the General Assembly will make an annual appropriation to the fund to pay public school teacher minimum salary supplements to qualifying school districts. A participating school district is only responsible for the contracted amount of a teacher's salary. If the appropriation is insufficient to pay the total cost of all minimum salary supplements, the minimum salary amounts will be prorated.

To qualify for funds, school districts must recognize all years of a teacher's teaching experience in accordance with the teacher's education level as described in the act. To determine a minimum teacher salary, the amount listed in the act for one to three years experience will be multiplied by the dollar value modifier as defined in section 163.031. For a teacher with more than one to three years experience, the product of the one to three year amount and the dollar value modifier will be increased by the percentages listed in the act.

A participating school district is also subject to a local effort requirement, which is based on the percentage of expenditures from the district's teachers and incidental funds attributable to base salary, retirement, and health care costs as described in the act. A district may vary from its local effort percentage based on its teacher and incidental fund balance. A district that varies more than the allowable percentage will have a deduction made from the minimum salary supplement in the next fiscal year.

Any future increases in minimum salaries are contingent on decreases in total state payments to all districts as described in the act. The value of the base level of the minimum salary, represented by the one-to-three year bracket amount, will be increased by \$500 in the second fiscal year following the fiscal year in which the state cost of funding the minimum salaries is 85% or less of the full funding cost for the first school year of the state funding of minimum teacher salaries under the act.

This act contains an emergency clause.

This act is similar to HB 2040 (2008) and SB 1092 (2008).

MICHAEL RUFF

02/19/2008 S First Read--SB 1152-Crowell (S268)

02/20/2008 Second Read and Referred S Education Committee (S317)

03/05/2008 Hearing Scheduled S Education Committee

EFFECTIVE: Emergency

*** SB 1153 ***

5077S.011

SENATE SPONSOR: Crowell

SB 1153 – This act modifies the Public School Retirement System of Missouri (PSRS) and the Public Education Employee Retirement System (PEERS). After June 30, 2009, nonprofit educational associations or organizations will no longer be able to have their employees become members of PSRS or PEERS.

This act is identical to HB 1972 (2008).

MICHAEL RUFF

02/19/2008 S First Read--SB 1153-Crowell (S268)

02/20/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S317)

02/27/2008 Hearing Scheduled But Not Heard S Pensions, Veterans' Affairs and General Laws Committee

EFFECTIVE: August 28, 2008

*** SB 1154 ***

5078S.011

SENATE SPONSOR: Crowell

SB 1154 – This act modifies the Public School Retirement System of Missouri (PSRS) and the Public Education Employee Retirement System (PEERS). The board of trustees of PSRS or PEERS may indemnify and protect any trustee or employee against all claims or liabilities in his or her official or individual capacity

except for gross negligence or willful misconduct. The board of trustees may obtain insurance or indemnity policies. For an employee or trustee to qualify for indemnity, he or she must provide written notice to the board of trustees within fifteen days after receiving service of process of a proceeding.

This act is identical to HB 1973 (2008).

MICHAEL RUFF

02/19/2008 S First Read--SB 1154-Crowell (S268)

02/20/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S318)

02/27/2008 Hearing Scheduled But Not Heard S Pensions, Veterans' Affairs and General Laws Committee

EFFECTIVE: August 28, 2008

*** SB 1155 ***

5079S.011

SENATE SPONSOR: Crowell

SB 1155 – This act modifies the Public School Retirement System of Missouri (PSRS) and the Public Education Employee Retirement System (PEERS). This act allows for the establishment and maintenance of a retirement systems account for investment purposes; moneys from PSRS and PEERS may be combined in the account for investment purposes so long as the funds are accounted for and reported separately.

This act is similar to HB 2056 (2008).

MICHAEL RUFF

02/19/2008 S First Read--SB 1155-Crowell (S268)

02/20/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S318)

02/27/2008 Hearing Scheduled But Not Heard S Pensions, Veterans' Affairs and General Laws Committee

EFFECTIVE: August 28, 2008

*** SB 1156 ***

4967S.021

SENATE SPONSOR: Crowell

SB 1156 – This act modifies the Public School Retirement System of Missouri (PSRS) and the Public Education Employee Retirement System (PEERS). All suits or proceedings directly or indirectly against the board of trustees, the board's members or employees, or the retirement system itself must be brought in Cole County. This act allows for the establishment and maintenance of a retirement systems investment account for investment purposes; moneys from PSRS and PEERS may be combined in the account for investment purposes so long as the funds are accounted for and reported separately. For the purchase of membership service credit, the act changes the date of payment from June 30 to September 30 and the date of recalculation from July 1 to October 1. In addition, the retirement system may prohibit a purchase, impose additional requirements for making a purchase, or limit the amount of credit purchased if necessary to comply with federal law.

The act modifies how retirement benefits may be distributed upon the death of a member prior to the member having received the specified number of monthly payments; the remainder of such payments will be paid to the surviving spouse, surviving children in equal shares, surviving parents in equal shares, or the estate of the last person to receive a monthly allowance in a lump sum payment. In addition, if a member dies and the member's financial institution cannot accept the final payment or payments, the final payment or payments will be paid to the beneficiary, or if no beneficiary exists, to the surviving spouse, to the surviving children in equal shares, surviving parents in equal shares, or the estate of the member, in that order. This same order applies if the beneficiary to a member dies and the beneficiary's financial institution cannot accept final payment.

This act allows funds to be subject to execution, garnishment, attachment as described in the act in a proceeding for spousal maintenance or child support.

After June 30, 2009, nonprofit educational associations or organizations will no longer be able to have their employees become members of PSRS or PEERS.

The board of trustees of PSRS or PEERS may indemnify and protect any trustee or employee against all claims or liabilities in his or her official or individual capacity except for gross negligence or willful misconduct. The board of trustees may obtain insurance or indemnity policies. For an employee or trustee to qualify for indemnity, he or she must provide written notice to the board of trustees within fifteen days after receiving

service of process of a proceedings.

MICHAEL RUFF

02/19/2008 S First Read--SB 1156-Crowell (S269)

02/20/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S318)

02/27/2008 Hearing Scheduled But Not Heard S Pensions, Veterans' Affairs and General Laws Committee

EFFECTIVE: August 28, 2008

*** SB 1157 ***

5159S.011

SENATE SPONSOR: Green

SB 1157 - This act authorizes the Governor to convey state property located in the City of St. Louis known as Bellefontaine.

This act contains an emergency clause.

SUSAN HENDERSON MOORE

02/19/2008 S First Read--SB 1157-Green (S269)

02/20/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S318)

03/05/2008 Hearing Scheduled S Economic Development, Tourism & Local Government Committee

EFFECTIVE: Emergency

*** SB 1158 ***

4822S.011

SENATE SPONSOR: Mayer

SB 1158 – This act creates the Professional Relationships Between Teachers and School Districts Act, which establishes procedures for collective bargaining between public school employers and public school employees.

RIGHTS OF PUBLIC SCHOOL EMPLOYEES, SECTIONS 160.1015, 160.1024 - Public school employees have the right to form, join, and participate in the activities of any organization, agency, association, committee, union, or employee representation council for the purpose of representation on all matters of employer-employee relations under the act. Public school employees also have the right to refrain from any such activities and may present grievances to an employer on their own without the intervention of an employee representation council or employee organization.

People in management, supervisory, or confidential positions as described in the act may represent themselves individually before the public school employer. An employee representation council cannot negotiate any benefits or compensation for people in these positions.

RIGHTS AND DUTIES OF EMPLOYEE ORGANIZATIONS AND EMPLOYEE REPRESENTATION COUNCILS - Employee organizations have the right to represent their members in their professional and employment relations with public school employers. They may establish reasonable dismissal procedures and reasonable restrictions as to who may join the organization. They may use school district facilities at reasonable times for meetings. Membership dues may be deducted from payroll as described in the act. (Section 160.1018)

Employee representation councils have the right to represent employees in their appropriate unit in a school district in their professional and employment relations with public school employees. They are allowed to communicate with members of the employee unit and to use school district facilities at reasonable times for meetings. (Section 160.1021)

An employee representation council must fairly represent each employee in the appropriate unit. (Section 160.1036)

An employee representation council or an employee organization has standing to sue in any action or proceeding instituted as representative and on behalf of one or more of its members. (Section 160.1039)

AUTHORITY OF THE BOARD OF MEDIATION, SECTIONS 160.1006, 160.1012 - The act grants certain authority to the Board of Mediation (referred to as the Commission in the act) when dealing with public schools. The Commission has authority to participate in any case pending before it; conduct certain studies

relating to employer-employee relations; develop and maintain research and training programs to assist public school employers and employee organizations; hold hearings, subpoena witnesses, administer oaths, and take testimony or depositions of individuals as described in the act; investigate violations or alleged violations and take any action deemed necessary; bring an action in court to enforce its orders, decisions, rulings, or to enforce a subpoena; delegate its powers to any member of the commission or to any person appointed by the commission for the performance of its functions; and take any other action deemed necessary.

The Commission has exclusive jurisdiction to determine whether a violation to the act has occurred, and if so, what remedy is appropriate. The Commission will promulgate procedures for investigating, hearing, and deciding cases.

Any employee, employee organization, employee representation council, or employer has the right to file a charge of violation with the Commission. Any charges must be filed with the commission within six months of the occurrence; however, this six month period is tolled if the parties at issue are engaging in grievance procedures pursuant to a negotiated agreement.

Parties do not have to exhaust contractual grievance procedures if it would be futile to do so. If the Commission finds that a settlement agreement is repugnant to the purposes of the act, it will issue a complaint on the basis of a timely filed charge and hear the case on its merits. The Commission cannot enforce agreements between the parties and cannot issue a complaint on any charge based on alleged violations of any agreement that would not constitute a violation of the act.

The Commission has power to issue a decision and direct an offending party to cease and desist from violating the act and to take action to effectuate the policies of the act. Judicial review in the circuit court of the county where the school district is located is available to any charging party, respondent, or intervener who is aggrieved by the final decision or order of the commission except for the commission's decision not to issue a complaint in a case. An aggrieved party seeking judicial review must file a petition within thirty days after issuance of the commission's final order. The court and commission must follow procedures described in the act. Any record of proceedings before the commission and any factual findings by the commission will be conclusive. If the time to petition for extraordinary relief from a commission decision has expired, the commission will seek enforcement of a final decision or order in a circuit court in the school district where the violation occurred.

Any person or party who interferes with a member of the Commission or its agents will be guilty of a misdemeanor and sentenced to a fine of not more than \$1,000. (Section 160.1009)

VIOLATIONS OF THE ACT, SECTION 160.1027 - Actions by a public school employer, employee organization, or employee representation council that constitute violations of the act include: causing or attempting to cause another party to violate the act; committing or threatening employees with reprisal, discrimination, interference, restraint, or coercion; and refusal or failure to meet and negotiate in good faith with other parties as described in the act. In addition, it is a violation for a public school employer to dominate or interfere with the formation of employee representation councils.

POLICIES FOR NEGOTIATIONS BETWEEN PARTIES, SECTIONS 160.1030, 160.1033 - The local board of education must publish and adopt a policy establishing a time line for party negotiations prior to the adoption of the final budget for the ensuing year in order to allow sufficient time for an agreement to be reached. The scope of negotiations will consist of matters relating to wages, hours of employment, and terms and conditions of employment as described in the act. All matters not specifically enumerated in the act are reserved to the public school employer and will not be a subject of meeting and negotiating. Upon request, a public school employer will meet and negotiate with an employee representation council on matters within the scope of representation as described in the act; it will appoint at least one member of the school board to participate in all such meetings.

A public school employer and a majority of the employee representation council must enter into a written agreement identifying matters within the scope of meeting and negotiation. The school board may accept, reject, or modify the agreement that has been reached. The agreement becomes binding when a majority of the school board members approve it and when the minutes of the meeting where the action took place are approved.

PROHIBITION OF STRIKES AND LOCKOUTS, PENALTIES FOR VIOLATIONS, SECTION 160.1042 -

Public school employees, employee organizations, and employee representation councils must not engage in a strike, or cause, instigate, encourage, or condone one. If a public school employer alleges there is a strike, it must notify the Commission of the full or partial days public school employees were engaging in a strike. Within thirty days of receiving notice, the Commission must conduct a hearing to determine if there was a violation and must issue a decision and an order. If the Commission finds that one or more public school employees engaged in a strike, it will fine each employee \$250 for each full or partial day of the strike. Other penalties may include dismissal, forfeiture of tenure, and demotion to probationary status. If the Commission finds that an employee organization has supported, assisted, or facilitated a strike, the employee organization will be fined \$5,000 for each full or partial day that an employee or employees engaged in the strike. In addition, the employee organization will no longer be eligible to be represented on an employee representation council in the school district where the strike took place for two years after the violation. A public school employer must also stop making payroll deductions for dues of any employee organization for one year after the violation. If the Commission imposes a fine against a public school employee who continues to be employed by a public school employer, the Commission must order the employer to deduct the fine from the employee's salary.

A public school employer must not institute a lockout. However, a public school employer does not commit a violation of the act if there is a total or partial cessation of the employer's operations in response to a strike. If an employee representation council, employee organization, or a public school employee alleges a lockout, they must notify the Commission. If, after a hearing, the Commission finds that a public school employer instituted a lockout, the Commission must fine the employer \$5,000 for each full or partial day of a lockout and fine each member of the employer's governing board and superintendent \$250 for each full or partial day of a lockout.

Public school employers may bring an action to enjoin a strike by public school employees. An employee representation council or employee organization may bring an action to enjoin a lockout by a public school employer. These actions are to be brought in the circuit court for the county in which the affected public school is located. A court may only grant injunctive relief. The court must award court costs and reasonable fees to a prevailing plaintiff. Other penalties, forfeitures of rights or privileges, or other sanctions as the result of a strike are negotiable between the parties.

The Commission must initiate collection proceedings if fines are not collected or deducted within thirty days. Any money received from fines must be transmitted to the State School Moneys Fund.

PROCEDURES FOR ESTABLISHMENT OF AN EMPLOYEE REPRESENTATION COUNCIL, SECTIONS 160.1045, 160.1048 - The act contains procedures for the establishment of an employee representation council, which include filing a request letter with the local school board with a showing of interest of at least ten percent of certain employees and a posting of such request letter as described in the act.

Any employee organization that can establish a showing of interest of at least ten percent of employees in the appropriate unit will be entitled to have at least one representative on the employee representation council. Any additional representatives will be proportional based on a percentage of membership for each organization that established a showing of interest.

The employee representation council must establish, and revise as necessary, operating procedures as described in the act.

ACCEPTANCE OF AGREEMENT, SECTION 160.1051 - All matters within the scope of meeting and negotiating that are agreed to by a simple majority of employee representation councils and the employers must be put in writing, including any items upon which agreement could not be reached. Binding arbitration is not allowed. This document must be made public and presented to the school board, which may accept, reject or modify it. The agreement becomes binding once acted upon by the school board.

MICHAEL RUFF

02/19/2008 S First Read--SB 1158-Mayer (S269)

02/20/2008 Second Read and Referred S Education Committee (S318)

EFFECTIVE: August 28, 2008

*** SB 1159 ***

3977S.041

SENATE SPONSOR: Gibbons

SB 1159 - This act modifies provisions relating to forensic examinations of sexual offense victims.

If the appropriate medical provider reasonably believes the sexual offender could be a parent or guardian of the victim and the victim is a minor under the age of eighteen, the medical provider shall only be required to provide written notice to the nonoffending parent or guardian of the forensic examination.

Currently, the Attorney General develops the forms and procedures for gathering evidence during a forensic exam and the Department of Health and Senior Services develops checklists for appropriate medical providers to use while providing treatment to victims. Under this act, separate forms, procedures, and checklists shall be developed for victims age fourteen and younger and age fifteen and older.

Currently, the Department of Health and Senior Services pays medical providers to cover the forensic exam charges for people who may be victims of sexual offenses. Under this act, the Department of Public Safety shall pay the medical providers with money from the newly created "Sexual Offense Forensic Examination Compensation Fund".

The fund shall consist of money from the crime victims' compensation fund, the state general revenue fund, and federal funds.

The Department of Public Safety shall promulgate rules and regulations establishing which procedures performed by medical providers shall qualify for coverage under the Sexual Offense Forensic Examination Compensation Fund and establishing reimbursements rates for such procedures. The checklists for medical providers shall be used when promulgating the rules.

SUSAN HENDERSON MOORE

02/19/2008 S First Read--SB 1159-Gibbons (S269)

02/20/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S318)

03/03/2008 Hearing Scheduled S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2008

*** SB 1160 ***

5123S.011

SENATE SPONSOR: Lager

SB 1160 - The act sets the maximum penalty for a single violation of any order by the Public Service Commission relating to federal natural gas safety standards at \$25,000 per violation. The maximum penalty for a continuing violation or a multiple series of such violations is \$250,000. The maximum penalties increase by increments described in the act in the years 2015, 2025, 2035, and 2040. The Commission may determine the amount of the penalty based on several variables as described in the act. Each violation shall be considered a separate and distinct offense.

The act is similar to HB 1636 (2008), SCS/SB 536 (2007) and HCS/HB 429 (2007).

ERIKA JAQUES

02/19/2008 S First Read--SB 1160-Lager (S269)

02/20/2008 Second Read and Referred S Commerce, Energy and the Environment Committee (S318)

EFFECTIVE: August 28, 2008

*** SB 1161 ***

5136S.011

SENATE SPONSOR: Lager

SB 1161 - This act allows for low interest loans through the linked deposit loan program for eligible alternative energy operations, which are businesses that generate energy from renewable resources including solar, hydroelectric, and wind.

This act is similar to SB 699 (2007).

ERIKA JAQUES

02/19/2008 S First Read--SB 1161-Lager (S269)

02/20/2008 Second Read and Referred S Commerce, Energy and the Environment Committee (S318)

EFFECTIVE: August 28, 2008

*** SB 1162 ***

4945S.011

SENATE SPONSOR: Clemens

SB 1162 - 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 continuing education requirements, and approve credentialing bodies that administer the professional exams.

Temporary licenses are allowed and licensees may be placed on inactive status under certain circumstances. Procedures are established for denial and revocation of licenses and for the review of those administrative decisions.

The board shall recognize licenses issued by another state if that state's standards are equal to or exceed those in Missouri.

This act is similar to SB 1099 (2006) and SB 314 (2007).

CHRIS HOGERTY

02/20/2008 S First Read--SB 1162-Clemens (S283)

02/21/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S343)

EFFECTIVE: August 28, 2008

*** SB 1163 ***

5205S.011

SENATE SPONSOR: Rupp

SB 1163 - This act modifies the school bus endorsement criminal background check procedure.

Under this act, each school district shall require from the authorized representative of any company contracting with it a certified statement certifying that all persons operating school buses have submitted themselves to a criminal history repository and criminal history files search as prescribed by the highway patrol and the FBI and that the results of those searches have not disqualified the applicants from receiving a school bus endorsement. Under the current law, the onus is on the school district to ensure that a criminal background check is conducted for school bus drivers (Section 168.133).

Under the act, the highway patrol must provide a record of clearance or denial for any applicant for a school bus endorsement for certain convictions (drug convictions, child abuse, prostitution, weapon offenses, pornography, robbery, arson, burglary). The highway patrol is authorized to obtain from the FBI any information which might aid the highway patrol in providing such record of clearance or denial. The highway patrol shall provide the record of clearance or denial within 60 days of the date requested. The highway patrol is required to provide the information to the Department of Revenue.

Under the act, an applicant for a school bus endorsement must submit 2 sets of fingerprints. The applicant must pay the associated fee for the state criminal history information. The applicant will be denied a school bus endorsement or will not have his or her endorsement renewed if the background check reveals that he or she has been convicted of the statutory listed crimes. Additionally, a school bus endorsement shall not be issued or renewed if the applicant's driving record shows that his or her driving privilege has been suspended, revoked or disqualified or whose record shows a history of moving vehicle violations. The act also requires immediate school bus endorsement revocation if it is discovered that the person has committed a disqualifying violation.

The record of clearance from the highway patrol and the submission of fingerprints is not required if the applicant is 70 years of age or older and the applicant is able to provide verification that the applicant has submitted to such requirements in the last 6 years and the applicant is applying for a school bus endorsement renewal.

The director may issue a 90 day temporary renewal extension to applicants currently holding a valid school bus endorsement pending notice of clearance or denial. Under the act, the school district may adopt a policy to provide for reimbursement of expenses incurred by an employee for state and federal criminal history information or any other fees.

STEPHEN WITTE

02/20/2008 S First Read--SB 1163-Rupp (S283)

02/21/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S343)

EFFECTIVE: August 28, 2008

*** SB 1164 ***

4684S.011

SENATE SPONSOR: Loudon

SB 1164 - Under the act, all rights to unaccrued compensation for permanent total disability shall cease upon the death of the injured employee. Unpaid unaccrued compensation for permanent partial disability will continue to be paid to dependents.

Rights to receive permanent total disability shall terminate when the employee is eligible to receive full Social Security retirement benefits or other retirement benefits. If the employee begins receiving such benefits before the compensable injury occurs, the employee may receive permanent total disability for two years offset by 50% of the weekly retirement benefit.

Currently, when an injured employee receives permanent total disability and is returned to his or her regular work or equivalent, payments are suspended during the time the employee is able to work. This act requires such compensation to terminate at the time the employee is able to compete for employment in the open labor market or returns to work.

Disabilities previously used in calculating an earlier award or settlement of a second injury fund claim for permanent partial disability shall not be used in later claims of the same type. However, such previous disabilities may be used in a claim against the fund for permanent total disability.

Compensation for permanent partial disability shall not be paid from the second injury fund when another state has jurisdiction over the injury. Similarly, when an employer fails to insure or self-insure, the second injury fund shall not cover any costs when another state has jurisdiction over the injury.

Under current law, claims against the second injury fund shall be filed within 2 years after the date of the injury or within 1 year after the claim is filed against the employer or insurer, whichever is later. Under the act, such claims must be filed within 2 years after the date the original claim is filed against the employer. Claim for medical fees or expenses must be filed within 2 years of the last date of medical treatment or service.

The act removes a provision requiring any advances from the workers' compensation fund to the second injury fund to be reimbursed within one year.

This act contains an emergency clause.

This act is similar to SB 665 (2007), SB 666 (2007), SB 606 (2007), and SB 901 (2008).

CHRIS HOGERTY

02/20/2008 S First Read--SB 1164-Loudon (S283)

02/21/2008 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S343)

03/04/2008 Hearing Scheduled S Small Business, Insurance & Industrial Relations Committee

EFFECTIVE: Emergency

*** SB 1165 ***

5198S.011

SENATE SPONSOR: Crowell

SB 1165 - 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 identical to SB 307 (2007).

ALEXA PEARSON

02/20/2008 S First Read--SB 1165-Crowell (S283)

02/21/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S343)

EFFECTIVE: August 28, 2008

*** SB 1166 ***

5157S.011

SENATE SPONSOR: Dempsey

SB 1166 - This act provides that annual cost of living percentage increases for contracted community providers with the Department of Mental Health shall be no less than the annual percentage pay increase for Department of Mental Health state employees.

ADRIANE CROUSE

02/20/2008 S First Read--SB 1166-Dempsey (S283)

02/21/2008 Second Read and Referred S Health and Mental Health Committee (S344)

03/04/2008 Hearing Scheduled S Health and Mental Health Committee

EFFECTIVE: August 28, 2008

*** SB 1167 ***

4877S.031

SENATE SPONSOR: Stouffer

SB 1167 - This act modifies various provisions of law relating to members of the military forces and their families. The act:

Adds the chair of the Missouri veterans' commission, or a designee, as an ex officio member of the Missouri military preparedness and enhancement commission, and provides that the Military preparedness and enhancement commission's duties include developing methods to improve the prosperity and employment opportunities of retired military members and the families of former military members. Section 41.1010.

Adds the chair of the Missouri military preparedness and enhancement commission, or a designee, as an ex officio member of the Missouri veterans' commission, and provides that the Missouri military preparedness and enhancement commission shall assist all veterans who are legal residents of Missouri. Section 42.007.

Allows military dependents who do not meet our state's age requirements to enter kindergarten or first grade if the child has completed an accredited prekindergarten or kindergarten program in another state. Section 160.053.

Requires the State Board of Education to develop recommendations for alternate assessments for military dependents who relocate after the commencement of a school term, in order to accommodate the student while ensuring he or she is proficient in the knowledge, skills, and competencies adopted by the State Board of Education. Section 160.518.

Requires the State Board of Education to establish rules allowing a provisional certificate of license to be issued to any spouse of a military member stationed in Missouri, who relocated to this state within one year of application, who had to complete a criminal background check in another state in order to be issued a certificate of license from another state, and who otherwise qualifies. Section 168.021.

Allows school districts to accept a course in state government completed in another state, for purposes of satisfying Missouri's graduation requirements, when a student transfers to a Missouri high school in ninth to twelfth grade. The act also deletes provisions in current law that require the state commissioners of education and higher education to make arrangements to carry out the provisions of this section, and to prescribe a list of suitable texts, and deletes provisions that provide that neglect by any superintendent, principal or teacher to observe the provisions of this section shall be sufficient cause for termination of his or her contract. Section 170.011.

Establishes a tuition grant program for spouses and children of war veterans who die, or who become eighty percent disabled, as as the result of injury or illness sustained while serving in combat. Within the limits of amounts appropriated therefor, the Coordinating Board for Higher Education shall 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 who was killed in the line of duty and who was a citizen of Missouri at the time of enlistment and at the time death or injury occurred. The grants shall pay an amount not to exceed the actual amount of tuition, the actual cost of books up to five hundred dollars per semester, and up to two thousand dollars per semester for room and board. The grant will continue to be awarded annually to eligible recipients as long as the recipient achieves and maintains a cumulative grade point average of at least two and one-half on a four point scale, or its equivalent. The grant may not be used for graduate study, and is not available to surviving children who are twenty-five years of age or older. The act delineates specific eligibility criteria for both the recipients and the higher education institutions. Section 173.238.

Modifies the Guard at Home program by renaming it the "Hero at Home" program, and by providing that services under the program shall continue to be available to national guard members and their families, as well as reserve component service members and their families, during the one year period following a national guard member or any reserve component member's discharge from deployment. The program shall also assist returning national guard or reserve component service members to find employment in situations where the individual cannot return to employment held prior to deployment. Also, the act allows the Department of Economic Development to operate the Hero at Home program by utilizing existing programs, or by entering into contracts with qualified providers. Section 620.515.

Provisions of this act are similar to SB 663 (2007), HB 135 (2007), SCS/SB 12 (2007), and HB 2026 (2008).

ALEXA PEARSON

02/20/2008 S First Read--SB 1167-Stouffer (S283)

02/21/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S343)

EFFECTIVE: August 28, 2008

*** SB 1168 ***

5005S.011

SENATE SPONSOR: Dempsey

SB 1168 - This act revises the formula for computing a refund for credit insurance. In determining the number of months for which a premium is earned, the first month's premium may be considered as earned on the first day of coverage and for all successive month's premiums, on the coverage anniversary date in each successive month.

STEPHEN WITTE

02/21/2008 S First Read--SB 1168-Dempsey and Smith (S323)

02/25/2008 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S355)

03/04/2008 Hearing Scheduled S Small Business, Insurance & Industrial Relations Committee

EFFECTIVE: August 28, 2008

*** SB 1169 ***

5189S.011

SENATE SPONSOR: Champion

SB 1169 - This act provides that by July 1, 2009, the Department of Health and Senior Services shall establish a school-based influenza vaccination pilot program. When creating the program, the department shall use a vaccine that will minimize discomfort to those vaccinated, consume the fewest medical supplies, speed administration by health officials, and contain the least potential adverse events. The department shall also take into account the cost and benefits, fiscal impact, and any barriers to implementing such a program.

ADRIANE CROUSE

02/21/2008 S First Read--SB 1169-Champion and Smith (S323)

02/25/2008 Second Read and Referred S Seniors, Families and Public Health Committee (S355)

EFFECTIVE: August 28, 2008

*** SB 1170 ***

4809S.021

SENATE SPONSOR: Mayer

SB 1170 – This act creates the Rebuild Missouri Schools Program. The state board of education will distribute no-interest loans with a twenty-year repayment agreement to school districts that have school facilities located in an area declared a disaster area by the Governor or President that have experienced at least 50% damage or destruction as calculated by FEMA due to an act of God as described in the act. Loans may only be distributed for portions of emergency projects for school facilities that are not covered by insurance or other public or private emergency assistance.

The provisions of this act will expire in six years unless reauthorized.

MICHAEL RUFF

02/21/2008 S First Read--SB 1170-Mayer (S323)

02/25/2008 Second Read and Referred S Education Committee (S355)

EFFECTIVE: August 28, 2008

*** SB 1171 ***

5254S.011

SENATE SPONSOR: Goodman

SB 1171 - This act places a two year moratorium upon the issuance of new licenses to operate excursion gambling boats.

JASON ZAMKUS

02/21/2008 S First Read--SB 1171-Goodman (S343)

02/25/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S355)

02/27/2008 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee

EFFECTIVE: August 28, 2008

*** SB 1172 ***

5212S.011

SENATE SPONSOR: Goodman

SB 1172 - 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.

This act is similar to SB 378 (2007).

SUSAN HENDERSON MOORE

02/21/2008 S First Read--SB 1172-Goodman (S343)

02/25/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S355)

EFFECTIVE: August 28, 2008

*** SB 1173 ***

5217S.011

SENATE SPONSOR: Stouffer

SB 1173 - This act provides that a new health care facility may be licensed without certificate of need review when arranging for the transfer of licensed skilled nursing facility beds to a new health care facility so long as the following criteria are satisfied:

- (1) A letter of intent to develop the new facility is submitted to the Department of Health and Senior Services and the Missouri Health Facilities Review Committee;
- (2) The department certifies that the transferred beds are from skilled nursing or assisted living facilities in Missouri and have maintained an average occupancy in the relevant licensure category of under ninety percent for the previous four calendar quarters; and
- (3) The proposed new health care facility otherwise satisfies all conditions of licensure under current law.

The facility transferring beds under this act shall not seek to add beds within a two-year period of time after the transaction.

ADRIANE CROUSE

02/21/2008 S First Read--SB 1173-Stouffer (S343)

02/25/2008 Second Read and Referred S Seniors, Families and Public Health Committee (S355)

EFFECTIVE: August 28, 2008

*** SB 1174 ***

5292S.011

SENATE SPONSOR: Goodman

SB 1174 - This act provides that no covenant for a fee or charge to be paid upon the transfer of an interest in real property shall be enforceable against any subsequent owner, purchaser, or mortgagee of any interest in real property.

A transfer fee shall not include:

- (1) Any consideration payable for the interest in real property being transferred;
- (2) Any commission payable to a real estate broker under an agreement between the broker and the grantor or grantee;
- (3) Any amount payable by a borrower to a lender pursuant to a loan secured by a mortgage against real property, including any fee payable to the lender for consenting to an assumption of the loan or a transfer of the real property subject to the mortgage any fees payable to the lender for estoppel letters or certificates, or any other consideration allowed by law payable to the lender in connection with the loan;
- (4) Any amount payable by a lessee to a lessor under a lease;
- (5) Any consideration payable to the holder of an option to purchase an interest in real property;
- (6) Any amount payable to a governmental authority; or
- (7) Any amount payable to a property owners' association under a declaration, covenant, or law applicable to such association.

ALEXA PEARSON

02/25/2008 S First Read--SB 1174-Goodman (S348)

02/27/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S379)

EFFECTIVE: August 28, 2008

*** SB 1175 ***

5270S.011

SENATE SPONSOR: Goodman

SB 1175 - Under current law, the Missouri Housing Development Commission may not have outstanding bonds or notes in an amount exceeding \$200 million. The current statutory framework exempts several types of bonds and notes from this limitation. This legislative proposal provides that the \$200 million limitation shall not apply to any conduit revenue bonds or notes of the commission in which the payment of debt service is the responsibility of an approved mortgagor.

STEPHEN WITTE

02/25/2008 S First Read--SB 1175-Goodman (S348)

02/27/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S379)

EFFECTIVE: August 28, 2008

***** SB 1176 *****

4882S.011

SENATE SPONSOR: Barnitz

SB 1176 - This act makes concealed carry endorsements valid for a period of six years rather than three years.

SUSAN HENDERSON MOORE

02/25/2008 S First Read--SB 1176-Barnitz (S348)

02/27/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S379)

EFFECTIVE: August 28, 2008

***** SB 1177 *****

5008S.011

SENATE SPONSOR: Barnitz

SB 1177 - Licensed professional counselors are included in the definition of mental health professionals for the purposes of carrying out the services of the division of comprehensive psychiatric services and the division of alcohol and drug abuse under the Department of Health.

This act is identical to HB 1791 (2008).

CHRIS HOGERTY

02/25/2008 S First Read--SB 1177-Barnitz (S349)

02/27/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S379)

EFFECTIVE: August 28, 2008

***** SB 1178 *****

5299S.011

SENATE SPONSOR: Barnitz

SB 1178 - Currently, property owners may post purple marks on trees or posts around an area to prohibit trespassers. This act allows the marks to be a post capped or marked on at least its top two inches if certain specifications are met. Prior to applying a cap or mark on a fence between the land of different owners, all such owners shall agree to such decision.

This act is identical to HB 1026 (2007) & SB 632 (2007).

SUSAN HENDERSON MOORE

02/25/2008 S First Read--SB 1178-Barnitz (S349)

02/27/2008 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S379)

EFFECTIVE: August 28, 2008

***** SB 1179 *****

5295S.011

SENATE SPONSOR: Crowell

SB 1179 - Current law requires the Missouri Veterans' Commission to apply to the federal government for grants to construct and maintain veterans' cemeteries, and requires the commission to establish such cemeteries, subject to federal grant approval and state appropriations. This act authorizes the commission to promulgate any rules and regulations necessary to administer the provisions of the act.

ALEXA PEARSON

02/25/2008 S First Read--SB 1179-Crowell (S349)

02/27/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S379)

EFFECTIVE: August 28, 2008

***** SB 1180 *****

5115S.011

SENATE SPONSOR: Crowell

SB 1180 - This act defines the term "maximum social security benefit available" as thirty-two thousand five hundred dollars for the tax year beginning on or after January 1, 2007. Such amount will increase

annually by the percentage increase in the consumer price index. Currently, a taxpayer must be age sixty-two years or older in order to be eligible for the income tax exemption for publicly funded retirement benefits. This act removes the age requirement for the publicly funded retirement benefit income tax exemption. Under current law, taxpayers who receive both social security benefits and publicly funded retirement benefits recipient must reduce the amount of their publicly funded retirement benefit exemption by the total amount of social security benefits not included in Missouri adjusted gross income. This act would require such taxpayers to reduce their publicly funded retirement benefit exemption by the amount of social security benefits exempted due to the enactment of House Bill 444 (2007).

JASON ZAMKUS

02/25/2008 S First Read--SB 1180-Crowell (S349)

02/27/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S379)

EFFECTIVE: August 28, 2008

*** SB 1181 ***

5267S.011

SENATE SPONSOR: Engler

SB 1181 - The Missouri Energy Task Force created by Executive Order 05-46 shall reconvene at least once annually to review progress made toward meeting the recommendations made in its final report as issued under the Executive Order. The Task Force shall issue its findings in an annual status report to the Governor and General Assembly.

This act is similar to a provision in SB 1117 (2008).

ERIKA JAQUES

02/25/2008 S First Read--SB 1181-Engler (S349)

02/27/2008 Second Read and Referred S Commerce, Energy and the Environment Committee (S379)

EFFECTIVE: August 28, 2008

*** SB 1182 ***

5296S.011

SENATE SPONSOR: Smith

SB 1182 – This act establishes the Missouri 4 For More Program to allow parents, legal guardians, and step-parents of school children in grades K-12 to receive four hours of paid leave per month to work with their children in their children's school. The program is optional. Each person participating will receive a written statement from the school district indicating that the person has spent four hours in the school working with his or her child. The Department of Elementary and Secondary Education will administer the program.

This act is identical to HB 259 (2007).

MICHAEL RUFF

02/25/2008 S First Read--SB 1182-Smith and Justus (S349)

02/27/2008 Second Read and Referred S Education Committee (S379)

EFFECTIVE: August 28, 2008

*** SB 1183 ***

5257S.011

SENATE SPONSOR: Bray

SB 1183 - This act modifies the membership on the Missouri Housing Development Commission. The membership of the commission is reduced from 10 members to 9 members. The act eliminates the commission membership positions currently held by the Governor, Lieutenant Governor, State Treasurer, and the state Attorney General. The nine members of the commission shall be appointed by the Governor with the advice and consent of the Senate. The act delineates the qualifications each member must possess (e.g. one member shall be a resident of a dwelling receiving assistance under a program administered by the commission). The Governor shall appoint one member from each of the nine congressional districts. The act also provides that the commission shall adopt a code of conduct which shall govern the conduct of its members. The code of conduct shall, in addition to other ethical matters, address conflict of interest issues. The commission shall also establish conflict of interest rules which require public disclosure of financial arrangements between the commissioners and housing developers.

STEPHEN WITTE

02/25/2008 S First Read--SB 1183-Bray (S349)

02/27/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S379)

EFFECTIVE: August 28, 2008

*** SB 1184 ***

5255S.011

SENATE SPONSOR: Bray

SB 1184 - This act allows a law enforcement officer to remove a firearm from the scene if the officer has probable cause to believe domestic assault has occurred and has observed a firearm at the scene.

The act requires the officer to provide the owner of the firearm with information about retaking it and safe storage during the proceedings related to the alleged act if the firearm is taken from the scene. The owner may retake the firearm within fourteen days after the proceeding unless he or she is ordered to have the firearm confiscated and disposed.

The act makes it unlawful for certain persons to possess a firearm. Such persons include those who are subject to a court order that:

- (1) Was issued after a hearing of which the person had notice;
- (2) Restrains a person from harassing, stalking, or threatening a family or household member or his or her child; and
- (3) Includes a finding that such person represents a credible threat to the safety of the family or household member or child or has been convicted of a misdemeanor crime of domestic assault.

A violation of this provision is a Class D felony.

This act also modifies the definition of "family or household member" and "domestic violence" in several sections relating to highway patrol reporting of domestic violence and the crime of domestic assault to be consistent with the definition of such terms in Chapter 455, relating to adult abuse, orders of protection, and domestic violence shelters.

This act is similar to SB 588 (2008).

SUSAN HENDERSON MOORE

02/25/2008 S First Read--SB 1184-Bray (S349)

02/27/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S379)

EFFECTIVE: August 28, 2008

*** SB 1185 ***

5288S.011

SENATE SPONSOR: Gibbons

SB 1185 - This act removes the prosecuting attorney from certain actions not directly involving the prosecution of a crime, including bringing suit against a person who has not properly trimmed his or her hedges and appearing on behalf of the director of the Department of Revenue for administrative actions regarding a person's driving privileges.

This act repeals the current provision regarding change of venue in a criminal proceeding. Under this act, upon written application of the defendant, a change of venue may be ordered because the inhabitants of the county are prejudiced against the defendant or the state has an undue influence over the county inhabitants. This act sets out the procedure for the defendant to file for a change in venue and for the state to file a denial of the existence of the reasons to justify such change of venue.

Provisions requiring the prosecution or county to pay costs when a case is discharged or the defendant is acquitted are repealed.

Currently, sexual offenders who commit certain offenses against a child are prohibited from residing within 1,000 feet of a school or child-care facility. This act would prohibit all persons required to register as a sexual offender from residing within such distance of a school or child-care facility.

Currently, a person commits the crimes of hindering a prosecution or tampering with physical evidence by committing certain acts. Under this act, attempting to commit such acts constitutes a crime. The crime of hindering prosecution is a Class D felony if the apprehension, prosecution, conviction, or punishment hindered relates to a felony, rather than if the actions taken by the offender constitute a felony in and of themselves.

This act specifies that the crime of resisting or interfering with arrest, detention, or stop applies to arrests on warrants issued for probation and parole violations and arrests on capias warrants or bench warrants issued by a federal, state, or municipal judge. Resisting or interfering with an arrest for a probation violation warrant, parole violation warrant, capias warrant, or bench warrant, where such warrant issue was related to a felony, is a Class D felony.

Under this act, a person commits the crime of tampering with a judicial proceeding if, with purpose to influence the official action of a prosecuting attorney, he or she threatens or causes harm to any person or property, engages in harassing behavior toward the prosecuting attorney, or offers any benefit to such prosecuting attorney.

This act adds incest and sexual exploitation of a minor to the list of offenses for which a person must register as a sexual offender.

SUSAN HENDERSON MOORE

02/25/2008 S First Read--SB 1185-Gibbons and Bartle (S353)

02/27/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S379)

03/03/2008 Hearing Scheduled S Judiciary and Civil & Criminal Jurisprudence Committee

EFFECTIVE: August 28, 2008

*** SB 1186 ***

5297S.011

SENATE SPONSOR: Engler

SB 1186 - Under federal law, unlawfully present aliens are not eligible for state or local public benefits with certain exceptions. This act reiterates federal law stating that such aliens are ineligible and the exceptions.

Applicants for benefits shall provide proof of citizenship, residency, or lawful presence in order to receive benefits. If applicants cannot provide such proof they can sign an affidavit attesting to their status and shall be eligible to receive temporary benefits until their status can be determined.

If an applicant is an alien, the applicant shall not receive benefits until lawful presence is verified by the federal government.

This act is similar to SB 1250 (2006), SB 348 (2007), SB 626 (2007), SB 751 (2008), and SB 858 (2008).

CHRIS HOGERTY

02/26/2008 S First Read--SB 1186-Engler (S360)

02/27/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S379)

03/05/2008 Hearing Scheduled S Pensions, Veterans' Affairs and General Laws Committee

EFFECTIVE: August 28, 2008

*** SB 1187 ***

5268S.011

SENATE SPONSOR: Purgason

SB 1187 - This act removes the ninety-nine member cap on the Water Patrol membership.

SUSAN HENDERSON MOORE

02/26/2008 S First Read--SB 1187-Purgason (S360)

02/27/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S379)

EFFECTIVE: August 28, 2008

*** SB 1188 ***

5309S.011

SENATE SPONSOR: Shields

SB 1188 - This act modifies provisions of law which authorize a tax credit for qualified research expenses. The tax credit is limited to research expenses incurred in the research and development of agricultural biotechnology, plant genomic products, and prescription pharmaceuticals consumed by humans or animals. The act modifies the time-line for application and issuance of tax credits under the program. Under current law, no qualified research expense tax credits may be approved, awarded or issued after January 1, 2005. This act removes the prohibition on approval and issuance of tax credits and increases the annual tax credit cap from nine million seven hundred thousand to ten million dollars. In the event the amount of claims for tax credits exceed the annual cap, the act provides a method for pro rating issuance of tax credits.

JASON ZAMKUS

02/26/2008 S First Read--SB 1188-Shields, et al (S361)

02/27/2008 Second Read and Referred S Ways & Means Committee (S379)

EFFECTIVE: August 28, 2008

*** SB 1189 ***

3685S.02I

SENATE SPONSOR: Shoemyer

SB 1189 – This act modifies the law relating to the virtual public school. A student shall not enroll in a course through the virtual public school if his or her school offers the same course, except when the student has a full course load and is unable to take additional courses.

MICHAEL RUFF

02/26/2008 S First Read--SB 1189-Shoemyer (S362)

02/27/2008 Second Read and Referred S Education Committee (S379)

EFFECTIVE: August 28, 2008

*** SB 1190 ***

4993S.02I

SENATE SPONSOR: Nodler

SB 1190 - This act authorizes the Division of Professional Registration to reduce licensure fees by emergency rule if the projected fund balance of any agency assigned to the division is reasonably expected to exceed an amount that would require transfer from that fund to the general revenue.

CHRIS HOGERTY

02/26/2008 S First Read--SB 1190-Nodler (S362)

02/27/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S379)

EFFECTIVE: August 28, 2008

*** SB 1191 ***

5279S.01I

SENATE SPONSOR: Ridgeway

SB 1191 – This act authorizes school boards of school districts located in Clay County to enter into an agreement with the county, a city, a town, or village that is wholly or partially located within the boundaries of the school district to acquire, construct, improve, extend, repair, remodel, or finance sites, buildings, facilities, furnishings, and equipment for the school district's educational purposes. The act describes methods for the school district to obtain an ownership interest in such facilities, including joint ventures. The school district may spend funds from its general or incidental funds without being subject to deductions from funds payable to the district under the foundation formula.

This act is identical to HB 1735 (2008).

MICHAEL RUFF

02/26/2008 S First Read--SB 1191-Ridgeway (S362)

02/27/2008 Second Read and Referred S Education Committee (S379)

EFFECTIVE: August 28, 2008

*** SB 1192 ***

5278S.01I

SENATE SPONSOR: Ridgeway

SB 1192 - This act replaces several Medicaid references found in Chapter 376, RSMo, with the term MO HealthNet.

STEPHEN WITTE

02/26/2008 S First Read--SB 1192-Ridgeway (S362)

02/27/2008 Second Read and Referred S Health and Mental Health Committee (S379)

EFFECTIVE: August 28, 2008

*** SB 1193 ***

5272S.021

SENATE SPONSOR: Koster

SB 1193 - Currently, the salary schedule in statute serves as a base salary for county sheriffs and the county salary commission is responsible for computing the salary of elected county officials. Under this act, the sheriff's salary shall not be determined by the commission, rather it shall be set as a percentage of the salary of an associate circuit judge. The percentage is based on the classification of the county in which the sheriff serves. Any sheriff receiving a salary greater than the salaries required under this act, as of August 28, 2008, shall not have his or her salary reduced and shall continue to receive his or her salary as provided on such date.

SUSAN HENDERSON MOORE

02/26/2008 S First Read--SB 1193-Koster (S362)

02/27/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S379)

EFFECTIVE: August 28, 2008

*** SB 1194 ***

5213S.021

SENATE SPONSOR: Goodman

SB 1194 - Currently, a person who pleads guilty to or is found guilty of forcible rape or sodomy of a child under the age of twelve shall receive a sentence of life imprisonment without eligibility for probation or parole for thirty years. Under this act, such crimes are punishable by either death or life imprisonment without probation, parole, or release, unless the offender has not yet reached the age of eighteen, in which case, the punishment shall only be life imprisonment without probation, parole, or release.

The crimes of forcible rape or sodomy of a child under the age of twelve are treated in the same manner as first degree murder. With limited exceptions, such crimes may not be tried together with any offense other than such offense of the same nature. At any such trial, when the death penalty has not been waived, opposing counsel shall provide each other with certain information, such as a list of witnesses and a list of mitigating or aggravating circumstances that the counsel intends to prove at the second stage of the bifurcated trial.

For such crimes, the trial shall be bifurcated into two stages unless there has been a waiver of the death penalty. The first stage shall determine only whether a defendant is guilty or not guilty. The issue of punishment shall only be submitted to the trier of fact at the second stage of the trial after a finding of guilt. If the trier of fact finds the defendant guilty of such offense, evidence of mitigating and aggravating circumstances may be presented during the second stage of the trial. This act lists what types of circumstances which may be presented as evidence.

This act provides the procedural requirements for such trials and the necessary conclusions that must be made by the trier of fact to impose the death penalty. It also requires the judge to include certain considerations and information in the jury instructions when the jury is deciding whether to impose the death penalty.

Before trial, any defendant in such cases may waive the right to trial by jury. However, such waiver must be made for both stages of the trial unless there is an agreement with the state. Upon written agreement of the parties and with leave of the court, the issue of the defendant's mental retardation may be taken up by the court and decided prior to trial without prejudicing the defendant's right to have the issue submitted to the trier of fact.

As with persons who are found guilty of or plead guilty to murder in the first degree, if the death penalty is found to be unconstitutional in the future, those persons who are found guilty of or plead guilty to such crimes shall be sentenced to life imprisonment with probation, parole, or release.

SUSAN HENDERSON MOORE

02/26/2008 S First Read--SB 1194-Goodman (S362)

02/27/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S379)

EFFECTIVE: August 28, 2008

*** SB 1195 ***

5291S.011

SENATE SPONSOR: Goodman

SB 1195 - This act requires the written test for a hazardous materials endorsement to be administered in English. The act also prohibits the use of language interpreters in connection with the written and driving tests required for a hazardous materials endorsement.

STEPHEN WITTE

02/26/2008 S First Read--SB 1195-Goodman (S362)

02/27/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S380)

EFFECTIVE: August 28, 2008

*** SB 1196 ***

5281S.011

SENATE SPONSOR: Goodman

SB 1196 - Current law requires a public body to provide a public record in a requested format, if such format is available. This act requires the public body to provide the record in the requested format if the record cannot be altered in such format by the person receiving the record.

JIM ERTLE

02/26/2008 S First Read--SB 1196-Goodman (S362)

02/27/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S380)

EFFECTIVE: August 28, 2008

*** SB 1197 ***

3565S.011

SENATE SPONSOR: Crowell

SB 1197 - This act requires the Department of Social Services to develop a program to screen and test applicants or recipients of temporary assistance for needy families (TANF) benefits who the department has reasonable cause to believe, based on the screening, engages in illegal use of controlled substances. Any applicant or recipient who is found to have tested positive for the use of a controlled substance after an administrative hearing shall be declared ineligible for temporary assistance for needy families benefits for a period of three years from the date of the administrative hearing. The department shall refer an applicant or recipient who tested positive for the use of a controlled substance under this act to an appropriate substance abuse treatment program approved by the division of alcohol and drug abuse within the department of mental health. The department shall promulgate rules to develop the screening and testing provisions of this section.

ADRIANE CROUSE

02/26/2008 S First Read--SB 1197-Crowell (S362)

02/27/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S380)

EFFECTIVE: August 28, 2008

*** SB 1198 ***

5253S.011

SENATE SPONSOR: Purgason

SB 1198 - This act prohibits the denial of access to horseback riders or mule riders on public land owned, managed, or funded by the state if such riding has previously been allowed on the land. Access similarly shall not be prohibited on trails and roads that have been used for horseback or mule riding. Such access may be denied when supported by scientific or geological data, or when such riding is considered contrary or detrimental to the current use of the public land.

The act shall not be construed to cause the exclusion of horses or mules on new trails developed on state public land.

This act is identical to HB 1438 (2008) and similar to HB 354 (2007).

ERIKA JAQUES

02/26/2008 S First Read--SB 1198-Purgason (S362)

02/27/2008 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S380)

EFFECTIVE: August 28, 2008

*** SB 1199 ***

4652S.021

SENATE SPONSOR: Goodman

SB 1199 - This act allows health carriers to offer limited mandate health insurance policies to persons who have had their employment terminated. In order to qualify for a limited mandate health insurance policy, the person shall have had health insurance coverage under a health benefit plan through an employer for a minimum period of 90 days immediately prior to his or her termination. Applicants shall elect coverage under a limited mandate health insurance policy within 60 days of his or her termination date. The limited mandate health insurance policy shall be offered to the person at similar rates and conditions as if the person had remained in the employer's employ and had continued his or her health insurance coverage through the employer under a basic health benefit plan without the inclusion of any particular state-mandated health benefits. An employer shall not be liable for any portion of the premium associated with the limited mandate health insurance policy. A person may obtain coverage under a limited mandate health insurance policy for a maximum period of 18 months.

In offering a limited mandate health insurance policy, the health carrier shall provide written notice to the proposed insured informing the proposed insured that the policy does not contain all of the mandates required to be included in other types of policies. The health carrier shall also provide a list of current state-mandated health benefits to the proposed insured. The health carrier shall provide written notice to the proposed insured that he or she may be eligible for health insurance coverage under the provisions of the federal Comprehensive Omnibus Budget Reconciliation Act (COBRA).

STEPHEN WITTE

02/26/2008 S First Read--SB 1199-Goodman (S364)

02/28/2008 Second Read and Referred S Health and Mental Health Committee (S414)

EFFECTIVE: August 28, 2008

*** SB 1200 ***

5256S.021

SENATE SPONSOR: Bray

SB 1200 - This act requires the department of public safety to develop and maintain an ammunition coding system database containing certain information provided by manufacturers and vendors of firearm ammunition. The information shall only be made available to law enforcement agencies to be used in criminal investigations. The database shall be developed and operational by January 1, 2009. Manufacturers and vendors that do not provide the required information shall be subject to civil fines.

The cost of maintaining the database shall be paid from the newly created "Ammunition Coding System Database Fund". Vendors of firearm ammunition shall charge an additional one-half cent per bullet or round of ammunition and the money shall be forwarded to the state treasurer to be deposited into the fund.

Under this act, a person commits the crime of unlawful sale of uncoded ammunition if he or she sells any ammunition that has not been coded after March 1, 2009. Unlawful sale of uncoded ammunition is a Class A misdemeanor. A person commits the crime of unlawful possession of uncoded ammunition if he or she possesses ammunition that has not been coded or where the code has been rendered unreadable after January 1, 2011. Unlawful possession of uncoded ammunition is Class A misdemeanor. The term "coded ammunition" shall mean a bullet carrying a unique identifier that has been applied by etching onto the base of the bullet projectile.

SUSAN HENDERSON MOORE

02/26/2008 S First Read--SB 1200-Bray (S364)

02/28/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S414)

EFFECTIVE: August 28, 2008

*** SB 1201 ***

5137S.021

SENATE SPONSOR: Griesheimer

SB 1201 - This act modifies several provisions relating to transportation development districts.

This act makes it explicit that transportation development districts shall provide an annual budget (Section 67.010).

This act makes it explicit that the board of directors of a transportation development district must prepare an annual financial report that is required by other governing boards of political subdivisions (Section 105.145).

This act redefines the term "project" as used in the Missouri Transportation Development District Act. Under this act, the term "project" shall not include terrace walls, berms, landscaping, parking lots, parking lot lights, awnings, canopies, marquees, building facades, storefront improvements, or other types of internal development improvements which inure to the benefit of a private commercial developer or group of developers rather than promoting the general transportation infrastructure improvements related to the interests of the public at large (Section 238.202).

Under this act, a petition to create a transportation development district must set forth the estimated project costs and the anticipated revenues to be collected from the project over the life of the project. The petition shall be accompanied by data supporting such estimates (Section 238.207).

This act requires public notification of all petitions filed by property owners related to the proposed establishment of a district. The current law only requires public notification when a petition to create a district is filed by registered voters or by a governing body. This act also requires the circuit court to order a public hearing to be held prior to the creation of a district. Under current law, these public hearings are discretionary (Section 238.212).

This act requires the applicable transportation authority to review and approve all expenditures of a district formed by the filing of a petition by property owners prior to their payment (Sections 238.225 and 238.270).

This act creates a new sales tax procedure for districts created by petitions filed on or after August 28, 2008. Under this new sales tax provision, the director of revenue will perform all functions incident to the administration and collection of the sales tax for the district. Under current law, most districts utilize a sales tax provision which allows the district itself to administer and collect the sales tax. Districts created by petitions filed prior to August 28, 2008, will continue to administer and collect the sales tax (Sections 238.234 and 238.235).

This act requires the state auditor to audit each district not less than once every two years. The current law requires this audit to be conducted not less than once every three years (Section 238.272).

STEPHEN WITTE

02/26/2008 S First Read--SB 1201-Griesheimer (S364)

02/28/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S414)

EFFECTIVE: August 28, 2008

*** SB 1202 ***

5334S.011

SENATE SPONSOR: Crowell

SB 1202 - This act allows lending institutions to sell, charge a fee for, or finance as part of a loan, motor vehicle extended service contracts and home and automobile security plans. These plans provide certain services relating to protection against home or auto emergencies, legal consultation, warranties, discounts, towing, and lost key services among others.

This act is similar to SB 466 (2008).

CHRIS HOGERTY

02/27/2008 S First Read--SB 1202-Crowell (S372)

02/28/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S414)

EFFECTIVE: August 28, 2008

*** SB 1203 ***

5324S.011

SENATE SPONSOR: Rupp

SB 1203 - This act authorizes political subdivisions, by majority vote of their governing body, to elect to cover emergency police dispatchers and jailors as policemen members, and emergency fire dispatchers and emergency medical service personnel as firemen members of system, for purposes of coverage under the Missouri local government employees' retirement system.

Such an election shall become effective on the first day of the calendar month specified by the governing body, the first day of the calendar month following receipt by the board of the election certification, or the date that the political subdivision elected to have its eligible employees covered by the system, whichever is later.

Limitations in current law that provide that an employer's total contribution to the system shall not exceed the total contributions for the preceding fiscal year by more than one percent shall not apply to an increase resulting from an employer's election under the provisions of this act.

ALEXA PEARSON

02/27/2008 S First Read--SB 1203-Rupp (S372)

02/28/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S414)

EFFECTIVE: August 28, 2008

*** SB 1204 ***

5332S.011

SENATE SPONSOR: Goodman

SB 1204 - The Office of Administration shall administer the Missouri Accountability Portal website to provide the public with information relating to state contracts and tax credit issuance. The Governor shall submit ordered and detailed information regarding state contracts as part of the state budget.

This act is similar to HB 975 (2007).

CHRIS HOGERTY

02/27/2008 S First Read--SB 1204-Goodman (S373)

02/28/2008 Second Read and Referred S Governmental Accountability & Fiscal Oversight Committee (S414)

EFFECTIVE: August 28, 2008

*** SB 1205 ***

5269S.011

SENATE SPONSOR: Goodman

SB 1205 - This act creates a state and local sales and use tax exemption for utilities, machinery and equipment used or consumed by any business located in a mine which contains at least one million square feet of space which could be used by such business.

JASON ZAMKUS

02/27/2008 S First Read--SB 1205-Goodman (S373)

02/28/2008 Second Read and Referred S Ways & Means Committee (S414)

EFFECTIVE: August 28, 2008

*** SB 1206 ***

4798S.011

SENATE SPONSOR: Goodman

SB 1206 - Currently, any public meeting of a public governmental body requires 24 hours of notice. This act requires local governments, such as counties, cities, towns and villages, to post notice of public meetings 72 hours prior to the meeting, except in emergency situations. All meetings of such local governments must contain a public comment period.

JIM ERTLE

02/27/2008 S First Read--SB 1206-Goodman (S373)

02/28/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S414)

EFFECTIVE: August 28, 2008

*** SB 1207 ***

5341S.011

SENATE SPONSOR: Goodman

SB 1207 – Under current law, facilities that take a substantial step to install an approved residential sprinkler system in accordance with the standards of the National Fire Protection Association (NFPA) may apply to the Department of Health and Senior Services for a loan to install such system. This act allows for facilities to apply for a loan to install an approved NFPA commercial sprinkler system.

ADRIANE CROUSE

02/27/2008 S First Read--SB 1207-Goodman (S373)

02/28/2008 Second Read and Referred S Seniors, Families and Public Health Committee (S414)

EFFECTIVE: August 28, 2008

*** SB 1208 ***

5282S.011

SENATE SPONSOR: Goodman

SB 1208 - This act repeals the current procedures regarding criminal activity forfeiture actions and establishes new procedures. Any property used or intended to be used in the commission of a crime or the proceeds of any crime will be subject to criminal forfeiture. Property may be subject to forfeiture even though a criminal prosecution is not conducted.

This act establishes that the circuit court where the property seizure occurred has jurisdiction over any seized property. A proceeding for forfeiture may be brought in a circuit in which any part of the property is found or where a civil or criminal action could be maintained against an owner for the conduct alleged to give rise to the forfeiture. The defendant may obtain a change of venue if the prejudice against him or her is too great.

This act specifies what property may be subject to criminal forfeiture and creates certain exceptions to protect innocent parties. Real property will not be subject to forfeiture if the only conduct giving rise to forfeiture is possession of controlled substances solely for personal consumption.

Under this act, property may be seized for forfeiture under constructive or actual seizure. This act delineates the process, including notification, that must be followed in order to seize property constructively. Law enforcement may seize any property subject to forfeiture upon the issuance of a search warrant or when there is probable cause that the property is subject to forfeiture. The seizure of inhabited residential property requires an adversarial judicial determination of probable cause prior to seizure unless the prosecution can demonstrate exigent circumstances at an ex parte proceeding.

Property seized for forfeiture is not subject to alienation, conveyance, sequestration, attachment, or a motion to the return of property seized as evidence with or without a search warrant. The owner of seized property may obtain release of the property upon posting a surety bond equal to the fair market value of the property.

Upon seizing property, the prosecuting attorney may decide where the property should physically be stored or moved. The seizing agency must conduct a written inventory and estimate the value of the property seized. The court may order the seized property to be sold, leased, rented or operated to preserve the interests of any party after notifying persons with interest in the property and giving an opportunity for a hearing.

This act specifies the requirements for the commencement of a forfeiture proceeding, including the proper filings that must be made. If the prosecuting attorney fails to make certain filings the property shall be released to the owner. The owner may file for recognition of exemption from forfeiture and further procedures exist to allow such innocent parties who have a legal claim to the property protect their interests.

The act provides the procedures, including notification, that must be followed once a prosecuting attorney may proceed with a forfeiture. The prosecuting attorney may file a lien for the forfeiture of the property upon initiation of proceedings relating to the conduct giving rise to forfeiture, upon seizure for forfeiture, or in connection with a proceeding or forfeiture in another state. The lienor must provide notice of such lien and will create a lien in favor of the lienor. Upon entry of judgment in its favor, the state may proceed to execute

on the lien.

With limited exceptions, a trustee who has notice that a forfeiture lien, pending forfeiture, or civil forfeiture has been filed must provide certain information to the seizing agency or prosecuting attorney within 15 days. A trustee who fails to do so is subject to criminal and civil penalties. Any employee of the seizing agency or prosecuting attorney who releases information obtained from the trustee is guilty of a Class A misdemeanor. A judgement or order entered pursuant to these provisions becomes a judgement lien against the property alleged to be subject to forfeiture.

This act specifies what actions, including entering an injunction or appointing conservators, the court may take before or after the filing of a notice of pending forfeiture. The court may hold a hearing regarding whether there was probable cause for the property to be seized if a judicial determination has not yet been made and the property owner files a timely application. A person charged with a criminal offense may apply to the court where the forfeiture proceeding is pending for the release of property seized to pay criminal defense expenses.

If the property owner can prove that he or she has not been able to participate in previous determinations of probable cause, the court must hold a probable cause hearing. If no probable cause is found the property shall be released. There shall be a rebuttable presumption that any money found near contraband is presumed to have been the proceeds of the conduct giving rise to forfeiture.

A person who acquires any property subject to forfeiture is a constructive trustee. If property subject to forfeiture is lost, transferred to a third party, moved beyond the jurisdiction of the court, commingled with other property, or subject to a legal claim by an innocent party exempt from forfeiture proceedings, the court may order the forfeiture of other property in the owner's possession. Under certain circumstances, the prosecuting attorney may bring a civil action against a person with knowledge who destroys, conveys, or otherwise renders property unavailable.

Under this act, a judicial in rem forfeiture proceeding may be brought by the prosecuting attorney in addition to, or in lieu of, civil in personam forfeiture proceedings. The act states what procedures must be followed during these proceedings.

A judicial in personam forfeiture proceeding brought by the prosecuting attorney under a civil action alleging conduct giving rise to forfeiture is also subject to the provisions of this act. The court may enter an order to protect the state's interest in the property, including the issuance of a temporary restraining order.

If notice of pending forfeiture is properly served in an action in rem or in personam in which personal property is seized, and no claim opposing forfeiture is filed within 30 days of notice of service, the prosecuting attorney shall prepare a written declaration of forfeiture and allocate the property. The act provides for what action may be taken by the owner or interest holder of the property following the declaration to have it set aside for failure to notify. After final disposition of all claims in an action in rem, the court shall enter an order that the state has clear title to the forfeited property interest. The state may transfer good and sufficient title to any subsequent purchaser or transferee.

The court may release or convey forfeited personal property to a regulated interest holder if certain conditions exist. If released, the property must be disposed of by a commercially reasonable public sale held by the interest holder.

When property is forfeited, the prosecuting attorney may destroy or use for investigative purposes any illegal or controlled substances or other contraband or authorize a public or other commercially reasonable sale for other property. The money from the sale shall be distributed in the following order: 1) satisfaction of exempt security interests or liens, 2) payment of proceeding expenses, and 3) payment to the schools.

A prosecuting attorney may conduct an investigation of any conduct that gives rise to forfeiture under this act. The examination of witnesses must be conducted by the prosecuting attorney, must be before an officer authorized to administer oaths, and shall be recorded and transcribed. When examined, a person must be informed of his or her right to refuse to answer any questions.

All materials, transcripts, or testimony that the prosecuting attorney possesses shall not be available for examination by any individual other than a law enforcement official without consent of the person who produced the material or transcripts prior to the filing of a forfeiture action.

Under this act, no one shall knowingly destroy material that is subject to a subpoena with the intent to avoid compliance with such a subpoena. A violation is a Class C felony.

Forfeiture proceedings must be commenced within seven years of the activity making the property subject to forfeiture being committed. However, any time during which the property or defendant is out of the state or in confinement is excluded from this time limit.

Any controlled substances included in Chapter 195, RSMo, which are contraband and those whose owners are unknown are summarily forfeited to the state.

This act is similar to SB 1024 (2006).

SUSAN HENDERSON MOORE

02/27/2008 S First Read--SB 1208-Goodman (S373)

02/28/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S414)

EFFECTIVE: August 28, 2008

*** SB 1209 ***

5303S.011

SENATE SPONSOR: Callahan

SB 1209 - This act authorizes the City of Sugar Creek, upon voter approval, to impose a transient guest tax upon charges for all sleeping rooms paid by guests of hotels, motels, bed and breakfast inns and campgrounds for the purpose of promoting tourism. The tax must be at least two percent, but may not exceed five percent per occupied room per night.

JASON ZAMKUS

02/27/2008 S First Read--SB 1209-Callahan (S373)

02/28/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S414)

03/05/2008 Hearing Scheduled S Economic Development, Tourism & Local Government Committee

EFFECTIVE: August 28, 2008

*** SB 1210 ***

5343S.011

SENATE SPONSOR: Callahan

SB 1210 - Current law provides that licensed physicians who provide uncompensated medical care to persons referred by certain health departments or health centers shall be covered by the state legal expense fund. This act provides that the professional corporations of such physicians shall also be covered, and also adds tax-exempt charitable health care center referral networks to the list of authorized referral sources for purposes of coverage.

This act is similar to HCS/HB 1398 (2008).

ALEXA PEARSON

02/27/2008 S First Read--SB 1210-Callahan (S373)

02/28/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S414)

EFFECTIVE: August 28, 2008

*** SB 1211 ***

5138S.021

SENATE SPONSOR: Callahan

SB 1211 - This act relieves any person licensed or required to affix a tax stamp on cigarette packages or any retailer who in good faith sells cigarettes that do not comply with state law, from being subject to any administrative, civil or criminal penalties associated with such act. However it does not relieve a wholesaler or retailer from any penalty imposed by law if the tax stamp has not been lawfully applied.

Declarations of non-compliant cigarettes must be posted on the website of both the Attorney General and the Department of Revenue. The director of the Department of Revenue must notify all wholesalers in writing via U.S. Mail of the manufacturers and cigarette brands that are no longer lawful to sell in the state. Within five days of such notification, the wholesaler must provide the director with a count of said manufacturers

cigarette brands that the wholesaler is holding in inventory for sale in this state.

This act is similar to Senate Bill 462 (2007).

JASON ZAMKUS

02/27/2008 S First Read--SB 1211-Callahan (S373)

02/28/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S414)

EFFECTIVE: August 28, 2008

*** SB 1212 ***

5321S.011

SENATE SPONSOR: Callahan

SB 1212 – This act creates the "Amy Hestir Davis Student Protection Act".

SECTION 160.261 - If a student reports alleged sexual misconduct by a teacher or other school employee to a mandatory reporter, the school district superintendent must forward the allegation to the Children's Division within twenty-four hours. This act changes the standard used when the school board considers allegations of alleged child abuse to a preponderance of the evidence. If the school board finds and concludes that the alleged child abuse is unsubstantiated, but the allegations contain an element of sexual misconduct, the record of allegations and the report of it being unsubstantiated must be retained in a closed record. In addition, if any allegations contain an element of sexual misconduct but the case is unresolved, the record of allegations will be retained in a closed record.

SECTION 162.068 - Beginning July 1, 2009, any school employee who is required to undergo a background check and register with the family care safety registry will be asked to sign a waiver to permit a school district access to closed records in the child abuse registry. No applicant for employment will be required to sign the waiver to be considered for employment.

By July 1, 2009, every school district must adopt a written policy on information that the district may provide about former employees to other potential employers.

The act grants civil immunity to school district employees who report or discuss employee job performance for the purpose of making employment decisions that affect the safety and overall well-being of a student or students if done in good faith and without malice. The Attorney General will defend the employees in such an action as described in the act.

SECTION 162.069 - By January 1, 2009, every school district must develop a written policy concerning teacher-student communication and employee-student communications. Each policy must include appropriate oral and nonverbal personal communication, which may be combined with sexual harassment policies, and appropriate use of electronic media as described in the act, including social networking sites. Teachers cannot establish, maintain, or use a work-related website unless it is publically available on at least one open access network, or have a nonwork-related website that allows exclusive access with a current or former student.

By January 1, 2009, each school district must include in its teacher and employee training a component that provides information on identifying signs of sexual abuse in children and of potentially abusive relationships between children and adults, with an emphasis on mandatory reporting.

SECTION 168.021 - In order to get a teaching certificate, an applicant must complete a background check.

SECTION 168.071 - The crimes of sexual contact with a student while on public school property as well as second and third degree sexual misconduct are added to the offenses for which a teacher's license or certificate may be revoked.

SECTION 168.133 - The Highway Patrol, Department of Health and Senior Services, Department of Social Services, and the Department of Elementary and Secondary Education must develop procedures to permit an annual check of criminal records in the central repository and the Family Care Safety Registry of employed persons with teaching certificates. The Department of Elementary and Secondary Education must facilitate the development of procedures for school districts to annually submit personnel information for non-certificated school district employees.

SECTION 210.135 - Third-party reporters of child abuse who report an alleged incident to school

administrators are immune from civil and criminal liability under certain circumstances.

SECTIONS 210.915 and 210.922 - This act adds the Department of Elementary and Secondary Education to the list of departments that must collaborate to compare records on child-care, elder-care, and personal-care workers, including those individuals required to undergo a background check under section 168.133 and that may use registry information to carry out assigned duties.

SECTION 556.037 - This act repeals the current twenty year statute of limitations for the prosecution of unlawful sexual offenses involving a person eighteen years of age or younger.

This act is similar to HCS/HB 1314 (2008).

MICHAEL RUFF

02/27/2008 S First Read--SB 1212-Callahan (S373)

02/28/2008 Second Read and Referred S Education Committee (S414)

EFFECTIVE: August 28, 2008

*** SB 1213 ***

3177S.021

SENATE SPONSOR: Bray

SB 1213 - This act enables senior citizens, fifty-nine and a half years or older, and disabled persons to delay paying property taxes on their residences. The act establishes eligibility criteria for the taxpayer and the property for participating in the deferral. Taxpayers desiring deferral of property taxes must file an application with the county assessor who will forward such application to the department of revenue for a determination of eligibility. If the application is approved, the department of revenue must notify the county assessor who will make a notation on the tax rolls identifying the property as tax-deferred.

Each year, the Department of Revenue will allocate funds, from the newly created property tax deferral revolving account to each county with properties subject to tax deferral, in an amount equal to the taxes deferred within each such county. All deferrals of tax will result in a lien, to be held by the Department of Revenue, against the property of the taxpayer which must be recorded in the mortgage records of the county in which the property is located. 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. The taxes plus interest, must be paid when the owner dies or sells the property, moves, or the property changes ownership.

This act is similar to Senate Bill 594 (2006) and Senate Bill 32 (2007).

JASON ZAMKUS

02/27/2008 S First Read--SB 1213-Bray (S373)

02/28/2008 Second Read and Referred S Ways & Means Committee (S414)

EFFECTIVE: August 28, 2008

*** SB 1214 ***

5135S.011

SENATE SPONSOR: Bray

SB 1214 - This act requires the Governor to ensure that appointive board, commission, committee, and council membership is representative of the general population of the state with respect to race and gender.
CHRIS HOGERTY

02/27/2008 S First Read--SB 1214-Bray (S373)

02/28/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S414)

EFFECTIVE: August 28, 2008

*** SB 1215 ***

4821S.011

SENATE SPONSOR: Bray

SB 1215 - This act relates to pregnancy prevention and abortion.

SEXUAL EDUCATION

This act provides that any course materials relating to human sexuality shall not only be medically and

factually accurate, but shall also be based on peer reviewed projects that have been demonstrated to influence healthy behavior. The course instruction shall also present abstinence from sexual activity as the preferred choice of behavior in relation to all sexual activity as the only sure way to avoid pregnancy or sexually transmitted infections. The students shall also be presented with information about the health benefits and side effects of all contraceptives and barrier methods as a means to prevent pregnancy and to reduce the risk of contracting sexually transmitted infections or other diseases and well as information regarding the vaccine for the human papillomavirus. The instruction shall also help the students gain knowledge about the physical, biological, and hormonal changes of adolescence and subsequent states of human maturation. In addition, the students shall be encouraged to communicate with their family regarding sexuality. This act also repeals the prohibition on abortion providers providing human sexuality instruction and instead provides that a school district shall make all curriculum materials and names and affiliations of presenters used in the school district available for public inspection.(SECTION 170.015).

COMPASSIONATE ASSISTANCE FOR RAPE EMERGENCIES

This act provides that hospitals and health care facilities are required to do the following:

- provide each sexual assault victim with medically and factually accurate information about emergency contraception;
 - orally inform each victim that emergency contraception may be provided at the hospital;
 - provide the complete regimen of emergency contraception immediately to the victim who requests it;
- and
- follow the Department of Justice protocols on HIV/STI screening and prophylactic treatment.

Hospitals and health care facilities must ensure that they provide their employees with medically and factually accurate information about emergency contraception. The department shall develop, prepare, and produce informational materials relating to emergency contraception to hospitals and health care facilities. The informational materials must be medically and factually accurate, clearly written, and explain the nature of emergency contraception.

The department shall respond to complaints and shall periodically determine whether hospitals and health care facilities are in compliance. If a hospital or a health care facility is not in compliance, then the department shall impose an administrative penalty of \$5,000/per woman who is denied information or emergency contraception and a fine of \$5,000 for failure to comply with the provisions of this act. For every 30 days that a hospital or health care facility is not in compliance, an additional administrative penalty of \$5000 shall be imposed. (SECTIONS 191.717 and 191.718).

BIRTH CONTROL PROTECTION

This act provides that consenting individuals have a protected interest from unreasonable governmental intrusions into their private lives in regards to obtaining and using safe and effective methods of contraception. This act also provides that the laws of this state will be interpreted to recognize these protected rights.

This act also prohibits governmental actors or entities from interfering in a consenting individual's right to the benefits, facilities, services, or information concerning safe methods of contraception. This act also prohibits any laws, rules, ordinances, taxes, or regulations that are implemented to promote public health and safety from unreasonably hindering the public's access to contraceptives. (SECTION 191.720).

WOMEN'S HEALTH SERVICES PROGRAM

This act establishes the Women's Health Services Program. Subject to appropriation, the program shall be implemented by the department of health and senior services by July 1, 2009, and shall be initially funded with five million dollars. The goal of the program is to reduce the number of unintended pregnancies in Missouri by providing women's health services through qualified health providers, as determined by the department. This program shall sunset in six years, unless reauthorized by the general assembly (SECTION 192.970).

PATIENT PROTECTION

Upon receipt of a valid and lawful prescription or upon a lawful request for contraception approved for over-the-counter use, a licensed pharmacy shall dispense the prescribed drug or device without delay, consistent with the normal time frame for filling any other prescription and shall fulfill the request for the over-counter drug in a timely fashion.

When the customer requests a prescribed drug or device, or contraception approved for over-the-counter

use, and such drug or device is not in stock, the pharmacy shall offer the customer the option of having the pharmacy obtain the contraception under the pharmacy's standard procedures for expediting ordering of any drug or device not in stock or the pharmacy may locate another pharmacy of the customer's choice or closest pharmacy that has the drug or device in stock and transfer the customer's prescription to that pharmacy, if necessary. The pharmacy shall perform the customer's chosen option in a timely fashion.

The pharmacy shall ensure that it does not intimidate, threaten, or harass its customers in the delivery of services.

Nothing in this act shall prohibit a licensed pharmacy from refusing to dispense a prescribed drug or device in accordance with standard pharmacy practice if there is a valid medical concern or if the customer is unable to pay for the drug or device. (SECTIONS 338.012 AND 338.014).

This act is similar to SB 546 (2007).

ADRIANE CROUSE

02/27/2008 S First Read--SB 1215-Bray, et al (S374)

02/28/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S414)

EFFECTIVE: August 28, 2008

*** SB 1216 ***

5285S.011

SENATE SPONSOR: Bray

SB 1216 - This act requires the Department of Health and Senior Services to implement a health care quality program for the purpose of making available a health care quality report card to allow consumers to compare and assess the quality of health care services. The program shall be implemented in two phases.

The first phase includes making available cost and quality outcome data on its Internet website by December 31, 2009. The data on the website shall consist of quality and performance outcome and patient charge data currently collected by the department from hospitals and ambulatory surgical centers under federal and state law, as well as data submitted to the Centers for Medicare and Medicaid Services already required to be submitted under federal law. The data shall be disclosed in a manner that allows consumers to conduct an interactive search.

The second phase shall be implemented by December 31, 2011, and shall consist of the department working with the recommendations from Health Care Quality Report Card Commission, which is created in this act, on implementation of a long-range plan for making available cost and quality outcome data on the Department's internet website. The first health care quality report card shall be made available on that date and shall include data on the following:

- (1) The accreditation of hospitals, as well as sanctions and other violations found by accreditation or state licensing boards;
- (2) The volume of various procedures performed;
- (3) The quality of care for various patient populations, including pediatric populations and racial and ethnic minority populations;
- (4) The availability of emergency rooms, intensive care units, obstetrical units and burn units;
- (5) The quality of care in various hospitals settings, including inpatient, outpatient, emergency, maternity, intensive care unit, ambulatory surgical center, and physician practice settings;
- (6) The use of health information technology, telemedicine, and electronic medical records;
- (7) Average staffing levels of nurses and other health professionals, patient acuity, and duty hours by nursing unit or department and staff retention rates by nursing unit or department;
- (8) Training hours completed in a quarterly basis, by category of staff and type of training;
- (9) Ongoing patient safety initiatives; and
- (10) Other measures determined by the director or commission.

The reports shall be distributed to the Governor and General Assembly annually and to the general public upon request. The department shall develop and disseminate the public reports based on data compiled for a period of at least 12 months.

The department may consider such additional measures that are adopted by the Centers of Medicare and Medicaid Services, National Quality Forum, the Joint Commission on Accreditations of Healthcare Organizations, the Agency for Healthcare Research and Quality, or any other similar state or national entity

that establishes standards to measure the performance of health care providers. The department shall not require the re-submission of data which has been submitted to the department of health and senior services or any other state departments under other provisions of law.

Using the recommendations of the Commission established under this act, the department shall promulgate rules regarding the standards and procedures for the collection, analysis, risk adjustment, and reporting of health care quality data and procedures to be monitored under the act.

Based on the continuing recommendations of the commission, the department shall issue an annual report card on December 31st of each year on its website and update the requirements for the submission of the data as well as include new health care facilities, entities or professionals, as appropriate.

Penalties shall be assessed for willfully impeding access to information and for violation of the provisions of the act and rules promulgated thereunder.

This act is similar to SB 704 (2007).

ADRIANE CROUSE

02/27/2008 S First Read--SB 1216-Bray (S374)

02/28/2008 Second Read and Referred S Health and Mental Health Committee (S414)

EFFECTIVE: August 28, 2008

*** SB 1217 ***

5234S.021

SENATE SPONSOR: Stouffer

SB 1217 - 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 is similar to SB 310 (2007).

STEPHEN WITTE

02/27/2008 S First Read--SB 1217-Stouffer and McKenna (S374)

02/28/2008 Second Read and Referred S Transportation Committee (S414)

EFFECTIVE: Varies

*** SB 1218 ***

5336S.011

SENATE SPONSOR: Barnitz

SB 1218 - Current law provides that the presiding judge of each judicial circuit with an average total inmate population of more than 2,500 in the previous two years may appoint a circuit court marshal. This act lowers the average inmate population within each circuit to 1,500 before such appointments are authorized.

This act is identical to HB 1308 (2008).

ALEXA PEARSON

02/27/2008 S First Read--SB 1218-Barnitz (S374)

02/28/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S414)

EFFECTIVE: August 28, 2008

*** SB 1219 ***

5218S.011

SENATE SPONSOR: Lager

SB 1219 - This act allows criminal charges to be filed against a mother for any harm to an unborn child resulting from the mother's intentional and unlawful ingestion or use of controlled substances.

This act is substantially similar to HB 1530 (2008).

ADRIANE CROUSE

02/27/2008 S First Read--SB 1219-Lager (S374)

02/28/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S414)

EFFECTIVE: August 28, 2008

*** SB 1220 ***

5170S.011

SENATE SPONSOR: Lager

SB 1220 - This act requires all members of the General Assembly to file a financial interest statement with the Missouri Ethics Commission disclosing any state tax credits claimed on the most recent state income tax return of the member, the member's spouse, or the member's dependent child. The Department of Revenue must make information regarding state tax credits claimed by a member of the General Assembly available to the public.

The maximum upper limit and minimum base amounts, for the senior citizen property tax credit for calendar year 2008, are extended to all subsequent calendar years. The maximum award under the senior citizen property tax credit program is increased from seven hundred fifty dollars to one thousand dollars.

As of June 30, 2010, no new tax credits may be authorized under the wood energy tax credit program. The act repeals the manufacturing and recycling flexible cellulose casing tax credit and the sponsorship and mentoring tax credit.

JASON ZAMKUS

02/27/2008 S First Read--SB 1220-Lager (S374)

02/28/2008 Second Read and Referred S Ways & Means Committee (S414)

EFFECTIVE: August 28, 2008

*** SB 1221 ***

5202S.021

SENATE SPONSOR: Lager

SB 1221 - This act allows the Governor to establish the "P-20 Council" as a private-not-for profit corporation on behalf of the state. The purpose of the P-20 Council will be to create a more efficient and effective education system to more adequately prepare students for entering the workforce and will be reflected in the articles of incorporation and bylaws.

The Council's board of directors will consist of thirteen members, including the Director of the Department of Economic Development, the Commissioner of Higher Education, the Chairperson of the Coordinating Board for Higher Education, the President of the State Board of Education, the Chairperson of the Coordinating Board of Early Childhood, and the Commissioner of Education as well as seven members appointed by the Governor as described in the act.

The Council may receive and borrow money, enter into contracts, and spend money for activities appropriate to its purpose. Duties of the Council may include: studying the potential for a state-coordinated economic and educational policy; determining where obstacles make state support of certain programs difficult; creating programs; and exploring ways to better align academic content. The Council must submit an annual report to the Governor and General Assembly containing information about its operations.

Any debts incurred by the Council will not be considered debt of the state. The Council is subject to an

annual audit by the State Auditor and must pay for the cost.

This act allows the Department of Economic Development, the Department of Elementary and Secondary Education, and the Department of Higher Education to contract with the Council for activities described in the act.

This act repeals the statute requiring the Commissioner of Higher Education, the Chair of the Coordinating Board for Higher Education, the Commissioner of Education, the President of the State Board of Education, and the Director of the Department of Economic Development to meet and discuss ways to create a more efficient and effective education system.

MICHAEL RUFF

02/27/2008 S First Read--SB 1221-Lager (S374)

02/28/2008 Second Read and Referred S Education Committee (S414)

EFFECTIVE: August 28, 2008

*** SB 1222 ***

5328S.011

SENATE SPONSOR: Engler

SB 1222 - This act requires contractors to have a drug and alcohol testing program in place in order to work on school property. Employers may contract with a third-party to administer the program.

With the submission of a bid, a contractor must provide a statement stipulating that the contractor and all subcontractors slated to work on the project have a testing policy in place.

Before employees are tested, the employer must provide the employee with a written policy statement explaining the employee's rights to challenge any positive result.

Employees shall not work on a project unless they test negative within twelve months of the start date of the project. After the project commences, the employer may require an employee to submit to reasonable suspicion testing if the employer has reason to believe that the employee is using drugs in violation of the employer's policies. Specific circumstances upon which an employer may infer drug use are provided. Employers are required to implement random drug testing in an objective, neutral, and nondiscriminatory manner. Particular types and levels of drugs for which the employee shall be tested are provided.

Employers must inform the employee of the nature and consequences of the test result and the employee may request a retest at a site amenable to the employee. The employee shall pay the cost of a retest but shall be reimbursed if the retest yields a negative result. Employers must compensate the employee for his or her time in taking the test.

Employees who refuse to be tested or who test positive shall not work on the project until the employee yields a negative result. Employees who test positive more than once shall be completely barred from working on the project. Employers who knowingly permit employees to work in violation of the testing policy shall be fined up to \$200, imprisoned up to 6 months or both. Each day a violation persists constitutes a separate offense.

This act is similar to SB 492 (2005), SCS/SB 1149 (2006), and SB 622 (2007).

CHRIS HOGERTY

02/27/2008 S First Read--SB 1222-Engler (S374)

02/28/2008 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S414)

EFFECTIVE: August 28, 2008

*** SB 1223 ***

5172S.021

SENATE SPONSOR: Graham

SB 1223 – This act modifies provisions relating to the Kids' Chance Scholarship Fund. Current law requires the Director of the Division of Workers' Compensation to deposit \$50,000 annually into the Kids' Chance Scholarship Fund from 1999 until 2008. This act changes the termination date from 2008 to 2018 so that the Director will continue to deposit \$50,000 annually until 2018. In addition, the Department of Higher Education may begin distributing any accrued interest in the fund as scholarships after the second Monday in

October 2008.

MICHAEL RUFF

02/27/2008 S First Read--SB 1223-Graham (S374)

02/28/2008 Second Read and Referred S Education Committee (S414)

EFFECTIVE: August 28, 2008

*** SB 1224 ***

5074S.011

SENATE SPONSOR: Mayer

SB 1224 - Currently, fictitious names filed prior to August 28, 2004, expire August 28, 2009, unless renewed. Under the act, these names will expire on the month and day on which they were originally filed immediately following August 28, 2009.

Under current law, registrations filed prior to August 28, 2004, shall be inactivated by the Secretary of State on or after August 28, 2009. This act changes that deadline to on or before August 28, 2010.

CHRIS HOGERTY

02/27/2008 S First Read--SB 1224-Mayer (S374)

02/28/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S414)

EFFECTIVE: August 28, 2008

*** SB 1225 ***

4694S.011

SENATE SPONSOR: Mayer

SB 1225 – This act provides local school boards 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.

This act is similar to HB 267 (2007), SB 140 (2007), SB 148 (2007).

MICHAEL RUFF

02/27/2008 S First Read--SB 1225-Mayer (S374)

02/28/2008 Second Read and Referred S Education Committee (S414)

EFFECTIVE: August 28, 2008

*** SB 1226 ***

4693S.011

SENATE SPONSOR: Mayer

SB 1226 – Current law requires a five business day notice for the introduction of evidence at a special education due process hearing, with the exception of an expedited hearing. This act removes the exception for expedited hearings and applies the five-day notice period to expedited hearings as well.

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

This act is identical to HB 265 (2007), SB 133 (2007), and SB 147 (2007).

MICHAEL RUFF

02/27/2008 S First Read--SB 1226-Mayer (S374-375)

02/28/2008 Second Read and Referred S Education Committee (S414)

EFFECTIVE: August 28, 2008

*** SB 1227 ***

5227S.011

SENATE SPONSOR: Mayer

SB 1227 - This act extends expiration dates for law enforcement and public safety related exceptions to the Open Meetings and Records Law, commonly known as the Sunshine Law, from December 31, 2008 to December 31, 2012.

This act allows records and documents regarding internal investigations by a law enforcement agency on

the fitness and conduct of an officer employed by the agency, which are used solely for employment matters, to remain closed unless the records and documents are used in a criminal investigation.

The Social Security number, date of birth, address, or any other personal identifier of a law enforcement officer shall be removed from any criminal case record in which the officer is not the defendant before the record is made available to the public unless the court determines that disclosure will not harm the officer or the officer's family.

If an unauthorized disclosure results in physical or financial harm to an officer or his or her family, the person disclosing the information shall be guilty of a Class A misdemeanor for the first offense and a Class D felony for each subsequent offense.

This act is similar to HB 1997 (2007).

SUSAN HENDERSON MOORE

02/27/2008 S First Read--SB 1227-Mayer (S375)

02/28/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S414)

EFFECTIVE: August 28, 2008

*** SB 1228 ***

5320S.011

SENATE SPONSOR: Justus

SB 1228 - This act states that the same contribution limits shall apply to all committees.

This act is identical to HB 1965 (2008).

CHRIS HOGERTY

02/27/2008 S First Read--SB 1228-Justus and Smith (S375)

02/28/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S414)

EFFECTIVE: August 28, 2008

*** SB 1229 ***

5342S.011

SENATE SPONSOR: Koster

SB 1229 - This act requires health carriers to provide health insurance to persons under the age of 21 for the diagnosis and treatment of Autism Spectrum Disorder. Under the act, a carrier shall not deny or refuse to issue coverage or refuse to renew a health benefit plan on an individual solely because the individual is diagnosed with autism spectrum disorder. Coverage for applied behavior analysis is subject to \$50,000 maximum benefit. The \$50,000 limitation shall be adjusted for inflation by the director of the Department of Insurance. Payments for the treatment of health conditions unrelated to the treatment of Autism Spectrum Disorder shall not be applied to \$50,000 maximum benefit limitation. The act also requires the Department of Health and Senior Services to establish standards to be utilized by health benefit plans for the credentialing of autism service providers. The provisions of this act shall not apply to health benefit plans offered solely to individuals or through small employers.

STEPHEN WITTE

02/27/2008 S First Read--SB 1229-Koster, et al (S375)

02/28/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S415)

EFFECTIVE: August 28, 2008

*** SB 1230 ***

4447S.021

SENATE SPONSOR: Koster

SB 1230 - This act creates the Missouri Omnibus Immigration Act.

Under the act it is illegal to employ unauthorized aliens and the act mandates that every employer in the state participate in a federal status verification system in order to verify an employee's work authorization status. Employers must submit an affidavit to the Department of Revenue accompanying remittance of withholding taxes or annual income tax returns that affirms that the employer is enrolled in a status verification system. The failure to timely file may trigger a tax audit. If the employer knowingly makes a

material misrepresentation of fact with regard to the affidavit, the employer must add back business expense deductions taken to determine federal adjusted gross income in order to determine Missouri adjusted gross income for wages paid to employees and independent contractors whose employment eligibility was not verified under a status verification system.

Law enforcement officers must inquire into the immigration status of any individual detained in a jail facility for a violation of state law. 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.

This act bars employers with five or more employees from knowingly misclassifying employees. Employers must submit federal IRS 1099-MISC forms to the Department of Revenue and penalties for failing to do so are provided. The Attorney General has the power to investigate alleged misclassifications and enforce the section. A process is established by which the Department of Labor may receive complaints and forward them to the Attorney General if they decide the complaint has merit.

The state carries the burden of proving that the employer misclassified the worker and there is a rebuttable presumption that an unauthorized alien is an employee under the act and shall be treated so if the employer cannot produce an I-9 form verifying the legal status of the worker or other forms verifying the individual is an independent contractor. Injunctions may be sought and employers shall be charged \$50 per day per misclassified worker up to a maximum of \$50,000 for violations. Penalties are increased for repeat offenders in an amount of \$100 per day per misclassified worker up to \$100,000.

This act contains an emergency clause.

This act is similar to SB 334 (2005), SB 988 (2006), SB 178 (2007), SB 626 (2007), SB 461 (2007), SB 180 (2007), SB 928 (2006), SB 424 (2007), SB 178 (2007), SB 858 (2008), and SB 929 (2008).
CHRIS HOGERTY

02/27/2008 S First Read--SB 1230-Koster (S375)

02/28/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S415)

EFFECTIVE: Emergency

*** SB 1231 ***

5277S.011

SENATE SPONSOR: Loudon

SB 1231 - This act requires a system of instant runoff voting in all primary, general, and special elections where there are three or more candidates running for the office of President and Vice President; United States Senate or House of Representatives; Governor, Lieutenant Governor, Attorney General, Secretary of State, Auditor, or State Senator or Representative.

Under this system, voters rank the candidates and only a candidate with a majority of first choice rankings shall be elected or nominated. If no candidate has a majority, the lowest ranked candidate drops out and the next highest rankings on those ballots are attributed to the other candidates accordingly, until a candidate achieves a majority.

CHRIS HOGERTY

02/27/2008 S First Read--SB 1231-Loudon and Smith (S375)

02/28/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S415)

EFFECTIVE: August 28, 2008

*** SB 1232 ***

5284S.021

SENATE SPONSOR: Clemens

SB 1232 – Current law requires high school students to complete a personal finance course in order to graduate. This act requires them to fulfill that requirement by completing a course offered by their school

district or the virtual public school. Students will not be able to test out of the requirement.

MICHAEL RUFF

02/27/2008 S First Read--SB 1232-Clemens (S375)

02/28/2008 Second Read and Referred S Education Committee (S415)

EFFECTIVE: August 28, 2008

*** SB 1233 ***

4823S.021

SENATE SPONSOR: Shields

SB 1233 - Current law provides for the Department of Health and Senior Services to designate hospitals as adult, pediatric, or adult and pediatric trauma centers upon proper application and review. This act requires the department to also designate a hospital as a STEMI or stroke center when the hospital, upon proper application and review, has been found by the department to meet the applicable level of STEMI or stroke center criteria. Such criteria shall be promulgated by the department. No hospital shall hold itself out to the public as such a center unless it is so designated by the department. STEMI, or a ST-elevation myocardial infarction, is defined as a type of heart attack in which impaired blood flow to the patient's heart muscle is evidenced by ST-segment elevation in electrocardiogram analysis and as further defined by the department.

Patients who suffer a STEMI shall be transported by emergency medical services to a STEMI center. Patients who suffer a stroke shall be transported by emergency medical services to a stroke center. When initial transport from the scene of the SEMI or stroke would be prolonged, the patient may be transported to the nearest appropriate facility for stabilization prior to transport to a STEMI or stroke center.

ADRIANE CROUSE

02/27/2008 S First Read--SB 1233-Shields (S376-377)

02/28/2008 Second Read and Referred S Health and Mental Health Committee (S414)

EFFECTIVE: August 28, 2008

*** SB 1234 ***

5349S.011

SENATE SPONSOR: Shields

SB 1234 - This act corrects an improper inter-sectional reference contained within the Enhanced Enterprise Zone Tax Benefit Program and prohibits taxpayers from simultaneously receiving tax credits under the Enhanced Enterprise Zone Tax Benefit Program and the Quality Jobs Act.

JASON ZAMKUS

02/27/2008 S First Read--SB 1234-Shields (S377)

02/28/2008 Second Read and Referred S Ways & Means Committee (S415)

EFFECTIVE: August 28, 2008

*** SB 1235 ***

5391S.011

SENATE SPONSOR: Justus

SB 1235 - Current law provides that a trustee may invest and reinvest trust assets in securities or obligations of any state or its political subdivisions, including securities that are underwritten by the trustee or an affiliate thereof. This act provides that in addition to the authority in current law, the trustee may invest trust assets in U.S. government obligations, or other interests in any open-end or closed-end management investment company or investment trust registered under federal law, provided that the governing instrument requires or permits investment in U.S. government obligations, and provided that the portfolio of the investment company or investment trust is limited to U.S. government obligations and to repurchase agreements fully collateralized by such obligations, and provided that the investment company or trust takes delivery of such collateral.

The act also provides that a bank, trust company, or affiliate, when acting as an investment advisor, custodian, or otherwise in a fiduciary capacity with respect to the investment of assets, may invest and reinvest such assets subject to the standards contained in this act.

ALEXA PEARSON

02/27/2008 S First Read--SB 1235-Justus (S378)

02/28/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S415)

EFFECTIVE: August 28, 2008

*** SB 1236 ***

5367S.011

SENATE SPONSOR: Crowell

SB 1236 - This act allows hunting and fishing permit applicants to receive a voter registration application form as part of the application for such permits. Vendors are required to forward the applications to the election authority.

This act is similar to HB 845 (2007), and SB 586 (2008).

CHRIS HOGERTY

02/27/2008 S First Read--SB 1236-Crowell (S378)

02/28/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S415)

EFFECTIVE: August 28, 2008

*** SB 1237 ***

5381S.011

SENATE SPONSOR: Goodman

SB 1237 - Under this act, it shall not be a prerequisite to a release on bail that a criminal charge of any kind has been filed.

SUSAN HENDERSON MOORE

02/27/2008 S First Read--SB 1237-Goodman (S378)

02/28/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S415)

EFFECTIVE: August 28, 2008

*** SB 1238 ***

5347S.011

SENATE SPONSOR: Goodman

SB 1238 - This act expands the crime of resisting arrest, stop, or detention to include resisting an arrest for a warrant issued by a court or probation and parole officer. The crime of resisting arrest shall be Class D felony for an arrest for a warrant issued for failure to appear on a felony case or a warrant issued for a probation violation on a felony case.

SUSAN HENDERSON MOORE

02/27/2008 S First Read--SB 1238-Goodman (S378)

02/28/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S415)

EFFECTIVE: August 28, 2008

*** SB 1239 ***

5372S.011

SENATE SPONSOR: Dempsey

SB 1239 - This act requires any applicant for a driver's license or a temporary permit who is 15 to 18 years of age and attends public school to present a certificate from his or her school stating that he or she has complied with the school district's standards for eligibility for a driver's license or temporary permit. A school district's standards must ensure that a student continues to make educational progress. If an applicant does not achieve the school district's standards, his or her driver's license test will be postponed until he or she demonstrates that the standards have been achieved.

Any person who is emancipated and does not meet the qualification may request his or her district's school board to grant a waiver from the requirements. School boards will grant a waiver if it determines that possessing a license is in the best interest of the individual. Any person who drops out of school and earns a general educational development (GED) diploma will be granted, upon request, a waiver from these requirements.

The Department of Elementary and Secondary Education, in cooperation with the Department of Revenue, must establish a model or models for school district standards.

Persons who knowingly submit false information to the department will be guilty of a Class C misdemeanor.

The act becomes effective January 1, 2011.

This act is virtually identical to HB 694 (2007).

STEPHEN WITTE

02/27/2008 S First Read--SB 1239-Dempsey (S378)

02/28/2008 Second Read and Referred S Transportation Committee (S415)

EFFECTIVE: January 1, 2011

*** SB 1240 ***

5333S.011

SENATE SPONSOR: Dempsey

SB 1240 - This act repeals certain liquor control provisions pertaining to wholesalers, including exceptions to the wholesaler price regulations and provisions requiring wholesalers to file a schedule with the Supervisor of Alcohol and Tobacco Control in order to operate.

SUSAN HENDERSON MOORE

02/27/2008 S First Read--SB 1240-Dempsey (S379)

02/28/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S415)

EFFECTIVE: August 28, 2008

*** SB 1241 ***

5366S.021

SENATE SPONSOR: Nodler

SB 1241 - All rights to unaccrued compensation for permanent total disability shall cease upon the death of the injured employee. Unpaid unaccrued compensation for permanent partial disability will continue to be paid to dependents.

After January 1, 2009, only veterans with documented injuries that occurred while serving in the United States military shall be eligible to receive benefits from the second injury fund.

This act contains an emergency clause.

This act is similar to SB 606 (2007) and SB 901 (2008).

CHRIS HOGERTY

02/27/2008 S First Read--SB 1241-Nodler (S380)

02/28/2008 Second Read and Referred S Small Business, Insurance & Industrial Relations Committee (S415)

03/04/2008 Hearing Scheduled S Small Business, Insurance & Industrial Relations Committee

EFFECTIVE: August 28, 2008

*** SB 1242 ***

5393S.011

SENATE SPONSOR: Barnitz

SB 1242 - This act modifies various provisions relating to foster care and adoption. The act:

Provides that any employee of the Children's Division of the Department of Social Services may choose to become qualified or licensed as an emergency placement provider, a respite care provider, or a licensed foster home. Any employee who becomes qualified or licensed shall not provide care for any child in his or her caseload, but may, upon supervisory approval, choose to transfer the case to another employee in order to be able to provide such care. Sections 210.482, 210.486.7, and 210.545.

Requires the Children's Division to establish procedures and promulgate rules to provide applications to become a licensed foster or preadoptive home, and approximately one half of all training, education, or other coursework to become licensed shall be available and able to be completed on an Internet website created

and maintained by the division. Section 210.486.8.

Requires the guardian ad litem to ascertain the child's wishes and feelings about potential foster care placement or adoption by conducting an interview or interviews with the child, if appropriate based on the child's age and maturity level. The child's wishes and feelings shall be considered as a factor when the Children's Division makes decisions and recommendations regarding foster care placement, and shall be considered by the court as a factor in determining if adoption is in the child's best interests. Such consideration shall not supersede the preference for placement with relatives. Section 210.565 and 453.030.

Provides that if an employee or agent of the children's division knowingly provides incorrect information to a foster parent or prospective adoptive parent in order to secure placement of a child, or knowingly fails to provide information that is pertinent to the care of the child or the protection of the foster family, the action shall result in three days suspension without pay, and shall be recorded and kept on record by the division. If an employee or agent of a licensed child placing agency knowingly provides such incorrect information or fails to provide such pertinent information to a foster or prospective adoptive parent, the action shall also result in three days suspension without pay, shall be recorded and kept on record by the licensing division or department following consideration as to whether such action constitutes a basis for suspension or revocation of the agency's license. Sections 210.566 and 453.026.

ALEXA PEARSON

02/28/2008 S First Read--SB 1242-Barnitz (S387)

EFFECTIVE: August 28, 2008

*** SB 1243 ***

5346S.021

SENATE SPONSOR: Barnitz

SB 1243 - Under this act, a person commits the crime of resisting or interfering with an arrest, stop, or detention if he or she resists an arrest, stop, or detention for any warrant issued by a court or probation and parole officer.

This act is similar to HB 1481 (2008).

SUSAN HENDERSON MOORE

02/28/2008 S First Read--SB 1243-Barnitz (S387)

EFFECTIVE: August 28, 2008

*** SB 1244 ***

5394S.011

SENATE SPONSOR: Barnitz

SB 1244 - This act creates the entrepreneurial development council within the Department of Economic Development. The council will consist of seven board members from business and legal experts in the area of intellectual property. The council may impose a registration fee for entrepreneurs wishing to receive council benefits. The act creates the entrepreneurial development and intellectual property right protection fund to receive appropriations, grants, gifts and bequests. The council has the authority to allocate moneys from the fund to provide financial assistance for legal actions instituted by registered entrepreneurs alleging infringement of their intellectual property rights. The council may also allocate moneys from the fund to registered entrepreneurs for financial assistance for the development, manufacture and advertising of new products.

JASON ZAMKUS

02/28/2008 S First Read--SB 1244-Barnitz (S387)

EFFECTIVE: August 28, 2008

*** SB 1245 ***

5387S.011

SENATE SPONSOR: Nodler

SB 1245 - Persons who commit a felony in Missouri or commit a crime in another jurisdiction that would constitute a felony in Missouri, are barred from qualifying as a candidate for or holding public office.

CHRIS HOGERTY

02/28/2008 S First Read--SB 1245-Nodler (S387)

EFFECTIVE: August 28, 2008

*** SB 1246 ***

5399S.011

SENATE SPONSOR: Justus

SB 1246 - This act modifies the definition of "family or household member" and "domestic violence" in several sections relating to highway patrol reporting of domestic violence and the crime of domestic assault to be consistent with the definition of such terms in Chapter 455, RSMo, relating to adult abuse, orders of protection, and domestic violence shelters.

This act is similar to SB 1184 (2008).

ADRIANE CROUSE

02/28/2008 S First Read--SB 1246-Justus (S387)

EFFECTIVE: August 28, 2008

*** SB 1247 ***

3258S.031

SENATE SPONSOR: Coleman

SB 1247 - This act modifies provisions relating to bail bond and surety recovery agents.

SECTION 374.706; SECTIONS 374.700-374.789

Section 374.706, RSMo, establishes a "Professional Bail Bonds Board" to license, supervise, discipline, and educate all general bail bond agents, bail bond agents, and surety recovery agents in this state. The board shall consist of nine members, including four general bail bond agents, two bail bond agent, one law enforcement officer, one circuit court clerk, and one public member. All oversight of bail bond and surety recovery agents currently handled by the director of the department of insurance is transferred to the board.

There shall be a ten dollar fee, paid by the defendant, on any bond written by a licensed agent in this state. Five dollars of such fee shall be deposited into the newly created "Professional Bail Bonds Board Fund", in order to pay the expenses incurred by the board to fulfill its duties. Such expenses may include employing staff. The Professional Bail Bonds Board shall administer the fund. Two dollars and fifty cents of the fee shall be deposited into the "Legal Defense and Defender Fund", which is used to help fund the public defender system, and the other two dollars and fifty cents shall be used by the county for the administration of the local circuit court. The bond fee shall not be used when determining a person's eligibility for public defender services.

SECTION 374.707

Under this section, the board is required to notify general bail bond agents who are listed as having a forfeited bond. Such attempt to notify general bail bond agents by the board must be made by fax or e-mail within 48 hours of the forfeiture being listed with the department.

SECTION 374.710

The board shall include the photograph provided by a person during the application process on his or her agent license.

This section requires a person to provide the name, address, and telephone number of each employer for which he or she works or operates under as an independent contractor to the board upon receiving a bail bond agent or general bail bond agent license. The information must be updated before the person writes bond as a new employee or independent contractor.

SECTION 374.755

Currently, the director of the Department of Insurance, after the filing of a complaint, may suspend or revoke the license of a general bail bond agent or bail bond agent or enter into an agreement for a monetary penalty with such agent, if the administrative hearing commission finds that the agent has committed a felony within the past fifteen years and prior to the issuance of his or her license. Under this act, the board may take such actions for such felony regardless of whether it was prior to the issuance of a license.

The provision allowing the director, in addition to seeking other remedies, to seek a cease and desist order or injunction against a person acting as an agent without the proper license has been repealed.

Any bail bond agent or general bail bond agent who has his or her license revoked by the board must return such license to the board.

SECTION 374.761

A bail bond agent shall be qualified to write bail in a circuit or municipal court if the general bail bond agent who employs the agent or who directs the agent as an independent contractor is licensed and qualified to write bail as provided by supreme court rule. A bail bond agent writing bail on behalf of a general bail bond agent must provide the legal name of such general bail bond agent.

SECTION 374.763

A licensed bail bond agent shall have six months from the date of the order and judgement of forfeiture to return the defendant to custody of said court and in doing so, the court shall vacate the forfeiture and exonerate the bond.

SECTION 374.773

This section requires any licensed bail bond or general bail bond agent to notify the board within 10 days of pleading guilty to or being found guilty of a felony.

SUSAN HENDERSON MOORE

02/28/2008 S First Read--SB 1247-Coleman (S387)

EFFECTIVE: August 28, 2008

*** SB 1248 ***

4688S.021

SENATE SPONSOR: Mayer

SB 1248 - When multiple permits are required from the Department of Natural Resources for a particular project, this act allows a permit applicant to request coordination with the department to develop a unified permit schedule for obtaining the permits. The act lists criteria the department and permit applicant shall use in developing the schedule.

The department may contact potential permit applicants in a class of similar activities for the purpose of informing the applicants of the department's intent to use a unified permit schedule.

The department shall make the determination regarding the permits to be required for a proposed activity based on the information provided by the permit applicant. If additional information is subsequently provided, the department's permit determination may be subject to change. A unified permit schedule shall be proposed to any permit applicant under this act. At any time, a permit applicant may decline to follow the schedule.

Upon the development of a unified permit schedule, the director of the department shall notify the applicant in writing of the schedule. The only aspect of the schedule the department may change is the date of the public hearing, which also requires consent by the permit applicant. The department shall post unified permit schedules on its website.

In developing a unified permit schedule, the department shall try to consolidate any required public meetings for the permits into one meeting at a location near the site of the proposed activity for which the permits are being sought. Additionally, the director of the department may waive any procedural requirements related to timing and the issuance of permits that may be required under other applicable environmental laws provided that the required public comment periods are not shortened and the ability of the department or applicant to comply with substantive legal requirements is not impaired by the unified permit schedule.

ERIKA JAQUES

02/28/2008 S First Read--SB 1248-Mayer (S387)

EFFECTIVE: August 28, 2008

*** SB 1249 ***

5166S.011

SENATE SPONSOR: Wilson

SB 1249 - This act provides that in any case involving child custody or support, the court may appoint a parenting coordinator as a neutral third party to assist the parents in resolving disputes concerning parental

responsibilities and the implementation of a court-ordered parenting plan.

The court order appointing such parenting coordinator shall specify the matters which the coordinator has authority to determine, however, appointment of a coordinator shall not divest the court of its exclusive jurisdiction and control of the case. The parenting coordinator shall possess the same qualifications as a mediator under Supreme Court Rule 88.05.

A parenting coordinator may be appointed despite party objection if the court makes findings that the case is high-conflict, and that appointment of a coordinator is in the best interest of the child or children. The court shall consider the effect of any evidence of domestic violence on the parties' ability to engage in parent coordination services.

The parenting coordinator shall assist the parties in implementing the terms of a court-ordered parenting plan, which shall include but are not limited to assisting in the creation of guidelines for the plan, facilitation of appropriate communication between the parties, providing referrals to resources to develop parenting skills, and assisting the parties in developing strategies to identify the sources and causes of conflict and to reduce such conflict.

Upon appointment, the parenting coordinator shall attempt to resolve disputes between the parties regarding the parenting plan, or other disputes regarding parental responsibilities. The parenting coordinator also shall have authority to make findings and recommendations to the court regarding modification or clarification of an existing court-ordered parenting plan. The parenting coordinator shall submit any findings and recommendations to the parties, along with a statement that such information shall be submitted to the court. Any party who disagrees with the findings or recommendations may file a motion, within fifteen days of the receipt of the information, to request a court hearing.

After receipt and review of the parenting coordinator's report, the judge shall choose to adopt, modify, or reject the findings and recommendations. If the judge adopts the findings and recommendations, the judge shall enter the information in a judgment of the court. The parenting coordinator may authorize minor temporary changes from a parenting plan, in a manner that is consistent with the substantive intent of the court order, and that is within the scope of matters on which the parenting coordinator is authorized to determine.

The order appointing a parenting coordinator shall be for a specified term. Upon agreement of the parties, the court may extend, modify, or terminate the appointment, or may choose to terminate the appointment at any time for good cause. The parenting coordinator may withdraw from the case at any time.

No parenting coordinator shall be appointed unless the court finds that the parties are able to pay the fees, and the court shall allocate fees between such parties after consideration of all relevant factors. In cases of hardship, the court may appoint a coordinator to serve on a volunteer basis.

The parenting coordinator shall not be competent to testify about the parenting coordination process in any proceeding between the parties to the action, and shall not be required to produce records as to any statement or decision made during the appointment, other than the findings and recommendations the coordinator submits to the court. This shall not be construed to prevent a coordinator from testifying or producing records to the extent necessary in an action to collect fees from a party.

The coordinator shall be immune from liability for any act or omission occurring during the performance of his or her duties, except for willful and wanton acts or omissions. This shall not be construed to prevent an action by a party related to the reasonableness or accuracy of any fee charged by a parenting coordinator.

ADRIANE CROUSE & ALEXA PEARSON

02/28/2008 S First Read--SB 1249-Wilson (S387)

EFFECTIVE: August 28, 2008

*** SB 1250 ***

5345S.011

SENATE SPONSOR: Wilson

SB 1250 - This act establishes a Foster Care and Adoptive Parents Recruitment and Retention Fund. The fund shall consist of all gifts, donations, transfers, and moneys appropriated by the General Assembly. The fund shall be administered by the Department of Social Services.

Moneys in the fund shall be used for the department, either in-house or through private partnerships, to promote foster care and adoption promotion recruitment programs.

ADRIANE CROUSE

02/28/2008 S First Read--SB 1250-Wilson (S387)

EFFECTIVE: August 28, 2008

*** SB 1251 ***

4941S.021

SENATE SPONSOR: Days

SB 1251 - 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. Provisions regarding advance voting become effective January 1, 2009.

This act is similar to SB 859 (2006), and SB 37 (2007).

CHRIS HOGERTY

02/28/2008 S First Read--SB 1251-Days (S387-388)

EFFECTIVE: August 28, 2008

*** SB 1252 ***

5392S.011

SENATE SPONSOR: Days

SB 1252 - This act extends the distance restriction for exit polling, surveying, sampling, electioneering, distributing election literature and signage, from twenty-five to one hundred feet from the polling place.

CHRIS HOGERTY

02/28/2008 S First Read--SB 1252-Days (S388)

EFFECTIVE: August 28, 2008

*** SB 1253 ***

5312S.011

SENATE SPONSOR: Shoemyer

SB 1253 - This act creates the County Taxpayer Protection Act. County collectors or collector treasurers must be custodians of all individual property tax records. Requests for individual property tax records must be made in writing and disclose vested interests in such records. The act prohibits the use of individual property tax records for commercial purposes. Any person, organization or entity which uses individual property tax records for commercial purposes will be subject to a two thousand dollar penalty for each individual county tax record transferred, given or used for commercial purposes.

JASON ZAMKUS

02/28/2008 S First Read--SB 1253-Shoemyer (S388)

EFFECTIVE: August 28, 2008

*** SB 1254 ***

4875S.011

SENATE SPONSOR: Green

SB 1254 - This act creates the "Political Subdivision Services Bidding Standards Act". Contracts for services by any political subdivision shall be advertised and bids solicited and awarded in compliance with any federal, state, and local law specifically written for such political subdivision. If a political subdivision is not covered by a specific federal, state, or local law, it shall comply with the advertising and bidding

requirements outlined in this act when soliciting bids and awarding contracts.

Contracts for services shall be advertised in advance of the acceptance of bids for a minimum of five days in an area newspaper, with the first ad appearing at least 30 days in advance of the stated deadline for acceptance of bids. For contracts for over \$50,000, bids shall also be advertised by providing information to at least one organization which regularly provides information to contractors providing the service needed. Ads and solicitations must include the submission deadline.

Unless otherwise specified by law, a contract shall be awarded to the lowest qualified responsible bidder. The bidder's qualification shall be determined by his or her education and training. However, the political subdivision may reject the low bidder based on the bidder's failure to provide a performance or payment bond, nonperformance on previous contracts, or other reasons specified as to the bidder's inability to adequately perform the contract. The reason for rejection shall be provided to the bidder within five business days of the rejection.

No contract shall be awarded in violation of certain requirements, including opening bids in advance of the advertising deadline, accepting bids that are unwritten, accepting bids after the advertised deadline, and failing to hold bids confidential. A person submitting a bid, or who would have submitted a bid except for such violations, may seek equitable relief and monetary damages for monetary losses.

Electronic bidding shall be allowed if it meets the standards of confidentiality. Nothing in this section shall require acceptance of a bid which exceeds the amount estimated by the political subdivision for the contract.

SUSAN HENDERSON MOORE

02/28/2008 S First Read--SB 1254-Green (S388)

EFFECTIVE: August 28, 2008

*** SB 1255 ***

5397S.011

SENATE SPONSOR: Purgason

SB 1255 - Under federal law, unlawfully present aliens are not eligible for state or local public benefits with certain exceptions. This act reiterates federal law stating that such aliens are ineligible and the exceptions.

Applicants for benefits shall provide proof of citizenship, residency, or lawful presence in order to receive benefits. If applicants cannot provide such proof they can sign an affidavit attesting to their status and shall be eligible to receive temporary benefits until their status can be determined.

If an applicant is an alien, the applicant shall not receive benefits until lawful presence is verified by the federal government and applicants whose lawful presence is not established shall be reported to the U.S. Department of Homeland Security and the U.S. Department of Citizenship and Immigration Services.

This act is similar to SB 1250 (2006), SB 348 (2007), SB 626 (2007), SB 751 (2008), SB 1186 (2008), HB 1626 (2008), and SB 858 (2008).

CHRIS HOGERTY

02/28/2008 S First Read--SB 1255-Purgason

EFFECTIVE: August 28, 2008

*** SB 1256 ***

5169S.031

SENATE SPONSOR: Lager

SB 1256 - This act mandates that, no later than August 28, 2013, the cities of St. Louis, Kansas City and St. Joseph adopt plans to repeal the imposition of their city earnings taxes on nonresidents. Effective January 1, 2018, provisions of law authorizing the imposition and collection of earnings taxes on nonresidents for the cities of St. Louis, Kansas City and St. Joseph will expire.

JASON ZAMKUS

02/28/2008 S First Read--SB 1256-Lager (S388)

EFFECTIVE: August 28, 2008

*** SB 1257 ***

5390S.011

SENATE SPONSOR: Goodman

SB 1257 - Under this act, a person commits involuntary manslaughter if he or she operates a motor vehicle in violation of the "endangerment of a highway worker" statute, and when doing so, acts with criminal negligence to cause the death of a highway worker in a construction zone or work zone. Such crime shall be a class B felony.

This act expands the crime of assault of a law enforcement officer, emergency personnel, or probation and parole officer to include highway workers in a construction zone or work zone.

SUSAN HENDERSON MOORE

02/28/2008 S First Read--SB 1257-Goodman (S388)

EFFECTIVE: August 28, 2008

*** SB 1258 ***

5322S.011

SENATE SPONSOR: Goodman

SB 1258 - This act modifies provisions relating to protections for elderly persons and the disabled receiving care for in-home services, adult day care, or personal care assistance.

Under this act, the necessary statutory changes are made due to the transfer of the Division of Aging from the Department of Social Services to the Department of Health and Senior Services. SECTION 192.2000

The provisions on the elder abuse and neglect awareness program are modified to include information on financial exploitation of the elderly. SECTION 192.925

The definition of "protective services" is modified to mean a service provided by the state or other governmental or private organizations or individuals which are necessary for the eligible adult to meet his or her essential human needs. SECTION 2003

Immunity from civil and criminal liability is granted for any person making a report of abuse or neglect to the Department of Health and Senior Services unless the person acts negligently, recklessly, in bad faith, or with malicious purpose. SECTIONS 192.2103.5 AND 192.2150.11

This act modifies the mandatory reporting and abuse and neglect provisions affecting elderly persons and the disabled receiving in-home care and adult-day care services to include personal care services. A new definition of "in-home services client" includes children in the Healthy Children and Youth (HCY) Program and "principal" of a facility to include a provider, officer, director, owner, partner or other person with primary management or supervisory responsibilities. SECTION 192.2150.1

Mandatory reporters must also now immediately report to the Department of Health and Senior Services if there is reasonable cause to believe that abuse or neglect occurred, that misappropriation of property or moneys of a patient, resident, in-home services client, or consumer or the falsification of any documents verifying service delivery of in-home services or consumer-directed services has occurred. SECTION 192.2150.2.

If a report is made by the patient's, in-home services client's, consumer's or resident's physician, the department shall provide information regarding the progress of the investigation to the physician upon request. SECTION 192.2150.4

Upon receipt of a report that indicates an imminent danger to the health, safety, or welfare of a patient, resident, in-home services client or consumer or a substantial probability that death or serious physical injury will result, the department shall make a prompt and thorough investigation. The department shall initiate all other investigations as soon as practicable. Notification of an investigation and whether such report was substantiated shall also be made to the patient's, resident's, in-home services client's or consumer's legal representative as soon as possible. SECTION 192.2150.6

When information gained from an investigation indicates a crime has occurred, the department shall report such information to appropriate law enforcement authorities. SECTION 192.2150.7

This act requires the department to keep the names of individuals submitting abuse and falsification of document reports confidential unless the complainant agrees to the disclosure of his or her name, the Department of Health and Senior Services finds that disclosure is necessary to prevent further abuse, neglect or misappropriations of property or moneys, the name of the complainant is lawfully subpoenaed, the release of a name is required by the Administrative Hearing Commission, or the release of a name is requested by the Department of Social Services for the purpose of licensure under Chapter 210, RSMo. SECTION 192.2150.9

This act protects patients and patients' family members from eviction, harassment, or retaliation due to the filing of a report of a violation or suspected violation of the laws or regulations of this act. SECTION 192.2150.13

Any potential consumer or in-home services client whose services are funded by MO HealthNet shall be screened to determine if they are included on the Missouri sexual offender registry and the provider shall be notified if a sexual offender was identified. SECTION 192.2150.15

Any person who fails to make the required abuse, neglect, misappropriation, or falsification of documents report shall be guilty of a Class A misdemeanor. Any provider who knowingly conceals abuse or neglect that results in the death or serious injury of the patient shall be guilty of a Class D felony. In addition, any provider who willfully and knowingly fails to report known abuse by an employee may be subject to a one thousand dollar per abuse violation administrative penalty by the Department of Health and Senior Services. SECTION 192.2153

Any person who puts to his or her own use or the use of the provider or otherwise diverts from the in-home services client's use of any property or funds is guilty of a Class A misdemeanor. Any provider, principal in the operation of a provider or employee of a provider who knowingly conceals any act of abuse or neglect that results in death or serious physical injury is guilty of a Class D felony. SECTION 192.2153.2 and 3

This act provides that the department shall make available the employee disqualification list upon request to recognized schools of nursing or other health care professionals. Such information shall not be disclosed to unauthorized entities. SECTION 192.2175.11

For any persons hired on or after August 28, 2008, a provider shall not hire any person with a disqualifying criminal history unless such person has received a good cause waiver of the disqualifying criminal history. For any persons employed as of August 28, 2008, a provider shall request a criminal background check by January 1, 2009, and shall not knowingly retain any such person with a disqualifying criminal history after March 1, 2009, unless such person has submitted a completed good cause waiver application prior to January 1, 2009. If the good cause waiver is denied, the provider shall not continue to retain such person after the provider is notified of the denial of the good cause waiver. For any persons hired on or after August 28, 2008, a provider is not guilty of a class A misdemeanor if the provider knowingly hires or retains any person who is a registered sex offender or who has been convicted of an offense which would require such registry. SECTION 192.2178.8 and 9

This act prohibits any state or federal funding for personal care assistance services if the attendant is on the employee disqualification list; is a registered sexual offender; or has a disqualifying criminal history, unless a good cause waiver is obtained. SECTION 208.904.4

The definition of "child care provider" is modified to include in-home services providers currently under contract with the department of health and senior services. In addition a definition for "related personal care" is added as care provided for a person with a physical or medical disability by an adult relative as it relates to the Family Care Safety Act. SECTION 210.900

This act requires any person responsible for the care of a person sixty years of age or older who has cause to suspect that the person has been abused, neglected, or financially exploited by a person, firm, or corporation to make a report to the Department of Health and Senior Services SECTION 565.188.1

This act is substantially similar to HCS/HB 1516 (2008).
ADRIANE CROUSE

02/28/2008 S First Read--SB 1258-Goodman (S388)

EFFECTIVE: August 28, 2008

*** SB 1259 ***

3563S.041

SENATE SPONSOR: Bartle

SB 1259 - This act requires the Department of Social Services to develop a program to test applicants or recipients of temporary assistance for needy families (TANF) benefits when a case worker believes, based on reasonable suspicion, that such person engages in illegal use of controlled substances. Any applicant or recipient who is found to have tested positive for the use of a controlled substance after an administrative hearing shall be declared ineligible for temporary assistance for needy families benefits for a period of three years from the date of the administrative hearing decision. The department shall refer an applicant or recipient who tested positive for the use of a controlled substance under this act to an appropriate substance abuse treatment program approved by the division of alcohol and drug abuse within the department of mental health. Also, if a parent is deemed ineligible for TANF benefits due to the provisions of this act, his or her dependent child's eligibility for such benefits shall not be affected and an appropriate protective payee may be established for the benefit of the child. The department shall promulgate rules to develop the screening and testing provisions of this section.

ADRIANE CROUSE

02/28/2008 S First Read--SB 1259-Bartle (S388)

EFFECTIVE: August 28, 2008

*** SB 1260 ***

5215S.011

SENATE SPONSOR: Bartle

SB 1260 - This act requires a community that establishes and licenses a geographical information system to, upon request, provide information regarding the costs to the community of time, equipment and personnel in the production of the information in the system, the costs to the community of the creation, purchase and acquisition of the information in the system, and any ongoing costs for maintaining the system and the nature of those costs.

JIM ERTLE

02/28/2008 S First Read--SB 1260-Bartle (S388)

EFFECTIVE: August 28, 2008

*** SB 1261 ***

5402S.011

SENATE SPONSOR: Bray

SB 1261 - This act requires the directors of the Departments of Labor and Industrial Relations, Economic Development and Natural Resources to meet, at least twice a year, to discuss ways to secure grants established under the federal Energy Independence and Security Act of 2007. Such grants would fund: green jobs, the production of renewable fuels, increasing energy efficiency of products, buildings and vehicles, and increasing research and development for manufacturing of renewable energy technologies. The departments shall jointly report to the general assembly and governor each year regarding any grants secured under this act.

JIM ERTLE

02/28/2008 S First Read--SB 1261-Bray (S389)

EFFECTIVE: August 28, 2008

*** SB 1262 ***

5287S.011

SENATE SPONSOR: Bray

SB 1262 - This act allows for low interest loans through the linked deposit loan program for eligible alternative energy operations producing and selling fuel or power from alternative energy sources including solar, hydroelectric, wind, and qualified biomass.

The act creates a tax credit for the purchase and installation of certain residential renewable energy systems, which include solar, wind, and geothermal systems. The tax credit shall be equal to 30% of the cost to acquire and install such a system during the tax year, not to exceed \$5,000. The taxpayer may also

receive a tax credit equal to 15% of the cost to purchase and install the system for the next three succeeding tax years, not to exceed \$5,000 per year. The tax credit may be carried forward to the next three succeeding tax years but is not transferable. The tax credit shall sunset in 6 years unless reauthorized.

During calendar years 2009, 2010, and 2011, sales of solar-electric photovoltaic cell systems, wind energy systems, anaerobic digesters, and fuel cells fueled by renewable resources for residential and commercial purposes shall be exempt from state and local sales and use taxes.

The act repeals the Green Power Initiative (Sections 393.1025, 393.1030, and 393.1035, RSMo) and instead creates the Renewable Energy Standard. Under the Renewable Energy Standard, the Public Service Commission (PSC), in consultation with the Department of Natural Resources, shall prescribe by rule a renewable energy portfolio for all electric utilities. Any such rules shall require electric utilities to ensure that energy produced from renewable sources constitutes at least: 2% of annual energy sales for calendar years 2011 through 2013; 7% of annual sales for calendar years 2014 through 2017; 15% of annual sales for calendar years 2018 through 2020; and 20% of annual sales each calendar year thereafter.

At least 10% of each portfolio requirement shall come from electricity derived from zero-emission distributed energy resources. Utilities may comply with the standard by purchasing renewable energy credits. The PSC shall track and verify the trading of renewable energy credits, with certain requirements for the credits as listed in the act.

The act allows the PSC to assess penalties against electric utilities for non-compliance with the Renewable Energy Standard and allows certain forfeited revenues to be used by the Department of Natural Resources' Energy Center for renewable energy and energy efficiency projects.

Certain rate increases and rate recovery requirements related to the Renewable Energy Standard are listed in the act. Rules promulgated by the PSC pertaining to net metering for certain size systems shall follow the model by the Interstate Renewable Energy Council.

After 2009, electric utilities shall offer a rebate to retail customers of at least \$1 per installed watt for new or expanded solar power systems up to maximum of 25 kilowatts.

ERIKA JAQUES

02/28/2008 S First Read--SB 1262-Bray (S389)

EFFECTIVE: August 28, 2008

*** SB 1263 ***

5199S.021

SENATE SPONSOR: Bray

SB 1263 - Buildings and facilities that are constructed, purchased, leased, enlarged, or renovated with any portion of state funding or funding by a political subdivision shall meet the requirements of the 2006 International Energy Conservation Code (IECC), or the latest subsequent version of the IECC.

The act requires that by January 1, 2009, the Department of Natural Resources shall modify the minimum energy efficiency standard for state buildings so that it is at least as stringent as the 2006 IECC rather than the current standard of American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE) Standard 90. The act modifies the date to July 1, 2009, by which all design for state buildings involving new construction or substantial renovation and any building considered for purchase or lease by a state agency shall comply with the minimum energy efficiency standard.

The act gives counties of the third classification the same authority to adopt a building code as current law provides to counties of the first and second classifications. Any county that adopts an energy code shall make such code at least as stringent as the 2006 IECC, or the latest version of the IECC.

The act adds energy codes to the types of technical codes for which certain counties, fire protection districts, and municipalities currently have the authority to adopt by reference. Any energy code adopted shall be at least as stringent as the 2006 IECC, or any subsequent version.

Beginning in the 2009-2010 school year, every high school in the state shall ensure its students receive instruction in certain environmental-related topics around Earth Day each year.

The act creates the Home Energy Rebate Option program, which shall be administered by the

Department of Natural Resources. The department shall offer rebates to homeowners who make a certain amount of energy improvements to their homes. The amount of the rebate is specified in the act, but shall not exceed \$2,000 per home. Any homeowner accepted in the program shall have a home energy rating conducted upon the participating home by a home energy rater who is certified by the department. The program shall sunset in 6 years unless reauthorized.

The Department of Natural Resources shall offer rebates up to \$500 for replacement of certain residential components with energy-efficient models. The components shall include natural gas furnaces or boilers, propane and oil furnaces or boilers, heating, ventilation and air conditioning systems, lighting, windows, insulation, zone heating products, and weatherization systems. No rebate shall exceed the actual purchase and installation cost. Total rebates issued shall not exceed \$5 million. Rebate amounts shall vary according to Missouri adjusted gross income levels as described in the act. The department shall issue a report to the General Assembly by January 1, 2011 regarding the cost-effectiveness of the rebate program. The program shall sunset in 6 years unless reauthorized.

The act creates the Residential Lighting Rebate program, to be administered by the Department of Natural Resources. The department shall provide rebate coupons to participating retailers who shall make the coupons available to customers who purchase certain energy efficient lightbulbs and lighting fixtures. The rebate coupons shall be worth up to \$2 for lightbulbs and up to \$12 for lighting fixtures. The department shall reimburse the retailers for the amount of rebate coupons redeemed at their stores. The program shall sunset in 6 years unless reauthorized.

The act creates minimum energy efficiency standards for certain new appliances and products sold or installed within the state. Exceptions are provided for certain products that are intended to be sold outside the state, installed in manufactured homes, or designed expressly for use in recreational vehicles. The Department of Natural Resources shall promulgate the energy efficiency standards for such products, which shall be at least as stringent as the standards described in the act. The Appliance Energy Efficiency Advisory Group, created in the act, shall advise the department on the development of the standards. The composition of the advisory group is listed in the act.

In consultation with the advisory group, the department shall update the minimum energy efficiency standards for the appliances and products at least once every 3 years to keep current with technological advancements.

Manufacturers of the appliances and products for which the energy efficiency standards apply shall certify to the department that their products meet the standards. Manufacturers who knowingly certify a product that does not meet the standards shall be subject to a civil penalty up to \$10,000 per violation and up to \$10,000 per day for a continuing violation. Manufacturers are also required to mark their products as meeting the energy efficiency standards.

The department is given authority to enforce the provisions of the energy efficiency standards for appliances and products. The department may test and inspect appliances and products and may charge a manufacturer for the cost of such testing if a product is found not to be in compliance with the standards. Violations of the energy efficiency standards may be referred to the Attorney General for prosecution. First-time violators shall receive a warning and subsequent violations shall be subject to a civil penalty up to \$250 per violation.

ERIKA JAQUES

02/28/2008 S First Read--SB 1263-Bray (S389)

EFFECTIVE: August 28, 2008

*** SB 1264 ***

5318S.011

SENATE SPONSOR: Bray

SB 1264 -Under this act, all licensed hospitals and ambulatory surgical centers must submit reports of serious events and incidents to a Patient Safety Authority, which is created under the act. The authority will analyze the collected data to identify trends and recommend changes in healthcare practices and procedures that may be instituted to reduce the number and severity of future serious events and incidents. In addition, the authority will provide individual facilities with detailed reports analyzing data related to their specific facilities or to certain geographic regions and the state as a whole.

A health care worker may file an anonymous report regarding a serious event with the authority. Upon

receipt of the report, the authority shall give notice to the affected medical facility that a report has been filed. The authority shall conduct its own review of the report unless the medical facility has already commenced an investigation of the serious event. The medical facility shall provide the authority with the results of its investigation no later than thirty days after receiving notice. If the authority is dissatisfied with the adequacy of the investigation conducted by the medical facility, the authority shall perform its own review of the serious event and may refer a medical facility and any involved license to the department for failure to report under the provisions of the act.

The authority shall report annually to the Department of Health and Senior Services and the General Assembly on, among other things, the number of serious events and incidents reported by medical facilities on a geographical basis, the information derived from the data, the number of anonymous reports and reviews conducted. The report shall be posted on the Department's Internet website. The Department shall also receive reports of and investigate serious events and infrastructure failures.

This act also establishes a Patient Safety Trust Fund to be administered by the authority. Beginning December 31, 2008, each medical facility shall pay the Department a surcharge on its licensing fee as necessary to operate the authority. The total assessment for all medical facilities shall not exceed five million dollars.

A medical facility shall develop, implement and comply with an internal patient safety plan that will designate a patient safety officer and a patient safety committee. Such plan shall establish a system for health care workers to report serious events or incidents and shall provide for written notification to patients. A health care worker shall report a serious event or incident no later than twenty-four hours after the occurrence or discovery of the event. A health care worker who reports the occurrence shall not be subject to any retaliatory action for reporting the event and shall be entitled to certain protections, as described under the act.

This act also provides that such documents, materials or information prepared solely for the purpose of compliance with the provisions of the act shall be made confidential. The act prescribes the circumstances for the confidentiality of the documents. Any documents, materials, records or information that would otherwise be available from original sources shall not be considered immune from discovery or use in any civil or administrative action or proceeding merely because they were presented to the patient safety committee of a medical facility.

ADRIANE CROUSE

02/28/2008 S First Read--SB 1264-Bray (S389)

EFFECTIVE: August 28, 2008

*** SB 1265 ***

4000S.061

SENATE SPONSOR: Bray

SB 1265 - This act applies to contract carriers that transport railroad employees under the terms of a contractual agreement with a railroad corporation on a road or highway of this state in a vehicle designed to carry 8 or fewer passengers, including the driver.

Under the act, a contract carrier that transports railroad employees shall:

- (1) Require each driver who transports railroad employees to have a valid chauffeur's license;
 - (2) Provide drug and alcohol screening for each driver who transports railroad employees;
 - (3) Conduct a background investigation of each person who transports railroad employees;
 - (4) Require an application for employment from each prospective driver;
 - (5) Conduct an annual review of the driving record of each driver who transports a railroad employee;
- and
- (6) Maintain a personnel file that includes a driving record for each driver who transports railroad employees.

A contract carrier shall limit the hours of service by a driver who transports railroad employees to 16 hours of on duty time within any 24 hour period. A contract carrier shall require a driver who has 12 hours of vehicle operation within any 24 hour period or 16 hours of on duty time within any 24 hour period to have at least 8 consecutive hours off duty before operating a vehicle again.

Under the act, all vehicles used by a contract carrier to transport railroad employees shall be maintained

in a safe and proper operating condition. Contract carriers shall maintain records of maintenance and repair for each vehicle used to transport railroad employees.

Under the act, contract carriers shall keep time records for 6 months indicating the time all for-hire motor carrier drivers report for duty, the time of relief from duty, hours driven, hours on duty, and hours off duty. All records required to be maintained under the act shall be made available for inspection to the director of the department of transportation or the director's designee.

All motor vehicles used by a contract carrier to transport railroad employees within this state shall meet all state and federal regulations pertaining to safe construction and maintenance.

The act requires drivers of vehicles used to transport railroad employees to inspect such vehicles at the beginning and end of each day the vehicles are used to transport railroad employees. Each inspection shall include the completion of an inspection checklist in a manner and format prescribed by the commission. The inspection checklist shall be retained by the contract carrier for 90 days after the date of the inspection.

The act requires each contract carrier to maintain liability insurance in a minimum amount of \$1.5 million for each vehicle used to transport railroad employees.

Under the act, the commission may inspect motor vehicles used by contract carriers. The state highway patrol shall assist the commission conduct the inspections if so requested.

A person who violates the provisions of this act is guilty of a Class B misdemeanor.
STEPHEN WITTE

02/28/2008 S First Read--SB 1265-Bray (S389)

EFFECTIVE: August 28, 2008

*** SB 1266 ***

5395S.011

SENATE SPONSOR: Bray

SB 1266 - This act decouples Missouri income tax law from the Internal Revenue Code with regard to depreciation deductions provided by the enactment of the Economic Stimulus Act of 2008.

JASON ZAMKUS

02/28/2008 S First Read--SB 1266-Bray (S389)

EFFECTIVE: August 28, 2008

*** SB 1267 ***

5283S.021

SENATE SPONSOR: Bray

SB 1267 - This act bars the use of direct-recording electronic voting systems except in polling places that do not have alternative systems that comply with a provision of the Help America Vote Act ensuring independence and privacy for individuals with disabilities. In those polling places, one direct-recording electronic voting machine shall be available and accessible to persons with disabilities upon request.

CHRIS HOGERTY

02/28/2008 S First Read--SB 1267-Bray (S389)

EFFECTIVE: August 28, 2008

*** SB 1268 ***

5365S.011

SENATE SPONSOR: Ridgeway

SB 1268 - Under current law, an employee is entitled to the same number of personal and dependency withholding exemptions as are allowed for federal income tax purposes. This act limits the number of personal and dependency withholding exemptions, for state income tax purposes, to not more than ten.

JASON ZAMKUS

02/28/2008 S First Read--SB 1268-Ridgeway (S389)

EFFECTIVE: August 28, 2008

*** SB 1269 ***

5335S.011

SENATE SPONSOR: Ridgeway

SB 1269 - There shall be a presumption that releasing a person under any conditions set by the court, pending trial, appeal, or other proceeding, shall not reasonably assure the person's appearance if the judge reasonably believes the person is an illegal alien. If such presumption exists, the person shall be jailed until he or she provides verification of his or her lawful presence in the United States to rebut such presumption. If the person adequately proves his or her lawful presence, the judge shall review the issue of release again. However, if the person cannot prove his or her lawful presence, the person shall continue to be jailed until discharged in accordance with the law.

SUSAN HENDERSON MOORE

02/28/2008 S First Read--SB 1269-Ridgeway and Goodman (S389)

EFFECTIVE: August 28, 2008

*** SB 1270 ***

5352S.011

SENATE SPONSOR: Ridgeway

SB 1270 - This act corrects an improper inter-sectional reference contained within the Enhanced Enterprise Zone Tax Benefit Program and prohibits taxpayers from simultaneously receiving tax credits under the Enhanced Enterprise Zone Tax Benefit Program and the Quality Jobs Act.

JASON ZAMKUS

02/28/2008 S First Read--SB 1270-Ridgeway (S389)

EFFECTIVE: August 28, 2008

*** SB 1271 ***

5311S.011

SENATE SPONSOR: Kennedy

SB 1271 - This act requires the City of St. Louis to provide suitable furnishings for the public administrator and the city supply commission shall purchase necessary supplies for the public administrator. Such supplies shall be approved by the comptroller. All necessary expenses incurred by the public administrator of St. Louis City shall, upon his or her requisition, be approved by the comptroller and paid out of the city treasury.

The public administrator of St. Louis City, with the approval of the majority of the circuit judges of the circuit court in St. Louis City, shall employ necessary deputies and fix their salaries. Such compensation cannot exceed the annual rate of compensation fixed by the board of aldermen. For additional duties imposed by this act, the public administrator shall act as trustee or successor trustee when so appointed by the circuit court or the probation division of the circuit court.

SUSAN HENDERSON MOORE

02/28/2008 S First Read--SB 1271-Kennedy and Coleman (S389-390)

EFFECTIVE: August 28, 2008

*** SB 1272 ***

5388S.011

SENATE SPONSOR: Kennedy

SB 1272 - Under this act, a contract between a health carrier and a health care provider shall not require the provider to submit quality of care data to the health carrier as a condition of payment for medical services rendered, unless such data is included in the set of quality of care indicators selected by the federal Centers for Medicare and Medicaid Services for disclosure in comparative format to the public. The provisions of this section shall not be construed to limit the health carrier's ability to:

- (1) Abstract quality of care data from billing data submitted by the provider; or
- (2) Collect data necessary to comply with federal or state law or regulation or accreditation standards; or
- (3) Collect data from health care providers for whom the Centers for Medicare and Medicaid Services has not implemented quality of care indicators for disclosure in comparative format.

Under this act, any person who sells or distributes to the public quality of care data shall include a disclaimer on the information distributed stating that the data includes quality of care indicators other than those used by the federal Centers for Medicare and Medicaid Services and as such may be based on

research methodologies that deviate from the those used by that agency. The act also requires those who sell quality of care data to identify what peer review process was used to confirm the validity of the data and its analysis as an objective indicator of health care quality. In addition, the sellers of quality of care data must indicate whether health care providers identified in the information were consulted regarding its development and data analysis standards. The sellers or distributor of such data shall give such health care providers the opportunity to comment on data made available to the public.

Under this act, programs of health carriers to assess and compare the performance and efficiency of health care providers shall meet certain disclosure requirements. Providers must be notified at least 45 days prior to the implementation of a quality of performance or cost-efficiency measure. The notification shall include a description of the process for using the quality of performance or cost-efficiency measure or measures. Quality of performance or cost efficiency data shall reflect appropriate risk adjustment to account for the characteristics of the patients treated by the provider. When multiple providers are involved in a patient's treatment, quality of performance indicators shall disclose the methodology for determining which provider will be held accountable for a patient's care. When disclosing comparative data, carriers shall prominently state that performance rankings are only a guide in choosing a provider and that such rankings are based on statistical analysis and have a risk of error. Health care providers shall have the right to review quality of performance and cost-efficiency data prior to their disclosure. If a provider files a timely appeal following such review, the health carrier shall not post the quality of performance or cost-efficiency data until the appeal is completed. Quality of performance and cost-efficiency data shall be designed to compare like types of health care providers within the appropriate geographic market.

Violations of the act by health carriers shall be investigated and enforced by the Department of Insurance, Professional Registration and Financial Institutions. Violations committed by persons or entities that are not health carriers shall be investigated and enforced by the department of health and senior services. A civil fine not to exceed \$1,000 may be levied for a violation by the department of health and senior services.

ADRIANE CROUSE

02/28/2008 S First Read--SB 1272-Kennedy (S390)

EFFECTIVE: August 28, 2008

*** SB 1273 ***

5400S.011

SENATE SPONSOR: Wilson

SB 1273 – This act requires the Department of Elementary and Secondary Education to develop standards for teaching in Missouri public schools by June 30, 2009, including public schools, charter schools, and public virtual schools. The teaching standards must include: having students actively participate and be successful in the learning process; forms of assessment to monitor and manage student learning; having the teacher be prepared and knowledgeable of content and maintain students' on-task behavior; having the teacher be current on instructional knowledge and explore changes in teaching behavior; and having the teacher act as a responsible professional in the mission of the school.

The Department will provide guidance to districts in establishing criteria for teacher evaluations under the teaching standards. In developing the teaching standards and evaluation models, the Department must involve representatives from teacher organizations, administration and principal organizations, the Missouri Advisory Council for the Certification of Educators, the Missouri Staff Development Council, and colleges and universities.

MICHAEL RUFF

02/28/2008 S First Read--SB 1273-Wilson (S390)

EFFECTIVE: August 28, 2008

*** SB 1274 ***

5386S.011

SENATE SPONSOR: Stouffer

SB 1274 - The act creates an income tax credit in an amount equal to fifty percent of the amount of an eligible donation made, on or after January 1, 2009, to a qualifying mentally retarded and developmental type disability care provider. The tax credit may not be applied against withholding taxes. The tax credit is non-refundable, but may be carried forward four years. The tax credit is transferable. A provider may apply to the Department of Revenue for the tax credits. The provisions of this act shall automatically sunset six years after the effective date of the act unless reauthorized.

JASON ZAMKUS

02/28/2008 S First Read--SB 1274-Stouffer (S390)

EFFECTIVE: August 28, 2008

*** SB 1275 ***

5382S.011

SENATE SPONSOR: Vogel

SB 1275 - 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, 2008, to January 1, 2009, 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, 2009, to January 1, 2010, 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, 2010, 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 contains 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 Senate Bill 294 (2007) and Senate Bill 1138 (2006).

JASON ZAMKUS

02/28/2008 S First Read--SB 1275-Vogel (S390)

EFFECTIVE: August 28, 2008

*** SB 1276 ***

5389S.011

SENATE SPONSOR: Griesheimer

SB 1276 - Under current law, municipalities located within counties subject to the authority of the East-West Gateway Council of Governments, except those located in Franklin County, are required to create a county-wide TIF commission for the approval of tax increment finance projects. This act removes reference to the East-West Gateway Council of Governments and specifically requires municipalities located within the counties of Jefferson, St. Louis and St. Charles to create county-wide TIF commissions for approval of projects. The act provides membership requirements similar to those provided under current law, as well as a time-line for public hearings on projects and determinations of the commission. Failure of the county-wide TIF commission to make a determination on any given project within the time provided within the act will result in the commission being deemed to have made a recommendation in opposition to such project.

The act repeals a doubly-enacted version of Section 99.825, RSMo.

JASON ZAMKUS

02/28/2008 S First Read--SB 1276-Griesheimer (S390)

EFFECTIVE: August 28, 2008

***** SB 1277 *****

5122S.011

SENATE SPONSOR: Scott

SB 1277 - This act allows electric and gas corporations to implement energy efficiency programs, subject to the review and approval of the Public Service Commission (PSC). Such programs shall be reasonably designed to be cost-effective or in the best interest of customers. Prudently incurred expenditures made by the corporations for approved energy efficiency programs may be recovered through rates as an ongoing expense item or as a rate base item as described in the act. The PSC may exempt the allocation of energy efficiency expenditures to low-income or senior citizen customers.

An approved energy efficiency program may be terminated at any time by the PSC or the corporation, or by another proper party for good cause shown.

The act does not preclude the PSC from approving energy efficiency programs that are not deemed cost-effective, if the increased costs over and above the cost-effective level are paid for by customers who voluntarily participate in the program or are otherwise paid for by financial incentives designed for that purpose.

The PSC may approve or select a consultant to assist in the design and evaluation of energy efficiency programs.

ERIKA JAQUES

02/28/2008 S First Read--SB 1277-Scott, et al (S390)

EFFECTIVE: August 28, 2008

***** SB 1278 *****

5368S.011

SENATE SPONSOR: Shields

SB 1278 - Under current law, members of the Public Service Commission are required to live within 40 miles of Jefferson City. This act removes this requirement and instead only requires that the commissioners reside within the state.

ERIKA JAQUES

02/28/2008 S First Read--SB 1278-Shields (S390)

EFFECTIVE: August 28, 2008

***** SB 1279 *****

5364S.011

SENATE SPONSOR: Clemens

SB 1279 - The act specifies criteria for when non-organic dairy products shall be considered misbranded, which are: when a compositional claim cannot be confirmed through laboratory analysis; when a compositional or production-related claim is supported only by sworn statements, affidavits, or testimonials; if the product label contains a statement that is false or misleading; if the product label states that the product was produced from cows not supplemented with recombinant bovine somatotropin (rbST); or when the label makes any claim regarding the composition of milk.

ERIKA JAQUES

02/28/2008 S First Read--SB 1279-Clemens (S390)

EFFECTIVE: August 28, 2008

***** SB 1280 *****

5350S.011

SENATE SPONSOR: Clemens

SB 1280 - The Missouri Agricultural and Small Business Development Authority (MASBDA) shall develop and implement a Livestock Feed and Crop Input Loan Guarantee Program. The program shall provide loan guarantees for up to 50% of the amount of a loan on a declining principal basis, not to exceed \$40,000 per individual loan. The loan guarantee program shall make such payment to eligible lenders in the event of loan default by recipients of loans given for the purpose of purchasing or growing feed for livestock production.

MASBDA shall charge a one-time \$50 fee for each guaranteed loan and may charge a fee up to 1% per year on the outstanding principal of any guaranteed loan. These fees shall be used to administer the program.

The act limits the total amount of outstanding loans that may be guaranteed by MASBDA to whatever amount is deemed to allow 20% of such loan guarantees to be immediately redeemed at any time.

The act creates the Livestock Feed and Crop Input Loan Guarantee Fund, which shall be used by MASBDA to administer the loan guarantee program. Beginning in fiscal year 2009, up to \$4 million may be appropriated to the fund.

In developing rules regarding eligibility for the loan guarantee program, MASBDA shall take into consideration: an individual's ability to repay a loan, general economic conditions in the potential loan recipient's area, the farm operation's prospect of success, and any other factors deemed relevant.

MASBDA may institute action to recover any amount due the state under the program.
ERIKA JAQUES

02/28/2008 S First Read--SB 1280-Clemens (S390)

EFFECTIVE: August 28, 2008

*** SB 1281 ***

5401S.011

SENATE SPONSOR: Griesheimer

SB 1281 - This act specifies in the case of sales and leases of motor vehicles, trailers, boats and outboard motors, half of the transaction will be deemed to have been consummated at the address of the seller and half at the address of the purchaser. Motor vehicle dealers are required to collect and remit sales taxes on motor vehicle sales and are considered agents of the department of revenue. The act provides penalties for failures by sellers to timely remit sales tax collections. Sellers who remit taxes on behalf of purchasers will be entitled to a credit on the subsequent quarterly remittance. Where a seller is a motor vehicle dealer or a sale is financed by a financial institution, and the item sold is subsequently repossessed, the requirement that the tax paid be refunded to the purchaser will not apply.

JASON ZAMKUS

02/28/2008 S First Read--SB 1281-Griesheimer (S413)

EFFECTIVE: August 28, 2008

*** SB 1282 ***

5403S.011

SENATE SPONSOR: Smith

SB 1282 – This act requires the Department of Elementary and Secondary Education to contract with an online test preparation company to provide a customized ACT preparation program to all public high school juniors. The chosen company must have demonstrated performance as described in the act and provide a skills-based approach that emphasizes skill development in English, reading, mathematics, and science.

MICHAEL RUFF

02/28/2008 S First Read--SB 1282-Smith (S413)

EFFECTIVE: August 28, 2008

*** SB 1283 ***

5271S.011

SENATE SPONSOR: Dempsey

SB 1283 - This act establishes the Missouri Health Transformation Act of 2008.

MINIMUM HEALTH PROMOTION STANDARD FOR STATE BUILDINGS

This act requires the Office of Administration, in consultation with the Department of Health and Senior Services to submit a report to the Governor and General Assembly by December 31, 2008, detailing the opportunities for the state to implement a minimum health promotion standard for construction or substantial renovation of a state building. SECTION 8.365

HEALTH REVIEW IN THE LEGISLATIVE FISCAL NOTE PROCESS

Under current law, the Oversight Division of the Committee on Legislative Research prepares a fiscal note providing specified information, including the cost of the legislation to the state, for all legislation, with the exception of appropriation bills, from the General Assembly, before being acted upon. This act requires the Oversight Division to also submit in the fiscal note information on how the legislation will impact the health of the citizens in this state. SECTION 23.140

HEALTH CABINET AND HEALTH POLICY COUNCIL

This act creates the Missouri Health Cabinet. The cabinet shall ensure that the public policy of the state relating to health is developed to promote interdepartmental collaboration and program implementation in order that services designed for health are planned, managed, and delivered in a holistic and integrated manner to improve the health of Missourians.

The cabinet is created in the executive office of the Governor and shall meet for its first organizational session no later than October 1, 2008. Thereafter the cabinet shall meet at least six times each year in the different regions of the state in order to solicit input from the public. The cabinet shall consist of seven members, including the Governor, the director of the Departments of Health and Senior Services, mental health, insurance, financial institutions and professional registration and the commissioner of education. The president pro tem of the Senate, the Speaker of the House, the chief justice of the Supreme Court, the Attorney General, and the Commissioner of the Office of Administration, and the director of Agriculture, or their appointed designees shall serve as ex officio members of the cabinet.

The Governor shall appoint a Health Policy Council to assist the cabinet in its tasks. The council shall replace the MO HealthNet Oversight Committee and the state boards of health and senior services, which are repealed under the act. The members of the council shall consist of representatives from the health care or health policy field. SECTIONS 26.850 TO 26.856

REPORT ON SHIFTING DEMOGRAPHICS

The Lieutenant Governor, in his or her capacity as the senior advocate for the state, shall coordinate with all the directors of the departments in this state to review their major policies, programs, and structures in light of the state's increasingly older and more diverse population. A policy brief shall be submitted to the Governor and General Assembly by July 1, 2009, and shall highlight critical functions or issue areas that would be affected by shifting demographics and how such issues should be addressed within the next ten years. SECTION 26.900

TAX CREDITS

This act provides a tax credit to small employers who do not provide health care coverage for their employees for the contributions they make to their employee's health savings accounts. The amount of the tax credit shall not exceed the actual amount contributed to the employee's account or \$500, whichever is less. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year for which the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of \$25,000 per taxable year. The tax credit may be carried over to the next 4 succeeding taxable years. SECTION 103.185

This act increases the amount of tax credits available for taxpayers who modify their home to be accessible for disabled people who reside with such taxpayer. Under current law, up to one hundred thousand dollars in tax credits remaining unused under the rebuilding communities tax credit program are allocated for use by taxpayers who modify their homes for disabled persons residing with such taxpayers. This act increases the amount of available tax credits by allocating all unused tax credits under the rebuilding communities tax credit program for use by taxpayers who modify their homes for disabled persons residing with such taxpayers. The rebuilding communities tax credit program is capped at ten million dollars annually. Constructing additional rooms in the dwelling or a new structure on the property are added as a new eligible cost for which the tax credit may be claimed. SECTIONS 135.535 AND 135.562

This provision is substantially similar to SB 717 (2008).

This act also authorizes a tax credit in an amount equal to the lesser of the actual expenses incurred in purchasing and installing health information technology or five thousand dollars. SECTION 135.675

This act provides an income tax deduction in the amount equal to 100% of the premium paid by the taxpayer during the taxable year for high deductible health plans established and used with a health savings

account under the applicable provisions of the Internal Revenue Code to the extent the amount is not deducted on the taxpayer's federal income tax return for that taxable year. SECTIONS 1143.116 AND 143.121

Under this act, every insurance company are exempt from paying premium taxes provided on premiums paid by Missouri residents for high deductible health plans sold or maintained in connection with a health savings account. SECTION 148.372

PHYSICAL EDUCATION

This act requires school districts to comply with physical education requirements by July 1, 2011. Students in kindergarten through grade twelve must participate in daily physical education for the entire school year. Elementary schools will have at least one hundred fifty minutes of physical education per week while middle and high schools will have at least two hundred twenty-five minutes per week. SECTION 167.720

MISSOURI HEALTHY WORKPLACE RECOGNITION PROGRAM

This act requires the Department of Health and Senior Services to develop the Missouri Healthy Workplace Recognition Program for the purpose of granting official state recognition to employer with more than fifty employees for excellence in promoting health, wellness, and prevention. The criteria for awarding such recognition shall include at a minimum whether the employer offers workplace wellness programs; incentives for healthier lifestyles; opportunities for active community involvement and exercise, and encouragement of well visits with health care providers. SECTION 191.1025

INTERNET WEB-BASED PRIMARY CARE ACCESS PILOT PROJECT

This act requires the Department of Health and Senior Services to award a grant to implement an internet web-based primary care access pilot project designed as a collaboration between private and public sectors to connect, where appropriate, a patient with a primary care medical home, and schedule patients into available community-based appointments as an alternative to non-emergency use of the hospital emergency room. The criteria for the grant are specified in the act. SECTION 191.1200

TELEHEALTH

This act expresses the state's recognition of the delivery of health care via telehealth as a safe, practical and necessary practice in the state. By January 1, 2009, the Department of Health and Senior Services shall promulgate quality control rules to be used in removing and improving the service of telehealth practitioners. SECTIONS 191.1250 to 191.1277

COMMUNITY AND FAITH-BASED ORGANIZATIONS

This act requires the Office of Minority Health and the Department of Social Services, through its faith-based liaison, to solicit proposals from such community programs and organizations to develop solutions regarding health and wellness SECTIONS 192.083 AND 660.750

TOBACCO USE PREVENTION, AND CESSATION FUND

This act creates the tobacco use prevention, and cessation fund. Beginning fiscal year 2009, payments received from the strategic contribution fund will be deposited into the newly created fund to be used to fund tobacco prevention and cessation programs. SECTION 196.1200

ADVERSE HEALTH EVENTS

Under this act, all licensed hospitals and ambulatory surgical centers must submit reports of serious events and incidents to the Right to Know Committee, which is created under the act. The committee will analyze the collected data to identify trends and recommend changes in healthcare practices and procedures that may be instituted to reduce the number and severity of future serious events and incidents. In addition, the committee will provide individual facilities with detailed reports analyzing data related to their specific facilities or to certain geographic regions and the state as a whole. SECTIONS 197.850 TO 197.880

MO HEALTHNET

As of July 1, 2009, the MO HealthNet Division shall no longer reimburse health care providers for the treatment of preventable errors, injuries and infections that occur under the providers' care. By December 31, 2008, the division shall compile a list of such errors, injuries and infections. SECTION 208.149

Prescribed medically necessary therapy services, including physical, occupational, and speech therapy, shall be covered under the Mo HealthNet program. SECTION 208.152.

This act also establishes the Insure Missouri program to administered by the department of social services. SECTIONS 208. 1300 to 208.1345

HEALTH INSURANCE

Beginning July 1, 2009, the Missouri consolidated health care plan shall include, as part of its covered benefits, all of the preventive benefits recommended by the federal U.S. Preventive Services Task Force. SECTION 103.185

Under this act, the director of Insurance, Financial Institutions and Professional Registration is authorized to allow health reimbursement arrangement only plans that encourage employer financial support of health insurance or health related expenses recognized under the rules of the Internal Revenue Service to be approved for sale in connection with or packaged with individual health insurance policies otherwise approved by the director.

Under this act, a health carrier domiciled in another state may offer, sell, or renew a health benefit plan or health insurance policy in Missouri without holding a license or certificate of authority issued by the Department of Insurance, Financial Institutions and Professional Registration. The health carrier may sell a health benefit plan within Missouri under such conditions if it meets the following criteria:

- (1) It offers, sells, or renews a health benefit plan in this state that complies with all of the requirements of the domiciliary state applicable to the plan;
- (2) It is authorized to issue the plan in the state where it is domiciled and to transact business there; and
- (3) It maintains a process to resolve disputes between it and a resident of this state pertaining to the health benefit plan.

If the health carrier meets all the conditions for selling its domiciliary plan within Missouri, it may sell health benefit plans that are exempt from the provisions of Chapter 376. In addition, the health carrier shall not be required to offer or provide state-mandated health benefits required by Missouri law or regulations in health benefit plans or health insurance policies sold to Missouri residents. The health carrier shall be subject to regulation by the director with regard to enforcement of the contractual benefits under the policy or health benefit plan, including the requirements regarding the prompt payment of claims for benefits and the procedure for the denial of benefits.

Each written application for participation in a health benefit plan offered by a health carrier domiciled in another state shall contain language alerting the applicant that the policy is primarily governed by the laws of another state and that the policy is subject to the rating laws of that state. Each plan or policy shall also contain a statement that the benefits of the policy or plan are governed primarily by the laws of a state other than Missouri. The statement shall notify the applicant or insured that while the plan may provide the applicant a more affordable health insurance policy, it may also provide fewer health benefits than those normally included as state mandated health benefits in policies in Missouri.

The act requires the director to prepare a disclosure form prior to January 1, 2009, that is easily understood and that summarizes the benefits a health benefit plan is required to include under Missouri law and regulations and the benefits that may be waived under this act. The applicant or the contractholder shall sign the disclosure form, specifying the benefits he or she waives and indicating that the plan has explained the contents of the disclosure and that he or she understands them, before the health benefit plan may be issued, amended, or renewed without one or more of the state-mandated health benefits.

The director shall study and recommend to the general assembly changes to remove any unnecessary application and marketing barriers that limit the entry of new health insurance products into the Missouri market. The director shall examine state statutory and regulatory requirements along with market conditions which create barriers for the entry of new health insurance products and health insurance companies. The director shall also examine proposals adopted in other states that streamline the regulatory environment to make it easier for health insurance companies to market new and existing products. The director shall submit a report of his or her findings and recommendations to each member of the general assembly no later than January 1, 2009. SECTION 376.1618.

ADRIANE CROUSE

02/28/2008 S First Read--SB 1283-Dempsey, et al (S413)

EFFECTIVE: August 28, 2008

SENATE SPONSOR: Ridgeway

SB 1284 - This act creates an administrative procedure in which a towing company may seek to recoup reasonable towing and storage fees associated with towing an abandoned vehicle from public property. The towing company may submit an affidavit within 30 days, but no more than 45 days of the tow to recoup the towing company's towing and storage fees. In addition to the affidavit, the towing company must submit an application which shall include an itemized accounting of the towing and storage fees. The application shall also be accompanied by a copy of the crime and inquiry inspection report (the DOR 4569 Form) and the applicant shall attest that the towing company has complied with all the statutory procedural requirements.

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

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

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

This act is identical to SB 606 (2006).

STEPHEN WITTE

02/28/2008 S First Read--SB 1284-Ridgeway (S413)

EFFECTIVE: August 28, 2008

*** SB 1285 ***

5419S.011

SENATE SPONSOR: Ridgeway

SB 1285 - Effective January 1, 2009, for all charter counties and the City of St. Louis, assessors are required to provide the city or county clerks with assessment books on or before March first of each year. The city or county clerks must make abstracts of the assessment books showing the aggregate amounts of different types of property and the valuations of each type for each political subdivision levying taxes on property. The governing bodies of political subdivisions must use the information provided in the abstracts to informally project non-binding tax rate levies and provide such projected levies to the clerk no later than April 15th of each year. Utilizing the projected tax levies, the county collector must then calculate the projected tax liability for each property for which the assessor intends to provide a notice of increased assessed value by April thirtieth. Failure by a political subdivision to provide projected tax levies by April 15th will result in a twenty percent reduction in such political subdivision tax levy for the tax year. However, if a political subdivision's failure to provide projected tax levies in the time prescribed is due to a delinquency in the provision of, or a failure to provide, the required information by either the clerk or the assessor, no such reduction will be triggered. Charter counties and the City of St. Louis must provide a notice of projected tax liability with the notice of increased assessed value provided by the assessor. The notice of projected tax liability will provide detailed information regarding the taxation of a property owners property, including the projected tax liability, the previous year's assessed value of the property and the previous year's tax liability.

Beginning January 1, 2011, all counties will be subject to the same projected tax liability and notice requirements applicable to the City of St. Louis and charter counties.

JASON ZAMKUS

02/28/2008 S First Read--SB 1285-Ridgeway (S413)

EFFECTIVE: August 28, 2008

*** SB 1286 ***

5398S.011

SENATE SPONSOR: Scott

SB 1286 - This act creates the "Business Premises Safety Act." The act provides that a business owners or operators shall not restrict any person from lawfully possessing a firearm in a motor vehicle, except for a motor vehicle owned or leased by such business.

The act also provides that business owners or operators have no duty to guard against the criminal acts of a third party, unless they know or have reason to know that the criminal acts are occurring or are about to occur on the premises, or if the same criminal acts have occurred on the premises within the prior 24 months.

A business also has no duty to implement security measure for the protection of its customers, but shall determine if such measures shall be implemented by considering the magnitude of the burden to the business and the foreseeability of the injury to be prevented. If past criminal activities have occurred, evidence of remedial action shall be inadmissible to show prior negligence.

Business owners or operators shall not be liable for injury or damage resulting from compliance with the provisions of this act.

This act is similar to HB 1383 (2008).

ALEXA PEARSON

02/28/2008 S First Read--SB 1286-Scott (S413)

EFFECTIVE: August 28, 2008

*** SB 1287 ***

5331S.011

SENATE SPONSOR: Scott

SB 1287 – This act requires the Juvenile Division of the circuit court to have concurrent jurisdiction over guardianship actions for children who are under the jurisdiction of the juvenile court at the time the guardianship petition is filed under the probate code.

ADRIANE CROUSE

02/28/2008 S First Read--SB 1287-Scott (S413)

EFFECTIVE: August 28, 2008

*** SB 1288 ***

5405S.021

SENATE SPONSOR: Shields

SB 1288 - Currently, lobbyists must report expenditures on occasions when members of a standing committee of either the house of representatives or the senate are invited in writing. This act extends this requirement to expenditures for occasions where members of any committee of the house of senate are invited.

CHRIS HOGERTY

02/28/2008 S First Read--SB 1288-Shields (S413)

EFFECTIVE: August 28, 2008

*** SCR 27 ***

3392S.011

SENATE SPONSOR: Champion

SCR 27 - This Senate concurrent resolution encourages the Supreme Court of Missouri to work with the presiding judges of the state judicial circuits, the Office of State Courts Administrator, and the Circuit Court Budget Committee in order to efficiently allocate resources among the judicial circuits. The resolution also encourages the Court to continue to track judges' caseloads, and to examine and alter its Rules if necessary

to implement and expand the program that authorizes transfers of judges to circuits in need.

ALEXA PEARSON

01/17/2008 S First Read (S109-110)

01/22/2008 Referred S Rules, Joint Rules, Resolutions & Ethics Committee (S121)

02/13/2008 Hearing Conducted S Rules, Joint Rules, Resolutions & Ethics Committee

EFFECTIVE: upon approval

*** SCR 28 ***

4806S.011

SENATE SPONSOR: Justus

SCR 28 - This resolution urges ratification of the Equal Rights Amendment to the United States Constitution.

This SCR is similar to SCR 7 (2007).

ADRIANE CROUSE

01/28/2008 S First Read--SCR 28-Justus (S137-138)

01/29/2008 Second Read and Referred S Rules, Joint Rules, Resolutions & Ethics Committee (S147)

02/13/2008 Hearing Conducted S Rules, Joint Rules, Resolutions & Ethics Committee

EFFECTIVE: upon approval

*** SCR 29 ***

3317S.021

SENATE SPONSOR: Mayer

SCR 29 - This resolution requests that the U.S. Department of Agriculture's National Agricultural Statistics Service add the dates of June 1st and September 1st as additional reporting dates for rice on the Agricultural Statistics Board calendar.

This resolution is similar to HCR 38 (2007).

ERIKA JAQUES

01/29/2008 S Offered--SCR 29-Mayer (S145-146)

01/30/2008 Referred S Rules, Joint Rules, Resolutions & Ethics Committee (S153)

02/13/2008 Hearing Conducted S Rules, Joint Rules, Resolutions & Ethics Committee

EFFECTIVE: upon approval

*** SCR 30 ***

3184S.011

SENATE SPONSOR: Bray

SCR 30 - This resolution ratifies the Equal Rights Amendment to the United States Constitution.

This SCR is similar to SCR 7 (2007).

ADRIANE CROUSE

02/06/2008 S First Read--SCR 30-Bray (S186)

02/07/2008 Second Read and Referred S Rules, Joint Rules, Resolutions & Ethics Committee (S204)

EFFECTIVE: upon approval

*** SCR 31 ***

5027S.011

SENATE SPONSOR: Barnitz

SCR 31 - This resolution expresses support for the Chamois ferryboat project and urges the Department of Economic Development, the Department of Transportation, and Missouri's Congressional delegation to assist in securing moneys for the location and construction of the ferryboat.

This resolution is identical to HCR 8 (2007).

STEPHEN WITTE

02/19/2008 S First Read (S267-268)

02/20/2008 Second Read and Referred S Rules, Joint Rules, Resolutions & Ethics Committee (S304)

EFFECTIVE: upon approval

*** SCR 32 ***

4748S.011

SENATE SPONSOR: Purgason

SCR 32 - This resolution urges the U.S. Congress to use all efforts to withdraw from any participation in the Security and Prosperity Partnership of North America which seeks to create a North American Union.

This concurrent resolution is similar to SCR 15 (2007).

JIM ERTLE

02/20/2008 S Offered--SCR 32-Purgason (S282-283)

02/21/2008 Referred S Rules, Joint Rules, Resolutions & Ethics Committee (S343)

EFFECTIVE: upon approval

*** SCR 33 ***

5219S.011

SENATE SPONSOR: Bray

SCR 33 - This resolution calls upon the President of the United States, the State Department and the United States Congress to support the peace process in Sudan.

This resolution is similar to SCR 35 (2006).

JIM ERTLE

02/25/2008 S First Read--SCR 33-Bray (S349--350)

02/27/2008 Referred S Rules, Joint Rules, Resolutions & Ethics Committee (S379)

EFFECTIVE: upon approval

*** SCR 34 ***

5201S.011

SENATE SPONSOR: Purgason

SCR 34 - This resolution urges the U.S. Department of Agriculture to continue the National Animal Identification System as a voluntary program.

This resolution is similar to SCR 31 (2006).

ERIKA JAQUES

02/27/2008 S First Read--SCR 34-Purgason (S372)

02/28/2008 Referred S Rules, Joint Rules, Resolutions & Ethics Committee (S413)

EFFECTIVE: upon approval

*** SCR 35 ***

5310S.011

SENATE SPONSOR: Shoemyer

SCR 35 - This resolution urges the U.S. Congress to support the continuation of horse processing in the United States and offer incentives to help create horse processing plants throughout the country. The resolution encourages the U.S. Congress to oppose two federal bills, S. 311 and H.R. 503, which relate to the slaughtering of horses and other equine animals for human consumption.

ERIKA JAQUES

02/27/2008 S First Read--SCR 35-Shoemyer, et al (S377)

02/28/2008 Referred S Rules, Joint Rules, Resolutions & Ethics Committee (S413)

EFFECTIVE: upon approval

*** SJR 29 ***

3651S.011

SENATE SPONSOR: Loudon

SJR 29 - This proposed constitutional amendment, if approved by the voters, provides that the official dating standard used by the state of Missouri shall be A.D., or Anno Domini, and B.C., or Before Christ. Neither the state, nor any political subdivision, shall use any other designation.

This SJR is identical to SJR 25 (2007).

JIM ERTLE

12/01/2007 Prefiled
01/09/2008 S First Read--SJR 29-Loudon, et al (S24)
01/16/2008 Second Read and Referred S Pensions, Veterans' Affairs and General Laws Committee (S106)
01/23/2008 Hearing Conducted S Pensions, Veterans' Affairs and General Laws Committee
01/30/2008 Voted Do Pass S Pensions, Veterans' Affairs and General Laws Committee

EFFECTIVE: Upon voter approval

*** SJR 30 ***

3063S.011

SENATE SPONSOR: Coleman

This bill has been combined with SJR 34

12/01/2007 Prefiled
01/09/2008 S First Read--SJR 30-Coleman (S24)
01/16/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S106)
02/11/2008 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee
02/18/2008 Bill Combined w/(SCS/SJR 34 & 30)

EFFECTIVE: Upon voter approval

*** SJR 31 ***

3131S.011

SENATE SPONSOR: Bartle

SJR 31 - 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 1 (2007), SJR 24 (2006) and SJR 11 (2005).

STEPHEN WITTE

12/01/2007 Prefiled
01/09/2008 S First Read--SJR 31-Bartle (S24)
01/16/2008 Second Read and Referred S Transportation Committee (S106)
01/23/2008 Hearing Conducted S Transportation Committee

EFFECTIVE: Upon voter approval

*** SJR 32 ***

3132S.011

SENATE SPONSOR: Bartle

SJR 32 - This constitutional amendment, if approved by voters, would create the 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 act is similar to SJR 6 (2005) and SJR 3 (2007).

JASON ZAMKUS

12/01/2007 Prefiled
01/09/2008 S First Read--SJR 32-Bartle (S24)
01/16/2008 Second Read and Referred S Governmental Accountability & Fiscal Oversight Committee (S106)
02/14/2008 Hearing Conducted S Governmental Accountability & Fiscal Oversight Committee

EFFECTIVE: Upon voter approval

*** SJR 33 ***

3613S.011

SENATE SPONSOR: Ridgeway

SJR 33 - This constitutional amendment, if approved by voters, would require residential real property to be reassessed only upon transfer of ownership. For years where the property is not subject to transfer, political subdivisions are limited to increasing assessed values only for new construction and improvements.

This act is similar to SJR 23 (2007).

JASON ZAMKUS

12/01/2007 Prefiled
01/09/2008 S First Read--SJR 33-Ridgeway (S24)
01/16/2008 Second Read and Referred S Ways & Means Committee (S106)

EFFECTIVE: Upon voter approval

*** SJR 34 *** SCS SJRs 34 & 30

3099S.02C

SENATE SPONSOR: Crowell

SCS/SJRs 34 & 30 - Upon voter approval, the constitutional amendment creates an exception to the prohibition against laws retrospective in operation by allowing the sexual offender registry laws to be applied retrospectively.

This act is identical to SCS/SJRs 9 & 17 (2007).

SUSAN HENDERSON MOORE

12/01/2007 Prefiled
01/09/2008 S First Read--SJR 34-Crowell and Coleman (S24)
01/16/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S106)
02/11/2008 Hearing Conducted S Judiciary and Civil & Criminal Jurisprudence Committee
02/18/2008 SCS Voted Do Pass (w/SCS/SJRs 34 & 30) S Judiciary and Civil & Criminal Jurisprudence Committee (3099.02C)
02/21/2008 Reported from S Judiciary and Civil & Criminal Jurisprudence Committee to Floor w/SCS (S341)
03/03/2008 S Formal Calendar S Bills for Perfection--SJRs 34 & 30-Crowell and Coleman, with SCS

EFFECTIVE: Upon voter approval

*** SJR 35 ***

3231S.011

SENATE SPONSOR: Shoemyer

SJR 35 - Upon voter approval, this proposed constitutional amendment would allow any county or the city of St. Louis to adopt, by ordinance or order, regulations affecting public health and welfare which are more restrictive than state law.

This act is identical to SJR 18 (2007).

SUSAN HENDERSON MOORE

12/01/2007 Prefiled
 01/09/2008 S First Read--SJR 35-Shoemyer (S24)
 01/16/2008 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S106)

EFFECTIVE: Upon voter approval

*** SJR 36 ***

3847S.011

SENATE SPONSOR: Graham

SJR 36 - 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 5 (2007) and SJR 37 (2006).

JIM ERTLE

12/12/2007 Prefiled
 01/09/2008 S First Read--SJR 36-Graham (S24)
 01/16/2008 Second Read and Referred S Governmental Accountability & Fiscal Oversight Committee (S106)

EFFECTIVE: Upon voter approval

*** SJR 37 ***

3848S.011

SENATE SPONSOR: Graham

SJR 37 - 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 7 (2007) and SJR 36 (2006).

JIM ERTLE

12/12/2007 Prefiled
 01/09/2008 S First Read--SJR 37-Graham (S24)
 01/16/2008 Second Read and Referred S Governmental Accountability & Fiscal Oversight Committee (S106)

EFFECTIVE: Upon voter approval

*** SJR 38 ***

3383S.011

SENATE SPONSOR: Clemens

SJR 38 - 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 SJR is identical to SJR 14 (2007) and SJR 25 (2006) and SJR 9 (2005).

JIM ERTLE

12/17/2007 Prefiled
 01/09/2008 S First Read--SJR 38-Clemens (S24)
 01/16/2008 Second Read and Referred S Governmental Accountability & Fiscal Oversight Committee (S106)
 02/14/2008 Hearing Scheduled But Not Heard S Governmental Accountability & Fiscal Oversight Committee
 02/21/2008 Hearing Scheduled But Not Heard S Governmental Accountability & Fiscal Oversight Committee

EFFECTIVE: Upon voter approval

*** SJR 39 ***

3384S.011

SENATE SPONSOR: Clemens

SJR 39 - This proposed constitutional amendment, if approved by voters, would modify the term of office for Senators and Representatives. Currently, Representatives are elected every two years to serve two-year terms and one-half of the Senators are elected every two years to serve four-year terms. Beginning with the 97th General Assembly, all Representatives would be elected every four years and would be eligible to serve three four-year terms. Senators would be eligible to serve two six-year terms and one-third of the Senators would be up for election every two years. Beginning with the 97th General Assembly, no one shall serve more than 12 years total in one house nor more than 24 years total in both houses, disregarding any prior service.

This SJR is similar to SJR 21 (2007).

JIM ERTLE

12/19/2007 Prefiled

01/09/2008 S First Read--SJR 39-Clemens (S25)

01/16/2008 Second Read and Referred S Financial & Governmental Organizations and Elections Committee (S106)

EFFECTIVE: Upon voter approval

*** SJR 40 ***

3744S.021

SENATE SPONSOR: McKenna

SJR 40 - This constitutional amendment, if approved by voters, would repeal the provision of Missouri's Constitution which provides moneys from the State Highways and Transportation fund to pay actual costs of the Highway Patrol in administering and enforcing state vehicle and traffic laws. An additional state-wide sales and use tax of three-eighths of one percent is imposed to fund such activities.

JASON ZAMKUS

01/02/2008 Prefiled

01/09/2008 S First Read--SJR 40-McKenna (S25)

01/16/2008 Second Read and Referred S Ways & Means Committee (S106)

EFFECTIVE: upon voter approval

*** SJR 41 ***

3985S.011

SENATE SPONSOR: Rupp

SJR 41 - Upon voter approval, this proposed constitutional amendment shall prohibit all state courts from imposing or ordering any new or increased taxes, licenses, or fees, except when expressly authorized by an act of the general assembly or vote of the people. The amendment also prohibits any state court from instructing or ordering the general assembly or any officer of the state, any political subdivision, or any governmental agency to appropriate or spend public funds, except as expressly authorized by legislation or the vote of the people.

The amendment shall not prevent the state courts from declaring rights and obligations of parties under laws appropriating or authorizing expenditure of public funds; shall not limit court authority to enter and enforce judgments concerning lawful contracts or bonded indebtedness of the state or its agencies; shall not limit court authority to enforce provisions of article X, sections 16 to 25 of the state constitution; and shall not limit court authority to enjoin the levy or collection of illegal taxes, licenses, fees or expenditures not authorized by law, or to order reductions in tax rates in accordance with law.

This amendment is similar to HJR 1 (2007) and identical to HJR 41 (2008).

ALEXA PEARSON

01/08/2008 Prefiled

01/09/2008 S First Read--SJR 41-Rupp (S25)

01/16/2008 Second Read and Referred S Judiciary and Civil & Criminal Jurisprudence Committee (S106)

EFFECTIVE: Upon voter approval

*** SJR 42 ***

4148S.011

SENATE SPONSOR: Griesheimer

SJR 42 - Upon voter approval, this constitutional amendment would allow special laws to be adopted by the General Assembly when regulating the affairs of counties, cities, towns, or villages, or other political subdivisions within such local governments. Specific notice of the special law to the affected locality shall not be required.

SUSAN HENDERSON MOORE

01/15/2008 S First Read--SJR 42-Griesheimer (S87)

01/16/2008 Second Read and Referred S Economic Development, Tourism & Local Government Committee (S106)

EFFECTIVE: Upon voter approval

*** SJR 43 ***

3067S.03I

SENATE SPONSOR: Loudon

SJR 43 - This proposed constitutional amendment allocates ten percent of the growth of general revenue to the State Road Fund and the State Transportation Fund. Beginning with FY 2010, ten percent of the growth in general revenue occurring between FY 2008 and FY 2009 shall be transferred to the State Road Fund and the State Transportation Fund, with the State Road Fund receiving 95% of the transfer and the State Transportation Fund receiving 5% of such amount. Any amount transferred to the State Road Fund shall stand appropriated without legislative action. For all subsequent fiscal years, the state treasurer must determine the amount to be transferred to the State Road Fund and State Transportation Fund by comparing the amount of net general revenue collected in the prior fiscal year and the amount of net general revenue collected in fiscal year 2008 (base fiscal year). Once the growth has been calculated, ten percent of the increase shall be transferred to the State Road Fund and State Transportation Fund, with the State Road Fund receiving 95% of such amount, and the State Transportation Fund receiving 5% of the increase. Moneys apportioned under this resolution are not included within the definition of "total state revenues" nor are they considered to be an "expense of state government" for purposes of the Hancock Amendment.

STEPHEN WITTE

01/17/2008 S First Read--SJR 43-Loudon (S111)

01/22/2008 Second Read and Referred S Governmental Accountability & Fiscal Oversight Committee (S122)

02/28/2008 Hearing Conducted S Governmental Accountability & Fiscal Oversight Committee

EFFECTIVE: Upon voter approval

*** SJR 44 ***

4408S.02I

SENATE SPONSOR: Loudon

SJR 44 - This constitutional amendment, if approved by voters, would limit increases in assessed value due to reassessment of residential real property to a maximum of the inflationary rate over a prior year assessment until a transfer of ownership occurs. Upon a transfer of ownership, such property would be reassessed at its value for the year in which the transfer occurs.

JASON ZAMKUS

01/22/2008 S First Read--SJR 44-Loudon (S118)

01/24/2008 Second Read and Referred S Ways & Means Committee (S133)

EFFECTIVE: Upon voter approval

*** SJR 45 ***

4436S.01I

SENATE SPONSOR: Clemens

SJR 45 - Currently, sewer districts and water districts in counties of the first classification and the city of St. Louis may receive grants and loans through the Department of Natural Resources for storm water control projects. This constitutional amendment, if approved by the voters, limits the eligibility for sewer and water districts to only those considered "public."

The amendment removes the requirement that appropriations for the Stormwater Control Fund may not exceed \$20 million in aggregate per fiscal year.

Currently, the Department of Natural Resources is required to provide both grants and loans using the funds resulting from the issuance of storm water control bonds, with 50% of the funding to be used for grants

and 50% for loans. This amendment removes the percentage requirements as well as the requirement that both forms of financial assistance must be offered together. Additionally, the amendment removes the requirement that grants are limited to 50% of the cost of a storm water control project.

The amendment modifies the distribution of the grants or loans by the Department by requiring the funding to be "initially offered" to the named eligible recipients rather than "dispersed" to such recipients.

Once the initial offer of grants or loans has been made to all eligible recipients, the amendment allows any unused funds to be re-offered to grant or loan recipients who need additional funding in proportions as described.

The amendment allows repayments of storm water loans and applicable interest to be deposited in a fund to finance and construct storm water control plans, studies, and projects. Unexpended balances in the fund shall not be subject to biennial transfer to the General Revenue Fund and the fund shall retain its interest.

ERIKA JAQUES

01/29/2008 S First Read--SJR 45-Clemens (S147)

01/31/2008 Second Read and Referred S Agriculture, Conservation, Parks & Natural Resources Committee (S160)

02/26/2008 Hearing Conducted S Agriculture, Conservation, Parks & Natural Resources Committee

EFFECTIVE: Contingent

*** SJR 46 ***

4879S.011

SENATE SPONSOR: Purgason

SJR 46 - 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, 2009 and would count any service prior to that date in calculating the limits.

This amendment is similar to SJR 15 (2007).

JIM ERTLE

02/20/2008 S First Read--SJR 46-Purgason (S283)

02/25/2008 Second Read and Referred S Commerce, Energy and the Environment Committee (S355)

02/27/2008 Re-referred S Financial & Governmental Organizations and Elections Committee (S380)

EFFECTIVE: Contingent

*** SJR 47 ***

3121S.021

SENATE SPONSOR: Wilson

SJR 47 - This proposed constitutional amendment, if approved by voters, would allow for the creation of discrete tax free or reduced tax geographic zones for the purpose of promoting economic development in such zones. No such zone may maintain tax favored status for a term longer than twenty-three years.

JASON ZAMKUS

02/20/2008 S First Read--SJR 47-Wilson and Coleman (S317)

02/25/2008 Second Read and Referred S Ways & Means Committee (S355)

EFFECTIVE: Upon voter approval

*** SJR 48 ***

5236S.011

SENATE SPONSOR: Stouffer

SJR 48 - This constitutional amendment proposal institutes a one percent sales and use tax for the purpose of converting Interstate 70 and Interstate 44 into an eight-lane interstate system. The resolution provides that the proceeds of the one percent sales and use tax will be deposited in the State Transportation Interstate Fund.

STEPHEN WITTE

02/27/2008 S First Read--SJR 48-Stouffer and McKenna (S375)

02/28/2008 Second Read and Referred S Transportation Committee (S415)

EFFECTIVE: Constitutional Amendment

*** SJR 49 ***

5396S.011

SENATE SPONSOR: Lager

SJR 49 - This constitutional amendment, if approved by voters, would prohibit the state of Missouri and any political subdivision of the state from imposing any tax upon the income of residents of the state after January 1, 2023.

JASON ZAMKUS

02/28/2008 S First Read--SJR 49-Lager (S390-391)

EFFECTIVE: August 28, 2008

*** SJR 50 ***

5139S.021

SENATE SPONSOR: Lager

SJR 50 - This constitutional amendment, if approved by voters, would limit state general revenue appropriations to the amount of appropriations made in the previous fiscal year increased by an inflationary growth factor. In any fiscal year where net general revenue collections exceed total state general revenue appropriations by more than one percent of total general revenue appropriations, the excess over one percent will be transferred to the newly created cash operating reserve fund to be used to reduce all state income tax rates. The amendment provides procedures for appropriating revenues in excess of the appropriation limitation and restoring certain expenditures of the state or any of its agencies when no other funds are available in cases of emergency.

This proposed constitutional amendment is identical to HJR 70 (2008).

JASON ZAMKUS

02/28/2008 S First Read--SJR 50-Lager (S391)

EFFECTIVE: Upon voter approval

*** SR 1472 ***

SENATE SPONSOR: Gibbons

SR 1472 - This resolution modifies the number of members of certain standing committees.

JIM ERTLE

01/09/2008 S offered (S5)

01/10/2008 S adopted (S68)

EFFECTIVE: upon approval

*** SR 1515 ***

3682S.02

SENATE SPONSOR: Coleman

SR 1515 - This resolution requires two-thirds of the senators to sustain a motion for the previous question.

JIM ERTLE

01/15/2008 S Offered--SR 1515-Coleman (S87-88)

01/29/2008 SA 1 S offered & adopted (Coleman)--(3682S02.01S) (S145)

01/29/2008 SR 1515, as amended, S defeated (S145)

EFFECTIVE: upon approval

*** SR 1524 ***

SENATE SPONSOR: Shields

SR 1524 - This resolution establishes the rates of pay for Senate employees as adopted by the Senate Administration Committee.

JIM ERTLE

01/15/2008 S Offered--SR 1524-Shields (S98-99)

01/16/2008 S adopted

EFFECTIVE: August 28, 2008

*** HB 1305 ***

HCS HB 1305

3147L.02P

HOUSE HANDLER: Day

HCS/HB 1305 – This act allows a school district to waive, for any student who transfers into the state, the statutory requirements that each student complete a course in federal or state constitution or history and satisfactorily complete an exam. The student must provide acceptable documentation that he or she successfully completed a course in ninth through twelfth grade on state, local, and federal governments and the electoral process. This act removes language regarding text selection and the termination of school personnel for willful neglect of this act.

This act is similar to HB 70 (2007).

MICHAEL RUFF

12/03/2007 Prefiled (H)
 01/09/2008 Read First Time (H) (H12)
 01/10/2008 Read Second Time (H) (H35)
 01/10/2008 Referred: Special Committee on Student Achievement (H) (H36)
 01/30/2008 Public Hearing Completed (H)
 02/06/2008 Executive Session Completed (H)
 02/06/2008 HCS Voted Do Pass - Consent (H)
 02/07/2008 HCS Reported Do Pass by Consent (H) (H204)
 02/07/2008 Referred: Rules Pursuant to Rule 25(21)(f) (H) (H204)
 02/11/2008 Rules - Executive Session Completed (H)
 02/11/2008 Rules - Voted Do Pass - Consent (H)
 02/11/2008 Rules - Reported Do Pass Consent (H) (H215)
 02/19/2008 Perfected by Consent - Pursuant to House Rules (H) (H275)
 02/20/2008 Third read and passed (H) - Consent (H287-288 / S303)
 02/20/2008 S First Read--HCS for HB 1305 (S303)

EFFECTIVE: August 28, 2008

*** HB 1309 ***

HCS HB 1309

3048L.02P

HOUSE HANDLER: Day

HCS/HB 1309 - This act allows, in addition to a parent, grandparent, or legal guardian, any family member older than 21 years of age to occupy the seat beside the driver with a temporary instruction permit. This act also allows any family member over the age of 21 to sign the application for an instruction permit stating that they will provide the statutory minimum hours of behind-the-wheel instruction. The act also provides that permit holders must obtain the written consent of the motor vehicle owner when operating such vehicle during the instruction permit period.

STEPHEN WITTE

12/03/2007 Prefiled (H)
 01/09/2008 Read First Time (H) (H12)
 01/10/2008 Read Second Time (H) (H35)
 01/10/2008 Referred: Transportation (H) (H36)
 01/16/2008 Public Hearing Completed (H)
 02/12/2008 Executive Session Completed (H)
 02/12/2008 HCS Voted Do Pass (H)
 02/12/2008 HCS Reported Do Pass by Consent (H) (H224)
 02/12/2008 Referred: Rules Pursuant to Rule 25(21)(f) (H) (H224)
 02/18/2008 Rules - Executive Session Completed (H)
 02/18/2008 Rules - Voted Do Pass - Consent (H)
 02/18/2008 Rules - Reported Do Pass Consent (H) (H261)
 02/26/2008 Perfected by Consent - Pursuant to House Rules (H)
 02/27/2008 Third read and passed (H) - Consent (H342-343 / S377-378)
 02/27/2008 S First Read--HCS for HB 1309 (S377-378)

EFFECTIVE: August 28, 2008

*** HB 1310 ***

3340L.01P

HOUSE HANDLER: Hoskins

HB 1310 - This act requires independent candidates to file declarations of candidacy and petitions for nomination by the same deadlines established for other candidates.

This act is similar to SB 409 (2007).

CHRIS HOGERTY

12/03/2007 Prefiled (H)
 01/09/2008 Read First Time (H) (H12)
 01/10/2008 Read Second Time (H) (H35)
 01/10/2008 Referred: Elections (H) (H36)
 01/14/2008 Re-referred to Committee (H) (H46)
 01/14/2008 Referred: Special Committee on Urban Education Reform (H) (H46)
 01/23/2008 Public Hearing Completed (H)
 01/23/2008 Executive Session Completed (H)
 01/23/2008 Voted Do Pass - Consent (H)
 01/28/2008 Reported Do Pass by Consent (H) (H123)
 01/28/2008 Referred: Rules Pursuant to Rule 25(21)(f) (H) (H123)
 01/30/2008 Rules - Executive Session Completed (H)
 01/30/2008 Rules - Voted Do Pass - Consent (H)
 01/30/2008 Rules - Reported Do Pass Consent (H) (H141)
 02/07/2008 Perfected by Consent - Pursuant to House Rules (H) (H205)
 02/20/2008 Taken Up for Third Reading (H) (H291)
 02/20/2008 Laid Over - Third Reading (H) (H291)
 02/25/2008 Third read and passed (H) - Consent (H320-321 / S356)
 02/25/2008 S First Read--HB 1310-Hoskins (S356)

EFFECTIVE: August 28, 2008

*** HB 1311 ***

3341L.01P

HOUSE HANDLER: Hoskins

HB 1311 - Individuals shall not file a declaration of intent to be a write-in candidate for election to municipal office unless they are qualified to be a candidate and are not in arrears for any taxes.

CHRIS HOGERTY

12/03/2007 Prefiled (H)
 01/09/2008 Read First Time (H) (H12)
 01/10/2008 Read Second Time (H) (H35)
 01/10/2008 Referred: Elections (H) (H36)
 01/14/2008 Re-referred to Committee (H) (H46)
 01/14/2008 Referred: Special Committee on Urban Education Reform (H) (H46)
 01/23/2008 Public Hearing Completed (H)
 01/23/2008 Executive Session Completed (H)
 01/23/2008 Voted Do Pass - Consent (H)
 01/28/2008 Reported Do Pass by Consent (H) (H123)
 01/28/2008 Referred: Rules Pursuant to Rule 25(21)(f) (H) (H123)
 01/30/2008 Rules - Executive Session Completed (H)
 01/30/2008 Rules - Voted Do Pass - Consent (H)
 01/30/2008 Rules - Reported Do Pass Consent (H) (H141)
 02/07/2008 Perfected by Consent - Pursuant to House Rules (H) (H205)
 02/19/2008 Third read and passed (H) - Consent (H273-274 / S276)
 02/19/2008 S First Read--HB 1311-Hoskins (S276)

EFFECTIVE: August 28, 2008

*** HB 1313 ***

3279L.01P

HOUSE HANDLER: Wright

HB 1313 - This act requires the state and political subdivisions of the state to give preference, in awarding contracts, to businesses of service-disabled Missouri veterans when the quality of performance promised is equal or better and the price quoted is the same or less than other contractors submitting bids.

This act is similar to HB 1014 (2007).

CHRIS HOGERTY

12/03/2007 Prefiled (H)
 01/09/2008 Read First Time (H) (H12)
 01/10/2008 Read Second Time (H) (H35)
 01/10/2008 Referred: Special Committee on Veterans (H) (H36)
 01/29/2008 Public Hearing Completed (H)
 01/29/2008 Executive Session Completed (H)
 01/29/2008 Voted Do Pass - Consent (H)
 01/31/2008 Reported Do Pass by Consent (H) (H150)
 01/31/2008 Referred: Rules Pursuant to Rule 25(21)(f) (H) (H150)
 02/06/2008 Rules - Executive Session Completed (H)
 02/06/2008 Rules - Voted Do Pass - Consent (H)
 02/06/2008 Rules - Reported Do Pass Consent (H) (H194)
 02/14/2008 Perfected by Consent - Pursuant to House Rules (H) (H248)
 02/19/2008 Third read and passed (H) - Consent (H272-273 / S276)
 02/19/2008 S First Read--HB 1313-Wright, et al (S276)

EFFECTIVE: August 28, 2008

*** HB 1314 *** HCS HB 1314

3283L.03P

SENATE SPONSOR: Callahan

HOUSE HANDLER: Cunningham

HCS/HB 1314 – This act creates the "Amy Hestir Davis Student Protection Act."

SECTION 160.085 – If a student reports alleged sexual misconduct by a teacher or other school employee to a mandatory reporter, the school district superintendent must forward the allegation to the Children's Division within twenty-four hours. This act changes the standard used when the school board considers allegations of alleged child abuse to a preponderance of the evidence. If the school board finds and concludes that the alleged child abuse is unsubstantiated, but the allegations contain an element of sexual misconduct, the record of allegations and the report of it being unsubstantiated must be retained in a closed record. In addition, if any allegations contain an element of sexual misconduct but the case is unresolved, the record of allegations will be retained in a closed record. These closed records will be retained for a period of five years if the allegations were initiated by a mandatory reporter or two years if the allegations were initiated by another party.

SECTION 160.262 – This act authorizes the Office of the Child Advocate to offer mediation services when requested by either party when child abuse allegations arise in a school setting. No student or parent will be required to enter into mediation but a school district is required to participate if a parent requests mediation. Procedures for mediation are described in the act.

SECTION 162.068 – Beginning July 1, 2009, any school employee who is required to undergo a background check and register with the family care safety registry will be asked to sign a waiver to permit a school district access to closed records in the child abuse registry. No applicant for employment will be required to sign the waiver to be considered for employment.

By July 1, 2009, every school district must adopt a written policy on information that the district may provide about former employees to other potential employers.

The act grants civil immunity to school district employees who report or discuss employee job performance for the purpose of making employment decisions that affect the safety and overall well-being of a student or students if done in good faith and without malice. The Attorney General will defend the employees in such an action as described in the act.

A school district will be liable for damages if it had an employee whose job involved contact with children and the district received allegations of the employee's sexual misconduct; if the district dismisses the employee or allows the employee to resign and the district fails to disclose the allegations in a reference to another school district, the district will be liable for damages and have third-party liability for failure to disclose.

SECTION 162.069 – By January 1, 2009, every school district must develop a written policy concerning teacher-student communication and employee-student communications. Each policy must include appropriate oral and nonverbal personal communication, which may be combined with sexual harassment

policies, and appropriate use of electronic media as described in the act, including social networking sites. Teachers cannot establish, maintain, or use a work-related website unless it is available to school administrators and parents, or have a nonwork-related website that allows exclusive access with a current or former student.

By January 1, 2009, each school district must include in its teacher and employee training a component that provides information on identifying signs of sexual abuse in children and of potentially abusive relationships between children and adults, with an emphasis on mandatory reporting.

SECTION 168.021 – In order to get a teaching certificate, an applicant must complete a background check.

SECTION 168.071 – The crimes of sexual contact with a student while on public school property as well as second and third degree sexual misconduct are added to the offenses for which a teacher's license or certificate may be revoked.

SECTION 168.133 – The Highway Patrol, Department of Health and Senior Services, Department of Social Services, and the Department of Elementary and Secondary Education must develop procedures to permit an annual check of criminal records in the central repository and the Family Care Safety Registry of employed persons with teaching certificates. The Department of Elementary and Secondary Education must facilitate the development of procedures for school districts to annually submit personnel information for non-certificated school district employees. These requirements will become effective January 1, 2012.

SECTION 210.135 - Third-party reporters of child abuse who report an alleged incident to school administrators are immune from civil and criminal liability under certain circumstances.

SECTIONS 210.915 and 210.922 - This act adds the Department of Elementary and Secondary Education to the list of departments that must collaborate to compare records on child-care, elder-care, and personal-care workers, including those individuals required to undergo a background check under section 168.133 and that may use registry information to carry out assigned duties.

SECTION 556.037 - This act repeals the current twenty year statute of limitations for the prosecution of unlawful sexual offenses involving a person eighteen years of age or younger.

This act is similar to SB 1212 (2008).

MICHAEL RUFF

12/03/2007 Prefiled (H)
 01/09/2008 Read First Time (H) (H12)
 01/10/2008 Read Second Time (H) (H35)
 01/10/2008 Referred: Elementary and Secondary Education (H) (H36)
 01/23/2008 Public Hearing Completed (H)
 02/06/2008 Executive Session Completed (H)
 02/06/2008 HCS Voted Do Pass (H)
 02/13/2008 HCS Reported Do Pass (H) (H234)
 02/13/2008 Referred: Rules Pursuant to Rule 25(21)(f) (H) (H234)
 02/21/2008 Rules - Executive Session Completed (H)
 02/21/2008 Rules - Voted Do Pass (H)
 02/21/2008 Rules - Reported Do Pass (H) (H307)
 02/26/2008 HCS Adopted (H) (H332)
 02/26/2008 Perfected with Amendments (H) (H331)
 02/28/2008 Third read and passed (H) (H354-355 / S415)
 02/28/2008 S First Read--HCS for HB 1314 (S415-416)

EFFECTIVE: August 28, 2008

*** HB 1320 ***

3152L.01P

HOUSE HANDLER: Brown

HB 1320 - This act allows community improvement districts, which are political subdivisions, to sponsor and operate a polytechnic institute for science and technology within the city or county that authorized the district.

JASON ZAMKUS

12/03/2007 Prefiled (H)
 01/09/2008 Read First Time (H) (H13)
 01/10/2008 Read Second Time (H) (H35)
 01/10/2008 Referred: Special Committee on Urban Education Reform (H) (H36)
 01/23/2008 Public Hearing Completed (H)
 01/23/2008 Executive Session Completed (H)
 01/23/2008 Voted Do Pass - Consent (H)
 01/28/2008 Reported Do Pass by Consent (H) (H123)
 01/28/2008 Referred: Rules Pursuant to Rule 25(21)(f) (H) (H123)
 01/30/2008 Rules - Executive Session Completed (H)
 01/30/2008 Rules - Voted Do Pass - Consent (H)
 01/30/2008 Rules - Reported Do Pass Consent (H) (H141)
 02/07/2008 Perfected by Consent - Pursuant to House Rules (H) (H205)
 02/20/2008 Third read and passed (H) - Consent (H286-287 / S303)
 02/20/2008 S First Read--HB 1320-Brown (50) (S303)

EFFECTIVE: August 28, 2008

*** HB 1354 ***

3407L.01P

HOUSE HANDLER: Wilson

HB 1354 - This act exempts self-propelled sprayers 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 (Section 301.029). This portion of the act is similar to SB 371 (2007) and was contained in SS/SCS/SB 239 et al (2007).

STEPHEN WITTE

12/05/2007 Prefiled (H)
 01/09/2008 Read First Time (H) (H15)
 01/10/2008 Read Second Time (H) (H35)
 01/10/2008 Referred: Transportation (H) (H36)
 01/16/2008 Public Hearing Completed (H)
 02/05/2008 Executive Session Completed (H)
 02/05/2008 Voted Do Pass - Consent (H)
 02/05/2008 Reported Do Pass by Consent (H) (H178)
 02/05/2008 Referred: Rules Pursuant to Rule 25(21)(f) (H) (H178)
 02/11/2008 Rules - Executive Session Completed (H)
 02/11/2008 Rules - Voted Do Pass - Consent (H)
 02/11/2008 Rules - Reported Do Pass Consent (H) (H215)
 02/19/2008 Perfected by Consent - Pursuant to House Rules (H) (H275)
 02/20/2008 Third read and passed (H) - Consent (H289-291 / S303)
 02/20/2008 S First Read--HB 1354-Wilson (119), et al (S303)

EFFECTIVE: August 28, 2008

*** HB 1380 ***

HCS HB 1380

3416L.02P

SENATE SPONSOR: Goodman

HOUSE HANDLER: Sater

HCS/HB 1380 - This act authorizes a board of directors, formed under a Senior Citizens' Services Fund tax, to allocate moneys to senior-related programs for operational and capital needs from the property taxes collected. To be eligible, the program must be operated by a community facility that provides health, social, educational, and recreational services to adults sixty years of age or older.

JASON ZAMKUS

12/10/2007 Prefiled (H)
 01/09/2008 Read First Time (H) (H16)
 01/10/2008 Read Second Time (H) (H35)
 01/10/2008 Referred: Special Committee on Senior Citizen Advocacy (H) (H36)
 01/23/2008 Public Hearing Completed (H)
 01/30/2008 Executive Session Completed (H)
 01/30/2008 HCS Voted Do Pass - Consent (H)
 01/31/2008 HCS Reported Do Pass by Consent (H) (H150)

01/31/2008 Referred: Rules Pursuant to Rule 25(21)(f) (H) (H150)
 02/06/2008 Rules - Executive Session Completed (H)
 02/06/2008 Rules - Voted Do Pass - Consent (H)
 02/06/2008 Rules - Reported Do Pass Consent (H) (H194)
 02/14/2008 Perfected by Consent - Pursuant to House Rules (H) (H248)
 02/19/2008 Third read and passed (H) - Consent (H270-271 / S276)
 02/19/2008 S First Read--HCS for HB 1380 (S276)

EFFECTIVE: August 28, 2008

*** HB 1386 ***

3569L.01P

HOUSE HANDLER: Cox

HB 1386 - Under current law, an ordinance providing for a larger board of trustees for municipal health care facilities requires that three-fifths of the trustees be citizens of the city. This act provides that some or all of the trustees do not have to be citizens of the city.

ADRIANE CROUSE

12/11/2007 Prefiled (H)
 01/09/2008 Read First Time (H) (H16)
 01/10/2008 Read Second Time (H) (H35)
 01/10/2008 Referred: Special Committee on Healthcare Transformation (H36)
 01/29/2008 Public Hearing Cancelled (H)
 01/30/2008 Public Hearing Completed (H)
 01/30/2008 Executive Session Completed (H)
 01/30/2008 Voted Do Pass - Consent (H)
 01/31/2008 Reported Do Pass by Consent (H) (H149)
 01/31/2008 Referred: Rules Pursuant to Rule 25(21)(f) (H) (H149)
 02/06/2008 Rules - Executive Session Completed (H)
 02/06/2008 Rules - Voted Do Pass - Consent (H)
 02/06/2008 Rules - Reported Do Pass Consent (H) (H194)
 02/14/2008 Perfected by Consent - Pursuant to House Rules (H) (H248)
 02/19/2008 Third read and passed (H) - Consent (H271-272 / S276)
 02/19/2008 S First Read--HB 1386-Cox and Ruestman (S276)

EFFECTIVE: August 28, 2008

*** HB 1406 ***

3162L.01P

HOUSE HANDLER: Deeken

HB 1406 - Under this act, the Department of Transportation shall establish and administer a drunk driving victim memorial sign program. This act shall be known as "David's Law." 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.

This act is similar to SB 881 (2008) and SB 185 (2007).

STEPHEN WITTE

12/12/2007 Prefiled (H)
 01/09/2008 Read First Time (H) (H18)
 01/10/2008 Read Second Time (H) (H35)
 01/17/2008 Referred: Transportation (H) (H79)
 01/29/2008 Public Hearing Completed (H)
 02/05/2008 Executive Session Completed (H)
 02/05/2008 Voted Do Pass - Consent (H)
 02/05/2008 Reported Do Pass by Consent (H) (H178)
 02/05/2008 Referred: Rules Pursuant to Rule 25(21)(f) (H) (H178)
 02/11/2008 Rules - Executive Session Completed (H)
 02/11/2008 Rules - Voted Do Pass - Consent (H)
 02/11/2008 Rules - Reported Do Pass Consent (H) (H215)
 02/19/2008 Perfected by Consent - Pursuant to House Rules (H) (H275)
 02/25/2008 Third read and passed (H) - Consent (H319-320 / S354)
 02/25/2008 S First Read--HB 1406-Deeken, et al (S354)

EFFECTIVE: August 28, 2008

*** HB 1575 ***

HCS HB 1575

3945L.02P

HOUSE HANDLER: Jones

HB 1575 - This act designates a portion of State Highway 87 in Moniteau County as the "Lance Corporal Leon B. Deraps Memorial Highway".

This act is similar to SB 906 (2008).

STEPHEN WITTE

01/09/2008 Introduced and Read First Time (H) (H28)
 01/10/2008 Read Second Time (H) (H35)
 01/17/2008 Referred: Transportation (H) (H80)
 01/29/2008 Public Hearing Completed (H)
 02/05/2008 Executive Session Completed (H)
 02/05/2008 HCS Voted Do Pass - Consent (H)
 02/05/2008 HCS Reported Do Pass by Consent (H) (H178)
 02/05/2008 Referred: Rules Pursuant to Rule 25(21)(f) (H) (H178)
 02/11/2008 Rules - Executive Session Completed (H)
 02/11/2008 Rules - Voted Do Pass - Consent (H)
 02/11/2008 Rules - Reported Do Pass Consent (H) (H215)
 02/19/2008 Perfected by Consent - Pursuant to House Rules (H) (H275)
 02/20/2008 Third read and passed (H) - Consent (H289-290 / S303)
 02/20/2008 S First Read--HCS for HB 1575 (S303)

EFFECTIVE: August 28, 2006

*** HB 1628 ***

4075L.01P

HOUSE HANDLER: Cooper

HB 1628 - This act exempts historical vehicles powered by liquid petroleum or natural gas from the alternative fuel decal requirement and tax.

JASON ZAMKUS

01/14/2008 Introduced and Read First Time (H) (H47)

01/15/2008 Read Second Time (H) (H53)
 01/24/2008 Referred: Ways and Means (H) (H110)
 01/31/2008 Public Hearing Completed (H)
 02/07/2008 Executive Session Completed (H)
 02/07/2008 Voted Do Pass - Consent (H)
 02/07/2008 Reported Do Pass by Consent (H) (H205)
 02/07/2008 Referred: Rules Pursuant to Rule 25(21)(f) (H) (H205)
 02/11/2008 Rules - Executive Session Completed (H)
 02/11/2008 Rules - Voted Do Pass - Consent (H)
 02/11/2008 Rules - Reported Do Pass Consent (H) (H215)
 02/19/2008 Perfected by Consent - Pursuant to House Rules (H) (H275)
 02/20/2008 Third read and passed (H) - Consent (H284-285 / S302)
 02/20/2008 S First Read--HB 1628-Cooper (120) (S302)

EFFECTIVE: August 28, 2008

*** HB 1656 ***

4331L.01P

HOUSE HANDLER: Nance

HB 1656 - This act modifies provisions regarding the assistance provided to nursing home residents who transition back into their homes and in the community. Subject to appropriations, nursing home residents eligible for MO HealthNet benefits will receive a one-time transition grant up to \$2,400, administered by the Division of Senior and Disability Services within the Department of Health and Senior Services. The funds shall be used on initial down payments, setup costs and other expenditures associated with moving a nursing home resident back into the community. The division will work with the Department of Social Services to generate additional private and federal funding for the transition grants.

The Department of Health and Senior Services and the Department of Mental Health shall work in cooperation to develop community-based services for persons who are moving out of nursing homes and back into their communities and promulgate rules as needed.

ADRIANE CROUSE

01/15/2008 Introduced and Read First Time (H) (H65)
 01/16/2008 Read Second Time (H) (H71)
 01/24/2008 Referred: Special Committee on Senior Citizen Advocacy (H) (H110)
 01/30/2008 Public Hearing Completed (H)
 01/30/2008 Executive Session Completed (H)
 01/30/2008 Voted Do Pass - Consent (H)
 01/31/2008 Reported Do Pass by Consent (H) (H150)
 01/31/2008 Referred: Rules Pursuant to Rule 25(21)(f) (H) (H150)
 02/11/2008 Rules - Executive Session Completed (H)
 02/11/2008 Rules - Voted Do Pass - Consent (H)
 02/11/2008 Rules - Reported Do Pass Consent (H) (H215)
 02/19/2008 Perfected by Consent - Pursuant to House Rules (H) (H275)
 02/20/2008 Third read and passed (H) - Consent (H288-289 / S303)
 02/20/2008 S First Read--HB 1656-Nance and Cooper (120) (S303)

EFFECTIVE: August 28, 2008

*** HB 1661 ***

3325L.02P

HOUSE HANDLER: LeVota

HB 1661 - Under current law, a non-resident income taxpayer must add any amount of property taxes paid to another state back into adjusted gross income. This act would only require non-resident taxpayers to add-back property taxes paid to adjusted gross income, if the property is located in another state, political subdivision of a state or the District of Columbia, which does not allow a similar subtraction from income for property taxes paid to this state.

This act is identical to Senate Bill 748 (2008).

JASON ZAMKUS

01/15/2008 Introduced and Read First Time (H) (H66)
 01/16/2008 Read Second Time (H) (H71)
 01/24/2008 Referred: Special Committee on Tax Reform (H) (H110)

01/29/2008 Public Hearing Completed (H)
 01/29/2008 Executive Session Completed (H)
 01/29/2008 Voted Do Pass (H)
 01/29/2008 Reported Do Pass (H) (H132)
 01/29/2008 Referred: Rules Pursuant to Rule 25(21)(f) (H) (H132)
 01/31/2008 Rules - Voted Do Pass (H)
 01/31/2008 Rules - Reported Do Pass (H) (H150)
 02/06/2008 Perfected (H) (H193)
 02/06/2008 Referred: Fiscal Review (H) (H194)
 02/11/2008 Executive Session Completed (H)
 02/11/2008 Voted Do Pass (H)
 02/11/2008 Reported Do Pass (H) (H215)
 02/12/2008 Third read and passed (H) (H223-224 / S227)
 02/12/2008 S First Read--HB 1661-LeVota, et al (S227)
 02/25/2008 Second Read and Referred S Ways & Means Committee (S355)
 03/03/2008 Hearing Scheduled H Special Committee on Tax Reform Committee

EFFECTIVE: August 28, 2008

*** HB 1670 ***

3961L.02P

HOUSE HANDLER: Cooper

HB 1670 - This act removes the requirement that the Director of the Department of Natural Resources certify machinery, equipment, appliances, and devices used solely to prevent, abate, or monitor water or air pollution and any materials and supplies used in the installation, construction, or reconstruction of such machinery, equipment, appliances, and devices in order for purchases or leases of such equipment to receive a state and local sales and use tax exemption.

JASON ZAMKUS

01/15/2008 Introduced and Read First Time (H) (H66)
 01/16/2008 Read Second Time (H) (H71)
 01/24/2008 Referred: Ways and Means (H) (H110)
 01/31/2008 Public Hearing Completed (H)
 02/07/2008 Executive Session Completed (H)
 02/07/2008 Voted Do Pass - Consent (H)
 02/07/2008 Reported Do Pass by Consent (H) (H205)
 02/07/2008 Referred: Rules Pursuant to Rule 25(21)(f) (H) (H205)
 02/11/2008 Rules - Executive Session Completed (H)
 02/11/2008 Rules - Voted Do Pass - Consent (H)
 02/11/2008 Rules - Reported Do Pass Consent (H) (H215)
 02/19/2008 Perfected by Consent - Pursuant to House Rules (H) (H275)
 02/20/2008 Third read and passed (H) - Consent (H285-286 / S302)
 02/20/2008 S First Read--HB 1670-Cooper (120) (S302)

EFFECTIVE: August 28, 2008

*** HB 1763 ***

HCS HB 1763

4622L.02P

HOUSE HANDLER: Parson

HCS/HB 1763 - This act imposes certain requirements upon petition circulators.

Under this act, circulators must be U.S. citizens and Missouri residents. Circulators shall not be paid on a per signature basis or circulate more than one petition at a time. Those who have committed forgery are prohibited from circulating petitions.

Persons who knowingly sign a name other than his or her own are guilty of a class one election offense.

This act is similar to SB 598 (2007), SB 934 (2008), SB 1003 (2008), SB 909, and SB 954 (2008).
 CHRIS HOGERTY

01/22/2008 Introduced and Read First Time (H) (H94)
 01/23/2008 Read Second Time (H) (H101)
 01/24/2008 Referred: Special Committee on General Laws (H) (H110)
 02/05/2008 Public Hearing Completed (H)

02/12/2008 Executive Session Completed (H)
 02/12/2008 HCS Voted Do Pass (H)
 02/13/2008 HCS Reported Do Pass (H) (H235)
 02/13/2008 Referred: Rules Pursuant to Rule 25(21)(f) (H) (H235)
 02/18/2008 Rules - Executive Session Completed (H)
 02/18/2008 Rules - Voted Do Pass (H)
 02/18/2008 Rules - Reported Do Pass (H) (H262)
 02/27/2008 HCS Adopted (H)
 02/27/2008 Perfected with Amendments (H)
 02/28/2008 Third read and passed (H) (H353-354 / S415)
 02/28/2008 S First Read--HCS for HB 1763 (S415)

EFFECTIVE: August 28, 2008

*** HB 1774 ***

HCS HB 1774

4530L.02P

HOUSE HANDLER: Wallace

HCS/HB 1774 – This act changes from ten percent to twenty percent the maximum percentage of increase in annual compensation from one year to the next in the final average salary period for members of the Public School Retirement System of Missouri other than a superintendent of schools or other certified central office personnel of a school district.

This act contains an emergency clause.

This act is substantially similar to SCS/SB 994 (2008).

MICHAEL RUFF

01/22/2008 Introduced and Read First Time (H) (H94)
 01/23/2008 Read Second Time (H) (H101)
 01/24/2008 Referred: Special Committee on Retirement (H) (H111)
 01/31/2008 Public Hearing Completed (H)
 01/31/2008 Executive Session Completed (H)
 01/31/2008 HCS Voted Do Pass - Consent (H)
 01/31/2008 HCS Reported Do Pass by Consent (H) (H150)
 01/31/2008 Referred: Rules Pursuant to Rule 25(21)(f) (H) (H150)
 02/11/2008 Rules - Executive Session Completed (H)
 02/11/2008 Rules - Voted Do Pass - Consent (H)
 02/11/2008 Rules - Reported Do Pass Consent (H) (H215)
 02/19/2008 Perfected by Consent - Pursuant to House Rules (H) (H275)
 02/25/2008 Third read and passed (H) - Consent (H317-319 / S354)
 02/25/2008 S First Read--HCS for HB 1774 (S354)

EFFECTIVE: Emergency Clause

*** HB 1970 ***

4737L.01P

HOUSE HANDLER: Wasson

HB 1970 - This act prohibits a person from bringing civil action against any licensed motor vehicle dealer other than a motor vehicle dealer directly involved in a retail transaction with the person. This act does not prohibit a person from pursuing a claim against any motor vehicle manufacturer or dealer that does not arise under Chapter 407, RSMo.

ERIKA JAQUES

02/04/2008 Introduced and Read First Time (H) (H161)
 02/05/2008 Read Second Time (H) (H177)
 02/05/2008 Referred: Spec Com on Professional Registration & Licens (H) (H178)
 02/07/2008 Public Hearing Completed (H)
 02/07/2008 Executive Session Completed (H)
 02/07/2008 Voted Do Pass (H)
 02/13/2008 Reported Do Pass (H) (H235)
 02/13/2008 Referred: Rules Pursuant to Rule 25(21)(f) (H) (H235)
 02/18/2008 Rules - Executive Session Completed (H)
 02/18/2008 Rules - Voted Do Pass (H)
 02/18/2008 Rules - Reported Do Pass (H) (H262)

02/25/2008 Perfected with Amendments (H) (H316)
 02/28/2008 Third read and passed (H) (H352-353 / S415)
 02/28/2008 S First Read--HB 1970-Wasson (S415)

EFFECTIVE: August 28, 2008

*** HB 2015 ***

3015L.01T

SENATE SPONSOR: Nodler

HOUSE HANDLER: Icet

HB 2015 - Supplemental Appropriations - Utilicare

	Governor	House
.		
GR	\$6,440,785	\$6,440,785
FEDERAL		
OTHER		
.		
TOTAL	\$6,440,785	\$6,440,785

	Senate	Final
.		
GR	\$6,440,785	\$6,440,785
FEDERAL		
OTHER		
.		
TOTAL	\$6,440,785	\$6,440,785

DAN HAUG

01/08/2008 Prefiled (H)
 01/09/2008 Read First Time (H) (H11)
 01/10/2008 Read Second Time (H) (H35)
 01/10/2008 Referred: Budget (H) (H35)
 01/14/2008 Public Hearing Completed (H)
 01/14/2008 Executive Session Completed (H)
 01/14/2008 Voted Do Pass (H)
 01/14/2008 Reported Do Pass (H) (H46)
 01/14/2008 Referred: Rules Pursuant to Rule 25(21)(f) (H) (H46)
 01/15/2008 Rules - Executive Session Completed (H)
 01/15/2008 Rules - Voted Do Pass (H)
 01/15/2008 Rules - Reported Do Pass (H) (H64)
 01/17/2008 Perfected (H) (H79)
 01/22/2008 Third read and passed (H) (H91 / S121)
 01/22/2008 S First Read--HB 2015-Icet (S121)
 01/23/2008 Second Read and Referred S Appropriations Committee (H126)
 01/24/2008 Hearing Conducted S Appropriations Committee
 01/24/2008 Voted Do Pass S Appropriations Committee
 01/24/2008 Reported from S Appropriations Committee to Floor (S131)
 01/28/2008 S Third Read and Passed (S140 / H131)
 01/28/2008 Truly Agreed To and Finally Passed (S140 / H131)
 01/29/2008 Signed by House Speaker (H131)
 01/29/2008 Signed by Senate President (S147)
 01/29/2008 Delivered to Governor (H131)
 02/04/2008 Signed by Governor (H162-163)

*** HB 2019 ***

3019L.01T

SENATE SPONSOR: Nodler

HOUSE HANDLER: Icet

HB 2019 - Supplemental Appropriations - University of Missouri

	Governor	House
.		
GR		
FEDERAL		

**MISSOURI SENATE
WEEKLY BILL STATUS REPORT**

OTHER	\$46,182,000	\$46,182,000
.		
TOTAL	\$46,182,000	\$46,182,000

.	Senate	Final
GR		
FEDERAL		
OTHER	\$46,182,000	\$46,182,000
.		
TOTAL	\$46,182,000	\$46,182,000

DAN HAUG

01/22/2008 Introduced and Read First Time (H) (H92)
01/23/2008 Read Second Time (H) (H101)
01/24/2008 Referred: Budget (H) (H109)
01/28/2008 Public Hearing Continued (H)
01/29/2008 Public Hearing Completed (H)
01/29/2008 Executive Session Completed (H)
01/29/2008 Voted Do Pass (H)
01/29/2008 Reported Do Pass (H) (H131)
01/29/2008 Referred: Rules Pursuant to Rule 25(21)(f) (H) (H131)
01/31/2008 Rules - Voted Do Pass (H)
01/31/2008 Rules - Reported Do Pass (H) (H150)
02/05/2008 Perfected (H) (H177)
02/07/2008 Third read and passed (H) (H200-201 / S205-206)
02/07/2008 S First Read--HB 2019-Icet (S205-206)
02/13/2008 Second Read and Referred S Appropriations Committee (S237)
02/14/2008 Hearing Conducted S Appropriations Committee
02/14/2008 Voted Do Pass S Appropriations Committee
02/14/2008 Reported from S Appropriations Committee to Floor (S245)
02/18/2008 S Third Read and Passed (S258-259)
02/18/2008 Truly Agreed To and Finally Passed (S259 / H263)
02/20/2008 Signed by House Speaker (H286)
02/20/2008 Signed by Senate President (S304)
02/20/2008 Delivered to Governor (H286)
02/25/2008 Signed by Governor (H322-323)

*** HB 2020 ***

SCS HB 2020

3020S.02C

SENATE SPONSOR: Nodler

HOUSE HANDLER: Icet

SS/SCS/HB 2020 - Supplemental Appropriations - Capital Improvements

.	Governor	House
GR	\$ 6,726,384	\$ 5,586,384
FEDERAL	6,050,001	6,050,001
OTHER	6,819,190	4,759,190
.		
TOTAL	\$19,595,575	\$16,395,575

.	Senate	Final
GR	\$ 5,286,384	
FEDERAL	6,050,001	
OTHER	5,220,190	
.		
TOTAL	\$16,556,575	

DAN HAUG

01/23/2008 Introduced and Read First Time (H) (H101)
01/24/2008 Read Second Time (H) (H108)
01/24/2008 Referred: Budget (H) (H109)

01/28/2008 Public Hearing Continued (H)
 01/29/2008 Public Hearing Completed (H)
 01/29/2008 Executive Session Completed (H)
 01/29/2008 Voted Do Pass (H)
 01/29/2008 Reported Do Pass (H) (H131)
 01/29/2008 Referred: Rules Pursuant to Rule 25(21)(f) (H) (H131)
 01/31/2008 Rules - Voted Do Pass (H)
 01/31/2008 Rules - Reported Do Pass (H) (H150)
 02/05/2008 Perfected with Amendments (H) (H177)
 02/07/2008 Third read and passed (H) (H201-202 / S206)
 02/07/2008 S First Read--HB 2020-Icet (S206)
 02/13/2008 Second Read and Referred S Appropriations Committee (S237)
 02/14/2008 Hearing Conducted S Appropriations Committee
 02/14/2008 SCS Voted Do Pass S Appropriations Committee (3020S.02C)
 02/14/2008 Reported from S Appropriations Committee to Floor w/SCS (S245)
 02/18/2008 SS for SCS S offered & adopted (Nodler)--(3020S.03F) (S259-260)
 02/18/2008 S Third Read and Passed (S260 / H263)
 03/03/2008 H Calendar H Bills with S Amendments (SS for SCS)

*** HB 2021 ***

3021L.01T

SENATE SPONSOR: Nodler

HOUSE HANDLER: Icet

HB 2021 - Supplemental Appropriations - Conservation

.	Governor	House
GR		
FEDERAL		
OTHER	\$10,000,000	\$10,000,000
.		
TOTAL	<u>\$10,000,000</u>	<u>\$10,000,000</u>

.	Senate	Final
GR		
FEDERAL		
OTHER	\$10,000,000	\$10,000,000
.		
TOTAL	<u>\$10,000,000</u>	<u>\$10,000,000</u>

DAN HAUG

01/08/2008 Prefiled (H)
 01/09/2008 Read First Time (H) (H11)
 01/10/2008 Read Second Time (H) (H35)
 01/10/2008 Referred: Budget (H) (H35)
 01/14/2008 Public Hearing Completed (H)
 01/14/2008 Executive Session Completed (H)
 01/14/2008 Voted Do Pass (H)
 01/14/2008 Reported Do Pass (H) (H46)
 01/14/2008 Referred: Rules Pursuant to Rule 25(26)(f) (H) (H46)
 01/15/2008 Rules - Executive Session Completed (H)
 01/15/2008 Rules - Voted Do Pass (H)
 01/15/2008 Rules - Reported Do Pass (H) (H64)
 01/17/2008 Perfected (H) (H78)
 01/22/2008 Third read and passed (H) (H89-90 / S121)
 01/22/2008 S First Read--HB 2021-Icet (S121)
 01/23/2008 Second Read and Referred S Appropriations Committee (S126)
 01/24/2008 Hearing Conducted S Appropriations Committee
 01/24/2008 Voted Do Pass S Appropriations Committee
 01/24/2008 Reported from S Appropriations Committee to Floor (S131)
 01/28/2008 S Third Read and Passed (S140-141 / H131)
 01/28/2008 Truly Agreed To and Finally Passed (S141 / H131)
 01/29/2008 Signed by House Speaker (H131)

01/29/2008 Signed by Senate President (S147)
 01/29/2008 Delivered to Governor (H131)
 01/30/2008 Signed by Governor (H144)

*** HB 2022 ***

3022L.01T

SENATE SPONSOR: Nodler

HOUSE HANDLER: Icet

HB 2022 - Supplemental Appropriations - MoSmart Program

	Governor	House
GR	\$1,827,261	\$1,827,261
FEDERAL		
OTHER		
TOTAL	<u>\$1,827,261</u>	<u>\$1,827,261</u>

	Senate	Final
GR	\$1,827,261	\$1,827,261
FEDERAL		
OTHER		
TOTAL	<u>\$1,827,261</u>	<u>\$1,827,261</u>

DAN HAUG

01/08/2008 Prefiled (H)
 01/09/2008 Read First Time (H) (H11)
 01/10/2008 Read Second Time (H) (H35)
 01/10/2008 Referred: Budget (H) (H35)
 01/14/2008 Public Hearing Completed (H)
 01/14/2008 Executive Session Completed (H)
 01/14/2008 Voted Do Pass (H)
 01/14/2008 Reported Do Pass (H) (H46)
 01/14/2008 Referred: Rules Pursuant to Rule 25(26)(f) (H) (H46)
 01/15/2008 Rules - Executive Session Completed (H)
 01/15/2008 Rules - Voted Do Pass (H)
 01/15/2008 Rules - Reported Do Pass (H) (H64)
 01/17/2008 Perfected (H) (H79)
 01/22/2008 Third read and passed (H) (H90 / S121)
 01/22/2008 S First Read--HB 2022-Icet (S121)
 01/23/2008 Second Read and Referred S Appropriations Committee (S126)
 01/24/2008 Hearing Conducted S Appropriations Committee
 01/24/2008 Voted Do Pass S Appropriations Committee
 01/24/2008 Reported from S Appropriations Committee to Floor (S131)
 01/28/2008 S Third Read and Passed (S141 / H131)
 01/28/2008 Truly Agreed To and Finally Passed (S141 / H131)
 01/29/2008 Signed by House Speaker (H131)
 01/29/2008 Signed by Senate President (S147)
 01/29/2008 Delivered to Governor (H131)
 02/04/2008 Signed by Governor (H163)

*** HCR 1 ***

4209L.01I

SENATE SPONSOR: Shields

HOUSE HANDLER: Tilley

HCR001 Tilley, Steven

***** NO BILL SUMMARY *****

01/09/2008 Offered (H) (H9)
 01/09/2008 Adopted (H) (H9 / S58)
 01/09/2008 S Offered (S58)
 01/14/2008 S adopted (S79 / H54)

01/14/2008 S escort appointed: Gibbons, Shields, Coleman, Loudon, Stouffer, Ridgeway, Kennedy, Wilson, Shoemyer, Barnitz (S81 / H54)
 01/15/2008 S escort committee change: Nodler replaces Ridgeway (S90 / H54)
 01/15/2008 H escort committee appointed: Fares, Pearce, Portwood, Quinn (7), May, Hoskins, Grill, Walton, Salva, Young (S97)
 01/15/2008 H appointed Lt. Governor and Senators escort committee: Lipke, Wasson, Guest, Avery, Deeken, Villa, Hubbard, Wright-Jones, Skaggs, Aull (S97-98)

*** HCR 2 ***

4210L.01

SENATE SPONSOR: Shields

HOUSE HANDLER: Tilley

HCR002 Tilley, Steven

***** NO BILL SUMMARY *****

01/09/2008 Offered (H) (H9)
 01/09/2008 Adopted (H) (H9 / S58)
 01/09/2008 S Offered (S58)
 01/14/2008 S adopted (S79 / H54)
 01/28/2008 S Escort Committee appointed: Gibbons, Coleman, Bartle, Goodman, Mayer, Scott, Justus, Callahan, McKenna, Smith (S142 / H131)
 02/05/2008 H Escort Committee appointed: Cunningham (86), Wright, Scharnhorst, Kelly, Dethrow, Yaeger, Bringer, Zweifel, Donnelly and Page (H169 / S174)
 02/05/2008 Corrected H Escort Committee: Jones (89), Lipke, Stevenson, Flook, Cox, Burnett, Witte, Zimmerman, Walton, Harris (23) (S182)

*** HCR 3 ***

4211L.01

SENATE SPONSOR: Shields

HOUSE HANDLER: Tilley

HCR003 Tilley, Steven

***** NO BILL SUMMARY *****

01/09/2008 Offered (H) (H9)
 01/09/2008 Adopted (H) (H9 / S58)
 01/09/2008 S Offered (S58)
 01/14/2008 S adopted (S80 / H54)

*** HCR 4 ***

4204L.01

HOUSE HANDLER: Wright

HCR 4 - This resolution requests that the U.S. Department of Agriculture's National Agricultural Statistics Service add the dates of June 1st and September 1st an additional reporting dates for rice on the Agricultural Statistics Board calendar.

This resolution is similar to SCR 29 (2008).

ERIKA JAQUES

01/09/2008 Offered (H) (H10)
 02/04/2008 Referred: Agriculture Policy (H) (H159)
 02/07/2008 Public Hearing Completed (H)
 02/07/2008 Executive Session Completed (H)
 02/07/2008 Voted Do Pass (H)
 02/07/2008 Reported Do Pass (H) (H204)
 02/07/2008 Referred: Rules Pursuant to Rule 25(21)(f) (H) (H204)
 02/11/2008 Rules - Executive Session Completed (H)
 02/11/2008 Rules - Voted Do Pass (H)
 02/11/2008 Rules - Reported Do Pass (H) (H215)
 02/20/2008 H adopted (H284 / S302)
 02/20/2008 Reported to the Senate (S302)
 02/21/2008 Referred S Rules, Joint Rules, Resolutions & Ethics Committee

EFFECTIVE: upon approval

*** HJR 55 ***

HCS HJR 55

4074L.02P

HOUSE HANDLER: McGhee

HCS/HJR 55 - Upon voter approval, this constitutional amendment reaffirms a citizen's right to free expression of religion, including the right to pray and worship in all private and public areas, including public schools and government property, as long as such prayer does not disturb the peace or disrupt any public meeting or assembly, and as long as such prayers abide within the same parameters placed upon any other free speech under similar circumstances.

The amendment also reaffirms a citizen's right to choose any religion, or no religion, by prohibiting both the establishment or endorsement of an official state religion and any state coercion to participate in prayer or religious activities.

The amendment provides that the general assembly, and other governing bodies of political subdivisions, may have ministers and clergymen offer prayers or invocations at meetings or sessions of the General Assembly or other governing bodies.

The amendment also requires that any public school receiving state appropriations shall display, in a conspicuous and legible manner, the text of the Bill of Rights of the Constitution of the United States.

This amendment is similar to HJR 19 (2007).

ALEXA PEARSON

01/10/2008 H First Read
 01/14/2008 Read Second Time (H)
 01/17/2008 Referred H Special Committee on General Laws Committee
 01/23/2008 Hearing Conducted H Special Committee on General Laws Committee
 01/29/2008 Executive Session Completed (H)
 01/29/2008 HCS Voted Do Pass (H)
 02/05/2008 HCS Reported Do Pass (H)
 02/05/2008 Referred: Rules Pursuant to Rule 25(21) (f) (H)
 02/06/2008 Rules - Executive Session Completed (H)
 02/06/2008 Rules - Voted Do Pass (H)
 02/06/2008 Rules - Reported Do Pass (H)
 02/14/2008 Taken up for Perfection (H)
 02/14/2008 Laid Over (H)
 02/18/2008 Taken up for Perfection (H)
 02/18/2008 HCS H Adopted (H)
 02/18/2008 Perfected (H)
 02/21/2008 Third read and passed (H) (H303-304 / S339)
 02/21/2008 S First Read--HCS for HJR 55 (S339)

EFFECTIVE: upon voter approval

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