



State Senator

Rita Heard Days

District 14



Column For Week of: **February 16, 2009**

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Senators Move Several Measures to the House

*Child Protection Provisions and Alcohol Abuse Prevention
Among the Recently Passed Legislation*

The Missouri Senate gave final approval to legislation for the first time this session, as five bills received a passing Senate vote this week and will now move to the House of Representatives for consideration.

[Senate Bill 1](#), sponsored by Sen. Delbert Scott (R-Lowry City), was among those to receive a final Senate passing vote on Thursday. This legislation establishes licensing requirements for pre-need funeral contract sellers, providers and seller agents. It also adds requirements to the pre-need funeral contracts themselves, which allow individuals to pay for funeral and burial expenses prior to death.

Also receiving final passage by the Senate on Thursday was [SB 26](#), sponsored by Sen. Luann Ridgeway (R-Smithville). This measure prohibits the use and possession of alcoholic beverage vaporizers in Missouri, which are devices that allow alcohol to be inhaled and directly enter the bloodstream.

[Senate Bill 36](#), sponsored by Sen. Jack Goodman (R-Mt. Vernon), was also passed by the Senate. The bill removes the possibility for parole, probation or conditional release for those who forcibly rape or sodomize a child under the age of 12. Under current law, a person who commits this crime may be eligible for release after serving at least 30 years of the sentence.

Another provision of the bill prohibits any person convicted of certain felony sexual offenses against a victim under the age of 17 from being allowed to participate in the 120-day "shock incarceration program" in the Department of Corrections and being granted probation upon completion.

The Senate gave a final passing vote to [SB 313](#), sponsored by Sen. Gary Nodler (R-Joplin) and co-sponsored by Sen. Joan Bray (D-St. Louis). The bill creates two separate funds within the state treasury to receive and retain funds provided under the federal economic stimulus package.

Finally, [SB 100](#), sponsored by Sen. Kurt Schaefer (R-Columbia), received a passing vote from the Senate. The legislation requires shippers of radioactive waste in and through Missouri to be subjected to statutory fees in an effort to prevent Missouri from being the most common route for the shipment of nuclear waste.

Currently, Missouri charges no fee for the transport of radioactive waste products, which is seen by some shippers as an incentive to move their trucks and trains through the state.

The U.S. Department of Energy recently mandated that by 2010, all repositories for nuclear waste be moved to Yucca Mountain, Nevada, designating I-70 and I-80 as preferred routes.

[Senate Bill 140](#), sponsored by Sen. Jeff Smith (D-St. Louis), received an initial vote of approval from the Senate on Tuesday, and needs one more passing vote to move to the House. The bill allows non-violent defendants in criminal non-support cases to receive education, vocational training and or substance abuse treatment, giving them greater opportunity to resume child support payments. Successful completion of these court-ordered programs may reduce or dismiss the charges or penalties against the defendant.

Under SB 140, criminal non-support is a class A misdemeanor unless the total payment due is in excess of 12 monthly payments combined, in which case, it is a class D felony. Under current law, the crime is a class D felony if the person owes more than \$5,000 or has failed to pay six months of payments within the last 12-month period.

[The Senate Select Committee on Oversight of Federal Stimulus](#) met on Monday for a conference call with the National Conference of State Legislatures (NCSL) for an update

on the finalized federal economic stimulus bill passed by Congress last Friday, Feb. 13. Legislators continue to receive information on the various stipulations attached to the funding. The president signed the \$787 billion bill on Tuesday, Feb. 17.

The Senate's version of an economic development package was brought to the floor for the first time this week, though it did not receive a vote. [Senate Bill 45](#), sponsored by Sen. David Pearce (R-Warrensburg), raises the tax credit cap on the Quality Jobs Act from \$60 million to \$120 million and provides tax incentives for small business expansion. The bill also creates a \$1,000 refundable state income tax credit for taxpayers who purchase a new or existing home between the bill's effective date and the end of 2009.

The state would be allowed to authorize up to \$5 million in tax credits per year to encourage equity investment in technology-based early stage Missouri companies, commonly referred to as angel investments. Qualified research expenses would also be eligible for a tax credit under SB 45.

Another bill brought up for discussion on the floor, but not coming up for a vote was [SB 223](#), sponsored by Sen. Goodman. The senator's bill regulates sexually oriented businesses in Missouri, including prohibiting such businesses from establishing themselves within 1,000 feet of a pre-existing school, house of worship, state-licensed day care, public library, public park, residence, or other sexually oriented business. The bill also contains other regulations relating to the operation of these types of businesses.

Public hearings on legislation continued this week as [Senate Bill 151](#), sponsored by Sen. Dan Clemens (R-Marshfield), was heard in the [Senate Financial and Governmental Organizations and Elections Committee](#) on Monday. If passed, high school students would not be allowed to test out of the current personal finance class requirement they must complete prior to graduation.

The [Senate Progress and Development Committee](#) considered one of my measures this week, [Senate Bill 321](#). This bill would create a commission to study the death penalty in Missouri and prohibit the use of the death penalty of a certain period of time.

Also receiving a committee hearing was [SB 167](#), sponsored by Sen. Scott T. Rupp (R-Wentzville). People testified in a packed hearing room before the [Senate Small](#)

[Business, Insurance and Industry Committee](#) on Tuesday about the autism-related bill. Sen. Rupp's legislation requires health carriers to provide coverage for the diagnosis and treatment of autism spectrum disorder for people under the age of 21. Additionally, health insurance carriers would not be able to reject coverage to individuals with autism solely on the basis of their autism diagnosis.

Several bills were passed by their committees this week and are now eligible to be brought up for debate on the Senate floor. Included are:

- [Senate Bill 61](#), sponsored by Sen. Yvonne Wilson (D-Kansas City), which creates a trust fund and commission for youth smoking prevention.
- [Senate Bill 89](#), sponsored by Sen. Bill Stouffer (R-Napton), which prohibits inspectors from surveying a long-term care facility at which they were employed in the past five years.
- [Senate Bill 93](#), sponsored by Sen. Tim Green (D-St. Louis), which requires the Department of Transportation to establish a drunk-driving risk reduction awareness program.
- [Senate Bill 104](#), sponsored by Sen. Jolie Justus (D-Kansas City), which provides information and the opportunity for female students enrolling in sixth grade in public schools to be immunized for the human papilloma virus.
- [Senate Bill 231](#), sponsored by Sen. Jane Cunningham (R-Chesterfield), which exempts landlords from liability for loss or damage to tenants' personal property when executing an order for possession of premises.

The Missouri Senate will reconvene at 4 p.m. Monday, February 23, 2009. The First Regular Session of the 95th Missouri General Assembly will run through Friday, May 15, 2009. If you have comments or questions about this week's column or any other matter involving state government, please feel free to contact my office at (573) 751-4106.

*Senator Rita Heard Days represents a portion of
St. Louis County in the Missouri Senate.*



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