

A SUMMARY OF LEGISLATION  
TRULY AGREED TO AND FINALLY PASSED  
by the  
95th General Assembly  
First Regular Session



2009

Prepared by the  
Divisions of Research, Computer Information Systems  
and Administration  
of the  
MISSOURI SENATE

SPONSOR: Scott

HANDLER: Wasson

HCS/SS/SCS/SB 1 - This act establishes licensing requirements for preneed funeral contract sellers, providers, and seller agents and establishes requirements for all preneed contracts.

All preneed providers shall be registered to conduct business in Missouri and identify a custodian of records and any seller authorized by the provider to sell preneed contracts in connection with the seller. If the applicant is a corporation, each officer, director, manager, or controlling shareholder shall be eligible for licensure if they were individually applying for licensure. (Section 333.315)

All preneed sellers shall be registered to conduct business in Missouri and identify a custodian of records and any provider that has authorized the seller to designate such person as a provider under a preneed contract. If the applicant is a corporation, each officer, director, manager, or controlling shareholder shall be of good moral character and be eligible for licensure if they were individually applying for licensure. Sellers shall also establish a trust in order to sell trust funded preneed contracts. (Section 333.320)

Preneed agents selling contracts on behalf of a seller shall be at least 18 years old, have successfully passed the Missouri law examination, and provide the name and address of each seller for whom the applicant is authorized to sell preneed contracts. (Section 333.325)

The grounds for denial, suspension, and revocation of licenses and registrations are made the same for embalmers, funeral directors, preneed sellers, preneed providers, and preneed agents. Individuals whose license or registration are revoked shall wait three years to reapply. The board may enjoin sellers from engaging in preneed sales when the seller has failed to make deposits into the trust, obtained funds out of the trust to which the seller is not entitled or causes any other shortage in any trust fund or joint account which exceeds 20% of the total required to be held or deposited in trust. (Section 333.330)

Persons shall not be designated as a preneed provider unless they have a written contractual agreement with the seller stating as such. (Section 436.420)

The act enumerates provisions required to be included in all preneed contracts. (Section 436.425)

In the case of a trust funded contract, sellers shall place 100% of all payments on a contract into the trust within 60 days of receipt. Trustees may distribute up to the first 5% of the total amount of the contract as an origination fee after such amount has been deposited into the trust. The trustee may distribute up to 10% of the face value of the contract at any time after the consumer payment has been deposited into the trust. Payments of two or more contracts may be commingled in the same preneed trust if adequate records are kept. Expenses of establishing and administering the trust may be paid from income generated from the investment of the trust assets. Principal of the trust shall not be used to pay the costs of administration of the trust. Sellers and providers are entitled to all of the income of the trust according to the terms of the contract, less the administration fees, which shall accrue through the life of the trust, the market value of which may be distributed upon termination of the trust. (Section 436.430)

Trustees shall be held to the prudent investor standard and shall diversify the investments in the trust unless the trustee reasonably determines that the purpose of the trust is better served without diversification. (Section 436.435)

Sellers, providers, and preneed agents shall not receive or collect from the purchaser of an insurance funded preneed contract, any amount in excess of what is required to pay the premiums on the insurance policy as assessed or required by the insurer as premium payments for the insurance policy. Sellers shall not collect any fees from the purchaser of an insurance funded preneed contract, other than those fees assessed by the insurer. Providers, sellers, and agents shall not procure or accept a loan against an insurance contract used to fund a preneed contract. The purchaser or beneficiary shall be the owner of the insurance policy purchased to fund a preneed contract which shall only be valid if the seller or provider

SPONSOR: Scott

HANDLER: Wasson

is named as the beneficiary or assignee of the policy. If the proceeds of the policy exceed the cost of goods and services provided pursuant to the nonguaranteed contract, any overage shall be paid to the estate of the beneficiary or to the state if the beneficiary received public assistance. (Section 436.450)

Sellers and purchasers may agree to use a joint account to fund the contract. A separate joint account shall be established for each preneed contract. All payments shall be deposited in the account within 10 days of receipt of the payment by the seller. Financial institutions shall not invest the funds of the account in term life insurance or any investment that does not reasonably have the potential to gain income. (Section 436.455)

Purchasers may cancel a revocable contract any time without cause. In the case of a joint account funded contract, all deposited funds shall be returned to the purchaser and interest shall be distributed as provided in the agreement between the seller and purchaser. In the case of a trust funded contract, all of the trust property including any percentage allowed to be withdrawn but excluding interest, shall be returned to the purchaser. The insurance contract shall determine distribution in the case of an insurance funded contract. (Section 436.456)

Sellers may cancel a trust funded or joint account funded contract if the purchaser is in default for over 60 days. Purchasers may remit payments in arrears if the seller chooses not to cancel the contract. If the purchaser fails to remit payments, the seller may cancel the contract or continue the contract where the purchaser will receive full credit for all payments the purchaser has made. Upon cancellation, 80% of the contract payments shall be refunded to the purchaser. (Section 436.457)

Purchasers may select a different provider and shall not be assessed any fee for doing so. In such cases, the seller has the option of continuing the trust with the new provider in place of the original under the original agreement or pay to the new trust all of the trust property, including principal and income. (Section 436.458)

Sellers shall file annual reports with the board that includes various information relating to the types of contracts they are holding and the details relating to the trusts and joint accounts holding assets for the contracts and the insurance contracts used to fund the contracts. (Section 436.460)

The board shall have the authority to conduct random inspections, investigations, and audits of preneed providers, sellers and agents, and trust and joint accounts holding assets to fund preneed contracts. Financial examinations shall be conducted at least once every five years. The Attorney General shall have concurrent jurisdiction in conducting inspections, investigations, and audits. (Section 436.470)

Those who knowingly and willfully violate any of the aforementioned provisions is guilty of a Class C felony. (Section 436.485)

Providers and sellers who cease to do business shall notify the board and certain providers, sellers, and purchasers that it is doing so. (Sections 436.490, 436.500)

Preneed contracts may offer the purchaser the option to acquire and maintain credit life insurance on the life of the purchaser to provide for the payment of death benefits to the seller in an amount equal to the total of all contract payments unpaid as of the date of the purchaser's death. (Section 436.505)

This act is similar to HB 853 (2009).  
CHRIS HOGERTY

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SPONSOR: Nodler

HANDLER: Stevenson

HCS/SCS/SB 15 - This act authorizes the Governor to convey various state properties.

#### SECTION 1

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.

#### SECTIONS 2 & 7

This act authorizes the Governor to convey state property in Cape Girardeau County and state property and a permanent transmission easement for construction and maintenance of utilities in St. Louis to the State Highways and Transportation Commission .

#### SECTIONS 3 & 5

This act authorizes the Governor to convey state property and a temporary construction easement in Greene County to the Arc of the Ozarks.

#### SECTION 4

This act authorizes the Governor to convey a permanent storm water easement on state property in Greene County to the City of Springfield.

#### SECTION 6

This act authorizes the Governor to convey an easement across state property in Macon County to owners of certain private property for the purpose of obtaining access to such property.

#### SECTION 8

This act authorizes the Governor to convey state property in Boone County, known as the Mid-Missouri Mental Health Center, to the curators of the University of Missouri.

#### SECTION 9

This act authorizes the Governor to convey state property in St. Louis to Harris-Stowe University.

#### SECTION 10

This act authorizes the Governor to convey easements, including a permanent easement and a temporary easement, on property in Cooper County to the City of Boonville.

#### SECTION 11

The director of the Department of Natural Resources is directed to lease state property in Clinton County to the Clinton County Public Water Supply District No. 3 in order to construct an elevated water storage tank.

This act contains an emergency clause for certain sections.

This act is similar to SB 1010 (2008), HB 282 (2009), SB 540 (2009), HB 918 (2009), and HB 895 (2009).

SUSAN HENDERSON MOORE

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SPONSOR: Ridgeway

HANDLER: Nolte

CCR/HCS/SB 26 - 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 identical to certain provisions of SB 747 (2008) and CCS/SS/SCS/HCS/HB 62 (2009).  
SUSAN HENDERSON MOORE

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SPONSOR: Goodman

HANDLER: Wasson

HCS/SCS/SBs 36 & 112 - Currently, the penalty for forcible rape or sodomy of a child under the age of twelve is life imprisonment without eligibility for probation or parole until the person has served at least thirty years of such sentence. Under this act, the penalty for such crimes is life imprisonment without ever being eligible for probation, parole, or conditional release, if such forcible rape or sodomy of a child is outrageously or wantonly vile, horrible or inhuman in that it involved torture or depravity of mind.  
SUSAN HENDERSON MOORE

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SCS/SB 37 - This act modifies various provisions relating to the Public Defender System.

#### SECTION 600.011

This section redefines various positions within the Public Defender System, including assistant public defenders, contract counsel, deputy directors, deputy district defenders, and district defenders. The definitions reflect the current administrative structure of the public defender system.

This section specifies that the deputy director exercises the duties of the director on a temporary basis only, when the director is absent or has resigned, until the commission appoints a new director.

#### SECTION 600.015

This section adds an additional member to the Public Defender Commission, for a total of eight. At least one member must be an assistant public defender with at least one year of experience.

#### SECTION 600.017

The Public Defender Commission shall only continue to have the power to select the director and deputy directors and not other public defenders. This section specifies that the commission shall only continue to have the authority to draw up procedures to select division directors and district defenders and not other public defenders and staff.

The commission shall also establish maximum public defender caseload standards in order to fulfill the constitutional obligation to provide effective counsel and comply with the rules of professional conduct. In doing so, the commission shall consider national defender caseload standards, particulars of local practice, the needs of the criminal justice system, and other pertinent factors.

#### SECTION 600.021

Under this section, the director of the system shall be the employer of the Public Defender System employees rather than the commission and the employees shall serve at the pleasure of the director rather than the local public defender.

Public defenders shall no longer have a term of four years.

This section repeals the provision providing that the commission may appoint and fix the compensation of personnel for the system.

Currently, the commission may contract with private attorneys. Under this act, the commission may authorize the director to contract with such attorneys.

#### SECTION 600.040

The state shall pay for the parking costs for Public Defender System employees.

#### SECTION 600.042

Under this section, the director shall fix the compensation of all Public Defender System employees except for the deputy directors.

This section states that the director and deputy directors may participate in cases based on their own discretion and not only upon an order of the commission. Currently, the director has no authority to direct or control the legal defense of specific cases. Under this section, the director shall have the authority to become involved in cases in order to ensure that the defendant is provided effective counsel.

Funds applied for and accepted on behalf of the public defender system, which are available through government grants, private gifts, donations, or any other source, shall be deposited into the Legal Defense and Defender Fund, rather than the general revenue fund.

SPONSOR: Goodman

HANDLER: Jones

The director shall also ensure that public defender caseloads remain within the maximum defender caseloads established by the commission. Where the number of cases exceeds the maximum caseload, the director shall contract the excess cases to private counsel when funds are available. If funds are not available, the director shall notify the court that the public defender is unavailable. Persons eligible for public defender services shall then be placed on a waiting list for services and the court shall proceed as provided in this section.

Currently, indigent persons are eligible for public defender services when detained or charged with a misdemeanor which will likely result in confinement. Under this section, such person shall only be eligible when the prosecuting attorney has requested a jail sentence for such misdemeanor.

#### SECTION 600.045

When the public defender is unavailable to accept additional cases because maximum caseload standards have been met, the court and the public defender shall proceed in the following manner:

(1) The public defender shall continue to make indigency determinations and inform the court of the status of defendants requesting services;

(2) If, after consulting with the prosecutor, the court determines a case can be disposed of without a jail or prison sentence, the court may proceed without the provision of counsel to the defendant;

(3) If a jail or prison sentence remains possible, the court shall place the case on a waiting list for defender services;

(4) The court shall determine the order in which cases will be placed on its waiting list for services.

The commission and Supreme Court may make rules and regulations regarding these provisions in order to ensure the defendant's constitutional right to effective assistance of counsel is met.

Nothing in this section shall prevent the court from using non-public defender resources to obtain counsel for a defendant on the waiting list or from making pro bono appointments. Private counsel may seek payment of litigation expenses from the public defender system for such services, but such expenses shall not include counsel fees and shall be limited to the expenses approved in advance by the director.

#### SECTION 600.086

This section requires state and local government offices to provide financial records and information about a person seeking services from the Public Defender System to any employee of the system, upon request and without a fee. Currently, only persons in certain positions within the system may request such information.

#### SECTION 600.090

Currently, a balance of not more than \$150,000 shall remain in the Legal Defense and Defender Fund at the end of the appropriation period and not be transferred to the general revenue fund. Under this section, the amount is increased to an amount equal to 20% of the current annual fund appropriation.

#### SECTION 600.096

This section requires public offices to provide public defenders with photographs, recordings, and electronic files at no cost.

This act is similar to SCS/SB 737 (2008).

SUSAN HENDERSON MOORE

SPONSOR: Pearce

CCS#2/HCS/SCS/SB 44 - This act creates new requirements for private jails. Private jails are facilities not owned or operated by the state, a county, or a municipality that confine or detain prisoners who are awaiting trial, awaiting sentencing, or serving a sentence in jail. Such private jails shall be subject to all applicable state laws and local ordinances.

Any written report regarding a state criminal law violation that would result in a punishment of at least one year in prison shall contain the name and address of the private jail, the name of the prisoner or person who may have committed the violation, information regarding the violation, the name of the complainant, and other relevant information. The administrator shall, in a timely manner, refer all reports to law enforcement having jurisdiction. The administrator and employees shall cooperate in the investigation of the facts alleged in the report insofar as is consistent with the constitutional rights of all parties involved.

In the event that a prisoner is missing, the private jail shall take prompt and reasonable action to discover where the prisoner has escaped. Upon learning such an escape has occurred, the private jail shall promptly notify law enforcement and provide them with all available information known about the escape and the escapee.

Any person who makes a report, or who testifies in an administrative or judicial proceeding arising from the report, shall be immune from any civil or criminal liability for making such a report or for testifying, unless the person acted with malice.

Persons confined in private jails shall be separated and confined by gender. Persons confined under civil process or for civil causes shall be kept separate from people confined regarding criminal matters. The administrator shall arrange for necessary health care services and provide adequate clothing, food, and bedding, for those persons confined in the private jail. Deprivation of such items shall not be used as a disciplinary action against a confined person. No person confined in a private jail shall be used in any manner for the profit, betterment, or personal gain of any county or private jail employee. Any law enforcement investigation of a report regarding necessary health care or use of a confined person for profit or gain shall be concluded in a timely manner and a written report shall be provided to the private jail.

Nothing in the above provisions shall create a new civil cause of section.

The state or its political subdivisions shall not contract with any private jail to provide services, unless such jail provides written documentation of its ability to indemnify for liability arising from the operation of the jail.

Currently, a person is prohibited from bringing certain items, including controlled substances, alcohol, items prohibited by law or rule, and weapons, into a county jail. The punishment for such crime varies from a class A misdemeanor to a class C felony, depending on the item brought into the jail. Under this act, a person is prohibited from bring such items into a private jail as well. The administrator of a private jail may deny visitation privileges to or refer to the county prosecutor any person who knowingly brings, or tries to bring, items into the jail, which are prohibited by the jail's rules and regulations. Violation of this provision shall be an infraction if it is not covered by other statutes.

Currently, a person commits the crime of damage to jail property if such person: 1) knowingly damages a city or county jail building or property, or 2) knowingly starts a fire in a city or county jail. Such crime is a class D felony. Under this act, damaging property at a private jail shall have the same criminal penalty.

This act requires private jailers to check for outstanding warrants through MULES before releasing an individual, in the same manner as county jailers. If an outstanding charge or warrant exists, the private jail administrator must tell the appropriate agency and transfer the individual accordingly. If a private jail



SPONSOR: Pearce

administrator purposefully fails to perform a warrant check with the intent to release the person, he or she is guilty of a class A misdemeanor. An administrator shall not be liable for failing to perform a warrant check if the MULES system is not accessible.

Currently, escaping or attempting to escape from a county or city jail is a class D felony, unless certain aggravating circumstances apply, in which case, the penalty is increased. Under this act, escaping from a private jail shall have the same criminal penalty.

Currently, if a person is serving a sentence in a county jail on conviction of a felony and he or she fails to return to confinement as required under a work-release program, while serving a sentence with a term that is not continuous, or under another type of sentence where he or she is temporarily permitted to go at without a guard, he or she is guilty of a class A misdemeanor. Under this act, failing to return to confinement to a private jail shall have the same criminal penalty.

Currently, a public servant with charge of a prisoner, who knowingly permits him or her to escape is guilty of a class D felony, unless the public servant allows the prisoner to have a deadly weapon or dangerous instrument, in which case, the crime is a class B felony. Under this act, knowingly permitting escape from a private jail shall have the same criminal penalty.

SUSAN HENDERSON MOORE

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SPONSOR: Scott

HANDLER: Bruns

CCS/HCS/SCS/SB 47 - This act modifies the educational requirements for Water Patrol members and 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.

Currently, any sheriff, except the sheriff of St. Louis County, must hold a valid peace officer license, except during the first 12 months of his or her first term of office, in order to execute police powers. This act removes the 12-month grace period beginning January 1, 2010.

SUSAN HENDERSON MOORE

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SPONSOR: Rupp

SB 126 - 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 act 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, 2009.

This act is similar to SB 865 (2008).

STEPHEN WITTE

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SPONSOR: Smith

HANDLER: Jones

SCS/SB 140 - Under this act, courts disposing of criminal nonsupport cases may be established by any circuit court. Such court shall have the authority to refer defendants to education, vocational or employment training, substance abuse treatment, or work programs. After successful completion of a court-ordered treatment or training program or commencement of support payments, the defendant may have the charges, petition, or penalty against him or her dismissed, reduced, or modified.

Each circuit shall establish conditions for referral to the court and each participant must be a nonviolent person. Any proceeding accepted by the court must be upon agreement of the parties. Any of the program's staff reports shall not be admissible as evidence in the underlying case; however, termination from the court program may be considered in sentencing or disposition of the case. Court staff shall be provided access to government records relevant to the participant's supervision.

An ten-member Criminal Nonsupport Courts Coordinating Commission shall be established to coordinate and allocate resources made available through the newly created Criminal Nonsupport Court Resources Fund.

Under this act, criminal nonsupport shall be a class A misdemeanor unless the total arrearage is in excess of an aggregate of twelve monthly payments, in which case, it is a class D felony. Currently, 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 twelve-month period.

The crime of nonsupport shall apply whether a child's paternity has been established through an administrative order or judicial order. Inability to provide support for good cause shall be an affirmative defense that must be proved by a preponderance of the evidence.

If the defendant is placed on probation or parole, he or she may be ordered to begin payment of current support as well as satisfy the arrearages. If he or she fails to pay, probation or parole may be revoked and an appropriate sentence shall be imposed.

During any period that a nonviolent defendant is incarcerated for criminal nonsupport, the court, if the defendant is ready, willing, and able to be gainfully employed, may place the defendant on work release in order to satisfy the defendant's obligation to pay support if the person meets the criteria established by the department of corrections. The arrearages shall be satisfied as outlined in the collection agreement.

Beginning August 28, 2009, every nonviolent first and second-time offender currently incarcerated for criminal nonsupport, who has not previously been placed on probation or parole, may be considered for parole or work release.

This act is similar to HB 1652 (2006).  
SUSAN HENDERSON MOORE

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SPONSOR: Smith

SS/SCS/SB 141 -This act modifies provisions relating to paternity determinations.

In an action to determine paternity of a child, a notification form shall be attached to the delivery of the petition through service of process. The notification form shall prominently state in bold face type as follows: "Important Notice. If you do not respond to this action, a judgment of paternity may be entered against you and you may be ordered to pay child support, medical support or reimburse someone for support previously paid for the child. You have the right to contest that you are the father of the named child and you have the right to request genetic testing to prove whether or not you are the father."

This act also provides that a petitioner may file a petition to challenge entry of a judgment of paternity and 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 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 petition to set aside the judgment may be filed at any time prior to December 31, 2011. After that, the petition shall be filed within two years of the entry of the original judgment of paternity and/or support, whichever occurs later.

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, shall order the relevant parties to submit to genetic paternity testing. The petitioner shall pay for the costs of testing.

The court shall grant relief, unless the court makes written findings of fact and conclusions of law that it is not in the best interest of the parties to do so, 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 excludes the petitioner as the child's father.

In addition, any petitioner may apply for expungement of criminal nonsupport records to the court in which the petitioner pled guilty or was sentenced. Such expungement shall only apply to records for criminal nonsupport of a child or children for which the petitioner was found not to be the biological 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.

Beginning in 2010, the family support division shall track and report to the general assembly the number of cases known to the division in which a court, within the calendar year, set aside a previous judgment of paternity and support under the provisions of this act.

This act is similar to SB 1147 (2008) and HB 2322 (2008).

ADRIANE CROUSE

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SPONSOR: Dempsey

HANDLER: Zerr

HCS/SB 147 - This act requires the Governor's Council on Physical Fitness and Health to develop the Missouri Healthy Workplace Recognition Program for the purpose of granting official state recognition to employers 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. This program has a six-year sunset clause.

This act is substantially similar to a provision in SS/SCS/SB 1283 (2008).

ADRIANE CROUSE

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SPONSOR: Clemens

HANDLER: Loehner

HCS/SCS/SB 152 - This act modifies the definition of eligible student for the Nursing Student Loan Program to include doctoral students and to allow full time or part-time doctoral students in certain programs to be eligible for the loan program.

This act is similar to HCS/HB 247 (2009).

EMILY KALMER

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SPONSOR: Clemens

HANDLER: Cunningham

#### SCS/SB 153 - SECTION 265.525 - RICE ADVISORY COUNCIL

Under current law, two individuals must be appointed to the Rice Advisory Council to represent handlers and end users of rice, respectively. This act modifies the definitions of "handler" and "end user" to exclude producers from qualifying and specifies that persons appointed in these positions shall be actually employed as an end user or handler.

#### SECTION 267.565 and 267.600 - STATE VETERINARIAN

The act gives the state veterinarian similar authority to address toxins in animals as it currently has for addressing diseases in livestock. The state veterinarian may restrict the movement of any animal or bird under investigation for the presence of a toxin or disease. Once an investigation is completed, the animal or bird shall either be allowed to be moved or must be permanently quarantined.

#### SECTIONS 416.410 and 416.440 - UNFAIR MILK SALES PRACTICES

The act adds definitions for "imitation milk" and "milk" and modifies the definition of "milk products" by specifying what is not considered a milk product.

Under current law, co-op's are provided an exception to the prohibition on milk processors and distributors giving monetary incentives for the purchase of their milk products. This act re-words this exception by expressly stating that any return on savings, or any economic benefit or service, given by a co-op to its members for the purchase of milk products shall not be considered a violation.

This act contains provisions similar to the truly agreed to HCS/HB 251 (2009) and the perfected SB 526 (2009).

ERIKA JAQUES

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

SPONSOR: Goodman

HANDLER: Wallace

HCS/SB 154 - This act authorizes a nonprofit sewer company to also provide domestic water services, as long as the areas served are not within the boundaries already served by a public water supply district, municipal utility, or water company.

This act is identical to truly agreed to SCS/HB 283 (2009) and similar to SB 245 (2007).

ERIKA JAKUES

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

SPONSOR: Goodman

HANDLER: Wood

SB 156 - This act specifies that any use of travel club membership benefits during the three-day rescission period of the membership contract will not effectively waive the member's right to rescind the contract.

This act is identical to House Bill 83 (2009).

JASON ZAMKUS

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

SPONSOR: Schmitt

HANDLER: Scharnhorst

HCS/SCS/SB 157 - This act codifies the five regional autism projects currently serving persons with autism and their families through the Division of Developmental Disabilities within the Department of Mental Health. The regional projects may provide certain services, including assessment, advocacy, communication and language therapy, crisis intervention, life skills, and respite care. The list of services that may be provided are specified in the act.

The regional autism projects shall each have a regional parent advisory council and the division shall establish the Missouri Parent Advisory Committee on Autism. The act specifies the membership and duties of the council and advisory committee. The division shall establish such programs and services in conjunction with persons with autism, the families of persons with autism, the regional parent advisory councils, and the Missouri Parent Advisory Committee on Autism.

This act is substantially similar to HCS/HB 525 (2009).

ADRIANE CROUSE

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

SPONSOR: Crowell

HANDLER: Viebrock

SB 161 - This act removes language requiring that the board of trustees of municipal police and firemen's pension systems invest and reinvest the pension systems' money subject to the terms, conditions, limitations or restrictions imposed by law on life insurance or casualty companies. The act also provides that the boards invest the funds of the systems as permitted by Sections 105.687 to 105.690, RSMo, which contains the "prudent investor" standard, as well as other duties for investment fiduciaries.

This act is similar to HB 593 (2009) and SB 997 (2008).

EMILY KALMER

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SPONSOR: Wright-Jones

HANDLER: Morris

HCS/SCS/SB 179 - This act authorizes the Governor to convey a piece of property known as the Joplin Regional Center to Missouri Southern State University.

This act authorizes the Governor to convey a parcel of real property, which is being currently used by the Department of Corrections as a minimum security correctional facility, to the Missouri Highways and Transportation Commission for the new Mississippi River Bridge project.

The act authorizes the Governor to convey a piece of property owned by the state in Greene County to the Arc of the Ozarks. The Governor is also authorized to convey a temporary construction easement over, on and under property owned by the state in Springfield to the Arc of the Ozarks.

The act authorizes the Governor to convey a piece of property owned by the state in Springfield to the City of Springfield.

The Governor is authorized to convey property owned by the state in Macon County to the owners of certain private property for the purpose of obtaining access to the private property.

The Governor is authorized to convey property owned by the state in Cape Girardeau County to the State Highways and Transportation Commission.

The act authorizes the Governor to convey property known as the Mid-Missouri Mental Health Center to the Curators of the University of Missouri.

The act authorizes the Governor to convey property owned by the state in St. Louis to Harris-Stowe State University.

The act authorizes the Governor to convey property owned by the state in Cooper County to the City of Boonville.

The act directs the director of the Department of Natural Resources to lease property owned by the state in Clinton County to the Clinton County Public Water Supply District. No. 3 for the purpose of constructing an elevated water storage tank..

The act contains an emergency clause for some of the conveyances.  
STEPHEN WITTE

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SPONSOR: Shoemyer

HANDLER: Scavuzzo

HCS/SB 196 - The act modifies provisions relating to the procedure for detaching territory from a public water supply district.

When a petition for detachment is submitted to the circuit court by someone other than the district's board of directors, the district shall be named as a defendant and a copy of the petition shall be served upon the district by certified or registered mail at least 35 days before the hearing.

Current law requires notice of the petition to detach to be published in a newspaper in each county containing any portion of the proposed territory. The act instead requires that notice be published in a newspaper in the county in which the hearing will be held as well as in a newspaper with circulation in the proposed territory.

The act adds the district itself as an allowable entity to make an exception or objection to a proposed detachment. The act modifies the language required to be posted in the newspaper to mirror the statutory requirements.

This act is identical to the perfected HCS/HBs 234 & 493 (2009).  
ERIKA JAQUES

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SPONSOR: Schaefer

SCS/SB 202 - This act provides that operating a motorcycle, in and of itself, shall not be considered evidence of comparative negligence. The act also provides that when investigating an accident or settling an automobile insurance policy claim, no insurer, agent, producer, or claims adjuster of an insurer shall assign a percentage of fault to a party based upon the sole fact that the party was operating a motorcycle in an otherwise legal manner. This provision is similar to SB 505 (2007).

This act also 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, 2014 (Section 302.020).

This act is substantially similar to SB 1067 (2008), 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 JOHN WITTE

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SPONSOR: Scott

HANDLER: Cunningham

SCS/SB 216 - 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. Upon completion of the plan, aggregate fees shall not exceed the amount the plan reduces the principal amount of the debt originally enrolled in the plan. The debtor may voluntarily prepay fees, and the provider may collect fees on a pro rata basis once the provider obtains reasonable offers.

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 and orders for restitution may be issued for violations.

This act is similar to SB 1108 (2008).

CHRIS HOGERTY

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SPONSOR: Goodman

HANDLER: Stevenson

SB 217 - Shareholders and proxyholders may participate and vote in shareholders meetings by remote communication if authorized by the board of directors. The corporation shall attempt to reasonably verify that each remote participant is an actual shareholder or proxyholder. Remote participants shall be provided an opportunity to read or hear the proceedings of the meeting substantially concurrently with the actual proceeding, vote, and otherwise participate in the meeting. When a remote participant votes or takes other action, a record of the vote or action shall be retained by the corporation.

The secretaries of limited liability companies and limited partnerships shall have the power to administratively cancel an articles of organization or certificate of limited partnership if the entities duration expires as stated in the articles or certificate. Secretaries also have the power to rescind the cancellation and reinstate the articles or certificate.

This act is similar to HB 481 (2009), HB 187 (2009), HB 235 (2009), and HB 475 (2009).

CHRIS HOGERTY

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**\*\*\* SB 224 \*\*\***

SPONSOR: Goodman

HANDLER: Pratt

SB 224 - This act repeals a provision barring a for profit corporation from changing the name of an incorporator in an amended articles of incorporation.

After an amendment of the articles of incorporation, the restated articles of incorporation of for profit and nonprofit corporations may omit the names of the original incorporators, the names and addresses of the initial board of directors, and any provisions contained in any amendment to the articles as were necessary to effect some change in the stock of the corporation, if the change has become effective.

This act is similar to HB 475 (2009).

CHRIS HOGERTY

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**\*\*\* SB 231 \*\*\***

SPONSOR: Cunningham

HANDLER: Stevenson

SCS/SB 231 - This act provides that except for willful, wanton, or malicious acts, landlords are not liable to any tenant for any loss or damages to household goods, furnishings, fixtures, or any other personal property left at or in the dwelling by reason of the landlord's removal of the property under a court-ordered execution for possession of the premises.

If, after the sheriff completes 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 send notice to the third party by certified mail with a return receipt requested. The third party has the opportunity to recover the property within five business days of the date notice is received. If the landlord is unable to notify the third party, the landlord may dispose of the property and is not liable for the loss or damage.

This act is similar to SCS/SB 781 (2008) and SCS/SB 629 (2007).

EMILY KALMER

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**\*\*\* SB 232 \*\*\***

SPONSOR: Cunningham

HANDLER: Dixon

SB 232 – This act prohibits municipal fire departments, municipal police departments, state agencies, state departments, and political subdivisions from discriminating in employment practices based on an individual's elementary or secondary education program, provided that the program is permitted under Missouri law. Employers may require individuals to have other abilities or skills applicable to their position.

MICHAEL RUFF

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SPONSOR: Cunningham

HANDLER: Jones

HCS/SB 235 - This act establishes procedures for converting manufactured homes into real property or from real property back to personal property. In order to be considered real property for conveyance purposes, the act requires a manufactured home to be permanently affixed to a permanent foundation and requires an affidavit to the affixation to be recorded with the recorder of deeds. The act sets forth what an affidavit of affixation must contain. For example, the affidavit must contain the street address and the legal description of the real estate to which the manufactured home will be permanently affixed. The affidavit of affixation shall also contain a statement as to whether or not the manufactured home is subject to security interests or liens. Additionally, the affidavit of affixation must be accompanied by a statement of whether or not the manufactured home is covered by a certificate of title.

An affidavit of affixation shall be acknowledged or proved in a manner so that the affidavit of affixation may be recorded and indexed. Once an affidavit of affixation has been recorded, the act requires a certified copy of the affidavit of affixation to be filed with the Department of Revenue. The certified copy of the affidavit of affixation must accompany the manufactured home owner's application for surrender of manufactured certificate of origin, application for surrender of title, or application for confirmation of conversion.

The act establishes a process in which a manufactured home owner, who has permanently affixed his or her home to real estate, and has recorded an affidavit of affixation with the recorder of deeds, may surrender the manufacturer's certificate of origin or certificate of title to the manufactured home to the Director of Revenue. The manufactured home owner must fill out an application to surrender the certificate of origin or certificate of title. The act specifies what information the application must contain. If the director is satisfied with the surrender of a manufacturer's certificate of origin or certificate of title, the director shall cancel the certificate of origin or certificate of title and update the department's records. The act sets forth a similar process for applying for confirmation of conversion where an owner has permanently affixed a manufactured home to real estate, but does not possess a manufacturer's certificate of origin or a certificate of title (Section 700.111.).

Once these statutory steps have been followed, the manufactured home shall be deemed to be real estate and title to such home shall be transferred by deed as other interests of real estate are transferred. Once the manufactured home is considered real estate, the laws governing real estate shall apply to such home (Section 442.015).

The act requires an affidavit of severance to be filed when a manufactured home is detached or severed from the real estate to which it had been affixed. The affidavit of severance must contain a property description and any information that could affect the validity of the title to the manufactured home or the existence of a security interest or lien. The act sets forth steps to record the affidavit of severance and establishes a process for filing the affidavit of severance with the Department of Revenue (Section 442.015.10).

The act also establishes a process for obtaining a new certificate of title after a manufactured home has been detached or severed from real estate (real property to personal property)(Section 700.111.4).

The act prohibits the director from issuing a certificate of title to a manufactured home to which there has been recorded an affidavit of affixation. The director may only issue the certificate of title once an affidavit of severance has been recorded (Section 700.320.5).

The act requires the director of the Department of Revenue to maintain records of each affidavit of affixation and each affidavit of severance filed with the department.

The act provides that a purchase money security interest in a manufactured home is perfected against the rights of judicial lien creditors and execution creditors on and after the date the purchase money security interest attaches. The act further provides that after a certificate of title has been issued to a

SPONSOR: Cunningham

HANDLER: Jones

manufactured home and is subject to a security interest, the department shall not file an affidavit of affixation, cancel the certificate of origin, nor revoke the certificate of title (Section 700.350).

The act also modifies other provisions of Article 9 of the Missouri Uniform Commercial Code. The act provides that the perfection, priority, and termination of a security interest in a manufactured home perfected under the manufactured home titling provisions are governed exclusively under such provisions and not by the UCC Article 9 provisions. The act also clarifies that UCC Article 9 does not apply to a security interest in a manufactured home once the home has become real estate in accordance with the procedures set forth in the act (Sections 400.9-303 and 400.9-311).

The act also changes the term "licensee" to "registrant" in subsection 4 of section 700.100.

Under this act, a manufactured home dealer may have his or her license suspended or revoked for failing to provide notice to a purchaser of a used manufactured home that the Public Service Commission does not regulate setup of used manufactured homes (Section 700.100.3(7)). This provision can be found in SB 405 and HB 924 (2009).

**MANUFACTURED HOME BENEFICIARY TITLES** - This act allows owners of manufactured homes who own the home as joint tenants with the right of survivorship or as tenants by the entirety to receive a certificate of ownership in beneficiary form from the Director of the Department of Revenue. The certificate of ownership shall direct the director to transfer the certificate on the death of the owners to the beneficiaries. A certificate of ownership in beneficiary form shall not be issued to persons who hold their interest in a manufactured home as tenants in common.

During the lifetime of the owners, the signature of the beneficiary shall not be required for transactions relating to the manufactured home. The owner may revoke the certificate of ownership or change beneficiaries before the death of the owner under certain conditions. For instance, the certificate of ownership may be revoked by the sale of the home with proper assignment of certificate of ownership. The certificate of ownership in beneficiary form may also be revoked by filing an application to reissue the certificate of ownership with no designation of a beneficiary or with the designation of a different beneficiary.

A beneficiary's interest in the manufactured home at the owner's death shall be subject to contracts of sale, assignments of ownership, or security interests to which the owner or owners were subject to during their lifetime. A beneficiary interest in a certificate of ownership may not be changed or revoked by will or other instruments.

The director shall issue a new certificate of ownership to the surviving owners or beneficiaries upon proof of death (Section 700.330). This provision can be found in SB 405 and HB 924 (2009).

**RELEASE OF LIEN ON ELECTRONIC CERTIFICATE OF OWNERSHIP** - This act requires a lienholder to notify the director within 10 business days of any release of a lien if an electronic certificate is being held by the director. The director shall note the release on the electronic certificate and deliver the certificate free of any lien to the owner if no other lien exists (Section 700.370). This provision can be found in SB 405 and HB 924 (2009).

This act requires persons who hold security interests in manufactured homes to verify to the Department of Revenue that he or she has paid the landowner in which the manufactured home was repossessed from all past due rent that the holder is obligated to pay under this act (Section 700.385).

**ABANDONED MANUFACTURED HOME** - Under this act, a manufactured home situated upon land of another person pursuant to a rental agreement shall be deemed abandoned if:

SPONSOR: Cunningham

HANDLER: Jones

(1) The property owner reasonably believes the homeowner has vacated the premises and does not intend to return;

(2) The rent is past due for 30 days; and

(3) The homeowner has failed to respond to the landowner's notice or has failed to contest a petition regarding the issue of abandonment (Section 700.526). This provision can be found in SB 405 and HB 924 (2009).

**LIEN AGAINST MANUFACTURED HOME FOR UNPAID RENT** - Under this act, a landowner shall have a lien for unpaid rent against a manufactured home if the home is abandoned on the landowner's land and is not subject to a lien perfected Sections 700.350 to 700.380.

The process for enforcing the lien on unpaid rent is modified under the act. The landowner must provide the manufactured home owner notice before enforcing the lien. The landowner must give the manufactured home owner opportunity to redeem the manufactured home by paying all unpaid rent. The notice must also advise the home owner of his or her legal rights and that the manufactured home owner may contest the lien filing by filing a petition to that affect in the county circuit court in which the manufactured home is located. If the manufactured home owner does not redeem the home within 30 days from the date of the mailing , and no petition has been filed in circuit court, the real property owner may apply for a certificate of title.

If the Director of the Department of Revenue is satisfied with the contents of the application, a certificate of ownership or certificate of title shall be issued to the land owner (captioned "lien title")(Section 700.527.8).

Upon receipt of the lien title, the holder shall within 30 days begin proceedings to sell the home. The real property owner may recover actual and necessary expenses incurred in obtaining the lien title (including reasonable attorney's fees and advertising costs)(Section 700.527.9).

The owner of the home must be given at least 20 days notice of the sale of the home (Section 700.527.10).

The owner of the manufactured home may redeem the home by paying all past due rent and expenses. If not redeemed, the landowner may sell the home (Section 700.527.12 and .13).

The act sets forth how the proceeds of the sale are to be distributed. Any excess proceeds shall be paid to the homeowner. If the homeowner cannot be located within 30 days of the sale, the excess proceeds shall be deposited with the county treasurer. The county treasurer shall credit the excess to the county's general revenue fund, subject to the right of the homeowner to reclaim the excess within three years of its deposit (Section 700.527.14). The act provides that a person who fails to deposit the excess proceeds with the county treasurer shall be liable for double the amount of the proceeds (Section 700.527.15).

A landowner who follows the requirements of the act shall be absolved from any liability resulting from the taking of possession of the home (Section 700.527).

**MANUFACTURED HOMEOWNER'S RIGHT TO CONTEST LIEN** - The manufactured homeowner may, within 10 days of the mailing of the notice, may contest the real property owner's lien in the home. If the owner contests the lien in circuit court, he or she will have to post a cash or surety bond for the unpaid rent in order to have the home released. Once the bond is posted, the court will direct the land owner to release the home to the home owner. The court will also determine whether unpaid rent is due. The court may direct that the rent be paid from the posted bond or grant the landowner a security interest in the

SPONSOR: Cunningham

HANDLER: Jones

home (Section 700.528).

**LIEN FOR REAL PROPERTY OWNER ON AN ABANDONED MANUFACTURED HOME WHERE ANOTHER LIEN EXISTS** - If a person abandons a manufactured home on real property of a person who is leasing the land to the manufactured homeowner and there is an existing lien on the home and is in default, the real property owner shall have a lien for unpaid rent against the manufactured home provided the real property owner gives notice to the manufactured home owner and the party holding the lien in the manner set forth by the act.

The notice must contain a statement that if the rent is not paid within 30 days from the mailing of the notice and the lien is not contested, the real property owner will have a lien against the manufactured home which will be superior to the other party's perfected lien. The homeowner and the perfected lienholder shall not remove the manufactured home from the property until the landlord is paid for past due rent. The perfected lienholder is not entitled to a certificate of title from the Department of Revenue until the lienholder has paid all rent it is obligated to pay to the real property owner. The owner of the abandoned home or the perfected lienholder may file a petition, within 10 days of the mailing of the notice, to contest the real property owner's lien. If the court determines that the homeowner or the perfected lienholder owe unpaid rent, the court shall declare a lien in the real property owner's favor (Section 700.529).

The act also repeals several provisions of law relating to Missouri's current procedure for obtaining title to an abandoned manufactured home (Sections 700.530, 700.531, 700.533, 700.535, 700.537, and 700.539).

The act also redefines the term "agricultural and horticultural property" for purposes of property taxation to include any sawmill or planing mill as defined by certain U.S. Department of Labor Standards (Section 137.016).

Under the terms of this act, lenders may offer, sell, and finance automobile club memberships, homes and auto security plans, and other plans and services that provide a benefit to the borrower (Section 408.052).

This act provides that nothing in Chapter 408, RSMo, shall be construed to prohibit the sale of a deficiency waiver addendum, guaranteed asset protection, or a similar product purchased as part of a loan transaction with collateral and at the borrower's option, provided the cost of the product is disclosed in the loan contract. The act specifically provides that such waiver addendums or guaranteed asset protection products may also be sold in connection with certain consumer loans, second mortgage loans, and retail credit sales so long as such products are purchased as part of a loan transaction with collateral and at the borrower's option, provided the cost of the product is disclosed in the loan contract (Sections 408.094, 408.140, 408.233, and 408.300). These provisions are similar to the ones contained in SB 243 (2009).  
STEPHEN WITTE

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SPONSOR: Pearce

HANDLER: Jones

CCS/HCS/SCS/SB 242 - SECTION 204.363 - METROPOLITAN SEWER DISTRICT

The act prohibits the Metropolitan Sewer District (MSD) from charging any residential landowner for storm water management services if MSD does not provide sanitary sewer service to the landowner's property and any storm water runoff from the property does not drain to a sewer maintained by MSD.

SECTION 204.569 - SEWER SUBDISTRICTS

The act provides an alternate procedure to approve the issuing of bonds for a common sewer subdistrict that is partially or completely located in Cass County. Bonds may be issued for such a subdistrict if the subdistrict receives the written assent of 75% of the political subdivisions that do business with the subdistrict.

SECTION 1. - CITY OF ARNOLD

The City of Arnold is prohibited from imposing a storm water usage fee on property owned by a church, public school, nonprofit organization, or political subdivision.

The act contains an emergency clause for Section 204.569.

This act is similar to HCS/SS/SB 172 (2009) and HCS/HB 825 (2009).

ERIKA JAQUES

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SPONSOR: Pearce

HANDLER: Jones

SCS/SB 243 - This act provides that nothing in Chapter 408, RSMo, shall be construed to prohibit the sale of a deficiency waiver addendum, guaranteed asset protection, or a similar product purchased as part of a loan transaction with collateral and at the borrower's option, provided the cost of the product is disclosed in the loan contract. The act specifically provides that such waiver addendums or guaranteed asset protection products may also be sold in connection with certain consumer loans, second mortgage loans, and retail credit sales so long as such products are purchased as part of a loan transaction with collateral and at the borrower's option, provided the cost of the product is disclosed in the loan contract.

STEPHEN WITTE

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SPONSOR: Mayer

HANDLER: Jones

SCS/SB 265 -Current law provides that the collection of the statewide court automation fee expires on September 1, 2009. This act extends the expiration date and allows the courts to continue to collect the statewide court automation fund fee until September 1, 2013.

EMILY KALMER

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SPONSOR: Cunningham

HANDLER: Brandom

SB 277 - Banks, trust companies, savings and loan associations, and savings banks with authorized trust authority may transfer by assignment, for consideration or no consideration, some or all of its fiduciary obligations consisting only of irrevocable life insurance trusts to the Missouri trust office of an out-of-state bank with trust powers or an out-of-state trust company.

This act is similar to HB 1617 (2008), and HB 239 (2009).

CHRIS HOGERTY

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SPONSOR: Shields

HANDLER: Wallace

HCS#2/SS/SB 291 – This act modifies provisions relating to education.

**ADDITIONAL GENERAL ELECTION DAY IN NOVEMBER 2009:** This act provides that the first Tuesday after the first Monday in November 2009 will be a general election day for the purpose of allowing school districts to incur debt. (Section 115.121)

**STUDY ON OPEN ENROLLMENT OF STUDENTS BETWEEN SCHOOL DISTRICTS:** The Joint Committee on Education must study the issue of open enrollment of public school students across school district boundary lines. It must submit a report of its findings, and any recommendations for legislative action to the General Assembly, by December 31, 2009. (Section 160.254)

**USE OF SECLUSION ROOMS:** This act requires school district discipline policies to prohibit confining a student in an unattended, locked space except for an emergency situation while awaiting the arrival of law enforcement personnel. By July 1, 2011, each school district must adopt a written policy that addresses the use of restrictive behavioral interventions as a form of discipline or behavior management technique, as described in the act. The Department of Elementary and Secondary Education must develop a model policy by July 1, 2010 in cooperation with associations, organizations, agencies, and individuals with specialized expertise in behavior management.

This provision identical to a provision contained in HCS/SB 79 (2009), SCS/HCS/HB 96 (2009) and is similar to SB 445 (2009). (Section 160.263)

**MISSOURI SENIOR CADETS PROGRAM:** This act creates the Missouri Senior Cadets 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, subject to appropriation, the state will provide a reimbursement in the amount of three credit hours per semester for up to four years. The provisions of this section will expire in six years unless reauthorized.

These provisions are similar to SB 78 (2009), SB 1013 (2008) and SB 921 (2006). (Section 160.375)

**CHARTER SCHOOLS:** When the Department retains and remits certain funds to the sponsor of a charter school, the sponsor must make an appropriate determination of the following: it must expend no less than 90% of its sponsorship funds in support of its charter school sponsorship program, or as a direct investment in the sponsored schools; have fair procedures and rigorous criteria for its application process and grant charters only to developers who show capacity for establishing and operating a quality charter school; negotiates charter school contracts that clearly articulate the rights and responsibilities of each party as described in the act; conducts contract oversight; and designs and implements a transparent and rigorous process to make merit-based renewal decisions.

Current law provides that a charter school sponsor may revoke a charter if the charter school commits certain acts. This act provides that a charter school sponsor shall revoke a charter, or take other appropriate remedial action, which may include placing the charter school on probationary status if the charter school commits certain acts.

Current law requires charter schools to maintain a surety bond based on the school's cash flow. This act would allow charter schools to maintain an insurance policy in the amount of \$500,000 or more to provide coverage in the event of employee theft.

The Department of Elementary and Secondary Education will commission a study comparing the

SPONSOR: Shields

HANDLER: Wallace

performance of charter school students with an equivalent group of district students representing an equivalent demographic and geographic population that will be conducted by the Joint Committee on Education. The study will examine charter schools' impact on the constituents of the district in which they serve by using a contractor through a proposal process. The study must include an analysis of the administrative and instructional practices of each charter school and include findings on best practices that lend themselves to replication or incorporation in other schools. The Joint Committee on Education must coordinate the request for proposal process with individuals representing charter schools and the districts in which the charter schools are located.

The student performance assessment must include, but may not be limited to: MAP test performance; student re-enrollment rates; educator, parent, and student satisfaction data; graduation rates; and performance of students enrolled in the same public school for three or more consecutive years.

These provisions are substantially similar to provisions contained in HCS/SB 79 (2009) and similar to provisions also contained in SB 64 (2009) and SB 1078 (2009). (Sections 160.400, 160.405, 160.410)

**SCHOOL FLEX PROGRAM, COMPULSORY ATTENDANCE AGE & HOME SCHOOLS:** This act establishes the School Flex Program to allow eligible students to pursue a timely graduation from high school. The program is available for eleventh and twelfth graders who have been identified by their principal and parent or guardian. Students must attend school a minimum of two instructional hours per school day within their school district of residence; pursue a timely graduation; provide evidence of college or technical career education enrollment and attendance, or proof of employment and labor that is aligned with the student's career academic plan; refrain from being expelled or suspended; pursue course and credit requirements for a diploma; and maintain a 95% attendance rate.

Students participating in the program will be considered full-time students of the school district and be counted in the school's average daily attendance for state aid purposes.

Participating school districts must submit an annual report to the Department of Elementary and Secondary Education. The Department must report annually to the Joint Committee on Education on the program's effectiveness.

This act also changes the requirement for compulsory attendance age for school districts, except for the St. Louis City School District. Current law defines the compulsory attendance age as sixteen. This act changes that to seventeen years or age or successful completion of sixteen credits toward high school graduation. In addition, for purposes of home schooling, this act defines a completed credit towards high school graduation as one hundred hours or more of instruction in a course. Home school education enforcement and records will be subject to review only by the local prosecuting attorney.

These provisions are similar to provisions also contained in HCS/SB 79 (2009) and HB 1102 (2009). (Sections 160.011, 160.539, 167.031)

**P-20 COUNCIL:** 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.



SPONSOR: Shields

HANDLER: Wallace

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 the Council 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.

These sections are identical to SB 344 (2009) and SB 1221 (2008). (Sections 160.730, 160.800, 160.805, 160.810, 160.815 & 160.820)

**PERSISTENCE TO GRADUATION FUND:** 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. Grants may be available to school districts that have at least sixty percent of students eligible for a free and reduced lunch. 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 years for each recipient district.

This section is substantially similar to SB 116 (2009), HB 636 (2009) and SB 1128 (2008). (Section 160.950)

**PUBLIC ACCESS TO EDUCATION MATERIALS AND RECORDS:** This act requires the State Board of Education to provide seven days' written notice to members of board meetings. It also changes from four, to three, the number of members needed to request a meeting of the board. Any business that comes before the board must be made available by free electronic record at least seven business days prior to any meeting. All records of decision, votes, exhibits, or outcomes must be available by free electronic media within forty-eight hours of the conclusion of a meeting. Any materials prepared for board members must be delivered to the members at least five days before the meeting. This provision is identical to HB 719 (2009). (Section 161.072)

This act requires the Commissioner of Education to study and evaluate the progress, or lack thereof, in achieving instructional goals, and make these findings available by free public electronic media. This provision is identical to HB 1041 (2009). (Section 161.122)

Current law requires that public and nonpublic high schools report certain information about students age sixteen and older who drop out of school to the state literacy hotline. This act requires that records and reports based upon the school reports be made available by free electronic record on the Department of

SPONSOR: Shields

HANDLER: Wallace

Elementary and Secondary Education's website on the first business day of each month. Identifying information of individual students must be excluded. This provision is identical to SB 576 (2009) and HB 833 (2009). (Section 167.275)

**TEACHING STANDARDS FOR PUBLIC SCHOOLS:** Each public school must develop standards for teaching by June 30, 2010, including charter schools operated by the board of a school district. 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 of Elementary and Secondary Education may provide assistance to public schools in developing these standards upon request.

This provision is similar a provision contained in HCS/SB 79 (2009) and HCS/SB 55 (2009) and is similar to SB 60 (2009) and SB 1273 (2008). (Section 161.380)

**VOLUNTEER AND PARENTS INCENTIVE PROGRAM:** 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. Subject to appropriation, 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. If a participating school district becomes classified as accredited, it may continue to participate in the program for an additional two years.

The provisions of this section will expire in six years unless reauthorized.

These provisions are substantially similar to SB 76 (2009) and SB 1014 (2008). (Section 161.800)

**PARENTS' BILL OF RIGHTS:** This act requires the Department of Elementary and Secondary Education to produce "The Parents' Bill of Rights," to inform parents of children with an individualized education program of their educational rights under federal and state law by January 1, 2010. The publication must state it does not confer any right or rights beyond those conferred by federal or state law. In addition, the publication must state that it is only for informational purposes. The publication must contain ten points of information, which are described in the act. The department must ensure that the content is consistent with legal interpretations of existing federal and state law and provides equitable treatment of all disability groups and interests. The Department of Elementary and Secondary Education must post a copy of it on its website.

Each school district must provide a copy of "The Parents' Bill of Rights" upon determining that a student qualifies for an individualized education program and at any such time as a school district is required under state or federal law to provide the parent or parents with notice of procedural safeguards.

The department must review and revise the content of the publication as necessary to ensure the content accurately summarizes the current federal and state law.

This provision is identical to a provision contained in HCS/SB 79 (2009) and is similar to SCS/SB 175 (2009) and HB 526 (2009). (Section 161.850)

**OPERATION OF A SPECIAL ADMINISTRATIVE BOARD OF A LAPSED SCHOOL DISTRICT:** This act modifies the law regarding the operations of a special administrative board when a school district's

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HANDLER: Wallace

corporate organization has lapsed after having been classified as unaccredited. Current law provides for three members on a special administrative board, one of whom will be a professional administrator and act as chair. This act allows the State Board of Education to appoint additional members. In addition, the State Board of Education may set a final term of office for any special administrative board member, after which a successor member must be elected by the school district as described in the act. If the State Board of Education appoints a successor member to replace the special administrative board's chair, the current members of the special administrative board may appoint a superintendent of schools and contract for his or her services. The State Board of Education may set a date on which the school district will return to local governance.

This provision is identical to SCS/HB 659 (2009) and a provision contained in HCS/SB 79 (2009) and HCS/SB 55 (2009) and is substantially similar to SB 443 (2009).

**SCHOOL DISTRICT RECORDS:** 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.

This provision is identical to SB 55 (2009), SB 925 (2008), and a provision contained in HCS/SB 79 (2009). (Section 162.204)

**BLUE SPRINGS SCHOOL DISTRICT AND SCHOOL OFFICERS:** The Blue Springs school board may authorize and commission school officers to enforce laws relating to crimes committed on school premises, at school activities, and on school buses as described in the act. All school officers must be licensed peace officers. School officers must abide by school board policies and coordinate with the superintendent, or the superintendent's designee. Any crimes involving a sexual offense or any felony involving the threat or use of force will remain under the authority of the local jurisdiction.

This provision is identical to a provision contained in HCS/HB 96 (2009). (Section 162.215)

**CHANGE IN SCHOOL DISTRICT BOUNDARY LINES:** Under current law, when a board of arbitration is appointed to determine whether to modify the boundary lines between school districts, the board must base its decision, in part, on the presence of actual educational harm to children, due to a significant difference in time involved in transporting them. This act defines significant difference in the time involved in transporting students as a difference of forty-five minutes or more per trip in travel time. In addition, travel time is defined as the period of time required to transport a pupil from the pupil's place of residence or other designated pickup point to the site of the pupil educational placement.

This act also repeals the requirement that a board of arbitration approve a proposed boundary change when the potential receiving district has obtained a score consistent with "accredited" on its most recent annual performance report and the potential sending district has obtained a score consistent with "unaccredited" on its most recent annual performance report.

This provision is identical to a provision also contained in HCS/SB 79 (2009) and HB 304 (2009). (Section 162.431)

**VACANCIES ON THE KANSAS CITY SCHOOL DISTRICT BOARD OF EDUCATION:** A vacancy that occurs on the school board of the Kansas City School District will be filled by special election instead of by appointment by board members. There will be a special election if a vacancy occurs more than six months prior to the next general municipal election. The State Board of Education is responsible for ordering a special election when a vacancy occurs. If a vacancy occurs less than six months prior to the next general municipal election, the vacancy will be filled at the next general municipal election.

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HANDLER: Wallace

This provision is identical to SCS/SB 253 (2009) and is similar to a provision contained in HCS/SB 79 (2009). (Section 162.492)

**MISSOURI PRESCHOOL PLUS GRANT PROGRAM:** This act creates the Missouri Preschool Plus Grant Program as a pilot program within the Missouri Preschool Project. The program will serve up to 1250 students with preschool services and will be administered by the Department of Elementary and Secondary Education in collaboration with the Coordinating Board for Early Childhood. School districts that are classified as unaccredited and non-sectarian community-based organizations located within such school districts may receive grants. Grants run for three years and are renewable. At least fifty percent of the placements must be offered through non-sectarian community-based organizations. Children who are one or two years away from kindergarten entry may participate in the program. Children of active duty military personnel will receive admission preference.

If a school district becomes classified as provisionally accredited or accredited, it may complete the length of an existing grant and be eligible for one additional renewal for three years. The program must comply with current early childhood standards. Community-based organization grantees may employ teachers with at least an associate's degree provided they show they are on the path to obtaining a bachelor's degree within five years. School districts and non-sectarian community-based organizations must collect short-term and long-term data about student performance where feasible. The Department must make a good faith effort to collect long-term student performance data as required in the act for students who attend non-public schools.

The Department will accept applications in a competitive bid process to begin implementing the program in the 2010-2011 school year. The program will be funded through general appropriations and will not be funded through money from the Gaming Commission Fund. The grants awarded under this section are subject to appropriation.

The provisions of this section will expire in six years unless reauthorized.

This provision is substantially similar to SB 314 (2009) and HB 1131 (2009) and is similar to a provision contained in SS/SCS/SB 726 (2008) and is similar to SB 779 (2008) and a provision contained in SB 690 (2007). (Section 162.1168)

**VIRTUAL COURSES FOR SCHOOL DISTRICTS AND CHARTER SCHOOLS:** This act provides that school districts that offer virtual courses to resident students who are enrolled in the school district shall receive state school funding. School districts may offer virtual courses through technological methods as described in the act that could take place outside of the regular school district facility. In addition, school districts may develop a virtual program for any grade level. Charter schools may also offer virtual courses for students enrolled in the charter school and receive state funding, as described in the act. Nothing in the act will preclude a private, parochial, or home school student residing within a school district offering virtual courses from enrolling in the school district for purposes of participating in virtual courses.

For purposes of calculation and distribution of funding, attendance of a student enrolled in a district virtual class will equal, upon course completion, ninety-four percent of the hours of attendance for such class delivered in the non-virtual program. Course completion will be calculated in two increments, fifty percent completion and one hundred percent. State funding will be distributed at the fifty percent increment and one hundred percent increment in an amount equal to forty-seven percent of hours of attendance possible for such course delivered in the non-virtual program of the school.

Any special school district must count any student's completion of a virtual course or program in the same manner as the district counts the completion of any other course or program.

School districts and charter schools must ensure that courses purchased from outside vendors are aligned

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with the Show-Me curriculum standards and comply with state requirements for teacher certification. A school district or charter school that offers virtual courses or develops virtual courses or a virtual program must ensure that they comply with various standards, as described in the act. A school district or charter school may contract with multiple providers of virtual courses or virtual programs, provided they meet all criteria for virtual courses or virtual programs under this section.

This section is identical to a provision also contained in HCS/SB 55 (2009) and HCS/SB 79 (2009). (Section 162.1250)

**EDUCATION FUNDING:** This act modifies the elementary and secondary education funding formula. It removes from the calculation of the state adequacy target the inclusion of the gaming revenues from the repeal of the loss limits. This becomes effective July 1, 2009.

Beginning on July 1, 2010, the moneys derived from the passage of Proposition A will be deposited into the Classroom Trust Fund and distributed to school districts in that manner.

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 becomes effective July 1, 2010.

This act modifies the definition of "special education pupil count." Special education pupil count now includes the number of public school students with a services plan. This becomes effective July 1, 2009.

This act eliminates, after the 2008-2009 school year, the penalty on a school district that experiences a decrease in summer school average daily attendance of more than 35% from the 2005-2006 summer school average daily attendance. This becomes effective July 1, 2009.

For the 2010-2011 school year and beyond, all proceeds a school district receives from the Classroom Trust Fund in excess of the amount it received in the 2009-2010 school year must be placed to the credit of the school district's teachers' and incidental funds. This becomes effective July 1, 2009.

This act repeals the Schools First Elementary and Secondary Education Improvement Fund on July 1, 2010 and modifies the audit that will be conducted by the State Auditor, which becomes effective July 1, 2009.

These provisions are substantially similar to SCS/SBs 453 & 24 (2009) and are similar to provisions also contained in HCS/SB 79 (2009) and HCS/SB 55 (2009). (Sections 160.534, 163.011, 163.031, 163.043, 313.775, 313.778, 313.822)

**RECALCULATION OF STATE AID FOR RIVERVIEW GARDENS SCHOOL DISTRICT:** 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. The sum of the amounts due to the school district after recalculation for fiscal years 2007-2010 will be divided and distributed to the school district in equal amounts in fiscal years 2010-2013.

This provision is identical to SCS/SB 117 (2009) and is substantially similar to SB 888 (2008), SB 522 (2007) and HB 698 (2007) and is similar to a provision contained in HCS/SB 79 (2009) and HCS/SB 55 (2009) and is similar to HCS/HB 542 (2009). (Section 163.095)

**FOSTER CARE EDUCATION BILL OF RIGHTS:** 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

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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. 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.

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.

Subject to federal law, 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.

For children placed for treatment in a licensed residential care facility by the Department of Social Services, the Commissioner of Education, or his or her designee, will be 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.

These provisions are identical to SCS/SB 96 (2009) and are similar to SB 1000 (2008) and SB 630 (2007) and similar to provisions also contained in CCS#2/SS/HCS/HB 154 (2009). These provisions are identical to provisions contained in HCS/SB 79 (2009). (Sections 167.018, 167.019, 210.1050).

#### EDUCATIONAL SERVICES PROVIDED BY A SCHOOL DISTRICT OR SPECIAL SCHOOL DISTRICT:

This act adds children who temporarily reside in a children's hospital for rendering health care services to children under the age of eighteen for more than three days to the children for whom a school district or special school district is responsible for making payments for services to a serving school district. (Section 167.126)

**PHYSICAL ACTIVITY REQUIREMENTS:** Beginning with the 2010-2011 school year, school districts must ensure that students in elementary schools participate in moderate physical activity, as described in the act, for the entire school year for an average of 150 minutes per week, or thirty minutes per day. Students with disabilities must participate to the extent appropriate. Middle school students may, at the school's discretion, participate in at least 225 minutes of physical activity per week.

Elementary school students must be provided a minimum of one recess period of twenty minutes per day, which may be incorporated into the lunch period.

The Commissioner of Education must annually select for the recognition of students, schools, and school districts that are considered to have achieved improvement in fitness.

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HANDLER: Wallace

A school district may meet any of these requirements above the state minimum physical education requirement by additional physical education instruction or other activities approved by the individual school district under the direction of any certificated teacher or administrator or other school employee under the supervision of a certificated teacher or administrator.

This provision is identical to a provision contained in HCS/SB 55 (2009) and HCS/SB 79 (2009) and is similar to a provision contained in HCS/HB 509 (2009). (Section 167.720)

**TEACHER CERTIFICATION:** This act creates a method of obtaining teacher certification from the State Board of Education for individuals to teach in the areas of banking or financial responsibility. Individuals must have a bachelor's degree or higher degree and professional experience suitable to provide a basis to teach in such areas. An individual must have received a passing score for the designated exit examination.

The holder of such a certificate is exempt from the Teacher Tenure Act. School districts will have decision-making authority on whether to hire individuals holding such a certificate.

If the holder of such a certificate is employed less than full-time, he or she must complete an amount of professional development in proportion to his or her time teaching in the classroom, rather than complete the standard thirty hour requirement.

These provisions are identical to SB 233 (2009) and HB 1874 (2008). (Section 168.021)

**EMPLOYEE BACKGROUND CHECKS AND FINGERPRINT RECORDS:** An employee background check and fingerprint record is good for one year and transferable from district to district or to a private or parochial school. A teacher's change in certification will not affect the transferability of records.

This provision is identical to a provision contained in SCS/HCS/HB 96 (2009), HCS/SB 55 (2009), HCS/SB 79 (2009), and HCS/HB 689 (2009). (Section 168.133)

**ELIMINATION OF TENURE PROTECTIONS FOR NON-CERTIFIED EMPLOYEES IN ST. LOUIS CITY SCHOOL DISTRICT:** Current law provides that non-certified employees in the St. Louis City School District may earn tenure protection. This act eliminates tenure protection for employees hired after August 28, 2009.

This provision is identical to a provision also contained in HCS/SB 79 (2009). (Section 168.251)

**TEACHER CHOICE COMPENSATION PACKAGE:** This act creates the "Teacher Choice Compensation Package" for the St. Louis City School District to permit performance-based salary stipends, upon the decision of a teacher, to reward teachers for objectively demonstrated superior performance. It also creates the Teacher Choice Compensation Fund in the State Treasury. The General Assembly must annually appropriate \$5 million to the fund.

A teacher must give up his or her right to a permanent appointment for the duration of his or her employment with the school district to participate in the Teacher Choice Compensation Package. If a teacher chooses to no longer participate in the Compensation Package, he or she may not resume permanent teacher status with the district. Teachers will qualify annually in October.

Stipends will be offered in increments of five thousand dollars, up to fifteen thousand dollars but must not exceed fifty percent of a teacher's base salary as described in the act. The Department of Elementary and Secondary Education will make a payment to the district in the amount of the stipend, which will be delivered as a lump sum in January following the October qualification. If funds are insufficient, the Department may prorate payments.

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HANDLER: Wallace

The Teacher Choice Compensation Package will be open to every person employed by the St. Louis City School District regardless of certification status, provided the other requirements are satisfied. Stipends will be prorated for part-time employees and will be forfeited for any teacher dismissed for cause.

Beginning with the 2010-2011 school year, teachers who opt out of their permanent contract may be eligible based on the following: student scores on a value-added test instrument as described in the act, evaluations by principals or other administrators, evaluations by parents, and evaluations by students. The Department of Elementary and Secondary Education must develop or identify model instruments for use by school districts, which may also use or develop their own instruments.

The Department of Elementary and Secondary Education must develop criteria for determining eligibility for stipend increments. Test-scores will be given more weight than evaluations. The level of scores required must take into account classroom demographics.

These provisions are similar to SB 42 (2009). (Sections 168.221, 168.745, 168.747, 168.749, 168.750).

**SUPPLEMENTAL EDUCATIONAL SERVICES PROGRAMMING:** Equipment and educational materials necessary for participation in supplemental educational services programming will not be deemed an incentive for purposes of compliance with the Department of Elementary and Secondary Education's rules and regulations for supplemental educational services provider certification. In addition, the Department of Elementary and Secondary Education must not prohibit providers of supplemental and educational services from allowing students to retain equipment, including computers, used by them upon successful completion of supplemental and educational services.

This provision is identical to a provision contained in HCS/SB 55 (2009) and is similar to a provision also contained in SCS/HCS/HB 1722 (2008). (Section 170.400)

**FOUR-DAY SCHOOL WEEK:** This act allows school boards to establish a four-day school week instead of a five-day school week by the adoption a resolution by a majority vote of board members. Any school district that does so must file a calendar with the Department of Elementary and Secondary Education. A minimum term for a school district adopting a four-day school week includes 142 days and 1044 hours of pupil attendance. A school district that adopts a four-day school week and subsequently meets at least two fewer performance standards on its annual performance report over a two year period must revert to a five-day school week. If the school district then meets the same number of performance standards it had met prior to adopting the four-day school week, it can resume a four-day school week.

Current law requires a school district to make up the first six days of school lost or canceled due to inclement weather and half the number of days lost or canceled in excess of six days. This act provides that such make-up will occur if necessary to ensure that the district's students will attend a minimum of 142 days and a minimum of 1044 hours for the school year. School districts that adopt a four-day school week may schedule make-up days on Friday.

These provisions are identical to provisions contained in HCS/SB 79 (2009) and are substantially similar to HCS/HB 242 (2009), SB 345 (2009) and HB 1534 (2008). (Sections 160.011, 160.041, 171.029, 171.031, 171.033)

**SCHOOL MAKE-UP DAYS RESULTING FROM INCLEMENT WEATHER:** Current law requires school districts to make up the first six days of school lost or canceled due to inclement weather and half the number of days lost or canceled in excess of six days. This act creates an exception for the 2008-2009 school year and subsequent school years. School districts may only have to make up a total of ten school days.

This provision is substantially similar to a provision contained in HCS/SB 55 92009) and HCS/SB 79



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HANDLER: Wallace

(2009) and is similar to HB 682 (2009). (Section 171.033)

**SCHOOL BOARDS AND AGREEMENTS WITH CERTAIN POLITICAL SUBDIVISIONS:** This act authorizes any school board to enter into an agreement with the county in which the school district is located, or a city, 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. An agreement may provide for the present or future acquisition of an ownership in the facilities, including joint ventures.

This section is identical to SB 325 (2009) and similar to SB 1191 (2008) and HB 1735 (2008). (Section 177.088)

**STUDY OF GOVERNANCE IN KANSAS CITY SCHOOL DISTRICT:** The Joint Committee on Education must study the issue of governance in the Kansas City School District during the legislative interim through December 31, 2009. The Joint Committee must prepare a report and submit it to the General Assembly with any recommendations for legislative action. (Section 1)

This act contains different effective dates (Sections B and C)

MICHAEL RUFF

SPONSOR: Barnitz

HANDLER: Smith

SB 294 - Under the act, corporate names shall only be reserved for 180 days.

This act is similar to HB 1951 (2008), SB 1151 (2008), HB 481 (2009), and SB 262 (2009).

CHRIS HOGERTY

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SPONSOR: Scott

HANDLER: Sater

CCS/HCS/SB 296 - This act modifies laws regarding the state legal expense fund, cemetery operators, physician assistants, the division of professional registration, the board for architects, professional engineers, professional land surveyors, and landscape architects, dental care professionals, nurses, pharmacy, the board of cosmetology and the board of barber examiners, and mental health benefits.

#### STATE LEGAL EXPENSE FUND

(Section 105.711)

This section expands coverage under the state legal expense fund to physicians, nurses, physician assistants, dental hygienists, or dentists who provide free services to summer camps.

This section is similar to HB 37 (2009) and portions of HCS/HB 945 (2009).

#### PHYSICIAN ASSISTANTS PRESCRIBING CONTROLLED SUBSTANCES

(Section 195.070, 195.100, 334.735, 334.747)

These sections authorize physician assistants who meet certain requirements to prescribe Schedule III, IV, or V controlled substances.

Physician assistants who work in rural health clinics and have already received a waiver of the minimum on-site supervision requirement and maximum distance from a supervising physician requirements do not need to receive any additional waiver as long as the clinic maintains its status as a rural health clinic and the physician assistant and physician comply with federal supervision requirements. Also, physician assistants who have received waivers will only be required to renew the waiver every five years, when their supervising physician changes from the physician listed on their application, or when they move their primary practice location more than ten miles from the location listed on the waiver application.

Pharmacists are also required to list the name of the physician assistant and the physician assistant's supervising physician on the prescription label.

These sections are similar to portions of SS/SCS/SB 406 (2009).

#### CEMETERIES

(Sections 214.270, 214.280, 214.330, 214.385, 214.387)

These sections modify certain laws regarding cemeteries.

Endowed care funds are prohibited from distributing the principal from the fund, except to the extent that a unitrust election is in effect with respect to such trust.

Cemetery operators who sell prearranged burial merchandise and services are required to deposit a portion of the purchase price in an escrow or trust account. These funds are maintained in this account until delivery of the property, performance of the services, or the contract is cancelled.

These sections are similar to portions of SCS/SB 416 (2009) and SB 822 (2008).

#### WORKFORCE PLANNING AND DEVELOPMENT

(Section 324.001)

This section authorizes boards or commissions under the authority of the Division of Professional Registration to collect and analyze information required to support workforce planning and policy development. This information shall not be publicly disclosed so as to identify a specific health care provider.

This section is similar to HB 852 and HCS/HB 945(2009).

SPONSOR: Scott

HANDLER: Sater

#### DIVISION OF PROFESSIONAL REGISTRATION

(Sections 324.065, 324.068, 324.071, 324.077, 324.080, 324.086, 324.089, 324.139, 324.141, 324.212, 324.247, 324.415, 324.481, 324.487, 334.850, 337.712, 337.715, 337.718, 337.727, 337.730, 337.733, 346.015, 346.045, 346.050, 346.070, 346.075, 346.080, 346.090, 346.095, 346.100, 346.105, 346.115, 346.125)

These sections transfer certain powers and duties of the division of professional registration to specific boards or committees.

These sections give the Missouri Board of Occupational Therapy the power to take certain actions without the collaboration of the Division of Professional Registration.

The state board of registration for the healing arts is required to notify clinical perfusionist examinees of the results of their competency examination, rather than the division of professional registration. Licensed clinical perfusionists are required to inform the board, rather than the division, of their change of address.

The state Committee of Dietitians, the Board of Therapeutic Massage, the Interior Design Council, and the state Board of Chiropractic Examiners are each given the authority to prescribe the application for licensure for specific professions, rather than the division.

The power of the division to establish and collect application and licensure fees for respiratory therapists is revoked.

The state Committee of Marital and Family Therapists and the Missouri Board of Examiners for Hearing Instrument Specialists are given several powers and duties that were previously given to the division of professional registration.

These sections are identical to HB 841 (2009).

#### BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, PROFESSIONAL LAND SURVEYORS AND LANDSCAPE ARCHITECTS

(Section 327.442)

These sections authorize the board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects to conduct disciplinary hearings for licensees convicted of certain felonies.

The board also has the power to automatically deny licenses to anyone who has had a license revoked or denied in another state. However, the board may establish other qualifications by which such person may be licensed.

#### BOARD OF COSMETOLOGY AND BOARD OF BARBER EXAMINERS

(Sections 328.115, 328.150, 328.160, 328.030, 328.040, 328.050, 328.060, 328.140, 329.180, 329.190, 329.191, 329.200, 329.210, 329.220, 329.230, 329.240)

These sections repeal certain statutes regarding the Board of Cosmetology and the Board of Barber Examiners. After these two boards were merged, these statutes are obsolete. The amendment also updates certain statutory references

These sections are identical to SCS/HB 812 (2009).

#### VOLUNTEER LICENSES FOR DENTAL CARE PROFESSIONALS

(Sections 332.112, 332.113)

These sections allow the Dental Board to grant volunteer licenses to retired dentists and dental hygienists. Individuals seeking volunteer licenses are required to file an affidavit stating that they have

SPONSOR: Scott

HANDLER: Sater

been licensed for at least ten years, that their license has not been lapsed for the four years prior to their application for a volunteer license, that they are retired, and that their license was in good standing at retirement, and to have met examination and other requirements.

Effective with the licensing period beginning on December 1, 2010, dentists and dental hygienists with volunteer licenses must renew the volunteer licenses every two years and are required to submit evidence of current certification in life support and complete certain continuing education requirements.

Dentists with volunteer licenses may only provide dental and preventative care without compensation to family members and at certain facilities. Dental hygienists with volunteer licenses may only provide dental hygiene and preventative care without compensation to family members and at certain facilities.

Dentists and dental hygienists are not required to pay any fee for volunteer licenses.

These sections are similar to SCS/SB 361 (2009).

#### NURSE LICENSURE COMPACT

(Sections 335.300, 335.305, 335.310, 335.315, 335.320, 335.325, 335.330, 335.335, 335.340, 335.345, 335.350, 335.355)

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

ARTICLE I - Finding and Declaration of Purpose;

ARTICLE II - Definitions;

ARTICLE III - General Provisions and Jurisdiction;

ARTICLE IV - Applications for Licensure in a Party State;

ARTICLE V - Adverse Actions;

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

ARTICLE VII - Coordinated Licensure Information Systems;

ARTICLE VIII - Compact Administration and Interchange of Information;

ARTICLE IX - Immunity;

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

ARTICLE XI - Construction and Severability.

This compact does not relieve employers from complying with statutorily imposed obligations and does not supercede existing state labor laws.

These sections are similar to SCS/SB 237 & 137 (2009), SB 664 (2006), and HB 556 (2005).

#### PHARMACY

(Sections 338.010, 338.057, 338.013, 338.220, 338.337)

SPONSOR: Scott

HANDLER: Sater

These sections change provisions regarding pharmacy. It allows pharmacists to administer pneumonia, shingles, and meningitis vaccines under certain circumstances and provides that permits are not required for pharmacists to perform nondispensing activities outside of pharmacies.

Pharmacy technicians may assist a pharmacist after they have applied for registration, until the board refuses to issue a certificate of registration. Pharmacy technicians' registration will lapse and become null and void thirty days after the expiration date.

The \$10 filing fee for out-of-state drug distributors is changed to a fee in an amount established by the board.

Out-of-state wholesale drug distributors that manufacture drugs do not need to be licensed if they produce and distribute their drugs from a facility that maintains current approval by the Food and Drug Administration.

The requirement that the Board of Pharmacy publish a list of drug products for which substitution is not permitted is repealed.

These sections are similar to SB 369 (2009), HB 513 (2009), HB 957 (2009), HCS/HB 575 (2009), HCS/SB 215 (2009), HCS/SB 377 (2009), and HCS/HB 945 (2009) .

#### MENTAL HEALTH BENEFITS OR COVERAGE

(Section 376.811)

Current law requires that mental health benefits or coverage include at least two sessions per year to a licensed psychiatrist, licensed psychologist, licensed professional counselor, or licensed social worker. This section includes, subject to contractual provisions, a licensed marital and family therapist.

This section is similar to a portion of HCS/HB 945 (2009) and identical to a portion of SCS/HB 326 (2009).

#### TEETH-WHITENING SERVICES

(Section 1)

This section specifies that a person who provides teeth-whitening services to another person by products that are not available over-the-counter is engaged in the practice of dentistry.

EMILY KALMER

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SPONSOR: Dempsey

HANDLER: Schaaf

CCS/HCS/SCS/SB 307 - This act imposes a gross receipts tax upon certain ambulance service providers in an amount not to exceed six percent per year. The revenues derived from the tax will be deposited into the newly created ambulance service reimbursement fund to provide additional payments to ambulance service providers which have valid MO HealthNet agreements with the state. The director of the department will annually determine the amount of tax owed by each such ambulance service provider based upon gross receipts information provided to the department of social services. The act contains provisions allowing for the appeal of allowance tax liabilities imposed by the state and for the enforcement and collection of the tax. Failure to pay the tax authorized by this act will be grounds for denial, suspension, or revocation of the ambulance service's license. The provisions of the act will automatically expire on September 30, 2011. Reimbursement for ambulance services will be based upon mileage calculations from the point of pick up to the destination.

Hospital districts in certain counties, including Ripley County, upon voter approval, are authorized to abolish the hospital district property tax and impose a retail sales tax of up to one percent for the purpose of funding the hospital district. Moneys collected from the tax will be deposited into the newly created Hospital District Sales Tax Fund with one percent retained and deposited into general revenue by the Director of the Department of Revenue for the cost of collection.

The act provides that beginning July 1, 2009, each provider of health benefit services providing residential habilitation, individualized supported living or day habilitation services in this state shall pay a certification fee based on a formula set forth in rules promulgated by the Department of Mental Health. Imposition of the fee will be contingent upon federal approval. Fee payments under this act shall be deposited in the Home and Community-Based Developmental Disabilities Waiver Reimbursement Allowance Fund. The department of social services is authorized to withhold payments to providers from the state to satisfy delinquent certification fees. The act sets forth the procedures for providers appealing a decision regarding the fee payments and reimbursements. The provider reimbursement allowance shall expire on September 30, 2011.

This act imposes a tax upon payments received by providers of in-home services. The tax will be in an amount not to exceed six and one-half percent of the gross receipts of in-home service providers, based upon a formula set out in rules promulgated by the department of social services. The tax will take effect upon authorization by the federal centers for Medicare & Medicaid services. Revenues derived from the tax will be placed into the newly created in-home services gross receipts tax fund. The department is granted authority to revoke, or fail to renew, a provider agreement where the provider fails to pay the tax imposed. The act provides a number of conditions which may result in the expiration of the tax. The provisions of the act creating the tax on in-home service providers will expire September 1, 2011.

The act has an emergency clause for the enactment of the provision authorizing the imposition of a fee for certification of health benefit service providers.

This act contains provisions similar to the senate committee substitute for House Committee Substitute for House Bill 546 (2009) and Senate Bill 511 (2009).

JASON ZAMKUS

SPONSOR: Nodler

HANDLER: Icet

HCS/SCS/SB 313 - This act creates two separate funds, the Federal Budget Stabilization Fund and the Federal Stimulus Fund, within the state treasury to receive and retain funds provided under the American Recovery and Reinvestment Act of 2009. Moneys allocable to the Unemployment Compensation and Unemployment Compensation Administration Funds and the water and wastewater loan fund are specifically exempted from inclusion in the Federal Budget Stabilization Fund and the Federal Stimulus Fund.

The State Treasurer is authorized to create additional funds as necessary to avoid conflict with federal law prohibiting commingling of certain funds derived from the American Recovery and Reinvestment Act of 2009, as enacted by the 111th United States Congress.

This act contains an emergency clause.

JASON ZAMKUS

SPONSOR: Rupp

HANDLER: Lipke

HCS/SCS/SB 338 - Under Executive Order 07-07 (2007), the administration of the Crime Victims' Compensation Fund was transferred from the Department of Labor and Industrial Relations to the Department of Public Safety. This act would reflect such transfer in statute.

Under this act, the Department of Public Safety may receive gifts for the benefit of crime victims, which shall be credited to the Crime Victims' Compensation Fund.

The act provides that compensation from the fund shall not be paid to a victim injured while subject to electronic monitoring in the same manner as persons who are incarcerated or under house arrest.

Also, under executive order, the Department of Public Safety makes payments to medical providers to cover the charges of the forensic examinations of sexual assault victims, rather the Department of Health. This act would reflect such transfer of responsibility in statute. This act also specifies that medical providers shall use collection procedures developed for victims who are minors when appropriate. Also, the medical provider's report of a forensic examination shall no longer be filed with the prosecuting attorney within three days.

This act provides that compensation under the crime victims' compensation fund must be for reasonable expenses, and if such expenses are medical, they must be medically necessary. It also specifies that payment for forensic examinations to medical providers must be for reasonable charges. Under this act, claims for forensic examination charges by medical providers must be made within 90 days. Also, for consideration of such claim by the department, the examination charges submitted must be itemized and fall within the definition of a forensic examination.

Upon the victim's request, a photograph shall be taken of the incarcerated individual prior to release and given to the crime victim.

This act allows victims of certain serious crimes to be represented by counsel or a representative designated by the victim instead of appearing in person during an offender's parole and probation revocation hearings.

This act is similar to SB 332 (2007).

SUSAN HENDERSON MOORE

SPONSOR: Dempsey

HANDLER: Wasson

SCS/SB 355 - Under this act, a motor vehicle dealer, boat dealer, or powersport dealer may fill in the blanks on standardized forms in connection with the sale or lease of a new or used motor vehicle, vessel or vessel trailer if the dealer does not charge for the services of filling in the blanks or otherwise charge for preparing documents. The act allows such dealers to charge administrative fees for the storage of documents or any other administrative or clerical services and a portion of the administrative fee may result in profit to the dealer.

Under the act, no dealers that sell or lease motor vehicles, vessels, or vessel trailer and impose administrative fees of less than \$200 in the connection with the sale or lease of such vehicles shall be deemed to be engaging in the unauthorized practice of law.

If an administrative fee is charged, the administrative fee shall be charged to all retail customers, and disclosed on the retail buyer's order form as a separate itemized charge. The act requires certain paperwork provided to the purchaser to include the amount of the administrative fee and a statutory notice informing the purchaser that the administrative fee is not required by law and that no portion of the fee is for the drafting, preparation or completion of documents.

The act provides that if a court determines that the charging of an administrative fee constitutes the unauthorized practice of law, then no person who paid that administrative fee may recover the fee or treble damages and the dealer who charged that fee shall not be guilty of a misdemeanor, as provided by Missouri's unauthorized practice of law statute.

The provisions of this act are similar to those contained in HB 630 (2009).

STEPHEN WITTE

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SPONSOR: Stouffer

HANDLER: Jones

SB 368 - This act provides that a person operating a motorcycle or bicycle 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 or bicycle 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.

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).

STEPHEN WITTE

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SPONSOR: Lager

HANDLER: Bivins

SS/SCS/SB 376 - This act creates the Missouri Energy Efficiency Investment Act.

The Public Service Commission (PSC) must allow electric companies to implement and recover costs related to PSC-approved energy efficiency programs. Cost recovery shall only occur when the program has been approved by the PSC, the program results in energy savings, and the program is beneficial to all customers in the class for which the program is proposed. In determining recovery of costs, the PSC shall use a cost-effectiveness test as described. The act allows the electric companies to implement certain programs that are paid for through alternate measures even if the programs do not meet the cost-effectiveness test.

The PSC may develop cost recovery methods to encourage further investments in energy efficiency programs, which may include capitalization of investments, rate design modifications, accelerated depreciation, and allowing the company to retain a portion of the net benefits for its shareholders. The PSC shall fairly apportion the costs and benefits of energy efficiency programs to each customer class except that it may reduce or exempt costs to low-income classes.

Customers may elect not to participate in an electric company's energy efficiency program and not be charged for the associated costs provided the customer meets certain criteria. Customers who elect not to participate will not be eligible to participate in the programs in the future, except as provided by rule by the PSC. Customers who participate in programs starting after August 1, 2009 must participate in the funding recovery for a certain period of time as established by rule by the PSC.

Electric companies must annually report on their energy efficiency activities under the act, with requirements as listed.

Electric companies must list out separately on its customers' bills the cost associated with its energy efficiency programs.

The act prohibits any customer from participating in a company's energy efficiency program that offers a monetary reward for participating if the customer has received a tax credit through the low-income housing or historic preservation tax credit programs. The PSC shall develop rules to prescribe documentation to be provided to the electric company by the customer to prove that he or she did not receive either such tax credit. It shall be a Class A misdemeanor for providing false documentation.

The PSC must develop rules that provide for public disclosure of all the recipients of monetary rewards through energy efficiency programs offered by electric companies under the act.

The act requires any appliance purchased by the state until August 28, 2011 to be an Energy Star rated appliance, unless it is cost-prohibitive.

The act removes the requirement that commissioners of the PSC must live within 45 miles of Jefferson City.

This act is similar to HB 882 (2009) and contains a provision similar to a provision in SCS/SB 430 (2009).

ERIKA JAQUES

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**\*\*\* SB 394 \*\*\***

SPONSOR: Ridgeway

HANDLER: Ervin

SCS/SB 394 - This act allows businesses to use terms like drug store or apothecary in their business name. As long as a person is not engaged in the practice of pharmacy, a person can use a historical name in reference to their business without violating the pharmacy laws. The Board of Pharmacy still has the authority to enforce the restrictions on the use of terms such as "drug store" against sellers of naturopathic or homeopathic services or any herbal, nutritional, vitamin, dietary, mineral, or other supplement intended for human application, absorption, or consumption.

EMILY KALMER

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**\*\*\* SB 398 \*\*\***

SPONSOR: Barnitz

HANDLER: Loehner

SB 398 - 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 SB 1178 (2008), HB 1026 (2007) & SB 632 (2007).

SUSAN HENDERSON MOORE

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SPONSOR: Crowell

HANDLER: Viebrock

HCS/SCS/SB 411 - This act modifies laws regarding certain public employee retirement systems.

#### MISSOURI DEVELOPMENT FINANCE BOARD EMPLOYEES

Certain employees of the Missouri Development Finance Board are made members of the Missouri State Employee's Retirement System (MOSERS). These employees may purchase credited service for any period of employment as an employee of the board prior to August 28, 2009. Employees may decide whether to transfer their individual account balance under the board's plan to MOSERS. The board must certify to MOSERS that any amount transferred to MOSERS is attributable to such contributions by the board for such employee, plus earnings thereon. MOSERS shall be immune from lawsuits and not subject to liability arising out of or associated with the proper source or nature of the amount of funds transferred. If necessary to pay for the employee's credited service, the board will be required to pay contributions to MOSERS. (Section 100.273)

#### PUBLIC SCHOOL RETIREMENT SYSTEM OF MISSOURI (PSRS) & THE PUBLIC EDUCATION EMPLOYEE RETIREMENT SYSTEM (PEERS)

VENUE FOR LAWSUITS: All suits or proceedings directly or indirectly brought against the board of trustees for PSRS or PEERS, the board's members or employees, or the retirement system itself must be brought in Cole County. (Section 169.020)

INVESTMENT ACCOUNT: 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. (Sections 169.040, 169.630)

PURCHASE OF SERVICE CREDIT: For the purchase of membership service credit, this 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. (Sections 169.056, 169.655)

DISTRIBUTION OF BENEFITS UPON DEATH OF A MEMBER: This 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 that order of precedence. 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 of precedence. This same order applies if the beneficiary to a member dies and the beneficiary's financial institution cannot accept final payment. (Sections 169.070, 169.073, 169.075, 169.670)

GARNISHMENT: This act allows funds belonging to the retirement systems and certain benefits to be subject to execution, garnishment, attachment in a proceeding instituted for spousal maintenance or child support. (Sections 169.090, 169.690)

ASSOCIATION ADMISSION: After June 30, 2010, no additional nonprofit educational associations or organizations will be able to have their employees become members of PSRS or PEERS. (Sections 169.130, 169.650)

INDEMNIFICATION: 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

SPONSOR: Crowell

HANDLER: Viebrock

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. (Section 169.750)

This act is similar to SB 327 (2009), HB 265 (2009), and SCS/SBs 1153, 1154, 1155 & 1156 (2008), and contains provisions similar to HB 1972 (2008), HB 1973 (2008), and HB 2056 (2008).

EMILY KALMER

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SPONSOR: Lembke

HANDLER: Brown

CCS/HCS/SB 435 - The Department of Mental Health is authorized to enter into a contract agreement with one or more county jails for the confinement of sexually violent predators. Such persons confined in a county jail shall be housed separately from other offenders.

This act also allows the Department of Mental Health to detain persons, after a probable cause hearing, at a county jail prior to their commitment to the Department of Mental Health as sexually violent predators.

This act allows the Division of Developmental Disabilities to contract directly with providers of targeted case management services for clients of the division in a defined region that has not established a Senate Bill 40 board.

This act is similar to HB 826 (2009) & SB 460 (2009).

SUSAN HENDERSON MOORE

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CCS/HCS/SB 464 - This act modifies numerous provisions relating to the regulation of insurance.

**TAXATION OF INSURANCE COMPANIES** - Under current law, insurance companies which pay an annual tax on gross premium receipts are exempt from the imposition of Missouri's corporate income and franchise taxes. This act specifies that insurance companies subject to an annual tax on gross premium receipts are exempt from the imposition of Missouri's corporate income and franchise taxes. These provisions can be found in SB 280 (2009)(Sections 143.441, 147.010, and 148.370).

**MOTOR VEHICLE LIABILITY INSURANCE CARD FRAUD** - Under this act, any person who intentionally produces, manufactures, sells, or otherwise distributes a fraudulent document intended to serve as an insurance identification card is guilty of a Class D felony. The act further provides that any person who knowingly or intentionally possesses a fraudulent document intended to serve as an insurance identification card is guilty of a Class B misdemeanor. This provision is contained in SB 16 (2009)(Section 303.024).

**BAIL BOND AGENTS** - This act requires the department of insurance to conduct a study regarding the bail bond industry within Missouri and submit a report by January 6, 2010 (section 374.776).

**CONTINUING EDUCATION COURSES FOR PRODUCERS** - This act clarifies the continuing educational requirement statute for insurance producers. Under the act, a course of instruction sponsored by an entity engaged in the business of providing education courses to producers is recognized as a qualified continuing education course (Section 375.020).

**FINANCIAL REPORTING MODEL REGULATION** - This act amends Missouri's annual financial reporting laws to correspond with the NAIC Annual Financial Reporting Model Regulation. In the act's main provisions, the legislative proposal requires insurers to be governed by an audit committee with respect to annual audit reports; prohibits certain CPA non-audit services; requires CPA audit partner rotation every 5 years; requires a "cooling off" period before CPA auditors can be hired by insurance clients; requires audit committee preapproval of all audit and nonaudit services provided by CPA firms; and institutes certain internal control requirements over financial reporting to ensure the reliability of financial statements that are reported to the Department of Insurance.

The act exempts insurers having direct premiums written in this state less than \$1,000,000 in any calendar year and less than 1,000 policyholders of direct written policies nationwide at the end of the calendar year from the purview of the act. The exemption does not apply if the director makes a finding that compliance with the act is necessary to carry out statutory responsibilities. The exemption also does not apply to insurers having assumed premiums pursuant to contracts of reinsurance of \$1,000,000 or more (Section 375.1028).

Foreign or alien insurers that are required to file management's reports of internal control over financial reporting in another state are exempt from filing such reports in Missouri if the other state has similar reporting requirements as Missouri and such reports are filed with their departments of insurance.

The act requires requests for extensions for filing an annual audit report to be submitted in writing not less than 10 days prior to its filing due date. The current law allows requests to be made within 20 days of the due date. The act also provides for an extension for filing a management's report of internal control over financial reporting.

Every insurer required to file an audited financial report shall also be required to have an audit committee that is directly responsible for the appointment, oversight and compensation of any accountant the auditor (Section 375.1030).

Under the act, the director shall not recognize any person or firm as a qualified independent certified

SPONSOR: Stouffer

HANDLER: Yates

public accountant if that person or firm has either directly or indirectly entered into an indemnification with respect to the audit of the insurer. The lead or coordinating audit partner having primary responsibility over an audit may not act in that capacity for more than 5 consecutive years and may not rejoin in that capacity for a period more than five years. Under current law, the requirement is 7 and 2 years respectively. Under the act, a qualified independent certified public accountant may enter into an agreement with an insurer to have disputes relating to an audit resolved by mediation or arbitration.

Under the act, the director shall not accept an annual audited financial report, prepared in whole or in part by an accountant who functions in the role of management, audits his or her own work, or serves in an advocacy role for the insurer. The act also prohibits the director from recognizing as qualified independent certified public accountants or accepting annual audited financial reports prepared by accountants who provide to insurers, contemporaneously with the audits, certain non-audit services, such as bookkeeping services, appraisal or valuation services, human resources services, internal audit outsourcing services, investment services, legal services unrelated to the audit, or other impermissible services determined by the director. Insurers with less than \$100,000,000 in direct and assumed premiums may request a waiver from this requirement based on financial or organizational hardship.

A qualified independent certified public accountant who performs the audit may engage in other nonaudit services, including tax services, that do not conflict with the previously described services, only if the activity is approved in advance by the audit committee, in accordance with the act.

All auditing and nonaudit services provided to an insurer by the qualified independent certified public accountant must be preapproved by the audit committee. The preapproval requirement is waived for nonaudit services if the insurer is a SOX compliant entity or meets other requirements outlined in the act.

Partners and senior managers of the audit engagement may not serve as a member of the board of directors, president, chief executive officer, controller, chief financial officer or other similar position of the insurer if employed by the independent public accounting firm that audited the insurer during the one-year period which preceded the most current statutory opinion (Section 375.1037).

The act repeals the requirement that an accountant provide an insurer evidence that the accountant has liability insurance in the lesser amount of \$1,000,000 or 10% of the insurer's admitted assets (Section 375.1040).

The act requires insurers to furnish the director with written communication as to any unremediated material weaknesses in its internal control over financial reporting noted during the audit. The act outlines the procedure the accountant must follow in preparing the written communication. The insurer must also provide with its annual audited financial report a description of the remedial actions taken or proposed to correct unremediated material weaknesses (Section 375.1047).

The act requires audit committees to be directly responsible for the appointment, compensation, and oversight of the work of any accountant for the purpose of preparing or issuing the audited financial report required by the act. The act sets forth membership requirements for the audit committee and establishes certain conflict of interest and independence requirements so that the member of the audit committee may be considered independent. Under the act, based on various premium thresholds, a certain percentage of the audit committee members must be independent from the insurer. However, if domiciliary law requires board participation by otherwise non-independent members, such law shall prevail and such members may participate in the audit committee (subsection 8 of Section 375.1053). Under the act, insurers with less than \$500 million in direct and assumed premiums may apply for a waiver from the audit committee requirements based on hardship (subsection 9 of Section 375.1053).

Under the terms of the act, no director or officer of an insurer shall make false or misleading statements to an accountant in connection with any audit, review or communication required under the act.

SPONSOR: Stouffer

HANDLER: Yates

In addition, no officer or director of an insurer, or any other person acting under the direction thereof, shall take any action to coerce, manipulate, mislead, or fraudulently influence any accountant engaged in the performance of an audit if that person knew or should have known that the action, if successful, could result in rendering the insurer's financial statements materially misleading (Section 375.1054).

Under the act, the management of insurance companies with \$500,000,000 or more in direct or assumed annual premiums must file a report with the Department of Insurance regarding its assessment of internal control over financial reporting (known as a management's report of internal control over financial reporting). The report shall include a statement by management officials whether these controls are effective to provide reasonable assurance regarding the reliability of the statutory financial statements and disclosure of any unremediated material weaknesses in internal control over financial reporting. The act establishes what the management's report of internal control over financial reporting must include (Section 375.1056).

**UNCLAIMED FUNDS IN INSURER LIQUIDATION PROCEEDINGS** - This act repeals a current provision of law which requires all unclaimed funds subject to distribution remaining in the liquidator's hands to be deposited with the department of economic development to be held and disposed of as unclaimed property. The act provides that these unclaimed funds shall be distributed to claims holders in the order of priority established in section 375.1218 (section 375.1224).

**MINI-COBRA** - This act requires group health insurance policies issued by health carriers to employers not covered by the federal COBRA law (employers with 2 to 19 employees) to provide terminated employees with group insurance coverage continuation rights in the same manner as provided by the federal COBRA law (Section 376.428). A similar provision may be found in HB 231, SB 415 and SB 547 (2009). This provision contains an emergency clause.

**TRAVEL DISCRIMINATION UNDER LIFE INSURANCE POLICIES** - Under this act, no life insurance company that has gross written premiums of three hundred million dollars per year or more 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 act 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, 2009. This provision of the act is similar to SB 126 (2009) and SB 865 (2008) (Section 376.502).

**CAPTIVE INSURANCE COMPANIES** - This act modifies various provisions of Missouri's captive insurance company law. Under this act, the definition of "association" is amended to include captive insurance companies formed as reciprocal insurers. The act amends multiple sections of the captive insurance law to permit reciprocal insurers to be used to form an association captive.

This act repeals the requirement that a captive insurance company must hold at least 35% of its assets within Missouri (Section 379.1302). The act expressly provides that association captive insurance companies and industrial insured captive insurance companies may be organized as reciprocal insurers as provided by law. The act provides that the organizers of a reciprocal insurer must petition the director for its formation. The act provide that the captive insurance company statutes shall control in cases of conflict between them and the reciprocal insurance statues. The act further modifies the law to permit a non-U.S. or alien captive to redomesticate to Missouri if approved by the director (Section 379.1310).

Under the terms of the act, the premium taxes imposed on captive insurance companies are redirected. Under the act, 10% of the taxes are credited to the Insurance Dedicated Fund, subject to a

SPONSOR: Stouffer

HANDLER: Yates

maximum of 3% of the current fiscal year's appropriation from such fund, with the remainder to be deposited in the general revenue fund (Sections 379.1326 and 379.1332). The act contains a similar provision for the disposition of premium taxes assessed on special purpose life insurance captive companies (Section 379.1412).

Under the act, an association captive insurance company or an industrial insured captive insurance company may be converted into or merged with and into a reciprocal insurer. Under the act, any conversion or merger must provide a fair and equitable plan for purchasing the interests of the stockholders and policyholders of the stock or mutual insurer. The act sets forth the statutory steps that must be followed in order to complete a conversion or a merger (Section 379.1339).

This act reduces the number of Missouri residents required to incorporate or organize a special purpose life reinsurance captive from two to one (Section 379.1373).

The act modifies the method in which the assets of a special purpose life reinsurance captive are valued. The act allows letters of credit, financial guarantee policies and surety bonds to be recognized as assets of a special life reinsurance captive regardless of the existence of any repayment obligations imposed upon the captive (Section 379.1388).

The captive insurance provisions may be found in SB 269 (2009).

**INSURANCE HOLDING COMPANIES** - This act amends the terminology of the state's holding company law in Chapter 382, to use the term "producer" rather than the term "broker" (Sections 382.400 to 382.409).

**SURPLUS LINES INSURANCE** - This act allows the department to publish notices regarding surplus lines insurance companies on a website rather than mailing notices to each surplus lines licensee (Section 384.025). The act requires the biennial renewal of a surplus lines license rather than having it renewed on an annual basis. The biennial renewal fee is \$100 (currently the renewal fee is \$50 for an annual license) (Section 384.043). This act transfers the collection of surplus lines taxes directly to the Department of Revenue in order to comply with Executive Order 07-06. Current law reflects a system in which tax funds are collected by DFIP and then are remitted to the Department of Revenue (Section 384.051). Under this act, surplus lines brokers are required to report the gross amounts charged for surplus lines insurance with respect to risks located within this state, exclusive of sums collected for the payment of federal, state, or local taxes and the amount of net premiums with respect to the insurance (Section 384.057). The act repeals a provision of law that requires the director of the Department of Insurance to personally report to certain legislative committees of all actions initiated, maintained and concluded by the director (Section 374.456). Under current law, each surplus lines licensee must file a written report with the director within 30 days of placing surplus lines insurance describing the surplus lines insurance transaction. This act repeals this provision (Section 384.031).

**TRAILER DEALER EXEMPTION FROM GARAGE POLICY REQUIREMENT** - This act exempts trailer dealers from submitting a copy of a current dealer garage policy when submitting their license applications. This provision of the act is identical to SB 357 and HB 365 (2009)(Section 301.560)(HOUSE AMENDMENT 2).

STEPHEN WITTE

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**\*\*\* SB 480 \*\*\***

SPONSOR: Shoemyer

HANDLER: Quinn

HCS/SB 480 - The Second State Capitol Commission is renamed the Missouri State Capitol Commission. Currently, the commission membership includes one member of the majority and minority parties of the House and Senate. This act requires the Senate member to be appointed by the pro tem and the House member to be appointed by the speaker.

The commission's duties are expanded to include evaluating and approving capitol studies and improvement, expansion, renovation, and restoration projects to be paid out of the State Capitol Commission fund, and initiating planning efforts, subject to appropriation, for a centennial celebration of the laying of the capstone of the state capitol.

Gifts, bequests, donations, and grants may be used for the preservation, improvement, expansion, and renovation of the capitol.

This act creates the Missouri Board on Geographic Names within the office of the Secretary of State charged with the following duties:

- Evaluate proposals for changes in names of geographical features and places.
- Make official recommendations to and cooperate with the United States Board on Geographic names.
- Maintain a list of advisers who have special interest and knowledge in Missouri history, geography or culture and consult with such advisers.
- Develop and revise state priorities for geographic records projects.
- Report annually to the General Assembly.

This act is similar to SB 263 (2009) and HB 858 (2009).

CHRIS HOGERTY

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**\*\*\* SB 485 \*\*\***

SPONSOR: Pearce

HANDLER: Diehl

SB 485 - The Ethics Commission is required to redact the bank account number contained on a committee's statement of organization before it makes the statement public.

CHRIS HOGERTY

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**\*\*\* SB 513 \*\*\***

SPONSOR: Dempsey

HANDLER: Diehl

CCS/SB 513 - Currently, in the case of a lease for real property, a real estate broker shall record a lien within 90 days after the tenant takes possession of the leased property in order for the lien to attach. This act requires the broker to record within 90 days after the date of occupancy or the date of rent commencement as stipulated in the lease, whichever is later.

Builders of single family dwellings or residences or multi-unit dwellings of four or fewer units are required to offer purchasers the option to install fire sprinklers.

This act is similar to HB 103 (2009) and SB 262 (2009).

CHRIS HOGERTY

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SPONSOR: Pearce

HANDLER: Flook

SCS/SB 542 - This act requires the State Treasurer's asset allocation plan to set diversification limits, which shall include a requirement that the total amount of time deposits placed with any one single banking institution not exceed 10% of the amount of all time deposits held by the Treasurer. The act requires that the interest rate on time deposits placed by the State Treasurer after January 1, 2014 shall be at the market rate, which shall be set by the Treasurer's director of investments. The act provides a year-by-year schedule for interest rates for time deposits through 2014.

The act expands the list of acceptable securities that banks may use as collateral for holding state deposits to include "other obligations" of certain political subdivisions and other states. The act modifies the total amount of certain types of securities that may be used as collateral, where U.S. Treasury securities and U.S. federal agency debentures issued by certain farm and home mortgage lenders must not exceed 105% of total time deposits and demand deposits, and all other certain securities must not exceed 115% of total time deposits and demand deposits.

The act adds two additional eligible participants in the State Treasurer's linked deposit loan program: individuals who want to produce their own energy from renewable resources; and political subdivisions seeking to finance capital improvements or other significant programs.

The act modifies criteria of several other eligible participants in the linked deposit loan program. It removes the requirement that alternative energy operations must sell fuel or power generated by their operations. It removes the requirement that farming operations must not possess more than 60% equity in the operation. The act makes an exception to the maximum loan per job requirement for job enhancement businesses that incur significant costs for equipment or capital improvements. The maximum number of employees of an eligible small business is increased from 25 to 100.

The act is substantially similar to the truly agreed to HCS/HB 883 (2009).

ERIKA JAQUES

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\*\*\* SCR 2 \*\*\*

SPONSOR: Crowell

SCR 2 - This concurrent resolution recognizes October 3rd of each year as Science Day in Missouri.

This resolution is similar to SCR 20 (2007).

JIM ERTLE

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\*\*\* SJR 5 \*\*\*

SPONSOR: Schmitt

HANDLER: Stream

SCS/SJR 5 - This constitutional amendment, if approved by voters, would require the assessors in charter counties, except Jackson County, to be elected officials.

JASON ZAMKUS

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**\*\*\* HB 1 \*\*\***

SPONSOR: Icet

HANDLER: Nodler

## HB 1 - Public Debt

.	Governor	House
GR	\$ 83,604,814	\$ 83,604,814
FEDERAL	0	0
OTHER	8,447,482	8,447,482
.		
TOTAL	\$ 92,052,296	\$ 92,052,296

.	Senate	Final
GR	\$ 83,604,814	\$ 83,604,814
FEDERAL	0	0
OTHER	8,447,482	8,447,482
.		
TOTAL	\$ 92,052,296	\$ 92,052,296

DAN HAUG

**\*\*\* HB 2 \*\*\***

SPONSOR: Icet

HANDLER: Nodler

## CCS/SS/SCS/HCS/HB 2 - Elementary and Secondary Education

.	Governor	House
GR	\$2,993,427,805	\$2,463,311,103
FEDERAL	972,040,273	1,896,615,765
OTHER	1,442,240,651	1,464,011,134
.		
TOTAL	\$5,407,708,729	\$5,823,938,002

.	Senate	Final
GR	\$2,428,337,415	\$2,469,116,803
FEDERAL		
BUDGET		
STABILIZATION		
FUND	525,241,206	
FEDERAL	1,532,189,133	970,980,627
OTHER	1,464,285,220	1,458,948,085
.		
TOTAL	\$5,424,811,768	\$5,424,286,721

DAN HAUG

SPONSOR: Icet

HANDLER: Nodler

CCS/SS/SCS/HCS/HB 3 - Higher Education

.	Governor	House
GR	\$1,084,725,547	\$ 921,470,668
FEDERAL	6,176,241	110,954,642
OTHER	254,018,791	232,096,466
.		
TOTAL	<u>\$1,344,920,579</u>	<u>\$1,264,521,776</u>
.	Senate	Final
GR	\$ 921,575,668	\$ 921,455,668
FEDERAL		
BUDGET		
STABILIZATION		
FUND		148,346,451
FEDERAL	182,521,844	6,168,003
OTHER	232,096,466	232,096,466
.		
TOTAL	<u>\$1,336,193,978</u>	<u>\$1,308,066,588</u>
DAN HAUG		

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SPONSOR: l cet

HANDLER: Nodler

CCS/SCS/HCS/HB 4 - Revenue & Transportation

REVENUE			
	Governor		House
GR	\$ 83,865,389		\$ 80,474,061
FEDERAL	6,677,204		6,669,721
OTHER	346,114,192		345,649,948
TOTAL	\$ 436,656,785		\$ 432,793,730
	Senate		Final
GR	\$ 62,841,496		\$ 81,169,861
FEDERAL			
BUDGET			
STABILIZATION			
FUND			5,571,865
FEDERAL	31,672,021		6,669,721
OTHER	346,018,045		346,018,045
TOTAL	\$ 440,531,562		\$439,429,492
TRANSPORTATION			
	Governor		House
GR	\$ 14,192,923		\$ 13,792,923
FEDERAL	75,150,687		75,123,802
OTHER	2,184,892,444		2,177,124,609
TOTAL	\$2,274,236,054		\$2,266,041,334
	Senate		Final
GR	\$ 4,792,923		\$ 8,292,923
FEDERAL			
BUDGET			
STABILIZATION			
FUND			5,500,000
FEDERAL	84,123,802		2,177,329,168
OTHER	2,177,329,168		
TOTAL	\$2,266,245,893		\$2,266,245,893
DAN HAUG			

SPONSOR: lcet

HANDLER: Nodler

CCS/SCS/HCS/HB 5 - Office of Administration

OFFICE OF ADMINISTRATION

.	Governor	House
GR	\$172,735,297	\$166,880,941
FEDERAL	72,698,333	72,282,150
OTHER	62,521,367	62,231,217
.		
TOTAL	\$307,954,997	\$301,394,308

.	Senate	Final
GR	\$159,824,788	\$163,643,426
FEDERAL		
BUDGET		
STABILIZATION		
FUND		7,455,942
FEDERAL	85,085,179	72,282,150
OTHER	62,231,217	62,231,217
.		
TOTAL	\$307,141,184	\$305,612,735

EMPLOYEE BENEFITS

.	Governor	House
GR	\$595,127,070	\$ 544,309,906
FEDERAL	188,926,753	183,116,021
OTHER	170,640,954	164,369,701
.		
TOTAL	\$954,694,777	\$ 891,795,628

.	Senate	Final
GR	\$576,493,774	\$ 579,070,313
FEDERAL		
STABILIZATION		
FUND		12,422,275
FEDERAL	208,735,066	193,301,981
OTHER	170,394,165	170,394,165
.		
TOTAL	\$955,623,005	\$ 955,188,734

DAN HAUG

SPONSOR: Icet

HANDLER: Nodler

CCS/SCS/HCS/HB 6 - Agriculture, Natural Resources & Conservation

. AGRICULTURE		
	Governor	House
GR	\$ 63,270,916	\$ 33,360,161
FEDERAL	3,638,844	3,635,234
OTHER	14,074,474	14,095,825
.		
TOTAL	\$ 80,984,234	\$ 51,091,220

	Senate	Final
GR	\$ 9,938,049	\$ 10,168,727
FEDERAL		
STABILIZATION		
FUND		38,084,100
FEDERAL	41,816,334	3,635,234
OTHER	14,131,325	14,121,325
.		
TOTAL	\$ 65,885,708	\$ 66,009,386

. NATURAL RESOURCES		
	Governor	House
GR	\$ 13,326,399	\$ 11,995,592
FEDERAL	43,116,651	42,629,014
OTHER	263,966,160	262,445,420
.		
TOTAL	\$320,409,210	\$317,070,026

	Senate	Final
GR	\$ 10,356,068	\$ 12,053,568
FEDERAL		
STABILIZATION		
FUND		730,364
FEDERAL	45,405,561	42,629,014
OTHER	262,547,920	262,445,420
.		
TOTAL	\$318,309,549	\$317,858,366

. CONSERVATION		
	Governor	House
GR	\$ 0	\$ 0
FEDERAL	1	0
OTHER	145,534,841	145,534,841
.		
TOTAL	\$145,534,842	\$145,534,841

SPONSOR: Icet

HANDLER: Nodler

.	Senate	Final
GR	\$ 0	
FEDERAL	0	0
OTHER	147,821,344	0
.		
TOTAL	<u>\$147,821,344</u>	<u>\$145,534,841</u>
DAN HAUG		

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SPONSOR: Icet

HANDLER: Nodler

CCS/SCS/HCS/HB 7 - Economic Development, Insurance & Labor and Industrial Relations

ECONOMIC DEVELOPMENT			
	Governor		House
GR	\$ 81,193,190		\$ 72,863,393
FEDERAL	164,755,746		163,991,112
OTHER	65,817,664		65,593,558
TOTAL	<u>\$311,766,600</u>		<u>\$302,448,063</u>

	Senate		Final
GR	\$ 21,035,549		\$ 55,133,360
FEDERAL			
STABILIZATION			
FUND			18,565,679
FEDERAL	256,524,602		198,991,112
OTHER	57,057,654		65,357,654
TOTAL	<u>\$334,617,805</u>		<u>\$338,047,805</u>

INSURANCE			
	Governor		House
GR	\$ 0		\$ 0
FEDERAL	700,000		700,000
OTHER	36,741,321		35,958,839
TOTAL	<u>\$ 37,441,322</u>		<u>\$ 36,658,839</u>

	Senate		Final
GR	\$ 0		0
FEDERAL	700,000		700,000
OTHER	35,958,839		35,958,839
TOTAL	<u>\$ 36,658,839</u>		<u>\$ 36,658,839</u>

LABOR AND INDUSTRIAL RELATIONS			
	Governor		House
GR	\$ 2,323,402		\$ 2,291,938
FEDERAL	48,072,806		47,167,731
OTHER	95,592,998		95,230,606
TOTAL	<u>\$145,989,206</u>		<u>\$144,690,275</u>

	Senate		Final
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SPONSOR: Icet

HANDLER: Nodler

GR	\$ 2,254,942	\$ 2,254,942
FEDERAL	47,167,731	47,167,731
OTHER	81,555,533	81,555,533
.		
TOTAL	\$130,978,206	\$130,978,206
DAN HAUG		

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SPONSOR: Icet

HANDLER: Nodler

CCS/SCS/HCS/HB 8 - Public Safety

.	Governor	House
GR	\$ 88,378,127	\$ 68,462,269
FEDERAL	130,661,462	130,479,901
OTHER	308,376,265	313,895,137
.		
TOTAL	\$527,415,854	\$512,837,307

.	Senate	Final
GR	\$ 66,570,523	\$ 66,618,605
FEDERAL		
BUDGET		
STABILIZATION		
FUND		1,074,325
FEDERAL	134,051,337	130,479,901
OTHER	313,978,735	313,978,735
.		
TOTAL	\$514,600,595	\$512,151,566
DAN HAUG		

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SPONSOR: Icet

HANDLER: Nodler

CCS/SCS/HCS/HB 9 - Corrections

.	Governor	House
GR	\$618,290,370	\$588,283,014
FEDERAL	6,919,861	6,841,995
OTHER	49,368,725	53,074,396
.		
TOTAL	<u>\$674,578,956</u>	<u>\$648,199,945</u>

.	Senate	Final
GR	\$604,830,013	\$604,146,521
FEDERAL		
BUDGET		
STABILIZATION		
FUND		860,000
FEDERAL	8,483,503	6,841,995
OTHER	52,824,936	53,074,936
.		
TOTAL	<u>\$666,138,452</u>	<u>\$664,923,452</u>
DAN HAUG		

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SPONSOR: lcet

HANDLER: Nodler

CCS/SCS/HCS/HB 10 - Mental Health & Health

.	MENTAL HEALTH	
.	Governor	House
GR	\$ 629,846,417	\$ 586,906,216
FEDERAL	546,612,597	553,363,695
OTHER	41,801,097	41,861,054
.		
TOTAL	<u>\$1,218,260,111</u>	<u>\$1,182,130,965</u>
.	Senate	Final
GR	\$ 591,827,992	\$ 594,853,914
FEDERAL		
BUDGET		
STABILIZATION		
FUND		5,891,995
FEDERAL	584,431,508	568,777,355
OTHER	42,271,054	42,271,054
.		
TOTAL	<u>\$1,218,530,554</u>	<u>\$1,211,794,318</u>
.	HEALTH	
.	Governor	House
GR	\$253,861,566	\$ 248,791,651
FEDERAL	619,991,896	619,002,497
OTHER	24,385,859	24,275,596
.		
TOTAL	<u>\$898,239,321</u>	<u>\$ 892,069,744</u>
.	Senate	Final
GR	\$247,299,030	\$ 247,271,593
FEDERAL		
BUDGET		
STABILIZATION		
FUND		2,527,500
FEDERAL	623,772,223	619,002,497
OTHER	24,275,597	24,275,597
.		
TOTAL	<u>\$895,346,850</u>	<u>\$ 893,077,187</u>
DAN HAUG		

SPONSOR: l cet

HANDLER: Nodler

CCS#2/SCS/HCS/HB 11 - Social Services

.	Governor	House
GR	\$1,649,173,071	\$1,490,558,023
FEDERAL	3,920,180,903	3,717,554,050
OTHER	1,800,531,559	1,835,767,547
.		
TOTAL	<u>\$7,369,885,533</u>	<u>\$7,043,879,620</u>

.	Senate	Final
GR	\$1,563,974,595	\$1,520,263,903
FEDERAL		
BUDGET		
STABILIZATION		
FUND		2,787,500
FEDERAL	4,019,585,348	4,006,249,143
OTHER	1,931,206,004	1,945,406,004
.		
TOTAL	<u>\$7,514,765,947</u>	<u>\$7,474,706,550</u>
DAN HAUG		

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SPONSOR: Icet

HANDLER: Nodler

CCS/SCS/HCS/HB 12 - Elected Officials, Judiciary, Public Defender & General Assembly

. ELECTED OFFICIALS

.	Governor	House
GR	\$ 51,398,881	\$ 47,869,516
FEDERAL	23,678,481	23,548,603
OTHER	45,594,480	45,315,092
.		
TOTAL	\$120,671,842	\$116,733,211

.	Senate	Final
GR	\$ 46,829,132	\$ 48,189,352
FEDERAL		
BUDGET		
STABILIZATION		
FUND		1,100,000
FEDERAL	26,221,404	23,621,404
OTHER	45,554,692	45,554,692
.		
TOTAL	\$118,605,228	\$118,465,448

. JUDICIARY

.	Governor	House
GR	\$168,228,581	\$166,409,327
FEDERAL	10,535,501	10,408,187
OTHER	10,349,833	10,292,941
.		
TOTAL	\$189,113,915	\$187,110,455

.	Senate	Final
GR	\$162,749,121	\$162,749,121
FEDERAL		
BUDGET		
STABILIZATION		6,747,949
FEDERAL	17,156,136	10,408,187
OTHER	10,292,941	10,292,941
.		
TOTAL	\$190,198,198	\$190,198,198

. PUBLIC DEFENDER

.	Governor	House
GR	\$35,015,969	\$34,207,100
FEDERAL	125,001	125,000
OTHER	2,984,149	2,980,263
.		

SPONSOR: Icet

HANDLER: Nodler

TOTAL	\$38,125,119	\$37,312,363
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.	Senate	Final
GR	\$34,207,100	\$34,207,100
FEDERAL	125,000	125,000
OTHER	2,980,263	2,980,263
.		
TOTAL	<u>\$37,312,363</u>	<u>\$37,312,363</u>

.	GENERAL ASSEMBLY	
.	Governor	House
GR	\$35,396,263	\$ 33,323,578
FEDERAL	0	0
OTHER	294,804	280,255
.		
TOTAL	<u>\$35,691,067</u>	<u>\$ 33,603,833</u>

.	Senate	Final
GR	\$34,718,069	\$34,373,472
FEDERAL	90,000	434,597
OTHER	\$ 292,255	292,255
.		
TOTAL	<u>\$35,100,324</u>	<u>\$35,100,324</u>
DAN HAUG		

SPONSOR: Icet

HANDLER: Nodler

CCS/SCS/HCS/HB 13 - Statewide Leasing

.	Governor	House
GR	\$112,620,526	\$101,042,468
FEDERAL	24,707,110	24,007,966
OTHER	13,404,487	13,099,628
.		
TOTAL	<u>\$150,732,123</u>	<u>\$138,150,062</u>

.	Senate	Final
GR	\$113,734,141	\$109,329,275
FEDERAL	24,660,940	24,007,966
OTHER	13,356,245	13,099,628
.		
TOTAL	<u>\$151,751,326</u>	<u>\$146,436,869</u>
DAN HAUG		

**\*\*\* HB 14 \*\*\***

SPONSOR: Icet

HANDLER: Nodler

## SCS/HCS/HB 14 - Supplemental Appropriations

.	Governor	House
GR	\$ 35,504,247	\$ 28,413,438
FEDERAL	50,432,155	44,963,090
OTHER	60,613,748	59,687,186
.		
TOTAL	\$146,550,150	\$133,063,714

.	Senate	Final
GR	\$ 28,463,438	\$ 28,463,438
FEDERAL	157,863,090	157,863,090
OTHER	125,987,186	125,987,186
.		
TOTAL	\$312,313,714	\$312,313,714

DAN HAUG

**\*\*\* HB 15 \*\*\***

SPONSOR: Icet

## HB 15 - Supplemental appropriations for various state departments

.	Governor	House
GR	\$ 0	\$ 0
FEDERAL	93,338,482	93,338,482
OTHER	62,400,000	62,400,000
.		
TOTAL	\$155,738,482	\$155,738,482

.	Senate	Final
GR	\$ 0	\$ 0
FEDERAL	93,338,482	93,338,482
OTHER	62,400,000	62,400,000
.		
TOTAL	\$155,738,482	\$155,738,482

DAN HAUG

**\*\*\* HB 17 \*\*\***

SPONSOR: Icet

HANDLER: Nodler

SCS/HCS/HB 17 - This act appropriates money for capital improvement and other purposes as provided in Article IV, Section 28.

DAN HAUG



SPONSOR: Icet

HANDLER: Nodler

SCS/HCS/HB 21 - Capital Improvements

BILL TOTALS

Federal Budget Stabilization Fund . . . . .	\$84,720,999
Federal Funds . . . . .	2,410,638,276
Other Funds . . . . .	160,201,228
Total . . . . .	\$2,655,560,503

SPONSOR: Icet

HANDLER: Nodler

SS/SCS/HCS/HB 22 - Federal Stabilization

YEAR 1

	Governor	House
GR	\$ 0	\$ 36,712,614
FEDERAL	0	303,233,024
OTHER	0	55,546,326
TOTAL	\$ 0	\$402,950,922

	Senate	Final
GR	\$ 36,712,614	\$ 36,712,614
FEDERAL	367,233,202	367,233,202
OTHER	55,546,326	55,546,326
TOTAL	\$459,492,142	\$459,492,142

YEAR 2

	Governor	House
GR	\$ 0	\$ 72,000,000
FEDERAL	0	42,596,936
OTHER	0	35,953,056
TOTAL	\$ 0	\$150,549,992

	Senate	Final
GR	\$ 72,000,000	\$ 72,000,000
FEDERAL	33,151,576	33,151,576
OTHER	35,953,056	35,953,056
TOTAL	\$141,104,632	\$141,104,632

DAN HAUG

SPONSOR: Lipke

HANDLER: Bartle

CCS/SS/SCS/HCS/HB 62 - This act modifies various provisions relating to crime.

#### SECTIONS 43.500, 43.503, & 43.506

This act requires local law enforcement agencies to provide the Highway Patrol central repository with photographs and other unique biometric identification collected of persons arrested, in addition to fingerprints as is currently required.

Under this act, law enforcement agencies are prohibited from fingerprinting a juvenile older than 15 years and six months of age who is alleged to have violated a municipal traffic ordinance, which does not constitute a felony, unless he or she is certified as an adult. Law enforcement agencies are required to forward a photo and certification papers to the central repository in cases where the juvenile has been certified as an adult.

Municipal prosecuting attorneys are required to notify the central repository of his or her decision not to file criminal charges on a charged referred to him or her. Court clerks, including municipal court clerks, shall furnish the central repository with a record of all charges filed, including those added subsequent to the filing of a criminal court case and amended charges. Currently, court clerks must provide final dispositions of cases for which the repository has a record of arrest or fingerprints.

This act modifies the time when a court shall order law enforcement or the court marshal to fingerprint and photograph a defendant if it was not done at the time of arrest. The court order shall contain the offense, charge code, date of the offense, and other information needed to complete the fingerprint card.

This act adds offenses that can be enhanced to a class A misdemeanor or higher for subsequent violations, municipal ordinances that have the same elements as a statutory felony or class A misdemeanor, and all sexual offenses under Chapter 566, RSMo, to the list of offenses that are reportable to the central repository. It also specifies that only class A misdemeanor, rather than all misdemeanors are reportable, unless otherwise specified.

These provisions are similar to HB 167 (2009).

#### SECTION 173.754

This act prohibits a person from using or attempting to use a false or misleading diploma in connection with admission to an institution of higher education, or in connection with any business, employment, occupation, profession, trade, or public office. A violation of this section is a Class C misdemeanor.

This provision is identical to SB 182 (2009).

#### Section 174.00

This act allows university police officers to respond to emergencies or natural disasters outside of the boundaries of the university property and provide services if requested by the law enforcement agency with jurisdiction.

#### SECTION 192.925

This act requires the Department of Health and Senior Services to implement an education and awareness program regarding the financial exploitation of the elderly.

This provision is similar to HB 926 (2009) and a provision of HCS/HB 384 (2009).

#### SECTION 217.439

Upon the victim's request, a photograph shall be taken of an incarcerated individual prior to his or her release. A copy of the photo shall be provided to the victim.

SPONSOR: Lipke

HANDLER: Bartle

This provision is similar to a provision of HCS/SCS/SB 338 (2009).

#### SECTIONS 217.450 & 217.460

This act specifies that a detainer shall not be lodged against a person confined in a correctional facility until the director of the department of corrections receives a certified copy of a warrant and a written request by the issuing agency to place the detainer. Failure of the director to comply shall not be the basis for dismissing an indictment, information or complaint unless the court also finds the offender has been denied the constitutional right to a speedy trial.

These provisions are similar to certain provisions of SS/HCS/HB 481 (2009).

#### SECTION 217.665

Under this act, the governor must designate one member of the Board of Probation and Parole as the vice-chairman. The vice-chair shall act as chairman upon written order of the governor or chairman.

This provision is similar to HB 1071 (2009).

#### SECTION 229.110

This act removes the provision requiring prosecutors to prosecute individuals who fail to trim their hedge fences.

This provision is similar to a provision of HCS/HB 384 (2009) and SS/HCS/HB 481 (2009).

#### SECTIONS 273.033, 273.036, 578.022, & 578.024

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 the person had complained at least twice to the county sheriff or animal control authority that the dog had trespassed on his property, and on at least one of those occasions the person was in reasonable apprehension for his own safety, the safety of another person, or feared damage to livestock or property. County sheriffs and animal control authorities shall notify any dog owner about a trespassing complaint made against his or her dog. 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. A person engaging in criminal activity at the time of an imminent danger dog threat shall not be entitled to the absolute defense created by these sections.

The owner or possessor of a dog that bites, without substantial provocation, a person while such person is on public property or lawfully on private property shall be strictly liable for damages to the bitten individual. Owners or possessors of such dogs shall also be strictly liable for any damage incurred to property or livestock by their dogs. If it is determined that the damaged party had fault in the incident, any damages owed by the owner or possessor of the biting dog shall be reduced by the same percentage. This shall not apply to dogs killing sheep or other domestic animals. If a dog owner or possessor is found liable by a court for such damages, the owner or possessor shall also be assessed a fine up to \$1,000.

When a dog that has previously bitten a person or domestic animal without provocation, subsequently bites a person again, the owner or possessor shall be guilty of a Class B misdemeanor. However, if the offense results in serious injury it shall be a Class A misdemeanor and if the previous biting episode also resulted in serious injury, it shall be a Class D felony. If the offense results in death it shall be a class C felony. Any such dog, or a dog that inflicts serious 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 these sections.

SPONSOR: Lipke

HANDLER: Bartle

These provisions do not apply to dogs that 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". Dogs owned or utilized by a law enforcement agency who bite in the course of their employ are exempt from these provisions.

These provisions are similar to SB 184 (2009).

#### SECTION 302.060

This act specifies that the director of the department of revenue shall deny driving privileges to any person convicted twice within a five-year period of violating an "intoxication-related traffic offense" and shall not issue a license to such person for five years from the date of the second conviction. It no longer requires that the defendant was represented by or waived the right to an attorney in writing, in order to coordinate with the provisions of Section 577.023, RSMo.

#### SECTION 303.024

Under this act, any person who intentionally produces, manufactures, sells, or otherwise distributes a fraudulent document intended to serve as an insurance identification card is guilty of a class D felony. The act further provides that any person who knowingly or intentionally possesses a fraudulent document intended to serve as an insurance identification card is guilty of a class B misdemeanor.

This provision is identical to SB 16 (2009).

#### SECTION 304.820

This act prohibits individuals twenty-one years of age or younger from texting while operating a motor vehicle.

#### SECTION 306.109

This act prohibits certain activities from being committed on the rivers of this state, except for the Missouri, Mississippi, and Osage rivers.

Such activities shall include:

- 1) Possessing or using beer bong or other devices intended for rapid consumption of alcohol;
- 2) Possessing or using any large volume alcohol containers that hold more than four gallons; and
- 3) Possessing certain coolers on or within fifty feet of any such river, unless in a campground, picnic area, landing, road, or parking lot.

Violation of these provisions is a class A misdemeanor.

This provision is similar to SCS/SB 2 (2009).

#### SECTION 311.325

A minor who purchases, attempts to purchase, or possesses liquor or who is visibly intoxicated shall be deemed to have given consent for testing to determine the person's BAC. Such consent shall be limited to not more than two tests and such tests shall be conducted in a manner approved by the Department of Health and Senior Services by licensed medical personnel or a person with a permit from DHSS. DHSS shall establish standards and procedures of persons allowed to conduct such testing. The person being tested may be accompanied by a doctor, nurse or other qualified person. Failure to obtain an additional test shall not preclude admission of evidence. Full information, as described in the act, regarding the test shall be given at the request of the person being tested.

SPONSOR: Lipke

HANDLER: Bartle

#### SECTION 311.326

Currently, after one year or upon turning twenty-one years of age, a person with a first-time minor in possession charge (MIP) may apply to have his or her record expunged. Under this act, the person must wait until one year after reaching the age of twenty-one to apply for expungement.

#### SECTION 407.150

This act requires persons or businesses that own or license personal information of residents of the state to provide notice to the affected consumer that there has been a security breach following discovery or notification of such breach. The notice must meet certain qualifications and include certain information. The attorney general shall have exclusive authority to bring an action to obtain damages for a violation.

#### SECTIONS 409.5-508 & 409.6-604

This act specifies that any person convicted of criminal securities fraud will be fined up to \$1 million, imprisoned for up to 10 years, or both and may be ordered to pay restitution for any loss plus an interest rate of 8% per year from the date of the violation. An additional civil penalty of up to \$5,000 may be imposed for each violation against an elderly or disabled person.

These provisions are similar to HB 619 (2009) and SB 91 (2009).

#### SECTION 544.665

This act modifies the penalties for failure to appear. A person is guilty if he or she knowingly fails to appear before a court or judicial officer as required. The sentence varies depending on the criminal matter involved.

This provision is similar to a provision of HB 384 (2009).

#### SECTION 545.050 & 550.040

This act removes the requirement that court costs be assessed to the prosecutor in trespass cases if the defendant is acquitted or the prosecution fails.

These provisions are similar to a provision of HCS/HB 384 (2009) and SS/HCS/HB 481 (2009).

#### SECTIONS 550.050 - 550.090

This act repeals certain provisions making prosecutors pay certain court costs.

These provisions are similar to a provision of HB 384 (2009) and SS/HCS/HB 481 (2009).

#### SECTION 556.036

This act makes the statute of limitations five years, rather than three years, for the crimes of knowingly burning or exploding, arson in the second degree, and cases of arson in the first degree when the penalty is a class B felony.

#### SECTION 561.031

This act removes the requirement that when using two-way audio visual communication for criminal proceedings a full record of such proceeding be made by split-screen imaging and recording of the proceedings in the courtroom and place of confinement may be required.

This provision is similar to a provision of SS/HCS/HB 481 (2009).

#### SECTION 565.063

This act modifies the definitions of "domestic assault offense" to include any offense committed in another state or any federal, tribal, or military offense which, if committed in Missouri, that would be considered a domestic assault offense.

SPONSOR: Lipke

HANDLER: Bartle

## SECTIONS 565.081, 565.082, &amp; 565.083

This act expands the crime of assault of a law enforcement officer, emergency personnel, or probation and parole officer in the first, second, or third degree to include corrections officers.

These provisions are similar to HB 268 (2009), HB 511 (2009), a provision of HCS/SS/SB 58, HCS/SB 84 (2009), and CCS/SS/SCS/HB 683 (2009).

## SECTION 565.084

This act expands the crime of tampering with a judicial officer to include juvenile officers, deputy juvenile officers, prosecutors, and assistant prosecutors.

This provision is similar to HB 371 (2009) and SB 402 (2009).

## SECTIONS 566.013 &amp; 573.013

In the course of a criminal investigation for sexual offenses or pornography offenses, when the venue of the alleged criminal conduct cannot be readily determined without further investigation, the attorney general may request the prosecuting attorney of Cole County to request a circuit or associate circuit judge of Cole County to issue a subpoena to any witness who may have information for the purpose of oral examination under oath or to require access to data or the production of books, papers, records, or other material of evidentiary nature at the office of the attorney general. If, upon review of the evidence produced pursuant to the subpoenas, it appears that a violation may have been committed, the attorney general shall provide the evidence produced pursuant to subpoena to an appropriate county prosecuting attorney or circuit attorney having venue over the criminal offense.

## SECTION 566.147

This act makes formatting changes to this provision.

## SECTION 566.148

This act prohibits certain sexual offenders from being physically present or loitering within 500 feet of or approaching, contacting, or communicating with any child younger than 18 years of age in any child care facility building or the real property comprising any child care facility when children younger than 18 years of age are present in the building or on the grounds unless the person is the parent, guardian, or custodian of a child in the building or on the grounds. Any person violating this provision is guilty of a class A misdemeanor.

This provision is similar to HB 164 (2009).

## SECTION 566.150

This act prohibits certain sexual offenders from knowingly being present in or loitering within 500 feet of any real property comprising any public park with playground equipment or public swimming pool. Any person violating this provision will be guilty of a class D felony for the first offense and a class C felony for any subsequent offense.

This provision is similar to HB 105 (2009).

## SECTION 566.155

This act prohibits certain sexual offenders from serving as an athletic coach, manager, or trainer for any sports team of which a child younger than 17 years of age is a member. Any person violating this provision shall be guilty of a class D felony for the first offense and a class C felony for a subsequent offense.

This provision is similar to HB 106 (2009).

SPONSOR: Lipke

HANDLER: Bartle

## SECTION 568.045

Under endangering the welfare of a child in the first degree, a person is guilty of a class C felony if he or she possesses methamphetamine in the presence of a person less than seventeen years of age or in the residence where a person less than seventeen years of age resides.

This provision is similar to HB 160 (2009) and a provision of HCS/HB 384 (2009).

## SECTION 570.030

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 captive wildlife held under permit issued by the conservation commission, but it shall be a Class B felony in cases where there has been a similar prior conviction and if the value of the stolen animals exceeds \$3,000.

Any person who pleads guilty to or is found guilty of stealing livestock or captive wildlife held under permit issued by the conservation commission valued at over \$3,000 and who has a prior conviction for stealing such animals shall serve at least 80% of his or her prison sentence before being eligible for probation, parole, or release.

A person who steals an explosive weapon will be guilty of a class C felony regardless of the item's value.

These provisions are similar to HB 230 (2009), SB 159 (2009), and certain provisions of HCS/HB 384 (2009).

## SECTIONS 570.040

This act revises the term "stealing-related offense" as it is used in Section 570.040, RSMo, to include robbery. The section removes the requirement that a person must have received at least a 10-day jail sentence on a prior offense before a third or subsequent misdemeanor stealing-related offense can be enhanced to a Class D felony. It also specifies that a person who has previously pleaded guilty to or been found guilty of two stealing-related offenses which were committed on two separate occasions, and who subsequently pleads guilty to or is found guilty of a stealing-related offense is guilty of certain felonies depending on the nature of such stealing-related offense.

This provision is identical to HB 1473 (2008) and SB 200 (2009).

## SECTION 570.080

A person who receives an explosive weapon shall be guilty of a class C felony regardless of the item's value.

This provision is similar to HB 230 (2009).

## SECTIONS 573.020, 573.023, 573.025, 573.030, 573.035, 573.037, 573.040, 573.060, and 573.065

Currently, a person must know the contents and character of the obscene material or child pornography involved in a pornography offense in order to be found guilty. Under this act, a person no longer needs to know the content and character of the material in order to be found guilty.

Under this act, a person is guilty of sexual exploitation of a minor, possession of child pornography, or public display of explicit sexual material if such offenses are committed knowingly or recklessly, rather

SPONSOR: Lipke

HANDLER: Bartle

than being committed with knowledge of the content and character of the material that is the subject of the offense.

#### SECTION 575.150

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.

This section is similar to SB 221 (2009) & HB 63 (2009).

#### SECTION 575.153

This act creates the crime of disarming a peace or correctional officer if a person intentionally removes from or deprives the peace or correctional officer of the use of his or her firearm or other deadly weapon while the officer is acting within the scope of his or her official duties. The crime does not include situations in which the person does not know or could not reasonably have known that the person was a peace or correctional officer or if the officer was engaged in felonious conduct at the time of the disarmament. Such crime is a class C felony.

#### SECTION 575.260

This act expands the crime of tampering with a judicial proceeding to include influencing the official action of a state prosecuting or circuit attorney, assistant prosecuting or circuit attorney, or attorney general.

This provision is similar to HB 384 (2009).

#### SECTION 576.050

This act modifies the crime of misuse of official information by prohibiting knowingly or recklessly obtaining or disclosing information from the MULES or NCIC System or any other criminal justice information sharing system that contains individually identifiable information.

#### SECTION 577.023

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.

This act allows the court, as a condition of probation, to require certain persons convicted of intoxication-related traffic offenses to submit to alcohol monitoring in certain circumstances instead of serving a more lengthy 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.

In addition to other terms of probation, a court shall consider requiring an offender convicted of an intoxication-related traffic offense to abstain from consuming alcohol as demonstrated by continuous alcohol monitoring or verifiable breath alcohol testing performed a minimum of four times per day for a length of time established by the court, but not less than 90 days. The court may order the offender to pay for the monitoring.

This section also repeals one version of Section 577.023, RSMo, which is currently doubly-enacted.



SPONSOR: Lipke

HANDLER: Bartle

This section is similar to SB 192 (2009) and SB 219 (2009).

#### SECTION 577.029

This act repeals Section 577.029 as it passed in HB 574 (2007) and reenacts it as new language. It no longer specifies that the medical personnel specifically be at his or her place of employment.

#### SECTIONS 578.250, 578.255, 578.260, & 578.265

This act prohibits the inhalation, selling, or possession of certain solvents to induce intoxication. Such crime is a class B misdemeanor for the first offense and a class D felony for subsequent offenses. No person who owns or operates any business which operates as a live entertainment performance venue or receives over 50% of its gross annual income from the sale of recorded video entertainment shall sell such solvents.

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 provision does not apply to substances that are FDA-approved or administered by a medical practitioner and shall not be construed to prohibit the legal consumption of intoxicating liquor, including wine and beer, and nonintoxicating beer.

These provisions are similar to SB 26 (2009).

#### SECTION 589.400

This act allows people who commit misdemeanor offenses under Chapter 566, RSMo (Sexual Offenses) to immediately petition the court to remove or exempt his or her name from the registry if the person was eighteen or younger and the victim was thirteen or older at the time of the offense and no force was involved. Currently, such individuals must wait two years to petition off of the registry.

Currently, there is a clause in Section 589.400.1 (2), requiring certain offenses on the sexual offender registry to be committed against a minor under the age of eighteen. However, some of the offenses on the list do not have victims who are minors, such as "sexual contact with a nursing home resident". Therefore, this clause is being removed.

#### SECTION 589.425

This act specifies that any person who fails to register as a sexual offender will be guilty of a class C felony if the person is required to register based on having committed an offense in any other state or foreign country or under federal, tribal, or military jurisdiction which, if committed in this state, would be an offense under Chapter 566, RSMo, and has previously pled guilty to or has been found guilty of failing to register as a sexual offender.

This provision is identical to a provision of HCS/HB 384 (2009) and HB 260 (2009).

#### SECTION 590.701

This act requires custodial interrogations of persons suspected of certain serious offenses to be recorded when feasible unless certain exceptions exist. Each law enforcement agency shall adopt a written policy regarding such interrogations. Law enforcement agencies are permitted to record an interrogation in any circumstance with or without knowledge or consent of the suspect.

"Custodial interrogation" means the questioning of a person under arrest, who is no longer at the scene of a crime, by a member of the law enforcement agency along with the answers and other

SPONSOR: Lipke

HANDLER: Bartle

statements of the person questioned. The term does not include: 1) situations where the person voluntarily agrees to meet with law enforcement, 2) detention by law enforcement that has not risen to the level of an arrest, 3) questioning that is routinely asked during the processing of the arrest of the suspect, 4) questioning pursuant to an alcohol influence report, and 5) questioning during the transportation of the suspect.

If a law enforcement agency fails to comply with these provisions and acts without good faith, the Governor may withhold any state funds received by the agency.

This provision is identical to SB 310 (2009).

#### SECTION 595.027

This section, which was excluded from HCS/SCS/SB 338, reflects the transfer of the Crime Victims' Compensation Fund to the Department of Public Safety, which has already occurred by executive order.

#### SECTIONS 650.052 & 650.055

This act provides, in the DNA profiling provisions, that the circuit courts do not have to use a reasonable doubt standard when determining if an individual is a sexually violent predator to be civilly committed.

This act also specifies that the DNA samples currently taken from registered sex offenders may be tested under the DNA profiling system and that a fingerprint shall be taken along with the DNA sample.

#### SECTION 650.059

This act creates the "Crime Laboratory Review Commission" to independently review the operations of crime lab in the state receiving state-administered funds.

This provision is similar to SCS/SB 8 (2009).

#### SECTION 1

Upon request of a law enforcement officer to inspect certain records of any livestock sales or market licensee to determine the origin and destination of any livestock handled by the licensee, the law enforcement officer shall be entitled to inspect such records of the licensee without prior notice or the necessity of obtaining a search warrant during regular business hours in a manner so as to minimize interference with or delay to the licensee's business operation. When a law enforcement officer has probable cause to believe that livestock in the possession of a licensee is misappropriated, the officer may place a twenty-four hour hold order on the livestock.

A violation of, or noncompliance with, this provision shall be a class A misdemeanor. Gross negligence or willful noncompliance with the provisions of this section by a licensee shall be cause for the licensing authority to suspend or revoke the licensee's license. Any imposed suspensions or revocation provided for by this subsection may be appealed by the licensee to the licensing authority or to a court of competent jurisdiction.

All records and information that relate to a licensee's purchases or transactions and that are delivered to or otherwise obtained by an appropriate law enforcement officer under this section are confidential and may be used only by such appropriate law enforcement officer and only for certain official law enforcement purposes related to the crime.

#### SECTION 2

This act authorizes the revisor statutes to change the term "criminal records and identification division" to "central repository".

SPONSOR: Lipke

HANDLER: Bartle

**SECTION 3**

Under this act, a person or entity commits the crime of promoting on-line sexual solicitation if such person or entity owns a web-based classified service and knowingly permits such service to be used by individuals to post advertisements promoting prostitution, enticing a child to engage in sexual conduct, or promoting sexual trafficking of a child after receiving the required notice from the attorney general or prosecuting attorney. A violation of the section shall be a felony, punishable by a fine of \$5,000 per day that the advertisement remains posted, after seventy-hours have passed after the notice is provided.

This act contains an emergency clause for certain sections.

SUSAN HENDERSON MOORE

SPONSOR: Kraus

HANDLER: Pearce

SCS/HCS/HB 82 - 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).

This act also institutes a six year phased-in for an income tax exemption for military retirement income. Beginning January 1, 2010, fifteen percent of such income will be exempt from state income tax and such exemption will increase by fifteen percent each subsequent year until all such income is exempt for all tax years beginning on or after January 1, 2016.

Portions of this act are similar to Senate Bill 1180 (2008) and Senate Bill 573 (2009).

JASON ZAMKUS

SPONSOR: Wood

HANDLER: Goodman

SCS/HB 83 - This act specifies that any use of travel club membership benefits during the three-day rescission period of the membership contract will not effectively waive the member's right to rescind the contract. Under this act, a travel club must provide information in its registration statement with the attorney general demonstrating that it possesses at least \$250,000 dollars of liquid assets in certain forms. Such requirement is also required with the renewal registration. Such assets shall be available to the attorney general if the travel club fails to meet its legal obligations to its members.

This act is similar to SB 156 (2009).

SUSAN HENDERSON MOORE

SPONSOR: Brown

HANDLER: Wilson

HCS/HB 89 - This act requires vehicles to yield the right-of-way to all pedestrians and bicyclists crossing in an appropriate crosswalk on a city or neighborhood street in Kansas City.

STEPHEN WITTE

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SPONSOR: Pollock

HANDLER: Purgason

CCS/SCS/HB 91 - This act designates various highways and bridges within Missouri.

This act designates a bridge in Laclede County as the "Specialist James M. Finley Memorial Bridge" (Section 22.368). This section is also contained in SB 84 (2009).

Under this act, the Department of Transportation shall establish and administer a drunk driving risk reduction awareness program. This act shall be known as "David's Law." The signs shall be placed at or near the scene of the accident. Under the act, 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 "Think About It!". No person, other than a Department of Transportation employee or the department's designee, may erect a drunk driving victim memorial sign. The drunk driving risk reduction awareness program provisions are contained in SB 93 (2009)(Section 227.295).

This act establishes an interstate interchange designation program, to be known as the "Heroes Way Interstate Interchange Designation Program", to honor the fallen Missouri heroes who have been killed in action while performing active military duty with the armed forces in Afghanistan or Iraq on or after September 11, 2001.

Under the act, any person who is related by marriage, adoption, or consanguinity within the second degree to a member of the United States armed forces who was killed in action while performing active military duty with the armed forces in Afghanistan or Iraq on or after September 11, 2001, and who was a resident of this state at the time he or she was killed in action, may apply for an interstate interchange designation.

The family member may petition the Department of Transportation for an interstate interchange designation by submitting the following:

(1) An application in a form prescribed by the director, describing the interstate interchange for which the designation is sought and the proposed name of the interstate interchange. The application shall include the name of at least one current member of the General Assembly who will sponsor the interstate

SPONSOR: Pollock

HANDLER: Purgason

interchange designation.

(2) Proof that the family member killed in action was a member of the United States armed forces and proof that such family member was in fact killed in action while performing active military duty with the United States armed forces in Afghanistan or Iraq on or after September 11, 2001;

(3) A fee to be determined by the commission to cover the costs of constructing and maintaining the proposed interstate interchange signs. The fee shall not exceed the cost of constructing and maintaining each sign.

Under the act, the Department of Transportation shall submit for approval or disapproval all applications for interstate interchange designations to the Joint Committee on Transportation Oversight. If satisfied with the application and all its contents, the joint committee shall approve the application. The committee shall notify the Department of Transportation upon the approval or denial of an application for an interstate interchange designation. If the memorial interstate interchange designation request is not approved by the Joint Committee on Transportation Oversight, ninety-seven percent of the application fee shall be refunded to the applicant.

The act requires two signs to be erected for each interstate interchange designation processed under the act.

No interstate interchange may be named or designated after more than one member of the United States armed forces killed in action. Such person shall only be eligible for one interstate interchange designation under the provisions of this section.

Any highway signs erected for any interstate interchange designation under the provisions of this section shall be erected and maintained for a twenty-year period. After such period, the signs shall be subject to removal by the Department of Transportation and the interstate interchange may be designated to honor persons other than the current designee. An existing interstate interchange designation processed under the provisions of this act may be retained for additional twenty-year increments if, at least one year before the designation's expiration, an application to the Department of Transportation is made to retain the designation along with the required documents and all applicable fees required under the act.

The provision establishing the "Heroes Way Interstate Interchange Designation Program" is contained in SB 84 and SB 110 (2009)(Section 227.297).

This act designates a portion of State Highway 100 located in Franklin Count as the "Veterans Memorial Highway." This provision can be found in HB 928 (2009) (Section 227.310).

This act designates the bridge over the Gasconade River on State Highway 17 in Pulaski County as the "WWII Okinawa Veterans Memorial Bridge" and designates a portion of Interstate 435 as the "Lamar Hunt Memorial Highway." This provision can be found in HB 358 (2009)(Section 227.402).

This act designates a portion of Interstate 435 as the "Lamar Hunt Memorial Highway." This provision can be found in HB 358 (Section 227.407).

This act provides that the portion of the state highway system which was designated as Highway 47 as of January 1, 2009, within the limits of the city of Washington shall be designated and known as "Franklin Street" and shall not be designated as a numbered state highway (section 227.320).

STEPHEN WITTE

SPONSOR: Thomson

HANDLER: Barnitz

SCS/HCS/HBs 93 & 216 - This act exempts tractors used in tractor parades from certain width, length, height and license plate display regulations provided the tractors are driven by licensed drivers during daylight hours only and with the approval of the Superintendent of the Missouri State Highway Patrol.

This act is identical to the perfected version of SB 293 (2009).

STEPHEN WITTE

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SPONSOR: Wildberger

HANDLER: Callahan

SS#2/SCS/HB 103 - Public safety agencies are allowed to enter into mutual-aid agreements with other public and private agencies for reciprocal emergency aid.

The mutual-aid system shall be administered by the department of public safety.

Responders are deemed employees of the responding political subdivision or public safety agency and are subject to the liability and workers' compensation provisions provided to them as employees of their such subdivision or agency.

The board of regents or board of governors of state colleges and universities may respond to emergencies or natural disasters outside of school grounds if requested by law enforcement.

Builders of single family dwellings or residences or multi-unit dwellings of four or fewer units are required to offer purchasers the option to install fire sprinklers.

Currently, those with appropriate medical training and proficiency in using defibrillators who render emergency care by using a defibrillator when medically appropriate without objection of the victim is relieved of civil liability when such person acts as an ordinarily reasonable prudent person would have acted under similar circumstances. Under the act, all individuals are relieved from civil liability when they use a defibrillator unless the person acts in a willful and wanton or reckless manner regardless of training, appropriateness of the care, or objection of the victim. Persons owning the defibrillator and those providing clinical protocol for defibrillator sites or programs shall likewise be shielded from liability.

Persons owning boat docks on lakes having at least 950 miles of shorelines and lakes constructed or maintain by the U.S. Army Corps of Engineers must display the appropriate 911 street address near the dock. The failure to display identifying dock information is an infraction

The Elevator Safety Board is given the power to adopt a code of rules and regulations governing licenses of elevator mechanics and elevator contractors.

This act is similar to HB 707 (2009), SB 89 (2009), SB 386 (2009), HB 657 (2009), SB 356 (2009), HB 62 (2009), SB 261 (2009), HB 442 (2009), HB 819 (2009), HB 549 (2009), and SB 513 (2009).  
CHRIS HOGERTY

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SPONSOR: Day

HANDLER: Crowell

SCS/HCS/HB 111 - This act provides funeral homes, funeral directors, embalmers, and their employees with immunity from liability in disposing of a veteran's cremated remains to a veterans' service organization. This immunity only applies if: 1) the remains have been in the possession of the funeral establishment for at least a year; 2) the establishment gives written notice to the person or other funeral establishment who contracted for the cremation, or publishes notice in a newspaper if the address of the person or other funeral establishment that contracted for the cremation is unknown; and 3) the person or other funeral establishment who contracted for the cremation does not claim the remains within thirty days of the mailing of the written notice or within four months of the date of the first publication of notice.

Veterans' service organizations who receive cremated remains of a veteran are not liable for simple negligence if they do not have reason to know that the remains do not satisfy the notice requirements of this act and if they inter the remains and do not scatter the remains. The veterans' service organization shall take all reasonable steps to inter the remains in a veterans' cemetery.

This act contains a provision that is similar to a provision in CCS/SCS/HCS/HB 427.

EMILY KALMER

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SPONSOR: Hoskins

HB 116 - This act expands the crime of assault of a law enforcement officer, emergency personnel, or probation and parole officer in the first, second, or third degree to include a transit operator or an employee of a mass transit system while on duty or in operation of his or her official vehicle.

Juvenile officers, deputy juvenile officers, drug court commissioner-judges, family court commissioner-judges, and administrative law judges are added to the list of individuals who are considered a judicial officer for the purposes of the crime of tampering with a judicial officer.

SUSAN HENDERSON MOORE

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SPONSOR: Komo

HCS/HB 124 - This act extends the expiration date of the Joint Committee on Terrorism, Bioterrorism, and Homeland Security from December 31, 2009, to December 31, 2011, and expands the scope of the committee to include making a continued study of the feasibility of compiling information relevant to immigration enforcement issues.

CHRIS HOGERTY

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SPONSOR: Fallert

HANDLER: McKenna

SS/HB 132 - This act modifies various provisions relating to liquor control.

This act repeals the current provisions regulating nonintoxicating beer and requires such beer to be regulated in the same manner as other intoxicating liquors.

Currently, a liquor license may not be denied, suspended, or revoked based solely on the fact that an employee has a felony conviction unrelated to the manufacture or sale of alcohol if the employee does not directly participate in retail sales. Under this act, the employee would no longer be prohibited from directly participating in retail sales.

This act defines a "wine manufacturer" as a person, partnership, association, or corporation, who has properly procured a license, and who manufactures in excess of two hundred gallons of wine per calendar year.

Currently, it is a violation for a person with a license to sell liquor to sell liquor, or offer to sell liquor, brewed, manufactured or distilled by one manufacturer in substitution for, or with the representation that any such liquor is the product of another brewer, manufacturer, or distiller. Under this act, it shall not be a violation if such licensee sells, or offers to sell, wine or brandy, as long as the manufacturer of the wine or brandy has provided the Supervisor of Alcohol and Tobacco Control with a copy of the certificate of label approval issued by the Alcohol and Tobacco Tax and Trade Bureau, and if necessary, has properly registered such label or name with the appropriate state agency.

This act allows certain charitable, fraternal, religious, service, or veterans' organizations that are exempt from federal taxes and have a license to sell intoxicating liquor by the drink on their premises to open on Sundays at 9:00 a.m. instead of 11:00 a.m.

This act allows a restaurant bar without an onsite brewery that serves 45 or more different types of draft beer to sell 32 fluid ounces or more of beer to customers for consumption off the premises.

Under this act, no person or business shall have more than five liquor licenses, rather than three.

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. Instead, wholesalers are required to make product information, including price, available to retailers no later than five days prior to the first day of the month in which the pricing will be effective. The price provided shall become effective on the first date of the next month and remain in effect until the last day of that month. Supplemental pricing information may be provided to retailers for items that were unintentionally left off the regular information listing after approval by the Division of Alcohol and Tobacco Control.

This act changes the procedure allowing wholesalers to take delivery orders for upcoming months and also changes the requirements for "delayed shipments" under the division's rules and regulations.

This act allows wholesalers to offer retailers merchandise at prices which are below the wholesaler's cost only if such merchandise is specifically designated as "close-out merchandise" when providing the monthly pricing information. The act forbids wholesalers from buying more of such "close-out merchandise". Such "close-out merchandise" shall be designated as such for not less than six consecutive months. After such time, a wholesaler may remove items from its "close-out" designation by no longer identifying them as such on its monthly pricing information.

A Kansas City festival district's promotional association shall obtain a permit from the division of alcohol and tobacco control to sell alcohol and to conduct festival events at the businesses and common areas within the district upon approval by the city. The festival district must be within a community

SPONSOR: Fallert

HANDLER: McKenna

improvement district in the city. The association must provide certain information in their plan to the city, including a legal description of the district and its common areas, information about participating businesses, the specific calendar of events, and description of the festival activities, proof of adequate insurance, and a detailed security plan. There shall be no more than 25 events per year and two events per month. The events shall last no more than forty-eight hours.

Prior to approving the plan, the city shall notify all property owners in the proposed district and within 500 feet of such district's boundaries. The city shall also hold a public hearing at least 30 days after providing the notice to obtain public comment. The city shall not approve any plan unless the promotional association has obtained written approval from at least 50% of the property owners within the district and within 185 feet of its borders.

For no more than ten twenty-four hour periods in a year, 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.

Minors shall not be allowed to enter the district during a festival event that serves liquor. 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 permit shall be revoked and not reissued.

This act is similar to SB 426 (2009), SB 396 (2009), HB 159 (2009), HB 943 (2009), SCS/SB 188 (2009), a provision of SS/SCS/HB 376, and HCS/SB 171 (2009).

SUSAN HENDERSON MOORE

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SPONSOR: Franz

HANDLER: Griesheimer

CCS/SCS#2/HCS/HB 148 - This act modifies laws regarding property taxation by requiring tax rate rollbacks by school districts in reassessment years. For tax year 2009, political subdivisions are authorized to levy a property tax rate sufficient to generate as much revenue as was produced in the 2007 tax year excluding new construction and improvements as long as such rate does not exceed the greater of the rate in effect for the 1984 tax year or the most recent voter approved rate. Under current law, if a political subdivision experiences a decrease in assessed value, such political subdivision may roll-up its tax rate to the most recent voter-approved rate in order to receive the same amount of revenue as was received in the previous year. This act would allow a political subdivision which experiences a decrease in assessed value to roll-up its tax rate to the greater of the most recent voter-approved rate or the rate in effect for the 1984 tax year in order to collect the same amount of tax revenue from the previous year.

Any political subdivision that levies a property tax rate in excess of the most recent voter-approved rate will be required to provide notice of such in a newspaper of general circulation three separate times during the year in which such rate is in effect. Beginning in the 2010 tax year, county collectors will be required to include statements of the most recent voter-approved rate and purpose for each political subdivision located at least partially within the county levying a property tax.

This act allows certain counties of the first and second classification to collect property taxes using electronic records and disbursements. County collectors of these counties are required by the fifteenth day of each month to file, with the county clerk and auditor, a detailed statement of all taxes and license fees collected during the preceding month. Taxing authorities will be required to request notification of current taxes paid under protest by February 1, and county collectors must provide the information by March 1.

Currently, in counties without a charter form of government the collector collects a seven percent fee for the collection of delinquent taxes. In counties with a charter form of government and St. Louis City, the collector collects a two percent fee for the collection of such taxes. Under this act, in counties adopting a charter form of government after January 1, 2008, the collector shall collect a seven percent fee for the collection of delinquent taxes, while the collector in counties adopting a charter form of government before January 1, 2008, shall collect a two percent fee. The provisions contained in a county's charter authorizing the collection of a fee for the collection of back taxes which conflict with state law will control.

Currently, all counties, except counties with a charter form of government excluding St. Charles County, are required to establish a "Tax Maintenance Fund" to be used solely as a depository for funds received or collected for the purpose of funding additional costs and expenses incurred in the collector's office. Under this act, counties adopting a charter form of government after January 1, 2008, shall be required to establish such a fund as well.

In the event a county of the third or fourth classification abolishes its township organization or the county collect becomes a collector-treasurer, the collector treasurer shall assume all duties, compensation, and requirements of the collector-treasurer.

JASON ZAMKUS

SPONSOR: Ruestman

HANDLER: Bartle

SS/SCS/HCS/HB 152 - This act expands the DNA profiling system by requiring any person 17 years of age or older who is arrested for first degree burglary, second degree burglary, or a felony under Chapter 565, 566, 567, 568, or 573, RSMo. Under this act, persons required to provide a biological sample may be required to do so upon booking at a county jail or detention facility. Within 90 days of warrant refusal, the arresting agency must notify the Highway Patrol crime laboratory, which must expunge all the DNA records and destroy the sample unless the Patrol determines that the person is otherwise obligated to submit a sample.

When a DNA sample is taken of any such arrestee and charges are filed:

(1) If the charges are later withdrawn, the prosecutor shall notify the highway patrol crime laboratory that such charges have been withdrawn;

(2) If the case is dismissed, the court shall notify the highway patrol crime laboratory of such dismissal;

(3) If the court finds at the preliminary hearing that there is no probable cause that the defendant committed the offense, the court shall notify the highway patrol crime laboratory of such finding;

(4) If the defendant is found not guilty, the court shall notify the highway patrol crime laboratory of such finding.

If the state highway patrol crime laboratory receives notice under this subsection that the charges have been withdrawn, the case has been dismissed, or there is a finding that the necessary probable cause does not exist, such crime laboratory shall expunge the DNA sample and DNA profile of the arrestee within thirty days. Prior to such expungement, the state highway patrol crime laboratory shall determine whether the individual has any other qualifying offenses or arrests that would require a DNA sample to be taken and retained prior to expungement under this subsection.

A person whose DNA sample has been collected and his or her attorney shall have access to his or her DNA records.

This act also provides that DNA samples obtained under Sections 650.050 to 650.100 shall only be analyzed consistent with such provisions and applicable federal law.

SUSAN HENDERSON MOORE

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CCS#2/SS/HCS/HB 154 -This act modifies provisions relating to the placement of children.

#### EMERGENCY PLACEMENT OF GRANDCHILDREN

This act provides that when an initial emergency placement of a child is deemed necessary by the juvenile or family court, the Children's Division within the Department of Social Services must immediately begin diligent efforts to locate, contact, and place the child with a grandparent of the child. Diligent efforts are defined in the act, and such efforts shall be made to contact the grandparent within three hours from the time the emergency placement is deemed necessary. During such three-hour period, the child may be placed in an emergency placement. If a grandparent cannot be located within the three-hour period, the child may be temporarily placed in emergency placement. However, after such placement was made the division shall still make diligent efforts to contact the grandparent and place the child with a grandparent or another relative, with first consideration given to a grandparent. Prior to any emergency placement of the child the division shall assure that the child's physical needs are met.

Placement shall not be made with the grandparent when the division determines that the placement would not be in the best interests of the child. The placement with a grandparent shall also be subject to an emergency placement background check. The division shall document the reason why placing the child with a grandparent is deemed to not be in the interest of the child.

If more than one grandparent requests consideration for placement, the family support team shall make recommendations to the juvenile or family court about which grandparent should be considered for placement.

When a court determines that a child must be placed in a foster home, the division must make diligent efforts to locate the grandparents of the child and determine if they wish to be considered for placement of the child.

A grandparent or other relative may on a case-by-case basis have standards for licensure not related to safety waived for specific children in the care that would otherwise impede licensing of the grandparent's or relative's home.

Nothing in the act shall be construed to interfere with or supercede laws related to parental rights or judicial authority. SECTIONS 210.305 and 210.565

#### GUARDIAN AD LITEM

This act 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. SECTIONS 210.565 and 453.030.

These sections are contained in SB 388 (2009) and SB 1242 (2008).

#### FOSTER CARE EDUCATION BILL OF RIGHTS

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

SPONSOR: Ruestman

HANDLER: Shields

dispute. 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

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.

Subject to federal law, 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.

For children placed for treatment in a licensed residential care facility by the Department of Social Services, the Commissioner of Education, or his or her designee, will be 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. SECTIONS 167.018, 167.019, 210.1050

These sections are identical to provisions contained in HCS#2/SS/SB 291 (2009), SCS/SB 96 (2009) and similar to provisions contained in HCS/SB 79 (2009).

#### STANDBY GUARDIANSHIP

This act provides that the custodial parent of a minor, or the parent of an incapacitated person who has been appointed guardian of such person, may designate a person to act as a standby guardian of the minor or the incapacitated person 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 or the incapacitated person. The petition must be filed with a copy of the will or the written 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 person, the custodial parent and designated standby guardian, each parent of the minor or incapacitated person, the spouse and all living children of the minor or incapacitated person, information about any adjudication of incapacity for person, 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 person, the suitability of any person nominated by the minor or incapacitated person to be standby guardian if the minor or incapacitated person can communicate such, and the desirability of minimizing stress and disruption and avoiding placement of the minor or incapacitated person in foster or similar care if the parent becomes 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

SPONSOR: Ruestman

HANDLER: Shields

been appointed, if the consent of the parent is given in a written instrument, if an entry of an order adjudicating the parent as incapacitated has been entered, or if 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 or incapacitated person.

Nothing within this act shall be construed to deprive a parent of his or her legal rights or obligations towards a minor or incapacitated person, or to supersede such rights. SECTIONS 475.010, 475.045, 475.046, 475.105

These provisions are similar to SB 54 (2009), SB 596 (2006), SCS/SB 35 (2007) and SCS/SB 745 (2008).

ADRIANE CROUSE

SPONSOR: Cox

HANDLER: Stouffer

SCS/HB 171 - In the absence of a written contract to the contrary, a tenant is not liable for rent payments during the remainder of the term of a lease agreement when his or her residence is destroyed by an act of God or other natural or man-made disaster, provided the tenant was not the cause of the disaster.

STEPHEN WITTE

SPONSOR: Cox

HANDLER: Bartle

SCS/HCS/HB 177 and HCS/HB 622 - Currently, any identifying information in a court record that could be used to identify the victim of sexual assault, domestic assault, stalking, or rape shall be closed and redacted prior to public disclosure. This act gives the judge presiding in such cases discretion to publicly disclose information regarding the defendant, which could be used to identify the victim. The victim may provide the court with a statement regarding whether he or she wishes such information to remain closed. The judge shall consider the welfare and safety of the victim and the victim's statement when deciding to disclose the information.

This act is similar to SB 181 (2009).

SUSAN HENDERSON MOORE

SPONSOR: Flook

HANDLER: Griesheimer

SS#2/SCS/HCS/HB 191 - This act modifies several provisions of law regarding taxation.

#### NEIGHBORHOOD ASSISTANCE ACT (Section 32.105)

Under current law, persons or families are eligible to qualify for assistance from the Missouri Housing Development Commission under the Neighborhood Assistance Act for an affordable housing unit if the household's combined, adjusted gross income of the individual or family is equal to or less than certain statutory percentages of the median family income for the geographic area in which the residential unit is located or the median family income for the state, whichever is larger. Under this act, the current statutory income thresholds are applied to rental units while the act creates more favorable income percentage thresholds for owner-occupied units. The act doubles the current statutory income percentage thresholds for persons residing in owner-occupied units. For example, a one person household making 35% or less of the family median income is eligible for assistance under the Neighborhood Assistance Act for a rental unit, while a one person household making 70% or less of the family median income is eligible for assistance under Neighborhood Assistance Act provided the person resides in a owner-occupied unit.

#### MISSOURI ACCOUNTABILITY PORTAL (Section 37.050)

The Commissioner of the Office of Administration shall maintain the Missouri Accountability Portal website to provide the public with information a easy-to-search database of financial transactions relating to the purchase of goods and services and the distribution of funds for state programs

#### TAX INCREMENT FINANCE (Section 99.865)

Any municipality which fails to provide the statutorily required report to the department of economic development will be prohibited from implementing any new tax increment finance project for a period of no less than five years from the date of failure to comply. The State Auditor is required to make information on municipal tax increment finance projects available to the public in a searchable database on the Auditor's website.

#### DISTRESSED AREAS LAND ASSEMBLAGE TAX CREDITS (Section 99.1205)

The annual limit on tax credit issuance of distressed areas land assemblage tax credits is increased from ten million dollars to twenty million dollars.

#### INFRASTRUCTURE DEVELOPMENT FUND CONTRIBUTION TAX CREDITS (Section 100.286)

Under current law, the Missouri Development Finance Board is prohibited from issuing the greater of ten million dollars or an amount equal to five percent of growth in general revenue receipts for the preceding three years in Missouri Development Finance Board Infrastructure Development Fund Contribution Tax Credits annually unless the Commissioner of Administration, the director of the Department of Economic Development, and the director of the Department of Revenue agree to exceed such limit. This act limits the authorization or approval of infrastructure and development contribution credits to no more than ten million dollars annually. The limitation on authorization and approval of infrastructure development fund contribution tax credits may only be exceeded by a signed and notarized letter evidencing mutual agreement by the Commissioner of Administration, the director of the Department of Economic Development, and the director of the Department of Revenue, provided that in such case no more than twenty-five million dollars in tax credits may be authorized in such year. Taxpayers must file an application with the department of economic development for infrastructure development contribution tax credits.

#### BUILD TAX CREDITS (Sections 100.760, 100.770, and 100.850)

The act removes the requirement that applicants for the BUILD program consider locating within another state and state that a disparity in costs exist between such state and Missouri. The annual limit on BUILD tax credit authorizations is increased from fifteen million to twenty-five million dollars.

#### TRANSPORTATION DEVELOPMENT DISTRICTS (Sections 105.145, 238.207, 238.212, and 238.235)

The act requires the circuit court to order a public hearing on the creation and funding of a proposed transportation development district, if the petition to create such district was filed by the owners of all real



SPONSOR: Flook

HANDLER: Griesheimer

property within the proposed district. The director of the Department of Revenue will perform all functions incident to the administration, collection, enforcement, and operation of transportation development district sales taxes. The board of directors of every transportation development district is required to annually submit a report of financial transactions to the state auditor. Failure to timely file such a report by a transportation development district will result in the imposition of a fine not to exceed five hundred dollars per day. Petitions to create transportation development districts must include details of the budgeted expenditures, including estimated expenditures for real physical improvements, estimated land acquisition expenses, estimated expenses for professional services, and estimated interest charges.

**BUILD AMERICA BONDS (Sections 108.1000, 108.1010, and 108.1020)**

The act authorizes the department of economic development to allocate bonds for counties and large municipalities to issue for the purpose of funding qualifying local projects.

**BUSINESS FACILITY TAX CREDITS (Section 135.115)**

The act allows headquarters facilities to receive tax credits for new or expanded business facilities for expansions done before January 1, 2020. At least twenty-five new employees and at least one million dollars in new investment must be attributed to such expansion. Buildings on multiple, non-contiguous property will be considered one facility if the buildings are within the same municipality.

**LOW-INCOME HOUSING TAX CREDITS (Section 135.352)**

No more than six million dollars in four percent low-income housing tax credits may be authorized each fiscal year.

**NEW MARKETS TAX CREDITS (Section 135.680)**

Under current law, the department of economic development is required to limit the monetary amount of qualified equity investments to a level necessary to limit tax credit utilization to no more than fifteen million dollars annually. This act would require the department to limit the monetary amount of qualified equity investments to a level necessary to limit tax credit utilization to no more than twenty-five million dollars annually.

**SMALL BUSINESS GUARANTEE FEE TAX CREDITS (Section 135.766)**

No small business guaranty fee tax credits may be authorized on or after the thirtieth day following the effective date of the act.

**TAX CREDIT ACCOUNTABILITY ACT (Sections 135.800, 135.802, and 135.805)**

The act modifies provisions of the Tax Credit Accountability Act of 2004 to require tax credit recipients to report job creation resulting from tax credit utilization. The act requires the Department of Economic Development to make certain tax credit utilization information available on the department's website and the Missouri Accountability Portal.

**CORPORATE FRANCHISE TAX (Section 147.010)**

Under current law, corporations with outstanding shares and surplus in excess of one million dollars are subject to an annual franchise tax equal to one-thirtieth of one percent of its outstanding shares and surplus. This amendment would subject only those corporations with outstanding shares and surplus in excess of ten million dollars to the annual franchise tax.

**FAMILY DEVELOPMENT ACCOUNT (Section 208.770)**

Under current law, the Department of Economic Development is prohibited from authorizing more than four million dollars in tax credits per fiscal year for contributions to the Missouri family development account. Beginning FY 2010, the department will be limited to authorizing no more than three hundred thousand dollars each fiscal year for such contributions.

**HISTORIC PRESERVATION TAX CREDITS (Sections 253.545, 253.550 and 253.559)**

SPONSOR: Flook

HANDLER: Griesheimer

For the period beginning January 1, 2010, but ending June 20, 2010, the Department is prohibited from issuing more than seventy million dollars in historic preservation tax credits for large projects. Beginning fiscal year 2011, and each fiscal year thereafter, the department is prohibited from issuing more than one hundred forty million dollars in tax credits increased by the amount of any rescissions of approved applications of tax credit. No more than one hundred fifty million dollars in historic preservation tax credits may be authorized each fiscal year beginning FY 2010. No more than twenty-five thousand dollars in historic preservation tax credits may be awarded per project for residential rehabilitation projects. Applicants for projects, which have incurred certain levels of expenses or received certification from the state historical preservation officer on or before the thirtieth day following the effective date of the act will not be precluded from receiving tax credit authorization. The act creates a preliminary approval process for historic preservation tax credits.

**LICENSING BY THE STATE BOARD OF PHARMACY (Section 338.337)**

Under current law, any out-of-state wholesale drug distributor, that is a drug manufacturer which produces and distributes from a facility which has been inspected and approved by the FDA within the last two years and is licensed by the state in which such facility is located, need not be licensed by the state board of pharmacy. This act would exempt any out-of-state wholesale drug distributor, that is a drug manufacturer which produces and distributes from a facility which has been inspected and approved by the FDA and is licensed or authorized to operate and in good standing in the state in which such facility is located, from the requirement that it be licensed by the Board of Pharmacy.

**BROWNFIELD REDEVELOPMENT TAX CREDITS (Section 447.708)**

The act allows for the release of a prorated amount of tax credits upon receipt of a letter of completion, for a portion of a project, from the Department of Natural Resources.

**OPEN RECORDS LAW (Section 610.021)**

The act modifies Missouri's Open Records law by authorizing the closing of records submitted by an individual, corporation, or other business entity to a public institution of higher education in connection with a proposal to license intellectual property or perform sponsored research and which contains sale projections or other business plan information.

**DEPARTMENT OF ECONOMIC DEVELOPMENT RECORDS & CONTRACTS (Sections 620.014, and 620.017)**

Records pertaining to a business project with which the Department of Economic Development, the Economic Development Export Finance Board, or a regional planning commission may be deemed closed records. Department of economic development contracts must include a requirement for reporting of job creation as a result of tax credit utilization and such information must be made available by the department on the Missouri accountability portal.

**NEW AND EXPANDING INDUSTRY TRAINING (Section 620.472)**

The Department of Economic Development is allowed to include pre-employment training in its new or expanding industry training. The act specifies what services may be provided including development of training plans, the provision of training through qualified training staff, fees for training professionals, and transportation expenses if the training can be more effectively provided outside the community where the jobs will be located. Any assistance provided which does not result in an increase in employment within one year from the date the department provides such assistance will be subject to a claw-back provision.

**QUALITY JOBS (Sections 620.1878 and 620.1881)**

The act specifies how the department must apply certain definitions when a business that has already received an approved notice of intent later files another notice of intent and eliminates the per-company annual cap on technology business projects. The act modifies the quality jobs act definition of the term "project facility" to include separate buildings located within fifteen miles of each other or within the same county and requires that for high impact projects, where such facilities are located within two adjacent

SPONSOR: Flook

HANDLER: Griesheimer

counties, the new payroll must equal or exceed the higher county wage of the two counties. Companies which file for, or publically announce intentions to seek, bankruptcy protection in the form of a reorganization between January 1, 2009 and January 1, 2011, may be eligible as qualified companies under the quality jobs act provided certain conditions are met. Benefits received under the Quality Jobs Act by a taxpayer who subsequently files for bankruptcy for liquidation purposes will be subject to recapture. The definition of the term "technology business project" is modified to include clinical molecular diagnostic laboratories focused on detecting and monitoring infections in immunocompromised patient populations. The per project caps for technology business projects and high impact projects are removed. Under current law, no more than sixty million dollars in quality jobs tax credits may be issued annually. This act limits annual issuance of quality jobs tax credits to no more than eighty million dollars.

#### THE BIG GOVERNMENT GET OFF MY BACK ACT (Section 1)

Increases in user fees imposed by the state are prohibited for a four year period beginning on the effective date of the act. New regulations including administrative costs, fees, and procedures for obtaining a small business license may not be created for a period of no more than four years from the effective date of the act.

The act contains an emergency clause for the repeal and re-enactment of the new markets tax credit provision contained in the act.

JASON ZAMKUS

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SPONSOR: Parson

HANDLER: Goodman

SS/SCS/HCS/HB 205 - This act establishes the "Fire Safety Standard and Firefighter Protection Act", which prohibits the sale of cigarettes in this state that have not been tested, certified, and marked as meeting certain performance standards. Performance standard testing shall be conducted according to certain specifications, unless the state fire marshal determines that using such test method is impossible for a manufacturer. In such cases, the state fire marshal shall approve an equivalent testing method.

Each manufacturer shall maintain copies of testing reports for three years and must make the reports available to the State Fire Marshal and Attorney General upon written request. After sixty days of failing to make the reports available, a manufacturer shall be subject to a civil penalty of up to \$10,000 for each day of the violation.

Manufacturers shall also submit written certification to the State Fire Marshal attesting to each cigarette being tested and meeting the performance standard established in this act. For each brand family of cigarettes listed for a certification, a manufacturer shall pay a fee of \$1,000 to the state fire marshal. Cigarettes must be recertified every three years.

The State Fire Marshal shall make the certifications available to the Attorney General and the department. Not later than January 31, 2011, the department shall develop a directory listing all cigarette manufacturers and brand styles for which a certificate has been filed. The directory shall be for informational purposes only and shall be continuously and conspicuously posted on the department's website for public inspection. Wholesalers and retailers may lawfully purchase and sell all brand styles listed on the directory, including inventory of said brand styles. Unless enjoined or subject to sequestration, all brand styles that meet the requirements of Section 320.353, RSMo, may be lawfully sold in this state.

Certified cigarettes must be marked in certain sized type and the marking must meet certain standards. Manufacturers shall only use one marking for all packages. Manufacturers must provide copies of the certifications to wholesalers to which they sell cigarettes. Wholesalers and retailers shall permit the Department of Revenue and Attorney General to inspect package markings.

Manufacturers, wholesalers, or other persons who sell cigarettes, except through retail sale, in violation of testing requirements are subject to a civil penalty not to exceed \$100 for each pack of cigarettes sold. The total penalty against any such person shall not exceed \$100,000 during any 30-day period. A retailer, who knowingly sells cigarettes in violation of the testing requirements, shall also be subject to a \$100 civil penalty per pack sold, but the total penalty shall not exceed \$25,000 during any 30-day period. Any person who violates other provisions of this act shall be subject to a civil penalty of not more than \$1,000 for a first violation and not more than \$5,000 for subsequent violations.

When the Department of Revenue or the Attorney General discovers cigarettes that have not been certified or marked, such cigarettes shall be sequestered by the owners and not sold for 14 days. During such time, the Attorney General may file an action for injunctive relief to enjoin the sale of the cigarettes. If the Attorney General does not file an action within such time, the owner may lawfully sell the sequestered cigarettes.

The department may conduct regular inspections of cigarettes to determine if they are marked properly. If they are improperly marked, the department shall notify the Attorney General. The Attorney General and the department are authorized to examine only the business records, pertaining to the sale and receipt of cigarettes suspected of failing to conform with the requirements, of persons possessing or controlling any premises where cigarettes are stored or sold. Such persons are required to give the Attorney General and the department the opportunity to make the permitted examinations.

This act creates the "Cigarette Fire Safety Standard and Firefighter Protection Act Fund", which shall consist of money collected under these provisions. The State Fire Marshal will administer the fund and the

SPONSOR: Parson

HANDLER: Goodman

money will be used to support fire safety and prevention programs.

The State Fire Marshal shall review the effectiveness of this act and report his or her findings to the General Assembly every three years, including any legislative recommendations.

This act shall become effective on January 1, 2011.

This act is similar to SB 220 (2009).

SUSAN HENDERSON MOORE

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SPONSOR: Deeken

HANDLER: Crowell

HB 210 - This act allows a retired state employee to make a written request that contributions to the state employees charitable campaign be withheld from their monthly benefit.

EMILY KALMER

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SPONSOR: Ervin

HANDLER: Dempsey

HB 218 - This act the modifies the eligibility rules for health insurance coverage under the Missouri Health Insurance Pool. Under current law, persons who have or who can obtain health insurance coverage substantially similar to a pool plan are not eligible for coverage under the pool. This exclusion, however, does not apply if the person has alternative coverage but the premiums have increased to 150 to 200% of the rates charged for standard coverage. After December 31, 2009, only persons who have their own insurance coverage can obtain pool coverage if their premiums have increased to 300% of the rates for individual standard risks. This act repeals the 300% premium increase qualifier so that persons who have had their premiums increased to 150% to 200% of the rates charged for standard coverage can still obtain pool coverage.

STEPHEN WITTE

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SPONSOR: Yates

HANDLER: Rupp

HCS/HB 231 - This act requires group health insurance policies issued by health carriers to employers not covered by the federal COBRA law (employers with 2 to 19 employees) to provide terminated employees with group insurance coverage continuation rights in the same manner as provided by the federal COBRA law (Section 376.428).

A similar provision may be found in SB 415 and SB 547 (2009).

The act contains an emergency clause.

STEPHEN WITTE

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SPONSOR: Lipke

HANDLER: Crowell

SCS/HCS/HB 236 – This act creates "Kaitlyn's Law," which requires school districts that operate a high school to adopt a policy to allow students eligible under the federal Individuals with Disabilities Education Act who have completed four years of high school to participate in graduation ceremonies and related activities with the student's graduating class. The student's IEP must prescribe services, as described in the act, beyond the student's four years of high school. The student's IEP team must determine that the student is making satisfactory progress and that participation in the graduation ceremony is appropriate.

This act contains an emergency clause.

MICHAEL RUFF

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SPONSOR: Jones

HANDLER: Bartle

SCS/HCS/HB 237, HB 238 and HB 482 - This act modifies provisions relating to the courts.

#### ANNUAL JUDICIAL REPORTS

This act allows the supreme court to consolidate the annual report of the Judicial Finance Commission with the publication of any annual report prepared by the Supreme Court or the Office of State Court Administrator, as long as the consolidated report is distributed to the required parties. (Section 477.600)

#### COURT FEES

This act allows municipal courts to create a fund to be used to pay for appointing attorneys for certain indigent defendants. The fund shall only be used to pay court-approved reasonable fees for attorneys for indigent defendants who cannot pay for legal representation and are required to have appointed counsel by supreme court rules or the law. The money for this fund will come from the one dollar fee collected on each case that currently goes to the judicial education fund. The municipal court will decide how to allocate the dollar fee between the judicial education fund and the appointed counsel fund. The municipal court may not retain more than five thousand dollars in the appointed counsel fund. (Section 479.260)

The act also modifies the current requirement that certain court fees be applied for maintenance and upkeep of the law library to make it optional that such funds be applied to the maintenance and upkeep of the law library. (Section 488.429)

#### SERVICE OF SUMMONS

Current law provides that a summons may require the presence of a defendant in court in a case before an associate circuit court judge, if the court date is less than thirty days from the service of the summons. This act would increase the time period in which the summons is effective from thirty days to sixty days. (Section 517.041)

A portion of this act is similar to SS/HCS/HB 481.

EMILY KALMER

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SPONSOR: Jones

HANDLER: Pearce

SS/SCS/HB 239 -This act modifies several provision related to the management of funds.

#### UNIVERSITY OF MISSOURI ENDOWMENT

(Section 172.290)

This section specifies that the curators of the University of Missouri may use no more than two percent of the total market value of the university's endowment to support internal endowment administration and development functions.

#### IRREVOCABLE LIFE INSURANCE TRUSTS

(Sections 362.333, 369.162)

Banks, trust companies, savings and loan associations, and savings banks with authorized trust authority may transfer by assignment, for consideration or no consideration, some or all of its fiduciary obligations consisting only of irrevocable life insurance trusts to the Missouri trust office of an out-of-state bank with trust powers or an out-of-state trust company.

These sections are identical to SB 277 (2009) and similar to HB 1617 (2008).

#### UNIFORM PRUDENT MANAGEMENT OF INSTITUTIONAL FUNDS ACT

(Sections 402.130, 402.132, 402.134, 402.136, 402.138, 402.140, 402.142, 402.144, 402.146, 402.148).

This section repeals the Uniform Management of Institutional Funds Act and enacts the Uniform Prudent Management of Institutional Funds Act. This act modifies the guidelines for management, investment, and expenditures of endowment funds of charitable institutions. It requires institutions, which include charitable organizations, governmental entities holding funds exclusively for charitable purposes, and certain trusts, to follow specific standards and consider general economic conditions, the effects of inflation or deflation, tax consequences, the role each investment plays in the overall investment portfolio, the expected total return, other resources of the institution, the needs of the institution, and an asset's special relationship to the charitable purpose of the institution in managing and investing institutional funds. It requires institutions to diversify the investments of institutional funds, rebalance their portfolio after receiving property, and make investment decisions in the context of the institutional fund's whole portfolio.

When delegating the management and investment of an institutional fund to an external agent, the institution is required to act in good faith with the care that an ordinarily prudent person in a like position would exercise in similar circumstances in selecting the agent, establishing the scope and terms of the delegation, and periodically reviewing the agent's actions. The agent has a duty of reasonable care and is subject to the jurisdiction of the courts of Missouri.

The act specifies that courts are authorized to modify restrictions imposed by donors when the restriction becomes unlawful, impracticable, impossible to achieve, or wasteful. The attorney general shall have an opportunity to be heard on the modification. If a donor's restriction is on a fund with a value of less than fifty thousand dollars and more than ten years have lapsed since the fund was established, the institution may notify the attorney general, wait sixty days, and then modify the donor restriction in a manner consistent with the charitable purposes expressed in the gift, without court approval.

These sections are similar to HB 1055 (2009).

#### CERTAIN IRREVOCABLE TRUSTS

(Sections 456.4-418, 456.5-505)

This act authorizes trustees of irrevocable trusts that became irrevocable on or before September 25, 1985 to distribute trust income and principal to qualified remainder beneficiaries under certain circumstances, including a lack of distributions from the trust for a ten-year period. This act also specifies those counties in which a trustee may publish notice to creditors in a local newspaper.

SPONSOR: Jones

HANDLER: Pearce

These sections are similar to SCS/SB 166 (2009) and HB 2273 (2008).

INVESTMENTS BY PERSONAL REPRESENTATIVES AND CONSERVATORS (Sections 472.335, 473.333, 475.130, and 475.190)

These sections modify laws regarding investments made by personal representatives and conservators of estates.

The power of the court to approve investments made by personal representatives of estates without court authorization is removed.

Unless restricted by a person's will, the personal representative of an estate is required to invest the liquid assets of the estate in accordance with Missouri's prudent investor act, except that investments in obligations guaranteed as to principal and interest by the United States and investments in interest bearing accounts and certificates of deposit insured by the FDIC are considered prudent investments. If the personal representative of the estate delegates investment and management functions, the agent must acknowledge in writing that they are acting as an investment fiduciary on the account.

These sections eliminates the conservator's statutory authority to sell or exchange investment securities of the estate that are worth less than \$1,000 without court approval. However, without court approval, the conservator is required to invest the liquid assets of the estate in accordance with Missouri's prudent investor act, except that investments in obligations guaranteed as to principal and interest by the United States and investments in interest bearing accounts and certificates of deposit insured by the FDIC are considered prudent investments. If the conservator of the estate delegates investment and management functions, the agent must acknowledge in writing that they are acting as an investment fiduciary on the account.

EMILY KALMER

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SPONSOR: Loehner

HANDLER: Purgason

HCS/HB 246 - The act exempts the following activities from needing a surface mining permit from the Land Reclamation Commission: 1) property owners managing seasonal gravel accumulation on sites not primarily used for commercial gravel mining; and 2) political subdivisions removing sand and gravel for use in their operations. Such gravel removal must occur solely on the landowner's or political subdivision's property and must be conducted in accordance with the Department of Natural Resources' regulations.

Exempted property owners must annually notify the Department of Natural Resources if they sell any of the removed gravel. When so notified, the department must provide the property owner with relevant guidelines and regulations regarding the gravel removal.

The act limits the amount of gravel removed by exempted property owners to 2,000 tons annually, and 1,000 tons per site annually. The act provides that if an operator has removed 2,000 tons of sand and gravel at the request of a property owner within one year, the operator must have a watershed management plan approved by the Land Reclamation Commission in order to remove any additional sand or gravel within the same year. The application for a watershed management plan approval must be accompanied by a fee, which shall be equivalent to the fee associated with a gravel mining permit application from the Land Reclamation Commission.

The act prohibits gravel removal by an exempted property owner when the removal site is within a certain distance of any building, structure, highway, road, bridge, viaduct, water line, sewer line, pipeline, or other utility line. The minimum distance shall be prescribed by the Land Reclamation Commission.

The act requires certain information to be provided to the department by any person who files a complaint regarding an alleged violation of the surface mining permit requirement or exemptions under the act.

This act is similar to HB 1389 (2008).

ERIKA JAQUES

SPONSOR: Loehner

HANDLER: Clemens

SS/SCS/HCS/HB 247 - This act modifies the requirements for collaborative practice arrangements between advanced practice registered nurses and collaborating physicians. Advanced practice registered nurses are required to submit a minimum of ten percent of the charts documenting their delivery of health care services to the physician for review every fourteen days. The collaborating physician shall review twenty percent of the charts in which the advanced practice registered nurse wrote a prescription for controlled substances every fourteen days. The charts reviewed for prescription of controlled substances may be counted in the number of charts required to be reviewed for delivery of health care services.

The specific rule-making authority granted to the board of healing arts and the board of nursing with respect to collaborative practice arrangements does not extend to collaborative practice arrangements of advanced practice registered nurses and physicians providing certain population-based health services.

This act also modifies the definition of eligible student for the nursing student loan program to include doctoral students and to allow full time or part-time doctoral students to be eligible for the loan program.

Provisions of this act are similar to SS/SCS/SB 406 and SCS/SB 509.

EMILY KALMER

**\*\*\* HB 250 \*\*\***

SPONSOR: Wilson

HANDLER: Scott

SCS/HCS/HB 250 - The act prohibits the denial of access to trails and roads on state-owned or state-managed public land for the purpose of riding a horse or mule when equestrian use has been up to that point a permissible use on such trails or roads. The act allows such trails or roads to be closed to equestrian use only when conditions are determined not suitable due to public safety, necessary maintenance, or conflict with the mission of the land-managing agency. In such cases, a sign must be posted at the trailhead stating the cause and estimated duration of the closure.

Under current law, the statutory definition of "soil and water conservation cost-share program" refers to a program designed to control and prevent soil erosion. This act modifies the definition by adding that the program shall also be designed to protect the state's water resources and specifies that the program shall preserve the productive power of Missouri's agricultural land.

The act contains an emergency clause for the soil and water conservation program provision.

This act is similar to SB 1198 (2008), HB 1438 (2008), and HB 354 (2007).

ERIKA JAQUES

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**\*\*\* HB 251 \*\*\***

SPONSOR: Cunningham

HANDLER: Clemens

HCS/HB 251 - Under current law, co-op's are provided an exception to the prohibition on milk processors and distributors giving monetary incentives for the purchase of their milk products. This act re-words this exception by expressly stating that any return on savings, or any economic benefit or service, given by a co-op to its members for the purchase of milk products shall not be considered a violation.

This act is identical to the perfected SB 153 (2009).

ERIKA JAQUES

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**\*\*\* HB 253 \*\*\***

SPONSOR: Davis

HANDLER: Stouffer

HB 253 - This act allows motorcycle headlamps to be wired to modulate either the upper beam or the lower beam from its maximum intensity to a lesser intensity provided the headlight modulator meets certain standards set forth in the act.

STEPHEN WITTE

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**\*\*\* HB 257 \*\*\***

SPONSOR: Schieffer

HANDLER: Rupp

SCS/HB 257 - This act allows Lincoln 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.

This act is identical to SB 574 (2009) and similar to SB 38 (2009), a provision of CCS/HCS/SS/SCS/SB 376 (2009), and a provision of CCS/HCS/SB 386 (2009).

SUSAN HENDERSON MOORE

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SPONSOR: Franz

HANDLER: Crowell

CCS/SCS/HCS/HB 265 – This act modifies the Public School Retirement System of Missouri (PSRS) and the Public Education Employee Retirement System (PEERS).

**VENUE FOR LAWSUITS:** All suits or proceedings directly or indirectly brought against the board of trustees for PSRS or PEERS, the board's members or employees, or the retirement system itself must be brought in Cole County. (Section 169.020)

**INVESTMENT ACCOUNT:** 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. (Sections 169.040, 169.630)

**PURCHASE OF SERVICE CREDIT:** For the purchase of membership service credit, this 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. (Sections 169.056, 169.655)

**DISTRIBUTION OF BENEFITS UPON DEATH OF A MEMBER:** This 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 that order of precedence. 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 of precedence. This same order applies if the beneficiary to a member dies and the beneficiary's financial institution cannot accept final payment. (Sections 169.070, 169.073, 169.075, 169.670)

**GARNISHMENT:** This act allows funds belonging to the retirement systems and certain benefits to be subject to execution, garnishment, attachment in a proceeding instituted for spousal maintenance or child support. (Sections 169.090, 169.690)

**ASSOCIATION ADMISSION:** After June 30, 2010, no additional nonprofit educational associations or organizations will be able to have their employees become members of PSRS or PEERS. (Sections 169.130, 169.650)

**INDEMNIFICATION:** 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. (Section 169.750)

This act is substantially similar to SB 327 (2009) and SCS/SBs 1153, 1154, 1155 & 1156 (2008), and contains provisions similar to HB 1972 (2008), HB 1973 (2008), and HB 2056 (2008). This act contains provisions also contained in HCS/SS/SB 291 (2009), HCS/SCS/SB 563 (2009) and HCS/SCS/SB 411 (2009).

MICHAEL RUFF

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SPONSOR: Parson

HANDLER: Scott

CCS/SCS/HB 269 - This act establishes a procedure for adding or deleting names on an application for certificate of ownership for a motor vehicle or trailer that would cause it to be inconsistent with the names listed on a notice of lien. Under the act, the owner shall provide the director with documentation evidencing the lienholder's authorization to add or delete names on the application for certificate of ownership (Section 301.190). The act creates a similar procedure for outboard motors, motorboats, vessels, watercrafts and manufactured homes (Sections 306.410 and 700.320).

This act modifies the law with respect to garagekeeper liens that secure the payment for services rendered upon motor vehicles. Under the act, the time period for applying for a certificate of ownership is shortened. Currently, if a chattel item (i.e. motor vehicle) is not redeemed within three months of the completion of labor, the lienholder may apply to the director of revenue for a certificate of ownership or certificate of title. This act changes that time period to 45 days.

Currently, if the charges are for storage or the service of towing and the item has not been redeemed three months after the charges for storage have commenced, the lienholder shall notify the owner and any lienholder of record that an application for a lien title will be made unless the owner or lienholder makes satisfactory arrangements within 45 days. This act changes those time periods to 45 days and 30 days respectively.

The act requires the application for a certificate of ownership shall be accompanied by an affidavit. Such affidavit shall be accompanied by a copy of the 30 day notice provided to the owner of the chattel and any person holding a security interest in the chattel. Currently, the Director of Revenue is required to notify the owner and any lien holder of record of a motor vehicle, trailer, outboard motor, aircraft, or vessel, when an application is made for a lien title on such item. This provision is repealed (Section 430.082). A similar provision can be found in SB 319 (2009).

Under current law, when a person who is not a resident of the United States buys a nonrepairable motor vehicle or a salvage motor vehicle, the seller must stamp the words "FOR EXPORT ONLY" on the face of the title and in each unused reassignment space on the back of the title and forward it to the Department of Revenue. This act specifies that it is the operator of the salvage pool or salvage disposal sale or the subsequent purchaser who is required to fulfill these duties. This provision is contained in HB 644 (2009)(Section 301.218)(SA 1).

STEPHEN WITTE

SPONSOR: Chappelle-Nadal

HANDLER: Days

SCS/HCS/HB 272 - This act establishes in the Department of Health and Senior Services an Alzheimer's State Plan Task Force. The list of the eighteen task force members are specified in the act. The duties of the task force include assessing the current and future impact of Alzheimer's disease and related dementia on residents of the state, examine the existing services and resources for persons with dementia, their families, and caregivers, and develop recommendations to respond to the escalating public health situation regarding Alzheimer's disease. The task force shall submit a report of its findings and date-specific recommendations to the General Assembly and the Governor in the form of a state Alzheimer's plan no later than November 15, 2010.

The provisions of this act shall expire on November 1, 2012.

This act is identical to HCS/SCS/SB 176 (2009).

ADRIANE CROUSE

**\*\*\* HB 273 \*\*\***

SPONSOR: Cox

HANDLER: Scott

HCS/HB 273 - This act allows the personal representative of an estate to submit documentation other than vouchers, such as an electronic copy of a check or bank statement, to the court as evidence of expenditures on behalf of the estate.

EMILY KALMER

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**\*\*\* HB 282 \*\*\***

SPONSOR: Stevenson

HANDLER: Nodler

HB 282 - 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.

This act is similar to SB 1010 (2008) and SB 15 (2009).

SUSAN HENDERSON MOORE

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**\*\*\* HB 283 \*\*\***

SPONSOR: Wood

HANDLER: Goodman

SCS/HB 283 - This act authorizes a nonprofit sewer company to also provide domestic water services, as long as the areas served are not within the boundaries of a public water supply district, municipal utility, or a water company.

This act is identical to truly agreed to HCS/SB 154 (2009) and similar to SB 245 (2007).

ERIKA JAKUES

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**\*\*\* HB 289 \*\*\***

SPONSOR: Wallace

HANDLER: Mayer

HB 289 – 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.

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 SB 422 (2009), SCS/SBs 1225 & 1226 (2008) and HCS/HBS 1876 & 1877 (2008) and contains provisions identical to HB 265 (2007), HB 267 (2007), SB 133 (2007), SB 140 (2007), SB 147 (2007), and SB 148 (2007).

MICHAEL RUFF

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**\*\*\* HB 299 \*\*\***

SPONSOR: Wilson

HANDLER: Pearce

HCS/HB 299 - This act removes the ten million dollar limit on fiscal year appropriations to the Missouri Arts Council from the estimate of revenues derived from the nonresident entertainer and athlete tax.  
JASON ZAMKUS

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**\*\*\* HB 306 \*\*\***

SPONSOR: Schad

HANDLER: Purgason

HCS/HB 306 - Under current law, the board of directors of a lake area business district must enter into an agreement with the county collector where the district is located for the collection of a transient guest tax within the district. This act requires the board to enter into a agreement with the Department of Revenue to collect the tax and allow the department to retain between one to three percent of such revenue for the cost of collection. Such agreement will supersede any previously existing agreement.  
JASON ZAMKUS

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**\*\*\* HB 326 \*\*\***

SPONSOR: Sutherland

HANDLER: Griesheimer

SCS/HCS/HB 326 - This act modifies the definition of "clinical social work" to include community organization, planning, and evaluation. It also prohibits the usage of specific abbreviations, including abbreviations like "SW", "BSW", and "MSW", by public and private organizations unless the volunteers or employees meet the criteria of Chapter 337, RSMo.

This act also specifies that mental health benefits offered by insurance companies, health services corporations, and health maintenance organizations shall include, subject to contractual provisions, a licensed marital and family therapist.

A portion of this act is similar to a portion of CCS/HCS/SB 296 (2009).  
EMILY KALMER

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SPONSOR: Denison

HANDLER: Rupp

SS/SCS/HCS/HB 359 - This act modifies the current law that authorizes the state Highways and Transportation Commission to enter into design-build highway project contracts. Under this act, the current statutory restriction that limits the commission to only entering into three design-build highway projects is removed. In lieu of a specific number of projects, the total number of highway design-build project contracts awarded by the commission in any state fiscal year shall not exceed 2% of the total number of all state highway system projects listed in the commission's approved statewide transportation improvement program for that fiscal year.

The act authorizes the commission to enter into design-build contracts for the improvement of Missouri Route 364 and for the improvement of State Highway 169 and the 96th Street intersection in Kansas City. The act also authorizes the commission to enter into a design-build contract for the improvement of State Highway 92.

The act also amends the current bonding requirements relating to design-build highway project contracts. The act specifies the requirements for bid, performance and payment bonds, or letters of credit, must be provided by the design-builder directly to the commission in design-build highway project contracts. Under the act, a bid or proposal bond, cash or certified or cashier's check is still required, but the amount shall be determined by the commission. Performance bonds must be in an amount equal to a reasonable estimate of the total cost of construction work under the design-build highway project contract. If the commission determines that the reasonable estimate of the total cost of construction work under the contract is expected to exceed \$250,000,000, and the performance bond in such amount is impractical, the commission shall set the amount of the performance bond or bonds at the largest amount reasonably available, but not less than \$250,000,000.

The act provides that upon the award of a design-build highway project contract, the sum of the performance bond and any additional security shall be stated and shall be a matter of public record.

Under this act, the commission must negotiate and reach agreements with railroads affected by design-build projects. The agreements must include clearance, safety, insurance and indemnification provisions, but are not required to include provisions on right of way acquisitions.

This act contains an emergency clause.

The provisions of this act are similar to SS/SCS/SB 128 and SB 178(2009).  
STEPHEN WITTE

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SPONSOR: Guest

HCS/HB 361 - Under the current law, the department must verify that an applicant for a driver's license is lawfully present in the United States before accepting the application, and the license cannot be issued for a period that exceeds the applicant's lawful presence. The act requires the department to verify that an applicant for a driver's license is a Missouri resident or national of the United States or a noncitizen with lawful immigration status and a Missouri resident before accepting the application. The driver license cannot be issued for a period that exceeds the duration of the applicant's lawful immigration status.

For the renewal of a noncommercial driver's license, noncommercial instruction permit, or nondriver's license, a photocopy of an applicant's United States birth certificate along with another form of identification approved by the department of revenue, including any United States military identification or discharge papers, will be sufficient proof of Missouri citizenship.

The act specifies that an applicant for a driver's license, nondriver's license, or instruction permit cannot have his or her privacy rights violated in order to obtain or renew a driver's license.

The act provides that any data derived from a person's driver's license application shall not be sold for commercial purposes without the express permission from the applicant. Information derived from an application may be shared with law enforcement agencies, courts, prosecuting attorneys, or other states for the purpose of implementing the driver's license compact or conducting driver history checks to comply with the federal laws regarding motor carrier safety. The act provides that Missouri shall protect the privacy of its citizens when handling digital or electronic data and shall not participate in any standardized identification system using driver's and nondriver's license records.

Under the terms of the act, the Department of Revenue is prohibited from amending procedures for applying for a driver's license or identification card in order to comply with the goals or standards of the federal REAL ID Act.

Under the act, any biometric data previously collected, obtained, or retained by any state department or agency responsible for motor vehicle registration or operation or the issuance or renewal of driver's licenses or identification cards must be retrieved and deleted from all databases. The deletion mandate does not apply to data collected and retained for purposes other than complying with the federal REAL ID Act.

STEPHEN WITTE

SPONSOR: Wallace

HANDLER: Mayer

HB 373 – This act creates the GED Revolving Fund, which will be administered by the Commissioner of Elementary and Secondary Education. The Fund will consist of moneys appropriated by the General Assembly whose source are fees charged to GED test applicants and examinees. Moneys in the fund will be available for the payment of the costs and expenses for GED test administration.

This act is similar to SB 492 (2009).

MICHAEL RUFF

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SPONSOR: Silvey

SS/HCS/HB 381 - Under this act, the Director of Revenue must award fee office contracts through a competitive bidding process. The competitive bidding process shall give priority to organizations and entities that are exempt from taxation under Section 501(c)(3) or 501(c)(6) of the IRS Code, and political subdivisions. The Director of the Department of Revenue may promulgate rules to implement the competitive bidding process. Under the terms of the act, the State Auditor may audit fee offices in the same manner as any state agency.

STEPHEN WITTE

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SPONSOR: Cox

HANDLER: Scott

HCS/HB 382 - This act requires that individuals acting as mortgage loan originators for residential property be licensed. Mortgage loan originators must also be employed, act under the supervision of a Missouri licensed residential mortgage broker, and register with the National Mortgage Licensing System and Registry "NMLSR". These requirements are not effective until July 31, 2010.

Certain individuals are exempt from licensing, including: mortgage loan originators registered with NMLSR and employed by certain entities, individuals offering or negotiating terms of residential mortgage loans with or on behalf of an immediate family member, individuals offering or negotiating terms of residential mortgage loans secured by their own residence, and certain attorneys who negotiate the terms of a residential mortgage loan on behalf of a client.

Independent contractor loan processors or underwriters for residential real estate must also be licensed as mortgage loan originators, have a unique identifier issued by NMLSR, and certify annually to the Director of the Division of Finance that they will comply with requirements applicable to mortgage loan originators.

Non-federally insured credit unions which employ loan originators must register the loan originators with the NMLSR.

The director of the Division of Finance is authorized to establish licensing rules for mortgage loan originator licensing. The director may establish expedited procedures for licensing of individuals previously licensed in Missouri as residential mortgage loan brokers. The director is authorized to establish the application form, enter into relationships and contracts with the NMLSR to collect and maintain records and process fees, and modify statutory requirements by rule or regulation as necessary to participate in NMLSR. The director is also required to establish a process for mortgage loan originators to challenge information entered into NMLSR.

An applicant for licensing as a mortgage loan originator must furnish NMLSR with their fingerprints, personal history, and authorize NMLSR to get their credit report and information related to any administrative, civil, or criminal findings by any governmental agency. No applicant would be denied a license solely on the basis of a credit score. Residential mortgage brokers subject to this act must also submit reports to the NMLSR.

Licensees are also required to have continuing education of at least eight hours a year in certain subjects. Provisions for the types of continuing education allowable are included.

The director shall not issue a mortgage loan originator license to anyone, unless the director finds that the applicant: has never had a mortgage loan originator license revoked in any governmental jurisdiction, has not been convicted of certain felonies, or any felony in the last seven years, has demonstrated financial responsibility, character, and fitness for licensing, has completed pre-licensing education requirements, which include at least twenty hours of NMLSR approved courses in specific areas, has passed a NMLSR written test, and met a surety bond requirement.

Standards for renewing mortgage loan originator licenses are also provided. The director is also authorized to adopt procedures for the reinstatement of expired licenses.

The director is authorized to deny licenses to applicants, discipline licensees, order restitution, impose fines, issue cease and desist orders, and order other affirmative action as the director deems necessary. Letters denying or declining to renew a license may be appealed to the residential mortgage board under the Missouri Administrative Procedure Act. All other matters presenting a contested case involving a licensee may be heard by the director under the Missouri Administrative Procedure Act. The civil penalty the director may impose is a maximum of \$25,000 per violation.

SPONSOR: Cox

HANDLER: Scott

Mortgage loan originators are required to be covered by the surety bond of the licensed mortgage broker who supervises them. Residential mortgage brokers shall deliver a surety bond to the director prior to the issuance or renewal of a license. The director may promulgate rules or regulations with respect to the requirements of the surety bonds. Provisions regarding the amount of the bond and filing of the bond are also included.

Provisions for the confidentiality of certain information provided by licensees to the director and to the NMLSR are included. Information regarding the employment history and publicly adjudicated disciplinary and enforcement actions against residential mortgage brokers and mortgage originators will be accessible to the public.

The director has the authority to conduct investigations and examinations. The director's investigatory powers and certain actions which would violate the act are specified. The director is required to report violations and other relevant information to the NMLSR.

The unique identifier assigned to each person originating a residential mortgage loan and the residential mortgage loan broker license number must be on all residential mortgage loan application forms, advertisements, business cards, websites, and any other documents as established by the director.

If the U.S. Department of Housing and Urban Development disapproves of any part of the act under their authority under the federal Secure and Fair Enforcement Mortgage Licensing Act, then the director has the rule-making authority to adopt rules necessary to continue participating in the NMLSR.

Residential mortgage loan brokers who are licensed by the director are required to report each mortgage loan originator employed under their supervision to the director and report any apparent violations to the director within thirty days of detection. The director can grant waivers of the residential mortgage loan broker licensing requirement.

Residential mortgage brokers are required to disclose a loan disclosure statement and fee agreement. Mortgage loan originators may only be compensated by the mortgage loan broker that employs them. If the mortgage broker receives fees greater than the amount they disclosed, they shall forfeit double the amount of fees and compensation to the borrower.

The requirement that a mortgage broker have annual audits is repealed.

This act contains an emergency clause.

This act is similar to SB 360 (2009).

EMILY KALMER

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SPONSOR: Nolte

CCS/SS/SCS/HCS/HB 390 - This act modifies the law relating to unauthorized aliens and employment safety programs.

Education institutions awarding postsecondary aid, grants, or scholarships shall verify that the recipients are United States citizens, permanent residents, or are lawfully present in the United States. Postsecondary higher education institutions shall annually certify to the department of higher education that they have not knowingly awarded aid, grants, grants, or scholarships to a student who is unlawfully present in the United States.

Currently, under Section 208.009, RSM0, aliens unlawfully present in the United States shall not receive any state or local public benefit. Applicants are required to show proof of citizenship, permanent residence, or lawful presence when applying for the benefit with the exception of state grants, and scholarships, for which proof must be provided before receipt of the benefit. This act removes postsecondary education, state grants, and scholarships and municipal permits from the definition of "public benefit". Subsequently, all requirements relating to postsecondary education are removed from this section.

Entities are only required to supply affidavits affirming their enrollment in a federal work authorization program once a year. During or immediately after a natural disaster, the requirement that business entities enroll and participate in a federal work authorization program shall be suspended for 15 working days.

If the federal government discontinues all federal work authorization programs, statutory requirements relating to such a program shall not apply.

The act exempts employees who have previously completed an approved occupational safety and health program from completing such a program on subsequent projects.

This act contains an emergency clause.

This act is similar to SB 1250 (2006), SB 626 (2007), SB 348 (2007), SB 858 (2008), HB 1655 (2008), SB 1230 (2008), HB 1549 (2008), SB 79 (2009), SB 133 (2009), and HB 350 (2009).

CHRIS HOGERTY

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SPONSOR: Nance

HANDLER: Stouffer

CCS/SS/SCS/HB 395 - This act modifies provisions relating to health care services.

#### FIRE SAFETY STANDARDS

This act specifies that any section of a facility in which a major renovation has been completed on or after August 28, 2007, shall install and maintain an approved sprinkler system in accordance with National Fire Protection Association (NFPA) 13. The act also specifies when the requirements for sprinklers shall be NFPA 13R (residential) or NFPA 13 (commercial). This act removes a fire sprinkler exemption for skilled nursing and intermediate care facilities that pertains to the Chapter 33 of existing residential board and care occupancies of NFPA life safety code.

Fire safety inspections of skilled nursing and intermediate care facilities shall be conducted annually by the department. Fire safety inspections of residential care and assisted living facilities shall be conducted annually by the state fire marshal. The provisions as to fire safety shall be enforced by the department or the state fire marshal depending on which entity conducted the inspection.

If a facility submits a plan of compliance for installation of a sprinkler system required under state law, such facility shall install a complete fire alarm system that complies with NFPA 72 upon installation of the sprinkler system. Until such time that the sprinkler system is installed in the facility which has submitted a plan of compliance, each resident room or any room designated for sleeping in the facility shall be equipped with at least one battery-powered smoke alarm installed, tested, and maintained in accordance with NFPA 72. In addition, any such facility shall be equipped with heat detectors interconnected to the fire alarm system which are installed, tested, and maintained in accordance with NFPA 72 in all areas subject to nuisances alarms, including but not limited to, kitchens, laundries, bathrooms, mechanical air handling rooms, and attic spaces. This act removes the requirement that the interconnected smoke detectors be in place throughout the facility.

A substantial step for obtaining a loan from the Fire Safety Standards Loan Fund shall be as specified for certain residential care and assisted living facilities and all skilled nursing and intermediate care facilities.

The Fire Safety Standards Loan Fund was modified to provide that the loans may be for implementing the sprinkler requirements for certain qualifying residential care and assisted living facilities and all types of qualifying skilled nursing and intermediate care facilities. The loan fund shall be administered by the State Treasurer's Office rather than the Department of Health and Senior Services as in current law.

These provisions are substantially similar to provisions in SS/SCS/SB 89 (2009). SECTIONS 198.074 and 198.075

#### BONDS FOR LONG-TERM CARE RESIDENTS' PROPERTY IN TRUST

This act modifies the current provision in law regarding a bond required for holding a resident's property in trust by specifying that the bond shall be obtained and filed with the department for the preceding twelve months rather than for the preceding calendar year.

This provision is identical to a provision in SS/SCS/SB 89 (2009). SECTION 198.096

#### CRIMINAL BACKGROUND CHECKS

Any licensed long-term care facility may request criminal background checks of a resident in a facility.

This provision is identical to a provision in SS/SCS/SB 89 (2009). SECTION 198.187

#### INSPECTORS AND SURVEYORS

Under this act, the Department of Health and Senior Services shall not assign an individual to inspect or survey a long-term care facility in which the surveyor was an employee of such facility within the

SPONSOR: Nance

HANDLER: Stouffer

preceding two years.

The department shall require disclosure statements by newly hired and currently employed inspectors and surveyors of long-term care facilities regarding his or her past employment in long-term care facilities and the current or past employment of immediate family members in long-term care facilities.

Any person may notify the department if facts exist that would lead a reasonable person to conclude that any inspector or surveyor has any personal or business affiliation that would result in a conflict of interest in conducting an inspection or survey of a facility. Upon receiving that notice, the department, when assigning an inspector or surveyor to inspect or survey a facility, for any purpose, shall take steps to verify the information, and if the department has probable cause to believe that it is correct, shall not assign the inspector or surveyor to the facility in order to avoid an appearance of prejudice or favor to the facility or bias on the part of the inspector or surveyor.

These provisions are substantially similar to provisions in SS/SCS/SB 89 (2009). SECTION 198.525

#### DISPUTE RESOLUTION PROCESS

This act enacts the Missouri Informal Dispute Resolution Act, requiring the Department of Health and Senior Services to contract with the federally designated Medicare Quality Improvement Organization in the state to conduct informal dispute resolutions (IDR) for licensed long-term care facilities. The IDR process shall constitute an informal administrative process but cannot be a formal evidentiary hearing and must be used to determine if a cited deficiency of a facility should be upheld. Use of the IDR process under the act shall not waive the facility's right to pursue further or additional legal actions. The details and timeline for the IDR process are included in the act. SECTION 198.527 AND 198.545

These provisions are substantially similar to provisions in HCS/HB 966 (2009).

#### PERSONAL NEEDS ALLOWANCE

This act codifies the current practice of granting a monthly personal needs allowance for residents in long-term care facilities, as such practice is permitted under federal law. Currently, the allowance is set annually by appropriation at thirty dollars a year.

This act creates a formula for increasing the allowance yearly, starting in January 1, 2010, by no more than five dollars a year until such time as the allowance reaches fifty dollars a year. At that time, only upon annual appropriation may the allowance be increased beyond fifty dollars a year. The formula provides that the allowance shall be increased by an amount equal to the product of the Social Security benefit cost of living adjustment and the average amount that MO HealthNet participants are required to contribute to the cost of institutionalized care.

This provision is identical to SCS/SB 538 (2009). SECTION 208.016

#### NURSING HOME TRANSITION GRANTS

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.

SPONSOR: Nance

HANDLER: Stouffer

These provisions are substantially similar to HB 1656 (2008). SECTION 208.819

#### HOME AND COMMUNITY-BASED CARE ASSESSMENTS

This act prescribes procedures for home and community-based services and details the reimbursement for in-home providers who provide assessments to prospective recipients of MO HealthNet-funded home and community-based care. SECTION 1

This provision is substantially similar to a provision in SCS/HCS/HB 10 (2009).

#### FEDERAL REIMBURSEMENT ALLOWANCE TAXES

This act extends the sunsets for the Medicaid Managed Care Organization reimbursement allowance, the Pharmacy Tax, and the intermediate care facility for the mentally retarded assessment from June 30, 2009 to September 30, 2011. The sunsets for the Federal Reimbursement Allowance assessment and Nursing Facility Reimbursement Allowance are extended from September 30, 2009 to September 30, 2011. SECTIONS 208.437, 208.480, 338.535, 338.550, and 633.401

These provisions are substantially similar to SB 378 (2009) and HB 470 (2009). The provisions as to the provider taxes contain an emergency clause.

ADRIANE CROUSE

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SPONSOR: Flook

HANDLER: Ridgeway

CCS/SCS/HCS/HB 397 and HCS/HB 947 - This act modifies provisions related to the Police Retirement System of St. Louis with regard to retirement based on disability and reserve officers and related to benefits for certain members and surviving spouses of the Police Retirement System of Kansas City.

#### POLICE RETIREMENT SYSTEM OF ST. LOUIS

The act defines a "reserve officer" as any member of the police reserve force, armed or unarmed, who works less than full time without compensation and who, by his or her assigned function or as implied by his or her uniform, performs duties associated with those of a police officer and who currently receives retirement benefits.

A reserve officer shall not be considered a member of the police retirement system for the purpose of determining creditable service, nor shall any contributions be due. A reserve officer shall not be entitled to any benefits other than those awarded upon his or her original retirement. Service as a reserve officer shall not prohibit distribution of such benefits.

The medical board that arranges for required disability-related medical examinations is eliminated and is replaced by a medical director who appoints doctors to investigate the physical and mental conditions of applicants for disability retirement. The medical director reports to the board of trustees of the police retirement system.

Any member in service who has ten years of creditable service and who has become permanently unable to perform the duties of a police officer as the result of an injury or illness not exclusively caused by their duties as a police officer shall be retired upon certification of the medical director and approval of the board of trustees.

Members who are permanently disabled exclusively as a result of an accident occurring within the actual performance of duty at some definite time and place shall upon application be retired upon certification of the medical director and approval of the board of trustees. These members must apply for disability within five years of the accident, unless the accident was reported within five years and the member was examined by a health care provider provided by the board of police commissioners within thirty days of the accident.

Disability retirees under the age of sixty may be required to submit to a medical examination yearly for the first five years following their retirement and at least once every three years thereafter. If the retiree refuses to submit to a medical examination their disability pension may be discontinued. If the retiree refuses for one year, then their pension may be revoked.

If the medical director certifies to the board of trustees that the disability retiree is able to perform the duties of a police officer and the board agrees, the pension shall end. If the officer returns to active service, then the period of time during which the officer received a disability pension shall not be included in his time of service.

#### POLICE RETIREMENT SYSTEM OF KANSAS CITY

If a member of the police retirement system of Kansas City who retired due to non-duty disability on or before August 28, 2009 is not receiving a base pension plus cost-of-living adjustment, excluding supplemental benefits, of at least \$600 a month, the member may be appointed as a special consultant to the retirement board and will received \$600 a month instead of their previous amount. The member will only receive this \$600 a month until the base pension plus cost-of living adjustment is more than \$600 a month.

Surviving spouses of members in service who died on or before August 28, 2009 and are not receiving a base pension plus cost-of-living adjustment, excluding supplemental benefits, of at least \$600 a month, may be appointed as special consultants to the retirement board and will received \$600 a month instead of



SPONSOR: Flook

HANDLER: Ridgeway

their previous amount. The surviving spouse will only receive this \$600 a month until the base pension plus cost-of living adjustment is more than \$600 a month.

This act contains an emergency clause with regard to the surviving spouses appointed as special consultants.

This act is similar to SB 565 (2009) and SCS/SB 563 (2009).

EMILY KALMER

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SPONSOR: Nasheed

HANDLER: Smith

HB 400 - This act allows veterans displaying Congressional Medal of Honor, Prisoner of War, Purple Heart, or Silver Star special licenses plates, or Bronze Star placards, to park for free in metered parking spaces upon the approval of each local authority's governing body.

This act is similar to a portion of CCS/SCS/HCS/HB 427.

EMILY KALMER

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SPONSOR: Largent

HANDLER: Pearce

CCS/SCS/HCS/HB 427 - This act enacts provisions related to veterans, the military, and their families.

#### SILVER STAR FAMILIES OF AMERICA DAY

(Section 9.074)

May first of every year is designated as Silver Star Families of America Day.

This section is identical to HB 678 (2009).

#### ASSISTANT ADJUTANTS GENERAL

(Section 41.150)

This section allows the Adjutant General to assign the number of assistant adjutants general that are authorized by National Guard Bureau rules and regulations rather than limiting the number to two. Such assistant adjutants general, if qualified, shall hold military rank as may be authorized and approved for the positions by the National Guard Bureau of the United States.

This section is identical to SB 554 (2009) and SCS/HB 861 (2009)

#### MISSOURI VETERANS' COMMISSION

(Section 42.007)

Four members are added to the Missouri Veterans Commission, two members from the Senate and two members from the House of Representatives. The president pro tem and the minority floor leader of the senate each appoint one member of the commission and the speaker and the minority floor leader of the house of representatives each appoint one member of the commission. In appointing these members, preference shall be given to current or former members of the military and their spouses, parents, and children. Members appointed from the Senate and the House of Representatives shall be appointed for a two-year term or until a successor is appointed and may be reappointed to the commission.

The commission is authorized to make rules and regulations necessary for the management and administration of its veteran service programs and cemeteries.

#### VETERAN'S SURVIVOR GRANT

(Section 173.234)

This section modifies the eligibility for the veteran's survivor grant. Currently, the spouse or child of person is eligible for an educational grant if the military member served in armed combat in the military, was killed or became 80% disabled as a result of combat injuries, and was a Missouri resident when first entering the military and at the time of death or injury. Under this section, the spouse or natural, adopted, or stepchild of a qualified military member will be eligible for the educational grant if the military member served in the military after September 11, 2001, was killed or became 80% disabled as a result of combat injuries sustained in a combat action after September 11, 2001, was discharged for active duty service having served since September 11, 2001 and received a DD214 in a geographic area entitled to receive combat pay tax exclusion exemption, hazardous duty pay, or imminent danger pay, or hostile fire pay, and was a Missouri resident when first entering the military or at the time of death or injury.

#### IN-STATE TUITION FOR DEPENDENTS

(Section 173.1155)

This section allows a dependent of a member of the military who resides in Missouri and whose parent is assigned to a permanent duty station in Missouri to be eligible for in-state tuition at state institutions of higher education. The educational benefits of in-state tuition continue as long as the dependent is continuously enrolled in an undergraduate or graduate degree program, including transfers between Missouri institutions of higher education or transfers from an undergraduate program to a graduate program.

This section is identical to HB 666 (2009).

SPONSOR: Largent

HANDLER: Pearce

## VETERAN'S CREMATED REMAINS

(Section 194.360)

This section provides funeral homes, funeral directors, embalmers, and their employees with immunity from liability in disposing of a veteran's cremated remains to a veterans' service organization. This immunity only applies if: 1) the remains have been in the possession of the funeral establishment for at least a year; 2) the establishment gives written notice to the person or other funeral establishment who contracted for the cremation, or publishes notice in a newspaper if the address of the person or other funeral establishment that contracted for the cremation is unknown; and 3) the person or other funeral establishment who contracted for the cremation does not claim the remains within thirty days of the mailing of the written notice or within four months of the date of the first publication of notice.

Veterans' service organizations who receive cremated remains of a veteran are not liable for simple negligence if they do not have reason to know that the remains do not satisfy the notice requirements of this section and if they inter the remains and do not scatter the remains. The veterans' service organization shall take all reasonable steps to inter the remains in a veterans' cemetery.

This section is identical to SCS/HCS/HB 111 (2009).

## INTERSTATE INTERCHANGE DESIGNATION PROGRAM

(Section 227.297)

This section establishes an interstate interchange designation program, to be known as the "Heroes Way Interstate Interchange Designation Program", to honor the fallen Missouri heroes who have been killed in action while performing active military duty with the armed forces in Afghanistan or Iraq on or after September 11, 2001.

Any person who is related by marriage, adoption, or consanguinity within the second degree to a member of the United States armed forces who was killed in action while performing active military duty with the armed forces in Afghanistan or Iraq on or after September 11, 2001, and who was a resident of this state at the time he or she was killed in action, may apply for an interstate interchange designation.

The family member may petition the Department of Transportation for an interstate interchange designation by submitting the following:

(1) An application in a form prescribed by the director, describing the interstate interchange for which the designation is sought and the proposed name of the interstate interchange. The application shall include the name of at least one current member of the General Assembly who will sponsor the interstate interchange designation.

(2) Proof that the family member killed in action was a member of the United States armed forces and proof that such family member was in fact killed in action while performing active military duty with the United States armed forces in Afghanistan or Iraq on or after September 11, 2001. Acceptable proof shall be a statement from the Missouri veterans commission or the United States Department of Veterans Affairs so certifying such facts;

(3) A fee to be determined by the commission to cover the costs of constructing and maintaining the proposed interstate interchange signs. The fee shall not exceed the cost of constructing and maintaining each sign.

The Department of Transportation shall submit for approval or disapproval all applications for interstate interchange designations to the Joint Committee on Transportation Oversight. If satisfied with the application and all its contents, the joint committee shall approve the application. The committee shall notify the Department of Transportation upon the approval or denial of an application for an interstate interchange designation. If the memorial interstate interchange designation request is not approved by the Joint Committee on Transportation Oversight, ninety-seven percent of the application fee shall be refunded to the applicant.

SPONSOR: Largent

HANDLER: Pearce

This section requires two signs to be erected for each interstate interchange designation processed under the act.

No interstate interchange may be named or designated after more than one member of the United States armed forces killed in action. Such person shall only be eligible for one interstate interchange designation under the provisions of this section.

Any highway signs erected for any interstate interchange designation under the provisions of this section shall be erected and maintained for a twenty-year period. After such period, the signs shall be subject to removal by the Department of Transportation and the interstate interchange may be designated to honor persons other than the current designee. An existing interstate interchange designation processed under the provisions of this section may be retained for additional twenty-year increments if, at least one year before the designation's expiration, an application to the Department of Transportation is made to retain the designation along with the required documents and all applicable fees required under this section.

This section is identical to SB 110 (2009) and similar to CCS/SCS/HB 91 (2009) and CCS/SS/SCS/HB 683 (2009).

#### VETERANS MEMORIAL HIGHWAY

(Section 227.311)

This section designates a portion of the Poplar Bluff bypass in Butler County as the "Veterans Memorial Highway." The cost for such designation will be paid for by private donations.

This section is identical to HB 1048 (2009).

#### PURPLE HEART LICENSE PLATES

(Section 301.451)

This section allows any person who has been awarded the purple heart medal to receive an initial set of "Purple Heart" license plates with no fee other than the regular registration fees. There shall be an additional fee charged for each subsequent set of purple heart license plates equal to the fee for personalized license plates, but this additional fee shall only have to be paid once, at the time of initial application for the additional set of plates.

This section is similar to HB 270 (2009).

#### ARMED FORCES EXPEDITIONARY MEDAL LICENSE PLATE

(Section 301.3157)

The act also 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.

This provision was contained in SCS/SB 134 (2009) and SB 856 (2008).

#### PARKING FOR CERTAIN VETERANS

(Section 304.840)

This section allows veterans displaying Congressional Medal of Honor, Prisoner of War, Purple Heart, or Silver Star special licenses plates, or Bronze Star placards, to park for free in metered parking spaces upon the approval of each local authority's governing body.

This section is identical to HB 400 (2009).

SPONSOR: Largent

HANDLER: Pearce

## COURT ORDERS

(Section 452.412)

This section requires all court orders regarding child custody or visitation or regarding ex parte orders of protection issued or modified while either party is in active military service and deployed out-of-state to be temporary in nature. Such orders regarding custody or visitation which are issued as part of an entry of decree of dissolution shall also be temporary in nature. Upon return from deployment, the party will be given an opportunity to be heard on the child custody and visitation order before a permanent order is entered. If the party in active military service knowingly and voluntarily signs a written waiver to the right to have such a hearing upon the party's return from out-of-state military deployment, the court may issue a permanent order on the issues under this section.

This section is identical to SB 440 (2009) and similar to HB 504 (2009).

EMILY KALMER

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SPONSOR: Jones

HANDLER: Lembke

SS/HCS/HB 481-This act modifies laws regarding court, judicial proceedings, and various other provisions.

#### CORPORATE AND BUSINESS FILINGS

(Sections 41.950, 347.179, 347.183, 351.047, 351.120, 351.122, 351.125, 351.127, 351.145, 351.155, 351.484, 351.592, 351.594, 351.598, 351.602, 351.690, 355.016, 355.021, 355.066, 355.071, 355.151, 355.176, 355.576, 355.688, 355.706, 355.796, 355.806, 355.811, 355.821, 355.856, 355.857, 356.211, 359.681)

The Secretary of State is required to charge a \$45 fee for limited liability companies that file their original articles of organization online, rather than the \$100 fee otherwise required for filing original articles of organization. (Section 347.179)

The Secretary of State is given the power to administratively cancel articles of organization of a limited liability company(LLC) or a certificate of limited partnership (LP) when the time frame listed for the duration of the LLC or LP expires, the secretary sends notice, and the LLC or LP does not file an amendment.

The Secretary of State is allowed to administratively reinstate the LLC or LP's status. This reinstatement will relate back to the date of the administrative cancellation.

The secretary's power to administratively reinstate cancelled articles or organization for a LLC or a cancelled certificate of limited partnership for a LP will apply to any LLC or LP whose articles of organization or certificate was cancelled because the time frame listed for the duration of the LLC or LP expired after August 28, 2003. (Sections 347.183, 359.681)

Effective January 1, 2010, corporations have the option to change the month in which they file their corporate registration report. (Section 351.120).

Effective January 1, 2010, corporations also have the option of filing corporate registration reports every two years, instead of annually. (Section 351.122, 355.857).

If the corporate registration report is not filed within 90 days of its due date, the secretary of state may proceed with administrative dissolution of the corporation. (Section 351.125, 351.484, 355.706).

Corporate names reservations for foreign corporations will not be allowed to exceed 180 days from the date of application for name reservation (Section 355.151).

References to annual reports filed with the Secretary of State are changed to reflect the fact that these reports may not be required to be filed annually. (Section 41.950, 351.047, 351.145, 351.155, 351.592, 351.594, 351.598, 351.602, 351.690, 355.016, 355.021, 355.066, 355.071, 355.176, 355.688, 355.796, 355.806, 355.811, 355.821, 355.856, 356.211)

Portions of these sections are similar to HB 219 (2009), HB 292 (2009), SB 217 (2009), SB 224 (2009), HB 475 (2009), SB 294 (2009), and HCS/HB 187 (2009).

#### COUNTY LAND SURVEYOR

(Section 60.010)

Currently, the county commission of third and fourth class counties may appoint a county land surveyor following a general election in which the office of surveyor is on the ballot if no candidate seeks the office. Under this act, such commissions may appoint a county land surveyor following the deadline for filing for the office if no candidate files for the office provided that the election authority publishes the required notice of the date for filing for the office in at least one newspaper of general circulation in the county.

SPONSOR: Jones

HANDLER: Lembke

This section is similar to HB 739 (2009).

#### MUNICIPAL ORDINANCE VIOLATIONS

(Section 82.300)

This act specifies that the maximum fine for municipal ordinance violations shall be no more than \$1,000, except for ordinances in Kansas City requiring compliance by an industrial user with a pretreatment standard or requirement.

This section is similar to HCS/SB 26 (2009), HB 334 (2009), and SCS/HCS/HB 62 (2009).

#### KANSAS CITY NUISANCES

(Section 82.1026)

This amendment specifies that Kansas City may enact ordinances that allow the building official of the city to petition the circuit court in the county in which a vacant nuisance building or structure is located to appoint a receiver to rehabilitate the building or structure, demolish it, or sell it.

This section is similar to SB 424 (2009).

#### ST. LOUIS CITY POLICE

(Sections 84.150, 84.175)

This act requires that the St. Louis City police have no more than five officers with the rank of lieutenant colonel and other ranks and number of members within each rank as the Board of Police Commissioners considers to be necessary. (Section 84.150)

This act requires members of the St. Louis City reserve police force to be retired officers of the city. This act also provides such reserve officers the same powers as regular officers regardless of whether they are assigned to active duty. (Section 84.175)

These sections are similar to SB 567 (2009), HB 974 (2009), SB 566 (2009), and HB 973 (2009).

#### COLLECTOR

(Section 141.160)

In Jackson County and St. Louis County, the collector shall collect on behalf of the county and pay into the county general fund an additional fee for the collection of delinquent and back taxes of five percent on all sums collected to be added to the face of the tax bill and collected from the party paying the tax.

#### FOSTER CARE TUITION WAIVER

(Section 173.270)

This section creates a tuition and fee waiver for undergraduate courses at state institutions of higher education for incoming freshman who were in foster or residential care at certain times in their life. This tuition and fee waiver begins with the 2010 fall semester. A student is eligible for this tuition and fee waiver, if they apply and are accepted at the school within a certain time period, apply for other student financial aid, request a determination of eligibility from the coordinating board for higher education, and complete at least 100 hours of community service each year. The waivers will be awarded each year, subject to appropriation, for up to four years, and may only be used after certain other sources of financial aid are exhausted.

This section is identical to HB 686 (2009).

#### TEMPORARY ASSISTANCE BENEFITS

(Sections 208.040 and 208.055)

These sections update references to the division of family services to the family support division of the Department of Social Services. These sections also provide that the state will no longer require families

SPONSOR: Jones

HANDLER: Lembke

receiving temporary assistance benefits, known as TANF, to assign the right to receive any pre-existing child support arrearages occurring before the family received TANF benefits. Families will still continue to assign child support arrearages that become due while they receive temporary assistance.

#### DETAINERS

(Sections 217.450 and 217.460)

This act specifies that a detainer shall not be lodged against a person confined in a correctional facility until the director of the department of corrections receives a certified copy of a warrant and a written request by the issuing agency to place the detainer. Failure of the director to comply shall not be the basis for dismissing an indictment, information or complaint unless the court also finds the offender has been denied the constitutional right to a speedy trial.

These sections are similar to HCS/SB 26 (2009) and CCS/SS/SCS/HCS/HB 62 (2009).

#### JACK BUCK MEMORIAL HIGHWAY

(Section 227.409)

This section names a portion of I-64/US 40 the Jack Buck Memorial Highway.

This section is similar to HB 1198 (2009).

#### HEDGE FENCES

(Section 229.110)

This section is repealed, so prosecutors are no longer required to file a civil action against individuals who fail to trim their hedge fences.

This provision is similar to a provision of CCS/SS/SCS/HCS/HB 62 (2009), HB 384 (2009), HCS/SB 26 (2009), HCS/SB 114 (2009).

#### SPECIFIED DISEASE INSURANCE POLICIES

(Section 376.789)

This section requires that insurers or issuers of specified disease insurance policies, who have not defined the terms "actual charge" or "actual fee" in their policy, shall not pay more on a claim than the lower of the amount the health care provider agrees to accept under a network or other participation agreement with the health insurer, or the amount the health care provider agrees to accept as payment under a provider, participation, or supplier agreement under Medicare, Medicaid, or any other government administered health care program.

#### COMPARATIVE FAULT FOR OPERATING A MOTORCYCLE

(Sections 379.130, 537.055)

This act provides that operating a motorcycle, in and of itself, shall not be considered evidence of comparative negligence. The act also provides that when investigating an accident or settling an automobile insurance policy claim, no insurer, agent, producer, or claims adjuster of an insurer shall assign a percentage of fault to a party based upon the sole fact that the party was operating a motorcycle in an otherwise legal manner. A violation of this provision shall be considered an unfair trade practice.

This section is similar to SB 202 (2009), HB 486 (2009), and a portion of HCS/HB 187 (2009).

#### PERSONAL IDENTIFICATION INFORMATION IN CERTAIN COURT DOCUMENTS

(Sections 452.305, 452.310, 452.312, 452.343, 452.430, 454.500, 509.520)

These sections change requirements for the usage of Social Security numbers and certain other identification information in certain court documents.



SPONSOR: Jones

HANDLER: Lembke

These sections also modify the requirement that petitions, answers, and judgments in actions for divorce or legal separation and in actions for modification of maintenance or child support include the Social Security numbers of the parties and their children to require only the last four digits of the Social Security numbers on those documents. Also, in certain actions the parties must file family court information sheets which include the Social Security numbers and current employment information.

Any pleadings other than interlocutory or final judgments in divorce or legal separation cases prior to August 28, 2009 shall only be inspected by the parties, or upon order of the court, or in certain circumstances by the Family Support Division of DSS. The clerk is required to redact the SSN from any judgment or pleading before releasing them to the public.

Any pleading, attachment, or exhibit filed with the court in any case shall not include the full SSN of any party in a civil actions and of any child subject to custody or support orders, or the credit card numbers and financial account numbers of parties. In certain cases a confidential case filing sheet shall be filed with the court. Except for certain cases, clerks are not required to redact any pleading, attachment, or exhibit prior to releasing the document to the public.

These sections are similar to portions of SCS/SB 222 (2009) and HCS/HB 187 (2009).

#### COURT APPOINTED SPECIAL ADVOCATES

(Section 452.423)

This section removes a provision allowing the court to appoint volunteer advocates to assist the guardian ad litem in performing their duties for the court in proceedings for child custody, dissolution of marriage, or legal separation, where custody, visitation, or support of a child is a contested issue.

This section is identical to a portion of HCS/HB 187 (2009).

#### INTERNATIONAL CHILD ABDUCTION

(Section 452.426)

This section provides that if a judge determines there is a potential risk of international abduction of the child by either party in a proceeding, the judge may place any restraints on the parties or grant any remedies to either party that is necessary.

This section is identical to a portion of HCS/HB 187 (2009) and similar to HB 403 (2009).

#### UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT

(Sections 452.440, 452.445, 452.450, 452.455, 452.460, 452.465, 452.470, 452.475, 452.480, 452.485, 452.490, 452.495, 452.500, 452.505, 452.510, 452.515, 452.520, 452.525, 452.530, 452.535, 452.540, 452.545, 452.550, 452.700, 452.705, 452.710, 452.715, 452.720, 452.725, 452.730, 452.735, 452.740, 452.745, 452.747, 452.750, 452.755, 452.760, 452.762, 452.765, 452.770, 452.775, 452.780, 452.782, 452.785, 452.790, 452.795, 452.800, 452.805, 452.810, 452.815, 452.820, 452.825, 452.830, 452.835, 452.840, 452.845, 452.850, 452.855, 452.860, 452.865, 452.870, 452.875, 452.880, 452.885, 452.890, 452.895, 452.900, 452.905, 452.910, 452.915, 452.920, 452.925, 452.930)

These sections establish the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) to replace the current Uniform Child Custody Jurisdiction Act. These sections limit child custody jurisdiction to one state, avoids competing orders, and provide enforcement provisions for child custody orders. This act establishes orders of priority and guidance on issues regarding establishing initial custody determinations, continuing jurisdiction, modification of custody determination, and emergency orders.

The UCCJEA establishes an order of priority for determining which state has proper jurisdiction to make an initial determination of child custody. The order of priority includes a determination of (1) the child's home state, (2) the state in which the child and at least one parent have a significant connection and substantial evidence concerning the custody determination is available or (3) the state having an

SPONSOR: Jones

HANDLER: Lembke

appropriate connection with the child.

The child's home state is defined as the state where the child has lived with a parent for six consecutive months prior to the commencement of the proceeding, or since birth, for children younger than six months.

Once a state court has made a custody determination, the state keeps exclusive and continuing jurisdiction over all matters concerning the child until circumstances have changed regarding home state status, or there is no longer a significant connection to the state or evidence concerning the child's custody is no longer available in that state. The circumstances are specified in the act.

Also, once a custody determination has been made, a court of another state does not have authority to modify the determination unless the state with jurisdiction determines that it does not have jurisdiction or any state court determines that the child, parents, or any acting parents do not reside in the state which currently has jurisdiction.

A state which does not otherwise have jurisdiction may enter a temporary emergency order if the child is in danger and needs immediate protection. After issuing the order, the state court should determine if there is an existing custody order from another state in effect. If there is an existing order, the emergency court must allow a reasonable time period for the parties to return to the state having jurisdiction and argue the issues to the court with jurisdiction.

If there is no previous child custody order in existence, the emergency court's order will remain in effect until a determination is made in a court having home state jurisdiction over the child. If no determination is made and the emergency court's state becomes the home state of the child, the emergency order becomes a final determination of custody.

These provisions are similar to SB 347 (2009), HCS/HB 187 (2009), HB 1358 (2008), SB 495 (2007) and HB 470 (2007).

#### LIENS FOR CHILD SUPPORT (Sections 454.516)

This section repeals a version of a section that was enacted in two different versions. The section repealed allowed the division to hold any satisfaction of the registered lien, until the child support obligation is satisfied, or levy and executed on the motor vehicle, motor boat, outboard motor, manufactured home, or trailer and sell these items at public sale to satisfy the debt.

This section is similar to a portion of HB 419 (2009).

#### ADULT ABUSE (Section 455.010)

This section modifies the definition of "adult" for the purposes of adult abuse statutes by changing the age of an adult from eighteen years old to seventeen years old.

This section is identical to portions of HCS/SCS/SB 468 (2009), HCS/HB 187 (2009), and HB 325 (2009).

#### PUBLIC ADMINISTRATOR (Section 473.743)

This act requires the public administrator to serve as trustee or successor trustee when appointed by the circuit court or probate division of the circuit court.

#### POSSESSION/PURCHASE/TRANSFER OF FIREARMS BY INDIVIDUALS PREVIOUSLY DECLARED

SPONSOR: Jones

HANDLER: Lembke

**INCOMPETENT OR INVOLUNTARILY COMMITTED**  
(Section 475.375)

This section allows any individual over the age of eighteen who has previously been declared incompetent or involuntarily committed to petition the court to allow them to purchase, possess, or transfer firearms. An individual found not guilty by reason of mental defect may not petition a court for restoration. If the petition is denied, the person may file another petition within one year of the denial. If the petition is granted, the court's order will go to the highway patrol to update the person's record with the National Instant Criminal Background Check System (NICS).

This section is similar to portions of HCS/HB 187 (2009).

**COMMISSION ON JUDICIAL RESOURCES**  
(Section 476.415)

This section removes the municipal court judge position from the Commission on Judicial Resources. The commission is also no longer authorized to employ consultants and other staff. The clerk of the supreme court is required to provide staff for the commission out of any funds appropriated for this purpose.

**UNCERTIFIED COURT REPORTERS**  
(Section 485.077)

Current law allows individuals to use depositions prepared by uncertified court reporters in court if the parties and the court reporter comply with specific requirements. This section removes the authorization for the use of these depositions.

This section is identical to SCS/HB/HCS 187 (2009).

**STATUTES OF LIMITATIONS AS THEY RELATE TO FORMER MISSOURI RESIDENTS**  
(Section 516.200)

This section repeals the portion of the tolling statute that applies to former Missouri residents who have established residency in another state.

**SUMMONS**  
(Section 517.041)

Current law provides that a summons may require the presence of a defendant in court in a case before an associate circuit court judge, if the court date is less than thirty days from the service of the summons. This section would increase the time period in which the summons is effective from thirty days to sixty days. It would also remove the requirement that if the claim exceeds jurisdictional limits of the division it must be certified to the presiding judge for assignment.

This section is similar to SCS/HCS/HB 237, HB 238, and HB 482 (2009).

**NOTICE OF DEFAULT JUDGMENT IN ACTIONS FOR EVICTION**  
(Section 535.030)

This section modifies the current requirement that the clerk of court send notice to a person who has had a default judgment entered against them in an eviction action by certified mail with a return receipt requested. This section requires the clerk to send the notice by ordinary mail.

This section is identical to a portion of HCS/HB 187 (2009).

**LANDLORD ACTIONS TO RECOVER POSSESSION**  
(Section 535.120)

This section allows a landlord to file an action to recover possession from a tenant if the tenant is one

SPONSOR: Jones

HANDLER: Lembke

month behind in rent, rather than a half year behind in rent as provided by current law.

This section is identical to a portion of HB 181 (2009) and HCS/HB 187 (2009).

#### PRIVATE NUISANCE

(Section 537.296)

If requested by either party, the court or jury in a private nuisance case shall visit the property alleged to be affected by a nuisance, if the amount in controversy exceeds one million dollars.

#### PUBLIC ENTITIES

(Section 537.610)

This section specifies that any claim filed against any public entity under the provisions of section 537.610 shall be subject to the penalties in any successor rule to Missouri Supreme Court rule 55.03.

#### PROSECUTORS PAYING COURT COSTS

(Section 545.050, 550.050, 550.070, 550.080, 550.090)

These sections remove the requirement that court costs be assessed against the prosecutor in trespass cases if the defendant is acquitted or the prosecution fails.

These sections are similar to portions of CCS/SS/SCS/HCS/HB 62 (2009), HCS/HB 384 (2009), HCS/SB 26 (2009), and HCS/SB 114 (2009).

#### TWO-WAY AUDIO VISUAL CRIMINAL PROCEEDINGS

(Section 561.031)

This section removes the requirement that when using two-way audio visual communication for certain criminal proceedings that a full record of such proceedings be made by split-screen imaging and recording of the proceedings in the courtroom and the place of confinement. It also allows this two-way audio visual communication to occur for preliminary hearings, with the consent of the defendant, any civil or criminal proceeding which is not required to be a matter of record, and any civil or criminal proceeding, by the consent of the parties.

This section is similar to CCS/SS/SCS/HCS/HB 62 (2009) and HCS/SB 26 (2009).

#### DIVISION OF DEVELOPMENTAL DISABILITIES CONTRACTS

(Section 630.407)

This section allows the Division of Developmental Disabilities to contract directly with providers of targeted case management services for clients of the division with developmental disabilities in a defined region.

This section is similar to HB 953 (2009), SB 460 (2009), and HCS/HB 187 (2009).

#### SEXUALLY VIOLENT PREDATOR

(Section 650.055)

This section removes the reference to a sexually violent predator having been found to be a sexually violent predator beyond a reasonable doubt before their sample is collected for DNA profiling.

This section is similar to a portion of HCS/SB 26 (2009).

#### CHILD SUPPORT MODIFICATION

(Section 1)

This section provides that if the state is a party to the modification proceeding that the court may, upon

SPONSOR: Jones

HANDLER: Lembke

motion, award court costs and reasonable attorneys fees to the state.

**PUBLICATIONS IN NEWSPAPERS**

(Section 2)

This section requires all public advertisements and orders of publication required by law, including amendments to the Missouri Constitution, legal publications affecting sales of real estate under a power of sale in a mortgage or deed of trust be published in a newspaper

**DOMESTIC ANIMALS**

(Section 3)

This amendment prohibits any political subdivision of the state or local government from enacting any ordinance, regulation, rule, policy, guideline, or proclamation that describes the relationship between persons and domestic animals in anyway other than persons may or can own domestic animals.

**FIRE SAFETY STANDARD AND FIREFIGHTER PROTECTION ACT**

(Section 4)

This amendment specifies that nothing in the Fire Safety Standard and Firefighter Protection Act shall be interpreted to permit non-compliance with other applicable statutes and case law.

EMILY KALMER

SPONSOR: Wright

HANDLER: Mayer

HCS/HB 485 - Currently, the Seismic Safety Commission is comprised of two legislative members and fifteen other members with each member representing one of fifteen different professions. This act requires that no more than two members shall represent one of the enumerated professions and adds public education as one of the professional areas from which the membership may be chosen.

Currently, a quorum shall consist of nine members. Under the act, a quorum shall consist of a majority of appointed members but not less than seven members and may be met by electronic attendance and non-voting participation of the staff of the legislative members.

This act is similar to SB 263 (2009).

CHRIS HOGERTY

SPONSOR: Schad

HANDLER: Pearce

HB 490 – Current law provides the same requirements and qualifications to participate in the A+ Schools Program for private career-technical schools and public career-technical schools. This act removes public career-technical schools from those requirements.

This act is substantially similar to SB 493 (2009).

MICHAEL RUFF

**\*\*\* HB 506 \*\*\***

SPONSOR: Funderburk

HANDLER: Rupp

SCS/HB 506 – This act requires the Governor to annually issue a proclamation that identifies the first week of March as "Math, Engineering, Technology & Science (METS) Week." The week may be observed through activities that will increase awareness of these areas and promote "METS" careers in Missouri. Such activities will include those which are in public schools.

This act is identical to SCS/SB 127 (2009).

MICHAEL RUFF

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**\*\*\* HB 525 \*\*\***

SPONSOR: Grisamore

HANDLER: Schmitt

HCS/HB 525 - This act codifies the five regional Autism projects currently serving persons with autism and their families through the Division of Developmental Disabilities within the Department of Mental Health. The regional projects may provide certain services, including assessment, advocacy, communication and language therapy, crisis intervention, life skills, and respite care. The list of services that may be provided are specified in the act.

The regional Autism projects shall each have a regional parent advisory council and the division shall establish the Missouri Parent Advisory Committee on Autism. The act specifies the membership and duties of the council and advisory committee. The division shall establish such programs and services in conjunction with persons with autism, the families of persons with Autism, the regional parent advisory councils, and the Missouri Parent Advisory Committee on Autism.

This act is substantially similar to SCS/SB 157 (2009).

ADRIANE CROUSE

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**\*\*\* HB 537 \*\*\***

SPONSOR: Dixon

HANDLER: Wright-Jones

HB 537 - This act authorizes the Governor to convey a parcel of real property, which is being currently used by the Department of Corrections as a minimum security correctional facility, to the Missouri Highways and Transportation Commission for the new Mississippi River Bridge project.

This act is similar to SB 179 (2009).

STEPHEN WITTE

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SPONSOR: Smith

HANDLER: Goodman

SCS/HB 544 - The Commissioner of Administration shall maintain the web-based Missouri accountability portal which shall consist of a searchable database documenting state purchasing of goods and services and the distribution of funds for state programs. The Governor shall submit a daily report documenting all amounts withheld from the state's operating budget for the fiscal year. The report shall be posted on the portal website and be searchable by amounts withheld from each fund and by the total amount withheld from the operating budget.

The Joint Committee on Recovery Accountability and Transparency is created to prevent fraud, waste, and abuse of the funds received by the state or any political subdivision from the federal American Recovery and Reinvestment Act of 2009. The committee will consist of two members of the senate and two members of the house. This committee will have the power to oversee the reporting of contracts and grants using covered funds, review whether competition requirements applicable to contracts and grants have been satisfied, review covered funds, refer matters for investigation to the attorney general or the agency dispersing the funds, receive regular reports from the commissioner of the office of administration and the state auditor and review audits from the state Auditor and conduct reviews relating to covered funds. The committee shall also determine whether the funds received from the American Recovery and Reinvestment Act should be utilized to buy back a portion of the state's unredeemed tax credits at a discounted rate. The committee is required to report annually to the Governor and General Assembly. The committee also has the power to subpoena witnesses.

The Commissioner of the Office of Administration shall provide a dome key to each Senate and House member.

This act is similar to HB 975 (2007), SB 1204 (2008), HB 174 (2009), HB 544 (2009), SB 155 (2009), SB 162 (2009), SB 568 (2009), SB 304 (2009), and SB 472 (2009).  
CHRIS HOGERTY

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SPONSOR: Yates

HANDLER: Rupp

CCS/SS/SCS/HCS/HB 577 - This act modifies several provisions relating to the regulation of insurance. Several of these provisions may also be found in the truly agreed to version of CCS/HCS/SB 464 (2009).

**TAXATION OF INSURANCE COMPANIES** - Under current law, insurance companies which pay an annual tax on gross premium receipts are exempt from the imposition of Missouri's corporate income and franchise taxes. This act specifies that insurance companies subject to an annual tax on gross premium receipts are exempt from the imposition of Missouri's corporate income and franchise taxes. These provisions were originally in SB 280 (2009)(Sections 143.441, 147.010, and 148.370).

**MOTOR VEHICLE LIABILITY INSURANCE CARD FRAUD** - Under this act, any person who intentionally produces, manufactures, sells, or otherwise distributes a fraudulent document intended to serve as an insurance identification card is guilty of a Class D felony. The act further provides that any person who knowingly or intentionally possesses a fraudulent document intended to serve as an insurance identification card is guilty of a Class B misdemeanor. This provision was originally contained in SB 16 (2009)(Section 303.024).

**CONTINUING EDUCATION COURSES FOR PRODUCERS** - This act clarifies the continuing educational requirement statute for insurance producers. Under the act, a course of instruction sponsored by an entity engaged in the business of providing education courses to producers is recognized as a qualified continuing education course (Section 375.020).

**FINANCIAL REPORTING MODEL REGULATION** - This act amends Missouri's annual financial reporting laws to correspond with the NAIC Annual Financial Reporting Model Regulation. In the act's main provisions, the legislative proposal requires insurers to be governed by an audit committee with respect to annual audit reports; prohibits certain CPA non-audit services; requires CPA audit partner rotation every 5 years; requires a "cooling off" period before CPA auditors can be hired by insurance clients; requires audit committee preapproval of all audit and nonaudit services provided by CPA firms; and institutes certain internal control requirements over financial reporting to ensure the reliability of financial statements that are reported to the Department of Insurance.

The act exempts insurers having direct premiums written in this state less than \$1,000,000 in any calendar year and less than 1,000 policyholders of direct written policies nationwide at the end of the calendar year from the purview of the act. The exemption does not apply if the director makes a finding that compliance with the act is necessary to carry out statutory responsibilities. The exemption also does not apply to insurers having assumed premiums pursuant to contracts of reinsurance of \$1,000,000 or more (Section 375.1028).

Foreign or alien insurers that are required to file management's reports of internal control over financial reporting in another state are exempt from filing such reports in Missouri if the other state has similar reporting requirements as Missouri and such reports are filed with their departments of insurance.

The act requires requests for extensions for filing an annual audit report to be submitted in writing not less than 10 days prior to its filing due date. The current law allows requests to be made within 20 days of the due date. The act also provides for an extension for filing a management's report of internal control over financial reporting.

Every insurer required to file an audited financial report shall also be required to have an audit committee that is directly responsible for the appointment, oversight and compensation of any accountant the auditor (Section 375.1030).

Under the act, the director shall not recognize any person or firm as a qualified independent certified public accountant if that person or firm has either directly or indirectly entered into an indemnification with



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HANDLER: Rupp

respect to the audit of the insurer. The lead or coordinating audit partner having primary responsibility over an audit may not act in that capacity for more than 5 consecutive years and may not rejoin in that capacity for a period more than five years. Under current law, the requirement is 7 and 2 years respectively. Under the act, a qualified independent certified public accountant may enter into an agreement with an insurer to have disputes relating to an audit resolved by mediation or arbitration.

Under the act, the director shall not accept an annual audited financial report, prepared in whole or in part by an accountant who functions in the role of management, audits his or her own work, or serves in an advocacy role for the insurer. The act also prohibits the director from recognizing as qualified independent certified public accountants or accepting annual audited financial reports prepared by accountants who provide to insurers, contemporaneously with the audits, certain non-audit services, such as bookkeeping services, appraisal or valuation services, human resources services, internal audit outsourcing services, investment services, legal services unrelated to the audit, or other impermissible services determined by the director. Insurers with less than \$100,000,000 in direct and assumed premiums may request a waiver from this requirement based on financial or organizational hardship.

A qualified independent certified public accountant who performs the audit may engage in other nonaudit services, including tax services, that do not conflict with the previously described services, only if the activity is approved in advance by the audit committee, in accordance with the act.

All auditing and nonaudit services provided to an insurer by the qualified independent certified public accountant must be preapproved by the audit committee. The preapproval requirement is waived for nonaudit services if the insurer is a SOX compliant entity or meets other requirements outlined in the act.

Partners and senior managers of the audit engagement may not serve as a member of the board of directors, president, chief executive officer, controller, chief financial officer or other similar position of the insurer if employed by the independent public accounting firm that audited the insurer during the one-year period which preceded the most current statutory opinion (Section 375.1037).

The act repeals the requirement that an accountant provide an insurer evidence that the accountant has liability insurance in the lesser amount of \$1,000,000 or 10% of the insurer's admitted assets (Section 375.1040).

The act requires insurers to furnish the director with written communication as to any unremediated material weaknesses in its internal control over financial reporting noted during the audit. The act outlines the procedure the accountant must follow in preparing the written communication. The insurer must also provide with its annual audited financial report a description of the remedial actions taken or proposed to correct unremediated material weaknesses (Section 375.1047).

The act requires audit committees to be directly responsible for the appointment, compensation, and oversight of the work of any accountant for the purpose of preparing or issuing the audited financial report required by the act. The act sets forth membership requirements for the audit committee and establishes certain conflict of interest and independence requirements so that the member of the audit committee may be considered independent. Under the act, based on various premium thresholds, a certain percentage of the audit committee members must be independent from the insurer. However, if domiciliary law requires board participation by otherwise non-independent members, such law shall prevail and such members may participate in the audit committee (subsection 8 of Section 375.1053). Under the act, insurers with less than \$500 million in direct and assumed premiums may apply for a waiver from the audit committee requirements based on hardship (subsection 9 of Section 375.1053).

Under the terms of the act, no director or officer of an insurer shall make false or misleading statements to an accountant in connection with any audit, review or communication required under the act. In addition, no officer or director of an insurer, or any other person acting under the direction thereof, shall

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take any action to coerce, manipulate, mislead, or fraudulently influence any accountant engaged in the performance of an audit if that person knew or should have known that the action, if successful, could result in rendering the insurer's financial statements materially misleading (Section 375.1054).

Under the act, the management of insurance companies with \$500,000,000 or more in direct or assumed annual premiums must file a report with the Department of Insurance regarding its assessment of internal control over financial reporting (known as a management's report of internal control over financial reporting). The report shall include a statement by management officials whether these controls are effective to provide reasonable assurance regarding the reliability of the statutory financial statements and disclosure of any unremediated material weaknesses in internal control over financial reporting. The act establishes what the management's report of internal control over financial reporting must include (Section 375.1056).

TRAVEL DISCRIMINATION UNDER LIFE INSURANCE POLICIES - 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 act 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, 2009. This provision of the act is similar to a version found in the truly agreed to version of SB 464 (2009) and the truly agreed to version of SB 126 (2009)(Section 376.502).

CAPTIVE INSURANCE COMPANIES - This act modifies various provisions of Missouri's captive insurance company law. Under this act, the definition of "association" is amended to include captive insurance companies formed as reciprocal insurers. The act amends multiple sections of the captive insurance law to permit reciprocal insurers to be used to form an association captive.

This act repeals the requirement that a captive insurance company must hold at least 35% of its assets within Missouri (Section 379.1302). The act expressly provides that association captive insurance companies and industrial insured captive insurance companies may be organized as reciprocal insurers as provided by law. The act provides that the organizers of a reciprocal insurer must petition the director for its formation. The act provide that the captive insurance company statutes shall control in cases of conflict between them and the reciprocal insurance statutes. The act further modifies the law to permit a non-U.S. or alien captive to redomesticate to Missouri if approved by the director (Section 379.1310).

Under the terms of the act, the premium taxes imposed on captive insurance companies are redirected. Under the act, 10% of the taxes are credited to the Insurance Dedicated Fund, subject to a maximum of 3% of the current fiscal year's appropriation from such fund, with the remainder to be deposited in the general revenue fund (Sections 379.1326 and 379.1332). The act contains a similar provision for the disposition of premium taxes assessed on special purpose life insurance captive companies (Section 379.1412).

Under the act, an association captive insurance company or an industrial insured captive insurance company may be converted into or merged with and into a reciprocal insurer. Under the act, any conversion or merger must provide a fair and equitable plan for purchasing the interests of the stockholders and policyholders of the stock or mutual insurer. The act sets forth the statutory steps that must be followed in order to complete a conversion or a merger (Section 379.1339).

This act reduces the number of Missouri residents required to incorporate or organize a special purpose life reinsurance captive from two to one (Section 379.1373).

SPONSOR: Yates

HANDLER: Rupp

The act modifies the method in which the assets of a special purpose life reinsurance captive are valued. The act allows letters of credit, financial guarantee policies and surety bonds to be recognized as assets of a special life reinsurance captive regardless of the existence of any repayment obligations imposed upon the captive (Section 379.1388).

The captive insurance provisions may also be found in SB 269 (2009).

**INSURANCE HOLDING COMPANIES** - This act amends the terminology of the state's holding company law in Chapter 382, to use the term "producer" rather than the term "broker" (Sections 382.400 to 382.409).

**SURPLUS LINES INSURANCE** - This act allows the department to publish notices regarding surplus lines insurance companies on a website rather than mailing notices to each surplus lines licensee (Section 384.025). The act requires the biennial renewal of a surplus lines license rather than having it renewed on an annual basis. The biennial renewal fee is \$100 (currently the renewal fee is \$50 for an annual license) (Section 384.043). This act transfers the collection of surplus lines taxes directly to the Department of Revenue in order to comply with Executive Order 07-06. Current law reflects a system in which tax funds are collected by DFIP and then are remitted to the Department of Revenue (Section 384.051). Under this act, surplus lines brokers are required to report the gross amounts charged for surplus lines insurance with respect to risks located within this state, exclusive of sums collected for the payment of federal, state, or local taxes and the amount of net premiums with respect to the insurance (Section 384.057). The act repeals a provision of law that requires the director of the Department of Insurance to personally report to certain legislative committees of all actions initiated, maintained and concluded by the director (Section 374.456). Under current law, each surplus lines licensee must file a written report with the director within 30 days of placing surplus lines insurance describing the surplus lines insurance transaction. This act repeals this provision (Section 384.031).

**INTERSTATE INSURANCE PRODUCT REGULATION COMPACT** - 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.

SPONSOR: Yates

HANDLER: Rupp

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 portion of the act is identical to SCS/SB 783 (2008) and substantially similar to SB 304 (2007) and SB 1071 (2006) (sections 374.350 to 374.352).

**BAIL BOND INDUSTRY STUDY** - This act requires the Department of Insurance to conduct a study on the bail bond industry and issue a report to the insurance committees of the General Assembly by January 6, 2009 (Section 374.776).

**LIMITATION ON COPAYMENTS** - Under this amendment, health carriers, including preferred provider organizations, independent physician associations, and other entities that contract with health care providers, shall not impose any co-payment that exceeds 50% of the total cost of providing any single health care service to its enrollees (Section 376.391). This provision is contained in SB 283 (2009) (SENATE AMENDMENT 4).

**MANDATED OFFERING OF INSURANCE COVERAGE FOR PROSTHETIC DEVICES** - This act requires health carriers to offer coverage for prosthetic devices and services (Section 376.1232)(SENATE AMENDMENT 5).

**MO HEALTHNET DATA TRANSPARENCY PROGRAM** - This act requires the MO HealthNet Division, by August 28, 2010, to implement a program to make available through its Internet web site nonaggregated data on MO HealthNet participants collected under the federal Medicaid Statistical Information System to the extent such data has already been de-identified in accordance with federal HIPAA privacy requirements. In implementing the program the Division shall ensure that the information made available is in a format that is easily accessible, useable, and understandable to the public, including individuals interested in improving the quality of care provided to individuals eligible for programs and services under the MO HealthNet program, researchers, health care providers, and individuals interested in reducing the prevalence of waste and fraud under the program. By August 28, 2011, and annually thereafter, the director shall submit to the General Assembly and the MO HealthNet oversight committee, a report on the progress of the program, including the extent to which information made available through the program is accessed and the extent to which comments received on the program were used during the year to improve the utility of the program. The Division shall also report to the General Assembly the feasibility of expanding the transparency program for the health care for uninsured children program (SCHIP). This program has a six-year sunset clause. This provision is identical to a portion of SCS/SB 549 (2009) and SS/SCS/SB 306 (2009)(Section 208.192)(SENATE AMENDMENT 6).

STEPHEN WITTE

SPONSOR: Bruns

HANDLER: Dempsey

SCS/HCS/HB 580 - This act creates the Line of Duty Compensation Act which provides additional workers' compensation benefits in the amount of \$25,000 for firefighters, law enforcement officers, air ambulance pilots, air ambulance registered professional nurses, and emergency medical technicians who are killed in the line of duty.

Individuals are eligible for benefits when he or she dies as a result of an injury received in the active performance of his or her duties within the ordinary scope of his or her profession while on duty and but for the individual's performance, the death would not have occurred.

Subject to appropriation, a \$25,000 death benefit 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 contains an emergency clause.

This program shall sunset in 6 years unless reauthorized.

This act is similar to SB 500 (2007), HB 551 (2007), SB 966 (2008), and SB 332 (2009).

CHRIS HOGERTY

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SPONSOR: Viebrock

HB 593 - This act removes language requiring that the board of trustees of municipal police and firemen's pension systems invest and reinvest the pension systems' money subject to the terms, conditions, limitations or restrictions imposed by law on life insurance or casualty companies. The act also provides that the boards invest the funds of the systems as permitted by Sections 105.687 to 105.690, RSMo, which contains the "prudent investor" standard, as well as other duties for investment fiduciaries.

This act is identical to SB 161 (2009) and SB 997 (2008).

EMILY KALMER

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SPONSOR: Hoskins

HANDLER: Pearce

HCS/HB's 620 & 671 - This act modifies laws regarding bingo. Under current law, an abbreviated license is required for organizations which conduct bingo games on no more than four occasions annually at which pull-tab cards may be used. This act increases the number of occasions at which bingo games may be conducted under an abbreviated license to no more than fifteen annually. Under current law all organizations licensed to conduct bingo games to pay a \$50 annual license fee, unless they award winners of bingo games with prizes and merchandise that have an aggregate value less than five thousand dollars annually and less than one hundred dollars in a single day, in which case they must only pay a ten dollar fee. This act removes the ten dollar fee option and requires all organizations licensed to conduct bingo games to pay a fifty dollar annual license fee. The Missouri Gaming Commission is authorized to establish the daily prize amount for nonprogressive bingo games.

The act removes provisions allowing licensees to require players to purchase more than a standard pack of bingo cards in order to participate in a bingo game and limiting prizes for a single special game bingo card to no more than fifty cents. Licensees will be allowed to conduct bingo games twice a week instead of once a week as provided under current law. The amount of total bingo receipts which may be used for advertising is increased from two percent to ten percent. The act repeals prohibition on advertisements by licensees which reference aggregate values of bingo prizes. Under current law, no games can be conducted between midnight and 10 a.m. This act prohibits bingo games from operating between the hours of 1 a.m. and 7 a.m. All licensees must to make quarterly reports to the commission. The record retention requirement for bingo and pull-tab licensees is decreased from three to two years. The two percent gross receipts sales tax on pull-tab cards and the two-tenths of one cent tax on each bingo card sold by charitable organizations conducting bingo in this state are repealed. The one-time application fee for a manufacturer's license is increased from an amount not to exceed one thousand dollars to an amount not to exceed five thousand dollars and the renewal fee is increased from an amount not to exceed five hundred dollars to an amount not to exceed one thousand dollars. Applicants for a supplier's or manufacturer's license are responsible for all investigative costs incurred by the commission.

JASON ZAMKUS

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SPONSOR: Wilson

HANDLER: Griesheimer

HB 644 - Under current law, when a person who is not a resident of the United States buys a nonrepairable motor vehicle or a salvage motor vehicle, the seller must stamp the words "FOR EXPORT ONLY" on the face of the title and in each unused reassignment space on the back of the title and forward it to the Department of Revenue. This act specifies that it is the operator of the salvage pool or salvage disposal sale or the subsequent purchaser who is required to fulfill these duties.

This act establishes a procedure for adding or deleting names on an application for certificate of ownership for a motor vehicle or trailer that would cause it to be inconsistent with the names listed on a notice of lien. Under the act, the owner shall provide the director with documentation evidencing the lienholder's authorization to add or delete names on the application for certificate of ownership (Section 301.190). The act creates a similar procedure for outboard motors, motorboats, vessels, watercrafts and manufactured homes (Sections 306.410 and 700.320).

This act modifies the law with respect to garagekeeper liens that secure the payment for services rendered upon motor vehicles. Under the act, the time period for applying for a certificate of ownership is shortened. Currently, if a chattel item (i.e. motor vehicle) is not redeemed within three months of the completion of labor, the lienholder may apply to the director of revenue for a certificate of ownership or certificate of title. This act changes that time period to 45 days.

Currently, if the charges are for storage or the service of towing and the item has not been redeemed three months after the charges for storage have commenced, the lienholder shall notify the owner and any lienholder of record that an application for a lien title will be made unless the owner or lienholder makes satisfactory arrangements within 45 days. This act changes those time periods to 45 days and 30 days respectively.

The act requires the application for a certificate of ownership shall be accompanied by an affidavit. Such affidavit shall be accompanied by a copy of the 30 day notice provided to the owner of the chattel and any person holding a security interest in the chattel. Currently, the Director of Revenue is required to notify the owner and any lien holder of record of a motor vehicle, trailer, outboard motor, aircraft, or vessel, when an application is made for a lien title on such item. This provision is repealed (Section 430.082). A similar provision can be found in SB 319 (2009).

Many of the provisions relating to certificates of ownership may be found in SCS/HB 269 (2009).

Under this act, the annual license fee for one set of driveaway license plates issued to a person licensed as a wholesale motor vehicle auction is \$17. The biennial fee for one is \$34 (301.069)(SA 2).

STEPHEN WITTE

SPONSOR: Pratt

HANDLER: Bartle

HB 652 -This act defines the terms "certified mail" or "certified mail with return receipt requested" for Missouri statutes where these terms are used to include certified mail carried by the United States Postal Service, or any parcel or letter carried by an overnight, express, or ground delivery service that allows a sender or recipient to electronically track its location and provides record of the recipient's signature.

EMILY KALMER

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SPONSOR: Ruzicka

HANDLER: Stouffer

SS/HCS/HB 661 - This act modifies provisions pertaining to programs administered by the Department of Natural Resources.

#### SECTION 204.659 - STORMWATER FEES

The Metropolitan Sewer District shall not assess a stormwater fee to any residential customer who does not receive sanitary sewer services from the district and where the stormwater from such customer's property does not drain to a sewer maintained by the district.

#### SECTIONS 260.273 through 260.276 - SCRAP TIRES

The current authorization to collect a fee from retailers that sell new tires in Missouri expires on January 1, 2010. This act extends the authorization until January 1, 2015.

Under current law, the Department of Natural Resources may use up to 5% of its portion of the tire fees collected for the purpose of educational programs and curricula. The act specifies that the educational programs must be environmentally-related and assist the Department implement the solid waste laws.

Current law allows the Department to use up to 25% of its portion of the tire fees collected to remove tires from illegal tire dumps and address nuisances created by illegal tire dumps. The act increases the percentage of funding that may be used for these purposes to 50%. Similarly, the act increases from 5% to 45%, the amount of its fee revenue that the Department may spend on grants to people who will use products made from scrap tires.

Coal-fired electric plants that burn tire-derived fuel shall not be considered a scrap tire site or solid waste disposal area and are not therefore subject to regulations for those areas.

The act allows charitable, fraternal, and other non-profit organizations to be eligible for reimbursement of costs associated with disposal costs of scrap tires collected during a voluntary land or river cleanup event. Local governments may also be eligible for similar reimbursement, provided their costs are not part of their normal operating costs.

#### SECTIONS 640.107 AND 644.101 - PUBLIC DRINKING WATER AND WASTEWATER TREATMENT

The act allows the state to distribute federal economic stimulus funds to local governments, public water or sewer districts, and other eligible entities to assist the construction of public drinking water and water pollution control projects, as such projects are approved by the Safe Drinking Water Commission or Clean Water Commission.

#### SECTIONS 640.150 through 640.160 - ENERGY

The act allows the Department of Natural Resources to analyze the potential for increased utilization of landfill gas as an alternative energy source. The act also provides authority to the department to enter into cooperative agreements with other states, political subdivisions, private entities, and educational institutions in order to seek and obtain federal grants. The act allows funds appropriated to the department for energy-related activities to be used to carry out agreements, contracts, grants, subgrants, or cooperative arrangements with other governmental, non-profit, or private organizations.

The act creates the Energy Futures Fund. Moneys in the fund may be used for energy-related activities including energy efficiency programs, energy studies, energy resource analyses, and related departmental administration costs.

#### SECTION 644.036 - 303(d) LIST PUBLIC NOTICE REQUIREMENTS

Under current law, the public notification requirements for the Clean Water Commission's development of the list of impaired waters required by Section 303(d) of the federal Clean Water Act expire on August 28, 2009. This act extends the expiration date to August 28, 2010.



SPONSOR: Ruzicka

HANDLER: Stouffer

**SECTION 644.054 - WATER POLLUTION CONTROL PERMIT FEES**

Under current law, the authority expires on December 31, 2009 for the Clean Water Commission to charge fees for construction permits, operating permits, and operator's certifications related to water pollution control. This act extends the expiration date to December 31, 2010.

The act contains an emergency clause for the sections involving federal stimulus funds (sections 640.107, 640.150, and 644.101) and the water pollution permit fee section (644.054).

Provisions of this act are similar to SS/SCS/SB 539 (2009), SCS/SB 409 (2009), SB 272 (2009), HCS/SS/SB 172 (2009), and HB 734 (2009).

ERIKA JAQUES

SPONSOR: Jones

HANDLER: Goodman

SCS/HCS/HB 667 - Currently, any sheriff, except the sheriff of St. Louis County, must hold a valid peace officer license, except during the first 12 months of his or her first term of office, in order to execute police powers. This act removes the 12-month grace period beginning January 1, 2010.

This act is similar to a provision of CCS/HCS/SCS/SB 47 (2009).

SUSAN HENDERSON MOORE

SPONSOR: Wasson

HANDLER: Goodman

HB 678 - This act provides that May first of each year shall be known and designated as "Silver Star Families of America Day." The day shall be used to honor the wounded soldiers of this state and the efforts of the Silver Star Families of America to honor the wounded members of the United States armed forces.

JIM ERTLE

SPONSOR: Swinger

HANDLER: Mayer

HB 682 – Current law requires school districts to make up the first six days of school lost or canceled due to inclement weather and half the number of days lost or canceled in excess of six days. This act creates an exception for the 2008-2009 school year. School districts may only have to make up a total of ten school days.

This act contains an emergency clause.

MICHAEL RUFF

SPONSOR: Schieffer

HANDLER: Stouffer

CCS/SS/SCS/HB 683 - This act modifies several provisions of law relating to transportation.

**PROOF OF FINANCIAL RESPONSIBILITY FOR TEMPORARY TAGS** - This act requires anyone purchasing a motor vehicle from a motor vehicle dealer to provide proof of financial responsibility to the dealer before the issuance of a temporary license plate. This portion of the act is similar to SB 759 (2009) (Section 301.140).

**POSSESSION OF EXPIRED LICENSE PLATES** - The act also allows persons to possess used or expired license plates provided the possession of such license plates is for charitable purposes (Section 301.140).

**EXTENSION OF SUNSET TO ALLOW DEPARTMENT OF CORRECTIONS TO CONTINUE MAKING LICENSE PLATE TABS** - This act extends the sunset contained in section 301.290 from January 1, 2010, to January 1, 2011, to allow the Department of Corrections to continue making license plate tabs (Section 301.290).

**REGISTRATION OF FLEET VEHICLES** - This act allows registered fleet owners the option of registering all motor vehicles included in the fleet on a biennial basis. The act provides that an application for registration of a fleet vehicle must be accompanied by a certificate of inspection and approval issued no more than 120 days prior to the date of the registration application. The act further provides that fleet owners may obtain fleet vehicle license plates bearing the company's name or logo for an additional \$5 fee (Section 301.032).

**TRANSPORTATION COMMISSION LEADERSHIP** - Under this act, the chair and vice chair of the commission are given the option to rotate positions. The current law requires the vice chair to assume the position of chair when the one year term of the chair expires (Section 226.030). This provision is also contained in SB 343 (2009).

**DAVID'S LAW** - Under this act, the Department of Transportation shall establish and administer a drunk driving risk reduction awareness program. This act shall be known as "David's Law." The signs shall be placed at or near the scene of the accident. Under the act, 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, and the month and year in which the victim of the drunk driving accident was killed. No person, other than a Department of Transportation employee or the department's designee, may erect a drunk driving victim memorial sign. These provisions may be found in SB 93 (2009)(Section 227.295).

**HEROES WAY** - This act establishes an interstate interchange designation program, to be known as the

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HANDLER: Stouffer

"Heroes Way Interstate Interchange Designation Program", to honor the fallen Missouri heroes who have been killed in action while performing active military duty with the armed forces in Afghanistan or Iraq on or after September 11, 2001 (Section 227.297).

**MOTOR VEHICLE DEALERS AND COLLECTION OF SALES TAXES** - Under this act, beginning January 1, 2012, the Department of Revenue may appoint motor vehicle dealers to act as agents for purpose of titling and registering motor vehicles. Motor vehicle dealers are also authorized under the act to collect and remit sales taxes on motor vehicles. The motor vehicle dealer may only act as an agent for these purposes for an initial sale or lease of a motor vehicle and not subsequent registrations (Section 32.095).

The act provides that motor vehicle dealers authorized to act as agents for the department cannot collect the fee office fees authorized by section 136.055.

Beginning July 1, 2010, any motor vehicle dealer may apply to the director of revenue for authority to collect and remit motor vehicle sales taxes on all motor vehicles sold by that motor vehicle dealer. A motor vehicle dealer who is granted the authority to collect motor vehicle sales taxes shall be subject to the sales tax law as contained in Chapter 144 (Section 144.070). Motor vehicle dealers that are authorized to collect and remit motor vehicle sales taxes are entitled to retain 2% of the motor vehicle sales tax. No moneys from the general revenue fund or other state fund shall be used to compensate motor vehicle dealers for their role in collecting and remitting motor vehicle sales taxes.

Motor vehicle dealers who collect sales taxes on motor vehicles must include the amount of state and local sales taxes collected on each motor vehicle or trailer sold in its monthly sales report (Section 301.280).

The act also provides that a motor vehicle dealer's license may be suspended or revoked if such dealer violates or assists another person to violate the sales tax law (Chapter 144)(Section 301.562). These provisions are similar to ones contained in SB 363 (2009)(32.063, 32.095, 136.055, 144.060, 144.070, 301.280, and 301.562).

**FEE OFFICE COMPETITIVE BIDDING PROCESS** - This act requires the Director of the Department of Revenue to award fee office contracts through a competitive bidding process. (Section 136.055). This portion of the act is similar to SB 561 (2009).

**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 or greater 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 761 and 774 (2008) and 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 761 and 774 (2008) and 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 761 and 774 (2008) and SS/SCS/SB 239 et al (2007).

**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

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HANDLER: Stouffer

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). This provision was contained in SS/SCS/SB 761.

**HAZARDOUS MATERIAL ENDORSEMENT REVOCATION** - This act requires the state to immediately revoke a hazardous material endorsement 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 endorsement within 15 days of receipt of a final determination (Section 302.735).

**HAZARDOUS MATERIAL DEFINITION** - This act modifies the definition of hazardous materials to correspond with federal law and regulations (Section 302.700).

**DRIVING WHILE OUT OF SERVICE** - This act provides that any person convicted for driving while out of service shall be disqualified from driving a commercial motor vehicle in a manner prescribed by the federal regulations (Section 302.755).

**ALCOHOL-RELATED ENFORCEMENT CONTACT** - Under this act, a person is disqualified from driving a commercial motor vehicle for a period of not less than one year if convicted for the 1st violation of an alcohol-related enforcement contact (Section 302.755).

**TRANSPORTATION INSPECTOR GENERAL** - This act eliminates the position of the Transportation Inspector General contained within the Joint Committee on Transportation Oversight. These provisions are contained in SB 31 (2009)(Sections 226.030 and 21.795).

**TOWING BY LAW ENFORCEMENT** - Under current law, property is deemed abandoned when it has been on the right-of-way of any highway or freeway in an urbanized area for 10 hours, but property on the right-of-way on any highway or freeway outside of an urbanized area is not abandoned until it has been on the right-of-way for 48 hours. This act amends the current law so that a law enforcement officer may authorize a towing company to remove property left unattended for 24 hours on the right-of-way on any highway or freeway outside of an urbanized area. This act authorizes law enforcement officers to tow abandoned vehicles abandoned by persons who elude arrest for offenses the officer would have taken the offender into custody. The act also authorizes law enforcement officers to immediately remove abandoned property from the right of way of any interstate highway, freeway, or state highway if the abandoned property is creating a traffic hazard. Currently, this provision of law only authorizes the department of transportation to immediately remove the hazard from a state highway (Section 304.155). This provision is similar to one contained in SCS/SB 88 (2009).

**DEAD RED** - This act provides that a person operating a motorcycle or bicycle 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 or bicycle 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.

SPONSOR: Schieffer

HANDLER: Stouffer

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. This provision is contained in SB 368 (2009). 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)(Section 304.285).

REVISION OF THE SPECIAL LICENSE PLATE PROCEDURE - Under the proposed act, the Joint Committee on Transportation Oversight's role in approving special license plates is modified (Section 21.795). In lieu of receiving unanimous approval by the Joint Committee on Transportation Oversight for a special license plate application, only a majority vote from the committee is required. In addition, the committee shall approve a special license plate application unless the committee receives a signed petition signed by 5 House members or 5 Senators stating the reason for their opposition. The committee may disapprove a special license plate application if the proposed plate contains objectionable language or design or if the organization seeking the special license plate has not complied with the special license plate statute or accompanying rules (Sections 21.795).

FILED RATE DOCTRINE REPEALED FOR HOUSEHOLD GOODS MOVERS IN COMMERCIAL ZONES - Under this act, motor carriers are not required to file its schedules of rates, fares and charges for shipments of household goods that are transported wholly within a commercial zone (Section 387.040).

REVISION OF MACKS CREEK LAW -Under this act, if a city receives more than 35% (current law is 45%) of its annual general operating revenue from traffic fines and court costs for traffic violations occurring on state highways, all revenues in excess of the 35% threshold must be sent to the Department of Revenue to be distributed to the state school system. The current law allows cities to retain 45% of its revenues from such traffic fines. The act requires the director of the department of revenue to establish a procedure whereby the excess revenues are sent to the department. If a city disputes an excess revenue determination, the city may submit to annual audit by the state auditor. This provision is also contained in HCS#2/SB 357 (2009)(section 302.341).

TRACTOR PARADES - This act exempts tractors used in tractor parades from certain width, length, height, and license plate display regulations provided the tractors are driven by licensed drivers during daylight hours only and with the approval of the superintendent of the Missouri State Highway Patrol (Sections 304.170 and 304.260). These provisions are contained in SB 293 (2009).

VETERANS MEMORIAL HIGHWAY - This act designates a portion of Missouri Highway 100 in Franklin County as the "Veterans Memorial Highway" (Section 227.310).

DIESEL FUEL DEFINITION - This act modifies the definition of diesel fuel for the purposes of the motor fuel tax law to exclude biodiesel commonly referred to as B100 until such biodiesel is blended with other diesel fuel or sold for highway use (Section 142.800).

MOTOR VEHICLE VIOLATIONS - This act modifies numerous penalties for violations of motor vehicle licensing, registration, and equipment statutes. The act makes certain motor vehicle registration violations punishable as infractions rather than various classes of misdemeanors. These provisions can be found in SB 342 (2009), SB 101 (2007), HCS/SS/SCS/SBs 239, 24 & 445 ( 2007), and SB 1143 (2006).

This act changes the penalty for violating Missouri's historic motor vehicle 1,000 mile personal use limitation from a Class C misdemeanor to a violation punishable by a fine of not less than five dollars or more than five hundred dollars (Section 301.131).

The act changes the penalty for fastening voided plates to a motor vehicle from a Class C misdemeanor to a violation punishable by a fine of not less than five dollars or more than five hundred dollars (Section 301.150).

SPONSOR: Schieffer

HANDLER: Stouffer

The penalty for failing to surrender a mutilated or worn plate for which a duplicate has been issued is changed from a misdemeanor to a violation punishable by a fine of not less than five dollars or more than five hundred dollars (Section 301.310).

The act provides that the penalty for knowingly making a false statement in the application for the registration of a motor vehicle is a Class C misdemeanor (Section 301.420).

The act removes the imposition of a jail sentence for various motor vehicle registration violations in which no specific statutory penalty is provided and provides that such violations shall be punishable by a fine of not be less than \$5 nor more than \$500. The current law provides that certain motor vehicle registration violations are punishable by imprisonment in the county jail for a term not exceeding one year or by a fine of not less than \$5 or more than \$500, or by both (Section 301.440).

Under the act, violations of Missouri's ATV titling and registration laws are punishable as infractions (Section 301.716). Under the act, failure to secure truck load violations are punished as infractions rather than Class C misdemeanors (Section 307.010). Under the act, the punishment for a mud flap violation is changed from a Class B misdemeanor to an infraction (Section 307.015).

Under the act, the punishment for a spotlight violation is changed from a Class C misdemeanor to an infraction (Section 307.090). The act further provides that violations of certain motor vehicle lighting regulations shall be punishable as infractions rather than misdemeanors (Section 307.120). Under the act, the punishment for improperly lighting or marking an animal-driven vehicle is changed from a Class C misdemeanor to an infraction (Section 307.125).

Under the act, the punishment for certain motor vehicle safety glass violations is changed from a Class C misdemeanor to an infraction (Section 307.155). Under the act, the punishment for altering the front or rear of a motor vehicle or operating a motor vehicle without proper bumpers is changed from a Class C misdemeanor to an infraction (Section 307.172). Under the act, the punishment for a window tinting violation is changed from a Class C misdemeanor to an infraction (Section 307.173). Under the act, the punishment for operating a motorized bicycle without a license or operating a motorized bicycle upon an interstate highway is changed from a Class C misdemeanor to an infraction (Section 307.195).

Under the act, the punishment for an ATV equipment violation is changed from a Class C misdemeanor to an infraction (Section 307.198). Under the act, the punishment for violating certain motor vehicle inspection station regulations is changed from a misdemeanor to a Class C misdemeanor (Section 307.365). Under the act, the punishment for school bus inspection violations is changed from a misdemeanor to a Class C misdemeanor (Section 307.375).

Under the act, the punishment for violating Missouri's motor vehicle safety inspection regulations is changed from a misdemeanor to an infraction (Section 307.390). Under the act, the punishment for violating certain commercial motor vehicle regulations is changed from a Class B misdemeanor to an infraction (Section 307.400). This act provides that for an infraction, all court costs, fees, surcharges, and other charges shall be assessed in the same manner and amount as for a misdemeanor (Section 488.006).

Under this act, an offense is an infraction if it is designated as one, or if a violation can result only in a fine, forfeiture, or other civil penalty. A determination of whether an infraction has occurred shall be made by the filing of a civil action. The action shall be filed by a person who is authorized to bring a criminal action or an action to enforce an ordinance. The action will be brought in the name of the state or the appropriate political subdivision. An infraction violation shall be proved by a preponderance of the evidence but shall not be tried by a jury. If an infraction violation is proven, judgment shall be entered for the plaintiff. This act requires any driver to stop on signal of any law enforcement officer and to obey any reasonable signals of such officer given in the course of enforcing any infraction. Any person who fails or

SPONSOR: Schieffer

HANDLER: Stouffer

refuses to obey any such signal or who resists an officer while enforcing any infraction, shall be guilty of a Class A misdemeanor (Section 556.021).

VETERANS MEMORIAL HIGHWAY - This act designates a portion of Poplar Bluff Bypass in Butler County as the "Veterans Memorial Highway" (Section 227.311).

MARTIN LUTHER KING JR MEMORIAL MILE - This act designates a portion of Missouri Highway 266 in Green County as Dr. Martin Luther King Jr. Memorial Mile (Section 227.313).

FRANKLIN STREET - This act provides that the portion of the state highway system which was designated as Highway 47 as of January 1, 2009, within the limits of the city of Washington shall be designated and known as "Franklin Street" and shall not be designated as a numbered state highway (Section 227.320).

JAMES FINLEY MEMORIAL BRIDGE - This act designates a bridge in Laclede County as the "Specialist James M. Finley Memorial Bridge" (Section 227.368). This section is also contained in SB 84 and SCS/HB 91 (2009).

WWII OKINAWA VETERANS MEMORIAL BRIDGE - This act designates the bridge over the Gasconade River on State Highway 17 in Pulaski County as the "WWII Okinawa Veterans Memorial Bridge" (Section 227.402). This section is also contained in SB 84 and SCS/HB 91 (2009).

CW2 MATTHEW G. KELLEY MEMORIAL HIGHWAY - This act designates the portion of U. S. Highway 69 from the southern city limits of Cameron to its intersection with Interstate 35, as the "CW2 Matthew G. Kelley Memorial Highway" (Section 227.406).

LAMAR HUNT MEMORIAL HIGHWAY - This act designates a portion of Interstate 435 as the "Lamar Hunt Memorial Highway." This provision can be found in SCS/HB 91 and HB 358 (2009)(Section 227.407).

RABBI ABRAHAM JOSHUA HESCHEL MEMORIAL HIGHWAY - This act designates a portion of U.S. Highway 160 in Greene County as the "Rabbi Abraham Joshua Heschel Memorial Highway" (Section 227.410).

TRANSPORTING RADIOACTIVE WASTE - Shippers of radioactive waste in or through Missouri shall be subject to statutory fees established by the act. State-funded institutions of higher education that ship nuclear waste shall be exempt from the 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. Fees collected under the act shall be deposited into the Environmental Radiation Monitoring Fund for use by the Department of Natural Resources for radioactive waste-related activities, including emergency response coordination, environmental remediation oversight, and administrative costs. Any unused balance over \$300,000 in the Fund in any fiscal year shall be returned to the fee payers on a pro-rata basis. The act requires the Department of Natural Resources to prepare a report for the General Assembly beginning December 31, 2009, and every two years thereafter on all activities relating to the Environmental Radiation Monitoring Fund. The act provides notification requirements for shippers of radioactive waste. Any shipper who fails to pay a fee or to provide notice of a shipment 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 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 shipping fees and notification requirements, and the Department biennial report, shall sunset six years after the effective date of the section unless reauthorized by the General Assembly. (sections 260.392 and 260.750). These provisions can be found in SB 100 (2009).

SPONSOR: Schieffer

HANDLER: Stouffer

**ATVs AND RECREATIONAL OFF-HIGHWAY VEHICLES** - This act modifies the definition of all-terrain vehicles by increasing the vehicle's unladen dry weight from 1,000 pounds to 1,500 pounds. The definition is also modified by stating that an ATV is a vehicle with four or more nonhighway tires (current law uses the term low pressure tires). The act also provides a definition for the term "recreational off-highway vehicle" for purposes of Missouri's titling and registration laws. Under the act, a recreational off-highway vehicle is any motorized vehicle manufactured and used exclusively for off-highway use which is 60 inches or less in width, with an unladen dry weight of 1,850 pounds or less, traveling on four or more nonhighway tires, with a nonstraddle seat, and steering wheel, which may have access to ATV trails. A similar provision can be found in SB 525 (2009) (Section 301.010).

**BRAIN TUMOR AWARENESS PLATES** - This act authorizes the issuance of Brain Tumor Awareness Organization special license plates (section 301.165). This provision can be found in SB 134 (2009).

**ARMED FORCES EXPEDITIONARY MEDAL PLATE** - This act also 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. This provision was contained in SB 134 (2009) and SB 856 (2008)(Section 301.3155).

**CENTRALIZED VIOLATION BUREAU** - Under this act, any court using a centralized violation bureau may elect to have the bureau order and verify completion of driver improvement programs or motorcycle-rider training courses. If a person has been ordered by the court to attend a driver-improvement program or a motorcycle-rider training program, the person also consents to attendance at any such program, and to verification of such attendance as directed by the bureau, when he or she pays the fines and court costs (Sections 302.302 and 476.385).

**ASSAULT OF HIGHWAY WORKERS AND CORRECTION OFFICERS** - The crime of assault of a law enforcement officer, emergency personnel, or probation and parole officer in the first, second, and third degree is expanded to include highway workers in construction or work zones and correction officers (Sections 565.081 - 565.083)

**BOATER IDENTIFICATION CARD NOTATION ON DRIVER'S LICENSE** Any resident of this state who possesses a boater identification card issued by the Missouri state water patrol may apply to the department of revenue to have a notation placed on the person's driver's license or nondriver's license indicating that such person has complied with the applicable provisions of the law. The department of revenue, by rule, may establish the cost and criteria for placement of the notation. Any driver's license or nondriver's license bearing such a notation may be used for identification in lieu of a boater identification card (Section 302.184).

**DRIVER'S OR NONDRIVER'S LICENSE OF A PERMANENTLY DISABLED PERSON** - An individual who is permanently disabled is allowed to apply to the Department of Revenue to have a notation indicating that status on his or her driver's or nondriver's license. The department will establish the cost and criteria for the placement of the notation (Section 302.182).

**MOBILITY MOTOR VEHICLE DEALERS** - Under this act, a mobility motor vehicle dealer may purchase new motor vehicles from franchised dealers to equip such vehicles for retail sale as a mobility motor vehicle. Mobility motor vehicle dealers may also display new motor vehicles to disabled persons to equip the vehicles as mobility motor vehicles for such persons. A mobility motor vehicle dealer who purchases a new motor vehicle from a franchised dealer to equip the vehicle as a mobility motor vehicle shall not advertise the vehicle for resale until the vehicle is equipped as a mobility motor vehicle (Section 301.571).

**MOTOR VEHICLE SAFETY INSPECTION** - This act exempts motor vehicles for the five-year period following their model year of manufacture from the state motor vehicle safety inspection. This exemption



SPONSOR: Schieffer

HANDLER: Stouffer

does not apply to prior salvage vehicles immediately following a rebuilding process or to motor vehicles that are required to undergo an inspection after being involved in an accident. The exemption also does not apply to motor vehicles that are being sold. The sellers of such motor vehicles are still required to have those types of motor vehicles undergo a safety inspection at their expense. The act also exempt vehicles registered in excess of 24,000 pounds for a period of less than 12 months from the state safety inspection (Section 307.350) (SENATE AMENDMENT 1). The provisions of this section become effective January 1, 2010.

OPERATION OF GOLF CARTS - Under this act, the governing body of any municipality may by resolution or ordinance allow persons to operate golf carts or motorized wheelchairs upon any street under its jurisdiction. A golf cart or motorized wheelchair shall not be operated at any time on any state or federal highway, but may be operated upon such highway in order to cross a portion of the state highway system which intersects a municipal street. No golf cart or motorized wheelchair shall cross any highway at an intersection where the highway being crossed has a posted speed limit of more than forty-five miles per hour. Golf carts operated on city streets must be equipped with adequate brakes and shall meet any other safety requirements imposed by the governing body. Golf carts are not subject to registration. The act defines a "golf cart" as a motor vehicle that is designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of twenty miles per hour (Section 304.034). This provision is contained in SB 67 (2009)(SENATE AMENDMENT 2).

PUBLIC-PRIVATE PARTNERSHIP TRANSPORTATION ACT - Under this act, all sales and purchases of tangible property, utilities, or services for use in public-private transportation projects are exempt from sales and use taxes (Section 144.054). This act expands the types of projects that may be included in public-private partnership projects. This act allows public-private partnerships to be used for any project that includes any pipeline, ferry, river port, airport, railroad, light rail or other mass transit facility, to be financed, developed, or operated under an agreement between the commission and a private partner. This list of projects is exclusive and any expansion of the project list will require a vote of the people (Section 227.600). A public-private partnership project must receive preliminary approval from the commission and final approval from the joint committee on transportation oversight (Section 227.615). Under the act, motor carriers are not subject to user fees imposed by public-private partnership projects (Section 227.630). Under this act, any revenues received from a public-private project are exempt from state income tax (Section 227.646). These provisions are similar to the ones contained in HB 354 (2009) (SENATE AMENDMENT 3).

STEPHEN WITTE

SPONSOR: Jones

HANDLER: Goodman

HCS/HB 685 - This act specifies that the Highway Patrol does not have to be accompanied by the county sheriff when serving search warrants for offenses relating to driving while intoxicated and for the investigation of motor vehicle traffic accidents. The Highway Patrol shall not be required to notify the county sheriff of any search warrant for offenses relating to driving while intoxicated.

SUSAN HENDERSON MOORE

SPONSOR: Zimmerman

HANDLER: Schmitt

HB 698 - Under current law, required statements must be posted in bold letters on certain donation receptacles regarding how the proceeds of the donations will be used. This act adds criteria for what constitutes a "bold letter." When more than 100 receptacles have been distributed by an organization before June 1, 2009, and at least a portion of the proceeds are given to a non-profit organization, the act provides a 6-month exemption from the signage requirements provided the organization is making a good-faith attempt to bring the receptacles into compliance.

ERIKA JAQUES

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SPONSOR: Dusenberg

HANDLER: Bartle

HB 709 - Currently, election authorities are required to send voter notification cards to voters no later than 90 days prior to the date of a primary or general election for federal office, unless the voter has received one within the preceding 6 months. The cards are also sent after a new registration, change of address, or when a voter loses the card and requests a new one. The election authority is no longer required to send such cards (now called "voter identification cards" under the act) to voters in those instances when those voters have registered by mail and have not yet voted.

Election authorities are required to send voter verification notices to voters who have registered by mail and have not voted, no later than 90 days prior to the date of a primary or general election for federal office.

CHRIS HOGERTY

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SPONSOR: Todd

HANDLER: Mayer

SCS/HB 716 - This act modifies provisions relating to newborn screening.

This act establishes the Brady Alan Cunningham Newborn Screening Act. The act requires, by July 1, 2012, the Department of Health and Senior Services to expand newborn screening requirements to include certain lysosomal storage diseases such as Krabbe, Pompe, Gaucher, Niemann-Pick or Fabry disease. The department is authorized to increase the current fee associated with the screening tests to cover the additional costs of the expanded tests. SECTION 191.333

The act also requires the MO HealthNet program and the state children's health insurance program (CHIP) to examine and improve hospital discharge and follow-up care procedures for premature infants born earlier than 37 weeks gestational age. The programs shall also urge hospitals serving infants eligible for MO HealthNet and CHIP to report to the state the causes and incidence of all re-hospitalizations of premature infants. SECTION 191.1127

The Department of Health and Senior Services is required to prepare written educational materials containing information about possible complications, proper care and support associated with newborn infants who are born premature at earlier than 37 weeks gestational age. The act specifies the minimum information that shall be included in the publications and provides that the department shall distribute the publications to children's health providers, maternal care providers, hospitals, public health departments and medical organizations. SECTION 191.1130

The premature infant provisions are identical to provisions in SS/SCS/SB 306 (2009).

ADRIANE CROUSE

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SPONSOR: Ruzicka

HANDLER: Lager

CCS/SS/SCS/HB 734 - This act modifies provisions pertaining to natural resources.

#### SECTION 8.305 - ENERGY EFFICIENT STATE APPLIANCES

The act requires any appliance purchased by the state until August 28, 2011 to be an Energy Star rated appliance, unless it is exempted by the Commissioner of the Office of Administration because the cost outweighs the energy savings.

#### SECTION 266.331 - FERTILIZER FEES

Under current law, distributors of fertilizer must pay a fee not to exceed \$1 per ton to the Department of Agriculture. This amendment modifies the fee for fertilizers consisting of manipulated animal or vegetable manure by requiring the fee per ton not to exceed: 2 cents per percent of nitrogen for manure containing less than 5% nitrogen; 4 cents per percent of nitrogen for manure containing at least 5% but less than 10% nitrogen; and 6 cents per percent of nitrogen for manure containing 10% or more percent nitrogen.

#### SECTION 644.036 - 303(d) LIST PUBLIC NOTICE REQUIREMENTS

Under current law, the public notification requirements for the Clean Water Commission's development of the list of impaired waters required by Section 303(d) of the federal Clean Water Act expire on August 28, 2009. This act extends the expiration date to August 28, 2010.

#### SECTION 644.054 - WATER POLLUTION CONTROL PERMIT FEES

Under current law, the authority expires on December 31, 2009 for the Clean Water Commission to charge fees for construction permits, operating permits, and operator's certifications related to water pollution control. This act extends the expiration date to December 31, 2010.

#### SECTIONS 701.500 TO 701.506 - ENERGY EFFICIENCY STANDARDS FOR APPLIANCES

Under current law, the director of the Department of Natural Resources is required to develop minimum energy efficiency standards for two types of appliances and consumer electronics: those that have earned the federal Energy Star designation and those that have federally-required minimum energy efficiency standards. This act removes consumer electronics and instead requires the director to establish the standards only for appliances that do NOT have federally-required minimum standards. In cases where an appliance is eligible for the Energy Star designation, the minimum standards set by the director shall not exceed the Energy Star requirements.

The act requires the department to conduct a study of energy efficiency in consumer electronics and report its findings to the General Assembly by July 1, 2010.

#### SECTION 1 - JOINT COMMITTEE ON MISSOURI'S ENERGY FUTURE

The act creates the Joint Committee on Missouri's Energy Future, which shall be composed of 10 members, 5 from the House and 5 from the Senate, to study Missouri's present and future energy needs and determine sound energy policy to meet the state's energy needs for the next 25 years.

The act contains an emergency clause for Section 1 (the Joint Committee on Missouri's Energy Future).

Provisions of this act are similar to provisions in the truly agreed to and finally passed SS/HCS/HB 661 (2009); perfected SB 272 (2009); and SB 433 (2009).

ERIKA JAQUES

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**\*\*\* HB 740 \*\*\***

SPONSOR: Icet

HANDLER: Nodler

SS/HCS/HB 740 - This act imposes a tax upon payments received by providers of in-home services. The tax will be in an amount not to exceed six and one-half percent of the gross receipts of in-home service providers, based upon a formula set out in rules promulgated by the department of social services. The tax will take effect upon authorization by the federal centers for Medicare & Medicaid services. Revenues derived from the tax will be placed into the newly created in-home services gross receipts tax fund. The department is granted authority to revoke, or fail to renew, a provider agreement where the provider fails to pay the tax imposed. The act provides a number of conditions which may result in the expiration of the tax. The provisions of the act creating the tax on in-home service providers will expire September 1, 2011.

This act extends the sunsets for the Medicaid Managed Care Organization reimbursement allowance, the Pharmacy Tax, and the intermediate care facility for the mentally retarded assessment from June 30, 2009 to September 30, 2011. The sunsets for the Federal Reimbursement Allowance assessment and Nursing Facility Reimbursement Allowance are extended from September 30, 2009 to September 30, 2011.

This act contains an emergency clause.

JASON ZAMKUS

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**\*\*\* HB 745 \*\*\***

SPONSOR: Loehner

HANDLER: Clemens

CCS/SCS/HB 745 - The Commissioner of the Office of Administration shall give new generation processing entities that are not renewable fuel production entities, preference when purchasing commodities and tangible personal property.

CHRIS HOGERTY

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**\*\*\* HB 747 \*\*\***

SPONSOR: Witte

HANDLER: Shoemyer

HB 747 - This act specifies that in order for a person to be guilty of the crime of sexual contact with a prisoner or offender, the prisoner or offender must be confined in a jail, prison, or correctional facility.

SUSAN HENDERSON MOORE

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SPONSOR: Schad

HB 751 - This act modifies provisions relating to the Missouri Propane Education and Research Council.

Under current law, there are three ways for the director of the Missouri Energy Center to initiate a referendum on the abolishment of the Missouri Propane Education and Research Council and the fee for odorized propane. This act removes one of these three ways, which is at the discretion of the director.

Current law allows vacancies on the council to be filled by the remaining members of the council, subject to the approval of the director. This act removes the requirement that the director must approve the appointment and instead requires the council to fill vacancies after a public nomination process.

Current law requires the council to submit a budget plan to the director at the beginning of each fiscal period and requires the director to either approve or recommend changes to the budget after a public comment period. The act removes the director's involvement in the budget approval, and instead requires the budget plan be submitted for public comment at least 30 days prior to the beginning of each fiscal period, and authorizes the council to approve or modify the budget after the public comment period.

The act removes the authority of the director to require additional reports from the council at his or her discretion beyond what is already required under current law.

Authority to establish an alternative means to collect the odorized propane fee and set late payment charges is currently given to the director. This act transfers this authority to the council. The interest rate charged for late payments may not exceed the legal rate for judgments.

The act removes provisions that allow the National Propane Education and Research Council to coordinate its operations with Missouri's council and that authorize Missouri's council to keep funds resulting from a federal rebate on propane fees.

This act is identical to SB 297 (2009).  
ERIKA JAQUES

SPONSOR: Schieffer

HANDLER: Stouffer

SCS/HCS/HB 752 - This act eliminates the position of the Transportation Inspector General contained within the Joint Committee on Transportation Oversight.

Under this act, the chair and vice chair of the Highways and Transportation Commission are given the option to rotate positions. The current law requires the vice chair to assume the position of chair when the one year term of the chair expires (Section 226.030).

Provisions of this act are similar to SB 343 and SB 31 (2009).  
STEPHEN WITTE

**\*\*\* HB 802 \*\*\***

SPONSOR: Tracy

HANDLER: Crowell

HB 802 - Under current law, persons or families are eligible to qualify for assistance from the Missouri Housing Development Commission under the Neighborhood Assistance Act for an affordable housing unit if the household's combined, adjusted gross income of the individual or family is equal to or less than certain statutory percentages of the median family income for the geographic area in which the residential unit is located or the median family income for the state, whichever is larger. Under this act, the current statutory income thresholds are applied to rental units while the act creates more favorable income percentage thresholds for owner-occupied units. The act doubles the current statutory income percentage thresholds for persons residing in owner-occupied units. For example, a one person household making 35% or less of the family median income is eligible for assistance under the Neighborhood Assistance Act for a rental unit, while a one person household making 70% or less of the family median income is eligible for assistance under Neighborhood Assistance Act provided the person resides in a owner-occupied unit.

STEPHEN WITTE

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**\*\*\* HB 811 \*\*\***

SPONSOR: Wasson

HANDLER: Scott

HB 811 - This act requires an applicant for a dietitian's license to have a current registration with the Commission on Dietetic Registration, the credentialing agency for the American Dietetic Association.

EMILY KALMER

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**\*\*\* HB 826 \*\*\***

SPONSOR: Brown

HANDLER: Lembke

HB 826 - The Department of Mental Health is authorized to enter into a contract agreement with one or more county jails for the confinement of sexually violent predators. Such persons confined in a county jail shall be housed separately from other offenders.

This act also allows the Department of Mental Health to detain persons, after a probable cause hearing, at a county jail prior to their commitment to the Department of Mental Health as sexually violent predators.

This act is similar to CCS/HCS/SB 435 (2009).

SUSAN HENDERSON MOORE

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SPONSOR: Curls

HANDLER: Justus

HCS/HBs 836 & 753 - In cases where a foreclosed property is occupied by a residential tenant whose lease is not void due to certain illegal uses of the premises, the new owner of the property must give the tenant notice that the foreclosure sale has occurred, that they are the new owner of the property, that the tenant has ten days from the date of the notice to vacate the premises, and that rent in an amount equal to the tenant's previous rent, or a lesser amount of rent as specified by the new owner, must be paid to the new owner. No unlawful detainer action or other action seeking possession of the premises may begin against the tenant until ten days after the date the tenant is given notice that the foreclosure sale occurred.

A tenant is not guilty of unlawful detainer until they have received written notice that the foreclosure sale has occurred and either their lease is void due to engaging in certain illegal uses of the premises, or it has been at least ten days after the date of the foreclosure sale.

The written notice to the tenant must be sent by certified or registered mail. If the new owner does not know the name of the tenant, the notice must be sent by regular mail. The written notice must also be posted on the door of the premises. The written notice shall include specific language set forth in the statute.

EMILY KALMER

SPONSOR: Wood

HANDLER: Goodman

SCS/HB 842 - This act defines boat docks as real property and specifies that they have riparian rights for the purpose of the law regarding real estate appraisers as long as the boat dock is included as a fixture in the lender's deed of trust and a Uniform Commercial Code filing, the boat dock is attached to the real property, and the owner of the dock has riparian rights by means of real estate rights bordering the body of water.

This act also modifies the definition of "commercial real estate" as it applies to the licensing requirements of real estate brokers and agents. The definition of commercial real estate no longer excludes real estate on which no buildings or structures are located.

EMILY KALMER

SPONSOR: Dieckhaus

HANDLER: Griesheimer

HB 859 - This act requires communities to file one copy of any technical code adopted with the clerk's office to be available to the public, rather than three copies.

This act is identical to SB 7 (2009).

SUSAN HENDERSON MOORE

SPONSOR: Day

HANDLER: Crowell

SCS/HB 861 - This act allows the Adjutant General to assign the number of assistant adjutants general that are authorized by National Guard Bureau rules and regulations rather than limiting the number to two. Such assistant adjutants general, if qualified, shall hold military rank as may be authorized and approved for the positions by the National Guard Bureau of the United States.

This act is identical to SB 554 (2009) and a portion of CCS/SCS/HCS/HB 427.

EMILY KALMER

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SPONSOR: Dixon

HANDLER: Cunningham

HCS/HB 863 - This act requires that a child witness, fourteen years old or under, or after written findings on the record, a person fifteen to seventeen years old, who testifies at certain types of judicial proceedings be accommodated by the court in several ways.

The judge shall ensure that any oath is administered to the child in a manner that the child may fully understand their duty to tell the truth. The judge shall ensure that questions are stated in a form which is appropriate to the age of the child, and explain to the child that if they do not understand the question they have a right to say that they do not understand the question. The judge may limit the length of a child's testimony and the time for their testimony to normal school hours. After filing a motion thirty days before the judicial proceeding, a child may have a toy or blanket with them, if all the parties agree, or if the child cannot reliably testify without the item and allowing the item is not likely to prejudice the judge/jury in evaluating the child's testimony. After filing a motion thirty days before the judicial proceeding, a child is also allowed to have a support person designated by the court in the courtroom. The court may allow the support person to be in close proximity to the child if all the parties agree, or if the child cannot reliably testify without the support person and allowing the support person is not likely to prejudice the judge/jury in evaluating the child's testimony. The judge may rephrase any question, so that the child is not intimidated. At least thirty days prior to the judicial proceeding the judge may order adjustments to the layout of the courtroom, that the proceeding be conducted outside the normal courtroom, or that the formalities of the proceedings be relaxed.

This act is similar to HB 1611 (2008).

EMILY KALMER

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SPONSOR: Wells

HANDLER: Lembke

SCS/HB 866 - This act requires certain licensing bodies destroy documentation of complaints made by sexually violent predators against certain licensed professionals, if the complaint does not result in discipline. Past unsubstantiated complaints by sexually violent predators against a doctor or social worker shall be destroyed upon request.

This act is identical to SCS/SB 318.

EMILY KALMER

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SPONSOR: Guest

HANDLER: Lager

SCS/HB 867 - This act designates the portion of U. S. Highway 69m from the southern city limits of Cameron to its intersection with Interstate 35, as the "CW2 Matthew G. Kelley Memorial Highway."  
STEPHEN WITTE

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SPONSOR: Flook

HANDLER: Pearce

HCS/HB 883 - This act requires the State Treasurer's asset allocation plan to set diversification limits, which shall include a requirement that the total amount of time deposits placed with any one single banking institution not exceed 10% of the amount of all time deposits held by the Treasurer. The act requires that the interest rate on time deposits placed by the State Treasurer after January 1, 2014 shall be at the market rate, which shall be set by the Treasurer's director of investments. The act provides a year-by-year schedule for interest rates for time deposits through 2014.

The act expands the list of acceptable securities that banks may use as collateral for holding state deposits to include "other obligations" of certain political subdivisions and other states. The act modifies the total amount of certain types of securities that may be used as collateral, where U.S. Treasury securities and U.S. federal agency debentures issued by certain farm and home mortgage lenders must not exceed 105% of total time deposits and demand deposits, and all other certain securities must not exceed 115% of total time deposits and demand deposits.

The act adds two additional eligible participants in the State Treasurer's linked deposit loan program: individuals who want to produce their own energy from renewable resources; and political subdivisions seeking to finance capital improvements or other significant programs.

The act modifies criteria of several other eligible participants in the linked deposit loan program. It removes the requirement that alternative energy operations must sell fuel or power generated by their operations. It removes the requirement that farming operations must not possess more than 60% equity in the operation. The act makes an exception to the maximum loan per job requirement for job enhancement businesses that incur significant costs for equipment or capital improvements. The maximum number of employees of an eligible small business is increased from 25 to 100.

This act is substantially similar to the truly agreed to SCS/SB 542 (2009).  
ERIKA JAQUES

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SPONSOR: Sander

HANDLER: Stouffer

HCS/HB 895 - This act authorizes the Governor to convey all interest in an easement across state property located in Macon County to certain private property owners for the purpose of obtaining access to their property.

This act is identical to a provision of HCS/SCS/SB 15 (2009).  
SUSAN HENDERSON MOORE

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**\*\*\* HB 909 \*\*\***

SPONSOR: Brandom

HANDLER: Crowell

HCS/HB 909 - The act authorizes the Governor to convey state property in Cape Girardeau County to the State Highways and Transportation Commission.

This act authorizes the Governor to convey state property in St. Louis City to Harris-Stowe University.

This act authorizes the Governor to convey property and a permanent transmission easement for construction and maintenance of utilities to the state highways and transportation commission in St. Louis City.

This act is similar to provisions of HCS/SCS/SB 15 (2009) and HB 537 (2009).

SUSAN HENDERSON MOORE

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**\*\*\* HB 914 \*\*\***

SPONSOR: Cunningham

HANDLER: Scott

HCS/HB 914 - This act removes a provision requiring the circuit court to approve the Director of Finance appointment of a liquidating agent for a failed bank.

This act contains an emergency clause.

This act is identical to SB 421 (2009).

CHRIS HOGERTY

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**\*\*\* HB 918 \*\*\***

SPONSOR: Kelly

HANDLER: Schaefer

HB 918 - This act authorizes the Governor to convey state property in Boone County, known as the Mid-Missouri Mental Health Center, to the University of Missouri-Columbia.

This act contains an emergency clause.

This act is identical to SB 540 (2009) and similar to provisions of HCS/SCS/SB 15 (2009).

SUSAN HENDERSON MOORE

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**\*\*\* HB 919 \*\*\***

SPONSOR: Ruestman

HANDLER: Goodman

HB 919 - This act permits associations to provide group health insurance policies to sole-proprietorships and self-employed individuals.

STEPHEN WITTE

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SPONSOR: Smith

HANDLER: Rupp

SCS/HB 922 – By July 1, 2011, each school district must adopt a policy on allergy prevention and response. Priority must be given to addressing potentially deadly food-borne allergies.

Each policy must contain the following elements: distinguishing between building, classroom, and individual approaches to allergy prevention and management; providing an age-appropriate response to allergy education and prevention; describing the role of school staff to determine the management of an allergy problem, as described in the act; describing the role of other students and parents in cooperating to prevent and mitigate allergies; addressing confidentiality issues with medical information; and coordinating with the School Health Advisory Council, local health authorities, and other appropriate entities.

The Department of Elementary and Secondary Education must develop a model policy or policies by July 1, 2010, in cooperation with appropriate professional associations.

MICHAEL RUFF

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SPONSOR: Fisher

HANDLER: Griesheimer

CCS/SCS/HCS/HB 1075 - This act modifies various unemployment insurance laws.

The act modifies the triggers for receiving federal extended unemployment funds within the time frame of February 1, 2009 and December 5, 2009. At such time the average total unemployment rate shall equal or exceed 6 1/2% within the most recent 3 months for which data for all states are published and shall be at least 110% of the average for the corresponding 3 month period ending in the two preceding calendar years.

The total extended benefit amount payable is changed to equal the lesser of 80% of the total amount of regular benefits in the benefit year or 20 times the applicant's weekly benefit amount for a week of total unemployment in the benefit year.

Currently, the unpaid principal amount of outstanding credit instruments, combined with the unpaid principal amount of any financing agreement authorized and issued by the Board of Unemployment Fund Financing shall not exceed \$450 million at any one time. This act removes this provision.

Similarly, the current total amount of outstanding obligations under all financial agreements entered into by the board shall not exceed the difference of \$450 million and the principal amount of outstanding credit instruments. This provision is also removed.

This act creates superseding provisions in Missouri's unemployment compensation law subject to the certification of the United States Secretary of Labor under the American Recovery and Reinvestment Act of 2009 (ARRA). The provisions contained in this amendment shall expire once the funds provided for under the ARRA are expended unless renewed by the General Assembly.

The act creates an alternative base period for unemployment compensation claimants who do not have sufficient wages in the base period to be an insured worker.

Claimants shall not be disqualified from receiving compensation for separating from employment if it is for a compelling family reason.

Claimants who have commenced training under the Workforce Investment Act or approved training under Missouri law and have exhausted regular benefits, shall be eligible for additional benefits not to exceed 26 times their weekly benefit amount. Priority for training funds shall be given to claimants laid off through no fault of their own from Missouri automobile manufacturing facilities.

When the amount of payments under the proposed section exceeds the amount of federal incentive funds, the Unemployment Compensation Fund shall be reimbursed from general revenue for subsequent payments.

This act contains an emergency clause.

This act is similar to SB 495 (2009).

CHRIS HOGERTY

SPONSOR: McGhee

HANDLER: Lembke

HCR 5 - This resolution disapproves the Missouri Citizens' Commission on Compensation for Elected Officials salary recommendations.

JIM ERTLE

SPONSOR: Chappelle-Nadal

HJR 15 - Upon voter approval, this proposed constitutional amendment exempts all real property, used as a homestead by former prisoners of war with a total service-connected disability, from property tax.  
JASON ZAMKUS

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**Administration, Office of**

- SB 15 - Authorizes the conveyance and lease of certain state properties
  - SB 376 - Modifies provisions relating to energy and energy efficiency
  - HB 282 - Authorizes the Governor to convey state property in Jasper County, known as the Joplin Regional Center, to Missouri Southern State University
  - HB 544 - Requires the Commissioner of the Office of Administration to maintain the Missouri Accountability Portal, establishes the Joint Committee on Recovery Accountability and Transparency, and requires the Office of Administration to provide legislators a key to the Capitol dome
  - HB 745 - Requires the Commissioner of Administration to give new generation processing entities preference when purchasing commodities and tangible personal property
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**Agriculture and Animals**

- SB 153 - Modifies provisions pertaining to milk sales, the Rice Advisory Council and the state veterinarian
  - HB 251 - Specifies that any return on savings given by a cooperative association to its members for the purchase of milk products will not be a violation of the Unfair Milk Sales Practices Act
  - HB 481 - Modifies laws regarding courts, judicial proceedings, and other provisions
- 

**Agriculture Dept.**

- SB 153 - Modifies provisions pertaining to milk sales, the Rice Advisory Council and the state veterinarian
  - HB 251 - Specifies that any return on savings given by a cooperative association to its members for the purchase of milk products will not be a violation of the Unfair Milk Sales Practices Act
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**Alcohol**

- SB 26 - Prohibits alcohol beverage vaporizers
  - HB 62 - Modifies various provisions relating to crime
  - HB 132 - Modifies provisions relating to liquor control
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**Ambulances and Ambulance Districts**

- SB 307 - Modifies provisions of law regarding taxes to fund certain health care services
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**Appropriations**

- SB 313 - Creates two separate funds within the state treasury to receive and retain funds provided under the American Recovery and Reinvestment Act of 2009
- HB 1 - Appropriates money to the Board of Fund Commissioners
- HB 2 - Appropriates money for the expenses, grants, refunds, and distributions of the State Board of Education and Department of Elementary and Secondary Education
- HB 3 - Appropriates money for the expenses, grants, refunds, and distributions of the Department of Higher Education
- HB 4 - Appropriates money for the expenses, grants, refunds, and distributions of the Department of Revenue and Department of Transportation
- HB 5 - Appropriates money for the expenses, grants, refunds, and distributions of the Office of Administration, Department of Transportation, and Department of Public Safety
- HB 6 - Appropriates money for the expenses, grants, refunds, and distributions of the Department of Agriculture, Department of Natural Resources, and Department of Conservation
- HB 7 - Appropriates money for the expenses and distributions of the departments of Economic Development, Insurance, Financial Institutions, Professional Registration, Labor and Industrial Relations

**Appropriations (cont'd)**

- HB 8 - Appropriates money for the expenses, grants, refunds, and distributions of the Department of Public Safety
- HB 8 - Appropriates money for the expenses, grants, refunds, and distributions of the Department of Public Safety
- HB 9 - Appropriates money for the expenses, grants, refunds, and distributions of the Department of Corrections
- HB 10 - Appropriates money for the expenses, grants, refunds, and distributions of the Department of Mental Health, Board of Public Buildings, and Department of Health and Senior Services
- HB 11 - Appropriates money for the expenses, grants, and distributions of the Department of Social Services
- HB 12 - Appropriates money for the expenses, grants, refunds, and distributions of statewide elected officials, the Judiciary, Office of the State Public Defender, and General Assembly
- HB 13 - Appropriates money for real property leases and related services
- HB 14 - Appropriates money for supplemental purposes for several departments and offices of state government, for the purchase of equipment, payment of claims for refunds, for persons, firms and corporations
- HB 15 - Appropriates money for supplemental purposes for the several departments and offices of state government, and for payment of various claims for refunds, for persons, firms and corporations
- HB 17 - Appropriates money for capital improvement and other purposes as provided in Article IV, Section 28
- HB 21 - Appropriates money for supplemental purposes for various departments and offices of state government
- HB 22 - Appropriates money for capital improvement projects, for grants, refunds and distributions, planning, expenses, and to transfer money among certain funds.
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**Architects**

- SB 296 - Modifies laws regarding cemeteries and cemetery operators, physician assistants, the board for architects, professional engineers, professional land surveyors, and landscape architects, dental care professionals, nurses, pharmacy, and mental health benefits
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**Attorney General, State**

- SB 464 - Modifies various provisions relating to insurance
- HB 577 - Modifies various provisions relating to the regulations of insurance
- HB 698 - Modifies signage requirements for certain donation receptacles
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**Attorneys**

- HB 237 - Modifies provisions relating to courts
- HB 863 - Requires courts to accommodate child witnesses in certain judicial proceedings in several ways
- 

**Banks and Financial Institutions**

- SB 1 - Establishes licensing and contract requirements for preneed funeral contract sellers, providers, and seller agents
- SB 243 - Allows for the sale of deficiency waiver addendums and other similar products with respect to certain loan transactions
- SB 277 - Authorizes financial institutions to assign fiduciary obligations relating to irrevocable life insurance trusts
- SB 485 - Requires the Ethics Commission to redact the bank account number contained on a committee's statement of organization before it makes the statement public

**Banks and Financial Institutions (cont'd)**

- HB 239 - Modifies laws regarding the management of funds by the University of Missouri board of curators, charities, trustees of certain irrevocable trusts, and personal representatives and conservators of estates
- HB 239 - Modifies laws regarding the management of funds by the University of Missouri board of curators, charities, trustees of certain irrevocable trusts, and personal representatives and conservators of estates
- HB 382 - Regulates residential mortgage brokers and loan originators
- HB 836 - Requires certain notices to occupants of residential property in cases of foreclosure before the new owner may bring an action seeking possession of the property
- HB 914 - Removes a provision requiring the circuit court to approve the Director of Finance's appointment of a liquidating agent for a failed bank

**Boards, Commissions, Committees, Councils**

- SB 157 - Codifies into law the five regional autism projects currently serving persons with autism
- SB 161 - Removes certain limitations on investments made by boards of trustees of police and firemen's retirement systems
- SB 291 - Modifies provisions relating to education
- SB 296 - Modifies laws regarding cemeteries and cemetery operators, physician assistants, the board for architects, professional engineers, professional land surveyors, and landscape architects, dental care professionals, nurses, pharmacy, and mental health benefits
- SB 411 - Makes certain employees of the Missouri Development Finance Board members of the Missouri State Employees' Retirement System and modifies provisions relating to teacher and school retirement systems
- SB 480 - Creates the Missouri Board on Geographic Names and modifies the name and duties of the Second Capitol Commission
- HB 124 - Modifies the scope and duration of the Joint Committee on Terrorism, Bioterrorism, and Homeland Security
- HB 237 - Modifies provisions relating to courts
- HB 247 - Modifies provisions relating to review of advanced practice registered nurses by collaborating physicians and the definition of eligible student for the nursing student loan program
- HB 272 - Establishes the Alzheimer's State Plan Task Force
- HB 382 - Regulates residential mortgage brokers and loan originators
- HB 427 - Enacts various provisions related to veterans, military members, and their families
- HB 485 - Modifies the membership and quorum requirements for the Seismic Safety Commission
- HB 525 - Codifies into law the five regional Autism projects currently serving persons with Autism
- HB 593 - Removes certain limitations on investments made by boards of trustees of police and firemen's retirement systems
- HB 751 - Modifies provisions relating to the Missouri Propane Education and Research Council
- HB 866 - Requires the destruction of certain complaints made by sexually violent predators against certain licensed professionals

**Boats and Watercraft**

- HB 269 - Modifies laws relating to certificates of ownership

**Bonds - Bail**

- SB 464 - Modifies various provisions relating to insurance



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**Business and Commerce**

- SB 153 - Modifies provisions pertaining to milk sales, the Rice Advisory Council and the state veterinarian
  - SB 156 - Modifies provisions of law regarding travel clubs
  - SB 294 - Restricts corporate name reservation
  - SB 394 - Allows certain businesses to use terms such as drug store in their business name
  - HB 83 - Modifies provisions of law regarding travel clubs
  - HB 191 - Creates various tax incentives for job development
  - HB 481 - Modifies laws regarding courts, judicial proceedings, and other provisions
  - HB 652 - Defines the terms "certified mail" and "certified mail with return receipt requested" for the purposes of Missouri statutes where these terms are used
  - HB 661 - Modifies provisions pertaining to programs administered by the Department of Natural Resources
  - HB 698 - Modifies signage requirements for certain donation receptacles
  - HB 734 - Modifies provisions pertaining to energy and water pollution
  - HB 751 - Modifies provisions relating to the Missouri Propane Education and Research Council
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**Campaign Finance**

- SB 485 - Requires the Ethics Commission to redact the bank account number contained on a committee's statement of organization before it makes the statement public
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**Cemeteries**

- HB 111 - Provides funeral establishments with immunity from liability with regard to disposal of unclaimed veterans' cremated remains
  - HB 427 - Enacts various provisions related to veterans, military members, and their families
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**Charities**

- HB 132 - Modifies provisions relating to liquor control
  - HB 210 - Allows a retired state employee to request that contributions to the state employees charitable campaign be withheld from their monthly benefit
  - HB 239 - Modifies laws regarding the management of funds by the University of Missouri board of curators, charities, trustees of certain irrevocable trusts, and personal representatives and conservators of estates
  - HB 698 - Modifies signage requirements for certain donation receptacles
- 

**Children and Minors**

- SB 26 - Prohibits alcohol beverage vaporizers
  - SB 36 - Modifies provisions relating to forcible sexual offenses against children
  - SB 140 - Modifies provisions relating to criminal nonsupport
  - SB 141 - Modifies the law on the establishment of paternity
  - HB 62 - Modifies various provisions relating to crime
  - HB 154 - Modifies provisions relating to placement of children
  - HB 481 - Modifies laws regarding courts, judicial proceedings, and other provisions
  - HB 525 - Codifies into law the five regional Autism projects currently serving persons with Autism
  - HB 716 - Adds provisions related to newborns and newborn screenings
  - HB 863 - Requires courts to accommodate child witnesses in certain judicial proceedings in several ways
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**Cities, Towns and Villages**

- SB 296 - Modifies laws regarding cemeteries and cemetery operators, physician assistants, the board for architects, professional engineers, professional land surveyors, and landscape architects, dental care professionals, nurses, pharmacy, and mental health benefits
- SJR 5 - Requires all assessors, except the Jackson County Assessor, to be elected
- HB 400 - Allows certain veterans to park in metered parking spaces for free if approved by local government
- HB 859 - Requires communities to file one copy of any technical code adopted with the clerk's office to be available to the public, rather than three copies
- 

**Civil Procedure**

- SB 202 - Modifies the law regarding the operation of a motorcycle, namely the assignment of fault for the operator's normal operation of such vehicle and the ability to forego wearing headgear while operating it
- SB 355 - Allows motor vehicle dealers, boat dealers, and powersport dealers to charge administrative fees associated with the sale or lease of certain vehicles and vessels under certain conditions
- HB 237 - Modifies provisions relating to courts
- HB 481 - Modifies laws regarding courts, judicial proceedings, and other provisions
- 

**Conservation Dept.**

- HB 250 - Modifies provisions pertaining to horseback riding on public land and the state soil and water conservation program
- 

**Constitutional Amendments**

- SJR 5 - Requires all assessors, except the Jackson County Assessor, to be elected
- 

**Construction and Building Codes**

- HB 859 - Requires communities to file one copy of any technical code adopted with the clerk's office to be available to the public, rather than three copies
- 

**Consumer Protection**

- SB 216 - Modifies the law relating to debt settlement providers
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**Contracts and Contractors**

- SB 156 - Modifies provisions of law regarding travel clubs
- SB 296 - Modifies laws regarding cemeteries and cemetery operators, physician assistants, the board for architects, professional engineers, professional land surveyors, and landscape architects, dental care professionals, nurses, pharmacy, and mental health benefits
- HB 83 - Modifies provisions of law regarding travel clubs
- HB 359 - Removes certain statutory restrictions on the current design-build highway project process to allow the state highways and transportation commission to enter into more design-build highway project contracts
- HB 381 - Requires Department of Revenue to implement new procedures for awarding fee office contracts
- HB 544 - Requires the Commissioner of the Office of Administration to maintain the Missouri Accountability Portal, establishes the Joint Committee on Recovery Accountability and Transparency, and requires the Office of Administration to provide legislators a key to the Capitol dome
- HB 859 - Requires communities to file one copy of any technical code adopted with the clerk's office to be available to the public, rather than three copies
-

**Cooperatives**

- SB 153 - Modifies provisions pertaining to milk sales, the Rice Advisory Council and the state veterinarian
- HB 251 - Specifies that any return on savings given by a cooperative association to its members for the purchase of milk products will not be a violation of the Unfair Milk Sales Practices Act
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**Corporations**

- SB 217 - Allows remote participation in certain corporate shareholders' meetings and allows limited liability companies and limited partnerships to administratively cancel their respective documents of organization
- SB 224 - Modifies the requirements of a restated articles of incorporation
- SB 294 - Restricts corporate name reservation
- HB 914 - Removes a provision requiring the circuit court to approve the Director of Finance's appointment of a liquidating agent for a failed bank
- 

**Corrections Dept.**

- SB 36 - Modifies provisions relating to forcible sexual offenses against children
- HB 481 - Modifies laws regarding courts, judicial proceedings, and other provisions
- HB 747 - Specifies that in order for a person to be guilty of the crime of sexual contact with a prisoner or offender, the prisoner or offender must be confined in a jail, prison, or correctional facility
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**Counties**

- SB 196 - Modifies the procedure for detaching territory from a public water supply district
- SB 242 - Prohibits certain storm water management fees and provides an alternate procedure to approve bond issuance for a sewer subdistrict in Cass County
- HB 148 - Modifies provisions relating to county collectors and the collection of taxes
- HB 257 - Allows Lincoln county, after meeting the required assessed valuation, to become a second class county upon a vote of the governing body to change classifications
- HB 859 - Requires communities to file one copy of any technical code adopted with the clerk's office to be available to the public, rather than three copies
- 

**County Government**

- HB 859 - Requires communities to file one copy of any technical code adopted with the clerk's office to be available to the public, rather than three copies
- 

**County Officials**

- SJR 5 - Requires all assessors, except the Jackson County Assessor, to be elected
- HB 148 - Modifies provisions relating to county collectors and the collection of taxes
- HB 306 - Requires the board of directors of a lake area business district to enter into an agreement with the Department of Revenue to collect transient guest tax revenues
- HB 667 - Removes the 12-month grace period that newly elected sheriffs are allowed in order to become a licensed peace officer in order to execute police powers beginning January 1, 2010
- 

**Courts**

- SB 26 - Prohibits alcohol beverage vaporizers
- SB 37 - Modifies provisions relating to the public defender system
- SB 140 - Modifies provisions relating to criminal nonsupport
- SB 141 - Modifies the law on the establishment of paternity
- SB 196 - Modifies the procedure for detaching territory from a public water supply district
- SB 231 - Exempts landlords from liability for loss or damage to tenants' personal property when executing an order for possession of premises
- SB 265 - Extends the collection of the Statewide Court Automation fee until 2013

**Courts (cont'd)**

- HB 62 - Modifies various provisions relating to crime
  - HB 62 - Modifies various provisions relating to crime
  - HB 116 - Modifies the laws regarding the crime of assault of a law enforcement officer, emergency personnel, or probation and parole officer and the crime of tampering with a judicial officer
  - HB 177 - Gives the judge presiding in certain sexual offense cases discretion to disclose information regarding the defendant, which could be used to identify the victim, to avoid protecting the defendant's identity
  - HB 237 - Modifies provisions relating to courts
  - HB 239 - Modifies laws regarding the management of funds by the University of Missouri board of curators, charities, trustees of certain irrevocable trusts, and personal representatives and conservators of estates
  - HB 273 - Allows the personal representative of an estate to submit documentation other than vouchers to the court as evidence of expenditures on behalf of the estate
  - HB 481 - Modifies laws regarding courts, judicial proceedings, and other provisions
  - HB 652 - Defines the terms "certified mail" and "certified mail with return receipt requested" for the purposes of Missouri statutes where these terms are used
  - HB 863 - Requires courts to accommodate child witnesses in certain judicial proceedings in several ways
- 

**Credit and Bankruptcy**

- SB 216 - Modifies the law relating to debt settlement providers
- 

**Credit Unions**

- HB 382 - Regulates residential mortgage brokers and loan originators
- 

**Crimes and Punishment**

- SB 26 - Prohibits alcohol beverage vaporizers
  - SB 36 - Modifies provisions relating to forcible sexual offenses against children
  - SB 37 - Modifies provisions relating to the public defender system
  - SB 140 - Modifies provisions relating to criminal nonsupport
  - SB 398 - Modifies property posting provisions
  - SB 435 - Modifies provisions relating to contracts of the Department of Mental Health
  - HB 62 - Modifies various provisions relating to crime
  - HB 116 - Modifies the laws regarding the crime of assault of a law enforcement officer, emergency personnel, or probation and parole officer and the crime of tampering with a judicial officer
  - HB 152 - Requires persons arrest for certain offenses to provide a biological sample for DNA profiling analysis
  - HB 177 - Gives the judge presiding in certain sexual offense cases discretion to disclose information regarding the defendant, which could be used to identify the victim, to avoid protecting the defendant's identity
  - HB 683 - Modifies several provisions of law relating to transportation
  - HB 685 - Specifies that the Highway Patrol does not have to notify or be accompanied by the county sheriff when it serves certain search warrants
  - HB 747 - Specifies that in order for a person to be guilty of the crime of sexual contact with a prisoner or offender, the prisoner or offender must be confined in a jail, prison, or correctional facility
  - HB 826 - Allows the Department of Mental Health to contract with county jails to confine sexually violent predators who are civilly committed
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**Criminal Procedure**

- SB 26 - Prohibits alcohol beverage vaporizers
- SB 37 - Modifies provisions relating to the public defender system

**Criminal Procedure (cont'd)**

- SB 435 - Modifies provisions relating to contracts of the Department of Mental Health
  - SB 435 - Modifies provisions relating to contracts of the Department of Mental Health
  - HB 62 - Modifies various provisions relating to crime
  - HB 152 - Requires persons arrest for certain offenses to provide a biological sample for DNA profiling analysis
  - HB 177 - Gives the judge presiding in certain sexual offense cases discretion to disclose information regarding the defendant, which could be used to identify the victim, to avoid protecting the defendant's identity
  - HB 481 - Modifies laws regarding courts, judicial proceedings, and other provisions
  - HB 685 - Specifies that the Highway Patrol does not have to notify or be accompanied by the county sheriff when it serves certain search warrants
  - HB 826 - Allows the Department of Mental Health to contract with county jails to confine sexually violent predators who are civilly committed
- 

**Dentists**

- SB 296 - Modifies laws regarding cemeteries and cemetery operators, physician assistants, the board for architects, professional engineers, professional land surveyors, and landscape architects, dental care professionals, nurses, pharmacy, and mental health benefits
- 

**Disabilities**

- SB 157 - Codifies into law the five regional autism projects currently serving persons with autism
  - HB 289 - Modifies provisions relating to special education due process hearings
  - HB 395 - Modifies provisions relating to long-term care facilities
  - HB 397 - Modifies provisions of the Police Retirement System of St. Louis and the Police Retirement System of Kansas City
  - HB 525 - Codifies into law the five regional Autism projects currently serving persons with Autism
  - HJR 15 - Exempts real property used by certain former prisoners of war as a homestead from property tax
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**Drugs and Controlled Substances**

- SB 296 - Modifies laws regarding cemeteries and cemetery operators, physician assistants, the board for architects, professional engineers, professional land surveyors, and landscape architects, dental care professionals, nurses, pharmacy, and mental health benefits
  - HB 247 - Modifies provisions relating to review of advanced practice registered nurses by collaborating physicians and the definition of eligible student for the nursing student loan program
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**Drunk Driving/Boating**

- SB 26 - Prohibits alcohol beverage vaporizers
  - HB 62 - Modifies various provisions relating to crime
- 

**Easements and Conveyances**

- SB 15 - Authorizes the conveyance and lease of certain state properties
- HB 282 - Authorizes the Governor to convey state property in Jasper County, known as the Joplin Regional Center, to Missouri Southern State University
- HB 537 - Authorizes the Governor to convey a parcel of real property to the Missouri Highways and Transportation Commission for the new Mississippi River Bridge project
- HB 909 - Authorizes the Governor to convey various state properties

**Easements and Conveyances (cont'd)**

- HB 918 - Authorizes the Governor to convey state property known as the Mid-Missouri Mental Health Center to the University of Missouri-Columbia
- HB 918 - Authorizes the Governor to convey state property known as the Mid-Missouri Mental Health Center to the University of Missouri-Columbia
- 

**Economic Development**

- HB 191 - Creates various tax incentives for job development
- HB 802 - Implements new median family income eligibility thresholds for persons living in owner-occupied units and rental units for purposes of receiving assistance under the Neighborhood Assistance Act
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**Economic Development Dept.**

- HB 191 - Creates various tax incentives for job development
- HB 802 - Implements new median family income eligibility thresholds for persons living in owner-occupied units and rental units for purposes of receiving assistance under the Neighborhood Assistance Act
- HB 914 - Removes a provision requiring the circuit court to approve the Director of Finance's appointment of a liquidating agent for a failed bank
- 

**Education, Elementary and Secondary**

- SB 232 - Prohibits certain public agencies and political subdivisions from discrimination based on an individual's elementary and secondary education program
- SB 291 - Modifies provisions relating to education
- SCR 2 - Recognizes October 3rd of each year as Science Day
- HB 236 - Requires school districts to adopt policies to allow students with a disability to participate in graduation ceremonies with their graduating class
- HB 289 - Modifies provisions relating to special education due process hearings
- HB 373 - Creates the GED Revolving Fund for the payment and expenses related to GED test administration
- HB 490 - Modifies requirements for public career-technical schools to participate in the A+ Schools Program
- HB 506 - Requires the Governor to annually issue a proclamation declaring the first week of March as Math, Engineering, Technology and Science Week
- HB 682 - Creates an exception for the 2008-2009 school year for the number of school days to be made up due to inclement weather
- HB 922 - Requires each school district to adopt a policy on allergy prevention and response
- 

**Education, Higher**

- HB 239 - Modifies laws regarding the management of funds by the University of Missouri board of curators, charities, trustees of certain irrevocable trusts, and personal representatives and conservators of estates
- HB 390 - Modifies the law relating to unauthorized aliens and employment safety programs
- HB 427 - Enacts various provisions related to veterans, military members, and their families
- HB 490 - Modifies requirements for public career-technical schools to participate in the A+ Schools Program
- HB 506 - Requires the Governor to annually issue a proclamation declaring the first week of March as Math, Engineering, Technology and Science Week
- 

**Elderly**

- HB 272 - Establishes the Alzheimer's State Plan Task Force
- HB 395 - Modifies provisions relating to long-term care facilities
- 

**Elections**

- HB 427 - Enacts various provisions related to veterans, military members, and their families

**Elections (cont'd)**

- HB 709 - Modifies provisions relating to voter notification cards  
HB 709 - Modifies provisions relating to voter notification cards
- 

**Elementary and Secondary Education Dept.**

- SB 291 - Modifies provisions relating to education  
HB 289 - Modifies provisions relating to special education due process hearings  
HB 373 - Creates the GED Revolving Fund for the payment and expenses related to GED test administration  
HB 490 - Modifies requirements for public career-technical schools to participate in the A+ Schools Program  
HB 682 - Creates an exception for the 2008-2009 school year for the number of school days to be made up due to inclement weather  
HB 922 - Requires each school district to adopt a policy on allergy prevention and response
- 

**Emergencies**

- HB 103 - Modifies provisions relating to public safety  
HB 390 - Modifies the law relating to unauthorized aliens and employment safety programs  
HB 485 - Modifies the membership and quorum requirements for the Seismic Safety Commission  
HB 580 - Provides additional workers' compensation benefits for public safety workers killed in the line of duty
- 

**Employees - Employers**

- SB 147 - Establishes the Missouri Healthy Workplace Recognition Program  
SB 232 - Prohibits certain public agencies and political subdivisions from discrimination based on an individual's elementary and secondary education program  
HB 231 - Requires group health insurance policies issued to employers not covered by the federal COBRA law to provide terminated employees continuation coverage rights in the same manner as provided by the federal COBRA law  
HB 390 - Modifies the law relating to unauthorized aliens and employment safety programs
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**Employment Security**

- HB 1075 - Modifies various provisions relating to unemployment compensation
- 

**Energy**

- SB 376 - Modifies provisions relating to energy and energy efficiency  
SB 542 - Modifies provisions relating to the State Treasurer and expands eligibility for the Treasurer's linked deposit loan program  
HB 661 - Modifies provisions pertaining to programs administered by the Department of Natural Resources  
HB 751 - Modifies provisions relating to the Missouri Propane Education and Research Council  
HB 883 - Modifies provisions relating to the State Treasurer and expands eligibility for the Treasurer's linked deposit loan program
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**Engineers**

- SB 296 - Modifies laws regarding cemeteries and cemetery operators, physician assistants, the board for architects, professional engineers, professional land surveyors, and landscape architects, dental care professionals, nurses, pharmacy, and mental health benefits
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**Entertainment, Sports and Amusements**

- HB 299 - Removes the cap on appropriations of nonresident entertainer and athlete tax revenues to the Missouri Arts Council

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**Environmental Protection**

- HB 661 - Modifies provisions pertaining to programs administered by the Department of Natural Resources
- HB 734 - Modifies provisions pertaining to energy and water pollution
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**Estates, Wills and Trusts**

- HB 239 - Modifies laws regarding the management of funds by the University of Missouri board of curators, charities, trustees of certain irrevocable trusts, and personal representatives and conservators of estates
- HB 273 - Allows the personal representative of an estate to submit documentation other than vouchers to the court as evidence of expenditures on behalf of the estate
- 

**Ethics**

- SB 485 - Requires the Ethics Commission to redact the bank account number contained on a committee's statement of organization before it makes the statement public
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**Evidence**

- HB 863 - Requires courts to accommodate child witnesses in certain judicial proceedings in several ways
- 

**Family Law**

- SB 141 - Modifies the law on the establishment of paternity
- HB 154 - Modifies provisions relating to placement of children
- HB 427 - Enacts various provisions related to veterans, military members, and their families
- HB 481 - Modifies laws regarding courts, judicial proceedings, and other provisions
- 

**Family Services Division**

- HB 154 - Modifies provisions relating to placement of children
- HB 481 - Modifies laws regarding courts, judicial proceedings, and other provisions
- 

**Federal - State Relations**

- SB 313 - Creates two separate funds within the state treasury to receive and retain funds provided under the American Recovery and Reinvestment Act of 2009
- HB 361 - Prohibits the Department of Revenue from amending its driver's license application procedures in order to comply with the federal REAL ID Act
- 

**Fees**

- SB 37 - Modifies provisions relating to the public defender system
- SB 265 - Extends the collection of the Statewide Court Automation fee until 2013
- SB 355 - Allows motor vehicle dealers, boat dealers, and powersport dealers to charge administrative fees associated with the sale or lease of certain vehicles and vessels under certain conditions
- HB 237 - Modifies provisions relating to courts
- HB 381 - Requires Department of Revenue to implement new procedures for awarding fee office contracts
- HB 734 - Modifies provisions pertaining to energy and water pollution
- HB 751 - Modifies provisions relating to the Missouri Propane Education and Research Council
- 

**Fire Protection**

- SB 161 - Removes certain limitations on investments made by boards of trustees of police and firemen's retirement systems



**Fire Protection (cont'd)**

- HB 116 - Modifies the laws regarding the crime of assault of a law enforcement officer, emergency personnel, or probation and parole officer and the crime of tampering with a judicial officer
- HB 116 - Modifies the laws regarding the crime of assault of a law enforcement officer, emergency personnel, or probation and parole officer and the crime of tampering with a judicial officer
- HB 205 - Prohibits the sale of cigarettes in this state that have not been tested, certified, and marked as meeting certain performance standards
- HB 580 - Provides additional workers' compensation benefits for public safety workers killed in the line of duty
- HB 859 - Requires communities to file one copy of any technical code adopted with the clerk's office to be available to the public, rather than three copies
- 

**Firearms and Fireworks**

- HB 481 - Modifies laws regarding courts, judicial proceedings, and other provisions
- 

**Funerals and Funeral Directors**

- SB 1 - Establishes licensing and contract requirements for preneed funeral contract sellers, providers, and seller agents
- HB 111 - Provides funeral establishments with immunity from liability with regard to disposal of unclaimed veterans' cremated remains
- HB 427 - Enacts various provisions related to veterans, military members, and their families
- 

**General Assembly**

- HB 124 - Modifies the scope and duration of the Joint Committee on Terrorism, Bioterrorism, and Homeland Security
- HCR 5 - Disapproves the Missouri Citizens' Commission on Compensation for Elected Officials salary recommendations
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**Governor & Lt. Governor**

- SB 15 - Authorizes the conveyance and lease of certain state properties
- SB 179 - Authorizes several real property interest conveyances to various entities
- HB 282 - Authorizes the Governor to convey state property in Jasper County, known as the Joplin Regional Center, to Missouri Southern State University
- HB 506 - Requires the Governor to annually issue a proclamation declaring the first week of March as Math, Engineering, Technology and Science Week
- HB 537 - Authorizes the Governor to convey a parcel of real property to the Missouri Highways and Transportation Commission for the new Mississippi River Bridge project
- HB 544 - Requires the Commissioner of the Office of Administration to maintain the Missouri Accountability Portal, establishes the Joint Committee on Recovery Accountability and Transparency, and requires the Office of Administration to provide legislators a key to the Capitol dome
- HB 895 - Authorizes the Governor to convey all interest in an easement across state property located in Macon County to certain private property owners for obtaining access to their property
- HB 909 - Authorizes the Governor to convey various state properties
- HB 918 - Authorizes the Governor to convey state property known as the Mid-Missouri Mental Health Center to the University of Missouri-Columbia
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**Guardians**

- HB 154 - Modifies provisions relating to placement of children
- HB 481 - Modifies laws regarding courts, judicial proceedings, and other provisions
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**Health Care**

- SB 296 - Modifies laws regarding cemeteries and cemetery operators, physician assistants, the board for architects, professional engineers, professional land surveyors, and landscape architects, dental care professionals, nurses, pharmacy, and mental health benefits
- HB 231 - Requires group health insurance policies issued to employers not covered by the federal COBRA law to provide terminated employees continuation coverage rights in the same manner as provided by the federal COBRA law
- HB 247 - Modifies provisions relating to review of advanced practice registered nurses by collaborating physicians and the definition of eligible student for the nursing student loan program
- HB 272 - Establishes the Alzheimer's State Plan Task Force
- HB 525 - Codifies into law the five regional Autism projects currently serving persons with Autism
- HB 740 - Extends the expiration date of various federal reimbursement allowances from 2009 to 2011.
- HB 919 - Permits associations to provide group health insurance policies to sole-proprietorships and self-employed individuals
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**Health Care Professionals**

- SB 296 - Modifies laws regarding cemeteries and cemetery operators, physician assistants, the board for architects, professional engineers, professional land surveyors, and landscape architects, dental care professionals, nurses, pharmacy, and mental health benefits
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**Health Dept.**

- SB 147 - Establishes the Missouri Healthy Workplace Recognition Program
- SB 296 - Modifies laws regarding cemeteries and cemetery operators, physician assistants, the board for architects, professional engineers, professional land surveyors, and landscape architects, dental care professionals, nurses, pharmacy, and mental health benefits
- SB 338 - Modifies provisions relating to crime victims
- HB 272 - Establishes the Alzheimer's State Plan Task Force
- HB 395 - Modifies provisions relating to long-term care facilities
- HB 525 - Codifies into law the five regional Autism projects currently serving persons with Autism
- HB 716 - Adds provisions related to newborns and newborn screenings
- HB 740 - Extends the expiration date of various federal reimbursement allowances from 2009 to 2011.
- 

**Health, Public**

- SB 147 - Establishes the Missouri Healthy Workplace Recognition Program
- HB 716 - Adds provisions related to newborns and newborn screenings
- 

**Highway Patrol**

- SB 47 - Modifies requirements for certain law enforcement personnel
- HB 685 - Specifies that the Highway Patrol does not have to notify or be accompanied by the county sheriff when it serves certain search warrants
- 

**Holidays**

- HB 678 - Designates May 1 of each year as "Silver Star Families of America Day" to honor the wounded members of the United States armed forces
- 

**Housing**

- HB 382 - Regulates residential mortgage brokers and loan originators

**Housing (cont'd)**

- HB 802 - Implements new median family income eligibility thresholds for persons living in owner-occupied units and rental units for purposes of receiving assistance under the Neighborhood Assistance Act
- HB 802 - Implements new median family income eligibility thresholds for persons living in owner-occupied units and rental units for purposes of receiving assistance under the Neighborhood Assistance Act
- HB 836 - Requires certain notices to occupants of residential property in cases of foreclosure before the new owner may bring an action seeking possession of the property

**Immigration**

- HB 124 - Modifies the scope and duration of the Joint Committee on Terrorism, Bioterrorism, and Homeland Security
- HB 390 - Modifies the law relating to unauthorized aliens and employment safety programs

**Insurance - Automobile**

- SB 202 - Modifies the law regarding the operation of a motorcycle, namely the assignment of fault for the operator's normal operation of such vehicle and the ability to forego wearing headgear while operating it

**Insurance - General**

- SB 126 - Prohibits life insurers from taking underwriting actions or charging different rates based upon a person's past or future lawful travel destinations unless such action is based upon sound actuarial principles
- SB 464 - Modifies various provisions relating to insurance
- HB 577 - Modifies various provisions relating to the regulations of insurance

**Insurance - Life**

- SB 1 - Establishes licensing and contract requirements for preneed funeral contract sellers, providers, and seller agents
- SB 126 - Prohibits life insurers from taking underwriting actions or charging different rates based upon a person's past or future lawful travel destinations unless such action is based upon sound actuarial principles
- HB 577 - Modifies various provisions relating to the regulations of insurance

**Insurance - Medical**

- SB 464 - Modifies various provisions relating to insurance
- HB 218 - Modifies the eligibility rules for health insurance coverage under the Missouri Health Insurance Pool
- HB 231 - Requires group health insurance policies issued to employers not covered by the federal COBRA law to provide terminated employees continuation coverage rights in the same manner as provided by the federal COBRA law
- HB 326 - Modifies provisions relating to certain mental health professionals
- HB 481 - Modifies laws regarding courts, judicial proceedings, and other provisions
- HB 577 - Modifies various provisions relating to the regulations of insurance
- HB 919 - Permits associations to provide group health insurance policies to sole-proprietorships and self-employed individuals

**Insurance Dept.**

- SB 126 - Prohibits life insurers from taking underwriting actions or charging different rates based upon a person's past or future lawful travel destinations unless such action is based upon sound actuarial principles
- SB 464 - Modifies various provisions relating to insurance
- HB 218 - Modifies the eligibility rules for health insurance coverage under the Missouri Health Insurance Pool

**Insurance Dept. (cont'd)**

- HB 382 - Regulates residential mortgage brokers and loan originators
  - HB 382 - Regulates residential mortgage brokers and loan originators
  - HB 577 - Modifies various provisions relating to the regulations of insurance
  - HB 811 - Requires applicants for licensing as a dietitian to have a current registration with the Commission on Dietetic Registration
  - HB 919 - Permits associations to provide group health insurance policies to sole-proprietorships and self-employed individuals
- 

**Jackson County**

- SJR 5 - Requires all assessors, except the Jackson County Assessor, to be elected
- 

**Judges**

- HB 237 - Modifies provisions relating to courts
  - HB 481 - Modifies laws regarding courts, judicial proceedings, and other provisions
  - HB 826 - Allows the Department of Mental Health to contract with county jails to confine sexually violent predators who are civilly committed
  - HB 863 - Requires courts to accommodate child witnesses in certain judicial proceedings in several ways
- 

**Labor and Industrial Relations Dept.**

- SB 338 - Modifies provisions relating to crime victims
  - HB 1075 - Modifies various provisions relating to unemployment compensation
- 

**Lakes, Rivers and Waterways**

- HB 734 - Modifies provisions pertaining to energy and water pollution
- 

**Landlords and Tenants**

- SB 231 - Exempts landlords from liability for loss or damage to tenants' personal property when executing an order for possession of premises
  - HB 171 - Excuses tenant from paying rent when his or her residence is destroyed by an act of God or other natural or man-made disaster, provided the tenant was not the cause of the disaster
  - HB 481 - Modifies laws regarding courts, judicial proceedings, and other provisions
  - HB 836 - Requires certain notices to occupants of residential property in cases of foreclosure before the new owner may bring an action seeking possession of the property
- 

**Law Enforcement Officers and Agencies**

- SB 26 - Prohibits alcohol beverage vaporizers
- SB 47 - Modifies requirements for certain law enforcement personnel
- SB 161 - Removes certain limitations on investments made by boards of trustees of police and firemen's retirement systems
- HB 62 - Modifies various provisions relating to crime
- HB 116 - Modifies the laws regarding the crime of assault of a law enforcement officer, emergency personnel, or probation and parole officer and the crime of tampering with a judicial officer
- HB 152 - Requires persons arrest for certain offenses to provide a biological sample for DNA profiling analysis
- HB 397 - Modifies provisions of the Police Retirement System of St. Louis and the Police Retirement System of Kansas City
- HB 580 - Provides additional workers' compensation benefits for public safety workers killed in the line of duty
- HB 593 - Removes certain limitations on investments made by boards of trustees of police and firemen's retirement systems

**Law Enforcement Officers and Agencies (cont'd)**

- HB 667 - Removes the 12-month grace period that newly elected sheriffs are allowed in order to become a licensed peace officer in order to execute police powers beginning January 1, 2010
- HB 667 - Removes the 12-month grace period that newly elected sheriffs are allowed in order to become a licensed peace officer in order to execute police powers beginning January 1, 2010
- HB 683 - Modifies several provisions of law relating to transportation
- HB 685 - Specifies that the Highway Patrol does not have to notify or be accompanied by the county sheriff when it serves certain search warrants
- HB 747 - Specifies that in order for a person to be guilty of the crime of sexual contact with a prisoner or offender, the prisoner or offender must be confined in a jail, prison, or correctional facility
- HB 826 - Allows the Department of Mental Health to contract with county jails to confine sexually violent predators who are civilly committed

**Liability**

- SB 231 - Exempts landlords from liability for loss or damage to tenants' personal property when executing an order for possession of premises
- HB 111 - Provides funeral establishments with immunity from liability with regard to disposal of unclaimed veterans' cremated remains
- HB 427 - Enacts various provisions related to veterans, military members, and their families
- HB 481 - Modifies laws regarding courts, judicial proceedings, and other provisions

**Licenses - Driver's**

- HB 361 - Prohibits the Department of Revenue from amending its driver's license application procedures in order to comply with the federal REAL ID Act
- HB 381 - Requires Department of Revenue to implement new procedures for awarding fee office contracts
- HB 683 - Modifies several provisions of law relating to transportation

**Licenses - Liquor and Beer**

- HB 132 - Modifies provisions relating to liquor control

**Licenses - Misc**

- HB 400 - Allows certain veterans to park in metered parking spaces for free if approved by local government

**Licenses - Motor Vehicle**

- HB 269 - Modifies laws relating to certificates of ownership
- HB 381 - Requires Department of Revenue to implement new procedures for awarding fee office contracts
- HB 400 - Allows certain veterans to park in metered parking spaces for free if approved by local government
- HB 427 - Enacts various provisions related to veterans, military members, and their families
- HB 644 - Requires operators of salvage pool or salvage disposal sales, rather than sellers, who sell nonrepairable vehicles to foreign residents to complete certain statutory duties
- HB 683 - Modifies several provisions of law relating to transportation

**Licenses - Professional**

- SB 1 - Establishes licensing and contract requirements for preneed funeral contract sellers, providers, and seller agents
- SB 152 - Modifies definition of eligible student for nursing student loan program

**Licenses - Professional (cont'd)**

- SB 296 - Modifies laws regarding cemeteries and cemetery operators, physician assistants, the board for architects, professional engineers, professional land surveyors, and landscape architects, dental care professionals, nurses, pharmacy, and mental health benefits
- SB 296 - Modifies laws regarding cemeteries and cemetery operators, physician assistants, the board for architects, professional engineers, professional land surveyors, and landscape architects, dental care professionals, nurses, pharmacy, and mental health benefits
- HB 103 - Modifies provisions relating to public safety
- HB 247 - Modifies provisions relating to review of advanced practice registered nurses by collaborating physicians and the definition of eligible student for the nursing student loan program
- HB 326 - Modifies provisions relating to certain mental health professionals
- HB 382 - Regulates residential mortgage brokers and loan originators
- HB 811 - Requires applicants for licensing as a dietitian to have a current registration with the Commission on Dietetic Registration
- HB 842 - Defines certain boat docks as real property for the purposes of real estate appraisers and modifies the definition of "commercial real estate" as it is used in licensing real estate brokers and agents
- HB 866 - Requires the destruction of certain complaints made by sexually violent predators against certain licensed professionals
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**Liens**

- SB 235 - Modifies various provisions pertaining to manufactured homes and allows for the sale of deficiency waiver addendums with respect to certain loan transactions
- SB 513 - Modifies the filing requirements for certain real estate broker liens and requires builders to offer to install sprinklers in some instances
- HB 269 - Modifies laws relating to certificates of ownership
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**Manufactured Housing**

- SB 235 - Modifies various provisions pertaining to manufactured homes and allows for the sale of deficiency waiver addendums with respect to certain loan transactions
- HB 269 - Modifies laws relating to certificates of ownership
- 

**Marriage and Divorce**

- HB 481 - Modifies laws regarding courts, judicial proceedings, and other provisions
- 

**Medicaid**

- HB 395 - Modifies provisions relating to long-term care facilities
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**Medical Procedures and Personnel**

- HB 580 - Provides additional workers' compensation benefits for public safety workers killed in the line of duty
- 

**Mental Health Dept.**

- SB 157 - Codifies into law the five regional autism projects currently serving persons with autism
- SB 435 - Modifies provisions relating to contracts of the Department of Mental Health
- HB 395 - Modifies provisions relating to long-term care facilities
- HB 525 - Codifies into law the five regional Autism projects currently serving persons with Autism
- HB 740 - Extends the expiration date of various federal reimbursement allowances from 2009 to 2011.

**Mental Health Dept. (cont'd)**

- HB 826 - Allows the Department of Mental Health to contract with county jails to confine sexually violent predators who are civilly committed
- HB 826 - Allows the Department of Mental Health to contract with county jails to confine sexually violent predators who are civilly committed
- 

**Merchandising Practices**

- HB 698 - Modifies signage requirements for certain donation receptacles
- 

**Military Affairs**

- HB 82 - Modifies provisions of law authorizing an income tax exemption for certain retirement benefits and creates a six year phased-in income tax exemption for military retirement income
- HB 427 - Enacts various provisions related to veterans, military members, and their families
- HB 678 - Designates May 1 of each year as "Silver Star Families of America Day" to honor the wounded members of the United States armed forces
- HB 861 - Allows the Adjutant General to assign the number of assistant adjutants general that are authorized by National Guard Bureau rules and regulations rather than limiting the number to two
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**Mining and Oil and Gas Production**

- HB 246 - Modifies laws regarding surface mining and sand and gravel removal
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**Mortgages and Deeds**

- SB 235 - Modifies various provisions pertaining to manufactured homes and allows for the sale of deficiency waiver addendums with respect to certain loan transactions
- HB 836 - Requires certain notices to occupants of residential property in cases of foreclosure before the new owner may bring an action seeking possession of the property
- 

**Motels and Hotels**

- HB 306 - Requires the board of directors of a lake area business district to enter into an agreement with the Department of Revenue to collect transient guest tax revenues
- 

**Motor Vehicles**

- SB 202 - Modifies the law regarding the operation of a motorcycle, namely the assignment of fault for the operator's normal operation of such vehicle and the ability to forego wearing headgear while operating it
- SB 355 - Allows motor vehicle dealers, boat dealers, and powersport dealers to charge administrative fees associated with the sale or lease of certain vehicles and vessels under certain conditions
- SB 368 - Provides an affirmative defense to bicyclists and motorcyclists who run red lights under certain conditions
- HB 89 - Requires vehicles to yield the right-of-way to all pedestrians and bicyclists crossing in a crosswalk on a city or neighborhood street in Kansas City
- HB 93 - Exempts tractors used in tractor parades from certain width, length, height and license plate display regulations under certain circumstances
- HB 253 - Allows motorcycle headlamps to be wired to modulate either the upper beam or the lower beam from its maximum intensity to a lesser intensity if certain modulation standards are met
- HB 269 - Modifies laws relating to certificates of ownership
- HB 644 - Requires operators of salvage pool or salvage disposal sales, rather than sellers, who sell nonrepairable vehicles to foreign residents to complete certain statutory duties
- HB 683 - Modifies several provisions of law relating to transportation
-

**Natural Resources Dept.**

- SB 154 - Authorizes nonprofit sewer companies to provide domestic water services in certain areas
- HB 246 - Modifies laws regarding surface mining and sand and gravel removal
- HB 250 - Modifies provisions pertaining to horseback riding on public land and the state soil and water conservation program
- HB 283 - Authorizes nonprofit sewer companies to provide domestic water services in certain areas
- HB 661 - Modifies provisions pertaining to programs administered by the Department of Natural Resources
- HB 734 - Modifies provisions pertaining to energy and water pollution
- HB 751 - Modifies provisions relating to the Missouri Propane Education and Research Council
- 

**Nurses**

- SB 152 - Modifies definition of eligible student for nursing student loan program
- SB 296 - Modifies laws regarding cemeteries and cemetery operators, physician assistants, the board for architects, professional engineers, professional land surveyors, and landscape architects, dental care professionals, nurses, pharmacy, and mental health benefits
- HB 247 - Modifies provisions relating to review of advanced practice registered nurses by collaborating physicians and the definition of eligible student for the nursing student loan program
- 

**Nursing and Boarding Homes**

- HB 395 - Modifies provisions relating to long-term care facilities
- 

**Parks and Recreation**

- HB 250 - Modifies provisions pertaining to horseback riding on public land and the state soil and water conservation program
- 

**Pharmacy**

- SB 296 - Modifies laws regarding cemeteries and cemetery operators, physician assistants, the board for architects, professional engineers, professional land surveyors, and landscape architects, dental care professionals, nurses, pharmacy, and mental health benefits
- SB 394 - Allows certain businesses to use terms such as drug store in their business name
- HB 740 - Extends the expiration date of various federal reimbursement allowances from 2009 to 2011.
- 

**Physicians**

- HB 247 - Modifies provisions relating to review of advanced practice registered nurses by collaborating physicians and the definition of eligible student for the nursing student loan program
- HB 866 - Requires the destruction of certain complaints made by sexually violent predators against certain licensed professionals
- 

**Political Subdivisions**

- SB 232 - Prohibits certain public agencies and political subdivisions from discrimination based on an individual's elementary and secondary education program
- SB 242 - Prohibits certain storm water management fees and provides an alternate procedure to approve bond issuance for a sewer subdistrict in Cass County
- HB 246 - Modifies laws regarding surface mining and sand and gravel removal
- 

**Prisons and Jails**

- SB 36 - Modifies provisions relating to forcible sexual offenses against children



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**Prisons and Jails (cont'd)**

- SB 44 - Modifies various provisions relating to private jails
  - SB 44 - Modifies various provisions relating to private jails
  - SB 435 - Modifies provisions relating to contracts of the Department of Mental Health
  - HB 747 - Specifies that in order for a person to be guilty of the crime of sexual contact with a prisoner or offender, the prisoner or offender must be confined in a jail, prison, or correctional facility
  - HB 826 - Allows the Department of Mental Health to contract with county jails to confine sexually violent predators who are civilly committed
- 

**Property, Real and Personal**

- SB 179 - Authorizes several real property interest conveyances to various entities
  - SB 231 - Exempts landlords from liability for loss or damage to tenants' personal property when executing an order for possession of premises
  - SB 235 - Modifies various provisions pertaining to manufactured homes and allows for the sale of deficiency waiver addendums with respect to certain loan transactions
  - SB 398 - Modifies property posting provisions
  - HB 246 - Modifies laws regarding surface mining and sand and gravel removal
  - HB 537 - Authorizes the Governor to convey a parcel of real property to the Missouri Highways and Transportation Commission for the new Mississippi River Bridge project
  - HB 842 - Defines certain boat docks as real property for the purposes of real estate appraisers and modifies the definition of "commercial real estate" as it is used in licensing real estate brokers and agents
  - HB 895 - Authorizes the Governor to convey all interest in an easement across state property located in Macon County to certain private property owners for obtaining access to their property
- 

**Public Buildings**

- HB 918 - Authorizes the Governor to convey state property known as the Mid-Missouri Mental Health Center to the University of Missouri-Columbia
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**Public Officers**

- SB 37 - Modifies provisions relating to the public defender system
  - HCR 5 - Disapproves the Missouri Citizens' Commission on Compensation for Elected Officials salary recommendations
- 

**Public Records, Public Meetings**

- HB 177 - Gives the judge presiding in certain sexual offense cases discretion to disclose information regarding the defendant, which could be used to identify the victim, to avoid protecting the defendant's identity
  - HB 265 - Modifies provisions relating to teacher and school retirement systems
- 

**Public Safety Dept.**

- SB 26 - Prohibits alcohol beverage vaporizers
  - SB 338 - Modifies provisions relating to crime victims
  - HB 103 - Modifies provisions relating to public safety
  - HB 132 - Modifies provisions relating to liquor control
  - HB 485 - Modifies the membership and quorum requirements for the Seismic Safety Commission
- 

**Public Service Commission**

- SB 154 - Authorizes nonprofit sewer companies to provide domestic water services in certain areas
- SB 376 - Modifies provisions relating to energy and energy efficiency

**Public Service Commission (cont'd)**

- HB 283 - Authorizes nonprofit sewer companies to provide domestic water services in certain areas
- HB 283 - Authorizes nonprofit sewer companies to provide domestic water services in certain areas
- 

**Retirement - Local Government**

- HB 397 - Modifies provisions of the Police Retirement System of St. Louis and the Police Retirement System of Kansas City
- HB 593 - Removes certain limitations on investments made by boards of trustees of police and firemen's retirement systems
- 

**Retirement - Schools**

- SB 411 - Makes certain employees of the Missouri Development Finance Board members of the Missouri State Employees' Retirement System and modifies provisions relating to teacher and school retirement systems
- HB 265 - Modifies provisions relating to teacher and school retirement systems
- HB 373 - Creates the GED Revolving Fund for the payment and expenses related to GED test administration
- 

**Retirement - State**

- SB 411 - Makes certain employees of the Missouri Development Finance Board members of the Missouri State Employees' Retirement System and modifies provisions relating to teacher and school retirement systems
- HB 210 - Allows a retired state employee to request that contributions to the state employees charitable campaign be withheld from their monthly benefit
- 

**Retirement Systems and Benefits - General**

- SB 161 - Removes certain limitations on investments made by boards of trustees of police and firemen's retirement systems
- HB 82 - Modifies provisions of law authorizing an income tax exemption for certain retirement benefits and creates a six year phased-in income tax exemption for military retirement income
- HB 210 - Allows a retired state employee to request that contributions to the state employees charitable campaign be withheld from their monthly benefit
- HB 593 - Removes certain limitations on investments made by boards of trustees of police and firemen's retirement systems
- 

**Revenue Dept.**

- SB 235 - Modifies various provisions pertaining to manufactured homes and allows for the sale of deficiency waiver addendums with respect to certain loan transactions
- SB 307 - Modifies provisions of law regarding taxes to fund certain health care services
- HB 205 - Prohibits the sale of cigarettes in this state that have not been tested, certified, and marked as meeting certain performance standards
- HB 269 - Modifies laws relating to certificates of ownership
- HB 299 - Removes the cap on appropriations of nonresident entertainer and athlete tax revenues to the Missouri Arts Council
- HB 306 - Requires the board of directors of a lake area business district to enter into an agreement with the Department of Revenue to collect transient guest tax revenues
- HB 361 - Prohibits the Department of Revenue from amending its driver's license application procedures in order to comply with the federal REAL ID Act
- HB 381 - Requires Department of Revenue to implement new procedures for awarding fee office contracts
- HB 400 - Allows certain veterans to park in metered parking spaces for free if approved by local government

**Revenue Dept. (cont'd)**

- HB 644 - Requires operators of salvage pool or salvage disposal sales, rather than sellers, who sell nonrepairable vehicles to foreign residents to complete certain statutory duties
- HB 644 - Requires operators of salvage pool or salvage disposal sales, rather than sellers, who sell nonrepairable vehicles to foreign residents to complete certain statutory duties
- HB 661 - Modifies provisions pertaining to programs administered by the Department of Natural Resources
- HB 683 - Modifies several provisions of law relating to transportation
- 

**Roads and Highways**

- SB 179 - Authorizes several real property interest conveyances to various entities
- SB 368 - Provides an affirmative defense to bicyclists and motorcyclists who run red lights under certain conditions
- HB 89 - Requires vehicles to yield the right-of-way to all pedestrians and bicyclists crossing in a crosswalk on a city or neighborhood street in Kansas City
- HB 91 - Designates various highways and bridges within the state of Missouri
- HB 93 - Exempts tractors used in tractor parades from certain width, length, height and license plate display regulations under certain circumstances
- HB 250 - Modifies provisions pertaining to horseback riding on public land and the state soil and water conservation program
- HB 253 - Allows motorcycle headlamps to be wired to modulate either the upper beam or the lower beam from its maximum intensity to a lesser intensity if certain modulation standards are met
- HB 359 - Removes certain statutory restrictions on the current design-build highway project process to allow the state highways and transportation commission to enter into more design-build highway project contracts
- HB 537 - Authorizes the Governor to convey a parcel of real property to the Missouri Highways and Transportation Commission for the new Mississippi River Bridge project
- HB 683 - Modifies several provisions of law relating to transportation
- HB 685 - Specifies that the Highway Patrol does not have to notify or be accompanied by the county sheriff when it serves certain search warrants
- HB 867 - Designates a portion of U. S. Highway 36 in DeKalb County as the "CW2 Matthew G. Kelley Memorial Highway"
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**Saint Louis**

- SJR 5 - Requires all assessors, except the Jackson County Assessor, to be elected
- HB 397 - Modifies provisions of the Police Retirement System of St. Louis and the Police Retirement System of Kansas City
- 

**Saint Louis County**

- SJR 5 - Requires all assessors, except the Jackson County Assessor, to be elected
- 

**Savings and Loan**

- SB 152 - Modifies definition of eligible student for nursing student loan program
- SB 277 - Authorizes financial institutions to assign fiduciary obligations relating to irrevocable life insurance trusts
- HB 239 - Modifies laws regarding the management of funds by the University of Missouri board of curators, charities, trustees of certain irrevocable trusts, and personal representatives and conservators of estates
- HB 247 - Modifies provisions relating to review of advanced practice registered nurses by collaborating physicians and the definition of eligible student for the nursing student loan program
-

**Science and Technology**

- SCR 2 - Recognizes October 3rd of each year as Science Day  
HB 152 - Requires persons arrest for certain offenses to provide a biological sample for DNA profiling analysis
- 

**Secretary of State**

- SB 294 - Restricts corporate name reservation  
SB 480 - Creates the Missouri Board on Geographic Names and modifies the name and duties of the Second Capitol Commission  
HB 427 - Enacts various provisions related to veterans, military members, and their families  
HB 481 - Modifies laws regarding courts, judicial proceedings, and other provisions  
HB 709 - Modifies provisions relating to voter notification cards
- 

**Securities**

- HB 239 - Modifies laws regarding the management of funds by the University of Missouri board of curators, charities, trustees of certain irrevocable trusts, and personal representatives and conservators of estates
- 

**Sewers and Sewer Districts**

- SB 242 - Prohibits certain storm water management fees and provides an alternate procedure to approve bond issuance for a sewer subdistrict in Cass County  
HB 734 - Modifies provisions pertaining to energy and water pollution
- 

**Social Services Dept.**

- SB 307 - Modifies provisions of law regarding taxes to fund certain health care services  
SB 376 - Modifies provisions relating to energy and energy efficiency  
HB 395 - Modifies provisions relating to long-term care facilities  
HB 740 - Extends the expiration date of various federal reimbursement allowances from 2009 to 2011.
- 

**Sovereign or Official Immunity**

- HB 481 - Modifies laws regarding courts, judicial proceedings, and other provisions
- 

**State Departments**

- SB 232 - Prohibits certain public agencies and political subdivisions from discrimination based on an individual's elementary and secondary education program
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**State Employees**

- SB 232 - Prohibits certain public agencies and political subdivisions from discrimination based on an individual's elementary and secondary education program  
SB 411 - Makes certain employees of the Missouri Development Finance Board members of the Missouri State Employees' Retirement System and modifies provisions relating to teacher and school retirement systems  
HB 210 - Allows a retired state employee to request that contributions to the state employees charitable campaign be withheld from their monthly benefit  
HB 231 - Requires group health insurance policies issued to employers not covered by the federal COBRA law to provide terminated employees continuation coverage rights in the same manner as provided by the federal COBRA law
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**Sunshine Law**

- HB 265 - Modifies provisions relating to teacher and school retirement systems
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**Surveyors**

- SB 296 - Modifies laws regarding cemeteries and cemetery operators, physician assistants, the board for architects, professional engineers, professional land surveyors, and landscape architects, dental care professionals, nurses, pharmacy, and mental health benefits
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**Tax Credits**

- HB 191 - Creates various tax incentives for job development
- HB 544 - Requires the Commissioner of the Office of Administration to maintain the Missouri Accountability Portal, establishes the Joint Committee on Recovery Accountability and Transparency, and requires the Office of Administration to provide legislators a key to the Capitol dome
- HB 802 - Implements new median family income eligibility thresholds for persons living in owner-occupied units and rental units for purposes of receiving assistance under the Neighborhood Assistance Act
- 

**Taxation and Revenue - General**

- SB 307 - Modifies provisions of law regarding taxes to fund certain health care services
- HB 148 - Modifies provisions relating to county collectors and the collection of taxes
- HB 306 - Requires the board of directors of a lake area business district to enter into an agreement with the Department of Revenue to collect transient guest tax revenues
- HB 481 - Modifies laws regarding courts, judicial proceedings, and other provisions
- HB 740 - Extends the expiration date of various federal reimbursement allowances from 2009 to 2011.
- 

**Taxation and Revenue - Income**

- HB 82 - Modifies provisions of law authorizing an income tax exemption for certain retirement benefits and creates a six year phased-in income tax exemption for military retirement income
- HB 299 - Removes the cap on appropriations of nonresident entertainer and athlete tax revenues to the Missouri Arts Council
- 

**Taxation and Revenue - Property**

- SB 296 - Modifies laws regarding cemeteries and cemetery operators, physician assistants, the board for architects, professional engineers, professional land surveyors, and landscape architects, dental care professionals, nurses, pharmacy, and mental health benefits
- HJR 15 - Exempts real property used by certain former prisoners of war as a homestead from property tax
- 

**Taxation and Revenue - Sales and Use**

- HB 191 - Creates various tax incentives for job development
- HB 306 - Requires the board of directors of a lake area business district to enter into an agreement with the Department of Revenue to collect transient guest tax revenues
- 

**Television**

- HB 661 - Modifies provisions pertaining to programs administered by the Department of Natural Resources
- 

**Terrorism**

- HB 124 - Modifies the scope and duration of the Joint Committee on Terrorism, Bioterrorism, and Homeland Security
- 

**Tobacco Products**

- HB 205 - Prohibits the sale of cigarettes in this state that have not been tested, certified, and marked as meeting certain performance standards

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**Transportation**

- SB 368 - Provides an affirmative defense to bicyclists and motorcyclists who run red lights under certain conditions
  - HB 89 - Requires vehicles to yield the right-of-way to all pedestrians and bicyclists crossing in a crosswalk on a city or neighborhood street in Kansas City
  - HB 93 - Exempts tractors used in tractor parades from certain width, length, height and license plate display regulations under certain circumstances
  - HB 116 - Modifies the laws regarding the crime of assault of a law enforcement officer, emergency personnel, or probation and parole officer and the crime of tampering with a judicial officer
  - HB 253 - Allows motorcycle headlamps to be wired to modulate either the upper beam or the lower beam from its maximum intensity to a lesser intensity if certain modulation standards are met
  - HB 537 - Authorizes the Governor to convey a parcel of real property to the Missouri Highways and Transportation Commission for the new Mississippi River Bridge project
  - HB 652 - Defines the terms "certified mail" and "certified mail with return receipt requested" for the purposes of Missouri statutes where these terms are used
  - HB 683 - Modifies several provisions of law relating to transportation
  - HB 752 - Eliminates the position of Transportation Inspector General for the Joint Committee on Transportation Oversight and modifies the law regarding the leadership of the Highways and Transportation Commission
  - HB 867 - Designates a portion of U. S. Highway 36 in DeKalb County as the "CW2 Matthew G. Kelley Memorial Highway"
  - HB 909 - Authorizes the Governor to convey various state properties
- 

**Transportation Dept.**

- SB 179 - Authorizes several real property interest conveyances to various entities
  - HB 93 - Exempts tractors used in tractor parades from certain width, length, height and license plate display regulations under certain circumstances
  - HB 359 - Removes certain statutory restrictions on the current design-build highway project process to allow the state highways and transportation commission to enter into more design-build highway project contracts
  - HB 683 - Modifies several provisions of law relating to transportation
  - HB 752 - Eliminates the position of Transportation Inspector General for the Joint Committee on Transportation Oversight and modifies the law regarding the leadership of the Highways and Transportation Commission
- 

**Treasurer, State**

- SB 307 - Modifies provisions of law regarding taxes to fund certain health care services
  - SB 313 - Creates two separate funds within the state treasury to receive and retain funds provided under the American Recovery and Reinvestment Act of 2009
  - SB 542 - Modifies provisions relating to the State Treasurer and expands eligibility for the Treasurer's linked deposit loan program
  - HB 883 - Modifies provisions relating to the State Treasurer and expands eligibility for the Treasurer's linked deposit loan program
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**Uniform Laws**

- HB 239 - Modifies laws regarding the management of funds by the University of Missouri board of curators, charities, trustees of certain irrevocable trusts, and personal representatives and conservators of estates
  - HB 481 - Modifies laws regarding courts, judicial proceedings, and other provisions
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**Utilities**

- SB 154 - Authorizes nonprofit sewer companies to provide domestic water services in certain areas
- SB 196 - Modifies the procedure for detaching territory from a public water supply district
- SB 376 - Modifies provisions relating to energy and energy efficiency
- HB 283 - Authorizes nonprofit sewer companies to provide domestic water services in certain areas
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**Veterans**

- HB 111 - Provides funeral establishments with immunity from liability with regard to disposal of unclaimed veterans' cremated remains
- HB 400 - Allows certain veterans to park in metered parking spaces for free if approved by local government
- HB 427 - Enacts various provisions related to veterans, military members, and their families
- HB 678 - Designates May 1 of each year as "Silver Star Families of America Day" to honor the wounded members of the United States armed forces
- HJR 15 - Exempts real property used by certain former prisoners of war as a homestead from property tax
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**Victims of Crime**

- SB 338 - Modifies provisions relating to crime victims
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**Waste - Solid**

- HB 661 - Modifies provisions pertaining to programs administered by the Department of Natural Resources
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**Water Resources and Water Districts**

- SB 196 - Modifies the procedure for detaching territory from a public water supply district
- HB 661 - Modifies provisions pertaining to programs administered by the Department of Natural Resources
- HB 734 - Modifies provisions pertaining to energy and water pollution
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**Weapons**

- HB 62 - Modifies various provisions relating to crime
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**Workers Compensation**

- HB 580 - Provides additional workers' compensation benefits for public safety workers killed in the line of duty
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